

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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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.

**JOINT MOTION OF
EXPOSITION METRO LINE CONSTRUCTION AUTHORITY
AND LOS ANGELES UNIFIED SCHOOL DISTRICT
FOR APPROVAL OF JOINT SETTLEMENT AGREEMENT**

Dated: May 12, 2010

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In accordance with Rule 12.1 of the Rules of Practice and Procedure (“Rules”) of the California Public Utilities Commission (“Commission”), Exposition Metro Line Construction Authority (“Expo Authority”) and Los Angeles Unified School District (“LAUSD”) hereby respectfully request that the California Public Utilities Commission (“Commission”) approve the Joint Settlement Agreement among Expo Authority, LAUSD, and the Los Angeles County Metropolitan Transportation Authority (“MTA”) that has been entered into for the purpose of resolving all issues outstanding between Expo Authority and LAUSD with respect to a rail crossing of Farmdale Avenue originally proposed by Expo Authority’s Application (“A.”) 06-05-012, one of the applications consolidated for review in the above-captioned proceeding. This motion will explain the events that led to the sponsoring parties’ submission of the Joint Settlement Agreement and will explain why Commission approval of the Joint Settlement Agreement will serve the public interest.

I.

FACTUAL AND PROCEDURAL BACKGROUND

A. Creation of the Expo Rail Project

MTA and its predecessor agencies have been engaged in a long-term planning and construction process to build and operate light rail transit systems connecting various portions of Los Angeles County since the 1970s. As part of that process, MTA worked with the Federal Transit Administration (“FTA”) to develop plans and initiate environmental impact review for a Mid-City Westside Transit Corridor/Mid-City Exposition Light Rail Transit Project, connecting downtown Los Angeles with west-side communities by way of Wilshire

Boulevard or Exposition Boulevard.¹ In June 2001, the MTA Board adopted Alternative 3A, a downtown Los Angeles to Culver City alignment by way of Exposition Boulevard, as the Locally Preferred Alternative.² The MTA Board adopted the Final EIS/EIR for what became the Expo Rail project, with a Statement of Overriding Considerations, on December 15, 2005.

While MTA and FTA were working to define and develop the Expo Rail project and to complete the process of environmental impact analysis, the Legislature enacted, and in October 2003 the Governor signed, SB 504 (Kuehl). That legislation created Expo Authority “for the purpose of awarding and overseeing final design and construction contracts” for completing the Expo Rail project from downtown Los Angeles to downtown Santa Monica.³ Expo Authority began doing business in late 2005.

In February 2006, the FTA adopted its Record of Decision, which determined, based on the Final EIS/EIR, that federal environmental review requirements had been satisfied for funding and construction of Phase 1 of the Expo Rail project, which will extend the light rail system from downtown Los Angeles to Culver City.

B. Designing and Gaining Authorization for Crossings Along the Expo Rail Alignment

As design work for Expo Rail progressed, Expo Authority consulted with interested stakeholders regarding the detailed design of each at-grade crossing. Expo Authority relied on a Field Diagnostic Team, including engineers and safety personnel from Expo Authority, MTA, the City of Los Angeles Department of Transportation (“LADOT”), and the Commission’s Rail Crossing and Engineering Section (“RCES”) staff, to analyze each

¹ The Final Environmental Impact Statement/Environmental Impact Report for the Los Angeles Mid-City Westside Transit Corridor / Mid-City Exposition Light Rail Project (“Final EIS/EIR”), issued in October 2005, provides a wealth of documentation about the Expo Rail project and its history. All documents comprising the Final EIS/EIR are conveniently accessible on the LACMTA web-site at http://www.mta.net/projects_programs/exposition/documents.htm.

² *Id.* at 7-8. Public circulation of the Draft EIS/EIR generated over 3,000 comments regarding the project, which were considered and responded to in the Final EIS/EIR. *Id.* at 8.

³ SB 504 is codified at Sections 132600 *et seq.* of the Public Utilities Code.

of the proposed crossings and to recommend changes and improvements to the design and operation of the crossings to serve both safety and efficiency goals.

Expo Authority then began to prepare applications requesting the authorization of many of the proposed crossings. Eight applications were filed during the period beginning in December 2006 through March 2007. Expo Authority's last two applications were filed in May 2007, including A.07-05-013 for a single at-grade crossing at Farmdale Avenue near Dorsey High School. These applications were only submitted after Expo Authority's extensive and intensive efforts to respond to particular concerns of local stakeholders with respect to each of the crossings – efforts that resulted in enhanced design and operational features responsive to those concerns.

