

American Federation of State, County and Municipal
Employees

AFSCME Council 13

AFSCME District Council 48

AFSCME Local 375 DC 37

AFSCME Local 882

AFSCME Minnesota Council 5

Alaska Public Employees Association/AFT

AFT Public Employees

Association of Engineering Employees of Oregon (AEE)

Communications Workers of America (CWA)

Communications Workers of America Local 1032

Connecticut State Employees Association
(CSEA), SEIU Local 2001

Council of Engineers and Scientists Organizations (CESO)

CSEA Local 1000, AFSCME, AFL-CIO

Department for Professional Employees, AFL-CIO

International Federation of Professional
& Technical Engineers Local 17

International Federation of Professional
& Technical Engineers Local 21

International Federation of Professional
& Technical Engineers Local 195

International Federation of Professional &
Technical Engineers Local 400, RIDOT
Professional Employees Association

International Federation of Professional & Technical
Engineers, AFL-CIO & CLC

Maine State Employees Association/SEIU Local 1989

Massachusetts Organization of State Engineers
and Scientists (M.O.S.E.S.)

Michigan Public Employees SEIU Local 517M

Minnesota Government Engineers Council (MGEC)

Montana Public Employees Association

New York State Public Employees Federation (PEF), AFL-CIO

OCSEA/AFSCME Local 11, Chapter 2513

Ohio Civil Service Employees
Association (AFSCME), Local 11 AFL-CIO

Oklahoma Public Employees Association (OPEA)

Professional Engineers in California Government (PECG)

SEIU Local 285

SEIU Local 503, Oregon Public Employees Union

Service Employees International Union (SEIU)

State Highway and Transportation
Employees Association of Missouri

Teamsters Local Union No. 916/IBT

Wisconsin Council 40/AFSCME

Wisconsin State Employees Union/AFSCME Council 24

Wisconsin State Engineering Association (SEA)

July 12, 2011

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

Subject: Recommended wording for the Transportation Reauthorization Bill

Dear Chair Boxer:

On behalf of the National Association of State Highway and Transportation Unions (NASHTU), we are writing to recommend two provisions for inclusion in the Surface Transportation Reauthorization 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

NASHTU'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, 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 Ted Toppin at 916/446-0584 to discuss these issues or if we can provide any additional information.

Sincerely,

Ted Toppin
Professional Engineers in CA Government

Jimmy Tarlau
Communications Workers of America

Dennis Houlihan
AFSCME

Mary Richards
Massachusetts Organization of State
Engineers and Scientists