

**ORIGINAL**

Decision No. 74515

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF SAN BERNARDINO, a municipal corporation, San Bernardino, California, for an order authorizing a crossing at grade of Atchison, Topeka and Santa Fe Railway Company and proposed extension of "D" Street, San Bernardino, California.

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Application No. 50146  
(Filed April 4, 1968;  
Amended July 25, 1968)

John Mohoroski, for the City of San Bernardino, applicant.  
Bruce D. Varner and Charles E. De Lao, for the Redevelopment Agency of the City of San Bernardino, interested party.  
R. D. Hayes, for The Atchison, Topeka & Santa Fe Railway Company, interested party.  
Raymond Toohey, for the Commission's staff.

INTERIM OPINION

Applicant seeks authority to extend "D" Street (a dedicated public street within the City of San Bernardino), at grade, across the tracks of The Atchison, Topeka and Santa Fe Railway Company.

Public hearings on the application were held before Examiner C. S. Abernathy at San Bernardino on May 1 and June 11, 1968. Evidence was presented by applicant through four witnesses: applicant's traffic engineer, its city engineer, its planning director and the real estate manager of the Redevelopment Agency of the City of San Bernardino.

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A representative of the Commission's staff participated in the cross-examination of the witnesses. The matter was submitted subject to the filing of briefs on the question of apportionment of costs.

On July 25, 1968, six days before the due date of the briefs, applicant filed an amendment to the application in this matter, requesting immediate authorization of the work in the construction and protection of the sought crossing, and leaving for subsequent decision the question of the apportionment of costs.

The evidence which was presented by applicant's witnesses is to the following effect:

The City of San Bernardino, through its Redevelopment Agency, is in the process of redeveloping and upgrading an area of about nine square blocks within the central portion of the city. Said area, which is designated as Meadowbrook Project Area No. 1 (Meadowbrook), lies generally between Court Street on the north, Athol Street on the south, Sierra Way on the east and "E" Street on the west. The Redevelopment Agency, in its functions, acquires land within the described area by condemnation or purchase, replots various of the parcels contained therein to make them more usable in terms of current needs, and disposes of them to land developers for further improvement.

The involved area is intersected by a line of The Atchison, Topeka & Santa Fe Railway Company (Santa Fe), which

runs in an east/west direction parallel to, and about 365 feet south of, Rialto Avenue.<sup>1</sup> In a north/south direction the area is intersected in part by "D" Street which lies intermediate between "E" Street and Arrowhead Avenue. At present "D" Street does not extend south of the Santa Fe's line. However, it is the intention of the City of San Bernardino, as part of the redevelopment program, to extend "D" Street southward about one-half mile to a continuation of said street to Mill Street, one of the City's major east/west thoroughfares. Assertedly, the extension of "D" Street is necessary for the following reasons:

- a. It is needed to permit better circulation of traffic within the central portion of San Bernardino;
- b. It is needed to provide greater access to and from south Meadowbrook -- that part of the Meadowbrook area which lies south of the line of the Santa Fe.

The record shows that the extension of "D" Street as proposed is part of the City's general plan for the circulation of traffic within the City; that "D" Street has been adopted by the California Highway Commission as part of the City Select System of Streets, and as such will be designated as an arterial street;<sup>2</sup> that the opening of "D" Street is needed to relieve traffic

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<sup>1</sup> As used throughout this opinion and the order which follows, the term "the line of the Santa Fe" means that portion of the Santa Fe's line as just described above.

<sup>2</sup> Allegedly, the designation of "D" Street as part of the City Select System of Streets permits the use of gasoline tax funds in financing the improvement of the street.

congestion on "E" Street and Arrowhead Avenue; that traffic along "E" Street now exceeds practical capacity, and that traffic pressures on "E" Street are expected to increase upon completion of Central City Project, a shopping center project centered about a mall which is being constructed immediately west of the redevelopment area involved herein.

Regarding the asserted need for improved access to the south Meadowbrook area, the record shows that the Redevelopment Agency considers the present access to and from the area as being inadequate to meet the area's present and future needs, and that Agency attributes the inadequacy of access as being contributory to problems which it has experienced in proceeding in its redevelopment work.

It is the proposal of the City of San Bernardino, in the event the "D" Street crossing of the Santa Fe is authorized, that the crossing be protected by Standard No. 8 flashing light signals (General Order No. 75-B) supplemented by automatic gates. Applicant states that a grade separation of the crossing is not feasible because of the proximity of Rialto Avenue on the north and Congress Street on the south, and, moreover, a grade separation is not necessary because train traffic along the Santa Fe's line is but four trains a day.

#### Discussion

In view of the urgency expressed by the City of San Bernardino in its amendment to the application for an interim order permitting the immediate undertaking of work on the "D" Street

crossing, consideration of the matters pertaining to the apportionment of the costs of the project will be deferred to a later time. Insofar as the application relates to the need for the proposed crossing and the protection to be afforded the crossing, the application is hereby taken under submission for decision.

As to the need for the crossing, it is noted that the record shows, and the Commission so finds, that:

1. "E" Street and Arrowhead Avenue constitute the most immediate streets of access between points within the southern portion of Meadowbrook Project, on the one hand, and other points in said project or in the vicinity of said other points, on the other hand.
2. Traffic along "E" Street is approaching practicable capacity and in peak periods exceeds practicable capacity.
3. The completion of Central City Project will result in further traffic pressures upon "E" Street.
4. Traffic along Arrowhead Avenue is increasing.
5. The completion of the redevelopment program within the south Meadowbrook area will result in an increased movement of vehicles to and from said area.
6. The present access to south Meadowbrook is not sufficient to meet present needs of the redevelopment program nor the area's future traffic needs upon completion of the program.
7. The opening of "D" Street southward across the line of the Santa Fe is needed to provide better access to and from the south Meadowbrook area and to provide better circulation of traffic in the central portion of the City of San Bernardino.
8. Public convenience and necessity require the establishment of the proposed crossing of "D" Street across the line of the Santa Fe.

With the opening of "D" Street across the line of the Santa Fe, protection of the crossing should be concurrently provided. Applicant's recommendation (which was presented through its city engineer) that the crossing be protected by Standard No. 8 flashing light signals supplemented by automatic gates was not opposed by the Santa Fe nor by the representative of the Commission's staff who participated in the proceeding.

The Commission finds that public safety requires the installation of the crossing protection recommended by applicant.

The Commission concludes that authority to construct "D" Street across the line of the Santa Fe and to provide the crossing protection described should be granted as requested. The Commission further concludes that the allocation of the costs of construction and maintenance should be determined by further order herein.

INTERIM ORDER

IT IS ORDERED that:

1. The City of San Bernardino is authorized to construct a crossing of "D" Street (to be identified as Crossing No. 2U-1.1) across the line of The Atchison, Topeka & Santa Fe Railway Company in accordance with the plans set forth in Exhibit "B-2" of the application.
2. Crossing No. 2U-1.1 shall be protected by two Standard No. 8 flashing light signals (General Order No. 75-B) augmented by automatic gate arms.

3. The allocation of the costs of construction, installation and maintenance of the aforesaid crossing and crossing protection is deferred pending further order.

4. The authority herein granted shall expire one year after the effective date of this order unless an extension of time is granted by further order of the Commission.

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

Dated at San Francisco, California, this 6<sup>th</sup> day of AUGUST, 1968.

William Symons, Jr.  
President

Ed E. Mitchell

William C. Bernard

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Sped P. Monissey  
Commissioners