

## MEMORANDUM

**TO: BOARD OF DIRECTORS  
COUNCIL OF STATE EXECUTIVES**

**FR: RICH JULIANO, GENERAL COUNSEL**

**RE: STATE-BY-STATE COMPILATION – EFFECT OF CORONAVIRUS (COVID-19) ON PROJECTS  
(EDITION #39)**

**DATE: MAY 8, 2020 – PM**

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ARTBA is closely monitoring the status of transportation construction projects across the country in light of the Coronavirus (COVID-19) outbreak. We are consulting with our affiliated chapters and members on a continual basis. Several chapters have shared the status reports they have made to their members, and are allowing us to excerpt them in this document. The information below also reflects reports made through our Council of State Executives, as well as direct contacts and news stories. Several public agencies have provided updates to ARTBA directly. As is noted a number of times, ARTBA's affiliates have remained in close contact with their respective governors and/or state departments of transportation since this crisis developed.

We have highlighted **all content added or revised** since the previous edition of this memo. Please note this is a current snapshot of project status at the state level. You are welcome to pass along any items of interest to me at [rjuliano@artba.org](mailto:rjuliano@artba.org), which we will utilize for the next edition of this report.

Best wishes to everyone, and thank you for your participation in and support of ARTBA at this important time.

NOTE: ARTBA President & CEO Dave Bauer wrote an op ed piece, "Yes, this is the ideal time to be fixing roads," appearing in the *Washington Examiner* (4/7). The content is based largely on information provided on our members, chapters and state DOTs for this report. It can be found here: <https://www.washingtonexaminer.com/opinion/op-eds/yes-this-is-the-ideal-time-to-be-fixing-roads>.

## New in this Edition

Material from these states...

- **California:** Governor Issues Executive Order Expanding Workers Compensation; San Francisco Issues New Construction Public Works Directive
- **Colorado:** Deal To Buy Abandoned Rail Yard Key To I-25 Expansion Jeopardized By Coronavirus
- **Connecticut:** Reduced traffic volume means CTDOT can expand scope and duration of its work
- **New Jersey:** NJDOT Issues Temporary Rule Granting Waivers for Contractor Prequalifications
- **Ohio:** Motor Fuel Tax Fund Impacts Remain Undetermined But Priorities Are Being Established
- **Oklahoma:** Wrap-up of Transportation Commission's May Meeting.
- **Wisconsin:** DOT Maintains Commitment to Highway Program

## Current Highlights

- Once again, there is transportation construction work moving forward in every state. All projects in Pennsylvania and certain projects in Washington State are going through a restart process. Smaller crews on projects in Vermont may also begin working.
- Numerous governors have issued "stay at home" orders, but have implicitly or explicitly designated public works construction as an "essential" or "critical" line of business which is to remain open. Some of the state executive orders have referenced the federal *Guidance on the Essential Critical Infrastructure Workforce*, issued by the Cybersecurity and Infrastructure Security Agency (CISA) of the U.S. Department of Homeland Security (DHS). CISA issued its "3.0" guidance on Friday 4/17. It includes additional details on critical workforce sectors relating to transportation construction and allied industries (see below).
- Contractors are implementing COVID-19 safeguards as recommended by the Centers for Disease Control, their respective public health agencies, and others. Several state DOTs and/or industry groups/coalitions have issued guidance in this area.
- Some state DOTs are working with industry on accelerating projects by taking advantage of lower traffic volumes.
- States are beginning to quantify actual and projected transportation-related revenue losses from the pandemic. Some, such as North Carolina, Missouri and Kentucky, have announced reductions in their construction programs.
- State DOTs are increasingly implementing processes using electronic documents, to avoid the need for handling hard copies of forms, tickets and the like.
- Many state DOTs have put office employees on telework status. Generally, field staff are considered "essential," which helps enable projects to continue.

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## **Cybersecurity and Infrastructure Security Agency (CISA)**

(4/17/20) – CISA has issued its “3.0” version of the Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response. According to CISA, this update “clarifies the description of a small number of essential services and functions in the list.” It does include more detail relating to transportation construction and allied industries.

The current guidance can now be found here:

[https://www.cisa.gov/sites/default/files/publications/Version\\_3.0\\_CISA\\_Guidance\\_on\\_Essential\\_Critical\\_Infrastructure\\_Workers\\_3.pdf](https://www.cisa.gov/sites/default/files/publications/Version_3.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_3.pdf)

The guidance also notes, “This document gives advisory guidance on defining essential critical infrastructure workers. Promoting the ability of such workers to continue to work during periods of community restriction, access management, social distancing, or closure orders/directives is crucial to community resilience and continuity of essential functions. The term “workers” as used in this guidance is intended to apply to both employees and contractors performing the described functions.”

The guidance is important because numerous governors have incorporated or referenced it in designating “essential” industries or businesses exempt from stay-at-home orders. However, as the memo explains:

This list is advisory in nature. It is not, nor should it be considered, a federal directive or standard. Additionally, this advisory list is not intended to be the exclusive list of critical infrastructure sectors, workers, and functions that should continue during the COVID-19 response across all jurisdictions. Individual jurisdictions should add or subtract essential workforce categories based on their own requirements and discretion.

This reiterates the fact that state officials – generally governors – have the final call in this regard.

The current guidance (including all recent revisions) encompasses 17 categories. Among those of interest to ARTBA members...

- Transportation and Logistics
  - ...workers that construct, maintain, rehabilitate, and inspect infrastructure, including those that require cross-jurisdiction travel...
  - Workers supporting operation of essential highway infrastructure, including roads, bridges, and tunnels (e.g., traffic operations centers and moveable bridge operators).
  - Mass transit workers providing critical transit services and performing critical or routine maintenance to mass transit infrastructure or equipment.
  - Maritime transportation workers, including port authority and commercial facility personnel, dredgers, port workers...

- Manufacturers and distributors (to include service centers and related operations) of lighting and communication systems, specialized signage and structural systems, emergency response equipment and support materials, printers, printed materials, packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations, and other critical infrastructure needs.
- Employees who repair and maintain... the equipment and infrastructure that enables operations that encompass movement of cargo and passengers.
- Public Works and Infrastructure Support Services
  - Workers who support the construction, maintenance, or rehabilitation of critical infrastructure.
  - Workers supporting construction materials production, testing laboratories, material delivery services, and construction inspection.
  - Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues.
  - Workers personnel, who support operations that ensure, the availability of and access to needed facilities, transportation, energy, and communications through activities such as road and line clearing.
- Critical Manufacturing
  - Workers necessary for the manufacturing of metals (including steel and aluminum), industrial minerals, semiconductors, materials and products needed... for supply chains associated with transportation... Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains, and workers necessary to maintain a manufacturing operation in warm standby.
  - Workers necessary for mining and production of critical minerals, materials and associated essential supply chains, and workers engaged in the manufacture and maintenance of equipment and other infrastructure necessary for mining production and distribution.

Please use the link above to review the entire list and the associated narrative from CISA.

**(3/28/20)** – CISA issued its revised “Memorandum on Identification of Essential Critical Infrastructure Workers during COVID-19 Response.” While the previous “1.1” edition of the guidance included various references to public works and other forms of transportation infrastructure, ARTBA and various coalition partners have urged CISA to add terminology in their “2.0” version related to transportation construction and related industries. ARTBA is also part of a CISA stakeholder briefing that has been taking place multiple times per week.

## Alabama

**Alabama Road Builders Association (5/6/20)** – ALDOT reports they're focused on maintaining their letting schedule through the current fiscal year, which ends September 30th. This is subject to federal obligation authority getting renewed on a systematic basis, which ALDOT expects.

**(5/4/20)** – Covid-19 Lawsuit Liability legislation - The Alabama Civil Justice Reform Committee (ACJRC) has worked with the trial bar to craft legislation to limit Covid-19 liability for employers. Specifically, it creates a higher burden of proof. ARBA is working with leadership and members of the legislature to urge passage during this final week of the legislative session. The bill will be available soon.

**(4/13/20)** – ALDOT Construction Engineer, Skip Powe, offers some guidance on e-ticketing. The issue is the delivery of original copies of the ticket to contractors and ALDOT personnel following the day's work. ALDOT will now allow a 3-day window for delivery of original tickets...

### SKIP POWE'S GUIDANCE

- If a vendor, like a quarry, has an issue on how this process is working, please reach out to my office for clarification. If there are issues, we can either clarify the intent or make adjustments to keep us all safe. I would rather do that and keep consistent options, and we don't need this to morph into 5-10 ways to do it.
- If you will, share with your members, especially those with quarries, and get their feedback on this first week's implementation.
- Also, I know several asphalt companies, and possibly quarries, are looking at e-Ticketing systems, so that option should be accelerating over the next few weeks, especially since so many are offering the non-GPS option with only the ticket being free through the end of June. And, let's be realistic and know that some business practices we implement now may become our future by the time we go back to our normal.

**(4/10/20)** – Follow-up to paperless ticketing policy in CIM 2-2020: [Alabama Law Enforcement Agency's] Motor Carrier Safety Unit has informed us that it will be acceptable for a driver to have an electronic version of the ticket available. We told them that some drivers may still choose to have their copy of the paper ticket, but most will avoid the paper to minimize the risk. Plus, minimizing paper also minimizes the potential risk to ALEA if they check. If an ALEA unit was to stop a truck, the driver needs to have the information available through an e-Ticketing system like the ones we have previously listed or he/she needs to have a copy of the ticket by text or email that they can show.

**(4/6/20)** – From Skip Powe, ALDOT Construction Engineer, regarding CIM 2-2020 Coronavirus (COVID-19) Policies for ALDOT Construction Projects...

There are 11 different specifications, policies, and procedures that are being modified in order that we can continue to perform our essential work... and do so while promoting a safe and healthy work site...

All 11 are absolutely necessary for the Department and its consultants and contractors to implement in order for us to continue our daily activities. However, I cannot emphasize enough to maintain proper social distancing in the workplace and on the jobsite. I will say of the 11 that the biggest impact to our operations is the temporary ban on accepting paper tickets as materials are delivered... This procedure is not advisory or optional. It is a MUST condition directed by the Front Office, and I have coordinated with ARBA, AAPA, ACIA, and the major aggregate sources throughout the weekend to develop these options so that tickets are not directly swapped so as to minimize contact on the site while allowing inspectors to obtain the necessary information for the work to progress. The industry liaisons and quarry operations are on board and willing to implement these practices to protect all the workers while we continue to move forward.

Project Managers and Contractors need to work together on Monday, April 6th to swap the necessary contact information (cell numbers and email addresses) in order that Monday is the last day we directly accept tickets on the site until further notice. With the impact of the virus, I also expect several companies to begin immediate transition to e-Ticketing systems. As those requests are submitted and approved and we can coordinate the required training, we will transition from the Contactless Options to the e-Ticketing Option.

[Y]ou will find the protocol for ALDOT and its industry partners to communicate to each other in general terms if a worker becomes exposed or tests positive so that the other take immediate steps to handle those who might have been exposed. If the confirmed case or exposure affects the Contractor's ability to pursue the work and needs to voluntarily shut the project down, those procedures are also addressed...

...I have discussed the CIM with Mr. Richie Beyer on behalf of the Alabama County Engineers Association (ACEA) to explain what we are doing across the board on our projects. He is going to share with all the County Engineers and they will be addressing the impacts the Coronavirus will be having on each of their operations.

Excerpts from the Construction Information Memorandum (CIM)...



**Credentials:**... "Operators of 'essential businesses and operations' as defined in paragraph 2 may, but need not, issue credentials to their employees verifying their status as an employee of an essential business or operation." ALDOT personnel shall utilize their ID badges as their credentials. Consultant CE&I personnel, contractors, subcontractors, suppliers, and material vendors, etc. providing services on or for Department construction projects can provide the... April 5, 2020 letter signed by George Conner, Deputy Director for Operations, to their personnel along with any company credentials that they deem as necessary during this Stay at Home Order.

**Personal Protective Equipment (PPE: required by GFO 1-5):** There is **no sharing** of PPE. Each inspector shall have his/her own hard hats, vests, whistles, gloves, etc. and not share with anyone else.

**Social Distancing:**... "Essential businesses and operations" shall take all reasonable steps for employees and customers to (a) avoid gatherings of 10 persons or more and (b) maintain a consistent six-foot (6') distance between persons. It is understood that some construction crews exceed 10 people on a project site. However, with the job responsibilities of each inspector, technician, superintendent, foreman, operator, and laborer, **we must maintain 6' of distance on the worksite.** There have been numerous complaints about crews closely congregating since the March 27, 2020 Order from the State Health Officer requiring the closing of "non-essential" businesses and directing people to take reasonable steps to maintain six feet of separation. Please understand that it is absolutely necessary that our inspection personnel, contractors, and material suppliers and vendors conform to this requirement so as to protect each and every one on the project site. In cases where personnel have to travel in the same vehicle, they are strongly encouraged to wear masks.

**Offices:** All project offices, whether staffed by ALDOT or a consultant CE&I firm, **shall** be closed to the public. Please post a sign on the door stating the office is temporarily closed to the public and leave appropriate contact numbers so that the public can call and discuss project issues.

**Meetings:** All Construction pre-bid, Preconstruction, and Progress Meetings shall be conducted by teleconference or webinar. ALDOT has a set of teleconference numbers available for use. If one is not available at the preferred time and the Contractor has the capability, you may utilize his system to hold the meeting. Minutes shall still be electronically recorded as outlined in Article 1:2:G of the Construction Manual. If you need webinar capabilities due to presentations or handouts, we recently held a Pre-bid Meeting using WebEx...

Any meeting scheduled with the public for your construction project should be cancelled and handled by phone call or with a Press release.

**Electronic submittals:** Based on the Governor's directions that state employees telework if possible, contractors are strongly encouraged to scan and email regular correspondence such as but not limited to schedules, required documents for the Preconstruction meeting, Storm

Water Management Plan, Requests for Permission to Sublet Work, working drawings, material submittals, request for information (RFI), request for approval (RFA), proposals for modifying/changing the work, monthly estimate documentation (prompt payment and DBE-10s), change order pricing/justification, time charges' disputes, time extension requests, project shutdown requests per below, and notice of intent to file a claim. This will allow ALDOT to review and respond in the most efficient manner.

Contract documents, weekly payrolls, supplemental agreements, force account documentation, claims submittals, and final estimate documentation **shall** still be submitted on paper due to signature and notary requirements or file sizes.

**Final Estimates:** The requirement in Subarticle 109.12(d) for the Engineer to submit the final estimate voucher by certified mail with return receipt is hereby waived, and the Engineer may send by email with a read receipt required. That read receipt shall be printed and filed in the same manner as the return receipt.

**Paper Tickets:** Effective with the close of business on Monday, April 6, 2020, **ALDOT will discontinue the practice of accepting paper tickets at the time of delivery on the project site.** This applies to asphalt, concrete, and even aggregate as well as any other materials such as liquid asphalt/emulsion, precast products, reinforcing steel list, and other products that require documentation...

**Lane Closure Modification Requests:** As indicated in my emails to the Regions/Areas on March 21, 2020 and March 31, 2020, traffic has been significantly reduced along most of our routes, at times up to 35%. Several requests from contractors to either swap from nighttime to daytime lane closures or to extend daytime closures through peak hour restrictions have already been approved. However, some requests are still pending while traffic counts are being analyzed to determine if the level has decreased to the level to approve the request. It is anticipated that the Stay at Home Order should decrease traffic volumes even more. Thus, Regions/Areas should be prepared for such requests and have the Region TMC and/or Traffic Engineers review updated traffic data to determine if the request can be approved or not. As we all know, we would rather our project work be performed in the daytime, if possible.

Some modifications will result in a cost savings with approval by the Construction Bureau per GFO 4-3. In addition, FHWA and AA\$HTO have been requesting data on project lane closure modifications due to the impacts of the Coronavirus. In an effort to verify that a cost savings is applicable and to track the impacts as requested by FHWA and AASHTO, the Region/Area **shall copy** this office with any approval or denial for these requests.

**Protocol for Notifying Individuals at Project Sites and Plants of Possible Exposure:** Attachment 4 outlines the protocol for the Department to notify contractors, consultants, material producers/suppliers, etc. if an ALDOT employee who is an inspector has tested positive for COVID-19. The protocol also includes the requirements for the same contractors, consultants,

materials producers/suppliers, etc. to notify ALDOT of an employee who is suspected as having COVID-19 or having been in direct contact with a COVID-19 individual.

**Project Shutdown Requests:** If a Contractor has to quarantine a crew due to a confirmed Coronavirus case or due to possible exposure and the work of that crew affects the Controlling Item as defined by Subarticle 101 .01(b) of the Standard Specifications, he **shall** notify the Project Manager in writing with a copy to the Area Construction Engineer and the State Construction Engineer. The request shall outline that his crew or the subcontractors, or part of it, has to be quarantined due to a confirmed case or possible exposure and that no contract time should be charged. For working day contracts, the Project Manager will not charge contract time using the No Charge Reason "**Coronavirus Pandemic Shutdown.**" The Project Manager shall document the Controlling Item in the project diary as required and include a remark concerning the request for the Contractor or his subcontractor's shutdown. The shutdown will continue until the quarantine period has ended (14 days for testing positive per Section 9. of the order on page 8) or until the affected person(s) tests negative and can return to work. Under no case is the Project Manager to use the No Charge Reason "**Suspension of Contract Time.**"

For calendar date contracts, time shall be charged, and the PM **shall** list the Controlling Item in the Diary's Controlling Item field with the following remark "No work performed on Controlling Item due to the Contractor's requested Coronavirus Pandemic Shutdown". Once the quarantine period has ended and work can resume, the Region/Area will process a Form C-19A Time Extension Request for the affected days.

This work stoppage might occur without having to follow the notification protocol above and in Attachment 4 for the affected project...

**(4/4/20)** – Governor Kay Ivey has updated the State Health Order to reflect a “shelter in place” mandate. The Order is effective TODAY - Saturday, April 4, 2020 - at 5:00 p.m. The order clearly spells out allowable personal and commercial activities (essential services).

Transportation construction/ ARBA members are covered under Section 2. c., which is highlighted in the order... Section 2. c. also includes hotels and commercial lodging services should any employees need to overnight near your construction site.

**(3/28/20)** – The city of Montgomery has issued a nighttime curfew proclamation. However, activities related to construction of “roads and highways, public transportation and rail” are among those exempted.

**(3/27/20)** – Road Construction Deemed Essential - In light of the shelter in place order in Birmingham and other orders, be reminded that the Governor has already stated that ALDOT construction is essential and will continue. This issue came up in Birmingham already, though their own ordinance clearly states that work on critical infrastructure will continue. It is also included in the Tuscaloosa order.

**(3/21/20)** – ALDOT Construction Engineer Skip Powe sent an email to field personnel and industry associations, noting, “Instead of Coronavirus (COVID-19) slowing issues down, it appears to be accelerating them and doing so exponentially.” The message addresses surface treatment, lane closure modification requests, material ticket handling and signatures, and e-ticketing.

“All of us are essential in keeping our projects going. Circumstances are changing daily, and how we adjust and adapt will determine our ability to keep the work progressing. The public is broadcasting across social media how it is a great time to work as much as possible on our roadways with less traffic on them, and I feel we can all agree. So, let’s keep moving forward while we can.”

**(3/20/20)** – “ALDOT operations - Continuing business as usual. **\*\*PROJECT SPECIAL REQUESTS\*\*** A number of calls have come in regarding special requests on projects such as lane closure changes, moving night work to daytime, etc. Do not hesitate to pursue some of these requests, which ALDOT will handle on a case by case basis.”

**(3/17/20)** – From ALDOT...

“Highway Projects – Active construction and road maintenance projects and supporting ALDOT functions will continue, including scheduled bid openings for new projects. Work to repair slides and other roadway failures resulting from the recent record rainfall will continue.

“General Operations – ALDOT personnel will continue to monitor and respond to traffic incidents and roadway issues. ALDOT traffic operations and Alabama Service & Assistance Patrol (ASAP) responders will continue serving in areas where they currently operate.

“Public Involvement Meetings – All ALDOT public involvement meetings are postponed until further notice.

“Permit Operations – Local ALDOT offices will continue to receive and process permits for work on ALDOT right of way. The ALDOT Oversize/Overweight Permit Office will continue to accept and process applications for oversize/overweight vehicles on Alabama highways.”

## Alaska

**(5/1/20)** – From Alaska DOT&PF...

### DOT&PF Temporarily Suspending Adopt-A-Highway Program

Due to concerns related to the COVID-19 pandemic, the Alaska Department of Transportation & Public Facilities (DOT&PF) is suspending the Adopt-A-Highway program in most locations until further notice.

Each spring, DOT&PF offices across the state distribute bags, safety vests and traffic control devices to groups so they can safely clean their adopted sections of highway. If Adopt-A-Highway volunteers have access to their own reflective vests and trash bags, and they can safely practice social distancing while cleaning their section of highway, they are encouraged to proceed.

DOT&PF staff will not be distributing supplies, or establishing new Adopt-A-Highway contracts for the time being. When Adopt-A-Highway activities resume we will distribute notices and reach out to our volunteers.

**(4/16/20)** – From Alaska DOT&PF...

Across the state, the Alaska Department of Transportation & Public Facilities (DOT&PF) is preparing for a busy 2020 construction season. This year, that preparation includes comprehensive planning to minimize the spread of the COVID-19 disease. DOT&PF staff and contractors are working with communities to ensure the safety of employees and the security of residents where construction projects are planned.

“Our priority is the health and safety of our employees, our contractors and our communities,” said John MacKinnon, DOT&PF Commissioner. “We need close cooperation and collaboration between DOT&PF and communities, contractors and labor to ensure the health and safety of the public and everyone working on our projects. At the same time, we recognize the essential economic impact that our annual \$500 million construction program brings to Alaska. Especially during these times, construction is vital to our economy.”

Construction is Alaska's third largest industry, employing almost 16,000 workers. The annual program brings approximately \$500 million in federal dollars for Alaska's transportation infrastructure to the economy. Transportation infrastructure is the pulse of the economy and it is imperative that it be maintained and improved.

To mitigate the spread of COVID-19 disease, DOT&PF and contractors will follow the COVID-19 Mitigation Response Plan. This plan was reviewed by the Alaska Unified Command and provides

guidance to providing a safe and healthy working environment. This includes following the Department of Health and Social Services and CDC recommendations and following all State of Alaska Health Mandates.

The COVID-19 Mitigation Response Plan requires employees and contractors:

- Who have traveled outside the state to adhere to a 14-day quarantine.
- To undergo health screenings.
- To practice social distancing.
- To follow new guidelines for sanitation, personal protective equipment, travel and sick leave.

“The present situation is unprecedented in Alaska,” said MacKinnon. “We are committed to working closely with all of our partners in construction. We will all need to be flexible and collaborative during this crisis, just like we have worked through difficult times in the past. We’re Alaskans. This is one more challenge we will overcome together.”

**(3/25/20)** – From John MacKinnon, Commissioner, Alaska Department of Transportation and Public Facilities: “We’ve been working with FHWA, FAA, contractors associations, consultants, labor and other state regulatory agencies on measures we can all put in place to keep construction going this summer.”

**(3/20/20)** – From the Commissioner’s letter to industry...

“Equally devastating as the pandemic may be the resulting impact on our economy. At Alaska DOT&PF we won’t be a part of that economic impact. The construction industry is Alaska’s third largest, employing almost 16,000 workers. Alaska’s transportation infrastructure is the pulse of the economy and it is imperative that it be maintained and improved.

“We intend to advertise our 2020 construction program and work expeditiously towards getting those construction projects underway. For contractors that have active projects, work can start as soon as weather permits.

“People will get the illness and we will be faced with personnel shortages, both our own and yours. We are working on procedures for contingencies that will allow us to keep working...

“Construction jobsites are not densely populated work areas. Regardless, we need to continue to practice personal hygiene and social distancing measures to minimize the spread of the virus. This is even more critical for work in rural communities where we have been asked that we postpone projects. Postponing projects isn’t an option, but putting health screening protocols in place for all our workers traveling to remote communities can provide some assurance.

“It is my commitment to you that we will work cooperatively as partners in construction to get the work done...”

## Arizona

**Arizona Transportation Builders Association (4/17/20)** – From the Rural Transportation Advocacy Council...

ADOT's Chief Financial Officer, Kristine Ward, estimated that, as of today, the anticipated revenues for the state's highway construction program will be reduced by \$385 million over the next three years. This equates to losses of 9% this year, 22% in FY21, and 12% in FY22. That direct loss of revenue will be multiplied by changing conditions in the finance market and the likely ADOT deferment of \$155.5 million in planned Highway User Revenue Fund (HURF) bonds which would equate to a \$540.4 million loss to the five-year program.

Unlike other state revenues which have experienced very strong growth this year, HURF growth has been fairly moderate and actually slightly below forecasted levels. So, HURF collections did not enter the pandemic from a strong position and will see a drastic reduction in collections going forward until economic activity starts to pick up or we see substantial federal assistance. HURF's primary revenue sources, fuel and vehicle license taxes, will be impacted by severe reductions in fuel consumption and vehicle purchases...

In response to the funding challenges, ADOT is revisiting the entire five-year program and nothing is "off the table" as far as project inclusion and timing. Unless there is a drastic and fairly rapid change, adding new projects to the program will be highly unlikely and certainly not a priority. Retaining adequate State Highway Fund (SHF) revenues to fully meet federal match requirements and not lose any of our potential federal funding will be the top priority.

This could impact the HURF Exchange Program which was suspended when a similar revenue scenario occurred during last decade's recession. The program enables local governments to exchange their federal transportation funding for state, eliminating the federal aid process, and for most, allowing self rather than ADOT administration of a local project. On the positive, HURF Exchange is a relatively low cost program which may help it dodge the chopping block but prioritizing SHF revenues for federal matching requirements will certainly place it at risk depending on the magnitude of SHF losses.

From the broader state budget perspective, another longer term threat will be the possible resumption of HURF funding transfers which had largely ended after the creation of the Highway Safety Fee, which currently funds DPS highway patrol operations. The Fee is scheduled for repeal after June, 2021. Efforts this legislative session to accelerate that repeal have been curtailed by the suspension of the session. When the legislature reconvenes, they are unlikely to consider non-COVID-19 measures impacting the budget, whether new spending or tax cuts, due to the uncertainty of the state's revenue outlook. This may help prevent a resumption of HURF raids in the near term. However, if COVID-19 does result in a multi-year impact to state

revenues, fund transfers will certainly be considered and HURF will be at further risk particularly after the Highway Safety Fee expires.

A relatively quick restart or phased in resumption of economic activity will mitigate these impacts to varying degrees. Also, federal support is highly likely and could be very substantial. The last federal relief legislation, the CARES Act, provided significant transit and airport assistance... As with the overall state budget, federal assistance could greatly mitigate state transportation revenue losses from COVID-19.

**(4/16/20)** – From ADOT’s “COVID-19 Guidelines for ADOT Construction Sites...”

Construction sites are a busy place full of people including ADOT, consultants, prime contractor, subcontractors, and vendor employees; and utilities and other agencies. Field teams should maintain constant communication with these multiple entities and be vigilant for obviously sick employees in the field. Any employees reporting to work sick should be sent home.

**Positive Test:** In the event an individual goes home with COVID-19 symptoms and later tests positive and is linked to a field office or construction site, the individual is strongly encouraged to self-report a positive COVID-19 result for current pandemic public health reasons. This notification should be to either the Prime Contractor’s Safety Supervisor or the ADOT Resident Engineer as applicable. Once the confirmed case is reported, the following measures should be taken:

- All companies working on the site should be informed of the situation without specifically naming the sick individual.
- A thorough disinfecting (not just cleaning) of all common and high touch spaces should be completed at the job site
- Any employees working in the immediate area with the sick employee, should continue to self-monitor for symptoms and continue practicing good hygiene and social distancing protocols.

Typical Notification Message Point may include: *“Someone in our workplace has tested positive for COVID-19, and you have been identified as working in closed contact according to the CDC definition.”*

The key to notifying employees is doing it quickly to minimize the risk of spreading the disease. Notification should ideally be done by phone or chat. If that is not possible, an email with the heading “Important Action Required” in the heading should be used.

**Negative Test:** In the event an employee goes home with COVID-19 symptoms and later tests negative, the individual is strongly encouraged to self-report the negative result and the employee will be allowed to return to work upon following the guidance from their healthcare professional or the employee has no symptoms for the prior 72-hour period...



**(4/9/20)** – From Arizona DOT...

Lighter traffic allowing ADOT to expand project work hours  
With many staying home, agency starting some restrictions earlier

PHOENIX – With many people staying at home during the current public health situation, lighter traffic has created an opportunity for the Arizona Department of Transportation to expand the times when construction and maintenance crews can advance improvement projects.

ADOT typically does much of its major freeway work at night and on weekends to reduce the inconvenience for drivers. But with traffic lighter than normal, crews can start earlier and some projects are adding work on weekdays.

That provides a safer environment for workers and can allow some work to be completed sooner within overall project timelines, said Randy Everett, senior division administrator for ADOT's Central District serving the Phoenix metropolitan area.

"We usually close lanes from 10 p.m. on a Friday until 5 a.m. on Monday," Everett said. "Now we're finding that when we put in closures at 8 p.m. or even 7:30, there's no line of traffic. We're able to get our work done without creating an inconvenience for drivers."

That has benefited projects across Arizona without creating delays for drivers...

**(4/7/20)** – Under new guidelines issued by ADOT, commercial trucks with gross weights of up to 90,000 pounds will be allowed to operate without overweight permits, an increase from the current limit of 80,000 pounds. The new guidelines align with federal guidance and will help ensure Arizona's groceries, pharmacies and medical providers remain fully supplied.

**(4/6/20)** – Governor Doug Ducey today issued an Executive Order halting evictions in the state for small businesses and nonprofits that are unable to pay rent due to financial hardship caused by the COVID-19 pandemic. The order also encourages commercial landlords to defer rent payments for small business tenants facing economic hardship due to COVID-19 and consider waiving all fees and interest associated with late payments. Under the order, evictions will be halted until May 31, 2020.

**(4/2/20)** – Memo from William Fay, State Construction Engineer, Arizona DOT...

The global COVID-19 pandemic has created new health and safety concerns on project sites. All ADOT personnel and contractors have committed to performing all worksite tasks in a safe and responsible manner. State contracts and specifications require a variety of safety actions to ensure a safe working environment for the public, employees, staff, and the physical environment. Projects are required to have designated Safety representatives, scheduled safety meetings, and published safety plans. All contractors and subcontractors should be reevaluating and modifying their

safety plans to reflect workplace practices to account for COVID-19 in accordance with ADOT Standard Specification 107.08. In addition to the CDC's guidance..., ADOT also recommends that you review OSHA's guidance on preparing workplaces for COVID-19 in developing an updated site safety plan...

Safety work plans and minutes of any scheduled safety meetings should be updated within two weeks. Updated safety plans should clearly address any COVID-19 specific concerns including physical distancing, personal and equipment hygiene supporting the increased need to protect both the public and our employees. Plans may need to be region specific to address specific concerns with local or sovereign governments and unique sociological factors. Plans should also provide clear courses of actions to employees with potential symptoms or living with potential COVID-19 carriers. The updated plans shall be conveyed to all site personnel, subcontractors, and anyone previously a party to the safety plan.

Without the efforts of everyone involved, we would not be able to provide the transportation infrastructure needed for the movement of goods and services which is paramount at this time. The people of Arizona are indebted to all of you who are standing firm to keep the state's transportation infrastructure running.

**(3/30/20)** – Gov. Ducey has issued an executive order instituting a “Stay home, Stay healthy, Stay connected’ policy that promotes physical distancing, while also encouraging social connectedness.” This order incorporates the provision from governor’s previous directive which exempts public works construction.

**(3/27/20)** – Tucson Mayor Romero issued a Stay-at-Home emergency proclamation ordering closures of many of businesses and activities. “Essential functions” are exempt from the order. The mayor has incorporated by reference Gov. Ducey’s March 23, with some exceptions. Public works construction is among the industries exempt in both orders.

**(3/27/20)** – Excerpt of letter to industry from Eric Froberg, City Engineer, City of Phoenix, Street Transportation Department...

“Each City of Phoenix contractor... should have a Safety Representative designated. The contractor and its Safety Representative are responsible for supervising, implementing, and monitoring all safety precautions and programs related to work on their respective City projects.

“At this time, contractors and their Safety Representatives should be reevaluating and modifying their worksite-specific safety plans to account for COVID-19 and to comply with all contractual and legal requirements. In addition to the CDC's guidance..., we recommend that you review OSHA's guidance on preparing workplaces for COVID-19... in developing an updated safety plan.

“The updated worksite-specific safety plans should be developed with the next week and be provided to the City’s Representative for the City’s records. The updated safety plans should address the heightened need to protect contractor/subcontractor staff, City staff, and the public. The Contractor should adhere to the updated worksite safety plan and communicate the safety plan to all Subcontractors of all tiers and hold them accountable to the plan...”

**(3/24/20)** From ADOT...

“Pavement repairs continue, as do highway construction and improvement projects. For long-haul drivers delivering essential goods, rest areas offer truck parking and facilities. Crews patrol Phoenix-area freeways to quickly clear crashes and help stranded motorists.

“Along nearly 7,000 miles of state highways, Arizona Department of Transportation employees continue providing a safe and reliable transportation system as part of the state’s pandemic response.

“Throughout it all, ADOT staff – from every corner of the state – remain committed to supporting the people of Arizona and those who are moving critical goods into and through our state,’ ADOT Director John Halikowski said. ‘We remain committed to supporting Governor Ducey and his leadership as we navigate this situation together, as a state....’

“Around the state, maintenance crews are repairing pavement and guardrails, removing rockfall and performing other work to keep highways operating safely. ADOT construction and improvement projects are moving forward as well, with no anticipated disruptions...

“From job sites to offices, ADOT employees are observing social distancing guidelines and taking precautions such as workers using the same vehicles every day. Many meetings involving groups are moving to video conferencing or conference calls.

“ADOT is also exploring virtual options for public meetings and public hearings on highway projects and studies. [The] public comment period for ADOT’s Tentative Five-Year Transportation Facilities Construction Program [is] underway... The public comment period lasts from March 20 through 5 p.m. on June 2.”

**(3/23/20)** – Governor Ducey released an Executive Order detailing “Essential Services” for our state. Please see page 3 of the Essential Services link at <https://azgovernor.gov/executive-orders> regarding construction. Note that it does seem to cover all construction, but the exact language used is “construction (including, but not limited to, construction, construction of long-term care facilities, public works construction, and housing construction); building management and maintenance; landscape management ...”

**Arizona Transportation Builders Association (3/19/20)** – ATB update for Pima Association of Governments and Regional Transportation Authority in Tucson: Based on the latest updates from the project managers, staff, etc., no projects have been postponed, cancelled or put on

hold due to this virus activity. Any delays that are being possibly experienced are due to normal impacts, i.e. utilities, right of way, fund authorizations, etc. As far as the chapter is aware, all the jurisdictions still have all their program efforts continuing to move forward. Obviously things are very dynamic right now, but project delivery does not seem to be hindered.

**(3/19/20)** – From PAG... “Pima Association of Governments is taking the following actions to ensure the safety and health of our employees, committee members and community stakeholders:

- We are monitoring and following any recommended directives from the Centers for Disease Control and local health department officials.
- At this time, we will post webinar meeting notifications on our website committee and calendar pages and provide any related instructions for remote public participation.
- Meetings that are not time-sensitive are canceled or postponed.
- We are cleaning and disinfecting all public areas on a daily basis in our office.
- Many of our staff are telecommuting at this time. Our customer service levels are expected to remain the same.
- As circumstances change, we will send notifications... as needed...”

## Arkansas

**AGC Arkansas (4/14/20)** – Arkansas DOT and the industry has issued Joint Workforce Health and Safety Plan for COVID-19. Excerpts...

“The Arkansas Department of Transportation (ARDOT) and the Construction Industry expect all parties involved in the delivery of our transportation projects to abide by the guidelines issued from the Centers for Disease Control and Prevention (CDC) and the Arkansas Department of Health (ADH).

“All partners should consider restricted travel, practice social distancing when having meetings in any enclosed areas, limit the number of people gathering together in the field offices and on the project site and institute CDC recommended policies to help avoid the spread of COVID-19...

“All Parties agree to the requirements of this plan in order to keep working on any construction project. If an individual partner does not agree to the requirements above, they should advise all other parties. Disregard of the best practices identified above could result in a disruption of the project and/or removal of personnel found endangering other parties as determined by an ARDOT representative and the Prime Contractor.”

The safety protocols for project sites include the following categories: Employee Wellness, Hygiene, Cleaning/Disinfecting, General Safety Measures and Return to Work.

**(3/20/20)** - ARDOT has not shut down any projects. The department has not closed. It is encouraging/allowing employees to work from home when appropriate. ARDOT employees on projects have been instructed to utilize social distancing practices when needed. The department has seen no disruptions of payments to contractors, inspections or supply chains to this point, but recognizes that could become a possibility. ARDOT is utilizing E-Construction and E-Bidding which will help minimize risk related to COVID-19.

**(3/20/20)** – From an ARDOT memo...

“Effective immediately, the restrictions recommended by Governor Asa Hutchinson and the Center for Disease Control (CDC) for work environments will be given consideration as an adverse working condition... for the purpose of charging time on working day projects and fixed date projects, and for determining time impact analysis for calendar day projects using Critical Path Method (CPM) schedules.

“Resident Engineers will consider the Coronavirus (COVID-19) in assessing time charges on **all** projects...”

## **California**

**United Contractors (5/8/20)** – On May 6, Governor Newsom issued Executive Order N-62-20 declaring that a COVID-19- related illness of an employee shall be presumed to have occurred in the place of the employment for purposes of awarding workers’ compensation benefits if specific requirements are satisfied. The effect of the order will make it easier for employees to access workers’ compensation benefits by shifting the burden of proof to employers who will have to prove employees did not contract COVID-19 at work in order to avoid a claim.

**(5/8/20)** – The City and County of San Francisco issued a new public works directive that modifies procedures on public works projects only. The most significant of these procedures is that they removed public works projects from the requirement to have a [Third-Party Jobsite Safety Accountability Supervisor (JSAS)] on each site. UCON is using this template to advocate for more flexibility on public works projects throughout the remainder of Bay Area Counties.

**(5/1/20)** – [The] Bay Area Counties announced on Wednesday that all construction will be reopened beginning Monday, May 4. The order creates two separate categories, one for small projects and one for large projects. However, the new order for large projects comes with some concerns. United Contractors is working with city and county officials to clarify aspects of the new order, and advocating for immediate adjustments where necessary. We will update members as soon as changes are made.

**(4/29/20)** – Cal/OSHA Issues Industry Specific Guidance for COVID-19

Cal/OSHA has provided guidance for the Construction Industry related to COVID-19 job site safety practices. While most counties and agencies have issued guidelines individually, this is the first guidance issued by Cal/OSHA on COVID-19 worker protections. United Contractors encourages you to take action to formally adopt this guidance into your safety plans.

United Contractors encourages you to take the following steps:

- Update your IIPP to include the Cal/OSHA provisions as minimum guidelines.
- We strongly encourage contractors to create a Site Specific Safety Plan, downloadable here. Plans such as these will likely be requested by Owners, Agencies and/or General Contractors to document oversight and compliance...

**(4/29/20)** – Governor Newsom Considers Workers Comp Directive for All Essential Workers. UCON Urges Industry Carve Out.

Governor Newsom’s administration may be contemplating a policy that would presume any essential employee that contracts COVID-19 to have an occupational disease arising out of and in the course of employment. This would create a very broad use of the workers’ compensation

system to compensate employees who contract COVID-19 in California and in doing so would negatively impact the construction industry. Furthermore, there are broader concerns that the presumption rule would be overarching and open avenues for plaintiffs to assert claims against contractors under a tort liability principle, further compounding the economic impacts to the contracting community.

United Contractors and industry partners have sent a letter to the Administration asking that any policy directive in this area not include all workers deemed essential, but be limited in scope to healthcare personnel, medical professionals and public safety personnel.

**(4/29/20)** – UCON Advocates for Safe, Strategic Re-Opening of Construction in Bay Area Counties

On Monday, the Bay Area counties announced that the current SIP order would be extended until the end of May. However, they also announced that sometime this week, there would be a further update to the order announced including an update to the list of exempted or emergency activities.

United Contractors has been lobbying at the local and state levels on behalf of the union construction industry for the safe reopening of all construction. We are confident that because of our persistent, collaborative advocacy and partnering efforts with the counties, ALL construction will be exempted in the Bay Area, so long as specific safety protocols are followed. Those safety protocols will likely be extremely similar - if not identical - to Cal/OSHA's recently published guidelines. (Noted above.)

**(4/24/20)** – Union-Specific COVID-19 Training & Certification Now Available. As a reminder, United Contractors' union partners have developed an online COVID-19 training course to educate union-workers on how to protect themselves, their fellow workers, and stop the spread of COVID-19. Encourage your crews to take the exam and gain the certification! Learn more about the Carpenters and Laborers courses available now.

**(4/24/20)** – From KPIX-5 TV...

Caltrans Begins Ambitious Project To Replace US Highway 101 Bridge Deck At Alemany Circle In San Francisco

Caltrans crews on Friday took advantage of the reduced traffic during the lockdown, starting work on a major project that's closing U.S. Highway 101 near the Interstate 280 split in San Francisco.

The project to replace the US 101 Bridge Deck at Alemany Circle will provide an upgrade for one of the Bay Area's most heavily traveled corridors that connects the Peninsula to downtown San Francisco. Over 240,000 vehicles travel through the corridor on a daily basis, though the volume of traffic is down considerably due to the coronavirus stay-at-home order.

Caltrans originally planned to do the work in July 2020, but pushed the start time up to this week given the reduced traffic from the Bay Area sheltering in place. The plan is to complete the project in a shorter timeframe before the state's stay-at-home order is lifted further reducing the impact to local and regional traffic.

From the air, the point where Highway 101 northbound is closed at the 280 split is plainly visible, as are the Caltrans crews working the project. If there's an upside to the stay at home order, it's that commuters are avoiding the six-mile long backups this project that would have caused in July had it not been pushed up.

"With people staying at home right now, traffic counts have come down between 40 and 60 percent, which gave us a tremendous opportunity to do this and not impact people," said CalTrans spokesperson Bart Ney.

A crew of 100 people working around the clock will be demolishing 800 feet of bridge deck and replacing it in the space of less than two weeks.

To minimize noise, dust, and vibrations from the project, Caltrans will be sawing away sections of the bridge deck and removing them whole, rather than jackhammering to demolish the bridge deck.

"So what we're doing is we're saw cutting sections out of it, lifting them out of place and then pouring a new deck in place," Ney explained.

After the northbound deck is complete, southbound 101 traffic will be shifted onto the new northbound deck. The southbound deck will then be demolished and rebuilt.

To make the project happen, about three months of prep work got condensed into three weeks as contractors shored up their supply chain and figured out new rules for the job site, including wearing face covering and mandatory temperature checks.

"Wearing masks, wearing bandanas, wearing gloves; when we can be six feet apart, people are trying to keep their distance," Ney said.

The closure and construction is scheduled to last until May 3rd, but could be done even sooner.

"The contractor believes we can take it down to 10 days or less," said Ney.

Caltrans has additional information about the project available on its website. There are also multiple live web cameras showing the demolition and construction as it happens.



**(4/23/20)** – From Beverly Hills *Patch*...

### Purple Line Construction Expected To Be Complete Early May

Because of significantly reduced traffic and the closure of Wilshire Boulevard between Crescent Drive and Beverly Drive, construction crews are making significant progress on piling work on the Metro Purple Line Project.

Earlier this month, the Beverly Hills City Council approved the closure and a new construction timeline. The piling work was originally due to be completed in August, but is now expected to be complete in the next few weeks. Crews are now working from between 7 a.m. and 9 a.m. and 4 p.m. and 7 p.m. each day. Soft closures are in place along Wilshire Boulevard within the detour area and pedestrians can still access local businesses. This is expected to continue for the duration of the City's declared local emergency.

"While we recognize this work is some of the most difficult and impactful to date, it is happening at a more rapid pace and will reduce future congestion in our busy business district when merchants re-open following the COVID-19 emergency," said Mayor Lester Friedman. "We appreciate the community's patience as crews complete this complex project as quickly and safely as possible."

**(4/20/20)** – On Friday [4/17], San Francisco, Alameda and Contra Costa County Health Departments announced a new face-covering orders that mirror the Los Angeles face-covering requirements. Enforcement of the face-covering orders will begin 8:00 AM on Wednesday [4/22]. It is anticipated that other counties will issue the same orders shortly...

What does my business needs to do?

- Inform employees / customers / visitors / vendors about the need to wear a face covering, including posting signs on job sites and offices;
- Take reasonable steps to keep people who are not wearing a face covering from entering your business premises, including jobsites; and
- Refuse service to anyone not wearing a face covering.

What do my workers [need] to do?

- All workers and volunteers at essential businesses or those operating shared transportation must wear a face covering, or when interacting with the public or co-workers.
- Workers doing minimum basic operations, like security or payroll, essential infrastructure work, or government functions must wear a face covering when others are nearby or when they are in areas that the public regularly visits.

**(4/15/20)** – In an effort to promote best safety practices and reduce the spread of COVID-19, California’s union construction industry has launched the COVID-19 Zero Tolerance Campaign.

The COVID-19 Zero Tolerance Campaign is a unified effort to promote, educate and enforce critical jobsite safety practices during the pandemic, while demonstrating the union construction’s capacity to work safely through COVID-19.

Union Construction is the backbone of California’s infrastructure, and our state’s economy. The Zero Tolerance Campaign is an industry stakeholder pledge to recognize and re-affirm our responsibility to flatten the curve as we build and maintain our state’s vital infrastructure...

The Zero Tolerance Campaign demonstrates the high expectations and best practices that the union construction industry upholds and implements every day. It reflects each person’s responsibility to set the standard, walk the walk, and enforce zero tolerance for any unsafe practices. Protecting our teams, families and communities is our number one priority.

Contractors, Agencies, and Unions are encouraged to add organizational names to the growing list of Zero Tolerance allies, post the Zero Tolerance campaign on jobsites, and share the campaign on social media. [www.COVID19ZeroTolerance.com](http://www.COVID19ZeroTolerance.com)

**Southern California Contractors Association (4/10/20)** – Excerpts from Los Angeles County Department of Public Health Guidance for Construction Sites...

These guidelines have been developed in response to the need for work on construction projects that are permissible under the Health Officer’s Safer at Home Orders to continue as safely as possible. These guidelines are not all encompassing and may need to be tailored to individual construction sites and updated as the COVID-19 pandemic evolves. Contractors should prepare a new or updated Site-Specific Health and Safety Plan to address COVID-19-related issues and are strongly urged to adopt and implement the following measures under that safety plan. Contractors should review the latest OSHA COVID-19 Workplace Safety Guidance document... as a resource in preparation of their Site Specific Health and Safety Plan...

Also, as part of the Site Specific Health and Safety Plan contractors should draft and implement a Code of Safe Practices that is posted in areas visible to all workers...

Know where to get reliable information: Beware of scams, false news and hoaxes surrounding novel coronavirus. Accurate information, including announcements of new cases in LA County, will always be distributed by Public Health through press releases, social media, and our website. The website has more information on COVID-19 including FAQs, infographics and a guide to coping with stress, as well as tips on handwashing...

**(4/10/20)** – From Los Angeles County’s “Safer at Home Order for Control of COVID-19,” revised 4/20...

“Essential infrastructure, for purposes of this Order, is defined as public health operations, public works construction, airport operations, port operations, food supply, water, sewer, gas, electrical, oil extraction and refining, roads and highways, public transportation, solid waste collection, removal and processing, flood control and watershed protection, cemeteries, mortuaries, crematoriums, and internet and telecommunications systems (including the provision of essential global, national, local infrastructure for computing services, business infrastructure, communications, and web-based services), and manufacturing and distribution companies deemed essential as part of the Essential Infrastructure supply chain, provided that they carry out those services or that work in compliance with Social Distancing requirements, to the extent practicable.”

**United Contractors (4/10/20)** – The chapter is tracking all Shelter-in-Place ordinances and “essential infrastructure” definitions in each county or jurisdiction statewide. It has created a matrix for this information.

For the seven Bay Area counties, essential infrastructure is clarified to include solid waste facilities (including collection, removal, disposal, and processing facilities), cemeteries, mortuaries, and crematoriums. The Order removes public works construction and construction of housing from the list of essential infrastructure. Construction is restricted to the following types of projects:

- Projects immediately necessary to the maintenance, operation, or repair of essential infrastructure. This means that construction related to essential infrastructure is not allowed if the infrastructure will not be ready for an extended period of time. The expansion of an infrastructural facility that will not be completed for a year, for example, is not fulfilling an immediate need.
- Projects associated with healthcare operations, but only if the construction is directly related to the COVID-19 response.
- Affordable housing, including multi-unit or mixed-use development with at least 10% income-restricted units. Other residential construction is not permitted.
- Public works projects, but only if they are specifically designated as an essential governmental function by the lead governmental agency.
- Shelters and temporary housing, but not including hotels or motels.

- Projects immediately necessary to provide critical non-commercial services to those experiencing homelessness, elderly persons, persons who are economically disadvantaged, and persons with special needs.
- Construction strictly necessary to ensure that a site that is shut down under this Order is safe and secure.
- Construction or repair necessary to ensure that a residence or a building containing essential businesses is safe, sanitary, and habitable if that work cannot be reasonably delayed.

For most (but not all) other counties in the state, the standard is as follows:

Individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," including, but not limited to, public works construction, construction of housing, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

Please consult United Contractors for exact standards in each particular county and municipality they are tracking.

**(4/9/20)** – On March 23, United Contractors, in collaboration with a coalition of construction industry employer associations, sent an urgent letter to Cal/OSHA in order to gain important clarity on regulatory policies related to the COVID-19 health crisis.

Our top priority was to obtain clear guidance from Cal/OSHA on when COVID-19 related illnesses become recordable and reportable events for construction employers.

Below is the department's response...

- Cal/OSHA agrees with, and will follow the federal OSHA guidance on recording of COVID-19 confirmed cases. Employers are required to record COVID-19 cases if the following applies: the case is confirmed as COVID-19 with appropriate CDC case reporting guidelines; the case is work-related as set forth in Title 8 CCR Section 14300.5; and, the case involves one or more general reporting criteria set forth in Title 8 CCR Section 14300.7.
- A COVID-19 related illness is reportable to the nearest Cal/OSHA District office if a worker becomes ill while at work and is admitted directly from the jobsite as an in-

patient at a hospital. Reporting must be within 8 hours after the employer knows of the serious illness. Cal/OSHA Appeals Board precedent requires employers to report all serious injuries, illnesses or deaths occurring at work without making a determination of work relatedness. It is important for employers to report these cases to Cal/OSHA and to let the Division determine whether the illness is work-related.

- An employer should report any serious illness leading to hospitalization if there is cause to believe the illness may be work related, regardless of whether the onset of symptoms occurred at work. Employers should be aware that reporting a serious illness is not an admission that the illness is work related, nor is it an admission of responsibility.
- COVID-19 is considered to be a biological agent that includes viruses. As with the federal standards, confirmed cases must be reported to Cal/OSHA.
- Time away from work taken by a worker to self-isolate or be quarantined without having a confirmed COVID-19 illness is not considered time away from work for recording purposes.

**(4/3/20)** – This is a reminder that updated social distancing safety requirements went into effect at 11:59 pm, April 2, for the 7 Bay Area jurisdictions operating under the new, more restrictive orders.

**(4/2/20)** – From “DIRECTIVE OF THE HEALTH OFFICER OF THE CITY AND COUNTY OF SAN FRANCISCO (GUIDANCE FOR CONSTRUCTION-RELATED ESSENTIAL BUSINESSES)...”

All on-site managers, contractors, or supervisors of Essential Businesses performing Construction as those terms are defined in the Order must, by 11:59 p.m. on April 4, 2020, create, adopt, and implement a written plan conforming with the recommendations of the “San Francisco Construction Industry Consensus – Best Practices COVID-19 / Construction Field Safety Guidelines” issued by City Administrator Naomi M. Kelly on April 1, 2020 (the “Guidelines”)... For clarity, this Directive requires each construction-related Essential Business to create or update a SiteSpecific Health and Safety Plan and to draft and implement a Code of Safe Practices that include implementation of each measure listed in the Guidelines, which are made mandatory by this directive.

Implementation of this Directive augments – but does not limit – an Essential Business’s obligations under the Order including, but not limited to, an Essential Business’s obligation to prepare, post, and implement a Social Distancing Protocol under paragraphs 5 and 13(h) of the Order.

This industry-specific guidance must be followed for the duration of the Order, including as it is extended, superseded, or amended in writing by the Health Officer. This directive

and the attached guidance may also be revised as conditions require while the Order is in effect...

### **Southern California Contractors Association (4/2/20) –**

#### **City of Los Angeles Building & Safety Threatens to Shut Down Worksites if New Covid-19 Guidelines are Not Followed**

On March 31, 2020, the City of Los Angeles Department of Building and Safety (LADBS) issued “COVID-19 Safety Guidance for Construction Sites.” The guidelines are based, in part, on the Center for Disease Control’s (“CDC”)’s Interim Guidance for Preparing Workplaces for COVID-19 and OSHA’s Guidance on Preparing Workplaces for COVID-19.

Construction industry employers must develop a comprehensive COVID-19 exposure control plan, which includes control measures such as social distancing, symptom checking, hygiene, decontamination procedures, and training. The exposure control plan must be followed to prevent the spread of COVID-19 at the worksite because many people with COVID-19 are asymptomatic and can unknowingly spread the disease. Failure to comply with this guidance shall be deemed as creating unsafe conditions and may result in withheld inspections or shutting down the construction site until corrected.

Employers must immediately develop a “COVID-19 Exposure Control Plan” to be distributed and enforced at construction sites within the City of Los Angeles...

LADBS staff will verify compliance with the guidelines during regular scheduled inspections for projects under construction as well as during investigations associated with complaints that may be submitted to LADBS.

### **United Contractors (3/31/20) –**

#### **7 BAY AREA JURISDICTIONS LIMIT ESSENTIAL CONSTRUCTION**

Health officers in 7 Bay Area jurisdictions are extending a previous stay-at-home order through May 3, 2020. The Order provides that only certain limited types of construction are permitted to continue, as defined:

- healthcare projects directly related to addressing the COVID-19 pandemic
- housing and mixed use projects that includes at least 10% affordable housing
- projects that provide services to vulnerable populations
- projects required to maintain safety, sanitation, and habitability of residences and commercial buildings
- construction necessary to secure an existing construction site that must shut down.

- San Francisco may limit public works construction to essential public works projects as determined by the City Administrator in consultation with the Health Officer

Santa Clara County has defined “essential construction,” in part, as “Public works projects if specifically designated as an Essential Governmental Function by the lead governmental agency.” The chapter is “working to get clarification from all local governments, agencies, Caltrans and other administration officials on how this ordinance impacts all work.” The chapter also recommends that contractors uncertain of their project’s status in one of these counties should contact the agency/owner.

### **Southern California Contractors Association (3/30/20) –**

#### **Governor Newsom's Office to Threaten Construction Shut Down If Social Distancing Rule Is Not Adhered To**

Over the past week Governor Gavin Newsom has cracked down on various public outlets where individuals were not adhering to the 6 feet social distancing guidelines which resulted in closing parking lots at state parks and beaches, hiking trails, etc to help curb the spread of COVID-19.

Governor Newsom's office is threatening to do the same for the construction industry if contractors aren't following the social distancing rule of 6 feet. Please refer to the California of Public Health guidelines for social distancing, these rules must be enforced immediately.

### **(3/24/20) – From Michael Keever, Chief Engineer, Caltrans...**

“This is an update on the California Department of Transportation (Caltrans) approach to addressing the challenges with delivering construction projects amidst the COVID19 virus pandemic.

“First and foremost is the safety and well-being of employees, consultants, and our contractor partners. If anyone finds themselves in a situation where they feel unsafe or unhealthy, we encourage them to take steps to remedy their circumstances.

“Through Governor Gavin Newsom’s Executive Order N-33-20, Californians working in 16 critical infrastructure sectors identified by the federal government may continue working because of the importance of these sectors to California’s health and wellbeing. This includes the transportation sector. In accordance with this order, the State Public Health Officer has designated highway roadway, bridges and tunnels as ‘Essential Critical Infrastructure’ to help state, local, tribal, and industry partners as they work to protect communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security...

“During this crisis, Caltrans continues its commitment to provide the general public with a safe and reliable transportation system. Caltrans is maintaining all critical functions during this crisis,

including roadway access to medical facilities and convenient transport of essential goods and services throughout the state. To that end, construction and maintenance projects vital to a fully functioning transportation system are currently moving forward. As contractors, you play a vital role in helping us deliver our program of projects and we recognize that you are assessing your own protocols and next steps.

“Caltrans continues to closely coordinate with, and monitor information from the Centers for Disease Control and Prevention, the California Department of Public Health and others to ensure that our practices are consistent with measures to help limit the spread of COVID-19 while carrying out our essential operations and we know that you are doing the same.

“As stated in Section 7-1.02 of the ‘Standard Specifications,’ contractors are required to comply with applicable occupational safety and health standards, rules, regulations, and orders. Contractors must contact the local public health service department for information concerning public health conditions within the area of the project. Additionally, contractors must have an Injury and Illness Prevention Program per CalOSHA.

“It is imperative that everyone working on Caltrans projects take practical measures to minimize exposure and prevent transmission of the virus. Caltrans is implementing the use of teleconferencing and videoconferencing for meetings with contractors. When necessary to meet in person, we are using the practice of social distancing.

“Caltrans recognizes that there may be an impact to project schedules by taking these necessary precautions. If this does occur, we encourage you to work with the resident engineer to address time impacts. Any contractor who elects to discontinue construction operations due to supply chain disruptions or employee shortages shall submit a request in writing to the resident engineer. The contractor will be responsible for maintenance and water pollution control measures during the voluntary shutdown. The resident engineer will then grant non-working days or a mutual suspension per the “working day” exceptions in Standard Specification 1-1.07B.

“We pride ourselves as an industry in our ability to partner together to overcome tough challenges. Caltrans is committed to fully staff construction projects with State and consultant staff to fulfill our inspection and administrative obligations. As we work through this this unique and difficult challenge together, we can continue to support California’s economy, despite the challenges of COVID-19.

