# MUNICIPAL ADVISORY COMMITTEE MEETING

KEYSTONE BUILDING 8N1 AND MICROSOFT TEAMS ·· NOVEMBER 3, 2022



# AGENDA

<ul> <li>Welcome – Deputy Secretary Larry Shifflet</li> <li>Updates</li> </ul>	1:00-1:15 1:15-2:00
<ul> <li>Municipal Association Updates</li> </ul>	
<ul> <li>Pennsylvania State Association of Township Supervisors</li> </ul>	
<ul> <li>Pennsylvania State Association of Boroughs</li> </ul>	
<ul> <li>Pennsylvania Municipal League</li> </ul>	
<ul> <li>Pennsylvania State Association of Township Commissioners</li> </ul>	
<ul> <li>County Commissioners Association of Pennsylvania</li> </ul>	
<ul> <li>Federal Highway Administration – Veronica Feliciano/Yathi Yatheepan</li> </ul>	
<ul> <li>Municipal Research and Outreach – Chris Metka</li> </ul>	
<ul> <li>Financial and Contract Services – Kristen Sims</li> </ul>	
<ul> <li>PennDOT Bike/Ped Coordinator Introduction – Trish Meek</li> </ul>	
<ul> <li>Break – 5 Minutes</li> </ul>	2:00-2:05
Presentations	
<ul> <li>Outdoor Advertising Control/Traffic Engineering Training – Jason Bewley</li> </ul>	2:05-2:20
<ul> <li>E-Ticketing – Kelly Barber</li> </ul>	2:20-2:35
<ul> <li>Office of Transformational Technology – Kevin Tobias</li> </ul>	2:35-2:50
<ul> <li>NEVI Implementation and "PA Fights Dirty" Litter Update – Shane Rice</li> </ul>	2:50-3:05
Build America, Buy America – Jeff Bucher	3:05-3:20
<ul> <li>Next Meeting/Adjournment – Chris Metka</li> </ul>	3:20



# WELCOME

DEPUTY SECRETARY FOR PLANNING - LARRY SHIFFLET ·· NOVEMBER 3, 2022



# **MUNICIPAL ASSOCIATION UPDATES**

- Pennsylvania State Association of Township Supervisors
- Pennsylvania State Association of Boroughs
- Pennsylvania Municipal League
- Pennsylvania State Association of Township Commissioners
- County Commissioners Association of Pennsylvania



# FHWA UPDATE

VERONICA FELICIANO/YATHI YATHEEPAN ·· NOVEMBER 3, 2022



# MUNICIPAL RESEARCH AND OUTREACH

CHRIS METKA ··· NOVEMBER 3, 2022



## **MUNICIPAL RESEARCH AND OUTREACH**

- PennDOT Connects Municipal Outreach
  - Spring 2023 Outreach
  - Other resources continually updated and expanded at <u>https://www.penndot.pa.gov/ProjectAndPrograms/Planning</u> /Pages/PennDOT-Connects.aspx
    - Newsletters
    - Drop-Ins
    - Recorded Online Training
    - Tech Sheets
    - Municipal Outreach Sessions Recordings

DOT > Projects & Programs > Planning > PennDOT Connects		
PennDOT Connects		Resources
The Pennsylvania Department of Transportation is committed to transportation system and our communities through collaborativ must find creative solutions to sustain and expand mobility throu commorwealth. This means improving our planning process to demographics and technological innovation. We are troadening deliver and taking a more holitic approach to planning. We are ta staff and our planning partners to consider community needs at the planning process to ensure the best allocation of our resource connects will make our planning processes more efficient and co the benefits of all Pennsylvanians. The full <u>PennDOT Connects Fall</u> includes collaboration requirements and planning considerations implementation timeline and more. <u>Penal a welcome message from PennDOT Secretary Yassmin Gran</u>	e planning. We ghout the effect changing the benefits we asking PennDOT the beginning of is. PennDOT st-effective to $g_X(PDF)$ , as well as the	PennEDIT.connects Imolementation.Record (PDF) PennEDIT.connects District Planners PennEDIT.connects Video Testimonials PennEDIT.connects.Filer (PDF) PennEDIT.connects.Workshoo Summary (PDF) Municipal Resources
	Expand All	Transportation and Land Use Planning — Training and Assistance     Online Training     Tech Sheets
Newsletters	~	<u>Newsletters</u>
Drop-Ins and Webinars	~	Request Municipal
Online Training	*	Assistance or Training 🗗
Tech Sheets	*	Municipalities may request assistance or training on
2022 Municipal Outreach Sessions	~	transportation and land use planning topics.
Best Practices	~	Subscribe to PennDOT
News	~	



## **MUNICIPAL RESEARCH AND OUTREACH**

#### • LTAP

- New Classes Spring 2023
  - Stormwater Control Measures (new)
  - Stormwater Control Measures Operation and Maintenance (new)
  - Traffic Signal Basics (new)
  - Equipment and Worker Safety (major update)
  - Winter Maintenance 201 (new)
- Drop-Ins
  - Approved Products for Local Roads (November 3<sup>rd</sup>)
  - Disaster Recovery (October 6<sup>th</sup>)
  - Residential Streets Sidewalk Design and Maintenance (September 1<sup>st</sup>)





## **MUNICIPAL RESEARCH AND OUTREACH**

• Pitt Work Order #23

Tactical Urbanism/ Demonstration Projects

- Halfway through 12-month work order
- Looking for municipalities with experience
  - Demonstration Projects /Traffic Calming
    - Try before you buy
    - Paint and post
  - Regular closures on state or local roads
    - In-street dining
    - Parades
    - Free speech events









