



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Oregon Division**

June 11, 2014

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In Reply Refer To:

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File:

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Ms. Brenda S. Marcus  
Manager, Office of Project Letting  
Oregon Department of Transportation  
4040 Fairview Industrial Drive, SE  
Salem, Oregon 97301-1142

Dear Ms. Marcus:

We have reviewed the Oregon Department of Transportation's 2015 Final Redline Specifications and Boilerplate Special Provisions. These specifications are approved for use on both State and local agency Federal-aid projects. However, we have several concerns with the use of these on Federal-aid projects, and approval is subject to the following conditions:

- Warranties: Only Subsection 170.85(b-1) should be used on Federal-aid projects. Subsection 170.85(b-2) shall not be used on Federal-aid projects. Warranties must be for specific products or features. Prior Federal Highway Administration approval is required for use of warranties on National Highway System projects.
- Incentive/Disincentive Provisions: Although these are not included in the *Standard Specifications for Construction*, incentive and disincentive provisions should be reserved for critical projects or phases of work. Prior Federal Highway Administration approval is required for use of incentive and disincentive provisions on National Highway System projects.
- Incidental Payment For Work Zone Traffic Control Devices: Subsection 225.90(c), Method "C" – Incidental Basis, shall not be used on Federal-aid projects. In general, payment should be made under Method "A" – Unit Basis. Use of Method "B" – Lump Sum Basis should be used on small projects where the traffic control requirements are not complex and the number, type, and location of the traffic control devices can be easily and readily identified from the project plans.
- Erosion and Sediment Control: Under Subsection 280.90, exclusive use of Pay Item (a) Erosion Control in the contract's Schedule of Items does not include separate pay items for the erosion prevention, runoff control, and sediment control best management practices. In this instance no separate or additional payment will be made for modifications or additions to best management practices that become necessary for permit compliance during construction. It is our desire to include pay items for all the erosion prevention, runoff control, and sediment control best management practices in the contract.

- Section 640 – Aggregate Base and Shoulders: Section 640 allows for visual acceptance of aggregate materials by the engineer. Use of this section should be limited to small quantities consistent with Oregon Department of Transportation's *Manual of Field Test Procedures*. Otherwise Section 641 should be used.
- Section 740 – Commercial Asphalt Concrete Pavement: Section 740 allows for visual acceptance of asphalt concrete pavement by the engineer. Use of this section should be limited to small quantities consistent with Oregon Department of Transportation's *Manual of Field Test Procedures*. Otherwise Sections 744 or 745 should be used.

Sincerely,



Mike Morrow, PE  
Field Operations Engineer