

## CONSTRUCTION BULLETIN 17-01

TO: Dallas Hammit, Deputy Director for Transportation/State Engineer  
Steve Boschen, Assistant Director, Infrastructure Delivery and Operations  
Brent Cain, Assistant Director, TSMO  
Robert J. Samour, Sr. Deputy State Engineer, Major Projects  
Todd Emery, Deputy State Engineer, Project Delivery  
Barry Crockett, Deputy State Engineer, Contracts & Clearances  
Jesse Gutierrez, Deputy State Engineer, Operations  
Paula Gibson, Chief Right-of-Way Agent, Right-of-Way Group  
Lonnie Hendrix, Asst. State Engineer, TSMO System Management  
Annette Riley, Senior Division Administrator, Project Management Group  
Randy Everett, Senior Division Administrator, Central District  
Maysa Hanna, Asst. State Engineer, Traffic Engineering Group  
Reed Henry, Mike Phillips, Roadway Design  
David Eberhart, Bridge Group Manager  
Paul O'Brien, Environmental Planning Group Manager  
Gregory Hill, Chief Auditor  
Ted Howard, Safety and Risk Management Administrator  
District Engineers  
Assistant District Engineers  
Resident Engineers  
FHWA

FROM: Julie E. Kliewer, State Construction and Materials Engineer

DATE: September 22, 2017

---

## Roadway Features Damaged by Crashes During Construction

### Purpose

Provide guidance on the handling of roadway features damaged by third party crashes during construction projects while the Standard Specifications are being updated.

### Background

There has been an inconsistent application of the specifications with respect to who is responsible for the cost of maintenance of the roadway and the filing and pursuit of insurance claims during a construction project.

### Process

**The following processes have not changed:**

- Liability claims will remain the responsibility of the contractor.

- The contractor remains responsible to repair any damage caused by its operations at no additional cost to the Department.

**The following processes have changed:**

- All property damage losses arising from third party crashes, that impact roadway features within a construction project, should be submitted to ADOT Risk Management for handling. They should not be submitted to the contractor which has been our practice.
- The project team will make the decision whether the repairs will be made by maintenance or contractor forces.
- When contractor forces are utilized for repairs, payment should be made via a NFA (non-Federal Aid) change order.
  - Letter of Agreements should not be used.
  - Existing pay items should be used whenever possible and appropriate.
  - When available, the DR number should be included in the change order description.
  - A copy of the fully executed change order should be submitted to Risk Management, by the field office, as soon as possible.