

Decision No. 21680.

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of  
 SOUTHERN PACIFIC COMPANY for an  
 order authorizing the construction  
 at grade of a side track across  
 Woodlin Avenue and McDonald Avenue,  
 in the vicinity of Modesto, County  
 of Stanislaus, State of California.

Application No. 15913.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 29th day of August, 1929, asking for authority to construct a side track at grade across Woodlin Avenue and McDonald Avenue, in the vicinity of Modesto, County of Stanislaus, State of California, as hereinafter set forth. The necessary franchise or permit (Resolution dated July 9th, 1929) has been granted by the Board of Supervisors of said County 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 Woodlin Avenue and McDonald Avenue 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 construct a side track at grade across Woodlin Avenue and McDonald Avenue in the

Vicinity of Modesto, County of Stanislaus, State of California, at the locations hereinafter particularly described and as shown by the map (Stockton Divn. Drawing A 3455 - Sheets 1 and 2) attached to the application.

DESCRIPTION OF CROSSINGS

Beginning at a point on the North line of Woodlin Avenue, said Woodlin Avenue being a 40-ft. County Road located on the section line common to Section 19 and Section 30 T 3 S R 9 E, M.D.B. & M., said point being 13-ft. distant at right angles Westerly from Central Pacific Railway Company's main line, Lathrop to Fresno; thence continuing Southerly parallel to aforesaid main line, a distance of 57.7-ft. more or less to a point in the South line of Woodlin Avenue, said point being 13.0-ft. distant at right angles Westerly from above mentioned main line.

The above crossing shall be identified as a portion of Crossing No. B-111.6.

Beginning at a point on the North line of McDonald Avenue, said McDonald Avenue being a 40-ft. road located in the Northeast quarter of Section 24, T 3 S, R 8 E, M.D.B.&M., said point being 13.0-ft. distant at right angles Westerly from the Central Pacific Railway Company's main line, Lathrop to Fresno; thence South parallel to aforesaid main line a distance of 57.7-ft. more or less to a point on the South line of McDonald Avenue, said point being 13.0-ft. distant at right angles Westerly from above mentioned main line.

The above crossing shall be identified as a portion of Crossing No. B-110.5

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 Woodlin Avenue shall be constructed equal or superior to type shown as Standard No. 3 and said crossing of McDonald Avenue 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 of a width to conform to those portions of said avenues now graded, with the tops of rails at same elevation as main line rails and flush with the pavement, and with grades of approach not exceeding one (1) per cent on Woodlin Avenue and four (4) per cent on McDonald Avenue; shall be protected by Standard No. 1 crossing signs 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) A Standard No. 3 wigwag, as specified in General Order No. 75 of this Commission, shall be installed and maintained at the sole expense of applicant for the protection of said crossing of Woodlin Avenue, No. B-111.6.

(4) No train, motor, engine or car shall be stored or permitted to stand on the track of the crossings herein authorized, nor on the track to the east of the main line track at Woodlin Avenue, within a distance of one hundred (100) feet of the property lines of either Woodlin Avenue or McDonald Avenue unless traffic on the respective highways are protected by a human flagman.

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

(6) 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.

(7) 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 16th day of October, 1929.

David L. ...

W. ...

Leon ...

Commissioners.