

Decision No. 29809.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
TIDEWATER SOUTHERN RAILWAY COMPANY  
for permission to construct, operate  
and maintain a spur track at grade  
across State Highway No. 120, near  
Simms, in the County of San Joaquin,  
State of California.

Application No. 21192.

BY THE COMMISSION:

O R D E R

Tidewater Southern Railway Company, a corporation, on May 13, 1937, applied for authority to construct a spur track at grade across State Highway 120 in the vicinity of Simms, County of San Joaquin, State of California. The necessary permit has been granted by the State Highway Engineer for the construction of said crossing at grade.

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 State Highway 120 (Route X-SJ-66-B), in the vicinity of Simms, County of San Joaquin, 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 of State Highway 120 shall be identified as Crossing No. 75-12.45-C.
- (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 highway now graded, with the tops of rails flush with the pavement and with grades of approach not exceeding one (1) per cent.
- (4) Two (2) Standard No. 3 wigwags, as specified in General Order No. 75-A of this Commission, shall be installed and maintained at the sole expense of applicant for the protection of said crossing.
- (5) 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.
- (6) 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.
- (7) 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 24<sup>th</sup> day of May, 1937.

Leon Whitell  
Frank Williams  
Harold W. ...  
Ray & Alley  
Commissioners.