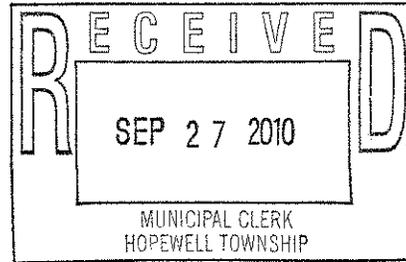
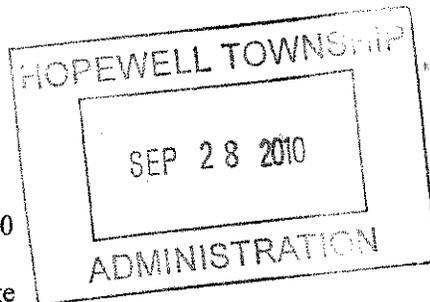


24 September 2010

Rep. Rush Holt
50 Washington Road
West Windsor NJ 08550

Re: Jacobs Creek Bridge



Dear Representative Holt,

I enjoyed meeting and speaking briefly with you and Cate Litvak on Saturday 9/18 at the Border's historical presentations and book signings. You missed John Nagy's talk on his book, *Invisible Ink: Spycraft of the American Revolution*, which was so interesting he was invited to speak at a Hopewell Valley Historical Society meeting.

I left you copies of pages from David Hackett Fischer's *Washington's Crossing* describing the difficulty of lowering eighteen cannon down the steep ravine with 100 ft. ropes looped around trees for mechanical advantage. The point being that this part of the Victory Trail at Jacobs Creek where the cannon were lowered is hallowed ground and must not be buried by a realigned road and bridge. This position is supported by over 2,500 signatures for SaveTheVictoryTrail.com's bipartisan coalition's petition.

In 2004 the Bridge Task Force, appointed by Hopewell Township involving all parties including the Township and County engineers, issued a report with the top three alternatives retaining the T-intersection, the strongest being Alternate 3B. The Township forwarded Resolution #04-361, adopted 12/13/04, to the County where it was ignored for five years. In 2009 the County announced that they were going ahead with a realigned, unlimited weight bridge. This design was identical to one prepared in 1989 and found in NJ DEP-Historic Preservation Office files (SHPO) for the Bear Tavern Road bridge and attached to the Janssen proposal for their move to the Bear Tavern Road facility. This sudden design decision caused roiled residents to form Save the Victory Trail Coalition to oppose the County's design selection.

Saturday's Trenton Times article (9/18) attributes a number of points to Mr. Hughes that are erroneous or exaggerated:

1. "I don't believe our [bridge] footprint will be that big that it will significantly alter the historic nature of the site." The realigned bridge will need a left turn lane to Jacobs Creek Road - 3 lanes x 12 ft., 2 shoulders x at least 7 ft, and 2 guardrail walls. This is over 50ft. wide - a huge footprint! The realignment will require a deep cut into the steep ravine bank and a high concrete retaining wall to shore up the corner property. In addition a wide swath of trees will need to be cleared, forever decimating the natural historic beauty of the site.
2. Mr. Hughes said Alternate 3B would not strengthen the bridge enough for emergency vehicles. Alternate 3B would have new heavy beams underneath designed to meet H15 Highway Standard which will carry 30 tons (15tons each lane), enough for emergency vehicles, but not 25-ton tractor-trailers. For an even heavier loading, the beams could be made deeper and/or spaced closer together.
3. Mr. Hughes said the T-intersection is unsafe. Frankly, residents consider the "T" the only traffic calming element which can reduce the speed of cars coming down steep hills on both sides of the bridge. What is absurd is the 50 mph sign at the top of the hill by Janssen, and a quarter mile down the hill is a 15 mph sign. This is

where some drivers found they were traveling too fast, spun out, especially in poor weather, and landed on top of the stone guardrail along a feeder to Jacobs Creek – before reaching the bridge. The long steep hill on the Ewing side of the bridge is equally dangerous with a hook at the bottom famous for accidents. The County has installed large warning signs at the bottom which have dramatically reduced the number of cars failing to negotiate the hook and ending up in residents' yards. Neither of these gradients with a curve or a hook will be changed by realignment of the bridge, and the hook will definitely cause a tractor-trailer to jackknife at some point in time. So much for safety! Route 579 was not designed for large truck traffic. Accident reports have been examined, and few actually happen on the bridge itself. The vast majority occur on either side. Yes there are some fender-benders at the stop sign from cars following too closely, but this is not uncommon at stop signs on well-traveled roads in rush hour.

