

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 #2)

DATE: MARCH 18, 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 on our March 16 Council of State Executives conference call, as well as direct contacts and news stories. ARTBA's affiliates have, in turn, been in dialogue with their respective state departments of transportation.

We have highlighted the headings for information added 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.

Highlights

- Project shutdowns are relatively isolated and localized, except in Pennsylvania which has implemented a statewide halt. (Note that state officials and industry are in discussions about a possible restart.)
- Projects are moving forward in the vast majority of states, and officials have noted the important economic and employment effects of doing so. Contractors are also implementing COVID-19 safeguards as recommended by the Centers for Disease Control, their respective public health agencies, and others.
- 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.
- Several state DOTs acknowledge their status is subject to change, particularly by order of their governor.

Alabama

Alabama Road Builders Association (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.”

Arizona

Arizona Transportation Builders Association (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.”

California

United Contractors (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."

Connecticut

Connecticut Road Builders Association (3/17/20) – ConnDOT reports it intends to:

- Maintain current business operations.
- Keep construction projects active.

- Limit jobsite meetings to small groups or teleconference.
- Provide designer support to construction projects by working remotely and using Microsoft Teams.
- Reevaluate if/when they encounter any workforce issues with the trades.

Florida

Florida Transportation Builders' Association (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.

The FDOT Office of Construction also released the following on 3/16/20...

Effectively Immediately and until further notice:

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

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

Georgia

Georgia Highway Contractors Association (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.

Illinois

Illinois Road & Transportation Builders Association (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 (3/17/20) –

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.”

Kentucky

Kentucky Association of Highway Contractors (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.”

Maryland

Maryland Transportation Builders & Materials Association –

(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.”

(3/13/20) From the Maryland State Highway Administration...

“Currently, Maryland State Government is operating in “Level II.” Level II is considered business as usual with a focus on minimizing the spread of illness while maintaining State operations, encouraging sick employees to stay home, ease return-to-work documentation requirements to avoid overburdening health care workers, and relaxing telework policies. There should be no impact to normal construction operations in Level II.”

Massachusetts

Construction Industries of Massachusetts –

(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 [Massachusetts Bay Transportation Authority] 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.

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 (3/16/20) – No reported disruption of projects. A planned highway letting on 3/20 is still scheduled to take place.

New Jersey

UTCA of New Jersey –

(3/18/20) UTCA reports that work on projects subject to the localized shutdowns in Bergen and Passaic Counties (referenced below) has been restarted or will be soon.

(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.

“In addition, UTCA has learned of several municipalities and a few Counties that have shut construction projects down. These actions are specifically in violation of the Governor’s Executive Order (see section 12). This morning Bergen County had initially shut down its construction projects but has changed that decision. Passaic County issued a directive to shut down all non-emergency roadwork on County roads. UTCA is in the process of correcting this and we will update you regarding this development.”

“The Governors of New Jersey, New York, and Connecticut have announced coordinated social restrictions in an effort to slow the spread of COVID-19, details are below.”

New York

AGC of New York State (3/16/20) – NYSDOT office staff have been put on telework, but field staff are deemed “essential” and continue to work on projects.

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.

Ohio

Ohio Contractors Association (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.

Pennsylvania

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 Tom Wolf (D) shut down every PennDOT and Turnpike project statewide. All employees of those agencies have been instructed to work from home.

South Carolina

Carolinas AGC (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.”

Tennessee

Tennessee Road Builders Association (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

From TxDOT news release (3/17/20) – “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 Texas Governor Greg 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.”

Virginia

Virginia Transportation Construction Alliance (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.”

West Virginia

Contractors Association of West Virginia (3/16/20) - No reported disruption of projects.

Wisconsin

Wisconsin Transportation Builders Association (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.