

**OKLAHOMA DEPARTMENT OF TRANSPORTATION
SPECIAL PROVISION
FOR
ARTIFICIAL LIGHTING FOR AMERICAN BURYING BEETLE (ABB) COMPLIANCE**

These Special Provisions amend and where in conflict, supersede applicable sections of the 2019 Standard Specifications for Highway Construction.

(Add the following:)

656.01 DESCRIPTION

A. General

The American Burying Beetle (ABB) is listed by the U.S. Fish and Wildlife Service (USFWS) as a threatened species. As such, the ABB is protected under the Endangered Species Act (the Act), which prohibits any take that may interfere with the survival and recovery of the species. A final rule under the authority of section 4(d) of the Act provides measures that are necessary and advisable to provide for the conservation of the American burying beetle. The 4(d) rule identifies certain activities that are excepted from take prohibitions, which differs by geographic area. FHWA delegates the ODOT Natural Resources Program biologists to assess impacts to species and to determine when application of the 4(d) rule for ABB is appropriate.

Artificial lighting is known to disturb nocturnal insects' essential activities, including migration, dispersal, foraging, mating, and reproduction. For any federally funded projects let through ODOT within suitable ABB habitat, measures will be taken to minimize use of artificial lighting during construction. If night construction is necessary, direct light will be shielded to the work area and light will be prevented from projecting upwards.

B. Contract Administration

For projects where the 4(d) rule for ABB applies, artificial lighting may be used during construction for night activities if the equipment specifications in Subsection 656.03 of this Special Provision are adhered to and measures to minimize use of artificial lighting have been implemented.

656.03 EQUIPMENT

To be considered ABB compliant, lighting equipment should be either metal halide or LED, diffuser balloon lighting, with a maximum Total Luminous Flux of 110,000 lumen.

The Department does not specify any particular lighting equipment for use by the contractor. However, any lighting equipment to be used for nighttime construction where the 4(d) rule for ABB applies must be approved by the ODOT Natural Resources Program biologist. A list of previously approved ABB compliant artificial lighting equipment is available upon request.

656.04 CONSTRUCTION METHODS

In order to be able to perform nighttime work, the proper measures shall be taken to minimize the disturbance of ABB essential activities by artificial lighting. The contractor must shield the light and focus it on where the work will be taking place. The contractor is prohibited from pointing the light up into the sky or shining the light out over a wide area. Lighting should be limited to only the area where the work is occurring.

656.06 BASIS OF PAYMENT

Include the cost of artificial lighting in the contract unit price for other bid items. Payment for artificial lighting will be considered full compensation for furnishing all materials, labor, equipment, and incidentals, to comply with Subsections 656.03 and 656.04 of this Special Provision. Methods other than those specified herein must be approved by the Department's Biologist. The ODOT Natural Resources Program can be reached at (405) 325-7013.