Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the Los Angeles County Metropolitan Transportation Authority for an order authorizing the construction of a two-track private grade crossing across the Los Angeles Union Station Service Road for the Eastside Corridor Light Rail Transit Line in the City of Los Angeles.	Application 03-11-006 (Filed November 7, 2003)

O P I N I O N

Summary

This decision grants Los Angeles County Metropolitan Transportation Authority's (MTA) request for authority to construct, as part of the Eastside Corridor Light Rail Transit Line (ELRL) project, a two-track at-grade highway-rail crossing (crossing), which will be publicly used by light rail passengers, Amtrak passengers, employees, visitors to Union Station, and others, across Los Angeles Union Station (LAUS) Service Road in Los Angeles, Los Angeles County.

Discussion

MTA proposes to construct a crossing across LAUS Service Road. Catellus Development Corporation (Catellus) owns LAUS. Amtrak employees who principally operate tow motors towing baggage carts between the main LAUS building and the platforms adjacent to LAUS's train tracks use the LAUS Service Road. Service, security, and emergency vehicles also use the LAUS Service Road.

In addition, rail passengers use the service road as an alternate access into the LAUS lobby, thereby making the proposed crossing publicly used.

MTA will bear sole responsibility for the design, construction, operation, and maintenance as well as the associated costs, including the costs for General Order (GO) 72-B conformance, for the proposed crossing.

The warning devices at the proposed crossing across LAUS Service Road will consist of two Standard No. 9 (flashing light signals with automatic gates, as prescribed in GO 75-C) warning devices.

MTA is the lead agency for this project under California Environmental Quality Act of 1970 (CEQA), as amended in 1982 and as stated in Public Resources (PR) Code Section 21000 et seq. MTA prepared a Final Supplemental Environmental Impact Statement/Final Subsequent Environmental Impact Report (Final SEIS/SEIR), assigned State Clearinghouse (SCH) Number 1999081061, for the project on January 4, 2002. On February 28, 2002, the MTA Board of Directors approved the project and adopted the Final SEIS/SEIR. On March 1, 2002, in compliance with PR Code Sections 21108 and 21152, MTA filed a Notice of Determination (NOD) with the State Clearinghouse and the Los Angeles County Clerk. The NOD is attached to Appendix A of the order. The NOD concluded that the project will have a significant effect on the environment and mitigation measures were made a condition for project approval. Findings were made pursuant to the provisions of CEQA, and MTA adopted a "Statement of Overriding Considerations" (SOC) for this project.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider the environmental consequences of a project subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental

Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that a responsible agency must conduct are contained in CEQA Guideline Section 15096.

We reviewed the lead agency's environmental documents and found them adequate for our decision-making purposes. These documents include the Final SEIS/SEIR for the Los Angeles Eastside Corridor (SCH No. 1999081061), prepared jointly by the United States Department of Transportation – Federal Transit Administration and MTA. In considering this document, we note that the Final SEIS/SEIR developed and evaluated a range of alternatives as well as a "No-Build Alternative." The Final SEIS/SEIR included an analysis of potential environmental impacts related to the project and alternatives related to, among other items, transportation, land use and development, land acquisition/displacement and relocation, air quality, noise and vibration, and safety. Safety, transportation and noise are within the scope of the Commission's permitting process. The Final SEIS/SEIR (Volume I) contains statements pertaining to the affected environment, methodology for impact evaluation, impacts, and mitigation. MTA identified environmental impacts related to safety, transportation, and noise.

Potential safety impacts relate to the number of light rail trains operating during weekday peak hours and the risk of collisions with vehicles on the public roadway portion of the system. To mitigate the potential impacts to less-than-significant levels, MTA will implement mitigation measures, including working with the City traffic control department; minimizing turns by vehicles across tracks; installing traffic controls, such as automatic signs and intersection

surveillance cameras; and providing safety lighting where there is conflict between the movement of pedestrians, vehicles, and trains.

Potential transportation impacts relate to areas of vehicular back-ups during peak hours at certain intersections. To mitigate most impacts to less-than-significant levels, adopted mitigation measures include modified turn lanes and parking restrictions at specified locations.

Potential noise impacts are anticipated at various one-family and two-family residential buildings. Adopted mitigation measures to reduce most impacts to less-than-significant levels include rail grinding and replacement, rail vehicle wheel truing and replacement, vehicle maintenance, and sound insulation at impacted buildings.

The "Findings Of Fact And Statement Of Overriding Considerations," (FFSOC) contains statements pertaining to impacts, mitigation measures, and findings for each impact. The FFSOC categorized these impacts as "Significant Effects Determined to be Mitigated to a Less Than Significant Level," "Significant Effects That Are Not Mitigated to a Less Than Significant Level," and "Effects Determined Not to be Significant or Less Than Significant." Included in the FFSOC are the SOC and "Mitigation Monitoring Plan" (MMP). The MTA Board of Directors adopted the SOC with respect to significant and unavoidable adverse environmental impacts identified in the Final SEIS / SEIR and FFSOC, including those impacts related to safety, transportation, and noise. Specifically, MTA determined that transportation mitigation measures adopted for the project would not fully reduce impacts to less-than-significant levels for residual traffic back-ups at a limited number of intersections. In addition, while adopted noise mitigations would fully mitigate noise impacts in interior areas of various

residential buildings, the mitigations would not reduce impacts for exterior areas to less-than-significant levels.

The MTA Board of Directors found that the benefits of the proposed project outweigh the unavoidable significant adverse environmental impacts. The Board of Directors determined that each of the separate benefits identified in the SOC, in itself and independent of other project benefits, is a basis for overriding all unavoidable impacts identified in the Final SEIS / SEIR and noted in the Board of Directors' findings. Specific overriding benefits resulting from the project include restoring the balance of regional capital transportation expenditures, improving access for area residents to local destinations and regional rail and bus systems, providing convenient and reliable transportation, and decreasing annual regional vehicle miles traveled.

