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07-09-12  
04:59 PM

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

**FAITHFUL CENTRAL BIBLE  
CHURCH,**

Complainant,

v.

**LOS ANGELES COUNTY  
METROPOLITAN  
TRANSPORTATION AUTHORITY,**

Defendant.

Case No. \_\_\_\_\_  
(for Commission use only)

**COMPLAINT FILED BY FAITHFUL  
CENTRAL BIBLE CHURCH WITH  
HEARING REQUESTED**

**Complainant:** FAITHFUL CENTRAL BIBLE CHURCH (“FCBC”), 333 W. Florence Ave.  
Inglewood, CA 90301, Attention - Marc T. Little, Esq., Chief Operating Officer and General  
Counsel; Email: mlittlelaw@aol.com; Tel: 310-330-8000

**Attorney of Record for Complainant:** Jonathan C. Curtis, Esq.; 865 South Figueroa Street,  
Suite 3500; Los Angeles, CA 90017; Email: joncurtis@sbcglobal.net;  
Tel: (818) 653-6157

**Defendant:** LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION  
AUTHORITY (“Metro”), One Gateway Plaza, Los Angeles, CA 90012-2952, Attention -Robert  
Ball, PE, Project Director, Mail Stop 99-13-1; crenshawcorridor@metro.net; 213-922-2736

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## I. EXECUTIVE SUMMARY

1. FCBC is a guiding light to over 13,000 of its members with far reaching benefit to the greater Los Angeles community. Metro is proposing in its Crenshaw / LAX Transit Corridor Rail Project ("Rail Line") to split the FCBC Church Campus (defined below) at N. Eucalyptus Avenue in the City of Inglewood ("City") into two parts by converting a single inactive rail line into an extremely active light rail line corridor with two sets of tracks, which will result in a complicated, sequentially timed gated intersection with two timed traffic signals very close by and horns, blinking lights and signs attempting to regulate thousands of people and vehicles as they attempt to cross the Rail Line tracks. At the Eucalyptus Avenue rail crossing, this commingling of pedestrians, heavy traffic and trains will be exacerbated by hundreds of teenagers attending a nearby middle school and adjacent residential and commercial communities. It will certainly result, if developed as proposed, in a safety nightmare for pedestrians and vehicular traffic. The condition will be a virtual "fly trap" for the community, with vehicles and pedestrians trapped within the active Rail Lines at Eucalyptus with insufficient time to exit. Any train traveling at the designed speed is highly likely to be unable to stop on an emergency basis, because the curvature of the tracks in this area does not permit a vigilant train engineer from stopping in time. An at-grade crossing at Eucalyptus is being proposed when it is known that a "trenched" alternative (cutting and covering the right of way to place the tracks below ground and thus grade separate the right of way) is the safe and economically viable alternative that should be pursued. Metro pursues this at-grade crossing at Eucalyptus based upon faulty assumptions and inadequate analysis while:

- 23 (i) ignoring the comments and request of the California Public Utility Commission  
24 ("CPUC") and CPUC's policies to have a grade separated crossing for safety  
25 reasons,  
26 (ii) ignoring the comments and request of City of Inglewood for alternative designs or  
27 mitigation in a very small area of the City for safety reasons, and in particular at  
28 the FCBC Church Campus (defined below), and

1 (iii) ignoring professional standards of the U.S. Department of Transportation  
2 (“USDOT”), which provide that if just one of the twelve policy standards is met,  
3 then a crossing should be considered for grade separation, and in this situation at  
4 least three and possibly five potential standards mandate a grade crossing (the  
5 other standard is believed to exist but Metro failed to do the required analysis).

6 Through its actions, Metro treats FCBC (a religious institution) differently than non-religious  
7 institutions; Metro treats this community who it recognized as eighty-six percent (86%) minority  
8 different than non-minority communities; and Metro’s proposed design for this highly active Rail  
9 Line will not only divide the FCBC Church Campus but also create a devastating division of the  
10 immediately surrounding community.

11 2. Set forth below is the background and factual information for this Complaint and  
12 Petition, as well as a summary of Metro’s violations of: (1) the Public Utility Code and CPUC  
13 General Orders, (2) the California Environmental Quality Act (“CEQA”), (3) the Religious Land  
14 Use and Institutionalized Persons Act, and (4) the Equal Protection Clause of the United States  
15 Constitution.

16 3. FCBC requests that the Commission of the CPUC hold a formal Proceeding after  
17 compliance with CEQA.

## 18 19 **II. BACKGROUND INFORMATION**

### 20 21 **A. Faithful Central Bible Church**

22 4. Faithful Central Bible Church is a longstanding 501(c) (3) non-profit church  
23 located in Inglewood, California. FCBC was founded in 1936 and currently has over 13,000  
24 members who attend Church services and other religious and community events and programs at  
25 its campus facilities, which are more specifically described below.

26 5. FCBC offers more than 75 ministries and services to the community. Just to  
27 highlight a few, FCBC offers and has offered: (1) Foreclosure Prevention Partnerships – Faithful  
28 Central’s Inglewood campus played host to the annual foreclosure prevention partnerships with

1 Los Angeles Urban League and Los Angeles Neighborhood Housing Services, which recently  
2 counseled over 3,400 people and completed 963 loan modification applications for which over  
3 60% of the loans were modified, (2) Employment Resources / Career Development Ministry  
4 where recent success of over 300 people finding jobs, (3) Holiday Food Outreach which provides  
5 for the needs of over 1,200 local families and 10 local schools, and (4) Champions READ  
6 program, which partners with Los Angeles Public Library to insure that all adults have the  
7 opportunity to learn reading.

8 **B. Los Angeles County Metropolitan Transportation Authority and its Proposed**  
9 **Crenshaw / LAX Transit Corridor Rail Project**

10 6. This Petition and Complaint concerns Metro and its proposed Rail Line identified  
11 as the Crenshaw / LAX Transit Corridor Rail Project, which is planned to extend from the  
12 existing Metro Exposition Line at Crenshaw and Exposition Boulevards and travel 8.5 miles to  
13 the Metro Green Line's Aviation / LAX Station. This Rail Line would serve, among others, the  
14 cities of Los Angeles, Inglewood, Hawthorne and El Segundo, as well as portions of  
15 unincorporated Los Angeles County.

16 7. The Rail Line is proposed to be developed along a portion of the former  
17 Burlington Northern Santa Fe Railroad ("BNSF") right-of-way between approximately El  
18 Segundo Blvd. and Crenshaw Blvd. ("ROW"), which was recently acquired by Metro after being  
19 out of service and dormant for roughly ten (10) years since the April 2002 opening of the  
20 Alameda Corridor. The BNSF ROW includes an existing but long dormant at-grade crossing at  
21 North Eucalyptus Avenue ("Eucalyptus").

22 8. The FCBC Church Campus is adjacent to Eucalyptus and bisected by the ROW for  
23 the proposed Rail Line. The existing at-grade crossing at Eucalyptus is planned to be rebuilt and  
24 reconfigured by Metro. Current plans by Metro call for the at-grade crossing at Eucalyptus to  
25 receive an alleged upgrading of crossing protection to include vehicular gates and pedestrian  
26 gates, as well as a roadway median to prevent left turns by northbound traffic on Eucalyptus onto  
27 a portion of the FCBC Church Campus north of the tracks, which portion of the campus is  
28 described more fully below as The Tabernacle and the Tabernacle Parking.

