



**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

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Application of the City of Santa Rosa for Approval to Construct a Public Pedestrian and Bicycle At-Grade Crossing of the Sonoma-Marín Area Rail Transit ("SMART") Track at Jennings Avenue Located in Santa Rosa, Sonoma County, State of California.

A1505014

Application No. _____

APPLICATION

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Date: May 7, 2015

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Application of the City of Santa Rosa for Approval to Construct a Public Pedestrian and Bicycle At-Grade Crossing of the Sonoma-Marín Area Rail Transit (“SMART”) Track at Jennings Avenue Located in Santa Rosa, Sonoma County, State of California.

Application No. _____

APPLICATION

In accordance with Rule 3.7 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission” or “CPUC”), the City of Santa Rosa (“City” or “Applicant”) hereby seeks authority to construct a public pedestrian and bicycle at-grade crossing of the Sonoma-Marín Area Rail Transit (“SMART”) tracks at Jennings Avenue located in Santa Rosa, Sonoma County, State of California.

The name and business address of the Applicant is as follows:

City of Santa Rosa
City Hall
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Correspondence and communications with regard to the subject application should be addressed to the following:

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In support of its Application,¹ the City respectfully shows that:

1. This Application is filed pursuant to Sections 1201-1205, inclusive, of the California Public Utilities Code.

2. SMART is a passenger train and bicycle and pedestrian pathway project located in Sonoma County and Marin County. SMART will provide rail service along 70 miles of the historic Northwestern Pacific Railroad alignment, connecting urban and rural residents of the two counties with jobs, education and health care services in the region. SMART owns the rail corridor in Santa Rosa. The first phase of the SMART project, a 42-mile rail and trail project connecting the county seats and population centers of San Rafael and Santa Rosa, is scheduled to begin passenger service in 2016.

The North Coast Railroad Authority (NCRA) was formed in 1989 by the California Legislature under the North Coast Railroad Authority Act, Government Code Sections 93000, *et seq.* The Act was intended to ensure continuation of railroad service in Northwestern California. NCRA is responsible for the operation of freight service in the SMART rail corridor, and the rail corridor is currently active for freight rail service, typically consisting of two movements per week, though no set schedule exists in the Santa Rosa segment.

3. The subject request for Commission authorization to construct a public

¹ The facts asserted in support of the subject application are set forth in the Declaration of Caroline Fowler attached hereto.

pedestrian and bicycle at-grade crossing of the Sonoma-Marín Area Rail Transit (“SMART”) tracks at Jennings Avenue (the “Project”) is submitted pursuant to a duly enacted resolution adopted by the City Council of the City of Santa Rosa.²

4. Pedestrians and bicyclists currently cross the rail corridor at Jennings Avenue even though it is not an official crossing permitted by the Commission.³

5. Crossing numbers of the nearest existing public crossing on each side of the proposed crossing are provided in order from north to south, as referenced below and as depicted in Exhibit B hereto:

PUC XXing #	DOT #	Street	Crossing Type
005-55.30	498565T	Guerneville Road	Public
005-54.44	498564L	College Avenue	Public

The nearest public crossing to the south is PUC Crossing No. 005-54.44 at College Avenue, over one-half mile south of the proposed Jennings Avenue crossing. The nearest crossing to the north is a public crossing at PUC Crossing No. 005-55.30 at Guerneville Road and is over one-quarter mile north of the propose Jennings Avenue crossing.⁴

6. The proposed crossing will serve the public need and is a basic element of the City’s General Plan 2035 and Bicycle and Pedestrian Master Plan 2010 which both identify Jennings Avenue as a bicycle boulevard where it crosses the rail corridor. Furthermore, the City’s North Santa Rosa Station Area Specific Plan identifies a pedestrian and bicycle rail crossing at Jennings Avenue as part of the Plan’s circulation system and pedestrian and bicycle

² Exhibit A hereto.

³ See Exhibit B hereto; Photos of Children Crossing at Jennings Avenue.

⁴ See Exhibit C hereto; Locations of Existing Rail Crossings.

network. The proposed rail crossing would, therefore, help implement the City's bicycle and transportation planning efforts. Also, the Project would implement the North Santa Rosa Station Area Specific Plan's primary objective which is to support future rail transit by increasing the number of residents and employees within walking distance of the SMART station by improving pedestrian, bicycle, auto, and transit connections, increasing residential density, promoting economic development, and enhancing aesthetics and quality of life.

Specifically, the Project will achieve the following objectives:

- Replacement of an unapproved crossing with construction of a CPUC-approved and CPUC-compliant pedestrian and bicycle rail crossing at Jennings Avenue.
- Construction of an efficient and convenient crossing for pedestrians and bicyclists at Jennings Avenue in accordance with the Americans with Disabilities Act (ADA) and applicable federal and state regulations.
- Establishment of a pedestrian and bicycle link across the SMART rail corridor at Jennings Avenue to enable Jennings Avenue to become a bicycle boulevard as approved in the General Plan 2035, the Bicycle and Pedestrian Master Plan 2010, and the North Santa Rosa Station Area Specific Plan.
- Establishment of a pedestrian and bicycle connection from the planned SMART pathway to Jennings Avenue both to the east and west of the rail corridor.

7. Current use by pedestrians and bicyclists crossing the rail corridor at Jennings Avenue was observed on October 10, 2013. Pedestrian and bicycle counts at Jennings Avenue and the rail corridor were collected over a period of eight hours, including morning

(7:00 a.m. – 9:00 a.m.), midday (11:00 a.m. – 1:00p.m.), after school (1:30 p.m. – 3:30 p.m.), and evening periods (4:00 p.m. – 6:00 p.m.). A total of 25 bicyclists and 91 pedestrians used the crossing over the observed periods. Ninety percent or more of the bicyclists were categorized as recreational users. Of the pedestrians, approximately 30 percent were characterized as school related trips.

Pedestrian and bicycle counts were also collected at West Sixth Street, West Seventh Street, and West Eighth Street and the SMART rail corridor over a period of eight hours, including morning (7:00 a.m. – 9:00 a.m.), midday (11:00 a.m. – 1:00 p.m.), after school (1:30 p.m. – 3:30 p.m.), and evening periods (4:00 p.m. – 6:00 p.m.). At West Sixth Street, 153 bicyclists and 508 pedestrians were observed using the crossing. At West Seventh Street, 165 bicyclists and 329 pedestrians were observed using the crossing. And at West Eighth Street, 154 bicyclists and 185 pedestrians were observed using the crossing. Approximately eighty percent or more of the bicyclists and pedestrians using the crossings at West Sixth Street, West Seventh Street, and West Eighth Street were characterized as recreational users.

8. NCRA currently operates freight service in the SMART rail corridor, typically consisting of two movements per week, though no set schedule exists in the Santa Rosa segment.

9. Situated centrally in the transit oriented North Santa Rosa Station Area Specific Plan area, the proposed crossing will improve the bicycle and pedestrian connection to the transit center; enhance connectivity between the SMART station site and adjacent commercial areas, residential areas, the transit center, Helen Lehman Elementary School and social services all within 0.5 mile of the crossing. The crossing is also an important component that links the proposed Jennings Avenue bicycle boulevard.

The crossing will provide an integrated connection for the underserved medium high density (18-30 units per acre) surrounding residential neighborhoods to all of the activity centers in the immediate area, including the Helen Lehman Elementary School, regional shopping mall, social services, Business Park, transit center at the regional shopping mall, Jennings City park and the G&G Market immediately south of Helen Lehman Elementary School. In addition to the existing residential neighborhoods, there is a medium high density resident development currently under construction on Jennings Avenue just east of Range Avenue (Range Ranch) There are two areas east of the railroad tracks that are newly designated transit village mixed use (40+ DUs/acre) and transit village medium (25-40 DUs/acre) as a result of the North Santa Rosa Station Area Specific Plan. These higher density areas will contribute significantly to an increased potential for biking and walking to the school in the future.

