



The Drawingboard

Queens Chapter

New York State Society of Professional Engineers

October 2006

Volume 6, Number 10

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- National Fire Sprinkler Assoc. Design Seminar
- PDC Lecture – Why Do Bridges Fail and How to Avoid Failures

President's Message

*By Brian Flynn, P.E.
President*

The NSPE Northeast Regional & NYSSPE Fall Professional Development Conference was held in Saratoga Springs last week. The Northeast Region covers 10 of the 53 states and territories from DC up to Maine. It became apparent that the New York State Society is in much better shape than other states. Many of these states have only the state society without chapters. NY has 23 chapters, most of which are active.

The NSPE was founded in NY in 1934. Over the years it tried to be an umbrella for all engineers but it lost focus. Last year it refocused on its 50,000 members and how to best help us. Now "NSPE is the recognized voice and advocate of licensed engineers". Why does this matter? We all went to school to study engineering and found it fragmented along technical disciplines. After graduating from school, many of us joined one or more of the technical societies that help to promote technical competence. But licensure is the highest professional form of engineering in which we hold paramount the safety, health and welfare of the public. This is where engineering reaches beyond just the technical to work with law, codes, government and other professions on a daily basis.

Many other groups and trades are envious of our lawful position. Out of the 20,000 or so bills introduced in Albany every year, 20 to 30 are detrimental to the practice of engineering and our livelihood. They seek to either restrict us or to become equal or even over us in specific areas, whether it be foundation design, fire sprinkler design, home inspections or surveys.

While the local chapters tackle local issues, The NY State Society of Professional Engineers guards the door against those who would steal our livelihood and practice engineering without our license.

[\(Continued next page\)](#)

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State Dues Increase:

One of the decisions made at the NYSSPE Executive Board meeting was to increase the PAC contribution from \$3.50 per member to \$8 next year. PAC does not just give money away to politicians. It buys seats to events to go and have face time with our elected representatives. It allows our society's attorney, **Marc Kriss**, Esq. to aggressively pursue these bills that seek to restrict the practice of engineering. The increase is nominal and the benefits are great.

The chapter supported the increase at the state meeting.

Meeting Sponsor:

This month's sponsor is **John Cassidy** of Premium Technical Services, Inc.

As a follow up to the PDC lecture by the DOB's Forensic Engineering Team on building collapses, PTS will be discussing foundation reinforcement through underpinning, grouting, tie backs and helical pile supports.

Upcoming Events:

- Queens & Bronx Builders Association Annual Trade Show
 - Terrace on the Park, Wednesday October 25th from 5:30 to 9 PM.
 - Free admission for the trade with a business card.
- NY Chapter (Manhattan) Lecture on Enforcement at the NYC Dept of Buildings
 - Wednesday October 25th at Mullen's Restaurant, 233 7th Ave, Manhattan at 5 PM to 9 PM
 - For reservations call Nelson Oliveira at (212) 490-8050, ext 10 or Lester Karstadt at (212) 689-8652.

Upcoming Meeting Information

Our Next Chapter Meeting

Thursday October 26, 2006 – 6:30 PM

This month's sponsor is John Cassidy of [Premium Technical Services, Inc.](#)

PTS will be discussing foundation reinforcement through underpinning, grouting, tie backs and helical pile supports.

Location:

[422 Weaver Ave., Fort Totten, New York](#)

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Quick Links

Contact the Author:

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1001 Franklin Avenue, 3rd Floor
Garden City, New York 11530
(516) 294-8844

Exhibition Announcement

by Scott J. Tobias, AHC, CSI, CDT

You are cordially invited to attend the [ASSA ABLOY](#) Door Security Solutions Architectural Design and Security Summit:

Thursday, October 26, 2006

Grand Hyatt New York

Park Avenue at Grand Central Terminal

New York, New York 10017

[ASSA ABLOY](#) is the global sponsor of the **Eero Saarinen: Shaping the Future** exhibition which opens in Helsinki in October 2006.

Please [email me](#) for more information or go to www.assaabloydss.com/summit to register.

An invitation is attached at the end of this newsletter.

Ask the Lawyer

*By Martin A.
Schwartzberg, Esq.
L'Abbate, Balkan,
Colavita & Contini,
L.L.P.*



HOW TO LIMIT YOUR LIABILITY FOR PERFORMING A HOME INSPECTION

What's the best way to limit an engineer's liability for performing a home inspection? As with any other professional service provided by an engineer, the first step is to have a written contract with the client which clearly spells out the scope of services to be provided. It is important to note not only what services will be provided, but what services are excluded, so the client has no overly-optimistic expectations as to what the inspection will cover.

