COMMITTEE FOR
GREEN FOOTHILLS

December 18, 2013

John Davidson
Department of Planning, Building and Code Enforcement
200 E. Santa Clara St.
San Jose, CA 95113
John.Davidson@SanJoseCA.gov

Re: Three Creeks Trail Pedestrian Bridge Project

Dear Mr. Davidson,

Committee for Green Foothills (CGF) appreciates the opportunity to submit these comments on the Initial Study and Mitigated Negative Declaration (MND) for the Three Creeks Trail Pedestrian Bridge Project. As an environmental organization whose mission is to protect open space and natural resources in San Mateo and Santa Clara Counties, CGF has a strong interest in the environmental impacts of the proposed projects on Los Gatos Creek and its riparian corridor.

Here in the semi-arid Bay Area, creeks and rivers are lifelines of survival for the vast majority of wildlife. Riparian vegetation is denser and more diverse than that found in drier upland areas, which means that a wide array of species utilize the riparian corridor for nesting, foraging and breeding. For example, more species of birds use riparian areas to breed in than any other habitat, and according to some studies, as many as 80% of Western species use this habitat at some point in their life cycles. In addition, riparian corridors serve as vital wildlife migratory pathways, especially in urban developed areas.

Los Gatos Creek is a rare example of a Bay Area stream that is still in its natural state. In the area of the Project, Los Gatos Creek is thickly wooded with mature trees that provide a continuous forest canopy to shelter wildlife, including several species that are threatened or of special concern such as the Central Coast steelhead, Central Valley Chinook salmon, Western pond turtle, peregrine falcon, merlin, sharp-shinned hawk, Cooper's hawk, willow flycatcher, yellow warbler, and yellow-breasted chat. Thus, any project that destroys riparian habitat along Los Gatos Creek, even temporarily, may have significant environmental impacts that reach far beyond the actual footprint of the project.

According to the MND, the proposed project will demolish the existing wooden trestle bridge and install a new pre-fabricated steel bridge in its place. The existing bridge is supported by a total of 81 wood piles, with additional support from wooden braces. MND, p. 1-3. Removal of these piles would include the following methods: pulling with an extractor or hydraulic crane, use of a vibratory hammer to break the seal between the pile and the soil, breaking off the pile near the ground, and subsurface cutting with hydraulic or pneumatic saws or shears. Id. The piles and bridge deck are composed mostly of creosote-treated wood, and demolition would generate a large amount of treated wood waste.

The construction of the new bridge would involve excavation for the abutments and retaining walls using backhoes and excavators, pile driving of H-piles, placement of reinforcing steel and concrete, assembly of the bridge, and placement of a concrete deck on the bridge. The approaches to the bridge would be prepared by placing a sub-base and then placing concrete pavement and aggregate. MND, p. 1-3.

The MND states that to avoid impacts on birds, pre-construction nest surveys will be conducted before undertaking work during the nesting season (February through August). MND, p. 3-10. However, birds can build

a nest, lay eggs, and start raising young within two weeks, and an entire reproductive cycle may start and end within 30 days. For example, the yellow warbler, a California species of special concern, is known to nest in the Los Gatos/Guadalupe River riparian corridor and is one of the species mentioned in the MND. The yellow warbler takes about 4 days to build a nest, the incubation period is 10–13 days, and nestlings fledge 9–12 days after hatching. Thus, pre-construction surveys alone will not be sufficient to avoid impacts to birds such as these. Regular nest surveys should be conducted all throughout the construction period, and where nests are found, construction-free buffer zones should be established until the nests are no longer active.

The demolition of the trestle will necessarily involve bringing heavy equipment such as excavators and cranes down into the creek bed, which will crush and disturb the riparian vegetation and destroy the habitat for wildlife, including amphibians that live in the creek bed and invertebrates that provide foraging for many larger species. Although the MND recognizes that approximately 160 linear feet of riparian habitat would be impacted, the only mitigations proposed have to do with trees. MND, p. 3-12. Mitigation measures to avoid disturbance and destruction of the understory and other smaller plants should be put in place.

Demolition and removal of the creosote-treated wooden trestles may cause newly-exposed creosote to leach from the pieces and chips of wood resulting from breaking up these massive timbers. Whether the trestles are cut off near to the creek bed or pulled up entirely, exposure of the interior of these timbers to water may result in toxic contamination of Los Gatos Creek. According to a Department of Toxic Substances Control (DTSC) study on the toxicity of creosote-treated wood such as old railroad ties, when these old pieces of treated lumber are sawn into bits, milled, or otherwise broken up, there is a possibility of negative impacts to water quality and aquatic species. Although the MND recognizes that the creosote-treated wood must be disposed of in accordance with the regulations of the DTSC, the MND contains no mitigations for possible in-situ contamination of the water of the creek or of the riparian habitat from bits and small pieces of wood, or sawdust resulting from cutting of the piles. These impacts must be adequately mitigated in the MND.

Thank you for your consideration of these comments.

Sincerely,

Alice Kaufman
Legislative Advocate, Committee for Green Foothills

County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
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Reservations (408) 355-2201
www.parkhere.org

December 19, 2013

Attn: John Davidson, Senior Planner
City of San Jose
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, Tower 3rd Floor
San Jose, CA 95113-1905

Subject: Notice of Intent to Adopt a Mitigated Negative Declaration for the Three Creeks Trail Pedestrian Bridge Project (PP13-085)

Dear Mr. Davidson:

The County of Santa Parks and Recreation Department (County Parks Department) is in receipt of a Notice of Intent to Adopt a Mitigated Negative Declaration for the Three Creeks Trail Pedestrian Bridge Project. The County Parks Department is submitting comments related to the Joint Conservation Easement and Funding Agreement between the City of San Jose, Santa Clara County Open Space Authority (Authority) and the County of Santa Clara (County) and the project's consistency with the adopted Santa Clara Valley Habitat Plan.

General Comment: Under the Joint Conservation Easement and Funding Agreement, the Authority and the County would be considered Responsible Agencies under CEQA for considering the project's consistency with the Easement and Funding Agreement.

3.4 Biological Resources: The comment under **f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan** identifies "No Impact." As stated in the Initial Study and Mitigated Negative Declaration, the project site is located within the Habitat Plan permit area, and the narrative states that "the project has been designed to be consistent with the provisions of the Santa Clara Valley Habitat Plan, adopted by the City of San Jose in January 2013. Specifically, project design features, construction methods, and the mitigation measures listed above are consistent with Habitat Plan Condition 4 and Table 6-2 requirements for avoidance and minimization of aquatic habitat." The City should consider checking the *Less Than Significant Impact* box, rather than the *No Impact* box, since the project would be incorporating these conditions from the adopted Habitat Plan.

Thank you for the opportunity to comment on the Notice of Intent to Adopt a Mitigated Negative Declaration for the Three Creeks Trail Pedestrian Bridge Project. If you have any questions regarding these comments, please feel free to contact me at (408) 355-2230 or via email at Kimberly.Brosseau@prk.sccgov.org.

Sincerely,

Kimberly Brosseau, AICP
Park Planner III

cc: Julie Mark, Deputy Director
Jane Mark, AICP, Senior Planner
Rachel Santos, Open Space Planner, Santa Clara County Open Space Authority

OPEN SPACE AUTHORITY
SANTA CLARA VALLEY

December 17, 2013

San Jose City Hall
Planning Division
Attn: John Davidson
200 East Santa Clara Street,
Tower, 3rd Floor
San Jose, CA 95113-1905

Re: Notice of Intent to Adopt a Mitigated Negative Declaration
Three Creeks Trail Pedestrian Bridge Project

Dear Mr. Davidson,

The Santa Clara County Open Space Authority (SCCOSA) appreciates the opportunity to comment on the Notice of Intent to Adopt a Mitigated Negative Declaration for the Three Creeks Trail Pedestrian Bridge Project. The Authority is a special district created by the California Legislature in 1993, responsible for protecting greenbelts, natural resources, agricultural lands, wildlife habitat and open space within unincorporated Santa Clara County and the cities of Milpitas, Santa Clara, San Jose, Campbell and Morgan Hill. As you know, the SCCOSA contributed $3,200,000 to the acquisition of land needed for the Western Alignment of the Three Creeks Trail Project through the SCCOSA's Urban Open Space Funding Program and entered into a Conservation Easement and Joint Funding agreement with the City and Santa Clara County for that purpose.

The SCCOSA has evaluated the City's request to demolish the existing wood railroad trestle bridge over Los Gatos Creek and replace it with a steel and concrete pedestrian bridge and has the following comments:

The Joint Conservation Easement and Funding Agreement between the City, County and SCCOSA requires that "The property shall be used and maintained for open space and recreation in perpetuity and specifically for development of a trail and that no new structures or improvements be erected without written approval of the Grantees, as provided through the Authority's General Manager and County Executive; and that no native plant, tree or wildlife species shall be disturbed except to eliminate an imminent hazard to health, safety, or welfare of the general public, or as approved by Grantor as part of a plan for public access, resources management, and restoration." SCCOSA concurs that the proposed bridge replacement project would satisfy these requirements of the Conservation Easement and Funding Agreement, in that it continues to ensure that public access to open space would be available in perpetuity; regulatory agencies including U.S. Army Corps of Engineers, National Marine Fisheries Service, Regional Water Quality Control Board and California Department of Fish and Wildlife have

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indicated that removal of the existing trestle bridge and replacement with a steel and concrete bridge would enhance the habitat of the creek, including water flows, and reduce impacts to wildlife; and that the proposed bridge structure would reduce the potential for fire, vandalism and ongoing maintenance, while improving public safety.

The project is also consistent with SCCOSA's mission, to preserve key portions of the natural environment in order to balance continuing urban growth and to connect people to these invaluable and irreplaceable open space areas.

Thank you for providing the opportunity to comment on the Notice of Intent to Adopt a Mitigated Negative Declaration for the Three Creeks Trail Pedestrian Bridge Project and for keeping the SCCOSA apprised of the Trail and Master Plan Development, as required by the Conservation Easement. If you have any questions regarding these comments please contact me at (408) 224-7476 or by email at rsantos@openspaceauthority.org.

Sincerely,

Rachel Santos
Open Space Planner

Cc: Julie Edmonds-Mares, Director, Department of Parks and Neighborhood Services
Andrea Mackenzie, General Manager, Santa Clara County Open Space Authority
Matt Freeman, Assistant General Manager, Santa Clara County Open Space Authority
Jane Mark, Santa Clara County Recreation and Parks Department
Virginia Holtz, Chair, Open Space Authority Board of Directors

From: Dave Poeschel [dave.poeschel@gmail.com]
Sent: Wednesday, December 18, 2013 10:25 PM
To: Davidson, John
Subject: File No. PP13-085, Three Creeks Trail Pedestrian Bridge Project

Dear Planner Davidson,

In regards to File No. PP13-085, Three Creeks Trail Pedestrian Bridge Project, a Mitigated Negative Declaration is not an appropriate designation for the environmental review. While the footings for the new bridge may not significantly impact the Los Gatos Creek, the demolition of the existing bridge will create a significant impact on the creek.

The activities involved in removal of the existing piers pose significant risks to the habitat for steelhead trout, fall run Chinook salmon, and red legged frog. The many designations of "LESS-THAN-SIGNIFICANT IMPACT WITH MITIGATION INCORPORATION" understate the scale of removing 81 creosote treated piers and rely too much on precarious mitigation activities subject to human error. The cumulative effect of the large number of piers and risks on many different activities is a *significant* impact.

The City's rational used to remove this beautiful bridge does not consider the financial effect of technological improvements in material science and construction techniques which will occur in the potential lifetime of the existing bridge and inexplicably undervalues the aesthetic and historical significance of the existing bridge.

Sincerely,
David Poeschel
6004 Crossview Circle
San Jose, CA 95120

Willow Glen Trestle: Why it should remain in place. 12/18/2013

Historic importance

I take exception that the Willow Glen trestle is not historic. It serves as a symbol of early Willow Glen, its canning industry and the railroad battle that led to Willow Glen forming its own incorporated city. The trestle was built by Western Pacific Railroad, a competitor of the heavy-handed Southern Pacific. The trestle offered and alternative for fruit canners and packers in Santa Clara Valley. When Southern Pacific responded with a plan to build train tracks through the center of Willow Glen, citizens rebelled and voted to incorporate. Southern Pacific was forced to change their plans.

Aesthetics

The trestle is a masterpiece of engineering of the day, built by hand and designed to last. Over the years it has been well maintained and is still in good condition. When walking underneath the majestic timbers, it is a reminder of the past and a tribute to the construction of the early twentieth century. I understand there are only two of these trestles left in the Valley. Willow Glen needs this piece of rare history. A photograph does not do it justice.

A metal bridge will be noisy when traffic crosses it. The proposed metal bridge is boring and dull in appearance. What a travesty if it replaces the wood trestle.

Toxicology

Removing the timbers that contain creosote is a potential health and environmental concern to the soil and the water table. It would also disturb the creek channel and significantly alter the surrounding area. The chemicals in creosote-treated wood can be harmful to the health of humans and wild life. The cost of the handling and disposing of the hazardous waste (the timbers) will be an added expense that the city should not be considering.

Has a CEQA report addressed the toxicological and environmental concerns from demolishing the trestle?

Expense

The cost of repairing and upgrading the trestle is much less than tearing it down and purchasing/ installing a new bridge. The City should be saving money, not spending it when it is not necessary. I know the argument is that the trestle maintenance costs, over many years, is not affordable but it still is a bargain. Estimates on maintenance appear exaggerated.

I strongly urge the City of San Jose to please keep the trestle.

Gayle Frank
1117 Norstad Street
San Jose, CA 95126
District 6

Helen Chapman

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E-Mail: 4chapmanfam@sbcglobal.net

December 19, 2013

John Davidson
Department of Planning, Building and Code Enforcement
200 E. Santa Clara St.
San Jose, CA 95113
John.Davidson@sanjoseca.gov

Re: Three Creeks Trail Pedestrian Bridge Project MND

Dear Mr. Davidson,

Thank you for the opportunity to comment on the Three Creeks Trail Pedestrian Bridge Project Initial Study recently circulated. The Los Gatos Creek is an important environmental habitat and significant resource to wildlife, residents, and the City of San Jose. As a former Parks Commissioner and board member for Committee for Green Foothills, I am very interested in protecting and preserving our natural resources, connecting our trails, encouraging outdoor recreation, while at the same time using our limited park budget resources carefully. After carefully reading the draft study I would like to submit the following comments and questions and recommend that based on the information presented in the study that a full Environmental review by completed to ensure all aspects of this project are mitigated and reviewed.

1. The study references the 2004 CEQA document for the Los Gatos Creek Trail. That document did not reference the demolition or removal of the railroad trestle but concentrated on the alignment of the existing and future trail crossings for the trail itself. This document did not take into account recent sighting of wildlife such as beaver and salmon, let alone work within the Creek and should only be listed for informational purposes only as it is

2. The study states, "It is not expected that any native trees would be removed, and the area would be restored to the extent practicable." Please expand and provide technical documents that would fully address the removal of any and all trees, whether native or non native, and what mitigation will be in place for area disturbance of habitat within the project area.

3. There is mention of partial dewatering of the creek bed to protect water quality during demolition. Please provide in detail the plans to mitigate for impact to the wildlife species that call this area their home.

4. What is the role of the qualified fisheries biologist who will be "present" during the temporary diversion of water? Has a biologist been contacted and on contract with the City and will this biologist provide any other service other than just being present on site. Who will be actively monitoring the situation and provide any remediation planning in case problems arise? The creek habitat is not a controlled environment and I would assume issues would come up outside of what this study references. When will the plans be available for review?

5. The report mentions that a small percentage (0.08 acre) will be permanently affected by bridge construction as well as temporary disturbances to mixed riparian forest and habitat. What habitat restoration plan is in place for this project and when will it be available for review? Will the loss of riparian habitat be mitigated at a 1:1 ratio?

