

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the Los Angeles Metropolitan Transportation Authority for an order authorizing the construction of two-track at-grade crossings for the Crenshaw/LAX Transit Corridor Project Light Rail Line across Arbor Vitae Street partially in the City of Inglewood and partially in the City of Los Angeles, across Hindry Avenue, across a pedestrian grade crossing at the Florence/West station in the City of Inglewood, across West Boulevard partially in the City of Inglewood and partially in the City of Los Angeles and across Brynhurst Avenue in the City of Los Angeles.

Application 12-12-029
(Filed December 24, 2012)

DECISION AUTHORIZING THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY TO CONSTRUCT TWO-TRACK AT-GRADE HIGHWAY-RAIL CROSSINGS FOR THE CRENSHAW/LAX TRANSIT CORRIDOR PROJECT LIGHT RAIL LINE IN THE CITIES OF INGLEWOOD AND/OR LOS ANGELES, LOS ANGELES COUNTY

Summary

This decision grants the Los Angeles County Metropolitan Transportation Authority authorization to construct two-track at-grade highway-rail crossings for the Crenshaw/LAX Transit Corridor Project Light Rail Line across Arbor Vitae Street, partially in the City of Inglewood and partially in the City of Los Angeles, Hindry Avenue, a pedestrian grade crossing at the Florence/West station in the City of Inglewood, West Boulevard, partially in the City of

Inglewood and partially in the City of Los Angeles and Brynhurst Avenue in the City of Los Angeles, all in Los Angeles County.

Discussion

The Crenshaw/LAX Transit Corridor Project Light Rail Line (Crenshaw Line) is an 8.5-mile double-tracked fixed guideway rail system. The Crenshaw Line begins at the southern terminus of the Los Angeles County Metropolitan Transportation Authority (LACMTA) Green Line at Imperial Highway and Aviation Boulevard, follows the abandoned 5.3 miles of the former BNSF Railway Company (BNSF) Harbor Subdivision railroad right-of-way adjacent to Aviation Boulevard and Florence Avenue which was acquired by LACMTA. The line then continues northeast to Crenshaw Boulevard, ending at its connection to the LACMTA Expo Line on Exposition Boulevard.

In this application, LACMTA proposes to construct a portion of the Crenshaw Line across four public roadways. LACMTA will create four new two-track at-grade highway-rail crossings (crossings) in the Cities of Los Angeles and Inglewood and one pedestrian at-grade crossing at the Florence/West Station in the City of Inglewood, Los Angeles County.

On September 5, 2013, LACMTA filed a Motion For Leave (Motion) to submit a revised design for the Hindry Avenue crossing. The Motion was necessary due to crossing design changes requested by the California Public Utilities Commission's (Commission/CPUC) Safety and Enforcement Division-Rail Crossings Engineering Section (RCES) to enhance safety of the Hindry Avenue at-grade crossing. The design changes consisted of removal of the intersection limit line running across Hindry Avenue parallel to and 12 feet south of the warning devices on the departure side of the crossing, where Hindry Avenue intersects with Florence Avenue.

In July 2013, LACMTA's Board of Directors approved plans to construct an "Optional Station" at the Hindry Avenue location. The revised plans submitted by LACMTA were corrected to show the location of the new "Optional Station" and its relation to the proposed warning devices at the Hindry Avenue at-grade crossing.

Table 1 below lists relevant information and the location for each proposed crossing.

Table 1: List of At-Grade Crossings

Crossing Name	CPUC Crossing No.	Warning Devices	City
Arbor Vitae Street	84A-1.62	2 Commission Std. 9, 2 Commission Std. 9E Gates, & Commission Std. 9 Pedestrian & Swing Gates	Inglewood and Los Angeles
Hindry Avenue	84A-2.42	2 Commission Std. 9, 2 Commission Std. 9E Gates, & Commission Std. 9 Pedestrian & Swing Gates	Inglewood
Florence/West Pedestrian Crossing	84A-4.83-D	1 Commission Std. 8 Flashing lights and Swing Gates	Inglewood
West Boulevard	84A-4.92	2 Commission Std. 9, 2 Commission Std. 9E Gates, & Commission Std. Pedestrian & Swing Gates	Inglewood and Los Angeles
Brynhurst Avenue	84A-5.01	2 Commission Std. 9, 2 Commission Std. 9E Gates; & Pedestrian & Swing Gates	Los Angeles

