



Florida Department of Transportation

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September 20, 2019

Mr. Dan Walsh P.E.
Senior Highway Factors Investigator
National Transportation Safety Board
Office of Highway Safety
490 L'Enfant Plaza SW
Washington, DC 20594

RE: SECTION XV- FIU Bridge Collapse Investigation
Party Recommendations as to Findings, Conclusions and Recommendations

Dear Mr. Walsh,

The Department of Transportation (Department) commends you and your staff on the hard work, diligence and professionalism during the Florida International University (FIU) Pedestrian Bridge collapse investigation. The Department appreciates and respects the 18-month investigative process National Transportation Safety Board (NTSB) has followed to identify the causes of the FIU Bridge Pedestrian Bridge collapse. The Department also appreciates the diligence and coordination the NTSB has provided to all parties of the investigation. The NTSB process has allowed all party perspectives of the investigation to be heard. This fact has allowed for a more complete factual report and analysis. The Department thanks you for your work so far and looks forward to finalizing the process in the coming month. It is the Department's hope that the findings and recommendations in the Final Report will result in substantial and tangible improvements in the processes of all parties to ensure this type of tragedy does not occur again.

While cooperating with your staff and investigators, the Department has had an opportunity to review its interaction with the project sponsor and the processes that the Department employs relating to major local agency program (LAP) projects. There are five aspects of the Department's interaction with the project sponsor the Department would like to clarify to the NTSB to ensure all findings and recommendations result in a Final Report that achieves the ultimate purpose of ensuring this type of tragedy does not occur again.

1. The process for road closure for projects on, over or abutting the State Highway System
2. The process for structures plans review for category 2 bridges
3. The process for ensuring prequalification of peer review contractors
4. The role of Department consultants in LAP projects
5. The overall role of the Department on significant LAP projects on, over or abutting the State Highway System

1. LAP Road closure. As is standard for all projects on the State Highway System, the project sponsor and its contractor were responsible for identifying the need for and requesting authority to close the State Highway System facility over which the project was being constructed. The standard process is for the sponsor or its contractor to submit a lane closure application when undertaking activities that could impact travel lanes to protect the safety of the travelling public. The lane closure requests and approvals were tracked. The project was in an urban area with 8 lanes of traffic on SW 8th street/US 41. The Department authorized a complete closure and general use permit for the transfer of the bridge span into place. At the time of the collapse, the Department had issued a blanket road closure permit for two lanes of SW 8th street until April 2018. The City of Sweetwater, Miami Dade County and others were heavily involved in the road closures and coordinating detours and providing travel information to the public through variable message boards. The road should have been completely closed to all traffic if the contractor was undertaking activities that posed a risk to the public. At the core of this issue is sound engineering judgment. A Department employee was not aware of the crack issue at the time of the collapse but the Department has reviewed its process for road closures to identify any additional opportunities to emphasize the responsibility of LAP agencies, their design professionals, CEI consultants and contractors to close roads to traffic whenever activities are undertaken that present a safety risk. The LAP program is founded on the premise that the qualified local agency can adequately sponsor and oversee the project. Department employees faced with a situation like the one presented by the FIU bridge would have been expected to have taken immediate action to close the road.

Suggested Finding: **The Department's LAP program manual has been amended to emphasize the critical importance of protecting public life, health and safety. The LAP manual clearly requires local agencies, their design professionals, CEI consultants and contractors to immediately act to close State Highway System facilities when circumstances present material safety risks to the traveling public. The Department's LAP program manual has been amended to clearly emphasize that questions regarding road closures that may be needed to prevent imminent risk of harm must be immediately brought to the attention of appropriate Department employees. Additionally, the LAP Agreement and Construction Project Administration Manual (CPAM) incorporate instructions for actions addressing maintenance of traffic deficiencies and safety concerns.**

2. LAP Structures review. The 2019 Florida Legislature passed House Bill 385. The bill amended Section 334.175, Florida Statutes. The language of the bill requires the Department to review any structure on, over or under Department right of way for compliance with Department design standards.

A Department Structures office staff member stated that he reviewed the bridge plans and, based on his experience, identified issues in the FIGG design. He brought those issues to the attention of the LAP design professional. Design professionals are responsible for the plans they develop. Whether employed on a Department project or a LAP project, design professionals are required to be qualified, licensed firms. However, in the LAP program, the design professionals are employed by and report to the LAP agency. This creates a different dynamic

between the design professional and the Department because the design professional is compensated by and responsible to the local agency. The Department has established additional requirements for the LAP program addressing Department review and **approval** of LAP project designs before procurement. For example, the Department Structures Office will now have to **approve** a non-redundant bridge design over a state road for a LAP sponsor before the contract is procured.

Suggested Finding: The LAP program manual requires design approval prior to LAP program sponsor procurement. The manual has been expanded to include additional objective criteria and requirements regarding Department review of structure plans.

3. PREQUALIFICATION WEBSITE. The FIU bridge design firm has asserted it relied on the Department's website generated report for the determination of the peer review professional's prequalification. The Department has since confirmed there was an error in communication between the Department IT organization responsible for website content and revision and the Department procurement office responsible for consultant prequalification records.

Suggested Finding: The Department now gives notice on its website that it is a consultant's responsibility to provide the most current Department prequalification letter before any peer review contract is executed. The Department has identified with its IT section to provide website additional verification processes for consultant prequalification information published on the Department's website.

4. LAP CONSULTANT MANAGEMENT. The Miami District utilizes consultants in administration of the LAP program. Other Department offices use Department employees. A consultant employed by the Department through Keith & Schnars was the contact for the FIU bridge project. Apparently because his attendance was casual and not within his professional responsibilities, the Department did not learn of the meeting discussions until after the collapse. His attendance at that meeting, although outside the scope of his responsibilities under his employer's contract with the Department, created a question whether the Department should have known of the issues the project team knew prior to the collapse.

Suggested Finding: The Department has amended its LAP manual to require design approval by our Central Office Structures Office. Consequently, on complex design structures, like the FIU pedestrian bridge, a Department project manager will be assigned to the project to provide more active Department involvement in a complex LAP project. This will include giving more specific guidance regarding consultant responsibilities to report information to Department management.

5. DEPARTMENT LAP PROGRAM ROLE. The fundamental question illustrated by the FIU project tragedy is whether the Department should be more involved in LAP program design and construction oversight. Given the unique circumstances of LAP projects there are differences in the level of Department involvement in these projects.

Suggested Finding: The Department has modified its LAP program manual to require Central Office Structures design approval before a complex bridge design structure is advertised and a contract is executed by a program sponsor.

In summary, the Department appreciates and respects the Party status that it has held and is looking forward to completing the investigative process. The Department believes the following findings are improvements to the LAP program manual and hopefully will ensure this type of tragedy will never occur again.

We hope these improvements to the Department's processes at a small minimum gives solace to the families and loved ones of the victims of this collapse. These improvements to the updated LAP Program Manual and LAP Agreement will now provide give greater checks and balances to the consultants and individual program sponsors of LAP projects in the future. The Department is available at your convenience to discuss or give any further detail or information to ensure the Final Report memorializes the quality work you and your staff have done so far.

Sincerely,

A black rectangular redaction box covering the signature of Will Watts.

Will Watts, P.E.
Chief Engineer

cc: Parties of record to the NTSB investigation