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ORIGINAL

Decision No. 13062

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 OSCAR SCNEIDER, WALTER SCNEIDER,)
 and FRANK SCNEIDER, doing business :
 under the firm name and style of)
 Schneider Bros., for a certificate of)
 public convenience and necessity to :
 operate an auto truck line for the : Application No. 9665
 transportation of property, for com-)
 pensation, between Sacramento and)
 Nevada City, California, and inter- :
 mediate points, via Auburn and Grass :
 Valley, California.)

BY THE COMMISSION,

ORDER

In this proceeding Oscar Schneider, Walter Schneider and Frank Schneider, co-partners doing business under the firm name and style of Schneider Bros., have made application to the Railroad Commission in which they petition for a certificate of public convenience and necessity authorizing the operation of an automotive truck line between Sacramento, Grass Valley and Nevada City, California.

Applicants at the present time hold a certificate authorizing operation of automotive truck service between Sacramento and Auburn. The present proceeding is for permission to extend such service so as to enable applicants to handle freight for compensation between Sacramento and Nevada City and points intermediate to Auburn. The application sets forth that applicants propose to operate two Model 50 White trucks and to add such additional equipment as traffic conditions may warrant. They propose to make one round trip daily, except Sundays between

Sacramento, Nevada City and Grass Valley and intermediate points and to charge rates ranging from 52 cents to \$1.26 per hundred with a minimum charge of 65 cents.

The application sets forth as justification for the granting of the certificate herein sought, the allegation that there is no through transportation auto service between Sacramento, Grass Valley and Nevada City; that the Southern Pacific Company operate a standard gauge railroad between Sacramento and Colfax where freight is transferred to the Nevada County Narrow Gauge Railroad operating a narrow gauge railroad between Colfax, Grass Valley and Nevada City; that applicants propose through truck service which will afford more expeditious transportation between the points proposed to be served than is now afforded by the railroad at rates no greater than those in effect for rail service.

Some months ago an application was filed on behalf of M. E. Ferris for certificate of public convenience and necessity to operate identical service as that proposed by applicant herein. This matter was decided by the Commission on April 2nd, 1923 by Decision No. 11883 in Application No. 8397. At the hearing upon the above numbered proceeding the matter was protested by the Nevada County Narrow Gauge Railroad Company, the Southern Pacific Company, The American Railway Express Company, the City of Nevada, the Half Century Club of Nevada City and Grass Valley, the Sierra Transit Company, the Merchants and Manufacturers Traffic Association of Sacramento, the Nevada County Farm Bureau, the County of Nevada, the City of Grass Valley, the Nevada City Chamber of Commerce, the Nevada County Development Association, the Grass Valley Chamber of Commerce and the local parlor of Native Sons; also some 10 individual mining companies were represented by counsel in opposition to the establishment

of truck service as therein proposed.

Although the applicant in Application No. 8397 produced some 25 witnesses in support of his application of which 11 lived on or near the highway between Auburn and Grass Valley, 8 of these 11 were engaged in farming and shipped little, if any, merchandise or other freight to or from Sacramento. Two of the 25 witnesses, only, received freight in any appreciable quantity and testified that the truck service was not a necessity, although, if established would be a convenience to them. The record in such proceeding showed conclusively that freight delivered to the Southern Pacific Company at Sacramento prior to 4 p.m. on any given day was surely to reach Grass Valley by noon of the following day. In view of the fact that all of such freight must be transferred at Colfax from standard to narrow gauge road, time in transit could not be criticized.

The record established in such proceeding further shows that Nevada County Narrow Gauge Railroad, valued at approximately \$600,000 by valuations established by the Railroad Commission and the Interstate Commerce Commission, has for a considerable period of time incurred deficit with the exception of 1921, in that due to unusual traffic conditions a small surplus amounting to about \$2,700 was earned. The evidence further showed that if this line lost any of the traffic which it now handles it would be forced to abandon service. Such abandonment of service would unquestionably result in a material loss to this particular district in that its chief industry is mining which necessitates considerable heavy hauling which could not be satisfactorily handled by automotive equipment. From the appearances in protest in the previous application, as listed above, it would further appear that all of the civic bodies, commercial bodies and chief industries in this territory are

unalterately opposed to the establishment of truck service in competition with the Nevada County Narrow Gauge Railroad, a railroad which they deem essential to the progress and development of this community.

In view of the foregoing, we are of the opinion that this is a matter in which a public hearing is not necessary and that the application should be denied.

IT IS HEREBY ORDERED that the above entitled application be, and the same hereby is denied.

Dated at San Francisco, California, this 19th day of January, 1924.

Chas. M. ...

James M. ...

J. T. Whittsey
Commissioners