

Open Letter To Lawmakers Regarding The Exposition Metro Line Proceeding

Statement of Commissioner Timothy Simon
August 14, 2007

To: Senator Sheila James Kuehl
Senator Mark Ridley-Thomas
Assembly Member Mike Davis
Assembly Member Curren Price
Council Member Bernard C. Parks
Council Member Jan Perry
Council Member Herb J. Wesson, Jr.

I have received inquiries from many of you about the applications filed with the California Public Utilities Commission (CPUC) pursuant to PUC Code Section 1701 requesting authority to construct rail crossings along the Exposition Boulevard Corridor Light Rail Transit Line (herein Expo Line). Many of you have expressed concern with the CPUC's time consuming process of approving these applications. As the assigned Commissioner to this proceeding, I have been diligent in advancing this case. Hopefully, this transmittal will clear any confusion surrounding this proceeding.

From my review of this case, Expo Authority filed a series of 10 formal applications requesting authority to construct a total of 38 rail crossings along the new Expo Line. The last of two of these applications were filed in May 2007, and shortly thereafter the 10 applications were consolidated into a single proceeding to expedite the processing time and efforts (please see ALJ Koss' Ruling May 24, 2007 at <http://www.cpuc.ca.gov>).

During the course of this proceeding, we have found that all participating parties realize the importance, scope, and impact of the Expo Line project. As you may know, all 10 of the applications in this proceeding were protested by a community neighborhood coalition, Expo Communities United (ECU). In addition to ECU, two other neighborhood groups (Neighbors for Smart Rail and Save Leimert Neighborhood Coalition), and a transit rider group (Friends 4 Expo Transit), have also participated actively in workshops and hearings. Concurrently, because the proposed line will run adjacent to several schools (including Dorsey High School, the Forshay Learning Center, and the Los Angeles Trade and Technical College), representatives from the Los Angeles Unified School District and L.A. Trade Tech have also participated through written letters and/or workshops and the prehearing conference.

The due process rules governing our proceedings were established by statute (e.g., SB 960 signed into law in 1996). These rules provide that any party may protest a formal application within 30 days of it appearing on the Commission's Daily Calendar, and also provide the applicant another 10 days to formally reply to the protest. Expo Authority, in compliance with these rules, filed the last of its formal replies on July 13, 2007. In order to expedite the process, on July 23, 2007 we issued a Ruling ordering a mediation conference (please see ALJ Koss' Ruling at <http://www.cpuc.ca.gov>). The purpose of the mediation conference is to allow the applicant and the protestant, ECU, an

opportunity to discuss a settlement on all or some of the issues in dispute. This conference is taking place this week. In this case, similar to all high priority cases, we must balance the clear public need for the project with the clear due process rights of the parties, including but not limited to the various community based organizations and maintaining the highest level of public safety possible.

You can be assured that I am fully aware of the legitimate public need for a speedy resolution. In this regard, I have asked all of our staff including, but not limited to Administrative Law Judge Koss, to expedite this process. Again, I consider this of the highest priority.

Finally, in conjunction with the Office of Council Member Bernard C. Parks, we are planning a meeting in Los Angeles that will include interested elected parties. I anticipate that this will foster greater communication and cooperation. On behalf of the California Public Utilities Commission, I would like to thank each of you for your active voice and leadership in this proceeding.

If you have any additional questions or concerns I encourage you to contact my office.