Vehicular Crossings

As noted in Table 1 above, LACMTA proposes to construct four new vehicular at-grade crossings across Arbor Vitae Street, Hindry Avenue, West Boulevard, and Brynhurst Avenue. All of the proposed vehicular at-grade crossings will have one or more of the following safety features: Commission Standard warning devices; standard traffic control signals; active Light-Emitting Diode (LED) "NO-LEFT" or "NO-RIGHT" turn blank-out signals where appropriate for regulating conflicting vehicular turn movements onto the crossings; median islands; enhanced signing and striping in compliance with the California Manual on Uniform Traffic Control Devices (CA MUTCD); and Americans with Disabilities Act (ADA) compliant detectable warning tactile strips on each pedestrian approach to the tracks, as shown in the plans attached to the application and Motion.

Arbor Vitae Street

The Arbor Vitae Street crossing will be constructed with the following features:

- Two Commission Standard 9 (automatic gate with flashing light signal assembly) warning devices, one at each curb approach to the crossing;
- Two Commission Standard 9E (flashing light signal assembly with automatic gate arm installed on the departure side of the at-grade crossing, also known as an exit gate) warning devices, one at the curb on the eastbound departure from the crossing, and one at the median on the westbound departure from the crossing;

- One Commission Standard 8 (flashing light signal assembly) warning device, on the median east of the crossing with additional flashers aimed at the driveway on the northeast crossing quadrant;
- One Commission Standard 9 pedestrian gate warning device in combination with emergency exit swing gates, fencing and railing at all pedestrian sidewalk approaches to the crossing.

Hindry Avenue

The Hindry Avenue crossing will be constructed with the following features:

- Three Commission Standard 9 warning devices, one at each curb approach to the crossing, and one at the median on the northbound approach to the crossing;
- Two Commission Standard 9E warning devices, one at each curb departure from the crossing; and
- One Commission Standard 9 pedestrian gate warning device in combination with emergency exit swing gates, fencing and railing at the northeast, northwest, and southwest pedestrian sidewalk approaches to the crossing. The southeast quadrant will be closed to pedestrians.

West Boulevard

The West Boulevard crossing will be constructed with the following features:

- Two Commission Standard 9 warning devices, one at each curb approach to the crossing;

- Two Commission Standard 9E warning devices, one at each curb departure from the crossing;
- One Commission Standard 8 warning device, at the intersection of the Florence/West Station access ramp and the western sidewalk with additional flashers aimed at the station ramp; and
- One Commission Standard 9 pedestrian gate warning device in combination with emergency exit swing gates, fencing and railing at all pedestrian sidewalk approaches to the crossing.

Brynhurst Avenue

The Brynhurst Avenue crossing will be constructed with the following features:

- Two Commission Standard 9 warning devices, one at each curb approach to the crossing;
- Two Commission Standard 9E warning devices, one at each curb departure from the crossing; and
- One Commission Standard 9 pedestrian gate warning device in combination with emergency exit swing gates, fencing and railing at all pedestrian sidewalk approaches to the crossing.

Pedestrian Crossing

As noted in Table 1 above, LACMTA proposes to construct one new pedestrian at-grade crossing at the Florence/West Station. The at-grade crossing will be located at the west end of the Crenshaw Line Florence/West Station platform and will cross the southbound track. The at-grade crossing will be constructed with the following features:

- One Commission Standard 8 warning device, at west end of the station platform;
- ADA compliant detectable warning tactile strips on each approach to the track;
- Two pull-to-open emergency swing gates at the station platform entrance; and
- CA MUTCD standard W82-1(CA) "LOOK BOTH WAYS" signage.

Environmental Review and CEQA Compliance

The California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000, et seq.) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision makers and the public about potential, significant environmental effects of the proposed activities. Since the project is subject to CEQA and the Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission has the exclusive authority to approve the project pursuant to Section 1202 of the Public Utilities Code), the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

The lead agency is either the public agency that carries out the project,¹ or the one with the greatest responsibility for supervising or approving the project as a whole.² Here, LACMTA is the lead agency for this project, and the Commission is a responsible agency because it has jurisdiction to issue a permit

¹ CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

² CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

for the project. As a responsible agency under CEQA, the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project.³ As a responsible agency, the Commission is responsible for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.⁴

The LACMTA prepared a Final Environmental Impact Statement/Final Environmental Impact Report (FEIS/R) dated August 2011. The Federal Transit Administration (FTA) issued a Record of Decision on December 30, 2011.

