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## **Proposed New US House Bill H.R. 2104:**

**“A smokescreen to protect public union engineer’s jobs and  
bypass Proposition 35 passed by California voters in 2000,”  
say California’s private engineers**

SACRAMENTO -- May 29, 2009 -- A bill currently before the U.S. House of Representatives would mandate that only California public employees carry out construction inspection functions on all federally funded transportation projects. The bill proposes that such a mandate would identify alleged "conflicts of interest and potential failures to protect public safety and welfare" that might occur if privately employed engineers are given that work.

California’s private engineers vehemently disagree.

“The whole idea that somehow, all of a sudden, the private engineering firms that can and do perform this work now have ‘conflicts of interest’ or would fall short of ‘providing for public safety’ is ludicrous. Not only is this bill a smoke screen for protecting public union jobs in California, its premise is based on misinformation which is carefully woven in to the bill,” said Tom Blackburn, the president of the California Chapter of the American Council of Engineering Companies. [tom@blackburnconsulting.com](mailto:tom@blackburnconsulting.com)

In fact, says Blackburn, the entire concept of the bill runs counter to common practices in his industry and is, he feels, "an affront to the high professional standards which California engineers have maintained for decades."

ACEC California Member and engineer Rob Salaber agrees. "Why all of a sudden is the well established system of partnering work between the public and private engineering community in question? Simple. At this time of fiscal crisis when everyone is suffering financially, the public unions want all of the work for their members, and U.S. Congressman Bob Filner (D. San Diego) is trying to deliver it to them on a silver platter," said Salaber. [rsalaber@saiservices.com](mailto:rsalaber@saiservices.com)

Blackburn points out that H.R. 2014 would also directly conflict with Proposition 35, legislation passed by California voters which has withstood two State Supreme Court challenges by California's public unions since its passage in 2000. At that time, California voters overwhelmingly approved amendment to the California state constitution to give state and local public agencies the choice and authority to use private engineering services, when needed.

"Proposition 35, the right to bring in private sector engineering talent, expressly applies to construction services such as inspections as well," said Blackburn. "It is now regularly used by both state and local agencies to excellent effect to speed up the delivery of badly needed infrastructure projects, including transportation projects. It doesn't cut corners and it has ensured the continued safety of our citizens," he added.

Numerous surveys of state practices all around the country demonstrate that the traditional system of using private engineering services is crucial to delivering innovative, on-time and on-budget projects to the public. Blackburn and his fellow private engineers in ACEC-CA, say that allowing only state employees to conduct construction inspection work would really slow up the delivery of projects at a time when we desperately need efficiencies, both to keep costs low and deliver projects on time and on budget for minimal disruption to the general public.

"America's private engineers are involved in every phase of every type of transportation project," said Blackburn, "including planning solutions to reduce congestion, assessing environmental impacts, evaluating and improving the safety and sustainability of roads, bridges and tunnels, designing both simple and complex infrastructure to exceedingly high standards, and, yes, monitoring construction to ensure it complies with approved

designs and materials.

"This proposed legislation sponsored by U.S. Congressman Bob Filner (D. San Diego) is ill considered," warns Blackburn, and will, he says "result in even greater costs for California taxpayers without any discernible additional value to the state."

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### **About ACEC California**

*ACEC California is a statewide association representing more than 1,000 private consulting engineering and land-surveying firms that average 20 employees each. ACEC California is dedicated to enhancing the consulting engineering and land surveying professions, protecting the general public and promoting the use of the private sector in the growth and development of our state. Our members provide services for all phases of planning, designing and constructing.*