“If questions or concerns arise feel free to contact a local resident engineer, and they will quickly work with you to address them...”

**United Contractors (3/24/20)** – United Contractors is working with the Newsom Administration and local governments to create as much uniformity and clarity as possible for the construction industry. Right now, if you are working within a county that has a more strict SIP order than the



statewide order, we encourage you to contact the owner and/or local government to determine how to proceed.

**Southern California Contractors Association (3/23/20)** - Caltrans is extending “work window time allotment” on an individual job-to-job evaluation. It looks like this will include maintenance and construction statewide including all 12 Caltrans Districts. This is being done jointly through Traffic Operations and Construction.

**United Contractors (3/21/20)** - Governor Newsom has updated the California COVID19 resource page to include a full list of essential critical infrastructure work, outlining construction as an essential service during the statewide SIP ordinance.

Listed under Community-Based Government Operations and Essential Functions: (page 10-11)

- Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction)
- Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of construction sites and construction projects (including those that support such projects to ensure the availability of needed facilities, transportation, energy and communications; and support to ensure the effective removal, storage, and disposal of solid waste and hazardous waste)

**(3/20/20)** – “The California State Public Health Officer and Director of the California Department of Public Health is ordering all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operation of the federal critical infrastructure sectors, critical government services, schools, childcare, and construction, including housing construction.

“This important clarification allows our industry to continue working on critical infrastructure improvements, including roads, bridges, hospitals, schools, and housing.

“If your firm has been working under a county Shelter in Place Order, there is no change in your operating guidelines. If your county / geographic area was not previously covered by a Shelter in Place Order, then this new definition applies. We are working with the Administration to determine which ordinance applies if you are operating in a county with a stricter definition than the one issued by the Governor.”

**(3/18/20)** – Public works is considered essential infrastructure at this time, including streets/roads, utility, water, etc. San Francisco’s parameters (see below) are similar to how some counties are addressing the “essential” nature of the work.

Some Caltrans Districts (including District 4 - Bay Area) have shut down offices due to health concerns. It is unclear how telework is being implemented. Industry is seeing issues with payments and testing. The chapter is working with legal counsel to address them. Some supply chain issues may also be emerging. CalTrans is allowing for working days for any contractor who faces a workforce or materials delay due to Coronavirus.

Regarding Coronavirus protocol in the field, personnel are to remain at least six feet apart (social distancing) and use all health precautions and safety equipment. If they cannot remain six feet apart, then they are urged to use all other precautions. The chapter is urging daily safety briefings/tailgate topics on Coronavirus safety. At this time the chapter is exploring a number of issues which relate to HIPAA and/or union rules, including the potential precaution of taking employees' temperature on the job site.

**(3/18/20)** While the city and county are under a shelter in place order, San Francisco Public Works issued a directive to contractors on "Essential Infrastructure Public Works Projects," which reads in part...

"Compliance with the Social Distancing Requirements is a means and methods issue under control of your firm. We expect that you, as the prime contractor, will maintain a safe working environment at the job site..."

"We consider your work an essential activity and expect work to continue. The City is not directing you to suspend work. This applies to all public works projects, unless the City representative you work with on your project or projects specifically notifies you that your specific work should be shut down or otherwise limited."

**Southern California Contractors Association (3/18/20) –**

"Caltrans Update: Caltrans has responded to our inquiries noting that they will not close jobs, but will provide time delay impacts per the below directive to agency personnel. CalTrans is reporting that it is business as usual. They are prepared to have key departments and individuals work remotely if the Governor decides to shut down their offices. All payments will be processed, and jobs will still be bid. CalTrans has suggested that, with the reduced traffic, we should take advantage of extended lane closures, saving both time and money.

"Los Angeles County Update: The following information is provided by the L.A. County Public Works office. Los Angeles County Public Works is making payments to their contractors a top priority so there should be no issues with payments. It is also being reported that, at this time, there is no problem in the supply chain. Steel, concrete, asphalt, and other supplies remain readily available."

## Colorado

(5/7/20) – From Colorado Public Radio...

### Deal To Buy Abandoned Rail Yard Key To I-25 Expansion Jeopardized By Coronavirus

A \$50 million land deal that would allow for the expansion of a vital transportation corridor in central Denver may become a casualty of coronavirus-caused belt-tightening at the Colorado Department of Transportation.

In February, CDOT and Union Pacific reached a preliminary agreement for the state to buy a 59-acre abandoned rail yard just south of downtown Denver.

CDOT intended to use the land to re-route an existing rail line that's directly next to I-25, which would free-up space for a future expansion of the interstate. The land could also be used to allow for downtown access for a potential future commuter rail line, and for the Regional Transportation District to add capacity to its busiest light-rail corridor.

But CDOT now is anticipating at least hundreds of millions of dollars in lost revenue, which means some projects will have to be cut, downsized or delayed. At an "emergency" CDOT commission meeting Thursday, commissioner Karen Stuart asked staff if the Burnham Yard project was "still on the table."

"I think that's something you all will need to discuss," CDOT Executive Director Shoshana Lew replied, after a long pause.

Commissioner Don Stanton, from Arvada, said he was "very doubtful" CDOT could afford the project now. Kathy Hall, who represents the Grand Junction area, said it should be put on hold.

"We're going to have to go bare-bones," she said.

Commissioner Shannon Gifford, from Denver, said Burnham Yard may cost CDOT less than \$50 million in the long run -- if the agency can sell off unused pieces of land to private developers. She said the agency should try to work with Union Pacific to extend the project's timeline and keep it alive.

"There aren't any other buyers out there that are going to be able to move on this right either. So I think it's at least worth exploring the possibility of putting this off," she said.

Union Pacific spokeswoman Kristen South said the potential delay in the deal is not unexpected given the challenges of the coronavirus.

"Everyone has been touched by COVID-19, and we anticipated an impact on this project, as well," South said. "At this time, we continue to work with CDOT."

RTD spokeswoman Pauletta Tonilas said the agency hasn't been involved in conversations with CDOT about the property for the past several months.

"We still have interests in expanding RTD's capacity in the corridor, and look forward to working with them in the future," she wrote in an email.

CDOT is anticipating at least a \$198 million hit over the next three years. Lew said CDOT will preserve funds going to projects that have been awarded or that are already underway.

But that presents a challenge in the case of large, multi-year projects like the expansion of I-25 north of Denver. The agency will now likely have to finance the last piece of that project, Lew said, though that would mean years of unexpected debt service payments.

The commission will have to decide how much cash to allocate to that project, and that decision will factor into the fate of Burnham Yard and other projects. The body is scheduled to meet again on May 21.

**(4/29/20)** – From CBS4 Denver...

#### Some CDOT Projects Are Ahead Of Schedule Following Less Traffic

It's construction season, and you can expect to see crews out on the road. In fact, the Colorado Department of Transportation says they've been out even during the coronavirus stay-at-home order.

CBS4 checked in with CDOT to see whether fewer traffic helped project timelines. They say no new projects were started, but some are now ahead of schedule.

Shortly after stay-at-home order announcements, crews were moved to work during the day along several construction areas including parts of the Interstate 70 mountain corridor.

Workers have also been busy on C-470 to complete the express lane there. To the west, U.S. 36 is days ahead of schedule, and is expected to wrap up on May 8, but did CDOT capitalize on the lower traffic volume? CDOT says they did not take this opportunity for granted.

"It's too early to say, especially with our longer, more complicated projects such as I-25 gap between the south of Denver and Monument. It's certainly helps to be able to do work during the daytime, it's too early to tell if that's going to speed up schedule of these projects," Tamara Rollison, CDOT Communications Manager.

Rollison also wants to remind drivers, as they get back to their normal routine, that fines are often doubled in construction zones. She asks for drivers to slow down.

She also added, workers are following new safety protocols such physical distancing and using personal protective equipment to prevent the potential spread of COVID-19.

**(4/21/20)** – Excerpts from CDOT presentation on “Budget and Project Impacts...”

#### Revenue Outlook

- State gas tax (HUTF) is expected to fall over the next few years, with the steepest drop occurring right now. CDOT’s most recent estimate projects loss of at least \$50 million in HUTF revenue, if not more...
- CDOT is also treating general funds as “at risk” for scenario planning purposes, given the extent of overall state budget shortfalls (~\$7b) that [Colorado General Assembly Joint Budget Committee] will be balancing against when the legislature comes back to session....

#### Status of 267 COPs – 2nd Tranche

- While economic conditions resulting from COVID-19 health crisis have delayed the timing of the 2nd tranche issuance [relating to SB 17-267], Treasurer has provided assurance that intent to issue is as strong as before the crisis – with additional urgency related to the importance of the funds for job creation.
- CDOT has assured Treasurer’s office of ability to be flexible with funding should any questions arise in legislative session about current availability of General Funds for debt service.
- We expect that it will be possible to move forward with contracts reliant upon 2nd tranche funds quickly after May forecast and updated timing for issuance.
- SB 17-267 authorized four years of COP [certificate of participation] issuances...
- ...CDOT proposes to “plan for the worst, and work towards the best” -- programming to a baseline level that accounts for assumed 2<sup>nd</sup> tranche COP issuance but \$250 million of other budget cuts as low-end scenario -- with preparation to add projects back into the program as information about further funds becomes clearer.
- Goal is to ensure that CDOT does not overspend actual funds during a prolonged economic event, and that funds are spent on an incremental basis in a way that maximizes independent utility, public benefit, and job creation April 20, 2020 of dollars as they become available.

### Base Budget Reductions

- Review FY21 Work Plans
  - Analyze every cost center for tailored reductions
    - Identify potential vacancy savings
    - Align budget more closely with historical and current rate of expenditures
    - Delay, reduce, or cancel non-mission critical activities
  - Consider across the board cuts in specific categories, such as personal services
  - Analyze potential to delay, reduce scope, or cancel certain IT projects
- FY21 Program Review
  - Consider reductions to flexible or discretionary programs
  - State funded scoping pool budgets may be reduced as costs can start being charged direct to projects
  - Reduce budget for programs with apportionments that are about to lapse
  - Tighten project savings and exception request process

### Capital program -- “worst case” scenario planning

- Starting point: Assume uncertainty beyond SB 267 2nd tranche; assume high end risk to revenue and general funding. This would mean that only about \$500 million of originally assumed \$1.6 billion (which included several other funding sources beyond SB 267) is available for expenditure.
  - If the full amount committed to all currently contracted projects (including completing multi-year projects such as I-25 North Segments 7 and 8) is maintained, that total amount is \$406.4 million.
  - Projects where awardees were announced but that have not been issued notice to proceed (SH 69A, SH92, SH34, CO 17 MP 84.5 to 118.5, US50A) would account for another \$80 million if all of those projects moved forward.
  - In total, this amount would roughly equal the total amount available and eliminate further optionality.

### Discussion questions for immediate-term decision:

- For worst case scenario planning, should CDOT assume that full amounts of multi-year projects (primarily I-25 North) be fully accounted for this year?
  - If so, should CDOT staff explore whether there are opportunities to reduce discrete elements of scope in order to leave funding available for other projects (Note: the contract mechanism, as a CMGC, may allow for this in limited instances, though the majority of the funds are likely tied up in the core alignment)?
- Should CDOT staff plan to award all of the “limbo” (notice to proceed not yet issued) projects upon clarification of SB 267 2nd tranche timing in May, knowing that doing so would largely restrict further optionality in the worst-case scenario?

- CDOT staff are assuming that awarded projects (including rural pavement) as well as match requirements for federal grants are honored.

Plan for the worst, work towards the best: methodology for “building back in”

- **While immediate decisions require worst-case scenario planning to ensure that CDOT does not over-encumber funds or inadvertently reduce optionality for a smaller total budget, CDOT is optimistic that the worst case scenario can be avoided.**
- To that end, for the portion of the \$1.6 billion eliminated under the worst-case scenario, CDOT proposes to develop a methodical approach for adding projects or groups of projects “back in” as information about future funding availability becomes clearer over the coming months, if not years.
- In contemplating “add backs”, CDOT staff intend to group projects into a number of cohorts (2-4 sets of projects, subject to discussion) in order to optimize balancing of a number of factors when adding projects back.

Principles for balancing different “add back” scenarios

- Treatment of existing contracts and tentative obligations: Should full amount of multi-year awards be included in “worst case scenario” or should some risk be taken on assumption of yet uncertain future funds to allow for more diversity in current-year awards? Should awarded projects not yet issued notice to proceed all be moved to NTP even if it fully restricts current optionality?
- Geographic distribution: “Worst case scenario” alone may not be fully geographically balanced given that current financial encumbrances limit optionality. What is the best way to stage likely add-back scenarios to optimize for fair and balanced geographic distribution given many needs across the state?
- Ease v. difficulty of putting projects “on the shelf” to be revived if future resources become available later.
- Interdependencies of work packages: Evaluating which projects include components that are reliant on other elements of project work and thus need to be grouped together for efficiency strategic project scoping.
- Timing of economic impact of projects: We will be doing rough estimates of when expenses would hit the ground in terms of work, activity, and jobs (e.g. this season, next season, 3-5 year window or longer).

- Concentration and timing of major capital project starts: This will pertain to how we think about larger projects (e.g. I-270, Floyd Hill) in terms of sequencing, given that larger, multi-year projects tend to require discrete project financing packages and we may want to time those somewhat differently as we contemplate the next few years.
- Relationship to base program: To the extent possible, we are trying to keep our base asset management/state-of-good-repair program stable this season. However, for next few years, we will likely need to revisit how we prioritize these expenses (needs exceeded dollars, prior to COVID-19) given changed economic conditions. For example, we may look to accelerate certain repairs where maintenance needs have become more burdensome than expected. This will likely result in future adjustments to asset management allocations.

[Excerpt from conclusion]... “[While we must do worst-case scenario planning to avoid overcommitting dollars during a period of economic uncertainty, we are equally committed to planning phased “add backs” that will put us on a path to deliver our \$1.6 billion project list -- albeit potentially over a longer period of time, depending on future federal and state funding contingencies.”

**(4/20/20)** – From *Aspen Daily News* (excerpts)...

#### CDOT crews off to an early start on Indy Pass

The Colorado Department of Transportation will start preparing to clear Independence Pass for travel one week earlier than usual so its crews can adhere to safe social distancing.

But while the typical target of the Thursday before Memorial Day remains for the road opening, the agency will look to stay-at-home orders of adjacent jurisdictions before making the final call on when the gates swing open.

“We are mindful of Pitkin County and Lake County wanting to be as safe as possible with social distancing and staying at home to avoid any unnecessary pressure on health care providers,” said CDOT spokeswoman Elise Thatcher.

“If we’re ready and Pitkin County and Lake County are still in the thick of the pandemic, it’s not like we’re going to open the road and say, ‘hey everybody come up and go backcountry skiing,’” she said...

While maintaining the high-elevation road requires multi-jurisdictional cooperation during the best of times, that’s even more true during the pandemic...

This year’s COVID-19 challenge may not have been on anyone’s radar initially, but CDOT claims to have gone above and beyond both state and national standards in adapting to cleanliness. Crews disinfect vehicles on a daily basis, [CDOT Supervisor Tim] Holbrook said. CDOT also mandates that only one person ride in a vehicle.



“It’s sad to see crew cab trucks with only one person in it,” he said.

During normal times, up to four people could have ridden in a crew cab.

According to Thatcher, crews required to open Independence Pass are typically as large as six to eight people.

“Crews this year will be two or three people at a time in order to follow the governor’s orders for maintaining safety and preventing the spread of COVID-19,” she said.

The smaller road crews are also behind the decision to start mobilizing equipment one week earlier than usual...

**(3/27/20)** – From CDOT...

#### REVISION OF SECTION 107 - PROJECT SAFETY MANAGEMENT PLAN

Section 107 of the Standard Specifications is hereby revised for this project as follows:

Subsection 107.06 (a) shall include the following:

(13) The safety plan should address issues including, but not limited to the following:

Cleaning and sanitizing practices for equipment, work spaces, and sanitation facilities both for everyday situations and for a situation where a worker is found to have been infected by the pandemic virus. Provisions and protocols for washing hands or other means of hand sanitizing.

Cleaning and sanitizing of devices and materials brought to the site for installation.

Meeting arrangements, including techniques for remote meetings, and maintaining 6 feet minimum spacing if face-to-face meetings are unavoidable, and when trying to verbally communicate around loud machinery and operations. Protocol and plan for enforcement on who may access Field office and Material testing trailers to ensure social distancing is maintained. Protocols to ensure staff maintain social distancing while taking breaks from work activities, including the use of temporary lodging on remote jobs.

The planned use of shift work to minimize interpersonal contact between crews.

Task specific protocols that ensure people minimize contact and maximize social distancing while performing particular jobs. For example, rules for laborers to follow when forced to work in close quarters like tying steel on a structure, or installing pipe in a trench, or other similar operations.

Protocols to ensure materials testers, inspectors and other project staff can perform their work while maintaining proper social distancing from contractor staff. This includes the exchange of necessary documents like load tickets, COC's, payroll information etc.

Supplemental PPE to be used during the pandemic.

Protocols on reporting of potential and confirmed infections to project and CDOT staff.

Protocols for requiring symptomatic individuals to stay away from the project site.

Protocols for identifying and protecting vulnerable individuals.

**(3/23/20)** – In accordance with Governor Jared Polis’ executive order, the Colorado Department of Public Health and Environment issued a public health order implementing a 50% reduction in non-essential business in-person work and increasing social distancing. The critical workplaces that are exempt include those in construction.

**(3/17/20)** – Excerpts from memo to field staff by CDOT Chief Engineer Stephen Harelson...

“Staff Safety: CDOT, Consultant and Contractor staff should practice social distancing while working on projects – i.e. Keeping equipment clean and sanitized, not working while sick, and using virtual meeting techniques to minimize physical interaction between people. Contractors should update their safety plans to include CoronaVirus protocols. Stay out of the construction trailer – work by yourself in a vehicle. If a project is impacted by worker shortages – Contractor, CDOT or consultant staff – the project team shall work together to ensure that the work is completed safely and in accordance with the contract. If this is not possible with the resources available, and after consultation with the RTD and Chief Engineer, the scope of work underway shall be reduced or the project temporarily shut down.

“Public Safety: As the pandemic proceeds, there could possibly be times when contractors are unable to prosecute their work as effectively as in non-crisis times. The top priority of all projects is to ensure that construction traffic control devices are in place, and maintained. If a project is shut down, the traffic control shall be maintained during the shut down. While recognizing that this is a rapidly evolving situation, and shut downs could occur quickly, it would be desirable to shut down projects in a manner that minimizes traffic control maintenance during the shut down – i.e. try to button up lane closure work, etc before leaving.

“Contract Issues: In accordance with 108.08 (c), delays as a result of the Corona Virus situation are Non Compensable. Contractors may be entitled to contract time extension, but not monetary compensation. Project Engineers should keep track of both work slowing and stopping due to the situation. Projects under winter shutdown, and those that have been awarded but not commenced work should have frank conversations between the engineer and contractor to evaluate an appropriate restart or start date. Be fair. This is when Project First

really means something and will pay dividends for all of the industry. Materials Testing certifications that have recently expired or will soon expire, are being accepted as valid until June 1, so staff won't have to sit in classrooms during this crisis. The waiver will be extended as necessary.

“Opportunities, Silver Linings, Lemonade out of Lemons.....: In the positive vein, with the limited traffic we are experiencing, there might be opportunities to take advantage and advance project work. Daytime paving and other work that would impact normal traffic flows might be able to occur in the coming weeks, when most of our customers are hunkering down and not driving. Look for such opportunities and partnerships with your contractors.”

## Connecticut

**(5/3/20)** – From *The Day...*

State traffic down 50% on average during the pandemic

As more people stay at home during the pandemic, traffic volumes on state highways have dropped significantly to an average of 50%, and even lower in areas of southeastern Connecticut.

Fewer cars on the roads has led to a host of impacts for the state's transportation system. Crews are able to work more efficiently on construction projects. But it also means fewer gas tax dollars for the Special Transportation Fund.

The state Department of Transportation also is reporting an uptick in speeding on highways and is urging drivers to maintain safe speeds.

Traffic lower starting in mid-March

DOT Spokesman Kevin Nursick said the department started to see a noticeable decrease in traffic starting March 13, with volumes continuing to drop and then holding steady at a 50% decrease on average.

An analysis by MS2, a software development and data management firm for transportation agencies, calculates "the daily traffic volume change as compared to the same day of week in the same month for the most recent year that data is available." State traffic was down about 38% on Saturday, April 25, 2020, compared to Saturday, April 27, 2019, and about 61% on Sunday, April 26, 2020, compared to April 28, 2019, according to MS2. On Monday, April 27, 2020, traffic dropped about 48% compared to Monday, April 29, 2019...

The overall lower volume on roads means a decline in revenue to the Special Transportation Fund.

During a news conference Friday, Gov. Ned Lamont said the Special Transportation Fund was projected to run out by July 1, 2021.

"We had hoped that given the gasoline fuel tax revenues, the Special Transportation Fund would at least stay solvent for another three or four years," he said. "Right now, it looks like given the drastic cut in gasoline prices, the drastic cut in revenues coming into the Special Transportation Fund with our share of the gas tax, that Special Transportation Fund probably runs out — will eat up the reserve funds — by about July 1, of next year."

Nursick said DOT is monitoring the impact of reduced gas tax dollars on its programs but has made no determinations yet.

#### Working more efficiently, monitoring supply chain

The reduced traffic volume also means DOT can expand the scope and duration of its work at a time when construction projects, from paving to bridge repairs, are popping up across the state after the April 1 start of construction season, Nursick said.

As a result of the massive drops in traffic, DOT has been able to work more efficiently by expanding lane closures and working for a longer time without impacting traffic, Nursick said. DOT typically avoids construction impacts during high-volume times, such as the morning and afternoon commutes.

“The opportunity is there, so we are going to use it to be as efficient and as productive as possible,” he said.

In the region, DOT is taking advantage of the lower traffic volumes as it works to replace the median guiderail on Interstate 395 in Montville and Norwich, a project scheduled to be completed in October.

But it’s too soon to say whether the increased productivity will mean this project and others will wrap up sooner, Nursick said.

If the pandemic causes any issues with the supply chain or workforce availability, that would affect DOT’s schedule.

“If there are interruptions with asphalt, if there are interruptions with structural steel, if there are interruptions with components that are fabricated off-site, out of state, for example, those are things that could impact jobs,” he said.

While DOT is monitoring the situation, he said, “As it stands right now, we don’t have any supply chain issues and not any noticeable workforce issues at this time.”

DOT has been in contact with contractors regarding best practices and steps to minimize the potential spread of the virus, including not having groups gather together for lunch, minimizing interpersonal proximity on sites, using masks and sanitizing equipment, he said.

DOT also is applying those same measures to its staff. Its maintenance staff is doing “split shifts” in which they work one week as usual and then spend a week remotely addressing training requirements, he said. A large percentage of the DOT’s other staff is telecommuting and still completing work on time, he said...

**Connecticut Road Builders Association (5/1/20)** – Governor Lamont signed Executive Order No. 7GG yesterday [4/30] that includes several modifications to state contracting standards. The order temporarily waives the competitive solicitation requirement in order to expedite the provision of construction or construction-related services in response to emergency needs created by the COVID-19 pandemic. It also permits the amendment or extension of the renewal deadline of any expiring contract for services until September 30, 2020, provided that the failure to provide an extension would compromise the continuity of state agency systems, operations, or critical services to vulnerable populations.

**(4/24/20)** – Leaders of state unions and the legislature’s Labor and Public Employees Committee joined this week in asking for essential workers in the coronavirus pandemic to become eligible for workers’ compensation if they fall ill with COVID-19, according to an article in CT Post. In response, Gov. Lamont said he favors the added protections for front-line workers and would look into the issue. State Rep. Robyn Porter, House chair of the committee, said that essential workers are making it safe for others to stay at home during the pandemic. She said that several states, including Kentucky, Arkansas, Michigan and Missouri, are allowing COVID-19 patients to claim workers’ compensation.

**(4/21/20)** – From the Connecticut Department of Economic and Community Development...

Safe Workplace Rules for Essential Employers  
Keeping your team members safe

General

- Essential employees who are able to work from home SHOULD BE WORKING FROM HOME.
- For employees who have traveled internationally in a region where COVID-19 is active, or have returned from a cruise, it is recommended to stay home and self-monitor for fourteen days, subsequent to returning.
- Eliminate all non-essential workplace travel.
- Distribute summaries of health insurance processes and procedures to employees.
- Ensure that all employees that do not speak english as their first language are aware of procedures by communicating the procedures, either orally or in writing, in their native or preferred language.
- Ensure that the facility has a sufficient number of employees to perform all measures listed here effectively and in a manner that ensures the safety of the public and employees.
- Control access to external visitors...

Other excerpts...

- Additional rules specific to construction sites:
  - Clean portable bathrooms no less than every 2 days.

- Require employees to travel separately to and from, and within, worksites.
  - Reschedule work to maximize the amount of work being performed outdoors, limit indoor or work lacking significant fresh air.
  - Shift work to limit the size of the crews on the jobsite, especially indoors.
  - Rotate lunch and coffee break shifts, requiring workers to follow the CDC social distancing guidelines during meals or breaks.
  - Follow all safety and health protocols when using an elevator.
  - Provide an adequate supply of PPE, including but not limited to cloth face masks, gloves, hand sanitizer or soap and water.
- Each employee shall be required to wear a mask or other cloth material that covers his or her mouth and nose while in the workplace, except to the extent an employee is using break time to eat or drink. Employers shall issue such masks or cloth face coverings to their employees. In the event an employer is unable to provide masks or cloth face coverings to employees because of shortages or supply chain difficulties, employers must provide the materials and CDC tutorial about how to create a cloth face covering, or compensate employees for the reasonable and necessary costs employees expend on such materials to make their own masks or cloth face covering.
  - In workplace settings where employees are working alone in segregated spaces (i.e. cubicles with walls, private offices, etc.), employees may remove their masks. However, workers shall wear a mask or face covering from the time they enter the building until the time they arrive at their cubicle/work station and at any time they are leaving their work station and moving around common areas (i.e. in hallways and stairwells, going to the restroom or break room, etc.). For employees working on congregate settings (i.e. open manufacturing floors, warehouses, areas open to the public, shared offices, or similar settings), those workers shall wear a face covering as above, as well as when they are at their work station. In addition, continuous wearing of masks is not required in outdoor workspaces where employees do not regularly come within six feet of other employees. [Emphasis added]

**(4/21/20)** – From Connecticut DOT...

Effective April 21, 2020 and Until Further Notice Face Coverings are Required to be Worn by all CTDOT Employees and Visitors when Social Distancing is not Possible.

Applicable at all CTDOT Buildings, Field Operations and Work Sites

As a follow-up to Governor Lamont's email to all state employees pertaining to Executive Order No.7BB; The Department of Transportation currently has surgical masks available for CTDOT employees at the Security Desks of the District Offices and the CTDOT Headquarters building or through the employees' chain of command.

For the purposes of this Safety Bulletin, a Face Covering is defined as anything that is intended to and used for, the simultaneously covering of the nose and mouth to prevent the spread of the COVID19 virus. Face coverings include but are not limited to manufactured or homemade cloth masks, surgical masks or other similar items.

#### WHEN IN DOUBT PROTECT YOURSELF AND OTHERS – WEAR YOUR COVER!

Face Coverings are Required to be Worn;

- Upon entering any CTDOT building or facility you are required to WEAR YOUR COVER.
- WEAR YOUR COVER, any time you are in or going through any common area of a building, including but not limited to, hallways, bathrooms, breakrooms, stairways, elevators and conference rooms.
- In open office/workspaces where your workspace is within 6 feet of others or social distancing is not possible, WEAR YOUR COVER.
- In common use office/workspaces such as copier alcoves, common worktables and general office/workspaces where social distancing is not possible or where it is likely that you will encounter other people, WEAR YOUR COVER.
- WEAR YOUR COVER when engaged in a task or assignment that requires you to work with other people that are within 6 feet.
- When, due to the task or assignment, it is required to be in a vehicle with other people WEAR YOUR COVER.
- At any other time or situation when it is not possible to maintain the current social distancing standard WEAR YOUR COVER.

Face Coverings are NOT Required to be Worn;

- When you are in a single occupant office space or a workspace that is physically separated by walls, plexiglass or another barrier.
- In a vehicle alone.
- When you are a job site and are not required to be within 6 feet of other people.

DON'T HAVE A FACE COVER

- When you enter a building, if you don't have a face cover, Security will provide you with a surgical type face cover. It must be worn when required to do so.
- CTDOT employees may get a surgical type face cover at any Security desk or by asking their Supervisor.
- Any CTDOT employee that is not wearing a face cover when required to do so, will be instructed by their supervisor to get one and to wear it.

**(4/15/20)** – From Connecticut DOT...

#### Amended COVID-19 Field Staff Awareness and Safety Plan

This Directive should be reviewed and implemented in conjunction with the April 7, 2020, COVID-19 – Safety Bulletin published by the CTDOT Occupational Health and Safety Division.



The State of Connecticut has determined that maintaining progress on our current Transportation Projects amid the COVID-19 virus outbreak is an essential activity due to its potential impacts on Public Safety. Since our inspection staff are essential workers and have limited ability to telework, several measures are to be undertaken immediately to enhance the safety of our inspection staff during these unusual times.

In order to provide the safest environment possible, all appropriate project staff shall institute a schedule of frequent cleanings to disinfect all offices, jobsite trailers, and other high contact areas. Portable toilets should be cleaned every 2 days. This is above the normal cleaning, which is required per the specification. Payment for this extra work will be in accordance with Articles 1.04.05 and 1.09.04. These costs are to be tracked separately for potential COVID-19 emergency relief reimbursement.

This cleaning should include the disinfection of common touch points and surfaces that include, but are not limited to, the following:

- Arms on chairs
- Table tops
- Hand rails
- Doorknobs and handles
- Countertops
- Elevator buttons
- Coffee pots
- Refrigerator / microwave / dishwasher / toaster handles
- Water dispensers
- Cabinet and file drawer knobs / handles
- Phones and keypads
- Copier / printer / fax control buttons
- Sink faucets
- Light switches

Also, employees should clean their personal workspace at the beginning and the end of every shift.

Avoid using other workers' phones, desks, offices, or other work tools and equipment, when possible. If shared, clean and disinfect the equipment before and after use.

Personnel should avoid entering into areas that are not necessary to perform their job functions.

Utilize extra rotations to reduce the number of employees in the break room, lunchroom, or other common areas at one time to achieve social distancing norms. Clean these areas after every rotation.

In addition, cancel or reschedule all nonessential meetings, trainings, and gatherings. Limit meetings to only essential personnel. Utilize telephone and video meeting services when possible.

Avoid inspecting work in enclosed spaces when others are present. Prior to entering and inspecting, wait until work is completed in these areas and contractor personnel have vacated the area.

When possible, minimize inspection staff's exposure to others by splitting shifts and inspecting work after it has been completed. Ensure staff maintain minimum social distancing standards established by the Centers for Disease Control while communicating with project personnel and performing inspecting work. Follow CDC guidelines for preventing transmission of COVID-19 including washing hands frequently for at least 20 seconds, avoiding touching mouth and nose, avoiding close contact with others, cleaning and disinfecting surfaces, using cough and sneeze etiquette, and staying at home when sick.

If circumstances prohibit following CDC Guidelines when inspecting the work, a Site-specific Safety Plan should be developed. Development of the Plan will be done in conjunction with the Department's Occupational and Safety Unit and the Contractor. If necessary, the Contractor will be required to amend their HASP plan.

**(4/9/20)** – Gov. Lamont, in comments made during the press conference in which he announced his Safe Work Place Rules and reported in The Hartford Courant, said “We’re keeping our big, outdoor, public construction projects going — roads, bridges, schools — where it’s easier to keep social distancing,” David Lehman, Lamont’s chief economic adviser and commissioner of the economic development department, said construction was selected by the Lamont administration for economic and public health reasons because it is unlike some other industries. Lehman said no waivers have been granted to any Connecticut construction businesses to operate. “If you’re essential, you don’t need any clarification,” Lehman said. “You don’t need an exemption. It was very clear that they could operate.”

ConnDOT sent out an update on its programs and facilities this week. In short, road and bridge construction projects are continuing as planned. Contractors are being instructed to follow best practices and to follow public health guidelines for sanitizing and minimizing potential for virus transmission. Ninety percent of department employees are telecommuting and meetings are being held by teleconference, and video conference wherever possible.

**(4/8/20)** – The Connecticut Department of Transportation shared a Safety Bulletin developed by the Department’s safety director. The bulletin provides safety guidance for Construction and Surveys Field Staff and is being distributed to ConnDOT personnel.

**(4/7/20)** – Gov. Lamont issued a new Executive Order (No. 7V) mandating additional workplace standards for delivery drivers, maintenance workers and others who enter any essential workplace. It further directed the DECD & DPH Commissioners to adopt “legally binding” statewide rules for additional protections which were published tonight on the State website.

Excerpt...

#### Executive Order No. 7V

1. **Safe Workplaces in Essential Businesses.** Every workplace in the State of Connecticut shall take additional protective measures to reduce the risk of transmission of COVID-19 between and among employees, customers, and other persons such as delivery drivers, maintenance people or others who may enter the workplace. The Commissioner of Economic and Community Development, in consultation with the Commissioner of Public Health, shall issue legally binding statewide rules prescribing such additional protective measures no later than 5:00 p.m. on April 7, 2020. Such rules shall be mandatory throughout the state, for essential businesses and nonprofits and any other business or nonprofit permitted to operate, and shall supersede and preempt any current or future municipal order...

Please note that there are additional rules specific to construction sites:

- Clean portable bathrooms no less than every 2 days.
- Require employees to travel separately to and from, and within, worksites.
- Reschedule work to maximize the amount of work being performed outdoors, limit indoor or work lacking significant fresh air.
- Shift work to limit the size of the crews on the jobsite, especially indoors.
- Rotate lunch and coffee break shifts, requiring workers to follow the CDC social distancing guidelines during meals or breaks.
- Follow all safety and health protocols when using an elevator.
- Provide an adequate supply of PPE, including but not limited to masks, gloves, hand sanitizer.

This Executive Order formalizes most of the work rules the construction industry has been following during the coronavirus pandemic as “legally binding.” The order says the rules go into effect immediately.

**(4/4/20)** – From Connecticut DOT...

The Connecticut [DOT] is announcing that there will be no restrictions for construction, inspection, and maintenance activities on major expressways during the 2020 Good Friday Holiday weekend. CTDOT has lifted the restrictions due to recent reductions in

traffic volumes therefore work activities will continue Friday, April 10, 2020 throughout the weekend as normal statewide. Traffic will be continuously monitored and operations will be adjusted based on existing roadway conditions.

**(4/4/20)** – Update from Connecticut DOT...

Construction: Road and bridge construction projects are continuing as planned. Contractors are being instructed to follow best practices and to follow public health guidelines for sanitizing and minimizing potential for virus transmission.

On Monday, March 23rd, the Department emailed all CTDOT contractors and consultants assuring them that continued investment in infrastructure, now more than ever, will facilitate economic recovery and to that end, construction projects are continuing as scheduled. In addition, project development activities including project design work and other support activities are continuing. Other essential activities including project advertising, bidding and award, design support of construction, and bridge inspection, are all continuing.

Daily vehicle traffic volumes statewide have dropped substantially and are currently averaging 40% to 50% below normal. As a result of significantly fewer vehicles on the roadways, road and bridge construction operations are being allowed to modify their activities to include new, longer duration, and weekday lane closures. These modified activities will allow contractors to complete more work without hampering traffic flow and will be reversed when traffic volumes begin to rebound.

Maintenance: Department facilities and garages are open. Highway and roadway maintenance, including snow plowing, pothole repair, sign and guiderail repair, debris removal, tree removal, traffic signal repairs, and other related activities – are continuing.

To minimize potential virus transmission and to avoid disruptions or impacts to operations, the Department has implemented staggered highway maintenance staffing shifts. We have also engaged a cleaning company to perform additional cleaning at all Highway Operations facilities as a proactive measure to supplement routine disinfecting and sanitizing of high-touch items and common areas...

CTDOT Internal Operations: 90% of Department employees eligible to telecommute are doing so successfully. Meetings are being held by teleconference, and video conference wherever possible.

With more of our workforce teleworking and others in the field with limited access to our intranet, we are creating a webpage to serve as a one-stop shop for all information related to COVID announcements from the Department.

CTDOT received a shipment of masks and is distributing more than 1,700 masks to our maintainers, rest area attendants, and paratransit drivers; all of whom are unable to telework and continue to work every day to keep the traveling public safe. We've also made more than 200 masks available to field staff or employees that are required to go into the field.

**(3/27/20)** – [T]he Department of Economic and Community Development (DECD) issued a clarification of Executive Order 7H which clarified business exemptions as “all skilled trades such as electricians, HVAC, and plumbers, general construction, both commercial and residential, other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes, planning, engineering, design, bridge inspection, and other construction support activities.”

**(3/23/20)** – From ConnDOT Commissioner Joe Giulietti...

“Although many of us are working remotely during these challenging times, I want to assure you that the Connecticut Department of Transportation remains open for business. It is not ‘business as usual,’ but we are trying to make it as close to that as possible. We believe that, now more than ever, investing in our infrastructure will help our economy recover. To that end, our construction projects are continuing as scheduled. In addition, project development activities including project design work and other support activities are considered ‘essential’ and will continue. Other ‘essential’ activities include project advertising, bidding and award, design support of construction, and bridge inspection.

“The CTDOT headquarters building in Newington and the District offices are open, but only those with DOT-issued badges and those with confirmed appointments with DOT staff will be allowed in past the Security desk. Other DOT facilities and garages are also open, and road-maintenance activities -- snow plowing, pothole patching, guiderail repair, debris removal, etc. - will continue.”

**(3/23/20)** – The following are exempt from Gov. Lamont’s order:

Construction including:

- all skilled trades such as electricians, HVAC, and plumbers
- general construction, both commercial and residential
- other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes
- planning, engineering, design, bridge inspection, and other construction support activities

**(3/20/20)** – In issuing a new executive order, Governor Lamont (D) specifically stated this afternoon that DOT projects and construction are an essential service that will continue. ConnDOT also confirmed that they are proceeding accordingly. The Department is also

considering the recent traffic counts and exploring if they can extend work periods and traffic interruptions.

ConnDOT has been in contact with [CRBA] daily during the week. [CRBA] has been forwarding [ARTBA's] daily update from around the country to ConnDOT each morning. The Department is instituting health and safety protocols. Jobsite meetings will be limited to very small groups. Large meetings will be held via teleconference. Designer support to construction projects will be conducted by working remotely and using Microsoft teams. There is some concern about the Army Corps of Engineers slowing down permit approvals, but otherwise the bid letting schedule is remaining in place. ConnDOT is also addressing issues regarding expiring and new certifications, and is granting exceptions and extensions on a case by case basis for now. Contractors are strongly encouraged to implement health and safety protocols that follow government directives and CDC guidelines.

## Delaware

**(3/25/20)** – From DelDOT...

“DelDOT Still Open for Business”

“DelDOT Projects: In [Gov. Carney’s] State of Emergency, several businesses were classified as essential including highway and road construction, building construction, utilities, engineering and other professional services. A communication has been sent to all of our contractors, consultants, DBE Firms and vendors letting them know that DelDOT is still open for business. All projects, products and services will continue, but with some modifications regarding person to person interactions. Projects under construction will continue; awarded contracts will continue as scheduled and design work is still underway. In addition, given that we are seeing reduced traffic numbers, we are waiving work hour restrictions on our capital and maintenance projects to allow contractors to work more aggressively.

“DelDOT Bid Openings: The Department took steps earlier this month to ensure the safety of our staff and customers by moving towards virtual bid openings. Contractors are still allowed to drop off bid packages, but all interaction with staff will be done telephonically. The Department will continue to advertise and award contracts as planned.

“DelDOT Land Development Reviews, Approvals and Permits: Our Development Coordination and Public Works sections are still accepting and processing approvals as they are submitted. With all submittals being electronic via the PDCA (Planning and Development Coordination Application) or the Permit Application Website, we are currently still able to maintain our published review schedules. To ensure the safety of our staff and customers and to allow projects to move forward without delay, all meetings will be conducted, either by telephone conference call or videoconference call, until further notice...”

**(3/25/20)** – From “DelDOT’s Response to COVID-19...”

“Department wide

- Mandatory Telecommuting where possible
- All employees must abide by the directions from the CDC and Delaware Division of Public Health
- If employees are in the office they must exercise social distancing
- All meetings are to be done telephonically
- Field crew vehicles are limited to 2 occupants (no more than 2 people in a vehicle)”

## **District of Columbia**

**(4/23/20)** – Excerpts from the *Washington Post*...

Metro extends summer shutdown to include the Silver Line to take advantage of pandemic slowdown

Metro plans to take advantage of the lower ridership brought on by the coronavirus pandemic to accelerate its platform rebuilding project, extending this summer's planned shutdown to nine stations, including everything west of Ballston.

The change to the shutdown schedule, which begins Memorial Day and lasts through Labor Day, means there will be no Silver Line service.

"Closing the stations to get the work done while ridership is historically low allows us to limit the exposure of our front-line staff and contractors, move aggressively on our capital program, and minimize inconvenience to the public," Metro General Manager Paul J. Wiedefeld said Wednesday.

Metro had originally planned to close three Orange Line stations to rebuild deteriorating platforms at Vienna, Dunn Loring and East Falls Church. Platforms at West Falls Church were also scheduled to be rebuilt.

But with the District, Maryland and Virginia under stay-at-home orders to help stop the spread of the virus and all but essential businesses shut down, the transit agency decided to take advantage of the time to get more work done. Adding the Silver Line stations will allow the agency to do advance work in preparing for the opening of Phase 2 of the line extension, the agency said.

Metro has been actively discouraging riders from using transit since mid-March, when the virus began to threaten the region, to prevent its spread... As of Tuesday, rail ridership was down 95 percent compared with a similar day pre-pandemic.

The summer project is part of a three-year plan to rebuild platforms at 20 of Metro's 45 outdoor stations to fix years of wear and structural deficiencies. The capital project, expected to cost \$300 million to \$400 million, was the first major undertaking by the agency after securing \$500 million a year in dedicated funding...

The revised plan also expands the work area to give construction workers more space to spread out and move about to help reduce their risk of contracting or spreading the novel coronavirus, Wiedefeld said.



Wiedefeld described the cumbersome process of replacing the heavy concrete platforms as requiring construction crews to work like “ants” on top of one another, with workers working in concert from the track up to the platform canopies.

“That just doesn’t work in this environment, so the more room we give them, the more flexibility they have,” he said. “As you can imagine, we’re balancing a lot of things, but first and foremost is the safety of our people and our contractors...”

The agency continues to encourage the public to use the system for essential trips only...

D.C. Mayor Muriel E. Bowser (D) has extended a stay-at-home order and the closure of most businesses until May 15. Maryland’s similar order is indefinite, while Virginia has a stay-at-home order imposed until at least June 10...

The new platforms include slip-resistant tiles, LED lighting and illuminated handrails. Map displays and signs are digital, while platform shelters include charging ports...

Metro said that by shutting down stations to replace platforms rather than scheduling work during off-hours or weekends, it can shave years off the project.

“This is about two things: working smarter and working safer,” Wiedefeld said.

**(3/30/20)** – Mayor Bowser issued a new stay-at-home order, effective at 12:01 a.m. on April 1, 2020, and continuing through April 24, 2020, or until it is extended, rescinded, superseded, or amended in writing by a subsequent order.

Within the designation of “essential businesses,” language relating to construction is unchanged from the mayor’s previous order...

f. Providing any services or performing any work necessary to the operations and maintenance of Essential Infrastructure.

i. For purposes of this Order, the term “Essential Infrastructure” includes critical or emergency public works or utilities construction, construction, solid waste collection and removal by private and public entities, telecommunications services; provided, that an individual shall provide these services and perform this work in compliance with the Social Distancing Requirements as defined in section IV.8 of this Order, to the extent possible.

ii. Other infrastructure and construction activity may be allowable as an Essential Business under section IV.3—of this Order.

3. “Essential Businesses” are those defined in Mayor’s Order 2020-053 and subsequent interpretive guidance.

**Maryland Transportation Builders & Materials Association, MWRTBA Committee (3/19/20) –**  
From a letter to industry by Dawit Muluneh, Chief Engineer, Infrastructure Project Management  
Division, District DOT...

“The District Department of Transportation (DDOT) has heard from several contractors and is actively monitoring and assessing the potential impacts of COVID-19 (Coronavirus) on DDOT's services and operations. A State of Emergency was declared by Mayor Muriel Bowser on March 11, 2020. During this period, DDOT staff that provide key services will report to work in-person to their designated worksite locations or deployed in the field. Other staff will operate on a partial telework plan and remain accessible. The DDOT construction program will maintain its normal operations and will coordinate with contractors to continue all construction activities within the District's public space.

“DDOT urges all contractors to proactively monitor projects, maintain heightened awareness, continue construction with caution, and identify any impacts of COVID-19 on ongoing and scheduled construction activities, suppliers and delivery dates of materials and equipment, subcontractors, and labor forces. Any likelihood that the project may be impacted by COVID-19 should be promptly reported to DDOT by the contractor, DDOT, in coordination with the Office of Contracting and Procurement (OCP), will review and address the impacts to construction due to COVID-19 on a case-by-case basis and may provide appropriate contract adjustments, as authorized by the DDOT Standard Specifications for Highways and Structures.

“DDOT will continue the construction program in this unique circumstance, until ordered otherwise, and will keep all construction contractors apprised of any new directives. For the safety of general public and all employees, everyone involved in the project should take measures to prevent the transmission of COVID-19. Any staff who feel sick should stay home.”

## Florida

**(4/23/20)** – Excerpt from *Tampa Bay Times*...

Howard Frankland bottleneck fix to be done weeks early because of less traffic

Construction will close I-275 Sunday night and Monday night and detour traffic as crews remove signs.

TAMPA— A drop in daily traffic has allowed construction crews to speed up work on adding lanes to the frustrating bottleneck at the Howard Frankland Bridge and Westshore interchange.

The \$32 million project will add lanes in each direction on Interstate 275 at the Tampa end of the bridge and also on the exit ramp for toward Kennedy Boulevard and Tampa International Airport.

Transportation officials hope this will alleviate one of the area’s most well-known traffic snarls, where northbound traffic on the bridge slows to a crawl as the road narrows from four lanes to two. Now, drivers will have three lanes, whether they continue north toward downtown or if they exit for the airport.

Work began in March 2019, and the Florida Department of Transportation’s Tampa office expected to open the new lanes in the fall.

“We anticipate it finishing early,” spokeswoman Kris Carson said. “The contractor has been able to be more productive with the reduced traffic volumes.”

For example, a list of seven projects that would normally take between 5 to 7 days to complete took construction crews only three days earlier this month. Workers set beams, installed handrails and framed overhang jacks in half the time it usually takes, Carson said.

“We’re able to extend lane closure durations and detours that aren’t going to be impacting the traveling public or businesses as much during this time,” project manager Marshall Hampton said...

**Florida Transportation Builders’ Association (4/11/20)** – From *Politico*...

Gov. Ron DeSantis today announced plans to speed up the construction schedule for the I-4 Ultimate project, a 21-mile makeover of the traffic-clogged Central Florida thoroughfare.

The Interstate 4 announcement comes amid a larger portfolio of projects the Florida Department of Transportation is expediting while Covid-19 drastically reduces traffic on state

roadways. DeSantis asked the department last week to quickly move on road construction while the pandemic keeps people home.

“We were thinking ‘how can we take advantage of this [coronavirus] to help people?’” DeSantis said during a briefing with reporters. “This gives us an opportunity to do more. I think the plan is very thoughtful, and think it will make a big difference.”

The long-planned I-4 Ultimate project touches both Orange and Seminole counties and is expected to have a price tag more than \$2.3 billion.

“I-4, if you have ever traveled that way on ... can be very congested at times,” DeSantis said.

FDOT Secretary Kevin Thibault, who joined DeSantis for the briefing, said volume on the interstate has dropped from roughly 100,000 cars a day to right around 40,000 as the state has increasingly shutdown services hoping to curb the coronavirus' spread.

Part of the expedited work will focus on I-4’s intersection with State Road 434, one of the busiest in the region. Among other things, the I-4 Ultimate project will construct a longer and wider westbound exit ramp onto State Road 434.

The I-4 Ultimate project is the 10th given new priority by the department during the pandemic. The biggest is work on the \$864 million Howard Franklin Bridge project in Tampa, which is being accelerated by four weeks, the department said.

**(4/10/20)** – From a memo by Dan Hurtado, Director, Office of Construction, and Timothy Ruelke, Director, Office of Materials, FDOT...

**CONTACTLESS TICKETING:** To ensure social distancing and to prevent the transmission of COVID-19 via physical contact, paper delivery tickets for construction materials may no longer be exchanged by hand at the project site. Contractors, QC, VT and CEI personnel shall adopt one of the following methods or, alternatives agreed upon by all by project personnel which satisfy the requirement that no paper be exchanged by hand at the project site.

Direct Electronic Submission: Digital copies of electronic delivery tickets which are generated at the material source (i.e. rolling mill, concrete batch plant, asphalt plant, borrow pit, etc.) may be directly transmitted from the point of origin to the QC and VT inspector at the project site by electronic means. The electronic image of the delivery ticket will be the official project record. QC and VT personnel shall provide electronic contact information to the Contractor for the purposes of direct electronic submission.

Electronic Image of Paper Documents: Paper delivery tickets which are generated at the material source may be photographed by the delivery driver and provided to QC and VT inspector by electronic means prior to unloading at the project site. This could be accomplished using the driver’s smart-phone camera, and sent via email or SMS/text, so

long as the ticket information is legible. Drivers must not photograph delivery tickets while driving. QC, VT and CEI personnel may develop their own communication protocol for dissemination of photographic ticket information received by the driver. The electronic image of the delivery ticket will be the official project record. QC and VT personnel shall provide electronic contact information to the Contractor for the purposes of submission of electronic images of paper documents.

e-Ticketing (Asphalt only): For asphalt delivery, an e-ticketing system that meets the requirements of the attached modifications to Section 320 and 330 of the Standard Specifications may be used. The electronic version of the delivery ticket will be the official project record. For projects which choose to implement e-ticketing, these modifications must be incorporated into the contract via Supplemental Agreement.

Remote Review: QC and VT personnel may use a long-reach grabber tool to retrieve the paper ticket from the truck driver, photograph the paper ticket, and return the paper ticket back to the truck driver without handling the paper ticket. Alternatively, project personnel may use a “selfie stick” to photograph the ticket while the truck driver in the truck cab holds up the ticket. In these instances, the electronic image may be used at the jobsite, but the paper ticket will be the official project record. Paper tickets shall be submitted on a weekly basis via US Postal service or private courier service. Paper tickets shall be handled in accordance with CDC and Department of Health guidelines.

This memorandum serves as blanket approval to process a supplemental agreement or work order to incorporate this change into the contract. The Department may reimburse the contractor for reasonable costs associated with the cost of implementing an e-ticketing system. Any such costs must be agreed to by the District Construction Engineer prior to implementation of the system.

The requirements of the memorandum are effective on all FDOT construction projects effective April 20, 2020 and shall remain in effect until rescinded by the Director, Office of Construction.

**(4/8/20)** – From Dan Hurtado, Director, FDOT Office of Construction, regarding FDOT Fuel & Bituminous Adjustments...

In response to the sudden, drastic drop in worldwide oil prices caused by the global COVID-19 pandemic, the State Construction Office will set Fuel & Bituminous Index values to be equal to February 2020 values for the immediate future.

These values will be effective for April 2020 estimates and will continue for future months until terminated by this office.

As with typical months, these values will be posted on the State Construction Website at the link below. No special action is needed at the District level and no retroactive changes will be made for prior months. Fuel & Bituminous adjustments will continue to

be administered in accordance with the Contract Specifications, the only change is that the values posted to the State Construction Website will be reflective of February 2020 values for the immediate future.

<https://www.fdot.gov/construction/fuel-bit/fuel-bit.shtm>

**(4/6/20)** – From frequently asked questions regarding Gov. DeSantis' Executive Order 20-91. Specifically as it relates to senior citizens:

Q – May senior citizens and individuals with significant medical conditions leave their homes to go to the grocery store or pharmacy, or go for a walk, or go to work at an essential service?

A – Yes - they may leave their homes when necessary to obtain or provide essential services or conduct essential activities.

**(4/1/20)** – From FDOT news release...

FDOT Accelerates Critical Infrastructure Projects Valued at \$2.1 Billion

Reduction in traffic allows state to expedite transportation improvements,  
provide needed jobs

...At the direction of Governor Ron DeSantis, [FDOT] has started accelerating critical infrastructure projects, which are valued at \$2.1 Billion. Due to a reduction in traffic throughout Florida during the fight against COVID-19, FDOT will expedite crucial improvements to the state's transportation system and provide much needed jobs.

"The Governor understands that Florida's transportation system is the backbone of our economy and FDOT is proud to accelerate projects, which will help expedite goods to market and provide much needed jobs throughout the state," said Florida Department of Transportation Secretary Kevin J. Thibault, P.E. "Safety is our top priority, so we will continue to ensure that employees have the sanitation supplies needed to follow the guidance from the CDC and work with our industry partners to implement these same precautions to keep workers safe and healthy."

Following an initial review of all pending construction projects across all FDOT districts, including the Florida Turnpike Enterprise, FDOT has identified the following projects to be accelerated:

- The \$864M Howard Frankland Bridge project in the Tampa Bay area will be accelerated by nearly 4 weeks.
- The widening of Southern Boulevard (SR 80) in western Palm Beach County will be accelerated by nearly 3 months.

- In Miami-Dade, the I-395/SR 836/I-95 Design Build Project is an \$802 million reconstruction project being done in coordination with the local expressway authority that will be accelerated by 4 weeks.
- The project at Sand Lake Road (SR 482) near the heavy tourist area of International Drive and Universal Boulevard in Orlando will be accelerated by 4 to 6 weeks.

Several other projects, by region, include:

Southeast Florida

- Phase one of construction on the US-1 Cow Key Bridge in Monroe County will be accelerated by 1 week.

Southwest Florida

- Paving along I-75 at the SR 70 Interchange in Manatee County will be accelerated by 2 weeks.
- Paving, widening and signal upgrades along State Road 951 in southern Collier County will be accelerated by 4 weeks.

Northwest Florida

- The 23rd Street Flyover project at the intersection of US 98 and 23rd Street in Bay County will be accelerated by 1 week.

Northeast Florida

- The Diverging Diamond Interchange on SR 200 (A1A) at Interstate 95 in Nassau County, the first of its kind in Northeast Florida, will be accelerated by two months.

**(4/1/20) –**

Gov. DeSantis Issues Safe At Home Order for Florida  
FDOT Construction Projects Considered Essential Functions

Governor Ron DeSantis issued Executive Order 20-91, requiring all persons in Florida to limit their movements and personal interactions outside of their home to only those necessary to obtain or provide essential services or conduct essential activities. The order is effective 12:01 a.m. on April 3, 2020.

Please refer to the Cybersecurity and Infrastructure Security Agency (CISA) Advisory Memorandum on Identification of Essential Critical Infrastructure Workers during COVID-19 Response...

FDOT Construction Projects are considered essential functions. Please continue to emphasize strict adherence to CDC and Florida Department of Health Guidelines for the health and safety of our workers, their families and the State of Florida.

**(3/31/20)** – Excerpt from announcement by Joseph Santos, Operations Program Engineer...

For design-build procurements: [FDOT] shall continue to utilize the methods for procuring and administering Design-Build projects referenced in the Design-Build Procurement & Administration Procedure, Topic No. 625-020-010. All design-build procurement meetings (public, exempt, or staff meetings) shall be conducted as virtual meetings to provide for social distancing...

The announcement details procedures for using GoToMeeting technology.

**(3/30/20)** –

Statewide Workforce Development Program  
Contractor Job-Readiness Training

FDOT has a Statewide Workforce Development Program that is focused on enabling Contractors to train road construction workers for employment. Under this program element, Contractors will receive reimbursement for recruiting, hiring, drug testing and training new road construction workers that work on FDOT construction projects. Preference shall be given to individuals negatively impacted due to COVID-19 Pandemic.

Services the Contractors will perform:

- Enter into an agreement for job readiness training with HNTB Corporation, who is serving as a program consultant. See attached agreement.
- Contractor may directly recruit candidates for the program and collaborate with FDOT who will coordinate with Florida Department of Economic Opportunity, CareerSource Florida, local CareerSource offices and other partner agencies to identify and recruit road construction workers.
- Submit candidates to FDOT to initiate and approve contractor participation in the program. Contractors should submit the [proposal form] for FDOT consideration and approval.
- Administer a drug test for each recruit that is considered for hiring under this program.
- Provide personal protective equipment (PPE) (hard hats, eye protection, safety vest, steel toe boots, etc.) to each employee that is hired under this program. All PPE must meet the requirements of the contractor's safety program.
- Provide 160 hours of job readiness training to each employee under this program. Contractor(s) can fill any construction needs with this program.
- Hire and serve as employer of record for all employees trained and hired under this program. Employees would be hired prior to the job readiness training. Hiring of the



employees prior to job readiness training will be required for the contractors to receive the compensation associated with this program.

Deliverables the Contractors would provide:

- A drug testing report.
- A program tracking report. Program tracking reports would begin the first month a contractor hires an employee through this program and continue through June of 2021, or the completion of the program, whichever comes first. Start date, job classification, hourly rate, FDOT project, County, and successfulness tracking.
- Monthly invoices on the first Friday of each month.

Compensation the Contractors will receive:

- The Contractor(s) will be paid \$1,500 per employee for each 80-hour period the contractor provides job readiness training under this program. The maximum payment to a contractor for each employee is \$3,000 to cover a total of 160 hours of job readiness training. \$12/hourly rate + 35% burden + \$100/week expenses.
- This compensation is inclusive and the same for every employee under the program. The contractor(s) will prorate the invoiced amount for any employee that does not complete the full job readiness training program.
- Employees must be working on active FDOT projects for the contractors to be accepted and participate in this program.

**(3/26/20)** – From FDOT to prequalified contractors...

“Please be advised that due to the current pandemic associated with COVID-19, the Department is at this time, and moving forward, waiving the section of Rule 14-22.002(1)(a) which requires applicants deliver one original hard copy of their financial statements to the Department. This waiver will remain in place until rescinded by the Department.

