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September 5, 2007

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

RE: "Orange County Rail Crossing Safety: Snapshot of a Process"

Dear Judge Wieben Stock:

The City of Santa Ana has been requested to provide responses to Findings #2 and #3 and Recommendation #3 of the subject 2006-2007 Orange County Grand Jury Report.

Finding 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.

Response: The City of Santa Ana agrees with the finding.

The City has ten at-grade crossings located along the Orange subdivision. We are currently developing a priority list for the establishment of quiet zones within our City contingent upon the availability of funding. All railroad crossings with a quiet zone designation would require the construction of both the basic safety improvements plus the supplemental safety measures that allow for the discontinuance of train horn blowing.

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

Response: The City of Santa Ana agrees with the finding.

The City believes that the Renewed Measure M is an appropriate funding mechanism for all of the costs associated with upgraded crossings, basic crossing safety improvements, and supplemental safety measures required for the establishment of quiet zones, because the Renewed Measure M Transportation Investment Plan approved by the voters specifically calls for the creation of quiet zones and associated improvements as follows:

"Project R: High Frequency Metrolink Service

This project will provide increase rail services within the county and provide frequent Metrolink service north of Fullerton to Los Angeles. The project will provide for track improvements, more trains, and other related needs to accommodate the expanded service....The service will include upgraded stations and parking; safety improvements and quiet zones along the tracks; and frequent shuttle service and other means, to move arriving

passengers to nearby destinations. The project also includes funding for improving grade crossings and constructing over or underpasses at high volume arterial streets that cross the Metrolink tracks." (Renewed Measure M Transportation Investment Plan, *emphasis added*)

As such, it seems appropriate that funding of the expansion, and its impact on local grade crossings should be borne entirely by OCTA and not local jurisdictions affected by the expansion.

Additionally, as the county's regional transportation agency, OCTA has been a strong advocate for expansion of Metrolink service, and justifiably so, due to the successes experienced through funding from the first Measure M. In light of the language approved by the voters in Measure M2, and the regional significance of the Metrolink expansion, the City of Santa Ana believes that all of the associated costs should be borne by OCTA.

Finally, the City of Santa Ana wishes to point out that expansion of Metrolink service is more analogous to freeway improvement projects, which require no cost-sharing formulas between OCTA and local jurisdictions. The 88% OCTA/12% city formula currently utilized for local street and road improvements seems less appropriate for improvements resulting from an expansion of Metrolink and the need to establish quiet zones along the rights of way.

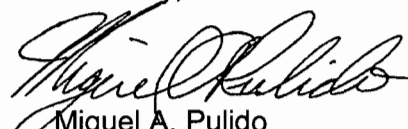
Recommendation 3. The burden of construction and inspection costs for these grade crossing treatments needs to be shared by the OCTA and impacted cities according to an agreed upon formula.

Response: The City of Santa Ana disagrees with the finding.

If applied to grade crossing treatments and quiet zone safety features, the current formula of 88% OCTA--12% City match formula used for funding of local streets projects warrants further discussion and analysis, based on the information presented for Finding 3 above. Additionally, in order for cities to move forward with an accelerated schedule in establishing quiet zones OCTA should provide 100% of the cost necessary to install the required supplemental safety measures. OCTA also needs to address the issues of indemnification and ongoing maintenance of infrastructure within the railroad rights-of-way.

If you require any additional information, please contact James G. Ross, Executive Director of Public Works, at (714) 647-5654.

Sincerely,


Miguel A. Pulido
Mayor