

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 Ninth)
Street, City of Modesto, Stanislaus County,)
California.)
.....)

Application 481.

ORDER

By the Commission.

TIDEWATER SOUTHERN RAILWAY COMPANY, a corporation,

having on April 3, 1913, filed with the Commission an application for permission to construct a spur track at grade across Ninth Street, 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 applicant has secured the necessary franchise or permit from the Council of said City to construct said track at grade across said street; and it further appearing that it is not reasonable nor practicable to avoid a grade crossing with said Ninth Street, 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 Ninth Street, City of Modesto, Stanislaus County, California, on the east side of the main track of applicant, between "E" and "F" Streets, to serve the property of Modesto Creamery Company, as shown by the map 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 hereafter 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 and maintained in accordance with the provisions of franchise, dated March 12, 1913, granted by the Council of the City of Modesto.
- (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 7th day of April, 1913.

John M. Eckleman

H. D. Highland

Max Thelen

Commissioners.