In reviewing the Final SEIS / SEIR and MMP, we find that with respect to issues within the scope of our permitting process, MTA, where possible, adopted feasible mitigation measures to lessen the significant environmental impacts to less-than-significant levels. We will adopt MTA's findings and mitigations for purposes of our approval.

With respect to the SOC, we find that the Board of Directors enumerated several significant benefits associated with the proposed project which appeared, on balance, to reasonably justify approval of the project despite certain significant and unavoidable impacts. Therefore, we accept and adopt the findings of the SOC for purposes of our approval.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section (RCES) has inspected the site of the proposed crossing across LAUS Service Road. After reviewing the need for and assessing

the safety of the proposed crossing, RCES recommends that the Commission grant MTA's request.

RCES concurs with MTA's assertion in the Application that a separation of grades of the proposed crossing across LAUS Service Road would be impracticable. Construction of the bridge for the light rail tracks across the adjacent United States (U.S.) 101 Freeway requires a minimum clearance for the freeway traffic resulting in the necessity to establish a track elevation nine feet above the present elevation of the LAUS Service Road. To construct a grade-separated highway-rail crossing above the Service Road would require raising the elevation of the proposed U.S. 101 Freeway Bridge, which would extend its length southward unless MTA changed the present design with optimum grades and vertical curves to a less desirable design. Furthermore, the raised track grade would affect the location of the existing Gold Line Union Station Platform. Raising the LAUS Service Road above the tracks would necessitate raising the roadway at the tracks approximately 28 feet above the existing elevation making adequate service to the area between the track platforms very difficult. Moreover, the Easement, Construction License, and Right of Entry Agreement between Catellus and MTA limits the height of the easement that would be exceeded by either raising the road or the tracks. Lowering the tracks beneath the existing road is impossible because MTA must maintain the roadway clearance of the adjacent busway and U.S. 101 Freeway as planned. Lowering the LAUS Service Road beneath the tracks would require the construction of access ramps up to each of the areas between the track platforms. Therefore, MTA is not required to grade separate the crossing under Public Utilities Code Section 1202(c).

The Application is in compliance with the Commission's filing requirements, including Rule 40 of Rules of Practice and Procedure, which relates to the construction of railroad tracks across a public highway. A site map and detailed drawings of the public crossing are shown in Appendix B attached to the order.[1]

In Resolution ALJ 176-3123, dated November 13, 2003, and published in the Commission Daily Calendar on November 14, 2003, the Commission preliminarily categorized Application (A.) 03-11-006 as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed, this preliminary determination remains correct. Given these developments, it is not necessary to revise the preliminary determinations made in Resolution ALJ 176-3123.

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

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

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[1] The Application caption describes the proposed crossing as a "private" crossing. The crossing, however, does not fall within Cal. Pub. Util. Code § 7537 but §§ 1201 and 1202 instead. A private crossing is one used almost exclusively by the landowner for ingress to or egress from his private property. The landowner here is a public railroad terminal used by the public. The crossing will benefit public access to Union Station. Thus, the crossing is public.

Findings of Fact

1. The Commission published Notice of A.03-11-006 in the Commission Daily Calendar on November 12, 2003. There are no unresolved matters or protests; a public hearing is not necessary.

2. MTA requests authority, under Public Utilities Code Sections 1201-1205, to construct, as part of MTA's ELRL project, the proposed crossing across LAUS Service Road, in Los Angeles, Los Angeles County.

3. Public convenience and necessity require construction of the proposed crossing of MTA's ELRL tracks. Amtrak employees who principally operate baggage carts between the main LAUS building and the platforms adjacent to LAUS's train tracks use the LAUS Service Road. Service, security, and emergency vehicles also use the LAUS Service Road. In addition, rail passengers use the service road as an alternate access into the LAUS lobby, thereby making the proposed crossing publicly used.

4. Public safety at the proposed crossing requires the installation of two Standard No. 9 (flashing light signals with automatic gates, as described in GO 75-C) warning devices.

5. MTA is the lead agency for this project under CEQA, as amended.

6. In approving the project on February 28, 2002, the MTA Board of Directors adopted the Final SEIS / SEIR for the Los Angeles Eastside Corridor (SCH No. 1999081061) and found that "The project will have a significant effect on the environment." Mitigation measures were made a condition of the approval of the project. Findings were made pursuant to the provisions of CEQA. An SOC was adopted for this project.

7. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Final SEIS / SEIR, NOD, and the SOC. We find these documents to be adequate for our decision-making purposes.

8. Safety, transportation and noise are within the scope of the Commission's permitting process.

9. For the approved project, the lead agency identified environmental impacts related to safety, transportation and noise.

10. As a separation of grades of the proposed crossing would be impracticable, MTA is not required to grade separate the crossing under Public Utilities Code Section 1202(c).

Conclusions of Law

1. With respect to significant impacts from safety, transportation and noise, we find that the lead agency adopted feasible mitigation measures where possible to substantially lessen the environmental impacts to a less-than-significant level. With respect to the significant and unavoidable environmental impacts, we find that MTA enumerated several significant benefits to justify project approval. Therefore, we also adopt the SOC for purposes of our approval.

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.

O R D E R

IT IS ORDERED that:

1. Los Angeles County Metropolitan Transportation Authority (MTA) is authorized to construct a public at-grade highway-rail crossing across Los Angeles Union Station Service Road of MTA's Eastside Corridor Light Rail

Transit Line in Los Angeles, Los Angeles County, at the location and substantially as described in and as shown by plans attached to the Application and as shown by plans in Appendix B attached to this order, identified as CPUC Crossing No. 84E-0.12.

