

Decision No. .

ORIGINAL

Decision No. 3243

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

WM. INGRAM, et al.,

Complainants,

vs.

NORTHWESTERN PACIFIC RAIL-
ROAD COMPANY,

Defendant.

Case No. 925.

Wm. Ingram for complainants.

Stanley Moore and C. J. Goodell for defendant.

BY THE COMMISSION.

O P I N I O N.

The issues raised by the pleadings are whether the 14 complainants and the public need a switch and flag station at a point known as Charlie Lee's flat on defendant's line about two and one-half miles north of Dos Rios, Mendocino County.

Defendant's main line from Willits to Eureka follows the narrow canyon of the Eel River through very mountainous country. Complainants are mostly homeseekers who have entered upon government land on the west slope of the canyon between Berger Creek and Stony Creek, both of which flow into Eel River from the west a short distance north of Dos Rios. They are establishing homes and ranches. There are several small cultivated fields, vineyards and orchards. One complainant also has a small summer resort. The areas capable of cultivation on their various

claims vary in size from 6 acres to 40 acres. The areas now in cultivation vary from 1 acre to 15 acres. All kinds of grain, vegetables and fruit can evidently be grown, but in rather limited areas. The country is also adapted for grazing and stock raising. Most of complainants expect to raise stock and feed the grain they raise.

Two of the complainants have considerable tan oak upon their property and most of them have timber suitable for firewood.

Only two of the complainants own patented or deeded lands. Some of their claims have been previously filed upon and in one or two instances contests have been filed, or are anticipated.

At Dos Rios there is an agency station, ample cattle corrals and loading chutes, post office, school and store. The county road from Laytonville to Covele and Round Valley passes through Dos Rios and across the county bridge over the Bel River. Most of complainants and their neighbors have business bringing them to Dos Rios.

During the construction of its railroad, defendant built a wagon road along or near its right of way. From Dos Rios 4.8 miles northerly to Woodman, a flag station, the road remains in fair condition except for about three-fourths of a mile north of Berger Creek where it is occupied by the railroad tracks. From Dos Rios to the mouth of Berger Creek, about $1\frac{1}{2}$ miles, this road is used in connection with horse trails.

The homes and ranches of complainants and others in their vicinity can be reached only by the old wagon road and horse trails from Dos Rios via the mouth of Berger Creek. Building materials, water pipe and supplies are taken from

Dos Rios up the trails upon the backs of the settlers, or upon pack animals, or dragged by horses over the trails, which lead to an elevation of about 2,275 feet above the river. The principal trail has a fairly good grade. During the winter season especially, the storms and floods make the fording of Berger Creek dangerous at times. Vehicles and modern farm machinery are not used, principally because of lack of roads.

Complainants propose to build a wagon road to the railroad at the said flat by contributing their labor, provided they are assured suitable facilities for using the railroad at that point. No surveys nor careful estimates of the cost of such a road have been made.

We think it probable that a careful investigation will show that the present principal horse trail can be developed into a wagon road at a very/^{much}smaller cost than building the proposed new road; and that access to and from Dos Rios over such a road would be more advantageous, easier and perhaps quicker, though farther, than to and from the railroad at the point in question over the new road proposed. The proper serving of the complainants and the people in their vicinity and the development of business for defendant depends principally upon the wise location of a wagon road. We are not satisfied that sufficient study of this question has been given by either complainants or defendant. We hope they will cooperate in a thorough investigation of both proposed routes to the railroad. Defendant roughly estimates that a suitable wagon bridge across Berger Creek west of the railroad could be constructed for about \$200.00, including the purchase of sawed timbers and payment for labor. A much larger bridge of considerably heavier type of construction was recently built by defendant for \$600.00. Suitable rough timber is standing in the vicinity of the bridge and defendant expressed willingness to fur-

nish rods, bolts and hardware and supervision of its bridge builders if complainants and their neighbors would furnish labor and timber for constructing a rustic bridge.

Complainants are enduring the hardships of pioneers developing new country. They deserve our encouragement and aid. Defendant through the cooperation it can give is in a position to develop future traffic for its line, and also give needed aid to the pioneers.

If complainants after an adequate study of the situation conclude to make the necessary sacrifice in labor or money and build the road to the flat rather than to Dos Rios, a situation will be presented which will probably justify the establishment of a flag station, and later, when sufficient traffic has been developed, justify the installation of a switch. Neither is now justified. The complaint will therefore be dismissed without prejudice.

O R D E R.

WILLIAM INGRAM, et al. having filed complaint against Northwestern Pacific Railroad Company requesting that defendant be compelled to establish and maintain a switch or flag station at a point about two and one-half miles north of its station at Dos Rios, Mendocino County, and defendant having answered said complaint and public hearings having been held thereon and the matter being now ready for decision.

IT IS HEREBY ORDERED that said complaint be and it is hereby dismissed without prejudice.

Dated at San Francisco, California, this 6th day of April, 1916.

Mary Thelen
at Los Angeles
Edwin O. Edgerly
Francis R. Quinn
Commissioners.