

From: vin.hoagland@sonoma.edu
To: [City Council Public Comments](#); [Sonoma County Bicycle Coalition](#)
Subject: [EXTERNAL] Agenda Item #15.3 Jennings Crossing
Date: Thursday, April 4, 2024 5:12:16 PM

As a cyclist I very strongly support the restoration of the crossing of the SMART tracks at Jennings Avenue. While there are two tracks that must be crossed and there is a school nearby, the detour that must be followed now is I believe more dangerous than the potential for someone being struck by a train. I participated in the Zoom meeting conducted by Eddie Cummins where he was very concerned about a train-person collision and proposed an expensive overpass, I was not convinced that this was the best option. If there is concern about children crossing before and after school, crossing guards could be used as they are frequently on roadways. I strongly urge the Santa Rosa City Council to continue to push for the approved at grade crossing.

--

Vincent Hoagland



From: [Steve Saxe](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Agenda Item #15.3
Date: Thursday, April 4, 2024 5:39:50 PM

The Jennings Crossing is essential. Please make it happen one way or another.

Steve
Steve Saxe
Santa Rosa

From: [Genevieve Navar Franklin](#)
To: [City Council Public Comments](#)
Cc: [Sonoma County Bicycle Coalition](#)
Subject: [EXTERNAL] Agenda Item #15.3
Date: Thursday, April 4, 2024 4:49:39 PM

It's been a long time coming and you mustn't let it fall off the tracks! This is to ask that you support the Jennings Overcrossing in any way that you can.

SMART isn't being intelligent in its stance, let alone responsive to the individuals it's meant to serve.

Thank you for your attentive consideration.

Genevieve N. Franklin

From: [Chris Carrieri](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Agenda Item #15.3
Date: Thursday, April 4, 2024 8:20:03 PM

Please support the Jennings crossing and negotiate thoroughly and transparently with SMART. It should be equally shared liability and I would think they'd do everything possible to enhance ridership convenience

Sent from my iPhone

From: [Robert van de Walle](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Agenda Item 15.3
Date: Thursday, April 4, 2024 5:03:43 PM

To the City Council:

Someday we'll prioritize active transportation – walking, and riding bikes – over resource intensive cars and even rail. When that day comes, will you be able to say "We helped make it easier for people to get to their destinations" or will you be counted among those who kept pushing large infrastructure?

I urge you to work as hard as you can to ensure neighborhoods aren't divided, and that it's easy for walkers and bikers to get to their destinations. Please continue to work with SMART to create a shorter travel distance for those of use who use the trails.

Robert van de Walle (*dwelling on Pomo land*)

Making People Powered Fun

<https://threefeetofair.wordpress.com/>



From: [Kristin](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Agenda Item 15.3
Date: Thursday, April 4, 2024 5:10:33 PM

Dear Santa Rosa Council members,

It is essential for the safety of our community and for continuing progress supporting climate-friendly transportation solutions, for the Jennings Crossing to become a reality asap.

Working out who pays for it should be fast-tracked, so the crossing can become a reality soon. Please discuss Option 1 and 2 on the agenda and come to a workable agreement.

OPTION 3 IS NOT AN OPTION!

Thank you,

Kristin

Kristin Thigpen
Rincon Valley, Santa Rosa

From: [Victor Delpanno](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] City Council Agenda Item #15.3
Date: Thursday, April 4, 2024 7:35:20 PM

I support an at-grade crossing at Jennings Ave.

A grade separated crossing is better in theory, but there doesn't appear to be a way to make it happen this decade. In that case, an at-grade crossing sooner is better than waiting years under the current setup, which promotes car dependency.

I also don't think SMART should push liability to the city, if this is in any way different than the rest of the at-grade crossings on their line. However, this should not be reason enough to once again stop the project indefinitely.

There are costs to waiting, and they are much more than the limited risks of a ped/bike at-grade crossing.

From: [Rick Coates](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] City Council Agenda Item #15.3
Date: Thursday, April 4, 2024 7:34:21 PM

OPTION 3 IS NOT AN OPTION!

Rick Coates
Executive Director
EcoRing
Promoting **EcoTourism and Green Travel.**
It's the Journey not just the Destination!



Please consider the environment before printing this email.

From: [Laura Dahl-Savage](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] City Council Agenda Item #15.3
Date: Thursday, April 4, 2024 5:42:12 PM

OPTION 3 IS NOT AN OPTION!

Please consider the community that voted you into office and make the Jennings Avenue crossing of the SMART tracks a reality.

Sincerely,

Laura Dahl-Savage

From: [Debb Debret](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] City Council Agenda Item #15.3
Date: Thursday, April 4, 2024 5:31:07 PM

OPTION 3 IS NOT AN OPTION!

It is imperative that plans continue for the Jennings Avenue crossing. As a west Santa Rosa resident it is an important crossing to get to school, shopping, work and bus stop without having to go far out of the way to get across.

Again, I stress Option 3 is NOT an option.

Thank you,

Deborah Debret

"Our doubts are traitors, and make us lose the good we oft might win, by fearing to attempt." - William Shakespeare

From: [Tracy Wilson](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] City Council Agenda Item #15.3
Date: Thursday, April 4, 2024 5:00:42 PM

Please pass the Jennings street crossing!

Thank you.

Tracy Wilson

OPTION 3 IS NOT AN OPTION!

Sent from Tracy's iPhone

From: [Earl Fisk](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] City Council Agenda Item #15.3
Date: Thursday, April 4, 2024 4:48:04 PM

OPTION 3 IS NOT AN OPTION!

From: [Justice L](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] City Council Agenda Item #15.3
Date: Thursday, April 4, 2024 9:27:25 PM

OPTION 3 IS NOT AN OPTION!

From: [Nathan Spindel](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Item 15.3 – Don't Abandon Jennings Crossing
Date: Thursday, April 4, 2024 9:55:08 PM

Dear City Council,

I am writing to urge you not to abandon the at-grade crossing at Jennings Avenue. I know you're in a difficult position given SMART's refusal to negotiate a fair deal, but it is essential that we get this crossing built. I hope SMART will be more reasonable.

Thanks,
Nathan Spindel
Memorial Hospital Neighborhood

From: [Scott Messenger](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Support the Jennings Crossing
Date: Thursday, April 4, 2024 4:58:12 PM

To whom it may concern-

As a long-term resident of Santa Rosa, a person lives in one of the neighborhoods near the are of the Jennings Crossing, and as a pedestrian and cyclist, I am contacting you to request your full support of expeditious construction of a pedestrian/cyclist crossing over the SMART railway.

There are numerous reasons to support this crossing, aside from basic access, but they are further exacerbated by the distance that people have to travel in order to get around the extended section of railway between Guerneville Road and College Avenue. This lack of access will be even more crucial once construction begins on the new Lance Drive Commercial and Residential project.

