

Decision No. 19537

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 side track across the
 State Highway and across the County
 Road, in the vicinity of Modesto,
 County of Stanislaus, State of
 California.

Application No. 14,494.

ORIGINAL

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above-entitled application with this Commission on the 12th day of March, 1928, asking for authority to construct a side track at grade across a State Highway, (Road X-Sta.-4-B) and the County Highway known as Crows Landing Road south of the City of Modesto, County of Stanislaus, State of California as hereinafter set forth. The necessary franchises or permits, (No. 101420 and Resolution dated February 14, 1928, have been granted respectively by the Division of Highways of the State of California and the Board of Supervisors of Stanislaus 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 State Highway and said County 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 Southern Pacific Company to con-

struct a spur track at grade across a State Highway (Road X-Sta.-4-B) and at grade across the County Highway known as Crows Landing Road south of the City of Modesto, County of Stanislaus, State of California, at the locations hereinafter particularly described and as shown by the map (Stockton Div'n. Dwg.B-2525-Sheet No.4) attached to the application.

DESCRIPTION OF CROSSINGS

Commencing at a point on the easterly line of the State Highway Right of Way, said point also being the westerly boundary of Central Pacific Railway Right of Way between Modesto and Ceres and thence northwesterly across said highway on an angle of approximately 25 degrees crossing State Highway Engr. Station 770+70 to the westerly right of way of said State Highway a distance of 170 feet more or less.

The above crossing shall be identified as Crossing No. B-114.3-C.

Beginning at a point in the east line of right-of-way of a County Road (commonly called Crows Landing Highway), said road being located along the section line common to Sections 4 and 5, T 4 S, R 9 E, MDB&M, thence from said point of beginning Southwesterly across said road making an angle of 53° with the center line of said County Road, said track crossing the highway at County Highway Engineer's Station 13 plus 71.08 said engineering station in the center line of said highway being located 1021.08 ft. South of the Northwest corner of Section 4, T 4 S, R 9 E.

The above crossing shall be identified as Crossing No. B-114.4-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 crossings 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 without super-elevation and of a width to conform to those portions of said highways now graded, with the tops of rails flush with the pavements

and with grades of approach not exceeding those shown on said drawing B-2525 above mentioned and shall in every way be made suitable for the passage thereover of vehicles and other road traffic.

(3) A derail switch shall be installed at the easterly boundary of said State Highway and said derail shall at all times, except during actual movements of trains across the highway be kept locked in such a position that any car, train or engine moving toward the State Highway from the easterly side thereof will be derailed.

(4) Two automatic flagmen shall be installed and maintained for the protection of the State Highway crossing and one automatic flagman shall be installed and maintained for the protection of the Crows Landing Highway crossing; said automatic flagmen shall be installed in accordance with Standard No. 3 of General Order No. 75 of this Commission; shall be controlled manually and shall be operated for a period of thirty (30") seconds in advance of the passage of any locomotive, motor or car over said crossing and during the occupancy of said crossing by any locomotive, motor or car, but shall not be operated at any other times. Said automatic flagmen shall be installed and maintained at the expense of applicant.

(5) Southern Pacific Company and the owner or owners of the lands on which the proposed track is to be constructed, and the owner or owners of the industry for whose benefit these crossings are authorized shall before actual construction of said crossings is undertaken file with this Commission a stipulation or stipulations containing provisions that upon payment to them of a reasonable portion of the cost of constructing

said crossings and track permission will be granted by them to such other person, persons or corporation as may desire to use said track, the right to operate over same and the right to construct a track across such portions of said owners' lands as may be reasonably necessary to reach the property or business of such other person, persons or corporation, and the right to operate cars over same.

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

(7) 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.

(8) 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.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 30th day of March, 1928.

C. Seaver

Thos. D. Lott

M. A. Linn

 Commissioners.