

Board of Directors Meeting: April 17, 2024 – Public Comments

Date	Name	2. Approval of April 3, 2024 Board Meeting Minutes
		None
Date	Name	5. Public Comment on Non-Agenda Items
		None
Date	Name	6. Consent a. Monthly Ridership Report – March 2024 b. Approval of Monthly Financial Reports – February 2024
		None
Date	Name	7. Approve Appointments to the Citizens Oversight Committee (COC) – <i>Presented by General Manager Cumins</i>
		None
Date	Name	8. Corridor Identification and Development Program – <i>Presented by Planning Manager, Emily Betts</i>
		None
Date	Name	9. CLOSED SESSION: Conference with legal counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a); Number of cases: (2) 1. James Duncan v. SMART; CPUC No. C.21-06-011 2. Application of City of Santa Rosa for a Crossing at Jennings Avenue; CPUC No. A.15-05-014
Various	Various	Attached

From: [nacouzi nacouzi](#)
To: [Board Questions](#)
Subject: santa rosa bike crossings are needed like jenner ave
Date: Wednesday, April 10, 2024 5:06:11 PM

restore more crossings of the railroad line, you never should have obstructed the long-standing right-of-way crossings, which is one reason why so many people detest smart
-stephanie nacouzi

- **CONFIDENTIALITY NOTICE:** This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Nathan Spindel](#)
To: [Board Questions](#)
Cc: [Eddy Cumins](#)
Subject: Comment on Jennings Avenue crossing
Date: Wednesday, April 10, 2024 8:18:54 PM

Dear SMART Board,

As a Petaluma resident and small business owner in Santa Rosa, I urge you to accept the City's alternative agreement regarding the at-grade crossing of the SMART tracks at Jennings Avenue. This crossing is crucial to Santa Rosa's active transportation plan, and the CPUC has ruled that it is safe and should be built.

The community supports this crossing, which SMART initially supported. As a business owner, Santa Rosa commuter, and recreational cyclist: I think that allowing access for anyone who chooses to walk or bike to their destination in Santa Rosa is essential and must be prioritized. It is important for our employees and customers.

Thanks for listening,
Nathan Spindel

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Genevieve Navar Franklin](#)
To: [Eddy Cumins](#)
Cc: [Board Questions](#)
Subject: Jennings Overcrossing
Date: Wednesday, April 10, 2024 9:55:13 PM

I'm writing to urge you to accept the City's proposed alternative agreement for an at-grade crossing of the SMART tracks at Jennings Avenue.

I live within 1.5 miles of this area and have long commuted by bicycle there in addition to driving in the area for many errands and work. I believe it is an essential, and long-anticipated, step to finally allow to go forward.

Thank you!

Genevieve N.. Franklin

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: bubsirii@sonic.net
To: [Board Questions](#)
Cc: [Eddy Cumins](#)
Subject: Jennings Avenue Crossing
Date: Thursday, April 11, 2024 5:46:57 AM

I am writing to indicate my support for getting this crossing completed ASAP and with shared liabilities

Best Regards,

Peter Sieck
Santa Rosa Homeowner

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.



SONOMA COUNTY BICYCLE COALITION

BOARD OF DIRECTORS

- President**
David Williams, CFCU
- Vice President**
Jestin Brooks, Credit Karma
- Secretary**
Jenny Bard, American Lung Ass'n
- Treasurer**
Lauren Fuhry, MidPen Housing

- Eric Lofchie, Santa Rosa City Schools
- Joe Plaughter, Sonoma Land Trust
- Steve Saxe, SR Cycling Club
- Calum Weeks, Generation Housing

ADVISORY COUNCIL

- Denise Aver-Phillips, Santa Rosa Metro Chamber
- Hailey Childress, NorCal Interscholastic Cycling League
- Leilani Clark Law, LandPaths
- Gary Gutierrez, Rohnert Park Bicycle & Pedestrian Committee
- Oren Noah, Attorney
- Shaun Ralston, Open AI
- Mark Soiland, Soiland Co.
- Tim Zahner, Sonoma Valley Visitors Bureau

(employers listed for identification purposes only)

EXECUTIVE DIRECTOR

Eris Weaver

MAIL
PO Box 3088
Santa Rosa, CA 95402

OFFICE
750 Mendocino Ave
Santa Rosa, CA 95401

PHONE
707-545-0153

EMAIL
info@bikesonoma.org

WEB
www.bikesonoma.org



April 11, 2024

Sonoma-Marin Area Rail Transit District
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

Dear General Manager and Board of Directors:

It has now been over SEVEN YEARS since the California Public Utilities Commission formally approved an at-grade crossing at Jennings Avenue 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 jointly with the City of Santa Rosa at Helen Lehman school in March 2023, and by both written and oral public comment at the Santa Rosa City Council Meeting held a few days ago.