# FINANCIAL AND CONTRACT SERVICES DIVISION UPDATE

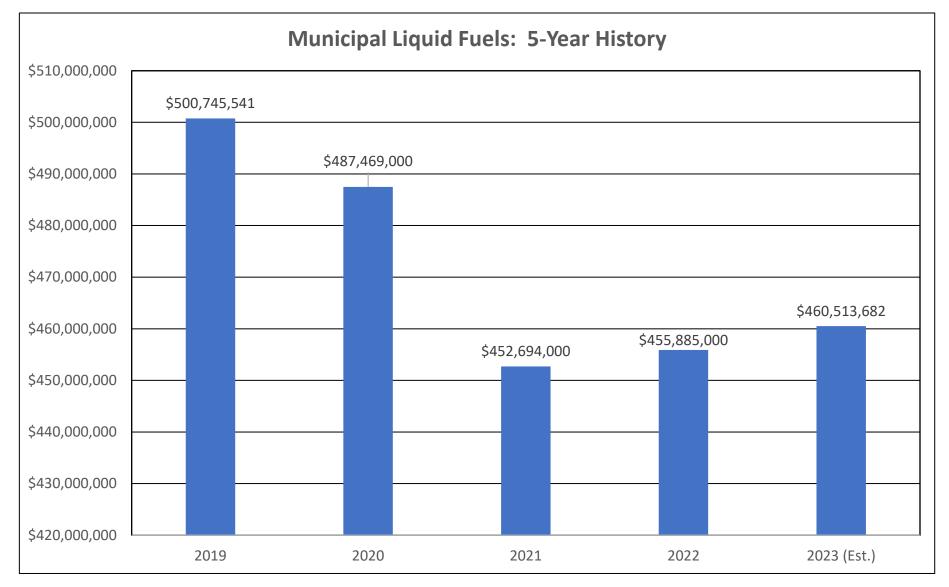
KRISTEN SIMS ··· NOVEMBER 3, 2022



## **2022 MLF ALLOCATION**

- 2022 MLF allocation \$455,885,000
  - 2021 MLF allocation \$452,694,000
  - \$3,191,000 (0.7%) increase
- As of November 1, 2022 \$450,614,067.82 released to 2,514 municipalities
  - · Payments released as municipalities become certified

## **MLF ALLOCATION HISTORY**





## **PRIOR MLF ALLOCATIONS**

- 2021 MLF allocation 7 municipalities are not yet certified to receive their allocation
  - An additional 4 still have a CRP block
- 2020 MLF allocation Three municipalities did not receive their allocation
  - 2 never certified, 1 for CRP block
  - Lapsed June 30, 2022

## **DECEMBER 2022 PAYMENTS**

- The following payments will made on December 1, 2022
  - State Police Fines and Penalties to eligible municipalities \$3,395,831 (\$2,964,208 to municipalities, \$431,623 to PSP for cadet classes)
  - County Liquid Fuels Tax Fund to all counties \$13,706,490
  - Act 44 to eligible counties (61) \$5,000,000
  - Act 89 to eligible counties (61) \$4,816,500
  - \$5 Fee for Local Use to counties who have passed the required ordinance (26)
     \$19,450,230

## FHWA FORM 536

- Notification of form was sent July 27, 2022
- Second notice was sent August 24, 2022
- Due date for the form was September 15, 2022
- 1,374 (52.3%) municipalities and counties submitted the form
  - 1,380 (52.5%) submitted the form when collected in 2021
- Final compiled form was submitted to FHWA on October 12, 2022

## FHWA FORM 536 RESPONSES

	2022	2021
1 <sup>st</sup> Class Townships	48	49
2 <sup>nd</sup> Class Townships	839	831
Cities	24	19
Boroughs	431	447
Town	1	1
Counties	31	33
Total	1,374	1,380



## PAYMENT UPDATE

- All payments must be electronic soon
  - Municipalities and counties will be required to set up accounts for direct deposits soon
  - No specific date has been given

# Questions?



# PENNDOT BIKE/PED COORDINATOR

TRISH MEEK·· NOVEMBER 3, 2022



# **5 MINUTE BREAK**



# PRESENTATIONS

- Outdoor Advertising Control, Traffic Engineering Training Jason Bewley
- E-Ticketing Kelly Barber
- Office of Transformational Technology Kevin Tobias
- NEVI Implementation and "PA Fights Dirty" Litter Update Shane Rice
- Build America, Buy America Jeff Bucher

# BANNERS AND CIVIC DISPLAYS

### PUB. 46 CHAPTER 2.10 UPDATE

#### MUNICIPAL ADVISORY COMMITTEE NOVEMBER 2022



JASON BEWLEY, P.E.



#### Old Policy – Banners Only

#### New Policy – Banners & Civic Displays







# THEN AND NOW

### **OLD POLICY**

### **NEW POLICY**

#### Pros:

- Flexible
- Quick
- Ad-friendly

#### Pros:

- Flexible
- Consistent
- Local-friendly

#### Cons:

- Inconsistent
- Confusing
- Vs. illegal sign initiative

#### Cons:

- New form
- No advertising



## **KEY CHANGES**

#### For Both Banners and Civic Displays

- PE certification for structure-mounts
- No advertising

#### For Civic Displays

- Five-year limit on installation
- Annual inspection by locals
- Adds provisions for:
  - Decorations, flags, military recognition, civic mottos
  - Area-of-Significance: "...distinct geographic boundaries approved by municipal resolution or official map; for example, village, college/university campus property, commercial district, or historic district."



