

Decision No. 82057

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 second)
 standard guage railroad track at)
 grade across Olive Avenue, in the)
 County of Stanislaus, State of)
 California.)

Application No. 54197
 (Filed July 23, 1973)

O P I N I O N

Modesto Interurban Railway requests authority to construct a second industrial spur track at grade across Olive Avenue in Stanislaus County. Notice of the application was published in the Commission's Daily Calendar on July 25, 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 second industrial spur track at grade across Olive Avenue, near Modesto, in Stanislaus County, at the location and substantially as shown by plans attached to the application, identified as a portion of Crossing No. 28-3.24-C.

Width of the crossing should be not less than 60 feet and grades of approach not greater than one percent. Crossing construction should be equal or superior to Standard No. 1 (General Order No. 72-B).

Protection at the crossing should be two Standard No. 1R signs (General Order No. 75-C). Clearances, including any curbs, should conform to General Order No. 26-D. Walkways adjacent to the crossing should conform to General Order No. 113.

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 17.1(m)(1)(A)6 of the Commission's Rules of Practice and Procedure, this project qualifies for a Class 1 exemption from the provisions of the California Environmental Quality Act of 1970, as amended.

O R D E R

IT IS ORDERED that:

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

2. Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall expire if the project is not completed within two years or if the above conditions are not complied with. The time may be extended, or the 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 30th day of OCTOBER, 1973.

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

William L. Stinson
President

William L. Stinson

Commissioners