At that meeting, the Council discussed the agreement drafted by SMART staff as well as [a revision](#) drafted by Santa Rosa's Assistant City Manager and City Attorney. **The Council unanimously voted to sign and return that version to SMART.**

**WE URGE YOU TO ACCEPT IT AND ALLOW THE CITY
TO PROCEED WITH AN AT-GRADE CROSSING.**

SMART's arguments that an at-grade crossing is too unsafe are illogical. National statistics demonstrate that pedestrian crossings have far fewer collisions than other crossings. The SMART line already has many at-grade crossings. No one has yet definitively demonstrated how that this specific crossing would be any less safe than any of the others.

Your slogan is "Connecting Communities," but the closure of this crossing has disconnected a community.

I was present at the last SMART Board meeting at which FM3 Research presented the results of the Future Tax Measure Survey, concluding that the number of likely voters in support of a tax renewal hovers around the two thirds needed for passage.

SMART clearly needs to grow community support. Continuing to obstruct construction of this crossing will decrease support from active transportation advocates and northwest Santa Rosa residents.

You need our support. We need this crossing.

Our vision is a county-wide active transportation and public transit network that is interconnected. This crossing is a vital link in that network. We know you care about the safety of the pedestrians and cyclists who will use this crossing and we do too. We also care about the health and safety of all who walk and ride our dangerous streets; victims of vehicular violence and those living with diseases caused by inactivity; and all who suffer the effects of climate change.

Please, approve Santa Rosa's proposed agreement and help us reconnect the Jennings neighborhood.

Thank you for your consideration.



Eris Weaver, Executive Director

Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-370-7250

April 13, 2024
By E-Mail to:
Board@Sonoma
MarinTrain.org

Eric Lucan, Chair
Sonoma-Marín Area Rail Transit
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

Re: April 17 Board Meeting, Item 9, Jennings Crossing

Dear Chair Lucan and Board 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. Before its founding, I personally advocated for the restoration of passenger rail service in the NWP Corridor, starting with the first Marin ballot measure in 1990.

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

TRANSDEF believes that SMART attempted to countermand the CPUC's authorization of the crossing by insisting on liability language that Santa Rosa could never accept. This was unique--we are unaware of any other crossing agreement with such language. We suspect the Commission could find it to be in bad faith.

We think it's time for SMART to accept the reality that the Commission not only approved the crossing, but also that it resisted each of SMART's attempts to reverse that approval. In recognition of the pedestrian needs of Santa Rosa's residents, TRANSDEF urges the Board to execute the contract offered by Santa Rosa.

We have litigated two rail crossings cases before the CPUC, and won important decisions protecting the integrity of the rail right-of-way in San Rafael and Petaluma. Remember, your Board is not the final decisionmaker here. We believe that, if the Board were to reject the City's proposed contract, the Commission could find that SMART has not been negotiating in good faith, and order your agency to proceed to build the crossing.

To avoid that black mark, TRANSDEF urges the Board to **execute the contract** offered by Santa Rosa. We think that outcome will best serve the public interest.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,
President



April 14, 2024

Board of Directors, Sonoma Marin Area Rail Transit (SMART)
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

Dear SMART Board Members,

Bikeable Santa Rosa is a grassroots, all-volunteer campaign aimed at catalyzing a safe, low-stress active transportation network connecting all neighborhoods in Santa Rosa. We wrote to you earlier this year, and we are writing again today with the hope that we can finally move forward with the much needed at-grade crossing at Jennings Ave.

We don't merely "want" this crossing, we need it. We need it because our kids need to get to their schools safely. We need it because we need to get to the grocery store, to the bus depot, to the Target, to the library, to the health clinic, and to our jobs and our friends' houses. When SMART's service began, the closed crossing created a 1-mile barrier between us and the places we need to go. This at-grade crossing will be just as safe as (or safer than) the many of the other crossings along your route, and it will reopen a much-needed connection that, prior to its blocking, served over a hundred people a day.

Please make this right.

