

Decision No. 81763

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of) MODESTO INTERURBAN RAILWAY, a) corporation, to construct a third) standard guage railroad track at) grade across McClure Avenue, in the) County of Stanislaus, State of) California.)	Application No. 54145 (Filed July 2, 1973)
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O P I N I O N

Modesto Interurban Railway requests authority to construct a third track at grade across McClure Road in Stanislaus County. Notice of the application was published in the Commission's Daily Calendar on July 5, 1973. No protests have been received. A public hearing is not necessary.

FINDINGS AND CONCLUSIONS

The request is in the public interest and should be granted. Modesto Interurban Railway should be authorized to construct a crossover track at grade across McClure Road in Stanislaus County at the location described in the application identified as Crossing No. 28-3.7.

Construction of the rail crossing should be equal or superior to Standard No. 1 of General Order No. 72-B, with tops of rails flush with finished roadway.

Width of crossing construction and finished grades of approach should conform to the existing roadway.

Clearances should conform to General Order No. 26-D. Walkways adjacent to the crossing should conform to General Order No. 113.

Protection at the crossing should be by two existing Standard No. 1-R signs (General Order No. 75-C).

Construction cost of the crossing, and maintenance cost of the crossing within lines two feet outside of rails, should be borne by the applicant.

Under Rule No. 17.1(m)(B) of the Commission's Rules of Practice and Procedure this project qualifies for a Class 2 exemption from the provisions of the California Environmental Quality Act of 1970, as amended.

O R D E R

1. The application is granted conditioned on the findings and conclusions set forth above.

2. 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 21st day of AUGUST, 1973.

Vernon L. Sturgeon
President
William J. ...
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Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.