

Mayor and Members of the Santa Rosa City Council:

Rec'd at Meeting	1/9/2024
Item No.	15
From:	Johanna James

I am Johanna James, a Santa Rosa resident for over 45 years on Lane Drive, near Jennings Avenue.

I appreciate how much the City Council has had to deal with the past several years, and the many challenges which continue to confront our city. Even so, today I ask you to devote some attention to the still-closed Jennings Avenue Pedestrian and Bicycle Rail Crossing, and develop whatever actions necessary for the crossing finally to be constructed and re-opened.

Residents, businesses, and services on both sides of the rail line have been waiting for many years now! A brief review: In 2015, after much public input, study and planning, Santa Rosa applied to the CPUC (California Public Utilities Commission), which has exclusive authority over such approvals, for approval to construct a pedestrian and bicycle at-grade crossing at Jennings. In 2016, the CPUC, also after much public input and consideration, not only approved an at-grade crossing, but also ruled conclusively against any elevated crossing.

Then SMART, which initially supported the approval, first delayed construction and then opposed the crossing, reportedly seeking an indemnification agreement from the City and then claiming the crossing would be unsafe, despite the CPUC approval. By 2022, with the crossing still not built, the CPUC had reaffirmed and extended the approval four more times, even over SMART's objections.

In 2023, the most recent approval was to expire in September, so in August the City filed for yet another extension. The CPUC's Administrative Law Judge is questioning the long delay, however, and has now ruled (quote) "In the event that an agreement to construct a rail crossing is not reach[ed] by March 1 ... an Order to Show Cause Hearing will be set ... where the City of Santa Rosa will be provided with an opportunity to show cause why the Commission should continue to extend the deadline for the [completion] of the crossing ..." (end quote). In other words, the CPUC won't necessarily support this stalemate forever!

Reportedly, continuing delay now is due to SMART's demands for exceptional insurance or indemnification to be provided by the City for the Jennings Crossing, unlike any other crossing in the City, even though the approved safety features at Jennings will make it among the best protected. Why is Jennings singled out for such demands? Perhaps more to the point, considering SMART's intransigence, what might the City do -- perhaps through legal action if need be -- to be able to move forward with this project?

Thank you.