

ORIGINAL

NOV 3 - 1982

Decision 82 11 032

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DEPARTMENT OF TRANSPORTATION)
STATE OF CALIFORNIA,)
)
Complainant,)
)
v.)
)
SOUTHERN PACIFIC TRANSPORTATION)
COMPANY, a corporation,)
)
Defendant.)

Case 82-08-01
(Filed August 4, 1982)

(For appearances see Decision 82-10-031.)

Additional Appearance

John MacDonald Smith, Attorney at Law, for
Southern Pacific Transportation Company,
defendant.

ORDER OF DISMISSAL

California Department of Transportation (Caltrans) in this proceeding seeks an order to show cause why the officers and directors of Southern Pacific Transportation Company (SP) should not be found in contempt for failure to construct station platforms and parking facilities for eight stations as required by Decision (D.) 91847 in Case (C.) 10575.

D.91847 dated June 3, 1980 ordered SP to construct passenger station platforms and parking facilities in SP's right-of-way between Los Angeles and Oxnard in accordance with plans and specifications on file with the Commission. D.82-06-045 dated June 2, 1982 set the effective date for commencement of

the commuter service. Prior to that date SP was to have completed construction of platforms and parking facilities at eight stations and to have completed specified track modifications.

After hearing in this proceeding, we issued D.82-10-031 on October 6, 1982, which ordered that:

- "2. In order to commence passenger services in accordance with the decision in C.10575, CalTrans shall have the immediate right to enter SP property and construct station and parking facilities at Simi Valley and Panorama City, in accordance with plans on file with the Commission and to relocate track 6065 at Simi Valley to the east end of Santa Suzana siding off Los Angeles Avenue.
- "3. Further hearing on CalTrans' application for an order to show cause re contempt is scheduled 10 a.m., October 18, 1982, in the Commission's Courtroom, State Building, San Francisco, California.
- "4. SP is directed to file with this Commission timetables and tariffs substantially as provided by CalTrans in its September 27, 1982 filing with the Commission, and such timetables and tariffs shall become effective October 18, 1982."

On October 13, 1982 SP filed its "Emergency Petition for Extension of the Effective Date of Interim Order in Decision 82-10-031", alleging that an extension of the effective date for Caltrans' right of entry was required for several reasons.

On October 18, 1982 we issued an emergency interim opinion in D.82-10-041, ordering as follows:

- "(1) SP is ordered to operate the service commencing October 18, 1982 on the schedule tendered by SP on October 17, 1982, utilizing the passenger equipment furnished by Caltrans.

- "(2) SP is ordered to execute the Locomotive Agreement and the Reimbursement Agreements attached hereto as EXHIBITS A and B, and Caltrans is ordered to reimburse SP as set forth in the agreement it has offered.
- "(3) Caltrans shall have the immediate right to enter SP property, and SP is ordered to make such property available, to construct station and parking facilities at Northridge, Moorpark, Camarillo, Burbank, Burbank Airport and Chatsworth in accordance with plans on file with the Commission. SP shall provide at Caltrans' expense flag protection and personnel necessary for the safe completion of the construction. SP is directed to construct the track work at Camarillo in accordance with EXHIBIT A of the proposed Construction and Maintenance Agreement submitted with Caltrans' petition filed April 22, 1982."

The further hearing directed in D.82-10-031 was held on October 18, 1982. The record shows that Caltrans entered SP property and completed construction of the station platforms and parking facilities at Simi Valley and Panorama stations, locomotives were leased by SP in compliance with D.82-10-041, and the rail commuter service commenced the morning of October 18. A "California Special Train Tariff" was filed by SP naming rates and rules for "commutation passenger service to be operated between Oxnard, CA and Los Angeles, CA and intermediate points for the Department of Transportation, State of California".

At the hearing, Caltrans requested that its request for an order to show cause be dismissed without prejudice, in view of the actions described above. SP and the Commission staff joined in that request, which will be granted. SP's request for an extension of the effective date of D.82-10-031 is moot, and also will be dismissed.

IT IS ORDERED that:

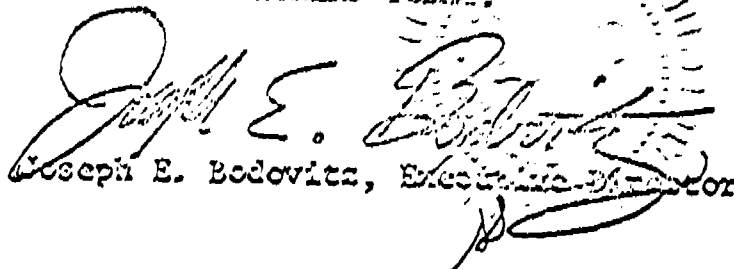
1. C.82-08-01 is dismissed without prejudice.
2. Southern Pacific Transportation Company's petition for the extension of the effective date of D.82-10-031 is dismissed.

This order becomes effective 30 days from today.

Dated NOV 3 1982, at San Francisco,
California.

JOHN E. BRYSON
President
RICHARD D GRAVELLE
LEONARD M. CRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

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


Joseph E. Bodovitz, Executive Director