

Decision No. 87412 JUN 1 1977

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) Application No. 57180
standard gauge railroad track at) (Filed March 29, 1977)
grade across Garner Road, in the)
County of Stanislaus, State of)
California)

O P I N I O N

The Modesto Interurban Railway requests authority to construct an industrial spur track at grade across Garner 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 December 24, 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 March 30, 1977. 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 Garner 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 28-4.81-C.

2. Construction of the crossing should be equal or superior to standard No. 1 of General Order 72-B.

3. Width of the crossing should be not less than twenty-four 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 both sides on a 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 and installation costs of the signs 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 Garner 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.

A. 57180 - CAB

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 1st day of JUNE, '1977.

Robert Bateman

President

William J. Simon

Vernon L. Stogerson

Richard D. Cova

Commissioners