The FEIS/R identified potentially significant environmental impacts and associated mitigation measures related to the project. Impacts identified under CEQA, relating to the rail crossings are under the Commission's jurisdiction. The impacts related to the Commission's jurisdiction are noise and safety. However those impacts can be mitigated to a less-than-significant level.

Specifically, in regards to noise the environmental review found that the FTA guidance requires that the warning signal analysis be completed using a reference noise level of 109 dBA at 50 feet. The warning signal noise would exceed the significance criteria at 57th Street and West Boulevard grade crossing. However, those crossings are not at issue in this application..

Regarding safety, the environmental review found that at location where pedestrian crossings are provided there may be potential for motorist and pedestrian confusion when freight train and light rail transit (LRT) vehicles come in sequence.

³ CEQA Guidelines, Sections 15050(b) and 15096.

⁴ CEQA Guideline Section 15096(g).

Safety around the trackway would be ensured through implementation of appropriate warning devices. Also, the speed of the train would not exceed 35 mph when it is running at-grade in the center of the street and crossing would occur with traffic signals, or the train speed would exceed 35 mph and barriers would impede access to the tracks. At designated crossings, pedestrian and motorist gates and visual and audible warning devices would be provided.

The following mitigation measure will reduce these impacts to less-than-significant:

- SS6 - LACMTA shall implement appropriate measure to ensure pedestrian crossing safety at all locations with adjacent schools, churches, and high pedestrian areas to satisfy the requirements of determined by the CPUC.
- SS7 - LACMTA shall conduct a hazard analysis before the start of final design, using current safety analysis as a reference. The hazard analysis shall determine a design basis for warning devices as required by the commission.
- SS8 - LACMTA will implement appropriate vehicular and pedestrian warning measures, such as signage along the length of the LRT station platforms. Gates will be provided at vehicular and pedestrian at-grade crossings of the LRT and/or BNSF tracks within the Harbor Subdivision. These measures will be provided to alert motorists and pedestrians to potential conflict in the area.
- SS9 - To discourage trespassing and enhance safety, such as near Faithful Central Bible Church, LACMTA will provide fencing along either side of the alignment, between the parking lot and church

buildings, and ensure adequate pedestrian safety devices at designated at-grade crossings.

LACMTA further prepared a Supplemental Environmental Assessment (SEA), dated July 2, 2012. The SEA was prepared to address project modifications that occurred during the preliminary engineering phase to reduce cost, reduce right-of-way impacts, and improve traffic circulation and pedestrian crossings, among other items. Specifically, the SEA identified the types of equipment at the crossings and features along the corridor that would be required for the project. During preliminary engineering and in consultation with the Commission's RCES staff, designs for street, driveway, and sidewalk modifications were refined to accommodate, where feasible, crossing gates, center medians at crossings, equipment, bus bays, and other amenities to facilitate vehicular and pedestrian circulation. Additional pedestrian crossing improvements, including a midblock pedestrian crossing, were included in response to public comments.

Subsequently, under the requirements of the National Environmental Policy Act (NEPA), the FTA issued a Finding of No Significant Impact (FONSI) on September 4, 2012.

The Commission reviewed and considered LACMTA's FEIS/R and SEA, and finds the documents adequate for our decision-making purposes.

Filing Requirements and Staff Recommendation

The application is in compliance with the Commission's filing requirements, including Rule 3.9 of the Rules of Practice and Procedure, which relates to the construction of a railroad across a public road, highway, or street.

On September 5, 2013, LACMTA filed a Motion to submit a revised design for the Hindry Avenue crossing result of additional changes requested by RCES to enhance safety of the at-grade crossings.

The Commission's Safety and Enforcement Division RCES staff has reviewed and analyzed the application and Motion plan revisions, and recommends that the requested authority to construct the at-grade crossings be granted for a period of three (3) years.

