

March 19, 2015

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Dear Martina:

The Los Gatos Creek trestle of the Western Pacific (WPRR) embodies multiple themes in San Jose's and California's history. It represents the actions of local boosters to grow the city of San Jose and to help it escape from the clutches of the Southern Pacific dominance. It also represents the difficulty of negotiating with the gargantuan Southern Pacific and the evolution of the California Railroad Commission and the grade separation requirements issued by the RR Commission. The story involves multiple famous San Jose persons and their competing interests. As I reviewed the material that I submitted for the DEIR, I realized that I left out some details needed to understand the role of the trestle in the fight for San Jose's economic growth.

Themes:

Progressive Era  
Railroads  
Fruit industry  
Economic Expansion  
Land speculation/Annexation  
Grade Separation Movement  
City of Willow Glen

### **More About The Western Pacific Los Gatos Creek Trestle**

Timber was brought to the construction site in July 1921. <sup>1</sup> It was completed in 1922. It is 25 ft. above grade and 210 ft long. It is not known how deep the piles go under the ground surface. The trestle uses pile cap construction. Comprised of 13 bents, most have 6 piles. <sup>2</sup> Pile cap bents are built by installing the piles and then cutting them all simultaneously to achieve uniform height. When repairs are made and a new pile is installed, shims are needed to achieve matching height.<sup>3</sup> The absence of shims on most of the bents suggest that many are original timbers.

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<sup>1</sup> "Has Narrow Escape." 1921 July 15

<sup>2</sup> CH2MHill Feasibility report.

<sup>3</sup> Foster, Wolcott. A treatise on wooden trestles and their concrete substitutes. P30

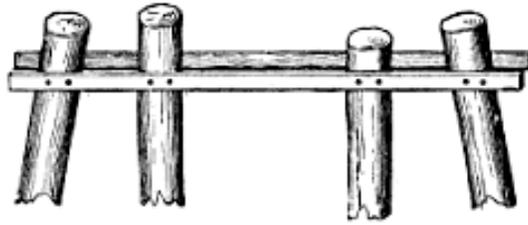


FIG. 19.—MARKING PILES FOR CUTTING OFF.

A narrow plank having a straight upper edge, and long enough to extend entirely across the bent, is then nailed on each side of the piles (Fig. 19), and the top cut off level or cut in far

The Los Gatos Creek trestle length is relatively rare for rail bridges according Wolcott Foster's Treatise on Wooden Trestles. The book included an analysis of bridge and trestle length in railroads. Only 0.15% of all kinds of bridges and trestles during that time period were over 200 ft. long. (About 0.18% of rail miles were on bridges or trestles over 200 ft). That makes the length of the Los Gatos Creek trestle very rare for its time period.<sup>4</sup>

TABLE II.

Distribution of Bridges and Trestles in Spans of Different Lengths, in Totals of Lineal Feet.

(COOPER'S TABLE NO. 4.)

Miles of Road.	Trestles and Spans under 20 feet.	Spans 20 to 50 feet.	Spans 50 to 100 feet.	Spans 100 to 150 feet.	Spans 150 to 200 feet.	Spans 200 to 300 feet.	Spans 300 to 400 feet.	Spans 400 to 500 feet.	Spans over 500 feet.	Total.	Average per Mile of Road.
26,288	2,299,758	85,181	94,165	149,121	80,551	29,542	5,677	1,211	1,040	2,746,246	104.7

" Using this as a basis of estimate, the 3030 miles of trestles and bridges in the United States should be distributed as follows:

Trestles and Spans under 20 feet.	Miles.	No of Spans.
Spans 20 to 50 feet.	2,424	727,200
" 50 to 100 "	121	18,150
" 100 to 150 "	130	9,100
" 150 to 200 "	190	8,000
" over 200 feet	109	3,300
	56	1,150
	3,030	766,900

The above includes all bridges of either wood or iron."

