

Decision 19-01-038 January 31, 2019

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Metro Gold Line Foothill Extension Construction Authority for an order authorizing construction of two light-rail tracks and one freight track at three (3) highway-rail crossings at (1) Elwood Avenue, (2) Lone Hill Avenue, and (3) E Street, and closure of Glenwood Avenue crossing, in the Cities of Glendora and La Verne in Los Angeles County, California.

Application 18-03-007

DECISION GRANTING AUTHORITY TO CONSTRUCT TWO LIGHT RAIL TRACKS AND ONE FREIGHT TRACK AT THREE HIGHWAY-RAIL CROSSINGS AT ELWOOD AVENUE, LONE HILL AVENUE AND E STREET, AND CLOSURE OF THE GLENWOOD AVENUE CROSSING IN THE CITIES OF GLENDORA AND LA VERNE IN LOS ANGELES COUNTY, CALIFORNIA

Summary

This decision grants the Metro Gold Line Foothill Extension Construction Authority, acting for and on behalf of the Los Angeles County Metropolitan Transportation Authority, permission to construct two light-rail tracks and one freight track and three highway-rail crossings at Elwood Avenue, Lone Hill Avenue and E Street, and closure of the Glenwood Avenue Crossing in the Cities of Glendora and La Verne in Los Angeles County, California. The authority granted in this decision is valid for a period of five years from the date the decision is issued. The proceeding is closed.

1. Factual Background

The Metro Gold Line Foothill Extension Construction Authority (Construction Authority), on behalf of the Los Angeles County Metropolitan Transportation Authority (LACMTA), requests authorization from the California Public Utilities Commission (CPUC or Commission) to construct two light-rail tracks and one freight track and three highway-rail crossings at Elwood Avenue, Lone Hill Avenue and E Street, and closure of the Glenwood Avenue Crossing in the Cities of Glendora and La Verne in Los Angeles County, California, each of which is more fully described below.

Phase I of the project extended from Union Station to Sierra Madre Villa and was turned back to LACMTA for operation in July 2003. Phase II, Segment A of the project extended from Sierra Madre Villa to Glendora and was completed and turned back to LACMTA for operation in September 2015. Phase II, Segment B of the project extends from Glendora to Montclair and is currently under design.

The Construction Authority owns the railroad right-of-way through a trust agreement with LACMTA, and the Construction Authority has the right to occupy and construct on the property, including the subject crossings within the railroad right-of-way formerly owned by the Atchison Topeka and Santa Fe (AT&SF) Railway, now known as the Pasadena and San Gabriel Subdivisions.

The Commission's Safety and Enforcement Division (SED), the branch of the Commission charged with ensuring the safety of all rail crossings, has reviewed the application, conducted site visits, and supports the application. The application is unopposed. There are no contested issues of fact, and there is no need for an evidentiary hearing.

2. Procedural Background

The three parties to the proceeding, the applicant, SED and the Southern California Regional Rail Authority, have worked together to identify and resolve any safety issues or concerns posed by this project. All parties participated in the prehearing conference (PHC) on July 3, 2018 and agree the application should be approved.

3. Jurisdiction

Under § 1202 of the Public Utilities Code (Pub. Util. Code), the Commission has exclusive jurisdiction “to determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use, and protection of each crossing of one railroad by another railroad or street railroad, of a street railroad by a railroad, of each crossing of a public or publicly used road or highway by a railroad or street railroad, and of a street by a railroad or of a railroad by a street.”

4. Issues Before the Commission

The issues before the Commission in this proceeding are:

- 1) Whether the application meets all the Commission’s requirements, including Rule 3.11 and General Order (GO) 143-B, such that the Commission should grant the Metro Gold Line Foothill Extension Construction Authority’s application to construct two light-rail tracks and one freight track and three highway-rail crossings at Elwood Avenue, Lone Hill Avenue and E Street, and closure of the Glenwood Avenue Crossing in the Cities of Glendora and La Verne in Los Angeles County.
- 2) Whether the Commission considers the applicant’s Final Environmental Impact Report to be in compliance with the California Environmental Quality Act (CEQA);

- 3) Whether the application poses any significant and unresolved safety issues or concerns; and
- 4) Whether the Commission should grant the applicant a period of five years from the application approval date to complete the proposed projects.