Defining the scope of services to be provided is absolutely critical. If the inspection is going to be limited to visible and accessible areas of the premises, the contract should so state. If determination or compliance with applicable codes is outside the scope of the inspection, that should certainly be noted in the contract as well. If testing for hazardous materials such as asbestos, radon or lead paint is also outside the scope of services to be provided, the contract should indicate this also.

Having a written contract for a home inspection can limit an engineer's liability in several ways.

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Chapter Seeks Donations to PDC Library

The Queens Chapter is still seeking donations of books for the Professional Design Center Library

Queens Chapter President Brian Flynn would like all to know that the Professional Design Center Library is still in need of Books, Magazines and other materials. The Queens Chapter is asking all members to donate any reference material, such as textbooks, catalogs and product literature that they can.

In the first instance, the contract should identify who the engineer is performing the services for and should indicate that the services are being provided exclusively for that particular client.

This eliminates the possibility that someone else later on claims to have relied upon the representations in the report to their detriment. Therefore, in order to eliminate potential liability to unforeseen parties, the contract or letter agreement should indicate that, not only are the services being provided exclusively for the use of the particular client, but that no one other than the client is entitled to rely upon the contents of the inspection report. Liability has been found against design professionals if it is determined that the following criteria are met: (1) an awareness that the report was to be used for a particular purpose or purposes; (2) reliance by a known party or parties in furtherance of that purpose; and (3) some conduct by the design professional linking them to the party or parties and evincing the architect's/engineer's understanding of that reliance.

The home inspection contract should also indicate that the contents of the report are not a guarantee or warranty of the condition of the premises. Again, this is necessary in order to provide the client with a realistic expectation of what services are actually being provided by the engineer.

Notably, the easiest way to limit potential exposure is to have a limitation of liability clause in the contract. A simple statement that any liability for loss or damage arising out of the inspection or the report will be limited to the fee paid by the client for the inspection and report should suffice. Courts have repeatedly held that a contractual provision which limits damages is enforceable, unless a special relationship between the parties, a statute or public policy imposes liability. In addition, a party may not limit its liability for damages caused by its own grossly negligent conduct. Gross negligence is defined as failure to use even slight care, or conduct that is so careless as to show a complete disregard for the rights and safety of others.

Significantly, however, the exceptions to the applicability of a limitation of liability clause noted above are just that, exceptions, and limitation of liability clauses are routinely upheld by the courts. For example, in one case, a home buyer sued the engineer who prepared a report, claiming that the report failed to disclose that the roof of the house was in such poor condition that it would have to be replaced. The court found that the engineer's liability would be limited to the sum paid for the inspection and report pursuant to the limitation of liability clause contained in the engineer's contract.

[\(Continued next page\)](#)

Please Note:

Members are advised that the Queens Chapter meeting on Thursday, October 26th will be held at our Fort Totten office. At the Fort Totten gate tell the guard you are a member of the P.E. Society and that your name is on the list that they keep there. Any non-members and guests not placed on the list will be denied entrance-If this happens the guest should ask the guard to call the phone number on the membership list. A board member will then come down to bring the guest in

Computer and Office Donations Needed

Is your firm or company updating its computer or other office equipment and planning to get rid of the older systems? If so, please consider donating such equipment to the Queens Chapter of the NYSSPE.

The Queens Chapter is seeking donations of computer and office equipment. For more information contact Brian Flynn, Queens Chapter President at 718-539-2649

New Members

Chapter President Brian Flynn, P.E. would like to welcome our newest members, who we look forward to seeing at a meeting in the near future:

- **Fernando Deogracias, P.E.;**
Hicksville

A limitation of liability clause was also upheld where a portion of a roof caved in two months after the home inspection was performed. Courts have also upheld limitation of liability clauses where an engineer failed to properly conduct an insect infestation inspection and where the engineer failed to detect water damage to the basement. In the latter case, the contract limited the inspection's scope to the structure's condition as ascertainable, on the date of inspection, from "visual observations and readily accessible areas."

Many of the above suggestions have been incorporated into the one page Standard Form of Building Inspection Agreement issued by the National Academy of Building Inspection Engineers ("NABIE"), a chartered affinity group of the National Society of Professional Engineers. Check out NABIE's website at www.nabie.org for other helpful hints as how to limit liability.

