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Seven-year battle to save Willow Glen's historic trestle may finally end in demolition

An appeals court has ruled the city can tear down the wooden bridge



Preservationists have fought to save the Willow Glen trestle near Coe Avenue in San Jose, which the city wants to tear down and replace with a steel structure. (Sal Pizarro/Bay Area News Group)

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The nearly seven-year-long fight to save Willow Glen's historic trestle from demolition has been dealt its latest — and potentially final — blow.

The Sixth District Court of Appeal in San Jose [this past week rejected a request](#) by the Willow Glen Trestle Conservancy and Friends of Willow Glen Trestle to reverse a Santa Clara County Superior Court decision last year to allow the city to move forward with its

longtime plan to demolish the 98-year-old wooden bridge and replace it with a new one that would help connect the city's trail system.

City Attorney Rich Doyle rejoiced at the court's decision during an interview on Friday, saying that he "hopes this is the end of it."

"We've checked all the boxes and hopefully this means that we can finally get this project moving forward so the public can have access to one more trail that's completed," Doyle said, pointing out the frustrating barrier that the years of litigation have placed on the city's ability to complete Three Creeks Trail.

Meanwhile, Larry Ames, who spearheaded the resident group, said Friday that he was "disappointed by the ruling" but that "it's not over yet."

"It's a historic structure. The state of California repeatedly says it is," he said. "The question is can the city tear it down before the state said it was. We don't think they should."

The latest decision [marks the second failed suit](#) by the Willow Glen Trestle Conservancy to block the bridge's demolition.

In its first suit, filed in 2014, the group contended that the city violated the California Environmental Quality Act by approving the bridge's demolition without preparing an environmental impact report, which would have required the city to explore alternative options that could preserve the bridge. The group initially won that suit but after the city appealed, the county's superior court inevitably sided with the city, and the state supreme court opted not to take the matter up.

This latest dispute revolved around whether the city was required to conduct a new environmental impact review that would take into consideration the trestle's historic value.

The bridge, which goes over Los Gatos Creek behind Lincoln Ave. in Willow Glen, was built in 1921 as a structure to carry trains for the Union Pacific Railroad. In 2011, local government officials brokered a multimillion-dollar deal to purchase the right of way from Union Pacific in an effort to extend the city's Three Creek Trail and connect it to the Los Gatos Creek Trail.

Three years later, the city approved the razing of the decaying bridge and awarded a contract to construct a new steel bridge, which has since been built and sitting in storage for years. At that time, the bridge had not yet been deemed historic.

Those plans, however, were abruptly halted when the Willow Glen Trestle Conservancy and Friends filed their first lawsuit to block the demolition.

While that was tied up in the first round of litigation, the group applied and was able to get the bridge listed on the California Register of Historical Resources — triggering the city to unsuccessfully file a suit against the California State Historical Resources Commission to undo its the trestle’s historic declaration.

Despite the pleas from the preservationists, the appeals court has now declared that there was “no substance” in the group’s arguments to require a new environmental study based on the new historic designation.

Susan Bryant Hawley, the attorney representing the Willow Glen Trestle Conservancy resident group, said she plans to seek a rehearing in the appellate court. She is also pursuing a different legal argument to require an environmental review based on a conservation easement between the city and county.

For Hawley and the group she represents, the goal is simple: get the city to consider reasonable alternatives to the project that could accomplish the goal of connecting the trails while also preserving the bridge.

“CEQA (the California Environmental Quality Act) requires that a project that may have an impact on a historic resource cannot proceed without studying feasible alternatives that would avoid the demolition and accomplish the project objectives,” Hawley said. “The city denied for years that the trestle is a historic resource but now that has been put to rest and we continue to see the protection of state law that require alternatives.”

But for former San Jose Councilman Pierluigi Oliverio, who initiated the land purchase and trail extension proposal nearly a decade ago, the saga illustrates a need for reform to the state’s Environmental Quality Act.

“This has been seven-plus years of delays for a pretty simple project,” Oliverio said. “It just shows that all it takes is one individual’s litigation to postpone a benefit for the entire community.”