

5440400 Crash Cushions  
COMMENTS FROM INTERNAL/INDUSTRY REVIEW

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Greg Davis

Comment: (5-1-13) Sounds like the decision has been made to include repair cost in the bid price. We will need to close the "less than 50" pay item when approved.

Response: Agreed.

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Melissa Hollis  
[melissa.hollis@dot.state.fl.us](mailto:melissa.hollis@dot.state.fl.us)

Comment: (6-25-13) Updated Estimates Bulletin is needed to block old pay items and update selection chart.

Response: Agreed.

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John Baldwin  
[jbaldwin@bobsbarricades.com](mailto:jbaldwin@bobsbarricades.com)

Comment: (7-3-13 Text: PAYMENT FOR ATTENUATOR DAMAGE • Over the course of years Bob's Barricades has performed the Maintenance of Traffic on tens of thousands of projects throughout the State of Florida. The MOT includes installing, maintaining and repairing (damaged by motorists) crash cushions (attenuators. BBI has repaired or replaced thousands and thousands of crash cushions in a timely manner that have been hit, damaged or completely destroyed by motorists. • The cost of the device only is \$9,000 to over \$30,000 each. This does not include shipping, labor to repair, and lane closures. Time to schedule, Invoicing and clerical time to document the occurrences. • Damage to redirective crash cushions caused by motorists can range from a complete and catastrophic hit which requires replacement to a minor a nuisance hit. Many hits are somewhere in between. • The majorities of the collisions occur in the late night or AM hours between midnight and 5am during darkness. • The vast majority of the collisions are hit and run accidents with one vehicle involved. The driver's car in most cases is damaged but able to drive away from the incident. In some cases the cars are towed without the knowledge of the contractor as they are not on the job or may be working miles away. In this case no law enforcement report is ever recorded. • In the cases law enforcement is called to the scene a report is written the following scenarios are likely to occur. • It is often difficult to determine which law enforcement agency if any was on the scene. Unless the Prime contractor is on the scene at the time of the incident. Therefore finding an accident report can be difficult if not impossible. • All to often the incident is a hit and run, the driver has no insurance or is underinsured as the minimum statutory requirement for liability insurance is below the cost of most damage. • In cases where a third party insurance company receives a claim the insurance company often haggles with the contractor over who is responsible or the cost of the repairs or replacement of the unit. Insurance companies are not familiar in most cases with a crash cushion therefore causing a great deal of delay if any costs of repair are to be covered. • The FDOT specification

calls for repair or replacement of the damaged unit immediately or within 24 hrs. Currently the 20% mark up at times does not even cover the cost of the repair. Take into the consideration that we must pay for the parts (30 days net) and all of the other costs involved. • It is also impossible at bid time to determine the frequency of damage to the units and in many cases to even determine how many units will be used. The dilemma of who's will be responsible to cover the costs of the hits (the prime or the subcontractor is likely to cause a great deal of animosity) Does the Prime add a great deal of cost to their bid to the state to cover what may or may not happen causing the state to pay up front for damages that may not occur. • The system works fairly well at present. The attenuators are being repaired timely and the motoring public is safer for it.

Response: The Department recognizes this is a change in direction for crash cushions. These changes are a sharing of risk between the Department and Contractor for damages to installed material caused by third parties. Third party damage to temporary and permanent crash cushions will be handled in accordance with 7-14 the same as other installed materials. No changes made.

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Happy Alter  
954-423-2627  
[happyalterceo@bobsbarricades.com](mailto:happyalterceo@bobsbarricades.com)

Comment: (7-3-13)

As the owner of Bob's Barricades for 38 years I get to speak to many top contractors and their top management teams all over Florida having offices throughout The Great State of Florida. I would like to draw to your attention that not one contractor I have spoken to is in favor of the specification change (PAYMENT FOR ATENUATOR DAMAGE)"Imagine if we tried to force certain food , shellfish or notes to someone that is severely allergic to it" The Highway Patrol has always informed us that the majority of the hits on attenuators occurs during "The Drunken Hours" between 1am and 5 am often with no one out there to get a license number as a way to reach the drivers insurance company if the driver even has insurance or enough to cover the repair or replacement of the crash cushion. We and the few remaining MOT companies agree with the contractors that in this case the specification should not be changed. Please keep in mind that there is a 24 time limit to repair or replace the damaged unit. "How could anyone fund this expense while trying to find the motorist responsible that has disappeared, out of reach to FDOT, the contractors and the MOT companies. This is why the specification change makes no sense at all. This includes the impossible task of bidding the projects not knowing how many attenuators will be hit , damaged or destroyed. Thank you Happy Alter CEO/Owner Partner Bob's Barricades Inc.

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