According to Wolcott Foster's book on wooden trestle construction (published at the time of the trestle's construction), there are two kinds: framed and pile bent. Both types are meant to be inexpensive, quick to construct, and usually temporary. Foster wrote that in most cases the trestle will be replaced with fill and a culvert created to carry the creek. It was more efficient to haul dirt along a finished track. "The use of such temporary structures has been justified by the necessity of keeping

<sup>4</sup> Foster. Ibid. page 2.

the cost of such long lines as low as possible and by the importance of putting the companies in the position to earn money by carrying freight as soon as possible.”<sup>5</sup> Foster also wrote that pile cap trestles are very rarely built over 30 ft.<sup>6</sup> Explaining why there are few tall pile-bent trestles: “There is one grave objection to high pile-trestles, and that is the top end of the tree, that is the poorest timber, is in the ground.”<sup>7</sup>

The Los Gatos Creek trestle is one of the last all wooden trestles in Santa Clara County. Most others have been removed, slated for destruction, or converted to I-beam reinforcement. It was not possible to inspect the low-lying trestle in the San Francisco Bay. It is not known whether it has been reinforced with a steel I-bar. Remaining all wood trestles in Santa Clara County:<sup>8</sup>

Los Gatos Creek at Coe Avenue

Coyote Creek at Story Road

Pajaro River at Highway 25 and the San Benito County line.

### **Some San Jose Area Context**

Southern Pacific got approval from California’s pro-industry railroad commission for a 1906 alignment through Willow Glen. The commission ordered one grade separation at the Alameda and shifted costs to the City, the County, and the local streetcar business. San Jose refused to grant a franchise and so it did not go forward. Importantly, RR’s needed franchises to go through cities, but no local permission on county land.

Southern Pacific had a stranglehold on railroading in Santa Clara County. Over the next few years, Southern Pacific acquired the streetcar systems<sup>9</sup> and they were the only shippers. They set their rates according to the customer and whether it was preferred or not.<sup>10</sup> SP sponsored a 1911 constitutional amendment that shifted the control of public utilities and things like grade separations from cities to the Railroad Commission.<sup>11</sup>

After gaining approval of the 1906 alignment, SP chose to acquire land secretly and to the local San Jose people it looked like nothing was happening. SP was in financial trouble due to earthquake damage, the washout of a Southern California line due to the Colorado river flooding the Imperial Valley, Supreme Court forcing UPRR to sell its SP stock in 1912, the Federal government’s attempt to split the SP into two

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<sup>5</sup> Foster. Ibid. page 4.

<sup>6</sup> Ibid. page 6.

<sup>7</sup> Ibid page 7.

<sup>8</sup> Dresden, Jean. Railroad trestle inspection. 2015 February.

<sup>9</sup> “The Corporate Era” in Tracks Tires and Wires, by Charles McCaleb, p 67-83.

<sup>10</sup> Hichborn, Franklin. Stories of California Legislature.

<sup>11</sup> Section 23 art 12. (Statutes extra session 1911 p 168)

starting in 1914.<sup>12</sup> To the public, SP was not focused on solving San Jose's 4<sup>th</sup> Street track problem. It was revealed in May 1913 that SP had been quietly buying land.

Meanwhile locals dreamed of another railroad to compete with the SP. As early as 1907, the East San Jose Board of Trustees wrote to WP asking for a line. A local wealthy capitalist, T.S. Montgomery had the money to invest in the new WPRR. He was head of the Prune and Apricot Growers association, owned many buildings, major real estate investor around the state, booster for San Jose, was head of the bank and a leader of the Chamber. His bio is run in multiple parts in SJ newspaper in January 1923.<sup>13</sup> Montgomery had the money to buy a board seat on the WPRR.<sup>14</sup> As a leader in the Chamber of Commerce and board member, he brought WP official on an auto tour in July 1913, <sup>15</sup>(shortly after SP's land dealings were revealed) and WPRR acknowledged in writing their plan to invest in the San Jose area.<sup>16</sup> Unfortunately, in 1915 WP defaulted on its bonds and had to reorganize.

In 1909, San Jose elected LD Bohnett, a 29 year old attorney to the state legislature where he worked as part of the progressive movement to rein in the worst of railroad excesses. Crusading reporter Franklin Hichborn wrote about the legislative years in annual editions explaining the intricate legislative maneuvering by SP and progressive legislators. Bohnett sponsored legislation and served as floor leader in many fights during his 6 years in office from 1909 to 1915. <sup>17</sup> Notably, his legislative work forced SP to offer a single rate for freight and a State Railroad Commission with real authority over SP and other utilities. (See Appendix for his bio).

