



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

**Oregon Division**  
07-18-2023

530 Center St. NE, Ste 420  
Salem, OR 97301  
Phone: (503) 399-5749  
Fax: (503) 399-5838  
<https://www.fhwa.dot.gov/ordiv/>

In Reply Refer To: HEO-OR  
File: 437.000

Mr. Jaime Viramontes  
Manager, Project Controls Office  
Oregon Department of Transportation  
4040 Fairview Industrial Drive, SE  
Salem, Oregon 97302-1142  
[Jaime.Viramontes@odot.state.or.us](mailto:Jaime.Viramontes@odot.state.or.us)

Dear Mr. Viramontes:

We have reviewed the Oregon Department of Transportation's 2024 Specifications, which were submitted to the Oregon Division office of the Federal Highway Administration. These are approved for use on both State and local agency Federal-aid projects. However, there are a few caveats with the use of these on Federal-aid projects and approval is subject to the following conditions:

- **Warranties:** Only Subsection 00170.85(b)(1) should be used on Federal-aid projects. Subsection 00170.85(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.
- **Incidental Payment For Work Zone Traffic Control Devices:** Subsection 00221.99, Method "C" - Incidental Basis, shall not be used on Federal-aid projects. In general, payment should be made under subsection 00221.90, Method "A" - Unit Basis. Use of subsection 00221.98, 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. The following Incidental Basis subsections related to subsection 00221.99 shall not be used on Federal-aid projects unless they meet the criteria above for Lump Sum Basis: 00222.91, 00223.91, 00224.91, 00225.91, 00226.91, 00227.91 and 00228.91.

- Erosion and Sediment Control: Under Subsection 00280.90, 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 00640 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 00641 should be used.
- Section 740 - Commercial Asphalt Concrete Pavement: Section 00740 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 00744 or 00745 should be used.

Best regards,

**MICHAEL L  
MORROW** Digitally signed by  
MICHAEL L MORROW  
Date: 2023.07.18  
07:31:29 -07'00'

Mike Morrow  
Field Operations Engineer

cc:  
Daniel Anderson, ODOT