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**ORIGINAL**

Decision No. \_\_\_\_\_

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Petition of  
 SACRAMENTO-YOLO PORT DISTRICT to  
 have fixed the just compensation  
 to be paid for certain lands,  
 property and rights of SACRAMENTO  
 NORTHERN RAILWAY existing within  
the boundaries of said District.

Application No. 43405

Martin McDonough and John F. Downey, for Sacramento-  
 Yolo Port District.  
Walter G. Treanor, for Sacramento Northern Railway.  
William R. Roche, for the Commission staff.

O P I N I O N

Sacramento-Yolo Port District, a river port district and a public corporation created for municipal purposes of the State of California, organized and existing as such under and by virtue of the laws of the State of California, by a petition of the first class, filed May 15, 1961, pursuant to Resolution No. 442 of the Port Commission of said District, seeks to have this Commission fix the just compensation to be paid by petitioner for the acquisition, under eminent domain proceedings, of certain "railroad" lands, property and rights, as defined by Section 229 of the Public Utilities Code of the State of California and described in said petition, alleged to be owned, operated and used by Sacramento Northern Railway, "a railroad corporation" as defined by Section 230 of said Public Utilities Code and a "common carrier" under the laws of said State.

This Commission, pursuant to the provisions of the Public Utilities Code (Sections 1401-1421), on June 20, 1961 issued its

order directing Sacramento Northern Railway to appear and show cause why this Commission should not proceed to hear the petition and to fix such just compensation.

The record shows that all procedural steps contemplated by Sections 1406 and 1408 of the Public Utilities Code were duly taken and completed prior to the return date of the order to show cause.




A hearing on the order was held before Examiner John M. Gregory at San Francisco on July 28, 1961. Sacramento Northern Railway appeared at and participated in said hearing without objection to the jurisdiction of the Commission or to its proceeding, in accordance with petitioner's request, to fix the just compensation to be paid for the desired railroad line and lands.

Sacramento Northern Railway having shown no cause why the Commission should not proceed to hear the petition and to fix the just compensation to be paid for the lands, property and rights therein described, and the Commission finding and concluding that it has jurisdiction of the parties and of the subject matter of the petition, the Commission will proceed with further hearing at a time and place to be hereafter designated and upon due notice to the parties.

No order appears to be necessary.

The Secretary is directed to cause service of the foregoing opinion to be made upon all appearances of record herein.

Dated at San Francisco, California, this 29th day of August, 1961.

  
President  
  
  
George H. Brown  
Frederick B. Holdhoff  
Commissioners