



The Civil Engineer

Monthly Newsletter for Members of the San Francisco Section, ASCE

Golden Gate / San Jose / Redwood Empire / North Coast / Fresno

Celebrating Our 109th Year

February 2014, Volume 61, No. 2

✓ YOUR CALENDAR

February

Tuesday, February 11 page 7

EWRI February Meeting:
Understanding and Mitigating Climate
Change

February 15 and 22 page 5

Construction Institute: 49ers New
Stadium Construction Site Tours

Tuesday, February 18 page 6

Golden Gate Branch and Construction
Specifications Institute Dinner
Meeting: Transbay Transit Center

Friday, February 21 page 7

Redwood Empire Branch and North
Coast Chapter: Engineers Week
Banquet

March

Friday, March 14 page 2

2014 CA Infrastructure Symposium and
Awards Banquet

INSIDE:

2014 Infrastructure Symposium	2
Branch Reports	6 and 7
Classifieds	6 and 10
Construction Institute	5
EWRI	2
Region 9 Governor's Report	4
The Law and Civil Engineering	9
This Month in Sacramento	8
Younger Member Forum	9

The San Francisco Section
is excited for the opportunity
to host, along with
ASCE Region 9:

The 2014 California Infrastructure Symposium

Friday, March 14, 2014

*Delancey Street Foundation
in San Francisco*

See page 2 for more information.

PRESIDENT'S MESSAGE

by Karl Neuman, San Jose Branch President



DRY TIMES

On the day I started writing this newsletter piece, Governor Jerry Brown officially declared a drought emergency in California, calling it "the worst drought that California has ever seen since records began about 100 years ago." A result of the third dry year in a row and the Sierra Nevada snowpack measuring just 17 percent of normal for the year. What this declaration means is that Gov. Brown can direct state agencies to immediately scale back water consumption, water agencies would be able to share water more easily, and California would seek Federal support. The U.S. Department of Agriculture designated 27 out of 58 counties in California as natural disaster areas because of the drought. Farmers will also be able to get emergency low interest loans. Gov. Brown is calling upon Californians to reduce their water use voluntarily by 20 percent and hinted that mandatory restrictions could be coming soon.

On the heels of this declaration, lawmakers in Sacramento are reigniting the need for a water bond. The water bond would provide funding for a range of projects, including partial funding for the Bay Delta Plan. Just last May, ASCE members from Region 9 met with legislators with the water bond being one of the talking points. However, low voter approval was the reason that the water bond was removed from the ballot on two separate occasions. The governor, when asked about a water bond, said the state needed to improve water infrastructure but would not commit to putting it on the ballot. According to water experts, in past periods of drought, increased water efficiency has proved very effective.

In response to the drought declaration, my employer, the Santa Clara Valley Water District, provided some interesting facts and information that I would like to share.

- Our region has increased its overall water efficiency over the last two decades, and that will help us manage this drought. Water use since 1991 has remained relatively flat, even with 25% increase in population.
- 2013 was the driest year on record, and we are entering our third dry year.
- In Santa Clara County, we are in fair shape due to good local groundwater conditions and reserves of imported water "banked" in Kern County.
- Although the District plans for multi-year droughts, we are always concerned about a prolonged dry spell and the recent snowpack survey has concerned us because we import, on average, 55% of our water supply from the Sierra Nevada watersheds (40% directly from the Delta).

- While our reservoirs are at 32 percent of capacity, this amount is actually about 59 percent of the 20-year average.
- It's important to remember that the District releases imported and local water all summer to replenish the groundwater supplies; the District also needs to make room in our local reservoirs for winter rains, so it is not unusual to see low reservoir storage in the fall.
- The main local impacts that the District has seen for over a month are drying creeks; District staff are coordinating closely with fishery agencies to manage very limited surface water supplies. Additionally, because of higher than normal demand due to low rainfall, the District's water treatment plants are producing higher than normal volumes of treated water for this time of year, when maintenance activities are normally scheduled.

