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Environmental Group Files Lawsuit to Protect the Willow Glen Trestle

San Jose (February 12, 2014) – Friends of the Willow Glen Trestle, a group of community members including Preservation Action Council of San Jose (PAC-SJ), filed suit on February 11 in Santa Clara County Superior Court, Case Number 114CV260439. The Friends challenge the San José City Council’s ongoing refusal to apply legal protections of the California Environmental Quality Act (CEQA) to historic and cultural resources.

The lawsuit is prompted by the Council’s very recent decision to demolish the historic wooden Willow Glen Trestle, built in 1921. For many years, Friends’ members have worked with the City on plans to incorporate the Trestle into its network of bike/jogging trails, connecting the Los Gatos and Three Creeks Trails. The evocative restored Trestle would become the crown jewel of the trail system and the gateway to Willow Glen, continuing to tell the story of the railroads’ history.

This past spring, the City decided to replace the Trestle with a more costly prefabricated steel bridge. Friends’ founder Larry Ames explains that “The City relied on an outdated report from 2004, when the Trestle was planned to be restored as part of the Three Creeks Trail, to conclude that it didn’t qualify for historic status. However, recent comprehensive reports state just the opposite: the Trestle is in fact historic, and the City’s own Historic Landmarks Commission considers it ‘landmark worthy’.”

CEQA is a citizen-enforced statute. The Friends contend that the City violated CEQA by approving the demolition of the Trestle without preparing an environmental impact report. An EIR enables the City to publicly analyze many environmental impacts (including the loss of historic structures) and to evaluate whether restoring the Trestle for trail use, as described by the City’s own engineering report, is in fact feasible. Referencing funding concerns, the City moved too quickly to approve demolition. The vote to proceed without an EIR was not unanimous, with two City Councilmembers (Xavier Campos and Donald Rocha) voting ‘no’, and several other Councilmembers lamenting the process.

“The City’s approval process was short-sighted and flawed, and puts other unique San José resources at risk,” said Friends’ member Richard Nieset. “When a qualified historic resource that is not listed in an historic register is proposed for demolition, CEQA requires a hard look at the feasibility of rehabilitation. And that requires an EIR process.”

“This case is about much more than just saving the historic Willow Glen Trestle,” agreed PAC-SJ Executive Director Brian Grayson. “It says the City is not above the law. Current and future historic structures will owe their survival to the success of this legal action and our community will be a better place because of it.”

The Friends are represented by Susan Brandt-Hawley, the preservation attorney who litigated successful CEQA suits in San José to protect the José Theater, the Montgomery Hotel, the Scheller House at San José State, and IBM Building 25.