6. There is mention of damage to trees during construction; the only mitigation referenced in the document is that damage shall be reported to the City Environmental Senior Planner. Again, the report mentions cuts near the roots of trees but no plans are in place to prevent damage to the tree roots, only the exposed soil. This is woefully inadequate and should be readdressed.

7. The report mentions the possibility of exposed archeological resources during construction. In all conversions held regarding the removal of creosote timbers the common answer was no one knew what was underneath the soil so it may be that the timber would have to be cut at the surface. If no one knows what is under the soil at the base of the bridge, it would be safe to assume that archeological or potential toxic resources could be exposed. What is the plan and please reference technical documents that outline the plan for removal and potential encounter with any and all mentioned resources.

Thank you for consideration of these comments. I look forward to your timely response and answers to the questions I have raised.

Sincerely,

Helen Chapman
Secretary, Committee for Green Foothills
Former Chair, San Jose Parks and Rec Commission

Cc: Joe Horwedel, Director PBCE
Laurel Prevetti, Assistant Director PBCE
Alice Kaufman, Committee for Green Foothills
Larry Ames, Friends of the Willow Glen Trestle

From: Jack [gingerjax@aol.com]
Sent: Thursday, December 19, 2013 4:29 PM
To: Davidson, John
Subject: City Notification

Mr. Davidson,

Why was I not notified by mail about the March city council meeting? I live within 500 ft. of the trestle, and yet I was not informed about an important local issue. Is there not a city ordinance requiring that a notice be sent to residents living within a certain radius of a project location of an Item to be on the meeting agenda?

Sincerely,

Jack D. Nadeau
990 Ramona Court
San Jose, CA 95125

1276 Blewett Avenue
San Jose, CA 95125
December 18, 2013

Mr. John Davidson
Department of Planning, Building and Code Enforcement
City of San Jose
200 E. Santa Clara St.
San Jose, CA 95113

Dear John:

Thank-you for the opportunity to review the Initial Study and Mitigated Negative Declaration for PP13-085. With regard to your conclusions about cultural assets, I wish to ask some questions. At the end of this letter, I have appended my background with historic research.

In your report, you wrote

> "In addition, a bridge evaluation was conducted to determine if the trestle itself was eligible for listing on the National Register of Historic Places. The evaluation concluded that the bridge is an example of a common type of trestle, and was not associated with important events or persons in local history. The State Historic Preservation Officer concurred that there would be no impacts on historic properties." Page 3.-13

Which historic report is the Initial Study referencing? And which SHPO letter? For which dates? This level of specificity should be included in the Initial Study.

According to advisories issued by the State Office of Historic Preservation, any historic evaluation more than five years old should undergo comprehensive review whenever a CEQA evaluation is underway.

I have seen the "short-form" report produced in 2005 by consultant Ward Hill. He used a "short-form" instead of a comprehensive analysis.
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For what reason did the consultant Ward Hill choose to use a short form? In what way did he make that decision? To what extent was his decision based on direction of City staff or city budget?

The Ward Hill report was forwarded to the State Historic Preservation Office (SHPO) in about 2005. What CEQA process was it part of? When was the comment period? What outreach was conducted to the community? During the discussion of the trail, there was no plan to demolish the trestle---thus there was no impact to analyze. Where in that older CEQA document does it state that demolition will have no impact, since no demolition was planned? How could the report be analyzed under CEQA?

When historic reports are submitted to SHPO, are they submitted with approved CEQA documents? In the case of the Ward Hill report, what CEQA document was it part of? Since there was no plan to demolish the trestle, for what reason was the Ward Hill report submitted? What discussion of demolishing was contained in the CEQA report ? Did this CEQA discussion accompany the application to SHPO?

To the extent of your knowledge, when the SHPO Office reviews submitted historic reports, how do they make the decision to accept or reject? Do they accept any document that is submitted by a professional historian or government agency? To the extent of your knowledge of the state regulations, how do they determine the quality and completeness of the submitted work? Based on your understanding of their activities, to what extent do they conduct an independent evaluation and supplemental research? In your experience, are submitted reports considered sufficient—no matter how short and limited they are? Under SHPO regulations, to your understanding, what regulation allows for re-evaluation of assets when new information comes to light?

Under CEQA regulations, what allows for re-evaluation of historic assets when new data becomes available? Under CEQA regulations, when destruction was not previously discussed, doesn't it have to be analyzed in a project level environmental document?

This initial study cites prior historic reports for its conclusions. Throughout the time period immediately prior to the preparation of this initial study, multiple community members notified City staff that the Willow Glen Trestle was historically significant. For what reason did the City choose to ignore these well-publicized comments and not prepare the long form historic analysis for the WG Trestle? From the California Environmental Quality Act, "Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically significant. " Given the lack of analysis in the prior report and the age of the report, how have this standard been met?

Since this initial study is depending on the results of the prior "short form" which is more than 5 years old, the analysis is subject to current review. How did the consultant determine there was no significance to the construction of the Willow Glen trestle? How did he determine the impacts of the trestle's construction on life in the Willow [Willow Glen]? Where in the short form did he support these claims?

How did the consultant determine that the trestle was "typical"? What database did he consult? Was the claim of "typical" based on trestles contemporaneous to the 1921 trestle or based on trestles built subsequently? To what extent did he base it on comparison to other Western Pacific trestles or to trestles by all railroads in California or trestles throughout the United States? To what extent did he consider unusual choice of Western Pacific to construct a piled cap trestle of such height and length? How does his evaluation of "typical" compare to accounts in railroad histories and Western Pacific Railroad documents?

How did the consultant determine there was no significance regarding the design the Willow Glen trestle? How did he determine the impacts of the trestle's design on life in the Willow [Willow Glen]? Where in the short form did he support these claims?

Subsequent to the 2005 report prepared by consultant Ward Hill, multiple historic databases and archives were made more available to the general public. Out of print and limited circulation books and government reports were made available through Google Books. Some specific examples affecting the analysis of this historic asset:

City of Willow Glen records were found in warehouse of City of San Jose and moved to the California Room in about 2007.

San Jose Mercury Herald and San Jose Evening News Historical Archives are now fully searchable through 1922 in the Newsbank Inc. database. Other California newspapers are searchable through the Library of Congress digital newspaper project and various subscription databases (Newspaperarchive.com, Ancestry.com, familysearch.org, GenealogyBank, among others).

The Bohnett-Evans papers at UC Berkeley Bancroft library were catalogued and opened to researchers. Bohnett was the Attorney for the City of Willow Glen, a lead proponent of Willow Glen incorporation and anti-Western Pacific Railroad activities.

The Western Pacific Railroad archives were donated to the Feather River Historical Society and portions were made accessible to researchers.

Out-of-print books were scanned and made searchable, for example engineering books contemporary to the construction of the trestle, various railroad history books and California Railroad Commission proceedings, reports and decisions.

Sacramento Rail Museum finding aides are more complete. A keyword search program has been implemented.

For what reasons did the City not ask a historic consultant to prepare a long-form analysis and report utilizing these newly accessible materials on the significance of the Willow Glen trestle? For what reason did the City not follow SHPO guidelines for updating reports over 5 years old whenever a CEQA process is underway?

Specifically, the trestle should be in the context of the creation of the mythology and reputation of the Willow Glen neighborhood. Willow Glen celebrates its identify for political activism and rebellion in the face of the mighty railroads, its years as a separate city. Currently, Willow Glen is the only San Jose neighborhood with a presence outside of San Jose with articles in national press that always highlight the railroad alignment wars that began with the Western Pacific, its under-engineered trestle, grade separation conflicts, the formation of the City of Willow Glen, and the ultimate resolution.

For what reasons did the City of San Jose not require the consultant to analyze the trestle in context in these major areas:

--the design relative to other trestles constructed by Western Pacific and other railroads at the time of its construction, rather than comparing it to all extant trestles now?

--the politics of the formation of the City of Willow Glen—the timing of the first incorporation election relative to the announcement of the Western Pacific alignment transecting the Willows, and subsequent incorporation and disincorporation elections?

--the impact of the construction of the Western Pacific trestle and the then pending Southern Pacific alignment on the grade separation movement within San Jose and the state of California

--the under-engineered design of the trestle and the way it force the construction of two separate rail alignments (Western Pacific and Southern Pacific) into the west side of San Jose rather than a single joint line as ordered by the California Railroad commission

More specifically,

How did the under-engineered nature of the trestle impact the speeds of the trains through the Willows?

How did the trestle's height. length, and pile-cap design contribute to the under-engineering and track limitations?

How did the Western Pacific's decision to under-engineer the trestle impact Western Pacific's original plans to run a main line through the Willows (Willow Glen) to Gilroy and Los Gatos?

How did the Western Pacific's decision to construct the under-engineered trestle prior to acquisition of the right-of-way impact the State Railroad Commission's order to form a joint alignment with Southern Pacific?

How did the decision to accelerate the construction of the trestle prior to the completion of tracks to bring pilings and other construction materials impact design decisions? What limits in design were imposed by the necessity to haul materials in trucks?

T.S. Montgomery was a San Jose banker, real estate mogul, investor, leader of the chamber of commerce, and the only San Jose member of the Western Pacific Railroad board. How did his personal investment portfolio potentially influence Western Pacific's decision to build the trestle rapidly prior to other parts of the line using an under-engineered design necessitated by not being able to haul materials by rail?

How did the under-engineered trestle design impact the type of railroad equipment, weight loads, and freight hauled? How did these limitations affect the success of the Western Pacific "Belt Line" over time?

The announcement of the Western Pacific line through the Willows in 1917 triggered an incorporation movement for the City of Willow Glen. What persons were most active in opposition to the Western Pacific Railroad? What were their backgrounds and how were they capable to initiate such a complicated process? Did they have prior government experience? What roles did former state legislators LD Bohnett and Paul Clark have in the incorporation movement? What were the land holdings of the leaders and how were they affected by the proposed alignment and the incorporation boundaries? What roles did they play in subsequent Railroad Commission hearings, additional Willow Glen incorporation activities, and the fight for grade separations in the City of San Jose?

How did construction of the Western Pacific's "Belt Line" [subsequently renamed as Willow Glen Spur] allow the WP to join Pacific Fruit Express? In what way was this expected to contribute to the economic growth of the Western Pacific? To what extent was it successful? In way did the under-engineered single-track trestle design limit the success of the Belt Line [WG Spur}

How did slow-moving Western Pacific freight trains that blocked Minnesota, Lincoln and Coe Avenues impact election rhetoric and subsequently the votes in the 1927 Willow Glen incorporation elections? How did accidents between train and cars or wagons affect the community's perception of train traffic passing through Willow Glen?

How was the grade separation movement in San Jose and California, impacted by fears of another rail line blocking traffic in the way slow moving Western Pacific freight trains (caused by the under-engineered trestle) blocked access to the Willows/Willow Glen?

In what way did the construction of the Western Pacific line trigger the political careers of the councilmen and staff of the City of Willow Glen? Who among them were members of the first group of activists lobbying for incorporation and which of their homes are celebrated as City Landmarks?

How did the construction of the Western Pacific line, its slow speeds due to the under-engineered trestle shape these City of Willow Glen leaders' opinions and their decision to underwrite significant legal costs to pursue litigation against the Southern Pacific regarding its future alignment through the City of Willow Glen? How did the slow-moving Western Pacific freight traffic shape their views regarding the need for Southern Pacific grade separations at Willow Street and a future road at Alma? To what extent were the City of Willow Glen negotiators successful at forcing the Southern Pacific to pay for grade separations?

California Railroad Commission rulings for Southern Pacific's proposed western alignment assigned grade separation costs to the City of San Jose and its local streetcar system. To what extent did the slow moving freight (caused by the under-engineere trestle) on the Western Pacific line, combined with the incorporation of Willow Glen give San Jose councilpersons the ammunition to join with other cities in

a strong grade separation movement which forced Southern Pacific to pay for grade separation costs?

The original Southern Pacific 1906 alignment through current North Willow Glen clipped a portion of the 1927 Willow Glen city limits. How did the slow-moving Western Pacific freight trains (caused by the under-engineered trestle) create a sufficient firestorm for grade separations that the Southern Pacific chose to realign its tracks along Fuller Avenue through contemporary North Willow Glen, eliminating one grade separation even though the new alignment caused slower speeds and force Southern Pacific to acquire additional properties and move multiple homes? How does that S-curve impact Caltrain operations today?

By 1945, the Western Pacific Railroad was forced to re-organize under the protection of bankruptcy court. What role, if any, did the performance of freight traffic on the "Belt Line" [WG Spur] contribute to the bankruptcy? How did the single track, under-engineered trestle limit the WP's ability to compete with Southern Pacific in the Midtown area? How did these limitations impact the re-use of various industrial buildings and accelerate the change to trucking?

The Western Pacific Railroad right of way was acquired by the Union Pacific in 1982. At what points in time did either of these railroads attempt to abandon the alignment? In their supporting documents, what limitations did they cite for the right of way and the trestle? How did the under-engineered nature of the trestle and the cost to upgrade contribute to their decision to abandon the spur as represented in applications to the US Surface Transportation Board and its predecessor the Interstate Commerce Commission?

Conclusions

The Office of Historic Preservation has issued advisories that any evaluation more than five years old should be reviewed whenever a CEQA evaluation is underway. I request that a comprehensive historic evaluation be conducted of the Willow Glen trestle, using the long form.

CEQA regulations indicate that an asset should be treated as historic and potentially significant unless there is preponderance of evidences that indicates otherwise. I request that a long form historic analysis be prepared by a qualified historian team with backgrounds in railroad structures and the history of San Jose.

Given the historic nature of the Willow Glen trestle over Los Gatos Creek and its role in land use patterns of San Jose that persist to the present, I ask that the Initial Study be amended to "the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required."

Sincerely,

Jean Dresden

Historic Qualifications/Appendix

By way of background, I am a local historian who has studied California, Bay Area, San Jose and Willow Glen history for over 30 years. My extended family arrived in California in the 1850s and lived in San Jose and Willow Glen during the great railroad conflicts and incorporation movements of the 1920s and 1930s. I was born in San Jose and purchased my home in Willow Glen in 1981. Subsequently, I began studying Willow Glen from a historic perspective. I authored one chapter of the Touring Historic Willow Glen book and contributed significantly to multiple other chapters. I've been a historic tour guide for multiple organizations, leading tours through Willow Glen, San Jose, San Francisco, Burlingame, Hillsborough and along the overland emigration routes through the Sierra Nevada. Over the years, I've given multiple public presentations on local history—most recently on the history of the Newhall Neighborhood. I researched and wrote for the San Jose Parks Department the historic plaque in Newhall Park and serve as part of the team preparing historic materials for the CSJ Parks Department for display in the Willow Glen Spur trail. Currently, I am researching and cataloguing the Arbuckle Slide Collection for the California Pioneers of Santa Clara County. From time to time, I provide supplemental historic research to the City of San Jose Planning Department at the request of their staff members. It was through my efforts, in collaboration with the responsive staff in the City of San Jose Clerk's office, that the archives of the City of Willow Glen were re-discovered in storage and moved to the California Room of the Martin Luther King Main library. My catalogued collection of primary documents related to the city of Willow Glen and nearby neighborhoods numbers in the thousands. From this background, I submit my comments.

John Davidson, City of San José Planning Dept.
200 E. Santa Clara St.
San José, CA 95110
via email: John.Davidson@SanJoseCA.gov
sent December 19, 2013

re: File No. PP13-085: Three Creeks Trail Pedestrian Bridge Project

Dear Mr. Davidson,

I would like to submit the following questions and comments in response to the Initial Study and draft Mitigated Negative Declaration (IS/MND) for PP13-085: Three Creeks Trail Pedestrian Bridge Project. (Note: while I've been involved with a number of groups and agencies over the years that have been involved with creeks, trails, habitats, and historic preservation, the comments herein are my personal statements and not on behalf of any group.)

