

Decision No. 85683

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)
 standard gauge railroad track at)
 grade across Codoni Avenue, in the)
 County of Stanislaus, State of)
 California.)

Application No. 56136
 (Filed December 22, 1975)

O P I N I O N

The Modesto Interurban Railway requests authority to construct an industrial spur track at grade across Codoni Avenue near the community of Empire, Stanislaus County.

The proposed industrial spur track will provide rail service to an industrially zoned area between Modesto and Empire. On January 21, 1976, the Stanislaus County Public Works Department issued a Negative Declaration for the project which found that it will not have a significant effect on the environment.

Notice of the application was published in the Commission's calendar on December 24, 1975. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to construct an industrial spur track at grade across Codoni Avenue near the community of Empire, Stanislaus County, at the location and substantially as shown by the plan attached to the application.
2. Dimensions, configurations, clearances and walkways should be substantially in accordance with the plan set forth in the application and comply with the applicable rules and general orders of the Commission.
3. Cost of constructing the crossing should be borne by the applicant.

4. It can be seen with reasonable certainty that this project will not have a significant effect on the environment.

C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

O R D E R

IT IS ORDERED that:

1. The Modesto Interurban Railway is authorized to construct an industrial spur track at grade across Coconí Avenue, near the community of Empire, Stanislaus County, at the location and substantially as shown by the plan attached to the application to be identified as Crossing 28-5.70-C.
2. Construction of the crossing shall be equal or superior to Standard No. 1 (General Order 72-B).
3. Crossing width shall be a minimum of 24 feet and grades of approach shall not exceed two percent.
4. Protection at the crossing shall be two Standard No. 1-R crossing signs (General Order 75-C).
5. Clearances shall conform to General Order 26-D. Walkways shall conform to General Order 118.
6. Construction costs of the crossing shall be borne by the applicant.
7. Maintenance of the crossing shall be in accordance with General Order 72-B.
8. Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing.

This authorization shall expire if not exercised within two years unless time be extended or if the above conditions are not complied with. 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 13th day of APRIL, 1976.

President
William S. Gurnea, Jr.

Thomas J. Sturgeon

Robert Baker
Commissioners

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