March 27, 2020

Via Email

Mr. John Pourbaix, Jr., Executive Director
Construction Industries of Massachusetts
1500 Providence Highway-Suite 14
P.O. Box 667
Norwood MA, 02016

Subject: MBTA Safety Stand Down Day Clarification

Mr. Pourbaix:

As indicated in Jay Neider’s letter dated March 25th 2020 all MBTA projects shall conduct a safety stand down on **Monday March 30th** as instructed by the Governor’s Legal Office letter and COVID 19 Guidelines and Procedures (attached) issued on March 23rd. A follow-up memorandum on the Safety Stand Down Day was issued by the MBTA on March 26th (attached). The MBTA has received a number of inquiries on a variety of related topics so we offer the following for further guidance:

- All contractors must stand down construction activities **starting at 6AM Monday, March 30th** and this will last the entire day.

- Work may resume **on Tuesday March 31st**.

- Contractors are required to distribute a copy of the COVID-19 Guidelines (see attached) to all employees and subcontractors and make sure everyone understands the guidelines.

- It is the Contractor's responsibility to make sure they are in full compliance with these guidelines.

- The Contractor is required to designate who is their COV-19 officer.

- The Contractor is required to update their project HASP to reflect these changes. Every effort must be made by the Contractor to update their HASP by end of the day Monday March 30th.
- The MBTA staff will report to the site on March 30th and remain until the site is secured at the end of Safety Stand Down activities.
- The MBTA will develop a daily checklist so the Resident Engineer can perform a daily check to track progress and compliance with the guidelines.
- At the end of each day the RE will attach a pdf copy of this checklist to the daily report.

Please feel free to contact me if you have any questions.

Sincerely,

Christopher E. Brennan, P.E  
Chief of Capital Programs Support  
MBTA

Attachments: Governor’s Legal Office a letter, dated March 25th 2020, and attached  
“COVID-19 Guidelines and Procedures (attached) for all construction sites  
and workers at all Public Work” sites.

“Memorandum to the MBTA Contracting Community” authored by Vikram  
Dogra, Deputy Chief of Capital Program, and dated March 26th 2020.

Cc:  
Jay Neider, PE – For File  
Katie Choe – for dist. to Capital Delivery Project Offices  
Stephen Moore – for dist. to RL/OL Project Offices  
Angel Pena – for dist. to GLT Project Offices  
Chuck Cayton – for dist. to all TOD project teams  
Sean McDonnell – for dist. to all Capital Program field staff  
Christopher Brennan, PE – for dist. to Capital Support  
Vikram Dogra, PE  
Kevin Chesnik  
Jeff Cook
March 25, 2020

Dear Municipal Chief Executive Officer:

I write to provide guidance regarding the effect of the Governor’s March 23, 2020 Order “Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gatherings of More than 10 People” insofar as the Order intersects with municipal efforts to address the COVID-19 crisis.

The Governor’s Essential Services Order has two functions. First, the Order closes a broad range of public spaces, workplaces, and other establishments in order to reduce unnecessary movement of Commonwealth residents outside of the home and, in so doing, limit the spread of this highly contagious and potentially deadly virus. Second, the Order designates a range of critical services and functions as “COVID-19 Essential Services” to ensure their continued operation during the state of emergency in order to protect the public health and welfare of the Commonwealth and support community resilience and continuity of response efforts. Correspondingly, the Order designates workers engaged in delivering these critical services and functions as members of the “COVID-19 Essential Workforce.” Taken together, these designations seek to ensure that COVID-19 Essential Services continue without interruption during the period of the declared emergency.

