

Decision No. 9838

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

ORIGINAL

THE MUNICIPAL LEAGUE,
Complainant,

-vs-

SOUTHERN PACIFIC COMPANY, THE
ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY and SAN PEDRO,
LOS ANGELES AND SALT LAKE RAIL-
ROAD COMPANY,
Defendants.

Case No. 970.

CENTRAL DEVELOPMENT ASSOCIATION
OF LOS ANGELES,
Complainant,

-vs-

SOUTHERN PACIFIC COMPANY, THE
ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY, and SAN PEDRO,
LOS ANGELES AND SALT LAKE RAIL-
ROAD COMPANY,
Defendants.

Case No. 971.

CIVIC CENTER ASSOCIATION OF
LOS ANGELES,
Complainant,

-vs-

SOUTHERN PACIFIC COMPANY, THE
ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY, and SAN PEDRO,
LOS ANGELES AND SALT LAKE RAIL-
ROAD COMPANY,
Defendants.

Case No. 972.

CITY OF PASADENA, a municipal
corporation,
Complainant,

-vs-

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.

Case No. 974.

CITY OF ALHAMBRA, a municipal corporation,

Complainant,

-vs-

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.

Case No. 980.

CITY OF SAN GABRIEL, a municipal corporation,

Complainant,

-vs-

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.

Case No. 981.

CITY OF SOUTH PASADENA, a municipal corporation,

Complainant,

-vs-

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.

Case No. 983.

IN THE MATTER OF THE APPLICATION OF
SOUTHERN PACIFIC RAILROAD COMPANY,
SOUTHERN PACIFIC COMPANY and LOS
ANGELES AND SALT LAKE RAILROAD COM-
PANY FOR APPROVAL OF AGREEMENT FOR
JOINT TERMINAL FACILITIES IN LOS
ANGELES, CALIFORNIA.

Application No. 3346.

Gibbon & Shelton, for Municipal League of the City of
Los Angeles, Central Development Association of Los
Angeles and Civic Center Association of Los Angeles;

Marshall Stimson, for Central Development Association
of Los Angeles and Municipal League of Los Angeles;

Seward A. Simons, for Central Development Association
of Los Angeles;

Joseph Scott and Edward D. Lyman, for Los Angeles Chamber of Commerce;

John Munger and J. E. Howard, for City of Pasadena;
Albert Lee Stephens, Howard A. Robertson, Chas. S. Burnell,
Jess E. Stephens and H. Z. Osborne, Jr., for City of
Los Angeles; Max Thelen, Special Counsel.

T. D. McFadden, for City of San Gabriel;

William Hazlett, City Attorney, for City of South Pasadena;

A. S. Halsted, for Los Angeles & Salt Lake Railroad Company;

C. W. Durbrow and George D. Squires, for Southern Pacific
Company;

E. W. Camp and U. T. Clotfelter, for The Atchison, Topeka
and Santa Fe Railway Company;

Frank Karr and E. E. Morris, for Pacific Electric Railway;

R. A. Rowan, for Los Angeles Realty Board;

Fred P. Gregson, for Associated Jobbers of Los Angeles;

F. M. Hilton and G. M. Lorraine, for City of Alhambra;

Gibson, Dunn & Crutcher, for Los Angeles Railway;

W. H. Workman, Jr., for Los Angeles City and County Viaducts
Association;

Will D. Gould, President, for Northwest Improvement
Association;

Charles W. Lyon, for City of Santa Monica and City of Venice;

Herbert J. Gouge, for Business Men's Association of
Los Angeles;

W. C. Shelton, for Business Men's Co-operative Association;

R. W. Kelly, for Brooklyn Avenue and Malabar Improvement
Association;

Leonard B. Slosson, for Municipal League of the City of
Los Angeles;

George A. Damon, for City Planning Association;

Gordon G. Dunlop, Chairman of Los Angeles Conference of
City Planning;

J. G. Wingert, for City of Whittier;

B. E. Page, for Business Men's Stability Association.

BY THE COMMISSION:

O P I N I O N

Decision in the above-entitled proceedings, as consolidated at the original hearing, has been heretofore rendered (Decision No. 8901). Upon the filing by all of the defendants of petitions for rehearing, and after hearing and argument thereon, it became apparent that certain modifications of the original findings and order were necessary, and for that purpose a rehearing was granted.

