

ORIGINAL

Decision No. 42901

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of	)	
SOUTHERN PACIFIC RAILROAD COMPANY and	)	
SOUTHERN PACIFIC COMPANY for authority	)	
to alienate access rights between their	)	Application No. 29761
right-of-way and the adjacent State	)	
Highway between Banning and a point near	)	
Whitewater in Riverside County, California.)	)	

O P I N I O N

The applicants (hereinafter referred to as the Railroad) seek authority pursuant to Section 51(a) of the Public Utilities Act to alienate to the State of California, subject to certain reservations, the access rights to that portion of the Railroad's right-of-way for a major part of the distance between Banning and Whitewater, said portion being located on the main line of the Railroad extending between Los Angeles, California, and Yuma, Arizona, through Banning, Cabazon and Whitewater in Riverside County all as more particularly described in the application and the maps attached thereto.

The portion of the Railroad's right-of-way involved in the application abuts upon a state highway, which the State of California has converted or proposes to convert into a freeway. The State of California, acting by and through its Department of Public Works, desires the Railroad to surrender access rights to said portion of the right-of-way, reserving, however, to the Railroad and its successors and assigns the right of access to and from said adjacent highway or freeway from and to the remaining property of the Railroad as long as the same is used for railroad right-of-way purposes, to the extent necessary for the operation, construction, reconstruction and maintenance of the railroad and any railroad

facilities and appurtenances now or hereafter located thereon; provided that pole lines, communication lines and pipe lines now or hereafter located upon such property shall be considered railroad facilities.

The railroad proposes to accept from the State of California in consideration of such relinquishment the sum of \$150.00.

The portion of the right-of-way involved in this application together with the right of access thereto appears to be necessary and useful to the Railroad in the performance of its duties to the public. However, it appears, that the surrender of said access rights, subject to the reservations outlined in the foregoing, will not prevent the Railroad from performing its duties to the public or interfere substantially therewith.

From the foregoing we conclude that the Railroad should be authorized to alienate the access rights under consideration. A public hearing is deemed unnecessary.

#### ORDER

Good cause appearing and based upon the findings and conclusions set forth in the opinion,

IT IS ORDERED that Southern Pacific Railroad Company and Southern Pacific Company are hereby authorized to alienate to the State of California the right of access to their right-of-way more particularly described in this application as follows:

". . . a strip of land of varying widths between the east city limits of Banning and a point in the northerly line of said railroad right-of-way distant 2,125.62 feet westerly, measured along the southerly line of the State Highway right-of-way, from the intersection of said southerly line with the east line of Section 8, Township 3 South, Range 3 East, SAN BERNARDINO BASE AND MERIDIAN, in Riverside

County, State of California, said right-of-way extending across the East Half of the West Half and the East Half of Section 11, and, also, across Section 12 in Township 3 South, Range 1 East, SAN BERNARDINO BASE AND MERIDIAN; and, also, extending across Section 7, a portion of the West Half of Section 8, a portion of the West Half of Section 17, a portion of the East Half of Section 9, a portion of the East Half of Section 16, and Sections 10, 11, and 12 in Township 3 South, Range 2 East, SAN BERNARDINO BASE AND MERIDIAN; and, also, extending across Section 7 and a portion of Section 8, Township 3 South, Range 3 East, SAN BERNARDINO BASE AND MERIDIAN, all in the County of Riverside, State of California."

subject, however, to the reservation of the right of access to and from the above described right-of-way from the said highway or freeway to the extent such access may be reasonably necessary for the operation, construction, reconstruction and maintenance of their railroad and any railroad facilities and appurtenances now or hereafter located thereon; provided that pole lines, communication lines and pipe lines now or hereafter located upon such property shall be considered railroad facilities; and subject to the further provision that the said alienation of access rights shall include and be subject to the continued right of maintenance and use of seven private roadways and one public highway, all of which cross said railroad right-of-way at grade, and enter said highway as shown upon the map attached to this application.

The effective date of this order shall be 20 days after the date hereof.

Dated at San Francisco, California, this 24<sup>th</sup> day of May, 1949.

R. E. Johnston  
James F. Cooney  
Robert D. Powell  
Harold P. Hills  
Samuel L. Potter  
 Commissioners