

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Application of San Bernardino County to construct a new public bikeway and multi-use trail crossing in the City of San Bernardino on Southern California Regional Rail Authority (SCRRA/Metrolink) San Gabriel Subdivision at MP 60.22 (Proposed DOT # 977311B and CPUC Crossing No. 101SG-60.22-BD).

Application No. _____

APPLICATION

San Bernardino County respectfully requests authority from the California Public Utilities Commission (CPUC or Commission) to construct a new public bikeway and multi-use trails crossing below the Southern California Regional Rail Authority (SCRRA/Metrolink) San Gabriel Subdivision at MP 60.22, to connect the newly constructed Santa Ana River Trail (SART) north of the railroad crossing to the same trail on the south. The Project is located within the City of San Bernardino, San Bernardino County. The Santa Ana River is owned and maintained by the San Bernardino County Flood Control District, and San Bernardino Regional Parks will own and maintain the new trail. The proposed construction of a new public grade separation crossing would provide safe public access by pedestrians and cyclists using the trail connecting the Santa Ana River Trail on either side of the railroad. The Redlands Passenger Rail Project initially built the area under the railroad crossing, with the intent for this project to finalize construction and formalize with the CPUC as a public crossing designation (See Exhibit D).

In support of its application, San Bernardino County asserts that:

1. San Bernardino County herein is sometimes referred to as "Applicant".

2. Applicant's exact legal name is "San Bernardino County", and its principal place of business is located at:

San Bernardino County
268 W. Hospitality Lane, 3rd Floor
San Bernardino, CA 92408
(909) 387-2757

3. All correspondence, communication notices, orders, and other papers relative to this application should be addressed to:

San Bernardino County
Attn: Beatha Davis, Director
268 W. Hospitality Lane, 3rd Floor
San Bernardino, CA 92408
Beatha.Davis@parks.sbcounty.gov

4. The proposed underpass at Bridge 60.19 is Phase III part of the SART Project. The County is working cooperatively with the stakeholders including government agencies and the railroad. The San Gabriel Subdivision is owned by San Bernardino County Transportation Authority (SBCTA), and operated and maintained by SCRRA. The San Gabriel Subdivision includes 1 existing main track across the Santa Ana River.

The area underneath the track and railroad bridge at the crossing location currently includes the Santa Ana River. The tracks and river are existing. SCRRA's Metrolink trains provide commuter passenger service 7 days a week on the San Gabriel Subdivision, above the crossing. Maximum speed on the mainline tracks is 50 miles per hour (MPH) for passenger trains and 35 MPH for freight, with approximately 50 passenger trains a day and 1 freight train.

