



March 21, 2020

The Honorable Tom Wolf
Governor
Commonwealth of Pennsylvania
508 Main Capitol Building
Harrisburg, PA 17120

Dear Governor Wolf,

On behalf of nearly 1,000 Pennsylvania-based companies represented by our organizations and the nearly 50,000 Pennsylvanians they employ, we thank you for your bold leadership in confronting the COVID-19 health concern. Your recent executive orders and the proactive steps taken by your administration will certainly aid in “flattening the curve” of the infection.

Public works construction, roads and highways, transportation infrastructure, and the materials used for these projects is critical to our ability to deliver medical supplies and services, food and goods, and clean water to the American people, especially as we address this pandemic. In such a time of crisis, maintaining the nation’s critical infrastructure is also essential.

Construction sites are a unique workplace with “social distancing” built in so to avoid as much risk of communicable diseases as possible. They are tightly controlled, with required safety protocols and separation from the general public.

Representatives of the contracting and consultant community have worked tirelessly over the past several days in concert with PennDOT and Turnpike engineering officials to develop additional steps and processes to fortify construction workplaces against the spread of Coronavirus.

We strongly urge you to reclassify *Highway, Street and Bridge Construction as an Industry Group that May Continue Physical Operation*, in particular those contractors currently under a work suspension by the Pennsylvania Department of Transportation and the Pennsylvania Turnpike Commission. We also urge PennDOT and the Turnpike Commission to rescind suspension of work orders.

All other states in the nation, having balanced the costs and benefits of continuing construction activities, have enabled highway workers and inspection staff to work remotely or with additional safety precautions. That is, Pennsylvania is the only state in the entire country to have stopped state highway construction work. In fact, some states are accelerating projects to take advantage of light travel.

Recent “shelter in place” orders in California, Illinois and New York, have included exemptions for construction personnel and public construction activities have been deemed as essential. Governor Andrew Cuomo’s executive order including the exemption is enclosed with this letter. We encourage this approach to continue the critical work of building and maintaining Pennsylvania’s transportation infrastructure, without creating additional hazards in the fight against Coronavirus.

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The drawbacks to halting construction activities are many; first and foremost, the loss of income for 50,000 Pennsylvanians working in the construction industry. Secondly, the impact to PennDOT's capital program will be devastating in the form of the cost of "delay claims" that PennDOT will be contractually obligated to pay idled construction companies. These claims could stretch into hundreds of millions of dollars. Thirdly, the commonwealth's unemployment compensation fund will be needlessly strained by claims from out-of-work highway workers who could be productive during this time. Fourth, some of our construction industry companies will be needed to respond to highway related emergencies like sinkholes, slides, accident damage to pavements and bridges, etc., plus with the pothole season upon us, materials will be needed by PennDOT, PA Turnpike and municipal crews.

Construction executives, in cooperation with PennDOT and Turnpike officials, have developed a thoughtful, safe and orderly return to work plan. This plan is staggered in three phases keeping virus disease control at the utmost forefront of the plan. We urge you to direct transportation officials to implement this plan to ensure our life-sustaining critical infrastructure needs are met.

In such a time of crisis, using segments of the construction and engineering industry to maintain the state's critical infrastructure is not only essential but vital. The partnerships between all facets of the construction and engineering industries for the health, safety and well-being is paramount for life-sustaining and economic impact for all communities across Pennsylvania.

Sincerely,

Leeann Sherman
American Council of Engineering Companies of Pennsylvania

John Becker
American Concrete Pavement Association – PA Chapter

Robert Latham
Associated Pennsylvania Constructors

James Davis
Contractors Association of Eastern Pennsylvania

Richard Barcaskey
Constructors Association of Western Pennsylvania

Peter Vlahos
Pennsylvania Aggregates and Concrete Association

Charles Goodhart
Pennsylvania Asphalt Pavement Association