

**AASHTO SUBCOMMITTEE ON CONSTRUCTION
CONFERENCE CALL
MINUTES
January 20, 2016
11:00 AM EASTERN TIME**

Call-in number: 1-888-585-9008

Conference Room: **809-435-935#**

The conference call started at 11:00 AM EST.

Roll Call – David Hoyne

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| Administration | Malcolm Dougherty – SOC Chair (Caltrans) David Hoyne – SOC Vice-Chair (Vermont AOT) Rob Elliott – SOC Secretary (FHWA, RC C&PM TST) Matthew DiGiovanni – Asst. to Secretary (FHWA-VT) David Unkefer (FHWA, RC C&PM TST) |
| Technology | Greg Mulder – Section Chair (Iowa DOT) Don Greuel (Wisconsin DOT) John Haynes – Section Secretary (FHWA-UT/RC C&PM) |
| Contract Administration | Gary Angles – Section Chair (Ohio DOT) Andy Long (Wyoming DOT) Susan Eiseman (Kansas DOT) Gerald Yakowenko – Section Secretary (FHWA-HQ) |
| Safety, Environment & Workforce Development | Rob Wight – Section Chair (Utah DOT) Jeff Lewis – Section Secretary (FHWA-RC C&PM TST) |
| Roadways & Structures | Marc Mastronardi – Section Chair (Georgia DOT) Kevin Christensen (Montana DOT) John Stayton (Caltrans) Anthony Sarhan – Section Secretary (FHWA-WA) Greg Doyle (FHWA-MA/RC C&PM TST) |
| Research Steering Committee | Charlie Bauer – Committee Chair (Wyoming DOT) Katherine Petros – Committee Secretary (FHWA, HRDI-20) Richard Duval (FHWA, HRDI-20) |
| Host State | Paul Jagoda (Montana DOT) |
| Others | Evan Rothblatt (AASHTO) Keith Platte (AASHTO) Joyce Brenner (AASHTO) Patricia Bush (AASHTO) George Raymond (Oklahoma DOT) Will Nedbalek (Oklahoma DOT) John Leonard (Oklahoma DOT) |

SOC Chair – Malcolm Dougherty (Caltrans)

- Evaluating FAST ACT- 5 year bill, transit up 18%, bridges, highways up 15%, new freight program. Generally good news. Hole in funding filled by one time funding and long term funding problem will still exist after this bill
- Weather is causing issues across the country. Parts of northern California will get 10 inches of rain this week
- TRB was last week and final attendance was 12,500 people. Over 200 committees meet during TRB.
 - TRB Exec committee identified three critical issues: transformational technology, resilience of transportation systems and public health

SOC Secretary – Rob Elliot (FHWA)

- First meeting in new position. Looks forward to working with the group.

SOC Vice Chair – David Hoyne (Vermont)

- Guide Book Update
 - Received proposals from two firms and one was unanimously selected. Working with Amir Hanna and NCHRP group. 12 month window to work with consultants.
- NHI Claims Analysis & Avoidance Course; looking for 2 reps
 - Group is currently comprised of Georgia DOT employee, one person from Federal Lands and a few FHWA members
 - More states are welcome to join the group
- OSHA Rule on Silica Dust
 - AASHTO leadership wanted to know what kind of effect the ruling has on the DOTs and contractors. Cost prohibitive, etc.
 - Rob W. Utah AGC is very concerned that the cost could get into the hundreds of millions. Sees the costs eventually being passed to the owners.
 - Montana is also hearing from AGC. Not completely sure how the impacts will affect the DOT at this point.
 - Gary in Ohio will discuss the issue with their AGC.
 - Reach out to Evan R. with direct comments on this issue.
- Effective staffing for construction agencies
 - David Hoyne submitting a letter of cooperation. Lead will hopefully be announced in the next month.

Implementation of Cargo Preference Act Requirements in the Federal-aid Highway Program (George Raymond & Jerry Yakowenko)

- George Raymond:
 - Does not seem to be a fair mandate. Ruling took 6-7 years.
 - No guidance on how to implement.
 - Seems that FHWA is trying to circumvent own rulemaking.
 - Thinks FHWA should send out draft implementation language for consistency.
- Jerry Yakowenko:
 - FHWA used to have a policy of not implementing these requirements through a 1988 ruling. Denying implementation until 2-3 months ago when MARAD developed own rulemaking. Wants other DOT agencies to comply with their requirements. 12/11/15 memo to division offices that State DOTs must implement these provisions by 02/15/16.
 - Requirements only apply to oceanic shipments that are directly billed to Federal Aid projects.
- MARAD will issue rulemaking. FHWA will start process of revising 1273 and publish notice in Federal Register for comments. Last time 1273 update was performed it took 12-18 months.
- Greg Doyle: Rob Elliott to forward FLDOT draft provisions that appear to be acceptable.
- [FHWA Cargo Preference Website with MARAD Link](#)
- Matt D. will compile various examples for distribution. Please email him (matthew.digiovanni@dot.gov) with any language you wish to share.

