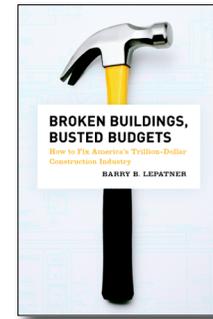


## For Immediate Release

For an interview with the author or a review copy of the book, please contact Dottie DeHart, DeHart & Company Public Relations, at (828) 325-4966 or DSDeHart@aol.com.



### **Disrepair, Danger & Dollars Ill-Spent: A Look at the Shocking State of the Nation's Infrastructure...and How It Got That Way**

*With the release of the NTSB's report on the I-35 bridge collapse in Minneapolis come new revelations about how out of control infrastructure problems have gotten in the US. Construction attorney Barry B. LePatner provides a reality check for us all.*

**Chicago, IL** (January 2008)—The verdict is in on the Minneapolis bridge collapse, and the results are far from comforting. We knew the August 2007 disaster was a “wake-up call” to the poor condition of our nation’s infrastructure, but we may not have realized what a public safety and economic nightmare we were actually waking up *to*. Barry B. LePatner says the new report confirms two facts: 1) our government has dropped the ball in a shocking way, and 2) if we don’t take aggressive action now, it’s only a matter of time before the next, inevitable tragedy. Indeed, the real surprise is that more bridges haven’t fallen.

If you haven’t heard, the report, recently released by the National Transportation Safety Board, indicates that inspectors believe the bridge collapse, which resulted in 13 dead and 145 people injured, was caused due to a flaw in the original design of the bridge. But that’s not the shocking part. Hard as it may be to believe, the government *doesn’t* mandate that inspectors periodically revisit original design documents to make sure bridges will hold up under today’s conditions—even though many of these structures are half a century old or even older.

“The design flaw revelations are only the tip of a very damning iceberg,” says LePatner, coauthor of *Structural & Foundation Failures* (McGraw-Hill, 1982, coauthored with Sidney M. Johnson, P.E.) and author of *Broken Buildings, Busted Budgets: How to Fix America's Trillion-Dollar Construction Industry* (The University of Chicago Press, October 2007, ISBN-13: 978-0-226-47267-6, ISBN-10: 0-226-47267-1, \$25.00).

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“In 40 years, new calculations were never made to determine how much weight the bridge should be holding in today’s conditions. Was there more traffic flowing over this bridge? Yes. Had renovations been made to the bridge that added weight to the structure? Yes, and, in fact, there was heavy construction equipment parked on the bridge when it collapsed. But no one ever said, ‘Wait a minute—let’s make sure this bridge can handle all of these changes that have occurred.’ To me, that’s terrifying!”

And here’s some more sobering food for thought: there are currently 72,000 bridges that the federal government labels “structurally deficient” and 80,000 labeled “functionally obsolete.” The fallen I-35 bridge wasn’t on either list.

The state of the infrastructure system in the U.S. today results from having been poorly managed and underfunded for years, says LePatner. Today, there are no uniform state-mandated minimum standards for the maintenance of bridges and roads. Inspections of bridges are to occur every two years by federal requirements, but when carried out these are often subjective visual observations that fail to use the latest technology to detect cracks and corrosion that may be invisible.

Currently, he adds, the U.S. government provides \$2 billion in maintenance costs annually for 592,000 bridges that fall within its purview. This works out to a paltry \$3,500 per bridge.

“It doesn’t take a genius to realize that \$3,500 isn’t enough to cover an adequate bridge inspection,” says LePatner. “And if you and I can realize that, you’d better believe the politicians who allocate the money know it, too. But politicians don’t get votes for refurbishing infrastructure. It’s a topic that’s just not sexy enough for them, so they’re not interested in backing it. They just bury their heads in the sand and hope that nothing bad happens on their watch!”

Another factor hindering the funding of repairs is the system in play that allows state governments to do what they choose with the money given to them by the federal government.

“The federal government doesn’t give a state X amount of money and say bridge A in your state needs repairs and you must use this money to fix it,” says LePatner. “So the state uses its own discretion to decide how to use the money, and that may result in, I don’t know, park renovations instead of bridge repairs.”

Today's problems remain, despite decades of engineering analysis and reports that have highlighted the deteriorating nature of our infrastructure and the costs of remediation—now estimated to be in the hundreds of billions and increasing exponentially as every year passes. Over the years, the problem hasn't magically gone away (as politicians would doubtless like it to) but has snowballed and snowballed.