Undoubtedly, this will be a difficult year for Californians in their efforts to reduce water usage. As engineers, we are wired to solve problems so finding ways to conserve water in our own homes and place of business should come naturally. However, if you are looking for more ways to conserve water, some programs that the District advocates for are more resilient systems such as graywater and drought-tolerant gardens. Graywater is relatively clean waste water from baths, showers, bathroom sinks, and washing machines which can be reused on-site for things like irrigation and filling toilet bowls. What's more, some local agencies may provide rebates for installing drought-tolerant landscaping. Currently, the District offers \$1 per square foot. For more ideas, check out the water efficiency programs with your local water agency or the Department of Water Resources website for some helpful water saving tips.

2014 CA INFRASTRUCTURE SYMPOSIUM & AWARDS BANQUET

Mark your calendar for a special one day event which will offer two tracks on the following broad and complex infrastructure topics:

1. **Transportation:** Sessions will discuss the important issue of transportation infrastructure.
2. **Water:** Sessions will discuss the state and future of California's water infrastructure.

Keynote Speakers

Morning Keynote: S. Bry Sarte, Founder, Sherwood Institute, "Sustainable Infrastructure - Green Infrastructure Engineering and Design"

Lunchtime Keynote: Jim Mercurio of the 49ers, Bill Burton, AECOM Traffic Engineer and Jack Hill, Project Executive. "Levi Stadium Transportation Plan"

This event will conclude with the Region 9 (California) Awards Dinner, honoring outstanding individuals and projects from around California. This is an excellent opportunity to gain a fantastic perspective on our industry.

When:

Friday March 14, 2014 from 9:00 a.m. to 9:00 p.m.

Where:

Delancey Street Foundation, 600 The Embarcadero, San Francisco

For more information and registration visit

www.CAIS14.org.

EWRI

February 2014 Meeting: Understanding and Mitigating Climate Change

Anthropogenic increases in atmospheric concentrations of climate-warming gases and aerosols is contributing to climate change. In this talk, Daniel Wilson, National Science Foundation and Fulbright Fellow, will discuss the sources, impacts, and potential strategies for mitigation of climate change. The purpose of this talk is to understand the major contributors to climate change, the scale of the climate change problem, and realistic measures that can be taken to make meaningful change.

Speaker:

Daniel Wilson, Ph.D. Candidate, Mechanical Engineering, University of California, Berkeley, Associate Researcher, Lawrence Berkeley National Laboratory

Date and Time:

Tuesday February 11, 2014 from 6:00 PM to 8:00 PM; networking and light dinner

Where:

URS Oakland Office, 1333 Broadway, Oakland

Cost:

Pre-paid by February 10, \$15; pay-at-the-door, \$20; students \$10

Registration

<https://events.r20.constantcontact.com/register/eventReg?oeidk=a07e8uq4m4q9257cbba&oseq=&c=&ch=>

More Info:

sf-ewri@asce-sf.org

COLORADO STREET BRIDGE

California Historic Civil Engineering Landmark Designation

By *Chuck Spinks, PE, M.ASCE, Chair, Region 9 History and Heritage Committee*

California has a very rich and diverse history, much of it reflected in our historic structures and civil engineering works. Many of these historic structures and projects are obscure or hidden, but some are still used every day. One of these prominent structures still serving the public is the Colorado Street Bridge in Pasadena.

The Colorado Street Bridge was nominated for California Historic Civil Engineering landmark status by the Los Angeles Section History & Heritage Committee (H&HC) with a comprehensive application full of interesting historic facts, plans and photographs prepared by LA Section H&HC Co-Chair Andrew Machen. The primary mission of the local and Society H&HCs is to enhance the appreciation of the civil engineering profession's history and heritage. This is done through the Historic Civil Engineering Landmark Program. Recognizing the Landmarks helps bring to the public a better understanding of the Civil Engineer's role in the development of society and helps the public become more aware of their own history and heritage. His-

toric Landmarks in California can receive recognition through the local ASCE Sections, statewide through Region 9, and nationally through the Society H&HC.

