
*First Amendment to the
Draft Environmental Impact Report*

Three Creeks Trail Pedestrian Bridge Project

City of San José

April 2015

Preface

This document, together with the January 2015 Draft Environmental Impact Report (Draft EIR) for the Three Creeks Trail Pedestrian Bridge Project, constitutes the Final Environmental Impact Report (Final EIR) for the proposed project. The Draft EIR was circulated to affected public agencies and interested parties for a 45-day review period from January 28, 2015, to March 13, 2015. This document consists of comments received by the Lead Agency on the Draft EIR during the public review period, responses to those comments, and revisions to the text of the Draft EIR.

Under the California Environmental Quality Act (CEQA), the Final EIR is an informational document prepared by the Lead Agency that must be considered by the decision makers before approving the proposed project. CEQA Guidelines Section 15132 specifies that a Final EIR shall consist of the following:

- The Draft EIR or a revision of the draft
- Comments and recommendations received on the Draft EIR either verbatim or in summary
- A list of persons, organizations, and public agencies commenting on the Draft EIR
- The responses of the Lead Agency to the significant environmental points raised in the review and consultation process
- Other information added by the Lead Agency

In conformance with the CEQA Guidelines, the Final EIR provides objective information regarding the environmental consequences of the proposed project. The Final EIR also examines mitigation measures and alternatives to the project to reduce or eliminate significant environmental impacts. The Final EIR will be used by the City and other responsible agencies in making decisions regarding the project. The CEQA Guidelines require that, while the information in the Final EIR does not control the agency's ultimate decision on the project, the agency must respond to each significant effect identified in the Final EIR by making written findings for each significant effect before it approves a project.

According to Section 21081 of the California Public Resources Code, no public agency shall approve or carry out a project for which a certified EIR identifies one or more significant effects on the environment that would occur if the project is approved and carried out unless both of the following occur:

(A) The public agency makes one or more of the following findings with respect to each significant effect:

- 1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.
- 2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

(B) With respect to significant effects that were subject to a finding under paragraph (3) of subdivision (A), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

The Final EIR will be made available to the public and commenting public agencies 10 days before the EIR certification hearing.

All documents referenced in this EIR are available for public review at the City of San José Department of Planning, Building, and Code Enforcement, 200 East Santa Clara Street, San José, California, on weekdays during normal business hours.

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SECTION 1

List of Agencies, Organizations, and Individuals Who Received the Draft EIR

Copies of the Draft EIR and/or Notice of Availability for the Draft EIR were sent to the following agencies, organizations, and individuals:

- Dick Silva
- Jack Nadeau
- Gayle Frank
- Dan Chapman
- Brian Grayson, Preservation Action Coalition
- Friends of the Willow Glen Trestle
- SPUR San Jose
- Committee for Green Foothills
- Save Our Trails
- Ada Marquez
- Martha Heinrichs
- Larry Ames
- Liv Ames
- Chris Dresden
- Taisa McMahan
- Diane Solomon
- Emily Chen
- Peter Miron-Conk
- Bruce Tichinin
- Carolyn Rogozen
- Heather Lerner
- Santa Clara Valley Water District
- Susan Landry
- Janet Burdick
- Cathy Rubin
- Robert Jakovina
- Severn Edmonds
- Heather Lerner
- Lisle Cohen
- Debbie Erwin
- National Marine Fisheries Service

In addition, copies of the Draft EIR were provided to the State Clearinghouse in Sacramento for distribution to state agencies, including the Department of Fish and Wildlife, Native American Heritage Commission, Office of Historic Preservation, Department of Parks and Recreation, and the San Francisco Bay Regional Water Quality Control Board.

SECTION 2

List of Comment Letters Received on the Draft EIR

This document contains the comment letters received on the Draft EIR. Each letter has been assigned a number. Each comment within the letter also has been assigned a number, noted in the right margin of the letter. Table 1 lists the commenting party, comment letter signatory, and date of the comment letter.

TABLE 1

List of Comment Letters

No.	Agency/Organization/Individual	Comment Letter Signatory, Date
1	Bob & Harriet Jakovina	January 28, 2015
2	Bud Beede	February 5, 2015
3	Catherine Loughman	February 5, 2015
4	Peter Carlson, Ph.D.	February 7, 2015
5	Chuck Sievert	February 7, 2015
6	JohnMichael O'Connor	February 15, 2015
7	Arthur J. Koelling	February 20, 2015
8	Donald Clark	February 21, 2015
9	Rick Andrakin	February 23, 2015
10	California Trolley and Railroad Corporation	David Ginsborg, President – February 26, 2015
11	Steven Malone	March 2, 2015
12	Bob & Harriet Jakovina	March 3, 2015
13	Kristal Caidoy	No date
14	Jim Carter	March 4, 2015
15	California Office of Historic Preservation, Local Government & Environmental Compliance Unit	Sean de Courcy, State Historian II – March 4, 2015
16	April Halberstadt	March 4, 2015
17	Heather Lerner	March 4, 2015
18	John S. Leyba	March 4, 2015
19	Kathleen Pimentel	March 4, 2015
20	Susan Price-Jang	March 4, 2015
21	City of Campbell Historic Preservation Board	Susan Blake – March 4, 2015
22	Walter Soellner	March 4, 2015
23	Diane Solomon, CPA	March 4, 2015
24	Peggy White	March 4, 2015
25	Shawn A. Milligan	March 5, 2015

TABLE 1
List of Comment Letters

No.	Agency/Organization/Individual	Comment Letter Signatory, Date
26	Phil Rolla	March 5, 2015
27	Kathleen Pimentel	March 7, 2015
28	Steve Anderson	March 9, 2015
29	Craig & Cathy Charon	March 9, 2015
30	Jeff Silvas	March 9, 2015
31	Kristie Kuechler	March 9, 2015
32	California Office of Historic Preservation, Department of Parks and Recreation	Carol Roland-Nawi, Ph.D., State Historic Preservation Officer – March 6, 2015
33	Josh Baird	March 11, 2015
34	Terence Fox	March 11, 2015
35	Whitney Heinrichs	March 11, 2015
36	Megan M. Jensen, Ph.D.	March 11, 2015
37	Friends of the Three Creeks Trail, Inc.	Taisia McMahon, President – March 11, 2015
38	Christopher Schumb	March 11, 2015
39	Toni and Roger Evans	March 12, 2015
40	Gayle Frank	March 12, 2015
41	Preservation Action Council of San José	Brian K. Grayson, Executive Director – March 12, 2015
42	Martha Heinrichs	March 12, 2015
43	Jack Nadeau	March 12, 2015
44	Gwynne Rolla	March 12, 2015
45	City of San José Historic Landmarks Commission	Max Schultz, Vice Chair – March 12, 2015
46	Larry Ames	March 13, 2015
47	Jim Carter	March 13, 2015
48	Patricia Curia	March 13, 2015
49	Jean Dresden	March 13, 2015
50	Scott Lane, E.D., VOHD	March 13, 2015
51	Susan M. Landry	March 13, 2015
52	Heather Lerner	March 13, 2015
53	John Mitchell	March 13, 2015
54	National Oceanic and Atmospheric Administration, National Marine Fisheries Service	Alecia Van Atta, Acting Assistant Regional Administrator, California Coastal Office – March 12, 2015

SECTION 3

Revisions to the Text of the Draft EIR

This section contains revisions to the Draft EIR. Revised or new language is underlined. Deletions are shown with a line through the text.

Page ES-6 Executive Summary – under Alternatives to the Proposed Project, Summary Comparison of Alternatives (between Tables ES-1 and ES-2); **delete** the following text:

Both the proposed project and the Retrofit Alternative would provide a bicycle and pedestrian crossing of Los Gatos Creek on the alignment designated in relevant plans and policies; therefore, both would meet a fundamental City objective. ~~As described Section 1.1, the Retrofit Alternative would not be as cost effective as the proposed project due to long-term maintenance needs. In addition, t~~The Retrofit Alternative may require short-term closures during larger maintenance activities, to undertake future retrofit projects, and to repair fire damage. In terms of environmental impacts, both alternatives would be similar, in that they result in a short-term disruption of the bridge footprint and surrounding areas – temporary impacts would occur in either case, and standard controls and mitigation measures would be implemented to minimize the extent of the impacts.

Page 6-2 Description of Alternatives – 5th paragraph under 6.2.1 Retrofit Alternative; **revise** the following text:

The existing trestle has ~~been the subject of multiple arson attempts~~ had many fires set on or near it, as documented by San José Fire Department records. To reduce the potential for damage caused by fire, maintenance of the bridge would include (but would not be limited to) the following:

Page 6-3 Description of Alternatives – 2nd paragraph under 6.2.2 No Project Alternative; **revise** the following text:

The existing trestle has ~~been the subject of multiple arson attempts~~ had many fires set on or near it, as documented by San José Fire Department records. To reduce the potential for damage caused by fire, maintenance of the bridge would include (but would not be limited to) the following:

Page 6-4 Comparative Analysis of Alternatives – 1st paragraph under 6.3.1 Retrofit Alternative; **revise** the following text:

As discussed in Section 3.1.3, the project area may be considered to be a scenic vista. The Retrofit Alternative would include replacing the existing deck with a concrete deck, installing a new 54-inch galvanized metal railing, and making structural modifications to the existing trestle. These modifications would change the appearance of the existing trestle (see Figure 6-1). The recreational and aesthetic amenities that are part of the proposed project would likely also be incorporated into the Retrofit Alternative, pending final design. These include interpretive signs and the elements that recall railway operations. Because the existing trestle has ~~been the target of arson attempts~~ been set on fire or has had fires set around it, vegetation would be maintained at low level for at least 25 feet on either side of the bridge.

Comments and Responses

During the review of the public comments received on the Draft EIR, the City of San José identified three recurring themes, which are expressed in this section. Instead of repeating responses to these themes throughout the individual responses, the City of San José is responding to them in this section. When individual comments can be addressed (or partially addressed) by a Master Response, the individual response directs the reader to the following text.

Master Response 1: Findings of the Historical Evaluation

Several comments disagreed with the findings of the Historical Evaluation (Draft EIR Appendix F), including both the overall determination that the trestle is not historic and with specific criteria addressing the history of the railroad and its association with Willow Glen and the canning industry.

Some of these comments expressed an opinion, but did not provide substantial evidence supporting their claims. These comments are noted as being in support of preservation or the Retrofit Alternative, but do not warrant a detailed, technical response.

Other comments provided additional information, some in great detail. All new information was considered, and in some cases, the new information was determined to be worthy of inclusion in the Historical Evaluation. Examples of information added to the Historical Evaluation include the following.

- Information about the Western Pacific passenger and freight terminal facilities and the canneries served by the branch line.
- Information about Western Pacific business practices such as using less-than-full rail cars.
- Names of key individuals involved in the events described in the report, including San José businessman T.S. Montgomery and local attorney L.D. Bohnett.

The updated Historical Evaluation is attached to this First Amendment (see Revised Appendix F).

It is important to note that the new information and the resulting updates to the Historical Evaluation do not change the fundamental conclusion that the trestle is not historic. In other words, the trestle does not meet the criteria for inclusion on either the State or National Registers, and does not appear to meet the criteria for inclusion on the City Landmark Inventory (although the City Council is the final arbiter of that decision – see Master Response 2).

CEQA provides a clear definition of what constitutes new information that requires recirculation of an environmental document. CEQA Guidelines Section 15088.5(a) states, “A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term ‘information’ can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. ‘Significant new information’ requiring recirculation include, for example, a disclosure showing that: (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented; (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance; (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it; (4) The

draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” Furthermore, Section 15088.5 (b) states, “Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

The new information does not meet the recirculation standard, as it merely clarifies and amplifies the information contained in the EIR, particularly with regard to the Historic Resources discussion.

Master Response 2: City of San José Historic Landmarks Commission

Many comments discussed the role of the City’s Historic Landmarks Commission (HLC) and its importance to determining if the trestle is a local historical resource (i.e., a city landmark). The process for designating a city landmark is described in the San José Municipal Code, Section 13.48.110. The HLC is responsible for nominating properties for landmark designation and forwarding its recommendations to the City Council for approval, but the City Council is the final decision-making authority on city landmark designations. At this time, the City Council has not approved the designation of the trestle as a city landmark.

The HLC first considered the proposed project in November 2013, in response to the Initial Study/Mitigated Negative Declaration process that was occurring at that time. The discussion was advisory and did not include a vote to nominate the trestle for city landmark designation. The HLC again considered the proposed project on March 4, 2015, which was during the comment period on the Draft EIR. At that time, the HLC took the following two actions: (1) directed that a comment letter be sent disagreeing with the findings in the Draft EIR, and (2) directed that the trestle be nominated for city landmark designation and considered at a future meeting. At its meeting on May 6, 2015, the HLC may recommend that the trestle be nominated for city landmark designation. Action by the City Council on the HLC’s recommendation would follow.

Other comments addressed the timing of this process relative to the EIR’s determination that there would be no impacts on historical resources. The approach used in the EIR remains valid, as there is still no official determination that the trestle is a city landmark. Building upon the analysis of the trestle’s historical status using the National Register and State Register criteria, the EIR further evaluated the potential for the trestle to be a city landmark using the decision criteria from the San José Municipal Code (i.e., the eight criteria listed in Section 13.48.110[H]). Based on these criteria, the EIR determined that the trestle did not appear to be a locally significant historical resource, but also stated that the City Council will make a final determination. This is a reasonable exercise of discretion, as it was necessary to provide an opinion relative to the City’s criteria in the absence of an official city action. If the HLC nominates the trestle for city landmark designation and City Council approves the nomination, the EIR’s evaluation of historical resource impacts (i.e., no impact) would need to be redone.

Note also that the “tally card” referenced in several comments is not a required part of the landmark designation process. The City maintains the Historic Evaluation Criteria Worksheet – the “tally card” – as a screening mechanism to determine if a property requires a qualitative historic analysis as part of the development review process. When a property or structure scores 33 points or greater on the tally card, the City requires submittal of a report evaluating the potential resource for qualification for historic listing at the local, state, and/or federal level. A tally card is not required as part of this process because the City has already prepared a full historic analysis.

Master Response 3: Project Costs/Comparison

Several comments addressed the relative costs of the proposed project (i.e., bridge replacement) and the Retrofit Alternative, including the cost comparison table in the Bridge Retrofit Report (Table 16 of Appendix G). For the purposes of the CEQA evaluation, costs are not relevant to either the impact analysis or to the determination of the environmentally preferred alternative. For the most part, discussion of costs was mostly limited to the footnote in Chapter 1 summarizing the cost information in the Bridge Retrofit

Report. A sentence in the Executive Summary mentioning costs was unnecessary and has been removed from the EIR (see Section 3 of this First Amendment).

The City's decision on the selection of its preferred alternative depends on many social, economic, and environmental factors. The CEQA process provides a forum to address environmental impacts; other decisions are made with information from other processes such as engineering studies. The EIR includes the Bridge Retrofit Report to inform reviewers about the extent of the Retrofit Alternative, both in terms of construction and its anticipated long-term maintenance needs. As an engineering feasibility study, the report includes cost information, including comparative information leading to the authors' determination that the bridge replacement project was, in the long-term, the more cost-effective alternative. Because that information is not relevant to the CEQA evaluation or the determination of the environmentally preferred alternative, this First Amendment does not defend or otherwise justify the results of the Bridge Retrofit Report.

Notwithstanding the above, the City recognizes that many commenters studied the cost information and trade-off matrix in the Bridge Retrofit Report and raised questions about the report's assumptions and conclusions. In light of this attention, the City is in the process of preparing an independent cost evaluation of the proposed project and the Retrofit Alternative to further inform these commenters and the City's decision makers about project costs. As described above, the information in the report will not influence the environmental impacts evaluation or the determination of the environmentally preferred alternative.

1. Bob & Harriet Jakovina

Re: City of San Jose--Three Creeks Trail Pedestrian Bridge Notice of Availabilitiy

Robert Jakovina <r.jakovina@comcast.net>

Wed 1/28/2015 7:04 PM

Inbox

To:Davidson, John <John.Davidson@sanjoseca.gov>;

Cc:Robert Jakovina <r.jakovina@comcast.net>;

John,

This is great news. Let's move ahead with the replacement of the trestle , put up the new bridge and complete the trail before we reach 90 and can't use it.

Bob & Harriet Jakovina

1

On Jan 28, 2015, at 6:10 PM, Davidson, John <John.Davidson@sanjoseca.gov> wrote:

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) AND PUBLIC COMMENT PERIOD

Draft Environmental Impact Report (EIR) for the Three Creeks Trail Pedestrian Bridge Project (File No: PP13-085), to provide bicycle and pedestrian access on a new bridge structure across Los Gatos Creek, connecting both the Los Gatos Creek Trail and the Three Creeks Trail, which would include the removal of the existing structure (a former railroad trestle).

Council District: 6

The proposed project will have potentially significant environmental effects with regard to Archaeological Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise, but mitigation measures will reduce the impacts to less than significant levels. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present at the project location. The project location is not contained in the Cortese List of toxic sites.

The Draft EIR and documents referenced in the Draft EIR are available for review online at the City of San José's website:<http://www.sanjoseca.gov/index.aspx?NID=2434> and are also available at the following locations:

Department of Planning, Building & Code Enforcement
200 E. Santa Clara St.
San José, CA 95113

(408) 535-3555

Willow Glen Branch Library
1157 Minnesota Avenue
San Jose, CA 95125
(408) 808-3045

Dr. Martin Luther King Jr. Main Library
150 E. San Fernando St.
San José, CA 95112
(408) 277-4822

COMMENT PERIOD

The public review period for this Draft EIR begins on **January 28, 2015** and ends on **March 13, 2015**. Written comments must be received at the Planning Department by 5:00 p.m. on **March 13, 2015**, in order to be addressed as part of the formal EIR review process. Questions and comments on the Draft EIR should be referred to John Davidson in the Department of Planning, Building & Code Enforcement at (408) 535-7895, via e-mail to john.davidson@sanjoseca.gov, by fax at (408) 292-6055, or by regular mail at the mailing address listed above. Please reference the above file number in your written comment letter.

PUBLIC MEETING ON THE DRAFT EIR

A public meeting on the Draft EIR to receive public comments on the document will be held on **Thursday, February 5, 2015 at 5:30 p.m.** at the Willow Glen Community Center, Room 300 (2175 Lincoln Avenue, San José). **All comments must be received in writing.**

RESPONSES TO COMMENTS AND CERTIFICATION

Following the close of the public review period, the Director of Planning, Building, and Code Enforcement will prepare a First Amendment to the Draft Environmental Impact Report that will include responses to comments received during the review period. Ten days prior to the public hearing on the EIR, the City's responses to comments received during the public review period will be available for review and will be mailed to those who have commented in writing on the DEIR during the public review period. Taken together, the Draft EIR and First Amendment constitute the Final EIR.

A public hearing before the City Council to consider certification of the Final EIR is expected to be held in May 2015, following receipt and consideration of comments on the Draft EIR.

Harry Freitas, Director
Planning, Building and Code Enforcement

Comment Letter 1—Bob & Harriet Jakovina, January 28, 2015

Response to Comment 1-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

2. Bud Beede



Department of Planning, Building, and Code Enforcement
HARRY FREITAS, DIRECTOR

**THREE CREEKS PEDESTRIAN BRIDGE
ENVIRONMENTAL IMPACT REPORT (FILE NO. PP13-085)**

**EIR Informational Meeting
Thursday, February 5, 2015**

PUBLIC COMMENT SHEET

To be included in the public record for this project, all comments on information and conclusions contained in the EIR must be made in writing and submitted by **5 p.m. on Friday, March 13, 2015**. Please send comments to: John Davidson, City of San Jose Senior Planner via one of the following modes:

By Mail: 200 East Santa Clara Street, T-3, San José CA 95113-1905
Or Email: john.davidson@sanjoseca.gov

Name: Bud Beede Email: Beede@TJLohr.com
Address: 352 Hull Ave Phone: 408 591-5056
95125

Comments:
seem to have little or no info on
creosote Release when pilings were
Removed. Odd since this should
have been monitored when sister
Bridge was removed downtown SJ.

Comment Letter 2—Bud Beede, February 5, 2015

Response to Comment 2-1

Release of creosote is addressed in detail in the EIR. See Impact BIO-1 and MM BIO-1 on pages 3-25 through 3-28. Also see Ecological Toxicity Report (Appendix D). No changes to the EIR are required.

3. Catherine Loughman



Department of Planning, Building, and Code Enforcement
HARRY FREITAS, DIRECTOR

**THREE CREEKS PEDESTRIAN BRIDGE
ENVIRONMENTAL IMPACT REPORT (FILE NO. PP13-085)**

**EIR Informational Meeting
Thursday, February 5, 2015**

PUBLIC COMMENT SHEET

To be included in the public record for this project, all comments on information and conclusions contained in the EIR must be made in writing and submitted by **5 p.m. on Friday, March 13, 2015**. Please send comments to: John Davidson, City of San Jose Senior Planner via one of the following modes:

By Mail: 200 East Santa Clara Street, T-3, San José CA 95113-1905
Or Email: john.davidson@sanjoseca.gov

Name: Catherine Loughman Email: Cathy - Loughman
Address: 538 Coe Ave Phone:
San Jose CA 95125

Comments:

Please please please
build the bridge -
cyclists WANT this bridge

The old trestle blocks the flow of
the creek and is a sitting duck
for homeless people to set it on
fire again -

1
2
3

Comment Letter 3—Catherine Loughman, February 5, 2015

Response to Comment 3-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

Response to Comment 3-2

Hydrologic impacts of the trestle are described in Impact HYDRO-1 on pages 3-46 through 3-48. See especially Table 3.9-2.

Response to Comment 3-3

For a detailed response to the question of fire risk, see Response to Comment 46-5.

4. Peter Carlson, Ph.D.

Yes to new bridge for Three Creeks Trail Pedestrian Bridge Project (File No. PP13-085)

Peter Carlson <pcarlson@pobox.com>

Sat 2/7/2015 3:27 PM

Inbox

To: Davidson, John <John.Davidson@sanjoseca.gov>;

I believe the new bridge should be constructed instead of retrofit or no project.

The damage to the immediate environment is far worse if the new bridge is not built.

1

Peter Carlson, PhD
Software Architect | Technical Writer
pcarlson@pobox.com
www.petercarlson.info
m: 650-690-0821
1000 Ramona Avenue
San Jose, CA 95125

Comment Letter 4—Peter Carlson, February 7, 2015

Response to Comment 4-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

The relative merits of the proposed action and the retrofit alternative are discussed in the Executive Summary.

5. Chuck Sievert

Three Creeks Trail Pedestrian Bridge Project

Chuck Sievert <csievert@gmail.com>

Sat 2/7/2015 10:08 AM

Inbox

To: Davidson, John <John.Davidson@sanjoseca.gov>;

I'm writing specially to show my support of *demolishing* the old wood trestle and replacing it with a much safer steel and concrete bridge.

1

I really hope this project is not thrown off track again. This is been taking forever.

Thanks,
Chuck Sievert
Willow Glen, San Jose Resident

Comment Letter 5—Chuck Sievert, February 7, 2015

Response to Comment 5-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

6. JohnMichael O'Connor

Waste of precious money

JohnMichael O'Connor <jmolaw@pacbell.net>

Sun 2/15/2015 9:21 AM

EIR comments

To: Dale Bryant <dbryant@community-newspapers.com>;

Cc: Davidson, John <John.Davidson@sanjoseca.gov>;

Larry Ames and his small group of misguided preservationistas have wasted over \$500k of taxpayer money on an ill advised EIR regarding the Willow Glen trestle; money that could have been better spent by the city maintaining parks. I'd bet Mr. Ames and his cohorts that the trestle is less important to the majority of Willow Glen residents than he and his preservation fanatics believe. Indeed, I doubt if even 5% of Willow Glen residents have ever seen the trestle, let alone believe that the \$500k the city spent responding to his ill-advised crusade was worth it. I'd also bet that citywide fewer than 5% of residents even know it exists. It's easy to stir up the pot when you are using other people's money. Too bad we can't stick Mr. Ames and his preservationistas with the bill for the EIR and the steel already purchased by the city. If these fringe crazies had to pony up their own money for their pet projects that few people care about, we'd see far less of their elitist nonsense.

JohnMichael O'Connor
Willow Glen

_____ Information from ESET NOD32 Antivirus, version of virus signature database 11177 (20150214) _____

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

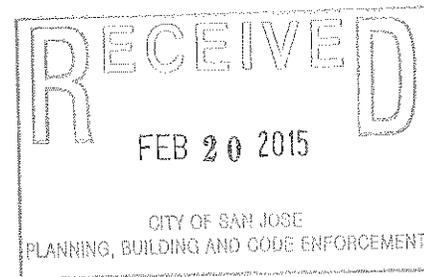
Comment Letter 6—JohnMichael O'Connor, February 15, 2015

Response to Comment 6-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

7. Arthur J. Koelling

Arthur J. Koelling
1401 De Rose Way #305
San Jose Ca 95126
artkoelling@att.net
408 938-0848



Mr. John Davidson
200 E. Santa Clara Street
San Jose CA 95113

Ref: PP13-085

Dear Mr. Davidson:

I strongly oppose tearing down any structure which was built in anything built early last century such as the Willow Glen Railroad Trestle. It should be restored to its original condition.

1

In spite of the EIR claim that "It is not historic," it is to me.

I'm so tired of hearing things like Sunnyvale's Murphy House being leveled. (I was a resident of another state when it happened.)

2

Also the late Steve Jobs owned an estate in Woodside on which was located an old house of historic signifiigance and he pleaded with local authorities to raise that old house until he somehow got an OK.

I don't want ot see the anything happen to the Willow Glen Railroad Trestle.

Sincerely Yours,

A handwritten signature in cursive script that reads "A. Koelling".

Arthur J. Koelling

Comment Letter 7—Arthur J. Koelling, February 20, 2015

Response to Comment 7-1

This comment expresses the desire to preserve and retrofit the existing trestle and opposes the bridge replacement. Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project.

Response to Comment 7-2

For a discussion of the findings of the Historical Evaluation, see Master Response 1.

8. Donald Clark

Public Consultation - PP13-085 - Three Creeks Trail draft EIR

Donald Clark <donald@clark-family.net>

Sat 2/21/2015 12:22 PM

EIR comments

To: Davidson, John <John.Davidson@sanjoseca.gov>; Zsutty, Yves <Yves.Zsutty@sanjoseca.gov>;

Dear John

Thanks for the opportunity to provide public input to this draft EIR [PP13-085].

I focused my attention on the executive summary, and some key sections around the costs of alternatives and the historical issues. The document appeared very thorough so my thanks for that - and also for engaging strongly with the community over this long-delayed project.

First - let me declare my biases. I live in North Willow Glen a short walk from the trail alignment and South end of the bridge. I cycle to work the majority of the time for which I use the Guadalupe River Trail. I have a young family who go to school in Willow Glen.

My summary of this process to date is:

- the City was pressing ahead with a plan to complete the Three Creeks Trail Western alignment, including using the same steel single-span bridging approach common on all the local trails (GR, STA, LGC etc)
- a section of the local community are of the view that the existing wood trestle bridge should be kept and retrofitted.
- this section of the local community didn't consider that a complete/suitable EIR had been conducted and took the City to Court. The Court agreed and we now have this current document.

My summary of the EIR findings are:

- the single-span steel bridge is the most effective cost option [that fits with plans and policies]
- the single-span steel bridge has the lowest environmental impact.

So, the outcome appears straightforward - to press on with the original plan to put the steel single-span bridge in place and then finish all the related trail works.

I fully and strongly endorse such a plan.

My fear is that a section of the local community has become fixated on what they perceive as the historic value of the existing wooden trestle and will try to use any process, legal and PR measures they can to achieve the outcome they seek (the retrofit or otherwise preservation of the existing trestle).

The problem with this, is shared with any extremism.

I fully support and strongly support the right (and obligation) for different community perspectives to come forward. All views should be considered seriously and weighed as part of a balanced decision that is in the best interests of the wider local community.

... as part of a balanced decision that is in the best interests of the wider local community.

From all I've read (many submissions), the fixation on the "historical" nature of the existing trestle boils down to: it's old, and it looks 'quite nice', and therefore it should be preserved.

Preserved, even at the expense of delaying the building of new local park facilities (snack shack at Frank Bramhall)? Even at the expense of increasing my chance of having a serious accident every time I ride my bike on the road when I could be using this trail? Even at the expense of the long-term benefits of progressing our trail networks, opening up access to the new dog park / playpark at Del Monte for residents South of the river; even at the expense of upgrading or maintaining existing play structures for young families?

Good public process involves making trade-offs to maximise overall public good.

That this group have held the City's "toes to the fire" on due process for EIRs is to the good.

However, it is clear that the current section of the community driving for the wooden trestle's preservation will only be satisfied by the cancellation of this proposed project. When the City simply gives up and leaves.

There is a place for passion, but in this case, the passion of a few - if it holds sway - will be to the detriment of the many. A good fight has been fought, now let them defer gracefully.

Please factor this plea to reason, to due process, to expert information, to balance, and to regard for the wider long-term benefits of the community into your consultation process.

I encourage you to not give up on the proposed project - nor the significant benefits it will bring to our community for being completed as soon as possible

Warmly yours

Donald Clark
Willow Glen

[please excuse any typos / grammatical / logical errors]

Comment Letter 8—Donald Clark, February 21, 2015

Response to Comment 8-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

9. Rick Andrakin

FW: Trestle

Andrakin, Richard <rick.andrakin@hp.com>

Mon 2/23/2015 3:14 PM

EIR comments

To: Davidson, John <John.Davidson@sanjoseca.gov>;

Cc: Oliverio, Pierluigi <Pierluigi.Oliverio@sanjoseca.gov>;

PLEASE, go forward with new construction. Do not let the person, or group, delay the upgrade more than has already happened. I was just talking with a nice old lady neighbor, who like me has a dog. She has to pack the dog in the car and drive to the dog park, because she is nervous about the bridge safety as well as the frightening homeless people that we see there almost daily. This is crazy, since it would be a short walk over a nice bridge / trail. We both, and many others, would appreciate having a beautiful bridge addition to the neighborhood. FYI. I live on the corner of Coe and Leona CT, and see the bridge or lack thereof every day. | 1

Thank you, Peirluigi and all others, for your continued work with this project.

Rick Andrakin

> -----Original Message-----

> From: Oliverio, Pierluigi [<mailto:Pierluigi.Oliverio@sanjoseca.gov>]

> Sent: Friday, February 20, 2015 9:44 AM

> To: Andrakin, Richard

> Subject: Trestle

>

>

> Hi Rick,

>

> Hope all is well.

>

> Comments due on the trestle by end of the month on the EIR.

> Report stated that the structure is not historic and removal of the trestle would have biological and hydrological benefits.

>

> Please send them to John.Davidson@sanjoseca.gov

>

> Make sense?

>

> Regards,

> Councilmember

> Pierluigi Oliverio

>

> www.SJdistrict6.com

>

> https://www.facebook.com/pages/Councilmember-Pierluigi-Oliverio/212180321127?ref=tn_tnmn

>

> Sent from my iPad

Comment Letter 9—Rick Andrakin, February 23, 2015

Response to Comment 9-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

10. California Trolley and Railroad Corporation



California Trolley and Railroad Corporation
c/o MTT
210 N. 4th St., 4th Fl.
San Jose, CA 95112

Board of Directors

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David Ginsborg

First Vice President
Mike Kotowski

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David Niederauer
Tim Starbird
Charlie Wynn

Founder and President Emeritus
Hon. Rod Diridon

February 26, 2015

Hon. Sam Liccardo, Mayor
and Hon. Council Members
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

RE: Draft Environmental Impact Report for the Three Creeks Trail
Pedestrian Bridge Project

Dear Mayor Liccardo and Council Members:

We write to urge the Mayor and City Council to support preservation of the historic train trestle at Lonus Avenue in Willow Glen along the Three Creeks Trail. We make this request on behalf of the Board of the California Trolley and Railroad Corporation (CTRC), which voted unanimously to urge the Mayor and City Council to request the Council both hold another public hearing to receive new public input and direct staff to preserve the historic train trestle. In doing so, you will help restore an important bridge to the past. Specifically we recommend that the San Jose City Council select the "Retrofit Alternative" described in the draft EIR to be the "Preferred Alternative" selected for implementation.

1

The mission of CTCRC is to preserve and reflect the rich legacy of rail transportation in the Santa Clara Valley for the educational and recreational benefit of current and future generations. Since our founding in 1981 we not only continue to operate four trolleys in History Park, but have also restored nine historic trolley cars, built the Trolley barn and street trackage in History Sa Jose Park, and spearheaded the restoration and movement of the signature historic locomotive featured at the entrance to History San Jose Park. Working to save a historic train trestle is consistent with our mission and we were unaware of the City's decision; had we known we would have contacted the City during the previous hearing.

As you know, San Jose has had a track record of making "progress" at the expense of its history only to later regret some of those decisions. More important when additional time and effort has been expended to preserve our history, such as most recently with the rejuvenation of San Pedro Square and the Peralta Adobe, we have been rewarded through an outpouring of support that has led to community building and residents taking greater interest and pride in their community. That is exactly what is occurring here as with other efforts to preserve the past. By preserving this historic trestle San Jose will gain—at an unusually small cost for a historic project—that hard to achieve intrinsic sentiment that we are more than just another city.

2

Hon. Mayor and Council Members
City of San Jose
February 26, 2015

Page Two

The trestle is a classic 90-year old structure, which were once common, and are almost now nonexistent. Aside from the qualitative enhancement to the trails system, preserving this trestle for future generations will help residents make a small connection to the critical role that rail played in the economic success of our region. That history cannot be understated. The arrival of the railroad in San Jose meant we now possessed the vital linkage to the growing urban center to the north, San Francisco, which ultimately would provide the even more essential link to the east for both freight and passenger service. The agricultural economy that was the Santa Clara County of the nineteenth and first half of the twentieth centuries was able to find a national market for its crops. Migration from the east and Midwest suddenly became much easier and safer.

3

Finally, the Trestle will add to the potential and much needed resurgence of that portion of Willow Glen, accentuated by the acquisition in June of the Roberto-Sunol Adobe by the California Pioneers which plans to open a museum at the location. It should also be noted that trestle reuse in other cities have furthered those communities' interest in trail use by drawing much needed attention to these projects. Going forward we ask that you not only redirect staff to preserve this trestle but also direct staff to include CTRC and other similar historic organizations and commissions when decisions are underway concerning demolitions of the very few remaining historic trestles. The trestle along the Coyote Trail, adjacent to Kelly Park at Senter Road, is an example of possibly the only other historic trestle in San Jose remaining under public ownership.

4

In closing we strongly urge that the trestle be preserved to reflect its part in the rich legacy of rail transportation in the Santa Clara Valley for the educational and recreational benefit of current and future generations.

Sincerely,



David Ginsborg
President
California Trolley and Railroad Corporation

DG:lrj

**Comment Letter 10—David Ginsborg, California Trolley and Railroad Corporation,
February 26, 2015**

Response to Comment 10-1

This comment expresses the desire to preserve and retrofit the existing trestle and opposes the bridge replacement. Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project.

Response to Comment 10-2

The commenter expresses support for historic preservation in general, referencing the social and economic benefits of other recent projects (i.e., San Pedro Square and Peralta Adobe). The City agrees with the value of historic preservation. The question is whether the trestle is historic as defined by CEQA. As described in the Historical Evaluation (Appendix F) and in Master Response 1, the trestle does not meet the criteria to be considered as a historic resource.

Response to Comment 10-3

For a discussion of the findings of the Historical Evaluation, see Master Response 1. Additionally, see Response to Comment 10-2.

Response to Comment 10-4

The commenter expresses support for preservation, similar to Comment 10-1. In addition, the commenter addresses processes whereby CTRC and other similar organizations participate in the City's historic preservation processes – see Master Response 2. The comment letter also addresses the presence of other timber trestles in San Jose. This has been researched by other commenters; for example, see Comment Letter 49-1 (Jean Dresden). Based on the additional information presented, updates to the Historical Evaluation recognize the presence of additional timber trestles in Santa Clara County. However, the exact number, location, and condition of the remaining trestles have not been verified. Note that the new information does not change the conclusion that the trestle does not meet the criteria for inclusion on either the State or National Registers, and does not appear to meet the criteria for inclusion on the City Landmark Inventory (although the City Council is the final arbiter of that decision).

11. Steven Malone

Willow Glen Trestle

Steve Malone <malone_steven@yahoo.com>

Mon 3/2/2015 6:36 PM

EIR comments

To: Davidson, John <John.Davidson@sanjoseca.gov>;

Mr Davidson,

I am a 20 year resident of Willow Glen and a 30 year resident of San Jose. I am a frequent bicyclist who uses the Los Gatos and Guadalupe creek trails. I strongly support installing the new steel bridge to connect the Los Gatos creek and Three Creeks trails. While I have a history as a preservationist, in this case it seems that the expense and maintenance costs for restoring the old trestle bridge would be a foolish expenditure and hold up the development of the Three Creeks trail.

Regards,

Steven Malone
859 Willow Glen Way
San Jose, CA. 95125

Sent from my iPad

Comment Letter 11—Steven Malone, March 2, 2015

Response to Comment 11-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

12. Bob & Harriet Jakovina

Re: Trestle

Oliverio, Pierluigi

Tue 3/3/2015 7:21 PM

EIR comments

To: Robert Jakovina <r.jakovina@comcast.net>;

Cc: Davidson, John <John.Davidson@sanjoseca.gov>;

Hello,

Thanks for the email.

I have copied John Davidson from the planning department who is recording comments for the EIR. Thanks for sharing. The last day for comments from who support or oppose is March 13.

Regards,
Councilmember
Pierluigi Oliverio

www.SJdistrict6.com

https://www.facebook.com/pages/Councilmember-Pierluigi-Oliverio/212180321127?ref=tn_tnmn

Sent from my iPad

> On Mar 3, 2015, at 7:17 PM, Robert Jakovina <r.jakovina@comcast.net> wrote:

>

> Pierluigi,

>

> I know we agree on the trestle removal but since Larry Ames is having a "tour the trestle" March 7th I want to again tell you Harriet and I agree with the EIR report. Remove the trestle it will cause little damage and will remove creosote soaked wood from the environment. Removable will also allow for better water flow and stop toxic materials in the river. How much longer must we wait for a trail? I am 72 and would like to walk the trail that was promised 15 years ago before my 75th birthday. Make it happen . No more taxpayer money on study. Put up the new bridge . Bob & Harriet Jakovina

Comment Letter 12—Bob & Harriet Jakovina, March 3, 2015

Response to Comment 12-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

13. Kristal Caidoy

Three Creeks Trail Pedestrian Bridge Project

To: Davidson, John <John.Davidson@sanjoseca.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; Oliverio, Pierluigi <Pierluigi.Oliverio@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; Herrera, Rose <rose.herrera@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>;

Hello Mayor and Council members,

I like to see new trails and paths around Willow Glen. The new road diet on Lincoln Ave is nice. This is a key corridor between downtown San Jose and Willow Glen. Connectivity is vital for the bicycle network to thrive in San Jose and 'Willow Glen Trestle' will enhance the bicycle network and bring people outdoors.

I would like to see the "Willow Glen Trestle" preserved and restored for future generations, wildlife and local residents to use and enjoy for many years to come. 1

The pedestrian bridge will be an important connector to bike routes and creek trails between Three Creeks trail and Los Gatos Creek trail. I will be able to bike from Alviso to downtown San Jose, Campbell and Los Gatos without crossing major intersections along the way. The wooden railroad bridge connected people around the country to the 'Valley of Heart's Delight' and I want to see it become re-purposed as a corridor that connects people, nature, wildlife, bicyclist and the community. 2

I like the 'Retrofit Alternative' from the Environmental impact Report, which may restore the trestle. Whereas, the 'Project Alternative' would destroy the trestle and replace it with a concrete steel bridge. I like the Retrofit Alternative because it has the least minimal cost and it less destructive on taxpayers dollars to maintain in the long run. 3

I am excited to see the 'Willow Glen Trestle' restored to its former glory and become an agent of change.

Thank you, mayor and council members for taking your time to read my letter.

Kristal Caidoy

Comment Letter 13—Kristal Caidoy, No Date

Response to Comment 13-1

This comment expresses the desire to preserve and retrofit the existing trestle and opposes the bridge replacement. Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project.

Response to Comment 13-2

Both the proposed project and the retrofit alternative provide a connection between the Three Creeks Trail and the Los Gatos Creek Trail. Fundamentally, that is the most important purpose of the project and is met equally well by both options. The City understands and appreciates the commenter's sentiment that the trestle served a similar connecting role during its operational period.

Response to Comment 13-3

For a discussion regarding the project costs, see Master Response 3.

14. Jim Carter

I have lived in Willow Glen all my life my parents bought their first house on Milton Way in 1941. The trestle supported the rail system which the cannerys used to transport their products. Willow Glen was a small town with many many orchards in the near vicinity for many years.

I consider this trestle to be very much a part of Old Willow Glen and should be considered Historical. The iconic structure can never be replicated and should be preserved for the generations to follow us to enjoy. Its one of a kind and we presently have it with us.

Thank-You

Jim Carter
Willow Glen Resident since 1947

Comment Letter 14—Jim Carter, March 4, 2015

Response to Comment 14-1

This comment expresses the desire to preserve and retrofit the existing trestle and opposes the bridge replacement. Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project.

**15. California Office of Historic Preservation,
Local Government & Environmental
Compliance Unit**

RE: SJ Hist. Landmarks to vote WG Trestle NOT historic >tonight!

<

deCourcy, Sean@Parks <Sean.deCourcy@parks.ca.gov>

Wed 3/4/2015 1:32 PM

Inbox

To:

Cc:

Mr. Ames,

As we discussed on the phone, the State Office of Historic Preservation (OHP) has broad responsibility for the implementation of federal and state historic preservation programs in California. We have a long history working with the City of San Jose (Lead Agency) through the Certified Local Government Program. The OHP is currently reviewing the Draft Environmental Impact Report (DEIR) for the Three Creeks Trail Pedestrian Bridge Project (proposed project), and is considering providing comments regarding the information contained in the DEIR. The DEIR comment period ends on March 13, 2015.

You may want to request the San Jose Historic Landmarks Commission (Commission) table their consideration of the historic significance of the Los Gatos Creek Trestle (trestle), until the comment period for the DEIR has concluded. The Commission represents a unique deliberative body that is being tasked on behalf of the Lead Agency with determining impacts to historic resources that may result from the proposed project. By tabling a determination of eligibility until the comment period is over, the Commission will be able to consider all relevant information from the public before making a determination on the historical significance of the trestle.

As stated in Appendix F of the DEIR, "The landmark commission is responsible for making a finding that the property in question meets the city criteria for landmark designation." In essence, the Commission in its unique discretion is being asked to determine if the trestle is historically significant to the community of Willow Glenn, and the citizens of City San Jose. Again, the Commission ought to table their consideration of the trestle's historical significance until the comment period for the DEIR has concluded and all substantial evidence in light of the whole record can be considered by the Commission.

Sincerely,

Sean de Courcy
State Historian II
Local Government & Environmental Compliance Unit
California Office of Historic Preservation
(916) 445-7042
(916) 445-7053 fax
Sean.deCourcy@parks.ca.gov

From: LAmes@aol.com [mailto:LAmes@aol.com]

Sent: Wednesday, March 04, 2015 11:55 AM

To: deCourcy, Sean@Parks

Subject: Fwd: SJ Hist. Landmarks to vote WG Trestle NOT historic >tonight!<

Hi, Sean,

Remember our recent conversation concerning the historic trestle in Willow Glen?
Would you be able and willing to write a short email to the SJ Historic Landmarks Commission?
Martina Davis, Staff to Historic Landmarks Commission: martina.davis@sanjoseca.gov
Chair: Ramiro Torres, at ramiro@topaarchitecture.com

Many thanks!

~Larry Ames
408/966-1467

Subj: SJ Hist. Landmarks to vote WG Trestle NOT historic >tonight!<

Help!

We need you at City Hall this evening!
6:30 p.m. San Jose City Hall, Wing Room 120
[validated parking in the underground garage: enter from 6th St.]

The newly-seated Historic Landmarks Commission is being told that the Willow Glen Trestle is not historic, and is being asked to put that in writing.

We need you to come and speak up on it!
Please, I hope you can make it!

Many thanks!

~Larry
408/966-1467

a. PP13-085. Three Creeks Trail Draft EIR Receive a report on the Three Creeks Trail Draft EIR. Recommendation: Discuss the Cultural Resources analysis and conclusions of the Draft Environmental Impact Report (DEIR) for the Three Creeks Trail Pedestrian Bridge Project, and consider whether to **authorize the Chair to sign a Draft Environmental Impact Report (DEIR) letter summarizing the Commission's formal comments** to the Director of Planning, Building and Code Enforcement.

the Linked Report says:

"A historical evaluation of the proposed project was prepared to evaluate the existing Los Gatos Creek Trestle as a historical resource. The report describes the current status of the trestle, provides regulatory context, presents historical context of the structure of the trestle, and summarizes the history of San José and Willow Glen in relation to the railroad and canning industry. The report uses this background information to determine whether the trestle meets the criteria for listing in the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR), or for designation as a City of San José historic landmark. Specific areas addressed are the rarity of the trestle, its relationship to canning industry in San

Jose, the grade separation movement, the history of the community of Willow Glen, and the history of the Western Pacific Railroad.

The historical evaluation report concluded the trestle does not satisfy the criteria required to be listed for the NRHP and CRHR or for designation as a City Landmark. Specifically, the report concludes: 1. That the trestle does not appear to be associated with the history of the Western Pacific Railroad in any important way; 2. The trestle is only tangentially related to the Santa Clara County fruit packing industry as one piece of dozens of transportation networks that served that industry; 3. The trestle does not appear to be significantly associated with the incorporation of Willow Glen in any important way; 4. There is no indication that the trestle is associated with a person important to our history; and 5. The trestle does not represent a specimen of its type or period of construction that is an important example of building practices of a particular time in history. The Historic Landmarks Commission may review the document and provide comments on the DEIR by March 13, 2015. The comments will be summarized in a letter to the Director of Planning, Building and Code Enforcement which will be included as part of the public record for the DEIR."

Comment Letter 15—Sean de Courcy, Office of Historic Preservation, March 4, 2015

Response to Comment 15-1

For a discussion on the City of San José Historic Landmarks Commission, see Master Response 2. Note that the discussion in the Historical Evaluation regarding the local eligibility is not based simply on the determination that the resource is not eligible for state or national listing. The Historical Evaluation considers the local criteria in detail. The Historical Evaluation states that the local criteria are fundamentally similar to the National Register and California Register criteria and concludes that the similarity “strongly suggests” that the trestle is not eligible for designation under the Landmarks Program. As stated in Master Response 2, the Historical Evaluation recognizes that the City Council has the sole authority to designate a City Landmark.

16. April Halberstadt

Willow Glen Trestle

April Halberstadt <aprilhalb@gmail.com>

Wed 3/4/2015 2:43 PM

Inbox

To:

Cc:

Dear Historic Landmarks Commission,

Please look very carefully at the rationale that is used to decide the trestle is "not historic". San Jose has many cultural assets that do not appear on current inventories. Only a small area of the Downtown has received a complete inventory and detailed study, thanks to the Redevelopment Agency. 1

The trestle remains as the last vestige of the Western Pacific Railroad in San Jose, an organization that helped break the Southern Pacific monopoly on the cost of shipping. When the little narrow gauge South Pacific Coast Railroad appeared in San Jose in 1877 local shippers presumed Southern Pacific would have serious competition. Within a decade the little line became the property of the larger Southern Pacific, ending rail competition until the appearance of the Western Pacific. 2

The report states that Western Pacific was not significant to the local fruit economy and mentions the cannery walking tour at the site of the old Del Monte plant on the Alameda. The report fails to mention that the Western Pacific freight terminal was located just west of the Del Monte building; the address was The Alameda at Bush Street. The tour should have mentioned the Western Pacific- it also was a presence in the area. The trestle allowed Western Pacific access to the heart of a significant portion of the canning industry. 3

Western Pacific may not have been an important factor in the development of the Willow Glen community but the railroad paid a significant role in the economic viability of the town of old East San Jose, a homestead association that was established before 1876. East San Jose was a significant community with an elected government, its own fire department and a Carnegie library, which is still in use today as a public library. 4

The town council of East San Jose, then under the leadership of T. M. Wright, encouraged Western Pacific to develop a car-loading facility in the area, in part to serve the Mayfair Packing District and in part to provide employment for the East San Jose community.

Western Pacific established a passenger depot at the corner of 27th and Santa Clara, near what is now Five Wounds Church. While it can be argued the construction of the trestle was not critical to the establishment of the freight yard, the trestle did play an important role in providing access to the WP freight depot located on The Alameda.

Today the trestle remains as an isolated vestige of an important network that is part of San Jose's history.

April Halberstadt

Comment Letter 16—April Halberstadt, March 4, 2015

Response to Comment 16-1

The rationale used to determine that the trestle does not meet historic property eligibility criteria involved more than simply querying current inventories. The trestle received a detailed evaluation using established criteria. See Historical Evaluation (Appendix F) for detailed information.

Response to Comment 16-2

The discussion of the Western Pacific Railroad in San José is provided in the Historical Evaluation (see Appendix F). This comment does not provide new information that was not previously considered. Also, for a discussion of the findings of the Historical Evaluation, see Master Response 1.

Response to Comment 16-3

The commenter states that the Historical Evaluation fails to mention that the Western Pacific freight terminal was located just west of the Del Monte Building. The report has been amended to mention that the Western Pacific freight terminal was at The Alameda and Bush Street, the western end of the Western Pacific branch. As discussed in Master Response 1, the new information presented does not change the conclusion that the trestle does not meet the criteria for inclusion on either the State or National Registers, and does not appear to meet the criteria for inclusion on the City Landmark Inventory (although the City Council is the final arbiter of that decision).

Response to Comment 16-4

The commenter addresses the role that the railroad played in the formation of the town of East San José. In addition, the commenter mentions that Western Pacific established a passenger depot at the corner of 27th and Santa Clara. The Historical Evaluation has been updated to include information on both East San José and the passenger depot. As discussed in Master Response 1, the new information presented does not change the conclusion that the trestle does not meet the criteria for inclusion on either the State or National Registers, and does not appear to meet the criteria for inclusion on the City Landmark Inventory (although the City Council is the final arbiter of that decision).

17. Heather Lerner

WG Trestle on bridghunter

Heather Lerner <heather.lerner@gmail.com>

Wed 3/4/2015 3:07 PM

Inbox

To:

Dear Martina,

As staff liaise to the HLC, I wanted to make sure you were aware of the site, "Bridgehunter.com" prior tonight's meeting. Bridgehunter is a database of historic or notable bridges in the United States, past and present.

1

Please see Willow Glen Trestle, on the front page as well as on the Santa Clara County listings. The Willow Glen Trestle has an inventory number of BH 66416

<http://bridgehunter.com/>

<http://bridgehunter.com/ca/santa-clara/bh66416/>

Please support the retrofit solution before it is too late.

2

Best regards,
Heather Lerner

Comment Letter 17—Heather Lerner, March 4, 2015

Response to Comment 17-1

The website provided by the commenter was queried for the Historical Evaluation. The website did not present new information that was not already considered in preparing the Historical Evaluation.

Response to Comment 17-2

This comment expresses the desire to preserve and retrofit the existing trestle and opposes the bridge replacement. Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project.

18. John S. Leyba

HLC Comments for PP13-085 Three Creeks Trail Bridge / Trestle

John S. Leyba <johnsleyba@mac.com>

Wed 3/4/2015 5:51 PM

Inbox

To:

Cc:

Dear Members of the Historic Landmarks Commission,

I am writing this brief note to you to request you vote AGAINST agreement with the City of San Jose Draft EIR's historical assessment of the Willow Glen Trestle on the Three Creeks Trail.

1

Please consider:

1) How many structures from the 1920s do we have in this town? NOT MANY.

2

2) The Western Pacific was a tiny railroad spur and never a super-highway of the era, but we have many examples of little houses and dwellings of far less utility that we have managed to preserve in this city... and later turned into commercial destinations and other great places. They are part of what defines the historic fabric of San Jose.

3

3) Championing the little bits of San Jose's History is why the HLC exists in the first place.

4

4) This is one of the last remaining trestles of its vintage. Please preserve the Three Creeks / Willow Glen Trestle so that future generations may enjoy our history as we do.

5

For our children, and for our neighborhoods,

John S. Leyba -- ***I'm from San Jose!***

323 Mayellen Avenue

San Jose CA 95126

408-926-5646

Comment Letter 18—John S. Leyba, March 4, 2015

Response to Comment 18-1

This comment expresses the desire to preserve and retrofit the existing trestle and opposes the bridge replacement. Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project.

Response to Comment 18-2

The Historical Evaluation followed established criteria for determining if a structure is historic. The number of structures dating from a certain period in the same geography is not one of the criteria.

Response to Comment 18-3

The Western Pacific Railroad in general, and the San José branch line in particular, is discussed in the Historical Evaluation (Appendix F), including the role of the branch line in local economic and civic development. The railroad itself is not what is being evaluated. The evaluation addresses the association of the trestle to the Western Pacific Railroad as part of National Register Criterion A and California Register Criterion 1, and concludes that the trestle is “a minor element on a small branch line.”

Response to Comment 18-4

For a discussion of the City of San José Historic Landmarks Commission, see Master Response 2.

Response to Comment 18-5

This comment expresses support for preserving the trestle – see Response to Comment 18-1.

19. Kathleen Pimentel

The Willow glen Train trestle

Kathy Pimentel <kpimentel@att.net>

Wed 3/4/2015 6:05 PM

Inbox

To:

Dear Ms. Davis,

Along with so many Willow Glen residents, I have great affection for the train trestle now under consideration for demolition. What a hole it would leave in my backyard if it were demolished. Our property on Riverside Drive runs down to the Los Gatos Creek to within 30 feet of the trestle. For fifty years, I have walked my dogs under the trestle, looked out at it from my yard, listened at midnight to the toots and whistles of the trains as they announced their arrival and departure from the canneries. It is something so special, so unique, so irreplaceable. I don't understand how anyone could possibly think that replacing a sturdy, beautiful part of our Willow Glen heritage with a generic steel bridge could be an improvement. I have waited for fifty years for that bike path to happen. When was a newlywed, I had thought about how now it would be to push a baby carriage along the bike path and over the trestle. Now, fifty years later, I'm hoping it will be finished before I'm pushing a walker. But, not at the expense of tearing down the trestle. There are so many reasons why it is preferable to a steel bridge ranging from cost to resistance to fire, but nothing is so much in the trestle's favor as the fact that it represents a bit of local history. As more and more new mega-buildings go up in our area, we need that reminder of another time.

Thanks for your time, Kathleen Pimentel (retired French teacher from Leland High School, community volunteer with EHC Life Builders and InnVision, and climate activist.

Comment Letter 19—Kathleen Pimentel, March 4, 2015

Response to Comment 19-1

This comment expresses the desire to preserve and retrofit the existing trestle and opposes the bridge replacement. Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project.

20. Susan Price-Jang

WB Trestles

Susan Price-Jang <sleeprice66@gmail.com>

Wed 3/4/2015 3:08 PM

Inbox

To:

Hello Ms. Davis -

I cannot be at the meeting tonight, but I ask that you and your colleagues identify the Willow Glen Trestles as a historic landmark. They are the remains of our railroad and cannery past which produced the first boom in this Valley.

Susan Price-Jang
779 Goodwin Ave
San Jose, CA 95128

1

Comment Letter 20—Susan Price-Jang, March 4, 2015

Response to Comment 20-1

This comment expresses the desire to preserve and retrofit the existing trestle and opposes the bridge replacement. Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The association of the trestle to the Western Pacific Railroad and the Santa Clara Valley fruit industry is discussed in the Historical Evaluation (Appendix F).

21. City of Campbell Historic Preservation Board

Historic Landmarks Commission

Barry Shilman & Susan Blake <susan.barry@comcast.net>

Wed 3/4/2015 1:02 PM

Inbox

To:

Marina,

Please give the HLC the following regarding the Willow Glen Trestle before tonight's meeting:

Dear Commissioners,

I am writing to encourage you to save the wooden Willow Glen Trestle.

1

I had an opportunity to see it up close, going underneath and was amazed at the construction with its massive supporting beams, still in good condition after 90 years.

2

As a member of the City of Campbell's Historic Preservation Board, I believe the trestle meets the criteria for historic significance and is worthy of saving. Its structural and architectural integrity appears sound overall. Future repairs and reconstruction of damaged parts, based on the Secretary of Interior's Standards, could be made that would not diminish these characteristics.

3

4

The trestle is significant because it represents important social, economic and cultural history related to transportation, the community of Willow Glen and Santa Clara County.

5

You have an opportunity to save the unique bit of living history with its close proximity to the historic Sunol Adobe and at the Laura Ville site and I urge you to do so.

6

Thank you for your consideration.

Sincerely,

Susan Blake
City of Campbell
Historic Preservation Board

**Comment Letter 21—Susan Blake, City of Campbell Historic Preservation Board,
March 4, 2015**

Response to Comment 21-1

This comment expresses the desire to preserve and retrofit the existing trestle and opposes the bridge replacement. Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project.

Response to Comment 21-2

The condition of the trestle is discussed in detail in the Bridge Retrofit Report (see Appendix G).

Response to Comment 21-3

The rationale for determining that the trestle does not meet the criteria for historic significance is presented in the Historical Evaluation (see Appendix F). For a discussion of the findings of the Historical Evaluation, see Master Response 1.

Response to Comment 21-4

The retrofit alternative presents information on what would be done to make the bridge safe for bicycle and pedestrian use, consistent with the Bridge Retrofit Report (Appendix G). Because the trestle has not yet been designated as a landmark by the City Council and does not meet the State or National Register criteria, the design presented in the Bridge Retrofit Report does not conform to the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties. If the City makes a future decision that the trestle meets local criteria and is designated as a historic landmark, additional design work would be necessary to ensure that the retrofit meets standards for reconstruction of historic structures.

Response to Comment 21-5

For a discussion of the findings of the Historical Evaluation, see Master Response 1.

Response to Comment 21-6

Proximity to other unrelated historic sites is not a factor in determining whether the trestle is historic.

22. Walter Soellner

Re: SJ Hist. Landmarks & the WG Trestle

walter soellner <waltersoellner@gmail.com>

Wed 3/4/2015 4:27 PM

Inbox

To:

Cc:

Dear Friends for historic preservation:

I'm Walter Soellner, downtown resident, former SJ Art Commissioner, Bd member Victorian Preservation Assoc.
& member of South University Neighborhood Assoc.

I support the preservation of the Railroad Trestle under discussion for the following reasons:

It is a good example of Early 20th Cent. industrial railroad history.

It should be preserved for the same reason San Jose Victorian Homes are preserved...and Cal. bungalows, and Ickler homes.

It is the same reason we celebrate the preservation of model T Fords, 1956 Chevy convertibles, World War II military uniforms even though they will never be worn again when the last WWII Vets die. It is why there is a museum for early computers, like the first Macs, that no one uses any more.

It is our collective heritage, our legacy to future generations.

These objects tell us who we were, who we are, and what made this country what it is.

Today San Jose is Silicon Valley.

Yesterday, a mere 50 or 100 years ago, it was The Valley of Hearts Delight. And in 50 years from now, What?

Each period of our history should be preserved... must be preserved, and objects and constructions created in each historic period help explain our history.

It is our duty... your duty... to realize the value of these historic objects, and to make efforts to preserve them.

Note: Because a particular report says there is not enough value in a particular object, (the railroad trestle), does not mean it should not be preserved. The arbitrary check points in that report will certainly be altered in some future date.

Once an irreplaceable object is lost, it can never be replaced.

I request that the decision on the trestle be supported for preservation, or the decision be tabled.

Thanks you for your attention Walter Soellner

On Wed, Mar 4, 2015 at 11:28 AM, <LAmes@aol.com> wrote:

It'd be great if you attend tonight meeting in person, but if you can't make it, please write a quick email in support of the trestle!

Send it to:

Martina Davis, Staff to Historic Landmarks Commission: martina.davis@sanjoseca.gov

you might also cc: some of the boardmembers, including

etsaum@gmail.com (edward saum)

lostsanjose@gmail.com (Joshua Marcotte)

Don't let the HLC be railroaded into putting in writing that they find the WG Trestle to be not historic!

~Larry

Comment Letter 22—Walter Soellner, March 4, 2015

Response to Comment 22-1

This comment expresses the desire to preserve and retrofit the existing trestle and opposes the bridge replacement. Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project.

23. Diane Solomon, CPA

Tonight Please SAVE the HISTORIC 1921 Western Pacific Willow Glen Train Trestle

Diane Solomon <diane_solomon@sbcglobal.net>

Wed 3/4/2015 2:24 PM

Inbox

To:

Cc:

Dear Ms. Davis, Board Member Saum and Board Member Marcotte,

As a lifelong resident of San Jose, I beg you to revisit the Willow Glen Trestle's Draft EIR's Historical Assessment. It is not correct.

1

Also, your Commission should have been consulted before the City of San Jose voted to tear down the Willow Glen Trestle. The City has railroaded the destruction of the Trestle through despite facts indicating preserving it is a more economic alternative.

2

3

We have so very few landmarks left and the Trestle is a beauty. Please preserve it.

4

The Draft EIR states:

1. That the trestle does not appear to be associated with the history of the Western Pacific Railroad in any important way;
2. The trestle is only tangentially related to the Santa Clara County fruit packing industry as one piece of dozens of transportation networks that served that industry;
3. The trestle does not appear to be significantly associated with the incorporation of Willow Glen in any important way;
4. There is no indication that the trestle is associated with a person important to our history; and
5. The trestle does not represent a specimen of its type or period of construction that is an important example of building practices of a particular time in history.

Here is what is true:

1. This was the far western end of the Western Pacific RR, that stretched from Utah. This was their toehold into the lucrative canned fruit industry. Santa Clara County provided almost all of the canned fruit for the US as well as much of the world.
2. There were only 2-3 main players in the train industry in the valley that controlled most of the network. Western Pacific was not big but they were a threat to the other train companies domination. This was the trestle that carried thousands and thousands of tons of fruit from our San Jose orchards to the world's markets! How could this not be related to us?
3. It was the threat of Union Pacific that was instrumental in the formation of Willow Glen. The Trestle was used to fight the at-grade crossing that later gained momentum across California. See also 2., above

5

4. The lawyer and very prominent and respected local leader that brought the court case to the State Supreme Court lived a stones throw from the Trestle. He was very active in Willow Glen in many aspects. His granddaughter still lives here.
5. This is one of only two major train trestles left standing. A third is by the Eggo Factory. Not only are they rare now, but this Trestle was built as a "lean" bridge after WWI.

The City of San Jose has inadvertently taken some short cuts that could result in the loss of a historical treasure that will make the Three Creeks Trail a thing of beauty--as beautiful as what we see in Big Sur, Marin County and Henry Cowell Park.

I urge you to carefully read the Willow Glen Trestle's Draft EIR's Historical Assessment and note it is not accurate.

Thank you for your consideration and for your work preserving our history and future.

Sincerely,

Diane Solomon, CPA
917 Chabrant Way
San Jose, CA 95125

Comment Letter 23—Diane Solomon, March 4, 2015

Response to Comment 23-1

The commenter does not state why she believes that the Historical Evaluation is not “correct.” The Historical Evaluation was prepared by a subject matter expert using standard practices and the best available information. For a discussion of the findings of the Historical Evaluation, see Master Response 1.

Response to Comment 23-2

For a discussion of the City of San José Historical Landmarks Commission, see Master Response 2.

Response to Comment 23-3

Regarding the question of the most economical alternative and project costs/comparison, see Master Response 3.

Response to Comment 23-4

This comment expresses the desire to preserve and retrofit the existing trestle and opposes the bridge replacement. Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project.

Response to Comment 23-5

The commenter raises five points about the trestle and the Western Pacific Railroad in general. All of these points are addressed in the updated Historical Evaluation (Appendix F). Also, see Master Response 1 for a discussion of the findings of the Historical Evaluation.

24. Peggy White

Willow Glen Trestle - Historic Status

Peggy White <peggy@peggy-white.com>

Wed 3/4/2015 1:32 PM

Inbox

To:

Hello

I understand that the City is attempting to force the SJ Historic Landmarks Commission to declare that the Willow Glen Trestle is not an historic structure. I implore you to not allow this travesty! This is an important structure for the Willow Glen neighborhood and many of us do consider the Trestle to be significantly historic for several reasons:

1. It is associated with the Western Pacific Railroad and was a main conduit for fruit shipping from Willow Glen/San Jose canneries.
2. While it was one of many shipping routes through the area, it is one of the only wood trestles left standing from that era.
3. Willow Glen would not have been incorporated without the canning industry and the Trestle's role in facilitating the fruit shipments.
4. It is associated with the proud canning history of Santa Clara County.
5. It represents one of the few remaining railroad bridges of its kind.
6. It is beautiful and it is a wonderful addition to the trail system!

To make such a decision, the newly formed 2015 SJ Landmarks Commission would need time to make a considered decision from an historical perspective. As you probably know, the previous SJLC was not allowed to make a recommendation at all – but they stated that if they were, they would support retaining it rather than destroying it. To be frank, I feel that allowing politics to dictate such a decision is reprehensible. Please give the Trestle some 'due process' rather than tossing it into a landfill.

Thank you,
Peggy White
Willow Glen resident

Comment Letter 24—Peggy White, March 4, 2015

Response to Comment 24-1

The commenter raises six points about the trestle, Willow Glen, and the Western Pacific Railroad in general. All of these points are addressed in the updated Historical Evaluation (Appendix F). For a discussion of the findings of the Historical Evaluation, see Master Response 1.

Response to Comment 24-2

For a discussion of the City of San José Historic Landmarks Commission, see Master Response 2.

25. Shawn A. Milligan

Three Creeks Trail

Shawn Milligan <shawn.milligan@yahoo.com>

Thu 3/5/2015 11:56 AM

EIR comments

To: Davidson, John <John.Davidson@sanjoseca.gov>;

Mr Davidson,

I am a long-time resident of Willow Glen. Over the last 5 years, I was focused on building a publicly traded company here in San Jose. I recently launched my own business and have begun to refocus on issues affecting our City. I served on a Creek Trail advisory committee a number of years ago and was dismayed to recently learn that the Friends of the Willow Glen Trestle sued the City.