2. MTA shall install two Standard No. 9 (flashing light signals with automatic gates, as described in General Order 75-C) warning devices.

3. Within 30 days after completion of the work under this order, MTA shall notify the Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), of the completion of the authorized work.

4. This authorization shall expire if not exercised within two years unless the Commission extends the time or if the parties do not comply with the above conditions. The Commission may revoke or modify authorization if public convenience, necessity or safety so require.

5. The Commission grants the Application as set forth above.

6. Application 03-11-006 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.

APPENDIX A

ENVIRONMENTAL DOCUMENTS

FILED

MAR 0 1 2002

CONNY B. McCORMACK, COUNTY CLERK

DEPUTY

NOTICE OF DETERMINATION

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

X County Clerk
Los Angeles, California
12400 Imperial Highway
Norwalk, CA 90650

From: Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Mail Stop 99-22-2
Los Angeles, CA 90012-2952

Subject: Filing of Notice of Determination in compliance with Sections 21108 and 21152 of the Public Resources Code.

Project Title: Los Angeles Eastside Corridor Light Rail Transit Build Alternative Option B

State Clearinghouse Number: 1999081061
Lead Agency Contact Person: Ray Sosa **Telephone:** (213) 922-3098

Project Location: City of Los Angeles; Los Angeles County, California

Project Description:
The Los Angeles Eastside Corridor Light Rail Transit Build Alternative Option B is a six mile, nine station project which will be an extension of the under construction Pasadena Metro Gold Line. The project extends from Union Station to Atlantic Boulevard in East Los Angeles, via Alameda Street, First Street, Indiana Street, Third Street, and Pomona Boulevard.

This is to advise that the Los Angeles County Metropolitan Transportation Authority has approved the above described project on February 28, 2002 and has made the following determinations regarding the above described project.

1. This project X (will) __ (will not) have a significant effect on the environment in that:
   a. Temporary impacts during construction will occur with regards to parking losses, traffic disruption, and sidewalk closures. MTA has identified mitigation measures to address these impacts, however, it is possible that some impacts during construction cannot be completely mitigated.
   b. Tunneling during construction of subway segment or pile driving for the aerial segment may result in destruction of some fossils. MTA will make every effort to ensure that fossil recovery is maximized.
   c. Despite mitigation measures, temporary air quality, noise and vibration impacts are possible during construction. Temporary visual impacts may also occur in the vicinity of Chavez/Soto construction staging area if screening materials cannot prevent impacts on multi-story land uses.
   d. Ten traffic intersections will be significantly impacted and cannot be fully mitigated.
   e. Catenary system on the 1st Street Bridge will add to visual overhead clutter. However, no historical features will be adversely affected.
   f. Exterior noise levels and moderate sound impacts adjacent to special trackwork may occur if mitigation measures are not sufficient to eliminate impact. The MTA is committed to ensuring [illegible]ise impacts are minimized.

IS NOTICE WAS POSTED
MAR 0 1 2002
NTIL APR 0 1 2002
EGISTRAR-RECORDER/COUNTY CLERK

00000179

g. The project will require property acquisition and relocation of residents and businesses. There is the possibility that some residents and businesses may have to be relocated outside of the corridor.

2. X An Environmental Impact Report was prepared for this project pursuant to the provision of CEQA.
   __ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures X (were) __ (were not) made a condition of the approval of the project.
4. Findings X (were) __ (were not) made pursuant to the provisions of CEQA
5. A Statement of Overriding Considerations X (was) __ (was not) adopted for this project.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:

Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Mail Stop 99-22-02
Los Angeles, CA 90012
Contact: Ray Sosa

Date Received for Filing and Posting at OPR:

3/1/02
Signature (Lead Agency)

Project Manager
Title

NOTICE OF DETERMINATION

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

X County Clerk
Los Angeles, California
12400 Imperial Highway
Norwalk, CA 90650

From: Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Mail Stop 99-22-2
Los Angeles, CA 90012-2952

RECEIVED
MAR - 4 2002
STATE CLEARING HOUSE

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Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Mail Stop 99-22-02
Los Angeles, CA 90012
Contact: Ray Sosa

Date Received for Filing and Posting at OPR:

