

# ASCE Rules for Standards Committees

Approved by ASCE Codes and Standards Committee: March 18, 2010

Approved by ASCE Governing Documents Committee: May 19, 2010

Approved by ASCE Board of Direction: July 10, 2010

**Effective Date: August 20, 2010**

## **1. SCOPE**

### **1.1 *General***

These ASCE Rules for Standards Committees (Rules) govern the organization and operation of the American Society of Civil Engineers (ASCE) standards committees (Committees), standards councils (Councils), the executive committees of Councils or technical divisions (Council ExComs), and the ASCE Codes and Standards Committee (CSC). The organization and responsibilities of CSC are defined in Article 9 of ASCE's Rules of Policy and Procedure. For Councils without an executive committee, the term Council ExCom shall refer to the Council as a whole. CSC shall interpret matters not covered in these Rules and shall be permitted to publish supplemental policies and procedures.

### **1.2 *Revisions and Updates***

Anyone at any time shall be permitted to propose revisions to these Rules in writing to CSC. CSC shall submit its recommended revisions to the ASCE Board of Direction for approval and if approved then to the American National Standards Institute (ANSI) for approval.

### **1.3 *Applicability***

These Rules shall be in force for all standards committees as of the effective date specified by the ASCE Board of Direction. If a standards committee is in the process of conducting a ballot at the time of approval, the revised rules shall be in force on the subsequent committee ballot.

## **2. ESTABLISHING A STANDARDIZATION ACTIVITY**

### **2.1 *Requests***

Any person, organization, or existing committee shall be permitted to submit to CSC a proposal to establish a standardization activity. ASCE will undertake only those standardization activities that are of substantial public benefit, consistent with ASCE's goals, and feasible within the resources available to ASCE.

## **2.2 Proposal Contents**

A proposal to establish a standardization activity shall include the following:

- a. A concise statement of the scope of the standard and the system of measurement units to be used in the standard.
- b. The objective of the standard, including whether it is intended for mandatory or non-mandatory use, and if it is intended to become an American National Standard (ANS).
- c. The need for and anticipated benefits to the public of the proposed standardization activity.
- d. A rationale for ASCE undertaking the activity.
- e. Potential Committee members.
- f. A core user group of the proposed standard.
- g. Existing standards related to the topic area, including International Standards Organization (ISO) or International Electrotechnical Commission standards (IEC).
- h. A schedule for producing the standard.
- i. An estimate of the Committee costs and funding sources.

## **2.3 Proposal Review and Acceptance**

CSC shall distribute each proposal to all appropriate Standards Council's, ExComs, ASCE Technical Division ExCom's and other appropriate ASCE committees for a minimum review period of 30 days. The Standards Council ExCom(s), appropriate to the subject of the proposal, shall ballot the proposal and report their findings to CSC. If the Council Excom approves the proposal, CSC shall then review all comments and make a determination as to whether to approve the proposal. If approved by majority vote of the CSC a committee shall be charged to develop the standard.

## **2.4 Committee Scope**

CSC shall take one of the following actions if an approved standardization activity does not fit within the scope of an existing Committee:

- a. Change the scope of an existing Committee, with their concurrence, to include the new standardization activity or
- b. Establish a new Committee within an appropriate discipline-specific Council with their concurrence; or

- c. Directly supervise a new Committee.

## **2.5 Duplications and Conflicts**

Committees shall make every effort to avoid conflicts with other ASCE standards or those of ANSI-accredited standards developing organizations. Any individual, group, or organization concerned that a proposed standardization activity duplicates or conflicts with an existing standard or a candidate standard being developed by an ANSI-accredited organization shall submit a written statement asserting their concerns to CSC. It shall be CSC's responsibility to initiate and participate in deliberation of the issues within 90 days to resolve assertions of duplication or conflict. The deliberations shall be permitted to take a variety of forms including an in-person meeting, conference call, written correspondence, e-mail, or a combination of forms. If the party or parties raising the issue of duplication or conflict do not enter into deliberations with CSC within 90 days after receipt of notification and it can be demonstrated to CSC that a good faith effort has been made to schedule or otherwise organize the deliberations, then CSC shall render a decision without deliberation. The outcome of the deliberations shall be recorded and retained as part of the records of the standardization activity.

## **2.6 Joint Sponsorship**

Committees shall be permitted to be jointly sponsored by ASCE technical divisions, other technical councils of ASCE, ASCE Institutes, and by other organizations. These Rules apply to all Committee activities sponsored or co-sponsored by ASCE, unless CSC accepts the use of a co-sponsor's rules. Where the co-sponsor has its own rules and a conflict exists, CSC shall approve any deviation from these Rules.

