

Decision No. 29254

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Tidewater Southern Railway Company for permission to construct, maintain and operate a spur track at grade across "B" Street, between Ninth and Tenth Streets, in the City of Modesto, County of Stanislaus, State of California.

Application No. 15000.

**ORIGINAL**

BY THE COMMISSION:

O R D E R

Tidewater Southern Railway Company, a corporation, filed the above entitled application with this Commission on the 29th day of August, 1928, asking for authority to construct a spur track at grade across "B" Street in the City of Modesto, County of Stanislaus, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 1470 N.S.) has been granted by the City Council of said City 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 "B" 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 Tidewater Southern Railway Company to construct a spur track at grade across "B" Street, in the City of Modesto, County of Stanislaus, State of California, at the location

shown by the map (Exhibit "A") attached to the application.

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

(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 two (2) per cent; shall be protected by a standard 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) Applicant shall remove the track shown in dotted line and marked "track to be removed" on the map attached to the application, in so far as it lies in "B" Street, and shall repair the track 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 crossing.

(5) If said crossing 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 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 22<sup>nd</sup> day of September, 1928.

Leon Overhill

Chas. J. Tracy

Thos. D. Smith

M. J. Lee

Commissioners.