

Decision 89 04 077

APR 26 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
BLACK BALL VEHICLE FERRY SYSTEMS, a)
California corporation, for a)
Certificate of Public Convenience)
Necessity authorizing (a) the)
transportation, by vessel, of)
vehicles and persons across the)
Sacramento River between Collinsville)
and Pittsburg, California, and)
(b) for an order authorizing the)
issuance of stock.)

Application 86-11-042
(Filed November 25, 1986)

In the Matter of the Application of)
BLACK BALL VEHICLE FERRY SYSTEMS, a)
California corporation, for a)
Certificate of Public Convenience)
and Necessity authorizing the)
scheduled transportation, by vessel,)
of trucks and slow moving vehicles)
and their occupants across San)
Francisco Bay between (1) the City)
and County of San Francisco and)
Oakland, Alameda County; (2) the)
City and County of San Francisco)
and Tiburon, Marin County;)
(3) Richmond, Contra Costa County,)
and San Rafael, Marin County;)
(4) Redwood City, San Mateo County,)
and Hayward, Alameda County.)

Application 87-01-006
(Filed January 7, 1987)

NOTE: \$880.00 FEE NOT PAID. RESOLVED
BY DEC. 89-07-028- SIGNED JULY 6, 89
FEE REDUCED TO \$2.00.

J. SOLTERO
PROCESS OFFICE

In the Matter of the Application of)
BLACK BALL VEHICLE FERRY SYSTEMS, a)
California corporation, for a)
Certificate of Public Convenience)
and Necessity authorizing the)
scheduled transportation, by barge)
of trucks, containers on chassis,)
and slow moving or oversized)
vehicles, without passengers,)
between San Jose, Santa Clara)
County, and Sacramento, Sacramento)
County, with way ports at Fremont,)
Santa Clara County; Redwood City,)
San Mateo County; Hayward, Alameda)
County; City and County of San)
Francisco; Oakland, Alameda County;)
Tiburon, Marin County; Richmond,)
Contra Costa County; San Rafael,)
Marin County; Selby/Crockett, Contra)
Costa County; Vallejo, Solano)
County; Collinsville, Solano County;)
Stockton Area, San Joaquin County;)
Rio Vista, Solano County; and)
Brannan Island, Sacramento County.)

Application 87-02-004
(Filed February 2, 1987)

INTERIM OPINION

Summary of Interim Opinion

In the following interim order we grant the application for authority to conduct ferry operations between Collinsville and Pittsburg. We hold the other two applications open, pending the receipt of comments from potentially affected government agencies on the adequacy of regulatory oversight of vessels carrying trucks, trailers, and containers with cargos of hazardous materials. (See page 18 for our statement of the issue and page 21 for the details of the comment procedure.)

Introduction

Black Ball Vehicle Ferry Systems, Inc. (BBVFS), a California corporation, seeks authority under Public Utilities (PU)

Code § 1007¹ to provide ferry services by vessel on the San Francisco Bay and tributary rivers.

By Application (A.) 86-11-042 BBVFS seeks a certificate declaring that public convenience and necessity (PC&N) require the scheduled transportation of vehicles and persons by vessel across the Sacramento River between Collinsville in Solano County and Pittsburg in Contra Costa County. It also seeks authority to issue 44,000 shares of its common capital stock, pursuant to PU Code §§ 816-830.

By A.87-01-006 BBVFS seeks a certificate declaring that the PC&N require the scheduled transportation of trucks and slow moving or oversized vehicles and their occupants by vessel across San Francisco Bay between:

1. San Francisco and Oakland;
2. San Francisco and Tiburon;
3. Richmond and San Rafael; and
4. Redwood City and Hayward.

By A.87-02-004 BBVFS seeks a certificate declaring that the PC&N require barge operations for the scheduled transportation

1 § 1007 provides in part:

"No corporation...shall begin to operate or cause to be operated any vessel for the transportation of persons or property, for compensation, between points in this state, without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation.... Every applicant for such a certificate shall file in the office of the commission application and evidence in the form required by the commission. The commission may, with or without hearing, issue the certificate as prayed for, or refuse to issue it, or issue it for the partial exercise only of the privilege sought, or issue it for operation between certain points only, and may attach to the exercise of the rights granted by the certificate such terms and conditions as, in its judgment, the public convenience and necessity require."

of trucks, containers on chassis, and slow moving and oversized vehicles, without passengers, between San Jose and Sacramento with way ports-of-call at Fremont, Hayward, Redwood City, San Francisco, Oakland, Tiburon, Richmond, San Rafael, Selby/Crockett Area in Contra Costa County, Vallejo, Pittsburg, Collinsville, Stockton Area, Rio Vista, and Brannan Island in Sacramento County.

The Applicant

BBVFS is a California corporation located in Kenwood, California. A certified copy of its articles of incorporation is attached to the original A.86-11-042. BBVFS does not hold any operating authority or conduct any vessel operations under the Commission's jurisdiction. BBVFS was incorporated to facilitate the proposed vessel common carrier operations described in these applications.

The Principals

The principals of BBVFS are:

Captain George G. Roberts, President and Chief Executive Officer

Captain James J. Buckley, Executive Vice President Operations

Sal Bose, Vice President Engineering/Planning

George L. Roberts, Vice President Finance and Liaison with Trucking Industry

Elizabeth R. Young, Vice President and Secretary.

David J. Seymour, not a corporate officer, is retained as naval architect/marine consultant. The resumes of the principals and consultant are attached to the applications. Each resume shows impressive credentials and experience.

Recent Legislation

Streets and Highways (S&H) Code § 30352 formerly prohibited ferries from competing with toll bridges. In 1986 the Legislature amended § 30352 to exclude "vessels operated by common

carriers providing transportation service subject to the jurisdiction of the Public Utilities Commission" from the definition of "ferry", as used in § 30352. (Stats. 1986, c. 1088, § 1.)

The same legislation amended S&H Code § 30356 to state:

"The provisions and limitations of this article do not prevent the operation of any ferry or other similar means of crossing authorized or permitted by... (b) The Public Utilities Commission." (Id., § 2.)

Finally, the legislation amended § 30800, formerly giving the Department of Transportation exclusive jurisdiction to issue franchises and permits for toll bridges and toll ferries, to state that: "'Toll ferries' do not include vessels operated by common carriers providing transportation service subject to the jurisdiction of the Public Utilities Commission." (Id., § 3.)

