

Decision No. 22104.

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 spur track across Tully Avenue, West Avenue and along Madonia Avenue, and a spur track across West Avenue, in the City of Modesto, County of Stanislaus, State of California.

ORIGINAL

Application No. 16268.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 31st day of January, 1930, asking for authority to construct one spur track at grade across Tully Avenue, two spur tracks at grade across West Avenue and one spur track at grade across a portion of Madonia Avenue in the City of Modesto, County of Stanislaus, State of California, as hereinafter set forth. The necessary franchises or permits have been granted by the City Council and Board of Supervisors of said city and county, respectively, 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 Tully, West and Madonia Avenues 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 one spur track at grade across Tully Avenue, two spur tracks at grade across West Avenue and one spur track at grade across a portion of Madonia Avenue in the City of Modesto, County of Stanislaus, State of California, at the locations particularly described in the Application and the Resolutions attached thereto of the City of Modesto and County of Stanislaus, respectively, which descriptions by reference are made a part hereof and as shown by the map (Stockton Div'n. Drawing B-3568, Sheet No. 1-A) also attached to the application.

The above crossings shall be identified as follows:

Tully Avenue	- No. B-112.25-C.
West Avenue	- No. B-112.3-C.
Madonia Avenue	- No. B-112.35-C.

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 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 superelevation and of a width to conform to those portions of said avenues now graded, with the tops of rails flush with the roadways, and with grades of approach not exceeding three (3) per cent; 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) No train, engine, motor or car shall be operated over said crossing of Tully Avenue at a speed in excess of five (5) miles an hour and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman.

(4) Nothing in this order shall be construed as an authorization by this Commission for the construction of a track in such a manner as will be contrary to any of the provisions of General Order No. 26-C of this Commission.

(5) Applicant shall remove the tracks shown in yellow on the map (Stockton Division Drawing No. B-3568, Sheet No. 1-A) attached to the application in so far as it lies in Tully Avenue, and shall repair the street to conform to the remainder thereof.

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

(7) 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.

(8) 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 February, 1930.

P. L. Sawyer
Leon A. Whittell
Miss G. L. Curtis
Commissioners.