

Decision No. 21121

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
ALBERT L. SCHNEIDER, OSCAR SCHNEIDER,  
FRANK SCHNEIDER and WALTER SCHNEIDER,  
for a certificate of public convenience  
and necessity authorizing said applicants  
to consolidate their present rights for  
the operation of auto-stage lines between  
Sacramento and Plymouth, California, and  
intermediate points; and between  
Sacramento and Jackson, California, and  
intermediate points; and between Jackson  
and Plymouth, California, and intermediate  
points; and between Ione and Damsite,  
California; and to operate the same as a  
unified transportation system and for  
authority to discontinue service between  
Four Corners and Plymouth, California.

ORIGINAL

Application  
No. 15493

Sanborn & Roehl and Delancy C. Smith, by A.B. Roehl, for  
applicants.  
F. W. Wales, in propria persona, and for F.W. Wales & Sons,  
interested parties.

BY THE COMMISSION -

O P I N I O N

Albert L. Schneider, Oscar Schneider, Frank Schneider and  
Walter Schneider, co-partners operating under the fictitious name  
of Amador Stage Lines, have petitioned the Railroad Commission for  
an order declaring that public convenience and necessity require  
the consolidation and unified operation of the auto stage lines  
of applicants now operating between Sacramento and Plymouth and  
intermediate points, between Sacramento and Jackson and intermediate  
points, between Jackson and Plymouth and intermediate points, and  
between Ione and Damsite; also for authority to discontinue service  
between Four Corners and Plymouth.

A public hearing on this application was conducted by  
Examiner Handford at Sacramento, the matter was duly submitted  
and is now ready for decision.

The operative rights herein proposed to be consolidated and

hereafter operated as a unified transportation system are as follows:

BETWEEN SACRAMENTO AND PLYMOUTH AND INTERMEDIATE POINTS.

Operative rights as originally granted to S.C. Clark by the Railroad Commission in its Decision No.6562, as decided August 12, 1919, on Application No.4655, authorizing the operation of an automotive service

\*\*\*\*\* as a common carrier of passengers, baggage and light freight between Sacramento and Plymouth and intermediate points."

The foregoing operative right was transferred to applicants herein by Decision No.20560 on Application No.15233, as decided December 6, 1928.

BETWEEN SACRAMENTO AND JACKSON AND INTERMEDIATE POINTS,

BETWEEN JACKSON AND PLYMOUTH AND INTERMEDIATE POINTS.

1. Operative rights as issued to A. Dunham by Decision No.14004 on Application No.9705, decided August 30, 1924, covering the operation of an automotive stage line, as a common carrier of passengers only, between Sacramento and Jackson and intermediate points via Elk Grove, Stockton Junction, serving Herald, Ione and Martell, with provision that such operative right as authorized was to be in lieu of and not in addition to said Dunham's existing operative right between Sacramento and Ione. Dunham's application to render an express service was denied.
2. Operative right acquired by A. Dunham by authority contained in Decision No.14286 on Application No.10594, decided November 25, 1924, covering transfer from J.J. Ratto of an automotive operative right for the transportation of passengers and express (express limit 100 pounds) between Jackson and Plymouth and intermediate points. No authority was granted to link or join this operative right with the one granted in Application No.9705, (Decision No.14004, decided August 30, 1924).
3. Authority granted by Decision No.19516 on Application No.14488, decided March 22, 1928, to Emma D. Dunham, the widow of and Administratrix of the Estate of Azariah Dunham, deceased, to acquire by inheritance the hereinabove described operative rights.

BETWEEN SACRAMENTO AND PLYMOUTH AND INTERMEDIATE POINTS.

Operative right as granted by this Commission to O. W. Talbot and A. E. Ainsworth, co-partners, by Decision No.6619 on Application No.4757, decided August 29, 1919, covering the transportation of passengers, baggage and light freight (limit single unit 100 pounds) between Sacramento and Plymouth and intermediate points of Perkins, Walsh Station, Eagle Rest, Slough House, Bridge House, Cosumne, Michigan Bar, Forest Home and Four Corners. Decision No.8454 on Application No.6371, decided December 20, 1920, authorized A.E.Ainsworth to transfer his interest in the operating right to Louis Seely. Decision No.9833 on Application No.7206, decided December 3, 1921, authorized Talbot and Seely to operate between Sacramento and Plymouth, via Central House. By Decision No.18865 on Application No.14020, decided October 4, 1927, Seely was granted authority to transfer his interest to Curtis G.Bender.