## **2.7 Notification of New Standardization Activity**

After CSC approves a new standardization activity, CSC shall take steps to notify interested parties of the proposed project. Notification shall include, but not be limited to, the following as appropriate:

- a. Notification to ANSI (e.g., Project Identification Notice of Standard (PINS) form).
- b. Publication in *ASCE News* (print and/or electronic media).
- c. Notification to the public (e.g., consumer groups, public interest organizations, engineering societies, and technical organizations).

## **2.8 Termination of Standardization Activity**

2.8.1 Initiation of termination. In the event a standardization activity becomes obsolete, is no longer in demand, or is no longer appropriate for ASCE, CSC shall be permitted to initiate termination by a two-thirds (2/3) vote.

2.8.2 Termination and withdrawal of the standardization activity. Following the initiation of termination, the withdrawal process shall proceed in accordance with 2.7 (notifications), 5.3 and 5.5 (Committee approval), and 5.9 (public comment). When terminating a standardization activity for which a PINS had been filed with ANSI, ANSI shall be so notified; for standards approved as an ANS, CSC shall process the withdrawal according to ANSI procedures.

### **3. COMMITTEE MEMBERSHIP**

#### **3.1 *Approval of Members***

Both ASCE and non-ASCE members may be voting members of a Committee (Members). Membership shall be open to all persons who might reasonably be expected to be, or who indicate they are, directly or indirectly affected by the activity without dominance (see 3.2.3) by any single interest category defined in 3.2.1.

3.1.1 Application for membership. An individual seeking membership shall submit to ASCE Codes and Standards staff an application on a prescribed form upon which the applicant shall:

- a. Identify his/her membership interest category.
- b. Include a brief resume and a statement that shall describe the applicant's interest in and commitment to participation in the work of the Committee.

3.1.2 Chair's actions. The Chair shall act to accept or reject the application, forward notice of such action in writing to ASCE Codes and Standards staff, and report the action taken to the Committee at its next meeting or at least annually.

3.1.3 Appeal of Chair's actions. If denied membership, the applicant shall be permitted to request a full Committee vote. A majority vote of those voting yes or no is required to overturn the Chair's action. The applicant shall be permitted to appeal the Committee's decision to the Council ExCom per 6.4.2.

3.1.4 Restrictions during ballot process. Applicants shall not be admitted to the Committee during the balloting process unless approved by the Council ExCom, except as noted in 3.2.7.a.

#### **3.2 *Balance***

3.2.1 Membership categories. Committee Membership shall be balanced among the following categories:

- a. Consumer: Includes representatives of owners, owners' organizations, designers and consultants retained by owners, testing laboratories retained by owners, facility operators, and insurance companies serving owners.

- b. Producer: Includes representatives of manufacturers, distributors, developers, contractors and subcontractors, construction labor organizations, and associations of these groups and professional consultants to these groups.
- c. General: Includes representatives of the general public having an interest in the process or product being standardized, such as from private, state, and federal research organizations; public interest groups; and standards and model code organizations.
- d. Regulatory: Regulators shall be permitted to form a special subclass of the General category when the standard is intended to be used for regulatory purposes by local, state, or federal agencies.

3.2.2 Determination of category. The Chair shall make the final determination of a Member's category or, if the Chair so requests, by the Committee shall make the final determination by simple majority vote. Members in disagreement with their assigned category shall be permitted to appeal to the Council ExCom, whose decision shall be final.

3.2.3 Balance criteria. The following criteria shall apply for balance:

- a. Producers: 20 to 40 percent
- b. Consumers: 20 to 40 percent
- c. General: 20 to 40 percent.
- d. General-Regulatory: For standards of regulatory interest, 5 to 15 percent of the total Membership shall represent a subclass of regulatory and/or enforcement organizations.

3.2.4 Represented interests. Membership within each category shall be well distributed among any interests or organizations that constitute that category. No organization or interest shall have more than one employee or representative as a Member on a Committee unless approved by the Council ExCom.

3.2.5 Committee size. The minimum Committee size shall be 12 Members. The Council ExCom shall be permitted to establish a maximum Committee size by a majority vote.

3.2.6 Committee roster. The Council ExCom shall review and approve the Committee roster annually.

3.2.7 Termination of membership. Membership on a Committee can be terminated by one of the following conditions:

- a. Membership is automatically terminated if a Member fails to vote on two consecutive Committee letter ballots. The Chair shall be permitted to reinstate a Member terminated for this reason if the Member submits a written request,

including a satisfactory explanation for the inactivity, within 30 days after a notification of termination is issued.

- b. The Chair shall be permitted to terminate a Member if the Member abstains on a majority of the items contained within each of two consecutive Committee letter ballots.
- c. Membership shall be terminated for cause upon recommendation by 2/3 vote of the Committee and approval by 2/3 vote of the Council ExCom.