1           9.       The Alameda Corridor was established, in part, to increase efficiency and reduce  
2 potential vehicular and pedestrian conflicts at rail crossings, which Metro proposes to not only  
3 eliminate all such efficiencies but restore and substantially increase the inefficiencies and  
4 vehicular and pedestrian conflicts.

5           10.       Prior to 2002 when the Alameda Corridor was opened, the crossing at Eucalyptus  
6 experienced twenty (20) trains or less per day, according to crossing inventories from the United  
7 States Department of Transportation (USDOT). With the implementation of the proposed Rail  
8 Line, Metro plans on adding a second track through the crossing, which will allow train  
9 movement in both directions. With the addition of a second track, the number of trains running  
10 over these tracks both ways will go from zero (0) to approximately three hundred (300) trains per  
11 day – more than a 15-fold increase from the pre-2002 era.

12           11.       The forecasted opening for the proposed Rail Line is 2018.

13       **C. Faithful Central Bible Church Campus and Facilities**

14           12.       The “FCBC Church Campus” includes: (1) 321 N. Eucalyptus Avenue (“The  
15 Tabernacle” and “Tabernacle Parking”), (2) 400 W. Florence Avenue (“Living Room”), (3) 333  
16 W. Florence Avenue (“Trinity Building / East Parking Lot”), and (4) 401 W. Florence Avenue  
17 (“Parking Structure”).

18           13.       The FCBC Church Campus is bisected by the ROW and proposed Rail Line, with  
19 The Tabernacle and Tabernacle Parking to the north and the remainder of the FCBC Church  
20 Campus to the south. Church services, as well as numerous other events, are held at The  
21 Tabernacle. Parking for parishioners is primarily available on the south side of the Metro ROW  
22 west of Eucalyptus Avenue at the seven-level Parking Structure, The Trinity Building/East  
23 Parking Lot, and street parking. There are limited parking spaces available at The Tabernacle  
24 (approximately 130 spaces); these are reserved primarily for the elderly and disabled parishioners.  
25 However, The Tabernacle does not meet the parking needs of all elderly and disabled  
26 parishioners, so many of the elderly and disabled parishioners are still required to park at the  
27 Parking Structure or The Trinity Building / East Parking Lot.

1           14.     The majority of FCBC parishioners and visitors park their vehicles at the Parking  
2 Structure and Trinity Building / East Parking Lot and then travel on foot parallel to Florence  
3 Avenue, north and east of the Parking Structure and The Trinity Building/East Parking Lot, and  
4 north on Eucalyptus Avenue across the currently inactive ROW to reach service and other  
5 activities at The Tabernacle.

6           15.     Attached hereto as Exhibit "A" is a map that illustrates the FCBC Church Campus,  
7 the ROW and the current pedestrian route for on-going church and community activities.

8           16.     On average, approximately 4,000 people attend FCBC services at The Tabernacle  
9 on Sundays. FCBC holds numerous other large events at The Tabernacle every month, which  
10 include other worship services, funerals, weddings, concerts and miscellaneous community  
11 events. Typically, activities involving 1,500 people or less are held in other facilities on the  
12 FCBC Church Campus.

13     **D.     Community Surrounding Faithful Central Bible Church**

14           17.     The FCBC Church Campus and surrounding areas have been classified by Metro  
15 as "industrial" when in fact there are a number of residential neighborhoods, which abut or are  
16 very close to the ROW, all within less than one half (1/2) of a mile of the FCBC Church Campus.  
17 In particular, according to the City of Inglewood Zoning Map, these residential neighborhoods are  
18 classified as R-3 and R-4 neighborhoods, which are high-density neighborhoods, as highlighted  
19 on Exhibit "B" attached hereto. According to the 2010 Census, the total population of these three  
20 neighborhoods is over 18,000 people.

21           18.     Many schools, both public and private, are adversely impacted by the proposed  
22 Rail Line and a re-activated crossing at Eucalyptus, including the George W. Crozier Middle  
23 School that is south of the ROW and whose students who live north of the ROW and are expected  
24 to utilize Eucalyptus to attempt to cross the proposed Rail Line.

25           19.     Many public and private places of business and their respective delivery trucks,  
26 employees and visitors will be adversely impacted by the proposed Rail Line and the proposed  
27 Eucalyptus crossing, including those traveling to nearby facilities such as Inglewood City Hall,  
28 the City's Police Station, the City's Fire Station, the Courthouse, Juvenile Court and local

1 businesses. Additionally, one of the City of Inglewood's largest private businesses and  
2 employers, if not the largest – Marvin Engineering (aka Marvin Group) – is located less than two-  
3 tenths (2/10<sup>th</sup>) of a mile from the Eucalyptus crossing.

4 20. The FEIR (defined below) at Table 4-7 recognizes the combined minority  
5 population of “Black / African American” and “Hispanic or Latino” for the FEIR Study Area as  
6 being eighty-six percent (86%).

7  
8 **III. METRO'S ENVIRONMENTAL IMPACT STATEMENT AND**  
9 **ENVIRONMENTAL IMPACT REPORT**

10  
11 21. Metro submitted a Notice of Intent to Prepare an Alternatives Analysis (AA) /  
12 Environmental Impact Statement / Environmental Impact Report (collectively referred to as the  
13 “EIR”) in 2007. Thereafter, in September 2009, Metro submitted a Draft Environmental Impact  
14 Statement and Draft Environmental Impact Report (collectively referred to as the “DEIR”) for the  
15 Rail Line project. These reports were circulated to interested parties, including the CPUC. A  
16 Final Environmental Impact Statement and Final Environmental Impact Report (collectively  
17 referred to as the “FEIR”) was prepared and certified by the Board of Metro in August of 2011.  
18 Relevant discussions in the DEIR and FEIR concerning Pedestrian Safety, Traffic, Noise and  
19 Vibration include the following.

20 **A. Safety:**

21 22. The FEIR provides little detail concerning pedestrian crossings and how  
22 pedestrians will be protected. The FEIR merely provides in Section 9.4:

23 “Appropriate pedestrian crossing control devices for at-grade crossings are  
24 critical for rail system safety. In addition to standard cross-walk  
25 *markings, control devices for pedestrian crossings including flashing light*  
26 *signals, signs, markings along the outside of the rail line, curbside*  
27 *pedestrian barriers, pedestrian automated gates, swing gates, bedstead*  
28 *barriers and crossing channelization. When the light rail transit line is at-*

1 grade, it would operate in a semi-exclusive right-of-way separated from  
2 automobile traffic by a raised curb. Pedestrians are permitted to cross the  
3 street at designated crosswalk locations during protected pedestrian signal  
4 phases in which light rail vehicles are not present. Pedestrian safety along  
5 the proposed Light Rail line will involve gated crossings controlled using  
6 current Metro standards for crossings. Each crossing will be reviewed  
7 during design based on the California PUC report “Pedestrian Rail  
8 Crossings in California.” (Emphasis added.)