Description of Proposed Operations

Collinsville - A.86-11-042

BBVFS proposes to provide regularly scheduled ferry service for the transportation of vehicles and passengers between Collinsville and Pittsburg. A chart showing the proposed route is attached to the application. The chart shows that the length of the route is 3.5 nautical miles.² The total proposed service will be phased in in 2 increments.

In Phase 1 BBVFS will use existing facilities in Collinsville and Pittsburg to provide scheduled passenger service only. The proposed vessel will be a previously owned vessel,

2. A nautical mile is: "A unit of distance by sea, now official in the U.S., equal to 1,852 meters or 6,076.103 feet." A nautical mile is considered as 1/60th of a degree of the earth's equator. 3.5 nautical miles equals 4.03 statute miles.

certified by the United States Coast Guard (USCG) to carry approximately 100 passengers.

In Phase 2 BBVFS will lease or purchase ferry slip and parking/passenger facilities at both Collinsville and Pittsburg after approvals have been given by the various governmental and regulatory agencies to construct ferry slips and onshore passengers accommodations. Concurrently, BBVFS will lease or purchase a large vessel capable of carrying fifty 40-foot tractor-trailers or 100 automobiles and 400 passengers, including vehicle drivers. This vessel will be reconstructed to meet USCG and American Bureau of Shipping (ABS) specifications and requirements. When all the necessary permits and approvals are obtained, the vehicle ferry reconstructed, and the terminals constructed, this ferry will begin scheduled trips between Collinsville and Pittsburg. The passenger-only ferry will also operate from the new ferry slips on a complimentary schedule. The schedule for both ferries is attached to the application.

BBVFS alleges that it will assess and collect fair and reasonable rates and charges. When a certificate of PC&N is issued, BBVFS will file a tariff containing terms and conditions of its proposed service and its proposed fares. A tentative tariff is attached to the application for Phase 1 and Phase 2. It shows:

FARES AND "RULES AND REGULATIONS"

Fares between Collinsville and Pittsburg
on Passenger-only Ferry

	<u>One Way</u>	<u>Round Trip</u>
Adult	\$3.00	\$5.50
Child 2-11	1.50	2.75
Child under 2	No charge	No Charge

on Vehicle/Passenger Ferry

	<u>One Way</u>	<u>Round Trip</u>
Truck	\$2.00/axle	\$1.50/axle*
Automobile	5.00	9.00
Passengers	3.00	5.50***
Child 2-11	1.50	2.75***
Child under 2	No charge	No charge

Rules and Regulations

Round Trip fare good for same day only.

Service provided 365 days/year.

Vehicle driver included in vehicle rate.**

No vehicles operated by a driver under the influence of alcohol and/or drugs will be permitted on board.**

* \$1.50 should be \$3.50.

** These rules pertain only to the Vehicle/Passenger Ferry.

*** We infer that "passenger" means of the ferry, not of the vehicle.

Alternate Highway Service - A.87-01-006

BBVFS proposes to provide an alternate highway service by scheduled ferry system for trucks, slow moving or oversized vehicles, and their occupants paralleling the bridges between: (1) San Francisco and Oakland; (2) San Francisco and Tiburon; (3) Richmond and San Rafael; and (4) Redwood City and Hayward. The system would be implemented one crossing at a time in order of priority. Each ferry route would require: A terminal at each end; 2 to 4 ferries; and a short connecting road to a nearby freeway.

BBVFS alleges that each vehicle ferry will be self-propelled and built or reconstructed to ABS and USCG requirements. Each vessel will be able to transport about 100 trucks averaging 45 feet long. The vessels and terminals will be designed to load and unload vehicles at a rapid rate. Vessel speeds will permit each ferry to make one round trip per hour. With a one-way trip averaging only 20 minutes, passenger accommodations will be minimal. The only passengers will be the occupants of the trucks.

The terminals will be, according to BBVFS, as close to the bridge approaches as practical, to provide easy access for trucks and to permit a water route distance of 5 miles or less. The ferry slips will have adjustable ramps which will permit roll-on-roll-off (RO/RO) operations at all heights of tide, with an appropriate number of slips at each terminal. In addition, there will be 3 or more acres of property at each terminal to permit traffic lanes for reloading and discharging the ferries.

BBVFS' typical ferry schedule shows two ferries moving in opposite directions at half-hour intervals between each pair of cities during commute hours (0600-0930 and 1600-1930), Monday through Friday.

BBVFS alleges that it will assess and collect fair and reasonable rates and charges. Before beginning operations, BBVFS will file a tariff containing rates, terms, and conditions of its proposed service.

Barge Service - A.87-02-004

BBVFS proposes to begin a scheduled barge service to provide an alternate highway system for trucks, containers on chassis, and slow moving or oversized vehicles, without passengers, using the navigable waterways of the San Francisco Bay and River Area, a great inland waterway system that, it alleges, has been underused in the last 40 years. The barges will be propelled by tugs, using push-tow methods that are standard practice on many inland waterways. The system will begin by using 6 of the 17 locations (see above) for which authority is sought. The initial ports of call will be: Redwood City, Oakland, Pittsburg, Collinsville, Stockton, and Sacramento. As the system expands the other terminals will be added as needed.

Under the proposed system a tug and multiple barge tow will depart from Redwood City and Sacramento at the same time. Each barge tow will stop at way ports, on the route, only long enough to drop off barges and/or pick up preloaded barges. A third tug, based in Pittsburg, will be incorporated as a Pittsburg/Collinsville-Stockton feeder service.

A round trip between Sacramento and Redwood City will take less than 24 hours, ensuring on-time departures each day. Arrivals and departures will be scheduled to avoid commuter congestion, as far as possible.

BBVFS alleges that large, powerful tugs, meeting USCG regulations, will propel the multiple barge tow at a speed that will permit the tow to maintain scheduled arrivals and departures. The barges will meet USCG regulations and be of the standard type with RO/RO capability. The dimensions of the tow will at all times permit safe navigation. Each barge will be able to transport about 64 trucks, containers on chassis, and/or trailers, and will be loaded for a single destination. No passengers will be carried.

