

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
THE BOARD OF SUPERVISORS OF THE COUNTY
OF TEHAMA to construct a crossing at
Chard Avenue across and beneath the
tracks of Southern Pacific Company in
Supervisors Districts Nos. 2 and 5.

} Application No. 7640.

E. P. Clark and M. J. Cheatham,
District Attorney, for the
Board of Supervisors, Tehama County.

Frank B. Austin for Southern Pacific
Company.

T. B. Langenwelter and E. A. Kern
for Gerber-El Camino Union School
District.

H. A. Kern for the Town of Gerber.
C. C. Smith and Captain O. R. Smith
for certain settlers on El Camino
Project.

George A. Snow for Pacific Land Cor-
poration.

BY THE COMMISSION.

OPINION

A public hearing was held by Examiner Westover at
Red Bluff upon the above entitled application.

It appearing by the testimony of the first witness
that the viewers appointed by the Board had reported to the
Board adversely upon the under grade crossing applied for, be-
cause of the expense and difficulty of draining the subway, and
had reported adversely on a suggested under grade crossing in
a different locality because of the probable cost; but had re-
ported that an overhead crossing at a third location might

prove feasible, but the report being without recommendation, a recess was taken to give opportunity for the Board of Supervisors to consider the viewers' report, which had just been filed, and to confer with residents of the community, who were present. After the recess, the Supervisors reported that they had adopted the report of the viewers and discharged the viewers, and that the Board not being in a position to proceed upon the application or to amend at that time, would, through the District Attorney, move that the Board be allowed to withdraw the application without prejudice.

ORDER

A public hearing having been held upon the above entitled application, and during the course of the hearing the District Attorney having moved for leave to withdraw the above application without prejudice, and good cause appearing,

IT IS HEREBY ORDERED that the above entitled application be and it is hereby dismissed without prejudice.

April Dated at San Francisco, California, this *25th* day of ~~March~~, 1922.

H. B. Sandiger

James Watson
Charles R. ...
W. S. ...
Commissioners.