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Subject: Re: 03-AFC-2 LECEF CARE's Prehearing Conference statement

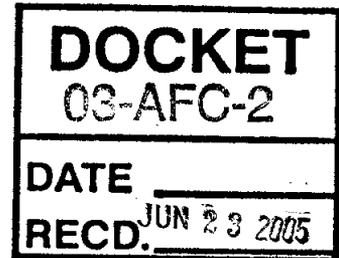
Mike this is greg Beattie testimony it needs to be filed I will also have him produce a declaration

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To Whom It May Concern:

I would like to introduce myself; my name is Greg Beattie and am employed by the Valley Transportation Authority as an Engineer Technician 3, the highest level of non-licensed engineering position at the agency. I have been employed by the VTA for almost five years and my specialties include the maintenance of industrial facilities, paving, roofing, painting, HVAC, and revenue fleet wash equipment (Bus and Train). My duties include the actual writing of construction contracts for both repair and maintenance of said assets. I spend about 20% of my time estimating and repairing asphalt and Portland cement concrete parking lots and roadways that are damaged or destroyed by our buses and light rail vehicles. For the entire period of my employment I have worked at 3990 Zanker Rd. San Jose, CA 94043, Building A, directly across Highway 237 from the CalPine peaker plant alongside the Los Esteros bicycle path at the end of Ranch Road in Miplitas.

My concern for the repair of the Class 1 bicycle pathway along the Los Esteros Creek is based both on my knowledge as an engineer technician, a public contracting agent for the VTA, and my love for cycling. I have commuted to work on that path for a period of six months in 2001 prior to the beginning of the plant construction so I am familiar with its appearance prior to its destruction. As I recall,



construction of the peaker plant began in the early spring / summer of 2002 with the removal of the hot houses that used to be on the property. I remember joking with my co-workers about the "battleship" being erected across the freeway. During the 18 to 24 month project, I continually witnessed the current Class 1 bicycle pathway used for a preliminary construction access road until a larger construction road to the North of the existing Class 1 pathway was built for the very heavy equipment used to erect the superstructure of the plant. I witnessed many medium and heavy weight vehicles such as supply trucks, concrete trucks, dump trucks and other vehicles use the bike path as an access road until the larger road was completed with easier access to Zanker Road. Trucks continued to use the bike path for about a year or so until the major construction was completed. The pathway was used as a site exit shortcut West to Zanker road and access to Highway 237 to avoid the and sharp turns at the intersection of McCarthy Ranch Road and the ensuing traffic from the McCarthy Ranch Shopping Center. In fact the bollard poles have yet to be replaced at the Zanker Road trailhead since construction has been completed. The pathway was repaired from the end of Ranch Road to the western limit of the Calpine property leaving approximately .45 tenths of a mile of bike path damaged beyond usability.

From as design standpoint a Class 1 bicycle path will not stand up to continual use from motorized vehicular traffic, especially trucks and other construction vehicles. VTA buses weigh 30,000 pounds, about 15 tons, these are considered medium weight vehicles and will crush 4 inches of AR 4000 grade asphalt in a matter of weeks. A bike path that is constructed for bicycles, pedestrians, and the occasional use of motorized maintenance vehicles cannot withstand the rigors of a construction access road. For reference please consult chapter 1000 of the CalTran's Highway Design Manual. Lack of drainage and use by the construction contractors have left the .45-mile section a wasteland of crushed pavement and potholes the size of small cars 18 inches deep. Currently, by my estimate the repair to the bike path would cost approximately \$50,000 to "plug" the potholes, cover the existing asphalt and plugs with a weather resistant petromat fabric and then overlay with 2" of AR 4000 grade asphalt plus the striping work. Whenever large construction projects for VTA are being planned such as the enlargement of the facility at which I am based, it is in my best interest to be involved in the planning stages of the project to insure that any roadways that are to be used as construction access are to be repaired under the budget to which the construction contract is assigned.

Maintenance money is limited and if I had to expend my yearly budget to repair a roadway that should have been covered under a construction contract would result in severe disciplinary actions taken against me. I do not understand how the contract managers or onsite construction inspectors either allowed a "restore as before" clause to fall out of the contract with CalPine's General Contractor, the possible inspector's failure to enforce access limitations if they existed, and the overall lack of over site by the managing agencies.

Sincerely,

Gregory P. Beattie
Engineer Technician 3