

Statement of Martin Convisser, Director of the  
Office of Industry Policy of the United States  
Department of Transportation, Before the Committee on  
Public Works and Transportation of the  
United States House of Representatives on November 7, 1983

Good morning, Mr. Chairman and members of the Committee. I am pleased to have the opportunity to address the Committee today with respect to the Journal Square accident investigation.

I am accompanied this morning by Alfred Delli Bovi, the UMTA Regional Administrator for Region II which encompasses New Jersey. Also, with us are Franz K. Gimmler, the Deputy Assistance Administrator of the Urban Mass Transportation Administration (UMTA) for Engineering and Applications, and Lloyd G. Murphy, Chief of the UMTA Office of Safety and Security.

Secretary of Transportation Elizabeth Hanford Dole places an extremely high priority on safety in all modes of transportation. Since becoming Secretary, she has undertaken numerous efforts to improve transportation safety. As only one example, as this Committee is aware, she recently submitted legislation to consolidate much of the Department's surface transportation safety responsibilities within a National Traffic Safety Administration, to assist the Department in improving and coordinating our safety programs.

Because of this commitment to safety, Secretary Dole has been particularly concerned about the serious and unfortunate incident that occurred in this complex on the morning of August 8th, resulting in the death of two people and

the injury of eight others. As Secretary Dole stated in her letter of August 26, 1983, to Chairman Howard, we believe that the use of UMTA grant assistance in the construction of the Journal Square Terminal imposes an obligation on the Department to monitor the use of those funds. To this end, shortly after the tragic accident, Secretary Dole requested that the three gentlemen who accompany me this morning and Oscar Arringer, an engineer at the Transportation Systems Center in Cambridge, represent her in meeting immediately with the Port Authority. She directed them to become thoroughly familiar with the status of the investigation, and the information then available about the accident. She further directed them to continue to monitor the investigation to its completion.

The August 8th tragedy has caused the Department to review UMTA's statutory authority in the area of mass transit safety. Our review has lead us to affirm the Secretary's initial view, stated in her letter of August 26, that UMTA's statutory authority is adequate to permit UMTA to discharge its safety responsibilities in this matter.

As a grant making agency, UMTA generally has the authority to set terms and conditions for its grantees in the area of safety. In addition, the recently enacted Surface Transportation Assistance Act of 1982 included a provision, section 22 of the Urban Mass Transportation Act, which sets forth the Secretary's specific authority to investigate unsafe conditions in transit facilities, equipment and operation. We believe that section 22 and UMTA's general grant making authority are sufficient, and at present we do not seek legislation to increase UMTA's authority with respect to incidents such as this.

Mr. Chairman, I assure you and the Committee that in the interest of improved transportation safety and the prudent use of the Department's grant funds, the Department will pursue the investigation of the Journal Square incident to its completion.

I would now like to turn to Mr. Delli Bovi, who will discuss UMTA's role in this project, its general procedures, and its involvement since the August 8 accident. We will both remain available to answer any questions you may have after Mr. Delli Bovi delivers his statement.

Thank you.

Statement of Alfred Delli Bovi, Regional Administrator of  
The Urban Mass Transportation Administration,  
Before The Committee on Public Works and Transportation of the  
United States House of Representative on  
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Mr. Chairman and members of the Committee, as Mr. Convisser indicated, my name is Alfred Delli Bovi and I am UMTA's Regional Administrator for Region II which covers primarily the States of New York and New Jersey.

On August 30, 1983, Franz Gimmler, Lloyd Murphy, Oscar Orringer, and I represented the Department of Transportation at a meeting in this complex with officials of the Port Authority of New York and New Jersey and its subsidiary, the Port Authority Trans Hudson Corporation (PATH) to discuss the Port Authority's investigation into the August 8th ceiling collapse.

During our meeting we specifically focused on the scope and depth of this investigation. At that time, the Port Authority assured us that the investigation would include interviews with more than 50 persons associated with various phases of construction, maintenance and operation of the Journal Square Transportation Center as well as examinations of the design, construction and maintenance history of Journal Square, inspections and reports related to the structure, and inspections and testing related to the structural integrity of the terminal. The Port Authority also indicated at the meeting that they had retained the services of Lev Zetlin Associates to conduct an independent investigation of the affected area. Lev Zetlin Associates is the engineering consultant firm that participated in the investigations of the Hartford Coliseum ceiling collapse and the Hyatt Hotel skywalk collapse in Kansas City.

In light of the comprehensive nature of this investigation, we concluded that no separate investigation by UMTA was warranted at that time and that any such investigation would be duplicative. We have continued to monitor the Port Authority's investigation as Secretary Dole informed you we would. We continue to be satisfied with the conduct of that investigation. We will continue to follow it closely and to review the report upon its completion. We will take any action that might be appropriate, after that review. In the meantime, we remain available to provide the Port Authority with any technical assistance which it may require.

Because of UMTA's financial investment in the Journal Square Transportation Center, we are greatly concerned with the outcome of the Port Authority's investigation. We want to find out exactly what happened so that we might assure the structural integrity of any similarly designed facility elsewhere in the country, by -- at least -- providing the results of the investigation to our grantees.

The Port Authority received approximately \$39,066,750 from UMTA with the stipulation that the Port Authority, as recipient of these funds, would commence, carry on, and complete the project in a sound, economical and efficient manner.

It has been the general practice of the recipients of UMTA funds in their roles as owner of the project facilities, to manage construction projects throughout all phases of construction and during operation. A typical grantee

will hire or contract for the services of engineers, architects and other professionals who have been licensed in their fields by professional, State, and national associations to perform the duties necessary to the sound construction of transportation facilities.

In its capital projects, UMTA primarily relies on these licensed professionals employed by the grantee. In addition, most grantees must comply with multiple levels of building codes. In the case of a typical grant project, the grantee must comply with National Building Standards, a State building code and local codes. Although the Port Authority, due to its status as an Interstate Compact agency, is exempted from most building codes, the Authority has, as a practice, complied with the codes generally applicable in its geographic area. UMTA proceeds with the expectation that these safeguards assure adequate protection for the safe-worthiness of UMTA assisted projects.

In short, we are extremely concerned about the safety issues in construction projects. We believe that our practice of relying on State and local building code compliance procedures has been an effective and adequate means of ensuring sound construction. This is supported by the fact that, during the life of the section 3 capital discretionary grant program, we have awarded approximately \$16.4 billion in assistance. The vast majority of these funds has been used for construction, and have had a very good record as far as safety with regard to the use of these funds.

Nevertheless, we will follow the Journal Square investigation closely. We will take appropriate action, if warranted, after reviewing the Port Authority's investigation report. If we conclude that we need any additional statutory authority, we will advise the Committee of that need.

Thank you.