

Decision No. 38438

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 KEY SYSTEM, a corporation, for an)
 order authorizing applicant to)
 transfer certain operative properties)
 to the City of Oakland.)

Application No. 27097

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 Oakland the tracks, ties, and appurtenances imbedded in the pavement along certain streets in said city. The tracks referred to include those on 14th Avenue and MacArthur Boulevard; Broadway and College Avenue; East 21st Street; and Park Boulevard, as hereinafter more particularly described, all located within the City of Oakland.

The conveyance to the City of such physical property arises out of agreements entered into between Key System and the City of Oakland to assure the repaving of the streets as soon as materials and labor become available. These agreements, attached to the application as Exhibits B, C, D, and E, declare 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 those track facilities and that it will also pay \$244,000 in cash to enable the City to employ a contractor or contractors 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 agreements 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 do the agreements 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 Oakland.

ORDER

IT IS HEREBY ORDERED that Key System is authorized to quitclaim to the City of Oakland 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. East 18th Street from approximately Third Avenue to 14th Avenue, 14th Avenue from East 18th Street to MacArthur Boulevard, MacArthur Boulevard from 14th Avenue to 35th Avenue.
- B. Broadway from Piedmont Avenue to Clifton Street, College Avenue from Broadway to the northern city boundary of Oakland.
- C. East 21st Street from 14th Avenue to 25th Avenue, 25th Avenue from East 21st Street to East 24th Street, East 24th Street from 25th Avenue to 26th Avenue, 26th Avenue from East 24th Street to East 27th Street, East 27th Street from 26th Avenue to Fruitvale Avenue.
- D. Park Boulevard from the vicinity of East 20th Street to Leimert Boulevard, Leimert Boulevard from Park Boulevard to the vicinity of Oakmore Road.

All of the above is shown in red attached to the application as Exhibit "A", and by the maps attached to Exhibits "B", "C", "D", and "E", all of which are made a part of the application.

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, this 27th day
of November 1945:

David C. Quinn
Justin J. Quinn
Francis Quinn
James Quinn
Harold P. Hale

COMMISSIONERS