

Application 06-12-005 *et al.*

Exhibit \_\_\_\_\_

Date: August \_\_\_\_, 2008

**PREPARED TESTIMONY  
OF  
RICHARD D. THORPE**

**Q. Please state your name, professional position, and business address.**

A. My name is Richard D. Thorpe. I am Chief Executive Officer of the Exposition Metro Line Construction Authority (“Expo Authority”). My business address is 707 Wilshire Boulevard, 34<sup>th</sup> Floor, Los Angeles, CA 90017.

**Q. Please describe your educational background and your professional qualifications and relevant employment history.**

A. I am currently the Chief Executive Officer of the Exposition Metro Line Construction Authority, as well as the Chief Capital Management Officer of the Los Angeles County Metropolitan Transportation Authority (“LACMTA”), overseeing LA County’s capital development program. With more than 30 years of design and construction experience, I have worked on the San Diego, Salt Lake City and Los Angeles transit systems.

At Expo Authority, I am responsible for directing the agency’s implementation of the 14-mile \$2.1 billion Exposition Light Rail Project. My primary duties at LACMTA include oversight of the \$890 million six-mile Eastside Light Rail Project, and the \$900 million I-405 HOV Lanes.

Prior to joining LACMTA, I was the Chief Executive Officer for the Pasadena Gold Line Construction Authority, where I oversaw the completion of a 17.7-mile, \$725 million design-build light rail project running from downtown Los Angeles to East Pasadena as well as the initial planning for a 24-mile, \$1.2 billion extension to the City of Montclair.

I have also served as the Program Manager for the initial 15-mile Salt Lake City Light Rail (TRAX) Project. In this role as Program Manager, I was responsible for overseeing the design of construction of the initial Line as well as the preliminary engineering of the light rail extension to the University of Utah for the 2002 Winter Olympic Games.

I began my career with the San Diego Metropolitan Transit Development Board, overseeing the design and construction of the San Diego light rail system. As Director of Engineering and Construction, I managed San Diego's bus and rail capital improvement program, which included the design and construction of numerous bus facilities as well as six separate extensions of the light rail system.

I am a registered professional civil engineer in California , and hold both bachelor and masters degrees in Civil Engineering from San Diego State University. I am a member of the American Society of Civil Engineers (ASCE), various American Public Transportation Association (APTA) subcommittees, and the Construction Management Association of America (CMAA).

**Q. On whose behalf are you providing the present testimony?**

A. I am providing this testimony on behalf of Expo Authority.

**Q. Have you previously submitted testimony in this proceeding?**

A. Yes. In prepared testimony associated with Expo Authority's Opening Brief, filed September 7, 2007, I provided a summary of the policy goals and mission of Expo Authority and sought to explain how the design and construction process for the Mid-City/Exposition Light Rail Transit Project ("Expo Rail") is effectively implementing those goals. In that connection, I sponsored portions of Expo Authority's Opening Brief describing the factual and procedural background to Expo Authority's applications for CPUC authorization of 38 grade-separated or at-grade crossings (all but two of which were authorized by Decision 07-12-029) and I also addressed the practicability standard applicable to the evaluation of at-grade crossing proposals.

**Q. What is the purpose of your present testimony?**

A. In the context of the scheduled evidentiary hearing regarding Expo Authority's still-pending requests for authorization of an at-grade crossing at Farmdale Avenue and of a grade separated crossing above the Harvard pedestrian underpass, I am again presenting testimony to help explain how the design and construction process for Expo Rail is implementing Expo Authority's mission. My testimony also will affirm the adequacy of Expo Authority's showing in this proceeding to support its proposed solutions for the Farmdale Avenue and Harvard Boulevard crossings. I also will address the practicability standard as discussed in Expo Authority's Opening Brief and in Decision 07-12-029 and will provide testimony supporting an application of that standard to the proposed Farmdale at-grade crossing.

**Q. Please describe the mission of Expo Authority.**

A. Per state legislation, the mission and responsibility of Expo Authority is to award and oversee the final design and construction contracts for the completion of the Expo Rail project from downtown Los Angeles to the City of Santa Monica.

