

Decision No. 21203

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN PACIFIC COMPANY for an order authorizing the construction at grade of a drill track upon, along and across "B" Street across the track of Modesto and Empire Traction Company, and upon, along and across and unnamed alley in Block 136, in the City of Modesto, County of Stanislaus, State of California.

ORIGINAL

Application No. 15679

BY THE COMMISSION:

ORDER

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 3rd day of June, 1929, asking for authority to construct a drill track at grade across "B" Street, the track of the Modesto and Empire Traction Company and across an unnamed alley in Block 136 in the City of Modesto, County of Stanislaus, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution No. 1624 N.S.) has been granted by the City Council of said City for the construction of said crossings at grade. The Modesto and Empire Traction Company in an agreement entered into with the Central Pacific Railway Company, dated November 3, 1916 and filed with this Commission under Application No. 2282, agrees to the construction of this track. 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 street, alley and track 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 Southern Pacific Company to

I. Construct a drill track at grade across "B" Street and an unnamed alley in Block 136 in the City of Modesto, County of Stanislaus, State of California, at the locations hereinafter particularly described and as shown by the map (Stockton Divn. Drawings-C-3419 Sheet No.1) attached to the application.

DESCRIPTION OF CROSSINGS

Crossing of "B" Street:

Beginning at a point on the South line of "B" Street 260-ft. Westerly along the South line of "B" Street from the Southwest corner of "B" and 9th Streets, thence across "B" Street 115.7 ft. to the North line of "B" Street, said point being 331.5 ft. westerly along the North line of "B" Street from the Northwest corner of "B" Street and 9th Streets.

The above crossing shall be identified as Crossing No. B-113.55-C.

Crossing of unnamed Alley in Block 136:

Beginning at a point 460-ft. Westerly from the West line of 9th Street and 600-ft. North from the North line of "B" Street, being on the East line of alley, thence across alley in Block 136 on a curve concave to the left radius 459.094 distance of 60.0 to the end of curve; thence 39.8 ft. and tangent to aforesaid curve to the beginning of curve; thence on curve concave to right (Radius 459.094) 29.0 to a point in the West line of alley, said point being 480-ft. Westerly from the West line of 9th Street and 732 ft. Northerly from the North line of "B" Street.

The above crossing shall be identified as Crossing No. B-113.45-CD.

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 crossing of "B" Street shall be constructed equal or superior to type shown as Standard No. 3, and said crossing of the unnamed alley in Block 136 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 superelevation and of a width to conform to those portions of said street and alley now graded, with tops of rails flush with the roadways, and with grades of approach not exceeding one (1) per cent; shall each 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.

II. Construct its track at grade across the track of Modesto and Empire Traction Company in the City of Modesto, County of Stanislaus, State of California, subject to the following conditions:

(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) All engines, trains, motors and cars of both applicant and Modesto and Empire Traction Company shall come to a stop at this crossing and not proceed thereover until the conductor

or other competent employee has gone upon the crossing to ascertain if it is safe so to do and shall have given a suitable signal to proceed.

(3) Applicant shall remove the track shown in yellow on the map (Stockton Divn. Drawings-C-3419 Sheet No. 1) attached to the application, insofar as it lies in "B" Street and shall repair the street to conform to the remainder thereof.

IT IS HEREBY FURTHER ORDERED that,

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

(b) 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.

(c) 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 10th day of June, 1929.

Thomas D. Lattin
George L. Lattin
James D. Lattin
John A. Lattin
Commissioners.