

Decision No. 18507.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
KEY SYSTEM TRANSIT COMPANY, a corpor-  
ation, to abandon certain of its  
franchise rights and tracks in the  
City of Oakland, County of Alameda,  
State of California, and for a certi-  
ficate declaring public convenience  
and necessity to require certain rights  
and privileges to be granted under  
franchise applied for.

ORIGINAL

Application No. 13,630.

Brobeck, Phleger & Harrison,  
by Frank S. Richards, for  
Applicant,  
Eugene K. Sturgis, for the  
City of Oakland.

BRUNDIDGE, COMMISSIONER:

O P I N I O N

In this proceeding, Key System Transit Company re-  
quests permission to abandon its franchise rights on East 16th  
Street between 2nd Avenue and 14th Avenue, and on that portion  
of 14th Avenue adjacent to East 16th Street, as hereinafter more  
particularly described; to remove its tracks therefrom; to con-  
struct a connection between its 18th Street line and its East  
16th Street line on and along 14th Avenue, and to re-route the  
cars of the East 16th Street line along East 18th Street and  
along 14th Avenue from 2nd Avenue to the connection with the East  
16th Street line at 14th Avenue and East 16th Street.

A public hearing on the matter was held on May 13, 1927, in the City of Oakland.

In its service in the eastern part of Oakland, the Applicant operates street car lines between 2nd Avenue and 14th Avenue along East 14th Street, East 15th Street and East 18th Street, three parallel streets, two short blocks removed from each other.

The City Council of the City of Oakland by its Resolution No. 38, 483 N.S., dated January 26, 1927, proposes to repave that portion of East 16th Street occupied by the tracks which the Applicant requests to remove.

In the event that these tracks were not removed, it would be necessary, under the terms of the City Ordinances, for the applicant to bear the cost of repaving that portion of the street occupied by its tracks, which would necessitate the rehabilitation of the track structure. The cost of the entire work, which would be assessable to applicant, is estimated to be \$92,000. In order to avoid this expense applicant requests permission to re-route its cars now running over the East 16th Street line by way of East 18th Street and along the proposed new track connection on 14th Avenue between East 18th Street and East 16th Street, to remove the tracks from this portion of East 16th Street line and to repave the abandoned portion of the street substantially in the same manner as proposed by the City of Oakland for the remainder of the street. The City of Oakland and representatives of the residents and property owners along East 16th Street testified at the hearing that they had no objection to the removal of these tracks and the re-routing of the East 16th Street cars along East 18th Street, provided the applicant will remove its tracks and pave that portion of the street now occupied

by the track with a character of pavement substantially equal to that proposed for the remaining portion of the street. This plan is agreeable to applicant as hereinbefore noted.

The proposed re-routing of the East 16th Street cars will involve a slightly longer haul than now prevails. This additional haul will, however, not materially increase the running time of these cars or effect the schedule and the territory will be practically as well served as at the present time.

From the evidence it appears that the request of the applicant is just and reasonable and that the application should be granted.

The following form of order is recommended:

O R D E R

A public hearing having been held on the above entitled proceeding, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to Key System Transit Company to remove its double track line on East 16th Street and on 14th Avenue from 2nd Avenue and East 16th Street to the intersection of East 16th Street with 14th Avenue in the City of Oakland, along the route described as follows:

Commencing at the point of switch of the branch-off from the Park Boulevard or 4th Avenue line, said point of switch being at Engineer's Station 55 plus 48.2, and running thence by means of a Lorain Switch Spiral No. 2 deflecting to the right, or southeasterly, a distance of 14.4 feet, thence continuing to the right on a curve of 55 foot center line radius a distance of 40.8 feet, thence continuing to the right by means of a Lorain Spiral No. 2 a distance of 20.5 feet, thence easterly in a straight line tangent to the last mentioned spiral 11.5 feet, continuing thence by

