

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

Atascadero Chamber of Commerce,
a corporation,

Complainant,

vs.

Southern Pacific Company,

Defendant.

Case No. 1535.

Louis Cohen, for Complainant,
E. J. Foulds, for Defendant.

MARTIN, Commissioner.

O P I N I O N

Atascadero Chamber of Commerce in this proceeding asked that Southern Pacific Company be directed to erect a new station at Atascadero, San Luis Obispo County, California, upon the site referred to in Exhibit "A," suitable in design and adequate in facilities to serve Atascadero. In its answer defendant made a general denial of the allegations of the complaint and asked that it be dismissed.

A public hearing was held at Atascadero on May 27, 1921.

By this date defendant reversed its position, for at the hearing it stated that it had made a tentative agreement under the terms of which Southern Pacific Company would undertake at an early date to install a new station building and facilities at the site desired by the Chamber of Commerce of Atascadero and that it would, within sixty (60) days, absolutely agree with the

complainant

"on satisfactory plans for a new station building, including telegraph office and offices for the freight agent, freight facilities, too, trackage in connection with it, both for freight and passengers in a new location satisfactory to them, and that when these plans are agreed to we would undertake, within thirty (30) days thereafter, to commence work and complete the work by the end of the year."

A stipulation was filed May 25, 1921, in which it was agreed that the hearing set for May 27th might be continued for sixty (60) days and in connection with this stipulation Southern Pacific Company agreed to work with the complainant, and with the Commission, and have the plans definitely agreed upon within this time.

The hearing was then adjourned to July 27, 1921, to give the parties an opportunity to get together, it being understood that the Railroad would, before or at that time, file its plans, specifications and estimates, subject to the approval of the Commission, and at that time such further proceedings would be had as might be deemed advisable and proper.

The hearing set for July 27th was reset to August 12, 1921, but, by telegram dated August 1, 1921, the complainant approved of the plans submitted by the Railroad. These plans were also approved by the Commission and the matter was temporarily removed from the calendar. The construction of the new facilities requiring considerable time, nothing further was done for about a year, when the Commission inquired of complainant if the complaint was satisfied. By letter dated August 17, 1922, complainant advised the Commission that the prayer of the complaint had been complied with and stated that its letter could be considered a request for dismissal of the proceedings.

The following form of order is recommended:

O R D E R

Atascadero Chamber of Commerce, a corporation, having

filed a complaint asking that Southern Pacific Company be directed to install a new station building and facilities at an approved site at Atascadero, a public hearing having been held, and complainant having advised the Commission, in writing, that the complaint is satisfied, and having requested, therefore, that the matter be dismissed:

IT IS HEREBY ORDERED that the above entitled matter be and it is hereby dismissed.

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 August, 1922.

H. B. Prudig
Irving Martin
Robert A. Tower

Commissioners.