Decision **PROPOSED DECISION OF ALJ KOSS (Mailed 11/20/2007)**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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)
And Consolidated Proceedings.	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)

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INTERIM OPINION AUTHORIZING THE EXPOSITION METRO LINE CONSTRUCTION AUTHORITY TO CONSTRUCT 36 NEW CROSSINGS ALONG THE EXPOSITION BOULEVARD CORRIDOR LIGHT RAIL TRANSIT LINE IN LOS ANGELES COUNTY

1. Summary

The Exposition Metro Line Construction Authority (Expo Authority) is authorized to construct 36 new rail crossings along the proposed Exposition Boulevard Corridor Light Rail Transit Line (Expo Line) in Los Angeles County. Twenty-six of these crossings will be constructed at-grade, and the other 10 crossings will be grade-separated.

This consolidated proceeding remains open to address Application (A.) 07-05-013, for a proposed at-grade crossing at Farmdale Ave., and A.06-12-020, for a proposed pedestrian tunnel grade-separated crossing at Harvard Blvd.

2. Consolidation

The 10 subject applications are related by fact and law. By rulings dated April 23, 2007, and May 24, 2007, the assigned Administrative Law Judge (ALJ) consolidated the above proceedings, pursuant to Rule 7.4 of the Commission's Rules of Practice and Procedure (Rules). The assigned Commissioner's Scoping Memo and Ruling (Scoping Memo), issued October 16, 2007 in this proceeding, confirmed the ALJ rulings. No party objected to the consolidation, and the above rulings regarding consolidation are affirmed.

3. Background

A general description of the overall Expo Line project, the Commission's role in these proceedings, and a summary of the authorized crossings are discussed below.

3.1. Expo Line Project

Expo Authority was created by legislation[1] for the specific purpose of constructing the Expo Line. The Expo Line is a new 8- ½ mile light rail transit extension line that will run between downtown Los Angeles and Culver City.[2] Once construction is completed, the Expo Line will be turned over to the Los Angeles County Metropolitan Transportation Authority (MTA) for ongoing operations.

Expo Authority, MTA and the City of Los Angeles (City) entered into a Master Cooperative Agreement (Agreement) that provides, among many other elements, the concurrence of these agencies regarding the design, construction, operation and maintenance of the subject crossings. The Agreement outlines the responsibility of costs, both during and after construction. Generally, the cost of design and construction of the crossings, and any operations during construction, will be the responsibility of Expo Authority, and the costs of ongoing maintenance and operation after construction the responsibility of MTA and the City.

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[1] Senate Bill 504 (Kuehl); 2003. Pub Util Code § 132600 *et seq*. All statutory references herein are to the Pub Util Code unless otherwise noted

[2] The Los Angeles to Culver City segment of the Expo Line, the portion subject to this proceeding, is Phase I of an overall project. Phase II, a further extension of the line to Santa Monica, is in the planning stages and not subject to this proceeding or today's decision.

Pursuant to the Agreement, MTA and Expo Authority may utilize and cross public streets, perform maintenance, and relocate facilities, as necessary, to construct and operate the Expo Line. A copy of the Agreement is attached to the subject applications.

The Expo Line system will be powered by electricity supplied by overhead catenary lines. The entire route will be a double-track alignment, and connect with MTA's existing Blue Line light-rail line at Washington and Flower Streets in Los Angeles. From that point, the line will run southwesterly approximately 3.3 miles to the Exposition Park/University of Southern California (USC)/Los Angeles Memorial Coliseum complex (collectively, the Coliseum complex), sharing the right-of-way with the Blue Line for most of this distance. From the Coliseum complex, the line will run westerly approximately 5.3 miles to Culver City, with much of this segment within an existing (now unused) rail right-of way in the center median of Exposition Boulevard.

The Expo Line will run at street level for most of the route, with a portion near the I-110 Freeway/Coliseum complex underground. Expo Authority filed the 10 subject applications for authority to construct a total of 38 rail crossings along the line (27 at-grade, and 11 grade-separated). The 11 grade-separated crossings (all contained in A.06-12-020) are located at: the I-110 Freeway (one crossing); the Coliseum complex (three crossings); La Brea Ave. (two crossings); La Cienega Blvd. (two crossings); Jefferson Blvd. (one crossing); and Harvard Blvd. and Eastham Drive (both as pedestrian-only crossings). All of the proposed crossings, except Eastham Drive in Culver City, are located in the City of Los Angeles.

The four at-grade crossings requested in A.07-05-12 are at or near the Coliseum complex. To better ensure the safety of these crossings, Expo Authority submitted an Event Management Plan with that application that outlines various pedestrian and vehicular traffic control measures that will be implemented on days events occur at Coliseum (primarily the six or seven USC football games each year).

3.2. Commission's Role

The Commission has exclusive jurisdiction to determine the manner, location, maintenance, use, and type of warning devices installed at rail crossings in California, pursuant to § 1202(a), and § 99152. Our role here, and the scope of this proceeding, is not to approve the Expo Line project itself, but to consider (authorize or deny) the installation of the crossings that will serve the line. Discussion herein will focus accordingly.

3.3. Summary of Authorized Crossings

Today's decision authorizes Expo Authority to construct 36 of the 38 proposed crossings. Crossings authorized today are: all of the 26 at-grade crossings requested in A.06-12-005, A.07-01-004, A.07-01-017, A.07-01-044, A.07-02-007, A.07-02-017, A.07-03-004, and A.07-05-012; and 10 of the 11 grade-separated crossings requested in A.06-12-020. The 36 authorized crossings are listed individually by street name in Section 7.5.

In view of the number of overall crossings, the size of the project, and that 10 of the crossings will be grade-separated, the authority to construct all of the crossings approved today shall remain in place for three years, unless extended by the Commission.

The following two requested crossings are not authorized in today's decision: the proposed at-grade crossing requested in A.07-05-013, adjacent to Dorsey High School at Farmdale Ave.; and the grade-separated pedestrian tunnel crossing requested in A.06-12-020, adjacent to the Foshay Learning Center (Foshay), at Harvard Blvd. Both of these crossings are the subject of evidentiary hearings and will be addressed in a future decision.[3]

4. Procedural History

Expo Authority filed the 10 subject applications during the six-month period December 2006 through May 2007. Protests, and a response, were filed by the following parties: Expo Communities United (ECU), a coalition of neighborhood community groups, protested all of the subject applications; Staff of the Commission's Consumer Protection and Safety Division (CPSD) protested A.07-01-017; and Neighbors for Smart Rail (NFSR), another community group, filed a response to A.07-05-013.