9 23. Specific to FCBC, the FEIR states in Section 4.12.2.3:

10 “There are 2 locations along the LPA alignment where high pedestrian  
11 activity would occur on sidewalks that are currently narrow when  
12 compared with potential pedestrian volumes. The first is adjacent to  
13 Faithful Central Bible Church, where pedestrians who attend services have  
14 to walk along a narrow sidewalk (6 feet) along Eucalyptus Avenue and  
15 cross the LPA [Locally Preferred Alternative] tracks to reach the  
16 secondary parking lot and associated church facilities that are located on  
17 the north side of the Harbor Subdivision.”

18 (Emphasis added)

19 24. With regard to alleged Mitigation Measures to address pedestrian crossings, the  
20 FEIR provides in the Executive Summary:

21 “Impact: Potential effect to the flow of pedestrians near Faithful Central  
22 Bible Church and La Brea Station: With implementation of mitigation, no  
23 adverse effect would occur.”

24 **B. Traffic / Delays:**

25 25. The FEIR discusses that at the intersection of Florence & Eucalyptus, that  
26 protected left turns were added to provide railroad clearance operations to address delays caused  
27 by railroad pre-emption.

28 26. In the DEIR, the intersection of Florence & Eucalyptus shows that with the rail

1 project in operation, the AM Peak delays due to the train crossings will be 17 seconds, and the  
2 PM Peak delays due to train crossings will be 52 seconds. The Level of Service, or "LOS", for  
3 the Florence & Eucalyptus intersection will be "B" in the AM Peak, and LOS "D" in the PM  
4 Peak. However, in the FEIR, an "advanced design analysis" was finally disclosed to allegedly  
5 update the DEIR. In the updated analysis in the FEIR, as shown in Appendix G (Traffic  
6 Analysis), it shows more degradation of this intersection when the Rail Line project comes into  
7 operation – i.e., the AM Peak level of service will decline to a "C" and the PM Peak level of  
8 services will deteriorate to an "E."

9 **C. Noise:**

10 27. The FEIR shows that for noise impacts the number of buildings potentially  
11 affected is "one". Presumably, that building is The Tabernacle Building. Why the FEIR did not  
12 analyze noise impacts to The Trinity Building and the remainder of the FCBC Church Campus is  
13 unknown. In addition, the FEIR provides that the existing noise level is shown as being 71  
14 decibels (which is similar to the noise one experiences when operating a vacuum cleaner). Since  
15 the existing tracks have not had operating trains for years, how the Metro engineers came up with  
16 a reading of 71 decibels for existing noise level is not known.

17 28. With the Rail Line operational, the noise that the trains will generate when the  
18 trains run past the FCBC Church Campus is shown in the FEIR as 57 decibels. The FEIR does  
19 not disclose how the noise with the new trains passing would only be 57 decibels when the  
20 existing noise level (where no trains have run for years) is shown to be 71 decibels.

21 **D. Vibration:**

22 29. The FEIR provides that for vibration impacts at the FCBC Church Campus, the  
23 number of buildings potentially affected is "one", with the predicted vibration level to be at 68  
24 VcB. Presumably, that building is The Tabernacle Building, but it is unclear and presumably the  
25 FEIR did not analyze vibration impacts to the remainder of the FCBC Church Campus.

26 **E. CPUC Comment Letter**

27 30. The current CPUC Rail Crossing Consumer Protection and Safety Division  
28 Engineer Jose Pereyra wrote a letter in response to the circulation of the DEIR by Metro outlining

1 the specific guidelines Metro would have to follow, as well as specific recommendations for the  
2 proposed project. An excerpt from Mr. Pereyra's letter, dated October 28, 2009 reads as follows:

3 "The Light Rail Transit (LRT) Alternative described in your DEIR passes  
4 through high density commercial, residential and industrial regions of the  
5 greater Los Angeles Metropolitan Area. Higher density zones near the rail  
6 tracks lead to an increased amount of pedestrian activity around the tracks.  
7 Constructing tracks at the existing Right-of-Way elevations is likely to  
8 result in trespassing issues and pedestrian conflicts similar to those  
9 currently experienced along other Metro Rail corridors in Los Angeles.  
10 Elevating or tunneling the tracks would mitigate this concern.  
11 Additionally, fencing any remaining at-grade portions of the rail alignment  
12 selected should be a requirement of the project." (Emphasis added)

13 31. The response letter from Metro as set forth in the FEIR is dismissive at best and  
14 reads as follows:

15 "The locally preferred alternative, as selected by the Metro Board of  
16 Directors, is grade-separated in the highest density area of the alignment,  
17 near Baldwin Hills Crenshaw Plaza between 39<sup>th</sup> and 48<sup>th</sup> Street."

18 **F. City of Inglewood Comment and Other Letters**

19 32. The City of Inglewood also commented on the DEIR in two separate letters, and  
20 later sent an additional letter, dated December 13, 2011, which specifically included a reference  
21 and a continuing concern over safety at the Centinela/Florence crossing and at the Eucalyptus  
22 crossing at the FCBC Church Campus. In the December 13, 2011 letter, the City's Mayor Butts  
23 stated:

24 "... [T]he City requests the addition of the cut and cover, as a bid option  
25 *[for Bid Option 3A for Centinela/Florence] ... [and with respect to the*  
26 *Florence/Eucalyptus crossing,] [a]s Metro prepares to submit these*  
27 *crossing (sic) to the California Public Utilities Commission (CPUC) for*  
28 *review/approval, the City will request a pedestrian bridge or other safety*

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mitigation methods be employed at this crossing to reduce potential vehicle/pedestrian conflict.” (Emphasis added)

These two intersections are in close proximity to each other and this short distance between the two could be viewed as a *critical portion of the City’s core downtown area with essential public facilities and businesses*, so that the economical and logical solution would be to cut and cover for the entire distance between these two areas.

**IV. ENGAGEMENT OF EXPERTS AND SUBSEQUENT STUDIES BY FCBC**

33. FCBC retained third-party professionals (the “Experts”), Urban Crossroads (traffic and pedestrian expert) and Fournier Robson & Associates, LLC (rail safety expert), to provide an independent review and analysis of the impacts of the proposed Rail Line on the FCBC Church Campus.

34. Urban Crossroads is a planning and engineering consulting firm that works with public and private sector clients and whose professionals include traffic engineers, noise and air quality experts, strategic planners, and database experts. The primary focus of Urban Crossroads’ review and analysis has been on the impacts to FCBC and the adjacent community with particular emphasis on the rail crossings and intersections of Florence Avenue, Eucalyptus Avenue and Ivy.

35. Fournier Robson & Associates, LLC is a leading Consulting Services company with more than 50 full-time Consulting Engineers, Architects and Scientists and over 100 part-time Engineers and Consultants with expertise in more than 45 technical disciplines, that include but are not limited to, Highway and Traffic Engineering, Mass Transit - Railway and Bus Consulting, and Environmental Engineering. The primary focus of Fournier Robson & Associates, LLC, with respect to FCBC, has been rail safety.

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1                   ii. **Parking Lot Queuing and Raised Median on Eucalyptus – New Designs**  
2                                   **Neither Disclosed Nor Analyzed**

3           39.    The existing ingress and egress of vehicles for The Trinity Building/East Parking  
4 Lot and The Tabernacle/Tabernacle Parking surface parking is from Eucalyptus Avenue. The  
5 driveways on Eucalyptus Avenue (“Driveways”) currently accommodate inbound and outbound  
6 left turns. In a March 16, 2012 meeting, Metro provided FCBC with additional information  
7 outside of the EIR process and stated that neither of the Driveways on Eucalyptus Avenue will be  
8 able to accommodate left turns and the Driveways will be restricted to right-in-right-out only,  
9 since the Rail Line will require construction of a center median on Eucalyptus Avenue. Metro has  
10 provided no analysis on how restricting these Driveways to right-in-right-out will affect FCBC  
11 Church Campus Operations.

