

Nebraska Unicameral – Judiciary Committee hearing on LB22

Testimony by Jeff Stevens, PE representing PEC and SEAON

Good afternoon, Chairman Seiler and members of the Judiciary Committee. My name is Jeff Stevens (S-T-E-V-E-N-S), and I appear before you today representing the Professional Engineers Coalition (PEC) and Structural Engineers Association of Nebraska (SEAON), and as a Professional Engineer licensed in Nebraska. I am here in **support** of LB22. If enacted, this bill will provide design professionals protection from liability when assisting local and state government agencies during emergency responses involving constructed facilities immediately following natural or man-made disasters. Engineers have valuable expertise in these circumstances by virtue of our education and experience.

This type of legislation is prominent in the Structural Engineers Emergency Response Plan for the Federal Emergency Management Agency (FEMA) Urban Search and Rescue Response System. The first two of fifteen items noted in their plan are 1) identifying the organizations that are willing to immediately assist emergency personnel, and 2) addressing the issues of responsibilities and liabilities for those providing such assistance.

The National Council of Structural Engineers Associations (NCSEA) also recognizes the importance of protecting engineers from liability while volunteering during difficult and unusual emergency situations. The NCSEA Emergency Response Plan addresses this issue generally, and with respect to working conditions during search and rescue operations and structural assessments. In the opinion of NCSEA, “As evidenced by the immediate response of structural engineers to the terrorist attacks of September 11, the first instinct of many professionals was to assist those in need without particular regard to their own liability. Fortunately, those who volunteered their services in New York City and Washington, D.C., performed their duties heroically, with no further loss of life occurring during rescue operations. Had there been additional fatalities, legal proceedings naming volunteers would have likely ensued.” Furthermore, the NCSEA notes, “The predominant risk associated with both tasks (search and rescue, and structural assessment) is the need to provide timely decisions under

extremely tight time constraints. Often, some decisions need to be made on the spot, with limited or no documentation about the existing structure in question, and with limited design/analysis tools at the engineer's immediate disposal...Structural assessments expose the engineer to both immediate and long-term risks. Venturing into potentially damaged buildings presents a clear and present danger for bodily injury. Likewise, on-the-spot decisions regarding the stability of a structure or its associated components made under the conditions described above pose obvious and immediate risks compared to providing traditional engineering design/analysis services under calmer circumstances. The long-term risk associated with structure safety assessment stems from the short-term nature of initial assessments. Structural damage judged not to pose an immediate collapse threat may pose long-term strength or serviceability issues. For this reason it is important to define short-term assessments as just that; non-emergency professionals should provide long-term assessment as soon as it is safe and practical to do so."

Thank you for your time and attention to my comments. I hope the committee will vote to advance LB22 to the full Legislature for their consideration. I would be happy to try to answer any questions.