

ORIGINAL

Decision No. 19933.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of
 MODESTO AND EMPIRE TRACTION COMPANY,
 a corporation, for an order authorizing
 said company to lay spur track down
 certain alleys and across a certain
 street in the City of Modesto, Calif-
 ornia.

Application No. 14767.

BY THE COMMISSION:

O R D E R

Modesto and Empire Traction Company, a corporation, filed the above entitled application with this Commission on the 3rd day of June, 1928, asking for authority to construct a spur track at grade across certain streets and an alley in the City of Modesto, County of Stanislaus, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 1431 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 streets and alleys 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 Modesto and Empire Traction Company

to construct a spur track at grade across Willow and Grand Streets and an alley in Block 221 in the City of Modesto, County of Stanislaus, State of California, at the locations as shown by the map (Exhibit A) attached to the application.

The above crossing of Grand Street shall be identified as Crossing No. 28-0.6-C.

Said crossing to be constructed subject to the following conditions, and not otherwise:

(1) The entire expense of constructing the crossing (with Grand Street) 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 of Grand Street 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 two (2) Standard No. 1 crossing signs 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 of Grand Street without first having been brought to a stop and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman.

(4) Said crossings of Willow Street and an alley in Block 221 shall be so constructed that grades of approach not

exceeding three (3) per cent will be feasible in the event that the construction of roadways along said Willow Street and said alley in Block 221 shall hereafter be authorized and so that said grade crossings may be made safe for the passage thereover of vehicles and other road traffic.

(5) This order is made upon the express condition that Willow Street and the alley in Block 221 are not now actually constructed and open to travel at the respective points of crossing, and said order shall not be deemed an authorization for the construction of an opening of said street to public use across said railroad track.

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

(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.

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

Dated at San Francisco, California, this 26th day of June, 1928.

Leon Whitehall
Chairman
Thomas B. Smith
M. J. Lee
 Commissioners.