Six RO/RO terminals will be developed for the initial system. Terminals at Redwood City, Oakland, Pittsburg, and

Collinsville will be constructed with the ferry terminals at those locations. In those cases, additional RO/RO slips will be constructed at the ferry terminals for barge use only. RO/RO barge terminals will need to be constructed at Stockton and Sacramento. Barge slips to be constructed at ferry terminals will obtain their use and construction permits concurrently with those of the ferry terminals whenever practical. Barge ports not connected with ferry terminals will obtain those permits separately.

Public Convenience and Necessity

Collinsville - A.86-11-042

BBVFS alleges that there are no vessel common carriers authorized to provide scheduled ferry service of any kind between Collinsville and Pittsburg. BBVFS further alleges that Phase 1, the passenger only ferry, would:

- (a) Be scheduled, during commute hours, to connect with BART's express bus system in Pittsburg, thereby providing residents of Collinsville, Birds Landing, and the surrounding areas with access to the entire Bay Area without encountering or contributing to traffic congestion on the major highways and bridges in the area.
- (b) Provide the same residents with easy shopping at Pittsburg stores.
- (c) Provide industry locating at the proposed Collinsville/ Montezuma Hills Industrial Park with access to an alternate labor market in Pittsburg/Antioch.

BBVFS also alleges that Phase 2, the vehicle/passenger ferry, would:

- (a) Allow Solano County to provide an express bus system, via Pittsburg, to BART trains at Concord.
- (b) Provide for controlled growth for southeastern Solano County through appropriate scheduling of ferry service. Controlled growth is a recognized priority of the Solano County Board of Supervisors.

- (c) Provide an alternate route for vehicles crossing the Sacramento River if the Benicia or Rio Vista Bridge is damaged by an act of God or man-made accident or disaster. The vehicle ferry, capable of transporting the largest trucks and oversized vehicles allowed on the highways, would provide Contra Costa and Solano Counties with a fail safe disaster system.
- (d) Provide to Pittsburg/Antioch area trucks and automobiles a shorter route to and from Solano County.

Alternate Highway Service - A.87-01-006

BBVFS alleges that there are no vessel common carriers authorized to provide vehicle ferry service of any kind across San Francisco Bay. It further alleges that the proposed vehicle ferry service will:

- (a) Relieve congestion on bridges, bridge approaches, and roads during commute periods by providing an alternative route for trucks and slow moving vehicles.
- (b) Provide an alternative highway route for vehicles crossing the San Francisco Bay if a transbay bridge is damaged by an act of God or man-made disaster. The vehicle ferries, capable of transporting the largest trucks and oversized loads permitted to use the highways, together with the associated terminals, will provide San Francisco, Marin, Contra Costa, San Mateo, and Alameda Counties with a fail safe disaster response system.
- (c) Provide an alternate means of moving vehicles across the Bay when a bridge is temporarily closed due to: (1) a major accident, (2) a spill of a known or unknown substance, (3) structural damage to a portion of a bridge, (4) demonstrations, civil disobedience, or terrorism, or (5) other unforeseen mishaps. A crew will be on-call 24

hours/day to respond to any such emergency, if required.

- (d) Reduce bridge road maintenance and repair costs by diverting heavy vehicles to an alternate route, while concurrently reducing truck operating, maintenance, and repair costs.
- (e) Reduce accidents involving trucks. Quoting the San Francisco Examiner, BBVFS alleges that truck drivers have been increasingly at fault in truck accidents from 43.3% of the time in 1980 to 50% of the time in 1984. Truck accidents involving injuries also rose from 3436 to 4560 last year, i.e. 1985.
- (f) Create the most cost effective system for reducing congestion on Bay Area bridges at less than 5% of the cost of building a new bridge.

Barge Service - A.87-02-004

BBVFS alleges that there are no RO/RO barge common carriers authorized to provide scheduled barge service of any kind on the San Francisco Bay and inland waterway system. It further alleges that the proposed scheduled RO/RO barge service will:

- (a) Relieve congestion on the freeways around the San Francisco Bay and River Area by transporting trucks, containers on chassis, and slow moving or oversized vehicles by barge.
- (b) Provide an alternate highway route for vehicles crossing the Dumbarton, Vallejo, or Rio Vista bridges if a bridge is damaged by an act of God or man-made disaster. The proposed barge ports at Redwood City and Fremont will provide an alternate Highway 84; the ports at Vallejo and Selby will provide an alternate Interstate 80; and the ports at Rio Vista and Brannan Island will provide an alternate Highway 12. The terminal RO/RO slips, for which authorization is sought in these applications, will, according to

BBVFS, allow for a "Master Disaster Plan" in which 7 of the bridges crossing the San Francisco Bay or associated rivers will be covered by barges and/or ferries equipped to move vehicles, if any of the bridges are closed.

- (c) Provide an emergency route across the south bay, the Carquinez Strait, and the Sacramento River should the Dumbarton, Vallejo, or Rio Vista bridges be temporarily closed due to: (1) a major accident, (2) a spill of known or unknown substances, (3) structural damage to a part of the bridge, (4) demonstrations, civil disobedience, or terrorism, or (5) other unforeseen damage. The barge port slips will accommodate almost any type of barge operating on the Bay and associated waterways.
- (d) Reduce accidents with trucks.
- (e) Provide a truck diversion plan that can be placed in operation without public funding.
- (f) Reduce highway maintenance and repair costs by diverting heavy vehicles to alternate marine routes.

Environmental Impact

Collinsville-Pittsburg

For Phase 1, the passenger-only ferry, the vessels will berth at existing terminal facilities. While improvements for passenger safety and comfort will be accomplished, the effect of those changes will be minimal. They will have no detrimental effect upon the environment. The vessels will comply with all applicable environmental regulations. BBVFS believes that it is reasonably certain that the proposed operations will have no significant impact on the environment.

For Phase 2, the passenger/vehicle ferry, slips and terminal facilities will be constructed onshore. Building permits

will be required for the construction of those facilities. The cities or counties involved will be the lead agencies for the determination of environmental issues for each site chosen and each facility to be constructed. The vessels for Phase 2 will comply with all applicable environmental regulations. BBVFS believes that it is reasonably certain the proposed operations will have no significant impact on the environment.

