

Decision No. 43068

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
NORTHWESTERN PACIFIC RAILROAD COMPANY)	
for authority to alienate access rights)	Application No. 30394
between its right-of-way and the adjacent)	
state highway in the vicinity of Novato,)	
California.)	

O P I N I O N

The applicant herein seeks 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 main line right-of-way in the vicinity of Novato, Marin County, all as more particularly described in this application and the map attached thereto. The applicant proposes to relinquish said access rights to the State of California without monetary consideration. The acquisition of the right of access by the State is required in the furtherance in its highway or freeway program.

A public hearing is deemed unnecessary.

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

After considering the facts of record we conclude that 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 Northwestern Pacific Railroad Company is hereby authorized to alienate to the State of California the right of access to and from its main line right-of-way abutting on an adjacent state highway between Engineer Station 1425+08 and Engineer Station 1525+24.7, of the center line of applicant's railroad, near Novato, a distance of approximately 1.897 miles, all as shown on the map attached to this application; reserving, however, to applicant, its successors and assigns, its 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 applicant's railroad and any railroad facilities and appurtenances now or hereafter located thereon; with the proviso that pole lines, communication lines, and pipe lines now or hereafter located on said railroad right-of-way 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 28th day of June, 1949.

[Signature]
Justus F. Caswell
[Signature]
Harold A. Kula
[Signature]
Commissioners