5. Discussion and Analysis

Proposed Project

The Metro Gold Line Foothill Extension Construction Authority seeks authority to construct two light-rail tracks and one freight track and three highway-rail crossings at Elwood Avenue, Lone Hill Avenue and E Street, and closure of the Glenwood Avenue Crossing in the Cities of Glendora and La Verne in Los Angeles County. Pursuant to Pub. Util. Code §§ 132425 and 132430, LACMTA has transferred to the Construction Authority all real and personal property, and other assets, as well as the unencumbered balance of all local funds accumulated for completion of the project.

Pursuant to §§ 132400, et seq., of the Pub. Util. Code, the Construction Authority is proceeding with contracting for completion of the design and the construction of the 12.3-mile Phase II, Segment B of the Metro Gold Line between the interim terminal station at Citrus Avenue and the eastern boundary of the City of Montclair in San Bernardino County. Upon completion of Phase II, Segment B, LACMTA will maintain and operate the light rail train system including the San Bernardino County segment. SED conducted a diagnostic review and site visits on April 14, 2017 and April 27, 2017. SED found the application meets the requirements of SED's Rail Crossings and Engineering Branch, applicable CPUC General Orders, and Rule 3.7 of the Commission's Rules of Practice and Procedure.

The following crossing modifications are planned as part of this phase of the Metro Gold Line Foothill Extension project:

1. Elwood Avenue

The Elwood Avenue at-grade highway-rail crossing alterations include the addition of two LRT tracks and additional highway-rail and pedestrian crossing safety equipment. The existing FRT track will be relocated to the south of the right-of-way to allow room for the two new LRT tracks on the north. The adjacent traffic signal-controlled intersection at Route 66 is not interconnected with the train signal as the intersection is approximately 300 feet away and vehicle traffic does not warrant interconnection.

2. Lone Hill Avenue

The Lone Hill Avenue highway-rail crossing alterations include grade separation of the two LRT tracks and additional highway-rail and pedestrian crossing safety equipment for the FRT track. The LRT grade separation will fly-over the single FRT track so the FRT track can be shifted from the south of the right-of-way to the north.

3. E Street

The E Street at-grade highway-rail crossing alterations include the addition of two LRT tracks and additional highway-rail and pedestrian crossing safety equipment. The existing FRT track will be relocated to the north of the right-of-way to allow room for the two new LRT tracks on the south. The E Street crossing will include standard highway-rail safety equipment. The La Verne center platform LRT station is directly east of the E Street crossing. The existing E Street and Arrow Highway traffic signal south of the tracks is interconnected with the crossing and will be

upgraded with a pre-signal including protected left turns from southbound E Street onto Arrow Highway. The southbound traffic signal will include program visibility heads for advance preemption clearance of motorists. A “No Right Turn on Red” sign will restrict southbound motorists from right turn movements for the red traffic signal. A “No Right Turn” blank out sign activated upon train approach will be provided for motorists traveling westbound on Arrow Highway. Advance preemption and signal phasing for the E Street and Arrow Highway has been evaluated and included in this application.

4. Glenwood Avenue

The existing Glenwood Avenue at-grade highway-rail crossing (crossing number 026208N) is proposed for closure. The existing Glenwood Avenue crossing consists of one FRT track, Standard No. 9 gates, and one highway lane in each direction. The Construction Authority has evaluated the Glenwood Avenue highway-rail crossing closure as part of the Environmental Impact Report. The Glendora City Council also approved the closure of Glenwood avenue on February 13, 2018. As part of the project, the Construction Authority will coordinate with the City of Glendora to close the Glenwood Avenue crossing and seal the crossing, fence the right-of-way, and provide CA-MUTCD required signs informing motorists of the closed crossing. The crossing is scheduled for closure prior to service of the LRT.

