



CALL NO. 302

CONTRACT ID. 141218

RUSSELL COUNTY

FED/STATE PROJECT NUMBER FD04 SPP 104 0127 017-018

DESCRIPTION CUMBERLAND PARKWAY (9008) AND US 127 INTERCHANGE

WORK TYPE GRADE, DRAIN & SURFACE WITH BRIDGE

PRIMARY COMPLETION DATE 120 WORKING DAYS

LETTING DATE: April 25,2014

Sealed Bids will be received electronically through the Bid Express bidding service until 10:00 AM EASTERN DAYLIGHT TIME April 25,2014. Bids will be publicly announced at 10:00 AM EASTERN DAYLIGHT TIME.

PLANS AVAILABLE FOR THIS PROJECT.

REQUIRED BID PROPOSAL GUARANTY: Not less than 5% of the total bid.

TABLE OF CONTENTS

PART I	SCOPE OF WORK
	<ul style="list-style-type: none">• PROJECT(S), COMPLETION DATE(S), & LIQUIDATED DAMAGES• CONTRACT NOTES• STATE CONTRACT NOTES• ASPHALT MIXTURE• INCIDENTAL SURFACING• ASPHALT PAVEMENT RIDE QUALITY CAT A• COMPACTION OPTION A• MATERIAL TRANSFER VEHICLE (MTV)• SPECIAL NOTE(S) APPLICABLE TO PROJECT• RIGHT OF WAY NOTES• UTILITY CLEARANCE• DEPT OF ARMY - NATIONWIDE PERMIT• KPDES STORM WATER PERMIT, BMP AND NOI
PART II	SPECIFICATIONS AND STANDARD DRAWINGS
	<ul style="list-style-type: none">• SPECIFICATIONS REFERENCE• SUPPLEMENTAL SPECIFICATION• ACCEPTANCE OF DENSITY OF LONGITUDINAL JOINTS IN ...• [SN-11M] SPECIAL NOTE FOR BARCODES ON PERMANENT SIGNS
PART III	EMPLOYMENT, WAGE AND RECORD REQUIREMENTS
	<ul style="list-style-type: none">• LABOR AND WAGE REQUIREMENTS• EXECUTIVE BRANCH CODE OF ETHICS• KENTUCKY EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1978 LOCALITY 1,2,3,4 / STATE (OVER 250,000)• PROJECT WAGE RATES LOCALITY 2 / STATE
PART IV	INSURANCE
PART V	BID ITEMS

PART I
SCOPE OF WORK

ADMINISTRATIVE DISTRICT - 08

CONTRACT ID - 141218

FD04 SPP 104 0127 017-018

COUNTY - RUSSELL

PCN - DE10401271418

FD04 SPP 104 0127 017-018

CUMBERLAND PARKWAY (9008) AND US 127 INTERCHANGE (MP 17.700) RECONSTRUCT INTERCHANGE RAMPS FROM US-127 ON THE CUMBERLAND PARKWAY. (MP 18.100), A DISTANCE OF 02.47 MILES.GRADE, DRAIN & SURFACE WITH BRIDGE SYP NO. 08-08504.00.

GEOGRAPHIC COORDINATES LATITUDE 37:03:05.00 LONGITUDE 85:04:12.00

COMPLETION DATE(S):

120 WORKING DAYS

APPLIES TO ENTIRE CONTRACT

CONTRACT NOTES

PROPOSAL ADDENDA

All addenda to this proposal must be applied when calculating bid and certified in the bid packet submitted to the Kentucky Department of Highways. Failure to use the correct and most recent addenda may result in the bid being rejected.

BID SUBMITTAL

Bidder must use the Department's Expedite Bidding Program available on the Internet web site of the Department of Highways, Division of Construction Procurement. (www.transportation.ky.gov/construction-procurement)

The Bidder must download the bid file located on the Bid Express website (www.bidx.com) to prepare a bid packet for submission to the Department. The bidder must submit electronically using Bid Express.

JOINT VENTURE BIDDING

Joint venture bidding is permissible. All companies in the joint venture must be prequalified in one of the work types in the Qualifications for Bidders for the project. The bidders must get a vendor ID for the joint venture from the Division of Construction Procurement and register the joint venture as a bidder on the project. Also, the joint venture must obtain a digital ID from Bid Express to submit a bid. A joint bid bond of 5% may be submitted for both companies or each company may submit a separate bond of 5%.

