

Decision No. 81734

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Banning,)	
California, for an order authorizing)	
construction of a separation structure)	Application No. 53887
under the mainline track of the)	(Filed March 12, 1973)
Southern Pacific Transportation Company)	(Amended June 11, 1973)
for Eighth Street, in the City of)	
Banning, California.)	

O P I N I O N

The City of Banning requests authority to construct a crossing at separated grades of Eighth Street in the City of Banning, Riverside County, under the tracks of the Southern Pacific Transportation Company. Notice of the application was published in the Commission's Daily Calendar on March 14, 1973.

The Department of Public Works dismissed its petition for rehearing for the elimination of the Eighth Street crossing on the 1973 Grade Separation Priority List and any objection to said priority subject, however, to the passage of Senate Bill 480 authorizing use of grade separation funds. The City of Banning has produced evidence that said Senate Bill has been passed by the Legislature and signed by the Governor as emergency legislation authorizing the expenditure of grade separation monies for said project. A public hearing is not necessary.

FINDINGS AND CONCLUSIONS

The request is in the public interest and should be granted. The City of Banning should be authorized to construct Eighth Street at separated grades under the tracks of the Southern Pacific Transportation Company in the City of Banning, Riverside County, at the location and substantially as shown by plans (Exhibits "A" and "B") attached to the application, as amended, to be identified as Crossing No. B-567.7-B.

The priority list of grade separation projects for the year 1973 as set forth in Decision No. 80874 shows this project as Priority No. 27.

Clearances should be in accordance with General Order No. 26-D. Walkway areas adjacent to the railroad track should be maintained free of obstructions and should promptly be restored to their original condition in the event of damage during construction.

Construction and maintenance costs should be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of said agreement, together with plans of said crossing, approved by the Southern Pacific Transportation Company should be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the cost of construction and maintenance by further order.

Upon completion of the Eighth Street grade separation and its opening to the public, both the Eighth Street (Crossing No. B-567.7) and the Fourth Street (Crossing No. B-568.0) should be closed and physically removed.

Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on June 13, 1973 approved a declaration of negative (nonsignificant) environmental effect. The Commission has considered the declaration in rendering its decision on this project.

The Commission adopts the applicant's Negative Declaration and finds that:

- a. The environmental impact of the proposed action is insignificant.
- b. The planned construction is the most feasible and economical that will avoid any possible environmental impact.
- c. There are no known irreversible environmental changes involved in this project.

O R D E R

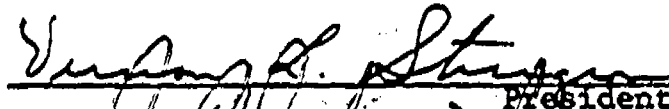
1. The application is granted conditioned on the findings and conclusions set forth above.

2. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within three years unless time be extended or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

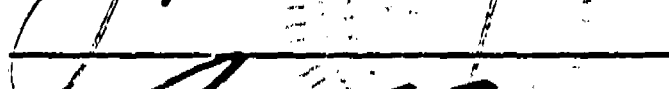
3. The Secretary of the Commission shall file a Notice of Determination with the Secretary of Resources and with the planning agencies of any city, county, or city and county, which will be affected by the project.

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

Dated at San Francisco, California, this 14th
day of AUGUST, 1973.


President








Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.