

Decision No. 21155 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of MODESTO AND EMPIRE TRACTION
COMPANY, for permission to con-
struct track across E Street in
the City of Modesto, California.

ORIGINAL
Application No. 15572.

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 29th day of April, 1929, asking for authority to construct two spur tracks at grade across "E" Street in the City of Modesto, County of Stanislaus, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 1623-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 "E" 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 Modesto and Empire Traction Company to construct two spur tracks at grade across "E" Street between blocks 79 and 80 in the City of Modesto, County of Stanislaus, State of California, as shown by the map attached to the application.

The above crossings shall be identified as portions of Crossing No. 28-0.1.

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 conditions 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. 2, 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 street now graded, with the tops of rails flush with the roadway, and with grades of approach not exceeding one (1) per cent; shall be protected by a Standard No. 1 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, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(4) 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 to granted by subsequent order.

(5) 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 24th day of May, 1929.

David L. ...

C. J. ...

Ernest ...

M. A. ...

Commissioners.