I felt compelled to let the City know that I supported the trail then and I support the trail now. Construction of a new bridge span and the trail will be a community benefit for all. The residents of Willow Glen deserve to get this trail built. Let's move forward together.

Regards,

Shawn A. Milligan
2240 Glenkirk Court
San Jose, CA 95124
408-838-8655

Comment Letter 25—Shawn A. Milligan, March 5, 2015

Response to Comment 25-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

Lawsuit

Phil Rolla <philrolla@dcco.net>

Thu 3/5/2015 10:38 PM

EIR comments

To: Davidson, John <John.Davidson@sanjoseca.gov>;

Cc: Gwynne Rolla (gwynnep@yahoo.com) <gwynnep@yahoo.com>;

Mr Davidson,

My name is Phillip Rolla and I am long term resident of Willow Glen. I wanted to drop you a note to let you know that I was very concerned to hear about a Group that has sued the City of San Jose in order to preserve an Existing Wooden Trestle Bridge. The wooden bridge has been deemed not Historic and the City has voted and approved to dismantle this unsafe non-historic bridge yet this "self-interest" group continues to pursue a lawsuit which is costing the City significant dollars to defend. The City has to spend significant monies to defend a decision to install the new Single-Span Steel Bridge which truly has the greatest benefit to the community.

The New Bridge Span is the best option for the following reasons:

- the single-span steel bridge is the most effective cost option;
- the single-span steel bridge has the lowest environmental impact;
- the steel bridge was previously approved by City Council;
- The New Bridge Span will allow the trail to be finished and will have the greatest long term benefit to the community;
- The existing wood Trestle bridge is more of a hazard; it disrupts the natural flow of the creek;
- This lawsuit has delayed the building of new local park facilities (such as the Snack Shack at Bramhall Park) as monies are being diverted to defend the lawsuit;

I appreciate you reading this email and giving it some consideration. If you would like to discuss further I can be reached at 408-930-6519.

Best Regards,

Phil Rolla
1102 Camino Pablo
San Jose, CA 95125

Comment Letter 26—Phil Rolla, March 5, 2015

Response to Comment 26-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

27. Kathleen Pimentel

Willow Glen Trestle

Kathy Pimentel <kpimentel@att.net>

Sat 3/7/2015 5:40 PM

EIR comments

To:Davidson, John <John.Davidson@sanjoseca.gov>;

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

Dear Mr. Davidson:

Along with so many Willow Glen residents, I have great affection for the train trestle now under consideration for demolition. Our property on Riverside Drive runs down to the Los Gatos Creek to within 30 feet of the trestle. For fifty years, I have walked my dogs under its shadow, looked out at it from my yard, listened at midnight to the toots and whistles of the trains as they announced their arrival and departure from the canneries. What a loss it would be to our community to replace such a sturdy, beautiful part of our Willow Glen heritage with a generic steel bridge. There are so many reasons why the trestle is preferable to a steel bridge.

1

First of all, I know first hand that it is extremely fire resistant. During the half century I have lived next to it, we have had three major fires on the creek part of our property, very close to the trestle. While the sparks from those fires ignited and burned down our fences, a shed, a chicken coop and did major damage to our eucalyptus trees, the trestle did not ignite. And that's without treatments such as sprinklers and coating that would further protect it from fire. Steel, on the other hand, loses much of its strength if exposed to intense heat by a brushfire.

2

Secondly, objections have been raised that the trestle presents an obstacle that can catch trees and underbrush causing water back-up and possible flooding. I have walked the area after severe storms caused torrential flow in the creek and have observed what happens when debris is caught in the pilings. The water is simply diverted and moves to an unobstructed area. With such a wide streambed, there is no way piled-up debris could cause flooding.

3

Thirdly, retrofitting the trestle will be considerably less expensive than building a new bridge. Yes, the life-span is not estimated to be as long, but the money saved could be invested in an account that would provide ample funds for a new structure down the line.

4

Fourthly, nothing is so much in the trestle's favor as the fact that it represents an important part of our local history. This was an agricultural town whose orchards and canneries supplied much of the fruits and vegetables to the world. The canneries are now gone, having been replaced with enormous apartment complexes. Do we really have such an abundance of historic buildings and structures that we can blithly tear another one down. As more and more new mega-buildings go up in our area, we need gentler reminders of another time.

5

In conclusion, I have used the Los Gatos Creek trail system for fifty years, first as a runner, now as a biker and a walker. When I cross the creek over the prefab steel bridges at both ends of the Campbell parcourse, I don't even see them. While they are very nice and sturdy, to me they are simply a way of getting from one side of the creek to the other. What a different experience it will be when local citizens cross the restored train trestle. I guaranteed you, they will stop and admire not only the view, but the beautiful part of local history they are standing on.

Thank you for you time.

Sincerely, Kathleen Pimentel

Comment Letter 27—Kathleen Pimentel, March 7, 2015

Response to Comment 27-1

This comment expresses the desire to preserve and retrofit the existing trestle and opposes the bridge replacement. Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project.

Response to Comment 27-2

Regarding the fire resistance of both the existing trestle and the steel bridge, see Response to Comment 46-5.

Response to Comment 27-3

The hydrologic impacts of both the existing trestle and the proposed steel bridge are analyzed in Section 3.9 of the EIR (Hydrology and Water Quality). Table 3.9-2 presents water surface elevations upstream of the trestle in seven locations. In all of these locations, water surface elevations would be less under the proposed project. The analysis does not imply that the existing trestle causes flooding; the analysis does show that removing the trestle would reduce water surface elevations by up to 8 inches.

Response to Comment 27-4

With regard to costs, see Master Response 3.

Response to Comment 27-5

The contribution of the trestle and the Western Pacific Railroad is described in detail in the revised Historical Evaluation (see Appendix F). The commenter does not provide new information.

28. Steve Anderson

Train Trestle lawsuit

Steve Anderson <SAnderson@inflowcommunications.com>

Mon 3/9/2015 11:45 AM

EIR comments

To: Davidson, John <John.Davidson@sanjoseca.gov>;

Dear Mr. Davidson,

As a Willow Glen resident of nearly 30 years, I am writing you in support of the new STEEL bridge span for the three creeks trail system and ending the senseless and costly contentions of the minority of residents that seem to be fond of chemically infused timber and attorney fees.

How many more thousands of dollars are we going to let these idiots divert from our City Park system to their lawyers? How can these time and money wasting individuals become exposed and made responsible to pay back the lost costs? I know the vast majority of residents would be equally furious if they knew.

Thanks for all you do for us.

Sincerely,

Steve Anderson
408-295-1822

Comment Letter 28—Steve Anderson, March 9, 2015

Response to Comment 28-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

29. Craig & Cathy Charon

Three Creeks Trail Property verification

Cathy Charon <Cathy.Charon@herbank.com>

Mon 3/9/2015 3:20 PM

EIR comments

To:Davidson, John <John.Davidson@sanjoseca.gov>;

Good afternoon John,

We would like to be included in your collection of comments regarding the stale-mate on Three Creek Trails property. This has been an **exhaustive** effort on our part to determine who the responsible parties are associated with this project. I'd like to point out our ten years of patience waiting for completion or at minimum **responsibility** in maintaining this trail property has found its limit. We as tax payers and neighbors living quite near this area are subjected to "out-of-sight-out-of-mind" mentality existing within all departments. Our neighborhood has **suffered** the onslaught of encampments located on the easterly portion of the proposed THREE CREEKS TRAILS for too long! After much prodding we appreciate efforts put forth within the last two weeks with attempting to cleanup under the 87 overpass which unfortunately was left **quite incomplete**! Caltrans may have worked in conjunction with the City of San Jose on that effort. There are numerous vile open buckets of human waste practically in our BACK YARDS..this is unacceptable on any level. I would certainly hope you'd agree. This is a small example of what we have faced due to the complete *lack of responsibility* regarding this parcel of land. We as neighbors are being held hostage under the tug-of-war presently in place. I understand the legalities involved which takes time, however leaving a neighborhood to face the criminal activity and filth with no regard is not acting responsibly. As TCT property owners the City of San Jose should be enacting due diligence in maintenance till a formal decision is made.

Respectfully,

Craig & Cathy Charon
 2771 Gardendale Drive, San Jose, Ca. 95125
Property owners: 439 Dawson Ave, San Jose, Ca. 95125
ccharon@comcast.net

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Comment Letter 29—Craig & Cathy Charon, March 9, 2015

Response to Comment 29-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

30. Jeff Silvas

Lawsuit (Wooden Trestle Bridge)

Silvas, Jeff <Jeff.Silvas@nielsen.com>

Mon 3/9/2015 9:30 AM

EIR comments

To: Davidson, John <John.Davidson@sanjoseca.gov>;

Mr. Davidson,

My name is Jeff Silvas and I am long term resident of Willow Glen. I wanted to reach out and let you know that I am very concerned to hear about a lawsuit against the City of San Jose regarding the preservation of the Existing Wooden Trestle Bridge. It is my understanding that this bridge has been deemed not Historic by the City who voted and approved the dismantling of this unsafe non-historic bridge. Despite this, it appears that a "self-interest" group continues to pursue a lawsuit that is costing the City significant dollars to defend.

The New Bridge Span approved by Council proves to be the most cost effective option with the lowest environmental impact. It will allow the trail to be finished and have the greatest long term benefit to the community. The existing structure is a hazard and has no historic status. This lawsuit is impacting many other community projects by delaying the work and diverting funds to defend this lawsuit. This 'grass roots' effort is proving to be fiscally irresponsible and not really helping the whole community.

I appreciate your attention and time on this matter.

Kind Regards,
Jeff Silvas
408-316-8296

Comment Letter 30—Jeff Silvas, March 9, 2015

Response to Comment 30-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

31. Kristie Kuechler

wooden trestle Bridge lawsuit

Kristie Kuechler <kkuechler@dcco.net>

Mon 3/9/2015 9:33 AM

EIR comments

To: Davidson, John <John.Davidson@sanjoseca.gov>;

As a longtime resident of Willow Glen, I appreciate the historic value of keeping Willow Glen charming and unique. However, I do not think trying to preserve the existing wooden trestle bridge is a good use of taxpayers money.

The bridge has been deemed non-historic and therefore, I do not think that throwing money away pursuing the radical claims by the self-interest group interested in saving the bridge is beneficial to the residents of Willow Glen. The money being spent defending this lawsuit is not in the best interest of the residents of the area and the funds should be used for what they were earmarked for, such as improving the facilities at Bramhall Park.

I appreciate your time and hope to see a quick resolution to this unfortunate lawsuit.

Thank you
Kristie Kuechler

Comment Letter 31—Kristie Kuechler, March 9, 2015

Response to Comment 31-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

**32. California Office of Historic Preservation,
Department of Parks and Recreation**

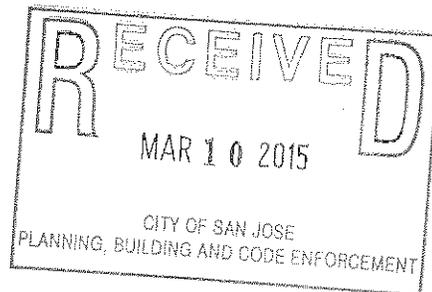
**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov



March 6, 2015

Jon Davidson
Department of Planning, Building, and Code Enforcement
200 E. Santa Clara Street
San Jose, CA 95113



Dear Mr. Davidson,

**RE: THREE CREEKS TRAIL PEDESTRIAN BRIDGE PROJECT DRAFT
ENVIRONMENTAL IMPACT REPORT**

Thank you for including the California Office of Historic Preservation (OHP) in the environmental review process for the proposed Three Creeks Trail Pedestrian Bridge Project (proposed project). Pursuant to the National Historic Preservation Act and the California Public Resources Code, the State Historic Preservation Officer (SHPO) and the OHP have broad responsibility for the implementation of federal and state historic preservation programs in California. We have a long history working with the City of San Jose (Lead Agency) through our Certified Local Government Program. Our comments are offered with the intent of protecting historic and cultural resources, while allowing the City of San Jose to meet its program needs. The following comments are based on the information included in the Draft Environmental Impact Report for the Three Creeks Trail Pedestrian Bridge Project (DEIR).

The proposed project would replace the existing Los Gatos Creek Trestle (trestle) with a new single span bridge. The new bridge would be constructed in the same location as the existing trestle. The project objectives are: 1) to provide safe bicycle and pedestrian access across Los Gatos Creek, connecting the Los Gatos Creek Trail with the Three Creeks Trail; and 2) to accomplish the previous objective in a cost effective manner. The DEIR considers two project alternatives, a Retrofit alternative and No Project alternative. The analysis concludes that the proposed project is environmentally superior to both the alternatives considered in the DEIR.

The trestle proposed for replacement was constructed in 1922 by the Western Pacific Railroad. The structure was originally part of the San Jose Branch Line network, which formally served the agricultural industry throughout the Santa Clara Valley, including the fruit packing industry. In the second half of the 20th Century, the rail transportation system was largely replaced by automobile transportation, and much of the rail network in the valley was abandoned and/or destroyed by later development. The trestle is supported by two timber pile abutments and thirteen timber pile bents. The rail lines have been removed, but otherwise the structure retains most of its original features.

The environmental impact analysis of the proposed project generates alternatives based on the environmental impacts pursuant with CEQA Guidelines § 15126.6(a), and focuses much of the analysis on biological resources. In considering historical resources, the DEIR concludes the trestle does not appear eligible for listing on the California Register of Historical Resources (state) and National Register of Historic Places (national), and “[that]...strongly suggests that the trestle is also not eligible for designation under the City’s historic landmarks program.” The discussion of historical resources is based on the information included in Appendix F of the DEIR. Appendix F evaluates the trestle for listing on the state and national registers, and juxtaposes those criteria to the City of San Jose Landmark Program criteria. Appendix F correctly states, “The [City of San Jose] landmark commission is responsible for making a finding that the property in question meets the city criteria for landmark designation.” We understand the landmark commission’s recommendation process is currently underway and no final determination has yet been made by the commission or city council as is required by San Jose’s municipal code.

The DEIR assumes the resource is not eligible for listing as a local landmark, based on the determination that the resource is not eligible for state or national register listing. Thereby, the analysis declines to consider demolition of the trestle as a significant environmental impact. Rightly, if no historical resources are present, the alternatives discussion need not focus on avoiding potential impacts to historical resources. However, since the DEIR was completed prior to a determination by the landmarks commission it could never have properly considered whether the trestle was a historic resource to the local community. That determination is up to the landmarks commission and the city council, as stated correctly in Appendix F; therefore, the landmark commission should have been consulted prior to the DEIR’s conclusion that no historical resources are present.

San Jose’s landmark commission, in its unique discretion, is responsible for determining if the trestle is historically significant to the community of Willow Glenn, and the citizens of City San Jose. The CEQA Guidelines provide an opportunity for the Lead Agency to determine what is historically significant and what is not on a case-by-case basis (CEQA Guidelines § 15064.5(a)(4)). San Jose’s municipal code delegates discretion to the city’s landmark commission, who in turn makes a recommendation to city council. Many local communities route all projects involving demolition of buildings or structures over a certain age to preservation staff, and/or the landmarks commission for a determination of local register eligibility. In the future, we encourage the city of San Jose to implement a similar project routing scheme in order to capture resources that may be locally significant, in advance of determining what environmental document to prepare pursuant to CEQA. This sort of policy will allow the landmarks commission an opportunity to review and comment on the eligibility criteria, prior to production of the environmental analysis. This sort of public process will also help foster greater public participation in determining what historic resources are significant to your local community.

If you have questions, please contact Sean de Courcy of the Local Government and Environmental Compliance Unit, at (916) 445-7042 or at Sean.deCourcy@parks.ca.gov.

Jon Davidson
March 6, 2015
Page 3 of 3

Sincerely,

A handwritten signature in black ink that reads "Carol Roland-Nawi, Ph.D." The signature is written in a cursive style with a large, prominent initial 'C'.

Carol Roland-Nawi, Ph.D.
State Historic Preservation Officer

Comment Letter 32—Carol Rowland-Navi, Office of Historic Preservation, March 6, 2015

Response to Comment 32-1

For a discussion of the City of San José Historic Landmarks Commission, see Master Response 2. Note that the discussion in the Historical Evaluation regarding the local eligibility is not based simply on the determination that the resource is not eligible for state or national listing. The Historical Evaluation considers the local criteria in detail. The Historical Evaluation states that the local criteria are fundamentally similar to the National Register and California Register criteria and concludes that the similarity “strongly suggests” that the trestle is not eligible for designation under the Landmarks Program. As stated in Master Response 2, the Historical Evaluation recognizes that the City Council has the sole authority to designate a City Landmark.

33. Josh Baird

Trestle Bridge

Josh Baird <joshbaird2014@yahoo.com>

Wed 3/11/2015 10:14 PM

EIR comments

To: Davidson, John <John.Davidson@sanjoseca.gov>;

Mr. Davidson,

As a Willow Glen resident I wanted to reach out and voice my concern about the lawsuit against the City of San Jose regarding the preservation of the Wooden Trestle Bridge. I know the City of San Jose deemed the bridge not Historic and it's my understanding that a "self interest" group is pursuing a law suit against the city. I know this lawsuit is costing the city significant dollars to defend and may be impacting other community projects by diverting funds to continue to defend this lawsuit. A new bridge is the safest most economical solution to this issue and would enable the City of San Jose to focus on other projects that are needed in the community.

I appreciate your attention to this matter.

Thanks

Josh Baird
408 605-1882

Comment Letter 33—Josh Baird, March 11, 2015

Response to Comment 33-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

34. Terence Fox

Three Creeks Trail Bridge / Tear It Down and Build Anew

Terence Fox <Terence@mefox.com>

Wed 3/11/2015 3:58 PM

EIR comments

To: Davidson, John <John.Davidson@sanjoseca.gov>;

Cc: Oliverio, Pierluigi <Pierluigi.Oliverio@sanjoseca.gov>; Phil Rolla (philrolla@dcco.net) <philrolla@dcco.net>;

Dear Mr. Davidson,

My name is Terence Fox and I have been a resident of San Jose since 1998. Previous to this I lived in Saratoga as a youth. I am writing to you in support of making the pragmatic and fiscally prudent decision to remove the derelict wooden structure that some refer to as a "Bridge" along the Three Creeks Trail over Los Gatos Creek.

I will not bore you with my Tom Sawyer like childhood navigating the Saratoga, Wildcat, Quito and Los Gatos Creeks but rest assured that my knowledge of the flora, fauna and reptilian creatures of our local watershed ecosystems is profound. I've walked under and climbed upon many bridges spanning creeks and streams. Every Spring my neighborhood friends and I reconstructed a bridge made of stone, rock, brick and wood across the creek behind my parent's home so as to make it easier to get to the slushy machine at Saratoga High School. I mention this to you in hopes you recognize that I possess some practical yet non-scientific knowledge in this area. Calling the hastily constructed creosote leaking bridge a trestle is an absolute affront to majestic trestles in my opinion.

To my understanding, there is a small yet vocal group of extremists preservationists intent on wasting taxpayer's dollars and time by holding up the tearing down of this poorly built structure and replacing it with a sound, environmentally sensible and utilitarian bridge that will serve its purpose admirably. As much as I am in full support of our country's laws to allow for differing views without fear of reprisal, I am frustrated that we sometimes see small groups hold the majority hostage by abusing the laws and policies that are in place to allow for objective viewpoints to be shared. I ask you to use your authority to move this project along without delay and pay no heed to the extremists pushing their personal agenda in this matter.

The decision to move forward, tear down the existing wobbly structure and start anew with a modern steel structure was already voted upon by the majority of our city council. This really is not a difficult decision to be made. Whereas China thinks nothing of displacing and disrupting millions of people's lives to construct their Three Gorges Dam, this project affects nobody. Not one person will face

displacement or disruption by moving forward with the removal of the Three Creeks Trail Bridge and replacing it with a sound, sturdy steel bridge.

At a time in which our financial resources are not as robust as in the past, it is disappointing that a small number of people are not able to recognize what is important most. Our city should be allocating its financial resources towards more important matters like adding Police Officers to patrol our community. Wasting money on greedy attorneys that bill by the hour on a matter like this is selfish.

I respectfully ask that you move this project along, abide by the recommendation of the EIR and replace the existing bridge.

Regards,

Terence Fox
1342 Glen Dell Drive, San Jose CA 95125

Comment Letter 34—Terance Fox, March 11, 2015

Response to Comment 34-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

35. Whitney Heinrichs

March 11, 2015

John Davidson
 City of San Jose Planning Department
 200 E. Santa Clara Street
 San Jose, CA 95113
 via email: John.Davidson@SanJoseCA.gov

RE: DEIR Three Creeks Trail Pedestrian Bridge Project
 (also known as the Willow Glen Trestle)
 Project No: PP13-085

Dear Mr. Davidson,

I appreciate the opportunity to provide public comment on the DEIR.

As a native Willow Glenite, I welcome any chance to preserve our local history and culture. The Willow Glen Trestle is an iconic piece of Willow Glen and San Jose history and I strongly support the restoration of the Willow Glen Trestle, or Retrofit Alternative.

I am very disappointed that the DEIR failed to adequately discuss several key points regarding the cultural or historical value of the Willow Glen Trestle, fire safety and cost.

The Historical Evaluation notes that historic landmark designation is determined by the City of San Jose's Historic Landmarks Commission (HLC). Why was the DEIR completed prior to the HLC having the opportunity to consider whether the Willow Glen Trestle is a historic resource to the local community? This seems to be a gross omission as noted by the California Office of Historic Preservation. The HLC was asked to comment on the DEIR at their monthly meeting on March 4, 2015. After reviewing the audio recordings from that meeting, it is obvious that all of the Commissioners of the HLC are in agreement that the Historical Evaluation in the DEIR is inadequate and needs additional analysis. The DEIR uses some weak secondary sources and appears to have omitted some primary sources mentioned by the public during the public comment. Were these other sources consulted for the report and if they were not consulted, why not?

1

The Commissioners of the HLC disagreed with at least three of the historian's findings including the rarity of the trestle, the relationship of the canning industry to San Jose, and the history of the Western Pacific Railroad. The historian's research concludes that the timber trestle is not unique; however, he fails to site the number of wooden trestles in San Jose, let alone Willow Glen. The Willow Glen Trestle is a unique structure for our community. The City of San Jose must have a record of the existing wooden train trestles in the City. How many wooden trestles are remaining in San Jose and why is this not included in the DEIR? The historian does not debate the importance of the canning industry to San Jose. However, he states that the "trestle does not appear to be significantly associated with the Santa Clara County fruit packing industry."

2

Unfortunately, our community has already lost so many links to the "Valley of Heart's Delight" with the redevelopment of our acres of orchards and the demolition of the canneries. The Willow Glen Trestle is one of the few remaining reminders of that bygone era when trains came through San Jose and Willow Glen to transport our fruit to far away places. The Western Pacific Railroad's branch line to San Jose was instrumental in the shipping of this fruit from the San Jose canneries. So, how can the historian claim that the Willow Glen Trestle's link to the Western Pacific Railroad and the canning industry is not historically significant? Additionally, I would disagree with the historian's conclusion that the Willow Glen Trestle is not significant to the early history of the Willow Glen community. The historian details the history of Willow Glen and states that "the actions of the Southern Pacific and Western Pacific played a part in the decision to incorporate in 1927 and, in the view of some, to unincorporate in 1936." He suggests that Willow Glen find a "building" that would more closely reflect how the city functioned in its period of self-government. Unfortunately, those buildings have not been preserved and the Willow Glen Trestle is one of the last links to the struggles with the railroads that defined our community.

The discussion of fire safety in the DEIR seems lacking and in need of additional analysis. Why is no fire protection, such as a sprinkler system and alarms, recommended for the replacement pre-fabricated steel and concrete truss? Fire can also cause damage to the strength and integrity of steel. Why is no maintenance needed of the replacement bridge and no cost for maintenance estimated for the replacement bridge? Why is no debris and brush removal needed around the replacement bridge? Seems like this should be a safety measure with any bridge. The Willow Glen Trestle is made of naturally fire resistant old-growth redwood, has stood for over 90 years, and has survived fires and maintained its strength and integrity. I would hope that any bridge would have routine maintenance and fire protection for the safety of the community.

Table 16: Alternative Comparison Matrix compares the costs of restoring the existing trestle with the costs of replacing it with a pre-fabricated truss. I've already pointed out that it seems unrealistic that there would be no maintenance costs for the replacement bridge. Additionally, the overall costs are not true comparisons since the cost for the retrofit is padded to include the cost for a new bridge in 40 years.

The DEIR's analysis is inadequate to prove that replacing the Willow Glen Trestle with a pre-fabricated steel truss is a better alternative. I strongly recommend further analysis and continue to support the restoration of the Willow Glen Trestle, or Retrofit Alternative.

Thank you for your time and consideration.

Sincerely,

Whitney Heinrichs
Willow Glen Resident

3

4

Comment Letter 35—Whitney Heinrichs, March 11, 2015

Response to Comment 35-1

For a discussion of the City of San José Historic Landmarks Commission, see Master Response 2.

Response to Comment 35-2

For a discussion of the findings of the Historical Evaluation, see Master Response 1.

Response to Comment 35-3

For a discussion regarding fire impacts, see Response to Comment 46-5.

Response to Comment 35-4

For a discussion regarding the project costs, see Master Response 3.

36. Megan M. Jensen, Ph.D.

Willow Glen Bridge/Trestle replacement EIR comments

Megan Jensen <mmjensen@stanford.edu>

Wed 3/11/2015 2:42 PM

EIR comments

To: Davidson, John <John.Davidson@sanjoseca.gov>;

Cc: Oliverio, Pierluigi <Pierluigi.Oliverio@sanjoseca.gov>;

My spouse and I own a home that backs up to the Three Creeks Trail, less than two blocks from the Willow Glen Trestle. We strongly support the construction of the new steel trestle, and look forward to its completion.

In May of 2013, we joined a tour of the trestle led by individuals who wish to save the existing structure. We found that the existing trestle is an eyesore, unsafe, dilapidated, and a fire hazard. In fact, we have been woken up in the night by smoke from brush fires at the trestle site (and the sirens that follow).

Though some argue for its beauty and hope for it to be a "grand entryway to Willow Glen," the existing trestle is not visible from any streets in Willow Glen. Additionally, the proposed replacement would not impede the flow of the creek, which is home (or should be) to an impressive variety of wildlife, including Chinook salmon and steelhead trout. We are particularly concerned about what chemicals may still be leaching into the creek from the trestle supports. In 2011, the old railway easement behind our house was dug up and replaced with new dirt to remove arsenic and other contaminants from the old railway ties. We support removing sources of those contaminants from the creek.

I value historic preservation where it makes sense -- we live in a 1938 house. However, as a biologist, I think creating a healthy habitat for trout and salmon (which face severe habitat loss in California from impeded streams) is far more important than saving a trestle of minimal historical significance that represents a potential safety hazard.

We look forward to the completion of the Three Creeks Trail, and that includes a safe steel bridge over the Los Gatos Creek.

Thank you,

Megan Jensen

Megan M. Jensen, Ph.D.
Postdoctoral Researcher
Hopkins Marine Station, Department of Biology, Stanford University
mmjensen@stanford.edu

Comment Letter 36—Megan M. Jensen, March 11, 2015

Response to Comment 36-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

37. Friends of the Three Creeks Trail, Inc.

FRIENDS OF THE THREE CREEKS TRAIL, INC.

taisiat@comcast.net

March 11, 2015

The Honorable Sam Liccardo,
Mayor of the City of San Jose
And The Honorable City Council Members
Of the City of San Jose

Re: Three Creeks Trail Pedestrian Bridge Project EIR

Dear Mayor Liccardo and City Council Members:

As many of you know, I am the President of the Friends of the Three Creeks Trail, Inc., a nonprofit whose mission is to promote the Three Creeks Trail for the benefit and enjoyment of all people.

The Friends was formed by four former leaders of Save Our Trails and we will to continue to work closely with this Council to make the entire alignment of The Three Creeks Trail a reality. Over the last six years we have made much progress on behalf of the entire community with the acquisition, planning and soon-to-be construction of the Western alignment of the trail.

The Friends would now like to complete this joint mission by acquiring the vitally important and final connection to the Eastern Alignment of the Three Creeks Trail.

However, for the last year we have found our focus completely diverted to defending the Councils four previous decisions to move forward completing the bridge over the Los Gatos Creek. Please help complete this vital link with

Mayor Liccardo & City Council Members
March 12, 2015
Page 2 of 2

a beautiful, environmentally-sound, single-span bridge; a wise commitment you made for the benefit of the entire public.

The Friends of the Three Creeks Trail appreciates and supports the objectivity and thoroughness of the EIR's historical resources evaluation, as well as its conclusion that the Willow Glen Trestle is not a historic structure. We are discouraged that actions by the Friends of the Willow Glen Trestle forced the City to spend approximately \$400,000 in EIR expenses and ultimately caused the City to lose an additional \$900,000 when a state grant expired because of the lawsuit/EIR delay. Sadly, this has also caused the public more than a year wait to enjoy the bridge and its trail connections.

Finally, the Friends wish to point out that, as revealed in the 2/25/15 letter of the California Trolley and Railroad Corporation letter to the Council, there is a practical alternative to preserving the WG Trestle that will accomplish all of the "preservation of the past" goals of the supporters of the WG Trestle, i.e., preserving instead what the CTRC calls the "*other historic trestle in San Jose remaining under public ownership*" - the trestle along the Coyote Trail adjacent to Kelly Park and Happy Hollow Zoo at Senter Road. This is a location where a trestle is likely to be visited and appreciated by the public at large, but also by a very deserving local community. This approach will also give the Friends of the Willow Glen Trestle time to obtain funding for their project (as Save Our Trails did, and as Friends of the Three Creeks Trail plans to do) for the Eastern Alignment. Please adopt this win/win approach.

Very Truly Yours,

TAISIA MCMAHON

**Comment Letter 37—Taisia McMahon, Friends of the Three Creeks Trail Inc.,
March 11, 2015**

Response to Comment 37-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

Response to Comment 37-2

The commenter addresses the potential preservation of a different trestle in San José (adjacent to Kelly Park). From a CEQA perspective, this suggestion is unrelated to the EIR process. Even if the Los Gatos Creek trestle had been determined to be historic, offsite preservation of a similar structure would not be considered appropriate mitigation for the loss of a different historic resource.

38. Christopher Schumb

Law Offices of
CHRISTOPHER SCHUMB
10 Almaden Blvd. Suite 1250
San Jose, California 95113
TELEPHONE: (408) 271-3245
FACSIMILE: (408) 289-1509
E-MAIL: chris@schumb.com

VIA EMAIL

March 11, 2015

City of San Jose
John Davidson, Environmental Project Manager
San Jose, California 95113

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

Dear Mr. Davidson:

Please consider this letter as a public comment on the draft EIR Report referred to above. First, a little bit about me: I have lived in Willow Glen for over 50 years. I grew up 8 blocks away from the bridge under discussion. I explored and played in the creeks in Willow Glen as a youth and currently use the Los Gatos Creek Trail several times a week to exercise.

I have been on a tour of the "telephone-pole" bridge and sat in on the latest meeting of the preservationists group held in March 2015. I have tried to keep an open mind and educate myself about the history of the bridge and reviewed the CEQA report that appears to have been painstakingly compiled.

I know that the preservationists are picking apart the CEQA report and have disseminated information designed to help people object to it. I don't find that helpful. The EIR report is detailed, well-documented and frankly a bit over-analytic, I think the decision to replace the existing telephone-pole bridge is more guttural than some rational quasi-accounting process.

The existing telephone-pole bridge is an abomination. Willow Glen objected to it when it was shoved down their throats by the railroad in the 1920's. It is an obscene example of a bridge when compared to the sweeping spans that architects in the emerging art deco movement were producing in the 1920's. One only need to look at the classic spans that grace our coasts and roadways to see what our culture was capable of building at time this bridge was built. Indeed, when I researched it, the only other telephone-pole railroad bridges were those built for logging spurs to span creeks in Northern California. There is absolutely nothing unique or special about its construction, in fact it was clearly the cheapest, simplest, quickest way to span the creek, which was why I am sure our foremothers and fathers in San Jose objected so vehemently to it.

Indeed, not only was it thrown together at the time, it was a throw-away bridge. The builders did not even bother to pour foundations, but just stuck the creosote-soaked telephone poles into the creek-bed. It is an ecological disaster, the poles are giant cancer-sticks stuck in the ground with no regard to the natural creek-bed beneath it which is clearly obstructed by the myriad of poles. The builders not only showed contempt for the community and a lack of creativity in building it, but the existing bridge is an excellent example of construction with a contempt for the ecology it so thoroughly pollutes.

I do have one objection to the draft report - I just don't buy that the telephone poles are still not leaking the toxic creosote into the Creek to this day, nor that removing the pilings will release more toxins compared to leaving them stuck in the ground for another 40 years.

1

Frankly, the only reason to keep the bridge is as an example of the thoughtlessness, ignorance and arrogance of the railroad company from the 1920's towards with residents of Willow Glen and the environment. To celebrate the "historicity" of this bridge is an insult to our fair City and its people. The threat that it poses as a fire hazard and toxic site compel its swift removal on those grounds alone.

Thus, I agree with EIR report's conclusion that it is best to replace the existing bridge.

2

Very truly yours,

/s/

CHRISTOPHER SCHUMB

Comment Letter 38—Christopher Schumb, March 11, 2015

Response to Comment 38-1

Creosote toxicity is discussed in detail in the EIR. The commenter is correct in that the Ecological Toxicity Report (Appendix D) indicates that the pilings are likely well past the point where meaningful quantities of creosote are leaching into the environment. However, the issue is somewhat controversial; for example, Comment Letter 54 from the National Marine Fisheries Service states that removal of the pilings is expected to improve water quality in Los Gatos Creek. The EIR's conclusions are twofold: (1) leaving the pilings in place is unlikely to result in a threat to water quality, and (2) the pilings can be removed in a manner that protects water quality as long as rigorous protection measures are in place (see MM BIO-1).

Response to Comment 38-2

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

39. Toni and Roger Evans

Trestle

T. Roger Evans <trevans@sbcglobal.net>

Thu 3/12/2015 10:11 AM

Inbox

To: Davidson, John <John.Davidson@sanjoseca.gov>;

John,

When we moved to 927 Riverside Drive in 1973, we were pleased to have the opportunity to watch a train switching cars and moving back and forth over the trestle from our back yard. My friend, Severn, who at the time lived on Coe, seemed to know everyone who worked on the railroad. As a result, he was able to get the engineers to let my son and daughter ride in the cab as the cars were being switched and routed to either the canneries or Reed and Graham batch plant. One of the things that my wife and I appreciated was that the trainmen would include all the children . . . boys and girls for a ride. As friendly as they were, they were very safety conscious. They were firm with the children on the do's and don'ts when they were around the train and we never worried about their safety.

I had a large area to grow a garden and was especially proud of the tomatoes I was able to grow in the summer. Several times during the summer the train would be idling on our side of the trestle and we would invite the engineer to help himself to tomatoes from the garden.

We were sorry to see the railroad shut down, but are glad that the old right-a-way will become part of the trail system. Hopefully, with the trestle that played such an important roll in the valley economy. The trestle is a piece of history for San José and an important part of our pleasure in being able to live within site of it.

1

Toni and Roger Evans
927 Riverside Drive
408-294-8346

Comment Letter 39—Toni and Roger Evans, March 12, 2015

Response to Comment 39-1

This comment expresses the desire to preserve and retrofit the existing trestle and opposes the bridge replacement. Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project.

40. Gayle Frank

Jon Davidson
Department of Planning, Building, and Code Enforcement
200 E. Santa Clara Street
San Jose, CA 95113

March 12, 2015

Dear Mr. Davidson,

Subject: **THREE CREEKS TRAIL PEDESTRIAN BRIDGE PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT**

I am on the Board of Directors of Preservation Action Council of San Jose and the California Pioneers of Santa Clara County. I am also a long-time member and participant of History San Jose. I am a third generation San Josean and grew up in Willow Glen. I still live in San Jose. Last year, when I walked down under the Willow Glen Trestle toward the Los Gatos creek and stood among the large timbers, I really appreciated the site and was pleasantly surprised. It gave me an old world feel of past San Jose.

Not only do I love the looks and feel of the Trestle, but it is also 1) a part of Willow Glen’s history, 2) a piece of the local cannery history and 3) contributes to the local railroad history. If the Trestle is not historic, as stated by some, then why are so many people fighting to save it and why are there plans for a display to enlighten visitors of its history?

Western Pacific, who built the Trestle, was a gutsy competitor to the dominant Southern Pacific Railroad. Granted they never reached Southern Pacific’s level of success but they offered a good shipping alternative for the local canneries, a booming business in the Valley.

1

The Trestle, made by hand, is a good example of masterful engineering on a limited budget, right after WWI. It may not be the rarest, most unique, the tallest or the grandest trestle, but it is our trestle in Willow Glen and we want to keep it to remind us of the past. Even though there are many trestles around the country, there are only three in San Jose. The Willow Glen Trestle was the last trestle along the San Jose Line built by Western Pacific. That makes the Trestle rare for us in San Jose.

2

I have a concern that the draft EIR appears to be slanted toward demolishing the Trestle. The Executive Summary especially misstates and omits the positive elements of saving the Trestle. I heard that the company who wrote the Trade Matrix and the draft EIR also has the contract to install the new bridge. If this is so, isn’t that a conflict of interest?

3

As I understand it, the EIR cannot be certified until the San Jose Historic Landmarks Commission makes a determination on the local significance of the Trestle. I believe the State Historic Preservation Officer agrees. To evaluate the Trestle by only state and national criteria is questionable. The Trestle must be evaluated at the local level, by local lead agencies and by the people who live here.

4

Restoration Feasibility

After examining the engineering report, restoring the bridge appears to be soundly feasible. Section 3.1 states, “The Los Gatos Creek Trestle is in generally good condition and can be modified to perform as a bicycle pedestrian crossing of Los Gatos Creek. Section 3.2.2 states that regarding longitudinal stringers, “Our analysis indicated that the existing timber stringers are adequate to support either the concrete slab or timber decked bridge without modification.”

5

Section 3.2.3 says of the pile caps, Our analysis indicates that the existing pile caps are adequate to accept the load of either of the new deck alternatives.” Only the caps at Bents 3, 5, and 13 need to be replaced due to significant deterioration. Section 3.2.5 states, “Our analysis indicated that the piles are adequate for both dead and live load as long as the recommended repairs on select Bents are made.”

Section 3.5.2 states, “Bents 7, 8, and 9 have some char damage, but it is not significant.” There are only six piles that require repair; 1 at Bent 4, 1 at Bent 6, 2 at Bent 7, 1 at Bent 11 and 1 at Bent 12.

Many of the sash braces are damaged and about 50% of the lower sway braces are damaged but these are easily repaired or replaced with similar 8 x 10 timbers,

The deck of the Trestle would be replaced with a concrete deck and railing for pedestrians and bikers. All of this would cost less than tearing down the Trestle and installing a new bridge.

A Piece of History

On May 1, 1922, a celebration, described in the San Jose Mercury Herald¹, was held at the brand new Western Pacific Railroad's freight depot at 754 The Alameda. Speeches at this gathering included heavy praise for Western Pacific arriving in San Jose.

William Alexander, the celebration's chairman and president of the Keystone Company said, "Factories and railroads are the chief aids in the development of a city. The presence of the Western Pacific in San Jose will put this city on the map and will be a means of bringing many factories and a greater commercial activity to the community. We are greatly pleased with the faith shown in San Jose by the Western Pacific officials in extending their line from Niles to this city and thus giving to us another railroad terminal."

Alfred Post of the City Chamber of Commerce, expressed the good will felt by the Chamber for the officials of Western Pacific. He assured the railroad of the "whole-hearted support of the Chamber members in any effort of theirs planning to aid in the city's development."

Charles Crothers from the Lions Club said, "For a long time the people of San Jose have realized the lack of another railroad. The competition between the two railroad companies will be a good thing for both. We of the Merchants Association wish to extend to you our heartiest congratulation and our greatest support. We wish you to feel that we will be behind you in any fair-minded project you propose."

Many other prominent San Joseans expressed their pleasure at Western Pacific Railroad's entry into San Jose including representatives from the League of Women Voters.

Percy O'Conner, representing the Commercial Club members said, "We of San Jose are on the threshold of great possibilities and the advent of a new railroad to a community is of great importance as railroads mean progress and progress is a community's greatest asset. "

These accolades demonstrate the excitement and pleasure San Jose felt when the Western Pacific Railroad came to town. The Willow Glen Trestle is an important piece of that progress and should be protected.

Thank you for your consideration.

Gayle Frank
1117 Norstad St.
San Jose, CA 95128

¹ *San Jose Mercury News (San Jose, California) (Published as San Jose Mercury Herald) - May 2, 1922. Page [9]; Volume: CII; Issue: 122.*

Comment Letter 40—Gayle Frank, March 12, 2015

Response to Comment 40-1

Information on the Western Pacific Railroad is provided throughout the Historical Evaluation (Appendix F). Additional information has been added in response to comments – see Master Response 1 for a discussion of the findings of the Historical Evaluation.

Response to Comment 40-2

Information on the trestle is provided throughout the Historical Evaluation (Appendix F). Additional information has been added in response to comments, including information about other trestles in Santa Clara County – see Master Response 1 and Response to Comment 49-1.

Response to Comment 40-3

The EIR was prepared by CH2M HILL, under the direction of the City. CH2M HILL also contracted with specialty subconsultants, including Mikesell Historical Consulting. In addition, CH2M HILL prepared the Bridge Retrofit Report (Appendix G) and prepared the construction plans and specifications. CH2M HILL is not the project contractor.

Response to Comment 40-4

For a discussion of the San José Historic Landmarks Commission, see Master Response 2.

Response to Comment 40-5

As stated by the commenter, the retrofit alternative presents information on what would be done to make the bridge safe for bicycle and pedestrian use, consistent with the Bridge Retrofit Report (Appendix G). In terms of standards for reconstruction of historic structures, see Response to Comment 21-4.

Response to Comment 40-6

The Historical Evaluation acknowledges that the City of San José welcomed the Western Pacific Railroad. To emphasize this point, however, a paragraph was added to page 10 of the report, describing the celebration in May 1922 upon completion of the freight depot at The Alameda. See the updated Historical Evaluation (Appendix F).

41. Preservation Action Council of San José



March 12, 2015

John Davidson
 Department of Planning, Building, and Code Enforcement
 200 E Santa Clara Street
 San Jose CA 95113
Via email: john.davidson@sanjoseca.gov

Re: **Three Creeks Trail Pedestrian Bridge Project**

Dear John:

This year we are celebrating our 25th anniversary as an organization dedicated to preserving San José's architectural heritage through education, advocacy, and events. We aim to integrate a strong commitment to historic preservation into the land use and development decisions of the City of San José that affect historic resources, as well as into the private decisions of property owners and developers. We try to bring owners and developers together to create historically sensitive projects that make economic sense.

We have been concerned with the process used for this project from the beginning. The City made an arbitrary determination about the historic status of the trestle without complete documentation. This could potentially put all historic structures in the city at risk if the City determines what is not historic without following proper procedures.

1

The DEIR falls short in making its case as to why the trestle is not historic. We, and a large segment of the community, maintain the trestle is historic and therefore should be preserved and integrated into the trail system for current and future generations to use and enjoy.

Local historian, Jean Dresden, has done a great amount of research that documents why the trestle is historic and why the DEIR is flawed and inadequate in its portrayal of the historic status of the trestle. A small example of the available history that she has found and that was not included in the DEIR follows:

The presence of the Western Pacific Railroad alignment from Valbrick (Monterey Road) through Willow Glen was used as a bargaining chip with Southern Pacific Railroad about grade separations by San Jose City Manager Charles E. Goodwin throughout the 1920s. For example, in December 1925, the City of San Jose released a report from the Harland Bartholomew organization. This company prepared Planning documents for cities throughout the country. According to newspaper reports, the report contained a recommendation on two choices for the Southern Pacific railroad --elevate the tracks down 4th Street or use the pre-existing Western Pacific right-of-way through Willow Glen and build 8 grade separations. Southern Pacific did not respond in writing until May 1926 and rejected both alternatives but came back with an improved grade separation proposal for 5 grade separations. To put Southern Pacific 's response in context, their original proposal on grade separations prior to the construction of the Western Pacific, and approved by the Railroad Commission, was for ONE grade separation at Santa Clara Street.

2

Negotiations intensified through 1926 and 1927. Looming over the unincorporated Willows neighborhood was the threat of the intensification of the Western Pacific alignment with Southern Pacific's mainline traffic (estimated at 90+ trains per day).

As proof of the role of the Western Pacific Railroad alignment in the outcome in September 1927 Willow Glen incorporation campaign, a letter to the editor of San Jose Mercury Herald explicitly suggested Southern Pacific would use the Western Pacific Railroad alignment if the Willows did not incorporate.

Notably, the San Jose Mercury Herald did not take a position on incorporation of the Willows or the two alignments (Southern Pacific's 1906 route or the Western Pacific route). The newspaper's only position was to get the train off 4th Street.

The Harland Bartholomew and Associates Archives are at Washington University, St. Louis, Missouri:

<http://archon.wulib.wustl.edu/?p=collections/findingaid&id=523&q=&rootcontentid=266647#id266647>

The report is in Series 2 Box Vol55 Pt 3 Folder 1 San Jose, California

Thank you for the opportunity to comment on the DEIR. The above is just a small example of the rich history involving the trestle. This information and much more is available yet was not included in the DEIR. The lack of a complete history of the trestle and its importance to our community demands that the DEIR be recirculated so that the lacking documentation can be included. Without the addition of this and other available information the decision-makers cannot make an educated decision about the historic nature of the trestle.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian K. Grayson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Brian K. Grayson
Executive Director

**Comment Letter 41—Brian K. Grayson, Preservation Action Council of San José,
March 12, 2015**

Response to Comment 41-1

In regards to the commenter's statement about incomplete documentation, see Master Response 1.
In regards to the commenter's statement about following proper procedures, see Master Response 2.

Response to Comment 41-2

The commenter summarizes information provided by local resident Jean Dresden, who also commented separately (see Comment Letter 49). The quoted text is not repeated verbatim from the two letters from Jean Dresden, but the general points are covered. The letter entitled "Sword of Damocles" mentions the report from Harland Bartholomew and Associates (HBA), and the Historical Evaluation was amended to mention the HBA report in response to her comment.

The text from Dresden in this letter addresses the grade separation movement, which was not directly mentioned in the "Sword of Damocles" letter. She suggests that the Southern Pacific Railroad agreed to build five grade separations (instead of its original proposal for one grade separation) in part in response to the opposition of citizens in Willow Glen. The Historical Evaluation was amended to add to footnote 60, in the section dealing with grade separations, to mention the fact that Southern Pacific agreed to build five grade separations instead of one, which was likely linked to the dispute with both the City of San José and the City of Willow Glen. The conclusion of the report, however, has not changed: that the existing grade separations at San Carlos, Julian, Taylor, Delmas, and Almaden are more closely associated with the grade separation movement than the Los Gatos Creek trestle, which is not itself a grade separation. The report continues to argue that the trestle is not directly associated with the grade separation and is not eligible for listing in the National Register or California Register on that basis.

42. Martha Heinrichs

VIA EMAIL:

john.davidson@sanjoseca.gov

March 12, 2015

John Davidson, Senior Planner
City of San Jose, Planning Division
Department of Planning, Building, & Code Enforcement
San Jose City Hall
200 East Santa Clara Street
San Jose, CA 95113

RE: DEIR Three Creeks Trail Pedestrian Bridge
also known as Willow Glen Trestle
Project No: PP13-085

Dear Mr. Davidson,

I appreciate the opportunity to respond to the City's Draft Environmental Impact Report for the above project. I am in favor of the Retrofit Alternative and restoring the existing Three Creeks Trail Pedestrian Bridge, also known as the Willow Glen Trestle.

1

HISTORICAL EVALUATION APPENDIX F:

The State Office of Historic Preservation (OHP) has broad responsibility for the implementation of federal and state historic preservation programs in California and has been involved with the City of San Jose through the Certified Local Government Program. (Municipal Code Chapter 13.48 Historic Preservation).

Appendix F of the DEIR states: "The Landmark Commission is responsible for making a finding that the property in question meets the city criteria for landmark designation." Appendix F further states at pages 4-5: "It [the trestle] is not listed in the California Register of Historical Resources (or the National Register of Historic Places, which automatically results in a California Register listing); nor is it listed as a San Jose Designated Historic City Landmark."

2

Where is the City's Historic Evaluation Criteria, also known as "The Tally Card" which should be attached to Appendix F?

Why is the Willow Glen Trestle not listed as a San Jose Designated Historic Landmark?

Why was the Historic Landmarks Commission (HLC) not given the trestle to make a finding on since it is the responsibility of HLC for making findings on the property in question on whether it meets the city criteria for landmark designation?

Why did the City of San Jose fail to comply with the requirements of the Certified Local Government Program through the State Office of Historic Preservation? These requirements are:

1. Enforce appropriate state and local laws and regulations for the designation and protection of historic properties;
2. Establish a historic preservation review commission by local ordinance;
3. Maintain a system for the survey and inventory of historic properties;
4. Provide for public participation in the local preservation program; and
5. Satisfactorily perform responsibilities delegated to it by the state.

(http://ohp.parks.ca.gov/?page_id=24494)

ASSOCIATION WITH THE RAILROADS, CANNERIES AND THE TOWN OF WILLOW GLEN (underling is my emphasis)

At Appendix F, Historical Evaluation, page 18: The historian states: “This trestle does not appear to be significantly associated with the history of the Western Pacific Railroad.”

It is very apparent that the Willow Glen Trestle, located on the tracks of the Western Pacific Railroad, played a vital role in the major fruit producing region of our area. “A huge industry developed right here in San Jose for three basic reasons: the fruit was grown here, there was a ready supply of labor and two railroads, Western Pacific and Southern Pacific, built rail sidings right to the canning plants.”

(http://www.sanjoseinside.com/2006/02/20/the_canning_industry_in_san_jose)

Santa Clara County became the largest fruit production and packing region in the world, hence the name: “Valley of Heart’s Delight”. In large part, this title was due to these two railroads, Western Pacific and Southern Pacific, which linked us to the world and transported our canned products to distant markets.

With the addition of the Western Pacific in San Jose, shippers now had a choice of railroads. Vegetable packing houses and fruit canneries relocated on the new Western Pacific line. Additionally, a significant amount of traffic was received in

interchange from shippers located on the Southern Pacific tracks. (Prune Country Railroading: Steel Trails to San Jose by Norman W. Holmes). Western Pacific also provided a service to the smaller canneries and packing facilities in San Jose in receiving and taking just a partial car load instead of the required full car load as the Southern Pacific Railroad required.

Briefly summarizing Prune Country Railroading: Steel Trails to San Jose by Norman W. Holmes, this source reveals that when Southern Pacific (SP) applied for a renewal of its Fourth Street franchise in 1925, the City Council rejected it. San Jose informed the SP of the conditions under which it would grant a west side franchise using the Western Pacific (WP) right of way. This would include four grade separations and also a new station at San Fernando Street. To complicate matters, in September 1927, the community of Willow Glen incorporated with the purpose of blocking the west side route. In January 1928, SP secured permission from the WP to lay its main line tracks beside the WP tracks through Willow Glen, provided the legal problems could be solved. The Town of Willow Glen was successful in blocking the SP plan, and forced SP to modify the 1906 routing to avoid the new city limits. This new route cut through a corner of Willow Glen on a 1,060 foot long strip of property secretly purchased by SP. In secrecy, the City of San Jose brought about the annexation proceedings in the Hillside and Cottage Grove sections. These two areas, along with Willow Glen, had refused to join San Jose in 1925. The petitions stopped the Town of Willow Glen from starting on an annexation program of its own to cut off the west side route completely.

A legal battle erupted immediately after the first track was laid on that 1,060 foot section through the Town of Willow Glen. In February 1929, after these additional tracks were laid, Willow Glen went to the Santa Clara County Superior Court and got an injunction to stop work because the railroad had no franchise. The railroad responded by claiming that it didn't need a franchise, that it had an Interstate Commerce Commission order approving the line and additionally that the track crossed no streets or public land.

Then in May 1929, Willow Glen took its suit to the Federal District Court. This court ruled that the railroad could not run through Willow Glen without a franchise. The railroad appealed to the Federal Circuit Court. The property damage suits had to be settled before construction could go forward. San Jose extended the track relocation deadline to two years after settlement of the property damage suits.

With the support of Willow Glen and the property damage suits, SP started excavation on the Park Avenue underpass. SP also made a small jog around the Willow Glen limits. In order to do this, SP got an amended franchise from the City of San Jose after agreeing to beautify embankments along the new line and to widen several underpasses.

In April 1931, SP had a rider added to a State Legislative bill that would allow them to use its route through a corner of the Town of Willow Glen without a franchise. It was revealed that Willow Glen was willing to give the railroad a franchise if SP would give it an underpass for the future extension of Minnesota Avenue. The railroad instead decided to wait for the results of the appeal. A short time later the Court held that Willow Glen had started its franchise suit in the wrong court.

Willow Glen next appealed to the United States Supreme Court. Because the issue it was testing would seriously reduce the franchise powers of other California cities if the railroad won, the suit was joined by lawyers from other California cities. In November 1931, the Supreme Court sustained the Circuit Court, saying that Willow Glen had started the suit in the wrong court. Willow Glen's battle was back where it started three years earlier. Willow Glen started its suit again, but dropped the issue on the assurance that the Minnesota Avenue underpass would be built at a later date."

(Prune Country Railroading Steel Trails to San Jose, by Norman W. Holmes, 1985, Shade Tree Books)

At Appendix F Historical Evaluation, pages 19-20: The historian writes: "This trestle does not appear to be significantly associated with the Santa Clara County Fruit packing industry." The historian additionally writes: ". . . the fruit packing industry was important to the economy and social network of Santa Clara County for more than a half a century, between the late 1870's and American involvement of World War II. This trestle, however, is only tangentially related to that industry , , , ,"

It is this particular Willow Glen Trestle, built by the Western Pacific Railroad, that was on the Western Pacific Railroad spur in Willow Glen (referred to as the "J-hook") that was used by the Western Pacific freight trains to cross over the Los Gatos Creek to reach the canneries on Auzerais Street. One of these canneries on Auzerais Street was Del Monte, Plant #3, (also referred to as other names over the years). Del Monte Cannery became the largest cannery in the world and its Plant #3 was located on a site bordered by the Los Gatos Creek, the railroad spur, and Auzerais Street with the main warehouse of this cannery functioning as the packing, shipping and canned fruit warehouse. Del Monte, Plant #51, close by on Bush Street at The Alameda, (originally the Griffin and Skelley dried fruit packing company) was also located on the Western Pacific tracks. The canning and shipping of food for the armed services became a major contribution to the war effort. During World War II, demands for canned products were enormous, and the government purchased over 50% of Del Monte's output, increasing the need for the railroad.

(<http://www.knightsia.org/sia2008/Tour%204.pdf>)

(http://www.abandonedrails.com/San_Jose_California)

HISTORIC STATUS OF PILINGS IN THE BAY AREA:

The historian failed to mention in Appendix F of the Historical Significance, that the 90 plus pilings of the Willow Glen Trestle could also have historic recognition and status. (See *“Removal of Creosote-Treated Pilings and Structures From San Francisco Bay”*, prepared for the California State Coastal Conservancy by the San Francisco Estuary Institute)

www.sfei.org/sites/default/files/ReportNo605_Creosote_Dec2010_finalJan13.pdf

This report reveals that pilings are NOT being removed in the Bay Area if deemed useful or historical, or both. Additionally, many of the creosote treated pilings and structures in the Bay Area are of interest because of their age and their cultural interest, and that historical analysis would have to be completed prior to removal. According to this report, for the 90 plus pilings of the Willow Glen Trestle to be considered eligible for inclusion in a historical register they must meet the following qualifications:

- Be over 50 years old. The pilings of the Willow Glen Trestle are over 93 years old.
- The pilings must be associated with potentially a significant event. This trestle and its pilings represent a significant part of history, not only to the founding of the Town of Willow Glen, but also with the canneries and the railroads during the period of time when Santa Clara County was known as the Valley of Heart’s Delight.
- The pilings must retain integrity. The 90 plus pilings of the Willow Glen Trestle have been maintained over the years first by the Western Pacific Railroad and later by the Southern Pacific Railroad; and the repairs were done in a manner that preserved the structure’s integrity. The trestle is still standing strong and, as stated in the Ward Hill “Feasibility Study” dated October 8, 2012, commissioned by the City of San Jose, “the repairs to the trestle would be minimal and would cost less than replacing it with a prefabricated steel bridge.”

Appendix F: Historic Significance section of the DEIR is flawed, insufficient, inadequate and is lacking good resources. The DEIR needs to be revised and re-circulated to address the historic significance of the Willow Glen Trestle.

AESTHETIC TREATMENTS:

The DEIR states in the Executive Summary:

“The pedestrian bridge would include design elements that recall the former operators and the trestle structure, including the following: two large emblems inset in the pavement representing the Western Pacific and Southern Pacific

railroads, and an interpretive display panel focusing on the timeline and history of the trestle as it relates to the surrounding community.”

If the history of the trestle, the railroads, and the role they played during Santa Clara County’s great agricultural era are so important that the City will be highlighting the entire steel bridge and the Three Creeks Trail with fake painted rails, signage and an interpretive display, then this reveals that the original Willow Glen Trestle is a major contributor to our great agricultural era and to the history of Willow Glen, and the trestle needs to be repaired, restored and preserved.

The historian in Appendix F, Historical Evaluation, contradicts the Executive Summary’s statement and he questions the historic value of the trestle, its connection to the railroads, to the Town of Willow Glen, and its contribution to the Valley of Heart’s Delight.

The Willow Glen Trestle is still standing. It can be repaired, restored and saved giving the community the real historic structure to enjoy. The Ward Hill “Feasibility Report” dated October 8, 2012, at Section 3.1 states: “The Los Gatos Creek trestle is in generally good condition and can be modified to perform as a bicycle pedestrian crossing of Los Gatos Creek. ” This report even details exactly what nuts, bolts, pieces of wood, etc. would need to be replaced in the existing trestle and the report further states: “The repairs to the trestle would be minimal and would cost less than replacing it with a prefabricated steel bridge.”

The DEIR is flawed, insufficient, inadequate and contradicts itself and needs to be revised and re-circulated.

FIRE SAFETY:

This 93 year old Willow Glen Trestle, constructed of old growth redwood, contains high levels of tannic acid which helps to provide a resistance to natural and man-made fires. The trestle, restored, will be equipped with alarms, sprinkler system and a fire retardant treatment. There are three fire stations located within close proximity to Willow Glen and fire trucks and other equipment have easy access to the trestle. Debris and brush within 25 feet of the trestle will be removed for fire precaution.

The DEIR fails to state that with a new steel bridge, steel loses its strength when heated, especially with brush fire temperatures. Once the integrity of the steel is compromised, it weakens the entire span. The steel bridge, being a truss structure, is like a chain in that it is only as strong as the weakest link. This is

clearly evident and visible now in the metal walkway on the existing trestle. A previous brush fire has bent the metal walkway making it weak and unsafe to walk on.

Why would a new steel bridge not be equipped with safety features, such as alarms and a sprinkler system?

Why would a new steel bridge not have debris and brush removed from within 25 feet, as the trestle would?

Why is the trestle penalized in the Alternative Comparison Matrix for this necessary safety feature of having debris and brush removed? These safety features should be required for all bridges -- wood or steel.

The DEIR is flawed, insufficient and inadequate and needs to be revised and re-circulated to address fire danger regarding the steel bridge.

HAZARDS AND HAZARDOUS MATERIALS:

The 90 plus old growth redwood pilings of this train trestle are well past the point where creosote constituents are leaching into the environment, or into the Los Gatos Creek bed. Findings show that leaving the pilings of the trestle in place will not pose a risk to terrestrial or aquatic receptors.

In demolishing the existing trestle, one can only imagine the environmental impact this will have on the waterways and the wildlife and natural habitat, including the known salmon and beavers that frequent the Los Gatos Creek. Demolishing the existing trestle would involve placing heavy equipment in the narrow creek bed to deconstruct the trestle and remove the creosote timbers and pilings that span across the Los Gatos Creek, polluting not only the creek and everything in it and surrounding it, but further downstream where it flows into the Guadalupe River and then into the Bay. If left undisturbed, the creosote is causing minimal to no damage to the waterway and embankment, but if disturbed by the removal process the toxic environmental damage could be considerable. Most toxins in pilings are dispersed within the first two or three years so there is little risk of leaching toxins after 93 years. (See *“Removal of Creosote-Treated Pilings and Structures From San Francisco Bay”*)

With the environmental impact and damage that would occur to the waterways, wildlife and wildlife, why would the city even consider demolition?

In addition, the creosote pilings are considered hazardous waste and they cannot be remediated. The pilings will be placed permanently in landfill, with the likelihood of leaching the now disturbed creosote into the ground and potentially the ground water at the landfill site. In the techniques outlined in the DEIR for the demolition of the existing trestle, the removal of the creosote treated pilings, and the routine transport and disposal of the creosote treated pilings, all would create considerable volumes of resuspension of sediments and introduce debris into the environment creating a significant hazard not only to the environment, but also 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. 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”*)

Why would the city even consider the removal and disturbance of the creosote treated pilings and perform such a hazard knowing it would endanger the environment, the waterways, the natural habitat and human beings?

The DEIR is flawed, insufficient and inadequate and needs to be revised and re-circulated to address creosote and hazardous materials.

ARCHAEOLOGICAL ASSESSMENT REPORT APPENDIX E:

What is known as “Willow Glen” today was once inhabited thousands of years ago by indigenous people known as the Tamien people. The “Roberto Adobe” was built by an indigenous Indian named Roberto Balermينو around 1836. He petitioned the Mexican governor for a land grant for 2,219 acres. The “Roberto Adobe” now has Federal, State, and City historical status. This adobe is located just a short distance from the north end of the trestle, off of Lonus Street. This large 2,219 acres of land that was included in the land grant years ago, given to Roberto Balermينو by the Mexican governor, would have included the area of land where the Los Gatos Creek and the Willow Glen Trestle are located today. http://californiapioneers.com/RobertoSunol_Adobe/RobertoSunolAdobe_rev07092013.pdf

With the already known archaeological history of this specific Willow Glen area which was specifically inhabited by the Tamien people, and the more recent history of the last 180 years since the Roberto Adobe was built and inhabited, this Appendix E is very vague, insufficient and inadequate. In Appendix E, numerous letters appear to have been mailed out requesting information regarding Native American sites in or around the Three Creeks Trail and the

Willow Glen Trestle site, and notations are included of vague telephone responses received, if any, with only the words “left a detailed message.”

The DEIR is vague, insufficient, inadequate and needs to be revised and re-circulated to address the historic archaeological significance of the area in and around the Willow Glen Trestle and the Three Creeks Trail.

ALTERNATIVE COMPARISON MATRIX, TABLE 16:

This very vague Table 16 needs to be revised and improved so as to reveal the accurate and true figures to the public. The figures and ratings revealed in Table 16 have been padded and sliced for the advantage of the steel bridge.

Streambed Maintenance: Trestle done annually: one day, crew of 3-4, truck and crane; steel bridge: no maintenance.

Why would there be no streambed maintenance on the steel bridge?

Why are there no plans for removing debris and brush within 25 feet from the steel bridge for fire safety precaution?

Structure Maintenance: Trestle \$20,000 every 5 years; steel bridge: no maintenance.

Why would there be no structure maintenance for the steel bridge?

Inspection: Trestle: every other year at \$4,000; steel bridge: \$1,000 every other year.

Construction Design Cost: The trestle at \$959,000; the steel bridge is \$1,637,323.

Expected Lifetime: Trestle: 30-50 years; steel bridge: 75 years with no streambed maintenance; no fire safety precautions taken; plus no structure maintenance.

How does the city propose that a steel bridge will last for 75 years with absolutely no maintenance?

The DEIR is vague, insufficient, inadequate and needs to be revised and re-circulated to address the Alternative Comparison Matrix, Table 16.

Through historic preservation our resources are recognized, appreciated and protected so that future generations may benefit from them. It is only when we tell the stories of our ancestors as they relate to the historical event – The Valley of Heart’s Delight -- and the preserved historical site – the Willow Glen Trestle -- that we can really see the true picture of what made us all what we are today. This trestle would add educational interest and charm to the trail, and would be a landmark that the residents of San Jose would be proud of as a reminder of our once rich agricultural past.

I am in favor of the Retrofit Alternative and restoring the existing Three Creeks Trail Pedestrian Bridge, also known as the Willow Glen Trestle.

I look forward to your response to my questions. Thank you for your consideration.

Sincerely,

Martha Heinrichs

Comment Letter 42—Martha Heinrichs, March 12, 2015

Response to Comment 42-1

This comment expresses the desire to preserve and retrofit the existing trestle and opposes the bridge replacement. Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project.

Response to Comment 42-2

For a discussion of the City of San José Historic Landmarks Commission, see Master Response 2.

Response to Comment 42-3

The commenter discusses the association of the Western Pacific Railroad with the canneries and with Willow Glen incorporation movement. For a discussion of the findings of the Historical Evaluation, see Master Response 1 and Responses to Comments 16-3, 16-3, 40-4, 41-2, 49-1, and 49-2. The commenter does not present new information that was not already considered in the Historical Evaluation (Appendix F).

Response to Comment 42-4

The commenter misunderstands how the San Francisco Estuary Institute report applies to the proposed project. The report addresses the decision-making process faced by organizations throughout the Bay Area for whether to remove creosote pilings or to leave them in place. One of the criteria is the historical status of the pilings. The Los Gatos Creek trestle is not a collection of pilings, but rather a complete bridge structure. The entire structure, including all of its components, was evaluated for its historical status. The pilings do not need to be individually evaluated.