The Colorado Street Bridge was dedicated as a Los Angeles Section Historic Civil Engineering Landmark on September 23, 1975. To commemorate the bridge's 100 years of service, on December 7, 2013, the bridge was re-dedicated as a California Historic Civil Engineering landmark by ASCE Region 9. The Colorado Street Bridge was built in 1913 by the City of Pasadena and the County of Los Angeles to cross Arroyo Seco and connect the cities of Pasadena and Glendale. This beautiful structure is a reinforced concrete open spandrel arch bridge with two ribs per span. It was designed by Waddell and Harrington Consulting Engineers from Kansas City, and constructed by Mercereau Bridge and Construction Company from Los Angeles. Total cost of the bridge in 1913 was \$240,000. When the bridge was opened on December 13, 1913 it was proclaimed the highest concrete bridge in the world.



REGION 9 GOVERNOR'S REPORT

ASCE Region 9 Transportation Committee

By *Kenneth H. Rosenfield, P.E., F.ASCE, Chair*

The ASCE Region 9 Transportation Committee actively monitors State legislative proposals that impact Transportation Infrastructure, the practice of Civil Engineering or the standing policies of ASCE. During this past legislative year, the Committee held monthly conference calls and convened for a day at the Capitol to speak with legislators and their staffs about issues of importance to ASCE. During this annual activity, it became clear to me that, while ASCE has an ever increasing recognition in the State as a resource for non-partisan expertise in all matters associated with infrastructure, we need to build coalitions to enhance the effectiveness of our message. The ASCE Region 9 Board of Governors embraced this concept as it is consistent with Society policies. ASCE Policy Statement No. 139 states, "The American Society of Civil Engineers (ASCE) actively participates in and strongly supports the involvement of civil engineers, as well as individual citizens and coalitions, in the legislative and regulatory decision making processes at the local, state and national levels" (emphasis added). Accordingly, the Transportation Committee reached out to the group Transportation California to seek an affiliation which would start to build a coalition of organizations with common interests.

ASCE and Transportation California have a mutual goal of increasing investments in Transportation Infrastructure and our affiliation gives ASCE access to members of this group that we do not typically interact with including representatives of major construction contractors, labor groups, the American Council of Engineering Companies (ACEC), and others. But, more than that, our affiliation is the first step in building a larger statewide coalition of all groups interested in reinvestment in the State's infrastructure. This past fall, both the ASCE Region 9 Board of Governors and the Board of Directors of Transportation California approved of the ASCE Region 9 affiliation. The Executive Director of Transportation California is Will Kempton. Mr. Kempton is a former Director of Caltrans and most recently the Chief Executive of the Orange County Transportation Authority. Mr. Kempton is an expert in the field of Transportation and sees great value in coalition building. He, like ASCE, recognizes there is a significant shortfall of investment in Transportation Infrastructure including funding for basic maintenance, renewal and expansion to meet the growing needs of the State's population.

One of our top issues is to educate legislators and the public on the plight of our infrastructure, particularly for the Transportation Committee this entails discussing the lack of adequate funding for Transportation Infrastructure.

As noted in the 2011 report by the California Transportation Commission, there is a need for about \$10 Billion per year of new funding for maintenance and \$20 billion per year of new funding for system expansion. These figures were confirmed in the 2012 ASCE issued California Report Card where we estimated a total annual need of about \$36 Billion for Transportation Infrastructure. There is little appetite in the State Legislature to directly find a solution to this issue and this is why a coalition of interested parties need to band together to push a solution to this chronic problem of underfunding of the State's Infrastructure. This is because fully functional, safe and good quality Transportation Infrastructure is critical to the economic vitality of the State of California and for improved living standards for all Californians. Goods movement, efficient highway transportation and multi-modal transportation opportunities are necessary to serve the population and business interests in this State. The state of affairs of Transportation Infrastructure is poor as there is a lack of Federal and State leadership, funding commitments or alternate funding sources available to maintain or expand the existing the Transportation System Infrastructure.