6. California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA, as amended, Public Resources Code §§ 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 potentially significant environmental impacts of proposed activities. Since this project is subject to CEQA and the Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission must approve the project pursuant to §§ 1202 and 99152 of the Pub. Util. 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, the Construction Authority is the lead agency for this project and the Commission is a responsible agency. 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

The Construction Authority prepared a combined Final Environmental Impact Statement/Report (FEIS/R) for Segment 1 of Phase II of this project to comply with the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 *et seq.*) and CEQA. The Construction Authority certified the FEIS/R on February 28, 2007.

Subsequent to the certification of the FEIR, refinements to the design of Segment 1 of Phase II were made and two addenda to the FEIR were approved for the project.⁴ The first addendum was approved on August 26, 2009, and the

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

² CEQA Guidelines, § 15051(b).

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

⁴ CEQA Guidelines, §§ 15164 and 15162.

second addendum was approved on June 18, 2010. Both addenda to the FEIR found: (1) No substantial changes in impacts compared to the 2007 FEIR; (2) No substantial changes in the adopted 2007 mitigation measures; (3) No need to change the adopted 2007 mitigation and monitoring reporting plan; (4) No need to change the adopted 2007 Statement of Overriding Considerations (SOC); and (5) Findings were made pursuant to the provisions of CEQA.

Under CEQA, on June 18, 2010, the Construction Authority adopted a Notice of Determination (NOD) in the second addendum indicating that overall, the project will have a significant effect on the environment, mitigation measures were a part of the approval, and because there were several impacts that could not be fully mitigated, an SOC was adopted in approving the project. The applicant did not identify any significant environmental impacts or necessary mitigation measures relative to the segment of the Metro Gold Line construction project which is the subject of this application. The Commission reviewed and considered the lead agency's FEIS/R, Addendums, NOD and SOC adopted by the Construction Authority, and finds them adequate for our decision-making process.

7. Filing Requirements and Staff Recommendation

The application is in compliance with the Commission's filing requirements, including Rule 3.11 of Rules of Practice and Procedure, which relates to the alteration of existing crossings. The Commission's Safety and Enforcement Division - Rail Crossings Engineering Section has reviewed and analyzed the plans submitted with the application and recommends that the Commission grant the Construction Authority's request.

8. Categorization and Need for Hearing

In Resolution ALJ 176-3415, issued April 26, 2018, this application was preliminarily categorized as ratesetting, and it was preliminarily determined that hearings were necessary. In the scoping memo and ruling issued by the assigned Commissioner on July 31, 2018, the categorization was confirmed but the preliminary determination that hearings were necessary was changed to hearings are not required.

9. 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), the otherwise applicable 30-day period for public review and comment is waived.

10. Assignment of Proceeding

Liane M. Randolph is the assigned Commissioner and Dan H. Burcham is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. Notice of this application appeared in the Commission's Daily Calendar on March 21, 2018.
2. The Construction Authority requests authority to construct two at-grade and one grade-separated highway-rail crossings and to close one at-grade highway-rail crossing in the Cities of Glendora and La Verne in Los Angeles County.
3. Application 18-03-007 is in compliance with the Public Utilities Code, the Commission's General Orders and the Commission's Rules of Practice and Procedure.
4. The information contained in Application 18-03-007 is complete and factually accurate.

5. SED has conducted a diagnostic review of the requested crossings and has identified no unresolved safety or other issues with the proposed crossings.

6. A five-year authorization period is appropriate for the crossings proposed in the application.

7. The Commission, as a responsible agency under CEQA, has considered the FEIS/R and two addendums, NOD and SOC for this project.

8. The applicant identified significant environmental impacts for the overall Foothill Extension Project which can be lessened but not avoided with the mitigation measures identified in the EIR, although no significant environmental impacts or necessary mitigation measures were identified by the applicant for the elements of the project which are the subject of this application.