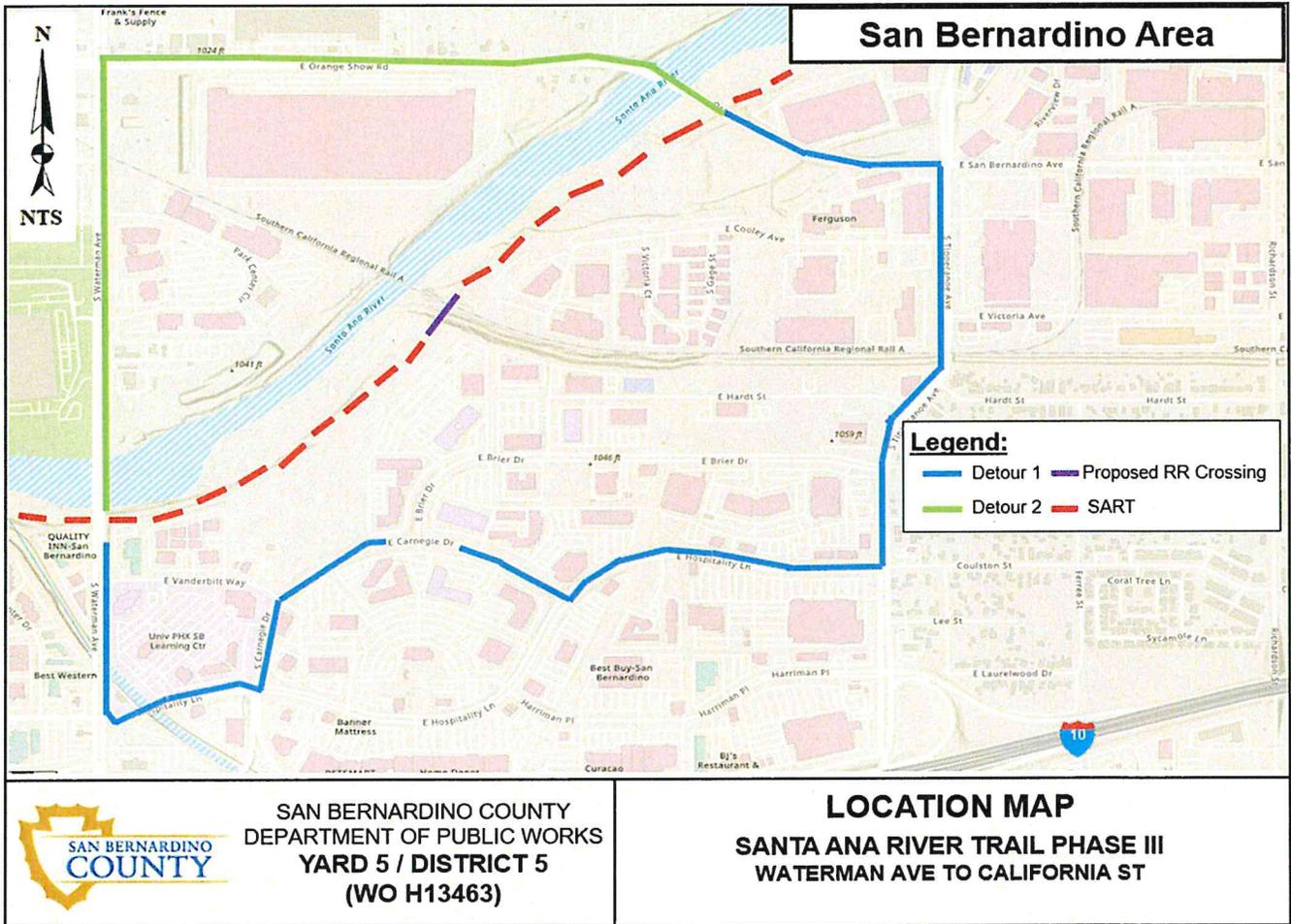
5. The Project description is as follows:

The Santa Ana River Trail (SART) Project is part of a trail system proposed to extend from the Pacific Ocean to the San Bernardino County National Forest. San Bernardino County Regional Parks Department with assistance from the Department of Public Works (DPW) is responsible for the completion of 21.5 miles of trails in the County, which has been divided into four phases between the Riverside/San Bernardino County line and the Mentone area. Phases I and II of the SART Project have been completed. Phase III of the SART Project will consist of the construction of a 3.8-mile trail segment on the south side of the Santa Ana River to connect the existing trail to Waterman Avenue in the City of San Bernardino to California Street in the City of Redlands.

A portion of Phase III of the SART Project will cross underneath the existing SCRRA San Gabriel Subdivision Santa Ana River Rail Bridge (Rail Bridge) in the City of San Bernardino over property that is owned by San Bernardino County Transportation Authority (SBCTA). The County's license Agreement with SBCTA permits the Applicant to use approximately 4,000 square feet of property under the Rail Bridge for construction of a ten-foot wide paved bikeway with two-foot shoulders. Subsequently, SBCTA constructed the Redlands Passenger Rail Project (Rail Project), which is an approximately nine-mile extension of the San Gabriel Subdivision, on existing SBCTA right-of-way between the San Bernardino Transit Center, located at Rialto Avenue and E Street in the City of San Bernardino, to the University of Redlands campus in the City of Redlands. A portion of the Rail Project required SBCTA to remove and replace the existing Rail Bridge.

As part of this effort, crossing improvements include minor fencing along the edge of the pathway, minor grading to meet existing ground on the west-side of the railroad, and construction of the concrete bike path on top of previously graded surfacing. A more detailed description of the need for public access connection and the current state of the bikeway and multi-use trail follows.

Although Santa Ana River Trail Phase III project will mostly be complete by March 2024, pedestrians and bicyclists on both sides of the railroad will not have access under the railroad and must travel back along the trail to the nearest streets to detour along surface streets. Most of these streets do not have dedicated bike lanes and defeats the overall intent of the Santa Ana River Trail system of providing continuous access to pedestrians and bicyclists. Refer to exhibit below:



6. The new grade-separated crossing conforms to Federal Railroad Administration (FRA), CPUC, AREMA, City and SCRRA standards.

