

112TH CONGRESS  
1ST SESSION

# H. R. 328

To require public employees to perform the inspection of State and local surface transportation projects, and related essential public functions, to ensure public safety, the cost-effective use of transportation funding, and timely project delivery.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 2011

Mr. FILNER introduced the following bill; which was referred to the  
Committee on Transportation and Infrastructure

---

## A BILL

To require public employees to perform the inspection of State and local surface transportation projects, and related essential public functions, to ensure public safety, the cost-effective use of transportation funding, and timely project delivery.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safety, Efficiency, and  
5 Accountability in Transportation Projects Through Public  
6 Inspection Act of 2011”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Public inspectors serve as the eyes, ears,  
4 and voice of the public on State and local surface  
5 transportation projects and help ensure that con-  
6 struction and seismic standards are met, that  
7 projects meet safety requirements, and that the ma-  
8 terials used will stand the test of time.

9 (2) Public inspectors on State and local surface  
10 transportation projects ensure that tax-paying mo-  
11 torists get what they pay for and public safety and  
12 the public interest are considered first and foremost.

13 (3) Outsourcing public inspection functions on  
14 State and local surface transportation projects elimi-  
15 nates a representative of the public from the con-  
16 struction site and puts a private company in charge  
17 of inspecting the work of the private construction  
18 company, creating multiple conflicts of interest.

19 (4) A private inspector's primary obligation and  
20 responsibility is not to the public, but to the success  
21 and profitability of the inspector's company. Because  
22 the private construction company whose work they  
23 are inspecting on one project may be a business  
24 partner on a future project, private inspectors are  
25 likely to feel pressure from the private contractor to  
26 take steps that ensure larger profits for both firms.

1           (5) These conflicts of interest may lead private  
2 inspectors to cut corners and overlook problems that  
3 threaten public safety, increase costs, and delay  
4 projects.

5           (6) Across the United States, transportation  
6 agencies have outsourced public inspection functions  
7 with disastrous results. Examples of the dangers of  
8 outsourcing include the following: Boston’s Big Dig  
9 (where a concrete slab from a tunnel ceiling fell and  
10 killed a woman), the Los Angeles Redline subway  
11 (Hollywood Boulevard collapsed), and the Con-  
12 necticut I–84 project (hundreds of drains that lead  
13 nowhere).

14           (7) Commuters and taxpayers are best served  
15 by requiring public inspection on State and local  
16 surface transportation projects to protect public  
17 safety, use transportation revenues cost effectively,  
18 and deliver projects on time.

19 **SEC. 3. PUBLIC INSPECTION.**

20           Public employees shall carry out the construction in-  
21 spection functions for all surface transportation projects  
22 receiving Federal funding.

23 **SEC. 4. DEFINITIONS.**

24           In this Act, the following definitions apply:

1           (1) CONSTRUCTION INSPECTION FUNCTIONS.—

2           The term “construction inspection functions” means  
3           construction engineering, contract administration,  
4           quality control inspection, materials testing, and  
5           resident engineer and assistant resident engineer  
6           functions.

7           (2) PUBLIC EMPLOYEE.—The term “public em-  
8           ployee” means an employee of a Federal, State, or  
9           local government.

10          (3) SURFACE TRANSPORTATION PROJECT.—The  
11          term “surface transportation project” means a  
12          project receiving assistance under title 23, United  
13          States Code, a capital project (as defined in section  
14          5302 of title 49, United States Code), and any other  
15          project related to surface transportation that the  
16          Secretary determines appropriate.

○