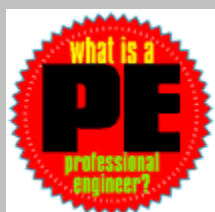
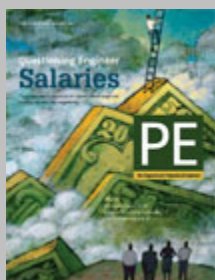
In the event that an engineer chooses to perform a home inspection without a written agreement, many of the suggestions above can be incorporated into the report prepared in order to place the person requesting the report on notice of the report's limitations. For example, the report should also indicate that it is being prepared for a specific person and that no one else is entitled to rely upon the representations made in the report. Besides noting what areas of the premises were inspected, the report should also indicate if access was unavailable or limited in certain areas of the home. In addition, given the limited scope of a home inspection, if further investigation of a condition is required, the report should certainly note that as well. For example, if evidence of water infiltration in a basement or other area of the home is detected, the report should note the potential for the presence of mold and the need to conduct a further investigation.

How long is an engineer responsible for the results of the home inspection? Under normal circumstances, the statute of limitations is three years from the date that services are provided. The three-year limitation applies whether the engineer is being sued under a theory of negligence or breach of contract.

Following the above simple measures, an engineer should be able to limit his or her potential liability for conducting a home inspection.

Hotline for Members

Are you an NSPE member with a question about engineering ethics, licensure, or law? If so, call 888-285-NSPE (6773) or e-mail legal@nspe.org. Please provide your 9-digit NSPE member number.



Useful websites for Engineers:

National Society of Professional Engineers	www.nspe.org
New York State Society of Professional Engineers	www.nysspe.org
American Institute of Architects	www.AIA.org
American Engineering Alliance	www.aeaworld.org
American Institute of Chemical Engineers	www.aiche.org
Amercian Society of Automotive Engineers	www.sae.org
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American Society of Civil Engineers	www.asce.org
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American Society of Plumbing Engineers	www.aspe.org
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Society of Petroleum Engineers	www.spe.org
Society of Fire Protection Engineers	www.sfpe.org
Institute of Electrical and Electronics Engineers, Inc.	www.ieee.org
City of New York	www.nyc.gov
NY State Senate	senate.state.ny.us
NY State Assembly	assembly.state.ny.us
NY City Council	nyccouncil.info
The White House	whitehouse.gov
Ed Turner Responsible Charge	www.responsiblecharge.com

2006 Chapter Meeting Schedule

Mark Your Calendar

For your convenience the Queens County Chapter NYSSPE meeting schedule is provided below.

Directors' meetings and general meetings are held on the second and fourth Thursdays of each month except November and December meetings which will be held on the first and third Thursday of the month due to holidays. So mark your calendar. The schedule is as follows:

Directors' Meeting **(6:30 PM)**

October 12, 2006

November 9, 2006

December 7, 2006

January 11, 2007

Membership Meeting **(6:30PM)**

October 26, 2006

November 30, 2006

December 21, 2006

January 25, 2007

Please Note




The November General Membership Meeting will be held on **November 30th, 2006**

Professional Services Directory

The Queens Chapter of the NYSSPE recommends the advertisers listed below for their respective products or services. However the Queens Chapter does not take responsibility for these advertisers' products or services.

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<p>(718) 274-4800 FAX (718) 274-4849</p> <p><u>VALUE ENGINEERING</u> Consulting, P.C. Engineers and Designers</p> <p>GREGORY G. GEORGES, P.E. 30-05 30th AVENUE PRESIDENT LONG ISLAND CITY, NY 11102</p>	<p>ISSAM M. ABOURAFEH, P.E. PROFESSIONAL ENGINEER</p>  <p>ARCHITECTS ENGINEERS PLANNERS CROSS ISLAND PLAZA 133-33 BROOKVILLE BLVD., SUITE 208 ROSEDALE, NY 11422 EMAIL: ISSAM@IMA-ARCHITECTS.COM TEL (718) 276-9200 FAX (718) 276-0722</p>
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 <p>N.Y.S. P.E. License # 069956 Cell (347) 528-6038</p> <p>Brian E. Flynn Professional Engineer Home & Building Inspections</p> <p>78-66 79th Place Glendale, NY 11385</p> <p>Phone (718) 894-7822 Fax: (718) 894-7833 BEFlynnPE@aol.com</p>	 <p>HERMES/Hephaistos <i>Manufacturer of c-joists, metal studs & accessories</i></p> <p><i>A Division of Hephaistos Building Supplies</i></p> <p>Warehouse: 24-02 37th Avenue Astoria, NY 11101 Office: 34-01 Broadway Astoria, NY 11106</p> <p>Tel: (718) 482-0800 Fax: (718) 482-0581 Michael Karantinidis P.E. President</p>
<p>INTERNATIONAL GEOTECHNICAL/STRUCTURAL LABORATORIES INC.</p>  <p>www.internationalgeo.com GEOTECHNICAL & ENVIRONMENTAL TESTING</p> <hr/> <p>MICHAEL KARANTINIDIS, P.E. STRUCTURAL ENGINEER</p> <p>OFFICE: 31-87 34TH STREET, ASTORIA, NY 11106 TEL: (718) 726-1527 FAX: (718) 956-0274 info@internationalgeo.com</p>	<p>YOUR CARD HERE!!!</p> <p>Contact the Editor</p>