Alternate Highway Service

BBVFS contends that the proposed alternate highway system, using self-propelled barges, will significantly benefit the environment of the San Francisco Bay Area in the following ways:

- (a) The vessels will meet all environmental regulations of the USCG.
- (b) Air pollution from truck exhaust will be reduced, since truck engines will be stopped during the alternate 5-mile ferry trip. BBVFS estimates that for the Bay Bridge alone, 30,000 truck miles will be eliminated per commuter day, or nearly 8 million miles annually.
- (c) Commuter vehicles will experience a smoother traffic flow, thus reducing the pollution created by stop-start driving.
- (d) Spillage of materials from trucks accidents will be reduced.

BBVFS believes that it is reasonably certain that the proposed operations will have no significant impact on the environment.

Barge Service

BBVFS contends that the proposed barge service will significantly benefit the environment of the San Francisco Bay and River Area in the following ways:

- (a) Tugs and barges will meet all environmental regulations set by the USCG and other regulatory agencies.
- (b) Pollution of the atmosphere by truck engine exhaust will be greatly reduced

because many trucks will be removed from the highways.

- (c) Commuter vehicles will experience less congestion and fewer truck-related accidents, resulting in smoother traffic flow and reduced stop-start driving.
- (d) Fewer truck accidents will reduce cargo spillage that may affect the environment.

BBVFS believes that it is reasonably certain that the proposed operations will have no significant impact upon the environment.

Protest of the Town of Tiburon

On February 25, 1987, the Town of Tiburon, a municipal corporation, filed a protest to A.87-01-006 under Article 2.5 of the Rules of Practice and Procedure. Tiburon requests a hearing and asks that "the Commission deny the Application insofar as it proposes to establish a ferry service terminal within Tiburon."

It is not necessary to discuss the factual basis for Tiburon's protest, since BBVFS has agreed to drop the proposed route between Tiburon and San Francisco from A.87-01-006. BBVFS' concession makes Tiburon's protest moot.³

³ Edward J. Hegarty, on behalf of various entities under common control with Crowley Maritime Corporation, including Harbor Carriers, Inc., and Crowley Towing and Transportation Co., expressed interest in A.87-01-006 by letter of January 27, 1987. He did not state what that interest was, did not request a public hearing (although he asked for notices of hearing to be sent to him and stated the view that the matter should be set for hearing), did not take a position on the granting of the application, made no offer of proof, and did not file a pleading. He submitted a similar letter on February 11, 1987, as to A.87-02-004. He sent no letter regarding A.86-11-042. These letters do not constitute protests under Article 2.5 of our Rules of Practice and Procedure, and are, accordingly, entitled to little weight. (Cf. D.84-03-042

(Footnote continues on next page)

Request to Issue Stock

BBVFS' articles of incorporation authorize the issuance of 1,500,000 shares of capital stock. The corporation has issued no stock and has none outstanding. In A.86-11-042 BBVFS seeks authority under PU Code §§ 816-830 to issue 44,000 shares of its common capital stock in consideration of the payment of \$10 per share.

BBVFS believe that the proceeds of this initial stock issue will be sufficient capitalization for it to provide a passenger ferry and terminal space with safe passenger accommodations, and to maintain Phase 1 of the Collinsville-Pittsburg operations for a period of at least 2 years. The initial capitalization also includes funds for studies necessary to insure that Phase 2, the vehicle/passenger ferry, is operationally and financially feasible. The actual operation of the passenger ferry will provide valuable operational and public acceptance data upon which to base the large investment required to place the Phase 2, vehicle/passenger, ferry in service.

When BBVFS needs additional capital, it will ask the Commission to authorize an additional issuance of common capital stock to provide for the capital expense of Phase 2. Birr, Wilson & Company, Inc., a member of the New York Stock Exchange, is the financial advisor and administrator for the pending stock issue.

The other proposed operations will be financed in a similar manner. Once Phases 1 and 2 of the Collinsville-Pittsburg ferry are operational, BBVFS will apply to the Commission for

(Footnote continued from previous page)

in OII 42, where we held that letters of protest do not confer standing to file an application for rehearing.) In any event, we have authority under PU Code § 1007 to issue vessel common carrier certificates "with or without hearing".

authority to issue more stock, first to fund the truck ferries and then to finance the tug and barge operations.

Discussion

These applications offer an opportunity to relieve traffic congestion on the major bridges and freeways in the Bay Area. To the extent that trucks and oversized, slow moving vehicles can be removed from the freeways and bridges during peak traffic hours, other vehicles will experience more freely flowing traffic.

In addition, BBVFS proposes to use a transportation corridor (the San Francisco Bay and associated waterways) that is underused. Moreover, that corridor is free. It requires no condemnation expense with attendant delays, no purchase price, no construction expense, no maintenance expense, and no replacement expense. This corridor will not wear out, and it does not involve the permanent dedication of thousands of acres of valuable land for freeways, interchanges, bridges, and access roads.

With relatively small investments of funds, none of which is provided by the taxpayers, the public can benefit from an alternative transportation network. Not only will this network be available to trucks and containers on chassis during commute hours, but it will be usable by other vehicles during disasters and other emergencies, involving the breakdown or unavailability of bridges, freeway overpasses, or freeways.

The allegations of BBVFS concerning the environmental impact of its proposed operations were brief and preliminary. However, we note that the USCG will license the ferries, barges, and tugs; and the cities and counties where onshore facilities are to be constructed will license the construction of those works. Environmental issues will be considered by those lead agencies during their respective licensing processes. It seems clear to us that the actual operations of ferries, in lieu of the trucks that would otherwise be using the highways, will involve a net positive

environmental impact, especially as it relates to consumption of fossil fuels and the associated air pollution.

One aspect of the operations proposed in A.87-01-006 (Alternate Highway Service) and A.87-02-004 (Barge Service) remains of concern to us. We are not certain that there is in place adequate regulatory oversight of vessels bearing trucks, trailers, or containers which in turn are carrying cargos of hazardous materials. Our particular concern is the potential for environmental damage, if, due to accident, a truck, trailer, or container were to fall into the Bay or river waters from a sinking or damaged vessel. The applications do not address this issue.

Accordingly, before issuing certificates in A.87-01-006 and A.87-02-004 we will seek comments on these proposals from potentially affected governmental agencies. Based on the comments received we will determine whether to issue the certificates with or without conditions or to hold public hearings.