I am also a former member of the Sonoma County Bicycle Coalition and the Santa Rosa Cycling Club, and support representatives from those organizations support of this program, and consider them representatives of my interests.

Thank you for your support, and once again - I encourage you to do the right thing for the people who live in West Santa Rosa, who have to detour substantial distances, to unsafe pedestrian routes, in order go around the largest stretch of railway in Santa Rosa.

Sincerely,
Scott T. Messenger

From: [Richard Heinberg](#)
To: [CityCouncilListPublic](#)
Subject: [EXTERNAL] Jennings Crossing
Date: Thursday, April 4, 2024 9:12:16 AM

Dear Council:

We Jennings Crossing activists understand the Council's frustration at having to carry on negotiations with SMART for so long. Please don't give up!

The fence closure incentivizes the busing of school children, as well as more automobile trips to local stores, the library, and post office. More CO2 emissions, more traffic.

It doesn't have to be this way. A safe at-grade pedestrian and bicycle crossing would be by far the best solution. In the current dangerous situation, pedestrians are required to walk a half-mile further and cross the train tracks only a few feet from heavy car and truck traffic flows. The current situation discourages walkers about as effectively as if that were the actual intention.

The Jennings footpath crossing is a century-old vernacular feature of the neighborhood. It is also a vital east-west pedestrian link in a city where east-west pedestrian access is already severely limited by highway 101. The duty of public agencies should be to create more such links, certainly not to sever existing ones.

SMART has stood in the way of a solution, but the Council is here to represent the interests of the people of Santa Rosa, and the people's wishes are clear.

Thank you for your continued work on this important issue.

Richard Heinberg
Post Carbon Institute
Jennings Avenue resident

--

Richard Heinberg
Senior Fellow, Post Carbon Institute
www.richardheinberg.com
www.postcarbon.org


From: [emwiig](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] City Council Agenda Item #15.3
Date: Thursday, April 4, 2024 4:43:33 PM

Dear city leaders,

I'm writing to urge you to move forward with a multi-modal crossing at Jennings Avenue, a key link between neighborhoods for those of us who travel on foot or bike here in our beloved Santa Rosa. My understanding is that you'll be deciding between three options, the third of which is to withdraw the CPUC permit application, which would kill the project. Please don't do this. Let's make this city safe and connected for everyone, regardless of how we travel.

Thanks,

Evan Wiig

, Santa Rosa, CA


From: [nacouzi.nacouzi](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Agenda Item #15.3
Date: Friday, April 5, 2024 12:48:17 AM

jennings avenue crossing is essential to making santa rosa a livable city
-stephanie nacouzi

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From: [Autumn Buss](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] City Council Agenda Item #15.3 Jennings Crossing
Date: Friday, April 5, 2024 6:27:59 AM

Dear Councilmembers,
I encourage you to continue working with SMART to make the Jennings Crossing a reality. This is a vital link for bicyclists and pedestrians across the SMART tracks. Please choose option 1 or 2, but not option 3--please don't abandon this project.

Thank you,
Autumn Buss

Santa Rosa, CA 95404

From: [Jean H](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] City Council Agenda Item #15.3
Date: Friday, April 5, 2024 7:58:58 AM

OPTION 3 IS NOT AN OPTION!
The Jennings crossing is needed!

From: [Steve](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] City Council Agenda Item #15.3
Date: Friday, April 5, 2024 7:58:04 AM

OPTION 3 IS NOT AN OPTION!

Please, we strongly support the Jennings crossing!

From: [Kelsey Wiig](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] City Council Agenda Item #15.3
Date: Friday, April 5, 2024 7:49:04 AM

Please support option two to keep the community along the smart train pedestrian and bicycle safe. The neighborhood off of Jennings is a great example of dense city housing near public transit, a total win for Santa Rosa. Help us make this community accessible and create ease in choosing to travel by bike. Please don't choose option 3. Thank you for your time.

Kelsey

From: [Hugh Helm](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] City Council Agenda Item #15.3
Date: Friday, April 5, 2024 9:29:51 AM

OPTION 3 IS NOT AN OPTION!

From: [lvalentine](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Fwd: Item 15.3 – Don't Abandon Jennings Crossing
Date: Friday, April 5, 2024 6:54:14 AM

Subject: Item 15.3 – Don't Abandon Jennings Crossing

Dear City Council,

We are writing to urge you not to abandon the at-grade crossing at Jennings Avenue. We know you're in a difficult position given SMART's refusal to negotiate a fair deal, but it is essential that we get this crossing built. We hope SMART will be more reasonable (and we are writing to them to ask them to be).

Sincerely,

Lynn & Brad Valentine,

SR Junior College Neighborhood

From: [Justin Borton](#)
To: [City Council Public Comments](#)
Cc: bikeablesr@gmail.com
Subject: [EXTERNAL] Item 15.3 – Don't Abandon Jennings Crossing
Date: Friday, April 5, 2024 7:21:12 AM

Dear City Council,

I am writing to urge you not to abandon the at-grade crossing at Jennings Avenue. I know you're in a difficult position given SMART's refusal to negotiate a fair deal, but it is essential that we get this crossing built. I hope SMART will be more reasonable (and I am writing to them to ask them to be).

Sincerely,

Justin Borton

, Santa Rosa, CA 95401

From: [Dani Sheehan-Meyer3](#)
To: [City Council Public Comments](#)
Cc: bikeablesr@gmail.com
Subject: [EXTERNAL] Item 15.3 – Don't Abandon Jennings Crossing
Date: Friday, April 5, 2024 9:44:14 AM

To: cc-comment@srcity.org
Bcc: bikeablesr@gmail.com
Subject: Item 15.3 – Don't Abandon Jennings Crossing

Dear City Council,

I am writing to urge you not to abandon the at-grade crossing at Jennings Avenue. I know you're in a difficult position given SMART's refusal to negotiate a fair deal, but it is essential that we get this crossing built. I hope SMART will be more reasonable (and I am writing to them to ask them to be).

Sincerely,

Dani Sheehan-Meyer • Transit User
Sebastopol



From: [Brittany English](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Jennings Ave bike crossing
Date: Friday, April 5, 2024 6:25:02 AM

Dear City Council,

I am writing to urge you not to abandon the at-grade crossing at Jennings Avenue. I know you're in a difficult position given SMART's refusal to negotiate a fair deal, but it is essential that we get this crossing built. I hope SMART will be more reasonable (and I am writing to them to ask them to be).

I live in Hidden Valley neighborhood and work at Santa Rosa Community Health Center on Dutton Ave. This crossing would be huge for me as it would allow me to skip Guernville rd during rush hour traffic. I also believe it would help my patients to have safer, easier access to the clinic.

