

Decision No. 86945

**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 McClure Road, in the  
 County of Stanislaus, State of  
 California

)  
 )  
 ) Application No. 56920  
 ) (Filed December 7, 1976)  
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 )

O P I N I O N

The Modesto Interurban Railway requests authority to construct an industrial spur track at grade across McClure Road 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 October 6, 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 Daily Calendar on December 8, 1976. 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 McClure 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 28-4.45-C.
2. Construction of the crossing should be equal or superior to Standard No. 1 (General Order 72-B).
3. Crossing width should be a minimum of 24 feet and grades of approach should not exceed two percent.
4. Protection at the crossing should be two Standard No. 1-R crossing signs (General Order 75-C). The signs should be lettered on both sides on reflectorized white background.

5. Clearances should conform to General Order 26-D. Walkways should conform to General Order 118.

6. Construction costs of the crossing should be borne by the applicant.

7. Maintenance of the crossing should be in accordance with General Order 72-B.

8. It can be seen with certainty that there is no possibility that the activity in question may 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 McClure Road near the Community of Empire, Stanislaus County, as set forth in the findings of this decision.

2. 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 Diego, California, this 8<sup>th</sup> day of FEBRUARY, 1977.

Robert Bateman  
President

William J. Gueco

Vernon L. Sturgeon

Bernard Horn

Michael W. Harrell

Commissioners