

Decision No. 28993.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
TIDEWATER SOUTHERN RAILWAY COMPANY
for permission to construct, maintain
and operate a spur track at grade
across a public highway in the County
of Stanislaus, State of California.

Application No. 20047.

BY THE COMMISSION:

O R D E R

ORIGINAL

Tidewater Southern Railway Company, a corporation,
on July 3, 1935, applied for authority to construct a spur track
at grade across a publicly used road in the vicinity of Modesto,
County of Stanislaus, State of California. No franchise or permit
has been granted by the Board of Supervisors of said County for
the construction of said crossing at grade for the reason that
said road, though publicly used, has never been taken over by
said county.

It appearing that a public hearing is not necessary
herein; that it is neither reasonable nor practicable at this
time to provide a grade separation or to avoid a grade crossing
at the point mentioned and that the application should be granted,

IT IS HEREBY ORDERED that Tidewater Southern Railway
Company is hereby authorized to construct a spur track at grade
across a publicly used road in the vicinity of Modesto, County of
Stanislaus, State of California, at the location more particularly
described in the application and as shown by the map attached
thereto, subject to the following conditions:

- (1) The above crossing and that of the adjacent main line track across said road shall be identified as No. 75-30.6.
- (2) The entire expense of constructing and thereafter maintaining the crossing in good and first-class condition for safe and convenient use of the public, shall be borne by applicant.
- (3) Said crossing shall be constructed equal or superior to the type shown as Standard No. 2 in our General Order No. 72; and shall be constructed of a width to conform to that portion of said road now graded, with the tops of rails flush with the roadway and with grades of approach not exceeding six (6) per cent, and shall be protected by a Standard No. 1 Crossing Sign as specified in our General Order No. 75-A.
- (4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (5) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.
- (6) 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, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 5th
Day of July, 1935.

Leon O. Whitall

M. B. Harris

Frank R. DeWitt
Commissioners.