

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of PACIFIC ELECTRIC RAILWAY COMPANY
for an order extending time for com-
pliance with Chapter 499, Laws of
1911, as amended by Chapter 600,
Laws of 1915.)

Application No. 2209.)

Decision No. _____

3670

Frank Karr for Pacific Electric Railway Company.
J. Morgenthauer, H. G. Greene and C. W. McAlpin for
Electrical Workers.

THELSEN and DEVLIN, Commissioners.

O P I N I O N.

This is a petition for extension of time within which to comply with the provisions of Chapter 499, Laws of 1911, as amended by Chapter 600, Laws of 1915, referring to the construction, reconstruction, maintenance and use of electric poles, wires, cables and appliances.

A hearing in this proceeding was held in Los Angeles on July 18, 1916.

For a statement of the law governing proceedings of this character and of the principles guiding the Railroad Commission in its decisions therein, reference is hereby made to the decision this day rendered in Application No. 2222, Los Angeles Gas and Electric Corporation, et al.

Petitioner is engaged in maintaining and operating by electricity a railroad system in the counties of Los Angeles, Orange, Riverside and San Bernardino, and in such operation maintains feed wires, trolley wires, signal wires, telephone wires and other overhead wires incidental to such operation.

The testimony shows that on the effective date of Chapter 499, Laws of 1911, between 15 and 20 per cent of petitioner's system complied with the statute. During the period subsequent

to the enactment of Chapter 499, Laws of 1911, approximately 20 per cent of the time of petitioner's men engaged in maintenance work has been devoted solely to reconstruction under the provisions of the statute. Petitioner reports that at the present time the lines in its Western Division, consisting of 131.47 miles, comply completely with the statute, and that out of the total of 449.78 miles in its Northern, Southern and Eastern Divisions, 107.34 miles violate the horizontal clearance provisions of the statute, 12.63 miles the vertical clearance provisions and 82.39 miles the provisions with reference to "span" wires. Petitioner estimates that it will cost approximately \$68,000.00 to complete its reconstruction work; of which amount \$18,000.00 would be spent to remove the violations of the statute with reference to horizontal clearances, \$11,280.00 to remove the violations with reference to vertical clearances and \$38,720.00 to remove the violations with reference to "span" wires. It appears that work estimated at \$18,000.00 but not required to be done under the provisions of the statute, has been included in these estimates.

Petitioner asks an extension of time sufficient to permit the material now in use to serve its useful life, which petitioner admits will be, in certain cases, at least 10 years. We are satisfied that the statute does not contemplate any such extension of time. It was clearly the intention of the Legislature that the reconstruction should be completed within a reasonable time, which presumably in many instances would be prior to the expiration of the useful life of the material now in place.

After careful consideration of all the factors entering into the problem, we have reached the conclusion that an extension of time until June 30, 1919, should be granted to petitioner, on the conditions specified in the order herein.

We submit the following form of order:

O R D E R.

PACIFIC ELECTRIC RAILWAY COMPANY having applied for an order extending the time within which to comply with the provisions of Chapter 499, Laws of 1911, as amended by Chapter 600, Laws of 1915, and a public hearing having been held,

IT IS HEREBY ORDERED as follows:

1. The time within which petitioner shall reconstruct its existing system so as to comply completely with the provisions of Chapter 499, Laws of 1911, as amended by Chapter 600, Laws of 1915, is hereby extended to and including June 30, 1919, on condition that at least one-third ($1/3$) of the reconstruction work necessary to be done shall be completed on or before June 30, 1917, at least two-thirds ($2/3$) on or before June 30, 1918, and the entire work on or before June 30, 1919.

2. At the times herein directed, petitioner shall file with the Railroad Commission, on forms to be supplied by the Railroad Commission, progress reports showing, in such detail as will be prescribed by the Railroad Commission, the extent to which the necessary reconstruction work has been performed during the period covered by the report and also the extent to which reconstruction work remains to be done in order that the property will comply with the provisions of Chapter 499, Laws of 1911, as amended by Chapter 600, Laws of 1915. The first report shall cover the period ending December 31, 1916, and shall be filed with the Railroad Commission within 15 days subsequent thereto. The succeeding reports shall cover the succeeding

six-months' periods respectively, and shall be filed on or before the expiration of 15 days after the termination of each such succeeding period of six months.

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 26th day of September, 1916.

Mary Thelen
H. D. Donald

Edwin C. Edgerton
Frank R. DeLoe

Commissioners.