

Decision No. 19535

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of Southern Pacific Company for an order authorizing the construction at grade of a spur track across "H" Street, in the City of Modesto, County of Stanislaus, State of California.

ORIGINAL

Application No. 14440.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 21st day of February, 1928, asking for authority to construct a spur track at grade across "H" Street in the City of Modesto, County of Stanislaus, State of California, as hereinafter set forth. The necessary franchise or permit (dated February 1st, 1928) has been granted by the City Council of said City of Modesto for the construction of said crossing 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 a grade separation or to avoid a grade crossing at the point mentioned in this application with said "H" Street 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 Southern Pacific Company to construct a spur track at grade across "H" Street, in the City of Modesto, County of Stanislaus, State of California, at the location hereinafter particularly described and as shown by the map (Stockton Div'n. Dwg. No. C-2659, Sheet No. 1) attached to the application.

Description of Crossing

Beginning for a description of a spur track at a point on the Southeast line of "E" Street, said point being 68.5 ft. Southwesterly from the intersection of the Southeast line of "E" Street and the Southwest line of 9th Street; thence across "E" St. 80 ft. to the Northwest line of "E" Street, said point being 68.5 ft. Southwesterly from the intersection of the Northwest line of "E" Street and the Southwest line of 9th Street.

The above crossing shall be identified as Crossing No. B-113.1.

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 equal or superior to type shown as Standard No. 3, in General Order No. 72 of this Commission and shall be constructed of a width to conform to that portion of said street now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding one (1) per cent; shall be protected by a Standard No. 1 crossing sign, as specified in General Order No. 75 of this Commission, and shall in every way be made suitable for the passage thereover of vehicles and other road traffic.

(3) No train, engine, motor or car shall be operated over said crossing 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 crossing.

(5) If said crossing shall not have been installed with-

in 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 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 30th day of March, 1928.

C. Seaver

Thos. J. L. ...

M. J. ...

Commissioners.