## STATUS

#### BANNERS AND CIVIC DISPLAYS POLICY

>Pub. 46, Chapter 2.10 in standard update process

Statewide work group convened in 2022

CT Step 1 External Comment period closed

≻87 comments, no fatal flaws

Step 2 CT planned for November

➢Forms development planned Winter 2022-23

Strike-off-Letter planned Spring 2023



# TRAFFIC ENGINEERING TRAINING

#### MUNICIPAL ADVISORY COMMITTEE NOVEMBER 2022



JASON BEWLEY, P.E.

## ADMINISTRATION

### **STEERING COMMITTEE**

HSTO Staff, Training Coordinator and One District Traffic Engineer

### **SUBCOMMITTEES (10)**

Engineering

Signing & Pavement Markings

Highway Occupancy Permits (HOP)

Special Hauling

**Highway Safety** 

Signals and Intelligent Transportation Systems (ITS)

Transportation Systems Management and Operations (TSMO)

Work Zone

Traffic Management Centers (TMC)

Systems Engineering



## APPROACH

- ✓ Redevelop subcommittees
- ✓ Review existing trainings
  - ✓ E.g. PennDOT, NHI, LTAP
- Delete/discontinue obsolete trainings
- Determine future training needs
  - Beginner, Intermediate, Advanced
- Recommend new or improved course development
- Offer pilot courses to internal staff
- Offer courses to external staff





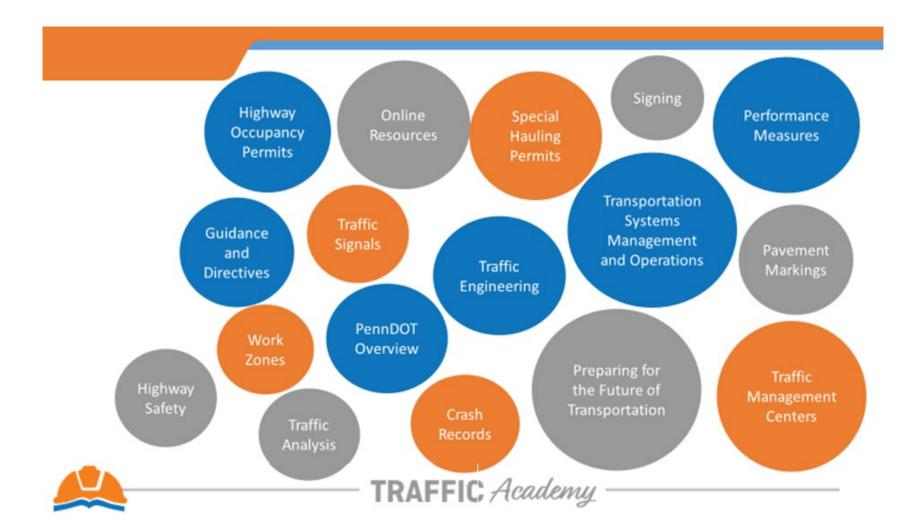
## EARLY ACTION



- ➢ 5-day course, classroom and facility tours
- ➤ 101-level instruction
- Taught by 16 PennDOT subject matter experts
- Four academies are complete
- 110 PennDOT trained-to-date
- Next academy (abbreviated) @ TESC Workshop
  - Open to non-PennDOT staff
- ➢ Next full academy in 2023



### **TRAFFIC ACADEMY TOPICS**



# **E-TICKETING**

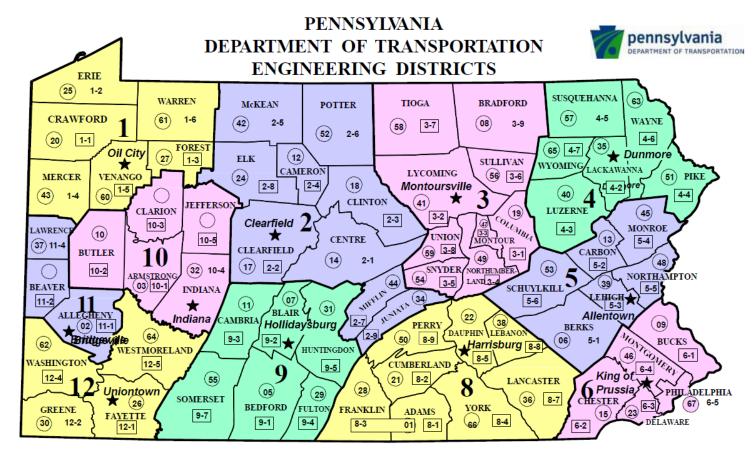
KELLY BARBER ·· NOVEMBER 3, 2022



### **PennDOT e-Construction Initiative**

### Electronic Ticketing Implementation

John Myler Kelly Barber, P.E.









### **Specification Teams**

Includes All Parties from Producers to Inspectors

- Split into Three Teams
  - Specification Team
  - IT Team
  - Hauling Team





### PennDOT's e-Ticketing Workgroup

#### **pennsylvania** DEPARTMENT OF TRANSPORTATION







Pennsylvania Aggregates and Concrete Association





Pennsylvania Motor Truck Association



ACPA/PA AMERICAN CONCRETE PAVEMENT ASSOCIATION PENNSYLVANIA CHAPTER







### e-Ticketing Planning and Procurement

- Construction Specification includes asphalt, concrete and aggregate
- Maintenance Material requirements for five materials
  - Asphalt, liquid asphalt, concrete, aggregate and salt
- Addresses limited or no service on construction site





## Specification

II. MATERIAL - The electronic ticketing system must be fully integrated with the load read-out system at the plant. The system software and hardware must prevent alteration of the data inputs from the scales. For acceptance on a project, the electronic ticket must contain the following information:

