Let engineers make engineering decisions on local infrastructure projects

BY LINDA BAUER DARR, OPINION CONTRIBUTOR — 01/31/20 12:30 PM EST
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From time to time Congress and state legislatures are asked to consider so-called "open competition" bills that would create new government mandates requiring state Departments of Transportation and water utilities to consider all available options on pipes and other materials for every infrastructure project. This topic recently came up in a guest op-ed in this paper by Reps. Harley Rouda (D-Calif.) and Brian Babin (R-Texas) promoting their legislation, The SMART Infrastructure Act.

At first glance, it seems like a good idea – who would oppose free and open competition? As the CEO of the American Council of Engineering Companies (ACEC), which represents the nation's engineering industry, we're all about free market competition. America's engineering industry lives in the free market every day. Our firms win or lose business based on the innovative design solutions they put forward for their DOT and water clients that save money, improve performance and result in successful project outcomes. It's a proven relationship that yields the best results for taxpayers and the communities they live in.

The problem with the SMART Act (and similar initiatives at the state level) is that it is material preference legislation that interferes with that innovation by seeking to *legislate* decisions on pipes and other construction materials that should be made by licensed, professional engineers working closely with their clients as trusted advisors.

These are technical decisions that should be made based on the unique needs of each community, taking into account critical factors such as structural integrity, soil compatibility, maintenance and life cycle costs, to name a few.

It is true that very often, State DOT and water utility clients will seek to standardize specifications for pipes and other materials to maximize efficiency and save money, but once again, these decisions grounded in sound engineering judgement. These specifications are not "regulations" or "mandates." They represent proven best practices that allow communities and their engineers to design road and water systems tailored to meet unique conditions and circumstances, thereby allowing the community to reduce the time and expense required for design and construction.

Despite their best intentions, the sponsors of the SMART Act are legislating a solution to a problem that does not exist. Engineering firms already have the flexibility to recommend materials and technologies that will result in better performing infrastructure and cost savings – that's their objective with every project they work on. Our DOT and water utility clients agree, which is why these "open competition" bills have been universally rejected in the states and have gained little traction over the years at the federal level.

We don't doubt the sincerity of the supporters of these efforts – we all want to design and build better, more resilient infrastructure and be more efficient in how scarce tax dollars are invested, but we would argue there are better ways to achieve these goals than to legislate more mandates and regulations imposed by the feds on state and local governments.

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