7. The new grade-separated crossing alignment is contained within the existing flood control and railroad rights-of-way. 34.07485405158954, -117.2715064943543 also see Exhibit B.
8. The nearest public crossings on each side of the Santa Ana River Trail crossing are as follows:
 - The nearest public crossing to the west of the proposed crossing is S. Waterman Avenue, located at rail milepost 59.76 and identified as CPUC Crossing No. 101SG-59.76, DOT No. 027220Y.
 - The nearest public crossing to the east of the proposed crossing S. Tippecanoe Avenue, located at rail milepost 60.91 and identified as CPUC Crossing No. 101SG-60.91, DOT No. 027226P.
9. The authorization to construct a new public crossing is requested pursuant to Section 1201 through 1205 of the Public Utilities Code and is made in accordance with Rule 3.7, of the CPUC Rules of Practice and Procedure.
10. The proposed crossing number, stated herein as required by CPUC Rules of Practice and Procedure 3.7, is CPUC Crossing No. 101SG-60.22-BD and Federal DOT# 977311B.
11. Applicant asserts that the cost of the work will not be apportioned but will be funded entirely by funding sources arranged for by the Applicant. The trail will be owned by San Bernardino County Regional Parks and maintained by San Bernardino County Flood Control District by agreement with Regional Parks.
12. The Project's planning and environmental review process included Caltrans oversight and the preparation of cultural and biological technical studies and Section 7 consultation with the U.S. Fish and Wildlife. Caltrans determined the Project was consistent with a National Environmental Polica Act (NEPA) Categorical Exclusion. The County's Environmental Management Division conducted an initial study, and it was determined that the Project

would not, with implementation of mitigation, have a significant effect on the environment; therefore, a Mitigated Negative Declaration (MND) was prepared in accordance with the California Environmental Quality Act (CEQA). The CEQA document was made available for public comment on the State Clearinghouse, on the County's website and notices were published in local newspapers. All public and agency comments were responded to and incorporated into the final MND. The MND was presented to the San Bernardino County Board of Supervisors and was adopted on December 16, 2014.

13. The following exhibits are transmitted as required by the referenced portions of CPUC Rules of Practice and Procedures 3.7:
 - i) **Exhibit A**, Rail Milepost and Location Description for the Santa Ana River Trail Phase III crossing.
 - ii) **Exhibit B**, Overall Crossing Layout with Proposed Modifications
 - iii) **Exhibit C**, Environmental and Social Justice Statement and environmental documents
 - iv) **Exhibit D**, Redlands Passenger Rail Project As-Builts

VERIFICATION

(CPUC Rule 1.11)

I, Beatha Davis, have read the Application for authority to construct and maintain a new public Santa Ana River Trail bikeway and multi-use crossing in the City of San Bernardino on Southern California Regional Rail Authority (SCRRA/Metrolink) and know the contents thereof, and the same is true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ 2023, at San Bernardino, California

By: _____ (Applicant)

Beatha Davis

Director, San Bernardino County Regional Parks Department

Service List -

Please include the following CPUC staff on the service list:

Anton Garabetian, P.E.
Program Manager
Rail Crossing and Engineering Branch
California Public Utilities Commission
antranig.garabetian@cpuc.ca.gov
Email Only

Matthew Bond, P.E.
Program and Project Supervisor
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California Public Utilities Commission
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Anh Truong, P.E.
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Beatha Davis
Director, San Bernardino County Regional Parks Department
268 W. Hospitality Lane, 3rd Floor
San Bernardino, CA 92408
Beatha.Davis@parks.sbcounty.gov
Email Only

SCOPING MEMO INFORMATION FOR APPLICATIONS

A. Category (Check the category that is most appropriate)

Adjudicatory - “Adjudicatory” proceedings are: (1) enforcement investigations into possible violations of any provision of statutory law or order or rule of the Commission; and (2) complaints against regulated entities, including those complaints that challenge the accuracy of a bill, but excluding those complaints that challenge the reasonableness of rates or charges, past, present, or future, such as **formal rough crossing complaints** (maximum 12-month process if hearings are required).

Ratesetting - “Ratesetting” proceedings are proceedings in which the Commission sets or investigates rates for a specifically named utility (or utilities) or establishes a mechanism that in turn sets the rates for a specifically named utility (or utilities). “Ratesetting” proceedings include complaints that challenge the reasonableness of rates or charges, past, present, or future. Other proceedings may also be categorized as ratesetting when they do not clearly fit into one category, such as **railroad crossing applications** (maximum 18-month process if hearings are required).