At Borders you asked one of the people you spoke to, what can you do to support the residents opposed to the realignment in order to preserve the Rural Historic Landscape and Victory Trail? You can support Hopewell Township Committee's Resolution #10-102 (enclosed) endorsing Alternate 3B, and by its design retaining the T-intersection, by way of official correspondence to the County.

Further, you can support Janssen's request for an entrance on River Road, Route 29, through property they own, which has been blocked by the Delaware & Raritan Canal Commission. Mayor Markulec and DEP Commissioner Martin both are supporting the new entrance and could use your help in intervening with the Commission. This would alleviate traffic volume on the bridge for those currently using the Janssen entrance on Bear Tavern Road.

Mr. Hughes has told DEP Commissioner Martin that Janssen will not expand their facilities unless they get a realigned, unlimited weight bridge. I think this is bluster since they have too much invested in the site already, especially if they can get a River Road entrance. In fact this makes more sense since their future site development is closer to River Road, and they would not have to bring construction traffic through their main office and employee entrance on Bear Tavern Road.

Mr. Hughes also argues that the proposed 3-ton limit on Bear Tavern Route 579 in Ewing will restrict tractor-trailer traffic from residential and school zones coming from I-95 (except those going to Janssen). Unfortunately, this has not worked on the northern section of Route 579 where the 3-ton limit has been in effect for some time. Tractor-trailers have been chancing this route, which is quite narrow through historic Harbourton, at all hours as this route is an effective cut-through to and from Route 31. A new, unlimited weight bridge will encourage even more elicit truck traffic on the 579 shortcut to Route 31.

A private submission for historic designation of the *Jacobs Creek Crossing Rural Historic Landscape* was submitted to the NJ Historic Preservation Office, and by statute their review decision for eligibility was due on June 3rd. SHPO has written to the County that "*The association of the larger bridge site with the route of the Continental Army's march through this area is profound.*" This site is clearly of historical significance due to Washington's march to Trenton. The decision for eligibility should be made for the sake of our history, and not illegally buried for political reasons. Your response on how you can support the will of the residents and supporters would be greatly appreciated.

Sincerely,



Rollin R. La France AIA

Cc: Mayor Markulec, Cate Litvak

Enc.: Resolution #04-361, 12/13/04, Resolution #10-102, 04/12/10

Eml.Saunders-Katz, 08/02/10, Ltr.Saunders-Sandusky, 04/13/10

RESOLUTION #04-361

**RESOLUTION ENDORSING THE REPORT AND
RECOMMENDATIONS OF THE BEAR TAVERN BRIDGE
MAYOR'S TASK FORCE**

WHEREAS, in April 2004, the Mayor appointed a Task Force to independently review and report on the Bear Tavern Road Bridge (also known as the Jacob's Creek Bridge); and

WHEREAS, the Task Force undertook to independently review the bridge, the needs for its reconstruction and various construction alternatives, and to recommend several alternatives based upon a mediated decision-making process; and

WHEREAS, Task Force members included Peter Brittingham, Hopewell Township resident; Frank Fechter, Hopewell Township Police Lieutenant; Robin Fogel, Hopewell Township resident; Heidi Kahme, of Hopewell Township Historic Preservation Commission; Paul Pogorzelski, Hopewell Township Engineer; Craig Rolwood, of the Mayor's Task Force on Traffic and Trucking; Greg Sandusky, the Acting Mercer County Engineer; John Subacus, of Janssen Pharmaceutica; and Andrea Tingey, of the Office of State Historic Preservation; and

WHEREAS, the Task Force utilized a facilitator from the New Jersey Office of Dispute Settlement; and

WHEREAS, the Task Force held its first meeting on April 19, 2004, and thereafter met on seven other occasions; and

WHEREAS, the Task Force issued its report and recommendations to the Hopewell Township Committee on November 8, 2004; and

WHEREAS, the Township Committee thereafter left the record open for any other member of the public to comment on the report and its recommendations; and

WHEREAS, the Task Force recommended four ranked alternatives and requested that all four alternatives be forwarded from the Township to Mercer County, which has ultimate jurisdiction over the bridge.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hopewell, in the County of Mercer, State of New Jersey, as follows:

1. The Township Committee endorses the report and recommendations of the Bear Tavern Bridge Mayor's Task Force.
2. The Township Committee thanks the members of the Task Force for their service to the Township.
3. The Township Committee directs the Clerk to forward the report, in its entirety, to Mercer County for the County's review and consideration.