Recently, Transportation California, after having completed outreach to likely voters, submitted a request to the State Attorney General for a title and summary of a proposed constitutional amendment initiative that would provide a new source of Transportation funding to address the state's critical roadway and transit preservation fiscal crisis. The Transportation California Board of Directors authorized a collaboration to join with the California Alliance for Jobs to take this first serious step towards placing a new Transportation funding measure on the November 2014 General Election ballot. Reportedly, Transportation California and the Alliance for Jobs have worked together over the past two years on this effort, including substantial political survey research that has led to this point of submitting initiative measure language. The proposed initiative would increase the vehicle license fee by 1% of the value of the vehicle, implemented over a four-year phase in, to generate up to \$3 Billion per year for Transportation System Maintenance. This proposal, if placed on the ballot and approved by the voters, would be the first increase in consistent funding for the System in over 20 years. For more information on this proposal, please visit the Trans-



Region 9 Report continued on page 5

CONSTRUCTION INSTITUTE & SAN JOSE BRANCH

ENGINEER'S WEEK CONSTRUCTION SITE TOUR 49ers NEW STADIUM

Saturday, February 15th:

3:30 p.m.; 4:00 p.m.; 4:30 p.m.; 5:00 p.m.

Saturday, February 22nd:

3:30 p.m.; 4:00 p.m.; 4:30 p.m.; 5:00 p.m.

The Stadium is on an accelerated construction schedule to meet the completion date in time for the start of the of 49ers 2014 NFL Season. The tour will cover all levels of the structure. Unique first-time use of structural components to accommodate seismic forces include buckling restrained braces. Suites, club seats, regular seating areas and the playing field level are part of the tour. There will be a multitude of escalators and only one ramp to provide easy access to all eight levels. The Stadium includes many green features in its construction.

SITE TOURS:

GHD, the construction manager, will lead 1-hour walking site tours for ASCE members and guests. Middle, high school and university students, minimum age 14, are invited to have a first-hand exposure to civil engineering and construction. Check-in ½ hour before tour. Total time ± 2 hours.

DRESS CODE:

Boots or closed toe and heel shoes, long pants, long sleeve shirts and jackets. NO EXCEPTIONS. This is an active construction site with crews and equipment.

PUBLIC TRANSPORTATION

VTA: Valley Transportation Authority light rail trains and buses arrive daily from points throughout Santa Clara County. Call 408-321-2300 or visit www.vta.org

AMTRAK: Trains arrive daily at Great America station from Reno, Sacramento, Oakland and other points north. Call 1-800-USA-RAIL or visit www.amtrakcapitols.com.

ACE (Altamont Commuter Express): Trains arrive at Great America station from Stockton, Tracy, Pleasanton and other points east. Call 1-800-411-RAIL or visit www.acerail.com.

BART: Take the # 140, #141 or #180 VTA bus from the Fremont Bart station. Call your local BART Phone Information Center or visit www.bart.gov.

CALTRAIN: Connect to the VTA light rail at the Mountain View Caltrain station from points throughout the San Francisco Bay Peninsula and south to Gilroy. Call 1-800-660-4287 or visit www.caltrain.org.

PARKING:

Location will be given in your confirming e-mail.

REGISTRATION:

\$10 members & guests, \$5 students if received February 7.

NO REFUNDS - NO LATE OR ON-SITE REGISTRATION

All net proceeds to the Construction Institute Scholarship Fund

REGISTER AT:

<http://events.constantcontact.com/register/event?llr=tynn6tjab&oeidk=a07e8p04gen531ef330>

Please include names, student ages, company affiliation, e-mail address, phone number and whether you can bring your own hard hats and safety vests and your preferred tour times. Tour times are not guaranteed, but preferences will be accommodated. You will be notified by e-mail of the time and location of your check-in and tour times and parking location. [Photo I.D. required.]

