



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

August 18, 2022

MEMO TO: Adam Tipton, B.J. Lanier, Brandon Hill, Brian Webb, Bruce Hazle, Christopher Conerly, Dave Tolley, Brian Evans, Glenn Pratt, Greg Tucker, Chas Hummel, Ian Scott, Jeff Allen, Jeff Saunders, Josh Campbell, Justin Hill, Kerry Kennedy, Kevin Thomas, Mark Nye, Michael Alford, Randy Garris, Aaron Evans, Shannon Douglas, Kerry Kennedy, Ron Davenport, Boyd Tharrington, Wiley Jones, Brian Skeens, Michelle Gaddy, John Pilipchuk, David Harris, Todd Whittington, Chris Martin, Steve Primm, Victor Barbour

FROM: R.E. Davenport, Jr., PE
State Contract Officer

SUBJECT: DOT-AGC Roadway Subcommittee Meeting Minutes from August 18, 2022

The AGC Roadway Subcommittee met in the Riverwood Conference Room at NCDOT Century Center on August 18, 2022, at 10am. Microsoft Teams was available for virtual attendance. The following Items were discussed:

Erosion Control Design & Storm Intensity (AGC)

Some Erosion Control blowouts have been occurring due to storm intensity. These blowouts may lead to shutdown of entire job until the EC can be brought back up to compliance. This can take up to two weeks or more. This raises questions as to the adequacy of EC design criteria (or should criteria be updated) and can other independent construction operations (like pavement) continue while EC is restored.

Current EC design is according to DEQ standards. There are currently no anticipated changes to DEQ standards. NCDOT does not want to design basins bigger than what is needed so there is a balance of risk. Large projects can be very challenging. In some cases, there is not enough ROW to be able to access the area quickly. Carrying silt up a 40-80 foot slope is not a fast process. Unfortunately, due to costs, it is not likely that additional EC related ROW will be considered. Also, slopes will be wet and may be heavily damaged with putting equipment on it immediately after event.

Main goal of project shutdown is to have all-hands on deck from contractor to bring EC back into compliance. This should be a last resort. Consideration of this should be handled on a project-by-project basis as to whether paving, pipe laying, etc can continue while EC is being restored. We need to stay in compliance with permit.

NCDOT will follow up with ACEs to ensure appropriate communication and consideration is given to EC blowout needs and if project shutdown is warranted.

Also, DEQ has new staff (turnover) interpreting old requirements which can lead to inconsistency.

Work Zone Traffic Control – Paving Operations (AGC)

The spec that deals with paving, milling, and resurfacing seems contradictory to some and is being interpreted differently in the field. This is leading to confusion. The intent of the spec is to minimize the situations of pavement drop-off / uneven pavement. There is a significant difference between paving and milling to motorcycles. Grooved pavement/loose gravel combined with an elevation difference is a safety hazard to cyclists.

If a milled surface remains unfilled longer than 24 hours, signs should go out. Hopefully, single lane millings are filled by end of day. NCDOT views Bullet 7 as a contingency

Consideration from NCDOT should be given to modifying Bullet 7 to clarify it is only for situations where unexpected circumstances (rain) hinder plans to bring pavement back up to level with 72 hours.

RR Crossings on Resurfacing (AGC)

When planned work does not directly impact railroad tracks or railroad row, is there a need for getting railroad insurance? Some are being directed by (possible younger) REs to do this even if no work is planned within Railroad ROW. This could be an experience issue. It is incredibly difficult to get insurance with Railroads.

There is a recent revision addressing DOT work within the Railroad ROW. But this is not what is questioned here .. it is only the scenario where paving goes up to but, stops short of Railroad ROW. There may need to a truck that has to be within the row for a brief period.

Consideration from NCDOT should be given to clarification of spec for scenarios where no paving inside ROW.

Maintenance of Guardrail/Guiderail (AGC)

If guardrail/guiderail is damaged (by public) while contractor is working on project, then it is responsibility of contractor on project (Provision 104-7) to repair. In situations regarding Guiderail only, and on typical resurfacing projects where the contractor is not touching guiderail, this should not be an issue. This issue could also be related to experience of REs.

Full Depth Reclamation Tacking & Prime (AGC)

What is the intent behind tacking FDR when we don't tack ABC. Was resolved in division 2 by braid it, sweep it, prime it, roll it, tack it.

FDR done differently in different divisions. Provision calls for need to have bonding layer in between. Why tack? Note shown in Typical calls for it. Asphalt curing seal placed after. Also, may depend upon how soon after you are paving.

Moving forward, need to have some provision for curing seal. Good to have rate provided by NCDOT in advance.

No clear anticipation of ramping up FDR but Geotechnical would like to do more. FDR has benefits because it solves the underlying problems whereas putting on blacktop does not.

