



BETH KROM, Mayor

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(949) 724-6233

August 22, 2007

The Honorable Nancy Wieben Stock
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

Dear Judge Wieben Stock:

The City of Irvine has reviewed the 2006-2007 Orange County Grand Jury report "Orange County Rail Crossing Safety: Snapshot of a Process" and appreciates the opportunity to respond.

As required by California Penal Code Sections 933.05(a) and (b), we are submitting the following responses from the City Council of the City of Irvine addressing the report's findings and recommendations as appropriate:

Finding 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.

City of Irvine Response to F-2: The City agrees with the first statement of Finding F-2; however the City of Irvine has not assessed the county-wide cost of quiet zone corridor treatments and can neither confirm nor deny the total cost indicated in the second statement.

Finding F-3: It is unclear how the burden of cost for upgraded crossings will be shared by the OCTA and impacted cities.

City of Irvine Response to F-3: The City agrees with Finding F-3.

Recommendation 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.

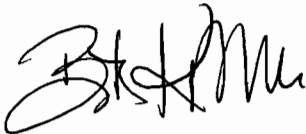
City of Irvine Response to Recommendation R-3: The City is in support of this recommendation and recommends further analysis. The scope of further analysis needs to consider funding for supplemental safety measures, construction, permitting and inspection.

The analysis also should include quiet zone establishment costs. In addition, there is a long-term funding issue related to ongoing inspection and maintenance costs associated with the improvements, including those located within the rail right-of-way.

Quiet zone implementation has also raised significant liability and indemnification issues. Although quiet zone improvements are designed to increase safety at street grade crossings, Metrolink's current policy would require indemnification by the local agencies before quiet zone projects are authorized. OCTA has formed a Quiet Zone Working Group of City elected officials and staff who are collaborating on strategies to address indemnification as well as funding issues.

Thank you for the opportunity to respond to these findings and recommendations. Please feel free to contact my office at (949) 724-6234 if you have any questions regarding these responses.

Sincerely,



BETH KROM
Mayor

cc: Orange County Grand Jury,
700 Civic Center Drive West, Santa Ana, CA 92701
Sean Joyce, City Manager
Wally Kreutzen, Assistant City Manager
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