Response to Comment 42-5

For a discussion of the findings of the Historical Evaluation, see Master Response 1.

Response to Comment 42-6

The commenter addresses aesthetic treatments for the proposed new bridge, but confuses aesthetic treatments with historic preservation. Based on a design process that included community outreach, it was determined that aesthetic treatments that recalled the former railroad would enhance the appearance of the new bridge. That does not imply that the bridge is historic, according to established criteria. There is no internal conflict in the EIR.

Response to Comment 42-7

For a discussion on fire impacts, see Response to Comment 46-5.

Response to Comment 42-8

The adverse effects of removing the piles is analyzed in detail in the EIR. See Impact BIO-1 and MM BIO-1 on pages 3-25 through 3-28. Also see the Inspection Site Visit Report (Appendix C) and the Ecological Toxicity Report (Appendix D). The EIR's conclusions are twofold: (1) leaving the pilings in place is unlikely to result in a threat to water quality, and (2) the pilings can be removed in a manner that protects water quality as long as rigorous protection measures are in place (see MM BIO-1).

The disposal of creosote pilings is also analyzed in the EIR (see Section 3.8.3). The State of California has issued strict guidelines for the disposal of treated wood waste. Implementation of the proposed project would follow those requirements.

Response to Comment 42-9

Information regarding the ethnography of the local area, including information on the Tamien people, is provided in the Archaeological Assessment Report (Appendix E). Note that the Roberto Adobe is not located in or adjacent to the project footprint. The commenter does not present any new information that would warrant updates to the EIR. The Native American consultation process, described in the Archaeological Assessment Report, is fully consistent with established protocols.

Response to Comment 42-10

With regard to streambed maintenance and fire safety, see Response to Comment 46-5. With regard to costs, see Master Response 3.

43. Jack Nadeau

Comments on Draft EIR for Three Creeks Trail Pedestrian Bridge Project

Jack <gingerjax@aol.com>

Thu 3/12/2015 8:06 PM

Inbox

To: Davidson, John <John.Davidson@sanjoseca.gov>;

Cc: Larry Ames <LAmes@aol.com>;

Dear Mr. Davidson,

I attended the regular session of the San Jose Historic Landmarks Commission on March 4, 2015. The members of the Commission had been asked to endorse the Draft EIR's statement that the Willow Glen trestle was not historic. Instead, they voted to issue a formal comment indicating that the historic analysis of the DEIR was deficient, that the trestle appeared to be far more historic than acknowledged, and that more historical data was needed to complete the final version of the EIR.

To me, the Willow Glen trestle is unquestionably an important historic resource. It's not just 'old and pretty' — standing strong there since the Roaring Twenties, it is history itself! For many decades, it literally supported countless trainloads of canned fruit destined for locations near and far. It reminds us of our valley's rich agricultural past, as well as the importance of the rail lines that served the Valley of Hearts Delight and shaped our city.

As part of the Three Creeks Trail at the Los Gatos Creek Trail, the EIR's Retrofit Alternative would assure present and future generations the joy of seeing, and actually using, this historic bridge.

Thank you for hearing our comments.

Best regards,

Jack Nadeau
990 Ramona Court
San Jose, CA 95125-2262
gingerjax@aol.com

Comment Letter 43—Jack Nadeau, March 12, 2015

Response to Comment 43-1

For a discussion of the findings of the Historical Evaluation, see Master Response 1.

44. Gwynne Rolla

Train Trestle lawsuit

GWYNNE ROLLA <gwynnep@yahoo.com>

Thu 3/12/2015 6:53 AM

EIR comments

To: Davidson, John <John.Davidson@sanjoseca.gov>;

Dear Mr. Davidson -

I am writing you to express my opposition to the lawsuit over the removal of the dilapidated, old wood bridge in Willow Glen. I am a mother of three elementary and jr. High aged children who frequently ride their bikes around the neighborhood. We would fully welcome a newer and safer bridge and would also be relieved to see that area of Willow Glen begin to be "cleaned up" with the addition of a new bridge. 1

I am also concerned that this lawsuit is diverting funds from other meaningful projects -- specifically the snack shack for Willow Glen Little League at Bramhall Park. We live blocks from the park and know what a gem it is for many, many San Jose families (not just Willow Glen families). On any given Saturday or Sunday you can see generations of families enjoying the beautiful park that is a true symbol of Willow Glen. The addition of a more operational snack shack would only enhance this gem for the city's residents.

I hope you receive and acknowledge the numerous voices that have contacted you regarding the importance of the new bridge. The majority of residents in the area agree that it is a positive mechanism to improve our community.

All my best,
Gwynne Rolla

Comment Letter 44—Gwynne Rolla, March 12, 2015

Response to Comment 44-1

This comment expresses support for the proposed project (bridge replacement). Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project. The City is dedicated to improving its bicycle and pedestrian trail system and is committed to moving forward with the proposed project.

**45. City of San Jose Historic
Landmarks Commission**



Department of Planning, Building and Code Enforcement

HARRY FREITAS, DIRECTOR

March 12, 2015

John Davidson
 Department of Planning, Building and Code Enforcement
 200 East Santa Clara Street
 San Jose, CA 95112

RE: Draft Environmental Impact Report for the Three Creeks Trail Pedestrian Bridge Project
 (File # PP13-085)

Dear Mr. Davidson:

The Historic Landmarks Commission (Commission) discussed the Draft Environmental Impact Report for the Three Creeks Trail Pedestrian Bridge Project at its March 5, 2015 meeting. In a 6-0-1 decision (Jones absent), the Commission voted to forward this comment letter, signed by the Vice Chair, to the Director of Planning, Building and Code Enforcement.

The Commission offers the following comments regarding the Draft Environmental Impact Report (DEIR):

The Commission believes that the Historical Evaluation of the Los Gatos Creek Trestle report is inadequate and disagrees with its findings. The document is inadequate due to a lack of primary sources cited. Sources that were not referenced in the document were presented to the Commission by members of the public during public testimony, including Clyde Arbuckle's History of San Jose and Prune Country Railroading by Norman Hines.

The Commission disagrees with the following findings of the report.

1. *That the trestle does not appear to be associated with the history of the Western Pacific Railroad in any important way;*

The Commission felt that the trestle is an important component of the Western Pacific Railroad.

2. *The trestle is only tangentially related to the Santa Clara County fruit packing industry as one piece of dozens of transportation networks that served that industry;*

The Commission felt that the trestle has a strong relationship to the Santa Clara County fruit packing industry.

3. *The trestle does not represent a specimen of its type or period of construction that is an important example of building practices of a particular time in history.*

The Commission felt that the bridge is a rare example of a trestle in San Jose.

In addition, the Commission disagrees with the conclusion that the trestle is not historic because it is not significant at the state or national level. Prior to the March 5, 2015 meeting, the Commission was not consulted during the DEIR process to determine if the trestle is historic at the local level. The Commission is a discretionary body that has the ability to make findings and consider sites and structures for local historic significance.

Prior to the completion of the Final EIR, the Commission requests that the Director of Planning, Building and Code Enforcement bring this project back to the Commission for consideration to nominate the trestle as a city landmark or other designation of local historic significance.

Sincerely,



Max Schultz
Vice Chair
City of San Jose Historic Landmark's Commission

Comment Letter 45—Max Schultz, City of San Jose Historic Landmarks Commission, March 12, 2015

Response to Comment 45-1

For a discussion of the findings of the Historical Evaluation, see Master Response 1.

Response to Comment 45-2

Note that the discussion in the Historical Evaluation regarding the local eligibility is not based simply on the determination that the resource is not eligible for state or national listing. The Historical Evaluation considers the local criteria in detail. The Historical Evaluation states that the local criteria are fundamentally similar to the National Register and California Register criteria and concludes that the similarity “strongly suggests” that the trestle is not eligible for designation under the Landmarks Program. As stated in Master Response 2, the Historical Evaluation recognizes that the City Council has the sole authority to designate a City Landmark.

Response to Comment 45-3

For a discussion of the City of San José Historic Landmarks Commission, see Master Response 2.

46. Larry Ames

John Davidson
 200 E. Santa Clara St.
 San José, CA 95113
 via email: john.davidson@sanjoseca.gov
 March 13, 2015

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

Mr. Davidson,

I would like to submit the following questions and comments regarding the Draft Environmental Impact Report (DEIR) on the Three Creeks Trail Pedestrian Bridge Project (File No. PP13-085), which details the plans for the demolition of the 1922 Western Pacific Railroad Trestle across the Los Gatos Creek in Willow Glen (called the “Los Gatos Creek Trestle” in the DEIR and what we call the “Willow Glen Trestle”), and the installation in its place of a new prefabricated single-span truss steel bicycle/pedestrian bridge (the “prefab steel bridge”).

The DEIR is a very extensive report: 512 pages long, 1.5 inches thick and weighing in at 3 lbs 10 oz when printed double-sided. (I really appreciate the long 45-day comment period!)

While the DEIR contains a number of very thorough and detailed analyses, **there are topics that are entirely omitted.**

Also, the section in the DEIR on Historic Significance cannot be completed, because, as the California Office of Historic Preservation states, “since the DEIR was completed prior to a determination by the landmarks commission it could never have properly considered whether the trestle was a historic resource to the local community. That determination is up to the landmarks commission and the city council, as stated correctly in Appendix F; therefore, the landmark commission should have been consulted prior to the DEIR’s conclusion that no historical resources are present. San Jose’s landmark commission, in its unique discretion, is responsible for determining if the trestle is historically significant to the community of Willow Glenn, and the citizens of City San Jose.” The City’s Historic Landmarks Commission has just begun this determination, as indicated by the initiation of processing City Permit HL15-001.

And there are fatal flaws in the one section that most people read:
the Executive Summary totally misrepresents the analyses in the body of the report and, by using the lamest of justifications, **it reaches a false conclusion.**

This Draft of the EIR needs to be revised and then recirculated for additional public comment.

The DEIR analyzes three Alternatives: “Project”, “Retrofit”, and “No Project”, where

- “Project” involves the demolition of the Willow Glen Trestle and replacing it with the prefab steel bridge,

- “Retrofit” involves restoring the Willow Glen Trestle and adapting it for trail use, and
- “No Project” just leaves everything alone – no restored or replaced bridge and no trail connection.

The DEIR is defective in that it does not recognize the “Retrofit Alternative” as the environmentally preferred alternative.

As will be explained in detail below, the analyses within the DEIR indicate that the Retrofit Alternative is less expensive (both initially and over the entire lifetime), faster to implement, better for the environment, and more appropriate for the “Neighborhood Aesthetics”. But then, in the trade matrix (Table 16 on p. 5-7 of Appendix G) that is pivotal in justifying the selection, the prefab steel bridge is given extra credit because it “could be made pleasing [with] railroad themed signs ... at the approaches”, and then two more points because, during an inspection every other year, the trestle requires “specialized equipment” (a ladder!) and additional personnel (a person to hold that ladder!)

4

But I digress: Comments on a Draft EIR need to point to specifics, so here goes.

Nomenclature:

For convenience, first let me define some terms:

Several designs have been advanced for the restored trestle. When a distinction is needed, let me refer to them as:

- “Restored 2012” – the trestle is repaired and adapted as per the plans in the City-commissioned 2012 Engineering Report by CH2M-Hill. This involves stripping the ties, catwalk, and guywire railings from the trestle, stabilizing and repairing the substructure, and placing decking (e.g., concrete slabs) on top of the stringers, with fencing/hand-rails on top.
- “Restored 2004” – the trestle is repaired and adapted as per the 2004 CEQA documents. This keeps more of the trestle more intact: the catwalk and guywire railings are stripped but the ties are kept/repared/replaced, and the trail decking and railing are placed on top of the ties.

As stated in DEIR §6.2.1, “If bridge retrofit is selected as the preferred alternative, then additional refinements could be made. Architectural and aesthetic treatments could be reconsidered based on community input, and it may be possible to more closely mimic the existing trestle.” I look forward to working with the planners from PRNS (San José Department of Parks, Recreation, and Neighborhood Services), together with their consultants and the public, on possible improvements to the design shown in Fig. 6-1 for the “Retrofit Alternative”. For example, perhaps the railing could be made to look more like the original, the decking could have a contoured edge to replicate the appearance of railroad ties, or alternative decking materials could be considered (e.g., the steel grating used in draw-bridges: strong, and yet allows the trail user to look down at the trestle substructure and riparian habitat), and, since the trestle structure is sufficiently wide, it may be possible to provide for a mid-stream area that would allow trail users to view the stream and habitat without blocking the trail. But first the trestle has to be saved, which means that the Retrofit Alternative needs to be the Preferred Alternative.

By the way, to aid in the writing (and reading) of these comments, let me name the parts of the trestle, using the terminology from the 2012 City-commissioned Engineering Report by CH2M-Hill: the existing trestle consists of a “superstructure” and a “substructure”.

- The superstructure is the deck and the railing. The deck is top surface, used by the trestle-user: ties and rails in the case of the railroad, or concrete slabs (or other surface) for the trail.
- The trestle’s substructure consists of piles (the main vertical timbers), braces (diagonal beams bolted to the piles), sashes (horizontal beams bolted to the piles), caps (the large beams across the top of the piles), and stringers (the two 32" × 20" beams that run the entire 210' length of the trestle). A “bent” is a set of piles in a row, the cap on top of them, and possibly braces and sashes tying them together. The Willow Glen (WG) Trestle has 13 bents, plus an abutment at either end.

References to the DEIR are either by Section Number (§) or page number, which are given either as they appear in the DEIR or Appendix or by the sequence number in the PDF file.

So now, let me discuss some issues:

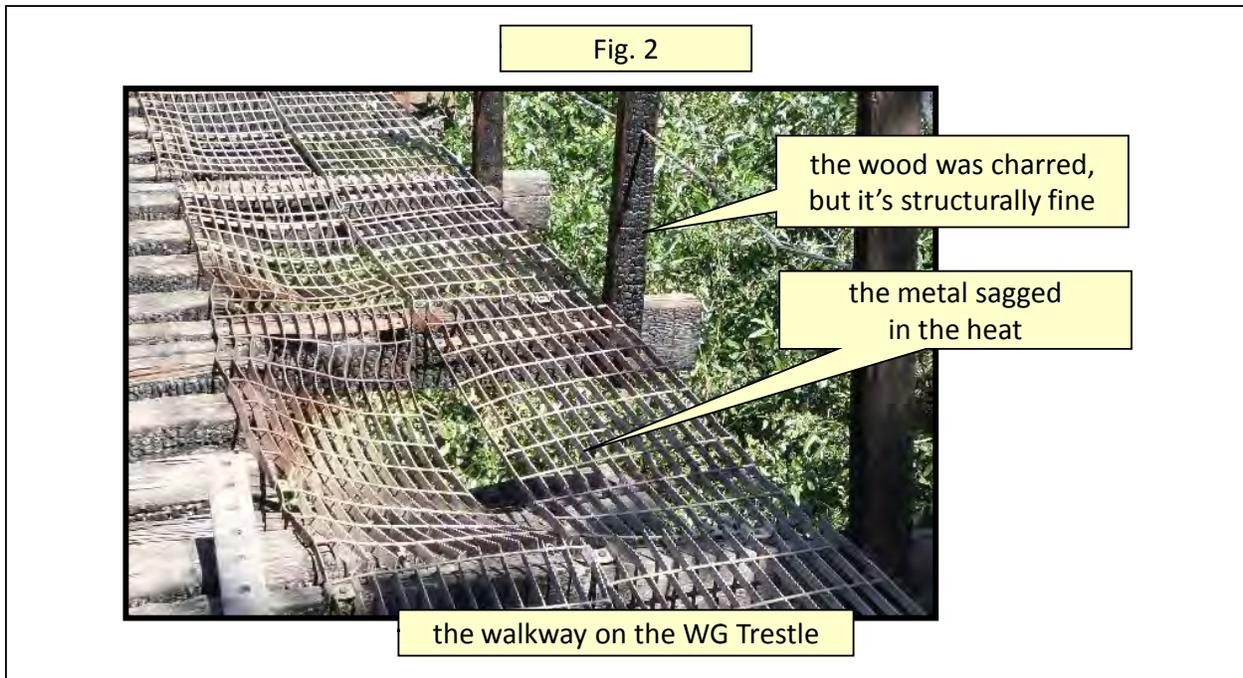
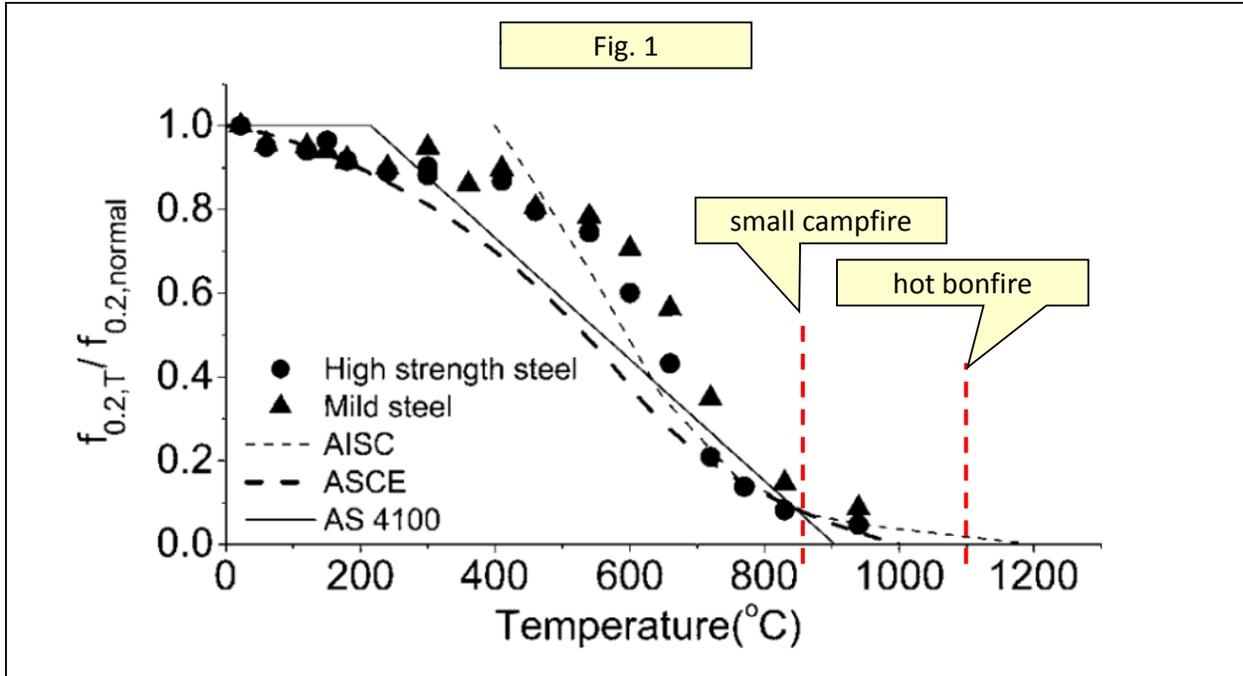
Fire:

Fire has been one of the main concerns ever since the concept of replacing the trestle with the prefab steel bridge was first raised. Questions concerning fire were raised during the EIR Scoping Process (see, for example, my letter, which is included in the DEIR in Appendix D). Fire safety measures are discussed in detail for the trestle (see Appendix G): the removal of some splintered or charred materials, the installation of a sprinkler system, fire alarms, fire-retardant treatments, and the management of vegetation and debris in the creek channel. However, **a discussion of the impact of fire on the prefab steel bridge is missing.**

The EIR includes no fire safety precautions for the steel bridge: despite requests made during EIR-scoping, **it’s not even discussed.** The EIR does say, however, that the new bridge won’t have sprinklers (§3.13.3, PDF p. 90) and that vegetation and debris won’t be removed (ES-6, PDF p. 8).

Fire does affect steel: when it gets above about 1,100 deg. F (600° C), it loses half its strength, and at 1,500° F (850° C – the temperature of a small campfire) it’s only a tenth as strong. A fire in a nearby clump of the invasive giant reed (*Arundo donax*, sometimes referred to as “bamboo”) could exceed 2,000° F (1,100° C), and the entire single-span bridge could collapse if any portion of the truss is compromised – which might require more than a “short-term closure” to repair.

This is not very esoteric knowledge: it can quickly be found with an internet search. For example, my Fig. 1 here is adapted from data found in a paper entitled “Behavior of high strength structural steel at elevated temperatures”, online at <http://ro.uow.edu.au/cgi/viewcontent.cgi?article=1345&context=engpapers>. It is information known to architects (I remember an architect explaining this to me decades ago) and to firefighters (I’m told that they have to have their ladders recertified if exposed to flames). Figure 2 is a real-world example: the metal walkway on the Willow Glen Trestle sagged in the heat of a past brush-fire, while the supporting wood timbers are charred but still strong.



These are basically the unanswered questions that I asked during the DEIR scoping process:

- What type of wood was used in the trestle for the pilings? For the cap beams? For the stringers? Is it true that they are locally-harvested old-growth redwood, as has been ascertained by several uncertified but knowledgeable individuals?
- What is the “char rate” of that type (or types) of wood? Large wood beams will burn on the outer surface, but the wood is insulating and so the inner portion of the beam is not immediately

burned: there is a rate (inches per hour under some standard fire condition, such as when surrounded by a large brush fire) at which the wood is burned inward from the outside surface.

- Given the “margin of safety” in the trestle design, how long could the structure burn before a beam becomes too weak to safely support the load? (For example, if the timbers are 12" in diameter, and need to be at least 8" to carry the load, then two inches could be lost from the outer surface without failing. If the wood burned at 1"/hr., then it could burn for 2 hours without serious damage. Please provide the actual numbers for these calculations.)
- Does the creosote treatment make the timbers easier or harder to ignite? What is the ignition temperature for wood? For creosote? Would the fire-retardant treatment that is proposed for the Retrofit Alternative described in DEIR Appendix G have an impact on these ignition temperatures?
- Would the fire suppression sprinkler system proposed for the restored wood trestle be adequate to suppress brush fires and to reduce the probability that the structure would become involved in the fire?
- Given the design’s redundancy with the multiple piles and cross-bracing, would the trestle remain structurally sound even if one or two pilings were totally compromised by fire?
- From a fire safety point of view, is there a significant difference between building the trail decking directly on top of the stringers (as proposed in the “Restored 2012” design) or building it atop the existing (or repaired/replaced, as needed) railroad ties (as proposed in the “Restored 2004” design)?
- Is any added risk from the “Restore 2004” alternative adequately mitigated by the planned sprinkler system?
- Do the fire engines routinely carry the materials and equipment needed to suppress an oil-based fire (e.g., the creosote-treated timbers)?
- Do the fire respondents have adequate access to the entire length of the structure? Can the trestle be reached from the top-of-bank, and/or do the fire-suppression personnel and equipment have adequate access to enter the channel?

Wood burns and steel doesn’t, but, as indicated by Fig. 1 and 2 above, steel can “yield” when excessively heated. The metal does not melt, but it does lose its strength, resulting in structures “buckling” (or “crumpling”, “sagging”, ...). This gives rise to a group of questions that need to be addressed by the DEIR:

- What type of steel is used in the prefabricated steel bridge?
- What is the “specific yield strength vs. temperature” profile for the bridge’s structural steel?
- What is the design safety margin for the prefab steel truss bridge?
- At what temperature does the steel’s reduced strength offset the design safety margin?
- The metal conducts the heat, and so adding thickness to the metal provides little protection against failure. Would the metal need to be insulated by the application of a thick protective coating, as is commonly done with structural steel (e.g., in ceiling trusses and girders in garages)? Is this insulating coating included in the designs and cost estimates? How would such insulation affect the appearance of the prefab steel bridge?

Apparently, the prefab steel bridge will not be provided with a sprinkler system: from §3.13.3 in the DEIR: “Replacement of the existing trestle with a fire-resistant structure would eliminate the need for fire suppression.” Debris in the channel beneath the bridge will not be cleared away (DEIR Executive

Summary: “clearing debris ... would not be required under the proposed project due to the clear-span bridge.”) However, there are obstructions in the creek channel other than trestle piers, such as sapling trees and clumps of arundo (the giant bamboo-like reeds), and these obstructions can also snag debris.

- What is the expected temperature of a large brush fire (e.g., of a clump of dried arundo and uncleared debris) at the height of the bridge?
- How long would it take before a metal structure in, near, or above such a fire would fail?
- Would the nearest fire station be able to control a brush fire in time to prevent damage to the prefab steel bridge?
- If there were a localized fire (e.g., from a fire in a single clump of reeds), would the entire single-span truss collapse, or would the damage be localized to specific truss members?
- If there were a brush fire adjacent to or beneath the steel bridge, how long would it take to inspect and repair the heat damage to the bridge, certify the structural integrity, and restore the bridge to service?

Arson:

The phrase, “The existing trestle has been the subject of multiple arson attempts as documented by San José Fire Department records” is repeated numerous times in the DEIR – on pages 98, 99, and 100 (as counted by the PDF), and again on p. 281 of the Appendices. Can that information please be provided, since even my friend, a retired deputy fire chief, has been unable to find it? While there have been some fires in the vicinity of the trestle, very few have actually involved the trestle. Often the fires have been associated with homeless encampments formerly in the vicinity.

And a note about the homeless: their encampments were unrelated to the trestle. The homeless had not been seeking shelter under the structure, but instead they would camp nearby. The creek channel is quite wide in this region – apparently it once was a quarry – and so there are places that are below top-of-bank (and out-of-sight) but still above normal seasonal flow (and high-and-dry). The homeless had been using the railroad right-of-way to access the channel to reach their nearby encampments: the trestle has nothing to do with it, and replacing it with a prefab steel bridge would not have alleviated the situation.

Sometimes the cook-fire from a homeless encampment got out of control. Sometimes the police roused the homeless and disturbed/destroyed their encampments, and then the homeless returned and burned their trashed campsites. None of these count as arson attempts on the trestle, and all of them would have impacted a replacement prefab steel bridge as well.

I expect that the prefab steel bridge *could* be made safe by using the same precautions listed for the trestle: keep the vicinity clear of vegetation and debris, and provide sprinklers to douse any brush-fires. However, none of these measures are presently included for the prefab steel bridge: **they need to be included in the cost estimates and in the environmental trades.** As the trestle with sprinklers was already nearly \$700,000 less expensive than the prefab steel bridge without sprinklers (see below), this cost differential is only going to be larger in a fair “fire-safe trestle” vs “fire-safe prefab steel bridge” evaluation. And, the scoring in the Executive Summary of the DEIR also needs to be corrected: both the trestle retrofit and the prefab steel bridge would require the 25' trimming of vegetation and the clearing of debris, and so one alternative should not be scored better relative to the other on that criteria.

Thus, one of the main reasons given in the Executive Summary of the DEIR for recommending the prefab steel bridge over the retrofitted trestle is wrong:

“The Retrofit Alternative includes a 25-foot clear space on either side of the bridge to help protect the timber structure from fire damage. As a result, the Retrofit Alternative would require more vegetation removal than would the proposed project.”

This statement in the DEIR Executive Summary on p. ES-6 needs to be corrected to indicate that the prefab steel bridge **also** requires this 25-foot clear space on either side, **or amended** to indicate that the prefab steel bridge is inferior in regards to fire safety because of the absence of fire-safety measures.

Hydrology and Water Quality:

Table ES-2 in the DEIR’s Executive Summary says that the prefab steel Alternative is superior in part because, in the “Hydrology and Water Quality” category, the “Proposed Project” would give “Long-term benefits ..., as creek would no longer be obstructed by piles.”

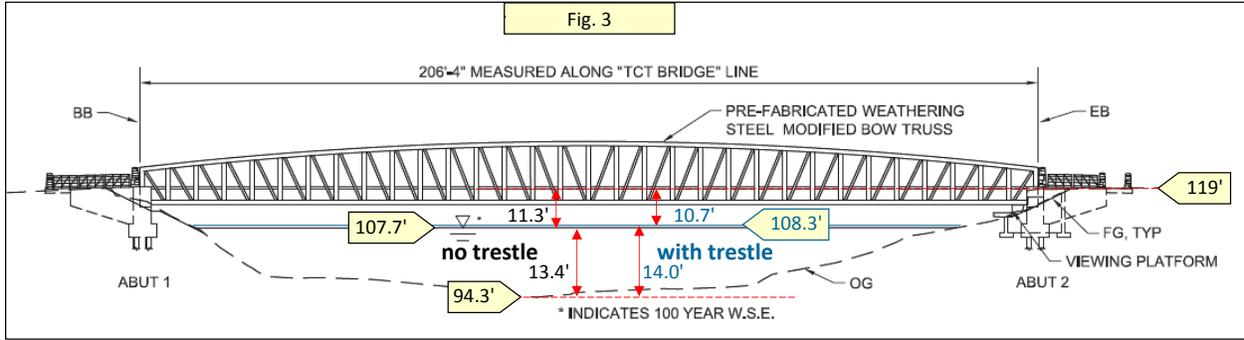
Perhaps that assessment is based on an “Opinion” given in Appendix C (page 140 in the PDF), which says, “the existing derelict trestle is supported by approximately 81 creosote treated timber piles that ... impair streamflow, and the creosote contained within the piles impairs water quality for CCC steelhead.” However, that opinion is not supported by the “Ecological Toxicology Report” included in the DEIR as Appendix D, nor by the “Hydrology and Water Quality” analysis given in §3.9 of the DEIR. (In addition, it seems disingenuous and unprofessional to use pejorative adjectives such as “derelict”: we all acknowledge that the railroad line and trestle were, to use the dictionary definition of “derelict”, “abandoned by their owner” – that’s why the City was able to buy them for use for this trail.)

Information about **hydrology, impaired streamflow, and flood-levels** are scattered across several pages:

- Table 3.9-2 in DEIR §3.9.3 (PDF page 77), titled “Summary of Hydraulic Effects under Flood Conditions”, gives model calculations of the “Water Surface Elevation” (WSE) in the case of a 100-year event at various locations along the stream. Just upstream of the trail crossing, the 100-year flood WSE under “Existing Conditions” (i.e., with the trestle in place) is 108.3 feet; and with the “Proposed Project” (trestle demolished), it is 107.7 feet: a difference of 0.6 feet, or about 7 inches. (Further upstream, at the Lincoln Avenue Bridge, the 100-year WSE levels are 109.8 and 109.5 feet: removing the trestle would lower the level of the water during a 100-year flood by about 4 inches. Downstream of the crossing, there is no difference whether the trestle stays or is removed.)
- The elevation of the top-of-bank and the bottom of the channel are shown in DEIR Fig. 2-1 in §2.4 (page 25 of the DEIR PDF): the top has an elevation of over 119 feet, and the bottom is at 94.3 feet.

By combining these pieces of information from various locations within the DEIR, one can learn that the creek channel is 25' deep, and the 100-year flood waters are more than 10' below the top-of-bank: it is not a flood hazard. As summarized on DEIR page 3-48 (p. 78 in the PDF), “**hydraulic changes and flooding upstream or downstream of the project site would be less than significant.**” [Emphasis in the original.]

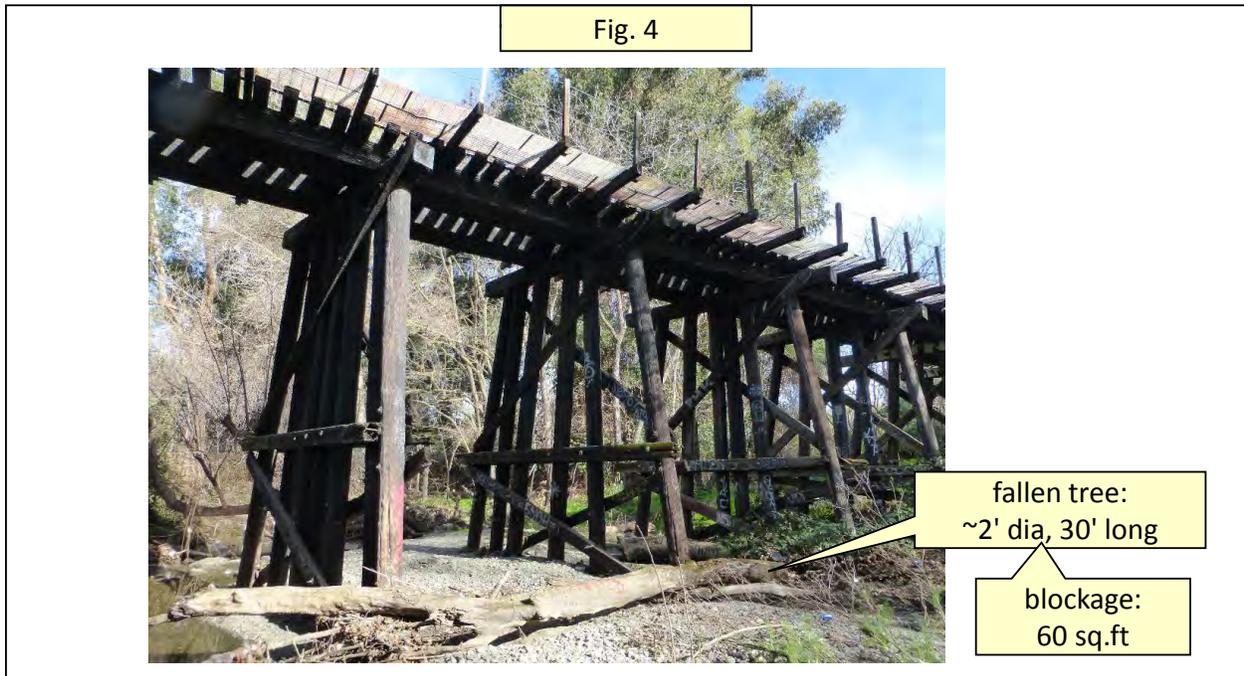
It would be quite helpful for the decision-makers if all this information were to be collected into a single graphic, perhaps by annotating DEIR Fig. 2.1 as shown here in Fig. 3:

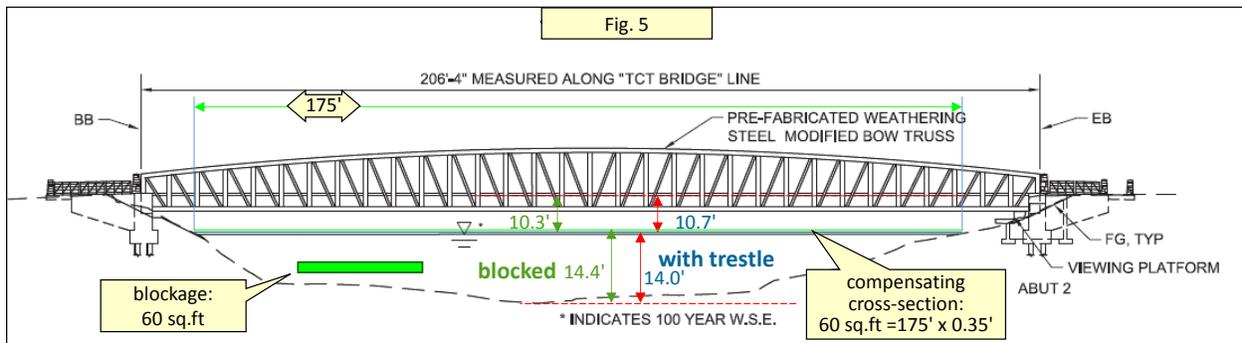


Debris and Blockage:

There has been considerable discussion about debris, such as large tree trunks, washing down the channel and becoming snagged on the trestle piles (see Fig. 4), thereby blocking the flow of the creek. It is straightforward to estimate the impact such logs might have:

- Estimate the typical diameter and length of a log: say, 2' in diameter and 30' long, and then multiply them together to find the cross-sectional area: 60 sq.ft. in this case.
- To first order, the water level will rise to compensate for the blocked cross-section. From Table 3.9-2 in DEIR §3.9.3 (PDF page 78), note that the “top width” of the creek during the 100-year flood event is about 175'. As shown in Fig. 5 below, to make up for the 60 sq.ft. blocked by the log, since 0.35 ft. × 175 ft. also equals 60 sq.ft., the water level would rise by about 0.35 feet – approximately 4 inches.





Question: what should be done with the snagged logs? On the one hand, as noted in the DEIR (Appendix C, p. 138 in the PDF), they help provide “essential fish habitat” (“EFH”), as the “clustering of large woody debris at multiple locations” creates naturally scoured pools that serve as habitat for juvenile steelhead. On the other hand, these logs could snag on downstream structures (e.g., the CalTrain bridge over the Los Gatos near San Carlos Street, or in the culverts beneath the intersection of Park and Montgomery) and create a flood hazard. If it is determined that it is beneficial for these logs to continue migrating downstream, it would be quite easy to periodically (say, once a year in the summer) for staff or volunteers to walk down to the creek channel and drag the logs around so that they are aligned with the channel and can be washed past the trestle in the next high-water flow.

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Regarding **Water Quality**: this is evaluated in detail in DEIR Appendix D, “Ecological Toxicology Report” (starting on page 159 in the PDF). After thoroughly reviewing the literature, it concludes:

“Our current knowledge of the behavior of creosote and its constituents in older creosote-treated wooden structures suggests that leaving the pilings of the Three Creeks Bridge in place will not pose a risk to terrestrial or aquatic receptors. Conversely, if removal is contemplated, this same knowledge clearly indicates that pile removal projects must deploy best management practices (BMPs) to avoid or mitigate the possibility of temporarily increasing PAH [polycyclic aromatic hydrocarbons] levels in soils or sediment as a consequence of the physical disturbance of pilings.”

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Translation: they don’t hurt anything if you leave them alone, but you have to be very careful if you try to remove them.

The comparison given in Table ES-2 in the DEIR’s Executive Summary, page ES-7, under the category “Hydrology and Water Quality”, is **misleading and needs to be amended**. As just discussed, the impact of retaining the trestle is “less than significant” to hydrology, whereas, for water-quality issues, “if removal is contemplated, ... it clearly indicates” that there is the potential for contamination. Thus, for the category “Hydrology and Water Quality”, **the Retrofit Alternative is environmentally superior**.

Historic Significance:

The Friends of the Willow Glen Trestle had to sue the City of San José in order to have the historic significance of the trestle be evaluated. The report from that evaluation is given in the DEIR Appendix F (starting on page 221 in the PDF file). This report is 30 pages long and is an interesting read, but it is **incomplete, inaccurate, and needs to be redone**. The report cites “secondary sources” (e.g., it references a quote from a person-on-the-street at a local festival) while overlooking numerous “primary

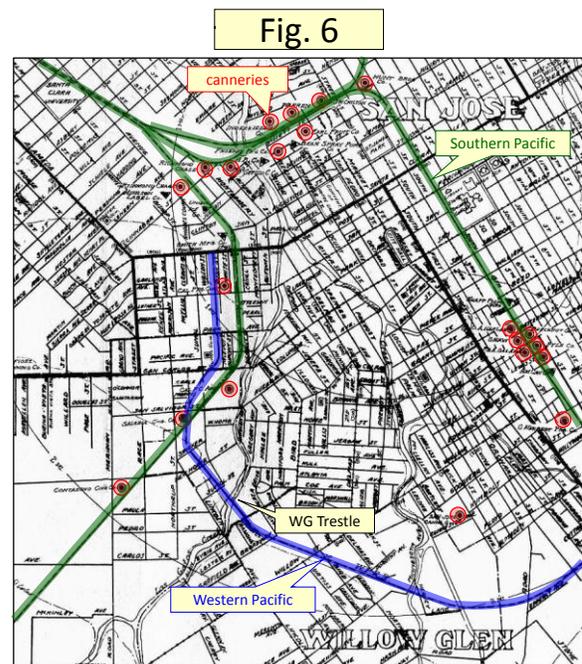
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sources” (e.g., contemporary news reports, court briefs, blueprints and filed plans, etc.). The report discusses the standards for State and Federal historic recognition, but does not evaluate the trestle for local significance. Indeed, as the California Office of Historic Preservation points out in the previously cited letter, it is not for the consultant to do so: that is the purview of the City Historic Landmarks Commission (HLC). This was discussed at the March 4, 2015 meeting of the HLC, the audio recording of which is online at http://sanjose.granicus.com/MediaPlayer.php?view_id=54&clip_id=7968.

Before the DEIR can conclude that the trestle has no historic significance, the HLC has to make a determination as to whether the trestle is of local historic significance.

In addition, some comments, large and small, on the report (Appendix F, using page numbers in the report):

- A minor point, but still: the caption for the photo on p. 1 is wrong: that’s the view from the northern side. I should know: I took the picture – on April 19, 2003, at about 4:30 in the afternoon. Note that the rails are still on the trestle: they were removed in 2009 or before. (And while I have shared this photo online with the world, an acknowledgement still would have been nice...)
- Page 2: “The trestle was constructed by the Western Pacific Railroad in 1922.” That is the year the trestle was completed. Based on an account of a construction accident that was reported in a July 1921 San José Evening News, the trestle was under construction then. In some of my correspondence, I have referred to the date of the trestle as 1921 instead of 1922: I apologize for any confusion I have caused.
- Page 10: the consultant quotes the Western Pacific’s Annual Report, “The extension of the Western Pacific line into San Jose and the Santa Clara Valley and a number of minor extensions which together are of substantial importance have recently been completed and should contribute to 1922 revenue.” How can the consultant later conclude (p. 18) that the trestle “does not appear to be significantly associated with the history of the Western Pacific Railroad”?
- Page 10: “the Western Pacific chose a great looping approach to San Jose in what many have called a huge fishhook ...”. From public comments at the March 2015 Historic Landmarks Commission hearing, apparently there had been a station near the Five Wounds Church that served the farmers on the east side of the valley, a region that was not served by Southern Pacific. (Also, I’ve heard, perhaps the looping alignment might have been so WP could avoid crossing the city limits of San José, allowing it to avoid the need to acquire a franchise.)
- Page 11: “One category, particularly apropos for the San Jose area, was ‘dried fruit.’ “ But the trestle was built so that Western Pacific would be able to serve the canneries: statistics on canned good would have been more relevant. (Figure 6 is the 1934 Polk San José City Directory map, where I’ve highlighted the canneries in red, the SP tracks in green, and the WP line in blue.)



- Page 12: the report provides lots of statistics for the shipping of dried fruit. The consultant asserts that, since Western Pacific (WP) only shipped 5 to 10% of the amount that Southern Pacific (SP) shipped, it follows that Western Pacific was not relevant. Looking at the map in Fig. 6, it is apparent why: SP served more canneries than WP. That doesn't mean that the WP wasn't important for the canneries that it did serve. Additionally, sometimes all it takes is the threat of competition and a 5% market share to shake up an industry – just look what Apple Computers did with IBM!

- Page 13: the “common presence of timber trestles”. Okay, so trestles are common. Many of them are simple structures, like that shown in Fig. 7 (this is the third trestle on this railroad spur, where it crosses Silver Creek), whereas the Willow Glen Trestle is quite scenic and is quite tall for a simple “pile-and-cap” structure. Also, many trestles are still in use by the railroads, and many are in remote areas: not accessible for public enjoyment and enlightenment.

The Willow Glen Trestle is aesthetic, accessible, and available.



- Page 15: “The Development of the Community of Willow Glen”. Parts of this section are downright wrong! There were no plans to have the train go down Lincoln Avenue, and it is not professional to cite a one-sentence recollection from a random event-goer as evidence of fact (⁴⁶ Cecily Barnes, “Willow Glen residents think of their community, rather than their history, on Founders Day, 1998,” reprinted on <http://www.willowglen.com/history/founders.shtml>). It would be far better to cite *primary historic sources* rather than some free weekly “penny-saver” paper. I recommend that the consultant read “*Touring Historic Willow Glen: Ten Walking Loops*” (disclosure: Foreword by Larry Ames, available for purchase at various shops on Lincoln Avenue): it has a section discussing the development of Willow Glen that was written by the granddaughter of the attorney who was directly involved in the process. At issue then was whether Southern Pacific would be required to provide grade-separation of their track when they moved the line away from downtown San José. The residents of Willow Glen had already been impacted by the slow-moving WP freight trains crossing the trestle, and they didn't want even more trains from the main SP line further blocking the streets and cutting them off from San José. The “Touring” book has maps showing the various track alignments under consideration. The line selected (and still in use today) was chosen because it didn't cross any streets within the town limits of Willow Glen, and so SP argued that thus they didn't need a franchise from the Town. Retired State Assemblymember L.D. Bohnett argued otherwise: a franchise *was* required because at least some part of the alignment did enter town limits. Had the freight traffic crossing the Willow Glen Trestle been faster, the residents at the time might not have been so concerned that they resorted to a lawsuit.

- Page 22: the grade separation movement: we have never suggested that the Willow Glen Trestle represented an example of a solution to the problem, but rather that it was an excellent example *of* the problem! (Jean Dresden has found newspaper articles from the time that show that the presence of the WPRR alignment through Willow Glen was used as a bargaining chip

with SPRR about grade separations by San Jose City Manager Charles E. Goodwin throughout the 1920s.)

- Page 25: we never claimed that the Willow Glen Trestle was the longest or tallest in the state, just that it was a good example of the style, and that it was conveniently accessible, no longer used for trains, and owned by the public. It's worth noting that to see the trestle shown on page 26, "getting there involves traveling over rough terrain: off-roading to a remote trailhead, committing a whole day to hiking in and hiking out, and possibly breaking the law." (quote from www.LastAdventurer.com).

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At the SJ Historic Landmarks Commission discussion of March 4, 2015 (the audio is available online at http://sanjose.granicus.com/MediaPlayer.php?view_id=54&clip_id=7968), the public provided lots of good information:

- The Western Pacific had an importance beyond the mere quantity of fruit carried: it was critical to the survival of the local farmers during the Great Depression. According to the public comment (which I believe is being provided in writing in another letter), SP would only ship cargo by the full freight car, whereas WP would take a partial car. When times were tough during the Depression, farmers were able to ship a partial carful of produce to market and earn enough money to survive; if SP had been the only rail service in town, the farmers would not have been able get their produce to the markets back East.
- One of the speakers, an elderly gentleman, showed a book on Western Pacific that described in detail this spur line, and it even had a photograph of the trestle. Afterwards, he told us that he'd lived in the area his whole life, and as a kid he'd jump on the trains and ride over the trestle and on into town.

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Specific points:

- The Historic Consultant for the DEIR did not adequately research the subject, and relied on secondary source material rather than primary sources.
- There are a number of relevant sources that were overlooked.
- The trestle does not have to be the longest, oldest, or tallest to be of local historic significance.
- The trestle has yet to be evaluated for local historic significance, since, to this date, it has not been brought before the City's Historic Landmark Commission as an Action Item for evaluation.
- I understand that there is supposed to be a checklist or tally-card that grades structures for potential historic significance against numerous criteria (age, material, workmanship, is it still relatively intact, has it ever been moved, etc.) Information from a fair evaluation of the trestle against such a scorecard would likely be of use for the Historic Landmarks Commission.

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Unless the San José Historic Landmarks Commission has evaluated the Willow Glen Trestle for local historic significance, it is incorrect for the DEIR to claim that the trestle has no historic significance.

Traffic Impacts:

When completed, the project will provide a trail connection for bicyclists, pedestrians, joggers, and other trail users. Until then, trail users have to make a four-block detour, crossing the Los Gatos Creek at Lincoln Avenue. It seems downright silly to claim in the Executive Summary that there would be a significant traffic impact caused by the potential need to close the trestle for maintenance once every five years.

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Schedule:

This isn't really a CEQA issue, but it has been raised as a concern to the community: the public wants to use the trail as soon as possible, and delays could be considered an impact in that the public can't use the trail as a non-motorized transportation alternative. Thus, I'd like to point out:

- DEIR §6.2.1: "Completion of the retrofit project is expected to require 5 months of construction"
- DEIR §2.2: "Construction [of the prefab steel bridge] is expected to begin in summer 2015, and last for approximately 7 months."

The trail connection could be completed quicker by restoring the trestle than by replacing it.

Cost:

An EIR is only supposed to discuss environmental impacts, not the financial ones. Nonetheless, money *is* mentioned, and right at the very beginning – on page 1-1:

- The cost of the Replacement (demolished trestle) Alternative is given as \$1,648,884, and
- The cost of the Retrofit (repaired trestle) Alternative is given as \$1,592,478 – about the same.

The numbers on page 1-1 refer to Table 16 on page 5-7 of Appendix G. As explained in a footnote, the accounting is done in "present value", which means they assume that all the money is available now, and some of it is invested at 3% rate-of-return above inflation for the future expenses.

The cost to repair, restore, and adapt the existing trestle is given as \$959,000 based on roughly 20 pages of quite detailed line-item accounting (e.g, \$1,986 in labor to pressure-wash the trestle before applying fire-retardant, \$11,984 for 380 bolts, a sprinkler system, trail decking, railing, etc., etc.), given in Appendix B within Appendix G of DEIR Appendix G (page 363 of the PDF file).

The cost of the prefab steel bridge is given as \$1,637,323 – and that assumes that the existing trestle can be removed by a 4-person crew at the unbelievably quick rate of 15 minutes per piling and 9 minutes per sash or sway brace (for example, line item "133030 Remove Sash Brace" on page 386 in the PDF: remove all 20 sash beams in 3 hours), in a responsible manner in an environmentally sensitive area.

Add in the cost of maintenance:

- The Trestle is estimated to need about \$20k in repairs once every five years, totaling \$87,078. (Remember: invest the \$87k now at 3% interest; otherwise it'd total \$160k over the 40-year evaluation period.)
- The new steel bridge is assumed to need absolutely NO maintenance over the 40 years.

And then there's the inspection. For the steel bridge, it just takes a couple hours to walk across it and inspect it every other year, whereas the trestle requires climbing up a ladder: they budget \$1k for the steel bridge, \$4k for the trestle: over 40 years, the totals are \$11,558 for steel and \$46,230 for wood. (Maybe future inspections can be done by drone, thereby saving the cost of renting that ladder!)

Add up all these costs and get the above-mentioned total of \$1.649 M for the steel bridge, but the total for the wood trestle is only \$1,092,308, including maintenance and inspection – a half-million dollars short.

Q: What happened to the extra half-million dollars? A: These are estimates for a 40-year period. Hidden in another note, the consultants state that, while they estimate that a restored and maintained trestle is expected to have a life of 30 to 50 years, after 40 years we *might* need a new bridge: take that

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half-million dollar difference, invest it at 3%, and in 40 years we'll have \$1.634 M (plus inflation) available to buy a whole new steel bridge.

The purpose of an Environmental Impact Report is to provide information to the decision-makers so that the best alternative can be selected. It is hardly fair to these readers when the report says the cost of repair or replace are about equal, when, in fact, the choice is between

- Tearing down the trestle and replacing it now, and in 40 years we'll have an old and unmaintained (and boring!) prefab steel bridge; and
- Restoring and maintaining the trestle, which we in the community can enjoy for generations, and then, *if needed at that time*, there will be the money necessary to buy new bridge: we'd either have a **new** bridge rather than a 40-year-old one, or we might still have our well-maintained trestle – and \$1.6 million in the bank!

(Personally, I'd rather keep our interesting piece of local history.)

The Trade Matrix

The Executive Summary in the DEIR, page ES-6, states: "Both the proposed project and the Retrofit Alternative would provide a bicycle and pedestrian crossing of Los Gatos Creek on the alignment designated in relevant plans and policies; therefore, both would meet a fundamental City objective. As described Section 1.1, the Retrofit Alternative would not be as cost effective as the proposed project due to long-term maintenance needs." But this Section 1.1 it refers to is only two paragraphs long: one describing the 2004 work, and the other saying "... the City further studied the potential to retrofit the trestle as part of an engineering study. The study considered the condition of the structure (about 10 years after the 2004 environmental study) and determined the extent of a retrofit project would be much greater than anticipated by previous engineering and environmental studies. Given the relative merits of a retrofit versus a replacement project, the City decided to advance the replacement project and conducted a new environmental analysis.²" – the whole discussion of "cost effectiveness" and "relative merits of a retrofit" is buried in Footnote 2. And Footnote 2, on DEIR page 1-1, says:

"The engineering study evaluated the different approaches using the following criteria: streambed maintenance, structure maintenance, inspection, construction and design cost, time to completion, expected lifespan, neighborhood aesthetics, and environmental permitting. The **replacement alternative had the highest rating** and an overall present value of \$1,648,884. The **retrofit alternatives had lower ratings** and present values of \$1,592,478 and \$1,756,798 for the concrete deck and timber deck options, respectively. See Chapter 6, Alternatives, for additional discussion of the retrofit approach and Appendix G for additional details (see Table 16, Alternatives Comparison Matrix, in Appendix G)." [Emphasis added]

I've already discussed costs in the previous section: it is a cheat to state in the Executive Summary that the Retrofit Alternative "would not be as cost effective" when it is over a half-million dollars cheaper, including a *lifetime* of maintenance. It is truly deceptive to hide in a footnote the cost of a whole new replacement bridge 40 years down the line, just to make the dollar-values match, and furthermore to object to the high cost of "long-term maintenance needs" when that cost is already included in the total: that's double-counting and padding as well.

So, let us now talk about "the ratings" in "The Matrix".

The Matrix is a trade that was used to evaluate three options:

- The restored trestle with a wood decking (Ipe – a South American hardwood),

- The restored trestle with concrete decking (now called the “Retrofit Alternative”), and
- A new prefab steel bridge (the “Project Alternative”).

The Matrix has eight columns, with headings like “maintenance”, “construction cost”, and “expected lifespan”. As explained in a footnote in the matrix, in each column, the best choice is to be given 3 points and the worst choice given 1 point.

This is an unweighted trade: each category is given the same weight. Thus, for “total lifetime cost of inspection” with values ranging from \$11k to \$58k, the \$47k savings is worth 3 points. In comparison, the overall construction costs vary from \$960k to \$1.64M: the nearly \$700k savings is ~14 times larger but is still only worth 3 points.

An unweighted trade matrix can be a valuable engineering tool, and, as a former aerospace engineer, I’ve used them on occasion myself. They can even be used as a decision tool, when used within its limits: it’s good for enumerating the various topics to be considered, and it can guide the decision process if the score is overwhelmingly in favor of one option. However, in the case here where the scoring could range from 8 to 24 points, the options were scored as follows:

- Restored with wood deck: 15 points
- Restored with concrete deck: 17 points
- New prefab steel bridge: 19 points.

That is hardly an overwhelming advantage for the steel bridge: it’s practically a statistical tie.

But that’s not the full story: to make the prefab bridge come out on top in the trade matrix, points were “shaved” or “padded” in a couple places – the trade was “rigged”:

- Column 4 – cost: prefab is most expensive at \$1.64M and is properly given only 1 point; the wood-deck option is in the middle at \$1.09M and is given 2 points; but the restored with concrete deck option is the least expensive at \$0.96M (over a \$100k cheaper than the 2nd-place wood-deck option), but it was still only given 2 points. Shaved!
- Column 6 – lifespan: the prefab bridge will last 75 years (without any maintenance?!): give it 3 points; the wood-decked trestle should last 25-40 years: give it 1 point; and the concrete-decked trestle should last 30-50 years (5-10 more than the wood-decked), but it is still only given 1 point. Shaved!
- Column 7 – neighborhood aesthetics. The restored trestle is properly given 3 points for retaining its historic appearance, but the prefab bridge is given 2 points because it “could be made pleasing”. Padded!
- And in columns 5 and 8, the prefab bridge was ranked at the bottom but still given 2 points: Padded!

If the trade matrix had been fairly scored, it would have come out 19 for the restored trestle with concrete decking, and 16 for the prefab bridge.

While this is still basically a statistical tie in an unweighted trade, **it is not appropriate for the Executive Summary to claim that the trade matrix provides the justification for the demolition of our historic trestle.**

Miscellaneous Questions

Some of the following are questions and comments that had previously been asked, either for the December 2013 Initial Study and Mitigated Negative Declaration (IS/MND) or for the November 2014 DEIR Scoping Meeting, for which I have not been able to find a response; others are from specific passages in the current DEIR and/or appendices.

Overhead power lines

PG&E has a high-voltage power crossing over the trestle:

- 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?

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Work Lane

DEIR Appendix (PDF page 18): In order to remove the trestle and prepare for the prefab steel 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.”

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?
- 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?

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If the mitigation is on-site, just replanting of the impacted area, what would be planted? The area would be immediately adjacent to the prefab steel bridge, so any plantings could create a fire hazard.

The prefab steel bridge

- Has the City already purchased and received the replacement bridge?
- If “yes”, why was it purchased before the adoption of the EIR?
- Can the bridge be used elsewhere? (It appears to be just the right length for the Coyote Creek Trail at Singleton, just south of Capitol Expressway: the trail presently crosses over a low-flow culvert-bridge that I’ve heard has to be removed.)

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“Disrepair”

DEIR §3.1.1 (PDF p. 31): “The trestle is currently in disrepair, and access is blocked by locked gates maintained by the City.” That is like saying “the car has a flat tire and the doors are locked” – it is straightforward to make the repairs, and you have the key. (Again, this seems like a pretty prejudicial way of phrasing it...)

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View of the trestle

DEIR §3.1.1 (PDF p. 31): “The trestle structure is not easily viewed from Coe Avenue or Lonus Street because its surface is at a similar grade as the adjacent creek banks. People that currently walk down into the creek channel are able to view the structure, but there are no formal paths into the creek, and the City does not post signs or convey permission to access the site on public lands. Adjacent homeowners and businesses have fences along the creek bank, so it does not appear that they can view the structure.”

It’s true that the trestle is “not easily viewed” from Coe (see left side of Fig. 8 below). However, the DEIR doesn’t discuss the view from the future extension of the Los Gatos Creek Trail, which is shown in DEIR Fig. 4-1, on page 92 in the PDF.

Fig. 8



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The right side of Fig. 8 shows the view of the trestle from the future trail from downtown San José. The 1920’s trestle would give 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. Would a new pre-fabricated steel-truss bridge be more representative of the character of the Willow Glen district?

Trestles

- What is the height of the tallest still-standing “pile-and-cap” wooden trestle in California? Is it in good condition? Can it be readily incorporated into a regional trail?
- How many wooden train trestles were built in San José?
- How many wooden train trestles remain in San José?
 - (1) The Willow Glen Trestle,
 - (2) its “sibling” over the Coyote Creek (which would “bookend” the Three Creeks Trail and connect it to the Five Wounds Trail)
 - (3) their “poor cousin” across the Silver Creek (Fig. 7 above)

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- (4) part of the bridge in use by CalTrain over the Los Gatos Creek near San Carlos St. (which is scheduled to be replaced with steel and/or concrete in the near future)
- any others? (There had been one over the Guadalupe near Coleman, but it was replaced a few years ago...)
- How many of the remaining train trestles are presently incorporated into San José's 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?

The Willow Glen Trestle

- Would a restored trestle across the creek make the Los Gatos Creek Trail attractive to visitors and tourists?
- Given the date of construction and availability of local resources, is it likely that some or much of the trestle structure is old-growth redwood?
- Do the "as-built" plans for the trestle exist?
- How deep are the piles driven into the ground?
- What number of piles have been replaced?
- What number of piles have been added to the original configuration? Is the current design significantly different or basically the same as the original configuration?
- How many of the braces and sashes are original? What type of wood are they? Are they locally harvested and milled old-growth wood?
- How many of the cap beams are original? What type of wood are they? Are they locally harvested and milled old-growth wood?
- How much of the stringers are original? What type of wood are they? Are they locally harvested and milled old-growth wood? (Just the stringers alone contain over 20,000 board-feet of lumber: what would be the present value of that quantity of wood? Would it even be possible now to acquire that much old-growth redwood?)
- Are the ties original or have they been replaced over the years?
- Is there a significant difference, historically, between options "Restore 2012" and "Restore 2004"? Do the ties add significantly to the historic authenticity of the trestle substructure?
- What is the current state of the wood in the trestle? Is it severely rotted or infested with termites?

37

Prefab Steel Truss Bridge

- Is the prefab steel bridge "single-point-failure" tolerant? Rephrased: would the truss collapse if an individual structural member or joint were to fail? (It has happened just a few years ago, when the modern I-35W freeway bridge in Minneapolis collapsed due to a single-point-failure: a gusset rusted out due to bird-droppings collecting on a single critical joint.)
- If the truss structure doesn't fail completely, what is the margin-of-safety for when any individual structural member were to be compromised, such as by overheating or by rust?
- What are the inspection and maintenance plans to assure that there is not a build-up of debris at junctions that could promote rust or corrosion? Can that be checked by the single inspector walking across the bridge, or does it require inspection from underneath? Is that included in the cost trade?
- What are the plans for maintenance and repair should a joint become compromised?

38

- What is the design margin on the structural elements?
- Will the bridge be inspected periodically to assure that structural elements have not become too thin due to rust and corrosion?
- What is the realistic anticipated useful lifetime of the steel truss bridge if it is not routinely maintained?
- What is the anticipated useful lifetime of the steel truss bridge if it is given optimal routine maintenance? Is that maintenance scheduled and included in the budget?
- Can the truss be repaired if individual structural members become compromised? How much would it cost? Are these repair costs budgeted? How long would the bridge be out-of-service and closed to the public?

Review of the Draft EIR

Besides discussing specific topics (the first part of this set of comments) and unanswered questions from the IS/MND and Scoping process (the middle part), let me also make a few additional comments directed to the DEIR itself:

Chapter 1: Introduction

This is a very short chapter: just a quick overview. The only important point is footnote 2 on page 1-1, which links to Appendix G and all the prior analyses of the trestle.

Chapter 2: Project Description

This chapter gives the “pretty picture” diagrams that have been presented at the various public meetings – the ones where the public was only allowed to discuss options for the replacement bridge, but never whether we wanted to replace the bridge.

Page 2-1, §2.1 (PDF 18): “The pedestrian bridge would include design elements that recall the former operators and the trestle structure, including two large emblems inset in the pavement representing the Western Pacific and Southern Pacific Railroads...” As someone pointed out, “if it is historic enough to warrant emblems and design elements, isn’t important enough to keep?”

39

Chapter 3: Environmental Setting, Impacts, and Mitigation

This is the meat of the DEIR. It provides the analyses that show that the “Project Alternative” – the prefab steel bridge – is viable. The analysis is fairly complete, but, as noted above, it does not discuss how the steel bridge would survive a brush fire, although it does state that there will be neither streambed maintenance nor a fire-sprinkler system (§3.13.3, PDF p. 90), and that “trees removed during construction would be replanted and allowed to regrow right up to the new bridge.” (§3.1.3, p. 3-3, PDF p. 33).

40

DEIR Section 3.3.1.5, “Ecological Toxicity” (PDF p. 48) refers to Appendix D, the “Ecological Toxicology Report”. The §3.3.1.5 in the DEIR is a nearly 3-page discussion that borrows heavily on in the material in the Appendix, *except that it omits the conclusion*: “leaving the pilings of the Three Creeks Bridge in place will not pose a risk to terrestrial or aquatic receptors. Conversely, if removal is contemplated, this same knowledge clearly indicates that pile removal projects must deploy best management practices (BMPs) to avoid or mitigate the possibility of temporarily increasing PAH levels in soils or sediment as a consequence of the physical disturbance of pilings.” (DEIR Appendices, PDF p. 166).

41

Chapter 6: Alternatives

This discusses the Retrofit Alternative. It relies heavily on the Engineering Report of 2012, which is included as Appendix G.

In the DEIR, Figure 6-1 shows a rendering of a possible retrofit: the drawing is devoid of all soul. Fortunately, as noted on p. 6-1 (PDF p. 97), *“If bridge retrofit is selected as the preferred alternative, then additional refinements could be made.”* Figure 9 (below) shows what the Willow Glen Trestle looked like in 1955. Next to it is a pedestrian bridge recently built in Uvas Canyon County Park: sturdy, environmentally responsible, and quite reminiscent of the trestle in 1955. Hopefully, the trestle will be saved, and the community can consider a variety of such design options.

Fig. 9



Summary:

Figure 10 summarizes the comments and findings given in this letter.

	Trestle -- “Retrofit”	Prefab Bridge – “Project”
Construction cost	\$959,000	\$1,637,000
Est. Maintenance	\$4,000 / year	not budgeted
Est. Inspection	\$2,000 / year	\$500 / year
Construction time	5 months	7 months
Estimated Life	30 – 50 years (more if well-maintained?)	75 years (w/o maintenance?)
Flooding	not a problem	not a problem
Creosote	not a problem if left alone	a concern if disturbed
Fire	not a problem: redwood, sprinklers, alarms and maintenance	no precautions are provided, and steel loses strength at brushfire temperatures
History	significant to the community of Willow Glen; SJ Hist. Landmarks Cmsn. is set to evaluate the trestle for City Landmark Status	“While this does not salvage the trestle, aesthetics could be made pleasing. Staining the concrete deck to resemble the old track could be done. Also, railroad themed signs could be incorporated at the approaches.”

Fig. 10

Category	Proposed Project	Retrofit Alternative	No Project
Biological Resources	Construction would disrupt instream and riparian habitat. Extensive controls would be used to minimize disruption. Long-term benefits would occur, as creek would no longer be obstructed by piles.	Disruption during construction, and minimization measures, would be the same. Long-term habitat loss would occur from 25-foot maintenance buffers, and benefits of clear-span bridge would not occur. Disruption would occur during periodic maintenance.	Disruption would occur during periodic maintenance.
Cultural Resources	The existing trestle does not meet the criteria for designation as a historical resource; therefore, there would be no impact.	Impacts would be the same as for the proposed project.	Impacts would be the same as for the proposed project.
Hydrology and Water Quality	Long-term benefits would occur, as creek would no longer be obstructed by piles.	Benefits of clear-span bridge would not occur.	No change would occur from existing conditions.
Land Use	The project would be consistent with all relevant plans and policies.	The project would be consistent with plans and policies regarding bicycle and pedestrian trails, but not with plans and policies for fiscally sustainable infrastructure and urban/wildland fire hazards and would require short-term closures.	The project would <u>not</u> be consistent with plans and policies.
Transportation and Traffic	The project would be consistent with all relevant plans and policies.	The project would be consistent with plans and policies regarding bicycle and pedestrian trails, but would require short-term closures.	The project would <u>not</u> be consistent with plans and policies.

the steel bridge should have fire-buffer as well; the creek is not "obstructed" by the trestle; it is best to leave pilings undisturbed.