means of a curve with a radius of 382.2 feet, deflecting to the left, or northeasterly, a distance of 33.3 feet to a point on a line tangent to the last mentioned curve and 5.5 feet, more or less, southerly from the center line of East Sixteenth Street. Continuing southeasterly along the last mentioned line a distance of 4091.3 feet, thence by means of a Lorain Spiral No. 2 deflecting to the left, or northeasterly, a distance of 20.5 feet, thence continuing on a curve of 55 foot radius, deflecting to the left or northeasterly, a distance of 63.0 feet, thence continuing in a northeasterly direction by means of a Lorain Spiral No. 2, a distance of 20.5 feet, thence in a straight line, said line being tangent to the last mentioned spiral, a distance of 77.4 feet, thence by means of a Lorain Spiral No. 2 deflecting to the right, or easterly, a distance of 17.9 feet, thence continuing on a curve of 60 foot radius, deflecting easterly a distance of 62.8 feet, thence continuing easterly by means of a Lorain Spiral No. 2 a distance of 17.9 feet to a point, said point being what is known as the End of Curve, and being located in a line tangent to the last mentioned spiral, parallel to the center line of East Sixteenth and distant therefrom 5.75 feet, more or less, in a southerly direction, the before mentioned End of Curve being at Engineer's Station 100 plus 40.

and as shown in yellow on map (Exhibit C), attached to the application, said tracks to be removed subject to the following conditions:

(1) Applicant shall, before removing the tracks, submit a certified copy of a franchise or permit from the City of Oakland for the removal of said tracks, and in the event that this is not done, the authorization herein granted for the removal of said tracks shall lapse and shall thereupon become null and void and of no further force and effect.

(2) Immediately after the removal of said tracks, applicant, at its sole expense, shall repave that portion of the street covered by said tracks, and place it in a condition at least equal to the other portion of the street.

IT IS HEREBY FURTHER ORDERED, that permission and authority be and it is hereby granted to Key System Transit Company to

construct a double track line along 14th Avenue between East 18th Street and East 16th Street in the City of Oakland, along the route described as follows:

Commencing at a point on the existing southerly track on East 18th Street, said point being 5.75 feet, more or less, southwesterly from the center line of East 18th Street and 45 feet, more or less, northwesterly from the northwesterly property line of 14th Avenue, and running thence by means of a curve of 70 foot radius with appropriate spirals, deflecting to the right, or southwesterly, a distance of 145 feet, more or less; thence in a straight line tangent to the last mentioned spiral and 5.75 feet, more or less, northwesterly from the center line between curbs on 14th Avenue 395 feet, more or less; thence by means of a curve of 55 foot radius with appropriate spirals, deflecting to the left, or southerly, a distance of 142 feet, more or less, to a point, said point being on the center line of the existing outbound, or southwesterly, track on East 16th Street and 15 feet, more or less, southeasterly from the southeasterly property line of 14th Avenue, a total length of 682 feet, more or less, of double track.

and as shown in red on map (Exhibit C), attached to the application, subject, however, to the following condition:

(1) Applicant shall within ninety (90) days submit a certified copy of a franchise or permit from the City of Oakland for the construction of said tracks, and in the event that this is not done the authorization herein granted for the installation of said tracks shall lapse and shall thereupon become null and void and of no further force and effect.

IT IS HEREBY FURTHER ORDERED, that permission and authority be and it is hereby granted Key System Transit Company to re-route its street cars, now operated along East 16th Street and 14th Avenue between 2nd Avenue and 14th Avenue, the route shown in yellow on map (Exhibit C), attached to the application, to a route described as follows:

Beginning at the intersection of 2nd Avenue on East 16th Street, thence easterly along the tracks of the Park Avenue line on private right of way

to East 18th Street, thence southeasterly along East 18th Street to 14th Avenue, thence southwesterly along 14th Avenue to a connection with the line on East 16th Street southeasterly from 14th Avenue.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

The foregoing opinion and order shall be filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 14<sup>th</sup> day of June, 1927.

Ernest W. Deady  
H. B. Brundage  
C. S. Sawyer  
Leon A. Whipple  
Thos. D. Barrett  
Commissioners.