

May 29, 2014

Dear Doug,

Thank you for your email concerning the Silver Spring Transit Center.

I appreciate your concern. However, you mischaracterize the Inspector General's report of last week – and no other report on this issue supports your conclusion regarding County oversight of the Transit Center project.

I believe you agree with me that those responsible for the delays and resulting additional costs should be held accountable. Those parties are the private construction, design and specialty inspection companies whose flaws have been highlighted by both the KCE and Augustine reviews. The County will fix these flaws, deliver to Metro a safe facility with a 50-year life span consistent with our Memorandum of Understanding, and hold these companies responsible for additional costs caused by the delays.

In fact, the County is moving ahead with the KCE-recommended remediation. Parsons Brinckerhoff has agreed to KCE serving as Special Structural Engineer-of-Record for purposes of design, permitting, and review of the remediation work – with WMATA's blessing.

The initial remediation work will begin next week and the targeted completion date for the County's work on the project remains the end of the calendar year.

I attach a memo sent to the Council this morning on this matter.

I know that you originally promised County residents in 2000 that the facility would be completed in 2003. Then, in 2002, you promised it would be completed in 2005. As you know, when I assumed office in December 2006, no construction had been done.

I attach with this letter your previous words on the issue.

In 2012 – when the facility was 95 percent complete, I rejected a proposal to simply “cover over” cracks in the concrete with a thin layer of poured concrete and “move on.” This was exactly what you said publically you would have done last November 18 at a “Maryland Juice” blog event.

That would have been wrong. That would have seriously compromised public safety.

Instead, I directed that the County hire KCE to conduct an in-depth review of the project. As a result of that review, KCE found significant flaws beyond the cracks in the concrete thickness. KCE determined that these flaws would affect the maintenance and durability of the facility and would require repairs to address shear and torsion issues.

Because concerns remained about costs and scheduling, during the winter “weather window” when the overlay could not be done due to low temperatures, I asked former Lockheed Martin CEO Norman Augustine to undertake an independent review of the project. Mr. Augustine’s report supported KCE’s proposed remediation plan and introduced, for the first time, concern that the facility could experience safety issues.

The County is grateful to Mr. Augustine for his work and those associates whose expertise he solicited. Not only did they deliver a report at no cost to the taxpayers, but this report has also proved pivotal in helping to advance a consensus for remediation with WMATA and Parsons Brinckerhoff.

I believe that the County exercised our oversight role on this project in keeping with our agreement and cooperation with Metro and the State of Maryland. As with all County services, however, I also believe we can always do better and, in fact, the Department of General Services has already added yet another band of oversight for future, more complex projects. The new Silver Spring Library, under construction now in downtown Silver Spring and due to open late this year, is but one example.

If I thought Mr. Dise was responsible for the flaws and the resulting delays in the Silver Spring Transit Center, he would be gone already. David Dise is a skilled and dedicated public servant with a lifetime of experience managing projects, before this for Fairfax County and now for Montgomery. He recommended further inspections and pushed to address the challenges posed by the faulty contractors’ work and to move forward on the fixes needed. Under his leadership, the Department of General Services has successfully completed 33 projects over the last eight years, with another 11 in the pipeline to be finished in the next year – despite the fiscal challenges of the Great Recession.

I have made it clear that I would not open the Transit Center until it was safe to do so. The County will deliver a facility to Metro that is safe and will meet its projected 50-year life. The County will ensure that any additional costs incurred because of faulty construction, design, or inspection by private contractors will be the responsibility of those contractors, not the County taxpayer.

You can play politics on this if you want. I am not going to let politics get in the way of safety, getting this Transit Center open for commuters or protecting the interests of County taxpayers, period.

Sincerely,

Ike Leggett
County Executive