Attachment A to this decision lists the filing dates of all of the applications, protests, response, and related replies. All of these filings were deemed timely pursuant to Rule 2.6, or by ruling of the assigned ALJ. The ALJ rulings regarding timeliness are affirmed.

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[3] The Foshay Learning Center is a K-12 public school. Both Dorsey High School and Foshay are located in the City of Los Angeles, and both are under the jurisdiction of the Los Angeles County Unified School District (LAUSD).

The procedural history of events in this proceeding, to date, is listed below:[4]

Event	Dates (all 2007)	Location
Prehearing Conference (PHC)	April 5	Los Angeles
Workshop	July 18	Los Angeles
PHC (2nd)	July 19	Culver City
Mediation Conference	August 14 & 15	Los Angeles
Scoping Memo	October 16	
Public Participation Hearing (PPH)[5]	November 5	Los Angeles

5. Protests and Response

The protest of CPSD, the response of NFSR, and the protests of ECU are discussed separately below.

5.1. CPSD

Expo Authority initially proposed a total of eight at-grade crossings in A.07-01-017, all located at or near the campus of Los Angeles Trade-Technical College (Trade Tech). In its protest to this application, CPSD expressed concerns regarding the design and number of the proposed crossings. Expo Authority amended A.07-01-017 on May 14, 2007, reducing the total number of crossings at Trade Tech from eight to two. CPSD withdrew its protest on June 25, 2007, as the amendment

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[4] Rulings of the assigned ALJ are not included as procedural events.

[5] As set forth in the Scoping Memo, the purpose of the PPH was to address A.07-05-013, which will be discussed in a later decision.

resolved the matters set forth in the protest. The CPSD protest, therefore, is not addressed further in today's decision. With the withdrawal of its protest, and as noticed at the second PHC, CPSD's role in this proceeding now is advisory in nature.

5.2. NFSR

NFSR, represented by Colleen Mason Heller, filed a response to A.07-05-013. As previously discussed, A.07-05-013 will be addressed in a future decision and the NFSR response, therefore, is not considered here.

5.3. ECU

ECU's general position in its protests is that all of the crossings, and the entire Expo Line, should be constructed underground below the street surface. Expo Authority argues that the proposed new line is a light rail transit system and that, by design, the crossings in most locations should be at-grade to allow the public access to the trains and train stations. Expo Authority further argues that the ECU protests: are overly vague and without a meaningful description of the facts, as required by Rule 2.6; contain many matters outside of the Commission's jurisdiction; include non-specific environmental concerns; and, make a recommendation that Expo Authority seek "other safety solutions" regarding the proposed crossings, but do not describe or recommend any proposed solutions.

5.3.1. First PHC

The first PHC was held after the first eight applications (all except A.07-05-012 and A.07-05-013) were filed. The purpose of this PHC was to identify the issues in dispute, determine the need for an evidentiary

hearing, and address other procedural matters. On April 23, 2007, the assigned ALJ ruled on the results of the first PHC and found that the ECU protests included all of the structural elements required by Rule 2.6, but did not adequately identify the issues in dispute. Considering that ECU was new to Commission proceedings, the ALJ permitted ECU in the same ruling to file an expanded protest to the first eight applications to further identify and clarify the issues in dispute.

ECU filed its expanded protest on the first eight applications on May 1, 2007. Expo Authority filed the final two applications, A.07-05-012 and A.07-05-013, one week later, and both were protested by ECU. Expo Authority replied to ECU's expanded protest on the first eight applications, and later replied to ECU's protests on the final two applications.

On July 3, 2007, approximately one week after the last of the protests and replies were filed, the assigned ALJ issued a ruling categorizing the ECU protests into the following three categories:

1) Issues outside the scope of this proceeding.
2) Issues undefined, or already addresses in the subject applications.
3) Issued of possible pertinence, but further clarification needed.

This ruling also set a workshop, scheduled at the request of Expo Authority, and a second PHC, for the day following the workshop, in an attempt to further define and clarify the issues in dispute.

5.3.2. Workshop / Second PHC / Mediation

As scheduled, the workshop was held in Los Angeles, and the second PHC was held the following day in Culver City. The parties did not reach agreement on the issues in dispute as a result of the workshop or the second PHC. At the close of the PHC, the assigned ALJ set forth a procedural schedule that directed the parties to participate in a confidential mediation conference, to be facilitated by a third-party neutral ALJ, in an attempt to reach a possible settlement on any or all issues. The mediation session, held in Los Angeles, did not result in any settlements or agreements regarding the issues in dispute.

As set forth in the schedule, ECU and Expo Authority then filed opening briefs on September 7, 2007, and reply briefs on September 17, 2007. Expo Authority also filed further clarifying information on October 9, 2007 (as directed by ALJ Ruling dated September 27, 2007).

5.3.3. Status of Protestant Jolles

Mark C. Jolles, a member of ECU, has participated in this proceeding as a protestant. On August 27, 2007, Jolles filed a motion to withdraw himself as a protestant, but to remain on the service list of this proceeding. That motion was granted by the assigned ALJ in a ruling dated September 4, 2007, and affirmed here.

6. Need for Evidentiary Hearings

In light of the active protests, the Commission preliminarily determined, by resolution or by Notice of the Chief ALJ, that a hearing would be necessary in this consolidated proceeding. The parties disagree on whether evidentiary hearings are necessary. Protestant ECU's

position generally is that all of the subject applications, individually and collectively, should be subject to hearing. Expo Authority, on the other hand, posits that hearings are unnecessary and that this consolidated proceeding should stand as submitted.

The Scoping Memo in this proceeding, issued after all related briefs and replies were filed, changed the preliminary determination regarding the need for hearing and found that a hearing was not necessary in this proceeding, except as to matters related to A.07-05-013, for the following reasons:

6.1. Issues Outside Scope of Proceeding

Generally, matters discussed in the ECU protests contain information and data not directly related to the rail crossing safety oversight responsibilities of the Commission, and other general undefined and unexplained transportation matters with no link to the proposed crossings. These matters include: (a) the planning, funding and forecasting strategies of the Los Angeles County Metropolitan Transportation Authority; (b) the general transportation policy intentions of the state legislature; (c) the cost and benefits of bus and rail operations; (d) auto and rail traffic patterns away from the crossing sites and/or on other unrelated rail or highway systems; and, (e) federal transportation funding mechanisms related to the overall project.

6.2. Issues Not Defined or Previously Addressed

The content of the protests is overly vague and without a meaningful description of the facts constituting the grounds for the protests, as required by Rule 2.6. These protests mostly contain only non-

specific environmental concerns, and a recommendation that Expo Authority seek some "other safety solutions" regarding the proposed crossings, but no description or recommendation regarding the proposed solutions.