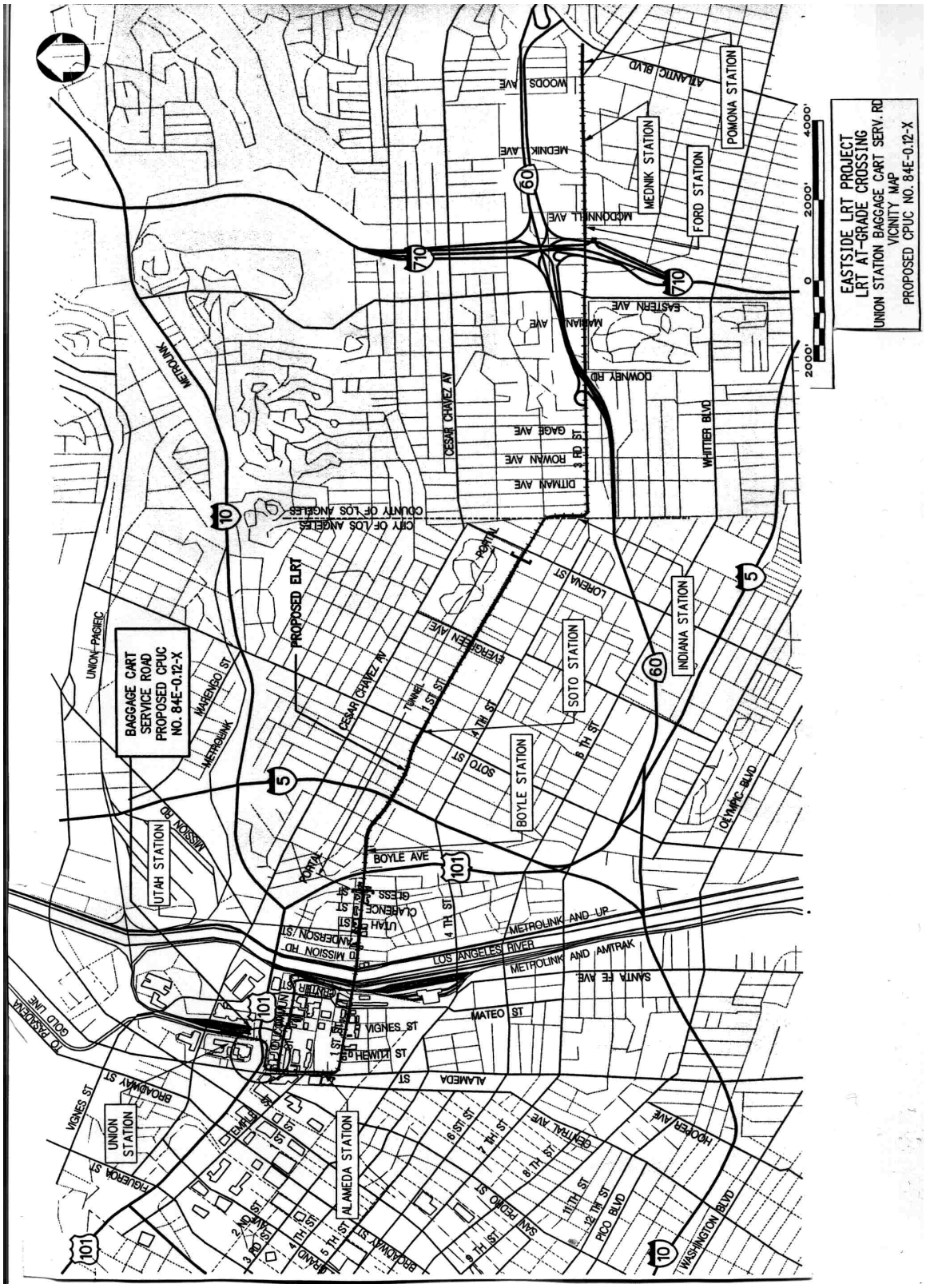
3/1/02

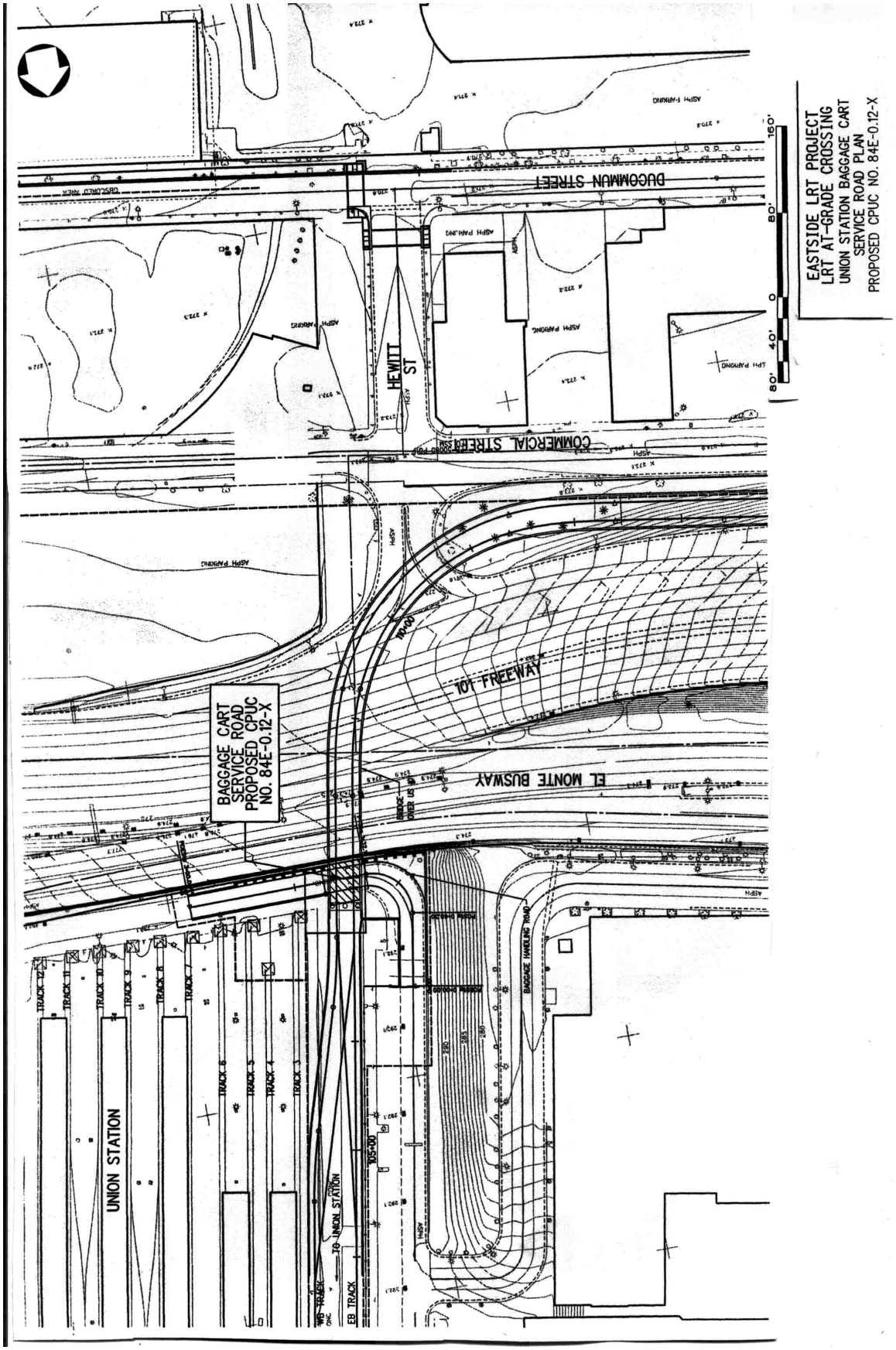
Signature (Lead Agency)