A protected crossing, which will replace the existing unprotected crossing, provides a very critical bicycle and pedestrian connection in the area. The crossing will connect to the recently funded SMART multi-use path on the east side of the tracks, existing Class II bike lanes on Dutton Avenue on the west side of the tracks, and the future SMART station located at Guerneville Road.

There are currently at-grade crossings at other locations that facilitate pedestrian, bicyclist and motorist crossing over the SMART rail corridor. However, the nearest at-grade crossing is approximately 0.25 mile (0.5 mile round trip) north of the Jennings Avenue location at Guerneville Road. This existing gap as well as the real and perceived safety concerns associated with the existing unprotected crossing at Jennings Avenue present significant impediments to safe pedestrians and bicyclist traffic. The existing circumstances prevent people

from readily and safely accessing transit and walking to nearby destinations. The current conditions are especially difficult for students and less-experienced citizens who might otherwise be encouraged to walk or bicycle to and between destinations located in the vicinity of the crossing. The proposed crossing is the only access between Guerneville Road (0.25 mile to the north) and College Avenue (0.6 mile to the south).

Helen Lehman Elementary School has an enrollment of approximately 518 students and is located in an underserved community, with 92% of the school population being socioeconomically disadvantaged and 74.9% Hispanic or Latino (2012-13 School Accountability Report Card). Approximately 1/3 of the school population lives east of the Jennings Avenue railroad crossing. Studies developed as part of the Sonoma County Safe Routes to School (SRTS) program demonstrate the importance of the Jennings Avenue crossing as a walking and bicycling route for Helen Lehman Elementary School students and the surrounding community. Approximately 12% of Helen Lehman students walked or rode their bike to school in 2011. In 2013, an estimated 19% of the student population utilized active transportation. Active transportation could decrease in the absence of establishing an official bicycle and pedestrian crossing at Jennings Avenue and the SMART railroad tracks due to the large percentage of students who currently live east of the railroad tracks and the medium high residential development currently under construction. If students in these areas wanted to walk or ride their bikes to school they would need to walk or ride an estimated quarter mile farther to a high volume (25,000 vehicles per day), 40 MPH four lane major arterial (Guerneville Road) where they would travel 0.3 mile to reach North Dutton Avenue, a four lane arterial with a daily vehicle of 13,600.

The proposed pedestrian and bicycle crossing is at grade because both the existing

and proposed future land uses, proximity to cross streets, and associated costs make a grade separated crossing impractical and economically infeasible.

Among the many benefits of the crossing, the at grade bicycle and pedestrian crossing will:

- Enhance safety and access for pedestrians and cyclists across the SMART railroad tracks
- Provide a convenient access to SMART passenger rail station and multi-use path for current and future surrounding residential neighborhoods
- Provide neighborhood connectivity
- Fill a gap in a regional bikeway network
- Enhance safety and convenience access for the disabled community and the surrounding disadvantaged underserved neighborhoods
- Provide a safer and more direct route for students walking and bicycling to the Helen Lehman Elementary School
- Advance the walkable and bikeable goal of the North Santa Rosa Station Area Specific Plan transit oriented plan

10. A rail undercrossing at Jennings Avenue was determined to be infeasible due to several factors including: proximity to Steele Creek, existence of Sonoma County Water Agency aqueduct, elevation of the proposed rail grade in order to accommodate the undercrossing with proximity to Guerneville Road Station, and grades related to meet accessibility requirements.

A rail overcrossing at Jennings Avenue was determined to be infeasible due to several factors including economic considerations. The cost of designing and constructing a separated bike and pedestrian cross is estimated to be \$9,200,000⁵ in contrast to the projected cost of 1,600,000 for the proposed at-grade crossing. Other factors showing the infeasibility of a

⁵A previously approved grant of federal transportation funds to contribute toward construction of a separated bike and pedestrian crossing at Jennings Avenue has been reprogrammed to other Bay Area projects by the Metropolitan Transportation Commission.

separated grade are: (1) significant and vocal opposition from the Jennings Ave. neighborhood group which characterizes the overhead structure as a “monstrosity;”⁶ (2) the inconvenience of traversing an extended elevated pathway in conjunction with the likelihood of continued illegal crossing at ground level; (3) loss of parking to accommodate the structure; (4) negative aesthetics associated with a massive concrete structure, including significant and unavoidable visual impacts even with mitigation; and (5) security issues relating to minimal exit routes on the structure.

11. Construction of an at-grade pedestrian and bicycle rail crossing at Jennings Avenue would include installation of a crossing surface across the SMART rail corridor. The conceptual layout of the at-grade crossings is shown in Exhibit C hereto.

The design of the at-grade crossing would be ADA-compliant and would include protection and warning devices in compliance with federal and State regulations, including the requirements of CPUC General Order No. 75-D, Caltrans Highway Design Manual path standards, California Manual of Uniform Traffic Control Devices, and the Federal Highway Administration Railroad-Highway Grade Crossing Handbook. Applicable portions of the Project would also be designed in accordance with the California Building Code.

ADA-compliant warning devices and pathway improvements for the at-grade crossing would include flashing light signal assemblies with automatic gate arms, audible warning signals, pedestrian gates, hand rails, paving, walkways, and fencing. Warning devices will indicate when a train is approaching and will trigger gate arms to block pedestrian access.

Because the site consists of a double track, electronic signs could be installed to notify pedestrians of a second train is coming in close proximity to the first crossing, to the

⁶ See Exhibit D hereto; Renderings Showing Size/Visual Impact of an Overcrossing

extent feasible given existing technologies. Exit swing gates would be provided to allow pedestrians to exit the track, if the gate arms were activated while a pedestrian was crossing. Power and fiber optic cable would be available from within the rail corridor for the crossing equipment. Vandal-resistant fencing, such as wrought-iron fencing, five to six feet in height would be installed to channelize pedestrians to the crossing.

The pathway leading to the crossing would be asphalt or concrete and a minimum of 8-feet wide with 2-foot shoulders on either side. On the west side of the rail corridor, the pathway would align with the sidewalk on the northern side of Jennings Avenue, and would open to a portion of the street for bicycle traffic. On the east side of the rail corridor, the pathway would cross Steele Creek at the location of an existing box culvert. The pathway would then align with the sidewalk on the northern side of Jennings Avenue east of the rail corridor. A new streetlight lamp would also be installed on the east side of the rail corridor near the northwest corner of Herbert Avenue and Jennings Avenue.

The estimated cost of constructing the proposed crossing at Jennings Avenue is approximately \$1,600,000. A drawing of the design for the proposed crossing is included as Exhibit E hereto.

12. Pedestrian sight distance was reviewed at the proposed crossing location and photos were taken at 17 feet from the rail centerline as outlined in the Pedestrian-Rail Crossings In California report that was prepared by the CPUC in May of 2008. As shown in Exhibit F, all vantage points from the decision/reaction point for an uncontrolled crossing are met. Visibility to the north is greater than 1500 feet and to the south over 2000 feet to the south. It is noted in this document that "If the Pedestrian Clearing Sight Distance is insufficient, the additional passive and active devices should be considered for the design of the pedestrian-rail

at-grade crossing.” Even though the sight distance criteria will be met, passive and active devices including, fencing, emergency swing gates, pavement markings, truncated domes, flashing light signals, audible devices and automated pedestrian arms/gates will be installed.

13. Exhibit C shows the relation of the proposed crossing to existing roads and railroads in the general vicinity of the proposed crossing.

14. Exhibit G is a profile showing the ground line and grade line and rate of grades of approach on all highways and railroads affected by the proposed crossing.

