



FILED

05-28-10

09:47 AM

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

In the matter of the Application of the
Southern California Regional Rail Authority
For authority to construct a pedestrian
At-grade crossing for the Vincent Grade/
Acton Station, Metrolink Valley Subdivision
Mile Post 61.4, proposed CPUC Number
VY-61.40-D; USDOT932896C.

A.10-03-008
Filed March 5, 2010

MOTION OF THE ACTON TOWN COUNCIL TO BECOME A PARTY

Pursuant to Rules 1.4 and 11.1 of the Commission's Rules of Practice and Procedure, the Acton Town Council submits its motion to become a party in this proceeding. The Acton Town Council was established by the County of Los Angeles as an elected body with the goal of promoting and preserving the character and quality of the Acton community. One of our many responsibilities is to participate in discretionary proceedings before County, State, and Federal Agencies on behalf of the residents to generally safeguard the interests of our community by ensuring that all proposed projects will preserve and enhance the rural profile of our community and not adversely impact the natural beauty of Acton.

The Acton Town Council has expressed concerns regarding the Vincent station modification proposed by the Southern California Regional Rail Authority ("SCRRA") from the time it was first revealed to the Community of Acton in February, 2009. From that time to this, the Acton Town Council has firmly opposed any modification or expansion of the existing Vincent station either now *or in the future* which provides pedestrian access from the south side of the railroad right of way, or enables pedestrians to access commuter services from the south side of the railroad right of way. Any such modification is inherently inconsistent with the development goals and policies enumerated in the Los Angeles County General Plan and the Antelope Valley Areawide Plan, and does not conform with the County zoning code. It is our objective to ensure

that access to all platforms (both existing and proposed) at the Vincent Grade station will be constrained now and in the future to the existing vehicular and pedestrian depot facilities located on the north side of the right of way. We also point out that, should the proposed project include facilities for pedestrian access from the south side of the right of way, it is not exempt from CEQA, since such a modification would substantially increase traffic impacts on the south side of the right of way.

The Acton Town Council's concerns regarding this project were clearly articulated to HDR Engineering (the engineering firm hired by SCRRA) and any SCRRA staff that were present at the February 2, 2009 Acton Town Council meeting. During the meeting, both the Acton Town Council and the Acton Community at large were informed that the project was configured to allow pedestrian access to commuter rail service exclusively from the north side of the right of way (where the existing station and parking facilities are located) and it will not permit pedestrian access to commuter rail service from the south side of the right of way. Thus, it would permanently preclude pedestrian access from the south side of the railroad right of way to the north side.

The project description contained in the application submitted by SCRRA for Proceeding 10-03-008 indicates that the proposed modification of the Vincent substation may indeed provide pedestrian access from the south side of the railroad right of way to the other, and also provide pedestrian access to commuter rail service from the south side of the railroad right of way. For reasons described above, we note that such a configuration is inappropriate and inherently incompatible with Acton's existing rural profile. It is also unsupportable under the current County General Plan and Antelope Valley Area Plan, as well as the current land use and zoning designations of the property abutting the south side of the railroad right of way (which consists of a private dirt road that lacks any public pedestrian or vehicular infrastructure). Finally, we point out that pedestrian and vehicle traffic are already able to safely traverse the railroad right of way less than a mile away via the nearby overpass described on page 5 of the SCRRA application.

The Acton Town Council respectfully requests the Commission to grant its motion and allow the Acton Town Council to participate as a party in this proceeding with the objective of ensuring the project proceeds in accordance with the assurances that were given and the plan that was presented to the Community of Acton in early 2009. The Acton Town Council does not intend to enlarge or delay the proceeding, we merely seek to ensure that the project proceeds in a manner that is consistent with applicable general plan and community-based zoning provisions. The Acton Town Council regrets its inability to file this motion earlier, but the Council only meets twice per month, and although a copy of the application was received in the mail and noted in the minutes of the last meeting held in March, the matter could not be agendaized for discussion until after the Commission's protest period had closed for Proceeding A.10-03-008. During the months of April and May, the Acton Town Council's already full agenda addressed the new Los Angeles-San Francisco High Speed Rail (which bisects our community), negotiations with Southern California Edison on the Tehachapi Renewable Transmission Project (which also bisects our community), the new Area Plan proposed by the County of Los Angeles (which modifies many land use designations within our community), and new well and hauled water restrictions proposed by the County Health Department (which will severely restrict the property rights of most Acton residents) and the US Forest Service's proposed project to convert the Angeles National Forest into a National Park and which necessarily relies on the (unwanted) development of tourist-oriented services in Acton to cater to park visitors. For these reasons, the Acton Town Council (whose actions are subject to the Brown Act) could not address SCRRA's proposed project to modify the Vincent Grade station within the protest period allotted by the Commission's Rules of Practice and Procedure.

Please direct all correspondence for the Acton Town Council which pertains to this proceeding to the following electronic mail address: ByronBetts0706@yahoo.com.

Respectfully Submitted;

/s/Byron Betts

Byron Betts, Secretary

The Acton Town Council

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May 28, 2010

CERTIFICATE OF SERVICE

I, Jacqueline Ayer, certify that I have on this 28th day of May, 2010 caused a copy of the foregoing

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to be served on all known parties to A.10-03-008 listed on the most recently updated service list available on the California Public Utilities Commission website (see below) via email to those listed with email and via U.S. mail to those without email service.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 28th day of May, 2010 at Acton, California.

/s/ Jacqueline Ayer

Jacqueline Ayer

SERVICE LIST AS OF MAY 28, 2010:

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