

Decision No. 16409

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
OSCAR SCHNEIDER, WALTER SCHNEIDER )  
and FRANK SCHNEIDER, doing business )  
under the firm name and style of )  
SCHNEIDER BROTHERS, for authority to )  
consolidate the operations of auto )  
truck lines owned by applicants. )

**ORIGINAL**

Application No. 11363.

Sanborn & Roehl and DeLancey C. Smith, by  
A. B. Roehl, for Applicant;

A. B. Weston, for American Railway Express  
Company, Protestant;

L. N. Bradshaw, for Southern Pacific Company,  
Protestant.

BY THE COMMISSION:

O P I N I O N

In this proceeding Oscar Schneider, Walter Schneider and Frank Schneider, co-partners doing business under the firm name of Schneider Brothers, seek a consolidation of their operative rights for conducting an automotive truck service for the transportation of property between Sacramento and Auburn and intermediate points, on the one hand, and between Sacramento and Wheatland, and intermediate points, between Lincoln and Wheatland, on the other hand. In addition they seek the removal of certain restrictions as to the character of freight which may be handled, on the ground that no

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reason any longer exists therefor since the ownership of such operative rights has been merged in the applicants.

A public hearing was held before Examiner Austin at Sacramento on March 12, 1926, when evidence was offered, the matter was duly submitted and it is now ready for decision.

At the outset protests were entered by Southern Pacific Company and American Railway Express Company, but they were subsequently withdrawn. As the record now stands there is no objection to the granting of this application.

By this Commission's Decision No. 6191, dated March 12, 1919, in Application No. 4172, a certificate of public convenience and necessity was granted to Louis Sposito, authorizing the operation of an automobile truck line, as a common carrier of freight between Sacramento and Auburn and the intermediate points of Roseville, Rocklin, Loomis, Penryn and Newcastle. This certificate was transferred to applicants herein, pursuant to authority granted in Decision No. 11745 dated March 3, 1923, in Application No. 8747. By Decision No. 8967, dated May 12, 1921, in Application No. 6498, authority was granted to A. L. Phillips to operate an automobile truck service, as a common carrier of freight, between Sacramento and Wheatland, and the intermediate points only between Lincoln and Wheatland, subject to the limitation that Phillips should carry and deliver only milk and dairy products at all intermediate points except between Roseville and Sacramento on southbound trips and pick up empty milk cans on northbound trips, this limitation having been imposed to protect the service of another operator between Sacramento and Lincoln. This operative right was trans-

ferred to applicants herein by authority of our Decision 14548, dated February 9, 1925, in Application No. 10774, the order expressly providing that there could be no linking up or merging of the operative rights therein described with the right to operate between Sacramento and Auburn, as then held by applicants.

At the hearing, Oscar Schneider, one of the applicants, testified that applicants are engaged in operating both lines and that there is no longer any reason, since the merger of the two lines in one ownership, for continuing in effect the restrictions imposed upon the Wheatland service. If the consolidation is permitted applicants will be able to carry all freight offered between any points on their lines, and to interchange trucks, as occasion may demand. This will effect considerable economies in the service, inasmuch as applicants are now prevented from using on one operative right the trucks used upon the other and it is therefore necessary to maintain a standby truck in connection with the Wheatland service. As at present operated, the Wheatland truck is used for hauling milk only and cannot be used for transporting farm products. If a consolidation were permitted the equipment not needed on the Auburn line could be used for hauling general freight to Wheatland; the schedules can be rearranged so as to provide a more convenient service; and substantial economies in accounting, shop costs and the purchase of materials and supplies will be effected. The witness testified there was need for the transportation of fruits, beans and hops from the Wheatland territory, all of which could be handled more efficiently by a unified trucking system.

Although he made no formal appearance, nor offered any

testimony, Mr. J. L. Lithian, a co-partner of Louis Sposito, (engaged under the firm name of Lithian & Sposito in operating a freight truck line between Lincoln and Roseville) was present during the hearing and stated he had no objection to the proposed consolidation, and he accepted the stipulation offered by applicants not to serve Lincoln.

In our judgment the record shows sufficient grounds for granting the application.

Upon full consideration of the evidence, we are of the opinion and hereby find as a fact that public convenience and necessity require the consolidation and unification of the operative rights of Oscar Schneider, Walter Schneider and Frank Schneider, co-partners doing business under the firm name and style of Schnedier Brothers, and the operation as one unified system of through service for the transportation of freight between all the termini and intermediate points, except Lincoln, served by and along their present several routes, which routes are as follows:

1. Between Sacramento and Auburn and intermediate points, via Roseville, Rocklyn, Loomis, Penryn and Newcastle;
2. Between Sacramento and Wheatland, and intermediate points, except Lincoln, via Roseville and Sheridan.

Upon full consideration of the evidence, we are of the opinion and hereby further find as a fact that public convenience and necessity require the operation by said Oscar Schneider, Walter Schneider and Frank Schneider, co-partners doing business under the firm name and style of Schneider Brothers, of an automotive truck service as a common carrier of property, for compensation, between Sacramento and Auburn, and intermediate points, via Roseville, Rocklin, Loomis, Penryn and Newcastle; and between Sacramento and Wheatland, and intermediate points, except Lincoln, via Roseville and Sheridan.

An order will be entered accordingly.

## ORDER

A public hearing having been held in the above entitled application, the matter having been duly submitted, the Commission being now fully advised and basing its order on the findings of fact appearing in the opinion which precedes this order.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the consolidation and unification of the operative rights of Oscar Schneider, Walter Schneider and Frank Schneider, co-partners doing business under the firm name and style of Schneider Brothers, and this operation as one unified system of through service for the transportation of freight between all the termini and intermediate points, except Lincoln, served by and along their present several routes, which routes are as follows:

1. Between Sacramento and Auburn and intermediate points, via Roseville, Rocklyn, Loomis, Penryn and Newcastle.
2. Between Sacramento and Wheatland, and intermediate points, except Lincoln, via Roseville and Sheridan.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FURTHER DECLARES that public convenience and necessity require the operation by said Oscar Schneider, Walter Schneider, and Frank Schneider, co-partners doing business under the firm name and style of Schneider Brothers, of an automotive truck service as a common carrier of property, for compensation, between Sacramento and Auburn, and intermediate points, via Roseville, Rocklin, Loomis, Penryn and Newcastle; and between Sacramento and Wheatland and intermediate points, except Lincoln, via Roseville and Sheridan.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and the same is hereby granted, to said Oscar Schneider, Walter Schneider and Frank Schneider, co-partners doing business under the firm name and style of Schneider Brothers, to enable them to render through service under the aforesaid consolidated operative rights, and to enable them to transport property of all descriptions over the entire route so consolidated, subject to the exceptions hereinabove set forth. The authority herein granted is subject to the following conditions:

1. Applicants shall file their written acceptance of the certificate herein granted within a period of not to exceed ten (10) days from date hereof; shall file, in duplicate, tariff of rates, fares, rules and regulations and time schedules within a period of not to exceed twenty (20) days from date hereof, the same to be identical with those now in effect over the respective operative rights of applicants' herein, or in such form as shall be satisfactory to the Commission; and shall commence the operation of the service herein authorized within a period of not to exceed thirty (30) days from date hereof.
2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.
3. No vehicle may be operated by applicants herein unless such vehicle is owned by said applicants or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

For all other purposes, except as hereinabove stated, the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 5<sup>th</sup> day of April, 1926.

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W. H. Brundage  
C. L. ...  
Frederick ...  
Leon ...  
Commissioners.