ORIGINAL

Decision No. 1.

Decision No. 1223

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of TIDEWATER SOUTHERN RAILWAY COMPANY for permission to construct a spur track at grade across a County Road in Section 20, Township 3 South, Range 9 East, M. D. B. & B., north of the City of Modesto, Stanislaus County, California. ..... Application No. 989.

O R D E R

By the Commission.

TIDEWATER SOUTHERN RAILWAY COMPANY, a corporation, having on February 13, 1914 filed with the Commission an application for permission to construct a spur track at grade across a County Road in Section 20, Township 3 South, Range 9 East, M. D. B. & M., north of the city of Modesto, Stanislaus County, California, as hereinafter indicated; and it appearing to the Commission that this is not a case in which a public hearing is necessary; that this crossing is not within the incorporated limits of a city or town and therefor permission from the Board of Supervisors is not necessary; and it further appearing that it is not reasonable nor practicable to avoid grade crossing with said County Road, and that the application should be granted subject to the conditions hereinafter specified.

IT IS HEREBY ORDERED That permission be hereby granted Tidewater Southern Railway Company to construct a spur track at grade across a County Road in Section 20, Township 3 South, Range 9 East, M. D. B. & M., north of the City of Modesto, Stanislaus County, California, on the east side of its main line track, to serve the Union Oil Company, as shown by the map and profile attached to the application and subject to the following conditions, viz:

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition, shall be borne by applicant.

(2) Applicant shall provide the necessary plank or guard rails for the construction of said crossing, and shall construct same of a width not less than twenty-four (24) feet with grades of approach not exceeding six (6) per cent, and shall ballast same with first-class stone or gravel ballast to a depth of not less than six (6) inches.

(3) 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 19th day of February, 1914.

H. H. Loveland

Alex Gordon

Marc Thelen

Edwin O. Edgerton

Commissioners.