

Decision No. 56330

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF SAN )  
 BERNARDINO and THE ATCHISON, TOPEKA )  
 AND SANTA FE RAILWAY COMPANY, a )  
 corporation, for an order author- )  
 izing the construction of a grade )  
 separation at the intersection of )  
 Rialto Avenue in the City of San )  
 Bernardino and the railroad lines )  
 of The Atchison, Topeka and Santa )  
 Fe Railway Company, and for an order )  
 authorizing the closing of the por- )  
 tion of Mill Street in the City of )  
 San Bernardino. )

Application No. 39833

O R D E R

The City of San Bernardino and The Atchison, Topeka and Santa Fe Railway Company are authorized to construct Rialto Avenue in the City of San Bernardino at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company in the manner described in the application and at the location as shown on Exhibit "B" attached thereto, to be identified as Crossing No. 2B-0.3-A, subject to the following conditions:

- (a) Construction and maintenance expenses shall be borne in accordance with an agreement dated June 24, 1955, entered into between the two parties, and a copy of said executed agreement, together with plans of the separation approved by the City of San Bernardino and The Atchison, Topeka and Santa Fe Railway Company, shall be filed with the Commission within ninety days after the effective date of this order.
- (b) Vertical clearances between the bottom of the structure and the tops of rails shall be not less than twenty-three feet eight inches and other clearances shall conform with the provisions of General Order No. 26-D.

- (c) Mill Street (Crossing No. 2B-1.3), temporarily closed during and subsequent to World War II, shall, in so far as it lies within the City of San Bernardino, be abandoned and closed to public use.

Prior to or upon completion of the separation authorized herein, the grade crossing of Rialto Avenue (Crossing No. 2B-0.3) shall be abandoned and closed.

Within thirty days after completion pursuant to this order, applicants shall so advise the Commission in writing. This authorization shall expire if not exercised within two years, unless time be extended, or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 11<sup>th</sup> day of MARCH, 1958.

*[Signature]* President  
*[Signature]*  
*[Signature]*  
*[Signature]*

Commissioners