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

Order Instituting Investigation on the Commission's Own Motion into the Closure of the Highway-Rail At-Grade Crossing at West Doran Street south of State Route 134 between San Fernando Road and West San Fernando Road, in the City of Glendale, California, DOT Crossing No. 746804B, CPUC Crossing No. 101VY-7.99, and the Effects of that Closure on the City of Glendale and Nearby Residents in the City of Los Angeles, California.

I.10-02-020  
(Filed February 25, 2010)

**REVISED RULING AND SCOPING MEMO  
OF THE ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGE  
ESTABLISHING THE SCOPE AND SCHEDULE OF THE PROCEEDING**

**1. Summary**

This scoping memo reiterates the issues set out in the original scoping memo that are to be considered in this proceeding, adds additional issues and revises the procedural schedule.

**2. Procedural Background**

On February 25, 2010, Order Instituting Investigation (OII) 10-02-020 was issued on the Commission's own motion to investigate closing the West Doran Street highway-rail, at-grade crossing in the City of Glendale and to examine the impacts of a closure on nearby residents and businesses. The OII included a preliminary scoping memo. A prehearing conference (PHC) was noticed and held on Friday, May 21, 2010, in Los Angeles. On June 24, 2010, a PHC was held

in the City of Glendale. Speakers at the Public Participation Hearing raised further issues that need to be addressed in this proceeding.

**3. Assigned Commissioner and Presiding Officer**

Timothy A. Simon is the assigned Commissioner. Pursuant to Pub. Util. Code § 1701.3, Administrative Law Judge (ALJ) Linda A. Rochester is designated as the presiding officer.

**4. Categorizing and Need for Hearings**

This scoping memo confirms the Commission's preliminary categorization of this proceeding as Ratesetting. This ruling, only as to categorization, is appealable under the provisions of Rule 7.6 of the Commission's Rules of Practice and Procedure (Rules). This ruling confirms that evidentiary hearings are necessary as factual issues are in dispute.

**5. Ex Parte Communications**

Since this proceeding is categorized as Ratesetting, ex parte communications with the assigned Commissioner, other Commissioners, their advisors, and the ALJ are only permitted as described at Public Utilities Code § 1701.3(c) and Rules Article 8.

**6. Scope of the Proceeding**

The OII listed the findings and recommendations of the Rail Crossing Engineering Section (RCES) and established a preliminary scoping memo. We revise the scope of the proceeding here.

Parties' testimony should address the following issues raised by RCES regarding the safety of the West Doran Street crossing, the recommendations of RCES for improvements, the impact of closure on local businesses and any possible mitigation measures. Issues regarding the current safety of the Brazil Street crossing and the impact of closing the West Doran Street crossing were

raised by speakers at the June 24, 2010, Public Participation Hearing. They are included here and identified in bold to differentiate them from the issues in the original scoping memo.

Should the West Doran Street crossing be closed based on the safety concerns and conditions cited by RCES in the OII and summarized below?

- The location of a propane and industrial gas storage and wholesale/retail distributorship immediately adjacent to the crossing increases the risk of a collision between a passenger or freight train and an industrial gas or propane-laden vehicle.
- The proximity of the industrial gas and/or propane storage facility is sufficiently close to the rail line to create a hazard of impact with a derailed train, flying debris from a derailed train or flying debris from a train and vehicle collision.
- The proximity of the industrial gas and/or propane storage facility to the State Route 134 highway structure and overhead off ramp is sufficient to put the structures and motorists at risk in any propane or industrial gas release and/or ignition resulting from a collision at the crossing.
- The 35 feet crossing space between the railroad tracks and San Fernando Road is insufficient for traffic traveling west over the tracks on West Doran Street to safely make right turns onto southbound San Fernando Road.
- The configuration of the West Doran Street crossing forces southbound tractor trailer trucks and long flat bed trucks on San Fernando Road that turn right onto West Doran Street to extend into and block the east bound traffic on West Doran Street.
- The noise generated by the freeway, local traffic on San Fernando Road, the nearby City of Glendale power plant and the South Coast Recycling Center, is significant enough to interfere with the ability of pedestrians and motorists to hear crossing bells and approaching train horns at the crossing.
- The West Doran Road crossing of the Southern California Regional Rail Authority's commuter railroad line, which travels up to 79 miles per hour, and the Union Pacific Rail Road, which travels up to 69 miles per hour, poses a risk of collision.

- The West Doran Street at-grade crossing is unnecessary given that the Brazil Street crossing is located 2,640 feet away and the Colorado Street crossing is located 4,500 feet away.

Will the RCES recommendations in the OII, and summarized below, reduce risk at the crossings involved and mitigate the impact of closing the West Doran Street crossing? **Parties should address the estimated time needed for completion of these improvements and possible impediments to the start or completion of the improvement projects.**

- The cities of Glendale and Los Angeles should improve the Brazil Street highway-rail at-grade crossing warning devices and should seek funding for the construction of a State Route 134 flyover at Fairmont Avenue.
- The cities of Glendale and Los Angeles should immediately implement measures to reduce risks, such as permanently restricting propane trucks and long trucks from using either the West Doran Street or Brazil Street crossing or banning such trucks until the West Doran Street crossing is closed and the Brazil Street crossing is improved.
- Construct a crash wall adjacent to the industrial gas transfer facility to protect the gas storage tanks from debris caused by a nearby train derailment or train/vehicle collision.