12           40.    By restricting these Driveways to right-in-right-out there are queuing problems  
13 that would be experienced along Eucalyptus Avenue that are completely ignored in the FEIR. In  
14 other words, The Tabernacle surface parking field currently accommodates approximately 130  
15 vehicles and is always at-capacity when the Tabernacle is in use. The distance between The  
16 Tabernacle driveway on Eucalyptus Avenue and the proposed rail crossing at Metro ROW is  
17 approximately 68 feet. According to the National Cooperative Highway Research Program  
18 (NCHRP) *Report 659* (Transportation Research Board), the average car length is 25 feet which  
19 accounts for the spacing between cars. Given the existing spacing of only 68 feet, only two (2)  
20 passenger cars would be accommodated on Eucalyptus Avenue prior to the Metro ROW tracks  
21 when the gate crossings are down. The additional vehicles would continue to queue in the parking  
22 lots and there could be significant delays for egressing vehicles since the crossing gates can be  
23 down every 3-6 minutes in 80 second intervals. This queuing problem will be aggravated as cars  
24 traveling on Eucalyptus Avenue will stack up waiting for trains to pass. These impacts have not  
25 *been analyzed or mitigated in the FEIR.*

26           41.    Restricting the Driveways to right-in-right-out will also impact the Minimum  
27 Required Throat Depth (“MRTD”) needed on-site for each of the existing Driveways. The MRTD  
28 is measured from the back of the sidewalk to the first drive aisle or parking stall. The purpose of

1 the MRTD is to allow enough stacking distance for egressing vehicles so that the first drive aisle  
2 or parking stall is not blocked. This minimizes the possibility of incoming vehicles queuing out  
3 into the traveled way of the main street thereby creating a safety concern. It is standard practice  
4 to not allow a MRTD of less than 25 feet for any project; throat depths greater than the calculated  
5 MRTD are encouraged, and on-site parking is not permitted within MRTD areas. By restricting  
6 the Driveways on Eucalyptus to right-in-right-out, there is potential to exacerbate the MRTD and  
7 the minimum requirements would not meet safety requirements. The FEIR is woefully deficient  
8 by not undertaking this analysis and ignoring this potential impact.

9 **B. Failure to Adequately Assess Pedestrian Impacts and Safety Concerns**

10 42. The FEIR inadequately assesses the potential impacts to pedestrians resulting from  
11 the proposed Rail Line project, especially given recent disclosures by Metro to FCBC and  
12 changes in the proposed Rail Line project. The numerous deficiencies in the analysis include the  
13 following:

14 i. **Metro Memorandum Dated November 8, 2011 Concerning Pedestrian**  
15 **Safety**

16 43. Subsequent to preparation the FEIR, Metro provided FCBC with a memorandum  
17 further detailing what Metro states as a “Pedestrian Study”. It does not appear as though any  
18 “Pedestrian Study” was actually prepared, rather Metro as part of its November 8, 2011  
19 transmittal included pedestrian counts that were conducted on Sunday, May 15, 2011 between the  
20 hours of 6:00AM to 12:45PM. FCBC was not contacted prior to the pedestrian counts being  
21 taken to determine when in fact an appropriate time period and date would be to capture normal  
22 Sunday service activities. Additionally, the data contained in Metro’s memorandum is not easily  
23 discernable and no exhibits are provided to identify where counts were taken and what each  
24 segment identified in the tables truly represents.

25 44. *Urban Crossroads, Inc. (one of FCBC’s Experts) conducted additional pedestrian*  
26 *counts on Friday, April 6, 2012 from 5:00PM to 11:45PM and Sunday, April 8, 2012 from*  
27 *7:00AM to 12:45PM in order to more appropriately represent peak pedestrian activity during*  
28 *FCBC Church Campus activities.*

1 45. Table 1 provides a comparison of the Metro counts taken May 15, 2011 to the  
2 counts taken Friday, April 6, 2012 from 5:00PM to 11:45PM and Sunday, April 8, 2012 from  
3 7:00AM to 12:45PM.

4 *Table 1*  
5 *Peak Pedestrian Counts – Highest 15-Minute Interval*

| 6 Metro Counts - Sunday, May 15, 2011 | 7 Friday, April 6, 2012            | 8 Sunday, April 8, 2012              |
|---------------------------------------|------------------------------------|--------------------------------------|
| 9 12:30PM: <b>542</b> Pedestrians     | 10 10:15PM: <b>314</b> Pedestrians | 11 12:15PM: <b>1,001</b> Pedestrians |

12 46. As shown in Table 1, the Metro pedestrian counts taken on May 15, 2011 severely  
13 understate pedestrian activity of more than 1,000 pedestrians' crossings at Eucalyptus in a fifteen  
14 minute interval that traverse Metro ROW at Eucalyptus by a magnitude of almost two times for  
15 Sunday peak conditions. Metro should revise any analysis based on the Sunday, May 15 2011  
16 counts with accurate pedestrian counts. Additionally, Metro should identify and analyze other  
17 peak periods throughout the week that may result in elevated pedestrian activity associated with  
18 on-going community and FCBC Church Campus operations.

19 47. Metro provided FCBC with additional information on March 16, 2012, on gate  
20 downtime at the pedestrian crossing at Eucalyptus. Based on the Metro data provided, the  
21 following is believed by FCBC at this time:

22 a) Crossing gates would go down at Eucalyptus and Oak approximately 17  
23 seconds in advance of an approaching train. In other words, there would be 17 seconds to  
24 clear the tracks of any pedestrians crossing the tracks at Eucalyptus once the initial  
25 warning alarm of a train approaching occurs;

26 b) Queues at Eucalyptus will be approximately 80 seconds (46 seconds before  
27 the gate activates and 34 seconds from when the gates are activated to when the gates go  
28 up completely); and

c) Trains in either direction could cross up to every three (3) minutes, with  
this frequency being more typical during peak periods during the weekday (morning and  
evening work traffic Monday to Friday). Metro has stated that trains are more likely to  
cross every six (6) minutes during non-peak hours and weekends.

1           48. Based on the aforementioned information provided by Metro, on a typical  
2 weekend during FCBC church services, pedestrians could be queuing every 6 minutes for 80  
3 seconds. Since there is potential for over 1,000 pedestrians to cross the tracks during a fifteen-  
4 minute interval (as previously noted) there could be significant delays and queuing experienced  
5 by pedestrians, all of which have not been analyzed or mitigated.

6           49. Based on the March 16, 2012 meeting with Metro, Metro is proposing quad  
7 crossing gates and pedestrian gates (swing gates and crossing arms) at the Eucalyptus crossing.  
8 Video footage was also taken by FCBC to capture the observed congestion and queuing that  
9 exists today on the narrow sidewalk and inactive rail crossing. The existing sidewalk is  
10 approximately five (5) feet wide and results in channelization and queuing for pedestrians  
11 crossing the tracks at Eucalyptus.

