



AMERICAN TRAFFIC SAFETY  
SERVICES ASSOCIATION  
BOARD OF DIRECTORS

**Board Policy Manual**

Updated July 2022

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## I. Board of Directors

# Board of Directors

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## Action Team Process

July 13-14, 2001

Board and staff identify mega issue(s)

1. Board/staff action team formed
2. Staff collects data based on "5 key questions" framework
3. Action team meets/dialogues
  - a. Five key questions
  - b. What do we wish we knew but don't
  - c. Identify "ends"
  - d. Round-robin on "means"
4. Board dialogue (set aside actual time on the meeting agenda)
  - a. Action team reports
  - b. Open discussion
5. Staff drafts means (action plan)
6. Staff reports action plan to board for approval

# Board of Directors

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## Code of Conduct

July 15-16, 2005

### Conduct Contract

Whereas I have been selected by my peers to serve on the board of the American Traffic Safety Services Association (ATSSA) and being fully aware of the high honor bestowed upon me, I pledge to do my utmost to adhere to the following code of conduct. I understand that:

1. **Membership on the board is not a right I have earned, but a privilege** bestowed by my colleagues to allow me to serve them and our mission. I am the servant of the association's members, not their master. I pledge to fulfill that role.
2. **Funds contributed to the association through the dues of members and other donors are to further the mission** and good works of ATSSA, not to personally benefit members of the board. I understand that the expenditure of funds on luxuries for board members for travel, meals, accommodations, gifts and other special perks takes funding from the donors' intended purposes, and such misuse of funds is as serious as misappropriation of funds. I pledge to be frugal and responsible with the members' money.
3. **The most important principle of leadership is to set the example**, and the association's staff and other volunteers will establish their own work ethic and fiscal responsibility based on what they see of my conduct. I pledge to always be an example of dedication, probity and frugality for staff and other volunteers.
4. **The true measure of a leader is one who knows and looks out for the welfare of his followers.** I pledge to know and look out for the welfare of the association's members and staff.
5. **There might be issues discussed at board meetings that could damage people or the association if discussed outside the boardroom**, and I pledge to maintain confidentiality of such items. But I also understand the members are the owners of the association and have a right to know how their association is operating. I pledge to support operating in as open and transparent a manner as is possible, while keeping in mind that some issues must be kept confidential.
6. **I have a responsibility to fully and fairly share my opinions** at board meetings, but that I also have a responsibility to support board decisions outside the boardroom. I pledge to do so.
7. **To fulfill my fiduciary responsibility to the membership, I must be knowledgeable about the association.** I pledge that I will read, review, and understand the bylaws, policies, financial reports, committee reports and other documents pertaining to the operations of ATSSA, and that I will devote the time necessary to stay current and to participate in board meetings and conference calls.
8. **I have a responsibility to apprise the board of any conflicts of interest** that I might have, and to recuse myself from voting where a conflict exists. I pledge to avoid both the appearance and the actuality of any conflict of interest.
9. **It is a violation of my fiduciary responsibility to the membership to appropriate to myself opportunities** that rightfully belong to the association, or to usurp opportunities and appointments for myself that should be open to the membership. I pledge not to do so.
10. **Antitrust violations could cause great harm to the association** and to individual board members. I pledge that I will not participate in any action, meeting or discussion that I believe could be, or have been advised by staff or association counsel could give even the appearance of being, a potential antitrust violation.
11. **My authority as a member of the board is only in the boardroom**, and I have no management authority or responsibility for the association outside of my participation in board decisions. It is the staff's responsibility to manage the association. It is the board's collective responsibility to set the strategic direction for ATSSA, to establish policies relating to ends, means and executive limits, to allocate resources and monitor financial performance, and to hire and oversee the chief staff executive. I understand that no one else can fulfill these board responsibilities. I pledge I will devote myself to helping the board fulfill these strategic responsibilities.
12. **Perception is reality.** I pledge to conduct myself in all things relating to the association in such a manner that I would not be embarrassed to have my conduct fully reported as the lead article in the association's publications.

**13. Members will look to me for their cues** about ATSSA. I pledge I will be an enthusiastic cheerleader and booster of the association.

**14. Board service is my opportunity to make a lasting contribution to my association,** to the roadway safety industry it represents, and to the membership. I pledge I will work to leave the association better, stronger and more fiscally sound than I found it at the start of my board service.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_

# Board of Directors

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## **Conflict of Interest – Intertraffic North America**

July 16-17, 2004

It is the policy of the ATSSA board of directors that board members whose companies are members of the Intertraffic North America Founders Circle and/or agree to promote the Intertraffic North America show or develop concurrent sessions at that show shall recuse themselves from all discussions related to ATSSA Traffic Expo.



# Board of Directors

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## Conflict of Interest

November 13, 2004

### Conflict of Interests and Fiduciary Duty Program Statement

#### Purpose

The purpose of the policies and procedures set forth in this statement is to assure that activities of the American Traffic Safety Services Association (“ATSSA” or “Association”) are carried out in the best interest of the organization and its mission. To this end, ATSSA has implemented a Conflicts of Interest and Fiduciary Duty Program. The goal of this Program is to ensure that ATSSA’s Board of Directors maintains its legal and ethical commitment to conduct ATSSA’s affairs free from potential conflicts of interest, and that Directors are informed of their duty of care and loyalty to the Association.

#### Scope and Obligations

Those in positions of responsibility and authority within the governance structure of ATSSA, including its Board of Directors, owe a fiduciary duty—including duties of “care” and “loyalty”— to the Association. The State of Virginia’s laws governing nonprofit corporations provide that a Director must discharge his or her duties in accordance with that Director’s good faith judgment of the best interests of the organization. Consistent with Virginia’s laws, Directors have a duty of “care” to avoid generating legal liability for the Association, and to attempt to further the Association’s interests rather than the Director’s individual interests or the interests of any other party. This duty also imposes an obligation to keep confidential any business, financial, and other information relating to the affairs of ATSSA. In addition, Virginia’s legal requirements generate a duty of “loyalty,” encompassing both a duty to avoid conflicts of interest and a prohibition of corporate competition by any Director with the Association.

The central aspect of fulfilling these duties is to avoid conflicts of interest, both financial in nature, or where a Director’s allegiance to the Association’s mission might be compromised. Thus, a conflict may exist where a Director engages directly in a financial transaction with the Association. A conflict may also arise where a Director participates in the deliberation and resolution of an issue important to the association while the Director has professional, personal, business or volunteer interests or responsibilities outside of the Association that could predispose or bias the Director in a manner inconsistent with his or her obligations to ATSSA. Finally, a conflict may arise through a Director’s participation with other associations or groups that could be perceived as competing with ATSSA’s products and services, or as conflicting with ATSSA’s legislative, regulatory, or other positions.

To assist ATSSA Directors in identifying potential conflicts, and to avoid liability where conflicts may arise, each member of the ATSSA Board of Directors shall complete and sign a Fiduciary Duty and Conflict of Interest Questionnaire and Statement. These Statements will be updated annually and will be reviewed by the ATSSA Executive Committee.

#### ATSSA Executive Committee Review Process

The ATSSA Executive Committee shall review each board member’s signed policy. Upon completion of this review, the following actions may be taken:

1. The Executive Committee may decide that a given disclosure is limited in scope or is inconsequential and therefore that no action is required.
2. In the event that a disclosure is deemed to be significant, the Executive Committee may recommend to the member that he or she recuse himself or herself from discussions and votes on relevant issues. If the member

agrees to the recusal, the Chairperson shall report it to the Board. If the member does not agree to the recusal, the Executive Committee's recommendation shall be brought to the full Board for consideration and a vote.

3. In the event that a disclosure is deemed to be so serious as to render the member unable to fulfill the responsibilities of a member of the Board, then the Executive Committee may recommend that the Board member resign. If the member agrees to resign, the Chairperson shall report it to the Board. If the member does not agree to resign, the Executive Committee may bring a recommendation for removal of that member to the full Board.

All members of the board shall annually execute a Conflict of Interest disclosure.

## Fiduciary Duty and Conflict of Interest Questionnaire and Statement

### Director Obligations

To avoid conflicts of interest, and the appearance of such conflicts, Directors of ATSSA are requested to:

1. Disclose any ownership or other interest, whether acute or remote, paid or unpaid, business or personal, for a business or nonprofit organization, that might potentially interfere or compete with the interests of ATSSA that they, or members of their immediate families, may have (this is a continuing obligation which extends throughout a Director's service to ATSSA, and which shall be disclosed as well on an annual disclosure form);
2. Disclose any interest that might give rise to an apparent or actual conflict of interest with respect to their duties to ATSSA (this is a continuing obligation which extends throughout a Director's service to ATSSA, and which shall be disclosed as well on an annual conflict of interest disclosure form);
3. Permit ATSSA to review and fully cooperate with such review regarding the circumstances of any potential, apparent, or actual conflict of interest; and
4. Personally take such action deemed necessary to protect the integrity of ATSSA or to avoid a breach of fiduciary duty, including recusal from Board deliberation and voting (although a Director may respond to questions from the Board), and if necessary, withdraw from his/her position.

### ATSSA Director Compliance Procedures

#### 1. Disclosure of Other Interests

- a. Timely Disclosure Requirement - In the event that any Director of ATSSA shall have any direct or indirect interest in, or relationship with, any individual or organization which may potentially interfere, compete, or conflict with the interests of ATSSA, the Director shall give notice to the Executive Committee, at the time the interest arises.

Specifically, disclosures must be made regarding:

- (1) Any transactions or arrangements between a Director and ATSSA involving:
    - (a) the sale, purchase, lease, or rental of property or other asset;
    - (b) the provision of services, personal or otherwise;
    - (c) the award of a grant or subcontract; or
    - (d) investments
  - (2) Any benefit or personal interest that a Director, or a Director's immediate family member, may incur or have in a Board decision.
  - (3) Other volunteer or paid positions in associations or groups that could be perceived as competing with ATSSA's mission or positions, including:
    - (a) Corporate government relations positions, both legislative and regulatory, that compete with ATSSA's positions;
    - (b) Participation in an organization that advances a conflicting position to that of ATSSA before the public or public bodies;
    - (c) Participation in or promotion of an organization whose products and services compete with those of ATSSA.
- b. Annual Reporting Requirement: Any direct or indirect interest on the part of any Director shall be annually disclosed on the ATSSA Fiduciary Duty and Conflict of Interest Questionnaire and Statement, which affirms that the Director has: 1) received a copy of the conflict of interest policy; 2) has read and understands the policy; 3) has agreed to comply with the policy; and 4) understands that in order for ATSSA to maintain its

federal tax exemption it must engage primarily in activities which accomplish one or more of its tax exempt purposes.

- c. Disclosure Requirements for All New Directors - Any new Director elected or appointed during the course of the year shall be advised of the ATSSA conflict of interest policy by the chief elected officer immediately upon election or appointment. The new Director shall be asked to submit a questionnaire outlining any possible area of conflict of interest, as well as a statement regarding fiduciary duties owed to ATSSA. This questionnaire and statement shall be submitted prior to the first meeting following the new Director's election or appointment.

## 2. Violations of the Conflict of Interest Policy

- a. If the Executive Committee has reasonable cause to believe that a Director has failed to disclose actual or potential conflicts of interest, it shall inform the Director of the basis for such belief and afford the Director an opportunity to explain the alleged failure to disclose.
- b. If, after hearing the response of the Director and making such further investigation as may be warranted in the circumstances, the Executive Committee will determine whether the Director has in fact failed to disclose an actual or potential conflict of interest and whether the matter should be referred to the Board of Directors for appropriate disciplinary and/or corrective action.

**Questionnaire and Statement  
For the Calendar Year \_\_\_\_\_**

**Name \_\_\_\_\_**

Pursuant to the purposes and intent of the policies adopted by the Board of Directors and the American Traffic Safety Services Association (“ATSSA”) requiring disclosure of certain interests, a copy of which has been furnished to me, I hereby state that I or members of my immediate family have the following affiliations or interests and have taken part in the following transactions that, when considered in conjunction with my position with or in relation to ATSSA, might possibly constitute a conflict of interest. I have checked “None” where applicable. I invite any further review by ATSSA regarding any aspects of these affiliations.

**1. Outside Interests**

- a. Identify any interests or investments, of yourself or your immediate family, that might be deemed a position or financial interest in any outside concern from which you believe ATSSA secures goods or services (including the services of buying or selling stocks, bonds, or other securities) or that provides services competitive with ATSSA.

( ) None

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- b. Identify any purchases or sales of property or property rights, interests, or services, by yourself or your immediate family, that might be deemed to have been made in competition with ATSSA.

( ) None

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**2. Outside Affiliations and Activities**

- a. Identify any instances in which you or any members of your immediate family have rendered directive, managerial, or consultative services to any outside concern that does business with, or competes with the services of ATSSA, or have rendered other services in competition with ATSSA.

( ) None

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- b. Identify whether you or any member of your company plan to promote tradeshow or conferences in areas overlapping with ATSSA’s mission and activities.

( ) None

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- c. Identify any nonprofit or for-profit affiliations or positions that you or any member of your corporation have or hold with any other corporations or organizations which conduct activities in areas overlapping with ATSSA’s mission and activities.

( ) None

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3. **Gifts, Gratuities, and Entertainment**

Identify any gifts, gratuities, or entertainment from any outside concern that does or is seeking to do business with ATSSA, or is a competitor of ATSSA, that you or any member of your immediate family has accepted.

( ) None

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4. **Inside Information**

Describe any information disclosed or used by you or any member of your immediate family relating to ATSSA's business for the personal profit or advantage of yourself or your immediate family, or any outside concern that does or is seeking to do business with ATSSA, that could be used to their advantage when soliciting or doing business with ATSSA.

( ) None

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5. **Other**

List any other activities in which you or your immediate family is engaged that might be regarded as constituting a conflict of interest.

( ) None

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By signing below, I hereby declare:

- That I have received a copy of the ATSSA Conflicts of Interests and Fiduciary Duty Program Statement, as well as the ATSSA Fiduciary Duty and Conflict of Interest Questionnaire and Statement;
- That I have read and understand these documents;
- That I agree to comply with the duties and obligations outlined in these documents;
- That I understand that in order for ATSSA to maintain its federal tax exempt status it must engage primarily in activities which accomplish one or more of its tax exempt purposes;
- That I agree to immediately report to the Executive Committee of ATSSA any further transactions, affiliations or activities that might develop before completion of my next questionnaire; and
- That I have truthfully answered all questions in this document.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

# Board of Directors

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## **Board Meetings**

November 10-11, 2000

The chairperson-elect will select board meeting sites for his/her years when serving as chairperson.

March 23-24, 2001

Voted in favor of holding board meetings offshore.

July 18-19, 2003

Agreed that the board would not as a rule schedule its summer board meeting in conjunction with Midyear.

# Board of Directors

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## Chairperson Expenses

September 14, 1979

Rewritten November 2005

Rewritten July 2016

Rewritten March 10, 2022

### Background

The role of the chairperson to the association is an essential role and requires attendance at various industry and association events and activities to be the representative face and voice of the ATSSA membership. The association recognizes the importance of this individual's presence and also the time that it requires away from their business/job, as well as the direct expenses related to travel. As such, the association has developed the following policy for reimbursement of expenses to the chairperson when traveling on ATSSA business. It is expected that these expenses would be included in each annual association budget.

### Policy

1. The ATSSA chairperson and guest shall be exempt from all event registration fees during the chairperson's term of office.
2. The chairperson shall be provided a complimentary hotel room for all ATSSA nationally sponsored events, to include the annual meeting/expo, midyear meeting, legislative fly in, and other events that may require the chairperson's attendance. This room may be negotiated into hotel contracts as a complimentary offering when available.
3. The chairperson shall be provided a complimentary hotel room for all ATSSA Board meetings.
4. Reasonable travel expenses incurred by the chairperson which will be reimbursed include:
  - a. Coach class airfare or mileage reimbursement at the per diem rate.
  - b. Airport and/or hotel parking
  - c. Transportation to and from hotel/airport/home.
5. Personal expenses for the chairperson and chairperson's guest will not be reimbursable. Examples to include bar tabs charged to hotel rooms, movies, spa treatments, golf, etc.



## II. Entities

# Entities

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## Chapters How To Conferences

November 5-6, 1993

July 23, 2021

Various ATSSA chapters hold annual How To Events and How To Conferences in their state(s) to provide relative training and education opportunities for professionals in the roadway and infrastructure safety industry. These conferences are especially of interest to government employees, contractor employees, consulting engineers, and manufacturers involved in the selection, inspection, or maintenance of all types of pavement markings, signage, and temporary traffic control.

Chapters considering How To events should notify ATSSA staff and begin planning a minimum of one year in advance. It's important when planning the event that it doesn't conflict with any ATSSA event or other national construction industry event.

The How To events can range from a one-day to a three-day conference. The events should be a mix of education, networking and optional exhibitor/tabletop displays.

All How To event requests must be in writing. The review process, roles & responsibilities of the Chapter, Planning Committee and ATSSA staff are outlined in the Chapter Management Guide.

There is a fee assessed to the Chapter for each How To event. Those fees will be negotiated between ATSSA and the Chapter President. The fees vary based on the length of the event, current credit card/bank fees, sales & sponsorship support and the number of onsite ATSSA staff needed.

# Entities

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## **Roadway Safety Advancement Fund Funding**

July 9-10, 1999

July 23, 2021

The Roadway Safety Advancement Fund will be funded by an ATSSA member dues assessment in addition to voluntary contributions that will be placed in a restricted fund.

# Entities

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## Standing Committees Officer Position Descriptions

July 23, 2021

### Committee Chair Responsibilities

In conjunction with the staff committee liaison, the chair is responsible for keeping the work of the committee aligned with the association's strategic plan.

#### Eligibility

1. Must be a member of ATSSA.
2. Must be a member of the standing committee at the time of ascension to the position.
3. Transportation agency officials are ineligible to serve as chair.

#### Term of Service

Two years with the option of being elected to serve not more than one additional two-year term, for a total of four (4) years.

#### Organizational Relationships

Reports to Operating Committee; works with staff liaison assigned to committee and Director of Board and Volunteer Services.