By Decision No.20533 on Application No.15185, decided November 30, 1928, C.W.Talbot was authorized to transfer his interest in the operative right to Toney Corey.

Applicants herein acquired the operative right by the authority contained in this Commission's Decision No.20737 on Application No.15354, decided January 31, 1929, approving the transfer from Curtis G. Bender and Toney Corey.

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Applicants, at the hearing, amended the application to eliminate the consolidation of the operative right between Ione and Damsite with the other operative rights herein sought to be consolidated and hereafter operated as a unified system. The Ione-Damsite line was originally established to handle the movement of laborers and others in connection with the construction of a dam by the East Bay Municipal Utility District. This work is nearing completion and at the present time is the source of but limited traffic for the conduct of a stage line. The line has

been for some months, upon authority of the Commission, operated only when passengers present themselves for transportation, the patronage available not justifying a regular scheduled operation. The future of this line is uncertain, as upon the completion of the work of dam construction the necessity for service will terminate.

Applicants have requested authority for the abandonment of service on the northerly road between Four Corners and Plymouth, proposing to confine operation to the southerly road via Central House. The record shows that the road over which service is proposed to be abandoned is 7 miles in length; that there are no habitations thereon which will be deprived of service, the three ranches near Four Corners being located at points available for service via the proposed routing; and that the use of the route via Central House will eliminate unnecessary mileage over an unproductive territory and permit operation over an improved highway. No objection to the proposed discontinuance of service was received although notice of the application therefor was duly posted, for some days prior to the hearing, in the stages operating over the route.

Applicants request authority to establish a weight limit of 200 pounds per package on express matter transported between Jackson and Plymouth that a uniform weight limit may be applicable to all points on its line between Sacramento and Plymouth. This request, resulting in a uniform weight limit, should be granted.

There was no protest against the granting of the application. The proposed consolidation of operative rights, resulting in elimination of duplicate service, establishment of co-ordinated schedules and tariffs, establishment of round trip rates, and reduction of express rates, is in the interest of the public and will, therefore, be authorized by the following order.

Albert L. Schneider, Oscar Schneider, Frank Schneider and Walter Schneider, co-partners operating under the fictitious name of Amador Stage Lines, are hereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the state which is not in any respect limited to the number of rights which may be given.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted and the Commission being now fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the operation by Albert L. Schneider, Oscar Schneider, Frank Schneider and Walter Schneider, co-partners operating under the fictitious name of Amador Stage Lines, of a unified and consolidated system of automotive transportation, as a common carrier of passengers, baggage, express and freight, over the routes hereinabove specifically set forth in the foregoing opinion, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same is hereby granted to Albert L. Schneider, Oscar Schneider, Frank Schneider and Walter Schneider, co-partners operating under the fictitious name of Amador Stage Lines, for the operation of an automobile stage line as a common carrier of passengers, baggage, express and freight, and for the consolidation and operation as a unified system of the operative rights and routes as herein specifically set forth in the preceding opinion, and subject to the following conditions:

1. That the order herein shall not be construed as authority to operate any lesser service than that authorized by the certificates, consolidation and unification of which is herein authorized, except such as is herein specifically provided for.

2. Applicants shall, within ten (10) days from the date hereof file their written acceptance of the certificate herein granted, and shall file within thirty (30) days from the date hereof, in duplicate, time schedules, rate schedules, rules and regulations, covering the consolidated and unified operation herein authorized, said rates, rules and regulations to be in accordance with the rates, rules and regulations as contained in "Exhibit "A" filed with the application herein, and as amended at the hearing.

3. The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.

4. 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.

IT IS HEREBY FURTHER ORDERED that applicants be and they are hereby granted authority to discontinue operation on the northerly road between Four Corners and Plymouth on the Sacramento-Plymouth route, a distance of approximately 7 miles, and to hereafter operate between said Four Corners and Plymouth via Central House.

This order shall be effective as of the date hereof.

Dated at San Francisco, California, this 17<sup>th</sup> day of

May, 1929.

Thos D. Lott  
Chas. Deamer  
Ernest D. ...  
Leon Overhill  
W. H. ...  
COMMISSIONERS.