In view of the exhaustive investigation that has been made and the full and complete presentation of evidence by all parties at the former hearings, and the further fact that the Commission has viewed the premises and is thoroughly familiar with the physical conditions, it is not considered necessary to reopen the case for the taking of further evidence. At the request of the Commission, there have been filed by all parties written stipulations that all the evidence and arguments taken at former hearings might be considered as the evidence and record on rehearing.

In the former opinion, the facts relative to grade crossing elimination and the union passenger depot, were thoroughly discussed and the reasons generally upon which the Commission based its findings were set forth. In addition to this it was deemed necessary, inasmuch as the various complainants and the City has asked the Commission to make a comprehensive investigation of the entire railroad situation in Los Angeles, to discuss all aspects of the transportation problem from the standpoint of both immediate and future needs and to include some suggestions relative to future developments, which neces-

sarily could not be included in the order. In view of the fact that the work done and the investigation made in this case may be the basis, in part at least, for supplemental orders that may be necessary to the carrying out of the general scheme of traffic reorganization in Los Angeles asked for by complainants, all that was said in the former opinion is now considered pertinent and of value herein and the same is therefore approved, except as herein modified.

It is only necessary here to consider the questions which were presented in the petitions and arguments for rehearing and in particular those which make a modification of the findings and order necessary.

1. PACIFIC ELECTRIC. It is complained that as to the Pacific Electric the order is unlawful in that it requires participation in the construction of a union station and in the separation of grades at Macy and Seventh streets, whereas the evidence shows that the Pacific Electric has no interest in a union station at all and maintains no tracks on the streets mentioned. A careful review of the record leads us to conclude that there was not sufficient evidence upon which to base the findings and order that the Pacific Electric should participate in the construction of a union terminal at the Plaza. The Pacific Electric will, therefore, be eliminated from that part of the order. As to grade crossings, it was, of course, not contemplated that the Pacific Electric should participate in any construction at crossing where it has no tracks; however, in order that there may be no misunderstanding, the order will be modified in that particular and the Pacific Electric Company will be specifically required to participate in the separation of grade crossings at Aliso Street and the Los Angeles River, in accordance with the relief asked in cases 974, 980, 981 and 983. Inasmuch as the suspension of the original order auto-

matically suspended the dismissal of these four cases and reinstated them, that part of the order dismissing these cases will be omitted from the present order, and the decision and order herein will be the decision and order in said four cases as consolidated in the entire proceeding.

2. GRADE CROSSING SEPARATION. No special complaint was made in the petitions for rehearing or in the oral arguments thereon concerning that part of the order which required the separation of grade crossings. It was admitted by all parties that the grade crossings are dangerous, and that there is abundant evidence to show that public convenience and necessity require the elimination of all the grade crossings mentioned in the order. It was stated by counsel for the Southern Pacific Company, in argument upon rehearing, that "So far as the grade crossing elimination is concerned, we have from the very beginning been frank in stating that it was the desire of carriers to fully co-operate to the fullest extent in eliminating the condition which now exists" By the filing of Application No. 3346 three of the carriers, the Southern Pacific Company, Los Angeles and Salt Lake Railroad Company, and Pacific Electric Company, practically admitted that the only effective method of eliminating the grade crossing evil from Alameda street is to remove all railroad traffic (except freight switching during limited hours) from that street. These carriers propose in this application to do this by making the present Southern Pacific station a partially unified terminal and bringing trains to it by means of a trestle direct from the Los Angeles River. The Commission found, and its finding was supported by abundant evidence, that this plan did not eliminate all the grade crossings, and that it only provided for a partial and unsatisfactory solution of the terminal question. The Commission was, however, also of the

opinion that the only method of eliminating grade crossings from Alameda street is to remove all main line traffic therefrom, but found that this can only be safely, effectively and satisfactorily accomplished by the construction of a depot at the Plaza. A review of the record convinces us that this finding is amply supported by evidence. The former findings and order as to grade crossings will, therefore, remain substantially unchanged.