The City of Santa Rosa is ready to move forward with a generous agreement, accepting more than our city's fair share of liability, so that we can get the crossing built. We urge those of you on the board who have been opposed to this crossing to drop your opposition, accept this agreement, and let the project move forward. Our council's 7-0 vote last week indicates they won't give up on this crossing and the residents of Santa Rosa are fully behind them.

To make good on our region's commitments to climate mitigation and resilience, and to equity, we need our trains and our active transportation networks to be aligned and mutually supportive. Please do your part to make this possible.

Sincerely,

A handwritten signature in black ink, appearing to read "A Forrester", with a long horizontal line extending to the right.

Alexa Forrester
Co-Lead, Bikeable Santa Rosa

Two handwritten signatures in black ink. The first is a stylized "C" followed by a horizontal line. The second is a more complex signature with a large loop and a horizontal line.

Chris Guenther
Co-Lead, Bikeable Santa Rosa

From: [Pete Gang](#)
To: [Board Questions](#)
Subject: In support of an at-grade crossing at Jennings Ave
Date: Sunday, April 14, 2024 8:13:06 AM

Dear SMART board members,

Last week, the Santa Rosa City Council voted 7-0 to send you a revised version of an agreement for proceeding with **the at-grade crossing at Jennings Ave**. The residents of Santa Rosa are united behind them. Please do the right thing and accept this agreement so we can all move forward into our multi-modal future together.

Sincerely,

Pete Gang
1115/1117 Humboldt Ave
Santa Rosa

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Steven Courteau](#)
To: [Board Questions](#)
Subject: Accept Santa Rosa's revised agreement for the Jennings crossing
Date: Sunday, April 14, 2024 8:55:57 AM

Dear SMART board members,

Last week, the Santa Rosa City Council voted 7-0 to send you a revised version of an agreement for proceeding with the at-grade crossing at Jennings Ave. The residents of Santa Rosa are united behind them. Please do the right thing and accept this agreement so we can all move forward into our multi-modal future together.

Sincerely,

Steve Courteau

Get [Outlook for Android](#)

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Leah Halper](#)
To: [Board Questions](#)
Subject: Jennings Avenue crossing plan
Date: Sunday, April 14, 2024 9:00:48 AM

Dear SMART board,

I would like to encourage you to accept the Santa Rosa City Council's suggestions for a better at-grade crossing at Jennings Avenue.

It is important to plan for a future that includes all transportation modes, and people like me urgently need to use our bikes safely. Please help that happen without further ado.

Leah Halper

Santa Rosa

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: sgsaxe@gmail.com
To: [Board Questions](#)
Subject: Jennings Crossing
Date: Sunday, April 14, 2024 9:14:56 AM

This crossing is urgently needed. Please accept the proposed agreement with the City of Santa Rosa and take this long-awaited step in improving pedestrian-cyclist infrastructure.

Sincerely,
Steve Saxe
Santa Rosa, CA

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Andrew Rich](#)
To: [Board Questions](#)
Subject: Jennings crossing
Date: Sunday, April 14, 2024 9:19:45 AM

Hello Board,

Please do the right thing.

Last week, the Santa Rosa City Council voted 7-0 to send you a revised version of an agreement for proceeding with the at-grade crossing at Jennings Ave. The residents of Santa Rosa are united behind them. Please do the right thing and accept this agreement so we can all move forward into our multi-modal future together.

Andy rich

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Ken M](#)
To: [Board Questions](#)
Date: Sunday, April 14, 2024 9:52:45 AM

Dear SMART board members,

The community wants/needs this crossing. Many will not be able (wheelchair, elderly, strollers, tricycles, kids rushing to school) to go almost a mile out of their way to safely cross your tracks, which is a huge deterrent for them.

Last week, the Santa Rosa City Council voted 7-0 to send you a revised version of an agreement for proceeding with the at-grade crossing at Jennings Ave. The residents of Santa Rosa are united behind them. Please do the right thing and accept this agreement so we can all move forward into our multi-modal future together.

Thank you for your consideration and willingness to consider what best serves our community,

Ken Mercado

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Michelle Klimek](#)
To: [Board Questions](#)
Subject: Please accept the agreement for the Jennings crossing
Date: Sunday, April 14, 2024 9:55:11 AM

The residents of Santa Rosa want the crossing. We are hopeful you will accept the agreement.