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Order Form

The Queens Chapter of the National Society of Professional Engineers will publish the chapter's 2006 Annual Membership Directory. Our members are found in key government agency positions, as well as senior and partner positions in private engineering firms, which design, specify and consult on Construction projects throughout the Metropolitan area. When they need to find a source for specific requirements they turn to their annual Queens NSPE Membership Directory. Now you and your firm can reach these key decision making individuals when they are looking for your services by placing an ad in the up coming 2006 Queens NSPE Membership directory.

Attached is an order form to place an advertisement in the 2006 Membership Directory.

In addition to our annual journal, the Queens Engineering Society Sponsors numerous events and seminars to further inform our members of the new developments in industry. We hope that you will help support our efforts. Please see the order form on the next page

**QUEENS COUNTY CHAPTER
OF THE NEW YORK STATE SOCIETY OF PROFESSIONAL ENGINEERS**

OFFICERS:

BRIAN E. FLYNN, PE	GEORGE L. TAVOULAREAS, PE	JOHN SGOUROS, PE	FIL KEFALAS, PE
President	1 st Vice President	2 nd Vice President	Treasurer

Please reserve an ad as indicated below in the 2006 Queens Chapter Membership Directory.
Enclosed is our check in the amount of \$_____ for the size ad selected below:

(STANDARD AD POSITIONS (BLACK & WHITE ADS))

- ☐ Full Page Ad (7-1/2" deep x 4-1/4" wide).....\$400.00
- ☐ One-Half Page Ad (3-3/4" deep x 4-1/4" wide).....\$ 300.00
- ☐ One-Third Page Ad (2-1/2" deep x 4-1/4").....\$ 165.00

SPECIAL POSITIONS (BLACK & WHITE ADS)

- ☐ Back Cover (7-1/2" deep x 4-1/4" wide) \$ 800.00
- ☐ Inside Front Cover (7-1/2" x 4-1/4" wide)..... \$ 700.00
- ☐ Inside Back Cover (7-1/2" x 4-1/4")..... \$ 600.00
- ☐ Page 1 (7-1/2 x 4-1/4") \$ 550.00
- ☐ Forward (7-1/2" x 4-1/4") (Before Member Section)..... \$ 500.00

ADDITIONAL CHARGES

- ☐ Spot (Single) Color (Each Color) Please choose color below..... \$ 160.00
☐ Red ☐ Blue ☐ Green ☐ Yellow
- ☐ Four-Color Process (Full Color Ad with red, blue, green and yellow)\$ 800.00

Company/Organization _____

Individual _____

Address _____

City, State & Zip _____

Telephone _____

Fax _____

Signature _____

Please make your checks payable to the Queens Chapter – NYSSPE. Mail your check with this order form to:
Queens Chapter NYSSPE Reference & Membership Directory
C/O Brian E. Flynn, P.E.

***President, Queens Chapter NYSSPE
78-66 79th Place, Glendale, NY 11385
Telephone (718) 894-7822 Fax (718) 894-7833***

Please include your Artwork or camera ready copy. **Artwork Specifications** (Computer Formats): PDF; P65; EPS (INQUIRE); TIF; BMP; Others. Camera ready copy accepted OR We'll Make Your AD for You. Please email your computer format artwork to: BEFlynnPE@aol.com or mail it on computer media in PC format to our office: 78-66 79th Place, Glendale, NY 11385. In order to meet the printing schedule, all ads & order forms must be received no later than **October 31st, 2006**



Architectural Design & Security Summit 2006

ASSA ABLOY Door Security Solutions

You are cordially invited to attend the
ASSA ABLOY Door Security Solutions
Architectural Design and Security Summit
Thursday, October 26, 2006
Grand Hyatt New York
Park Avenue at Grand Central Terminal
New York, New York 10017