In the words (and emphasis) of the Initial Study,

"I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required."

I submit that the project "potentially" may cause a "substantial adverse change" to an "object[~~s~~] of historic or aesthetic significance." The City Council may well decide it is for the better good to proceed with the project anyway, but that decision needs to involve an open and thorough process, including the full and fair evaluation of alternative solutions, by means of a full Environmental Impact Report (EIR): it is not possible to take the loss of this historic structure and somehow "mitigate" it down to a "Less Than Significant Impact".

The "public comment" process for this IS/MND provides one of the few opportunities for the public (including me) to formally ask questions and give comments on the City's plans for the demolition of the trestle. I apologize in advance if some the questions are already asked by others or are addressed somewhere in the document: given the limited time for public comment (and in the midst of a busy season of the year), I have not had time to coordinate my responses with those of others.

For your convenience, I've tried give comments in sequential order and to indicate extracts from the IS/MND in "indented paragraphs in a blue font", and I've highlighted the majority of my questions with • bullets.

Page 1-1, Section 1.7: Background and Description of the Project

The Initial Study (IS) states:

> "In 2004, the City of San José completed an environmental impact assessment for the Los Gatos Creek Trail, Reach 4 project, including the existing railroad trestle ..."

The 2004 IS/MND was for the construction of a section of trail: "Reach 4" of the Los Gatos Creek Trail, from Lonus Ave. downstream to San Carlos Street. The trestle was a minor portion of the reach studied in the 2004 IS/MND, and per the evaluated plans it was to be adapted for

trail use rather than being demolished. The environmental analyses in the 2004 report were mainly concerned with other aspects of the trail alignment, as there were no in-stream repairs planned back then on the trestle.

- Was the 2004 IS/MND widely circulated?
- How was it announced to the community?
- Were there any public meetings to discuss the topic?
- Were the supporting materials made available to the public?
- Was the public invited to give comment?
- Why are there no public comments and staff replies included in the final 2004 IS/MND?
- Is there a time limit beyond which an old IS/MND is considered to be so out-of-date that it is no longer relevant?

On p. 1-3, the current IS states

> "The trestle is in a state of disrepair that does not allow for bicycle and pedestrian use."

I object to this statement on several points:

- While the trestle is in need of repair, it is currently used by pedestrians and even the occasional bicyclist: it has metal-grate "cat-walks" and wire-cable hand-rails on either side, and the trestle is regularly crossed by nearby residents en route to various businesses on nearby Lincoln Avenue. I personally have seen someone ride a mountain bike across the trestle on more than one occasion.
- The trestle is dismissed by this simple statement? It's like saying a car is non-functional because it has a flat tire: while that too is true statement, one repairs the tire rather than using it as justification for replacing the car.

The City of San José commissioned an engineering firm, CH2M-Hill, to do a "Feasibility Study [of the] Three Creeks Trail Railroad Trestle at Los Gatos Creek". This study, dated Oct. 8, 2012, thoroughly evaluated the trestle and described how the trestle could be restored and adapted for trail use, and for less cost than for replacing it.

- Why does the IS/MND make no reference to the Feasibility Study?
- Are its findings that the trestle is repairable accurate?
- The Feasibility Study finds that the cost of repair and maintenance of the trestle are less than the cost of replacement: are these findings accurate?

Also on p. 1-3:

> "The existing railroad trestle was part of a railroad spur within the San José Willow Glen neighborhood ... The project would replace the existing wood trestle with a pre-fabricated, 210-foot-long, single-span steel truss bridge with a poured concrete deck ..."

I will have more detailed questions later, but for now:
Willow Glen is a unique district within San José, justly famous for its diverse and unique original architecture. The Trestle too is a unique original from the 1920s, of the same era as much of the heart and soul of Willow Glen.

- Would a pre-fabricated single-span steel truss bridge represent the unique, historic, and eclectic character of Willow Glen better than the trestle?

And:

> "The demolition of the existing bridge would require operation of cranes, excavators, and loaders along the length of the bridge."

PG&E has a high-voltage power crossing over the trestle: see Fig. 1.

- What precautions will be taken to avoid accidental electrocution when using cranes to remove the existing trestle?
- What precautions will be needed to avoid electrocution when using cranes to install the pre-fabricated single-span steel truss directly beneath these high-voltage power lines?
- Has PG&E been consulted regarding the proposed actions?

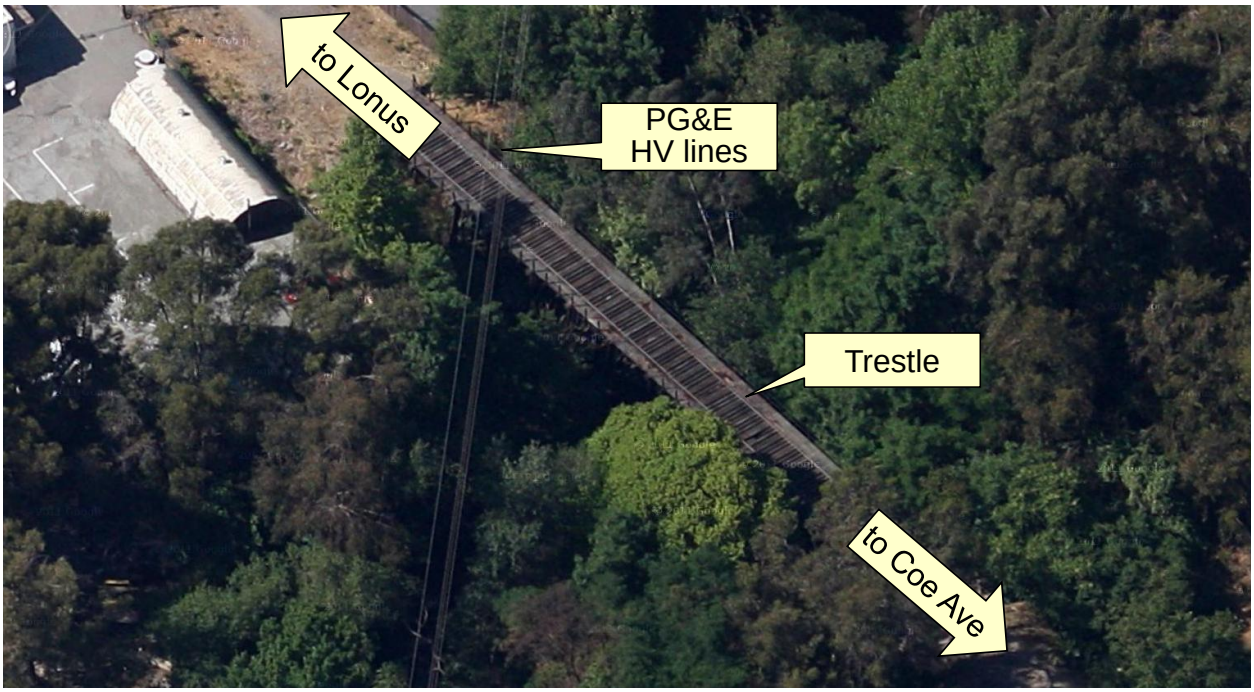


Fig. 1: Aerial view of trestle and power lines

> "A work lane, approximately 20 feet wide, would be established along the upstream side of the bridge running parallel to the full length of the bridge."

The trestle is 210' long. There will need to be an access to this work lane: I would estimate another 100' to get from the end of the railroad grade down the bank to the trestle: 310' linear total. Area = length times width = 310' × 20' = 6,200 sq.ft., or roughly a seventh of an acre – about the area of a typical residential lot.

- What are the mitigation plans for restoring this work lane back to its natural state?
- Will the heavy equipment compress the soil and affect its future suitability to support native vegetation?
- A text-search of the IS does not reveal any mention of restoration, nor of a mitigation ratio: what is the proposed mitigation ratio?

If the project mitigation ratio is 3:1, this would require the restoration of roughly half an acre; if the mitigation ratio is 10:1, the required mitigation area is nearly an acre and a half:

- Will the mitigation be on-site or elsewhere?
- What are the plans for assuring that the mitigation is successful?
- Will the City or its contactors be responsible for repairing or replacing the mitigations if they should not succeed the first time?

Bottom of p. 1-3:

"Construction is expected to begin in June of 2014 and last for approximately 4 months."

It appears that the schedule for this project is being dictated by the timing of the funding: a Proposition-40 Roberti-Z'Berg grant worth approximately $2 million.

- Is it true that this grant was originally given the City to help it purchase land to extend the Three Creeks Trail?
- When the City was unable to complete the original grant by the original deadline, is it true that City staff sought and received support from the public in their successful efforts to get a grant extension?
- As this extended grant deadline approached, is it true that City staff again sought support from the community in seeking a second extension?
- Is it true that this request for a second extension was too late in the State Legislative calendar for the Legislature to take action?
- Is it true that the deadline for submitting all documentation showing completion of the project is in the summer of 2015?
- What is the actual final date?

Various regulatory agencies restrict the time period over which construction can take place within a waterway: these restrictions are for the benefit of the migration and spawning of fish, nesting of birds, etc. In order to complete the project by the grant deadline, all in-stream construction has to occur in the preceding construction window: the four months beginning in June 2014.

- If there are delays in demolition or construction and the project is not completed by the Oct. 15th stopping date, would the City be able to get a waiver to continue in-stream work beyond the cut-off date?
- Would the City be able to leave the project partially finished and then resume work the following year (2015)?
- What will happen if the City has not completed the project on time: can the City receive partial payment on those portions completed, or is the entire grant in jeopardy?
- If the City has expended money on partially completing the project and then loses the grant, where would it get the money to pay for work already done?
- What other projects might be delayed or cancelled to pay for this project?
- Would the community be allowed to give input as to which other projects should be postponed or cancelled to pay for this one?
- Would the City be in a position where, after demolishing the trestle, it might be unable to pay for the pre-fabricated replacement bridge and its installation?
- What assurances can the City give the community that we won't be left with no old trestle and also with no new replacement bridge?

Page 1-4:

> "As part of the project, all required permits would be acquired before the start of construction."

- Has the City "started" the project other than the actual construction?
- What contracts has the City signed with consultants, engineering firms, construction contractors, suppliers, or others?
- Has the City already purchased, committed to purchase, or made a partial payment towards the replacement bridge?
- Do the contracts have conditional clauses that allow the City to back out if they do not receive the needed permits?
- How much money has the City already encumbered?
- If all required permits can not been obtained in a timely manner, will the City work with the State Legislature to see if the grant could be repurposed towards some other suitable project or purpose?
- Would the City be interested in suggestions and support from the community in identifying other quickly implementable nearby worthy projects?
- When will the City formally commit to undertaking this project?
- Has the decision to proceed with this project already been made?
- Is it, in the words of one of the Councilmembers, "already a done deal"?
- Can the City legally decide on a project prior to receiving the results of the IS/MND?

Page 2-1, Section 2.1: Environmental Factors Potentially Affected

- Why isn't the box labeled "Cultural Resources" checked to indicate that there is a "Potentially Significant Impact"?

Page 2-1, Section 2.2: Determination

I submit that the wrong box is checked: it should be the third box:

> "I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required."

Page 3-1, Section 3.1: Aesthetics

The first box in line "c" should be checked: there are "Potentially Significant Impact[s]" because the project would "Substantially degrade the existing visual character or quality of the site and its surroundings".

> "LESS-THAN-SIGNIFICANT IMPACT. Although most of the trail is not visible to nearby residents, during construction some equipment may be visible. ... Replacement of the existing trestle with a usable bicycle/pedestrian bridge is expected to introduce views of Los Gatos Creek in this area to trail users, which would enhance appreciation of the creek corridor."

Trail users would be introduced to views of the Los Gatos Creek from a restored trestle as well. Furthermore, the design of the replacement bridge does not accommodate the possibility of a mid-stream viewing area out of the way of the travel path, whereas the trestle could readily accommodate such a mid-stream viewing area – see Fig. 2: a conceptual by Jim Ammon, a San José State engineering instructor.

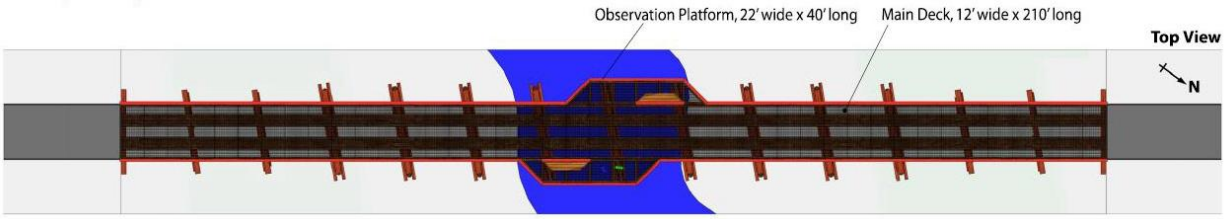


Fig. 2: Diagram showing possible mid-stream viewing platform

- At the meetings and workshops the City held this summer and fall regarding the trestle and/or the Three Creeks Trail, how many members of the public spoke out in favor of a mid-stream viewing area? How many spoke out in opposition to a mid-stream viewing area?
- Is it true that the trestle structure has sufficient width at the top to accommodate a mid-stream viewing platform?
- Would a mid-stream viewing platform interfere with the structural integrity of the pre-fabricated steel-truss replacement bridge?
- What would it cost to modify the design of the steel-truss replacement bridge so as to accommodate a viewing area that is out of the way of the through trail traffic?

The IS/MND only discusses the view from the nearby residences, and then mainly during the construction phase: there is no mention of the trail-users' experience. The trestle intersects the planned extension of the Los Gatos Creek Trail. Trail users going south from downtown San José will cross under I-280 to the current terminus at Lonus Street, and then continue on a new trail behind the businesses and along the top-of-bank to the junction with the Three Creeks Trail –se Fig. 3. Figure 4 shows the view of the trestle from that point: it would be a fitting and iconic gateway to Willow Glen. As mentioned at the beginning of this letter, the 1920's trestle gives a fitting welcome to the 1920's-era community of Willow Glen, a community whose very existence as an independent town in the 1920's is due to the impact of the railroad. (For background information, please see "Touring Historic Willow Glen –Ten Walking Loops", available at Hicklebees and at the SJ History Park.)

Fig. 3: Trestle in relation to planned and existing trails


Fig. 4: View of the Trestle from the planned Los Gatos Creek Trail

- When evaluating "the existing visual character or quality of the site and its surroundings", why does the IS/MND only consider the impact on adjacent residents and views

from state scenic highways, rather than also evaluating the impact on the users of the trail?

- What would be the experience of a trail user going southwest on the Los Gatos Creek Trail and coming up to the planned pre-fabricated steel-truss bridge?
- What would be the experience of a trail user going southwest on the Los Gatos Creek Trail and coming up to a restored wooden trestle that has been adapted for trail usage?
- Is Willow Glen better characterized as more of a "modern, bustling" district in San José or more of a "neighborhood village of the era between-the-Great-Wars"?
- Would a new pre-fabricated steel-truss bridge or a restored wooden trestle be more representative of the character of the Willow Glen district?

Point 3.1.1, Setting:

> "… there is no current use of the bridge by nearby residents."

The City may not wish to acknowledge them, but there is often a large homeless encampment in the vicinity, and these nearby residents often cross the trestle to reach various businesses on Lincoln Avenue.

Page 3-10, Section 3.4.2: Impact Analysis

> "Although the proposed project would not result in long-term impacts on salmonids, construction of the project could result in significant short-term impacts on these species. In addition, impacts on water quality during construction would also affect salmonids."

