

Decision 92-07-005

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
the City of Irwindale to construct a)
Public Street, across the railroad)
tracks of the Southern Pacific)
Transportation Company in the City)
of Irwindale, County of Los Angeles)

ORIGINAL
Application 92-07-001
(Filed July 1, 1992)

ORDER OF DISMISSAL

The City of Irwindale (City) has requested authority to construct Olive Street, a public street, across the railroad tracks of Southern California Regional Rail Authority (SCRRA), formerly Southern Pacific Transportation Company (SPT), in Irwindale, Los Angeles County.

Since the initial filing of Application (A.) 92-07-001 on July 1, 1992, the following events have taken place:

<u>NAME/DATE</u>	<u>EVENT/REMARKS</u>
1. Los Angeles County Transportation Commission (LACTC) August 3, 1992	Filed Formal Protest - Applicant has not established a need for the additional public crossing and A. 92-07-001 does not comply with Rule 38 subparagraph (d) of the Commission's Rules of Practice and Procedure.
2. CalMat Company letter December 11, 1992	Requests that LACTC enter into negotiations with City to consider an alternative whereby in consideration of Commission approval of an at-grade crossing, CalMat, and future owners of the subdivision, would agree at a future date to

3. SCRRA letter
January 12, 1993
construct a grade separation.
Concurs with CalMat Company letter
that a meeting to discuss the
details of the proposed
construction should be held.
4. SCRRA letter
July 27, 1993
Advises City that once agreement
assuring the funding of the
proposed separation has been
reached and all agreements
executed, SCRRA will rescind the
Protest of the Application.
7. Commission Staff
(staff) letter
June 8, 1994
Requests that City provide
information as to the status of
the Application.
8. Staff memorandum
January 24, 1996
Staff was advised that City is
negotiating with SCRRA to resolve
the Protest. Staff will not
recommend dismissal without
prejudice of the Application
pending resolution of the Protest.
9. Staff letter
January 26, 1996
Advised City that unless the
Protest was resolved within the
next six months, staff would
recommend dismissal of the
Application without prejudice,
with the understanding that the
Application could be refiled
again at some future date if
the Olive Street project ever
became active again.

10. Staff letter
March 18, 1997

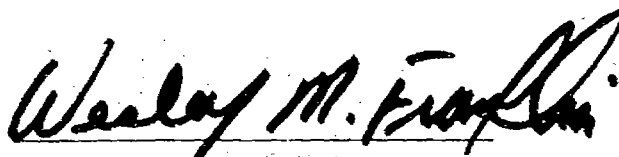
City advised that over four years had elapsed since the original filing of the Application and since the Protest had not been resolved, the staff would now move forward and recommend that the Application be dismissed.

City has not responded to staff's June 8, 1994, January 26, 1996, and March 18, 1997, letters concerning Application (A.) 92-07-001, and, therefore, the matter should be dismissed. A public hearing is not necessary.

IT IS ORDERED that Application 92-07-001 is dismissed without prejudice.

This order is effective 30 days after mailing.

Dated APR 14 1997, at San Francisco, California.



Wesley M. Franklin
Executive Director