Buy America Update from recent US District Court decision (Jerry Yakowenko)

- Jerry:
 - Original Buy America requirements were comprised in 1984 final rule. 2009 ARRA placed increased scrutiny on BA compliance, which led to various levels of BA implementation throughout divisions. 2012 memo was released to provide consistency, guidance on miscellaneous items. Much of the steel industry was not happy with this memo.
 - Eight companies and one union filed grievance in courts in Feb. 2013. Judge issued ruling on Dec. 22, 2015 causing FHWA to remove 2012 memo.
 - This removal rolls back Buy America policy to where it was from 1984-2012. FHWA now evaluating options for response. Possible appeal or rulemaking process.
 - FHWA still discussing pros and cons between options.
 - Anticipates that guidance will not come quickly
- Malcom: we may be going back to more difficult MAP-21 requirements where detailed lists of parts were reviewed and found that many parts were found to not be made in America at all. Worried that this will delay current construction projects.
 - No definition of 90% and no definition of miscellaneous.
- Rob- Utah: Puts states in position to develop own procedures and to define these things themselves. Possibly puts this on Resident Engineers. Very Big Deal.
- Important for AASHTO leadership to meet with FHWA and DOT leadership. Express the urgency of the situation. **Malcolm to discuss at leadership meeting.**
- Division offices will honor any reasonable evaluation of this assessment.
 - FHWA needs to ensure that Buy America is being applied.
- Kevin- Montana: CAT 1 vs CAT 2: added clause that for all other items, documentation will be required upon request.
- States should be working with individual division offices to set ground rules in the interim.
- [Dec 22, 1997 FHWA Memo](#)
- [FHWA Buy America Website](#)

Accelerated Bridge Program (Patricia Bush)

- Patricia is the AASHTO lead for R04
- There have been several project showcases and peer exchanges over the last 1.5 years.
- **Reaching out to see if there is interest in having someone present on ABP at the annual meeting.**
- Interested in construction perspective of the program.
- Early planning sessions in state training sessions. All communication moving through SCOBS.
- **Marc to discuss with Roadway and Structures and get back to Patricia.**

NTEP SOC representative (Evan Rothblatt)

- Darby Clayton (West Virginia) will be the liaison and will go to the meeting in May in Grand Rapids
- Will look for opportunities for the SOC to interface with AASHTO
- Position includes quarterly calls with maintenance, construction, materials, etc.
- Ideally, Darby would present at the SOC annual meeting for 15 minutes.

Section Reports

A. Technology – Greg Mulder (Iowa)

- First conference call yesterday (01/19/16)
- New section name being considered: Integrated Construction Technologies
- Surveys to be sent: e-construction, hardware and costs
- Seven possible presentations are being reviewed
 - Presentation on drones is being considered
- **Will contract administration group have any presentations on labor and civil rights software?**

B. Contract Administration – Gary Angles (Ohio)

- Meeting tomorrow.
- Ten presentations currently being reviewed
- Brenda posted her clauses on contract completion dates.
- Performance bonds and warranty bonds will be sent out. Survey.
- Scheduling practices.

C. Safety, Environment and Workforce Development – Rob Wight (Utah)

- Met last week (lower meeting attendance because of TRB)
- Presentations: WZ Safety, variable speed limits in WZs, AWARE update from Little Rock.
- Research project submitted: Constructability input throughout NEPA process.
- Domestic scan tour reviewing training and best practices for training inspection staff needs NASTO representation.
- Programmatic agreements that protect environment and cost effectively get project finished.
- Recycling and reuse of materials is being discussed.

D. Roadways and Structures – Marc Mastronardi (Georgia)

- 3 surveys being prepared: Risk based inspection, MASH 08 adoption, riding surfaces
- Guide spec work “on deck”
- Presentations: roughly ten presentations being reviewed.
 - ADA improvements triggered by resurfacing projects a large topic

E. Research Steering Committee – Charlie Bauer (Wyoming)

- Not present for meeting.

Discuss Plans for the 2016 Annual Meeting- Kevin Christensen (Montana)

- Site visit is planned for March. This includes review of facilities and food tasting.
- Many sponsors now on board.
- Event planner got in touch with Evan on premier sponsors.
- Website is currently being developed and is expected to be live by the end of February.
- Getting ready to set registration fees. **Kevin to discuss budget/fees with David H.**
- Montana received the seed money from Arkansas

Other Business

- EVAN: Steven Albert from Montana State University has requested to be in attendance for discussion on current and future transportation workforce development. Rob W. to review and discuss with section.
- EVAN: Discussed CIM- Civil Integrated Management- want feedback from members of status of CIM. Need details for all aspects. Construction, design, asset management, etc. **TO BE ADDED TO NEXT CONFERENCE CALL AGENDA.**
- **Greg Doyle: Reminder to review draft final minutes. Corrections should be sent to Greg by 01/29/16.**

Call ended at 12:02 AM EST

The next conference call is on **February 17, 2016 at 11:00AM EST.**