

Decision No. 16545.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of the TIDEWATER SOUTHERN RAILWAY
COMPANY for permission to construct
a spur track at Grade across "B"
Street, a public street in the City
of Modesto, County of Stanislaus,
State of California.

Application No. 12,727.

BY THE COMMISSION:

O R D E R

Tidewater Southern Railway Company, a corporation,
filed the above-entitled application with this Commission on the
8th day of April, 1926, asking for authority to construct a
spur track at grade across "B" Street in the City of Modesto,
County of Stanislaus, State of California, as hereinafter set
forth. The necessary franchise or permit (Resolution No. 1096
N.S.) has been granted by the City Council of said City for the
construction of said crossing at grade. It appears to this
Commission that the present proceeding is not one in which a pub-
lic hearing is necessary; that it is neither reasonable nor pract-
icable at this time to provide a grade separation, or to avoid
a grade crossing at the point mentioned in this application with
said "B" Street and that this application should be granted sub-
ject to the conditions hereinafter specified, therefore,

IT IS HEREBY ORDERED, that permission and authority be

~~CONFIDENTIAL~~

and it is hereby granted to Tidewater Southern Railway Company to construct a spur track at grade across "B" Street in the City of Modesto, County of Stanislaus, State of California, as follows:

Beginning at a point in the center line of the Tidewater Southern Railway Company's "Passing Track", distant thereon approximately 216 feet northwesterly from the northwesterly line of "B" Street; thence in a general southeasterly direction with switch and turn out to the left approximately 70 feet; thence on a curve to the right having a radius of 383 feet, a distance of approximately 63 feet to a point; thence on a tangent approximately 25 feet; thence on a curve to the left, having a radius of 383 feet; a distance of 60 feet, crossing the northwesterly line of said "B" Street approximately 130 feet southwesterly of the southwesterly line of Tenth Street; thence on a tangent approximately 178 feet, crossing the southeasterly line of said "B" Street 140.5 feet southwesterly from the southwesterly line of said Tenth Street;

and as shown by the map (Exhibit A) attached to the application; said crossing to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossing together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed substantially in accordance with Standard No. 3, in General Order No. 72 of this Commission and shall be constructed without superelevation and of a width to conform to that portion of said street now graded, with the tops of rails at same elevation as main line rails and flush with the pavement, and with grades of approach not exceeding one (1) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the in-

stallation of said crossing.

(4) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(5) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 23rd
day of April, 1926.

H. B. Wendige
O. Stearns
E. J. Macdonald

Commissioners.