



**PUBLIC EMPLOYEES FEDERATION** AFL-CIO  
HORNELL DIVISION NO. 175  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
107 BROADWAY, HORNELL, NY 14843

July 13, 2011

Honorable Barbara Boxer  
Chair, House Senate Environment and Public Works Committee  
410 Dirksen Senate Office Building  
Washington, D.C. 20510

**RE: Transportation Reauthorization Bill**

Dear Chair Boxer:

On behalf of Division 175 of the New York State Public Employees Federation I'm writing to recommend two provisions for inclusion in the surface transportation authorization to protect public safety and to encourage cost savings on transportation projects:

- **Public performance of construction inspection on surface transportation projects**
- **Ensuring cost-effectiveness of surface transportation projects by requiring a cost comparison prior to outsourcing**

**Public Performance of Construction Inspection**

Division 175 of the New York State Public Employees Federation's suggested wording is found within H.R. 328 (Filner – D-CA). This legislation can be condensed and included in the authorization as follows: **“public employees shall carry out the construction inspection functions for all surface transportation projects receiving Federal funding.”**

On transportation projects, construction inspectors are the eyes, ears and voice of the public. Inspectors ensure that construction standards are met, that projects meet safety requirements and that materials used will stand the test of time.

On transportation projects, public inspectors are the eyes, ears and voice of the public. Public inspectors ensure that construction and seismic standards are met, that projects meet safety requirements and the materials used will stand the test of time. Unfortunately, departments of transportation are outsourcing public inspection with disastrous results, including the collapse of the ceiling tile in Boston's Big Dig tunnel, the collapse of the Minneapolis Bridge over the Mississippi River, and the collapse of Hollywood Boulevard during the construction of the Redline Subway in Los Angeles.

Honorable Barbara Boxer

July 12, 2011

Page 2

When the construction inspection function is outsourced to a private company, there is no longer a representative of the public inspecting the work as it is being performed. David M. Walker, the former Comptroller General of the United States from 1998 to 2008, described the issue in a 2007 *New York Times* article: "There's something civil servants have that the private sector doesn't, and that is the duty of loyalty to the greater good – the duty of loyalty to the collective best interest of all rather than the interest of a few. Companies have duties of loyalty to their shareholders, not to the country."

### Cost Comparison Prior to Outsourcing

The second provision we would recommend for inclusion in the surface transportation reauthorization is a requirement that state and local transportation departments perform a cost comparison analysis prior to outsourcing work. Specifically, we would suggest the following language:

**"For architectural, engineering, and related services on surface transportation projects using Federal funds, a government agency shall prepare an estimate of the cost of procuring the services under a private contract and an estimate of having the services performed by employees of the government agency. A contract shall not be awarded if employees of the agency can perform the services at less cost."**

Increasingly state and local transportation agencies are spending hundreds of millions of federal dollars on private contracts for architectural, engineering, construction inspection and related transportation services without determining whether these contracts are cost-effective, result in safe construction projects, or in any way serve the public interest. This cost comparison proposal will ensure that taxpayers receive safe, high quality transportation services at the best possible price.

Once again, thank you for participating in the NASHTU Conference and for considering the above suggestions as you continue to proceed with the Surface Transportation Reauthorization. Please contact Andrew Puleo at 585.728.5559 to discuss these issues or if we can provide any additional information.

Sincerely,



Andrew Puleo

Council Leader, Division 175

New York State Public Employees Federation

Cc: Bonnie Wood, Regional Coordinator, PEF Region 2 Field Office, 40 Main St. Hornell, NY. 14843