Thank you,

Brittany English

From: [Michael Lipelt](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Jennings Crossing
Date: Friday, April 5, 2024 10:05:18 AM

Honorable City Council Members,

I'm writing you to support the Jennings at-grade crossing now. This is essential to connect east and west Santa Rosa. It's also a vital connection to the 101 Crossing. I know you're in a tough position as Smart has not negotiated in a fair, equitable manner.

I'm voicing my displeasure to Smart about its unique, one-sided negotiation deal with the City. In any case it's important to move forward to complete the at-grade crossing. Smart will also hear from bike/ped groups (Sonoma County Bicycle Coalition and Bikeable Santa Rosa) about our displeasure with their antagonistic view of the Jennings at-grade crossing when there are already several at-grade crossings along the Smart tracks.

With gratitude,
Michael Lipelt
Santa Rosa Resident

From: [Barbara Phillips](#)
To: [City Council Public Comments](#)
Cc: [Bikeable Santa Rosa](#)
Subject: [EXTERNAL] Item 15.3 - don't abandon Jennings Ave crossing
Date: Friday, April 5, 2024 12:41:04 PM

Dear City Council,

I am writing to urge you not to abandon the at-grade crossing at Jennings Avenue. I know you're in a difficult position given SMART's refusal to negotiate a fair deal, but it is essential that we get this crossing built. I hope SMART will be more reasonable (and I am writing to them to ask them to be).

Sincerely,

Barbara Phillips

From: [Erica Mikesh](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Item 15.3 – Don't Abandon Jennings Crossing
Date: Friday, April 5, 2024 12:49:59 PM

Dear City Council,

I am writing to urge you not to abandon the at-grade crossing at Jennings Avenue. I know you're in a difficult position given SMART's refusal to negotiate a fair deal, but it is essential that we get this crossing built. I hope SMART will be more reasonable. As a teacher at Comstock Middle School, I know first hand that my students need this crossing. Please don't disappoint them again.

Sincerely,

Erica Mikesh

JC Neighborhood & Teacher at Comstock Middle School

From: [David Schonbrunn](#)
To: [City Council Public Comments](#)
Cc: [Abel, Adam](#)
Subject: [EXTERNAL] April 9 Council Meeting, Items 3.1 and 15.3
Date: Friday, April 5, 2024 1:39:47 PM
Attachments: [TRANSDEF Jennings Letter.pdf](#)

Please provide the attached comment letter to the Council. An email indicating receipt would be much appreciated.

Mr. Abel: This letter suggests a language modification to the Jennings Crossing Agreement. I am sending this directly to you so that you have time to consider it prior to the Council meeting. Please feel free to contact me for further information.

—David

David Schonbrunn, President
Transportation Solutions Defense and Education Fund (TRANSDEF)
P.O. Box 151439
San Rafael, CA 94915-1439

415-370-7250 cell & office

David@Schonbrunn.org
www.transdef.org

Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-331-1982

April 4, 2024
By E-Mail to:
cc-comment@
srcity.org

Natalie Rogers, Mayor
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Re: April 9 Council Meeting, Items 3.1 and 15.3

Dear Mayor and Council members:

TRANSDEF, the Transportation Solutions Defense and Education Fund, is an environmental non-profit that has focused on reducing the growth in Vehicle Miles Travelled (VMT) for 30 years. We have litigated two rail crossings cases before the CPUC, and won important decisions protecting the integrity of the rail right-of-way, thereby constraining the wishes of the cities of San Rafael and Petaluma.

TRANSDEF supported the Jennings Crossing from the beginning. We submitted comments to the original PUC proceeding, asserting that pedestrian crossings are inherently safer than conventional grade crossings. We supported the final Decision.

TRANSDEF believes that the 8 years of wrangling over liability language has been an **outrageous failure of governance** that directly harmed the residents of the City. It is clear to TRANSDEF that this delay resulted from SMART negotiating in bad faith. **SMART's liability language has been a poison pill, intended to obstruct the implementation of the PUC's Order.**

In recognition of the pedestrian needs of the City's residents, TRANSDEF urges the Council to **execute Attachment 2**. We are concerned, however, about the language giving SMART the unilateral right to order that "Licensee will immediately but no later than five business days take all necessary actions to seek approval from the CPUC for authority to modify or close the crossing" which is found in Sections 4a, 6a(i) and 23f. We suggest that the City add a mediation or arbitration process to these sections, to protect its rights from arbitrary loss. To honor SMART's concerns, the City could offer to seek temporary approval from the CPUC to close or modify the crossing while the dispute was being resolved.

TRANSDEF urges the City to go before the ALJ and **request a finding that the City's adopted Agreement is reasonable on its face, while SMART's is not**. The City should request a PUC order instructing SMART to negotiate in good faith.

We wish you success.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn
President

From: [Eris Weaver](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Public Comment: Agenda Item 15.3
Date: Friday, April 5, 2024 3:51:21 PM
Attachments: [image001.png](#)
[image002.png](#)
[Jennings crossing - OPTION 3 IS NOT AN OPTION.pdf](#)

See the attached public comment regarding Agenda Item 15.3. Thanks!



Eris Weaver, Executive Director
Sonoma County Bicycle Coalition
eris@bikesonoma.org
707-545-0153 office • 707-338-8589 cell
www.bikesonoma.org
[Book time to meet with me](#)



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April 5, 2024

Santa Rosa City Council
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Dear Mayor Rogers and Councilmembers:

It has now been over SEVEN YEARS since the California Public Utilities Commission formally approved the Jennings Avenue Crossing in September of 2016.

SCBC has been a supporter of this crossing from the beginning. An at-grade crossing at Jennings Avenue will improve public safety and provide a convenient way for pedestrians and cyclists to cross the SMART tracks.

Without a bicycle/pedestrian crossing at Jennings Avenue, residents and students are required to walk ½ mile out of their way when trying to reach a destination on the opposite side of the tracks, including elementary age students travelling to/from school. The alternate locations to cross the tracks, Steele Lane and College Avenue, lack appropriate pedestrian & bicycle infrastructure.

In the years since the Jennings crossing was authorized, at least ten cyclists and pedestrians have been injured in crashes on these busy streets. This situation presents a major deterrent to walking and biking for local trips. The people who stand to benefit most from the at-grade crossing include children walking to Helen Lehman Elementary School, as well as people walking to access SMART, work, shopping and the transit hub located at Coddington Mall. It would also benefit students traveling to other school sites in the vicinity, including Piner High School, Comstock Middle School, and Cesar Chavez Elementary School.

Public support for construction of the at-grade crossing was confirmed during the community meeting held at Helen Lehman School in March 2023. At this meeting, neighborhood residents reiterated their strong support for this crossing. The train tracks divide the neighborhood, making it difficult for kids and adults to walk or ride to school, shopping, the bus mall, etc. without taking a long detour on one of the most heavily trafficked streets in the city – which lack bike lanes.

This crossing is a vital link in our active transportation network.

