

Memorandum

DATE July 1, 2024

TO District Engineers, District Construction Engineers, Assistant District Construction Engineers, Project Managers

FROM James J. Knott, NDOT State Construction Engineer

THRU

SUBJECT DIRECTIVE CONSTR 24-02
POLICY ON IMPLEMENTATION OF AUTOMATED FLAGGER ASSISTANCE
DEVICES (AFADs)

This Directive supersedes "Directive Constr 24-02 dated June 28, 2024". This Directive has been amended to delete the word "not" in paragraph 3 in the section regarding the incentive payment for LPAs.

CONSTRUCTION DIRECTIVE

BACKGROUND:

The Nebraska Department of Transportation (NDOT) is committed to enhancing the safety of highway work zones. The implementation of Automated Flagging Assistance Devices (AFADs) on highway construction projects across the state supports this commitment.

IMPLEMENTATION PLAN:

Beginning with contracts let in August 2024, those projects with a tentative start date in 2025 or later will require the use of AFADs in conjunction with flagging. Beginning July 1, 2024, for projects let prior to August 2024 and those with start dates prior to 2025, the Department will pay an incentive of \$100 per flag day for AFAD use.

POLICY:

Beginning July 1, 2024, for contracts let prior to August 2024 and those with start dates prior to 2025, the Department will pay an incentive payment of \$100 for AFAD use. This incentive will be added to the bid price for contract item "Flagger" per flag day. The use of the AFAD on these contracts is at the contractor's option. The criteria below apply to the use of the AFADs in conjunction with flaggers.

1. The incentive payment will be incorporated via change order to create a new pay item "Flagging", supplemental description "with AFAD", which increases the bid price for Flagging by \$100.00 per day.
 - a. AFAD use is optional and is not considered extra work, therefore the Contractor is not eligible to be compensated as described in 109.05 when the work is performed by an approved Subcontractor.
 - b. There will be no negotiation on incentive for AFAD use. The use of an AFAD on these contracts is the Contractor's option, and the AFAD incentive is established as stated above.

- c. The specification titled "Temporary Traffic Control Signs and Devices - AFAD Incentive" shall be attached to the change order.
2. The inspector will note AFAD use in the Daily Work Reports.
3. Local Public Agency contracts will be allowed the AFAD incentive option only if the Local Public Agency agrees in writing to the change order.

Most contracts let in August 2024, or later, with a tentative start date in 2025 or later, will include a specification requiring AFAD use in conjunction with flagging.

1. Incentive payments will no longer be provided to contractors using AFADs. The referenced specification will include the use of AFADs in the "Flagging" item.
2. AFAD use will be enforced as mandatory for flagger-controlled operations that are anticipated to be four hours or longer.
 - a. Flagging will not be paid when AFADs are not used in conjunction with flaggers or not used in accordance with the specification.
 - i. The exception to non-payment is when the AFAD malfunctions during the course of the flagging-controlled operations for the day. The AFAD will still be paid for a day when it was operational for four hours or more and a half day when it was in operation for less than four hours.
3. The specification will apply to Local Public Agency projects only when included in the contract specifications.

CC: Traffic Division State Engineer, Local Assistance Division Manager