

ORIGINAL

Decision No. 8132

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Tidewater Southern Railway Company for an order permitting of railroad at grade, across certain public roads, highways and streets in the City of Modesto, County of Stanislaus, State of California, and across certain public roads, highways and streets in the said County of Stanislaus near or adjacent to the said City of Modesto, and for an order authorizing it to abandon a portion of its line of railroad within the said City of Modesto and near or adjacent thereto.

Application No. 6105.

By the Commission,

ORDER

Tidewater Southern Railway Company, a corporation, having on September 10, 1916, filed with the Commission an application for permission to construct its line of railroad at grade across Ninth Street, "P" Street, Needham Avenue, and Stoddard Avenue in the City of Modesto, County of Stanislaus, and across that portion of Stoddard Avenue lying outside of the City of Modesto in the County of Stanislaus, State of California, and to abandon a portion of its present line of railroad on Virginia Avenue, Needham Avenue, and "N" Street in the City of Modesto, and over Stoddard Avenue in the County of Stanislaus 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 Council of the City of Modesto for the construction, relocation, and abandonment of said tracks, and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said Ninth Street, "P" Street, Needham and Stoddard Avenues, and that this application should be granted subject to the conditions hereinafter

specified,

IT IS HEREBY ORDERED, That permission be and the same is hereby granted the Tidewater Southern Railway Company to construct its line of railroad at grade across Ninth Street, "P" Street, Needham Avenue and Stoddard Avenue in the City of Modesto and over that portion of Stoddard Avenue lying outside of the City of Modesto in the County of Stanislaus, California, described as follows:

Commencing at a point on the present branch line of the Tidewater Southern Railway Company, known as the "Ice House Spur", said point of commencement being 150 feet, more or less, distant, northeasterly from the center line of Stoddard Avenue, thence southwesterly and southerly across said Stoddard Avenue and across private property to a point on the northerly line of Needham Avenue 50 feet, more or less, distant measured westerly from the westerly line of Nellie Street, thence curving to the left across said Needham Avenue and across private property between said Needham Avenue, 9th Street and "P" Street to a point on the northwesterly line of said "P" Street, between said Needham Avenue and said 9th Street and across said 9th Street to a point on or near the center line of said 9th Street, thence southeasterly along, or parallel to said center line of said 9th Street across the southwesterly termination of "O" Street and "N" Street to a point on the present track of the Tidewater Southern Railway Company along said 9th Street, said point being 150 feet more or less distant southeasterly from the southeasterly line of said "N" Street produced, as shown in yellow in blue print marked "Exhibit A", attached to the application and by reference made a part thereof.

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, "P" Street, Needham and Stoddard Avenues to be crossed as 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.

IT IS HEREBY FURTHER ORDERED, That permission be and the same is hereby granted Tidewater Southern Railway Company to abandon and remove that portion of its existing line of railroad in the City of Modesto and near or adjacent thereto in the County of Stanislaus, State of California, described as follows:

Commencing at a point on the present main line track of the Tidewater Southern Railway Company distant 950 feet more or less northerly from the center line of Stoddard Avenue, thence southerly along Virginia Street and across Wright Street and Alice Street to a point on said Virginia Street 350 feet more or less distant measured southerly from the southerly line of said Alice Street, thence curving southwest-erly to the right along said Virginia Street and across Needham Avenue to a point on or near the center line of "N" Street, thence continu-ing southwest-erly along said "N" Street and across 12th, 11th and 10th Streets and the inter-vening alleys and across the alley between said 10th Street and 9th Street, thence curving south-easterly to the left across the southeasterly half of said "N" Street and across the southwest-erly corner of the block bounded by "N", "M", 9th and 10th Streets to a point on the present track of the said Tidewater Southern Railway Com-pany along 9th Street, said point being 150 feet more or less distant measured southeasterly from the southeasterly line of said "N" Street, as shown in dotted red on said blue print marked "Exhibit A", attached to the application.

Dated at San Francisco, California, this 23rd day
of September, 1920.

Edwin O. Edgerton
H. D. Loveland

J. B. Brundage
Irving Martin
Commissioners