

ORIGINAL

Decision No. 88242 DEC 13 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the)
)
 CITY OF PATTERSON, a Municipal)
 Corporation, to Construct a)
 Public Street Across the Track)
 of Southern Pacific Transporta-)
 tion Company, a Railroad Corpo-)
 ration.)

Application No. 57593
 (Filed September 28, 1977)

O P I N I O N

The City of Patterson requests authority to construct "M" Street at grade across the tracks of the Southern Pacific Transportation Company in the City of Patterson, Stanislaus County.

The City of Patterson is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. After review of a Negative Declaration, the city approved the project and on September 26, 1977 filed a Notice of Determination with the Stanislaus County Clerk which found that "The project will not have a significant effect on the environment."

Notice of the application was published in the Commission's Daily Calendar on September 30, 1977. 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. Applicant should be authorized to construct "M" Street at grade across the tracks of the Southern Pacific Transportation Company in the City of Patterson, Stanislaus County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing BA-106.5.
2. Construction of the crossing should be equal or superior to Standard No. 1 of 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 cost of the automatic protection should be borne by the applicant.

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 applicant pursuant to Section 1202.2 of the Public Utilities Code.

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 Environmental Quality Act of 1970, as amended, and on October 22, 1976 approved its Negative Declaration which has been filed with the Commission. The Commission has considered the Negative Declaration and Notice of Determination in rendering its decision on this project 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.

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 Patterson is authorized to construct "M" Street at grade across the tracks of the Southern Pacific Transportation Company in the City of Patterson, Stanislaus County, 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 13th day of DECEMBER, 1977.

Robert Bateman

President

William Sproule

Vernon L. Stinson

Richard D. Howell

Clare J. DeBenedictis

Commissioners