The Baker-Polito Administration recognizes the value of local decision making in most circumstances. Nevertheless, ensuring an effective response to the COVID-19 emergency requires the Administration to prioritize consistency and clarity of action. A key requirement of any effective, statewide response will be that public officials avoid conflicting directives and duplication of efforts. The Massachusetts Civil Defense Act, the authority under which the Governor issued the Order, reflects the necessity for unified statewide directives in a time of crisis. Section 8A of the Act provides that that any rule, regulation, ordinance or by-law issued by a municipality or other political subdivision of the Commonwealth “shall be inoperative” to the extent that such provision is inconsistent with any order issued by the Governor during the period of the emergency.
Accordingly, the Order the Governor signed on Monday includes the following provision to ensure unitary management of this crisis:

This Order supersedes and makes inoperative any order or rule issued by a municipality that will or might in any way impede or interfere with the achievement of the objectives of this Order. With respect to work and travel in particular, any order or rule issued by a municipality is hereby made inoperative to the extent: (1) such municipal order or rule will or might interfere with provisions of this Order ensuring the continued operation of COVID-19 Essential Services; or (2) such municipal order or rule will or might interfere with the free travel anywhere within the Commonwealth of any person who is a member of any COVID-19 Essential Workforce where such travel is made in connection with the ongoing operation of COVID-19 Essential Services.

One important area in which the potential for conflict has presented itself is in questions surrounding the continuing operation of construction projects. A number of municipalities have announced policies to address construction work during the state of emergency that conflict with the terms of the Order. Exhibit A of the Order contains two entries that designate construction projects as COVID-19 Essential Services and identify workers engaged in construction projects as included within the Order’s COVID-19 Essential Workforce:

- **Guidance:** Workers – including contracted vendors – involved in the construction of critical or strategic infrastructure including public works construction, airport operations, water, sewer, gas, electrical, nuclear, oil refining and other critical energy services, roads and highways, public transportation, solid waste collection and removal, and internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services)

- **Guidance:** Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction)

Accordingly, the Order provides that all construction projects are to “continue operations during the state of emergency, but to do so with allowance for social distancing protocols consistent with guidance provided by the Department of Public Health.” Local policies, regulations, or directives that provide otherwise are in direct conflict with the Order and should be withdrawn.

The Baker-Polito Administration is aware that cities and towns and local Boards of Health quite sensibly have raised questions about how to manage the health risks of COVID-19 in the context of an active construction site. In order to address these same concerns, Commonwealth agencies that undertake horizontal and vertical construction have adopted a detailed set of safety practices for all construction projects sponsored or managed by their agencies. The Commonwealth also plans to ensure that each project sponsored or managed by a state agency observes a “safety stand-down day” within the next week. This stand-down is
designed to ensure that all workers involved in the project are familiar with the health safety practices required for the continued operation of Commonwealth construction projects. I am attaching the Commonwealth’s construction site safety policy to this guidance for your review. The Administration encourages all cities and towns to issue similar requirements for construction projects undertaken by private owners.

Unitary management in this crisis will be essential to ensuring an appropriate balance statewide between taking actions necessary to combat the spread of COVID-19 and avoiding unnecessary hardships to the public and supporting community resilience over the weeks and months it may take for this crisis to run its course. The economic disruption and interruption in critical services and functions that could result from halting construction projects abruptly would be felt statewide and not simply in the locality where a particular project sits. For these reasons, construction projects should continue as long as they observe social distancing protocols and otherwise can continue to operate safely.

The Baker-Polito Administration recognizes and values the unceasing efforts of local officials to support an effective statewide response to COVID-19. We will continue to work with cities and towns to ensure a consistent application of the Governor’s Essential Services Order and to provide for effective enforcement of proper COVID-19 safety protocols at active construction sites.

Sincerely,

[Signature]

Robert C. Ross
Chief Legal Counsel

Cc: Geoffrey Beckwith, Massachusetts Municipal Association

Enclosure
These Guidelines and Procedures MUST be implemented at all times on all construction sites. All construction sites MUST conduct a Safety Stand Down day to disseminate these Guidelines to all employees and workers.

**Employee Health Protection – ZERO Tolerance**

The following applies to both State employees and contracted staff working on behalf of the State.

- **ZERO TOLERANCE FOR SICK WORKERS REPORTING TO WORK. IF YOU ARE SICK, STAY HOME! IF YOU FEEL SICK, GO HOME! IF YOU SEE SOMEONE SICK, SEND THEM HOME!**
- If you are exhibiting any of the symptoms below, you are to report this to your supervisor (via phone, text or email) right away, and head home from the job site or stay home if already there.