Quasi-legislative - “Quasi-legislative” proceedings are proceedings that establish policy or rules (including generic ratemaking policy or rules) affecting a class of regulated entities, including those proceedings in which the Commission investigates rates or practices for an entire regulated industry or class of entities within the industry.

B. Are hearings necessary? **Yes** **No**

If yes, identify the material disputed factual issues on which hearings should be held, and the general nature of the evidence to be introduced. Railroad crossing applications which are not controversial usually do not require hearings.

Public hearings are not anticipated as being necessary

Are public witness hearings necessary?

Yes

No

Public witness hearings are set up for the purpose of getting input from the general public and any entity that will not be a party to the proceeding. Such input usually involves presenting written or oral statements to the presiding officer, not sworn testimony. Public witness statements are not subject to cross-examination.

C. Issues - List here the specific issues that need to be addressed in the proceeding.

None

D. Schedule (Even if you checked "No" in B above) Should the Commission decide to hold hearings, indicate here the proposed schedule for completing the proceeding within 12 months (if categorized as adjudicatory) or 18 months (if categorized as ratesetting or quasi-legislative).

The schedule should include proposed dates for the following events as needed:

Filing of Application	December 19, 2023
30 days Protest period	January 19, 2024
4 Months Proposed decision	May 1, 2024
6 Months Final decision	June 1, 2024

IF HEARING UNEXPECTEDLY BECOMES NECESSARY:

6 months Prehearing conference	June 1, 2024
9 months Hearings	September 1, 2024
12 months Briefs due	December 5, 2024
13 months Submission	January 1, 2025
16 months Proposed decision (90 days after submission)	April 1, 2025
18 months Final decision (60 days after proposed decision is mailed)	June 1, 2025

VERIFICATION

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I, Beahta Davis, have read the Application for authority to construct and maintain a new public Santa Ana River Trail bikeway and multi-use crossing in the City of San Bernardino on Southern California Regional Rail Authority (SCRRA/Metrolink) and know the contents thereof, and the same is true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

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By: _____ (Applicant)

Beahta Davis

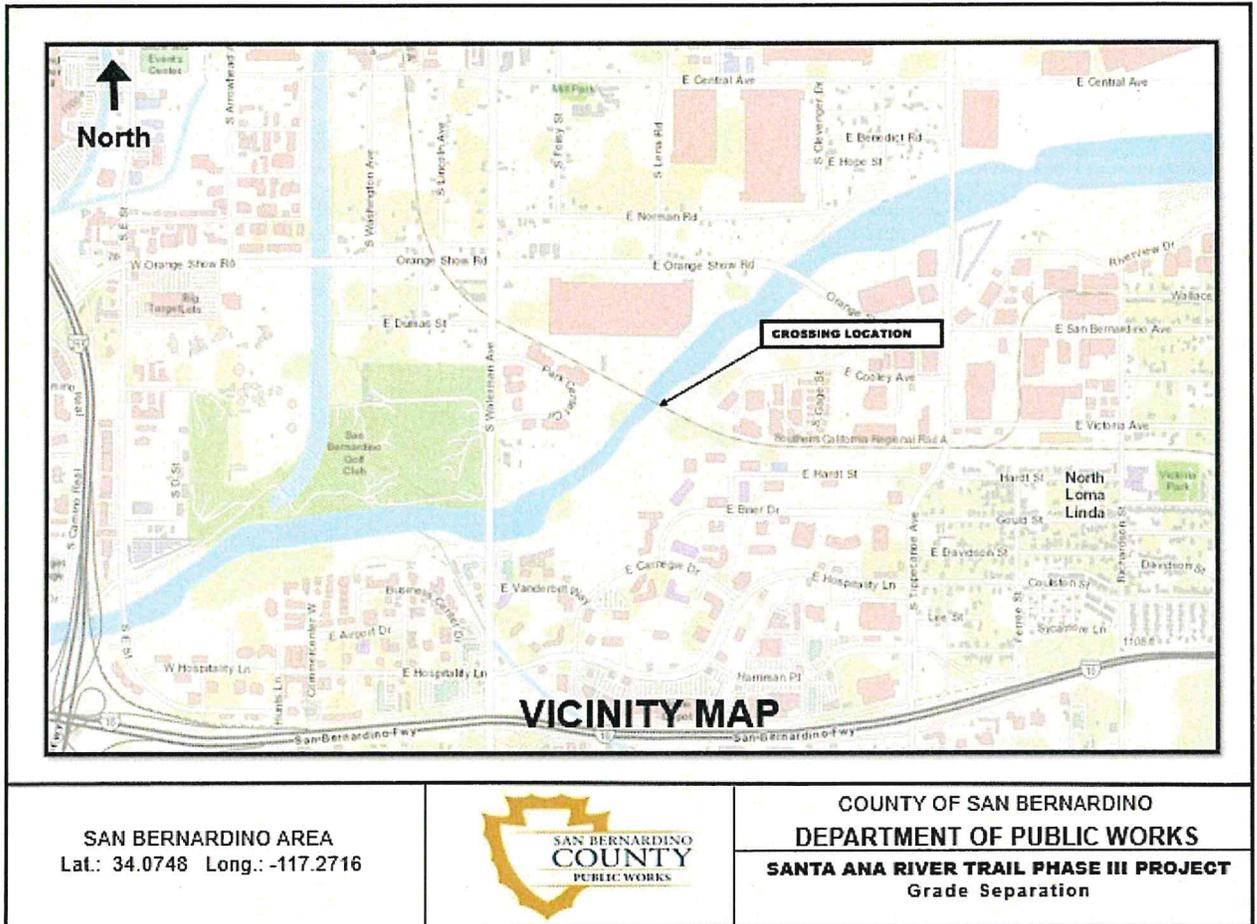
Director, San Bernardino County Regional Parks Department