UNDERGROUND FACILITY DAMAGE PROTECTION

The contractor is advised that the Underground Facility Damage Protection Act of 1994, became law January 1, 1995. It is the contractor's responsibility to determine the impact of the act regarding this project, and take all steps necessary to be in compliance with the provision of the act.

SPECIAL NOTE FOR PIPE INSPECTION

Contrary to Section 701.03.08 of the 2012 Standard Specifications for Road and Bridge Construction and Kentucky Method 64-114, certification by the Kentucky Transportation Center for prequalified Contractors to perform laser/video inspection is not required on this contract. It will continue to be a requirement for the Contractor performing any laser/video pipe inspection to be prequalified for this specialized item with the Kentucky Transportation Cabinet-Division of Construction Procurement.

REGISTRATION WITH THE SECRETARY OF STATE BY A FOREIGN ENTITY

Pursuant to KRS 176.085(1)(b), an agency, department, office, or political subdivision of the Commonwealth of Kentucky shall not award a state contract to a person that is a foreign entity required by [KRS 14A.9-010](#) to obtain a certificate of authority to transact business in the Commonwealth (“certificate”) from the Secretary of State under [KRS 14A.9-030](#) unless the person produces the certificate within fourteen (14) days of the bid or proposal opening. If the foreign entity is not required to obtain a certificate as provided in [KRS 14A.9-010](#), the foreign entity should identify the applicable exception. Foreign entity is defined within [KRS 14A.1-070](#).

For all foreign entities required to obtain a certificate of authority to transact business in the Commonwealth, if a copy of the certificate is not received by the contracting agency within the time frame identified above, the foreign entity’s solicitation response shall be deemed non-responsive or the awarded contract shall be cancelled.

Businesses can register with the Secretary of State at <https://secure.kentucky.gov/sos/ftbr/welcome.aspx>.

SPECIAL NOTE FOR PROJECT QUESTIONS DURING ADVERTISEMENT

Questions about projects during the advertisement should be submitted in writing to the Division of Construction Procurement. This may be done by fax (502) 564-7299 or email to kytc.projectquestions@ky.gov. The Department will attempt to answer all submitted questions. The Department reserves the right not to answer if the question is not pertinent or does not aid in clarifying the project intent.

The deadline for posting answers will be 3:00 pm Eastern Daylight Time, the day preceding the Letting. Questions may be submitted until this deadline with the understanding that the later a question is submitted, the less likely an answer will be able to be provided.

The questions and answers will be posted for each Letting under the heading “Questions & Answers” on the Construction Procurement website (www.transportation.ky.gov/contract). The answers provided shall be considered part of this Special Note and, in case of a discrepancy, will govern over all other bidding documents.

HARDWOOD REMOVAL RESTRICTIONS

The Kentucky Division of Forestry has imposed a quarantine in Anderson, Boone, Bourbon, Boyd, Boyle, Bracken, Campbell, Carroll, Fayette, Franklin, Gallatin, Garrard,

Grant, Greenup, Hardin, Harrison, Henry, Jefferson, Jessamine, Kenton, Oldham, Owen, Pendleton, Scott, Shelby, Trimble, and Woodford Counties to prevent the spread of an invasive insect, the emerald ash borer. Hardwood cut in conjunction with the project may not be removed from the county of its origin. Chipping or burning on site is the preferred method of disposal.

INSTRUCTIONS FOR EXCESS MATERIAL SITES AND BORROW SITES

Identification of excess material sites and borrow sites shall be the responsibility of the Contractor. The Contractor shall be responsible for compliance with all applicable state and federal laws and may wish to consult with the US Fish and Wildlife Service to seek protection under Section 10 of the Endangered Species Act for these activities.

ACCESS TO RECORDS

The contractor, as defined in KRS 45A.030 (9) agrees that the contracting agency, the Finance and Administration Cabinet, the Auditor of Public Accounts, and the Legislative Research Commission, or their duly authorized representatives, shall have access to any books, documents, papers, records, or other evidence, which are directly pertinent to this contract for the purpose of financial audit or program review. Records and other prequalification information confidentially disclosed as part of the bid process shall not be deemed as directly pertinent to the contract and shall be exempt from disclosure as provided in KRS 61.878(1)(c). The contractor also recognizes that any books, documents, papers, records, or other evidence, received during a financial audit or program review shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884.