Comments should be submitted by letter to Administrative Law Judge Robert T. Baer within 60 days of the mailing date of this decision. Comments should be limited to the issue of regulatory oversight of the carriage by vessel of trucks, trailers, and containers with cargos of hazardous materials.

We will grant A.86-11-042 as indicated in the following order; and we will hold open A.87-01-006 and A.87-02-004 for further consideration after the comment period has elapsed.

Condition on Certificate

PU Code § 1007 authorizes the Commission to impose conditions upon any certificate granted to a vessel common carrier. To encourage the applicant to begin operations as soon as possible we believe that the certificate granted by the following order should be subject to a sunset provision. Accordingly, the following order will provide that the authority granted in A.86-11-042 will lapse in 3 years from the effective date unless BBVFS has commenced operations within that period.

If this period prove to be insufficient, BBVFS may file a petition for modification, pursuant to Rule 43 of the Rules of Practice and Procedure, showing good cause why the sunset period should be extended. If circumstances require the filing of such a petition, it should be filed before the lapse of the authority that BBVFS seeks to extend. ✓

Findings of Fact

1. No protest to the application has been received from any public transit operator serving the territory applicant proposes to serve. The protest of the Town of Tiburon is moot. No other protests have been filed. A public hearing is not necessary.

2. The proposed security issue is for lawful purposes and the money, property, or labor to be obtained by it are required for these purposes. Proceeds from the security issue may not be charged to operating expenses or income.

3. It can be seen with certainty that there is no possibility that the activities in question may have a significant effect on the environment.

4. The PC&N require the operation of the passenger and vehicle ferry service proposed between Collinsville and Pittsburg.

Conclusions of Law

1. A.86-11-042 should be granted.

2. The certificate of PC&N should contain a 3-year sunset provision.

3. BBVFS should be authorized to issue 44,000 shares of common stock.

The number of shares outstanding, the total par stated value of the shares, and the dividends paid do not determine allowable return on plant investment. This authorization is not a finding of the value of the utility's stock or property, nor does it indicate the amounts to be included in ratesetting proceedings.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of

rights and may cancel or modify the monopoly feature of these rights at any time.

INTERIM ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Black Ball Vehicle Ferry Service, Inc. (BBVFS), a corporation, authorizing it to operate as a common carrier by vessel, as defined by PU Code §§ 211(b) and 238, between Collinsville and Pittsburg, as those points and the routes between them are more fully set forth in Appendix A, to transport either passengers and their baggage or passengers and their baggage and vehicles. This certificate shall lapse 3 years from the effective date of this order unless: (a) BBVFS establishes service and files tariffs and timetables before that date; or (b) BBVFS files a petition for modification before that date seeking an extension of the certificate, in which case the certificate shall continue in force until further order of the Commission.

2. BBVFS shall:

- (a) Submit to the Transportation Division a written acceptance of this certificate within 30 days after the effective date of this order.
- (b) State in its tariffs and timetables when service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.
- (c) Comply with General Orders Series 87, 104, 111, and 117.
- (d) Maintain accounting records in conformity with the Uniform System of Accounts.
- (e) Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.

3. On or after the effective date of this order, but before December 31, 1989, for the purposes specified, transferee may issue up to 44,000 shares of common stock with par stated value of \$10 per share.

4. BBVFS shall file the reports required by General Order Series 24.

5. The authority granted by this order to issue stock will become effective when the issuer pays \$880, set by PU Code § 1904.1. In all other respects, this order becomes effective 30 days from today.

6. BBVFS is assigned VCC-67 in connection with the certificate issued in this proceeding. The number shall appear in the caption of all original pleadings and in the title of pleadings filed in existing cases with this Commission.

7. The Executive Director shall serve copies of this interim opinion upon the:

United States Coast Guard
United States Navy
California Department of Transportation
California Department of Motor Vehicles
California Department of Fish and Game
California Highway Patrol
California Office of Emergency Services
Metropolitan Transportation Commission
Association of Bay Area Governments
Golden Gate Bridge and Transportation District
Bay Conservation and Development Commission
California Transportation Commission

Comments on the issue specified on page 18 may be sent by letter to Administrative Law Judge Robert T. Baer, 505 Van Ness Avenue, Room 5114, San Francisco, CA 94102 within 60 days of the mailing date on page 1. Such letters shall show by "cc" that a copy was sent to Captain George G. Roberts, President, Black Ball Vehicle Ferry Systems, Inc., P.O. Box 1066, Kenwood, CA 95452.

8. Application 86-11-042 is granted as set forth above. ✓
This order becomes effective 30 days from today.
Dated APR 26 1989, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.

Victor Weiss

Victor Weiss, Executive Director

se

Collinsville-Pittsburg
Passenger and Vehicle Service

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY

Showing vessel common carrier operative rights, restrictions,
limitations, exceptions, and privileges applicable thereto.

All changes and amendments authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

Issued under the authority of Decision 89 04 077, dated
APR 26 1989, 1989, of the Public Utilities Commission
of the State of California, in Application 86-11-042.

Collinsville-Pittsburg
Passenger and Vehicle Service

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS.

Black Ball Vehicle Ferry System, Inc., by the certificate granted by the decision noted in the margin, is authorized to transport by vessel passengers and their baggage or passengers and their baggage and vehicles between Collinsville in Solano County and Pittsburg in Contra Costa County over the most appropriate routes, subject to the following provisions:

- (a) The service may be offered in two phases: passenger-only; and passenger and vehicle.
- (b) The service shall be scheduled.
- (c) The service shall be offered 365 or 366 days each year.
- (d) Phase 1 service shall be passenger-only. The service shall be offered at frequent intervals during commute hours (0600-1000 and 1600-2000) daily.
- (e) Phase 2 service shall be passenger and vehicle. Both the passenger-only ferry and the passenger and vehicle ferry shall operate at frequent intervals during commute hours. The passenger and vehicle ferry shall operate at frequent intervals between morning and evening commute hours and after evening hours commute hours as specified by timetable.
- (f) Before commencing service, BBVFS shall file tariffs and timetables.
- (g) BBVFS shall commence Phase 1 service no later than 3 years after the effective date of the decision granting this certificate.

Issued by California Public Utilities Commission.

