

ORIGINAL

Decision No. 47819

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 the CITY OF GLENDALE, a municipal)
 corporation, for an order or orders)
 authorizing and requiring the con-)
 struction of a grade separation of)
 the crossing of Los Feliz Road and)
 the railroad of the SOUTHERN PACIFIC)
 COMPANY, designating the portions of)
 the work to be done respectively by)
 said City, THE CITY OF LOS ANGELES)
 and said railroad corporation, and)
 allocating the cost thereof among)
 said Cities and said railroad)
 corporation.)

Application No. 32385

In the Matter of the Investigation)
 on the Commission's own motion as)
 to the necessity of effecting a)
 grade separation between the tracks)
 of the Southern Pacific Company)
 and Los Feliz Boulevard in the)
 Cities of Los Angeles and Glendale,)
 County of Los Angeles, State of)
 California, and the division among)
 the affected parties of the cost)
 incident to such separation.)

Case No. 5327

O P I N I O N

Pursuant to an application filed by the City of Glendale on May 7, 1951, and an Order of Investigation issued by this Commission on September 25, 1951, and, after public hearings were held thereon, this Commission by Decision No. 47420, dated June 30, 1952, in Application No. 32385 and Case No. 5327, issued an order authorizing and directing the separation of grades of Los Feliz Road and the tracks of the Southern Pacific Company, subject to certain specified conditions. The conditions allocated the costs of the proposed

structure among the various parties concerned and designated the responsibility for maintenance of the structure when completed. Likewise, the conditions directed the applicant city to prepare plans and specifications and submit them to this Commission and to the other interested parties within 120 days from the date of the order. Further, the construction authorized was ordered to be commenced within one year and completed within two years from the date of the order.

The City of Glendale now has petitioned for an extension of time in connection with Decision No. 47420, alleging that additional time is necessary in order to satisfactorily prepare plans and specifications, and, further, that the decision will in all probability be reviewed by the California Supreme Court. In view of these circumstances it is requested that the time be extended to permit the filing of plans and specifications within 240 days of the effective date of the order, and that, in the event a review is sought in the Supreme Court of California or in the Supreme Court of the United States, or both, the calculation of time shall commence at the date the decision becomes finally affirmed or the date a hearing is finally denied, rather than the effective date.

O R D E R

Petition as above entitled having been filed, the Commission being fully advised in the premises, and good cause appearing,

IT IS ORDERED that Conditions 3 and 7 of Decision No. 47420, dated June 30, 1952, on Application No. 32385 and

Case No. 5327, be and they hereby are cancelled, and in lieu thereof the following conditions are substituted:

- 3. The City of Glendale shall prepare detail plans and specifications for the construction of the grade separation, as referred to above, to carry Los Feliz Road under the tracks of Southern Pacific Company in the City of Glendale, the City of Glendale to submit said plans and specifications to the other interested parties and to the Commission for its approval within two hundred and forty (240) days from the effective date hereof. Should they fail to agree on the plans, such disagreement shall be reported to the Commission, whereupon an appropriate order will be entered.
- 7. The construction herein ordered shall be commenced within one year and completed within two years after the effective date hereof, unless further time is granted by subsequent order.

IT IS FURTHER ORDERED that an additional condition be added to Decision No. 47420, supra, as follows:

- 9. In the event review is sought of this decision in either the Supreme Court of California or the Supreme Court of the United States or both, the calculation of time for compliance with the provisions of this order shall commence from the date the decision becomes finally affirmed or the date a hearing is finally denied rather than the effective date hereof.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 14th day of October, 1952.

[Signature]
President

Justin F. Caswell

Harold H. Hula

[Signature]
Commissioners