In the event of a dispute between the contractor and the contracting agency, Attorney General, or the Auditor of Public Accounts over documents that are eligible for production and review, the Finance and Administration Cabinet shall review the dispute and issue a determination, in accordance with Secretary's Order 11-004. (See attachment)

10/29/12



Steven L. Beshear
Governor

Commonwealth of Kentucky
Finance and Administration Cabinet
OFFICE OF THE SECRETARY
Room 383, Capitol Annex
702 Capital Avenue
Frankfort, KY 40601-3462
(502) 564-4240
Fax (502) 564-6785

Lori H. Flanery
Secretary

SECRETARY'S ORDER 11-004

FINANCE AND ADMINISTRATION CABINET

Vendor Document Disclosure

WHEREAS, in order to promote accountability and transparency in governmental operations, the Finance and Administration Cabinet believes that a mechanism should be created which would provide for review and assistance to an Executive Branch agency if said agency cannot obtain access to documents that it deems necessary to conduct a review of the records of a private vendor that holds a contract to provide goods and/or services to the Commonwealth; and

WHEREAS, in order to promote accountability and transparency in governmental operations, the Finance and Administration Cabinet believes that a mechanism should be created which would provide for review and assistance to an Executive Branch agency if said agency cannot obtain access to documents that it deems necessary during the course of an audit, investigation or any other inquiry by an Executive Branch agency that involves the review of documents; and

WHEREAS, KRS 42.014 and KRS 12.270 authorizes the Secretary of the Finance and Administration Cabinet to establish the internal organization and assignment of functions which are not established by statute relating to the Finance and Administration Cabinet; further, KRS Chapter 45A.050 and 45A.230 authorizes the Secretary of the Finance and Administration Cabinet to procure, manage and control all supplies and services that are procured by the Commonwealth and to intervene in controversies among vendors and state agencies; and

NOW, THEREFORE, pursuant to the authority vested in me by KRS 42.014, KRS 12.270, KRS 45A.050, and 45A.230, I, Lori H. Flanery, Secretary of the Finance and Administration Cabinet, do hereby order and direct the following:

- I. Upon the request of an Executive Branch agency, the Finance and Administration Cabinet ("FAC") shall formally review any dispute arising where the agency has requested documents from a private vendor that holds a state contract and the vendor has refused access to said documents under a claim that said documents are not directly pertinent or relevant to the agency's inquiry upon which the document request was predicated.
- II. Upon the request of an Executive Branch agency, the FAC shall formally review any situation where the agency has requested documents that the agency deems necessary to

conduct audits, investigations or any other formal inquiry where a dispute has arisen as to what documents are necessary to conclude the inquiry.

- III. Upon receipt of a request by a state agency pursuant to Sections I & II, the FAC shall consider the request from the Executive Branch agency and the position of the vendor or party opposing the disclosure of the documents, applying any and all relevant law to the facts and circumstances of the matter in controversy. After FAC's review is complete, FAC shall issue a Determination which sets out FAC's position as to what documents and/or records, if any, should be disclosed to the requesting agency. The Determination shall be issued within 30 days of receipt of the request from the agency. This time period may be extended for good cause.
- IV. If the Determination concludes that documents are being wrongfully withheld by the private vendor or other party opposing the disclosure from the state agency, the private vendor shall immediately comply with the FAC's Determination. Should the private vendor or other party refuse to comply with FAC's Determination, then the FAC, in concert with the requesting agency, shall effectuate any and all options that it possesses to obtain the documents in question, including, but not limited to, jointly initiating an action in the appropriate court for relief.
- V. Any provisions of any prior Order that conflicts with the provisions of this Order shall be deemed null and void.

SPECIAL NOTE FOR RECIPROCAL PREFERENCE

Reciprocal preference to be given by public agencies to resident bidders

By reference, KRS 45A.490 to 45A.494 are incorporated herein and in compliance regarding the bidders residency. Bidders who want to claim resident bidder status should complete the Affidavit for Claiming Resident Bidder Status along with their bid in the Expedite Bidding Program. Submittal of the Affidavit should be done along with the bid in Bid Express.

03/01/2011

ASPHALT MIXTURE

Unless otherwise noted, the Department estimates the rate of application for all asphalt mixtures to be 110 lbs/sy per inch of depth.

