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To: <pao@energy.state.ca.us>, <bikes@svbcbikes.org>
Date: Tue, Mar 22, 2005 5:41 PM
Subject: Los Esteros Bike Path

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Ms. Kim,

In response the failure of the Energy Commission to force CalPine to repair the destroyed bike path along Hwy 237 between the McCarthy family ranch and Zanker road. I work directly across the street from the CalPine peaker plant at the VTA Cerone Division. I personally witnessed the removal of the path and its transformation to a construction access road. I even have photographs of the area shortly before construction began. I was shocked that the City of San Jose, the Energy Commission, and whoever else was responsible for the contract design and management neglected to add a restoration clause to the construction contract. Not only was the reconstruction of the cycle path ignored but millions of dollars were overlooked in alternative transportation grants attached to this project. The end result is not only a violation of CalTrans directive DD-64 but is yet another event in the long string of cycle path destruction and contractual negligence along the Hwy 237 corridor for the last 2

1/2 years. I have offered my services as a witness to any suit filed against the appropriate agencies and continue to do so. My advice to the commission is to do the right thing and demand the restoration of the Los Esteros Class 1 Pathway to its previous condition before the peaker plant construction.

Sincerely,

Greg Beattie - Engineer
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