#### a. Aggregate

- ECMS Number or Purchase Order Number
- Plant Supplier Code
- Material Type/Class/Number
- Date and Time Ticketed
- Unique Truck ID
- Mass (Weight), Gross, Tare, Net
- Name and license number of Licensed Public Weighmaster •
- Running Daily Total in Tons of material being transported

#### b. Concrete

- ECMS Number or Purchase Order Number
- Plant Supplier Code
- Class of concrete
- JMF number
- Date and Time Ticketed
- Unique Truck ID
- Net Cubic Yards of concrete being transported
- Indicate total yards shipped to total yards ordered

#### c. Asphalt

- ECMS Number or Purchase Order Number
- Plant Supplier Code
- Material Type/Class/Number
- JMF Number
- Date and Time Ticketed
- Unique Truck ID
- Mass (Weight), Gross, Tare, Net
- Running Daily Total in Tons of material being transported
- Name and license number of Licensed Public Weighmaster





### **Bid Item for "Electronic Ticketing System"**

- Allowed suppliers to recoup costs
- **Numerous e-Ticketing Vendors**
- Web Portals
- Apps
- Potential Confusion for Inspection Team







- IT Unit developed software to accept vendor supplied tickets.
- API developed to allow for this connection.
- Data will be stored in our material system, eCAMMS
- PennDOT e-Ticketing App went live on July 1<sup>st</sup>, 2021:Third party successfully pushed first asphalt ticket.

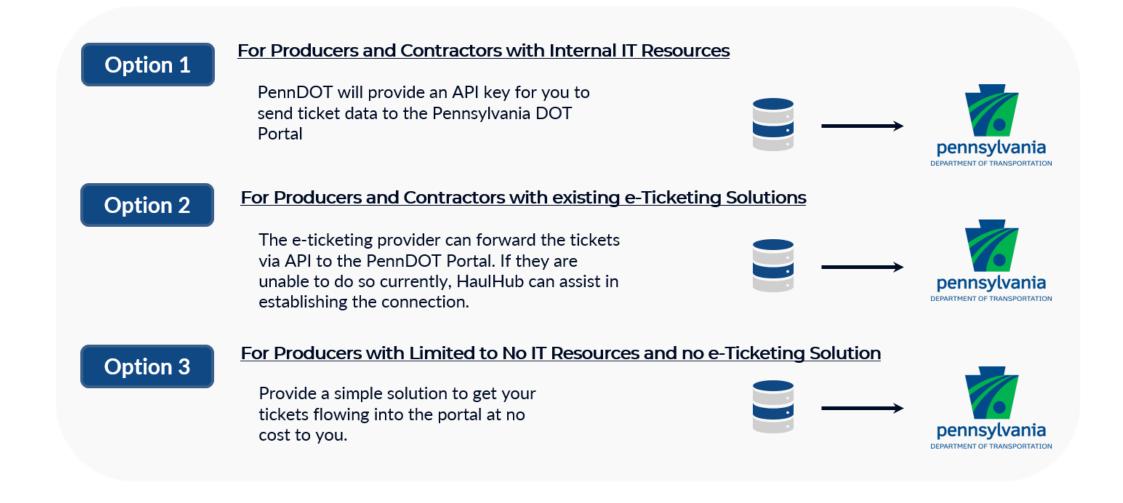




### **PennDOT Portal Connections**

pennsvlvania

PARTMENT OF TRANSPORTATION







- App is available via Apple App Store
- Department and Consultant Inspectors
   have access
- App will be piloted, analyzed and updated as needed.





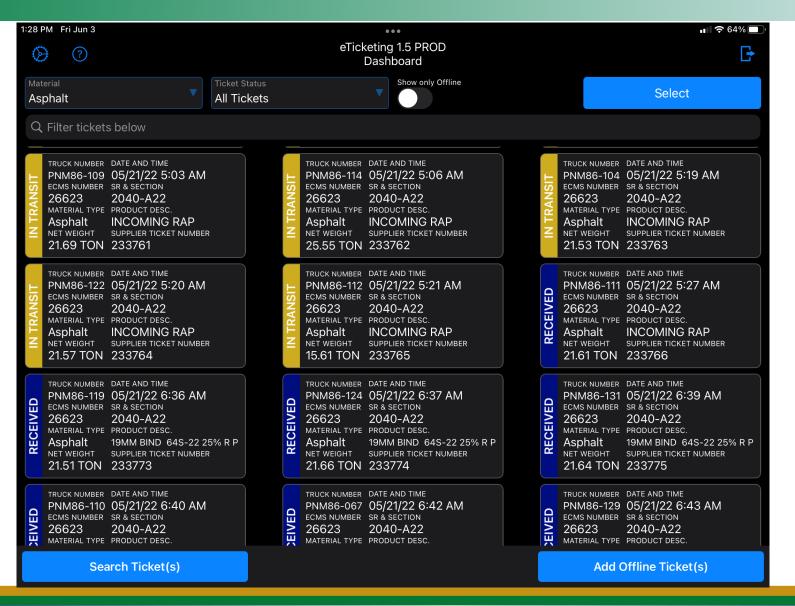
8:28 AM Mon May 23			•••		ati C	re 90% 🔲,		
Close	lose eTicketing 1.5 PROD Search							
ECMS Project # 26623			Material     Asphalt					
From Date 05/16/22			To Date 05/23/22					
Status			Votify w	Notify when new tickets are available				
	Clear Search							
Q Filter tickets b	у							
Status 📥	Date/Time 📥	Truck # 📥	Material 📥	Prod. Desc 📥	Supplier Code	<b>▲</b> ▼		
⊘ In Transit	05/20/22 08:48 PM	PNM84-107	Asphalt	INCOMING RAP	LIN02A41			
🔵 In Transit	05/20/22 09:00 PM	PNM84-128	Asphalt	INCOMING RAP	LIN02A41	í		
🔵 In Transit	05/20/22 09:02 PM	PNM86-112	Asphalt	INCOMING RAP	LIN02A41			
🔵 In Transit	05/20/22 09:10 PM	PNM86-104	Asphalt	INCOMING RAP	LIN02A41	i		
🔵 In Transit	05/20/22 09:11 PM	PNM84-115	Asphalt	INCOMING RAP	LIN02A41			
🔵 In Transit	05/20/22 09:22 PM	PNM86-111	Asphalt	INCOMING RAP	LIN02A41	í		
Select All		0 Ticke	t Selected		Add to Das	hboard		