3.2.8 Subordinate groups. The Chair shall be permitted to establish subordinate groups (e.g., subcommittees, work groups, task groups) to assist in meeting the Committee's objectives. The subordinate group is not part of the consensus body and is not subject to these Rules.

### **3.3 Officers**

3.3.1 Committee officers. The Council ExCom shall appoint the Chair by majority vote. The Chair shall appoint a vice chair and a secretary, and the Committee shall confirm the appointments by majority vote at a duly constituted meeting. The Chair and vice chair shall be ASCE or Institute members.

3.3.2 Subordinate group officers. Subordinate group chairs shall be appointed by the Chair and serve at the discretion of the Chair.

3.3.3 Removal of officers. Council ExComs shall be permitted to remove Committee Members from office by a 2/3 vote.

### **3.4 Reconstitution of Committees**

A Council ExCom shall have authority to discharge by 2/3 vote the complete membership of a Committee in order to reconstitute the Committee.

## **4. OPERATIONS**

### **4.1 Committee Administration**

4.1.1 ASCE responsibilities. ASCE shall appoint a representative(s) to perform the following functions:

- a. Assure that the Committee complies with these Rules.
- b. Assure compliance with the *ASCE Standards Writing Manual*.
- c. Keep the Committee officers informed of approved changes in membership.
- d. Assist Committee officers with scheduling meeting dates and places.
- e. Distribute meeting notices on behalf of the Committee.

- f. Distribute all letter ballots, receive and record all completed ballots, advise the Committee of the results of the ballot, and forward negative ballots to the Committee for resolution. Where possible, attend meetings and shall be permitted to serve as secretary without vote.
- g. Maintain Committee rosters and provide the name, affiliation, and category of any Member to any interested party upon request.

4.1.2 Budgets. The Committee officers shall be responsible for preparing and submitting to the appropriate entity within ASCE proposed budgets for Committee operations including meeting expenses, travel, expenses for telephone calls and mailings, etc.

4.1.3 Reports. Each Chair shall submit reports as required by its Council ExCom.

4.1.4 Administrative issues. Voting on administrative and process matters exclusive of direct balloting on standards documents shall be determined by simple majority of those attending a meeting satisfying the quorum requirements of 4.4.3.

4.1.5 Records and Auditing. Records shall consist of the following items:

- a. Rosters, including Members' information, applications, biographical summaries, and balance of interest categories
- b. Meeting notices, including agendas and attachments
- c. Meeting Minutes
- d. Correspondence, including notices of standardization activities, invitations to participate, publication articles, and deliberations regarding duplications or conflicts
- e. Appeals resolutions
- f. Interpretations
- g. Tallies of the results from Committee letter ballots
- h. Resolution of conflicts from Committee letter ballots
- i. Items deferred to next revision cycle.

4.1.6 Maintaining Primary Records. The Committee's secretary shall be responsible for developing, recording, and maintaining all records, in cooperation with ASCE staff. All records shall be maintained at ASCE Headquarters and be readily accessible from ASCE staff or the secretary.

4.1.7 Record maintenance and retention. Records shall be maintained for a period of 10 years or until approval of the subsequent revision or reaffirmation of the complete standard, whichever is longer. Records concerning withdrawn standards shall be retained for at least five years from the date of withdrawal

4.1.8 Record disposal. CSC must approve before disposing records. Requests to dispose of records shall identify the affected standard, age of the records, and the type of records.

## **4.2 Standards Development**

4.2.1 Conflicts with other standards. Committees shall make every effort to avoid conflicts with other ASCE standards or those of ANSI-accredited standards developing organizations. CSC shall adjudicate all unresolved conflicts in accordance with 2.5.

4.2.2 International standards. Committees should take relevant ISO or IEC standards into consideration and should, if appropriate, base their standards on or consider the adoption of an ISO or IEC standard as an ASCE standard. Technical Activity Groups (TAGs) exist for most standards projects for which the United States has evidenced substantial interest. These groups shall be permitted to be contacted for information and advice through their TAG Administrators or Technical Advisors (as relevant) who are on record at ANSI headquarters.

4.2.3 Standards format and style. ASCE shall follow latest editions of its *ASCE Standards Writing Manual* and ASCE's *Editor's Instructions for Preparing Standards*.

4.2.4 Commentaries. Committees are encouraged to provide a commentary, separate and apart from the consensus standard that provides the technical and administrative rationale for the standardization. The Committee shall approve commentaries by letter ballot in accordance with 5.3.

4.2.5 Commercial terms and conditions. Provisions involving business relations between buyer and seller such as guarantees, warranties, assignment of responsibility of work, and other commercial terms and conditions shall not be included in a standard or its commentary.

