

Decision No. 23961.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
 CITY OF WILLOW GLEN, a Municipal
 Corporation, for Permission to alter
 the crossing of Willow Street by the
 Branch Line of THE WESTERN PACIFIC
 RAILROAD COMPANY, a Corporation, in
 said City, in the County of Santa
 Clara, State of California, by the
 widening of said Willow Street by
 five feet on either side.

Application No. 17502.

BY THE COMMISSION:

ORDER

The City Council of the City of Willow Glen, County of Santa Clara, State of California, on June 30, 1931, applied for authority to widen the crossing of a public street known as Willow Street at grade across the track of The Western Pacific Railroad Company. The Western Pacific Railroad Company, on July 10, 1931, signified, in writing, that it will not oppose the widening of said crossing but takes the position that the entire cost of the work should be borne by applicant. It appears to the Commission, however, that the cost of constructing the crossing between the rails and two feet outside thereof should be borne by The Western Pacific Railroad Company. It appearing that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said track at the point mentioned and that the application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that the City Council of the City of Willow Glen, in the County of Santa Clara, State of California,

is hereby authorized to widen the crossing of Willow Street at grade across the track of The Western Pacific Railroad Company, at the location as shown by the maps attached to the Application, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as a portion of Crossing No. 4G-21.3.
- (2) The entire expense of constructing and maintaining that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The cost of constructing and maintaining that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by The Western Pacific Railroad Company. The cost of moving the existing wigwag and crossing sign shall be borne by The Western Pacific Railroad Company.
- (3) The crossing shall be constructed of a width of not less than the adjacent portions of said street and with grades of approach not greater than one (1) per cent; shall be constructed equal or superior to type shown as Standard No. 3 in our General Order No. 72, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the widening 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 17th day of August 1931.

Cl. L. Linn
Leon O. Whelan
W. B. Lagoria
Fred G. Stewart
 Commissioners.