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Decision No. 18090

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of I Tidewater Southern Railway Company for permission to construct a spur track at grade across "D" and "E" Streets, public streets in the City of Modesto, County of Stanislaus, State of California.

Application No. 13575.

BY THE COMMISSION:

ORDER

Tidewater Southern Railway Company, a corporation, filed the above-entitled application with this Commission on the 2nd day of March, 1927, asking for authority to construct a spur track at grade across "D" and "E" Streets in the City of Modesto, County of Stanislaus, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution 1025 N.S.) has been granted by the City Council of said City for the construction of said crossings at grade. It appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide grade separations or to avoid grade crossings at the points mentioned in this application with said "D" and "E" Streets and that this application should be granted subject to the conditions hereinafter specified, therefore

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to Tidewater Southern Railway Company to construct a spur track at grade across "D" and "E" Streets, in the City of Modesto, County of Stanislaus, State of California, at the locations

hereinafter particularly described and as shown by the map (Exhibit $^{n}A^{n}$) attached to the application. Description of Crossings Beginning at a point on the southeasterly line of "D" Street, in the City of Modesto, County of Stanislaus, State of California, distant 150 feet northeasterly thereon from the northeasterly line of Tenth Street; thence northwesterly in a straight line approximately 960 feet, crossing "D" and "E" Streets and running along the center line of the alley in the blocks bounded by "D", "F", "loth", and "llth" Streets to the southeasterly line of said "F" Street. at a point distant 150 feet northeasterly thereon from the northeasterly line of said Tenth Street. The above crossing of "D" Street shall be identified as Crossing No. 75-32.3-C and that of "E" Street shall be identified as Crossing No. 75-32.4-C. Said crossings to be constructed subject to the following conditions, namely: (1) The entire expense of constructing the crossings. together with the cost of their 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 of "D" Street shall be constructed equal or superior to type shown as Standard No. 3, in General Order No. 72 of this Commission and said crossing of "E" Street shall be constructed equal or superior to type shown as Standard No. 2 in said General Order and both crossings shall be constructed of a width to conform to those portions of said streets now graded, with the tops of rails flush with the pavement or roadway and with grades of approach not exceeding one (1) per cent; shall be protected by suitable crossing signs 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 installation of said crossings. 378 -2-

- (4) If said crossings 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 crossings 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 2 lot day of March, 1927.

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Commissioners.