

Decision 03-05-025 May 8, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Los Angeles to Pasadena Metro Blue Line Construction Authority authorizing the construction of two light rail transit tracks at-grade Pasadena Water and Power Private Crossing South of Glenarm Street MP 11.09 in the City of Pasadena, County of Los Angeles, California.

Application 02-11-005
(Filed November 4, 2002)

O P I N I O N

Summary

The Los Angeles to Pasadena Metro Blue Line Construction Authority (PBLCA), acting for and on behalf of Los Angeles County Metropolitan Transportation Authority (LACMTA), requests authority for a private at-grade highway-rail crossing across two light rail tracks of the Los Angeles to Pasadena Metro Gold Line (Gold Line). The Gold Line was formerly known as the Los Angeles to Pasadena Metro Blue Line, and it is currently under construction by PBLCA. The crossing will be located at milepost 11.09 of the Gold Line tracks, on the electric power generating plant property owned by the City of Pasadena Water and Power Department (PWP), in the City of Pasadena, Los Angeles County.

Discussion

LACMTA was created by the legislature pursuant to Public Utilities (PU) Code Section 130050.2 to be the successor agency to the Southern California

Rapid Transit District and the Los Angeles County Transportation Commission (LACTC), which ceased to exist as of April 1, 1993.

PBLCA was created by the legislature pursuant to Section 132400 et seq. of the PU Code to award and oversee all design and construction contracts for the completion of the Gold Line. Pursuant to Sections 132425 and 132430 of the PU Code, LACMTA transferred to PBLCA all real and personal property, and other assets, as well as unencumbered balance of all local funds accumulated for completion of the project. Upon its completion, the Gold Line will be deeded to LACMTA for operation and maintenance.

The Gold Line will run approximately 13.6 miles between Los Angeles Union Station in City of Los Angeles and the eastern boundary of City of Pasadena, and will be similar to the Los Angeles to Long Beach Metro Blue Line, which has been in operation since 1990.

PWP owns an electric power generating plant near the boundary of the cities of Pasadena and South Pasadena. The power plant property is bordered by Glenarm Street to the north, Fair Oaks Avenue to the west, State Route 110 freeway to the east, and State Street to the south, as shown in Appendix A. The Gold Line tracks will run between two parts of the PWP power plant property. PWP requested this crossing in order to have an access between the two parts, which is essential to the operation of the plant. The only other access routes between the two parts of the power plant are Glenarm Street to the north and State Street to the South.

According to PWP, primarily three types of small vehicles will be used to transport personnel and equipment between the two parts of the power plant: an electric cart, a forklift, and a carrydeck. Due to the design and operational characteristics of these vehicles, operating them on the roadways and sidewalks

of Glenarm or State Streets could pose a hazard to the public and PWP personnel. Furthermore, using State Street will significantly increase the travel distance between the parts of the plant.

There are concrete walls and security fencing surrounding both parts of the power plant. There are electric motor operated gates on each side of the access road. The gates will be designed and operated in such a manner as to prevent vehicles from getting trapped on or near the tracks. Additionally, two Commission Standard No. 9s (flashing light signals with automatic gates, as described in Commission General Order 75-C) will be installed, one on each approach to the crossing. PWP has agreed to provide its staff training on highway-rail crossing safety.

In the original plans for this crossing, the two tracks were at significantly different elevations. The plans showed that a vehicle traveling east to west would need to climb an upgrade first, travel at level grade over the first set of tracks, then go downgrade between the two tracks, travel at level grade over the second set of tracks, and then travel yet another downgrade.

The Rail Crossings Engineering Section (RCES) of the Commission's Consumer Protection and Safety Division (CPSD) expressed concerns regarding the original design, specifically the ability of the three vehicles listed above to safely maneuver through the crossing while transporting heavy loads. After various meetings and discussions, PBLCA agreed to reduce both the approach grades and the grade differential between the tracks. On March 12, 2003, tests were conducted using the three types of vehicles carrying maximum expected loads under both dry and wet surface conditions. Observations were made on the ability of these vehicles to safely maneuver through the crossing, and their ability to come to a sudden stop when the operator is made aware of an

approaching train. The tests were witnessed by staff from RCES, Rail Transit Safety Section of CPSD, PWP, City of Pasadena, and PBLCA. On March 26, 2003, PBLCA sent a letter to RCES reporting on the results of the tests. All tests were reported to be successful.

