Letters

Who Pays?

Regarding the question "Who Pays When the Design Doesn't Meet Code?" (*Legal,* 8/05), sometimes the owner should pay if the design doesn't meet the code, even if there was an architect, engineer, construction manager, interior designer, feng shui consultant, and chief boot-polisher engaged to work on the design and construction of the project.

No design professional is perfect, and no design will be perfect. One professional society I belong to, the Structural Engineers Association of California (SEAOC), publishes "Guidelines for the Practice of Structural Engineering," which states that the owner should be advised to establish a contingency fund for correcting errors and omissions in the design. The publication goes on to say that "errors or omissions will occur and if within the standard of care, the cost of correction should be borne by the owner."


Legal

Who Pays When the Design Doesn't Meet Code?

The term "standard of care" means that if most other designers in your region working on the same sort of design would have noticed what you left out, then you should have noticed it, too. (You could spend thousands of dollars in court arguing whether the standard of care was met.)

In complicated designs, it's easy to overlook a beam, say, until construction reaches the point where it becomes obvious. In such a case, the owner needs to pay for the beam. On the other hand, if I design a simple carport and my plans don't show a beam that is needed, I should pay for that beam. (But the contractor also should have noticed, so the two of us may be fighting in court.) Somewhere between these two extremes there is a wide gray line between what is within the "standard of care" and what is not.

If we all do our best, keep clear communication going, and work together, most problems will get solved before anyone has to go to court. If we end up in court, we've already lost.

Thor Matteson
Structural Engineer
Mariposa, Calif.

If Only Plans and Permits Were Perfect

Just a quick comment regarding the article "Who Pays When the Design Doesn't Meet Code?" I find it amusing that the article was even written, let alone published. The point is that to get a permit for a job, in most cases, one must submit a design plan. That plan has to meet code for approval. To call for an inspection after completion of a job, the plan and permit number must be on file. Unless this is an isolated or unique case, this should be a non-issue, as the situation should never have evolved as written.

P.R. Salm
Cantonment, Fla.

Reality Check?

Steven D. Jones' letter ("The Good in New Jersey," 8/05) left me wondering if there might be two places named New Jersey.

Around 1988, Standard Tile of Totowa and Paramus began building a third store south of Bergen County. Management had to repeatedly sue to obtain show-cause orders to force local building officials to perform inspections required by law at various stages of construction before work could proceed. The standard practice there — and reportedly pretty much statewide — was to hold up further construction indefinitely if bribes were not paid. Because of the

KEEP 'EM COMING!

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higher costs of construction delays added to legal fees, most people would quietly pay the locally understood going rate and have done with it. To their credit, management at Standard Tile steadfastly refused to participate in such corruption.

Now, approaching two decades later, gubernatorial candidates continue to promise to stamp out the pervasive corruption for which New Jersey is nationally renowned. In a state where such corruption is a multibillion-dollar industry, did someone actually get in trouble over a tray of bagels?

C. Ed Wright
Collegeville, Pa.

Not Amused

I opened up the October issue and was very offended by the first ad I saw, for Stanley's FatMax tape. Men may find it humorous, but women don't. More and more women are in the construction field; the industry is changing and the advertising ought to also.

Linda Broyles
Clinton, Wash.

Account for Snow Loads

In a recent issue, I noticed an advertisement for a deck joist sized for 40-psf live load and 10-psf dead load, which is the standard starting point for residential floor loads. But here in Fairbanks, Alaska, the ground snow load is 60 psf. So when I design outdoor decks, I use a live load of 60 psf.

Our winters last from October through March, and one never knows if a client will bother keeping the deck clear in the winter.

Mark Martin, PE
Fairbanks, Alaska

More on Sprinklers

I would like to second Ed Lester's letter in the October issue ("Fire Sprinklers Add Cost"). I hope *JLC* will do a feature about residential fire sprinklers and their cost-effectiveness. It might after all come down to how much value you put on a human life, but it is a topic we need to hear more about, with a skeptical voice that considers all the extra costs, meter and hookup fees included. Locally, we pay a $6,000 upcharge just to install a larger meter, not counting the additional monthly surcharge above the actual water used.

I also question why all small rooms and large closets need sprinkler heads. What if just hallways, kitchens, and garages were provided with sprinkler heads, using appropriately sized cold-water pipes? Simpler, less expensive systems that get wider usage might save more lives than more comprehensive systems that are less widely installed due to high cost.

Alan Ruesch
Nova Homes LLC
Mercer Island, Wash.

Integral Gutter Design

I would like to take exception to a detail provided in the article "Adding Timber Rafter Tails to a Stick-Framed Roof" (9/05).

While the rafter-tail and bracket details are correct as far as construction goes, my concern is with the integral gutter shown (see below). The edge of the gutter at the side closest to the eaves is higher than the up-roof edge. This has always been considered a poor detail because there is a chance that in a severe storm water will fill the gutter and wick under the flashing on the uphill side. This can lead to degradation of the sheathing and framing under the finished roof. The leading edge — that closest to the eaves — should always be lower so water can spill over during a heavy storm or if the gutter gets clogged by leaves or other debris.

Greg Burke, AIA
Vero Beach, Fla.