- a. The appearance that a standard endorses any particular products, services or companies shall be avoided. It is not acceptable to include proper names or trademarks of specific companies or organizations, manufacturer lists, service provider lists, or similar material in the text of a standard or its commentary (or the equivalent).
- b. Where a sole source exists for essential equipment, materials or services necessary to determine compliance with the standard, it is permissible to supply the name and address of the source in a footnote or commentary as long as the words "or the equivalent" are added to the reference.

- c. In connection with standards that relate to the determination of whether products or services conform to one or more standards, the process or criteria to determine conformity can be standardized as long as the description of the process or criteria is limited to technical and engineering concerns and does not include what would otherwise be a commercial term or proper name.

### **4.3 Patented and Proprietary Items**

There is no objection in principle to writing an ASCE standard in terms that include the use of a patented item, if it is the Committee's consensus view that technical reasons justify this approach. If a standards committee determines that such an approach is necessary, then they shall notify the Society of their desire to include the use of a patented item. If the Society receives a notice that a proposed standard or revision to an existing standard requires the use of a patented item, the following procedures shall be followed:

4.3.1 Statement from patent holder. Before balloting text whose acceptance would include the use a patented item in an ASCE standard, the Society shall receive from any identified patent holder either: assurance in the form of a general disclaimer to the effect that such party does not enforce and does not currently intend on enforcing their patent rights pertaining to the item the use of which would be required for compliance with the proposed American National Standard, or assurance that:

- a. A license will be made available without compensation to the applicants desiring to utilize the license for the purpose of implementing the standard; or
- b. A license will be made available to applicants under reasonable terms and conditions that are demonstrably free of any unfair discrimination.

4.3.2 Record of statement. A record of the patent holder's statement shall be placed and retained in ASCE's files.

4.3.3 Notification during balloting process. Where a Committee is considering the inclusion of a patented item, the Committee shall include a statement in the balloting process indicating a willingness to consider alternatives. The statement with the ballot shall include a request for an alternative(s) as follows:

*The (name of material, product, process, procedure, apparatus) is covered by a patent. If you are aware of an alternative(s) to the patented item, please attach a description of the alternatives to your ballot return. All suggestions will be considered by the standards committee.*

4.3.4 Responsibility for identifying patents. Neither a Committee nor ASCE shall be responsible for identifying all patents for which a license shall be permitted to be required in using an ASCE standard or for conducting inquiries into the legal validity or scope of those patents that are brought to the Society's attention.

4.3.5 Notice. When the Society receives from a patent holder the assurance set forth in 4.3.1, the standard shall include a note as follows:

*NOTE – The user’s attention is called to the possibility that compliance with this standard shall be permitted to require use of an item covered by patent rights.*

*By publication of this standard, the American Society of Civil Engineers takes no position with respect to the validity of this claim or of any patent rights in connection therewith. Users of this standard are expressly advised that determination of the validity of any such patent rights, and the risk of infringement of such rights, are entirely their own responsibility. The patent holder has, however, filed a statement of willingness to grant a license under these rights on reasonable and nondiscriminatory terms and conditions to applicants desiring to obtain such a license. Details shall be permitted to be obtained from ASCE.*

4.3.6 Footnote. In addition, a statement shall be placed in a footnote of the standard in each specific section of the standard in which the patented item is mentioned. The footnote shall be as follows:

*The (name of material, product, process, procedure, apparatus) is covered by a patent. Interested parties are invited to submit information regarding the identification of an alternative(s) to this patented item to ASCE Headquarters. Your comments will receive consideration at a meeting of the responsible standards committee, which you shall be permitted to attend.*

#### **4.4 Committee Meetings**

Committee meetings shall be conducted in a format that permits members to interact directly. Examples include face-to-face meetings, conference calls, and video conferencing.

4.4.1 Frequency and location. The Committee shall base the frequency of its meetings on its current activities, operating needs, and budget; the location should be convenient to the Members. The Chair shall be permitted to call a meeting at a time and place deemed suitable. The Chair is required to call a meeting on written request of five Members.

4.4.2 Notification. A minimum of 30 days notice shall be given to Members for a meeting. An agenda shall accompany notification of meetings. Public notice for a Committee meeting shall be published at least 15 days before the meeting; publication of the notice on ASCE’s Web site or in *ASCE News* shall be a minimum requirement. Exceptions to these requirements shall be approved by the Council ExCom.

4.4.3 Quorum. For all meetings, a quorum shall be 30 percent of the Members. If a quorum is not present at a duly called meeting, those assembled shall be permitted to proceed with the specific agenda; however, all actions taken, except those actions

listed below shall be submitted to letter ballot for confirmation by the entire Committee:

- a. Approve agenda, including additions/deletions of agenda items.
- b. Approve minutes if they were distributed in advance to the Committee.
- c. Approve submitting a proposal for a new standard activity or to revise an existing standard to letter ballot by the Committee in accordance with 5.3.
- d. Establish the date and location of future meetings.

