

BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA.

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ORIGINAL

Decision No. 1350

In the Matter of the Application of  
PENINSULAR RAILWAY COMPANY and SAN  
JOSE RAILROADS for approval of a  
certain contract relating to the joint  
use of street railway lines in the  
County of Santa Clara, and for an order  
authorizing the use and operation of  
said lines in accordance with said  
contract.

Application No. 959.

S. F. Leib for applicants.

ESPLEMAN, Commissioner.

O P I N I O N .

This is an application on the part of the parties hereto  
for this Commission's approval of the following contract:

THIS AGREEMENT, made and entered into this \_\_\_\_ day of  
A. D. 191\_, by and between Peninsular Railway Company,  
a corporation, organized and existing under the laws of the  
State of California, party of the first part, and San Jose  
Railroads, a corporation, organized and existing under the  
laws of the State of California, party of the second part,  
WITNESSETH:

WHEREAS, each of the said parties hereto is the owner  
of certain railway lines within the County of Santa Clara, State  
of California; and

WHEREAS, in pursuance of certain franchises and agree-  
ments, and for the greater convenience of the public, it is  
desirable that under the conditions herein mentioned, the  
owner of one company should be permitted to operate its cars  
over the lines of the other company,

IT IS HEREBY AGREED between the parties hereto that  
whenever such public convenience so demands or the more economic  
operation of the lines of either company so permits, either of  
the parties hereto may operate its cars over the lines of the  
other of the parties hereto; and, in consideration therefor,  
shall pay to the other of said parties the sum of four cents  
per each mile travelled by each car of said party over the  
railway line of the other of said parties.

IT IS FURTHER AGREED between said parties that said  
party of the second part shall sell upon any of its cars,  
operated within the city limits of San Jose, as such city  
limits existed upon the 25th day of April, A.D. 1912, a  
through ticket good over the lines of the Peninsular Railway  
Company to Alum Rock Park, lying easterly of said City of  
San Jose, for the sum of ten cents, and retain to itself the  
sum of two and one-half cents for each ticket so sold by it,

and that said party of the second part shall honor transfers issued on cars coming from Alum Rock Park over the lines of the party of the first part to all points within the said city limits as they existed on the said 25th day of April, A.D. 1912.

IT IS FURTHER AGREED that accounting for the above trackage rights, and for all tickets so sold, shall be had between the said parties monthly.

IN WITNESS WHEREOF, the parties hereto have caused their corporate names to be respectively subscribed and their corporate seals to be respectively affixed by their respective presidents and secretaries hereunto duly authorized, the day and year first above written.

No opposition to the granting of this application was made at the hearing, and it appears that the arrangement will greatly benefit the traveling public in the City of San Jose and its environs.

It should be understood, however, that the approval of this contract does not in any wise commit this Commission to the approval of exclusive privileges on the part of either of the applicants to the use of the facilities of the other. If hereafter a third agency should apply for similar privilege under like conditions, the Commission would require either the granting of such application or the elimination of this contract.

I submit the following order:

#### O R D E R .

PENINSULAR RAILWAY COMPANY and the SAN JOSE RAILROADS having applied to this Commission for the approval of a certain contract set out in the opinion hereto; and a hearing having been held, and being fully apprised in the premises,

IT IS HEREBY ORDERED that said contract be and the same is hereby approved. This approval, however, to be subject to revocation at any time when it shall appear to this Commission that public convenience and necessity do not require it further to be carried out.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 17th day of March, 1914.

John M. Eschleman  
W. A. Lyland  
Chas. L. Gordon  
Mar. Thelen  
Edwin C. Edgerton

Commissioners.