DEIR failed to properly evaluate the local historic significance

as in point 1:
the creek is not "obstructed" by the trestle; it is best to leave pilings undisturbed.

the creek channel should be periodically cleared of debris that snags in the vicinity, regardless of bridge – trestle or prefab steel

the traffic impacts?!
a 4-block detour on a bike-path for repairs once every five years, or after arson fires?

Fig. 11

Figure 11 reprints Table ES-2 from the Executive Summary in the Draft EIR, pointing out the errors and exaggerations in the various categories. If written fairly, the Executive Summary should conclude that there is not a single reason to find the prefab steel bridge Project Alternative is preferable, and there are several reasons to find the Retrofit Alternative is “environmentally superior”.

In closing,

- The Draft Environmental Impact Report is fatally flawed. It needs to be corrected and recirculated for additional public review.
- The determination of historic significance has to wait until the San José Historic Landmarks Commission has considered and decided on the trestle’s local significance.
- The “Retrofit Alternative” is the “environmentally superior” alternative, and the DEIR should recognize that.

The Willow Glen Trestle is an important part of our local history, and it can readily be repaired, restored, and adapted to become a prized part of our regional trail network.

Why should we waste a half million dollars or more of our money just to destroy it?

I have the feeling that that there may be some more points that I should make, but I’ve run out of time, and I’m sure that you’re running out of patience! I thank you for the opportunity to give comment on the DEIR, and thank you in advance for reviewing these comments and answering the questions. I look forward to reviewing a much-improved version shortly!

Thank you,

~Larry Ames, Friends of the Willow Glen Trestle, Larry@WGTrestle.org

Comment Letter 46—Larry Ames, March 13, 2015

Response to Comment 46-1

For a discussion of the City of San José Historic Landmarks Commission, see Master Response 2.

Response to Comment 46-2

This is a summary comment with detailed points raised later in the comment letter. See individual responses for more information.

As described in the Executive Summary, CEQA requires the identification of the environmentally superior alternative. Specifically, CEQA Guidelines Section 15126.6 (e) (2) states simply, “if the environmentally superior alternative is the no project alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” For this project, the No Project Alternative is clearly not the environmentally superior alternative because it would not provide a trail connection across Los Gatos Creek. Therefore, CEQA indicates that the City must identify either the proposed project or the Retrofit Alternative as the environmentally superior alternative. The EIR presents the logic for the determination in the Executive Summary: (1) the 25-foot clear space required for the Retrofit Alternative, (2) the additional maintenance required for the Retrofit Alternative, and (3) the biological and hydrological benefits from pier removal. Both alternatives have similar long-term benefits and short-term adverse impacts – the environmental impacts of both alternatives are almost identical. After reviewing the Draft EIR comments, the City still believes that the three differentiating factors are valid and support the determination that the proposed project is the environmentally superior alternative.

Response to Comment 46-3

Based on the responses to the Draft EIR comments, no significant new information has been added to the EIR. See Master Response 1 for a discussion of “significant new information” as defined in the CEQA Guidelines (Section 15088.5[a]). The new information added to the EIR merely clarifies and amplifies the prior, adequate evaluation. For this reason, the EIR does not need to be revised and recirculated.

Response to Comment 46-4

This is a summary comment; see Response to Comment 46-2.

Response to Comment 46-5

CEQA generally focuses the required discussion of fire impacts to two categories: (1) exposure of people to wildfire risk, and (2) the potential for a project to require an expansion of fire prevention facilities (e.g., urban growth requiring a new fire station). Because of the nature of the project – a bicycle and pedestrian bridge – neither of these categories warranted detailed evaluation in the EIR. The comment does not address these types of impacts, and therefore, potential environmental impacts associated with fire risk does not require additional response.

The comment addresses fire impacts from an engineering design perspective. Responses to these engineering assessments are outside the scope of this First Amendment as they do not inform the City’s consideration of environmental impacts. Having said that, this commenter and several others reference the 25-foot, vegetation-free buffer under the Retrofit Alternative and question why such a buffer is not included in the proposed project. Because this buffer informs the identification of the environmentally superior alternative, additional discussion is warranted.

The City agrees that fire risk is relevant to the design of a steel bridge. As pointed out by the commenter, structural steel can lose strength when exposed to fire. The potential *intensity* and *duration* of fires informed decisions about fire prevention measures.

An important potential fire source was determined to be woody debris regularly accumulating on the timber trestle – a high-intensity fire burning large downed logs could ignite the trestle itself and result in major structural damage. For this reason, the Retrofit Alternative includes debris management (with its resulting habitat disturbance) as an ongoing project feature. Because the proposed project would span the Los Gatos Creek channel with no supports in the water or on the lower banks of the creek, there would be less fire risk associated with debris accumulation. Although accumulation of debris on other natural obstructions near the bridge is possible, debris is less likely to accumulate in the same large quantities as it does on the trestle – the existing trestle bents are fixed in the ground and capture significant debris during high flows.

An additional fire source was considered – the potential for smaller brush fires to ignite the creosote-treated timber trestle, leading to a larger structural fire. Given this potential risk, the Retrofit Alternative includes a 25-foot buffer upstream and downstream of the trestle that would be maintained free of trees and shrubs. This recommendation is consistent with standard railroad design practices for timber trestles contained in the AREMA Manual of Railway Engineering (Chapter 7, Section 4.9.6). For the proposed replacement bridge, a similar buffer was not recommended because of the lower potential risk – in addition to a reduction in high-risk fuel sources (e.g., accumulated debris), low-intensity brush fires could be quickly and easily suppressed by responders. This is consistent with Chapter 15 of the AREMA Manual, which notes that fires can and do damage steel bridges but the normally short duration of brush fires is unlikely to result in significant damage. The AREMA Manual does not include a buffer recommendation for steel bridges.

Response to Comment 46-6

In response to the comment about arson, see Response to Comment 47-3. For other comments regarding fire safety, see Response to Comment 46-5.

Response to Comment 46-7

The statement in the Executive Summary regarding the benefits associated with pile removal summarize hydrological benefits, rather than water quality benefits. As described in Section 3.9, the proposed project would have hydrologic benefits (see Table 3.9-2). As described under Impact BIO-1 and in Appendix D, there do not appear to be adverse water quality consequences associated with leaving the piles in place. The statements in Appendix C reflect the opinions of the fisheries biologist and do not supersede the findings in the Ecological Toxicity Report. With this in mind, there does not appear to be a conflict, and the overall statement regarding long-term benefits does not need to change.

Response to Comment 46-8

The graphics suggested by the commenter is helpful, although it is limited to only one cross section. Table 3.9-2 provides a more complete impact summary, as it presents similar information at eight locations. No changes to the EIR are required.

Response to Comment 46-9

The methods used to determine hydrologic impacts are explained in Section 3.9-2. These methods reflect the best available toolkit for analyzing hydrologic impacts in Los Gatos Creek. The alternative method proposed by the commenter appears to be unconventional (i.e., not reflecting the best available methods) and should not supersede the EIR's analysis. No changes are recommended.

Response to Comment 46-10

The EIR addresses snagged logs in two ways. Large, intact logs would pass under the proposed free-span bridge and could contribute to habitat complexity that would benefit aquatic species. This is a beneficial effect of the proposed project. Under the Retrofit Alternative, these logs would not pass through the trestle, and for fire prevention, they would be sawed into pieces and either removed or scattered. The smaller pieces would not provide the same level of habitat complexity as the large, intact logs. Therefore, the Retrofit Alternative would not provide the same habitat benefits as the proposed project.

The City appreciates the suggestion for volunteers to move the logs to a new location downstream of the trestle. This may be a helpful component of a long-term habitat management program. The EIR simply acknowledges that movement of large woody debris would occur naturally under the proposed project.

Response to Comment 46-11

The commenter is correct in his characterization of the potential water quality impacts under both the proposed project and the Retrofit Alternative. As stated by the commenter, Appendix D indicates that potential contamination is unlikely if the piles remain in place. Note, however, that the National Marine Fisheries Service believes that there may be residual risk from creosote contamination (see Comment Letter 54). As stated by the commenter, the City agrees that care is required during pile removal; these measures are listed in MM BIO-1. See Response to Comment 46-7 for an explanation of why the Executive Summary text is not misleading and does not need to be amended.

Response to Comment 46-12

This is the first of several comments regarding the Historical Evaluation and is a summary comment. See Responses to Comments 46-13 through 46-24.

Response to Comment 46-13

The photo caption has been amended to give credit to the commenter.

Response to Comment 46-14

The statement in the Historical Evaluation is correct, as the convention is to use the date of completion (i.e., 1922).

Response to Comment 46-15

The statement from the railroad's annual report about its achievements in extending the branch line does not conflict with the later conclusion about the trestle. The railroad appears to acknowledge the completion of a major project, of which the trestle is but one minor part. No changes to the Historical Evaluation (Appendix F) are necessary.

Response to Comment 46-16

In response to this and other comments, text was added to the Historical Evaluation recognizing the location of the Western Pacific passenger depot. For a discussion of the findings of the Historical Evaluation, see Master Response 1.

Response to Comment 46-17

Statistics on dried fruit was considered to be a good indicator of produce in the local area (i.e., "Prune Country").

Response to Comment 46-18

Comment noted. The commenter discusses the role of Western Pacific as a competitor to the larger Southern Pacific Railroad, which is addressed in the Historical Evaluation (Appendix F).

Response to Comment 46-19

Comment noted. With regard to the characteristics of the Los Gatos Creek trestle, see Response to Comment 49-1.

Response to Comment 46-20

The commenter presents information about the role of the railroads in the development of Willow Glen, which is similar to the comments provided by Jean Dresden (Comment Letter 49). Relevant new information was incorporated as described in Responses to Comments 49-1 and 49-2 and in Master Response 1.

Response to Comment 46-21

Information about use of the Western Pacific alignment as a “bargaining chip” also was provided by Jean Dresden (Comment Letter 49) and by the Preservation Action Council of San José (Comment Letter 41). See Responses to Comments 49-1, 49-2, 41-2, and Master Response 1 for a discussion of the findings of the Historical Evaluation.

Response to Comment 46-22

Comment noted. It does not appear that the commenter is presenting new information, and no changes to the Historical Evaluation are required.

Response to Comment 46-23

The information presented by the commenter also was provided in comments by Jean Dresden (Comment Letter 49). Relevant new information was incorporated as described in Responses to Comments 49-1 and 49-2, and in Master Response 1.

Response to Comment 46-24

Comment noted. It does not appear that the commenter is presenting new information, and no changes to the Historical Evaluation are required.

Response to Comment 46-25

This is a summary comment at the end of a long discussion about the Historical Evaluation. See Responses to Comments 46-13 through 46-24.

Response to Comment 46-26

The Executive Summary does not state that traffic impacts of the Retrofit Alternative would be significant. Traffic impacts of the Retrofit Alternative are analyzed in Section 6.3.1.12, concluding that impacts would be less than significant. Although both the proposed project and the Retrofit Alternative would have less-than-significant traffic impacts, the Executive Summary (both in the text and in Table ES-2) attempts to differentiate between the alternatives. Essentially, there are likely to be (less-than-significant) short-term closures under the Retrofit Alternative that would not occur under the proposed project. This qualitative differentiation was used to help identify the environmentally superior alternative (see Response to Comment 46-2), but does not imply that Retrofit Alternative traffic impacts would be significant.

Response to Comment 46-27

The commenter correctly identifies the expected construction schedules – 7 months for the proposed project and 5 months for the Retrofit Alternative. However, for the proposed project, design plans and specifications have been produced, permits have been secured, and a construction contractor has been selected. Therefore, construction of a replacement bridge can begin immediately. If the Retrofit Alternative is selected, new design plans and specifications would need to be produced, new permits would need to be secured, and the project may need to be rebid as the construction contractor would be building a different project. It is unlikely that this would occur in 2015, and some permitting agencies may not support a change in alternatives (see Comment Letter 54 from the National Marine Fisheries Service). If new permits could be obtained and the other processes are completed in a timely manner, it is unlikely that the retrofit work would be underway until at least summer 2016. Additionally, although the construction period of the Retrofit Alternative would be shorter than that of the proposed project, the proposed project would be open to bicycle and pedestrian use at least 1 year sooner than the Retrofit Alternative.

Response to Comment 46-28

For a discussion of the project costs, see Master Response 3.

Response to Comment 46-29

For a discussion of the project costs, see Master Response 3.

Response to Comment 46-30

For a discussion of the project costs, see Master Response 3.

Response to Comment 46-31

Potential utility conflicts are addressed in the EIR, and the presence of PG&E's overhead electrical transmission line is disclosed in Section 3.13.1.3. The impact analysis concludes that utility conflicts would be avoided by following established safety practices, referencing Cal-OSHA protocols. This discussion is sufficient to demonstrate that impacts would be less than significant, and the commenter does not provide new information questioning the EIR conclusion.

Response to Comment 46-32

The work lane and other areas of temporary disturbance were considered in the project footprint. As described in Section 3.3.1.1 (Natural Communities and Associated Plant and Wildlife Species), there are 0.53 acre of mixed riparian forest, 0.12 acre of aquatic habitat, and 1.55 acres of ruderal and developed lands within the project area. The evaluation was based on the permanent bridge footprint as well as adjacent, temporary work areas identified by design engineers and biologists. The impact analysis overlays the footprint onto the natural community types and concludes that the project would temporarily affect 0.25 acre of mixed riparian forest and all 0.12 acre of aquatic habitat (ruderal and developed areas are not sensitive natural communities). These acreages are larger than the numbers provided by the commenter, indicating that there would be no new impacts that have not already been considered.

There would be no permanent habitat loss, as the existing trestle would be replaced by a new bridge. Because there are no permanent impacts, there is no need for offsite, compensatory mitigation. For temporary impacts, the EIR describes the project's restoration program – see discussion on page 3-21 – and concludes that impacts would be less than significant with no additional mitigation required. The

commenter does not state that the proposed approach is inadequate, and therefore no additional response is required.

Response to Comment 46-33

The commenter asks three questions about fabrication of the replacement bridge, but does not explain how these questions might influence the EIR's determination of significance. Detailed responses are not required. In terms of CEQA process, the construction contract was issued, and fabrication work began after adoption of the City's Mitigated Negative Declaration in 2014.

Response to Comment 46-34

Comment noted. It does not appear that the commenter is presenting new information, and no changes to the EIR are required.

Response to Comment 46-35

The qualitative discussion in Section 4.2.1 recognizes that the trail network is considered to be a scenic amenity. Potential views of the replacement bridge or the restored trestle from Los Gatos Creek Trail are likely to be viewed favorably. The question of what alternative would be "more representative of the character of the Willow Glen district" is not a CEQA question and is outside the scope of this First Amendment.

Response to Comment 46-36

In response to information presented by Jean Dresden (see Comment Letter 49), the Historical Evaluation has been updated to include a discussion of eight wooden trestles in Santa Clara County. This update does not change the determination that the trestle is not a historical resource. For a discussion of the findings of the Historical Evaluation, see Response to Comment 49-1 and Master Response 1.

Response to Comment 46-37

Known information about the existing trestle is presented in the Historical Evaluation (Appendix F) and the Bridge Retrofit Report (Appendix G). The commenter asks 12 questions in this comment, but does not explain how these questions might influence the EIR's determinations of significance. Detailed responses are not required.

Response to Comment 46-38

The commenter asks nine questions about the design and maintenance of the replacement bridge, but does not explain how these questions might influence the EIR's determination of significance. Detailed responses are not required.

Response to Comment 46-39

The commenter addresses aesthetic treatments for the proposed new bridge, but confuses aesthetic treatments with historic preservation. Based on a design process that included community outreach, it was determined that aesthetic treatments that recalled the former railroad would enhance the appearance of the new bridge. That does not imply that the bridge is historic, according to established criteria. There is no internal conflict in the EIR.

Response to Comment 46-40

For a discussion of fire impacts, see Response to Comment 46-5.

Response to Comment 46-41

The water quality impacts of removing the pilings are discussed in Section 3.3.1.5 under Impact BIO-1 (pages 3-25 through 3-27), and minimization measures are listed as MM BIO-1 (pages 3-27 through 3-28). This discussion is for the impacts of the proposed project (i.e., bridge replacement with trestle removal). For that reason, this part of the discussion does not address leaving the piles in place.

Response to Comment 46-42

This is a summary comment – see above for responses.

47. Jim Carter

Comments to Draft EIR Three Creeks Trail Pedestrian Bridge

bcjimmy@aol.com

Fri 3/13/2015 1:37 PM

Inbox

To: Davidson, John <John.Davidson@sanjoseca.gov>;

The following changes should be considered in the final EIR for the Three Creeks Trail Pedestrian Bridge

1 .In the Executive Summary Comparison there is provisions to clear vegetation under the existing trestle but not under the pre-fab bridge. 1

Include a budget for clearing of vegetation under the Pre-fab bridge as fire impingement on the bridge would make the bridge subject to damage. Vegetation growth beneath the pre-fab bridge could result in making the bridge impassable depending upon the expose to the flame impingement.

2. In the Draft EIR there should be included a budget for removing graffetti from the pre-fab bridge to include paint. Also include the maintenance cost for repainting the pre-fab bridge and include in that in the Trade Matrix. 2

3. Section 6.2.1 paragraph 5 Please remove the word Arson, According to my experience proven arson as defined by the San Jose Fire Department Arson Bureau and the penal code. Please change the sentence; 3

"The existing trestle has been the subject of multiple Arson attempts. "

Please remove this sentence or state the dates of the multiple Arson attempts.

San Jose Fire Department records show since 2009 10 fires in the Lonus area two fires impinged upon the trestle, were they proven to be arson?

Jim Carter
SJFD Deputy Chief (Retired)

Comment Letter 47—Jim Carter, March 13, 2015

Response to Comment 47-1

For a discussion regarding fire impacts and safety, see Response to Comment 46-5.

Response to Comment 47-2

Although the Trade Matrix does not include a budget for graffiti removal, it is assumed that miscellaneous maintenance activities would be needed. Costs were not a factor in deciding which alternative is the CEQA environmentally superior alternative. For additional information on project costs, see Master Response 3.

Response to Comment 47-3

The EIR uses the word “arson” colloquially. However, as the commenter points out, the word has a specific legal definition. We are not aware if any of the fires were proven to be arson. For that reason, we have changed the language in the EIR in three locations. These three text replacements are presented in Section 3 of the First Amendment.

48. Patricia Curia

WG TREstle

Patricia Curia <pcuria@sbcglobal.net>

Fri 3/13/2015 9:42 AM

Inbox

To: Davidson, John <John.Davidson@sanjoseca.gov>;

Dear Mr. Davidson:

The City should reuse and improve the existing trestle in Willow Glen.

A small band of citizens have provided more in depth and unbiased research than paid consultants. Restoring the trestle is economically , environmentally, and historically the correct path to take. It would certainly work to rebuild the trust of the local community.

The State's historic preservation office concurs the structure is historic.

Please add these comments to the City's report.

1

2

Comment Letter 48—Patricia Curia, March 13, 2015

Response to Comment 48-1

This comment expresses the desire to preserve and retrofit the existing trestle and opposes the bridge replacement. Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project.

Response to Comment 48-2

The State Office of Historic Preservation has not concurred that the structure is historic. Comment Letter 32 discusses processes for historical review, but does not comment on the historical status of the trestle itself.

49. Jean Dresden

Western Pacific's Willow Glen Trestle/the structure

Overview.

This analysis considers the trestle structure in the context of its times and its region. A separate section consider the trestle in the context of local history. Also, comments are offered on the analysis contained in the DEIR "Three Creeks Trail Pedestrian Bridge" January, 2015. The trestle is a unique regional resource exemplifying railroad construction methods of early 20th Century.

California Register of Historical Resources Eligibility Criteria 3

Embodies the **distinctive characteristics of type, period, region, or method of construction** or represents the work of a master or possesses high artistic value.

City of San Jose Historic Landmark Designation Criteria (subset)

Its embodiment of distinguishing characteristics of an architectural type or specimen.

Its embodiment of elements or architectural or engineering design, detail, materials, or craftsmanship that represent a significant architectural innovation or that is unique.

The Willow Glen Trestle over Los Gatos Creek on the Western Pacific's Beltline from Niles to West San Jose was the final creek crossing into the highly desirable industrial district of San Jose region.¹ The trestle is pile bent construction and about 25 ft above the current stream bed height and roughly 210.5 feet long.² According to the same consultant, the bridge shows evidence of receiving routine maintenance during its railroad operation years (1922-1998).

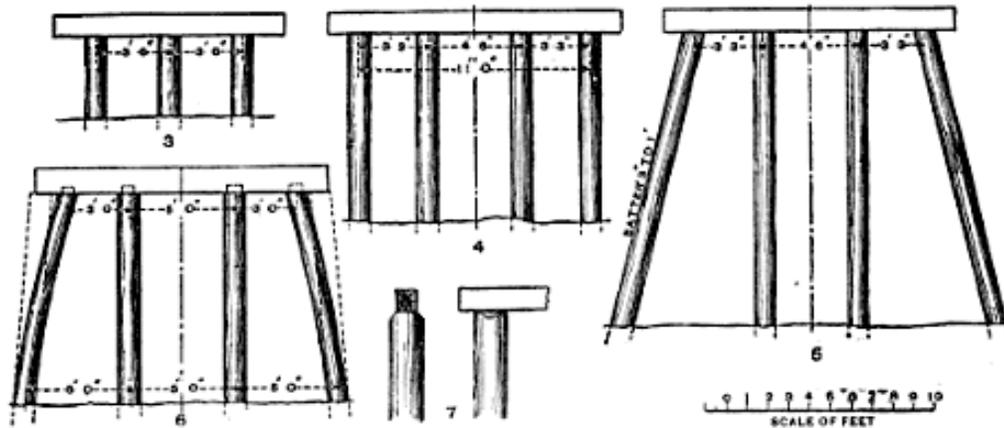
There are two types of wooden trestles: pile bent and wood framed trestle. The pile bent trestle consists of piles that are driven into the ground. Groupings of piles arranged in a line are capped together to form a bent. The piles are tree trunks, sheared of branches. Because trees are used, the upper limit in height is 25 to 30 feet and seldom used for heights this tall.³ Pile trestles are used where ground is soft or may be covered with water; also where the distance from the ground to the

¹ "Offer of 10 acres made to railroad. Western Pacific Vice President says Company determined to reach industries. Says Attitude of Willow Glen is purely destruction—has no faith in results. " "Rail Board asked to Order Union Station" "Railroad Commission to Resume WP Matter." San Jose Mercury Herald. 1917 Sep28

² Three Creeks Trail Railroad Trestle at Los Gatos Creek. CH2MHill. October 8, 2012.

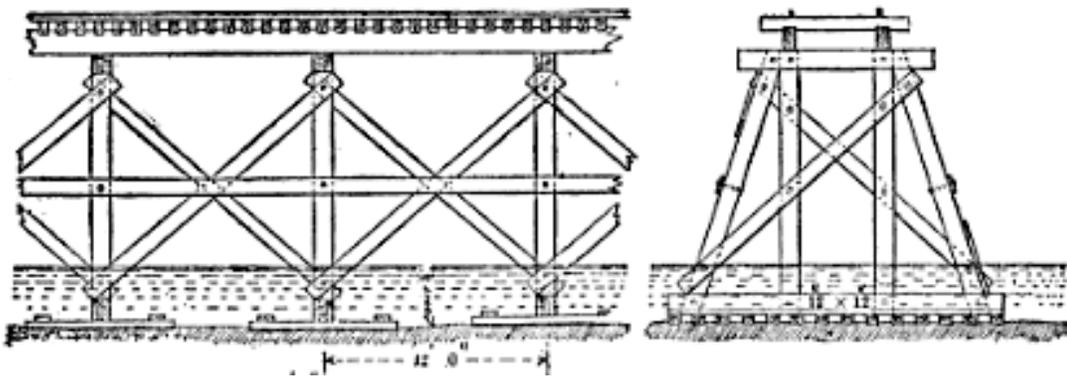
³ Foster, Wolcott Cronk. A treatise on wooden trestle bridges and their concrete substitutes. 1913. Page 6.

rail is not great.⁴ **Pile bents** between 10 and 20 feet should have 1 cross structure.⁵ *This is like the Willow Glen Trestle.*



FIGS. 3 TO 7.—PILE-BENTS.

The second kind of wooden trestle is a **framed bent**. These trestles have foundations and the wooden members are milled into squared edges. They can be built into taller structures. *This is not the Willow Glen Trestle.*⁶



Analysis of DEIR on criteria 3 (California)

The Los Gatos Creek Bridge represents an important example within its context of building practices at a particular time in history. It is both a typical and atypical type of structure. The structure follows the general design of pile bent trestles as described in publications of the time period. However, it is atypical in the following ways:

--It has a varying number of pilings in each bent, with 5, 6, 7 or 8 pilings. Though reference is made in the historic report that the bridge is a "6-pile" railroad trestle

⁴ Foster. Page 7.

⁵ Foster. Page 10.

⁶ Foster. Page 52.

suggesting the repairs detracted from the structure. However, no attempt was made to explain the atypicality of the 5-piling bents (Bent 3 and Bent 14) that have fewer than 6 piles and no piles from repairs.

--The trestle's height is atypical for wooden pile bent trestles according to engineering books of the time period.⁷ Twenty-five feet was at the upper limit for pile bent structures during this time period. Pile bents require single tree trunks. Availability of such tall pieces of timber were limited in the best of times. Further, this trestle was built immediately after World War I and many utilities and railroads needed these tall pieces to do construction and maintenance deferred by the nationalization of the railroads during the war and the limitations imposed by war. The selection of this type of structure instead of a framed trestle is not usual according to Foster. Constructing a foundation in the creek bed would have been easy. There is a long extended dry period and the creek flow was controlled by multiple dams on the tributaries to Los Gatos Creek.⁸ Little water flowed beyond the Kirk Irrigation ditch diversion upstream of this trestle. Further, there was no urgency—other construction on the “Beltline” did not finish until 1922. The trestle could have been built as a framed trestle. Instead, the decision was made to build it as a piled trestle at the upper end of recommended heights and available timber.

--A National Park Service White paper provides guidance about “Evaluating Common Resources” and suggests separating into subtypes.⁹ The consultant separates the wooden trestles into pile bent and framed claiming that Richard Cook author of the 1987 book *The Beauty of Railroad Bridges* came up with this distinction. However, this distinction was made clear in the early editions (1913 and earlier) of Wolcott Cronk Foster's *A Treatise of Wood Trestle Bridges*. However, more appropriately, the analysis should be based on the uniqueness and rarity of tall (25 ft) and long (210 ft) pile bent trestles.

--A further subdivision could be time period of construction as is done with buildings. This bridge was constructed shortly after World War I, just after the Federal Government stopped operating the trains. All railroads scrambled to make reports to roads and rolling stock that had been placed “on hold” while the Federal government operated the railroads. Significant differences in construction and availability of materials exist between this immediate post-war time period and other time periods.

--The inventories used by the consultant to argue that this long and tall pile bent bridge is ubiquitous were from the Sacramento region of Southern Pacific and limited to identifying wood trestles by open deck and ballast deck. The bridges were not categorized by how the engineers of the historic time period categorized:

⁷ Foster. Ibid.

⁸ History of Dams of Los Gatos Creek Watershed. www.scvwd.org. Accessed March 15, 2015.

⁹ NPS. 2009. www.nps.gov/nr/...3.../NCSHPO_Common_Property_Types.pdf

pile bent and framed trestle. No analysis is made by height and length. Further the national survey does not make these distinctions by subcategory either. Given that the consultant acknowledges the importance of using sub-types, these are inappropriate inventories with which to dismiss the subject trestle and call it "ubiquitous."¹⁰

--The trestle is a long-span of over 210 ft. An inventory of Santa Clara County trestles was made. There are few all-wooden pile bent trestles overall and few this tall (25 ft), and longer than 59 ft. By the numbers, what remains:

- 1 wooden pile bent tall (≥ 25 ft) and long (over 200 ft) trestle is owned by San Jose subject WPRR bridge over Los Gatos Creek
- 2 wooden pile bent tall (≥ 25 ft) and long (over 50 ft) trestles are owned by UPRR
 - one is in San Jose on abandoned WPRR line
 - one is at San Benito County line on Hollister branch (south of Gilroy)
- 1 wooden pile bent not tall (< 25 ft) and long (over 50ft) trestle north of Alviso in San Francisco Bay.

All other similar all-wooden pile bent trestles have been demolished, are scheduled for demolishing or changed to I-beams or concrete footings. No other all-wooden trestles are known in Santa Clara County; however, a few short spans of two bents over culverts and channelized small creeks might still be all-wooden pile bent but were not identified by this author's field team due to views blocked by inaccessible locations.

Notably all but two of the Western Pacific's trestles of any size or design in Santa Clara County have been or will be demolished. If this subject trestle at Los Gatos Creek is removed, only ONE Western Pacific trestle will remain in Santa Clara County (at Coyote Creek)

In scoping questions, Cathy Rubin asked "Are there other similar bridges within San Jose that we could visit that would tell the same story? Are they in walking distance? Biking distance?...get in cars and drive who knows how far? ..tell the same story?"

Cathy, at this writing there are 4 Western Pacific trestles of any kind in Santa Clara County. Two are scheduled to be demolished; there is nothing that can be done to save them. This subject trestle is at risk of demolishing. There is one other trestle at Coyote Creek near Story Road and it is owned by the Union Pacific on the abandoned line. No tracks lead to it; it is at risk. No other trestles tell the Western Pacific story in Santa Clara County; they are all gone.

¹⁰ Interestingly, bridge inventories are not required by the Federal Railroad Administration or the California governing bodies, unlike the California State Highway Commission. Recent Federal legislation will change this as a result of concerns about the shipment of oil crude.

If you want to view another nice tall and long all-wooden trestle, you can drive south of Gilroy to the Union Pacific's active Hollister line. It crosses the Pajaro River. It can be viewed from Highway 25's shoulder, but take binoculars. The crossing is blocked by private property. There are no other tall or long wooden trestles of any construction type (pile-bent or framed trestle) design in Santa Clara County. If you wish to view a long trestle that is not tall, you can take a canoe to the Don Edwards National wildlife preserve in San Francisco Bay. Or you may view the trestle with binoculars from the trails on the levees. This trestle was built for the Southern Pacific and does not tell the same story. There are a few trestles with concrete construction or I-beam construction.

The Los Gatos Creek trestle is unique in Santa Clara County. It is owned by the City of San Jose and could be protected. It represents one of THREE remaining similar trestle bridges in the County of Santa Clara where many wooden pile bent trestles were once in service and now have all but 3 have been or will be removed. This qualifies the trestle for historic standing under City of San Jose—it embodies a particular type—a tall (≥ 25 ft), long (> 210 ft) pile bent wooden trestle and it is very nearly unique. It is the last one of two in the City of San Jose and the city already owns it, and it is publicly accessible in context!

In the Writ, Friends of Willow Glen Trestle, Susan Landry state the subject bridge is the only timber trestle still in place on Western Pacific line in Willow Glen. More properly, it is the only one that could be saved. The other one at the Guadalupe River is destined for removal for a Santa Clara Valley Water District flood control project.

The DEIR consultant uses Cook's beautiful "coffee table" picture book about Railroad Bridges to demonstrate that only framed trestle bridges were sufficiently interesting to be included in the book. From this decision on aesthetics, the DEIR concludes "The tall framed trestles, for example, achieved great engineering significance and incredible beauty. The far more common pile bent trestles are so common as to make it unlikely that anyone would be significant under National Register Criteria C." The consultant is arguing that aesthetics and engineering determine Criteria C rather than the style of construction of this particular subtype: all-wooden pile bent trestle that is tall (≥ 25 ft) and long (210 ft). Historic structures do not have to be pretty.

The language of Criteria C (NPS) and Criteria 3 (California) state:
Embodies the distinctive characteristics of a type, period, or method of construction:

This trestle is long (210 ft), tall for its type (25 ft), wooden, pile bent trestle built in the Interwar years (completed 1922). Considering the local Santa Clara County inventory for trestles of this subtype, **there are only three standing (two with uncertain status and one at the San Benito County line). All others have been demolished, replaced, or are slated for removal.**

Based on this inventory of this subtype of wooden trestle in Santa Clara County, another aspect of the NPS White Paper on Common Structures applies: “Property types should be considered common in terms of their current prevalence. “ The consultant uses national data from Foster (1917) to indicate prevalence of wooden trestles (700,000 of any type). Also, the consultant estimates from a 1999 survey that only 24,000 timber trestles of any type remain—a 97% decline. Wooden trestles of any type are a disappearing historic resource.

The consultant uses the most recent **archived** (1970) bridge log of the Southern Pacific’s Sacramento Branch to argue prevalence of timber trestles of any type. Importantly, the NPS White Paper indicates that **current prevalence** should be used for common structures and this inventory is 45 years old! Further, the covers a period when lumbering was still very active in the mountains. Since then, many lines have been abandoned.

The examined Sacramento Division region is not at all comparable to Santa Clara County nor many parts of California. For example, the 1970’s report’s area is very well-watered—including mighty rivers and their tributaries such as the Sacramento and American Rivers as well as the Bay Delta. The report also covers the mountains of the Sierra Nevada! Contrast this to Santa Clara County where no train lines currently exist in the mountains and the mightiest water courses are creeks that flood. (Coyote, Guadalupe, Los Gatos, Pajaro, and San Francisquito Creek). Quite clearly, the regions are not at all comparable for estimating prevalence of bridge types.

The NPS White paper further discusses: “Some once-common property types have dwindled in numbers significantly, even since the introduction of today’s historic preservation programs. For example, one-room schools (even derelict examples) are no longer a common sight in many rural landscapes. Once-common resources need to be fully described, including a description of property subtypes. However, the more stringent integrity requirements that may apply to today’s common properties, should not apply to an evaluation of examples of once-common, but vanishing, property types.” There are very few tall and long all-wooden pile-bent trestles in Santa Clara County. A modern inventory—rather than the 1970 Sacramento area inventory—might provide similar results in other parts of California. Nevertheless, it suggests that less stringent standards for integrity should be used for this structure than might otherwise be needed because there are so few left of this subtype.

NPS. State Historic Preservation Offices and local jurisdictions have a long history of declaring structures historic when there are few of their type remained. Examples include: New York’s Tenement Museum—one of the last tenements in Manhattan, but once very common and not aesthetically pleasing nor great architecture; slave quarters on various farming properties; one room school houses; water towers; barns. San Jose has a long history of preservation as well. For example, KB Homes

was required to preserve the water tower at Del Monte. Barry Swenson was required to save the water pump building at his Duckett Way condominium structure. History is preserving an old barn on its campus at Kelley Park. As these structures become rare, the common becomes uncommon and preservation is needed to communicate the story of the structure. Can we expect no less from the City of San Jose for a structure it already owns?

The consultant did not discuss aspects of qualification for the National Register/ However analysis of integrity is helpful when considering a historic resource. The National Park Service asks for an analysis of integrity of location, design, setting, materials, workmanship, feeling, and association.

The trestle is in its original location.

The trestle maintains its operational design and could be reversed to original condition. Although bents have been added as repairs, it remains as it was when operational. Safety fences have been installed and, ties and rails removed. It could be reversed to its original construction condition.

The trestle remains in the creek bed setting. Visually, the alignment of the right of way remains, although tracks and ties have been removed. Significant trees that are evident in historic pictures of the trestle remain evident. Homes remain on the Willow Glen side and industrial buildings remain on the Midtown side, including those that were extant at the time of construction.

Materials used to maintain the trestle are similar as those when it was originally constructed. Replacement and additional piles are composed of tree trunks. Bents and cross frames are made of wood and milled to match the original structure.

Workmanship remains as it was in 1922. The trestle was built to be a workhorse for the railroad without regard to aesthetics. The piles were built with asymmetry in each bent and with an unequal number of piles conforming to the geometry of the creek bed. Yet, the 13 bents were separated by uniform distance. Structural calculations for the bridge design were done without benefit of a calculator and within the department of San Jose native W.H. Smitten (1873-1953) who started as a rodman for the Southern Pacific in 1900 and then worked up to structural engineer, prior to serving the US Army Corps of Engineers in Washington State and in France during World War I followed by taking the head Bridge Engineer job at Western Pacific in 1921.¹¹ Smitten remained responsible for all Western Pacific bridge engineering until his retirement in 1947. The use of additional piles and frames for repairs was common and congruent with the original nature of the initial construction, ie adjusted for the conditions. Construction reflected the best judgment of on the ground professionals with many years of experience and no calculator and no computing capability for modern mathematical modeling of stress loads as demonstrated in the feasibility study. The alignment was not used after 1998 and the repairs reflect the in the field mathematical modeling of the time.

¹¹ Various trade publications, e.g. Railway Maintenance Engineer. Vol. 17, No 12.and Railway Engineering and Maintenance 1947

Feeling. The trestle is surrounded by a lush riparian environment. Those who view historic photos from the 1950s cannot tell the difference between then and now. Views along the alignment remain the same except for the removal of tracks. Visitors underneath the trestle express awe. There are no visual intrusions. Today's children play under the bridge in the creek as they did in 1928.¹²

Association. The trestle crosses the creek which is in its original 1922 form, ie not channelized. It is connected to the Right of Way which has been maintained as open space. The buildings and roads in the area remain the same. A person walking over the trestle and along the Right of Way into Willow Glen will immediately recognize how the Western Pacific Willow Glen Spur alignment at a diagonal disrupted the life of Willow Glen residents and affected the patterns of development during the decade of 1920s. The trestle still links an industrial area (Midtown) to a "high class" residential area, Willow Glen. The association to the story of the trestle and the Western Pacific is strong.



San Jose News - Sep 12, 1928 [Browse th](#)

Glen Kiddies, Must Wait One Year for Swim

Children have been congregating from all sections of the Willows during the past few warm days to inspect the wading pool and playground which O. Nielsen, pioneer resident of the community, has been building on the corner of Coe and Lincoln Avenues, in the Los Gatos creek bed just below a group of buildings he owns on that corner.

According to Nielsen, many of the children gathered because of an article in The News several weeks ago, that the wading pool was completed, and ready for use.

They were sadly disappointed, however, to find that, though the wading pool is completed there is no water to go wading in. Nielsen has completed the dam at a cost of \$100 and promises the children that they will be able to wade to their heart's content next summer.

¹² "Glen Kiddies Must Wait One Year For Swim." San Jose News. 1928 Sept. 12.

Table.

Santa Clara County inventory of similar wooden pile bent trestle structures:

Western Pacific “Beltline” in Santa Clara County (photos follow):

Still Standing--Future Status Uncertain

1. Subject bridge Los Gatos Creek. Owned by City of San Jose. 13 bents.
2. Coyote Creek near Story Road. Part of a City of San Jose 2008 Coyote Creek Trail master plan including historic interpretation. Owned by UPRR.¹³

Demolition Planned

3. Silver Creek near Eggo and Highway 101 on the Beltline. Less high than subject bridge and much shorter. Demolition planned as part of tail track construction for a VTA/BART tail track.¹⁴ Four bents.
4. Guadalupe River south of Alma Street at Falcon Place will be demolished as part of the Guadalupe River flood control project.¹⁵ Current bridge is shorter and with fewer bents than subject bridge.

Demolished

All Western Pacific Beltline trestles of all subtypes from Hwy 101 to Alameda County have been destroyed by VTA/BART Phase I construction.¹⁶

Southern Pacific/Caltrain to Monterey County/Union Pacific Mainline

Demolition Planned

1. Over Los Gatos Creek south of Diridon Station. ¹⁷

Demolished.

2. All wooden pile bent trestles replaced with concrete or metal I bars.¹⁸

¹³ City of San Jose. Coyote Creek Trail Master Plan. 2008. Lower Silver Creek to Story Road.

¹⁴ VTA/BART Phase I Construction Documents. <http://www.vta.org> Accessed 2014 October 30.

¹⁵ Santa Clara Valley Water District Guadalupe River Flood Control Plans, map ACPP_009.pdf. Dated 6/6/2000. Downloaded from SCVWD secure dropbox on 2013 August 27.

¹⁶ VTA/BART Construction documents. Ibid.

¹⁷ Caltrain. Los Gatos Creek Bridge Replacement IS/MND.

¹⁸ By inspection.

Southern Pacific College Park to Niles via Japantown and Milpitas.

Demolished/Replaced

1. Guadalupe River near Coleman Avenue¹⁹
2. Over Coyote Creek at Schallenberger. Replaced with Concrete pylons. Date unknown. By visual inspection.
3. No other all-wooden pile bent trestle is known to Alameda County line.

Southern Pacific Newhall WYE Santa Clara to Alviso (mainline)

Existing

1. Wooden pile bent trestle through Don Edwards Wildlife Reserve In San Francisco Bay. Over water. Not tall but long. Might not be all wooden. (Hard to inspect fully.)

Demolished/Replaced

2. No other all-wooden pile bent trestle identified.

Southern Pacific Hollister Branch-Gilroy to San Benito County

Existing

1. Over Pajaro River near Bolsa Road (Highway 25). Owned by UPRR. At San Benito County line.

Southern Pacific Lick Branch, Hillsdale Branch, New Almaden Branch, Camden line, Los Gatos Line, Pacific Coast line, Los Altos Line, Vasona Line.

All trestles on these abandoned lines have been removed or demolished.

¹⁹ City of San Jose and Santa Clara Valley Water District joint memo dated April 24, 2012. http://www3.sanjoseca.gov/clerk/Agenda/20120424/20120424_0701.pdf Accessed March 15, 2015.

Photos of Similar All-Wooden Trestles in Santa Clara County.

1. Western Pacific Over Los Gatos Creek in Willow Glen. **Subject Bridge.** At Risk.²⁰



2. Western Pacific. Over Coyote Creek. Near Story Road. At Risk.²¹



²⁰ Ames, Larry. 2014. Ibid.

²¹ By shed 47. <http://www.trainorders.com/discussion/read.php?11,794985>
Accessed March 12, 2015.

3. Western Pacific over Silver Creek at Eggo Way. Demolition Planned.²²



4. Western Pacific over Guadalupe River at Falcon Place. Demolition Planned.²³



²² Google Street View. <http://www.google.com> Accessed March 12, 2015.

²³ Google Aerial View. <http://www.google.com> Accessed March 12, 2015.

5. Southern Pacific. Hollister Branch. Over Pajaro River. Santa Clara/San Benito County line.²⁴ Active UPRR line. Near Highway 25 (Bolsa Road)



²⁴ Google Street View. [Http://www.google.com](http://www.google.com) Accessed March 12, 2015.

**Willow Glen's Sword of Damacles:
Western Pacific's Beltline and its Los Gatos Creek Trestle**

The Los Gatos Creek Trestle is the last remaining physical manifestation of the Western Pacific's "Beltline" ("Willow Glen Trestle") which traversed from Niles Canyon to East San Jose around the southern edge of San Jose to the cannery-rich area of San Jose's westside. The Beltline served as a sword of Damacles hanging over the heads of the residents of the "high-class" Willows neighborhood from 1917 when the Western Pacific Beltline route was first proposed and constructed through Willow Glen until 1929 when Southern Pacific's relocated mainline began construction. Even as the Western Pacific began operation on the spur to the canning neighborhood, the very real fear of Southern Pacific's mainline running on the same route threatened the peace of mind of Willow Glen residents for over a 12 years. The DEIR underestimates the importance of this Western Pacific alignment in the formation of a culture of Willow Glen, as a place apart from the City of San Jose—an attitude that persists to this day, long after the Western Pacific's tracks were removed. The neighborhood's ambience and attitude attracts national attention in press such as the Wall Street Journal with the mythology surrounding the incorporation and battles with the Southern Pacific playing a key role. Lost to the mists of time through multiple retellings, the role of the Western Pacific railroad alignment is underplayed but had much to do with keeping the Willow Glen community engaged in the railroad alignment and grade separation battles of the 1920s.

Sadly, the DEIR depended on secondary resources to analyze the Willow Glen trestle and the Western Pacific alignment in the context of Willow Glen. Among the weaker sources, a 1998 article from the local "shopper" newspaper, quoted a woman at a festival. Her information was just flat out wrong. (page 18, Appendix F). No mainline alignment was ever proposed for Lincoln Avenue, the "main" street of Willow Glen.

This analysis will cover the Willow Glen Trestle from the perspective of Category 1 of the National Register of History, Criterion 1 of California's regulations, and categories in San Jose's landmark program. Specifically

National

- A. Associated with events that have made a significant contribution to the broad patterns of our history
- B. Associated with the lives of significant persons in or past

California register

- 1. Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage
- 2. Associated with the lives of persons important to local, California or national history

San Jose standards:

1. Its character, interest, or value as part of the local, regional, state or national history, heritage or culture;
3. Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history;
4. Its exemplification of the cultural, economic, social, or historic heritage of the city of San Jose

As the final physical manifestation of the Western Pacific's right of way through Willow Glen, a discussion of the alignment and its impact is important.

First, a discussion of the key local players:

San Jose capitalist and financier T. S. Montgomery was a board member of the Western Pacific and an advocate of bringing the Beltline to San Jose. He began revealed plans in 1914 for a line from Niles to San Jose. As president of the Garden City Bank, head of the California Prune and Apricot Growers Association, large real estate developer and broker with statewide interests, board member of the Chamber of Commerce, and major property owner, T.S. Montgomery was in a position to "make it so." And he did.¹ With the formation of Cal-pak and the burgeoning construction in the Westside canning district, Montgomery saw and opportunity for his railroad, his city and his pocket. Montgomery would benefit from land sales and developments in and around the Western Pacific alignment. His Montgomery Hotel is a City landmark.

L.D. Bohnett came to prominence as a young reformer—elected to the state legislature in 1909 and serving with distinction as a floor leader for three terms until 1916. He was critical in progressive legislation that served to reduce the power of the railroads—especially the Southern Pacific. His exploits are featured in reforming reporter Franklin Hichborn's books. Born in 1880, Bohnett was a young man when he went to the legislature. An attorney, Bohnett returned to a private practice in San Jose ultimately locating in the pre-eminent multi-story Bank of America building. Bohnett's home at 899 Delmas Avenue (old numbering) at Jerome was within a block of the proposed 1906 Southern Pacific alignment.

¹ California Fruit News March 30, 1918, vol 57 #1551 p 9)

Western Banker, Vol 28, June 1922, p 669

Railway Review July 18, 1914

Listing statements of the New York Stock Exchange, Vol 20. 1921

Commercial and financial Chronicle Volume 106 1917

<http://www.historysanjose.org/cannerylife/through-the-years/1917-1966/cal-pak/index.html>

Befitting an upward bound young attorney and state legislator, Bohnett jumped to Palm Haven in about 1916, acquiring 6 lots where he built his 940 Plaza home, recognized as a city landmark. Bohnett was active in the Willow Glen Improvement association and would take a major role in fighting the railroad alignments as the two lines—Western Pacific and Southern Pacific proposed alignments on either side of his subdivision. Through his work as an attorney, legislator, and civic booster, became acquainted with two retired attorneys from Nebraska, Charles S. Allen and Paul Clarke who would form a legal triumverate that led the battles against the railroads and the formation of the city of Willow Glen. After incorporation, Bohnett served as the city attorney for the City of Willow Glen leading to extensive law suits against the Southern Pacific. Bohnett suffered significant personal attacks for his prominent role in the alignment negotiations.

Charles Allen retired from Nebraska in 1913 about the same time as his former legal partner Paul Clarke. Allen built a home across Plaza Drive from Bohnett in the Palm Haven neighborhood. Allen served for many years as President of the school board as well as on the boards of other civic organizations.

Attorney Paul Clark (1861-1932) served about eight years in the Nebraska state legislature, including a term as Speaker. Clark retired to California in 1912 after a he lost the Congressional election. He and his wife built a home on Minnesota Avenue in the Willows (a San Jose landmark) and he became active in civic affairs, including the Willow Glen Improvement Association. Ultimately, Bohnett and Clark led the charge for incorporation in both 1917 and 1927, with Clark serving as Mayor of Willow Glen until his death in 1932.

While the battles were ostensibly the actions of corporate giants—Western Pacific and Southern Pacific, the alignment battles played out locally among the leaders of those most affected: Montgomery, Bohnett, Allen, and Clark.

Railroad and Alignment History to 1918.

In 1906, Southern Pacific obtained permission from the State Railroad Commission to run a Westside line, generally on a straight line diagonal from present-day Cahill Station to just north of Oak Hill cemetery at Monterey Road. The alignment would cross Willow Street near the Guadalupe River. Immediately, SP began to secretly acquire land along the alignment and enter into negotiation with the City of San Jose for a franchise. Negotiations included issues of grade separations, apportionment of costs and property damage. Meanwhile, the Southern Pacific went to the Railroad Commission which assigned 35% to the City of San Jose and 35% to the County. San Jose sued and lost in 1917.

Meanwhile, the Western Pacific reorganized in 1916 and apparently while no one was looking, they obtained permission in 1917 to run their “Beltline” through the Willows. A group of Western Pacific reps met with Chamber of Commerce reps in June 1912. Plans called for an east side station and a west side freight side. Through

the rest of the summer, local officials and the papers asked that the two lines Southern Pacific and Western Pacific share a union station. This evolved into the idea to share a single alignment. San Jose asked the railroad commission to order it, but they declined, saying it was a good idea, but they lacked jurisdiction. The San Jose City Manager Reed revealed at the September 1917 Railroad Commission hearing that the city would never have granted Western Pacific a franchise if they had known the railroad plan to run a main line and it would be better if WP did not come at all. The city claimed that the railroad didn't tell them, while the railroad said they had. LD Bohnett represented the Willow Glen Improvement association at the meeting.

Meanwhile, the Western Pacific surveyed and began to acquire land for the "Beltline." in August 1917 the Willow Improvement Club met and President Paul Clark assigned Charles Allen and LD Bohnett to job to research legal options. Through the fall, more community meetings were held. In October 1917, a petition to incorporate was filed with the County Supervisors. Just before the election, flyer appeared explaining that 100 trains per day would traverse the new Western Pacific alignment. Paul Clark and others signed the flyer. T. S. Montgomery felt compelled to issue a statement that the Willow Glen folks were inconsistent both demanding a union alignment and threatening people with the specter of a main line. He pointed out that signers included those with interests who are not part of the boundaries of the proposed Willow Glen. Presumably, he was referenced LD Bohnett and Charles Allen who both lived in Palm Having within San Jose's city limit, but between the Western Pacific alignment and the future Southern Pacific alignment. The article is a great rhetoric argument. It appears to promise that no canneries and industrial activities are planned for Willow Glen, but careful reading shows it does not.

The incorporation election failed. After the election, TS Montgomery celebrated and stated "hardly a train per day" would traverse the route. "It will never cross the Alameda." "We will improve the Willows wherever we have property."²

After the election, the railroad commission held a hearing in late December 1917 where it was revealed that yes, the city of San Jose knew about the WG Western Pacific line but had hoped to talk the Western Pacific out of building it. The railroad had threatened the city with taking it to an initiative, so the city caved. LD Bohnett objected at one point when the leader of the SJ Chamber of Commerce stood up to make a point on behalf of the Chamber; Bohnett pointed out that the man did not have permission of the Chamber board to speak on behalf of the Chamber. During the hearing, the Western Pacific revealed that they had already built about 1000 ft. of track in an area where they felt the right of way is at risk.³ They built across the

² "Hardly Train Per Day" 1917 Dec 1.

³ "WP reject all Plans of Union. Elmer Chase Grilled on City's Delay Producing Plan" 1917 Dec 23. Secondary sources suggest the track was laid near Broadway Avenue.

Southern Pacific's Peninsular Railway tracks.⁴ In January 1918, both WP and SP confirmed they had no interest in a joint alignment.

In April 1918, the Federal government took over the railroads and construction was suspended.

After World War I

After the War was over,, control of the railroad returned to their owners. The Railroad commissioned issued orders about grade crossings and there were no grade separations. In another section of this comment letter, the construction of the Willow Glen Trestle is discussed. The line was completed in August 1922.

According to both Prune Country Railroading and Arbuckle's History of San Jose, the line was a immediate success. Western Pacific established overnight less than car load service to San Francisco and San Jose, forcing SP to improve service. Arbuckle writes with more detail about the western freight office and the overflow of packages due to the fractional car lots—a service not provided by the Southern Pacific.⁵

Meanwhile, the Southern Pacific grade separation issue had not been solved. The franchise on the 4th street line had expired in 1918 during the war. The PUC changed the apportionment of the Alameda subway costs, reducing San Jose's portion to about 19%, down from 35%. However, the City failed to pass a bond to pay for the property damage and subway costs.⁶ Things sat quietly for a time.

In April 1925, SP asked for a renewed 4th Street franchise. The city denied. This revived plans for the \$4.5 M West side location project. San Jose hires William Hudson of the Hardland Batholomew & Associates Company of St Louis (precursors to modern day Parsons Brinkerhoff) to come up with a better plan for the City. He proposes an elevated and electrified 4th Street station **with all freight for Western Pacific and Southern Pacific traveling through Willow Glen over the Western Pacific alignment.** Hudson recommends 8 grade separations.⁷

The DEIR does not mention this plan to use the Western Pacific alignment for ALL freight and only mentions the plan for the Southern Pacific to build along the 1906 alignment, (and subsequently the modified 1906 alignment.) There was never a

⁴ To extend WP. 1920 Feb 18.

⁵ Holmes, Norman. Prune Country Railroading. P. 143.
Arbuckle, Clyde History of San Jose. Arbuckle uses the word "bisect" Willow Glen to describe the alignment from Coe to Almaden. Road. Less than ¼ of the proposed City of Willow Glen would be sliced away.

⁶ 1923 Oct 23.

⁷ Original letter at Washington University St Louis, Missouri. McGarry GH "New West Side Line, Culminates Years of Effort" 1935 Dec 31.

plan to move the Southern Pacific mainline to Lincoln Avenue as indicated on page 18 of the History report in the DEIR. The Peninsular Railroad, owned by SP, had a line that traversed Lincoln Avenue for a few blocks from Coe to Lincoln and thence to Willow and Meridian Avenue out to Campbell. This was single car passenger service.⁸

In response to the Hudson Report, the Southern Pacific responded in May 1926 with an offer of 5 grade separations, making it possible for Willow Glen residents to travel to central San Jose completely unimpeded.⁹

Yet, for whatever reason, the City of San Jose did not accept this offer. The residents of the Willows sat with the sword of Damocles over their head, left to wonder whether the City was angled for the freight to traverse their community as preferred by the Hudson report. Meanwhile, the City of San Jose and Southern Pacific continued to skirmish. San Jose attacked SP's national mail contract with the US Postal Service charging the company was operating illegally without a franchise. To quiet the complaint, the SP paid San Jose \$1000 per day.

According a published reports, the City of San Jose told SP in May 1927 that they would agree to grant a franchise subject to conditions: 1) **Use the Western Pacific route through Willow Glen as the mainline.** Pay for 4 grade separation (Julian, The Alameda, Park, and West San Carlos). Removal of 4th Street tracks in two years and city would pay damages to property rather than a percentage for the grade separations.¹⁰ According to newspaperman G.H. McGarry, writing in 1929, settlement seemed near.

Not surprisingly, residents of the Willows exploded. They had lived with the Western Pacific alignment relatively modest traffic level. Now they were threatened with 100+ trains per day. Bohnett and Clark organized, with others to lead an incorporation fight.

In August 1927, an editorial appeared that explains, somewhat the complicated situation just before the incorporation election for the city of Willow Glen. Rumors were flying. And Willow Glen stood to lose and suffer from the presence of the Western Pacific alignment and the Willow Glen Trestle's gateway into the West Side.

⁸ McCaleb. Tracks Trains and Wheels.

⁹ 1926 May 28.

¹⁰ 1929 Aug 9. And holmes. Prune Country Railroading.

TUESDAY, AUGUST 2, 1927

Let's Not Call Names

MIGHTY hard names are being called in the quarrel over the incorporation of Willow Glen. The word petty is being used by those who want the tracks off Fourth Street. And those who want them to remain are talking of speculators, who bought their Fourth Street property hoping for track removal and consequent skyrocketing of prices.

The Evening News owns no property on Fourth Street, nor in Willow Glen. It does regret the hard feelings which are being stirred up between the two factions.

It is easy to see the side of Willow Glen. Put yourself in their position, with the Western Pacific already there and prospects of the Southern Pacific going the same way—all, as they believe, in order to help speculators and political wire pullers who bought on Fourth Street counting on removal of the rails.

That's one side of it. On the other side is the fact that having the railroad on Fourth Street is acting as an iron band to hamper the growth of the city, that track removal would be a boon to the State College and, more than all, that establishment of the tracks on the West Side would mean the building of a beautiful new station along the lines of the one at Sacramento—and everyone will admit we certainly do need that station.

What The Evening News has wondered about a good deal is this: If it is true that the Southern Pacific has owned a right of way along the West Side for 20 years, why isn't that right of way used? Certainly no one ought to complain if the Southern Pacific occupied property which it had owned for that length of time. There is a possibility that it may be a little longer than the route through Willow Glen, which has stirred up so much opposition, and yet this added distance ought to be balanced by the increased speed which would be possible, as compared with the present slow stretch on Fourth Street, plus the fact that the present route is itself a very indirect one.

The Evening News hopes the matter may be settled with a minimum of hard feelings. You people who want the tracks removed, imagine how you would feel if you were in the position of Willow Glen, with everything to lose and nothing to gain through the re-routing of the tracks. Be prepared to understand the position of these people. Don't talk of being "petty," but try to solve the matter honestly and with justice to them.

And you folk in the Willows, please try to get the viewpoint of San Jose, of which you are really, in everything except name, a part. Remember that the tracks do hamper the growth of the business district eastward, and that not all those who desire the street cleared are speculators.

Let us not call names but try, if it is humanly possible, to find a way out with a minimum of harm and a maximum of justice.

Throughout the campaign season, mostly anonymous letters to the editor appear in the newspaper. *It's folly to fight SP. ...SP will just use the WPRR route...No, they have to get a franchise before they can operate...A city will cost too much...It's all downtown and Palm Haven interests that want this.*

Ultimately, incorporation passes and the City of Willow Glen is formed on September 7, 1927. It was up to the newly elected council people to protect the residents from Southern Pacific on the Western Pacific line and along the 1906 alignment that ran from Coe to Willow at Guadalupe River.

Six days after the election, on September 13, the SP released a letter confirming July 22 discussions with the City of San Jose. The SP's letter is silent on the Willows incorporation and "resumes parley with San Jose." The letter is issued at the telephone request on Sept 12 of the City. 1. Route won't go through Palm Haven, New station, removal of 4th street tracks in two years, grade separations at the Alameda, West San Carlos, Julian, Park, property damages, franchises and the city would seek \$75K from state highway commission for half of Monterey road grade sep at Oak Hill cemetery. Within the letter, SP wrote 'question of industry spurs between LG Creek and Guadalupe creek, restriction should not be part of franchise but zoning ordinance.' One has to wonder why the letter was released *after the election with no mention of Willows in letter? What complicated chess game was underway?* The Newspaper contacted four of 5 WG councilmembers and two spoke of being adamantly opposed to coming to any agreement with SP.

At this point, SP was operating on 4th Street, had a recalcitrant Willow Glen City Council led by Paul Clark and advised by City Attorney LD Bohnett. Through joint trackage agreements, it would be theoretically possible for SP to run their mainline along the Western Pacific alignment, but additional land and upgrades would be needed and Southern Pacific already owned all of the alignment along the 1906 alignment from Bird to Willow (Coe to Almaden).

The citizens of Willow Glen watched trains traverse the Willow Glen trestle and awaited the next action of the Southern Pacific.

At the end of September, 1917 SP and City of San Jose announced that they had an agreement on the 1906 alignment. Presumably, what remained was an agreement with Willow Glen for that portion slicing through the northeast of the City.

Apparently, it did not go further, on Jan 1928, **the Southern Pacific announced that they would join the Western Pacific alignment—provided legal hurdles could be overcome.** The Willow Glen trestle was back in play as the gateway to San Jose. Yet, by the end of the month, Willow Glen had blocked SPs plan and the modified 1906 alignment was announced.

In the modified 1906 alignment, the area between present-day Bird and Willow Street was modified to run along Fuller Avenue utilizing two right angle turns avoiding the new City Limits. It eliminates the 6 worse grade crossings.

Meanwhile City conspired with SP and inspired annexation in Hillsdale and Cottage Grove sections which prevented WG from embarking on annexation program that would cut off the west side route entirely. [Hillsdale district has the Lick Branch to Almaden and it would have been easy to bring it around the south side of Willow Glen.]

On 1928 Feb 21 City manager Clarence Goodwin opened negotiation with SP for franchise using the modified 1906 route. The plan is “assured of success as efforts of WG to annex the Cottage-Grove Hillsdale district are blocked for 75 days by a petition to annex Hillsdale and Cottage Gove. By March, 1928 The City of San Jose and SP agree to eight grade separations: Julian The Alameda Park San Carlos Bird Delmas Prevost and Willow¹¹ HD Hudson, planning engineer with Harland Bartolomew came to town to walk the route and estimate property damage for new 1906 alignment. He liked that it is more square with fewer skew crossings.

At this point, it appears that the Western Pacific’s alignment is out of play for the Southern Pacific’s mainline and Willow Glen is home free. Yet it is not. On 1928 Mar 15 San Jose City Manager Clarence Goodwin, WH Hudson and WG Council, including Paul Clark and attorney LD Bohnett met. The meeting was characterized as “pleasant but ineffective.”At the Willow Glen meeting Hudson pointed out that the most effective way of solving the district’s railroad problem was to route both the Southern Pacific’s and Western Pacific’s tracks over the right of way of the latter on an elevated three track line which would do away with all grade crossings and which by being converted into a park-way with trees and other landscaping would not be a detriment to any residential district.” Major Clark of WG joked that he did want to be a pig and take away Clarence [Goodwin]s] only railroad. ¹²

Plans for CSJ to meet with SP was thwarted and Hudson returned to working on modifications to 1906 modified alignment. In April, San Jose and SP come to an agreement and publish the map of the modified 1906 alignment. Articles explain the cost savings over an elevated alignment at 4th Street.

But the City of Willow Glen apparently was still bargaining. The newspaper reports 1928 Apr 17 anonymous representative Willow Glen residents said their city was willing to have Modified 1906 alignment cut through their city IF WPRR tracks were moved to SP. And might annex to CSJ. Original 1906 route cut through wide swatch of newly incorporated WG. **WG officials intimated they might be willing**

¹¹ Holmes, Norman. Prune Country Railroading. P 67

¹² Suburb is firm in stand” 1928 Mar 15

to straighten the modified 1906 alignment's large S curve if WP moved to the SP alignment.¹³



Modified 1906 Alignment showing S curve.

Now the eastern part of the City of Willow Glen, where city officials wanted industry was being used as a bargaining chip to rid the residential and commercial area of the Western Pacific alignment.

Meanwhile, April was San Jose City Council election season and LD Bohnett received particular vitriole for his efforts on behalf of the City of Willow Glen and the residents of Palm Haven. At a 1928 Apr 26 City Council campaign meeting there is a Progressive alliance of 3 candidates that includes W. Biebrach of Palm Haven. Issue

¹³ Willows would join San Jose if WP was put on SP's Route. San Jose News. 1928 April 17.

is vice, but the RR comes up and how if persons opposed to the west side ROW get into power, the RR problem may not be settled for 10 years. Attorney LD answered the charge that the election issues are those concerning the RR problem::

BOHNETT: “The insinuations that the three candidates we indorse are opposed to the removal of the tracks is unfounded. Mr. Meyer has twice voted for their removal. Mr Lawrence who is associated with Charles Crothers [Lutheran minister and resident of WG I believe] has long advocated the removal of the tracks. Mr. Biebrach has publicaly declared he would abide by the decision of the city’s expert. **At any rate these three men alone could not possibly prevent the settle of the railroad question. We westsiders believe the present settlement is a thousand times better than anything that has eve been proposed previously and feel that it is as good as it is because of our insistent demands.**”¹⁴

One of the council candidates—not part of the progressive slate—chose to run ads calling out LD Bohnett and Charles S. Allen. He acknowledges their astute role in manipulating the railroad questions, which this analysis shows includes using the Western Pacific alignment as bargaining chips.

See following.

¹⁴ “Speakers Clash over council candidates.” 1928 Apr 26.



WILLIAM M. IRONS
Candidate for Re-election to the City Council
Primary Election, May 7, 1928

IT does not surprise me a bit to find **Mr. L. D. Bohnett**

*one of the shrewdest, most
astute, and selfish politi-
cians in the State of Califor-
nia, opposed to my re-elec-
tion to the City Council*

*As every citizen of this community knows, the great question facing the
City of San Jose for the past six years and more has been the selection of
a suitable route for the Southern Pacific tracks.*

Years ago the Railroad Company bought a right-of-way west of San Jose. Everyone who purchased property in that location thereafter knew that at some time the Railroad Company would run their tracks in that vicinity. Afterwards nearly all that territory came into the City limits. Our friend, L. D. Bohnett, built his home in Palm Haven. *Immediately Bohnett spent every effort and used every means within his power to prevent the City from forcing the tracks off Fourth Street, and placing them where they belonged, on the west side of the City. Bohnett was not actuated by the good of the community at large, but actuated by his own self-interest.*

When it was practically determined that the railroad, after a battle lasting six years with the Council, should be forced to remove their tracks from Fourth Street, *Mr. Bohnett himself was responsible for the organization of the residents of Willow Glen into an incorporated City. This was done by Bohnett and his coterie for the avowed purpose, openly expressed by them, of preventing the Railroad Company from taking that route. Bohnett's interest was absolutely selfish.*

About a month ago the members of the City Council, with the exception of Joe Brooks, were called to attend a meeting in a certain office in this City. Upon arriving at the place appointed, imagine their surprise upon meeting L. D. Bohnett, and other residents of Palm Haven and vicinity who wished to have a secret conference with the Council as to the Railroad question. *Why didn't L. D. Bohnett and his friends attend a council meeting and there discuss openly and before the people the railroad matter?* At that secret meeting, Mr. Bohnett said that HE had prevented the trains from passing through Willow Glen, and that HE had no apologies to offer in the matter. In other words, *if Bohnett's private interests were served, the interests of the community were of no moment to him.* The Council, of course, could not discuss a proposition involving the welfare of the entire community with a few persons actuated by their own self-interest and left the meeting, telling Bohnett and others to appear before the Council any Monday night, which was the proper forum for the hearing of such matters.