15. By Resolution No. 28620 issued on March 17, 2015 , the City Council certified the Final Environmental Impact Report for the Jennings Avenue Pedestrian and Bicycle Rail Crossing Project as complete, adequate, and prepared in compliance with the California Environmental Quality Act (“CEQA”).⁷

As set forth in the resolution, the City, as Lead Agency for the project, prepared a Draft EIR, considered public comments on the Draft EIR, reviewed the Final EIR and used the Final EIR, as certified, to assist it in its consideration of the Project.⁸

The Final EIR found three significant and unavoidable impacts, with mitigation, each related to noise for the at-grade crossing at Jennings Avenue. The mitigation identified in the Final EIR relates to implementation of Quiet Zones, which would substantially reduce train horn levels within one-quarter mile of the Jennings Avenue crossing by eliminating the requirement for trains to sound their horns. Assuming that the City files a Notice of Intent to establish a Quiet Zone, it will fall within the jurisdiction of the Federal Railroad Administration to determine whether appropriate safety measures are in place for establishment of a Quiet Zone.

⁷ Exhibit H attached hereto.

⁸ The Commission, as a responsible agency, submitted comments on the Draft EIR.

16. By Resolution No. 28621 issued March 17, 2015,⁹ the City Council approved an at-grade pedestrian and bicycle rail crossing at Jennings Avenue with no closure of an existing rail crossing as the preferred project. With regard to the significant, unavoidable effects of the proposed Jennings Avenue at-grade crossing with no closure of an existing rail crossing as identified in the Final EIR, the City, based upon substantial evidence in the record, adopted a statement of overriding considerations with regard to such significant impacts, finding that the benefit of the project outweighs the significant noise impacts.

In its resolution, the City noted its receipt of comments from Commission staff recommending, based on Commission General Order 75-D policy favoring reduction in the number of at-grade crossings, that the City identify two existing at-grade rail crossings, namely West Sixth, West Seventh, or West Eighth Street, for possible closure in exchange for a new pedestrian and bicycle crossing at Jennings Avenue. For numerous reasons set forth below, the City submits that closure of an existing vehicle crossing at either West Sixth, West Seventh, or West Eighth Street in exchange for construction of a protected pedestrian and bike crossing where none exists today at Jennings Avenue is not in the public interest and may well diminish public safety.

The City believes that the Commission should independently evaluate two specific aspects of the subject application: (1) whether a proposed at-grade crossing at Jennings Avenue is justified from a public safety perspective and represents an improvement vis-à-vis the status quo; and (2) whether closure of an existing rail crossing advances the public interest and enhances public safety. As set forth below, the City submits that the proposed at-grade crossing will significantly advance the interests of public safety and that closure of an existing,

⁹ Exhibit F hereto.

vehicle/pedestrian/bicycle crossing is neither in the interests of the residents of Santa Rosa nor likely to perceptibly improve public safety.

Currently, Jennings Avenue affords unprotected and ready access across the SMART rail corridor. Observations on a typical day indicated a total of 25 bicyclists and 91 pedestrians used the crossing over the observed periods. Ninety percent or more of the bicyclists were categorized as recreational users. Of the pedestrians, approximately 30 percent were characterized as school related trips. There is no expectation that the demand for access to the Jennings Avenue crossing will diminish in the future. It seems self-evident to the City that construction of a fully protected, CPUC-compliant crossing at Jennings Avenue represents a substantial public safety enhancement when compared to the status quo. There is no reason for the Commission to withhold its approval of a pedestrian and bicycle at-grade crossing at Jennings Avenue.

The City notes the significance of the fact that the SMART District has not expressed any concern with having an at-grade pedestrian and bicycle only crossing at Jennings Avenue. SMART's commuter trains are equipped with technology that will stop the trains should an operator fail to maintain the speed limit, or to stop at any platform on the near side of a crossing. SMART's crossings employ grade crossing warning devices consistent with best practices, and all crossing designs are subject to approval by the Commission.

That leaves the question of whether the Commission, based upon a broad policy preference, should require the closure of an existing crossing in exchange for authorization to construct the Jennings Avenue crossing. The City submits that strict adherence by the Commission to its general policy is not appropriate in the subject circumstances and may well result in a degradation rather than an enhancement of the public safety. The City recognizes that

the Commission's General Order No. 75 "closure" policy makes no distinction between pedestrian/bicycle crossings and vehicle crossings. Nevertheless, the City submits that the Commission must give careful thought to the public interest and public safety considerations associated with a requirement that the City close an existing, widely used vehicle crossing in exchange for permission to construct a fully protected pedestrian and bicycle grade crossing where no such protection currently exists.

From a public interest perspective, both the residents and their governmental representatives are uniformly opposed to the closure of existing rail crossings located in the West End Neighborhood (West Sixth, West Seventh, or West Eighth Streets). In the City Council's experience, public opposition to closure of one or more of the referenced existing crossing is widespread. There is little to no public support for a crossing closure,¹⁰ and opposition to any such closure was a principal consideration in the Council's approval of the Jennings Avenue at-grade crossing without closure of an existing rail crossing.

Further from a public interest perspective, it must be noted that the closure alternative has the same significant and unavoidable impacts as the "no closure" alternative relative to noise at the Jennings Avenue crossing. However, the closure alternative would result in additional environmental impacts related to the closure of one existing rail crossing. Closure of the rail crossing at West Sixth Street, West Seventh Street, or West Eighth Street would conflict with the Downtown Station Area Plan policies to improve pedestrian and bicycle connections to the Downtown SMART Station, create pedestrian friendly environments, and

¹⁰ To the extent there was public support for a separated grade crossing at Jennings Avenue, much of such support was motivated by the assumption that construction of a massive separated grade crossing would obviate any Commission inclination to require closure of an existing rail crossing.

provide convenient connections to the transit facility for all modes of transportation. No mitigation measures have been identified that would substantially reduce this conflict; and, therefore, the impact remains significant and unavoidable.

Closure of the rail crossing at West Eighth Street could also change the significance of two historical resources: the West End Preservation District and the potential North Railroad District (2006). Closure of the rail crossing at West Eighth Street would also conflict with the Downtown Station Area Plan which identified West Eighth Street as a Pedestrian Connector, which is defined as a key route within and across neighborhoods for non-vehicular circulation.

Closure of an existing rail crossing will have detrimental impacts upon businesses and residents in the affected West End Neighborhood. Closing West Seventh Street or West Eighth Street would eliminate the connectivity of the West End neighborhood in general and the neighborhood with Santa Rosa as a whole by creating dead ends/cul-de-sacs. Further, there are difficult issues relating to homeless services. Dead ends are susceptible to use as homeless campsites, with attendant health-related issues. The creation of dead ends could also adversely affect fire and other emergency responses. Furthermore, street closures will adversely and unnecessarily affect vehicular and pedestrian access and circulation to various local businesses and establishments, including Old Town Furniture's and Furniture Depot's warehouse, Franco American Bakery, Stark's Steakhouse, DeTurk Roundbarn, Sixth Street Playhouse, Chops, and Western Farm Center.

Other than adherence to CPUC policy favoring closure in exchange for an at-grade crossing, there appears to be no identifiable benefit to the public associated with a crossing closure, while such closure poses clear detriments to the City's residents and businesses. Just as

significantly, there do not appear to be any identifiable benefits to the public safety arising from closure of an existing rail crossing. The three existing rail crossings at issue are in close proximity to one another, approximately 300 feet apart. Given that the proposed protection for each of the crossings will operate in tandem, a passing SMART train will cause the lowering of safety gates simultaneously at each crossing. The closure of one of these closely-spaced crossings will simply divert vehicular traffic from three existing crossings and funnel it through the remaining two crossings, presumably creating more vehicle waiting time at either or both of the two, open crossings. Closure of an existing crossing will not necessarily result in fewer vehicle/train confrontations than is likely given no closures. Closure of an existing crossing would result in higher concentration of vehicles at two intersections versus distribution among three intersections. This will result in longer queues at the remaining open intersections creating a greater potential for eastbound vehicles to blocking the tracks waiting to turn onto Wilson Street.

