

Decision No. 86291**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Merced, )  
 California to construct Cooper ) Application No. 56256  
 Avenue across the Southern Pacific ) (Filed February 4, 1976)  
 Railroad within the City of Merced. )

O P I N I O N

As part of the project to develop an industrial park adjacent to the northern city limit, the City of Merced requests authority to construct Cooper Avenue at grade across the tracks of the Southern Pacific Transportation Company in Merced, County of Merced.

The City of Merced is the lead agency for the development project pursuant to the Environmental Quality Act of 1970, as amended. After review of the Environmental Impact Report, the City Council of the City of Merced approved the development project and on May 19, 1976 filed a Notice of Determination with the Merced County Clerk which found that "The project will have a significant effect on the environment."

Notice of the application was published in the Commission's Daily Calendar on February 6, 1976. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. The City of Merced should be authorized to construct Cooper Avenue at grade across the tracks of the Southern Pacific Transportation Company in Merced, County of Merced, at the location and substantially as shown by plans attached to the application, to be identified as Crossing B-150.75-C.
2. Construction of the crossing should be equal or superior to Standard No. 1 (General Order 72-B).

3. Clearances should conform to General Order 26-D. Walkways should conform to General Order 118.

4. Protection at the crossing should be two Standard No. 9 automatic gate-type signals (General Order 75-C).

5. Construction expense of the crossing and installation costs of the automatic protection should be borne in accordance with an agreement entered into between the parties involved.

6. Maintenance of the crossing should be in accordance with General Order 72-B. Maintenance cost of the automatic protection should be borne by the railroad in accordance with an agreement entered into between the parties involved.

7. Construction plans of the crossing approved by the Southern Pacific Transportation Company, together with a copy of the agreement entered into between the parties involved, should be filed with the Commission prior to commencing construction.

8. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on August 29, 1973 approved its final Environmental Impact Report which has been filed with the Commission. The Commission has considered applicant's final Environmental Impact Report and Notice of Determination and finds that the benefits of the proposed project outweigh any adverse effects and that the proposed project should be approved.

### C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

### O R D E R

IT IS ORDERED that:

1. The City of Merced is authorized to construct Cooper Avenue at grade across the tracks of the Southern Pacific

Transportation Company in Merced, County of Merced, as set forth in the findings of this decision.

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 two years unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

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

Dated at San Francisco, California, this 24<sup>th</sup>  
day of AUGUST, 1976.

[Signature]  
President  
William J. [Signature]  
[Signature]  
Leonard [Signature]  
[Signature]  
Commissioners