

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the investigation by the Commission on its own motion into the compliance with the requirements of Chapter 499 of the State Statutes of 1911 as amended by Chapter 600 of the State Statutes of 1915, by all electric, telephone, telegraph and railroad utilities and all other persons, firms, corporations and municipalities, subject thereto, operating power and/or signal lines in the State of California.

ORIGINAL

Case No. 1696

Platt Kent and J.E. Macdonald, for The Atchison, Topeka & Santa Fe Railroad Company.  
J.E. Macdonald, for Los Angeles Railway Corporation.  
Chas. R. Detrick and W.E. Evans, for the Sacramento Northern Railroad Company.  
W.E. Evans, J.R. Coles and James S. Moore, for the Western Pacific Railroad Company and the Tidewater Southern Railroad Company.  
Chas. P. Cutten and P.M. Downing, for the Pacific Gas and Electric Company.  
W. A. Wilmer, for San Miguel Interurban Telephone Company.  
James E. Howard, for the City of Pasadena.  
Roy V. Reppy and R.E. Cunningham, for the Southern California Edison Company, San Joaquin & Eastern Railroad Company, and Santa Barbara & Suburban Railway Company.  
A.L. Whittle and H.P. Bell, for San Francisco-Oakland Terminal Railways.  
Chaffee E. Hall and H.F. Jackson, for Great Western Power Company of California.  
E.R. Northmore, for Los Angeles Gas and Electric Corporation.  
James. T. Shaw, for Pacific Telephone and Telegraph Company, Imperial Telephone Company, Sacramento Valley Telephone Company, Ontario and Upland Telephone Company, Home Telephone Company of Pasadena, and Southern California Telephone Company.  
Hugh E. Craig, for Southern Sierras Power Company, Holton Power Company, and Interstate Telegraph Company.  
Carl A. Heinze, for City of Los Angeles, Bureau of Power and Light.  
L. Schmidt, for Rio Vista Telephone Company.  
R.A. Rose, for Fair Oaks Electric Company.

Chickering & Gregory and L.M. Kleuber, for San Diego Consolidated Gas & Electric Company.  
 Chickering & Gregory and E.A. D'oyly, for Western States Gas and Electric Company.  
 G.H. Ellis, for Willits Telephone & Telegraph Company.  
 F.F. Phelps, for California-Oregon Power Company.  
 W.R. Van Bokkelen, for Coast Counties Gas and Electric Company.  
 J.J. Lynch, for Postal Telegraph & Cable Company.  
 H.H. Sussman, for California Telephone and Light Co.  
 E.A. Quinn, for San Joaquin Light and Power Corporation, and Midland Counties Public Service Corporation.  
 E.W. Melenz, for Napa Valley Electric Company.  
 S.M. Foster, for the Market Street Railway Company.  
 Geo. B. Ellis and Sam. R. Heffley, for the Associated Telephone Company.  
 H.A. Miller, for the San Francisco & Sacramento Railroad Company.  
 S.M. Anderson, for Pacific Electric Railway Company.  
 W.E. Graham, for Snow Mountain Water & Power Company.  
 W.H. Davidson, for Peninsular Railway and San Jose Railroads.  
 W.A. Gassdorf, for Western Union Telegraph Company.  
 J.M. Sims, for Pacific Coast Railway Company.  
 W.B. Ballard, for Central California Traction Co., Stockton Electric Railroad Company, Fresno Traction Company and Visalia Electric Railroad Company.  
 W.G. Rennison, for Petaluma & Santa Rosa Railway Company.  
 P.R. Roller, for Colusa County Telephone Company, Oxnard Home Telephone Company, and Santa Paula Home Telephone Company.  
 Shelby Inch, for Placerville Telephone & Telegraph Co.  
 J.H. Evans, for Evans Telephone Company.  
 J.E. Ryan, for Anador Electric Light and Power Company.  
 James B. Kahn, for Alameda Electric Light Plant.  
 Geo. B. Tuttle, for City of Oakland, Electric Department.  
 Norman Malcolm, for City of Palo Alto.  
 H.W. Stitt, for City of Fresno.  
 A.E. Gilkey, for City of Roseville.  
 A.H. Babcock, for Southern Pacific Company.  
 J.H. Pollard, for Coast Valleys Gas and Electric Company.  
 C.H. Eaton, for Indian Valley Railroad Company.  
 G.C. Harris, for Tulare Home Telephone & Telegraph Co.  
 W.E. Hills, for Gilroy Telephone Company, Delta Telephone and Telegraph Company, Nevada-California-Oregon Telephone & Telegraph Company.  
 E.L. Marsh, for Bell Electric Company.  
 W.R. Burke, for San Diego & Arizona Railroad Company.  
 J.C. Kelsey, for Independent Telephone Association of California, U.S. Long Distance Telephone and Telegraph Company, Reedley Telephone Company, Sanger Telephone Company, Corona Telephone Company, Santa Monica Bay Home Telephone Company, Pomona Valley Telephone and Telegraph Union, Downey Home Telephone and Telegraph Company, Whittier Home Telephone and Telegraph Company.  
 Chas. A. Rolfe, for Southwestern Home Telephone Company.  
 A.C. Shaw, for Raymond Telephone Company.  
 H.E. Bigelow, for Bigelow Telephone Company.  
 A.C. Coffee, for Tuolumne Electric Light & Power Co.  
 T.C. Vickers, for International Brotherhood of Electrical Workers.

