

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA



**FILED**

12-31-07  
09:03 AM

In the Matter of the Application of the Exposition Metro Line Construction Authority for an order authorizing the construction of a two-track at-grade crossing for the Exposition Boulevard Corridor Light Rail Transit Line across Jefferson Boulevard, Adams Boulevard, and 23rd Street, all three crossings located along Flower Street in the City of Los Angeles, County of Los Angeles, California.

**Application 06-12-005**  
(Filed December 6, 2006)

Application 06-12-020  
(Filed December 19, 2006)

Application 07-01-004  
(Filed January 2, 2007)

Application 07-01-017  
(Filed January 8, 2007)

Application 07-01-044  
(Filed January 24, 2007)

Application 07-02-007  
(Filed February 7, 2007)

Application 07-02-017  
(Filed February 16, 2007)

Application 07-03-004  
(Filed March 5, 2007)

Application 07-05-012  
(Filed May 8, 2007)

Application 07-05-013  
(Filed May 8, 2007)

And Consolidated Proceedings.

**LATE-FILED NOTICE OF EX PARTE COMMUNICATION**

**DAMIEN WESLEY CLARK GOODMON**  
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Pursuant to Rules 8.2 and 8.3 of the Commission's Rules of Practices and Procedure, I, Damien Goodmon, hereby file this notice of ex parte communication.

On November 5, 2007 at 3:37 a.m., I, Damien Goodmon, representing myself, sent an email titled "Open Letter to Transit Advocates about the Expo Line" to several individuals including the following members of the service list in this proceeding: Patrick Berdge, Darrell Clarke, Richard Clarke, Michelle Cooke, John Fisher, Daren Gilbert, Jose Guzman, Colleen Mason Heller, Lawrence Heller, Delaney Hunter, Mark Jolles, Vijay Khawani, ALJ Kenneth Koss, Martin Mattes, Laurie Newman, James Okazaki, Eric Olson, Jose Pereyra, Vahak Petrossian, Jeff Rabin, Joel Sandberg, Clint Simmons, Timothy Simon, Glenn Striegler, Rick Thorpe, Carol Tucker, and Jenny Wood. In the email I discussed the various agency objections and related abdication of oversight responsibility regarding Expo Line design/safety issues, and referenced several facts that had already been entered into the record, including the Booz-Allen Hamilton 1998 Blue Line study, Metropolitan Transportation Authority's ("MTA") Transit Service Policy, US Department of Transportation's life cycle cost, astronomical Blue Line accident and fatality rates, Expo Line train frequencies, Expo Authority Board's Farmdale motion, Farmdale Avenue peak hour youth pedestrian crossing counts, and the lightening speed in which the Expo Authority/MTA lobbied the CTC to return the \$314 million dollars that had been stripped from the Expo Line budget by the state legislature with bipartisan support and at the urging of the Governor. I also referenced the MTA Board's vote to add \$18 million dollars to the Expo Line budget for track improvements in the already operational Blue Line section and the optional Coliseum/Trousdale station, and a near-miss accident I was involved in on the Blue Line in September 2007 where a disabled Blue Line passenger tipped over in his wheelchair because the train operator had to abruptly stop to avoid a certain pedestrian-train fatality.

The e-mail is included below.

Respectfully submitted,

/s/ DAMIEN W.C. GOODMON

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Date: December 31, 2007

GMAIL

Fr: Damien Goodman <damienwg@gmail.com> Mon, Nov 5, 2007 at 3:37 AM  
To: dg@fixexpo.org

**Open Letter to Transit Advocates about the Expo Line  
Damien Goodman, Get LA Moving**

I have received emails and comments from many of you regarding my choice to lead the Citizens' Campaign to Fix the Expo Rail Line ([www.FixExpo.org](http://www.FixExpo.org)). Like all things rail transit I did not come to the decision to lead the community on this issue easily. It required a lot of internal reflection, thousands of hours of research, and many conversations with experts and political players. After this process, it was clear that my choice was not whether I would lead, it was whether I would betray my faith, community, and region – whether I would violate my long-standing moral belief that "To whom much is given, much is expected."