Thank you!
Michelle Klimek
Santa Rosa

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Abby Arnold](#)
To: [Board Questions](#)
Subject: Jennings Crossing in Santa Rosa
Date: Sunday, April 14, 2024 10:22:39 AM

Dear SMART board members:

I am writing to urge you to accept the agreement proposed by the Santa Rosa Council about proceeding with an at-grade crossing at Jennings Avenue. We need this crossing for a number of important reasons, including bringing the two sides of our city together safely, and allowing us to continue to make Santa Rosa more bike- and transit-friendly. The SMART train is a key part of our vision, but there must be safe ways to cross it.

The Council's unanimous vote on the revised agreement reflects the unity of Santa Rosa residents. Please accept the agreement as proposed by our City Council. Let's make Sonoma-Marin a national example of effective car-light living.

Very truly yours,

Abby Arnold
3139 Hartley Drive
Santa Rosa, CA 95405

Abby Arnold

(she, her, hers) [Here's why](#)
abby@abbyarnold.com
(310) 922-3636 (cell)

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Lea Goode-Harris](#)
To: [Board Questions](#)
Subject: Please Accept Santa Rosa's Revised Agreement for the Jennings Crossing
Date: Sunday, April 14, 2024 10:47:13 AM

Dear SMART Board Members,

We need for you to join with us and make the SMART access on Jennings Crossing safe for all modes of transportation. I have attempted to use that crossing many times on my bicycle and it is not only unsafe but difficult and confusing to maneuver through to say the least.

Last week, the Santa Rosa City Council voted 7-0 to send you a revised version of an agreement for proceeding with the at-grade crossing at Jennings Ave. As I life-long resident of Sonoma County I join the other residents of Santa Rosa in supporting this request.

Please do the right thing and accept this agreement so we can all move forward into our multi-modal future together.

Sincerely,

Lea

Lea Goode-Harris, Ph.D.
1011 Benton Street
Santa Rosa, CA 95404
707-292-3853

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Cris Eggers](#)
To: [Board Questions](#)
Subject: Accept City of Santa Rosa's revised Jennings crossing proposal
Date: Sunday, April 14, 2024 11:12:31 AM

Dear SMART board members,

As you are aware, last week, the Santa Rosa City Council voted 7-0 to approve sending you a revised version of an agreement for proceeding with the at-grade crossing at Jennings Ave. Currently, the lack of a crossing makes it difficult for residents who rely on walking and biking to travel to their destinations.

As a resident of Santa Rosa, I fully support the City's revised agreement. Please do the right thing and accept this agreement so we can all move forward into our multimodal future together.

Sincerely,
Cris Eggers

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Erica Mikesh](#)
To: [Board Questions](#)
Subject: Accept Santa Rosa's revised agreement for the Jennings crossing
Date: Sunday, April 14, 2024 11:47:48 AM

Dear SMART board members,

Last week, the Santa Rosa City Council voted 7-0 to send you a revised version of an agreement for proceeding with the at-grade crossing at Jennings Ave. The residents of Santa Rosa are united behind them. Please do the right thing and accept this agreement so we can all move forward into our multi-modal future together.

Sincerely,
Erica Mikesh

Santa Rosa, CA 95404

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Tom Helm](#)
To: [Board Questions](#)
Subject: Accept Santa Rosa's revised agreement for the Jennings crossing
Date: Sunday, April 14, 2024 12:07:17 PM

Dear SMART board members,

Last week, the Santa Rosa City Council voted 7-0 to send you a revised version of an agreement for proceeding with the at-grade crossing at Jennings Ave. The residents of Santa Rosa are united behind them. Please do the right thing and accept this agreement so we can all move forward into our multi-modal future together.

Sincerely,

Tom Helm

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [d.prindle](#)
To: [Board Questions](#)
Subject: Accept Santa Rosa's revised agreement for the Jennings crossing
Date: Sunday, April 14, 2024 12:42:38 PM

Dear SMART board members,

Last week, the Santa Rosa City Council voted 7-0 to send you a revised version of an agreement for proceeding with the at-grade crossing at Jennings Ave. The residents of Santa Rosa are united behind them. Please do the right thing and accept this agreement so we can all move forward into our multi-modal future together.

Sincerely,

Dylan Prindle

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Diane Kane](#)
To: [Board Questions](#)
Subject: SMART board members
Date: Sunday, April 14, 2024 12:51:54 PM

Dear SMART board members,

Last week, the Santa Rosa City Council voted 7-0 to send you a revised version of an agreement for proceeding with the at-grade crossing at Jennings Ave. The residents of Santa Rosa are united behind them. Please do the right thing and accept this agreement so we can all move forward into our multi-modal future together.