I note that Bohnett's candidates state that "the railroad question is settled, and we will not do anything to hinder the placing of the railroad according to the franchise granted by the Council." *"I want to tell you people that the railroad question is not settled, and will not be settled until the last spike is driven and the trains move over the tracks. The people of this community have thirty days from last Monday night to referendum the franchise passed by the Council, and it only requires about fifteen per cent of the signatures of the voters to call for such a referendum election. These could probably be obtained by Bohnett and his west side friends in two or three days, and the people in San Jose will in all probability, after the present election is over, be faced with that referendum election, REGARDLESS OF WHAT L. D. BOHNETT AND HIS FRIENDS SAY NOW.*

L. D. Bohnett is not only an astute politician, as I have said before, but a very practical one. He handled the fight for Joe McKimmon for Supervisor last election, and I note the other day that Bohnett's brother was appointed by the Supervisors to fill the first vacancy in the County Traffic Squad.

I wonder if Bohnett knows something that the rest of us do not know! He appears to be very anxious to gain control of this City Council. Probably there is some great development work that is to go on in San Jose, and it would be very handy for a self-seeking attorney like Bohnett to have a few Councilmen on his staff. Great corporations require attorneys and great corporation development work requires a complacent Council, and Bohnett is never averse to forwarding his own interests.

He claims that there is a moral issue before the community. There ~~was~~ when I entered the Council six years ago. Since that time the Chief of Police, backed by the City Council, has so effectually cleaned up vice in this City that I understand that the *Law Enforcement League has been disbanded.* Even Mrs. McClintic in a meeting of the W. C. T. U. the other day stated that there was no vice problem at the present time in San Jose, but there might be in the future. How about the Councilmen who helped to clean up that vice problem by standing behind the Chief of Police? Are they not to be trusted to keep conditions as they are? At least, are they not to be trusted as well as candidates who have not made the fight for present conditions?

Another thing I will point to is that during my term of office the School Department of the City of San Jose has absolutely and entirely been kept out of politics, and I defy anyone to prove anything to the contrary. For many years that has been the peoples' cry, "KEEP THE SCHOOLS OUT OF POLITICS." We have done so. The only man that I know of connected with the School Department who is taking an active interest in municipal politics now, and who has previously taken an active part in municipal politics, is C. S. Allen, Chairman of the Board of Education of this City. He is fighting me, probably because I do not stand for that kind of stuff.

As far as I know, *there is no political boss in San Jose* at the present time. My record on the Council speaks for itself. I cannot say, however, that there is no aspirant for the high honor of Political Boss, and should his Councilmen be elected, all ye who wish anything at the City's hands, kindly visit the offices of L. D. Bohnett first, at the present time City Attorney for the City of Willow Glen.

(Signed) Wm. M. Irons

At this point, the City of Willow Glen was on its own to solve the problem with SPRR about slice of land at the eastern boundary over the Guadalupe River. SP wanted to modify their alignment and avoid the Monterey Highway grade separation at Oak Hill cemetery and use a cut through the Azevedo property on Dairy Hill (present day Communication Hill area). SP took the matter in hand and laid track early one dawn December morning on CB Nicora's property from the crossing of the WPRR at Guadalupe River to Willow Street. The press reported that it was to facilitate moving materials to Willow Street. Secondary sources indicate that SPRR laid tracks through Nicora's basement. SP was famous for strong-arm intimidation tactics with unwilling sellers.

After the second track construction day, the City of Willow Glen filed an injunction. SP argued that if the railroad stayed on private land and didn't cross a public street or public land, they could lay their tracks anywhere.

Now it was in the courts and in the hands of City Attorney LD Bohnett. In march 1929, local residents called for disincorporation to stop the legal suit. Unsuccessful, the City of Willow Glen pursued and was joined by other municipalities in their arguments against the railroads actions.

At this point, the Western Pacific alignment was no longer in play. For 12 years, it hung over the head of residents of Willow Glen. The triumvirate of LD Bohnett, Paul Clark, and Charles Allen, used the Western Pacific alignment when they could and suffered from threats from the City of San Jose when San Jose used it as a threat.

For over 75 years, the alignment served as a regular reminder to Willow Glen's citizens of the wrangling over the location of trains on the West side. Long, slow moving freight-trains that had to stop for the streetcar interlockings (crossings) at Willow Street and Minnesota Avenue delayed Willow Glen residents as the head for downtown San Jose. Even after the interlockings were removed, the train moved slowly through Willow Glen—where workers allowed young people to jump onto the train to hitch a ride, and school children recall "tomatoe fights" from fruit spilled at derailments or from overloaded freight cars. More recent residents recall buses being required to stop at the WPRR rail crossing—long after the tracks were removed.

The trestle over Los Gatos Creek, then, as now, serves as a symbol of that wrangling in the 1920s over the alignment and the legal wrangling in modern times over the survival of the trestle itself.

Using the categories for historic preservation:

People and Local Area and State Role

LD Bohnett, Charles S. Allen, and Paul Clark serve as monuments to how involved citizens can make the great Southern Pacific blink. Their interplay with the City of San Jose allowed the City to negotiate 8 grade separations rather than the one that Sp offered in 1906. The combined actions attracted the attention and support of communities throughout California who struggled to negotiate with SP and reign in its excesses. Willow Glen's reputation and current community sense of identity depends on that historic wrangling which would not have been as successful without the presence of the Western Pacific alignment through the heart of Willow Glen.

Comment Letter 49—Jean Dresden, March 13, 2015

Response to Comment 49-1

The commenter provided her report: “Western Pacific’s Willow Glen Trestle/the Structure.” The report was reviewed in its entirety, and some information was used to update the Historical Evaluation (Appendix F). In particular, the text was modified to add the information about other surviving timber trestles in Santa Clara County. The information is cited to Jean Dresden because no original source is given. Although there appears to be some inconsistency in the comment, the Historical Evaluation text was modified to include Dresden’s assertion of eight existing timber trestles in Santa Clara County. The Historical Evaluation does not attest to the existence of all eight, nor does it confirm that there are no more than eight in the county.

On page 3 of the report, the commenter states that the trestle is a distinctive subtype of the pile bent trestle because it is taller and longer than usual and because it was built after World War I. The commenter states that according to Wolcott Foster’s *A Treatise of Wood Trestle Bridges*, a trestle 25 feet tall and 210 feet long is unusual. However, on page 6 of *A Treatise of Wood Trestle Bridges*, Foster states that pile bent trestles are “seldom used for heights above thirty feet” and makes no mention of a similar tendency for the length of the trestle. In Foster’s view, this 25-foot-tall bridge was within the range of ordinary construction. He does not mention length, probably because length is a function of increasing the number of bents. The Historical Evaluation was not changed. Also, the statement that the uneven number of piles on different bents is part of the original construction is not supported by the facts. The Historical Evaluation speculates that the uneven numbers may reflect post-construction repair and work. That speculation is identified as such; it was not changed in the report.

The information provided does not change the conclusions of the Historical Evaluation (also see Master Response 1 for a detailed discussion of the findings of the Historical Evaluation).

Response to Comment 49-2

The commenter provided her report: “Willow Glen’s Sword of Damocles: Western Pacific’s Beltline and its Los Gatos Creek Trestle.” The report was reviewed in its entirety, and some information was used to update the Historical Evaluation (Appendix F). Information used in the update included:

- The names and roles of T.S. Montgomery, L.D. Bohnett, and Paul Clark have been added to the narrative.
- Information about Western Pacific’s use of less-than-full car loads has been added, citing Arbuckle and Holmes.
- Information was added about the report by William Hudson of Harland Bartholomew & Associates.
- Text regarding moving the Southern Pacific mainline to Lincoln Avenue was removed, and the citation was deleted.

Notwithstanding the helpful new information, the suggestion that the trestle was a “symbol” of the fight between San José and Willow Glen is generally not supported by the facts. There is no reference to the trestle itself in the information provided. The information provided does not change the conclusions of the Historical Evaluation (also see Master Response 1).

50. Scott Lane, E.D., VOHD

From: Davidson, John [mailto:John.Davidson@sanjoseca.gov]
Sent: Friday, March 13, 2015 3:52 PM
To: Franck, Matthew/SAC
Subject: Fw: Draft EIR, Three Creeks Trail Pedestrian Bridge Project, File No. PP13-085

FYI

From: idratherbebikin@gmail.com <idratherbebikin@gmail.com> on behalf of Scott <scott@wgtrestle.org>
Sent: Friday, March 13, 2015 3:09 PM
To: Davidson, John
Subject: Draft EIR, Three Creeks Trail Pedestrian Bridge Project, File No. PP13-085

John Davidson
200 E. Santa Clara St.
San José, CA 95113 via email: john.davidson@sanjoseca.gov
March 13, 2015

RE: Draft EIR, Three Creeks Trail Pedestrian Bridge Project, File No. PP13-085

WG Trestle (not the "Los Gatos Creek Trestle" as stated repeatedly)
new prefabricated single-span truss steel bicycle/pedestrian bridge (the "prefab steel bridge" or "catalog bridge")

Mr. Davidson, I would like to submit the following questions and comments regarding the Draft Environmental Impact Report (DEIR) on the Three Creeks Trail Pedestrian Bridge Project (File No. PP13-085), which details the plans for the demolition of the 1922 Western Pacific Railroad Trestle across the Los Gatos Creek in Willow Glen (called the "Los Gatos Creek Trestle" in the DEIR and what we call the "Willow Glen Trestle"), and the installation in its place of a

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We have never seen such a Draft EIR that turns logic on it's head to justify the politically position

There are several categories including:

Environmental

Historical

On a process side:

The Trade Matrix

Drawings and Tables

Executive Summary

Main Report

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[DEIR Executive Summary Comments](#)

[Main DEIR Comments](#)

[DEIR Appendices Comments](#)

In these above categories will be the following, for example:

- Environmental: How the Retrofit is actually the preferred environmental alternative
- Fire: The WG Trestle is the preferred alternative
- Creekside management: The real issues - lack of vegetation management and homeless, not the WG Trestle
- Financial: How the city has tweaked the facts and buried the cost of the new bridge into the Retrofit
- Historical: How the certified Historian has done a seriously incomplete Historical review and not accessed a depth and breadth of issues
- Executive Summary: How this has misrepresented the data in the main report
- Graphs/Pictures/Tables: Errors, omissions and misrepresentations present a misleading effort
- Retrofit Alternative: How the very design created/suggested by CH2M-HILL increases the cost/affects historic nature
- Flood Control: How the WG Trestle saves neighborhoods downstream & how the Gregory St Bridge was not included in the DEIR
and is the first place that will flood if the WG Trestle is removed (narrower, lower area under bridge will collect the debris)

- Construction: Retrofit vs. Demolition and Replacement - are said to be similar, these are not
- Schedule: The Retrofit is far faster
- Lifespan: The Retrofit is undercounted, the Replacement is overcounted
- Inspection/Maintenance: The design of the WG Trestle is not even discussed
- Trade Matrix/Summaries: How the facts/data are manipulated in subtle to glaring ways.

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Because of the extensive issues with the DEIR, I've included this in links here:

I've also put the Score Card/Tally Sheet:

(aka [REVISED GUIDELINES FOR HISTORIC REPORTS – 2/26/10](#))

[\(here are the Revised Guidelines for Historic Reports - 2/26/10 with certain sections and categories highlighted\)](#)

2

This Historical Score Card should have been used with the Historic Landmarks Commission as well as with the City of San Jose City Council.

**** This is a violation of standard City procedures!*

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Another Note: **Proper Commissions for Public Review: Standard City Procedures were Violated!**

This should have gone to the following as action items before a SJ City Council vote ever occurred:

- Historic Landmarks Commission
- Parks and Recreation Commission
- Planning Commission

3

** These commissions were never consulted, much less called on to place an action before the City Council voted on the WG Trestle's demolition in early 2013.

Finally this past month was the first time in ANY of these Commissions, that an "Action Item" was placed in the HLC and there was unanimous condemnation to the process that San Jose has taken in this entire process.

It is unheard of for San Jose to attempt to conduct an "end run" around normal legal processes and go to the "Save Our Trails" (SOT) and Willow Glen Neighborhood Association (WGNA), that is not only not part of the legal process but does not have the experts to make the proper determinations!

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There are many key areas which are discussed in the links above, but here is an example of just ONE of the glaring omissions/errors in process that the City of San Jose has purposely engaged in:

The fact is that the EIR is inadequate and deliberately inaccurate in the historic section, and the City of San Jose will have to do a supplemental EIR to correct that.

This information needs to be included in your group's reply comments to the EIR. We shouldn't need an attorney to prove any of these things, but I fear that these DEIR errors were deliberate and you all at the City of San Jose already know the EIR analysis is defective, but hope no one finds points this out.

I have read all the historic stuff, including the appendices. The paid historian has applied the evaluations from the National and California registers, but loosely applied some of the City's criteria. The local criteria are by far the most relevant.

In addition, the City's process **MANDATES** using Historic Evaluation Criteria (a.k.a.) tally sheets, which are the most important element used to decide whether or not a resource is qualified for local landmark status.

The responsibility for making that decision is vested in the Landmarks Commission and the Council and they always use the tally sheets to make that decision. The tally sheets give numeral points for each of the attributes of a historic resource, as explained in the link below.

[\(here are the Revised Guidelines for Historic Reports - 2/26/10 with certain sections and categories highlighted\)](#)

MY ANALYSIS & QUESTIONS:

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What the DEIR says is that San Jose's local criteria are very similar and pretty much derivative of National and California.

I find it interesting that one of the City's criterion that was called out that was different from the Registers is associated with
"the environment of a group of people in an era of history characterized by a distinctive architectural style"
Then it dismisses that by saying that the trestle does not "portray the environment of a group of San Jose people because it was
"designed by a corporation headquartered in San Francisco." (page 30 of Appendix F) Really!

What does that have to do with anything? Then I guess the Post Office in St. James Square shouldn't be a landmark because
it was designed by a government headquartered in Washington D.C.

There was never a chance that the trestle would qualify for either the National or California registers, since its value is only local,
and consultant Mikesell (MHC) knows that. Under CEQA law, it does NOT matter if a resource is NOT yet declared a landmark:

Quoting from page 5 of Appendix F "The CEQA guidelines clearly state, however, that:

"The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources,
not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified
in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a
lead agency (City of San Jose) from determining that the resource may be an historical resource as defined in Public Resources Code
sections 5020.1(j) or 5024.1"

All that means is that it doesn't matter what the trestle's status was before the evaluation in the DEIR, the lead agency
(the City of San Jose) may determine that the resource may be a historical resource.

And it would be the job of the Landmarks Commission to advise the Council on that subject.

- So why didn't that happen?
- Why was it information only?
- And why weren't the tally sheets used, since they are used in the city process?

Below are the City's adopted criteria for determining EIR impact levels under CEQA.

I highlighted the most pertinent parts. especially the requirement for a tally sheet. The trestle was given an NI, no impact.

Since the City of San Jose is proposing demolition, SJ needs to do the required analysis to make an NI determination, including the tally sheet that is required to be included. They are out of compliance with their own regulations,

and so San Jose legally would have to do a new Supplemental or EIR Addendum.

[\(here are the Revised Guidelines for Historic Reports - 2/26/10 with certain sections and categories highlighted\)](#)

And let's not forget this example:

It's from page 3-32 of the CH2MHill Draft EIR, and it is the final paragraph before they go into mitigation measures:

“The logic that finds the Los Gatos Creek Trestle not eligible for the National Register or California Register strongly suggests that the trestle is also not eligible for designation under the City’s historic program. For these reasons, the Los Gatos Creek Trestle is not a historical resource; and therefore, there will be no impact.”

"STRONGLY SUGGESTS" is a complete "no go" in EIRs. Proof must be supplied

new prefabricated single-span truss steel bicycle/pedestrian bridge (the “prefab steel bridge”).

=====

For example in regards to another development Marshall Squares:

There were six tally sheets that were attachments to the Marshall Squares EIR.

There is one for each building proposed to be demolished. This one is for 50/52 N. 1st Street.

None of the six buildings got higher than 2

In San Jose, a tally sheet is required for determining whether or not a structure can qualify as a local landmark. I have combed the trestle DEIR and the appendices, and there is no tally sheet. It's based on a numeric system, allocating points for each category. The categories go from Excellent (E) to Fair/poor (FP). Usually a FP gives no points, which is true in the tally sheet below. More than 32 points makes a structure/resource eligible to be a local landmark.

=====

Review:

Never has San Jose conducted such a biased, improper and insufficient implementation of CEQA overall, nor has it ever violated its own policies in such a subtle to drastic way to make decisions that are DETRIMENTAL to the environment, community and financial aspects going forward (including diverting money expressly designed to restore the WG Trestle and to purchase land in District 7 for the UPRR ROW).

And bury misleading data and outright misinformation throughout the report, but especially the summaries, trade matrix and omitting key data (trees, etc) in graphs, pictures, tables, etc.

My request:

Since the Draft Environmental Impact Report is so seriously fatally flawed in so many critical ways, much still needs to be done:

- It needs to be corrected and recirculated for additional public review. •
- San Jose legally would have to do at least new Supplemental or EIR Addendum.
- The determination of historic significance has to wait until the San José Historic Landmarks Commission has considered and decided on the trestle's local significance. •
- The Tally Sheets/Historic Report Cards (Revised Guidelines for Historic Reports) impartially filled out and presented to commissions, City Council
- The "Retrofit Alternative" should have an unbiased review -- at which point the "environmentally superior" alternative will be shown to be the "Retrofit", and the DEIR should recognize that.
- All categories should be impartially presented without political pressure to justify a decision made by senior City, PRNS staff and/or a Council Member
- Independent CEQA oversight as mandated by law
- Follow all mandated city policies
- Conduct the proper public notification, not the minimally acceptable to barely comply with the law

All the best,

Scott Lane

E.D., VOHD
Member, FoWGT
408-368-8157

THREE CREEKS TRAIL PEDESTRIAN BRIDGE PROJECT - DEIR EXECUTIVE SUMMARY

In the following document, the Draft EIR language will be given

The response will be inside these symbols: << >>

=====
page ES-1 **Description of the Proposed Project** (2nd par)

“The pedestrian bridge would include design elements that recall the former operators and the trestle structure”

11

<< Recall? how? with seals in front of the new bridge that looks completely different from the WG Trestle in every way imaginable? >>

page ES-1 **Alternatives to the Proposed Project**
Retrofit Alternative

“existing Los Gatos Creek Trestle”

12

<< it is called the WG Trestle! >>

page ES-1 & ES-6 **Summary Comparison of Alternatives**

“Other impacts would be similar among the alternatives. In the case of cultural resources, it is considered a key resource, although the Los Gatos Creek Trestle is not a historical resource that differentiates the alternatives”

13

<< If the City of San Jose and the historian researched properly they would all discover that there are many resources out there that have never been looked into. This was what the EIR was supposed to be about but has failed miserably on every count. It appears that this document was created simply to justify the actions of SJ PRNS, the City Manager’s Office and the votes by the San Jose City Council. >>

<< The Historic Landmarks Commission, the Parks and Recreation Commission and the Planning Commission were never allowed to officially review and give their opinion to the City of San Jose Council regarding the WG Trestle on it’s own merits or in comparison with any Replacement Option. >>

-- pages ES-2 to ES-5 --

-- page ES-2 --

TABLE ES-1 Summary of Impacts and Mitigation Measures for Proposed Project

Notes: NI = No Impact LTS = Less than Significant Impact S = Significant Impact

EIR Section and Impact

Significance before Mitigation

Abbreviated Mitigation Measures (see resource sections for full text)

Significance after Mitigation

3.1 Aesthetics

Cause a substantial adverse effect on a scenic vista

LTS

<< It is completely changed what has developed over 93+ years if the generic “Replacement” catalog ordered bridge is installed >>

14

Substantially degrade the existing visual character or quality of the site and its surroundings

LTS

<< The site has grown around the 93+ year old WG Trestle. It’s the very interaction and combination that is so magical. To rip it out and replace the unreplacable can not be mitigated >>

15

3.2 Air Quality

Expose sensitive receptors to substantial pollutant concentrations

LTS

<< If the city of San Jose is so concerned about creosote, what about airborne creosote when these pilings are taken out? >>

16

3.3 Biological Resources

Substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by California Department of Fish and Wildlife or U.S. Fish and Wildlife Service

LTS

17

<< Perhaps less than significant, but what about the salmon? Why are there so many sea shells on the creek area all around the WG Trestle? They're littered everywhere. So there must be more sea life than the City of San Jose knows about >>

Substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means

LTS

<< Once again, if the City of SJ is so concerned about creosote, and VTA BART SV was so worried about creosote timbers under Santa Clara Street at Coyote Creek, then why is San Jose rushing in? BART has a lot more money to spend than San Jose does! Yet even VTA BART SV decided it wasn't cost effective to deal with creosote pilings. >>

18

<< Some fish like slower moving water. Not all fish like free flowing water. If those pilings are removed and there is a "free span" bridge, then the slower moving and still water is removed for fish that depend on this for their survival. >>

<< When fish migrate up creeks... will some head up Los Gatos Creek sensing the faint Creosote and head up this direction. If these are taken out, will it confuse the fish? >>

Substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

LTS

<< When fish migrate up creeks... will some head up Los Gatos Creek sensing the faint Creosote and head up this direction. If these are taken out, will it confuse the fish? >>

19

Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan

LTS

<< The local agencies have been consulted. But are they sure about the Creosote for example? Even though Washington State is in a rush to remove the Creosote pilings from Puget Sound, the State of California has said that more needs to be investigated. The State is concerned that by disturbing and removing the pilings that there may be more harm than good created for the SF Bay. So following that logic, it would seem

20

that removing these pilings may also do more harm than good. >>

-- page ES-3 --

3.5 Energy

Would the project use fuel or energy in a wasteful manner?

LTS

<< It is not just fuel per se, there would be fuel used to take away the toppings (railroad ties, metal work which some melted due to fire) and the cross braces, but also the substructure/superstructure that largely can be/could be fixed to help the bridge last another 93+ years.>>

21

<<The substructure/superstructure is the 95 piers, the headers and stringers that would otherwise be saved. So there is a cost to getting rid of old growth redwood when you don't need to.>>

-- page ES4 --

3.7 Greenhouse Gas

Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases

LTS

<<Technically the Retrofit will not entail a bridge to be manufactured and trucked across country. It will not necessarily require concrete to be poured. It will not require as large of a work site as the Replacement option. Thus since there is less "new" production, there will be less greenhouse gasses emitted. >>

22

3.9 Hydrology and Water Quality

Violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality

S

<< It is unclear what the effects could be for six plus months after the construction is completed and the water reintroduced to the area. >>

23

MM HYDRO-1: Implement trash control measures.

LTS

-- page ES-5 --

3.12 Traffic and Transportation

Result in inadequate emergency access

LTS

<< Why would there be a major impediment to access? The WG Trestle is actually safer from a “point of failure” perspective than the catalog ordered Replacement Bridge. So how long will it take to order and deliver a new bridge if the one point of failure does occur since the City of San Jose is claiming that the new catalog bridge. >>

24

<<Emergency access would be more widely available on the Retrofit option. Surely if a train trestle can take 500-700k pounds of train locomotive, cars and shipments than a fire engine could get across the WG Trestle (provided the new topping takes this into account). >>

Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities

LTS

<< Either bridge can fulfill all of these. But only one will have any historical significance or be a tourist attraction and/or more likely to start of redevelopment in the North Willow Glen area.

25

<<But an interim fix is possible on the Retrofit option; to take off only the most damaged railroad ties and replace with off the shelf topping materials that can work well for bikes, pedestrians and even vehicles>>

-- page ES-6 --
paragraph 2

The text in the following paragraph summarizes the alternatives, followed by a statement of the environmentally superior alternative as required by the California Environmental Quality Act.

the Retrofit Alternative would not be as cost effective as the proposed project due to long-term maintenance needs. In addition, the Retrofit Alternative may require short-term closures during larger maintenance activities, to undertake future retrofit projects, and to repair fire damage. In terms of environmental impacts, both alternatives would be similar, in that they result in a short-term disruption of the bridge footprint and surrounding areas – temporary impacts would occur in either case

<< This is patently untrue. The WG Trestle is not only more cost effective up front, but the CH2M-HILL analysis overbuilt the cost of this Trestle. It should be refurbished for no more than \$650k including the seating area added to it. Plus the cost of another bridge 30-50 years should not be included in this as the cost. It's is one of many ways that the City of San Jose is “padding the numbers.” >>

26

Further the maintenance issues are simple and the WG Trestle was designed with this in mind.

The WG Trestle will not be offline and proactive inspections and maintenance could make this WG Trestle last for another 93 years as everything can be replaced if need be.

<< The “fact” that the WG Trestle could be out of service for repairs is a fear factor and has no basis in fact. The WG Trestle is made in a modular manner so anything can be replaced easily.

The main substructure/superstructure will maintain intact with only minor repairs to certain piers and headers. The top structure of the railroad ties and the supporting structure of the cross braces and the bolts will be replaced, but these are relatively minor and designed to be removed. >>

<< Regarding fire, this is tied for the biggest fear factor misstatement/falsehood of them all. Redwood is resistant to fire, then it is coated with Creosote. The Retrofit will be coated with multiple coats of fire retardant, plus have a sprinkler system and will have an alarm system. There are also three fire stations within two miles. >>

<< The environmental impacts is tied with fire as the biggest misstatement/falsehood of the bunch.

The retrofit is much more responsible because of the following:

- retains almost all of the substructure*
- does not rip out the pilings and place in the dump nor expose dirt/water to creosote*
- does not unnecessarily disturb the creekbed (lighter footprint than the Replacement option)*
- keeps creekbed intact that has developed around the Trestle >>*

<< As far as “maintenance” the new catalog ordered bridge will require maintenance as well. To say that it will not is simply not based in reality. Yes, wood can rot and it needs maintenance. But organizations have offered to pay for the inspections and maintenance for the WG Trestle but have been rebuffed by the City of San Jose. The main difference in maintenance is the perception that metal and concrete don’t need it. >>

<< Regarding disruptions in surrounding areas - what is meant by that? That the trail will be blocked? If it ever is, then you can take the detour to Lincoln Ave. The likelihood of fire in the area is counterintuitively the reason why the WG Trestle retrofit is the preferred option. It will not exhibit catastrophic failure as the metal Replacement bridge would. Further, IF there is a fire in the creek or nearby homes at least a Refurbished WG Trestle has the option with the right top material to carry a fire truck on it to fight the fire. The Replacement Bridge under no circumstances will be able to carry a load much more than a standard F-150 Park Ranger truck. >>

On a long-term basis, the Retrofit Alternative would result in additional environmental impacts that would not occur under the proposed project, primarily the following:

27

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The Retrofit Alternative includes a 25-foot clear space on either side of the bridge to help protect the timber structure from fire damage. As a result, the Retrofit Alternative would require more vegetation removal than would the proposed project.

<< both bridges would benefit from certain vegetation to be removed. both can catch fire. the main difference is that the metal will have a catastrophic failure that will bring the entire bridge down. The WG Trestle can be reused. Often the charred wood can be brushed off and kept on the WG Trestle >>

<<Note: In Japan for thousands of years they have used the “charred wood” method for the outside of their houses. This can be for certain structural components and is used for houses to this day.

The Retrofit Alternative would require periodic disturbance to the riparian forest as a result of maintenance activities, primarily from clearing debris from the piers following major storms. This would not be required under the proposed project due to the clear-span bridge.

<<This is another major exaggeration and a comment based on fear. The WG Trestle is a neighborhood saving device. If the WG Trestle is removed there will be a much higher chance of flooding with blockages at the Auzerais Bridge and a significantly higher (very probable) chance of flooding at the Gregory Street Bridge. >>

<< Those areas are much narrower, shorter and do not have the side open creek area that is on the upstream side of the WG Trestle.>>

Environmental benefits associated with pier removal would not occur under the Retrofit Alternative. The clear-span bridge that would be constructed under the proposed project would allow more natural, unobstructed flow conditions with corresponding biological and hydrological benefits.

<< Once again, this is misleading. The environmental benefits are actually a continuation of the natural equilibrium that has been there for 93+ years. Right now the stasis is the 95 bents and the 81 of those in the main portion of the creekbed. Unobstructed flows at that point are not only bad for flood control, they are bad for the environmental equilibrium that has evolved over 93 years. The filtered sunlight through the WG Trestle is good for the fish just like the slower and still waters as well as the free flowing waters are best for a wide variety of fish life. >>

<<If one wants to improve the situation, the best course of action is to work with SCVWD, Friends of Los Gatos Creek and the Friends of the WG Trestle along with San Jose’s Adopt A Park to clear out the non-native vegetation (but this must be done at specific times of the year). This will do more to help the health of the creek than any Replacement option. >>

31

32

33

The No Project Alternative would not provide a bicycle and pedestrian crossing of Los Gatos Creek along the former railroad alignment – a significant impact. The No Project Alternative would be inconsistent with various plans and policies that both support the creation of alternative transportation corridors in general and specifically propose the railroad alignment for bicycle and pedestrian use. In addition, the No Project Alternative would not provide the biological and hydrologic benefits associated with the proposed project, and would require periodic temporary disruptions for maintenance activities.

34

<< Technically a No Project Alternative literally means “do nothing!” But if even \$10-50k could be spent, the entire top side could be redone in such a way as to most likely not require any major permitting nor people down in the creekbed... and make the trail useable and safe in less than one month on site to get the trail connection up and running quickly until the Retrofit could be started. >>

<< A material that is used for bikes or walking would be installed and include the safe and secure railing that is critical and legally required as well. The Friends of WG Trestle have asked to do this as a sign of good faith, but have been rebuffed by SJ PRNS as well as the local District 6 Council Member. >>

-- page ES 6-7 --

TABLE ES-2

Summary Comparison of Alternatives

Category Proposed Project Retrofit Alternative No Project

Biological Resources

Proposed Project

Construction would disrupt instream and riparian habitat. Extensive controls would be used to minimize disruption. Long-term benefits would occur, as creek would no longer be obstructed by piles.

35

<<The stream and riparian habitat may not need to be as damaged if the Retrofit model is used. Some believe that the City of San Jose’s position on the piles is in error - that the piles/piers in the creek are NOT detrimental to Los Gatos Creek, nor materially increase the likelihood of flooding. >>

Retrofit Alternative

Disruption during construction, and minimization measures, would be the same. Long-term habitat loss would occur from 25-foot maintenance buffers, and benefits of clear-span bridge would not occur. Disruption would occur during periodic maintenance.

36

<< This same practice would need to apply to the catalog ordered Replacement bridge also to provide fire safety. As well as sprinkler systems, fire retardant and alarms. None of the costs of this are borne in the Replacement option. >>

No Project

Disruption would occur during periodic maintenance.

Cultural Resources

Proposed Project

The existing trestle does not meet the criteria for designation as a historical resource; therefore, there would be no impact.

<< The procedure for determining the eligibility for historical status was not followed. The Historic Landmarks Commission was never asked this question. Historical score cards (tally sheets) were never discussed.

37

Please note the San Jose City Ordinance 13.48.1103

Why was the city allowed to violate this?

>>

Retrofit Alternative

Impacts would be the same as for the proposed project.

<< See above >>

No Project

Impacts would be the same as for the proposed project.

-- page ES-6 --

Hydrology and Water Quality

Proposed Project

Long-term benefits would occur, as creek would no longer be obstructed by piles.

<< Why did the SCVWD give San Jose a \$650k grant (SCVWD \$450k plus \$200k matching SJ grant) to restore the WG Trestle? Why is it OK to be concerned about flooding at the WG Trestle where Los Gatos Creek is at it's widest and deepest point in this Reach, yet not concerned about the narrow/shallow opening for the Gregory Street Bridge? >>

38

Retrofit Alternative

Benefits of clear-span bridge would not occur.

<< The ongoing/current benefits would continue to occur at the WG Trestle, thus making the likelihood of a flood dramatically lower at both Gregory Street and Auzeais. A clear-span bridge would be a detriment here regarding flood safety in this Reach. >>

No Project

No change would occur from existing conditions.

Transportation and Traffic**Proposed Project**

The project would be consistent with all relevant plans and policies.

Retrofit Alternative

The project would be consistent with plans and policies regarding bicycle and pedestrian trails, but would require short-term closures.

<< These short term closures that the Replacement proponents claim is based in fear instead of reality. What evidence that there will be these closures? >>

No Project

The project would not be consistent with plans and policies

In the following document, the Draft EIR language will be given

The response will be inside these symbols: << >>

=====

-- page 19 (1-1) --

1.1 Background

The City of San José is in the process of developing the Los Gatos Creek Trail and the Three Creeks Trail as part of a citywide effort to improve the pedestrian and bicycle trail system. In 2004, the City of San José completed an environmental impact assessment for the Los Gatos Creek Trail Reach 4 project, including the existing Los Gatos Creek railroad trestle that is the subject of the current analysis (see Figure 1-1).¹ The assessment was completed pursuant to CEQA, and consisted of an Initial Study and Mitigated Negative Declaration (Los Gatos Creek Trail Reach 4 Initial Study/Mitigated Negative Declaration; City Project No. PP04-01-014). The documents were approved and issued June 28, 2004, and a CEQA Notice of Determination was filed December 2, 2004. **Trestle retrofits were described in the 2004 CEQA document based on what was known at the time, and did not include work within Los Gatos Creek.**

<< What were the original intentions and parameters of the 2004 Report?

This was when the WG Trestle was sought to be restored/retrofitted (until the CH2M-HILL Engineering report was created (with what appears to be a different ending in 2013/end of 2012) >>

<< “2004 CEQA document...based on what was known at the time...did not include work within Los Gatos Creek”

2004 CEQA document = MND!

“based on what was known at the time” = attempting to say that SJ did not have proper knowledge at the time?

what specifically was known/not known at the time?

what new information came out in 2014?

what did UPRR do/not do between 2001 and 2011?

what did SJ do/not do between 2001 and 2011? and 2011 and 2015?

“did not include work within Los Gatos Creek” = a completely false claim

This (draft and final) MND from 2004 clearly shows the mitigations that were to be completed to do work within the Los Gatos Creek.

Why is San Jose completely misrepresenting the 2004 MND?

-- page 19 (1-1) --

Subsequent to that action, the City further studied the potential to retrofit the trestle as part of an engineering study. The study considered the condition of the structure (about 10 years after the 2004 environmental study) and determined the extent of a retrofit project would be much greater than anticipated by previous engineering and environmental studies. Given the relative merits of a retrofit versus a replacement project, the City decided to advance the replacement project and conducted a new environmental analysis.

<< The CH2M-HILL report actually paints a very clear and easy way to retrofit the Trestle. Some of the engineering choices do look to not be as creative as they could be and it appears they could weaken the character and the intrinsic nature and aesthetic of the WG Trestle. Enough so to put in danger the Historical eligibility of the WG Trestle. >>

<< It was clear that the the Executive Summary and the unfairly tweaked Trade Matrix of the CH2M-HILL engineering report were changed at the last minute to justify the demolition of the WG Trestle and to install a new catalog ordered bridge. >>

42

-- page 19 (1-1) --

The City adopted a new Initial Study/Mitigated Negative Declaration (City Project No. PP13-085) on January 14, 2014, and obtained regulatory permits for the replacement project in early 2014. The Initial Study/Mitigated Negative Declaration was the subject of legal action, which resulted in a judicial determination that there was substantial evidence in the record supporting a fair argument that the project may have a significant effect on the environment. The court ordered that an EIR be prepared. Because of the lawsuit, this EIR updates both previous analyses (PP04-01-014 and PP13-085) for the bridge crossing, and includes an analysis of a retrofit alternative.

<< san jose [PP04-01-014 is the MND](#) - this is from 2004!

Los Gatos Creek Trail Reach 4 (.66 mile paved pedestrian/bike trail along Los Gatos Creek between Coe Avenue and Auzerais Avenue in SJ)

san jose [PP13-085](#) - THREE CREEKS TRAIL PEDESTRIAN BRIDGE PROJECT DRAFT EIR (from 2015)

*** This (PP13-085) is somewhat confusing, because it is for the entire project and includes all of the paperwork, including the Intent to file an MND, the MND itself, etc.

The City of SJ could make this more clear to people.

FYI, here is the [Three Creeks Trail Pedestrian Bridge Project - Initial Study, January 2014](#) - it would be nice to have these listed in a simple list of linked items on the EIR.

43

This is the [Letter \(dated Feb 25, 2015\)](#) that Harry Freitas, Director of Planning, Building and Code Enforcement sent to the Historic Landmarks Commission.

It lists Background and Conclusions - with NOTHING t up the conclusions

*** What type of communication is this?

Is this complete information?

(at least an executive summary of one page with the pros and cons would be somewhat more explanatory)

And why should Harry Freitas be the Secretary of the HLC?

Shouldn't it be somebody that is independent and unbaised?

(ie, not a City of SJ employee - SJ has a poor record of historic preservation

44

-- page 19 (1st footnote) --

¹The entire Reach 4 project, as described in the 2004 review, included trail improvements from Coe Avenue in Willow Glen to Auzerais Avenue in Midtown San José, and is part of the larger 19-mile Los Gatos Trail system from Lexington Reservoir to the Guadalupe River confluence in Downtown San José. Most of the Reach 4 project – a Class I (off-street, paved) pedestrian and bicycle facility approximately 12 feet wide – was recently constructed. The short connection required between the proposed new bridge and the existing Reach 4 trail is discussed in Chapter 4, Cumulative Impacts.

-- page 19 (footnote #2) -

² The engineering study evaluated the different approaches using the following criteria: streambed maintenance, structure maintenance, inspection, construction and design cost, time to completion, expected lifespan, neighborhood aesthetics, and environmental permitting. The replacement alternative had the highest rating and an overall present value of \$1,648,884. The retrofit alternatives had lower ratings and present values of \$1,592,478 and \$1,756,798 for the concrete deck and timber deck options, respectively. See Chapter 6, Alternatives, for additional discussion of the retrofit approach and Appendix G for additional details (see Table 16, Alternatives Comparison Matrix, in Appendix G).

45

<< These numbers are heavily skewed:

-- they include an approximately \$270k contingency

-- they include the cost of a replacement bridge decades later for the retrofit option

-- they include maintenance costs for the WG Trestle, but none for the catalog bridge

-- the retrofit choice include solutions that may not be used as they take away the historic character

-- there is no fire suppression/alarms/coatings for the catalog bridge

For these reasons and others, this is an “apples to oranges” comparison >>

<< The “Three Creeks Trail Pedestrian Bridge Project - Initial Study” includes the Engineering Study and further cements the efforts of San Jose to replace the TRAIN BRIDGE with a PEDESTRIAN BRIDGE.

-- page 20(1-2) --

FIGURE 1-1

Project Location Map

Three Creeks Trail Pedestrian Bridge Project City of San José

<< On this picture, the WG Trestle is called the Los Gatos Creek Trestle - this could be taken as a subtle sign of disrespect of a local structure. It is not called the Los Gatos Creek Trestle. It is in Willow Glen, hence “WG!” >>

46

<< Project area could be considered larger.

- The area to the northwest is industrial uses that could be reconfigured to become a more historic inspired district. The Roberto-Sunol Adobe is one block away.

To the northeast is the future 225 foot connector between the existing Los Gatos Creek Trail and the Three Creeks Trail via the WG Trestle.

To the east is the Gregory St. bridge which has not been considered in this environmental document.

To the southwest and southeast are homes that have CLEAR sightlines to the WG Trestle. >>

47

-- page 22 (1-3)

1.2 Project Goals and Objectives

The Los Gatos Creek Trestle was part of a railroad spur within the Willow Glen neighborhood, and was recently acquired by the City. The trestle is in disrepair and does not allow for bicycle and pedestrian use. The objective of the proposed project is to provide a structure for future users of Three Creeks Trail to cross Los Gatos Creek. The City of San José has identified the following goal for the proposed project:

48

<< There are inexpensive fixes that could have made the WG Trestle passable that could have been implemented in a matter of weeks. It is unclear if any of this would have needed permits as it would have been done on an emergency basis and would not have required anyone to

step foot in the creekbed at all.

SJ PRNS refused to consider this option seriously. It would have been paid for by private fund raising. >>

- *The structure must be constructed to appropriate engineering standards that provide for bicycle and pedestrian use, in consideration of onsite geological and hydrological conditions.*

- *The structure must be cost effective in terms of both up-front capital costs and long-term operations and maintenance costs.*

<<The WG trestle is in disrepair due to San Jose's mismanagement of resources. This 'benign neglect' is a recurring theme of almost all things historic.

There can be simple repairs that can be made until the WG Trestle can be retrofitted cthat can make the WG Trestle usable within one month. >>

<< Appropriate engineering standards can be met without using Core Ten steel.>>

-- page 21 --

1.3 California Environmental Quality Act Environmental Impact Report Process

"Following the close of the public comment period, the City will prepare and circulate the Final EIR, which will include responses to comments submitted during the comment period. It is expected that the City will take action on the EIR and select its preferred alternative by early summer 2015.

<< As far back as 2013, none of the regular practices were followed:

- creating a Tally Sheet/Scorecard to rank the Historical Eligibility
- seeking input (and official comments) from the Historic Landmarks Commission, Parks and Rec Commission and Planning Commission
- not make a decision until these bodies can make their official notice known to the SJ City Council,

for the Council to use in their debate

- the first Action Item on any of these three commissions was at the March HLC meeting, two plus years after this all started! Yet the SJ City Council voted without proper and legal participation from the City Commissions

Pretending that SOT and WGNA can replace these commissions is ridiculous. They do not have the expertise.

-
- For all of these reasons, the Draft EIR and the entire process should start from the beginning. You will also find in this document that it is a process meant to justify the SJ PRNS and SJ City Council actions, instead of a proper Draft EIR. >>

-- page 23 (2-1)

2.1 Project Features

“Los Gatos Creek Trestle”

51

<< It has always been called the WG Trestle, not the Los Gatos Creek Trestle! >>

-- page 23 (2.1) --

“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. On the south side, the bridge would connect to the future Three Creeks Trail system (City of San José, 2014a).”

-page 23 (2.1) --

“Aesthetic treatments are included in the bridge design. The pedestrian bridge would include design elements that recall the former operators and the trestle structure, including two large emblems inset in the pavement representing the Western Pacific and Southern Pacific Railroads, and an interpretive display panel focusing on the timeline and history of the trestle as it relates to the surrounding community. Basic design concepts are presented on Figures 2-2 and 2-3, and were developed following community meetings and consultation with local experts. The expected lifespan of the new bridge would be 75 years.”

52

<< Instead of elements that “recall” why doesn’t the City keep the structure that has the look, feel, smell, mass, and all of the various visual, audible and sensory attributes of a 1921 Western Pacific Wood Train Trestle. One that was designed to carry upwards of a million pounds of cannery products and commodities of every type.

The timeline, pavement insets and all other interpretive information will make a lot more sense, create a “place” and resonate much more fully with the restored WG Trestle still standing for another 93 years. >>

-- page 23 --

2.2 Project Construction

-- page 23 (2.2) --

“Construction access to the project site would be from Lonus Street (north side) and from Coe Avenue (south side), with most access occurring on the south side due to greater accessibility to the trestle substructure. The demolition of the existing trestle 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. The existing trestle deck is supported by a total of 81 wooden piles, with additional support from wood braces.”

53

<< The access must be from the South side because it is too steep from the north. Approximately 25 feet away from the Southern end of the WG Trestle is a tall Eucalyptus tree. There are 95 pilings, not 81! >>

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.*

<< No matter what is done, there is risk. So why not just leave them intact? State of California is concerned with replacing the Creosote piers in SF Bay for this very reason. They're not sure what the true impact will be if the piers break apart or flake off into the water. >>

The piles and bridge deck are composed mostly of creosote-treated wood, and demolition would generate a large amount of treated wood waste. Construction debris would be disposed of in accordance with California Department of Toxic Substances Control (DTSC) regulations for treated wood waste.

<< There is no significant risk with existing creosote timbers, especially due to leeching. But damaging these can cause bits and pieces break off and become part of the food chain. There have been studies that have shown significant fish deaths due to eating the loosened Creosote pieces. >>

-- page 23-24 (2-2/3)

"The construction of the new bridge would involve excavating ground for the abutments and retaining walls using backhoes and excavators, pile driving supports for the new abutments, and placing reinforcing steel and concrete. These activities would take place on the creek banks."

"Construction is expected to begin in summer 2015, and last for approximately 7 months."

<< *If a decision at the City Council is expected in summer 2015, how is the construction to start in summer of 2015. Will any of the construction take place after Oct 15th? Or will it continue in 2016? >>*

<< *Has the contract already been let/contractor selected? Who is that? What was the public notification and the entire RFQ/RFP process for this project? >>*

2.3 Maintenance

“The new bridge would require limited maintenance, primarily because of its steel construction and lack of structural features in the Los Gatos Creek channel. City staff would perform structural inspections about once every 2 years, and would undertake periodic maintenance (for example, graffiti removal) as needed.

<< It says limited maintenance; but elsewhere, especially in the Executive Summary and the Trade Matrix it states that the new Catalog ordered bridge. What is the idfference between NO maintenance and ZERO maintenance in specific budgets and tasks? >>

-- page 25 --

Figure 2-1 Bridge Plan

“Note: CONTRACTORS TO PROTECT ALL EXISTING UTILITIES AND TREES IN PLACE, UNLESS OTHER WISE NOTED.

BRIDGE FABRICATOR SHALL DESIGN CAST-IN-PLACE REINFORCED CONCRETE DECK. CALCULATIONS AND SHOP DRAWINGS MUST BE SUBMITTED FOR REVIEW.”

*<< Why don't they show what the Retrofit Alternative would look like?
To show page to page. It would be clear that the following is true:*

*Aesthetic is completely changed, above and below the Bridge line
Modular supports and minimized points of failure have been changed
Catastrophic damage can take the entire (new) bridge out of service
Damage can be limited to just one or two sections instead of the entire bridge
The installation of footings are extensive on each side
The seating area is only on the southeast side and is very small >>*

-- page 26 --

FIGURE 2-2 Schematic Plan View Three Creeks Pedestrian Bridge Project

*<< The concrete surface does not evoke a train
There is no look, feel, smell, sound of walking on a train track area.
Can't look down and see the Creekbed >>*

--- page 27 --

FIGURE 2-3 Schematic Elevation Drawing Three Creeks Pedestrian Bridge Project

58

59

60

61

<< River rock - has nothing to do with the area >>

-- page 31 (3.1)--

3.1 Aesthetics

This section presents the aesthetics and visual character of the existing bridge and study area, and assesses the impacts of the proposed project.

3.1.1 Environmental Setting

The project area is an existing unused railroad trestle that crosses Los Gatos Creek in an urbanized part of San José. The trestle lies between the Willow Glen and Mid-Town neighborhoods, with a variety of surrounding land uses including commercial, residential, and industrial (see Figure 1-1). The Willow Glen neighborhood was incorporated into San José in the 1920s and is known for its historic architecture and its historic commercial district on Lincoln Avenue between Willow Street and Minnesota Avenue, located approximately 0.5 mile from the trestle. The trestle was built by Western Pacific Railroad and dates to the same period as the early architecture of Willow Glen (see Section 3.4, Cultural Resources)."

<< The WG Trestle combines two neighborhoods and harkens back to the use and location of trains taking all kinds of canned fruit and commodities of every kind in the industrial area to and from other parts of San Jose up to the East Bay and as far away as Utah, yet it is not historic. >>

<< The WG Trestle dates back to the same period of the early architecture of Willow Glen, yet this doesn't seem of any interest to the city of San Jose to keep? >>

The Midtown area

(Footnote below)

³ These other resources are agricultural and forest resources, mineral resources, paleontology, and population and housing. In addition, recreation is not discussed, as the only effects would be beneficial (that is, supporting implementation of the Three Creeks Trail Master Plan).

<< The effects are not just beneficial by tearing down what the City of San Jose's Historic Landmark Commission would like to discuss if it is worthy for San Jose's Historic Landmark Designation. IF the City of San Jose allows this to be an action item, this will be the first step in the log process to grant Historic Status to the WG Trestle. >>

<< Having a tourist attraction a spark to start the renaissance of redevelopment in the North Willow Glen neighborhood as well as increase the chances of an easement along the western boundaries of the Reed and Graham property are hardly benefits to toss aside so nonchalantly. Having the WG on Bridgehunter.com and as a Geocache location as well as featured in "Rails to Trails" literature is the sort of attention and tourist attraction that San Jose

needs. It not only can be a source of civic pride and tourism it can help be a place for school kids to learn, for people of all ages to enjoy and discover for the very first time (or rediscover) the "Hidden Jewel of Willow Glen!" >>

-- page 31-32 (3.1 to 3.2) --

"The trestle is currently in disrepair, and access is blocked by locked gates maintained by the City. The trestle structure is not easily viewed from Coe Avenue or Lonus Street because its surface is at a similar grade as the adjacent creek banks. People that currently walk down into the creek channel are able to view the structure, but there are no formal paths into the creek, and the City does not post signs or convey permission to access the site on public lands. Adjacent homeowners and businesses have fences along the creek bank, so it does not appear that they can view the structure."

64

<<The WG Trestle is in disrepair because of neglect from the SJ PRNS to maintain assets. To say the Trestle is not visible from nearby trail connections, and homes or businesses is 100% incorrect! It most certainly is visible. >>

According to FHWA, changes in visual character can be identified by the visual compatibility of a proposed project with the existing condition. For this project, the following attributes were considered:

- Form – visual mass and shape*
- Line – edges or linear definition*
- Color – reflective brightness (light, dark) and hue (red, green)*
- Texture – surface coarseness*
- Dominance – position, size, or contrast*
- Scale – apparent size as it relates to the surroundings*
- Diversity – a variety of visual patterns*
- Continuity – uninterrupted flow of form, line, color, or textural pattern*

65

<< The replacement bridge fails miserably on EVERY item up above. It is nothing like the WG Trestle. it does not evoke or bring forth any of the look, sight, smell, sound or grandeur and gravitas that the WG Trestle embues. It is not just a fake imitation, but as 18 people raised their hands when Yvez Zsutty asked (paraphrasing):

- How many think that our pieces that we're envisioning at the entrances to the Replacement Bridge as well as the Bridge itself are an insult to the memory of the WG Trestle? >>*

Under FHWA, visual quality is evaluated by identifying the vividness, intactness, and unity present in the project corridor, as follows:

- Vividness is the extent to which the landscape is memorable and is associated with distinctive, contrasting, and diverse visual elements.*
- Intactness is the integrity of visual features in the landscape and the extent to which the existing landscape is free from nontypical visual intrusions.*

66

• *Unity is the extent to which all visual elements combine to form a coherent, harmonious visual pattern.*

<< Once again the Replacement Bridge fails miserably on ALL counts regarding Vividness, Intactness and Unity. It is a “cheap imitation” that has nothing to do with what is being torn out and costs a lot more, perhaps as much as 3-4 times as much as retrofitting the WG Trestle will cost. >>

<<Further the WG Trestle retrofit option needs to be modified. CH2M-HILL has done a disservice to the Retrofit option by it’s lack of historical respect and ability regarding the look, feel and character of the WG Trestle while preserving and adding to the safety and structural stability of the “top of bridge” where people will interface with the Bridge structure itself (pathways, barriers, railings, etc) >>

Implementing the proposed project would cause significant impacts on visual resources if the proposed project would result in any of the following:

- A substantially adverse effect on a scenic vista*
- Substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway*
- Substantial degradation of the existing visual character or quality of the site and its surroundings*
- Creation of a new source of substantial light or glare that would adversely affect day or nighttime views in the area*

<< The vista would be forever changed as will the character of how the WG Trestle and the trees and vegetation have blended together over the last many decades. >>

<<There will be more light onto the creekbed IF the bents/piers of the WG Trestle are removed. >>

-- page 32 (3-2) --

3.1.3 Environmental Impacts

Cause a substantial adverse effect on a scenic vista?

The project area may be considered to present a scenic vista because it is the crossing of Los Gatos Creek on the proposed Los Gatos Creek Trail Reach 4 and Three Creeks Trail. Los Gatos Creek in this area is preserved in a relatively natural state with a dense corridor of riparian vegetation, and is generally considered to be a scenic amenity (City of San José, 2007a). The trestle itself is considered by some community members to be a point of visual interest that evokes the early period of Willow Glen’s development, ties in with historic architecture elsewhere in the community, and is a visual reminder of the early railroad history of the area. The project area also represents a future gateway to Willow Glen from Downtown San José for pedestrians and cyclists along San José’s trail network.

<< Yes, absolutely is the past and future gateway into/out of Willow Glen! >>

-- page 33 (3.3) --

As shown on Figure 3.1-1, the existing trestle is an open-deck, pile-supported structure. It is supported by two timber pile abutments and thirteen timber pile bents with five to eight piles each.

<< According to the Historian that SJ paid in this report he typed that the maintenance was not good; yet in person at the DEIR meeting he stated that the Trestles of this type were designed to be replaced in a modular fashion, which is why they are able to last so long and be so economical for the train companies. >>

69

During construction, vegetation would be removed from the construction footprint, and overhanging trees would be pruned. After construction, trees removed during construction would be replanted and allowed to regrow right up to the new bridge.

<< The catalog ordered bridge can still catch fire - the difference is that the WG Trestle can withstand heat BETTER and only certain sections will be damaged. It is hard to destroy the WG Trestle as there are many points of failure. But the catalog ordered bridge is not only made for a light load it can have a one point of failure in the span and the entire bridge falls down. There is a damaged bridge in District 8 that is modern and was put out of service. The road bridge in Minneapolis that had catastrophic failure because the city/state never inspected and maintained it properly. The acidity of the bird excrements is so acidic ate through the metal.>>

70

<< All structures need proper inspection and maintenance. To say that a car or a bridge never needs maintenance does not make sense to anyone. Yet the City of San Jose keeps perpetrating this LIE and is part of the reason the "Trade Matrix" favored the replacement bridge are mistruths and lies like this that defy logic and common sense. >>

As described above, the proposed project would represent a visual change from the existing trestle. However, this difference would not constitute a substantially adverse visual impact because the new bridge would have an aesthetically pleasing form and architectural finishes that would blend in with the surrounding environment. The bridge would also include amenities to enhance the visual experience such as benches and a platform from which views could be enjoyed. In addition, the proposed project would be part of a trail system that would allow the greater public to access the bridge and project surroundings. Design elements incorporated into the proposed project combined with access to viewing points not otherwise available to trail users would have a less than significant impact on a scenic vista. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

71

<< How is the new bridge aesthetically pleasing? It is generic. It does not capture the look, feel, sound, smell or any other human sense? It does not tie the creek the bridge - there is not verticality of the new bridge. There is no rough hewn, weathered old growth redwood bents, piers, headers, stringers, etc. There is no sense of 93+ years of environment and bridge that have come together as one! >>

<< As far as part of the trail network, the new Bridge will take longer to build than the Retrofit option, will introduce points of failure that the WG Trestle can not stand, will not be able to take a heavy load like an unfilled or filled fire truck across it's weak catalog ordered bridge. >>

<< Further the viewing points that the neighbors have will be forever ruined as the WG Trestle is gone and a generic bridge with no real comparable character or soul is bolted and cemented into place after pile drivers put the anchors into the ground at each end. >>

The existing trestle structure is not easily viewed by the public. The low elevation of the structure, in context of creek bank grades, provides no view from the nearby roadways (Coe Avenue and Lonus Street). The public can view the top of the structure from the creek banks, but access onto the structure is restricted because of its condition. There are no existing developed paths or stairs into the creek channel, and none are proposed as part of the project. Upon completion, the proposed project would be more visible to people at Coe Avenue and Lonus Street and trail users because of the vertical truss structure that stands above the surrounding grade.

<< If one is looking for viewing something from the Coe or Lonus side, why don't you put train tracks and a train on it and run it back and forth? The only bridge that could bear the load of any train would be the WG Trestle if you do that! The catalog ordered pedestrian "Replacement Bridge" can handle a Ford F-150 truck, but it wouldn't be able to withstand a crane off the back of the pick up truck to pick up tree branches. (This is what CH2M-HILL claimed the Retrofit optioning would need.)

Of course the WG Trestle could withstand a heavy load. It was designed to carry 500,000 to 700,00 pounds or more without breaking a sweat.

If the City of San Jose so wanted something visible from Coe or Lonus they could create a 1921 Covered Bridge that would be visible. Covered bridges have been saved and are part of Rails to Trails Networks from Oregon to Minnesota to Pennsylvania to Maine. We didn't need them here in the Valley of Hearts Delight because of our 330 days of sunshine. But if this would help to save the WG Trestle, I'm sure it could be part of the fund raising efforts! >>

Dense vegetation along the corridor and the orientation of nearby houses would continue to prevent visibility from nearby residences. After the proposed project is complete, views from the project area would be available from the bridge. Views toward the project area would be available from the future Los Gatos Creek Trail Reach 4 extension.

<< This is mostly incorrect. Yes there are some filtered views but this misrepresentation of the facts are repeated elsewhere in the Draft EIR. Many homes and businesses are lucky enough to see the WG Trestle. >>

<< A short walk away is the Roberto-Sunol Adobe. One of the most important homes (actually

two homes with quite a history back hundreds of years. It makes sense to save the WG Trestle as a gateway to the Roberto-Sunol Adobe Museum. >>

<< An important footnote of history: CalTrans wanted to place highway 280 where the Roberto-Sunol Adobe is... but locals stopped that. Locals can stop this reckless (and much more expensive) desire to demolish an easily fixed and maintained (what we feel is historic) 1921 Western Pacific Train Trestle (WG Trestle) and replace it with a generic truss type pedestrian bridge that has no heart, no soul and no connection whatsoever to time, place or importance in the creation, survival and evolution of the "Willows" area! >>

-- page 34 --

*FIGURE 3.1-1
Existing Willow Glen Trestle
Three Creeks Pedestrian Bridge Project*

Pic 1: these two pictures are the worse, the north side with the few torn up pilings. But you'll note that most are not torn up as badly.

74

Pic 2: Shows the worst sections of the WG Trestle along with an overly harsh light. Also shows some of the nearby trees and shrubs. Some which are non-native that have not been under any sort of vegetation management for at least a decade.

-- page 35 (3-5) --

Visual character is evaluated by considering the form, line, color, texture, dominance, scale, diversity, and continuity of the existing project area and comparing it to that of the proposed project. The new bridge would alter the visual character of the existing bridge from that of an old trestle structure, an example of early railroad architecture, to that of a more modern, clean-lined structure.

75

<< How is the connectedness, the verticality, the light streaming in through the railroad ties and through the tall pilings going to be mitigated? How does going from an early railroad architecture to a generic slimline pedestrian bridge with plaques on each end going to tie us to our history and the role that trains played in Willow Glen, San Jose and the West? >>

In terms of form and line, the new bridge would have fewer supports, so the numerous vertical elements (piles) associated with the trestle substructure would be eliminated. In addition, the new bridge would have a more prominent structure along the sides of the bridge above the foot path – the truss.

76

For these reasons, the, visual effect of the proposed project would be a prominent horizontal band suspended above the creek. These changes may have the effect of somewhat reducing the visual mass of the bridge and its dominance and scale. Overall, the form and line and, therefore, the visual character of the project area would be substantially altered by the proposed project, but the alteration would not be a significant degradation of visual character.

<< Why did the dominant structure have to be changed to a narrow band. There are grand, tall Eucalyptus trees all around and the tall yet broad reach of the WG Trestle is in scale with these large Eucalyptus, medium sized Black Walnut trees and reaching down to California and Himalayan Blackberries at the base. >>

-- page 35 (3-5) --

Visual quality is evaluated by identifying the vividness, intactness, and unity present in the existing project area and comparing it to that of the proposed project. As seen on Figure 3.1-1, the existing trestle has a high level of vividness because of its setting on the creek, the surrounding vegetation, and its natural materials and complex lines that evoke the early twentieth century. The existing view has a moderately high level of intactness except where the disrepair of the trestle is visible because of the naturalistic setting in the midst of an urban environment. The unity of the view is also moderately high because the composition of the bridge against the backdrop of vegetation is harmonious.

-- page 35 (3-5) --

“The visual quality of the new bridge would also have a high level of vividness due to its pleasing shape and materials designed to blend into the surrounding environment. The new bridge would likely have a level of intactness somewhat higher than that of the existing condition because the new bridge would not have vertical supports in the creekbed and would allow views under the bridge. The visual unity of the new bridge would also be high.

The proposed project would not substantially degrade existing visual character and quality; therefore, impacts on visual character and quality would be less than significant.”

<<Vividness? Unity? How is that? This is pure fantasy! There is no “intactness” at all! IT will be a band floating out over the creek. >>

Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Construction of the new bridge would occur during daylight hours and would not require night lighting. Additionally, the new bridge would not include any permanent lighting and, thus, would not adversely affect day or nighttime views in the area; therefore, the impact would be less than significant.

<< Won't there will be more glare since the bents/pilings are gone? The filtered light through the open top of the WG Trestle will become a long concrete roadway. >>

77

78

3.1.4 Mitigation Measures

Impacts on aesthetics would be less than significant; therefore, no mitigation measures are required.

<< Really? No significant changes? It couldn't be more different in every way! >>

-- page 40 (3-10) --

"Construction of the proposed project would cause temporary minor increases in ambient air pollutant concentrations."

-- page 43 (3-13) --

Mixed Riparian Forest.

The presence of year-round water and abundant invertebrate fauna provide foraging opportunities for wildlife, and the diverse habitat structure provides cover and nesting opportunities.

-- page 43 (3-13)

3.3.1.1 Natural Communities and Associated Plant and Wildlife Species

Aquatic Habitat

Aquatic habitat is considered to have significant value to wildlife resources. The project area overlaps with the aquatic habitat of Los Gatos Creek at the existing railroad trestle bridge. Los Gatos Creek provides habitat for a variety of fishes, including the following native species: California roach (*Hesperoleucus symmetricus*), hitch (*Lavinia exilicauda*), Pacific lamprey (*Lampetra tridentata*), prickly sculpin (*Cottus asper*), riffle sculpin (*Cottus gulosus*) presumably above Lexington Reservoir, Sacramento sucker (*Catostomus occidentalis*), threespine stickleback (*Gasterosteus aculeatus*), and Central California Coast steelhead (*Oncorhynchus mykiss*), a federally protected species with threatened status (Alley, 2012; City of San José, 2004; LSA Associates, Inc., 2005). Fall-run Chinook salmon (*Oncorhynchus tshawytscha*), a species of federal concern without protected status in Los Gatos Creek, has been detected in the Guadalupe River watershed and has spawned in Los Gatos Creek. The normally perennial flow maintained in Los Gatos Creek to its mouth in recent years (until the present drought in 2014) has made it attractive to these Chinook salmon. A number of nonnative fish species have been detected in the Guadalupe watershed, with some captured in Los Gatos Creek. They include bluegill (*Lepomis macrochirus*), brown bullhead (*Ictalurus nebulosus*), carp (*Cyprinus carpio*), green sunfish (*Lepomis cyanellus*), goldfish (*Carassius auratus*), largemouth bass (*Micropterus salmoides*), mosquito fish (*Gambusia affinis*), pumpkinseed (*Lepomis gibbosus*), and red shiner (*Notropis lutrensis*) (Alley, 2012; LSA Associates, Inc., 2005). The relatively dense riparian forest provides shaded riverine aquatic (SRA) habitat, which helps to cool water temperatures for salmonid fishes such as steelhead and salmon. Approximately 0.12 acre of aquatic habitat lies within the project area. This aquatic habitat is subject to the regulatory jurisdiction of USACE, CDFW, and RWQCB.

-- page 44 --

FIGURE 3.3-1
Natural Communities Map
Three Creeks Pedestrian Bridge Project

-- page 45 --

*Ruderal and Developed Lands. Developed areas within the project area, including the existing dirt trail and the railroad trestle bridge, support no natural vegetation. Ruderal habitat dominated by nonnative forbs, including Italian thistle (*Carduus pycnocephalus*), fennel, black mustard (*Brassica nigra*), and Smilo grass, occur adjacent to the dirt trail and extend into the upper banks of the creek.*

-- page 45 --

3.3.1.2 Wetlands and Other Waters The project footprint spans the Los Gatos Creek riparian corridor just upstream of its confluence with the Guadalupe River and is characterized primarily by the low flow channel with a raised terrace and steep-sloped banks to the north and south. The Los Gatos Creek is the largest tributary to the Guadalupe River and joins the river approximately 0.5 mile northeast of the project site near Downtown San José. The creek originates in the Santa Cruz Mountains near Loma Prieta Peak and flows northwest to Lexington Reservoir, then into the cities of Los Gatos, Campbell, and San José before draining into the Guadalupe River in southeast San José. The creek has been modified by human activities for over 70 years, beginning in the 1950s when the creek was diverted into a concrete gulch through Los Gatos to support construction of State Route 17 by California Department of Transportation (Caltrans). Additional modifications were completed in the 1950s, including the James J. Lenihan Dam forming the Lexington Reservoir (City of San José, 2004).

-- page 45 (3-15) --

Lexington and Vasona Reservoirs regulate flows in Los Gatos Creek. Vasona Reservoir is the smallest reservoir maintained by Santa Clara Valley Water District (SCVWD), at 400 acre-feet. Lexington Reservoir is the larger of the two reservoirs, and releases are made during summer for groundwater recharge as flows are percolated into the groundwater upstream of its confluence with the Guadalupe River (SCVWD, 2009a). Nine percolation facilities are located in the Guadalupe River watershed. Six of the nine percolation ponds are located adjacent to Los Gatos Creek. Supplies to percolation ponds include diversions from the creek and releases from SCVWD pipelines (imported water supplies and supplies transferred from other reservoirs). In recent years, SCVWD has maintained perennial flow in Los Gatos Creek to its confluence with Guadalupe River (Smith, 2014, personal communication). However, in 2014, lower Los Gatos Creek was dry during summer months and had isolated pools in early November after early rainfall. CH2M HILL conducted a wetland and other waters assessment on June 17, 2013.