INCIDENTAL SURFACING

The Department has included in the quantities of asphalt mixtures established in the proposal estimated quantities required for resurfacing or surfacing mailbox turnouts, farm field entrances, residential and commercial entrances, curve widening, ramp gores and tapers, and road and street approaches, as applicable. Pave these areas to the limits as shown on Standard Drawing RPM-110-06 or as directed by the Engineer. In the event signal detectors are present in the intersecting streets or roads, pave the crossroads to the right of way limit or back of the signal detector, whichever is the farthest back of the mainline. Surface or resurface these areas as directed by the Engineer. The Department will not measure placing and compacting for separate payment but shall be incidental to the Contract unit price for the asphalt mixtures.

ASPHALT PAVEMENT RIDE QUALITY CATEGORY A

The Department will apply Pavement Rideability Requirements on this project in accordance with Section 410, Category A.

OPTION A

Be advised that the Department will accept compaction of asphalt mixtures furnished for driving lanes and ramps, at 1 inch (25mm) or greater, on this project according to OPTION A in accordance with Section 402 and Section 403 of the current Standard Specifications. The Department will require joint cores as described in Section 402.03.02 for surface mixtures only. The Department will accept compaction of all other asphalt mixtures according to OPTION B.

MATERIAL TRANSFER VEHICLE (MTV)

Provide and use a MTV in accordance with Sections 403.02.10 and 403.03.05.

SPECIAL NOTE FOR
LIGHTWEIGHT CELLULAR CONCRETE FILL

REFERENCES:

All references to the Standard Specifications are to the Kentucky Department of Highways Standard Specifications for Road and Bridge Construction, Current Edition.

All references to AASHTO are to the current edition.

All references to ASTM are to the ASTM International Cement Standards and Concrete Standards, current edition.

The requirements in the Standard Specifications or AASHTO/ASTM shall be used for information not provided. Where there are conflicts between the Standard Specifications or AASHTO/ASTM, the Standard Specifications shall govern.

PART ONE - GENERAL

1.1 DESCRIPTION

1.1.1 Provide and install Lightweight Cellular Concrete fill material as specified herein at the locations shown on the Drawings.

1.2 MANUFACTURER AND APPLICATOR QUALIFICATIONS

1.2.1 The Manufacturer must be on the Department's List of Approved Materials (LAM) and the lightweight cellular concrete must meet all properties of Section 2 of this note.

1.2.2 The cellular concrete Applicator shall be approved by the Engineer and certified by the Manufacturer of the Lightweight Cellular Concrete prior to ordering materials or beginning work on excavating for placement of cellular concrete. Use skilled workmen who are trained, experienced and familiar with the requirements and the methods for proper performance of this work.

1.2.3 Any specialized batching, mixing, and placing equipment shall be automated with bulk handling equipment approved by the manufacturer. Transit mixes are not acceptable for these applications.

1.2.4 The certified Applicator shall have been regularly engaged in the placement of Lightweight Cellular Concrete for at least five years. The cellular concrete shall have been successfully applied on ten projects, which have performed satisfactorily for at least ten years.

1.3 SUBMITTALS

1.3.1 Details of the Lightweight Cellular Concrete Fill shown in the contract plans on the lightweight fill detail sheet are based on the stated maximum allowable unit weight. If the Contractor proposes to use the unit weight specified in the plans, then a material data sheet must be supplied for verification of the proposed material. (No additional calculations will be required unless requested by the Engineer.) If the Contractor elects to use a unit weight different than what is shown in the contract plans, design calculations and construction plans (5 copies) clearly showing conformance with the Standard Specifications, AASHTO, ASTM and contract plans shall be submitted to the Department for review 30 calendar days prior to ordering material or beginning excavation for placement of Lightweight Cellular Concrete Fill. Lightweight fill designs and construction plans shall be dated, sealed, and signed by a registered professional engineer licensed to practice in Kentucky. The Contractor shall

allow 30 calendar days for the Department to review the first complete submission. Additional time required by the Department to review resubmissions shall not be cause for increasing the number of contract working days. The additional work required by the Contractor to provide resubmissions shall be at no cost to the Department.

Details need to be enclosed in the submittal about the construction methods proposed. These could include, but are not limited to: Procedure for applying waterproofing membrane, A description of any temperature restrictions on placement of the material, etc.

Embankment benching, excavation stabilization, final installation and protection details necessary to construct the lightweight fill and produce a stable final embankment integrated with the remainder of the roadway embankment shall be the responsibility of the Contractor. Design of sheeting, shoring or other earth retention systems necessary to stabilize excavations shall be part of the construction submittal. The Engineer may request that construction plans be supplied prior to any construction.