PBLCA and LACMTA are the lead agencies for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, as stated in Public Resources (PR) Code Section 21000 et seq. After preparation and review of a Revised Draft Environmental Impact Report (EIR) for the Los Angeles to Pasadena Metro Blue Line project in November 1989, LACTC approved the Final EIR in February 1990. Due to alterations in the project, a Draft Supplemental EIR was prepared in September 1992, with the Final Supplemental EIR approved in January 1993. Revisions led to a second Draft Supplemental EIR in March 1994, and a Findings and Statement of Overriding Consideration in May 1994. Furthermore on January 9, 2003, PBLCA filed a Notice of Exemption (NOE) for this crossing; a copy is included in Appendix B.

PBLCA and LACMTA will adopt mitigation measures to reduce adverse environmental impacts on noise and vibration, housing, transportation / circulation, public services and safety, human health, cultural resources, and other issues. The benefits of a safe and efficient light rail transit system, improved transportation mobility in the Los Angeles to Pasadena corridor, a reduction of overcrowding and traffic congestion on local freeways, and other benefits will outweigh the remaining adverse effects.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider that portion of the environmental consequences of a project within its area of expertise that is subject to its

discretionary approval. The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The Commission has reviewed and considered the lead agencies' environmental documentation. We are aware of no new information to suggest that the findings and conclusions in the Final EIR, Statement of Overriding Consideration, and finding of exemption by PBLCA and LACMTA are incorrect. Accordingly, we adopt the findings of the Final EIR, Statement of Overriding Consideration, and NOE for purposes of our project approval.

RCES inspected the site of the proposed crossing. After reviewing the need for and the safety of the proposed crossing, RCES recommends that PBLCA's request be granted.

The application is in compliance with the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure, which relates to the construction of roadways across railroad tracks. A site vicinity map of the proposed crossing is shown in the Application and in Appendix A attached to this order.

In Resolution ALJ 176-3099, dated November 7, 2002 and published in the Commission Daily Calendar on November 8, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed, this preliminary determination remains accurate. Given these developments a public hearing is not necessary, and it is not necessary to revise the preliminary determinations made in Resolution ALJ 176-3099.

The Gold Line is planned to start revenue operation in July 2003, and prior to that date detailed tests must be conducted on all aspects of the line. Therefore, time is of the essence, and PBLCA requests expedited approval of its request in

this proceeding. In order to expedite the process, this decision should be made effective immediately upon approval by the Commission, instead of the typical 30-day from approval.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. The Commission published a Notice of the Application in the Commission's Daily Calendar on November 6, 2002. There are no unresolved matters or protests; a public hearing is not necessary.

2. PBLCA requests authority to construct the PWP private at-grade highway-rail crossing across the Gold Line tracks in the City of Pasadena, Los Angeles County.

3. The proposed crossing will provide access between the two parts of the PWP power plant, which is essential to its operation.

4. LACMTA and PBLCA are the lead agencies for this project under CEQA, as amended.

5. The Commission is a responsible agency for this project, and has reviewed and considered the lead agencies' Final EIR, supplements to the Final EIR, Statement of Overriding Considerations, and NOE.

6. The Gold Line light rail transit project will have a significant effect on the environment; however, measures taken by PBLCA and LACMTA in mitigating negative impacts on noise and vibration, housing, transportation/circulation,

and other issues will reduce the severity of the adverse impacts to acceptable levels.

7. The benefits of a safe and efficient light rail transit system, improved transportation mobility in the Los Angeles to Pasadena corridor, a reduction of overcrowding and traffic congestion on local freeways, and other benefits will outweigh the remaining adverse effects.

