

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the Los Angeles to Pasadena Metro Blue Line Construction Authority for an order authorizing the construction of two light rail transit tracks at-grade cross West Avenue 45 in the City and County of Los Angeles, California.

Application 00-10-012
(Filed October 11, 2000)

And Related Matters.

- Application 01-06-011
- Application 00-11-050
- Application 00-11-040
- Application 00-11-034
- Application 00-11-033
- Application 00-11-032
- Application 00-11-029
- Application 00-11-016
- Application 00-11-015
- Application 00-10-050
- Application 00-10-039
- Application 00-10-033
- Application 00-10-020

DECISION GRANTING LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY TO INCREASE SPEED AT WEST AVENUE 45 CROSSING

Summary

Today’s decision approves a Petition to Modify from Los Angeles County Metropolitan Transportation Authority to increase speed at the West Avenue 45 crossing from 20 to 45 miles-per-hour.

These consolidated proceedings are closed.

1. Background

In Decision (D.) 02-05-047, the Commission authorized an at-grade light-rail crossing at West Avenue 45 in the County of Los Angeles. This crossing now functions as part of the Los Angeles County Metropolitan Transportation Authority (LACMTA) "Gold Line" in the area near Pasadena. In authorizing the crossing, the Commission placed several conditions at the location to ensure vehicular and pedestrian safety. These conditions include 4-quadrant gates, pedestrian swing gates, an Automatic Traffic Control System, a vehicle detection system, and crossing guards during school commute hours. The pedestrian crossings and nearby bus stop were altered to enhance the safety of pedestrians. Trains were equipped with "quacker" horns. Most significantly for today's decision, the Commission ordered that trains slow to 20 miles-per-hour (mph) for the duration of the crossing.

As reasoned in D.02-05-047, the Commission ordered a reduced speed to 20 mph to give "train operators greater opportunity to react to a possible vehicle stuck in a queue on the tracks."

The crossing was constructed in 2003 and has been in operation since. In that time, LACMTA asserts that it has not experienced any accidents at that location. In November 2014, LACMTA filed a Petition to Modify D.02-05-047 to lift the 20 mph speed restriction at the West Avenue 45 crossing. In its Petition, LACMTA seeks to increase the authorized speed at the West Avenue 45 crossing to 45 mph. In part, LACMTA seeks to make this change because the slower train speed leads to a longer wait time for vehicular traffic, causing additional congestion at West Avenue 45. LACMTA attaches to its Petition two letters from the Los Angeles Department of Transportation about the extended period of time the gates are down at the crossing.

2. Procedural Issues

No party protests LACMTA's Petition to Modify D.02-05-047 to modify the 20 mph speed restriction. In response to the filing, David L. Margrave (Margrave) expresses concern about the ramifications of the change in speed, including increased noise, vibration and general health and safety considerations. Margrave also expresses concern about an increase in frequency of trips and the potential addition of a third train car. We discuss these concerns, below.

We note that LACMTA has complied with Rule 16.4(d) by justifying that its Petition is timely even though it occurs more than a year after the adoption of D.02-05-047 since construction of the crossing and completion of the line itself took more than a year.

Last, since D.02-05-047 ordered the 20 mph restriction at the West Avenue 45 crossing as a safety consideration and not as a recommendation of an Environmental Impact Report (EIR) as required by the California Environmental Quality Act (CEQA), any change we may make to the speed at the West Avenue 45 crossing does not implicate CEQA nor does it necessitate a revised EIR.

3. Discussion

The safety of the at-grade crossing at West Avenue 45 was the primary concern in adoption of D.02-05-047 and it remains so today. The initial train speed restriction of 20 mph is one measure among many at that location to ensure vehicular and pedestrian safety. LACMTA asserts that the safety benefit from the speed restriction is unnecessarily redundant when considering the other safety measures in place. As referenced above, LACMTA states that no accidents have occurred at the crossing.

In considering whether or not to remove the speed restriction at the West Avenue 45 crossing, we need to consider if the speed restriction contributed to the lack of accidents (i.e. the safety measure worked) or if the situation is as the LACMTA asserts and the other safety measures outlined above create a high level of safety at the crossing and the speed restriction is redundant. In its Petition, LACMTA states that it is not aware of any instances where the train operator had to apply the brakes because the motorist had stopped on the tracks at the crossing. The primary rationale stated in D.02-05-047 for the decreased speed at the crossing was a concern that vehicles would get stuck at the crossing and the train operators would benefit from the additional reaction time caused by the slower speed. While this this may have been a good idea at the time, LACMTA's decade of experience suggests that the 20 mph speed restriction may have been overly cautious.

As reasoned in D.02-05-047, the decrease in speed would increase passenger transit time from 33 to 34 minutes, and that increase in transit time was considered minimal: "we do not believe that in the interest of safety one more minute is too much to ask of transit passenger's patience." The West Avenue 45 crossing was designed for trains to travel at a normal speed, and the change to 20 mph did not take into account the traffic implications. We are persuaded by the Los Angeles Department of Transportation letters attached to LACMTA's Petition that this negative impact is worth addressing.

