

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

<b>THE INDIAN RIVERKEEPER,</b>	)
	)
<b>Plaintiff,</b>	)
	)
<b>v.</b>	)
	)
<b>FEDERAL HIGHWAY</b>	)
<b>ADMINISTRATION; MARY E.</b>	)
<b>PETERS, in her official capacity as</b>	)
<b>Administrator of the Federal Highway</b>	)
<b>Administration; JIM ST. JOHN, in his</b>	)
<b>official capacity as Division</b>	)
<b>Administrator for the Florida Division,</b>	)
<b>Federal Highway Administration;</b>	)
<b>JOSE ABREU, in his official capacity</b>	)
<b>as Secretary of the Florida Department</b>	)
<b>of Transportation; and ST. LUCIE</b>	)
<b>COUNTY, a political subdivision</b>	)
<b>of the State of Florida,</b>	)
	)
	)
<b>Defendants.</b>	)
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**DECLARATION OF REGINALD MESIMER**

I, REGINALD MESIMER, declare as follows:

1. I am a licensed Professional Engineer in the State of Florida since February, 1982. I have been involved in civil engineering and roadway design for over 25 years. From 1970 to 1978, I was employed by the Georgia Department of Transportation. From 1978 to 1982, I was a project engineer for Greiner Engineering Sciences. From 1982 until 1985, I was head of the Roadway Design Department for the Tampa Office of Kimley-Horn and Associates Engineering firm. From 1985 until 1990, I was a partner in

Mesimer Faller & Associates, Inc. Since 1990, I have been, and am currently, the president of Mesimer & Associates, Inc. I currently work for in both the private sector and for government agencies including Pinellas, Hillsborough, Brevard, Manatee and Seminole Counties, the City of Orlando, and for the Florida Department of Transportation. I have been accepted as an expert witness in Court proceedings in Pinellas, Hillsborough, Pasco, Escambia, Collier, Broward, Dade, Polk, Sarasota, Charlotte, Hernando, Lee, Brevard, Volusia, Orange, Seminole and Citrus Counties.

2. On January 13, 2005, I reviewed the on-going roadway and shoreline construction of Indian River Drive. This project is underway as a result of damage caused by two (2) hurricanes that passed through the area last year (Hurricanes Francis and Jeanne). Undoubtedly, both hurricanes caused erosion along the east side of Indian River Drive. However, it is impossible to comment on which of the storms caused the most significant damage. I have also reviewed the following data:

1. Construction plans prepared by HDR Engineering, Inc. for the proposed repair of the embankment;
2. Photographs and video tapes of the roadway prior to the storms;
3. Photographs and video tapes of the roadway following the storms;

3. I performed an inspection of the roadway and on-going construction activities. In addition, I was able to interview some of the local residents.

4. From the data listed above, it is obvious that some portions of the 13.6-mile section of the roadway were impacted by significant wind and wave activity. This activity reduced

the width of the supporting roadway embankment in some areas. In addition, the storms impacted the roadway surface in a few locations that caused the roadway to be closed for a few days. However, in less than two (2) weeks, emergency repairs were made and the roadway was reopened to traffic. The actual roadway surface repairs were limited to only nine (9) areas and totaled approximately 6,500 square feet of pavement area, primarily in the northbound lanes. This area is equivalent to less than ½ of one (1) percent of the entire roadway surface.

5. In many areas, the width of the supporting embankment was reduced along the edge of the river. The remaining width of the shoulder and supporting embankment varied from a minimum of eight (8) feet to more than 100 feet in many areas.

6. Since the storms and the subsequent emergency pavement replacement was conducted, the roadway surface does not appear to be in need of immediate repairs, although the placement of guardrail in some areas would be advisable. The damage that was caused was largely limited to erosion at, and in proximity to, the roadway shoulders, and slope sloughing and slip-outs on the eastern side of the pavement. I estimate that the total length of the roadway, where the remaining shoulder width and supporting embankment is less than ten (10) feet, includes only 6,200 linear feet of the entire 13.6 mile project length (71,808 feet). This distance is approximately equal to 8.6 percent of the length of the project. From my inspection, it appears that many of these areas were likely only eight (8) to ten (10) wide prior to either of the storm events.

FURTHER I SAYETH NOT.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated this \_\_\_\_\_ day of February, 2005

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Reginald V. Mesimer, P.E.