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

In the Matter of the Application of the Los Angeles County Metropolitan Transportation Authority for an order authorizing the construction of two-track, at-grade crossing for the Crenshaw/LAX Transit Corridor Project Light Rail Line across West 59th Street, Slauson Avenue, West 57th Street, West 54th Street, West 52nd Street, West 50th Street and across West 48th Street in the City of Los Angeles.

Application 13-01-012
(Filed March January 23, 2013)

**PETITIONER CHANDRA V. MOSLEY SUBMITS
THAT THE DETAILED BRIEF HEREIN ON THE ABOVE MATTER
WILL PROVIDE FACTUAL AND SUFFICIENT INFORMATION TO
ADMINISTRATIVE LAW JUDGE (ALJ) W. ANTHONY COLBERT OR
“COMMISSION” TO APPROVE THE PETITIONER’S PETITION FOR
MODIFICATION OF DECISION 14-08-045**

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August 5, 2016

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OF THE STATE OF CALIFORNIA**

In the Matter of the Application of the Los Angeles County Metropolitan Transportation Authority for an order authorizing the construction of two-track, at-grade crossing for the Crenshaw/LAX Transit Corridor Project Light Rail Line across West 59th Street, Slauson Avenue, West 57th Street, West 54th Street, West 52nd Street, West 50th Street and across West 48th Street in the City of Los Angeles.

Application 13-011-012
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BACKGROUND

After the May 24, 2016 Pre-Hearing Conference, on July 1, 2016, Administrative Law Judge (ALJ) W. Anthony Colbert delivered a ruling instructing both parties to provide a legal or factual basis to deny or grant Petitioner, Chandra V. Mosley’s Petition for Modification of Decision 14-08-045. Additionally, the ALJ instructed the Petitioner to address the California Public Utilities Commission Rules of Practice and Procedures Sections 16.4 (d) and (e) to

explain why the Petition was submitted late and how the Petitioner was affected by the Commission's decision.

FACTS

It is this Petitioner's submission that the late petition to the Commission to modify its 14-08-045 decision was due to the limited quarter-mile radius in which the Los Angeles County Metropolitan Transportation Authority (LACMTA) stated that they disseminated notifications to the Park Mesa Heights community of their plans to construct a "Project" the Crenshaw/LAX Transit Light Rail Line on Crenshaw Boulevard. LACMTA also admitted in the Pre-Hearing Conference that the "at grade" design detail was revealed in phases and in "general terms" during the project's development period as stated on May 24, 2016, in the Pre-Hearing Conference transcript testimony, pages 44 thru 46. LACMTA's decision to notify a small quarter mile section of the Park Mesa Heights community and only revealing "phases" of the project's design is also a direct failure by LACMTA to be transparent and comply with its Grade Crossing Safety Policy adopted on September 23, 2010.

LACMTA also provided a matrix to report the type of flyers and mailings disseminated within the quarter-mile radius and listed names of community-based newspapers in English, Korean and Spanish that was targeted to communities in the city of Inglewood, Westchester, Hawthorne and outside of Park Mesa Heights. Additionally, the only reference to a local newspaper publication that would have directly reached community members in Park Mesa Heights was the Los Angeles Sentinel that is distributed once weekly on Thursdays. However, as it relates to providing relative information to the Park Mesa Heights community on LACMTA's project, the L.A. Sentinel published a single reference in September

2009 at the bottom of page A-9 and speaks to “an Open House/Public Hearing on the Draft Environmental Statement/Report (DEIS/DEIR) for the Crenshaw Transit Corridor project.” It is this Petitioner’s opinion that had any community member observed this small clipping at the bottom of page A-9, that it would not have alerted them to pursue additional knowledge of a Draft Environmental Statement/Report that spoke to a train going north and south in the middle of their community.

In addition, during the Pre-Hearing Conference the ALJ had the Petitioner identify the Petitioner’s general residence location, which is a mile away from the LACMTA’s project in Los Angeles. However, several of the above “notices” were targeted to Inglewood, Hawthorne and Westchester with references to meeting locations outside of Park Mesa Heights’ community. Also, only the community that lived within a quarter mile of the project LACMTA admitted was their primary focus of distribution. Additionally, LACMTA submitted references to the “notices” disseminated in the quarter mile of the project in Spanish and Korean, however this Petitioner’s primary language is English and the quarter mile community is primarily English as well. It is unlikely that LACMTA’s intent was clear to construct the pending at grade level rail line in our community based on the samples presented with noticeable “hand-written” 2007 dates listed. These facts are relevant submissions to the ALJ and the Commission as to why this Petitioner believes that it would have been impossible to be aware that LACMTA’s intent. Again, LACMTA’s intentions to construct an undesirable at grade rail line in our community, which is believed will cause a tremendous negative impact to our community was not known until Ron Macias from LACMTA visited our block club meeting on June 27, 2015.

