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**FILED**  
04/16/18  
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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 a four-track at-grade pedestrian crossing from Willowbrook Avenue East to the Metro Blue Line Platform to Willowbrook Avenue West at the Willowbrook/Rosa Parks Station, in the County of Los Angeles.

Application 17-11-017

**SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER**

**Summary**

This Scoping Memo and Ruling (Scoping Memo) sets forth the category, issues, need for hearing, schedule, and other matters necessary to scope this proceeding pursuant to Public Utilities Code § 1701.1 and Article 7 of the Commission's Rules of Practice and Procedure.<sup>1</sup>

**1. Background**

On November 29, 2017, Los Angeles County Metropolitan Transportation Authority (LACMTA) filed an Application 17-11-017 for authorization a four-track at-grade pedestrian crossing from Willowbrook Avenue East to the

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<sup>1</sup> California Code of Regulations, Title 20, Division 1, Chapter 1; hereinafter, Rule or Rules.

Metro Blue Line Platform to Willowbrook Avenue West at the Willowbrook/Rosa Parks Station.

On January 11, 2018, Safety and Enforcement Division filed response to the application. No protests were filed to the application, which is uncontested. A prehearing conference (PHC) was set by a ruling dated March 2, 2018. On March 4, 2018, the PHC was held before Administrative Law Judge (ALJ) Troy Taira to determine parties, discuss the scope, the schedule, and other procedural matters. The parties were present and participated in the PHC. At the PHC, the ALJ directed the applicant to file supplemental information related to the negative declaration that was prepared pursuant to the provisions of the California Environmental Quality Act (CEQA). LACMTA submitted the supplemental information on March 15, 2018.

## **2. Scope**

Based on the application and discussion at the PHC, the following issues are within the scope of this proceeding:

1. Whether the Application meets the applicable Commission requirements under General Order (GO) 26-D, GO 75-D, GO 143-D, GO 164-D, and Rule 3.7, such that the Commission should grant Los Angeles County Metropolitan Transportation Agency's application to construct a new at-grade pedestrian crossing at UPRR Milepost 6.745 (DOT No. 973805G).
2. Whether the proposed requested at-grade crossing complies with the CEQA.
3. Whether there are any safety issues presented by the application which needs to be addressed.

## **3. Categorization**

The Commission in Resolution ALJ 176-3410, issued on December 14, 2017, preliminarily determined that the category of the proceeding is ratesetting.

This Scoping Memo confirms the categorization. Anyone who disagrees with this categorization must file an appeal of the categorization no later than 10 days after the date of this scoping ruling. (*See* Rule 7.6.)

#### **4. Need for Hearing**

The Commission in Resolution ALJ 176-3410 also preliminarily determined that an evidentiary hearing is required. However, there are no contested issues of material fact in the proceeding requiring an evidentiary hearing. Accordingly, no evidentiary hearing is required or scheduled.

#### **5. *Ex Parte* Communications**

In a ratesetting proceeding such as this one, *ex parte* communications with the assigned Commissioner, other Commissioners, their advisors and the ALJ are only permitted as described at Public Utilities Code § 1701.3(h) and Article 8 of the Rules.<sup>2</sup>

#### **6. Assigned Commissioner**

Liane M. Randolph is the assigned Commissioner and Troy Taira is the assigned ALJ.

#### **7. Filing, Service and Service List**

The official service list has been created and is on the Commission's website. Parties should confirm that their information on the service list is correct, and serve notice of any errors on the Commission's Process Office, the service list, and the ALJ. Persons may become a party pursuant to Rule 1.4.

When serving any document, each party must ensure that it is using the current official service list on the Commission's website.

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<sup>2</sup> Interested persons are advised that, to the extent that the requirements of Rule 8.1 *et seq.* deviate from Public Utilities Code §§ 1701.1 and 1701.3 as amended by Senate Bill 15, effective January 1, 2017, the statutory provisions govern.

