

**THE PORT AUTHORITY OF NY & NJ**

July 28, 2016

James Starace, P.E.  
Chief Engineer/Director

Ms. Carmen Maldonado, Audit Director  
Office of the State Comptroller  
Division of State Government Accountability  
123 William Street, 21<sup>st</sup> Floor  
New York, NY 10038

**Subject: INSPECTING HIGHWAY BRIDGES AND REPAIRING DEFECTS –  
THE PORT AUTHORITY OF NEW YORK & NEW JERSEY- JUNE 30, 2016  
(REPORT 2015-F-19)**

Dear Ms. Maldonado:

We have responded to each issue in the subject report below:

**Background, Scope and Objective**

Beginning July 1, 2010, public authorities that own and inspect bridges were allowed to develop their own flagging procedures. However, if they do so, they are required to have formal procedures which designate flag classifications similar to those used by the Department. Further, public authorities are required to report flags timely and have mechanisms to address them in a satisfactory and timely manner. The Authority has its own flagging procedures, but does not use the term "flag" for defects identified during inspections. Instead, the Authority classifies defects as Immediate Conditions (similar to a Red Flag), Priority Conditions (similar to a Yellow Flag), and Safety Conditions (similar to Safety Flags). Thus, for this report, we refer to inspection results as "conditions."

Background,  
Scope &  
Objective  
Paragraph 3

Issue:  
Priority  
Conditions

**PA Response**

At our November 5, 2013 meeting with NY State Department of Transportation (NYSDOT), it was agreed the Port Authority (PA)'s Immediate (Action) Repair condition is equivalent to NYSDOT's Red Flag, Red Flag with PIA (Prompt Interim Action), Yellow Flag and Safety Flag with PIA conditions.

The PA's Priority Repair conditions are not equivalent to any of NYSDOT's Flag conditions (See Attachments 1 & 2) and Interim inspections are not required for the PA's Priority Repair conditions.

Your reference that "Priority Conditions are (similar to a Yellow Flag)" is not consistent with the conclusions agreed to at the meeting.

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**Recommendation 1**

*Follow all of the Manual's requirements for addressing flag deficiencies such as interim inspections of Priority Conditions that remain open for more than one year.*

Status - Partially Implemented

Agency Action - Authority officials stated they enhanced the Immediate Action Repair procedures for documentation, notification, immediate condition certification, and for the tracking of immediate repairs. To assess these enhancements, we reviewed the 26 conditions that the Authority identified between May 1, 2014 and June 30, 2015, including 1 Immediate Condition, 3 Priority Conditions, 6 Safety Conditions, and 16 Safety Conditions with PIAs. Based on our review, we determined that:

- Interim inspections were done for the 1 Immediate Condition, as required;
- Interim inspections were not required for the 3 priority conditions because they were not open for more than one year when we reviewed the files in May 2015; and
- 7 of the 16 Safety with PIAs did not have interim inspections. According to Authority officials, they did not conduct interim inspections because they rescinded the Safety Flags after completing temporary repairs. According to Inspection Unit officials, a repair cannot always be made immediately because the Authority might have to obtain a contract for the work. For example, two of the conditions indicated "Hole through deck," for which permanent and immediate repairs were recommended. However, file information indicated that "temporary repair with steel plates" was made on October 21, 2014, the date the defects were observed. Moreover, as of September 30, 2015, records indicated that permanent repairs had not been made. On June 8, 2016 (subsequent to the closing conference), Authority officials provided us with documents showing that permanent repairs, including contracted work, were underway.

<p>Recommendation #1 Action Text &amp; Second Bullet</p> <p>Issue: Priority Conditions</p>
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<p>Recommendation #1 Third Bullet</p> <p>Issues: Certified Temporary Repairs</p>
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**PA Response**

Your reference that "Priority Conditions *are* (similar to a Yellow Flag)" is not consistent with the conclusions agreed to at the November 5, 2013 meeting with the NYSDOT. No interim inspections are required.