Simultaneously, San Jose's boosters were anxious to grow by annexation. It also provided an opportunity to negotiations with the SP over the franchise for track location and grade separations. Gardner district was annexed in 1911.

A review of the Sanborn Fire Insurance maps from 1915 for "Westside" or present day Midtown reveals few industrial plants other than the San Jose Fruit Packing Company plant on Auzeais next to the narrow gauge South Coast Pacific Rail line (owned by Southern Pacific).<sup>18</sup> This plant was absorbed by California Packing Company in 1919 and became known as Del Monte.<sup>19</sup>

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<sup>12</sup> SP President Paul Shoup letter to Lorin Silleman. In Charles McCaleb's Tracks, Tires and Wires. P 79.

<sup>13</sup> 1922 Jan 23. Real and Ideal by Edith Daley. Self Made Men: TS Montgomery Chapter 2.

<sup>14</sup> Various SEC filings show him as a board member.

<sup>15</sup> McCaleb, Charles. P. 139

<sup>16</sup> McCaleb, Charles p 139

<sup>17</sup> Hichborn Franklin. Stories of the California Legislature. 1909, 1911, 1913, 1915.

<sup>18</sup> Sanborn Fire Insurance map 1915. San jose library database.

<sup>19</sup> Robert Brubridge, Vasona branch.

[http://vasonabranh.com/packing\\_houses/index.php?title=San\\_Jose\\_Fruit\\_Packing](http://vasonabranh.com/packing_houses/index.php?title=San_Jose_Fruit_Packing)  
Accessed 2015 March 6.

The Westside represented a prize that both Southern Pacific and Western Pacific wanted. Local boosters wanted to grow Midtown's economic potential—with shipping options.

The importance of the fruit industry to San Jose cannot be underestimated. By way of example, when rain threatened the 1918 prune crop, soldiers were placed on 5-day furloughs and sent to the fields to save the crop. Orchardists paid them wages. Without them, the crops would have been lost.<sup>20</sup>

### **1916**

SP applied to State RR Commission for approval of its previously approved 1906 right of way. The commission has control of the grade separations and awards 34 at grade crossings and 1 grade sep at The Alameda. The city of San Jose had to pay 35% SP 50% County 15% and streetcar had to pay the cost of moving itself.

The City of San Jose, arguing that another government agency can't force to tax themselves. San Jose lost in 1917.<sup>21</sup> While the case was underway, rumors were promulgated that SP was considering a station in South San Jose—abandoning the Westside due to the high cost of the subway.<sup>22</sup>

### **Let the Games Begin :1917**

In this context, the true Gamesmanship begins and the trestle's role becomes clear; 1917 is critical in the story of the Los Gatos Creek trestle. Rather than trying to create a narrative, here is a list of the competing factors in the conflict:

Western Pacific gains permission in August to build their "beltline" around the southern edge of San Jose.<sup>23</sup> WP acquires some properties and lays some track at Coe Avenue. SP kept a Peninsular Rail car on hand to harass the WP track laying team—running back and forth so that the work crew could not lay track.<sup>24</sup>

Caught by surprise, leaders of the Willows Improvement Association quickly try to put together an incorporation election to prevent the WP alignment. Leaders include Bohnett, architect and developer F.L. Wolfe and future Willow Glen Mayor Paul Clark.

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<sup>20</sup> "Soldiers in Fruit: Uncle Sam's Men in Uniform arrive from big camp to rescue prunes" 1928 September 16

<sup>21</sup> City of San Jose vs. California State Railroad Commission et al (175Cal 284) The Pacific Reporter Volume 165 pages 987-

<sup>22</sup> 1916 Oct 28 Railroad Denies Change in Plans. Officials Declare Rumor of Out of Town Location of Depot is Unfounded"

<sup>23</sup> McCaleb. P 141.

<sup>24</sup> Arbuckle, Clyde. History of San Jose.

TS Montgomery expresses outrage at Willow Glen action and says that Santa Clara offered 10 acres for free if WPRR ran their route to Santa Clara instead. He argues that the WP must go to where the business opportunity is located –and that’s the west side.