The trestle timbers are treated with creosote. While this may have contaminated the water in the stream when initially installed, much of the harmful material that might leach off has already leached off in the past 90-some years. The act of removing a timber can create a worse hazard by scraping off chips of contaminant and by disturbing the surrounding soil: it may be best "to leave well enough alone".

The IS lists a number of means for removing the pilings from the streambed and a number of measures to mitigate the impact of the removal.

- Will the contractor be held responsible for following all of the required mitigations?
- Will the City have an inspector on-site at all times to assure compliance?
- Will the contractor employees be adequately trained in the handling of potentially toxic materials in a sensitive habitat?
- Will the removal of the pilings disturb the surrounding soil?
- Has the City or contractors analyzed the soil surrounding the pilings, both on the surface and at depth, to look for toxics that may be disturbed by the removal of the pilings?
- Even if the stream water is directed away from the pilings during removal, the surrounding disturbed soil is subject to erosion when the stream is returned to its normal channel or in a rain: how can the City be assured that toxic contaminants do not enter the stream then?

The removal of the timbers is likely to release chips of surface material. These chips can look like food to the fish in the stream, and studies have shown a high mortality rate when the fish ingest the chips.

- How will the contractor assure that chips of toxic materials do not enter the stream?
- Chips may scatter over nearby ground or vegetation, and may enter the stream during a later rain: how will the contractor assure that that does not happen?
- Will the contractor use vacuum-suction around the piling and other timbers to assure that any chips that may be generated are not released into the environment?

Page 3-13, Section 3.5: Cultural Resources

I submit that the project will have a "Potentially Significant Impact" and will "Cause a substantial adverse change in the significance of a historical resource".

> "A formal search of resources within and adjacent to the project site was previously completed for the Los Gatos Creek Trail, Reach 4 IS/MND using the California Historical Resources Information System, Northwest Information Center. The results from this search indicated that there were no recorded sites within the project area or within 0.25 mile of the project. In addition, a bridge evaluation was conducted to determine if the trestle itself was eligible for listing on the National Register of Historic Places. The evaluation concluded that the bridge is an example of a common type of trestle, and was not associated with important events or persons in local history. The State Historic Preservation Officer concurred that there would be no impacts on historic properties."

New information has been discovered since the 2004 report was written: the archives from the Town of Willow Glen were discovered in 2008 or '09 in a warehouse and have subsequently released for public viewing at the California Room in San José's M.L.King Jr. Library.

Longtime local resident and amateur historian Jean Dresden has uncovered a significant amount of history pertaining to the trestle:

- The design by Western Pacific of this trestle is unusual: it was "undersized" due to limitations just after World War I, resulting in it being unsuitable for use in a "shared" system with the Southern Pacific passenger line.
- The trestle enabled Western Pacific to profitably move produce to and from the numerous canneries in Willow Glen and nearby San José: these profits helped Western Pacific emerge from bankruptcy and to grow to become a viable competitor to the monopolistic train systems of the time.
- The trestle is unusually tall for a simple "pile-and-cap" structure.
- Because of its unusual structure, the trestle had to be traversed at an usually slow speed – less than 10 m.p.h.
- The slow speed of the trains meant long waits at the at-grade crossings which spurred the residents of Willow Glen to object to subsequent plans by Southern Pacific to also build tracks in the vicinity with at-grade crossings. The conflict between residents and Southern Pacific spurred the local residents to incorporate into the Town of Willow Glen, and to fight Southern Pacific all the way to the State Supreme Court in order to get grade-separated crossings.

If the trestle had been a "common type trestle", the "grade-separation" movement might not have arisen and the independent Town of Willow Glen might not have been formed.

- In light of this newly found information, would the City and its consulted experts want to reevaluate their statements that this is just a "common type trestle"?
- What is the height of the tallest still-standing "pile-and-cap" wooden trestle in California?
- Does a structure have to be "eligible for listing on the National Register of Historic Places" to be deemed "historic"?
- Would a structure be considered "historic" if it were recognized by the California Office of Historic Preservation?
- Would a structure that was responsible for the formation of the relatively important and successful town of Willow Glen be eligible for listing with the State of California?
- Can the City confirm or refute the statement that this trestle played a significant role in the financial survival of the Western Pacific Railroad, which later grew to the point that it was able to challenge the near-monopoly of the Southern Pacific Railroad on rail service for northern California?
- Would the canneries of San José have thrived without the efficient transport provided by the Western Pacific Railroad?
- What are the contingency plans for the City if it were to accept the IS/MND and state that the demolition of the structure could be mitigated, and then it was later established that the structure was indeed historic?
- What would happen if the City actually went ahead and demolished the trestle and then it was established that the structure was historic?

As an avid bicyclist who has quite thoroughly explored the San José area, both on- and off-road, and who also collects and reads old street maps, I am aware of only two remaining wood trestles in San José. Both of these trestles are on the Western Pacific "Willow Glen Spur" (then called the "Belt Line"): the trestle destined for demolition in this IS/MND, and its sibling where it crosses the Coyote Creek near Story at Senter. (And that sibling trestle is also endangered, as the Envision 2040 general plan update identifies its alignment for the future extension of Senter Road.) There were other trestles in San José, but many of them have been replaced with more modern structures (e.g., the Caltrain line over the Guadalupe River near Julian), or have been removed when the line was abandoned (e.g., the tracks upstream of Los Gatos towards Lexington).

A restored trestle would make for a perhaps unique trail experience in San José:

- How many wooden train trestles were built in San José?
- How many wooden train trestles remain in San José?
- How many of the remaining train trestles are now incorporated into the bicycle/pedestrian trail system?
- How many of the remaining train trestles could at some time in the foreseeable future be incorporated into the bicycle/pedestrian trail system?
- Where currently is the trail-accessible wooden trestle that is closest to downtown San José?

My wife and I have traveled to different parts of the country to bike on various trails, including restored train trestles in both Washington State and in Pennsylvania. And we are not alone: the

residents of the Pittsburgh area are rightfully proud of "The Great Alleghany Passage" rail-to-trail, and a number of small towns along the trail appear to be thriving in large part based on the bike tourists' dollars.

- San José has a very respectable network of trails and park chains: has it ever considered featuring them in the City's travel promotions?
- Would a restored trestle across the creek make the Los Gatos Creek Trail attractive to visitors and tourists?
- Would replacing the trestle with a pre-fabricated single-span steel-truss bridge improve the attractiveness to visitors and tourists?

Page 3-17, Section 3.7.2: Greenhouse Gas Emissions

Neither the trestle nor the replacement bridge will emit greenhouse gases (GHG). However, there is also the GHG footprint involved in the manufacture, assembly, transport, and installation of the bridge.

- What is the source of the steel for the replacement bridge?
- What is the GHG impact of shipping the steel from the source to the bridge manufacturer?
- Where is the bridge manufactured?
- How is the bridge transported from the manufacturer to the project site?
- What is the total GHG impact of the mining, smelting, forming, assembly, transport, and installation of the replacement steel-truss bridge?
- What would be the total GHG impact of patching the damaged beams in the existing trestle, replacing the bolts, and adding decking and railing?

Page 3-18, Section 3.8: Hazards and Hazardous Materials

The pre-fabricated steel-truss bridge is to have a "weathering steel" finish.

- Does this finish release materials that may wash off into the stream?
- A weathered-steel finish is easily tagged with graffiti, and hard to clean: is the impact of trying to maintain the bridge free of graffiti included in the analysis of hazardous materials?

Regarding the wood in the trestle:

> Demolition of the existing bridge structure would generate a large amount of treated wood waste, primarily wood treated with creosote. … Label all treated wood waste shipments with "Treated Wood Waste – Do not burn or scavenge."

- What is the type of wood that was used to construct the trestle?
- Given the date of construction and availability of local resources, is it likely that some or much of the structure is old-growth redwood?

The trestle has a pair of "stringers" – 200'-long linear "girders", each made 4 beams, each 20" × 8": that works out to be in excess of 20,000 board-feet of lumber. The stringers appear to be old-growth redwood.

- Are the stringers made of old-growth redwood?
- What would be the value of 20,000 board-feet of old-growth redwood lumber?

- Would it even be feasible in the present time to acquire old-growth redwood?
- Is old-growth redwood considered a "renewable resource"?

Page 3-21, Section 3.9: Hydrology and Water Quality

> "[Would the project] Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation onsite or offsite?"

The trestle has pilings in the creek channel. These pilings sometimes catch debris (e.g., fallen trees) that flowed from upstream. This caught debris can cause water to back up. If the debris were not caught here, it might flow further downstream, where it might catch on another structure.

- Given the width and depth of the channel by the trestle, is it likely that debris caught on the pilings would cause the creek to flood over the top-of-bank?
- Does the City have any analyses indicating that there is a danger of flooding from this portion of the Los Gatos Creek?
- If the debris were to catch on a downstream bridge (e.g., the railroad bridge near San Carlos Street), would it be likely to cause a flood there?
- Has the City obtained a hydrology study that shows that the removal of the trestle will not increase the danger of downstream flooding?

Page 3-21, Section 3.9.1: Setting

> "There are two dams located on the creek: Lexington Reservoir and Lenihan Dam are located upstream of the Town of Los Gatos, and Vasona Dam and Reservoir are located in the Town of Los Gatos."

There are two additional dams:

- Lake Elsman Dam
- Williams Reservoir Dam.

Other thoughts and comments:

I have run out of time for reviewing the IS/MND and giving comment. This review period was scheduled at a very busy time of year, when folks are busy finishing year-end projects at work, and writing Christmas cards and attending parties at home.

- Was the review period of this IS/MND dictated by the deadline of the grant and the time needed by the consultants to prepare the draft IS/MND, or was it an attempt to limit the number of questions and comments submitted by the public?

I am sorry to have even thought the above question, but the City has not shown a "pride of ownership" with this project. If the City planners and elected officials felt that this was a worthy project, they would have promoted the plans, invited folks to participate, and generally involved the community in the decision, rather than trying to "sneak" it past the public and have it approved by City Council before the public was even invited to become involved. And this is not just my observation: it was even the point of a full editorial in the San José Mercury News (July 16, 2013).

- What will be the impact of this project on the level of public participation in, and support of, future projects?

- What will be the impact to the future success-rate for winning competitive grants from other agencies and entities?

In conclusion...

The proposed pre-fabricated single-span steel-truss bridge is most likely a nice enough bridge, and one that would be most welcome at a number of other locations in the area: it could even be used on the Los Gatos Creek Trail to provide connectivity to the Guadalupe River Trail at Confluence Point Park. It's just that we in Willow Glen already have a bridge at the junction of the Los Gatos Creek Trail and the Three Creeks Trail – a really nice old wooden trestle. Like many of the homes and shops in the surrounding community, it is in need of some repair – and the City-commissioned Engineering Report documents exactly how to do it, down to the last nut and bolt! – and, like the homes and shops here, it is also unique and full of history and character. To simply dismiss it with the single statement, "The project will not have a significant impact on cultural resources, and therefore no mitigation is required" does it a grave disservice.

I respectfully request that the Initial Study be amended to reflect that "the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required."

Thank you.

Dr. Larry Ames,
Chair, District 6 Neighborhood Leaders Group (D6NLG)
past member, Santa Clara Valley Water Dist. (SCVWD) Environmental Advisory Cmte
past member, Los Gatos Creek Streamside Park Committee
past president, Willow Glen Neighborhood Association
past chair, Santa Clara County Parks and Recreation Commission
and a friend of the Willow Glen Trestle: Larry@WGTrestle.org

cc: San José Planning Director Joe Horwedel; Dept. Dir. Laura Prevetti
the Community: D6NLG
Creek & Trail Advocates: Save Our Trails; Friends of the Willow Glen Trestle;
Friends of the Los Gatos Creek; Citizens for a Livable San José (CalSJ)
SCVWD: Boardmember Barbara Keegan; staff Sarah Young, Sue Tippets
San José Parks, Recreation & Neighborhood Services (PRNS):
Director Julie Edmonds-Mares, Deputy Director Matt Cano, trails Yves Zsutty
San José Transportation Dept.: Director Hans Larsen, bikes John Brazil
Engineers: CH2M-Hill: Program Manager David Von Rueden; SJ State: Jim Ammon
Environmental: Shani Kleinhaus (Audubon Society); Richard McMurtry; Terri Balandra;
Alice Kaufman & Jeff Segall (Committee for Green Foothills); Trish Mulvey
Historians: Jean Dresden (Willow Glen), Brian Grayson (PAC*SJ), Steve Cohen (SJ),
Susan Blake (Campbell), April Halberstadt (County), Wayne Donaldson (State)
Legal: Susan Brandt-Hawley, CEQA
Media: Barbara Marshman, Carol Rosen, Janice Rombeck, Mary Gottschalk

December 19, 2013

Mr. John Davidson, Deputy
Planning, Building and Code Enforcement
john.davidson@sanjoseca.gov

Re: File No. PP13-085, Three Creeks Trail Pedestrian Bridge Project
QUESTIONS DIRECTED TO PROJECT & MITIGATED DECLARATION

Mr. Davidson:

I am saddened that the decision-maker or decision-makers for the City of San Jose have decided to demolish the Willow Glen Trestle that crosses the Los Gatos Creek and to erect a prefabricated steel bridge ***and to do so without proper and timely notice to the neighbors, to the community, and to the various groups aligned to preserve trails, historical landmarks, the environment, and the Bay.*** (see Brown Act, Government Code §§ 54950-54962) I am not sure what entity is responsible for the edict to demolish the trestle and install a prefab steel bridge—City Council? Planning Department? Parks, Recreation and Neighborhood Services? all three? or more? So I will refer to that entity as the "the City." I have some questions regarding the Mitigated Negative Declaration (MND), the grants, and the Feasibility Study of October 8, 2012, by CH2MHill, Engineers.

QUESTION NO. 1: Where in the RZH Prop 40 grant that the City received from the State of California does it mention the demolition of the trestle?

QUESTION NO. 2: How does Willow Glen become classified as an economically disadvantaged area? (see Robert-Z'Berg-Harris [RZH] Grant Program-Prop 40)

QUESTION NO. 3: Why does the City propose to spend more on a prefab than to repair and repurpose the trestle? The original engineer's report states that the existing trestle is structurally sound. It states (Feasibility Study, Table 16, p. 5-7 of CH2MHill's report) that the cost of repairing the trestle is only about two-thirds the cost of replacing it with a steel bridge.

QUESTION NO. 4: What was the situation that held up the beginning of the trestle's renovation so that the City had to make an extension of the RZH Prop 40 grant?

QUESTION NO. 5: The engineer's report states 95 pilings make up the trestle and that none need to be removed and only a few of the 95 are in need of repair. So aside from working on ground level to repair the few damaged pilings and to apply fire retardant and a sprinkler system to the trestle as a whole, most of the construction will occur on the top of the trestle. Hence, construction within the

channel is so minimal that there is no need to wait for the dry season. If time is of the essence to use the funding from the RZH Prop 40 grant and the Water District's grant, why isn't construction happening now to renovate and repair this trestle?

QUESTION NO. 7: Pursuant to IV. Biological Resources in the MND, which takes up nearly two pages of "implementation" points, what mitigated measures would require implementation if the trestle would not be removed but simply repaired and renovated?

QUESTION NO. 8: Would the following measures need to be applied if the original plan of keeping and renovating the trestle were instituted? (see IV. BIOLOGICAL RESOURCES of the MND)

(a) application to CSFW for a Streambed Alteration Agreement?
(b) pre-construction surveys for western pond turtle, bird and raptor nesting, and salmonid impediments?
(c) the need for a qualified biologist to conduct informational training sessions to alert construction personnel of wildlife encounters?
(d) the installation of fiber rolls, silt fencing, or gravel bag berms for sediment control?
(e) the need to monitor erosion control during the first year's rainy season?

