



THE ARIZONA CIVIL ENGINEER

President's Message

Sheila M. Bowen, P.E., M.ASCE



While researching information for this month's article, I ran a search for "ASCE Infrastructure Report Card +Economic Stimulus Package". Try it, you might be inspired by the attention ASCE and its 146,000 civil engineers are receiving. Once again, ASCE distilled complex technical information into a format that we can easily grasp. Magazines such as Popular Mechanics notes, "The American Society of Civil Engineers (ASCE) has just released a summary of its 2009 Infrastructure Report Card, and the news isn't exactly surprising—it's bad. The purpose of the report card format is to make the study easily accessible to the public, replacing the opaque engineering-speak of structural deficiency and design lifespan with familiar letter grades for each of 15 categories, as well as a cumulative tally. It also invites easy clichés. So with the best grades at C+, the worst at D-, and an overall performance of D, the same as last year's total, this is one report card that isn't going up on the fridge" (<http://www.popularmechanics.com/technology/industry/4301580.html>). The United Kingdom's New Civil Engineer highlighted key points of the report card regarding roads, bridges and rail systems. In addition to summarizing components of the report card, CNNMoney.com adds, "The report also presented several broad solutions to the problem, including increasing infrastructure investment on a state and federal level, promoting a culture of sustainability and developing plans for future public works programs" (http://money.cnn.com/2009/01/28/news/economy/infrastructure_report_card/index.htm?postversion=2009012811).

The full 2009 Report Card for America's Infrastructure, including detailed fact sheets on all categories and state-by-state information, will be released on March 25, 2009, as previously scheduled.

ASCE President Klotz encourages us to take action now and help spread the message. Below are some ways you can get involved to make this happen.

- Click and Connect with Congress at <http://www.asce.org/pressroom/publicpolicy/advocacy.cfm>.
- Submit a letter to the editor or op-ed to your local newspaper. Samples can be found on ASCE's Public Relations Training for Civil Engineers at <http://content.asce.org/prtoolkit/>
- Share your opinion on ASCE's Our Failing Infrastructure blog at <http://blogs.asce.org/govrel/>

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PHOENIX BRANCH YMF

By *Julian Desang, P.E.*
President, Phoenix Branch YMF

We have a lot going on! Check out what's happening with the Phoenix Branch YMF...

UPCOMING EVENTS:

CANstruction: The Canstruction Team has been working extremely hard to ensure that this year's structure meets and exceeds expectations! The build day will take place on Friday, February 13th from 9pm to 9am at the Fiesta Mall in Mesa. The YMF structure "Wii CAN Stop Hunger" will consist of a monster Wii console constructed entirely out of canned foods! Come stop by the mall and check out the structure anytime between February 14th and the 21st. For additional information, please contact our fearless captain Brian Tracy at Brian.Tracy@kiewit.com.

Educational Outreach Event: Will be held Friday, February 20th at noon with the Most Holy Trinity School. To celebrate Engineer's Week (E-Week) we will be doing a special demonstration for all ages of students. If you are interested in volunteering please contact Chris Milner at chris.milner@kimley-horn.com.

E-Day at the Science Center: Here is your opportunity to get kids of all ages EXCITED about engineering! This event will be held Saturday, February 21st from 10am to 4pm at the Arizona Science Center in downtown Phoenix. We are looking for volunteers that want to help out at the YMF Booth. If you are interested in volunteering, please contact Chris Milner at chris.milner@kimley-horn.com.

February PBYMF Meeting: This month's meeting will be held on Tuesday, February 24th at 5:30pm at Half Moon Grill located at 2121 E. Highland Avenue in central Phoenix. Does the new kid in the cubicle next to you have a master's degree in Civil Engineering and you don't? Why would engineers (including two Phoenix Branch YMF officers*) be getting their MBA's? Have you ever considered "continuing" your education and getting a Master's degree? Well here is your chance to hear first-hand from two engineers (Brandy Kelso - MS in Civil Engineering and Mike Bonar - MBA) all about what it takes to become a Master!

*Note: If you can positively identify the two PBYMF officers that are currently enrolled in the MBA program at ASU, please e-mail me at julian_dresang@tempe.gov. All members providing the correct information will be entered into a raffle drawing for a free Starbucks gift card.

ONGOING EVENTS:

PE Review Course: The spring PE exam is knocking on the door! If you are taking the test in April, consider signing up for the ASCE PE Review Course. As many of you probably heard, there is a new construction section on the exam. Not to worry, we have added a Construction session to this year's course. For more details, go to <http://www.azsce.org/phymf.php> or contact Pamela Tracy at Pamela.Tracy@SRPMIC-nsn.gov.

PAST EVENTS:

Light Rail Social Tour: Wow...I hope you didn't miss this one! Over 50 YMF members, family and friends rode the new light rail train to George and Dragon, Seamus McCaffrey's, Majerle's, and The Tavern on Mill. Thank you to all the YMF engineers that helped in the planning, design and construction of the Light Rail, it is awesome! Also, thank you to Dana Biscan for organizing the event!

