

Decision 99-04-008 April 1, 1999

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the City of Modesto to construct one grade crossing of the Union Pacific Railroad Company, Tidewater Line, at the Proposed Pelandale Avenue Crossing City of Modesto, State of California.

Application 98-07-022  
(Filed July 7, 1998)

**ORIGINAL**

**O P I N I O N**

The City of Modesto has moved for leave to withdraw its application in this proceeding. Protestant Union Pacific Railroad has indicated that it does not oppose the motion. The grounds for the motion are that the two parties have arrived at a stipulation which makes further action by the Commission on the application unnecessarily.

Apart from one prehearing conference, the Commission has conducted no proceedings in this matter. The Commission encourages early dispute resolution by parties to its proceedings if the result is not contrary to the public interest. Withdrawal of the present application in this proceeding is in the public interest in light of the positions articulated by the parties at the prehearing conference.

We will grant the motion.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

**Findings of Fact**

1. The Applicant has filed a motion to withdraw its application.
2. The motion is not opposed by the protestant.

3. The Commission has conducted no proceedings on the application, except for a prehearing conference.

**Conclusion of Law**

Applicant's motion should be granted.

**O R D E R**

**IT IS ORDERED that:**

1. Applicant's motion for leave to withdraw Application (A.) 98-07-022 is granted.
2. A.98-07-022 is closed.

This order is effective today.

Dated April 1, 1999, at San Francisco, California.

RICHARD A. BILAS  
President  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
Commissioners