

Decision No. 14086.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
SOUTHERN PACIFIC COMPANY for an  
order authorizing the construction  
at grade of a spur track across 45th  
Street, in the Town of Emeryville,  
County of Alameda, State of  
California.

Application No. 10,306.

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER.

Southern Pacific Company, a corporation, made application on July 22, 1924, for permission to construct a spur track at grade across 45th Street, in the Town of Emeryville, County of Alameda, State of California, and the Commission made its Decision No. 13,892, dated August 8, 1924, granting said application subject, among other conditions, to that certain condition reading as follows:

"(5) Applicant shall file with this Commission a certified copy of a franchise from the Town of Emeryville for the construction of said crossing at grade."

The Southern Pacific Company has made written request that said condition No. 5 be waived for the reason that said track is located across 45th Street on right of way which was deeded to the Southern Pacific Company prior to the dedication of 45th Street to the Town of Emeryville, said dedication being subject to the right of way granted to the Southern Pacific Company.

Copy of said right of way deed was filed in Application No. 9267 (Decision No. 12,545). It appears that the request of the Southern Pacific Company should be granted and that said condition should be revoked, therefore,

IT IS HEREBY ORDERED that Condition No. 5 of this Commission's Decision No. 13,892 in this proceeding be and it is hereby revoked.

Dated at San Francisco, California, this 25<sup>th</sup> day of September, 1924.

H. B. Burdick

Dwight Martin

J. T. Whittelsey  
Commissioners.