“Rule section 14-22.002(1)(a) also requires electronic submission of the annual prequalification application and its mandatory attachments. Please do not mail paper copies of the electronic application or any of its attachments to us. These duplicate copies cannot be used in the prequalification process, and they will not be viewed or retained if received.”

**(3/25/20)** - Orange County 'Stay At Home' Executive Order, Critical Infrastructure Exemption: Per the latest update from Orange County, transportation construction work is still considered essential.

**(3/25/20)** – Coronavirus (COVID-19) Construction Best Practices, FTBA Recommendations

In addition to the guidance provided by the Florida Department of Health and the CDC, below are some Construction Best Practices that have been adopted by field staff.

1. No “tailgate meetings” or “water cooler meetings”
2. Safety Meetings should be held in groups of 10 or less and should observe 6’ personal distance
3. No ride sharing
4. No meals eaten in job trailers
5. All lunch waste, bottles and cans should be disposed of immediately after use.
6. No community coffee pots in field offices
7. Dedicated PPE (especially things like flotation vests)
8. No “loaner” hard hats
9. Eliminate shared use pens and pencils in the reception area
10. Provide disposable paper cups at drinking stations
11. Wear gloves when operating equipment and if possible, limit one operator to a piece of equipment. Sanitize controls after use
12. No sharing hand tools
13. Set up hand cleaning or sanitizing stations at various locations on the site, ideally near port-o-lets
14. Put your clothing directly in the washing machine at the end of shift
15. Limit number of workers in confined spaces as much as possible
16. When fueling vehicles, utilize gloves and hand sanitizer
17. Conduct labor interviews verbally, from a safe distance, with no signature required

**(3/23/20)** – FDOT has given the green light to about 32 projects to move to 12-hour allowable lane closure durations. That list will continue to grow as FDOT compiles data from their vehicle counters. Also, FDOT has reached out to FTBA on a workforce initiative to recruit some of the displaced workers as a result of this pandemic. Once such details are finalized, [FTBA] will let [members] know so that FDOT and the Industry can do their part in helping Floridians who are not earning a livelihood as a result of these unfortunate turn of events.

**(3/20/20)** – Orange County has imposed a curfew, but FDOT construction projects and personnel (contractors and consultants) are exempt.

**(3/16/20)** The FDOT Office of Construction released the following...

Effectively Immediately and until further notice:

- All Construction Progress Meetings should be performed as virtual meetings. If needed, progress meetings for next week can be canceled if technology needs are still being addressed.

- All DRB [Dispute Review Board] Meetings should be performed as virtual meetings... Postpone all Partnering Meetings.
- If you have a Public Meeting for your construction project, scheduled within the next 30 days, please advise your DCE ASAP. Intent will be to postpone if possible.
- Public Information Consultants, and FDOT/CEI Project Staff, should limit physical contact with citizens. Use telephone and virtual meetings where practical. Suspend door-to-door notification or flyer distribution.
- Field Offices open to the public must be maintained open to the public.

The intent, at this time, is to revisit these policies after 30 days.

## Georgia

**Georgia Highway Contractors Association (4/17/20)** – From John Hancock, State Construction Engineer, GDOT...

Section 150.1.04 gives the requirements for the Worksite Traffic Control Supervisor (WTCS). One of the provisions states “On-line classes will not be accepted.” Due to state and national [emergencies] that have been declared to reduce the impact of COVID-19, the in person/classroom training for WTCS have been cancelled.

In order to ensure the progress on current and future projects may continue, the Department will waive this restriction and allow online classes. Anyone with certifications which will expire through June 30, 2020 may take an on-line class to obtain or maintain their credentials. Virtual/on-line classes shall have requirements that web cameras are used to verify attendance and the identity of the person taking the class.

**(4/10/20)** – From GDOT’s Special Provision

Section 110 – Electronic Delivery Management System (e-Ticketing)...

“This work shall consist of incorporating an Automated Electronic Ticketing (e-Ticketing) System for all weighted materials delivered to the project in order to monitor, track, and report loads of material during the construction processes from the point of measurement and load-out to the point of incorporation to the project.

“Construction Requirements: No fewer than 30 days prior to delivery or placement activities, the Contractor shall submit to the Engineer for approval a Automated Electronic Ticketing (e-Ticketing) System supplier that can provide a qualified representative for on-site technical assistance and training during the initial setup, pre-construction verifications, and data management and processing as needed during the Project.

“Equipment: Contractor shall provide operator settings, user manuals, and required viewing/export software for review, and ensure the equipment will meet the following:

1. The Automated Electronic Ticketing (e-Ticketing) System shall include a device that is capable of tracking vehicles and installed on all dump trucks, belly dumps, side-load dumps, pavers, materials transfer vehicles, or any other vehicle used, for placement or delivery of weighted material on the project. Department personnel shall have the ability to access load information through the use of a state-furnished mobile device such as a tablet, smartphone, etc.
2. The Automated Electronic Ticketing (e-Ticketing) system shall be fully integrated with the Contractor's Load Read-Out scale system at the material source site.
3. The Automated Electronic Ticketing (e-Ticketing) System shall have the ability to track vehicles and their contents at the material source location and at the project

site. The system shall have offline capabilities due to loss of power or GPS connectivity.

“Material source and delivery location sites shall have a reliable, stable internet connection with a local Wi-Fi device in project areas with poor or no cell service.

“Contractor shall install and operate equipment in accordance with the manufacturer's specifications. Contractor shall also verify the GPS is working within the requirements of this Specification...

“Measurement: Electronic Delivery Management System will be paid per lump sum when called for in the Plans.

“Payment: Payment for Electronic Delivery Management System will be full compensation for all costs related to providing the Automated Electronic Ticketing (e-Ticketing) System, equipped plants, pavers, and transfer vehicles, and any other equipment required for the construction and reporting process. All quality control procedures including the Automated Electronic Ticketing (e-Ticketing) Systems representative's technical support and on-site training shall be included in the Contract lump sum price.

“Delays due to GPS satellite reception of signals to operate equipment will not be considered justification for any adjustment to the ‘Basis of Payment’ for any construction items or to Contract time...”

**(4/5/20)** – From letter to industry by Marc Mastronardi, Director of Construction, and Hiral Patel, Director of Engineering, GDOT...

EXECUTIVE ORDER TO ENSURE A SAFE & HEALTHY GEORGIA was issued by Governor Kemp on April 2, 2020 and became effective at 6:00 p.m. on April 3, 2020 and runs through April 13th at 11:59 p.m. Among the many directions that the order provides is for Georgians to "shelter-in- place" unless they are engaging in certain activities. Pursuant to the Executive Order, certain "critical infrastructure" businesses, establishments, corporations, non-profit corporations, and organizations, as defined by the U.S. Homeland Security, are considered "Critical Infrastructure" and can remain operational.

The Georgia Department of Transportation (GDOT) is a state agency that is deemed by the US Department of Homeland Security Cyber and Infrastructure Agency Memorandum to provide Critical Infrastructure and thus should remain open at this time. Having such a designation provides an allowance for our work, and its many contributions to the State's transportation system, to continue uninterrupted...

Item 4. Authorizes each of us to travel to and from work, including our jobsites and their field offices. While we do not expect travel to and from those areas to be impacted as a

result of the Order, please be mindful that you may be asked to explain your travel at some point.

To date each of you has been recognizing and adhering to the recommendations from the CDC, The Georgia Department of Public Health, GDOT and the individual plans implemented at your respective work areas. The Governor's Order however has additional health and safety measures for our attention while continuing to perform our work. From the Order:

"Critical Infrastructure that continues in-person operation during the effective dates of this Order shall implement measures which mitigate the exposure and spread of COVID-19 among its workforce. Such measures may include, but shall not be limited to:

1. Screening and evaluating workers who exhibit signs of illness, such as a fever over 100.4 degrees Fahrenheit, cough, or shortness of breath;
2. Requiring workers who exhibit signs of illness to not report to work or to seek medical attention;
3. Enhancing sanitation of the workplace as appropriate;
4. Requiring hand washing or sanitation by workers at appropriate places within the business location;
5. Providing personal protective equipment as available and appropriate to the function and location of the worker within the business location;
6. Prohibiting gatherings of workers during working hours;
7. Permitting workers to take breaks and lunch outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable;
8. Implementing teleworking for all possible workers;
9. Implementing staggered shifts for all possible workers;
10. Holding all meetings and conferences virtually, wherever possible;
11. Delivering intangible services remotely wherever possible;
12. Discouraging workers from using other workers' phones, desks, offices, or other work tools and equipment,

13. Providing disinfectant and sanitation products for workers to clean their workspace, equipment, and tools;
14. Prohibiting handshaking and other unnecessary person-to person contact in the workplace; and
15. Placing notices that encourage hand hygiene at the entrance to the workplace and in other workplace areas where they are likely to be seen; and
16. Suspending the use of Personal Identification Number ("PIN") pads, PIN entry devices, electronic signature capture, and any other credit card receipt signature requirements to the extent such suspension is permitted by agreements with credit card companies and credit agencies.

While the preceding list from the Governor's Order contains many familiar measures, it may contain additional measures not yet employed by you or your team. GDOT expects these and all other COVID-19 preventative measures to be taken to the fullest extent practical to protect yourself, your coworkers, loved ones and others you may come in contact with.

The basics reign supreme; good hygiene habits, social distancing, etc. Look out for yourselves first but speak up when you know preventative measures can be performed better. As our agent, please also respect the wishes of property owners who may elect to delay in-person meetings or deny access to their property.

On behalf of Commissioner McMurry and the Executive Staff of GDOT, thank you for all that you do...

**(4/2/20)** – Governor Kemp has signed a Shelter-in-Place Order... to be effective starting at 6:00 PM on Friday, April 3, 2020 and to last through 12:59 PM on April 13, 2020. The order directly references the federal Department of Homeland Security's Cybersecurity & Infrastructure Security Agency (CISA) guidance, where our industry is specifically called out as essential and critical...

GHCA has also issued a list COVID-19 Precautionary Measures to its members.

**(3/19/20)** – From the March GDOT Commission meeting...

- Commissioner McMurry reported that work will continue on construction projects. However, he has been communicating with GHCA regarding practice of social distancing at work sites and other protocols.

- GDOT is allowing its staff to telework whenever possible, as well as flexible work hours to help with child care needs and encouraging the practice of social distancing. GDOT expects the same safe practices of its consultants.
- The board approved the April letting of 27 projects and \$212.9 million.

**(3/16/20)** – GHCA is working with GDOT to streamline certain paperwork provisions relating to projects and materials. Doing so would alleviate certain public health concerns.



## Hawaii

(3/25/20) – From Deputy Director Edwin Sniffen, Hawaii DOT Highways...

- Directives sent to staff:
  - All HDOT Highways Division employees were designated as essential workers
    - We will utilize the lower than normal traffic volumes on our system to expedite the improvements we are currently building, and fast track the project delivery processes to double the dollar value of projects that will be available to advertise this year to be ready for additional funding
  - Support for ongoing construction and maintenance projects is required
    - DEs must provide safe working conditions, given the COVID-19 situation, for all employees who are required to report to the office or the field in support
      - Where available, field employees are allowed to take state vehicles home to minimize interaction at offices
        - Enhance custodial contracts to provide regular sanitization of work areas
  - Contractors are asked to self check their crews
    - Watch for symptoms including cough, fever or shortness of breath.
    - Ask if any of the crew had direct exposure to anyone known to be diagnosed with Covid-19.
    - Temperature checks as necessary
    - Any with positive findings should not be permitted at jobsites
  - Lane Closure durations
    - Due to lower than normal traffic, lane closure extensions through the peak periods will be allowed.
    - To reduce processing time, approvals will be through email to the Deputy Director of Transportation, Highways
    - Consider extending all closure times to increase productivity
    - Consider moving night work to day work to increase efficiency and safety
  - Employee Health and Safety
    - All employees who are eligible for telework should work remotely immediately
      - Employee expectations
        - Utilize personal computers, network, electricity, and space during work hours
        - Coordinate with managers to ensure clear expectations for productivity
        - Must be accessible by email or phone during work hours
        - Must access through secured network
        - Will not download anything onto personal computers from network, or from personal computers onto network
        - Limit travel out of the home to essential trips and exercise. Practice social distancing outside of home.
      - Purchases of necessary telework approved to support telework
        - Laptops

- Network hardware
  - Software licenses
  - Where necessary for access into state system, desktops can be relocated to alternate work location
    - Financial system access - limited
    - Network support
- Out of state travel for work will not be allowed
- Interisland travel for work essential to support projects will be allowed
  - Alternatives to travel should be exhausted
  - Support from neighbor island districts should be utilized first
  - Staff will take all precautions as recommended by DOH guidelines
  - Employees will self check after travel
- Managers report all symptomatic employees asap
  - Notify managers if any contact with other offices
    - Follow up with employee to ensure they maintain social distancing at home
  - Sanitize work areas
- Employee personal travel
  - All employees on non essential travel will be required to quarantine for 14 days
  - Employees have been advised that if they choose to take non essential trips after March 26 they will need to use PTO or unpaid leave to meet the State's 14 calendar day self-quarantine requirement
- Project Development
  - Expedite all projects eligible to be RTA by December 2020
    - Goal is to provide projects to double the CIP and SMP program projects
    - Provide shelf projects in all districts
    - Provide different types of projects – Bridge, pavement, ITS infrastructure, Baseyard repair, etc to hit as many sectors as possible
    - Utilize open ended consultant contracts and current contracts to expedite project delivery
    - Prepare open ended service contracts for both state and federal funding to be ready asap
    - Public meetings via eTownhalls to ensure public input and social distancing
  - Bidding
    - No postponements. Bid opening viewing on the web.
    - Pre-bid meetings via Skype.
- Expediting Industry Projects
  - Expedite permit processes that allow developers and other industry partners to start their projects
    - Contact Developers to get commitments on development time frames and prioritize land use conditions, regional fair share discussions, Street usage permits
    - Provide waivers that allow developers to proceed while negotiating access fees and utility agreements

- Others
  - Working with counties and local PDs to suspend safety check and license renewal requirements
  - Repurposed all contraflow operation personnel to support maintenance and construction.

Final Note: “Hawaii DOT is using this absolutely devastating event to push us to serve the public better, and offer more opportunities for our staff.

“The event has required us to minimize contact and maximize efficiency, no matter where our staff are working. We’ve streamlined processes, dropped low priorities, and accelerated delivery. All items we will continue even after the Covid event. Social distancing has allowed us to fully embrace a telework platform that we would have rolled out slowly otherwise. After Covid is controlled, these improvements will serve our public and our employees much better.”

## Idaho

**(3/23/20)** – From the Idaho Transportation Department...

- With the safety of the traveling public, our employees, and our business partners as our highest priority, the Idaho Transportation Department (ITD) is committed to serving the citizens of Idaho during this epidemic. To do this, Highway construction work will continue within the framework of the CDC, Idaho Governor's Office, and the Idaho Department of Health guidelines.
- ITD is continuing to move forward with our ongoing construction contracts, as well as, maintaining our advertisement of scheduled projects for the 2020 construction season. This essential work will continue unless specifically curtailed by our Governor.
- ITD also remains ready to respond to the operational and maintenance needs of the highway system and our users with operational staff reporting to work daily. We are increasing our sanitization frequency within our work spaces, and at our Highway Rest Stops as user volumes dictate. Again, we are following the strategies recommended by the CDC, the Governor's office and State Health Department to slow the spread of the Coronavirus while continuing with this essential work.

## Illinois

**Illinois Road & Transportation Builders Association (5/1/20)** – The Illinois Workers’ Compensation Commission met on Monday and formally withdrew the emergency rule which would have shifted the burden of proof in workers' comp cases, creating a rebuttal presumption that an employee who contracted COVID-19 did so on the job. While the withdrawal is an important step, members should note that this is not the final action. The Commission is in the process of creating a task force to work on a new rule, which would likely require legislative approval. Industry will be involved in this task force. The business coalition group that filed the suit, of which IRTBA was a part of, issued many thanks to industry partners for their financial and grassroots support in this effort.

**(5/1/20)** – Tollway, IDOT Issue Update on eTicketing Protocols: The Illinois Tollway has issued new guidance regarding ‘eT-ticketing’ procedures... IDOT has also issued a new, temporary memo on delivery tickets with further guidance for alternate acceptance procedures of material delivery tickets. IDOT's temporary memo supersedes a previous memo which issued guidance that was effective April 8. This new, temporary memo was effective April 30, 2020 and will expire on May 31, 2020. [Click here to review the IDOT memo.](#)

**(5/1/20)** – The Illinois Department of Transportation (IDOT) intends to accept consultant invoices in an electronic manner going forward and is already accepting invoices via scanned copy in many instances. Guidance was issued by IDOT’s Central Office in Springfield in early April and they are working through their processes at this time. Until the Department is able to work through all the details of existing systems, consultants are encouraged to work through the issue in advance with their respective project managers.

**(4/24/20)** –

### Masks Required on Job Sites in Cases Where Social Distancing Not Possible

Governor J.B. Pritzker issued a new Executive Order Thursday [4/23], which will require all essential businesses and manufacturers, including the transportation construction and design industries, to provide face-coverings to all employees who are not able to maintain six-feet of social distancing. The Executive Order also requires workers in the field to follow new requirements that maximize social distancing and prioritize the well-being of employees and customers. This will include occupancy limits for essential businesses and precautions such as staggering shifts and operating only essential lines for manufacturers. As with all safety regulations, companies will be responsible for enforcing employees to wear masks and ensuring that they follow social distancing requirements.

**(4/24/20) –**

### Workers' Comp Emergency Rule On Hold

A business coalition, supported by the IRTBA, filed suit against the Workers' Compensation Commission for its recently issued emergency rule. The amendment would fundamentally alter a rule of evidence by shifting the burden of proof, creating a rebuttal presumption that an employee who contracted COVID-19 did so on the job, making the illness a compensation injury. The rule should have been handled through the legislative branch, but the legislative body required to enact such substantive changes, the Joint Committee on Administrative Rules (JCAR), cancelled its hearing on the matter earlier this week. The lawsuit, filed Wednesday, sought a temporary restraining order (TRO) prohibiting enforcement of the rule. Sangamon County Judge John M. Madonia, granted the TRO Thursday afternoon.

**(4/24/20) –**

### Illinois Tollway Supporting Small Businesses Impacted By Coronavirus

The Illinois Tollway continues to provide critical assistance to small, diverse, and veteran-owned businesses during this unprecedented time. Through the Illinois Tollway Technical Assistance Program, companies receive comprehensive, customized business development assistance for increased business stability and growth in the transportation-related construction industry. Services include education, guidance, and feedback on general business and construction-specific operations, including strategic planning and assistance with Illinois Department of Transportation (IDOT) or Capital Development Board (CDB) pre-qualification applications. While closely following state guidelines for social distancing, the Tollway's providers use the latest secure technology applications (as well as traditional methods) to communicate with new and existing clients. With a host of assistance programs available for eligible businesses impacted by the COVID-19 pandemic, our program providers are helping clients complete applications and receive assistance as fast as possible. Connecting with the right Technical Assistance Program provider has never been of more value.

**(4/17/20) –** The Illinois Workers' Compensation Commission this week established emergency rules that would create a rebuttable presumption that certain workers, including transportation construction workers, contracted COVID-19 on the job, allowing them to receive workers compensation benefits. This would apply even if the employee ultimately tested negative for coronavirus. While the IRTBA is sympathetic to first responders, health care workers, and retail clerks, including transportation construction workers in this order is misplaced. Interaction with the public is non-existent, work is not enclosed, social distancing is the norm, and enhanced safety protocols have been enacted to protect the transportation workforce. A number of business groups, including the IRTBA, are challenging the legality of this rule-making on a number of grounds. The most significant legal shortcoming for this emergency rule is that this type of rule is properly in the province of the legislature. Stay tuned for updates as this issue progresses.

**(4/17/20)** – The IRTBA team has been keeping its eye on municipal government compliance with the Safe Roads Amendment and the Transportation Funding Protection Act (TFPA) following reports that some locals have indicated they intend to divert Motor Fuel Tax funds to their General Revenue coffers. The IRTBA has been in contact with several municipalities to ensure that the TFPA and Safe Roads Constitutional Amendment is adhered to regardless of current financial stresses. The Illinois Supreme Court has forcefully declared that the adherence to the constitution is inviolable, no matter what outside pressures may be. “Crisis is not an excuse to abandon the rule of law. It is a summons to defend it. How we respond is the measure of our commitment to the principles of justice we are sworn to uphold.” In re Pension Reform Litigation (Heaton v. Quinn), 2015 IL 118585, ¶87. Members are encouraged to contact the IRTBA with any information that a unit of government is, or is contemplating, violating the TFPA and the Safe Roads Constitutional Amendment, or the "transportation lockbox," as it's more often referred to by industry.

**(4/17/20)** – Due to the ongoing pandemic, both IDOT and the Tollway will be allowing electronically-submitted material delivery tickets. IDOT has advised that contractors must request the use of e-ticketing and they will be required to provide the solution, working in consultation with project residents.

The Tollway has informed industry that while not required, contractors and producers will be encouraged to utilize measures that reduce contact between individuals, which includes e-ticketing. The Tollway is finalizing guidelines for alternate acceptance procedures of material delivery tickets, which will be issued in the coming days and also available in next week's Friday Facts.

**(4/17/20)** – The CREATE Program partners remain committed to encouraging Disadvantaged Business Enterprise (DBE) participation in upcoming design and construction contracts for the 75th Street Corridor Improvement Project (75th St. CIP). Given precautions regarding COVID-19, the CREATE partners have suspended in-person meetings, including business-to-business networking events, until further notice and will implement steps to ensure DBE participation in contracting opportunities through web conference, conference calls or other remote meeting support to continue to move the project forward.

**(4/13/20)** – From the *Daily Herald*...

Tollway losing millions with traffic drop, but not ready to curtail construction

The reprieve in I-PASS charges is perversely welcome yet disturbing, reflecting a free-fall in traffic since the state issued a stay-at-home order March 20 to prevent the spread of COVID-19.

Passenger car traffic on toll roads went off the cliff, which means the agency is losing millions in revenues every week.

"During the two weeks of activity on our roadways under the stay-at-home order, estimates indicate passenger volume was over 55% lower than forecast, and commercial traffic was 9% lower than forecast," tollway spokesman Dan Rozek said.

So what will that mean for the agency's \$1.46 billion road work program in 2020? The agenda includes \$446.9 million toward widening the Central Tri-State Tollway and \$559.6 million for planning and extending I-390 (formerly the Elgin-O'Hare Expressway) east.

"Clearly we are experiencing significant impacts to revenues based solely on the traffic declines; however, it is too soon to report that revenue impacts will substantially impact project schedules," Rozek said.

"At this time our position will allow the tollway to pursue all of its planned construction projects for 2020. That said, as circumstances evolve we will continue to reevaluate our short- and long-term capital expenditures."

...

What does a 55% drop in toll transactions from passenger vehicles equal in dollars?

In the first three months of 2019, for comparison, the tollway received about \$336 million from cars and trucks.

In Transit pulled out the calculator, dove into the tollway's 126-page annual financial report and surfaced five hours later with an estimate of about \$16 million in lost tolls over two weeks from passenger traffic.

Tollway officials would not comment on the estimate.

**(4/10/20) –**

IDOT Holiday Memo – SUSPENDED: IDOT will not be sending out a holiday memo because of the reduced traffic volumes. However, the lane restrictions are still in the contracts. Contractors who choose to work will have to request lane closures over the weekend. Each district will make the decision as whether to ease the lane restrictions on a project-by-project basis. The holiday memo would have applied to work over the Easter holiday weekend.

CDOT Best Practices: In an effort to mitigate the spread of COVID-19 and protect the health and safety of every person on an active Chicago Department of Transportation (CDOT) construction project, CDOT has issued recommended best practices to implement in accordance with CDC guidelines and guidance from the Chicago Department of Public Health.

"Recognizing these best practices are now an integral part of job site safety, daily toolbox safety talks should incorporate these guidelines and their implementation. These daily briefings



should be happening with every member of the onsite workforce. The importance of these measures for the safety of the workforce and their families cannot be overstated.”

Working Remotely to Keep Your Operations Going?: The Illinois Technology Transfer Center (IL-LTAP/T2) understands that the COVID-19 outbreak has complicated the work that industry does. In response to COVID-19, IL-LTAP/T2 is working to provide digital resources to help industry with day-to-day operations. A series of online training and videos have been posted to help support the work you're doing remotely. There is NO FEE for these courses...

**(4/3/20)** – IDOT Secretary Omer Osman reported that approximately half of IDOT's nearly 5,200 employees are working from home. Highway maintainers still remain on the job and the agency has over 100 active construction projects with no plans to curtail any construction work noted. As of this week, IDOT is still planning on keeping the previously scheduled dates for future lettings. There is a huge letting coming up (\$570 million statewide contract award amounts) in April. IDOT reports show that traffic is down 45 percent to 50 percent. While lower traffic volumes will allow for work to be done more safely and efficiently, it also represents a decline in MFT revenues. Lower revenues will impact signature projects including Interstate 80, and possibly also IDOT's current Multi-Year Program (MYP). Local roads, especially on future bridge work, will likely see a significant reduction in contract awards for the short term due to reduced MFT revenues. Buy America waivers may be crucial going forward. There are 25 rest areas that are open, which accounts for all except one downstate, and they will continue to remain open because they are crucial for the supply chain.

Site Access Restrictions and Notices: Members who have placed strict standards to restrict all types of traffic at their facilities to help stem the spread of COVID-19 should provide written notice to IDOT that IDOT personnel will be provided access to all of the contractors' sites. Contractors should reiterate that they are continuing to practice social distancing to both personal and site sanitation to prevent community spread, and it is expected that all authorized visitors to the site respect these practices.

**(4/1/20)** –

#### Keep Work Going: Do Your Part

There have been an increasing number of public reports of unsafe practices on construction job sites. If these reports are valid, not only does this jeopardize the health of the workforce and the general public, it can also lead to dire outcomes for the entire industry. Contractors, subcontractors, and suppliers must all do their part to ensure a safe work environment. The industry must police itself or face potentially devastating consequences.

As the IRTBA is working to reassure agencies, the media, and elected officials that enhanced safety practices are in place to keep work going, a few public examples of unsafe practices could result in stopping work throughout the industry.

There have been reports of citizens videotaping work zones, and these examples have been raised as high as to the Governor himself.

Please do your part and make sure your workers, subcontractors, and job sites are as safe as can be and all safety precautions are being followed. Enforce social distancing and refer to the IRTBA publication on Best Practices for Construction during the COVID-19 crisis.

**(3/29/30)** – From Gov. Pritzker’s press conference...

Q: Why haven’t construction projects been halted? Some are complaining that they are working too close together on the sites...

A: Well, it’s certainly up to the companies that are doing the construction to make sure that people are social distancing that are working there. There should be an opportunity at most construction sites to do that. But to the extent that they’re not able to, that is a concern certainly for me and it should be for the owners of the companies that people are operating those construction sites. So anybody that is concerned about that certainly should be reporting that to the Department of Public Health or letting my administration know, because there is, remember that much of what is being done is essential work that’s been determined at least as essential under our order and we don’t want anybody to be at risk but but we also want to make sure that we’re, you know, continuing the necessary work across the state. So please, anybody that’s experiencing that should let us know.

**(3/27/20)** – IDOT has... adjusted its pre-qualification procedures. Ratings set to expire March 31 through July 30, 2020 will be extended through July 31, 2020. Firms that are currently pre-qualified will be allowed to bid on the April, June, and July lettings. Contractors must still submit a Request for Authorization to Bid (BDE 124) and the Affidavit of Availability (BC 57) in order to bid on the IDOT letting as usual.

**(3/27/20)** – Memo from Tim Kell, Engineer of Construction, IDOT...

“Recognizing the potential impact of the COVID-19 pandemic on Illinois Department of Transportation construction projects, the following guidance will be utilized in the event of project delays caused directly by the pandemic:

- Prime Contractors forced to suspend construction activity due to the COVID-19 virus impacting their work force or supply of materials should follow the provisions of Article 108.08 of the Standard Specifications for Road and Bridge Construction and notify the Department of any such delay in writing and request an extension of contract time if necessary and appropriate.
- Any request submitted by the Contractor relating to COVID-19 will be evaluated on a case-by-case basis and will be considered a non-compensable delay per Article 108.08 Standard Specifications for Road and Bridge Construction.

“The intent of the department is to continue the highway construction program while working with our contractors to help minimize the spread of this virus. If completion dates need to be extended or the charging of working days need to be suspended, the department will work with all parties to ensure adequate time adjustments.”

**(3/27/20)** – From *Chicago Tribune*, “Jackson Boulevard Bridge will close for two years...”

“Road construction has been one part of daily life that has not changed much because of coronavirus concerns. CDOT, IDOT and the Tollway all report that they are going forward with planned projects.

“The work takes place outside, and most construction workers are not in proximity to each other, noted Maria Castaneda, spokeswoman for IDOT.

“The Illinois Road and Transportation Builders Association, a trade group, is recommending best practices for workers, including encouraging workers to stay home if they are sick and not sharing personal protective equipment like gloves.”

“Association CEO and President Michael Sturino said that road construction is actually a ‘silver lining’ for the battered economy, since it keeps people employed and construction can be easier to do in light traffic. The association is talking with IDOT, CDOT and the Tollway about possibly speeding up construction on highway and bridgework ‘where it makes sense.’”

**(3/24/20)** – IRTBA and its industry partners have issued “COVID-19 Recommended Best Practices for Highway Construction Worksites (Jobsite/Office/Material Production Site).” Subject areas include:

- Communicate key Center for Disease Control and Prevention (CDC) recommendations and worksite procedures to staff, tradespeople, inspectors, and vendors.
- All employees/vendors should be asked COVID-19 screening questions prior to entering the worksite. If they answer “yes” to any, they should be asked to leave the worksite immediately.
- Manage sick employees to ensure any illness is not spread to other workers.
- Personal Protective Equipment (PPE)
- Tools, Supplies, Equipment
- Documentation/Weight Tickets
- Social Distancing
- Promote good hygiene.

**(3/20/20) –**

### Governor Declares Transportation Industry Essential

Governor J.B. Pritzker has just announced a “Stay at Home” Executive Order for the residents of the State of Illinois. The order will be effective March 21 through April 7, 2020. This order specifically provides that the transportation industry is “essential.” This means that your firms and employees will continue to work on IDOT and Tollway projects. "Roads, bridges, and transit will not be closing down," Gov. Pritzker said in his address today, Friday, March 20, upon issuance of the order.

Despite other travel restrictions under the "Stay at Home" order, individuals may leave their residence to provide any services or perform any work necessary to offer, provision, operate, maintain, and repair “essential infrastructure.” Essential infrastructure includes, but is not limited to, roads, highways, railroads, and public transportation.

I been in constant contact with IDOT and Tollway officials, who have confirmed their commitment to keep work going. I have assured agency leaders that industry is committed to keeping work going, and that every IRTBA member has implemented health and safety protocols to ensure the safety of their workforce and the general public. I am very grateful to Governor Pritzker, Secretary Osman, and Director Alvarez for their recognition of the importance of the transportation industry to the health, safety, and economy of Illinois...

Michael J. Sturino, President & CEO

**(3/20/20) –** IDOT has advised that they will be sending out messages to all IDOT districts to not require signatures from the drivers on tickets. IDOT has advised that they will also allow the residents to work with contractors to establish drop boxes or another alternative for delivery of forms, material inspections, tickets, etc. Obviously there is not a "one size fits all" answer, but the resident engineer can work out logistics as necessary. All that said, IDOT does have to manage tickets appropriately to adequately document delivery.

**(3/16/20) –**

### “Major Agency Work to Proceed”

“IRTBA leadership has been in close consultation with officials from the Illinois Department of Transportation, the Illinois Tollway, and the Chicago Department of Transportation concerning the impact COVID-19 may have on the transportation construction and design industry. All three agencies currently have no plans to stop or curtail work. The agencies have business continuity plans that will, at this time, ensure timely processing of paperwork – including payment requests.

“IRTBA members are reminded, however, that the situation remains fluid. Industry is also advised that due to the nature of the current situation, enhanced protocols should be employed by individual firms. These include increased hand washing and social distancing, and

are further spelled out by the Centers for Disease Control (CDC), the Chicago Department of Public Health, and the Illinois Department of Public Health.

“As always, prime contractors, subcontractors, suppliers, and consultants are encouraged to maintain a strong working relationship on every project and to regularly advise the owner of any significant COVID-19 matter in the event circumstances warrant. IRTBA member firms should utilize teleconferencing with their teams and owners when possible as opposed to in-person meetings. Firms are encouraged to consult with their legal counsel and HR professionals for further guidance on addressing the myriad of issues associated with the pandemic.”

## Indiana

### **Indiana Constructors (4/9/20) – From INDOT...**

Based on current statewide requirements due to COVID-19 and in order to continue to perform our essential operations for construction of roads and bridges as outlined in applicable orders, this memo modifies and supersedes INDOT's specifications, policies, procedures, and business practices effective immediately and until further notice.

Contractors are strongly encouraged to scan and email regular correspondence. This includes but not limited to required documents for the Preconstruction meeting, schedules, working drawings, and material/certification submittals. This will allow INDOT to review and respond in the most efficient manner. Due to volume and auditing requirements more specific instructions for weigh tickets are included herein.

Procedures for Accepting Paperless Weigh Tickets: Effective until further notice INDOT will discontinue the mandatory practice of requiring paper tickets at the time of delivery on the project site. This applies to asphalt, concrete, and aggregate as well as any other materials such as liquid asphalt/emulsion, precast products, reinforcing steel list, and other products that require documentation.

For products such as liquid asphalt/emulsion, precast concrete products such as pipe and girders, reinforcing steel, etc., the Contractor shall coordinate with the vendor and have the required paperwork emailed or texted to the inspector...

An INDOT Load Tracking log prepared and signed by the inspector will serve as supplemental documentation. This signed document will replace signing the paper tickets if weights can be noted at the time of delivery. An INDOT Load Tracking Log may not be needed with some e-ticketing systems or if pdf versions of tickets can be signed electronically at the time of delivery. In that case the summary log produced by the e-ticketing system can be signed instead of the paper tickets. An INDOT log, when needed, is to be used for each pay item and should include notes such as temperature checks for HMA, indication that tests were taken, etc. If it is only practical to use the INDOT log to count trucks or estimate quantities, then the paper tickets will eventually need signed. In all cases paper tickets are to be retained as part of the final construction records.

Options include Electronic Ticketing Option (E-Ticketing), Preferred Contactless Method or Limited Cellular Service Contactless Method.

**(3/25/20)** – From Roland Fegan, Deputy Commissioner for Construction, INDOT...

“INDOT appreciates the trying times that we are all going through together. INDOT wants to ensure our partners that we are ready to go for the 2020 construction season. INDOT understands the current environment and the challenges that it presents. We are committed to working through this with our industry partners and to look for opportunities to partner together. The following is a listing of the initiatives that INDOT will be implementing immediately.

“Safety – INDOT is abiding by all of the guidance provided by the Department of Health for social distancing and good hygiene. INDOT is utilizing virtual means of communication as much as possible. As always Safety of our employees, our partners, and the travelling public is first and foremost on our agenda.

“Extended Work Hours – Governor Eric Holcomb’s Stay at Home order has the effect of about a 30% reduction in overall traffic. INDOT is willing to discuss options to accelerate projects through this time period by extending hours for restrictions on Interstate Highway Congestion Waivers. INDOT has reduced the review time for this by utilizing the existing traffic data and applying the 30 % reduction factor to open additional time to work. INDOT is continually monitoring this situation and is available to discuss these opportunities on a contract or corridor basis. Guidance has been sent out to decision-makers to move on these requests quickly. Should traffic volumes begin to increase back to normal conditions, then INDOT would give contractors a 7-day notice to return to previous restriction time frames.

“Construction – INDOT is ready to go and work effectively and efficiently with our contractors.

“Testing – INDOT has also worked on efficiencies for our Testing processes to expedite approvals. INDOT is pursuing all options to expedite startup procedures for the season including but not limited to extending certification timeframes. INDOT will be postponing audits and plant inspections. Our qualified testers will have their certifications extended to May 1, 2020 to be ready to go now.

“E-Ticketing – INDOT is willing to work with industry for a more widespread use of e-ticketing. INDOT already has contractors utilizing this tool.

“Supply-Chain Issues – INDOT is keenly aware that supply chains are being interrupted and will work with industry to help resolve if we can. Industry does not need to send INDOT a letter citing potential issues but only those that are currently impacting the contract. Please let INDOT construction personnel know as soon as you are aware of such issues so that we can track them together. There is not a need to explore what-ifs at this time.

“Partnering and Indiana Transportation Team – Our joint membership in The Indiana Transportation Team gives us the ability to persevere through these challenges and turn them into opportunities to advance the cause. Thanks in advance to all for their efforts.”

**(3/23/20) –**

### Industry Continues to Provide Essential Services

At noon today, Governor Eric Holcomb asked Hoosiers to hunker down at home to help slow the spread of COVID-19. His executive order effectively closes nonessential businesses from 11:59 p.m. on Tuesday, March 24 to 11:59 p.m., Monday, April 6. For Indiana's infrastructure and transportation construction industry, that, for the most part, means business as usual... INDOT will continue to let projects. ICI members should plan to continue ramping up for project delivery....

**(3/23/20) –** Gov. Holcomb's order explicitly includes public works construction as a type of "Essential Infrastructure" exempt from restrictions.

**(3/17/20) –** From INDOT...

"[On March 16], Governor Holcomb announced additional steps to reduce the spread of COVID-19 in the state of Indiana. Those actions included teleworking where possible for state employees.

"As a result of this announcement, INDOT is implementing teleworking where possible, while keeping our operations open. State government is not shutting down, and neither is INDOT. "All construction and maintenance activities are moving forward, and we will manage disruptions in material availability as well as personnel as it comes.

"We are actively encouraging our field employees to use best practices to prevent the spread of COVID-19, including frequent, proper handwashing and social distancing (limiting meetings to no more than ten people and keeping a distance of at least six feet between individuals)...

"All INDOT personnel will remain accessible and available as we continue to serve Hoosiers during this unprecedented event. Please reach out to your regular INDOT contacts with questions."



## Iowa

**(3/26/20)** - From Chief Engineer Mitchell Dillavou, Iowa DOT...

“The Iowa DOT remains open for business and will continue to provide services to our customers across the state. As we do this, we remain focused on the safety of our employees and the customers we serve. We are encouraging/allowing employees to work from home for those who are telework capable.

“Iowa currently does not have a shelter in place or a stay at home order and does not plan on one at this time. Plan development is continuing in accordance with our 5-Year Transportation Improvement Program. We recently met with our Iowa AGC staff and they are eager to get to work and we plan to begin this construction season like we always do. Impacts on construction projects will vary from one contract to another and they will be addressed on a case by case basis.”

**(3/26/20)** Excerpts from message to industry from Iowa DOT Director Scott Marler and Chief Engineer Mitchell Dillavou...

“[B]usiness is continuing at the Iowa Department of Transportation (DOT) and... we are proactively implementing measures to ensure the continuity of our operations. This includes the letting process and our ability to administer and inspect construction projects and process timely payment for completed work. We appreciate your feedback that the industry is not aware of any significant impacts to construction projects and is ready to begin work.

“With regard to our proactive discussion on construction impacts caused by possible material delays and shortages or worker illness, the Iowa DOT is committed to work with any contractors who experience such impacts and grant appropriate administrative relief. Should the COVID-19 outbreak have more wide-spread impacts, the Iowa DOT will issue statewide guidance which will include prioritizing critical projects that impact public safety and mobility.

“The COVID-19 outbreak is a very dynamic situation which requires constant communication. We all have the responsibility to closely monitor developments such as labor, material and supply issues and be prepared to immediately address them. Therefore, we ask that contractors closely monitor projects for impacts to the labor force, suppliers and material deliveries. We also strongly recommended following the hygienic protocols and protective measures on active construction projects. Working together, we can help ensure the safety and well-being of all construction employees.”

## Kansas

**Kansas Contractors Association (3/25/20)** – Governor Kelly issued Executive Order 20-15, Establishing the Kansas Essential Function Framework for COVID-19 response efforts yesterday. This executive order is important because it outlines a framework for essential functions that all Kansas counties must follow when issuing a local county order. Our industry is covered as an essential function by the order.

**(3/18/20)** KDOT will be communicating regularly with industry representatives. KDOT's primary focus is to slow the spread of disease, continuation of commerce and safety. The key is good communication. KDOT has informed industry groups of the following...

- KDOT will continue to inspect projects under contract.
- KDOT is asking their staff to use best practices to minimize the spread of disease, and asks contractors to do likewise. Contractors should not send sick people to work. KDOT reserves the right to send KDOT workers or contract workers home if they appear sick.
- Contractors should stress the importance of their project superintendents' keeping in touch with the lead inspectors on a daily basis.
- If projects are delayed because of the emergency situation, KDOT will consider completion date or working day extensions on a case-by-case basis.
- KDOT's intent is to not have their employees spending any more time than necessary in jobsite offices.
- KDOT is requesting that contractors perform a thorough cleaning of all jobsite offices, and continue to do so on a regular basis.
- KDOT plans on moving forward with its March 25 letting. (DOL has not yet provided relief on recent wage rate determinations.)
- KDOT will continue to monitor tests in progress at the lab.
- KDOT will not begin new tests.
- KDOT will not be sending inspectors to fabrication plants in this next two weeks. Fabrication should continue, but QC/QA should be stepped up.

## Kentucky

**Kentucky Association of Highway Contractors (4/29/20)** – Excerpts from Commonwealth of Kentucky, Quarterly Economic & Revenue Report, Third Quarter Fiscal Year 2020...

### ROAD FUND

Much like the General Fund, the outlook for the Road Fund is highly correlated with the public health emergency. Therefore, just as with the General Fund, a control and pessimistic forecast was performed in FY20 and the first half of FY21 for the Road Fund...

Both forecasts follow the same general pattern. Revenues will decline sharply in the fourth quarter of FY20 and decline less sharply in the first half of FY21. While the revenue situation in the first six months of FY21 will be an improvement relative to FY20 fourth quarter, collections will still decline compared to the first half of FY20. The difference between the two economic forecasts is that under the pessimistic scenario, the revenue situation will be worse than in the control for the entirety of the forecast horizon.

After growing 2.2 percent through the first nine months of the fiscal year, Road Fund revenues are expected to drop precipitously in the fourth quarter of FY20. The decline is projected to be 36.8 to 55.2 percent, as the impact from the economic downturn will be felt across all components of the Road Fund. Looking ahead, the two forecasts begin to converge as the rate of growth in revenue is much the same under both forecasts. Growth rates for the first three quarters of FY20 have been 1.1 percent, 1.1 percent, and 4.6 percent, respectively. The fourth quarter revenue decline will result in a budget shortfall of between \$116.4 million and \$194.6 million for FY20.

Motor fuels tax collections exhibit a lag as receipts in a particular month reflect economic activity from the prior month. Therefore, the receipts impact of COVID-19 will first show up in May receipts which will limit the fourth quarter drop in revenue. Collections are forecasted to decline from 33.6 to 52.1 percent over the final quarter of FY20. Receipts will decline modestly over the first two quarters of FY21 as the effects of COVID-19 abate and the recovery begins to take hold.

Motor vehicle usage tax collections are close to contemporaneous as monthly receipts generally reflect economic activity from the same time period. Collections in this account have grown 6.2 percent in the first three quarters of the fiscal year but are expected to decrease 52.5 percent to 72.1 percent in the fourth quarter. Looking ahead to FY21, revenues will decline but at a much more tempered rate. Receipts are forecasted to drop between 5.7 percent and 7.6 percent in the first half of FY21.

To estimate the growth of all other components of the Road Fund, officials of the Kentucky Transportation Cabinet and staff of the Governor's Office for Economic Analysis together assessed recent growth patterns as well as administrative and statutory factors.

Another aspect of Kentucky's response to COVID-19, an executive order extended the renewal dates for drivers' licenses, license plates, registration renewals, handicap parking permits and the like for 90 days. For forecasting purposes, this means that some revenue that normally would have been collected in FY20 will spill over into FY21. Determining a spillover amount is difficult as taxpayers have the option of renewing licenses online instead of waiting for the appropriate offices to reopen.

Motor vehicle license taxes are forecasted to fall approximately 10 percent to 17 percent in the final quarter of FY20 before increasing in the first half of FY21 under both economic scenarios. Motor vehicle operators' licenses are projected to follow a similar path to motor vehicle license collections with revenue decreases over the remainder of the fiscal year before increasing in the first two quarters of FY21.

Weight distance tax revenue is expected to fall approximately 26 percent to 60 percent in the final quarter of the fiscal year. Collections in this account are expected to continue to decline through the second quarter of FY21.

Income on investments is expected to drop significantly, as the sharp declines in revenue will reduce investible balances to extremely low levels.

All Other revenues have decreased 13.9 percent during the first three quarters of the current fiscal year. Receipts in this revenue category are expected to decrease 20 percent to approximately 35 percent in the final quarter of the year but increase anywhere from 3.0 percent to 4.6 percent over the remainder of the forecast horizon.

**(4/23/20)** – Today KYTC has announced that it has canceled scheduled lettings for May and June of 2020. Further, KYTC has also made the decision to suspend or terminate specific projects (our understanding is that this has been applied largely to FD05 and CB06 funded projects). Contractors impacted by the project suspensions have been contacted directly by KYTC personnel.

These actions are being taken in response to projected loss in state road fund revenues due to the impacts of the COVID-19 pandemic...

We know that while these actions by KYTC are warranted, they will likely have significant adverse impacts to our member companies. We request that you contact KAHC with questions, comments, and concerns you have regarding these actions so that we can compile your feedback and share that with KYTC on your behalf. During this time of crisis, your association's goal is to do everything we can to support our members and minimize the pain felt as we navigate these unprecedented times together.

**(4/10/20)** – From the Office of State Budget Director...

“Road Fund receipts grew 6.0 percent in March 2020. Receipts for the month were \$127.3 million, \$7.2 million more than last March. Through the first nine months of FY20, receipts have increased 2.2 percent. The Road Fund receipts for March also do not yet reflect the impact of lower economic activity related to the COVID-19 virus. April receipts will begin to reflect its impact. Among the accounts, motor fuels rose 3.4 percent, motor vehicle usage revenue increased 7.9 percent, and license and privilege receipts grew 13.4 percent.”

**(4/8/20)** – From Andy Barber, State Highway Engineer...

In response to the COVID-19 pandemic and the essentiality of maintaining a safe transportation system, KYTC is providing [a] COVID-19 Joint Workforce Safety Plan. The plan was developed in cooperation with industry representatives to ensure that our construction worksites follow the latest Center for Disease Control (CDC) guidelines. The plan is considered guidance to ensure the safety of our employees and our partners’ employees delivering projects during these challenging times.

Secretary Jim Gray directed the development and sharing of this guidance based on his experience and knowledge of how the construction industry operates day-to-day and the importance of our industry partners and all of KYTC’s personnel to our mission.

**(4/7/20)** – Excerpt from memo by Matt Simpson, KYTC Director of Construction, to field staff...

In response to the COVID-19 pandemic, KYTC will not accept paper tickets at the project site for any deliveries. In lieu of paper tickets for weighed material deliveries and concrete deliveries, the Department will accept one of the following methods of documentation:

Electronic Ticketing: The Department will immediately accept e-ticketing as the official pay documentation on projects. While most e-ticketing services provide an extensive list of available options, at this time the Department only requires the standard ticket information currently provided on the paper tickets to be included on the e-ticket. Any e-ticket service must provide access to KYTC field personnel to access tickets from a smartphone or tablet with the ability to make notes associated with each ticket if need be. The service must also provide a daily summary report to be used as basis for payment. Many of the e-ticketing services are offering this service at no cost during the COVID-19 pandemic.

Picture/Email: This method will provide electronic copies to KYTC by the following steps:

1. The weighperson/batch person will email or text a .pdf copy or picture of the ticket to the designated KYTC inspector at the time of dispatch.

2. At the end of each work shift, the weighperson will be required to email a .pdf copy of all tickets and daily summary to KYTC personnel designated by the project engineer.
3. KYTC inspector matches electronic ticket to truck as it arrives, and documents all notes or additional information necessary to be tied to each load ticket for project records.
4. Payment of material will be made based on the .pdf daily summary of tickets for verified delivered loads.
5. Material suppliers will be required to keep hard copy records of their tickets consistent with project records retention policy but will not be required to submit paper tickets to KYTC.

PDF Daily summary: With this method, the inspector will be required to document each truck as it arrives on site. At the end of each work shift, the weighperson will be required to email a .pdf copy of all tickets and daily summary to KYTC personnel designated by the project engineer. Material suppliers will be required to keep hard copy records of their tickets consistent with project records retention policy but will not be required to submit paper tickets to KYTC. Upon receipt of ticketing documentation the inspector will reconcile their field notes with the tickets to ensure that all batched loads arrived on site and make notes for any materials that are incidental to other pay items (i.e. silt checks, pipe bedding, etc.) for payment. The contractor must maintain constant communication with the weighperson and be able to provide the KYTC inspector individual truck and cumulative load information at any time for yield verification purposes.

Tickets for all other products also do not need to be collected in the field by a KYTC inspector. These tickets should be transmitted via email to the project engineer as soon as possible, prior to delivery if applicable. KYTC will still require paper tickets, bill of ladings, etc. for our records; however, it is not imperative that we receive them upon delivery. Minor modifications to address software or personnel issues that material suppliers may have with these methods may be approved by the project engineer.

**(4/1/20)** – Excerpt...

#### KAHC PROJECTIONS FOR 2020 CONSTRUCTION LETTINGS

KAHC has calculated projected revenue losses due to COVID-19... and has shared those with KYTC leaders and key legislative contacts to make them aware of the fact that our known state transportation funding crisis is going to get worse in 2020.

Projections show a potential for \$67 million in lost revenue for a one-month order to stay "healthy at home" and \$139 million in lost revenue for a two-month order... We support the healthy at home order, but want to make people aware that the longer it extends the more adverse its impacts will be on the state transportation funding and the economy as a whole...

**(4/1/20)** – Email to industry from Matt Simpson, KYTC Director of Construction...

“[KYTC] has been working on protocol to eliminate the contact required with paper tickets delivered on our project sites. After many internal discussions and discussions with DOT’s across the nation we have a couple of options we feel will best protect both of our field staffs:

“Picture/Email Method:

- The Dispatcher at the quarry sends the inspector or designated KYTC employee a list of all trucks being used for delivery on any given day.
- Dispatcher emails/texts PDF or picture of ticket to the inspector at the time of dispatch.
- Places actual ticket in envelope to be delivered at a later time.
- Inspector sees truck arrive, references his picture and verifies the truck has made it to project site.
- Initial Payments made by pictures of tickets for verified deliver loads.
- Actual tickets will be checked as part of the audit/final process. (Theory being that enough time has passed that virus has died or they could be sanitized appropriately)

“Accelerated eTicketing: Immediately allow eTicketing to be accepted as official pay document on projects. This would be a condensed version of the eTicketing requirements that we have piloted over the last several years. We would only want standard ticket information to be provided with the electronic ticket. In the future we can work with the industry to determine what features and beneficial tools may come along with eTicketing, but for right now we are only concerned about protecting our workers and ultimately the citizens of Kentucky. So standard current ticket information will suffice. Many of our asphalt providers have already been involved in Pilot projects and may have systems in place to easily turn to this option. We have been contacted from a company, HaulHub <https://www.haulhub.com/>, that has developed a smartphone/tablet App to perform eTicketing and they are offering this service for free during the COVID-19 pandemic.

“I do want to give credit to the Georgia and Michigan DOT’s for sharing these procedures. These options very closely align with what they are moving forward with. Please share your thoughts with us on this approach. We want to be pro-active and do everything we can to follow CDC guidance and be able to continue work on our highway projects that our Governor has deemed as an essential service.”

**(3/27/20)** – Memorandum from Secretary of Transportation Jim Gray...

Businesses in support of the development, construction, and maintenance of transportation systems fall within the federal critical infrastructure sector noted in Executive Order 2020-257. Businesses which have been awarded a contract or sub-contract by the Kentucky Transportation Cabinet fall under this umbrella for the purposes of fulfilling their contract(s). Such businesses should encourage

telecommuting where possible and provide social distancing standards for their employees to the maximum extent practicable.

**(3/26/20)** – News story, WHAS-TV, Louisville...

“As thousands are at home, construction workers working on roads are kicking it into high gear”

"It's safer for the crews working out in the street, it minimizes the impact to all the commuters, so overall that was our silver lining."

“As many things are shutting down and closing, construction workers are kicking it into high gear. We spotted crews working alongside I-71 and the Gene Snyder Freeway, plus I-64, clearing trees to get the interstates ready for widening.

“In downtown Louisville, orange cones are filling different streets as roadwork is getting completed. The loud noises and bright signs that come with construction usually blend in well with the hustle and bustle of downtown, but now, as the streets are emptier and eerier than ever, they really stand out.

“We joked about this last year, we had a lot of streets to pave downtown and we thought the only way we could make that happen in that time frame was to shut down downtown and that's essentially what happened,” said Jeff Brown, the assistant director of public works and assets.

“The silent streets are a prime opportunity for these road construction projects to get completed. It's a change these workers never saw coming.

“It's safer for the crews working out in the street, it minimizes the impact to all the commuters, so overall that was our silver lining,” Brown said. “While I wouldn't say we're ahead of schedule, we were certainly able to accomplish more than we normally would on a typical work week.”

“You'll notice the difference as you drive through the city. Brown hopes once people are back on these streets, they realize and appreciate all the hard work that was put into these projects while they were at home. But that hard work is not coming at a price of their health.

“The first thing we started was providing additional personal protective equipment, PPE, so we gave our crews masks and gloves and we also encouraged them to practice social distancing,” Brown said. “That was the most important thing to us. We made sure they had the equipment to make them feel safe working out there with other people.”

Normally these crews work between 9am and 3pm downtown, but since the closures, they have extended the hours from 7am to 9pm. That is almost twice as much work than a typical day.



**Kentucky Association of Highway Contractors (3/25/20)** – Today, Governor Andy Beshear issued [a] Declaration of Emergency. Based on language found in this declaration, specifically section h. on page 3 and section p. on page 4, the construction industry and its suppliers and support companies have been designated as essential personnel. [KAHC has] discussed this personally with KYTC Secretary Jim Gray and he is in agreement. [KAHC hopes] you will use this to clarify any uncertainties with your employees. We encourage the industry to take the recommended steps provided by the Center for Disease Control (CDC) while continuing our work to maintain and build Kentucky's critical transportation system.

**(3/23/20)** – There have been questions from the industry on how to address the issue of truck drivers' commercial drivers license (CDL) expiring during this time and being unable to renew the license and/or get the necessary annual physical for the license. We have been advised that this official order from Governor Beshear provides an extension of such licenses for 90 days. You are encouraged to have a copy of this in each truck cab just in case they are pulled over with an expired license...

**(3/16/20)** – "...KAHC is communicating with KYTC [Kentucky Transportation Cabinet] leadership regarding the escalation of restrictions in response to the COVID-19 virus (Corona Virus). KYTC leadership is working hard to develop timely policies that will insure minimum disruption to KYTC's operations in general and specifically to ensure that highway construction continues as normal as possible.

"We have requested that KYTC notify us as soon as possible when they are prepared to release formal policies so that information can be shared with our membership. We have specifically talked with them about the need for essential KYTC personnel to perform duties such as project inspection, lab certification, plant certification, and lab testing. We have also discussed with them the possible need for a policy or guidance for how a contractor will need to proceed if a project is impacted due to personnel being on quarantine (whether it be from the prime contractor, subcontractor, suppliers, services, or inspectors). There is language in the 2019 KYTC specifications manual that addresses this matter to some degree [see [Section 105.13.03A\)1](#)], but we expect KYTC to provide additional information on proper reporting and documentation.

"As soon as we are provided with official guidance, we will share that with the industry and we will continue to represent the industries' concerns with KYTC and be partners to KYTC as we navigate this unprecedented time together. In the meantime, please do your part to minimize the proliferation of this virus to your family, friends, and coworkers."

## Louisiana

**(4/28/20)** – Excerpts from Baton Rouge *Advocate*...

Louisiana construction industry, which cut jobs before coronavirus, wants infrastructure money

[Louisiana] AGC held an online press conference to discuss how the construction industry in the state was shedding jobs before the coronavirus pandemic. Naquin and officials blamed the drop on a number of factors, including falling oil prices, which have deterred offshore drilling; the wrapping up of several large-scale petrochemical construction projects; and a lack of infrastructure investment on the state level.

Jonathan Kernion, president and CEO for Cycle Construction in Kenner, said as many as 20 firms bid on public works projects. "If contractors get back to work, it would have a ripple effect across the whole economy," he said.

New Orleans, Lake Charles and Baton Rouge have seen significant drops in the number of construction jobs over the past year, according to figures from the AGC. New Orleans had 2,800 fewer construction jobs than in March 2019, a 10% plunge. There were 26,500 construction jobs in New Orleans during March, the lowest level for that month since the AGC first started keeping track of the data in 2005. Lake Charles fared even worse, shedding 4,600 construction jobs over the past year, an 18% plunge. And Baton Rouge had 2,000 fewer construction jobs than a year earlier, a 4% fall.

Those figures were taken in early March, before the pandemic really had an impact in Louisiana and before the state closed schools, casinos and bars and issued a stay-at-home order to control the spread of the disease...

Because of safety measures in place to protect people from the coronavirus, Kernion said productivity has been affected. Everything from getting permits to hiring workers now takes longer.

"We're probably operating at 40% capacity," he said. "We want to do more. Our workers have stayed on the job and continued working."

**Louisiana AGC (3/23/20) –**

Yes Construction Is An "Essential Service"

Yesterday, Governor Edwards issued a "Stay-At Home" policy. Within the Proclamation he states that construction is considered an "essential service". He cites the CSIA definition of essential services by Homeland Security. To add to that, the Administration further clarified to include: Construction, including, but not limited to, construction required in response to this

public health emergency, hospital construction, construction of long-term care facilities, public works, housing, construction engineers, building maintenance, airports, utilities, including sewer, water and gas, electrical, refineries, roads, highways, railroads, public transportation, ports, flood control, telecommunications, and distribution facilities.

