

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-Marin Area Rail Transit ("SMART") Track at Jennings Avenue Located in Santa Rosa, Sonoma County, State of California.

Application 15-05-014
(Filed May 14, 2015)

NOTICE OF EX PARTE COMMUNICATIONS

Pursuant to Rule 8.4 of the Commission's Rules of Practice and Procedure, (Title 20, California Code of Regulations, section 8.3), the Safety and Enforcement Division ("SED") hereby gives notice of two ex parte communications.

The first communication was between Elizaveta Malashenko and John Reynolds, Advisor to Commissioner Peterman. Roger Clugston also participated via telephone. This communication occurred on August 12, 2016, between 2:00 and 2:30 p. m., in Room 5209 at the CPUC's headquarters in San Francisco, California, concerning the Proposed Decision in this proceeding.

The second communication occurred between Ms. Malashenko (with Roger Clugston on the phone) and Kenneth Koss, Advisor to President Picker, in Room 5215 at 3:00 to 3:30 p.m. on August 12, 2016, again at CPUC Headquarters. The communication concerned the Proposed Decision in this proceeding.

Both meetings were oral and no documents were discussed or presented. The content of the meetings were the same as described below.

The discussions were as follows:

SED indicated it objects to the approval of this proposed crossing on the grounds that the at-grade crossing is dangerous to the public. Director Malashenko described the safety concerns in the immediate vicinity of the proposed at-grade crossing. She described the policy requiring closure of an at-grade crossing if a new at-grade crossing is permitted. The policy ensures that there is no increase in the number of at-grade crossings within the State. This is a state and

federal policy. After reviewing the crossings, SED did not consider closure of another nearby at-grade crossing to be possible or appropriate. The three closest crossings are not near Jennings Avenue and pose new problems if closed.

Director Malashenko also explained that one of the major concerns was that there will be a significant increase in the number of trains operating over these tracks daily, once the Sonoma Marin Are Rail Transportation (SMART) begins operations later this year. Currently, the only railroad traffic over this line is a few freight trains operated by the Northwestern Pacific Railroad Company. Once SMART begins operations that number will increase to a combined total of approximately 36 trains per day. SMART currently intends to operate its trains at 35-40 miles-per-hour through the proposed crossing. SED staff feels that such speeds would be especially dangerous for children who may be inclined to take risks, such as when late for school, and that the elderly in a nearby retirement center could also face similar dangers when attempting to cross this at-grade pedestrian crossing.

Director Malashenko also noted that it has come to the attention of SED that SMART has asked for a Quiet Zone (QZ) diagnostic. A QZ effectively eliminates the routine sounding of a train horn as it approaches a grade crossing, per the usual railroad operating rules thereby potentially increasing the danger posed by an at-grade crossing. If a QZ is granted by the Federal Railroad Administration, then Jennings Avenue crossing would not have trains sounding their horns at the crossing.

Respectfully submitted,

/s/ PATRICK S. BERDGE

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