Problems specific to closure of either West Sixth, West Seventh, or West Eighth Streets are set forth below:

Closure at West Sixth Street would cause re-routing of pedestrian and bicycle trips. Such trips would likely shift to West Seventh Street and add approximately 800 feet to the length of the trip (less than one minute of additional travel time for a cyclist and 3.5 minutes for a pedestrian).

West Sixth Street is included in the City's Bicycle and Pedestrian Master Plan. The recently completed Sixth Street improvements under Highway 101 which included Class II bike lanes provides a bicycle connection to existing bike facilities in the downtown and planned

bike facilities in the West End neighborhood. Closure of West Sixth Street is incompatible with the City's Bicycle and Pedestrian Master Plan.

Closure at West Seventh Street would likely shift pedestrian and bicycle trips to West Sixth Street and add approximately 800 feet to the length of the trip (less than one minute of additional travel time for a cyclist and 3.5 minutes for a pedestrian).

Closure at West Eighth Street would likely shift pedestrian and bicycle trips to West Ninth Street and add approximately 2,000 feet to the length of the trip (approximately 2.5 minutes of additional travel time for a cyclist and 8.5 minutes for a pedestrian).

With regard to fire department access, closure at West Sixth Street would increase the length of a probable route between the closure site and the closest fire station by approximately 580 feet. Closure at West Seventh Street would not result in a change in distance for the fire department to travel. Closure at West Eighth Street would lengthen the fire department's probable route between the closure site and the closest fire station by approximately 1,040 feet. The increased distances at West Sixth Street and West Eighth Street would not cause the Fire Department to be unable to meet their response time goals.

With regard to commercial truck access, closure at West Sixth Street or West Seventh Street would limit the access of larger vehicles, such as those making deliveries to Western Farm Center and Franco American Bakery. Closure at West Eighth Street would not significantly limit truck access given the existence of alternate routes, such as West Ninth Street and Donahue Street.

Parking prohibitions along Adams Street would need to be implemented to accommodate delivery truck access to the Franco American Bakery with a closure of a rail crossing at either West Sixth Street or West Seventh Street. In addition, in the event of a rail

crossing closure at West Seventh Street a parking space on the south side of West Sixth Street at Adams Street would be removed and the street widened between Adams Street and the at-grade rail crossing to address truck turning radius.

The Commission should adhere to its policy to require closure of an existing crossing in exchange for approval of a new crossing only to the extent that application of the policy to a specific set of facts advances the interests of public safety. The City submits that Commission-required closure of West Sixth Street, West Seventh Street, or West Eighth Street would not enhance the public's safety.

17. The Project is scheduled for construction and completion in 2016.

18. A certificate of service certifying that a copy of this Application and related Exhibits have been sent to both SMART (owner of the rail corridor) and NCRA (operator of freight service) is included. Correspondence from SMART expressing its support for the City's proposed at-grade pedestrian and bicycle crossing at Jennings Avenue is included as Exhibit I hereto.

19. Scoping Information Required by Rule 2.1(c)

a. Proposed Category

Applicant proposes that the Commission classify this proceeding as ratesetting. Although this Application does not affect rates, the definitions of "adjudicatory" or "quasi-legislative" as set forth in Rule 1.3(a) and (d) of the Commission's Rules of Practice and Procedure clearly do not apply to this Application. Rule 7.1(e)(2) specifies that when a proceeding does not clearly fit any of the categories, it should be conducted under the ratesetting procedures. In addition, Rule 1.3(e) defines ratesetting proceedings to include "other proceedings" that do not fit clearly into any other category

b. Need for Hearing

The City does not know the extent to which there is opposition, if any, to the subject application; consequently the City does not know at this juncture whether or not hearings are needed for the Commission to act on the City's request.

c. Issues Requiring Consideration

City believes that the issue in this proceeding is whether and under what conditions is Commission authorization of the proposed bicycle-pedestrian at-grade crossing at Jennings Avenue consistent with the public interest, including the safety of the public.

d. Proposed Schedule

City proposes the following schedule:

May 2015	Application Filed
June 2015	Period for protest or response expires
July 2015	Prehearing Conference (if necessary)
September 2015	Evidentiary Hearing (if necessary")
October 2015	Briefing
December 2015	Issuance of Proposed Decision
January 2016	Issuance of Commission Decision

If there is no opposition to the City's application or need for evidentiary hearing, the City believes that a Proposed Decision should issue within 90 days of the filing of the application and final Commission approval issued within 120 days of the filing of the application.

WHEREFORE, the City of Santa Rosa requests that:

1. The Public Utilities Commission of the State of California issue its order

authorizing the construction of the Project pursuant to the provisions of Sections 1201-1205, inclusive of the Public Utilities Code.

2. The order authorize the Project upon the terms and conditions and divisions of costs and expenses as are or may be provided for in an agreement to be entered into between relevant parties or in the event the parties fail to agree, upon such terms as will be determined by law.

3. The Commission find that this Project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15182 of Title 14 of the California Code of Regulations because the Project is undertaken to implement, and is consistent with the General Plan of the City of Santa Rosa, and, in any case, has been the subject of environmental review previously certified as complete by the Applicant as lead agency.

4. The Order provide two years from the date of such Order within which to complete the Project.

Dated this 7th day of May, 2015 at San Francisco, California.

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DAY, LLP
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By /s/ James D. Squeri

James D. Squeri

Attorneys for CITY OF SANTA ROSA

VERIFICATION OF COUNSEL

I, James D. Squeri, declare:

I am an attorney at law duly admitted and licensed to practice before all courts of this State and I have my professional office at Goodin, MacBride, Squeri & Day, LLP, 505 Sansome Street, Suite 900, San Francisco, CA 94111.

I am an attorney for Applicant, City of Santa Rosa (“City”), in the above-entitled matter.

No official representative of the City is present in the county in which I have my office and for that reason I am making this verification on behalf of the City.

I have read the foregoing Application know the contents thereof.

I am informed and believe that the matters stated therein are true and, on that ground, I allege that the matters stated therein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at San Francisco, California on this 7th day of May, 2015.

/s/ James D. Squeri
James D. Squeri

**DECLARATION OF CAROLINE FOWLER IN SUPPORT OF
THE APPLICATION OF THE CITY OF SANTA ROSA FOR AUTHORITY TO
CONSTRUCT A PUBLIC AT-GRADE CROSSING**

I, Caroline Fowler, declare that the following is true and correct to the best of my knowledge and belief:

1. I am the City Attorney for the City of Santa Rosa ("City"), a charter city located in the County of Sonoma. I have served as City Attorney since 2008 and was an Assistant City Attorney for the City of Santa Rosa for 8 years prior to that.

2. This declaration is offered in support of the City's Application for Approval to Construct Public Crossing and Bicycle At-Grade Crossing of the Sonoma-Marin Area Rail Transit ("SMART") Track at Jennings Avenue located within the City.

3. Sonoma-Marin Area Rail Transit ("SMART") is a passenger train and includes a bicycle and pedestrian pathway project located in Sonoma County and Marin County. SMART will provide rail service along 70 miles of the historic Northwestern Pacific Railroad alignment, connecting urban and rural residents of the two counties with jobs, education and health care services in the region. SMART owns the rail corridor in Santa Rosa. The first phase of the SMART project, a 42-mile rail and trail project connecting the county seats and population centers of San Rafael and Santa Rosa, is scheduled for completion in 2016.

4. By Resolution No. 28620 issued on March 17, 2015, the City Council certified the Final Environmental Impact Report for the Jennings Avenue Pedestrian and Bicycle Rail Crossing Project as complete, adequate, and prepared in compliance with the California Environmental Quality Act ("CEQA").