Additionally, the Mayors of New Orleans and Baton Rouge issued similar orders with construction in the same posture. Talking with DOTD, FP&C and CPRA, they likewise are trying to keep projects moving...

I cannot say that inspectors, or delivery of materials or subcontractors or workers in general will not show up or be effected... Although construction is ongoing, things will not be normal, and if all are, I cannot say the process of plan changes, payments, etc. will not be slower than usual. We have some generals that are deciding to take 2 weeks off to protect their workers, especially their project management teams and craftsmen that are of age. That is their decision, just like it would be yours to work...

Bidding: As expected, we are seeing bids postponed, today 12. LAGC will stay on top of any bid opening postponements. In discussing this with our State agencies, at this time they intend to hold their bid openings as advertised...

Industry United: Friday [3/20], the LAGC, ABC, LAPA, CAAL, Engineers and Architects all prepared a notice to the Governor, and the Mayors of our largest cities that asked that construction and construction related activities are considered as an "essential service". As you see from the Proclamations issued over the weekend [3/21-22] we were successful.

**Louisiana AGC (3/19/20)** – No projects are shut down. The DOTD headquarters office remains open, but with a modified schedule between office work and telework. Half the staff works in the office Monday and Wednesday, the other half Tuesday and Thursday, with Friday office work as needed. District offices remain open. No disruptions in payments, inspections or supply chain. Project staff are observing required distancing and other protocols.

The chapter has a conference call each morning with DOTD, Facility Planning, Coastal Protection and Governor Edwards' staff. They are also staying in daily contact with officials in the major cities, including New Orleans, Baton Rouge and Shreveport.

## Maine

**(4/30/20)** – From WCSH-TV...

Maine DOT facing big revenues drop from coronavirus health crisis  
The DOT depends on dedicated revenue from the fuel tax to pay many of the bills, including salaries.

Nearly two months of battling the COVID-19 virus is taking a toll on Maine's economy. Thousands of businesses have been closed or cut back, more than 100,000 people are out of work, but a serious side effect is a loss of tax revenue that pays for state government.

Few parts of the government have felt the hit from the economic shutdown more directly than the Maine Department of Transportation. The DOT depends on dedicated revenue from the fuel tax to pay many of the bills, including salaries. And Transportation Commissioner Bruce Van Note says the money has stopped flowing.

"Our revenue sources are pretty limited and simple," the Commissioner said. "Fuel taxes. If people don't drive, they don't burn gas so revenue is down."

Van Note says the DOT is projecting that for the six month period from April 1 to September 30, the Highway Fund, created by the fuel tax money, will be down by as much as 40%-\$74 million.

This at the same time the DOT is starting its annual construction season. Van Note says there is money from bonds approved by voters last year, so most of the work will go on, but he says the DOT needs help.

"We did assume from the get-go a month ago that there would be extraordinary funding from the federal government available to deal with huge revenue losses caused by or COVID-19 and as of this moment, it hasn't materialized."

The money Maine and other states have gotten from the federal government for COVID-19 relief is not allowed to be used to replace lost tax revenue. Van Note says Maine's Congressional delegation is aware of the problem, and Sen. Susan Collins told reporters this week the policy needs to be changed.

The Highway Fund isn't the only casualty of the virus. Income taxes and sales taxes are also being delayed and reduced by the health crisis. Governor Mills said this week she is calling state revenue analysts to meet in June—much earlier than usual—to determine how much of a financial hole state government will be in, and begin planning for ways to get out.

**(4/24/20)** – Excerpts from Maine DOT’s updated Continuity of Operations Plan...

### Highway Program

Construction Inspection: As projects become active over the next month or so, personnel will be assigned to work in the field. The need for visits to a Region Office or the Main Office will be minimal. Staff will maintain 6-foot distancing which could limit the number of people in field offices. Meetings will be conducted remotely as much as possible. Management will provide support...

The Construction Group (represented by all Programs and MTEEx) is developing Risk Based Inspection Guidance for the construction field staff. This guidance will provide direction on work tasks to safely inspect the work. It will also set priorities for field staff for inspection focus in times of limited resources and to adhere to social distancing requirements.

Design: Design work in the Augusta office relies on strong internet connections and powerful computers. The desktop computers have been cleared to move into individual homes. Work can be performed at home but does need occasional updates from the main office. Design work in the Regions can be performed at home for the most part – staff have laptop computers and can log in remotely. Getting signatures and PE stamps still requires physically handling plans and books...

Geotechnical: Geotechnical work can be performed in the field and at home. Staff have laptops and can log in remotely. Support staff for Geotech needs to work out of the Bangor office as the work is CAD related...

Utility Coordination: Utility work can be performed in the field and at home. Staff have laptops and can log in remotely. There may be occasions to come into a Region or the Main Office to print material or plans...

Project and Program Management: Project and Program Managers have laptops and the ability to log into the State system to monitor delivery status and financial situations. Meetings can be conducted remotely through several options including ZOOM, Microsoft Teams, and Skype. Staff may need to come into an office in order to print material/plans or to meet face to face in small groups to discuss status and logistics...

Clerical: Clerical staff rely highly on the ability to use programs through the mainframe. They can bring equipment home and log in remotely. They process invoices that rely on the mainframe for access. They will need to access the Main Office occasionally in order to continue to have material to scan and to process mail. Brad Foley, Steve Bodge and Scott Bickford will work together to ensure work is being processed.

### Bridge Program

Construction Support: There are currently a few active bridge construction projects ongoing throughout the state. Construction projects are considered essential and will continue on as long as covid-19 doesn't impact the contractor or the contractor chooses to suspend work. Field inspection staff (Residents and Inspectors) will be required to be on-site. In the event the Resident and/or Inspector(s) on these active projects become incapacitated, there are other MaineDOT field personnel or Consultant Inspection staff available that could fill in, at least in the short term (two to three weeks); there is a limit, however, to the number of MaineDOT/Consultant personnel who are available. Also, if the Resident on any particular project is indisposed for an extended period, then payment to the contractor and resolution of any significant project issues may be delayed and become problematic.

Bridge Program field personnel who are not currently assigned to active construction projects will be able to be productive working on alternate duties, such as completing final project documentation or setting up documentation for upcoming projects, at least in the short term.

Residents and Inspectors on active construction projects will continue communicating through the current chain of command, i.e., communication with Management will initially be through the Area Construction Engineers...

There are currently a few fabrication facilities producing products for MaineDOT projects that are located in Maine or other states. Because these projects have contractually binding completion dates, delivery dates prescribed by the general contractor, or fabrication time limits with associated Supplemental Liquidated Damages, these fabrication facilities will continue to be in production until such time that the facility ceased operations for reasons unforeseeable at the time of bid. Where these facilities are producing products for MaineDOT projects, the Fabrication Group, under the Bridge Program, must provide Quality Acceptance (QA) inspection of these products by having inspectors in the facilities. QA inspection is provided by qualified MaineDOT or Consultant personnel. The MaineDOT Fabrication Group currently has three full-time QA Inspectors performing work in Maine. All fabrication facilities outside of Maine are currently staffed with Consultant QA inspectors. In the event that MaineDOT and/or Consultant QA staff become incapacitated, there may be other MaineDOT general field staff that could fill in for these inspectors, but, because of the specialized nature of the expertise needed for some fabrication (e.g., structural steel fabrication), there would be a very limited number of general field personnel who would be qualified to perform fabrication QA inspection. Typically, the general field staff would only perform fabrication QA inspection in precast concrete facilities. Because the Fabrication Group uses a relatively large number of Consultant Inspectors, any fabrication QA inspectors who become incapacitated could be replaced with other Consultant QA inspectors who could be up to speed on the progress of the work in a relatively short time. There is, however, a limit to the number of Consultant inspectors available. Further, the Consultant firms working for the Fabrication Group have informed the Fabrication Engineer that if anyone in a fabrication facility becomes infected with Covid-19 and the facility does not elect to shut down, then the Consultant will not send in any

additional personnel. Fabrication of major structural elements with no QA inspection is not advisable.

QA Inspectors, whether MaineDOT or Consultant inspectors, will continue communicating through the current chain of command, i.e., communication with Management will initially be through the Fabrication Engineer...

Project Management/Team Leadership: Project Managers and Senior Structural Engineers can work remotely to accomplish the majority of their duties while social distancing is required. The Teams are proficient at using Microsoft Teams and Zoom to communicate and coordinate their work. MaineDOT adapting businesses practices such as TAMEing and Work Plan Management to an electronic format has improved the Project Manager's ability to telework. The PMs are currently meeting with municipal officials and advisory groups using Zoom and are developing a virtual public involvement application (PIMA) to do public meetings remotely. The Project Managers may need to come into the office occasionally to file and distribute large documents and to collect materials. Full implementation of electronic document approval by MaineDOT would help the PMs operate more efficiently...

Program Management: For the duration of this event, Bridge Program Management will continue to coordinate with staff and Bureau Management regarding work status, staffing levels, projects and other items that need to be communicated. All Program Management has the capability to telework and can coordinate with the management team using email, Microsoft Teams and Zoom...

Contracts Specialist: The Program Contract Specialist, Coy Williams, can work remotely to complete his job duties while social distancing is required. Coy will rely on the electronic transmission of documents from the Teams and to Contracts. Electronic approval of documents is critical. Most documents can be signed electronically, however PE stamps, and plan Title Sheets and Notice to Contractors have traditionally required "wet" signatures and the signed document to be scanned. This requires people to be in the office to deliver, sign, and scan and is becoming problematic with most staff teleworking. An electronic approval and distribution process would improve this effort...

Utility Coordination: Denver Small is currently the only Utility Coordinator assigned to the Bridge Program. Denver can work remotely while social distancing is required. Coordination can be done via phone, emails, or on-site meetings with small groups respecting the 6-foot rule. Larger coordination meetings can be conducted using Zoom or other virtual meeting tools... All Coordinators should take care to share critical documents with the appropriate PMs and keep complete electronic project files. Denver will keep his supervisor, Leanne Timberlake, informed of any issues.

Structural Design: This function is performed by a staff of eight Transportation Engineers within the program. Each of the two regional teams is led by a Senior Structural Engineer... Each supervises two Transportation Engineer IIs and one Assistant Transportation Engineer. The

Transportation Engineers have successfully migrated to telework after being allowed to take their computers home and being granted remote access to the MaineDOT network.

Senior Structural Engineers are responsible to supervise and provide technical guidance to the in-house design staff and oversee consultant design work. Both SSEs have the capability to work remotely to attend to any issues related to in-house design issues or consultant design work. The SSEs are also working with the PMs to maintain communication with the teams using Microsoft Teams and Zoom...

Geotechnical Engineering: This function is performed by a staff of two engineers within the Program. One Senior Geotechnical Engineer, Laura Krusinski, leads this function and supervises one Geotechnical Assistant Transportation Engineer. This group is responsible to provide geotechnical engineering services to the two regional design teams. The work of the geotechnical unit includes office engineering as well as field exploration. The Geotechnical Engineers can work remotely now that they have been given remote access to the MaineDOT network. Field work is currently limited since the MTEx drill rig has stopped operations due to the inability of the crew to maintain 6 feet of separation while drilling. This shouldn't cause delays for the next few weeks, however if the current situation persists into the summer, we will need to use a limited pool of consultants to fill the gap...

Plan Development: This function is performed by a staff of seven Technicians and Senior Technicians. As with the Designers, the Plan Development Technicians have successfully moved to telework after being allowed to take their computers home and being granted remote access to the network. The Plan Development Technicians are also able to collaborate with the rest of the team through Microsoft Teams and Zoom...

**(3/31/20)** – From Maine DOT...

**Bid Opening Changes**: In our efforts to minimize the impact of COVID-19, the Department will be restricting our bid openings to online viewing or listening. Instructions on how to view or listen to the bid openings are below.

The Department encourages use of our online bidding system, Bid Express. If you have a paper bid that you are delivering to the MaineDOT office, you can drop it into the marked receptacle at any time of day on any day of the week at the main entrance of the Augusta Headquarters Building...

**(3/23/20)** – From William Pulver, Maine DOT COO and Deputy Chief Engineer...

“Commissioner Van Note’s current intent is to deliver the 2020 CAP and maintenance construction activity as planned, and perhaps even supplement those plans, but that could change due to various risk factors including COVID-19 guidance, supply chains, and financial viability measures such as declining Highway Fund revenue and the bidding climate. We will continue to reach out to industry representatives to help us identify and manage these risks.



The Commissioner believes that MaineDOT construction activity could be a rare bright spot in 2020 if COVID-19 risks can be managed for worker safety and if we all work together for the common good.

“To that end, the Commissioner has asked me to identify any types of work or projects that we plan to bid for the remainder of the year that may pose COVID-19 safety concerns for our collective workforce. I believe the nature of our construction work lends itself to be performed with relatively minimal risk to COVID-19 - with proper modest precautions. I am asking for our construction partners’ opinion on this, as we want to make sure we do not put out any work that puts your/our workers at risk...”

“[W]e are working on a Special Provision to make clear that any documented project delays due to COVID-19 workforce or supply chain issues will be considered “excusable delays” when considering contract completion dates. We will share a draft with Industry soon.

“[W]e are allowing visitors into our buildings by appointment only as a safety precaution. And, while we have a lot of employees teleworking, MaineDOT is still working hard to get projects out for bids as planned...”

## Maryland

**Maryland Transportation Builders & Materials Association (4/23/20)** – Excerpts from report on MDOT’s I-495 & I-270 P3 Program Update...

[T]his program includes several separate studies. The first NEPA study, which has garnered much attention for the past two years, is the I-495 & I-270 Managed Lanes Study (MLS) that includes I-270 from I-370 to I-495, and I-495 from the American Legion Bridge to all the way around to Maryland Route 5. The Draft Environmental Impact Statement (DEIS) for this program will be released in Summer 2020. There will be in-person public hearings scheduled in connection with this release. They are making adjustments due to the COVID-19 situation, which includes supplemental virtual meetings only as we are dealing with this pandemic. Regardless, there will be multiple ways for us to be involved in the environmental study, and there will be equal weight given to submitted questions and questions raised at... physical community meetings (assuming they are not suspended due to the pandemic). The timeframe for this feedback will be [provided] in the coming weeks.

Regarding the second I-270 from I-370 to I-70 Pre-NEPA Study, the program is on schedule and plans to begin this summer, and will be a 2-year process...

As addressed above, MDOT is on target for the current solicitation schedule. The shortlist of qualified teams will be announced in July of 2020 and a final request for proposals will be released in December 2020. The final selection will be offered in March of 2021, and a meeting with the Board of Public Works for approval will take place in May of 2021...

**(4/1/20)** – Excerpts from the *Washington Post*...

Chesapeake Bay Bridge westbound span fully reopens ahead of schedule

Repairs to the Chesapeake Bay Bridge were completed this week — more than a month ahead of schedule, Maryland Gov. Larry Hogan said Wednesday.

Hogan (R) said unusually light traffic due to motorists staying home amid the coronavirus pandemic helped the work be completed quickly.

The right lane of the westbound span, which has been closed since September, reopened Wednesday morning.

The project, which took seven months, was completed far ahead of its initial two-year schedule. Hogan ordered the work to be accelerated in the fall after massive traffic jams ensued on both sides of the bridge.

In addition to lighter traffic, Hogan credited round-the-clock shifts and warm weather for helping to accelerate the work. State transportation officials also have said they saved time by requiring contractors to add crews and continue work through the busy Thanksgiving travel week...

In a news release, Hogan added that while state officials are focused on the public health crisis, “It’s important to celebrate the reopening of the westbound right lane of the Bay Bridge because for me it represents the spirit, dedication and work ethic that will see our state through any crisis.”

Hogan has designated construction, including residential and private development, as “essential” and those workers exempt from his stay-at-home order.

The \$27 million bridge project entailed replacing the concrete bridge deck in the westbound span’s right lane, which state transportation officials said had badly deteriorated to the point of becoming unsafe...

Maryland Transportation Secretary Greg Slater commended contractors “for rising to the challenge” of finishing the work amid the coronavirus outbreak.

“This will be one less thing for Marylanders to be concerned about as we rise out of our health crisis,” Slater said.

**Maryland Transportation Builders & Materials Association (3/30/20)** – Gov. Hogan issued a new "Stay-At-Home" directive for Maryland. Transportation construction is still deemed essential. The Stay-at-Home directive takes effect at 8 pm on 3/30/20. Only essential businesses are allowed to remain open. “Telework, when practical.”

**(3/23/20)** – Gov. Hogan ordered closure of all “non-essential” businesses in the state. The chapter offered this update:

MDOT is moving forward on all transportation projects... Here are the comments from SHA and MDTA confirming our understanding that transportation projects are outside of the Governor’s order, and therefore considered essential and able to move forward:

State Highway Administration - “Following Governor Hogan’s announcement this morning,... there is no change to our posture from our discussions last week. Our maintenance and construction work aligns with Public Works and Transportation Systems Sector infrastructure. MDOT SHA plans to continue with construction. Thank you and your members for continuing to press forward.”

Maryland Transportation Authority - “As a follow up to the Governor’s Executive Order announcement today (3/23/20),... MDTA has received additional guidance that public works/transportation infrastructure work will continue for both construction and

consultant/contractor support services. Therefore, there is no change from our prior update.”

**(3/23/20)** - Maryland’s Government recognizes our industry is essential and we can remain open for business. Under... the... Interpretive Guidance from the State of Maryland’s Office of Legal Counsel, transportation construction services are considered “critical infrastructure sectors” under federal standards and, therefore, are not required to close today.

**(3/18/20)** Maryland State Highway Administration Update...

“Construction: Active construction will continue. While we are minimizing staffing and social interactions, we are ensuring we have the appropriate staffing to continue to work with you all to deliver MD’s construction program. Please let me know if your members indicate they are having any issues with SHA being able to provide the necessary testing, inspection, etc. If your members run into a supply chain or other issues, please share that information also.

“Bid Opening: SHA will continue to open bids on Thursdays at 1200 as usual. We have a couple this week. Many of our staff are following mandatory telework requirements. We are quickly adjusting to this as many of our processes are still somewhat hardcopy paper-oriented and we are implementing IT resources to enhance the functionality of our office workforce. Because of these early inefficiencies associated with teleworking, some future advertisements and/or bid opening may slip a couple of weeks. SHA is working to prioritize jobs on our Advertisement Schedule, so look for some minor adjustments there. We still plan to continue with the program and appreciate your cooperation and partnership!”

**(3/18/20)** Maryland Transportation Authority Update...

“Construction: Active construction will continue, so long as we are permitted to do so.

“Bid Openings: For active bids, we are issuing addenda to move to teleconferences for the pre-bid meetings. Site visits are being conducted in person in the field on an as-needed basis, but we they will be prioritizing some of these which may push a few bid opening dates out.”

## Massachusetts

**Construction Industries of Massachusetts (5/6/20)** – The City of Boston will be resuming construction with enhanced safety protocols and a phased-in approach. In the short term, this will bring construction in Boston to operating levels consistent with the state of Massachusetts.

From the City of Boston...

Now that the COVID-19 Safety Policy for Construction has been implemented, and current construction is in compliance with the new mandate(s), the City will incrementally expand its categories of allowed construction to further align with the broader categories of construction defined as essential by the State.

The City of Boston will be taking an incremental approach to broadening the allowable categories... **The City... reserves the right to modify and/or adjust allowable work or implementation dates based upon public health, safety or capacity to issue permits, conduct inspections, and coordinate work consistent with the City's COVID-19 safety policies.** At no time will the City of Boston permit any construction beyond what is allowed by the Commonwealth of Massachusetts as an essential construction project.

- **May 5, 2020** – Essential construction projects with approved safety plans and signed affidavits filed with the appropriate regulatory agencies will be authorized to prepare the site with project-specific COVID-19 safety measures.
- **May 18, 2020** – The City of Boston will allow essential construction project[s] on sites that meet the following criteria: (1) Projects are permitted, in compliance and have filed a Covid-19 Safety plan and a signed affidavit; (2) Project sites are sufficiently prepared to adhere to all criteria of their safety plan; and (3) the work is for hospitals, public schools, residential buildings (1-3 units), road and utility work, or other outdoor/open air-work such as steel erection, roofing and constructing foundations.
- **May 26, 2020** – The City of Boston will allow all essential construction projects to recommence construction activities in adherence to their safety plans. This incremental approach will provide the time necessary to allow complex, large-scale development an opportunity to educate their workforce, safely remobilize and implement their site-specific Safety Plan.

Enforcement: The Department of Public Works and Inspectional Services Department inspectors shall continue to monitor and enforce the Covid-19 Safety Plans for Construction. In accordance with the signed affidavit, Contractors acknowledge and agree that non-compliance with any requirements, including failure to abide by its own

COVID-19 Safety Plan, may result in suspension or termination of work in progress or revocation of the City's permit for such work.

Safety & Worker Protection: As essential construction activities commence, the City will continue to focus on the health and well-being of Boston residents, worker protections and the safety of Boston construction sites. To further ensure safety of essential work, Mayor Martin J. Walsh has partnered with Tufts Medical Center to provide testing services for the industry...

**(4/17/20)** – From the City of Boston...

Due to the public health emergency caused by the spread of COVID-19..., the City of Boston will be implementing new protocols for essential construction work... All essential construction sites must now submit a COVID-19 Safety Plan and a COVID-19 Safety Affidavit. The policies go into effect on April 27<sup>th</sup> for all essential construction. This policy will expand to include all sites when it is deemed safe to restart construction in the City of Boston. Nothing in these new protocols changes what construction is considered allowable.

*COVID-19 Safety Plan*: This document will detail the job site practices that the contractor will follow to protect worker safety. Every contractor will be required to provide the City with this document when applying for a permit. If a job is already permitted, contractors must provide the document by April 27 or before work starts.

There are six key elements the City will be looking for in each plan: 1.) steps taken before shifts start to ensure workers are healthy; 2.) practices to ensure social distancing that can be achieved on the job site; 3.) materials provided to ensure job site hygiene; 4.) protocols for the use of personal protective equipment; 5.) communications and training practices to ensure everyone is informed; and 6.) procedures in case there is COVID-19 exposure on the job site...

*COVID-19 Safety Affidavit*: This affidavit attests that the contractor has created, provided to the City, and will implement its COVID-19 Safety Plan. It follows the same requirements as the Safety Plan. Failure to adhere to the policy may result in approval to work being revoked.

**(4/16/20)** – MassDOT has released its “COVID-19 Pandemic Temporary Guidelines for HMA and PCC Acceptance and Independent Assurance.” Excerpt:

#### Independent Assurance (IA)

1. Independent Assurance Sampling and Testing for Concrete and Soils:
  - Continue IA activities at the project site. Maintain proper social/physical distancing during IA sampling and testing until further notice.
2. Independent Assurance Sampling and Testing for Hot Mix Asphalt (at Plant):

- Suspend all HMA IA sampling and testing performed at the Plant until further notice.

**(4/16/20)** – The North Atlantic States Regional Council of Carpenters has advised CIM’s Labor Relations Division that its members will be returning to work on construction projects deemed essential projects in accordance with Gov. Baker’s guidelines on Tuesday, April 21. All highway, rail and heavy construction have been on the governor’s list of essential projects.

**(4/15/20)** – From MassDOT...

In light of... travel restrictions, elimination of in-person meetings of more [than] 10 individuals and the need to proactively encourage enhanced safety measures, MassDOT will allow [Traffic Control Technician and Traffic Control Supervisor] to be provided for engineers, contractors and others via virtual on-line training. This approval covers the 2020 construction season and will allow MassDOT and the contracting community to evaluate the effectiveness of the virtual delivery of the course to traditional in-person classroom training. MassDOT will assess the continued use of on-line training of these certified courses moving forward...

**(4/13/20)** – MassDOT Highway Division will be including the attached language to all projects being bid forward effective tomorrow, April 14 until further notice, it is NOT retroactive...

Commonwealth of Massachusetts COVID-19 GUIDELINES AND PROCEDURES FOR ALL CONSTRUCTION SITES AND WORKERS AT ALL PUBLIC WORK dated March 2020 as amended shall be adhered to.

It is the Contractor’s responsibility to stay current with any changes or addendums issued to these guidelines...

These Guidelines and Procedures will remain in effect until further notice. At the start of the Work the Contractor is required to submit a letter to the Engineer certifying that the Contractor is in compliance with CDC, OSHA and the Commonwealth’s COVID-19 guidelines. The certification applies to the general contractor as well as all subcontractors engaged with the Work covered under this contract. No Work will be allowed to begin until the letter is submitted and approved by the Engineer. In addition, on a daily basis, the Contractor is required to submit a copy of the MassDOT Contractor COVID-19 Guidelines Compliance Checklist to the Engineer. If the Contractor fails to submit the daily checklist no work will be allowed until one is submitted. Any items checked with a NO will require immediate corrective action by the Contractor before any Work can begin.

The Contractor will be required to provide compliant Personal Protective Equipment (PPE) to Department personal field staff. The compliant PPE shall consist of face masks, gloves and eye protection.

All costs associated with compliance with this provision are considered to be incidental to the contract cost and therefore the contractor will not be entitled to any additional compensation.

**(4/8/20)** – From the Massachusetts Bay Transportation Authority...

As a matter of public health and safety, MBTA Contractors and Vendors are required to immediately report all known cases where contractor personnel (including sub-contractors performing work for the MBTA) who have reported Symptoms of and or Tested Positive for the COVID-19 virus.

In support of this, the MBTA has established the following reporting protocol and process to be followed by all MBTA Contractors and Vendors who have experienced a known reported case associated with this virus within your Workforce...

Note: a form is required for each individual who has reported symptoms and or tested positive for the COVID-19 virus whether within the past 14 days or greater than 14 days (e.g., incidents that have since been resolved). The MBTA is tracking all incidents, not just current incidents.

We have also provided a “What to Do?” guideline document... that all MBTA contractors/vendors are required to follow.

**(4/6/20)** – Message from Jonathan Gulliver, Highway Administrator, MassDOT, to staff...

As all of you are aware MassDOT’s construction program is an essential service. I appreciate all of you that contribute to its success in this difficult time.

Last week, we issued additional guidance to the contracting community about performing work in a way that ensures the safety of everyone on our job sites...

The key tenets of these guidelines require that everyone on a job site wear gloves at all times and maintain social distancing and, when that isn’t possible, wear appropriate masks for PPE in close contact situations. If MassDOT staff encounters an unsafe site they should immediately alert the contractor’s project manager/supervisor for corrective action and then elevate the issue within MassDOT.

I want to stress to all of you that any MassDOT employee at any level, on any jobsite, is empowered to shut down a project for PPE non-compliance when warranted.

I have had a number of discussions with industry on the implementation of these guidelines and have made it clear that I consider social distancing, gloves, and the use of masks, when required, to be as essential as the use of a hard hat and that these rules will be strictly enforced.



The safety of our staff and by extension our contractor's staff is my number one priority and I don't want anyone to be exposed to unnecessary risks.

Thank you for the work that you do and please elevate any concerns you may have to your supervisors.

**(4/2/20)** – Thomas J. Flynn, Executive Secretary-Treasurer of the North Atlantic States Regional Council of Carpenters, has written construction entities that he is directing all of his members to cease working on construction projects (except for health facilities related to COVID-19). This directive is to take effect 4/6/20 and will continue until "it is safe" to work on these projects. CIM reports the order may only have a limited effect on transportation construction projects in the region. The chapter will provide updates.

**(4/2/20)** – Excerpts from MassDOT's "Enforcement of the COVID-19 Safety Guidelines and Procedures for Construction Sites..."

Construction sites that cannot consistently comply with the COVID-19 Construction Safety Guidance, including ensuring that social distancing and safety requirements are being followed, must:

- Safely secure the site and pause construction activities until a corrective action plan is prepared, submitted and approved by both the Owner and the city or town; or
- Close down the site for the duration of the State of Emergency if repeatedly found by either the Owner's COVID-19 Officer or a state or local inspector (including a third-party private inspector accountable to a city or town) to be in violation of the social distancing and safety requirements.

[For public projects]: The Owner of the project has the lead responsibility for compliance and enforcement including frequent on-site inspections by an employee or contractor of the state agency or authority who is familiar with the COVID-19 Construction Safety Guidance and is authorized to enforce that guidance and shut down work at the site if violations are found.

**(4/2/20)** – MassDOT has issued "Supplemental Guidelines for Construction Sites ADDENDUM 1," which covers "Limiting Exposures and Worker Infection Protocol, COVID-19 Employee Health, protection, guidance and prevention"

**(4/2/20)** – From MassDOT...

As you know when the original COVID-19 guidelines were issued we had directed contractors to modify their HASP plans and resubmit it under the certification of a CIH. Industry had raised concerns with this approach and asked for reconsideration of the

process. After discussing with MassDOT Legal it has been decided that we are going to accept a letter from each contractor certifying compliance with CDC, OSHA and the Commonwealth's guidelines. The letter must be on company letterhead and signed by a principal of the company. The contractor must submit a separate letter for each contract to the District Highway Director.

Each contractor shall be notified of this requirement and directed to submit the requested letter.

**(3/29/20)** – From MassDOT...

“Please note this is a revised process regarding the COVID-19 checklist.

“Previous direction had been given that the Resident Engineers would be responsible for completing this form. The process has now been changed to make it the contractor's responsibility to complete the [17-point] checklist...

“The revised process is as follows:

1. A copy of the checklist and guidelines should be issued to all Resident Engineers on all MassDOT projects
2. The RE should forward a copy of the checklist and guidelines to the contractor
3. Starting tomorrow, March 30, 2020, and every work day thereafter the contractor is required to complete and sign the form. The original form must be submitted to the RE at the start of the work day.
4. If the contractor fails to submit the form no work will be allowed to begin on the site until the form is completed.
5. If the contractor indicates a NO response to any of the items listed, no work will be allowed on the site until the issue has been satisfactorily resolved and the RE is made aware that it is resolved.
6. The contractor must ensure that all subcontractors, vendors and suppliers are in compliance with these guidelines while on site.
7. This process will remain in effect until further notice.

HASP [Health and Safety Plan] Updates: Contractors should be reminded that they are required to update their project HASP by Friday, April 3, 2020. Jessica Kenny, Director of Environmental Compliance for Construction, is finalizing guidance with the process on how the HASP will be reviewed. We are engaging the services of a number of consulting firms to perform the reviews. She will be issuing additional information to all districts tomorrow.”

**(3/27/20)** – From letter by Massachusetts Bay Transportation Authority to CIM, regarding details of Safety Stand Down Day ...

- All contractors must stand down construction activities starting at 6AM Monday, March 30<sup>th</sup> and this will last the entire day.

- Work may resume on Tuesday March 31<sup>st</sup>.
- Contractors are required to distribute a copy of the COVID-19 Guidelines... to all employees and subcontractors and make sure everyone understands the guidelines.
- It is the Contractors responsibility to make sure they are in full compliance with these guidelines.
- The Contractors is required to designate who is their [COVID-19] officer.
- The Contractor is required to update their project HASP to reflect these changes. Every effort must be made by the Contractor to update their HASP by end of the day Monday March 30<sup>th</sup>.
- The MBTA staff will report to the site on March 30<sup>th</sup> and remain until the site is secured at the end of Safety Stand Down activities.
- At the end of each day the RE will attach a pdf copy of this checklist to the daily report.

**(3/26/20)** – Excerpt from report to CIM membership on 3/25 teleconference with MassDOT leadership. Please note this is a recap of the discussion and does not represent official directives or guidance...

MassDOT expressed their appreciation and gratitude for everyone’s work during these extremely difficult times. They recognized the common issue they/we are all dealing with is worker safety.

The document released by Governor [Baker] today [3/25] contains two parts:

Part I:

- There had been confusion and different interpretations in municipalities of critical/essential services as contained in the Governor’s order of March 23, 2020.
- Part I of the document released March 25 is a letter from the Governor’s Chief Counsel to municipal leaders that describes the Governor’s executive order authority with specific regards to construction.
- This means that construction work, as specifically allowed pursuant to the Governor’s order, is to continue and localities cannot by local ordinance close work down.

Part II:

- The state has issued COVID-19 Guidelines and Procedures for All Construction Sites and Workers at All Public Work

- These guidelines and procedures were developed in collaboration with the other state awarding entities to ensure a consistent document is being implemented and followed across the state.
- These guidelines and procedures take effect immediately. MassDOT recognizes that many contractors already have them in place and they appreciate the proactive approach taken by our members. ALL contractors working on state projects will be implementing the same requirements.
- MassDOT reviewed several of the specific requirements [regarding daily health check of employees, employers' responsibilities for developing this process, temperature taking of employees in confined spaces, spacing of break areas, requirements for wash stations.]
- MassDOT's required Safety Stand Down is occurring Friday (March 27, 2020)...
- Health and Safety Plan: Contractor's plans need to be modified and they must identify a person as the COVID 19 point person. They are to provide a status report each day...
- [If] an RE determines that a contractor is not complying with the COVID 19 guidelines and procedures... MassDOT does not want to shut down jobs, but safety needs to be paramount... [If issues] are egregious and the contractor is not taking appropriate steps then MassDOT will shut a job down. There will be a Corrective Action Plan [for the contractor].
- Bids: CIM noted some contractors' estimating departments are significantly impacted as they comply with CDC guidelines and the limitations on meeting in person. [CIM] asked MassDOT to consider spacing out projects in recognition of this strain. MassDOT [is] receptive to CIM's requests in this area...
- As a result of the lack of statewide traffic, MassDOT will consider adjusting work hours, changing work schedules to day work, shifting lane closures, and acceleration of work. Contractors are encouraged to go through the districts to discuss these opportunities.
- Inspections: MassDOT issued a guidance on HMA and PPC plant inspections. Precast and steel fabrication inspections will continue as usual, as [many] are done by third parties.
- Payments: MassDOT does not anticipate any delay in the processing of payments. MassDOT staff is working remotely and a system is in place to get payments processed...
- CIM shared concerns [about] productivity and schedule... impacted by the new protocols and guidelines. MassDOT has been and will continue to collaborate with AASHTO and other states on these and other issues.
- Utility Relocations: There had been some immediate impacts in cities and towns and whether utility work would be allowed. The letter today clarifies utility work is exempted and must be allowed to continue...
- Media is not allowed on project sites or property without permission from MassDOT...

**(3/25/20)** – From MassDOT email to CIM with attachment...

“[G]uidance to contractors on the inclusion of COVID-19 provisions in contractor Health and Safety Plans... will be issued by District Construction Engineers with specific instructions for submission of the modified plan.

“The general work rules, if they haven’t already been instituted, take place immediately and the document includes a provision for a state-wide Safety Stand Down which we are scheduling for this Friday, March 27th, that requires all contractors cease construction for the day to review site-specific issues, develop mitigation strategies, and communicate the new rules to their staff.

“This... is a Commonwealth document and each agency executing construction will be working... directly with contractors to ensure that the guidelines are being instituted consistently with industry standards. There will be some nuances that each agency has with vertical and horizontal construction that will apply consistent with each of our business practices.”

**(3/25/20)** – From MBTA email to CIM with attachments...

“[The] MBTA Capital Program cover letter [addresses] the Governor’s March 23rd executive order... as well as the subsequent March 25th Governor’s Legal Office letter... . and the accompanying COVID-19 Procedures and Guidelines for construction sites and workers... The MBTA has determined that the safety stand down day for all MBTA Capital Projects shall occur on Monday March 30th. Please distribute this information to your membership and instruct them to coordinate with their project specific MBTA project offices for the implementation of the procedures and guidance provided herein.”

**(3/25/20)** – From CIM’s letter to Boston Mayor Marty Walsh...

We certainly understand and appreciate the tremendous challenge you face in balancing a variety of factors to ensure public health and mitigate economic harm. CIM is confident our members can continue to safely undertake projects in pursuit of these dual factors, and we look forward to collectively working together to achieve these results.

**(3/23/20)** – Gov. Baker ordered all non-essential businesses to cease in-person operations. From MassDOT...

“Due to the recent COVID-19 outbreak MassDOT has received a number of inquiries from the construction industry seeking confirmation that contractors, consultants, services and material suppliers are considered essential services as detailed in Governor Baker’s Executive Order assuring continued operation of essential services in the Commonwealth. The Executive Order provides that essential businesses and services specifically include transportation infrastructure including vendors that provide essential services needed to ensure the continuing operation of government.

“The Department is continuing implementation of its capital program as an essential government function and will continue to bid and construct projects. The companies awarded such contracts including subcontractors, suppliers, vendors and specialty firms are all exempt for work to support the capital program.”

**(3/22/20)** – From MassDOT, in a letter to CIM...

“Due to the recent COVID-19 outbreak, effective immediately, MassDOT inspectors will no longer be performing in-plant inspections and testing for Portland cement concrete (PCC) and hot mix asphalt (HMA). Contractors will be responsible for controlling the quality of materials from the plants as specified in their contracts. Contractors and their PCC and HMA suppliers shall be required to submit test results and certifications as part of their Quality Control system to ensure that all materials meet the necessary quality levels. MassDOT will continue to perform on-site Independent Assurance (I/A) acceptance inspection, sampling, and testing.”

MassDOT provided CIM a detailed guidance document relating to this new policy.

**(3/19/20)** Gov. Baker’s (R) administration wants work to proceed and has not changed its position. Boston and Cambridge have suspended construction work, and several other municipalities are also contemplating doing the same. The Administration has requested that CIM provide a consolidated document and examples of employee communications, protocols, and any extraordinary steps that have been taken to limit exposure, including construction methods. These will illustrate what the industry is doing proactively to continue working safely in the current COVID-19 environment.

**(3/17/20)** From the chapter...

“CIM has had numerous conversations with MassDOT - Highway Division and the MBTA regarding the current coronavirus health situation. It is the current plan of both to continue their capital projects, including in the city of Boston. Both agencies plan to have [resident engineers] and Inspectors categorized as essential employees to see that work progresses...

“As of today, MassDOT postponed the bids for this week but plans to resume bids next week. The MBTA has postponed the Green Line E-Branch On-Call bid for one week.

“MassDOT and the MBTA, as well as CIM, are united in prioritizing worker and employee safety and have taken steps to have as many people work remotely as possible. Therefore, the only meetings MassDOT and the MBTA will conduct will be those that are essential. When such an essential meeting is necessary, the number of attendees will be limited and CDC guidance will be followed...

“In addition to the health and safety protocols, CIM has discussed operational issues with MassDOT/MBTA such as the processing of payments, inspections, and mix approvals. MassDOT has had discussions with the Comptroller’s office and has taken steps to streamline their process for timely payments. MassDOT will provide CIM with any guidance and directives on these operational issues as they are developed...

**(3/16/20)** Boston Mayor Marty Walsh (D) announced a suspension of all construction projects in the city for two weeks, with a reassessment at that time. Nonetheless, both MassDOT and

the MBTA had not shut down projects and intended to allow work to progress. Furthermore both agencies had taken the position that their work will continue to be performed in the city of Boston.

## Michigan

### **Michigan Infrastructure & Transportation Association (4/30/20) –**

#### Return To Work Sample Letter Now Available

Whether your company has been considered "essential" from the beginning of the COVID-19 crisis, or is now looking to get started on May 7th when ALL construction is given the go ahead to resume safely as the Stay Home, Stay Safe order continues, getting employees to come back to work seems to be a major challenge.

MITA has held two webinars over the last couple of weeks, and by far the number one concern raised by the participating contractors is getting their folks back to work. With easy access to government assistance programs and an ongoing sense of anxiety about the virus, many employees are hesitant about coming back to work, even though much of the industry's work regularly involves being outdoors with natural social distancing, as well as regular use of personal protective equipment, which has historically been routine.

Bodman law firm, a MITA partner, has put together a sample "return to work" letter for employers to use to encourage employees to come back to work once each respective company is ready to restart operations. The letter includes legal language to help protect employers and motivational language to help employees with this decision.

### **(4/29/20) –**

#### All Construction to Reopen on May 7

It was reported late Tuesday [4/28] that Governor Whitmer is planning to reopen all construction on May 7th. This news came days after MITA and several other groups had suggested that our industry should be one of the first economic sectors to get started again after the Stay Home, Stay Safe order was put in place nearly six weeks ago. It is expected that she will officially announce this through an Executive Order on Friday, May 1st.

As she has stated over the past few weeks, the decision comes after reviewing data of the spread of COVID-19 and the amount of risk associated with the type of work. As construction is generally outside, and many tasks can be performed using effective social distancing, it will be one of the first industries to be opened.

The Governor has relied on information from the Michigan Economic Recovery Council (MERC) on how to safely reengage the economy as the state slows the spread of COVID-19. The group has made several recommendations on how the economy can be opened safely and effectively. MITA staff offered recommendations to MERC on the safety measures that industry should be



following as work resumes, and these protocols will follow the guidelines that have been laid out by MITA in bulletins over the last several weeks.

This is great news for MITA members not working on “essential infrastructure projects”, which has continued throughout the pandemic. Several member firms have reached out to MITA to express their desire to get back to work in order to continue to keep their employees working and to support Michigan’s economy. This move should open up most construction projects that have been put on hold, including private commercial, residential and other local projects, but communication with owners/primes/subcontractors/suppliers will be vital.

#### **(4/28/20) – Governor Whitmer Announces Re-Opening of Construction**

Governor Whitmer announced Monday of this week that certain aspects of the economy and potentially various regions across the state will soon begin to reopen. However, she made clear that it will not be business as usual, given that many aspects of our economy before COVID-19 will look very different than they will once re-opened. Facemasks, shields and other personal protective equipment will likely be used moving forward in the future.

The Governor, in her press conference on Monday, said that the construction industry will likely be the first industry phased back in. While a significant amount of public works construction has continued through the pandemic because it was deemed essential, private, commercial, residential and some local public construction has not.

Last week, MITA joined other construction associations in an official request to Governor Whitmer that all segments of the construction industry should re-open in a safe manner as soon as possible. MITA staff has been working diligently over the last several weeks to develop and introduce proper protocols that industry would have to meet in order to re-open successfully and in accordance with current COVID-19 guidelines.

No timeline has been announced with regard to the industry re-opening yet, although further announcements were suggested as being forthcoming. Last week, the Governor relaxed restrictions for landscapers while extending the Stay Home, Stay Safe Executive Order through May 15th.

Decisions will be based, in part, on geography. Advisers have divided the state into eight regions based on employee travel patterns and location of health care facilities. Risk in each region will also be assessed based on COVID-19 case counts, health care capacity and ability to track contacts...

#### **(4/28/20) - COVID-19 Testing for Essential Workers Experiences Delays**

MITA staff has received calls from members who have attempted to have their employees tested for COVID-19, but have been unable to get it done when no symptoms are present. As MITA reported last week, testing was expanded to any employee who is working outside of

their home and considered an essential employee. MITA staff expressed this concern with officials from the Governor's office, as well as the Department of Health and Human Services, who admitted that full implementation has been slow.

The recommendation is that employers contact the individual testing sites to confirm that employees can be tested, and have employees bring their essential worker paperwork (which should be provided by the employer) with them, as well as the directive from DHHS...

#### **(4/28/20)** – Clarification on Workforce Mask Requirements

MITA has received clarification on Executive Order 2020-59 with regard to the wearing of masks. Employers are required to provide masks for employees where social interaction (working within six feet) is required. It is highly recommended that employees working within six feet of one another wear masks. N-95 masks are suggested, but not required. Cloth masks, bandanas or homemade masks are acceptable when N-95 masks are not available.

It has been suggested that enforcement agencies not write violation tickets if masks are not being worn by an employee in regards to COVID-19, nor when an employer is unable to find available masks. It is also recommended that employers continually search for masks, as they will become more available in the coming weeks.

**(4/25/20)** - MITA has joined a large group of construction industry organizations in submitting a thoughtful request to Governor Whitmer asking her to immediately restart all construction projects across the state. With the Stay Home, Stay Safe Executive Order extended to May 15th, several industries are looking at ways to safely get back up and running to move Michigan's economy forward again.

Now that COVID-19 related safety protocols are being widely implemented across the construction industry, many companies who continue to be sidelined (due to the fact that they were not considered "essential") are hoping to get up and running again, in a manner that puts the safety and health of their employees first.

The fact that most construction happens in an open air environment, where social distancing can occur naturally in most cases, and given that the industry historically already uses personal protective equipment on a regular basis, suggests that construction should be one of the first industries put back to work.

With that in mind, and with a heavy focus on all health and safety protocols being firmly in place, MITA is advocating for the entire construction industry to start being opened up cautiously and as soon as possible.

This does not mean that every owner will start up their projects immediately. There are numerous agencies who have their employees, like inspectors, on furlough at this time, so patience and communication will be necessary and important.

**(4/23/20)** - Yesterday afternoon, MDOT's Chief Operations Officer, Tony Kratofil, notified industry that MDOT, like other state departments, would be implementing temporary layoffs starting next week for a number of their employees due to budget concerns. Mr. Kratofil's email message included disappointing, but realistic commentary about the significant budgetary impacts the State may suffer due to the COVID-19 pandemic. Mr. Kratofil's message to the industry, in total, was the following:

"Industry Partners,

As you may be hearing in the news or through other channels, the State of Michigan is implementing temporary layoffs for a number of state employees for a two-week period starting next week.

The COVID-19 emergency and necessary responses to "flatten the curve" of the pandemic to reduce the number of cases and deaths, has resulted in significant economic impacts, which in turn results in significant budgetary impacts for the State of Michigan. Preliminary estimates of the General Fund shortfall are in the range of \$7 billion, including a \$3 billion shortfall in the remaining months of the current fiscal year and another \$4 billion in fiscal year 2021. MDOT will likely see reductions in our dedicated transportation revenues, like gas tax and registration fees, as people are driving 60% less than normal and buying fewer new cars. As part of the 2015 transportation funding package, significant amounts of income tax revenue are being directed to the transportation budget, which may now be needed to help fill the widening gap in the General Fund. Consequently, while MDOT provides critical infrastructure and related services necessary during this emergency response and for the upcoming economic recovery, we are not exempt from these budgetary impacts and we must actively participate in the overall state efforts to address the budget shortfalls.

MDOT has 134 employees who are subject to the temporary layoffs announced today. These include permanent staff assigned to Welcome Centers (the travel information portion of which is currently closed) and other internal support staff whose two-week absence will result in administrative efficiencies while not having significant adverse impacts on delivery of our mission critical programs, projects and services. I don't expect that any of you should see any dramatic changes in your interactions with the department during this upcoming two-week period. If you do, or if you have any questions, please do not hesitate to give me a call.

Stay safe."

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With these projected losses in revenues to the state, the \$600 million that the Transportation Fund was to receive from the general fund in 2021 (from the Transportation Package of 2015) is severely at risk. Much will depend on how much bailout money the states receive from the federal government and how quickly the economy responds once the "Stay at Home" order is lifted.

In addition, MITA expects that the Governor's transportation bonding plan, announced earlier this year, will see intense scrutiny from the legislature during these increased budget debates. However, in a webinar earlier this week, Director Ajegba mentioned that the bonding proposal is still moving forward as planned, according to the administration.

Obviously, MITA staff will be making both of these funding decisions a priority.

**(4/21/20)** – Memo from Bruce Campbell, CEO, MISS DIG 811 [4/13]...

The global Corona Virus outbreak, as well as methods and practices put in place to combat the spread of the virus, has had a significant impact on our personal and professional lives. Many companies in Michigan have experienced their operations slowing, if not shut down entirely. As we look forward to a return to normalcy, MISS DIG 811 would like to share some practices that will allow for halted or delayed excavation projects to commence in a way that can minimize the risk of overwhelming the resources of facility locators who will face a surge of locate requests once stop-work orders have been lifted.

Those who have patiently delayed projects, as well as those who were forced to halt in-progress projects, will be returning to work at the same time. With that in mind, the following process will go into effect once EO 2020-42 has been rescinded:

MISS DIG 811 requests that tickets be placed early to make use of the 14-day window allotted by Public Act 174. Doing so will allow facility owners and their locators to be better prepared for increased locate volume. With the executive order due to be lifted on April 30, 2020, excavators should consider placing tickets as early as April 17 for work beginning April 30. Remote Ticket Entry (RTE) users should use their scheduled dig start rather than the default minimum of three business days. If you place tickets through our online single address service, e-Locate, make note of your actual dig start in the Additional Comments field. You can also consider creating a free RTE account and receive the benefits of direct access to your tickets.

Users of the system should also moderate their locate requests to only those that the workload will allow. Likewise, please strive to begin work within the given time frame in order to avoid retransmits, as they can contribute to overloading the system.

In addition, RTE users and callers who previously placed dig tickets but were unable to complete the work due to EO 2020-42 should reference "COVID-19" along with their previous ticket number in the Locate Info field. This is being extended to e-Locate users as well, with the request to use the Additional Comments field for the COVID-19 and previous ticket number reference. This will allow any normal dig tickets that were placed during EO 2020-42 to take priority for re-locating.

We are hopeful that this process will provide the necessary communication to locate all necessary tickets as efficiently and timely as possible.

**(4/21/20)** – Governor Whitmer announced that testing for COVID – 19 is now available for all essential employees who still continue to report to work in person, regardless of whether or not they are showing symptoms of the virus. Prior to this, an individual had to show symptoms in order to be tested.

For Metro area companies, there has also been a drive through testing site established at the state fairgrounds in Detroit...

There is no requirement for anyone to be tested; this is just useful information for those individuals who are physically reporting to work and who may be interested in getting tested for COVID-19.

**(4/21/20)** – On Monday, April 20, 2020, MDOT informed MITA that they are suspending all “Landscape Projects” and “landscape work items” on road and bridge projects. MDOT indicated these “landscaping” suspensions are consistent with the guidance provided in Governor Whitmer’s Executive Order (EO) 2020-42, issued on April 9, 2020.

An EO 2020-42 FAQ specifically addresses the question of whether landscaping companies can operate under the EO with its response, “In nearly all cases, no.” The stated very narrow exception to this response is the occasion where the work “is strictly necessary to address a circumstance that immediately and genuinely impairs the habitability of a home...” MDOT has interpreted the clarification EO 2020-42 provides to mean that since landscaping companies are not deemed essential, the Department should not have landscaping work being completed on their projects.

MDOT indicated that their Engineers were instructed to suspend “landscaping” on trunkline projects beginning last Friday, April 17, 2020. MDOT has clarified that the suspension of landscaping work does not include or impact restoration work activities.

As a prime contractor on projects that include landscaping work, whether it be a landscaping only project, or a road, bridge or other infrastructure project that includes landscaping work items, we anticipate your Engineer has, or will give you, a written suspension of work order in accordance with subsection 103.02.D of the Standard Specifications for Construction... If your Engineer doesn’t give you a written suspension of work order, we suggest you insist that they do in order to protect your rights within the Std. Specifications.

Since this suspension of work is ordered by the Engineer, a resulting delay should be both “excusable” and “compensable” in accordance with subsections 108.08 and 108.09.B respectively, of the Std. Specifications. As an excusable delay, the Engineer will grant a time extension for the delay without the assessment of liquidated damages, and as a compensable delay, you will be entitled to compensation for the delay computed in accordance with subsection 109.05.E of the Std. Specifications.

If you believe you will incur additional costs due to the Engineer’s suspension of the landscaping work on your project, we recommend you be very mindful and attentive to the delay costs documentation requirements of subsection 109.05.E of the Std. Specifications.

When the Engineer provides you the required notice to resume work, we recommend you be equally mindful and attentive to the submittal documentation and submittal timeframe requirements of subsection 103.02.D of the Std. Specifications...

**(4/14/20)** - Governor Gretchen Whitmer issued Executive Order 2020-42, extending her “Stay Home, Stay Safe” Order through April 30, 2020. One of the new requirements outlined in the Order asks ALL Michigan businesses that continue in-person work to develop a COVID-19 Preparedness and Response Plan. The mandate applies to all Michigan “businesses, operations, and government agencies that continue in-person work.” That description applies not only to companies operating as critical infrastructure or critical infrastructure suppliers, but also those with staff on-site to perform minimum basic operations. They must “adhere to sound social distancing practices and measures.”

MITA has previously provided a preparedness plan for members working in the field that has been adopted by several companies and agencies... It has also been approved by MDOT and MIOSHA. As associate members and contractor office personnel prepare to return to or continue to work in their respective environments, they are also in need of a COVID-19 Preparedness and Response Plan. MITA has prepared a document to meet these needs and will be utilizing it at the MITA office, as well...

**(4/13/20)** –

#### MITA Releases Industry Health & Safety Video

[The video includes] many of the new and updated safety protocols that are required during these unprecedented times. The video highlights several concepts for creating and maintaining safe and healthy job sites, while also emphasizing the fact that contractors across Michigan care about the health and safety of their employees and partners.

We recognize that not all contractors are actively working at this time, and we also understand that there are several unique factors at play. That said, the goal of this video is to promote health and safety on job sites now, during these tough times, but also for the future to help our industry to navigate the new normal as we come out of the peak of this pandemic...

The video can be viewed here: <https://animoto.com/play/tRkJgY0rPHMlrlk6xtxuKQ>

**(4/9/20)** - Governor Gretchen Whitmer today extended her order requiring Michigan residents to stay in their homes, with some exceptions, to combat the COVID-19 pandemic through April 30.

Ms. Whitmer issued her original stay-at-home order on March 23 to take effect March 24, and originally would have ended April 13.

**(4/6/20)** – At MITA’s request, MDOT has issued a “revised” COVID-19 Construction Contract Administration Guidance document to further clarify the COVID-19 related project delays that they will consider “excusable” per subsection 108.08 of the Standard Specifications for Construction.

The revision to the original MDOT guidance is the addition of a single sentence under the “Active Projects with Delays” heading. The added sentence provides the clarification that on projects where the prime contractor continues their work operations, “project delays are considered any aspect of delay related to the COVID-19 epidemic that delays the project’s critical path, including but not limited to, subcontractor, supplier or service provider delays solely related to COVID-19.”

**(4/2/20)** – Yesterday, MDOT issued their “COVID-19 Construction Contract Administration Guidance” that was intended to help prime contractors understand how they may react and proceed when there are project specific COVID-19 concerns and impacts.

The MDOT guidance was directed at two distinct prime contractor groups, those who choose to, or need to suspend their work operations due to the effects of the COVID-19 crisis, and those who continue their work operations, but may experience critical path/progress schedule impacts, due to their efforts to implement COVID-19 safety measures. For both groups, the guidance did indicate that MDOT would recognize and consider these delays (due to work suspension or schedule impacts) as non-compensable, but excusable, per subsections 108.08 and 108.08.C.5 of the Standard Specifications for Construction. As an excusable delay under subsection 108.08 of the Standard Specifications for Construction, MDOT will grant time extensions without the assessment of liquidated damages.

This bulletin is intended to provide further MITA guidance to our prime contractors in those two contractor groups.

#### Prime Contractor Who Chooses or Needs to Suspend Work

- For a prime contractor who chooses or needs to suspend their work operations due to the effects of COVID-19 (i.e. employee safety, labor forces shortages, supply chain challenges, PPE availability, etc.), we suggest the following:
- Communicate with the Engineer to let them know of your intent to suspend your work operations due to the effects of COVID-19.
- Conduct a job site “walk around” with the Engineer to document and agree on job site order (equipment and material storage, protection of work, etc.) such that it is in accordance with the Standard Specifications for Construction.
- Conduct a work zone “traffic control review” with the Engineer to document and agree on the work zone traffic control that will be maintained to provide safe public travel



during the suspension of work in accordance with the Standard Specifications for Construction.

- Verify “on call” staff contact information with the Engineer to maintain active communications during the suspension of work, and to respond to emergency situations in accordance with the Standard Specifications for Construction.
- Submit written notification of your suspension of the work operations due to the effects of COVID-19 to the Engineer in accordance with the subsection 104.07 of the Standard Specifications for Construction. [Click here for a sample notification letter.](#)
- When the project delay due to the effects of the COVID-19 has ended, submit an updated progress schedule to the Engineer for approval in accordance with subsection 108.05.A.3 of the Standard Specifications for Construction or an applicable Special Provision in your contract. The MDOT guidance notes that when planning work resumption (i.e. revising the progress schedule) seasonal considerations and availability of labor and materials to productively execute the project should be taken into account.
- Submit your request for an extension of contract time in accordance with subsection 108.09 of the Standard Specifications for Construction or an applicable Special Provision in your contract.

#### Contractors Who Continue Work Operations

- For a prime contractor who continues their work operations, but has critical path/progress schedule impacts (delay) due to their reasonable efforts to implement COVID-19 safety measures (i.e. reduced crew size, delayed operations, decreased productivity, etc.), we suggest the following:
- Notify the Engineer in writing that your critical path/progress schedule has been impacted by your reasonable efforts to implement COVID-19 safety measures. Your notice should include a description of why and/or how the implementation of those COVID-19 safety measures are impacting your controlling operation(s) of work. [Click here for a sample notification letter.](#)
- When the schedule delay(s) due to your reasonable efforts to implement COVID-19 safety measures has ended, submit an updated progress schedule to the Engineer for approval in accordance with subsection 108.05.A.3 of the Standard Specifications for Construction or an applicable Special Provision in your contract.
- Submit your request for an extension of contract time in accordance with subsection 108.09 of the Standard Specifications for Construction or an applicable Special Provision in your contract.

**(4/2/20) –**

#### Personal Protection Equipment – Reminders and Guidance

...MIOSHA regulations require that employers provide proper PPE to employees at work, which would include masks, gloves, and hand sanitizer (the only exceptions are work boots and gloves for winter).



In short, if the work at hand requires PPE, the employer is required to supply it. Please refer to the MITA industry guidance document linked here for information regarding job site procedures that includes steps on how to make your own hand sanitizer.

As it relates to practicing “social distancing” on job sites, the six foot recommended spacing between workers is just that: a recommendation aimed at stopping the spread of COVID-19. The social distancing recommendations provided by the Governor’s Executive Order and other health agencies indicate that job site social distancing should be practiced “to the extent possible”, or “as feasible”. It is understood that workers may have to infringe on the recommended six foot distance to conduct some work activities.

Another basic procedure that may be helpful is a simple temperature test performed at home prior to going to the job site. Have employees take their temperature before leaving for work. If the reading is normal, have them proceed to work, but if it is running higher than normal, have them stay at home.

Many employers are asking employees how they feel once they arrive. If you don’t get the answer you like, send that individual home immediately...

