

CAPISTRANO BAY DISTRICT  
AGENDA REPORT  
November 5, 2013

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*Security Reports*

ITEM F.6

OCTA Request to Remove Chain Link Safety Fence

On September 4<sup>th</sup>, the District received an order from OCTA to remove the chain link safety fence as soon as possible. The subject fence, about 900 feet in length, is the section that runs behind the hibiscus and bird of paradise plants, next to the RR tracks, along the large parking area between the community entrance and the first home.

The fence was installed originally as a temporary safety fence before the entry improvement project was started. OCTA permitted us to place the fence at 15 feet from the tracks so we'd have working room behind the fence for the construction activity.

OCTA now wants the temp fence removed. They actually did not say anything about being required to install a replacement fence. If we were to install a new fence, it would have to be located at a point 20 feet from the tracks, in other words, 5 feet closer to the line of existing hibiscus and bird of paradise.

This would effectively cut off any maintenance access to the backside of the bushes as the fence would be tight against the vegetation on the RR side.

I have a price of \$1800 to remove the existing temp fence. I also have a price of \$7200 to install a new fence (using the salvaged material from the temp fence). While it's tempting to just remove the existing temp fence, we would then be without any fence in this area. None of us has any plans to venture onto the tracks and get hit by a train but without the fence there is the potential for outsiders to walk into the community unobstructed and unnoticed.

In addition to the contactor's estimate, there is another fee to add to the overall cost. The railroad will not permit any work adjacent to the tracks unless we pay for a FLAGMAN to run interference with the passing trains. Metrolink charges \$1200 per day for this. Just to remove the fence would be one day or \$1800 + \$1200. Installing new fence is two days or \$7200 + \$2400:

- remove existing fence only                      \$3000
- install new fence                                      \$9600 (this includes old fence removal)

If we remove the existing fence and not reinstall another fence at the same time then the material gets discarded and would not be available for future use – it's a lot of material and there's no appropriate place to store it. This essentially increases the cost of a new fence because we would now have to purchase all new material – add another \$3500 to the estimate.

If we just leave the fence in place and ignore OCTA's removal request, it will take some months before they realize we're stalling but at some point they'll come after us more aggressively.

In my casual inspection of various sections of track between San Clemente and Mission Viejo, it is surprising how much of the track is unprotected and without a fence, so it's not unusual for Metrolink to have an absence of safety fence.

Maybe in lieu of a replacement fence we might install a surveillance camera in the area to pick up any trespassers that come across the tracks and through the line of vegetation. I believe the techs from Securitas could specify the perfect inexpensive system for such an application.

In any case, OCTA is not going to let this go and a decision needs to be made on a course of action.