If you notice a co-worker showing signs or complaining about such symptoms, he or she should be directed to their supervisor (via phone, text or email) and asked to leave the project site immediately.

**COVID-19 Typical Symptoms:**
- Fever
- Cough
- Shortness of Breath
- Sore Throat

- Prior to starting a shift, each employee will self-certify to their supervisor that they:
  - Have no signs of a fever or a measured temperature above 100.3 degrees or greater, a cough or trouble breathing within the past 24 hours.
  - Have not had “close contact” with an individual diagnosed with COVID-19. “Close contact” means living in the same household as a person who has tested positive for COVID-19, caring for a person who has tested positive for COVID-19, being within 6 feet of a person who has tested positive for COVID-19 for about 15 minutes, or coming in direct contact with secretions (e.g., sharing utensils, being coughed on) from a person who has tested positive for COVID-19, while that person was symptomatic.
  - Have not been asked to self-isolate or quarantine by their doctor or a local public health official.

- Workers that are working in a confined space or inside a closed building envelope will have to be temperature screened by a Medical Professional or Trained Individual provided that such screening is out of public view to respect privacy and results are kept private.
- Employees exhibiting symptoms or unable to self-certify should be directed to leave the work site and seek medical attention and applicable testing by their health care provider. They are not to return to the work site until cleared by a medical professional.

March 2020
General On-the-Job Guidance to Prevent Exposure & Limit the Transmission of the Virus

- No handshaking
- Wash hands often with soap for at least 20 seconds or use an alcohol-based hand sanitizer with at least 60% ethanol or 70% isopropanol
- Contractor and State Agency Field Offices are locked down to all but authorized personnel
- Each jobsite should develop cleaning and decontamination procedures that are posted and shared. These Procedures must cover all areas including trailers, gates, equipment, vehicles, etc. and shall be posted at all entry points to the sites, and throughout the project site.
- A “No Congregation” policy is in effect, individuals must implement social distancing by maintaining a minimum distance of 6-feet from other individuals
- Avoid face to face meetings – critical situations requiring in-person discussion must follow social distancing
- Conduct all meetings via conference calls, if possible. Do not convene meetings of more than 10 people. Recommend use of cell phones, texting, web meeting sites and conference calls for project discussion
- All individual work crew meetings/tailgate talks should be held outside and follow social distancing
- Please keep all crews a minimum of 6’ apart at all times to eliminate the potential of cross contamination
- At each job briefing/tool box talk, employees are asked if they are experiencing any symptoms, and are sent home if they are
- Each jobsite should have laminated COVID-19 safety guidelines and handwashing instructions
- All restroom facilities/porta-potties should be cleaned and handwashing stations must be provided with soap, hand sanitizer and paper towels
- All surfaces should be regularly cleaned, including surfaces, door handles, laptops, etc.
- All common areas and meeting areas are to be regularly cleaned and disinfected at least once a day but preferably twice a day
- Be sure to use your own water bottle, and do not share
- To avoid external contamination, we recommend everyone bring food from home
- Please maintain Social Distancing separation during breaks and lunch.
- Cover coughing or sneezing with a tissue, then throw the tissue in the trash and wash hands, if no tissue is available then cough into your elbow
- Avoid touching eyes, nose, and mouth with your hands
- To avoid sharing germs, please clean up after Yourself. DO NOT make others responsible for moving, unpacking and packing up your personal belongings
- If you or a family member is feeling ill, stay home!
Work Site Risk Prevention Practices