Project Manager
Title

A P P E N D I X B

PLANS

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LRT AT-GRADE CROSSING
UNION STATION BAGGAGE CART
SERVICE ROAD PLAN
PROPOSED CPUC NO. 84E-0.12-X
80' 40' 0 80' 160'
DUCOMMUN STREET
COMMERCIAL STREET
HEWITT ST
101 FREEWAY
EL MONTE BUSWAY
BAGGAGE CART
SERVICE ROAD
PROPOSED CPUC
NO. 84E-0.12-X
UNION STATION
TRACK 12
TRACK 11
TRACK 10
TRACK 9
TRACK 8
TRACK 7
TRACK 6
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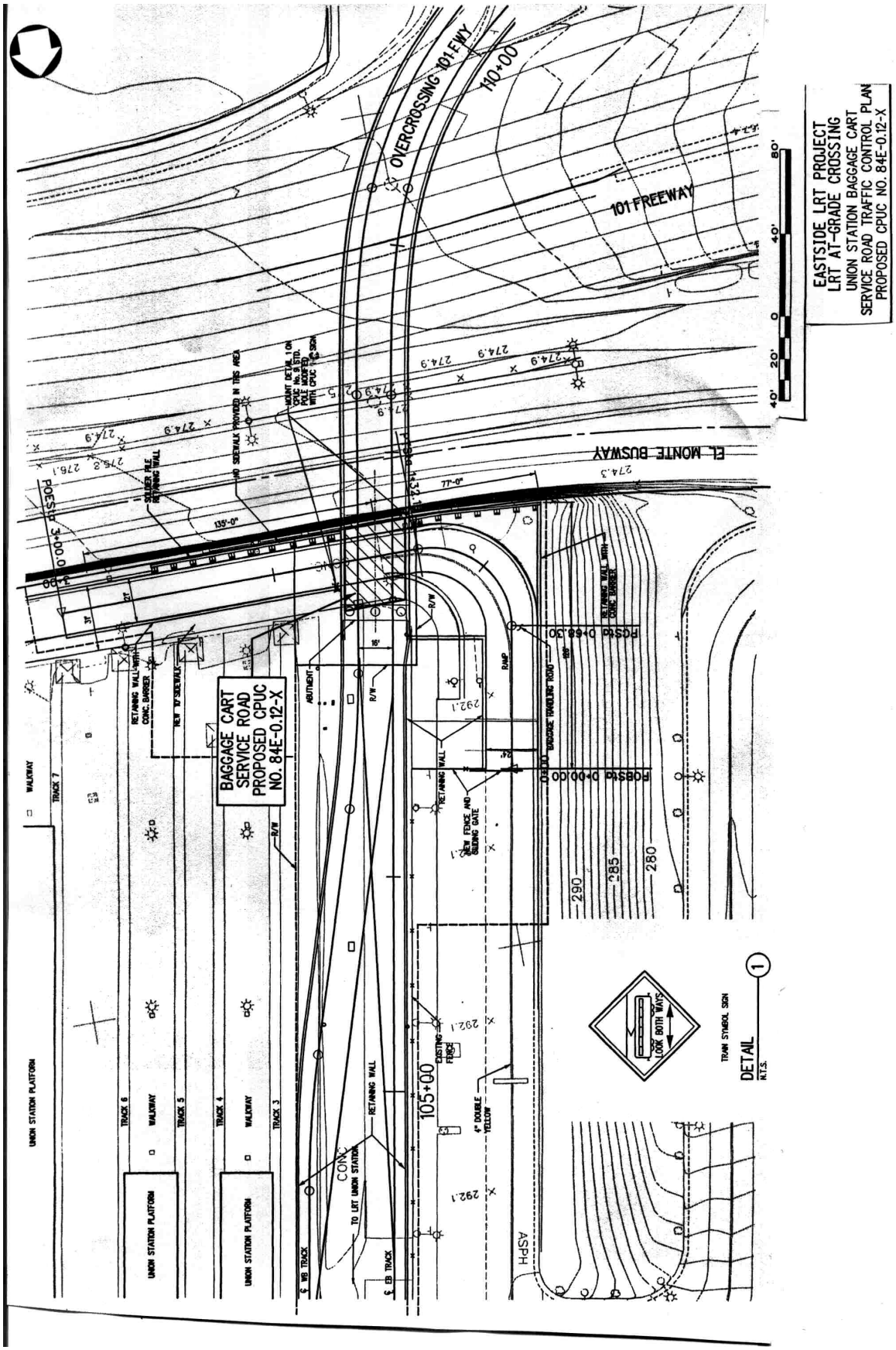
TRACK 3
WB TRACK
EB TRACK
TO UNION STATION
BAGGAGE HANDLING ROAD
105+00
ASPH PARKING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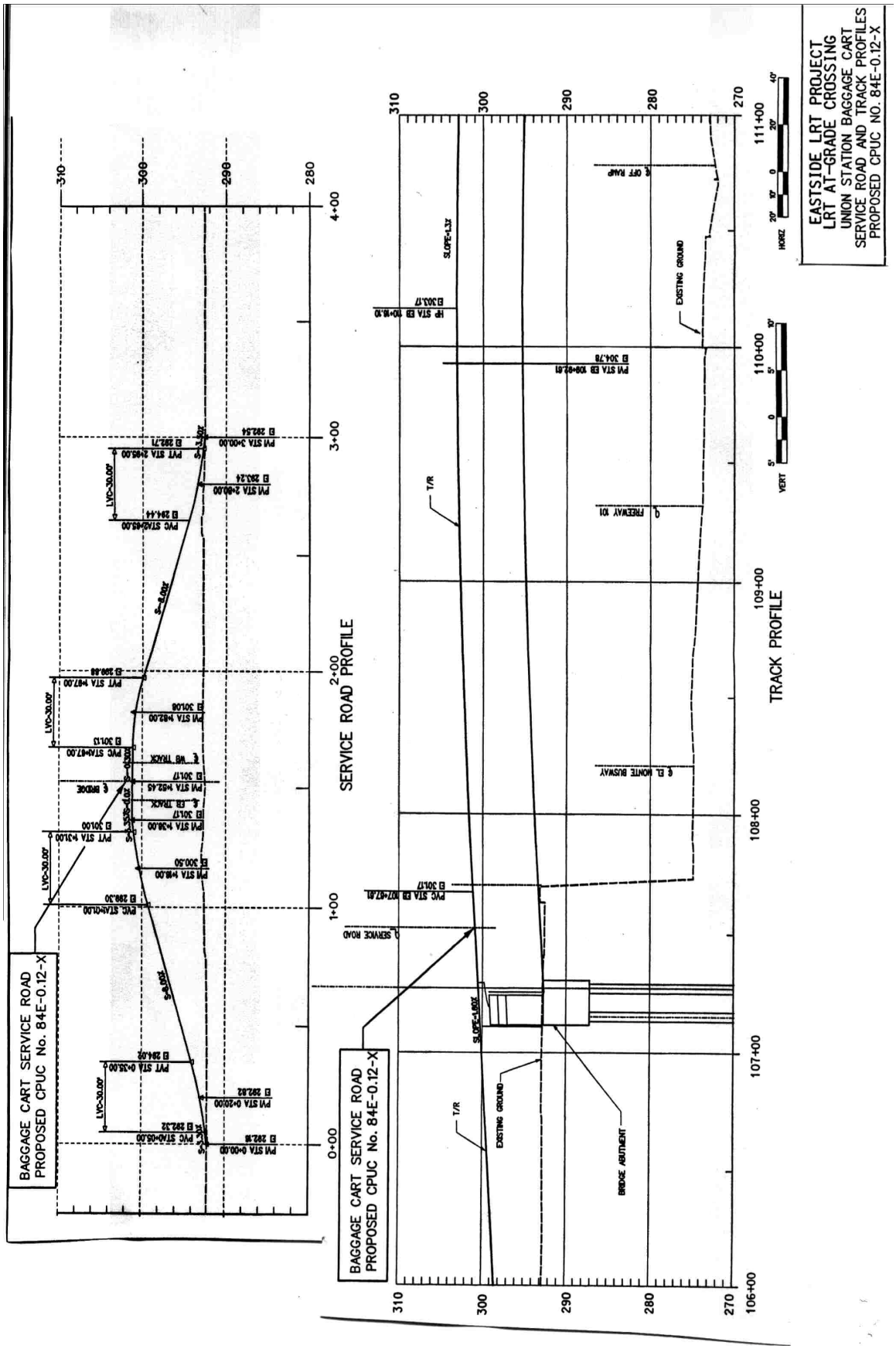
OVERCROSSING 101 FWY
110+00
101 FREEWAY
EL MONTE BUSWAY
BAGGAGE CART
SERVICE ROAD
PROPOSED CPUC
NO. 84E-0.12-X
105+00
UNION STATION PLATFORM
TRACK 7
TRACK 6
TRACK 5
TRACK 4
TRACK 3
WALKWAY
RETAINING WALL
TO LRT UNION STATION
4" DOUBLE YELLOW