BE IT FURTHER RESOLVED, that the complete record developed by the Township Committee concerning the Task Force report be forwarded to Mercer County for its additional review and consideration. Adopted:

Adopted: December 13, 2004

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

RESOLUTION #10-102

**A RESOLUTION ENDORSING ALTERNATE 3B IN THE 2004 BEAR TAVERN
BRIDGE TASK FORCE RECOMMENDATIONS AS THE DESIGN BASIS FOR THE
JACOBS CREEK BRIDGE**

WHEREAS, the Hopewell Township Committee passed Resolution #09-107 on March 9, 2009, which conditionally approved Mercer County's design for the Jacobs Creek Bridge "subject to the requests and recommendations of the Hopewell Township Historic Preservation Commission and the Hopewell Township Committee"; and

WHEREAS, Hopewell Township Mayor Vanessa Sandom sent a letter, dated March 10, 2009, to Mercer County Engineer Greg Sandusky outlining the requests and recommendations of the Hopewell Township Historic Preservation Commission and the Hopewell Township Committee regarding the Jacobs Creek Bridge and surrounding roadways, including a confirmation that Mercer County would meet and review with the Hopewell Township Historic Preservation Commission the design for the Jacobs Creek Bridge; and

WHEREAS, the Hopewell Township Historic Preservation Commission met and reviewed Mercer County's design for the Jacobs Creek Bridge with Mercer County Engineer Greg Sandusky on September 9, 2009. Many residents attended the meeting and provided information regarding the historical significance of the area surrounding the Jacobs Creek Bridge; and

WHEREAS, the Hopewell Township Historic Preservation Commission met on September 16, 2009, and decided to request in a letter dated September 27, 2009 that Mercer County incorporate into its design a review as to the historical significance of the area surrounding the Jacobs Creek Bridge; and

WHEREAS, on September 24, 2009, Mercer County closed the Jacobs Creek Bridge because of safety concerns; and

WHEREAS, the Hopewell Township Committee passed Resolution #09-336 on September 29, 2009, which requested that "Mercer County evaluate the historical significance of the area surrounding the Jacobs Creek Bridge as part of its design for the Jacobs Creek Bridge"; and

WHEREAS, On February 3, 2010 Mercer County submitted a Phase 1A Archeological Survey to the New Jersey State Historic Preservation Office and an addendum to that Survey on March 3, 2010; and

WHEREAS, the State Historic Preservation Office has not issued its review comments on the documents submitted by Mercer County as of this date; and

WHEREAS, the Coalition to Save the Victory Trail have requested the Hopewell Township Committee review, consider and endorse the 2004 Bear Tavern Bridge Task Force recommendations.

NOW, THEREFORE, BE IT RESOLVED, on this 12th day of April, 2010, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Hopewell Township endorses Alternate 3b in the 2004 Bear Tavern Bridge Task Force recommendations and that said Alternate be used as the basis for the design of the Jacobs Creek Bridge.

BE IT ALSO RESOLVED that copies of this resolution be distributed to the County Executive Brian Hughes, Mercer County Transportation and Infrastructure Director Aaron Watson, Mercer County Engineer Greg Sandusky, and the County Board of Chosen Freeholders.

Date Adopted: April 12, 2010

From: Dan.Saunders@dep.state.nj.us
To: ArtChick4@aol.com
CC: bk1139@aol.com, blackwellsisland@aol.com, Amy.Cradic@dep.state.nj.us
Sent: 8/2/2010 4:54:43 P.M. Eastern Daylight Time

Subj: Re: Jacobs Creek Crossing Rural Historic Landscape

Ms. Katz,

Thank you for your e-mail. My April 13, 2010 letter to County Executive Hughes clearly identified the historic significance of the cultural landscape in the Bear Tavern Road Bridge project area. (Attached, see page 2, paragraph 2.) The significance of the cultural landscape is on the record and will be considered as the Department evaluates the project.

I apologize for being slow in the review of the preliminary application for the Jacobs Creek Crossing Rural Historic Landscape as a historic district. HPO will respond to the application before the end of the month.