3. UNION TERMINAL. All the constitutional questions and the questions relating to jurisdiction that were urged by the carriers upon rehearing, relate to that part of the order requiring the construction of a union depot. Without going into an extended discussion of the questions involved, we may say that we are satisfied that the order does not amount to a taking of private property for public use without just compensation, nor does it take property without due process of law, or deny defendants equal protection of the law. We are also satisfied that the Commission has full jurisdiction of the subject matter of the order and that its authority to make the order has not been taken away or impaired by Federal statutes.

It was urged by the carriers that the order requiring a union passenger depot at the Plaza is without support in the evidence and that the Commission disregarded the evidence of carriers and relied exclusively upon the report of the Commission's own engineer. The Commission has given this claim careful consideration. Five detailed plans for a union terminal were introduced in evidence by five different witnesses. They were the Hawgood plan, the Barnard plan, the Storror plan, the Southern Pacific-Salt Lake plan and the Sachse plan. With the exception of the Southern Pacific-Salt Lake plan, all of these plans called for a union passenger depot at the Plaza, but differed as to the exact location of the depot and the

arrangement of tracks, approaches, etc. In addition to these, the so-called Arnold report was introduced and there was much other evidence, all supporting the general proposition that a union depot at the Plaza was necessary. The Commission did not rely solely on the report of its own engineer, nor did it adopt the Sachse plan in all its particulars, but, in accordance with the overwhelming preponderance of the evidence, the Commission did order a union depot at the general site of the Plaza, and left the exact location of the depot, tracks, approaches, etc., to be determined by the carriers themselves, subject only to the final approval of the Commission.

That public convenience and necessity require the construction of a union depot at the plaza is supported by abundant evidence. The very first witness who took the stand, Mr. Storrow, began by stating that any comprehensive plan for the entire elimination of grade crossings involved the construction of a new union depot, and that such a plan for grade crossing elimination was not applicable to any location for a union depot except the Plaza. Much testimony was thereafter given, and much argument made to the effect that a complete and satisfactory solution of the grade crossing situation was dependent upon a union depot at the Plaza, and the Commission finds this to be the fact. That such a finding is amply supported by the evidence we entertain no doubt.

The evidence was equally clear as to the inadequacy of the present passenger depots of the carriers. The Los Angeles and Salt Lake Railroad Company's depot is admittedly inadequate. Built in 1891, at an estimated cost of \$10,000, it is shamefully lacking in every particular necessary to satisfy the requirements of public convenience and necessity of a city of six hundred thousand people. The Santa Fe depot, built in 1893, at an estimated cost of \$50,000, now "provides scant facilities for the use of passengers," and is ^{also} wholly inadequate for present and future needs.

As to the Southern Pacific depot, its continued use does not conform to any satisfactory plan for the elimination of the grade crossings on Alameda Street. The imperative public necessity for the elimination of these grade crossings is a complete answer to the claim that the order requiring the abandonment of this depot amounts to a taking of property without compensation.

In arguments on rehearing, considerable stress was laid upon the alleged cost of a union passenger station at the Plaza. The matter of cost was thoroughly discussed in the former opinion; it only remains to add that a very large expenditure on the part of all the carriers will be immediately necessary, irrespective of what plan the Commission might adopt. Under the Southern Pacific and Salt Lake's own plan, approximately \$17,000,000 would have to be expended. The Commission is convinced that the needs of the public will not be met by this plan, but believes, on the contrary, that public convenience and necessity require a complete and satisfactory solution of the grade crossing and terminal questions, and that, therefore, public convenience and necessity not only justify, but require the added expense necessary to such a solution.

Objection was made by the carriers to that portion of the order which requires the appointment of a representative committee to which is to be delegated authority to prepare plans. On further consideration, the Commission has determined to modify the order in this regard and the order will be made, directing the carriers themselves to prepare and submit plans and estimates of cost without the interposition of a representative committee.

No special reference was made in the former order to the part the City of Los Angeles should bear in the expense of eliminating the grade crossings along the Los Angeles River. It was, of course, understood by all parties that the city would pay a proportionate share of this expense. On further consideration

the Commission has determined that the city should be specifically included in the order, and required to participate in the filing of the statement showing proportionate cost which each of the defendants and the city is to pay.

