

ORIGINAL

Decision No. 3893.

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of)
SOUTHERN PACIFIC COMPANY for an order)
authorizing the construction of three)
tracks across certain streets within)
the City of Modesto, and one track)
across a county road outside the)
city limits of Modesto, all in Stan-)
islaus County, State of California.)
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Application No. 2638.

By the Commission,

ORDER

SOUTHERN PACIFIC COMPANY, a corporation, having on November 22, 1916, filed with the Commission an application for permission to construct three spur tracks at grade across certain streets within the City of Modesto and one spur track across a county road near 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 City of Modesto for the three (3) proposed crossings within the limits of the City of Modesto and no franchise is needed for the construction of the crossing at grade outside the city limits of Modesto, and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said streets and county road, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, That permission be hereby granted SOUTHERN PACIFIC COMPANY to construct three crossings at grade across certain streets within the City of Modesto, Stanislaus County, California, described as follows:

"(1) - Beginning at a point distant 18 ft. at right angles northeasterly from the center line

of the main track of the C.P.Ry. Co. and opposite engineer's station 1018 plus 83.4, said point being in the southerly line of the westerly extension of Needham St. and also the northerly line of the right of way of the Modesto Irrigation Districts lateral #4 extended; thence N.43° 28' W 60 ft. parallel and distant 18 ft. from above mentioned center line of main track.

(2) - Beginning at a point distant 50 ft. at right angles northeasterly from the center line of the main track of the C.P.Ry. and opposite engineer's station 1005 plus 98.0 - also said point being in the southwesterly line of 9th street extension; thence northerly on a curve radius 764.49 ft. 56 ft.; thence N 22° 28' W 118 ft. to the northeasterly line of said 9th St. extension.

(3) - Beginning at a point distant 128 ft. at right angles northeasterly from the center line of the main track of the C.P.Ry. and opposite engineer's station 1004 plus 30 said point also being in the westerly line of a 40 ft. roadway along the westerly city limits; thence southeasterly on a curve radius 764.49 ft. a distance of 65 ft. to the easterly line of said 40 ft. road."

and to construct a crossing at grade across a public road without the limits of the City of Modesto, Stanislaus County, described as follows:

"Beginning at a point distant 50 ft. at right angles northeasterly from the center line of the main track of the C.P.Ry. Co. and opposite engineer's station 978 plus 40.0 - said point being in the southwesterly line of the county highway and just north of the section line common to sections 19 and 30 T 3 S R 9 E; thence from said beginning point southeasterly with a curve to the left radius 764.49 ft. a distance of 45 ft.; thence S 63° 28' E 135 ft. to the northeasterly line of said highway."

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 the streets and roads 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 there-over 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 23d day of November, 1916.

W. H. Lombard

Wm. Gordon

Stanley Berlin

Commissioners.