



BUY AMERICA Implementation

ATSSA Position

American Traffic Safety Services Association (ATSSA) members understand the goals of the Build America, Buy America (BABA) requirements in the Infrastructure Investment and Jobs Act (IIJA). However, ATSSA continues to express concerns with the way the Office of Management and Budget (OMB) and the U.S. Department of Transportation (USDOT) have approached implementation of the BABA requirements. To better facilitate the process, ATSSA offers the following recommendations:

▲ USDOT should provide additional guidance to state DOTs and industry stakeholders

OMB issued final guidance related to the updated BABA provisions that went into effect on October 23rd. Since that time, there has been considerable confusion across the country on how this guidance will impact the ability of the transportation industry to meet the BABA requirements. ATSSA continues to ask that the U.S. Department of Transportation (USDOT) provide the critically necessary clarity to minimize disruptions and address concerns being raised across the country.

▲ Standardization needed for state DOTs and transportation industry partners

The BABA certification process required by state DOTs varies across the country. Some states require self-certification from contractors and product suppliers. Other state DOTs certify products themselves. It would be extremely beneficial for state DOTs and USDOT to require standardized information during the certification process.

▲ Clearinghouse for BABA product compliance should be established

It would be extremely useful to the transportation industry and state DOTs if there were a centralized clearinghouse of construction materials and manufactured products that meet BABA requirements – an approved or qualified product list that would be available for use across the country on all federal transportation projects.

▲ Improvements to the BABA waiver process are needed

The process to seek a product waiver from BABA requirements is difficult. While it is understandable that waivers should not be easy to attain, they should also not be impossible to secure.

Conclusion

With potentially significant negative safety consequences if not done correctly, it is important that every effort be made to assist state DOTs and the transportation industry in meeting the compliance requirements of the BABA provisions. ATSSA and its members ask for assistance from Congress in ensuring the necessary BABA information and clarity is made available.



ATSSA
Safer Roads Save Lives