In addition, LACMTA stated in the Pre-Hearing Conference that this Petitioner did not add any additional information to cause reconsideration of the Commission's 14-08-045 decision (transcript pg. 30, lines 17-21). Also on page 5 of LACMTA's response to the Petition for Modification, it was stated that this Petitioner's claim was the same as that submitted by the Crenshaw Subway Coalition, Mr. Damien Goodman. LACMTA further stated in their response on page 4 that they were in compliance with Metro's Grade Crossing Policy for Light Rail Transit. However, again, it should be noted that this Petitioner first met Mr. Goodman on May 24, 2016 at the Pre-Hearing Conference and was not aware of the Crenshaw Subway Coalition until Mr. Anthony Crump from LACMTA mentioned their pending litigation. Additionally, during the Pre-Hearing Conference LACMTA's attorney, Mr. Mattes admitted that an outdated policy was used to gain compliance to construct the "at grade level" Project between 48th Street and 59th Place on Crenshaw Boulevard, and further submitted untruthful testimony when he stated that only the title on the new policy was changed by adding the word "safety" (see transcript pages 30 lines 23-28 & page 31, line 1).

However, the facts remains that the following amendments were added to LACMTA's Grade Crossing Safety Policy, adopted on September 23, 2010, stating that the subsequent guidelines should be considered in determining grade-separated crossings: 1) That there shall be "greater emphasis on public safety and economic development concerns" and, 2) also referenced that the analytical analysis should be reported with "special attention to schools, parks, social service facilities, areas of high pedestrian activity and anticipated changes in land use or demographics." The policy further states, 3) "these analysis will allow for community input, and for the evaluation of subjective community considerations, such as safety and economic development, which do not lend themselves easily to quantitative

analysis.” Lastly, 4) “Final determination of each grade crossing or grade separation decision shall be made by the Metro Board of Directors, based on a balanced evaluation of technical considerations, such as traffic flow queuing, and community-based considerations as well as public safety and economic development” (pages 3 & 4 of Petitioner’s Reply to LACMTA).

It is this Petitioner’s position that LACMTA did not perform their due diligence to make themselves aware of the multiple changes in their policy and did not perform the required guideline analysis to ensure “safety” vs. “cost” was a greater priority in their final decision.

SUMMARY

In summary, the amended Grade Safety Policy gave direct considerations to school zones, facilities, high pedestrian traffic and future land use. This segment of LACMTA’s project on Crenshaw Boulevard between 48th Street and 59th Place has over 2,750 school-aged children attending pre-school, elementary schools, middle schools and high schools with a senior citizen facility on 51st Street and Crenshaw Boulevard. Also, currently another middle school is completing its construction at 52nd Street and Crenshaw Boulevard. Therefore, it is unconceivable to this Petitioner how LACMTA reported the required “balanced” analysis or consideration to “safety” as required in Metro’s Grade Safety Policy.

Additionally, it must be noted once again that the Commission’s own staff submitted a letter on October 28, 2009 highlighting the same safety concerns to LACMTA that this Petitioner has noted without knowledge of the new school that is currently completing its construction. These are pertinent facts and another example on how LACMTA continued avoid adhering to their own policy. These factors and references to LACMTA’s own policies leads this Petitioner to once

again humbly request that the ALJ and the Commission reconsider its 14-08-045 decision for modification of LACMTA's project.

IMPACT ON PETITIONER RULE 16.4 (E)

Finally, this Petitioner suffers from multiple life-threatening autoimmune diseases, bacterial infections, and extreme uncontrolled physiological reactions to stress. After extensive research and countless professional medical opinions it was discovered that exposures to an array of toxic spores imbedded in various City department buildings, along with ongoing high-powered managerial stress has created the perfect storm that greatly attributed to a current daily fight for life. Although this Petitioner became aware of these toxic environments and made the appropriate reports to upper management and to Cal-OSHA nothing was done to resolve or remedy the health risks to employees. In fact, personal research revealed that the City of Los Angeles found it more cost effective to pay fines instead of allocating the needed funds to resolve these risks even if it meant losing to litigation claims. Although this Petitioner could not foresee the future of living with personal and invisible constant pain and constant risk of organ failure, it is this Petitioner's reality.

The fact that City management was aware that employees came to work daily in a "sick syndrome" building which could cause unknown health challenges did not lend to an effort by anyone outside of those made by this Petitioner, many employees passed away or retired early due to chronic illnesses. The thought to "do the right thing" did not over power personal needs to promote or fear of losing their positions. Similarly in this matter, we have children who live within our community and who do not have a choice or a voice where they live or where they go to school. However, someone needed to take a stand to do the right thing – and this Petitioner decided that one child spared of preventable injury or death was

worth the personal stress and risks. The components of this project led by LACMTA and the ability to prevent great bodily harm to our community has caused this Petitioner deep personal anguish to know that LACMTA is not doing the right thing on behalf of our community and has ignored community members pleas. Safety should without question always be the highest priority in every situation to human beings.

CLOSING STATEMENT

I could have sited dozens of preventable injustices I am aware of where lives were lost and/or people continue to suffer including myself due to the negligence of those who have been appointed to do the right thing. However, in this matter and on behalf of the children, who will negatively be impacted by this at grade project, this Petitioner is now pleading with all parties concerned to reconsider the dangerous design of this project. Good transportation is always needed to fulfill the needs of our growing population but not at the risk of hurting our future generation. The cost of retaining an underground design is not out of reach and with proper negotiations is very feasible. Therefore, with all due respect it is this Petitioner's request once again to give the aforementioned facts equal, full and informed reconsideration to modify your pervious decision and render the appropriate ruling for this community.

Dated: August 5, 2016

Respectfully submitted,

/Chandra V. Mosley/

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