Decision 89 04 077, Application 86-11-042.

Alternative Highway Service

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY

Showing vessel common carrier operative rights, restrictions,
limitations, exceptions, and privileges applicable thereto.

All changes and amendments authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

Issued under authority of Decision 89 04 077, dated
APR 26 1989, 1989, of the Public Utilities Commission
of the State of California, in Application 87-01-006.

Alternative Highway Service

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS.

Black Ball Vehicle Ferry Systems, Inc., by the certificate granted by the decision noted in the margin, is authorized to transport by self-propelled vessel trucks and oversized and slow moving vehicles, and their occupants, across San Francisco Bay between: San Francisco and Oakland; Richmond and San Rafael; and Redwood City and Hayward, subject to the following provisions:

- (a) The service shall be scheduled.
- (b) The service shall be operated at frequent intervals during commute hours (0600-1000 and 1600-2000), Monday through Friday, and may be operated at other intervals and during other hours on Saturdays, Sundays, and holidays, as may be specified by timetable.
- (c) The service shall be limited to trucks and oversized or slow moving vehicles, except during emergencies. BBVFS shall specify by tariff how and by whom the service may be used during emergencies.
- (d) Before commencing service, BBVFS shall file tariffs and timetables.
- (e) BBVFS shall commence service on at least one of the three authorized routes no later than 5 years after the effective date of the decision granting this certificate.

Issued by California Public Utilities Commission.

Decision 89 04 077, Application 87-01-006.

Barge Service

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY

Showing vessel common carrier operative rights, restrictions,
limitations, exceptions, and privileges applicable thereto.

All changes and amendments authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

Issued under authority of Decision 89 04 077, dated
APR 26 1989, of the Public Utilities Commission
of the State of California, in Application 87-02-004.

Barge Service

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS.

Black Ball Vehicle Ferry Systems, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport by vessel trucks, containers on chassis, and slow moving or oversized vehicles, without passengers, between San Jose and Sacramento with way ports-of-call at Fremont, Hayward, Redwood City, San Francisco, Oakland, Richmond, Tiburon, San Rafael, Selby/Crockett Area in Contra Costa County, Vallejo, Pittsburg, Collinsville, Stockton, Rio Vista, and Brannan Island in Sacramento County, subject to the following provisions:

- (a) The service shall be scheduled.
- (b) Operations may begin with service to less than the full list of ports-of-call.
- (c) Long haul service shall be operated Monday through Friday. Stockton Feeder Service (between Pittsburg and Collinsville, on the one hand, and Stockton, on the other hand) shall be operated Monday through Friday.
- (d) Before commencing service, BBVFS shall file tariffs and timetables.
- (e) BBVFS shall commence service between some of the listed ports-of-call no later than 7 years after the effective date of the decision granting this certificate.

Issued by California Public Utilities Commission.

Decision 89 04 077, Application 87-02-004.

In the Matter of the Application of)
BLACK BALL VEHICLE FERRY SYSTEMS, a)
California corporation, for a)
Certificate of Public Convenience)
and Necessity authorizing the)
scheduled transportation, by barge)
of trucks, containers on chassis,)
and slow moving or oversized)
vehicles, without passengers,)
between San Jose, Santa Clara)
County, and Sacramento, Sacramento)
County, with way ports at Fremont,)
Santa Clara County; Redwood City,)
San Mateo County; Hayward, Alameda)
County; City and County of San)
Francisco; Oakland, Alameda County;)
Tiburon, Marin County, Richmond,)
Contra Costa County; San Rafael,)
Marin County; Selby/Crockett, Contra)
Costa County; Vallejo, Solano)
County; Collinsville, Solano County;)
Stockton Area, San Joaquin County;)
Rio Vista, Solano County; and)
Brannan Island, Sacramento County.)

Application 87-02-004
(Filed February 2, 1987)

O P I N I O N

Black Ball Vehicle Ferry Systems, Inc. (BBVFS), a
California corporation, seeks authority under Public Utilities (PU)

because many trucks will be removed from the highways.

- (c) Commuter vehicles will experience less congestion and fewer truck-related accidents, resulting in smoother traffic flow and reduced stop-start driving.
- (d) Fewer truck accidents will reduce cargo spillage that may affect the environment.

BBVFS believes that it is reasonably certain that the proposed operations will have no significant impact upon the environment.

Protest of the Town of Tiburon

On February 25, 1987, the Town of Tiburon, a municipal corporation, filed a protest to A.87-01-006 under Article 2.5 of the Rules of Practice and Procedure. Tiburon requests a hearing and asks that "the Commission deny the Application insofar as it proposes to establish a ferry service terminal within Tiburon."

It is not necessary to discuss the factual basis for Tiburon's protest, since BBVFS has agreed to drop the proposed route between Tiburon and San Francisco from A.87-01-006. BBVFS' concession makes Tiburon's protest moot.

Request to Issue Stock

BBVFS' articles of incorporation authorize the issuance of 1,500,000 shares of capital stock. The corporation has issued no stock and has none outstanding. In A.86-11-042 BBVFS seeks authority under PU Code §§ 816-830 to issue 44,000 shares of its common capital stock in consideration of the payment of \$10 per share.

BBVFS believe that the proceeds of this initial stock issue will be sufficient capitalization for it to provide a passenger ferry and terminal space with safe passenger accommodations, and to maintain Phase 1 of the Collinsville-Pittsburg operations for a period of at least 2 years. The initial capitalization also includes funds for studies necessary to insure

that Phase 2, the vehicle/passenger ferry, is operationally and financially feasible. The actual operation of the passenger ferry will provide valuable operational and public acceptance data upon which to base the large investment required to place the Phase 2, vehicle/passenger, ferry in service.

When BBVFS needs additional capital, it will ask the Commission to authorize an additional issuance of common capital stock to provide for the capital expense of Phase 2. Birr, Wilson & Company, Inc., a member of the New York Stock Exchange, is the financial advisor and administrator for the pending stock issue.

The other proposed operations will be financed in a similar manner. Once Phases 1 and 2 of the Collinsville-Pittsburg ferry are operational, BBVFS will apply to the Commission for authority to issue more stock, first to fund the truck ferries and then to finance the tug and barge operations.

