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8 CITY OF SAN JOSE and CITY OF SAN JOSE
DEPARTMENT OF PUBLIC WORKS

9 SUPERIOR COURT OF CALIFORNIA

10 COUNTY OF SANTA CLARA

11 UNLIMITED JURISDICTION

12 WILLOW GLEN TRESTLE
13 CONSERVANCY, an unincorporated
14 association; FRIENDS OF THE WILLOW
GLEN TRESTLE, an unincorporated
association,

15 Petitioners,

16 v.

17 CITY OF SAN JOSE; CITY OF SAN JOSE
18 DEPARTMENT OF PUBLIC WORKS;
19 CALIFORNIA DEPARTMENT OF FISH
AND WILDLIFE; and DOES 1 to 10;

20 Respondents.

21 Does 1 to 10;

22 Real Parties in Interest.
23

Case Number: 18CV335801

**DECLARATION OF DAVID VON
RUEDEN IN OPPOSITION TO
RENEWED MOTION FOR
PRELIMINARY INJUNCTION**

Date: June 10, 2019

Time: 2:00 p.m.

Dept: 5

Judge: Hon. Thomas E. Kuhnle

24 I, David Von Rueden, declare as follows:

25 1. I am a Principal Engineer with Jacobs Engineering Group (“Jacobs”), an engineering
26 firm. I have been so employed for approximately one and one-half years, since Jacobs acquired
27 CH2M Hill, an engineering firm for which I was employed for approximately 30 years. I have been
28

1 a registered civil engineer since 1976. Public works projects have comprised approximately 75% of
2 all projects I have worked on throughout the course of my career.

3 2. I am familiar with the Three Creeks Trail Pedestrian Bridge Project, which consists
4 of a contract between the City and Gordon N. Ball, Inc. ("Project"), under which Gordon N. Ball,
5 Inc. is responsible for demolishing the Willow Glen Trestle ("Trestle") in San Jose and replacing it
6 with a new single-span steel bridge. I have been CH2M Hill's (and now Jacobs's) project manager
7 for this project since 2012.

8 3. I have visited the Project site and observed the condition of the Trestle and
9 surrounding area at least once each year since 2012. I have visited the site at least three times in
10 2019: in February 2019, on June 3, 2019, and on June 5, 2019.

11 4. Since the San Jose area experienced heavy rains during the winter of 2016-2017,
12 there has been a pronounced change in the amount of debris collected on the upstream side of the
13 Trestle. The presence of the Trestle with accumulated debris has a "damming" effect on the flow of
14 the Los Gatos Creek at this location. The Los Gatos Creek is well vegetated in areas upstream of the
15 Trestle and some of this vegetation can wash downstream during and after large storm events.
16 During the winter of 2016-2017, the Trestle stopped and collected several large trees, branches and
17 other floating debris. There is a significant difference between the water level upstream of the
18 Trestle and the water level downstream of the Trestle, during high flow events in the Creek. This
19 type of debris loading and turbulent stream flow subjects the Trestle to significant hydraulic forces
20 and typically causes scour and erosion of the streambed.

21 5. During my 2019 visits to the Project site, I observed significant deterioration of the
22 Trestle, including: (1) deterioration of ties, which are the pieces of timber spanning the width of the
23 Trestle and running parallel to the creek; (2) missing ties; (3) fire damage; (4) bent and damaged
24 railing posts along both edges of the Trestle; (5) warped metal grating at the edge of the Trestle's
25 deck, likely caused by both fire and vandalism; (6) significant damage to the timbers supporting the
26 metal grating; and (7) deterioration of the Trestle's stringers, wooden beams that run the length of
27 the Trestle and constitute the main structural support for the Trestle deck.

28

1 6. Attached as Exhibit A, Exhibit B, and Exhibit C are true and correct copies of
2 photographs I took of the Trestle in February 2019. Exhibits A through C accurately depict the
3 condition of the Trestle as I observed it in February 2019.