Decision Making Consistency (AGC)

A recurring theme in the industry is worker turnover. There are lot of folks that are new on both NCDOT and Contractor side. It is important that newer folks on both sides understand that the goal at the end of the day is to finish the project and contractor make a profit and all are proud of what was built. The Mission of Construction Unit is consistency across divisions.

Central Letting now has a Division liaison which has been in place for a year or so. The goal to ensure provisions are consistent across the Divisions. One long term goal of goal of NCDOT is to establish a Resident Engineers Academy (for training). Also, RE Workshops are coming up in early 2023. This will be a great venue for communication and training. The main takeaway is that both NCDOT and Contractors should be creative about improving communication across the aisle.

CMS Password Protection (NCDOT)

Every now and then the message boards get hacked and embarrassing messages get published. Need to ensure the boxes are locked and passwords changed from the default and periodically updated. More of a challenge with rental units. Current NCDOT specification calls for a lock-able box but ironically doesn't say to lock it. Obviously, the intent is to lock it.

NCDOT to consider clarification/updating the language.

Material Escalation (NCDOT)

Effort is underway and claims are rolling in. The Construction Unit has received maybe 30 or so claims they are working through. They expect more over the next several weeks. They are waiting for the full 60 days, validating, and tallying them all up, and then will see where the money stands at that point. They may need to prorate the money depending on total of claims received. Please don't wait till last day (which is Sept 10) to submit. Claims after that date will not be accepted.

What happens if you have materials that you anticipate buying but have not done so yet? The spreadsheet has a provision for this.

Steel Price Index on Division Projects (NCDOT)

SP Index option will go live for Division Let projects starting with the September let. Steel prices are slowly dropping so interest in this option may dwindle. Some small modifications to SPA-1 have been incorporated. Consideration should be given to webinar training to ensure contractors (subs and primes) are filling the form out correctly. This potential training may be even more important as SP Index option moves into Division Lettings. SP index option is still only limited to Project types of 12 months or greater duration. This does not include resurfacing. Also, projects that have escalation measures already (such as on calls) are not eligible. NCDOT will administer this adjustment by hand for now but the long-term plan is to automate within HiCAMS.

Fuel Adjustment Committee Update (NCDOT)

The Workgroup met on July 11. Questions arose as to how the Special Provision (11 or so line items for field adjustments) are being applied. Several extra line items were requested for consideration by the Workgroup (ultra-thin bonded wearing coarse, erosion control, rip rap class II, etc). Milling is being considered via an upcoming meeting with CAPA. Having Discussions. Also, there was some conversation surround an Opt in/Opt out at the line-item level. NCDOT is still pondering this option.

Buy America Update (NCDOT)

BIL / IJA was written into law last year. With that came the new provisions for Build America/ Buy America. Many things have been ironed out but much is still unknown. Trying to differentiate between manufactured products (current waivers available) and new definition of construction materials. All this looks to increase the buy America requirements for materials beyond Steel. While this sounds good, it is very clear that some materials (aluminum, zinc) are not readily available in US.

When the law went into effect, there was a period for comment that was initiated last November and ran through May of this year. Based upon feedback received, a temporary waiver was put in place but will expire soon ... does not apply to existing steel/iron manufactured products. The uncertainty surrounds the definition of what a construction material is. Broad categories such as non-ferrous metals, plastics and polymers, glass, lumber, and drywall have been put forth by the new Buy America office as materials that may fall under restriction. November 10th is the date when the restrictions will be in effect. NCDOT Materials and Test developed a construction materials list based upon the limited information to this point. NCDOT plans to implement this list by November 10th unless a continuation of the temporary waiver is realized. Of note, AASHTO has requested a continuation of the waiver up to 24 months. Also, AASHTO has requested feedback from stakeholders.

Victor will solicit comments related to BIL from Contractors to provide feedback to AGC. The Buy America impacts could also extend onto a State Project due to it being part of a Corridor that falls under the Buy America restriction. So, this can get tricky.

Updates to Standard Drawings/ Standard Specs

Nicole Hackler – State Plans/Standards Engineer – is leading effort to revise the Standard Drawings. She is coordinating with Division representatives to ensure review and revisions are moving along. She has received feedback from Contractors and will consider feedback on recurring theme issues. The Review period will begin March 2023 and will last 30 days. This will be the formal opportunity to review and make comments.

Lisa Penney - State Specifications Engineer – is leading the effort to update the Specifications which began in 2021. Each Division of the Standard Specifications will have a change tracked file for comment and a supporting document with a summary of changes for review. All AGC/CAPA distribution lists will be provided access to the SharePoint Teams site to add their comments.

AGC and CAPA leadership representatives will review the document prior to NCDOT review of comments, providing any clarifying comments.

2022 Meeting Dates

October 20

December 15