6.3. Other Issues

In those areas where the ECU protests do involve issues of Commission oversight (i.e., the practicability of grade separations, traffic patterns at the crossing sites, and crossing configuration and alignment), the issues are not adequately explained or sufficiently analyzed by ECU pursuant to the standards of Rule 2.6.; and/or these issues have been adequately addressed by Expo Authority in its applications and other filings.

For these reasons, we generally find that no issues of relevant material fact were identified or shown by the protestant and therefore find that a hearing is not necessary, except with respect to A.07-05-013 and as discussed below.[6]

6.4. Limited Further Comment

At its November 16, 2007 business meeting, the full Commission adopted Resolution ALJ-211. This resolution approved the Scoping Memo issued in this proceeding regarding the change in determination

[6] Protestant ECU states in two or more of the formal filings it made in this proceeding that the assigned ALJ assured the parties that hearings would occur. The record does not reflect any such assurances or statements by the assigned ALJ.

regarding the need for hearing in all of the subject applications, except A.07-05-013.

However, in order to ensure an adequate review of this matter, we sought further comment, through comments to the proposed decision (PD) of the ALJ, on the need for a hearing regarding the proposed pedestrian tunnel crossing at Harvard Blvd. adjacent to Foshay, one of the 11 grade separations requested in A.06-12-020. The Harvard Blvd. pedestrian tunnel is an existing facility installed under Exposition Blvd. In its application, Expo Authority is requesting approval to use this crossing as a grade-separated pedestrian rail crossing.

Expo Authority and NFSR filed comments to the PD regarding the Harvard Blvd. crossing. Expo Authority argues that the pedestrian tunnel as designed provides an adequate level of safety and should be approved as requested and not be subject to hearing. Expo Authority explained that the tunnel completely will separate pedestrian and train traffic, and that a concrete slab will be installed as a ground-level support-bridge above the tunnel over which train traffic will travel.

In addition to its comments to the PD, NFSR also filed, pursuant to Rule 11.1, a motion for reconsideration of the Scoping Memo on November 19, 2007, the day before the PD was issued, arguing that the at-grade crossing at Western Ave. proposed in A.07-02-007 should be subject to hearing. NFSR cites in its motion a November 13, 2007 resolution by the LAUSD that generally opposes at-grade crossings in the

proximity of LAUSD school sites.[7] Expo Authority filed a timely response opposing the motion.[8] In its comments to the PD, NFSR argues that the Harvard Blvd. tunnel should be considered in tandem with the Western Ave. crossing, located 600 feet to the west of Harvard Blvd., as both crossings serve Foshay and both should be subject to hearing. NFSR further argues that Expo Authority has not adequately addressed the practicability of a grade-separated crossing at Western Ave.

We concur with NFSR regarding the need for hearing with respect to the Harvard Blvd. crossing, but continue to find that a hearing is not necessary with respect to the Western Ave. crossing. The entrance to the Harvard Blvd. pedestrian tunnel is immediately adjacent to the Foshay site, and students of all ages (K-12) will access this crossing each school day. We now find it premature to approve the Harvard Blvd. tunnel crossing without a further development of the record.

However, as discussed herein, we find that it is not practicable to construct a grade-separated crossing at Western Ave., and further that the crossing warning devices at Western Ave. will provide an adequate level of safety. We therefore deny NFSR's motion to reconsider the Scoping memo with respect to Western Ave. We do, however, take

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[7] Of the five school sites named in the resolution, the two immediately adjacent to the street running portion of the proposed Expo Line, Dorsey High School and Foshay, are addressed herein. Of the other three sites, two are elementary schools (Weemes and Baldwin Hills) located approximately three blocks away from the proposed line, and the last (Alexander Science Center) is located near the Coliseum complex where the line will run underground.

[8] The response was received electronically on the due date, December 4, 2007, but not shown as filed until December 5, 2007.

official notice of the LAUSD resolution and will keep a copy in the correspondence file to this proceeding.

7. Discussion

Expo Authority is authorized here, under Pub. Util. Code §§ 1201-1205, and § 99152, to construct and maintain new at-grade crossings at 26 locations, and grade-separated crossings at 10 locations, in Los Angeles and Culver City, along the new Expo Line. Through its applications, supplemental filings and information provided at the PHCs, Expo Authority has provided all of the necessary information, legal descriptions, crossing identification numbers[9] and maps to meet the requirements of the Rules, including Commission General Order (GO) 143-B and GO 75-D governing protection and operation of light rail transit system crossings.

The following is a discussion of the specific Rules relevant to light rail transit system crossings, followed by a separate discussion on environmental issues, and a list of all authorized crossings and identification numbers.

7.1. Need for Proposed Crossings

Rule 3.7(c)(1) requires that applications for at-grade crossings include a statement showing the public need to be served by the proposed crossing. In its environmental review of the Expo Line project, MTA found that the project area had the highest proportion of transit ridership in the Southern California region. Expo Authority notes in its

[9] CPSD clarified various crossing identification numbers.

September 7, 2007 brief that one reason a light rail alternative was adopted was due to a successful 1998 Los Angeles County ballot measure that prohibited further use of local sales tax revenues for construction of subway transit systems.

Expo Authority consulted with various stakeholders and crossing safety experts regarding the location, use and type of proposed crossings along the Expo Line. A Field Diagnostic Team (Diagnostic Team) was created to analyze each of the proposed crossings, and to make recommendations regarding crossing safety, design and/or efficiency. The Diagnostic Team included engineers and safety experts from Expo Authority, MTA, Los Angeles Department of Transportation (LADOT), and CPSD.

MTA also developed a Metro Grade Crossing Policy for Light Rail Transit (Crossing Policy) in 2003.[10] The Crossing Policy, used a planning tool, addresses the principal concerns and options related to crossings within the MTA system and provides a uniform approach for crossing analysis. Under the Crossing Policy, each potential crossing site and design is analyzed through a three-step process of initial screening, detailed analysis, and verification.

Utilizing the Crossing Policy, Expo Authority consulted with representatives from the Diagnostic Team, as well as representatives from Culver City, to identify and design the subject crossings. The safety, location, and type of crossing are based on factors such as traffic

flow and volumes, visibility, feasibility, and geography. In the initial plans for the Expo Line, La Cienega Blvd. was the only roadway identified for a grade separation. Expo Authority ultimately requested 11 grade separations along the project route as a result of the analysis and review processes described above, and also revised and reduced the number of crossings proposed near Trade Tech as a result of further meetings with CPSD.

