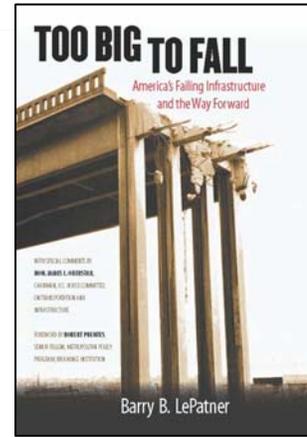


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For an interview with Barry LePatner or a review copy of the book, please contact Dottie DeHart, DeHart & Company Public Relations, at (828) 325-4966 or Dottie@dehartandcompany.com.



Gov. Chris Christie's Buried Tunnel—What It Means for the Future of Infrastructure Projects in the U.S.

New Jersey Governor Chris Christie's decision to kill the ARC tunnel connecting NYC and NJ has earned him both fervent criticism and adulation. Author Barry LePatner offers his level-headed perspective on what the buried tunnel project means for the future of the nation's infrastructure system.

New York, NY (November 2010)—In New Jersey, amidst much controversy, Gov. Chris Christie recently killed plans to build the Access to the Region's Core (ARC) tunnel under the Hudson River. It's a decision that has won him many critics, including U.S. Secretary of Transportation Ray LaHood, and much support, including 51 percent of NJ residents, according to a new Rutgers-Eagleton poll. Author Barry LePatner says the killed tunnel project and the controversy surrounding it provide the perfect opportunity to closely examine how we build and fund public projects in the U.S. today.

“Gov. Christie killed the tunnel project to protect New Jersey taxpayers from the possibility of massive cost overruns that had the potential to raise the price of the project by many billions of dollars,” says LePatner, author of the new book *Too Big to Fall: America's Failing Infrastructure and the Way Forward* (University Press of New England, 2010, ISBN: 978-0-9844978-0-5, \$27.95, www.TooBigToFall.com). “While he was right to be cautious, I fear that he—and any other politicians who shelve projects that have the potential to boost commerce in their states—may have done it for the wrong reasons.

“Today’s political environment doesn’t reward long-term planning. It is driven by the ability to cut spending at all costs while trying to get political credit quickly. It’s a culture that lends itself to short-sightedness. Few politicians today are willing to take on long-term risk, and as Gov. Christie has shown, they certainly aren’t going to do so based on a public megaproject that could end in great embarrassment, as the Big Dig did for the state of Massachusetts.”

The problem, explains LePatner, whose new book uses the infamous collapse of the I-35W Bridge as a microcosm for the problems plaguing the nation’s infrastructure as a whole, is that there has been no plan from public officials on a state or federal level for how to eliminate damaging cost overruns from public projects.

“We absolutely need to address the serious condition of our nation’s poorly maintained roads, bridges, dams, and levees,” says LePatner. “We need to bring a sense of order to the way we build and maintain the system that is responsible for moving products and people. A strong infrastructure system is necessary for our national security, but it is also the reason we have been historically able to grow and expand our economy. If we would begin to repair and properly maintain the infrastructure we already have in place, we could improve the transportation of goods and the public’s safety.”

Decades of government failure to provide funding to maintain these facilities has left our nation in a perilous situation. The reality is that one out of four bridges in the United States has been given poor marks for structural integrity. Even more significantly, there are more than 18,000 fracture-critical bridges—meaning the failure of one structural member would trigger the collapse of the bridge—and 7,980 of these bridges are rated as being in “poor” condition. To give you an idea of the danger associated with these kinds of bridges, Minneapolis’s I-35W Bridge, which collapsed in August 2007, was both fracture-critical and structurally deficient.

The good news, though LePatner notes it hasn’t been widely discussed, is that there are ways to end the cost overruns that have become the norm on construction megaprojects. Rather than halt projects that have the potential to bring jobs and an economic boost to the areas where they are needed—the ARC tunnel could bring 6,000 jobs to New Jersey and could greatly improve commercial shipping in the area—he suggests public officials should take a close look at solutions that will bring needed changes to the nation’s construction industry and to the way we build and repair the nation’s infrastructure.