4 7. Exhibit A depicts the debris load at the upstream side of the Trestle, which includes
5 large vegetation and trees. Though not visible underwater, stream flow conditions likely cause
6 erosion and scour at the existing timber piles. Piles are also subjected to battering from large debris
7 and hydraulic forces due to debris loading. This Exhibit also shows visible charring on the majority
8 of the Trestle supports (bents).

9 8. Exhibit B depicts the Trestle piles and bents. Fire damage and graffiti are visible on
10 the piles; damaged and/or rotted timber bracing on the pile bents are apparent.

11 9. Exhibit C depicts a pair of Trestle bents on the south Creek bank; again, fire damage,
12 graffiti and damaged timber bracing are noted along with rock armoring, which is adding to the
13 debris accumulation.

14 10. Attached as Exhibit D and Exhibit E are true and correct copies of photographs I
15 took of the Trestle on June 3, 2019. Exhibit D and Exhibit E accurately depict the condition of the
16 Trestle as I observed it on June 3, 2019.

17 11. Exhibit D depicts deteriorated ties, missing ties, bent and damaged railing posts, and
18 warped metal grates on the Trestle's deck.

19 12. Exhibit E depicts the upstream edge of the Trestle deck and the creek below. As
20 shown in Exhibit E, the metal grating on the Trestle deck is damaged, and there is a significant
21 debris buildup on the creek's right bank.

22 13. Attached as Exhibit F, Exhibit G, and Exhibit H are a true and correct copies of
23 photographs I took of the Trestle and surrounding area on June 5, 2019. Exhibits F through H
24 accurately depict the condition of the Trestle and surrounding area as I observed them on June 5,
25 2019.

26 14. Exhibit F depicts severely damaged and broken ties, as well as warped and damaged
27 metal grates on the Trestle's deck at the north abutment.

28

1 15. Exhibit G shows the downstream side of the Trestle at the north abutment, and it
2 depicts vandalism, including graffiti on the Trestle's posts. It also demonstrates that the Trestle and
3 Creek bank area has been disturbed and impacted by homeless activity.

4 16. Exhibit H depicts timber ties and a timber stringer that is exposed to weather as a
5 result of a missing timber tie. Additionally, it depicts cracks in the stringer, which allow water to
6 penetrate and potentially damage the timber stringer. Some of the cracks have seen attempted repair
7 in the past using metal mending plates.

8 17. The condition of the Trestle has deteriorated significantly since 2012 when the last
9 major inspection was completed. At that time, several structural elements were already exhibiting
10 signs of rot, fire damage and overall deterioration and this deterioration is more evident with each
11 passing year. The Trestle's environment, including heavy rains in two out of the last three winters,
12 makes it susceptible to accelerated rot of the timber. I expect the Trestle's condition to continue to
13 deteriorate.

14 I declare under the penalty of perjury under the laws of the State of California that the
15 foregoing is true and correct, and that this declaration was signed on June 5, 2019.

