

# Research Department

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# Minnesota House of Representatives

TO: Interested Parties

FROM: Patrick J. McCormack, Director

RE: Content of Work by Outside Counsel

The Bridge Collapse Committee has three reporting deadlines:

- A. *First Committee Report:* Joint Committee staff will conduct interviews, gather materials, and report by March 17, 2008, its initial findings<sup>1</sup> regarding the history, design, inspections, assessments, repairs, and collapse of the I-35W bridge, along with any policy or management deficiencies at the Minnesota Department of Transportation.
- B. *Second Committee Report:* By September 15, 2008, the Joint Committee will provide an updated report that will include the findings from the final legislative audit of highway spending in Minnesota, and any preliminary or final findings from other agencies, or private investigations of the I-35W bridge collapse.
- C. *Final Report: Date Uncertain:* Upon completion of the NTSB investigation and other relevant investigations of the I-35W bridge collapse, currently expected before the end of 2008, the Joint Committee or its successor will make a final report to the Legislature.

The outside consultant will assist the Committee in the work that will go into these reports, and will assist in the preparation and delivery of these reports.

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<sup>1</sup> Any bridge is designed and built over several years. The maintenance and repair of a bridge can last decades. The history of the I-35W bridge contains a number of specific decisions made about design, repair, budget, and safety, including risk assessments and choices that over time determined the condition of the I-35W bridge on August 1, 2007.- Research conducted by the staff of the Joint Committee will describe to the extent possible the facts that make up this narrative story of the I-35W bridge. The report from the Legislative Auditor may bring many of these facts to light. The committee staff will not repeat the finding of the Legislative Auditor, but will augment them as necessary.

## Report Content

The content of the work of the Committee will be informed by the NTSB and Legislative Auditor's investigations. It is possible that other investigations will contribute findings of interest to the Committee. The work of the outside consultant will in part consist of research that supports and buttresses these other reports.

The separate research conducted by the outside consultant may explore avenues of research that are not the focus of other reporting agencies, or are tangentially considered by these other agencies. Some issues are likely to be considered in a contributory fashion, and legislators may require more direct, and focused reports on some<sup>2</sup> of these issues.

For discussion purposes only, here are three issues that other reports will likely touch on, that a consultant might be instructed to work and report more directly on.

- *Outline of Relative Importance of Bridges.* The Auditor intends to discuss as part of their larger report the 2002 strategic planning sessions held within the Department and how these discussions changed MnDOT priorities. This could be a useful focus for a separate and longer report. What were the choices presented at those strategic planning sessions? How did those choices help create the Governor's funding initiatives, including his proposals for capacity expansion? How did strategic plans guide 2003 budget cut proposals? How were declining bridge quality measures and standards communicated within the strategic planning process and the Governor's budget proposals? At what level were these decisions made, and how were senior management involved? Was there a culture of containment – a choice by MnDOT managers to hold key decisions to themselves, and not communicate the data and choices clearly to the Governor, and/or legislators?
- *Staffing and Technology Choices.* Both the Auditor and the NTSB will discuss the level of inspection staffing, and the technologies used. A separate report might consider how exactly those choices were communicated to and made by senior managers. Were there memos, e-mails, reports, or presentations that outlined and explicated the technologies used, and the adequacy of the current system? Or were senior managers not told in any way that would have fostered choices on their part, to choose a different system? How was this vital management information communicated over time? Was there ever a chance that a radical new bridge inspection routine might be proposed?
- *Inter-Governmental Relations.* The Department had to communicate its preferences to both the Governor and the Legislature. What messages were sent and received? In the run-up to the budget reductions of 2003, what was the stance of the Department? Was the Department adopting a "good soldier" stance, in which cuts were accepted in the name of solving a state fiscal crisis? Or did the Department capture and communicate the way different budget levels required different levels of service and safety? Was this communicated clearly to the Governor? To the Legislature?

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<sup>2</sup> The Oversight Subcommittee of the Bridge Collapse Committee will guide the work of the consultant. Therefore, this memorandum is for discussion purposes, and is not intended to be the final word on research directions taken by the consultant.

These three discussion points are not exhaustive of the work that *might* come to the fore during the work of the consultant. The Oversight Subcommittee will work with the chosen consultant to clarify the work focus of the consultant, and that work will be adjusted in light of the reports received by the Auditor, the NTSB, and other reporting agencies.

PJM/ct