MARTIN, Commissioner.

O P I N I O N

Chapter 499, Statutes of 1911, provided certain standards to be followed in the construction of overhead electric, telephone and signal lines, required that all lines built after the effective date of the Act should be in compliance with these standards and that all existing lines should be re-constructed and brought into compliance with the Act within a period of five years.

Chapter 600, Statutes of 1915, amended the original act by giving the Railroad Commission authority to grant extensions of the time during which existing lines might be reconstructed to comply with the requirements of the Act and also charged the Railroad Commission with the duty of seeing that the Act is enforced.

Various conditions interfered with the completion of reconstruction work within the time specified in the Act and the Commission authorized certain extensions of time. During the war period the utility companies that own the larger part of the lines subject to the provisions of the Act found their resources as limited by war requirements were severely taxed by demands for service and the Commission required the correction of only that construction that was deemed particularly hazardous. With the return of normal conditions and the lapse of ten years since the passage of the Act no reason remains for the further postponement of the necessary reconstruction of the relatively small proportion of the present total line mileage that has not been rebuilt in the ordinary course of extension and maintenance work, nor has any

satisfactory excuse been heard for the continued existence of infractions in lines constructed or reconstructed since 1911.

The Commission has therefore instituted the present proceeding as a preliminary step in the final discharge of the duty of complete and general enforcement of the Act. A public hearing was held in San Francisco on January 16th, 1922, at which were present representatives of a large number of the owners of overhead electric and signal lines within the State. At this hearing an announcement was made of the purpose of the Commission to take active steps toward the enforcement of the provisions of the law and there was some discussion of various methods by which the desired results might be brought about. It was finally decided that the Commission would proceed to make an inspection of all lines subject to the provisions of the Act and that following such inspection a list of the violations of the Act would be furnished the owners of the lines inspected and a definite time fixed for the final elimination of all such infractions. It is expected that pending the inspection, owners of overhead electric lines will endeavor to meet statute requirements and thus protect themselves against an inconvenient amount of work and expense immediately following the inspection.

This inspection has been begun and a number of lines have been inspected. One of the first systems to be inspected was that of Pacific Gas and Electric Company in the vicinity of San Mateo, Redwood City and San Jose, known by the Company as its San Jose Division. This inspection brought to light a total of 13,973 infractions of the Act, many of which were not even known to exist by the employees of the Company. It should be particularly noted that large percentage of these infractions were created after the effective date of the original Act.

The deduction is obvious and leaves but little ground upon which to request any further delay in securing a full compliance with the law.

It was also found that construction exists which, while not in violation of the letter of the specific provisions of the Act, causes unnecessary danger to workmen engaged in maintenance or construction work or to the public. By Section 8 of the amended Act the Railroad Commission is

".....instructed to inspect all work which is included in the provisions of this Act, and to make such further additions or changes as said Commission may deem necessary for the purpose of safety to employees and the general public,....."

Under this provision of the law the Railroad Commission will call upon Pacific Gas and Electric Company and as the inspection work proceeds, upon the owners of all overhead electric and signal lines to remedy hazardous construction as well as violations of the specific provisions of the law.

On the other hand instances were found of violations of the letter of the law, the elimination of which would require the expenditure of time and money with no practical gain in safety to either employees or the public. Where such infractions were created after the effective date of Chapter 499, Statutes of 1911, the Commission can exercise no discretion but must require compliance with the law. In the case of construction existing at the time of the Act it seems entirely proper to permit these minor infractions to continue until eliminated in the usual course of maintenance or reconstruction work, and the Commission can, under the law, authorize the necessary extensions of time. When work must be done on any pole, however, the entire structure should be brought into full compliance with the law.

