

Decision 07-11-012 November 1, 2007

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

In the Matter of the Application of the Los Angeles to Pasadena Metro Blue Line Construction Authority (dba Metro Gold Line Foothill Extension Construction Authority) for an order authorizing the construction of two light rail transit tracks at a grade-separated crossing at **Rosemead Boulevard** in the City of Pasadena and at **Michillinda Avenue**, which straddles the boundary between the Cities of Pasadena and Arcadia, County of Los Angeles, California.

Application 07-03-015  
(Filed March 16, 2007)

**OPINION GRANTING AUTHORITY TO CONSTRUCT TWO GRADE-SEPARATED METRO GOLD LINE LIGHT RAIL TRANSIT TRACK CROSSINGS AT ROSEMEAD BOULEVARD IN THE CITY OF PASADENA AND MICHILLINDA AVENUE IN THE CITIES OF PASADENA AND ARCADIA, LOS ANGELES COUNTY**

**Summary**

This decision grants the Los Angeles to Pasadena Metro Blue Line Construction Authority (Construction Authority), doing business as the Metro Gold Line Foothill Extension Construction Authority, permission to construct two light rail transit (LRT) tracks across two grade-separated crossings over Rosemead Boulevard (CPUC Crossing No. 084P-14.0-B) in the City of Pasadena and Michillinda Avenue (CPUC Crossing No. 084P-

14.4-B) which is on border of the City of Pasadena and the City of Arcadia, Los Angeles County.

## **Discussion**

### Proposed Project

The two grade-separated crossings are part of the Los Angeles County Metropolitan Transportation Authority's (LACMTA) Metro Gold Line Foothill Extension Light Rail project (Gold Line Phase II project), which will be approximately 24 miles in length and be constructed in two segments. This first segment, Segment A, will begin at the east end of the Sierra Madre Village Station and extend approximately 11.7 miles to the Azusa-Citrus Station in the City of Azusa. Once completed, LACMTA will operate and maintain the two tracks in Segment A of the Gold Line Phase II.

### Environmental Review

The California Environmental Quality Act of 1970 (CEQA, as amended, Public Resources 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 the Public Utilities 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.<sup>1</sup> Here, the Construction Authority 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.<sup>2</sup>

The Construction Authority prepared a combined Final Environmental Impact Statement/Report (FEIS/R) for Segment A of Phase II of the project to comply with the National Environmental Policy Act (NEPA) (42 U.S.C. Section 4321 et seq.) and CEQA. The Construction Authority certified the FEIS/R on February 13, 2007.

The FEIS/R identifies "significant" impacts to Noise and Vibration, and Traffic and Transportation, among others.

Impacts to Noise and Vibration consist of construction period impacts and long-term impacts. Construction period noise and vibration impacts are reduced to "less than significant" by adhering to local noise requirements for each City in which construction takes place, and by employing typical best management practices. Long-term noise impacts are reduced to "less than significant" by employing mitigation measures consisting of constructing noise barriers, and applying building sound

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<sup>1</sup> CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

<sup>1</sup> CEQA Guidelines, Sections 15050(b) and 15096.

insulation. Long-term vibration impacts are reduced to “less than significant” by employing mitigation measures consisting of using vibration reducing materials such as rubber ballast mats and shredded tire or recycled rubber chip underlay, and relocating track crossovers or performing special track work.

Impacts to Traffic and Transportation consist of construction period impacts and long-term impacts. Construction period impacts are reduced to “less than significant” by employing mitigation measures consisting of transit bus rerouting, night-time street and lane closures, and using designated haul routes for trucks. Long-term impacts are reduced to “less than significant” by employing mitigation measures consisting of signalizing affected intersections, modifying existing signalized intersections, increasing the number of vehicle lanes at some intersections, and establishing a system-wide traffic signal coordination and synchronization program.

The Commission reviewed and considered the lead agency’s FEIS/R and finds it adequate for our decision-making purposes.

### **Filing Requirements and Staff Recommendation**

The application is in compliance with the Commission’s filing requirements, including Rule 3.11 of Rules of Practice and Procedure, which relates to the construction of LRT crossings.

The Commission’s Consumer Protection and Safety Division – Rail Crossings Engineering Section has reviewed and analyzed the plans submitted with the application, and recommends that the Commission grant the Construction Authority’s request.

### **Categorization and Need for Hearings**

In Resolution ALJ 176-3190, dated April 12, 2007, and published in the Commission Daily Calendar on April 13, 2007, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. Given these developments, it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3190.

### **Waiver of Comment Period**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

### **Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. Notice of the application was published in the Commission's Daily Calendar on March 20, 2007. There are no unresolved matters or protests; a public hearing is not necessary.
2. The Construction Authority requests authority to construct two grade-separated LRT track crossings over Rosemead Boulevard and Michillinda Avenue.
3. The Construction Authority is the lead agency for this project under CEQA, as amended.
4. The Construction Authority prepared an FEIS/R for this project pursuant to CEQA and NEPA.

5. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's FEIS/R.

**Conclusions of Law**

1. The FEIS/R prepared by the Construction Authority as the documentation required by CEQA and NEPA for the project is adequate for our decision-making purposes.

2. The application is uncontested and a public hearing is not necessary.

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

**ORDER**

**IT IS ORDERED** that:

1. The Los Angeles to Pasadena Metro Blue Line Construction Authority (Construction Authority), doing business as the Metro Gold Line Foothill Extension Construction Authority, is authorized to construct two grade-separated light transit tracks over Rosemead Boulevard (CPUC Crossing No. 084P-14.0-B) in the City of Pasadena and Michillinda Avenue (CPUC Crossing No. 084P-14.4-B) on the border of Cities of Pasadena and Arcadia, Los Angeles County, at the location and substantially as described in the application.

2. Within 30 days after completion of the two grade-separated crossings, Construction Authority shall notify the Commission's Rail Crossing Engineering Section (RCES) that the authorized work is completed by submitting a completed Commission Standard Form G titled *Report of Changes at Highway Grade Crossings and Separations*.

3. 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.

4. A request for extension of the three-year authorization period must be submitted to RCES at least 30 days before the expiration of that period. A copy of the request must be sent to all interested parties.

5. This application is granted as set forth above.

6. Application 07-03-015 is closed.

This order becomes effective 30 days from today.

Dated November 1, 2007, at San Francisco, California.

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