pennsvlvania

DEPARTMENT OF TRANSPORTATION



3:23 PM Fri Jun 3			<b>ul 🗢 60% </b>
Cashboard	eTicketin Ticke	g 1.5 PROD et Detail	
date and time 05/24/22 1:24 PM	ecms number 113415	state route 30	truck number PNM86-104
district 11	COUNTY Allegheny	section A38	internal ticket id 14629
SUPPLIER NAME Lindy Paving, Inc.	SUPPLIER CODE LIN02A41	SUPPLIER LOCATION 2340 2nd Avenue,PA-15219	PLANT TICKET ID 234585
PRODUCT DESCRIPTION	NUMBER OF TRUCK AXLES	OVERWEIGHT TRUCK INDICATOR	
MATERIAL TYPE Asphalt	MATERIAL CLASS Unknown		
PUB 408 YEAR 2020	pub 408 change number 2	WORK ITEMS 	
JMF NUMBER 	JMF YEAR 		
Status			▼
Canned Comments			<b></b>
Workflow Comments			0/500
			Save





3:23 PM Fri Jun 3		••	<b>111 🗢 60% </b>
Cashboard	eTicketing Ticket	g 1.5 PROD t Detail	
pub 408 year 2020	pub 408 change number 2	WORK ITEMS 	
JMF NUMBER 	JMF YEAR 		
tare weight 14.42 TON	gross weight 36.34 TON	NET WEIGHT 21.92 TON	MATERIAL RUNNING DAILY TOTAL 1101.65 TON
	SITE TEMP CHECK	PLACEMENT LOCATION	WASTE IN TON
	285	Left Lane WB	0
weighmaster MIKE MCKEE	weightmaster license number 83121		
plant technician Unknown	PLANT TECHNICIAN LICENSE Unknown	PLANT TECHNICIAN COMMENTS Unknown	temperature check 0
Status Received			¥
Canned Comments			▼
Workflow Comments			0/500
			Save





## e-Ticketing Web Portal

100	ECMS	Number	From Date	22	To Date		M	laterial Type	Material Class	
	375	24 ~	08/01/2021		08/31/2021			Asphalt	<b>`</b>	
	Status							and the second second		
pennsylvania								Search		Clear
DEPARTMENT OF TRANSPORTATION		IS Project		3	-		-	-	2	5
eTicketing	3	7524		IN TRANSIT	RECEIVED	F	REJECTED	VOIDED	SYNC	ALL TICKETS
,									Ex	port All Ticket(s)
		Date and Time	Material	Material Class		Status	Truck	# Supplier Code	Supplier Name	i i
	1	Aug 27 2021 01:30 PM	Asphalt	Unknown		Sync	529	STD28A41	Dev	elopment
	2	Aug 27 2021 03:43 PM	Asphalt	Unknown		In Transit	247-03	39 STD28A41	Dev	elopment
	3	Aug 27 2021 04:04 PM	Asphalt	Unknown		Sync	1193	STD28A41	Dev	elopment
	4	Aug 27 2021 04:44 PM	Asphalt	Unknown		In Transit	1196	STD28A41	Dev	elopment
	5	Aug 31 2021 01:01 AM	Asphalt	Unknown		In Transit	321	STD28A41	Dev	elopment
User ID:										
ECMS User ID:										
HELP										

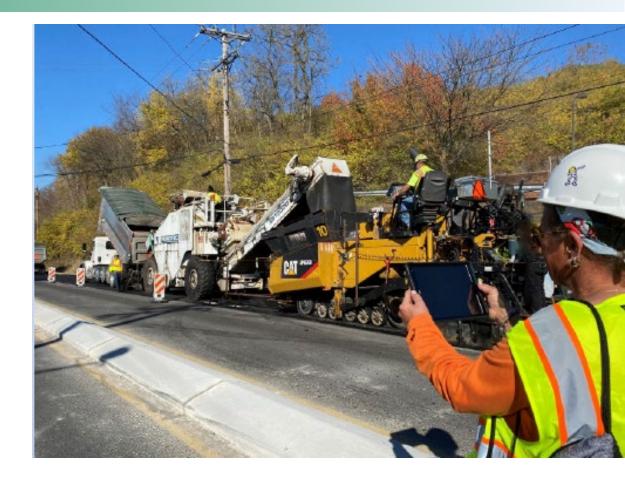




## 2021 Pilot Season

### **Pilot 2022 Construction Season**

- Collect Feedback on Specification
  - What Went Well?
  - What Went Wrong?
- Fall 2022 Spec. Modifications
- Expanding Number of Pilots for 2023







## **Moving Towards Full Implementation**

### **Working with Suppliers**

- Limited Department Work
- Limited Network Connectivity
- Additional Costs
- Haul Hub Contract now ACTIVE
  - Assist Supplier establishing a connection to PennDOT e-Ticketing

Goal is Full implementation – anticipate by 2024 version of Pub. 408 Expanding to Maintenance Materials