Representatives of community organizations filed protests or responses to each of Expo Authority's applications, the last of which was a protest of A.07-05-013, filed in June 2007. Expo Authority submitted timely and responsive replies to these filings.

C. Working Toward Interim Decisions Approving All but One Proposed Crossing

Prehearing conferences, workshops, public participation hearings, mediation sessions, and evidentiary hearings were held over an extended period and voluminous evidentiary materials and legal briefs were submitted to address concerns about some of the proposed crossings. By Decision 07-12-029, adopted in December 2007, the Commission authorized construction of 36 of the 38 crossings proposed by Expo Authority, leaving for further consideration the proposed at-grade crossing at Farmdale Avenue and the proposed grade-separated crossing over a pedestrian underpass at Harvard Boulevard.

Also in December 2007, LAUSD filed a motion to become a party. By a ruling in January 2008, Administrative Law Judge (“ALJ”) Koss granted LAUSD party status to pursue issues regarding the Farmdale and Harvard crossings. In February 2008, Expo

Authority informed ALJ Koss that the Expo Authority Board had determined to pursue its Application 07-05-013 for an at-grade crossing at Farmdale Avenue, but also had undertaken further environmental analysis of the planned at-grade crossing as well as other crossing options. In March 2008, ALJ Koss directed Expo Authority to file and serve supplemental information regarding the proposed Farmdale and Harvard crossings and alternatives to those proposals, to which Expo Authority responded with a voluminous Submission of Supplemental Information on March 28, 2008.

By an Amended Scoping Memo and Ruling issued June 20, 2008, Commissioner Simon set a further procedural schedule, providing among other options for consideration of a grade separated light-rail aerial overcrossing at Farmdale Avenue as well as a grade-separated pedestrian overcrossing with Farmdale Avenue closed to vehicles. Several parties submitted testimony and studies, which provided the basis for evidentiary hearings that were held in September 2008. With the benefit of post-hearing briefs, the Commission adopted a second interim decision in February 2009. Decision 09-02-031 approved the proposed grade-separated crossing at Harvard Boulevard, subject to certain conditions, but denied approval for the proposed Farmdale crossing. The Decision kept the proceeding open to allow Expo Authority to amend its application or submit a new application for a Farmdale crossing.⁴

D. Reaching Closure on a Plan for the Farmdale Avenue Crossing

Expo Authority submitted an Amendment to Application No. 07-05-013 in July 2009. By this Amendment, Expo Authority proposed four options to supplement its original request for authorization of an at-grade Farmdale crossing. The four options were: (i) a grade separated pedestrian over-crossing with Farmdale Avenue closed; (ii) Expo Authority's

⁴ In response to applications for rehearing, the Commission adopted Decision 09-12-015 in December 2009, modifying Decision 09-02-031 to clarify one of the conditions regarding the Harvard crossing and denying rehearing of the decision as modified.

original plan for an at-grade crossing, subject to a permanent “Stop and Proceed” procedure for all light rail vehicles (“LRVs”) approaching the crossing; (iii) the original plan for an at-grade crossing, subject to construction of a station with “near-side” platforms east and west of Farmdale Avenue at which all LRVs would stop; and (iv) the original plan for an at-grade crossing, subject to a temporary “Stop and Proceed” procedure for all LRVs until construction of a station with “near-side” platforms has been completed. Detailed diagrams were presented to illustrate each of the options.

United Communities Association (“UCA”) and Neighbors for Smart Rail (“NFSR”) filed a joint protest of the Amendment, and LAUSD filed a separate protest. Newly assigned ALJ Maribeth Bushey held a prehearing conference on September 30, 2009, at which the parties requested an opportunity to enter into settlement negotiations. In a further Scoping Memo and Ruling issued December 21, 2009, Commissioner Simon upheld the ALJ’s denial of a motion by UCA and NFSR to strike the three at-grade options proposed in the Amendment, set a flexible schedule to accommodate settlement negotiations, made clear that the Commission’s standards for evaluating grade crossings as set forth in Decision 09-02-031 would be applied when considering the proposed options, and provided for submission of environmental assessment documentation consistent with CEQA⁵ requirements.