16 
17 DAVID VON RUEDEN

EXHIBIT A



EXHIBIT B



EXHIBIT C

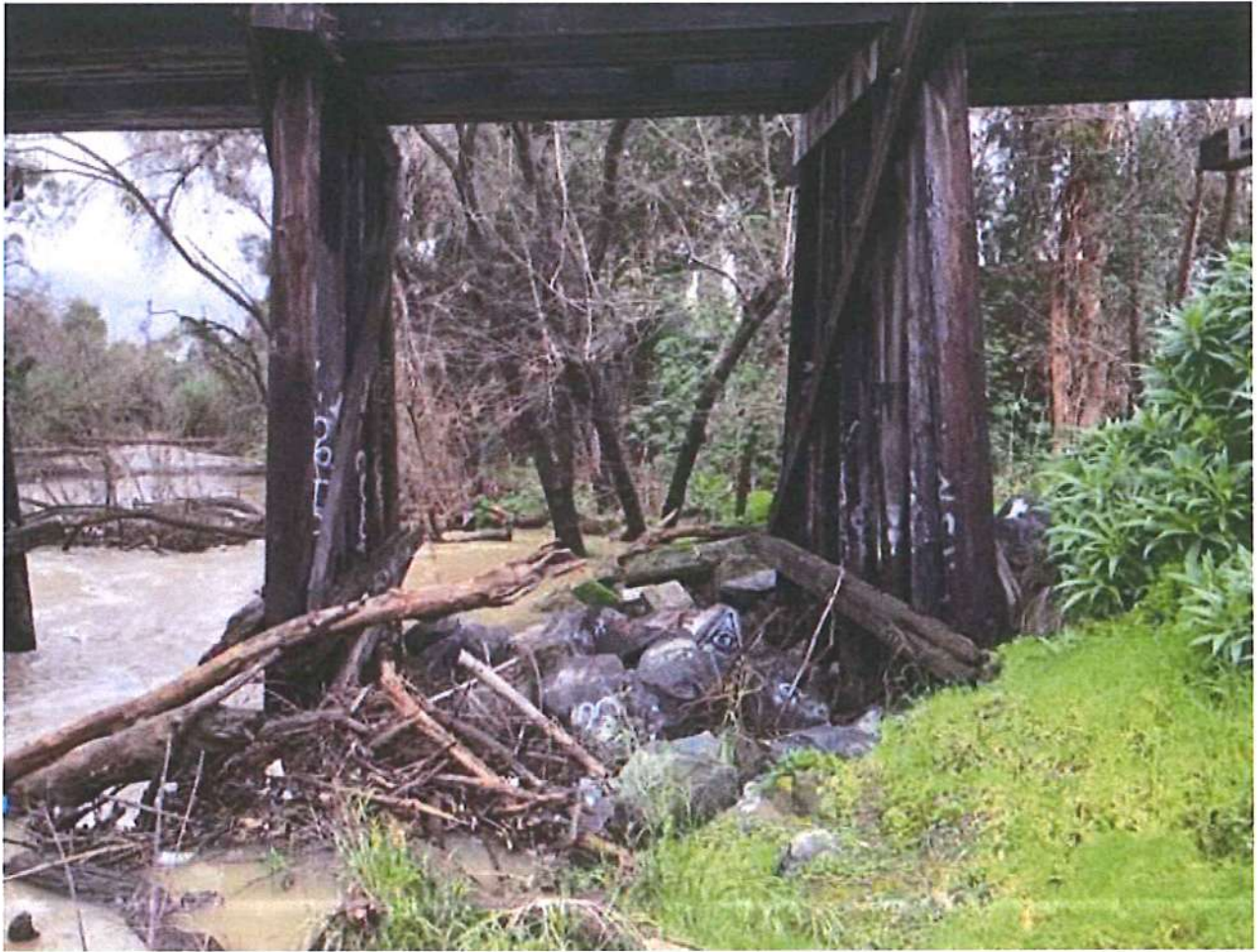