5. By Resolution No. 28621 issued March 17, 2015, the City Council approved an at-grade pedestrian and bicycle rail crossing at Jennings Avenue with no closure of an existing

rail crossing as the preferred project. With regard to the significant, unavoidable effects of the proposed Jennings Avenue at-grade crossing with no closure of an existing rail crossing as identified in the Final EIR, the City, based upon substantial evidence in the record, adopted a statement of overriding considerations with regard to such significant impacts, finding that the benefit of the project outweigh the significant noise impacts.

6. The proposed crossing will serve the public need and is a basic element of the City's General Plan 2035 and Bicycle and Pedestrian Master Plan 2010 which both identify Jennings Avenue as a bicycle boulevard where it crosses the rail corridor. Furthermore, the City's North Santa Rosa Station Area Specific Plan identifies a pedestrian and bicycle rail crossing at Jennings Avenue as part of the Plan's circulation system and pedestrian and bicycle network. The proposed rail crossing would, therefore, help implement the City's bicycle and transportation planning efforts. Also, the Project would implement the North Santa Rosa Station Area Specific Plan's primary objective which is to "support future rail transit by increasing the number of residents and employees within walking distance of the SMART station by improving pedestrian, bicycle, auto, and transit connections, increasing residential density, promoting economic development, and enhancing aesthetics and quality of life. The proposed crossing would also allow for access to the bicycle and pedestrian path along the rail corridor which was an essential element of the project when it was submitted to the voters for approval.

7. Current use by pedestrians and bicyclists crossing the rail corridor at Jennings Avenue was observed on October 10, 2013. Pedestrian and bicycle counts at Jennings Avenue and the rail corridor were collected over a period of eight hours, including morning (7 a.m. – 9 a.m.), midday (11 a.m. – 1:00p.m.), after school (1:30 p.m. – 3:30 p.m.), and evening periods

(4:00 p.m. – 6:00 p.m.). A total of 25 bicyclists and 91 pedestrians used the crossing over the observed periods. Ninety percent or more of the bicyclists were categorized as recreational users. Of the pedestrians, approximately 30 percent were characterized as school related trips.

8. The North Coast Railroad Authority (“NCRA”) currently operates freight service in the SMART rail corridor, typically consisting of two movements per week, though no set schedule exists in the Santa Rosa segment.

9. The proposed pedestrian and bicycle crossing will replace an existing unprotected at-grade crossing at Jennings Avenue and will be at grade because both the existing and proposed future land uses, proximity to cross streets, and associated costs make a grade separated crossing impractical and economically infeasible.

10. The design of the at-grade crossing would be ADA-compliant and would include protection and warning devices in compliance with federal and State regulations, including the requirements of CPUC General Order No. 75-D, Caltrans Highway Design Manual path standards, California Manual of Uniform Traffic Control Devices, and the Federal Highway Administration Railroad-Highway Grade Crossing Handbook.

ADA-compliant warning devices and pathway improvements for the at-grade crossing would include flashing light signal assemblies with automatic gate arms, warning signals, pedestrian gates, hand rails, paving, walkways, and fencing. Warning devices will indicate when a train is approaching and will trigger gate arms to block pedestrian access.

The estimated cost of constructing the proposed crossing at Jennings Avenue is approximately \$1,600,000.

11. A separated grade crossing at Jennings Avenue, whether it is a rail undercrossing or overcrossing, has been found to be impractical and infeasible for a variety of

reasons, including cost as well as safety and environmental considerations. The rail overcrossing alternative would cost approximately \$9,200,000.

12. Pedestrian sight distances at the proposed crossing location are well within applicable standards, including criteria set forth in the Pedestrian-Rail Crossings In California report that was prepared by the CPUC in May of 2008.

13. The City, as Lead Agency for the Jennings Avenue Crossing Project, prepared a Draft EIR, considered public comments on the Draft EIR, reviewed the Final EIR and used the Final EIR, as certified, to assist it in its consideration of the Project.

On March 17, 2015, the City Council certified the Final Environmental Impact Report for the Jennings Avenue Pedestrian and Bicycle Rail Crossing Project as complete, adequate, and prepared in compliance with the California Environmental Quality Act (“CEQA”).

14. SMART has expressed its support for an at-grade pedestrian and bicycle only crossing at Jennings Avenue. SMART’s commuter trains are equipped with technology that will stop the trains should an operator fail to maintain the speed limit, or to stop at any platform on the near side of a crossing. SMART’s crossings employ grade crossing warning devices consistent with best practices, and all crossing designs are subject to approval by the Commission.

15. Both the residents and their governmental representatives are uniformly opposed to the closure of existing rail crossings located in the West End neighborhood (West Sixth, West Seventh, or West Eighth Streets).

16. Closure of either West Sixth, West Seventh, or West Eighth Streets would have negative impacts upon safety, vehicular as well as pedestrian and bicycle traffic circulation, commercial and historical interests in the West End Neighborhood.

17. The proposed Jennings Avenue bicycle and pedestrian at-grade crossing at Jennings Avenue is scheduled for completion in 2016 in conjunction with commencement by SMART of passenger service on the Santa Rosa segment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Santa Rosa, California on this 7th day of May, 2015.

/s/ Caroline Fowler

Caroline Fowler
Santa Rosa City Attorney

EXHIBIT A

CITY OF SANTA ROSA RESOLUTION

RESOLUTION NO. 28621

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AN AT-GRADE PEDESTRIAN AND BICYCLE RAIL CROSSING AT JENNINGS AVENUE, WITH NO CLOSURE OF AN EXISTING RAIL CROSSING, AND MAKING FINDINGS AND DETERMINATIONS AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS WITH REGARD TO SIGNIFICANT IMPACTS IDENTIFIED IN THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE JENNINGS AVENUE PEDESTRIAN AND BICYCLE RAIL CROSSING PROJECT

WHEREAS, a pedestrian and bicycle rail crossing at Jennings Avenue and the Sonoma Marin Area Rail Transit (SMART) corridor is identified in the Santa Rosa Bicycle and Pedestrian Master Plan, North Santa Rosa Station Area Specific Plan and the Santa Rosa General Plan; and

WHEREAS, on August 14, 2012, the Council adopted Resolution No. 28181 authorizing a funding agreement with the SMART District to complete environmental review and design alternatives for a grade separated bicycle and pedestrian crossing at Jennings Avenue; and

WHEREAS, in October 2012, SMART completed a feasibility study of various options for a pedestrian and bicycle crossing at Jennings Avenue and the SMART rail corridor; and

WHEREAS, on November 13, 2012, City staff presented the results of the SMART feasibility study to Council, and Council continued the item to a future date with direction to staff to study an at-grade crossing as the preferred project and to allow staff additional time to ascertain potential costs of environmental review; and

WHEREAS, on January 13, 2012, the Council received a letter from the California Public Utilities Commission (CPUC) staff recommending, based on the CPUC General Order 75-D policy on reduction in the number of at-grade crossings, that the City of Santa Rosa identify two existing at-grade rail crossings, namely West Sixth, West Seventh or West Eighth Street, to close in exchange for a new pedestrian and bicycle rail crossing at Jennings Avenue; and

WHEREAS, on May 21, 2013, the Council adopted Resolution No. 28284 directing staff to complete environmental review in compliance with the California Environmental Quality Act (CEQA) for an at-grade pedestrian and bicycle rail crossing at Jennings Avenue, with possible closure of an existing rail crossing at West Sixth, West Seventh or West Eighth Street, and a bicycle and pedestrian rail overcrossing as an alternative; and

WHEREAS, on November 18, 2014, the Council held a noticed public hearing regarding the Draft Environmental Impact Report (EIR) for the Jennings Avenue Pedestrian and Bicycle Rail Crossing Project at which time all persons wishing to be heard were invited to speak or submit written comment; and

