

ORIGINAL

Decision No. 44632

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 convey certain property and to)
alienate access rights between their)
right of way and the adjacent State)
Highway, between Nicklin and Beaumont,)
in Riverside County.)

Application No. 31578

O P I N I O N

Applicant herein (hereafter referred to as Railroad) seeks authority pursuant to Section 51(a) of the Public Utilities Act to alienate to the State of California (1) that certain parcel of property containing 0.32 of an acre, more or less and (2), subject to certain reservations, the abutters right of access to and from a portion of a railroad's main line right of way being a part of the main line running between Los Angeles, California, and El Paso, Texas, both the parcel of property and the right of way being located on that portion of the railroad between Nicklin and Beaumont, Riverside County, California, 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 \$50.00 in consideration of the conveyance of the parcel of property and \$10.00 in consideration of the relinquishment of the access rights. The acquisition of the parcel of property and the right of access is required in the furtherance of the state's highway and freeway program. A public hearing is deemed unnecessary. (X)

The parcel of property and the right of way and the right of access thereto are operative property and are 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 said parcel of property and right of access subject to the reservations and the exceptions described in this application will not interfere with nor 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 following located on their main line between Nicklin and Beaumont, Riverside County:

(1) That certain parcel of property being a portion of their main line right of way containing 0.32 of an acre, more or less; and (2), the right of access to and from their main line right of way abutting on and adjacent to state highway between engineer's stations 5243 and 5255, reserving, however, to applicants, their successors and assigns, the right of access to and from the 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 railroad facilities and appurtenances now or hereafter located thereon; provided that pole lines, communication lines and pipe lines now or hereafter located on such railroad property shall be considered railroad facilities; all as more particularly described

in the application and the map attached thereto.

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

Dated at San Francisco, California, this 8th day of August, 1950.

Justice J. Caseman
David Russell
Harold P. Kula
Kenneth Potter
COMMISSIONERS