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May 1, 2017

Construction Information Memorandum No. 5 – 2017

TO: Region Engineers

ATTN: Region Preconstruction and Area Operations, Construction, and
County Transportation Engineers

FROM: Winston J. Powe, P.E.
State Construction Engineer

RE: Layout of No-Passing Zones

Subarticle 701.03(j) the *Standard Specifications for Highway Construction* outlines the requirements for the Engineer to set the limits of no-passing zones for the placement and location of the required traffic stripe items. On the typical "construction" project, this is done on the Paving Layout, Striping & Signage Sheets or the Striping Details Sheets. However, on resurfacing projects, this is normally handled by the Project Manager and his/her staff marking the limits using the existing striping while accounting for changes in the sight distance or by using engineered studies indicated in a striping layout book on file typically at the District Office or with the Area Traffic Engineer. The procedures for performing this layout work are outlined in Article 2:4:A of the *Construction Manual*, specifically the **Engineering** requirements for **PROJECT CONSTRUCTION (TRAFFIC CONTROL): Traffic Stripe, Markings & Legends & Pavement Markers** on Sheet 2-132.

It has come to our attention that project notes are being included in some plans requiring the Contractor to check and set the limits of all no-passing zones in addition to other controls required to place the stripe with this required work being performed as a subsidiary obligation of the striping items. Another form of the note requires the Contractor to reference the location of the existing stripe and then re-stripe based on the reference. Subarticle 105.04(a) outlines that the plans govern over the *Standard Specifications*, but the requirements in Subarticle 701.03(j) and Article 2:4:A specifically direct the Engineer to perform such layout work. Plainly stated, it is our responsibility. Furthermore, the Contractor's Liability Law allows them certain legal protection for the work performed during the project once the project is completed. By placing the engineering layout of the traffic striping on the Contractor, this is making him responsible for a design or engineering functionality, and thus, placing him at risk after the project completion and Department acceptance. This is undue risk that the Contractor should not be exposed to for work that we, the Department, are required to do. Because of that risk, this matter has been discussed with the industry liaison committees, and the Department has agreed to cease such practice. While we have been trying to handle on a case-by-case basis during our Final Construction Plans Review, the time has come to place a Department-wide emphasis on the requirements of the *Standard Specifications* and the *Construction Manual*. Therefore, effective

with the May 26, 2017 letting, no project notes requiring the Contractor to perform layout of the no-passing zones shall be allowed in the plans.

Moreover, many times on our resurfacing projects, we simply restripe the roadway as it was prior to the project work. However, conditions along the roadway and ROW, as well as off ROW, change through time that affect the sight distance and how the striping and pavement markings and legends should be placed in order to conform to the applicable and current details in the Department's *Standard and Special Drawings for Highway Construction*. Designers and project personnel should review the details in Index No. 806 for as well as those on Index Nos. 711, 715, 737, 913, and 1005-1041 to ensure they are familiar with the current requirements. Project plans and field layout work should reflect these drawing details, and since these details are revised annually, Contractors cannot simply restripe based on the existing since the requirements have changed.

Please utilize these references to ensure the plans and field engineering required by the Engineer are performed as required and ensure that your Project Managers, Area contract administration personnel, and most importantly, your designers, are familiar with this CIM.

WJP

pc: Mr. George Conner
Mr. Don Arkle
Mr. William Adams
Mr. Steve Walker
Mr. Terry McDuffie
Mr. Clay McBrien
Mr. Ed Phillips
Mr. Terry Robinson
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Alabama Road Builders Association
Alabama Asphalt Pavement Association
Alabama Bridge Contractors Association
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