EXISTING FENCE
NEW FENCE AND SLIDING GATE
BAGGAGE HANDLING ROAD
RAMP
ABUTMENT
LOOK BOTH WAYS
TRAIN SYMBOL SIGN
DETAIL
N.T.S.
ASPH
290
285
280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BAGGAGE CART SERVICE ROAD
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TRACK PROFILE
BRIDGE ABUTMENT
EXISTING GROUND
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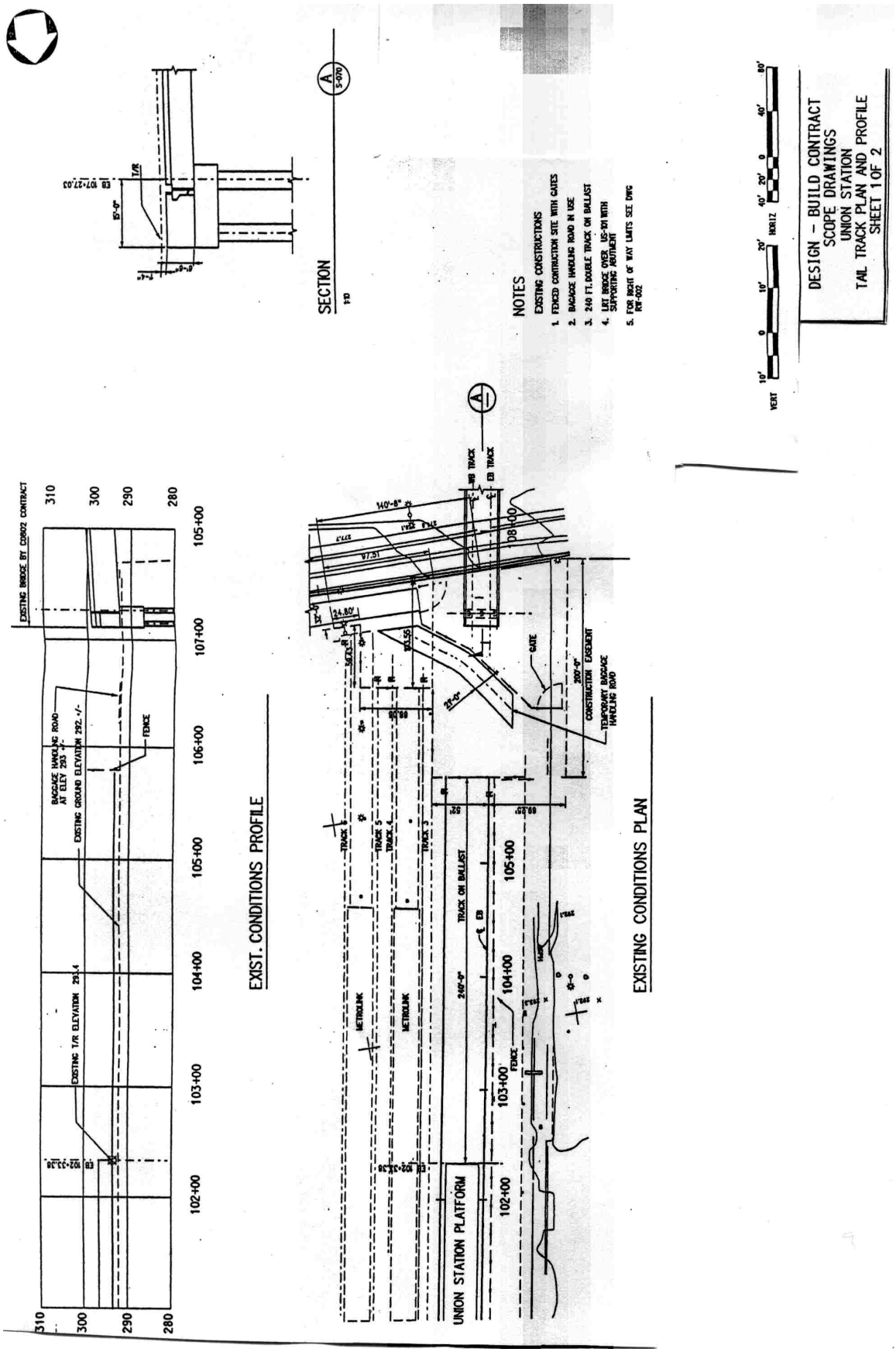
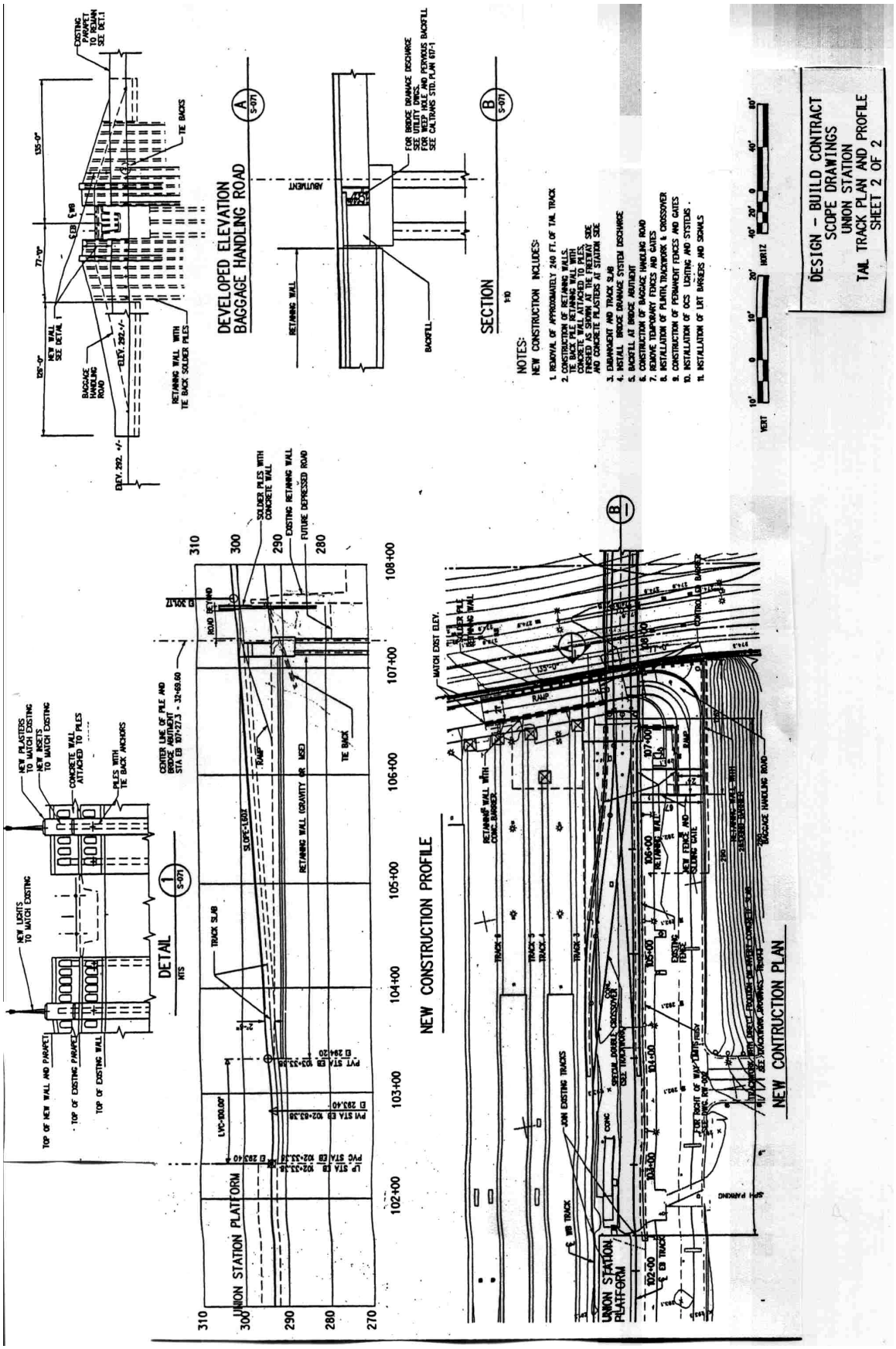

