

ORIGINAL

Decision No. 20400

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

<p>In the matter of application of Southern Pacific Company for an order authorizing 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.</p>)	
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Application No. 14494.

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

Southern Pacific Company, applicant herein, on October 11th, 1928, advised the Commission that an earnest effort had been made to comply with Condition (5) of Decision No. 19537, dated March 30th, 1928, in this proceeding, reading as follows:

"(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";

but that to date, it has been unable to secure the required consent of all the parties; that stipulations have been entered into by the parties necessary to extend the track in a southerly direction to the west of the County Road, if and when conditions require, and that the parties from whom consent has not been received would be involved only in an extension to the north; and the Com-

mission is requested to modify said Condition (5) to require only the stipulations entered into which are now before us. It appears that any future extension of this track system will be confined to the south and that applicant's request is reasonable and should be granted; therefore,

IT IS HEREBY ORDERED that Condition (5) of said Decision No. 19537, dated March 30th, 1928, in this proceeding, be and the same is hereby modified to read as follows:

(5) Southern Pacific Company and The Modesto Tallow Company and Anker and Gotte, respectively, 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' land 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.

In all other respects this Commission's order heretofore entered in the above entitled proceeding shall remain in full force and effect.

Dated at San Francisco, California, this 7th day of October, 1928.

Leon Whitell

Ch. Seamy

Ernest C. Cato

Thos. D. Lott

M. J. Linn

Commissioners.