QUESTIONS:

e-mail to Jason Ling jasonling@UrbanDesignCE.com

Jason Ling 510-693-3686; Joe Kaplan 650-588-9866



Region 9 Report continued from page 4

portation California web site: www.Transportationca.com. ASCE Region 9 will provide you with additional information on this initiative as it moves forward.

During the 2013 Legislative Session, the Transportation Committee reviewed 18 proposed bills ranging from enhancing Infrastructure Financing Districts to Design Build authorization to Peer Review regulations. Of eight bills on which the Committee took a support position, three became law and five were deferred to the next legislative session becoming "two-year" bills. We were very active in tracking this legislation and are receiving positive feedback from Sacramento on the importance of our participation in the process. To become involved with the ASCE Region 9 Transportation Committee, please email me at krosenfield@ci.laguna-hills.ca.us or call me at 949-707-2655. I look forward to your participation!

BRANCH REPORTS

Golden Gate Branch

February Dinner Meeting

Our February dinner meeting will be a joint meeting with the Construction Specifications Institute (CSI) to be held on Tuesday, February 18 at 6:00 pm at Scott's Seafood in Jack London Square in Oakland.

The meeting will feature a presentation by Mark Zabanek of the Joint Powers Authority about the Transbay Transit Center Project. The new Transbay Transit Center will replace the former Transbay Terminal in downtown San Francisco with a modern transit hub. Extending just south of Mission Street from Second to Beale streets, the Transit Center will connect eight Bay Area counties and the State of California through 11 transportation systems: AC Transit, BART, Caltrain, Golden Gate Transit, Greyhound, Muni, SamTrans, WestCAT Lynx, Amtrak, Paratransit and California's future High Speed Rail from San Francisco to Los Angeles/Anaheim.

Registration for the February Dinner will be available shortly via the SF Section website and branch members will receive notification by e-mail. We look forward to seeing you all soon!

Fresno Branch

January Luncheon

Jeff Wykoff, PE, MASCE, is an engineered applications manager for California Nevada Cement Association. Mr. Wykoff provided a presentation for engineering and construction considerations for roller compacted concrete.

Fresno Branch Bowling Tournament

Fresno Branch held their popular tournament on Tuesday, January 28, 2014. As always, the branch had a blast!

Engineers at the Mall

Join your local branch and man a booth at Sierra Vista Mall. Contact Doug Taylor at doug.taylor@fire.ca.gov for more information.

KPFF Portland is looking for motivated Structural Project Engineers interested in opportunity for growth.

Position Summary

As a Structural Project Engineer, you will work individually and collaboratively in the design through construction process for some of the most challenging projects in the Pacific Northwest, as well as nationally and overseas. You'll work closely with talented engineers, BIM/CAD technicians, architects, contractors and client teams.

KPFF's current projects include:

- Airports
- Long-Span Structures
- Government Facilities
- High-Rise Structures
- Corporate Campuses
- Education Facilities
- Arenas/Stadiums
- Bridges
- Commercial Developments
- Mixed-Use Developments
- Healthcare Facilities
- Convention Centers

Preferred Qualifications

- 3+ years of structural engineering experience
- PE and MS / MEng engineering degrees
- Revit Structure experience
- Strong verbal/written communication skills
- Creative, proactive, and detail-oriented
- Individuals who thrive when working directly with architects, contractors and engineers

Apply

Please submit a cover letter and resume to our website:

http://ch.tbe.taleo.net/CH10/ats/careers/requisition.jsp?org=KPFF_2&cws=51&rid=73

KPFF is an equal opportunity employer. www.kpff.com.