This proceeding will follow the electronic service protocols set forth in Rule 1.10. All parties to this proceeding shall serve documents and pleadings using electronic mail, whenever possible, transmitted no later than 5:00 p.m., on the date scheduled for service to occur. Rule 1.10 requires service on the ALJ of both an electronic and a paper copy of filed or served documents. In this proceeding, parties are to serve documents to the assigned Commissioner in electronic format only. Parties are not to serve paper copies on the assigned Commissioner.

Persons who are not parties but wish to receive electronic service of documents filed in the proceeding may contact the Process Office at [process\\_office@cpuc.ca.gov](mailto:process_office@cpuc.ca.gov) to request addition to the "Information Only" category of the official service list pursuant to Rule 1.9(f).

## **8. Discovery**

Although unlikely as this application is uncontested, discovery may be conducted by the parties consistent with Article 10 of the Commission's Rules. Any party issuing or responding to a discovery request shall serve a copy of the request or response simultaneously on all parties. Electronic service under Rule 1.10 is sufficient, except Rule 1.10(e) does not apply to the service of discovery and discovery shall not be served on the ALJ. Deadlines for responses may be determined by the parties. Motions to compel or limit discovery shall comply with Rule 11.3.

## **9. Public Advisor**

Any person interested in participating in this proceeding who is unfamiliar with the Commission's procedures or who has questions about the electronic filing procedures is encouraged to obtain more information at <http://consumers.cpuc.ca.gov/pao/> or contact the Commission's

Public Advisor at 866-849-8390 or 415-703-2074 or 866-836-7825 (TTY), or send an e-mail to [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov).

## **10. Schedule**

It is the Commission's intent to complete this proceeding within 18 months of the date this proceeding was initiated. This deadline may be extended by order of the Commission. (Public Utilities Code § 1701.5(a).)

The proposed decision shall be filed for public review and comment pursuant to Public Utilities Code § 311(g), except that public review and comment shall be waived pursuant to Rule 14.6(c)(2) if the proposed decision grants the requested relief in an uncontested matter.

In the unlikely event that there are any workshops in this proceeding, notice of such workshops will be posted on the Commission's Daily Calendar to inform the public that a decision-maker or an advisor may be present at those meetings or workshops. Parties shall check the Daily Calendar regularly for such notices.

## **11. Settlement and Alternative Dispute Resolution**

This application is uncontested. Therefore, information relating to settlement discussions and Alternative Dispute Resolution does not apply.

## **12. Outreach Pursuant to Public Utilities Code § 1711(a)**

Public Utilities Code § 1711(a) states:

Where feasible and appropriate, except for adjudication cases, before determining the scope of the proceeding, the commission shall seek the participation of those who are likely to be affected, including those who are likely to benefit from, and those who are potentially subject to, a decision in that proceeding. The commission shall demonstrate its efforts

to comply with this section in the text of the initial scoping memo of the proceeding.

The Commission's Outreach Office published a description of this application in its January 2018 newsletter. LACMTA had previously collaborated with local government groups in developing this application making additional outreach unnecessary.

**IT IS RULED that:**

1. The category of this proceeding is ratesetting. Appeals as to category, if any, must be filed and served within ten days from the date of this Scoping Memo.
2. Liane M. Randolph is the assigned commissioner and Troy Taira is the assigned ALJ.
3. The scope of the issues for this proceeding is as stated in "Section 2. Scope" of this ruling.
4. Evidentiary hearing is not necessary.
5. The schedule for the proceeding is set in "Section 11. Schedule" of this ruling. The assigned Commissioner may adjust this schedule as necessary for efficient management and fair resolution of this proceeding
6. With limited exceptions that are subject to reporting requirements, *ex parte* communications are prohibited. (See Public Utilities Code § 1701.3(h); Article 8 of the Commission's Rules of Practice and Procedure.)

Dated April 16, 2018, at San Francisco, California.

/s/ LIANE M. RANDOLPH

Liane M. Randolph  
Assigned Commissioner