4.4.4 Parliamentary procedures. The rules contained in the current edition of *Roberts Rules of Order, Newly Revised* shall govern in all cases to which they are applicable and in which they are not inconsistent with the *ASCE Rules for Standards Committees*.

4.4.5 Open meetings. All Committee meetings shall be open and attendance by interested parties welcomed.

- a. Visitors shall not have the right to vote nor shall they, except by specific decision of the Chair, be entitled to receive copies of the minutes.
- b. Visitors shall be permitted to address the Committee on a subject relevant to items under consideration, provided due notice of this intent is received by the Chair at least ten days prior to the meeting. The Chair shall be permitted to waive the ten-day notice and shall be permitted to designate the time allotted for such presentation.

## **5. RULES FOR PROCESSING ASCE STANDARDS**

### **5.1 *Applicability of Rules***

Proposed provisions for a new standard or changes to an existing standard, including the title of the standard, applicable commentaries and appendices, shall be processed in accordance with these Rules. These Rules shall not be applied to material not directly related to the provisions of the standard, including the Foreword, Table of Contents, Abstract, Committee Roster, and Copyright Page.

### **5.2 *Proposed Standard Provisions***

All proposed provisions for a new standard or changes to an existing standard shall be approved through a letter ballot of the Committee in accordance with 5.4. Proposed standards provisions to be included in a letter ballot shall be determined in accordance with this section.

5.2.1 Proposed standard provisions submitted by Members. Any Member shall be permitted to submit proposed standard provisions at any time to the Chair with a request that the proposed provision be considered by a letter ballot of the

Committee. The Chair shall take one of the following actions in response to the request:

- a. Make a determination to approve or deny the request and notify the Committee of the proposed provisions and the determination.
- b. Defer the request for consideration at the next Committee meeting.

5.2.2 Proposed Standard Provisions Not Submitted by Members. Proposed standard provisions shall be permitted to be submitted to the Chair by persons who are not Members. Distribution of the proposed provisions to the Committee for consideration shall be at the discretion of the Chair.

### **5.3 Committee Letter Balloting**

The Chair shall prepare a letter ballot using the ASCE Web-based balloting system. It is prohibited to construct a ballot or ballot item in such a manner so as to assume the vote of an individual if they fail to return a ballot.

5.3.1 Voting. Members shall respond to items by casting votes as follows:

- a. Affirmative: To indicate concurrence with the ballot item.
- b. Affirmative with comment: To indicate concurrence with a ballot item with a comment.
- c. Negative: To indicate opposition to the ballot item.
- d. Abstain: To indicate that the Member is not in a position to cast an alternative vote because of a lack of familiarity with the issues addressed by the ballot item.

5.3.2 Voting period. The voting period for letter ballots shall be established by each Committee for each letter ballot, but in no case shall it be less than 30 calendar days. All letter ballots shall be counted by ASCE Codes and Standards staff and reported to the Committee within 30 calendar days following the voting period.

5.3.3 Confidentiality. Members' votes on all letter ballots shall remain confidential until the voting period is closed.

5.3.4 Unapproved draft standards. Unapproved drafts of standards, commentaries on standards, and related material shall not be cited or referenced by Members for use in professional work and testimony.

5.3.5 Reporting votes. The results of each vote on a standard shall be reported by the ASCE Codes and Standards staff as follows:

- a. Number of Members.

- b. Number of Members voting affirmatively, with and without comment.
- c. Number of Members voting negatively, with and without stated reasons.
- d. Number of Members voting abstention.
- e. Identification of Members not returning the ballot.

5.3.6 Proxy voting. Proxy voting is not allowed.

#### **5.4 *Committee Approval of Proposed Standards Provisions***

A proposed standards provision is approved by the Committee when the following conditions have been met:

- a. The letter ballots returned, including abstentions, shall represent not less than 65 percent of the Members.
- b. Votes cast affirmatively, with and without comment, for each ballot item shall be not less than 75 percent of the total affirmative and negative votes cast and shall not be less than 50 percent of the total Members.
- c. Affirm with comment votes have been addressed in accordance with 5.5.
- d. Negative ballots have been addressed in accordance with 5.6.

#### **5.5 *Resolving Affirm with Comment Votes***

Comments provided with Affirm with Comment votes shall be classified as persuasive editorial, persuasive-substantive, or non-persuasive and resolved as defined in this section:

5.5.1 Persuasive editorial. If the Chair determines the comment to be editorial as defined in 5.7 and persuasive, the Chair shall prepare and process the editorial changes in accordance with 5.7.

5.5.2 Persuasive substantive. If the Chair determines the comment to be persuasive and a substantive change is required, the Chair shall submit the proposed revision to the Committee for approval by letter ballot in accordance with 5.4.

