

**Decision 00-12-007 December 07, 2000****BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application for the Los Angeles to Pasadena Metro Blue Line Construction Authority for an order authorizing the construction of two light rail transit tracks at separated grade above Cesar E. Chavez Avenue, LAUPT private passenger car tracks to southeasterly bound lanes of Vignes Street, Main Street, westbound lanes of Alpine Street, Alameda Street, Bruno Street and College Street in the City of Los Angeles, Los Angeles County

Application 00-04-022  
 (Filed April 12, 2000  
 Supplemented  
 September 26, 2000)

**OPINION****Summary**

Los Angeles to Pasadena Metro Blue Line Construction Authority (Authority), acting for and on behalf of Los Angeles County Metropolitan Transportation Authority (MTA), requests authority to construct two light rail tracks at separated grades above Cesar E. Chavez Avenue, Los Angeles Union Passenger Terminal (LAUPT) private passenger car tracks, southeasterly bound lanes of Vignes Street, Main Street, westbound lanes of Alpine Street, Alameda Street, Bruno Street and College Street in City of Los Angeles, Los Angeles County.

**Discussion**

Los Angeles to Pasadena Metro Blue Line (Line) will run approximately 13.6 miles from Los Angeles to Pasadena, and will be similar to the Los Angeles to Long Beach Blue Line, which has been in operation since 1990. This

application is for 8 crossings of the approximately 72 public crossings of which 29 will be at-grade, the remainder of the crossings will be subject of subsequent applications. The Line will begin at LAUPT, which is the largest train station in Southern California, serving Amtrak inter-city trains, Metrolink commuter trains, and the Red Line subway. From LAUPT it will run on aerial construction on exclusive right-of-way northward along Vignes Street and across intervening streets to a location north of College Street and east of Broadway. These grade separations are the subject of this application. The Line will transition from aerial structure to ground level and continue northward on exclusive right-of-way to the approach of a new reinforced concrete bridge constructed across the Los Angeles River and the railroads that exist on its west and east banks in accordance with Decisions (D.) 95-02-030 dated February 8, 1995 (A. 94-08-034) and D. 95-01-043 dated January 24, 1995 (A. 94-08-051). The Line will continue on exclusive right-of-way across the new bridge and northward along the former right-of-way of The Atchison Topeka and Santa Fe Railway Company's (AT&SF) Pasadena Subdivision, now owned by the Authority, to Avenue 33 in Los Angeles. Then it will continue northward on approximately 1.9 miles of semi-exclusive right-of-way in the City of Los Angeles. It will transition to street-running alignment along Marmion Way for approximately one half mile in the City of Los Angeles, then continue on approximately 4.2 miles of semi-exclusive right-of-way in the cities of Los Angeles and South Pasadena to across Del Mar Boulevard in the City of Pasadena. Included in this segment is the Arroyo Seco Bridge across State Route 110, subject of D. 95-09-067 dated September 7, 1995 (A.94-11-027). The Line will continue northward on exclusive right-of-way for approximately 5 miles to the median of the I-210 Freeway and eastward within the median to the eastern boundary of the City of Pasadena.

The Los Angeles County Metropolitan Transportation Authority (MTA) was created by the legislature pursuant to PU Code Section 130050.2 to be the successor agency to the Southern California Rapid Transit District (SCRTD) and the Los Angeles County Transportation Commission (LACTC), which ceased to exist as of April 1, 1993.

The Los Angeles to Pasadena Metro Blue Line Construction Authority (Authority) was created by the legislature pursuant to Section 132400 et seq. Of the Public Utilities Code (PU Code) to award and oversee all design and construction contracts for the completion of the Los Angeles to Pasadena Metro Blue Line Light Rail Project. Pursuant to Sections 132425 and 132430 of the PU Code, MTA has transferred to the Authority all real and personal property, and other assets, as well as unencumbered balance of all local funds accumulated for completion of the project. Upon completion of the Line it will be deeded to MTA for operation and maintenance.

MTA is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. After preparation and review of a Revised Draft Environmental Impact Report (EIR) for the Pasadena to Los Angeles Metro Blue Line Project in November 1989, LACTC approved the Final EIR in February 1990. Due to alterations in the project, a Draft Supplemental EIR was prepared in September 1992, with the Final Supplemental EIR approved in January 1993. Further revisions led to a second Draft Supplemental EIR in March 1994, and finally Findings and Statement of Overriding Consideration in May 1994.

The Authority and MTA will adopt mitigation measures to reduce adverse environmental impacts on noise and vibration, housing, transportation / circulation, public services and safety, human health, cultural resources, and other issues. The benefits of a safe and efficient light rail transit system,

improved transportation mobility in the Pasadena to Los Angeles Corridor, a reduction of overcrowding and traffic congestion on local freeways, and other benefits will outweigh the remaining adverse effects.

The Commission is a responsible agency for this project under CEQA, and has reviewed and considered the lead agency's environmental documentation, including the Final EIR and Statement of Overriding Consideration. The site of the proposed project has been inspected by the Commission's Rail Safety and Carrier Division — Rail Crossings Engineering Section staff. Staff examined the need to construct the proposed Line, as indicated in the Exhibits attached to the application, and recommends that the application be approved.

