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11 In Pro Per Third Party Objector

12 **SUPERIOR COURT OF CALIFORNIA**
13 **COUNTY OF CONTRA COSTA**

14 ROBERT TIERNAN, et al.,

15 Plaintiffs,

16 v.

17 DIABLO COMMUNITY SERVICES
18 DISTRICT, et al.,

19 Defendants.

Case No. MSC17-02529

**DECLARATION OF ALAN KALIN IN
SUPPORT OF THIRD PARTIES DAVID
HAMMOND AND HAL SEIBERT'S
MOTION TO SET ASIDE
STIPULATED JUDGMENT BETWEEN
INTERVENORS AND U.S. BANK**

Date: 05/17/24

Time: 9:00am

Dept.: 18

22 AND RELATED CROSS-ACTION AND
23 ACTION IN INTERVENTION

1 I, Alan Kalin, declare as follows:

2 1. I am currently a resident of the City of Danville, County of Contra Costa. I make
3 this Declaration based on my own personal knowledge, and if called as a witness, could and would
4 testify to the same.

5 2. I am a retired Army Colonel, schoolteacher, and former Peace Corps Volunteer
6 (Ethiopia). I have lived in Danville for over 50 years. Since I retired in 2010, I have become
7 extremely knowledgeable about Mount Diablo State Park cycling safety issues and access. As a
8 result, I have become a leading public bicycle safety advocate in an around Mount Diablo State
9 Park. In 2022, I was recognized by the Board of Supervisors for Contra Costa County, (Resolution
10 No: 2022/323) for "outstanding achievements to promote and ensure safe cycling." In 2023, I
11 received a national award; the James L. Oberstar Award for "Excellence in Bicycle Advocacy," and
12 the Metropolitan Transportation Commission, Contra Costa County "Bike Champion of the Year,"
13 and was inducted into the California Outdoors Hall of Fame for "Accomplished a paramount scope
14 of adventures and inspired thousands." I am also a Commissioner on the Town of Danville Bicycle
15 Advisory Commission.

16 3. I am familiar with the gravel trail approximately 100 to 125 feet in length
17 connecting Alameda Diablo and Mt. Diablo Scenic Boulevard leading to Mount Diablo State
18 Park's "South Gate" entrance ("the Easement"), which is at the southerly end of the property
19 located at 2354 Alameda Diablo, Diablo, California.

20 4. On several occasions, I worked with the previous owner of the property at 2354
21 Alameda Diablo along with a local bicycle club to install the gravel and maintain the Easement to
22 improve the safety of all users. This Easement is a critical safety path for park visitors traveling
23 to/from Mount Diablo State Park. In the past, I would ride my bicycle up Mount Diablo 2-3 times
24 per week. I have used the Easement hundreds of times, probably over 1,000 times and I am very
25 familiar with Diablo and its importance to safe access to Mount Diablo State Park.

26 5. I personally conducted an 8-hour survey of Easement users on Sunday March 15,
27 2015, and again on Thursday March 19, 2015. 257 cyclists, 32 hikers, 9 joggers, 11 dog walkers

1 used the easement on the Sunday and 74 Cyclists, 7 Hikers, 4 Joggers and 5 dog walkers used the
2 Easement on the Thursday during the 8-hour period.

3 6. As a follow up to this 2015 survey, I also conducted a video survey of Easement
4 users for 5 hours from 8am until 1pm three Saturdays in September 2019 and then on 2 Tuesdays
5 with 146 average weekend cyclists over 5 hours and 68 weekday cyclists over a similar 5 hours.

6 7. In January 2019, I encouraged the public to attend the Diablo Community Services
7 District (DCSD) meeting concerning the possible closure of the Easement. Over 100 people
8 attended and over 50 people wrote emails/letters to the DCSD board asking them to keep the
9 Easement open. Several of those letters were written by Diablo residents. In 2020, I collaborated
10 with a Diablo resident and a local bike club to install a sign across from the Easement, requesting
11 the public to document their usage of the connector. Over seventy emails/letters of support were
12 received by the DCSD. I manage multiple websites, to include mountdiablocyclists.org and
13 bikedanville.org dedicated to improving the safety for cyclists, motorists, and pedestrians.

14 8. In 2020, I was sued by a Diablo resident for trespassing and creating a nuisance
15 regarding my use of Calle Arroyo. The nuisance cause of action was settled in my favor in 2021
16 and the trespassing cause of action was settled on confidential terms. On October 5, 2023, I created
17 a petition requesting US Bank to Open the Path at 2354 Alameda Diablo. The petition has over
18 3,460 signatures and hundreds of heartfelt comments. On November 1, 2023, I helped plan a large
19 public rally at the US Bank in Danville requesting that the Bank reopen the path in Diablo to allow
20 safe access for people going to Mount Diablo State Park.

21 9. In my opinion keeping the Easement open between Alameda Diablo and Mount
22 Diablo Scenic Blvd is critical to public safety. In the alternative I ask, should this Easement be
23 closed, who will take responsibility for the decision forcing users onto more dangerous routes and
24 directly impacting public and personal safety?

25 I declare under penalty of perjury under the laws of the State of California that the
26 foregoing is true and correct. Executed on February 4 2024 in Danville, California.

27 Alan R. Kalin

Alan R. Kalin