Finally, thank you for the DVD on the Frog War, what a remarkable story that is.

Dan

>>> <ArtChick4@aol.com> 8/1/2010 10:37 PM >>>

Dear Mr. Saunders,

We are now approaching 2 months past the procedural due date for determination of the preliminary application submitted to SHPO for the Jacobs Creek Crossing Rural Historic Landscape.

It is our understanding that an August 5, 2010 meeting is scheduled for Commissioner Martin, Mayor Markulec and County Executive Hughes to discuss alternatives for the Jacobs Creek Bridge and project area.

Hopefully, this meeting and the alternatives to be discussed will take into consideration the historic properties of the bridge and area, and that portion of our application which is germane to the discussion.

Can we presume that a recommendation on our entire application will be forthcoming any time soon?

As we have not yet received an official determination, a DVD is being delivered to you tomorrow. It is part of a series on the old railroads in the area (made in 1992) and focuses on the "Frog War" and Mercer & Somerset Railroad history. The DVD includes footage of Jacobs Creek Road.

Looking forward to hearing from you with an update on the status of the application in question,

Best regards,



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
NATURAL & HISTORIC RESOURCES, HISTORIC PRESERVATION OFFICE
PO Box 404, Trenton, NJ 08625-0404
TEL: (609) 984-0176 FAX: (609) 984-0578
www.state.nj.us/dep/hpo

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

April 13, 2010

Greg Sandusky, County Engineer
McDade Administration Building
P.O. Box 8068
Trenton, NJ 08650

**RE: Mercer County, Hopewell Township
Bear Tavern Road Bridge over Jacob's Creek
County Bridge No. 214.2, SI&A No. 2200060**

Dear Mr. Sandusky:

Thank you for providing the Historic Preservation Office (HPO) with the opportunity for review and comment on the potential for the above-referenced project to affect historic and archaeological resources. Your request for review of the project is in preparation for the submission of a Freshwater Wetlands (FWW) permit. As the County has not yet applied for the FWW permit, we are providing technical assistance to you to expedite the future permit application.

In New Jersey, FWW permits are reviewed under an Assumption Agreement with the Environmental Protection Agency (EPA). EPA requires that the review of the impact of NJDEP FWW permitted projects on historic properties must be at least as stringent as the federal Section 106 Review process. Section 106 requires, among other things: identification of historic properties, assessing project effects, and resolving adverse effects. The comments that follow are based, in part, on the following reviewed reports:

McVarish, Douglas C., and Rebecca W. Yamin
January 2010 *Bear Tavern Road Bridge over Jacobs Creek. Hopewell Township, Mercer County, New Jersey, Phase IA Archaeological Study.* John Milner Associates, Inc., Philadelphia, PA. Prepared for County of Mercer, Office of the Engineer. (Report)

McVarish, Douglas C., and Rebecca W. Yamin
March 2010 *Hopewell Township, Mercer County, New Jersey, Phase IA Archaeological Study, An Addendum. Bear Tavern Road Bridge over Jacobs Creek.* John Milner Associates, Inc., Philadelphia, PA. Prepared for County of Mercer, Office of the Engineer.

Identification of Historic Properties

Architecture/Above Ground Properties

The project poses a problem in terms of the identification of historic properties. The historic properties that have been proposed for evaluation for eligibility extend well beyond the area of potential effect of the project (APE). Bear Tavern Road is certainly an 18th century road of local significance with a role in the nationally significant route of the Continental Army leading to the Battle of Trenton, however, evaluating the integrity of the route is well beyond the scope of the project. The Bear Tavern Bridge is but a fragment of that much longer route. Jacobs Creek Road follows the alignment of an abandoned 19th century railroad that was identified as part of a potentially eligible district in the book Hopewell, a Historical Geography. That potential district and the railroad line also extend well beyond the project APE. The difficulty is that to fully identify historic properties would require analysis that is out of proportion with the scale and geographic impact of the project. As you will see below, we have chosen to take a broad view of the eligibility of the bridge as a way to balance the goal of complete identification of above ground historic properties without an undue burden of cost on the County. We are not requesting additional information about architectural/above ground properties at this time.