We note that LACMTA has adopted the configuration employed at West Avenue 45 as a template model for other locations without speed restrictions. As a result, we have gained additional familiarity with these types of crossings and associated safety precautions for at-grade crossings using this model. We have not seen the need to place a 20 mph speed restriction at other

similar locations. For example, the at-grade light rail crossing as approved in D.14-08-045 does not place an additional speed restriction on LACMTA.

LACMTA's experience, combined with our additional familiarity evaluating safety at these types of crossings, persuade us that we can maintain a high level of vehicular and pedestrian safety at West Avenue 45 without the speed restriction.

We now turn to the response filed by Margrave. Margrave is concerned that the additional speed will create noise, vibration and other negative impacts. The Commission extensively considered noise impacts in D.02-05-047 when authorizing the crossing. We do not reiterate our justification for the initial crossing today. While we concede that there is the potential for some additional noise and vibration from the increase in speed, the likely benefits stemming from the reduction in traffic and vehicular congestion is far more tangible. Margrave indicates in his response that if the increase speed does not exceed Federal noise and vibration standards that the surrounding residents would not object to LACMTA increasing speed at the crossing. While we generally agree with the sentiment, we do not need to take any additional actions to ensure LACMTA compliance with any applicable noise standards because LACMTA is already required to comply with applicable noise standards. We also note that Margrave expresses some concern about a potential third train being operated by LACMTA; such a change is not proposed by LACMTA, so the concern is speculative and we do not address it at this time.

The West Avenue 45 crossing has been in existence for over a decade. We note that the surrounding community has become accustomed to the daily operations of the crossing. The combination of vehicular and pedestrian gates, amongst other safety remedies, are effective in reducing accidents. Overall,

changing the operational speed of the train at the crossing does not present any significant negative safety impact and has potential benefits to the community in the form of reduced traffic congestion. Overall, it is reasonable to modify D.02-05-047 to remove the 20 mph speed restriction and to allow trains to travel up to 45 mph at the West Avenue 45 crossing.

We observe that any change at the crossing might itself cause a new safety hazard until the community adjusts. We do not wish to see an action designed to benefit the community be the cause of a hazard due to lack of awareness of the change. We therefore encourage LACMTA to erect temporary signs targeting pedestrian crossings about the change in the train's speed to mitigate any potential new safety hazard from the change in operations at the West Avenue 45 crossing. Such signage should be easy-to-read, and offered in multiple languages to maximize outreach to the surrounding community. We defer to LACMTA for exactly how long these signs should be displayed, but we suggest for a minimum period of three months. LACMTA is also encouraged to deploy its safety ambassadors and to train its crossing guards at the West Avenue 45 location to be aware of the change in speed.

4. 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.

5. Assignment of Proceeding

Catherine J.K. Sandoval is the assigned Commissioner and Michael Colvin is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. Decision 02-05-047 granted Los Angeles County Metropolitan Transportation Authority permission to construct an at-grade crossing at West Avenue 45 in Los Angeles County near Pasadena.
2. Decision 02-05-047 contains multiple provisions to ensure pedestrian and vehicular safety for the at-grade crossing at West Avenue 45, including 4-quadrant gates, pedestrian swing gates, an Automatic Traffic Control System, a vehicle detection system, use of “quacker” horns and a speed restriction of 20 mph.
3. Los Angeles County Metropolitan Transportation Authority has safely operated the crossing at West Avenue 45 for over a decade, with no accidents or need to brake the train to avoid a car stuck on the tracks.
4. The 20 miles-per-hour speed restriction has created longer gate down-time, which has resulted in a longer waiting period for vehicles wishing to cross and has caused additional congestion at West Avenue 45.
5. Los Angeles County Metropolitan Transportation Authority’s strong safety record and experience at the West Avenue 45 crossing is such that a 20 mph restriction is no longer needed.

Conclusions of Law

1. It is reasonable to modify Decision 02-05-047 OP 3 to remove the 20 mph speed restriction.
2. The removal of the 20 mph speed restriction, in context of the remaining safety measures, does not negatively impact the pedestrian or vehicular safety at the West Avenue 45 crossing.
3. Los Angeles County Metropolitan Transportation Authority should be encouraged to erect temporary signs at the pedestrian crossings at West Avenue

45 to mitigate any safety implications from the change in daily operations resulting from the removal of the 20 mph speed restriction. These signs should be easy-to-read and offered in multiple languages to maximize outreach to the surrounding community.

O R D E R

IT IS ORDERED that:

1. Los Angeles County Metropolitan Transportation Authority Petition to Modify Decision (D.) 02-05-047 is granted. D.02-05-047 Ordering Paragraph 3 is modified to state "Trains shall not travel faster than 45 miles-per-hour across Avenue 45".
2. Los Angeles County Metropolitan Transportation Authority may operate train speeds at the West Avenue 45 crossing at a speed up to 45 miles-per-hour, as long as it complies with applicable noise standards.
3. These consolidated proceedings are closed.

This order is effective today.

Dated _____, at San Francisco, California.