**Washington State Department of Transportation**

# Memorandum

August 11, 2004

TO: J. C. Lenzi, Eastern Region
Don Senn, North Central Region
Lorena Eng, Northwest Region, NB82-101
Randy Hain, Olympia Region, 47440
Don Whitehouse, South Central Region
Donald Wagner, Southwest Region, S15
Dave Dye, Urban Corridors, TB85-95

FROM: Don Nelson
360-705-7101

SUBJECT: **Project Delivery Memo #04-04** – High Visibility Construction Fencing

## Purpose and Direction

**Background:** A number of violations have recently occurred on WSDOT projects relating to unpermitted work in wetlands and other environmentally sensitive areas. These unfortunate occurrences are putting the Department at risk financially and hampering our efforts on permit streamlining. Permits from resource agencies have sporadically required that wetlands and sensitive areas be delineated with either silt fence or high-visibility construction fencing as a means to clearly mark the sensitive areas and thereby minimize the chance for violation. In many cases, however, the contract plans and special provisions have not been entirely clear as to where and when the fences need to be placed, and in some cases this requirement has been either overlooked or done late in the clearing and grubbing operation. Consequently, there have been inadvertent encroachments into wetlands and sensitive areas that were unfenced or otherwise unmarked.

Among recommendations that have resulted from internal investigations of recent violations, it was recommended that **all** sensitive areas be delineated with high-visibility construction fencing as a first order of work. Resource agencies in their settlement agreements have mandated that this and other recommendations be implemented.

**Types of Projects Affected:** This specification should be included on all projects where work will be in or adjacent to wetlands or other environmentally sensitive areas.

**Direction:** During the design phase, and in consultation with the Environmental Services Office or regional environmental office, wetlands and sensitive areas are identified and located with respect to the anticipated work areas. As plans are developed, the sensitive areas will be shown on the contract plans along with the locations where the construction fencing will be installed. High-visibility construction fencing will be required as follows:

- Where partial takes of wetlands are anticipated and clearly allowed by the appropriate permits, the remainder will be fenced.
- Where existing wetlands are to be enhanced as part of the project, they will be fenced until such time as an enhancement plan is submitted and approved by WSDOT.
- Areas that have been designated within the project where grading activity is to be precluded.
- During construction, Section 1-07.16(1) identifies areas the Project Engineer may designate to be protected from damage. These areas may be fenced at the Engineer's order. Compensation for fencing the wetland and sensitive areas will be by means of a change order. The project office staff is encouraged to work with region environmental staff if there is a question of whether an area is of an environmentally sensitive nature.

**Value in Making the Change:** The intent of this change is to provide positive identification of wetland and sensitive areas where equipment is not allowed to work, materials may not be placed except as allowed by permit, or normal activity is otherwise restricted by permit conditions. Installing the high-visibility fencing as the first order of work, and providing for a second check by WSDOT, is expected to keep encroachment into sensitive areas to a minimum.

## Action Requested

**Project Development**
Provide for the identification and location of all wetland and environmentally sensitive areas. Show these areas in the contract plans and designate location of the required high-visibility construction fencing, according to the criteria outlined above.

Utilize this special provision for all projects where there will be wetland takes, wetland enhancement, or other work in or adjacent to environmentally sensitive areas.

**Contract Ad and Award**
For projects currently being advertised for bids, this provision will be added to the contract provisions by addendum, if it is possible to do so without impacting the bid opening. Addition of this provision to the contract provision will require associated changes to the plans to show the location and extent of the areas to be protected by fencing, and where the fence is to be placed.

**Construction**
Projects that are currently under contract, with wetlands or environmentally sensitive areas should consider adding high-visibility construction fencing by change order. This consideration should take into account the remaining work, as to whether there is still a need to provide the additional protection and delineation. The project office should follow the procedure outlined in Section 1-07.16(1) in requiring the contractor to provide the protection.

Identification of the extent of sensitive areas to be fenced should be done with input from the regional environmental staff. A change order will be required to provide compensation for the addition of the construction fencing.

DN:cd
KJD/HJP/JRS
Attachment

cc: John Conrad
Region Project Development Engineers
Region Construction Engineers
Region Construction Trainers
Region Material Engineers
Tom Baker
Kevin Dayton
Harold Peterfeso
Megan White

**ORDER OF WORK**

Section 1-08.4 is supplemented with the following:

The first order of work on this project shall be the installation of fencing to delineate all wetland and sensitive areas. The areas shall be marked by the Contractor as shown on the plans. The delineation shall consist of High Visibility Fence as described below.

No other work shall be performed on the site until the Contracting Agency has accepted the installation of the wetland and sensitive area delineation. The acceptance shall be evidenced in writing.

Throughout the life of the project, the Contractor shall preserve and protect the wetland and sensitive area delineation, acting immediately to repair or restore any fencing damaged or removed.

High Visibility Fence shall be composed of high-density polyethylene material and shall be at least four feet in height. Posts for the fencing shall be steel or wood and shall be placed at six-foot centers or as needed to provide rigidity. The fencing shall be attached to the post every six inches with a polyethylene tie. Fencing shall not be fastened to trees.

**Measurement**
"High Visibility Fence", per linear foot.

**Payment**
The unit price for "High Visibility Fence", per linear foot shall be full compensation for all costs to obtain, install, maintain, and remove the fencing as shown in the plans. Once removed, the fencing shall remain the property of the Contractor.