After a review of each crossing site, we conclude the all of the 26 at-grade crossings authorized in today's decision meet the requirements of Rule 3.7(c)(1) regarding public need.

7.2. Practicability

In applications for at-grade crossings, the Commission has the discretion to approve the request, order a separation of grade, or deny the application. Pub. Util. Code § 1202 (c) gives the Commission the exclusive power to require, where in its judgment it would be practicable, a separation of grade at any crossing. Rule 3.7(c)(2) accordingly requires applications for at-grade crossings to show why a separation of grade is not practicable. We find that grade separation will not be required for the 26 at-grade crossings subject to this decision, for the reasons discussed below.

The issue of practicability has been addressed in several previous Commission orders, including Decision (D.) 82-04-033 (City of San

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[10] MTA's Crossing Policy is not being approved by the Commission, but noted here for discussion only.

Mateo), D.92-01-017 (City of Oceanside), and D.98-09-059 (City of San Diego). All involved high-speed (up to 70 mph) passenger railroad traffic and all were denied based in part on the number of trains and train speeds and also on the position of various federal rail and highway safety agencies that, generally stated, opposed any at-grade crossings along mainline railroad track with high-speed passenger traffic.

In D.02-05-047 (Pasadena Blue Line), the Commission further defined practicability by establishing a list of issues to be used as criteria for judging practicability in future grade crossing cases. These criteria have been further developed and used in subsequent cases, as well, such as D.03-12-018 (City of San Diego) that authorized an at-grade crossing over six sets of tracks (three light-rail and three heavy-rail). The Pasadena Blue Line case involved a light-rail transit system with lighter weight cars, shorter train stopping distances and different safety standards than those of a standard railroad (heavy-rail) train; and for these reasons we found that the level of practicability for grade-separations for transit agencies is not as great as that for high-speed commuter or freight railroad crossings.[11] However, the seven issues established for judging practicability in the above cases provide a valuable guide and are used here for discussion.

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[11] To the extent that the highway-rail crossing provisions of §§ 1201 et seq. do not specifically include transit agencies (*Santa Clara Valley Transportation Authority v. Public Utilities Commission*., 124 Cal. App. 4th 346 Cal. App. 6th Dist. 2004), the Commission nevertheless enforces these statutory provisions as to transit agencies under its transit safety oversight authority provided in § 99152 and 49 C.F.R. Part 659 et seq.

1. *Applicant to show all potential safety hazards eliminated*. Each of the subject applications provides a detailed description of the design and features of each crossing and crossing warning device. A hazard analysis and diagnostic review were conducted on each crossing. Crossing safety design features the most recent and state-of-the art safety appliances. These include exit gates in many locations, pedestrian protective gates, and light-emitting diode warning signs. All crossing protective devices meet all current standards and safety regulation requirements.
2. *The concurrence of local authorities*. All of the subject at-grade crossings are located in the City of Los Angeles. Expo Authority coordinated the project with responsible City departments, including the Bureau of Street Lighting, Fire Department and LADOT, as well as the California Department of Transportation, CPSD, and MTA.
3. *The concurrence of local emergency authorities*. Expo Authority established a Fire Life Safety Committee (FLSC) that included members from the City Fire and Police Departments. The FLSC reviewed all aspects of the project to ensure safety, security and timely emergency response.
4. *The opinions of the general public*. The public's views specifically were addressed in the Final EIS/EIR. Approximately 800 comments were submitted to the Draft EIS/EIR, and another 200 to the Final EIS/EIR. Copies of the comment letters are included in the Final EIS/EIR available on the MTA web-site. Approximately 77% of these comments supported the project (and/or an alternate bus rapid transit project), with little or no opposition expressed to the proposed crossings.
5. C*omparative costs of an at-grade crossing to a grade separation (less persuasive than safety concerns).* The project-wide average cost of a gated at-grade crossing along the Expo Line route is $450,000; and for a traffic signal-protected at-grade crossing the estimated cost is $325,000. The cost

estimate for the planned La Brea Ave. grade separation is $19 million; and the estimate for the planned underground structure near the Coliseum complex is $35 million.

6. *A recommendation by Staff that it concurs in the safety of the proposed crossing*. CPSD thoroughly reviewed all of the subject applications, and participated in the Diagnostic Team review and the hazard analysis review of the Expo Line project. CPSD filed a protest to A.07-01-017, but withdrew its protest as a result of an amendment to that application filed by Expo Authority. CPSD currently has no unresolved issues regarding the project.
7. *Commission precedent in factually similar situations.* As noted above, the Commission in D.02-05-047 and D.03-12-018 previously has approved at-grade crossings for rail transit lines using these same practicability standards.

All at-grade crossing cases present unique facts that must be considered and reviewed. In this proceeding, Expo Authority has proposed crossing safety measures that will provide an adequate level of safety when considering the type of rail (light rail transit) and types and levels of safety features at each crossing. Considering the above issues, we find it is not practicable to require that the proposed at-grade crossings subject to this decision be grade-separated.

7.3. Crossing Warning Devices

Safety is the overriding issue of importance in authorizing the approval for any at-grade crossing. The construction and safety features of all crossings shall be in compliance with all applicable safety requirements, including GO 143-B and GO 75-D.

As noted above in the discussion on practicability, CPSD staff participated in a hazard analysis and diagnostic of each proposed crossing; and all warning devices for crossings approved today meet all current standards and safety regulation requirements. The design of each crossing features the most recent and state-of-the art safety features, including exit gates, pedestrian protective gates, warning lights, signage, and pavement marking and striping.

The facts of each request for an at-grade crossing are reviewed on a case-by-case basis to determine the need for the crossing balanced against the needs of safety. In this case, Expo Authority has shown the proposed at-grade crossings will provide an adequate level of safety when considering the traffic volumes, train speeds, crossing warning devices, crossing angles, and sight lines.

7.4. Environmental Review

The California Environmental Quality Act of 1970 (CEQA, as amended, Public Resources (PR) Code Section 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 potential, significant environmental effects of the proposed activities. Since the 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 Section 1202 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 the public agency with the greatest responsibility for supervising or approving the project as a whole.[12] Here, MTA 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.[13]

MTA prepared a combined Final Environmental Impact Statement/Environmental Impact Report (Final EIS/EIR), for the Expo Line project to comply with the National Environmental Policy Act (NEPA) (42 U.S.C. Section 4321 et seq.) and CEQA. Additionally, since federal funding is involved in this project, the Final EIS/EIR also was submitted to the Federal Transit Administration (FTA) for its review and approval. The FTA issued a Record of Decision (ROD), approving the project and the Final EIS/EIR, on February 27, 2006.

