



ASSOCIATION OF ENVIRONMENTAL AND ENGINEERING GEOLOGISTS  
*San Francisco Section*

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Announcing the November 2008 AEG-ASCE Geotechnical Group Meeting

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**THE IMPORTANCE OF COMMON SENSE IN FAILURE INVESTIGATIONS**

J. David Rogers, Ph.D., P.E., P.G., C.E.G., C.HG.

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**MEETING DETAILS**

**Restaurant:**

Spenger's Fresh Fish Grotto  
1919 Fourth Street  
Berkeley, CA

**Date and Time:**

**Thursday**, November 13, 2008  
6:00 pm—Social Hour and Sign-in  
7:00 pm—Dinner  
8:00 pm—Presentation

**Cost:** \$40 (\$10 Students); cash or check payable to "ASCE Geotechnical Group"

**Meal Choice:** Parmesan Petrale Sole, London Broil or Vegetarian Roasted Veggies

**Reservations:** **Please RSVP with ASCE by Monday, November 10<sup>th</sup>.**

Phone # 415-546-6546, email: [admin@asce-sf.org](mailto:admin@asce-sf.org) with the following information:

(1) Name (2) Company (3) Phone number/e-mail (4) AEG/ASCE/both/neither (5) **meal choice!**

**Driving Directions:** The restaurant is located in Berkeley, near the University Avenue exit off of Interstate 80. If traveling on I-80 eastbound, take the University Avenue exit and follow the signs for "Frontage Road" (right fork) to continue north on the off-ramp. Take a right (east) on Hearst Avenue and after the railroad tracks, take another right (south) on to 4<sup>th</sup> St. Spenger's is on the east side of 4<sup>th</sup> Street. Those traveling on I-80 westbound will not be able to access the east frontage road from the University Avenue exit, and will need to drive east on University Avenue. Take the first available left or U-turn to head west on University Avenue and make a right (north) on 4<sup>th</sup> St.

**Parking:** Parking is available in the parking lot across the street from the restaurant. We will validate your parking ticket at the check-in table.

**Due to the large number of attendees, please arrive on time to help expedite the check-in process. The cut-off for checking in is at 7 pm. You may lose your meal reservation if you arrive after 7 pm. Thank you for your cooperation.**

Please make reservations **with ASCE by MONDAY, November 10<sup>th</sup>**; availability cannot be guaranteed after Monday.

**\*\*Walk-ins are not guaranteed!\*\***

For financial reasons no-shows and last minute cancellations will be charged.

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See next page for abstract and speaker biography.

## THE IMPORTANCE OF COMMON SENSE IN FAILURE INVESTIGATIONS

J. David Rogers, Ph.D., P.E., P.G., C.E.G., C.H.G.

Karl F. Hasselmann Chair in Geological Engineering  
Missouri University of Science & Technology

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### ABSTRACT

Between 1986-2005 J. David Rogers and Richard L. Meehan served as the principal geotechnical experts representing 1,500+ victims of a major levee break along the left bank of the Yuba River, near its mouth with the Feather River, in February 1986. The breach inundated the towns of Linda and Olivehurst, California. Messrs. Rogers and Meehan worked with a team of experts in allied fields to unravel the most likely causes of the failure. This work included developing an extensive historical database, circumstances surrounding past levee failures, geomorphic processes shaping the channel, excavation permits and maintenance activities by the local reclamation district. Detailed stratigraphic correlations were carried out across the area and a working model emerged which predicted levee failure at the precise location and within the timing parameters that were observed.

The case was in litigation for over 19 years and led to a landmark decision (*Paterno vs. State of California*) by the California District Court of Appeal in 2003. The California Supreme Court refused to review the decision in 2005. The decision resulted in the State being held liable for failure of a flood control project to function as intended by applying a constitutional balancing test that weighed the benefits provided by the project against the gravity of the harm caused. This resulted in a finding of unreasonable conduct that if left uncompensated, would require plaintiffs to bear more than their fair share of the costs of the public project. The case was resolved with payment to plaintiffs in excess of \$450 million - the largest award in a flood litigation case in the United States. The *Paterno vs. State of California* decision has created a new era in government-approved infrastructure, which affects every tax payer in the State of California, and will, inevitably, have enormous impact on how natural hazards, such as floods, are treated in the rest of the United States.

### SPEAKER BIOGRAPHY

**J. David Rogers** holds the Hasselmann Chair in Geological Engineering at the Missouri University of Science & Technology. He received his B.S. in geology from the Cal Poly Pomona in 1976, M.S. in civil engineering (1979) and Ph.D. in geological and geotechnical engineering (1982), both from U.C. Berkeley. Between 1979-2001 he worked in the private sector on a wide array of projects involving geoforensics. In 1984 he founded Rogers/Pacific, which established offices in the San Francisco and Los Angeles metropolitan areas. He began teaching at the U. C. Berkeley in 1994 until accepting his current position in 2001. At Missouri S&T he developed a course in Flood Control Practice in the United States for the Army Corps of Engineers Officers Advanced Course. In 2005 Dr. Rogers was appointed to the National Science Foundation's Independent Levee Investigation Team in the wake of Hurricanes Katrina and Rita. In 2007 he was named to the Coastal Louisiana Recovery Panel and selected by the State of Louisiana as an instructor for their new Flood Protection and Ecosystem Restoration Professional Development Program in 2007.