EXHIBIT D



EXHIBIT E

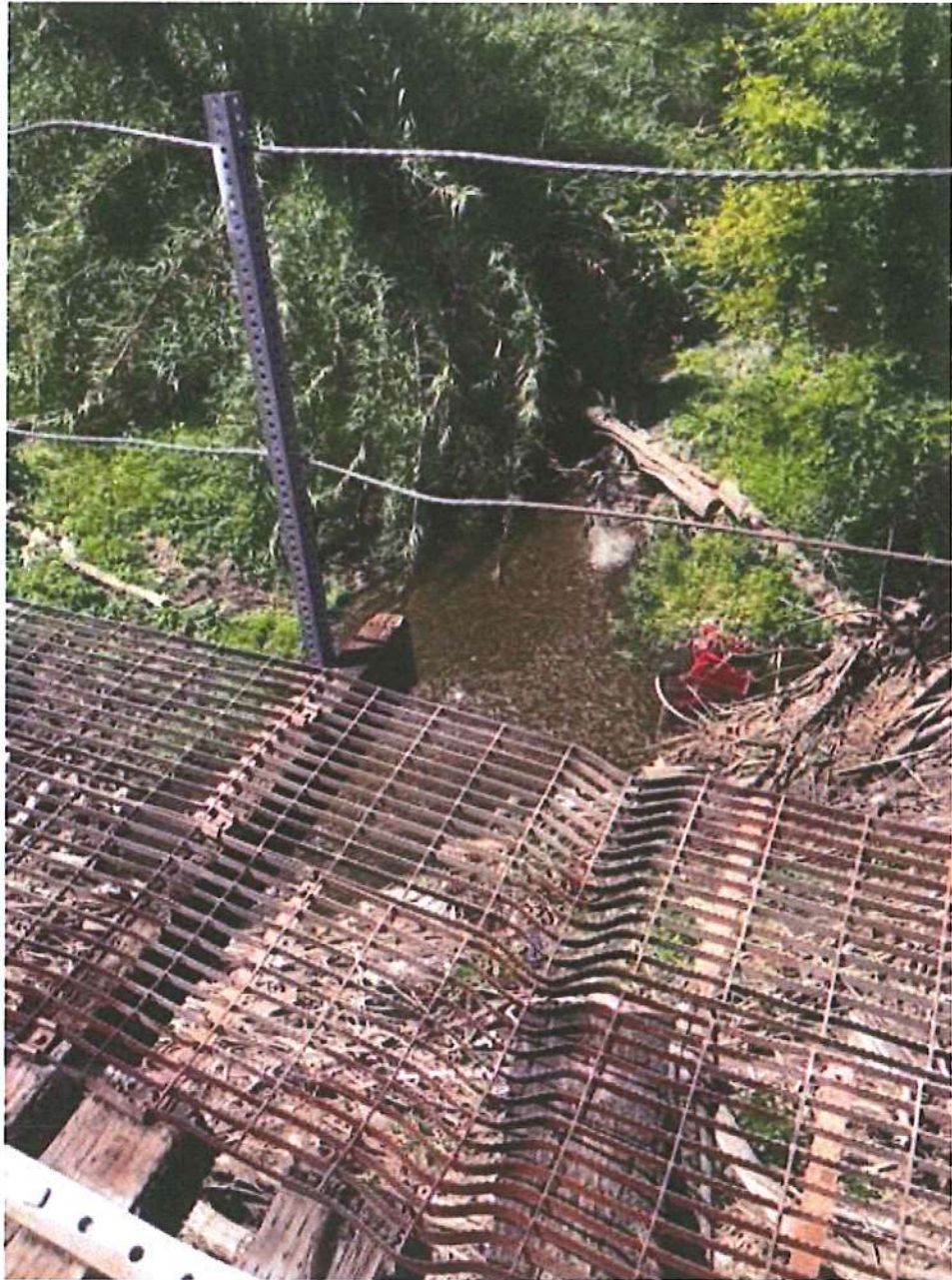


EXHIBIT F

