

Decision 38 03 034 ORIGINAL ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)	
City of Tehachapi to construct a City)	
street across the right-of-way of the)	Application 84-04-058
Southern Pacific Transportation Company)	(Filed April 11, 1984)
at North Mill Street in the central)	
Tehachapi area)	

ORDER OF DISMISSAL

The City of Tehachapi (City) has requested authority to construct North Mill Street at grade across the tracks of Southern Pacific Transportation Company's (SPT) mainline in Tehachapi, Kern County.

By Motion To Permit Late Filing Of Protest dated June 19, 1984, SPT requested permission from the Commission to file a protest stating that the City's application was unacceptable in its present form, because it did not indicate the type of signals to be installed or the type surface paving to be placed at the crossing. Examiners Ruling dated June 24, 1984, granted SPT's motion.

Because of the length of time that had elapsed since the initial filing, an on-site meeting was held on May 19, 1987, attended by various city officials, representatives of the railroad and the Commission staff in an attempt to resolve the matter. Although some problems regarding the installation of railroad signal warning devices and track elevation profiles appeared to be resolved, the problem of the closure of a nearby crossing was not resolved.

By letter of October 20, 1987 the Commission staff (staff) informed the city that the following options appeared to present themselves concerning application (A.) 84-04-058:

1. City and the railroad advise the staff that they were in agreement and request that an order authorizing the crossing be issued.

2. City request that the Commission dismiss the application with the option that the city could refile at a later date when the project was closer to construction.

3. City request that this matter be set for a formal hearing before an Administrative Law Judge in order that both parties (City and railroad) would have an opportunity to present their cases before the Commission.

The staff further advised the city that, if a response was not received in 60 days, it would recommend that A. 84-04-058 be dismissed.

By letter of January 19, 1988, the City was advised that since no response was received to the Commission's previous correspondence the staff would now recommend that the application be dismissed. City has not responded to staff's October 20, 1987 and January 19, 1988 letters and therefore the matter should be dismissed. A public hearing is not necessary.

IT IS ORDERED that Application 84-04-058 is dismissed without prejudice.

This order becomes effective 30 days from today.
Dated MAR 09 1988, at San Francisco, California.

STANLEY W. HULETT
-President

DONALD VIAL
FREDERICK R. DUDA
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.



Victor Weiss, Executive Director