

ORIGINAL

Decision No. 2499

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the
TIDEWATER SOUTHERN RAILWAY COMPANY, a
corporation, for an order permitting the
construction of a crossing at grade over
the tracks of the Southern Pacific Com-
pany, a corporation, on the line of the
Southern Pacific Railroad, about one mile
south of the Tuolumne River between
Modesto and Ceres.)
Application No. 2340.

Geo. D. Squires for Southern Pacific Company.
James D. Meredith for applicant.

GORDON, Commissioner,

O P I N I O N.

This application was filed with the Commission on
June 9, 1916, and a public hearing was held July 1st.

The Tidewater Southern, in the vicinity of the cross-
ing, is located in a general north and south direction and will
cross the Southern Pacific tracks at an angle of 28° 18'. The
Southern Pacific track is paralleled on the south side by the
state highway and on the north side by a county road. An east
and west county road intersects the Southern Pacific tracks
about at the point of the proposed crossing.

The Tidewater Southern Railway Company was constructed
to Modesto several years ago and it is extending its line to
Turlock. The crossing now projected is on its proposed line
south and the Company is making every effort to complete it in
order to serve the territory between Modesto and Turlock for
fall shipments.

The Southern Pacific Company opposed the granting of

this application, in the form in which it is presented, contending that the crossing should be made at separated grades. In support of this position it submitted an estimate of the cost of an overhead structure which, on a 2% grade would require about 1300 feet of approaches and would cost in the neighborhood of \$36,500. The plan provided for pile trestle approaches with steel spans over the two county roads, the state highway and the railroad track. To overcome the delay required to build such a structure, the Southern Pacific suggested the construction of a temporary wood structure over the tracks to be replaced later by steel. This temporary structure it was estimated could be constructed in 30 days or less.

While traffic on the track of the Tidewater Southern will, for the first year or so of operation, consist of not to exceed two trains each way per day, the traffic on the Southern Pacific consists of 7 passenger trains and between 12 and 20 freight trains both ways per day. The crossing is in high speed territory and it is clear to me that an unprotected grade crossing should by no means be permitted at this point. This matter was considered by both companies. The Tidewater Southern submitted an estimate of the cost of an interlocking plant of \$6,000, while the Signal Engineer of the Southern Pacific Company is of the opinion that a satisfactory interlocking plant would cost \$10,000.

There is no doubt but that the applicant should be permitted to cross the tracks of the Southern Pacific Company and make its extension to Turlock and the only point to be decided is how the crossing shall be made. I am satisfied that it should be made at separated grades or protected by an inter-

locking plant if made at grade. The overhead structure estimated by Southern Pacific Company to cost \$36,500 was, as I have said, on a 2% grade. I believe that the Southern Pacific Company would not consent to have such grades on its own line and as the Tidewater Southern will operate, at least for the first year, by means of steam locomotives it appears to me to be unreasonable to require that Company to use such a grade line. Mr. Byron Bearce, President of the Tidewater Southern, made an estimate of an overhead crossing on a 1% grade and arrived at a cost figure of \$45,000. Probably when the difference in the length of approaches is taken into consideration this figure is not far from being what such a structure would actually cost. Considering the interlocking plant as costing \$10,000 this would leave a balance of \$35,000 against a grade separation. Mr. Bearce testified that at the present time his Company was absolutely unable to assume an expense of even \$36,000 for a grade separation and to require an expenditure of \$45,000 at this point would be equivalent to a denial of this application. Mr. Bearce stated that his Company could and would assume the expense of an interlocking plant. An interlocking plant represents ^{apart from a separation of grades} the highest development of safety measures for the protection of grade crossings and with thousands of them in operation in the United States serious accidents are very rarely reported. The Southern Pacific Company has many of them on its own lines and although they are not as desirable as a grade separation they can by no means be considered objectionable. It is true that if an overhead crossing were made at this point it would include also the state highway and the county roads. The county roads, however, are very little used and as far as the state highway is concerned there is no reason why the installation of an

interlocking plant should not include gates, operated from the interlocking tower, which would protect the state highway crossing. There is, of course, the additional fact to consider that ^{freight} train service on the Tidewater Southern will be slow and infrequent.

In view of these facts I shall recommend that this application be granted provided an interlocking plant is installed. The material for an interlocking plant must be ordered from the East and as this will result in considerable delay, I believe that applicant should be permitted to cross temporarily the track of the Southern Pacific Company provided a flagman is stationed there by the latter Company. This flagman should be paid for by the applicant and should be in touch with the Southern Pacific stations on either side of the crossing. Southern Pacific trains should run at slow speed and the Tidewater Southern trains should not pass over the crossing until the flagman has given them permission to do so.

I recommend the following form of order:

O R D E R.

TIDEWATER SOUTHERN RAILWAY COMPANY, having applied to the Commission for permission to construct its track at grade across the track of Southern Pacific Company 1-1/2 miles south of Modesto, and a public hearing having been held and it appearing to the Commission that this application should be granted subject to certain conditions,

IT IS HEREBY ORDERED, That permission be and the same is hereby granted Tidewater Southern Railway Company to construct its track at grade across the track of Southern Pacific Company at the point and in the manner shown by the map attached

to the application, subject to the following conditions and not otherwise, viz:-

(1) The entire expense of constructing this crossing shall be borne by applicant.

(2) For the protection of this crossing applicant shall, five (5) months from the date of this order, install and place in operation a standard interlocking plant which shall in all respects comply with the specifications in the Commission's General Order No. 33.

(3) The expense of installing this interlocking plant shall be borne by applicant. The expense of its maintenance and operation thereafter shall be borne equally by Southern Pacific Company and applicant.

(4) After the crossing frogs are installed and before the installation of the interlocking plant a flagman shall be maintained at this crossing who shall be an employee of the Southern Pacific Company and who shall be paid by the applicant.

(5) All trains, engines, motors and cars of applicant shall, before proceeding over the crossing, come to a full stop within one hundred (100) feet thereof and shall not proceed over same until proper signal has been received from the flagman.

(6) Until the installation of an interlocking plant, all engines, trains, motors and cars of Southern Pacific Company shall approach this crossing and proceed over it at a speed not greater than ten miles per hour.

(7) Before installing the frogs at this crossing applicant shall assure the Commission that it has made ample

provision to provide funds to install this interlocking plant.

(8) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of this 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.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 10th
day of July, 1916.

Max Thelen
H. H. Loveland
W. E. Ford

Commissioners.