

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the San Bernardino Associated Governments, acting as the County Transportation Commission, for authority to construct pedestrian crossings at two passenger rail stations and to modify an existing at-grade railroad crossing at South "G" Street on the SCRRA San Gabriel Subdivision in the City of San Bernardino.

Application 13-04-015
(Filed April 22, 2013)

DECISION GRANTING AUTHORIZATION TO THE SAN BERNARDINO ASSOCIATED GOVERNMENTS TO CONSTRUCT PEDESTRIAN AT-GRADE CROSSINGS AT TWO PASSENGER RAIL STATIONS AND MODIFY THE EXISTING AT-GRADE RAILROAD CROSSING AT SOUTH "G" STREET IN THE CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO

Summary

This decision grants the San Bernardino Associated Governments authorization to construct one new pedestrian grade-separated rail crossing and two new at-grade pedestrian emergency crossings at the Santa Fe Depot Station; one new at-grade pedestrian crossing at the proposed San Bernardino Transit Center in Downtown San Bernardino; and modify the existing South "G" Street at-grade crossing on the Southern California Regional Rail Authority San Gabriel Subdivision railroad tracks in the City of San Bernardino, San Bernardino County. This decision also grants its request for authority to revise the current South "G" Street CPUC Crossing number from "002U" to "101SG" prefix, to reflect the change from BNSF

Railway Company's Redlands Subdivision to Southern California Regional Rail Authority San Gabriel Subdivision tracks.

The proposed and existing crossings are to be identified as:

- New pedestrian grade-separated crossing at Santa Fe Depot Station - California Public Utilities Commission (CPUC) Crossing No. 101SG-56.50-AD and United States Department of Transportation (DOT) No. 945412Y;
- New at-grade pedestrian emergency crossing located west of Santa Fe Depot Station - CPUC Crossing No. 101SG-56.43-D and DOT No. 945411S;
- New at-grade pedestrian emergency crossing located east of Santa Fe Depot Station - CPUC Crossing No. 101SG-56.63-D and DOT No. 945412F;
- New at-grade pedestrian crossing at San Bernardino Transit Center - CPUC Crossing No. 101SG-57.48-D and DOT No. 945414M; and
- South "G" Street - CPUC Crossing No. 101SG-57.41 and DOT No. 027208S.

Discussion

The San Bernardino Associated Governments (SANBAG), acting as the San Bernardino County Transportation Commission, as part of its Downtown San Bernardino Passenger Rail Project, is proposing to extend Southern California Regional Rail Authority (SCRRA) Metrolink commuter rail service from the current terminus at the Santa Fe Depot Station to the proposed San Bernardino Transit Center in downtown, both in the City of San Bernardino. Metrolink will implement the extension of commuter service along an existing rail corridor

acquired by SANBAG specifically to initiate passenger service. The line currently hosts freight service by BNSF Railway Company (BNSF).

As part of the rail extension, SANBAG requests authority to construct one new pedestrian grade-separated crossing and two new at-grade pedestrian emergency crossings at the Santa Fe Depot Station; one new at-grade pedestrian crossing at the proposed San Bernardino Transit Center; modify South "G" Street to include two additional tracks; and revise the current South "G" Street crossing CPUC Crossing number prefix from "002U" to "101SG" to reflect the change from BNSF's Redlands Subdivision to SCRRA's San Gabriel Subdivision tracks.

The first mile of BNSF Redlands Branch will become an extension of SCRRA's San Gabriel Subdivision railroad tracks. The new rail extension will host passenger service, to be operated by SCRRA, the operators of the Metrolink commuter rail system in Southern California. SCRRA will operate approximately 38 passenger trains per day at a maximum speed of 79 MPH and BNSF will continue to operate 12 freight trains per day at approximately 55 MPH on this track.

The CPUC Safety and Enforcement Division -Rail Crossings Engineering Section (RCES) staff participated in field diagnostic review meetings with SANBAG and Metrolink personnel.

SANBAG proposes to extend the tracks of the SCRRA San Gabriel Subdivision by constructing two new main tracks and two new platforms at the Santa Fe Depot Station: Platform A and Platform B. The two new platforms will be linked by a new pedestrian overhead bridge. The new overhead bridge will provide pedestrians safe access to the Metrolink and Amtrak platforms. Access to the pedestrian overhead bridge will be provided by an elevator and stairwell.

The pedestrian overhead bridge design and construction will conform to all Americans with Disabilities Act (ADA) requirements. The vertical and horizontal clearances between the railroad track and the pedestrian bridge structure comply with the requirements specified in CPUC General Order 26-D, Regulations Governing Clearances on Railroads and Street Railroads, and the SANBAG Design Criteria Manual.