On January 22, 2010, Expo Authority moved for an interim decision addressing compliance with CEQA requirements. Expo Authority referenced several reports that it had submitted to the Commission’s environmental review team, which provided the basis for Commission staff to prepare an Addendum to the Final EIS/EIR referenced above. The Addendum considered a proposed project consisting of construction of a passenger station and at-grade crossing at the intersection of Farmdale Avenue and Exposition Boulevard,

⁵ California Environmental Quality Act, Cal. Public Resources Code, §21000 *et seq.*

filling out with additional details the “near-side station” proposed as an element of the second and fourth options proposed by Expo Authority’s Amendment filing in July 2009. An added feature of the project subject to CEQA review was the provision for a parking lot to be constructed on a parcel to be acquired at the northeast corner of the intersection, to be conveyed to LAUSD in order to make up for the loss of parking spaces at the northern border of Dorsey High School to make room for the eastbound station platform. The Addendum concluded that addition of the proposed station to the at-grade crossing design would not result in any new or substantially more severe environmental impacts. By Decision 10-04-036, adopted April 22, 2010, the Commission concluded that a subsequent EIR is not required for the proposed changes to Expo Authority’s project and certified the Addendum for use in considering subsequent approvals for the project. The Joint Settlement Agreement proposes facilities and features for the Farmdale crossing that are fully reflected in the environmental documentation that provided the basis for the Addendum certified by Decision 10-04-036

Submission of the Joint Settlement Agreement is the result of an extended settlement process that began with the prehearing conference held September 30, 2009, at which ALJ Bushey encouraged the parties to pursue a substantive discussion of the issues. Such discussion commenced on that day and continued in several subsequent meetings of the parties. A formal settlement conference was noticed for January 29, 2010, and was held on that date in Los Angeles, with active participation by representatives of Expo Authority, LAUSD, MTA, CPSD staff, UCA, and other community organizations. While the community organizations provided their views, they declined to be signatories to the proposed settlement agreement, which led Expo Authority and LAUSD to proceed with refining the proposed agreement in consideration of all parties’ input and their own further discussions.

After reaching an understanding on basic terms of an agreement, LAUSD and Expo Authority invited MTA, which will be responsible for testing and operating the Expo Rail system once Expo Authority has completed its construction activities, to review and join in the settlement agreement. As a result of all these events, LAUSD and Expo Authority, along with MTA, have reached agreement on a set of terms to resolve the issues presented with respect to the proposed Farmdale Avenue crossing.

II.

THE JOINT SETTLEMENT AGREEMENT MEETS THE COMMISSION'S STANDARDS FOR EVALUATING GRADE CROSSINGS

A. Applying Its Seven Criteria for Judging Practicability, the Commission Found It Practicable to Provide a Pedestrian Overcrossing with Farmdale Avenue Closed, and So Denied the Original Proposal for an At-Grade Farmdale Crossing

As the Commission stated in Decision 09-02-031,

In applications for at-grade crossings, the Commission has the discretion to approve the request, order a separation of grade, or deny the application. Additionally, pursuant to Rules 3.11 and 3.7(c), applications for an at-grade crossing of a light-rail crossing shall include a showing why a separation of grade is not practicable. Pub. Util. Code § 1202(c) further gives the Commission the exclusive power to require, where in its judgment it would be practicable, a separation of grade at any crossing.

Id. at 17.

As further stated in that Decision, the Commission now uses seven criteria for judging practicability in all at-grade crossing cases, as follows:

1. A demonstration of public need for the crossing;
2. A convincing showing that Expo Authority has eliminated all potential safety hazards;
3. The concurrence of local community and emergency authorities;
4. The opinions of the general public, and specifically those who may be affected by an at-grade crossing;

5. Although less persuasive than safety considerations, the comparative costs of an at-grade crossing with a grade separation;
6. A recommendation by Staff that it concurs in the safety of the proposed crossing, including any conditions; and,
7. Commission precedent in factually similar crossings.

Id. at 18-19.

In Decision 09-02-031, the Commission applied these seven criteria with respect to the original at-grade crossing proposal for Farmdale Avenue. The Commission concluded that it was practicable to construct a grade-separated pedestrian bridge and close the roadway to traffic at Farmdale Avenue, because the grade-separated pedestrian bridge would eliminate potential safety hazards of large numbers of school-age pedestrians crossing the road at grade and closing Farmdale Avenue would not cause impacts that could not be mitigated and was therefore feasible. This is why the Commission denied the original plan for an at-grade crossing at Farmdale. *Id.* at 20-29.

