

ORIGINAL

Decision No. 77267

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of The Atchison, Topeka and Santa Fe Railway Company, a corporation, for authority to maintain and operate a spur track at separated grades beneath Pacific Coast Highway in the City of Los Angeles, County of Los Angeles, State of California

Application No. 50397
(Filed July 17, 1968)

ORDER OF DISMISSAL

The application is a request by The Atchison, Topeka and Santa Fe Railway Company (railway) for authority to maintain and operate a spur track at separated grade beneath the Pacific Coast Highway in the vicinity of Alameda Street in the City of Los Angeles in order to provide rail service for a Texaco, Inc. plant. The Division of Highways has granted applicant an encroachment permit (Exhibit "B" on the application). The City of Los Angeles advised the Commission by letter dated July 17, 1969 that ex-parte handling would be opposed. On August 7, 1969 the railway was advised by letter that there would be a public hearing. On August 27, 1969 the railway advised the Commission by letter that the spur was also to be used by the Southern Pacific (Transportation) Company and that a permit for its use was being sought from the City of Los Angeles. The railway stated that an amended application would be filed and requested that the application be held in abeyance for the filing of the amendment.

The examiner assigned to hear the application contacted the railway's attorney by telephone on September 15 and September 29, 1969 requesting information relative to the filing of the amendment. The examiner was advised on September 29, 1969 that an amendment would be filed in sixty days. On December 31, 1969 the examiner, by letter, asked the railway if it intended to file an amendment. On January 5, 1970 the railway's counsel advised that it intended to file an amendment and stated that "... it may be some little time before we can get the amendment executed by all concerned."

On March 5, 1970 the examiner requested, by letter, that applicant advise the Commission of the status of the application. On March 11, 1970 the railway's counsel advised that the railway was not yet ready to proceed. On April 22, 1970, the railway was advised by letter that the Commission would dismiss the application on its own motion unless an amendment and a request for setting were filed on or before Wednesday, May 6, 1970. On May 6, 1970, the Commission received a letter dated May 5, 1970 from the railway's counsel advising that the railway was not ready to proceed and that "we expect to file a new application promptly after we receive the encroachment permit from the City of Los Angeles and agreement with our joint applicant."

It appearing from the record that the application has been pending for over twenty-one months; that the applicant is not ready to proceed; that it has been advised that unless an amended application was filed on or before May 6, 1970, the application would be dismissed; that no amended application had been filed by May 6, 1970; and that the applicant advised the Commission that it is not ready to proceed,

IT IS ORDERED that the application be and it hereby is dismissed.

San Francisco
Dated at _____, California, this 22nd
day of 4 MAY, 1970.

William Symons, Jr.
President

Augusta
J. Moran

Yvonne L. Sturgeon
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.