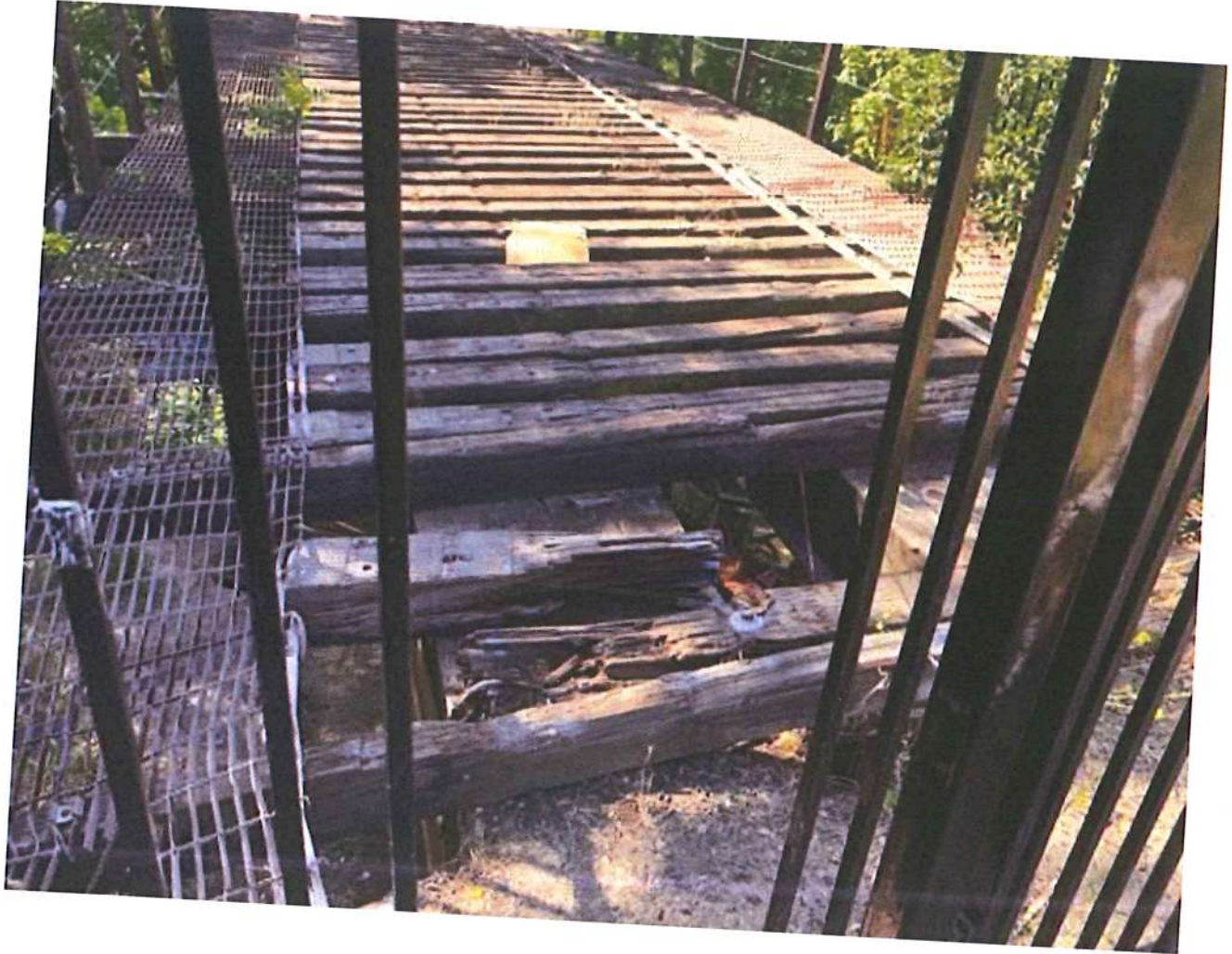
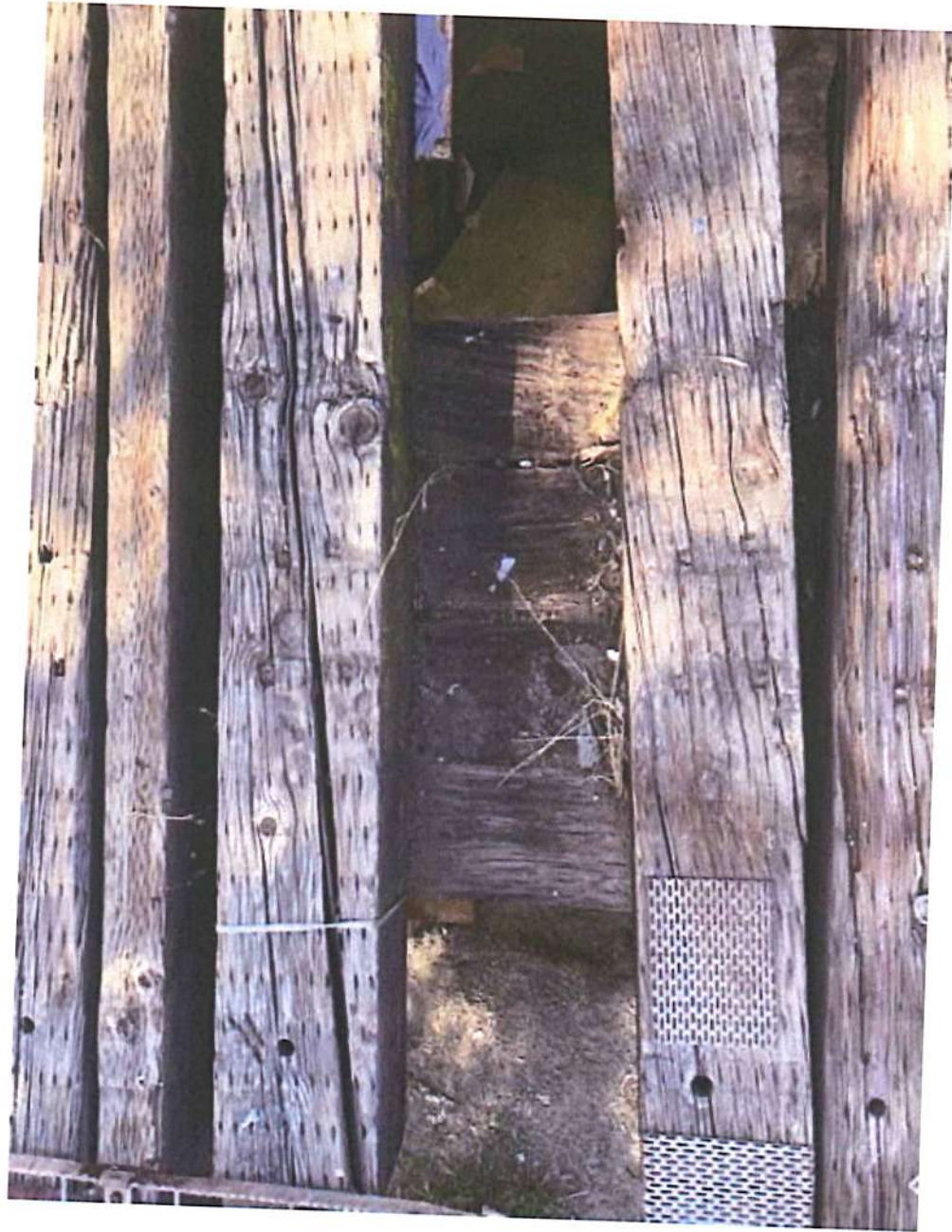