Location

"Portland has been described as America's most European city...a great walking city with tons of public transportation, a progressive atmosphere that celebrates the arts, a culture of great food, artisan coffee, beer and wine, and neighborhoods full of shops selling handmade clothes, crafts and furniture. As fantastic as Portland is to spend time in, it's one of the easiest cities to spend time outside. The mountains, waterfalls, wine country and other assorted outdoor goodies Oregon is so famous for are all a short drive away." www.traveloregon.com

ENGINEERS WEEK BANQUET

Let's Make a Difference

Jointly Sponsored by



ASCE – Redwood Empire Branch
and
ACEC – North Coast Chapter



Friday, February 21, 2014 – 6pm
The Doubletree Hotel

1 Doubletree Drive, Rohnert Park, CA 94928, (707) 584-5466

Program: Please join us for an evening of:

- ❖ **No-host cocktails, music, and mingling** from 6-7pm
- ❖ **Buffet Dinner** including entrée, salads, pasta, vegetables/fruit and dessert
- ❖ **Scholarship awards presentation** for SRJC students in Civil Engineering & Surveying
- ❖ **Raffle and Silent Auction-** so bring your check book because it is going to be good.
- ❖ **Keynote Speaker:** **TBD**

Tickets: \$75 per person until February 15th; \$90 after the 15th or at the door; with discounts as noted below.

Early bird registration (Prior to February 1st) will be entered into a special door prize raffle.

We are also requesting members to sponsor students' dinners. Please indicate below the number of people attending, the individuals' name(s) and company, and number of students you would like to sponsor. With a paid regular registration, a \$10.00 discount will be applied to the total cost of your registration for each sponsored student dinner.

Detach and remit with payment

ASCE/ACEC ENGINEERS WEEK BANQUET RESERVATION FORM

Name(s) _____ Date of Submittal _____
 Company _____
 Address _____
 City _____ State _____ Zip _____ Phone _____

Registration Fees (per person)	
_____ Dinner \$75.00	\$ _____
_____ Dinner (after 2/15) \$90.00	\$ _____
_____ Sponsored Student \$75.00	\$ _____
_____ (\$10.00) Discount per Student	\$ (_____)
Total enclosed: \$ _____	

Remit with payment to: ASCE – Redwood Empire Branch, c/o Summit Engineering, 463 Aviation Blvd, Suite 200 , Santa Rosa, CA 95403, Attn: Blake Caricato, Treasurer. Questions? Contact Blake at (619) 788-1744 or blake@summit-sr.com

THIS MONTH IN SACRAMENTO

By *Richard Markuson, Region 9 Advocate*

Legislative Update

The Legislature reconvenes on January 6, 2014 and the two houses must act on all two-year bills by the end of the month.

The January Legislative deadlines are:

- January 10 – Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- January 17 – Last day for policy committees to hear and report to Fiscal committees fiscal bills introduced in their house in 2013 (J.R. 61(b)(1)).
- January 24 – Last day for any committee to hear and report to the Floor bills introduced in their house in 2013 (J.R. 61(b)(2)). Last day to submit bill requests to the Office of Legislative Counsel.
- January 31 – Last day for each house to pass bills introduced in 2013 in their House (Art. IV, Sec. 10(c)), (J.R. 61(b)(3)).

Appointments

Governor Edmund G. Brown Jr. made the following appointments. These appointments may require Senate confirmation.

- To **California Board for Professional Engineers, Land Surveyors, and Geologists**: *Eric Johnson*, 48, Sacramento, president of ECOM Engineering Inc.; *Natalie Bamshad-Alavi*, Greenbrae, owner of NBA Engineering Inc.; *Asha Malikh Brooks*, Los Angeles, paralegal at the Walt Disney Company.
- To the **California Scientific Guidance Panel** (all reappointments): *Asa Bradman*, Berkeley, co-founder and director of the Center for Environmental Research and Children's Health at UC Berkeley; *Thomas McKone*, Alameda, adjunct professor of environmental health sciences at UC Berkeley School of Public Health; *Penelope Quintana*, San Diego, associate professor at San Diego State University Graduate School of Public Health.
- As special assistant for program review at the **California Department of Toxic Substances Control**: *Terri Hardy*, Sacramento, principal consultant at Senate Office of Research.