OPTION THREE IS NOT AN OPTION.

I can imagine that this has been a frustrating and arduous process for staff. Yet I urge you, do not disappoint your constituents by giving up - that would make the City the "bad guy" and will be remembered by voters. If you vote for Option 1 or 2, and SMART rejects your counteroffer and/or the CPUC decides not to renew the permit, then THEY get to be the "bad guy."

Option 2 certainly seems more fair to the City; however I don't believe I have enough information to make an informed recommendation as to whether you should approve Option 1 or Option 2. You and your staff have spent more time in closed session and negotiations and probably have a better sense of what SMART's likely response would be to Option 2.

Thank you for your consideration.

A handwritten signature in blue ink that reads "Eris Weaver". The signature is written in a cursive, flowing style.

Eris Weaver, Executive Director

From: [paula s](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] City Council Agenda Item #15.3
Date: Friday, April 5, 2024 4:26:34 PM

OPTION 3 IS NOT AN OPTION!

Before the smart train closed the road, I used Jennings Ave as my east-west route bike route. Jennings now would connect to the smart trail, if only one could cross the tracks.

Bike connectivity is vital to a transition to a bike friendly transportation system. Jennings Ave is one piece of the connectivity puzzle.

Thank you,

Paula Smith, srbc member

From: [Joe Stein](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Item 15.3 – Don't Abandon Jennings Crossing
Date: Friday, April 5, 2024 4:39:24 PM

Dear City Council,

I am writing to urge you not to abandon the at-grade crossing at Jennings Avenue. I know you're in a difficult position given SMART's refusal to negotiate a fair deal, but it is essential that we get this crossing built.

As you know, W Steele Ln, W College Ave, and Guerneville Rd have two lanes of traffic in each direction, and Guerneville Rd. has only an unprotected bike lane; this makes the Jennings crossing part of what would be one of the only two safe east-west bike corridors in District 5 (the other being the creek trail).

I hope SMART will be more reasonable (and I am writing to them to ask them to be).

Sincerely,
Joe Stein
Resident of District 4

From: [AL Wellman](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Item 15.3 – Please don't abandon the Jennings Avenue SMART Crossing
Date: Friday, April 5, 2024 10:57:00 PM

I worked at Coddington for years crossing the tracks at Jennings Avenue when Northwestern Pacific was still running trains. The straight track in both directions gives this location very good visibility for approaching trains. I don't see how Santa Rosa can reduce vehicle miles traveled (VMT) to meet greenhouse gas reduction goals unless we make it at least as easy to move around town by bicycle as it is for motor vehicles.

The most reasonable alternative to the Jennings Avenue SMART crossing would be a protected two-way bicycle path along the south side of Guerneville Road from Lance Drive to the SMART trail with no right turn onto North Dutton Avenue for east bound traffic on Guerneville Road and no right turn on red for northbound traffic on North Dutton Avenue. While eliminating a traffic lane on Guerneville Road might have some positive effects on reducing VMT, I think the Jennings Avenue SMART crossing would be safer than a protected bicycle path crossing North Dutton Avenue and a more popular alternative for all users of Guerneville Road.

Albert Wellman

Civil Engineer



From: [Minona Heaviland](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] City Council Agenda Item #15.3
Date: Saturday, April 6, 2024 12:56:55 PM

OPTION 3 IS NOT AN OPTION!

A crossing at Jennings Avenue is important to allow people to walk or bike from west to east and back without going on Guerneville Ave which is basically only designed for cars and is stressful and dangerous to cyclists and pedestrians.

Please reopen the Jennings Ave crossing.

With appreciation,
Minona Heaviland

From: [Fred Friedland](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] City Council Agenda Item #15.3
Date: Saturday, April 6, 2024 8:21:09 PM

OPTION 3 IS NOT AN OPTION!

I'm emailing to support the Jennings crossing for cycling.
Thank you.
Frederick Friedland
Santa Rosa, California

From: [Tracey Jones](#)
To: [City Council Public Comments](#)
Cc: bikeablesr@gmail.com
Subject: [EXTERNAL] Item 15.3 Don't abandon Jennings crossing
Date: Saturday, April 6, 2024 11:07:24 PM

Dear City Council,

I am writing to urge you not to abandon the at-grade crossing at Jennings Avenue. I know you're in a difficult position given SMART's refusal to negotiate a fair deal, but it is essential that we get this crossing built. I hope SMART will be more reasonable. This crossing will allow bikes and pedestrians much needed east west corridor passage.

Sincerely,
Tracey Jones


From: [Virginia Reuter](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Item 15.3 – Don't Abandon Jennings Crossing
Date: Sunday, April 7, 2024 3:08:36 PM

Dear City Council,

I am writing to urge you not to abandon the at-grade crossing at Jennings Avenue. I know you're in a difficult position given SMART's refusal to negotiate a fair deal, but it is essential that we get this crossing built. I hope SMART will be more reasonable (and I am writing to them to ask them to be).

Sincerely,

Virginia Reuter (JC District resident)

Virginia Reuter
Santa Rosa, CA :: 

From: [Jenny Mercado](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Item 15.3 – Don't Abandon Jennings Crossing
Date: Monday, April 8, 2024 6:29:09 AM

Dear City Council,

I am writing to urge you not to abandon the at-grade crossing at Jennings Avenue. I know you're in a difficult position given SMART's refusal to negotiate a fair deal, but it is essential that we get this crossing built. I hope SMART will be more reasonable (and I am writing to them to ask them to be).

Sincerely,

Jenny Mercado,
District 2
Montgomery Village

From: [Steve Birdlebough](#)
To: [City Council Public Comments](#); [Rogers, Natalie](#)
Cc: [Eddy Cumins](#)
Subject: [EXTERNAL] Comments Regarding Agenda Items 3.1 & 15.3 - City Council 4/8/24
Date: Monday, April 8, 2024 9:46:38 AM
Attachments: [A1505014 Ltr to PolicyMakers 4-3-24.doc](#)

Greetings Mayor Rogers--

Attached is the comment letter by the Sonoma County Transportation & Land-Use Coalition regarding the Jennings Crossing agreement with SMART for construction of the Jennings Crossing.

Thank you for your consideration of this matter.

Steve Birdlebough, Chair





SONOMA COUNTY TRANSPORTATION & LAND-USE COALITION

April 8, 2024

Natalie Rogers, Mayor
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Via E-mail to: cc-comment@srcity.org

Re: April 9 Council Meeting, Items 3.1 and 15.3 – Jennings Crossing

Dear Mayor and Council members:

The Transportation and Land-Use Coalition of Sonoma County, the Sierra Club, and Friends of SMART are Joint Parties in the proceeding before the California Public Utilities Commission (CPUC) which authorized construction of the Jennings at-grade crossing in September, 2016.

