

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

May 21, 2024

FROM

NOEL CASTILLO, Director, Department of Public Works – Transportation

SUBJECT

Non-Financial Rail Crossing Application to the California Public Utilities Commission for Speedway Commerce Center II Development at VIP Road and Napa Street in the Fontana Area

RECOMMENDATION(S)

1. Approve non-financial Rail Crossing Application to the California Public Utilities Commission to modify and convert existing VIP Road and Napa Street private at-grade crossings to public at-grade crossings.
2. Authorize the Director of the Department of Public Works to execute and submit the Rail Crossing Application to the California Public Utilities Commission in connection with the Speedway Commerce Center II Development at VIP Road and Napa Street, in the Fontana Area, any non-substantive amendments, and any other documents necessary to complete the Rail Crossing Application, subject to County Counsel review.
3. Direct the Director of the Department of Public Works to transmit the Rail Crossing Application and any non-substantive amendments to the Clerk of the Board of Supervisors within 30 days of submission.

(Presenter: Noel Castillo, Director, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

**Ensure Development of a Well-Planned, Balanced, and Sustainable County.
Provide for the Safety, Health and Social Service Needs of County Residents.**

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). There is no cost to submit the Rail Crossing Application (Application) to the California Public Utilities Commission (CPUC). The estimated cost of less than \$2,500 for minor administrative costs to process application documents with the CPUC will be funded with Gas Tax revenue. Sufficient appropriation and revenue are included in the Department of Public Works (Department) 2023-24 Road Operations budget.

BACKGROUND INFORMATION

The Speedway Commerce Center II Development is improving VIP Road and Napa Street in the Fontana area. These roads are not currently in the public road right-of-way, and are therefore classified as private, at-grade railroad crossings. These two crossings will become public, at-grade crossings at such time the adjacent development improves the roadways and dedicates them for public road uses. Pursuant to Public Utilities Code § 309.7, the CPUC is responsible for railroad safety, as well as improvements and requirements related to railroad crossings. The recommended actions will approve the application to the CPUC to modify and

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convert existing VIP Road and Napa Street private at-grade crossings to public at-grade crossings and authorize the Director of the Department to execute and electronically submit the application any non-substantive amendments, and any other documents necessary to complete the rail crossing application.

The private developer is not eligible to submit the application for these railroad crossing improvements/enhancements to the CPUC. The applications must be submitted by the public authority responsible for the roadways. At such time the private railroad grade crossings become formally public railroad grade crossings, the Department would maintain the roadways on either side of the railroad grade crossings.

The application merely requires the County to acknowledge its responsibility for maintaining the roads adjacent to the railroad grade crossings. Submission of the application does not contractually obligate the County to any other measures. The broader development, Speedway Commerce Center II Specific Plan, approved by the Board of Supervisors (Board) on October 25, 2022 (Item No. 102), dedicates the roadways to the County and will meet the requirements of the CPUC. The Board-approved item also made certain environmental findings and the Clerk of the Board filed and posted a Notice of Determination, with no further action required under CEQA.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Aaron Gest, Deputy County Counsel, 387-5455) on April 24, 2024; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on May 2, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on May 6, 2024.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Dawn Rowe, Curt Hagman, Joe Baca, Jr.
Absent: Jesse Armendarez

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 21, 2024



cc: File - Transportation w/ attachments

JLL 05/23/2024