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Decision No. 89026 JUN 27 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of The City of Cypress to construct a City Street across the Right of Way of the Southern Pacific Transportation Company at Holder Street in the South-east Cypress area.	Application No. 57779 (Filed December 29, 1977)

O P I N I O N

As part of a proposed industrial park development, the City of Cypress requests authority to construct Holder Street at grade across the tracks of the Southern Pacific Transportation Company's Los Alamitos Branch Line in the City of Cypress, Orange County.

The City of Cypress 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 Council of the City of Cypress approved the project and on December 20, 1977 filed a Notice of Determination with the Orange County 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 January 3, 1978. 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 Holder Street at grade across the tracks of the Southern Pacific Transportation Company's Los Alamitos Branch Line in the City of Cypress, Orange County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing BBN-515.53.

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 four 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 the provisions of 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 California Environmental Quality Act of 1970, as amended, and on December 20, 1977, approved its Negative Declaration which has been filed with the Commission. The Commission has considered the Negative Declaration and the 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 irrevsible 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 Cypress is authorized to construct Holder Street at grade across the tracks of the Southern Pacific Transportation Company's Los Alamitos Branch Line in the City of Cypress, Orange 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 thirty days after the date hereof.

Dated at San Francisco, California, this 27th day of JUNE, 1978.

William Symons, Jr.
President

Vernon L. Sturgeon

Richard D. Gravelle

Claire T. Dedrick
Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.