

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 #14)**

DATE: MARCH 30, 2020 – PM

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, 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.

Current Highlights

- 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). As CISA previously advised ARTBA and other groups, the agency issued revised guidance on Saturday 3/28 (see below).

- There are statewide project shutdowns in Pennsylvania (which has implemented a statewide halt to most business activities generally), Vermont and Washington State. In addition, the leading industry group in Michigan has asked the governor to reclassify construction field activities as “non-essential” and shut them down as part of her stay-at-home order.
- 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.
- There are scattered reports of materials suppliers shutting plants temporarily, but thus far there has been no effect on projects.
- Many state DOTs have put office employees on telework status. Generally, field staff are considered “essential,” which helps enable projects to continue.

Cybersecurity and Infrastructure Security Agency (CISA)

(3/28/20) – CISA issued its revised “Memorandum on Identification of Essential Critical Infrastructure Workers during COVID-19 Response.” The current guidance can be found here: <https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>.

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.

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 revised guidance encompasses 17 categories and has added many new work areas. Among those of interest to ARTBA members...

- **Transportation and Logistics**
 - Workers supporting the... [m]aintenance and operation of essential highway infrastructure, including roads, bridges, and tunnels (e.g., traffic operations centers and moveable bridge operators).
 - Mass transit workers and providing critical transit services and/or performing critical or routine maintenance to mass transit infrastructure or equipment.
 - Workers responsible for... maintaining rail infrastructure and equipment.
 - 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 operation, inspection, and maintenance of essential public works facilities and operations, including bridges,... construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities,... and other emergent issues.
 - Workers who support, such as road and line clearing, to ensure the availability of and access to needed facilities, transportation, energy and communications.
- **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.

Alabama

Alabama Road Builders Association (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

(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 (3/27/20) – 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...”

(3/18/20) – “ADOT is doing everything to keep projects moving. Our governor has made it clear that he wants business as usual... [O]ur members are practicing good social distancing and the guidance by OSHA.”

Arkansas

AGC Arkansas (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

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 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. The Executive Order issued by the Governor can be found at - <https://www.gov.ca.gov/wpcontent/uploads/2020/03/3.19.20-EO-N-33-20-COVID-19-HEALTH-ORDER-03.19.2020-signed.pdf> and accompanying guidance at <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>.

“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

(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

Connecticut Road Builders Association (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 the 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

(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-L9 (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

Florida Transportation Builders' Association (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) - FDOT work continues to progress statewide, with contractors taking COVID-19 precautionary measures. Orange County has imposed a curfew, but FDOT construction projects and personnel (contractors and consultants) are exempt.

(3/17/20) – No reported disruption of projects. FTBA has requested and FDOT is adjusting lane closure restrictions so that contractors can get ahead of their schedule given the downturn in traffic and tourism.

(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

(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.

Georgia Highway Contractors Association (3/16/20) – No reported disruption of projects. 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 (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 (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 is 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 (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.

(3/24/20) – This morning, [KAHC] sent a letter to KYTC Secretary Jim Gray and Senior Advisor Rocky Adkins, asking them to encourage Governor Beshear to classify highway contractors and their suppliers as essential services. The direct messaging we are receiving from KYTC leadership is that they plan to continue to proceed as normal as possible to have highway maintenance and construction performed as well as letting new projects. With that said, we felt it necessary to formally request the governor to exempt our industry since future restrictions could preclude our industry from performing its critical work for the citizens of Kentucky.

(3/23/20) – The association is staying in daily contact with Kentucky Transportation Secretary Jim Gray and his team during the COVID-19 pandemic. At this time, KYTC and the highway construction industry are considered essential services and will be operating as normal while taking all necessary precautions to keep our employees safe and minimize exposure to the corona virus. As previously shared, KYTC [has provided guidance] on how to proceed if you have a project that is being adversely impacted by the COVID-19 pandemic...

There has 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

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.

(3/20/20) – Best wishes to LA DOTD Secretary Shawn Wilson, who has tested positive for Coronavirus and is recovering well.

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

(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 you/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 (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 (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 30th and this will last the entire day.
- Work may resume on Tuesday March 31st.
- 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 30th.
- The MBTA staff will report to the site on March 30th 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."

(3/23/20) – 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.

(3/18/20) From MassDot...

