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Decision No. 81629

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the CITY OF MODESTO, a Municipal)
Corporation, organized and existing)
under and by virtue of the laws of)
the State of California and)
operating under a freeholders')
charter for an Order Authorizing)
the Relocation of a Public Road,)
Highway or Street Across Railroad)
Tracks of the Tidewater Southern)
Railway Company.)

Application No. 54081
(Filed June 4, 1973)

O P I N I O N

The City of Modesto requests authority to relocate Morris Avenue at grade across the tracks of the Tidewater Southern Railway Company. Notice of the application was published in the Commission's Daily Calendar on June 5, 1973. No protests have been received. A public hearing is not necessary.

FINDINGS AND CONCLUSIONS

The request is in the public interest and should be granted. The City of Modesto should be authorized to relocate Morris Avenue across the Tidewater Southern Railway Company tracks in Modesto, Stanislaus County, to the location described in the application, the identification to remain unchanged as Crossing No. 75-28.1.

Width of the crossing should be not less than 40 feet and grades of approach not greater than two percent. Crossing construction should be equal to or superior to Standard No. 2 (General Order 72-B). Protection should be two Standard No. 9 gate signals (General Order 75-C). Clearances, including any curbs, should conform to General Order 26-D. Walkways adjacent to the crossing should conform to General Order 118.

Construction cost of the crossing and installation cost of the automatic protection should be borne by the applicant. Maintenance cost of the crossing outside of lines two feet outside of rails should be borne by the applicant and the railroad should bear the maintenance cost of the crossing between such lines. Maintenance cost of the automatic protection should be divided equally between the applicant and the railroad.

The crossing at the new location should not be opened to vehicular traffic until the construction is complete and the crossing protection is in operation. The crossing at the old location, approximately 100 feet north of the new location, should be closed and removed when the crossing at the new location is opened to vehicular traffic.

The applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and has made a Negative Declaration which has been considered by the Commission in rendering its decision on this project.

The Commission adopts applicant's Negative Declaration 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.

O R D E R

1. The application is granted conditioned on the findings and conclusions set forth above.

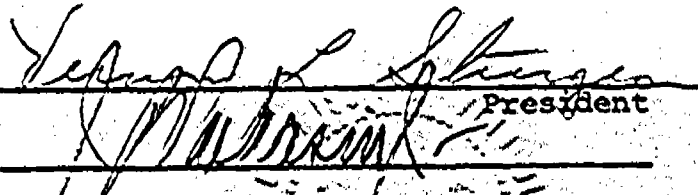
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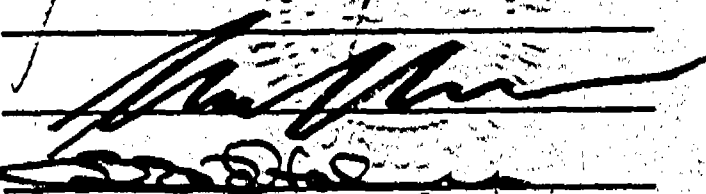
2. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall expire if the project is not completed within two years or if the above conditions are not complied with. The time may be extended, or the authorization may be revoked or modified, if public convenience, necessity or safety so require.

The Secretary of the Commission shall file a Notice of Determination with the Secretary for Resources and with the planning agencies of any city and county which will be affected by the project.

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

Dated at San Francisco, California, this 24th
day of JULY, 1973.



President


Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.