

Decision No. 21487.

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  
across "B" Street, near 11th Street,  
in the City of Modesto, County of  
Stanislaus, State of California.

Application No. 15837.

**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 2nd day of August, 1929, 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. 1680-NS) 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 points 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 locations hereinafter particularly described and as shown by the map (Exhibit "A") attached to the application.

Description of Crossing

Beginning at a point in the center line of the most northerly track of applicant which extends across Block 75, distant northwesterly thereon approximately 75 feet from the northwesterly line of "B" Street; thence southeasterly along a No. 7 turnout to the left approximately 75 feet; thence continuing southeasterly along a curve to the left, having a radius of 287.939 feet, a distance of 30.08 feet, crossing the northwesterly line of "B" Street approximately 155 feet southwesterly thereon from the southwesterly line of Eleventh Street; thence southeasterly along a curve to the right, having a radius of 287.939 feet a distance of 69.5 feet, crossing the southeasterly line of said "B" Street at a point approximately 142 feet southwesterly thereon from said southwesterly line of Eleventh Street; thence in a direct line southeasterly, approximately 140.5 feet southwesterly from and parallel with said southwesterly line of Eleventh Street, 156.42 feet to end of spur.

The above crossing shall be identified as a portion of Crossing No. 75-30.2-C.

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 without super-elevation and 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 one (1) per cent; shall be protected by a Standard No. 1 or No. 2 crossing

sign as specified in General Order No. 75 of this Commission and shall in every way be made suitable for the passage there-  
over of vehicles and other road traffic.

(3) No train, engine, motor or car shall be operated over said crossing unless said train, engine, motor or car shall be under full control and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman.

(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 23<sup>rd</sup> day of August, 1929.

Thomas S. Lunt  
Clarence  
Edward  
Leon  
W. J. Carr  
 Commissioners.