EXHIBIT G



EXHIBIT H



1 PROOF OF SERVICE

2 CASE NAME: Willow Glen Trestle Conservancy, et al v. City of San Jose, et al.

3 CASE NO.: 18CV335801

4 I, the undersigned declare as follows:

5 I am over 18 years of age and not a party to this action. My business address is
6 200 East Santa Clara Street, San Jose, California 95113-1905, and is located in the
county where the service described below occurred.

7 On June 6, 2019, I caused to be served the within:

8 **DECLARATION OF DAVID VON RUEDEN IN OPPOSITION TO**
9 **RENEWED MOTION FOR PRELIMINARY INJUNCTION**

10 by ELECTRONIC SERVICE listed below, transmitted using the One Legal Process
Service electronic filing system. The document(s) listed above was/were
11 electronically served to the electronic address(s) below

12 Addressed as follows:

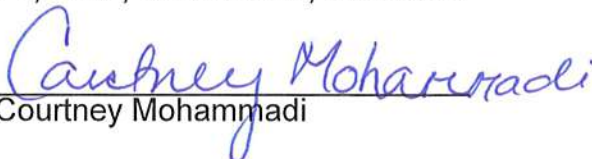
13 Ms. Susan Brandt-Hawley
Brandt-Hawley Law Group
14 P.O. Box 1659
Glen Ellen, CA 95442
15 Phone Number: (707) 938-3908
Fax Number: (707) 576-0175
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Attorneys for Respondent, California
Department of Fish & Wildlife

22
23 I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct. Executed on June 6, 2019, at San Jose, California.

24
25 
26 Courtney Mohammadi