The City of East San Jose hired consulting engineer George Damon who argued that the Westside depot will impair growth.<sup>25</sup>

City of San Jose lobbied for a union station for WPRR and SPRR. The City asked the Railroad Commission to intervene. The Commission agrees it would be a better idea but refuses to intervene, lacking jurisdiction.

The Prune and Apricot Grower Association is formed by TS Montgomery in 1917. <sup>26</sup> Later it becomes Sunsweet. It is formed to represent grower interests and be a counter-balance to the SP railroad and the growing California Packing Company. (CalPak). Cal Pak acquires the San Jose Fruit Packing Company on Auzerais in 1919. Then it acquires more canneries and builds more facilities.

Meanwhile, WP was quickly building its line from Niles Canyon using inexpensive construction techniques and low gauge track. <sup>27</sup> Then the Federal government stopped construction and took over the railroads for the duration of World War I. The SP franchise expired in 1918 during the war.

### **After World War I**

The railroads were returned to their owners in the middle of 1920. WPRR Board member and San Jose resident T.S. Montgomery revealed his real estate business was the sole land agent for the WP. He acquired land and then sold the remnant pieces to developers.

The Los Gatos Creek trestle is started in 1921 and completed in 1922.

WPRR promised the residents of Willow Glen in February 1922, that “the area will always remain a residence district and no industries will be allowed to come in.”<sup>28</sup>

Nevertheless, in March 1922 Palm Haven petitioned to the city of San Jose, preventing the Southern Pacific from using a County alignment just to the southwest of the city of San Jose once it crossed Los Gatos creek. They kept SPRR and WPRR spurs out of their neighborhood. LD Bohnett, his wife, and E.L. were three of the six

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<sup>25</sup> Proposed West San Jose Depot Will Check Development says Geo. Damon. SJ Mercury 1917 Jun 11. “East and West San Jose to meet to discuss Great Railroad problem” SJ Mercury 1917 Jun 27

<sup>26</sup> California Fruit News. 1918 march 30 page 9.

<sup>27</sup> Holmes, Norman. Prune Country Railroading.

<sup>28</sup> “Western Pacific Spends Millions on Facilities.” 1922 Feb 3

petitioners. The vote was 20 to 1.<sup>29</sup> Meanwhile, the WPRR beltline opened to Westside on August 21, 1922.

SP and the City of San Jose continue to negotiate and at one point come to an agreement, but the bond issue to pay San Jose's share of the Alameda subway fails at election in October 1923.

In a notable revealing of shifting alliances—WP's "Hermitage" property at Coe and Leona and Ramona was subdivided by 1924 by EL Wolfe, leader of the 1917 incorporation movement to block WPRR. By developing the land, it made it more expensive for SP to share the WP alignment—they would have to buy additional land that was subdivided.

Over the next few years, arguments revolved around using the WPRR alignment for both companies or not. The number of grade separations and cost sharing was part of the negotiations. San Jose hired an outside engineering firm, Harland Bartholomew and Associates to help them.

Rumors appeared that there was another route around the Westside using the Hillsdale branch and then joining the Pacific Coast line. The Consultant report suggested using the WPRR line or elevating 4<sup>th</sup> Street. The city demanded that SP use the WP Route in May 1927. In this context, the need to incorporate Willow Glen became clear. Keep SP out of the Willows by keeping it off the WPRR line and keeping it off the unknown but rumored alternate route. Not wanting to wait, the French Residence tract at Delmas and Shepherd annexed to San Jose in 1926. Critically, SP and the City of San Jose made agreements to use 1906 alignment—but Southern Pacific did not issue a letter until *after the Willow Glen election*.<sup>30</sup> Willow Glen elected to form a city in Fall, 1927.

SPRR approached the City of Willow Glen, but was rebuffed. SP took things into their own hands and constructed track to carry materials and dirt to the Willow Street crossing. To haul the materials, they had to cross City of Willow Glen land. The familiar story of Willow Glen suing ensued. The purpose of the lawsuit was a negotiating chip to gain a subway at Minnesota/Alma to keep Willow Glen's access to industrial areas open. L.D. Bohnett, the City Attorney of Willow Glen took the lawsuit to the Supreme Court as discussed in the earlier DEIR comments.