B. The Joint Settlement Agreement Proposes a Revised Plan for an At-Grade Crossing That Substantially Enhances Safety While Avoiding Risks Presented by the Pedestrian Overcrossing Option

Various parties were concerned with the Commission's determination that a pedestrian overcrossing with Farmdale Avenue closed to vehicles at Exposition Boulevard offered a practicable solution for operating Expo Rail in the vicinity of Dorsey High School. Points of concern included the traffic impacts of closing Farmdale Avenue to vehicles and also the safety and policing of the proposed pedestrian overcrossing – issues that were controversial during the evidentiary hearings prior to Decision 09-02-031. These concerns led the parties to resume discussions about ways to enhance the safe operation of light rail vehicles through an at-grade Farmdale Avenue crossing with the goal of making operation at-grade safer than the pedestrian overcrossing alternative.

The three at-grade options proposed in Expo Authority's Amendment filing of July 2009 provided the basis for achieving that safer at-grade solution. The plan proposed in the Joint Settlement Agreement is based on Option 4 – an at-grade crossing subject to a Stop and Proceed rule pending construction of a station with near-side platforms. See, Amendment to Application No. 07-05-013, filed July 28, 2009, at 5-6. The major safety enhancements provided by the proposed plan are as follows:

- The Farmdale station and crossing will be constructed to allow the light rail vehicle operator a clear line of sight from the platform to the entire intersection. Joint Settlement Agreement, ¶2.1.
- Under both the Stop and Proceed rule that will be in effect immediately upon the initiation of light rail vehicle operations through the crossing and once the station has been constructed and placed into use, every light rail vehicle will come to a full stop under automatic train protection at the locations designated for the station platform, which will be on the near-side of the crossing. *Id.*, ¶¶2.7, 2.8(a).
- Both under the Stop and Proceed rule and once the station is in use, light rail vehicles will proceed across the intersection only after the light rail vehicle operator has verified that it is safe to do so and at a speed not to exceed 15 miles per hour. *Id.*, ¶¶2.7, 2.8(a), 2.8(b).
- ADA-compliant ramps will connect each of the pedestrian plazas at the southwest and northeast corners of the crossing with the adjacent station platforms, facilitating passage of students and other pedestrians to the station waiting areas. *Id.*, ¶2.2.
- Access and protections for students and other pedestrians at the two pedestrian plazas will be enhanced by the modifications illustrated in the diagrams attached to the Joint Settlement Agreement. *Id.*, ¶¶2.2, 2.6.
- Vehicular access to the Dorsey High School property at the Farmdale Avenue (northeast) entrance and the Rodeo Road (south) entrance will be reconfigured to accommodate all vehicles that are anticipated to require access to the school site. *Id.*, ¶2.5.

- Expo Authority will acquire property across the intersection from Dorsey High School, presently used for a motel, and will convert that property into a parking lot secured by a protective fence and electronic gates, with a modular building for the use of LAUSD School Police and other law enforcement agencies to enhance protection of students and school employees in the vicinity of the crossing. *Id.*, ¶2.3.
- MTA will operate its Ambassador program at the Farmdale Station for six month periods both before and after the planned revenue operation date to educate the public about safety around the light rail tracks, identify unsafe behavior, and report any unsafe conditions, and will coordinate and collaborate with LAUSD and Expo Authority regarding any safety concerns and how to address them. *Id.*, ¶2.8(c).
- MTA will review any observations or reports of unsafe behavior and any accident trends during the first year of revenue operations through the Farmdale crossing, will share this safety data with LAUSD, and will work cooperatively with LAUSD to identify and implement appropriate safety enhancements at the crossing. *Id.*, ¶2.8(d).

These safety enhancements provided for in the Joint Settlement Agreement transform the at-grade crossing proposal into a superior solution both as compared to previous at-grade plans and as compared to the pedestrian overcrossing option. The safety and policing problems associated with a pedestrian overcrossing are not presented by the at-grade alternative, and the addition of Stop and Proceed procedures, station platforms accessible by convenient ramps, operating restrictions, and other safety enhancements described above all combine to make the at-grade solution proposed by the Joint Settlement Agreement the superior alternative.