Discussion

These applications offer an opportunity to relieve traffic congestion on the major bridges and freeways in the Bay Area. To the extent that trucks and oversized, slow moving vehicles can be removed from the freeways and bridges during peak traffic hours, other vehicles will experience more freely flowing traffic.

In addition, BBVFS proposes to use a transportation corridor (the San Francisco Bay and associated waterways) that is underused. Moreover, that corridor is free. It requires no condemnation expense with attendant delays, no purchase price, no construction expense, no maintenance expense, and no replacement expense. This corridor will not wear out, and it does not involve the permanent dedication of thousands of acres of valuable land for freeways, interchanges, bridges, and access roads.

With relatively small investments of funds, none of which is provided by the taxpayers, the public can benefit from an alternative transportation network. Not only will this network be

available to trucks and containers on chassis during commute hours, but it will be usable by other vehicles during disasters and other emergencies, involving the breakdown or unavailability of bridges, freeway overpasses, or freeways.

The allegations of BBVFS concerning the environmental impact of its proposed operations were brief and preliminary. However, we note that the USCG will license the ferries, barges, and tugs; and the cities and counties where onshore facilities are to be constructed will license the construction of those works. Environmental issues will be considered by those lead agencies during their respective licensing processes. It seems clear to us that the actual operations of ferries, in lieu of the trucks that would otherwise be using the highways, will involve a net positive environmental impact, especially as it relates to consumption of fossil fuels and the associated air pollution.

Conditions on Certificates

PU Code § 1007 authorizes the Commission to impose conditions upon any certificate granted to a vessel common carrier. To encourage the applicant to begin operations as soon as possible we believe that the certificates granted by the following order should be subject to sunset provisions. Accordingly, the following order will provide:

1. That the authority granted in A.86-11-042 will lapse in 3 years from the effective date unless BBVFS has commenced operations within that period.
2. That the authority granted in A.87-01-006 will lapse in 5 years from the effective date unless BBVFS has commenced operations within that period.
3. That the authority granted in A.87-02-004 will lapse in 7 years from the effective date unless BBVFS has commenced operations within that period.

If these periods prove to be insufficient, BBVFS may file a petition for modification, pursuant to Rule 43 of the Rules of Practice and Procedure, showing good cause why the sunset periods should be extended. If circumstances require the filing of such a petition, it should be filed before the lapse of the authority that BBVFS seeks to extend.

Findings of Fact

1. No protest to the application has been received from any public transit operator serving the territory applicant proposes to serve. The protest of the Town of Tiburon is moot. No other protests have been filed. A public hearing is not necessary.

2. The proposed security issue is for lawful purposes and the money, property, or labor to be obtained by it are required for these purposes. Proceeds from the security issue may not be charged to operating expenses or income.

3. It can be seen with certainty that there is no possibility that the activities in question may have a significant effect on the environment.

4. The PC&N require the operation of the passenger and vehicle ferry service proposed between Collinsville and Pittsburg.

5. The PC&N require the operation by ferry of the proposed alternative highway service, except for the San Francisco-Tiburon route, for trucks and slow moving or oversized vehicles.

6. The PC&N require the operation of the proposed barge service for trucks, trailers, containers on chassis, and slow moving or oversized vehicles.

Conclusions of Law

1. A.86-11-042 should be granted. The certificate of PC&N should contain a 3-year sunset provision. BBVFS should be authorized to issue 44,000 shares of common stock.

2. A.87-01-006 should be granted, except for the San Francisco-Tiburon route. The certificate of PC&N should contain a 5-year sunset provision.

environmental impact, especially as it relates to consumption of fossil fuels and the associated air pollution.

Conditions on Certificates

PU Code § 1007 authorizes the Commission to impose conditions upon any certificate granted to a vessel common carrier. To encourage the applicant to begin operations as soon as possible we believe that the certificates granted by the following order should be subject to sunset provisions. Accordingly, the following order will provide:

1. That the authority granted in A.86-11-042 will lapse in 3 years from the effective date unless BBVFS has commenced operations within that period.
2. That the authority granted in A.87-01-006 will lapse in 5 years from the effective date unless BBVFS has commenced operations within that period.
3. That the authority granted in A.87-02-004 will lapse in 7 years from the effective date unless BBVFS has commenced operations within that period.

If these periods prove to be insufficient, BBVFS may file a petition for modification, pursuant to Rule 43 of the Rules of Practice and Procedure, showing good cause why the sunset periods should be extended. If circumstances require the filing of such a petition, it should be filed before the lapse of the authority that BBVFS seeks to extend.

Findings of Fact

1. No protest to the application has been received from any public transit operator serving the territory applicant proposes to serve. The protest of the Town of Tiburon is moot. No other protests have been filed. A public hearing is not necessary.

2. The proposed security issue is for lawful purposes and the money, property, or labor to be obtained by it are required for

3. A.87-02-004 should be granted. The certificate of PC&N should contain a 7-year sunset provision.

The number of shares outstanding, the total par stated value of the shares, and the dividends paid do not determine allowable return on plant investment. This authorization is not a finding of the value of the utility's stock or property, nor does it indicate the amounts to be included in ratesetting proceedings.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Black Ball Vehicle Ferry Service, Inc. (BBVFS), a corporation, authorizing it to operate as a common carrier by vessel, as defined by PU Code §§ 211(b) and 238, between Collinsville and Pittsburg, as those points and the routes between them are more fully set forth in Appendix A, to transport either passengers and their baggage or passengers and their baggage and vehicles. This certificate shall lapse 3 years from the effective date of this order unless: (a) BBVFS establishes service and files tariffs and timetables before that date; or (b) BBVFS files a petition for modification before that date seeking an extension of the certificate, in which case the certificate shall continue in force until further order of the Commission.

2. A certificate of public convenience and necessity is granted to BBVFS authorizing it to operate as a common carrier by vessel between the city pairs and over the routes set forth in Appendix B, to transport trucks and oversized and slow moving vehicles and their drivers. This certificate shall lapse 5 years

these purposes. Proceeds from the security issue may not be charged to operating expenses or income.

3. It can be seen with certainty that there is no possibility that the activities in question may have a significant effect on the environment.

4. The PC&N require the operation of the passenger and vehicle ferry service proposed between Collinsville and Pittsburg.

