

Decision No. 17849

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

FAIRFAX VOLUNTEER FIRE DEPARTMENT, a voluntary association of citizens of Fairfax for civic purposes, Wm. A. Bliss, Harry R. Christensen, Harold Druhan, a committee representing the resident taxpayer citizens of Fairfax and patrons of the Northwestern Pacific Railroad Company, who are so numerous that they cannot be all set forth herein, and Thomas C. Jordan, a resident of Fairfax,

Complainants,

vs.

NORTHWESTERN PACIFIC RAILROAD  
COMPANY,

Defendant.

Case No. 2265.

Thomas C. Jordan for Complainant,  
R. W. Palmer for Defendant.

WEITSELL, COMMISSIONER:

O P I N I O N

This is a proceeding in which the Fairfax Volunteer Fire Department, et al, complainants, petitioned for an investigation as to the adequacy of station facilities of the Northwestern Pacific Railroad Company at Fairfax, California, and as to the necessity for the installation of safety devices at a crossing located at one end of the station platform, approximately three hundred and fifty feet in a northerly direction from the station building.

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Complainants allege that the passenger station maintained at Fairfax for said Northwestern Pacific Railroad Company was erected over fifteen years ago, has outlived its usefulness, is not in keeping with the adjacent business district; that it is now inadequate to meet the public needs of this community and that there are no comfort or convenience facilities connected therewith. Complainants further allege that patrons are greatly inconvenienced by reason of the lack of proper and adequate station facilities and that the stairs leading to the station platform have been allowed to deteriorate, have not been repaired and are consequently a source of great danger. Complainants also allege that the grade crossing located at the northwesterly end of the station platform is heavily travelled and inadequately protected.

A public hearing was held in this matter at Fairfax on October 29, 1926.

Two distinct complaints are made, the first in regard to station facilities and the second in regard to certain crossing protection. The adequacy of the station facilities will first be discussed.

The size of the station building complained of is fifteen by thirty feet. It is situated on the southwesterly side of the tracks and is entirely closed in on three sides with the northeasterly side, facing the westbound track, open.

Complainants' representatives testified that the prevailing winter winds in this locality, due to the topography of the country, are in a southerly direction and blow the rain into the open side of the station, thus greatly reducing its effective shelter.

A count of the number of passengers boarding the electric trains at Fairfax during the week of September 19th to 25th, 1926, shows an average of approximately sixty-two passengers per train for

three consecutive trains leaving Fairfax in the morning at 6:24, 6:54 and 7:24, while the average for all trains for the seven days considered is approximately nineteen passengers.

The station facilities afforded appear to be adequate for the average number of passengers carried per train, but for the three early trains additional shelter facilities should be provided. Sufficient additional shelter could be afforded <sup>by</sup> partly enclosing the northeasterly side of the existing station and by constructing an umbrella shed, approximately ten feet in width by seventy feet in length across the front thereof.

Mr. L. M. Gillogly, Superintendent of the Southern Division of the Northwestern Pacific Railroad Company, testified that he had received authority to expend sufficient sums to repair and repaint the station building and fence, to replace four of the several flights of wooden stairs leading to the station platform with concrete structures, and to replant the station grounds with shrubs and plants.

Subsequent to the filing of the complaint, the railroad began construction of the concrete stairs and they are now nearly completed. It is not the intention of the Railroad, it was stated, to replace the remaining flights of wooden stairs, but they are to be properly maintained and kept in good condition.

It is concluded that with the completion of the additional improvements recommended and of the repairs now being carried on, the station facilities will be made adequate for the traffic now offered and will be materially improved in so far as appearance is concerned.

The Northwestern Pacific Railroad runs through the town of Fairfax in a northwesterly direction. The railroad right-of-way in this vicinity is paralleled on each side by roadways, the more important of which is the main highway between Sausalito and Point

Reyes on the northeasterly side thereof, the other being a street connecting with the highway to Bolinas Bay on the southwesterly side. Two short streets connect these roadways across the tracks of the railroad, one south and the other north of the Fairfax station. The latter grade crossing which is approximately three hundred and fifty feet northwest of the station, is the crossing under consideration in this proceeding. Standard crossing signs are the only protection maintained at this crossing. Additional protection in the form of an automatic flagman is maintained at the crossing south of the station.

A portion of the town of Fairfax including a few business houses and the post office is situated northeast of the Point Reyes highway. However, the greater portion including nearly all the residential section is located southwest of the street on the opposite side of the tracks.

It appears that the speed of the railroad traffic over the crossing under consideration is not great, as all electric trains stop at the Fairfax Station and all steam trains are restricted in speed to twenty miles an hour.

Complainants offered testimony to the effect that the traffic over the crossing involved in this proceeding is quite heavy due to the fact that the post office is on one side of the track, and the larger portion of the business and residential section on the other. It was also shown that the tracks leading away from the crossing to the north are on a sharp curve, and in a deep cut and that consequently the view in that direction is seriously obstructed. It was contended by complainants that the crossing under consideration is more heavily traveled than that to the south and should have similar protection. Defendant's representative testified that it was his opinion that the traffic over the north crossing is not as

heavy as that over the crossing to the south.

No actual count of the crossing traffic over a definite period of time was made by either party, but the record appears to justify the conclusion that this traffic is fairly heavy. It is concluded that, due to the obstructed view and volume of traffic, additional protection should be provided at this crossing in the form of an automatic flagman.

The following form of Order is recommended:

O R D E R

Fairfax Volunteer Fire Department, et al, having brought a formal complaint against the Northwestern Pacific Railroad Company, requesting this Commission to make its order requiring said railroad to improve its station facilities at Fairfax in such a manner as to make said station facilities adequate and further requiring Northwestern Pacific Railroad to provide such protection at the grade crossing located approximately three hundred and fifty (350) feet in a northwesterly direction from Fairfax station, as public safety may justify, a public hearing having been held, the Commission being apprised of the fact, the matter being under submission and ready for decision:

IT IS HEREBY ORDERED that Northwestern Pacific Railroad Company shall repair and repaint the Fairfax station building and fence and shall replant the station grounds with shrubs and plants and build the concrete steps as described on map marked C.E.58-D, attached to Northwestern Pacific Railroad's formal answer in this matter.

IT IS HEREBY FURTHER ORDERED that Northwestern Pacific Railroad Company shall partially enclose the northeasterly side of the existing Fairfax station and shall construct and maintain across said northeasterly side thereof an umbrella shed or other suitable

passenger shelter, said passenger shelter to be approximately Seventy (70) feet long and ten (10) feet wide, except that in front of the station its width shall be such as to provide the minimum clearance prescribed in Commission's General Order 26-a. Northwestern Pacific Railroad Company shall, within thirty (30) days from the date hereof, file plans for said passenger shelter and upon approval by this Commission shall proceed immediately with the construction thereof.

IT IS HEREBY FURTHER ORDERED that an automatic flagman shall be installed for protection of the crossing located approximately three hundred and fifty (350) feet in a northwesterly direction from said Fairfax Station at the sole expense of the Northwestern Pacific Railroad Company, said automatic flagman to be of a type and installed in accordance with plans or data approved by the Commission. The maintenance of said flagman shall be borne by the Northwestern Pacific Railroad Company.

IT IS HEREBY FURTHER ORDERED that Northwestern Pacific Railroad Company shall within thirty (30) days thereafter, notify this Commission, in writing, of its compliance with the terms of this Order.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

The foregoing Opinion and Order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 6<sup>th</sup> day of

January, 1926.

H. B. Brundage  
W. L. Seaver  
Frank J. Cook  
Leon Whitell  
Thos. J. Brown  
Commissioners.