For the purposes of this Commission's environmental review, in our role as a responsible agency, we have reviewed and considered the Final EIS/EIR, and find that it is adequate for our decision-making purposes. As discussed below, we conclude that the Final EIS/EIR meets the requirements of CEQA.

7.4.1. Public Notice

The Notice of Preparation of an EIR (CEQA process) for the project was circulated by the State Clearinghouse, and the Notice of Intent to

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[12] CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

prepare an EIS (NEPA process) was published in the Federal Register, in May 2000. Approximately 12,000 invitation letters were mailed for the six public scoping workshops held in May and June, 2000; and another 42 informal meetings were held with MTA staff and various business, community and homeowner groups. The 30-day public scoping comment period ended on June 23, 2000, and all comments were reviewed and documented in the Draft EIS/EIR prepared by MTA.

The Draft EIS/EIR, released in April, 2001, was widely distributed. In approximate numbers, the Draft EIS/EIR was sent to 250 organizations and agencies, Executive Summaries were sent to the 2,000 persons on the project mailing list, Notifications of Availability were sent to another 8,000 persons, and 25,000 brochures were distributed on buses and at bus stops along the Expo Line Corridor. Additionally, advertising was placed in eight local newspapers, the Executive Summary was available on the MTA web-site, and printed copies were provided to 22 local public libraries. Three formal public hearings were held on the Draft EIS/EIR, and related comments were received from 785 individuals. In April 2004, after many further informal meetings and discussions with interested parties and groups, including several informal meetings with CPSD regarding a Hazard Analysis of rail and crossing safety, MTA submitted its Final EIS/EIR to FTA for approval. Following comments, MTA resubmitted the Final EIS/EIR to the FTA in December 2004.

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[13] CEQA Guidelines, Sections 15050(b) and 15096.

The Final EIS/EIR was released for public comment on October 14, 2005. The Final EIS/EIR was distributed to 11 federal agencies, 26 state agencies (including this Commission), three regional agencies, 15 County of Los Angeles departments, 21 City of Los Angeles departments, the City of Culver City, and 15 public libraries. Executive Summaries of the Final EIS/EIR were sent to all individuals on the project mailing list, and its availability was advertised in local newspapers. The MTA provided free downloads of the document on its public web-site, related brochures were distributed on select MTA buses and bus stops, and notice was distributed to Spanish, Korean and Japanese language outlets. The 45-day comment period for the Final EIS/EIR closed on November 28, 2005. A total of 184 comments were received.

The California Department of Fish and Game filed a Finding of Exemption for the project with the Los Angeles County Clerk on December 15, 2005. The MTA Board certified the Final EIS/EIR on December 15, 2005, and filed its Notice of Determination, Record Number 05 0018166, with the Los Angeles County Clerk on December 16, 2005. As noted above, the FTA issued a Record of Decision (ROD), approving the Final EIS/EIR, on February 27, 2006.

7.4.2. Environmental Impacts and Mitigation Measures

7.4.2.1. Unavoidable Impacts

The Final EIS/EIR found that significant unavoidable impacts would occur related to the construction phase of the project in the areas

of traffic congestion and air quality. The Final EIS/EIR approved the project for the following overriding reasons: benefits of daily transit trips and the availability of rail service in the area to businesses, schools, cultural centers, and entertainment venues; the exclusive right-of-way provided by a rail system will be less impacted by local vehicular traffic systems; the total vehicle miles traveled in the project area would decrease, resulting in beneficial effects on congestion and air quality; economic development related to construction employment, job development and training, including the participation of minority and women-owned businesses; providing new light-rail service in the project area would better restore the balance of regional capital transportation expenditures; the stimulation of transit oriented development at or near Expo Line stations; and landscaping and urban design improvements along the right-of-way.

Mitigation measures relating to construction were developed with regard to demolition, utility relocation, rail guideways, street widening, operating systems installation, and bridge construction. Construction mitigations include a traffic management plan, advance notification of construction activities, signage requirements, staging areas, air quality measures (e.g., dust control and the use of low-emission equipment), noise reduction measures (e.g., limiting night-time work and functioning equipment mufflers), a water/drainage plan, the use of energy efficient equipment, and a safety plan.

7.4.2.2. Mitigation, Monitoring and Reporting Plan

and Related Measures

The Final EIS/EIR also included a Mitigation and Monitoring and Reporting Plan (MMRP) that identifies certain areas of potentially significant adverse environmental impacts that, with mitigation incorporated, would be eliminated or minimized to a less than significant level. The areas reviewed in the environmental analysis of the project and related mitigation measures are discussed below, along with related issues discussed by the FTA in its ROD approving the project.

Land Use

No significant impacts were found. The project would not cause a physical division within the community and any impacts to commercial areas were found to be less than significant. Station design elements were included in the MMRP.

Land Acquisition

If necessary, relocation assistance will be offered to individuals and businesses. No other significant impacts were found.

Equality / Environmental Justice

All census tracts within ½ mile of proposed Expo Line stations sites were reviewed. No significant impacts were found, and overall the review showed socio-economic benefits would result from the project due to increased mobility and visual and lighting improvements.

Federal rules require that FTA identify and address any disproportionately high and adverse health or environmental impacts on minority or low-income populations that may result from federally

funded mass transportation projects.[14] These rules further state that FTA must conduct its programs in such manner to ensure that no persons are subject to discrimination because of their race, color or national origin. FTA and MTA applied the analytical framework of NEPA and CEQA in conducting their review in this area. From this analysis, FTA determined that minority populations (91%) and low-income populations (32% below the poverty level) in the study area will not be discriminated against as a result of the construction or operation of the project. This analysis further found that all persons within the project area will realize significant improvements in the level of mobility as a result of the project. The MMRP does include certain measures to ensure that any potential equity and environmental justice issues are mitigated to less than significant levels.

Visual

The MMRP includes several measures for visual enhancements within the project. Mitigations include: an arborist to be consulted for tree planting; other landscaping enhancements; installation of decorative surfacing and art work; best technologies used for lighting; and consideration to privacy concerns.

Air Quality

Other than the construction related impacts discussed above, any air quality impacts were found to be less than significant, and an overall benefit to air quality would result from fewer vehicle miles traveled. In

[14] Executive Order 12298; February 2004.

order to satisfy federal conformity requirements,[15] the Final EIS/EIR provides documentation showing that the federal requirements have been met.

Noise and Vibration

Though no significant impacts were found, several mitigation measures were included in the MMRP. Those measures specific to actual operation of the rail system include: soundwalls to be constructed at specified locations, with landscaping and screening art as necessary; the installation of sound absorption and insulation equipment; and adherence to rail and wheel maintenance schedules.

