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Decision No. 81742

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Stanislaus,
California, for an order authorizing
construction of a separation structure
over the mainline track of the Southern
Pacific Transportation Company for
Carpenter-Briggsmore Road, in the City
of Modesto, California.

Application No. 54164
(Filed July 10, 1973)

O P I N I O N

The County of Stanislaus requests authority to construct a crossing at separated grades of Carpenter-Briggsmore Road over the tracks of the Southern Pacific Transportation Company. Notice of the application was published in the Commission's Daily Calendar on July 16, 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 County of Stanislaus should be authorized to construct Carpenter-Briggsmore Road at separated grades over Southern Pacific Transportation Company tracks in Modesto, Stanislaus County, at the location described in the application to be identified as Crossing No. B-110.6-A.

The priority list of grade separation projects for the year 1973 as set forth in Decision 80874 shows the project as Priority Number 58.

Construction and maintenance expense should be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of said agreement together with plans of said crossing approved by Southern Pacific Transportation Company should be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the

cost of construction and maintenance by further order.

Clearances should be in accordance with General Order No. 26-D. Walkway areas adjacent to the railroad tracks should be maintained free of obstructions and should promptly be restored to their original condition in the event of damage during construction.

Upon completion of the grade separation, the existing crossings at grade of Southern Pacific Transportation Company tracks by Blue Gum Avenue (Crossing No. B-110.9) and by Shoemake Avenue (Crossing No. B-110.2) located approximately 1,600 feet south and 2,200 feet north, respectively, of the authorized grade separation, shall be abandoned and physically closed.

This project is under the jurisdiction of the National Environmental Policy Act (NEPA) of 1960. Under the regulations promulgated pursuant to NEPA Federal Highway Policy and Procedure Memorandum 90-10 dated September 7, 1972, this project was too far advanced at the time of NEPA's effective date to require an Environmental Impact Statement in compliance with those guidelines.

Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. It is the determination of applicant that this project has been developed in such a manner as to give detailed consideration to the potential impact upon the quality of human environment and that pursuant to Section 15070 of the State of California Administrative Code an Environmental Impact Report is not required.

O R D E R

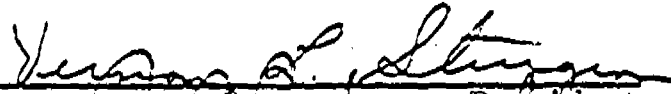
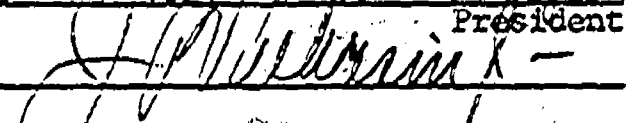

IT IS ORDERED that:

1. The application is granted conditioned on the findings and conclusions set forth above.
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 three 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 effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 14th day of AUGUST, 1973.


President


Commissioners

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

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.