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Decision No. 88670 APR 4 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT, a public corporation of the State of California, for a finding and determination of public interest and necessity and authorizing the taking or acquisition of certain railroad trackage rights and ancillary facilities over a portion of the Coast Main Line route of the Southern Pacific Transportation Company.

Application No. 55378
(Filed December 10, 1974)

ORDER OF DISMISSAL

In this application Southern California Rapid Transit District (RTD) seeks an order of the Commission authorizing and permitting it to take or acquire trackage rights and ancillary facilities over a portion of the Coast Main Line route of the Southern Pacific Transportation Company (SP) for commuter rail rapid transit purposes; requiring SP to operate and maintain a commuter rail rapid transit service over such route in full cooperation with RTD, subject to further order of the Commission; requiring SP to maintain the Coast Main Line route unchanged for commuter rapid transit purposes, subject to further order of the Commission; and such other and further relief and order as the Commission deems necessary and proper in this matter.

On February 19, 1975 the Commission by Decision No. 84125 issued an order to show cause directing SP to appear before the Commission on May 21, 1975 to show cause, if any, why the Commission should not hear the application and fix the just compensation to be paid for the trackage rights and facilities. On February 28, 1975 SP filed a petition for rehearing of Decision No. 84125. On March 10, 1975 RTD filed a reply to SP's petition for rehearing.

On April 15, 1975 the Commission issued Decision No. 84338 vacating the order to show cause in Decision No. 84125 and granting rehearing of Decision No. 84125 to be devoted to whether the public interest requires RTD's taking SP's trackage rights and ancillary facilities described in Application No. 55378, and whether such taking will unreasonably impair SP's ability to provide safe, adequate, economical, and efficient service. Although the rehearing was scheduled for May 21, 1975, the hearing was indefinitely postponed at the request of RTD and such postponement was agreed to by SP.

On January 9, 1978 a letter was sent to RTD that an order recommending dismissal would be prepared unless RTD was ready to proceed in sixty days. On January 18, 1978 RTD replied that it would not object to dismissal of the above application as long as such dismissal is without prejudice to a refiling at a possible later date.

Based on the above facts, the Commission finds that the application should be dismissed.

IT IS ORDERED that Application No. 55378 is dismissed without prejudice.

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 4th day of APRIL, 1978.

Robert Bateman
President
William Syron-Jr
Virginia L. Sturgeon
Robert D. Smith
Clair L. Deibel
Commissioners