**(4/1/20) –**

#### MDOT Issues “COVID-19 Construction Contract Administration Guidance”

As anticipated, today MDOT issued their “COVID-19 Construction Contract Administration Guidance” that lays out the Department’s intentions for working with their contractors to deliver critical infrastructure projects during the COVID-19 crisis. The guidance is intended to help prime contractors understand how they may react and proceed when there are project specific COVID-19 impacts and concerns.

The guidance acknowledges that a prime contractor can suspend their work operations due to the effects of the COVID-19 crisis and that this suspension should be executed in accordance with subsection 104.07 of the Standard Specifications for Construction. Employee safety, labor force shortages, supply chain challenges, and PPE availability are all COVID-19 related concerns and impacts that may be the basis for a prime contractor’s decision to suspend their work operations.

In acknowledging that prime contractors can suspend their work operations due to the effects of COVID-19, the guidance also acknowledges that those work stoppages will be considered a project delay in the context of the Standard Specifications for Construction. The guidance states that since these COVID-19 related delays are not attributable to the Department, they will be considered non-compensable. However, per the guidance, COVID-19 related delays will be considered excusable per subsections 108.08 and 108.08.C.5 of the Standard Specifications for Construction, and MDOT will grant time extensions without the assessment of liquidated damages.

The guidance references the prime contractor's responsibilities per the Standard Specification for Construction for maintaining a safe work zone during the delay, as well as the contractual procedures for the resumption of work at the expiration or removal of Executive Order 2020-21, as it may be amended or extended.

For prime contractors that continue work operations, the guidance acknowledges that there may be critical path progress schedule impacts, due to your efforts to implement COVID-19 safety measures. The guidance indicates MDOT will recognize schedule delays attributable to the implementation of safety measures (i.e. reduced crew size, delayed operations, decreased productivity, etc.) as non-compensable, but excusable per subsection 108.08.C5 of the Standard Specifications for Construction, for which they will grant time extensions without the assessment of liquidated damages...

### **(3/31/20) –**

#### MITA Gets Clarification On Question Of All Construction Field Operations Being “Essential”

On Friday [3/27], MITA made an official request to Governor Whitmer to deem ALL construction field operations as non-essential in order to protect the health and safety of industry employees and to allow for all Personal Protective Equipment (PPE) to be focused on the front lines of the COVID-19 pandemic (at hospitals and medical facilities), where it is needed most. The hope was that by taking this position, tens of thousands of folks in the construction industry would join in the effort to adhere to the Governor's Stay Home, Stay Safe Executive Order, and therefore allow the medical community to put the proper system in place to effectively deal with this outbreak.

MITA staff met via conference call today with senior administration officials and MDOT to discuss the MITA board resolution in order to obtain better clarity from Governor Whitmer on what projects are considered critical infrastructure construction. The Administration clarified the terms and conditions of Executive Order (EO) 2020-21, with the understanding that essential construction activities will proceed where possible and where construction workers can be appropriately protected by the practices of social distancing and the universal precautions recommended by the CDC as they relate to COVID-19.

Consistent with other states, MDOT leadership affirmed that their construction projects will proceed, unless contractors on specific projects determine that there are COVID-19 concerns that precipitate a project shut down (see below). Local agency and other critical infrastructure projects can proceed, if the involved public owner deems the project to be essential. MITA suggests that all contractors reach out to their respective owner agencies to request official written guidance regarding the clear definition of a project being “essential”.

Not all construction projects, however, will be deemed "essential", and therefore several owners (public agencies and private owners) may make the decision to shut their own projects down and abide by the ultimate goal of the EO, which is to have as many people stay at home

as possible. Ultimately most commercial and residential construction projects have been shut down at this point.

During this morning's conference call, MDOT leadership and MITA did agree to work together to develop and issue specific guidance on how contractors may react and proceed when there are project specific COVID-19 impacts and concerns. It is hoped that all other agencies will follow this example.

The cornerstone of the agreement is that a contractor, who has workforce concerns and/or other project impacts directly related to COVID-19 (labor force shortages, supply chain challenges and/or PPE concerns), can make those concerns and impacts known to the Department and request the project be shut down (delay). The Department will agree to shut down (delay) the project, with the acknowledgement that an extension of time for the delay will be granted. Further details of this agreement will be forthcoming.

MITA has put out several bulletins over the past two weeks explaining proper protocols for keeping a job site clean and virus-free. Please refer to the industry best practices document... as you move forward on your projects.

**(3/27/20)** – From a letter to Gov. Whitmer from Mike Nystrom, Executive Vice President/Secretary, MITA...

Earlier this morning, the MITA Board of Directors passed a motion by majority vote stating that “MITA should use the full influence that it possesses to request that the Governor deem all construction field operations throughout the state as non-essential so that employees can stay home, stay safe and contractors can be protected from damages and penalties.”

At this time, industry leaders feel that it is important to reduce the anxiety and concerns of their employees by putting their safety and well-being first. Rather than having many non-essential construction projects continuing to operate, we recognize the importance of having most employees stay at home. We must also do our part to mitigate the spread of COVID -19 and help reduce the pressures on the medical and service professionals working hard on the front lines dealing with the worst of this crisis.

In addition to minimizing the spread of the disease, the MITA Board of Directors feels that the industry should not be diminishing the supply of scarce and necessary medical equipment like N95 masks, gloves and hand sanitizers, when hospitals and the rest of the medical community are running into severe shortages of personal protective equipment (PPE). We have actually encouraged all MITA members who have excess PPE to donate these goods to local hospitals or other healthcare facilities if they can.

The MITA Board resolution recognizes that most basic maintenance and construction activities during this time are non-essential. But we also recognize that some construction may continue to be considered critical and thus, will need to stay active. However, we need your

administration’s guidance on determining that specific list of essential type projects. The industry will also need time to close down projects in a safe and effective manner once a determination is made.

The motion passed by the MITA Board was strategic and purposeful in its wording in that “construction field operations” be deemed non-essential, and includes ALL construction, not just public works construction.

The resolution also recognizes that contractors should be protected from damages and penalties while trying to be socially responsible. We are hopeful that you will direct all agencies to recognize the industry’s contractual rights during this difficult time, and be flexible with schedules as we maneuver through these unprecedented challenges.

This Board action, while a very difficult decision, will help protect employees and their loved ones, but will also help to protect everyone else trying to stay safe from the virus’ spread. Doing our part to minimize the spread of COVID19 now will ultimately help us move the state forward faster when the time comes. Industry representatives from across the state stand together in supporting your “Stay Home, Stay Safe” Executive Order for all non-essential workers.

**(3/24/20) –**

#### “Designated Critical Infrastructure Worker” Guidance

This bulletin is intended to provide additional guidance for contractors who continue to work on critical infrastructure projects as allowed under Governor Whitmer’s Executive Order 2020-21.

The guidance herein is specifically related to the actions a contractor is required to take as it relates to designating and notifying its employees, suppliers, service providers, and subcontractors that they are “critical infrastructure workers” essential and necessary to conduct the basic operations that support a critical infrastructure project.

**Contractor Employees:** To comply with Executive Order 2020-21, employers must determine which of their employees are “critical infrastructure workers” and notify them of that designation.

When designating employees as “critical infrastructure workers,” we recommend employers consider and notify their employees in all crafts and locations (office, field, shop, ancillary facilities, etc.) that they may be deemed essential to their basic operations. The Executive Order requires that the employee designation notifications be made in writing (an electronic message is acceptable)...

Additionally, MITA is recommending that all employers provide an official letter for employees to carry with them at all times, outlining their designation as “critical infrastructure workers” in

the event they are pulled over by authorities enforcing the Stay Home Stay Safe Executive Order. As explained above, “critical infrastructure workers” are exempt for the purpose of traveling to and from the job site to work...

Subcontractors, Suppliers, Service Providers: In compliance with Executive Order 2020-21, contractors may designate their subcontractors, suppliers and services providers as “critical infrastructure workers” whose continued operation is necessary and essential to support and/or facilitate the work of its critical infrastructure project.

Such subcontractors, suppliers and service providers may in turn designate additional subcontractors, suppliers and service providers whose continued operation is necessary and essential to enable, support and/or facilitate the work of their critical infrastructure workers.

We recommend that for each and every project, prime contractors designate and notify all of their subcontractors, suppliers and service providers that they are deemed to be “critical infrastructure workers” whose continued operation is necessary and essential to support the work of its critical infrastructure project.

The prime contractors notification to a designated subcontractor, supplier or service provider should include the requirement that each subcontractor, supplier and service provider designate and notify their downstream subs, suppliers and service providers that they too are designated critical infrastructure workers...

Clarifying Construction Exemption: After Governor Whitmer announced the Executive Order requiring non-essential workers to stay at home, there was some confusion on what essential infrastructure workers meant and whether or not construction that MITA members are involved in is exempt from the order. MITA staff has been working closely with the administration and MDOT to get some more clarification. The Governor’s office recently issued a FAQ page regarding the executive order that can be found... here:

[https://www.michigan.gov/coronavirus/0,9753,7-406-98178\\_98455-522631--,00.html](https://www.michigan.gov/coronavirus/0,9753,7-406-98178_98455-522631--,00.html)

The last section of the FAQs specifically discusses construction, stating that “Some limited forms of construction are permissible, including construction to maintain and improve essential public works like roads, bridges, the telecommunications infrastructure, and public health infrastructure. Construction workers may also undertake such projects as necessary to maintain and improve the safety, sanitation, and essential operations of residences. In addition, businesses may designate construction firms to provide necessary support to the work of the businesses’ critical infrastructure workers.

All construction work that is carried out while the order is in effect must be done in accordance with the mitigation measures required under section 5(c) of the order.”

Please be aware that the individual agencies will have the ability to determine what projects are critical and which projects are not. Therefore, MDOT, other local agencies, and other infrastructure owners may shut down a project during the stay at home time period...

**(3/23/20)** – Gov. Whitmer issued a statewide stay-at-home order, with an exception for “critical infrastructure workers.” According to the executive order, “critical infrastructure workers are those workers described by the Director of the U.S. Cybersecurity and Infrastructure Security Agency in his guidance of March 19, 2020 on the COVID-19 response...” Those in “public works” are included in this definition.

**Michigan Infrastructure & Transportation Association (3/17/20)** – MDOT leadership has indicated that their field staff will be fully engaged on construction projects, although some of their administrative staff may be working remotely...

## Minnesota

**(4/26/20)** – Excerpts from the *Star-Tribune*...

Less driving means fewer funds to fix Minnesota's roads

The tax and fee dollars that pay for state road repairs are expected to plummet as Minnesotans dramatically cut their driving time and buy fewer cars amid the COVID-19 crisis.

The Minnesota Department of Transportation estimates it will take in \$440 million less than anticipated over this year and next. Despite the losses, transportation officials say road projects are moving forward as anticipated this year — but it's too soon to tell what the long-term impacts will be.

“There's going to be a significant decrease,” said Senate Transportation Committee Chairman Scott Newman, R-Hutchinson. “Our revenue for roads is going to go down, along with revenue for everything else. The question- becomes: What do we do about it?”

Policymakers are looking for different ways to make up the shortfall, including pressing for federal assistance. DFL Rep. Frank Hornstein, chairman of the House Transportation Committee, said he will lobby for a large federal stimulus package that includes transportation dollars.

“Transportation projects and infrastructure projects in general ... are really important job-producing, revenue-producing, stimulus type of investments,” the Minneapolis lawmaker said...

“During this challenging time, essential workers across the state are delivering our current construction program and there will likely be minimal impacts to programs or activities this fiscal year,” [MnDOT Commissioner Margaret Anderson Kelliher] said in a statement.

Crews are continuing work on various MnDOT projects, including the Hwy. 5 improvements around the Minneapolis-St. Paul International Airport, which are ahead of schedule.

Anderson Kelliher said additional data is needed to determine MnDOT's next steps. Highway officials don't know the full picture of long-term impacts yet, she said.

Hornstein and Newman emphasized the importance of funding transportation projects this session through an expected construction borrowing bill, known in the Legislature as a bonding bill. Legislators are aiming to wrap up the bonding bill before the scheduled end of session on May 18...

Newman said he wants to prevent the state from using money in its designated highway user tax fund for anything other than roads and bridges. He also favors giving MnDOT more money

from the state's general fund, an idea DFL lawmakers have generally resisted. He said he will make that push during the 2021 budget year...

Traffic volume has fallen by 30 to 50% recently, compared with last year's traffic numbers, according to MnDOT spokesman Jake Loesch. The department has not yet received data showing what that means for gas-tax revenue in April. Through March, the tax dollars were down only slightly — \$4.6 million, or 1.6% — below what was forecast.

MnDOT predicts income from the gas tax will plummet by about 30% compared with what was anticipated for the rest of this fiscal year, which runs through June 30. During the 2021 fiscal year, which starts July 1, the agency said it might drop by 15%.

The gas tax is just one of the sources of revenue that pays for state highway work. Car tab fees and motor vehicle sales taxes remained in line with what was expected for March, but they also are predicted to fall.

Through the rest of the 2020 fiscal year, cash from vehicles sales taxes are likely to drop by 50% and then fall 25% in 2021, according to MnDOT. The tab fees are a more stable source of income and will not fall as dramatically, but they are also expected to see some losses.

Even with those estimated declines, Loesch said the agency's work won't be significantly impacted this year, "due to strong internal financial policies and healthy cash and fund balances."

**AGC of Minnesota (4/6/20)** – MnDOT just made some contract awards on an accelerated basis, with a much quicker turnaround than usual.

**(4/2/20)** – Construction was declared essential and we are under a stay-at-home order until at least April 10th. MnDOT released their construction schedule today.

The chapter has released a detailed document, "AGC of Minnesota COVID-19 Recommended Practices (including best practices) for Employers & Employees on Highway / Heavy / Utility Construction Jobsites." Excerpt:

The world health community continues to monitor the emergence of the SARS-CoV-2 virus and the disease it causes. The virus, named "corona virus disease 2019 (COVID-19)" has already had a tremendous impact on our daily lives, including the way AGC of Minnesota and its Contractors conduct business. The AGC Contractors are committed to the protection of all construction employees, trade partners and the communities in which we do business.

All contractors should incorporate COVID-19 transmission and prevention into all job hazard analyses (JHAs) and pre-task safety planning for all aspects of the work. This tool is provided solely as a guideline for contractors and is not to be relied upon to prevent the spread or transmission of COVID-19, or prevent a safety violation from being issued by a jurisdictional



authority. This is not legal advice. Contractors should continually evaluate the specific hazards at their job sites along with the Centers for Disease Control and Prevention (CDC) recommendations to determine the most appropriate job hazard analysis for the project/task as it relates to the spread and/or transmission of COVID-19.

**(3/23/20)** – MnDOT continues to reassure the public that critical services, such as snow plowing and road maintenance, will continue.

Bid lettings are on schedule.

At this time, rest areas remain open and MnDOT will make every effort to keep them open. Rest areas are critical for commercial freight movements during the pandemic. Rest area workers are provided with personal protective equipment and they have been trained on how to safely disinfect rest areas and to protect themselves against viruses, and have been instructed to maintain social distancing practices.

Freeway Incident Response Safety Team (FIRST) trucks remain on the roads, but incidents have dropped with less motorists on the roads.

MnDOT has postponed all public meetings and project open houses until at least April 15.

**(3/20/20)** – MPR News – Officials: Coronavirus shouldn't upend Minnesota road construction

With fewer people on area highways, roadwork might happen more quickly. And with the snow gone in many places, the bulldozers and concrete mixers are about to move in.

COVID-19 hasn't produced many silver linings. But here's one:

"If we can adjust or extend times when the contractors could for example close lanes down given the decrease in traffic volumes and less people on the roads, we may be able to extend those times and allow work to happen a little bit more," [MnDOT's Jake] Loesch said.

He said state officials are also working to figure out if they can accelerate projects lower on the to-do list.

"For some of our projects that are scheduled this year we have communicated with contractors about an ability to start early and looking at options dependent on weather and if contractors, for example, have the crews and materials to begin work ahead of schedule," he said.

MnDOT is closely tracking travel patterns. Traffic volume has already fallen by 25 percent or more on many roads. That could be problematic later because fewer trips mean fewer gas fill-ups — and gas tax revenues that fuel road projects might take a hit.

## Mississippi

### **Mississippi Road Builders Association (4/23/20) –**

A statement from the Mississippi Transportation Commission on COVID-19

The Transportation Commission commends the efforts of the Mississippi Department of Transportation (MDOT) staff during these challenging times. The COVID-19 pandemic is affecting most aspects of the economy and motor fuel consumption is no exception. Fuel consumption is down and the funds lost due to decreased sales can never be replaced at the pump. That is concerning, as approximately 50% of MDOT's budget comes from dedicated state gas tax revenues. With that being said, we stand committed to carrying out the mission of building and maintaining a safe and effective transportation system.

The Mississippi Transportation Commission has reviewed MDOT's program of work as well as the current budget. We have determined that ongoing highway projects, this season's federal construction program, and routine maintenance operations will continue as planned. To remain fiscally responsible, the Commission has decided to temporarily delay bidding state-funded paving projects while gathering additional data to gauge the magnitude of the declining revenue. The Commission will monitor all revenues available to MDOT and will work diligently and explore all opportunities to bid the maximum amount of resurfacing projects this construction season.

### **(4/10/20) – From Mississippi DOT...**

[T]he following interim policy regarding paper tickets is being issued and is effective immediately until the end of the COVID-19 pandemic. Each project will be evaluated on a case by case basis based on the electronic capabilities of the contractors and suppliers delivering materials to the project site. It is imperative that every inspector be able to verify each load delivered to the project site, make notes on the tickets, and sign the tickets.

e-Ticket Option: Any contractor or supplier utilizing an e-Ticketing system (Fleetwatcher, etc.) can suspend delivering paper tickets once their system is approved by the Department and MDOT Inspectors are trained on the new system. As directed by the Project Engineer, the contractor must provide a cellular enabled device (Tablet or Smartphone) for the inspector to verify each load, make any necessary notes, and sign the tickets electronically. At the end of each day, the inspector must be able to generate a daily summary report of each ticket received for department records. The contractor shall deliver an electronic copy of the tickets (preferably at the end of the day/shift) but no later than the next work day. The electronic copy of the tickets must contain the inspector's notes and signatures. MDOT will print the tickets and the inspector will reconcile the printed tickets against the daily summary report.

Cellular Data Service Available on Jobsite Option: Any contractor or supplier not utilizing an e-Ticketing system shall take a picture of each ticket and transmit it to a cellular enabled device. As directed by the Project Engineer, the contractor must provide a cellular enabled device (Tablet or Smartphone) for the inspector to verify each load upon arrival at the jobsite. The inspector will keep a Daily Ticket Log recording the material received, truck number, and net quantity for each ticket. The contractor shall deliver an electronic copy of the tickets (preferably at the end of the day/shift) but no later than the next work day. MDOT will print the tickets and the inspector will reconcile the printed tickets with their Daily Ticket Log and sign the tickets.

Cellular Data Service NOT Available on Jobsite Option: The contractor or supplier will print a paper ticket and the driver will deliver the ticket to the jobsite. The driver must remain in their truck while the MDOT Inspector approaches and will hold the ticket up against the glass of their closed driver's window for the inspector to read and log the load information. The inspector will keep a Daily Ticket Log recording the material received, truck number, and net quantity for each ticket. The contractor shall deliver an electronic copy of the tickets (preferably at the end of the day/shift) but no later than the next work day. MDOT will print the tickets and the inspector will reconcile the printed tickets with their Daily Ticket Log and sign the tickets.

Notes:

- No additional compensation will be allowed for the furnishing of cellular enabled devices if required by the Project Engineer.
- The contractor supplied devices will be returned to the contractor or supplier upon completion of the work.
- If the contractor is performing multiple operations with tickets, a device must be provided for each operation if required by the Project Engineer.
- If MDOT is unable to print the tickets from the electronic file in an acceptable format, the Project Engineer may require the Contractor to submit printed copies of the tickets and deliver them in a sealed envelope.

**(4/1/20)** – Letter to industry from Melinda McGrath, Executive Director, MDOT...

The COVID-19 pandemic has caused disruption in many phases of world commerce as the United States government and the State of Mississippi have put protections in place in an attempt to slow the spread of the virus. To that end President Trump and Governor Tate Reeves have issued guidance asking the citizens of Mississippi, and all Americans, to stay at home as much as possible, avoid gatherings of ten or more people, stay six feet away from other individuals, practice good hygiene, and other measures to

reduce the number of people infected and flatten the infection curve so that healthcare professionals are not overwhelmed.

However, both the Federal and the State government have recognized the critical importance the transportation industry bears to the ability of these healthcare workers to access the locations at which they must perform their critical duties. For this reason governments at the national and state levels have deemed the work of expediting transportation, as well as the completion and maintenance of transportation infrastructure, to be essential.

Since it is vital to the citizens of Mississippi and the country at large to be able to rely on our transportation facilities, we have developed some suggestions to offer in the event that you or your employees are stopped by law enforcement officials who are enforcing the “stay at home” rules.

Here are some actions you may consider:

- 1) Fill in the blanks on the [Essential Transportation Employee Work Permit] and distribute copies to all employees, subcontractors, and suppliers.
- 2) Stay calm—these are uncertain times, and law enforcement officers are just trying to execute the duties assigned to them and protect the people in their jurisdictions.
- 3) Explain that you are working in the transportation industry, deemed essential by Governor Reeves.
- 4) Show the law enforcement officer your updated letter which relates your activities to this essential function.
- 5) Show the law enforcement officer the highlighted portions of Governor Reeves’s Executive Order 1463.
- 6) Follow the directions of the law enforcement officer, even if that means receiving a citation or ticket, or returning home.
- 7) Once the situation has ended with the officer, contact the District Engineer of the MDOT District in which the event took place and describe the chain of events. The District Engineer will take appropriate measures in an attempt to amicably rectify the problem.

Please feel free to contact the appropriate District Engineer or the State Construction Engineer with any questions or comments you have at this point.

**(3/16/20)** – From Mississippi DOT...

“At this time the Department desires all work to continue and Department staff will be available to continue fulfilling its mission by protecting the safety of the travelling public as well as the safety of our employees and partners... The Department desires that all consultant work

is continued to keep projects on schedule. MDOT will have staff available to answer questions or provide guidance via phone and e-mail...”

## Missouri

**(4/25/20)** – Excerpts from the *News Tribune*...

MoDOT could face deep construction cuts

MoDOT expects to lose 30 percent of its expected revenue over the next 18 months, about \$925 million, Director Patrick McKenna wrote in a letter to Missouri's congressional delegation, urging them to support the stimulus AASHTO asked for this month.

Without expected levels of revenue, or the federal backstop, Missouri would lose the ability to draw down \$2.1 billion in federal funds for construction projects, McKenna wrote. Added to a loss of \$530 million in state funds, the state wouldn't be able to award \$2.6 billion of the \$4.9 billion in construction projects it planned through 2025, he wrote.

"To put this into perspective, that would equate to approximately 400 bridges and 20,000 lane miles of Missouri roadways NOT being repaired that are in our current plan," he wrote.

MoDOT has already pushed back about \$45 million worth of projects set to go out for bids this month because it expects it won't have the funds to pay for them with gas tax revenues likely to come in much lower than expected. It's not alone, as states including North Carolina, Ohio, Oklahoma and Pennsylvania are already cutting projects or furloughing workers ahead of revenue shortfalls.

"Additional consideration is being given to whether future lettings should be reduced or canceled," McKenna wrote.

Along with cutting projects, the department would also have to make operational cuts, reducing services like pavement repair, snow and ice removal, and mowing, he wrote. It could also mean cuts to the Missouri Highway Patrol and Department of Revenue, which also use gas tax revenue...

McKenna said in his letter the effects on jobs hasn't been quantified, but it's significant. According to a 2015 American Road and Transportation Builders Association survey, designing, constructing and maintaining transportation infrastructure like highways supports 79,083 jobs across Missouri, with those workers earning \$2.9 billion a year.

**(4/19/20) – From the *News Tribune*...**

## MoDOT cuts April bids, anticipating less gas tax revenue

Fewer people are driving on Missouri roads amid stay-at-home orders, and the state is already cutting back planned construction projects as it expects its primary source of road funding to take a major hit.

More people are staying home and driving less, with the Missouri Department of Transportation reporting highway traffic is down about 35 percent from February.

The average price of gasoline in Missouri is down more than \$1 a gallon compared to last April and almost 75 cents since late February, according to GasBuddy.

MoDOT hasn't seen the effect on gas tax revenue yet, but it's planning for a significant decline in what amounts to almost half of all state funds the department receives. User fees, including the gas tax and license and registration fees, account for almost 99 percent of MoDOT's state funds.

"We're taking a measured approach to what we're putting out on the street because we know there's an issue," MoDOT Chief Engineer Ed Hassinger said. "We don't know how big the issue is, we don't know how long it's going to last, but what we do know is traffic volumes around the state are down 35 percent, so we can do the math and say that's going to have an impact."

So far, the department has pushed back bidding on five projects that were expected to cost more than \$8 million in state funds and almost \$45 million overall. One project the department planned to bid out this month was delayed in each of Kansas City and St. Louis, two in the Springfield area, and one covering five cities in southeast Missouri:

- Pavement repair on various interstates in the Kansas City area — \$1 million estimated total cost, including \$100,000 in state funds, according to the transportation improvement plan.
- Pavement resurfacing, new signals and pedestrian upgrades on 3.6 miles of Missouri 180 from Interstate 170 to St. Louis city limits — \$17.3 million total, \$3 million state.
- Pavement resurfacing on U.S. 60 from east of Glenstone Avenue to Highland Springs Boulevard, east of Springfield — \$758,000 total, \$134,000 state.
- Adding lanes to the James River Freeway, improving ramps from National Avenue to Missouri 65, and reconfiguring the interchange at Business Loop 65 in Springfield — \$23.7 million total, \$4.4 million state.
- Pedestrian upgrades for ADA transition in various locations in Bertrand, East Prairie, Charleston, Dexter and Malden — \$1.9 million total, \$389,000 state.

MoDOT prioritized projects that are important for safety, including bridge repairs and repaving, to choose which projects to push out. It's not clear when they'll be bid out, and that will depend on how much money is available. It could be a few months or a year, Hassinger said.

The 16 projects still being bid out this month would be scheduled for construction late this year and early next year. Two are in Central Missouri: fiberoptic cable connections in several places in Columbia and replacing the deck on the Route EE bridge over Prairie Creek in Howard County, just west of the Boone County line. No projects in Central Missouri were delayed for letting this month.

While the department will see a drop in funding, Hassinger said, projects that have already been bid out shouldn't cost the state more than expected. The state's costs are set in the contracts, and contractors take on the risk that materials and equipment could cost more than they projected in their bids. So far, contractors haven't reported major issues with costs, he said.

Contracts do have contingencies for "unforeseen events," including epidemics, that let the department extend the timeline for a project to be completed but doesn't change how much the contractor is paid overall, Hassinger said.

For example, for some construction projects, workers might need protective equipment like masks that are hard to come by as they're being bought for front-line medical workers who need them to limit the spread of COVID-19 as they treat patients.

"That would be an example of a doorway where, you need to work safe, so we'll consider extending time to make sure you can get the right stuff on your job," Hassinger said. "Nobody's asked for that yet, but that's an example."

In the department's regular calls with contractors, none have said they have big issues with people not being able to come to work or with supply chain disruptions.

"I'm not going to say it's not a concern. People are concerned, just like everybody in the whole population is concerned," he said. "We're just, I think, lucky to have a job that's essential because of the need to move goods and services, but also, that lends itself to being done in a socially distant way so we're not putting others at risk."

Spring weather means more road work will start in the coming weeks. Last week, MoDOT Director Patrick McKenna said lower traffic has meant some projects can be done faster. Larger projects in areas like St. Louis and Kansas City will be most affected, but Hassinger said he doesn't think projects will be done in half the time just because there's less traffic.

Crews working on highways in heavily populated areas have been able to work during the day instead of at night. Hassinger said there has been a lot of interest in moving night work to the



day, and major projects probably won't impact commuters as much since there are fewer at the moment.

**AGC of Missouri (4/10/20)** – From memo to industry by David Ahlvers, MoDOT State Construction and Materials Engineer...

Our collective industry of contractors, materials suppliers, contract administrators and inspection staff must all practice the recommended CDC best practices on the job site to stay safe. Also, our efforts must be obvious to all Missourians as many are unable to work. Infrastructure improvements have been determined to be essential work so we must practice the CDC best practices or jeopardize the ability to remain working.

MoDOT requests that our contractors review their safety plans for each project and include information on how they will practice social distancing and follow CDC best practices to prevent the spread of the COVID-19 virus. Having a plan is the first step. Please ensure that your plan is communicated and implemented into your daily operations.

Thank you for your commitment to providing a safe transportation system during this difficult time.

**(4/1/20)** – Excerpt, notes from MoDOT/Industry COVID-19 Weekly Meeting Minutes (via conference call)...

Status of Construction Projects: MoDOT will continue to move forward with Highway Lettings and Construction Projects as scheduled. MoDOT has a continuity of operation plan and care for the infrastructure has been deemed as a critical function. That means that construction of highway projects will continue. In addition, MoDOT staff will perform construction inspection, materials testing and contract administration. We will provide payments to contractors in a timely manner. A discussion followed regarding the reduction in state and federal income due to lower fuel and vehicle sales.

CDC Guidelines on Construction Sites: As we are completing our duties, we should follow the Center for Disease Control and Missouri Department of Health and Senior Services guidelines which require social distancing and reducing personal contact when possible. Preconstruction meetings will be held virtually by video or teleconference. We should be flexible and innovative in determining ways to communicate and complete our necessary duties while reducing personal contact. Additional discussion occurred involving the need to emphasize social distancing on construction sites. In some parts of the country, concerns have been raised regarding the continuation of highway projects. It is important that we demonstrate proper distancing and safety practices while constructing our projects. AGC provided a link that highlights what is being done to work safely under the current situation...

Extending Working Hours: Due to lower traffic volumes on our roadways, it may be possible to revise work hour restrictions on projects. Projects will be reviewed and evaluated on an individual basis. Please contact your Resident Engineer to discuss this opportunity. Please be aware that while traffic volumes have decreased the Highway Patrol has reported an increase in excessive speeding. It is important to manage the work zones by using rumble strips, law enforcement and proper notification to keep workers and drivers safe in work zones.

Contract Delays: MoDOT recognizes material shortages, subcontractor availability and illness impacting the workforce as possible issues due to the COVID-19 pandemic. Delays due to epidemics are specifically addressed in the Missouri Standard Specifications for Highway Construction Section 108.14.1 Excusable or Non-compensable delay. MoDOT will provide appropriate extensions should a delay occur. Please document and send your request to the Resident Engineer as these situations occur. Additional discussion occurred regarding the importance of taking into account delay impacts on all projects that a contractor is completing for the entire construction season as opposed to focusing only on the specific project impacted. Industry appreciated MoDOT's flexibility on this issue...

**(3/22/20)** – Additional message from MoDOT – excerpt...

- The regularly scheduled bid opening for March 20 [took] place as planned. Future bid openings and award dates will be held according to the current schedule.
- Payments to contractors and consultants will not be affected.
- MoDOT staff will use the CDC guidelines concerning social distancing. Pre-bid and pre-construction conferences where several people are participating, as well as project public meetings, will be held virtually or postponed. Small group interactions regarding project design or construction should employ social distancing guidelines.
- Contract inspection and administration and consultant and professional services activities will move forward but will be conducted virtually or adhere to social distancing guidelines for interactions.
- If specific circumstances for a contractor or consultant arise related to workforce availability, we will work with the company to find a suitable resolution.

**(3/20/20) From MoDOT...**

“A message to our business partners: At MoDOT, we continue to evaluate the COVID-19 pandemic and how it is affecting our operations. We have a Continuity of Operation Plan in place that is designed to keep critical functions going...

“MoDOT Operations – MoDOT is a provider of critical services to the public and as such we have plans to continue essential operations. At this time, we are continuing the design and construction of the state's road and bridge projects. In addition, because we have electronic processing, we intend to proceed with future bid openings.

“Providing Support – Several MoDOT facilities are being used to house and distribute critical supplies. MoDOT staff will be helping with distribution of these supplies as needed.

“MoDOT Facilities – To date, all MoDOT facilities remain open. However, in an effort to avoid spreading the coronavirus, or COVID-19, we are taking every precaution to limit in-person contacts, while still maintaining a high level of customer service. In addition, we have strongly encouraged those employees who can to telework, so many of our buildings are fairly sparsely populated. Please feel free to call our toll-free number – 1-888-275-6636 – for any business you have with MoDOT. Thank you for understanding!

“Interactions with the Public – MoDOT’s Customer Service Call Centers will remain open for the public to report problems on roads and bridges as well as to ask questions...

“All in-person public hearings, information meetings and stakeholder meetings are postponed, or will be conducted online – with associated hard-copy information available at MoDOT District Offices...

“Business Conducted by the Missouri Highways and Transportation Commission – For the foreseeable future, the monthly meetings of the Missouri Highways and Transportation Commission will be conducted electronically, starting with the April 1 meeting.”

## Montana

**(4/24/20)** – From Jake Goettle, Construction Engineer, Highways and Engineering Division, Montana DOT...

Montana's Governor has issued a new directive which begins a cautious and phased approach to lifting the Stay at Home directive issued nearly a month ago. This is a three phased approach with Phase 1 lifting the Stay at Home Directive, with restrictions, for individuals on April 26th and for employers on April 27<sup>th</sup>...

This is a direct testament to all of us in Montana including our own MDT staff, Contractors, Consultants and the Communities we all work in having done an excellent job heeding all the safety precautions and directives which is now allowing us to transition back to some level of normalcy. This is no time to relax however and we need to continue to operate in as safe a manner as possible to keep this virus from resurging. Keep up the good work so we can put this behind us.

MDT District and Headquarters staff will begin a phased transition back to the office starting in May. Employees most at risk and those continuing to care for children will remain in a telework status for a while. This transition will be phased and cautious similar to the Governor's plan. A detailed plan is being developed by MDT Leadership.

Since we are all transitioning back to a new normal, I wanted to highlight a few of the positive outcomes from this challenging situation:

1. Project delivery and lettings continue as scheduled with no cancellations or elimination of any projects. We are business as usual for delivering our program and couldn't be more appreciative of all the staff (Department staff, FHWA, Consultants, Contractors) that contributed to delivering our program in these challenging times.
2. The Department will now be offering a live video stream for all future public bid openings. This was a last minute solution to limiting the exposure to staff and carrying through with a public bid opening process. Kudos to the staff who figured this out at the last minute!!
3. We are embracing more innovative technologies to become more and more efficient. From deploying hundreds of staff to telework status in literally hours, to safe delivery of materials and new testing procedures, there have been numerous innovations that employees have figured out and implemented during this less than ideal situation.
4. District Construction staff along with Bridge and Geotechnical experts came up with an innovative live video streaming inspection of a Dynamic Load Test hundreds of miles from key staff members. This innovative approach to project inspection will be utilized

in the future to limit staff travel times and exposure without the loss of key project inspections.

This is just a small list of positive outcomes from this very unique situation. Again, let's all continue to operate under the safety precautions that have kept us safe and healthy to this point and not get complacent with the reopening of Montana.

**(4/3/20)** – From Jake Goettle, Montana DOT...

"[T]here are no big changes this week which, to me, means things are leveling off and folks are settling into this new way of doing business.

"Construction activities continue to ramp up with the start of our construction season. Project letting schedules are continuing and have not changed at this time.

"Some local agencies in Montana have issued more stringent guidelines than the Governors shelter-in-place directive. To date, those more stringent guidelines have exempted construction activities.

"Montana's construction industry continues its' commitment to keeping construction activities progressing as much as safely possible. All personnel for MDT, the Contracting community and the Consultant community must be safe and healthy to maintain this direction and maintain a safe and active construction season. Please continue to follow all recommended safety guidelines. And thank you to all personnel who are following these guidelines and keeping construction safe and active.

"MDT recognizes that material shortages, subcontractor availability, skilled labor availability and illness due to the COVID-19 epidemic are impacting the construction industry. Delays due to epidemics are specifically addressed in our Standard Specifications. MDT will provide appropriate extensions should delays occur and the Department is currently developing statewide construction guidance for these impacts. MDT will remain flexible when handling these requests.

"This is a great time to experiment with the utilization of innovative technology for inspections and on-site meetings. If you have innovative ideas or suggestions, feel free to share.

"Please share our appreciation to the many Preconstruction Staff across the state that are continuing to deliver projects for letting in this challenging time. It is very much appreciated.

"Please continue to heed all safety guidelines and keep yourselves, your families and friends, your co-workers and the public safe in these challenging times."

**(3/27/20)** – From Jake Goettle, Montana DOT...

“Updated Construction Guidance for Montana:

- Yesterday, Montana’s Governor Bullock issued a statewide shelter-in-place executive order to curtail the spread of the COVID-19 pandemic in Montana, and to protect the health and economic well-being of all Montanans...
- In the Governor’s directive, the transportation industry at this time is considered essential functions to our state and construction activities will continue. Montana’s construction industry is committed to keeping construction activities progressing as much as safely possible.
- Most of MDT’s staff have been transitioned to a telework status. Preconstruction design activities will continue in order to maintain the upcoming letting schedules and award of projects as planned.
- MDT’s Materials Bureau continues to operate and prepare for the upcoming construction season. Staff are taking as many precautions as possible while still performing all of the lab functions. This includes the District labs.
- District Construction Crews are working diligently on projects to ensure construction activities continue.
  - Staff for both MDT and the Contractors must be safe and healthy to maintain this direction and maintain a safe and active construction season. Following is guidance for field crews and staff:
  - Limit travel to one person per vehicle.
  - Maintain 6 feet of distance between individuals in the field.
  - Limit one person per work trailer at a time.
  - Work part time or stagger shifts to limit the number of crew members at a given time.
  - Managers – stagger shifts and/or days in the office so that you are available for staggered crew shifts.
  - Field Office Persons – work from home if possible.
  - When crews are in the office try to work as separated as possible from others. Some of the staff may work out of their vehicles. If you don’t need to be in the office, don’t be.
  - Make sure to wipe down touch points twice daily at the office.
    - This includes vehicles and equipment.
    - This includes computers, telephones, door knobs, desk surfaces, etc.
  - Managers continue connecting and communicating with crews:
    - By phone,
    - By driving to where they are working, and/or
    - In person at the office if necessary.
  - Avoid overnight travel and staying in hotels. If this is required get permission from your supervisor and detail the need for the overnight travel. Limit overnight travel to only necessary functions. The Department is allowing folks to use a personal camper/RV and will reimburse in accordance with MDT and State policy.

- Encourage Contractors when setting up portable toilets to include hand washing stations.

“As the situation changes so too will this guidance. MDT will plan to provide a weekly update to this guidance at a minimum. Please heed this guidance and any other solutions to ensure the health and safety of our employees.”

## Nebraska

(3/26/20) – From Nebraska DOT...

- All construction activities are continuing at this time.
- We have asked all relevant staff to be flexible to accommodate contractors when it comes to schedules. This could mean extending timelines if needed, it could also meaning allowing for the acceleration of work, especially in urban areas where previous contract provisions are no longer applicable (i.e. cancellation of the College World Series in Omaha).
- A majority of office staff are working remotely. This is presenting challenges, but we are working through them.
- We expect all contractor and consultant payments to continue as they would normally at this time.
- We are encouraging all contractors to submit documents electronically whenever possible. Most were there already. Documents submitted by mail could result in delays in the future, but should not be at this time.
- We are evaluating any opportunities to waive/modify/extend requirements that may provide flexibility to our customers (certifications, etc.). Nothing to report here yet. Industry is invited to share any concerns/ideas related to this effort.



## Nevada

**(4/23/20)** – From the Regional Transportation Commission (RTC) of Washoe County weekly update on the Virginia Street Bus RAPID Transit Extension Project in Midtown Reno ...

The RTC and [Sierra Nevada Construction] are continuing to accelerate construction operations in Midtown [of Reno] by completing major paving operations on Virginia Street, from Center/Mary Streets to Liberty Street, by May 14. Midtown construction is expected to finish three months early.

The extended business closures directed by Governor Sisolak are providing an opportunity to accelerate construction operations of the Virginia Street project in the Midtown area, expediting completion and minimizing construction impacts to businesses when they are able to reopen. The RTC will continue to monitor the process of the reopening of the economy and maximize this time to complete construction within the Midtown District, working with business owners to keep them informed of our activities.

Virginia Street will continue to be closed to all traffic from Center Street/Mary Street to Liberty Street. Traffic going southbound on Virginia Street will be detoured at Liberty Street. This closure will be effective 24 hours-a-day, seven-days-a-week until May 15, 2020, when Virginia Street will reopen to one-way traffic in Midtown.

After May 15, Virginia Street will remain open to one-way traffic as crews finish less-impactful construction operations, including center median work, landscaping, roadway striping and final utility work. Virginia Street is anticipated to reopen to two-way traffic in Midtown in August, when construction is expected to be substantially complete.

Side streets and sidewalks along the closed section of Virginia Street are open so people can access essential businesses and pick up to-go food orders from Midtown restaurants. The project team is working with businesses to accommodate deliveries from their vendors and customers who are picking up to-go orders.

Construction on the segment of the Virginia Street Project near the University of Nevada, Reno, is continuing and expected to be complete this fall.

**(3/19/20)** Most NDOT employees have been sent home to telework or are on administrative leave. Maintenance staff, mechanics and construction crews are remaining at work and practicing social distancing. These employees are considered essential.

The department is extremely limiting face-to-face meetings and using Microsoft Teams tools. For the time being NDOT is postponing any public hearings they had scheduled. There is a Transportation Board meeting scheduled in April with anticipation of a possible format change. Gov. Sisolak (D) chairs the board and at his last press conference, after he asked non-essential

businesses to close for 30 days, he indicated he would not make any more public appearances, so the Board meeting may be virtual.

## New Hampshire

(4/22/20) –

Differing virus limits in Vt., NH mean uneven impact on construction projects

LEBANON — Travel restrictions placed on Vermont contractors under the state’s stay-at-home order are hampering construction projects in neighboring New Hampshire, which is allowing work on roads and buildings to progress through the coronavirus pandemic...

Gov. Phil Scott’s March 25 stay-at-home order only allows for construction aiding essential services, such as health care operations and food production.

Contractors, such as engineers and work crews, are allowed to cross state lines to work but “must remain in that state for the duration of the project,” according to the Vermont Agency of Commerce and Community Development.

And when a project is complete, those crews must isolate for 14 days on coming home.

“No employees working in a non-essential capacity are to be commuting back and forth between states,” the agency said in its guidance to the construction industry.

Meanwhile, New Hampshire’s stay-at-home order includes a broad list of exemptions for those working in the construction field to even include new housing projects...

Jeff Goodrich, president of Lebanon-based Pathways Consulting, said... he knows of at least one New Hampshire road project that stalled after its Vermont contractors couldn’t report to the job...

Three Granite State bridge projects could be delayed because of Vermont’s travel restrictions, according to Eileen Meany, spokeswoman for the New Hampshire Department of Transportation.

Those include a \$10.1 million replacement of the Route 2 bridge over the Connecticut River in Lancaster, N.H., and a \$7.1 million bridge project on the Seacoast.

The Vermont restrictions have reached the desk of New Hampshire Gov. Chris Sununu, who said “there’s not a whole lot we can do” about them.

“If you’re using contractors out of Vermont, chances are your projects are delayed in some facet,” he said during a news conference on Tuesday in Concord.

Sununu added that he's talked to Scott about loosening the limits but doesn't fault his Republican colleague for keeping them in place.

"Gov. Scott has to make tough decisions for his state like New Hampshire does as well," he said.

**(3/26/20)** – Governor Chris Sununu released Emergency Order #17, mandating the closure of all non-essential businesses and requiring all residents to stay at home.

"[T]he State of New Hampshire has compiled a list of industry sectors that provide essential services and support to COVID-19 and the core missions of the State. Entities that fall under this guidance shall continue to operate with necessary staff to complete critical and essential functions. This information is based on federal guidance and amended to reflect the interest of New Hampshire's citizens and economy.

"Those deemed essential will continue to have the ability to cross state borders for work related travel (e.g., traveling to and from work/home, transporting products to distribution facilities, etc.).

"While the below Sectors are designated as essential, they are urged to follow social distancing protocols for employees in accordance with guidance from the Department of Public Health...

"Businesses and organizations, essential or not, are encouraged to continue their operations through a remote means (ie., telework) that will not require employees, customers, or the public to report to the company or organization's physical facility...

"The below list of sectors deemed essential and the supporting criteria will be reviewed throughout the length of the COVID-19 pandemic. This document is a living document...

"Public Works...

- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including roads and bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues
- Workers – including contracted vendors – involved in the construction of critical or strategic infrastructure including public works construction, airport operations, water, sewer, gas, electrical, nuclear, oil refining and other critical energy services, roads and highways, public transportation, solid waste collection and removal, municipal transfer stations, and internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services)
- Workers such as plumbers, electricians, exterminators, inspectors and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, construction sites and projects, and needed facilities

- Support, such as road and line clearing and utility relocation, to ensure the availability of needed facilities, transportation, energy and communications...”

## New Jersey

### **UTCA of New Jersey (5/8/20) –**

#### **NEW JERSEY DEPARTMENT OF TRANSPORTATION ISSUES TEMPORARY RULE GRANTING WAIVERS FOR CONTRACTOR PREQUALIFICATIONS**

UTCA began discussions in April with the New Jersey Department of Transportation, New Jersey Turnpike Authority, and New Jersey Transit concerning granting extensions to existing contractors' prequalification/ classification due to the COVID-19 pandemic.

After final approval from the New Jersey's DAG, yesterday the NJDOT issued a temporary rule that allows the Department to grant 3-month extensions for existing prequalifications/classifications if requested by Contractors...

The extension waiver does not apply to any classification expiring on or after July 1, 2020 unless a further extension is needed.

The NJDOT Bureau of Construction Services has informed UTCA that they will still process submitted contractor classifications in accordance with their normal practice...

The New Jersey Turnpike Authority and New Jersey Transit have both agreed to extend contractor classifications on a case-by-case basis if requested by Contractors.

**(5/5/20) –** From the *New Jersey Globe*...

Labor, business groups tell Murphy to stick with infrastructure

Eleven business and labor groups are telling Gov. Phil Murphy to continue his support of infrastructure battles as a way of putting people to work after the New Jersey survives the coronavirus pandemic.

The organizations — Engineers Labor-Employer Cooperative 825, International Union of Operating Engineers Local 825, Road to Repair, New Jersey State Chamber of Commerce, Commerce and Industry Association of New Jersey, New Jersey Association of Counties, New Jersey Asphalt Pavement Association, Associated Construction Contractors of New Jersey, Utility and Transportation Contractors Association of New Jersey, New Jersey Concrete and Aggregate Association, and the Southern New Jersey Development Council – want Murphy to back proposed capital plans for the New Jersey Turnpike Authority and the South Jersey Transportation Authority —

“As we persevere through the COVID-19 pandemic, we strongly urge the Governor and his administration to stand fast in their plan to support upgrading New Jersey's critical

infrastructure,” stated Greg Lavee, business manager of IUOE825 and chairman of ELEC825. “While infrastructure investment always has been inextricably linked to job expansion and economic growth, that investment now is more critical than at any point in our lifetime.”

Tom Bracken, the president of the New Jersey Chamber of Commerce, said that “Moving forward with the \$24 billion capital plan proposed by the New Jersey Turnpike Authority is exactly that type of forward-thinking and the kind of investment that can help the state economically after this pandemic.”

“This will provide funding for vital improvements and long overdue expansion for both the Turnpike and the Garden State Parkway,” Bracken said. “Yet it also will be one of the sparks to reignite our economy.”

### **UTCA of New Jersey (5/4/20) –**

#### **NJ DEP Soil & Fill Recycling Registration Deadlines Extended**

UTCA [previously] sent a notice[s] advising businesses conducting soil and fill recyclable material services that do not already possess an A-901 [Soil and Fill Recycling] license had until April 20, 2020, to register with the New Jersey Department of Environmental Protection (DEP). This was in response to a new law, N.J.S.A. 13:1E-127.1 (the “Dirty Dirt law”), which was signed on January 21, 2020. Under this law, DEP is charged with ensuring that soil and fill recycling services are properly administered throughout New Jersey...

[May 2] Governor Murphy signed Executive Order 136 concerning certain environmental permits... Among other actions, EO #136 extends the deadlines for the “dirty dirt law” registration and licensing requirements by the number of days of the Public Health Emergency declared in Executive Order No. 103 plus an additional 60 days. This delay will allow the DEP to formally clarify the scope of the soil registration law. UTCA has urged DEP to exclude contractors engaging in normal construction activities (not brokering dirt) from the licensing provisions. We will continue to seek this interpretation from the DEP and keep UTCA members informed... DEP will post the new deadlines when they are known...

EO #136 also suspends the 90-day automatic approval clause in land use and water permits. In practice, the so called "deemer clause" is seldom if ever triggered making the impact of this provision negligible to the construction industry. Practically speaking, current DEP leadership reports that they are able to function at close to normal levels because of the reforms made in past Administrations to transition most major permitting functions from paper to electronic submission. In addition, several reporting requirements relating to recycling have been relaxed.

**(4/24/20) –**

**NJDOT ISSUES NEW INSTRUCTIONS FOR PROJECT SAMPLE DELIVERIES TO ITS LABORATORY**

NJDOT has issued new procedures for project sample deliveries to its State laboratory that are effective today and should be followed until further notice from the Department.

Below are the new procedures provided to us by NJDOT:

**\*COVID- 19\* Asphalt Lab Sample Instructions**

The following are a list of instructions that must be followed when delivering samples to the asphalt labs during the COVID-19 pandemic:

1. You will not be permitted into the building. Please call the appropriate... numbers for assistance...
2. You will only be permitted to enter the building to use the restrooms, but proper Personal Protective Equipment must be worn. This includes both a mask and gloves.
3. No samples should be left unattended outside. Wait for someone from the lab to receive the samples. The labs will not accept samples left outside.

**(4/22/20)** - The Department of Environmental Protection (DEP) recently released a Compliance Advisory clarifying that construction-related to site remediation projects are allowed to continue under Executive Order 122. This was the standing interpretation of the UTCA and others, but we very much appreciate this official interpretation from DEP...

**(4/22/20)** - The New Jersey Transit Corporation is gearing up to increase its annual capital construction program which has diminished over the years, and has requested that UTCA share this information with the industry. NJ Transit has recently advertised five new construction projects each valued between \$1 million and \$18 million during the next few months...

**(4/16/20) –**

**NJDOT REQUESTING THAT ALL PROJECT CONTRACTORS AND SUBCONTRACTORS REVISE THEIR SITE SPECIFIC HEALTH AND SAFETY PLAN**

Due to the COVID-19 pandemic, the NJDOT is requesting that all Project Contractors and Subcontractors revise their Site Specific Health and Safety Plans (HASP) to include procedures to address the COVID-19 situation. The Department is asking that HASPs be revised in a timely manner. At this time, the NJDOT will not issue change orders to achieve this revision and are depending on the industry to voluntarily make these revisions...



## NJDOT NOW ACCEPTING ELECTRONIC SIGNATURES FOR DL-72 FORMS

UTCA has been advised by the NJDOT that the State's Attorney General's Office has approved the use of electronic signatures on the monthly DL-72s payment forms mailed from the Contractor to the Project RE. Docusign is no longer required for this form. Contractors can scan a PDF of the form and e-mail it to the Project RE however, the witness signature is still required. Project REs will have to print, put the NJDOT received stamp on the document, sign the document and then email to NJDOT accounting office using email protocol already in place...

## STATE EXTENDS FISCAL YEAR

Governor Murphy has signed into law legislation extending the state's budget year through September, three months past the usual June 30 deadline. The move buys the state more time to analyze the impact of the coronavirus and stay-at-home orders on tax collections and to rewrite the budget accordingly.

UTCA has been working closely with the Administration and legislative leadership to ensure all capital program operations will be fully funded and proceed without issue. Details are scarce as of this writing, but the Association will continue to monitor the situation and continue the fight to keep our industry working.

The Governor initially revealed his proposed budget in February and legislative committees had begun to hold hearings, but the state's financial outlook is vastly different than it was before the outbreak of COVID-19. In response to the pandemic, the Department of Treasury has frozen nearly \$1 billion of current spending from its planned \$41 billion FY20 budget, although funding for capital projects remain unaffected. Revenue losses combined with new expenses have created a formidable hurdle to recovery, and experts have noted that the state has limited budget reserves granting very little margin for error in the coming months.

### **(4/13/20) –**

#### Port Authority of New York and New Jersey Issues Updated COVID-19 Check List

The Port Authority of New York and New Jersey's Construction Management Division has issued an updated Covid-19 safety check list that is required on all of their New Jersey construction projects. The updated document was in response to the latest Executive Order issued by Governor Murphy. The Port Authority of NY/NJ representatives will be using this form during its inspection and audits on their projects.

**(4/10/20)** - As we reported to you just prior to Governor Murphy's Executive Order 122, the new restrictions on construction operations do not affect the vast majority of our industry's construction operations which have been deemed "essential construction projects". Section 2 of Executive Order 122 focuses on the definition of "essential construction projects". Construction projects defined as "essential" include all public works projects contracted by

Federal, State, County and Municipal governments, all projects that are working under an “order” by Federal, State, County or Municipal governments, all transportation projects, all utility projects (both public and private investor owned), site remediation projects, and various building projects related to healthcare, hospitals, pharmaceuticals, manufacturing, and warehouse. Other projects deemed “essential” are included in section 2. and are identified by varying conditions applying to those types of projects.

UTCA clarified with the Governor’s Office that “private investor owned utility facilities” are included under section 2.c. as “essential; construction projects”!

**(4/8/20) –**

#### NEW CONSTRUCTION RESTRICTIONS ISSUED TODAY BY GOVERNOR MURPHY

...UTCA has been working with the Murphy Administration regarding new restrictions on construction operations. Governor Murphy announced the new restrictions today regarding the stoppage of all “non-essential” construction activities in New Jersey by 8:00 pm, Friday, April 10, 2020. As we anticipated infrastructure work is deemed “essential” and our projects will continue to be allowed to operate.

The following are categories of work to be deemed essential; however, when the Executive order is available, we believe the language contained in the order will provide more flexibility regarding the continuance of construction projects.

- Transportation projects, utility sector (both public & private) projects and most other public works projects.
- Construction necessary for the delivery of healthcare services, hospitals, Pharmacies, Pharmaceutical etc.
- School Construction
- Residential projects with affordable housing components
- Homeless shelter related projects
- Individual housing sites that can adhere to social distancing of workers on-site at any given time
- Work needed to safely secure a construction site

Other types of construction will also be deemed “essential,” however, those details are still under development by the Administration. Once Governor Murphy’s Executive Order is available, UTCA will provide further guidance to the industry.

**(4/8/20) -**

**NJ DOT AND NJ TURNPIKE ANNOUNCE SUSPENSION OF HOLIDAY WORK RESTRICTIONS**

[NJDOT] Officials have decided to suspend all lane closure restrictions for the upcoming holiday weekend. NJ DOT contracts typically contains language that restricts lane closure hours on the days leading up to, through and immediately after a holiday weekend to avoid creating additional traffic delays while motorists are driving to and from their holiday destinations. With traffic volumes down across the region as a result of business closures and government issued travel advisories, there will be no Holiday lane closure restrictions for the Good Friday holiday weekend. Contractors are advised to discuss the suspension of lane closure restrictions for this weekend with their project RE.

The New Jersey Turnpike Authority Officials have also decided to suspend its lane closure holiday restrictions, however, the suspension will be on a case-by-case basis on NJ Turnpike projects. Contractors should seek direction from Turnpike project managers.

**(4/7/20) –**

**NJ DOT TO EXPAND TRIAL TEST ELECTRONIC SUBMISSIONS OF DC-18 FORMS**

[NJDOT] began a trial test to allow its contractors to submit digitally signed DC-18 forms [Request for Approval to Sublet]. The test period will last for three months and originally was only applicable to the NJDOT Central Region projects. The NJDOT has now decided to expand this trial process to ALL REGIONS. As we previously noted, the DC-18 forms must be digitally signed by using “DocuSign...” The NJDOT will review the results of this three-month trial period and decide if the process merits full adoption by the Department.

**(4/6/20) –**

**IMPORTANT MESSAGE FROM UTCA PRESIDENT DAVE SMITH AND CEO BOB BRIANT, JR.**

...To date, Governor Murphy has maintained the same position that our industry is a critical need to New Jersey and must continue to operate during this crisis.

The Governor however is under criticism from some who have questioned his position that the construction industry is an “essential business” and why it is allowed to continue to operate. Although the federal Guidance on the Essential Critical Infrastructure Workforce, issued by the Cybersecurity and Infrastructure Security Agency (CISA) of the U.S. Department of Homeland Security (DHS) has deemed our industry an “essential and critical” line of business which is to remain open, we urgently remind you that we all have an obligation to follow all of the CDC, OSHA and NJ Department of Health protocols to ensure the safety our employees and all those who enter our jobsites. We owe it to our employees, union partners and the Governor to be vigilant and rigorously follow these safety measures.

We are doing our best to separate ourselves from other industries to make sure we do not lose the ability to work and our employees maintain the ability to earn wages for their families. Stringent adherence to all the COVID-19 protocols is urgently needed. Please keep your employee's safety first...they too have families to go home to.

**(4/6/20)** – NJ Department of Transportation Issues Contractor Notification Requirement Regarding Employees Potential Exposure to COVID-19

“We want to remind all Contractors of the Department’s concern for the health of all our personnel on our construction projects, including those from State, Consultant, Contractors, Technical Representatives and Suppliers. During this current crisis, it is important to provide full, transparent communication between all parties as it is essential that all parties are aware of potential COVID 19 exposures on the projects from any parties/personnel connected to the projects.

“Therefore, to further this transparency, the Department requests immediate written (email) as per any potential COVID 19 contact exposures with either symptomatic or confirmed COVID 19 personnel of Contractor personnel (this includes prime, subcontractor, technical support and supplier personnel) that are working on the project, who may have directly interacted with either the State or our Consultant staff. This notification must list those of our staff that the Contractor is aware of that may have had direct contact (either close or casual) with the noted Contractor personnel, indicating when and where the contact occurred. Furthermore, while it is understood that COVID 19 testing is not performed on all symptomatic people, but if testing is performed on any of the contractor personnel whom notice of exposure was previously identified to the Department, that the Department be provided with formal notification of the results either + or - (however, we understand you cannot not provide specific personnel names of those that are symptomatic or tested) as per impacts to the 14 day quarantine.