The issue is not a dispute of facts, as the box load of internal memos, violated policies and other evidence we have uncovered is clear and conclusive: the Expo Line is poorly designed, will result in countless accidents and deaths, will cost taxpayers more in the long run than grade separation in the short run, and from the politicians to the PUC, to the staffs of Metro, Expo Authority and LADOT, almost all who know it have abandoned those whom they should be working to protect.

Among the evidence is Metro's own 1998 Booz-Allen Hamilton study that shows that the conditions which are more intense on the Expo Line corridor, like high ridership and traffic volume, are the major cause of Blue Line accidents, and the MTA Transit Service Policy Planning Warrants that suggest any line expected to serve 50,000 riders or more per day be designed 100% grade separated. (Much of this is covered exhaustingly in the Opening Brief and Reply Brief to the PUC filed on behalf of Expo Communities United available here: <http://fixexpo.blogspot.com/2007/09/protests-to-puc.html>).

So the question for me was whether I would walk down the difficult path to rectify the problems or join the crowd of the willfully negligent. The following three particularly poignant recent events have solidified my stance.

**1) 2007 September Morning 8:03 am Northbound Blue Line**

At 8:03 a.m. on a September morning while reading the Reply Brief to the Public Utilities Commission and traveling northbound on the Blue Line between Compton and Rosa Parks station the operator slammed on the emergency brake. I was lifted out of my seat, and continued to walk to the front of the train to see if the 89th Blue Line death – the 797th Blue Line accident had occurred. The train continued slowly into Rosa Parks station, where a service operator checked to see if anyone was hurt and informed us to de-board the train as it would be taken out of service. It was then, on the platform that September morning, with the ECU Reply Brief in hand that I saw personally the chaos that is the major drawback of street level grade crossings.

From the half dozen paramedics and fire fighters, and half dozen Sheriff deputies whose attention was on Mr. Spears who was in a tipped over wheelchair in the second car...

To the stress on the operator, who sat in the conductor's chair with her hands over her mouth in a state of shock, likely realizing how utterly dreadful her life would be had that pedestrian – that human being stepped just a few feet closer to the crossing...

To the conductors working hastily to operate the most used light rail line in the country on one track during the heart of rush hour at the busiest light rail station in the system...

To the passengers visibly and vocally disturbed by the delay in their commutes to work...

The consequences of the decision to so freely allow possible pedestrian-train collisions was clear. It was also clear that the event ripples throughout the system.

Some politicians, many at Metro and even some transit advocates claim that the only person to blame in that instance is the individual who almost walked into the train. But the reality is the situations that cause accidents are more often than not a product of site conditions, crossing design, and predictable social behavior. So when designing and constructing rail lines in Los Angeles, the choice is either to put the gas tank next to the open flame and pay for the fire fighters for the assured blazes, or to spend the money up front to build rail right. There is shared responsibility.

There is no costs savings in high frequency street level light rail lines through urban Los Angeles, it is simply placement of cost. Our politicians have chosen to put the costs on the back end – at a much higher cost, with events like those that September morning, instead of on the front end with additional construction costs.

There is a term that is common on Wall Street, defined in the U.S. Department of Transportation guidance manual, and is either misunderstood or completely ignored among our politicians and Metro; the term is "life cycle cost."

There is a cost for taking the train out of service...

A cost for the medical bills of Mr. Spears...

A cost for the psychiatric therapy and possible workers comp for the operator...

A cost for the on-call service operators and Sheriffs' deputies...

A cost for red-light cameras, traffic signal upgrades, crossing gates, traffic detours for the closure of nearby crossings, safety instructors and public service announcements THAT STILL WERE NOT ENOUGH to prevent this near casualty on that September morning.

It is you and me – the taxpayers, who got the bill for that incident. A tab that incidentally will be much greater when something similar occurs in the Flower Street section where the Blue Line and Expo Line share tracks and Metro is planning combined 2 minute peak hour headways for both directions (60 trains per intersection per hour).

Why not save the lives, prevent the delays in commutes, keep or enhance connectivity in communities instead of dividing them, allow places of worship and schools to remain undisrupted, and produce better, faster and safer rail lines (and thereby higher ridership) that communities can embrace instead of having to lawyer up and fight?

The only explanation is that building 8 miles of bad rail provides more politicians the opportunity to cut ribbons than building 5 or 6 miles of good rail.