-- page 45 (3-15) --

CH2M HILL conducted a wetland and other waters assessment on June 17, 2013. The assessment delineated a jurisdictional waters of the United States within the project footprint (CH2M HILL, 2013b). The total jurisdictional area delineated along Los Gatos Creek within the project area is approximately 100 linear feet (0.12 acre), as defined by the ordinary high water mark, and subject to regulation by USACE and RWQCB. Adjacent wetlands were absent from the site. USACE verified these results onsite with CH2M HILL on March 25, 2014. The total jurisdictional area subject to regulation by CDFW extends to the edge of the riparian corridor and totals approximately 1.55 acres.

-- page 45 (3-15) --

3.3.1.3 Special-Status Species

“upland areas outside the creek corridor are characterized by nonnative and invasive plant species, which significantly reduces their capacity to support special-status plant and wildlife species. Therefore, only species adapted to riparian and aquatic habitats are considered as potentially occurring at the project site.”

-- page 46 (3-16)

Special-Status Birds (Including Migratory Birds). The Los Gatos Creek riparian corridor within the project footprint supports suitable foraging habitat for all eight special-status species known from the region, as well as other migratory and resident birds including common raptors. During the field visit, several resident bird species were observed foraging throughout the project area including Anna's hummingbird (*Calypte anna*), house finch, and black phoebe, but no songbird nests, raptor stick nests, nor suitable burrows were observed. In addition, the existing bridge was clear of any active or unoccupied nests. Suitable nesting habitat for common resident bird and migratory birds does exist within and adjacent to the project area.”

--- page 46 (3-16) --

Special-Status Fish Species and Essential Fish Habitat. Central California Coast steelhead is an anadromous form of rainbow trout that migrates upstream from the ocean to spawn. Steelhead usually spawn in clear, cool, perennial sections of relatively undisturbed streams. Preferred streams typically support dense canopy cover that provides shade, woody debris, and organic matter. Streams in which spawning occurs are usually free of rooted or aquatic vegetation. Eggs are laid in gravel substrates in pools. Steelhead usually cannot survive long in pools or streams with water temperatures consistently above approximately 70°F. Despite their general requirement for cool water, steelhead can tolerate warmer water habitats if food is available, such as at fast water riffles where fish can feed on drifting insects. Steelhead typically spawn between December and April, when stream flows are adequate to allow upstream migration. Steelhead eggs remain in gravel depressions, known as redds, for 1.5 to 2.5 months before hatching and emerging from their redds. After hatching, young steelhead use the shallow protected stream margin areas of deeper reaches of streams as rearing areas and will remain in freshwater systems for 1 to 4 years before migrating to the ocean. After migration, steelhead typically grow rapidly for 2 to 3 years in the ocean before returning to freshwater streams to spawn. Unlike other salmonids, steelhead do not necessarily die

after spawning. Many adults survive and return to the ocean after spawning, coming back to spawn for one or more additional seasons.

-- page 46-7 (3-16/17) --

The Central California Coast steelhead distinct population segment is known to migrate and spawn in the Guadalupe River watershed, including the lower reaches of Los Gatos Creek (SCVWD, 2009a). In addition, critical habitat for this species is designated within the Guadalupe River watershed, but this designation does not extend into Los Gatos Creek. During the November 2014 field visit, only potential migration habitat was observed; whereas, no spawning habitat was evident. For more details on aquatic habitat features within the project area from the November 2014 field visit, see Appendix C.

-- page 47 (3-17) --

Central Valley Chinook salmon is a federal candidate species for listing and a state species of special concern. California streams support the southernmost Chinook salmon runs on the West Coast. Chinook salmon in California display a wide array of life history patterns that allow them to take advantage of the diverse and variable riverine and ocean environments. Chinook salmon are anadromous fish, migrating upstream as adults to spawn in freshwater streams and migrating as juveniles downstream to the ocean to grow and mature. The time spent in the ocean and fresh water varies greatly among the various runs. Fallrun Chinook salmon migrate upstream as adults from July through December and spawn from early October through late December. The timing of runs varies from stream to stream. Late-fall-run Chinook migrate into the rivers from mid-October through December and spawn from January through mid-April. The majority of young salmon of these races migrate to the ocean during the first few months following emergence, although some may remain in fresh water and migrate as yearlings. They are currently the most abundant of the Central Valley races, contributing to large commercial and recreational fisheries in the ocean and popular sport fisheries in the freshwater streams. Fall-run Chinook are raised at five major Central Valley hatcheries that release more than 32 million smolts each year.

-- page 47 (3-17) --

The Central Valley Chinook late-fall run is occasionally seen migrating into the Guadalupe River (SCVWD, 2009a). Like steelhead, Chinook salmon have been documented in the lower reaches of Los Gatos Creek. Spawning in Los Gatos Creek has been observed from immediately upstream of the Guadalupe River to near Bascom Avenue (SCVWD, 2002). Therefore, Chinook salmon may be present during project activities. It is important to note that recent genetic testing on Guadalupe River fall-run populations has demonstrated that a majority of the fish tested do not belong to naturally spawned populations, but derive from hatchery stock, and it is not known if populations have naturalized; therefore, their special-status designation may not apply (SCVWD, 2007 cited in SCVWD, 2009a). During the November 2014 field visit, only potential migration habitat was observed; whereas, no spawning habitat was evident. For more details on habitat features within the project area for Chinook salmon, see Appendix C.

Essential fish habitat (EFH) is defined as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity” (Pacific States Marine Fisheries Commission, 2013). Potential habitat for Pacific Chinook salmon within the project area is designated as freshwater EFH for Pacific Chinook salmon. The project effects on Pacific Chinook salmon are covered under provisions of the MSFCMA (Public Law 94-265).

-- page 47 (3-17) --

Despite the evidence that Chinook salmon may not be native to the Guadalupe River watershed, under the MSFCMA, the project area would be considered historical Chinook salmon freshwater EFH. Freshwater EFH for Chinook salmon consists of four major components: (1) spawning and incubation, (2) juvenile rearing, (3) juvenile migration corridors, and (4) adult migration corridors and adult holding habitat (Pacific States Marine Fisheries Commission, 1996). Important features of essential habitat for spawning, rearing, and migration include adequate substrate composition; water quality; water quantity, depth, and velocity; channel gradient and stability; food, cover, and habitat complexity; space; access and passage; and floodplain and habitat conductivity (Pacific States Marine Fisheries Commission, 1996). Chinook salmon essential freshwater habitat includes all those streams, lakes, ponds, wetlands, tributaries, and other water bodies currently viable, and most of the habitat historically accessible to Chinook salmon within Washington, Oregon, Idaho, and California. Open-water habitats of Los Gatos Creek within the project area falls under that definition.”

-- page 47-48 (3-17/18) --

Western Pond Turtle. Western pond turtle is a state species of special concern. The western pond turtle ranges in size from 3.5 to 7 inches and is the only freshwater turtle native to the Bay Area. It occurs in ponds and small lakes with abundant vegetation. It is also found in marshes, slow-moving streams, reservoirs, and occasionally brackish water. The western pond turtle feeds on aquatic plants (such as, pond lilies), beetles, aquatic invertebrates, fishes, frogs, and carrion. It requires basking sites such as partially submerged logs, rocks, mats of floating vegetation, or open mud banks, as well as underwater retreats to hide from predators and humans. Females deposit their eggs in nests in sandy banks or, in the case of foothill streams, in upland areas away from the stream. Nests have been observed in many soil types, from sandy to very hard, and have been found up 325 feet from the water. Hatchlings and juveniles are preyed on by certain fish species, bullfrogs, garter snakes, wading birds, and some mammals.

Suitable egg-laying and foraging habitat for this species occurs within the project footprint as there are some protected sandy or grassy areas adjacent to the creek in this section of the watershed. In addition, there is one known occurrence reported from the project vicinity along the Guadalupe River near the Almaden Expressway bridge. Therefore, western pond turtle may occur within or adjacent to the work area.“

-- page 48 (3-18) --

3.3.1.4 Invasive Species

Invasive plant species include those listed by California Department of Food and Agriculture and California Invasive Plant Council. Several invasive species are known to occur within the project area including English ivy, smilo grass, giant reed, Himalayan blackberry (Rubus armeniacus), fennel, black locust, tree of heaven, and red gum (Eucalyptus camaldulensis). “

-- page 48 (3-18)

3.3.1.5 Ecological Toxicity

The existing bridge contains creosoted timbers. This section describes the ecological toxicity of coal tar creosote (creosote). Additional information is included in Appendix D.”

Background. Creosote is a wood preservative that has been used in the United States for almost 150 years to preserve wooden structures from attack by fungi, marine borers, and insects (Agency for Toxic Substances and Disease Registry [ATSDR], 2002; Brooks, 2004; Hutton and Samis, 2000). It is currently a registered pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (EPA, 2008). Wood preservation accounts for over 97 percent of current creosote production (ATSDR, 2002). It is used as a wood preservative and water-proofing agent for log homes, railroad ties, telephone poles, marine pilings, and fence posts. In addition, creosote prevents animal and vegetable growth on concrete marine pilings and is a component of roofing pitch, fuel oil, and lamp black, and a lubricant for die molds (ATSDR, 2002). Chemical formulations of creosote have varied over the production years, but it is generally reported that polycyclic aromatic hydrocarbons (PAH) and alkylated PAHs account for up to 90 percent of creosote mixtures, and most of the literature on creosote pertains to PAHs.”

Creosote and its chemical constituents have various physical and chemical properties, such as solubility, partitioning, and persistence that drive their transport and fate behavior in terrestrial and aquatic environments. PAHs that are more soluble in water (LPAH) tend to partition to water, and less water-soluble PAHs (HPAH) tend to partition to sediment and particulate organic matter (Bestari et al., 1998; Hylland, 2006; Padma et al., 1999; World Health Organization [WHO], 2004). This means that LPAHs are more likely to move out of treated wood and remain free in the water than are HPAHs, and HPAHs, if they move out of the treated wood at all, are more likely to be bound up in sediment or organic matter. The greater solubility of LPAHs also means they tend to be more biologically available than HPAHs and also more toxic to plants and animals (Hylland, 2006; Padma et al., 1999). HPAHs are less bioavailable, and less toxic, but may still be accumulated by aquatic biota.

-- page 48-49 (3-18/19)

LPAHs are typically less persistent in water and sediment due to volatilization, photolysis, and biological (microbial) decomposition (Bestari et al., 1998; Eisler, 1987; Goyette and Brooks, 1998; Hylland, 2006; WHO, 2004). HPAHs can persist in sediment for long periods because they are less volatile and more chemically resistant to physical (photolysis) and biological degradation (Padma et al., 1999; WHO, 2004). Photochemical transformation of creosote seems to be the most important abiotic mechanism for transforming its components in the atmosphere, water, and soil (Poston, 2001;

WHO, 2004). LPAHs are degraded more quickly by microbes in the presence of oxygen, and HPAHs degrade more slowly, particularly in anaerobic environments; thus, as creosote in sediment ages, the low- and intermediate-weight compounds are metabolized by microbes, leaving a deposit rich in the high-molecular-weight compounds (Brooks, 1997).

-- page 49 (3-19) --

Migration in Terrestrial Environments. Studies of creosote migration in terrestrial environments have focused on railroad cross ties, as treatment of these is one of the largest uses of creosote preservative in the United States and there are huge numbers of ties deployed in terrestrial environments (Bolin and Smith, 2013). Brooks (2004) studied the extent and pattern of creosote, or more specifically PAH, migration from railroad ties and what effects this would have on a simulated wetland environment. Untreated (control), newly treated, and weathered creosote-treated railroad ties were placed in a simulated wetland, and samples were taken of the ballast, wetland sediment, groundwater, stormwater, and soil cores at intervals for 18 months. There was an initial pulse of PAHs from the treated railway ties into the ballast during the first summer of the study; during this time, PAH movement from weathered ties was less than that from newly treated ties. During the second summer, small, statistically insignificant amounts of PAHs may have moved vertically down into the ballast or may have migrated from the ballast into the adjacent wetland. These results suggest that it is reasonable to expect a detectable migration of creosote-derived LPAHs from newly treated railway ties into the supporting ballast during their first exposure to hot summer weather. The rapid disappearance of these PAHs from the ballast during the fall and winter suggests they either volatilized (evaporated) or were degraded in the ballast.”

In an earlier study, Brooks (2001) had concluded that, in upland environments, (1) the majority of PAHs remain within 15 to 30 centimeters of the pressure-treated wooden structure, (2) PAHs lost from new and weathered railroad ties do migrate from the wood into the ballast, (3) railroad tie-derived PAHs do not migrate out of the ballast into adjacent landscapes, (4) creosote-derived PAHs do not migrate from railroad rights-of-way in stormwater, and (5) PAH loss rates from creosote-treated wood decline exponentially with time and were less than 10 percent of the initial loss rates by the middle of the expected life of a typical project.”

“Chakraborty (2001) measured the loss characteristics of some creosote components (PAHs and phenolic components) in new and aged creosote-impregnated railroad ties under simulated environmental conditions of ultraviolet radiation, infrared radiation, water spray, and freezing temperatures. Leaching was found to be the major loss process (accounting for 50 to 96 percent of the losses) and, unlike vaporization and bleeding, was found to be an important mechanism in both new and old ties. Although vaporization and bleeding declined in old ties, there was substantial leaching from all the ties tested, even those that had been in service for 26 years. This leaching at age may have been facilitated by cracks that formed in these weathered ties. The PAH components lost by leaching and bleeding were found to be directly related with the amount initially present in the ties.”

Migration in Aquatic Environments. Many field and laboratory experiments have been designed to quantify release of creosote-related contaminants from creosote-treated structures in aquatic environments. LPAHs are the most soluble chemical constituents in creosote, which makes them more likely to leach from creosote-treated wood into aquatic environments (Bestari et al., 1998; Padma et al., 1999; WHO, 2004). The degree of leaching is affected by salinity (greater in fresh water than in salt water), temperature (increases with increasing temperatures), flow, density of the wood, length of time since treatment of the wood (decreases with increasing age), whether leaching occurs from the end grain or the face, and the surface area-to-volume ratio. Estimates in the literature of creosote loss rates from treated wooden pilings (discussed as PAH loss) range from 273 milligram/piling/day to 403 milligrams/piling/day and are most likely good estimates of initial loss of PAHs immediately following installation of pilings in the aquatic environment (Bestari et al., 1998; Ingram et al., 1982). Studies have suggested that most leaching occurs during the first 2 to 3 years after a pile is installed, but may continue to some extent for many years (Brooks, 1997; Goyette and Brooks, 1998). PAH migration from creosote-treated wood into a flowing freshwater water column decreased sharply from initial high values and reached a steady state within 1 week, which suggests that PAH concentrations from creosote-treated wood appear to decline rapidly (to parts per trillion levels) after an initial exposure to flowing water (Kang et al., 2005). Maximum PAH concentrations in the sediments from creosote-treated structures are predicted to occur 2 to 3 years following piling installation (Brooks, 1997; Goyette and Brooks, 1998). Various studies of weathered creosote-treated pilings have shown continued loss of chemicals from pilings, but the loss rate from older pilings is generally lower and quite variable (Goyette and Brooks, 1998; Ingram et al., 1982). Over time, creosote near the surface of the piling undergoes a "weathering" process, in which individual chemical constituents are adsorbed, evaporated, photo-oxidized, or dissolved (Sved et al., 1997). The decreased level of creosote migration or leaching from older pilings is largely thought to be due to decreased surface availability resulting from such weathering. Laboratory studies also showed that creosote and PAH concentrations in sediment decrease with increasing distance from a piling (Gagnéa et al., 1995; Goyette and Brooks, 1998; Hutton and Samis, 2000; Ingram et al., 1982).

3.3.2 Assessment Methods and Thresholds of Significance

Implementing the proposed project would significantly affect biological resources if the proposed project resulted in any of the following:

- *Substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by CDFW or USFWS*
- *Substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means*
- *Substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS*
- *Substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites*

- *Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan*
- *Impact from creosote pile removal*
- *Introduction of invasive plant species*

-- page XX-XY (3-20/21) --

3.3.3 Environmental Impacts Substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by CDFW or USFWS.

No mature tree (greater than 5 inches diameter at breast height) removals are proposed.

“approximately 0.08 acre of ruderal/developed areas would be permanently affected by bridge construction including bridge footings, approaches, and the viewing deck at the top of bank.”

“ The temporary diversion would be removed, and the active flow channel would be restored to its natural condition at the end of construction. In addition, invasive species would be removed, and the understory would be planted and hydroseeded with fast-growing natives local to the watershed. Within the following growing season, the majority of the understory and pruned riparian canopy would be restored to pre-project conditions. Existing riparian trees and their root systems would be safeguarded during construction through the application of Standard Project Conditions, as described below. These avoidance and restoration measures would minimize temporary disturbances to mixed riparian forest and SRA habitat, and impacts on natural communities in the project area would be less than significant.”

--page XX (3-22)

Impacts on special-status plant species.

The project area was observed to contain marginally suitable habitat for western leatherwood, Loma Prieta hoita, arcuate bush-mallow, maple-leaved checkerbloom, and robust spineflower. The reconnaissance surveys were conducted during the blooming periods for all species, and none were observed within or adjacent to the project site (CH2M HILL, 2013a). In addition, none of these species is known from past occurrences to be within or adjacent to the project site (CDFW, 2014). Therefore, all five special-status plant species are presumed to be absent, and no further surveys are warranted. Impacts on these species would be less than significant.”

-- page XX (3-22)

Impacts on special-status bird species.

The eight special-status bird species mentioned in Section 3.3.1.3 may occur at the project site as occasional foragers during the spring and fall migration periods. Due to the lack of suitable nesting habitat, these species are not likely to nest in the project area.

-- page XXX (3-22)

Impacts on listed salmonid species.

The Central California Coast steelhead (federally listed as threatened) and Central Valley Chinook salmon (fall and late-fall run) (federal candidate for listing and California species of special concern) are known to occur in Los Gatos Creek. A variety of favorable stream conditions are found in the project area, including suitable rearing and overwintering habitat for salmonid juveniles. In addition, Los Gatos Creek is regarded as EFH for Pacific salmonids. Although the proposed project would not result in long-term negative impacts on salmonids, construction of the project could result in short-term impacts on these species and their associated EFH. In addition, impacts on water quality during construction would also affect salmonids. Standard Project Conditions listed below are included in the proposed project, including water quality BMPs, and would reduce potential impacts on salmonid species. Therefore, short-term impacts would be less than significant.

Moreover, the removal of piles in the streambed would be viewed as a long-term benefit to salmonids and their associated EFH because large, woody debris would naturally transport downstream, creating additional suitable habitat for steelhead and other aquatic organisms.”

-- page XX (3-22/23)

Impacts on western pond turtle.

The western pond turtle has not been recorded in the project reach of Los Gatos Creek, but suitable habitat for this species is present. The Standard Project Conditions listed below would be implemented to reduce impacts on western pond turtle; therefore, short-term impacts on this species would be less than significant.

-- page XX (3-23)

Standard Project Conditions The proposed project would include the following Standard Project Conditions:

- Construction activities would be limited to the smallest area possible to complete the proposed work.*
- Environmentally sensitive areas fencing would be installed at limits of work to prevent construction equipment and crews from disturbing the riparian zone beyond the limits of work.*
- To minimize impacts on salmonids, construction within the channel would be restricted to the dry season (June 15 to October 15), the period after the spawning and smolt migration seasons when minimal water is in the channel and movement of salmonids within the project area is expected to be minimal.*
- An educational program would be provided by a qualified biologist for all construction staff prior to their beginning work at the site. The purpose of these training sessions would be to familiarize construction personnel with the special-status species that could potentially enter the work area and the procedures they are to follow if these species are encountered. Educational material would include the life history of special-status fish species, their visual method of feeding and physiology of obtaining oxygen, and the importance of minimizing turbidity and sedimentation downstream of the project area and preventing creosote contamination.*
- A temporary diversion would be in place during construction to maintain hydrologic conditions in the creek and a dry work area within the footprints of the trestle/freespan bridge with sufficient work area on either side of structures to be dismantled/constructed. The temporary diversion would be installed with upstream and downstream cofferdams and a culvert(s) or pipe(s) running between them during the dry season (June 15 to October 15) to divert creek flow into the culvert(s) or pipe(s) (sized to allow fish passage and to pass expected baseflow fluctuations due to variable upstream summer releases and early fall stormflow) while keeping dry conditions in the work area.*
- It is possible that juvenile salmonids could be moving downstream during the dry season. Therefore, measures would be taken to make certain individuals*

are not harmed and the movement of salmonids is not impeded by the water diversion used during construction.

-- page XX (3-25)

Implementation of these Standard Project Conditions would minimize temporary adverse impacts on special-status species in the project area; therefore, impacts on special-status species would be less than significant. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. The proposed project has been designed to be consistent with the provisions of the Santa Clara Valley Habitat Plan, adopted by the City of San José in January 2013.

-- page XX (3-25/26)

Impact BIO-1: Impacts from creosote pile removal. Removal of creosote piles during construction could cause adverse effects on biological resources temporarily, including special-status fish species.

Over time, creosote near the surface of the piling undergoes a “weathering” process, in which individual chemical constituents are adsorbed, evaporated, photo-oxidized, or dissolved (Sved et al., 1997). As noted previously, weathering of creosote-treated wooden structures results in decreased surface availability of creosote and creosote constituents. Thus, absent damage that could facilitate a release, terrestrial receptors, including humans, are unlikely to be exposed to, or affected by, those PAHs (specifically the HPAHs) bound up in older treated wood. Thus, studies of creosote in terrestrial environments have focused on those PAHs that can escape from railroad cross ties and on the effect those releases may have on adjacent wetland or aquatic environments.

In addition, the degree of PAH accumulation to sediment associated with these structures appears to be relatively minor in many settings, particularly in well-circulated waters and over time. PAH accumulation in sediment also appears to be relatively limited spatially (within approximately 10 meters of the structure) and has not generally been associated with measured, significant, biological effects except in proximity to the structures. The duration of any biological effects also appears to become attenuated within several months of construction (the period when leaching rates are likely to be highest) (Stratus Consulting, 2006). An important caveat are field studies that have indicated that PAHs can accumulate in aquatic invertebrates to potentially deleterious concentrations in poorly circulated water bodies or when the density of treated wooden structures is high relative to the overall surface area of the water body (Stratus Consulting, 2006)”

Studies in both terrestrial (for example, railroad ties) and aquatic (for example, pier pilings) environments have shown significant decreases in creosote and PAH releases from treated wooden structures within 5 years or less of placement. The pilings comprising the Three Creeks bridge are, for the most part, not new (the bridge itself was built in 1921) and are likely well past the point where meaningful quantities of creosote constituents (particularly the more soluble and toxic LPAHs) are

leaching into the environment – either to the creek or to its terrestrial, riparian margins. Vines-Vines et al. (2000) did find that creosote treated wood extracts from 50-year-old San Francisco Bay pilings were the source of PAHs to the surrounding water, but PAH availability from these older pilings may have been due to splintering of the piling which facilitated the release of otherwise sequestered creosote. Also, a study in Australia found that significant amounts of PAHs were released during a pile-removal project, and that significantly elevated concentrations of PAHs remained in the sediments up to 6 months after removal was completed (Smith, 2008). Pile removal projects must deploy BMPs to avoid or mitigate the possibility of temporarily increasing PAH levels in soils or sediment as a consequence of the physical disturbance of pilings. Therefore, by implementing these precautionary mitigation measures, impacts from creosote piling removal would be less than significant.

3.3.4 Mitigation Measures Based on the analysis above, most project impacts would be less than significant, or would be reduced to a less than significant level with the implementation of Standard Project Conditions. For Impact BIO-1, additional mitigation measures are required as follows. MM BIO-1: To minimize impacts from removing creosote piles during bridge demolition, the following mitigation measures would be implemented:

a. Vibratory extraction is the preferred method of pile removal. b. The crane operator shall be trained to remove pile slowly. This would minimize sediment disturbance. c. The operator is to “wake up” pile to break the bond with sediment. Bond breaking avoids pulling out a large block of soil, possibly breaking off the pile in the process. d. A major creosote release to the environment may occur if equipment (bucket, steel cable, vibratory hammer) pinches the creosoted piling below the water line. Therefore, the extraction equipment and pile removal process shall be kept and implemented in dry conditions. e. Piling must not be broken off intentionally by twisting, bending, or other deformation. This practice has the potential for releasing creosote to the water column. f. Upon removal from substrate, the pile shall be moved expeditiously from the creek into the containment basin. The pile shall not be shaken, hosed off, stripped or scraped off, left hanging to drip, or any other action intended to clean or remove adhering material from the pile. g. Every attempt should be made to completely remove the piling in its entirety before cutting. If the entire pile cannot be removed or it is accidentally broken off during removal, the piling should be cut off at least 2 feet below the mudline. A chain should be used, if practical, to attempt to entirely remove the broken pile.

h. Removed piles shall be placed in a containment facility. This should be done immediately after the pile is initially removed. The basin may be made of hay bales and durable plastic sheeting. i. Sediments spilled on work surfaces shall be contained and disposed of with the pile debris at a permitted upland disposal site.

These mitigation measures would minimize adverse impacts on aquatic resources and special-status fish species to below the level of significance from potential PAH exposure during the creosote piling removal process.

3.4 Cultural Resources This section describes the existing cultural resources within the study area, and evaluates potential impacts that may occur on cultural resources relevant to the proposed project.

3.4.1 Environmental Setting 3.4.1.1 Archaeological Resources

The report includes an updated records search

3.4.1.2 Historical Resources

The report describes the current status of the trestle, provides regulatory context, presents historical context of the structure of the trestle, and summarizes the history of San José and Willow Glen in relation to the railroad and canning industry. The report uses this background information to determine whether the trestle meets the criteria for listing in the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR), or for designation as a City of San José historic landmark. The eligibility criteria are as follows.

-- page XX (3-28)

National Register of Historic Places Eligibility Criteria. The eligibility criteria for the National Register of Historic Places are quoted in full below. The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or*
- B. That are associated with the lives of significant persons in or past; or*
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
- D. That have yielded or may be likely to yield, information important in history or prehistory.*

-- page XX (3-29)

California Register of Historical Resources Eligibility Criteria. The criteria for the CRHC are quoted in full below.

- Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States (Criterion 1).*
- Associated with the lives of persons important to local, California or national history (Criterion 2).*
- Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values (Criterion 3).*
- Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation (Criterion 4).*

City of San José Historic Landmark Designation Eligibility Criteria. The City of San José has a landmark ordinance that enables the City to designate properties as historic landmarks (San José Municipal Code, Chapter 13.48, Historic Preservation). The City's Historic Landmarks Commission is responsible for making a finding that a proposed landmark has special historical, architectural, cultural, aesthetic, or engineering interest or value of a historical nature, and that its designation as a landmark conforms with the goals and policies of the General Plan.

In making its findings, the City's Historic Landmarks Commission considers the following factors regarding a proposed landmark.

- Its character, interest, or value as part of the local, regional, state, or national history, heritage, or culture.*
- Its location as a site of a significant historic event.*
- Its identification with a person or persons who significantly contributed to the local, regional, state, or national culture and history.*
- Its exemplification of the cultural, economic, social, or historic heritage of San José.*
- Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.*
- Its embodiment of distinguishing characteristics of an architectural type or specimen.*
- Its identification as the work of an architect or master builder whose individual work has influenced the development of San José.*
- Its embodiment of elements of architectural or engineering design, detail, materials, or craftsmanship that represent a significant architectural innovation or that is unique.*

3.4.2 Assessment Methods and Thresholds of Significance

The assessment focused on determining eligibility under federal, state, and local criteria. Standard evaluation methods were used for both archaeological and historical resources. The following focus areas were used to evaluate the historical character of the trestle: the rarity of the trestle and its relationship to the canning industry, the grade separation movement, Willow Glen history, and Western Pacific Railroad history. Implementing the proposed project would significantly affect cultural resources if the proposed project resulted in any of the following:

- Substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines.*
- Disturbance of any human remains, including those interred outside of formal cemeteries.*

Substantial adverse

-- page XX (3-31)

Substantial adverse changes in the significance of a known historical resource

The proposed project does not have the potential to cause a substantial adverse change in the significance of historical resources. The historical evaluation report (see Appendix F) concluded the trestle does not satisfy the criteria required to be listed for the NRHP and CRHR.

The trestle does not appear to be associated with the history of the Western Pacific Railroad in any important way. The trestle, like other trestles and bridges along the San José Branch, helped the branch to operate, but only as part of a coordinated transportation network. There is little reason to conclude that this structure's contribution to the Western Pacific Railroad is significant under National Register Criterion A. This trestle does not appear to be significantly associated with the Santa Clara County fruit packing industry. This trestle is only tangentially related to that industry and does not meet the guidelines for how Criterion A of the National Register should be applied. It is one piece of dozens of transportation networks that served that industry. The association of the trestle with that industry is so secondary that it does not appear to meet the National Register Criterion A guidelines.

80

<< This is the end of the line from Utah. The fact that this was an "upstart" train as it started in 1907 or that it had smaller locomotives (because the inclines designed through hills was purposely gradual the large SP style locomotives weren't needed!)

Just because it was a smaller competitor did not mean that it wasn't critical. SP demanded full box cars, but WP allowed partial shipment. This was not just important to the small growers and canneries, but it was a "life and death" issue of survival during the depression.

Further, WP shipped all manner of commodities as well. There were multiple spurs off of the "main line" and oil, lumber and any manner of goods was shipped. It is not just about canneries! >>

The trestle does not appear to be significantly associated with the incorporation of Willow Glen in any important way. It is the proposed realignment of the Southern Pacific's 4th Street track, not the building of the Western Pacific line, which precipitated the incorporation of Willow Glen. In addition, the incorporation movement was not only about stopping the railroad; but it resulted in the creation of a small city that was self-governing for 9 years. A resource that is importantly associated with this early history of Willow Glen should take into account that the city actually governed the neighborhood for 9 years, such as maintaining streets, arranging for police services, and handling garbage. The association of this 1922 timber trestle with the 1927 through 1936 period of self-government is distant at best.

81

<< The WP line was there first. WP purposely did not build the WG Trestle wider out of fear that a second line would be used by SP! The challenge of up to 90 trains per day is what was affecting the judgment of the day. If Mr Bohnett, who was very influential in everything important in WG (and whose granddaughter still lives in the Riverside neighborhood) thought it was important enough to litigate SP all of the way to the State Supreme Court, don't you think it was important to WG?

Just because WG was incorporated and provides city like services is immaterial to the case at hand.

The ability to create the 1921 Western Pacific Train Trestle (WG Trestle) and have a “J-hook” line from near the main (Diridon) Train station up past Niles Canyon up to Niles Canyon, Oakland and the entire western part of the US was much more than just San Jose. But the historian is not mentioning the role of canned fruit in sales across the US and some of the rest of the world. >>

There is no indication that the Los Gatos Creek Trestle is associated with a person important to our history; therefore, the trestle does not meet either National Register Criterion B or California Register Criterion 2.

<< Mr Bohnett, an important figure in the Willows area and later the incorporation of Willow Glen as well as the litigation that went to the CA State Supreme Court. >>

The trestle does not represent a specimen of its type or period of construction that is an important example of building practices of a particular time in history. The bridge type is an open-deck, pile-supported, timber trestle. The trestle is somewhat unusual in that there are different numbers of piles in different bents; but, in general, it is a standard six-pile bent. The trestle is typical in that it was originally constructed in a manner called forth in all historic as well as contemporary analyses of the timber trestle structural type, but it has been repaired and maintained in ways that have detracted from its ability to convey the typical appearance of such a structure. On balance, there is no evidence to suggest that the trestle achieved the kind of distinction needed to represent a significant example of a common property type. It does not appear to be significant under National Register Criterion C or California Register Criterion 3.

<<This may have been a typical construction, but as most of them have been destroyed it is an example of one in the Willow Glen neighborhood of San Jose. Willow Glen has a proud history of very old homes, community spirit and coming together for good causes. This is the same here as well.

The Historian for this report told me at the DEIR Public meeting that these Trestles are designed in a modular fashion to replace individual components at a time, which is why they can last so long. The WG Trestle has in fact “been repaired and maintained” in ways that ensure that it is eligible for historic status by Western Pacific, Southern Pacific and finally Union Pacific. It is only under the stewardship of the City of San Jose that a period of “benign neglect” has unfortunately occurred.

The fact that a Trestle can be built in a lightweight and modular fashion using old growth redwood and built to exacting standards (the distance between the two sets of stringers never varies more than ¼ inch over the 210 foot span of the WG Trestle.>>

The logic that finds the Los Gatos Creek Trestle not eligible for the National Register or California Register strongly suggests that the trestle is also not eligible for designation under the City’s historic landmarks program. For these reasons, the Los Gatos Creek Trestle is not a historical resource; and therefore, there would be no impact.

<< The City Landmark status is in some ways harder to accomplish, so the National and State historic designations do not matter per se.

What does matter is that a Scorecard or Tally Sheet has to be created and the WG Trestle is required to go to the Historic Landmarks Commission (as an Action item) before it goes to the full San Jose City Council Board. >>

-- page XX (3-31)

3.4.4 Mitigation Measures

Based on the above analysis, most project impacts would be reduced to a less than significant level with mitigation or the implementation of Standard Project Conditions. For Impact CUL-1, additional mitigation is required, as follows.

MM CUL-1: To minimize potential impacts on unknown prehistoric and historic era archaeological sites and resources, the following measures would be implemented:

If the professional archaeologist determines that any cultural resources exposed during construction constitute a historical resource or unique archaeological resource, he or she shall notify the project proponent and other appropriate parties of the evaluation and recommended mitigation measures to mitigate to a less than significant impact. Mitigation measures may include avoidance, preservation in place, recordation, additional archaeological testing, and data recovery, among other options. Treatment of any significant cultural resources shall be undertaken with the approval of the City of San José. The archaeologist shall document the resources using California Department of Parks and Recreation 523 forms and file those forms with the CHRIS/NWIC. The archaeologist shall be required to submit to the City of San José for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken. Implementation of this mitigation measure would reduce impacts on archaeological resources to less than significant. This measure requires a professional archaeologist to review, identify, evaluate, and treat any significant findings at the time of discovery.

<< Before this project ever went to the SJ City Council, it should have gone to the Historic Landmarks Commission, the Parks and Recreation Commission and the Planning Commission... all on an Action Item basis. This did not happen.

The historian is obligated to create the Scorecard (Tally Sheet) and this scored/ranked card would be presented to the Historic Landmarks Commission and the San Jose City Council. This has NEVER happened.

In fact the first time that the Historic Landmarks Commission was able to ACT on any agenda related to the WG Trestle was at the March 2015 meeting, approximately two years after the SJ City Council voted to demolish the WG Trestle without going through any of the normal steps. >>

-- page YY (3-33)

3.5 Energy

This section was prepared pursuant to CEQA Guidelines Section 15126(c) and Appendix F (Energy Conservation of the Guidelines), which require that EIRs include a discussion of the potential energy impacts of proposed projects with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy.

86

<< Obviously tearing down a train trestle which can be restored will take up a significant number of trucks going to the dump. Whereas retrofitting the Trestle will cause only some of the wood to be disposed of (the railroad ties and cross members, for example. >>

-- page XX (3-39)

3.7.5 Environmental Impacts

Ongoing maintenance activities of the area would continue once the project construction is completed. The proposed project would not change the level of activities or equipment usage during maintenance. Therefore, the proposed project would not cause emission increases of GHG during operations.

87

<< Elsewhere the City of San Jose claims that the new Bridge will have NO maintenance. This is more realistic, yet in conflict with the claims of “no maintenance” for the Replacement option. >>

-- page XX (3-YY)

3.8 Hazards and Hazardous Materials

This section describes the hazards and hazardous materials within the study area and assesses the impacts of the proposed project.

3.8.1 Environmental Setting

The proposed project is located on Los Gatos Creek, adjacent to commercial property and residences. The nearest school, River Glen School, is approximately 0.25 mile (approximately 1,400 feet) south of the project site. There are no private airstrips within a 2-mile radius of the project site, and the nearest airport is the San José Municipal Airport, located northeast approximately 2.5 miles. The nearest fire station is approximately 1.25 miles southwest on Cherry Avenue, and the nearest hospital, Santa Clara Valley Health Center, is approximately 2 miles west from the project site on S. Bascom Avenue.

88

<< There are THREE fire stations within TWO miles. And Valley Medical is THE biggest Trauma Unit in the San Jose area. It is not just “a” hospital. >>

-- page XX (3-41)

3.8.3 Environmental Impacts

Create a hazard to the public through the routine transport or disposal of hazardous materials, or an accident involving the release of hazardous materials into the environment. Demolition of the existing

89

bridge structure would generate a large amount of treated wood waste, primarily wood treated with creosote.

<< Significant amount of waste indeed. There will be enough with the railroad ties, cross braces and 5-6 of the piers. >>

-- page XX (3.41/42)

3.9 Hydrology and Water Quality

This section presents describes the hydrology within the study area and assesses the impacts of the proposed project.

3.9.1 Environmental Setting

Los Gatos Creek originates in the Santa Cruz Mountains and flows most of the year, passing through the cities of Los Gatos, Campbell, and San José. Two dams are located on the creek. Lexington Reservoir and Lenihan Dam are upstream of Los Gatos, and Vasona Dam and Reservoir are in Los Gatos. Los Gatos Creek joins the Guadalupe River in Downtown San José at Confluence Point in the Guadalupe River Park. The Guadalupe River drains into the San Francisco Bay at Alviso Slough.

The Los Gatos Creek Trestle is part of the Three Creeks Trail alignment. The trestle crosses Los Gatos Creek downstream of Lincoln Avenue in the Willow Glen neighborhood. The City of San José Flood Insurance Study (FIS), revised February 19, 2014, currently represents the best available hydraulic information for this reach of Los Gatos Creek (Federal Emergency Management Agency [FEMA], 2014). According to the FIS, floodwaters are relatively well contained in the Los Gatos Creek channel banks. SCVWD has a concrete weir or gaging station about 0.25 mile upstream of the trestle, near the Lincoln Avenue creek crossing. Downstream, the Auzerais Avenue bridge is the next important creek crossing (see Figure 3.9-1). Both I-280 and the Gregory Street Pedestrian bridge cross Los Gatos Creek between the proposed project site and Auzerais Avenue, but these crossings are not included in the analysis as they both span the creek (that is, no instream hydraulic effects). Table 3.9-1 summarizes the bridges within the study area, using the HEC-RAS river stationing to describe the bridge locations. Stationing is used to describe relative distances from a starting point 0+00 – in this case, the confluence of Los Gatos Creek and the Guadalupe River.

<< The study did not focus on the Gregory St Bridge because it was a “free span” but the height and width is severely limited. So the possibility for flooding here is quite a bit higher than where the WG Trestle is. The Auzerais Bridge is taller and wider than the Gregory St Bridge, but still significantly less water flow can go thru Auzerais as can go under the WG Trestle. >>

<< So if you’d want any major branches, debris or large structures to stop at, the widest and deepest area would be the WG Trestle. It is much wider at the WG Trestle than at Lincoln Ave and immediately upstream from the WG Trestle the creekbed widens considerably >>

<< The bents in the water are actually a very useful flood device. Because during a 100 year flood there will be significant increased flooding risk at Gregory and to a lesser extend at Auzerais. This is because the WG Trestle (if removed) would not be there to catch the debris. >>

<< This report also stated and implied that major damage can be done to the WG Trestle and that it can be taken out of service for some time. This is simply not logical nor based up by what has happened when large trees have run into the bents of the WG Trestle. The only "damage" that you will see on the first pier is a deep scratching! >>

<<The damage to one of the piers closer to the main water line could have been sped up by repeated hits perhaps, combined with lack of proper inspection and maintenance. San Jose has not done any maintenance or replacements of any piece on the WG Trestle since they've taken ownership in 2011. >>

-- page XX (3-42)

According to the river stationing, the Lincoln Avenue crossing is approximately 970 feet upstream of the Los Gatos Creek Trestle. The Auzerais Avenue crossing is approximately 2,620 feet downstream of the Los Gatos Creek Trestle.

The Los Gatos Creek Trestle is approximately 210 feet long, 2 feet 4 inches deep, 18 feet wide, and is supported by 13 bents with five to eight piles each (depending on the location along the longitudinal profile of the bridge) and two abutments. Bents are spaced 15 feet on center and are oriented at an angle of approximately 9.5 degrees due west from the centerline of the channel. Figure 3.1-1 shows a photo of the trestle substructure looking downstream, from the southeast bank.

SCVWD manages Los Gatos Creek as a raw water recharge and flood control channel. In the lower watershed, Los Gatos Creek passes through urban areas (Los Gatos, Campbell, and San José), and much of the riparian corridor has been fragmented by bank stabilization for flood protection purposes.

<< The creek has been altered around 1850; either via flood, man made causes or likely, both in the western part of San Jose. "Dry Creek Road" is one section where it used to run as well as the lower area on the west side of Bramhall Park alongside Willow. Los Gatos Creek became braided and much of the area (including what would later become the town of Willow Glen many decades after it dried out) was marshland. >>

-- page XX (3-42)

Within the project area, SCVWD is only able to perform limited maintenance activities because there are few access points. In the project area, the centerline of the low flow channel appears to be located approximately 90 feet from the north bank of the channel, which is expected based on the angle of the approach from the southeast. Debris buildup on the trestle was observed during field reconnaissance, but no local scour was observed. There is a significant amount of riprap on the south side or inside bend of the creek through the location of the bridge. The location of the riprap may be contributing to the lateral migration of the low flow channel to the north bank.

<<SCVWD has no limitation due to access points or ability to get into the creekbed. SCVWD owns very little of the Los Gatos Creek... but can get permission of the various land owners. SCVWD has simply not sought permission to access the creek, but they have given permission along with CA Fish and Game to allow for creek cleanups. downstream from the

WG Trestle as well as upstream from the WG Trestle to just past Lincoln Ave. >>

<< There is some debris buildup alongside or under the WG Trestle including two very large and weathered tree trunks of very large diameter that did not damage the WG Trestle in any way. There is extensive non-native vegetation in the creekbed that has most likely helped divert the water to the far north side of the creek... but it has been that way for quite some time. >>

<< SCVWD and the City of San Jose have not been responsive with calls to improve the vegetation management along this and other creeks. >>

<< Details: Upstream of the creek between the WG Trestle and the Lincoln Ave road bridge there are many owners. On the north side of the creek, the ownership goes down to the center line of the creek. On the south side of the creek the ownership does not go down the center line of the creek as there is another owner. >>

-- page XX (3-42)

Debris in the channel comes from a variety of sources, and loading typically increases during storm events. Some potential sources and kinds of debris are downed tree branches and vegetation in Los Gatos Creek and tributaries that outfall into Los Gatos Creek, and runoff from backyards including garbage and lawn furniture. Because this debris collects on the existing trestle, backwater (or water that is held back at the trestle crossing) conditions occur at the Los Gatos Creek Trestle during high-intensity storm events, such as a 100-year event. These occurrences can cause an elevated water surface elevation upstream of the trestle as water is held up at the trestle's bents. The amount of flow that is detained by the trestle during a 100-year flood is estimated between 560 and 600 cubic feet per second, but it should be noted that even during these conditions the water does not leave its bank through this reach. Under normal flow conditions, backwater conditions generally do not occur.

<< Yes there is debris from downed trees, but almost all (probably 98% of the debris) is coming from the homeless that live upstream and downstream from the WG Trestle. They have been there for years and multiple groups have creek cleanups during the year to remove it.

<< It is better for the debris to collect here instead of the Auzerais Bridge which is much more restrictive or the Gregory St. Bridge that is severely restricted in comparison to the much taller and wider openings for the WG Trestle. >>

<< The collection of "bents" is actually the best thing for the Riverside and Midtown neighborhoods as it will significantly reduce the chance of any damage during any 100 year floods. >>

<< An elevated water surface will likely be only about six more inches during a 100-year flood. There would be significantly higher likelihood of flooding at Gregory Street Bridge and the Auzerais Street Bridge as the WG Trestle will have approximately ten feet of clearance at that time. >>

<< It has been noted that the “amount of flow being detained...”

This is a misleading use of words. As the bents/collection of piers are purposely designed at a 15-degree angle the hydrology is minimally disturbed. >>

<< A larger hindrance is the extensive amount of non-native vegetation that has been allowed to grow as well as the collection of debris and the terrain that in some cases has been modified by the homeless that affects the flow as well as the rip rap. >>

<< Of key importance is the Dam and Aquifer network. There is the Lexington Dam and the Vasona Dam and a vast aquifer network between those dams and the WG Trestle. These aquifers are continually charged and do get replenished as a matter of SCVWD procedure throughout the year as well as in advance of any major storms. This reduces the likelihood of flooding even more. >>

<< The Los Gatos Creek’s flow is approximately one third of either the Coyote Creek or the Guadalupe River. So the need for “free span” is minimized. But note that the SCVWD had intended the \$650k grant (\$450k SCVWD Grant plus \$200k matching SJ contribution) to be used to retrofit the WG Trestle. The SCVWD obviously did not feel that the bents/piers in the water were an issue. >>

THREE CREEKS TRAIL PEDESTRIAN BRIDGE PROJECT - DEIR APPENDICES

In the following document, the Draft EIR language will be given

The response to the DEIR text will be inside these symbols: << >>

=====

Appendix C: Site Visit

Fig 13: Large wood collected on railroad Trestle Pier

<< Look at the size relative to the Pier and the bridge as a whole...
then look at the volume of shrubs and living vegetation.
It is even more extreme elsewhere >>

94

Fig. 14: riprap, weathered pilings

<<as if that Riprap is a bad thing? why?
weathered? noone questioned them being "weathered"
what is the significance?

95

+++++

Appendix D:

-- page 161 (pave #2 of "working draft") --

TRANSPORT & FATE IN THE ENVIRONMENT

<< If it is so bad, why take the chance in removing it?>>

-- page 164 (page #4 of "working draft")

96

IMPACTS

absent damage that could facilitate a release, terrestrial receptors, including humans, are unlikely to be exposed to, or impacted by, those PAHs (specifically the HPAHs) bound-up in older treated wood. Thus studies of creosote in terrestrial environments have focused on those PAHs that can escape from railroad cross ties and on the effect those releases may have on adjacent wetland or aquatic environments.

97

<<these fix or replace what must be taken off and leave the rest.
removing what does not need to be removed increases the chances of this getting into the nearby environments, doesn't it?? >>

+++++

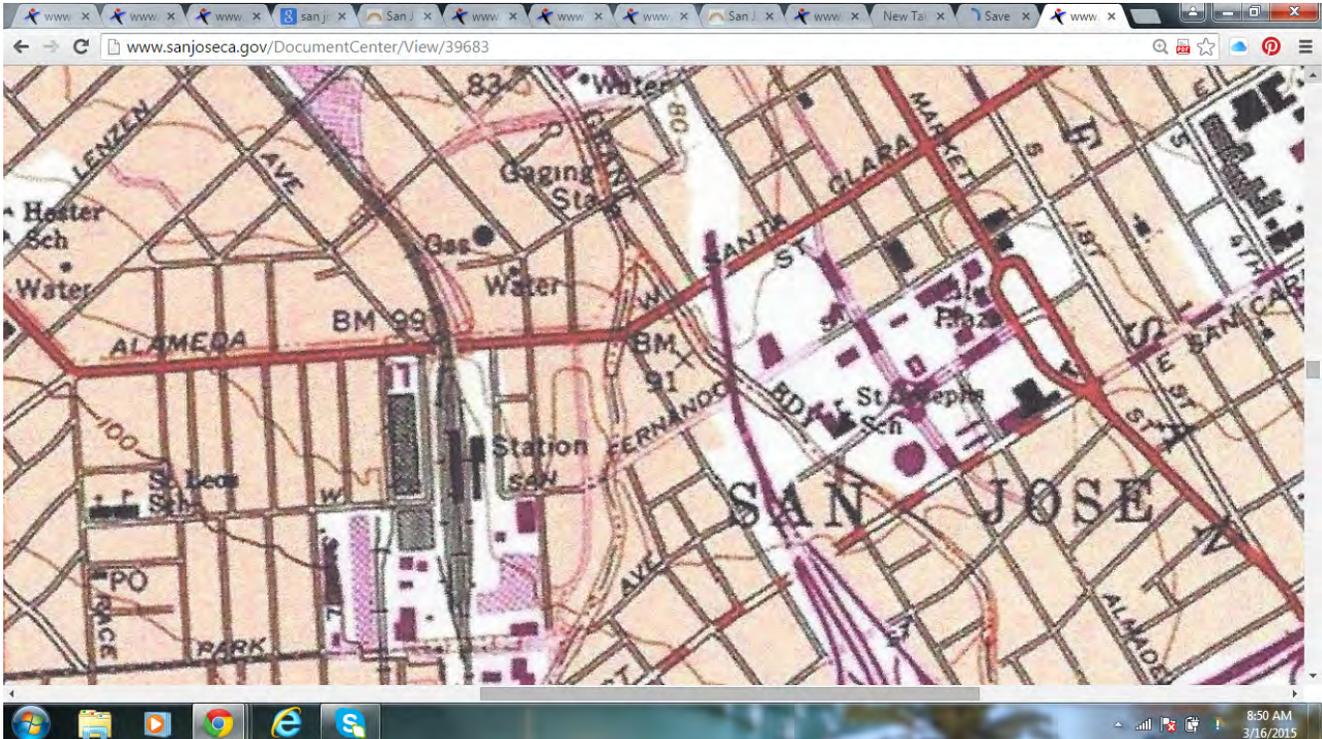
Appendix E: Archeological Assessment Report

Page 198 (Figure 2: Project Location (USGS San Jose West, Calif. 1980)

Page 204 (Figure 1

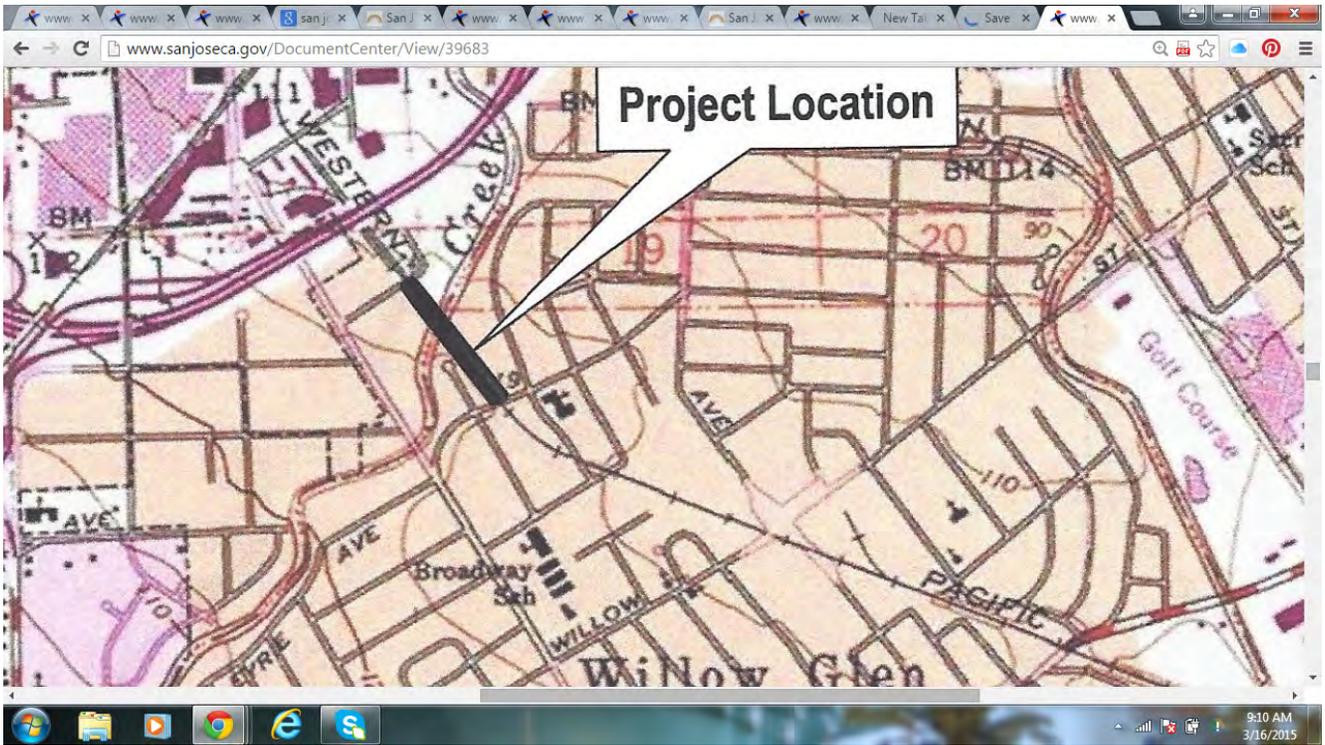
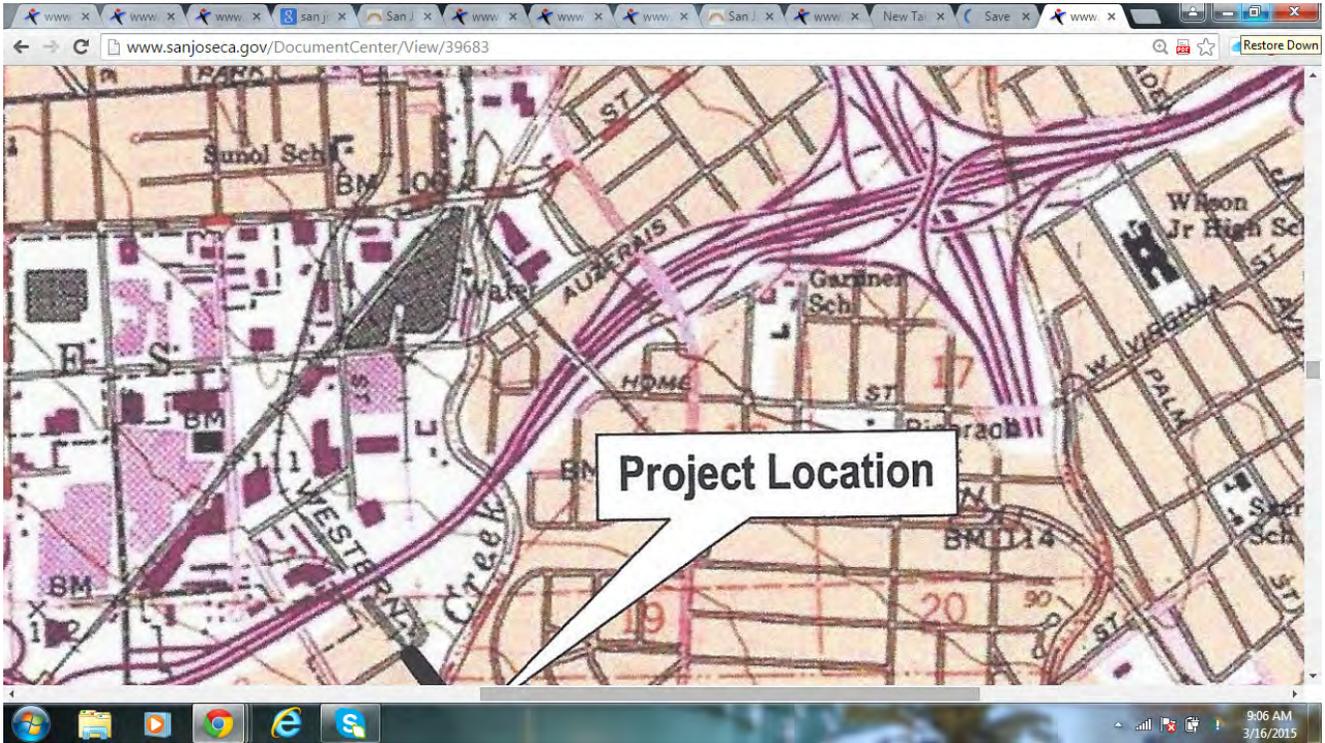
Same map as Figure 2, but lighter color. here are several screen shots.

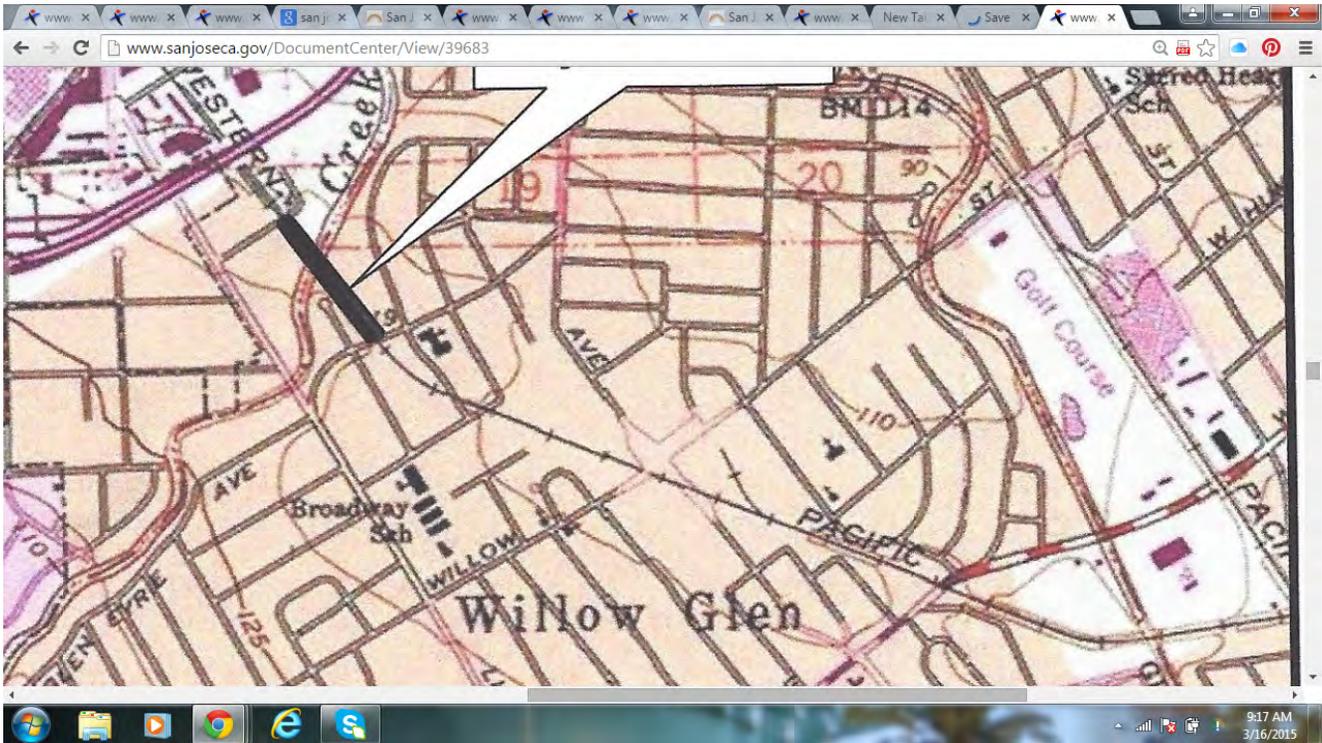
note the top, between Park and The Alameda are maintenace Depots and canneries that were remaining



<< As we scroll down the map we'll follow the Western Pacific MAIN LINE down -

this was NOT the SIDE TRACK as the Historian claims in Appendix F! >>





++++

Appendix F: Historical Evaluation

Prepared by Steven Mikesell

*Section B - Historian didn't understand the direction of the Bridge?
this is from the northwest looking southeast!* | 99

Page 2: Are the bents at 9.5 degrees (or 15 degrees as stated in the CH2M-HILL report)? | 100

Page 5: Shouldn't Mr Mikesell's report ask if the WG Trestle is "Eligible" for State or National registry? | 101

Page 7: Mikesell doesn't discuss the partial shipments that only WP accepted as well as the other commodities shipped on these trains. | 102

It is not clear if the criteria for the national and state historic landmark status as it pertains to the WG Trestle since a Score Card/Tally Sheet was never created. | 103

Further the historian had not looked up the extensive amount of resources that are available. | 104

Lastly there are maps that show that the Western Pacific has main lines and side tracks and that these are in fact the main line tracks that went over the WG Trestle. | 105

Comment Letter 50—Scott Lane, March 13, 2015

Response to Comment 50-1

This is a summary comment. Responses to individual comments are provided below.

Response to Comment 50-2

With regard to the score (tally) card, see Master Response 2 for a discussion of the City of San José Historic Landmarks Commission.

Response to Comment 50-3

The City followed proper procedures. The Historic Landmarks Commission was consulted on several occasions (see Master Response 2). The Parks and Recreation Commission and the Planning Commission act on items under their purview, and in this case, the bridge project did not constitute an actionable item requiring a commission hearing. The Parks and Recreation Commission advises the City Council on the City's system of parks, playgrounds, recreation centers and facilities, and recreation programs, including community sports, plays, celebrations, and other recreation activities. The responsibility of the Planning Commission is to consider land use actions pursuant to Title 20 (Zoning) of the San José Municipal Code.

Notwithstanding the purview of these commissions, the commissioners were briefed on the project and were invited to the three bridge design community meetings held in 2013.

Response to Comment 50-4

For a discussion of the City of San José Historic Landmarks Commission, see Master Response 2.

Response to Comment 50-5

For information about City review processes, see Master Response 2 and Response to Comment 50-3. As the commenter mentions, bridge design was discussed in community forums, including two workshops in summer 2013 (Save our Trails and Willow Glen Neighborhood Association) and a summary workshop in Willow Glen on September 9, 2013. These outreach efforts to solicit community input are consistent with City standard processes for trail and recreation facility design and are not an “end run” around anything.

Response to Comment 50-6

For discussions of the findings of the Historical Evaluation and of the City of San José Historic Landmarks Commission, see Master Responses 1 and 2.

Response to Comment 50-7

For a discussion of the City of San José Historic Landmarks Commission, see Master Response 2.

Response to Comment 50-8

For a discussion of the City of San José Historic Landmarks Commission, see Master Response 2.

Response to Comment 50-9

For a discussion of the City of San José Historic Landmarks Commission, see Master Response 2.

Response to Comment 50-10

This is a summary comment. For discussions regarding the Historical Evaluation, the City of San José Historic Landmarks Commission, and project costs, see Master Responses 1 through 3 and responses below.

Response to Comment 50-11

The commenter addresses aesthetic treatments for the proposed new bridge, but confuses aesthetic treatments with historic preservation. Based on a design process that included community outreach, it was determined that aesthetic treatments that recalled the former railroad would enhance the appearance of the new bridge. That does not imply that the bridge is historic, according to established criteria.

Response to Comment 50-12

To the City's knowledge, the trestle does not have an official name. The EIR uses "Los Gatos Creek trestle" because it is a trestle that crosses Los Gatos Creek. The City acknowledges that the new citizens' group has been referring to the trestle as the Willow Glen trestle.

Response to Comment 50-13

For information about City review processes, see Master Response 2 and Response to Comment 50-3.

Response to Comment 50-14

The EIR acknowledges that the visual character of the project area would be substantially altered (see page 3-5) and presents logic determining that the change in visual character would not be a significant environmental impact under CEQA. The commenter does not explain why that logic is incorrect.

Response to Comment 50-15

The EIR acknowledges that the visual character of the project area would be substantially altered (see page 3-5) and presents logic determining that the change in visual character would not be a significant environmental impact under CEQA. The commenter does not explain why that logic is incorrect.

Response to Comment 50-16

Dust control is addressed by standard project conditions (see page 3-11)

Response to Comment 50-17

The known and potential presence of special-status fish species (including salmon) are described on page 3-16, and potential impacts are addressed throughout Section 3.3.3.

Response to Comment 50-18

The potential hydrologic impacts (benefits) summarized in Table 3.9-2 would occur during flood conditions. There would be no change in creek flows under normal conditions. The commenter also raises a speculative question that fish may rely on creosote as an olfactory cue, but presents no evidence. No scientific evidence indicates that the project would confuse migrating fish; rather, evidence suggests that fish tend to avoid chemicals found in creosote.

Response to Comment 50-19

For a discussion of the potential hydrologic impacts, see Response to Comment 50-18.

Response to Comment 50-20

Appendix D summarizes the issues raised by the commenter and discloses the potential adverse effects of both leaving creosote piles in place and removing the piles (using best practices for water quality control).

Response to Comment 50-21

Fuel use associated with demolition activities is accounted for in Section 3.5, Energy.

Response to Comment 50-22

The differences in greenhouse gas emissions are addressed for both the proposed project (Section 3.7) and the Retrofit Alternative (Section 6.3.1.7).

Response to Comment 50-23

The standard project conditions, as well as other measures such as MM BIO-1, are intended to provide stability to the post-construction work area such that long-term water quality impacts are minimized. For example, hydroseeding will provide erosion control while new vegetation is being established.

Response to Comment 50-24

The commenter questions why there would be a major impediment to emergency access. The discussion of emergency access in Section 3.12, Traffic and Transportation, does not identify a significant impact with regard to impediments/emergency access.

Response to Comment 50-25

The commenter correctly summarizes the land use consequences of both the proposed project and the Retrofit Alternative – both would provide pedestrian and bicycle access across Los Gatos Creek. With regard to the “interim fix,” see Section 6.4, Additional Alternatives Considered.

Response to Comment 50-26

With regard to the “interim fix,” see Section 6.4, Additional Alternatives Considered. With regard to costs in general, see Master Response 3.

Response to Comment 50-27

The commenter makes the claim that the trestle is “made in a modular manner” that allows for easy repairs. That would no longer be the case under the Retrofit Alternative. With a new concrete deck, repairs to the substructure would be more complex and time-consuming than repairs to the existing trestle.

Response to Comment 50-28

With regard to fire impacts, see Response to Comment 46-5.

Response to Comment 50-29

With regard to bridge maintenance, the new bridge would be maintained (e.g., graffiti removal) as part of standard trail maintenance activities, but no specialized maintenance is required other than periodic structural inspections. The City does not delegate its maintenance responsibilities to volunteer organizations.