#### Specific Responsibilities

1. Keeps abreast of industry changes and advises the staff liaison of those that might affect the work of the committee.
2. Ensures that the activities of the committee are in alignment with the ATSSA strategic plan.
3. Responds promptly to staff requests for assistance.
4. Reviews and approves meeting agendas and supporting documentation as prepared by the staff liaison.
5. Reports committee actions, motions, resolutions to the Operating Committee.
6. Reviews applications for committee membership, interviews prospective committee members providing an explanation of the expectations of committee members, including attendance and participation, and, in consultation with the staff liaison, appoints new committee members from the wait list .
8. Makes every effort to maintain a balance in proportion to the composition of the national membership and the committee rotation plan. Once a category of committee members reaches its maximum number and the wait list of members in that category is at least 20% of that category, the chair and staff liaison must institute a program to rotate committee members off and onto the committee, as outlined in the Procedures for Standing Committees booklet.
9. May appoint task forces or subcommittees as needed, which can meet at any time.

10. Has the right to remove from committee membership any member who fails to attend or participate regularly in committee meetings.
11. Appoints a secretary from the committee membership at least 30 days prior to the next regularly scheduled committee meeting.
12. Maintains clear knowledge of committee mission, goals/objectives and action plan.
13. Maintains thorough understanding of the ATSSA Procedures for Standing Committees
13. Participates in committee management training as offered
14. Performs duties as specified above and may have occasional meetings with the chair of the Operating Committee to review aforementioned duties. If the chair is unable or unwilling to perform them, he or she will be allowed to resign on his/her own accord or may be relieved of the chair duties, in which case, the vice chair will act as chair until elections are made.

#### During Committee Meetings

1. Presides at all committee meetings.
2. Sees that the agenda is followed as closely as possible during the meeting.
3. Can require that any main motion or amendment be submitted in writing.
4. Votes only when a tie-breaking vote or a recorded roll-call vote is needed.
5. Ensures that all people attending a meeting are treated equally -- for example, not to permit a vocal few to dominate the debates.
6. May appoint task forces or subcommittees
7. Has working knowledge of parliamentary procedure and conducts meeting using that procedure.

## **Committee Vice Chair Responsibilities**

### Eligibility

1. Must be a member of ATSSA.
2. Must be a member of the standing committee at the time of election.
3. Transportation agency officials are ineligible to serve as vice chair.

### Term of Service

Two years with the option of being re-elected to serve not more than one additional two-year term, for a total of four (4) years.

### Organizational Relationships

Works with committee chair, secretary and staff liaison assigned to committee and occasionally with the Director of Board and Volunteer Services.

### Responsibilities

1. In the absence or temporary incapacity of the chair, presides at committee meetings. The vice chair shall continue in the capacity of chair until the chair can resume his/her position or until elections are made.
2. Votes on all items coming before the committee except when acting as chair. The vice chair acting as chair will vote only when a tie-breaking vote or a recorded roll-call vote is needed.
3. Maintains familiarity with all committee activities.
4. May be responsible for coordinating and overseeing the work of the committee task forces, subcommittees and other entities reporting to the full committee.
5. Has working knowledge of parliamentary procedure and aids chair in conducting the meeting according to those procedures.
6. Participates in committee management training as offered.

## **Committee Secretary Responsibilities**

### Eligibility

1. Must be a member of ATSSA
2. Must be a member of the standing committee at the time of appointment.

### Term of Service

Two years with the option of being appointed to serve not more than one additional two-year term, for a total of four (4) years.

### Organizational Relationships

Appointed by chairperson at least 30 days prior to the next regularly scheduled committee meeting. Works with committee chair, vice chair and staff liaison assigned to committee and occasionally with the Director of Board and Volunteer Services.

### Responsibilities

1. Records attendance at each meeting.
2. Records accurate notes of the proceedings at each meeting, including:
  - names of committee members present and absent
  - names of persons making a motion or an amendment
  - passage or defeat of motions and amendments
  - final vote count
  - all decisions reached
  - follow-up actions to be taken
  - deadlines to be met
  - brief record of important discussion items
  - reports delivered to and received by the committee
3. During the meeting may ask the chair to instruct any speakers who are presenting reports, statements, resolutions, or long written motions to provide the secretary with a copy before the meeting, or immediately following the presentation. The chair can require any main motion or amendment to be in writing before the chair states it. The secretary can INSIST that this be done.
4. Completes a summary of the meeting within six weeks following the meeting and submits to the staff liaison for distribution. The summary should include a list of action items and notice of any action taken by the Operating Committee on committee recommendations (to be provided to the secretary by the staff liaison).
5. In the absence of the chair and vice chair, calls meeting to order and presides until the immediate election of a chairperson pro tem.
6. In the event the secretary is absent from a meeting, the chair shall appoint a temporary secretary for that meeting.
7. Maintains familiarity with all committee activities.
8. Has working knowledge of parliamentary procedure and aids chair in conducting the meeting according to those procedures.
9. Participates in committee management training as offered.

# Entities

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## Procedures for Standing Committees

March 2004

Amended 2016

Amended 2019

Amended November 11, 2021

ATSSA carries out its work through a complex structure of committees and subcommittees, councils, and task forces with each committee having a specific purpose. The Association depends on the dedication and commitment of its members to ensure the vitality of the Association's progress. Each year, hundreds of members serve on committees.

### Chair

The committee Chair shall be a member of ATSSA and a member of the committee at the time of ascension to the position. Transportation Agency Officials are ineligible to serve as Chair.

The term of the committee Chair shall be two years. No person may serve as Chair of the same committee more than two consecutive two-year terms.

The committee Chair shall be elected by a simple majority of voting committee members. Voting shall be conducted by sealed ballot, except that this provision may be waived by the Chair if there is only one candidate.

The committee vote will be reported to the Operating Committee.

The Chair shall preside at all committee meetings.

The Chair, or Vice Chair acting as Chair, will vote only to make or break a tie or when there is a recorded roll-call vote.

The Chair will attend Operating Committee meetings and report committee actions.

A committee Chair may not serve concurrently as a voting member of the Operating Committee or the Board of Directors.

The Chair, in consultation with the staff liaison, is responsible for appointing members to the committee from the wait lists.

Committee Chairs must interview applicants for membership on the committee and provide an explanation of the expectations of committee members, including attendance and participation.

Task forces of subcommittees may be appointed by the Chair as needed and may meet at any time. Chairs are strongly encouraged to include Friends of the Committee, especially those on the wait list, on task force assignments.

The Chair shall have the right to remove from committee membership any member who fails to attend or participate regularly in committee meetings.

A committee Chair may be removed for just cause. Such removal will require a two-thirds vote of the entire membership of the Operating Committee at any regular or special meeting or by mail ballot and must be confirmed by a two-thirds vote of the entire membership of the Board of Directors at any regular or special meeting or by mail ballot.

### Vice Chair

The committee Vice Chair shall be a member of ATSSA and a member of the committee at the time of election. Transportation Agency Officials are ineligible to serve as Vice Chair.



In the event of incapacity or absence of the Chair, the Vice Chair shall preside at the meeting.

The Vice Chair may vote on all items coming before the committee except when he or she is acting as Chair. The vice Chair acting as Chair will vote only to make or break a tie vote or when there is a recorded roll-call vote.

The vice Chair may be responsible for coordinating and overseeing the work of the committee task forces, subcommittees, and other entities reporting to the full committee.

The term of the committee Vice Chair shall be two years. No person may serve as Vice Chair more than two consecutive two-year terms.

A committee Vice Chair will be elected by a simple majority of voting committee members. Voting shall be conducted by sealed ballot, except that this provision may be waived by the Chair if there is only one candidate.

The committee's vote will be reported to the Operating Committee.

### **Secretary**

The Chair will be responsible for appointing a Secretary from the committee membership at least 30 days prior to the annual meeting. Transportation Agency Officials are eligible to serve as secretary.

The Secretary shall be responsible for recording attendance and taking accurate notes of the proceedings at each meeting.

The Secretary shall record the names of the persons making a motion or an amendment and the final vote count.

The meeting summary shall be distributed to each committee member within six weeks following the meeting. The summary shall include a list of follow-up action items and notice of any action taken by the Operating Committee on committee recommendations.

In the absence of the Chair and Vice Chair, the Secretary shall preside at the meeting until the immediate election of a Chair pro tem.

### **Application Process**

- A member may submit an application for committee membership to ATSSA at any time.
- The member must describe on the application his/her interest in and/or qualifications for serving on the committee.
- Once the application is received by ATSSA, a determination will be made that:
  - There is a vacancy on the committee; and the appropriate balance of membership categories on the committee will be maintained.
- The member may be asked to visit a committee meeting and meet with the Chair about a committee appointment.
- Upon completion of the meeting, the member will be notified regarding the status of his/her application
- New committee members must be appointed to the committee at least 30 days prior to a scheduled meeting in order to be eligible to vote at that meeting.
- Applicants for committee membership shall be selected from the appropriate membership category giving preference to those on the wait list that have attended and/or participated in committee activities.

### **Friends of Committee and Wait Lists**

ATSSA staff will maintain wait lists for committees in the order of application for committee membership. Those on wait lists will designate their type of membership for committee rotation purposes.

ATSSA staff will maintain a list of Friends of the committee who do not apply for wait list status.

Both wait list members and Friends may serve on and chair subcommittees and task forces, receive committee materials, notifications and communications and have access to the committee web site.

Both Friends and wait list applicants must be ATSSA members.

ATSSA staff shall annually confirm the continued interest of those on the wait list via electronic communications. A non-response will result in the deletion of a name from the wait list.

## **Committee Member Responsibility**

### Attendance and Participation Requirement

- There shall be at least two committee meetings per year. In order to remain a member of the committee, members are expected to attend each committee meeting.
- If a member has two unexcused absences in a row, he or she will be deemed to have resigned from the committee.
- An excused absence is defined as an absence that is reported to and approved by the Chair in advance of the meeting.
- A member of a committee may not have more than two excused absences in a three-year period.
- Committee members are expected to actively participate in and contribute to the full committee. Participation includes engagement in committee discussions, volunteering for task force assignments or otherwise contributing to the work of the committee. Failure to participate in the committee can result in removal from the committee.

### Proxy

- If a member cannot attend a meeting, he or she may select a designated alternate (proxy) who will have full voting rights and privileges on behalf of the committee member. The proxy must be a member of ATSSA. Proxies may only be designated in the event of an excused absence. A proxy may only be used one time in a three-year period.
- The committee member shall inform the Chair in writing in advance of the meeting of the selection of an alternate proxy.

## **Committee Structure**

- Committee size will be not more than 30 and not less than 10 ATSSA members.
- The Chair will make every effort to maintain a balance in proportion to the composition of the national membership.
- The number of representatives from one company who can serve on a standing committee is 10% of the total committee membership.
- A committee membership is held by the individual, not by a company or agency.
- If an individual leaves the employ of one member company for the employ of another member company, the individual is entitled to retain the committee membership.

- If an individual leaves the employ of a member company and no longer qualifies as a member, or otherwise wishes to resign from committee membership, it shall be the Chair's responsibility to fill the vacancy.
- Each committee may have one or more committee member liaisons representing the diverse activities of the association. Each liaison will be considered a voting member of the committee.
- Any committee member who enters into a contractual agreement with ATSSA which relates directly to the work of the committee(s) on which the member serves, will agree to serve on the committee in a non-voting capacity so long as the contractual agreement remains in effect and the member continues to serve on the committee.

## **Voting**

### Quorum

- A quorum must be present to vote on motions brought before the committee. A quorum is defined as one more than half the number of persons who are entitled to vote including the Chair and Vice Chair.

### Voting Privilege

- Items coming before the committee shall be voted on by the members. Only committee members or approved alternates (proxy) may vote on matters brought before the committee.

### Parliamentary Procedure

- The latest edition of Robert's Rules of Order newly revised will be followed in conducting the business of any committee meeting.

## **Requirements for Rotation of Committee Members**

Each committee shall designate the number of committee members in the following categories, with the sum of all categories not exceeding the committee limit of 30:

- Contractors
- Manufacturers and Suppliers
- Public Officials
- At Large
- All other ATSSA Membership Categories

Once a category of committee members reaches its maximum number AND the wait list of members in that category is at least 20% of that category the committee must institute a program to rotate committee members off and onto the committee.

- Rotation begins by asking for voluntary resignations from the relevant category of the committee.
- In the event that an insufficient number of members volunteer to resign from the relevant category of the committee, the longest serving member(s) of the relevant category committee shall be rotated off until the target number of rotations is achieved.
- Both those who voluntarily rotate off and those who are rotated off by length of service may immediately serve as Friends of the committee and may reapply for committee membership after one year.
- In no event shall the rotation of committee members exceed one-third of the members of a given category in any one year.
- Committee officers are exempted from rotation until the completion of their terms as officers.
- Committee members are exempted from rotation until having served a minimum of 3 years.

- Applicants for committee membership shall be selected from the appropriate membership category by the Chair, with consideration given to the date they applied for membership. An applicant may defer appointment one time and retain his or her position on the waiting list.
- At the discretion of the committee chair and with the approval of the Operating Committee, the At Large category may be assigned to current committee members who represent the views of a membership category other than the one his/her company is primary listed in and not eligible for any other category. Members in this category are exempted from rotation until having served a minimum of three years. At which time, the seats assigned to this category may be released to other categories as the committee deems necessary.

## **Chapters -Policy on Non-Member Participation in Chapter Meetings**

July 2008

Amended July 23, 2021

Participation in ATSSA chapter, committee, task force, planning and other meetings is a right of ATSSA voting membership and a privilege to other invitees. ATSSA member companies, Transportation Agency Officials, Life Members, and others who pay dues may attend and participate in chapter meetings. Non-members who are eligible for membership may attend up to two meetings over a two-year period upon the invitation of the chapter president, after which they must either join the association or discontinue participation. For a newly chartered chapter, the two-meeting limit may be waived by the chapter president, but the two-year limit may not be waived. Non-member Transportation Agency Officials and other non-members who are invited to speak or participate in a discussion of items on the meeting agenda may also attend chapter meetings upon the invitation of the chapter president. General contractors are ineligible for ATSSA membership and are therefore ineligible to participate in chapter meetings, except that representatives of general contractors' associations may participate in a chapter meeting when invited by the chapter president to discuss areas of mutual interest. Both members and non-members may attend chapter special events for which a fee is charged, such as How-Tos, fundraisers, and golf outings.

## **Policy on Non-Member Participation within ATSSA Committees**

November 2008

Participation in ATSSA committee, task force, planning and other meetings is a right of ATSSA voting membership and a privilege to other invitees. ATSSA member companies, Transportation Agency Officials, Life Members, and others who pay dues may attend and participate in committee meetings. Non-members who are eligible for membership may attend up to two meetings over a two-year period upon the invitation of the committee chair or the staff liaison, after which they must either join the association or discontinue participation. Non-member Transportation Agency Officials and other non-members who are invited to speak or participate in a discussion of items on the meeting agenda may also attend committee meetings upon the invitation of the committee chair or the staff liaison. General contractors are ineligible for ATSSA membership and are therefore ineligible to participate in committee meetings, except that representatives of general contractors' associations may participate in a committee meeting when invited by the committee chair or the staff liaison to discuss areas of mutual interest.

# Entities

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## Chapters - Chapter Assessment Policy

March 9, 2018

Amended July 23, 2021

### Current National Bylaws

#### Article XII – Chapters

##### Section 2. Membership

Every member of a Chapter must be a national member and be current in the payment of dues. The Chapter agrees to accept as a member of their Chapter, any ATSSA member within their Chapter boundaries. Any ATSSA member may have the opportunity to join any other chapter(s).

##### Section 3. Dues

ATSSA shall collect all membership dues. A portion of the dues collected from Chapter members shall be remitted back to the Chapter to compensate for administrative costs. The Chapter may assess its members for specific projects or programs it deems necessary and may conduct other fundraising activities.

### Background

It was recently brought to our attention that in at least one particular chapter, the chapter doesn't allow members to attend chapter meetings or vote in chapter elections, if their annual special assessment of \$300 isn't paid.

The purpose of this policy is to eliminate any confusion or gray area as to how national member dues differ from special assessments imposed upon participating active members at the chapter level; giving more clarification.

Accordingly, attendance, participation and voting in chapter meetings are the basic rights of the ATSSA member derived from paid membership to ATSSA. Normal chapter meetings should not be misconstrued as events or special events, and should not prohibit the attendance or voting rights of dues paying members.

Fund-raising assessments may be applied for those events or special events beyond the usual conduct of a chapter meeting, as in the election of a more expensive out-of-the-ordinary venue; or a "How To" event or special (golf, fishing, etc.) outing; or project / program.

Restrictions, of course, do apply towards certain membership types per chapter bylaws: Example: A public agency may or may not be eligible for office or have voting privileges or instructors are not eligible to vote.

Chapters may raise funds through voluntary assessments and special events such as: golf, fishing, How-To's, and other programs that fall outside the scope of the chapter meeting.

### Membership in the Chapter

- a. The Chapter shall take all appropriate action to sustain and promote membership growth. The Chapter shall develop procedures to ensure that the interests of its members are fully and properly represented and shall provide membership services consistent with those offered by ATSSA and other chapters of ATSSA. To be a member of the Chapter, the member must be a member of ATSSA.
- b. The Chapter agrees to accept any ATSSA member in their state or region, as a member in their Chapter.

- c. ATSSA members shall remit membership dues annually to ATSSA. Dues paid to ATSSA shall be set and determined by ATSSA's Board of Directors. Dues shall become due on such date as determined by ATSSA's Board of Directors. Upon receipt by ATSSA of the Chapter's W-9 showing filing of the Chapter's corporate tax documents, as required by the state, ATSSA may provide a voluntary payment to the Chapter on a yearly basis as determined by the ATSSA Board of Directors.

### **Collection of Dues**

The Chapter will collect no dues but may assess its members for specific projects or programs it deems necessary and may conduct other fundraising activities. Accordingly, attendance, participation, and voting in Chapter meetings is a basic right of ATSSA members. Normal Chapter meetings should not be misconstrued as events or special events, or prohibit the attendance or voting rights of active participating members.

\*Restrictions apply towards certain membership types per your chapter bylaws: Example: A public agency representative is not eligible to be hold a Chapter President position per the ATSSA National Bylaw. A Public Agency may or may not be eligible for office or have voting privileges or instructors are not eligible to vote.



# Entities

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## Chapters - Chapter Special Meetings Policy

March 11, 2022

### Background

ATSSA's chapters have requested additional guidelines to call special meetings with industry partners such as state and local government agencies to discuss issues related to safety, specifications, emergency management, etc. A task force was formed at Midyear meeting 2021 and the below policy was approved by the Chapter Presidents' Council (CPC).

### Special Meetings Policy

The Chapter President or Board of Directors may call special meetings of the chapter; or the Chapter President may call a special meeting upon request by a majority of the voting members of the chapter. Special meetings may be held to address an issue that has arisen outside the normal chapter, board or committee meeting schedule and needs timely response. ATSSA's chapter liaison shall be informed, and chapters may request assistance from ATSSA National if needed.