Sincerely, Diane Kane

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: vin.hoagland@sonoma.edu
To: [Board Questions](#)
Subject: Please accept Santa Rosa's revised agreement for the Jennings crossing
Date: Sunday, April 14, 2024 1:03:07 PM

As a cyclist I was very pleased that last week, the Santa Rosa City Council voted 7-0 to send you a revised version of an agreement for proceeding with the at-grade crossing at Jennings Ave. The ones that I use mostly in Rohnert Park have had no problems with pedestrians or cyclists. The residents of Santa Rosa are united behind the city council. Please do the right thing and accept this agreement so we can all move forward into our multi-modal future together.

Sincerely,

Vincent Hoagland

--

Vincent Hoagland
707-584-8607 (home)
707-953-3219 (cell)

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Jenny Mercado](#)
To: [Board Questions](#)
Subject: At grade crossing at Jennings Avenue
Date: Sunday, April 14, 2024 2:51:47 PM

Dear SMART board members,

Last week, the Santa Rosa City Council voted 7-0 to send you a revised version of an agreement for proceeding with the at-grade crossing at Jennings Ave. The residents of Santa Rosa are united behind them. Please do the right thing and accept this agreement so we can all move forward into our multi-modal future together.

Sincerely,

Jenny Mercado

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Avery Figueroa](#)
To: [Board Questions](#)
Subject: Jennings Ave
Date: Sunday, April 14, 2024 2:57:15 PM

Dear SMART board members,

Last week, the Santa Rosa City Council voted 7-0 to send you a revised version of an agreement for proceeding with the at-grade crossing at Jennings Ave. The residents of Santa Rosa are united behind them. Please do the right thing and accept this agreement so we can all move forward into our multi-modal future together.

Sincerely,

Avery Figueroa

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: azgr@sonic.net
To: [Board Questions](#)
Cc: bikeablesr@gmail.com
Subject: FW: Jennings Crossing
Date: Sunday, April 14, 2024 3:01:48 PM

From: azgr@sonic.net <azgr@sonic.net>
Sent: Sunday, April 14, 2024 3:00 PM
To: 'mailto:Board@SonomaMarinTrain.org' <mailto:Board@SonomaMarinTrain.org>
Cc: 'mailto:bikeablesr@gmail.com?subject=&body=' <mailto:bikeablesr@gmail.com?subject=&body=>
Subject: Jennings Crossing

Dear SMART board members,

So excited that the Santa Rosa City Council voted 7-0 to send you a revised version of an agreement for the at-grade crossing at Jennings Ave. We need to build the infrastructure of our city for our future well being, not just the easiest and cheapest infrastructure. I know that none of you want to increase the risk of accidents and therefore know that this is the best option!

Abigail Zoger
953 Del Mar Drive
Santa Rosa, CA

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Victor Delpanno](#)
To: [Board Questions](#)
Cc: [Eddy Cumins](#)
Subject: Jennings crossing
Date: Sunday, April 14, 2024 3:28:15 PM

Dear Board Members,

My name is Victor Delpanno, a Santa Rosa resident and SMART rider. I used to live in the Santa Rosa North area, and used the SMART trail, including the College Ave-Guerneville Rd segment to commute to work. I've long admired SMART for the deep transformational impact that it has had and will continue to have to make the whole North Bay less car-dependent and reduce our carbon emissions.

Currently the residents west of the tracks at Jennings Ave are cut off from the Coddington area. I understand that SMART has taken the position of opposing an at-grade crossing and favoring a grade-separated elevated pedestrian way.

The main issue with that approach is that it's comparing the proposed project (at-grade crossing), with an abstract, supposedly ideal solution. But there is no funding or timeline to build such structure. What that position means in practice, for the next decade at least, is that there won't be any changes to the current setup.

The available courses of action should not be compared against an imagined best-case scenario, but against the realistic alternatives, which in this case is only the status quo.

In that status quo, residents trying to cross the tracks, if walking or biking, are channeled to the Guerneville and College at-grade crossings, which the SMART Board itself considers dangerous. They are also much farther out, which means that in practice many will choose to drive instead, with all the safety, environmental, and social costs of remaining dependent on vehicles.