WHEREAS, on March 17, 2015, the Council certified the Final EIR for the Jennings Avenue Pedestrian and Bicycle Rail Crossing Project (State Clearinghouse Number 2013112019), finding that the Final EIR adequately identifies and analyzes the environmental effects of the project and the alternatives, that the Final EIR was completed in compliance with the requirements of CEQA, State CEQA Guidelines and the Santa Rosa City Code, and that the Final EIR represents the independent judgment and analysis of the Council; and

WHEREAS, the Final EIR evaluated the environmental effects of an at-grade pedestrian and bicycle rail crossing with closure of an existing rail crossing at either West Sixth, West Seventh or West Eighth Street, an at-grade pedestrian and bicycle rail crossing with no closure of an existing rail crossing, a rail overcrossing, and a “no project alternative”; and

WHEREAS, based on the analysis in the Final EIR City staff recommended that the at-grade pedestrian and bicycle rail crossing with no closure of an existing rail crossing (the “Proposed Project”) be selected; and

WHEREAS, the Final EIR identifies three significant impacts of the Proposed Project related to noise from train horns which are significant and unavoidable and cannot be feasibly mitigated to a level of less than significant, as outlined in the Findings of Fact, Exhibit A, and the Statement of Overriding Considerations, Exhibit B, both attached hereto and incorporated herein; and

WHEREAS, the Council has considered the significant, unavoidable effects of the Jennings Avenue at-grade pedestrian and bicycle rail crossing project with no closure of an existing rail crossing against the benefits of approving the project as set forth in the Statement of Overriding Considerations.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa, based on the Findings of Fact and Statement of Overriding Considerations, approves an at-grade pedestrian and bicycle rail crossing at Jennings Avenue with no closure of an existing rail crossing, and directs staff to submit an application to the CPUC for such crossing.

BE IT FURTHER RESOLVED that the Council, with regard to the significant, unavoidable effects of the proposed Jennings Avenue at-grade pedestrian and bicycle rail crossing project with no closure of an existing rail crossing as identified in the Final EIR, and based on substantial evidence in the record, finds that the benefits of the project outweigh the significant noise impacts, as described in Exhibit B attached hereto.

BE IT FURTHER RESOLVED that the Council, having acted on the Final EIR for the Proposed Project, which was certified on March 17, 2015, and finding that the Council has before it all necessary information required by CEQA to properly analyze and evaluate any and all of the potential environmental impacts of an at-grade pedestrian and bicycle rail crossing project with no closure of an existing rail crossing, hereby adopts the Findings of Fact prepared in compliance with CEQA and the CEQA guidelines, attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the Council hereby approves and adopts the mitigation measures set forth in the Mitigation Monitoring Program, attached to and made part of this resolution Exhibit C, and directs staff to implement and complete the Mitigation Monitoring Program as part of the approved project.

IN COUNCIL DULY PASSED this 17th day of March, 2015.

AYES: (7) Mayor Sawyer, Vice Mayor Coursey, Council Members Carlstrom, Combs, Olivares, Schwedhelm, Wysocky

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
Deputy City Clerk Mayor

APPROVED AS TO FORM:

City Attorney

EXHIBITS:

- Exhibit A – Findings of Fact for the Jennings Avenue Pedestrian and Bicycle Rail Crossing Project: Preferred Project with No Rail Crossing Closure Alternative
- Exhibit B – Statement of Overriding Considerations for the Jennings Avenue Pedestrian and Bicycle Rail Crossing Project: Preferred Project with No Rail Crossing Closure Alternative
- Exhibit C – Mitigation Monitoring Program for the Jennings Avenue Pedestrian and Bicycle Rail Crossing Project: Preferred Project with No Rail Crossing Closure Alternative

EXHIBIT B

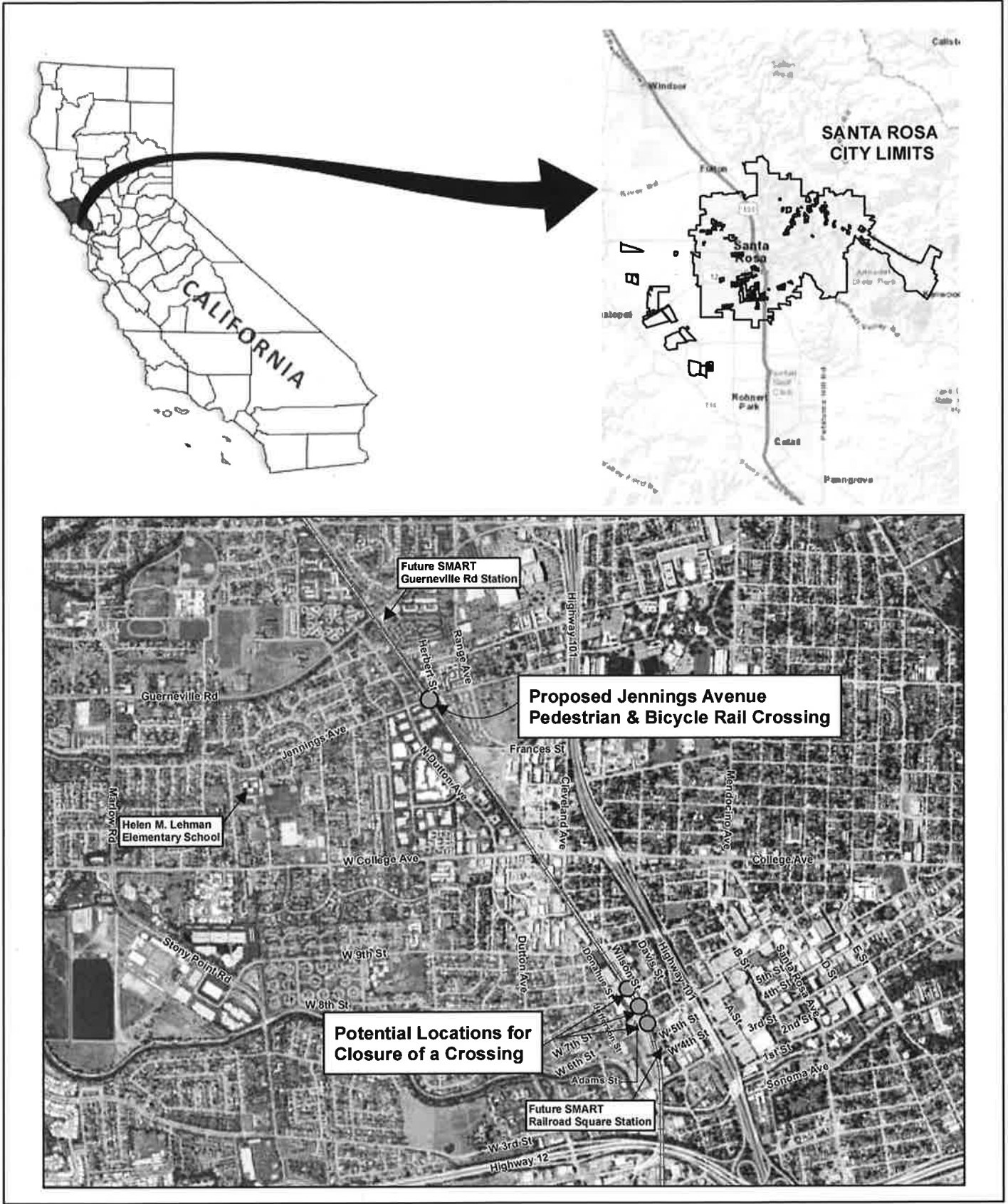
PHOTOS OF CHILDREN CROSSING AT JENNINGS AVENUE

Photographs of children crossing the tracks at Jennings Avenue



EXHIBIT C

**LOCATIONS OF EXISTING PUBLIC CROSSINGS
VIS-À-VIS THE PROPOSED JENNINGS AVENUE CROSSING**



Paper Size ANSI A
 0 0.225 0.45 Mile
 Map Projection: Mercator Auxiliary Sphere
 Horizontal Datum: WGS 1984
 Grid: WGS 1984 Web Mercator Auxiliary Sphere