Considerable evidence was introduced by various parties concerning architectural beauty, improvement of real estate values, civic pride, and similar matters in connection with a union passenger station at the Plaza. The Commission desires to make it plain that no evidence of this character was considered of any importance in determining what the order should be, nor are any of these matters made the basis of the decision in this case. The decision and order herein are based upon the facts that the safety, comfort, convenience and necessity of the general public traveling across the grade crossings of the defendant carriers, also of the passengers and employees on the trains of said carriers, and also of the public utilizing passenger facilities in the city of Los Angeles, require the elimination of grade crossings and the construction of a union passenger depot, as directed in the following order.

FINDINGS AND ORDER

Complaints having been filed by the Municipal League, Central Development Association, Civic Center Association, and the cities of Pasadena, Alhambra, San Gabriel and South Pasadena, and an application filed by the Southern Pacific Company and the Los Angeles & Salt Lake Railroad Company, and all of these complaints and said application having been consolidated in this proceeding, and an exhaustive investigation into all of the matters connected therewith having been made by the Commission, public hearings having been held and the matters submitted for decision, the Commission now makes its findings of fact as follows:

1. That the existing grade crossings of the Southern Pacific Company's tracks on Alameda Street, at College Street, North Main Street, Macy Street, Aliso Street, Commercial Street, Jackson Street, East First Street, East Second Street, East Third Street, East Fourth Street, East Sixth Street, Industrial Street, East Seventh Street, East Eighth Street, East Ninth Street, East Fourteenth Street and East Fifteenth Street, in the City of Los Angeles, and certain existing grade crossings adjacent to the Los Angeles River in the City of Los Angeles, to-wit, the crossing of Macy Street by the tracks of The Atchison, Topeka and Santa Fe Railway Company and by the tracks of the Los Angeles and Salt Lake Railroad Company, the crossing of Aliso Street and of the tracks of the Pacific Electric Railway Company thereon by the tracks of The Atchison, Topeka and Santa Fe Railway Company and by the tracks of the Los Angeles and Salt Lake Railroad Company and the crossing of Seventh Street by the tracks of The Atchison, Topeka and Santa Fe Railway Company and by the tracks of the Los Angeles and Salt Lake Railroad Company are unsafe, and the continued use thereof for the movement of trains by the said respective carriers using such crossings endangers the employees of said carriers and the public generally; and that public interest, safety, convenience and necessity require that all such dangerous conditions at said crossings be eliminated.

2. That the existing passenger stations of The Atchison, Topeka and Santa Fe Railway Company at East Second Street and Santa Fe Avenue in the City of Los Angeles, and of the Los Angeles and Salt Lake Railroad Company at East First Street near the east bank of the Los Angeles River in the City of Los Angeles, are improper, inadequate and insufficient to promote

the security, convenience and necessity of the public. That the existing depot of the Southern Pacific Company at Fifth and Alameda streets in the City of Los Angeles does not conform to the plan for the elimination of said dangerous railroad grade crossings in the City of Los Angeles herein found to be required by public safety, convenience and necessity.

3. That in order to eliminate the dangerous grade crossings hereinabove enumerated and to provide adequate and sufficient passenger stations for the Southern Pacific Company, The Atchison, Topeka and Santa Fe Railway Company and Los Angeles and Salt Lake Railroad Company, in the City of Los Angeles, for the promotion of the security, convenience and necessity of their employees and that of the public generally, and to secure adequate service and facilities for the performance by the said defendants, and each of them, of their public utility functions in the State of California, it is necessary, and the public safety, convenience and necessity require that a new structure or structures, to-wit, a union passenger station and buildings incidental thereto, be erected by the defendants, Southern Pacific Company, The Atchison, Topeka and Santa Fe Railway Company and the Los Angeles and Salt Lake Railroad Company, and in connection therewith such improvements and changes in existing facilities of said defendants be made by said defendants as may be reasonably necessary and incidental to the use of said union passenger station, and that all railroad traffic be eliminated from Alameda Street, between College Street and Fifteenth Street, inclusive, in the City of Los Angeles, except local freight switching. That public safety, convenience and necessity require that a separation of grades be made by the defendants specified in the order herein at the said crossings adjacent to the Los Angeles River in the City of Los Angeles, to-wit, the crossing of Aliso Street and the tracks of the Pacific Electric Railway Company thereon by the tracks of The Atchison, Topeka and Santa Fe Railway Company, and by the tracks