### PD, eConstruct RA-PDECONSTRUCT@pa.gov





# OFFICE OF TRANSFORMATIONAL TECHNOLOGY

KEVIN TOBIAS ·· NOVEMBER 3, 2022





## NEVI GRANT PROGRAM & "PA FIGHTS DIRTY" LITTER CAMPAIGN UPDATE

SHANE RICE, EXECUTIVE POLICY SPECIALIST MUNICIPAL ADVISORY COMMITTEE MEETING NOVEMBER 03, 2022

## **NEVI PLAN OVERVIEW**



PENNSYLVANIA STATE PLAN FOR ELECTRIC VEHICLE INFRASTRUCTURE DEPLOYMENT

National Electric Vehicle Infrastructure (NEVI) Formula Program

- Submitted to Joint Office of Energy and Transportation - July 21
- Approved by FHWA September 14
- Provides PA \$171.5 million over next 5 years for electric vehicle (EV) infrastructure
  - FFY 2022 \$25.4 million
  - FFY 2023-2026 \$36.5 million annually
- <u>Pre-announcement of funding opportunity -</u> October 12
- Informational stakeholder webinar held Nov. 1
- NOFO anticipated mid-December 2022



## **NEVI FUNDING ROUNDS**

(Anticipated available amount for applicants)



(Anticipated available amount for applicants)

\* Note: This is the total NEVI funding available by fiscal year. Some of this amount may be used for labor & workforce training, planning, outreach, and program management as allowed by NEVI guidelines. Remaining amount will be available for applicants.

## **ROUND 1 PRIORITY PROJECT LOCATIONS**

Mercer

MERCER

SPRING

62

ACKSON

CENTER

19A-E

173

BROAD

ACRES

29 🖪

BARKEVILLE

Pennsylvania NEVI - Anticipated F × +

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#### Pennsylvania NEVI - Anticipated Funding Round 1 - Interchange Information

CLARK

HERMITAGE

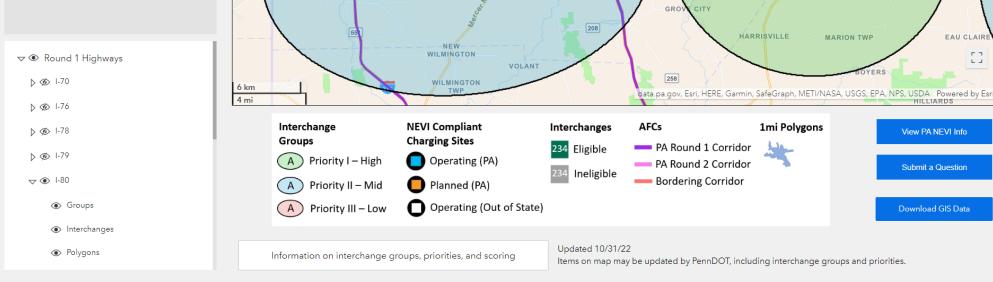
SHARPSVILL

PATAGONIA

SHAR

#### Instructions

- Click on the expander arrow to show all Funding Round 1 Highways, By default, I-80 is shown on the map.
- Use the eye icon to show or hide the highway you are interested in on the map.
- You can turn on/off subcomponents by using the expanding arrow and eye icon for each highway if desired.
- As you zoom in, different layers and labels will appear, so if you do not see something you're looking for, try zooming in or out on the map.
- · AFC lines are shown by default and compliant NEVI chargers are hidden. Use the eye icon to toggle these layers as desired.



JEFFERSON

TWP

62



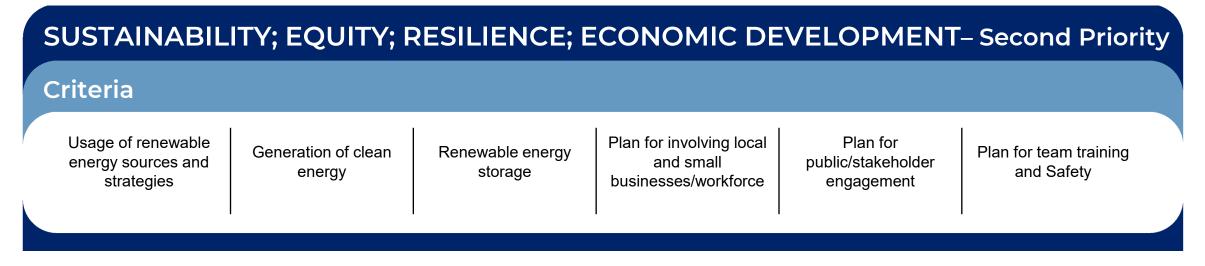
## **SELECTION CRITERIA**

### SITE RELATED – Highest Priority

#### Interchange Score (Location)

Ability to fill gaps	Number & type of nearby facilities access		ith 24/7	Safe Access of Facilities		Significance	Equity: Environmental Justice areas, rural areas, air quality non- attainment areas	
Site Readine	ess							
Power availability	Amount of utility coordination completed	Amount of site development needed	Communication availability	Existing or n site agree /owners	ment	Existing or need partnership agreement in pla	environmental	
Future Proo	fing							
Power per port/site proposed	Number of additional ports/site proposed	Ability to provide more power per port in the future	Ability to add future ports	Availability through		Ability to mee medium heav duty charging requirements	y heavy duty vehicle g charging	

