

Decision No. 85714**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 two) Application No. 56148
 standard gauge railroad tracks at) (Filed December 26, 1975)
 grade across Finch Road, in the)
 County of Stanislaus, State of)
 California)

O P I N I O N

The Modesto Interurban Railway requests authority to construct two industrial lead tracks at grade across Finch Road near the Community of Empire, Stanislaus County.

The proposed industrial lead tracks will provide rail service to an industrially zoned area between Modesto and Empire. After review of a Negative Declaration, the County of Stanislaus approved the project and on March 2, 1976 filed a Notice of Determination with the Stanislaus County Clerk which found that "The project will not have a significant effect on the environment."

Notice of the application was published in the Commission's Daily Calendar on December 29, 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 two industrial lead tracks at grade across Finch Road, 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. The Commission has considered the County of Stanislaus' Negative Declaration and Notice of Determination and finds 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 two industrial lead tracks at grade across Finch Road 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 28-4.68-C.

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

3. Protection at the crossing shall be three Standard No. 1-R crossing signs (General Order 75-C), one located on McClure Avenue and two on Finch Road.

4. Clearances shall conform to General Order 26-D. Walkways shall conform to General Order 118.

5. Construction costs of the crossing shall be borne by the applicant.

6. Maintenance of the crossing shall be in accordance with General Order 72-B.

7. 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 20th day of April, 1976.

President
William S. Squire
Vernon L. Stinson
E. R. S.
Robert B. Squire
Commissioners

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