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

DATE: MARCH 17, 2020 – PM

ARTBA is closely monitoring the status of transportation construction projects across the country in light of the Coronavirus (COVID-19) outbreak. We are consulting with our affiliated chapters and members on a continual basis. Several chapters have shared the status reports they have made to their members, and are allowing us to excerpt them in this document. The information below also reflects reports made on our March 16 Council of State Executives conference call, as well as direct contacts and news stories. ARTBA’s affiliates have, in turn, been in dialogue with their respective state departments of transportation.

Please note this is an initial report – a snapshot – of project status, and we do not yet have information on some states. You are welcome to pass along any items of interest to me at rjuliano@artba.org, which we will utilize for the next edition of this report.

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

Highlights

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

California

United Contractors (3/16/20) – No general guidance from CalTrans yet. Some counties are shutting down projects.

Connecticut

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

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

Florida

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

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

Effectively Immediately and until further notice:

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

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

**Georgia Highway Contractors Association (3/16/20)** – No reported disruption of projects. GHCA is working with GDOT to streamline certain paperwork provisions relating to projects and materials. Doing so would alleviate certain public health concerns.

**Illinois**

**Illinois Road & Transportation Builders Association (3/16/20)** –

“Major Agency Work to Proceed”

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

“IRTBA members are reminded, however, that the situation remains fluid. Industry is also advised that due to the nature of the current situation, enhanced protocols should be employed by individual firms. These include increased hand washing and social distancing, and are further spelled out by the Centers for Disease Control (CDC), the Chicago Department of Public Health, and the Illinois Department of Public Health.

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

**Kentucky**

**Kentucky Association of Highway Contractors (3/16/20)** –

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

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

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

Maryland

Maryland Transportation Builders & Materials Association (3/13/20) -

Comments from the Maryland State Highway Administration...

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

Should we go into more restrictive levels, things will obviously become more complicated. However, we have been told that construction work will continue. That will require a large number of state employees such as inspectors, District staff, and support offices like OOC, OMT, etc. to maintain a state workforce as essential employees. We are preparing for that scenario by identifying key staff and other requirements...

[O]ur contractor community [should] take precautions as necessary similar to what Governor Hogan suggests and what MDOT is implementing – namely the 2 items below:

- If an employee has traveled outside the country or in an area with the virus – self-quarantine for 14 days to ensure there are no symptoms
- If an employee comes to work ill or is feeling ill – stay home

SHA might also look to shrink the size of in-person meetings with only key players or have more conference calls until this passes. [We] prefer in-person meetings and that
supports our partnering goals better. However, we’ll implement some of the guidance for ‘social distancing’ when possible.

We will update you with any developments.

**Massachusetts**

*Construction Industries of Massachusetts (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 Massachusetts Bay Transportation Authority had not shut down projects and intended to allow work to progress. Furthermore both agencies had taken the position that their work will continue to be performed in the city of Boston.

**Mississippi**

*Mississippi Road Builders Association (3/17/20)* – No reported disruption of projects.

**Missouri**

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

**New Jersey**

*UTCA of New Jersey (3/17/20)* –

“Governor Murphy has issued an Executive Order 104 regarding [COVID-19]. Related to the issuance of this order, the New Jersey Department of Transportation has asked UTCA to inform its members that all NJDOT projects are continuing as usual and ALL NIGHT WORK WILL PROCEED AS USUAL!!! There are no travel restrictions affecting project workers and employees pertaining to projects active during the hours between 8pm and 5am.

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

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

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

Ohio

Ohio Contractors Association (3/16/20) –

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

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

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

“In a telephone conference call OCA staff held with the Director and his immediate staff this morning (March 16, 2020), the current status of ODOT’s project delivery will remain unaltered. Approximately 1,500 ODOT employees are “teleworking” with the remaining approximately 3,500 employees are reporting for work, most notably construction project management staff and inspectors. Issues that may arise on a project-specific basis will be addressed in accordance with current specifications. Director Marchbanks indicated that ODOT’s function to maintain and construct Ohio’s highways is deemed “mission critical” to combatting COVID-19 and supporting economic and societal activity during these trying times. As noted above, should future events warrant, the Department will discuss the situation and articulate any changes in plans as may be necessary.”

Pennsylvania

Associated Pennsylvania Constructors (3/17/20) – As of 12:01 am on March 17, Governor Tom Wolf (D) shut down every PennDOT and Turnpike project statewide. All employees of those agencies have been instructed to work from home.

Texas

From TxDOT news release (3/17/20) – “TxDOT is postponing or canceling its in-person public hearings and gatherings through April 3. That date is subject to change. This excludes the Texas Transportation Commission meeting on March 26, 2020, which will be addressed separately. When possible TxDOT will look to offer virtual participation strategies for public input.
“Work on projects to improve our transportation system continues, as does TxDOT’s ongoing work to maintain and operate our state’s transportation system, to include ferry operations…

“In conjunction with Texas Governor Greg Abbott’s disaster declaration related to COVID-19, TxDOT is also requiring its office-based employees to telework beginning March 16.

“Teleworking has been an option for TxDOT office-based employees for several years now, and with this temporary new directive, TxDOT will continue serving the state’s transportation needs. TxDOT’s number one priority is always safety, and the agency is in constant contact with state health and emergency management officials to do its part during this global health situation."

**Virginia**

**Virginia Transportation Construction Alliance (3/17/20) –**

“VDOT has notified district field personnel of the Department’s intentions [to keep projects running and maintain procurement schedules] and have been directed to proceed as usual. At the time of this message there has been no change to that objective. If you are getting instructions on your project to the contrary, please contact [VTCA].

“Some states have decided to shut down construction projects. We are working closely with VDOT to make sure we are doing what we can to avoid a similar fate in Virginia. It is important that we continue to give state officials confidence that keeping projects open does not adversely impact the effort to control the spread of the virus. We have reached out to several members and heard from many others describing practices they have implemented to maintain essential operations while simultaneously mitigating risk to employees. Here are some of those examples:

- Contractors are telling nonessential employees in their corporate and regional offices to telework where possible. Many functions such as project management, bidding, estimating, are anticipated to be able to be performed remotely.
- CDC guidelines are emphasized daily at project field safety meetings.
- Hand sanitizer and disinfecting wipes are being put in equipment.
- Companies have directed more frequent environmental cleaning of office trailers, construction equipment, shared equipment, tools and vehicles.
- Superintendents are counseling employees to stay home if they feel ill or have been exposed to someone known to be infected. Employees are being monitored on the job sites for any symptoms of illness and are being sent home if exhibiting signs of illness.
- Project meetings are being limited or performed remotely (conference calls, web conferencing, etc).
- Companies have placed limits or have eliminated travel, meetings and large gatherings.
- Subcontractors and suppliers are being asked to follow CDC and other common-sense protocols.
“VTCA and its members are taking the impact of the Coronavirus pandemic seriously. VTCA will continue to represent our members' interests with VDOT and our state leadership to ensure that our members' efforts to maintain project progress and protect the health and welfare of their employees is retained.”

West Virginia

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