C. The Revised Plan for an At-Grade Crossing Proposed by the Joint Settlement Agreement Satisfies the Commission’s Practicability Criteria

A review of the seven practicability criteria as discussed in Decision 09-02-031 demonstrates that the revised plan for an at-grade Farmdale crossing proposed by the Joint Settlement Agreement fully satisfies those criteria.. The previous at-grade proposal already satisfied some of the criteria. Safety enhancements provided by the Joint Settlement Agreement as well as problems associated with the pedestrian overcrossing option affect the

evaluation of the remaining criteria. The end result of a practicability analysis of the revised at-grade proposal supports Commission approval of the Joint Settlement Agreement.

1. Public need for the crossing

As the Commission noted in Decision 09-02-031, no parties argued against the need for the Farmdale Avenue crossing. The Decision further noted that MTA, in its environmental review for the Expo Rail project, MTA found that the project area had the highest proportion of transit ridership in the Southern California region. The Commission concluded that the intersection's proximity to Dorsey High School and the high number of crossings before and after school hours show the crossing is necessary. *Id.* at 20. This conclusion applies equally to the revised at-grade proposal.

2. A convincing showing that all potential safety hazards have been eliminated

In Decision 09-02-031, the Commission noted that Expo Authority proposed a state-of-the-art system of gates and other warning devices at the Farmdale crossing, including swing gates to allow pedestrians to exit the rail right-of-way when all other gates are down, but stated that “[a]ll of these gates, however, can be avoided easily by pedestrians.” The Commission indicated concern that, considering the large number of crossings by students during peak periods, “any system of gates or other warning devices at grade would not eliminate all potential safety hazards.” *Id.* at 20.

Complete elimination of all hazards is not practicable. But the revised at-grade proposal presented by the Joint Settlement Agreement is safe and greatly diminishes the hazards implicit in Expo Authority's original at-grade plan for the Farmdale crossing. Each of the nine bullet points listed in Section II.B, above, describes one or several important safety enhancements to the at-grade crossing design or to the way in which MTA will operate light rail vehicles through the crossing. The improved physical and operational protections may

not completely eliminate all hazards, but they provide for a safe operation. The result certainly will be a safer crossing than could be provided by a pedestrian overcrossing with Farmdale Avenue closed.

3. The concurrence of local community and emergency authorities

Decision 09-02-031 recognized that Expo Authority coordinated the Expo Line project with the City Bureau of Street Lighting, Fire Department, and other city agencies, as well as with the California Department of Transportation, MTA, and the Commission's own Consumer protection and Safety Division ("CPSD"), but observed that LAUSD "clearly does not concur with the proposed at-grade design for Farmdale," and that Dorsey High School officials supported LAUSD's position. *Id.* at 20-21.

While LAUSD and school officials opposed Expo Authority's original at-grade design for the Farmdale crossing, LAUSD now has joined with Expo Authority to develop a safer at-grade design, fundamentally transformed by the inclusion of a station with near-side platforms and convenient access ramps as well as a combined parking and police facility across the tracks, together with other physical protections and strictly defined operating procedures. LAUSD supports the present proposal for an at-grade Farmdale crossing.

4. The opinions of the general public, and specifically those who may be affected by an at-grade crossing

In Decision 09-02-031, the Commission observed that the public's views of the entire project were addressed in MTA's Final EIS/EIR, and that of some 1,000 comments submitted, approximately 77% supported the project as a whole, with little or no opposition expressed to the proposed crossings. The Decision also noted, however, that approximately 90% of the 300-400 members of the public who attended the Public Participation Hearing at

Dorsey offered testimony opposing the project in general and an at-grade Farmdale crossing. *Id.* at 21.

The moving parties believe that the public is more accepting of the revised proposal for the Farmdale crossing. [ADD A SENTENCE ABOUT THE OUTREACH EXPO HAS DONE AND RESULTS.] For these reasons, LAUSD and Expo Authority respectfully urge the Commission to agree with them that the reformulated plan for the Farmdale crossing offers a fair and more appropriate solution for this crossing.

5. Although less persuasive than safety considerations, the comparative costs of an at-grade crossing with a grade separation

In considering the comparative costs of the options for grade separating the Farmdale Avenue crossing, the Commission found the cost estimates submitted by Expo Authority to be useful for the purposes of comparison in judging practicability. The Commission noted that three of the four grade separation alternatives (the train flyover, the train undercrossing, and the pedestrian bridge with Farmdale closed to traffic) all appeared to offer similar levels of safety, while a fourth alternative, a pedestrian bridge with Farmdale open to traffic, was significantly less safe. Decision 09-02-031, at 21-22.