City of Santa Rosa
 Jennings Avenue Pedestrian and Bicycle Rail Crossing EIR
 Regional Map

Job Number 8410868
 Revision A
 Date 22 Jul 2014
Figure 1

\\ghdnet\ghd\US\Santa Rosa\Project\11837 - Santa Cruz Sanitation District\11837-8410848 Davenport Recycled Water Study\08-GIS\Maps\Figures\Feeasibility Study\Regional Map PD v2.mxd
 © 2012. While every care has been taken to prepare this map, GHD makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and cannot accept liability and responsibility of any kind (whether in contract, tort or otherwise) for any expenses, losses, damages and/or costs (including indirect or consequential damage) which are or may be incurred by any party as a result of the map being inaccurate, incomplete or unavailable in any way and for any reason.
 Data source: Data Custodian, Data Set Name/Title, Version/Date. Created by:rmremillard

EXHIBIT D

**RENDERING OF SIZE/VISUAL IMPACT ASSOCIATED WITH AN
OVERCROSSING OF JENNINGS AVENUE**

Overcrossing



Jennings Avenue and Dutton Avenue – looking east

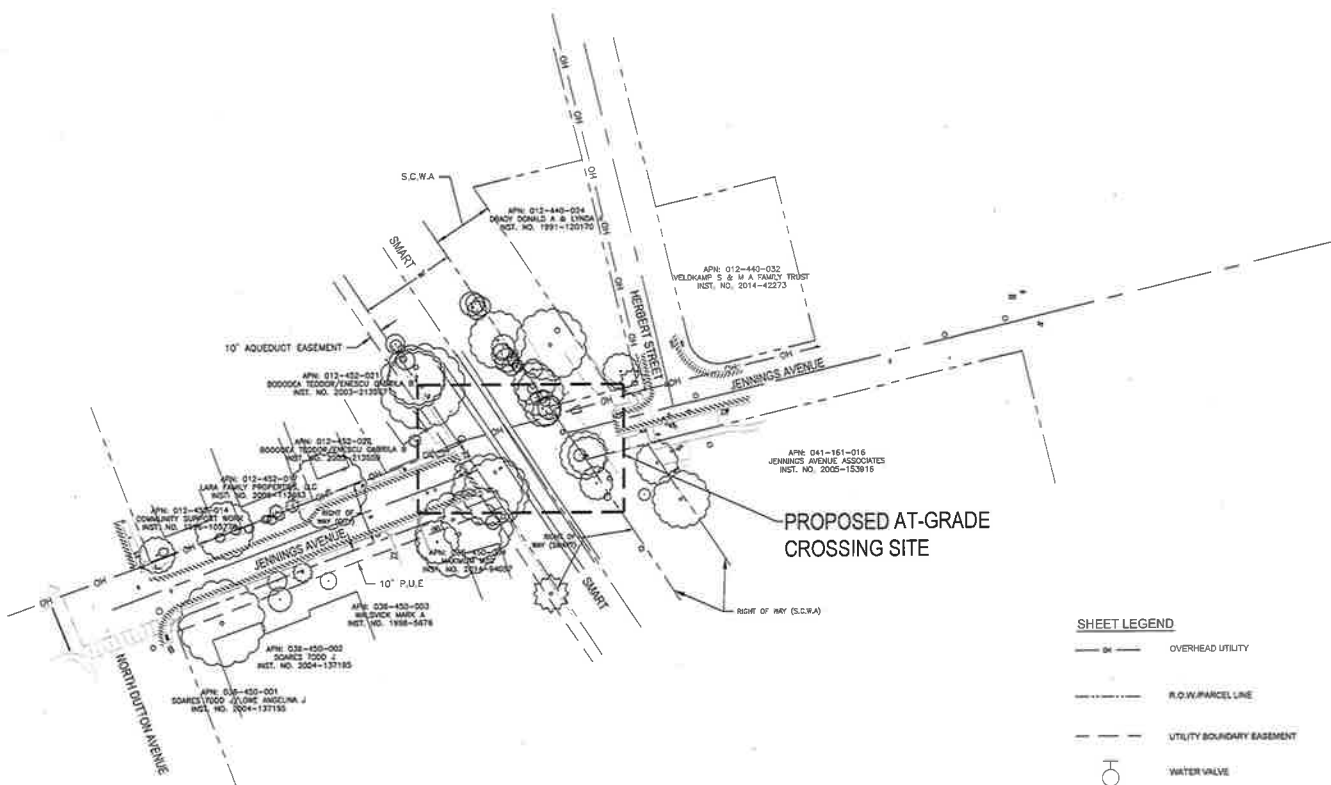


Jennings Avenue – looking west

EXHIBIT E

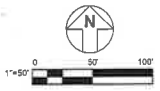
PROPOSED AT-GRADE CROSSING DESIGN

File Path: C:\Users\11930\Documents\11930\Site Map.dwg
 Plot Date: 10 April 2015 - 4:31 PM
 Plot File: C:\Users\11930\Documents\11930\Site Map.dwg
 Page 02 of 02 sheets. The drawing is a plot of a portion of a project. It is not a final drawing. It is not to be used for construction.



**PROPOSED AT-GRADE
CROSSING SITE**

- SHEET LEGEND**
- OVERHEAD UTILITY
 - R.O.W./PARCEL LINE
 - UTILITY BOUNDARY EASEMENT
 - WATER VALVE
 - FIRE HYDRANT
 - MANHOLE
 - UTILITY VAULT/BOX
 - TREE
 - BUILDING
 - ASPHALT PAVING



JENNINGS AVENUE AT-GRADE RAIL CROSSING
SCALE = 1"=50'



Design/Consult	By	Date	Signature
Survey			
City/Field/Spec			
Utility/Spec			
Traffic			
Parks			
Storm Water			
Dept.			

No.	Date	Revision
NOT FOR CONSTRUCTION		

City of Santa Rosa	SCALE: As Shown	DATE: 04/04/2015	CHK. BY: MWR
Jennings Avenue At-Grade Rail Crossing	DRN. BY: TTB	APPROVED: Deputy Director - Engineering	By: Catherine Ferguson
Site Map			
CONTRACT NO.			
SHEET X OF X			
FILE NO. 11930 - C			

EXHIBIT F

SIGHT DISTANCES AT PROPOSED CROSSING



Standing 17 feet from centerline of rail on the west side of the rail looking south



Standing 17 feet from centerline of rail on the west side of the rail looking north



Proposed Signal House Location

Standing 17 feet from centerline of rail on the east side of the rail looking north, proposed signal house location on right of photo 20 feet from the centerline of track. Guerneville station and crossing can be seen 1500 feet away.



Standing 17 feet from centerline of rail on the east side of the rail looking south.

Figure 1. Clearing Sight Distance and Sight Triangle

Train Speed (MPH)	Pedestrian Clearing Sight Distance (feet) *
10	180
20	355
25	440
30	530
40	705
50	880
60	1060
70	1235
80	1410
90	1585

* walking 1.1 mps (3.5 fps) across 2 sets of tracks 15 feet apart, with a two second reaction time to reach a decision point 3 m (10 ft) before the center of the first track, and clearing 3 m (10 ft) beyond the center line of the second track. Two tracks may be more common in commuter station areas where pedestrians are found.

Note: 1 ft = 0.3048 meter.

