

NAW:IR

Decision No. 19967

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Tidewater Southern Railway Company for permission to construct, operate and maintain a spur track at grade across "D" Street, and to re-locate an existing track across "B" Street in the City of Modesto, County of Stanislaus, State of California.

ORIGINAL

Application No. 14798.

BY THE COMMISSION:

O R D E R

Tidewater Southern Railway Company, a corporation, filed the above entitled application with this Commission on the 15th day of June, 1928, asking for authority to construct a spur track at grade across "D" Street and to re-locate an existing track across "B" Street in the City of Modesto, County of Stanislaus, State of California, as hereinafter set forth. The necessary permits (Resolutions Nos. 1447 N.S. and 1446 N.S.) have 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 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" Street and to re-locate an

existing track across "B" Street in the City of Modesto, County of Stanislaus, State of California, at the locations hereinafter particularly described and as shown by the maps (Exhibits "A" and "C") attached to the application.

#### Description of Crossings

Beginning at point of intersection of the center line of existing track of Applicant with the southeasterly line of "D" Street in the City of Modesto, County of Stanislaus, State of California; said point being distant southwesterly along said line of "D" Street approximately 131 feet from the southwesterly line of Eleventh Street; thence northwesterly 1.25 feet to a point; thence continuing northwesterly along a  $12^{\circ}$  curve to the left, having a radius of 478.339 feet, a distance of 38.75 feet; thence along a  $12^{\circ}$  curve to the right, having a radius of 478.339 feet, a distance of 38.75 feet; thence northwesterly in a direct line, 16 feet from and parallel with the center line of the alley running through Block 73 a distance of approximately 76 feet to the point of termination; crossing the northwesterly line of said "D" Street at a point southwesterly thereon approximately 133.5 feet from the southwesterly line of said Eleventh Street; being a total length of approximately 155 feet.

Beginning at a point in the center line of the existing track of Applicant in Ninth Street, in the City of Modesto, County of Stanislaus, State of California, distant southeasterly thereon approximately 128 feet from the Southeasterly line of "B" Street; thence northerly along a turnout to the right 71.5 feet; thence continuing northerly along a  $16^{\circ}$  curve to the right, having a radius of 359.265 feet a distance of 194.9 feet; crossing the southeasterly line of said "B" Street approximately 31 feet southwesterly from the northeasterly line of said Ninth Street; also crossing the northwesterly line of said "B" Street approximately 5 feet northeasterly from the northeasterly line of said Ninth Street; thence continuing in a northerly direction 98.26 feet to point of connection with existing track of Applicant; being a total length of 364.66 feet.

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

(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 superelevation and of a width to conform to those portions of said streets 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 Standard No. 1 or Standard No. 2 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) Applicant shall remove the track shown in red on the map, Exhibit "C", attached to the application, in so far as it lies in "B" Street, and shall repair the street to conform to the remainder thereof.

(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 29<sup>th</sup> day of June, 1928.

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Commissioners.