Weighing only realistic alternatives is the same reason SMART is not insisting on grade-separated passageways on every crossing from the Airport station to Cloverdale. If it did, that would just mean nothing gets built and would-be riders would ultimately end up worse off. Please apply the same standard here.

We already have many dual-track at-grade crossings, including crossings without the excellent visibility and reduced speeds that Jennings would have. I urge you to support the construction of the Jennings at-grade crossing with a reasonable agreement with the City Council, in line with the agreements for the 14 other at-grade crossings in Santa Rosa and the many more across SMART's line.

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Michael Hurley](#)
To: [Board Questions](#)
Subject: Accept Santa Rosa's revised agreement for the Jennings crossing
Date: Sunday, April 14, 2024 8:55:47 PM

Dear SMART board members,

Last week, the Santa Rosa City Council voted 7-0 to send you a revised version of an agreement for proceeding with the at-grade crossing at Jennings Ave. The residents of Santa Rosa are united behind them. Please do the right thing and accept this agreement so we can all move forward into our multi-modal future together.

Sincerely,
Michael Hurley

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Richard Heinberg](#)
To: [Board Questions](#); [JLDuncan](#); info@bikesonoma.org; [Janet Barocco](#)
Subject: Re: Jennings Crossing
Date: Monday, April 15, 2024 9:14:05 AM

Dear SMART board members:

For seven years we Jennings Crossing activists have patiently explained why an at-grade crossing would be safer than the current detour, and why the fenced closure of the long-standing vernacular footpath over the tracks has divided our neighborhoods and resulted in more traffic and more CO2 emissions. The Santa Rosa City Council and CPUC agree with us. Finally, it is time for SMART to follow through on its original promise to build the crossing.

SMART has offered the City an initial proposed agreement, but it is hopelessly lopsided in its liability terms. The City has made a generous counter-proposal. I urge the SMART board to accept the City's reasonable changes to SMART's unacceptable initial proposal so that Jennings Crossing can finally be built.

Richard Heinberg
Jennings Avenue resident

--

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

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.



SONOMA COUNTY TRANSPORTATION & LAND-USE COALITION

April 15, 2024

Eric Lucan, SMART Board Chair,
SMART Board members, and
General Manager Cumins

By E-Mail to: board@sonomamarintrain.org

Re: Jennings Ave. Grade Crossing -- April 17th Board Meeting, Agenda Item 9

Dear Chair Lucan, SMART Board members, and General Manager Cumins:

The Transportation and Land-Use Coalition urges SMART to promptly enter into the agreement recently approved by the City of Santa Rosa, to build the Jennings crossing. The design of the crossing is approved by the CPUC. Such approval provides SMART and the City with immunity from liability in the unlikely event that anyone is harmed at the site. Such immunity virtually eliminates the risk of litigation.

The Jennings bicycle-pedestrian crossing is needed to reduce the number of people who currently risk being struck by vehicles on College Avenue and Guerneville Road. Vision Zero data shows that cyclists and pedestrians are injured about every eight months on these high-speed thoroughfares.

We have recommended that for two years after the crossing is opened for use, the City should arrange for crossing guards be provided to assure that school children become well educated about the warning signals and safe use of the crossing.

If during the month of April, SMART and the City of Santa Rosa fail to enter into an agreement for construction of the crossing, we suggest that the matter be submitted to arbitration.

Cordially,

A handwritten signature in dark ink, appearing to read "Stephen Birdlebough". The signature is fluid and cursive, written in a professional but personal style.

Stephen Birdlebough, Chair

684 Benicia Drive, Apt. 63, Santa Rosa, CA 95409 – 707-576-6623

From: [emwiig](#)
To: [Board Questions](#)
Subject: Please Accept SR's revised agreement for the Jennings crossing
Date: Monday, April 15, 2024 10:47:52 AM

Dear SMART board members,

Last week, the Santa Rosa City Council voted 7-0 to send you a revised version of an agreement for proceeding with the at-grade crossing at Jennings Ave.

As a resident of Santa Rosa, I stand behind them. Please do the right thing and accept this agreement so we can all move forward into our multi-modal future together.

Sincerely,
Evan Wiig
Santa Rosa, CA

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.