Conclusions of Law

1. The FEIS/R, addendums, NOD and SOC prepared by the Construction Authority, as required by CEQA for the project are adequate for our decision-making purposes.

2. The application is uncontested and a public hearing is not necessary.

3. The application should be granted.

O R D E R

IT IS ORDERED that:

1. The Metro Gold Line Foothill Extension Construction Authority is authorized to close the Glenwood Avenue at-grade highway-rail crossing, identified in the application and its attachments, in the City of Glendora in Los Angeles County.

2. The Metro Gold Line Foothill Extension Construction Authority is authorize to construct two light-rail tracks and one freight track and

three highway-rail crossings in the Cities of Glendora and La Verne in Los Angeles County.

3. The crossings shall have the configurations described and specified in the application and its attachments.

4. The crossings shall be identified by the following California Public Utilities Commission and Department of Transportation (DOT) Crossing Numbers:

	Crossing Name	CPUC Number	DOT Number
1	Elwood Avenue	84P-27.47/101PA-113.40	026207G
2	Lone Hill Avenue	84P-29.27-BT/101PA-111.70	026200J
3	E Street	84P-33.06/101PA-107.90	026188E

5. The Metro Gold Line Foothill Extension Construction Authority shall comply with all applicable rules, including California Public Utilities Commission General Orders, the California Manual on Uniform Traffic Control Devices and the Americans with Disabilities Act.

6. The Metro Gold Line Foothill Extension Construction Authority shall have its design-build contractor provide a compliance filing of 100 percent design level drawings for the crossings to the California Public Utilities Commission's Safety and Enforcement Division, Rail Crossings and Engineering Branch no later than 60 days prior to commencing construction. The compliance filing will serve to demonstrate conformance with the crossing designs approved in this Order.

7. The Metro Gold Line Foothill Extension Construction Authority shall have its design-build contractor concurrently provide a copy of the same compliance filing of 100 percent design level drawings for the crossings to the Southern California Regional Rail Authority and to the Cities of Glendora and La Verne.

The Southern California Regional Rail Authority and the Cities of Glendora and La Verne shall review the compliance filing for conformance with their applicable standards.

8. The Metro Gold Line Foothill Extension Construction Authority shall notify the California Public Utilities Commission's Rail Crossings and Engineering Branch of the Safety and Enforcement Division at least 30 days prior to the opening of the crossing. Notification should be made by email to rceb@cpuc.ca.gov.

9. Within 30 days after completion of the work authorized by this division, the Metro Gold Line Foothill Extension Construction Authority shall notify the California Public Utilities Commission's Rail Crossings and Engineering Branch of the Safety and Enforcement Division by submitting a completed California Public Utilities Commission Standard Form G (Report of Changes at Highway Grade Crossing and Separations), for the completion of the authorized work. Form G requirements and forms can be obtained at the California Public Utilities Commission web site. The completed report must be submitted via email to rceb@cpuc.ca.gov.

10. Within 30 days after completion of the work under this order, the Metro Gold Line Foothill Extension Construction Authority and the Southern California Regional Rail Authority shall notify the Federal Railroad Administration of changes to the crossings by submitting a U.S. DOT CROSSING INVENTORY FORM, form FRA F6180.71. A copy shall be provided concurrently to the California Public Utilities Commission's Safety and Enforcement Division, Rail Crossings and Engineering Branch. This copy of the form may be submitted electronically to rceb@cpuc.ca.gov.

11. The Metro Gold Line Foothill Extension Construction Authority and the Southern California Regional Rail Authority must ensure that Emergency Notification Systems signs are installed at the crossings to comply with CFR 234.309.

12. This authorization shall expire if not exercised within five years of the issuance of this decision 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 require.

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

14. The application is granted as set forth above.

15. Application 18-03-007 is closed

This order is effective today.

Dated January 31, 2019, at Sacramento, California.

MICHAEL PICKER

President

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

Commissioners