

NCHRP 20-7
Proposed Research Needs Statement

Subcommittee on Right of Way, Utilities, and Outdoor Advertising Control

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TITLE

Buy America – Utility Relocation Best Practices, Practical Implementation

BACKGROUND / NEEDS STATEMENT

FHWA's recent application of the Buy America law (enacted in 1981) to 3rd party utilities and the changes to Buy America brought about by MAP-21 have created an environment where the states do not have uniform guidance and experience meeting these requirements when relocating 3rd party utilities as part of highway projects. There are no FHWA regulations or guidance documents. There is no grace period during which states and utilities can gain experience and figure out how to meet the requirements of the law. Non-compliance on an individual project may result in withdrawal of all federal highway funds from the project. Furthermore, many utilities do not know how to comply and refuse to sign agreements out of fear they will be found out of compliance. Many utility companies provide service across state boundaries and are confused by different requirements and interpretations being set forth by individual states.

Many states have projects that are delayed while these issues are resolved or advertised without resolution. The effort required to resolve these issues is intense and potentially lengthy in duration. This demand comes at a time when staff resources are decreasing. There is an urgent need to collect and share successful experiences among all of the states. Having a synthesis of best practices should reduce the resource requirements of individual states, help all states keep project delivery on schedule, and minimize risks of non-compliance. A focus of this research will be identifying practical in-the-field solutions that meet the spirit of this law. The resulting guidance will promote consistent and practical application of Buy America requirements across the nation and the industry.

RESEARCH OBJECTIVE

Identify best in-the-field practices of implementing Buy America requirements in utility relocation and share with all states. (Provide a one- or two-sentence statement of the project's primary objective)

WORK TASKS

Tasks anticipated in this project include the following:

- Survey all states and follow up with personal contact to identify and document the approach each state takes in implementing Buy America on third party utility work. Examples include but are not limited to utility companies:
 - 1) signing agreements committing to meeting Buy America;
 - 2) providing self- certification documents;
 - 3) providing detailed step-certification documents for all materials; and
 - 4) signing agreements that focus exclusively on a specific list of products needing compliance.
- Identify by industry type (electric, gas, telecom, other), utility materials most commonly

relocated by highway projects that states require compliance with Buy America. These materials shall be exclusive of those addressed by the FHWA Dec 21, 2012 memo on manufactured products. Identify similarities and differences among state approaches.

- Establish electronic information sharing media for states to share and discuss Buy America issues for a two year period going forward.
- Identify issues that need further attention.
- Write and publish a synthesis report.

URGENCY

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FUNDING REQUESTED AND TIME REQUIRED

It is estimated that this research will take 4 months to complete and will require \$40,000.

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