The proposed Santa Fe Depot pedestrian overhead bridge will eliminate five existing at-grade pedestrian crossings within the Santa Fe Depot Station area, between mileposts 56.50 and 56.63. Under current passenger boarding conditions, Amtrak patrons gain access to the existing top-of-tie level asphalt platform, adjacent to BNSF Main Track 3, through the use of portable step stools and a portable wheel chair lift. The new Santa Fe Depot Station design will improve the Amtrak passenger access by providing elevated platforms. Amtrak passengers will gain access to Platform "A" by use of the new pedestrian overhead bridge.

Metrolink passengers at the Santa Fe Depot will board trains from either Platform "A" or "B"; however, the primary boarding platform for Metrolink trains would be Platform "B," which will be directly adjacent to the Santa Fe Depot.

The two Santa Fe Depot Station's pedestrian emergency-use at-grade crossings will include locked 4.5 feet high sliding gates provided in line with the inter-track fence. The emergency crossing will consist of:

- Installing locked double swing gates at both ends of Platform "A" crossings entrances;
- Installing ADA walkway approaches to crossing;

- Installing ADA compliant detectable warning tactile strips at all pedestrian sidewalk approaches to the crossing;
- Installing precast concrete panel crossing surface;
- Installing cast-in-place concrete pedestrian pathway connecting the crossing panels to the Platforms A and B;
- Installing a locked double swing gate with signage at the south end of for the west crossing leading away from the station; and
- Installing a locked gate with signage at the south end of the east crossing near the station parking lot.

The Santa Fe Depot Station's emergency crossings pedestrians' movement is governed by SCRRRA's standard operating procedure, which includes General Code of Operating Rules (GCOR) Sections 6.32.2 and 6.32.9. GCOR requires operators to operate trains at restricted speed when notified that emergency crossings are in use. Train speed will be restricted to allow trains to stop within half the range of vision short of the emergency crossing location. The GCOR states that movement at restricted speed must not exceed 20 MPH, which will be the maximum authorized rail track speed within the Santa Fe Depot Station area.

SANBAG will construct a second station at the San Bernardino Transit Center located west of South "E" Street and South of West Rialto Avenue. SANBAG proposes to construct a new at-grade pedestrian crossing at the west end of San Bernardino Transit Center Station that will cross four tracks. The station will serve as the terminus to the rail extension service. The crossing construction will consist of:

- Installing precast concrete panel crossing surface;
- Installing cast-in-place concrete pedestrian pathway connecting the crossing panels to the platforms;

- Installing one CPUC Standard 9 warning device at each platform entrance to the crossing;
- Installing one push-to-open swing gate adjoining the location of each Commission Standard 9 gate arm, to create a point of emergency egress when the gates are in the down position;
- Installing pedestrian channelization in the form of edge fencing along the pedestrian crossing approaches as shown in plans;
- Installing inter-track fence of welded-wire construction on either side of the crossing to preclude pedestrian circumvention of warning devices;
- Installing ADA compliant detectable warning tactile strips at all pedestrian pathway approaches to the crossing;
- Constructing ADA compliant sidewalks on both sides of the crossing; and
- Applying California Manual on Uniform Traffic Control Devices (CA MUTCD) compliant signage including R15-8 "LOOK," "PULL GATE TO OPEN," "EXIT ONLY," and "PUSH GATE TO OPEN" signs as shown in plans.

South "G" Street crosses over a single track and is equipped with two curb-mounted CPUC Standard 9-A (flashing light signal assembly with automatic gate arm and additional flashing light signals over the roadway on a cantilevered arm) warning devices, pavement markings and advanced warning signage. Proposed alterations to the crossing will consist of:

- Installing one additional main line track;
- Installing one additional yard lead track;
- Realigning the existing main line track;

- Installing one new Commission Standard 9-A warning device for each crossing approach;
- Installing four Commission Standard 9 (flashing light signal assembly with automatic gate arm) pedestrian gate warning devices in combination with swing gates at all pedestrian sidewalk approaches to the crossing;
- Installing pedestrian channelization in the form of hand railing along the pedestrian crossing approaches and fencing along the right-of-way to prevent trespassing, as shown in plans;
- Installing ADA compliant detectable warning tactile strips at all pedestrian sidewalk approaches to the crossing;
- Constructing ADA compliant sidewalks on both sides of the crossing;
- Installing concrete crossing panel surface for all tracks;
- Installing concrete raised medians for both approaches; and;
- Applying CA MUTCD compliant signage including W10-1, W48, R15-8 'LOOK,' R28 (CA) "NO PARKING ANYTIME," and "RXR" pavement markings as shown in plans.