Notice of any special meeting shall be communicated to each member at the member's last recorded email address at least fourteen (14) days in advance of the meeting and include:

- a statement summarizing the participants involved, and time and place of the meeting.
- information as to the subject or subjects to be considered at the meeting.
- an invitation of participation for all members whose product or service is a part of the issue or topic of conversation.
- information regarding which chapter members will represent the chapter at the meeting.

Special meetings may not:

- discuss other members products or services without their consent and/or representation at such meetings.
- state a position that the majority of the chapter has not approved.
- take a position contrary to ATSSA National policy.
- violate ATSSA's anti-trust guidelines.

If there are extenuating circumstances that involve time-sensitive safety or emergency management, the Board of Directors may vote to waive the fourteen (14) day notice. If waived, each member at the member's last recorded email address must be notified at least one (1) day in advance of the meeting and follow the guidelines as set forth in this policy.

### III. President & CEO

# President & CEO

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## **Insurance**

January 22, 1992

The association shall purchase key-person insurance for the President & CEO in an amount to be determined by the Executive Committee. Such insurance to be a 15-year level premium term insurance that the Executive Committee will review at the end of each 15 years with the association to be the beneficiary until the President & CEO leaves, at which time the beneficiary can be changed at the discretion of the President & CEO.

# President & CEO

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## Succession Plan

March 15-16, 2002

This is intended to provide guidance regarding the leadership and management of the association in the event of the incapacity of the President & CEO. Incapacity is defined as (1) death, (2) disappearance, or (3) disability of the President & CEO that would cause him or her to be unable to perform the duties of that office for more than 60 days.

In the event of the incapacity of the President & CEO, the Director, Finance and Administration, shall temporarily function as the Acting President & CEO/Chief Operating Officer of the association. He or she may assign various duties and responsibilities of the Office of the President & CEO to members of the staff leadership team (departmental directors plus the Executive Assistant to the President & CEO). The Director, Finance and Administration, may also engage temporary employees or “outsource” association functions in order to balance his or her own workload and that of the leadership team. This authorization is regardless of whether this expense has specifically been included in the ATSSA budget as approved by the board of directors. However, fiscal prudence should always be a guiding factor.

Immediately upon learning of the incapacity of the President & CEO, the Director, Finance and Administration, shall advise the ATSSA chairperson and the executive committee of the incapacity. He or she shall also advise the chairperson of what steps have been taken to ensure the seamless conduct of the association’s business and shall make a brief report on such to the executive committee on a weekly basis.

The ATSSA chairperson, with the advice and consent of the executive committee, shall determine if a search is required to be undertaken for a new President & CEO. The executive committee shall have the discretion to engage a professional search consultant and expend such other funds on the recruitment effort as it deems appropriate. The executive committee shall be entitled to reimbursement of actual expenses for meetings and interviews conducted as part of the recruitment process. The Acting President & CEO and the Manager, Human Resources shall provide support to the Executive Committee as required.

For purposes of recruitment, the internal announcement procedures included in the ATSSA staff policy manual shall be followed. Any ATSSA full time employee may apply for the President & CEO position in response to that posting.

The executive committee shall review resumes and interview candidates in a manner it deems appropriate, including a determination as to whether any candidates shall be reimbursed for travel expenses. Upon selection of a final candidate, the executive committee may negotiate a contract and compensation with that candidate, being mindful of its fiduciary duty to the association. Counsel should be engaged for review of an employment contract prior to its execution. At its discretion, the executive committee may present information about one or more of the candidates to the ATSSA board for an advisory opinion. The board may meet by electronic means for this purpose.

Upon the effective date of the employment contract with the new President & CEO, the Director, Finance and Administration, will no longer serve as Acting President & CEO.

# IV. Financial Processes

# Financial Processes

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## **Audit**

October 4, 1986

A copy of the certified audit will be furnished to any ATSSA member who requests it in writing.

# Financial Processes

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## **Bonding**

January 27, 1986

Rewritten November 2005

All staff members authorized to sign ATSSA checks shall be bonded.

# Financial Processes

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## **Check Signing**

June 18, 1986

Rewritten November 2005

Checks in the amount of \$10,000 or greater shall require two signatures.



# Financial Processes

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## **Contingency Fund**

July 9-10, 1999

The Executive Director is authorized to redistribute funding from the Executive Director contingency fund to the various departments and to identify those distributions by adjustments to the “Board Amended Budget” column of the financial report made to the board.

# Financial Processes

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## **Employee 401(k) Plan**

March 21-22, 1997

A 401(k) Plan will be incorporated as part of ATSSA's existing employee retirement plan with ATSSA matching 50% of the first 4% contributed by employees. Then the ATSSA board, at the end of the year, could decide to contribute more.

November 14, 1997

ATSSA employees shall be allowed to participate in the deferral part of the 401(k) retirement plan immediately upon employment.

# Financial Processes

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## **Employee Retirement Plan**

January 16-18, 1987

The executive director and ATSSA president shall be appointed as trustees for the ATSSA Employee Retirement Plan.

November 11-12, 1994

Amended July 23, 2021

The ATSSA Employee Retirement Plan is changed to add one more trustee who will be a plan participant, selected by the plan participants. Such trustee will be appointed by resolution of the board and will serve for a period of two years or until leaving the employ of ATSSA, whichever occurs first, at which time the board will appoint or reappoint the trustee. The President & CEO of ATSSA will remain as trustees.

# Financial Processes

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## Investment Policy

November 5-6, 1999

March 12, 2021

### Investment Policy Statement

#### Preamble

This Investment Policy Statement has been adopted by the Board of Directors of the American Traffic Safety Services Association (ATSSA) to provide guidelines for the investment of funds held by the organization.

To manage investment risk and optimize investment returns within acceptable risk parameters, funds held will be divided into three separate investment pools. The process for determining the dollar amount in each pool is set forth in the Procedures Section (Section 1.0) of this document. The three investment pools shall be called the Operating Fund, the Intermediate Term Fund and the Long-term Fund.

#### Section 1.0: Procedures

1. To ensure this Investment Policy Statement is consistent with the current mission of ATSSA and accurately reflects its current financial condition:
  - This investment policy shall be reviewed periodically by the Chief Financial Officer (CFO) for any necessary revisions; and
  - Recommendations for revisions or modifications will be made by the CFO to the Budget Committee for a first approval and to the Board of Directors for final approval.
2. The dollar amounts to be placed in the Intermediate - and Long-term Funds will be based on the ATSSA Reserve Fund Policy and implemented by the CFO and the Investment Advisor

Dollars not specifically designated for the Intermediate - or Long-term Funds will be restricted to those investments permitted under the Operating Fund's Investment Guidelines (Section 2.2).

3. To secure the services of or replace investment professional(s) consulting on or managing portions of ATSSA's funds:
  - The CFO and the President and CEO will review the candidate(s) and select the investment professional(s); and
  - The CFO will recommend hiring or replacing the investment professional(s) to the Chair of the Budget Committee.

### Operating Fund

#### Section 2.0: Purpose of the Operating Fund

The purpose of the Operating Fund is to provide sufficient cash to meet financial obligations of ATSSA in a timely manner.

#### Section 2.1: Investment Objectives of the Operating Fund

Investment objectives of the Operating Fund are:

- Providing liquidity;
- Preserving capital; and
- Optimizing the investment return within the constraints of this policy.

## Section 2.2: Investment Guidelines of the Operating Fund

### 2.2.a: Allowable Investments

The CFO is authorized to invest the Operating Fund in:

- Interest-bearing checking accounts at federally-insured banks and savings and loans institutions,;
- Money market funds that invest in government-backed securities;
- Federally-insured certificates of deposit, not to exceed maximum FDIC insurance coverage per institution;
- Direct obligations of the US Government, its agencies, or instrumentalities; and
- Repurchase agreements in conjunction with bank sweep accounts collateralized by US Government obligations.
- Commercial Paper Rated A-1 by Standard and Poors or P-1 by Moody's

### 2.2.b: Maturity

The maturity on investments in the Operating Fund is limited to 18 months or less.

### 2.2.c: Reporting

The Finance Department will provide a listing of holdings in the Operating Fund to the ATSSA Budget Committee on an annual basis.

## Intermediate-Term Fund

### Section 3.0: Purpose of the Intermediate-Term Fund

The purpose of the Intermediate-Term Fund is to:

- Meet expenses occurring as the result of unanticipated events or spending needs
- Improve the return on funds with a time horizon of -18 months to 5 years.
- Achieve returns greater than those which can be expected from the Operating Fund without taking significant additional market risk.

### Section 3.1: Investment Objectives of the Intermediate-Term Fund

Investment objectives of the Intermediate-term Fund are:

- Current income.
- Optimizing investment return within the constraints of this policy.

### Section 3.2: Investment Guidelines of the Intermediate -Term Fund

#### 3.2.a: Allowable Investments

- Investments allowable for the Operating Fund
- Direct obligations of the US Government, its agencies, or instrumentalities
- Corporate fixed income and convertible securities Fixed income securities issued by foreign government entities and corporations
- Other instruments as recommended by the Investment Advisor, consistent with the objectives for this fund.
- 

#### 3.2.b: Maturity/Credit Quality

The Intermediate-Term Fund will have a weighted portfolio duration of five years or less.

#### 3.2.c: Diversification

No more than 5% at cost of the Intermediate-term Fund may be in the securities of any one issuer. This provision does not apply if the security is: an obligation of the US Government, its agencies, or

instrumentalities; a repurchase agreement collateralized by obligations of the US Government, its agencies or instrumentalities; a mutual fund; or a federally-insured certificate of deposit.

### 3.2.d: Reporting

The Investment Advisor will prepare the following report quarterly for ATSSA staff

- Schedule of investments
- 
- Total return of the fund compared to a relevant benchmark and/or blend of benchmarks which approximates the asset allocation and mix of the Intermediate Term Fund.
- 

Comparisons will show results for the latest quarter, the year to date, and since inception. The report will be prepared by the Investment Advisor and will be presented to the CFO and then distributed to the Budget Committee and Board of Directors.

## **Long-Term Fund**

### Section 4.0: Purpose of the Long-term Fund

The purpose of the Long-term Fund is to:

- Enhance the purchasing power of funds held for future expenditure;
- Maintain the financial stability of ATSSA; and
- Provide funds to the association as required.

### Section 4.1: Investment Objectives of the Long-term Fund

The long-term goal of the Long-term Fund is to achieve appreciation of assets without exposure to undue risk, as defined herein. It is understood that fluctuating rates of return are characteristic of the securities markets. Recognizing that short-term market fluctuations may cause variations in the account performance the objective of the portfolio is to achieve the following returns over rolling five year time periods:

- The Consumer Price Index + 3%;
- Relevant market indices;
- A blend of indices which approximates the asset allocation and mix of the Long-Term Fund.

Understanding that a long-term positive correlation exists between performance volatility (risk) and statistical returns in the securities markets the portfolio should be invested to minimize the probability of low negative total returns, defined as a one-year return worse than negative 12%. It is anticipated that a loss greater than this will occur no more than one out of twenty years.

### Section 4.2: Investment Guidelines of the Long-term Fund

The policies and restrictions presented in this statement serve as a framework to achieve the investment objectives at the level of risk deemed acceptable. These policies and restrictions are designed to minimize interference with efforts to attain overall objectives and to minimize the probability of excluding appropriate investment opportunities.

#### 4.2.a: Prohibited Investments

The following investments and investment activities are prohibited:

- Private placements;
- Letter stock;
- Derivatives. However, to the extent that mutual funds are used to implement the Long-term Fund those mutual funds may buy or sell derivatives for the purposes of managing portfolio risk;
- Securities whose issuers have filed a petition for bankruptcy;
- Commodities or commodity contracts;
- Short sales;
- Margin transactions;
- Any speculative investment activities;

#### 4.2.b: Diversification

Individual stocks are subject to a maximum 5% commitment at cost of the portfolio's market value for an individual security and 20% for a particular industry.

Individual bonds not guaranteed by the US Government, its agencies, or instrumentalities are subject to a maximum 10% commitment at cost.

#### 4.2.c: Target Asset Mix

The Long-term Fund will be composed of assets from the asset classes listed in the table below. The target weight is the desired weight for each asset class. The minimum weights and maximum weights are to allow for normal market fluctuations. It is the responsibility of the Investment Advisor to remain within the range specified for each asset class. The Investment Advisor should re-balance the portfolio as it deems appropriate, consistent with the investment objectives and risk tolerance set forth in this policy.

It is contemplated that ATSSA will engage an investment advisor that will implement investment decisions consistent with ATSSA's Investment Policy.

<b>ASSET CLASS</b>	<b>MINIMUM WEIGHT</b>	<b>TARGET WEIGHT</b>	<b>MAXIMUM WEIGHT</b>
US Large Capitalization Stocks	30%		40%
US Mid/Small Capitalization Stocks	10%		20%
International Stocks	10%		25%
<b>TOTAL EQUITY</b>			
US Gov't/Corp. Bonds	20%		40%
High Yield Bonds	0%		15%
International Bonds	0%		15%
<b>TOTAL FIXED INCOME</b>			
Alternative Investments	<b>0%</b>		<b>10%</b>
Cash	<b>0%</b>		<b>10%</b>

#### 4.2.d: Definitions of Asset Classes

**Equity asset classes** should be maintained at risk levels roughly equivalent to the sectors of the respective sector, eg US large capitalization stocks. Mutual funds and/or Exchange Traded Funds conforming to policy guidelines may be used to implement the investment program. The following definitions shall apply for the purposes of this policy:

*US Large Capitalization Stocks:* Stocks of US-based companies having a market capitalization, on average, exceeding \$10 billion and whose primary shares trade on a major US exchange. The generally-accepted, nationally-recognized index for this asset class is the Standard & Poor's 500 Stock Index (S&P 500).

*US Mid and Small Capitalization Stocks:* Mid Cap US stocks typically have market capitalizations between \$2 billion and \$10 billion. Small Cap US Stocks typically have market capitalizations of between \$500 million and \$2 billion. A general benchmark for the former is the S&P 400 Index; a generally accepted benchmark for the latter is the Russell 2000 Index.

*International Stocks:* A portfolio of stocks composed primarily of non-US-based companies whose primary

shares trade on a non-US exchange. American Depositary Receipts (ADRs) are considered international stocks. The generally-accepted, nationally-recognized index for this asset class is the Morgan Stanley Capital International Europe-Australasia-Far East Index (EAFE). ACWI Index.

**Fixed income investments** will be managed actively to pursue opportunities presented by changes in interest rates, credit ratings, and maturity premiums. Mutual funds conforming to the policy guidelines may be used to implement the investment program. The following definitions shall apply for the purposes of this policy:

*Intermediate-term US Government/Corporate Bonds:* A portfolio consisting primarily of fixed income securities rated investment grade or better, denominated in US dollars issued by the US Government or US corporations and having a weighted average maturity of less than 10 years. The generally-accepted, nationally-recognized index for this asset class is the Barclays Intermediate Bond Index.

#### *High Yield Bonds*

A high yield bond is simply a corporate bond considered to be non-investment grade rated below Baa3/BBB-/BBB- by the ratings agencies, such as Moody's, S&P and Fitch Ratings. These securities may appeal to more aggressive fixed income investors who seek higher yields and are willing to accept a greater amount of risk, including the risk that the company may be unable to meet its obligations.

#### *International Bonds*

International bonds are debt investments that are issued in a country by a non-domestic entity. International bonds are issued in countries outside of the United States, in their native country's currency. They pay interest at specific intervals, and pay the principal amount back to the bond's buyer at maturity.

#### 4.2.e: Performance Reporting

The Long-term Fund will be evaluated quarterly on a total return basis. Returns will be compared to:

- The Consumer Price Index plus 3%
- US Treasury Bills (90 day)
- Nationally-recognized market Indices
- A blend of indices which approximates the asset allocation and mix of the Long-Term Fund's portfolio.

Comparisons will show results for the latest quarter, the year to date, and since inception. The report will be prepared by the Investment Advisor and will be presented to the CFO and then distributed to the Budget Committee and Board of Directors.

#### Notes & History for this Investment Policy Statement

This policy was adopted by the Board of Directors of ATSSA on March 12, 2021.

#### Adoption

Adoption of this Investment Policy Statement for American Traffic Safety Services Association, Inc. is acknowledged by:

\_\_\_\_\_  
Mitzi D. Osterhout  
Chief Financial Officer

\_\_\_\_\_  
Date



# Financial Processes

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## Reserve Fund

July 9-10, 1999

2% of approved budgeted expenditures shall be added to a reserve fund annually, with the ultimate reserve goal of 40% of annual budgeted expenditures.

November 5-6, 1999

Amended March 12, 2021

## Reserve Fund Policy

The purpose of the ATSSA Reserve Fund is to ensure that ATSSA has the financial means to continue to provide critical support to the traffic safety industry in both the short- and long-term.

The specific objectives of the ATSSA Reserve Fund (in no particular rank order) are as follows:

- To sustain basic operations and core member services during a short-term economic downturn.
- To continue the operation of those activities designed as fee for service which maintain strong income over expense.
- To sustain essential member services during a transition due to a long-term economic downturn that could result in an exit strategy.
- To cover unbudgeted and extraordinary expenditures brought about by unanticipated challenges or opportunities for emergency funding, e.g. critical activities.

The target Reserve Fund for ATSSA will be 40% of annual operating expenses. To attain this amount, the ATSSA Budget Committee shall recommend an allocation to the ATSSA Board of Directors annually.

The Reserve Funds shall be invested within the guidelines of the ATSSA Investment Policy.

## Notes and History for this Reserve Fund Policy

This policy was adopted by the Board of Directors of ATSSA on March 12, 2021.

## Adoption

Adoption of this Reserve Policy Statement for American Traffic Safety Services Association, Inc. is acknowledged by:

\_\_\_\_\_  
Mitzi D. Osterhout  
Chief Operations Officer and Chief Financial Officer

\_\_\_\_\_  
Date

## V. Membership

# Membership

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## Due Process

March 24, 1998

### Denial of Membership or Expulsion from Membership

- I. An applicant or a member is no longer in the trade or business served by the association.  
  
An applicant or a member is no longer in the geographic territory served by the association.  
  
An applicant or a member fails to pay dues.  
  
