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Caltrans can still hire private engineer firms, state high court rules

By Ed Mendel
UNION-TRIBUNE STAFF WRITER

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SACRAMENTO – The state Supreme Court yesterday ruled that Caltrans can continue to hire private engineering firms, a decision that could speed up some highway projects funded by a \$19.9 billion transportation bond.

The court ruled against a California Department of Transportation engineers union that argued that an initiative approved by voters in 2000 allowing contracts with private engineering firms, Proposition 35, needed follow-up legislation.

Gov. Arnold Schwarzenegger said in a statement that the ruling will allow highway projects funded by voter approval of a public-works bond package in November to be “implemented more quickly and cost-effectively.”

The nonpartisan Legislative Analyst's Office has estimated that the state needs 4,800 additional engineers for the bond-financed work and recommended using private firms to avoid delays.

For San Diego County, the ruling “doesn't really mean anything” because the regional agency already works closely with Caltrans and private firms, said an official with the San Diego Association of Governments.

Professional Engineers in California Government, a union representing 13,000 Caltrans engineers, architects, land surveyors and related professionals, has been battling for years with 1,100 private engineering firms that are under the umbrella of the Consulting Engineers and Land Surveyors of California.

After voters rejected a union-backed initiative in 1998 that would have made Caltrans contracts with private firms more difficult, the private engineers won voter approval of Proposition 35 two years later.

“The court ruling takes away a huge legal cloud that has been hovering around for 6½ years,” said Paul Meyer of the association representing private engineer firms.

Meyer said the state Transportation Department uses private engineer firms for about 10 percent of its highway workload, well below the average of about 60 percent among other states.

Bruce Blanning of the Caltrans engineers union said the court ruling does not appear to address issues such as “on-call contracts” with private firms that do not identify specific projects.

“I think we have a court ruling, like many court rulings, that answers some questions but leaves others unclear,” said Blanning, who contends that using government engineers is cheaper than hiring private firms.

In San Diego County, Jack Boda of SANDAG said all available Caltrans engineers are being used along with

87 private firms under contract for \$90 million – a split that gives the private firms about 30 percent of the work.

“We have a very good balance, and we have it consistent for the next decade,” Boda said.

■Ed Mendel: ed.mendel@uniontrib.com

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