

ORIGINALDecision No. 41875

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)
 a publicly used road by a railroad in)
 Humboldt County, California.)

Application No. 28387

R. S. MYERS, for Applicant; HILL & HILL by
 ARTHUR W. HILL, JR., for Protestants;
 EMERY F. MITCHELL, Deputy District Attorney,
 for the County of Humboldt, Protestant.

OPINION ON REHEARING

In this application Northwestern Pacific Railroad Company requests authority to abolish to public use a road crossing of its tracks at grade at the south end of the station building at Fernbridge Station, Humboldt County. After a public hearing held in Eureka on November 20, 1947, the Commission issued its Decision 41114, dated January 13, 1948, in which authority was granted to abolish said crossing. Said crossing was physically closed February 3, 1948. Subsequently on February 4, 1948, a petition for rehearing was filed by the County of Humboldt. The Commission, thereafter, on February 24 issued its order granting rehearing. Rehearings were held on March 17 and June 9, 1948. On this latter date, the matter was submitted.

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 in this location is State Highway, U.S. 101, which is the main north and south artery through Humboldt County. Immediately north of the station building at Fernbridge, a public road connects State Highway, U.S. 101, with the town of Ferndale after crossing Eel River. Eel River runs generally parallel to the railroad and several hundred feet west thereof.

The station building at Fernbridge is located approximately 300 feet south of said 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 involved. Back and west of the railroad station reservation is a public road running approximately 400 feet south of the Ferndale Highway which connects with the closed crossing. Adjacent to this road are several mercantile establishments. (1)

Applicant produced testimony showing that this latter crossing was narrow and hazardous due in part to the fact that freight cars are spotted along the side track adjacent to the station north of the crossing and the warehouse immediately south thereof. Applicant also showed that a view of approaching trains on the main line is badly impaired for drivers of vehicles approaching the crossing from the west.

Applicant contends that all patrons of the mercantile establishments in the area west of the station and between the two crossings readily can be served by the existing Ferndale Road crossing which is only about 400 feet north of the abolished crossing. Applicant also showed that the highway authorities have made arrangements to establish automatic signals at the Ferndale Road crossing, and with the advent of these signals, this crossing would be a much safer means of crossing the railroad than at the crossing under discussion.

The closing of the crossing was protested by owners and operators of business establishments and certain of the patrons. These people contend that difficulty is experienced in getting into and out of the business area via the Ferndale Road, whereas, if the crossing south of the depot were reopened, the patrons could transact their business and continue through the area without making a turnaround movement. Much evidence was produced to show that, at times, there is difficulty in making the turnaround movement to get back to

(1) Exhibit No. 28, a map, shows the physical characteristics at Fernbridge.

the Ferndale Road, particularly when trucks are backed against the station platform and cars and trucks are parked in the area.

The record shows that the cold storage and locker plant located back of the depot has 600 lockers, most of which are rented. Practically all patrons of the locker plant use their automobiles in transacting their business. It was pointed out that many times automobiles are unable to maneuver in that area in order to turn around and retrace their route to the Ferndale Road. Photographs were introduced in the record to indicate the congested conditions in the area.

The record indicates the following:

1. No accidents have occurred at the crossing.
2. The congestion at times is such that vehicles have difficulty in turning around to get out of the area.
3. There is no system of parking so as to make the best use of the area.
4. Much farm machinery is stored upon the road back of Fernbridge Station.
5. With the reopening of the crossing south of the depot, there could be a freer circulation of travel through the area.
6. If the crossing is to remain closed, there should be developed a better turnaround area for vehicles.
7. Farm machinery should be cleared from the road in order to give more room for vehicle movement.
8. Automatic signals are to be established at the crossing of the Ferndale Road over the Northwestern Pacific.

We conclude from the entire record that there is no need for two crossings in such close proximity to each other; that, the road back of the depot should be kept clear of stored machinery in order that it may be used freely by vehicle traffic; that a system of parking should be inaugurated in order to make better use of the area, and that the railroad and the parties involved should arrange to expand the turnaround area south of the cold storage plant.

ORDER ON REHEARING

Public hearings having been had upon the Order Granting Rehearing and the matter duly submitted;

IT IS HEREBY ORDERED that the Order in Decision No. 41114 dated January 13, 1948, is reaffirmed and is in full force and effect provided, however, that applicant shall arrange a turning area south of the cold storage plant, herein before referred to, for the turning of automobiles which shall be satisfactory to the engineers of this Commission.

Applicant shall, within 60 days from the effective date of this order, report to this Commission, in writing, progress being made in the development of said turning area, or its completion.

If progress is not made, the Commission will consider again reviewing this entire matter.

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

Dated at San Francisco, California, this 20th day of July, 1948.

R. B. Anderson
Justice F. Wallace
Irving H. Wallace
Harold P. Kuls

COMMISSIONERS