

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

In the Matter of the Application of the Exposition Metro Line Construction Authority for an order authorizing the construction of a two-track at-grade crossing for the Exposition Boulevard Corridor Light Rail Transit Line across Jefferson Boulevard, Adams Boulevard, and 23rd Street, all in the City of Los Angeles, County of Los Angeles, California.

And Consolidated Proceedings.

Application 06-12-005
(Filed December 6, 2006)

Application 06-12-020
(Filed December 19, 2006)

Application 07-01-004
(Filed January 2, 2007)

Application 07-01-017
(Filed January 8, 2007)

Application 07-01-044
(Filed January 24, 2007)

Application 07-02-007
(Filed February 7, 2007)

Application 07-02-017
(Filed February 16, 2007)

Application 07-03-004
(Filed March 5, 2007)

Application 07-05-012
(Filed May 8, 2007)

Application 07-05-013
(Filed May 8, 2007)

NOTICE OF EX PARTE COMMUNICATION

DAMIEN WESLEY CLARK GOODMON
Executive Director, Get LA Moving
3062 Stocker Place
Los Angeles, CA 90008

On Behalf of
EXPO COMMUNITIES UNITED
P.O. Box 781267
Los Angeles, CA 90016

Pursuant to Rules 8.2 and 8.3 of the Commission's Rules of Practices and Procedure, Expo Communities United (ECU) hereby files this notice of ex parte communication.

On October 16, 2007 at about 4:00 pm, Damien Goodmon, representing Expo Communities United (ECU), contacted by phone, Commissioner Timothy Simon's Chief of Staff Marzia Zafar after the "Scoping Memo and Ruling of Assigned Commissioner Determining the Scope, Schedule, and Need for Hearing" was issued regarding the combined proceedings. Mr. Goodmon contacted Ms. Zafar to establish an ex parte meeting with Commissioner Simon regarding the case. Ms. Zafar was confused by the necessity of a meeting, stating, "We just came down with a ruling we thought you'd be happy about," later explaining she assumed Mr. Goodmon was contacting the office on behalf of the Expo Authority, and not the protestant Expo Communities United.

After the confusion was settled, Ms. Zafar then asked Mr. Goodmon what issues he had with the ruling and why he wanted to speak with the Commissioner about the case, who she described as "very busy." Mr. Goodmon responded ECU would like to discuss the case in general, and specifically address the possible political interference into the legal proceeding and resulting lack of confidence some members of ECU have in the Commissioner's ability to decide the case solely based on facts and evidence, the Commission's definition of practicability, and *stare decisis*.

Specifically referenced was the August 14, 2007 open letter the Commissioner sent regarding legislators "express[ing] concern with the CPUC's time consuming process of approving these applications." The letter is included as Attachment A. On the list of those to whom the letter was addressed are Council Member Bernard Parks, Council Member Herb Wesson, and Council Member Jan Perry, who are all members of the Expo Authority Board of

Directors.

Mr. Goodmon questioned why the communication was done outside of ex parte, was not reported, and insisted that the concerns among the members were only heightened by the ruling, which prohibited an evidentiary hearing for some crossings where he felt there were clearly numerous unmitigated safety hazards and cause for evidentiary hearing. Mr. Goodmon highlighted crossings around Exposition Park/Coliseum, which he said recently fired LADOT General Manager Gloria Jeff stated was “unsafe for pedestrians,” would lead to “major gridlock,” and was “unacceptable to LADOT,” in a letter sent after the applications for the crossings in question were submitted. The letter is included as Attachment B. Ms. Zafar claimed “we toured the line with the PUC staff,” and they (PUC staff) claimed it was as safe as could be.

Ms. Zafar then informed Mr. Goodmon to contact the Commissioner's scheduler to set up a meeting and suggested the date of the public hearing would likely be suitable for both parties. An ex parte has not yet been scheduled.

Respectfully submitted,

/s/ DAMIEN GOODMON

Damien W.C. Goodmon

on behalf of Expo Communities United

P.O. Box 781267

Los Angeles, CA 90016

Date: October 19, 2007

ATTACHMENT A

**Letter from Commissioner Timothy Simon to
Local Legislators
August 14, 2007**



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Open Letter To Lawmakers Regarding The Exposition Metro Line Proceeding

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.

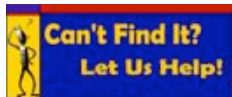
The due process rules governing our proceedings were established by statute (e.g., SB 960 signed into law in 1996). These rules provide that any party may protest a formal application within 30 days of it appearing on the Commission's Daily Calendar, and also provide the applicant another 10 days to 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.

Decisions / Rulings ...