“We will also ensure that both the Department and our Consultants provide the same notices of potential exposure and updates to the Contractor.

“Furthermore, if a confirmed COVID 19 case in a DOT Construction Field Office occurs, the contractor will be directed to schedule a professional cleaning service to perform a thorough COVID 19 disinfection and cleaning of the Field Office as per standard industry practices under current circumstances. The cleanings must be performed prior to staff returning to the office. The Building Owner and the Department must be notified of this cleaning.

“Lastly, we anticipate that all will maintain the necessary social distancing and we hope for the best health and safety of all personnel and their families.”

**(3/27/20)** – The following provision is included in Governor Murphy’s Executive Order 109, Section 7:

“Any business or non-hospital health care facility, including but not limited to dental facilities, construction facilities, research facilities, office-based healthcare or veterinary practices, and institutions of higher learning, in possession of PPE, ventilators, respirators, or anesthesia machines that are not required for the provision of critical health care services should undertake an inventory of such supplies and send that information to the State by no later than 5:00 p.m. on Friday, March 27, 2020. The Office of Emergency Management shall establish a process by which entities subject to this provision can submit this information.”

**(3/24/20)** – The Department of Community Affairs (NJDCA), plans to issue a guidance document to all local governments (i.e. counties, municipalities, MUA’s, SUA’s and etc.) regarding the continuance of construction projects. The Guidance document provides instructions and responsibilities for local governments concerning construction projects, project inspections, code inspections, permit processing, bidding, awarding of contracts and other related construction activities. UTCA has been working directly with the NJDCA concerning the need for the guidance document and the construction related issues that must be addressed for the State’s local public works projects to continue throughout the State in a uniform manner. The NJDCA will issue the document once Governor Murphy has approved its content which we anticipate will be close of today or early tomorrow. When we receive the Guidance Document, we will make it available to our member firms.

**(3/23/20)** – As UTCA reported to you last Saturday, Governor Murphy issued his second Executive Order (No. 108) that creates statewide uniformity of COVID-19 restrictions, prevents and voids any County and/or Municipal ordinances or resolutions in conflict with his Executive Orders No 107 & 108, places tighter restrictions on retail businesses and social gatherings and reiterates that construction, utility work and construction repairs are all permissible activities. In addition, UTCA has confirmed with Governor Murphy’s office that construction services (i.e. subcontracting, material/equipment supply, inspection, permitting etc.) are also allowable activities...

UTCA has been working with various State Agencies and entities in order to keep the construction process moving forward. The following is a synopsis of where we are with these efforts:

1. NJ DOT: UTCA is directly working with NJ DOT to allow contractors to switch “night work” to “day-time work” (at the contractor’s option), extend/expand lane closures, add additional work to contracts and allow for construction acceleration during this time of minimal traffic. NJ DOT has agreed to 1. Extend day-time working hours on all projects by one hour at the start of the day and one hour at the completion of the day (two additional hours of work each day) and 2. move SOME night operations to the day-time operations ON A PROJECT BY PROJECT BASIS!! NJDOT now requires that each company making the request to switch to “day-time” operations must use [the] DOT Lane closure Form. Complete it and submit it to the project RE. We

apologize for any inconvenience, however, the NJDOT changed their process. Please note that some questions have been pre-filled at the direction of NJDOT. ...

2. NJ Turnpike: UTCA is also working with the NJ Turnpike Authority regarding its 2020 Capital construction program and identifying opportunities where we can jointly work to make use of the reduced traffic in order to be more productive while working in a safer environment. The NJ Turnpike Authority will also consider 1. Expanding and/or increase lane closures, 2. Project acceleration 3. Additional work if appropriate, and 4. Extended work hours. These project adjustments will be considered on a project by project basis...

3. NJ [Board of Public Utilities]: UTCA has been working with the NJBPU concerning the continuation of investor owned utility construction projects throughout the State. To date this work is a permissible activity. Of additional concern is the marking out of underground utilities for construction projects. Some municipalities/MUA's are refusing to markout their underground facilities, thus resulting in the stoppage of construction projects. UTCA has been successful in having the NJBPU contact the local entities and require those local entities to markout their facilities...

4. NJ Department of Community Affairs: UTCA has been actively working with the Department of Community Affairs (NJDCA) in order to keep County and Municipal construction projects on schedule. A few Counties and numerous Municipalities have mistakenly ceased construction projects; however, the association has been successful in correcting these situations. In fact, the Governor's second Executive Order No. 108 specifically restricts these local governments from stopping construction projects...

5. NJ [Department of Environmental Protection]: UTCA is working with NJDEP officials to keep the construction permit process on schedule for the many public works projects that will be bid this year. The association mobilized the NJ TAP DEP Committee and is engaged in discussions with NJDEP to develop a process to allow NJDEP officials to work on the various permits from their employees' remote workstations (i.e. home offices)...

**(3/17/20)** "Governor Murphy has issued an Executive Order 104 regarding [COVID-19]. Related to the issuance of this order, the New Jersey Department of Transportation has asked UTCA to inform its members that all NJDOT projects are continuing as usual and ALL NIGHT WORK WILL PROCEED AS USUAL!!! There are no travel restrictions affecting project workers and employees pertaining to projects active during the hours between 8pm and 5am.

## New Mexico

**(3/24/20)** - NMDOT continues to move forward with construction and maintenance operations as long as the Department and contractors are able to continue to adequately staff projects and maintain safety protocol. If a project is impacted by worker illness and/or construction materials issues related to the COVID-19 outbreak, the contractor and Department will collaborate to determine if a temporary suspension will be in order until such time as all parties feel it is in the best interest of the public to resume. In the event of a temporary suspension, contractors may be entitled to an extension of contract time, but not monetary compensation. While delaying or suspending work will be considered a last resort, safety of the workforce and traveling public will be a determining factor. Further, we've been assured that the Department will continue to place a priority on contractor/consultant/vendor payments for the foreseeable future. **Courtesy of the Associated Contractors of New Mexico.**

## New York

### **AGC of New York State (5/4/20) –**

#### Governor Cuomo Offers New Details on How and When NY Will “Un-Pause”

At a briefing today in Rochester, Gov. Andrew Cuomo offered new details on how and when New York will begin to “un-pause” and allow currently non-essential businesses and activities to resume after May 15.

As has been previously discussed and reported, the Governor plans a regional, phased approach to re-opening, driven by a number of metrics based on CDC guidelines. These include:

- A 14-day decline in hospitalizations and hospital deaths (or fewer than 15 new hospitalizations and five deaths in a three-day average).
- New hospitalizations remain under two per 100,000 residents on a three-day average.
- Hospitals maintain no more than 70 percent available bed capacity, including intensive care units.
- 30 per 1,000 residents are tested for COVID-19 monthly.
- At least 30 "contact tracers" per 100,000 residents.
- Hospitals in each region must have a 90-day stockpile of personal protective equipment...

Once a region meets all the requirements to “un-pause,” it would be done in phases that would include different sectors as follows:

- Phase 1: Construction; manufacturing and wholesale supply chain; select retail with curbside pickup
- Phase 2: Professional services; finance and insurance; retail; administrative support; real estate, rental leasing
- Phase 3: Restaurants, food services; hotels, accommodations
- Phase 4: Arts, entertainment, recreation, education

According to the Governor, businesses and sectors would be required to “reimagine” their operations to comply with new safety standards...

### **General Contractors Association of New York (5/1/20) –**

#### Governor Cuomo Announces Additional Guidelines for Phased Re-Opening of New York

Governor Cuomo announced additional guidelines for the phased plan to re-open New York on a regional basis. Each region of the state must comply with certain guidelines as part of the re-



opening plan. In order to reopen a region has to meet, among other items, the following standards: a 14-day decline in the hospitalization rate; have at least 30 percent of hospital and ICU beds available after elective surgeries resume; implement a testing program and uses data to track the spread of the virus; and has 30 contact tracers for every 100,000 people.

Businesses in each region will re-open in phases. Phase one will include opening construction and manufacturing functions with low risk. Phase two will open certain industries based on priority and risk level. Businesses considered "more essential" with inherent low risks of infection in the workplace and to customers will be prioritized, followed by other businesses considered "less essential" or those that present a higher risk of infection spread. Regions must not open attractions or businesses that would draw a large number of visitors from outside the local area.

Each business and industry must have a plan to protect employees and consumers, make the physical workspace safer and implement processes that lower risk of infection in the business. Regions must continue to ensure protections are in place for essential workers...

**AGC of New York State (4/30/20) –**

NYS Department of Labor: Required Information to Employees Impacted by COVID-19

Dear Employer:

During this COVID-19 Pandemic, many workplaces have been directly impacted by closures or workforce reduction. As an employer you are required by law (12 NYCRR § 472.8) to provide certain information to your employees to help them promptly complete the unemployment insurance benefits application.

Immediate action required: In order to ensure that you are complying with your legal obligations, and to facilitate the timely processing of unemployment insurance benefits applications, we are directing all New York State employers to provide the following information to each of your employees whose work schedule and/or employment status has been impacted as a result of COVID-19 related issues.

Employer Information

NYS Employer Registration No:  
Federal Employer Identification No:  
Employer Name:  
Employer Address:

Please make sure that all relevant employees, including those who have already been impacted by COVID-19, are promptly provided this information. You may use Form IA 12.3 to provide this information to your employees.

**General Contractors Association of New York (4/27/20)** – [The MTA has requested] \$3.9 billion... to help make up for fare, toll and dedicated tax shortfalls that will impact the Authority’s ability to operate through the end of the year. The GCA has been working closely with key members of the New York Congressional Delegation and Appropriations Committees, along with other regional stakeholders such as [New York Roadway and Infrastructure Coalition], the [Regional Plan Association] and a number of Transit advocacy groups, to support the MTA “ask” and to ensure that it is included in the next round of emergency assistance...

The Port Authority will also be seeking additional federal funding to replace the significant declines in operating revenues and avoid potentially significant cuts to their capital program. To date the Port Authority has received \$450M from the first round of CARES Act funding for airports.

**(4/27/20)** – The New York City Council after being on pause for the past month, held its first virtual bi-monthly Stated Meeting on April 22 where a package of 11 bills, including a package of “essential workers bill of rights” proposals were introduced.

Among the package of worker-focused legislation the proposals would mandate premium pay for essential workers ranging from \$30 for part time work to \$75 for any shift over eight hours during the current state of emergency; forbid essential workers from being fired without just cause; and extend paid sick leave to independent contractors. The Council quickly scheduled a virtual hearing on the some of the new bills for this week. The GCA will be commenting in opposition to this package of bills that some small business groups have called “draconian” and “misguided”.

**(4/27/20)** – The MTA updated the flowcharts for contractor/consultant exposure scenarios and general COVID-19 safety info, with updated mask guidance...

**AGC of New York State (4/27/20)** – Excerpts from the chapter’s proposed “NY Forward” Recovery Plan...

“As Governor Cuomo takes steps to begin to ‘Unpause’ New York, the construction industry is primed and ready to continue working safely and play a crucial role in our State’s economic recovery and resurgence through ‘NY Forward.’”

Sections and excerpts include:

1. COVID-19 Mandatory Policies and Procedures for All Construction Sites and Construction Workers
  - Employee Health Protection
  - General site procedures to prevent and limit the transmission of COVID-19
2. COVID-19 Liability Protections for General Contractors

- “New York State must recognize the significant legal liability posed by COVID-19 and protect responsible general contractors acting in good faith and following applicable statutes, rules, executive orders, and approved sector-specific restart plans.”
3. Regional Approach  
“Given the vastly different prevalence of COVID-19 infection and exposure in different parts of New York—and the often vastly different nature of construction and density of workers in different regions and environments—we believe that the scope and pace of a resumption of construction activity should be tailored on a regional basis.”
  4. Federal Stimulus – “Phase 4”

**General Contractors Association of New York (4/17/20)** – On April 15 Governor Cuomo issued Executive Order 202.17 requiring any individual over the age of two who is able to medically tolerate a face-covering to cover their nose and mouth with a mask or cloth face-covering when in a public place and unable to maintain, or when not maintaining, a social distance. The new requirement takes effect at 8:00 pm on April 17.

**(4/17/20)** –

#### MTA Lays Out Case for Additional \$3.9 Billion in Emergency Federal Financial Aid

MTA Chairman Patrick Foye, CFO Robert Foran and Chief Development Officer Janno Lieber, laid out in painful detail, the MTA’s increasingly dire financial situation caused by the COVID-19 pandemic, a situation that has seen ridership on subways, buses, commuter rails drop by as much as 95% and bridge & tunnel crossings by 62%.

Those drops have caused fares, tolls and dedicated taxes to plunge to less than half of their normal levels, amounting to an anticipated \$4.7-\$5.9 billion loss, while state and local taxes dedicated to the MTA are also predicted to be off by \$1.6-\$1.8 billion. Adding to the financial strain is the \$400-500 million cost of disinfecting the system.

Coupled with the \$3.8 billion already being provided by the federal CARES Act only a little more than a week ago, and anticipating that when the pandemic recedes, ridership will rebound to only 50-60% of normal levels by the end of 2020, the MTA estimates the cumulative financial need from the federal government could reach \$8-8.5 billion by year end.

Accordingly, Foye called on the New York Congressional Delegation for an additional \$3.9 billion in aid, citing the fact that the MTA is in an extraordinary position at the epicenter of the virus, in a region that represents 10% of national GDP and is traditionally treated unfairly by federal formula programs. Calling it an “absolute need” Foye said that Congress should embrace the request since it will “benefit the MTA, the State, the region and the country.”

As far as capital funding is concerned, Lieber acknowledged that while capital commitments have already been put on a 60-day hold, no decision has been made beyond that timeframe.

That said, he was pleased that existing projects have, and will, continue – albeit with proper health and safety precautions in place.

Foye also reaffirmed that Congestion Pricing, an important funding element of the MTA 2020-2024 Capital Program, is still very much alive and on track pending USDOT approval.

**AGC of New York State (4/16/20)** – Amid the ongoing COVID-19 pandemic, Governor Andrew M. Cuomo announced all NYS on Pause functions will be extended until May 15. The Governor also directed schools and nonessential businesses to stay closed for an additional two weeks until May 15. This action is taken in consultation with other regional states. The states will re-evaluate after this additional closure period.

**AGC of New York State and Long Island Contractors' Association (4/14/20) –**

Interim Guidance on Executive Order 202.16 Requiring Face Coverings  
for Public and Private Employees Interacting with the Public During the COVID-19 Outbreak

Essential businesses, as well as state and local government agencies and authorities, must procure, fashion, or otherwise obtain face coverings and provide such coverings to employees who directly interact with the public during the course of their work at no-cost to the employee.

- Businesses are deemed essential by the Empire State Development Corporation (ESD), pursuant to the authority provided in Executive Order 202.6. Please visit the ESD website for specific information on essential businesses. For the purpose of this guidance, essential businesses shall also provide face coverings to contractors, including independent contractors.
- Face coverings include, but are not limited to, cloth (e.g. homemade sewn, quick cut, bandana), surgical masks, N-95 respirators, and face shields. Please visit the Centers for Disease Control and Prevention's "Coronavirus Disease 2019 (COVID-19)" website for information on cloth face covers and other types of personal protective equipment (PPE), as well as instructions on use and cleaning.
- Direct interaction with the public shall be determined by the employer, but, at a minimum, shall include any employee who is routinely within close contact (i.e. six feet or less) with members of the public, including but not limited to customers or clients.
- Employees are allowed to use their own face coverings, but shall not be mandated to do so by their employer. Further, this guidance shall not prevent employees from wearing more protective coverings (e.g. surgical masks, N-95 respirators, or face shields) if the individual is already in possession of such PPE, or if the employer otherwise requires employees to wear more protective PPE due to the nature of their work (e.g. healthcare).

- Employees are required to wear face coverings when in direct contact with members of the public, except where doing so would inhibit or otherwise impair the employee’s health. Employers are prohibited from requesting or requiring medical or other documentation from an employee who declines to wear a face covering due to a medical or other health condition that prevents such usage.
- Employees who are unable to wear face coverings and are susceptible to COVID-19 based on the “Matilda’s Law” criteria (i.e. individuals who are 70 years of age or older, individuals with compromised immune systems, and individuals with underlying illnesses) should consult with their employer to consider reasonable accommodations, including but not limited to different PPE, alternate work location, or alternate work assignment with fewer interactions with the public. Employers should work with their employees to see if they can be accommodated to ensure the employee can continue to deliver essential services in the safest manner possible.
- If an employer is unable to procure, fashion, or otherwise obtain face coverings for their employees, they may consult with their local office of emergency management to determine if extra supplies exist within the municipality for this purpose and, if so, they may submit a request for face coverings. Please note that quantities are extremely limited and are prioritized for health care workers and first responders. Not being able to source face coverings does not relieve an employer’s obligation to provide such face coverings to their employees.
- Nothing in this guidance shall supercede the respiratory protection equipment requirements set forth by the United States Department of Labor’s Occupational Safety and Health Administration (OSHA).

**(4/9/20)** – Empire State Development (ESD) has this morning published updated guidance on essential construction under Governor Cuomo’s “New York State on Pause” Executive Order. It reads...

#### “9. Construction

All non-essential construction must safely shut down, except emergency construction, (e.g. a project necessary to protect health and safety of the occupants, or to continue a project if it would be unsafe to allow to remain undone, but only to the point that it is safe to suspend work).

“Essential construction may proceed, to the extent that:

- the construction is for, or your business supports, roads, bridges, transit facilities, utilities, hospitals or healthcare facilities, homeless shelters, or public or private schools;
- the construction is for affordable housing, as defined as construction work where either (i) a minimum of 20% of the residential units are or will be deemed affordable and are

or will be subject to a regulatory agreement and/or a declaration from a local, state, or federal government agency or (ii) where the project is being undertaken by, or on behalf of, a public housing authority;

- the construction is necessary to protect the health and safety of occupants of a structure;
- the construction is necessary to continue a project if allowing the project to remain undone would be unsafe, provided that the construction must be shut down when it is safe to do so;
- the construction is for projects in the energy industry in accordance with Question No. 14 in the FAQ at:  
[https://esd.ny.gov/sites/default/files/ESD\\_EssentialEmployerFAQ\\_033120.pdf](https://esd.ny.gov/sites/default/files/ESD_EssentialEmployerFAQ_033120.pdf);
- the construction is for existing (i.e. currently underway) projects of an essential business; or
- the construction work is being completed by a single worker who is the sole employee/worker on the job site.

“At every site, it is required that the personnel working on the site maintain an appropriate social distance, including for purposes of elevators/meals/entry and exits. Sites that cannot maintain appropriate social distancing, as well as cleaning/disinfecting protocols must close. Enforcement will be conducted by state and local governments, including fines up to \$10,000 per violation.

“Construction may continue solely with respect to those employees that must be present at the business location/construction site in support of essential business activities. No other employees/personnel shall be permitted to work in-person at the business location/construction site. Any other business activities being completed that are not essential are still subject to the restrictions provided by Executive Order 202.

“As noted above, local governments, including municipalities and school districts, are allowed to continue construction projects at this time as government entities are exempt from these essential business restrictions. However, to the greatest extent possible, local governments should postpone any non-essential projects and only proceed with essential projects when they can implement appropriate social distancing and cleaning/disinfecting protocols. Essential projects should be considered those that have a nexus to health and safety of the building occupants or to support the broader essential services that are required to fulfill the critical operations of government or the emergency response to the COVID-19 public health crisis.”

**(4/8/20)** – The New York State Thruway Authority has issued guidance for COVID-19 cases on its construction contracts. It includes reporting protocol for when 1.) contractors, subcontractors or consultants have an employee who displays symptoms of, or tests positive for, COVID-19, or 2.) when a Thruway employee displays symptoms or tests positive.

**AGC of New York State and Long Island Contractors’ Association (4/7/20)** - Amid the ongoing COVID-19 pandemic, Governor Andrew M. Cuomo announced all “NYS on Pause” functions will

be extended for an additional two weeks. The Governor also directed schools and nonessential businesses to stay closed for an additional two weeks through April 29. The state will re-evaluate after this additional two-week period.

**(4/6/20)** – The Metropolitan Transportation Authority (MTA) has released flowcharts to demonstrate protocols for COVID-19 exposure.

**Long Island Contractors' Association and AGC of New York State (4/3/20)** – Memo from Marie Therese Dominguez, NYSDOT Commissioner, "COVID-19 Guidance for NYSDOT Construction Projects..."

The New York State Department of Transportation... has received multiple requests from the construction industry seeking support to modify the work week from the normal five days of 8 hours, to four 10-hour days. This request for a condensed work schedule has been put forth to facilitate the effort to practice greater social distancing.

*Labor Law § 220* applies to Public Work projects. *Section 220(1)* states that eight hours shall constitute a legal day's work for all classes of employees in this state except those engaged in farm and domestic service unless otherwise provided by law.

*Section 220(2)* notes that "no such person shall be so employed more than eight hours in any day...". The exception to this general rule applies when there is an extraordinary emergency including fire, flood or danger to life or property.

The Department believes the COVID-19 crisis would qualify as an extraordinary danger to life, thus, supporting an exception to allow for a deviation from the 8-hour workday.

In accordance with NYSDOT's Standard Specification §102-10 *Labor and Employment*, Subsection B. *Overtime Dispensation*, the Department is reminding all firms of the ability to request overtime dispensation for an alternate work schedule on our construction contracts utilizing the procedures outlined...

The Department will review the application to ensure the information is complete and accurate and will forward directly to New York State Department of Labor (NYSDOL) for review and processing. These overtime dispensations will be submitted by the Department. Applications should not be sent directly to the NYSDOL by either Contractors or the Regional Office.

The Department cannot guarantee that the NYSDOL will grant dispensation from restrictions pursuant to the provisions of Article 8 of the State Labor Law, however we will provide our support provided that the Contractor is in compliance with Labor Law requirements at the time of application. The Department will work with NYSDOL to expedite approval of these applications....

**AGC of New York State (4/3/20)** – The 2020-21 New York State Budget totals \$177B and includes a significant fiscal provision authorizing the Director of the Division of Budget temporary authority to reduce budget expenditures by \$10B under certain circumstances up to three times per year. If the director of the Division of Budget proposes a reduction plan, the Legislature would have ten days to pass its own plan or if no action is taken the Division of Budget plan will go into effect automatically.

The FY21 state budget includes provisions allowing the State to borrow up to \$11B in debt which, may provide the spending flexibility required for the programs and capital plan.

Other significant enacted proposals enacted include: mandating prevailing wages on certain projects receiving state funds; paid sick leave; design-build authorization for certain agencies and authorities; \$3B environmental bond act; accelerated siting of renewable energy facilities; time off to vote; and others listed in this summary.

Despite the economic crisis caused by the COVID-19 pandemic, the Governor and Legislators managed to fund the state capital plan for one year, subject to the discretion of the Director of the Division of Budget. Capital spending will increase for the New York State Department of Transportation (NYSDOT); a new capital matching grant program for the State University of New York (SUNY) and City University of New York (CUNY); Metropolitan Transportation Authority (MTA), environmental infrastructure, and economic development projects.

**(4/2/20)** – Business as usual as possible with both NYSDOT and Thruway. Lettings and awards will be proceeding as usual, with the Thruway moving their public letting to the on-site cafeteria and will only be allowing one person per company inside. NYSDOT has not instituted any additional restrictions on the public letting so far. EIC's should be present on site and may be requiring extra sanitization precautions on the site/in the trailer. Third party inspection staff may be limited as they are directed by their own companies where they are allowed to work. Jobs are being awarded and we have heard preconstruction meetings are being scheduled via conference calls – all efforts to keep business moving forward.

This is a great time to experiment with the utilization of technology for inspections and on-site meetings. If you have any questions or need suggestions, feel free to reach out.

Clear and open lines of communication will be the industry's biggest assets the next few weeks while everyone navigate this. Be sure to follow all procedures outlined in the Standard Spec regarding documentation for delays and/or claims as they become known. We encourage employers to use their best judgement regarding CDC guidelines, and do your best to minimize contact between employees during all activities. Your office staff should also be reduced to as many telecommuting employees as possible.

**(4/2/20)** – MTA Construction & Development has issued a COVID-19 Project Safety Checklist



**General Contractors Association of New York (3/30/20) –****MTA Slows Down New Capital Commitments**

[Metropolitan Transportation Authority] Chairman Pat Foye announced at the March board meeting that the MTA was placing a temporary hold on new capital commitments as a result of the MTA's dire financial predicament. The MTA is facing a liquidity crisis as farebox and toll revenue have plummeted and critical revenue from the payroll mobility tax is expected to decline significantly as well. The MTA has resorted to using PayGo capital dollars for immediate operating needs and has obtained approval from the Federal Transit Administration to use capital dollars for operating expenses. The MTA will reevaluate the hold as federal stimulus dollars become available.

**AGC of New York State (3/29/20) –****ESD Offers New Clarification on Local Government, Municipal and School Construction During PAUSE-NY Restrictions**

From Empire State Development (ESD):

Local governments, including municipalities and school districts, are allowed to continue construction projects at this time as government entities are exempt from the essential business restrictions. However, to the greatest extent possible, local governments should postpone any non-essential projects and only proceed with essential projects when they can implement appropriate social distancing and cleaning/disinfecting protocols. Essential projects are those that have a nexus to health and safety of the building occupants or to support the broader essential services that are required to fulfill the critical operations of government or the emergency response to the COVID-19 public health crisis.

**Construction Industry Council of Westchester & the Hudson Valley (3/25/20) –** “Construction work is continuing—we’re hoping for the best, but we’re planning for the worst to ensure everyone is safe, protected and productive,” said John Cooney, Jr., executive director of the Construction Industry Council of Westchester & Hudson Valley, Inc. “Crews are showing up fit for duty, and public agencies are planning to continue with bid lettings for projects, even if work-arounds to accommodate social distancing, are ironed out.”

Mr. Cooney added, “But the manner in which the industry is now working can only be described as hyper-attentive to changing conditions. There are so many moving parts and all the parts are moving all the time. But the one thing I do know is that we’re taking the threat of contracting the virus as seriously as is humanly possible.”

**AGC of New York State and Long Island Contractors’ Association (3/24/20) –** The Metropolitan Transportation Authority has issued flowcharts to their project management leadership and

industry. These supplement the guidance previously provided to MTA project staff. The agency believes the charts will be useful in providing a quick path through all the different [COVID-19] exposure scenarios.

**General Contractors Association of New York (3/24/20)** – NYC DOT sent letters to contractors with active projects informing them that consistent with the Executive Order 202.6 the directive for in-person restrictions do not apply to essential business services. According to guidance provided by NYS Empire State Development an essential business or entity means, among other things, construction, including skilled trades such as electricians and plumbers, and other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes.

**AGC of New York State (3/22/20)** – The New York State Thruway Authority provided a memorandum to industry associations...

“[The Authority] has received multiple requests from the construction industry seeking confirmation that contractors, consultants, services and material suppliers are considered exempt from reduction in workforce requirements as a result of COVID-19. Pursuant to Governor Andrew M. Cuomo’s Executive Order 202, essential businesses and services not subject to the in-person restrictions include: (a) transportation infrastructure including vendors that provide essential services needed to ensure the continuing operation of government; and (b) construction. The Governor’s subsequent Executive Order 202. 6, and relevant guidance, further clarified that essential businesses or entities includes skilled trades such as electricians, plumbers and “other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes.”

“Based on such, as of the date of this memorandum, ongoing construction and design-build projects shall continue to progress. Contractors shall implement the necessary social distancing and cleaning protocols to the fullest extent possible.

“Although the Authority is firmly committed to the timely completion of infrastructure projects, the Authority recognizes the importance of mitigating the public health emergency caused by COVID-19. In the event that any ongoing projects are affected by COVID-19, it is imperative that contractors immediately notify the Authority of such.

“The Authority’s response to COVID-19 has been and shall continue to be fluid. The Authority may update this memorandum based on any changes to law, rules and regulations, Executive Orders or the impact of COVID-19 on the State of New York and construction industry.”

**(3/22/20)** – In response to questions from AGC NYS and the industry, Empire State Development (ESDC) has this morning advised AGC NYS that the designation of construction as essential applies to "all construction."

Furthermore, as ESDC is being deluged by requests and questions from businesses relative to the Governor's Executive Order, they request that, in light of this clarification, firms engaged in construction refrain from asking for a "specific designation" as they work to handle an overwhelming volume of calls and e-mails.

**(3/21/20) –**

#### COVID-19 "PAUSE" Executive Order

Governor Cuomo has issued guidance on essential services and businesses under his "New York State on PAUSE" Executive Order, which requires non-essential businesses to close in-office functions effective 8pm Sunday [3/22/20].

The Governor's order declares construction as "essential" and updated guidance posted by Empire State Development further states that "essential businesses or entities, including any for profit or non-profit, regardless of the nature of the service, the function they perform, or its corporate or entity structure, are not subject to the in-person restriction."

Guidance on essential services states:

"Construction, Including:

- skilled trades such as electricians,
- plumbers other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes"

The language in the original guidance has generated a great deal of questions and uncertainty from the industry and membership. AGC NYS sought to have the guidance for the Executive Order clarified to definitively answer these questions. We are advised that individual agencies are providing guidance and direction to contractors on how to proceed.

NYSDOT issued a document stating that, "the Executive Order provides that essential businesses and services not subject to the in- person restrictions include transportation infrastructure including vendors that provide essential services needed to ensure the continuing operation of government. The Department is continuing implementation of its capital program as an essential government function and will continue to let and construct projects. The companies awarded such contracts including subcontractors, suppliers, vendors and specialty firms are all exempt for work to support the capital program."

The MTA has subsequently issued similar guidance, as well as the Thruway Authority.

We have requested that other construction agencies provide guidance to contractors in similar fashion.

We are advised and hearing from members that the MTA, State University Construction Fund, Thruway Authority, DASNY and other public agencies are directing contractors to proceed with work.

At this time, we are continuing to seek additional clarification about how Governor's Executive Order applies to local government and private construction as well, but believe in the absence of delineation or limitation of "construction" in the issued ESD Guidance, that a reasonable reading of the Executive Order gives a contractor or construction-related firm a basis to affirm that they are exempt from the in-person restrictions...

We understand that in some project-specific instances, ESD Regional Directors have been able to provide clarity by deeming individual projects "essential." You can find the list of ESD Regional Directors at this link.

In all cases, contractors and related firms should be following all relevant public health guidelines and reducing density wherever possible to take all precautions against the spread and transmission of COVID-19...

**Long Island Contractors' Association (3/20/20)** – Memorandum from Janice McLachlan, Acting Assistant Commissioner and Chief Counsel, New York State DOT, to industry groups...

"[The Department] has received multiple requests from the construction industry seeking confirmation that contractors, consultants, services and material suppliers are considered exempt from reduction in workforce requirements outlined in Governor Cuomo's Executive Order 202, as amended. The Executive Order provides that essential businesses and services not subject to the in-person restrictions include transportation infrastructure including vendors that provide essential services needed to ensure the continuing operation of government.

"The Department is continuing implementation of its capital program as an essential government function and will continue to let and construct projects. The companies awarded such contracts including subcontractors, suppliers, vendors and specialty firms are all exempt for work to support the capital program."

**(3/19/20)** – New York State DOT Chief Engineer Wahid Albert provided industry groups with detailed COVID-19 guidance for the department's projects. Highlights include the following...

- The contractor's written Project Safety & Health Plan must now include provisions relating to COVID-19. Subcontractors must have their own plan or be subject to that of the prime contractor.
- Project-related meetings are to be conducted by WebEx or Skype. Other "social isolation" practices will also apply. Department staff will only travel to project sites for oversight of essential operations.
- Inspection and material testing QC must comply with social distancing practices.

- Critical path work activities should have contingency plans in place to minimize impacts of COVID-19 illnesses.
- “Keep operations going... to the extent possible...”
- The document also sets out policies related to goal attainment, delays, time extensions, liquidated damages and related issues.

## North Carolina

### **Carolinas AGC (5/6/20) –**

#### NCDOT Below Floor

In a press release issued on Monday, NCDOT announced that a sharp decline in revenue has resulted in the Department falling below the statutorily mandated cash floor of \$293 million. According to state law, once the department falls below the cash floor, the department can no longer enter into new contracts that spend money on transportation projects.

“Never in the history of NCDOT has there been such an immediate and sustained decline in revenues,” said Eric Boyette, Transportation Secretary. “We need revenue to begin putting people back to work across North Carolina.”

\$300 million in lost revenue for this fiscal year

The NCDOT is fully funded through the Motor Fuels Tax, Highway Use Tax and Division of Motor Vehicles fees. The drop in revenue from these sources due to COVID-19 will result in more than \$300 million in lost revenue for this fiscal year, which ends June 30. An additional shortfall of more than \$370 million is projected for FY21.

The North Carolina general statutes restrict the department’s ability to enter into agreements that obligate additional funds for transportation projects until cash on hand is above the statutory cash floor, as certified on the last day of the month.

Additional cuts, employee furloughing, and halting construction projects being considered

The Department has already laid off more than 350 temporary and contract workers and delayed the start of about 88 major construction projects. Now the department is considering further cuts that could include furloughing some of its 9,300 employees and halting some construction projects that are already underway, said Transportation Secretary Eric Boyette and Bobby Lewis, the department’s chief operating officer.

Highway rest areas will remain open, in large part to serve truckers who depend on them, Lewis said. But the Piedmont passenger train between Raleigh and Charlotte, already reduced from three round-trips a day to one because of reduced demand, may be suspended altogether, Boyette said.

## \$300 Million in Federal Funding for NCDOT that Cannot be Used until the CARES Act is Amended

Gov. Roy Cooper signed a bill into law Monday that ostensibly allocates \$300 million in federal money to NCDOT. But because Congress hasn't approved the use of coronavirus relief funds to make up for lost tax revenue, that money is not available to NCDOT. During a bill-signing ceremony, legislative leaders acknowledged that their support for NCDOT was contingent on the federal government changing how the money can be spent. "We've set the \$300 million to the side so that it's there as soon as the federal guidance comes that we can spend that money and help save some jobs and keep projects going," said Rep. Darren Jackson D-Wake.

House Speaker Tim Moore said the state may need to find a way to help NCDOT without federal help. "We know that we must keep the road projects going. We have to maintain our infrastructure," Moore said. "And so looking at creative ideas of how we do that going forward into the fall or into the next year — whether it's appropriations, whether it's a bond, whatever it is — we know we are going to need to continue to invest there."

**(4/27/20)** – From the Wilmington Star News...

### More grass, less paving; COVID-19 forces DOT cutbacks

Agency faces a financial rough road as people stay at home and buy less gasoline

Talk about a major pothole.

The coronavirus isn't just hitting the N.C. Department of Transportation (DOT) when it comes to the health and safety of their employees. The agency is also taking a major shot to its pocketbook from COVID-19.

"These are very stressful times for the DOT," said Chad Kimes, head of the agency's Wilmington division, which covers six counties in Southeastern N.C.

The DOT is expecting a \$300 million budget hit this fiscal year, which ends June 30, and an even bigger financial black hole next fiscal year.

That's because the DOT's largest source of revenue is the gas tax, both through the federal and state taxes. But with fewer drivers filling up at the pump these days, there's less revenue in the pipeline.

The funding shortfall has prompted the agency to put the brakes on nearly \$2 billion worth of projects across the state.

In a statement last week, the agency said all but 50 major projects scheduled to start in the next 12 months are delayed.

But that doesn't necessarily mean dirt will start moving next year on a host of highway and bridge projects across North Carolina.

"What that did it is it doubled up for those programs for next year," Kimes said of the deferment. "But you just can't keep pushing stuff back without impacts."

He added that the real impact of the delay won't be known until the DOT reorganizes its transportation planning to see what it can realistically afford.

In other belt-tightening measures, the DOT is laying off temporary consultants, limiting purchases to only critical items, and suspending or decreasing many services and programs.

'Changing every day'

So what does this all of this mean for the Wilmington area?

Well, expect to see area roadways to start looking a little rough around the edges for the next few months.

Kimes said almost all highway mowing in Southeastern N.C. is on hold until at least June, saving the DOT roughly \$600,000 for each monthly cycle it's delayed.

Small bridge projects and most repaving work are also frozen.

The estimated \$5 million extension of Drysdale Drive from Military Cutoff Road to Eastwood Road was expected to be put out to bid this month.

That's not going to happen, Kimes said, and that could have a knock-off effect on the DOT's timeline for the planned overpass at Eastwood and Military Cutoff and construction of the huge CenterPoint mixed-use project.

But any transportation projects currently underway, including the Military Cutoff Road extension and the rehabilitation of the Isabel Holmes Bridge, are expected to continue without a delay.

And one of the region's major projects, the Hampstead Bypass, appears safe – at least for now. Kimes said that's because the bypass, which is expected to alleviate up to half of the traffic that now travels U.S. 17 through Hampstead and should be put out to bid in September, is a bonded project and thus safe from the slowdown order.

"It's still good to go, but our concern is that this thing is changing every day," Kimes said.

And that's where the DOT, like almost everyone else, finds itself today as the fight against the coronavirus pandemic remains an ongoing battle with many unknowns.



Still, Kimes said that when things do return to normal and the DOT gets a more sure-footed budget picture, Division 3 is ready to move forward with transportation projects like the planned interchange at Kerr Avenue and Martin Luther King Jr. Parkway ready to be out to bid.

“This is not easy,” Kimes said. “It’s hard, but we’ll get through it.”

**(4/23/20)** – From WRAL...

#### NCDOT to get money help in COVID-19 relief bill

RALEIGH, N.C. — State lawmakers are due back in Raleigh next week to vote on an omnibus coronavirus response bill. A last-minute change to that bill would give the state Department of Transportation a little bit of financial breathing room.

Members of the House Select Committee on COVID-19 voted Thursday afternoon to reduce the amount of cash the DOT is legally required to keep on hand.

That "cash floor" has been set for some time at \$300 million. The change would lower that requirement to \$125 million for a period of one year.

Rep. John Torbett, R-Gaston, said the change would "give them \$175 million availability right now."

However, Torbett said, it won't solve the problem of plunging revenue from the gas tax, the highway use tax that's part of a car's sale price, and Division of Motor Vehicles fees.

He told the committee the DOT's estimated \$28 million loss in April gas taxes is now expected to be a \$45 million loss. May's loss in gas tax revenue is now predicted to be around \$90 million, with June's loss around \$80 million.

Car sales and DMV fees and fines are also down dramatically, Torbett told the panel, and those three things are the only sources of revenue the DOT has.

"Will [lowering the cash floor] keep them from going to zero?" he said. "Unless we take other actions in the coming weeks and months, I don't believe it will."

On Tuesday, the DOT announced layoffs of temporary and contract workers, and project delays are being put into place this week because of a projected \$300 million shortfall this fiscal year.

The House is working with the Senate and Gov. Roy Cooper to craft a bill that they can pass quickly next week with bipartisan support and little debate. The House will begin consideration of the bill on Tuesday.

**(4/21/20)** – From NCDOT...

### COVID-19 Impact on NCDOT Revenues Forces Delays of Most Projects

RALEIGH – As people across North Carolina have taken lifesaving measures to stop the spread of COVID-19, traffic volumes have plummeted, causing at least a \$300 million budget shortfall for the N.C. Department of Transportation (NCDOT) for this fiscal year (ending June 30).

Because NCDOT revenue is fully funded through the Motor Fuels Tax, Highway Use Tax and DMV fees, this significant impact has forced the department to notify local governments, stakeholders and the general public that all but about 50 major projects scheduled to start in the next 12 months are delayed.

Projects moving forward are funded by GARVEE bonds, BUILD NC bonds and federal grants.

A list of the projects that are still scheduled to be awarded in the next year is available on the NCDOT website...

These changes do not affect construction projects already underway or that have already been awarded.

The department is taking other significant steps to decrease expenditures, including:

- Allowing only mission critical purchases
- Laying off temporary and embedded consultants
- Suspending or decreasing many programs and services
- Hiring freeze (except for positions that impact public safety)

The department is in the process of developing plans for potential furloughs and a Reduction in Force (RIF). Those plans are not yet complete and no decision has been made at this time to enact them.

**(4/20/20)** – From the Wilmington *Star News*...

### COVID-19 leaves DOT funding facing rough road

Travel restrictions mean gas tax revenue has plummeted, and that has some transportation projects facing cancellation or long delays

Getting people to stay home is a keystone of Gov. Roy Cooper's strategy to slow the spread of COVID-19 in North Carolina.

But the move to keep cars off the roads and travel to a minimum could also put the brakes on numerous transportation projects -- including in the Cape Fear region.

That's because the largest source of revenue for the N.C. Department of Transportation (DOT) is the gas tax, both through the federal and state taxes. But with fewer drivers filling up at the pump these days, there's less revenue in the pipeline.

The impending project cuts has the state's construction firms nervous, especially with talk the DOT could slice transportation spending by \$2 billion -- or 75 percent -- over the next 12 months.

"These cuts will have an unprecedented impact on our state's roads, bridges and infrastructure and are threatening many construction jobs and projects that are considered essential," said Dave Simpson, president of Carolinas Associated General Contractors, a trade association made up of contractors and construction-related firms that perform work in North Carolina and South Carolina. "This is not good news for the safety of the traveling public, the quality of life in our state and our already strained economy which is reeling from the effects of this pandemic."

According to Unacast, a location-data company that uses cell phone data to track the miles traveled in a community, travel in North Carolina is down about 40 percent since the COVID-19 stay-at-home restrictions were put into place.

In New Hanover County, travel is down nearly 50 percent compared to the pre-coronavirus average.

North Carolina collects 36 cents for every gallon of gasoline sold, and the federal gas tax is 18.4 cents per gallon.

But the federal tax hasn't been increased since 1993, and North Carolina legislators have historically been very hesitant to raise the state tax.

Even before the coronavirus outbreak the DOT had been struggling with the declining returns of the gas tax, due to drivers buying more fuel-efficient or electric vehicles. The DOT is also losing revenue via fewer DMV fees and lost highway-use fees that have been waived or delayed due to the pandemic.

In a statement, the DOT said it will be canceling projects due to the funding shortfall -- although it didn't get into specifics.

"The impact of COVID-19 has been profound due to severe reduction in gas tax revenue (traffic volume decreased 50% on some roadways)," stated the release. "We are forecasting a shortfall of at least \$300 million in this fiscal year (ending June 30, 2020). Forecasts appear to show the shortfall will be greater for fiscal year 2021 (July 1, 2020 – June 30, 2021). But these numbers are changing daily and NCDOT has no historical data to utilize to assist in projections."

Major projects in the Wilmington area that are planned, but which contracts have yet to be awarded, include the widening of College and Gordon roads, improvements to South Front

Street and Carolina Beach Road, and several interchanges along Martin Luther King Jr. Parkway and Eastwood Road.

Other projects that could see delays include the Hampstead superstreet project, the widening of N.C. 211 in southeastern Brunswick County, and numerous bridge projects across the region.

But transportation officials, both locally and at the state level, stressed that no decisions on what projects would be delayed or canceled have been made yet.

**Carolinas AGC (4/8/20)** – NCDOT is projecting a \$200 million shortfall due to reduced VMT and reduction in new car sales for the rest of this state fiscal year on top of existing financial issues.

As a result NCDOT is reducing the number of projects to be let from 131 to 38 and dollar amount from \$2.7 billion to \$671 million.

**(4/2/20)** - With the Governor's stay in place order construction can continue. However, the order allows local government to put in place stricter rules if they elect to do so. To date no local government has put in place any order to restrict construction.

NCDOT has put in place a COVID-19 NCDOT Workforce Safety Plan that contractors must sign and agree to for work to continue.

NCDOT is working on projections on the decline in revenue as a result of COVID-19. They are anticipating significant revenue losses for the remainder of this fiscal year and next fiscal year.

NCDOT has not delayed any lettings yet but they are evaluating, and we expect project delays to be forthcoming.

The current goal is to keep projects under construction going along with any projects that have been awarded but not yet executed.

**(3/27/20)** – Excerpt from NCDOT's "Joint Workforce Safety Plan: COVID-19"

[NCDOT] and their partners expect all parties involved in the delivery of transportation projects to abide by the guidelines issued from the [CDC] and the North Carolina Department of Health and Human Services (NCDHHS).

Response to COVID-19 is rapidly evolving; new information and guidelines may be issued from the CDC, NCDHHS, or other state or federal agencies. NCDOT and their partners should review the current CDC and NCDHHS guidance, including the resources listed at the end of this document, for up-to-date information on how to respond to COVID-19. Additional guidelines may be issued by state or federal agencies that should be followed in addition to the guidance included in this document.

Though certain Americans with Disabilities Act (ADA) requirements have been relaxed in response to the pandemic, employers must still maintain all information about employee illness as a confidential medical record in compliance with the ADA. If an employee is suspected of having or tests positive for COVID-19, it is essential that management keep the identity of the employee and details related to the employee's health confidential...

**(3/18/20)** – Not aware that NCDOT or any other agencies have stopped any highway projects at this point. Right now NCDOT's position is that if a contractor wants to stop a project due to COVID-19 that will be allowed and the contractor will get a day-for-day time extension, but not additional compensation. A limited number of DMV offices are closed and actions are by appointment only. Some other state offices are open but employees are encouraged to work from home if their job allows. No current issues with payments, testing and supply chain, although CAGC is monitoring. Revenue could be an issue if this situation continues longer-term.

## North Dakota

**(3/23/20)** – NDDOT issued a letter to industry groups on the department’s COVID-19 response. Highlights:

- “NDDOT is adjusting services to provide on-line or mail-in services only and working remotely to continue business operations...”
- “The NDDOT intends to move forward with all projects scheduled for letting and construction in 2020. Further project letting dates will be reviewed and may be adjusted as conditions warrant. Prior to beginning any project work in 2020 there should be discussion between the contractor and DOT’s project engineer on steps that will be taken in response to COVID-19. Things to consider:
  - ways to eliminate face to face meetings
  - regular cleaning of common work areas, such as field labs
  - other social distances practices to implement on the project

Communication and adherence to the agreed upon strategies will be critical.”

- “Section 108.06 B.4.d in the Standard Specification allows for the non-compensable extension of contract time for delays due to epidemics or quarantines. If delays are experienced related to documented COVID-19 impacts, timely communication to the Department and documentation will be key to approval of a time extension.”
- “As the start of construction season is upon us, it will be critical that contractors and the Department work closely to assure project schedules can be maintained while being socially responsible to limit further spread of the virus.”

## Ohio

**Ohio Contractors Association (5/8/20)** – Excerpt, letter from ODOT Director Jack Marchbanks...

Ohio Governor Mike DeWine recently announced reductions to the state operating budget for the remainder of the state fiscal year that ends June 30...

The administration's announcement included a reduction of at least \$70 million in ODOT's non-GRF funding source, the Motor Vehicle Fuel Tax. That number represents about a 20% immediate decline in state motor vehicle fuel tax receipts to [ODOT]. I must point out that this is most likely the minimum amount that capital spending will be reduced. Our actual expenditures will still be dependent on motor vehicle fuel tax receipts collected.

In anticipation of reduced motor vehicle fuel tax revenues, ODOT delayed two projects totaling about \$200 million last month. Moving these two projects into the next fiscal year will allow the agency to absorb the revenue reduction and commence the rest of the 2020 construction program as planned...

While it is still too soon to know what the [extent] of the impact will be, the department is currently looking at all projects and expenditures to determine our critical needs, and what can safely be delayed or cut, if needed. By prioritizing projects now, we can ensure the most critical work still moves forward...

**(4/30/20)** – From OCA President Chris Runyan...

### Responsible RestartOhio Order Statement Regarding Face Coverings

Earlier today (April 30th), in response to the third modification of the Responsible RestartOhio Order, I had separate conversations with the Governor's office and ODOT. Both have assured me that the guidance provided in the statement to the industry dated April 6th remains in effect. That guidance states that workers performing tasks within 6' of one another must wear face coverings that are not required to be surgical grade. Recognizing social distancing norms, when there is 6' or more spacing between workers, facial coverings are not required. ODOT has indicated to me that this is the same guidance being reiterated to their own maintenance crews. Each time I have spoken with ODOT during this past week, I was assured the April 6th guidance remains in effect.

Further reassurance of that guidance was provided to OCA by letter from Dave Slatzer, ODOT Deputy Director of Construction Management, received today, which can be viewed by clicking [here](#). ODOT indicated that the content of the April 6th letter has again been re-verified by the Ohio Department of Health. It is suggested that this ODOT letter be retained at each project site as the written justification that is called for in the Responsible RestartOhio Order for the

exemption of “wearing a face covering on the job is against documented industry best practices.”

OCA was asked to continue to reinforce to each of our member companies that it is vital for all employees to wear face coverings when going out into the public during non-working hours. All of us need to do our part in breaking the string of infection that can potentially pass from person-to-person in a community setting. Please continue to deliver that message to your employees to help them to remain coronavirus-free. This is a 24/7 effort that all of us must be a part of.

**(4/30/20)** – Excerpts, Funding Update from OCA President, Chris Runyan...

I first want to thank you for the herculean efforts you are putting forth in maintaining construction activities on the many heavy/highway projects across the State of Ohio during this time of COVID-19. We are thankful that our industry is deemed an essential business because of the importance of keeping our highway transportation infrastructure in good condition during this pandemic episode and into the future. I appreciate that the conditions you continue to work under are much more challenging due to the efforts to ensure that you and your fellow workers remain coronavirus-free.

While work has continued, the revenue used to fund transportation projects is not meeting projections made at the beginning of the state’s projections. With significant decreases in traffic and fuel consumption, Ohio Department of Transportation is estimating a motor fuel fee reduction of approximately thirty-five percent (35%) during the period of March 1, 2020 through June 30, 2021. The forecasted shortfall is estimated to be \$941.5 million for ODOT and \$403.0 million to local governments over that 16 month period.

ODOT’s early action of delaying two major projects and reducing internal operating costs have reduced anticipated expenditures by \$250 million in the current fiscal year. That has addressed the current fiscal year’s shortfall. Unlike Kentucky which has cancelled all lettings for May and June, ODOT has most recently indicated that lettings through June will continue on track as originally announced.

Another issue impacting transportation projects is the lack of approval of a Capital Improvements bill which provides funding for the Ohio Public Works Commission (OPWC). As a result, authorization for OPWC-funded projects has been postponed.

Without additional funding support, we cannot anticipate that the ODOT or local government highway programs originally envisioned for State Fiscal Year 2021 will materialize. One potential remedy to the state and local funding shortfalls is a federal stimulus package for infrastructure. The American Association of State Highway Transportation Officials (AASHTO) has requested nearly \$50 billion be distributed to states. This would go a long way in making up any shortfall that is anticipated as a result of diminished state motor fuel fee dollars...



**(4/28/20) –**

#### Impact of Governor's Most Recent Order Related To Masks

We are aware that the Governor's new Order which was issued yesterday [4/27] appeared to give no quarter with regard to wearing masks for all individuals and specifically noted construction falling within that parameter. In response, we have been in contact with the Ohio Department of Transportation to reconcile the earlier flexibilities as they relate to heavy/highway construction and the guidance that was issued dated April 6, 2020 related to social distancing and wearing masks. In speaking with Assistant Director MacAdam, he indicated that their guidance transmitted on April 6th will not be changed as a result of this latest order. ODOT continues to operate their own workforce per the April 6th guidance and maintains the same expectation for companies working under contract with ODOT. Should this interpretation change, you will be informed of that modification.

In response to the concerns expressed to the Governor from many companies and individuals to the initial announcement regarding the mandate for face masks for all when at work or venturing outside of their home, the Governor has modified the original Order to make the wearing of face masks a recommended practice in lieu of a mandate. As a result, the practices put in place for face masks in the heavy/highway construction industry as outlined in ODOT's April 6th statement regarding face masks can continue as previously announced. [Click here to view the updated, one-page summary of the Order most recently issued by the Governor](#) and [click here to once again view ODOT's April 6th face mask guidance](#).

Please make OCA aware of any instances where local health officials may attempt to enforce a stricter interpretation of the guidance provided in the April 6th statement from ODOT.

**Ohio Construction Information Association (4/6/20) –** From the Ohio Turnpike and Infrastructure Commission...

Beginning this month, the Ohio Turnpike... will begin essential infrastructure construction projects throughout northern Ohio. The Commission's focus in the short-term will be to maintain, repair, and operate the Ohio Turnpike for essential personnel to continue using during this COVID-19 pandemic.

"More than ever during the COVID-19 pandemic, the Ohio Turnpike's role as a nationally ranked freight corridor is essential to move freight where it's needed most to help Americans in the battle against an unseen enemy," said Executive Director Ferzan M. Ahmed, P.E.

**Ohio Contractors Association (4/6/20) –** From ODOT...

The Ohio Department of Transportation, in conjunction with the Ohio Department of Health, has issued guidance on 6-foot spacing protections. It is recommended that a copy of this letter be available on all active project sites...

The Ohio Department of Transportation (ODOT) has been given direction by the Ohio Department of Health that when there are tasks that require employees to perform jobs or tasks that would put them closer than 6', they can perform those tasks with face coverings that are not medical grade PPE. All employees are to maintain social distancing at all other times, wash hands, and follow all other guidance as provided through the ODOT policies, or the Governor's Orders, as applicable.

**(4/1/20)** – From memo by David Slatzer, Deputy Director, Division of Construction Management, ODOT, to industry and field personnel...

[ODOT] would like to provide an update on ODOT procedures and expectations related to the Stay at Home Order ("Order") issued on March 22, 2020 by the Ohio Department of Health Director Amy Acton, MD, MPH. The Order is currently in effect and will remain in effect unless rescinded or modified...

As a result of this Order and made effective immediately through this communication, ODOT Project Staff are tasked with observing ODOT job sites for compliance with the provisions of the Stay at Home Order. In particular, ODOT project staff are directed to monitor for the following scenarios:

1. During the normal course of duties, ODOT Project Staff observes contractor activities that are not consistent with the social distancing requirements, namely 6 foot of separation established in Section 15 of the Order; or
2. If related to Section 18(b) of the Order, ODOT Project Staff encounters an employee that is visibly sick.

If either of the preceding situations arise, immediately contact the contractor's representative on site that has supervisory control of the project for resolution. If a discussion with the contractor's representative on site does not promptly resolve these issues, they shall immediately be elevated to the District Construction Engineer (DCE). If the issue is not resolved after discussion between the DCE and appropriate contractor staff, the DCE will contact the Ohio Department of Health for further guidance.

ODOT project staff are instructed not to engage contractor staff directly and must strictly adhere to the process outlined above.

It is understood that there may be accidents or incidents that occur on ODOT roadways or projects that may make it necessary for the contractors to briefly work in close proximity to mitigate the hazard created by such accidents or incidents. In these circumstances, these activities shall be limited to those necessary to mitigate the hazard and shall not be considered normal operating procedure for the duration of the stay at home order.

Consistent with Section 18(g) of the Order, ODOT will allow resequencing and or temporary suspension of work to maximize compliance with the Order.

Request for additional time resulting from suspension of work or claimed inefficiencies related to compliance with the

Order will be addressed in accordance with the procedure contained in CMS 108.06 (B)(5).

**(3/30/20)** – From ODOT...

PN 095 – 03/30/2020 Potential Impacts and Delays Due to COVID-19

In an effort to anticipate the potential impacts to the Project caused by the COVID-19 threat and in following direction from the Governor and other authorities, the Contractor is on notice of the need to comply with all federal, state and local orders generated to prevent the spread of contagious or infectious diseases, including the Stay at Home Order from the Ohio Director of Health dated March 22, 2020, and subsequent orders...

Contractor is on notice that the Project is considered essential and that the contractor and his employees, subcontractors and suppliers are considered essential businesses and performing essential functions as defined under the Stay at Home Order.

Notwithstanding any other provisions of the contract documents, in the event of project delay or impacts to performance due to a voluntary or mandatory COVID-19 virus Directives, Orders, quarantine or closure directed by government authorities, either party may, by providing notice to the other party as required under CMS 108.02(F), extend the Completion Date for a period of up to thirty (30) days. Extensions under this paragraph shall be considered an excusable, non-compensable delay in accordance with CMS 108.06(B). If any portion of the Work is still not able to be performed upon the expiration of the extension, either party may provide notice to the other party requesting a termination for convenience under 108.09. The termination for convenience remains at the sole discretion of the Director.

The Contractor and ODOT will exercise best efforts to utilize remote services to perform Work that otherwise cannot be performed in person due to a voluntary or mandatory COVID19 virus quarantine, closure, or impact as directed by Stay at Home Order.

Impacts to the Project generated by the Stay at Home Order shall not be considered an “issue” under 108.02 (F) for Projects sold after the date of this Note. Contractors are on notice that their bids should include any impacts they foresee or should have reasonably foreseen due to the Stay at Home Order or existing or reasonably foreseeable orders by any other federal, state or local official.

If any emergency order or declaration of any government official is lifted at any time, ODOT will provide written notice to the Contractor that this Note shall be considered void thirty (30) days after receipt of the written notice. If the Stay at Home Order from the Ohio Director of Health dated March 22, 2020 is lifted at any time, this Note shall be considered null and void thirty (30) days after the lifting of those orders.

**(3/29/20)** – OCA President Chris Runyan recorded a video message for members following a virtual meeting among Lt. Governor Husted, ODOT Director Jack Marchbanks and his leadership team, and OCA leadership. The video can be viewed at <https://www.youtube.com/watch?v=21sU1BuRL34&feature=youtu.be>.

Excerpts from the message are as follows...

Because of the critical nature of the work we do in maintaining, repairing and constructing Ohio's highway infrastructure, our industry has been designated as an essential industry in Governor DeWine's recent Stay-At-Home Order. However, the designation we have received is not an entitlement which allows us perform our duties in a way that fails to recognize the many ways COVID-19 infiltrates our project sites and offices. The safety and well-being of those who work for and with each of our companies, large and small, must be the number one focus for how we conduct our businesses and perform each project and task that we undertake...

In [the] recent virtual meeting... this zero tolerance philosophy was made very clear to our Association's leadership...

Without minimizing any of the safe workplace practices that have been shared, I want to highlight the need to engage every employee on a daily basis before coming onto the job site or into the office about their own, personal health and the health of those they have been in contact with. The first line of defense is at the front door. Second, I ask that you remind every employee that when they are not at work, they strictly adhere to the mandates set forth in the Governor's Stay-At-Home Order. Smart work and living practices do not come to an end when your team members leave for home. We must now live in the in the new normal of 24/7 awareness that none of us are immune to succumbing to the virus.

