

## 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 #7)**

**DATE: MARCH 23, 2020 – PM**

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ARTBA is closely monitoring the status of transportation construction projects across the country in light of the Coronavirus (COVID-19) outbreak. We are consulting with our affiliated chapters and members on a continual basis. Several chapters have shared the status reports they have made to their members, and are allowing us to excerpt them in this document. The information below also reflects reports made through our Council of State Executives, as well as direct contacts and news stories. Some public agencies have provided updates to ARTBA directly. Several reports note 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 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](mailto:rjuliano@artba.org), which we will utilize for the next edition of this report.

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

### **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 of the U.S. Department of Homeland

Security. The current guidance can be found here:

<https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>

- Project shutdowns are relatively isolated and localized, except in Pennsylvania which has implemented a statewide halt to most business activities generally, including construction. (Some construction-related supply and manufacturing operations will be permitted to remain open.)
- Contractors are 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 (3/21/20)** – 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.”

## **Arizona**

### **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 (3/23/20)** - 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.

## **Connecticut**

**Connecticut Road Builders Association (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.

## **Florida**

**Florida Transportation Builders’ Association (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.



## **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 (3/20/20) –**

### **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 (3/23/20)** –

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....

**(3/17/20)** – 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.”

## **Kansas**

**Kansas Contractors Association (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 (3/23/20) -**

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 your/our workers at risk...

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

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

## **Maryland**

**Maryland Transportation Builders & Materials Association (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 (3/23/20)** – 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 [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.

## **Michigan**

**(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.”

## 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 Jersey

### UTCA of New Jersey (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!! They have asked that we (UTCA) get a list of night projects that the industry would like to see moved to day-time operations to them for their review...

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 York

**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.

NYS DOT 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.

## Ohio

### **Ohio Contractors Association (3/22/20) -**

#### Governor Issues Stay-At-Home Order; Transportation Construction is Exempted

Earlier today, in response to the COVID-19 pandemic, Governor DeWine issued a Stay-At-Home order effective 11:59 a.m. Monday, March 23<sup>rd</sup>... Included [in] the Order was a list of activities that are exempted. Section 9 of the order exempts public works construction and specifically names highways and bridges. Following up on the announcement of the Order, we have been in touch with senior ODOT staff and they have affirmed the exemption of highway and bridge construction activities and that ODOT highway construction projects will continue without interruption. Please note that the exemption is for project shut down but certain workplace expectations remain in place. Employers must continue to maintain a working environment that includes enhanced personal hygiene, social distancing, no large group gatherings or more than 10 individuals and other precautions as outlined in the Center of Disease Control guidance. Guidance documents for worksite precautions can be found on the OCA website.

In talking with members who are performing work for local governments and with staff from the County Engineers Association and Mayors Alliance, we understand that many counties and cities are taking their cue from ODOT. However, each locality may take a course of action they believe is prudent for their jurisdiction. Therefore, direct communication with local government project staff is encouraged... Of concern at the local government level is their ability to inspect projects and process resulting project paperwork, including invoices. We recommend you have that discussion with project personnel on projects that remain active so everyone has a clear understanding of how local projects will be administered...

### **(3/16/20) –**

#### “ODOT’s Bidding, Scheduling and Project Delivery To Continue Unchanged”

“OCA has received the following statement from the Ohio Department of Transportation:

*In response to the COVID 19 Virus, ODOT, as well as other state agencies will be transitioning to a teleworking environment. However, the Department remains committed to the timely delivery of the Capital Program. This work is critical to our infrastructure and the citizens of our state. At this time, there are no plans to delay the sale of projects. Prebid questions will be answered as normal. Active projects will remain appropriately staffed with inspection personnel. Clearly this is a fluid situation and as additional information becomes available, we will share it with you.*

“In a telephone conference call OCA staff held with the Director and his immediate staff this morning (March 16, 2020), the current status of ODOT’s project delivery will remain unaltered. Approximately 1,500 ODOT employees are “teleworking” with the remaining

approximately 3,500 employees are reporting for work, most notably construction project management staff and inspectors. Issues that may arise on a project-specific basis will be addressed in accordance with current specifications. Director Marchbanks indicated that ODOT's function to maintain and construct Ohio's highways is deemed "mission critical" to combatting COVID-19 and supporting economic and societal activity during these trying times. As noted above, should future events warrant, the Department will discuss the situation and articulate any changes in plans as may be necessary."

## Oklahoma

**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

**(3/20/20)** – 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**

**(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.

## South Carolina

**Carolinas AGC (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.”

## Tennessee

**Tennessee Road Builders Association (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 (3/24/20)** – 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.”

## **Vermont**

**(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 (3/23/20)** – 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

**(3/20/20)** – 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 (3/23/20)** –

Governor to Issue "Work From Home" Order; At This Time, Construction Workers Exempt

Gov. Tony Evers announced today that he will issue a mandate on Tuesday [3/24] that Wisconsinites stay in their homes in an effort to combat the coronavirus outbreak. Construction is exempt at this time. However, please keep in mind that this is a very fluid situation and WTBA will be communicating updates on an ongoing basis as this situation develops.

**(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.