Environmental Review and CEQA Compliance

The California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq.) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities. Since the project is subject to CEQA and the Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission has the exclusive authority to approve

the project pursuant to Section 1202 of the Public Utilities Code), the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

The lead agency is either the public agency that carries out the project,¹ or the one with the greatest responsibility for supervising or approving the project as a whole.² SANBAG is the lead agency for the Downtown San Bernardino Passenger Rail Project and proposes to construct one new pedestrian grade-separated rail crossing, two new at-grade pedestrian emergency crossings, one new at-grade pedestrian crossing, and modify the South “G” Street at-grade crossing. The Commission is a responsible agency under CEQA because it will be issuing a permit for a portion of the project. As a responsible agency under CEQA, the Commission must consider the lead agency’s environmental documents and findings before acting on or approving this project.³ As a responsible agency, the Commission must make findings regarding each significant effect of the project components under its jurisdiction; such findings shall include relevant mitigation measures.⁴

Pursuant to CEQA, SANBAG prepared an environmental document titled *Downtown San Bernardino Passenger Rail Project Environmental Impact Report (EIR)*, which identifies environmental impacts and associated mitigation measures related to the Downtown San Bernardino Passenger Rail Project. Per CEQA, a

¹ CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

² CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

³ CEQA Guidelines, Sections 15050(b) and 15096.

⁴ CEQA Guideline Section 15096(g).

Revised Environmental Assessment, dated August 2012, was also completed to determine if an Environmental Impact Statement (EIS) was necessary. It was prepared in accordance with requirements of the Federal Transit Administration and the National Environmental Policy Act (NEPA) ⁵.

In addition, under CEQA SANBAG filed a Notice of Determination (NOD) on April 22, 2013. The NOD states that 1) the project will have a significant effect on the environment; 2) an EIR was prepared for this project pursuant to the provisions of CEQA; 3) Mitigation measures were made a condition of the approval of the project; 4) a Mitigation Monitoring and Reporting Plan (MMRP) was adopted for this project; 5) a Statement of Overriding Considerations was adopted for this project; and 6) Findings were made pursuant to the provisions of CEQA.

In the Final Environmental Impact Report (FEIR), findings indicate the parts of the proposed project that are under the Commission's jurisdiction there is the potential impacts of permanent increases in ambient noise levels in the project area. However, the effects would be reduced to less-than-significant levels with the implementation of the identified mitigation measures. Specifically SANBAG adopted a MMRP, as a condition for the project, which requires the establishment of a "quiet zone," via supplemental safety measures, for the at-grade crossings at 2nd Street, Rialto Avenue/I Street, and G Street.

The CPUC reviewed and considered the FEIR, NOD and MMRP and finds the documents adequate for our decision-making purposes.

⁵ 42 USC 4332 (2)(c) of 1969 as amended. Projects undertaken in California that utilize federal funds, require discretionary federal approval, or are undertaken by federal agencies are subject to both NEPA and CEQA.

Filing Requirements and Staff Recommendation

The application is in compliance with the CPUC's filing requirements, including Rule 3.7 of Rules of Practice and Procedure, which relates to the construction of a public highway across a railroad.

The CPUC's Safety and Enforcement Division - Rail Crossings Engineering Section has inspected the site of the proposed crossings, reviewed and analyzed the plans submitted with the application, and recommends that the requested authority to construct and modify the subject crossings be granted for a period of three years.

Categorization and Need for Hearings

In Resolution ALJ 176-3314, dated May 9, 2013, and published in the Commission Daily Calendar on May 10, 2013, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. Given these developments, it is not necessary to disturb the preliminary determinations.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the CPUC's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Emory J. Hagan, III is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on April 24, 2013. There are no unresolved matters or protests. A public hearing is not necessary.

2. SANBAG requests authority, under Public Utilities Code Sections 1201-1205, to construct one pedestrian grade-separated crossing and two pedestrian at-grade emergency crossings at the Santa Fe Depot Station; one pedestrian at-grade crossing at the proposed San Bernardino Transit Center; modify the existing at-grade crossing of South "G" Street; and to revise the current CPUC number from "002U" to "101SG" prefix to reflect the change from BNSF's Redlands Subdivision to Metrolink's San Gabriel Subdivision tracks, in the City of San Bernardino, San Bernardino County.

3. Metrolink will operate approximately 38 passenger trains per day at a maximum speed of 79 MPH and BNSF will operate 12 freight trains per day at approximately 55 MPH over the newly designated San Gabriel Subdivision railroad tracks.

