

ORIGINAL

Decision No. 41114

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
NORTHWESTERN PACIFIC RAILROAD COMPANY )  
for an order to abolish a crossing of ) Application No. 28387  
a publicly used road by a railroad in )  
Humboldt County, California. )

R. S. MYERS, for Applicant; CARROLL L. CHRISTENSEN, District Attorney, by EMERY F. MITCHELL, deputy, and FRED J. MOORE, JR., County Clerk, for Humboldt County, protestant; and J. N. BARNES, of Barnes Tractor and Equipment; H. VICENUS, Fernbridge Cold Storage; and PAUL BALESTRACCI, PASQUALE BALESTRACCI, and GEORGE URE, of Golden State Company, Protestants.

O P I N I O N

In this application Northwestern Pacific Railroad Company requests authority to abolish to public use a road crossing its tracks at grade at Fernbridge Station, Humboldt County.

A public hearing was held in this matter in Eureka on November 20, 1947, before Examiner Hall, and the matter was submitted upon the filing of record of title and property rights by the County. No such filing was made and no extension of time granted, therefore the matter was submitted on December 20, 1947.

The main line of Northwestern Pacific Railroad Company runs in a general northerly and southerly direction from Tiburon, Marin County, to Eureka, Humboldt County, passing through the station of Fernbridge. Parallel and adjacent to and east of the railroad right of way at this location is State Highway U.S. 101, which is the main north and south artery through the county. Immediately north of the station building at Fernbridge a public road connects U.S. Highway 101 with the town of Ferndale, south of Eel River. This highway crosses at grade the tracks of applicant, which crossing is designated in the Commission's records as Crossing No. 5-268.8. The station building at Fernbridge is located approximately 300 feet south of the Ferndale Road, west of and adjacent to the tracks. Approximately 400 feet south of said Ferndale Road and immediately south of the station is located the crossing herein proposed to be abolished. Back and west of the station reservation is a public road running approximately 400 feet south of the Ferndale Highway.

and adjacent thereto are several mercantile establishments. The crossing herein proposed to be abolished makes a connection with the south end of this road.

Applicant contends that this crossing is narrow and hazardous, due to the fact that cars are spotted along the side track adjacent to the station north of the crossing and a warehouse south of the crossing, and the view of approaching trains on the main line is badly impaired for vehicles approaching the crossing from the west.

Due to the short distance (about 400 feet) to the Ferndale Road, applicant contends that all patrons of the business establishments in the area described above can be readily served by the existing Ferndale Road crossing. Vehicles entering the area back of the station would, if the crossing were abolished, be required to turn around and leave as they entered, which, in applicant's opinion, is not unreasonable.

The record shows that Ferndale Road crosses only a main line, whereas the crossing herein involved crosses both the main line and a siding.

The view of approaching trains at the Ferndale Road crossing is relatively clear and unobstructed, and applicant alleges there is a proposal for the installation of warning signals at this crossing.

The closing of the crossing was protested by the owners and operators of the business establishments in the area who contended that their patrons would have difficulty in getting into and out of their places of business via the Ferndale Road, whereas at the present time they can come from the north, transact their business, and then go out over the southerly crossing without making a turn-around movement. It was the desire of protestants to have the crossing improved rather than abolished.

The record indicates that in order to improve the view at this crossing it would be necessary to spot freight cars for loading and unloading a considerable distance away from the crossing, and by so doing the cars could not be spotted at a proper location at the freight station or the warehouses to the south of the crossing. These buildings, however, would continue to obstruct the view.

A traffic count taken shows that 67 automobiles and 41 trucks per day used the crossing south of the depot, and 104 automobiles and 25 trucks per day used the crossing of Ferndale Road during daylight hours. An average for the month showed that approximately nine trains per day passed through Fernbridge, which did not include any switching movements.

Although there is no record of accidents at this crossing, the record indicates that a hazardous condition exists. Undoubtedly this crossing is a convenience to the traveling public but, on the other hand, it is not necessary for ingress and egress to the area involved. The closing of the crossing would require all vehicles entering the area from the Ferndale Road to turn around and leave by the same route; however, it appears that there is sufficient room to make this turn around by ordinary road vehicles, and that the closing of the crossing would not result in an undue hardship to the traveling public.

The record is convincing that public convenience and necessity do not require the continued maintenance of this crossing and the application will therefore be granted.

O R D E R

A public hearing having been held and the matter having been submitted;

IT IS HEREBY ORDERED that Northwestern Pacific Railroad Company be and it is hereby authorized to abolish and effectively barricade and close to public use and travel the road crossing over its tracks immediately south of the station of Fernbridge at the location as shown by the map attached to and made a part of the application.

Applicant shall, within thirty days thereafter, notify this Commission, in writing, of the abolition of the road crossing as herein authorized.

The authorization herein granted shall lapse and become void if not exercised within one year from the effective date of this order, unless further time is granted by subsequent order.

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The effective date of this order shall be twenty (20) days from the date hereof.

Dated at Los Angeles, California, this 13<sup>th</sup> day of January, 1948.

R. J. [Signature]

Justus F. [Signature]

[Signature]

Harold [Signature]

Kenneth [Signature]  
Commissioners