## **SELECTION CRITERIA**



### **COST-** Third Priority

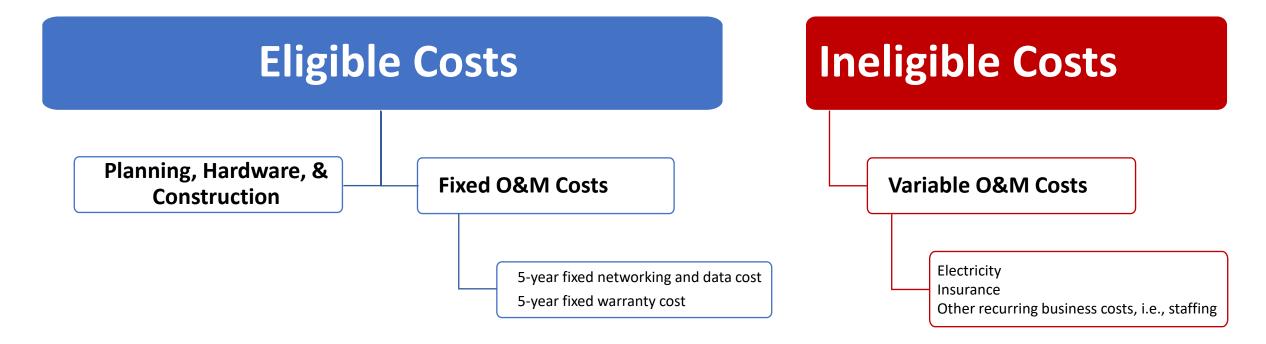
#### Criteria

Amount of funding requested (out of total project cost)

\*Please note these selection criteria are subject to change. The final selection criteria will be identified in the NOFO.



## PA ROUND 1 MATCH REQUIREMENTS



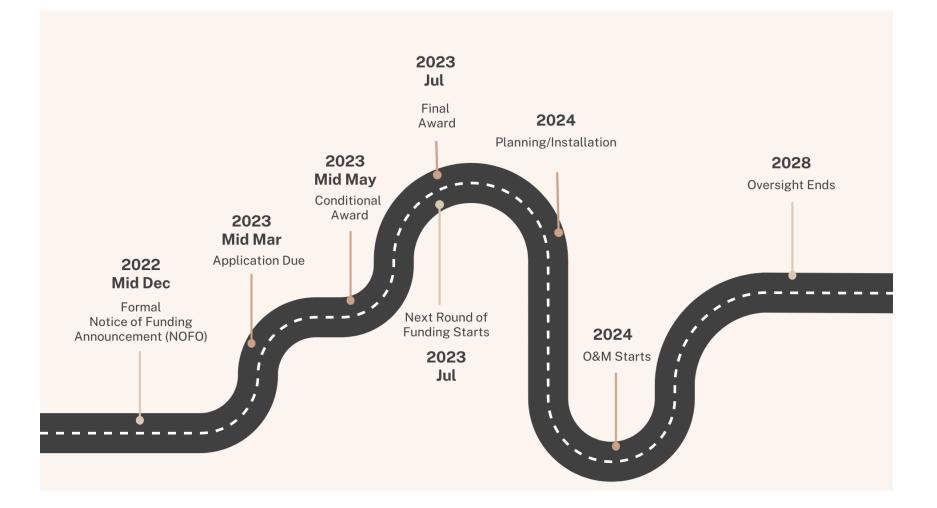
PennDOT	Applicant		
Grant award - UP TO 80%	Grantee match - AT LEAST 20%		
of the eligible project costs.	of the eligible project costs.		

Grant award WILL NOT cover or consider ineligible costs in grant formula.

6

\*Amount of match is part of evaluation criteria. Match requirements are subject to change.

## ANTICIPATED TIMELINE



\* 5 Year O&M starts once Installation is completed and approved for O&M.

\* These dates are representative and are subject to change based on applicants' feedback. NOFO will identify specific dates.

## **NEVI STAKEHOLDER SESSIONS**

REGISTER

**TODAY!** 



### JOIN US for a stakeholder session about Electric Vehicles!

- Monday, Oct. 24 Columbia
- Tuesday, Oct. 25 Jessup
- Tuesday, Nov. 1 Virtual Webinar
- Thursday, Nov. 3 Pittsburgh
- Thursday, Nov. 10 Williamsport
- Tuesday, Nov. 15 Blue Bell
- Tuesday, Nov. 22 Philadelphia





# LITTER CAMPAIGN UPDATE



## BACKGROUND

- A Keep Pennsylvania Beautiful (KPB) research study found there are approximately 502.5 million pieces of litter on PA's roadways.
- A 2020 study by KPB estimated that 9 cities in PA collectively spent **\$68.5 million a year** efforts to address litter.
- In 2021, DEP and PennDOT developed the Pennsylvania Litter Action Plan.
- August 2022, PennDOT, DEP & DCED launched "PA Fights Dirty" media campaign to educate and raise awareness about litter in PA.
- October 2022, PennDOT and KPB launched Young Ambassadors Program







## LITTER CAMPAIGN EXAMPLES



Cigarette litter is toxic, and lasts for years. Stash it until you can trash it. Every litter bit matters.

Paid for with Pennsylvania taxpayer dollars.







Paid for with Pennsylvania taxpayer dollars.

## **LITTER RESOURCES**

### PA Fights Dirty - Litter Resources Library



**Every Litter Bit Matters Toolkit** 



PA Fights Dirty - Logo Guidelines



# QUESTIONS

SHANE RICE, EXECUTIVE POLICY SPECIALIST

SHANERICE@PA.GOV



# New BUILD AMERICA, BUY AMERICA ACT

**General Overview** 

## Municipal Advisory Committee Meeting November 3, 2022

Jeff Bucher, P.E. Chief, Highway Design & Technology Division Bureau of Design & Delivery



- The new Build America, Buy America Act (BABA) was included in the Federal *Infrastructure Investment and Jobs Act,* commonly known as the Bipartisan Infrastructure Bill (BIL) that was enacted on November 15, 2021.
- Compliance is required for all projects Advertised for construction after November 10, 2022.
- Does not affect existing Pub. 408, Section 106.10 (a) for steel & iron

#### **Existing**

**106.10 BUY AMERICA PROVISIONS AND CONVICT PRODUCED MATERIALS**—This section only applies to projects partially or totally financed with Federal funds.