4. SANBAG is the lead agency for this project under CEQA, as amended.

5. SANBAG prepared an EA/DEIR for this project and approved a NOD for the Project on September 5, 2012.

6. The CPUC is a responsible agency for this project and has reviewed and considered the lead agency's FEIR, including NOD and the MMRP.

7. Pursuant to the FEIR, the parts of the proposed project that are under the Commission's jurisdiction may create permanent increases in ambient noise levels in the project area. However, the effects would be reduced to less-than-significant levels with the establishment of a "quiet zone," via supplemental safety measures, for the at-grade crossings at 2nd Street, Rialto Avenue/I Street, and G Street.

8. With the required mitigation measures the project will not have a significant effect on the environment.

Conclusions of Law

1. The NOD, MMRP and FEIR prepared by the SANBAG are adequate for our decision-making purposes.
2. The NOD and MMRP were completed in compliance with CEQA.
3. The application is uncontested and a public hearing is not necessary.
4. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The San Bernardino Associated Governments is authorized to construct one new pedestrian grade-separated rail crossing and two new at-grade pedestrian emergency crossings at the Santa Fe Depot Station; one at-grade pedestrian crossing at the proposed San Bernardino Transit Center; and modify the at-grade crossing of South "G" Street and revise the current California Public Utilities Commission crossing number from "002U" to "101SG" prefix to reflect the change from BNSF Railway Company's Redlands Subdivision to Southern California Regional Rail Authority's San Gabriel Subdivision tracks in the City of San Bernardino, San Bernardino County.

2. The proposed crossings shall be identified as:
 - New pedestrian grade-separated rail crossing at Santa Fe Depot Station - California Public Utilities Commission Crossing No. 101SG-56.50-AD and United States Department of Transportation No. 945412Y;
 - New at-grade pedestrian emergency crossing located at the west end of the Santa Fe Depot Station - California Public Utilities

Commission Crossing No. 101SG-56.43-D and United States
Department of Transportation No. 945411S;

- New at-grade pedestrian emergency crossing located at the east end of the Santa Fe Depot Station – California Public Utilities Commission Crossing No. 101SG-56.63-D and United States Department of Transportation No. 945412F;
- New at-grade pedestrian crossing at San Bernardino Transit Center – California Public Utilities Commission Crossing No. 101SG-57.48-D and United States Department of Transportation No. 945414M.
- South “G” Street - California Public Utilities Commission Crossing No. 101SG-57.41 and United States Department of Transportation No. 027208S.

3. The new pedestrian at-grade crossings and modifications to the existing at-grade rail-crossing shall have the crossing treatments and configuration described above and specified in the application and attachments.

4. San Bernardino Associated Governments shall comply with all applicable rules, including California Public Utilities Commission General Orders, the United States Department of Transportation’s Americans with Disabilities Act Standards for Transportation Facilities and the California Manual on Uniform Traffic Control Devices.

5. San Bernardino Associated Governments shall notify the California Public Utilities Commission’s Safety and Enforcement Division – Rail Crossing Engineering Section at least five business days prior to opening the crossings. Notification shall be made to rces@cpuc.ca.gov.

6. Within 30 days after completion of the work under this order, San Bernardino Associated Governments shall notify the California Public Utilities Commission's Safety and Enforcement Division - Rail Crossings Engineering Section in writing, by submitting a completed California Public Utilities Commission Standard Form G (*Report of Changes at Highway Grade Crossings and Separations*), of the completion of the authorized work. Form G requirements and forms can be obtained at the California Public Utilities Commission web site Form G page at <http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/formg>. This report may be submitted electronically to rces@cpuc.ca.gov as outlined on the web page.

7. Within 30 days after completion of the work under this order, San Bernardino Associated Governments shall notify the Federal Railroad Administration of the existence of the crossing by submitting a U.S.DOT CROSSING INVENTORY FORM, form FRA F6180.71. A copy shall be provided concurrently to the California Public Utilities Commission's Safety and Enforcement Division - Rail Crossings Engineering Section. This copy of the form may be submitted electronically to rces@cpuc.ca.gov.

8. This authorization shall expire if not exercised within three years, unless time is extended or if the above conditions are not satisfied. The California Public Utilities Commission may revoke or modify this authorization if public convenience, necessity, or safety so require.

9. A request for extension of the three-year authorization period shall be submitted to the California Public Utilities Commission's Safety and Enforcement Division - Rail Crossings Engineering Section at least 30 days

before its expiration. A copy of the extension request shall be sent to all interested parties.

10. The application is granted as set forth above.
11. Application 13-04-015 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.