



March 18, 2020

Mr. Hari Kalla
Associate Administrator for Infrastructure
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Hari,

The National Asphalt Pavement Association (NAPA) is requesting that the Federal Highway Administration (FHWA), the State Highway Agencies (SHAs), and the asphalt pavement industry work together to address the challenges which may be facing our agencies, companies, projects, and employees due to the recent Coronavirus (COVID-19) pandemic. It's our understanding that most SHAs are proceeding with construction projects while encouraging precautions among workers and some SHAs have deemed road construction an essential activity. NAPA agrees that roadway construction is an essential operation and our highway infrastructure is critical, especially for our nation's response to this crisis. FHWA should define highway construction as an essential operation as well to provide guidance to states who are unsure regarding the path forward. Our industry is prepared to continue working and even accelerate work where necessary and applicable. Some states are even using this time when traffic has been reduced to complete additional work during the day when heavy traffic volumes have prevented this method of construction in the past.

Based on feedback from our member companies and the State Asphalt Pavement Associations, we are requesting the following considerations:

1. The Code of Federal Regulation (CFR) requires hands-on training for all certified technicians. The requirements for a Quality Assurance Program are defined in 23 CFR 637b Sections 205, 207, and 209 and Section 209 Paragraph 3d specifically details the requirements for technicians in this program. Considering the guidance from the Executive Branch and the Center for Disease Control (CDC) to limit gatherings of people, SHAs are or are considering discontinuing in-person training and certification programs this month. NAPA encourages FHWA to provide guidance to SHAs allowing flexibility regarding certifications which may include allowing certification extensions until training is available again and/or using independent assurance as a method to validate technician competency while completing project work.

2. NAPA also requests FHWA encourage SHAs to consider waiving contract days for projects taking place during and shortly after this pandemic. Just like FHWA and SHAs, NAPA members value the health and safety of their employees. During this pandemic, we are all dealing with workforce challenges and the need to be flexible related to government mandates and recommendations, schools being closed, possible exposure/illness, and possible quarantines. While we're not aware of any equipment or materials supply chain issues at this time, we could be dealing with supply issues soon. We do understand that some SHAs have policies and contract provisions to account for just these issues; however, we are requesting FHWA work with SHAs who do not have such language to allow flexibility regarding contract schedules in this unprecedented time. While we hope that this concern over schedules and deadlines do not come to fruition, COVID-19 has taught us that we need to be prepared for anything.

We ask that you get this letter to the appropriate FHWA officials if these considerations fall outside of your purview or let us know who best to contact.

We look forward to working with you and assisting during this challenging time and always. If you should have any questions or concerns, please do not hesitate to contact Richard Willis at (301) 731-4748 or by email at RWillis@asphaltpavement.org.

Sincerely,



Audrey Copeland, PhD, PE
President & CEO



J. Richard Willis, PhD
Vice President for Engineering, Research, & Technology

Cc: Brian Fouch, FHWA, Office of Preconstruction, Construction, and Pavements, Director
LaToya Johnson, FHWA, Pavement Design & Performance Team Leader
Jay Winford, NAPA, Chairman
Larry Patrick, State Asphalt Pavement Association, Chair