Mitigation measures specific to rail crossings include: reducing the decibel level on crossing warning devices to the lower limits of current requirements and industry standards; consideration to track type and design; and the installation of ballast fasteners to reduce vibration.

Departure from Train Horn and Crossing Warning Device Rules: Expo Authority is encouraged to implement all proven noise mitigation measures. However, we note here that that no relief is granted in this decision, to Expo Authority or to MTA, to depart from any current rules and requirements regarding the sounding of train horns or crossing warning devices. Any request for such departure from the rules shall be determined outside of this proceeding.

[15] Federal Clean Air Act (40 CFR Part 39)

Geology and Soils

The project area, as does most of the region, lies in an earthquake zone. The Final EIS/EIR found that project would not result in an increased exposure to risk.

Hazardous Substances

No significant impacts were found. The MMRP includes measures to continue soil sampling, boring and testing in any areas with potential risk.

Water/Hydrology/Wetlands

No significant impacts were found. The MMRP includes measures regarding the drainage plan related to Ballona Creek, and that any parking surfaces be constructed of permeable materials.

As discussed in the Final EIS/EIR, Ballona Creek, in the project area, would be subject to limited flooding of a short duration in a 100-year storm event. However, the project does not encroach on the flood plain since it crosses the flood plain on a bridge, and would be built in accordance with all state and local standards.

The nearest wetland to the project area is the Ballona Wetland, located 4- ½ miles west of the project. The project, therefore, would have no anticipated impact on any wetland area.

Biological Resources

The project will follow and largely be contained within existing rights-of-way of public streets and a former railroad line. One designated sensitive species, raptors nesting in trees in the existing median of the right-of-way, was identified as possibly being impacted by the project. The MMRP includes a mitigation measure to modify the construction

schedule to ensure that this sensitive species is not disturbed, and that the California Department of Fish and Game be consulted, if necessary. No other sensitive species were identified in the project area.

Energy Resources

No significant impacts were found.

Safety and Security

The MMRP includes measures relating to the safety of pedestrians near crossings and train stations. Measures include: improvements to the Denker Ave. pedestrian grade crossing; a security monitoring plan, and improved lighting and visibility at stations and station parking areas; a hazard analysis to be conducted in conjunction with this Commission (as discussed earlier, CPSD participated in a hazard analysis); monitoring activities regarding rail crossings near schools; and coordination with local law enforcement personnel.

Historical/Archaeological/Paleontological Resources

The California State Historical Preservation Officer (SHPO) determined that no adverse impacts exist as a result of the project with respect to identified historical properties. MTA entered into a Memorandum of Agreement with the SHPO and committed to certain mitigation measures relating to the preservation and retention of the historical record of the Pacific Electric Line, the street car system that last operated in the project area in the 1940s.

If fossil remains are found, a paleontologist will be retained and construction will be diverted until the remains are removed. If human remains are found, work will be halted and the Los Angeles County Coroner will be consulted.

Parks, Community Facilities, Wildlife Refuges

The Final EIS/EIR identified benefits in this area regarding access to parks and facilities due to the increased mobility and access. The MMRP includes measures to develop various pedestrian access points, and a vehicle access point at Rancho La Cienega Sports Park.

Federal rules require a finding regarding any impacts that may occur due to the permanent taking or acquisition of lands, or impairments to such lands, of any parks, recreation areas, wildlife refuges or historical sites.[16] The FTA determined, in consultation with the SHPO and the U.S. Department of Interior, that no such properties exist along the Expo Line route.

Protection of Children

Federal rules require that the FTA identify and address any environmental health and safety risks that might disproportionately impact children.[17] Approximately 20% of the population within one-half mile of the project area is between six and 18 years old. The Final EIS/EIR includes mitigation measures to address concerns expressed by the public and school districts, and to ensure that the project will not increase the risk of children's health or safety attributable to products or substances that a child is likely to contact or ingest.

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[16] Transportation Act of 1996 (49 USC 303).

[17] Executive Order 13045.

7.4.3. Environmental Review Summary

We have reviewed and considered the Final EIS/EIR, and find that it is adequate for our decision-making purposes. We conclude that the Final EIS/EIR meets the requirements of CEQA.

7.5. Crossing Identification Numbers

The new crossings are assigned the following Commission identification numbers.

Application	At-Grade Crossing	Crossing Number
A.06-12-005	Jefferson Blvd.	84S-101.00
	Adams Blvd.	84S-100.50
	23rd Street	84S-100.30
A.07-01-004	7th Ave.	84S-103.80
	11th Ave./Degnan Blvd.	84S-104.10
	Buckingham Road	84S-104.70
A.07-01-017	Trade Tech driveway Diesel Technology #6	84S-100.20
	Trade Tech driveway Parking Lot #7	84S-100.26
A.07-01-044	Washington Blvd.	84S-100.03
	23rd Street Station Pedestrian Crossing	84S-100.43-D
	Denker Ave.	84S-102.60
	Rodeo Road./ Gramercy Place	84S-103.10
A.07-02-007	Raymond Ave.	84S-102.20
	Normandie Ave.	84S-102.40
	Halldale Ave.	84S-102.50
	Western Ave.	84S-102.90

	Crenshaw Blvd.	84S-104.40
A.07-02-017	Arlington Ave.	84S-103.40
	Hauser Blvd.	84S-106.10
A.07-03-004	28th Street	84S-100.60
	I-110 HOV On-Ramp	84S-100.66
	30th Street	84S-100.80
A.07-05-012	Trousdale Parkway Pedestrian Crossing	84S-101.60-D
	Watt Way	84S-101.70
	Menlo Ave	84S-101.80
	Vermont Ave.	84S-101.90
	Grade Separated Crossing	
A.06-12-020	I-110 Harbor Freeway Underpass	84S-100.48-B
	Flower Street / Exposition Blvd.	84S-101.20-A
	Figueroa Street	84S-101.30-A
	Pardee Way	84S-101.40-A
	Park Access Driveway	84S-105.50-B
	La Brea Ave.	84S-105.60-B
	Parking Structure Driveway	84S-106.48-B
	La Cienega Blvd.	84S-106.50-B
	Jefferson Blvd./ National Blvd.	84S-106.80-B
	Eastham Drive Pedestrian Walkway	84S-106.82-AD

Within 30 days after completion of the work under this order, Expo Authority shall notify CPSD Staff in writing by submitting for each crossing a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations). Expo Authority shall

include with each Form G a description of mitigation measures, if any, contained in the Final EIS/EIR applicable to the subject crossing.

