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YLVESTER
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Decision 95-11-023 November 8, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Modesto for an order authorizing construction of a crossing at separated grades between the Extension of Tuolumne Boulevard and the track of the Southern Pacific Transportation Company, sometimes referred to as the Tuolumne Boulevard Extension Underpass" [PUC No. B-113.65B]

Application 95-07-051
(Filed July 24, 1995)

OPINION

As part of a railroad track consolidation project, the City of Modesto (City) requests authority to construct the Tuolumne Boulevard Extension Underpass under an existing timber railroad trestle (Tuolumne River Bridge) on the Southern Pacific Transportation Company's (SPT) El Paso Route main line in Modesto, Stanislaus County.

The proposed construction consists of replacing several of the trestle's wooden structural members with prestressed concrete parts to accomodate realigned Tuolumne Boulevard passing under the trestle.

City is the lead agency for this project under California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000, et seq. Although the project is exempt from the provisions of CEQA (Section 21080.13, replacement of an existing at-grade crossing), City had an environmental assessment document prepared because the underpass will be partially financed as a Federal Demonstration Project (10-Sta-O-Mod-D16). After preparation and review of an Environmental Assessment, City issued a Negative Declaration and approved the project. On February 9, 1994, a Notice of Determination was filed with the Stanislaus County Clerk which

found that "the project will not have a significant effect on the environment.

The Federal Highway Administration reviewed the environmental data prepared by City and took full responsibility for the accuracy, scope, and contents of the environmental assessment.

Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Environmental Assessment and Notice of Determination.

Application 95-07-051 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to construction of a public highway across a railroad. A sketch of the crossing site is included as Appendix A.

The Commission's Safety and Enforcement Division Traffic Engineering staff has inspected the site of the proposed project. After reviewing the need for and safety of the proposed construction, the staff recommends that the sought authority be granted.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on August 18, 1995. No protests have been filed.

2. City requests authority under Public Utilities Code Sections 1201-1205 to construct Tuolumne Boulevard at separated grades under the tracks of SPT's El Paso Route main line in Modesto, Stanislaus County.

3. Construction of the Tuolumne Boulevard Extension Underpass is required to improve traffic circulation and safety of motorists.

4. Public convenience, necessity, and safety require construction of the Tuolumne Boulevard Extension Underpass.

5. City is the lead agency for this project under CEQA, as amended.

6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Environmental Assessment and Negative Declaration.

Conclusions of Law

1. The application is uncontested, and a public hearing is not necessary.

2. 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 (City) is authorized to construct Tuolumne Boulevard Extension Underpass at separated grades under Southern Pacific Transportation Company's (SPT) El Paso Route main line in Modesto, Stanislaus County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing B-113.65-B.

2. Upon the opening of the Tuolumne Boulevard Extension Underpass to vehicular traffic, the "B" Street at-grade crossing (B-113.6) shall be physically closed and all its associated signage and warning devices physically removed.

3. Clearances shall be in accordance with GO 26-D.

4. Walkways shall conform to GO 118. Walkways adjacent to any trackage shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

5. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement, together with plans of the

crossing, approved by SPT, shall be filed by the City with the Commission's Safety and Enforcement Division prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. Within 30 days after completion of the work under this order, City shall advise the Commission's Safety and Enforcement Division in writing that the authorized work has been completed.