12                           **ii. Pedestrian Cross Time and Safety Concerns**

13           50. As previously noted, crossing gates would go down at Eucalyptus approximately  
14 17 seconds in advance of an approaching train. In other words, there would be 17 seconds to clear  
15 the tracks of any pedestrians crossing at Eucalyptus once the initial warning alarm of a train  
16 approaching occurs.

17           51. The current edition of the *Manual on Uniform Traffic Control Devices* (MUTCD)  
18 states that the average walking speed for a younger pedestrian is 4.00 ft./sec. and the older  
19 pedestrian walks 0.70 ft./sec. slower, at 3.30 ft./sec. With this information and given that the  
20 distance between the proposed entrance and exit point of the swing gates is approximately 50  
21 feet, the total unobstructed crossing time to clear the Metro ROW tracks is estimated by Metro be  
22 12.5 seconds for a younger pedestrian and 15.15 seconds for an older pedestrian. The  
23 aforementioned travel speeds do not take into account pedestrian congestion at the crossings nor  
24 do they account for the obstruction of having to open the gate crossing manually to enter and push  
25 the gate crossing to exit the Metro ROW. The FEIR is silent on the pedestrian crossing times at  
26 Eucalyptus and associated safety impacts that would occur due to the lack of adequate crossing  
27 time (only 17 seconds).

28           52. In order to more adequately calculate proposed gate crossing times a field

1 observation was undertaken by FCBC's Experts, which revealed the approximate crossing times  
2 observed for various pedestrians as set forth in Table 2.

3 *Table 2*  
4 *Observed Pedestrian Crossing Time at Approximate Swing Gate Locations*

| 5 Type of Pedestrian  | 6 Crossing Time (seconds) |
|---|---------------------------|
| 7 Able-bodied Woman (congested pedestrian period)                 | 8 30                      |
| 9 Able-bodied Woman with Children (uncongested pedestrian period) | 10 16.50                  |
| 11 Able-bodied Woman with Stroller                                | 12 25                     |
| 13 Assisted Wheel Chair (uncongested pedestrian period)           | 14 23                     |
| 15 Man with Cane  | 16 26.5                   |

17 53. All of the observed pedestrian crossing times in Table 2 do not account for the  
18 additional time it will take to open the pedestrian gates to enter and push the gate on the other side  
19 to exit the Metro ROW. As such, based on the observed crossing times, the 17-second crossing  
20 time provided by Metro appears to be wholly inadequate and deficient. The FEIR lacks any  
21 meaningful discussion and is deficient on pedestrian safety and crossing times at Eucalyptus and  
22 the Metro ROW.

23 **C. Failure to Adequately Assess Impacts to Emergency Response Routes**

24 54. The FEIR inadequately assesses the potential impacts to emergency response  
25 routes as a result of gate down times associated with crossing at Eucalyptus. Moreover, the FEIR  
26 is silent on the potential impacts to FCBC's Church Campus, and more specifically The  
27 Tabernacle. As part of Experts' review, potential emergency routes have been identified for (1)  
28 Inglewood City Fire Department, (2) Inglewood City Paramedics and (3) Centinela Medical  
Center as they relate to The Tabernacle. Existing emergency response routes were identified  
based on a review of aerial imagery to identify the most logical and efficient route of travel to  
The Tabernacle and the entire *community north of the Metro ROW*. Potential emergency  
response routes were also identified based on a review of aerial imagery to identify the most  
logical and efficient route of travel to The Tabernacle while avoiding all at-grade rail crossings  
that would be active as a result of the Rail Line. These potential emergency response routes are

1 highlighted in Exhibit "C" attached hereto.

2 55. The potential emergency response vehicle routes are anticipated by the Experts to  
3 be severely impacted as a result of the at-grade rail crossings proposed by the Rail Line. Route  
4 distances are more than doubled. Additionally, with the addition of a center median preventing  
5 left-out turns from the Tabernacle, the responding emergency vehicles will have to turn right out  
6 of the Tabernacle and be forced to wait in potential queues due to passing trains. The FEIR failed  
7 to disclose or analyze this impact and no mitigation has been proposed.

8  
9 **VI. UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT)**  
10 **MANDATES A GRADE SEPARATION**

11  
12 56. The USDOT Guidance on Traffic Control Devices at Highway-Rail Grade Crossings  
13 manual ("Manual") suggests that there are several safety variables when considering closure, grade  
14 separation or active control: Annual average daily traffic, legal and / or operating speed, train  
15 frequency and speed, design level of service, proximity to other intersections, proximity to schools,  
16 industrial plants and commercial areas, accident history and predicted accident frequency, and  
17 available clearing and corner sight distance, including the ability of the driver to see an approaching  
18 train in both directions, with sufficient time to stop 15 feet before the near rail.

19 57. The Manual goes on to state that highway-rail grade crossing should be considered  
20 for grade separation whenever the cost of grade separation can be economically justified based on  
21 fully allocated life cycle costs and one or more of the following conditions exist:

22 "An average of 50 or more passenger trains in urban areas; [...] Passenger  
23 train crossing exposure (the product of the number of passenger trains per  
24 day and AADT) exceeds 400,000 in urban areas; the expected accident  
25 frequency (EAF) for active devices with gates as calculated by the USDOT  
26 Accident Prediction Formula including 5-year accident history, exceeds 0.2;  
27 vehicle delay exceeding 30 vehicle hours per day; an engineering study  
28 indicates that the absence of grade separation structure would result in the

1 highway facility performing at a level of service below its intended  
2 minimum design level 10% or more of the time."

3 The Manual further recommends grade separation without any economic study if there is an average  
4 of 75 or more passenger trains per day in urban areas or 30 or more passenger trains per day in rural  
5 areas.

6 **A. Average of 50 or More Passenger Trains in Urban Areas**

7 58. With respect to the first USDOT professional standard of having an "average of 50 or  
8 more passenger trains", by using the Expo Line schedule, it is predicted that the number of passenger  
9 trains per day crossing the Eucalyptus crossing would be three hundred four (304). This is more than  
10 six (6) times the professional standard for consideration of grade separation. Furthermore, this is  
11 more than four (4) times the standard for grade separation with no economic study. On this basis  
12 alone the crossing at Eucalyptus should to be grade separated.

13 **B. Passenger Train Crossing Exposure Exceeds 400,000**

14 59. With respect to the second USDOT professional standard of when "passenger train  
15 crossing exposure (the product of the number of passenger trains per day and AADT) exceeds  
16 400,000 in urban areas", this is appropriately determined by taking the ADT of 3,751 for 2010 (for  
17 Eucalyptus between Fairfax and Florence) from the City of Inglewood, Engineering & Traffic  
18 Survey, March 2011 and applying a two (2) percent per year growth factor, which results in an ADT  
19 of 5,574. Based on 304 trains per day crossing at Eucalyptus and the ADT of 5,574, the crossing  
20 exposure would be 1,694,496. This number grossly exceeds the standard of 400,000 for urban areas  
21 (with economic study) and also 800,000 (without economic study), and thus grade separation is  
22 necessary. It should be noted that this is not even taking into account the pedestrian exposure.

