

On August 20, 2015, Councilmember Oliverio posted on NextDoor about a local park, and then went on to add:

"The only risk to the athletic fields NOT opening in 2017 is due to the continued litigation regarding a dilapidated chemical soaked trestle bridge. The continued litigation (by a lawyer from Sonoma County) puts \$3 million in the District 6 parks budget at risk which means \$3 million in park projects must be cancelled. Fortunately, The League of California Cities filed an amicus brief with the court in support of the City of San Jose however in the meantime the trail connection remains closed and future park projects are in jeopardy."

The Councilmember is referring to the Willow Glen Trestle.

In 2004, the city approved plans to repair the trestle and adapt it for trail use. We in the community helped the city win millions in grants from the County, Open Space Authority, and Water District for the purchase of the trestle and trail right-of-way and for the repair of the trestle. By 2012, the city had both the trestle and a detailed engineering report for its safe reuse, down to which bolts to replace and the number of fire sprinkler heads to install.

>> By now, we probably could be enjoying a trail connection over the repaired historic train trestle.

Speculating as to what went wrong:

The city also had a State grant to acquire land for extending the trail over towards Kelley Park. The grant could be repurposed, and some individuals at the city apparently determined that the more taxpayers' money they spent, the more money the city could collect in project management fees. Replacing the trestle costs more than repairing it. Apparently individuals convinced the city to borrow park funds to purchase a pre-fab bridge. When the city then tried to demolish the trestle without considering its loss to the community, the Friends of the Willow Glen Trestle sued to enforce environmental law, and the Court agreed with us that state law requires an Environmental Impact Report.

The EIR has now been done, and it shows that the trestle is readily repairable, does not significantly impede the stream flow, and contamination-wise it is better just left alone rather than trying to remove it. But the city consultant also shaved and padded points in a trade matrix (like an extra point for the prefab because it "could be made pleasing"), apparently to help justify the replacement prefab. And while the city's Historic Landmark Commission studied the trestle's history and then unanimously recommended that it be granted city landmark status, the one historian hired by the consultant gave a contrary opinion. Despite strong public support for the trestle, the city approved the plans for the already-purchased prefab and for the demolition of the trestle.

>> Even if not on the trestle, at least we now could be getting the trail connection.

While the city lost the court case and had to do an EIR, it still basically got what it wanted. But it wanted more: it did not want to be told that it had to do an EIR (and also didn't want to pay our lawyer), so it appealed the Court's decision. But when the city then told the now two Courts that it'd done the EIR and now wanted to demolish the trestle, both Courts said no: you now have to complete the appeal process. The city now risks losing the millions it apparently borrowed from its park fund against a grant it didn't yet have to purchase a prefab bridge it didn't need -- plus legal fees.

Note: none of this affects the WG Little League snack shack -- that's separately and privately funded; the prefab bridge can probably be rebudgeted and used elsewhere; and the State may yet be willing to have the city use the grant on some other project.

Instead of the delays and added expenses because a few individuals at the city apparently tried repurposing a grant to spend more taxpayers' money and tried to shortcut the public review process, by now we could have been enjoying a trail on a repaired historic trestle. Indeed, as it is still standing, there is still hope of saving the Willow Glen Trestle to connect Downtown to Willow Glen, and to connect future generations to our "Valley of Heart's Delight" agricultural past.

~Larry, a Friend of the Willow Glen Trestle; Larry@WGTrestle.org, Aug. 26, 2015