- At the start of each shift, confirm with all employees that they are healthy.
- We will have a 100% glove policy from today going forward. All construction workers will be required to wear cut-resistant gloves or the equivalent.
- Use of eye protection (safety goggles/face shields) is recommended.
- In work conditions where required social distancing is impossible to achieve affected employees shall be supplied PPE including as appropriate a standard face mask, gloves, and eye protection.
- All employees shall drive to work site/parking area in a single occupant vehicle. Contractors / State staff shall not ride together in the same vehicle.
- When entering a machine or vehicle which you are not sure you were the last person to enter, make sure that you wipe down the interior and door handles with disinfectant prior to entry.
- In instances where it is possible, workers should maintain separation of 6' from each other per CDC guidelines.
- Multi person activities will be limited where feasible (two person lifting activities)
- Large gathering places on the site such as shacks and break areas will be eliminated and instead small break areas will be used with seating limited to ensure social distancing.
- Contact the cleaning person for your office trailer or office space and ensure they have proper COVID-19 sanitation processes. Increase their cleaning visits to daily.
- Clean all high contact surfaces a minimum of twice a day in order to minimize the spread of germs in areas that people touch frequently. This includes but is not limited to desks, laptops and vehicles.

Wash Stations: All site-specific projects with outside construction sites without ready access to an indoor bathroom MUST install Wash Stations.

- Install hand wash stations with hot water, if possible, and soap at fire hydrants or other water sources to be used for frequent handwashing for all onsite employees.
- All onsite workers must help to maintain and keep stations clean.
- If a worker notices soap or towels are running low or out, immediately notify supervisors.
- Garbage barrels will be placed next to the hand wash station for disposal of tissues/towels.
Do all you can to maintain your good health by: getting adequate sleep; eating a balanced, healthy diet, avoid alcohol; and consume plenty of fluids.

Please Note: This document is not intended to replace any formalized procedures currently in place with the General Contractor.

Where these guidance does not meet or exceed the standards put forth by the General Contractor, everyone shall abide by the most stringent procedure available.

A site-specific COVID-19 Officer (who may also be the Health and Safety Officer) shall be designated for every site.

The approved project Health and Safety Plan (HASP) shall be modified to require that the Contractor’s site-specific project COVID-19 Officer submit a written daily report to the Owner’s Representative. The COVID-19 Officer shall certify that the contractor and all subcontractors are in full compliance with these guidelines.

Any issue of non-compliance with these guidelines shall be a basis for the suspension of work. The contractor will be required to submit a corrective action plan detailing each issue of non-conformance and a plan to rectify the issue(s). The contractor will not be allowed to resume work until the plan is approved by the Owner. Any additional issues of non-conformance may be subject to action against the contractor’s prequalification and certification status.
MEMORANDUM TO THE MBTA CONTRACTOR COMMUNITY

Re: COVID-19 Safety Stand Down on Monday, March 30 2020

Dear: Contractor

The MBTA has adopted a number of precautionary measures related to COVID-19. This includes multiple changes to Standard Operating Procedures and Safety Stand Downs being conducted by the Contractor community as part of the Governor’s announcement to the statewide contracting industry and how that relates to you specific contract with the MBTA.

The MBTA is requiring all contractors to conduct a Safety Stand Down on Monday, March 30, 2020 to review the revised SOP with their teams. We are also requiring that each contractor submit the details of their Safety Stand Down, as an addendum to their company’s Health and Safety Plan. It is required to be submitted to the MBTA no later than Monday, March 30, 2020. This addendum should verify that social distancing and small groups (less than 10) are maintained at the construction site, among other COVID-19 related safety procedures, to adhere to the Commonwealth of Massachusetts directives. It is expected that each Prime Contractor will hold their Subcontractors to the same safety standards as presented in the addendum.

The MBTA thanks you in advance as we work together in order to mitigate any potential impacts to delivering MBTA Capital construction projects and to our community in general. The MBTA will provide additional information and details related to our system as they become available. We appreciate your help and support on this matter. Should you have any questions please feel free to contact your MBTA PM.

Vikram Dogra, PE, MBA
Deputy Chief of Capital Programs

CC: Jay Neider, Chief of Capital Programs MBTA
    Chris Brennan, Chief of Capital Programs Support MBTA
    Katie Choe, Chief of Capital Delivery MBTA
    Angel Pena, Chief of Green Line Transformation MBTA
    Stephen Moore, Deputy Chief of Red Line/Orange Line MBTA