of the Los Angeles and Salt Lake Railroad Company, the crossing of Macy Street by the tracks of The Atchison, Topeka and Santa Fe Railway Company and by the tracks of the Los Angeles and Salt Lake Railroad Company and the crossing of East Seventh Street by the tracks of The Atchison, Topeka and Santa Fe Railway Company and by the tracks of the Los Angeles and Salt Lake Railroad Company.

4. That public safety, convenience and necessity require that the location and the site of the union passenger station referred to in paragraph three of these findings be within that portion of the City of Los Angeles bounded by Commercial Street, North Main Street, Redondo Street, Alhambra Avenue and the Los Angeles River.

Basing its order upon said findings of fact and the further findings and statements of fact contained in the original opinion in this case and the opinion preceding this order;

IT IS HEREBY ORDERED:

1. That the defendants, Southern Pacific Company, The Atchison, Topeka and Santa Fe Railway Company and the Los Angeles and Salt Lake Railroad Company, and each of them, proceed to the procurement of sufficient grounds within the boundaries hereinafter set out, and proceed with the construction of an adequate union passenger station thereon and buildings incidental thereto in the City of Los Angeles, and to make such additions to, extensions of, improvements and changes in the existing railroad facilities of said companies as may be reasonably necessary and incidental to the use of said union passenger station.

2. That the site of the union passenger station referred to in paragraph one of this order shall be within that

portion of the City of Los Angeles bounded by Commercial Street, North Main Street, Redondo Street, Alhambra Avenue and the Los Angeles River.

3. That said Southern Pacific Company, The Atchison, Topeka and Santa Fe Railway Company and the Los Angeles and Salt Lake Railroad Company, and each of them, within six (6) months from the effective date hereof, file with this Commission, for its approval, a general plan or plans, with the necessary profile or profiles, and general and detailed drawings, of a union passenger station located on said site, together with all additions to, extensions of, improvements and changes in existing railroad facilities as are reasonably necessary and incidental to the use of said union passenger station; also estimates of cost of construction of said union passenger station, together with said necessary facilities and additions to, extensions of, improvements and changes in existing railroad facilities; also estimates of damages and of salvage; also description and plans of the necessary temporary operating arrangements during the period of the transition pending the completion of said new union passenger station.

4. That at the time of the filing of the plans referred to in paragraph three of this order, the said Southern Pacific Company, The Atchison, Topeka and Santa Fe Railway Company and the Los Angeles and Salt Lake Railroad Company, and each of them, shall file with this Commission a statement of the proportionate expense which each of said defendants is to bear for the procurement of said site and the construction of said union passenger station and said necessary facilities and changes, additions, extensions and improvements to existing facilities; and in the event said defendants shall fail to file said statement, showing the proportion of the expense

which each of them is to bear, as herein required, this Commission will proceed to fix and apportion said expense to each of said defendants.

5. That upon the filing of the plans referred to in paragraph three of this order, this Commission will either approve said plans or require the same to be modified until they meet with its approval. Work upon the construction of said upon passenger station shall commence within ninety (90) days after the approval by the Commission of said plans and shall be completed within three (3) years from that date, unless for good cause an extension of time is granted.

6. That defendant, The Atchison, Topeka and Santa Fe Railway Company and the Los Angeles and Salt Lake Railroad Company, and each of them, shall proceed to the construction of such viaducts, work and structures as may be necessary to provide for a separation of ^{the} grades of the railway tracks of said defendants from the public streets at Macy and East Seventh streets in the City of Los Angeles.

7. That said The Atchison, Topeka and Santa Fe Railway Company and the Los Angeles and Salt Lake Railroad Company, and each of them, shall, within sixty (60) days from the effective date of this order, file with this Commission a general plan or plans providing for grade separations at said Macy and Seventh streets; also, profile or profiles and detailed drawings of viaducts necessary for such grade separations, together with estimates of the cost of construction for each viaduct and for incidental expenditures and for damages.