**Q. How has the design and construction process for Expo Rail been effective in implementing the policy goals and mission you describe?**

A. The Expo Rail project has been in the planning stages for over 20 years. It is critical to the mobility needs for the West side of Los Angeles that Expo Rail be built and placed into operation as quickly as possible.

Recognizing this need, the State Legislature created Expo Authority and gave it liberal contracting authority to select methods that would result in the project's completion at the earliest possible date. To this end, Expo Authority selected a "design-build" approach in an attempt to fast track the project. Utilizing this method, Phase I of the project (from downtown Los Angeles to the City of Culver City) has been under construction since October 13, 2006. The project is currently on schedule for opening in 2010. In order not to fall seriously behind this schedule, it is important to receive approval of our two remaining CPUC applications as soon as possible. These approvals are the last governmental approvals needed to implement the Phase I of the Expo Rail project successfully as directed by the State of California and the locally elected officials of the region.

**Q. What is your perspective on the two Expo Rail applications that are still pending before the CPUC?**

A. The history of planning for safe and efficient public transportation serving the West side of Los Angeles County demonstrates that there is a perennial need for

responsible public agencies to cooperate in working toward the implementation of projects developed by local elected officials through agencies, such as Expo Authority, that have been given that responsibility by the California Legislature. It is a long and grueling process to create new infrastructure systems to serve a contemporary metropolitan environment. Inserting an innovative transportation system such as light rail transit into the midst of what is already a dense, complex transportation grid is a very ambitious undertaking, which would be challenging even without consideration of the many competing interests at stake and the limited public financial resources that are available. The Legislature created Expo Authority for the specific purpose of getting that job done. It is essential for Expo Authority to work closely with the CPUC to achieve that goal and we are continuing to do that.

Issues have been raised regarding our proposal for a Farmdale Avenue at-grade crossing and, to a lesser extent, as to our proposal to bridge over the Harvard pedestrian underpass. Our testimony and evidence in this proceeding demonstrates that both these proposals are fully safe solutions for the locations concerned and for the nearby communities and public schools. The Commission has directed us to explore other options and we have done so. We strongly believe that the record we are presenting will fully support a prompt Commission decision approving Expo Authority's proposed solutions for both the Farmdale and Harvard locations.

**Q. What is your perspective on the practicability standard as addressed in Expo Authority's Opening Brief and in Decision 07-12-029?**

A. As I stated in my testimony accompanying Expo Authority's Opening Brief, that brief provided an analysis of the practicability standard that has been established

over the years as the CPUC has applied the terms of Public Utilities Code §1202(c) in cases involving heavy freight and commuter trains operating over mainline railroads and that has, more recently, been modified to fit the very different context of light rail transit operating as part of a metropolitan transportation system. While I have not claimed to offer a legal interpretation, my prior testimony did offer a policy perspective, as a transportation executive, on the set of criteria the Commission listed in its *Pasadena Blue Line* decision, Decision 02-05-047, that it would look at in assessing the practicability issue. I emphasized that, given the Commission's primary responsibility to ensure the safety of rail crossings, the Expo Authority's applications have incorporated the latest, most up-to-date safety features to ensure, to the extent possible, that all safety hazards have been eliminated. I also noted that, in assessing the concurrence and opinions of various interested participants – local agencies, including appropriate emergency authorities, affected members of the general public, and the Commission's own safety staff – it is essential that the Commission take into account the expertise and credibility of all those participants, and not allow a few disgruntled voices to overshadow a consensus of responsible agencies and experts. And finally, as the CEO of a public agency with a clearly defined mission and limited resources to achieve it, I emphasized the practical importance of the issue of costs. I believe, given multiple crossing designs that provide for the safety of the public, it is fiscally prudent to select the lower cost option. In comparing the safely designed at-grade crossing with an underground structure for the light rail line at Farmdale Avenue, the cost difference would be in the neighborhood of \$100 million. When cost differences are of this scale, their relevance to practicability cannot be denied.

**Q. Does this complete your testimony?**

A. Yes, it does.