“There are over 12,000 bridges being used today, whose designs are similar to that of the I-35 bridge,” says LePatner. “And there are over 100,000 more that need detailed inspections to ensure their safety. The hard reality is that, as it stands now, there are no cheap or easy fixes for the infrastructure problem in the U.S., but every day they go unchecked our safety is at risk.”

What this *really* boils down to is that the bridge you cross on your way to work, the bridge your child's school bus travels over, or the bridge that leads to your favorite vacation spot could fall. When you look at it that way, says LePatner, you realize that the years of neglect our politicians have allowed—and even encouraged—is akin to a criminal offense.

“The longer we wait to solve these problems the bigger they become,” says LePatner. “Not only is the public's safety at risk on a day-to-day basis, but these broken bridges and the larger infrastructure problems they signal will also hurt America's ability to compete in a global economy. What's more, our crumbling infrastructure is also a national security threat that invites terrorists and those bent on disabling our nation's economy to do their jobs in a much easier, more inviting way.”

Of course, there are no simple solutions. Now that we have a huge budget deficit and a recession waiting in the wings, LePatner worries that there is simply no money available to make significant repairs to the nation's infrastructure. He theorizes that we may have to start with reform of the system—encompassing both the governmental and construction industry arenas—and that will come about only if citizens demand it.

“There absolutely has to be a national dialogue about what we are going to do about this huge and growing problem,” says LePatner. “And in order to create a dialogue, the people of this country have to demand that politicians take notice. At the moment, no one is talking about it. The presidential candidates are focusing all of their attention on the war,

healthcare, and immigration. They don't seem to want to discuss what to do about the infrastructure problem. We will have to make them take notice.

“Our politicians have forced us into the driver's seat,” adds LePatner. “We, the citizens, must insist that our infrastructure problems are made a national priority. End of story. It's crazy that things have been allowed to get to this point. It's time we start holding our politicians accountable for their management, or mismanagement, of our money—and there is no better time to do that than election season! We need to start repairing our infrastructure, we need to do it in a financially responsible way, and we need to do it now. Let's not wait until the next tragedy to get serious about it.”

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### **About the Author:**

Barry B. LePatner, Esq., is the founder of the New York City-based law firm LePatner & Associates LLP. For three decades, he has been prominent as an advisor on business and legal issues affecting the real estate, design, and construction industries. He is head of the law firm that has grown to become widely recognized as one of the nation's leading advisors to corporate and institutional clients, real estate owners, and design professionals.

A nationally recognized speaker, Mr. LePatner has addressed audiences on topics central to trends affecting the real estate industry at recent events including: “Real Estate Outlook,” an annual seminar series for corporate and real estate executives; “Protecting the Owner from Pitfalls in Today's Construction Projects,” a series of Continuing Legal Education lectures given to law firms and their in-house real estate departments; “Protection, Survival, Readiness: Project Strategy in the Post 9/11 World,” a seminar presented to institutional, developer and corporate real estate executives; “Secure Space,” a building security seminar for corporate owners and developers; and “Marketing for Design Professionals” at the Harvard Graduate School of Design's Summer Program, with A. Eugene Kohn from 1990-2004.

He has written extensively and is widely quoted in the media on the subject of construction law. Mr. LePatner has previously coauthored the legal sections of the *Interior Design Handbook*, McGraw-Hill, 2001, and *Structural & Foundation Failures: A Casebook for Architects, Engineers & Lawyers*, McGraw-Hill, 1982, coauthored with Sidney M. Johnson, P.E.

Recently published articles include “Construction Cost Increases: Owners Should Know the Difference Between the Myths and Realities,” *New York Real Estate Journal*, October 2006; and “Are You Prepared—Disaster Management Plans Help Owners Protect Their Investments” in the March/April 2006 issue of *Commercial Investment Real Estate* magazine. Articles published in the *New York Law Journal* include: “Caveat Advocatus—

Drafting Construction Agreements for Your Client's New Construction Project Ain't What It Used to Be," March 27, 2006. Since 1980, he has edited and published the *LePatner Report*, a quarterly newsletter on business and legal issues for the firm's design, real estate, and construction clients.

**About the Book:**

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