8. The Gold Line is planned to start revenue operation in July 2003, and prior to that date detailed tests must be conducted on all aspects of the line. Therefore, time is of the essence, and PBLCA requests expedited approval of its request in this proceeding.

Conclusions of Law

1. There are no unresolved matters or protests; a public hearing is not necessary.
2. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. Los Angeles to Pasadena Metro Blue Line Construction Authority (PBLCA) is authorized to construct a private at-grade highway-rail crossing located at milepost 11.09 of the Los Angeles to Pasadena Metro Gold Line (Gold Line) light rail system, on the electric power generating plant property owned by the City of Pasadena Water and Power Department (PWP), in the City of Pasadena, Los Angeles County, at the location and substantially as shown by plans attached to the Application and Appendix A of this order, identified as Crossing No. 84P-11.09-X.

2. PBLCA shall install two Commission Standard No. 9 (flashing light signals with automatic gates, as described in Commission General Order (GO) 75-C) warning devices, one on each approach.

3. The electrically operated access gates to the PWP power plant property shall be operated and maintained in such a manner as to prevent vehicles from being trapped on or near the tracks.

4. PWP shall ensure that its power plant staff receives highway-rail crossing safety training.

5. Clearances and walkways shall be in accordance with GO 143-B.

6. Construction and maintenance costs shall be borne in accordance with the agreement titled *Master Cooperative Agreement for the Los Angeles to Pasadena Metro Blue Line by and between the Los Angeles to Pasadena Metro Blue Line Construction Authority and the City of Pasadena*, dated September 26, 2001.

7. Within 30 days after completion of the work under this order, PBLCA shall notify RCES in writing, by submitting a completed Commission Standard Form G (Report of Changes at Highway Grade Crossings and Separations), that the authorized work was completed.

8. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. The Commission may revoke or modify this authorization if public convenience, necessity, or safety so require.

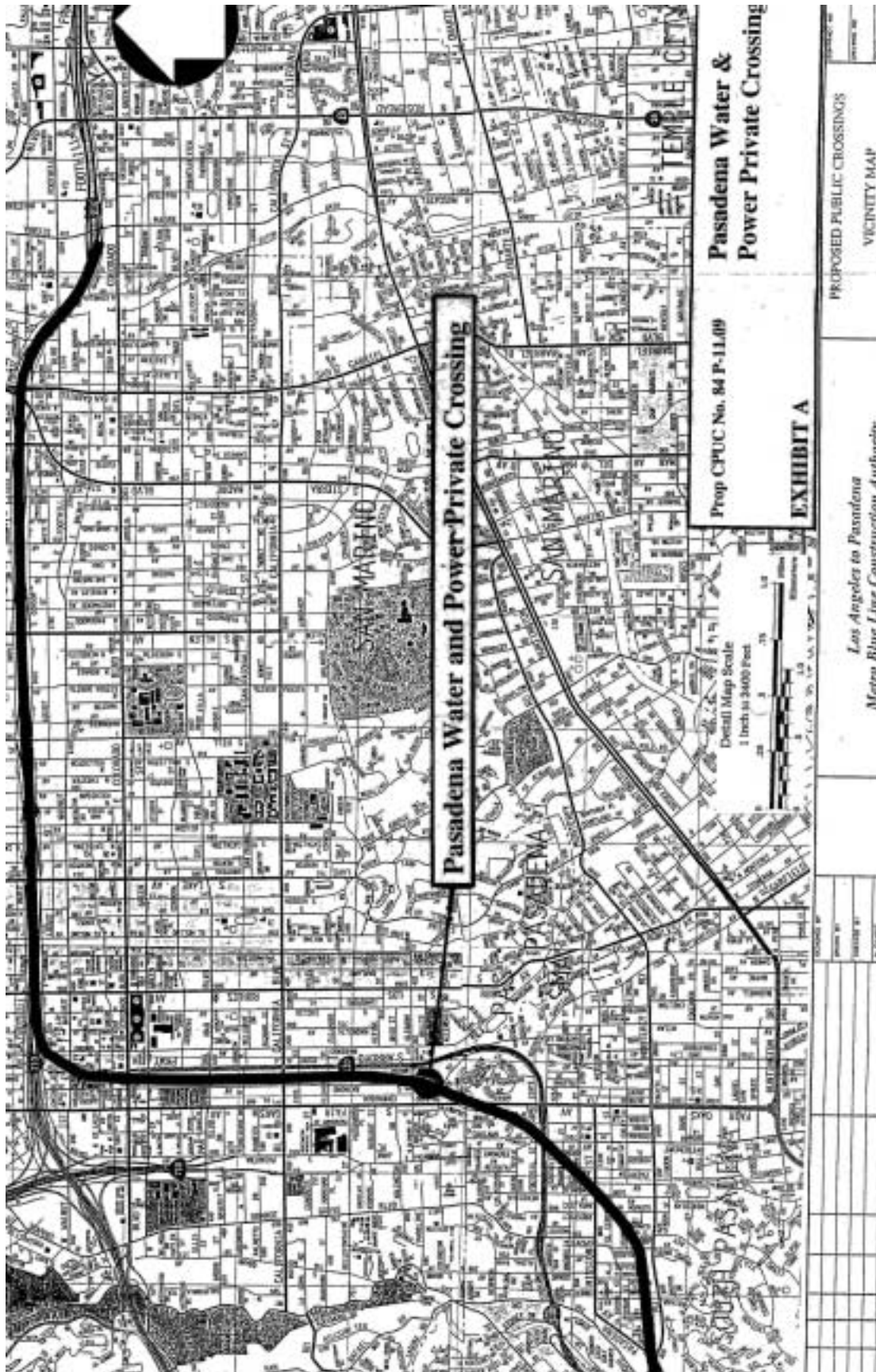
9. The application is granted as set forth above.
10. Application 02-11-005 is closed.

