



# ***RCUP Use Variance for Proposed Bicycle and Pedestrian Undercrossing at Bernardo Avenue***

May 26, 2021

# Presentation Overview

---

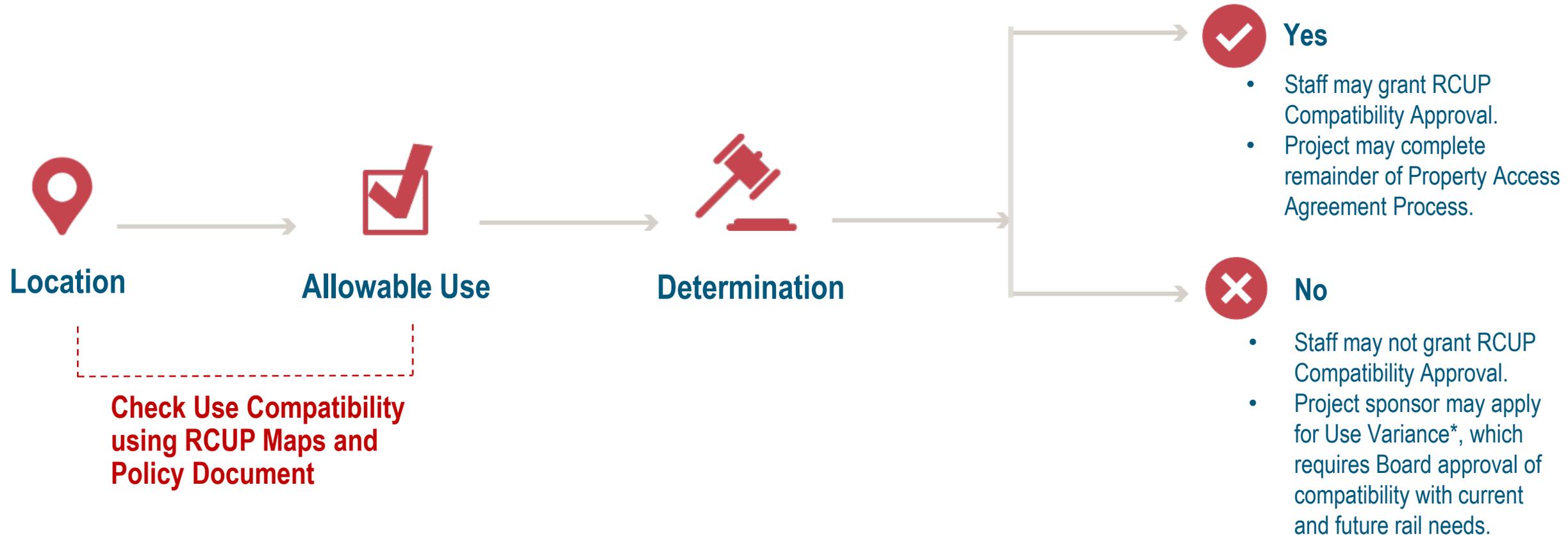
- Background and Context
- Caltrain Staff Recommendation for Use Variance
- Recommended Conditions for Approval
- Next Steps

# Background – Property Access Agreement Process

---

- Caltrain frequently receives proposals for non-railroad uses of its property – including both private and public uses.
- The agency has a long-established property access agreement process to consider and approve proposed non-railroad uses of JPB property.
- Review process involves:
  1. **Compatibility review:** Rail Corridor Use Policy (RCUP) is used to provide a systematic framework for determining the compatibility of proposed uses with the railroad's current and future needs (adopted by the Caltrain Board in February 2020 and aligns with Business Plan's Long-Range Service Vision).
  2. **Technical review:** Once compatibility is confirmed, technical review commences for operational, engineering, and regulatory compliance.
  3. **Approval:** Final approval and property access agreements are granted after technical review is complete.

# RCUP Compatibility Review: Decision-Making Process for a Proposed Non-Railroad Use



\* Note: Initial Compatibility Review is free but Use Variance requires a fee.

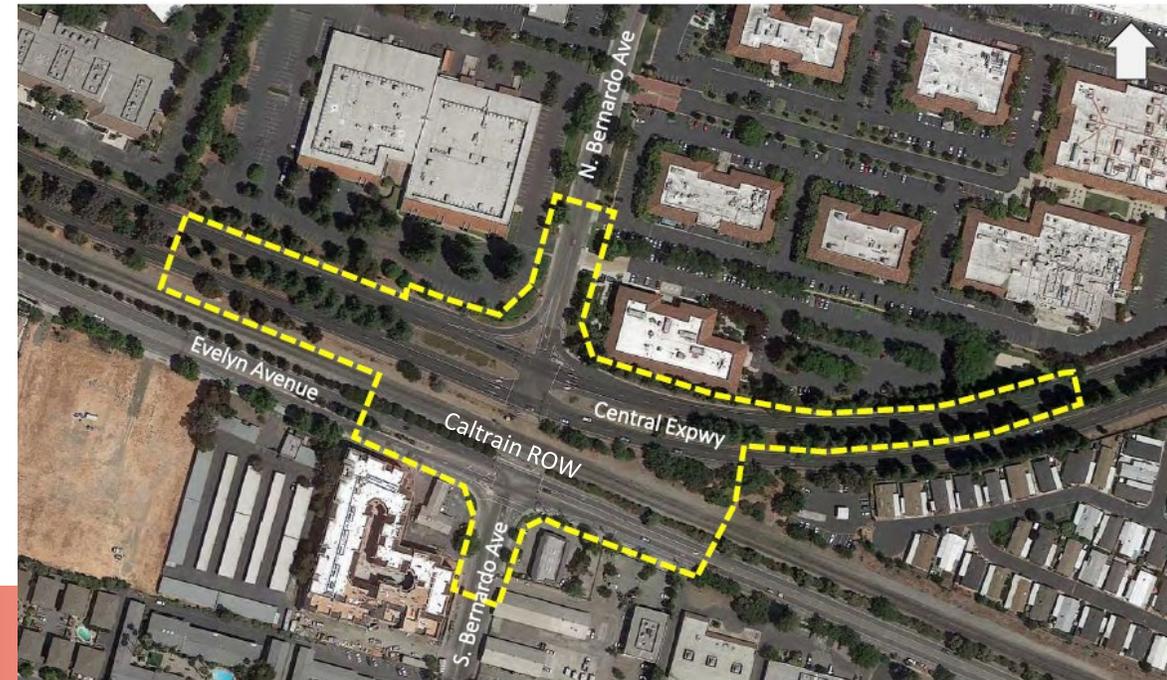
# Proposed Bicycle/Pedestrian Crossings in RCUP

