

Decision No. _____.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Decision No. 3151

ORIGINAL

In the matter of the application of)
TIDEWATER SOUTHERN RAILWAY COMPANY)
for permission to construct a spur)
track at grade across Ninth Street)
near "N" Street and a spur track at)
grade across "N" Street and Tenth)
Street, in the City of Modesto,)
Stanislaus County, California.)
.....)

Application No. 2129.

By the Commission,

ORDER

TIDEWATER SOUTHERN RAILWAY COMPANY, a corporation, having on March 11, 1916, filed with the Commission an application for permission to construct a spur track at grade across Ninth Street near "N" Street and a spur track at grade across "N" Street and Tenth Street, in 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 the necessary franchise or permit has been granted by the Board of Trustees of the City of Modesto for the construction of said crossings at grade, and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said streets and that this 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 its spur tracks at grade across Ninth Street, "N" Street and Tenth Street, in the City of Modesto, Stanislaus County, California, described as follows:-

"Commencing at the center of 9th Street about 85 feet South of N Street, crossing to the Westerly line of 9th Street, thence Northerly along the Westerly side of 9th Street about 1,250 feet, and, also that it construct a spur track commencing at the center of "N" Street about 85 feet Easterly of 10th Street, curving to the South on to the property owned by the Petitioner between 9th and 10th Streets, adjoining N Street."

All of the above as shown by the map attached to the application; said crossings to be constructed subject to the following conditions, viz.:-

(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 of a width and type of construction to conform to those portions of Ninth Street, "N" Street and Tenth Street now graded, with grades of approach not exceeding four (4) per cent; shall be protected by suitable crossing signs, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) 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.

Dated at San Francisco, California, this 14th day of March, 1916.

Max Shelton
H. D. Loveland
W. H. Gordon
Edwin C. Edgerton

Commissioners.