In summing up the policy to be followed it may be said that the immediate elimination of all infractions created since 1911, of hazardous conditions, and of minor infractions on the same poles will be ordered following each inspection, while minor infractions in existence at the effective date of Chapter 499 may be eliminated in the usual course of maintenance and reconstruction, provided they are not on the same poles as infractions that are to be removed immediately.

In making the inspection an employee of the Company accompanied the Commission's inspector and a field report was furnished the Company, a copy of which was retained by the Commission. As these copies bear the signatures of both the Commission's inspector and the Company's representative, I believe that they can be considered an official notification of the existence, character and location of the individual infraction and hazardous conditions and such detail need not be repeated in this Opinion or Order. The Company's representatives have received a great amount of instruction in the interpretations being placed upon the provisions of the Act by the Commission and Pacific Gas and Electric Company is therefore in a position to proceed with the proper instruction of its employees and the elimination of the large number of infractions which undoubtedly exist on other parts of its system. Such work should be carried on concurrently with the work in the San Jose Division provided for in this Order, and it appears reasonable that a complete compliance with the law in all divisions and districts of this Company's system should be effected before December 31, 1923. The date of August 1st, 1923 which is definitely provided in the Order for compliance in the San Jose Division has been fixed after a careful consideration of the actual working time required

for the removal of each infraction or hazardous condition as estimated in the field by the Commission's inspectors.

The Order accompanying this Opinion will deal specifically with the San Jose Division of Pacific Gas & Electric Company and supplemental orders directed to said Company or to other utilities will be made as the inspection work proceeds and necessity arises.

### O R D E R

The Railroad Commission, being charged by Section 8 of Chapter 499, Statutes of 1911, as amended by Chapter 600, Statutes of 1915, with the duty of seeing that all the provisions of that Act are properly enforced and having made an inspection of the overhead electric lines of Pacific Gas & Electric Company in its San Jose Division, copies of the field reports of such inspection showing in detail the existence of 13,973 infractions of said Act and other hazardous conditions having been furnished representatives of Pacific Gas & Electric Company, and the Commission being of the opinion that such infractions and hazardous conditions can reasonably be removed before August 1st, 1923,

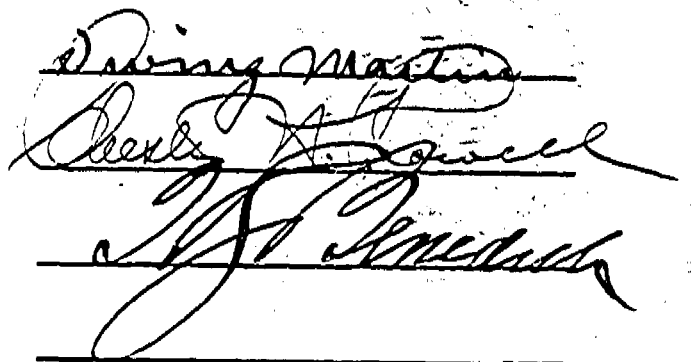
IT IS HEREBY ORDERED that the time within which Pacific Gas & Electric Company may reconstruct its system of overhead electric and signal lines in its San Jose Division to comply with the requirements of Chapter 499, Statutes of 1911, as amended by Chapter 600, Statutes of 1915, be and the same is hereby extended to August 1st, 1923, provided, that as to certain infractions listed as "technical, prior to October 22nd, 1911" upon copies of field reports heretofore referred to, such time is hereby extended indefinitely.

IT IS HEREBY FURTHER ORDERED that before August 1st, 1923 Pacific Gas and Electric Company shall complete such reconstruction of its overhead electric and signal lines in its San Jose Division as may be necessary to eliminate completely all infractions of Chapter 499, Statutes of 1911, as amended by Chapter 600, Statutes of 1915, listed as "Hazardous or technical since October 22nd, 1911" upon copies of field reports heretofore referred to and all hazardous conditions similarly listed.

IT IS HEREBY FURTHER ORDERED that Pacific Gas and Electric Company instruct its agents and employees in the entire territory covered by its overhead lines, as to the requirements of Chapter 499, Statutes of 1911, as amended by Chapter 600, Statutes of 1915, and take adequate steps to eliminate completely infractions of said Act upon its entire system by December 31st, 1923.

Approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 7<sup>th</sup> day of October, 1922.

  
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Commissioners