Other justifiable grounds may exist.
- II. Applicants and members should be given due process rights before being denied membership or expelled.
  - A. The elements of due process granted a member before expulsion are:
    - (1) Written notice of the charges or reasons.
    - (2) Written notice of the date, time and place of the hearing.
    - (3) The right to examine evidence and cross-examine witnesses.
    - (4) The opportunity to refute charges.
    - (5) A hearing before an unbiased group of members.
  - B. If an applicant or a member is no longer in the trade, business or geographical area served by the association, or if it fails to pay the required dues, it may be expelled summarily without being given all due process rights.
- III. Risks of denying membership or expelling a member should be carefully assessed.
  - A. If an applicant or a member is eligible for membership but there is a consensus that the applicant should be denied or the member expelled, the association should consult counsel and ask counsel to assess the risks of such an expulsion or denial.
  - B. After assessing the risk, the association may decide that the denial of membership or the expulsion of a member is worth the risk. Such a decision is a business decision. An association should, however, make such a decision only after a legal assessment of the risk.

# Membership

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## Dues

### **March 12-13, 1999**

Future years' dues increases will be 3% or CPI whichever is greater as a minimum; dropped memberships will occur per the bylaws; after that, a reinstatement fee of \$150 will be assessed; dues payment options will be permitted by adding automatic bank transfers and credit card charges; offer quarterly payments via either automatic bank transfer or automatic credit card charge at a cost of \$10 per transaction.

### **November 5-6, 1999**

In the fiscal year a member company is acquired, the acquired member company will pay a full year's dues for that year and not be consolidated for dues purposes.

Companies acquired during any fiscal year must pay their full individual dues for that year; all individual companies eligible for membership within a parent company umbrella must belong to the association; and parent companies may choose aggregate or individual company billing.

### **March 9, 2018**

#### Background

It has recently come to the staff's attention that there are instances where more than one company is under common ownership and the owner(s) have joined the association through one company but not the second. A theoretical example would be a person or persons who own both a temporary traffic control company and a striping company, but join and pay dues only for the temporary traffic control company. Staff feels that this violates the intent of the policy adopted by the board in 1999. However, that policy addresses only "umbrella companies," not those separately incorporated. Consequently, staff recommends that the board clarify this issue by adopting a policy that addresses ownership of multiple, ATSSA-eligible companies.

#### Position

All individual companies or subsidiaries under any form of common or related ownership must be members of the association. Company owner(s) may not join the association through one company while excluding another commonly-owned or related company from membership, thereby paying less dues than would otherwise be required. This policy applies to all forms of common or related ownership of companies involved in the roadway safety industry as defined by the ATSSA membership categories. It does not apply to commonly-owned or related ownership of companies that are ineligible for ATSSA membership.

# Membership

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## Dues Renewal

March 7-8, 2003

Any member who fails to renew (pay) his or her membership dues within thirty (30) days from the time that it became due shall be notified by staff. Notification will be made as prescribed below.

- Full, Affiliate and Traffic Engineering and Design Firm Members shall be notified of their delinquent dues by signature-required delivery service.
- All other classes of membership shall be notified of dues delinquency via first class mail.

If payment is not received within the next succeeding thirty (30) days, the member will be notified by first class mail that they will be dropped from the rolls and are forfeiting all the privileges of membership.

The Director of Member Services may negotiate payment terms and other extensions he or she deems necessary that won't compromise the association's integrity or procedures.

Members who are dropped from the membership for non-payment of dues must re-apply for membership, pay a re-instatement fee and/or all past dues and assessments, as determined by the Director of Member Services. The Director of Member Services may negotiate payment terms, assessments and/or waive other fees he or she deems necessary that won't compromise the association's integrity or procedures.

# Membership

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## Member Service Guidelines

November 8, 1996

Service Providers for the membership of the American Traffic Safety Services Association (ATSSA) are expected to adhere to the following guidelines:

### Marketing

The service provider's marketing efforts should include articles for ATSSA newsletters, letters for mailing to membership, and other forms of personal contact. ATSSA letterhead and logo will be used to make contact with ATSSA members with prior approval by ATSSA. ATSSA will agree to request pre-approval of the service provider for any ATSSA-initiated marketing effort that has not been supplied in advance by the service provider.

### Reports

ATSSA should receive quarterly reports of activity indicating the members using the service, savings members have gained by using the member only service, or other documentation that establishes the benefit. Other reports may be required and agreed upon in the contract.

### Membership Database

The service provider is entitled access to the ATSSA membership database. Form may be in hard paper copy or electronic media. ATSSA will provide the data in an agreed upon format if at all possible. However, it is the responsibility of the provider to convert the data if both systems are completely incompatible. The data is considered confidential and may not be used for purposes other than providing the contractual member service.

### Customer Service

ATSSA members should expect to receive the highest level of professional consultation and personal customer service.

### Members Only Service

Such services in their entirety must be exclusive for ATSSA members. ATSSA members who drop their membership are expected to have their service with the provider terminated.

### References

The provider may be requested to provide references at any time during the term of the agreement with ATSSA.

### Primary Contact and Association Hierarchy

The primary contact for the service provider is the Director of Member Services. The Executive Director of ATSSA is the chief executive officer of the association and should be copied on any reports. The Membership Committee is the body within the association for the initiation and review of member services. The Board of Directors has final approval authority.

### Compliance

Failure to meet any of these guidelines may jeopardize the continuance of the contract for such services.

#### Exemption

Sections of these guidelines may only be exempt if specifically agreed to by all parties.

#### Confidentiality

The terms of any agreements between ATSSA and the service provider are confidential between the hierarchy of ATSSA and the service provider's management team.

# Membership

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## Procedures for the Development of Forums for Industry Activity

Created November 6-7, 1998

Updated November 11-12, 2005

Updated November 14-15, 2019

Procedures for the Formation of New Units and Divisions

### Background

In 1998 and 1999, ATSSA experienced the consolidation of a significant number of its contractor member companies. In that same time period, the Board of Directors approved a change in Manufacturer and Supplier Member status from “Associate Members,” which paid 50% of the dues schedule and had two non-voting seats on the board, to “Full Members” with the right to vote, pay full dues, and have proportional representation on the board.

Also, within that time frame, some contractors who installed guardrails requested that the association provide a mechanism for them to interact with other roadway safety professionals. While a few guardrail manufacturers were already members, most contractors were affiliated with associations and trade shows in the fencing industry. In order to respond to their request, procedures to form a new technical division within ATSSA were developed, including an initial trial period as a “unit.”

Those procedures were only utilized for the formation of the Guardrail Unit which ultimately became a division. Subsequently, around 2004 – 2005, the ATSSA Board was asked to consider the formation of a venue to address the emergence of Intelligent Transportation Systems. The Board saw this as a “cross cutting” issue that would be addressed by multiple technical committees within the association rather than an area of specialization that would result in a new technical division. The Board also foresaw the possibility that existing technical committees would individually form ITS subcommittees that might not communicate with each other. Consequently, the Board guided the development of procedures to form a “cross-cutting” entity, i.e. a Council. The Intelligent Transportation Systems Council (ITS Council, now Innovation Council) was formed following these procedures and each technical committee was requested to designate two members to serve on this group. This same reasoning was later applied in the formation of the High Friction Surfacing Council (now High Friction Surface Treatment Council).

Following the formation of these Councils, the procedures were unused until 2018-2019 when a few association members requested in March 2018 that the ATSSA Board consider the formation of a venue in the traffic signals area. The procedures that had last been updated in 2005 were followed by staff. Two “open forums” were held, one at the 2018 Midyear Meeting and a second at the 2019 Convention and Traffic Expo,

with an interim report to the Board at its November 2018 meeting. The open forum at the Convention resulted in a request to the Board to approve the formation of a “Traffic Signals Unit” at its March 2019 meeting. All motions for approval at each of the Board meetings were voted unanimously in the affirmative.

During the discussion at the March 2019 meeting, it was suggested that a more strategic assessment be made of future requests regarding new areas of activity for the association, and that some areas of the existing procedures might need clarification. The Board unanimously approved the formation of an Action Team which was charged with updating and clarifying ATSSA’s processes for consideration by the Board at its November 2019 meeting. The following procedures were developed and reported to the board and adopted at that meeting.

### Formation of a New Technical Unit and Division



It is anticipated that requests regarding the formation of a new technical division within ATSSA may come from either existing members, outside groups of companies or individuals who share a common interest in some aspect of roadway safety infrastructure, ATSSA staff, or a combination of the three. In order for the request to be considered by ATSSA, the Board of Directors has established the following process:

1. Step One: Those requesting consideration of the formation of a new division within ATSSA must indicate their interest in writing to the Board of Directors.
2. Step Two: In conjunction with the written request the interested party or parties must complete a questionnaire in a format approved by the Board. The questionnaire may include such items as a definition of the technical area and body of knowledge, the estimated number of contractor companies engaged in business in that area, and an assessment as to whether those companies usually act as roadbuilders as their primary area of business and are therefore ineligible for membership.
3. Step Three: If the responses to the written questionnaire indicate that the proposed area of activity would likely support ATSSA's Core Purpose, *To Advance Roadway Safety*, and would likely include a body of practitioners who are eligible, or likely to be eligible, for membership in the association, staff will place an item on the next board agenda for discussion in the "Mega Issue" format..
4. Step Four: The board will undertake a discussion using the Mega Issue format. Following the Mega Issue exercise, the Board will consider at least the following action steps:
  - a. Immediately approve the formation of a new Unit.
  - b. Immediately deny the formation of a new Unit.
  - c. Direct staff to hold one or more "open forums" whereby input may be obtained from both member and non-member organizations. (Note: This is the preferred response if the Board has decided that the proposed area is worth exploration).
  - d. Direct staff to take some other action.
5. Step Five: Communicate and execute the board decision under step four to those who have requested board consideration of the issue.
6. Step Six: Following the completion of all prior steps and the gathering of member input and information as directed by the board under step four, the issue shall be brought back to the board for final determination of action.

### **Open Forums and Working Groups**

Open Forums should generally be held at the ATSSA Midyear Meeting and / or in conjunction with the ATSSA Convention and Traffic Expo. They will be open to both members and non-members who could be eligible for membership unless otherwise directed by the ATSSA Board of Directors. The purposes of the open forums are to:

1. Identify a body of knowledge, practices, or products that does not duplicate that of an existing Full Member division.
2. Establish a connection between the area of practice and ATSSA's Core Purpose, *To Advance Roadway Safety*.
3. Identify the level of interest in the area of both current and prospective ATSSA members.
4. Gather further information regarding the size and scope of the marketplace of practitioners.
5. Identify existing forums and venues that already serve that marketplace and determine how ATSSA would differentiate itself in serving the market.

Following each Open Forum, staff shall provide a summary report to the ATSSA Board regarding the issues and items addressed at each forum as well as the level of participation at the forum.

### Technical Unit

Providing that there has been a level of interest and participation in the open forums that indicate that ATSSA should move forward with the establishment of a venue for further activity in the area, participants at the forums may petition the ATSSA Board for the formation of a "Unit."

Proposed Units must meet the following criteria:

1. An identified group of volunteer leaders who have participated in one or more of the Open Forums to discuss the need for and benefits of establishing a new technical area of service within the association.
2. A body of knowledge and practices, that does not duplicate that of an existing Full Member division.
3. A relationship to roadway safety and/or to businesses/services provided by current ATSSA members.
4. A minimum of 15 current or potential full members, associate members, consultant members, or public officials, at least 51% of whom are already ATSSA members.
5. A Chair and Vice-Chair pro-tempore who must be ATSSA members or have application pending approval.

It should be noted that a Unit will not automatically qualify for division status. A Unit may exist for an infinite period of time. All who join a Unit will initially do so as Associate Members and must pay dues in accordance with ATSSA's regular dues schedule. Each Unit shall be entitled to form a technical committee that shall report to the Operating Committee.

### Full Membership Division

A full member division of ATSSA represents a unique aspect of the roadway safety industry. All members in a division must have revenues that must be derived from business operations conducted in at least one of the designated divisions, and at least 50% of these revenues must be from sources other than the parent or affiliated companies. The Board of Directors may choose to establish a division by vote of the Board. A member of the Board may request the item be placed on the agenda or the Board may be petitioned by a Unit for Division status.

In order to have a Unit of ATSSA elevated to a Division status the following criteria must be met:

1. The board must have approved the formation of the Unit at least one year prior-to the establishment of a Division.
2. The Unit must demonstrate a list of members whose dues are in good order and whose number meets the minimum threshold of 15 members (NOTE: members must meet the criteria as outlined in the Bylaws).
3. The Unit must identify implementation strategies, which support the ATSSA strategic plan.

Procedures for establishing a new Division are as follows:

1. The Unit must meet the criteria outlined above.
2. The Unit must petition the Board in writing from the Chair of the relevant technical committee to the ATSSA Chair requesting establishment of the division.
3. The Board may vote to approve or disapprove the request.
4. If approved, the bylaws of the association and the membership application will be changed to reflect the new full member division.
5. The Board may at any time bypass the committee review process if it so desires to meet timely needs.

Procedures for the Formation of an Industry Council

### **Background**

ATSSA addresses short-term technical issues that affect more than one of its technical divisions through the formation of cross-functional task forces that include representation from the affected technical committees. As ATSSA member companies expand their breadth of roadway safety services and as technology has a greater impact on their businesses, it is possible that longer term, cross-functional topics will be identified other than those addressed by these task forces. Consequently, the association has created "Councils" to serve as a mechanism by which it

addresses topics which are less temporary in nature or which require a greater level of attention than mere coordination and communication between existing committees.

The first Council created was the “ITS Council” (now the Innovation Council). At the time it was created, the ATSSA Board of Directors was concerned that each individual technical committee would create a subcommittee or task force to address what was at the time an emerging issue, and that those groups would not communicate with each other. In order to promote that communication, the ITS Council was formed, and each technical committee was asked to assign two of its members to serve on it.

Subsequently, when high friction surfacing became a part of FHWA’s Every Day Counts program and was being promoted as a safety solution to the states, it was thought that at least the Temporary Traffic Control and Pavement Marking Divisions members would be interested in entering this market, and the High Friction Surfacing Council (now High Friction Surface Treatment Council) was formed.

Procedures for the formation of Councils were initially grouped with those for the formation of new Units and Divisions. As a result of board discussions in 2018/19, these procedures were updated separately as the purpose of councils is significantly different from that of Divisions.

### **Procedures for the Formation of New Councils**

Councils exist to serve broad cross sections of the association’s membership, fostering communication among them and between them and non-members sharing an interest in a body of knowledge or safety practice. To this end, it is anticipated that much of a Council’s initial focus will be on communication and information sharing. Procedures for establishing an Industry Council are as follows:

1. A member or staff may petition the board to determine if the association should establish an Industry Council through the mega issue process.
2. Upon completion of the mega issue process and approval by the Board one or more Open Forums will be held to determine interest and appropriateness in the establishment of an Industry Council. It is preferable that these Open

Forums be held at the ATSSA Midyear or in conjunction with the Convention and Traffic Expo. ATSSA staff will facilitate these meetings. (NOTE: It will be determined during the mega issue process if non-members will be invited to participate in the Open Forums.)

3. At the Open Forums, the participants must specifically identify the following:
  - A body of knowledge, practices, or products that crosses over the interest lines of existing member divisions and is not appropriately placed within one of those divisions as being the primary interest of that division.
  - A relationship to roadway safety and to businesses/services provided by (or likely to be provided by) current ATSSA members.
  - Current ATSSA members who are interested in the topic.
  - The current ATSSA technical committees that would be interested in the topic.
4. Once the decision has been made by those participating in the Open Forums to formally request the establishment of a Council, and such interest has been indicated by at least 15 current ATSSA members, a Chair pro-tempore shall be nominated from among the attendees. The Chair must be an ATSSA member.
5. The Chair pro-tempore, once elected, shall chair the meeting and make petition to the Operating Committee at their next meeting for the establishment of the Council.
6. Upon approval by the Board, the proposed Industry Council will follow the rules and procedures for technical committees and shall report to the Operating Committee.
7. An Industry Council will be ineligible for division status. A Council may exist for an indefinite period.

# Membership

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## **Supplemental Division Representative**

April 9, 2005

If a Full member company conducts supplemental operations substantial enough to qualify for membership in another Full Member division, it may be entitled to enroll one or more full time employees as a Supplemental Division Representative Member.

The supplemental operations must earn revenue from a third party and not strictly be performed as a subset or to support the primary focus.

To be considered substantial, the company:

- should derive at least 20% of its total revenues on an average annual basis from its supplemental operations;
- must display participation in industry activities related to the supplemental membership division;
- should be able to support or verify industry participation through documentation on the application for SDR membership as well as substantiation from third parties and other members.

# Membership

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## Membership Termination Timeline

July 14, 2017

### Background

In the past, ATSSA has used a 90/120 plan when members expire. At 90 days past due, we suspend their membership and at 120 days we terminate them as members. All the while, reaching out by phone, email and postal mail before, during and after that time. The first touch being only 30 days prior to expiration.

From time to time, by request of the member or by other means (CEO, VP of Member Services, etc.) we have held off a while longer for many different reasons. However, those cases are anomalies and are just a handful. Those anomalies typically “catch up” on their dues, or a decision is made to terminate membership.

These practices were included in past meeting summaries, discussions, staff training and standard operating procedures.

### Proposed Official Policy

At 60 days past due, we suspend membership and at 90 days we terminate membership for non-payment of dues. We will reach out by email, phone and postal mail at least 5 times, starting 60 days before the expiration date.

By request of the member or by other means (CEO, VP of Member Services, etc.) we will evaluate whether a member in arrears may be granted a grace period. Final decision on terminations and/or grace periods will fall under the responsibility of the Director of Member Engagement and/or through CEO or VP of Member Services.

# Membership

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## Multi-Company Policy for Common Ownership

March 9, 2018

### Background

In 1999, the ATSSA Board of Directors adopted two policies related to dues. The first, adopted in March, established a 3% annual dues increase. The second, adopted in November, addressed the consolidation occurring among member contractor companies. The intent of the consolidation policy was to do the following:

1. Ensure that acquiring companies paid full membership dues on the *aggregate revenue* of the acquired companies.
2. Ensure that companies did not pay for membership of one branch or subsidiary and “pass through” the benefits of discounted registration or training by registering all employees through that one branch.
3. Clarify that there would not be a “dues rebate” if a company was acquired prior to the expiration of its “dues year,” even if the acquiring company was as the ATSSA “dues cap.”
4. Provide an option whereby a company could elect to pay dues in the aggregate or individually by branch or subsidiary company.

It has recently come to the staff’s attention that there are instances where more than one company is under common ownership and the owner(s) have joined the association through one company but not the second. A theoretical example would be a person or persons who own both a temporary traffic control company and a striping company, but join and pay dues only for the temporary traffic control company. Staff feels that this violates the intent of the policy adopted by the board in 1999. However, that policy addresses only “umbrella companies,” not those separately incorporated. Consequently, staff recommends that the board clarify this issue by adopting a policy that addresses ownership of multiple, ATSSA-eligible companies.

