

Decision SS 10 C09 OCT 5 - 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
the City of Merced, a municipal
corporation of the State of
California, for permission to
construct an at-grade crossing over
The Atchison, Topeka, and Santa Fe
Railway Company's railroad tracks at
proposed Mistwood Drive in the City
of Merced, State of California.

Application 61096
(Filed December 2, 1981)

Dennis L. Cote, for the City of Merced,
applicant.
Leland E. Butler, Attorney at Law, for The
Atchison, Topeka & Santa Fe Railway Company,
protestant.
Donald R. Chew, for the Commission staff.

ORDER DISMISSING PROCEEDING

By this application the City of Merced requests authority
to construct Mistwood Drive at grade across the railroad tracks of
The Atchison, Topeka and Santa Fe Railway Company.

Public hearing was held before Administrative Law Judge
(ALJ) O'Leary on April 27, 1983 at San Francisco. The matter was
submitted with the filing of the transcript on May 31, 1983.

Review of the record discloses deficiencies with respect to
the following:

1. A Final Environmental Report or Negative
Declaration is not contained in the
record;
2. Exhibit G to the application is an
interoffice memorandum to Dennis Cote,
Civil Engineer, from the Chief of Police
which states in part:

"Eventually, a bridge will be needed across Bear Creek in the northern part of the city. This would make the area north of Bear Creek more accessible and would tie in with the railroad crossing."

There is no evidence as to what effect the bridge will have on the crossing.

3. There is no evidence comparing an underpass alternative to a grade crossing alternative.

Because the required augmentation of the record is so extensive, it will virtually require development of a complete new record. Under the circumstances we think it better to dismiss the application without prejudice and allow applicant to refile at a later date with more complete information.

IT IS ORDERED that Application 61096 is dismissed without prejudice.

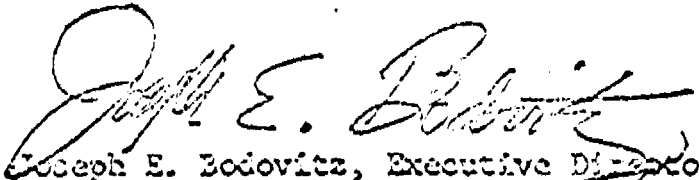
This order is effective today.

Dated OCT 5 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. CREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director