

TLR

Decision No. 83402

**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 Construction of  
a Public Road, Highway or Street Across  
Railroad Tracks of the Tidewater  
Southern Railway Company.

Application No. 54982  
(Filed June 21, 1974)

O P I N I O N

The City of Modesto requests authority to widen Briggsmore Avenue at grade across tracks of the Tidewater Southern Railway Company in Modesto, Stanislaus County, by constructing an additional roadway adjacent to and on the south side of the Modesto Irrigation District right-of-way and canal, Lateral No. 3, so said canal will occupy the median strip of the widened Briggsmore Avenue.

Briggsmore Avenue roadway north of the canal will be altered to accommodate one-way westbound traffic and the southerly roadway will be one way eastbound.

The City of Modesto is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on June 9, 1972, adopted a Negative Declaration which was filed with the Commission on July 16, 1974.

Notice of the application was published in the Commission's Daily Calendar on June 24, 1974. No protests have been received. A public hearing is not necessary.

### F I N D I N G S

1. Applicant should be authorized to widen and alter Briggsmore Avenue at grade across tracks of the Tidewater Southern Railway Company in Modesto, Stanislaus County, at the location and substantially as shown by plans attached to the application.
2. Dimensions, configurations, clearances and walkways should be substantially in accordance with the plans set forth in the application and comply with applicable rules and general orders of the Commission.
3. Construction expense of the crossing and installation costs of the automatic protection should be borne in accordance with an agreement entered into between the parties involved.
4. Maintenance costs of the automatic protection should be shared equally between the applicant and the railroad.
5. The Commission has considered the city's Negative Declaration in rendering its decision on this project. The Commission accepts said Negative Declaration and finds the environmental impact of this proposed action is insignificant.

### 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 Modesto is authorized to widen and alter Briggsmore Avenue at grade across tracks of the Tidewater Southern Railway Company in Modesto, County of Stanislaus, at the location and substantially as shown by plans attached to the application, identified as Crossing No. 75-26.5.

2. Construction of the crossing shall be equal or superior to Standard No. 1 (General Order No. 72-B).

3. Width of crossing and grades of approach shall be as shown on plans attached to the application.

4. Clearances shall conform to General Order No. 26-D. Walkways shall conform to General Order No. 118.

5. Crossing protection shall be four Standard No. 9 gate signals (General Order No. 75-C).

6. Construction expense of the crossing and installation costs of the automatic protection shall be borne in accordance with an agreement entered into between the parties involved.

7. Maintenance costs of the automatic protection shall be shared equally between the applicant and the railroad.

8. Maintenance of the crossing shall be in accordance with General Order No. 72-B.

9. 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. This 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 4th day of SEPTEMBER, 1974.

Vernon L. Lutz  
President  
William J. Lutz  
William J. Lutz  
William J. Lutz  
William J. Lutz  
Commissioners