“While there is no way to eliminate the construction exigencies that inevitably occur on large-scale projects, they can be identified and quantified during project negotiations,” explains LePatner. “Doing so would require bidding contractors to secure a true fixed-price contract to mitigate the uncontrollable cost overruns that are too often passed on to the unsuspecting public. Once all possible risks have been considered, a percentage to cover those costs would be added to the price of the project. The federal government should then be asked to cover those costs if those risks become a reality.

“With a system such as this one in place, elected officials like Gov. Christie wouldn’t have to tie up their political fates in the unknown risks of huge projects that if completed efficiently and on budget could significantly benefit their states,” concludes LePatner. “Most importantly, with our elevated unemployment statistics, putting the unemployed construction workers back on jobs that are truly needed will provide more than enough inducement for politicians to secure needed support from their constituents. It’s time for government officials, the federal and state transportation agencies, and leaders in the construction industry to sit down and discuss how we can reform this system rather than kill infrastructure projects that could greatly benefit the nation’s economy.”

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About the Author:

Barry B. LePatner is the author of *Too Big to Fall: America’s Failing Infrastructure and the Way Forward*. He is founder of the New York City-based law firm LePatner & Associates LLP. For three decades, he has been prominent as an advisor on business and legal issues affecting the real estate, design, and construction industries. He is recognized as one of the nation’s leading advisors to corporate and institutional clients, real estate owners, and design professionals. Mr. LePatner has also been awarded the distinction of Super Lawyer by *Super Lawyers* magazine. In 2009, he was rated as one of the top ten real estate attorneys in New York City by the *New York Observer*.

A November 2007 *Governing* magazine article stated, “If there’s a guru of construction industry reform, it’s LePatner.” In November 2008, an article in *New York* magazine referred to Mr. LePatner as “a Cassandra of infrastructure.”

Mr. LePatner is recognized as a thought leader in the construction industry. As the coauthor of *Structural and Foundation Failures* (McGraw-Hill, 1982) and with thirty-five years of experience as a construction lawyer, he brings a special understanding of the engineering, business, and legal issues attendant to the design and construction processes—knowledge he put to good use in writing *Too Big to Fall*. His second book, *Broken Buildings, Busted Budgets: How to Fix America's Trillion-Dollar Construction Industry* (University of Chicago Press, 2007), was very well received inside and outside the construction industry and helped create a national debate among owners, designers, and other key stakeholders.

Mr. LePatner has been featured in the *Wall Street Journal*, *BusinessWeek*, the *Boston Globe*, the *New York Times*, *Forbes.com*, the *Chicago Tribune*, *Infrastructurist.com*, and other prestigious publications. His articles and speeches on the perilous state of our nation's infrastructure have garnered widespread attention, including his serving as a commentator on the multi-billion-dollar stimulus plan of the Obama administration. He has appeared on many television and radio broadcasts, including interviews on CNBC, Fox Business Network, and several National Public Radio segments.

A nationally recognized speaker, Mr. LePatner has addressed audiences on topics central to the real estate and construction industries, including events sponsored by the International Economic Forum of the Americas, Syracuse University, and several construction industry associations with audiences including contractors, architects, engineers, construction technology experts, economic experts, and other construction industry thought leaders.

In 2002, Mr. LePatner was honored by the American Institute of Architects with its highest award to a non-architect when he was given an honorary AIA membership. He is also currently on the Board of Trustees of the Design Industries Foundation Fighting AIDS (DIFFA). He has also served on numerous advisory committees including: the Advisory Board, Society for Marketing Professional Services; the Board of the New York Building Congress; Board of Advisors, Legal Briefs for the Construction Industry; American Institute of Architects Advisory Committee; and the National Academy of Sciences.

About the Book:

Too Big to Fall: America's Failing Infrastructure and the Way Forward (University Press of New England, 2010, ISBN: 978-0-9844978-0-5, \$27.95, www.TooBigToFall.com) is available at bookstores nationwide and all major online booksellers.

For more information, please visit www.TooBigToFall.com.