Categorization and Need for Hearings

In Resolution ALJ 176-3307, dated January 10, 2013, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. A public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Denise Tyrrell is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on January 9, 2013. On September 5, 2013, LACMTA filed a Motion to submit a revised design for the Hindry Avenue crossing. There are no unresolved matters or protests. A public hearing is not necessary.

2. The LACMTA requests authority, under Public Utilities Code Sections 1201-1205, to construct two-track at-grade crossings for the Crenshaw/LAX

Transit Corridor Project Light Rail Line across Arbor Vitae Street partially in the City of Inglewood and partially in the City of Los Angeles, across Hindry Avenue, across a pedestrian grade crossing at the Florence/West station in the City of Inglewood, across West Boulevard partially in the City of Inglewood and partially in the City of Los Angeles and across Brynhurst Avenue in the City of Los Angeles, Los Angeles County.

3. The LACMTA is the lead agency for this project under CEQA, as amended.

4. The LACMTA prepared an FEIS/R dated August 2011, and an SEA dated July 2, 2012.

5. In compliance with NEPA, the FTA issued a Record of Decision approving the project, and the FEIS/R, on December 30, 2011. The FTA also issued a FONSI approving the SEA on September 4, 2012.

6. The Commission is a responsible agency for this project and has reviewed and considered the information contained in the FEIS/R and SEA.

7. Potentially significant impacts related to safety are areas within the scope of the Commission's permitting process, as they are related to the crossing construction authority requested in this application.

8. In regards to safety, the environmental review found that at location where pedestrian crossings are provided there may be potential for motorist and pedestrian confusion when freight train and LRT vehicles come in sequence. However this impact will be mitigated by mitigation measures SS6 through SS9, as detailed above.

9. The FEIS/R and SEA reflect the Commission's independent judgment and analysis.

Conclusions of Law

1. The FEIS/R and SEA are adequate for our decision-making purposes.
2. The FEIS/R and SEA were completed in compliance with CEQA.
3. The application is uncontested and a public hearing is not necessary.
4. The application should be granted as set forth in the following Order.

ORDER**IT IS ORDERED** that:

1. The Los Angeles County Metropolitan Transportation Authority is authorized to construct two-track at-grade highway-rail crossings for the Crenshaw/LAX Transit Corridor Project Light Rail Line across Arbor Vitae Street partially in the City of Inglewood and partially in the City of Los Angeles, Hindry Avenue, a pedestrian grade crossing at the Florence/West station in the City of Inglewood, West Boulevard partially in the City of Inglewood and partially in the City of Los Angeles and Brynhurst Avenue in the City of Los Angeles, all in Los Angeles County.

2. The new crossings shall be identified as listed herein in Table 1, and be constructed as specified in plans attached to the application and Motion.

3. The Los Angeles County Metropolitan Transportation Authority shall comply with all applicable rules, including California Public Utilities Commission General Orders, the United States Department of Transportation's Americans with Disabilities Act Standards for Transportation Facilities, and the California Manual on Uniform Traffic Control Devices.

4. The Los Angeles County Metropolitan Transportation Authority shall notify the California Public Utilities Commission's Safety and Enforcement

Division – Rail Crossings Engineering Section at least five (5) business days prior to opening the crossings. Notification must be made to rces@cpuc.ca.gov.

5. Within 30 days after completion of the work under this order, the Los Angeles County Metropolitan Transportation Authority shall notify the California Public Utilities Commission’s Safety and Enforcement Division – Rail Crossings Engineering Section in writing, by submitting a completed California Public Utilities Commission Standard Form G (Report of Changes at Highway Grade Crossings and Separations), of the completion of the authorized work. Form G requirements and forms can be obtained at the CPUC web site Form G page at www.cpuc.ca.gov/PUC/safety/Rail/Crossings/formg.htm. This report may be submitted electronically to rces@cpuc.ca.gov as outlined on the web page.

6. This authorization shall expire if not exercised within three (3) years unless time is extended or if the above conditions are not satisfied. Authorization may be revoked or modified if public convenience, necessity, or safety so requires.

7. A request for extension of the 3-year authorization period must be submitted to the California Public Utilities Commission’s Safety and Enforcement Division – Rail Crossings Engineering Section at least 30 days before its expiration of that period. A copy of the extension request shall be sent to all interested parties.

8. This application is granted as set forth above.

9. Application 12-12-029 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.