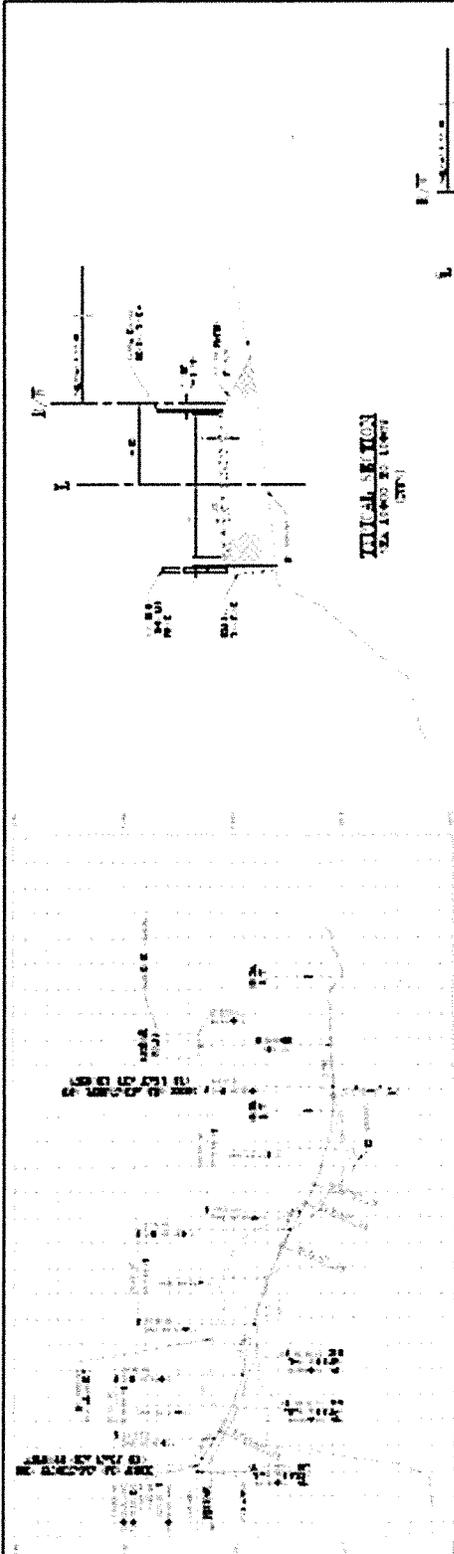
Exhibit A

RAILROAD MILEPOST AND LOCATION DESCRIPTION

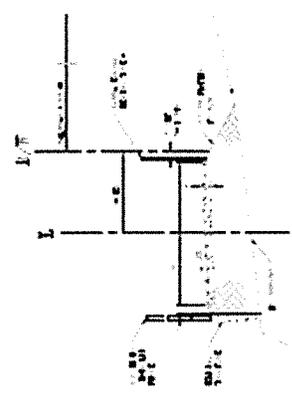
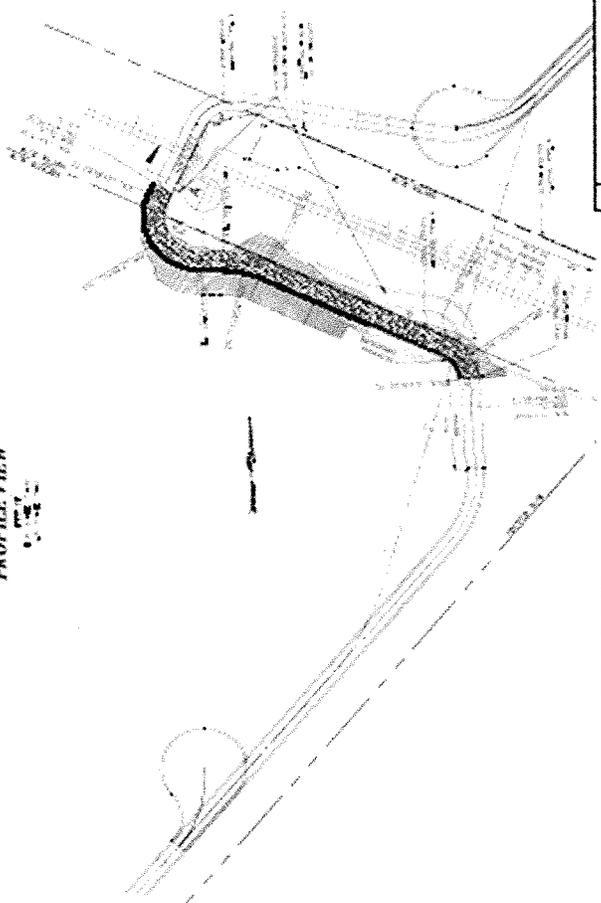
Railroad Milepost: Southern California Regional Rail Authority (SCRRA/Metrolink) San Gabriel Subdivision at MP 60.22.

Refer to Map Exhibit below.

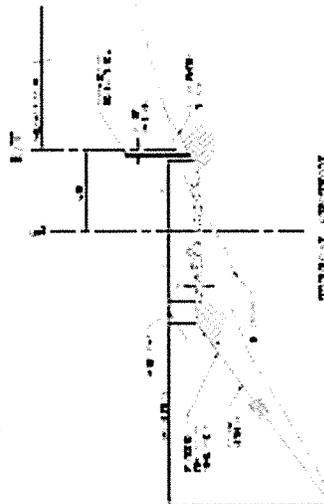




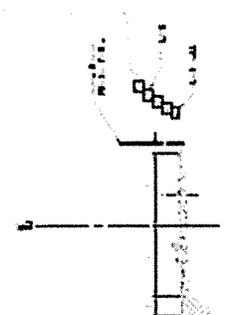
PROFILE VIEW



TYPICAL SECTION
STA 1+00 TO 1+500



TYPICAL SECTION
STA 1+500 TO 1+800



SECTION A
CONCRETE RETAINING WALL

CURVE TABLE - ALIGNMENT

STATION	CHORD BEARING	CHORD LENGTH	ARC LENGTH	CHORD BEARING	CHORD LENGTH	ARC LENGTH
0+00	90° 00' 00"	100.00	100.00	90° 00' 00"	100.00	100.00
0+50	90° 00' 00"	100.00	100.00	90° 00' 00"	100.00	100.00
1+00	90° 00' 00"	100.00	100.00	90° 00' 00"	100.00	100.00

DATE	10/10/19
BY	J. J. J.
CHECKED BY	J. J. J.
SCALE	AS SHOWN



ALameda COUNTY
DEPARTMENT OF PUBLIC WORKS
SANTA ANA RIVER TRAIL
PHASE III
CONTRACT NO. 19-001
DATE: 10/10/19

1	2	3	4	5	6	7	8	9	10
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1	2	3	4	5	6	7	8	9	10
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Exhibit C

ENVIRONMENTAL AND SOCIAL JUSTICE STATEMENT AND ENVIRONMENTAL DOCUMENTS

**Environmental and Social Justice
Statement**

**COMMENT OF SAN BERNARDINO COUNTY REGARDING THE CPUC
ENVIRONMENTAL AND SOCIAL JUSTICE ACTION PLAN**

The San Bernardino County submits this comment regarding the California Public Utilities Commission's (CPUC) Environmental and Social Justice Action Plan relative to the County's Application to construct a new public grade separation, the Bakersfield Friant- Kern Pedestrian Overpass, over the existing tracks of the BNSF Railway, Bakersfield Subdivision line, in the City of Bakersfield.