The Bear Tavern Road Bridge over Jacobs Creek has previously been identified as eligible for listing on the New Jersey and National Registers of Historic Places. That opinion focused primarily on the bridge structure and three of the seven National Register aspects of integrity: design, materials and workmanship. However, the bridge does not exist in a vacuum, the aspects of integrity of: location, setting, feeling, and association, are essential to its historic character as part of a small rural historic landscape. The location of the bridge along the Colonial road at the base of the natural drainage, and at the intersection of Bear Tavern Road with the former Railroad Bed (now Jacobs Creek Road) is part of its historic character. The larger geographic area where the bridge is located is an important aspect of its integrity of setting. The association of the larger bridge site with the route of the Continental Army's march through this area is profound. Finally, the larger geographic area maintains integrity of feeling that is clear to all who pass through it. It is an area shaped by 18th & 19th century infrastructure development, when roads and later railroads followed natural contours, when the road led to the best natural ford of the stream.

Archaeological Properties

Our request for full Phase I survey, and as necessary Phase II archaeological survey, stands. The submitted Phase IA survey, the first half of a full Phase I survey notes that there has been prior disturbance to construct a waterline. However, the survey does not document the precise extent of that disturbance. Archaeological survey work must be conducted within the limits of ground disturbance to identify the presence or absence of archaeological deposits. The archaeological survey and cultural landscape

study shall include a field reconnaissance of both Jacobs Creek and Woolsey Creek, recording any visual evidence of prior masonry structure, including but not limited to presence of dressed stone in the stream.

Subsurface testing shall be excavated into culturally sterile subsoil to identify the presence or absence of archaeological deposits on the project site. If archaeological resources are identified, Phase II survey will provide for evaluation of the National Register eligibility of the site(s) and assessment of project impacts. For properties on or eligible for National Register inclusion, recommendations must be provided for avoidance of impacts. If impacts cannot be avoided, analyses must be provided exploring alternatives to minimize and/or mitigate impacts. Means to avoid, minimize and/or mitigate impacts to National Register eligible properties will need to be developed and undertaken prior to project implementation.

All phases of the archaeological survey and reporting will need to be in keeping with the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation*. Phase I archaeological survey and reporting guidelines must comply with N.J.A.C. 7:4-8.4 through 8.5 (http://www.nj.gov/dep/hpo/2protection/register_historic_places09_29_08.pdf). Evaluations to determine the National Register eligibility of archaeological sites must be in keeping with the National Park Service's 2000 National Register Bulletin, *Guidelines for Evaluating and Registering Archeological Properties*. The individual(s) conducting the work will need to meet the relevant Secretary of the Interior's Professional Qualifications Standards for archaeology (48 FR 44738-9).

If potential human burials or human skeletal remains are encountered, all ground disturbing activities in the vicinity shall cease immediately and the Historic Preservation Office should be contacted, as well as any appropriate legal officials. The potential burials shall be left in place unless imminently threatened by human or natural displacement.

Assessing Effects

The proposed project, which removes the historic bridge from its context, will have an adverse effect on the historic site (as stated in our May 15, 2009 letter on the project). This assessment is preliminary and does not include effects on archaeology as the identification of archaeological resources is not complete. The FWW rules require that adverse effects be avoided where possible to ensure that the project has the minimum practicable degradation of the historic property. The County worked with Hopewell Township to prepare an alternatives analysis. That alternatives analysis provides a useful starting point for a discussion of alternatives. I suggest we meet to discuss project impacts, alternatives, and as necessary mitigation for the project's impact on historic properties.

Additional Comment

The Department will need to consider a variety of wetland/natural resource factors when evaluating the required FWW permit for the project.

Thank you for providing the HPO with an opportunity to comment on the potential for this undertaking to affect historic properties. Please contact Vincent Maresca of my staff regarding archaeology (609-633-2395 or Vincent.Maresca@dep.state.nj.us) or Andrea Tingey regarding historic architecture (609-984-0539 or Andrea.Tingey@dep.state.nj.us).

Sincerely,



Daniel D. Saunders
Deputy State Historic
Preservation Officer and
Acting Administrator

- c: Charlie Welch, NJDEP-LUR
Cate Litvack, Crossroads of the American Revolution, Inc.
Vanessa Sandom, Mayor, Hopewell Township
Paul Pogorzelski, Administrator/Engineer, Hopewell Township
Pamela Crabtree, Chair, Hopewell Township Historic Preservation Commission
Beth Kerr
Rhonda Katz
David Blackwell