

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application)
of MARTINEZ & CONCORD INTERURBAN)
RAILWAY COMPANY for a certificate)
of public convenience and necessity)
and for an order authorizing an)
issue of stocks and bonds.)

Application No. 2125

Decision No. 3408

BY THE COMMISSION.

FIRST SUPPLEMENTAL OPINION

This Commission has heretofore on May 13, 1916 (Decision Number 3330) authorized Martinez and Concord Interurban Railway Company to issue 600 shares of its capital stock; \$125,000 of first mortgage bonds and a like amount of "cumulative participating bonds". The proceeds from the sale of stocks and bonds are to be used for the construction of an electric railway line from the Town of Martinez to a point known as Government Ranch in Contra Costa County, a distance of six and one-half miles.

In the original application Martinez and Concord Interurban Railway Company asked for a certificate of public convenience and necessity for the exercise of certain rights

conferred under a franchise granted by the Town of Martinez. The Commission stated that it would defer a judgment on this portion of the application until the franchise had been obtained.

A supplemental application is now presented in this matter in which the applicant asks for a certificate of public convenience and necessity for the exercise of rights and privileges conferred under a franchise granted to it by the Town of Martinez on June 5, 1916 for the operation of its line of electric railway. This franchise is for a term of 50 years and provides for the construction and operation of an electric railway along the following route:-

"Commencing at or near the intersection of the center line of the Martinez and Pacheco Highway, (sometimes called Pacheco Boulevard), with the corporation boundary line of said Town; thence Northwesterly along or near the center line of said Martinez and Pacheco Highway; to and within Jones Street; thence Southwesterly, along or near the center line of Jones Street, to and within Pine Street, to and within Escobar Street, thence Southwesterly, along or near the center line of Escobar Street, to and within Smith Street, (sometimes called Alhambra Avenue); thence Southeasterly and Southerly along or near the center line of said Smith Street to the Southerly corporation boundary line of said Town. Also commencing at or near the intersection of the center line of Escobar Street with the center line of Pine Street; thence Northwesterly along or near the center line of Pine Street, and over private property to deep water in Suisun Bay; also commencing at or near the intersection of the center line of Shell Avenue with the Corporation boundary line of said Town; thence Northerly along or near the center line of Shell Avenue to and within Fairview Road; thence Easterly along or near the center line of Fairview Road to and within Laguna Street; thence Southeasterly along or near the center line of Laguna Street to the end thereof."

This franchise calls for a different route from that proposed by Martinez and Concord Interurban Railway Company in its original application. It appears, however, that the cost of construction of the six and one-half miles of railway heretofore estimated at \$159,499. will not be changed by the substitution of the new route within the limits of the Town of Martinez. The comment regarding estimates of cost of construction, probable earnings, and similar matters, applies to the route now

before us to the same degree as it did to the route under the franchise before us in the original decision. The franchise is in usual form providing that the fare within the town limits shall not exceed 5 cents and that the grantee after 5 years shall pay to the Town of Martinez 2 per cent of the gross annual receipts arising from the use of the franchise.

We believe that the certificate of public convenience and necessity should be issued authorizing the applicant to avail itself of the privileges conferred by the franchise. In the amended petition request was also made for certain readjustments in applicant's plan of financing. As certain other matters in connection with applicant's trust deeds and mortgages remain to be determined, we believe the whole question of its financing should be presented at one time. We will therefore pass upon these financial matters when applicant shall have submitted its trust agreement.

O R D E R

MARTINEZ AND CONCORD INTERURBAN RAILWAY COMPANY having applied to this Commission for a certificate that public convenience and necessity require the exercise by it of rights and privileges conferred under a franchise for the operation of a street railway heretofore granted to it by the Town of Martinez (Ordinance Number 54, new series);

And a hearing having been held;

And this Commission being advised in the premises;

THE RAILROAD COMMISSION OF CALIFORNIA HEREBY
DECLARES that public convenience and necessity require the exercise by Martinez and Concord Interurban Railway Company of the rights and privileges conferred by Ordinance Number 54, new series, of the Town of Martinez adopted June 5, 1916, provided that Martinez and Concord Interurban Railway Company shall first

have filed with the Railroad Commission a stipulation duly authorized by its Board of Directors, declaring that Martinez and Concord Interurban Railway Company, its successors and assigns will never claim before the Railroad Commission or any court or other public body, a value for said rights and privileges in excess of the actual cost to Martinez and Concord Interurban Railway Company of acquiring said rights and privileges, which cost is represented by Martinez and Concord Interurban Railway Company to have been \$ 50.00 and shall have received from the Railroad Commission a supplemental order declaring that such stipulation, in form satisfactory to the Railroad Commission, has been filed with the Railroad Commission.

Dated at San Francisco, California, this 9th
day of June, 1916.

Max Shelton

Alexander

Edwin O. Edgerton

Frank P. Decker

Commissioners.