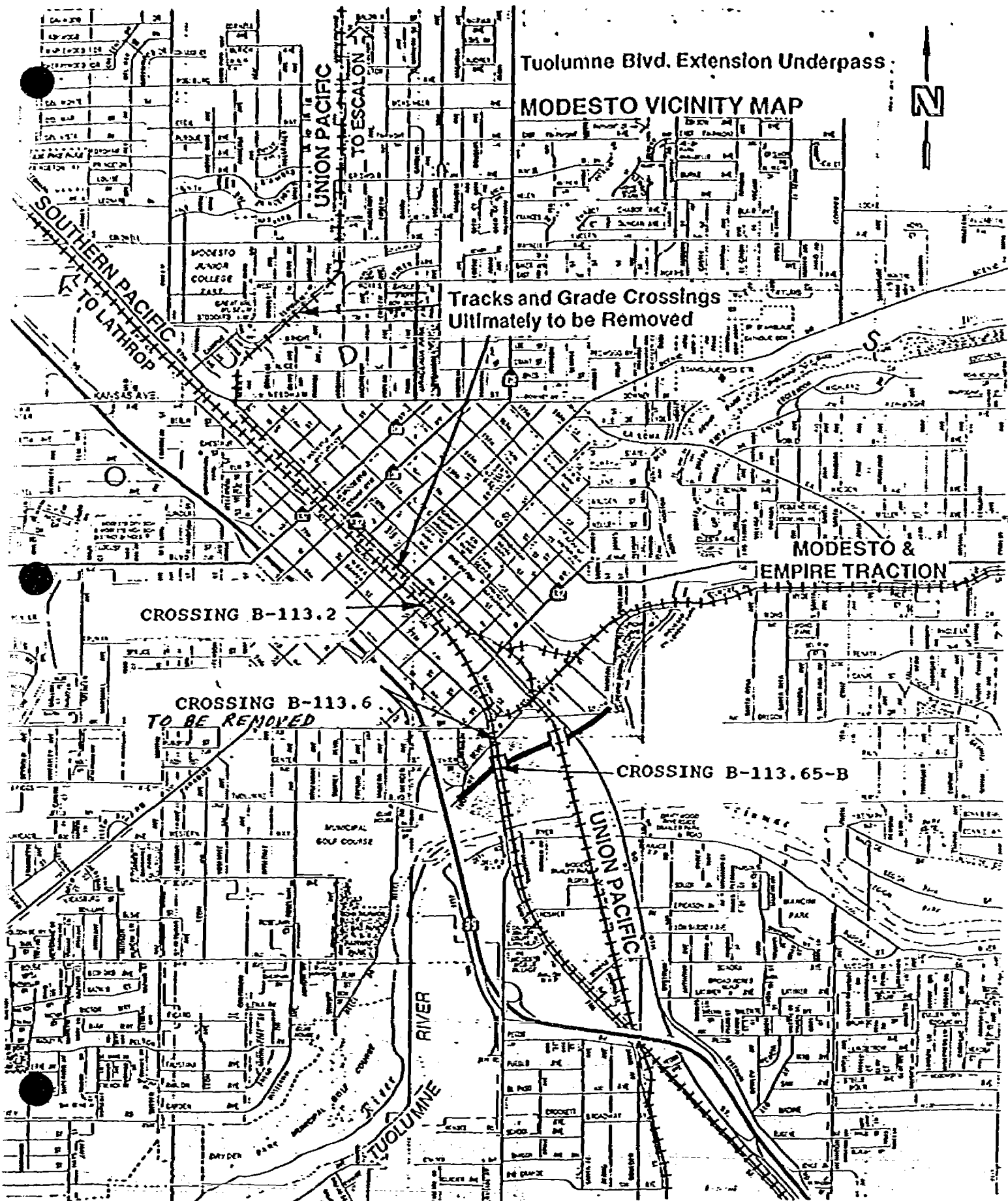
7. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

8. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated November 8, 1995, at San Francisco, California.

DANIEL Wm. FESSLER
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEPPER
Commissioners



Tuolumne Blvd. Extension Underpass

MODESTO VICINITY MAP



Tracks and Grade Crossings
Ultimately to be Removed

MODESTO &
EMPIRE TRACTION

CROSSING B-113.2

CROSSING B-113.6
TO BE REMOVED

CROSSING B-113.65-B

MUNICIPAL
GOLF COURSE

TUOLUMNE RIVER

UNION PACIFIC

SOUTHERN PACIFIC
TO LATHROP

KANSAS AVE.

MODESTO JUNIOR COLLEGE EAST

UNION PACIFIC
TO ESCALON