

Decision 09-10-013 October 15, 2009

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

Pasadena Avenue Monterey Road Committee,

Complainant,

vs.

Los Angeles County Metropolitan Transportation Authority, the Los Angeles to Pasadena Metro Blue Line Construction Authority, now known as Metro Gold Line Foothill Extension Construction Authority, and the City of South Pasadena,

Defendants.

Case 06-10-015  
(Filed October 10, 2006)

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

Public Utilities Code Section 1701.2(d) provides that adjudicatory cases, such as this one, shall be resolved within 12 months of initiation unless the Commission makes findings as to why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline for resolving the complaint is October 9, 2009. However, additional time is necessary for the presiding officer's decision to be issued for the reasons stated below. Therefore, this order extends the time for completion of this proceeding until October 11, 2010.

No anticipated costs of this extension of time are foreseen.

## **Background**

This proceeding involves a complaint filed by the Pasadena Avenue Monterey Road Committee, alleging that Defendants have failed to comply with a number of measures required by the settlement agreement approved by the Commission in Decision (D.) 05-02-032, and modified in D.05-09-040 (the Settlement Agreement). These measures were required in order to mitigate noise caused by the operations of the Gold Line light rail system (Gold Line) and to improve safety at two crossings located in the City of South Pasadena (City).

As required by the scoping ruling and the orders of the assigned Administrative Law Judge (ALJ) in this case, Defendants have filed regular status reports regarding their progress toward implementation of the Settlement Agreement. The most recent status reports were filed in August 2009. Although Defendants have made substantial progress toward completion of the mitigation measures, some of the mitigation measures, most significantly the reconfiguration of the two light rail crossings located in the City, have not yet been completed due to problems with bidding for one of the crossings and the time required for regulatory approvals and design of the projects.

Defendant Metro Gold Line Foothill Extension Construction Authority (Construction Authority) has estimated that the Mission Street/Meridian Avenue crossing may be completed by the end of this year. As of May 2009, Defendant City estimated that work on the Glendon Way/El Centro crossing may be completed by early 2010.

Complainants have raised legal issues regarding whether certain mitigation measures completed by Defendants adequately reduce noise resulting from the operations of the Gold Line to the levels required by the Settlement Agreement. In addition, City and Complainants have raised issues regarding Construction Authority's claim that sufficient project funds are not available to complete all of the sound walls described in the Settlement Agreement.<sup>1</sup>

### **Discussion**

Based on the history of this case, additional time is needed to complete this proceeding so that the Commission may continue to monitor Defendant's progress on reconfiguration of the two crossings in order to ensure that these projects are completed as promptly as possible in order to serve the public interest, and additional time is also needed to resolve the additional issues raised by the parties.

Based on the current status of the case, this proceeding cannot be completed by October 9, 2009. An extension time for an additional 12 months is necessary for resolution of this matter.

### **Waiver of Comments**

Under Rule 14.6(c) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of draft decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to Rule 14.6(c)(4), the otherwise applicable Public Utilities

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<sup>1</sup> City and Construction Authority assert that the sound walls not completed are not mandatory mitigation measures, but were to be constructed if sufficient surplus revenues were available to fund these items.

Code Section 1701.2(d) statutory deadline for public review and comment is being waived.

### **Findings of Fact**

1. This proceeding was initiated on October 10, 2006.
2. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before October 9, 2009, unless this date is extended.
3. In D.06-10-015, the Commission extended the time for completion of this proceeding, based on issues raised by the parties and the need for additional time for Defendants to complete the mitigation measures ordered in D.05-02-032, as modified in D.05-09-040, until October 9, 2008.
4. In D.08-10-009, the Commission extended the time for completion of this proceeding, based on issues raised by the parties and the need for additional time for Defendants to complete the mitigation measures ordered in D.05-02-032, as modified in D.05-09-040, until October 9, 2009. The Commission noted that although Defendants had made substantial progress, additional time was needed to complete the mitigation measures.
5. Although Defendants have continued to make substantial progress toward completion of the mitigation measures, additional time is needed for the issuance of the presiding officer's decision because of the complexity of this matter; the need for the Commission to monitor Defendants' completion of the mitigation measures, particularly the reconfiguration of two crossings located in the City; and to consider other issues raised by the parties.

**Conclusion of Law**

The 12-month statutory deadline imposed by Public Utilities Code Section 1701.2(d) should be extended until this proceeding is resolved.

**IT IS ORDERED** that the 12-month statutory deadline in this proceeding, October 9, 2009, is extended for an additional 12 months, until October 11, 2010.

This order is effective today.

Dated October 15, 2009, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
DIAN M. GRUENEICH  
JOHN A. BOHN  
RACHELLE B. CHONG  
TIMOTHY ALAN SIMON  
Commissioners