

Decision No. 83566**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,
 Department of Transportation, for an order
 authorizing the alteration of existing twin
 structures known as the "West Modesto
 Overhead", PUC No. B-111.0-A, crossing the
 Southern Pacific Transportation Company's
 El Paso Mainline track, and authorizing the
 construction of a new crossing at separation
 of grade over the Southern Pacific Trans-
 portation Company's El Paso Mainline track
 at railroad mile post 108.8 and Highway
 Engineer's Station 17+61.60, to be known as
 the "Beckwith Road Overhead", and authorizing
 the closing of existing Public Utilities
 Crossings B-109.5 (North Avenue) and B-108.8
 (Beckwith Road), in connection with the
 improvement of a portion of State Route 99
 near the north city limits of Modesto from
 State Route 132 to 0.3 miles south of
 Pelandale Avenue in Stanislaus County.

Application No. 55082
 (Filed August 1, 1974)

O P I N I O N

The State of California, Department of Transportation, requests authority to construct, as part of the freeway project between Modesto and Salida, a crossing at separated grades of Beckwith Road, to be known as the "Beckwith Road Overhead" and to widen the existing "West Modesto Overhead" and to close the existing grade crossings at North Avenue and Beckwith Road, all across the tracks of the Southern Pacific Transportation Company in the City of Modesto.

The California Highway Commission is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on March 27, 1974, the U.S. Department of Transportation, Federal Highway Administration, approved the Environmental Impact Statement for said project.

Notice of the application was published in the Commission's Daily Calendar on August 5, 1974. 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 the "Beckwith Road Overhead" at separated grades, to widen the "West Modesto Overhead" from four to six lanes, and to close the grade crossings at North Avenue and Beckwith Road, all across the tracks of Southern Pacific Transportation Company in the City of Modesto, Stanislaus County.

2. Construction and maintenance expense should be borne in accordance with an agreement to be entered into between the parties relative thereto.

3. 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.

4. The Commission has considered the applicant's environmental statement in rendering its decision on this project and finds that the benefits of the project involved in this proceeding outweigh any adverse environmental effects and that it should be approved in view of the public benefits derived.

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 California Department of Transportation is authorized to construct Beckwith Road at separated grades over tracks of the Southern Pacific Transportation Company in Modesto, County of Stanislaus, at the location and substantially as shown by plans attached to the application, to be identified as "Beckwith Road Overhead" Crossing No. B-103.8-A.

2. The California Department of Transportation is authorized to widen the "West Modesto Overhead" over tracks of the Southern Pacific Transportation Company in Modesto, County of Stanislaus, at the location and substantially as shown by plans attached to the application, identified as Crossing No. B-111.0-A.

3. Construction and maintenance expense shall 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 crossings approved by the Southern Pacific Transportation Company shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

4. Clearances shall be in accordance with General Order No. 26-D, except that during the period of construction a clearance of not less than 21'0" above top of rail is authorized and Southern Pacific Transportation Company is authorized to operate with such reduced overhead clearances provided that instructions are issued by the railroad and filed with the Commission forbidding employees to ride on top of cars. The applicant shall notify the Commission and the affected railroad at least fifteen but not more than thirty days in advance of the date when temporarily impaired clearances will be created.

5. Walkway areas adjacent to the railroad tracks shall be maintained free of obstructions and shall promptly be restored to their original condition in the event of damage during construction.

6. Upon completion of said separation construction and opening to traffic, the existing grade crossings of Beckwith Road, Crossing No. B-108.3, and North Avenue, Crossing No. B-109.5, located 50 feet and 3000 feet south, respectively of Beckwith Road Overhead shall be abandoned and physically closed.

7. 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 three years unless the time be extended or if 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 8th day of OCTOBER, 1974.

Vernon L. Stenger
President
William J. Stenger, Jr.
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Commissioners