8. Categorization

By Commission resolution and/or by Notice of Reassignment filed by the Chief ALJ, the Commission determined the category of this consolidated proceeding is ratesetting. No party has objected to this categorization and we conclude that the proceeding is properly categorized.

9. Comments on Proposed Decision

The PD in this matter was mailed to the parties in accordance with § 311 of the Pub. Util. Code and comments were allowed under Rule 14.3. In the PD we also sought comment on the need for hearing regarding the Harvard Blvd. pedestrian grade separation proposed in A.06-12-020. CPSD filed comments on December 4, 2007; and Expo Authority and NFSR filed comments on December 10, 2007.[18] Protestant ECU did not file comments.

CPSD's comments involved clarifications to terminology and technical matters, updates of crossing identification numbers, and a further explanation of the Commission's regulatory oversight with respect to transit systems. Expo Authority commented on the need for a hearing regarding the Harvard Blvd. pedestrian tunnel, and also pointed out, similar to CPSD, various technical modifications and typographical

[18] Expo Authority also filed reply comments to the PD. All comments were timely filed.

errors in its comments. NFSR's comments focused on the need for a hearing regarding the Harvard Blvd. pedestrian tunnel, as well as for the at-grade crossing at Western Ave. proposed in A.07-02-007.

The comments of Expo Authority and NFSR regarding the Harvard Blvd. pedestrian tunnel, and the Western Ave. at-grade crossing, are addressed in Section 6.4 (Limited Further Comment). The other comments by Expo Authority, and those of CPSD, regarding technical, terminology and typographical matters, though not resulting in any substantive changes to the findings herein, have been included in and better clarify today's decision.

All other motions filed in this proceeding regarding the crossings authorized today previously not addressed are denied.

10. Assignment of Proceeding

Timothy Alan Simon is the assigned Commissioner and Kenneth L. Koss is the assigned ALJ in this proceeding.

Findings of Fact

1. The Expo Line is a new light rail line being developed in Los Angeles County for service between downtown Los Angeles and Culver City.
2. The Expo Line will be a double-track configuration powered by electricity from overhead catenary lines.
3. Expo Authority filed the 10 subject applications for authority to construct 38 new crossings along the Expo Line corridor.
4. The completed project will be turned over to MTA for operation.

5. To complete its project, Expo Authority must make numerous street crossings, both grade-separated and at-grade, for which it seeks Commission authority.

6. Expo Authority has obtained funds from the Legislature for this project.

7. All 10 of the subject applications contain similar questions of fact or law and were consolidated into a single proceeding by the assigned ALJ in rulings dated April 23, 2007, and May 24, 2007, pursuant to Rule 7.4, and the ALJ ruling were confirmed by the assigned Commissioner in a ruling dated October 16, 2007.

8. All of the requested crossings, except the Eastham Drive separated pedestrian crossing in Culver City, are located in the City of Los Angeles.

9. Expo Authority entered into a Master Cooperative Agreement with MTA and the City regarding the design, construction, operation and maintenance of the proposed crossings within the City.

10. All crossings will be maintained pursuant to the Agreement.

11. ECU protested all of the subject applications.

12. CPSD filed, and later withdrew, a protest to A.07-01-017.

13. NFSR filed a response to A.07-05-013, and also a motion for reconsideration of the Scoping Memo.

14. All protests, the response, and related replies filed by Expo Authority were timely filed.

15. Protestant Mark C. Jolles, a member of ECU, withdrew himself as a protestant.

16. Procedural events in this proceeding include (all dates 2007): a PHC on April 5; a Workshop on July 18; a second PHC on July 19; a

mediation conference on August 14-15; and the Scoping Memo issued on October 16.

17. No agreements or settlements were reached in the Workshop or as a result of the mediation conference.

18. No issues of relevant material fact were identified in the ECU protests, except as related to A.07-05-013.

19. It was necessary to seek further comment on the need for a hearing with respect to the Harvard Blvd. crossing proposed in A.06-12-020.

20. In its applications, Expo Authority has provided all of the necessary information, legal descriptions, identification numbers and maps to meet the requirements of the rules applicable to light rail crossing systems.

21. All of the 36 crossings authorized in today's decision meet minimum safety requirements and the requirements of the Rules.

22. A hearing is not needed regarding the 36 crossings approved in this decision.

23. Expo Authority has shown that all potential safety hazards have been eliminated from the crossings subject to this decision.

24. All of the proposed crossings and crossing warning devices must comply with all applicable safety rules and requirements.

25. The at-grade crossings subject to this decision have the concurrence of local authorities and related emergency authorities.

26. No public opposition was expressed in the Final EIS/EIR to the proposed crossings.

27. The comparative costs of grade separating the proposed at-grade crossings subject to this decision are not practicable.

28. CPSD staff has reviewed all of the crossings subject to this decision and has no unresolved issues.

29. Grade separations are not practicable with respect to the 26 at-grade crossings authorized in this decision.

30. Expo Authority is responsible for all crossing construction costs.

31. The crossings must be adequately maintained.

32. It is reasonable that the authority to construct the crossings subject to this decision be in effect for a period of three years.

33. The subject crossings are assigned the Commission crossing identification numbers described herein.

34. MTA is the lead agency for compliance with CEQA.

35. The Commission is a responsible agency under CEQA for these projects and has reviewed and considered MTA's environmental documentation upon which the MTA relied in adopting its findings.

36. The Final EIS/EIR prepared by MTA is adequate for the purposes of our review as a responsible agency under CEQA.

37. MTA made adequate public notice of the Draft EIS/EIR and the Final EIS/EIR.

38. The Final EIS/EIR was released for comment on October 14, 2005.

39. The California Department of Fish and Game filed a Finding of Exemption regarding the project with the Los Angeles County Clerk on December 15, 2005.

40. The MTA Board certified the Final EIS/EIR on December 15, 2005; and filed its Notice of Determination, Record Number 05 0018166, with the Los Angeles County Clerk on December 16, 2005.

41. In consideration of applicable federal environmental rules, the Final EIS/EIR addresses the requirements of NEPA.

42. In compliance with NEPA, the FTA issued a Record of Decision approving the project, and the Final EIS/EIR, on February 27, 2006.

43. As discussed herein, the Final EIS/EIR adequately addresses the unavoidable significant environmental impacts related to the construction phase of the project.

44. As discussed herein, the Final EIS/EIR, in its Mitigation, Monitoring and Reporting Plan, adequately addresses the measures to be taken to that when implemented will reduce any other potentially significant environmental impacts to less than significant.

