

OFFICE OF STATE AID ROAD CONSTRUCTION			S.O.P. NO. SA II-1-36
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PURPOSE: To Set Forth Guidelines for Field Personnel's Relationship With The Public, the Contractor, and State and Federal Agencies.

1. RELATIONS WITH THE PUBLIC

- 1.1. General. Construction field personnel are in daily contact with many citizens. These may be adjacent property owners, local citizens of the nearby communities, public officials, tourists, or representatives of news media, and it should be anticipated by the construction employee that at any given time someone is probably observing the work being performed, and the attitudes and behavior of all employees.

The primary responsibility of the employee is to perform his assigned function adequately and efficiently in order that the work being done is continuously in accordance with the requirements of the contract. In fulfilling this primary responsibility, the employee must at all times be courteous and patient in his visual and verbal contacts with others.

In those instances where it is necessary to create some inconvenience to adjacent property owners, or other segments of the general public, all precautions must be exercised in holding such inconvenience to the minimum reasonably necessary, and for the shortest reasonable period of time. This is the responsibility of the Contractor and assuring that it is accomplished is the responsibility of the County/LSBP Engineer. A courteous explanation of the reasons for these inconveniences, and knowledgeable answers to questions from the public are essential in creating good public relations. It is better to courteously offer to refer a question to a more knowledgeable authority than to attempt to answer a question without a reasonably complete knowledge of the controlling facts involved.

The importance of starting proper public relations upon first contact cannot be expressed too strongly. The County/LSBP Engineer should brief all field personnel on a courteous approach to initial contacts and should periodically hold briefing discussions in which reviews are made of particular questions asked or comments made by others and the replies that were given by his employee.

- 1.2. Relations With Property Owners. Property owners are the ones who are most directly effected by survey work and construction operations and, therefore, one of the most important phases of public relations work is in dealing with the property owners whose property the survey crosses or is near, and with the owners of property effected by the construction.

Prior to entry on private lands to accomplish various type surveys, exploration for pits or for other purposes, the County/LSBP Engineer should prepare a list of property owners. He should then visit the owners, in company with another member of his organization to serve as a witness, explain the nature of proposed entry onto their lands and seek permission to accomplish the work proposed. In

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the case of an absentee landlord separated from the site by considerable distance, lessees or tenants should be advised of proposed entry, and tentative permission sought. Careful notations of the date(s), time, place and discussion(s) should be made and signed by the County/LSBP Engineer or, if practicable, by the supervisor in whose District the work is planned.

Where it is not practical or economical to visit an absentee owner, this owner should be requested by letter containing all necessary information, including any tentative permission of lessee or tenant, to grant right-of-entry for the purpose(s) outlined. In the event the permission granted is overly restrictive, the Board's attorney should be informed and his advice sought. When the rights-of-entry are exercised, every precaution must be taken to observe and honor all agreements and to prevent any unauthorized or unnecessary damage.

After the contract is let and before construction begins, the County/LSBP Engineer and, if possible, the Contractor's superintendent should visit the property owner, briefly outline the work to be done and assure that inconvenience and nuisances will be held to the practicable minimum.

As in all other public relations, field personnel should courteously listen to the property owner's concern, and take time to answer or explain intelligently. In the event the field personnel is not sure of the answer, the property owner should be advised that the question will be discussed with other knowledgeable persons and a response will be made as soon as possible. By all means, an appropriate follow-up should be made.

- 1.3. Relations With Private Companies and Public Agencies. Good public relations have just as beneficial an effect in dealing with utility companies and other private and public agencies. The County/LSBP Engineer should make personal contact with the officials or representatives of the utility company, governmental agency or department with whom he will be dealing. Personal contact with these people, during which the County/LSBP Engineer acquaints them with the planned operations prior to actual construction will enable them to better schedule their work or services to the best advantage of all concerned.

It is of extreme importance that the Highway Patrol and/or local law enforcement agencies be notified prior to making any change in the normal flow of traffic or in a change from an existing detour flow to another traffic flow pattern.

- 1.4. Relations With the Federal Highway Administration. On a project for which any money is furnished by the Federal Government, the State agrees that the project will be constructed in accordance with the approved plans, specifications, and other contract documents. The government agrees thereupon to pay their portion of the cost of the work when the Federal Highway Administration can certify that the work, in fact, was constructed in accordance with the approved contract documents.

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In other words, the State has a separate contract with the Federal Government wherein the Federal Highway Administration Engineers are responsible for determining that the State, through the County Engineer, required the Contractor to perform the work in accordance with the requirements of the contract. This relationship between the Federal Highway Administration and the State does not directly involve the Contractor and the Federal Highway Administration has no occasion to instruct or admonish the Contractor directly. However, in order to be able to certify that the State, through the County Engineer, is requiring the Contractor to perform in accordance with the contract, the Federal Highway Administration Engineers may make periodic inspections of the work being performed by the Contractor and procedures being used by the County Engineers and the State in the fulfillment of its contract with the Federal Government.

It is State Aid's policy to facilitate these inspections and cooperate with the Federal Highway Division Administrator in performing his assignment. The Federal Highway Division Administrator does not make inspections on a project for the purpose of checking the County Engineer or any other individual, but rather to determine that covenants made between the Federal Government and the State are being fulfilled in the whole.

As with any other contract, contracts between the State and the Federal Government are binding on both parties, and requirements provided thereunder must not be changed by either without the prior concurrence of the other. For this reason, the County Engineer, through State Aid, should keep the Federal Highway Division Administrator fully informed on proposed and necessary changes or added work in order that a workable relationship between the two parties may exist, and in order to facilitate formal approval of necessary changes.

- 1.5. Relations With the Contractor. Every construction contract is a joint effort by the Board of Supervisors, State Aid and the Contractor. The effort of each party directly relates to the accomplishment of the other. The functions of the County/LSBP Engineer and his inspectors are intermingled with the Contractor's efforts and accomplishments throughout the life of the contract. Each must depend upon the other, and both are expected to be dependable.

All employees of State Aid and the County/LSBP Engineer are expected to perform their function promptly and adequately and to cooperate with the Contractor to expedite the construction of the project without violating any of the contract requirements or sacrificing the quality of work or materials.

The Contractor and all his employees should cooperate with the County/LSBP Engineer toward the accomplishment of compliance with the contract requirements without forcing the County/LSBP Engineer into a position of issuing demands. Usually, the average successful Contractor who gives the work his personal attention displays such an element of cooperation.

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The day to day relations with the Contractor should be amicable without being fraternal, and without either patronizing the other. Instructions to the Contractor should be within the scope of the plans and specifications; should be clear and precise without any trace of rudeness.

It is important for the County/LSBP Engineer to see that instructions given to the Contractor are clearly understood.

Important instructions should be given or confirmed in writing and made a part of the project records. The County/LSBP Engineer is expected to assume that practically all instructions are important and may be a future basis for further instructions for a determination of equity. Instructions should be given only to authorized personnel of the Contractor and not to individual workers. Cooperation with the Contractor does not in any event include project personnel acting as foreman or in a supervisory capacity for the Contractor.

Differences of opinion between the Contractor's supervisory personnel and those of the inspector regarding the interpretation of the specifications, quality of work, or whether work performed is a pay item or a required subsidiary to a pay item, are not uncommon. The County/LSBP Engineer is expected to be sufficiently knowledgeable in these respects to arbitrate such controversies, and an attempt should be made by him to resolve these differences promptly and fairly within the scope of the contract, or, failing to do so, should refer the matter to the State Aid Engineer. Disposition made in any such controversy is to be recorded and made known to all parties concerned.