NYSDOT does not require interim inspections for Safety Flags with PIA conditions (which are equivalent to the PA's Immediate (Action) Repair conditions), if temporary repairs have been completed and these repairs are deemed safe by a licensed NY State Professional Engineer (NYSPE). The PA's Immediate (Action) Repair procedure has an "Immediate Action Completion" Report that was signed by a NYSPE certifying that a temporary repair has been completed and the condition is safe for each of the 7 Safety Flags with PIA in question. The PA's Immediate (Action) Repair procedures is in full compliance with the NYSDOT. The signed Reports were provided to your office. The 7 conditions do not remain Flag conditions and do not require interim inspections because the repairs were certified by a NYSPE which removed the Flags.

<p>Recommendation #1 Action Text &amp; Second Bullet</p> <p>Issue: Priority Conditions</p>
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<p>Recommendation #1 Third Bullet</p> <p>Issues: Certified Temporary Repairs</p>
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**Recommendation 2**

*Notify the Department about all modifications from the Manual and obtain the Department's formal approval for each one.*

Status - Implemented

Agency Action - Authority officials met with Department officials on November 1, 2013, to discuss modifications from the Manual. The Authority provided us with minutes of that meeting. We reviewed the minutes and found that the Department approved the Authority's modifications.

Recommendation #2

Issue:  
None

**PA Response**

None required.

**Recommendation 3**

*Establish specific time frames for repairing Safety Conditions.*

Status - Not Implemented

Agency Action - The Authority disagreed with this recommendation and therefore did not take any action. Authority officials indicated that its Non-Structural Safety Repair conditions are equivalent to the Department's Safety flags, which do not have any specific time frames for repair. However, while not required by the Department, the use of formal time frames is consistent with a good performance management system and can help improve the efficiency and effectiveness of a program.

Recommendation #3

Issue:  
Time Frame

**PA Response**

The PA's Non-Structural Safety Repair conditions are equivalent to NYSDOT Safety Flags without PIA. The NYSDOT's requirements for Safety Flags without PIA do not have a time frame for completion.

**Recommendation 4**

*Follow the Department's Manual for reporting conditions.*

Status – Implemented

Agency Action - Authority officials agreed to comply with the Department's request to report any Red (Immediate) conditions and PIAs to the Department.

Recommen-  
dation #4

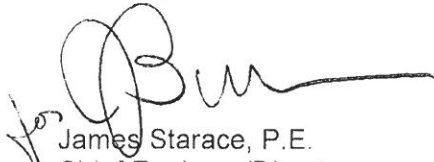
Issue:  
None

**PA Response**

None required.

In summary the Port Authority has unequivocally substantiated that we are in full compliance with NYSDOT directives for Inspecting Bridges and Repairing Defects and we continue to maintain our bridges in a structurally sound condition that are safe to be used by the public at all times.

Sincerely,



James Starace, P.E.  
Chief Engineer/Director

cc: P. Foye, A Levine

**ATTACHMENT 1**

**The Port Authority of New York and New Jersey and New York State Department of Transportation November 5, 2013 Meeting Summary**

The following are highlights of the items discussed at the above meeting, for which the PA received written concurrence.

- The PA does follow the intent of the Manual to make repairs in a timely manner to assure public safety.
- NYSDOT's concurrence of the PA's Biennial Bridge Inspection Program and Notification Protocol including the repair recommendation categories: Immediate Repair, Priority Repair, Non-Structural Safety Repair and Routine Repair.
- PA's Immediate Repair conditions include NYSDOT's Red Flag with PIA, Red Flag, Yellow Flag and Safety Flag with PIA conditions in the NYSDOT system.
- PA's Priority Repair conditions are not equivalent to NYSDOT's Yellow Flag conditions. Since Priority Repairs are judged, by a Professional Engineer licensed in the State of New York, as conditions which are not "likely to become a clear and present danger before the next anticipated inspection", Priority Repairs are not Yellow Flags and as such, there is no need to perform interim inspections.
- PA's Non-Structural Safety Repair conditions are equivalent to NYSDOT Safety Flags without PIA and as such, there is no timeframe for completion of these repair conditions.
- The PA will enhance administrative procedures in documentation, notification, immediate condition certification and tracking for immediate repairs to be in compliance with the most recent New York State Bridge Inspection Manual and Supplemental Engineering Instructions (Manual).