### Multi-Company Policy for Common Ownership

All individual companies or subsidiaries under any form of common or related ownership must be members of the association. Company owner(s) may not join the association through one company while excluding another commonly-owned or related company from membership, thereby paying less dues than would otherwise be required. This policy applies to all forms of common or related ownership of companies involved in the roadway safety industry as defined by the ATSSA membership categories. It does not apply to commonly-owned or related ownership of companies that are ineligible for ATSSA membership.

## VI. Operating Practices

# Operating Practices

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## **Policy Approval Procedure**

November 12, 2005

Amended July 23, 2021

Any policy developed by an ATSSA technical committee during an annual or midyear committee meeting, that directly impacts only those member companies belonging to that technical committee's division, may be immediately forwarded to the ATSSA Operating Committee for review prior to submission to the Board of Directors.

Any policy proposal developed by an ATSSA committee that impacts multiple ATSSA divisions must be provided to all committees and included in their respective meeting agendas for discussion and approval. If a non-initiating committee approves, amends or rejects any or all aspects of the proposed policy, the committee chair reports the committee's actions as part of their report to the Operating Committee.

The Operating Committee has the option to forward a proposed policy for action by the ATSSA board, return a policy to the initiating committee for further study or pass on the policy with comments or recommended amendments from other committees to the ATSSA board.

Not more than 15 days after the Operating Committee meeting, policies approved for review by the ATSSA Board of Directors will be posted on the ATSSA website under the Operating Committee webpage with any comments. These comments along with the policies will be forwarded to the ATSSA Board to assist in their deliberations regarding the proposed policy.

Policy development related to responding to federal dockets would still be covered under the Board developed policy of 2002.



# Operating Practices

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## **Policy Approval – Reauthorization**

July 13-14, 2001

Amended July 23, 2021

Changes to ATSSA’s surface transportation reauthorization policy will be brought by the Government Relations Department to the Government Relations Committee. Upon approval, those policy changes will then be submitted to either the ATSSA Board of Directors, if time permits, or the Executive Committee for consideration.

# Operating Practices

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## Development of Technical Standards and Specifications

March 31, 2017

### Background

While ATSSA frequently comments on proposed regulations issued by FHWA, NHTSA and others Federal Agencies, the association has traditionally refrained from direct participation in the development of standards and specifications. The association's input has usually been given *in response to* a notification of a standard being developed by another entity, rather than *prior to* such notification. In short, ATSSA has historically emphasized that it is not a standards-setting organization.

More recently ATSSA has been invited by the American Association of State Highway and Transportation Officials (AASHTO) to provide input to the development of a "high friction surfacing materials" specification *prior to or in conjunction with* AASHTO's development of that specification. This request was at least in part due to some state DOT participation on ATSSA's newly formed High Friction Surfacing Council. In this instance, the association did provide the requested input.

Subsequently, at the ATSSA Midyear 2016 meeting, some members promoted a document titled "Standard Practice for Durable Green Bike Lane Surface Treatments for Asphalt and Concrete Pavements". The proposal was addressed by the following technical committees: High Friction Surfacing Council, Pavement Marking Committee, Manufacturers & Suppliers Committee, and the Government Relations committee. Differences in committee versions were resolved through the GR committee. The proposal passed the Operating Committee and came to the ATSSA Board at its November meeting, at which the board engaged in a long discussion and appointed an Action Team. The following policy was proposed by the Action Team and (adopted/not adopted) by the Board.

### Policy

ATSSA is not a standards-setting organization. Therefore, any work on the development of standards or technical specifications under development by other organizations must be addressed with this statement in mind. The following guidelines should be followed when developing input to or comments upon standards and specifications:

1. Public agency or organization requests for input or comments to ***proposed regulations, standards or specifications*** that are already in draft form (Examples: FHWA proposed rules; AASHTO parameters for the National Test Product Evaluation Program or NTPEP) should be addressed within the following framework:
  - a. An assessment should be made by ATSSA staff as to whether the proposed action:
    - i. Has a direct effect (positive or negative) on the business of our members; OR,
    - ii. Has a direct relationship to an area of business of ATSSA member companies; OR
    - iii. Would be in conflict with an existing ATSSA policy; OR
    - iv. Has a relationship to ATSSA's Core Purpose, *To Advance Roadway Safety*.
  - b. A response to proposed rules by Federal agencies should follow the policy previously adopted by the board for this area.
  
2. Requests for input regarding the development of ***new standards or specification during the development process and prior to a public comment process*** should be addressed within the following framework:
  - a. An assessment should be made by the relevant technical committee(s) AND approved by the Operating Committee AND approved by the Executive Committee as to whether the proposed action:
    - i. *May have* a direct effect (positive or negative) on the *current* business of our members; OR,

- ii. *May have* a direct effect (positive or negative) on the *future* business of our members; OR,
    - iii. Has a relationship to ATSSA's Core Purpose, *To Advance Roadway Safety*.
  - b. Review and input must be requested from all relevant ATSSA technical committees prior to approval of the decision to proceed with authorization to provide input into the development of the standard or specification by the Operating Committee and the Executive Committee.
- 3. Guidance for instances in which ATSSA ***should not*** provide input to ***new standards or specifications under development by other organizations during the development process and prior to a public comment process***:
  - a. The proposed standard or specification is outside our members' business models or are unlikely to impact our industry; OR
  - b. The proposed standard or specification appears to be an effort by an agency or organization to transfer responsibility or liability to others;OR
  - c. There are clear indications that other organizations or entities are unwilling to collaborate on the specific proposed standard or specification; OR
  - d. If there is a likelihood or appearance that the proposed new standard or specification may benefit one or more members to the detriment of one or more other members.

# Operating Practices

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## Vendor Presentations at Chapter Meetings

March 31, 2017

### Background

The Arizona Chapter of ATSSA was approached in early 2016 by a supplier who wished to present information during their chapter meeting. The Board of Directors of the AZ Chapter determined that the presentation violated rules of their standing policies and would not allow the information to be presented. The supplier disputed this on the grounds that they had been allowed to present the same information at another ATSSA chapter meeting. The supplier notified ATSSA National and asked to receive a copy of the policy on vendor presentations during chapter meetings; however, no such policy exists.

This matter was brought before the Chapter Presidents' Council during the 2016 Expo meeting. After lengthy discussion, the issue was assigned to a task force to explore options. The task force presented their recommendation of requesting ATSSA National to adopt a policy to apply to all the chapters at Midyear 2016. The Chair of the CPC asked the Board of Directors to draft this policy at their November 2016 meeting. After review of the information, the Board agreed that it was best served if the CPC drafted the policy to be approved at a later time.

This policy was presented to and approved by the Chapter President's Council during the 2017 Expo meeting. The CPC now asks that the ATSSA Board of Directors consider the attached policy for adoption.

### Policy

In accordance with ATSSA Chapter Participation Policy and Antitrust Guidelines, sales presentations are not allowed during ATSSA chapter meetings. Furthermore, chapter meetings may not be used as a platform for commercial sales, self-promotion or as a forum to criticize competitors.

In an effort to support vendor members, chapters are encouraged to develop vendor participation policies that best suit the needs of each chapter, a copy of which will be kept on file with ATSSA.

Chapters may dictate guidelines for educational presentations but ATSSA policy shall prohibit the following activities:

Use of vendor logo in educational presentations.

- i. Mentioning vendor-specific products or services during educational presentations.
- ii. Presenting verbal or printed pricing information at any time during a chapter meeting.
- iii. Distribution of vendor literature during the chapter meeting.
- iv. Providing gifts with vendor logo during the chapter meeting.
- v. Using overt statements, harsh language, or pointed humor that disparages the rightful dignity and social equity of any individual or group.
- vi. Non-member companies participating in any chapter sanctioned vendor presentation until they become an ATSSA member.

# Operating Practices

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## Vendor Presentations at Educational Presentations

July 14, 2017

In accordance with the ATSSA Antitrust Guidelines, sales presentations are not allowed during ATSSA educational presentations, to include: committee meetings, workshops, Tuesday Topic webinars, etc. Furthermore, presentations may not be used as a platform for commercial sales, self-promotion or as a forum to criticize competitors.

ATSSA Policy Requires:

- ATSSA Speaker Agreement compliance (see attached).
- Presentation to be on an ATSSA approved power point template.
- Advance review by ATSSA staff (2 weeks in advance of presentation date).
- If change is made after original submission, ATSSA must be notified of change.

ATSSA Policy Allows:

- Presenter to talk about products and services in general.
- A company logo may be on the opening slide with speaker contact information.

ATSSA Policy prohibits:

- Sales pitches.
- Use of competitor information unless approved by competitor.
- Disparaging of other products or companies.
- Use of vendor logo in presentations except on cover slide with company info.
- Mentioning vendor-specific products or services during educational presentations.
- Presenting verbal or printed pricing information at any time.
- Distribution of vendor literature.
- Providing gifts with vendor logo.
- Using overt statements, harsh language, or pointed humor that disparages the rightful dignity and social equity of any individual or group.

Failure to comply with these requirements, may results in the presenter not being asked to present at future ATSSA events.

# Operating Practices

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## Instructor Committee Participation

November 10, 2017

Amended July 23, 2021

### Purpose

This policy outlines the procedure for the participation by ATSSA instructors in committees and councils.

### Background

While ATSSA classifies instructors into three categories (flagger instructor, master instructor, and corporate instructor), the association's bylaws are quite explicit regarding the overall membership category. Article IV Section 1(d) specifically states:

*Instructor Member – To qualify as an Instructor Member of this association, a person must have a current instructor certificate from ATSSA and does not qualify under any other membership category.*

- *An Instructor Member shall be entitled to purchase ATSSA's products, services, and training at ATSSA-member prices.*
- *An Instructor Member is not entitled to vote, hold office, or serve on committees of the association or of chapters.*

One key purpose of this category at the time of its creation was to allow instructors to benefit from ATSSA member discount pricing of training materials. A second objective was to ensure that instructors would get the latest information from ATSSA via our various member communication pieces, especially if there was a change to the MUTCD.

### Instructor Committee Participation

Master Instructors can join a committee as a Friend, in a non-voting capacity.

In no instance can an instructor who is an employee of a general contractor join a committee or participate in the affairs of the association.

# Operating Practices

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## Development of Guidelines, Specifications and Standards

July 16, 2020

Amended March 11, 2021

### Background

ATSSA currently has a policy on providing input into the development of specifications and standards. Some committees/members have expressed a desire to have ATSSA author guidelines, specifications, and standards. This document provides clarity on the difference between a guideline, specification, and a standard and sets forth ATSSA's policy on the development of each.

#### Definitions and Examples:

Guideline: A general rule, principle, or piece of advice. Used to define how a judgment or policy is made.

Examples:

- ATSSA Quality Guidelines
- ATSSA/FHWA Guidance for the Use of Dynamic Lane Merging Strategies
- ATSSA/FHWA Guidance for the Use of Temporary Pavement Markings in Work Zones
- ATSSA/FHWA Guidance for the use of Automated Flagger Assistance Devices
- American Association of State Highway and Transportation Officials (AASHTO) MASH

Specification: An act of describing something precisely or of stating a precise requirement.... a standard of workmanship, materials, etc. required to be met in a piece of work. A detailed description of the design and materials used to make something.

Examples:

- High Friction Surface Treatment Spec
- Green Color Box Spec
- Red Color Box Spec
- Application of Thin Overlay Treatments Using a Binder Resin System and Aggregates for Concrete Surfaces
- Training Specifications developed by State DOTs
- Construction Specifications developed by State DOTs

Standard: A technical document designed to be used as a rule, guideline, or definitions.... standards are created by bringing together all interested parties such as manufacturers, consumers, and regulators of a particular material, product, process or service. (an authoritative principle or rule)

NOTE: All standards are specifications but not all specifications are standards.

Examples:

- American National Standards Institute (ANSI) High Vis Garment Standard
- National Electrical Manufacturers Association (NEMA) Connected Vehicle Infrastructure – Roadside Equipment Standard

- American Society for Testing and Materials (ASTM) has a wide variety of standards for many industries. Interestingly, they intermix usage of the terms standards, specifications, and standard practices.

#### **Policy on Guidelines Development:**

ATSSA has, for many years, developed guidelines and should continue to do so. The development of guidelines must be done by a subject matter expert/s and include a review panel consisting of relevant committee members and other industry experts (if deemed necessary). Guidelines should be approved by the relevant committees and the Operating Committee.

Guidelines developed by the Association should not favor one company's product over another and should support ATSSA's Core Purpose, *To Advance Roadway Safety*.

Guidelines should include a disclaimer statement that it is not considered to be an ATSSA specification or standard.

#### **Policy on Specifications Development:**

ATSSA currently has a policy to address providing input into the development of standards by other organizations. ATSSA should not develop specifications unless requested by another organization and that organization will eventually "own/manage" the specification. ATSSA has no enforcement capability and consequently, should ATSSA develop a specification, it would revert to a guidance document. Therefore, the only time ATSSA should develop a specification is if it is specifically requested by another organization and that organization will become the "owner/manager" of the specification. The development of a specification must be pre-approved by the Board of Directors, must involve all relevant committees, and upon completion, must be approved by the Operating Committee and the Board of Directors before being released to the party making the initial request for the specification.

Before agreeing to develop a specification for another organization, an assessment should be made by ATSSA staff as to whether the proposed action:

- Has a direct effect (positive or negative) on the business of our members; OR,
- Has a direct relationship to an area of business of ATSSA member companies, OR
- Would be in conflict with an existing ATSSA policy, OR
- Has a relationship to ATSSA's Core Purpose, *To Advance Roadway Safety*.

#### **Policy on Standards Development:**

ATSSA is not a standards-setting organization. ATSSA currently has a policy to address providing input into the development of standards by other organizations however the Association should not author standards that would be "owned" by the Association. Please refer to the current policy 1701, "Development of Technical Standards and Specifications" for how to provide input into the development of standards by other organizations.



# Operating Practices

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## Notices of Death

July 15, 2022

### Purpose

To establish an appropriate and consistent process for when to include notices of death in Marcom Communications on behalf of ATSSA.

### Policy

Notices of the passing of members and leaders of ATSSA should be communicated to members in a consistent manner so that there is no appearance of favouritism and so that recognition is handled appropriately.

### Where And When Published

Information about the passing of someone who qualifies for an ATSSA-wide death notice (as listed below) should be communicated to the Director of Marketing & Communications and to the Communications & Marketing Manager as soon as the information is available. All other notices should be sent to the Director of Member Engagement.

The process for ATSSA-wide communication follows one of two paths, depending on the person's service to ATSSA.

### Press release/blog and email to all members:

ATSSA president & CEO (current and former)  
Current ATSSA Board Chair

### Email to All Members:

- ATSSA Past Chairs
- ATSSA and Foundation Board of Directors members
- Previous board members
- Industry Achievement Award winners
- Executive level staff
- Current chapter presidents
- Current committee chairs

The Marcom Team assembles the information and distributes it as soon as possible.

### Message Contents

The notice should include reference to whatever qualified the person for mention. If possible, it should link to an obituary and/or service information so members can get additional details.

Items will not be labelled as death notices or obituaries but have a headline such as: Condolences to the \_\_\_\_\_ family.

### People Not Listed Above

Anyone not listed above can be shared through ATSSA Chapters in consultation with ATSSA's Member Engagement Team. The Associate Director of Member Engagement, with the assistance of the Director of Member Engagement, may draft the communication for this distribution. Distribution options include the monthly Chapter Check-In newsletter or an email to the chapter members from the Associate Director.

## VII. Regulatory

## **Communicating with Regulatory Agencies**

March 15-16, 2002

Amended November 11, 2021

All communications with Federal or State regulatory agencies regarding regulatory matters made on behalf of ATSSA shall be sent by the President and CEO or his designee(s). This includes communications that are not directly related to items on a current regulatory docket.

The general procedure for comments to an open regulatory docket should be that ATSSA staff provide members with as much time as possible to provide technical input while still allowing staff to have sufficient time to edit and finalize those comments, including review and approval by the ATSSA board or executive committee, if warranted.

ATSSA staff may develop comments for review by committees or may ask the relevant committee chair(s) to form a task force for this purpose. For comments that are solely editorial or technical corrections, staff may submit comments to the docket directly.

Guidance to staff: Generally, the board need not review comments that are non-controversial (e.g., all committees are in agreement regarding the comments; comments are aligned with previously approved association policies). In instances where there is disagreement among committees, the ATSSA board or executive committee shall approve the association's final position

## **FHWA's Acceptance of Crashworthy Roadway Safety Features and Devices**

November 14-15, 2003

### **Issue**

For several years the Federal Highway Administration (FHWA) has been issuing letters of acceptance for both traffic control devices and roadside features used on the National Highway System (NHS). The specific types of hardware include traffic barriers, barrier terminals and crash cushions, bridge railings, breakaway supports (sign, luminaire, and miscellaneous), and work zone devices.

### **Background**

Occasionally the FHWA has issued acceptance letters to petitioners who did not conduct crash testing for a device or feature, but was nearly identical in design and manufacture to other devices or features that had conducted crash testing to the rigors of NCHRP Report #350. The FHWA allowed this because the device was of a lightweight nature and/or the body of data from crash testing was so prolific that assumptions could be made, with a great deal of certainty, that the non-tested devices would perform similar to the crash tested.

Within the roadway safety industry a concern has arisen that some of the devices and features, which are manufactured to nearly, but not exactly identical specifications of other accepted devices and features, might not perform as well when impacted by an errant vehicle.

ATSSA believes that every effort must be taken to ensure that devices and features on or near the roadways must not create a hazardous environment to the road user.

### **Position**

ATSSA recommends that the FHWA only issue letters of acceptance that a device or feature is considered crashworthy if the petitioner has conducted crash testing or extrapolated from its own tests to the established procedures contained within NCHRP Report #350. This position applies to patented or proprietary devices, not to generic letters issued by FHWA.

## Identification of Crashworthy Work Zone Traffic Control Devices

March 26-27, 2004

The American Traffic Safety Services Association (ATSSA) has been promoting the advancement of work zone safety for over 32 years. ATSSA continues to be the leading advocate of work zone safety and believes that our continuing partnership with FHWA on safety issues contributes significantly to roadway safety.

