

CITIZENS' CAMPAIGN TO FIX THE EXPO RAIL LINE

Led by *Save Leimert, Expo Communities United & Baldwin Hills/Crenshaw Homeowners' Coalition*
P.O. Box 781267 • Los Angeles, CA 90016 • Phone & Fax: (323) 761-6435 • www.FixExpo.org

POLITICAL INTERFERENCE IN THE CPUC JUDICIAL PROCESS

While the South LA community was fighting to literally protect children's lives, our own elected representative, **Council Member Bernard Parks**, along with Santa Monica politician **State Senator Sheila Kuehl**, were applying pressure on judicial officers of a State oversight agency to impede our efforts in court.

The South LA community, teachers, parents, and child advocates have long expressed reservations about the unsafe street-level design of the Expo Light Rail Line, particularly around our schools like Dorsey HS (10 feet of the railroad crossing) and Foshay Learning Center (50 feet of the crossing). The state oversight agency for the safety of all rail crossings is the California Public Utilities Commission ("CPUC"). All transportation agencies attempting to build and operate a rail line across any street in California must submit applications and receive approval from the CPUC. The CPUC can either approve or reject a crossing application on the grounds of safety, and has rejected countless railroad crossing applications in the past.

One of the lead groups of the Fix Expo Campaign, Expo Communities United ("ECU"), exercised its legal rights by protesting all of the unsafe street-level Expo Line applications, and requesting a hearing to discuss the safety hazards and needed safety upgrades. In the process ECU delayed what would have been a 60-day rubberstamp process.

The ECU research team amassed an extensive record proving that the street-level crossings were not safe. Among the evidence submitted were: a) internal memos expressing reservations about the safety of the crossings by the staff of numerous public agencies, namely the PUC's own engineers & former LADOT General Manager Gloria Jeff; & b) a convincing showing that the bulk of the Expo Line design was an exact replica of the deadliest & most accident-prone light rail line in America, the MTA's Blue Line, & would operate in more complex environments, meaning even more accidents & deaths could be expected. Surely an opportunity to argue the case would be provided, further lengthening the application process.

Unexpectedly, on August 14, 2007 Commissioner Timothy Simon, one of five governor-appointed representatives to the CPUC, and the assigned Commissioner to the Expo Line case issued an "Open Letter to Lawmakers Regarding the Expo Line Proceeding," stating that **he was receiving pressure from local legislators to expedite the case**. In the letter Simon stated that he considered approving the applications and expediting the case "of the highest priority." Commissioner Simon specifically said, "**approving these applications**" as though a determination had already been made, even though ECU and LAUSD had yet to present their cases to the CPUC.

In an email dated November 19, 2007, **Commissioner Simon's Chief of Staff identified the legislators who were contacting him with concerns about the** "time consuming process of approving these applications" that led to the Open Letter: **State Senator Sheila Kuehl** (Santa Monica), and **Council Member Bernard Parks**, who represents the area where the Expo Line passes within a stone's throw of sensitive sites like Foshay Learning Center, and operates without even basic crossing gates in a design that is exactly like one of the most accident-prone sections of the Blue Line.

When the letter was issued, **Simon had not yet been confirmed to the Commission by the California State Senate, in which Sen. Kuehl is a very influential member**. Simon's eventual confirmation hearing, which occurred months later, was filled with controversy about his ethics (PUC Member's Donation Request Raises Questions – LA Times). At the time Kuehl was also pushing legislation to remove the jurisdiction of rail crossing safety from the CPUC.

And we have confirmed that Bernard Parks has **been accepting donations for his campaign for County Supervisor from MTA and Expo Line contractors in violation of California law**.

Links to the documents referenced can be found at the following link:
<http://fixexpo.blogspot.com/2008/06/political-interference-in-cpuc-judicial.html>

The Fix Expo Campaign is a project of United Community Associations, Inc. – an all-volunteer South L.A. Nonprofit.
Please support our effort by sending donations to the address above. Checks can be made out to "Fix Expo c/o UCA"