#### New Section 106.11

**106.11 BUILD AMERICA, BUY AMERICA ACT PROVISIONS**—This section applies to projects partially or totally financed with Department and/or Federal funds.

- (a) Build America, Buy America Act. The Federal Bipartisan Infrastructure Law (Public Law 117-58) includes the Build America, Buy America Act that requires all iron, steel, manufactured products, and construction materials used to be <u>produced</u> in the United States.



#### New Section 106.11

The term produced in the United States defined as:

- **1. Iron or Steel Products**. All manufacturing processes from the initial melting stage through the application of coatings occurred in the United States according to Section 106.10(a)
- 2. Manufactured Product. A 1983 nationwide Buy America waiver that supersedes Build America, Buy America requirements is currently in effect for manufactured products. Manufactured products that are not predominantly steel or iron fall under this waiver and are allowable for use without regard to country of origin.

2.a Predominantly steel or iron is defined as greater than or equal to 50 percent of the total cost of the manufactured product.

2.b Manufactured products that are predominantly steel or iron must comply with Buy America provisions according to Section 106.10(a).

### New Section 106.11

- 3. Construction Materials.
  - 3.a All manufacturing processes for construction materials occurred in the United States.
  - 3.b Construction materials includes an article, material, or supply that is or consists primarily of:
    - non-ferrous metals,
    - plastic and polymer-based products including polyvinylchloride, composite building materials, and polymers used in fiber optic cables,
    - glass including optic glass,
    - lumber, or
    - drywall
    - Items that consist of two or more of the listed materials that have been combined together through a manufacturing process, and items that include at least one of the listed materials combined with a material that is not listed through a manufacturing process, should be treated as manufactured products, rather than as construction materials.



#### New Section 106.11

3.c Limitation with Respect to Aggregates. Shall not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

3.d Construction materials where all manufacturing processes did not occur in the United States may be used, provided the cumulative cost of such construction materials as they are delivered to the project does not exceed 0.1% of the total contract amount, or \$2,500, whichever is greater.



#### **Interpretation w/ FHWA**

- Any listed construction material combined with another listed material or with a nonlisted item is to be considered a manufactured product. (1983 BA Waiver applies)
  - Plastic pipe will be considered a manufactured product because plastic is combined with resins to produce these products.
  - Glass utilized in line paint and fiber optic communications will be considered a manufactured product. Glass beads are combined with paint and pigment to produce what ultimately becomes line striping. Similarly, fiber optic communication lines can contain glass strands and other components, such as the cable jackets and fiber coatings, to produce these communication lines.



### Interpretation w/ FHWA

- Iron/steel, manufactured products, and aggregates, cement, binders, and additives are not considered construction materials.
- BABA is not applicable to construction work orders on projects advertised prior to November 11, 2022.
- BABA is not applicable to Advanced Construction projects advertised prior to November 11, 2022 or conversions thereafter.



# **COMPLETED & NEXT STEPS**

- Notifications to Industry and Business Partners On-going
- Changes to Publication 408, new Section 106.11 (Effective ~ April 2023)
- Develop an ECMS Special Provision (for contracts to be Let through ~ April 2023.)
- Identify component sourcing for Geotech, Signals/ITS equipment, Highway Lighting
- Notification to construction, business partners, and Bulletin 15 manufacturers
- Updates to CS-4171/CS-4171LA and eCAMMS including the new product application
- Incorporate the BABA Act requirements into the existing auditing processes



# NOTIFICATIONS

#### OS-600C (12-15)



- July 22, 2022
- To: Construction Contractors
- Re: Department Notification Regarding the Build America, Buy America Act TO:

Dear Contractor:

#### OS-600C (12-15)



- DATE: September 26, 2022
- SUBJECT: Department Notification Regarding the Build America, Buy America Act

TO: Department Bulletin 15 Non-Domestic Manufacturers

### FROM: Michael C. Keiser, P.E. Muchael C. Keiser, P.E.

OS-600C (12-15)



- DATE: August 17, 2022
- SUBJECT: Department Notification Regarding the Build America, Buy America Act
  - Department Bulletin 15 Manufacturers

FROM: Michael C. Keiser, P.E. Muchael Chuin Acting Deputy Secretary for Highway Administration



# **DEPARTMENT CERTIFICATION**

	#1 Manufactu	rer, Fabricator, Coater,	Precaster	#2 Dist	ributor, Sup	plier or *Private Label Company
	Listed in E Bulletin #	8. By signing this docun Act requirements and co	nent, you are certil onforms to Sectior	fying that this n 106.11 of Pu	product mee blication 40	ets the Build America, Buy America 8.
	I certify that the ab best of my knowled the product(s) liste					
<mark>8.</mark>	NAME (print) :			TITLE:		
	COMPANY NAME	:				
	SIGNATURE :	Di Damana	ible Compony Officel		DATE:	
<mark>9</mark> .		old you the material(s) doo ecked Block # 2 on line # 1		lank.)	(1	Company Name)



#### **CERTIFICATE OF COMPLIANCE**



# New BUILD AMERICA, BUY AMERICA ACT

Any Questions?

Thank you!

Jeff Bucher, P.E. Chief, Highway Design & Technology Division Bureau of Design & Delivery



# NEXT MEETING/ADJOURNMENT

### Thursday January 19, 2023

