

Decision No. 10028.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application of  
Tidewater Southern Railway Company  
for permission to relocate its track  
at grade across Ninth Street in the City  
of Modesto, County of Stanislaus,  
State of California.

Application No. 7462.

By The Commission:

O R D E R

Tidewater Southern Railway Company, a corporation, having on January 5, 1922 filed with the Commission an application for permission to relocate its spur track at grade across Ninth Street in the City of Modesto, County of Stanislaus, State of California, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary franchise or permit has been granted by the Council of said City of Modesto for the relocation of said crossing at grade, and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said Ninth Street, and that this application should be granted subject to the conditions hereinafter specified;

IT IS HEREBY ORDERED, that permission be and it is hereby granted Tidewater Southern Railway Company to relocate its spur track at grade across Ninth Street in the City of Modesto, County of Stanislaus, State of California, by moving the switch of said spur track northwesterly, a distance of approximately one-hundred and ninety (190) feet, the new location of said spur track being more

particularly described as follows:

Beginning at a point in the center line of the Tidewater Southern Railway's track in Ninth Street, City of Modesto, California, said point being approximately 540 feet northwesterly from the northwesterly line of "B" Street; thence in a southeasterly direction approximately 250 feet to a point approximately 10 feet distant from the southwesterly line of Ninth Street; thence continuing in a southeasterly direction, parallel to and 10 feet from said southwesterly line of Ninth Street a distance of approximately 169 feet to a point approximately 419 feet from the point of beginning,

all of the above as shown by the map attached to the application; said relocated crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of relocating 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 of a width and type of construction to conform to that portion of Ninth Street now graded, with grades of approach not exceeding two(2) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) The roadway at the abandoned location of said crossing shall be restored to conform with the existing roadway of said Ninth Street.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the relocation of said crossing.

(5) The authorization herein granted for the relocation of said crossing shall lapse and become void one year from the date of this order 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.

Dated at San Francisco, California, this 30<sup>th</sup> day of

January, 1922.

H. V. Brandt  
H. D. Leland

J. F. Penner  
Commissioners.