

Decision No. 20026

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of Key System Transit Company, a
corporation, to abandon its spur
track located at Claremont Avenue
and 56th Street, Oakland, Alameda
County, State of California.

Application No. 14547.

Brobeck, Phleger and Harrison, by Frank S.
Richards, for Applicant.

A. G. Schaffer, for certain property owners.

L. H. Wolters, for Central-Sauey Creamery
Company and Golden State Products Company.

C. H. Patterson, for Alhambra Water Company.

H. A. Stout, for C. W. Hickman Coal Company.

BY THE COMMISSION:

O P I N I O N

In this application, Key System Transit Company requests permission to abandon and remove its spur track located at the intersection of 56th Street and Claremont Avenue, Oakland, California.

A public hearing was held before Examiner Gannon on June 18th, 1928, at Oakland.

The spur track involved herein branches off from the Claremont Line of applicant at the intersection of 56th Street and Claremont Avenue and extends in a westerly direction, parallel to and north of the north line of Claremont Avenue and is sufficiently long enough to accommodate three freight cars. After leaving the railroad right-of-way the track occupies private property by virtue of an agreement, dated February 28th, 1912, between the

predecessors in interest of the applicant and the owner of said private property. Under the terms of this agreement, the property owner receives one (1) dollar for every car placed on the spur track.

At the present time the spur track is used chiefly by two concerns, namely, Alhambra Water Depot and C. W. Hickman Coal Company. The depot of the water company is located on Telegraph Avenue about three blocks from the spur. Tank cars of spring water placed on the track are unloaded by means of a pipe line running in and along applicant's right-of-way to Telegraph Avenue, and thence in and along Telegraph Avenue to the plant. Seventy-nine cars of water were handled during 1927 and thirty-four cars during the first five months of 1928.

In the event that the spur were to be removed, the nearest available spur would be more than one mile distant and for the economic handling of water the plant of the water company would have to be moved.

The fuel company is located almost entirely on the same block as the spur. All fuel and supplies are delivered in carload lots. During 1927, sixty-nine cars, and during the first five months of 1928, nineteen cars were handled for the fuel company. In this case, the nearest spur track available would be more than one mile distant. The use of such track would necessitate the hauling by truck of all fuel and supplies, which would be reflected by an increase in the cost of delivery.

In addition to the two above users, the track is available to the general public as a team track, although very slightly used other than as enumerated above.

The present owners of the property upon which the spur is located request its removal on the ground that their Claremont Avenue frontage is destroyed and that they are unable to improve

their property without said frontage.

Applicant showed that it was receiving revenue from this track to practically cover its out-of-pocket operating costs.

Representatives of the two industries, whose protests are noted above, stated that if the revenues were not sufficient to cover operating expenses, they would have no objection to an increase in charges for cars delivered to them.

A review of the evidence in this proceeding satisfies us that convenience and necessity require the continued operation of this spur track and the order following will be based on that conclusion.

O R D E R

Key System Transit Company, having made application to abandon its spur track at the intersection of 56th Street and Claremont Avenue, City of Oakland, California, a public hearing having been hold, the Commission being apprised of the facts, and the matter being under submission and ready for decision, therefore,

IT IS HEREBY ORDERED that Application No. 14547 be and the same is hereby denied without prejudice.

Dated at San Francisco, California, this 11th day of July, 1928.

C. Searney

Edward C. ...

Thos. S. ...

M. J. ...
Commissioners.