If the Chair determines the suggested explanation for the negative vote and suggested change is persuasive, the Chair shall submit the persuasive negative vote, with the voter's explanation and the suggested change, to the Committee for approval by letter ballot in accordance with 5.4.

5.5.3 Non-persuasive or unrelated. If the Chair determines the comment is non-persuasive or unrelated to the proposal under consideration, all Members will be notified of this determination and the vote shall be recorded as an "affirm with comment vote with a non-persuasive (or an unrelated) comment". No further action

is necessary to resolve affirm with comment votes with non-persuasive or unrelated comments.

## **5.6 Resolving Negative Votes**

Negative votes shall be classified into one of three general categories and resolved as defined in this section:

5.6.1 Negative votes with a related comment. Negative votes that have an explanation, and/or a suggestion for revision pertinent to the issue being balloted shall be resolved by one of the methods of this section.

- a. If the Chair determines the negative comment to be editorial:
  - i. The Chair's determination shall be circulated to all Members to provide the opportunity to respond, reaffirm, or change their vote on the ballot item associated with the negative vote in question.
  - ii. The negative voter shall be permitted to request a Committee vote on the Chair's determination by submitting a written request to the Chair within 15 days of notification of the Chair's action. The Chair shall be permitted to conduct the vote at a meeting or by letter ballot. If the Committee fails to uphold the Chair's determination by a consensus vote, the negative vote shall be processed in accordance with the other provisions of this section.
- b. If the Committee previously found the comment accompanying a negative vote to be non-persuasive, it shall not be necessary to reconsider it unless new technical information not previously known to the Committee was introduced with the vote.
- c. Consideration of standards provisions based upon negative votes that include comments and recommendations related to new technical data shall be permitted to be postponed until the next standard revision cycle if approved by a majority vote of the Committee at a duly constituted meeting or by a letter ballot. The new technical data must be provided to the Committee either with the letter ballot or 30 days before the meeting at which the vote on postponement is held. If the Committee votes to approve postponement at a meeting, the approval shall be circulated to all Members to provide the opportunity to respond, reaffirm, or change their vote on the postponement. If the Committee approves postponement, the Chair shall forward the results to the Council ExCom for review.
- d. If the Chair determines the suggested explanation for the negative vote and suggested change is persuasive, the Chair shall submit the persuasive negative vote, with the voter's explanation and the suggested change, to the Committee for approval by letter ballot in accordance with 5.4.

- e. If the Chair determines the suggested explanation for the negative vote and suggested change is non-persuasive, the Chair shall submit the non-persuasive negative vote, including the voter's explanation and suggested change, and the Chair's reason for proposing to find the vote non-persuasive to the Committee for consideration at a duly constituted meeting or by a letter ballot. Committee votes to find negative comments non-persuasive shall be straight "yes" or "no" votes unless otherwise indicated in the ballot instructions.
  - i. If the Committee finds a negative vote to be non-persuasive at a meeting, the finding shall be circulated to all Members to provide the opportunity to respond, reaffirm, or change their vote on the ballot item associated with the negative vote in question.
  - ii. If the Committee approves finding a negative vote to be non-persuasive by letter ballot, no further action is required.
  - iii. If the Committee fails to find a negative vote to be non-persuasive, the Chair shall either drop the relevant provision to which the voter objects from the standard, or declare the negative vote persuasive and further processed as a new proposed standards provision in accordance with 5.2. If the Committee approves finding a negative vote to be non-persuasive by letter ballot, no further action is required.

5.6.2 Negative votes with an unrelated comment. If the negative vote is accompanied by a comment that is not related to the proposal under consideration, the negative vote shall be recorded as a "negative vote with an unrelated comment." No action is necessary to resolve negative votes with an unrelated comment.

5.6.3 Negative votes with no comment. Negative votes submitted without an accompanying comment shall be recorded as a "negative vote without comment." No action is necessary to resolve negative votes with no comment.

5.6.4 Negative votes on straight "yes" or "no" ballot items. Comments received with negative votes on ballot items that are clearly identified as straight "yes" or "no" votes shall be distributed to the Committee, but need not be addressed. Ballot items to find a comment non-persuasive are, by definition, straight "yes" or "no" votes.

5.6.5 Balloting for resolution of negative votes. Approval by a letter ballot for resolving negative comments shall meet the conditions of 5.4.

5.6.6 Notification of resolution of negative votes. The negative voter shall be informed in writing of the action taken on the negative ballot and of their right to appeal in accordance with section 6.

5.6.7 Withdrawal of negative vote. At any point, a voter shall be permitted to withdraw their negative vote. Such action must be recorded in writing and the entire Committee notified of this action. No further action is required to resolve withdrawn comments.