Response to Comment 50-30

The City does not agree that a bicycle and pedestrian detour to Lincoln Avenue is an acceptable approach to safe access across Los Gatos Creek. A large structural fire on a wooden trestle would require short-term closures for maintenance and repairs. For additional information, see Response to Comment 46-5.

With regard to fire, see Response to Comment 46-5. In terms of truck loading, note that the replacement bridge has been designed to carry an H-10 truck – 20,000 pounds (4,000 pounds at the front axle and 16,000 pounds at the rear axle). In terms of size, an H-10 truck is not as heavy as a full-sized fire truck but is much larger than an F-150 or similar pickup. Note also that the Retrofit Alternative has been designed to accommodate an H-10 truck. The City agrees with the commenter that the repaired bridge substructure could accommodate fire truck loading – it was designed to accommodate trains (Cooper E-80 train loading). However, the new concrete deck under the Retrofit Alternative was designed for H-10 trucks. Based on consideration of good fire truck access off both Lonus Street and Coe Avenue, design for fire truck loading was not considered necessary.

Response to Comment 50-31

With regard to fire impacts, see Response to Comment 46-5.

Response to Comment 50-32

See EIR Table 3.9-2, which shows that water surface elevations and velocities downstream of the bridge would be the same under the proposed project as under the existing condition (same as the Retrofit Alternative). Analysis methods are summarized in Section 3.9-2.

Response to Comment 50-33

The commenter appears to imply that the EIR's discussion of natural, unobstructed flow conditions and corresponding hydrological and biological benefits is misleading. In terms of unobstructed flows and fish habitat conditions, see Responses to Comments 50-18 and 50-32.

Response to Comment 50-34

The commenter appears to be referring to the prior version of the Retrofit Alternative, which the EIR calls "Retrofit Alternative (2004)." The reasons for rejecting this alternative are explained in Section 6.4, Additional Alternatives Considered.

Response to Comment 50-35

For information on hydrologic benefits, see Responses to Comments 27-3 and 46-7.

Response to Comment 50-36

With regard to fire impacts, see Response to Comment 46-5.

Response to Comment 50-37

For a discussion of the City of San José Historic Landmarks Commission, see Master Response 2.

Response to Comment 50-38

With regard to water surface elevations, see Response to Comment 50-32.

Response to Comment 50-39

For information on hydrologic benefits, see Response to Comment 27-3.

Response to Comment 50-40

For information on potential closure mechanisms and undesirable detour consequences, see Response to Comment 41-30.

Response to Comment 50-41

The following points are provided to clarify individual questions asked in this comment:

- The 2004 report included construction of a portion of the Los Gatos Creek trail (i.e., Reach 4). Reach 4 included the bridge section as well as 0.66 mile of trail.
- As part of that work, an inspection was performed and engineers recommended that no repairs to the substructure would be required – simply add a new deck. For that reason, the bridge repair work did not include construction activities within Los Gatos Creek. Some portions of the Reach 4 trail construction project, however, required work within the Los Gatos Creek corridor.
- A subsequent evaluation was performed, and it was determined that repairs to the bridge substructure *would* be necessary. The reasons for these changed recommendations are summarized in Section 6.4.1.1, Retrofit Alternative (2004) and in the Bridge Retrofit Report (Appendix G).

Response to Comment 50-42

The commenter states his opinion about the Bridge Retrofit Report, stating that the engineering choices “do look to not be as creative as they could be” and that the tradeoff matrix is “unfairly tweaked.” These general statements do not require a response. For additional discussion of the bridge costs, see Master Response 3.

Response to Comment 50-43

The commenter summarizes the extensive prior analysis and environmental documentation in 2004, 2013, and 2014. Collected information on all three processes, as well as on the Three Creeks Trail Master Plan, can be found at: <https://www.sanjoseca.gov/index.aspx?NID=2883>.

Response to Comment 50-44

The commenter references a staff report (memorandum) from the department director to the Historic Landmarks Commission, summarizing the Historical Evaluation and asking for consideration. Harry Freitas, Director of Planning, Building, and Code Enforcement, is also Secretary to the Historic Landmarks Commission. Also see Master Response 2.

Response to Comment 50-45

For a discussion regarding bridge costs, see Master Response 3.

Response to Comment 50-46

With regard to the bridge's name, see Response to Comment 50-12.

Response to Comment 50-47

The Project Location Map (EIR Figure 1-1) shows the bridge location and the area of temporary disturbance including access from Lonus Street and Coe Avenue. This is an appropriate depiction of the area to be disturbed consistent with CEQA requirements. As needed, additional context is provided in the evaluation (e.g., consideration of flows upstream and downstream of the project area in Section 3.9, Hydrology and Water Quality).

Response to Comment 50-48

With regard to the "interim fix," see Section 6.4, Additional Alternatives Considered.

Response to Comment 50-49

With regard to the "interim fix," see Section 6.4, Additional Alternatives Considered.

Response to Comment 50-50

With regard to the City of San José Historic Landmarks Commission, see Response to Comment 50-3 and Master Response 2.

Response to Comment 50-51

With regard to the bridge's name, see Response to Comment 50-12.

Response to Comment 50-52

The commenter addresses aesthetic treatments for the proposed new bridge, but confuses aesthetic treatments with historic preservation. Based on a design process that included community outreach, it was determined that aesthetic treatments that recalled the former railroad would enhance the appearance of the new bridge. That does not imply that the bridge is historic, according to established criteria.

Response to Comment 50-53

With regard to construction access, the construction contractor would use the south side as the primary construction access, but work would occur on the north bank (e.g., abutment construction). There are 81 pilings on Bents 2 through 14, and there are an additional 14 pilings counting the two abutments.

Response to Comment 50-54

The commenter is correct in his characterization of the potential water quality impacts under both the proposed project and the Retrofit Alternative. Additionally, Appendix D indicates that potential contamination is unlikely if the piles remain in place. Note, however, that the National Marine Fisheries Service believes that there may be residual risk from creosote contamination (see Comment Letter 54). Care is of course required during pile removal; these measures are listed in MM BIO-1.

Response to Comment 50-55

The commenter raises a speculative question about fish eating loosened creosote pieces and states that there have been “studies that have shown significant fish deaths” but presents no evidence. As stated in Response to Comment 50-18, evidence suggests that fish tend to avoid chemicals found in creosote.

Response to Comment 50-56

If construction begins shortly after City Council action, construction activities within Los Gatos Creek would be finished by the start of the rainy season consistent with the approved permits. Construction could continue outside the Los Gatos Creek channel until work is complete – an estimated total construction period of 7 months.

Response to Comment 50-57

Selection of the construction contractor in 2014 followed City of San José bid processes (not “RFQ/RFP”). See the City’s purchasing website at: <https://www.sanjoseca.gov/index.aspx?NID=763>.

Response to Comment 50-58

The new bridge would be maintained (e.g., graffiti removal) as part of standard trail maintenance activities, but no specialized maintenance is required other than periodic structural inspections. For that reason, there is no need to itemize these incidental maintenance costs. It is not “zero maintenance.”

Response to Comment 50-59

Figure 2-1 is an engineering drawing of the proposed replacement bridge. The Retrofit Alternative is discussed in Section 6.2.1 and shown in detail in Appendix G, Bridge Retrofit Report. The commenter makes general statements about bridge design, but does not state why these comments affect the conclusions in the EIR. No revisions are needed.

Response to Comment 50-60

The commenter makes general statements about bridge aesthetics, but does not state why these comments affect the conclusions in the EIR. No revisions are needed.

Response to Comment 50-61

The commenter makes general statements about bridge aesthetics, but does not state why these comments affect the conclusions in the EIR. No revisions are needed.

Response to Comment 50-62

For a discussion of the findings of the Historical Evaluation, see Master Response 1.

Response to Comment 50-63

With regard to the Historic Landmarks Commission, see Master Response 2. The comments expressing a preference for maintaining the trestle as a tourist attraction are noted.

Response to Comment 50-64

The discussion of the visual setting is correct – the trestle “is not easily viewed by the public.” The EIR does not say that the trestle is not visible.

Response to Comment 50-65

This comment is directed at the evaluation of aesthetic impacts (Section 3.1) and summarizes EIR statements about visual character. A rigorous evaluation of aesthetic impacts should present visual character information to establish the environmental setting. The EIR acknowledges that the proposed project would represent a visual change, but further states that the changes would not constitute a substantially adverse impact. See discussion on page 3-3 of the Draft EIR. The commenter does not dispute the statements in the EIR that the proposed new bridge “would have an aesthetically pleasing form and architectural finishes that would blend in with the surrounding environment.”

Response to Comment 50-66

With regard to the visual quality evaluation, see Response to Comment 50-65. With regard to the Retrofit Alternative design, the alternative description presents information on what would be done to make the bridge safe for bicycle and pedestrian use, consistent with the Bridge Retrofit Report (Appendix G). Because the trestle has been determined to not be historic, the Bridge Retrofit Report does not follow established standards for reconstruction of historic structures (e.g., the Secretary of Interior standards). If the City makes a future decision that the trestle meets local criteria and is designated as a historic landmark, additional design work would be necessary to ensure that the retrofit meets standards for reconstruction of historic structures.

Response to Comment 50-67

With regard to the evaluation of aesthetic impacts, see Response to Comment 50-65.

Response to Comment 50-68

With regard to the evaluation of aesthetic impacts, see Response to Comment 50-65.

Response to Comment 50-69

With regard to the trestle being made in a “modular manner”, see Response to Comment 50-27.

Response to Comment 50-70

With regard to fire, see Response to Comment 46-5. With regard to maintenance in general, see Response to Comment 50-58. With regard to the cost-effectiveness of the alternatives, see Master Response 3.

Response to Comment 50-71

With regard to the evaluation of aesthetic impacts, see Response to Comment 50-65.

Response to Comment 50-72

The commenter’s suggestion about using the trestle for train travel is noted, but such an alternative would not meet the project’s objectives for pedestrian and bicycle use.

The visual impacts analysis discusses the extent to which the existing trestle and proposed new bridge would be visible, consistent with standard evaluation methods. It is not stating that a City objective is to create a structure that is highly visible.

Response to Comment 50-73

With regard to views, see Response to Comment 50-72. The City disagrees that the trestle is visible from “many homes and businesses.” With regard to the Roberto-Sunol Adobe, the commenter suggests that

the preserved trestle would be a “gateway” to the Adobe Museum but does not explain why the EIR is deficient.

Response to Comment 50-74

The commenter addresses the pictures used in Figure 3.1-1, Existing Willow Glen Trestle. The pictures were taken by the visual resources analyst, who determined that they were representative of the trestle.

Response to Comment 50-75

With regard to the evaluation of aesthetic impacts, see Response to Comment 50-65.

Response to Comment 50-76

With regard to the evaluation of aesthetic impacts, see Response to Comment 50-65.

Response to Comment 50-77

With regard to the evaluation of aesthetic impacts, see Response to Comment 50-65.

Response to Comment 50-78

No glare is expected from the concrete pathway. There would be 8 feet of regular concrete with a center stripe and 2 feet of dark-colored concrete on either side of the main pathway.

Response to Comment 50-79

This comment is on the mitigation measure statement at the end of the aesthetics analysis (Section 3.1), and appears to disagree with the EIR conclusions that aesthetic impacts would be less than significant. This summarizes the prior comments on the aesthetics analysis – see Responses to Comments 50-62 through 50-78, which explain why the commenter’s prior comments do not change the conclusions in this section.

Response to Comment 50-80

For a discussion of the findings of the Historical Evaluation, see Master Response 1.

Response to Comment 50-81

For a discussion of the findings of the Historical Evaluation, see Master Response 1.

Response to Comment 50-82

For a discussion of the findings of the Historical Evaluation, see Master Response 1.

Response to Comment 50-83

For a discussion of the findings of the Historical Evaluation, see Master Response 1. With regard to modular construction, see Response to Comment 50-27.

Response to Comment 50-84

For a discussion of the City of San José Historic Landmarks Commission, see Master Response 2.

Response to Comment 50-85

For a discussion of the City of San José Historic Landmarks Commission, see Master Response 2.

Response to Comment 50-86

Fuel use associated with demolition activities is accounted for in Section 3.5, Energy.

Response to Comment 50-87

With regard to maintenance, see Response to Comment 50-58.

Response to Comment 50-88

The environmental setting discloses the nearest fire station and hospital, which is consistent with a typical evaluation of impacts to public services.

Response to Comment 50-89

Landfill capacity is addressed in Section 3.13, Utilities and Public Services (see page 3-60).

Response to Comment 50-90

See EIR Table 3.9-2, which that shows water surface elevations and velocities downstream of the bridge would be the same under the proposed project as under the existing condition (same as the Retrofit Alternative). Analysis methods are summarized in Section 3.9-2. Note that the discussion regarding damage associated with woody debris is mostly associated with the fire danger.

Response to Comment 50-91

The commenter presents additional information regarding the pre-settlement ecological conditions of the project area. The commenter does not provide new information germane to the CEQA evaluation. No changes to the EIR are necessary.

Response to Comment 50-92

The commenter presents additional information about ownership along the creek and prior maintenance activities by Santa Clara Valley Water District. The commenter does not provide new information germane to the CEQA evaluation.

Response to Comment 50-93

With regard to debris and water surface elevations, see Response to Comment 50-90.

Response to Comment 50-94

The comment is directed at a photo included in the fishery biologist's site visit report. The comment does not appear to be asking for changes to or otherwise disagreeing with the EIR. No changes are necessary.

Response to Comment 50-95

The comment is directed at a photo included in the fishery biologist's site visit report. The comment does not appear to be asking for changes to or otherwise disagreeing with the EIR. No changes are necessary.

Response to Comment 50-96

Appendix D summarizes the issues raised by the commenter and discloses the potential adverse effects of both leaving creosote piles in place and removing the piles (using best practices for water quality control).

Response to Comment 50-97

With regard to creosote piles and removal, see Response to Comment 50-96.

Response to Comment 50-98

With regard to the maps in the Historical Evaluation, see Response to Comment 51-5.

Response to Comment 50-99

The photo caption has been amended.

Response to Comment 50-100

Both the Historical Evaluation (Appendix F) and the Bridge Retrofit Report (Appendix G) state that the skew angle is 9.5 degrees. There is no conflict.

Response to Comment 50-101

The Historical Evaluation evaluates the trestle for the *applicability* of the National Register and California Register *eligibility* criteria. This is consistent with standard practices.

Response to Comment 50-102

The statement about partial shipments has been added to the Historical Evaluation. See Master Response 1 and Response to Comment 49-2.

Response to Comment 50-103

For a discussion of the City of San José Historic Landmarks Commission, see Master Response 2.

Response to Comment 50-104

For a discussion of the findings of the Historical Evaluation, see Master Response 1.

Response to Comment 50-105

With regard to the maps in the Historical Evaluation, see Response to Comment 51-5.

51. Susan M. Landry

City of San Jose's
Draft Environmental Impact Report for
The Three Creeks Trail Pedestrian Bridge Project

To: City of San Jose, Planning Department
Attn: Harry Freitas, Director
John Davidson, Senior Planner

CSJ Proj. No: PP13-085

Subj: My Public Comments

RE: PP13-085 ~ Public Draft of the EIR for the Three Creeks Trail Pedestrian Bridge

After review of the Public Draft of the EIR for this project I am providing written comments during the Public Review Period that ends March 13th, 2015.

My overall comments regarding the Draft EIR:

1. The tone of the documents subjectively discusses and described the Willow Glen Trestle negatively and the resulting analysis reflects biased opinions, not quantifiable data and facts.
2. Does NOT adequately address the issues raised in the July 2014 Superior Court Ruling.
3. Does NOT address my original assertion that this is 'the ONLY remaining 1920's RR Wood Trestle Bridge in San Jose and Willow along this Historic Rail line'
4. Based on the above items, the Draft EIR should be Rejected and they should start over and rewrite the entire document.

The following citations support my assessment of the Draft EIR. These citations discuss very important issues that are not addressed in the Draft EIR.

In December 2013, I submitted a letter to CSJ's Planning Department regarding the Three Creeks Bridge's IS/MND documents during the Public Review Period, in which **I raised several issues that are not addressed in the IS/MND.** These included two significant findings that were not adequately evaluated – 'Scenic Vistas' & 'Historic Features'. I further discuss that recent documents were discovered since the preparation of the 2004 MND that brings into question the City's determination that the 3 Creeks Trestle Bridge is not an historic feature. My letter states:

"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

Since 2013, the Court case was settled on Jul 28th 2014 between the Friends of the Willow Glen Trestle and the City of San Jose which prompted the preparation of this EIR. In the court Ruling, several important issues are discussed.

p. 3, starting in line 3, states ...

“The prior 2004 MND for a trail system that proposed incorporating the existing trestle is the City's main evidence for its conclusion that the Trestle is not a historical resource. **The evidence from 2004 is, at best, sparse and conclusory.** The 2004 Trail MND the City relied on did not propose any "substantial adverse change" to the Trestle ... There was no analysis of the potential impacts of the Trestle's demolition or consideration of alternatives to demolition in that document as demolition was not proposed.”

p. 11, starting in line 16, states:

“Willow Glen archive **material "discovered in 2008" may make the Trestle "eligible for listing in the State Historic Register under Categories 1, broad patterns of local or regional history,** and also possibly under Category 3, embodies the distinctive characteristics of a type of construction”

p. 12, starting in line 15, states:

“The Dec. 16th 2013 letter from licensed landscape architect Susan Landry quoted above, was submitted during the public comment period and **can also be considered "expert opinion supported by facts"** as she is presumably relying on her specialized training as an architect in stating that the Trestle is historic and is the only remaining 1920's wood trestle on this rail line closely linked to Willow Glen's history.”

p. 13, starting in line 5, states:

“Most importantly, **nowhere in the record does the City challenge the assertion that Willow Glen archives were found in approximately 2008** and given to one of its public libraries nor does it challenge anyone's credentials”

p. 13, starting in line 23, states:

“None of their [City of San Jose] credentials or the key fact they base their opinions on (the discovery of archive materials after 2004) was specifically challenged or evaluated anywhere in the record.”

In addition to my overall Comments, I have the following Specific Comments:

Chapter 1 – Project Description

A. Provide a Plan View & Elevation of the Existing Trestle Bridge:

1. Figure 2-1, Bridge Plan shows only the Proposed Bridge in Plan View and Elevation. There is NO reference to the location of the existing Trestle Bridge, the 'Bents' or the extent of its Embankments. The Retro Fit Project Appendix is the only place there are elevations of the Bents, but they are not located on any map.
2. The main discussions that supports taking out the existing Trestle Bridge sites numerous problems with the Bents and Poles in the existing channel and that taking them out is better for the environment. If this is the case, then a topographic map with the locations & elevations of the Bents is necessary to properly assessment the impacts if the Ex. Trestle is removed.
3. The size of poles, the number of 'Bents', their location, quantity and orientation has to be shown on an Existing Site Plan with reference to the Elevations in the Retro Fit Appendix of the document.
4. Figure 2-1's Elevation identifies the Ordinary High Water Line, but it is not identified on the Plan View. Without this information, the impacts of the removal of the existing bridge and the installation of the new bridge on the creek channel cannot be properly evaluated.

Chapter 3 – Environmental Setting, Impacts & Mitigation

A. The Evaluation of Aesthetics is subjective & the Facts don't support the Conclusion:

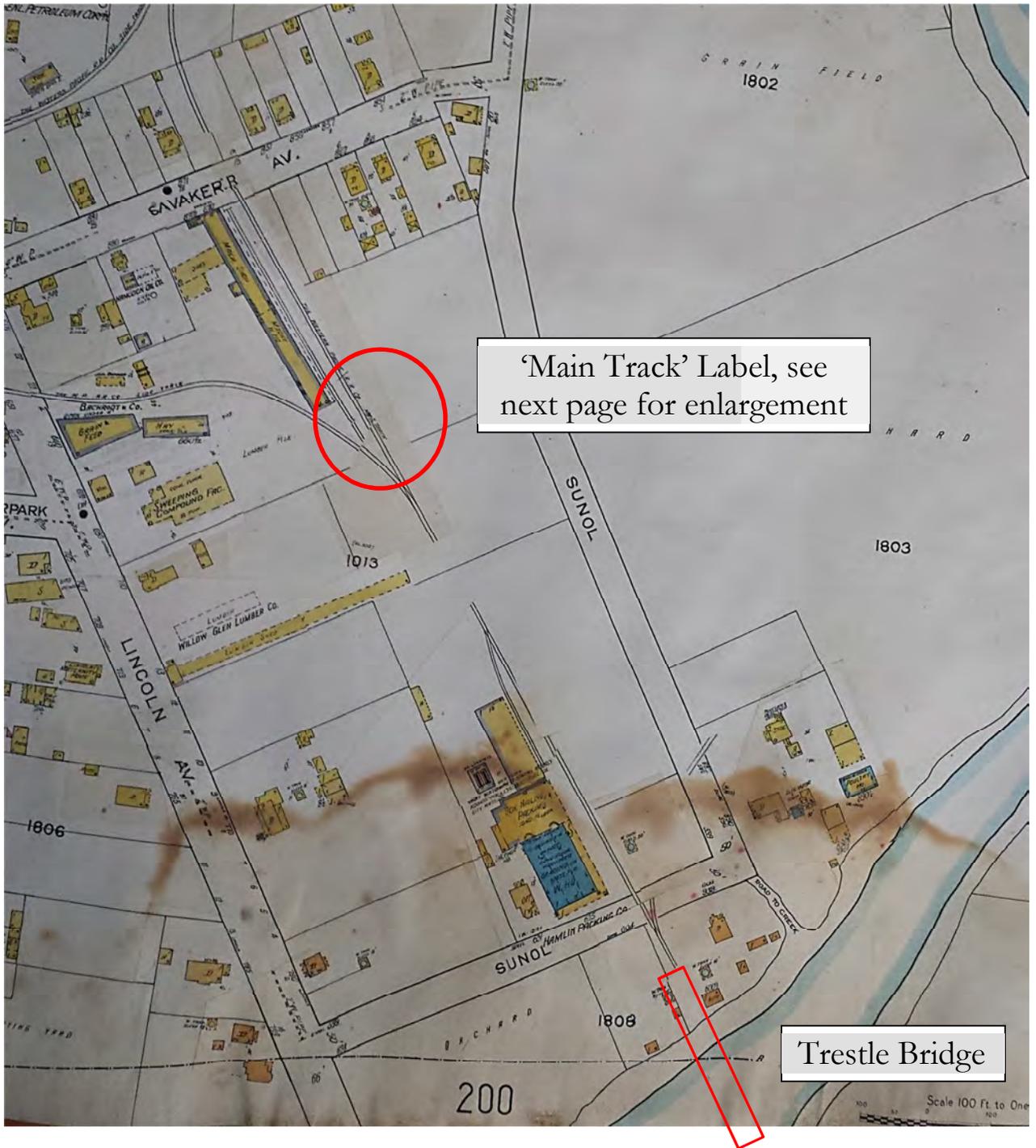
1. Item 3.1.3 Environmental Impacts – states that Los Gatos Creek is preserved in a relatively natural state with a dense corridor of riparian vegetation and generally considered to be a Scenic Amenity. Some community members consider the "Trestle Bridge to be of Visual Interest that evokes the early period in Willow Glen's Development, ties in with the historic architecture elsewhere in the community and is a visual reminder of the early railroad history in the area."
2. The Report does not dispute the fact that the Railroad is important. In fact, the entire Report supports the above opinions, stating throughout, the significance of the Railroad to the development of this Region and that Willow Glen became a City specifically because of the Railroad and San Jose's proposed location for the tracks. Where is the assessment of what the loss of the Trestle Bridge will mean to Willow Glen? It has been stated that this is one of only a few remaining 1920's wooden trestle Bridges in the San Jose area. Its loss in that context has not been evaluated.

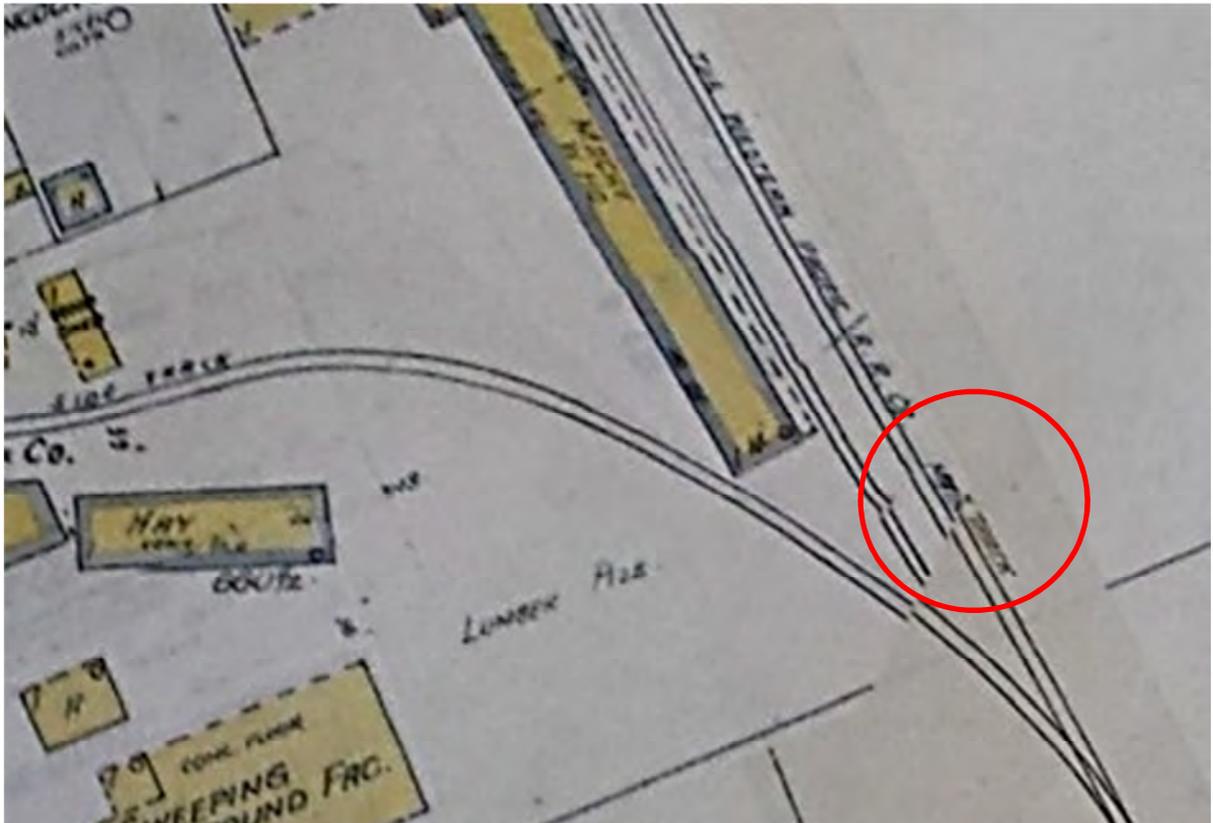
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3. The Report also states that this Bridge is part of a 'Secondary' Line. This is not correct. According to the 1932 Sanborn Fire Insurance Maps in San Jose's MLK Library label this section of the RR as a 'Main Track'. Sanborn Maps did not show all the RR Information because they were for Insurance purposes. Refer to the following Map:

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(It took be less than ½ hour to find this Map. Why isn't this referenced in the Report)

3. The 3 Creeks Trail Master Plan, which originally included this Bridge, emphasizes Railroad Operations and uses this theme throughout the entire length of the trail. **The Trail signage even includes a graphic of a Train Engine.** Page 3-3, par 1 of the report describes the new elements included with the new bridge, such as ‘two large emblems’ representing WPRR & UPRR and interpretive panels suspended mid deck”. This means that, the overall project acknowledges that the Railroads were extremely important in the development of Willow Glen and that this information needs to be shared with the community and the users of the 3 Creek Trail Corridor and Los Gatos Creek Trail.



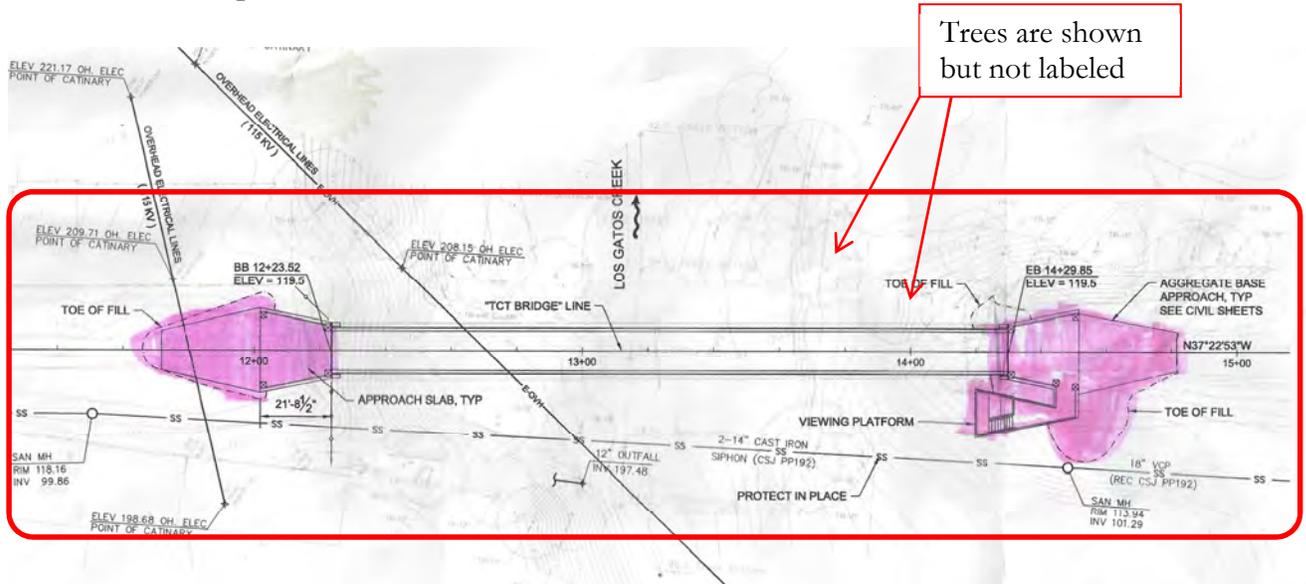
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4. If the History of the Railroads in Willow Glen and its contribution to the 'Valley of Hearts Delight', as this valley has been called, is so important that the entire Trail will be highlighting this history, then the Trestle Bridge needs to be considered a 'major contributor' to this history. Why take out the only remaining element from this historic period in time, only to then add signage and interpretive elements that describe this period in time, with nothing to show for it.
5. Page 3-3, par. 3 in the report states that "the proposed project would represent a visual change from the existing Trestle; however this difference would not constitute a substantially adverse visual impact". But page 3-5, par.1 states "the new bridge would alter the visual character of the Ex. Bridge from that of an Old Trestle Structure, an example of early railroad architecture, to that of a more Modern clean-line structure" and that 'the new bridge would be a more prominent structure.'" Whys is 'Modern' better? This is a subjective opinion and based on the fact that the overall project will be highlighting the history of the Railroad, a 'Modern' look is not compatible with the goals for the project. 7
6. The assessment on page 3-3, par 3 states a subjective opinion – "the new bridge would have aesthetically pleasing form and architectural finishes" i.e. therefore is does not constitute a substantially adverse visual impact. Aesthetics is subjective. The new 'clear span bridge' is a generic, off-the-shelf design that is used all over the country. This does not reflect the history of Willow Glen and it does not create a 'Sense of Place' along the Trail Corridor. 8
7. The Evaluation Criteria – does the proposed project "Substantially degrade the existing visual character or quality of the site and its surroundings" describes that the new bridge will be more visual to the people on Coe and Lonus Streets, as if that's a good thing. Why? It is stated that this is a 'natural riparian corridor'. As such, shouldn't the trees be the dominant element? 9

B. The Biological Surveys Not Adequately Mapped & Impacts Not Clearly Identified:

1. No Map is provided depicting the locations of existing trees, the limits of work and the locations of the replacement plant materials. Without this information an adequate assessment is not possible. 10
2. Page 3-13, item 3.3.1.1 states that a biological survey was conducted and it references Fig. 3.3-1 which shows only three general vegetation communities. The descriptions of these communities give extensive detail of the plants genus and species, which means they were surveyed, but the quantity of trees to be removed is not identified or located on an Ex. Conditions Map. Without this information an adequate assessment is not possible. 11
3. Fig. 3.3-1, Vegetation Communities Map does not delineate the limit of work, but page 3-20, item 3.3.3 stated that the proposed project will result in the temporary disturbance of 12

approximately 0.25 acres (10,890 sf) of mixed Riparian Forest. This is not quantified. Without the map, how was this determined?



4. The report further states that the “temporary impacts are not considered significant because the site will be restored to the pre-project conditions”. Because the pre-project Ex. Conditions are not adequately identified, this conclusion is not supported by facts. How many trees and shrubs are being removed or impacted? Normally in an EIR the plant material replacement ratio is identified based on the size and type of existing plants to be removed and a list of replacements plants genus and species is provided. This is not in the report. Without this information an adequate assessment is not possible.

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C. Creosoted Timbers & Ecological Toxicity levels well below levels Toxic to Fish

1. Page 3-18, Item 3.3.1.5 Ecological Toxicity states that the Ex. Trestle Bridge contains creosoted timbers. Additional information is included in Appendix D.
2. Creosote is a wood preservative that has been used for over 150 years to preserve wooden structures. Up to 90% of the chemical formulation of creosote are PAH's, polycyclic aromatic hydrocarbons, which can be toxic to plants and animals in large quantities and can accumulate in the aquatic Biota. These are serious problems that need to be addressed thought the country.
3. Page 3-19, Migration in Terrestrial Environments states that studies of creosote migration in terrestrial environments has focused on railroad cross ties. Par. 2, last sentence stated that “PAH loss rates from creosote treated wood declines exponentially with time”
4. Appendix D, page 6 – Project Specific Considerations states “The Pilings comprising the 3 Creeks Bridge are, for the most part, not new (the bridge was built in 1921) and are likely well past the point where meaningful quantities of creosote constituents (PAHs) are

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leaching into the environment – either to the creek or to its terrestrial, riparian margins.” And further states ‘Our current knowledge of the behavior of creosote and its constituents in older creosote treated wooden structures suggests that leaving the pilings of the 3 Creeks Bridge in place will not pose a risk to the terrestrial or aquatic receptors”

5. With the above said, the argument that removing the creosote pilings would be better for the environment is not supported by the facts identified in Appendix D.

D. The Trestle Bridge meets the Eligibility Criteria for Historic Features:

1. Page 3-28 – item 3.4.1.2, National Register of Historic Places Eligibility Criteria, Item A and C are to be applied to the evaluation of the Trestle Bridge. Item A – [Objects] that are associates with events that have made a significant contribution to the broad pattern of our history. Item C - [Objects] that embody the distractive characteristics of a type, period or method of construction.
2. Appendix F, page 15 discusses the development of Willow Glen. It states that this area was “incorporated as a City in 1927, in a large part because of the disagreement with the City of San Jose about where the SPRR should build its north-south alignment.”, San Jose sought to force SPRR to move the line, which would bifurcate Willow Glen.
3. The Willow Glen Trestle Bridge, although not part of this original north-south line, it is the only structure left from that time period.

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**Additional Information related to the Project
History of Los Gatos Creek**

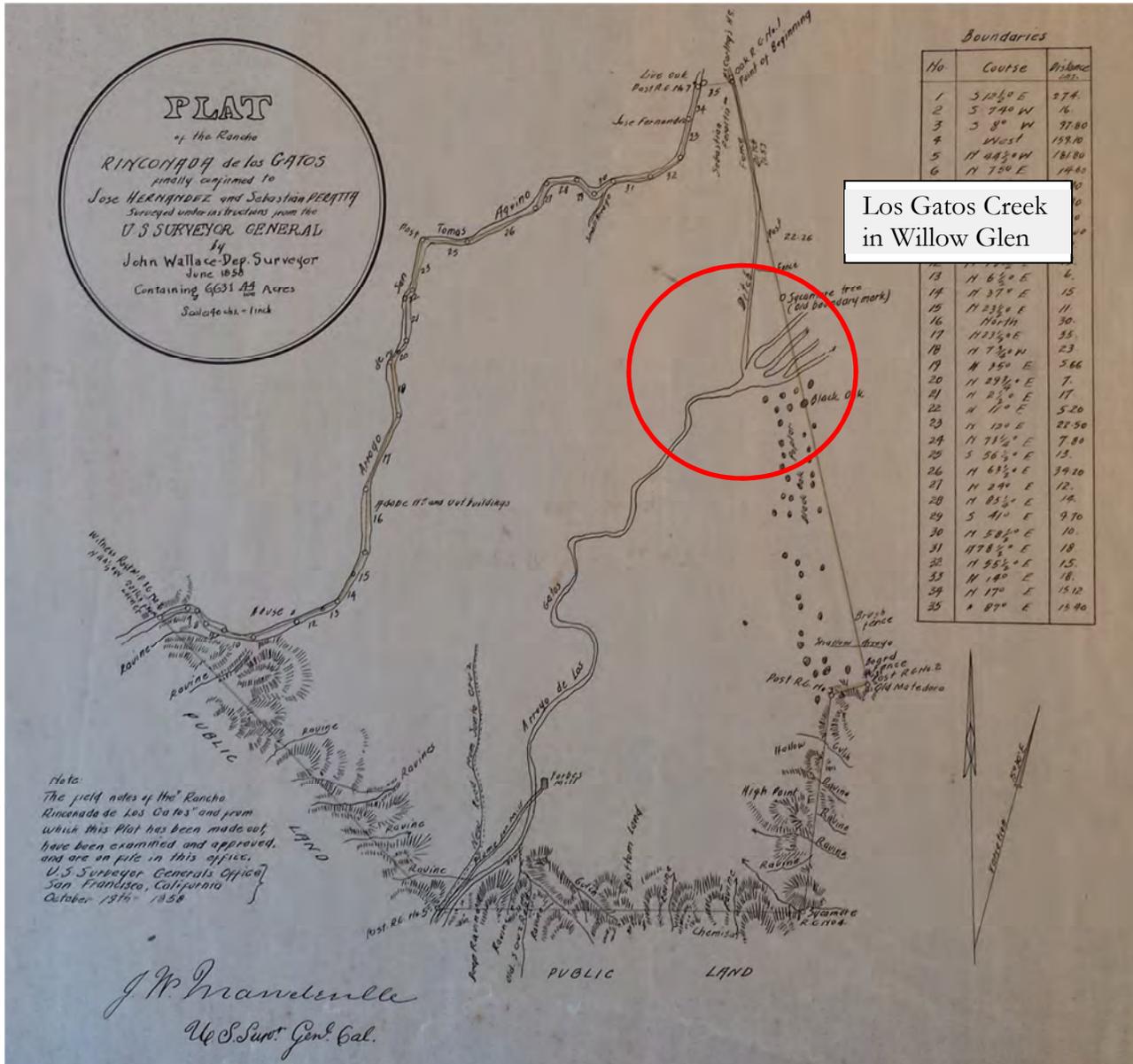
1. Page 3-15, Item 3.3.1.2 - Wetlands and Other Waters stated that “the creek has been modified for over 70 years; beginning in the 1960’s, when the creek was diverted into a concrete gulch through Los Gatos”. This is only partially correct.
2. Willow Glen means ‘Willow Swamp’ which describes the historic conditions of the area. Downstream from the main channel of Los Gatos Creek, this area was historically swampy because the creek became breaded, spreading throughout the area. Sometime in the mid-1850’s Los Gatos Creek jumped its banks in the Los Gatos Area, before Campbell, which diverted it northerly, away from Willow Glen. This resulted in Willow Glen ‘drying up’. One of the local legends is that the creek had help jumping its banks by some of the owners of the ‘swamp’ lands in the Willow Glen area, thus drying up their land, allowing houses to be built on their property.
3. Los Gatos Creek’s historic alignment is now Dry Creek Road, the bottom of the original creek is now the paved roadway and the homes are at the old top of bank. Historic 250 year old Sycamore trees are still present along Dry Creek Road. This historic alignment traversed

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from Los Gatos to the western edge of Willow Glen, where it then became braided, with several channels directing the creek towards Guadalupe River.



In Summary:

Based on the above items, the Draft EIR should be Rejected and they should start over and rewrite the entire document. The tone of the documents subjectively discusses and described the Willow Glen Trestle negatively and the resulting analysis reflects biased opinions, not quantifiable data and facts. Does NOT adequately address the issues raised in the July 2014

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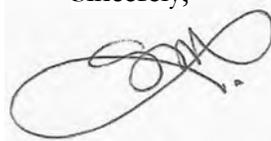
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13th Mar °15

Superior Court Ruling. Does NOT address my original assertion that this is 'the ONLY remaining 1920's RR Wood Trestle Bridge in San Jose and Willow along this Historic Rail line'.

This letter and my comments are to be included in the Public Record for City of San Jose's Draft Environmental Impact Report for The Three Creeks Trail Pedestrian Bridge Project.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Landry', enclosed in a rectangular box.

Susan M. Landry, Environmental Architect

Designing Spaces Between the Natural & Built Environment[™]

Comment Letter 51—Susan Landry, March 13, 2015

Response to Comment 51-1

This is a summary comment. The City notes the commenter's opinion that the EIR is biased. In addition, issues raised in the July 2014 Superior Court ruling have been addressed by the Historical Evaluation, which has been updated in response to comments (see Appendix F). Additional detailed responses are provided below. Based on these responses and responses to other comments received on the Draft EIR, the EIR is adequate and does not need to be recirculated.

Response to Comment 51-2

The commenter raises issues from the prior Initial Study/Mitigated Negative Declaration and the Superior Court ruling. This comment provides context for the additional work that occurred in late 2014, including preparation of the Historical Evaluation. The points raised in this comment summarize the reasons why the EIR was prepared, and these points have been addressed in the current document. Specifically:

- This Historical Evaluation supersedes the 2004 documentation.
- New information that was not considered in the 2004 documentation has been considered in the Historical Evaluation.
- Additional expert opinion has been provided by the author of the Historical Evaluation, who is a recognized expert in historical bridge evaluation.

The comment does not raise new information, and therefore, no additional response is necessary.

Response to Comment 51-3

The commenter suggests changes to EIR Figure 2-1 to show additional information. Figure 2-1 is an engineering drawing showing the plan view and elevation drawings of the proposed project. Its purpose is to show the design of the proposed new bridge. In the context of describing the proposed project, information about the existing trestle is only relevant in terms of demolition. The process for demolishing the existing trestle is described in Section 2.2, Project Construction. In reviewing the commenter's requests, it was determined that adding information about the trestle on Figure 2-1 would result in unnecessary clutter and obscure the intent of the figure to illustrate the proposed new bridge. To the extent that information about the trestle is related to the analysis, that information is presented as needed in Chapter 3. For example, see Table 3.9-2, Summary of Hydraulic Effects under Flood Conditions.

Response to Comment 51-4

This comment is directed at the evaluation of aesthetic impacts (Section 3.1) and summarizes EIR statements about visual character. A rigorous evaluation of aesthetic impacts should present visual character information to establish the environmental setting. The EIR acknowledges that the proposed project would represent a visual change, but further states that the changes would not constitute a substantially adverse impact. See discussion on page 3-3 of the Draft EIR. The commenter does not dispute the statements in the EIR that the proposed new bridge "would have an aesthetically pleasing form and architectural finishes that would blend in with the surrounding environment." Reviewers of the EIR should not confuse the methods used to determine aesthetic impacts with the criteria used to determine if a structure is a historical resource.

Response to Comment 51-5

The Historical Evaluation identifies the trestle as being part of a Western Pacific railway branch line, and the report does not refer to it as a secondary line. The Western Pacific main line generally ran from Salt Lake City to Oakland and did not go to San José. The commenter confuses the terms used on the Sanborn Fire Insurance Maps. The trestle was on the “main” line of the branch line; in other words, it was not a siding or spur track. However, it was not the main line, using common definition. No changes to the EIR are necessary.

Response to Comment 51-6

The commenter addresses aesthetic treatments for the proposed new bridge, but confuses aesthetic treatments with historic preservation. Based on a design process that included community outreach, it was determined that aesthetic treatments that recalled the former railroad would enhance the appearance of the new bridge. That does not imply that the bridge is historic, according to established criteria. There is no internal conflict in the EIR.

Response to Comment 51-7

With regard to the evaluation of the aesthetic impacts, see Response to Comment 51-4. The evaluation of aesthetic impacts – in other words, significant changes in visual character – does not state that a modern design is better. The aesthetic impacts evaluation acknowledges that the visual character of the project area would be substantially altered, but the alteration would not be a significant degradation of the visual character.

Response to Comment 51-8

With regard to the evaluation of aesthetic impacts, see Responses to Comments 51-4 and 51-7. The commenter states that the proposed design does not reflect the history of Willow Glen and does not create a sense of place along the trail corridor, but the commenter does not present evidence to disprove the logic used in the EIR’s evaluation of aesthetic impacts.

Response to Comment 51-9

The evaluation of aesthetic impacts makes a non-judgmental statement that the proposed new bridge would be more visible from nearby roadways. It does not state that this would be good or bad. Changes in views are part of the criteria used in determining if a project would have adverse aesthetic impacts. Other criteria include changes in natural vegetation communities. The commenter does not present evidence to disprove the logic used in the EIR’s evaluation of aesthetic impacts.

Response to Comment 51-10

A map is presented showing the extent of mixed riparian forest – see Figure 3.3-1, Natural Communities Map. Tree species within this natural community are described in the EIR text. Impacts on mixed riparian forests and mitigation measures are presented throughout the Biological Resources evaluation, including standard project conditions for tree and root protection. The commenter is correct in that an exact tree count is not provided, but does not explain why the analysis is deficient. Also, with regard to the project footprint, see Response to Comment 46-32.

Response to Comment 51-11

With regards to the biological surveys and impacts, see Responses to Comments 51-10 and 46-32.

Response to Comment 51-12

With regards to the biological surveys and impacts, see Responses to Comments 51-10 and 46-32.

Response to Comment 51-13

With regards to temporary impacts, see Response to Comment 46-32.

Response to Comment 51-14

The benefits associated with pile removal are hydrological, rather than water quality related. As described in Section 3.9, the proposed project would have hydrologic benefits (see Table 3.9-2). As described under Impact BIO-1 and in Appendix D, there do not appear to be adverse water quality consequences associated with leaving the piles in place. With this in mind, the overall statement regarding long-term benefits does not need to change.

Response to Comment 51-15

For a discussion of the findings of the Historical Evaluation, see Master Response 1.

Response to Comment 51-16

The commenter presents additional information regarding the pre-settlement ecological conditions of the project area. The commenter does not provide new information germane to the CEQA evaluation. No changes to the EIR are necessary.

Response to Comment 51-17

This is a summary comment. The City notes the commenter's opinion that the EIR is biased. In addition, issues raised in the July 2014 Superior Court ruling have been addressed by the Historical Evaluation, which has been updated in response to comments (see Appendix F). Additional detailed responses are provided above. Based on these responses and responses to other comments received on the Draft EIR, the EIR is adequate and does not need to be recirculated.

52. Heather Lerner

I am writing to urge council to vote for the retrofit alternative. I would like these comments to be added to the ongoing dialogue about saving iconic and placemaking structures. The Willow Glen Trestle is yet another example that makes San Jose unique, not United States of Generica.

Having attended various community meetings, it is clear to me that the Draft EIR contents do not support the Executive Summary conclusion. I am concerned that if staff and council only read the summary, they will come to the wrong decision. Demolition of this Rails-to-Trails trestle would be a travesty with irreversible effect.

Please review the Draft EIR and spot the inconsistencies as well as the flawed matrix that was used to support the Executive Summary. Ask yourself why certain elements earned similar scores while differing wildly. Was this an impartial review? Can you spot the bias? Just look at the scores and you will see the problems.

Specifically:

The retrofit solution is actually the cheaper alternative.

The retrofit solution is actually the faster alternative.

Surprisingly, the retrofit solution is actually the most fire safe choice—the draft omits evidence and does not adequately cover this. For this point, check public testimony from professionals in fire suppression.

Additionally, the existing structure poses no flood threat whatsoever, even in high water years with limbs gathered around the base. Check the measurements for yourself and you will find this to be true.

The entire process leading up to the flawed conclusion that the Willow Glen Trestle must be torn down is an embarrassment on many levels for our city. Just one example: The Historic Landmark Commission was circumvented until their meeting in March 2015. This advisory body came to the conclusion that there were many flaws in the Draft EIR and that the Willow Glen Trestle does qualify as historic according to at least 3 of the 5 filters they were limited to.

I urge you to visit Bridgehunter.com, a nationwide database of historic and notable bridges across the U.S. Click on the California map, then click on the Santa Clara County map and you will see our Willow Glen Trestle.

Please. Choose the retrofit solution and keep a sense of place in Willow Glen. There is overwhelming public sentiment that will support and applaud this choice. Cheaper, Faster, Safer AND the right the thing to do.

Best regards,
Heather Lerner

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Comment Letter 52—Heather Lerner, March 13, 2015

Response to Comment 52-1

For a discussion regarding project costs, see Master Response 3.

Response to Comment 52-2

The commenter is correct in that the retrofit alternative could be built in 5 months, whereas the proposed project would take 7 months. However, the proposed project has a completed set of construction bid documents and is ready for construction beginning in summer 2015. If the retrofit alternative is selected, a new design process would be required and a new construction contract would be procured. In addition, new environmental permits would be required because the project would have changed. For these reasons, the retrofit alternative would be completed much later than the proposed project.

Response to Comment 52-3

For information on fire risk, see Response to Comment 46-5.

Response to Comment 52-4

The hydrologic impacts of both the existing trestle and the proposed steel bridge are analyzed in Section 3.9 of the EIR (Hydrology and Water Quality). Table 3.9-2 presents water surface elevations upstream of the trestle in seven locations. In all of these locations, water surface elevations would be less under the proposed project. The analysis does not imply that the existing trestle causes flooding; the analysis does show that removing the trestle would reduce water surface elevations by up to 8 inches.

Response to Comment 52-5

For a discussion of the City of San José Historic Landmarks Commission, see Master Response 2.

Response to Comment 52-6

For a discussion of the findings of the Historical Evaluation, see Master Response 1.

Response to Comment 52-7

The website provided by the commenter was queried for the Historical Evaluation. The website did not present new information that was not already considered in preparing the Historical Evaluation.

Response to Comment 52-8

This comment expresses the desire to preserve and retrofit the existing trestle and opposes the bridge replacement. Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project.

53. John Mitchell

Teh WB Trestle

John Mitchell <jrkmitchel@sbcglobal.net>

Fri 3/13/2015 10:07 AM

Inbox

To: Davidson, John <John.Davidson@sanjoseca.gov>;

Mr. Davidson – I am writing to defend the Willow Glen Trestle. It is a link to our city's past. In that it is a substantial structure in a given place with a obvious purpose (crossing the creek) it is a marker in this city, this place and on that piece of ground which makes it a Land Mark(er).

Over the past fifty years or so this valley, once known as the Valley of the Hearts Delight due to its agricultural prominence, has become crisscrossed with cement roads, highways, underpasses and bridges. Is it too much to ask that the great Capital of Silicon Valley recognize and respect this veritable link to our history?

We already have a thousand of the aforementioned cement bridges in this valley. Cannot a simple structure built by honest working men live on with dignity as would any cherished senior citizen?

Thank you,

John Mitchell

Board – PAC*SJ www.preservation.org
Committee – It's About Time www.sjclocktower.org

Comment Letter 53—John Mitchell, March 13, 2015

Response to Comment 53-1

This comment expresses the desire to preserve and retrofit the existing trestle and opposes the bridge replacement. Thank you – the City Council will be making a final decision on the proposed project in May 2015. Responses are provided throughout this First Amendment addressing the adequacy of the EIR – no additional analysis is required, and the City Council can proceed with making its final decision on the project.

**54. National Oceanic and Atmospheric
Administration, National Marine
Fisheries Service**



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-4731

March 12, 2015

John Davidson
Department of Planning, Building & Code Enforcement
City of San Jose
200 E. Santa Clara Street
San Jose, California 95403

Dear Mr. Davidson,

Thank you for the opportunity to comment on the City of San Jose's (City) Draft Environmental Impact Report for the Three Creeks Trail Pedestrian Bridge Project (DEIR) (File No: PP13-085). The DEIR evaluates the City's proposal to remove an existing derelict railroad trestle across Los Gatos Creek and replace it with a new free-span bridge that would provide a bicycle and pedestrian trail crossing at the same location (Proposed Project). The DEIR also evaluates a "Retrofit Alternative" which consists of the repair and reuse of the existing Los Gatos Creek Trestle, and a "No Project" alternative in which the City would not replace trestle and it would remain fenced off from public access for safety reasons.

NOAA's National Marine Fisheries Service (NMFS) has reviewed the DEIR and determined that the Proposed Project is consistent with the previously proposed Los Gatos Creek Pedestrian Bridge Project. NMFS, in coordination with the U.S. Army Corps of Engineers, assessed the City's Los Gatos Creek Pedestrian Bridge Project in 2013/2014 and a formal consultation was performed pursuant to section 7 of the Endangered Species Act of 1973 (ESA, as amended (16 U.S.C. 1531 *et seq.*)). This consultation concluded on March 19, 2014 with the issuance of a biological opinion by NMFS to the Corps (see enclosure).

NMFS supports the City's Proposed Project because it will remove the trestle's existing support piles and bridge abutments that constrain channel flow and compromise habitat conditions for native fish in Los Gatos Creek. The replacement pre-fabricated single-span pedestrian bridge is not expected to constrain flow conditions because the abutments will be located above the 100-year flood elevation of Los Gatos Creek and no new instream piles or other structures are required to support the structure. In addition, the existing trestle contains approximately 80 creosote support timbers that extend into the bed and banks of Los Gatos Creek. Creosote, a distillate of coal tar, is a complex chemical mixture, up to 80 percent of which is comprised of polycyclic aromatic hydrocarbons (PAHs). PAHs can alter salmonid egg hatching rates and reduce egg survival as well as harm the benthic organisms that are a salmonid food source. For these reasons, the replacement bridge is expected to improve habitat conditions for steelhead and improve water quality in Los Gatos Creek.

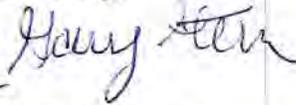
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By contrast to the Proposed Project, the Retrofit Alternative and No Project Alternative would retain the existing trestle, support piles, and abutments; thereby retaining the instream constraints to channel flow and associated impairments to adult and juvenile steelhead habitat. Based on this information, it is expected that both alternatives would not provide the environmental benefits that can be achieved with the Proposed Project. NMFS has identified the broader Guadalupe River Watershed (in which Los Gatos Creek is located) as supporting a steelhead population important to the viability of the Coastal San Francisco Bay Diversity Stratum. Therefore, the Proposed Project's improvement of existing conditions in Los Gatos Creek will contribute to the recovery of the broader CCC steelhead distinct population segment.

NMFS appreciates the City's ongoing coordination associated with this project. Please contact Tancy Moore of my staff at 707-578-8553 or tancy.moore@noaa.gov if you have questions regarding these comments.

Sincerely,

FOR 

Alecia Van Atta
Acting Assistant Regional Administrator
California Coastal Office

Enclosure

cc: Greg Brown, Corps, San Francisco, CA
Jan Palajac, City of San Jose, CA
Copy to Chron File

Comment Letter 54—Alecia Van Atta, National Marine Fisheries Service, March 12, 2015
Response to Comment 54-1

The National Marine Fisheries Service (NMFS) has been involved in project review since 2013 and issued a consultation letter authorizing construction of the proposed project on March 19, 2014. The agency's comment expresses support for the proposed project, echoing the comparative benefits described in the EIR Executive Summary. Note that NMFS highlights the water quality benefits of removing the piles, although the EIR itself does not recognize this as a benefit for the reasons explained in the Ecological Toxicity Report (Appendix D). We understand that there is some uncertainty about lingering creosote toxicity, and we appreciate the input from an agency whose mission includes the protection of the aquatic environment.

NMFS further describes the adverse effects of the retrofit alternative and the no project alternative, also echoing the EIR contents.

Revised Appendix F
Historical Evaluation

**HISTORICAL EVALUATION OF THE
LOS GATOS CREEK TRESTLE
SAN JOSE, CALIFORNIA**

Prepared for:

City of San Jose

Prepared by:

Stephen Mikesell
Mikesell Historical Consulting
1532 Eligio Lane
Davis, CA 95618

December 29, 2014, Revised April 1, 2015

A. INTRODUCTION

This historic evaluation report was prepared by Mikesell Historical Consulting Services (MHC) for the City of San Jose. The purpose of this study is to evaluate the potential eligibility of the Los Gatos Creek Trestle as an “historical resource,” as that term is used in the California Environmental Quality Act, or CEQA. This report concludes that the trestle does not constitute a historical resource, for reasons outlined below.

B. DESCRIPTION OF THE RESOURCE

The Los Gatos Creek Trestle exists along the former right of way for the Western Pacific Railroad in the San Jose community of Willow Glen. The right of way is now maintained as the Los Gatos Creek Trail by the City of San Jose. The Los Gatos Creek Trestle crosses Los Gatos Creek between Coe and Lonus streets, very near the I-280 crossing of Lincoln Boulevard in the Willow Glen neighborhood.



Elevation view ~~from southern approach~~, Los Gatos Creek Trestle; [photograph by Larry Ames](#).



Deck view from southern approach, Los Gatos Creek Trestle

The Los Gatos Creek Trestle is an open-deck pile-supported trestle that has an overall span length of 210.5 feet and is approximately 25 feet high at its tallest point. The trestle was constructed by the Western Pacific Railroad in 1922 but the tracks have been removed from the structure which is now owned by the City of San Jose. The structure is supported by two timber pile abutments and thirteen timber pile bents. The bents range in size and geometry at each location, but the longitudinal spacing of the bents is constant at approximately 15 feet. The bents have a skew angle of 9.5 degrees. The structure construction is generally in conformance with past and current editions of the AREMA (American Railway Engineering and Maintenance of Way Association) Manual for Railway Engineering for pile bent trestles.

The deck of the superstructure is composed of three components. The first component, 4-inch by 8-inch by 18-foot long ties that are spaced at 5 feet on center, have a metal grate and hand rails attached. (In recent months, the City of San Jose has installed safety metal fencing across the entrances to the deck.) Between these ties are 8-inch by 8-inch by 10-foot long ties that are generally spaced at approximately 13.5 inches on center. The 18 foot long 4-inch by 8-inch ties are typically nailed to an 8-inch by 8-inch tie. Also, there is one 8-inch by 8-inch by 18-foot member at each abutment

There are two longitudinal beams that are symmetric about the longitudinal centerline of the trestle. The beams are comprised of four 8-inch wide by 20-inch deep stringers that are bolted together. Each individual timber is about 30 feet in length and the splices are staggered 15 feet longitudinally. Typically, there are two stringers that are continuous at each bent cap location and two that are spliced over the cap. The bolt connection made at each pile cap is consistent with the AREMA Manual for Railway Engineering.

The various bents are made of timber piles in the substructure. A bent includes a series of piles, and is usually identified by the number of piles, e.g. a five-pile bent or a six-pile bent. This bridge is somewhat unusual in that there are different numbers of piles in different bents. In most of the bents, there are six piles. The number ranges, however, from five in two bents, seven in two bents, and eight in one bent.¹

¹ The technical data on the trestle is derived in large part from CH2M HILL, "Field Inspection Report, Three Creeks Trail Railroad Trestle at Los Gatos Creek," June 7, 2012.

In general, one could characterize the substructure as comprising six-pile bents, noting that the number of piles sometimes varies.

The manner in which the number of bents varies suggests strongly that the bridge was modified with the use of paired piles, or soldier piles, to take the stress from deteriorated piles. In every case in which there are more than six piles, the additional piles are paired with heavily deteriorated piles. This doubling of piles is illustrated below.



Pile bents showing doubled piles, from Los Gatos Creek bed

The bents are vertical in the center and battered on the edges. In its bridge inspection manual, the AREMA describes the function of vertical and battered bents: “The center vertical posts used in each bent are known as ‘plumb posts,’ and take the vertical loads. The outside inclined posts, are known as ‘batter posts,’; the tops being tilted toward the center of the bent and serving the purpose of giving increased stability, are installed adjacent to the plumb posts. The batter of these outside posts may vary between 1-1/2 and 3 inches per foot. Sway bracing provides additional lateral stability by the use of planks extending diagonally across the bent, through bolted to the ends of the cap and sill and also to the posts or piles. A similar brace, but placed with the opposite direction in slope, is installed on the opposite side of the bent such that the two braces cross in the middle.”²

C. REGULATORY CONTEXT

In general, this report is designed to establish whether the Los Gatos Creek Trestle constitutes a “historical resource” as that term is used in the guidelines to the CEQA. CEQA Guidelines define a historical resource at 15064.5:

For purposes of this section, the term "historical resources" shall include the following:

A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical

² American Railway Engineering and Maintenance of Way Association, *Practical Guide to Railway Engineering*, 2003, 8-21.

Resources (Public Resource Code SS 5024.1, Title 14 CCR, Section 4850 et seq.).

A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852) including the following:

Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

Is associated with the lives of persons important in our past;

Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

Has yielded, or may be likely to yield, information important in prehistory or history.

The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

The Los Gatos Creek Trestle does not meet the mandatory sections of this definition.³ It is not listed in the California Register of Historical Resources (or the National Register of Historic Places, which

³ Court decisions have drawn a distinction between those findings which are mandatory, such as formal listing in the California Register, and discretionary findings, which can include a finding developed specifically for a specific project.

automatically results in a California Register listing); nor is it listed as a San Jose Designated Historic City Landmark.⁴ The CEQA guidelines clearly state, however, that: “The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.”

The purpose of this report is to determine whether the Los Gatos Creek Trestle is an “historical resource” as defined in the CEQA guidelines and PRC 5020.1 or 5024.5. Specifically, this report will determine whether the trestle meets the criteria for listing in the National Register of Historic Places or the California Register of Historical Resources.

National Register Eligibility Criteria

The eligibility criteria for the National Register are quoted in full below.

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of significant persons in or past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded or may be likely to yield, information important in history or prehistory.

Criteria Considerations

Ordinarily cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties *will qualify* if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- A. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

⁴ A record search was conducted at the Northwest Information Center in October 2014.

- B. A building or structure removed from its original location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- C. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life; or
- D. A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- E. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- F. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
- G. A property achieving significance within the past 50 years if it is of exceptional importance.

California Register of Historical Resources Eligibility Criteria

The criteria for the California Register of Historical Resources are quoted in full below:

- Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States (Criterion 1).
- Associated with the lives of persons important to local, California or national history (Criterion 2).
- Embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master or possesses high artistic values (Criterion 3).
- Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation (Criterion 4).

D. RESEARCH STRATEGY

The research strategy in evaluating this trestle is enriched by the fact that community members have made very useful suggestions, either through a court case that tested the adequacy of a previous evaluation or through the CEQA Scoping Process for the current Environmental Impact Report (EIR).⁵ The comments made before the court proceeding as well as the comments from the Scoping Meeting raised a wide array of issues. These may be summarized in five categories, summarized below and discussed and analyzed separately.

Rarity of the trestle

One issue raised during the court hearing was the rarity of the trestle. At various points during the legal proceedings leading to preparation of an EIR for this project, different parties have raised the possibility

⁵ Los Gatos Creek Trestle was the subject of a court case, Friends of the Willow Glen Trestle vs. City of San Jose, City Council of San Jose, decided in Superior Court, County of Santa Clara, on July 28, 2014. As a result of this decision, the City of San Jose initiated preparation of an Environmental Impact Report. A Scoping Meeting was held in the Willow Glen neighborhood on October 21, 2014.

that the Los Gatos Creek Trestle is a rare example of a bridge type. In a July 16, 2013 letter, the California Trolley and Railroad Corporation stated that “the trestle is a classic 90 year-old structure, which once were common and are now almost non-existent.”⁶ In a letter of December 18, 2013, one commentator does not specifically state that the bridge is rare or unusual, but challenges the conclusion of the Ward Hill “Short Form” that it is a “typical” trestle. Among other questions, she asks: “How does his [Hill’s] evaluation of ‘typical’ compare to accounts in railroad histories and Western Pacific Railroad documents?”⁷ Elsewhere, Susan Landry makes a more limited case for rarity for this bridge, contending it is the only timber trestle still in place on the Western Pacific Railway in Willow Glen.⁸ The question of rarity is best analyzed under National Register Criterion C or California Register Criterion 3.

Relationship to Canning Industry in San Jose

A second issue mentioned repeatedly was the relationship between the trestle and the canning industry in San Jose. This issue was raised in several comments from the Scoping Meeting. One comment read: “Please research the railroad history & the impact to the economy of Willow Glen and SJ. Also the impact of the Trestle to the canneries & their successful transport of fruit and vegetables.” Another comment asked “How many canneries were served by this trestle? What portion of their business went over the trestle?” Another comment noted: “The products of the large Del Monte cannery, for decades, crossed the Los Gatos Creek on that very Trestle!” Still another commented on how the trestle “ties in with the agricultural/canning/marketing past of SJ.” This type of analysis is most consistent with National Register Criterion A or California Register Criterion 1.

Grade Separation Movement

Still another issue that arose in the court case and in Scoping Comments is that of the grade separation movement. In the court proceeding but not in the Scoping Meeting, comments were made about the close association with a political movement to provide for safer interaction between automobiles and trucks, on the one hand, and railroad traffic on the other. The grade separation issue is best considered under National Register Criterion A and California Register Criterion 1.

History of the Community of Willow Glen

A fourth issue, raised in many comments, was the importance of the trestle to the history of the community of Willow Glen, with specific reference to the relationship between the Western Pacific Railroad line and the brief incorporation of Willow Glen as an independent city in the late 1920s and the 1930s. This issue is appropriately considered under National Register Criterion A and California Register Criterion 1.

History of the Western Pacific Railroad

A final research topic raised in some comments had to do with the importance of this trestle to the Western Pacific Railroad. This issue is appropriately considered under National Register Criterion A and California Register Criterion 1.

