

# ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE  
STATE OF CALIFORNIA.

In the Matter of the Application )  
of SAN JOSE RAILROADS for an Or- )  
der extending the Time within )  
which to comply with the Provi- )  
sions of Chapter No. 499, Laws )  
of 1911, as amended by Chapter )  
No. 600, Laws of 1915. )

Application  
No. 2400

In the Matter of the Application )  
of PENINSULA RAILWAY COMPANY for )  
an Order extending the Time )  
within which to comply with the )  
Provisions of Chapter No. 499, )  
Laws of 1911, as amended by )  
Chapter No. 600, Laws of 1915. )

Application  
No. 2401

F. E. Chapin, for Applicant.  
J. Morganthaler, for Electrical Workers.

BY THE COMMISSION.

## OPINION

These are petitions for supplemental or-  
ders of the Commission extending the time for com-

pliance with the provisions of Chapter No. 499, Laws of 1911, as amended by Chapter No. 600, Laws of 1915, referring to the placing, erection, use and maintenance of electric poles, wires, cables and appliances.

This Commission's Decision No. 3694, dated September 26th, 1916, directed that applicants' overhead electric systems should comply in all respects with the provisions of the law on or before June 30th, 1918.

A hearing in these proceedings, now ready for decision, was held in San Francisco on August 17th, 1918, before Examiner Encell. Testimony of applicants' chief electrician was to the effect that owing to the abnormal conditions brought about by reason of the war, combined with the unsatisfactory financial condition of the utilities, applicants have found it impossible to fully comply with the Commission's order.

We believe that applicants have displayed a diligent effort toward the fulfillment of this order and it is a fact that a large percentage of the legal violations which originally existed have been removed. It is also an accepted fact that of the remaining violations few, if any, could be considered other than technical violations and

represent no serious hazard either to employees or the general public.

Pursuant to the policy dictated by our Federal Government for the conservation of material and supplies, which may be required to meet future demands essential to the winning of the war, it is our opinion that, except for cases wherein special hazard exists, applicants should be granted an extension of time for complete compliance with the law.

It would be very difficult in an order to define specifically what type of infractions involve special hazard, and evidence presented is not of sufficient detail to specify what poles or lines should be immediately reconstructed.

In order, therefore, to bring about a definite understanding as to just what work may be postponed and what shall be carried on to immediate completion, it appears that the most satisfactory procedure would be for the Commission's Gas and Electric Division, which has charge of the inspection of lines for the Commission, to be instructed to inspect applicants' lines and to indicate to their representatives the specific work

that should be immediately undertaken, and that this Division, under the Commission's authority, shall outline the schedule which applicants shall follow in the prosecution of the work.

O R D E R

San Jose Railroads and Peninsula Railway Company having applied to this Commission for an order extending the time within which to comply with the provisions of Chapter No. 499, Statutes of 1911, as amended by Chapter No. 600, Statutes of 1915 of the State of California, public hearing having been held and the matter submitted.

IT IS HEREBY ORDERED that the reconstruction of applicants' overhead electric systems to comply with the provisions of the above referred to laws, shall be prosecuted in such manner as will be indicated from time to time by this Commission, and so that all hazardous conditions hereafter designated by the Commission shall be removed on or before June 30th, 1919.

IT IS HEREBY FURTHER ORDERED that San Jose Railroads and Peninsula Railway Company shall file semi-annual Progress Reports, as provided for in previous orders of the Commission in this matter.

Dated at San Francisco, California, this 19<sup>th</sup> day of November, 1918.

Edwin O. Colquhoun

H. D. Loveland

Alex Gordon

Mark R. DeWitt

Commissioners.