



August 16, 2007

Ms. Nancy Wieben Stock

Presiding Judge
700 Civic Center Drive
Santa Ana, CA 92701

CC: Orange County Grand Jury
700 Civic Center Drive
Santa Ana, CA 92701

SUBJECT: RESPONSE TO GRAND JURY REPORT – “ORANGE COUNTY RAIL CROSSING SAFETY: SNAPSHOT OF A PROCESS”

Dear Ms. Stock:

On behalf of the City Council of the City of Dana Point, I am hereby responding to your May 1, 2007 letter regarding the recently released Grand Jury Report entitled “Orange County Rail Crossing Safety: Snapshot of a Process”. The report requires a response from the City of Dana Point on the following items:

1. Finding F-2 which reads: “F-2. Impacted cities are strongly concerned about noise from OCTA/Metrolink train horns at railroad crossings. The cost of totally eliminating train horns county-wide through quiet zone corridor treatments could be in the range of \$50-\$60 million”.
2. Finding F-3 which reads: “F-3. It is unclear how the burden of cost for upgraded crossings will be shared by OCTA and impacted cities”.
3. Recommendation R-3 which reads: “R-3. The burden of construction and inspection costs for these grade crossing treatments needs to be shared by the OCTA and impacted cities according to an agreed formula”.

The responses to the required items noted above are as follows:

Response to Finding F-2: The constituents of the City of Dana Point are concerned about train noise as indicated in this finding. In order to clarify this issue for the City of Dana Point, it is important to note that we are concerned about train noise from the crossing at Beach Road and Coast Highway, as well as from other crossings that exist in the City of San Juan Capistrano. Those crossings include, but are not limited to, the Cassidy crossing and the crossing at Avenida Aeropuerto. The City hopes that the planned safety and quiet zone improvements being contemplated will effect a positive improvement for the residents of the City of Dana Point.

August 16, 2007

Ms. Nancy Wieben Stock

Page 2 of 6

Response to Finding F-3: The City of Dana Point acknowledges that OCTA is working with Orange County cities to determine a funding arrangement that will work for OCTA and Orange County cities to allow the public to see the recommended improvements constructed. It is the hope of the Dana Point City Council that the original funding arrangement of 88 percent grant funding with a 12 percent agency match will be strongly considered. With the hope that this funding arrangement will be approved by the OCTA Board of Directors, the City Council has budgeted \$150,000 for installation of equipment allowing a Quiet Zone at Beach Road in the current Capital Improvement Program budget.

Response to Recommendation R-3: The City of Dana Point acknowledges that the costs of grade crossing improvements for safety and quiet zone purposes would need to be shared using an agreed upon formula. Please refer to the Response to Finding F-3 above.

The City has also asked our consultant, who attended the hearing of the Grand Jury on the Report, to respond. That response letter is included as Attachment 'A' herein.

The City of Dana Point appreciates the opportunity to participate in this process. If you should have any questions, please contact Matthew Sinacori, City Engineer, at (949) 248-3574.

Sincerely,



Douglas Chotkevys
City Manager

cc: Brad Fowler, Director of Public Works and Engineering Services
Matthew Sinacori, City Engineer