

Caller Times

LOCAL NEWS

'Needs to come out': TxDOT slow to release info on safety concerns with Harbor Bridge design

TxDOT halted work on part of the new bridge last month, citing design concerns it says could lead to collapse. The agency was then slow to release information about how it came to that conclusion.



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The Texas Department of Transportation's decision last month to halt further construction on a key part of the new Harbor Bridge due to safety concerns left residents, local officials and state lawmakers with questions.

The new, nearly \$1 billion cable-stayed bridge, which will be the tallest structure in South Texas once it is complete, will span the Corpus Christi Ship Channel and replace the aging 1950s-era Harbor Bridge. The current bridge is a signature of Corpus Christi's skyline and connects the city via U.S. 181 to North Beach, the home of popular tourist attractions such as the USS Lexington and Texas State Aquarium.

The July 15 announcement, which came in a late afternoon news release at the end of the work week, said TxDOT engineers had concerns with "certain elements" of the design and worried that "safety issues could arise" if construction continued on the bridge's main span.

It kicked off a series of events in the following weeks wherein TxDOT drip-fed information about its reasons for pausing construction on the project — which, marred by a mid-project design firm switch, is at least four years behind schedule and likely to exceed its budget.

The news gave way to more questions — and concerns — than answers for many local officials.

One Corpus Christi councilman said he struggled to answer questions about the pause from constituents and that he felt he had been "kept in the dark." A community leader

representing a Northside community impacted by the bridge's construction said the announcement lacked specificity. The Nueces County judge said the "cryptic" news releases had fostered confusion and speculation.

A bipartisan group of state lawmakers called on TxDOT to release more information "as soon as possible" about the pause and its possible implications.

"If safety is the issue, then full disclosure needs to be made to the public," state Rep. Todd Hunter, R-Corpus Christi, told the Caller-Times last week. "The public pays for the project. The public should know about the project. We need to have freedom of information flow and transparency about the Harbor Bridge."

The Caller-Times asked questions and submitted open records requests seeking information about the project's status before and after the pause was announced. In the wake of the announcement, one of the newspaper's records requests — coupled with calls from Hunter and other lawmakers to release more information — may have led to TxDOT releasing an illuminating memo it had sent to the project's developer about the public safety concerns.

A TxDOT spokesperson this week did not respond to emailed questions, text messages or phone calls about how the agency has handled public information and open records requests in the weeks after the construction pause.

Whether and to what degree the project could be delayed is not known. TxDOT has said it will provide updates of any "significant progress" as it occurs.

What has happened so far?

With calls for more transparency brewing after the July 15 announcement, TxDOT issued a second news release the following week, stating the engineers' concerns had been confirmed by independent reviews and that construction work on the State Highway 286 and I-37 interchange, the north and south approaches and the North Beach roadworks would proceed.

Still, no new information on the specific concerns was revealed. This led to Nueces County's bipartisan state delegation issuing a joint statement to the Caller-Times calling on TxDOT to release more information "as soon as possible."

Nearly three weeks after the pause and after state lawmakers applied pressure, TxDOT publicly released a three-page memo it had sent to the project developer, Flatiron/Dragados, detailing its specific concerns with the bridge's proposed design.

The memo said TxDOT's independent consultant, International Bridge Technologies, presented "numerous technical findings and observations that need to be addressed" to Flatiron/Dragados and found five primary areas of concern with the bridge's design.

Four of the concerns relate to deficiencies in parts of the design, some of which could lead to a collapse under certain conditions. These findings include an inadequate capacity of the pylon drilled shafts, deficiencies in footing caps, delta frame design defects and significant uplift at the intermediate piers, according to the memo.

The fifth reason pertains to specific crane placements during construction.

"TxDOT does not believe it is responsible or safe to proceed with the erection of the (new Harbor Bridge) Superstructure ... because that work exacerbates four of the five major issues raised by IBT," the memo reads.

Freedom of information

On July 20, the Caller-Times submitted an open records request seeking correspondence between TxDOT and Flatiron/Dragados containing information about construction pauses.

The Texas Public Information Act, which requires governmental entities to "promptly produce" responsive records with some exceptions, gives the entities 10 business days after a request is submitted to determine whether they will appeal to the Texas attorney general's office on whether to withhold or release all or part of the records.

