

ORIGINAL

Decision No. 14130

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of  
NORTHWESTERN PACIFIC RAILROAD COMPANY  
for permission to construct a spur  
track across a certain street at grade  
in the Town of Fairfax (unincorporated)  
in the County of Marin, State of  
California.

Application No. 10,385.

Stanley Moore and Ralph W. Palmer, for Applicant.  
Henry E. Greer, for County of Marin and Fairfax  
School District.  
Geo. H. Harlan and Thos. C. Jordan, for Fairfax  
Lumber Company.  
D. M. Willis pro se, protesting.

WHITTLESEY, COMMISSIONER:

O P I N I O N

In this proceeding, The Northwestern Pacific Railroad Company and, by supplemental application, The Fairfax Lumber Company, request authorization to construct a spur track at grade across Main Street (or continuation thereof) in the unincorporated town of Fairfax, Marin County.

A public hearing was held in this application in conjunction with Applications No. 10384 and No. 10386, the testimony and evidence being consolidated for the three proceedings.

It appears that the necessity or desirability of this proposed spur arose out of the double tracking of The Northwestern's line between San Anselmo and Manor. At present a spur adjacent to the west of existing single main track, but east of Main Street

which the spur does not now cross, serves a small freight shed and beyond the shed as a team track. It is planned to use this spur as a portion of the second main track. It could be maintained in relatively its present position only by locating the two main tracks further east, but the expense of this is deemed prohibitive, and to avoid this excessive cost it is proposed to provide a new freight shed west of Main Street, to be located on a tract of land acquired for the purpose by the Railroad Company, and install a spur across Main Street, which parallels the railroad right of way, to serve the freight house in this new location, the Fairfax Lumber Company, which is adjacent to the south of this tract of land, and also as a team track.

At present, cars consigned to the Fairfax Lumber Company are spotted on the existing freight house spur, unloaded onto trucks, which encroach upon Main Street, in turning, backing and standing, and then cross the street to deliver into the Lumber Company's plant. The proposed spur will enable the Lumber Company to do its unloading wholly on private property, without using any thoroughfare for this purpose.

It was established that present freight house facilities are inadequate; that such a house is necessary somewhere in the vicinity of Fairfax; that no other location is available except at excessive cost and at an inconvenient location some distance from the business center; that the proposed site is adequate; that the presence of trucks in Main Street while loading or unloading cars presents hazard and inconvenience to vehicles which the proposed spur and freight house would eliminate; and that the facilities proposed are desirable irrespective of double-tracking.

The Board of Supervisors of Marin County of April 8, 1924, denied the application of The Northwestern to install this crossing, and the Fairfax School District also opposed it. The hearing de-

veloped that the basis of their opposition and denial was that of increased hazard, particularly with reference to children attending the nearby school. It would seem that the protestants have erred in reaching such a conclusion. It is undoubtedly true that trucks turning and backing all day long in a narrow street are more hazardous to passing school children than two or three freight cars crossing the street, preceded by flagman, once or twice a day. The removal of this tracking entirely from the thoroughfare is offset somewhat by some increase in the number of vehicles passing along Main Street to reach the new freight house, but this increase will be relatively slight.

The applicants have established a case of public convenience and necessity for these facilities, and the following form of order is recommended:

O R D E R

The Northwestern Pacific Railroad Company, a corporation, having made application for permission to construct a spur track at grade across Main Street (or continuation thereof), at Fairfax, in the County of Marin, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision.

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to The Northwestern Pacific Railroad Company to construct a spur track at grade across Main Street (or continuation thereof), at Fairfax, County of Marin, State of California, as shown by the map (Exhibit "A") attached to the application, in so far as permission and authority are necessary from this Commission; said crossing to be constructed subject to the following conditions, viz:-

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and

