

ORIGINAL

Decision No. 43024

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) Application No. 30366
 between their right-of-way and the)
 adjacent highway from Davis to the)
 Yolo Causeway.)

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 right of access to and from the Railroad's right-of-way between Davis and the Yolo Causeway, Yolo County, excepting certain crossing entrances, all as more particularly described in this application and the map attached thereto. The Railroad proposes to accept from the State of California \$3000 as consideration for this alienation.

A public hearing is deemed unnecessary.

The acquisition of the right of access by the State is required in the furtherance of its highway or freeway program.

The right-of-way and the right of access thereto is operative property, necessary and useful to the Railroad in performing its duty to the public. However it appears, and we so find, that the disposing of the right of access, subject to the reservations and exceptions described in the application, will not interfere with or prevent the Railroad from performing its duties to the public.

After considering the facts of record we conclude the sought authority should be granted.

O R D E R

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 and from their mainline right-of-way abutting on an adjacent state highway between Engineer Station 2501+61 near Davis and Engineer Station 2764+58 in the vicinity of the Yolo Causeway with the exception of six crossing entrances, all as shown on the print attached to this application, reserving, however, to applicants, their successors and assigns, their right of access to and from said right-of-way, as long as the same is used for railroad purposes to the extent that such access may be reasonably necessary for the operation, construction, reconstruction and maintenance of applicants' said railroad and any railroad facilities and appurtenances now or hereafter located thereon; with the proviso that pole lines, communication lines, and pipelines now or hereafter located upon such railroad property shall be considered railroad facilities.

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

Dated at San Francisco, California, this 21st
day of June, 1949.

R. T. Mittern
James J. Gacuen
Dept. of Public
Harold P. Kulis
Thomas P. Pottier
Commissioners