ATTACHMENT B

**Letter from LADOT General Manager Gloria Jeff to
Expo Authority CEO Rick Thorpe
May 18, 2007**

CITY OF LOS ANGELES
CALIFORNIA

GLORIA J. JEFF
GENERAL MANAGER



ANTONIO R. VILLARAIGOSA
MAYOR

INEX-00462

TP102.1

DEPARTMENT OF
TRANSPORTATION

100 S. MAIN STREET, 10TH FLOOR
LOS ANGELES, CA 90012
(213) 972-8470
FAX (213) 972-8410

May 18, 2007

Richard D. Thorpe, Chief Executive Officer
Exposition Metro Line Construction Authority
707 Wilshire Blvd, 34th Floor
Los Angeles, CA 90017

RECEIVED

MAY 24 2007

Exposition Metro Line
Construction Authority
Executive Director

**Subject: EXPOSITION PARK EVENT MANAGEMENT PLAN WITH EXPOSITION
METRO LINE OPERATION**

Dear Mr. Thorpe:

This is to communicate with you LADOT's concerns on the proposed Exposition Park Event Management Plan with Exposition Metro Line operation.

The Expo Authority commissioned a study on an event management plan for the intersections on Exposition Boulevard between Trousdale Parkway and Vermont Avenue during a Coliseum event. This study based many assumptions on the operation of the Exposition Metro Line and seemed to be only supplemental to current design in this segment. It did not recommend any engineering solutions to address the root causes of the problems associated with operating a light rail train (LRT) service in a major event. The following are LADOT's concerns and recommendations on this proposed management plan:


- This study is based on an assumption that the Trousdale Station will be built and operated. However, the Expo Authority does not have a budget to design and build the Trousdale Station at this time. This is a fatal flaw of the study. As discussed in previous meetings, LADOT recommends that the Expo Authority conduct another study on a comprehensive event management plan without the Trousdale Station.
- This study proposes that during the post event, the traffic signal at Exposition Boulevard and Vermont Avenue operate with a 50-50 split on a 2-minute cycle to accommodate the Metro Line passenger crossing Vermont Avenue to the western platform of the Vermont Station. The current event management plan calls for a 70-30 split favoring Vermont Avenue. The proposed 50-50 split requirement creates significant impacts to the Coliseum post event traffic control. Vermont Avenue capacity will be cut by at least 20% and delay will be doubled. Traffic congestion at Exposition Boulevard and Vermont Avenue will cause major gridlock at Martin Luther King Jr. Boulevard and Vermont Avenue, thus will prolong post event traffic congestion, and is not acceptable to LADOT. Major improvements to traffic handling at Exposition Boulevard and Vermont Avenue are required.

- This study proposes that, during a post event, passengers taking the westbound LRT from a Coliseum event are required to line up in westbound traffic lanes on Exposition Boulevard east of Vermont Avenue and to be directed across Vermont Avenue on unmarked westbound travel lanes. This proposed operation is not safe for pedestrians. In order to move pedestrians across Vermont Avenue safely, police officers are required. LADOT traffic control officers are not authorized to control pedestrians. The alternate method of providing a safe passage crossing Vermont Avenue would be to close Vermont Avenue to vehicular traffic. This will further complicate the traffic management for post event.
- This study proposes the closure of Exposition Boulevard between Menlo Avenue and Vermont Avenue for up to 90 minutes during the post event. Current event management plan opens this segment of street to allow post event traffic in the northwest quadrant of the Coliseum to travel westbound on Exposition Boulevard. All future event traffic in this area will have to exit on Menlo Avenue at Martin Luther King Jr. Boulevard to the south. LADOT estimates that traffic in this area will take twice as long to clear than the current plan, further prolonging post event traffic congestion.
- This study proposes the installation of temporary fences along Exposition Boulevard between Vermont Avenue and Pardee Way prior an event, and removal of these fences after an event. This requirement will substantially increase setup and takedown time for major events. LADOT recommends the Expo Authority to design and install permanent fences on both side of rail right-of-way. LADOT also encourages the Expo Authority to coordinate with the Exposition Metro Line Urban Design Committee to design fences that blend in with the surrounding park and school settings.
- During a discussion with CPUC, Expo Authority proposed the use of removable gates to control pedestrian crossings at Trousdale, USC Watt Way, and Menlo during an event. LADOT requests to review the detail design of these devices to ensure that they are not in conflict with traffic signal operation.
- With the proposed event management plan for the Coliseum, additional burdens are placed on the local jurisdiction. What will be the incremental costs of this proposed plan? Who will pay for it in perpetuity? These arrangements should be negotiated and agreed upon prior to the start of revenue service.

LADOT recognizes the challenges that the Expo Authority faces and is willing to work with you to resolve these issues. LADOT raised the above concerns in numerous meetings with the Expo Authority. As of today, none of these concerns have been addressed. LADOT would like the Exposition Authority to investigate and propose amicable solutions before the final design is completed.

If you have any questions, please call George Chen of my staff at (213) 847-1389.

Sincerely,


for Gloria J. Jeff
General Manager
LADOT

Rick Thorpe

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May 18, 2007

C: John Fisher
Alan Willis
Sean Skehan
Joel Sandburg, Expo Authority