QUESTION NO. 9: Again pursuant to IV. Biological Resources, which states "construction shall be limited to the smallest area possible to complete the proposed work in the channel," how does the City explain that the construction activities for the removal of 95 pilings can possibly be "limited to the smallest area possible" without admitting that the "smallest area" is actually the total area under construction—which includes the total riparian habitat, wetlands, and the total wildlife in that long-established corridor?

QUESTION NO. 10: Many comments have been voiced regarding the saving and renovation of the trestle. These comments surfaced from aesthetic, historical, social, and economical reasons. So why does it state that NO MITIGATION IS REQUIRED in three particular measures in the MND; i.e., I. Aesthetics, V. Cultural Resources, and X. Land Use and Planning?

QUESTION NO. 11: The MND does not mention the carbon footprint of tearing out the trestle and installing a new steel bridge—i.e., the transportation and disposal of the dissembled trestle as well as the mining, smelting, forging, and shipping of a new steel bridge. Pursuant to California Assembly Bill 32, has the California Environmental Protection Agency (EPA) been advised of what the City plans to do with this trail crossing, and has the EPA approved of the City's decision to destroy the trestle and install a new bridge?

At "Analysis Methods 2.3" beginning on page 2 et seq. of the Engineer's Report, the trestle was analyzed for seismic forces and load factors. The report

advises that the trestle is as strong as it needs to be to carry pedestrians and lightweight vehicles. (see pages 2-6)

QUESTION NO. 12: How many trees will be removed if a new steel bridge is constructed?

QUESTION NO. 13: How many trees will be removed if the trestle remains and is repaired and renovated?

QUESTION NO. 14: The trestle acts as a kind of weir to control high waters downstream and also as a sieve to collect debris during high water times. Has any study been made to determine how much debris will eventually flow to the Bay if there is no convenient collection point at the place where the trestle now stands?

I reviewed a report that was prepared for **California State Coastal Conservancy** entitled **"Removal of Creosote-Treated Pilings and Structures from San Francisco Bay."** ❖ Select members of the **San Francisco Estuary Institute (SFEI)** as well as private consultants prepared this report. The report goes into detail on why some creosote-treated pilings should bee removed and why some should remain. Two reasons for keeping pilings that are in relatively good condition are (1) some pilings are of cultural and historical significance, and (2) most toxins in pilings are dispersed within the first two or three years (see page 23) so there is little risk of leaching toxins after 90 years. Furthermore, removal could possibly create pollutants that could flow into the Bay. Also the above report states that removal and disposal of pilings can be very expensive (see page 39, et seq.).

Please note that this trestle may not be one of the Seven Wonders of the World, but it is a monument to the history of the agricultural and fruit-orchard industry that thrived here in the last century. No one can argue that a vintage structure that has been repurposed and maintained adds prestige, character, style, and *long-term* value to a neighborhood and that a prefab steel bridge is about as interesting as the installation of a new Jamba Juice or Starbuck's.

Thank you for allowing the public this opportunity to have answers to questions. I look forward to hearing from you.

Laura Howard
laurgome@yahoo.com

❖ This report should be cited as:
Werme, C., J. Hunt, E. Beller, K. Cayce, M. Klatt, A. Melwani, E. Polson, and R. Grossinger. (2010). Removal of
Creosote-Treated Pilings and Structures from San Francisco Bay. Prepared for California State Coastal Conservancy.
Contribution No. 605. San Francisco Estuary Institute, Oakland, California

Copies to all members of San Jose City Council; all Santa Clara County Supervisors; Santa Clara Valley Audubon Society; Donna Ball, Habitat Director for Save San

Francisco Bay; Eleanor Yick, President of League of Women Voters; Jane P. Kennedy, past Mayor of the City of Campbell and preservationist; Susan Blake, City of Campbell Historic Preservation Board; Lawrence Ames, PhD., Friend of Save Willow Glen Trestle Task Force and Willow Glen Spur Trail Task Force; Preservation Action Council of San Jose; Historic Landmarks Commission for City of San Jose; Susan Blake, City of Campbell Historic Preservation Board; Martha Heinrichs, Save the Willow Glen Trestle Task Force; Jennifer Hunt, Erin Beller, San Francisco Estuary Institute; Yves Zsutty, Julie Edmonds-Mares, Jennifer A. Maguire, Joe Horwedel, Matt Cano, Jim Zetterquist, Joan Bohnett, Jean Dresden, Marvin Bamburg, Barbara Keegan, Teresa Alvarado, Michael LaRocca, Helen Chapman, Tai McMahom, Bill Rankin, D6NLG, Barbara Marshman, Ccarol Rosen, Janice Rombeck

November 19, 2013

TO: Mr. John Davidson, john.davidson@sanjoseca.gov
Department of Planning, Building & Code Enforcement
San Jose, CA

RE: File No: PP13-085
Three Creeks Trail Pedestrian Bridge Project
Also known as the Willow Glen Trestle

TO: Mr. Davidson,

I appreciate the opportunity to respond to the IS/MND regarding the Three Creeks Trail Pedestrian Bridge Project above, also commonly known and referred to as the Willow Glen Trestle.

NO. 1: Of first importance is how the above project even got to the Planning Department. As a result of the "nontransparent" procedure of the City Council, this proposed project was voted on by the Council at their March 26, 2013 meeting. (See March 26, 2013 Agenda, Item 5.1) On this Agenda, the public was given **no notice** that the Council would be voting on the restoration or the demolition of the Willow Glen Trestle. Thus, the community was deprived of the opportunity to weigh in on this very important neighborhood issue.

This omission on the March 26, 2013 Agenda at Item 5.1 is even acknowledged on video by members of Council at their August 13, 2013 meeting, admitting that the Council failed to advise the public that there would be a vote on the trestle to either restore or demolish it. (See video of August 13, 2013 Council meeting, Item 2.3(a)

"The City of San Jose is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service in a positive and timely manner, and in the full view of the public." (See quote on each of Council's Agendas)

How is this nontransparent procedure not in violation of the State Law? (See Brown Act, Government Code, Sections 54950-54962)

NO. 2: Additionally, Council bypassed not only the services of its Historic Landmarks Commission but also its Parks and Recreation Commission.

"The Historic Landmarks Commission advises and makes recommendations to the City Council on the designation, acquisition and preservation of historic landmarks and sites, artifacts and other property of historic significance and value . . . " (See HLC website) HLC first received knowledge of the above referenced project over five months after the Council had voted to demolish the trestle. (See HLC Agenda and Minutes of September 4, 2013, Item 7 – 2b)

At their November 6, 2013 meeting, HLC Commissioners took an off the record vote and all agreed that if they had known about the trestle issue earlier they would have considered it "landmark worthy". (See HLC Synopsis, Nov. 6, 2013)

How is this nontransparent procedure not in violation of the State Law? (See Brown Act, Government Code, Sections 54950-54962)

NO. 3 "The Parks and Recreation Commission studies, reviews, evaluates and makes recommendations to the City Council, the City Manager and other department heads regarding existing and/or proposed parks, recreation and community services, facilities and programs, their use and operation, the extent and nature of services to be rendered to the public, and the financing, operations and services of such facilities. The commission makes studies and submits to the City Council reports or recommendations as the City Council may from time to time require or request." (See PRC website) PRC did not receive any knowledge of the above referenced project until May 1, 2013, again after the Council had already voted to demolish the trestle. The Chair of the PRC even expressed surprise that the project had not been brought before the HLC. (See PRC Synopsis, May 1, 2013)

Again, Council has not acted transparently with its Commissions. "City boards and commissions were established for the purpose of advising the City Council and providing ongoing input into policies and issues affecting the future of the San Jose community." (See City of San Jose's website)

How is this nontransparent procedure not in violation of the State Law? (See Brown Act, Government Code, Sections 54950-54962.)

NO. 4 The Willow Glen Trestle has supported many decades of history in Willow Glen and in Santa Clara County. There is very little left here in this valley that is a reminder of our rich agricultural past of being the largest fruit producing and packing region in the world. Our "Valley of Hearts Delight" area was linked to the world by the railroads that transported our canned products to distant markets and this 92 year old trestle is an important representation of our local history during that time period. It is a connecting link to the family histories of our ancestors who

once had orchards here, to those who labored picking the crops, to those who worked in the canneries, and to those who were connected to the railroad. A replacement steel bridge will negatively affect the visual character and quality of the location. (See documents in archives of Town of Willow Glen; "Decisions of the Railroad Commission of the State of California, Vol. 15, by California Public Utilities Commission"; "Touring Historic Willow Glen", by Willow Glen Neighborhood Association)

How can the Impact Analysis of the Aesthetics state that there will be "no impact" when there will be "potentially significant impact?"

NO. 5 The Willow Glen Trestle is tall for a piled trestle and is considered to be undersized causing the trains to operate at a dead slow speed over the trestle. This clearly shows that the Willow Glen Trestle is not "typical" of the "common type" as stated in the Ward Hill report of 2004. There are numerous books and reference material in the California Room of the San Jose Public Library regarding how the Willow Glen Trestle has supported many decades of history not only with the local canneries, but also with Willow Glen when it was a town. In 2004 when the Ward Hill report was done, there was no reason for the community to question the report because at that time the City had planned to restore the trestle and incorporate it into the Three Creeks Trail. (See "Decisions of the Railroad Commission of the State of California, Vol. 15, by California Public Utilities Commission"; "Touring Historic Willow Glen", by Willow Glen Neighborhood Association; documents in archives of Town of Willow Glen)

How can the IS/MND rely on this short undocumented Ward Hill report of 2004 stating that this trestle is of "standard plan", a "typical example of common type", and "has no known association with important events in local history"?

NO. 6 The Ward Hill "Feasibility Study" dated October 8, 2012, commissioned by the City, goes into detailed descriptions of how the Willow Glen Trestle can be repaired at a cost less than replacing it with a prefabricated steel bridge. (See "Feasibility Study" of Ward Hill, dated October 8, 2012)

Why does the IS/MND make no mention of this "Feasibility Study" of October 8, 2012? Why is the Ward Hill "Feasibility Study" not being considered in restoring the trestle instead of demolishing it?

NO. 7 It should be noted that pilings are **not** being removed in the Bay Area if deemed useful or historical, or both. For pilings to be historic, they must be over 50 years old. The pilings of the Willow Glen Trestle are over 92 years old. Pilings must be associated with potentially a significant event. The pilings of the Willow Glen

Trestle are associated with the founding of the Town of Willow Glen, with the time period of the "Valley of Hearts Delight", with the railroads, and with the local canneries. Pilings must also retain integrity. These pilings of the Willow Glen Trestle have been maintained over the years and the repairs were done in a manner that preserved the structure's integrity. The trestle is still standing strong and tall and, as stated in the Ward Hill, "Feasibility Study", dated October 8, 2012, commissioned by the City, the repairs to the trestle would be minimal and would cost less than replacing it with a prefabricated steel bridge. (See Ward Hill report of 2004; and "Removal of Creosote-Treated Pilings and Structures From San Francisco Bay" by San Francisco Estuary Institute)

How can the IS/MND rely on the short undocumented Ward Hill report of 2004 stating that this trestle has no known association with important events in local history? Why does the IS/MND make no mention of the "Feasibility Study of October 8, 2012?

NO. 8 Under the description for the techniques outlined and planned in the IS/MND for the removal of the creosote treated pilings would create considerable volumes of resuspension of sediments and introduce debris into the environment creating a significant hazard not only to the environment, to the Los Gatos Creek bed , the natural habitat and to all residents and persons working in and around the site. The subsurface cutting resuspends considerable volumes of sediments and should not even be used in removing pilings. (See "Removal of Creosote-Treated Pilings and Structures From San Francisco Bay" by San Francisco Estuary Institute)

How then can the IS/MND state under Hazards and Hazardous Materials that this destruction with the removal of some 95 creosote-treated pilings would be "less than significant with mitigation incorporation"?

NO. 9 The routine transport, use, and disposal of the creosote treated pilings will create considerable volumes of resuspension of sediments and introduce debris into the environment creating a significant hazard to the environment, to the Los Gatos Creek bed, the natural habitat and to all residents and persons working in and around the site. Additionally, nearby businesses and residents and the natural habitat would be bothered by odors from the disposal process. (See "Removal of Creosote-Treated Pilings and Structures From San Francisco Bay" by San Francisco Estuary Institute)

How can the IS/MND state under Hazards and Hazardous Materials that there would be "less than significant impact" to "no impact" concerning hazardous materials and with no mention of the hazards of odors?

Demolishing the Willow Glen Trestle and replacing it with a prefabricated steel bridge will definitely have negative impacts on the environment. A full Environmental Report is required.

Thank you and I look forward to receiving answers to my questions.

Martha Heinrichs
ichs@earthlink.net

John Davidson, City of San José Planning Dept.
200 E. Santa Clara St.
San José, CA 95110

via email: John.Davidson @SanJoseCA.gov

Re: File No. PP13-085: Three Creeks Trail Pedestrian Bridge Project

Dear John:

With reference to Larry Ames' letter of this date, I must go on record as agreeing with his suggestion that further analysis on environmental concerns be undertaken.

As a CHRIS-listed historical architect, I truly believe that the existing wooden trestle bridge is an important historical icon of the past. Its rehabilitation and reuse as a portion of the Los Gatos Creek Trail is important to the locale and history of this unique area of San Jose.

I cannot state any better than Larry has, the many unanswered questions and possibilities for reuse for the existing trestle. Please include my voice with those who have already expressed concern over the Council's handling of this important icon.

Very truly yours,

MBA ARCHITECTS

Marvin Bamburg, AIA, CSI, LEED-AP
President

cc: Dr Larry Ames

WGN trestle ltr_131219.docx

From: Milton Chris Carris [mmiltcaris@aol.com]
Sent: Thursday, December 19, 2013 10:42 AM
To: Davidson, John
Cc: LAmes@aol.com
Subject: Willow Glen Trestle

To John Davidson:

The Willow Glen Trestle is an icon of the way Willow Glen and the entire South Bay Area as well as San Jose City came into existence with both Southern Pacific Railroad and Western Pacific Railroad.

Before there were only horse drawn wagons and a few trucks. When it came to serious long distance freight transportation is was the railroad. The Santa Clara Valley was known as the "The Valley of Hearts Delights". This for the most part was for the wonderful fruit and vegetables we all grew as both personal and commercial crops. We fed the rest of the US in peace times. But it was only possible by the refrigerated railcars we were able to do it with.

In times of war we supported both WWI and WWII with the produce that came from the Santa Clara Valley. Nothing during this era would have been able to be moved in the tonnage the railroads moved.

The Trestle has earned its place in history by allowing freight to move over the Los Gatos Creek. Literally tons of train, engines, cars, and the material inside went over this trestle.

Repair it, set it up for walking and bike riding, and place a historic plaque on it commemorating the men and women who worked for the railroad, the farmers who depended on it to get their freight to market and early manufactures products, to get to markets through Willow Glen on the very rails line that Willow Glen fought to place it there rather than on Lincoln Avenue.

History is not a new bridge with no provenance. History is not just tearing down one item and replacing it with another. History is essential to all of us and indeed when an item such as the Willow Glen Trestle represents so many common peoples lives.

Let it be honored as it should be for the key effort it took to put it there in the first place. Let no one or group or local government tear it down.

In the shadows, across a quiet stream, to the people who used and needed it, it was as important as the Golden Gate Bridge.

Sincerely,

Milton Chris Carris,

(62 years resident of the Campbell/San Jose City area and former Owner of the Willow Glen Coffee Roasting Company)

Date: December 18, 2013

To: John Davidson, Senior Planner
Planning Division – City of San Jose
Department of Planning, Building and Code Reinforcement
200 E. Santa Clara Street
San Jose, CA 95113

From: Peggy White
Willow Glen Resident

Re: Three Creeks Trail Pedestrian Bridge Project
File No. PP13-085

M E M O

This is in response to the Mitigated Negative Declaration and Initial Study for the above referenced project. Both documents are dated November, 2013, and posted on the City of San Jose website on November 19 2013.