23 **C. Expected Accident Frequency Exceeds .2**

24 60. With respect to the third USDOT professional standard of when "the expected  
25 accident frequency (EAF) for active devices with gates as calculated by the USDOT Accident  
26 Prediction Formula including 5-year accident history, exceeds 0.2", the FEIR shows no study done  
27 on this standard and it is unclear what the expected EAF is for the Eucalyptus crossing. This  
28 analysis should be done.

1 **D. Vehicle Delay Exceeds 30 Vehicle Hours Per Day**

2 61. With respect to the fourth USDOT professional standard of when “vehicle delay  
3 exceeding 30 vehicle hours per day” exists, the FEIR contains information only for the AM and  
4 PM Peak Hours at Florence and Eucalyptus, which reveals that the intersection of Florence and  
5 Eucalyptus will encounter a delay of 14.9 seconds in the AM and 15.4 seconds in the PM. The  
6 peak hour volumes at the intersection are 2,612 vehicles in the AM and 3,427 vehicles in the PM.  
7 Based on only the AM and PM Peak Hours the delay as a result of the proposed Rail Line in  
8 hours for just this time period is approximately 25.56 hours (10.81 hrs AM +14.75 hrs PM). It is  
9 believed that during off-peak periods, there will likely be additional delays associated with the  
10 proposed Rail Line that have not been evaluated in the FEIR. As such, it is believed that when  
11 delay from the “off-peak” periods are added to the delay from the peak hours, the total will  
12 exceed 30 hours and that grade separation would be necessary under this standard.

13 62. Additionally, based on information provided by Metro on March 16, 2012, that  
14 queuing times may be up to 80 seconds and occur every 3 minutes (during peak conditions) at the  
15 Eucalyptus crossing. As a result, additional vehicle delays may occur and further contribute to the  
16 overall daily vehicle delay and cause total vehicle delay to exceed the 30 hour standard.

17 63. Furthermore, as noted above, Traffic Microsimulation was prepared for 15  
18 intersections that Metro deemed were “most affected”, but they did not include the intersection of  
19 Florence and Eucalyptus. A Microsimulation for this area would have provided additional details  
20 on the delay at the intersection by directional approach.

21 **E. Highway Facility Performing at a Level of Service Below Its Intended Minimum**  
22 **Design Level 10% or More of the Time**

23 64. With respect to the fifth USDOT professional standard of “an engineering study  
24 indicates that the absence of grade separation structure would result in the highway facility  
25 performing at a level of service below its intended minimum design level 10% or more of the time”,  
26 as discussed in the FEIR, the City has no significant criteria, therefore the FEIR deferred to  
27 generally accepted standards of engineering that state a level of service (“LOS”) of E or F is  
28 considered deficient (LOS A, B, C and D are deemed acceptable). Using this rationale, the PM

1 peak hour experiences a LOS of “E” and would therefore perform at an unacceptable LOS.  
2 Assuming that this condition would occur for the duration of the PM peak “period” (a duration of  
3 three hours), the intersection of Florence and Eucalyptus would experience an unacceptable LOS  
4 for approximately twelve and one-half percent (12.5%) of the time (3 hrs/24 hrs = 12.5%), which  
5 warrants a grade separation.

6 65. Additionally, the FEIR does not provide a segment analysis and associated  
7 segment LOS for Eucalyptus / Florence. If this analysis had been conducted, which Metro should  
8 have performed a further deficient condition for the roadway segment may have been discovered,  
9 which would also warrant a grade separation under this standard.

## 10 11 VII. RELEVANT CPUC STATUTES AND ORDERS

12  
13 66. Relevant provisions of the California Utilities Public Utility Code and CPUC  
14 General Orders include the following:

15 A. **Public Utilities Code Section 1201** provides in relevant part:

16 67. “No public road, highway, or street shall be constructed across the track of any  
17 railroad corporation at-grade, nor shall the track or any railroad corporation be constructed across  
18 a public road, highway, or street at-grade ... without having first secured the permission of the  
19 commission ...”

20 B. **Public Utilities Code Section 1202** provides in relevant part:

21 68. “The commission has the exclusive power: (a) To determine and prescribe the  
22 manner, including the particular point of crossing, and the terms of installation, operation,  
23 maintenance, use, and protection of each crossing of ... a public or publicly used road or highway  
24 by a railroad or street railroad, and of a street by a railroad or of a railroad by a street ... (c) To  
25 require, where in its judgment it would be practicable, a separation of grades at any crossings  
26 established and to prescribe the terms upon which the separation shall be made ...”

27 C. **CPUC General Order 75-D** provides in relevant part:

1           69.    “3. Scope of Rules ... Design or construction specifications shall be in accord with  
2 accepted industry standards for the given existing local conditions unless otherwise specified in  
3 these rules ...”

4    **D.    CPUC General Order 88-B** provides, in relevant part:

5           70.    “1. Purpose – The purpose of these regulations is to establish criteria for alteration  
6 of existing public highway crossings ...

7    3. Criteria – 3.1 The public agencies having jurisdiction over the roadway involved and the  
8 railroad corporation shall be in agreement as to the public necessity for altering the existing  
9 highway-rail crossing.

10   3.2 – The proposed alteration(s) shall comply with all applicable Commission General Orders ...

11   5. Forms and Contents of Request ...

12   5.4 – A statement showing why a separation of grades is not practicable under the circumstances  
13 ...

14   5.8 – Evidence of agreement between the parties relative to the proposed alteration(s) ...”

15   **E.    CPUC General Order 143-B** provides in relevant part:

16           71.    “... 9.08 Crossings of Public Streets and Railroads – No crossings or intersections  
17 of tracks of an LRT system and a public road, highway, street, or track of a railroad corporation  
18 either at-grade or at separated grade shall be constructed without having first filed an application  
19 pursuant to the Public Utilities Commission Rules of Practice and Procedure, California  
20 Administrative Code, Title 20, and secured the permission of the Commission ...”

21   **F.    CPUC General Order 145** provides in relevant part:

22           72.    “... 10. Requirements for At-Grade Rail Crossings ...  
23 10.2 ... The purpose of this consultation is for the RTA to provide its reasons and supporting  
24 evidence, why the at-grade crossing is not a good candidate for closure or grade separation ...”

25   **G.    CPUC General Order 164-D** provides in relevant part:

26           73.    “...10. Requirements for At-Grade Rail Crossings ...  
27 10.1 The procedures described in this section apply to the construction of all at-grade crossings  
28 established **after the effective date of this General Order.**” (Emphasis added)



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**X. METRO'S VIOLATIONS OF LAWS AND ORDERS**

**COUNT I**

**Avoidance or Violations of California Public Utilities  
Code and CPUC General Orders**

79. Paragraphs 1 through 78 are incorporated by reference as if set forth fully herein.

80. Metro has conducted itself in a manner which is designed to avoid or violate applicable Public Utility Codes and CPUC General Orders. Clearly, the Commission of the CPUC has the right (and the obligation) to oversee the design and improvement of the proposed Eucalyptus crossing in accordance with Public Utility Code sections 1201 and 1202. Rather than designing it in the manner suggested by the CPUC (trenching), the City and USDOT standards, Metro is proceeding forward with an at-grade design, which also violates Public Utilities Code Section 1202 and General Orders 75-D, 88-B, 143-B, and 145. FCBC also understands and believes that Metro is attempting to seek a "staff level" approval of all crossings in direct violation of Public Utilities Code Section 1201 and General Orders 88-B and 143-B.