The Commission found a pedestrian bridge with Farmdale closed to traffic, at a cost of \$9 million, to be the most cost-effective design for a complete grade separation, while a train flyover or undercrossing were not practicable. *Id.* at 22. Relative cost is not a determining factor in choosing between a pedestrian bridge and the revised at-grade crossing plan proposed in the Joint Settlement Agreement. LAUSD identified safety and policing concerns associated with the pedestrian overcrossing option and safety enhancements to the at-grade alternative have substantially eliminated grounds for concern about the safety of that

option. Safety considerations, rather than relative cost, drive the Joint Parties' preference for an at-grade crossing/near-side station alternative.

6. A recommendation by Staff that it concurs in the safety of the proposed crossing, including any conditions

The Commission noted in Decision 09-02-031 that CPSD thoroughly reviewed all the subject applications, participated in a diagnostic review and hazard analysis review of the entire Expo Line project, and – after working out its concerns with Expo Authority – withdrew the only protest that it filed. With respect to the Farmdale crossing, CPSD staff testified that the proposed at-grade crossing was safe but also testified that grade separation was feasible from an engineering perspective. *Id.* at 22-23. The situation is no different with respect to the revised at-grade proposal.

CPSD staff participated in the January 29 settlement conference, expressing concern about a particular aspect of light rail vehicle operations through the proposed crossing. Adjustments were made to the proposed settlement terms to address CPSD's concern. Thus, the moving parties expect that CPSD staff will support approval of the Joint Settlement Agreement.

7. Commission precedent in factually similar crossings

Decision 09-02-031 notes that the parties discussed several other crossings at or near school sites along other light-rail lines, but that none of these cases presented such a large number of school age youth crossing a rail line as will occur at the Farmdale site. The Commission therefore gave little or no weight to its precedents in determining practicability. *Id.* at 23. The same may be true in assessing the revised at-grade proposal. The Commission will need to evaluate that proposal based on its own merits – especially the added safety enhancements that are essential elements of the Joint Settlement Agreement.

8. Concluding observations

As noted above, the physical and operational safety enhancements that are part of the revised Farmdale crossing proposal have significantly altered the assessment of several criteria in the Commission's practicability analysis. The safety enhancements added to the earlier crossing design make the crossing/station solution offered by the Joint Settlement Agreement the superior alternative for this crossing.

Applying the Commission's seven practicability criteria results in a positive assessment of the revised at-grade crossing, as proposed by the Joint Settlement Agreement. Accordingly, the Commission should not hesitate to conclude that the revised design and operating rules for the Farmdale crossing will serve the public interest and that the Joint Settlement Agreement, incorporating those plans, should be approved.

D. The Schedule Set by ALJ Bushey Will Allow for Sufficient Review of the Joint Settlement Agreement and of This Joint Motion

By a ruling issued May 7, 2010, ALJ Bushey confirmed and adopted the procedural schedule for considering the Joint Settlement Agreement that was discussed at a prehearing conference held May 3, 2010, in Los Angeles. The present Joint Motion is filed in accordance with that schedule, and subsequent provision for a Public Participation Hearing, comments, and reply comments will allow for sufficient review of this motion and the Joint Settlement Agreement.

III.

CONCLUSION

WHEREFORE, Expo Authority and LAUSD respectfully urge the Commission to approve and adopt the Joint Settlement Agreement, attached hereto as Appendix A.

Respectfully submitted,

/S/ MICHAEL STRUMWASSER

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CERTIFICATE OF SERVICE

I, Maura Bonal, hereby certify that on this date I served the foregoing **JOINT MOTION OF EXPOSITION METRO LINE CONSTRUCTION AUTHORITY AND LOS ANGELES UNIFIED SCHOOL DISTRICT FOR APPROVAL OF JOINT SETTLEMENT AGREEMENT and APPENDIX A**, by electronic mail or hand delivery on the attached service list for Application No. 06-12-005, *et al.*:

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Executed this 12th day of May, 2010, in San Francisco, California.

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CALIFORNIA PUBLIC UTILITIES COMMISSION

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