

ORIGINAL

Decision No. 44060

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 CENTRAL PACIFIC RAILWAY COMPANY and )  
 SOUTHERN PACIFIC COMPANY for authority )  
 to alienate access rights between )  
 their right-of-way and the adjacent )  
 state highway near Antelope Creek, )  
 east of Roseville, in Placer County, )  
 California. )

Application No. 31186

O P I N I O N

Applicants herein (hereinafter referred to as 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 abutter's rights of access to and from a portion of the railroad's main line right-of-way being a part of the main line running between Roseville, California, and Sparks, Nevada, the particular portion involved being located in the vicinity of Antelope Creek, 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 \$50 as consideration for this alienation. The acquisition of the right of access is required in the furtherance of the State's highway and freeway program. A public hearing is deemed unnecessary.

The right-of-way and the right of access thereto is operative property and is 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 Central Pacific Railway 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's Station 89+55 and Engineer's Station 113+55 located between Roseville and Rocklin in the vicinity of Antelope Creek, Placer County, all as more particularly set forth in this application and as shown on the print attached thereto; reserving, however, to applicants, their successors and assigns, the rights of access to and from said adjacent highway or freeway from and to the remaining property of applicants as long as same is used for railroad right-of-way purposes to the extent that such access may be reasonably necessary for the operation, construction, reconstruction and maintenance of the railroad and any railroad facilities and appurtenances now or hereafter located therein; with the proviso that pole lines, communication lines, and pipe lines now or hereafter located upon such property shall be considered railroad facilities.

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

Dated at San Francisco, California, this 18<sup>th</sup> day  
of April, 1950.

R. F. Zimmerman

Justus J. Gaeber

Clayton J. Luce

Harold J. Hule

Herbert J. Potter

COMMISSIONERS