Initial Study, Background and Description of the Project: In the third paragraph of this section the MND states: "*The trestle is in a state of disrepair that does not allow for bicycle and pedestrian use. The proposed project would provide bicycle and pedestrian access on a new bridge structure that would connect to both sides of the Los Gatos Creek and Three Creeks trails. Because of the changed nature of the project, this CEQA Initial Study updates the previous analysis (PP04-01-014) for the bridge crossing*." Rehabilitation of the trestle provides the SAME result as destroying it and replacing it with a new bridge. The assertion that the new bridge is the only solution to continuity of the trail system is offensive.

- It is foolish to presume that removal of the trestle pilings will be anything but an environmental disaster.
- Hopefully the agencies providing permits for this work will have the good sense to deny the replacement project to go forward.

Initial Study, Section 2, Environmental Determination; 2.2 – Determination: "*I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.*"

- The fact is that funds made available specifically for the rehabilitation of the wood trestle have been redirected to purchasing a replacement bridge by the project proponent, and the mitigation measures proposed by the project proponent are woefully inadequate. Decisions were made without full public input. Talking to a few people does not follow the City guidelines for public input. These decisions and this process have been a disservice to the public. Please provide an explanation as to why the public process was short-circuited.

MND, FINDING: I strongly disagree with the finding that the proposed mitigation measures indicted in the reports will "… *mitigate the effects to a less than significant level*." My opinion is that the project as described is significantly changed from the previous proposals that were based on the rehabilitation of the wood trestle. The destruction and replacement of the wood trestle will have

considerable negative impacts on the environment and a full Environmental Impact Report is required to adequately determine the best path forward.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

I. AESTHETICS: Replacement of the iconic wood trestle with a manufactured bridge obtained from a catalog will radically degrade the aesthetic of the trail system at that location. The wood trestle is an integral part of the history and identity of the community of Willow Glen and the City of San Jose. Just as the re-routing of the train tracks in the early 1900s kept the railroads from destroying our community, the City should respect our community heritage and go with the original plan of rehabilitating the wood trestle to make it part of the trail system to preserve it for future generations.

- Initial Study, Items b. and c. on the Initial Study Checklist should indicate "potentially significant impact."
    - Item b., while referring to a highway, will be within and in full view of a scenic bike pathway.
    - The Initial Study refers to issues in Item c. as only temporarily affecting the visual character or quality during the construction period. During the construction period is not the point – replacement will negatively affect the visual character and quality permanently.

II. AGRICULTURE AND FOREST RESOURCES: No comment.

III. AIR QUALITY: Initial Study, Item d. – Expose sensitive receptors to substantial pollutant concentrations? The "Less-Than Significant with Mitigation Incorporation" box is checked.

- Please provide specific reports/documentation that verify this assertion.
- Provide specific plan for monitoring compliance during construction, indicating how many personnel will be assigned to the monitoring task and what equipment they will be using to monitor.

IV. BIOLOGICAL RESOURCES:

- In the Initial Study, 3.4.2., Impacts Analysis, Items a., b., c. and d. have the "Less-Than Significant with Mitigation Incorporation" box checked. I expect that a more thorough study is needed, as the site has steep embankments with a narrow stream bed. Removing the large trestle pilings that are embedded in the ground is likely to be very destructive physically, as well as being extremely noisy and disturbing to the wildlife in the area. What is the factual basis for your determination that this will not be significant?
- Initial Study, 3.4.2, Impacts Analysis, Item a.: I have the following questions regarding "Avoidance Measures for Special-Status Wildlife Species":
    - If there is salmonid activity within the proposed construction period, what is the proposed plan for the construction schedule. The phrase "…. *expected to be minimal*" sounds like the PRNS is ok with losing a few salmonids. What is the threshold? How many salmonids will be put at risk before construction stops? Or, will they decide that its ok to lose salmonids if they discover this happening during construction?
    - If pre-construction nesting surveys will be done BEFORE undertaking work during the nesting season of February through August, and construction is scheduled to start in June, what is the plan for the construction schedule if nests are found within the construction area during construction? Please provide proposed plan.

  - How often will the biologist be there to monitor the situation during demolition and construction? The entire time, all day/every day? Once a day? Several times a week? Once a week? Please provide proposed schedule for the biologist.
  - Provide specifics of the proposed Streambed Alteration Agreement that is to be submitted to the CDFW.
  - Provide specific criteria for the Stormwater Pollution Prevention Plan (SWPPP) to be required of the Contractor, such as:
    - Where the diverted runoff will flow to, and what measures are to be taken to ensure non-contamination downstream
  - How will the SWPPP implementation be monitored? By whom? How frequently will they be on site?
- Initial Study, 3.4.2, Impacts Analysis, Item b.: How often will the arborist be there to monitor the situation during demolition and construction? The entire time, all day/every day? Once a day? Several times a week? Once a week? Please provide proposed schedule for the arborist.
- Initial Study, 3.4.2, Impact Analysis, Item c.: Provide reports/documentation evaluating the effect of the demolition/construction downstream from the bridge area.
- Initial Study, 3.4.2, Impacts Analysis, Items e. and f. have the "No Impact' box checked. Provide reports/documentation that verify these assertions.

V. CULTURAL RESOURCES:

- In the Initial Study, 3.5, Cultural Resources, Items a., b., c., and d. are shown as having "No Impact." Really? I have the following comments:
- Initial Study, 3.5.2, Impacts Analysis, Item a., Historical Resource: Please provide the reports/documentation from your 'evaluation' that supports your assertion that the trestle is not eligible for historic recognition. There are a number of documents that are readily available that indicate that there is a very strong case for declaring the trestle to be of historic value. No formal evaluation was done, other than a cursory review during the original plan when the trestle was to be rehabilitated, not replaced.
  - Before reaching this conclusion definitively, I ask that the City undertake a full historic evaluation to be done by a third party professional, and issue a public report. Given that the decision to destroy the trestle will, in my opinion, precipitate the loss of a valuable San Jose cultural resource, I think the full historic evaluation is the least that San Jose should do.
- Initial Study, 3.5.2, Impacts Analysis, Item b., Archeological Resource: Given the recent discover of mammoth bones by someone walking along the Guadalupe River, the likelihood of an archeological find in the Los Gatos Creek seems like a real possibility. Provide specific information on what steps are being taken to ensure the monitoring of potential archeological finds.
- Initial Study, 3.6, Geology and Soils, Item d.: Using the 1994 Uniform Building Code is inappropriate, since California has long ago replaced it with the California Building Code/Title 24 and California also follows the International Building Code. The UBC is no longer in use. Referencing codes from 20 years ago is risky, especially given the progress that has been made in providing protection from seismic events. Please revise and re-evaluate.
  - The seismic danger of the full span steel and concrete bridge, which is only supported on either end of the 210 foot span, is a tremendous risk. The existing wood trestle provides continuity of support across the span, making it much more stable during a seismic event.

VII. GREENHOUSE GAS EMISSIONS:

- Initial Study, 3.7, Greenhouse Gas Emissions, Item a.: This item asks whether the project will contribute "…*directly or* ***indirectly***.." to generating greenhouse gases. Then the analysis goes on to address only the direct impact during construction. The project is likely to contribute enormously to greenhouse gas emissions indirectly.
- Regarding 3.7.2, Impacts Analysis, Item a. GHG Emissions, I have the following comments:
    - Mining: At this time, the raw ore for steel is typically mined in South America, thousands of miles from San Jose, under adverse environmental conditions.
    - Fabrication: The ore is then typically transported to China for fabrication, more thousands of miles, and from there the components are shipped additional thousands of miles to the US for final assembly.
    - Environmental controls at the mines in South America and the manufacturing facilities in China are almost non-existent. Worker safety is not a concern for these countries. Shipping long distances rather than sourcing materials locally creates more pollution in the atmosphere.
    - Concrete production, while done in the US, is famous for being an energy hog, and the toxic emissions during concrete manufacturing are an embarrassment to a country that professes to support sustainability.
    - Compare the real total of GHG for the steel/concrete structure to retaining the wood trestle and replacing some of the wood structure with Forest Stewardship Council (FSC) woo, sourced locally, and you have a dramatic difference in GHG emissions and embodied energy.
    - In order to accurately evaluate greenhouse gas emissions for the project, a full life-cycle analysis would have to be done. Was it? If it was, please provide the reports/documentation that back up your assertion. If not, as is likely, I ask that San Jose undertake a full Life Cycle Analysis (LCA), done by a qualified third party certification firm that compares the GHG emissions and embodied energy for both options, the rehabilitation of the wood trestle and the new steel/concrete bridge. Provide the results of that report to the public.
    - For a city that touts its environmental commitment with the Green Vision, the 2040 General Plan, and so on, not doing a full life cycle analysis will only reveal San Jose's lack of true dedication. Doing a full LCA will enhance San Jose reputation nationally by demonstrating a leadership role on this issue.

VIII. HAZARDS AND HAZARDOUS MATERIALS:

- Initial Study, 3.8, Hazards and Hazardous Materials, Items a. and b.: These Items cover the transport, use and disposal of hazardous materials, and are indicated as having a "Less-Than-Significant with Mitigation Incorporation" impact. As known, the existing wood trestle is supported by creosote soaked pilings embedded in the ground. These pilings have been in place for 90+ years, and any leaching of creosote into the ground is miniscule at this point, as long as they remain in place, undisturbed. Removing these pilings will result in a major physical disturbance in the area, along with the release of the disturbed creosote into the ground as the pilings are being removed. Successfully encapsulating the creosote prior to the piling removal is impossible. Once the pilings are extracted they will have to be transported to a hazardous waste facility, where they will remain in perpetuity, as there is no known method for mitigating and removing the toxic creosote from the pilings. Given that the span of the trestle is 210 feet, this means that there will be a LOT of hazardous waste produced by removing the wood trestle. Supposedly, San Jose has an environmental goal of zero waste, per the City of San Jose Green Vision Plan; Zero Waste Strategic Plan (Goal 5) and the Zero Waste Workplan that you trot out annually. The negative environmental effects of the removal of the wood trestle is in direct conflict with San Jose's environmental policies, a fact that is ignored in the MND. This is not in the best interest of our community or the City of San Jose. Please provide a written explanation as to why the decision was made to contribute to a

obvious increase in hazardous waste within our City. I would revise this Item to indicate that it is going to have a "Potentially Significant Impact." Very significant.

- Hazardous Materials, Replacement Bridge: One thing that has not been mentioned in any of the meetings or reports is the issue of the potential toxicity of the replacement bridge material of weathering steel, incorrectly referred to by the now defunct brand name for weathering steel, COR-TEN. The coating on the steel that creates the weathering effect is comprised of three toxic elements, copper, chromium, and nickel. The combination of these materials produces a rust-like finish on the steel as it is exposed to the elements, and is currently in fashion for bridges and other exterior architectural fabrications. This protective coating, while it has a certain attraction, is likely a danger to humans if ingested or absorbed through the skin. While studies on weathering steel may not have been done yet, consider the case of Copper Chromate Arsenate (CCA), which was used ubiquitously on outdoor wood elements for decades until it was determined to be extremely carcinogenetic to the touch and via inhalation. All of our playgrounds and picnic areas used CCA treated lumber until it was finally banned, and during fabrication it emitted a fine dust that was inhaled by workers as they fabricated with it. Consider this potential danger if you proceed with the steel bridge replacement. I don't think San Jose wants to be the poster child for 'toxic bridges' – quite the conflict with our Green Vision. If you determine that you are going to proceed with the weathering steel, please provide a written explanation as to why you think this is acceptable.

IX. HYDROLOGY AND WATER QUALITY:

- General Comment: While you are using all the right words and including all the appropriate entities who have oversight regarding water issues in your analysis, I feel that your projections are highly optimistic. The site is very awkward to work in with major equipment, and it is highly likely that incidents will occur that will cause negative water quality issues. Once the damage is done the cleanup will be very difficult, if not impossible. We can only hope that the agencies who have oversight will review your plan carefully and ensure strict compliance with water related regulations, and follow up with the appropriate penalty if an incident occurs.

X. LAND USE PLANNING: No comment.

XI. MINERAL RESOURCES: No comment, although if you discover gold, I'll be there pronto with my gold panning equipment!

XII. NOISE: See previous comments about noise issues regarding wildlife in the area.

XIII. POPULATION AND HOUSING: No comment.

XIV. PUBLIC SERVICES: No comment.

XV. RECREATION: No comment.

XVI. TRANSPORTATION/TRAFFIC: No comment.

XVII. UTILITIES AND SERVICE SYSTEMS: No comment.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

- Initial Study, 3.18, Mandatory Findings of Significance, Item a.: There are a several issues addressed in this question. My responses are as follows:
  - In Item a., regarding "….*degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop*

below self-sustaining levels, threaten to eliminate a plant or animal community,….", note that the salmon population has recently been observed trying to make a comeback in Los Gatos Creek, upstream from the trestle location. Please provide reports/documentation that will ensure that the returning salmon population will not be affected by the removal of the trestle and the construction of the new bridge. As requested previously in this memo, PRNS must have some sort of loss threshold in mind. Please provide.

- Also in Item a., the MND asks whether the project will "…. *restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory*?" Well, here we are, back at the crux of the matter. The Willow Glen wood trestle plays a MAJOR role in the history of the Willow Glen community and the City of San Jose. There is no valid reason for destroying it. None. Playing a shell game with grant monies, PRNS ego, and very poor service to the community are what drives this terrible decision.

CONCLUSION: I ask that the City of San Jose revisit this issue and do a thorough review of the two alternative options, including a life cycle analysis done by a qualified third party, while keeping in mind the City's professed sustainable goals. Provide a full Environmental Impact Report, involve the community, and do the right thing.

Please contact me if you have any questions about my comments. Thank you for your time and consideration. I look forward to your responses to the comments on the IS/MND.

December 19, 2013

Richard H. Nieset
225 Sequoia Ave
San Jose, CA 95126

Mr. Joseph Horwedel
Director Planning Building and Code Enforcement
City of San Jose

Subject: Comments regarding File No. PP13-085, Three Creeks Trail Pedestrian Bridge Project, Intent to adopt a mitigated negative declaration

Dear Mr. Horwedel,

I am providing this written response to the draft document per the guidelines of the public comment period with respect to the Subject project. I have read the project document and have the following comments and questions which I request be reviewed, and answered with all relevant details entered into the public record in association with this project.

Item 1: Setting, Section 3.1.2 Visual Impact on the Setting

The impact analysis states that a less than significant impact on the visual character of the trail however, during the construction a parallel access to the bridge is called for which will necessitate the removal of many mature trees, and disturb the current brush along the riparian habitat of the creek channel. I do not believe that the mitigation measures are adequate and I would like to have more information provided on how mature vegetation and the surrounding area will be protected. There are several issues at play:

1. Visual impact of cutting or removing mature vegetation
2. Visual impact of damage from heavy equipment during and after construction
3. Adequate protection of the riparian habitat during and after construction.

Can you please provide more detail on why removal of vegetation is not considered a material impact? What additional measures will be taken to prevent damage from equipment use as outlined above?

Item 2: Cultural Resources, Section 3.5.1 Substantial adverse change in the significance of a historical resource.