"The Santa Ana River Trail (SART) Project is part of a trail system proposed to extend from the Pacific Ocean to the San Bernardino County National Forest. San Bernardino County Parks Department with assistance from the Department of Public Works (DPW) is responsible for the completion of 21.5 miles of trails in the County, which has been divided into four phases between the Riverside/San Bernardino County line and the Mentone area. Phases I and II of the SART Project have been completed. Phase III of the SART Project will consist of the construction of a 3.8-mile trail segment on the south side of the Santa Ana River to connect the existing trail to Waterman Avenue in the City of San Bernardino to California Street in the City of Redlands.

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of Redlands campus in the City of Redlands. A portion of the Rail Project required SBCTA to remove and replace the existing Rail Bridge.

As part of this effort, crossing improvements include minor fencing along the edge of the pathway, minor grading to meet existing ground on the west-side of the railroad, and construction of the concrete bike path on top of previously graded surfacing.”

As summarized below, both the Application and the Project are consistent with the CPUC's Action Plan and vision to advance equity in its programs and policies for Environmental Justice and Social Justice (ESJ) Communities.

Goal 1: Consistently integrate equity and access considerations throughout CPUC regulatory activities.

The Application and Project are consistent with and advance this goal. The Project's planning and environmental review process included Caltrans oversight and the preparation of cultural and biological technical studies and Section 7 consultation with the U.S. Fish and Wildlife. Caltrans determined the Project was consistent with a National Environmental Policy Act (NEPA) Categorical Exclusion. The County's Environmental Management Division conducted an initial study, and it was determined that the Project would not, with implementation of mitigation, have a significant effect on the environment; therefore, a Mitigated Negative Declaration (MND) was prepared in accordance with the California Environmental Quality Act (CEQA). The CEQA document was made available for public comment on the State Clearinghouse, on the County's website and notices were published in local newspapers. All public and agency comments were responded to and incorporated into the final MND. The MND was presented to the San Bernardino County Board of Supervisors and was adopted on December 16, 2014.

Goal 2: Increase investment in clean energy resources to benefit ESJ communities, especially to improve local air quality and public health.

The Application and Project are consistent with and advance this goal. The multi-use trail would be used for alternative transportation and recreation by pedestrians and cyclists. The non-motorized uses of the trail would help improve local air quality and public health.

Goal 3: Strive to improve access to high-quality water, communications, and transportation services for ESJ communities.

The Application and Project are consistent with and advance this goal. The alignment of the Project would extend through residential and commercial areas served by public transportation services. The Project would create multimodal options to encourage pedestrian- and bicycle-oriented access and connectivity to community parks, neighborhoods and schools, and retail centers.

Goal 4: Increase climate resiliency in ESJ communities.

The Application and Project are consistent with and advance this goal. The Project would provide sustainability and climate resiliency by offering transportation efficiencies. The Project also offers emissions reduction due to its location in a prime urban infill setting with access to public transportation, recreational facilities, and retail centers.

Goal 5: Enhance outreach and public participation opportunities for ESJ communities to meaningfully participate in the CPUC's decision-making process and benefit from CPUC programs.

The Application and project are consistent with and advance this goal. Please see the response to Goal 1, above.

Goal 6: Enhance enforcement to ensure safety and consumer protection for all, especially for ESJ communities.

The Application and Project are consistent with and do not inhibit this goal. The Project alignment will be patrolled by the local police officers on bicycles to enhance the public safety of trail users.

Goal 7: Promote high road career paths and economic opportunity for residents of ESJ communities.

The Application and Project are consistent with and advance this goal. The Project provides major connectivity separate from the vehicular routes between residential and commercial areas. The project will create a positive economic impact on the community and surrounding area by increasing employment opportunities and sales tax revenues.

Goal 8: Improve training and staff development related to environmental and social justice within the CPUC's jurisdiction.

The Application and Project are consistent with and do not inhibit this goal.

Goal 9: Monitor the CPUC's environmental and social justice efforts to evaluate how they are achieving their objectives.