**What are the current traffic and safety conditions at the Brazil Street and Colorado Street crossings? If the West Doran Street crossing is closed, what impact will it have on traffic and safety at the Brazil Street and Colorado Street crossings? Parties should include recent traffic studies, accident data or other relevant information to support their positions on these issues.**

If the West Doran Street crossing is closed, **or propane and long trucks are restricted or banned at the West Doran Street and Brazil Street crossings**, what is the impact on local businesses and residents? What mitigation measures should be taken to address those impacts, if any?

Are there alternatives to the RCES recommendations that will reduce the risk at the Brazil Street and West Doran Street crossings?

Parties should identify appropriate city, county or state authority/jurisdiction required for implementation of all proposed mitigation measures.

**7. Public Participation Hearings**

An additional Public Participation Hearing regarding the proposed closure of the West Doran Street at-grade crossing will be held in order to provide local businesses and residents an opportunity to participate in the hearing. The Public Participation Hearing is scheduled as follows:

**Wednesday, September 29, 2010  
6:00p.m.  
The City of Glendale  
Municipal Services Building, Room 105  
633 E. Broadway  
Glendale, CA 91206**

**8. Revised Schedule**

The revised schedule for this proceeding is as follows:

<b>MILESTONE</b>	<b>DATE</b>
Public Participation Hearing	September 29, 2010
Workshops	TBD
Opening Testimony	October 21, 2010
Reply Testimony	November 12, 2010
Witness List and Cross Exam Schedule to ALJ	November 22, 2010
Evidentiary Hearing	December 1 & 2, 2010
Opening Briefs	January 3, 2011

Reply Briefs	January 24, 2011
Presiding Officers Decision	April 2011

Evidentiary hearings will be held at 10 a.m. in the Junipero Serra State Office Building, 320 W. 4th Street, Los Angeles, California 90013.

**9. Discovery**

Discovery will be conducted according to Article 11 of the Rules. If the parties have discovery disputes they are unable to resolve through meet and confer sessions, they shall raise these disputes under the Commission’s Law and Motion procedure as soon as possible to avoid unnecessary delay in the proceeding. (See Rule 11.3)

**10. Final Oral Argument Before the Commission**

Any party wishing to exercise the right under Rule 13.13 to make a final oral argument before the Commission must file a written request and serve it on all parties, the assigned Commissioner and assigned ALJ in the Opening Brief.

**11. Filings, Service and Service List**

In this proceeding, there are several types of documents participants may prepare. Each type of document carries with it different obligations with respect to filing and service.

Parties must file certain documents as required by the Rules or in response to a ruling by either the assigned Commissioner or the ALJ. All formally filed documents must be filed with the Commission’s Docket Office *and* served on the service list for the proceeding. Article 1 of the Rules contains the Commission’s filing requirements. Resolution ALJ-188 sets forth the interim rules for electronic filing, which replaces only the filing requirements, not the service requirements. Parties are encouraged to file electronically whenever possible as it speeds

processing of the filing and allows them to be posted on the Commission's website. More information about electronic filing is available at:

<http://www.cpuc.ca.gov/efile/static.htm>.

Other documents, including prepared testimony, are served on the service list but not filed with the Docket Office. We will follow the electronic service protocols adopted by the Commission in Rule 1.10 of the Commission's Rules of Practice and Procedure for all documents, whether formally filed or just served. This Rule provides for electronic service of documents, in a searchable format, unless the appearance or state service list member did not provide an e-mail address. If no e-mail address was provided for an appearance, then service should be made by United States mail. In this proceeding, I require concurrent e-mail service to ALL persons on the list for whom an e-mail address is available, including those listed under "information only." Parties are expected to provide paper copies of served documents upon request. **Paper format copies, in addition to electronic copies, of all served and filed documents shall be served on the assigned Commissioner and the ALJ.**<sup>1</sup>

E-mail communication about this case should include, at a minimum, the following information on the subject line of the e-mail: I.10-02-020. In addition, the party sending the e-mail should briefly describe the attached communication; for example, *Brief*. The official service list for this proceeding is available on the Commission's web page. Parties should confirm that their information on the service list is correct, and serve notice of any errors on the Commission's Process Office, the service list, and the ALJ. Prior to serving any document, each party

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<sup>1</sup> The ALJ should receive two paper format copies of all documents; one for the formal file and one for the ALJ.

must ensure that it is using the most up-to-date service list. The list on the Commission's web site meets that definition.

Any person interested in participating in this proceeding who is unfamiliar with the Commission's procedures or who has questions about the electronic filing procedures should contact the Commission's Public Advisor at (866)849-8390 or (415) 703-2074, or (866)836-7825 (TTY-toll-free), or send an email to [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov).

Therefore, **IT IS RULED** that:

1. This proceeding is categorized as Ratesetting.
2. Evidentiary hearings are necessary and will be held in Los Angeles.
3. The timetable for the proceeding is as set forth herein. The projected date for a final decision is no later than 18 months from the date of this Ruling.
4. The Commission's rules governing ex parte communications apply to this proceeding.
5. The issues to be considered are those described in this ruling.
6. Administrative Law Judge Linda A. Rochester is designated as the presiding officer.
7. Any party wishing to make a final oral argument before the Commission must file a written request and serve it on all parties, the assigned Commissioner and assigned Administrative Law Judge in their Opening Brief.

Dated July 23, 2010, at San Francisco, California.

/s/ TIMOTHY A. SIMON  
Timothy A. Simon  
Assigned Commissioner

/s/ LINDA A. ROCHESTER  
Linda A. Rochester  
Administrative Law Judge

**INFORMATION REGARDING SERVICE**

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a Notice of Availability of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the Notice of Availability of the filed document is current as of today's date.

Dated July 23, 2010, at San Francisco, California.

/s/ CRISTINE FERNANDEZ  
Cristine Fernandez

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.