Recent Reports

The State of California and its federal partners have released the public review Draft Bay Delta Conservation Plan and associated Draft Environmental Impact Report/Environmental Impact Statement.

http://baydeltaconservationplan.com/PublicReview/PublicReviewDraftBDCP.aspx?utm_source=Public+Review+Draft+BDCP+and+Associated+Draft+EIR%2FEIS+now+available&utm_campaign=Public+Draft+Announcement&utm_medium=email

MapLight, a non-partisan research organization that tracks campaign contributions, releases "How Much Does a Seat in the CA State Legislature Cost," finds that the average member of the Assembly "on average, raised \$708,371, an average of \$970 every day during the 2012 cycle" and that each member of the Senate, "on average, raised \$1,041,537 an average of \$1,427 every day during the 2012 cycle."

<http://maplight.org/content/73318/fundraising-ca-legislature-assembly-senate-campaign-finance-election>

The California Budget Project released an expanded version of its presentation from a recent state budget workshop, "Dollars and Democracy: A Guide to the State Budget Process."

http://www.cbp.org/pdfs/2013/131213_DollarsAndDemocracyGuide.pdf

The Legislative Analyst has reviewed the proposed constitutional initiative related to funding for transportation programs (A.G. File No. 13-0045) and delivered its preliminary analysis.

<http://www.lao.ca.gov/ballot/2013/130703.pdf>

California spends an estimated \$27 billion a year from a combination of state, federal, and local funds to maintain, operate, and improve its highways, streets and roads, passenger rail, and transit systems. About one-half of the funding comes from various local sources, such as sales and property taxes and transit fares. About one-quarter of the funding comes from the federal government and the remaining one-quarter comes from the state Summary of Fiscal Effects. The LAO estimates that this measure would have the following fiscal effects:

- Increased state revenues from a new tax on vehicles of \$3 billion to \$4 billion annually for state and local transportation programs.
- Reduced state General Fund resources of about \$200 million annually for non-transportation programs, with a corresponding increase in funding available for transportation programs.



THE LAW AND CIVIL ENGINEERING

Read the Small Print

by Eugene Bass, Esq.

Traditionally, contracts and other legal documents have contained “small print.” Often, the small print in addition to being small, is printed on the reverse side of a document and in “fade out” lettering. Although such contract provisions may be difficult to read and to find, they should be dug out, read, understood, and negotiated out if they are not what you intended or expected in forming the contract.

Cases have held buried contract provisions to be unenforceable but only under certain circumstances. One case involved a release of any claims for personal injury which was required as condition for entry into a racing event. The release was printed in five and one-half point type and was not easily readable. The court found the provision to be unenforceable because it was not conspicuous, not clear and explicit, and not comprehensible.

In another case a party had placed an order for goods over the telephone. Thereafter, an “Acknowledgement of Order” was sent. Buried in small print on the reverse side of the form was an agreement to arbitrate. In that case the court found that there was no valid agreement for arbitration, stating “an offeree, regardless of apparent manifestation of his consent, is not bound by inconspicuous contractual provisions of which he was unaware, contained in a document whose contractual nature is not obvious.”

In the cases where the obscure provisions have been held to be unenforceable, the provisions were presented on a “take it or leave it” basis or they were contained in a

document where the contractual nature was not obvious. When the parties are dealing in an arm’s length transaction with an opportunity to accept, reject or modify the terms of the agreement, different rules apply. The parties can be bound by the terms of the contract even if they do not read them.

Important considerations in determination of the enforceability of obscure contract terms are the equality of the bargaining position of the parties and their ability to negotiate contract provisions. Negotiation requires that the parties have a fair opportunity to accept, reject or modify a contract provision. The “opportunity” to negotiate is the determining factor and a party may choose not to negotiate. Such a choice will not eliminate the responsibility, however. Equality of the bargaining position can involve consideration of the relative sophistication of the parties as well as their relative economic strength.