ATSSA requests that the Federal Highway Administration (FHWA) issue a memorandum supporting the development of an identification system to standardize markings of work zone traffic control devices that have been accepted as crashworthy by FHWA. The implementation and use of such an identification system would help inspectors and other field personnel easily determine if the work zone device(s) are indeed crashworthy. If the FHWA accepts our proposal to issue a memorandum, it should be communicated to the FHWA's Division Offices and the FHWA's section of their website under "Frequently Asked Questions" section (<http://safety.fhwa.dot.gov.fourthlevel/quanda.htm>).

ATSSA further recommends that these three elements should be included as guidance for manufacturers and providers to develop their own identification system:

- "NCHRP Report #350 Compliant"
- "FHWA Accepted WZ-#"
- The Manufacturer's "Name" and/or "Product ID"

The "identifying" mark(s) may utilize a decal, embossment, tag, or other method that will resist removal due to exposure to weather, vandalism, or vigorous handling, and be easily visible and legible. Manufacturers and providers of these devices should provide specific information regarding the location of their identifying marking(s) when a request is made to them to provide a "WZ" acceptance letter. Additionally, a date certain should be considered for devices to be "identified." For those devices that are already in service they shall remain "unmarked," until they reach the end of their useful service life.

This recommendation only applies to Category 2 work zone devices that have been accepted as crashworthy by the FHWA. Thank you for your thoughtful consideration on this important issue.

## VIII. Public Policies

# Public Policies

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## National Safety Training Program

November 12, 2005

Amended March 14, 2014

Amended November 11, 2021

ATSSA recommends that state and local roadway owners require that a trained and certified Work Zone Supervisor be assigned for each “Significant Project.” The Supervisor should be responsible for assuring that the Temporary Traffic Control Plan is effectively implemented, including the correct installation and maintenance of traffic control devices. The Supervisor is responsible for coordination between the roadway owner and the contractor.

For projects not deemed to be “Significant” by the roadway owner, ATSSA recommends that all persons working on the roadway be trained in accordance with their respective responsibilities. Further, those responsible for “flagging” traffic through work zones be trained and certified in proper procedures for alternating traffic through work zones. ATSSA supports the use of technologies that allow flaggers to be safely removed from the roadway while alternating and controlling traffic during lane closures. Persons operating these technologies should be properly trained with their respective responsibilities.

Furthermore, ATSSA strongly urges roadway owners to adopt a policy that requires the presence of certified and/or trained employees for each job function, which include but is not limited to:

1. Pavement Marking Technician
2. Sign technician
3. Guardrail designer
4. Guardrail installation technician
5. Traffic signal installation technician
6. Temporary traffic control plan designer

# Public Policies

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## **Minority and Woman Business Enterprise Program**

November 12, 2005

Amended March 14, 2014

ATSSA recommends that the FHWA put limits on the amount of work in each specialty contracting area that could contribute toward achieving federal goals for Disadvantaged Business Enterprises (DBEs). The U.S. DOT should work closely with private industry organizations to develop training programs for Disadvantaged Business Enterprise firms to help them compete within the free enterprise system on an equal basis. ATSSA recommends the introduction, implementation, and enforcement of “exit” provisions limiting a certified individual or company participation in the DBE program to three years.



## **Government/Prison Industry Competition with Private Industry**

November 12, 2005

Amended March 14, 2014

ATSSA strongly supports utilizing private businesses for production of goods and services for the Federal-Aid Highway Program. ATSSA opposes any expansion of government that creates competition with private business. Further, ATSSA encourages government agencies to phase out the use of in-house services that are readily available through the private sector and to pursue partnerships, wherever possible, with private enterprise in the traffic safety industry.

ATSSA supports the current limitations on the use of convict-produced materials on Federal-Aid Highways. ATSSA also supports the following:

- Government/Prison industries should avoid utilizing labor for products and services that compete with the private sector.
- In those markets where products and services are currently being produced by the private sector, independent entities should be commissioned to determine the impact of the prison industries/government entering the market.
- Before state prison industries enter into new or expand existing markets, the governor of the state should be required to approve that expansion.
- Prison/government industries should maintain the same OSHA and quality standards and requirements as found in the private sector.

All federal and state prison industry and preference laws should be abolished – prison industries should have to compete with the private sector through the competitive bidding process, using comparable materials and labor costs as those of the private sector, and be required to provide documentation. Timely delivery, workmanship, warranties and certifications should also be required of the prison industries just as they are of the private sector.

# Public Policies

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## **Traffic Safety Information for State Drivers' Education Manuals**

November 12, 2005

Amended November 11, 2021

ATSSA supports the inclusion of temporary traffic control, work zone safety, and roadway safety information in state drivers' education manuals.

# Public Policies

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## **Older Drivers**

November 11, 2006

Amended November 11, 2021

Standards for and maintenance of pavement markings and positive guidance of signs through work zones should be upgraded to make the roadways safer for older drivers. Federal funds should be made available for agencies to install, operate, and maintain signs and pavement marking improvements to meet the needs of older drivers. FHWA, AASHTO, and other appropriate government agencies and private organizations should continue researching and implementing (1) revised design criteria that specifically accommodate older drivers and (2) new and upgraded standards for traffic control devices. States, cities, and counties should immediately implement programs for sign and pavement marking improvements to meet the needs of the older driver.

# Public Policies

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## **Work Zone Pavement Markings**

November 12, 2005

Amended March 14, 2014

During construction, all roadways should be marked and delineated with full compliance pavement markings, which should be applied by the end of each working day, to provide the safest possible guidance and information for the safety of all roadway users.

## **All Weather Pavement Markings**

November 12, 2005

Pavement markings should be visible in all weather conditions. ATSSA encourages states and local jurisdictions to develop and utilize a pavement marking management system which implements markings that are visible in all conditions, day and night.

# Public Policies

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## **Durable Pavement Markings**

November 12, 2005

Increased use of durable pavement marking systems that are effective throughout the entire year is encouraged. ATSSA also encourages agencies to implement pavement marking management systems that will optimize material selection and will track associated life cycle costs.

# Public Policies

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## **Maintenance of Pavement Markings**

November 12, 2005

State and local agencies are urged to develop performance standards for pavement markings that recognize local climatic conditions; establish programs that continually monitor compliance with applicable standards; optimize use of more durable materials, wherever possible, for year round delineation; and join with ATSSA to petition the Federal Highway Administration for increased resources for pavement marking maintenance.

# Public Policies

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## **Minimum Levels of Retroreflectivity for Pavement Markings and Signs**

November 12, 2005

Amended March 14, 2014

ATSSA strongly supports the establishment of a national minimum standard for the retroreflectivity of pavement markings and signs.



# Public Policies

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## **Speed Control in Work Zones**

November 12, 2005

Amended March 14, 2014

ATSSA supports the implementation of regulatory work zone speed controls on all approaches and through all work zones. ATSSA is also supportive of technology that assists in the display of speed limits that match present work zone conditions as much as practical.

# Public Policies

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## **Prompt Pay, Pay-if-Paid Clause, Retainage**

November 12, 2005

Amended March 14, 2014

ATSSA is committed to the principle of subcontractors' rights to prompt payment upon completion of satisfactory performance of the construction work. We support legislation making the use of contingent payment clauses against public policy and requiring payment within a specified period of time to prime contractors, subcontractors and suppliers. Inequitable retainage on construction projects should be eliminated.

# Public Policies

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## **Risk Management/Liability**

November 12, 2005

The agency, its contractors and subcontractors should share the risk exposure of the contract commensurate with the degree of their responsibility for any incident that occurs. ATSSA further urges that where necessary, legal codes be modified to reflect shared liability.

# Public Policies

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## **Wider Lines Policy**

November 12, 2005

Amended August 14, 2014

It is ATSSA's position that agencies should employ the use of wider, retroreflective pavement markings.

Secondly, ATSSA strongly recommends that continued research be done to review the benefits that are derived from existing wider line installations, to determine which roadway conditions could most benefit from wider lines, to study the requirements of the driver with vision difficulties and to evaluate the cost-benefit ratios of wider lines in these areas.

# Public Policies

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## **Public – Private Partnerships**

July 13, 2007

Roadways developed or maintained under public private partnerships or other innovative financing mechanisms must meet or exceed the safety standards and specifications required of publicly owned roadways.

# Public Policies

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## **Sign Illumination**

November 12, 2005

ATSSA supports all jurisdictions' upgrading of overhead guide sign backgrounds to higher performance reflective sheeting. Engineering studies should be conducted to determine if removing independent illumination from an existing overhead guide sign is appropriate. These studies should be conducted on an individual sign basis.

# Public Policies

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## **Non-Hexavalent Chrome Conversion Coatings Policy**

November 10, 2007

Amended November 8, 2008

ATSSA supports and encourages all jurisdictions to allow non-hexavalent chrome sign blank conversion coating standards (ASTM-B921) in addition to existing hexavalent chrome standards (ASTM-B449). The adhesion and corrosion resistance testing methods are identical for both specifications, and using agencies should expect no sign performance life issues. Non-chrome coatings are more environmentally friendly and provide increased human safety during the manufacturing process.

## Implementation of Innovative Roadway Safety Products Policy

March 28, 2008

The American Traffic Safety Services Association believes that the introduction of innovative safety products may contribute to multiple public policy objectives, including improved roadway safety, environmental protections, speed of construction, durability of materials, and congestion relief. Government policy should encourage the development and timely deployment of innovative products. The use of these products may help to reduce the number and severity of crashes and assist public agencies in meeting many of the objectives identified in state Strategic Highway Safety Plans.

Decisions regarding the use of innovative roadway safety infrastructure products and devices on Federal-aid highway projects should be based either on *safety considerations* or *an increase on the "return on investment" for the owner/agency*. On this basis, project owners (agencies) should be able to establish performance specifications even if there is only one manufacturer that can meet those specifications. An agency's performance based specifications should not preclude the development of additional products that can meet the same or higher levels of performance, even if only one product can meet the performance requirements at the time the specifications are adopted.

When project owners write performance specifications that are met by only one manufacturer, publicly available research and analysis should demonstrate that the manufacturer's product will perform as specified. In addition, the evaluation of such innovative products should incorporate life-cycle cost-benefit analysis as well as initial procurement costs.

ATSSA recognizes that product innovators often enjoy a temporary marketplace advantage, fostering additional innovation by competitors, which serves the public interest. That temporary advantage should not be used as a justification for preventing implementation of the product innovation.



# Public Policies

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## **Hazardous Materials in Pavement Marking Systems**

March 29, 2008

The American Traffic Safety Services Association supports the further development and use of pavement marking materials that are not harmful or injurious to workers or to the environment.

## **Minimum Skid Resistance Levels for Horizontal Curves, Pedestrian and School Crossings, Intersections and Bridge Decks**

March 4, 2010

ATSSA strongly supports efforts to establish minimum skid resistance levels designed to enhance roadway safety at horizontal curves, pedestrian and school crossings, intersections and on bridge decks. ATSSA supports the systemic use of roadway safety devices and treatments.

# Public Policies

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## **ATSSA Policy on Primary Seat Belt Laws**

July 16, 2010

Amended November 11, 2021

The American Traffic Safety Services Association supports the passage and enforcement of “primary” seat belt laws by individual states.

## **ATSSA Policy on Agency Enforcement of Bid Specifications**

March 14, 2014

Consistent with its Core Purpose, *To Advance Roadway Safety*, and its advocacy that we move our nation *Toward Zero Deaths*, the American Traffic Safety Services Association (ATSSA) strongly supports agency inspection and enforcement of bid specifications.

Agency bid specifications are designed in part to make our roadways safe for roadway users. To the extent that actual installations do not meet those specifications, workers and the traveling public may be faced with safety hazards and roadways may be made less safe. This is inconsistent with our national goal of moving *Toward Zero Deaths*.

Not only should the responsibility for enforcement of bid specifications be clearly assigned within every relevant agency, but enforcement should be a mechanism whereby each agency makes clear that it will accept nothing less than a full commitment to its own safety culture on the part of its contractors and service providers.

In addition, while Agencies should have the flexibility to establish bid specifications that meet their particular needs, the Federal Highway Administration (FHWA) should be a strong advocate of the enforcement of those specifications in its role as steward of the Federal-Aid Highway Program.

ATSSA supports the inclusion of inspection activities, including personnel, equipment, technology costs and inspector training, as eligible expenses for the Core Programs of the Federal-Aid Highway Program.

## Connected and Automated Vehicle Position Statement

November 4, 2016

The American Traffic Safety Services Association (ATSSA) has followed the development of connected and automated vehicle technologies with great interest. The potential to improve mobility & productivity while also significantly reducing vehicle crashes holds great promise, but as professionals who work every day to make our roadways safer, we feel there are three issues that must be addressed:

1. Semi-Automated Systems – The National Highway Traffic Safety Administration’s (NHTSA) listing of level two and level three automated system technologies include systems that allow motorists to relinquish control of the vehicle while expecting motorists to remain prepared to resume control upon system failure. Any concept of operations for automated or connected vehicles should not include models which tend to decrease the competency or experience of the driver. This is not just a motorist safety issue. Roadway workers are put at risk since re-engagement of control depends of driver attention. These systems do not interact with work zone traffic control devices or currently provide work zone specific warnings.

The latest human factors research confirms that expecting drivers to remain competent and aware in a vehicle that rarely requires their attention is an unsafe model. Our real-world experience demonstrates that smooth, monotonous open highways create problems with unprepared drivers who within minutes have to shift into a high skill mode to handle a narrow complicated work zone with workers just feet away.

As an industry we have spent decades working to standardize how signs, delineators and markings make roadways and work zones a familiar place for vehicle operators. Keeping drivers in-practice, engaged, and familiar with traffic control devices will be diminished if we take the steering wheel out of the driver’s hands for hours or days at a time.

2. Digital map and traveler information databases must be updated in real-time with incidents, planned events, and work zones. The opportunities for the effective utilization of dynamic digital infrastructure maps to enhance the safety of automated vehicle technologies holds great promise. There is an assumption, however, amongst the general public and many auto industry professionals that statewide databases for highway construction and maintenance work is complete, accurate, and up to the minute. Private sector traffic data companies routinely access these databases in an attempt to build a record of roadwork around the country. A number of automated and connected vehicle technologies are being developed with the assumption that the roadway is digitally mapped and anomalies such as construction are noted on these maps.

What is not widely known is that in general these state databases have not been built to be more than a broad schedule of construction projects that are underway. Items such as actual lane closure timings, accurate location of work in progress, and the current presence of workers on site are not generally included in these databases. Furthermore, most of these databases are for highway construction projects and do not include maintenance, local projects, utility work or other incidences of people working on the roadway. It may be that as little as one percent of the locations where workers are on the roadway are recorded in state databases.

The technology necessary to provide real-time locations of work zones is available. For just dollars per day per project, these important disruptions could be added to cloud-based

databases or communicated through short-range communication technologies. We strongly encourage the Federal Highway Administration (FHWA), the National Highway Traffic Safety Administration (NHTSA) and the American Association of State and Highway Transportation Officials (AASHTO) to work with industry to develop mechanisms through which work zone location information is communicated utilizing dynamic digital mapping and short-range communication technologies.

3. Lane-keep and lane departure warning systems in vehicles today rely on the installation and maintenance of pavement marking systems. A number of technology performance reviews indicate that even under the best conditions, various environmental and weather conditions diminish the capabilities of these systems. Digital infrastructure maps capture sign and pavement marking networks in a static environment. While providing an excellent snapshot of the system, unless tied to a dynamic system that allows for real-time updates, these maps quickly become obsolete. Work on sign recognition and lane following technologies must be accompanied, at a minimum, by sufficient funding to provide signs and lane markings meeting FHWA standards for brightness and visibility on all state and federal highways. Efforts should continue to ensure that automated vehicle technologies effectively utilize dynamic mapping systems to update traffic control information as changes occur.

When automotive system manufacturers install automated systems that work under the assumption that adequate signs and lane markings are available on our roadways, the risk of system failure to motorists is heightened. Transportation departments, for example, have been provided little or no information from automakers regarding the minimum standards desired for machine vision technologies to interface with pavement markings. Without this information it is extremely difficult for agencies to develop an appropriate risk-based approach to pavement marking management. This is especially true at a time when agencies frequently struggle to fund traditional pavement and bridge maintenance.

Creating an effective environment for automated vehicle systems that interface with traditional systems, like pavement markings, requires an approach that addresses real-world environmental, weather, work zone and incident management issues. Not addressing these issues creates unnecessary risk and places motorists and workers at risk.

The American Traffic Safety Services Association stands ready to work with the automated & autonomous vehicle industry to solve these problems prior to widespread deployment on our roadways. We feel certain that by working together we can find these solutions quickly and we look forward to contributing to the discussion.

## **ATSSA Behavioral Safety Program**

Policy No. 2016-3

Amended November 11, 2021

### **Background**

While ATSSA maintains its policy that HSIP funds should be used for roadway safety infrastructure projects, we recognize a need to support non-infrastructure safety projects as well. As such, the Board has adopted the following policy.

### **Policy**

ATSSA supports an increase to funding for and streamlining of the federal behavioral traffic safety programs under the jurisdiction of the National Highway Traffic Safety Administration (NHTSA). ATSSA recommends the following actions to give state departments of transportation the necessary tools to combat behavioral safety challenges:

1. ATSSA supports the consolidation of behavioral safety programs into a comprehensive, flexible program with eligible behavioral safety activities.
2. ATSSA supports increased funding for the consolidated behavioral safety programs, provided that such funding is not drawn from the Highway Safety Improvement Program (HSIP).
3. ATSSA supports consolidating the individual behavioral safety reporting requirements in order to ease the reporting burden on state departments of transportation

# Public Policies

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## Policy on MUTCD

March 9, 2018

Amended November 11, 2021

### Background

The Manual on Uniform Traffic Control Devices (MUTCD) establishes national standards related to the application of traffic control devices. The process for updating the MUTCD is anything but uniform or standardized. The following proposal is designed to create greater transparency by developing a uniform timeframe and process for the development and release of new editions of the MUTCD. The advent of enhanced safety and automated vehicle technologies amplifies the need to standardize the process through which the MUTCD is updated.

### Policy

Congress should mandate that FHWA develop a schedule to update the MUTCD on a regular basis. ATSSA further requests that Congress require FHWA to include detailed information that outlines the process for traffic control device experimentation, the development and receipt of interim approvals and what if any process may be developed to allow for interim approvals to be rescinded. In addition, the Secretary of Transportation should be directed by Congress to release a process through which traffic control issues associated with the deployment of in-vehicle enhanced safety and highly automated vehicle technologies will be incorporated into the MUTCD.