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: [Brittany English](#)
To: [Eddy Cumins](#)
Subject: Jennings Ave. crossing in Santa Rosa
Date: Friday, April 5, 2024 6:25:52 AM

Dear Manager Cumins,

An at-grade crossing of the SMART tracks at Jennings Avenue is essential to Santa Rosa's multimodal transportation future and will thus be complementary to the effort to increase SMART ridership. Given this, it is unacceptable that SMART is holding this crossing hostage by drafting such a lopsided financial agreement with the City of Santa Rosa. Please direct your staff to treat Santa Rosa fairly and accept the reasonable alternative agreement the City has already drafted.

Sincerely,
Brittany English

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Michael Lipelt](#)
To: [Eddy Cumins](#)
Subject: Jennings at-grade crossing
Date: Friday, April 5, 2024 10:23:46 AM

Dear Manager Cumins,

An at-grade crossing of the SMART tracks at Jennings Avenue is essential to Santa Rosa's multimodal transportation future and will thus be complementary to the effort to increase SMART ridership. Given this, it is unacceptable that SMART is holding this crossing hostage by drafting such a lopsided financial agreement with the City of Santa Rosa. Please direct your staff to treat Santa Rosa fairly and accept the reasonable alternative agreement the City has already drafted.

I was on the Santa Rosa to Petaluma Smart Ride with Sonoma/Marin County Bicycle Coalition. It was exciting to hear about projects that are in the works to complete the Smart bicycle path from Santa Rosa to Petaluma. I am, however, very disappointed in the Smart negotiation stance on the Jennings at-grade crossing. It is a vital connector for east and west Santa Rosa residents and it would connect to the 101 over crossing. I'm a lay person but reading the negotiated deal with the City of Santa Rosa it's clear that it's pretty one-sided. I know other bike/ped groups are watching! Often residents who are actually using our bike/ped infrastructure are left out of the equation. Sometimes our only recourse is the ballot box.

Hoping for a more equitable financial agreement with the City of Santa Rosa,

Michael Lipelt

Santa Rosa Resident

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: [Janet Barocco](#)
To: [Board Questions](#)
Cc: [Eddy Cumins](#)
Subject: Jennings Crossing/SMART Board meeting April 17, 2014
Date: Monday, April 15, 2024 2:48:46 PM

I am a resident of Jennings Avenue for 24 years. During the first 16 of those years I regularly used the path over the rail tracks to reach businesses, the library, and the car rental on the east side of the tracks. Since the crossing was closed in 2016 and the detour onto busy N. Dutton to Guerneville Road was instated, what had been a 15-minute trip to the other side has become at least a half-hour and a half-mile longer; the journey is impractical and way more dangerous, since it's along a highly trafficked road. Since the closing of the crossing, I drive to get to those destinations.

Your website states: "connecting people to jobs, education centers, retail hubs and housing." How ironic, then, that SMART has opposed and obstructed safe, convenient car-free access in our community in the instance of Jennings Crossing, a vital component of the plan for the Hwy 101 bike bridge.

SMART could improve its standing with the community by agreeing to the crossing, which the community and the City of Santa Rosa overwhelmingly support. That good standing is critical for SMART in its campaign for a tax extension measure.

Can you see the headline now? SMART makes its smartest move yet by reaching an agreement with Santa Rosa to build Jennings Crossing!

I urge the SMART Board, Director Eddy Cumins, and his staff to accept the City of Santa Rosa's reasonable counter-proposal so that an at-grade crossing at Jennings can finally be built.

Janet Barocco
Jennings Avenue

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this

message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

From: jjames@sonic.net
To: [Board Questions](#)
Cc: [Eddy Cumins](#)
Subject: Support Re-opening Jennings Crossing!
Date: Tuesday, April 16, 2024 12:32:35 PM

Comments for SMART Board of Directors Meeting April 17, 2024
Re Closed Session, Item 9

Chair and Members of the SMART Board of Directors:

Residents in our neighborhood west of the Jennings Avenue Rail Crossing have been waiting many years now for our much-needed At-grade Pedestrian and Bicycle Rail Crossing at Jennings Avenue to be built as approved by the CPUC and re-opened. As you are already aware, the current detours -- whether by Guerneville Road or College Avenue -- present a serious barrier to the residents, businesses, and services on both sides of the rail. The detours not only demand too much extra time and distance, but expose us to considerable additional safety hazards alongside busy main streets.

It is my understanding that the City of Santa Rosa and SMART are now close to reaching agreement about the crossing. I urge you to accept the City's most recent proposal so that we can all move forward with this!

I also urge you to do everything possible to support the City's application to the CPUC for an extension of its approval of the crossing.

