

Decision No. 37558

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of KEY SYSTEM,)
a corporation, for an order authorizing appli-) Application
cant to transfer certain operative properties) No. 26486
to the City of Berkeley.)

ORIGINAL

BY THE COMMISSION:

O P I N I O N

In this application Key System requests authority to quit-claim to the City of Berkeley the tracks, ties, and appurtenances imbedded in the pavement along certain streets in said city. The tracks referred to include those on the Arlington and Euclid Avenue lines and that portion of its line on College Avenue located within the City of Berkeley.

The conveyance to the City of such physical property arises out of an agreement entered into between Key System and the City of Berkeley to assure the repaving of the streets as soon as materials and labor become available. That agreement, attached to the application as Exhibit B, declares that a complete reconstruction of said tracks and pavement is necessary, but that the work cannot be accomplished in the immediate future; therefore, in order to give the City assurance that Key System will meet these anticipated paving obligations it is agreed that a conveyance will now be made to the City of all these track facilities and that it will also pay \$160,000 in cash to enable the City to employ a contractor to do the work. Until that work is done Key System will retain full use of the tracks and will maintain them in a safe operating condition. Although the management recognizes that Key System may later seek authority of this Commission to substitute either trolley coach or motor coach service for the existing rail service along these named lines, there is nothing contained in the agreement which commits either the Commission or the City to the abandonment of rail service or to any plan

of substitute service in the future; nor does the agreement in any way detract from the Commission's other regulatory authority over Key System's operations.

Therefore, it appears that this is not a matter requiring a public hearing and that the Commission may appropriately grant the application of Key System to convey the described track facilities to the City of Berkeley.

O R D E R

IT IS HEREBY ORDERED that Key System is authorized to quit-claim to the City of Berkeley its right, title, and interest in all of that portion of its tracks, ties, and appurtenances imbedded in the pavement located on the following streets:

- a. College Avenue from the south city limits to the south line of Bancroft Way.
- b. Oxford Street from the north line of University Avenue to the end of the Euclid Avenue line at Euclid Avenue and Regal Road.
- c. Grove Street from the north line of University Avenue to the end of the Arlington Avenue line at the north city limits on Arlington Avenue.

All of the above is shown in red on the map attached to the application as an exhibit and made a part thereof.

The authority herein granted is subject to the following conditions:

- 1. Applicant shall, within thirty (30) days thereafter, notify this Commission in writing of the completion of the property transfer herein authorized.
- 2. The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, December 19 1944

Richard L. Baker
Justice F. Giamber
August R. Havens
James W. Coe
David K. Rouse
 Commissioners