Since the 2016 authorization, the Joint Parties have urged SMART and the City to proceed with construction of the crossing as soon as possible, because cyclists and pedestrians collide with fast-moving traffic on College Ave. or Guerneville Rd. at the rate of about once every eight months. It is important to reduce such risks by developing the Jennings Bicycle Boulevard.

We urge the City and SMART to promptly execute the agreement in Attachment 2 of Agenda Item 15.3, and to construct the Jennings Crossing as soon as possible.

If within the next several weeks, SMART does not agree with the City on the terms for construction and operation of the crossing, we suggest that the matter be submitted to an arbitrator.

Cordially,

Steve Birdlebough, Chair, SCTLC

707-576-6632

cc: Eddie Cumins, General Manager, SMART

From: [Laura Shumaker](#)
To: [City Council Public Comments](#)
Cc: bikeablesr@gmail.com
Subject: [EXTERNAL] Item 15.3 – Don't Abandon Jennings Crossing
Date: Monday, April 8, 2024 10:13:30 AM

Dear City Council,

I am writing to urge you not to abandon the at-grade crossing at Jennings Avenue. I know you're in a difficult position given SMART's refusal to negotiate a fair deal, but it is essential that we get this crossing built. I hope SMART will be more reasonable (and I am writing to them to ask them to be).

Sincerely,
Laura, SR JC neighborhood

From: [Matthew Hartzell](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Public comment on April 9, 2024 Council Meeting Agenda Item 15.3
Date: Monday, April 8, 2024 10:14:06 AM
Attachments: [Santa Rosa Council letter 4-8-24.pdf](#)

Dear Santa Rosa City Clerk,

Please distribute the attached public comment letter to the City Council ahead of the April 9, 2024 council meeting. Thank you.

Matthew Hartzell and Patrick Seidler
WTB-TAM



April 8, 2024

Santa Rosa City Council
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Mayor Natalie Rogers
Vice Mayor Mark Stapp
Councilmember Eddie Alvarez
Councilmember Dianna MacDonald
Councilmember Victoria Fleming
Councilmember Chris Rogers
Councilmember Jeff Okrepkie

RE: April 9, 2024 Council Meeting Agenda Item 15.3

Dear Santa Rosa City Council

WTB-TAM is a Community-Based Organization with a 31-year track record building best practices for sustainable transportation in Marin and Sonoma Counties, as well as other locations.

We write to you today regarding Item 15.3 at the Santa Rosa City Council meeting on April 9, 2024.

The SMART Railway has many benefits to the citizens of Santa Rosa and along the rail corridor. It increases mobility between cities and within the North Bay region. However, it also acts as a barrier to intra-city and inter-neighborhood mobility by severing the connective tissues that historically connect neighborhoods on either side of the tracks. Fortunately, cities have a tool at their disposal to combat the barrier effect caused by railways that cut through their communities: the at-grade crossing.

Historically, Santa Rosa community members were always allowed to cross the train tracks at Jennings Avenue. This is proven by historical satellite image analysis and by interviews with longtime neighbors who remember when the tracks were used by freight trains of the Northwestern Pacific Railroad.

When SMART acquired the railroad from the Northwestern Pacific, the citizens of Santa Rosa were promised that SMART would build an at-grade crossing at Jennings Avenue. SMART later decided in closed-door meetings to not build the at-grade crossing at Jennings Avenue, claiming that such a crossing would be “unsafe.” SMART did this without ever holding any public hearing or giving any public explanation why an at-grade crossing at Jennings Avenue would be any less safe than any other at-grade crossing along the 71-mile SMART railroad corridor between Larkspur and Cloverdale.

The at-grade crossing at Jennings Avenue is essential to neighborhood connectivity in Santa Rosa’s District 5. In the current conditions, pedestrians or bicyclists seeking to travel from one side of the SMART tracks to the other at Jennings Avenue must travel 0.7 miles out of the way to Guerneville Road. This is expressly at odds with best practices for bicycle and pedestrian network design.



Best practices tell us that bicyclists and pedestrians need contiguous, connected networks, with the shortest possible path between two points. In the current conditions, the SMART tracks constitute a barrier to access and connectivity across Jennings Avenue and between the east and west halves of Santa Rosa. The required detour is a disincentive to community members who want to walk or ride a bike. The result is that fewer trips are made by foot or bike, more trips are made by car, and the City's metrics on car trips and greenhouse gas emissions are made to suffer.

As a responsible regional transit agency, SMART should act as a steward of community mobility and access. We find SMART's position regarding Jennings Avenue to be incomprehensible. We suspect that SMART's current position is a holdover from its previous era of leadership during which its previous General Manager was known to prioritize the SMART railroad over bicycle and pedestrian mobility throughout the SMART system. We believe that SMART's new General Manager is more conscientious and reasonable than his predecessor and that there is still opportunity, given time, for the City to negotiate with SMART a Real Property License that is more fair to the City and people of Santa Rosa.

We urge the City Council to accept Option #2 of the 3 options presented to the Council by City Staff on this matter: "Direct the City Manager to execute a revised license agreement containing more balanced liability and indemnity language after the remaining Exhibits have been provided by SMART in a form to be approved by the City Attorney, and return the executed agreement to the SMART Board of Directors for consideration and notify the CPUC."

We urge the City Council NOT to accept Option #3, which would permanently kill the Jennings Avenue crossing, causing irreparable damage to Santa Rosa's urban fabric and community connectivity.

Thank you.

Patrick Seidler
President, WTB-TAM

Matthew Hartzell
Director of Planning, WTB-TAM

CC:

Maraskeshia Smith
City Manager, City of Santa Rosa

Dina Manis
City Clerk, City of Santa Rosa

From: rick.luttmann@sonoma.edu
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Jennings Crossing
Date: Monday, April 8, 2024 12:35:49 PM

I support Option b. Too many people have pushed for too long to justify dropping it, so forget Option c. And don't let SMART bully the City, so forget Option a as well.

I am the League of Women Voters appointee to the Citizens Advisory Committee to the SCTA. Here is the letter which the League sent six years ago on this matter, and it is still relevant today. It was drafted by the late Will Richards, my predecessor on the CAC:

-- Rick Luttmann

September 15, 2018
Debra Fudge, Board Chair
Sonoma-Marín Area Rail Transit District
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954
Chris Coursey, Mayor
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95404
Via email

Dear Chair Fudge and Mayor Coursey:

The League of Women Voters of Sonoma County urges the City of Santa Rosa to seek grant funding for the at-grade pedestrian and bicycle crossing at Jennings Avenue in Santa Rosa and for SMART to begin construction of that crossing as soon as funding is secured.