“MassDOT has no intentions of shutting down our capital program or suspending construction anywhere in the Commonwealth.”

(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 (3/30/20) – The chapter indicates they are continuing their dialogue with Gov. Whitmer’s administration regarding their letter (below).

(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

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 informed MITA that based on current orders and directions coming out of the federal government and the Governor’s office related to COVID-19, they do not plan to shut down or delay work on their construction projects or maintenance activities.

Since the COVID-19 situation is continuously changing and very dynamic at both the national and state levels, new orders and/or direction could come out from either government level at any point in time that could change MDOT’s outlook and action as it relates to their current construction projects and maintenance activities.

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

(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 (3/16/20) –

From MDOT...

"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

AGC of Missouri (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

(3/27/20) – From Jake Goettle, Construction Engineer, Highways and Engineering Division, 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

(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

(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 (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)...

(3/21/20) –

CONSTRUCTION TO CONTINUE

Governor Murphy this afternoon announced a stay-at-home order for most NJ residents along with further business closures in the ongoing effort to protect the public against the spread of the COVID-19 virus. As a result of Executive Order 107 all “non-essential” businesses must close and all public gatherings including weddings are banned.

THE NEW RESTRICTIONS DO NOT APPLY TO THE CONSTRUCTION INDUSTRY. At this time construction projects are allowed to continue and construction workers are specifically allowed to drive to and from work. In addition to the language in the executive order, the governor reiterated during the question and answer session that construction has been deemed essential...

UTCA has been working in concert with the Governor's office to ensure our industry can follow health safety guidelines and keep working. In a conversation with CEO Bob Briant Jr., the Governor clarified that construction support services are also allowed to remain open.

(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 (3/30/20) – From Empire State Development (ESD)...

"Construction in support of essential businesses is permissible, but only with appropriate social distancing and cleaning/disinfecting precautions. If those cannot be met, the project should be postponed."

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.

(3/27/20) – At the direction of the Governor, Empire State Development Corporation has issued updated guidance for construction under the Governor's "PAUSE-NY" Executive Orders.

The guidance, which can be found here, reads:

"9. Construction

"All non-essential construction must 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 until it is safe to shut the site).

"Essential construction may continue and includes roads, bridges, transit facilities, utilities, hospitals or health care facilities, affordable housing, and homeless shelters. At every site, if essential or emergency non-essential construction, this includes maintaining social distance, including for purposes of elevators/meals/entry and exit. Sites that cannot maintain distance and safety best practices must close and enforcement will be provided by the state in coordination with the city/local governments. This will include fines of up to \$10,000 per violation.

"For purposes of this section construction work does not include a single worker, who is the sole employee/worker on a job site."

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 (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 (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 designed 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://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 23rd... 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

Association of Oklahoma General Contractors (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

(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

Associated Pennsylvania Constructors (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

(3/27/20) –

Restart Team Document Submitted

[R]epresentatives 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), with input from PACA, PAPA, ACPA, CAEP and CAWP have worked collectively and diligently to develop COVID-19 guidance to safely restart heavy highway construction projects in PA.

This proposed guidance plan has been completed and will soon be submitted to the governor for review. While we are uncertain of any timeframe, we hope it will be considered as early as sometime next week. Also, currently, 13 projects are still posted for letting on April 2. As soon as the letting can be confirmed, information will be posted on ECMS and the APC website. Otherwise, projects will be moved to subsequent letting dates...

(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 –

(3/18/20) – Industry is in dialogue with state officials about possibly restarting projects. A working group is reviewing safety protocols and related issues.

(3/17/20) – 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 Fisette, 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 (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 (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.

(3/22/20) – TDOT is in contact with TRBA to explore an e-ticketing initiative for materials, which would be an added safeguard against COVID-19.

(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 (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

(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

(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 (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) – [VTCA staff had its] Wednesday COVID-19 Update conference call with Commissioner Brich and his Senior staff. The good news is that there is no change in the status or our effort to keep projects working. Some additional good news is that yesterday's advertisement went out as scheduled and today's bid letting was held as scheduled. VDOT and our industry continue to navigate these difficult and quickly changing times and have so far avoided the fate of many other businesses closed by the threat of COVID-19.

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

(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 (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

Wisconsin Transportation Builders Association (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

(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.”