

Decision _____

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 authority to construct one light rail transit track at an at-grade pedestrian crossing at the **Azusa-Citrus Light Rail Transit Station**, in the City of Azusa in the County of Los Angeles, California.

Application 07-08-022
(Filed August 24, 2007)

**OPINION GRANTING PERMISSION TO METRO GOLD LINE FOOTHILL
EXTENSION CONSTRUCTION AUTHORITY TO CONSTRUCT AN AT-
GRADE PEDESTRIAN CROSSING AT THE PROPOSED AZUSA-
CITRUS STATION OF METRO GOLD LINE IN THE CITY OF AZUSA,
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 an at-grade pedestrian-light rail transit (LRT) crossing at the proposed Azusa-Citrus Station of the Metro Gold Line in the City of Azusa, Los Angeles County, to be identified as CPUC Crossing No. 084P 25.01-D.

DiscussionProposed Project

The Construction Authority was created by the Legislature pursuant to Section 132400 et seq. of the Public Utilities Code to award and oversee all design and construction contracts for the completion of the Gold Line, which will be owned and operated by the Los Angeles County Metropolitan Transportation Authority.

Gold Line Phase I was completed in 2003 and travels approximately 13.6 miles from Los Angeles Union Station in downtown Los Angeles to Sierra Madre Villa Station in Pasadena, in Los Angeles County. Metro Gold Line Foothill Extension (Gold Line Phase II) will be constructed in two segments. The first segment, referred to as Segment A, will extend the line by 11.7 miles from Sierra Madre Villa Station to the Azusa-Citrus Station in the City of Azusa. The second segment, referred to as Segment B, will extend the line another 12.5 miles from Azusa-Citrus Station to the City of Montclair in San Bernardino County.

The proposed at-grade crossing at the Azusa-Citrus Station will provide access to the station platforms, and shall be equipped with two Commission Standard 8 (flashing light signal assembly) warning devices, four swing gates (a fence-type gate designed to swing open away from the track area and return to the closed position after the pedestrian has passed), and handrails and fencing to channelize pedestrians to the designated crossing. LOOK BOTH WAYS signs (referred to as Standard W82-1 (CA) in the California Manual on Uniform Traffic Control Devices) shall be installed on the swing gates and convex mirrors (intended to

compensate for sight-line restrictions) shall be installed, similar to the installation at the Metro Gold Line Del Mar Station in Pasadena.

Environmental Review and CEQA Compliance

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.¹ 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.²

The Construction Authority prepared a combined Final Environmental Impact Statement/Report (FEIS/R) for Segment A of Phase

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

² CEQA Guidelines, Sections 15050(b) and 15096.

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 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 light rail transit 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 176-3198, dated September 6, 2007, and published in the Commission Daily Calendar on September 7, 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 176-3198.

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 August 28, 2007. There are no unresolved matters or protests; a public hearing is not necessary.

2. The Construction Authority requests authority to construct an at-grade pedestrian-LRT crossing at the proposed Gold Line Azusa-Citrus Station.

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. 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 an at-grade pedestrian crossing at the proposed Gold Line Azusa-Citrus Station in the City of Azusa, Los Angeles County, at the location and substantially as described in the application. The crossing will include one light rail transit track to be identified as Crossing No. 084P-25.01-D.

2. The following safety measures shall be installed at the crossing:

- Two Commission Standard 8 (flashing light signal assembly) warning devices;
- Four swing gates, a fence-type gate designed to swing open away from the track area and return to the closed position after the pedestrian has passed;
- Handrails and fencing to channelize pedestrians to the designated crossing; and
- LOOK BOTH WAYS signs, referred to as Standard W82-1 (CA) in the California Manual on Uniform Traffic Control Devices (CA MUTCD) installed on the swing gates, and convex mirrors intended to compensate for sight-line restrictions shall also be installed, similar to the installation at the Metro Gold Line Del Mar Station in Pasadena.

3. Construction Authority shall comply with all applicable rules, including Commission General Orders and CA MUTCD.
4. Within 30 days after completion of the crossing, 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*.
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. A copy of the request must be sent to all interested parties.
7. This application is granted as set forth above.
8. Application 07-08-022 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.