## Road Markings for Machine Vision Systems

March 14, 2019

### Background

On January 18, 2018, the Federal Highway Administration (FHWA) issued a public Request for Information (RFI). The RFI sought feedback from the automotive and road infrastructure industries regarding “infrastructure requirements and standards that may be necessary for enabling safe and efficient operations of ADS” (Automated Driving Systems). In the summer and fall of 2018, FHWA conducted six workshops throughout the United States seeking to facilitate additional discussion on ADS infrastructure needs and impacts. Specific topic areas included infrastructure planning/policy, digital infrastructure/data, infrastructure design and safety, operations, and freight. The FHWA has summarized their findings from both the RFI and the workshops in a number of presentations. A consistent theme in both the RFI and workshops emerged. Respondents believed that “greater uniformity and quality in road markings and traffic control devices would enable automation.”

On October 4, 2018 FHWA announced their intention to release a 2020 update to the Manual on Uniform Traffic Control Devices (MUTCD). This announcement coincided with the release of U.S. DOT’s latest policy statement on automated vehicle technologies: Preparing for the Future of Transportation – Automated Vehicles 3.0 (AV 3.0). AV 3.0 clearly states that the MUTCD update “will take into consideration these new [ADS] technologies...”.

The American Traffic Safety Services Association (ATSSA) represents the roadway safety industry. ATSSA members work every day on the front-lines of roadway safety, creating safer roads that save lives. In 2017, ATSSA contracted with the Texas Transportation Institute (TTI) to evaluate the potential benefit of six-inch versus four-inch road marking widths for machine vision systems. TTI utilized the same research protocols developed for NHCPR 20-102(6), Road Markings for Machine Vision Systems. The research found that six-inch marking width provides a measurable benefit versus four-inch. This finding is consistent with requests made last year by Google and Tesla to Caltrans that they adjust their road markings from a four-inch to a six-inch width.

In 2018, Mobileye, the global camera sensor market leader, produced a summary of road marking challenges with accompanying recommendations. They are requesting a better maintained and more uniform marking system. Ideally, they prefer to see markings that are 12-15 cm wide and nothing over 25 cm wide (some European markings are up to 30 cm wide). They also asked for standardized lane line lengths, with a preference of 5 m (in the US the most common lane line is 10 ft (about 3 m). Other road marking preferences include:

- Lane lines being fully marked and starting at the split point (gore point).
- Higher retroreflectivity levels in wet conditions.
- Removal of old markings.
- More uniformity in the shape and use of arrows.
- More uniformity on the width of Stop bars (35 to 50 cm).
- More uniformity on speed bump markings.
- Clearer distinction between vehicle, bike, and pedestrian areas (shared and/or exclusive).

The proposed policy changes are based on the most current information regarding the interaction of machine vision systems with pavement markings. This policy seeks to create a more uniform and harmonized road marking system in support of Driving Automation System (DAS) technologies. In developing these proposed changes, the safety benefit to human drivers, Advanced Driver Assist Systems (ADAS – SAE levels 1 thru 2) and more fully automated vehicle systems (Level 3-5) were key factors. We are cognizant of the funding pressures experienced by infrastructure owner operators and that it will take time to budget for systemic pavement marking upgrades. It is our hope that these recommended road marking changes provide guidance to road owner operators, policymakers and the automotive industry.

A number of the proposed changes only apply to roadways with a posted speed  $\geq$  40-mph. The 40-mph threshold was introduced as a metric to ensure a cost-effective approach, realizing that the evolution of the roadway infrastructure to support all road users will continue to be an incremental process. From a safety perspective, 40-mph was chosen so that the higher speed roadways are the initial focus to implementation. FHWA statistics show that about 50 percent of all fatal crashes in the US are categorized as roadway departure crashes on high speed roadways. DAS technologies have a significant safety benefit, particularly addressing this largest category of fatal crashes. Also, the MUTCD currently uses the speed threshold of 40 mph to separate low- and high-speed applications of many other traffic control device standards.

While the proposed policy addresses the key issues associated with road markings and machine vision systems, it is not the last word on this topic. ATSSA supports continued efforts to better understand the role of marking color, contrast and luminance as well as the possible role of reflective raised pavement markings to ensure machine vision performance. Efforts to improve urban road marking systems are also likely to focus on crosswalk standardization and improved pedestrian spacing and offsets. The proposed policy provides an excellent starting point to create a more uniform and standardized roadway.

## Policy

The American Traffic Safety Services Association (ATSSA) supports efforts to create national minimum performance and application road marking standards in support of Connected Automated Transportation (CAT). ATSSA supports road marking and machine vision proposals that benefit human, Advanced Driver Assistance System (ADAS) and more advanced Driving Automation System (DAS) technologies (Level 3-5). ATSSA supports the following proposals specifically related to road markings and Driving Automation System (DAS) technologies:

- The next edition of the Manual on Uniform Traffic Control Devices (MUTCD) should include the following policy changes regarding the use of pavement markings in support of Driving Automation Systems:
- Minimum pavement marking retroreflectivity levels (FHWA needs to publish a Final Rule).
- Longitudinal markings (edge lines, center lines, and lane lines) shall be six-inch wide on roads with a posted speed  $\geq$  40 mph.
- Lane line markings shall be 15-feet in length with a gap of 25 feet.
- Dotted edge line extensions shall be marked along exit and entrance ramps on roads with a posted speed  $\geq$  40 mph.
- Crosshatch (i.e., Chevron) markings shall be included in gore areas on roads with a posted speed  $\geq$  40 mph.
- Non-reflective Botts Dots should be eliminated or only used when supplementing pavement markings.
- Contrast striping should be required PCC concrete roadways with a posted speed  $\geq$  40 mph.

## Enforcement of Patent Infringement by Non-U.S. Entities

March 14, 2019

Amended November 11, 2021

### Background

An ATSSA member company contacted the association regarding the importation of a product that was produced by a non-U.S. entity and violated their patent. The member sued for patent infringement and won the case. As a result, the offending product was removed from the following web sites: Amazon, eBay, Walmart and Alibaba. According to the ATSSA member, the offending entity continues to promote the product by direct contact with buyers, possibly through other cooperating entities. The ATSSA member company requested the association's assistance. The ATSSA Board discussed the issue using the Mega Issue Format, formed an Action Team, and adopted the policy detailed below.

### Policy

The American Traffic Safety Services Association is concerned that the promotion and sale of "copycat" or "knock off" products by non-U.S. entities that infringe on U.S. patents is not only unfair to the U.S. company that developed the product but also may adversely affect safety through the use of subpar components or manufacturing practices. While in the United States companies have legal remedies through the courts for issues regarding patent infringement, the same may not be true regarding non-U.S. entities. In order to support our members who find themselves in this position, ATSSA staff is authorized to undertake the following activities:

- Prepare or obtain educational materials to be made available to our members.
- Communicate with Customs and Border Patrol regarding patent infringements in general and the possible adverse effect that "knock off" products may have on safety on our roadways.
- Communicate with elected officials (e.g. Congress, the White House, involved Federal agencies) regarding patent infringements in general and the possible adverse effect that "knock off" products may have on safety on our roadways.
- Include references to specific products in these communications to the extent that a member has clearly identified that a patent violation has occurred.
- Staff is authorized to support members who have succeeded with legal action by communicating with U.S. Customs or other relevant agencies on their behalf.

It should be noted that these actions can only follow the successful prosecution of a patent infringement action by the product owner. ATSSA has neither the standing nor resources to undertake such action on behalf of a product owner.

ATSSA strongly objects to the promotion and sale of "copycat" or "knock off" products by non-U.S. entities that infringe on U.S. patents and supports strengthened enforcement by the federal government in combatting this practice.

# Public Policies

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## **Prison-to-Work Policy**

March 14, 2019

Amended November 11, 2021

ATSSA supports the creation of a competitive grant to host training programs that train individuals who are returning from prison to the workforce. Activities that would occur during these conferences include:

- Life skills training
- Work zone safety training
- Workforce training
- Additional skills training

# Public Policies

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## Policy on 5.9 GHz Spectrum

March 2, 2020

### Background

On October 21, 1999, the Federal Communications Commission (FCC) allocated 75 megahertz of spectrum to support the U.S. Department of Transportation's Intelligent Transportation Systems (ITS) national program. The FCC allocated the 5.850-5.925 GHz band for Dedicated Short-Range Communication (DSRC) activities for safety communications services such as warning drivers of impending and dangerous conditions (e.g., imminent crash warning between vehicles, dangerous movements through intersections). All seven channels in the allocated spectrum have been identified by industry for use in supporting such communication safety services. In allocating this spectrum, the Commission expressed its hope that their effort would *"foster global research, technological innovations, and industry standards-setting activities that are expected to result in the production of affordable DSRC equipment (FCC October 21, 1999)."* Over the last 20 years, the European Union, Korean and Japanese governments and auto industries have worked to maximize the value of the spectrum. This effort has fostered research not only into the utilization of DSRC radio but other wireless communication technologies including, most recently, cellular Vehicle-to-infrastructure (C-V2X).

### Buildout Plan

While the FCC provided the 5.9 GHz band in October 1999, it did not issue licensing and service rules until February 10, 2004. These rules were further amended in 2006. Once in place, the FCC did not follow the traditional practice of requiring spectrum "owners" to submit a buildout plan. A buildout plan would have provided clear benchmarks for length of time, population or geographic area served, or level of service. Over the last 20 years U.S. DOT has worked with infrastructure owners and operators and the automotive industry to develop communication standards, applications, and the hardware and software needed to maximize spectrum value.

### FCC Institutional Obstacles

The FCC's post allocation actions regarding spectrum utilization have hindered rather than helped this process. In January 2013, the FCC initiated a Notice of Proposed Rulemaking (NPRM) regarding the ability to share the spectrum band. Answering that FCC request required the industry to return to the research and development phase to gauge spectrum sharing impact rather than moving towards deployment. Since 2016, FCC commissioners have openly expressed concerns regarding the slow progress in maximizing the value of the 5.9 GHz band. Rather than working with U.S. DOT and industry stakeholders to develop buildout requirements, the FCC disrupted efforts by U.S. DOT by signaling to industry that it was considering a spectrum reallocation. That disruption further undermined system deployment and "froze" the market in the United States and slowed deployment discussions in the European Union, Korea and Japan.

On November 20, 2019 FCC Chair Ajit Pai announced his intention to propose a reallocation of the 5.9 GHz transportation safety spectrum. On December 12, 2019, the FCC voted 5-0 to move forward with rulemaking to carry out his proposal. The reallocation proposal makes the lower 45 MHz sub-band available for "unlicensed" uses like Wi-Fi. The 20 MHz sub-band at the top of the spectrum would be dedicated for Cellular V2X technology, including high-speed protocols like 5G. The public has been asked to provide input on whether the remaining 10 MHz should be allocated for C-V2X or DSRC.

### ATSSA Policy on 5.9 GHz Spectrum

The American Traffic Safety Services Association (ATSSA) supports preserving the 75 MHz allocated within the 5.850-5.925 GHz spectrum for transportation safety communication purposes.

## Development of a Successful Vulnerable Road Users (VRU) Program

March 12, 2021

### Preamble

The purpose of this policy statement is to advocate for the effective, efficient and safe travel for Vulnerable Road Users (VRUs). VRUs are persons who use streets, roads and highways without the benefit of the protection offered by an automobile or truck. Typically, a VRU is walking or traveling by bicycle, wheelchair scooter, or skates—in other words those users who “*walk and roll.*” Unfortunately, the needs of VRUs have often been ignored or minimized, while transportation and traffic systems have often been biased toward vehicles. The good news is times are changing.

### Top 19 Recommendations for a Successful VRU Program include:

1. Have a specific program to track, monitor, and mitigate pedestrian and bike crashes in their area of responsibility and jurisdiction as issues related to VRU crashes are different than vehicle crashes.
2. Develop and implement a VRU network plan that works to provide effective and efficient crossings that interconnect the entire community with VRU compatible travel spaces.
3. Adopt a program for existing streets and streets under design or consideration to develop and implement guidelines and standards for effective and efficient VRU crossing treatments that account for desired lines of travel and include consideration of Federal Highway Administration (FHWA) Safe Transportation for Ever Pedestrian (STEP) program.
4. Conduct a system wide condition assessment of VRU infrastructure
5. Use findings of condition assessments to develop, adopt, and fund a long-term sidewalk, path, and curb ramp improvement, operations, and maintenance program with particular attention given to improvements that connect the network to specific destinations (bus stops, retail, institutions, etc.). Operations and maintenance need to include routine and periodic assessments, so sidewalks and pathways are kept clear and in a good state of repair.
6. Develop and implement laws that give VRUs more rights as well as responsibilities. Promote and implement educational programs regarding all road users’ rights and responsibilities with a focus on VRUs.
7. Eliminate the red and yellow all flash control of traffic signals for multi-lane signalized intersections and replace them with semi-actuated or all red flash so VRUs can gain the right of way to cross streets.
8. Keep VRUs in mind when developing traffic signal coordination plans to keep wait times within reasonable limits.
9. Ensure traffic signals have functioning detection and adequate crossing time for all modes of traffic, not just vehicles. For VRUs, this would include call-buttons or passive detection if not running fixed time or automatic recall.
10. Keep VRUs in mind when selecting and providing supplemental traffic signal indications, including those who are impaired.
11. Consider specific traffic signal phasing and timing approaches to prioritize VRU crossings.
12. Provide space between vehicles and VRU travel areas to create inviting and convenient paths to organized and controlled crossings.

13. Focus attention on parts of communities that are reliant on or prone to using transit, walk, and bike as their primary means of transportation through the adoption of metrics that help investments in transportation be equitable for those communities.
14. Provide streetlighting that includes consideration of providing specific light levels on streets and on adjacent sidewalks and paths that enhance nighttime visibility and a sense of security.
15. Develop and implement speed limit and management programs that promote vehicle speeds that are balanced with VRU risk and places, including consideration of driver behavior as it relates to going faster than the posted speed limit. Whenever appropriate consider using physical reinforcements (e.g., raised crossings, speed bumps, and other geometric features) to buffer speed.
16. Include VRU as a study subject in traffic impact analysis for developments, including they study of mitigating crossing risks that may be created with new developments.
17. Include VRU needs in temporary traffic control plans in substantive ways that maintains their modes of travel open and useful, including ADA compliant detours, if needed.
18. Communicate and coordinate with law enforcement and other related community organizations and groups to help advocate for VRU issues with regards to their rights and responsibilities and the role that transportation infrastructure can and should play a role.
19. Explore and incorporate new technologies into the transportation system, including vehicles and infrastructure, which support a safer VRU environment.

## VRU Guidance for Local Governments

### Developing an Effective Vulnerable Road Users (VRU) Program

March 11, 2022

The purpose of this guidance is to advocate for the effective, efficient and safe travel for Vulnerable Road Users (VRUs). VRUs are persons who use streets, roads and highways without the benefit of the protection offered by an automobile or truck. Typically, a VRU is walking or traveling by bicycle, scooter, wheelchair or skates—in other words those users who “*walk and roll.*” It is important to note in the context of this guidance consideration of low speed (less than 20 mph) small size personal battery powered electric motorized transportation devices (or personal e-mobility) are included. Unfortunately, the needs of VRUs have often been ignored, minimized, or unrecognized, while transportation and traffic systems have often been biased toward full sized street, road, highway and freeway vehicles.

A 2019 report by the Governors Highway Safety Association (GHSA) showed pedestrian fatalities rose by 53% between 2009 and 2018 (Source: <https://www.ghsa.org/sites/default/files/2020-02/GHSA-Pedestrian-Spotlight-FINAL-rev2.pdf>). Additionally, the recently issued U.S. Department of Transportation (USDOT) National Roadway Safety Strategy (NRSS) specifically recognizes the need to protect VRUs and address the rising number of fatalities and injury crashes related to them.

To address this continuing problem the American Traffic Safety Services Association (ATSSA) recommends the following:

#### Top 25 Recommendations for an Effective VRU Program include:

1. Develop and maintain a specific program to track, monitor and mitigate VRU (pedestrian, bike, personal e-mobility, etc.) crashes in their area of responsibility and jurisdiction as issues related to VRU crashes are different from vehicle crashes. If possible, include pathways in this crash program, not just roads and streets.
2. Develop and implement a VRU network plan that works to provide effective and efficient crossings that interconnect the entire community with VRU-compatible travel spaces. Set a goal recognizing that these forms of transportation can lead to an array of safety, health and economic benefits. For additional information on these benefits refer to “*Walkable City How Downtown Can Save America, One Step at a Time*” by Jeff Speck. Consider making streets complete for all road users regardless of mode of transportation.
3. Adopt a program for existing streets and streets under design or consideration to develop and implement guidelines and standards for effective and efficient VRU crossing treatments that account for desired lines of travel and include consideration of Federal Highway Administration (FHWA) Safe Transportation for Every Pedestrian (STEP) program. Keep in mind that STEP can apply to all modes of VRU travel.
4. Conduct a systemwide inventory and condition assessment of VRU infrastructure (e.g., sidewalks, path, street crossings, etc.).
5. Conduct Road Safety Audit (RSA) that focuses specifically on VRUs location and network issues.
6. Use findings of the inventory and condition assessments and RSAs to develop, adopt and fund a long-term VRU infrastructure improvement, operations and maintenance program which gives particular attention in connecting the network to specific destinations (bus stops, retail, institutions, etc.). Make this program and plan a part of the pavement preservation plan. Operations and maintenance need to include routine and periodic assessments, so sidewalks and pathways are kept clear and in a good state of repair.
7. Develop and implement ordinances that identifies specific VRU rights and responsibilities but puts their authority to use streets in balance with vehicles. Promote and implement educational programs regarding all road users’ rights and responsibilities with a focus on VRUs.



