

Decision No. 85509**ORIGINAL**

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

Application of the City of Novato     )  
 to construct a bicycle and pedes-     ) Application No. 55585  
 drian crossing of the Northwestern     ) (Filed March 26, 1975)  
 Pacific Railroad Company.             )

O P I N I O N

The City of Novato requests authority to construct Popular Terrace Pathway, as a bicycle and pedestrian crossing, at grade across the tracks of the Northwestern Pacific Railroad Company's Main Line in the City of Novato, Marin County. The proposed crossing is adjacent to the Franklin Avenue Overhead (Crossing 5-27.5-A) of U. S. Highway 101.

The City of Novato is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. After review of an environmental information data sheet prepared by the City's Environmental Review Committee, it was found that the project would not have a significant effect on the environment and would, therefore, not require an Environmental Impact Report. A Notice of Findings was filed with the Marin County Clerk on November 12, 1974.

Notice of the application was published in the Commission's Daily Calendar on March 27, 1975. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to construct Popular Terrace Pathway at grade across the tracks of the Northwestern Pacific Railroad Company's Main Line in the City of Novato, Marin County, at the location and substantially as shown by the plan attached to the application.

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

3. Cost of the crossing and installation and maintenance expense of its automatic protection should be borne in accordance with an agreement to be entered into between the parties.

4. Maintenance of the crossing should be in accordance with General Order 72-B.

5. The Commission has considered the City of Novato's Notice of Findings and finds with reasonable certainty that this project will not have a significant effect on the environment.

#### 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 Novato is authorized to construct Popular Terrace Pathway at grade across the tracks of the Northwestern Pacific Railroad Company's Main Line in Marin County, at the location and substantially as shown by the plan attached to the application, to be identified as Crossing 5-27.46-D.

2. Protection at the crossing shall be two Standard No. 10 flashing-light type pedestrian signals (General Order 75-C). The "Pedestrian Railroad Grade Crossing Sign" shall be modified to read "Bicycles and Pedestrians Only".

3. Construction of the crossing shall be equal or superior to Standard No. 1 of General Order 72-B.

4. Clearances shall conform to General Order 26-D.

5. Walkways shall conform to General Order 118.

6. Construction expense of the crossing and installation cost of its automatic protection shall be borne in accordance with an agreement to be entered into between the parties relative thereto. A copy of said agreement, together with plans of said crossing approved by the Northwestern Pacific Railroad Company shall be filed with the Commission before commencing construction. Should the parties fail to agree, the Commission will apportion the costs by further order.


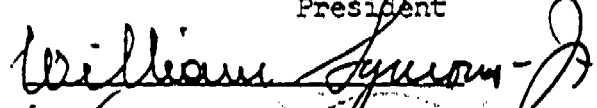


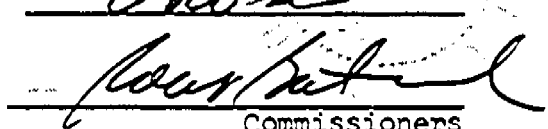
7. Maintenance of the crossing shall be in accordance with General Order 72-B. Maintenance cost of automatic protection shall be borne in accordance with an agreement to be entered into between the parties relative thereto pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

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 twenty days after the date hereof.

Dated at San Francisco, California, this 22nd day of MARCH, 1976.

  
President  
  
  
  
  
Commissioners