This crossing was used by pedestrians and bicycles for over 100 years until it was recently closed by SMART. It is in the Santa Rosa General Plan, the Downtown Station Area Specific Plan, and the Bicycle and Pedestrian Master Plan. It is a key element in the east-west bicycle route in between College Avenue and Guerneville Road. It provides a good walking route to Helen Lehman School for children living in new developments east of the tracks. It also makes it easier for residents west of the tracks to walk to Coddington and the surrounding shops and government services.

On May 14, 2015, the City applied to the California Public Utilities Commission (CPUC) for approval to construct this pedestrian and bicycle crossing. This application

was protested by the Safety and Enforcement Division of the CPUC, but it received very strong support from elected officials and the public in a public hearing. This crossing was fenced off in November 2015 when SMART began testing trains. The CPUC granted the application for the crossing on September 15, 2016. The decision is at <http://docs.cpuc.ca.gov/SearchRes.aspx?DocFormat=ALL&DocID=167320134> and provides a good history of the proceedings.

The CPUC decision determined that the grade crossing would be safe and spelled out the required safety features to ensure safety. One of the requirements is that the City work with the School District to evaluate the need for a crossing guard. The City and SMART agreed that it would be most efficient for the work to be performed by

SMART's existing contractors. The City agreed to pay for the crossing, obtained grants for it, and submitted the necessary documents to SMART.

Since then, there has been no action. Until last week, neither the public nor a reporter for The Press Democrat (Officials Stall on Crossing, page A3, July 28, 2018) were able to learn the reason SMART had not begun construction of the crossing. On July 13, SMART informed City staff that they no longer supported construction of the Jennings crossing, and the City staff asked for something more specific in writing. On August 7, Mayor Chris Coursey reported these events to the public during a City Council meeting.

On August 20, Bill Gamlen, SMART's Chief Engineer sent a letter to Jason Nutt, Santa Rosa's Director of public works saying that after a year of operating experience and an extensive safety review of the area, we cannot support this action. The letter cited the two suicides as well as accidents at crossings. This reverses SMART's earlier position, when it wrote letters in support of the City's grant applications and indicated support for the crossing during SMART Board meetings and Santa Rosa City Council meetings.

Jason Nutt forwarded the SMART letter to the City Council in an email that said, "At no point during the design phase did SMART raise safety concerns other than to ensure that all safety equipment had been included in the design." and "It is clear from the number of breaches in the chain-link fence and climbing assistance devices, such as chairs and boards, that the community clearly desires a crossing at Jennings Avenue and disagrees with SMART's statement that the Guerneville Road crossing is superior for safety and not a significant detour for the walking public. Additionally, this project was primarily delayed due to SMART's assertion that the City was required to enter into a Quiet Zone Maintenance Agreement prior to their willingness to work with the City to construct the Jennings crossing. Had they not manufactured the relationship between these two items, the Jennings crossing would already be built and in use by the community today. Based on the significant funding gap and the strong opposition from SMART, staff recommends abandoning this project."

In summary, SMART delayed the construction of the Jennings crossing to use it

as a bargaining chip in maintenance agreement negotiations with the City and then said safety concerns caused SMART to oppose construction of the crossing. During this time, SMART refused to disclose its positions to the public and the media.

Most safety evidence cited in SMART's letter, such as a truck driving through crossing gates, is not relevant to the pedestrian crossing at Jennings. In October 2017 a bicyclist wearing ear buds was injured on Steele Lane. There was no barrier that prevented him from bicycling on the sidewalk onto the tracks. Last week a man wearing earphones and engrossed in his smart phone was killed walking on Golf Course Drive in Rohnert Park. There was no gate or cross arm to warn him not to walk onto the tracks. The gate for automobiles was some distance on the other side of the tracks. In contrast, the Jennings crossing will have fencing and cross arms to prevent distracted pedestrians from walking onto the tracks. In addition, if a second train is coming in the other direction, the cross arms will remain down and the bells and warning lights will continue until it is safe to cross the tracks. The CPUC decision said the Jennings crossing will be safe, and SMART has yet to present data showing otherwise.

There are approximately 125,000 at-grade crossings in the United States. Most of them, like the majority of the grade crossings in Santa Rosa, provide only crossing gates for automobiles. Pedestrian safety features like those planned for the Jennings crossing are not the norm. The Federal Railroad Authority reports approximately 70 non-suicide fatalities at grade crossings per year. At this accident rate, it would average about 1,785 years between fatalities at any given crossing. Grade crossings designed for pedestrians would be safer than this.

A position of the League of Women Voters of Sonoma County states, "We regard provision of an integrated, efficient, multimodal, cost effective public transportation network as an important responsibility of local and regional government." We want children to participate in Safe Routes to School programs and walk or bicycle to school. We want neighborhoods to be able to walk to shopping and government services. The Jennings crossing will provide a safe and efficient way for these pedestrians to cross the tracks. We request that SMART begin construction of the at-grade pedestrian and bicycle crossing at Jennings Avenue as soon as the City can obtain the funding. The City obtained an \$8 million grant to construct an overpass at Jennings Avenue that had its own safety concerns and was regarded as a monstrosity by the neighborhood. The City returned this grant and obtained a smaller grant for the grade crossing. It is reasonable to believe that the City could obtain a grant to fund the increased cost of the Jennings grade crossing caused by SMART's delay.

This information was gathered by the Advocacy Committee chaired by Gene Zingarelli, Vice-President of the League of Women Voters of Sonoma County. The League believes that democratic government depends upon informed and active participation at all levels of government. The League has long worked for the citizen's right to know and for broad citizen participation in government. We request that SMART be more open with the public and the media.

Sincerely,

Susan Novak, Co-President
League of Women Voters of Sonoma County
Cc: Farhad Mansourian, SMART General Manager
SMART Board Members
Santa Rosa City Council Members
Sean McGlynn, Santa Rosa City Manager

“Americans can always be trusted to do the right thing -- once all other possibilities have been exhausted.” -- Winston Churchill

From: [Allison Ford](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Jennings Ave. Crossing [Item 15.3] -
Date: Monday, April 8, 2024 12:48:16 PM


Dear City Council,

I am a resident of Santa Rosa. I live on N Dutton Ave., near the Santa Rosa Creek Trail. This is a distance that is technically not far from the long promised Jennings Ave. crossing of the SMART train. But despite my relative proximity to the crossing, and many other parts of Santa Rosa, it is so very very hard to move around by foot and bike due to the lack of safe bike and pedestrian infrastructure. I try to walk and ride my bike as much as possible for transportation and pleasure, but without safe crossings of busy streets and the railroad tracks, such as the proposed at-grade crossing at Jennings Avenue, it often does not feel safe. Despite this, I do try, and I also see many other people walking, biking, and trying to get around outside of cars. We need to match this community preference for walking and biking with safe places to cross streets and train tracks.

