

ORIGINAL

Decision No. 42059

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) Application No. 30403
to alienate access rights between its)
right-of-way and the adjacent State)
Highway in the vicinity of Dunnigan.)

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 Railroad's main line right-of-way in the vicinity of Dunnigan, Yolo County, excepting certain crossing entrances, all as more particularly described in the above entitled application and the map attached thereto. The Railroad proposes to accept from the State of California \$110 as consideration for this alienation. The acquisition of the right of access by the State is required in the furtherance of 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 Railroad in performing its duty to the public. However, it appears, and we so find, that the disposition of the right of access subject to the reservations and exceptions 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 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 main line right-of-way abutting on an adjacent state highway between Engineer Station 767+88.5 and Engineer Station 817+88.5 in the vicinity of Dunnigan, with the exception of openings at two locations, all as shown on the print attached to their 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 pipe lines 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 9th day of June, 1949.

[Signature]
Justice F. Callahan
[Signature]
Harold P. Hill
[Signature]

COMMISSIONERS