

Decision 96-10-030 October 9, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Stanislaus)
for an Order authorizing construction)
of one grade crossing of the Modesto &)
Empire Traction Company at Leckron Road)
in said County of Stanislaus, State of)
California.)

ORIGINAL

Application 96-07-042
(Filed July 18, 1996)

O P I N I O N

The County of Stanislaus (County) requests authority to construct an at grade crossing of the Modesto & Empire Traction Company's (M&ET) spur track across Leckron Road in Stanislaus County.

The spur track will be located within Beard Industrial Park (Park) and will provide service to an area of approximately 69.5 acres. The M&ET spur track will provide rail access to current and future warehouses, factories, and other businesses located in the Park. Leckron Road is a two-lane, east-west service road with a median turning lane that connects South McClure Road and Garner Road within the Park. Vehicle traffic volume on this road is low to moderate.

County is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000, et. seq. After preparation and review of an Initial Study, County issued a Mitigated Negative Declaration and approved the project. A Notice of Determination was filed with the Stanislaus County Clerk on April 29, 1993, which found that "The project will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency's Initial Study and Negative Declaration.

The site of the proposed project has been inspected by staff of the Commission's Rail Safety/Carriers Division Traffic Engineering Section (staff). The staff examined the need for and safety of the proposed crossing and recommends that the sought authority be granted.

Application 96-07-042 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 40 which relates to the construction of a railroad track across a public highway. A sketch of the proposed project area is set forth as Appendix A.

County states that it wishes to begin construction of the project at the earliest possible date. It has, therefore, requested that the usual 30-day effective date on an order be waived. We will make our order effective immediately.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on August 6, 1996. No protests have been filed.
2. County requests authority, under Public Utilities Code Sections 1201-1205, to construct an at grade crossing of the M&ET's spur track across Leckron Road in Stanislaus County.
3. County is the lead agency for this project under CEQA, as amended.
4. Public convenience, necessity, and safety require the construction of the Leckron Road crossing.
5. Public safety requires that protection at the Leckron Road crossing be two (2) Standard No. 9 automatic gate-type signals as specified in General Order (GO) No. 75-C. Vehicle parking within 25 feet of each approach shall be prohibited.

6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Initial Study and Mitigated Negative Declaration.

7. The project will not have a significant effect on the environment.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.

2. The application should be granted as set forth in the following order.

3. The usual 30-day effective date on an Order should be waived as the County wishes to begin construction of the project at the earliest possible date.

O R D E R

IT IS ORDERED that:

1. The County of Stanislaus (County) is authorized to construct an at grade crossing of the Modesto & Empire Traction Company's (M&ET) spur track across Leckron Road in Stanislaus County at the location and substantially as shown on the plans attached to the application, to be identified as Crossing 28-4.86-C.

2. Protection at the Leckron Road crossing shall be two (2) Standard No. 9 automatic gate-type signals as specified in General Order (GO) No. 75-C. Vehicle parking shall be prohibited within 25 feet of each approach.

3. Clearances shall be in accordance with GO 26-D.

4. Construction of the grade crossing shall be equal or superior to the Standard No. 5 as specified in GO 72-B. Maintenance of the crossing shall conform to GO 72-B.

5. Walkways shall conform to GO 118.

6. Construction expense of the crossing and installation cost of the automatic protection shall be borne by M&ET.

A.96-07-042 RS&C/BDS

7. Maintenance cost of the protection shall be borne by M&ET.

8. Construction plans of the crossing, approved by M&ET, together with a copy of the agreement entered into between the parties, shall be filed by County with the Commission's Rail Safety/Carriers Division prior to commencing construction.

9. Within thirty (30) days after completion of the work under this order, County shall advise the Commission's Rail Safety/Carriers Division in writing that the authorized work has been completed.

10. This authorization shall expire if not exercised within two (2) years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

11. The application is granted as set forth above.

12. Application 96-07-042 is closed.

This order is effective today.

Dated OCT 9, 1996, at San Francisco, California.

P. GREGORY CONLON

President

DANIEL Wm. FESSLER

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners

800-642-2444

BEFORE PLACING REITS, BRIDGING, DOING
FIVE POST HOLES, BLINDING, GRADING,
DRAINING, DALLING, PIPE LAYS, ETC.,
CALL UNDERGROUND SERVICE ALERT FOR
UNDERGROUND CLEARANCE.
WE WILL PROVIDE INFORMATION ABOUT, OF
LOCAL AND STATE UNDERGROUND FACILITIES
FOR YOU.

PARCEL 6

REMOVE EX. VERT. CURB & GUTTER,
AS REQUIRED, AND INSTALL NEW
VERT. CURB & GUTTER TO GRADES
SHOWN ON PLANS.
9' x 30' RAISED MEDIAN

PARCEL 5

INSTALL R7 SGV

NOTE TO CONTRACTOR:
THE FLOORLINE SLOPE OF THE NEW
CURB & GUTTER HOLDS FOR VERTICAL
ALIGNMENT. THE CONTRACTOR SHALL
TRANSITION THE TOP OF CURB DOWN
TO THE DESIGN GRADES AT THE RAIL
ROAD CROSSING. THE TRANSITION
SHALL BE IN 150 FEET.

PROPOSED RAILROAD CROSSING

30' WGE RAILROAD SFLR
LINE RESERVATION (47-FM-55)

CONSTRUCT RAILROAD CROSSING
AS PER STANDARD NO. 5 (GENERAL
ORDER NO. 72-B) OR SUPERIOR. 20-5-3.

9' x 50' RAISED MEDIAN
INSTALL RAILROAD CROSSING PAVEMENT
MARGINS, AS PER CALTRANS STDS.

INSTALL R7A SGV

INSTALL AC OVERLAY, AS REQUIRED,
BY NEW VERT. CURB & GUTTER AND
RAILROAD CROSSING.

INSTALL AUTOMATIC GATE, P.U.C.
STANDARD NO. 9, TYPICAL EACH
SIDE OF RAILROAD CROSSING.

PUC NO. 28-4.86-C

LECKRON ROAD

SCALE: 1"=40'

RAILROAD CROSSING
1/4" AS SHOWN

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