

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Decision No. 3694

In the Matter of the Application )  
of SAN JOSE RAILROADS for an )  
order extending time for compliance ) Application No. 2400.  
with Chapter 499, Laws of 1911, as )  
amended by Chapter 600, Laws of 1915. )

In the Matter of the Application of )  
PENINSULAR RAILWAY COMPANY for an )  
order extending time for compliance ) Application No. 2401.  
with Chapter 499, Laws of 1911, as )  
amended by Chapter 600, Laws of 1915. )

F. Griffin for San Jose Railroads and Peninsular  
Railway Company.  
J. Morgenthauer and William Rhys for Electrical  
Workers.

TERLEN and DEVLIN, Commissioners.

O P I N I O N.

These are petitions for extensions 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 these proceedings was held in San Francisco on July 14, 1916. At said hearing, the above entitled proceedings were consolidated for hearing and decision.

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.

San Jose Railroads operates street railways in Santa Clara County. Peninsular Railway Company operates street railways and interurban railways in Santa Clara and San Mateo Counties.

to  
Mr. F. Griffin, chief clerk/that manager of both petitioners

herein, testified that all new construction and reconstruction work subsequent to the effective date of Chapter 499, Laws of 1911, has complied with the statute and that at the present time approximately 80 per cent of the system of San Jose Railroads and approximately 85 per cent of the system of Peninsular Railway Company complies with the statute.

Mr. Griffin estimated that it will cost about \$7,000.00 to remove all the violations of the statute in so far as the property of San Jose Railroads is concerned and about \$10,000.00 in so far as Peninsular Railway Company is concerned. Mr. Griffin presented certain exhibits showing the financial conditions of petitioners and the requirements for additional expenditures in the near future.

In their petitions herein, petitioners ask for an extension of time until the materials now installed shall have served their useful life. At the hearing the petitioners modified this request by asking for an extension of three years in the case of Peninsular Railway Company.

It appears from the testimony that petitioners probably contemplate certain work which is not necessary under the provisions of the statute. The Commission will direct an inspector to examine the property and to assist petitioners in determining what work is required by the statute.

After careful consideration of all the factors entering into the problem, we have reached the conclusion that an extension of time until June 30, 1918, should be granted to petitioners, on the conditions specified in the order herein.

We submit the following form of order:

O R D E R.

SAN JOSE RAILROADS and PENINSULAR 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 ORDER as follows:

1. The time within which petitioners herein shall reconstruct their existing systems 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, 1918, on condition that at least one-half of the reconstruction work necessary to be done shall be completed on or before June 30, 1917, and the remaining work on or before June 30, 1918.

2. At the times herein directed, petitioners 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.

Max Thelen

H. B. Loveland

Edwin O. Edgerton

Frank R. Dixon

Commissioners.