SECTION
NOTES
EXISTING CONSTRUCTIONS
1. FENCED CONTRUCTION SITE WITH GATES
2. BAGGAGE HANDLING ROAD IN USE
3. 240 FT. DOUBLE TRACK ON BALLAST
4. LRT BRIDGE OVER US-101 WITH SUPPORTING ABUTMENT
5. FOR RIGHT OF WAY LIMITS SEE DWG RW-002
DESIGN - BUILD CONTRACT
SCOPE DRAWINGS
UNION STATION
TAIL TRACK PLAN AND PROFILE
SHEET 1 OF 2
EXIST. CONDITIONS PROFILE
EXISTING BRIDGE BY CD902 CONTRACT
BAGGAGE HANDLING ROAD AT ELEV 293 +/-
EXISTING GROUND ELEVATION 292 +/-
FENCE
EXISTING T/R ELEVATION 293.4
EXISTING CONDITIONS PLAN
UNION STATION PLATFORM
METROLINK
TRACK ON BALLAST
240'-0"
CONSTRUCTION EASEMENT
TEMPORARY BAGGAGE HANDLING ROAD
GATE
WB TRACK
EB TRACK
VERT
HORIZ


DEVELOPED ELEVATION
BAGGAGE HANDLING ROAD
SECTION
DETAIL
NEW CONSTRUCTION PROFILE
NEW CONTRUCTION PLAN
NOTES:
NEW CONSTRUCTION INCLUDES:
1. REMOVAL OF APPROXIMATELY 240 FT. OF TAIL TRACK
2. CONSTRUCTION OF RETAINING WALLS, TIE BACK PILE RETAINING WALL WITH CONCRETE WALL ATTACHED TO PILES, FINISHED AS SHOWN AT THE FREEWAY SIDE AND CONCRETE PLASTERS AT STATION SIDE
3. EMBANKMENT AND TRACK SLAB
4. INSTALL BRIDGE DRAINAGE SYSTEM DISCHARGE
5. BACKFILL AT BRIDGE ABUTMENT
6. CONSTRUCTION OF BAGGAGE HANDLING ROAD
7. REMOVE TEMPORARY FENCES AND GATES
8. INSTALLATION OF PLANTIN TRACKWORK & CROSSOVER
9. CONSTRUCTION OF PERMANENT FENCES AND GATES
10. INSTALLATION OF OCS LIGHTING AND SYSTEMS.
11. INSTALLATION OF LRT BARRIERS AND SIGNALS
DESIGN - BUILD CONTRACT
SCOPE DRAWINGS
UNION STATION
TAIL TRACK PLAN AND PROFILE
SHEET 2 OF 2
UNION STATION PLATFORM
RETAINING WALL (GRAVITY OR MSE)
TIE BACK
TRACK SLAB
SOLDIER PILES WITH CONCRETE WALL
EXISTING RETAINING WALL
FUTURE DEPRESSED ROAD
BAGGAGE HANDLING ROAD
NEW FENCE AND CLOSURE GATE
RETAINING WALL WITH CONC. BARRIER
CONCRETE WALL ATTACHED TO PILES
PILES WITH TIE BACK ANCHORS
NEW PLASTERS TO MATCH EXISTING
NEW INSETS TO MATCH EXISTING
NEW LIGHTS TO MATCH EXISTING
TOP OF NEW WALL AND PARAPET
TOP OF EXISTING PARAPET
TOP OF EXISTING WALL
BACKFILL
ABUTMENT
RETAINING WALL
FOR BRIDGE DRAINAGE DISCHARGE SEE UTILITY DWGS.
FOR WEEPS AND PERVIOUS BACKFILL SEE CALTRANS STD. PLAN B7-1
EXISTING PARAPET TO REMAIN SEE DET.1
NEW WALL SEE DETAIL 1
RETAINING WALL WITH TIE BACK SOLDIER PILES
ELEV. 292.+/-
MATCH EXIST ELEV.
CONTROLLED BARRIER
RAMP
TRACK 1
TRACK 2
TRACK 3
TRACK 4
TRACK 5
EXISTING TRACK
NEW CONCRETE CROSSOVER
SEE TRACKWORK
FOR RIGHT OF WAY LINES SEE ROW DWGS.
SEE LOCATION DRAWINGS
RETAINING WALL WITH PERVIOUS CONCRETE SLAB
UNION STATION PLATFORM
CONC
EXISTING TRACKS
℄ WB TRACK
℄ EB TRACK
SPA PARKING
CENTER LINE OF PILE AND BRIDGE ABUTMENT STA EB 107+27.3 - 32+69.60
SLOPE=1.00:1
LVC=100.00'
PVI STA EB 102+03.38
EL 293.40
PVC STA EB 102+33.38
LP STA EB 102+33.38
PVT STA EB 103+33.38
EL 294.20
ROAD BEYOND
EL 301.17
HORIZ
VERT