For many years, each company has worked to hone their procedures and skills so that quality work is performed in the most efficient, cost-effective manner. We must now think about how working in close proximity to other individuals impacts the way we do business. Similar to a military ethos where they fight to keep themselves and those who stand on their right and left alive, we now have a similar obligation for our co-workers. A part of this is looking into the tasks that must be performed on a project and finding alternatives to accomplish the task but in a manner that reflects our current reality. It may require smaller crews that require more time to perform quality work while keeping workers farther apart. Additional support equipment such a more man-lifts may be necessary to keep the ratio of one lift per worker. Concrete pour rates or asphalt laydown rates may need to be reduced so that fewer workers are needed to finish concrete or rake asphalt for the sake of employee spacing. We are an industrious and

imaginative industry that needs to now prioritize keeping each other virus-free above the most efficient or quickest way of performing a task...

We are now under greater scrutiny because of the personal health protections that we must adopt. If we fail to keep our employees protected with necessary and mandated practices, our projects will be shut down...

**(3/25/20) –**

#### ODOT Provides Additional Information Regarding Their COVID-19 Response

In an effort to communicate directly with Ohio's highway construction industry, Lloyd MacAdam, ODOT's Chief Engineer and Assistant Director for Transportation Policy, has issued the following statement. Based on the actions outlined in this statement, it is clear ODOT is monitoring the potential impacts from this pandemic and are being proactive in adjusting the program as they believe necessary to mitigate a slow-down in revenue generation while keeping the vast majority of the projects on their current schedule for start and completion. OCA will continue to communicate directly with ODOT leadership through these times and get you information that will impact your scheduling as the earliest possible opportunity.

[The statement is as follows...]

The Ohio Department of Transportation (ODOT) has heard from many of our partners in the construction industry regarding the uncertainty surrounding the current COVID-19/Coronavirus outbreak. As you know, at the direction of Governor DeWine, Dr. Amy Acton, Director of the Department of Health issued a "Stay at Home" order on March 22nd 2020, to be effective at 11:59 pm on March 23rd.

Since the beginning, Governor DeWine has maintained that transportation infrastructure is essential to our economy during this time, as well as during the recovery that will surely follow. As a result, Section 9 of the order issued by Dr. Acton provides an exception for Essential Infrastructure. It specifically mentions roads, highways, railroads and public transportation. As such, ODOT remains committed to the timely delivery and adequate staffing our construction projects.

To date, ODOT has issued three notices to the industry to address our COVID 19 response as it relates to the administration of our Capital Construction Program. The most recent of these notices was sent to the industry on 3/24/2020. This information was also sent to the leadership of all 12 of our ODOT districts as guidance for working with our industry partners during this unprecedented time.

As you are aware, this situation has resulted in significant impacts to our economy. Many employers have had to make the difficult decision to lay employees off. We have seen a substantial increase in people working from home. The net effect will be

certainly be a significant decrease in revenue generated from the Motor Fuel Tax. As a result yesterday, ODOT made the difficult, yet necessary decision to defer the following projects from our FY 2020 Major New Construction Program to the first two quarters of FY 2021.

- FRA-70/71-12.68/14.86 (Proj. 4R)
- HAM IR 74 18.01 (Phase 5B)

We will continue to monitor revenue projections and will make adjustments as necessary.

The health and safety of our employees and that of our industry partners is at this time and always at the forefront of our minds. While ODOT will not issue any specific guidance related to the current COVID 19/Coronavirus outbreak, we encourage the industry to follow their own established protocol and/or visit [Coronavirus.ohio.gov](https://www.coronavirus.ohio.gov) for more information.

As this is a fluid situation, ODOT will continue to monitor developments, take appropriate action and keep our industry partners informed as plans evolve.

**(3/24/20) –**

#### ODOT Statement Regarding COVID-19 Response

The Ohio Department of Transportation has issued the following statement regarding their intentions to continue to prosecute the program in light of COVID-19 impacts and transportation construction activities being granted an essential infrastructure exemption as defined in the Governor’s Stay-At-Home Order. We appreciate that the DeWine administration and ODOT continue to view the maintenance, construction and reconstruction of Ohio’s highways, bridge and other public works as an essential function in the fight against the spread of the coronavirus...

FROM: Dave Slatzer, P.E. Deputy Director, Division of Construction Management

As a follow-up to the March 16, 2020 letter, [ODOT] has received many questions regarding the COVID-19/Coronavirus impacts to construction projects. In response to those questions, ODOT would like to issue the following clarifications and positions.

#### 1. COVID-19/Coronavirus project specific impacts

The majority of questions and concerns have been related to potential project delays caused by the COVID- 19/Coronavirus through:

- Staffing and labor availability;
- Material and supply availability;
- Workplace safety concerns; and
- Utility relocation delays.

ODOT is requesting that all contractors work to identify specific circumstances directly caused by the COVID- 19/Coronavirus that:

- A. May require a revision to the Contract Documents in accordance with ODOT Construction and Material Specification (CMS) Section 104.02 et seq.;
- B. May result in a dispute as defined in CMS 101.03 and has the potential to trigger the Department’s Dispute Resolution Process as described in CMS 108.02(G); or
- C. May require a Time Extension to the Completion Date as described in CMS 108.06.

ODOT will handle all specific, identifiable impacts directly caused by the COVID-19/Coronavirus to projects in accordance with the CMS. Please follow the procedural requirements in the CMS, beginning with CMS 108.02(F). Contractors are discouraged from submitting general notice statements that do not identify specific circumstances directly caused by the COVID-19/Coronavirus, as those notices do not meet the requirements of the CMS.

ODOT remains committed to working with contractors to mitigate the impacts of the COVID-19/Coronavirus to ODOT’s construction program. ODOT will evaluate time extensions and/or potential accelerations proposed.

## 2. ODOT’s position on COVID-19/Coronavirus delays

ODOT’s position is that specific circumstances directly caused by the COVID-19/Coronavirus are excusable, non- compensable delays in accordance with CMS 108.06(B)(5). If the contractor contends that an excusable delay is also compensable, as specified in CMS 108.06(D), the contractor must submit a detailed cost analysis of the requested additional compensation along with requests for extension of the Project Completion Date.

## 3. ODOT’s position on maintaining an active workforce

ODOT has received requests for guidance on whether or not contractors should send their workforces home because of the COVID-19/Coronavirus. ODOT will not provide guidance to industry related to their COVID-19 response. Contractors should act in



accordance with their current company guidelines or visit [Coronavirus.ohio.gov](https://www.coronavirus.ohio.gov) for additional information.

#### 4. Termination for convenience

At this time, ODOT has no plans to terminate any contract for its convenience pursuant to CMS 108.09 due to the COVID-19 response.

#### 5. Future Updates

ODOT will be issuing future updates using this format, as well as posting the letters on ODOT's Office of Construction Management website. ODOT will provide updates when appropriate.

**(3/22/20) -**

#### Governor Issues Stay-At-Home Order; Transportation Construction is Exempted

Earlier today, in response to the COVID-19 pandemic, Governor DeWine issued a Stay-At-Home order effective 11:59 a.m. Monday, March 23<sup>rd</sup>... Included [in] the Order was a list of activities that are exempted. Section 9 of the order exempts public works construction and specifically names highways and bridges. Following up on the announcement of the Order, we have been in touch with senior ODOT staff and they have affirmed the exemption of highway and bridge construction activities and that ODOT highway construction projects will continue without interruption. Please note that the exemption is for project shut down but certain workplace expectations remain in place. Employers must continue to maintain a working environment that includes enhanced personal hygiene, social distancing, no large group gatherings or more than 10 individuals and other precautions as outlined in the Center of Disease Control guidance. Guidance documents for worksite precautions can be found on the OCA website.

In talking with members who are performing work for local governments and with staff from the County Engineers Association and Mayors Alliance, we understand that many counties and cities are taking their cue from ODOT. However, each locality may take a course of action they believe is prudent for their jurisdiction. Therefore, direct communication with local government project staff is encouraged... Of concern at the local government level is their ability to inspect projects and process resulting project paperwork, including invoices. We recommend you have that discussion with project personnel on projects that remain active so everyone has a clear understanding of how local projects will be administered...



(3/16/20) –

“ODOT’s Bidding, Scheduling and Project Delivery To Continue Unchanged”

“OCA has received the following statement from the Ohio Department of Transportation:

*In response to the COVID 19 Virus, ODOT, as well as other state agencies will be transitioning to a teleworking environment. However, the Department remains committed to the timely delivery of the Capital Program. This work is critical to our infrastructure and the citizens of our state. At this time, there are no plans to delay the sale of projects. Prebid questions will be answered as normal. Active projects will remain appropriately staffed with inspection personnel. Clearly this is a fluid situation and as additional information becomes available, we will share it with you.*

“In a telephone conference call OCA staff held with the Director and his immediate staff this morning (March 16, 2020), the current status of ODOT’s project delivery will remain unaltered. Approximately 1,500 ODOT employees are “teleworking” with the remaining approximately 3,500 employees are reporting for work, most notably construction project management staff and inspectors. Issues that may arise on a project-specific basis will be addressed in accordance with current specifications. Director Marchbanks indicated that ODOT’s function to maintain and construct Ohio’s highways is deemed “mission critical” to combatting COVID-19 and supporting economic and societal activity during these trying times. As noted above, should future events warrant, the Department will discuss the situation and articulate any changes in plans as may be necessary.”

## Oklahoma

**(5/6/20)** – From the Oklahoma Transportation Commission...

The commission met to conduct business in a video teleconference, with all nine commission members attending remotely as a public health precaution...

[ODOT Executive Director Tim Gatz] briefed commissioners on the impact of COVID-19 on transportation in Oklahoma. Daily traffic volumes on Oklahoma highways were down by more than 30% in March and are beginning to slightly increase. Public transit ridership has also decreased sharply nationwide due to the pandemic and ODOT is working to administer federal funding assistance provided by Congress to help Oklahoma's transit providers cover their costs...

Commissioners voted to award 43 contracts totaling more than \$83 million to improve highways, roads and bridges in 33 counties...

**Association of Oklahoma General Contractors (4/4/20)** – The chapter has distributed a flyer with infographics. The copy includes the following...

“T.E.N. – YOU CAN WORK. BUT THERE ARE RULES...”

“The Governor wants Oklahoma to be top 10. Let's be the state that is doing the BEST in the Nation! To do this remember the rule of T.E.N.

- TEN OR LESS – Ten people or less. You cannot have 11 or more people in a group.
- ENOUGH SPACE – Extended arms. If you have a group, they all need to be spaced in a way, that if their arms are extended, their fingertips do not touch one another.
- NEED PROTECTION – Protect yourself and others. Provide protective measures to all workers: Gloves, Masks, Soap and Sanitizer!

“If we remember T.E.N., we will be able to keep our workers and their families safe!”

**(3/18/20)** – Projects are proceeding as normal, except some communications are taking place online. Some central office staff have been asked to try to work from home, but the field staff have enough space between them that the department is just asking them to be careful. The chapter is in touch with the DOT every morning on issues such as payments and material testing, and so far all is on track. Project personnel are practicing recommended protocol, such as space and clean hands. The DOT is trying to streamline paperwork, including expediting of existing initiatives like electronic contracts. As of right now, the only item that may be in short supply is masks.

## Oregon

**(4/29/20)** – From ODOT...

Using your brains (and feet) in Region 5

Pendleton Maintenance crew members drew inspiration from their colleagues in the Baker crew, who fashioned a door handle that could be opened using your arm instead of your hands. It was a small step but a good one in helping keep everyone safe in the era of COVID-19.

“We were getting ready for our day, meeting just before 6 a.m., and everyone was talking about Baker and saying, ‘What can we do?’” explained Robert Cash, Pendleton Transportation Maintenance manager. Then the crew headed out for a day of brush-cutting and ditching.

After Cash finished his daily paperwork, he went out to the shop – and that’s when he thought about... his feet. If he could open the door with his foot, he wouldn’t have to touch the handle.

“I spent a couple of hours, trial and error, until I got it just the way I liked it,” he said. Cash is referring to a foot-lever he created for opening doors.

“It’s working great,” said Cash. “I keep getting asked when I’m going to install it on all the doors.”

**(4/18/20)** – From KMTR TV...

ODOT forges on with road construction during social-distancing period

You may have noticed road construction is still underway during the COVID-19 pandemic.

Even though social distancing orders are in place, ODOT says it hasn't had too much of an impact on their progress.

For some time now, orange cones have been a familiar sight throughout local roadways.

But with many people staying home under the [governor’s] orders, we asked whether these projects are being affected.

“The reduced traffic levels really haven't had an effect on the speed of construction or the progress rate on the projects,” said Louis Torres. “However, the project is progressing very well.

Torres says many people are curious to know what the projects are and how long they'll last, specifically the big one along the entrance of the westbound 105 freeway.

“They're working on the guard rail and the concrete overlay right now with the bridge rails and the guard rails to be installed next week,” Torres said. “And there's still paving and joint work to do on the ramp following on Monday and Tuesday. And then the Delta on-ramp is still set to open back up on the morning of April 29th at 6 a.m.”

But as projects keep a steady pace, contractors are still keeping up with social distancing requirements.

“We have a social distance monitor onsite to make sure it's done correctly. And we installed a handwashing station on-site,” Torres said. “And we have an employee that's been wiping down handles and common areas around the worksite.”

He says sometimes when workers can't remain 6 feet apart, they'll wear a mask throughout the day.

Torres says ODOT has been working very closely with the contractors during this pandemic. They say everyone has remained safe so far, with projects still full speed ahead.

**(4/16/20)** – From ODOT...

#### ODOT contractors keep Oregon's economy moving

The COVID-19 pandemic is disrupting life around the world – and Oregon is no exception. Businesses have found smart, safe ways to get the job done while meeting the unprecedented challenge of keeping a highly contagious virus out of worksites.

Highway construction crucial to the future of Oregon can go forward by using “social distancing” safety measures – such as keeping work crew members six feet apart.

Oregon's civil contractors adopted new practices to keep key ODOT projects on track and on time. Safety pays off with healthy workers able to earn a paycheck, support their families, build Oregon's future and keep the economy on the move.

We're highlighting some of the ways ODOT and its partners in the construction and trucking industry, along with local communities, are using social distancing and prominent warnings to meet the COVID-19 challenge.

Take Wildish Construction Company, who are completing an Interstate 105 bridge deck concrete placement in Eugene. Employees have been trained on COVID-19 safety protocol. In this photo, a social distancing officer in an orange-over-yellow safety coat monitors compliance.

Like Wildish, Carter & Company, of Salem, put safety protocols first as they poured a silica fume concrete deck on Interstate 84 near Hood River. Again, a social distancing officer oversees safe work practices.

California-based Granite Construction Company workers in eastern Oregon wear cards on their safety vests to remind anyone nearby to stay six feet away. Our ODOT Region 5 construction crews have adopted a similar reminder card.

CRH Americas Materials of Salem applied decals at typical contact points on their dump and concrete trucks to remind workers of COVID-19 safety protocols.

**(3/27/20)** – *Salem Reporter*: “The state Transportation Department notified employees Thursday evening [3/26] that an employee in the agency's headquarters building in downtown Salem had tested positive for COVID-19... On Friday morning [3/27], a sign was posted at the department’s Transportation Building,... [stating] that the building is closed and will reopen on Monday, March 30.”

**(3/20/20)** – From ODOT...

“Existing ODOT A&E and construction contracts are continuing to move forward. We understand there is concern that the COVID-19 pandemic may disrupt supply chains, labor forces, or impact projects. We are working closely with our consultant and contractor partners to assess the state of each project as the impact of COVID-19 unfolds.

“We know that COVID-19 could potentially affect existing and future A&E and construction contracts. We also know these impacts are impossible to predict and could vary widely. Existing A&E contracts will continue to move forward as scheduled. If issues come up, these will be handled on a case-by-case basis with the project’s contract administrator.

“ODOT’s Contract Administration Unit is prepared to assist Resident Engineers and contractors on a case-by-case basis with their projects. Interruptions resulting from the COVID-19 pandemic may be considered beyond the control of all parties.

“It’s vital that we continue to communicate during this rapidly changing situation. Consultants and contractors should closely monitor projects for potential impacts caused by the pandemic and should immediately notify their contract administrator or Resident Engineer, respectively, if impacts have occurred or are imminent. ODOT will continue to closely monitor developments and keep the contracting community informed as plans evolve. Our partnership will be immensely important to ensure the delivery of projects and keep

“Our partnership will be immensely important to ensure the delivery of projects and keep Oregon’s economy moving. ODOT is confident that we can successfully rise to overcome this challenge if we continue to communicate and work together.”

## Pennsylvania

(5/1/20) – From the *Tribune-Review*...

May brings broader return of PennDOT road work under eased covid-19 restrictions

PennDOT crews and contractors will ramp up work on area road and bridge projects in May, under state guidelines for phasing in construction work during the covid-19 pandemic.

Among the first projects expected to proceed in Westmoreland County are work on a truck-climbing lane on Route 356 in Allegheny Township, reconstruction of Route 906 in Monessen and repair of guardrails along Interstate 70, according to Jay Ofsanik, a PennDOT spokesman.

In Allegheny County, preservation work is set to start Monday on bridges that carry Route 30 over East Pittsburgh-McKeesport Boulevard. Single-lane restrictions are planned on Route 30.

The work is part of a \$13.5 million project that includes milling, resurfacing, drainage improvements and traffic signal upgrades on Route 30 between Lenox Avenue in Forest Hills and Route 48 in North Versailles.

Weather permitting, a \$4.26 million improvement project will begin Monday on Route 8 in Hampton and Richland townships. Milling, paving and patching are slated between Wildwood Road and Northtowne Square. Work is expected to wrap up in early December.

Single-lane closures are slated on Route 8 for that project and for a gas line replacement, also beginning Monday, between Talley Cavey Road and Woodland Circle in Hampton.

Work to clean up a slide will close a section of Indiana Road in Penn Hills from 7 a.m. Monday through late July. Traffic will be detoured around the closure, between Hulton and Hamil roads.

Additionally set to begin Monday are road improvements on Route 885 in Allegheny County and on Route 18 in Beaver County.

“Many other projects have been approved to restart,” said PennDOT spokesman Steve Cowan. “However, motorists may not see physical work begin on May 1 as contractors will be working on utility coordination, material orders and equipment mobilization, as well as other pre-construction preparations.”

Gov. Tom Wolf paused highway and bridge construction work on March 17 to minimize potential coronavirus exposure to workers. On March 31, he gave the go-ahead for projects of a critical or emergency nature...

The latest state guidance allows PennDOT projects to resume as long as workers can follow social distancing and other covid-19 safety protocols at the job site.

**Associated Pennsylvania Constructors (4/23/20) –**

May 1 Restart for Most PennDOT Projects

With the governor’s April 22 announcement that all construction can resume May 1, PennDOT and the PA Turnpike are accelerating to restart most projects. On May 1, most areas of the state will see all currently shutdown projects move to restart. However, some areas, particularly in COVID-19 “Hot Spots” may see some projects not restart immediately. All contractors will receive communication by early next week regarding the status of their projects. In addition, about 50 projects will be moved to restart prior to May 1. Contractors on those jobs will be notified shortly, as early as Friday, April 24.

The Restart Task Force which includes [APC leaders] Chuck Niederriter, Al Hoffman, Scott Grannas, and Geoff Clarke met today to discuss the process of getting ready for May 1. The three-phases in the Restart Guidance document will be changed. Some minor revisions will be made to the Supplemental Safety Plan portion to provide links to the Department of Health Guidelines. APC has asked for Central Office to provide guidance to Districts on negotiating costs for the shutdown, etc. APC is preparing a list of cost areas (including but not limited to) for review with the Department.

**(4/22/20)** – In response to the COVID-19 pandemic, APC members have stepped up to the challenge to ensure that critical construction work is done as safely and responsibly as possible. [A new] video demonstrates how members are implementing processes and protocols to keep agency, private-sector employees and community residents safe. The video can be viewed here... <http://www.paconstructors.org/news/apc-members-are-rising-to-the-occasion/>

**(4/20/20)** – APC and its members continue to work with PennDOT on the restart of projects.

From announcement by Gov. Wolf...

Construction With Strict Guidelines Resumes Friday, May 8

Public and private residential and non-residential construction may resume statewide starting Friday, May 8, in accordance with safety guidance that will be issued by the administration shortly. Construction projects already deemed life-sustaining may continue while adhering to social distancing, personnel limits and other guidance as announced by the administration.

**Associated Pennsylvania Constructors (4/20/20)** – PennDOT has advised more contractors across the state of the restart of additional “emergency and critical” projects. Contractors received notice Friday [4/17] and Monday [4/20]. This brings to about 100 the number of

“critical and emergency” projects that have been given the go ahead to restart. The timing of restart of additional projects is still unclear at this time.

**(4/8/20)** – The PA Turnpike Commission has added nine more projects to the restart effort described below.

**(3/31/20)** –

#### Limited Restart of PennDOT and Turnpike Projects to Begin

PennDOT today announced the restart of 61 projects across the Commonwealth... Additionally, the PA Turnpike Commission today gave restart instruction to four projects that were previously on hold.

All projects to be restarted will have to incorporate COVID19 safety standards. For any work activity addressing critical asset issues, strategies will be deployed that include cleanliness protocols for jobsites and offices, social distancing guidelines, procedures to address employee sickness, and the safe handling of material deliveries. APC worked with Department and Turnpike officials along with all our association partners to develop COVID19 safety procedures. APC issued the following statement in reaction to the news today:

"APC supports Governor Wolf's leadership in combating the spread of COVID19. We also applaud efforts by Secretary Gramian to keep Pennsylvanians moving by ensuring that critical repairs to our Commonwealth's infrastructure be allowed to move forward. The highway construction industry pledges to incorporate stringent COVID19 safety procedures onto any project that is operational."

Contractors who have a project among the 61 to be restarted will be contacted by a PennDOT District representative, presumably the ADE for Construction. If you have projects that are not among the 61 given the green light today, APC recommends you review your COVID19 safety procedures and begin to reach out to Districts with that information. Hopefully, more projects will be restarting soon.

#### April 2 Letting to Go Forward

In more good news today, it was clarified that bids for 13 projects will be opened this Thursday, April 2. Addenda were issued for the projects noting the new physical location of the bid opening has been moved to the Materials and Testing Lab...



**(3/31/20) –**

### COVID 19 GUIDANCE – RESTARTING CONSTRUCTION PROJECTS

The COVID-19 virus has introduced unprecedented challenges to our nation and the Commonwealth, including the local communities which we all serve. As per Governor Wolf's orders beginning March 12, 2020, decisive mitigation actions were taken by the Commonwealth, the PA Department of Transportation (PennDOT) and the PA Turnpike Commission to slow the virus's spread in an effort to protect citizens, employees, and business partners alike. In conjunction with the Governor's order, PennDOT and the PA Turnpike Commission quickly placed construction projects on hold, first regionally and then statewide to minimize exposure for agency, private-sector employees, and residents of the communities where they live and work.

In the days immediately following the construction suspension, at the direction of PennDOT Acting Secretary and PA Turnpike Chair Yassmin Gramian, P.E., PennDOT, the PA Turnpike Commission, and the PA Office of the Federal Highway Administration (FHWA) began an effort to work with our industry partners on solutions to restarting construction projects with a focus of avoiding the spread of COVID-19. A team including representatives from PennDOT, the PA Turnpike Commission, the PA Division Office of FHWA, the Associated Pennsylvania Constructors (APC), and the Pennsylvania Chapter of the American Council of Engineering Companies of PA (ACEC/PA) have worked collectively and diligently to develop COVID-19 guidance to restart highway construction.

[The Guidance for Restarting Construction Projects, to be used by PennDOT and the PA Turnpike Commission in restarting construction projects that were suspended in response to COVID-19 mitigation, can be accessed here: <http://www.paconstructors.org/wp-content/uploads/2020/03/Guidance-for-Restarting-Construction-Projects-Final-v1.6-3-30-20.pdf>.]

**(3/30/20) –** PennDOT and APC have posted PennDOT's COVID-19 Jobsite Safety Procedures, which the commonwealth's transportation agencies have developed with industry for implementation should projects be reopened. They can be found at <http://www.paconstructors.org/news/penn-dot-covid19-jobsite-safety-for-procedures/>

Subject areas include:

- COVID19 Hygiene and Cleaning Best Practices
- Guidelines for Maintaining Life Sustaining Operations on Construction Projects
- UAS Usage for Construction Inspection
- Entering PennDOT Facilities During COVID-19 Mitigation
- Protocol 32 – PennDOT Vehicles-Equipment Cleanliness

**(3/21/20)** Under the terms of his executive order (see below) closing most businesses in the commonwealth, Governor Tom Wolf (D) and his Department of Community and Economic Development (DCED) have made the following classifications:

- No forms of construction (except that of healthcare facilities) are considered “life-sustaining” businesses. Therefore all transportation projects remain closed. There is now a limited exception for emergency repairs.
- In response to a waiver request, the classification of Nonmetallic Mineral Mining and Quarrying has been changed to “life-sustaining,” so those facilities may remain open.
- Some forms of manufacturing have been classified as “life-sustaining,” including cement and concrete products.

To give the DCED time to review the many waiver requests, enforcement timing of the order has changed and will become effective on Monday, March 23, at 8:00 AM.

The current list is found here: <https://www.scribd.com/document/452553026/UPDATED-5-45pm-March-21-2020-Industry-Operation-Guidance>

**(3/19/20)** “[Governor Wolf] today ordered all non-life-sustaining businesses in Pennsylvania to close their physical locations as of 8 p.m...., March 19, to slow the spread of COVID-19...

“No person or entity shall operate a place of business in the Commonwealth that is not a life sustaining business regardless of whether the business is open to members of the public.

“This prohibition does not apply to virtual or telework operations (e.g., work from home), so long as social distancing and other mitigation measures are followed in such operations.”

**Associated Pennsylvania Constructors** – As of 12:01 am on March 17, Governor Wolf shut down every PennDOT and Turnpike project statewide. All employees of those agencies have been instructed to work from home.

## Rhode Island

**Construction Industries of Rhode Island (3/28/20)** – Letter to CIRI from Lori Fiset, Manager of Project Management, RIDOT...

As you may be aware the governor instituted Executive Order 20-13 today requiring all non-essential business[es] to be closed, however, during this critical time the transportation sector is deemed essential and will remain fully operational. RIDOT will remain available to support all operations...

**(3/24/20)** – The Rhode Island Building and Construction Trades Council, The Rhode Island Chapter of the Associated General Contractors, Build Rhode Island and Construction Industries of Rhode Island issue a joint statement today in regard to the Governor’s decision to allow the union construction industry to continue work during the Covid-19 crisis...

The union construction industry knows how critical it is to keep as many sectors of our economy working and moving forward to protect the fragile economic climate we are currently facing. To this end, signatory contractors on the ‘management’ side of construction projects and ‘labor’ - the 10,000 hardworking union craftsmen and women – are working together to strictly enforce Governor Raimondo’s job site hygiene and personal protective protocols. We want our members, our employees and Rhode Islanders to know how committed we are to the adherence of the state’s regulations.

“We are proud to have the strictest health and safety requirements and training programs in the construction industry already in place,” states Michael F. Sabitoni, President of the RI Building & Construction Trades Council (RIBCTC). He adds, “This makes the risk of transmission while working very low. However, during this unprecedented crisis we have instituted additional levels of protection, as advised by the RI Department of Health and our organizational safety experts, to ensure the safety of each and every person who steps on to a construction site. The health and safety of our hardworking tradesmen and women and all individuals working on the jobsite is a paramount concern for both labor and management.”

AGC President and Gilbane Construction Vice President, John Sinnott concurs, “Safety personnel, our field staff and our sub-contractor partners are greeting all individuals before they enter the jobsite to address any concerns they might have to ensure they are safe and healthy first and foremost.” Mr. Sinnott continues, “Among the many protocols in place we have designated jobsite individuals that consistently clean all worksite surfaces, constantly spot check the job areas throughout the day and ensure all workers are abiding by social distancing”.

He also emphasizes, “While the construction industry already has stringent safety programs, stand-down procedures and corrective practices in place, we will remain especially vigilant during this time of concern. Should a safety issues arise, we will pause normal work until the situation is 100% rectified.”

President Sabitoni further expresses, “We have also conveyed to all our workers that they have a loud and clear voice on the job. Should they find something unsafe or have a concern, they are to immediately alert their supervisor and/or safety personnel.”

Timothy R. Scanlon, Executive Director, Construction Industries of Rhode Island agrees, “We are committed to working with our industry partners as well as the Governor to keep all our employees safe. RIDOT has been especially helpful providing outreach and information to us on a daily, and often times hourly, basis as we collectively try to work our way through this uncharted territory.”

Our organizations are working together to ensure construction projects proceed safely and productively and that each jobsite is checked on a daily basis to ensure all proper protocols are in place at all times throughout the workday.

President Sabitoni emphasizes “We are working toward one goal: ensuring everyone is safe, healthy and protected on the worksite, so that our hardworking tradesmen and women can continue to build Rhode Island’s roads and bridges, schools and hospitals, and other critical water and sewer infrastructure to keep our state moving in the right direction despite this epidemic. We want everyone to go home with a hard-earned paycheck to keep their family afloat and the local economy still moving ahead.”

A sampling of the precautions being taking on the jobsite:

- Superintendents will greet incoming employees to see whether or not they are sick and if anyone is not feeling well they will be sent home forthwith.
- All tradesmen and women shall have proper personal protection equipment
- Stations and areas are set up for frequent hand washing and/or hand sanitizers.
- There will not be any congregating with other trades if not possible.
- Lunch will be in groups of 2-3 only.
- Only groups of 2-3 will ride elevators.

## South Carolina

**Carolinas AGC (4/21/20)** – Memo from SCDOT Director of Construction Robert Isgett III to field staff...

In response to CDC guidelines related to COVID-19 and to ensure the safety of SCDOT, contractor, and consultant personnel, a “Contactless” Weigh Ticket Protocol has been created. This protocol is to be implemented immediately for all **Concrete Mixer Deliveries**. This temporary revision to Section 701.4.4.1 of the Standard Specifications will remain in effect until further notice.

### Contactless Weigh Ticket Protocol

1. SCDOT will provide email for RCE (or designee) to the Contractor to then provide to the Concrete Producer.
2. Concrete Producer will provide truck driver with a copy of the batch ticket AND an unsigned copy of the 700.04 form (Class 3000 and above) to deliver on-site. Truck driver will securely post the batch ticket and 700.04 form at a location where both are fully visible to the inspector and contractor, while maintaining Social Distancing.
  - a. The batch ticket and 700.04 form will remain onsite. The inspector will not take possession of this paperwork. The contractor will dispose of these documents as job site trash once the inspector has gathered the needed information from it.
3. For **Class 3000 and above**: Inspector will gather information from the unsigned 700.04 form to populate the highlighted columns of the “700.04 Summary Log” (provided with this guidance). The remainder of the information on the 700.04 Summary Log will be completed on site following testing and placement of the concrete.
  - a. Proper care should be taken by Concrete Producers to ensure the accuracy of Plant Water Held on the 700.04 to ensure that Water / Cement Ratios will not be exceeded.
4. SCDOT Inspectors will sanitize their hands before AND after touching the water hose on the back of the concrete truck. Other disposable PPE may be used in place of sanitizer.
5. No later than 12:00 p.m. the next business day, the Concrete Producer will email, in PDF format (one form or ticket per page): 1) copies of all batch tickets and 2) copies of all signed 700.04 forms (if applicable).
  - a. The 700.04 Summary Log will be signed by the inspector and placed in the project file with the signed 700.04 forms from the Concrete Producer. The 700.04 Summary Log

attached to the 700.04 forms (as received) will become the complete document and no additional notes on the 700.04 are required.

**(4/21/20)** – Memo from SCDOT Director of Construction Robert Isgett III to field staff...

In response to CDC guidelines related to COVID-19 and to ensure the safety of SCDOT, contractor, and consultant personnel, a “Contactless” Weigh Ticket Protocol has been created.

This protocol is to be implemented immediately for all material that will be paid by weight other than Hot Mix Asphalt or Concrete Mixer Deliveries. This temporary acceptance method of weigh tickets will remain in effect until further notice.

### **Contactless Weigh Ticket Protocol**

1. SCDOT will provide email for RCE (or designee) to the Contractor.
2. **For Bulk Cement & Concrete Paving:** Contractor will send the following information (Load Out Time and Individual Net Tons) for every truck to SCDOT cell phone via plain text upon arrival to the project site.
  - a. SCDOT will provide cell phone number or email for Inspector on the site and identify which method can be used to deliver the required information (email, picture text, or plain text).
  - b. If inspector can accept emails or pictures, those may be provided instead of the plain text's noted above. The key is that all the information noted above is provided.
  - c. If inspector changes, SCDOT will send updated contact information.
  - d. Contractor will provide Superintendent's phone number to the SCDOT inspector.
3. Inspector will document all materials delivered to the project that will be paid for by weight in their field notebook to include the following information: Date, Truck ID, & Material Type.
4. No later than 12:00 p.m. the next business day, the contractor will email copies of all load tickets and mill test reports to SCDOT RCE in PDF format, one ticket per page.

**(4/7/20)** –

SCDOT to take advantage of less traffic and move forward with roadwork across SC

COLUMBIA, S.C. (WCBD) – The South Carolina Department of Transportation is moving full steam ahead with road work across the state. Officials say with a 30 to 40 percent dip in traffic,

they have more room for construction. The agency says it is working on projects included in its 10-year plan, like resurfacing highways and making rural roads safer.

“Keep construction going as long as the supply chains are out there as well as the labor force,” said Deputy Secretary of Engineering Leland Colvin. “It’s safer, the less travel, the less motorists on the road its actually safer not only for our construction workers but also for the motoring public.”

Colvin says the Department of Transportation encourages workers to practice social distancing. He says sanitation stations are set up at work sites.

#### **Carolinas AGC (4/6/20) – Message from Secretary Christy Hall, SCDOT...**

I thought I would follow up with you all since the Governor just issued a Stay at Home or Work executive order that references Essential Business, Essential Activities or Critical Infrastructure Operations.

B. I hereby order and direct that effective Tuesday, April 7, 2020, at 5:00 p.m., any and all residents and visitors of the State of South Carolina are required to limit social interaction, practice “social distancing” in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and shall limit their movements outside of their home, place of residence, or current place of abode (collectively, “Residence”), **except** as allowed by this Order, for purposes of engaging in Essential Business, Essential Activities, or **Critical Infrastructure Operations**, as set forth below and as such terms are further defined herein.

Our road and bridge work is exempted from the order as it references the definition below:

#### **Public Works and Infrastructure Support Services**

- **Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges**, water and sewer main breaks, fleet maintenance personnel, **construction of critical or strategic infrastructure, traffic signal maintenance**, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues.

Therefore, we will keep working and not shut down any road or bridge work due to today’s executive order.

**(3/24/20)** – SCDOT Secretary Christy Hall issued the following statement:

“SCDOT intends to keep working on road and bridge construction projects until it is no longer safe or effective for us to do so. At this point in time, there are no disruptions in the material supply chain or road worker availability. Additionally, like other businesses in the state, our industry has implemented sanitizing and personal health protection measures. We will continually reassess the situation and will adjust as needed to ensure the health and well-being of the employees in our industry.”

**(3/19/20)** - The closure of state government for all non-essential state employees, as announced by Gov. Henry McMaster (R) today, does not apply to SCDOT.

From the SCDOT Facebook page...

“SCDOT is open for business! All offices will be open as SCDOT will maintain essential agency operations... SCDOT crews will continue to respond to repairs on our highways all across the state. Construction projects are on-going at this time.”

**(3/18/20)** – SCDOT is getting ready to focus on critical mission items, which includes keeping road and bridge work going. Some SCDOT office staff are working from home, but the offices are still open to essential employees. There are no current issues with payments, testing or supply chains. SCDOT is considering the acceleration of projects in light of lower traffic volumes.

SCDOT has issued detailed guidance for staff and industry. The document notes, “We must keep government open and functional while caring for our workforce and the people we interact with on a daily basis.”

Sections of this document include...

“Our Procedures to protect our workforce and those we interact with on a daily basis:

1. Stay informed on the facts...
2. Actively encourage sick employees to stay home...
3. Separate sick employees...
4. Reduce Risk to the Workforce...
5. Emphasize respiratory etiquette and hand hygiene by all employees...
6. Perform routine environmental cleaning...
7. Travel and Group Meetings [non-essential travel and events cancelled, public meetings postponed]...
8. Initiate Planning Activities for Potential Future High Absenteeism...
9. Continue regular, open communication within SCDOT in order to maintain an effective response...”



## South Dakota

**(3/19/20)** – Memo from SD DOT Director of Operations Craig Smith to field personnel and industry...

“The Department is working with the Governor’s Office and State Department of Health to slow the spread of COVID-19. These strategies have included working remotely when possible as per the Governor’s Executive Order, educating all staff on the importance of proper hygiene practices, frequent cleaning of surfaces and implementing social distancing. As the start of construction season is upon us, it will be critical that contractors and the Department work closely to assure project schedules can be maintained while being socially responsible to limit further spread of the virus.

“At this time the Department intends to move forward with all projects scheduled for letting and construction in 2020. Due to the Governor’s Executive Order to work remotely, the bid letting originally scheduled for March 18, 2020 has been moved to March 25, 2020. These projects will be considered for award at the March 26, 2020 Transportation Commission Meeting. Further project letting dates will be reviewed and maybe adjusted as conditions warrant.

“It is expected that construction projects will move forward as scheduled. Despite a few projects being shut down the week of March 16, 2020, there is no intent of a further shut down of projects. Prior to beginning any project work in 2020 there should be discussion between the contractor and DOT’s project engineer on steps that will be taken in response to COVID-19. Things to consider are ways to eliminate face to face meetings, regular cleaning of common work areas, such as field labs, or other social distances practices to implement on the project. Communication and adherence to the agreed upon strategies will be critical.

“Knowing this has a global impact and is continually changing, it is very difficult to predict all situations and potential impacts to projects. Section 8.7 in the Standard Specification allows for the extension of contract time when the contractor could not have foreseen or prevented the delay. If delays are experienced related to documented COVID-19 impacts, timely communication to the Department and documentation will be key to approval of a time extension.

“As we all know the conditions change quickly, the Department will continue to monitor the CDC recommendations and coordinate with the State’s Department of Health. Our primary goal is to keep both the contractor’s and Department’s employees healthy and safe and be socially responsible to slow the spread of the virus...”

## Tennessee

### **Tennessee Road Builders Association (5/6/20) –**

#### Gov. Lee Issues Construction Guidelines

Today Governor Bill Lee's Economic Recovery Group (ERG) released its Access Guidelines for Construction Sites as part of his Tennessee Pledge.

(See: [https://www.tn.gov/content/dam/tn/governoroffice-documents/covid-19-assets/Pledge\\_Construction.pdf](https://www.tn.gov/content/dam/tn/governoroffice-documents/covid-19-assets/Pledge_Construction.pdf))

TRBA's Kent Starwalt chaired the Construction, Infrastructure and Transportation Subgroup that provided recommendations to the ERG for developing the Guidelines for construction. Thanks to the following TRBA members for serving on the subgroup: Christy Alvord, Vulcan Materials Company; Jimmy McCulloch, Jones Brothers Contractors; Pat Nelson, Lehman-Roberts Company; David Stansell, Stansell Electric; Wes Stowers, Stowers Machinery; and Steve Wright, Wright Brothers Construction.

Much of the guidance will be familiar to the industry as they are similar to the "COVID-19 Recommended Best Practices for Highway Construction Worksites" that TRBA provided to the industry back in March.

Please take the Tennessee Pledge for Construction Sites. The "Tennessee Pledge" is a plan to help Tennesseans get back to work in a safe environment, restore their livelihoods and reboot our state's economy.

**(5/6/20)** – Governor Bill Lee's Economic Recovery Group (ERG) has released its guidance for Offices and Manufacturing.

Touchless Thermometers: Tennessee-based business owners will have the ability to order this critical piece of equipment through Friday at 4 p.m. CT (or until supplies last)...

**(5/1/20)** – On April 24, Gov. Bill Lee released his administration's reopening plan called the "Tennessee Pledge." The governor is calling on Tennessee employers, employees, and consumers to "take the pledge" by following published universal guidance and best practices for enhanced safety measures, including using face coverings and maintaining social distancing. The pledge does not create an additional mandate on businesses, which Governor Lee has continued to note, rather he hopes and encourages businesses to follow the principles listed in the pledge.

In addition to the General Business Guidelines and best practices, Governor Lee is also encouraging all businesses to access a downloadable Tennessee Pledge Toolkit, which includes:

- Social media graphics along with sample social media copy
- Variations of two posters – one for customer-facing front of house use and another for employee-facing back of house use. There is additional room for company/association logo.
- TN Pledge logos for various uses PSA copy and talking points

In addition, the Tennessee Economic Recovery Group is seeking feedback from business owners on the challenges posed by the pandemic. Community input is critical to help direct the response from the Governor and the Economic Recovery Group.

To aid this effort, please complete the COVID response survey for businesses in Tennessee. Completion should take approximately 5-10 minutes. Responses are anonymous and will be reported in aggregate. If you personally cannot provide the requested information on behalf of your company, please pass this message and survey to the appropriate parties for completion.

**(4/28/20)** – See the following from TDOT's Jason Blankenship that was sent to the regions this afternoon. Hopefully this will clear up some questions about the submittals of the COVID-19 affidavit and the Employee Safety and Health Plans (ESHP).

The affidavits that are being submitted by contractors will suffice as certification that they have implemented COVID-19 protocols to their respective ESHP documents. Please inform your contractors that they will not be required to submit their updated ESHP document as previously requested. However, should concerns arise, the document may be requested as detailed in the Specifications. Also, please reiterate that the affidavit should be sent to the project supervisor overseeing each contract and that only the prime contractor is requested to submit the affidavit since they are ultimately responsible for all their sub-contractors on the project.

Please note if you have already submitted an affidavit to TDOT that is similar to the one [in the 4/24 report below] you do not have to resend another one and contractors may submit a single affidavit listing all of their contracts and this document should be submitted by the prime contractor to the appropriate field office.

**(4/24/20)** - Earlier this week we sent an email stating that TDOT was requiring contractors to submit an affidavit stating they were implementing and following CDC best practices for the COVID-19.

[Text of the] TDOT's Construction Contract COVID-19 Affidavit [is as follows]. If you have already submitted an affidavit to TDOT that is similar to the one attached you do not have to resend another one.

## CONTRACTOR'S AFFIDAVIT PERTAINING TO COVID-19 PROTOCOLS

The undersigned contractor hereby certifies that COVID-19 protocols detailed in the Governor Bill Lee's Executive Orders, including Executive Order No. 22, as amended by Executive Order No. 23 and extended by Executive Order No. 27, and in guidelines issued by the Center for Disease Control and Prevention (CDC) are being implemented and followed on the contract(s) listed below to the best of the contractor's abilities, and by all persons employed by the contractor or by any subcontractor performing the work under the contract(s) on the project(s).

**(4/23/20)** – From TDOT's Jason Blankenship...

As we all continue to navigate the COVID-19 impacts on construction projects throughout the state, it is encouraged that everyone continue to follow the best practices recommended by the CDC and the Governor's Executive Orders.

The Department has temporarily modified several procedures recently to aid in mitigating potential concerns regarding employee contact through paperwork and enabling safe social distancing measures in the performance of job duties. We all have a responsibility to one another to follow these guidelines/practices to the best of our ability. Everyone has a role to play in mitigating COVID-19 and protecting themselves, their family, and their community during this time.

Even when the Executive Orders are lifted, many of these protocols will likely remain in place for some time and will continue to be a priority. It has been emphasized to each Region and Headquarters Division that they implement best practices in their approach to daily functions and the same is anticipated from our partners as well.

Under Section 107 of the Standard Specifications, the contractor is responsible to protect the health and safety of every person on or near the project during the execution of work. As detailed in Section 107.10 B. of the Standard Specifications, please request that all contractors provide an updated Employee Health and Safety Program (ESHP) containing the COVID-19 safety protocols to the Department on or before May 8, 2020.

In the meantime, it is requested that an affidavit be submitted by the contractor on or before April 28, 2020 indicating that the COVID-19 protocols are being implemented and followed currently on each contract.

Please have your Regional Operations staff contact the respective contractors in their area to request an updated ESHP and affidavit.

We need all parties to remain healthy and viable so that we can continue to build and maintain the infrastructure throughout Tennessee.

**(4/16/20)** – The Centers for Disease Control has issued a recommendation regarding the use of face coverings to further minimize the risk of transmitting COVID-19, where social distancing is not always possible. Highway and bridge construction sites are visible to the public and it is important that the industry follow the recommended CDC guidelines for face coverings. Therefore, TRBA is recommending, and TDOT is in concurrence, that the industry follow the recommended guidelines.

CDC is advising “the use of simple cloth face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others. Cloth face coverings fashioned from household items or made at home from common materials at low cost can be used as an additional, voluntary public health measure.” The cloth face coverings are not surgical masks or N-95 respirators. Some suggested items for face covering have been bandanas, gaiters, scarves, t-shirts, etc. It will be the employees’ responsibility to properly wear, maintain, and clean the face coverings.

**(4/14/20)** – From TDOT...

[G]uidance and forms for contactless ticketing... may be implemented immediately for TDOT projects. This is being implemented to help reduce contact amongst field personnel in the performance of construction activities due to COVID-19 concerns. This will be implemented at no cost to the Department and will remain in place until guidance is provided that these procedures are no longer necessary...

#### Temporary Procedures for Contactless Ticketing (SOP 1-CT)

Purpose: The purpose of this document is to establish a temporary process for limiting contact in the submission of weigh tickets for materials used in Tennessee Department of Transportation (TDOT) construction projects during the COVID-19 pandemic.

Background: Currently, paper weigh tickets are submitted by the truck driver to the project inspector with each load. Under current guidance resulting from the COVID-19 pandemic, temporary processes are being utilized to limit exposure through close proximity and handling of paper...

#### Asphalt and Aggregate

1. Weigh Tickets
  - a. Contractor will continue to print paper tickets throughout material delivery to the project and retain for future submission. Any tickets for rejected loads shall be labeled with the word “REJECTED.”
  - b. At any time for the duration of the project, upon request from the Department, the contractor shall provide a ticket to project staff in the format of preference. Acceptable formats include PDFs or images sent via email or text.

- c. At the end of each shift by 12:00 pm the next business day, the contractor shall provide via email, a daily weight ticket summary signed and stamped by the TN Certified Public Weigher that captures the following information in a tabular form. This can be automatically generated by scale software, can be captured utilizing MT-NC01: Daily Load Summary Report, or a single electronic .pdf file of the day's tickets. Any rejected load shall not be included in the daily weight ticket summary.
- Description of Material
  - Mix design number (where applicable)
  - Contract Number, County, Route
  - Date
  - Ticket number
  - Gross weight of the loaded truck
  - Tare weight of the truck
  - Net weight of the material to be paid
  - Running Daily Total for the particular material
  - Truck number
  - Truck Legal limit
  - Time
- d. The contractor shall provide the retained printed tickets signed and stamped by the TN Certified Public Weigher to the project office on a weekly basis in a sealed plastic bag.
2. Project Inspector Responsibilities
- a. Project Inspectors will contact the Contractor to request tickets on an as needed basis indicating preference of delivery, email or text. This information can also be used to identify accumulated tonnage so as to determine spread rate.
- b. Project Inspectors will continue to check spread rates and temperatures as usual and will record results on MT-NC02: Daily Asphalt Inspection Report.
- c. This form shall be added to the DWR as an attachment.
- d. Office Staff will review weekly submissions of paper tickets and use to reconcile the daily weigh ticket summaries.

### Concrete

1. Batch Ticket
- a. Contractor will continue to print paper tickets throughout material delivery to the project and retain for future submission. Any tickets for rejected loads shall be labeled with the word "REJECTED."

- b. The contractor shall provide a ticket to project staff, in the format of preference, for each load of materials delivered. Acceptable formats include PDFs or images sent via email or text.
  - c. As stated in 501.03, the ticket shall include as a minimum the following:
    - Date
    - Contract number
    - County
    - Class of concrete
    - Concrete design number
    - Number of cubic yards
    - Load number
    - Truck number
    - Maximum water allowed by design
    - Total water added
    - Water-cementitious materials ratio
    - Time loaded
    - Actual and target batch weights of each component including each aggregate, chemical admixture and mineral admixture used
  - d. The contractor shall provide the retained printed tickets signed by the producer's Concrete Plant Quality Control Technician or VMMB Certified Volumetric Mixer Operator to the project office on a weekly basis in a sealed plastic bag.
2. Project Inspector Responsibilities
- a. Project Inspectors will contact the Contractor to request tickets, prior to the placement of the material, indicating preference of delivery, email or text. This information can also be used to identify approved mix design, accumulated volume to determine volume placed, as well as the batched constituent materials of the mixture.
  - b. Project Inspectors will continue to check batched materials for their tolerances, time requirements, water/cementitious material (w/cm) ratio, and the amount of water allowed to be added onsite as usual. The inspector will record any REJECTED load(s) where the tolerances and/or time have NOT been met. The inspector will also document the amount of water added on the project site, verifying the water has not exceeded the allowable per delivery ticket. All documentation will be recorded on the MT-NC03: Daily Concrete Inspection Report. This form may be used to record the field acceptance testing results for air temperature, concrete temperature, slump, and air content of the tested loads.
  - c. This form shall be added to the DWR as an attachment and will not take the place of LIMS/SM data entry.

d. Office Staff will review weekly submissions of paper tickets and use to reconcile the daily ticket summaries.

**(4/4/20)** – TDOT Commissioner Clay Bright has provided an “Essential Activities” letter for the use of TRBA members and others. The letter states, in part...

Please know that the bearer of this letter is acting as an agent of the Tennessee Department of Transportation (TDOT) for the administration of contracted construction projects and is fully authorized to travel the State roadways, under their current contract, to fulfill these duties.

These duties have been deemed to meet the requirements of Essential Activities in the guidance information from the Cybersecurity and Infrastructure Security Agency (CISA) of the United States Department of Homeland Security. Under this guidance, various types of workers are identified as essential to the COVID19 response, including employees supporting or enabling transportation functions and the construction or maintenance of essential public works and infrastructure.

These contracted employees have been identified as meeting this guidance and are deemed essential to the COVID-19 response at the State level by Governor Bill Lee’s Executive Orders 22 & 23 and the National level by CISA guidance (Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response Version 2.0)...

**(4/2/20)** – This afternoon Gov. Lee issued Executive Order 23 that mandates “stay at home” in an attempt to reduce the spread of COVID-19.

The Order does not change anything as it relates to construction and its supply chain. They are still considered essential.

**(3/30/20)** - Today, Gov. Bill Lee has issued Executive Order 22 directing Tennesseans to stay home unless engaging in essential activities to limit their exposure to and spread of COVID-19. Construction and its supply chain are considered to be essential under the order...

Please remember that the CDC advises that “[t]he best way to prevent illness is to avoid being exposed to this virus,” and that the following health guidelines consistent with the President's and CDC's guidance should be followed: (1) Maintaining a distance of at least six (6) feet between themselves and others, except for family or household members; and (2) Practicing good personal hygiene, including washing hands, especially after touching any frequently used item or surface, avoiding touching the face, and disinfecting frequently used items and surfaces as much as possible.



TRBA members must continue to follow best practices (attached). The industry, when working, must maintain the “social distancing” standard of six feet and you must provide your workforce the materials and supplies to practice good personal hygiene...

**(3/27/20)** – Excerpt from letter to Gov. Bill Lee by TRBA and coalition partners...

“We request that you consider construction, and its supply chain, an essential service, so that individuals may continue to provide any services or perform any work necessary to the operations and maintenance of “essential infrastructure,” including, but not limited to, public works construction, the permitting, inspection, construction, transfer and recording of ownership, of housing and anything incidental thereto, water, sewer, gas, electrical, roads and highways.”

**(3/27/20)** – [Guidance] was sent out earlier today to the TDOT Regions regarding participation in an e-ticketing pilot program. This is being implemented to help reduce contact amongst personnel in the field during the performance of construction activities due to COVID-19 concerns. This will be voluntary and at no cost and will be considered on a project by project basis. [Q]uestions will be addressed as the requests are submitted by industry and their systems/processes are vetted by the Department.

**(3/24/20)** – From TDOT:

“The Department is working to respond to the COVID-19 Pandemic and keep our operations moving unimpacted as much as possible.

“A large portion of department personnel are front line field staff that work in construction, maintenance, and other field support activities.

“We have provided this information to supervisory staff for guidance.

“We have also asked our Project Engineers to share this information with the contractors and/or sub-contractors for projects that they are responsible for.

“No new requirements are being imposed on contractors as a result of this guidance, but it is felt that these are good practices to share with them.”

TDOT has issued the detailed document, “Prevention of COVID-19 Guidance for Minimum Cleaning Standards.” Topics include:

- General Precautions for Handwashing
- PPE and Hand Hygiene for Cleaning
- How to Clean and Disinfect Surfaces
- Offices and Work Areas
- Vehicles and Mobile Equipment and Tools

**(3/22/20)** – We have been in daily contact with TDOT about COVID-19 as it relates to their projects and operations. Nothing has changed since the information we sent earlier this week. We are also in contact with the Governor’s office about maintaining highway and bridge construction and supply chain operations as essential infrastructure...

Today, Nashville Mayor John Cooper and the Metro Public Health Department has issued a Safer at Home Order — directing all residents of Nashville and Davidson County to stay inside their homes, and immediately limit all movement outside of their homes beyond what is absolutely necessary to take care of essential needs. The order goes into effect midnight Sunday [3/22] and is expected to remain in effect for at least the next 14 days.

The order states that “essential businesses” may remain open, and specifies that individuals may leave their residence to provide any services or goods or perform any work necessary to the operations, maintenance and manufacturing of “essential infrastructure...”

As it relates to construction activities the order says as follows:

Also, individuals may leave their residences to provide any services or goods or perform any work necessary to the operations, maintenance and manufacturing of essential infrastructure, including without limitation:

- Construction of commercial and institutional buildings, and residential buildings and housing
- Airport operations, food supply, concessions, and construction
- Water, sewer, gas, electrical, oil extraction and refining
- Roads, highways, public transportation and rail
- Solid waste collection and removal
- Flood control and watershed protection
- Internet and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services)
- And manufacturing and distribution companies deemed essential to the supply chains of the above industries

Tennessee Governor Bill Lee recently issued Executive Order 17... The order will take effect at midnight CDT on Monday, March 23, 2020 and remain in place until midnight CDT April 6, 2020...

The order does not mandate sheltering in place and does not prohibit persons from visiting places necessary to maintain health and economic well-being, including grocery stores, gas stations, parks, and banks, among other places, so long as they observe the necessary precautions advised by the President and the CDC to reduce the spread of COVID-19. Further, the order specifies that all critical infrastructure remains operational, and government entities and businesses will continue providing essential services.

**(3/17/20)** – From TDOT...

“The safety of state and industry personnel is a top priority of the Department as the impact of COVID-19 is addressed. During this time, work on all projects is expected to proceed as scheduled. All Department offices will be performing their normal functions and projects will continue to be staffed by Department personnel for inspection duties. Some business practices may be modified as the Department reacts to COVID-19 response measures, but business will continue as normal as possible. It is requested that meetings of 10 or more individuals be avoided until further notice. Alternative means such as web-based meeting solutions or conference calls will be considered for conducting business. The Department is working on guidance for pre-construction conferences and other larger scale meetings. This will be distributed once it is finalized.

“The construction letting scheduled for March 27th will be held as planned, so please let your members know that they should proceed accordingly. Please have your members check the Construction Division web site for any future letting schedule changes. At this time, all work should proceed according to contract plans and specifications until further guidance is provided by the Department.

“The Department recognizes that the COVID-19 pandemic is an ever-evolving situation and will continue to react as directives are provided. We will continue to provide services to the public while keeping the safety and wellbeing of our internal and external partners paramount in the process.”

## Texas

**AGC of Texas (4/29/20)** – The Governor issued Order 18 today that is a beginning to phase in opening up.

1. The Order identifies opened services beginning May 1 as 25% capacity for:
  - a. In-store retail,
  - b. Dine-in restaurants with less than 51% alcohol gross receipts,
  - c. Movie theaters,
  - d. Shopping malls
  - e. Museums and libraries,
2. For counties with less than 5 cases of COVID-19, the above is 50% capacity.
3. The Order opens golf courses and some local government operations.
4. Individuals are encouraged to wear face coverings but the Governor’s order overrides local orders that place fines for not wearing face coverings.

The industry continues working in Texas.

**(4/17/20)** – Governor Abbott is beginning to relax the statewide order stay-at-home. Included in the most recent orders are the following changes, each with specific dates for enactment:

- Opening state parks.
- Allowing nonessential surgery that does not affect capacities for COVID-19.

Within these orders, the Governor has established the “Strike Force to Open Texas”—a team of nationally recognized medical experts and private and public leaders who will advise the Governor on safely and strategically reopening the state of Texas.

The industry continues working, as reported below.

**(4/3/20)** – 43 cities and counties have some type of shelter in place (stay at home) order. Governor Abbott has issued a statewide order that, in effect, makes the essential business language uniform (referencing the federal CISA document). In addition, TxDOT has issued guidelines for best practices for construction projects to address transmission of infections. These guidelines were reviewed and signed off on by the AGC of Texas and other associations that are involved in construction in Texas.

Statewide, travel by land from Louisiana requires that you quarantine for 14 days. However, essential workers that travel back and forth to Louisiana are exempt from the quarantine. Air travel from New York and New Orleans requires a quarantine. El Paso has also issued a quarantine order for persons traveling into the city.

The industry is still working in Texas. There are a limited number of cases where contractors are deciding to not work. Unemployment is assisting in addressing worker shortages.

**(4/3/20)** – Excerpts from “Joint Workforce Safety Plan: COVID-19 Guidance for the Transportation Industry...”

“As we continue to meet the transportation needs of the State of Texas, our industry partners – to include consultants, contractors, FHWA and TxDOT – expect all parties to abide by the COVID-19 safety guidelines issued from the Centers for Disease Control and Prevention (CDC), Texas Department of State Health Services (DSHS) and the Occupational Health and Safety Administration (OSHA).

