

# Sonoma-Marin Area Rail Transit District

## Jennings Crossing

December 17, 2025





# Jennings Crossing

- Background
- Draft Agreement Highlights
- Questions





# Jennings Crossing Location



# 2016 CPUC Decision

- In 2016, CPUC approved City's application for the Jennings crossing finding:
  - Decision retains the CPUC's policy disfavoring at-grade crossings, but under the unusual circumstances the Crossing should be approved
    - Crossing is in the public interest and there is a public need for the crossing
    - Local community and emergency authorities support the at-grade crossing design
    - It is impracticable to construct a grade-separated overcrossing
    - Rail Safety staff stipulated that the proposed design meets all legal requirements
    - City has convincingly shown that it has eliminated all potential safety hazards
    - Proposed crossing has been designed to comply with numerous legal requirements.
    - CPUC determined that the proposed Jennings Avenue at-grade crossing was sufficiently safe

# 2016 CPUC Decision

SMART and Rail Safety Division staff requested reconsideration multiple times

- CPUC rejected staff's position multiple times noting it had “made a robust inquiry into the comparative safety hazards and risks of at-grade and grade-separated and thoroughly considered parties' positions.”

# October 2025 Ruling

- SMART and City attended status conference
- Parties reported on renewed efforts to reach a License and Construction Funding Agreement
- CPUC Judge directed City and SMART staffs to negotiate a license agreement and a construction funding agreement to be considered by the respective governing bodies before the end of 2025
- CPUC Judge reminded parties of its regulatory authority
- SMART and City Staff met several times and reached agreement on terms for a draft license and construction funding agreement in November
- Santa Rosa City Council unanimously approved terms of both draft agreements



# Draft License Agreement

- SMART to grant City a license for City to use its property for City's crossing.
- SMART to maintain the crossing at City's cost.
- City to assume all risk and liability; and accept broad indemnification and duty to defend SMART unless the incident is directly caused by the sole negligence, gross negligence or willful misconduct of SMART.
- City to name SMART as an additional insured.

# Draft Construction Funding Agreement

- City pays all costs to design, construct, implement and commission the at-grade crossing.
- City to update drawings and obtain approval of final designs from CPUC Rail Safety Division prior to construction.
- SMART to bid construction at City's cost.
- SMART to manage construction contract or bid construction management at City's cost.
- City to indemnify SMART for claims related to design and obligations under the agreement.
- Parties to require contractors to add the other party as additional insured.



# Staff Recommendation

- Authorize General Manager to finalize negotiations and execute a License Agreement and Construction Funding Agreement with the City of Santa Rosa for an at-grade pedestrian crossing at Jennings Avenue

# Questions