

Decision No. 7324

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 Kern for an order authorizing the said county of Kern to construct a county road over and upon the right of way of The Atchison, Topeka and Santa Fe Railway Company at a point about one mile north and about fifteen hundred feet west of the station known as Pond.

) Application No. 5645.

) Application to have
) the Railroad Commis-
) sion re-open case,
) covered by Applica-
) tion No. 5645, Com-
) mission's Decision
) No. 7676.

R. B. Lambert for Applicant.

P. W. Doane for The Atchison, Topeka
and Santa Fe Railway Company.

BY THE COMMISSION.

ORDER OF DISMISSAL

By application filed February 16, 1921, Kern County requests a re-opening of above proceeding and a modification of the order therein, contained in Decision No. 7676 of June 8, 1920. The order permitted a railroad crossing at grade upon the condition, among others, that a grove of trees obstructing the view be removed or an automatic flagman installed. The county requests that the above two conditions be stricken out.

A public hearing in the matter was held by Examiner Westover at Bakersfield.

It appeared from testimony that the county requested the railway company to install the automatic flagman referred to in the original order, and that this has been done. The county, there-

fore, requested leave to withdraw its present application to modify the original order and moved that the matter be dismissed. Therefore, upon motion of the County of Kern, and good cause appearing therefor,

IT IS HEREBY ORDERED that the above application to reopen the proceeding and modify the original order be and it is hereby dismissed.

Dated at San Francisco, California, this 5th day of August, 1921.

H. B. Brown
H. D. Loveland
Dwight Martin
J. P. Benedict
Commissioners