The impact analysis states that a "bridge evaluation" was completed. It further states that "the bridge is an example of a common type of trestle" and further that

the "State Historic Preservation Officer" concurred that there would be no impacts on historic properties. There are several questions with regard to this finding:

1. Why was the Bridge Evaluation not included in the reference attachments or footnotes of the study? Can you please provide the detailed Bridge Evaluation for public review and comment?
2. Did the State Historic Preservation Officer actually visit the site to assess the trestle and see first hand the type of construction involved?
3. Was an inventory to assess the number and types of this this particular trestle in our area ever conducted and reviewed with regard to this study? It is my understanding that this trestle was built in the early 1920s, and that they have been consistently demolished for various reasons, and that at the present time there is only one other example of this type of trestle within the City of San Jose and it is also scheduled to be demolished. This particular trestle, being incorporated in to the Three Creeks Trail, could provide an excellent, viewable example of the type of construction used in the period, and well may be the last remaining example of such construction and should therefore be preserved. Did the State Historic Preservation Officer take in this idea to consideration, and was he/she aware that there are actually a limited number of examples of this type of construction remaining?
4. 15065.5 Does not require that a structure rise to the standard of being listed or eligible for listing on the NATIONAL Register of Historic Places, but rather requires that the resource must only be determined *eligible* by the State Historical Resources Commission for listing in the CALIFONIA Register of Historical Resources. Was this criteria evaluated? Please provide evidence of the Bridge Study that clearly states that the trestle is NOT ELIGIBLE for listing on the California Register of Historical Resources for the public review and comment.

Item 3: Cultural Resources, Section 3.8.2 hazardous materials

Impact analysis states that the release of creosote and other hazardous materials can be mitigated by requiring contractors to follow the stipulated guidelines for handling the materials but does not provide specifics on how the contractors will be monitored to assure compliance. Further the methods for extraction of the pilings presented in the study are not adequately mitigated if:

1. Chips of creosote may enter the ground or water during cutting or sawing
2. Exposed fragments of pilings allow leaching of creosote in to the ground or water
3. Vibration during extraction releases particles of creosote in to the ground or water

Item 4: Cultural Resources, Section 3.9.2d substantially alter the existing drainage pattern

Impact analysis states there will be no impact, however the pilings of the trestle provide substantial resistance to water flow due to their close spacing and have done so since the trestle was constructed in the 1920's. Given that the downstream channel has adjusted to this attenuated flow rate it is possible that the increased flow that results from removing the trestle will or could have a substantial impact on the drainage pattern. Was a detailed study of this impact conducted? It does not appear that any mitigation has been provided in the event of this finding. Why was no mitigation provided for this possibility?

Thank you for providing a public comment period and taking these comments and questions in to consideration. I look forward to the answers to these questions and the incorporation of any changes in the revised draft.

Best Regards,

Richard H. Nieset

From: idratherbebikin@gmail.com on behalf of Scott [scott@wgtrestle.org]
Sent: Thursday, December 19, 2013 4:59 PM
To: Davidson, John
Subject: Fwd: (only 1/4 done so far at 4pm, argh!) Draft IS/MND for PP13-085: Removal of 1921 Western Pacific Train Trestle over Los Gatos Creek @ Future Three Creeks Trail

Dear Mr. Davidson,

Below are questions regarding the Draft IS/MND regarding the removal of the 1921 Western Pacific Train Trestle over Los Gatos Creek @ Future Three Creeks Trail.

RE: MND

Finding:
(page 1)
What reports were these based on?
Were these reports based on the 2004 study?
- Did this study cover the retrofit of the WG Trestle or the removal of it?
- If it only had to do with the retrofit, what were the questions posed to the experts to look into the environmental and historical impacts?
- If the report was based on removal of the WG Trestle, what questions were posed to these same experts?
- Who were these experts and what were their qualifications?
- Were these same experts queried during either or both the IS and MND process?
- If not, why not?
-- IF these experts were asked today, are you completely sure that they would come to the same conclusion based on the facts that are known today?

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

I. AESTHETICS.

If the removal of the existing Trestle will be performed, heavy equipment used, trees removed and a modern concrete and weathered steel bridge is to replace it, how does this not change the aesthetics?

Which of these above issues are not significant and why?

II. AGRICULTURE AND FOREST RESOURCES.

The existing Trestle has used old growth forest.
Would you agree that the forests were affected in ~1920?
If the current Trestle is restored, would the majority of the old growth trees be kept intact and thus extending the life of these trees?

If trees are removed from the site, wouldn't this affect the local forest?

III. AIR QUALITY.

Even by complying with the BAAQMD, please specify the difference in equipment used and the type of equipment used or not used for the retrofit versus the removal and replacement.

Have all of the City of San Jose sites complied with ALL of the above requirements?
If not, what are the instances of these omissions or lack of compliance?
What city officials have been on the sites of past, current and future projects?
Are there ever times with a "certified visible emissions evaluator" has not been on the City of SJ construction sites (whether these construction sites are run by the city or by contractors)?

Have there been any complaints regarding dust?
How long did it take to be resolved?

IV. BIOLOGICAL RESOURCES.

Special-Status Wildlife Species:

Has the city performed or contracted anyone to do a full fledged assessment of the wildlife in the wet stream, dry stream, nearby land and air at the site and upstream/downstream from this site?

Has the City of SJ or any contractors performing work for the City of San Jose ***not*** been in compliance with ANY environmental regulations?

What are the specific instances, including times, durations and any fines levied?

Is the SCVWD wishes to retrofit the Trestle (that are ignored by the city), which would have kept the WG Trestle pilings fully intact except for minor repairs going to be granted?

-- It appears the SCVWD wishes are being violated... what is the basis for not complying with the letter and intent of the contract signed by the City of San Jose and SCVWD.

Temporary Diversions, ever any failures or side effects?

The bedstream, including rip rap... how will this be affected?

Does the SCVWD want the existing streambed kept intact?
- IF so, why?
- IF not, why does it not matter?

Do you know (and with what certainty) the following:
- how deep each of the pilings are?
- the shape of the pilings?
- how to guaurantee that piling pieces and shavings will not get into the streambed (water, soil, gravel)
- what is the affect over time of these piling shavings and pieces?
  (what scientific effects have been learned in labs, etc by feeding fish creosote infused material)?

Has there been an assessment of the following:
- Bird life
- Fish life
- Small mammals
- Small terrapins, etc

What are the qualifications of the biologist?

Has the city of San Jose consistently and fully ensured water quality at the site, downstream and upstream from this site?
- how often have homeless lived there?
- how many home sites have been allowed?
- how many destroyed and left to lie fallow for days/weeks and months?

How will construction materials meant to protect the environment not be destroyed or vandalized?

What steps will the City of SJ or any contractors take to:
- ensure this?
- check on this (how often)?
- how will they report this?
- to whom will they report this?
- how quickly must the repairs be made?
- what are the fines and levies to the City of SJ or any contractors be for non-compliance?

How will waste management be ensured to be kept out of the creekbed and construction site?

If water is to be used to control dust, what is the effect of the run off?
- How much of this dust, dirt, oil or other materials will get into the creek?
- How will it be stopped?
- If it does not stop the runoff into the creek, how will this be stopped?
- Who will be monitoring this and what are the qualification of this service?
- Costs for non-compliance?

How will a new "construction road bed" to get heavy equipment be designed?
How will this not be a potential run off location in and of itself?

What effects could the "hydroseed" or other similar material be in the creekbed?
What is the research showing that this is safe to do so in and alongside a creekbed - especially one that must have water running thru it 365 days/year?
- Has this been studied? If so, where?

Riparian Habitat:

Who will be performing the monitoring?
Cost of non-compliance?

Wildlife Corridors:

What are the minimum requirements of the SWPP?
Who will be performing this?

Cost for non-compliance?
Who will report any non-compliance?
Who will enforce this?

V. CULTURAL RESOURCES.

What is the City of San Jose's definition of culture?

Why was the Town of Willow Glen incorporated?
Why was this trestle built?
What court case went to the Supreme Court?
Where was the largest fruit producing and canneries located in the early 19th Century?
How many descendents of these families that owned and/or worked in the canneries still present?

What makes Willow Glen unique from the rest of San Jose or surrounding cities?

VI. GEOLOGY AND SOILS.

VII. GREENHOUSE GAS EMISSIONS.

What is the difference between retrofit of the Trestle and removal of the Trestle and replacement?
What is the energy to tear down the Trestle?
What is the energy to create a concrete and steel bridge and ship it here?
- Or build a new one on site?
What is the cost of retrofit, depending on various bridge toppings?
What is the energy and cost to transport the various debris from the torn down Trestle to various land fills?
How much space if filled up?

IX. HYDROLOGY AND WATER QUALITY.

Are all of the SCVWD requirements being met regarding the $450,000 grant,
with the $200,000 matching City grant.

Does SCVWD truly want the Trestle pilings removed from the creekbed?
- Do they need a "clear span" in Los Gatos Creek?
- Wasn't the retrofit grant going to keep ALL of the pilings of the Trestle?

XV. RECREATION.

Could a historic bridge will generate nearby interest and increase the "draw" regionally and nationally?

XVII: Utilities

Could the new bridge handle emergency traffic?
Can the old one Trestle handle police, ambulance or fire?
Can the new replacement bridge?

XVIII Mandatory Findings of Significance

The potential environmental savings are key to a healthy ecosystem?
How will the old Trestle retrofit hurt these?
What will be lost if the Trestle gets demolished versus gained?

Thanks for your reading these.

All the best,

Scott Lane

From: Davidson, John [John.Davidson@sanjoseca.gov]
Sent: Friday, December 20, 2013 5:06 PM
To: Franck, Matthew/SAC
Cc: Palajac, Jan
Subject: FW: Questions re: City of SJ Initial Study for 1921 Willow Glen Train Trestle -- File No. PP13-085, Three Creeks Trail Pedestrian Bridge Project.

From: idratherbebikin@gmail.com [mailto:idratherbebikin@gmail.com] **On Behalf Of** Scott
Sent: Friday, December 20, 2013 5:00 PM
To: Davidson, John
Subject: Questions re: City of SJ Initial Study for 1921 Willow Glen Train Trestle -- File No. PP13-085, Three Creeks Trail Pedestrian Bridge Project.

Mr. Davidson,

Below are the questions regarding the Initial Study from the City of San Jose

1921 Willow Glen Train Trestle -- File No. PP13-085, Three Creeks Trail Pedestrian Bridge Project

Text from the Initial Study, will be highlighted in a light yellow.

Comments/Questions will have asterisks.

==========

Page 8:
In 2004, the City of San José completed an environmental impact assessment for the Los Gatos Creek Trail, Reach 4 project, including the existing railroad trestle that is the subject of the current analysis (see Figure 1, Project Location).1 The assessment was completed pursuant to the California Environmental Quality Act (CEQA), and consisted of an Initial Study and Mitigated Negative Declaration (Los Gatos Creek Trail, Reach 4 IS/MND) (City Project No. PP04-01-014).

** What were the constraints and directions given to the professionals that were conducting this survey?

** Was this to do with restoration of the 1921 Western Pacific Train Trestle?

Page 9:
The trestle is in a state of disrepair that does not allow for bicycle and pedestrian use. The proposed project would provide bicycle and pedestrian access on a new bridge structure that would connect to both the Los Gatos Creek and Three Creeks trails. Because of the changed nature of the project, this CEQA Initial Study updates the previous analysis (PP04-01-014) for the bridge crossing.

** Can you prove that pedestrians and cyclists are not using this bridge every day of the year, day and night?

** Do people use this to get on both sides of the creek?
** Has anyone fallen off of fallen through the bridge?

** What is the changed nature of this project?

Temporary supports might be needed for erection of the new bridge

** What is the effect of these?
** Will it affect the ground or water?
**Any lasting effects due to compacting the soil in the creekbed?

. Small retaining walls would be installed adjacent to the new bridge abutments to allow for the future Los Gatos Creek trail connection to the northeast and for a viewing area on the south side of the new bridge.

** What are the effects of these temporary or permanent structures?
** How will these be constructed?
** Has their been an environmental review of this feature/plan?

The demolition of the existing bridge would require operation of cranes, excavators, and loaders along the length of the bridge. A work lane, approximately 20 feet wide, would be established along the upstream side of the bridge running parallel to the full length of the bridge.

** How compacted will this "work lane" be made?
** How will this be put back into original condition?

** Will these cranes get in the way of the PG&E high power transmission line?
** Have you received permission from PG&E and government agencies?
** Which ones?

** How will you stabilize the adjacent properties from the creekside slipping?
** How much of part of the creekbed is already unstable at present and slipping into the creek?

The existing trestle deck is supported by a total of 81 wood piles, with additional support from wood braces.

** How deep into the ground are these 81 pilings?
** What is the condition of these 81 pilings?

Pile removal techniques would include the following complete- and partial-removal methods:
• Vertical pulling involves gripping the pile with a chain, cable, or collar, and pulling with an excavator or hydraulic crane.
• Vibratory extraction involves attaching a vibratory hammer to the pile to break the seal between the pile and the soil and pulling with a crane or excavator from the top of the existing bridge deck.
• Horizontal snapping or breaking typically involves pushing or pulling the pile laterally to break off the pile near

the ground line.
• Subsurface cutting involves using hydraulic or pneumatic saws or shears attached to an excavator to cut the pile below the ground line.

** How will pieces of the creosote coated pilings not getting into any water, soil, gravel, plantings or blown into the wind?

The piles and bridge deck are composed mostly of creosote-treated wood, and demolition would generate a large amount of treated wood waste.

** After these are removed how will these NOT be falling onto nearby staging areas or out during transportation to the landfill facility?
** What is the cost of disposing of these pilings?

The construction of the new bridge would involve excavating ground for the abutments and retaining walls using
backhoes and excavators, pile driving of H-piles, placement of reinforcing steel and concrete, assembly of a pre-
fabricated steel truss bridge using large cranes, and placement of a concrete deck on the bridge using a concrete pump truck.

** What is the effect of compaction of creekbed?
** Any effects of wildlife staying out of the creekbed due to the noise, construction vibrations, etc?

The approaches to the bridge would be prepared by placing sub-base and then placing concrete
pavement. Aggregate paving would be provided to connect the new bridge approaches to the existing dirt trails.

** What is to be removed to make room for the "sub base?"

Partial dewatering of the creek bed may be necessary to protect water quality during demolition and to provide more accessibility for the demolition and construction equipment. Methods considered would involve diverting all
creek flow in a temporary culvert or open channel, or adding clean washed gravel or gravel bags to divert flow to
one side of the creek bed while providing a work platform on the opposite side of the creek.

** How will creosote piling pieces or construction debris not get into the diverted water, soil, gravel, vegetation, etc?

** Will adding gravel change the water flow once the project is completed?
** Will any diverted creek flow change the water flow once the project is completed?
** What will be the effects of this change upstream, under the replacement bridge and downstream?

Construction is expected to begin in June of 2014 and last for approximately 4 months

** What if the rainy season lasts longer than normal?
** What if the rainy season starts sooner than expected in the fall?
** If the project on site can't be completed in the anticipated process, then what?

PAGE 10

The following permits are expected at this time to be needed to complete the project:

** What if there are delays in getting permits approved from any of these agencies?

PAGE 13:

** Is the stream bed/active water flow lines shown in this graphic is drastically different
than actual water flow currently?

** Will this future flow be developed in this manner?
  ** If so, how will this be accomplished?
  ** What permissions need to be secured for this?
  ** What agencies grant this permission?
  ** What are the effects upstream, under the bridge or downstream based on any change?

** Why is "Southern Pacific Lines" logo being used?

** Why can't there be a mid bridge viewing platform?
** How does this look like the old bridge? (no wood)
** CoreTen steel, it weathers, won't some go into the creek?
** How many times can graffitti be taken off of the weathered steel before it can't be done any more?

PAGE 15:

** Isn't this water flow pattern the same as shown on page 13?
  ** Same questions pertain to this?

** What vegetation will be removed from the creekbed?
  ** What are the specific native vegetation, including vines, bushes, trees?
  ** What are the specific non-native vegetation, including vines, bushes, trees?

PAGE 17:

2.1 Environmental Factors

** How are the following not containing "Potentially Significant Impact" ??
** **Aesthetics** - Isn't the experience and look of the Trestle significantly changed?

