

CAPISTRANO BAY DISTRICT
AGENDA REPORT
February 24, 2009

Manager's Reports

ITEM I.2

Progress Report on RR Grade Crossing Safety Enhancements (Quiet Zone)

City approval for this project was processed over 18 months ago but recently, in about October, the city learned that the railroad agency was intending to require the city to provide full liability for the trains passing through the Beach Road RR crossing. In November this issue came before the city council and it ended up in a split vote. Fast forward to today and the city is now in negotiations with the railroad agency to sort out the liability and indemnification issue. The city is very reluctant to assume additional liability, especially since it had to pay on a \$50 Million lawsuit for the joggers who were seriously injured on PCH about two years ago so they are understandably reluctant. The city very clearly wants the safety enhancements to be constructed at the grade crossing but must work out the very onerous details of the liability in advance of a full acceptance of the project.

Staff is watching this issue very closely and will be posting information for the community as it develops. When this issue comes again before the city council staff will make sure the Beach Road community is well notified.