### **Meanwhile the WPRR**

"The less-than-carload (LCL) volume of business increase to the point of crowding the West San Jose freight depot, who warehouse was constantly filled in and

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<sup>29</sup> "Palm Haven is Solid to Come into San Jose" September 1, 1922; "Palm Haven May Become Annexed" March 22, 1922

<sup>30</sup> 1927 Sep 12. Holmes. Prune Country Railroading. "Resumes Parley with San Jose."



## Grade Separation Summary

During the negotiations, various proposals were floated for grade separations. At the start, San Jose rejected the cost allocated to it by the California Railroad Commission for the Alameda Subway. San Jose failed in get it change in court. By 1923, the City got a modification from the State Railroad commission, cutting costs in half, but a bond issue failed to get a 2/3 vote. Importantly, SP moved from the position of ONE grade separation in 1917 to paying for a total of 10 grade separations for the modified 1906 route by the time it opened in Dec 1935: 8 in San Jose, 1 in Willow Glen (Alma) and 1 at Almaden Road in the County.

Importantly, San Jose City Engineer Clarence B. Goodwin appears to have been the problem solver by suggesting berms in 1926 to raise the height of the alignment through the Gardner district which reduced the cost of the subways. Goodwin's idea necessitated the use of the Azevedo cut through Dairy Hill/Communication Hill.

The following Table summarizes the back and forth about grade separations. The "Who" column represents "who" made the proposal. As late as 1928, the WPRR alignment was still in play as a negotiating chip.

<u>Date</u>	<u>Who</u>	<u>Route</u>	<u>Grade Separations</u>
1917	CaRR	1906	1: The Alameda. 35% City. 15% county.
1923 Oct <sup>33</sup>	Ca RR	1906	1: The Alameda. 18.75% City 18.25% State
1925 Apr 11	SP	4 <sup>th</sup> Street	no grade separations
1925 Dec 15	CSJ	4 <sup>th</sup> Street for passengers—elevated	
	CSJ	WP freight	8: grade seps in report
1926 May 28	SP	1906	5: Alameda, West San Carlos, Coe, Willow, Minnesota
1927 May 3	CSJ	WP	4 : Julian, The Alameda, Park, San Carlos <sup>34</sup> pay property damages, not percentage
1927 July Sep.	CSJ/SP	1906	5: Julian, Alameda, Park, San Carlos, Monterey Hiway new station, city pays property damage, state pays half Monterey Highway at Oak Hill Cemetery
1928 Jan 8 <sup>35</sup>	SP	WP	No grade seps. Use WPRR route
1928 Feb 16 <sup>36</sup>	SP	modified 1906	8: Julian, The Alameda, Park, San Carlos, Bird, Delmas, Prevost, Willow, new station. CSJ pays property damage
1928 Apr 17 <sup>37</sup>	WG	1906	anonymous feeler—straighten route <i>if WPRR moves</i>
1935 Dec	SP	modified 1906	8 in San Jose, 1 in Willow Glen, 1 in County

<sup>33</sup> California Railroad Commission Decisions. 1923.

<sup>34</sup> 1927 Aug 9 GH McGarry Summary of SP conflict. Also Holmes. Prune Country Railroading.

<sup>35</sup> 1928 Jan 8 Holmes. Prune Country Railroading. SP says will lay track next to WPRR route.

<sup>36</sup> 1928 Feb 16 "Six Worst Crossings Relieved"

<sup>37</sup> 1928 April 17 Willows would join San Jose if WP was put on SP's Route. " CSJ votes franchise same day.