8. That at the time of filing the plans referred to in paragraph seven of this order, the said The Atchison, Topeka and Santa Fe Railway Company and the Los Angeles and

Salt Lake Railroad Company, and each of them, and the City of Los Angeles shall file with this Commission a statement showing the proportionate expense which each of said defendants and said city is to bear for the construction of said viaducts and other necessary works for the separation of grade crossings. In the event said defendants and said city shall be unable to agree as to the proportionate expense to be borne by each for the viaducts and works necessary to the separation of said grades, the expense of such structures and works shall be apportioned to each of said defendants and said city by this Commission.

9. That upon the filing of the plans referred to in paragraph seven of this order, this Commission will either approve said plans or require the same to be modified until they meet with its approval. Work upon said viaducts, structures and works for the separation of grades at said Macy Street and Seventh Street shall commence within thirty (30) days after the approval by the Commission of said plans, and shall be completed within two (2) years from that date, unless for good cause an extension of time is granted.

10. That defendants, The Atchison, Topeka and Santa Fe Railway Company, the Los Angeles and Salt Lake Railroad Company and the Pacific Electric Railway Company, and each of them, shall proceed to the construction of such viaducts, works and structures as may be necessary to provide for a separation of the grades of the railway tracks of said defendants from the public street at Aliso Street in the City of Los Angeles, and of the tracks of the Pacific Electric Railway Company from the tracks of said other defendants.

11. That said The Atchison, Topeka and Santa Fe Railway Company, the Los Angeles and Salt Lake Railroad Company

and the Pacific Electric Railway Company, and each of them, shall, within sixty (60) days from the effective date of this order, file with this Commission a general plan or plans, providing for said grade separations at Aliso Street; also profile or profiles and detailed drawings of viaducts necessary for such grade separations, together with estimates of cost of construction for each viaduct and for incidental expenditures and for damages.

12. That at the time of filing the plans referred to in paragraph eleven of this order, the said The Atchison, Topeka and Santa Fe Railway Company, the Los Angeles and Salt Lake Railroad Company and the Pacific Electric Railway Company, and each of them, and the City of Los Angeles, shall file with this Commission a statement showing the proportionate expense which each of said defendants and said city is to bear for the construction of said viaducts and other necessary works for the separation of said grade crossings. In the event said defendants and said city shall be unable to agree as to the proportionate expense to be borne by each for the viaducts and works necessary to the separation of said grades, the expense of such structures and work shall be apportioned to each of said defendants and said city by this Commission.

13. That upon the filing of the plans referred to in paragraph eleven of this order, this Commission will either approve said plans or require the same to be modified until they meet with its approval. Work upon said necessary viaducts, structures and works for the separation of grades at said Aliso Street shall commence within thirty (30) days after the approval by the Commission of said plans and shall be completed within two (2) years from said date, unless for good cause an extension of time is granted.

14. That upon the completion of the union passenger terminal, as required by this order, the defendant, Southern Pacific Company, shall discontinue the operation of trains on Alameda Street, between College Street and Fifteenth Street, inclusive, in the City of Los Angeles, except for the purpose of local freight switching, which may be carried on during limited hours to be hereafter fixed by supplemental order.

IT IS HEREBY FURTHER ORDERED, that Application No. 3346 of the above-entitled proceedings, be, and the same is, hereby dismissed.

The effective date of this order is hereby fixed and designated as the third day of January, 1922.

Wherever in this order a time is fixed for the doing of any act or the compliance with any term or condition of the order, such time shall be computed from said date.

The Railroad Commission reserves the right to make such further order or orders in these proceedings relating to the construction, operation, modification and abandonment of facilities, to costs and division of costs, and to all other matters relating thereto, as may be determined by the Commission to be just and reasonable and as public safety, convenience and necessity may require.

Dated at San Francisco, California, this 16th day of December, 1921.

H. B. Bond
H. L. Lorrain
James Martin
W. H. Hovey
H. S. Benedict
Commissioners.