TxDOT released the memo detailing its design concerns to the Caller-Times on Aug. 4 — marking 10 business days after it was requested. Also that day, TxDOT published a news release and hyperlinked the memo publicly on its website.

Joe Larsen, a Houston-based media attorney and a Freedom of Information Foundation of Texas board member, said TxDOT's decision to wait until the final day is commonly made by governmental entities to delay the release of public information.

More: Here's everything we know, don't know about the new Harbor Bridge construction pause

The 10 days are meant for governmental entities to determine whether there is a legal basis for withholding part or all of the information. An agency would be breaking the law if it waits until the final day knowing there was no reasonable basis, Larsen said.

He said TxDOT's decision to ultimately release the memo is a good thing.

"Transparency is absolutely fundamental on this critical piece of infrastructure," Larsen said. "The public is investing a huge amount of money in it, and the public will depend upon it for safe transit for generations to come."

Asked by the Caller-Times about the memo before it was released last month, a TxDOT spokesperson wrote, "It is important to note that TxDOT must also ensure the security of sensitive bridge-related information."

However, the memo that was released on Aug. 4 had no redactions. The TxDOT spokesperson did not answer later questions about the agency's decision to wait until the final day to release the memo.

"That likely means they didn't have a good reason or didn't have a good response," Larsen said.

Schism between TxDOT, developer

The three-page memo also highlighted a months-long disagreement between TxDOT and Flatiron/Dragados over the bridge's design.

Addressed to project manager Keith Armstrong, the TxDOT memo states Flatiron/Dragados had previously declined to make the requested changes the agency first sent in late April.

The memo states Flatiron/Dragados "has failed to adequately address the nonconforming design" and that the developer and Arup-CFC, the design firm that replaced the previous one, "continue to deny any problems with the design despite ample evidence of the contrary."

The day after TxDOT announced the pause, a Flatiron/Dragados spokesperson sent a written statement in response to questions from the Caller-Times. It said the joint venture was "confident in the safety and durability of the bridge as designed" and would continue work with TxDOT.

"FDLLC hired some of the most experienced and prestigious designers of signature cable-stayed bridges in the world," the July 16 statement read. "FDLLC will continue to meet its contractual obligations and work in good faith with TxDOT."

Larsen said the details of the disagreement alone would not legally permit TxDOT to withhold the documents.

Concerns remain

One word sticks out to Hunter in the memo: collapse.

Since the pause, constituents have contacted Hunter, he said, to express concerns with both the new bridge and the current bridge that is still in use. Some, he said, fear driving through North Beach and have instead opted to take long, inland detours to avoid the area entirely.

"Once you yell 'collapse' (and) once you yell 'public safety,' in my opinion, you have a duty to explain those words," Hunter said. "When you've done this and this isn't the first time, you've got a duty to not only be forthcoming on the information, but you've got to make people feel safe."

In 2019, TxDOT suspended design work on the bridge and dismissed then-designer FIGG Bridge Engineers Inc., which was the subject of a National Transportation Safety Board report critical of the firm's work.

The report was concerning a FIGG-designed Florida pedestrian bridge that collapsed in March 2018. Six people died. FIGG pushed back on the report, pointing to the construction of the bridge — not its design — as a contributing factor.

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Hunter also expressed concerns about the project's budget and the completion timeline.

As of July 15, a TxDOT spokesperson said Flatiron/Dragados had been paid about \$774 million for the project, which began with a budget of \$930 million. Hunter said TxDOT told the state lawmakers that cost overruns, if any, would come from the state — not from any local funds or governmental entities.

Earlier this year, Flatiron/Dragados said the bridge would be complete and open to traffic by mid- to late 2024. However, the recent pause could inflict further delays on the project — the degree to which is not known, a TxDOT spokesperson told the Caller-Times last month.

Still, even given local entities do not foot the bill on any cost overruns, the uncertainty surrounding the project and when it will be complete will have "indirect impacts," Hunter said. He said he is requesting biweekly updates from TxDOT going forward.

"If there could be legal and procedural issues, I understand that and they have to check that out," Hunter said. "What I am told should be public, so timeline, deadline, justification for the public safety — that needs to come out."