**COUNT II**

**Violations of the California Environmental  
Quality Act (CEQA)**

81. Paragraphs 1 through 78 are incorporated by reference as if set forth fully herein.

82. Metro is or will be in violation of CEQA if it continues forward with the Rail Line "project". Violations include the following:

- (1) As provided above, the "Project" was both inaccurate and has changed in the nature of the design of the Eucalyptus crossing and related improvements. See Public Resources\_Code section 21083 and CEQA Guidelines section 15124. This

- 1 requires some form of supplemental environmental review by Metro, and the  
2 CPUC (as a Responsible Agency under CEQA) cannot rely on the defective FEIR.
- 3 (2) Similarly, the environmental setting was inaccurate in that the baseline physical  
4 conditions for the FCBC Church Campus were not properly taken into account.  
5 See Public Resources\_Code section 21083 and CEQA Guidelines section 15124.  
6 This requires some form of supplemental environmental review by Metro, and the  
7 CPUC (as a Responsible Agency under CEQA), cannot rely on the defective  
8 FEIR.
- 9 (3) CEQA establishes a duty for public agencies to avoid or minimize environmental  
10 damage where feasible, and a public agency should not approve a project as  
11 proposed if there are feasible alternatives or mitigation measures available that  
12 would substantially lessen any significant effects that the project would have on  
13 the environment. Metro has failed to do so in violation of this standard, as  
14 provided in Public Resources Code section 21083 and CEQA Guidelines section  
15 15041 and 15096. The feasible alternative and mitigation is to trench in this area,  
16 as it is being done in other areas.

17 83. As a Responsible Agency under CEQA, Metro has the authority to mitigate  
18 impacts and/or require changes in the Rail Line project. See Public Resources Code section  
19 21083 and CEQA Guidelines section 15124. It should do so as suggested in CPUC's original  
20 letter dated October 28, 2009 by requiring trenching in this area.

21  
22 **COUNT III**

23 **Violation of Religious Land Use and Institutionalized**

24 **Persons Act of 2000 – “Equal Terms”**

25 **(42 U.S.C. § 2000cc et seq.)**

- 26  
27 84. Paragraphs 1 through 83 are incorporated by reference as if set forth fully herein.  
28 85. Metro has deprived and continues to deprive FCBC of its right to be free from

1 religious discrimination, as secured by the Religious Land Use and Institutionalized Persons Act, by  
2 treating it on less than equal terms than a nonreligious assembly or institution.

3  
4 **COUNT IV**

5 **Violation of Religious Land Use and Institutionalized**  
6 **Persons Act of 2000 - "Substantial Burden on Religious Exercise"**  
7 **(42 U.S.C. § 2000cc et seq.)**

8  
9 86. Paragraphs 1 through 83 are incorporated by reference as if set forth fully herein.

10 87. Metro has deprived and continues to deprive FCBC of its right to the free exercise of  
11 religion, as secured by the Religious Land Use and Institutionalized Persons Act, by effectively  
12 imposing and implementing a land use regulation that places substantial burden on FCBC's religious  
13 exercise.

14 **COUNT V**

15 **Violation of Religious Land Use and Institutionalized**  
16 **Persons Act of 2000 - "Unreasonable Limitation"**  
17 **(42 U.S.C. § 2000cc et seq.)**

18 88. Paragraphs 1 through 83 are incorporated by reference as if set forth fully herein.

19 89. Metro has deprived and continues to deprive FCBC of its right to the free exercise of  
20 religion, as secured by the Religious Land Use and Institutionalized Persons Act, by imposing and  
21 implementing a land use regulation that unreasonably limits religious assemblies within a  
22 jurisdiction.

23 ///

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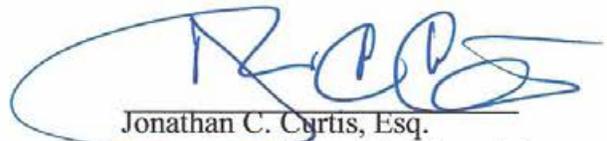
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1 Orders, including without limitation, with respect to (i) General Order 88-B with  
2 respect to reaching agreement with the City as to the public necessity for altering  
3 the existing high-way-rail crossing (or following the procedures if not in  
4 agreement) and why a separation of grades is not "practicable" under the  
5 circumstances, and (ii) General Order 145 and provide Metro's reasons and  
6 supporting evidence as to why the at-grade crossing at Eucalyptus is not a good  
7 candidate for closure or grade separation;

- 8 (5) A mandate that Metro follow USDOT standards;
- 9 (6) A mandate that the Rail Line and the Eucalyptus crossing at the FCBC Church  
10 Campus location be designed so as to not give rise to violations under the  
11 Religious Land Use and Institutionalized Persons Act and the Fourteenth  
12 Amendment of the United States Constitution (Equal Protection Clause);
- 13 (7) A mandate that the CPUC will only approve a trenched alternative design (a  
14 practical alternative) at the location of the FCBC Church Campus as a result of the  
15 unsafe pedestrian and vehicular conditions that would exist with an at-grade  
16 crossing; and
- 17 (8) An order that Metro pay the attorneys' fees and other costs associated with this  
18 Complaint and Petition.

19 Respectfully submitted,

20  
21 

22 Jonathan C. Curtis, Esq.  
23 Attorney of Record for Complainant  
24 865 South Figueroa Street, Suite 3500  
25 Los Angeles, CA 90017  
26 Email: joncurtis@sbcglobal.net  
27 Tel: (818) 653-6157  
28 Facsimile: (213) 417-3311  
State Bar Number: 125785

**VERIFICATION BY FAITHFUL CENTRAL BIBLE CHURCH**

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**VERIFICATION**

I am an officer of the complaining corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to the matters which are therein stated on information and 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 June 14, 2012, at Inglewood, California.

