

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Consumer Protection and Safety Division  
Rail Transit and Crossings Branch

Resolution SX-84  
January 31, 2008

**RESOLUTION**

RESOLUTION SX-84 GRANTING AUTHORIZATION TO CARUSO AFFILIATED TO CONSTRUCT THREE AT-GRADE RAIL CROSSINGS, PURSUANT TO COMISSION GENERAL ORDER 164-D, OF THE AMERICANA AT BRAND TROLLEY LINE, IN THE CITY OF GLENDALE, LOS ANGELES COUNTY

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**SUMMARY:**

This resolution grants the request of Caruso Affiliated (Developer), authorization pursuant to Commission General Order (GO) 164-D to construct three at-grade rail crossings for the proposed Americana at Brand Trolley (ABT) line, located in the City of Glendale (City), County of Los Angeles.

**DISCUSSION:**

By a letter dated November 26, 2007, the Developer provided plans and requested authorization for ABT rail crossings. The letter mentions four crossings, however, one of the four crossings is contiguous to another crossing and we consider it as part of the adjacent crossing. The Developer also operates a similar trolley system at the Grove Shopping complex in the City of Los Angeles, and stated that the ABT will be similar in operation. The Developer pointed out that the trolley system at the Grove has been in operation for five years and has had no reported accidents. ABT line is planned to serve as an amusement ride to the residents and visitors of the Americana at Brand complex, which is currently under construction as a mixed-use development including shopping areas and residential units. The trolleys are proposed to run on a single closed loop track around the development at a maximum speed of 3 to 5 miles per hour, 30 to 40 times a day.

GO 164-D is titled "Rules and Regulations Governing State Safety Oversight of Rail Fixed Guideway Systems." Section 10 of the GO provides rules for authorizing at-grade crossings on fixed guideway systems, such as the ABT.

The following serves as a timeline of the project.

- October 19, 2006, Rail Transit and Crossings Branch (RTCB) met with the Developer for a concept meeting.
- November 7, 2006, RTCB sent an email to the Developer advising they submit a letter that details the project and requests RTCB to state the level of jurisdiction the Commission would exert over the project.
- June 21, 2007, RTCB received a letter from the Developer as described above.
- August 3, 2007, RTCB Program Manager sent a letter to the Developer stating that authorization to construct the at-grade crossings would require Commission approval pursuant to GO 164-D.
- August 24, 2007, RTCB met with DMJM+Harris (consultant for the Developer) to discuss the proposed trolley alignment, the design of the at-grade crossings, and type of warning devices.
- October 4, 2007, DMJM+Harris sent RTCB a draft letter requesting authorization pursuant to GO 164-D for the at-grade crossings. The draft letter incorporated the recommendations made by RTCB during the August 24, 2007 meeting. RTCB provided comments to DMJM+Harris on their draft letter.
- November 30, 2007, RTCB received the Developer's letter (dated November 26, 2007) requesting authorization pursuant to GO 164-D to construct the crossings.

As required by Section 10 of GO 164-D, the Developer provided RTCB with a report identifying identified hazards at the crossings and proposed mitigation measures, which include warning devices and signage. The report lists the following proposed crossings and warning devices.

#### Harvard Street

- The trolley will only cross four times a day at Harvard to go into storage barn.
- The Developer will provide flagmen to control traffic when the trolley goes into and out of the barn.
- The Developer will install "Stop for Trolley" signs on each direction of traffic.

#### Brand Blvd. & Excelsior Street

- The Developer and/or City will install traffic signals at the intersection of Brand Blvd. and Excelsior.
- The Developer will install a trolley-activated right-turn prohibition blank out sign, identified as Standard R3-1 in the California Manual of Traffic Control Devices (CA MUTCD). This device sign will indicate a pictorial no right-turn sign, when an approaching trolley is detected by the track circuitry.
- The Developer will install speed limit signs and speed bumps along Excelsior Street.

-The Developer and/or City will install median barriers on Brand Blvd. to prohibit left turns from Excelsior Street onto Brand Blvd. and from Brand Blvd. onto Excelsior Street.

Excelsior Street & Orange Street

- The Developer will install "Caution Trolley" sign along northbound Orange Street.
- The Developer will install signs on Excelsior Street to direct traffic to drive behind trolley.

As a responsible agency under the California Environmental Quality Act (CEQA), the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project. The City of Glendale Redevelopment Agency is the Lead Agency for the project. The City adopted a Mitigated Negative Declaration in certifying the Final Environmental Impact Report (EIR), State Clearinghouse No. 3003091114, in April 2004. The City issued Addendum No. 4 to the Final EIR for the Americana at Brand dated August 2007, to analyze the impacts resulting from recent design refinements (which they refer to as Minor Modification Project No.3) made subsequent to certification of the EIR, including addition of the trolley system that will circulate through the project. The Addendum identifies several impacts relating to the cumulative design refinements, however none of the identified impacts specifically related to the trolley or its crossings, and all impacts were mitigated to less-than-significant levels through implementation of mitigation measures.

The Addendum states:

This Addendum to the previously certified Final EIR for the approved project has been prepared because the evaluation of the design changes reflected in Minor Modification Project No.3 does not give rise to any of the circumstances requiring a subsequent or supplemental EIR. (pp 1-2)

And further:

Specifically as discussed herein this Addendum shows that (1) No substantial changes are proposed, or have occurred, in the approved Project, which will require major revisions to the previously certified Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, (2) No substantial changes are proposed or have occurred with respect to the circumstances under which the Project is undertaken which will require major revisions to the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and (3) No new information concerning Minor Modification Project No.3 results in any new or more severe significant effects not discussed or shown in the previously certified Final EIR. (pp 1-3)

The Commission reviewed and considered the lead agency's Addendum No. 4 to the Final EIR for the Americana at Brand and finds it adequate for our decision-making purposes.

This is an uncontested matter in which the resolution 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.

**FINDINGS:**

1. Section 10 of GO 164-D provides rules for authorizing at-grade crossings of fixed guideway systems, such as ABT.
2. The Developer, by letter dated November 26, 2007, requests authorization, pursuant to GO 164-D, to construct the following at-grade crossings: 1) Harvard Street, 2) Brand Blvd. & Excelsior Street, and 3) Excelsior Street & Orange Street, in the City of Glendale, Los Angeles County.
3. The Developer will own and operate ABT.
4. RTCB has reviewed the plans and the hazard analysis report for the at-grade crossings submitted by the Developer, and recommends Commission approve the project.

**THEREFORE, IT IS ORDERED THAT:**

1. Pursuant to Commission General Order 164-D, Caruso Affiliated (Developer) is authorized to construct the following three at-grade crossings:
  - a) Harvard Street (identified as CPUC Crossing No. 126-0.01)
  - b) Brand Boulevard & Excelsior Street (identified as CPUC Crossing No. 126-0.06)
  - c) Excelsior Street & Orange Street (identified as CPUC Crossing No. 126-0.12)
2. The warning devices as described above shall be installed at the at-grade crossings.
3. Developer shall comply with all applicable rules, including Commission General Orders and California Manual on Uniform Traffic Control Devices.
4. Within 30 days after completion of the project, the Developer shall notify the Commission's Rail Crossings 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*.
5. This authorization shall expire if not exercised within two 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.
6. A request for extension of the two-year authorization period must be submitted to RCES at least 30 days before the expiration of that period.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted by the Commission at its regularly scheduled meeting on January 31, 2008. The following Commissioners voted favorably thereon.

/s/ PAUL CLANON

PAUL CLANON  
Executive Director

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