“Industry partners have taken steps to prevent the spread of COVID-19 by implementing guidelines and policies including restricted travel, limiting “in person” meetings, limiting the number of people at work in the office and the project environment, and exercising enhanced personal hygiene practices.

“As a unified approach to prevent the spread, below are guidelines and practices agreed to by industry partners, which will be implemented at their own expense. These guidelines will be used on TxDOT projects in a reasonable and practicable manner...

“All parties agree to the guidelines in this plan to support continued work while limiting exposure to COVID-19. A contractor, consultant, or FHWA and TxDOT staff who does not agree to reasonably and practically follow the guidance herein will not be allowed to work on the project.”

**(3/25/20)** – About 20 cities and counties have imposed shelter in place orders. In their review, the chapter believes public works construction is exempt from all of them. TxDOT also interprets them similarly. These orders have come primarily from higher populated cities or counties. Some of the orders include requirements for public works construction relating to social spacing, hygiene, etc.

**(3/24/20)** – The chapter and coalition partners have written county and municipal officials requesting that they deem all construction services as essential and exempt from any “shelter in place” orders. The letter notes Dallas County’s “Stay Home Stay Safe” order released on 3/22 included this language.

**(3/20/20)** – Gov. Abbott issued an executive order which states, in part, “every person in Texas shall avoid social gatherings in groups of more than 10 people.” However, “All critical infrastructure will remain operational, domestic travel will remain unrestricted, and government entities and businesses will continue providing essential services. For offices and workplaces that remain open, employees should practice good hygiene and, where feasible, work from home in order to achieve optimum isolation from COVID-19.”

The chapter has confirmed that transportation construction is exempt under the order's latter provision. The order expires April 3 but is subject to revision or extension.

**(3/17/20)** – From TxDOT news release...

“TxDOT is postponing or canceling its in-person public hearings and gatherings through April 3. That date is subject to change. This excludes the Texas Transportation Commission meeting on March 26, 2020, which will be addressed separately. When possible TxDOT will look to offer virtual participation strategies for public input.

“Work on projects to improve our transportation system continues, as does TxDOT’s ongoing work to maintain and operate our state’s transportation system, to include ferry operations...

“In conjunction with [Governor] Abbott’s disaster declaration related to COVID-19, TxDOT is also requiring its office-based employees to telework beginning March 16.

“Teleworking has been an option for TxDOT office-based employees for several years now, and with this temporary new directive, TxDOT will continue serving the state’s transportation needs. TxDOT’s number one priority is always safety, and the agency is in constant contact with state health and emergency management officials to do its part during this global health situation.”

## Utah

**(5/3/20)** – From the *Daily Herald*...

### COVID-19 pandemic continuing to impact transportation

A new report from the Wasatch Front Regional Council says the COVID-19 pandemic is having a significant impact on transportation and emissions in Utah.

Officials from the WFRC, Utah’s metropolitan planning arm, have been analyzing data during the pandemic and comparing it to past trends — measuring the impact that social distancing and stay-at-home policies have had on transportation, transit and air quality.

Broadly speaking, the council’s analysis says the pandemic is decreasing travel and traffic volumes, reducing congestion and travel times, limiting transit use, and reducing emissions all along the Wasatch Front...

Information from the Utah Department of Transportation shows that average weekday freeway traffic has decreased by 30% to 45%. At point-of-entry locations into the state, traffic volumes have fallen by as much as 65%, the report says.

“For perspective, the last time Utah has seen traffic volumes on I-15 at our current levels was about twenty-five years ago,” the report reads.

UDOT spokesman John Gleason previously told the Standard-Examiner the decrease in traffic has had a positive impact on transportation department construction work, with smaller and shorter traffic peaks allowing for extended lane closures and more time to get in work.

Freight truck volumes have also decreased, according to the WFRC report, but only by about 20%...

**(4/19/20)** – From the *Deseret News*...

### UDOT addresses COVID-19, announces top 10 road construction projects for 2020

The Utah Department of Transportation released a list of its top 10 construction projects for 2020 this week, but while officials hope COVID-19 won’t delay scheduling, they have no guarantees and are taking extra precautions.

“It’s a situation that evolves every day as it does across many professions and many different areas,” said John Gleason, UDOT public information officer. “I think we’d be naive to think that the COVID-19 situation would not impact our projects. To what extent? That still remains to be seen.”

Gleason said UDOT is tracking things closely and that its top priority is to keep the public and construction crews safe.

That means taking a “proactive approach” in all of UDOT’s projects, he said, noting crews will be wiping tools and disinfecting surfaces in vehicles, tracking worker health, holding morning meetings at a distance and incorporating social distancing guidelines. The agency also recently ordered protective masks for workers.

“We are pushing forward as much as we possibly can, and we are having great success so far, but at the same time this has been a situation that we’ve had to adapt to and will continue to be flexible and adapt,” Gleason said, pointing out that transportation is an essential service that needs to be maintained, even during a pandemic.

UDOT’s current and upcoming projects’ are expansive, with more than 220 construction projects statewide in progress or slated to begin this year, with a combined investment of almost \$3.3 billion.

Gleason said Utah is seeing tremendous growth all across the state — the population adds the equivalent of a Taylorsville-sized city every year, which is why it’s important that UDOT “makes intelligent decisions for the future.”

“If we don’t take the time to properly plan and really imagine what we want to see here for the future, then the growth is going to dictate it for us,” he said.

Recognizing this, UDOT Executive Director Carlos Braceras said it is important operations continue during the pandemic.

“Transportation is vital in providing essential goods and services during these uncertain times and will continue to be a major part of our economic recovery in the coming months,” Braceras said in a press release. “These construction jobs are deemed essential in order to keep Utah moving.”

Gleason said it is more important now than ever that Utah has a “strong transportation system” because so many people are relying on goods transported state to state.

“While so many of us we hope are staying home, there are still those people out there that are doing what they have to do to support the state and the country and just making sure we can still somewhat go on — not normally, but still exist,” Gleason said...

**(3/27/20)** – From a letter by UDOT Executive Director Carlos Braceras to industry...

Following Governor Gary R. Herbert’s press conference this afternoon, I felt it was a good time to follow up with you, our consultants and contractors, and update you on UDOT’s plans going forward.



First, please allow me to thank you for all of the work and effort it has taken to keep UDOT projects moving forward during this unique and challenging time. We have seen remarkable cooperation and collaboration, including creative uses of technology to communicate and using sensitivity to maintain appropriate social distancing. Thank you for all you are doing to help us keep Utah moving.

It is our plan to keep our projects moving forward as best we can. Of course, we want to continue to move forward as safely as possible, therefore we ask you to continue to be very sensitive to employee health and safety. It is our intention to maintain continuity of business and keep and moving forward in every possible way.

As the Governor said, “we are open for business.” And we are pleased to be in business with you. We look forward to moving forward together as we work our way through these current difficulties.

**(3/25/20)** – From UDOT: The safety of our employees, their families, and our customers is the most important thing, but we will also keep the business of UDOT moving forward at the same speed. About 700 employees are teleworking. There are also about a thousand employees pushing snow, managing construction and operating Ports of Entry and traffic operations.

**(3/16/20)** – From UDOT...

#### Direction to Consultants and Contractors in Response to COVID-19

This is an update on the Utah Department of Transportation’s (UDOT’s) approach to addressing the challenges with delivering UDOT projects amidst the COVID-19 virus pandemic.

First and foremost is the safety and well being of UDOT employees, consultants, contractors and partners. If anyone finds themselves in a situation wherein they feel unsafe or unhealthy, we encourage them to take steps to remedy their circumstances.

That said, it is also critical to continue forward with our responsibility and obligations to the citizens of our great state. UDOT is determined to move forward with a continuity of operations in all aspects of our business, including design and construction. As Contractors and Consultants to the Department, you play a critical role in helping us deliver our program of projects.

It is imperative that everyone working on UDOT projects take practical measures to minimize exposure and prevent transmittal of the virus. We are asking for Consultants and Contractors to work together with Department representatives on a project-by-project basis to create a specific mitigation plan for each project that will keep the project moving forward while minimizing health risks.

Please consider the following for projects:

- Use video conferencing, phone conferencing, or email/chat instead of physical meetings. Although not as good as in-person dialogue, this is a practical alternative to exposure in a closed environment.
- When needing to communicate in person, try to find an environment where people can observe a 6-foot separation -- known today as social distancing.
- Take precautions when transferring tangible goods like materials, forms, equipment, etc.
- Do not allow anyone exhibiting symptoms to come to work. If an employee is sick, send them home.
- When an employee has possibly come into contact with someone who has exhibited symptoms, find ways to engage them in productive work that is secluded from others.
- Provide hand-washing stations and/or easy access to hand sanitizer. Help others recognize when they should be washing hands.
- Provide sanitizing products (wipes and sprays) and use them in any location where multiple people may need to use the same equipment/furniture. Utilize frequently, between meetings and multiple times per day.
- Follow other CDC, state, and local health guidelines.

The Department recognizes that there may be an impact to project schedules by taking these necessary precautions. If this does occur, we encourage you to please work with your project's Project Manager or Resident Engineer to address. We have given direction to UDOT project staff on how to apply consistent and fair resolutions across the industry.

We pride ourselves as an industry in our ability to partner together to overcome tough challenges. This is a great opportunity to work together to get through this unique and difficult challenge. As we work through this together, we can Keep Utah Moving, despite the challenges of COVID-19...

## Vermont

**(4/27/20)** – Excerpts from Vermont Agency of Commerce and Community Development’s “Update on New Work Safe Additions to the Stay Home, Stay Safe Order,” issued 4/24 and revised 4/27...

- All businesses must follow Vermont Department of Health and CDC guidelines...
- Customers, and the public in general, is encouraged to wear cloth face coverings any time they are interacting with others from outside their household...
- Those who exclusively or largely work outdoors (such as civil engineering, site work, exterior construction, skilled trades, public works, energy and utility work, mining, forestry, environmental monitoring, landscaping, painting, tree work, parks maintenance, recreation maintenance, delivery work, etc.) may resume operations with a maximum of 5 (five) total workers per location/job.
- Manufacturing and distribution operations may resume operations with a maximum of 5 (five) employees in any location if they are low-density and ensure employees are six feet apart at all times...
- At this stage workers from out-of-state must quarantine for 14 days upon arrival. Lodging is not available for non-essential out-of-state workers...

**(3/25/20)** – Excerpt from message to industry by Chief Engineer Wayne Symonds, VTrans Highway Division...

“Pursuant to the “STAY HOME, STAY SAFE” order from Governor Scott on 3/24/2020, effective Wednesday, March 25, 2020 at 5 p.m. the Secretary of Agency of Transportation is ordering the safe and orderly shutdown of all construction projects that are not deemed critical to the public health, safety, or national security. This will apply to nearly all projects currently under construction or planned to commence with the start of the construction season. The shutdown will be in effect until at least April 15th and may be extended by a future addendum to this order by Governor Scott. After 5:00 PM today, the only work on non-essential projects will be that necessary to leave projects in a safe and stable condition until work can resume. If you have any contract specific questions about a project currently under construction, please direct them to the appropriate project field staff. If you have any questions about a project on the bid advertisement schedule please direct them to Contract Administration.

“AOT will also be halting construction with maintenance staff and limiting our force in the field to winter snow and ice control, safety patrols and responding to necessary repairs that affect the safety of the traveling public or to critical mobility issues related to public health or security.

“We appreciate the understanding of the contracting community at this time as the COVID 19 response evolves and escalates in Vermont and across the country. We will be communicating often in the coming days with more information about the status of our projects and the construction season.”

**(3/19/20)** – From the Agency of Transportation...

“[T]he date for the start of the Construction Season for all contracts is moved from April 15, 2020 to March 23, 2020 with the intent to add 3 weeks to every contract. In addition, AOT will accelerate the review and approvals of administrative requirements for commencing work and make all possible efforts to get work started this Spring on projects without sacrificing quality.

“Contractors be advised that AOT is currently evaluating which projects can be accelerated and advertised this Spring. Please check the Contract Administration website for changes to the bid advertising schedule.

“[I]n this time of uncertainty our partnership can be one that models hope, provides for the workforce and supports the financial stability of Vermont as we accelerate the work building infrastructure.”

## Virginia

### **Virginia Transportation Construction Alliance (4/30/20) –**

Modified Technical Interview Process For Engineering Consultants During COVID-19 Pandemic

As a step to keep engineering consultant procurements moving forward during the COVID-19 pandemic, the Virginia Department of Transportation has posted instructions for a “Modified Technical Interview Process”. Visit <http://www.virginiadot.org/business/gmps.asp> for details which includes interviews by teleconference. This process is deemed to be temporary and will remain in effect until the COVID-19 pandemic reaches a manageable status.

### **(4/30/20) – VTCA Hosts COVID-19 Best Practices Virtual Meeting**

On April 27, VTCA’s Aggregate Producer Safety and Operations Committees conducted a COVID-19 Best Practices sharing event via virtual meeting. The purpose of the event was for operation and safety officials to share and learn practices that are being employed by aggregate producers across the Commonwealth in response to the COVID-19 virus.

Nearly 20 members participated in the event. Items discussed included an update on COVID-19 guidance issued by government regulatory agencies related to aggregate operations and practices shared by members that reduce the risk of spreading the COVID-19 virus. Practices shared included:

- Created COVID-19 Alert Team – designed to keep associates informed.
- Flexibility at timeclock stations
- Postponed training (as permitted by agencies)
- Instituted “no travel” policies
- Hired healthcare professional to screen employees
- Limit/restrict visitors to offices and plants
- Installed barriers, 6’ distance indicators, hand sanitizer stations and additional lavatory facilities
- Utilizing commercial disinfectants in offices and facilities (be sure to update SDS)
- Educating personnel of best practices outside of the workplace
- Increasing inventories of PPE and sanitizers

Everyone that joined the event was able to take away beneficial practices for protecting their workforces from contracting the virus.

There are many aspects of the aggregate industry that employ proprietary practices. Safety is not proprietary and the industry and our members are all cooperative in sharing information that provide a safer work environment for all.

**(4/30/20)** – COVID-19 Update: Weights And Measures To Continue Inspecting Truck Scales

The Virginia Office of Weights and Measures (OWM) will continue to require truck scales be inspected and certified on the required 6-month certification schedule. VTCA sought extension of scale certifications in an effort to follow social distancing practices and limit exposure of scale house personnel with outside scale technicians.

After consideration, citing limited inspection resources, OWM said that extending inspections and certifications would result in the program falling behind on inspections and certifications thus deciding to continue the recertifications.

While VDOT specifications require that scales utilized for tonnage pay items for sales to VDOT and VDOT projects maintain a valid OWM certification, VDOT does not certify the scales.

OWM has issued guidance to their technicians that they are to wear appropriate PPE and adhere to social distancing practices...

**(4/13/20)** – It's been four and half weeks since Governor Northam issued an Executive Order declaring a state of emergency in Virginia due to the Coronavirus outbreak. The order immediately launched a coordinated effort between VTCA and VDOT to navigate this unprecedented event and we reached the thirteenth regularly scheduled conference call with VDOT Senior Leadership this morning. Virginia's transportation construction work continues.

**(4/10/20)** – VDOT has issued the following temporary guidance revising field concrete documentation protocol in response to COVID-19 concerns:

TL-28A (part A and B) and delivery tickets will no longer be collected directly from truck drivers in order to help prevent spread of the coronavirus. In order for the inspector to know the type of concrete being placed, the Contractor will place a copy of the delivery ticket in the truck window or on the door once on site for the inspector to visually look at before placement. The inspector will be required to fill in part C of the TL-28A and will document all required information when the concrete arrives at the job site and is placed. Information documented will be in accordance with the TL-28A and Appendix E of Chapter IV of the VDOT Materials Division Manual of Instructions.

By the end of each work shift, the concrete plant technician will be required to send over a .pdf copy of the TL-28A with parts A and B completed along with copies of all delivery tickets. Concrete producers will be required to keep hard copy records of their form consistent with project records retention policy but will not be required to submit paper forms to VDOT. Upon receipt of part A and B of the TL-28A, the inspector will reconcile their field notes and completed part C with the information provided to confirm the loads arrived on site and to capture quantities for payment.

Tickets and TL-28A forms for all other products do not need to be collected in the field by a VDOT inspector. However, VDOT still requires hard copy materials tickets and TL-28A forms to process payments on installed materials. The hard copy ticket and TL-28A form delivery method will need to be established between the supplier, customer and VDOT inspector on a project by project basis. If requested by any party the vendor's representative may log the delivery recipient's name on the signature line as the receiver of the delivery.

This guidance is effective through June 10, 2020 unless the situation otherwise dictates...

**(4/8/20)** – On Sunday [4/5, VDOT] issued guidance to district staff encouraging them to review and consider "relaxing or eliminating" work restrictions for this weekend's Easter holiday. VTCA is encouraging Department leadership to issue similar guidance in anticipation of Memorial Day weekend closures....

Excerpt from Kerry Bates, State Construction Engineer...

In light of the significantly reduced traffic volumes that we are still experiencing, please review your current expanded lane closure restrictions on all active (and upcoming) projects and consider relaxing or eliminating restrictions for the upcoming holiday weekend as you deem appropriate. All proposed changes should still be coordinated through the ROD's before finalizing, and your ACE should continue to update the expanded lane closure tracking log so that we can share with Executive staff.

**(4/6/20)** – [D]uring today's press conference with Governor Northam a caller asked the Governor why construction projects remained open while we are under a stay at home order. Governor Northam answered by stating that the businesses are required to adhere to the rules established by Executive Order and to the best of his knowledge he has not heard of any problems with compliance.

We have the confidence of the Governor, but this is a clear reminder that we are continuously being evaluated by others and the privilege of continuing to remain at work is up to us. We will always have room for improvement, and we must continue to work hard to earn and preserve the confidence of the public and our government leaders. Complacency and indifference can abruptly change everything. You are encouraged to remind all your employees to follow the required and recommended practices to protect themselves, family, coworkers and their jobs...

**(4/3/20)** – VDOT has issued the following COVID-19 related guidance for the handling of material delivery tickets.

Asphalt weigh tickets will no longer be collected directly from truck drivers. The inspector will be required to document arrival time and discharge time for each asphalt truck as it arrives on site. The temperature of the mix will be checked and recorded as

specified in Section 315 and in the VDOT Manual of Instructions Section 501.02(a). At the end of each work shift, the weighperson will be required to send over a .pdf copy of all tickets (in addition to the TL102). Asphalt producers will be required to keep hard copy records of their tickets consistent with project records retention policy but will not be required to submit paper tickets to VDOT. Upon receipt of ticketing documentation the inspector will reconcile their field notes with the tickets to ensure that all batched loads arrived on site and to capture tonnage for payment.

#### Aggregate & Other Deliveries

Tickets and TL-102 forms for all other products do not need to be collected in the field by a VDOT inspector. However, VDOT still requires hard copy materials tickets and TL-102 forms to process payments on installed materials. The hard copy ticket and TL-102 form delivery method will need to be established between the supplier, customer and VDOT inspector on a project by project basis. If requested by any party the vendor's representative may log the delivery recipient's name on the signature line as the receiver of the delivery.

This guidance is effective immediately through June 10, 2020 unless the situation otherwise dictates.

#### **(4/1/20) –**

##### Virginia State Police Clarification of Enforcement of Executive Orders 53 & 55

VTCA has received a number of reports from members indicating that they have had or have heard of employees stopped by police while travelling to and from work. We have been sharing these stories with Commissioner Brich as part of our regular updates with VDOT. This afternoon [he] spoke with Colonel Settle of the Virginia State Police who issued a press release... providing additional information on the VSP enforcement of Executive Order 53 and Executive Order 55.

As it relates to workers travelling to and from work the press release states:

The law still requires law enforcement to have reasonable suspicion to initiate a traffic stop on a vehicle. Virginia State Police will not be making random traffic stops on vehicles nor conducting checkpoints to determine if a driver is traveling for a permissible reason, as granted by EO 53 and EO 55.

The current Governor's Executive Orders related to COVID-19:

- Do not require an individual to carry documentation related to one's purpose of travel;
- Do not close Virginia roads/interstates to Virginia residents;
- Do not restrict non-Virginia residents from traveling into and/or through Virginia;



- Do not prevent Virginians from traveling out of the state. State police does encourage any Virginian(s) traveling out-of-state to check, in advance, the other state(s) for any travel restrictions in effect for that state(s). Governor Northam has advised Virginians returning from out-of-state and/or international travel to self-quarantine for at least 14 days.

**(3/27/20)** - Although a limited number of other states have shut down infrastructure projects Virginia projects remain open. Following our regular COVID-19 Update conference call with VDOT this morning we can report that as we head into the weekend there is no change in efforts to keep projects and procurement safely moving. Significant emphasis and attention remain on the implementation of all appropriate measures to minimize the health risks on our projects...

Reminder for prime contractors: If you have any subcontractors or suppliers, including DBE and SWaM businesses, that have notified you that they cannot perform timely services or deliver materials to your project you are strongly encouraged to request from them a written notice documenting their status along with the reason(s) (ie.. Coronavirus infections, etc.). Verbal notice will not be helpful if you need to seek relief on your project schedule or DBE/SWaM commitments.

**(3/25/20)** – [Y]esterday's advertisement went out as scheduled and today's bid letting was held as scheduled...

Unfortunately, we have begun to receive reports from contractors and consultants that some employees working on projects are being tested positive for COVID-19. With the large number of employees in our industry we should realistically expect to have some infected with the virus. It is a blunt reminder we are not immune and cannot let our guard down.

Our industry is fortunate to have been identified as an essential function by Governor Northam. But that designation is very delicate and being continuously evaluated. We do not have control over every factor that could threaten our exempt status, but we do owe it to ourselves, our employees, our companies and the rest of the industry to implement what we can control. Many of you have put in place safe business practices throughout your companies. It is in everyone's best interest to continuously remind your employees of those practices and how much their action means to their own health, their coworkers, their families and the continued opportunity to earn a paycheck...

Shutdown plans? Some of you have let us know that you have heard from VDOT project staff and some localities regarding shutdown plans. Please note that this is not a reaction to any change or imminent change in the status of VDOT projects. The Department has not issued a directive "requiring" shutdown plans to be submitted. However, it is good business practice to be prepared and hold "discussions" between your field staff and VDOT identifying actions needed to quickly and safely shut down a project for an indefinite period...

**(3/24/20)** – Letter from Kerry Bates, VDOT State Construction Engineer...

“VDOT is committed to the safety and health of our employees as well as our contractor and consultant partners. To ensure that we "Keep Virginia Moving," we are asking that our contract partners reporting to work in-person are following guidance for regular cleaning and disinfecting of surfaces, washing and sanitizing of hands, covering coughs and sneezes, staying at home if not feeling well, and practicing social distancing as outlined by Governor Northam, the Virginia Department of Health and the Center for Disease Control (CDC). These safety measures are as important as wearing the proper personal protective equipment (PPE) and setting up a work zone properly.

“Social distancing on construction and contractor projects may require you to think outside the box to ensure your employees are performing the work safely while maintaining an acceptable separation between workers. Both Federal and state guidance have been issued regarding non-essential gatherings of more than 10 people. With this in mind, some approaches that our partners should consider are:

- Limiting the number of individuals that gather in one location on the job site.
- Breaking work crews down by task and having them keep a minimum of six feet of distance between each other whenever practical.
- Evaluating each task, performing a hazard assessment and determining the minimum number of individuals to perform the task safely and effectively.

“VDOT asks that you evaluate those tasks that might regularly require people to work in close proximity and consider alternative methods of completing those tasks.

“In order to keep maintenance and construction activities operating in a safe manner across the Commonwealth, VDOT is asking our VDOT and consultant inspection staff, contract monitors and VDOT safety staff to work closely with contractors to ensure applicable CDC recommended best practices such as social distancing are consistently applied and adhered to on our projects and other activities. Additionally, VDOT encourages contractors to hold regular safety talks emphasizing the hazards of COVID-19 as well as the normal safety hazards found on the jobsite while practicing social distancing. The Department takes this responsibility very seriously. If evidence of a willful disregard and violation of maintaining a safe working environment occurs the violation will be treated as any project safety violation which may include a temporary shutdown.

“VDOT is dedicated to the safety and health of all Virginians and ensuring that we are providing and following all federal and state guidance and mandates.”

**(3/23/20)** – Gov. Northam ordered closure of “certain non-essential businesses” statewide. The chapter provided this update...

Our primary goal, after the safety of the industry's workers, is to preserve the ability to keep projects running. This afternoon, during his press conference, Governor Northam outlined additional statewide closures and restrictions. We are pleased that we have been successful, and construction remains an essential operation exempt from the shutdown.

While we work closely with the Governor's administration and Senior VDOT leadership it is imperative that we continue to demonstrate to the Governor and the public that the transportation construction industry can continue to operate safely.

The Department is expected to issue guidance to VDOT and consultant inspection staff emphasizing their roles in working with contractors to ensure our projects are being operated in a manner that minimizes worker exposure. Many of you have described steps your companies are taking to protect workers. In anticipation of VDOT's guidance you are encouraged to have your field staff coordinate and share your plans with VDOT project staff and work together to maintain a safe working environment.

VDOT construction projects and procurement remain active and the Department's plan is to continue and sustain full operation. VTCA will maintain daily communication with VDOT Senior Staff and the Administration and will notify the members of any changes.

**(3/20/20)** – Letter to the industry from Highway Commissioner Stephen Brich...

“While the current new coronavirus COVID-19 situation is dynamic and unpredictable, VDOT at this time is committed to sustaining the momentum of our construction, maintenance and consultant engineering programs. VDOT and our industry partners are emphasizing the health and safety of employees, while taking steps to minimize short and long-term impacts to the program.

“VDOT staff throughout the state have a clear directive to manage and sustain project progress as effectively as possible, and they are working with project teams to implement common sense adjustments to make sure this happens. Our industry partners are likewise showing a tremendous amount of dedication and creativity to mitigate the impact of COVID-19 on our projects.

“How the COVID-19 pandemic will affect our business in the coming days and weeks is unknown, but we continue to move forward and will hold next week's bid letting as scheduled. I realize that the high degree of uncertainty will impact your business decisions and assessment of risk. In preparing your bids and proposals please know that VDOT is committed to working with our partners to mitigate any potential schedule impacts from the COVID-19 situation.

“These times are truly unprecedented, and I want to offer assurance that the agency staff and I understand the value of maintaining industry confidence. In these uncertain times, and those that may lie ahead, know that we are focused on maintaining a fair and equitable contracting environment for all of our business partners.”

**(3/17/20)** – VDOT has notified district field personnel of the Department's intentions [to keep projects running and maintain procurement schedules,] and have been directed to proceed as usual. At the time of this message there has been no change to that objective. If you are getting instructions on your project to the contrary, please contact [VTCA].

Some states have decided to shut down construction projects. We are working closely with VDOT to make sure we are doing what we can to avoid a similar fate in Virginia. It is important that we continue to give state officials confidence that keeping projects open does not adversely impact the effort to control the spread of the virus. We have reached out to several members and heard from many others describing practices they have implemented to maintain essential operations while simultaneously mitigating risk to employees. Here are some of those examples:

- Contractors are telling nonessential employees in their corporate and regional offices to telework where possible. Many functions such as project management, bidding, estimating, are anticipated to be able to be performed remotely.
- CDC guidelines are emphasized daily at project field safety meetings.
- Hand sanitizer and disinfecting wipes are being put in equipment.
- Companies have directed more frequent environmental cleaning of office trailers, construction equipment, shared equipment, tools and vehicles.
- Superintendents are counseling employees to stay home if they feel ill or have been exposed to someone known to be infected. Employees are being monitored on the job sites for any symptoms of illness and are being sent home if exhibiting signs of illness.
- Project meetings are being limited or performed remotely (conference calls, web conferencing, etc).
- Companies have placed limits or have eliminated travel, meetings and large gatherings.
- Subcontractors and suppliers are being asked to follow CDC and other common-sense protocols.

VTCA and its members are taking the impact of the Coronavirus pandemic seriously. VTCA will continue to represent our members' interests with VDOT and our state leadership to ensure that our members' efforts to maintain project progress and protect the health and welfare of their employees is retained.

## Washington

**(4/24/20)** - Gov. Jay Inslee, in consultation with the state's construction industry, announced a plan today to allow current construction projects to be completed.

The recommendations were informed by workers, contractors, health and safety experts, and local government officials, for safe construction standards.

"I thank all those involved in the construction work group in helping us get to this decision in a responsible way that supports workers, businesses, and communities in a way that protects the health of all of their families and ours," Inslee said. "Our strategy is working and we need to keep with it. We would much rather protect people from sickness and death now, so that we don't have to go through this crisis all over again later."

Excerpts...

### Phase 1 Construction Restart COVID-19 Job Site Requirements

Phase 1: Low-risk construction work resumes.

Any existing construction projects complying with the points below may resume only those work activities that do not require workers to be closer than six-feet together. If a work activity requires workers to be closer than six-feet, it is not considered low risk and is not authorized. Adherence to the physical distancing requirement and the health and safety points below will be strictly enforced.

Prior to recommencing work all contractors are required to develop and post at each job site a comprehensive COVID-19 exposure control, mitigation, and recovery plan. The plan must include policies regarding the following control measures: PPE utilization; on-site social distancing; hygiene; sanitation; symptom monitoring; incident reporting; site decontamination procedures; COVID-19 safety training; exposure response procedures; and a post-exposure incident project wide recovery plan. A copy of the plan must be available on each job site during any construction activities and available for inspection by state and local authorities. Failure to meet posting requirements will result in sanctions, including the job being shut down.

All Contractors are required to post at each job site written notice to employees, subcontractors and government officials the Phase 1 work that will be performed at that job site and signed commitment to adhere to the requirements listed in this document.

All contractors have a general obligation to keep a safe and healthy worksite in accordance with state and federal law...

All contractors are also required to comply with the following COVID-19 worksite-specific safety practices [30 items total, the following categories]...

- COVID-19 Site Supervisor...
- COVID-19 Safety Training...
- Social Distancing...
- Personal Protective Equipment (PPE) – Employer Provided...
- Sanitation and Cleanliness...
- Employee Health/Symptoms...
- Job Site Visitors...

No jobsite may operate until the contractor can meet and maintain all requirements, including providing materials, schedules and equipment required to comply.

These Phase 1 COVID-19 job site safety practices are required as long as the “Stay Home, Stay Healthy” Gubernatorial Proclamation 20-25 is in effect or if adopted as rules by a federal, state or local regulatory agency...

**(4/17/20)** – From WSDOT Secretary Roger Millar, “Sharing initial pandemic impacts on revenue”...

We have been working diligently to understand the financial repercussions of the COVID-19 pandemic to our state revenue sources such as; fuel tax, tolls, and fares on WSF services. Given the uncertainty of the duration of the pandemic and the lag in revenue reporting, there are no exact figures right now, but current traffic and ridership numbers suggest that the state could expect a loss of revenue of as much as \$100 million per month. This includes impacts to WSDOT and our partner agencies that rely on the same revenue streams. In the coming days, WSDOT will be working closely with the Governor’s office, our congressional delegation, AASHTO and other state and federal partners in an effort to inform Congress of our needs as it considers future federal stimulus packages.

Along with the Governor’s office, the Office of Financial Management, and the Legislature, WSDOT has been monitoring the situation closely since early March. The estimated monthly revenue loss is based on recent traffic patterns and the impacts the state has seen in prior low traffic events like severe winter weather closures and the economic slowdown experienced during the Great Recession. We are not alone in this situation; our partners and governments at all levels in the state and across the country will be significantly affected. We will know more about the actual losses and the extent of federal funding relief in the weeks ahead.

Immediate steps: What does this mean for you and for our work here at WSDOT? In all honesty, it’s still too early to know, but there will be effects throughout our organization. I’ve been meeting with the executive team this week to weigh the options ahead and discuss actions we can take. We are taking some immediate actions to preserve existing funds, including:

- Deferring both permanent and non-permanent new hires
- Discontinuing out-of-state travel
- Suspending new consultant contracts and task orders
- Holding off all Transportation Equipment Fund and other major purchases

Exceptions to these general rules will be considered by a board made up of our Assistant Secretaries.

Moving forward: We will continue to prepare to move ahead after Stay Home, Stay Healthy is lifted with construction projects that were already underway, and preservation and specific safety-related projects. Fish passage projects are also moving forward to ensure the state meets the federal court injunction deadline. Beyond that, we are developing a process to evaluate all programs and projects for potential savings. These potential savings mechanisms will be shared with the Governor and the Legislature as they consider how best to move the State forward. We are all doing everything we can to lessen the impacts to our workforce. Knowing you are the backbone to our vital transportation system, and this work cannot continue without a great workforce.

Keeping you informed: I know this is a difficult message in an already difficult time. I think it's important to keep you all informed as we navigate through this process, and I am committed to sharing what we know with you when we know it. We also will be updating FAQs. We've faced tough times and uncertainty before as an agency and working together we'll move forward to tackle the challenges presented us by the pandemic.

Thank you for all that you have done and your continuing dedication to the work this agency does each day.

**(4/9/20)** – From *Washington State Wire* interview with State Rep. Jake Fey (D), House Transportation Committee Chair...

“The longer this plays out the bigger impact this has on funding.... [T]his situation will have an impact on transportation construction projects. I suspect it will take quite some time to get back to the revenue level we were at before the pandemic. We're going to be losing revenues for some time.

“We know that tolling revenue is down 50-80% – a very substantial reduction and there will be a reduction in gas tax revenue...”

**(4/6/20)** – From Washington Sound Transit...

Due to COVID-19 risks, Sound Transit is directing contractors to suspend almost all construction on its transit expansion projects across the region.

The very limited work that does continue will focus on tasks considered critical and/or necessary to ensure that all sites remain safe and secure and/or to avoid mobility, environmental or other impacts.

Examples are included below. This work will move forward only under appropriate safety measures including additional worker training and increased monitoring of updated safety plans.

Sound Transit will immediately shut down work in the event that contractors are unable to comply fully with safety plans, as it did on one construction project on March 31.

Sound Transit arrived at this decision after carefully evaluating what heightened measures would be necessary to ensure the safety of the construction workforce and whether contractors are prepared to take those measures.

Sound Transit will be boosting its oversight of those sites that remain open by reallocating safety inspection and construction management resources from those projects that have been closed down.

An example of the work that will continue is light rail construction on the Homer M. Hadley floating bridge. For safety reasons activities on the floating bridge are seasonally restricted. Crews will work to complete necessary work during April through October work window.

Contractors will continue to monitor security at worksites and to maintain the sites, including environmental protection measures.

Sound Transit expects that construction personnel who work on ongoing projects will continue to do so on a voluntary basis and not be compelled.

The period of suspension is currently set for April 6 to May 4.

Sound Transit has the discretion to extend or decrease this period. The agency will monitor the circumstances surrounding each project and continue to work closely with federal, state and local authorities and its labor and contractor partners to evaluate future actions.

Examples of critical work that will continue include:

- Utility work that is already in progress at various locations will be completed
- Work in streets of the Tacoma Stadium District that is highly disruptive to the public
- Work on the I-90 floating bridge
- Certain sidewalks, ramps and driveways on the Eastside, which are important for the safe passage of pedestrian and vehicular traffic
- Demolition of buildings along the Federal Way alignment that would pose a public health or safety concern if left standing



- Fire protection systems work in the I-90 Mount Baker Tunnel
- Work at the Link Operations and Maintenance Facility East

Expanded safety measures for continuing work may include provisions in the following areas:

- Reducing work crew sizes
- Staggering report times to avoid large groups
- Adding sanitation facilities including more hand washing and hand sanitizer stations
- Using face shields
- Screening of employee wellness by first line supervisors upon reporting to the site
- Emphasis of COVID-19 symptom recognition, personal protective measures, personal protective equipment and revised work practices

**(3/26/20)** – From WSDOT Secretary Roger Millar to department employees...

“While transportation is an essential function during a National Emergency, WSDOT’s priority is to ensure the safety of its employees, partners, and the public while continuing to deliver an essential service to the public. We have worked very closely with our contractor, labor, and industry partners to ensure safety measures are met and maintain them as best possible, though despite these efforts, progress is slowing as contractors juggle work needs with increasing health concerns associated with the COVID-19 pandemic.

“In order to comply with the Governor’s Stay Home, Stay Healthy proclamation and ensure the safety and well-being of the people working on WSDOT construction projects and their families, WSDOT is temporarily suspending all construction projects to allow its contractors to work through shortages in Personal Protective Equipment (PPE) and increased safety measures. We will work with contractors to ensure impacted WSDOT construction jobsites are secured by the close of business today, Thursday, March 26. Due to the federal court injunction for fish passage and time sensitive fish windows for in-water work, one exception to this work suspension is with our culvert replacement projects currently in construction.

“We are all working through exceptional circumstances and recognize the profound impact this decision has on thousands of individuals. However, as the number of COVID-19 deaths and cases continues to rise around the state, we believe it is critical that we take every appropriate step available to protect the lives and health of our loved ones, families, our friends, coworkers and neighbors.

“We are doing everything we can to support our contractors during this challenging time. We will continue to work with our contractor, labor, industry, and stakeholder partners to ensure the projects can resume when the Stay Home, Stay Healthy order is lifted. Our commitment remains to complete these transportation projects that contribute to our economic recovery and long-term sustainability.

“Work on the design portion of design-build projects will continue although fieldwork to support design will be suspended. Some details on that work are evolving in this rapidly changing situation and we will share more details when they are available.

“In addition, we expect to make an announcement shortly on adjustments to WSDOT maintenance work...”

**(3/25/20)** – From Chris Christopher, Washington State Construction Engineer...

“This communication is being sent to all pre-qualified contractors. If you have an active construction contract with WSDOT, this communication is intended to inform you of my direction under the contract as follows.

“As we are all aware, the impacts related to COVID-19 continue to evolve and worsen every day in Washington. While transportation is an essential function during a National Emergency, WSDOT’s priority at this time is to ensure the safety of its employees, partners, and the public while continuing to deliver an essential service to the public. We have worked very closely with our contractor, labor, and industry partners to ensure safety measures are met and maintain them as best possible, though despite these efforts, COVID-19 continues to impact construction throughout the state.

“Consistent with the Governor’s Stay Home, Stay Healthy proclamation, WSDOT is temporarily suspending all construction projects, effective immediately. This suspension broadly covers all of our projects with a small number of exceptions that will be clarified on project specific basis.

“Therefore, I am directing a suspension of Work on all contracts in accordance with Section 1-08.6 of the Standard Specifications or Technical Requirements.

“This order must be followed immediately, and I need all of you to initiate efforts to close projects down, leaving them in a safe, and maintainable condition. You will be contacted by your Project Engineer tomorrow to discuss the details of this order. In particular, the Project Engineer will discuss with you the current condition of the site. The Project Engineers will inform you of our final determination of what must be done to leave the site in an acceptable condition.

“We will consider allowing certain administrative or design related activities so long as they conform to the requirements of the Governor’s order...”

**(3/20/20)** – From WSDOT in a message to ARTBA...

- WSDOT has over 100 active construction projects and they are continuing. Other phases of project development...planning, design, NEPA/ROW, bidding are also continuing but with telework emphasis and social distancing where telework is not applicable.

- WSDOT is working with AGC/WAPA & building trades to establish requirements/expectations for measures to ensure worker safety such as social distancing and hand washing facilities, and wearing of personal protective gear.
- Encouraging Project Engineers to seek ways to alter traffic restrictions in the contracts to take advantage of lower traffic volumes (longer closure window, more day time work).
- In an effort to prevent the spread of COVID-19, WSDOT is closing public access to WSDOT facilities such as Region offices, HQ buildings, Maintenance area offices, Ferry HQ office, Tolling walk up centers, etc. Information will be posted on the door for contact information. Rest Areas, Ferry Terminals, and public spaces on ferries remain open.
- Maintenance workers and all other field crews, e.g., Construction/Bridge Inspectors, Geotech, etc. are being instructed to social distance themselves and that it's okay to take multiple vehicles to work sites.
- WSDOT engineering, planning and administrative personnel are teleworking in large numbers and those not able to telework are practicing social distancing and other safety guidance.
- Ferry ridership usually runs but 25 million per year. On average, we are seeing a reduction in Ferry use, approximate 40% reduction in vehicles, 65% in passengers.
- Toll facilities are seeing a range of reductions of 24% to 60%.
- Amtrak Cascades ridership is down 80% and steadily decreasing with some routes being eliminated and service frequency reduced on others.
- Transit ridership is significantly down throughout the state and some systems are reducing service and/or moving to fare-free service.
- Volumes on I-5 are seeing reductions as high as 40% in the peak period near the Seattle area.

## West Virginia

**Contractors Association of West Virginia (4/13/20)** – West Virginia continues to operate under Gov. Jim Justice’s Executive Order that lists construction as an essential industry. All projects under the WV Division of Highways are ongoing and, as of April 12, the WVDOH leadership continues to support the continuity of performing highway work.

Bid lettings continue to be held. All questions about a project are being addressed through our electronic bidding system, BidX, since most WVDOH employees are teleworking. The WV Division of Highways implemented a plan for essential roadwork and emergency situations while reducing the number of workers present at one time in response to the COVID-19 pandemic.

Transportation workers have been divided into two groups and two-week time periods have been established. For each two-week time period, one group will telework from home while the other group will continue roadwork and emergency response and vice versa.

“There is no way we could maintain our supply chains across the country without the Division of Highways on the ground,” Deputy Secretary of the Department of Transportation Jimmy Wriston, P.E. said.

In addition to transportation workers, many WVDOT office employees are also teleworking from home. Bridge inspection crews will continue to inspect bridges on the pre-determined schedule, but specialized crews that travel all over the state will be temporarily shut down to avoid increased exposure.

Wriston said, “I’m extremely proud of the Division of Highways. At every level of this organization today, we are rising to the occasion. We’re all leaders, and we care very much about the people we serve. We’re going to continue to serve them.”

The Governor’s office has put a restriction on state employee travel so there is a concern that at some point WVDOH personnel will not be able to travel to an out of state supplier to inspect and approve that product for use in a WVDOH project.

The CAWV continues to provide resources for CAWV members to be able to provide training and information to their personnel on best techniques to prevent the spreading of Coronavirus. Many CAWV members last week participated in a Coronavirus stand down on the job site to share issues such as socially distancing while working and on break, the need for frequent handwashing, restrictions on tool sharing and the need to frequently disinfect high-touch areas.

Like other states, the WVDOH is reviewing how it accepts delivery tickets from truck drivers in order to prevent the spread of Coronavirus. The department is also reviewing how WVDOH

receive documentation when its employees pick up asphalt, aggregates and other material from vendors.

Contractor members are limiting or rotating their office personnel to cut down on interaction in their office. Many of their personnel are working from home.

**(3/23/20)** – Gov. Justice issued a stay-at-home order taking effect at 8 pm on 3/24. “Public works construction” is considered essential and not subject to the order. CAWV worked with the governor and his team as the order was developed.

## Wisconsin

### **(5/8/20) – DOT Maintains Commitment to Highway Program**

The Wisconsin Department of Transportation (WisDOT) reiterated this week that it intends to move forward on 371 state projects this year even as the revenue impacts of COVID-19 begin to curtail construction elsewhere in the country. Speaking to the WTBA Board of Directors Tuesday [5/5] in a virtual session, WisDOT Secretary Craig Thompson said the virus has had little impact on construction in the state and his agency is focused on keeping projects going since it puts the state in a good position for August redistribution of federal funds.

Each August, states can apply for additional federal funds that are "redistributed" from other states that haven't been able to use all of their allocated funds.

### **(4/29/20) – From Wisconsin Public Radio...**

Wisconsin Road Construction Underway, With Changes Due To COVID-19 Pandemic  
State Department Of Transportation Begins 2020 Road Work Amid A Sharp Drop In Traffic

The state Department of Transportation has begun more than 100 road projects this year, now with extra safety measures in place because of the novel coronavirus.

DOT Secretary Craig Thompson said about 90 percent of DOT's 3,400 employees are teleworking while department staff has been working with private-sector contractors and labor unions to coordinate efforts to ensure physical distancing and other safety measures at work sites.

This year's work is being done with far fewer cars on the road than usual. Thompson said traffic is down by about 46 percent and that's changed how some of this year's work is getting done.

"Some work that we generally would have done as night work, we're able to do during the day," he said. "We're able to close down a lane and work on it more safely when other times we may have needed to keep them open."

But Thompson said the lower levels of traffic also means a sharp drop in transportation revenue, which comes from federal and state gas taxes as well as registration and title fees.

He said this year's projects will go forward, but without "mitigating factors" such as federal aid or other sources, there would likely be "significant changes" to the projects scheduled for fiscal year 2021.

Keeping 2020 projects on track, he said, might help.

"There's something called federal redistribution that happens every August," he said. "And if some states aren't able to use the federal money, it gets redistributed to other states that are. We're hopeful that our strategy of keeping projects going is going to allow us to participate more in that federal money."

**Wisconsin Transportation Builders Association (4/20/20)** – Gov. Tony Evers today issued a three-phase plan that includes criteria for gradually reopening the state's economy, which has been under a stay-at-home order since March 24. While the transportation construction industry has been exempt from the "Safer at Home" order, the new plan -- called "Badger Bounce Back" -- is intended to reboot the larger economy in phases as certain criteria are met.

The phases and metrics for reopening are modeled, in part, after guidelines announced by President Trump last week. Those guidelines show Wisconsin is not yet ready to move beyond the "Safer at Home" order, which was extended last week to May 26.

Criteria under the plan include:

- A downward trajectory of flu-like illnesses and COVID-19-like cases over a 14-day period;
- Testing every Wisconsin citizen who exhibits COVID-19 symptoms, with a goal of 85,000 tests a week;
- Contact tracing to ensure that everyone who can transmit the virus understands their responsibility to stay home;
- Publicly tracking and reporting the number of statewide cases through a public dashboard.

Based on these criteria, Wisconsin business and social economy would reopen in phases that gradually allow increased numbers of people to gather in public settings with fewer restrictions...

**(4/17/20)** – Gov. Tony Evers yesterday extended the state's Safer at Home emergency order until 8 a.m. Tuesday, May 26. The previous order was to expire next Friday, April 24. Transportation construction continues to be classified as an essential activity and workers are not subject to travel restrictions.

**(4/10/20)** – From WisDOT...

The Wisconsin Department of Transportation (WisDOT) announced today that the construction of 371 roadway infrastructure projects throughout the state are currently scheduled to proceed this season. With close collaboration with contractors to maintain safe and productive work environments, work is already underway on more than 65 projects.

“Our well-being and our economy depend on a safe highway system, and this work will be vital to our recovery efforts now and in the future,” WisDOT Secretary-designee Craig Thompson said. “My gratitude goes out to our employees and all our contractors for the hard work they are performing with diligence and care.”

WisDOT is working with staff, contractors and laborers to follow the latest guidance from public health officials to prevent the spread of COVID-19. These measures include increased sanitation requirements in work zones, social distancing, and teleconference or electronic meeting requirements. The decreased traffic in Wisconsin allows more flexibility for some projects. Lane restrictions cause less impact to the public and safety zones can be expanded.

**(4/9/20) –**

#### Construction Industry Collaborates on COVID-19 Response Plan for Field Operations

It is critical that the transportation construction industry exercises best practices on jobsites to prevent the spread of COVID-19 in Wisconsin.

WTBA has worked with industry partners to develop a COVID-19 Response Plan for Field Operations to protect workers and ensure that our industry can continue delivering infrastructure for Wisconsin citizens and businesses during this public health crisis. This plan outlines important jobsite communication, sanitation, health screening and other measures that should be considered in the workplace to mitigate the impacts of COVID-19.

Categories of recommendations in the document include...

- Communicate key Centers for Disease Control and Prevention (CDC) recommendations and other jobsite procedures to staff, tradespeople, inspectors and vendors.
- Promote good hygiene and provide appropriate cleaning and disinfecting supplies.
- Being mindful of federal health privacy provisions, employees and vendors should be asked COVID-19 screening questions before entering the work site.
- If employees have symptoms, fail a health screening or answer yes to the following questions, they should be asked to leave the worksite immediately. Take measures to ensure illness is not spread to other workers.

**(4/9/20) –** Today, WTBA and its partners released an instructional video for workers and businesses to educate the industry on basic safety measures for construction projects. While specific guidelines may vary based on the particular needs of a project site or a construction business, the guidelines in the video are a starting point for everyone.

The video can be viewed here...

<https://www.youtube.com/watch?v=ZhTZxhcudcA&feature=youtu.be>



**(4/7/20)** – In a presentation to WTBA’s Board of Directors meeting, WisDOT reports their lettings remain on schedule.

**(4/1/20)** – Contractors should expect WisDOT project staff to request hand washing stations on projects. This will be done by contract modification and if you are having difficulty obtaining washing stations, you should inform the Project Leader.

**(3/31/20)** – Excerpt, memo to/from WisDOT and WI Department of Natural Resources staff...

[DNR], applying Governor Evers "Safer at Home" Executive Order #12 and all previous orders related to the COVID-19 National Emergency, is suspending all business travel for DNR Transportation Liaisons and requiring staff to work from home.

The Department of Transportation, also under the Governors Orders, is requiring non-essential staff to work from home; however, critical infrastructure projects, including construction, reconstruction, and maintenance will continue, and essential staff can travel.

Our two teams agree that in most situations, the potential for construction impacts associated with existing and future proposed DOT projects have been and will continue to be avoided and minimized to the extent practicable. We also agree this avoidance and minimization does not reduce the need to ensure natural resources are protected.

Given these business travel restrictions, the [Transportation Management Team] TMT met with WisDOT’s Environmental Management Team on March 24, 2020 resulting in the following interim approach to addressing DNR field work for DOT projects to ensure project design and construction continue to move forward.

Finally, our two teams emphasize communication and cooperation between the TL, REC, SWECE and other DOT staff is the key to making the following processes work.

Desktop Reviews: TLs should utilize existing resources such as DNR’s Surface Water Data Viewer, Google Earth, Google Maps, and other available technical resources to review data sources to perform desktop reviews. Communication and coordination will occur using existing technologies such as e-mail, cell phones and Skype amongst other suitable virtual methods...

The remainder of the memo addresses how erosion control implementation plan reviews, general permit erosion control inspections, discharge notifications and initial review letters and final concurrences will be handled by the two agencies.

**(3/27/20)** – During a conference call this morning with WTBA representatives, Gov. Tony Evers and WisDOT Secretary Craig Thompson provided an update on the health crisis. During the call, the Governor thanked the WTBA membership for our efforts to date and emphasized the

important role our industry will play in helping Wisconsin recover. The Governor also reaffirmed his commitment, once this outbreak has passed, to continue working to find a long-term, sustainable solution to transportation funding in this state.

**(3/25/20)** – As you know, the Evers Administration issued Emergency Order #12 on March 24, 2020. The order mandates citizens stay at home and businesses close effective at 8 a.m. March 25, however, construction activities are exempt from the order.

Specifically, Section 10 refers to "public works construction" and "roads, highways, railroads and public transportation" as Essential Infrastructure and there is no ban on workers traveling for these functions. Section 13 of the order deems transportation construction as Essential Businesses and Operations that, to the greatest extent possible, should use technology to avoid meeting in person.

As it pertains to the state highway improvement program, it is WisDOT's intention to move forward, at this time, with projects and lettings. Some may question why the Evers Administration is keeping projects going and why WTBA is supporting this.

Our state and country are in crisis. In these times, citizens are often asked to play a role. We are being asked to move forward with these infrastructure projects where we can. And knowing this industry and its workers, I am confident you will all do your best to try to deliver on this ask. The long-term economic impacts of this crisis could be significant. However, by moving forward with these projects, we can play a role in reducing the severity and length of the economic crisis. Every other state, with one exception, that has implemented similar orders has exempted construction as essential. These projects, both in the short term and long term, provide economic benefits and enhance safety for the travelling public.

If you are having issues getting your project started, or you run into challenges after starting, we urge you to communicate that to WisDOT immediately. In addition, WTBA, along with many other groups, issued guidance on steps that should be taken to hopefully ensure a safe work environment. We have been given a great responsibility that will require due diligence to ensure our worksites are as clean as possible and ensure we are monitoring workers to proactively prevent the virus from infiltrating our worksites. We encourage you to establish daily standards for the cleaning and servicing of equipment, vehicles, toilet facilities, and all other commonly used areas on work sites. It is critical that you require these same standards from your subcontractors, suppliers and vendors.

Some members have asked what documentation employees need to show they are essential workers. [We are providing] a template letter that can be used by employers with employees traveling to exempt work sites and businesses. Gov. Evers has made clear that his stay-at-home order will operate on an honor system. Police will not be pulling people over who are out and about during this time. However, some employees and employers may decide to use a letter to make clear what is occurring. To that end, this template can be used by your business if you

need it while operating in these conditions. As the letter indicates, our businesses may remain operational at this time under the exemptions in the Evers order.

I realize these are very stressful and trying times for all of us. I have always taken pride in the fortitude and commitment our industry has shown when facing challenges. This is clearly one of the greatest challenges we have faced and I am confident we will step up and deliver.

Thank you, Pat Goss, Executive Director

**(3/24/20) –**

Governor's "Safer at Home" Emergency Order Specifically Exempts Construction Industry

Gov. Tony Evers' administration this morning issued an Emergency Order mandating citizens stay at home and business close effective at 8 a.m. tomorrow (March 25), however, construction activities are exempt from the order.

Specifically, Section 10 refers to "public works construction" and "roads, highways, railroads and public transportation" as Essential Infrastructure and there is no ban on workers traveling for these functions. Section 13 of the order deems transportation construction as Essential Businesses and Operations that, to the greatest extent possible, should use technology to avoid meeting in person.

The order also exempts hotels and motels from closure (Section 13x), provided they follow social distancing practices and close common areas such as swimming pools, hot tubs and exercise facilities.

Section 14 defines Minimum Basic Operations to include "the minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions, including where these functions are outsourced to other entities."

The Emergency Order will be in effect from 8 a.m. Wednesday, March 25, to 8 a.m. Friday, April 24...

**(3/20/20) –**

WisDOT Monitoring Workforce, Materials Issues

[State] government is taking steps to ensure that Wisconsin's highway and bridge construction program continues to move forward despite the widespread shutdowns due to the COVID-19 outbreak. It's also very important to re-emphasize that communication is critical as both industry and government work through this constantly changing and uncertain environment.

The Wisconsin Department of Transportation (WisDOT) has implemented a Continuity of Operations Plan to manage both its employees and projects being designed and constructed by consulting engineers and contractors. The department is particularly monitoring how the outbreak may impact industry workforce and material supply issues. Few instances have been reported to date, but the department stands willing to jointly assess how they might impact awarded contract schedules and costs. While many WisDOT employees are teleworking, WTBA and department leadership have discussed several times this week the importance of prompt payment and leveraging technology to continue meetings despite the ban on gatherings of more than 10 people....

Please keep an open line of communication with WTBA and with your project contacts at WisDOT as we work together to continue to deliver transportation products and services for Wisconsin.

WisDOT announced yesterday that any Commercial Drivers Licenses that expire during this public health emergency will automatically be extended by 60 days and will not be subject to late fees. The driver record, visible to law enforcement, will show the extension and that the driver license is valid.

WisDOT has also announced that all public involvement meetings and open houses for design and construction projects have been temporarily suspended.

**(3/18/20) –**

“WisDOT: COVID-19 Not Impacting Construction”

In a conference call this afternoon with construction industry organizations, Wisconsin Department of Transportation Secretary Craig Thompson emphasized that the agency is taking all necessary steps to maintain project design and construction operations as the state deals with the impacts of the COVID-19 outbreak.

“We are putting ourselves in a position of continuing to move forward in terms of our design and construction program,” Sec. Thompson said...

Internally, WisDOT is trying to leverage technology as much as possible to reduce face-to-face meetings and many employees are working remotely to the greatest extent possible.

Regardless, the department is committed to keeping the construction program going and promptly paying industry partners.

Here are some key takeaways from this afternoon's call:

- Projects and lettings are proceeding without delay.
- Contractors should be in constant contact with WisDOT staff on issues such as project status, materials and staffing issues, and safety in field construction offices.

- There is no uniform policy on meetings; it is on a case-by-case basis, however, a ban is in place on gatherings that involve more than 10 people.
- WisDOT and industry will conduct regular communication on a weekly basis, or more frequently as needed.
- Ongoing communication is very important...

**(3/18/20)** Further feedback from WTBA...

- WisDOT is activating a Continuity of Operations Plan. The department notes, “WisDOT is committed to delivering road and bridge projects with the help of our skilled contractors. We are focused on resourcing construction projects and working with contractors to ensure safe, productive environments.”
- There are no project interruptions or issues with supply chains.
- WisDOT is trying to strategically limit the number of office workers by allowing some employees to work at home.
- Preconstruction and other meetings will not be face to face and social distancing will be used.
- Individual companies are addressing protocols for their employees and WisDOT will be providing project guidelines for Contractors and Consultants.
- WTBA has asked WisDOT to streamline the execution of contracts to take advantage of low traffic volumes and low impact to businesses due to closures
- WisDOT has asked Contractors to make them aware of any issues that may affect or delay projects. This includes workforce, supply lines, etc.

## Wyoming

**(4/16/20)** – From WYDOT...

For safety measures, officials are urging workers continue to maintain 6 feet of social distancing while working on projects. They are suggesting that WYDOT and contractors have a COVID-19 safety meeting to establish protocols.

Additionally, employees and crews will be asked to clean and sanitize their equipment, stay home if they're sick, use virtual meetings, keep groups to 10 people or less, use outdoor spaces for meetings, only allow necessary employees in work trailers and laboratories if used, minimize the direct hand to hand exchange of contract documents, and stagger breaks.

WYDOT has addressed additional contract issues relating to completion dates if delays due to a coronavirus situation arise. Project engineers and contractors will document any delays or work stoppages. That documentation will be used in determining any time extensions on projects.

**(3/29/20)** – From WYDOT...

“[Gov. Gordon] has established five separate task forces, each led by one of the five statewide elected officials. One of those task forces is the Transportation and Infrastructure Task Force, whose focus is on ensuring conditions are set to the maximum extent possible that the construction season is a success this year. In addition to helping to ensure this year’s STIP is executed, the task force will also help ensure that any federally received stimulus monies are handled appropriately and effectively.”