



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

**Oregon Division**

April 19, 2017

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HEO-OR  
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437.000

Mr. Larry McKinley  
Manager, Office of Project Letting  
Oregon Department of Transportation  
4040 Fairview Industrial Drive, SE  
Salem, Oregon 97302-1142

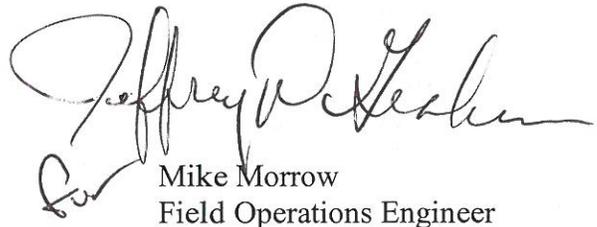
Dear Mr. McKinley:

We have reviewed the Oregon Department of Transportation's 2018 Final Redline Specifications, which were submitted to the Oregon Division office of the Federal Highway Administration by email, on March 21, 2017. These are approved for use on both State and local agency Federal-aid projects. However, there are several concerns we have 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 (NHS) projects.
- Incentive/Disincentive Provisions: Although these are not included in the *Oregon 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 NHS 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 rare and reserved for only those 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 expectation that Federal-aid contracts 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  
Field Operations Engineer