Agenda

- 1:30 p.m. – 2:30 p.m. Registration & Company Product Fair
- 2:30 p.m. – 3:00 p.m. ASSA ABLOY Door Security Solutions Overview
- 3:00 p.m. – 4:00 p.m. AIA Continuing Education Course
(Unlocking the Mystery of Electrified Hardware)
- 4:00 p.m. – 5:00 p.m. AIA Continuing Education Course
(Focus on Security)
- 5:00 p.m. – 7:00 p.m. Cocktail Reception & Company Product Fair

To RSVP, visit www.assaabloydss.com/summit

Architectural Hardware

CORBIN RUSSWIN

McKINNEY

RIXSON

SARGENT

YALE



Doors & Frames

CECO DOOR

CURRIES

FLEMING

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**YOU ARE INVITED TO OUR
FIRST FALL 2006 LECTURE
PRESENTED BY:**

**Robert LiMandri, First Deputy Commissioner
New York City Department of Buildings**

&

**Leslie Torres, Esq. Assistant Commissioner
Enforcement Division – NYC Department of Buildings**

PROGRAM TOPIC:

**ENFORCEMENT
AT THE NYC DEPARTMENT OF BUILDINGS**

Our guest speakers will discuss the NYC Department of Building policies, techniques and procedures relating to enforcement actions relating to approvals, sign-offs and the risks associated with the Professional Certification Program. A presentation will also be held about the proposed Rule 21, E-filing and the B-Scan programs. Our guest speakers will also discuss the proposed pilot program for the TR-1. This program will provide extensive insights about the administration and enforcement of the NYC building code and compliance issues.

We invite members and attendees to e-mail us questions and/or specific issues in the realm of enforcement, so they may be addressed during this presentation. The program includes a light meal, and will be processed for 1 PDH credit

WEDNESDAY, OCTOBER 25, 2006

MULLEN'S RESTAURANT

233 SEVENTH AVE. (Between 23rd and 24th St.)

Networking 5:00, Dinner 6:00, Program 7:00 P.M.

Dinner \$40.00 incl. one cocktail, non members \$50.00

RSVP by October 20, 2006 – Space will be limited

Program Sponsor to be announced

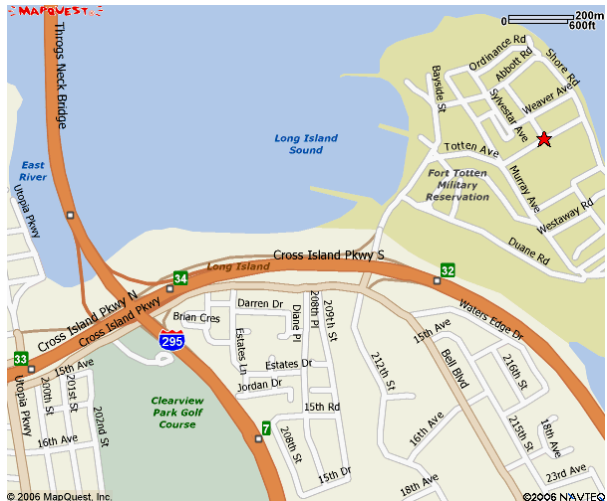
For reservations, please contact Nelson Oliveira 212 490-8050 x10 or
nelson_aecdesignllc@msn.com or Lester Karstadt at 212.689.8652

Continuing Education Info

This program will earn six (6) AIA/CES Learning Units in health, safety and welfare topics. AIA-Queens will report these credits to AIA for all AIA members attending. We believe the program will also be eligible for six (6) PDUs in health, safety and welfare toward New York state licensing requirements. Individuals are responsible for reporting credits to the New York State Education Department, Office of the Professions, State Board for Architecture, 89 Washington Avenue, Albany, NY 12234-1000. AIA-Queens will provide attendance verification forms.

Seminar Location

courtesy of Mapquest.com



American Institute of Architects
Queens County Chapter
112-31 84th Avenue
Kew Gardens, NY 11418
Tel/Fax: (917) 886-7779
E-mail: AIAQueens@aol.com

National Fire Sprinkler Association Design Advantage Seminar

A day of continuing education
and 6 AIA/CES Health, Safety and
Welfare (HSW) Learning Units

*For Architects, Engineers, Specifiers,
Contractors, and Building Code Officials*



October 24, 2006
8:00 am to 3:00 pm
(Registration: 7:30 am)

Professional Design Center
422 Weaver Avenue
Fort Totten, Bayside, NY 11359

National Fire Sprinkler Association Design Advantage Seminar

Seminar Outline

This program informs the designer how to increase the fire protection of their designs while controlling construction costs. It identifies and explains over 100 design options which will permit design flexibility in all building types. Included are actual case studies, interactive discussion, and problem-solving exercises.

