

Decision No. 63669

**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 abandon, retire and  
remove tracks, appurtenances and facil-  
ities located in the City of Santa Rosa,  
County of Sonoma, State of California.

Application No. 43919  
(Filed November 15, 1961)

Randolph Karr and Harold S. Lentz,  
for applicant.  
James Logan Smith, J. Michael Joell,  
and Gregory Jones, Jr., for the City  
of Santa Rosa, interested party.  
Norman Johnson, for interested parties in  
the area as protestants.  
Martin J. Lewis, for the Commission staff.

O P I N I O N

Northwestern Pacific Railroad Company, by the above-entitled proceeding, requests authority to abandon and remove certain tracks and facilities in Santa Rosa. A duly noticed public hearing was held on this application before Examiner Rowe on February 13, 1962, in Santa Rosa. Evidence both oral and documentary was adduced and the matter submitted for decision.

Applicant and the City of Santa Rosa presented evidence in favor of the application. The testimony of protestants consisted of statements that those who presently have individual switching tracks or spurs to their establishments will lose the benefit of the lower railroad rates charged by truckers to shippers and receivers of freight who are located on the tracks proposed to be abandoned and that even rail shipments, if these facilities are authorized to be abandoned, will cost more since such freight if unloaded from railroad cars east of U. S. Highway 101 must be further carried by truck

to the ultimate point of delivery. Much of the persuasive force of the above wanes when it is realized, as the record shows, that the volume of shipments involved to the protestants and others by rail has decreased in the last few years.

Considering the evidence introduced entirely from the standpoint of public interest and safety it favors granting this application. U. S. Highway 101 is to be converted into a freeway and the problem of separating the grade from this single track will require as a minimum \$650,000 in added public funds. The tracks in question presently intersect an area zoned for multiple dwellings. As a matter of public safety ten unnecessary grade crossings will be eliminated in addition to that over U. S. Highway 101 and the two frontage roads paralleling it. The only reservation expressed by the City in supporting the application was the fear that the railroad might not sell this property or place it to a proper use in accordance with the local zoning requirements. It would seem that the Commission can leave this matter to the City and applicant without attempting to impose involved restrictions upon the railroad as to its use or disposition of what will become its nonoperative property.

The Commission finds that the tracks proposed to be abandoned are no longer required by public convenience and necessity. As a consequence the Commission is of the opinion and finds that upon thirty days' notice to the public and to the Commission applicant should be authorized to abandon, retire and remove the railroad tracks as hereinafter provided.

The conclusions reached herein are without prejudice to protestants' rights to seek lower lawful rates for their transportation requirements through any appropriate means.

O R D E R

Public hearing having been held and based upon the above findings, --

IT IS ORDERED that after the effective date hereof and on or before January 1, 1964, and within three months after budgeting of funds by State of California, Division of Highways, for freeway construction on U. S. Highway 101 through Santa Rosa, and upon thirty days' notice to the Commission and to the public by posting in at least four public places along the tracks and by publication, applicant is authorized to abandon and remove all its railroad tracks, appurtenances and facilities from the land as described in its application and in Appendix A attached hereto and by reference made a part hereof.

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

Dated at San Francisco, California, this 8<sup>th</sup> day of MAY 1, 1962.

*Ernest All Page*  
 President

*John J. Fox*

*George G. Hoover*

*Fredrick B. Hallock*  
 Commissioners