If a contract contains a provision that is unfair or not within your reasonable expectation, negotiate it out of the document. If you find those provisions after you have signed the contract or they are being enforced against you, call your lawyer.

This article is intended to provide general information regarding legal issues. It is not to be relied upon as specific legal advice or in place of the need to seek competent legal advice on specific legal matters. Eugene Bass is an attorney and registered Civil Engineer. He has offices in Redwood City and can be reached at 650-369-7990.

YOUNGER MEMBER FORUM

Bay Area YMFers Team Up to Cheer on the Sharks

On January 25, the San Francisco YMF and San Jose YMF teamed up to host a happy hour and group outing to the Sharks v. Wild game. The event was a huge success with tickets selling out within days. “It was really a great opportunity to network with the San Jose YMF members, share ideas, and watch a great game”, said Rachel Coyner, SF YMF President. GO SHARKS!

WRYMC or Bust!

Two delegates from the SF YMF will head to Phoenix, AZ on Thursday, January 30 to attend the Western Regional Young Member Council. The two day-long event includes technical tours, presentations by ASCE national leadership, an awards banquet, and lots of networking with other YMFs from across the West.



Bay Area YMFers at the Sharks game

The ASCE San Francisco Section office is located at
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ASCE HOME PAGE
www.asce-sf.org

The Civil Engineer

ADVERTISING

Our readership includes 5300 Civil, Environmental, Geotechnical, Structural Engineers throughout the Golden Gate, Fresno, North Coast, Redwood Empire and San Jose ASCE Branches.

We offer advertising as a combination newsletter and website ad.

We also offer a WEB ONLY ad special.

Classified Job Ads for Newsletter and Website combo:

- \$40 for first 35 words
- \$20 for each additional 10 words
- All job ads will be posted on the web

Website Only Job Ads:

- \$85 for a maximum of 150 words.
- \$150 for a maximum of 250 words

Display Ads:

Rates	Ad Dimensions	Width		Depth
		Width	Depth	
Full page:	\$600	7 3/4"	9 3/4"	
1/2 page:	\$400	7 3/4"	4 3/4"	
		4 3/4"	8"	
1/4 page:	\$200	7 3/4"	2 1/4"	
		2 1/4"	7 1/4"	

Business Card Size:

- \$40 - 3 1/2" x 2"
- Please provide electronically

Submit finished ads via Email to:
admin@asce-sf.org

Display ads must be supplied by the advertiser and formatted as a PDF or jpeg document.

FULL PAYMENT IS REQUIRED AT TIME OF ORDER.

Classifieds

Outstanding Career Opportunity

**Chief Harbor Engineer
 The Port of San Francisco**

The Port of San Francisco is seeking a highly qualified Engineer for the position of Chief Harbor Engineer. Ideal candidates must have a proven track record of project management, including a proactive, hands-on, "jack of all trades" type background, and must possess excellent interpersonal, problem solving, communication, leadership, and financial management skills. Requires a Bachelor's degree, California Professional Engineering License, and 10 years of increasingly responsible engineering experience including three years management experience. Submit resume, cover letter, salary history and six work related references via email to apply@ralphandersen.com. Apply Immediately. Brochure available at www.ralphandersen.com. Confidential inquiries welcomed to 916/630-4900.

Rockridge Geotechnical is looking for an experienced Project Engineer to join our team in Oakland. Five to eight years of relevant experience is desired. M.S. degree in geotechnical preferred. Position includes competitive salary, benefits, and flexible schedule. To apply, please email your resume to kaschenk@rockridgegeo.com.

The Civil Engineer

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The Civil Engineer is published regularly on the first day of each month. Articles are solicited from the San Francisco Section membership as well as the general engineering community. Articles, meeting notices, and photographs should reach the Civil Engineer Editor, Section Office (see below), **BY THE TENTH OF THE MONTH**. Copy must be emailed to Ken Miles at kmiles@hp-assoc.com. The Society and the Section are not responsible for any statement made or the opinions expressed in their publications.

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