

Decision No. 21833

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of)
CITY OF SOUTH PASADENA, a municipal)
corporation, for an order authorizing) Application No. 16073
construction of crossing of street)
railroad by public street.)

BY THE COMMISSION:

OPINION AND ORDER

By the above application, filed November 5, 1929, the City of South Pasadena requests authorization "to construct a public crossing of the northerly roadway of Huntington Drive, within the City of South Pasadena, at Oneonta Park Junction, across the right of way of the Pacific Electric Railway Company."

Application No. 15175, filed November 2, 1928, requested authorization "to construct a public crossing of the northerly roadway of Huntington Drive, within the City of South Pasadena, at Oneonta Park Junction, across the right of way of the Pacific Electric Railway Company." Decision No. 20911 (March 27, 1929) authorized the construction of this particular crossing subject to the following condition among others:

"(4). Prior to the beginning of actual construction on the crossing herein authorized, applicant shall file with this Commission a certified copy of the appropriate ordinance or resolution duly and regularly passed, instituting all necessary steps to legally

abandon and effectively close the existing public crossing of Spruce Street, Crossing No. 6P-8.41, located approximately three hundred and fifty (350) feet northerly of the crossing herein authorized. Upon completion of the crossing herein authorized, and prior to its being opened to public use, the existing public crossing mentioned above shall be legally abandoned and effectively closed to public use."

Thereafter City of South Pasadena filed a petition for rehearing, and in the opinion denying rehearing (Decision No. 21047, May 4, 1929) it was pointed out that the authorization to construct the Huntington Drive crossing was permissive only, it being optional with the City to retain the existing Spruce Street crossing or to construct the new Huntington Drive crossing.

On September 20, 1929, the City filed a petition for modification of the prior order respecting Condition (4) above quoted, which petition was denied on September 23, 1929 (Decision No. 21593.) It thus appears that this matter has already been carefully considered and determined by the Commission, and the construction of the crossing authorized, subject to certain conditions. The authority granted under said order (Decision No. 20911, dated March 27, 1929) is still in full force and effect. Under these circumstances it appears that the present application should be dismissed, nor is it necessary that a public hearing be held in a matter which has already been determined.

ORDER

City of South Pasadena having filed its application as above entitled for authorization to construct a public crossing as more particularly described therein, it appearing that

the subject matter of this application has already been considered and determined in Application 15175, and that this is a matter which does not require a public hearing.

IT IS HEREBY ORDERED that Application 16073 be and the same is hereby dismissed.

Dated at San Francisco, California, this 26th day of November, 1929.

Thos. J. Lott
Ch. Seavey
Ernest J. ...
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Commissioners