

Civil No. H047068

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT**

**Willow Glen Trestle
Conservancy and Friends of
the Willow Glen Trestle;**

Plaintiffs and Appellants,

v.

**City of San José and City of
San José Department of
Public Works;**

Defendants and Respondents.

Civil Number H047068

Santa Clara County Superior
Court Case No. 18CV335801

**EMERGENCY STAY
REQUESTED BY
FRIDAY JULY 5 AT 4 PM**

On appeal from the Superior Court of Santa Clara County

Honorable Thomas E. Kuhnle

408-882-2150

**Declaration of Lawrence Ames in support of
Petition for Writ of Supersedeas**

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I, Lawrence Ames, declare:

1. I am a founding member of both appellant groups, the Willow Glen Conservancy and Friends of the Willow Glen Trestle.

2. I have submitted two declarations in support of injunctive relief in the trial court, and they are included in the Appellants' Appendix submitted to this Court at AA 17-26 and 174-178, *attached*.

3. My statements in those declarations, including the excellent compromise that remains available to utilize the steel bridge for the pedestrian trail as the City prefers while leaving the historic Willow Glen Trestle intact (AA 23-26), *and* our group's ongoing efforts to obtain further grant funding for the project, remain true. Only if CEQA's substantive mandate to study and adopt feasible alternatives to projects that have significant environmental impacts is now enforced by this Court by requiring supplemental review in an EIR will the historic Trestle have a chance to survive. The efforts of the Willow Glen community and the State Historic Resources Commission to confirm the historic status and integrity of the Trestle will otherwise come to naught.

4. In recent weeks I have personally been encouraged by the strong likelihood of grant funding from the County of Santa

Clara bolstered by the support of Willow Glen residents.

5. In my opinion, the destruction of the Willow Glen Trestle would result in significant, needless loss to the cultural and historic environment of Willow Creek and would cause irreparable environmental harm. The trestle is an important part of our community's history and culture. Once destroyed, the Trestle that played a key and historic role in the revival of the Western Pacific Railroad Company would be forever lost. Since reuse of the Trestle for the Three Creeks Trail Pedestrian Bridge avoids impacts in the creek as well as irreparable harm to an important historic resource, this Court's stay of demolition while the appeal is pending is of great, long-term importance.

I declare under penalty of perjury that the foregoing is true to the best of my knowledge. Executed at Willow Glen, California, on July 3, 2019.

Lawrence Ames, PhD.