Faithful Central Bible Church

By: \_\_\_\_\_

Marc T. Little

Chief Operating Officer and General Counsel

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**EXHIBIT "A"**

Vicinity Map

**FCBC Vicinity Map**



**LEGEND:**  
= PEDESTRIAN TRAVEL ROUTE



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**EXHIBIT "B"**

Residential Neighborhoods Near FCBC

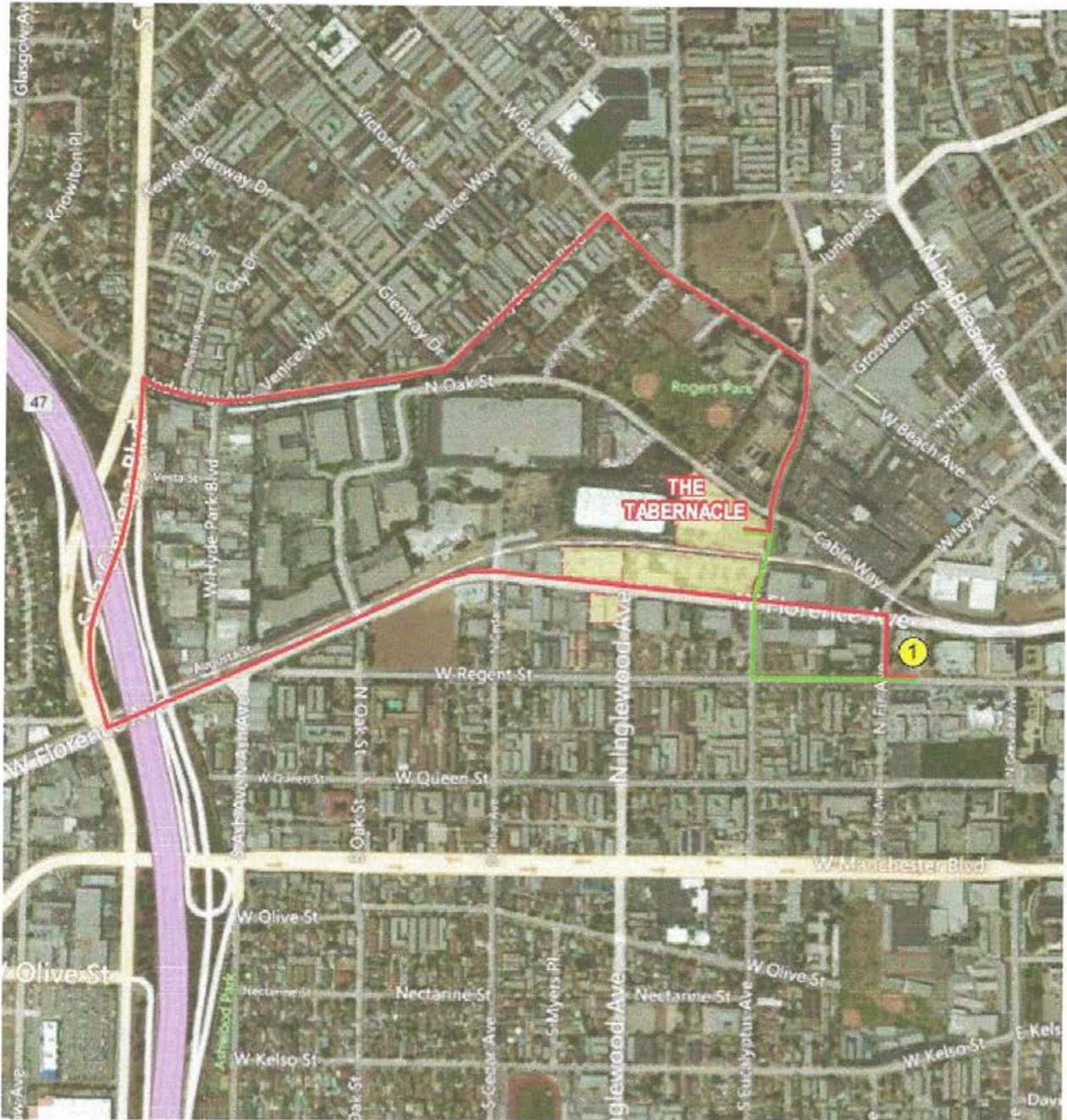


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**EXHIBIT "C"**

Emergency Response Routes

**Inglewood City Fire Department Emergency Response Route**

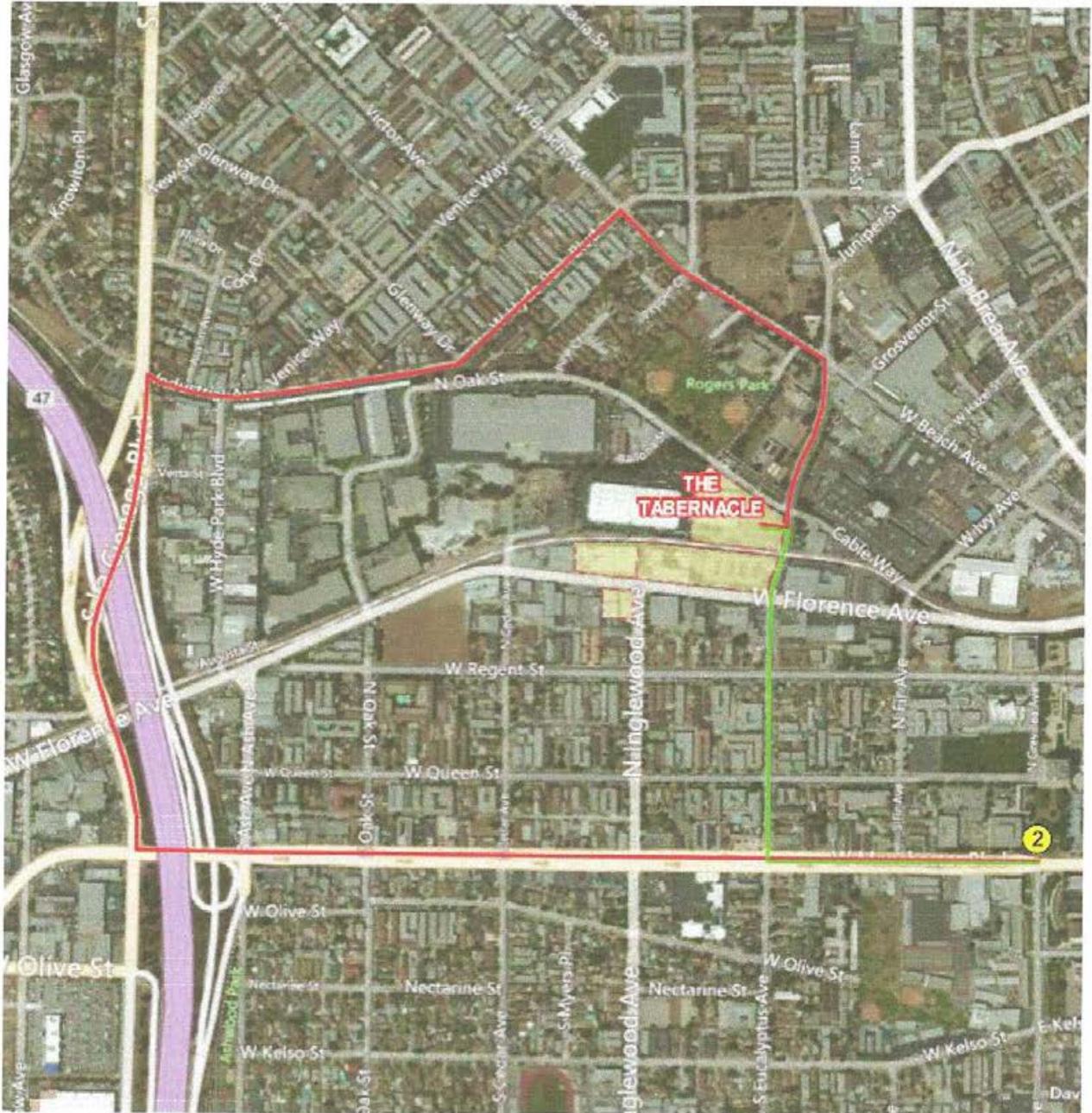


**Legend**

- 1** = Inglewood City Fire Department (141 W. Regent St.)
- = Existing Emergency Response Route (0.3 miles)
- = Potential Emergency Response Route (2.2 miles)



## Inglewood City Paramedics Emergency Response Route



### Legend

-  = Inglewood City Paramedics (1 W. Manchester Blvd.)
-  = Existing Emergency Response Route (0.6 miles)
-  = Potential Emergency Response Route (2.3 miles)