I realize that the city is not alone in making this decision, and that SMART is making it difficult to move forward as planned with this crossing; but the city does not have to capitulate to their refusal to negotiate a fair deal. It would mean a great deal to the residents of Santa Rosa if the city council stood up for what is best for us--safety, movement, sustainable and pleasurable transportation pathways that make our city better to live in and visit. Please do not abandon the at-grade crossing at Jennings Avenue. This is a key part of our vision to make Santa Rosa a safe, sustainable, enjoyable place to live.

Sincerely,

Allison Ford, PhD
N Dutton Ave. Santa Rosa, CA
Environmental Sociologist
Assistant Professor of Sociology, Sonoma State University



From: [Jenny Bard](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Please support Jennings Crossing
Date: Monday, April 8, 2024 1:06:06 PM

Dear Mayor Rogers and Councilmembers,

I am writing to urge you to support an at-grade crossing at Jennings Avenue. An at-grade crossing at Jennings Avenue will improve public safety and provide a convenient way for pedestrians and cyclists to cross the SMART tracks.

I understand how frustrating it has been for the city given SMART's history on this project. However, it is essential that we get this crossing built and urge you to do everything in your power to bring this to fruition.

Thank you so much for your efforts on this project.

Kindly,

Jenny Bard

Luther Burbank Gardens Neighborhood

From: [Alexandria F](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] [City Council Agenda Item #15.3] Don't abandon the Jennings crossing!
Date: Monday, April 8, 2024 2:41:20 PM

Dear City Council,

Please do *not* abandon the at-grade crossing at Jennings Avenue.

I know SMART is making things a bit difficult, but it is essential that this crossing be built.

As a SMART commuter, I will be writing to SMART to ask them to be more reasonable with respect to the Jennings crossing.

Thank you for helping to reconnect Santa Rosa.

Thank you for reading,

Alex

From: [Jack](#)
To: [City Council Public Comments](#)
Cc: "Eddy Cumins"
Subject: [EXTERNAL] Jennings Crossing
Date: Monday, April 8, 2024 2:42:09 PM
Attachments: [Ltr re Jennings 4-8-24.docx](#)
Importance: High



FRIENDS OF **SMART**

April 8, 2024

Natalie Rogers, Mayor
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Via E-mail to: cc-comment@srcity.org

Re: April 9 Council Meeting, Items 3.1 and 15.3 – Jennings Crossing

Dear Mayor and Council members:

Regarding the SMART crossing at Jennings Avenue, Friends of SMART have tried to imagine ourselves in the shoes of the City Council *and* the SMART Board. We can relate to apprehension about Safe Routes to Schools, possible injuries to pedestrians, and emotional trauma to train crews--not to mention the cost of liability insurance.

But we also have worked hard to develop and maintain a "big picture" (overall risk/ benefit) perspective.

The no-build option forces bicyclists and pedestrians into proximity to fast-moving traffic on College Ave. or Guerneville Rd. The overpass approach is not only extremely expensive, it also would present a neighborhood monstrosity and a gathering place for the homeless and would-be predators. Technology such as gates that close and/or lock when a train is approaching can be added to an at-grade crossing. And for much less than the cost of an overpass, we can hire a guard to be present when kids are heading to or from school.

With the big picture in mind, we urge the City and SMART to promptly execute the agreement in Attachment 2 of Agenda Item 15.3, and to construct the Jennings Crossing as soon as possible.

Respectfully,

Jack Swearingen; Chair
Friends of SMART

Cc: Eddy Cumins, SMART General Manager



FRIENDS OF **SMART**

April 8, 2024

Natalie Rogers, Mayor
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Via E-mail to: cc-comment@srcity.org

Re: April 9 Council Meeting, Items 3.1 and 15.3 – Jennings Crossing

Dear Mayor and Council members:

Regarding the SMART crossing at Jennings Avenue, Friends of SMART have tried to imagine ourselves in the shoes of the City Council *and* the SMART Board. We can relate to apprehension about Safe Routes to Schools, possible injuries to pedestrians, and emotional trauma to train crews--not to mention the cost of liability insurance.

But we also have worked hard to develop and maintain a “big picture” (overall risk/ benefit) perspective.

The no-build option forces bicyclists and pedestrians into proximity to fast-moving traffic on College Ave. or Guerneville Rd. The overpass approach is not only extremely expensive, it also would present a neighborhood monstrosity and a gathering place for the homeless and would-be predators. Technology such as gates that close and/or lock when a train is approaching can be added to an at-grade crossing. And for much less than the cost of an overpass, we can hire a guard to be present when kids are heading to or from school.

With the big picture in mind, we urge the City and SMART to promptly execute the agreement in Attachment 2 of Agenda Item 15.3, and to construct the Jennings Crossing as soon as possible.

Respectfully,

Jack Swarengen

Jack Swarengen; Chair
Friends of SMART

Cc: Eddy Cumins, SMART General Manager

From: [JLDuncan](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Agenda Item 15.3 Report - Jennings Avenue Rail Crossing
Date: Monday, April 8, 2024 3:47:56 PM
Attachments: [Agenda Item 15.3.pdf](#)

The written comment for "Agenda Item 15.3 Report - Jennings Avenue Rail Crossing" is attached as a pdf.

Thank you so much.

James L. Duncan



To: Mayor and Santa Rosa City Council Members,
From: James L Duncan
Re: Item 15.3, Santa Rosa City Council Meeting, April 9, 2024,
Report - Jennings Avenue pedestrian at-grade bicycle and pedestrian rail crossing Real Property License Agreement with the Sonoma-Marin Area Rail Transit District (SMART)
Date: April 8, 2024

I hope the following will assist the Council in extending the CPUC Jennings Crossing approval so as to build and reopen the crossing:

- The PUC is currently considering enforcing its approval of the Jennings Crossing. An ongoing administrative Complaint against SMART, C.21-06-011, asks the PUC to enforce its Decision D.16-09-002, which approved the construction of the Jennings Crossing. Evidentiary hearings have been held and documentary evidence and transcripts of testimony have been admitted into the administrative record. Opening briefs are scheduled to be filed on May 10, 2024 and Reply briefs on June 7, 2024. Although the Administrative Law Judge may order additional briefs, under this schedule, the Complaint should be close to reaching a decision on enforcement of the Jennings Crossing approval.
- The City can explain why the approved Jennings Crossing has not yet been constructed. It is a matter of public record why the approved crossing has not been built. With SMART's support, the PUC approved the construction of the Jennings Crossing in September 2016. The City promptly requested SMART to have its contractors bid on building the approved crossing for the City before SMART began its scheduled passenger service. SMART's contractors stated an estimated cost for the work and the City Council in 2016 authorized the City Manager to execute an agreement for a maximum amount of about \$1.8 million dollars.

