

paper were not the only cases reviewed. As the paper indicated, we only cited those cases that clearly demonstrated a point. This was perhaps an error in judgment. We concur with the list provided by Hinze and Kusaka, which is more detailed than the one provided in our paper.

We would, however, like to indicate that it is often difficult to separate issues and facts in some cases. A significant case that has been noted by many is *Plan-Tec v. Wiggins* (443 N.E. 2d 1212, Indiana 1983). Hinze and Kusaka have correctly indicated that this case is considered to involve a construction manager "voluntarily assuming responsibility" for job-site safety. One important issue that surfaces in this case is that this project was the first project where Plan-Tec performs as the construction manager. This "fact" is silent in the court's deliberations, since it should not be part of the court's considerations. A mistake in contract administration is also involved. The responsibility for safety was originally part of a utility contractor's contract. When the contracts were revised, for Plan-Tec's role as construction manager, safety coordination was removed from the utility contractor's contract. It was not written into Plan-Tec's contract or any other contract. Plan-Tec proceeded to conduct specific safety-related inspections and failed to perform some of these inspections in a reasonably prudent manner. Plan-Tec is found to have breached a duty of care. While the decision follows the concepts of law correctly, the problems of a novice construction manager cannot be addressed by the court, since they are not a matter of law. We felt in this case the construction manager's stated inexperience, in addition to mistakes in writing the contracts, were major contributing factors to the accident. Therefore, we did not use this reference. We wish to thank Hinze and Kusaka for the opportunity to correct this oversight.

We also agree that construction managers should focus on means to avoid injury rather than liability suits. However, we feel determination of liability is an unavoidable issue in the aftermath of a site accident. Understanding sources of liability is a pragmatic matter and is not suggested as a substitute for moral or professional responsibilities. Perhaps standards such as the American National Standards Institute (ANSI) proposed A10.33 standard will assist in providing solutions for identifying safety responsibility on multi-employer project sites.

We appreciate the contribution of Hinze and Kusaka and hope the discussion further encourages construction managers to become proactive safety managers.

U.S. ARMY CORPS OF ENGINEERS AND AFGHANISTAN'S HIGHWAYS 1960–1967^a

Discussion by Zarjon Baha²

The subject covered a wide range of technical, political, and economical aspects of a civil engineering project in the developing country of Afghan-

^aSeptember, 1991, Vol. 117, No. 3, by Frank N. Schubert (Paper 26142).

²Dept. of Building Constr. and Contracting, Purdue Univ., 1414 Knoy Hall, Room 453, West Lafayette IN 47907-1414.

istan. I commend the professional stand of the Corps for insisting that the minimum standard of operations, such as soil testing, centerline profile, and scheduling, which was neglected by the contractor, be implemented. However, I would have also insisted on maintaining the road-mix pavement over the double-bituminous surface treatment. It is understood that the border dispute increased the cost of transportation, resulting in the alternative that was advised.