

Decision No. 18397

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of)
the Tidewater Southern Railway Com-)
pany for permission to construct a)
spur track at grade along and across)
Stoddard Avenue in the City of Mo-)
desto and across Tully Road, which)
lies partly in the County of Stanis-)
laus and partly in the City of)
Modesto, State of California.)

Application No. 13699.

BY THE COMMISSION:

O R D E R

Tidewater Southern Railway Company, a corporation, filed the above entitled application with this Commission on the 14th day of April, 1927, asking for authority to construct a spur track at grade across Stoddard Avenue in the City of Modesto, County of Stanislaus, and across Tully Road, lying partly in the City of Modesto and partly in the unincorporated portion of the County of Stanislaus, State of California, as hereinafter set forth. The necessary franchise or permits have been granted by the City Council of said City and the Board of Supervisors of said County 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 Stoddard Avenue and Tully Road 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 con-

struct a spur track at grade across Stoddard Avenue in the City of Modesto, County of Stanislaus, and across Tully Road, lying partly in the City of Modesto and partly in the unincorporated portion of the County of Stanislaus, State of California, at the locations hereinafter particularly described and as shown by the map (Exhibit "A") attached to the application.

Description of Crossings

Beginning at a point in the center line of the main line track of the Applicant in Stoddard Avenue, distant thereon approximately 75 feet easterly from the easterly line of Tully Road; thence in a northwesterly direction with turnout to the right a distance of approximately 70 feet; thence on a curve to the right having a radius of 273.22 feet a distance of approximately 30 feet to the westerly corporate limit of the City of Modesto, distant thereon approximately 14 feet southerly from the northerly line of Stoddard Avenue, produced westerly, and crossing the said easterly line of Tully Road approximately 19 feet southerly from the said northerly line of Stoddard Avenue; thence continuing in a northwesterly direction along said curve to the right a distance of approximately 22 feet to the westerly line of said Tully Road, distant thereon approximately 8 feet southerly from the northerly line of said Stoddard Avenue, produced westerly.

The above crossing of Tully Road shall be identified as Crossing No. 75-33.41-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 crossings shall be constructed equal or superior to type shown as Standard No. 2, in General Order No. 72 of this Commission, and shall be constructed without superelevation and of a width to conform to those portions of said streets now graded, with the tops of rails flush with the roadway, and with

grades of approach not exceeding four (4) 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) No train, engine, motor or car shall be operated over said Tully Road unless said train, engine, motor or car shall be under full control and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(5) 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.

(6) 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 25th day of May 1927.

Ernest West
J. B. Bourdige
C. Seamy

Thos. S. Powell
Commissioners.