5. The PC&N require the operation by ferry of the proposed alternative highway service, except for the San Francisco-Tiburon route, for trucks and slow moving or oversized vehicles.

6. The PC&N require the operation of the proposed barge service for trucks, trailers, containers on chassis, and slow moving or oversized vehicles.

Conclusions of Law

1. A.86-11-042 should be granted. The certificate of PC&N should contain a 3-year sunset provision. BBVFS should be authorized to issue 44,000 shares of common stock.

2. A.87-01-006 should be granted, except for the San Francisco-Tiburon route. The certificate of PC&N should contain a 5-year sunset provision.

3. A.87-02-004 should be granted. The certificate of PC&N should contain a 7-year sunset provision.

The number of shares outstanding, the total par stated value of the shares, and the dividends paid do not determine allowable return on plant investment. This authorization is not a finding of the value of the utility's stock or property, nor does it indicate the amounts to be included in ratesetting proceedings.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

from the effective of this order, unless before that date:

- (a) BBVFS establishes service and files tariffs and timetables; or
- (b) BBVFS files a petition for modification seeking an extension of the certificate, in which case the certificate shall continue in force until further order of the Commission.

3. A certificate of public convenience and necessity is granted to BBVFS authorizing it to operate as a common carrier by vessel between San Jose, in the south, and Sacramento and Stockton, in the north and east, and way ports of call in between, as those points and routes are more fully set forth in Appendix C, to transport trucks, truck trailers, and containers on chassis. This certificate shall lapse 7 years from the effective date of this order, unless before that date: (a) BBVFS establishes service and files tariffs and time tables; or (b) BBVFS files a petition for modification seeking an extension of the certificate, in which case the certificate shall continue in force until further order of the Commission.

4. BBVFS shall:

- (a) Submit to the Transportation Division written acceptances of these certificates within 30 days after the effective date of this order.
- (b) State in its tariffs and timetables when service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.
- (c) Comply with General Orders Series 87, 104, 111, and 117.
- (d) Maintain accounting records in conformity with the Uniform System of Accounts.
- (e) Remit to the Commission the Transportation Reimbursement/Fee required by PU Code § 403 when notified by mail to do so.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Black Ball Vehicle Ferry Service, Inc. (BBVFS), a corporation, authorizing it to operate as a common carrier by vessel, as defined by PU Code §§ 211(b) and 238, between Collinsville and Pittsburg, as those points and the routes between them are more fully set forth in Appendix A, to transport either passengers and their baggage or passengers and their baggage and vehicles. This certificate shall lapse 3 years from the effective date of this order unless: (a) BBVFS establishes service and files tariffs and timetables before that date; or (b) BBVFS files a petition for modification before that date seeking an extension of the certificate, in which case the certificate shall continue in force until further order of the Commission.

2. A certificate of public convenience and necessity is granted to BBVFS authorizing it to operate as a common carrier by vessel between the city pairs and over the routes set forth in Appendix B, to transport trucks and oversized and slow moving vehicles and their drivers. This certificate shall lapse 5 years from the effective of this order, unless before that date: (a) BBVFS establishes service and files tariffs and timetables; or (b) BBVFS files a petition for modification seeking an extension of the certificate, in which case the certificate shall continue in force until further order of the Commission.

3. A certificate of public convenience and necessity is granted to BBVFS authorizing it to operate as a common carrier by vessel between San Jose, in the south, and Sacramento and Stockton, in the north and east, and way ports of call in between, as those points and routes are more fully set forth in Appendix C, to transport trucks, truck trailers, and containers on chassis. This certificate shall lapse 7 years from the effective date of this

5. On or after the effective date of this order, but before December 31, 1989, for the purposes specified, transferee may issue up to 44,000 shares of common stock with par stated value of \$10 per share.

6. BBVFS shall file the reports required by General Order Series 24.

7. The authority granted by this order to issue stock will become effective when the issuer pays \$880, set by PU Code § 1904.1. In all other respects, this order becomes effective 30 days from today.

8. BBVFS is assigned VCC-67 in connection with the certificates issued in this proceeding. The number shall appear in the caption of all original pleadings and in the title of pleadings filed in existing cases with this Commission.

9. The application is granted as set forth above.
This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.

order, unless before that date: (a) BBVFS establishes service and files tariffs and time tables; or (b) BBVFS files a petition for modification seeking an extension of the certificate, in which case the certificate shall continue in force until further order of the Commission.

4. BBVFS shall:

- (a) Submit to the Transportation Division written acceptances of these certificates within 30 days after the effective date of this order.
- (b) State in its tariffs and timetables when service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.
- (c) Comply with General Orders Series 87, 104, 111, and 117.
- (d) Maintain accounting records in conformity with the Uniform System of Accounts.
- (e) Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.

5. On or after the effective date of this order, but before December 31, 1989, for the purposes specified, transferee may issue up to 44,000 shares of common stock with par stated value of \$10 per share.

6. BBVFS shall file the reports required by General Order Series 24.

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3. On or after the effective date of this order, but before December 31, 1989, for the purposes specified, transferee may issue up to 44,000 shares of common stock with par stated value of \$10 per share. ✓

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6. BBVFS is assigned VCC-67 in connection with the certificate issued in this proceeding. The number shall appear in the caption of all original pleadings and in the title of pleadings filed in existing cases with this Commission. ✓

7. The Executive Director shall serve copies of this interim opinion upon the:

United States Coast Guard
United States Navy
California Department of Transportation
California Department of Motor Vehicles
California Department of Fish and Game
California Highway Patrol
California Office of Emergency Services
Metropolitan Transportation Commission
Association of Bay Area Governments
Golden Gate Bridge and Transportation District
Bay Conservation and Development Commission

Comments on the issue specified on page 18 may be sent by letter to Administrative Law Judge Robert T. Baer, 505 Van Ness Avenue, Room 5114, San Francisco, CA 94102 within 60 days of the mailing date on page 1. Such letters shall show by "cc" that a copy was sent to Captain George G. Roberts, President, Black Ball Vehicle Ferry Systems, Inc., P.O. Box 1066, Kenwood, CA 95452.

8. BBVFS is assigned VCC-67 in connection with the certificates issued in this proceeding. The number shall appear in the caption of all original pleadings and in the title of pleadings filed in existing cases with this Commission.

9. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.