

Decision 98-10-043 October 22, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Stanislaus )  
to construct one grade crossing of the )  
Union Pacific Transportation Company )  
main line at Dakota and Murphy Avenue in )  
the town of Salida, State of California.)  
\_\_\_\_\_ )

**ORIGINAL**

Application 98-03-052  
(Filed March 31, 1998)

O P I N I O N

The County of Stanislaus (County), requests authority to construct Murphy Avenue at grade across the tracks of Union Pacific Railroad Company (UP), near Salida, Stanislaus County.

County wishes to construct a new crossing at Murphy Avenue approximately 700' north of the existing awkward Dakota-Murphy Avenue crossing. The existing crossing (to be closed) and the proposed crossing are near the city of Modesto-Stanislaus County line, near the unincorporated area of Salida. The new crossing will be at an I-shaped intersection of Murphy Road/Dakota Avenue and Salida Court/Salida Boulevard. The tracks cross the vertical leg of the intersection. The project to extend Murphy Avenue across the tracks will provide a safer configuration. The existing crossing will be closed upon opening of the new crossing.

County is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. After preparation and review of an Initial Study County issued a Negative Declaration and approved the project. On February 5, 1998, a Notice of Determination was filed with the Office of Planning and Research which found that "The project will not have a significant effect on

the environment."

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

The application meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to constructing a public highway across a railroad. A sketch of the crossing area is included as Appendix A.

The Commission's Rail Safety and Carriers Division Traffic Engineering staff 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.

In Resolution ALJ-176-2989 dated March 26, 1998, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ-176-2989.

#### Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on April 3, 1998. No protests have been filed.
2. County requests authority under Public Utilities Code Sections 1201-1205 to extend Murphy Avenue at grade across UP's tracks in Stanislaus County.
3. County also plans to close the existing Dakota-Murphy Avenue crossing (B-107.5) when the new Murphy Avenue crossing is opened to vehicular traffic.

4. Public convenience, necessity, and safety require construction of the new Murphy Avenue crossing and closure of the existing Dakota-Murphy Avenue crossing (B-107.5).

5. County 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 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 County of Stanislaus (County), is authorized to extend Murphy Avenue at grade across the mainline tracks of Union Pacific Railroad Company (UP) near Salida, Stanislaus County, at the location and substantially as shown by plans attached to the Application, to be identified as Crossing B-107.44.

2. Upon completion of the new Murphy Avenue crossing and its opening to vehicular traffic, the existing Dakota-Murphy Avenue crossing (B-107.5) shall be closed and physically removed. UP shall file a form "G" report with the Commission's Rail Safety and Carriers Division within 30 days of completion.

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

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

5. Walkways shall conform to GO 118.

6. Protection at Crossing B-107.44 shall be two Standard No. 9-A automatic gate-type signals with cantilever lights (GO 75-C).

7. 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 UP shall be filed with the Commission's Rail Safety and Carriers Division prior to commencement of construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

8. Within 30 days after completion of the work under this order, County shall notify the Commission's Rail Safety and Carriers Division in writing that the authorized work has been completed.

9. This authorization shall expire if not exercised within two 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.

10. The application is granted as set forth above.

11. Application 98-03-052 is closed.

This order becomes effective 30 days from today.

Dated October 22, 1998, at San Francisco, California.

RICHARD A. BILAS

President

P. GREGORY CONLON

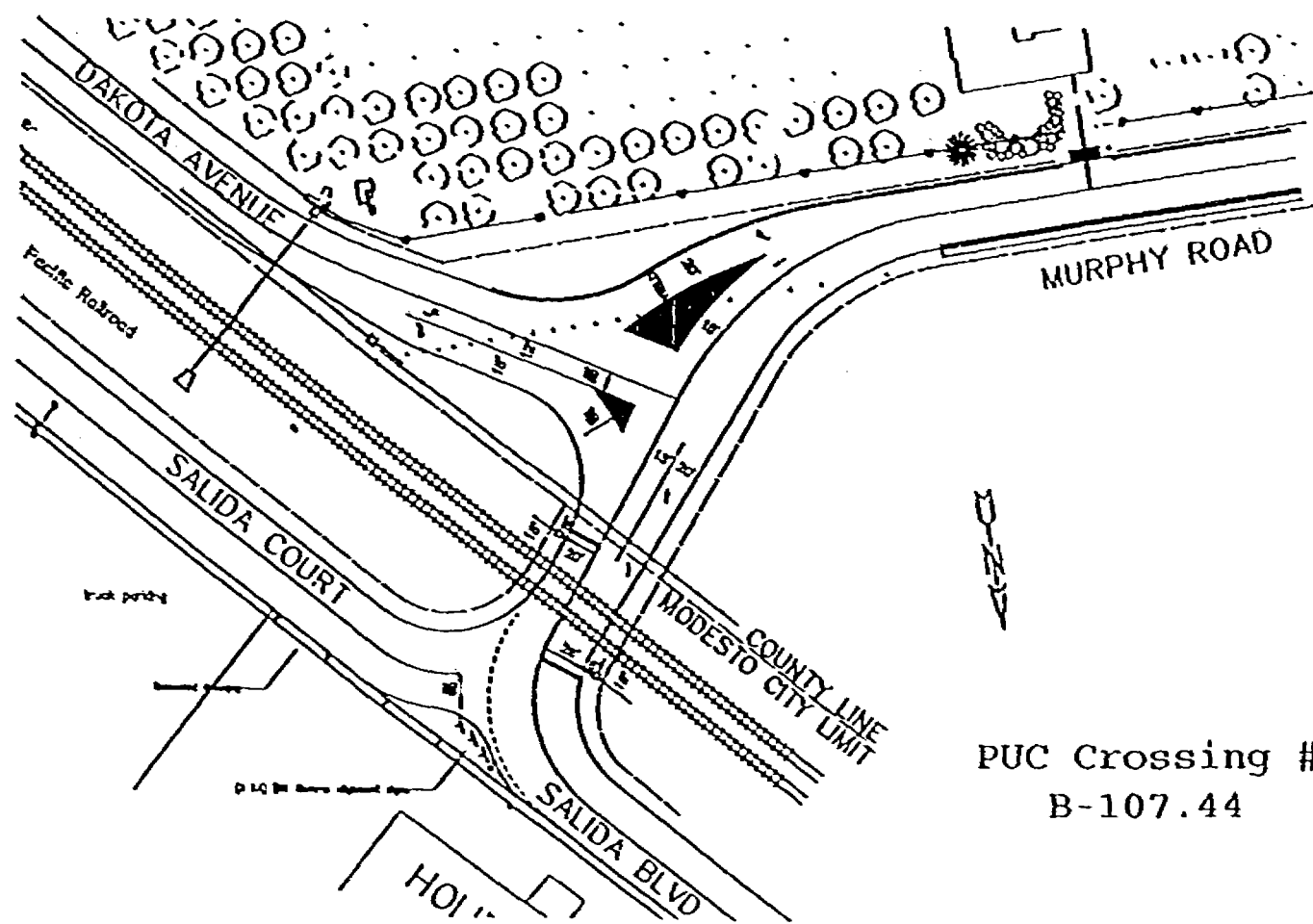
JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners

APPENDIX A



PUC Crossing #  
B-107.44