I am not the type of person that finds political ease an acceptable excuse on this issue or too many others. It was politically easier to build the Blue Line without necessary grade separation and the result

is thousands of near misses, nearly 800 accidents, and 88 deaths – all numbers that are astronomically more than any other light rail line in the country.

Failing to grade separate the Blue Line initially MAY be forgivable. But the lack of action by those in power who have been slow to fix the many Blue Line problems after their cause has become blatantly clear is not. The lack of action by those in power who continue to sit idly by while the same design is repeated through more intense site conditions on the Expo Line is reprehensible.

## **2) Finding \$314 Million in 2 Weeks**

Just days after the California legislature voted with bipartisan support to strip \$314 million from the then \$640 million Expo Line budget, the California Transportation Commission returned the money. That act alone has essentially ended all arguments about the "high cost" of grade separations, for as you will surely hear me say over the next few months or years: if 314 million dollars can be found in 2 weeks – then there is no reason Expo Line communities should be asked or required to accept the safety risks and other environmental impacts of a street-level light rail line.

## **3) Finding \$18 Million for Blue Line Track Improvements and an Optional Station**

Shortly after the Expo Authority found \$314M in a couple of weeks, the MTA board approved an additional 23 million dollars for the Expo Line budget, which is about the cost of a grade separation. \$18 million of that money was for an optional USC station and track improvements in the section of the Blue Line, which is already operational that the Expo Line is to designed to share tracks. I found out about the motion the day before it went before the board, and called the leaders of the neighborhood organizations I have been working with to go down and protest the allotment, not because we disagreed with the decision to build a USC station (though PUC staff clearly stated that the Trousdale station made the crossing LESS safe), but because like the \$314M from the CTC, we highly resented the slap in the face Metro was giving the communities, LAUSD, PUC, and all others who have pleaded for grade separations.

### **Priorities not Resources**

The two budgetary acts, better than any other, illustrate that like almost all things in politics, the issue of grade separation is not one of adequate resources, but instead of priorities. If rail transit, public safety, traffic mitigation and community cohesion were priorities, no community would be forced to accept unacceptable street level crossings of high frequency trains.

Grade separations are not a priority to our political leaders, and this must and can change. But, it will only occur by harnessing and channeling the people who value grade separation. It is through the power of the people who vote (and vote to recall) that political priorities are redefined.

### **People Must Lead for Politicians to Follow**

Last Thursday, at the Expo Construction Authority board meeting, the first half-decent action to rectify the unsafe, proven defective design was made. Councilmen Herb Wesson and Bernard Parks and Supervisor Burke introduced a motion that passed unanimously to evaluate the cost of grade separating the crossing at Farmdale, where over 1800 Dorsey High School students movements occur per day, at a rate up to 108 per minute. (I'll change my characterization of the act from a "half decent" to "substantive" when the redesign is approved, money for a grade separation is appropriated, and Councilman Parks stops touting the "safety record" of the deadliest, most accident-prone light rail line in the country.)

If not for the actions of myself and the many other individuals who have valiantly stood up in face of those who decry our efforts, question our motives and attempt to demonize us for daring to demand a safe, well-designed, fast, world-class rail line built to the same high standards through black and brown communities as through others, this action – nor any other corrective action would not have been taken. Hopefully, for the sake of the project it is the first of many, because I'm not backing down. I couldn't back down even if I wanted to.

Not only do I lack the moral ineptitude that is required to turn the other cheek in the face of facts and pending catastrophes, unlike almost all on the other side of this debate, I live in the community. I don't live in West Van Nuys, I live in Leimert Park, so even if I desired, I could not easily blend into the crowd of the willfully negligent.

It is I, who will have to deal with the consequences of Metro failing to invest in grade separation every day at the grocery store, at church, at the park, at prep football games, at community meetings. I will have to constantly look into the faces of the children, parents, friends and preachers of those who are injured, maimed and killed. If this line is built as designed, when catastrophic events occur it will be my phone that will ring and door that will be knocked on. I am accountable. And unlike the majority of my community's politicians who are AWOL, I take the responsibility as seriously as it must be taken.

With respect,  
Damien Goodmon