On May 10, 2000, a group called Citizens Against the BLAG (Blue Line At-Grade) filed a document titled "Protest of Citizens Against the BLAG to Application No. 00-04-022". Even though this document was titled a protest, its language indicates that it does not protest this application. The following citation is from page 4 of this filing:

*While NO BLAG does not specifically oppose the construction of the eight separated-grade crossings proposed by the Authority in A. 00-04-022 on technical or factual grounds, NO BLAG does now inform the Commission of its vigorous opposition to the plans of the Authority to seek Commission approval to construct three at-grade crossings in Pasadena...*

*Furthermore, NO BLAG submits that there are legal deficiencies in the environmental review cited by the Authority in support of A. 00-04-022 -- at least to the extent the Authority intends to cite such environmental review in support of any request for Commission approval of any proposed at-grade crossing.*

Staff has had oral communications with representatives of Citizens Against the BLAG, who have confirmed that they do not protest this application.

The application as originally filed with the Commission did not include a legal description of the location of the proposed crossing as required by Rules 38-41 of the Commission's Rules of Practice and Procedure, which relate to applications to construct, alter or abolish railroad crossings. On page 6 of the application the following reasons are given for not including a legal description:

*The Authority submits that any benefits derived from the preparation of legal description for the right-of-way for each of the proposed grade separated crossings subject of this application would be overcome by the burden of preparation, duplication and review. The Authority and LACMTA agree to furnish Commission staff the required base property and survey control drawings that show property lines and other relevant information.*

Staff did not agree with the arguments made in the above citation, and required that the Authority file a legal description. On September 26, 2000, the Authority did file the required documents.

After the filing of a legal description, the application was found to be in compliance with the Commission's filing requirements, including Rules 38 through 41 of the Rules of Practice and Procedure. A site map of the grade crossing is as shown on plans attached to the application and Appendix A.

In Resolution ALJ 176-3038, dated May 4, 2000, and published in the Commission's Daily Calendar on May 10, 2000, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no hearings were held, this preliminary determination remains accurate. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3038.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311 (g) (2), the otherwise applicable 30-day period for public review and comment is being waived.

**Findings of Fact**

1. Notice of the application was published in the Commission Daily Calendar on April 25, 2000.

2. Los Angeles to Pasadena Metro Blue Line Construction Authority (Authority) requests authority, under Public Utilities Code Sections 1201-1205, to construct two light rail tracks at separated grades above Cesar E. Chavez Avenue, Los Angeles Union Passenger Terminal (LAUPT) private passenger car tracks, southeasterly bound lanes of Vignes Street, Main Street, westbound lanes of Alpine Street, Alameda Street, Bruno Street and College Street in City of Los Angeles, Los Angeles County.

3. Construction of the proposed project is an essential element in the construction of the Los Angeles to Pasadena Metro Blue Line light rail transit project.

4. Public convenience, necessity and safety require the construction of the proposed light rail tracks at separated grades.

5. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's Final Environmental Impact Report, (FEIR) supplements to the FEIR and the statement of overriding considerations.

6. The Los Angeles to Pasadena Metro Blue Line light rail transit project will have a significant effect on the environment; however, mitigation measures taken by the Authority and MTA in noise and vibration, housing,

transportation/circulation, and other issues will reduce the severity of the adverse impacts to acceptable levels.

7. A Statement of Overriding Considerations was adopted for the project

8. Transit improvements are an integral part of the Regional Air Quality Management Plan.

9. A shift from auto to rail transit would be beneficial to the Los Angeles Metropolitan Area.

10. The Project is in conformance with applicable local improvement and regional transportation plans. This project will be part of the countywide rail transit system mandated by Proposition A, and will thereby provide alternative means of transportation during fuel crises and increased future traffic congestion.

### **Conclusions of Law**

1. There are no unresolved matters or protests; a public hearing is not necessary.

2. The application should be granted as set forth in the following order.

## **O R D E R**

### **IT IS ORDERED** that:

1. Los Angeles to Pasadena Metro Blue Line Construction Authority (Authority) is authorized to construct two elevated light rail tracks at separated grades to be identified as follows: Cesar E. Chavez Avenue Crossing 84P 3.21-B; Los Angeles Union Passenger Terminal (LAUPT) private passenger car tracks Crossing 84P 3.35-TB; southeasterly bound lanes of Vignes Street Crossing 84P 3.40-B; Main Street Crossing 84P 3.54-B; westbound lanes of Alpine Street Crossing 84P 3.55-B; Alameda Street Crossing 84P 3.62-B; Bruno Street Crossing

84P 3.66-B; and College Street Crossing 84P 3.71-B in City of Los Angeles, Los Angeles County

2. Clearances and walkways shall be in accordance with General Order (GO) 143-A.

3. Construction and maintenance costs shall be borne in accordance with the agreement titled *Master Cooperative Agreement for the Los Angeles to Pasadena Metro Blue Line by and between the City of Los Angeles and the Los Angeles to Pasadena Metro Blue Line Construction Authority*, date June 13, 2000.

4. Within 30 days after completion of the work under this order, Authority shall notify the Commission in writing that the authorized work was completed.

5. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

The application is granted as set forth above.

Application 00-04-022 is closed.

This order is effective 30 days from today.

Dated December 07, 2000, at San Francisco, California.

LORETTA M. LYNCH  
President  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
RICHARD A. BILAS  
CARL W. WOOD  
Commissioners

# Los Angeles to Pasadena Metro Blue Line