What You'll Learn

- How the use of the building code can provide increased design flexibility
- How to classify the occupancy and the type of construction
- How to select the most economical type of construction according to the code
- How to determine the actual permitted building height and areas
- How the building site placement affects fire resistance rating requirements
- How fire sprinklers "designed-in" can help control construction costs
- Much, much more!

Materials Provided

All registrants will receive a FREE copy of the 300-page multi-code Fire Sprinkler Guide, valued at \$195.00. The Guide is used as the textbook for the Seminar.



Schedule

7:30 am Sign-in, coffee & danish
8:00 am Program begins
11:00 am Lunch (provided on-site)
12:00 noon Program resumes
3:00 pm Program concludes

About the Presenter

Gene B. Endthoff (endthoff@nfsa.org) is president of Endthoff Consulting, Inc., of Galesburg, Illinois. He is a certified building official (1991, renewed 2003) and an approved trainer for the International Codes Council. He was formerly Director of National Construction Codes Activities for the National Fire Sprinkler Association (NFSA) and editor of NFSA's *CodeCorner* and *CodeWatch* publications.

Gene was the developer of the first edition of the *NFSA Fire Sprinkler Guide*. In addition to serving as an instructor for the NFSA Design Advantage Seminar, he has been an instructor for architectural departments at over 44 universities in 23 states. His four-decade experience in the construction industry includes work as a building designer, general contractor, and building official. He was named *Fire Protection Contractor* magazine's Person of the Year in 2003 and received NFSA's Golden Sprinkler award in 2004.

Acknowledgements

This program is brought to you courtesy of AIA-Queens. Please contact William Gati, AIA, President (718-805-2797) with any questions.

Registration Form: 10/24/2006

Name _____ AIA Member # if applicable _____

Firm _____

Street Address _____

City/State/Zip _____

Phone/Fax/E-mail _____

Method of Payment:

- ☐ **Check (payable to AIA-Queens)**
☐ **Master Card** ☐ **Visa** (We do not accept AmEx)

Credit Card # _____

Expiration date _____ Signature _____

Billing address for this card _____

☐ **AIA Member** **\$95.00**
☐ **Non-AIA Architect or Other** **\$150.00**
Total Enclosed: _____

Seating is limited. Please return this form with payment by mail to **AIA-Queens, 112-31 84th Avenue, Kew Gardens, NY 11418**, or by fax to (917) 886-7779. Registrations will NOT be accepted by phone or e-mail. **The registration deadline is Oct. 22, 2006.**

PROFESSIONAL DESIGN CENTER

422 Weaver Ave.
Fort Totten, Bayside, NY 11356



American Institute of Architects

Queens Chapter

NYS Society of Professional Engineers



2006

P D C Lecture Series

9-06

Lecture

Date: Wednesday Nov. 15, 2006 Time: 6:00PM to 8:30PM

At

422 Weaver Ave. Fort Totten, Bayside, New York

Admission fee is \$35 for AIA & NYSSPE members and \$45 for nonmembers
Please make your check payable to: Professional Design Center and bring it
with you the day of the seminar. TWO (2) HSW (LUs) WILL BE GIVEN.

PRESENTED BY:

Bernard Haber, PE Partner Emeritus; Hardesty & Hanover

Paul DiNatale, AIA- President of the Professional Design Center of NY

THE PROGRAM:

WHY DO BRIDGES FAIL AND HOW TO PREVENT FAILURES?

Are most failures caused by poor design?, Poor workmanship? Defective Materials? No, the facts are that more than 60% of bridge failures are caused by natural phenomena.

The major causes of bridge failures will be discussed including foundation failures from floods and other natural phenomena, failures caused by impact, corrosion, fatigue and defective materials. Examples of major bridge failures will be shown. The history and implementation of the nation's bridge inspection program, evaluation and rehabilitation program to prevent failures will be discussed...

Free to the public

Buffet dinner 6:00pm-6:30pm included

Contact George Tavoulareas, PE at 917-299-2954 for further information

Dedicated to the advancement of Architecture and Engineering