

Talking Points on HB 1226 – Piping Materials for Public Works Projects

As of 2-1-17

This same bill was considered in 2014, as SB 68, where it “died” for lack of support. ACEC Indiana opposed it and then and remains opposed to it today.

HB 1226 mandates that Registered Professional Engineers licensed under IC 25-31-1 consider “all acceptable piping materials” for all Public Works projects. In 2014, the original language of SB 68 was intended to require consideration of a specific type of piping, PVC, but was later amended to the same language contained in this legislation. This bill is unnecessary, redundant, and potentially conflicting to existing state law and state regulation for the following reasons:

1. PVC is allowed for both Sanitary Sewer and Water Main Construction under 327 IAC 3-6-8 and 327 IAC 8-3.2-8, respectively. Under the Administrative code, the applicable standards for construction are indicated. This allows all appropriate piping materials for water and sewer public works projects. As such, this legislation is entirely redundant.
2. As currently written, the bill calls for specifications (AWWA and ASTM) and must provide that “all acceptable piping materials may be acquired for and used in the public works project.” This effectively requires all pipe types be allowed as the wording is general. This will impact local utility standardization on pipe types and will create difficulty in design, but in particular bidding. In all likelihood, it will result in difficulty to complete projects on time on and on budget due to protests during the bidding process, as the acceptability of a pipe material is determined by the design professional based on expertise and a decision of the Owner.
3. The bill requires “in the acquisition of piping materials for a public works project, the following characteristics of the piping materials shall be considered:
 - a. Quality
 - b. Sustainability
 - c. Durability
 - d. Corrosion Resistance

These terms are not defined and are open to interpretation. Each of these terms is nebulous and without definition present similar design and bidding challenges as indicated in item 2 above. Registered Professional Engineers must consider a multitude of factors when recommending appropriate materials to suit the performance, operation and maintenance of water and sewer public works, not just these four.

4. The bill has been written to apply to “every public works project to which any section of this chapter applies.” This provides for a much broader scope in application than originally intended by the draft legislation. This will translate into stormwater, drainage, and any other public works project.
5. Changing to a plastic pipe or flexible material increases inspection costs due to testing requirements and the need to have more than periodic inspections done by city staff, as well as requirements to include video of completed infrastructure which drives up costs even more.
6. Pipe material failure in performance (i.e. cracks or rupture) may negatively impact bonding requirements for communities in the years ahead if issues with flexible pipe start to occur.

In Summary, we urge you to oppose HB 1226 in its entirety. Standards and procedures are already in place in Administrative Code. PVC underground pipes are in wide use in water/sewer applications in the state. Local government units will incur increased costs, project delays, bidding confusion, and loss of decision-making ability if HB 1226 is enacted.