

Decision No. 83785

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF SAN BERNARDINO)
for an order authorizing construction of)
a crossing at separated grades between)
Mill Street and the tracks of The Atchison,)
Topeka and Santa Fe Railway Company, some-)
times referred to as the "Mill Street Over-)
head".)

Application No. 54951
(Filed June 10, 1974)

O P I N I O N

The City of San Bernardino requests authority to construct a new crossing of Mill Street at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company in the City of San Bernardino, San Bernardino County.

The priority list of grade separation projects for the fiscal year 1974-75 as set forth in Decision No. 83066 shows this project as Priority No. 29.

The City of San Bernardino is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on August 19, 1974 adopted a Negative Declaration.

Notice of the application was published in the Commission's Daily Calendar on June 11, 1974. No protests have been received. A public hearing is not necessary.

F I N D I N G S

1. Applicant should be authorized to construct Mill Street at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company at the location and substantially as shown by plans attached to the application, in the City of San Bernardino, San Bernardino County.

2. Dimensions, configurations, clearances, and walkways should be substantially in accordance with the plans set forth in the application and comply with applicable rules and general orders of the Commission.

3. Construction and maintenance expenses should be borne in accordance with an agreement to be entered into between the parties.

4. The City of San Bernardino is the lead agency for this project and on August 19, 1974 approved a Negative Declaration. The Commission has considered the city's Negative Declaration in rendering its decision on this project.

The Commission accepts said Negative Declaration and finds that:

- (a) The environmental impact of this proposed action is not significant.
- (b) The planned construction is the most feasible and economical that will avoid any environmental impact.
- (c) There are no known irreversible environmental changes involved in this project.

C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

O R D E R

IT IS ORDERED that:

1. The City of San Bernardino is authorized to construct Mill Street at separated grades over the tracks of The Atchison, Topeka and Santa Fe Railway Company at the location and substantially as shown by plans attached to the application, identified as Crossing No. 2B-1.1-A.

2. Clearances shall conform to General Order No. 26-D. Walkways shall conform to General Order No. 118.

3. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties relative thereto and a copy of said agreement, together with plans of said crossing approved by The Atchison, Topeka and Santa Fe Railway Company shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the cost of construction and maintenance by further order.

4. Within thirty days after completion pursuant to this order applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within three years unless time be extended or if the above conditions are not complied with. This 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 10th day of DECEMBER, 1974.

Harmon L. Lister
President
William Lyons Jr.
Thomas Moran
Robert E. Wiland
Commissioners