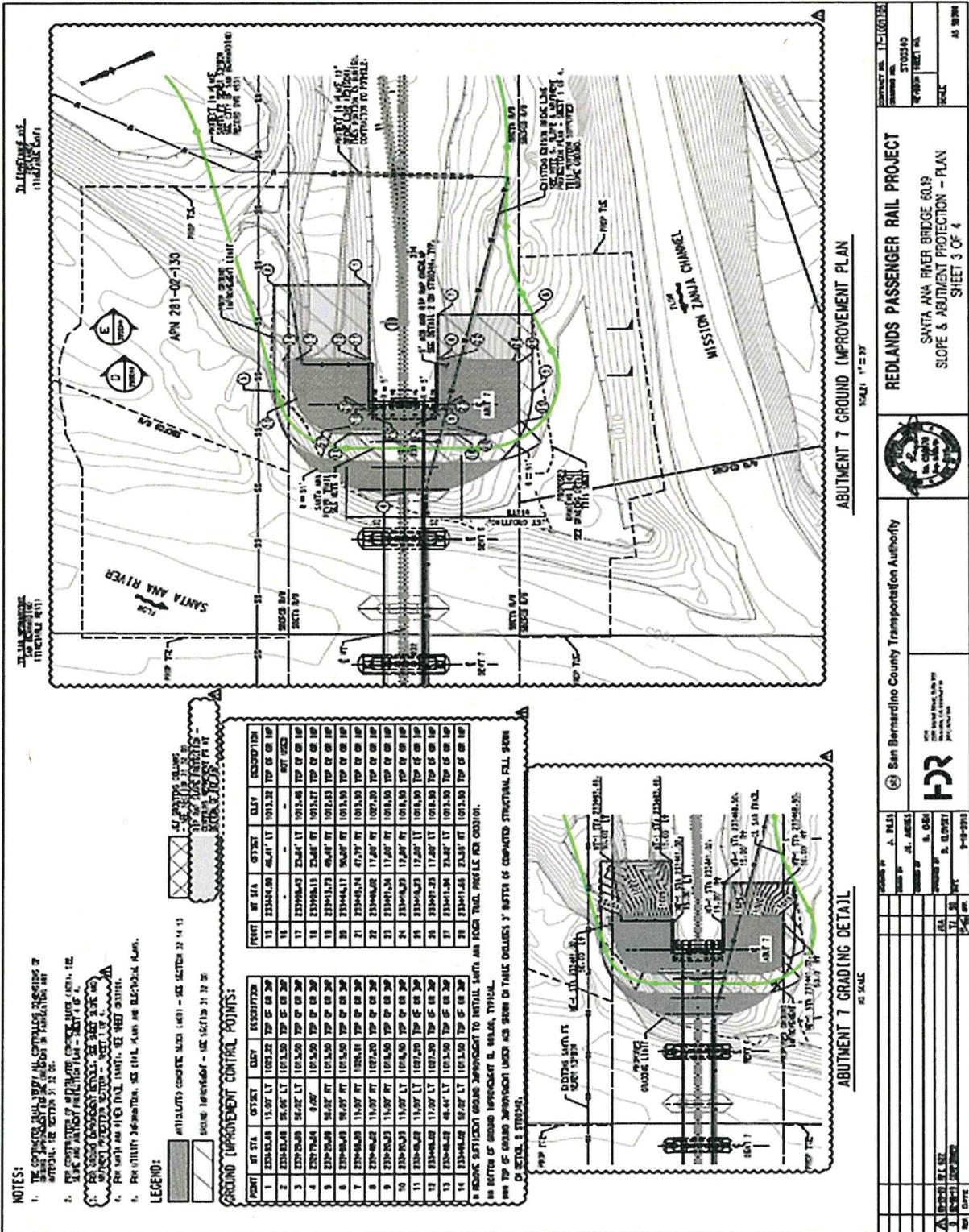
The Application and Project are consistent with and do not inhibit this goal.

Respectfully submitted,

Public Works Director
San Bernardino County
825 E 3rd St
San Bernardino, CA 92415

EXHIBIT D

REDLANDS PASSENGER RAIL PROJECT AS-BUILTS



REDLANDS PASSENGER RAIL PROJECT
 SANTA ANA RIVER BRIDGE GUP
 SLOPE & ABUTMENT PROTECTION - PLAN
 SHEET 3 OF 4

SCALE: 1" = 3'

San Bernardino County Transportation Authority

HDR

DATE: 10/12/11

BY: [Signature]

APP'D: [Signature]

PROJECT NO: 11000125

SHEET NO: 3 OF 4