**THE PORT AUTHORITY OF NY & NJ**

**ATTACHMENT 2**

The table shown below correlates the PA Repair Categories and the NYSDOT Flagging Categories.

PA REPAIR CATEGORIES	NYSDOT FLAG CATEGORIES
<p><b>Immediate Repair</b> - Requires immediate action including possible closing of the structure or areas affected for safety reasons until interim remedial measures, such as shoring or removal of potentially unsafe structures (or elements), can be implemented. These closings or interim remedial actions, if any, always require immediate action upon discovery.</p>	<p><b>Red Flag with PIA*</b>  <b>Red Flag</b> - A structural flag that is used to report the failure or potential failure of a primary structural component that is likely to occur before the next scheduled biennial inspection.  <b>Safety Flag with PIA*</b>  <b>Yellow Flag</b> - A structural flag that is used to report a potentially hazardous structural condition which, if left unattended could likely become a clear and present danger before the next scheduled biennial inspection. This flag would also be used to report the actual or imminent failure of a non-critical structural component, where such failure may reduce the reserve capacity or redundancy of the bridge, but would not result in a structural collapse.</p>
<p><b>Non-Structural Safety Repair</b> - Conditions that present a potential hazard and which should be repaired as soon as possible.</p>	<p><b>Safety Flag</b> - A flag that is used to report a condition presenting a clear and present danger to vehicular or pedestrian traffic, but poses no danger of structural failure or collapse. Safety Flags can be issued on closed bridges whose condition presents a threat to vehicular or pedestrian traffic underneath or in their immediate vicinity.</p>
<p><b>Priority Repair</b> - Conditions for which no immediate action may be required or for which immediate action has been completed, but further investigations, design and implementation of interim or long-term repairs should be undertaken on a priority basis, i.e., taking precedence over all other scheduled work.</p>	<p align="center"><b>-None-</b></p>
<p><b>Routine Repair</b> - Conditions requiring further investigation or remedial work, which can be undertaken as part of a scheduled maintenance program, other scheduled project, or routine facility maintenance, depending on the action required.</p>	<p align="center"><b>-None-</b></p>

**\*PIA (Prompt Interim Action)** - A designation that is made by the inspection Team Leader or an engineer when a Red Flag or Safety Flag condition is considered extremely serious and in need of immediate attention. This designation requires a prompt (within 24 hours) action or decision on whether to close or restrict loads on the bridge, make immediate repairs, or to determine that the condition is safe until repairs can be made.



PORT AUTHORITY RESPONSE TO NYS COMPTROLLER'S BRIDGE INSPECTION  
AUDIT

Starace, James (ENG)

to:

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07/28/2016 03:10 PM

Sent by:

"Conzo, Diane" <dconzo@panynj.gov>

Cc:

"Foye, Patrick", "Levine, Andrew", "Starace, James (ENG)"

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To: "cmaldonado@osc.state.ny.us" <cmaldonado@osc.state.ny.us>,

Cc: "Foye, Patrick" <pfoye@panynj.gov>, "Levine, Andrew" <aglevine@panynj.gov>,

"Starace, James (ENG)" <jstarace@panynj.gov>

Sent by: "Conzo, Diane" <dconzo@panynj.gov>

1 Attachment



PA Response to NYS Bridges Comptroller.pdf

Good Afternoon Ms. Maldonado,

Please find attached the Port Authority's response letter to the NYS Comptroller's Bridge Inspection Audit. Original signed letter has been mailed to your attention.

Thank you,  
Diane

*Diane Conzo  
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