



CALIFORNIA LEGISLATIVE COUNCIL OF PROFESSIONAL ENGINEERS

IN REPLY PLEASE ADDRESS:

Robert A. Katin, P.E.
Katin Engineering Consulting
2730 West Tregallas Road, #4727
Antioch, California 94531
(925) 755-1150

e-mail bobkatin@katinengineering.com
www.clcpe.org

May 4, 2017

Mr. Mark Paxson
General Counsel
State Treasurer's Office
915 Capitol Mall, Room 587
Sacramento, CA 95814

Subject: Warning to buyer of bonds High Speed Rail Project

Dear Mr. Paxson,

As president of the California Legislative Council of Professional Engineers (CLCPE), I sent you a letter, dated September. 5, 2012, regarding the sale of bonds for the High Speed Rail project. That letter is still relevant as to why prospective purchasers of such bonds should be warned that the project cannot be designed or constructed without violating the Professional Engineers Act (PE Act). Circumstances developing since then only add to the need to provide a warning. Recently CLCPE has prepared a report describing the effects of a law that only exists in California. I am attaching that report, and my previous letter to you.

The CLCPE report demonstrates that the opposition of the engineers in state government to reform is more than a reasonable difference of opinion. They apparently have a sincere belief that the discipline of civil engineering was adequate for public projects in 1931 and for today's even more complex public projects. This belief clouds the fiscal security of purchasers of the bonds by threatening the integrity and safety of public projects. The public employee union, Professional Engineers in State Government (PECG), represents the engineers in our state government. PECG opposed several reform bills with the position that the PE Act is the best way to regulate licensed engineers. This was made clear in many meetings to resolve policy differences and in testimony before legislative committees.

In order to build the high speed rail project the PE Act will be violated in the design and construction phases. This happened in the design and construction of the Bay Bridge. Many people involved in that project were not licensed civil engineers even though they were providing civil engineering services. The state engineers who believe in the PE Act seem to have little concern when it is violated in such public projects. There are news reports indicating serious issues of integrity and safety exist with the Bay Bridge, which was over budget and behind schedule. Yet the state engineers associated with the project claim there are no serious problems. This seems to be a denial of reality.

Reality cannot be denied in the private sector where the engineers associated with its projects depend on their reputations for competency to remain in business. They welcome being identified with the successes of their services. This transparency does not exist for state engineers associated with public projects. It appears that state

Member
Organizations

American Institute of Chemical
Engineers-NorCal

American Institute of Chemical
Engineers-SoCal

American Nuclear Society

American Society of Agricultural
and Biological Engineers

American Society of Mechanical
Engineers

California Industrial Engineers

California Manufacturing
Engineers

California Society of
Professional Engineers

Institute of Electrical &
Electronics Engineers

Instrumentation Society of
Automation

Mechanical Engineers
Association of California

Registered Traffic Engineers of
America

Society of Fire Protection
Engineers

engineers believe in the PE Act and have different priorities than engineers in the private sector.

A high speed rail system has different sets of complexities from those existing in a bridge. Both are complex, but it can be argued that the complexity of designing and constructing a high speed rail system may exceed that of a bridge. The need for a source of electrical power, and the means of delivering it to the railroad is just one example. To our knowledge there are no electrical engineers who are also licensed as civil engineers. The staff of the regulatory board was not able to identify any when we inquired. This is the tip of the iceberg of the non-civil engineer experts needed. But the state engineers involved in this project seem to be ignoring this issue. There will be many more experts, who are not civil engineers, who will be needed in this project, all of whom will be selected by state engineers who apparently believe they legally should not be able to provide services.

Purchasers of the high speed rail bonds should be warned of the probable violations of the PE Act, and the probable problems they will develop. Most purchasers will assume that the law in California is as advanced, if not more advanced, as in other states. They should be told that the PE Act has been reaffirmed by the Legislature when the reform bills were defeated. And that the PE Act will prevent the project from being constructed unless it is violated. Also if the PE Act is violated, by those who believe in it, serious problems will happen.

If you have any questions regarding the effect of the PE Act on engineers, or the CLCPE report, I would be pleased to answer them.

Sincerely,

A handwritten signature in blue ink that reads "R A Katin".

Robert A. Katin, PE
CLCPE President

Attachments: 9-5-2012 letter to Mr. Paxson
CLCPE Report