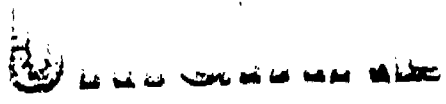


Decision No. 25452



BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

The Municipal League, a voluntary organization
of the citizens of the City of Los Angeles,
State of California,

Complainant,

vs.

The Southern Pacific Company, Atchison, Topeka
and Santa Fe Railway Company and San Pedro,
Los Angeles and Salt Lake Railroad Company,

Defendants.

Case No. 970.

The Central Development Association of Los
Angeles, a voluntary organization of the
citizens of the City of Los Angeles, State
of California,

Complainant,

vs.

The Southern Pacific Company, Atchison, Topeka
and Santa Fe Railway Company and San Pedro,
Los Angeles and Salt Lake Railroad Company,

Defendants.

Case No. 971.

The Civic Center Association of Los Angeles, a
corporation of the citizens of the City of
Los Angeles, State of California,

Complainant,

vs.

The Southern Pacific Company, The Atchison,
Topeka and Santa Fe Railway Company, San
Pedro, Los Angeles and Salt Lake Railroad
Company,

Defendants.

Case No. 972.

The City of Pasadena, a municipal corporation,

Complainant,

vs.

Case No. 974.

Pacific Electric Railway Company, Southern Pacific Company, Atchison, Topeka and Santa Fe Railway Company, San Pedro, Los Angeles and Salt Lake Railroad Company, and City of Los Angeles,

Defendants.

The City of Alhambra, a municipal corporation,

Complainant,

vs.

Case No. 980.

Pacific Electric Railway Company, Southern Pacific Company, Atchison, Topeka and Santa Fe Railway Company, San Pedro, Los Angeles and Salt Lake Railroad Company and City of Los Angeles,

Defendants.

The City of San Gabriel, a municipal corporation,

Complainant,

vs.

Case No. 981.

Pacific Electric Railway Company, Southern Pacific Company, Atchison, Topeka and Santa Fe Railway Company, San Pedro, Los Angeles and Salt Lake Railroad Company and City of Los Angeles,

Defendants.

The City of South Pasadena, a Municipal corporation,

Complainant,

vs.

Case No. 983.

Pacific Electric Railway Company, Southern Pacific Company, Atchison, Topeka and Santa Fe Railway Company, San Pedro, Los Angeles and Salt Lake Railroad Company and City of Los Angeles,

Defendants.

Erwin P. Werner, City Attorney, Milton Bryan, Executive Assistant City Attorney, and Max Thelen, Special Counsel, for the City of Los Angeles.

J. Ogden Marsh, for the Board of Public Utilities and Transportation of the City of Los Angeles.

J. W. Buzzell, for the Los Angeles Central Labor Council.

Thomas Coomes, for the City Planning Commission of the City of Los Angeles.

George H. Dunlop, for the Municipal League.

C. W. Durbrow, G. V. Shoup and Frank Karr, for Southern Pacific Company.

E. E. Bennett, for the Los Angeles and Salt Lake Railroad Company.

Robert Brennan, for The Atchison, Topeka and Santa Fe Railway Company.

Morton Garbus, for the Los Angeles Civic League, Inc.

BY THE COMMISSION:

ORDER DENYING REHEARING

By Commission Decision No. 25163, issued on September 7, 1932, the defendant carriers in the above matter, Southern Pacific Company, The Atchison, Topeka and Santa Fe Railway Company and Los Angeles and Salt Lake Railroad Company, were granted thirty days from the effective date of said order in which to agree among themselves upon the apportionment or division of costs of the Union Passenger Terminal Project required under the Commission order of 1927, Decision No. 18593.

On October 14, 1932, the said carriers jointly filed with the Commission a report entitled "Report and Petition" in which they represented that they had agreed, "(1) that any union passenger terminal constructed at the City of Los Angeles will be

constructed and operated by an independent terminal company owned and controlled jointly by these defendants; (2) upon the apportionment of the capital costs of constructing such a union passenger terminal; (3) upon the apportionment of the costs of operating such a union passenger terminal; and (4) that defendants are in substantial agreement with respect to the value of the lands owned by defendant Southern Pacific Company which must necessarily be acquired by said independent terminal company."

The said report and petition alleged that economic conditions had changed within the past year as a result of the current depression, and requested the Commission to reopen the various proceedings resulting in the aforesaid order of 1927, for the purpose of rehearing and reconsideration of the issues there presented. It was further requested in said petition that a moratorium be granted for the construction of the passenger terminal facilities required by the order of 1927.

On December 6, 1932, the Commission issued an order setting the above mentioned petition for public hearing, for the purpose of hearing argument on the advisability of granting or refusing such rehearing. The hearing on the petition was held before the Commission en banc at Los Angeles on December 12, 1932. The carriers, the City of Los Angeles and other interested parties appeared and presented argument.

After due and careful consideration of the petition and the representations therein made and the argument of the respective parties at the hearing on December 12, we are of the opinion that rehearing and reconsideration of the matter should be denied and that for the present, at least, no extension of time for the completion of the station should be granted. It appears that the carriers have not yet agreed upon the details of the union passenger terminal project and that the negotiations of the parties in this

regard should be carried to completion as expeditiously as possible. The petition of the carriers for extension of time within which the project should be completed is premature. The petition for extension of time will be denied without prejudice to a later application of like tenor, should the carriers find themselves unable to finance the project after they have agreed upon the details of the plans and should it appear that they have been unable to obtain the necessary funds from the Reconstruction Finance Corporation. Effort to obtain the necessary money from this governmental source should be made before the carriers should ask this Commission for a moratorium or extension of time within which to complete the terminal project.

The Commission order of 1927 has been upheld by the California Supreme Court and the Supreme Court of the United States, and the carriers are morally and legally obligated to provide the needed facility as expeditiously as possible, and the public of Southern California is entitled to expect the carriers to comply with the Commission's order.

ORDER

Public hearing having been held before the Commission en banc on December 12, 1932, on the advisability of granting or denying the petition of the carriers for rehearing and reconsideration of the issues presented in the above entitled matters, and no good cause appearing for the granting of said petition,

IT IS HEREBY ORDERED that the petition of the carriers, Southern Pacific Company, The Atchison, Topeka and Santa Fe Railway Company and Los Angeles & Salt Lake Railroad Company, for rehearing and reconsideration of the issues involved in the above entitled matter be, and the same is, hereby denied, and

IT IS HEREBY FURTHER ORDERED that the petition of the said carriers for an extension of time within which to complete the Union Passenger Terminal Project, required by the above mentioned order of 1927, be, and the same is, hereby denied. The denial of this request is without prejudice to the filing of a like petition at a later date, should the carriers be unable to finance the project after having agreed among themselves upon the details of plans and specifications for the terminal as required by the Commission order of 1927.

The effective date of this order is twenty (20) days from the date hereof.

Dated at Los Angeles, California, this 12th day of December, 1932.

Clarence

John A. Whelan

W. J. Carr

Fred G. Stewart

Commissioners.