

Decision 08-10-009 October 2, 2008

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Pasadena Avenue Monterey Road Committee,

Complainant,

vs.

Los Angeles County Metropolitan Transportation Authority; Los Angeles to Pasadena Metro Blue Line Construction Authority, now known as Metro Gold Line Foothill Extension Construction Authority; and 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 why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline for resolving the complaint, as previously extended by Decision (D.) 07-10-010, is October 9, 2008. However, additional time is necessary for the presiding officer's decision to be issued for the reasons stated below.

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 D.05-02-032, and modified in D.05-09-040. These measures were required in order to mitigate noise caused by the operations of the Gold Line light rail system and to improve safety at two crossings located in the City of South Pasadena.

Pursuant to orders of the assigned Administrative Law Judge (ALJ), the parties have met among themselves and with the Commission's Rail Safety Division to discuss the status of the mitigation measures and have completed some of the mitigation measures. Although Defendants have made substantial progress, not all of the required mitigation measures have been completed. In order to ensure compliance with the Settlement Agreement and to allow sufficient time for completion of the mitigation measures, additional time is needed to resolve this proceeding.

Discussion

Based on the current status of the case, this proceeding cannot be completed by October 9, 2008. 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 77.7(f)(4), the otherwise applicable Public Utilities

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. 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 the parties to complete the mitigation measures ordered in D.05-02-032, as modified in D.05-09-040, until October 9, 2008.
3. Although the parties have made substantial progress toward completion of the mitigation measures, additional time is needed for the issuance of the presiding officer's decision, so that the Commission may continue to monitor the compliance of the parties with the settlement agreement approved in D.06-02-032, as modified by D.05-09-040, and to allow Defendants sufficient time to complete the mitigation measures.

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.

O R D E R

IT IS ORDERED that the 12-month statutory deadline in this proceeding, October 9, 2008, is extended for an additional 12 months until October 9, 2009.

This order is effective today.

Dated October 2, 2008, at San Francisco, California.

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