⁶ Writ, Friends of Willow Glen Trestle, 10.

⁷ Jean Dresden to City of San Jose, July 16, 2013.

⁸ Writ, Friends of Willow Glen Trestle, 12.

E. HISTORIC CONTEXT

The Los Gatos Creek Trestle was built by the Western Pacific Railway in 1922 as part of the San Jose Branch, which connected the City of San Jose and vicinity with the Western Pacific Railroad main line at Niles Canyon in Alameda County.

General History of Western Pacific Railroad

The Western Pacific Railroad⁹ has sometimes been called the railroad that was built too late.¹⁰ The chief backer of the line was George Gould, son of the legendary railroader Jay Gould, who felt his access to the California market was stymied by the Southern Pacific Railroad. Under the brief ownership of Edward Harriman in the early 20th century, the Southern Pacific Railroad had taken a much more aggressive stance toward Gould's holdings.¹¹ Gould was particularly concerned about ensuring access to the Port of Oakland, which the Harriman-owned Southern Pacific threatened to deny.

The Western Pacific Railroad was incorporated in 1903 and surveys of the line began almost immediately. The general alignment was to go from Salt Lake City to Oakland. The exact alignment, however, was fraught with difficulties, chiefly because the Southern Pacific already controlled the obvious railroad routes through Utah, Nevada, and California. The eastern end of the route – from Salt Lake City to Reno – was relatively easy to construct, although it was complicated by the need to cross the line of the Southern Pacific at various spots through the Humboldt River valley. The western end of the line, however, required heroic engineering and construction accomplishments. The line entered the Central Valley of California via the Feather River Canyon, a line that extended from Oroville in Butte County to a connection with an old Nevada- California-Oregon Railway (NCO) line, through what is commonly called the Beckwourth Pass. The Western Pacific line through the Feather River Canyon creates one of the most scenic railroad alignments in the United States and is the subject of many books.¹² The Feather River route also includes some of the most dramatic and significant railroad tunnels and bridges in the United States, which are commonly called out in national studies on railroad structures.¹³

In the San Francisco Bay Area, the Western Pacific Railroad found itself forced to wiggle around the lines of the Southern Pacific, which controlled all of the obvious passes and bridge sites. One key site was Niles Canyon, which connects the flatlands around the Bay in modern Fremont with the San Ramon

⁹ The line was called the Western Pacific Railway when it was incorporated. The line went into receivership in 1915 and emerged as the Western Pacific Railroad. The latter name will be used except in quotations from historic sources.

¹⁰ Spencer Crump, *Western Pacific: The Railroad that was Built Too Late*, Railway History Quarterly, Jan. 1963. It will be noted that there was an early San Francisco Bay Area railroad called the Western Pacific, which was absorbed into the Central Pacific in the 1870s. The early 20th century line of the same name has no corporate or operational relationship to that pioneer line.

¹¹ Richard Orsi, *Sunset Limited: The Southern Pacific Railroad and the Development of the American West, 1850-1930*, University of California Press, 2005; David F. Myrick, *Railroads of Nevada and Eastern California: The Northern Roads*; Donald L. Hofsommer, *The Southern Pacific, 1901-1985*, Texas A&M Press, 1986.

¹² See, for example, Ken Rattenne, *The Feather River Route: A Geographical Tour, Son Francisco to Keddie*, Two Volumes, 1980.

¹³ There are relatively few books on railroad bridges, relative to those on highway bridges. Two good examples that feature the Feather River bridges are: Brian Solomon, *North American Railroad Bridges*, Voyageur Press, 2008, and Robert J. Cook, *The Beauty of Railroad Bridges*, Golden West Books, 1987.

Valley. The Niles Canyon alignment was first used in the 1860s by a pioneer line, also called the Western Pacific, but which has no corporate relationship with the early 20th century line. The old Western Pacific built through the canyon in 1865 but went bankrupt and was purchased by the Central Pacific.¹⁴ The other difficult crossing the Western Pacific had to endure was the Altamont Pass, separating the Port of Stockton and the Central Valley from the San Ramon Valley and the Niles Canyon connector.

The old Niles Canyon route proved to be less useful than a more direct route between Oakland and Sacramento pioneered by the California Pacific Railroad, which extended from Oakland to Sacramento via a ferry crossing at Vallejo. The California Pacific alignment would prove to be the principal route for the Southern Pacific, relegating the Niles Canyon route to a secondary service. Nonetheless, the Southern Pacific still controlled and was using and upgrading the Niles Canyon alignment when the Western Pacific Railroad began to build its way through the Bay Area in 1909. The Western Pacific 1909 alignment proved to be superior to that of the older Western Pacific. The 1909 line of the Western Pacific is now used by Union Pacific freight trains as well as the busy Altamont Commuter Express passenger service.

The Western Pacific Railroad was never successful financially and the company went bankrupt in 1935. It was reorganized and continued in independent operation until it was purchased by the Union Pacific Railroad in the 1960s. When the Union Pacific purchased the Southern Pacific in the 1990s, Class 1 railroad service in Northern California was consolidated into a single carrier.

Western Pacific San Jose Branch Line

In the early 20th century, the Western Pacific Railroad purchased or built short lines or branches to increase its freight revenue. This issue was broached in a 1915 report of the California Railroad Commission, Rate Department, "Report on Western Pacific Railway," April 1, 1915.¹⁵ The author of the report notes that the newly-built line, if it were to succeed, would need to move into additional markets through the purchase of existing short lines or through construction of branches. The report analyzed various commodities that might add to the profitability of the line and discussed various planned or contemplated extensions from the main line from Oakland to the Feather River Canyon.

The Western Pacific did build many such lines. One extension was made using the old NCO tracks to connect with Reno, Nevada.¹⁶ Another acquisition was the Boca and Loyaltan in the Sierra Valley.¹⁷ Another line, built in 1917, connected with the Toole Valley in Utah.¹⁸ Still another line extended from Stockton south to Turlock. In 1918, when the railroad was under federal control, it reported that it was operating 87 miles of branch lines in California, Nevada, and Utah.¹⁹

The 1915 Railroad Commission report discussed the possibility of a relatively short branch line from Niles Canyon to the San Jose area. "It goes without saying that the Western Pacific Railway should be

¹⁴ Henry Luna, *Niles Canyon Railways*, Arcadia Press, 2005.

¹⁵ California Railroad Commission, Rate Department, "Report on Western Pacific Railway," April 1, 1915

¹⁶ Myrick, 338.

¹⁷ Western Pacific Railroad, First Annual Report, 1916, 6.

¹⁸ Western Pacific Railroad, Second Annual Report, 1917, 6.

¹⁹ Western Pacific railroad, Third Annual Report, 1918, 6. The importance of "feeder" lines is discussed in detail by Crump, who argues that the absence of such feeder lines was ultimately the undoing of the late-arriving transcontinental line.

constructed south of Niles to San Jose at which point very large terminal facilities should be purchased so as to encourage construction of packing houses and industries on the rails of the new line.”²⁰

In 1917, the Western Pacific Railroad was reorganized from receivership and its funding was more dependable. It began to contemplate some expansion, including the branch line to San Jose. American entry into World War I, however, put the line into federal control and delayed any such construction.²¹ The work began on the San Jose Branch in 1921 and was completed in 1922. The 1921 Annual Report for the railroad expressed optimism that the San Jose Branch would help increase freight traffic. “The outlook is for better freight traffic in 1922 than in 1921. The extension of the Western Pacific line into San Jose and the Santa Clara Valley and a number of minor extensions which together are of substantial importance have recently been completed and should contribute to 1922 revenue.”²²

As discussed later, many commentators, including the staff of the California Railroad Commission, felt that it was most logical for the Western Pacific to use existing Southern Pacific tracks to get from Niles Canyon to downtown San Jose. At this point, however, the Southern Pacific and Western Pacific were unwilling to engage in any discussions about shared trackage or any other type of cooperation. Instead, the Western Pacific chose a great looping approach to San Jose in what many have called a huge fishhook, with a north-south shaft and a hook that turned to the west. It entered the city at the northeast, roughly paralleling Coyote Creek in a north-south direction. It passed near the modern San Jose Municipal Golf Course, crossing Santa Clara Street near where U.S. 101 now crosses Santa Clara. The line turned west near the corner of Senter and Phelan. It looped west into the community of Willow Glen, crossing the Guadalupe River and Los Gatos Creek, before heading due north into old San Jose. It terminated at stops at The Alameda and Sunol Street.

The Western Pacific built two major stations in San Jose: a passenger station near the Five Wounds Church at 27th and Santa Clara (in what was at the time an incorporated community of East San Jose), and a freight depot at The Alameda and Bush, near the current location of Diridon Station. Community leaders in San Jose supported the fact that the Western Pacific offered competition to the Southern Pacific Railroad. In a dedication to the freight depot at The Alameda in May 1922, leaders from the Chamber of Commerce, Lions Club, and other groups praised the entry of a new line into the industrial sector of the city.²³

The Western Pacific acquired the Sacramento Northern electric line in an attempt to broaden its market. In 1982, the Western Pacific was acquired by the Union Pacific Railroad. The Union Pacific continues to use most of the Western Pacific “fishhook” though San Jose. The hook through Willow Glen was

²⁰ California Railroad Commission, Rate Department, “Report on Western Pacific Railway,” April 1, 1915, 16.

²¹ San Jose businessman T. S. Montgomery was a member of the board for the Western Pacific Railway and no doubt helped convince management of the need to build the San Jose Branch.

²² Western Pacific Railroad, Sixth Annual Report, 1921, 6. There was briefly an independent community of East San Jose, which included the passenger depot near Five Wounds Church.

²³ San Jose Mercury Herald, May 2, 1922. Special thanks to Gayle Frank for providing information on this celebration.

abandoned in recent years and the track removed in about 2010.²⁴ The Los Gatos Creek Trestle was left in place but all track removed on either side of it.²⁵

Packing Industry in San Jose

One of the main reasons the Western Pacific Railroad decided to build a line from Niles Canyon to San Jose was to take advantage of the fast growing fruit packing business there. Although fruit had been dried for decades before the coming of the Western Pacific Railroad, the Western Pacific did enter the city at a time in which the business was growing rapidly.

There was a bumper crop of fruit in the Santa Clara County region during the 1870s, leading local farmers and businessmen to search for ways to preserve the crop long enough to be shipped outside the local market. Fruit drying and canning would emerge as the preferred method. Santa Clara County entrepreneurs would make great innovations in the business of fruit packing.²⁶

These experiments led to the organization of the San Jose Fruit Packing Company in 1875, which would become a major part of the California Packing Company, or Calpak, which would in turn become the modern Del Monte Corporation. Experimentation included both fruit drying (especially useful for the huge apricot and plum crops) and fruit canning, favored for peaches. The innovations concerned the horticulture as well as industrial methods, especially as they pertained to automation in the drying and canning operations.

This industry was successful but still growing by the time the Western Pacific Railroad completed its branch to San Jose. The Calpak company was organized in 1916 and it first marketed its Del Monte brand in 1917. Calpak had small and large factories throughout the region by 1922. The Muirson Label company, which was responsible for many colorful fruit can and box labels, was also in operation prior to 1922.²⁷

This industry had grown around the railroad network of the Southern Pacific Railroad long before the Western Pacific Railroad built to San Jose in 1922.²⁸ The Southern Pacific controlled a tangle of freight lines through San Jose from lines it developed and especially the line it acquired when it took control of

²⁴ Holmes, 162 shows a map of the lines still in use and the parts through Willow Glen that were abandoned.

²⁵ Camp Dresser & McKee, "Removal Action Plan Workshop Willow Glen Right of Way Minnesota Avenue to Lonus Street, San Jose California, November 8, 2010.

²⁶ The history of fruit packing in the region, oriented toward extant resources, is told in two very interesting places. One is a website, "Cannery Life: Del Monte in the Santa Clara Valley."

<http://www.historysanjose.org/cannerylife/canned-topics/del-monte-brand.html> A second is a text for a tour of cannery sites in San Jose, prepared for the Society for Industrial Archaeology, May-June, 2008. See also: Robert James Claus, "Fruit and Vegetable Canning Industry in the Santa Clara Valley," MA Thesis, San Jose State, August 1966. [Among the sites served by the Western Pacific was Del Monte No. 3 plant, a huge facility on Auzerais Avenue, not far from the Western Pacific freight terminal on The Alameda.](#)

²⁷ SIA walking tour guide. See also another website history, "Label Legacy," dealing with the Muirson label, at http://www.historysanjose.org/labellegacy/places/rancho_el_potrero.html

²⁸ The most useful general history of railroad development in San Jose is: Norman W. Holmes, *Prune Country Railroading: Steel Trails to San Jose*, Huntington Beach, CA, 1985. [Holmes maintains that one marketing device that helped the Western Pacific grow was to accept less than full car loads, which allowed shipments to move faster than the Southern Pacific, which insisted on full cars.](#)

the South Pacific Coast Railroad. The Southern Pacific got control of the South Pacific Coast in 1887 and converted it to standard gauge through dual-tracking in 1904.²⁹

The 1932 Sanborn Fire Insurance Maps offer a glimpse of how canners and railroads interacted at the height of the canning industry.³⁰ Three facts are clear. First, packers are everywhere in the city. Second, there was a critical mass of packing and railroad resources at the huge Calpak Plant No. 3 at San Carlos and Los Gatos Creek, and at Plant No. 51 at Bush and San Fernando. Plant No. 3 was served directly only by the Southern Pacific but the Western Pacific tracks were nearby. Plant No. 51 was served only by the Southern Pacific Railroad. Third, while the Southern Pacific tracks appear to have offered more direct access, a packer could get a car to the Western Pacific through track linkages.

The Annual Reports of the Western Pacific Railroad suggest that the Western Pacific was an active but not dominant shipper of produce from the Santa Clara Valley. The report does not isolate tonnage by point of origin. It does, however, differentiate as to the type of tonnage. One category, particularly apropos for the San Jose area, was “dried fruit.” In 1921, before the San Jose Branch was built, the Western Pacific shipped 7,626 tons of dried fruit. In 1922, when the San Jose branch was active, that figure jumped to 24,360, nearly a four-fold increase, almost certainly attributable to tapping the San Jose market. Between 1922 and 1930, that figure remained consistent: 20,560 in 1923, 23,602 in 1924, 34,321 in 1925, 37,220 in 1926, 44,781 in 1927, 36,157 in 1928, 28,875 in 1929, and 29,605 in 1930.³¹ Again, these figures are not specific to Santa Clara County and may have been influenced by shipping elsewhere, such as Butte County, where dried fruit was also important.

Was the Western Pacific dominant in shipping dried fruit? One way to measure this is to compare the Western Pacific tonnage figure with the amount shipped by the Southern Pacific. In 1921, the Southern Pacific shipped 515,584 tons of dried fruit, compared with 7,626 tons for Western Pacific.³² In 1922, the Southern Pacific figure was 568,501, compared with 24,360 for the Western Pacific. Similar figures were maintained throughout the 1920s: 517,431 in 1923 (20,560 for the Western Pacific); 634,261 in 1924 (23,602 for the Western Pacific); 649,339 in 1925 (34,321 for the Western Pacific); 651,729 in 1926 (37,220 for the Western Pacific); 699,002 in 1927 (44,781 for the Western Pacific); 629,711 in 1928 (36,157 for the Western Pacific); 387,107 in 1929 (28,875 for the Western Pacific); and 399,610 in 1930 (29,605 for the Western Pacific). Neither the Western Pacific nor the Southern Pacific Annual Reports break down shipping by point of origin. Dried fruit was selected as a good indicator of activity in San Jose because of the dominance of Santa Clara County in the production of dried apricots and prunes. In this key measure, the Southern Pacific between 1921 and 1930 shipped between 10 and 20 times as much dried fruit as the Western Pacific.

The Timber Trestle in Bridge Engineering

The timber trestle has been a mainstay of railroad bridge design since the earliest years of American railroad construction and operation, and remains so today. Simply stated, the timber trestle is by far the

²⁹ Bruce A. MacGregor and Richard Truesdale, *South Pacific Coast*, Pruett Publishing Company, 1982.

³⁰ The California Room at the Martin Luther King, Jr. Library in downtown San Jose has a wonderfully intact paper copy of the 1932 Sanborn maps for San Jose.

³¹ Annual Reports, Western Pacific railroad 1921-1930. Available online from the Western Pacific Railroad Museum.

³² Southern Pacific Company, Annual Reports, 1921-1930. On file at the California Railroad Museum Library.

most common railroad bridge type, particularly in reference to smaller branch lines, such as the San Jose Branch of the Western Pacific Railroad.

A sense of the place of the timber trestle in standard railroad operation is gained from a 1917 publication by Wilcott C. Foster, entitled *A Treatise on Wooden Trestle Bridges According to the Present Practice on American Railroads*.³³ This was written a few years before the Los Gatos Creek Trestle was constructed and is useful in assessing how and why this bridge type was selected for this crossing.

Foster begins his discussion by estimating how many timber trestles may have been in place at that time. He writes:

The amount of Timber Trestling in this country is very large, but few probably realizing its extent unless they have thoroughly studied the subject. At the present time there are about 2400 miles of single-track railway-trestle in the United States, of which we can consider about one quarter as only temporary, to be replaced by embankment. Of the remaining 1800 miles, at least 800 miles will be maintained in wood.³⁴

Foster approximates the number of timber trestles, calculated on the basis of an average distribution across the country, to be more than 700,000 nationwide. Foster goes on to express his opinion as to why the timber trestle was such a common part of the American railroad landscape. “The great extent to which timber trestling has been adopted in this country is one of the principal factors in the economy of construction and rapidity of completion which have been characteristic of American railroad construction.”³⁵ The timber trestle, in short, allowed a line to be built quickly and inexpensively with the hope that, as revenue increased for the new line, the wooden bridges could be replaced by steel bridges or embankments.

To a surprising degree, timber trestles appear to be nearly as common today as they were in 1917. The AREMA publishes a *Practical Guide to Railway Engineering*, an encyclopedic guide to all aspects of railroad engineering, which includes a chapter on timber structures. The author of this chapter comments on the common nature of timber trestles: “While the advent of economical steel construction has more or less eliminated timber from new mainline structures of any size, the lower initial cost and ease of construction still makes timber construction attractive for many light density lines. Additionally, because of the relative ease of repair, many significant older timber structures remain in service today. In all of North America, timber trestles are the preponderant type of structure still found on branch lines, short lines and at temporary crossings.”³⁶ This analysis suggests two things. First, railroads keep older timber trestles in service “because of the relative ease of repair.” Second, it suggests that for branch lines or short lines, the timber trestle is preferred, even for new construction.

The common presence of timber trestles was also noted in a recent study of railroad bridge safety prepared by the General Accounting Office, or GAO. In this 2007 report on railroad bridge safety, the GAO cited a 1999 survey by the Federal Railroad Administration that found there are 61,000 bridges on

³³ Wilcott C. Foster, *A Treatise on Wooden Trestle Bridges According to the Present Practice on American Railroads*, 1917 Edition.

³⁴ Foster, 1.

³⁵ Foster, 4.

³⁶ American Railway Engineering and Maintenance of Way Association, or AREMA, *Practical Guide to Railway Engineering*, 2007. Chapter 8-11.

Class I railroad lines.³⁷ Of these, 36 percent are made of timber, making wood the most common bridge material for railroad bridges; the other materials are steel (32 percent), masonry (20 percent) and unidentified materials for the remainder. If these figures are accurate, there are 19,520 timber bridges in use by Class I railroads in the United States. There are also 15,000 bridges owned by Class II and III lines, of which more than 5,000 are timber. Relying upon this large-scale data, it is reasonable to expect that there are more than 24,000 timber bridges in use by railroads today. That number would not include the Los Gatos Creek Bridge, which is not in current railroad use.

One of the key conclusions of the GAO report is that neither the federal government nor the states have systems in place for inspecting railroad bridges or even for knowing how many railroad bridges are in place. This is in stark contrast to the situation with highway bridges, where both the states and the federal government maintain very accurate lists of such bridges as well as the results of regular safety maintenance inspections. As a result, it is far more difficult to draw conclusions about the actual percentages associated with any one bridge type, including the timber trestle. The conclusions of the GAO and the AREMA, however, are that the trestle is the most common type of bridge, especially on branch lines or on Class II or III lines.

It is nearly impossible to test the conclusions of the GAO and AREMA commentators because there is no current public data on railroad bridge types. It is possible, however, to see how different bridge types were distributed in California as recently as 1970 by inspecting the records of the Southern Pacific Railroad in the library and archives of the California Railroad Museum. The Railroad Museum has a wonderful collection of bridge logs from the Southern Pacific, going back to the early years of the 20th century. For present purposes, however, the more recent data is most useful, as the more recent the data, the more likely it is to approximate circumstances today. The 1970 bridge log covers only the Southern Pacific Sacramento Division, which included Central California outside the Bay Area, as well as portions of Nevada. The table below shows the distribution of five bridge types on 753 miles of Southern Pacific Railroad. The ODT refers to open deck timber trestle, similar to the Los Gatos Creek Trestle. BDT refers to a ballasted deck trestle, similar to the Los Gatos Creek structure but with a closed box deck that held ballast. Concrete and steel bridges are self-explanatory. Culverts can be concrete or stone, although most appear to have been concrete. These figures indicate that as recently as 1970, timber trestles represented a huge part of the Southern Pacific bridge population. If one discounts the culverts, there were 755 true bridges on these 753 miles of track. Of these, 619 were timber trestles, either open or ballasted decks, or roughly 82 percent of all bridges in that part of the Southern Pacific system.

BRIDGES IN SOUTHERN PACIFIC SACRAMENTO BRANCH, 1970 INSPECTION REPORT

Name of Line	Miles	ODT	BDT	Concrete	Steel	Culvert
Woodland to Tehama	108	1	121	0	4	208
Roseville to Castle Rock	192	9	229	6	45	788
Sacramento to Rocklin	23	2	13	4	13	85
Rocklin to Colfax	31	2	14	1	13	99
Colfax to Norden	51	0	4	1	13	422
Norden to Eder	5	0	4	0	0	57
Eder to Reno	45	1	64	1	11	298

³⁷ General Accounting Office, "Railroad Bridges and Tunnels: Federal Role in Providing Safety Oversight and Freight Infrastructure Investment Could Be Better Targeted," GAO 07-770, 2007, 6.

Polk to Elvas	4	0	0	0	0	15
Citrus Heights	2	2	0	0	0	3
Woodland to Knights Landing	17	4	2	1	1	3
Mattheson Branch	10	0	1	1	1	97
Oroville	25	2	0	0	2	15
Placerville line	60	21	2	3	4	295
Stirling Branch	30	10	1	0	2	147
Walnut Grove Branch	33	15	2	0	4	55
Yuba City	44	4	0	1	0	26
Colusa Branch	73	80	9	0	4	127
TOTALS	753	153	466	19	117	2740

Another interesting point from the 1970 bridge inspection report is that timber trestles were not a product only of the early years of railroad construction. To get a sense of when these bridges were located, records were inspected for 79 timber trestles on about 80 miles of track on the Woodland to Tehama line. Of these, 18 (23 percent) were built between 1900 and 1909, 2 (3 percent) between 1911 and 1920; 24 (30 percent) between 1921 and 1930; 28 (35 percent) between 1931 and 1940; and 7 (9 percent) after 1940. These figures are consistent with the observations of the AREMA guidelines that timber trestles are still commonly used in branch lines; by 1970 the Woodland to Tehama Branch had diminished in utility and has since been largely taken over by a short line operator.³⁸

The Development of the Community of Willow Glen

Willow Glen has arguably a more complicated relationship with San Jose City Hall than any other neighborhood within San Jose. Willow Glen began life as a named but unincorporated community at the southern edge of San Jose. It became a separate incorporated city in 1927, in large part because of disagreement with the City of San Jose about where the Southern Pacific Railroad should built its north-south alignment. Nine years later, it allowed itself to be annexed to the City of San Jose but has held on to a spirit of independence, born of its brief life as a separate city.

The Willow Glen community is south and a little west of downtown San Jose. It was first settled in the 1860s as an agricultural community but was increasingly converted to suburban and urban uses in the early 20th century.³⁹ Community leaders attempted to incorporate in 1917 but that effort failed. They

³⁸ It is difficult to establish the number of existing timber trestles in San Jose and Santa Clara County because there are no available public records and because an onsite survey would require fouling the tracks, generally regarded as trespassing. San Jose historian Jean Dresden maintains that there are eight existing trestles in the county, four of which are on the old Western Pacific alignment. However, because she does not identify her sources, this estimate cannot be verified.

³⁹ There are numerous histories of this community. Darrell Alvin Hoff, "A Study of the Community of Willow Glen, San Jose, California," M.A. San Jose State University, 1995; John Rivizza, "Splendid Isolation: A Brief History of the City of Willow Glen, 1927-1936," 1994; Bob Garratana, *Old Willow Glen*, 1977;

tried again in 1927 and the effort was successful. In 1936, the people of the City of Willow Glen voted to be annexed into the City of San Jose and the community has been part of San Jose since that time.

The actions of the Southern Pacific and Western Pacific played a part in the decision to incorporate in 1927 and, in the view of some, to unincorporate in 1936. The problem with the Southern Pacific was also a source of disagreement between the people of Willow Glen and the city government of San Jose. The Southern Pacific had an active line that ran down 4th Street in downtown San Jose, which caused traffic congestion in the downtown area. The city council of San Jose sought to force the Southern Pacific to move the line west, which would have resulted in a bifurcation of the Willow Glen community.⁴⁰ The Southern Pacific had actually acquired a right of way through the area but construction was delayed by American entry into World War I and governmental takeover of the railroad system.

At the same time, the Western Pacific Railroad sought approval from the Railroad Commission to build into San Jose via a circuitous “fishhook” alignment discussed earlier. The people of Willow Glen complained mightily to the Commission. As discussed below under “Grade Separations,” the engineer for the Railroad Commission observed that Willow Glen people were opposed to any entry of the Western Pacific Railroad into San Jose, especially into the Willow Glen neighborhood.

Likely in response to both railroad alignments (Southern Pacific and Western Pacific), local leaders petitioned the County Board of Supervisors to schedule an incorporation vote. The vote was taken in November 1917 but failed 273-155.⁴¹

The ire of the community was tested again in 1927. As one historian notes: “On July 22, 1927, the Southern Pacific, in conjunction with the San Jose City Council and City Manager, announced a plan for the removal of the 4th Street Railway station and tracks and the re-routing of a new railway. The new route would run from downtown San Jose along the Alameda, across Los Gatos Creek, around the Palm Haven district and across Willow Street through the Willow Glen district.”⁴² Another election was held in November 1927 and this time the vote passed.

Willow Glen would remain an independent city for only nine years, annexing itself to San Jose in 1936. During those years, the Southern Pacific and City of San Jose managed to figure out how to get the trains off 4th Street without going through Willow Glen. The Southern Pacific moved its main depot to Cahill Street (the modern Diridon Station) and the north-south track that once went down 4th Street was moved to an alignment that just missed going through Willow Glen. That station and track realignment were completed in 1935. The next year, Willow Glen voted to annex itself to the city, giving it access to better sewers and other civic amenities.

Grade Separation as a Safety Issue in California and San Jose

Throughout the 20th century and into the 21st century, the State of California has wrestled with the question of how best to eliminate conflicts between automobile and truck traffic on the one hand and railroad traffic on the other. The origin of this conflict was clear: most train corridors were built before automobiles and trucks came into widespread use and, even among later-developed train lines such as

⁴⁰ Hoff, 88.

⁴¹ Rivizza, 5. [Two prominent leaders of the Willow Glen incorporation effort were L.D. Bohnett and Paul Clark.](#)

⁴² Rivizza, 5.

the Western Pacific Railroad, railroad traffic had priority when railroad and vehicular traffic met at grade.

The conflict over vehicular-railroad traffic was especially heated during the early decades of the 20th century, as car and truck usage accelerated in California, faster than in any other state of the union. In 1916, the California Railroad Commission produced a report, "General Program on Investigation of the Grade Crossing Problem in California to be Undertaken by the Commission."⁴³ The report analyzed the extent of the problem. "The grade crossing conditions in California are worse than in any other state in the Union." California at that time had two percent of the trackage in the country but five percent of accidents involving vehicles and railroads. And the problem was huge: in 1914, 4,900 Californians were killed or injured through a vehicle-train collision.⁴⁴ The Commission estimated the cost of providing grade separations and concluded it was so expensive that, "Plainly any movement to separate all grade crossings in the State is entirely out of the question." The Commission recommended a course of installing better signals, cutting down visual obstructions, and so forth, but pursuing grade separations "in extreme cases and only as a last resort."

The interface between vehicles and trains was both dangerous and annoying. Even where signals were installed, for example, vehicles might have to wait for long periods of time while a train or trains cleared the roadway. The grade separation movement reflected an attempt by the various communities within the state to convince the Railroad Commission that the situation in that community constituted an "extreme case" and deserved a "last resort" solution.

In some cases, the communities were successful. The problem in the City of Los Angeles, for example, was so dire that all parties, including the railroads, agreed that something needed to be done. The Railroad Commission was able to convince the railroads and the city to jointly sponsor a series of large bridges across the tracks, which ran along both sides of the Los Angeles River. This effort, financed equally by the city and the railroads, was one of the most ambitious grade separation programs anywhere in the United States. The joint railroad-city cooperative program also resulted in construction of Union Station in downtown Los Angeles.⁴⁵

Not surprisingly, the people of San Jose and the emerging community of Willow Glen tried to make a case for being an "extreme case" deserving grade separations when the Western Pacific Railroad proposed to build through the area.

In late 1917, the Engineering Department of the California Railroad Commission prepared a lengthy report on grade crossing issues raised by the proposal of the Western Pacific Railroad to build an extension from Niles Canyon to San Jose.⁴⁶ The author, H.G. Butler, was the Assistant Chief Engineer for the California Railroad Commission. He made it clear that the Commission was put in a difficult position by the attitudes of the leaders of the Western Pacific and the Southern Pacific Railroad. The City of San

⁴³ California Railroad Commission, "General Program on Investigation of the Grade Crossing Problem in California to be Undertaken by the Commission," January 1916.

⁴⁴ 1916 report, page 2.

⁴⁵ The Los Angeles situation is detailed in: Stephen D. Mikesell, "The Los Angeles River Bridges: A Study of the Bridge as a Civic Monument," *Southern California Quarterly*, Winter 1986, pp. 365-386.

⁴⁶ California Railroad Commission, Engineering Department, "Application 3139. Subject: Report on Proposed Crossings of Western Pacific Railroad, Niles to San Jose." H.G. Butler, Assistant Chief Engineer, September 26, 1917.

Jose had asked the Commission to compel the Western Pacific to use existing Southern Pacific tracks between Niles Canyon and San Jose, and to compel the Western Pacific and Southern Pacific to build a Union Station to serve passengers from both lines. At one point, he notes: “if joint trackage is possible and desirable, and there is no question that it is desirable, the logical place to make connection between the two roads would be at Niles.”⁴⁷ But he lamented that it was virtually impossible to achieve joint usage because the Southern Pacific had refused to allow use of its tracks by a competitor and because Western Pacific leadership had insisted that it simply would not go into San Jose except on its own tracks. He concluded: “On the whole, the practical difficulties in the way of bringing about a joint use of tracks seem to be insurmountable, as far as orders of the Commission are concerned.”

In the rest of the long report, Butler explores steps that can be taken to increase safety for the various places the Western Pacific would need to cross highways or other railroad lines, with a crossing-by-crossing analysis of the types of signals and sightlines improvements that would be required.

In his transmittal letter, Butler comments on objections raised by the residents of what was then the unincorporated community of Willow Glen, or Willow Glenn, as he spelled it. His conclusion was that there was nothing the Railroad Commission could do to mollify the residents of Willow Glen. “I have not commented on the protest of the people in the Willow Glenn district, as it appears that it is directed against the construction of any line rather than the manner in which this particular line is to be built. I do not believe that a separation of grades at all crossings in this district would remove the objections of these protestants, and a discussion of the matters seems to be outside the purpose of this report.”⁴⁸ It seems clear that the residents were asking for construction of grade separation but Butler concluded that not even that would appease them.

The disagreement about the railroad traffic of the Western Pacific paled in comparison to a much more heated debate in 1925 over the proposal by the City of San Jose to move Southern Pacific Railroad tracks from 4th Street in San Jose to [a route parallel to and near](#) Lincoln Avenue, generally acknowledged as the “Main Street” of Willow Glen. It was the debate over the relocation of the Southern Pacific tracks [to the Western Pacific alignment](#) that convinced residents of the unincorporated community of Willow Glen to incorporate as a separate city.⁴⁹

F. APPLICATION OF THE CRITERIA FOR THE NATIONAL REGISTER AND CALIFORNIA REGISTER

The Criteria for the National Register and California Register are presented in Section C above. It will be observed that the criteria are nearly identical, with the four National Register criteria identified by letters A, B, C and D and the California Register criteria by numbers 1, 2, 3, and 4. In the analysis below, the National Register Criteria and California Register Criteria will be applied in groups of similar criteria (A and 1, B and 2, C and 3, D and 4).

⁴⁷ Page 4.

⁴⁸ Transmittal letter, 1917 report.

⁴⁹ ~~Cecily Barnes, “Willow Glen residents think of their community, rather than their history, on Founders Day, 1998,” reprinted on <http://www.willowglen.com/history/founders.shtml>~~

National Register Criterion A, California Register Criterion 1

The majority of the topics identified during the Scoping Meeting for this project and during legal proceedings leading to the current EIR are best considered under the “association with events” criteria A and 1. These include association with the Western Pacific Railroad, association with the Santa Clara County fruit packing industry, association with the development of the community of Willow Glen, and association with the grade separation movement. These will be discussed separately below.

- *Association with the Western Pacific Railroad*

This trestle does not appear to be significantly associated with the history of the Western Pacific Railroad. As discussed in the Historic Context, the Western Pacific Railroad represented an ill-fated attempt by the Gould family to break the Harriman family’s stranglehold on the West Coast, particularly the Bay Area of California. It was a daring investment that defied the most consolidated railroad line in the world at the time. The Western Pacific extended throughout the Western United States and in specific communities played an extremely important role. In San Jose, however, the Western Pacific was a latecomer and its contribution never matched that of the long-established Southern Pacific.

The National Register of Historic Places has excellent guidance on how to apply National Register Criterion A. The Office of Historic Preservation, which has jurisdiction over the California Register, announces on its website that its California Register guidance is under review and not currently available.⁵⁰ Because the eligibility criterion 1 for the California Register is almost identical to that of National Register Criterion A, we can safely apply the National Register guidance as a guide to California Register eligibility as well.

National Register guidance in Bulletin 15 offers a three-step process for assessing significance under Criterion A:

- Determine the nature and origin of the property;
- Identify the historic context with which it is associated;
- Evaluate the property’s history to determine whether it is associated with the historic context in any important way.⁵¹

As we have seen, the history of the Western Pacific was characterized by daring economic and engineering achievements because existing railroads, especially the Southern Pacific, had long before captured the easiest routes to various California markets. If one wished to point to the physical remains that best characterize the history of the Western Pacific, it would be the great pass through the Feather River Canyon, which still retains many aspects of its original 1906 design.

The Branch Line to San Jose reflects the history of the Western Pacific in that it followed a convoluted alignment to avoid or reduce interaction with existing Southern Pacific operations. The Western Pacific had just emerged from bankruptcy before it began construction into San Jose. While it had enough funds to expand, the Western Pacific was famous for economizing in construction. Norman

⁵⁰ www.ohp.parks.ca.gov states that: “Because Technical Assistance Bulletin 7, California Register, is now under review for updates and revisions, there are no manuals for nominating California Register properties.”

⁵¹ National Register Bulletin 15, 12.

Holmes in his study of railroading in *Prune Country Railroading*, argues that the Western Pacific was unusually penurious in building the San Jose line, noting that “because of WP’s financial condition, trackage was constructed as inexpensively as possible, using 75 lb. rail, untreated pine ties, no tie plates and little or no ballast.”⁵² The San Jose Branch was one of the last “feeder” lines built by the Western Pacific; later expansion was achieved chiefly through acquisition of short lines.

The historic context for the Western Pacific, even the Western Pacific San Jose Branch, does not suggest that this timber trestle is associated with this development “in any important way.” The trestle, like other trestles and bridges along the San Jose Branch, helped the branch to operate but only as part of a coordinated transportation network.

A railroad bridge may represent an important part of the history and operations of a railroad line. The Western Pacific Railroad is often highlighted in the history of railroad bridge design, recognizing the beauty and daring of its bridges in the Feather River Canyon.⁵³ Bridges associated with other railroad lines have been listed in the National Register of Historic Places, including the Southern Pacific’s I Street Bridge in Sacramento and the Benicia-Martinez Bridge. The National Register eligibility for a bridge like the 1911 I Street Bridge in Sacramento emphasizes both its importance in engineering as well as its pivotal role in carrying the Southern Pacific main line over the Sacramento River.⁵⁴

In assessing the importance of a bridge to the history of a specific line, engineering and transportation considerations often coincide as the difficulty of the bridge design equates to the difficulty and importance of the crossing. The Feather River bridges of the Western Pacific are admired for their daring engineering as well as their role in bringing the line through the difficult Sierra Nevada crossing.

By contrast, simple timber trestles are rarely recognized for their engineering or transportation significance.⁵⁵ The Western Pacific San Jose Branch had to cross several small creeks between Niles Canyon and The Alameda in San Jose. These crossings were relatively simple; hence, timber trestles were used, the least cost solution to a simple crossing.

On balance, the Los Gatos Creek Trestle is best seen as a minor element on a small branch line of the Western Pacific. There is little reason to conclude that this structure’s contribution to the Western Pacific Railroad is significant, as significance is measured under National Register Criterion A.

- *Association with the Santa Clara County Fruit Industry*

This trestle does not appear to be significantly associated with the Santa Clara County fruit packing industry. It is beyond dispute that the fruit packing industry was important to the economy and social network of Santa Clara County for more than half a century, between the late 1870s and American involvement in World War II. This trestle, however, is only tangentially related to that industry and does not meet the guidelines for how Criterion A of the National Register should be applied.

⁵² Norman W. Holmes, *Prune Country Railroading: Steel Trails to San Jose*, Huntington Beach, CA, 1985, 141. 75 lb. rails are not used today.

⁵³ The importance of the Feather River bridges is noted in many national surveys, including Richard Cook, *The Beauty of Railroad Bridges in North America, Then and Now*. Golden West Books, 1987 and Brian Solomon, *North American Railroad Bridges*, Voyageur Press, 2007.

⁵⁴ 1981 National Register nomination for I Street Bridge.

⁵⁵ The author of this report, who has worked with historic bridges for 30 years, is unaware of a single timber trestle to be listed in the National Register or California Register.

It will be recalled that the National Park Service calls for a three-step process in applying Criterion A to a specific property: to identify the nature of the property, to identify the historic context with which it is associated, and to evaluate whether that property “is associated with the historic context in any important way.” Some who commented during the Scoping Session for the EIR concerning this trestle argued that the trestle is important for its association with the canning industry in San Jose and elsewhere in Santa Clara County, drawing attention to the indisputable importance of the packing industry to the region.

The National Register guidelines differentiate, however, between the importance of the historical development and the importance of the association between a historic property and that historical development. Few would dispute the notion that the packing industry was a key economic force in Santa Clara County from the 1870s through the 1950s. It is legitimate to ask, however, whether this trestle is associated with that development “in any important way.”

Drying and canning fruit was an industry that required the involvement of a long chain of participants, from the growers who provided the produce to the wagons, trains, and trucks that carried the finished product to market. At the heart of the industry, however, were the physical plants where the canning and drying took place. Those plants were importantly associated with this industry.

The historical record indicates that there were dozens of such plants in the county, with the biggest collection being in San Jose. These sprawling industrial plants did not fare well once the industry failed in the 1960s. However, there are some physical remnants that were directly and importantly associated with this resource. In 2008, the Society for Industrial Archaeology (SIA) held its annual meeting in San Jose and presented several “walking tours,” one of which was entitled “Cannery Life.” The tour included several cannery sites for which almost nothing is left and several others where there are some physical remains. There is also a list of properties that have been designated Historic City Landmarks by the City of San Jose, some of which are mentioned in the SIA walking tour. These two sources do not offer a complete listing of properties that were directly related to this industry but they do suggest that at least a few such resources still exist. These include the CalPak District Manager’s Office at 734 The Alameda (HL05-154); Pickle Factory Plant No. 39 at 621 N. Eighth Street (HL92-79); Bayside Canning Company at 1290 Hope Street (HL92-69); American Can Company Factory at 190 Martha Street (HL-92-94); and the Stevens Ranch Fruit Barn, moved to History Park in 1979. The SIA tour suggests that remnant pieces can still be found from Calpak No. 3, the biggest cannery in the area located on Auzeais Avenue, not far from the Western Pacific’s freight depot on The Alameda, and of Calpak No. 51, also a very substantial operation.⁵⁶

It is important to note that even CalPak No. 3 was not exclusively dependent upon the Western Pacific Railroad for shipping its product. On its “Cannery Life” website, the San Jose History Home includes Sanborn Fire Insurance Maps for this plant, from 1901, 1917, 1929, and 1941.⁵⁷ The plant was already a large operation in 1901 and 1917, long before the Western Pacific Railroad built to San Jose in the 1920s. In 1901 and 1917, CalPak No. 3 was served directly by the Southern Pacific or one of its subsidiaries. Even in 1929 and 1941, the plant was served directly by tracks of the Southern Pacific, not the Western Pacific. CalPak No. 3 existed long before the Los Gatos Creek Trestle was built.

⁵⁶ This discussion does not ensure that all of the resources mentioned in the SIA tour or designated as a San Jose Landmark still exist and retain integrity.

⁵⁷ <http://www.historysanjose.org/cannerylife/>

On balance, it is difficult to conclude that the Los Gatos Creek Trestle is related to the Santa Clara County canning industry in any important way. The industry is represented by many types of resources that were directly linked to it, including packing plants and canneries. Even if the discussion is restricted to the transportation of canned and dried products, it is problematic to argue this timber trestle is significantly associated with this industry. The Western Pacific San Jose Branch is one piece of dozens of transportation networks that served that industry, and all indications are that the traffic of the Western Pacific was dwarfed by that of the Southern Pacific and its subsidiaries. In addition, the Los Gatos Creek Trestle is just one structural element of that branch line. The association of the trestle with that industry is so secondary that it does not appear to meet the National Register Criterion A guidelines.

- *Association with the early history of the Willow Glen community*

As discussed in the Historic Context, the community of Willow Glen was briefly an independent and incorporated city. The impetus for incorporation is generally interpreted as being a three-way struggle among the citizens of the Willow Glen neighborhood, the City Council of San Jose, and the Southern Pacific Railroad over the alignment of the Southern Pacific's major north-south track. The track passed down 4th Street in downtown San Jose, causing great traffic congestion among San Jose motorists. Under state law, the Southern Pacific had a franchise from San Jose to operate within city limits. That franchise expired in the early years of the 20th century and San Jose leaders sought to use the need for a new franchise as leverage to force the Southern Pacific to move its tracks to the west, and to consolidate its passenger service in the area now served by Diridon Station. In 1927, the Southern Pacific and city leaders in San Jose announced agreement on a western alignment that would have included a diagonal passage through Willow Glen. This agreement caused Willow Glen activists to ask for an incorporation vote. Historian Bob Garratana summarizes this situation: "But in 1927 residents rallied themselves for a common cause. The Southern Pacific Railroad, whose contract had expired years earlier, was planning to bisect this quiet community by rerouting its tracks from 4th Street down Willow through a portion of Willow Glen. The battle cry was 'Let's keep the railroad out of our bedrooms.'"⁵⁸

It is also true that there was an earlier unsuccessful attempt at incorporation that was spurred by Willow Glen residents' concern about the Southern Pacific realignment as well as the entry of the Western Pacific into the neighborhood. A previously cited report by an engineer for the California Railroad Commission makes clear that Willow Glen residents had objected to any form of the alignment passing through their neighborhood. He wrote: "I have not commented on the protest of the people in the Willow Glenn district, as it appears that it is directed against the construction of any line rather than the manner in which this particular line is to be built. I do not believe that a

⁵⁸ Bob Garratana, *Old Willow Glen*, 1977. 110. It will be observed that the City of San Jose and the Southern Pacific Railroad were simultaneously pursuing two alignments to avoid the 4th Street corridor, generally called the east and west alignments. According to Jean Dresden, San Jose historian, the east alignment was suggested by the planning firm of Harland Bartholomew & Associates and would have required joint Southern Pacific and Western Pacific use of the Western Pacific alignment through Willow Glen. The west alignment affected only a small corner of Willow Glen; a variation of it was actually built. These east and west alignments are discussed in an August 2, 1927, editorial in San Jose Evening News, provided to this author by Jean Dresden.

separation of grades at all crossings in this district would remove the objections of these protestants, and a discussion of the matter seems to be outside the purpose of this report.”⁵⁹

In analyzing the relationship between the Los Gatos Creek Trestle and this chapter of Willow Glen history, there are two good reasons to conclude the two are not associated “in any important way.” First, the historical record is clear that was it the proposed realignment of the Southern Pacific’s 4th Street track, not the building of the Western Pacific line, which precipitated the incorporation of Willow Glen. To commemorate that relationship, one would better look to the 1935 alignment of the Southern Pacific Railroad, the physical manifestation of the long debate over where and how to realign that track. Diridon Station, for example, is a stately and important example of a resource that was built specifically for that purpose. There are also numerous grade separations around Diridon Station which grew out of the same agreement for realigning the track, reflecting the concern by the leaders of San Jose not simply to move gridlock from 4th Street to the new alignment near Cahill Street.

Second, the incorporation movement was not only about stopping the railroad; it resulted in the creation of a small city that was self-governing for nine years. A resource that is importantly associated with this early history of Willow Glen should take into account that the city actually governed the neighborhood for nine years: maintaining streets, arranging for police services, handling garbage, and so forth. It is likely there exists within the neighborhood a building that more closely reflects how the city functioned: a city hall, a fire department building, a police station, or something of the sort.

It is beyond the scope of the present study to inventory any and all buildings directly associated with the brief period of self-government. The point to be made is that a building directly associated with self-government would reflect that period of neighborhood history in a direct manner. The association of this 1922 timber trestle with the 1927-1936 period of self-government is distant at best.

- *Association with the grade separation movement*

As discussed in the Historic Context, there has been a persistent movement in California and throughout the United States to provide better separation of automobile and train traffic. This movement involves both safety and traffic flow issues. As noted in the Historic Context, a 1916 study by the California Railroad Commission found that there were 4,900 deaths or injuries in 1914 in California associated with railroad-auto interface.⁶⁰ Cities throughout the state scrambled to find a way to provide some type of relief, with grade separation being the most effective but also the most expensive option.

The long dispute between the residents of Willow Glen and the City of San Jose was precipitated by an effort in San Jose to eliminate its greatest auto-railroad choke point on 4th Street downtown. The preferred solution in 1927 involved moving the congestion point from downtown San Jose to streets in Willow Glen, something that was not well-received in Willow Glen. Ultimately, the railroad and the City

⁵⁹ California Railroad Commission, Engineering Department, “Application 3139. Subject: Report on Proposed Crossings of Western Pacific Railroad, Niles to San Jose.” H.G. Butler, Assistant Chief Engineer, September 26. 1917. Transmittal letter.

⁶⁰ California Railroad Commission, “General Program on Investigation of the Grade Crossing Problem in California to be Undertaken by the Commission,” January 1916.

of San Jose found an alignment that moved the trains off 4th Street but also bypassed Willow Glen, no doubt moving the point of congestion to points north and west of Willow Glen. The solution did, however, result in various grade separations near Diridon Station, at Julian, Alameda, Park, San Carlos, Bird, Delmas, Provost, and Willow. Many of those grade separations are still in use.⁶¹

The Los Gatos Creek Trestle is particularly unrepresentative of this problem in that it carried a railroad over a waterway and is not directly associated with either the problem or the solution. There are bridges that have been listed in the National Register of Historic Places on the basis of solving the grade crossing problem; the aforementioned Los Angeles River bridges, built in the 1920s and early 1930s, were listed for that reason as well as the architecture of the bridges. Another Northern California example is the Sierra Boulevard Overhead structure in Roseville over the Union Pacific tracks. It is worth noting that the solution to a grade crossing problem ordinarily involves a highway bridge or a highway underpass rather than a railroad bridge because it is usually more cost effective to raise or sink a highway than to raise or sink a railroad. The aforementioned railroad underpasses around the 1935 realigned Southern Pacific tracks are directly associated with the grade separation movement in San Jose and Santa Clara County. The Los Gatos Creek Trestle is not, and it does not qualify for listing in the National Register or California Register for a potential association with this historic theme.

National Register Criterion B, California Register Criterion 2

There is no indication that the Los Gatos Creek Trestle is associated with a person important to our history. Neither was there a suggestion made during the Scoping for the current EIR that such an association exists. It is concluded the trestle does not meet either National Register Criterion B or California Register Criterion 2.

National Register Criterion C, California Register Criterion 3

- Rarity or importance as an example of a timber trestle bridge

National Register Criterion C includes four possible ways in which a property may qualify: embodies distinctive characteristics of a type, period, or method of construction; represents the work of a master; possesses high artistic value; or represents a significant and distinguishable entity whose components may lack individual distinction. Of these, only the first has been mentioned as a potential area of significance for the Los Gatos Creek Trestle. There has been no suggestion that the trestle was designed by a master bridge engineer.⁶² No one has suggested that the trestle is of “high artistic value.” And the fourth category applies to historic districts and no one has suggested that this isolated trestle is part of a potential historic district. In applying National Register Criterion C to this trestle, the

⁶¹ California Department of Transportation, Bridge Inventory indicates that the San Carlos Grade separation 037c-195) was built in 1932 and is still in use, as is the facility at Julian (37c-207, 1935); at Taylor (37c-278, 1935); Delmas (37c-704, 1935) and Almaden (37c-264, 1936). [The Southern Pacific Railroad had initially proposed to build a single grade separation rather than the five it ultimately constructed in the 1930s. It is likely this augmented effort at grade separation was in response to criticism coming from both the City of San Jose and the City of Willow Glen.](#)

⁶² Unfortunately, despite repeated efforts, the author of this report was not able to locate original plans for this bridge. The City of San Jose was not given any such plans when it assumed ownership from the Union Pacific Railroad. The author inspected all citations to “Technical Drawings” in the vast Western Pacific Railroad holdings of the California State Railroad Museum library. While there are some bridge plans in that collection, there is no bridge plan for this trestle.

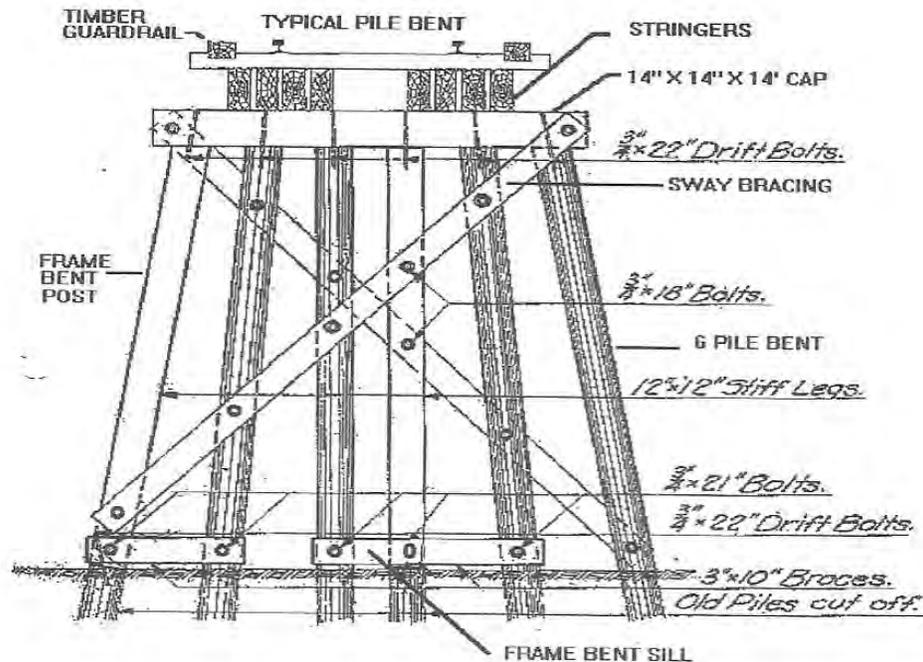
appropriate guidance from the National Register bulletin is that applying to “distinctive characteristics of a type, period, or method of construction.”

In discussing the distinctive characteristics and the type, period or method of construction, Bulletin 15 offers the following guidance: “A structure is eligible as a specimen of its type or period of construction if it is an important example (within its context) of building practices of a particular time in history. For properties that represent the variation, evolution, or transition of construction types, it must be demonstrated that the variation, etc., was an important phase of the architectural development of the area or community in that it had an impact as evidenced by later buildings.”⁶³ It will be observed that the language of this guidance is clearly directed toward architectural values and properties; the National Register guidance often must be interpreted to apply to engineering features.

Using this guidance, the type and period of construction are easily identified. The bridge type is an open deck, pile-supported timber trestle. The “open deck” part of the type description refers to a deck in which there is no ballast; the opposite is a “ballast deck.” The “pile-supported” part of the type description refers to the use of bents made of timber piles in the substructure. As noted earlier, this bridge is somewhat unusual in that there are different numbers of piles in different bents, but in general, one could characterize the substructure as comprising six-pile bents, noting that the number of piles sometimes varies.

The AREMA inspection manual includes an illustration of a typical 6-pile bent, braced in the manner of the Los Gatos Creek Trestle described earlier. This illustration fits the bents of the Los Gatos Creek Trestle very closely, except that in some instances there are more or fewer than six piles.

⁶³ Bulletin 15, 18.



From American Railway Engineering and Maintenance of Way Association, *Practical Guide to Railway Engineering*, 2003.

In assessing whether the Los Gatos Creek Trestle represents “an important example (within its context) of building practices of a particular time in history,” the structure must be seen as both a typical and an atypical example of its type. It is typical in that it was originally constructed in a manner called forth in all historic as well as contemporary analyses of the timber trestle structural type. It is atypical in that it has been repaired and maintained in ways that have detracted from its ability to convey the typical appearance of such a structure.

One point that must be recalled is that a timber trestle is a very common resource type. The historic context documents that timber trestles are found in the thousands in California. Historic preservationists have long recognized the difficulty involved in evaluating resource types for which there are many examples. As noted earlier, it is difficult to document the number of remaining timber trestles in San Jose or anywhere else, owing to the absence of an official governmental register of railroad bridges and because field survey would require fouling the track, generally regarded as trespassing. San Jose historian Jean Dresden documents the existence of eight timber trestles in Santa Clara County, four of which are on the Western Pacific San Jose Branch. However, because she does not list her sources, that contention cannot be verified; there may be eight or even more of such bridges in the county.

Fortunately, the National Register program at the National Park Service does offer some guidance for dealing with common resource types, in “Evaluating Common Resources for National Register of Historic

Places Eligibility: A National Register White Paper.”⁶⁴ This “White Paper” recognizes that certain resource types are “ubiquitous, and, therefore, difficult to evaluate.” In dealing with ubiquitous resources, this White Paper places special emphasis on recognizing types and sub-types of the common resources as a way of differentiating significant from insignificant examples. By identifying sub-types, it may be possible to “reduce the number of properties or groups of properties that constitute a basis for comparison.”

As discussed in an earlier section of this report, the only distinction made by bridge inspectors for the Southern Pacific Sacramento Department was between open deck and ballast deck timber trestles. This distinction concerns only the deck supports; the timber trestle types are otherwise nearly identical. In his thoughtful analysis of railroad bridge types, *The Beauty of Railroad Bridges*, Richard J. Cook suggests another sub-type in timber trestles: the framed trestle, which was built around four-legged frames, usually of squared timbers. The framed trestle form was used for very tall bridges and provided the most dramatic and daring crossings.

Cook includes photographs of only a few of the most dramatic examples of different bridge types (stone bridges, steel trusses, concrete arches, timber trestles, and so forth). Every timber trestle illustrated in his book is a framed trestle, most of them being very tall and dramatic. Well-known timber trestles in California are also dominated by framed trestles. Two very notable examples, both owned by California State Parks, are framed timber trestles. One is the Pudding Creek Trestle, near Ft. Bragg on the Mendocino Coast. Another is the Carrizo Gorge, or Goat Canyon, Trestle in Anza-Borrega State Park in the desert of San Diego County.

Pudding Creek Trestle



⁶⁴ Barbara Wyatt, “Evaluating Common Resources for National Register of Historic Places Eligibility: A National Register White Paper,” 4-9-09.

Goat Canyon Trestle



Following the logic of the White Paper on Common Resources, one may conclude that there are, in fact, specific sub-types of the timber trestle bridge type that can be seen as significant. The tall framed trestles, for example, achieved great engineering significance and incredible beauty. The far more common pile-bent trestles are so common as to make it unlikely that any one would be significant under National Register Criterion C on the basis of its design alone. A trestle might also be significant for historical associations, as with the Southern Pacific trestle on the coast in Orange County, California that gained great celebrity as the gateway to The Trestles, a surfing spot listed in the National Register for its role in the development of the California surf culture.⁶⁵ That type of significance, however, would better be judged under National Register Criterion A.

On balance, there is no evidence to suggest that the Los Gatos Creek Trestle achieved the kind of distinction needed to represent a significant example of a common property type. It does not appear to be significant under National Register Criterion C or California Register Criterion 3.⁶⁶

G. OVERALL CONCLUSIONS REGARDING POTENTIAL HISTORICAL SIGNIFICANCE OF THE LOS GATOS CREEK TRESTLE

This report applies the eligibility criteria for the National Register of Historic Places and the California Register of Historical Resources to the Los Gatos Creek Trestle, to determine whether it meets the definition of a "historical resource," as that term is used in CEQA guidelines. This report concludes that

⁶⁵ Lamentably, the trestle for which the site was named was recently replaced with a metal bridge.

⁶⁶ This evaluation under National Register Criterion C and California Register Criterion 3 has focused on significance rather than integrity because, in the absence of significance, integrity is not a sufficient consideration to warrant eligibility. The integrity of the trestle is generally good with two major exceptions: the removal of tracks, and the recent installation of protective fencing at the track level.

the trestle does not meet the National Register or California Register eligibility criteria and is not a historical resource.

H. SIGNIFICANCE UNDER CITY OF SAN JOSE LANDMARKS PROGRAM

The City of San Jose, like most medium- to large-sized California cities, has adopted a landmark ordinance that enables the City to designate properties as historic landmarks. The legal basis for this program is found at San Jose Municipal Code, Chapter 13.48, Historic Preservation.

As with most municipal historic preservation programs, the City of San Jose assigns primary responsibility for designating landmarks to a Historic Landmarks Commission. An applicant for landmark designation is asked to complete a landmarks nomination form, which applies the basis for landmark designation to a specific property. The landmark commission is responsible for making a finding that the property in question meets the city criteria for landmark designation. This process, including the criteria, are quoted below.

13.48.110 Designation

H. Prior to recommending approval or modified approval, the historic landmarks commission shall find that said proposed landmark has special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature, and that its designation as a landmark conforms with the goals and policies of the general plan. In making such findings, the commission may consider the following factors, among other relevant factors, with respect to the proposed landmark:

1. Its character, interest or value as part of the local, regional, state or national history, heritage or culture;
2. Its location as a site of a significant historic event;
3. Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history;
4. Its exemplification of the cultural, economic, social or historic heritage of the city of San José;
5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
6. Its embodiment of distinguishing characteristics of an architectural type or specimen;
7. Its identification as the work of an architect or master builder whose individual work has influenced the development of the city of San José;
8. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.

It will be noted that the San Jose ordinance uses the term factors to describe the criteria for designation, rather than the term, “criteria,” which is used in state and federal designation processes. These factors

are repeated nearly verbatim in the City of San Jose application form for historic landmark designation, as follows:

BRIEF STATEMENT EXPLAINING WHY THE PROPOSED LANDMARK HAS SPECIAL HISTORICAL, ARCHITECTURAL, CULTURAL, AESTHETIC, OR ENGINEERING INTEREST OR VALUE OF AN HISTORICAL NATURE, AND HOW THE CHARACTERISTICS OF THE PROPOSED LANDMARK MEET WHICHEVER OF THE FOLLOWING THAT APPLY:

1. Its character, interest or value as part of the local, regional, state or national history, heritage or culture;
2. Its location as a site of a significant historic event;
3. Its identification with a person or persons who significantly contributed to local, regional, state or national culture and history;
4. Its exemplification of the cultural, economic, social or historic heritage of the City of San Jose;
5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
6. Its embodiment of distinguishing characteristics of an architectural type or specimen;
7. Its identification as the work of an architect or master builder whose individual work has influenced the development of the City of San Jose;
8. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which is either unique or represents a significant architectural innovation.

The landmark designation process in San Jose requires a positive recommendation and finding by the Historic Landmarks Commission and approval by the City Council. There is a slightly different process for designating historic districts but it too requires a finding by the Commission and approval by the City Council.

Two general conclusions may be drawn about the landmark designation process and the factors used to establish significance. First, the eight factors take into account many of the same values embodied in the National Register criteria. Second, the ordinance assigns responsibility for applying these factors to the Historic Landmarks Commission and the City Council. On balance, it must be observed that there is no legal basis for any party other than the Historic Landmarks Commission and the City Council to apply these "factors." The best that an outside party can propose is an opinion about how these factors appear to apply to any given property, such as the Los Gatos Creek Trestle.

Relationship between the San Jose Landmarks factors and National Register Eligibility Criteria

While there are obvious differences between the San Jose factors and National Register eligibility criteria, it is also clear that there are important similarities. It will be recalled that there are four National Register criteria, labeled A, B, C, and D. Criterion A pertains to association with important events. Criterion B pertains to association with important persons. Criterion C pertains to significance in

design, generally architecture or engineering. And Criterion D relates to “information important to our history,” and is most commonly applied to archaeological sites.

The City of San Jose factors 1 and 2 are closely related to National Register Criterion A, association with important events.

1. Its character, interest or value as part of the local, regional, state or national history, heritage or culture;
2. Its location as a site of a significant historic event;

San Jose factor 4 also seems to relate to National Register Criterion A, which is often used to apply to the cultural history of groups, such as ethnic groups or religious groups.

4. Its exemplification of the cultural, economic, social or historic heritage of the city of San José;

San Jose factor 3 is very similar to National Register Criterion B, association with important people.

3. Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history;

San Jose factors 5, 6, 7, and 8 are similar to, although more expansive, than National Register Criterion C, which is geared toward significance in architecture or engineering.

5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
6. Its embodiment of distinguishing characteristics of an architectural type or specimen;
7. Its identification as the work of an architect or master builder whose individual work has influenced the development of the city of San José;
8. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.

Does the Los Gatos Creek Trestle meet the factors in San Jose Landmarks ordinance?

As discussed earlier, the scoping session for the EIR for this project brought forth numerous questions that relate to National Register Criterion A. These included: association with the Western Pacific Railroad; association with the Western Pacific San Jose Branch; association with the canning industry of San Jose; and association with the history of the Willow Glen neighborhood.

These historical associations also align with San Jose landmark factors 1, 2, and 4. The history of the Western Pacific Railroad is best assessed under factor 1 and 2 as is the history of the canning industry. The development of the Willow Glen neighborhood might best be assessed under factor 4.

Across the board, the logic in applying National Register Criterion A applies to factors 1, 2, and 4. The importance of the trestle to the canning industry of San Jose is the same, whether analyzed under Criterion A or factors 1 or 2. The facts regarding the role of this trestle in servicing the canning industry do not change and the basis for ineligibility under National Register Criterion A is the same as that for

San Jose factors 1 and 2. The same may be said of the relationship between this trestle and the development of the Western Pacific Railroad. This trestle was a minor element of the Western Pacific whether evaluated under National Register criteria or San Jose factors.

Similarly, the role of this trestle in the history of Willow Glen does not change, whether it is considered under National Register Criterion A or San Jose factor 4. The brief incorporation of Willow Glen as a city was sparked in part by disagreements between and among the Southern Pacific Railroad, the Western Pacific Railroad, the City of San Jose, and community leaders in the Willow Glen neighborhood. The Los Gatos Creek Trestle is not significantly associated with this aspect or other aspects of the history of this neighborhood.

The four design-related factors, San Jose factors 5 through 8, are far more explicit than National Register Criterion C and deserve detailed analysis. Factor 5 relates to a property portraying the "environment of a group of people in an era of history characterized by a distinctive architectural style." The Los Gatos Creek Trestle does not portray the environment of a group of San Jose people in that the trestle was designed by a corporation headquartered in San Francisco.

Factor 6 is closest in language to National Register Criterion C, and speaks to the "embodiment of distinguishing characteristics of an architectural type or specimen." The foregoing analysis of the potential significance of the trestle under National Register Criterion C applies directly to potential significance under Factor 6. The trestle is not important under Factor 6 for the reasons given in the foregoing discussion of National Register Criterion C.

Factor 7 relates to a property being the work of a noted architect or master builder. The trestle is not the work of a noted architect or master builder.

Factor 8 relates to a property being an example of innovative design: "Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique." As discussed in the foregoing analysis under National Register Criterion C, the Los Gatos Creek Trestle is a typical timber bent trestle, of a type built in the thousands throughout California. By the time it was built in the 1902s, trestles of this sort had already been built for at least half a century. Under this factor, the Los Gatos Creek Trestle is neither innovative nor unique.

General Conclusion Regarding Significance of the Los Gatos Creek Trestle under the Landmarks Program of the City of San Jose

As noted earlier, the Landmark designation process for the City of San Jose belongs to the City of San Jose and responsibility for its implementation is assigned to the Historic Landmarks Commission and the City Council.

It can be observed, however, that the factors to be considered for Landmark designation are fundamentally similar to the criteria for the National Register of Historic Places and California Register of Historical Resources. The logic that finds the Los Gatos Creek Trestle not eligible for the National Register or California Register strongly suggests that the trestle is also not eligible for designation under the Landmarks program of the City of San Jose.