Thank you.

Johanna James,

Longtime resident of the Jennings Neighborhood

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.

To: SMART Board of Directors
From: James L Duncan
Re: Item 9, Closed Session, California Public Utilities Commission Proceedings C.21-06-011 and A.15-05-014, SMART Board Meeting, April 17, 2024
Date: April 16, 2024

I have been a party in CPUC proceeding A.15-05-014 in support of the City of Santa Rosa since 2015 and I am the Complainant in CPUC proceeding C.21-06-01 filed in 2021. I hope the following will assist the Board in furthering the construction and reopening of the Jennings Crossing.

It is a matter of public record why the approved crossing has not yet been built. With SMART's support, the CPUC approved the construction of the Jennings Crossing in September 2016. The City of Santa Rosa 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 delayed the drafting of the formal Reimbursement Agreement for the City to reimburse SMART for the costs of building the crossing. 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 quiet zone agreement to fund the costs of SMART's quiet zone noise mitigation.

The then City Attorney recommended against signing the proposed quiet zone agreement. Although the City expressed its willingness to continue to work towards such an 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 CPUC in D. 16-09-002. The August 20, 2018 letter 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). Again, SMART's opposition appears to have been without SMART Board approval. The CPUC 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 a series of 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 CPUC 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, C.21-06-011, was filed asking the CPUC 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 CPUC, 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 CPUC rejected that request in November 2022 but SMART filed a request in December 2022 for the matter to be reheard. The CPUC 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, more than 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 CPUC, has contributed to delay the construction of the Jennings Crossing by the City.

The CPUC is currently considering enforcement of its approval 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.

On April 9, 2024, the Santa Rosa City Council directed that the City Manager sign a proposed agreement regarding the Jennings Crossing and submit it to the SMART Board for consideration.

Both the City's proposed agreement and SMART's initial draft agreement may be contrary to provisions of the California Constitution and the Public Utilities Code.

The California Constitution appears to preclude SMART from regulating the safety or construction of the approved Jennings Crossing. Under California Constitution, Article 12, §8, a public body may not regulate matters over which the Legislature grants regulatory power to the California Public Utilities Commission. Public Utilities Code §§ 1201-1202 and § 99152 grant the PUC exclusive authority over rail crossings. It appears that only the CPUC has the authority to approve the location and terms of installation, operation, maintenance, use, and protection of railroad crossings - not SMART. 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.) It appears that the California Public Utilities Commission has statutory exclusive jurisdiction over all aspects of rail crossing safety (Public Utilities Code §§1202, 99152.)

Whatever the resolution of this question may be in the future one thing is certain: the SMART Board should act to ensure that the Jennings Crossing is built and reopened soon. SMART is dependent on sales tax revenue which is subject to a 2/3 majority vote to extend. SMART's sales tax measures have failed in two out of three elections. Santa Rosa, the most populous city in Sonoma and Marin Counties, has voted in two out of the three people to serve in the State Assembly, and possibly three out of four people. It could also be that voters in Santa Rosa could cast the deciding votes on extending SMART's sales tax in the future.

SMART's failure to honor its commitment to build the Jennings Crossing in 2017 and its subsequent meritless opposition to the crossing at the CPUC has lead to it remaining closed for the first time in over a century of public use. The SMART Board is urged to view the City Council having directed the signing of proposed agreement regarding the Jennings Crossing as an opportunity to correct course and redeem SMART's standing with the voters of Santa Rosa.

James L. Duncan
jlduncan@sonic.net

From: [Jenny Bard](#)
To: [Eddy Cumins](#)
Subject: Agenda Item 9
Date: Tuesday, April 16, 2024 3:30:26 PM

Dear Mr. Cumins,

As a longtime Santa Rosa resident and supporter of SMART, cycling, connected neighborhoods and alternative transportation, I am writing to urge SMART to accept the reasonable alternative agreement the City is proposing for an at-grade crossing of the SMART tracks at Jennings Avenue.

It is long overdue. The community has been asking for the crossing for seven years which SMART supported originally and it is critical to the city's Active Transportation Plan. It is also critical to the community's support for any tax extension measure. Please urge the SMART to restore at-grade bicycle and pedestrian passage at Jennings.

Thank you so much in advance for your support on this issue.

Jenny Bard, Santa Rosa

Luther Burbank Gardens neighborhood

- CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and/or privileged and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone or by return e-mail and delete this message along with any attachments.