8. Eliminate the red and yellow all-flash control of traffic signals for multi-lane signalized intersections and replace them with semi-actuated or all-red flash so VRUs can always gain the right-of-way to cross streets.
9. Keep VRUs in mind when developing traffic signal coordination plans and applications to keep wait times within reasonable limits. During non-peak times allow VRU calls to interrupt coordination. Do not make the vehicle-centric “green wave” be the “red wall” for VRU crossers.
10. Provide VRU detection (push buttons or other) and phased crossings (if pre-timed) as appropriate. Do not ignore VRU crossing potential just because not many crossers are anticipated. Providing VRU designated, organized and convenient crossings should be a priority regardless of crossing volume.
11. Keep VRUs in mind when selecting and providing supplemental traffic signal indications, including those who have visual, hearing, ambulatory or other impairments.
12. Analyze and develop specific traffic control, signal phasing and timing for VRU crossings. Especially for special event and large entertainment and sporting venue applications and locations. Do not only “flush” vehicles, remember that VRUs are often in this mix as well.
13. Provide space between vehicles and VRU travel areas to create inviting and convenient paths to organized and controlled crossings. Consider using wider multimodal (8 feet or wider) sidewalks as an alternative to separated sidewalks and bike lanes.
14. Paved safety shoulders on rural roads to help mitigate road departure crashes. These shoulders also provide VRUs space to use these roads as well. Always consider adding paved shoulders on rural roads. Some shoulder is always better than no shoulder.
15. Apply Transportation Equity measures that focus attention on communities that are reliant on or prone to using transit, walking and biking as their primary means of transportation.
16. Provide roadway lighting that includes specific photometric levels along streets, sidewalks, and pathways that enhance visibility, security, and sense of community.
17. Develop and implement speed management programs that set and reinforce vehicle speeds which are balanced with VRU risk and spaces, including consideration of human factors engineering. Whenever appropriate, consider using physical reinforcements (e.g., raised crossings, speed bumps and other geometric features) to buffer speed.
18. Establish and fund a neighborhood Safe System Approach that includes a wide variety of potential mitigations that encourage speeds to 25 mph or less and reduces cut-through traffic.
19. Require that VRUs be a specific study subject in Traffic Impact Analysis (TIA) for developments. This includes collecting data and reviewing long-term crash history related to VRUs. Particular attention needs to be given regarding street crossing risks that may be created or might already exist that may need to be addressed and mitigated.
20. Include VRU needs in temporary traffic control plans in substantive ways that keeps their modes of travel open, convenient, and useful, including ADA-compliant detours. Do not simply close or block the sidewalk, path or bike lane and say you’re done. Provide advance warning of closures so VRUs have an opportunity to seek alternative routes. Vehicles get signed detours, so should VRUs!
21. Remember those who have to work in the streets (service, construction, maintenance, emergency, and law enforcement) are VRUs themselves. Develop and require traffic control plans, measures, and techniques that mitigate or eliminate risks and enhance compliance. Require all of those who need to be in the streets to be properly trained and certified in temporary traffic control.
22. Communicate and coordinate with law enforcement and other related community organizations and groups to help advocate for VRU rights and responsibilities and the role that transportation infrastructure can and should play for facilitating VRU accessibility. It is often the lack of or inadequate VRU infrastructure that causes or exacerbates VRU problems.
23. Explore and incorporate new technologies into the transportation system, including connected vehicles and infrastructure, which support a safer VRU environment.
24. Develop a proactive program to evaluate VRU issues and complaints. Coordination among engineering, enforcement, and education agencies is essential.
25. Establish citizen advisory panels to evaluate and advocate for all VRUs. Panels should be made up of volunteers that represent the entire VRU spectrum, not just able-bodied pedestrians and bicyclists. Included recreational, disabled, and personal e-mobility interests. Panels should help to develop and implement VRU policies and programs.

## **Policy on Equity in Transportation**

November 11, 2021

The American Traffic Safety Services Association (ATSSA) believes that regardless of socioeconomic status, ethnicity, gender, sexual orientation, or geographic location everyone in the United States deserves safe, high-quality roadway infrastructure that provides a high level of safety and ensures equitable transportation access to jobs, healthcare, childcare, recreation, etc.

## Policy on the Use of Schedule I Drugs in the Workplace

November 11, 2021

### Background

For several years our industry has been faced with a workforce shortage. In addition to COVID-19 and other issues, the legalization of marijuana in many states have placed an even greater burden on industry's ability to find and retain qualified workers.

In answer to the continuing workforce shortages our members face balanced against an increasing interest by the government to legalize marijuana, ATSSA staff foresees government approaching the association for our views/policy position on legalizing marijuana and its effects on roadway safety and the roadway safety workforce.

Currently, the use of marijuana is illegal federally. However, since 2012, 36 states and Washington, D.C. legalized medical marijuana. Seventeen of those jurisdictions also legalized marijuana for recreational use. However, even if the marijuana is legalized it is doubtful or unknown if the DOT would follow suit without a breakthrough in testing methods.

On December 3, 2012, Jim Swart, Director of the Federal Department of Transportation issued a compliance notice (available online). "We want to make it perfectly clear that the state initiatives will have no bearing on the Department of Transportation's regulated drug testing program. The Department of Transportation's Drug and Alcohol Testing Regulation-49CFR Part 40- does not authorize the schedule of Schedule 1 drugs, including marijuana for any reason". That position includes medical marijuana, and their position has not changed. He closes with "We want to assure the traveling public that our transportation system is the safest it can possibly be."

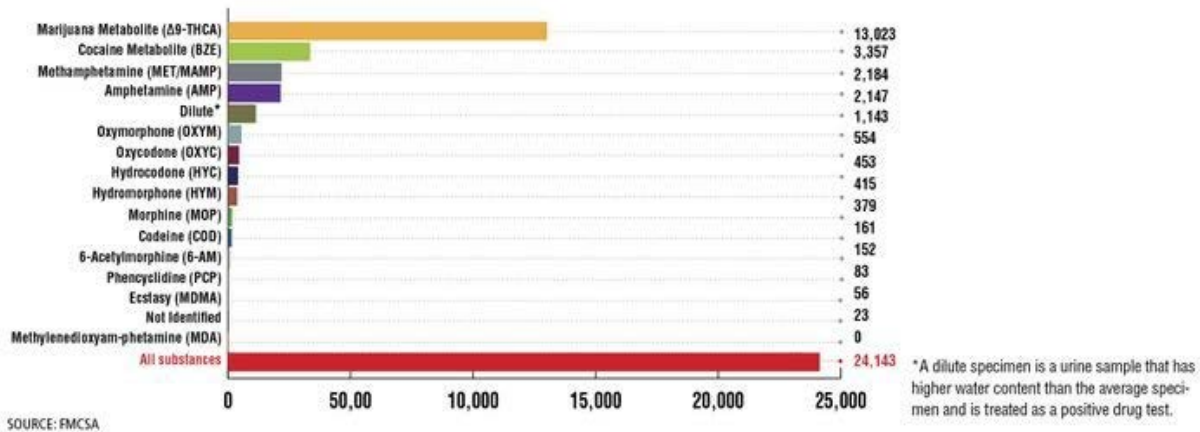
This disparity in federal versus state laws has presented a problem to our members because our contractor members drive commercial vehicles that are used in "Safety Sensitive Operations". Any employee operating a vehicle more than 26,000 GVW must possess a commercial driver's license. They are automatically regulated by the U.S. Department of Transportation. Other employees fall under the safety-sensitive umbrella and those employees also cannot test positive for marijuana, or any other drug including medical marijuana. The DOT testing at HHS-certified laboratories is a 5-panel drug test regimen. As of January 1, 2018, the 'Opiates' category was renamed 'Opioids' Schedule I drugs include:

- Marijuana (THC)
- Cocaine
- Amphetamines
- Opioids
- Phencyclidine (PCP)

Between the time the Drug & Alcohol Clearinghouse opened Jan. 6, 2020, and the end of May 2021 (most recent report available), drivers tested positive more than 80,000 times, with marijuana by far the most common substance identified (53.9%). (More than one substance can appear in a positive drug test.) 73,609 drivers had at least one violation, and more than 60,000 were in prohibited status as of June 1. More than 45,000 had not started the return-to-duty process, while 13,310 had completed it and were no longer in prohibited status.

**2020 Results:**

**Substances Identified in Positive Drug Tests  
FMCSA's Drug and Alcohol Clearinghouse**



As more states move to legalize marijuana and decriminalize other controlled substances, employers face increasing challenges to recruit and retain workers who can pass drug tests. FMCSA reported that 29,500—or 64%—of the 45,822 drug test failure violations in 2020 stemmed from drivers who tested positive for marijuana. The second-highest number (7,940) was for cocaine, followed by methamphetamine (5,187) and amphetamine (5,953). Opioid drugs—not reported as a group but individually by pharmaceutical trade names—appeared to number 5,389. In general, drug use in the workplace is on the rise. The number of workforce-positive drug tests in the United States hit a 16-year high in 2019, according to an annual analysis by lab services provider Quest Diagnostics.

That’s problematic because employees who suffer from drug or alcohol dependency are nearly three times more likely to either cause or personally experience an injury-related absence from work, according to the U.S. Department of Labor and the National Institute on Drug Abuse.

**Policy**

ATSSA supports the current federal laws associated with the restriction on the use of Schedule I drugs.

## IX. Administrative Policies

# Administrative Policy

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## Unemployment While Serving as an ATSSA Volunteer

Policy No. 2013-1

Amended March 31,2017

### Background

The ATSSA Board of Directors has in the past provided guidelines for the continued participation of ATSSA volunteers in association activities when they experience loss of a job in the industry. The first action was to allow a “grace period” of up to six months for a person to find a new position. In approximately 2010 which was a more difficult year in the industry, the “grace period” was extended to one year. In both instances, the individual was required to advise the association that he or she was actively seeking employment in the industry.

These practices were included in past meeting summaries, but have never been adopted as “official policy” by the ATSSA Board. At its meeting in March 2017, the Board adopted the policy below.

### Policy

ATSSA member volunteers who voluntarily or involuntarily separate from an ATSSA member company may continue their volunteer service without interruption for a period of one year, provided that those members affirmatively advise staff in writing that they are actively seeking employment in the industry. Continuation of service includes serving as a member of the ATSSA Board of Directors, Operating Committee, Technical and Administrative committees, Foundation Board of Directors and other entities at the national level as well as volunteer position at the chapter level.

# Administrative Policy

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## **Authorization for President & CEO to Amend Budget**

Policy No. 2013-2

### **Background**

The ATSSA planning cycle includes staff development of strategic and operational work plans as well as a proposed budget for the next year immediately following the July board meeting. As the association became more aggressive in pursuing additional activities and revenue opportunities – for example the Training & Products Department was reorganized and repurposed and is now the Training & Business Development Department – the need arose to incorporate new projects into the budget during the fiscal year. For example, if ATSSA were to successfully bid on a new piece of business, that project would need to be added to the budget for tracking and forecasting purposes.

In the past, the ATSSA Budget Committee recommended to the ATSSA Board that staff be authorized to add projects to the “Amended Budget” of our financial reporting system upon approval by the President & CEO. An internal three step process, called a “Product and Service Development Plan” is used for this purpose. The planning tool is initiated by a project champion and circulated to all departmental directors for review and comment to assure association-wide awareness and, if appropriate, participation. This policy would restate existing practice so that staff would not have to check prior meeting summaries for verification.

### **Policy**

The President and CEO is permitted to add projects to the board approved budget during the fiscal year, provided that an internal planning process is used to vet the proposals and that the financial impact is included in the budget updates presented to the ATSSA Board of Directors.

# Administrative Policy

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## The Roles of Public Officials in ATSSA

Policy No. 2013-3

Amended November 11, 2021

### Background

Public Agency Officials are important members of the American Traffic Safety Services Association. ATSSA views them as partners in furthering its Core Purpose, *To Advance Roadway Safety*. At the request of some of our Agency members, the association has undertaken an effort to better define the roles and expectations that ATSSA has of those public officials who are members.

### Roles and Expectations

1. First and foremost, ATSSA is a safety organization. We were the very first association to adopt the goal of *Toward Zero Deaths*. With this in mind, the highest level expectation is that Public Agency Officials help ATSSA identify opportunities to contribute toward the national goal of *Toward Zero Deaths*.
2. Agency Officials can support and assist the association in establishing communication channels between their agency and the industry. As members of ATSSA, they understand and value the fact that industry members can bring different perspectives and experiences to the table to help their DOT or local agency achieve its safety goals.
3. Conversely, Agency Officials have a wealth of experience and can bring their own perspective to bear on any number of safety issues and act as advisors to the association on safety, operations and traffic related issues and policies.
4. Generally, Public Agency Officials should think of making industry their “teammate” in achieving agency and departmental goals.
5. PAOs can also provide guidance for chapters so that they can support Agency safety programs and initiatives. Working with industry through ATSSA provides a neutral forum in which to address those initiatives.
6. ATSSA would like to have Agency Officials *actively participate* in association events such as the Peer Exchange and Circle of Innovation at the Convention and Traffic Expo and in our chapter meetings. They can help us identify and focus on topics that might become safety publications, workshops, webinars or other training sessions and help others to save lives on our roadways.
7. They can serve as “reviewers” or technical advisors for the development of ATSSA safety products such as our reports that have included: *Emerging Business Opportunities for ATSSA Members in Bicycle Safety*, *Emerging Business Opportunities for ATSSA Members in Motorcycle Safety*, *Cost Effective Local Road Safety Planning and Implementation*, *Emerging Safety Opportunities in High Friction Surfacing*, etc.
8. ATSSA member Agency Officials can serve as members of committees and councils on the national level as well as active members of chapters on the local level. They may serve as task force chairs and as the secretary of committees and councils, but not as committee chairs or chapter presidents. (See below.)

### Why ATSSA Does Not Permit Agency Officials to Serve as Chapter Presidents or Committee Chairs?

ATSSA Committee Chairs, Chapter Presidents and National Chairmen often serve in *policy making roles and as policy spokespersons*. In this capacity, they are required to not only articulate but also to actively promote the association’s policies. At times, these policies, which are developed from a private sector perspective, may conflict with those of public sector organizations. An example would be the development and support of minimum levels of retroreflectivity for signs and markings. ATSSA does not want to place an Agency Official



in the position where there would be even an appearance of conflict of interest between the agency role and the role as an officer and spokesperson for the association. On a more granular level, we do not want to place an individual agency representative in a position where he or she would have to explain the promotion of an association position or action to his or her supervisor.

9. ATSSA would like an ongoing open dialogue with agency officials related to training requirements, updates and changes, and certification within their state. ATSSA would like the opportunity to provide its in-person, online and virtual training to the traffic safety industry serving the DOT; and/or work with the DOT to provide state specific training.

## **ATSSA Response to Requests by Other Organizations to Promote Their Training**

Policy No. 2014-1

### **Background**

ATSSA has in the past been requested to promote training developed and delivered by other organizations. In some instances, this training is or could be seen as competing with training developed by ATSSA. There is a concern that there may be a liability to promoting a course in which we have had no involvement in developing or delivering and which, if poorly delivered, could reflect negatively upon the association.

### **Policy**

Following a Mega Issue discussion, the ATSSA board has developed the following policy:

1. Development of training programs should be undertaken at the national level in order to take advantage of the skills and experience of the association's professional staff. Delivery of these programs should be through ATSSA approved distribution channels.
2. Requests to promote training independently developed by other organizations or entities should be respectfully declined by both the national association and the chapters.
3. ATSSA member companies are free to assist agencies with product-specific training without the involvement of the national association or the chapters.

# Administrative Policy

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## Payment of Expenses for Committee Member Travel

Policy No. 2016-1

### Background

The ATSSA Board of Directors and staff recognize the time and financial commitment made by our members who voluntarily participate on our committees, councils, task forces as well as through our chapter system. From time to time, these groups make a substantial contribution to the industry by developing generic products such as brochures, publications, PowerPoint presentations, etc. that are intended to help explain technical or regulatory issues to those with less expertise and/or that assist in expanding our members' business opportunities, which is consistent with the goals of the association. Examples include:

1. Both a PowerPoint presentation and a brochure on the applicability of the MUTCD to private property that was developed by the Sign Committee.
2. A presentation on High Friction Surfacing developed by the High Friction Surfacing Council.
3. A presentation on ITS in the Work Zone developed by the Innovation Council (formerly the ITS Council).

These types of activities are not only allowed; they are encouraged. Generally, they require the approval of the full committee or council and must be generic in nature in order to be promoted as an "ATSSA presentation" and incorporate the ATSSA logo and trademark.

Within this context, the ATSSA Board of Directors has been requested to clarify under what circumstances, if any, the association would reimburse the expenses of those members who use the above types of tools to make presentations at other meetings and conferences on behalf of the association or the particular committee or council. Given below is the administrative policy developed by the Board in order to guide staff in making a decision regarding a particular request.

### Policy

It is ATSSA's policy not to reimburse travel and personal expenses of individual members who undertake activities to expand knowledge or markets using products developed through ATSSA committees. The Board assumes that those who participate in such activities will ultimately enjoy a market benefit from their participation. The

Board is also concerned that financial support of a member's travel *may* be viewed negatively by other members as promoting the product or service of a competitor.

The Board of Directors also recognizes that there may be specific instances in which a member is requested to act on behalf of the association and that a positive response to that request goes beyond the normal expectations of our volunteer participants. Examples are:

1. Individuals who are requested by the association to testify before a legislative body due to their technical expertise or familiarity with issues being addressed by that body.
2. Individuals who are requested by the association to testify before or meet with a regulatory body due to their technical expertise or familiarity with issues being addressed by that body.
3. Individuals who are requested to act on behalf of the association due to their geographic proximity to a legislative body, regulatory body or road owner.

The key to these exceptions is that the association is specifically requesting an individual to take action on behalf of the membership or group of members, and that there is an expected benefit to the industry that will exceed the cost of travel. In these instances, the reimbursement of reasonable travel expenses may be allowed.

Exceptions for issues which meet or are similar to the above may be made by the President and CEO. In instances where the President and CEO requires guidance, the ATSSA Chair shall be consulted. If further deliberation is needed, the issues shall be brought to the Executive Committee.

Nothing in this policy should be construed as adversely affecting or limiting the reimbursement of travel expenses in the ATSSA budget as approved by the Board. Examples are public official and/or speaker travel to ATSSA committees, meetings and the convention that are typically approved by the Board during the budget process.

# Administrative Policy

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## Review of Grant Guidance Products

Policy No. 2016-2

Amended November 11, 2021

### Background

In several instances, practices enumerated or advocated in FHWA grant guidance documents have been called into question by ATSSA members. Generally, the development of grant guidance documents is guided by a practitioner worker group which has usually, but not always, included ATSSA contractor members.

At its August 2016 Midyear Meeting, the Temporary Traffic Control Committee passed a resolution that would require that grant guidance documents be reviewed by ATSSA technical committees. That resolution was approved by the Operating Committee. Immediately after its approval, ATSSA President & CEO Roger Wentz recommended that as an alternative, all members of relevant technical committees be invited to participate in the original practitioner working group, thereby eliminating the need for an extra level of review, and more importantly, giving ATSSA members the opportunity to have input from the very beginning, rather than having to try to alter a document that had already been reviewed. The Operating Committee members were in general agreement with this approach and the ATSSA Board of Directors approved the policy as stated below at its meeting of November 4, 2016.

### Policy

Appropriate Technical Committee and/or members will be invited to serve on the practitioner working groups for the review of grant guidance documents.