

Decision No. 92735 FEB 18 1981

ORIGINAL

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 Southern Pacific Railroad and proposed "F" Street, San Bernardino, California.

Application No. 59822
(Filed July 21, 1980;
amended August 27, 1980)

O P I N I O N

The City of San Bernardino requests authority to construct "F" Street at grade across the tracks of Southern Pacific Transportation Company's San Bernardino Branch Line in the City of San Bernardino, San Bernardino County.

The City of San Bernardino is the lead agency for this project pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code, Section 21000 et seq. After preparation and review of an Initial Study, the City of San Bernardino issued a Negative Declaration and approved the project. On June 18, 1980, a Notice of Determination was filed with the San Bernardino County Clerk which found that "The project will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration. The site of the proposed project has been inspected by the Commission staff.

The construction of "F" Street across Southern Pacific Transportation Company's tracks will provide access to a projected commercial development. The project site is now open land located in the south central part of the City of San Bernardino.

Notice of the application and the amendment were published in the Commission's Daily Calendar on July 25, 1980, and September 5, 1980, respectively. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Applicant requests authority to construct "F" Street at grade across the tracks of Southern Pacific Transportation Company's San Bernardino Branch Line in the City of San Bernardino, San Bernardino County.

2. The proposed construction of "F" Street at grade across Southern Pacific Transportation Company's tracks is required to provide access to a projected commercial development.

3. Public convenience and necessity require construction of the proposed railroad-highway crossing.

4. Public safety requires that protection at the crossing be two Standard No. 9 automatic gate type signals (General Order 75-C).

5. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.

6. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.

7. This project will have no significant impact on the environment.

Conclusion of Law

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 "F" Street at grade across the tracks of Southern Pacific Transportation Company's San Bernardino Branch Line in the City of San Bernardino, San Bernardino County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing No. BBR-541.36.

2. Construction of the crossing shall be equal or superior to Standard No. 2 of General Order 72-B.

3. Clearances shall conform to General Order 26-D. Walkways shall conform to General Order 118.

4. Protection at the crossing shall be two Standard No. 9 automatic gate-type signals (General Order 75-C) with additional flashing lights aimed at traffic on Inland Center Drive.

5. Construction expense of the crossing and installation cost of the automatic protection shall be borne by the applicant.

6. Maintenance of the crossing shall conform to General Order 72-B. Maintenance cost of the automatic protection shall be borne by the applicant pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

7. Construction plans of the crossing, approved by Southern Pacific Transportation Company, together with a copy of the agreement entered into between the parties involved, shall be filed with the Commission prior to commencing construction.

8. 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 two years unless time be extended or if the 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 thirty days after the date hereof.

Dated FEB 18 1981, at San Francisco, California.

Jul E. Bryan
President
Philip C. Howell
Samuel C. Jones

_____ Commissioners