## Summary

### **The Los Gatos Creek trestle of the Western Pacific Rail line on the “Beltline” is the embodiment of five major ideas:**

- 1) Structure. It is unique and rare. Less than 0.15% of trestles of any kind are this length. Few pile cap trestles are built as high as 25 feet. Most of structure appears to be original. It is one of the last 3 wooden trestles in Santa Clara County that is not yet doomed to destruction. It is publically owned and in the best location to communicate the feeling of a railroad alignment.
- 2) Fruit Industry The structure communicates the San Jose’s desire for growth on the west side and in its fruit growing region. It represents the opportunity sought by investors to reach the burgeoning canning and fruit packing industry as quickly and as inexpensively as possible. The trestle represents how the WPRR’s decision to handle freight differently than Southern was a benefit to the industries of San Jose.
- 3) Railroad Industry. The structure embodies the conflict over railroad alignments and grade separations. The alignment was a trading chip in the negotiations for over a decade in and out of favor by San Jose and SP. The trestle was never upgraded—preventing it’s immediate use as a mainline route.
- 4) The Trestle and WPRR alignment symbolize the passionate advocacy of LD Bohnett and TS Montgomery.
- 5) Willow Glen. The ongoing risk to the Willow Glen neighborhood from a possible use of the WPRR alignment by the SPRR mainline galvanized the residents into incorporating.

Please use this paper combined with my comments for the DEIR. Thank-you for this opportunity to provide additional information for the nomination to the San Jose Historical Landmarks.

Sincerely,

Jean Dresden

## **Appendix**

### **LD Bohnett**<sup>38</sup>

L. D. Bohnett (1880-1970) was a native of Santa Clara County, raised on fruit ranches in the Cambrian area. He was one of 11 children of Joseph and Tamer (Barker) Bohnett. His father had come to California from Michigan in 1871, and his mother was born in Santa Clara County. L. D.'s wife, the former Ivadelle Bevens (1886-1970), whom he married in 1910, was born in Michigan, and came to San Jose from Yuba City with her parents about 1906. Her father Edgar was a building contractor who operated a successful contracting business in San Jose during the early years of the twentieth century. The last of the Bevens's personal residences is located at 655 Palm Haven Dr.

L. D. Bohnett attended the University of California, Berkeley, and graduated in 1906, passing the state bar examination in 1907. He briefly served as Deputy County Clerk for Santa Clara County before opening his own law office in 1908 and winning election to the State Assembly in 1909, representing the 44 th District. During his three terms in Sacramento, he served as Assembly Floor Leader for Governor Hiram Johnson, shepherding through many progressive reforms during that period. His work in Sacramento was well chronicled locally. He carried and initiated many reforms such as worker's compensation legislation, usury laws, railroad regulation, and red-light-abatement laws. Returning to San Jose after a failed run for Congress, he was appointed as attorney to the State Water Commission and the State Controller appointed him as the county inheritance tax appraiser. He embarked locally on a long and successful career as an attorney, originally partnering with Henry G. Hill, and later his son John. L. D. Bohnett is mostly remembered locally for his efforts in the formulation of the town of Willow Glen. As early as 1917 he had taken a leadership role in attempts to annex this 'unincorporated area into to San Jose, or establish the area as a separate city in order to provide city services. He worked to keep the Southern Pacific Railroad from constructing a line with ungraded crossings through the growing community of Willow Glen. This effort resulted in incorporation of Willow Glen in 1927. Bohnett's strategy for incorporation was to force the railroad to obtain a City franchise for their proposed line. Bohnett fought the railroad through the appeal courts, eventually negotiating a settlement that resulted in the line being built on raised tracks with grade separations at the major entries to the residential district. L. D. Bohnett served as City Attorney for Willow Glen from 1930 until it was consolidated into San Jose in 1936. L. D. Bohnett's fight against Southern Pacific had origins in his activities while in Sacramento. In 1911 his efforts with the Eschleman Bill in the Assembly was instrumental in establishing the regulation of rates and establishment of the State Railroad Commission. In addition to L. D. Bohnett's contributions to the founding of

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<sup>38</sup> Maggi, Franklin. Historic report for LD Bohnett home.

[http://www3.sanjoseca.gov/clerk/Agenda/20080812/20080812\\_0204.pdf](http://www3.sanjoseca.gov/clerk/Agenda/20080812/20080812_0204.pdf)  
Accessed 2008 September 12.

Willow Glen, he also had long term involvement in the formulation of the local water district. He was legal counsel for the Santa Clara Valley Water Conservation Committee in 1921 when he prepared state legislation to permit the formation of a local water district. The "Jones Act" was approved in June of 1921 (with a 1923 revision that Bohnett also prepared) and enabled local bonding for conservation activities. L. D. Bohnett remained involved with water conservation activities for 40 years;