

# **EXHIBIT Z**

Community News



## New eruv puts San Jose's Jewish community at ease on Sabbath



Photo John Medina/Feb. 19, 2017 With Rabbi Menachem Levine looking over his shoulder, the sofer, Rabbi Heshy Pincus, prepares the almost-completed Torah during the dedication of a new Torah ceremony at Congregation Am Echad on February 19, 2017 in San Jose, California .

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Sixteen miles of nearly invisible fishing wire stretching high above the ground and mounted on poles in San Jose's districts 6 and 9 will give Jewish residents there the freedom to venture outside their homes on Sabbath.

Those who strictly adhere to Jewish law forgo working and a number of other activities on the Sabbath, which starts at sundown Fridays and lasts until sundown Saturdays.

Under Jewish law, “working” includes driving, carrying items and pushing strollers or wheelchairs between private and public areas, such as from someone’s front door to the sidewalk.

The fishing wire outlines the new “eruv,” a symbolic boundary encompassing a community that merges public and private spaces. Inside that enclosure, Jewish residents can feel at ease pushing baby strollers in public, attending morning services, visiting friends and otherwise spending time outside their homes.

“We close the gaps with poles and wires,” Rabbi Menachim Levine of Congregation Am Echad, which spearheaded the campaign, said in an interview. “The eruv actually go back to King Solomon’s time.”

Jewish people within the confines of a walled city like ancient Jerusalem were permitted to do many otherwise forbidden activities on Sabbath. Those in modern cities like San Jose require some imagination to create a contemporary equivalent; hence the poles and fishing line.

“The eruv literally means ‘to mix’. It allows everything to come together,” Levine said.

San Jose is the last of the United State’s 10 largest cities to have an eruv within its borders. Sunnyvale has one and Palo Alto’s has been around since 2007.

Plenty of existing structures such as fences and freeway soundwalls provided a partly completed boundary when Levine and members of Congregation Am Echad in Willow Glen began pursuing the privately funded eruv project five years ago. But getting the fishing line installed after completing the eruv boundaries required navigating jurisdictional red tape. Permits were needed to use public infrastructure and install poles along the fishing line that closes any border gaps.

“The amounts of bureaucracy was breathtaking; it boggles the mind,” Levine told the Resident. “Finding the route itself took some time, a few years.”

The border runs along Southwest Expressway, Interstate 280, Highway 85 and Guadalupe and Ross creeks. Former District 6 councilman Pierluigi Oliverio, who helped Am Echad through the permitting process, said the project required coordinating with public works, transportation and planning staff and the city attorney.

“We have permits from the water district, from San Jose, we have from Campbell,” Levine said, adding that the San Jose Elks Lodge also helped by allowing the eruv on its property.

The biggest challenges came from Caltrans, on whose land many of the poles are installed.

“We met in Sacramento with the heads of Caltrans, and they actually crafted a policy, which took them about a year and a half to do, for the state,” Levine said.

That policy allows the use of eruv on Caltrans’ right-of-way if approved by the Federal Highway Administration.

Federal courts have upheld eruv on public land in several cases. In 2002, for example, the Third Circuit Court of Appeals ruled that just because some residents hung lost pet fliers on utility poles is no reason to prohibit the poles or wires from being used for religious utilitarian use.

“One of the reasons why all courts have felt it’s OK is because it has religious function vs. religious symbolism,” Levine said, noting that neighbors have completely supported the congregation’s efforts.

The congregation will maintain the eruv, making sure that the lines stay put, Levine said. Eruvin are so important to Jews that the one in his parents’ Miami Beach community was “knocked down but up by that Friday” after Hurricane Irma struck, Levine said.

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