** **Biological Resources** - how much will the creek change and in what manners?

** **Hazardous Materials** - what is the amount of the material removed for tearing down of the Trestle?

** How much materials for a retrofit of the Trestle only?

** **Hydrology** - Won't the water flow be changed during extensive wet seasons due to the Trestle pilings being removed?

** What will be the effect upstream, under the bridge and downstream be?
** What about the flakes and pieces of the creosote pilings that will enter the water, creekbed gravel and soil and air?

** Will the loss of pilings make a change in the water flow (ie, not slowing down)?
** Do some plant life in water and fish species, etc. like different water flow speeds?
** Will the loss of pilings reduce the amount of shading in the creek?
** Could the loss of shading increase the temperature of the water? And by how much?

** **Land Use** - isn't the use is changing if the current Trestle may handle significantly higher weights?

** **Public Services** - if the Trestle is retrofitted, could either police or fire use the Trestle to cross the creek?

** **Recreation**: Could the Trestle be retrofitted with a wider mid stream viewing platform?
** Can the new Bridge be fitted with a wider mid stream viewing platform?

** **Mandatory Findings of Significance** - What is the historical or environmental significance of retrofit versus tearing down the Trestle?
** Has there been any new information since the 2004 study?
** What were the directed questions for the expert(s) in that 2004 study?
** What were the study parameters in 2004?
** Did that study look at the retrofit or the removal of the Trestle?

PAGE 18:

2.2 DETERMINATION

No significant Difference, MND to be prepared

** It appears that a FULL EIR should be prepared due to the extensive environmental issues.

** What is the difference between the MND threshold and the FULL EIR threshold in ALL of the categories?

PAGE 19

EVALUATION OF ENVIRONMENTAL IMPACTS

a. Effect on Scenic vista

** Hasn't the Trestle been KEY to the vista since 1921?
(what are the keys to meeting the Potentially Significant Impact threshold?)

b. substantially damage scenic resource

** Isn't the removal of the Trestle "damage" to the scenic resource?

**(what are the keys to meeting the Potentially Significant Impact threshold?)

c Degrade existing visual character or quality of this site

** Isn't the visual character the key architecture and how this is built?
** DO you know how close the two sets of stringers are to each other along the entire stretch of the 210 foot span?

** (what are the keys to meeting the Potentially Significant Impact threshold?)

d New source of light or glare affect day or nightime views in the area

** the loss of pilings will change the light in the creek bed.
** (what are the keys to meeting the Potentially Significant Impact threshold?)

3.1.1 SETTING

"current state of the bridge"

** Isn't the "state of the bridge" due to the City of San Jose lack of maintenance?
** Has San Jose maintained this bridge?
** IF so, what has been done? And what was the cost?

"no current use by nearby residents"

** Isn't this patently false?
** Don't pedestrians and cyclists use this every day and night?

3.1.2 IMMPACTS ANALYSIS

a) Scenic vista

b) within a state scenic highway

c) visual character -- "restored to the extent possible"

** What does this mean?
** What will be restored?
** What won't?

"useable bicycle/pedestrian bridge"
technically aren't people using the Trestle every day and night already?

couldn't they use a retrofitted Trestle?

d) day/nightime views

** Isn't the removal of pilings affect the light/shading?

PAGE 20

3.2.2. IMPACTS ANALYSIS

not farmlane

PAGE 21

3.3 B Air Standard

** What will be the difference in machinery and pollutants between retrofit of the Trestle and the removal of the Trestle and the installation of new bridge and extensive footings?

3.3 C NET increase of pollutant

** How much creosote dust is less than significant?

3.3D Sensitive receptors

** Do you know whw the

3.3E Odors

** Do we know the smell of the creosote timbers and pilings being removed?

PAGE 24-25

3.4A Substantial adverse effect on species identified as candidate, sensitive or special status

** Has there been a definitive, professional audit of and of the wildlife by any agencies that have credibility or jurisdiction?
** What are the results of said survey?
** What are the parameters of this survey?
** When was this done? Over what period of time was the study?

3.4B Supstantial effect on Riparian Habitat

** Will there be any water flow changes?
** If the pilings are removed, what will the changes be for water flow, light and temperatures?

3.4C Adverse effects on Fed protected wetlands

** Do you know where the species go once in the bay?
** Can you ensure that none of the species go into the Preserves in the SF Bay, etc?

3.4D Interfere with Migratory fish, wildlife

** What audits of wildlife have been conducted?
** What wildlife spend any portion of time under the bridge over the last 92 years?

3.4E Tree preservation

Are there any trees what contain drip lines within the construction zone?

3.4F HCP, NCCP

** What are the local plans?
** Has San Jose shared ALL of these with regards to the creek?
** IF not, why not are these ALL easily available online with easy, highlighted access?

PAGE 25:

3.4.1.1 MIXED RIPARIAN

** How will construction change this dense vegetation?

3.4.1.2 AQUATIC

** have these agencies all approved this project?
USACE, CDFW, and Regional Water Quality Control Board.

** How will temperatures be changed?
** Quality changes with either dirt, pilings debris or other construction debris?
** How long do creosote stay in soil, water?
** What is the percentage of fish that die from consuming Creosote?

PAGE 27:

3.4.1.3 SPECIAL STATUS -

** IF the non-native vegetation were removed, could the special status species in grasslands area be poised to thrive?

** How is this included in the trail and creek master planning?

Acoustic Disturbance to wildlife

** What about the disturbance during four months of heavy machinery?

PAGE 28:

Qualified Biologist during installation of temporary diversion

** What about after?
** Who monitors this?
** How fast are any trapped fish to be removed to a proper location?
** Penalties if this does not occur or if fish die?

Nesting Birds

** How often will they be checking?
** IF found, then what? Delays?
** What if nesting birds get disturbed, perish?

WATER QUALITY

** Many excellent standard protocols, but what is different for creeks?

** What will prevent creosote from getting into water, soil, gravel, vegetation, be airborne?

** Erosion control of nearby land before, during and after construction?

** How will the "temporary" control be installed, then removed?

** What agencies have signed off of these soil containment?
** Specifically the trailhead to the Los Gatos Trail??

PAGE 30, TREES

** any affects of native trees drip lines in or near construction zone.

** for all trees removed, what is the mitigation efforts, how many replaced?

d WILDLIFE

** as asked before, what is the audit results of surveys?
** when were they done?
** what are the parameters?

PAGE 31: CULTURAL RESOURCES

A) Cause a substantial adverse change in the significance of a
historical resource as defined in §15064.5?

** What were the parameters of the 2004 historical survey?
** What were the parameters of that survey? And directives?
** would the same person, with any new information, make a different decision?

B) Cause a substantial adverse change in the significance of
an archaeological resource pursuant to §15064.5?

** As a 91-92 year old resource, isn't this about the oldest bridge of any kind in San Jose?

C) Directly or indirectly destroy a unique paleontological
resource or site or unique geologic feature?

** The Los Gatos Creek was part of a creek that jumped it's banks and changed the routing...
how many creeks have done that in Santa Clara Valley in our recorded history?

** Was the surrounding areas marsh lands before they were drained and led to orchards and more useable land?

** Is part of this area considered part of the original Roberto property (ie, that predated the Roberto-Sunol property)

D) Disturb any human remains, including those interred
outside of formal cemeteries?

** Do we know if anyone has been buried there?
** When was this survey taken?
** By whom?

PAGE 36;SOILS

** What is the nearest area that has utilized heavy pile driving?
** Has the geology surveys of PG&E been obtained?

** Is there any erosion nearby from local lands into Los Gatos Creek,
within the next 100 feet to one mile?

PAGE 36: HAZARDOUS MATERIALS:

** what are the amounts of creosote materials?
** how deep are the pilings?

PAGE 39, HYDROLOGY

** see previous questions

C) Substantially alter the existing drainage pattern of the site
or area, including through the alteration of the course of a

stream or river, in a manner which would result in substantial erosion or siltation onsite or offsite?

** so the water flow will not be affected at all?
** are all of the diagrams that show the new bridge and creek incorrectly shown?
** there will be NO change to the riprap and all other exisiting creekbed materials?

** What will be put down to make sure that heavy equipment does not change the water flow?
** How will the heavy equipment NOT compact the creekbed?

f. Otherwise substantially degrade water quality?

** How will the city of San Jose ensure that the homeless will not continue to locate and place body waste and other materials in the creekbed areas?
** How will this be different since the City of San Jose obtained ownership of the Trestle and surrounding creekbed

** how will the city of San Jose stop homeless from using shopping carts to catch fish?
** how will the city of San Jose stop homeless from cleaning themselves, clothes or other items in the creek?

PAGE 42: LAND USE PLANNING

a. Physically divide an established community?

** Was the community brought together for years for a trail and restored Trestle?
** Has the community become divided because of the City of San Jose's decision?

** could a restored trestle bring people together?
** could a historical feature add to the historical nature of Willow Glen?
** could geocaching be used to attract people worldwide?

PAGE 43-44 NOISE

3.12.2.1 Short-Term Construction Noise Impacts

** what would be the noise difference between retrofit of the Trestle and the tearing down of the Trestle and replacement, including installing pilings in the abutments?

** what is the opinions of the people within 500 feet of the pilings?
** have they all been notified?

PAGE 46-7: PUBLIC SERVICES

a. Fire protection?
b. Police protection?

** Could the new bridge support a fire or police vehicle?

** what is the stated load rating
** Is it possible a restored Trestle could support a fire or police vehicle?
** what was the previous estimated load rating of the Trestle when in use?
** what could the load rating be of a restored Trestle?

d. Parks?
NO IMPACT. The proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities and there would be no impact.

** Could a retrofitted Trestle have mid bridge viewing platform?
** Could additional decking or other areas be created below the bridge and in addition or larger area than the proposed "viewing platform" of the new bridge?

3.15 RECREATION

** would an existing Trestle increase use of this park?
** would a new bridge increase the use of this trail?
** more or less than the retrofitted Trestle?

** yes, these are not per se what this section is about, but if we want usage to increase,
keeping an iconic Trestle will act as a MAGNET and GATEWAY to Willow Glen!

page 52-53 MANDATORY SIGNIFICANCE

** with all of these questions, does it not seem significance?
** how many other buildings or bridges are around from 1921 in San Jose?
** how many buildings are left from the cannery period.

Thanks so much for your assistance,

Scott

Susan M. Landry Environmental Architect
LA License No. 3161

To: City of San Jose, Planning Department **Date:** 16 Dec º13
Attn: Joseph Horwedel, Director **CSJ Proj. No:** PP13-085

Subj: My Public Comments

RE: PP13-085 ~ Three Creeks Trail Pedestrian Bridge Project's Letter titled *'Intent to Adopt'* A Mitigated Negative Declaration (MND), and the associated findings in the Initial Study (IS).

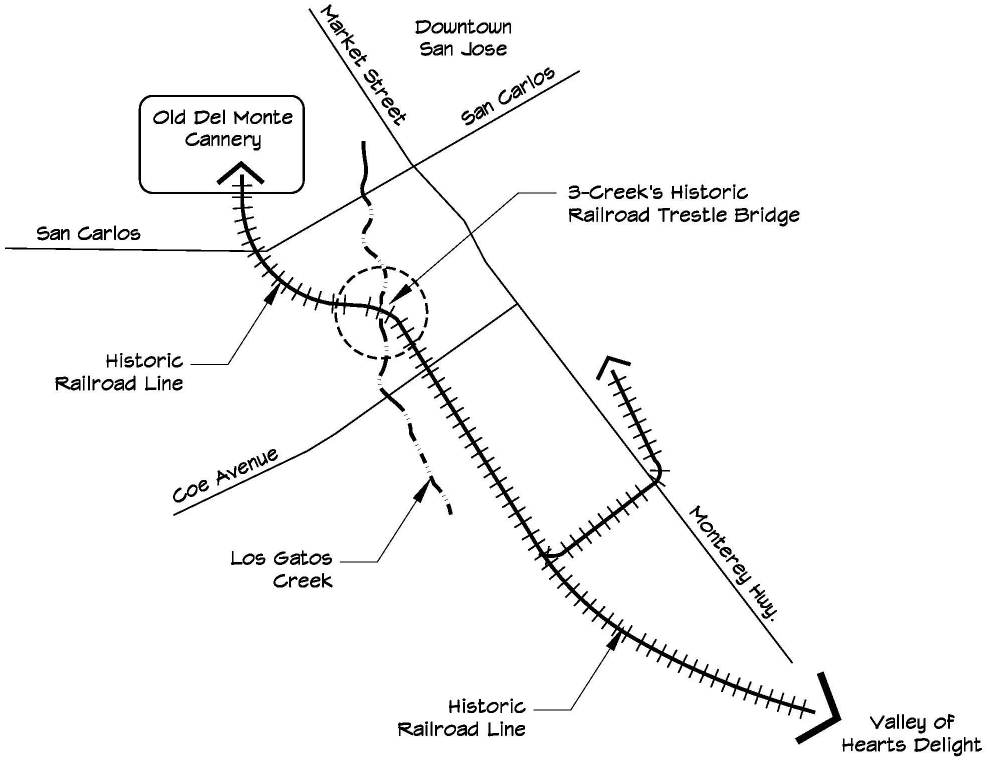
After review of CSJ~Planning's *'Intent To Adopt'* letter dated 19th Nov º13 for the above mentioned project and the associated IS/MND documents, I am providing written comments during the Public Review period that ends 19th Dec.

Regarding your recommendations, there are (2) Significant Findings – 'Scenic Vistas' and 'Historic Features' that **were not considered** in the preparation of the documents listed above. Recently discovered reports and documents contain historic information that was not taken into consideration and evaluated. The '3-Creeks RR Trestle Bridge' was considered an historic feature over 50 years ago in Professional Reports that are part of the discovered documents. The IS states that there is 'No Impact' to the scenic vista based on an outdated 2004 report for the CSJ's Los Gatos Creek Trail Project.

The '3-Creeks RR Trestle Bridge' is the Only Remaining Original 1920's Railroad's Wood Trestle Bridge along this Historic Rail Line. The '*Valley of Hearts Delight*', as Silicon Valley was historically known as, was a major source of fruit for the entire region. This historic RR line connected the Orchard in south San Jose to the old Del Monte Cannery of Willow Glen.

The IS/MND and associated 'Intent To Adopt' documents should be updated and re-evaluated to include this new information.

Susan M. Landry



Campbell, CA 95008
408.644.6936 environmental.architect@yahoo.com

From: Tom Anderson [tlapersonal@yahoo.com]
Sent: Thursday, December 19, 2013 1:41 PM
To: Davidson, John
Subject: Public response to File No. PP13-085

Mr. Davidson,

I am writing to add my voice to the chorus of San Jose citizens concerned about the plan to demolish the historic trestle over Los Gatos Creek and replace it with a pre-fabricated bridge. I simply do not understand how the project planners can fail to see the beauty of the existing structure. The Mitigated Negative Declaration makes the astounding statement that "The project will not have a significant impact on aesthetics or visual resources."

This is nonsensical. Replacing *anything* with something completely different in terms of age, materials, and appearance affects aesthetics and visual resources. Wooden trestles are iconic structures of the age of American expansion into the West via railroads. They are inherently historic and generally regarded as attractive if properly maintained. Think of Capitola: the great trestle spanning the town is its very heart. Yes, some portions have been modernized but they tie into the historic wooden structure.

Great cities do not order structures from catalogs. They preserve historic assets to the greatest extent possible and, when new construction occurs, they design and build site-specific structures that complement the city. I strongly urge San Jose's civic leaders to preserve the existing Los Gatos Creek Trestle. If for some reason this is truly impossible, then design and build a site-specific bridge of which we can be proud. Thank you for the opportunity to voice my opinion.

Tom Anderson
1140 Hanchett Ave.
San Jose, CA 95126