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February 21, 1997

Decision 97-02-042 February 19, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF MOUNTAIN VIEW)  
for an Order authorizing construction of )  
a grade-separated overcrossing of the )  
eastbound and westbound tracks of the )  
Peninsula Corridor Joint Powers Board at )  
Milepost 36.47, PUC No. 105E-36.47AD for )  
the Stevens Creek Trail in the City of )  
Mountain View, California )

Application 96-11-014  
(Filed November 14, 1996)

ORIGINAL

O P I N I O N

The City of Mountain View (City) requests authority to construct a bicycle/pedestrian pathway (Stevens Creek Trail) at separated grades over the tracks of the Peninsula Joint Powers Board (JPB) in Mountain View, Santa Clara County.

The proposed 20-foot-wide overcrossing will provide pedestrian and bicycle passage over JPB tracks as part of the proposed Stevens Creek Trail. The Stevens Creek Trail is a recreational bicycle and pedestrian trail that, once completed will stretch from Shoreline at Mountain View regional park to the City's boundary with Los Altos near Fremont Avenue. The project will provide convenient alternative access to schools, employment centers, commercial centers, and recreational facilities.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000, et. seq. After preparation and review of an Initial Study, City issued a Mitigated Negative Declaration and approved the project. A Notice of Determination was filed with the Santa Clara County Clerk on November 25, 1992 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 reviewed and considered the lead agency's Negative Declaration.

The site of the proposed project has been inspected by the Commission's Rail Safety and Carriers Division, Traffic Engineering Section (staff). The staff examined the need for and safety of the proposed crossing and recommends that the sought authority be granted.

Application 96-11-014 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38 which relates to the construction of a public road, highway, or street across a railroad. A sketch of the crossing project area is set forth as Appendix A.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on November 15, 1996. No protests have been filed.

2. City requests authority, under Public Utilities Code Sections 1201-1205, to construct a pedestrian/bicycle pathway at separated grades, over the tracks of the Peninsula Joint Powers Board (JPB) for the Stevens Creek Trail in Mountain View, Santa Clara County.

3. City is the lead agency for this project under CEQA, as amended.

4. Public convenience, necessity, and safety require construction of the proposed pedestrian/bicycle pathway at separated grades.

5. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Initial Study and Mitigated Negative Declaration.

6. The project will not have a significant effect on the environment.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.
2. 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 Mountain View (City) is authorized to construct a pedestrian/bicycle pathway (Stevens Creek Trail) at separated grades, over the tracks of the Peninsula Joint Powers Board (JPB) in Mountain View, Santa Clara County, at the location and substantially as shown on plans attached to the application and Appendix A of this order, to be identified as Crossing number 105E-36.47AD.
2. Clearances shall be in accordance with General Order (GO) 26-D.
3. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.
4. Construction plans of the proposed crossing, approved by the JPB, together with a copy of the agreement entered into between the parties, shall be filed by City with the Commission's Rail Safety and Carriers Division prior to commencing construction.
5. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement shall be filed by City with the Commission's Rail Safety and Carriers Division prior to commencing construction. Should the parties fail to agree, the Commission

A.96-11-014 RSAC/EDS

will apportion the costs of construction and maintenance by further order.

6. Within thirty (30) days after completion of the work under this order, City shall advise the Commission's Rail Safety and Carriers Division in writing that the authorized work has been completed.

7. This authorization shall expire if not exercised within three (3) years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

8. The application is granted as set forth above.  
This order becomes effective thirty (30) days from today.

9. Application 96-11-014 is closed.

Dated FEB 19, 1997, at San Francisco, California.

P. GREGORY CONLON  
President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

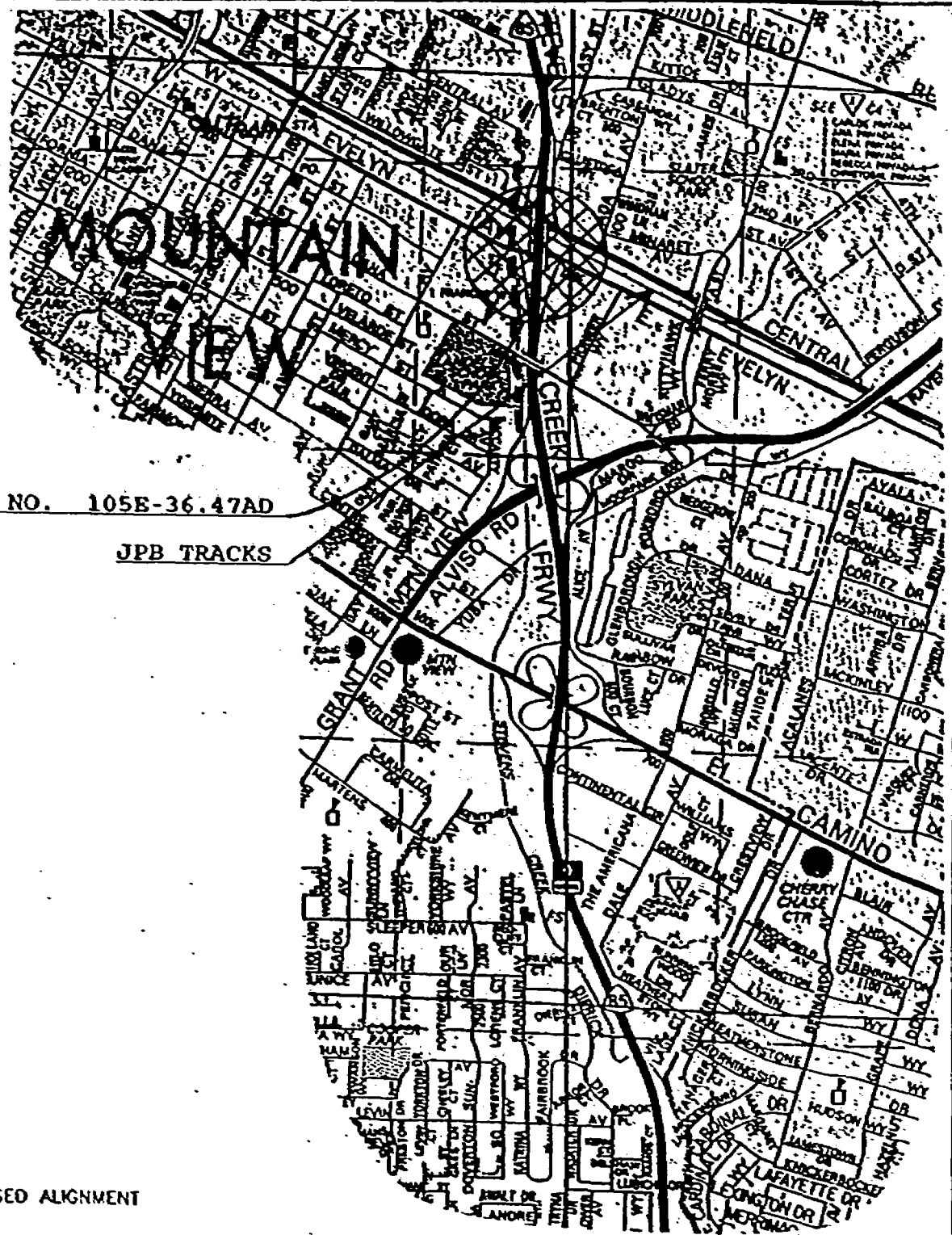


PUC NO. 105E-36.47AD

JPB TRACKS

**LEGEND**

--- PROPOSED ALIGNMENT



**STEVENS CREEK TRAIL OVERCROSSING**