

Minnesota Legislature
Joint Committee to Investigate the Bridge Collapse

Proposal for Investigation

November 19, 2007

Goal

The report of the Joint Committee to Investigate the Bridge Collapse will explain the collapse of the Interstate Highway 35W bridge over the Mississippi River in the City of Minneapolis on August 1, 2007, in the context of the State of Minnesota's program of bridge construction, repair, and replacement in the four decades since it was built. The report will:

- Identify management decisions and policy choices made by the Minnesota Department of Transportation that may have contributed to the collapse of the I-35W bridge; and
- Recommend correction or improvement of any identified deficiencies in the department's management of bridge maintenance, inspection, repair, and reconstruction.

Work Plan

Legislative Auditor's Report Update: The Legislative Auditor has already begun to update the data and findings of his 1997 report: *Highway Spending*, completed on April 3, 1997. The Auditor will extend the report to cover the next decade, with special attention given to inspection and repair of the I-35W bridge, and to report that data to the Legislature in January 2008.

The work of the Joint Committee will be prepared in three parts:

- A. *First Committee Report:* Joint Committee staff will conduct interviews, gather materials, and report by March 17, 2008, its initial findings¹ 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.

¹ 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.

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.

Relationship to Other Investigations

The Legislative Auditor will concentrate on updating his reports on highway spending and bridge safety in Minnesota, with additional review of inspections and repairs done to the I-35W bridge.

The NTSB investigation will attempt to identify the physical causes of the collapse.

Joint Committee staff will receive the auditor's report in January 2008 and the NTSB report whenever it is completed and will concentrate on identifying any policy or management deficiencies in state government that contributed to the collapse of the I-35W bridge.

To the extent possible, Joint Committee staff will gain access to materials held by state agencies. Due to the multiple investigations underway, Joint Committee staff will attempt to find ways to access preliminary or final reports from all sources, in order to use these findings to enrich the legislative record. The final report from the Joint Committee will include references to all relevant reports and studies.

Data Classification and Disclosure

Data gathered by the Joint Committee in the course of this investigation will be classified and protected from disclosure as if it had been gathered by the Legislative Auditor and were governed by Minnesota Statutes, section 3.979.

Subpoenas

By a vote of two-thirds of its members, the Joint Committee may request the Secretary of the Senate or the Chief Clerk of the House of Representatives to issue subpoenas in accordance with Minnesota Statutes, section 3.153.

Investigative Assistance

The Joint Committee will hire a firm or team to provide legal services in connection with the preparation of its three reports. The contractor should have demonstrated investigative expertise and knowledge of management and budgeting processes. It may consist of a law firm or team of one or more individuals or firms assembled to provide legal services and prepare the report. The contractor will be selected by a hiring committee that consists of the following members:

Representative Bernard Lieder, House Chair	Senator Steve Murphy, Senate Chair
Representative Ron Erhardt, Ranking Member Representative Melissa Hortman Representative Frank Hornstein Representative Neil Peterson	Senator Michael J. Jungbauer, Ranking Member Senator Richard J. Cohen Senator D. Scott Dibble

Resumes from firms suggested by the selection subcommittee will be solicited and culled by the following legislative committee staff:

Patrick McCormack, House Research Joel Michael, House Research Matt Burress, House Research	Peter S. Wattson, Senate Counsel Bonnie Berezovsky, Senate Counsel
---	---

Only the firm selected will be announced to the public. Target date to complete the hiring process is Friday, December 14, 2007.

Firm Qualifications

The firm selected must have demonstrated competence in investigating and assigning responsibility for major decisions by large organizations, preferably agencies of state, local, or national governments, concerning the expenditure of money. Experience with decisions concerning the construction and maintenance of bridges and highways will be preferred. The work of the firm must be done in a nonpartisan manner. The firm or individual must demonstrate the capacity to bring sufficient resources or personnel to complete the reports within the schedule shown above.

Firm Supervision

The firm will be supervised by the hiring committee, along with the legislative committee staff who assisted with the selection of the firm. The firm will be asked to provide to the Subcommittee a draft of its proposal to carry out the work plan within two weeks after being selected. The firm will be expected to meet in person with the Subcommittee for a couple of hours every couple of weeks during the investigation, or on another schedule agreed to by the firm and the Subcommittee, in order to report on the questions it is pursuing and what it has found to date.

Legislative Staff Assistance

Legislative staff assigned to the Joint Committee will assist the firm (the Joint Committee's nonlegislative staff) in gathering legislative and executive documents, and in identifying legislative and executive personnel, relevant to the investigation.

Contract Budget and Administration

The firm will be compensated on an hourly basis, up to a maximum contract amount and certain periodic limits. Money to cover the cost of the contract will be transferred by the Senate and the House of Representatives to the Legislative Coordinating Commission, upon approval of the Joint Committee's budget by their respective Rules Committees. The Director of the Legislative Coordinating Committee will serve as the Joint Committee's designated agent for purposes of administering the contract.

Public Information

Information gathered by the firm and committee staff in the course of the investigation and preparation of the report will be shared only with the hiring committee until it is released to the public at the direction of the Senate and House chairs of the Joint Committee. Media inquiries must be directed to the chairs, not to the firm.