Western Regional Younger Member Council (San Francisco): The Phoenix Branch had six Younger Members attend the conference, including five board members. All in attendance appeared to enjoy themselves and commented on the quality of the program. We were proud to win three awards:

- 2009 WRYMC Outstanding Younger Member Group Project: Canstruction
- 2009 WRYMC Outstanding Younger Member in ASCE Activities: Melanie Sikes
- 2009 WRYMC Outstanding Younger Member in Community Activities: Susan Detwiler

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SOUTHERN ARIZONA BRANCH YMF

By David Tapia, P.E.

President, Southern Arizona Branch YMF

Greetings Tucson Younger Members and Friends,

Our next general membership meeting (aka social) will be Tuesday, February 3 at 6pm at Frog & Firkin, 874 E. University Blvd. The YMF will pay for pizza and beverages. Come on out and join us for some “small talk” over pizza and drinks. Thank you to ConformaTech for co-sponsoring this event.

Engineers Week Volunteers Needed! The YMF will be coordinating a school outreach program where our members can volunteer at local schools to introduce students to the engineering profession. Materials and activity workbooks (Zoom Into Engineering) will be provided. Please see <http://www.azsce.org/downloads/sab-school-outreach.pdf> for more information.

Upcoming Events:

February 17, Engineers Week Banquet: Desert Diamond Casino & Hotel. Please see <http://www.azsce.org/downloads/sab-eweek.pdf> for more information.

February 21, Engineers Week Mall Event: Foothills Mall, 10am – 3pm
For more information or to volunteer contact Daniel Yu at dyy@rsengineering.com

Tuesday, March 3: Social at BJ’s Brewery, 6pm. YMF to provide pizza and non-alcoholic beverages.

March 14, Habitat for Humanity: Details to be announced soon.

Other News:

It’s time again to start preparing for this fall’s annual scholarship golf tournament.

If you are interested in helping out, please contact Sam Credio at Sam.Credio@acocom.com

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INTERSECTIONS: CIVIL ENGINEERING AND THE LAW

By Roger Owers, Ph.D., P.E., J.D.

President, Southern Arizona Branch YMF

Who Pays for the Liability of a Defunct Design Firm?

One morning, a civil engineer shows up to work but surprisingly finds that her (former) firm has closed down. She later learns that the former firm is threatened by litigation over alleged design defects. The engineer begins to wonder whether or not she can be personally liable for her design work for the former employer.

This hypothetical situation is all too common. Design firms come and go.

So who is responsible for the liability of a now defunct design firm?

Can the employees themselves be found responsible? Probably not. The law generally holds employers, not employees, responsible for the negligent work of employees who are acting within the scope of their employment. Most design firms have liability insurance policies to cover such negligence by their employees. So civil engineer employees will not be personally liable for mistakes made by them or their fellow employees while doing civil engineering work for their employer.

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Intersections (cont.)

This also holds true in the situation where the design firm is defunct. The former employees of the now-defunct design firm would not be personally liable for negligence of the firm.

If not the employees, then who would be responsible for the defunct firm's liability?

It depends partly on the business organization of the design firm. If the firm was organized as a sole proprietorship or a general partnership, the former owner(s) of the firm would probably be found personally liable. It also depends on any insurance coverage that could be found to pay for the liability of the defunct firm. If the insurance policy has "tail" coverage that covers the defunct firm's liability, then the insurance policy would pay. But if the firm was organized as a corporation or as a limited liability company and if there is no insurance coverage, then it is likely that no one could be forced to pay for damages due to the now-defunct firm's negligence.

To summarize, civil engineering employees are generally protected from personal liability for the negligent work of their employer, including a defunct design firm. The question of personal liability for the owners of the defunct design firm will largely depend on the business organization of the firm. And unless there is adequate "tail" insurance coverage, it is unlikely that the insurance carrier will be forced to pay for the liability of the defunct design firm.

This article is intended for general information only. It should not be construed as legal advice with respect to any particular situation. Readers should not act upon information contained in this article without first consulting their lawyer.

Roger Owers provides legal representation in the areas of design law, construction law, and Indian law. He holds a Ph.D. in civil engineering, is a registered professional civil engineer, and is a licensed attorney. He can be reached via e-mail at RogerOwers@KaibabLaw.com or via his website at www.KaibabLaw.com.

◆ Help Guide the Future of Our Nation's Infrastructure – Renew Today! ◆

Have you renewed your 2009 ASCE membership? ASCE dues were due on Dec. 31, 2008, which means if you haven't renewed your 2009 membership, you run the risk of losing your valuable ASCE benefits, such as membership in your local ASCE Section or Branch. Plus, 2009 has the potential to be a significant year for ASCE and civil engineers. As we prepare to welcome a new president who has promised to place infrastructure renewal at the forefront of domestic issues, the Obama administration has already tapped ASCE to play a leading role in deciding where money from the stimulus package would best be spent.

Take pride in your role in educating the public and policy leaders about the importance of infrastructure to our nation's safety and economic security. And support the fight to renew our nation's infrastructure by renewing your 2009 ASCE membership.

You

can



renew your ASCE and Section/Branch membership today by going to www.asce.org/renewal.