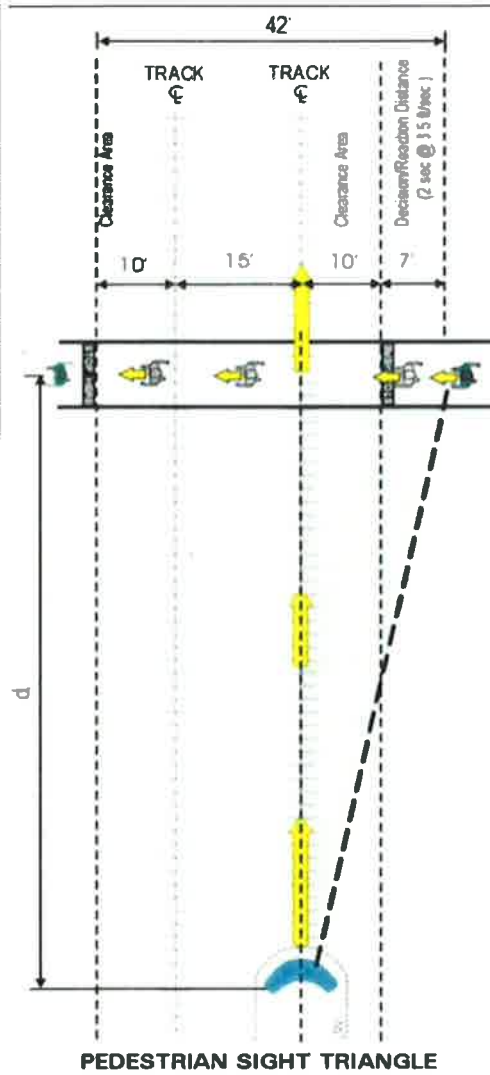


EXHIBIT G

PROPOSED CROSSING/RAIL PROFILE

EXHIBIT H

CITY RESOLUTION CERTIFYING ENVIRONMENTAL REVIEW

RESOLUTION NO. 28620

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE JENNINGS AVENUE PEDESTRIAN AND BICYCLE RAIL CROSSING PROJECT

WHEREAS, pursuant to requirements of the California Environmental Quality Act (“CEQA”), the State CEQA Guidelines, and the Santa Rosa City Code, a Notice of Preparation of an Environmental Impact Report for the Jennings Avenue Pedestrian and Bicycle Rail Crossing Project (“Project”) was issued on November 12, 2013, and a public scoping meeting was held on December 4, 2013, to offer interested individuals, organizations, and governmental agencies an opportunity to provide input regarding the potential environmental effects of the Project; and

WHEREAS, a Draft Environmental Impact Report (“EIR”) was prepared and sent to the State Clearinghouse for review by state agencies; and

WHEREAS, a notice of availability of the Draft EIR was provided and the Draft EIR was made available to the public for review and comment for a period of 45 days beginning on October 17, 2014, and ending on December 1, 2014; and

WHEREAS, on November 18, 2014, the Council held a noticed public hearing regarding the Draft EIR at which time all persons wishing to be heard were invited to speak or submit written comment; and

WHEREAS, written responses were prepared to all comments, oral and written, regarding the Draft EIR received during the public review period; and

WHEREAS, the Draft EIR (State Clearinghouse Number 2013112019), dated October 17, 2014, and the Final EIR, dated February 9, 2015, which contains all comments and recommendations received on the Draft EIR, a list of persons, organizations and public agencies submitting comments on the Draft EIR, and responses by the City to comments received, and the Mitigation Monitoring and Reporting Program, comprise the Final EIR; and

WHEREAS, the Final EIR was presented to the Council in accordance with the requirements of CEQA and the Santa Rosa City Code; and

WHEREAS, on March 17, 2015, the Council considered the public comments, reviewed the Final EIR, and found that the Final EIR was completed in compliance with CEQA.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa makes the following findings:

- A. The Council has reviewed and considered the information contained in the Final EIR, including the Draft EIR, the comments on the Draft EIR and the responses to the comments;
- B. An adequate opportunity for public participation, including review and comment on the Draft EIR, has been provided in accordance with the requirements of CEQA;

- C. The responses to comments contained in the Final EIR represent a reasoned, good faith evaluation of each comment and respond to all significant environmental issues raised in the comments;
- D. The responses to comments in the Final EIR do not provide any significant new information, which would require re-circulation of the Draft EIR;
- E. The Council, having independently reviewed, analyzed and considered the information contained in the Final EIR, finds and determines that the Final EIR adequately identifies and analyzes the environmental effects of the Project and the alternatives;
- F. The Final EIR was completed in compliance with the requirements of CEQA, the State CEQA Guidelines and the Santa Rosa City Code; and
- G. The Final EIR, and this Resolution, including the findings, represent the independent judgment and analysis of the Council.

BE IT FURTHER RESOLVED that the Final EIR, as described above, is hereby certified as complete, adequate and prepared in compliance with the California Environmental Quality Act.

BE IT FURTHER RESOLVED that the City of Santa Rosa shall use the Final EIR, as certified, to assist it in its consideration of the Project.

IN COUNCIL DULY PASSED this 17th day of March, 2015.

AYES: (7) Mayor Sawyer, Vice Mayor Coursey, Council Members Carlstrom, Combs, Olivares, Schwedhelm, Wysocky

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
Deputy City Clerk Mayor

APPROVED AS TO FORM:

City Attorney

EXHIBIT I

SMART LETTER OF SUPPORT



Judy Arnold, Chair
Marin County Board of Supervisors

May 16, 2014

Barbara Pahre, Vice Chair
Golden Gate Bridge,
Highway/Transportation District

Ms. Teresa McWilliam, P.E.
ATP Program Manager, Caltrans Division of Local Assistance
Office of Active Transportation and Special Programs
1120 N Street, MS1
Sacramento, CA 95814

Jim Eddie
Golden Gate Bridge,
Highway/Transportation District

Debora Fudge
Sonoma County Mayors and
Councilmembers Association

Re: Support for City of Santa Rosa - Jennings Avenue Non-Motorized Crossing

Madeline Kellner
Transportation Authority of Marin

Dear Ms. McWilliam:

Jake Mackenzie
Sonoma Mayors and Councilmembers
Association

On behalf of the Sonoma-Marín Area Rail Transit (SMART), we are pleased to write a letter in support of the City of Santa Rosa's efforts to install a Jennings Avenue bicycle and pedestrian crossing at the SMART railroad tracks and to provide safe routes to school services for Helen Lehman School.

Stephanie Moulton-Peters
Marin Council of Mayors and
Councilmembers

SMART is implementing a passenger train and pathway project in Sonoma and Marin Counties. As part of that effort, SMART is partnering with local jurisdictions on issues of critical importance along the entire corridor. In addition to the California Public Utilities Commission (CPUC), we are providing technical review as the City of Santa Rosa completes an environmental document evaluating an at grade bicycle and pedestrian crossing and a bicycle and pedestrian rail overcrossing at Jennings Avenue and the SMART rail tracks. SMART was recently awarded a grant to construct the SMART Pathway along the rail corridor between College Avenue and Guerneville Road. This funded SMART Pathway segment will connect at its midpoint to the Jennings Avenue bicycle and pedestrian crossing and at its northern terminus to the SMART station at Guerneville Road.

Gary Phillips
Transportation Authority of Marin

David Rablitt
Sonoma County Board of Supervisors

Carol Russell
Sonoma Mayors and Councilmembers
Association

Kathrin Sears
Marin County Board of Supervisors

Shirlee Zane
Sonoma County Board of Supervisors

The City of Santa Rosa is dedicated to enhancing the safety, comfort and clear paths of travel for pedestrians and cyclists and we support the City in their efforts to seek funding to ensure that pedestrian and bicycle needs are addressed. Thank you for your consideration of the City's proposal.

Farhad Mansourian
General Manager

5401 Old Redwood Highway
Suite 200
Petaluma, CA 94954
Phone: 707-794-3330
Fax: 707-794-3037
www.sonomamarintrain.org

Sincerely,

Farhad Mansourian
General Manager

Cc: Judy Arnold, Chair
Barbara Pahre, Vice Chair