45. The Final EIS/EIR meets the requirements of CEQA.

46. This proceeding is properly categorized.

Conclusions of Law

1. Authorization to construct all of the 26 proposed at-grade crossings requested in A.06-12-005, A.07-01-004, A.07-01-017, A.07-01-044, A.07-02-007, A.07-02-017, A.07-03-004, and A.07-05-012 should be approved.

2. Authorization to construct all of the proposed grade-separated crossings requested in A.06-12-020, except for the proposed pedestrian tunnel grade-separated crossing at Harvard Blvd., should be approved.

3. The subject applications should be consolidated into a single proceeding.

4. The proposed crossing warning devices for the crossings approved today are adequate for the projected traffic.

5. As the responsible agency for environmental review under CEQA, the Commission should approve the Final EIS/EIR for the Expo Line project.

6. There is no need for an evidentiary hearing regarding the 36 crossings approved in today's decision.

7. The protests filed by ECU regarding the crossings approved in today's decision should be denied.

8. The motion for reconsideration of the Scoping Memo filed by NFSR should be denied.

9. All other motions regarding the crossings approved today previously not addressed should be denied.

10. Authorization to construct the crossings subject to today's decision should be granted as set forth in the following order.

INTERIM ORDER

IT IS ORDERED that:

1. The Exposition Metro Line Construction Authority (Expo Authority) is authorized to construct all of the 26 at-grade crossings requested in Application (A.) 06-12-005, A.07-01-004, A.07-01-017, A.07-01-044, A.07-02-007, A.07-02-017, A.07-03-004, and A.07-05-012.

2. Expo Authority further is authorized to construct all of the grade-separated crossings requested in A.06-12-020, except for the proposed pedestrian tunnel crossing at Harvard Boulevard.

3. The ten captioned applications are consolidated into a single proceeding.

4. Commission identification numbers for the 36 new crossings shall be:

Application	At-Grade Crossing	Crossing Number
A.06-12-005	Jefferson Blvd.	84S-101.00
	Adams Blvd.	84S-100.50
	23rd Street	84S-100.30
A.07-01-004	7th Ave.	84S-103.80
	11th Ave./Degnan Blvd.	84S-104.10
	Buckingham Road	84S-104.70
A.07-01-017	Trade Tech driveway Diesel Technology #6	84S-100.20
	Trade Tech driveway Parking Lot #7	84S-100.26
A.07-01-044	Washington Blvd.	84S-100.03
	23rd Street Station Pedestrian Crossing	84S-100.43-D
	Denker Ave.	84S-102.60
	Rodeo Road/Gramercy Place	84S-103.10
A.07-02-007	Raymond Ave.	84S-102.20
	Normandie Ave.	84S-102.40
	Halldale Ave.	84S-102.50
	Western Ave.	84S-102.90
	Crenshaw Blvd.	84S-104.40
A.07-02-017	Arlington Ave.	84S-103.40
	Hauser Blvd.	84S-106.10
A.07-03-004	28th Street	84S-100.60

	I-110 HOV On-Ramp	84S-100.66
	30th Street	84S-100.80
A.07-05-012	Trousdale Parkway Pedestrian Crossing	84S-101.60-D
	Watt Way	84S-101.70
	Menlo Ave	84S-101.80
	Vermont Ave.	84S-101.90
	Grade Separated Crossing	
A.06-12-020	I-110 Harbor Freeway Underpass	84S-100.48-B
	Flower Street / Exposition Blvd.	84S-101.20-A
	Figueroa Street	84S-101.30-A
	Pardee Way	84S-101.40-A
	Park Access Driveway	84S-105.50-B
	La Brea Ave.	84S-105.60-B
	Parking Structure Driveway	84S-106.48-B
	La Cienega Blvd.	84S-106.50-B
	Jefferson Blvd./ National Blvd.	84S-106.80-B
	Eastham Drive Pedestrian Walkway	84S-106.82-AD

5. All crossing construction and related activities shall conform to applicable Commission rules, including General Orders 143-B and 75-D.

6. The crossings shall be adequately maintained as set forth in the Master Cooperative Agreement between Expo Authority, the Los Angeles County Metropolitan Transportation Agency, and the City of Los Angeles.

7. This authorization shall expire if not exercised within three years unless the Commission grants an extension. The authorization may be

revoked or modified if public safety, convenience or necessity so requires.

8. Within 30 days after completion of the authorized construction, Expo Authority shall submit a completed Commission Form G (Report of Changes at Highway Grade Crossings and Separations) to the Commission's Consumer Protection and Safety Division Staff. Each Form G submitted shall include a statement regarding any applicable required environmental mitigation measures.

9. The protests of Expo Communities United regarding the crossings authorized by this decision are denied.

10. The motion for reconsideration of the Scoping Memo and Ruling filed by Neighbors for Smart Rail is denied.

11. All other motions regarding the crossings authorized today previously not addressed are denied.

12. This consolidated proceeding remains open to address further A.07-05-013 and A.06-12-020.

This order is effective today.

Dated _____, at San Francisco, California.

ATTACHMENT A

Filing Dates Related to Applications, Protests and Response in the Consolidated Proceeding of A.06-12-005 et al.

Application	Date Filed	Date Calendared	Protest/ Response Date	Expo Authority Reply Date
A0612005	12/6/06	12/12/06	1/8/07 – ECU 1/11/07- Jolles*	
A0612020	12/19/06	12/22/06	1/11/07 – ECU 1/17/07- Jolles*	
A0701004	1/2/07	1/5/07	2/5/07– Jolles* 2/6/07 – ECU	2/16/07
A0701017 Amendment Amendment	1/8/07 5/14/07 6/6/07	1/10/07 5/16/07 6/12/07	2/8/07 – CPSD# 2/9/07 – Jolles* 2/13/07 – ECU	2/20/07
A0701044 Amendment Amendment	1/24/07 5/18/07 6/6/07	1/29/07 5/22/07 6/12/07	2/22/07 – ECU	3/5/07
A0702007 Amendment	2/7/07 2/13/07	2/9/07 2/27/07	2/28/07 – ECU	3/22/07
A0702017	2/16/07	2/21/07	3/14/07 - ECU	4/2/07
A0703004	3/5/07	3/8/07	3/23/07 - ECU	
Expanded protest on all above apps.			5/1/07 - ECU	5/14/07
A0705012	5/8/07	5/15/07	6/15/07 - ECU	7/9/07
A0705013	5/8/07	5/15/07	7/3/07- NFSR + 6/15/07-ECU	7/13/07 7/9/07

* Jolles withdrew as a protestant on August 27, 2007
\# CPSD withdrew its protest on June 25, 2007
\+ NFSR filed a formal Response.

(END OF ATTACHMENT A)