

Decision No. 27898.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

LOS ANGELES COUNTY GRADE CROSSING
COMMITTEE,

Complainant,

vs.

SOUTHERN PACIFIC RAILROAD COMPANY,
a corporation, and the SOUTHERN
PACIFIC COMPANY, a corporation,

Defendants.

Case No. 2124.

In the Matter of the Investigation
on the Commission's own motion of
the safety and necessity of grade
crossings of the tracks of Southern
Pacific Company in the Cities of
Los Angeles, Glendale and Burbank,
County of Los Angeles, State of
California.

Case No. 2171.

BY THE COMMISSION:

ORDER OF DISMISSAL

Case No. 2124 was filed with the Commission on April 17, 1925, and deals with the matter of eliminating the grade crossing of Los Feliz Boulevard with Southern Pacific Company's tracks in the City of Glendale.

Case No. 2171 was instituted by the Commission on its own motion September 21, 1925, and orders that an investigation be made of the grade crossing situation with Southern Pacific Company's tracks between Dayton Avenue in Los Angeles and San Fernando Road in the City of Burbank, including the grade crossings of Los Feliz Boulevard and Glendale-Brand Boulevard with Southern Pacific Company's tracks in the City

of Glendale.

Since the subject matter of Case No. 2124 is embodied in Case No. 2171, the two matters were consolidated for hearing and determination. After a number of hearings the Commission issued orders in these proceedings directing that the grade separations at the intersections of both Los Feliz Boulevard and Glendale-Brand Boulevard with Southern Pacific Company's tracks be eliminated by constructing the highway under the tracks in each case, and apportioning the cost of the work between the City of Los Angeles, the City of Glendale, the County of Los Angeles (on a voluntary basis), Southern Pacific Company and Pacific Electric Railway Company.

Pursuant to requests from the interested parties the Commission has issued a number of supplemental orders extending the time for the filing of plans and completion of these separations. These requests have been based in most cases on the allegation that the parties were not in a financial position to contribute their respective portions of the cost of effecting the work.

As the file now stands Southern Pacific Company is required to file with the Commission for its approval detailed plans of the separations on or before May 30, 1934, and be responsible for the completion of one of the separations by May 30, 1935 and the other by December 30, 1935, without specifying the order of effecting these separations.

Southern Pacific Company and the City of Los Angeles have asked the Commission to dismiss these proceedings on the ground that finances are not available to proceed with the work and suggesting that at a later date, when conditions change, the matter can again be reviewed and an order issued on the conditions

then prevailing. The City of Glendale has also filed a petition asking the Commission to suspend the orders in these matters until further order of the Commission.

The last order issued in these proceedings after hearing is contained in Decision No. 20770, dated ^{February} September 8, 1929. *Hem*
Subsequent orders have been issued by ex parte proceedings.

In view of the fact that some five years have elapsed since evidence was introduced in these proceedings, the request to have the matters dismissed with the plan of instituting new proceedings when conditions warrant appears reasonable and should be granted, therefore,

IT IS HEREBY ORDERED that Cases Nos. 2124 and 2171 are hereby dismissed without prejudice.

Dated at San Francisco, California, this 28th
day of May, 1934.

C. C. Seavey
Leon Seavey
M. J. Linn
M. B. Linn
W. B. Linn
Commissioners.