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SOLUTIONS/LEPATNER: Fixing the nation's infrastructure

Our infrastructure is silently deteriorating, and the effect its crippled state can have on commerce, national security and public safety has approached critical proportions.

Barry B. LePatner Sunday, March 22, 2009

Unfortunately, the stimulus plan, which seeks to pump \$48 billion into an array of transportation projects, does not address what the American Society of Civil Engineers identifies as a \$2.2 trillion need to bring our infrastructure up to design standards.

The nation's infrastructure failures are many. Frighteningly, according to one recent study, since 1989 we have experienced more than 500 bridge failures, including the tragic I-35W bridge collapse of August 2007. The levee breaks that destroyed swaths of New Orleans after Hurricane Katrina and those that plagued the Midwest last summer show that our infrastructure problems are much more far-reaching than our bridges and roads.

In a troubled economy, these kinds of infrastructure failures pose increased risks not only to our safety but in the form of the billions in repairs and aid that must be spent after they occur. Tackling our transportation and infrastructure problems will require a national commitment and a strategic plan that should include the following:

• Create an infrastructure czar position.

The stimulus legislation proposes to set up oversight by a Recovery Accountability and Transparency Board composed of a chief performance officer and six members designated by the president, including members of various federal departments. However, it's unlikely that any of these officials have a true grasp of the construction industry's inefficiency or how to protect against these inefficiencies in contracts. In order for these project negotiations to be mediated properly, the president should create an infrastructure czar position — a construction expert unaffiliated with the industry who will help close the information gap that exists between contractors and the policymakers trying to negotiate contracts.

• Create a national clearinghouse and database, accessible to every state transportation agency and the general public.

The Federal Aviation Administration alerts the airline industry of any problems with aircraft and requires they receive immediate attention before similar planes can go back into service. A similar database should be created to alert all state transportation departments of any bridge failure in the nation and include methodologies for remedial design as well as alerts for maintenance problems affecting all of America's 600,000 bridges.

By making alerts available to the public, we will prompt state transportation engineers to take preventive action more quickly, help members of the public avoid unsafe bridges and put officials on notice that they will be held accountable for neglecting to take appropriate action.

• State governments should step up their efforts to inform and protect their citizens.

More than 72,000 bridges are rated "structurally deficient," the same rating held by Minneapolis' I-35W bridge for more than 17 years.State governments must do everything in their power to ensure they have informed their residents about bridges that have received structurally deficient ratings. In addition, they should be obligated to develop a game plan for correcting problems within six months of a bridge's designation as "structurally deficient." The public should receive annual updates on the remediation progress and be given notice if funding for the repairs is not provided within 18 months.

• Enact a plan to deal with our nationwide shortage of civil and structural engineers.

Most U.S. bridge inspections are not performed by professional engineers. These professionals are trained in advanced inspection methodologies and are experts in remediation of deficient bridges. Budget cuts in state transportation agencies have prevented adequate inspections critical to assessing the safety of each state's bridges.

Not only should we create incentives to encourage the nation's young people to pursue these careers, but state transportation departments must increase compensation to hire engineers and keep them from departing to private industry.

• Invest in advanced technologies that help save money and provide more accurate inspections.

By the time cracks appear in a bridge's structure, the costs for remediation have skyrocketed. The problem is many of today's inspection techniques fail to detect cracks until they are visible to the human eye. Technology exists to anticipate bridge remediation years before rust, corrosion and cracks appear. We need to fund states to purchase this equipment and train their inspectors to use it. Enabling bridge inspectors to ensure precision and objectivity in their evaluations can save our nation countless millions of dollars in unnecessary remediation.

• Enact reforms to avoid another "Big Dig."

For those who don't know, the Big Dig is the most expensive highway project ever. Its original budget, set in 1985, was just over \$2 billion. It was revealed last year that the real cost of the

project will reach \$22 billion, with a payoff set for 2038. The Big Dig epitomizes everything that is wrong with the wasteful and inefficient construction industry.

To advance billions in infrastructure funds to a broken industry for roads and bridges, only to run out of money before they are completed, is wasteful. The amount of money being doled out for the upcoming infrastructure projects is finite. Unfortunately, it's highly likely that it will be wasted, and we will end up with undermaintained highways and byways and "bridges to nowhere." It is clear that the construction industry will have to be reformed before we can start making progress on repairing the nation's infrastructure.

When you consider the huge number of projects needed to restore America's infrastructure, it is clear that measures must be taken to ensure that funds allocated for infrastructure projects are used wisely. Our government must use true fixed-price contracts on all upcoming projects. These contracts will pass the risk for poor performance onto the contractors who fail to complete them on time and on budget.

By taking the steps necessary to tackle our infrastructure problem now, we have an opportunity to improve our economy with the great return on investment of a better, safer infrastructure that will lead to a stronger nation.

• Barry B. LePatner, an author and founder of Le-Patner & Associates LLP law firm in New York City, is widely recognized in the construction industry as a reform advocate and expert.