The construction of the approved crossing could have been completed in the spring of 2017 but SMART's staff stalled the formal Reimbursement Agreement. Finally, in June, 2017, SMART's Chief Engineer sent a Final Reimbursement Agreement to the City commenting in an e-mail that the agreement had "to go to the Board". The City Manager signed the agreement and it was hand-delivered to SMART. But SMART's General Manager stopped the agreement from going to the Board until the City signed a separate agreement to fund the costs of SMART's quiet zone noise mitigation by SMART providing quiet zone crossings.

The City Attorney recommended against signing the proposed quiet zone agreement. Although the City expressed its willingness to continue to work towards such a quiet zone agreement, SMART's staff stopped the Final Reimbursement Agreement from ever going to the Board and, consequently, the Board never considered it.

It wasn't until well after the disastrous 2017 Tubbs Fire that the City's officials met with SMART's officials in July 2018. SMART asserted that it no longer supported the Jennings Crossing and the City requested a written statement of the reasons for SMART's reversal. SMART's Chief Engineer wrote to the City on August 20, 2018 reiterating arguments against the crossing which had previously been rejected by the PUC in D. 16-09-002. The August 20, 2018 was not authorized by the SMART Board and was only the "opinion" of the Chief Engineer.

The City Council held a Study Session in October 2018 on the Jennings Crossing and directed the City staff to file a request for an extension of time to construct the approved Jennings Crossing and to find a way to build it with or without SMART.

The City filed its first request for a 2-year extension of time on April 19, 2019. SMART's Chief Engineer opposed the City's request as well as the staff of the Safety Enforcement Division (now the Rail Safety Division). The PUC rejected all of the arguments in opposition and granted the extension in October 2019. But the delay shortened the useful period of time in the 2-year extension by over 6 months.

SMART continued to oppose the construction of the crossing and continued to claim that the crossing would be unsafe. The City still had not recovered from the Tubbs Fire and was confronted by other fires and civic unrest.

The City filed its second request for a 2-year extension of time on July 16, 2021. Again, SMART and the Rail Safety Division opposed the City's request. The PUC again rejected all of the arguments in opposition and granted the extension in October 2021. SMART again continued to oppose the construction of the crossing and continued to claim that the crossing would be unsafe.

In June 2021, a Complaint against SMART was filed asking the PUC to enforce its decision approving the Jennings Crossing. That Complaint was delayed by SMART seeking to have the Complaint dismissed. SMART was unsuccessful and that Complaint is still pending.

Although the City's second request for an extension of time was granted by the PUC, the Rail Safety Division filed in January 2022 a request to have the Jennings Crossing approval annulled. SMART joined in support of the Rail Safety Division's request to have the Jennings Crossing approval annulled. The PUC rejected that request in November 2022 but SMART filed a request in December 2022 for the matter to be reheard. The PUC rejected SMART's rehearing request in March 2023 but between the requests by the Rail Safety Division and SMART much of the time granted by the previous 2-year extension was lost.

The City filed a request for a third 2-year extension of time to build the approved Jennings Crossing on August 9, 2023. Although this request is unopposed, it is still pending. Consequently, as of this date, about seven months of the request for a 2-year extension has been lost.

The pattern, detailed above, where the City requests an extension of time and then SMART and the Rail Safety Division tie up the extension request with various requests, all of which are rejected by the PUC, is what has blocked the construction of the Jennings Crossing by the City.

Currently, the PUC Administrative Law Judge is asking the City to explain why the approved crossing has not been built - the public record summarized here contains proof that the actions of SMART and the Rail Safety Division are substantially if not entirely the reason why.

• The SMART Real Property License Agreement is contrary to the California Constitution and the Public Utilities Code and is unenforceable. Under California Constitution, Article 12, §8, a

public body may not regulate matters over which the Legislature grants regulatory power to the Public Utilities Commission. Public Utilities Code § 1202 mandates: “The [Public Utilities] commission has the **exclusive power**: (a) To determine and prescribe the manner, including the particular point of crossing, and the **terms of installation, operation, maintenance, use, and protection of each crossing** ... of a railroad by a street” (Italics and emphasis added.) The Public Utilities Commission has statutory exclusive jurisdiction over all aspects of rail crossing safety (Public Utilities Code §§1202, 99152.) “That is not lawful which is: 1. Contrary to an express provision of law;.... ” (Civil Code § 1667) A malum prohibitum contract is one that is illegal in that it is contrary to a statute. (*Russell City Energy Co., LLC v. City Of Hayward* (2017) 14 Cal.App.5th 54, 71.) Contracts that are in violation of a statute are void at inception. (*Sixells, LLC v. Cannery Business Park* (2008) 170 Cal.App.4th 648, 655 [contract in violation of Subdivision Map Act was void at inception]). Consequently, the SMART Real Property License Agreement is unenforceable.

Previous City Councils have resolved that a way should be found to build and reopen the CPUC approved crossing - with or without SMART. This City Council is urged to continue that resolve.

James L. Duncan



From: [Janet Barocco](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Agenda Item 15.3 Report - Jennings Avenue Rail Crossing
Date: Monday, April 8, 2024 4:16:43 PM

Mayor Rogers and City Council members,

I am a homeowner and Santa Rosa resident on Jennings Avenue for 24 years. For those of you not familiar with Jennings crossing, I will briefly outline the issue:

There has been a pedestrian, car-free crossing over the tracks at Jennings for 120 years. Several years ago this crossing was fenced off when SMART commenced service. Foot and bike traffic was rerouted onto North Dutton Avenue and then Guerneville Road. This detour extends a pedestrian's travel by at least ½ mile or approximately 32 minutes roundtrip to reach the many services and homes on either end of Jennings Avenue. The community showed overwhelming support to restore the crossing, and SMART initially agreed. The CPUC approved our request. But, soon after, SMART abruptly reneged on its agreement, and has refused to collaborate ever since.

I am here to thank you for the work you have already done with SMART and to ask that you please continue to represent the interests of our community and not give up on restoring a pedestrian and bike, car-free, at-grade crossing at Jennings. I am also urging you to continue to negotiate with SMART for a fair balanced agreement.

Abandoning Jennings Crossing after so many years of hard work by our neighbors and several citizen organizations is unacceptable. Please don't give up on us.

I will once again extend an invitation to you to come view and walk the crossing with me so that you can see how valuable it is to our community.

Sincerely,

Janet Barocco

From: [Richard M](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] City Council Agenda Item #15.3
Date: Monday, April 8, 2024 4:47:32 PM

I think the city should do option 3 and withdraw the CPUC permit application. \$4 million is too much to spend for a crossing that few people would use. The destination for most people would most likely be the Coddington Mall which they can get to by taking Guerneville Road. People living north of Guerneville Road or south of College Avenue would not take Jennings Avenue because they have better options to take.

I am also concerned about the possibility of an accident if a crossing was made on Jennings Avenue between a pedestrian or bicyclist with a train there. I think the city would be better off providing better bus service in that area rather than building an expensive, dangerous railroad crossing.

Thanks,

Richard Maas