

ORIGINAL

Decision No. 82458

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
the County of Merced for authority
to Construct a public crossing across
the Right of Way of the Southern
Pacific Transportation Company on
proposed relocation of Russell
Avenue.

Application No. 53214
(Filed March 20, 1972)

Walter Colby, Attorney at Law, Emory O'Banion, and
Verne L. Davis, for County of Merced, applicant.
Harold S. Lentz, Attorney at Law, for Southern
Pacific Transportation Company, respondent.
Albert J. Cesario, for himself, and Bill Maxwell,
for Dos Palos Joint Union Elementary School
District, interested parties.
James J. Cherry, Attorney at Law, and Tack S. Joe,
for the Commission staff.

ORDER OF DISMISSAL

The county of Merced here seeks authority to construct a public crossing across the right-of-way of the Southern Pacific Transportation Company (S.P.) in South Dos Palos.

Public hearing was held before Examiner O'Leary at Dos Palos on October 18 and 19, 1972. The matter was submitted March 30, 1973. On April 30, 1973 Examiner O'Leary issued his ruling directing applicant to file an Environmental Impact Report or Negative Declaration, in accordance with Rule of Procedure 17.1, no later than December 31, 1973.

Applicant not having filed an Environmental Impact Report or Negative Declaration in accordance with the Examiner's ruling,

the Commission finds and concludes that the application should be dismissed for lack of prosecution.

IT IS ORDERED that Application No. 53214 is dismissed.

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

Dated at San Francisco, California, this 13th
day of FEBRUARY, 1974.

James L. Starnes
President
William J. Sullivan
William J. Sullivan
William J. Sullivan
Commissioners