## **5.7 Editorial Changes**

An editorial change in a standard is one that does not directly and materially affect the use of the standard. Anyone shall be permitted to submit in writing to the Chair a request to make an editorial change to the standard. If the Chair determines the change is editorial, all Members will be notified of this ruling and provided with an opportunity to challenge the ruling. If challenged, the proposed change will be processed as a proposed revision in accordance with these Rules.

## **5.8 Errata**

Errata shall be limited to discrepancies between the balloted and published version of the standard and typographical errors in the published version of the standard. Errata shall be approved by the Chair and need not be processed as a proposed revision in accordance with these Rules.

## **5.9 CSC Approval of Final Committee Draft Standards and Commentaries**

After a Committee approves a proposed standard and commentary, the Chair shall send the draft standard, commentary, and final report regarding procedural matters (such as Committee letter ballots and disposition of negative votes) to the Council ExCom and CSC for review and approval. The scope of the Council ExCom and CSC review shall be limited to issues related to assuring compliance with the Rules.

## **5.10 Public Comment**

5.10.1 Notification of public comment period. After its review and approval, CSC shall publish in *ASCE News* a notice of the availability for review of the complete proposed standard and the dates for opening and closing a public comment period. The proposed commentary shall be provided with the public comment draft for information only.

5.10.2 Comment period. Any individual who is not a Member shall be permitted to participate in the public comment period on the standard. The minimum public review period shall be 45 days if the publication is available electronically, otherwise it shall be 60 days. Submissions received during the public comment period shall be compiled within 30 days of the close of the public comment period. Comments submitted after the close of the public comment period shall be permitted to be, at the discretion of the Chair, resolved during the current public comment period or shall be considered during the next revision cycle of the standard.

- a. Resolving public comments. All substantive changes resulting from the resolution of comments submitted by reviewers during the public comment period shall be re-circulated to the Committee. The Committee shall process negative and substantive affirmative public comments in accordance with 5.3 (Committee Letter Balloting), 5.4 (Committee Approval of Proposed Standards Provisions), and 5.6 (Resolving Negative Votes).

- b. Approving standards and commentaries. CSC shall issue a final report on the public comment period certifying compliance with these rules and procedural matters. CSC shall approve the standard and commentary only after determining that they were developed in compliance with the Rules.

### **5.11 Revision or Reaffirmation**

A Committee responsible for an ASCE standard should establish and publish a schedule providing for review and needed revision or reaffirmation at intervals not to exceed five (5) years. Extensions beyond this five (5) year period require the approval of both the appropriate Council ExCom and CSC. Revisions shall consider all interpretations by the Committee. Requests for revisions to a standard shall be permitted to be made by any person or organization, and shall be addressed in writing to CSC. If no request for revision is received, the standard shall be reaffirmed by Committee letter ballot followed by a public comment period, both of which shall be conducted in accordance with these Rules.

### **5.12 Designation as an American National Standard**

A standard intended for designation as an American National Standard (ANS) shall be processed in accordance with ANSI's procedures, including the current edition of *ANSI Essential Requirements: Due process requirements for American National Standards*. A standard that is approved as an ANS shall have its cover or title page marked with an approved ANSI logo furnished by ANSI or the words "an American National Standard." Comments received during this process shall be addressed in the same manner as comments submitted during the public comment period.

## **6. APPEALS**

### **6.1 Scope**

Appeals regarding a standardization activity shall be permitted to be made regarding procedural issues. Appeals pertaining to restraint of trade are automatically considered procedural in nature and shall be processed in accordance with this section only.

### **6.2 Eligible parties**

Persons who have directly and materially affected interests and who have been or shall be permitted to be adversely affected by a procedural action or inaction have the right to appeal.

### **6.3 Filing**

The appellant shall file a written complaint with CSC within 30 days after the postmark date of the letter notifying the objector of action taken or at any time with respect to inaction. The complaint shall state the nature of the objection(s) including any adverse effects, the specific clause(s) of these Rules or the standard that is at issue, actions or inactions that are at issue, and shall provide the specific remedial action(s) that would

satisfy the appellant's concerns. Previous efforts to resolve the objection(s) and the outcome of each shall be noted in the written complaint.

#### **6.4 Resolution**

6.4.1 Resolution of actions taken by the Chair. Within 30 days after the receipt of the complaint, the Council ExCom or its designee shall respond in writing to the appellant specifically addressing each allegation of fact in the complaint to the extent of the respondent's knowledge.

6.4.2 Resolution of actions taken by the Committee. Within 30 days after the receipt of the complaint, the Chair or designee of the Chair shall respond in writing to the appellant specifically addressing each allegation of fact in the complaint to the extent of the respondent's knowledge.