---

- Caltrain generally supports community projects that enhance accessibility and connectivity, such as new bike/pedestrian crossings.
- By design, the RCUP considers all proposed new bike/ped crossings to be initially “incompatible” as these are significant capital projects that have the potential to seriously impact JPB facilities
  - This allows each project to go through a more detailed screening for compatibility via the RCUP’s Use Variance process.
- Through Use Variance process, staff gives individual consideration to each potential new bike/ped crossing to identify factors that will help the project sponsor develop a successful project.
- Staff then develops a compatibility recommendation for Board.
- Caltrain Board must make a compatibility determination for each proposed bike/ped crossing through action on the Use Variance.

# Proposed Project Overview – Bernardo Avenue Undercrossing for Bicycles and Pedestrians

- Proposed project: a new separated undercrossing for bicycles and pedestrians to close a north-south gap across the Caltrain railroad tracks and County Expressway at the border of Sunnyvale and Mountain View
- Project sponsors: Sunnyvale, Mountain View, VTA
- Project status: conceptual design phase; applied for RCUP compatibility approval
- RCUP:
  - Initial finding: Incompatible
  - Project sponsors applied for RCUP Use Variance
  - Staff have reviewed proposed project and developed recommendation



# Staff Recommendation to Caltrain Board

---

- Staff recommend that the Caltrain Board approve the Use Variance for the proposed bicycle and pedestrian undercrossing at Bernardo Avenue with conditions.

# Recommended Conditions Associated with Approval

---

1. The project will be designed and constructed to account for and minimally disrupt all current and future rail infrastructure, assets, and facilities in the area.
  - This infrastructure includes existing signal equipment, consisting of signals, signal houses, and pedestals; overhead catenary system equipment, including foundations, poles, and wires; other utilities in the area, including fiber optics; right-of-way fencing and gates; and vegetation.
  - “Future” refers to all improvements, etc. that are known or planned for in the area by the point when the proposed project reaches 35% design (electrification facilities, etc.).
  - If there is disruption to railroad assets and facilities, the project sponsors will need to cover all related costs and actively work with the JPB to ensure the infrastructure impacts are mitigated in a way that is minimally disruptive to ongoing operations.

# Recommended Conditions Associated with Approval

---

2. The proposed project will be designed and constructed so as to minimally interrupt Caltrain operations and freight operations during and after construction.
  - It is anticipated that this project would proceed at a time when the railroad's Peninsula Corridor Electrification Project will be complete and the railroad will be operating a mix of electric and diesel service. The energized railroad operations will add complexity to the design and delivery of the project.
  - Passenger service and freight service delays and speed restrictions will need to be taken into account.

# Recommended Conditions Associated with Approval

---

3. The proposed project will be designed to be compatible with the potential future grade separation project at Mary Avenue.
  - If the Mary Avenue grade separation project moves forward in the future, the design of the Bernardo Avenue undercrossing will ensure that there is not a future need to remove and/or rebuild any of the infrastructure associated with the bicycle and pedestrian undercrossing.

# Recommended Conditions Associated with Approval

---

4. The design of the proposed project will comply with all current and future railroad standards, including those for engineering, operations, and maintenance.
  - “Future” standards refers to the forthcoming, updated standards for the soon-to-be electrified railroad.
5. The proposed project will be designed to not impede the railroad’s ability to maintain its infrastructure and right-of-way in the area during and after construction.

# Recommended Conditions Associated with Approval

---

6. The JPB will be responsible for delivering the project from the 35% design stage through the final design and the construction of the proposed project.
  
7. Future agreements will provide clear roles and responsibilities for all parties for all stages of the proposed project.
  - This will include agreement(s) related to community outreach and engagement, the constructed project's asset ownership, and the provision of ongoing security, maintenance, repairs, lighting, etc. associated with the constructed project.

# Next Steps – Caltrain Board Process

---

- Caltrain staff recommend that the WPLP Committee approve the staff recommendation.
- After WPLP Committee approval, the item will move forward to the Caltrain Board's June 3, 2021 meeting agenda on the consent calendar, for full Board approval.

# Next Steps After Use Variance Approval

---

- After the Board approves the Use Variance for the proposed project, it will be considered to be compatible with the railroad's current and future needs.
- The project may then proceed to the rest of the railroad's capital project design and delivery process, taking into account all required conditions associated with the Use Variance.
  - This will include engineering, operational, and regulatory review.
- For immediate next steps, the project sponsor will establish a service agreement with Caltrain for near-term technical review of alternatives.

Thank you!