This order is effective today.

Dated May 8, 2003, at San Francisco, California.

MICHAEL R. PEEVEY
President
CARL W. WOOD
LORETTA M. LYNCH
GEOFFREY F. BROWN
SUSAN P. KENNEDY
Commissioners

APPENDIX A
VICINITY MAP



APPENDIX B
NOTICE OF EXEMPTION

To: ☒ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☒ County Clerk
County of Los Angeles
12400 Imperial Highway
Norwalk, CA 90650

Los Angeles to Pasadena Metro
From: (Public Agency) Construction Authority
625 Fair Oaks Avenue, Suite 200
South Pasadena, ^(Address) CA 91030

Project Title: Pasadena Water & Power Plant Private Grade Crossing

Project Location - Specific: Project is located inside Pasadena Water & Power Plant facility located at the intersection of Glenarm Street and Fair Oaks Avenue in the City of Pasadena

Project Location - City: Pasadena Project Location - County: Los Angeles

Description of Nature, Purpose, and Beneficiaries of Project:

Project will allow Pasadena Water & Power employees to access both sides of the power plant facilities, which are separated by the Gold Line.

Name of Public Agency Approving Project: California Public Utilities Commission

Name of Person or Agency Carrying Out Project: Los Angeles to Pasadena Metro Construction Authority

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(a));
- ☒ Categorical Exemption. State type and section number: 14 Cal.CodeRegs. §15302
- ☒ Statutory Exemptions. State code number: Pub. Res. Code §21080.13; 14 Cal.CodeRegs. §15282(h)


Reasons why project is exempt: The proposed project will reconstruct an existing private power plant facility with a grade crossing to facilitate internal circulation; this private crossing is a component of the Project previously evaluated in the Final EIR (SCH #89082327), approved and adopted by the MTA on March 30, 1990.

Lead Agency

Contact Person: Michael Cannell Area Code/Telephone/Extension: 626-403-5510

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature:  Date: 1/9/03 Title: CEO

☒ Signed by Lead Agency

Date received for filing at OFR:

☐ Signed by Applicant