6.4.3 Resolution by CSC. Appellant concerns that are not resolved by 6.4.1 or 6.4.2 shall be permitted to appeal to the CSC within 15 days of being notified in accordance with 6.4.1 or 6.4.2.

- a. CSC shall be permitted to handle appeals by letter ballot, conference call, or an in-person meeting; however, the appellant shall be permitted to request an in-person meeting for appeals related to voting procedures. The appellant shall be entitled to attend all meetings or conference calls related to their appeal.
- b. If the appeal is considered at an in-person meeting at the request of an appellant, the appellant, CSC, and others concerned shall be notified of the meeting at least 15 working days in advance of the date set. Voting rules of CSC shall apply.
- c. CSC shall render its decision to all concerned in writing within 30 days, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence presented to the hearing group. CSC shall consider the following:
  - i. Finding for the appellant—remanding the action to the Committee with a specific statement of the issues and facts in regard to which fair and equitable action was not taken;
  - ii. Finding for the respondent—providing a specific statement of the facts that demonstrate fair and equitable treatment of the appellant and the appellant's objections; and
  - iii. Finding that new substantive evidence has been introduced—remanding the entire action to the Committee for appropriate reconsideration.

## 7. FORMAL INTERPRETATIONS

### 7.1 *General*

Requests for formal interpretations shall be submitted in writing to ASCE Codes and Standards staff and staff shall forward the request to the appropriate Chair.

7.1.1 Limitations of formal interpretations. Any written or oral statement that is not processed in accordance with this section shall not be considered the official position of ASCE or any of its Committees and shall not be considered to be, nor be relied upon as, a formal interpretation.

7.1.2 Nature of formal interpretations. Requests for formal interpretations shall be clearly worded so that they can be answered by “yes” or “no.” The Committee is not restricted to providing an answer of either “yes” or “no.”

7.1.3 Editions to be interpreted. Formal interpretations shall be rendered only on the text of the current or immediate prior edition of the document.

7.1.4 Reasons for not processing formal interpretations. A request for a formal interpretation shall not be processed if the Chair determines it involves any of the following:

- a. A determination of compliance of a design, installation, or product or equivalency of protection;
- b. A review of plans or specifications, or requires judgment or knowledge that can only be acquired as a result of on-site inspection;
- c. Existing text in the standard or commentary clearly and decisively provides the requested information;
- d. Subjects that were not previously considered by the Committee or that are not addressed in the document;
- e. Providing advice, guidance, or an explanation of a provision or the intent of the committee; or
- f. Substantive changes that can be addressed only through a proposed change to the standard in accordance with 5.2.

7.1.5 Personal opinions. Personal opinions may be offered by ASCE Codes and Standards staff and committee members. Personal opinions are not formal interpretations, do not represent the position of the standards committee or the Society, and should not be relied upon as such. Copies of written personal opinions should be provided to the Chair of the appropriate Committee.

## **7.2 Requests**

A request for a formal interpretation shall:

- a. Be made in writing;
- b. Identify the portion (e.g., article, section, and paragraph) and edition of the standard which is the topic of the formal interpretation;
- c. State the question related to implementation or compliance with the portion of the standard referenced above; and
- d. Indicate the business interest of the requester. A request involving an actual field situation shall so state.

## **7.3 Editing**

A request for a formal interpretation shall be permitted to be rephrased by the Chair for brevity and clarity. The rephrased version shall be sent to the requester and all parties named in the request for agreement.

## **7.4 Preparation of Response**

If accepted for consideration, a tentative interpretation shall be drafted by the Chair and submitted to a ballot of the Committee. The tentative interpretation shall also be submitted to the requester along with a statement that a tentative interpretation does not represent the position of the Committee or the Society and should not be relied upon as such.

## **7.5 Voting**

7.5.1 Interpretation approval. Committee approval of a tentative interpretation shall be by letter ballot in accordance with 5.4.

7.5.2 Ballot comments. Ballot comments shall be transmitted to each member, who shall be permitted to change his or her ballot within 15 days following the distribution of ballot results.

7.5.3 Failure to obtain Committee approval. If the Committee does not approve the tentative interpretation, the chair shall decide if further action is warranted. If no further action is taken, the requester shall be notified and shall be informed that they are permitted to submit a proposed change to the standard under 5.2.

7.5.4 Ballot results. The requestor for an interpretation shall receive written notification of the results of the balloting.

### **7.6 Issuance**

A formal interpretation shall become effective after approval by the Committee in accordance with 7.5 and notification in accordance with 2.7. The formal interpretation may be appealed on procedural issues in accordance with 6. No interpretation is binding on the Society unless it is established in accordance with these procedures.

### **7.7 Notification**

Notification in accordance with 2.7 shall be made after formal interpretations are processed in accordance with 7.5 and issued.