

## **RE: Opposition to the Continued Use of the Problematic Design-Build Program and the Raiding of Funds from the Dedicated Highway and Bridge Trust Fund**

Dear Legislator:

As a constituent and a state employee represented by the Public Employees Federation (PEF), I ask for your assistance with ending the design-build construction program. The Governor has proposed extending the program for an additional five years in her Executive Budget (S.8008/A.9008 Part AA). This proposal, which places tremendous power in the hands of well-connected developers, is ill-conceived, expensive and simply unsafe, bad policy.

Design-build, also known as the Infrastructure Investment Act, allows authorities and agencies to hire one firm to design, build and inspect major taxpayer funded projects. Design-build circumvents the merit-based, NYS taxpayer-funded Dept. of Civil Service, and as such is not a good government practice. Several reports by State Comptrollers have concluded that design-build is more costly than using state employees. In addition to doing a better job for less money, state workers do not have a financial stake in these multimillion dollar projects. PEF engineers are concerned with the quality of the work being performed and with the safety of the general public and not with how quickly and cheaply a job can get done.

The poster child of design-build projects, the Mario M. Cuomo Bridge, has been fraught with problems. While multiple reports questioned the failure of some bolts on the structure, the fact that the issue was largely hidden by contractors in order to meet deadlines is just as concerning.

In addition, the purported cost savings have yet to come to fruition. The construction conglomerate, Tappan Zee Constructors, sued the Thruway Authority for \$961 million last year. While a small portion was paid to the contractors, the main cost overruns continue to be a point of contention, with the companies suggesting they may no longer participate in design-build projects in New York.

Instead of design-build, we suggest that you include a provision in the final budget which would require that public employees solely be used for inspection on all taxpayer-funded capital projects (S.7244/A.6664) and require a cost/benefit analysis before large contracts are given to outside contractors (S.5356/A.8159).

I am also concerned about a recent state Comptroller report that only 17 cents out of every dollar in the Dedicated Highway and Bridge Trust Fund is being used for new capital projects. The remainder is going towards state operations and debt service. This fund should not be treated as a cash reserve to pay for shortfalls in the state budget or other programs. It needs to remain a dedicated trust fund and should be a pay-as-you-go fund that is not siphoned off for other

purposes. The debt service and state operations components need to be eliminated so that the fund remains solvent for years to come.

As my elected representative, I kindly ask that you work with the leadership in your house to reject the extension of design-build and increase transparency and the use of state employees wherever possible. NYS citizens, many with student loans, sit on Dept. of Civil Service lists waiting for promotions or interview opportunities and we ask you to help provide better government practices. I also ask that you work to ensure that the Dedicated Highway and Bridge Trust Fund be used for its intended purposes. Thank you for your time, attention and consideration of this very important issue.

Sincerely,

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