The format for the construction plans shall be in accordance with the current edition of the Division of Structural Design's Guidance Manual. The first sheet shall be a title sheet. All final tracings, with drawing number, shall be submitted on 3 mil, or thicker, 22" X 36" mylar film.

1.3.2 The bid shall be based on work being performed by an approved Applicator, and the material being provided by an approved Manufacturer from the LAM (See section 2.1.1).

1.3.3 Other documentation including concrete mix designs, material certifications, etc. shall be submitted in accordance with this Special Note.

1.3.4 Refer to the proposal for additional details regarding submittals.

PART TWO - PRODUCTS

2.1 MATERIALS

2.1.1 The Lightweight Cellular Concrete should be provided by a Manufacturer on the Department's List of Approved Materials (LAM), and should meet all requirements of Section 2 of this special note. Materials from Suppliers not on the LAM may be used provided that the materials are submitted for approval at least 30 calendar days prior to beginning work, and the materials are accepted after testing.

2.1.2 Expansion Material / Foaming Agent: The expansion material shall be in accordance with the Lightweight Cellular Concrete Manufacturer recommendations and ASTM C 869, and shall be approved in advance by the Engineer to produce the cellular concrete meeting the properties of Section 2.2.

2.1.3 Cement: Portland cement shall comply with Section 801 and 844 of the Standard Specifications. Pozzolans and other cementitious materials may be used. The Lightweight Cellular Concrete Manufacturer shall design the mix.

2.1.4 Water: Use potable water.

2.1.5 Admixtures: Admixtures may be used when specifically approved by the Manufacturer of the Lightweight Cellular Concrete.

2.1.6 Water-proofing layer: An asphalt primer or other water-proofing membrane is required and shall be in accordance with the Lightweight Fill Manufacturer's recommendations. The coverage rate shall be as recommended by the Manufacturer for protection of the installation from water infiltration.

2.1.7 Drainage Blanket: The drainage blanket shall meet of the requirements for "Coarse Aggregate for Rock Drainage Blanket" in Section 805 of the Standard Specifications, unless otherwise stated in the lightweight fill detail sheet. The cost of the drainage blanket will be incidental to the cost of Lightweight Cellular Concrete.

2.1.8 Geotextile Fabric: Type IV Geotextile Fabric shall be in accordance with Sections 214 and 843 of the Standard Specifications. Contrary to Section 214 of the Standard Specifications, the cost of geotextile fabric will be incidental to the cost of Lightweight Cellular Concrete.

2.2 PROPERTIES

2.2.1 The Lightweight Cellular Concrete shall meet the following:

	Class A	Class B	Class C
Cast Unit Weight	26-30 pcf	30-36 pcf	36-42 pcf
Minimum Compressive * Strength@ 28 days	40 psi	80 psi	120 psi
Long-Term Water Absorption (% Cast Unit Weight) (ASTM C 796)	20%	16%	14%
Coefficient of Permeability Permeability (cm/sec) (@ 2.0 psi) (ASTM D 2434)	10 ⁻⁴	10 ⁻⁴	10 ⁻⁴

* If fly ash is used for cement replacement in percentages of 40% or greater, the compressive strength shall be tested @ 56 days.

2.3 GEOTECHNICAL DESIGN PARAMETERS

2.3.1 Unit Weight:

	Class A	Class B	Class C
Maximum unit weight for design above the water table*	30 pcf	36 pcf	42 pcf
Maximum unit weight for design below the water table	36 psf	42 psf	48 psf

*Maximum unit weight value for use in design above water table is assumed to be cast unit weight.

2.3.2 Uplift Forces

Where the lightweight cellular concrete will be designed for use below the water table, uplift forces shall be calculated. The unit weight of lightweight cellular concrete used for these calculations shall be the minimum value from Section 2.2.1 of this note for the applicable Class of material. The thickness of rip-rap, soil, or other material required as a cap to offset the uplift forces shall be determined.

PART THREE - EXECUTION

3.1 SITE CONDITIONS: Examine the areas for work of this Section so that conditions detrimental to timely and proper completion of the work are corrected.

3.2 PREPARATION: The installation of the cellular concrete shall be in accordance with procedures provided by Lightweight Cellular Concrete Manufacturer. The area to be filled shall be prepared in accordance with the contract documents and plans, and shall not have any standing water in it prior to fill placement. Items encased in the fill shall be set and stable prior to installing the cellular concrete.

3.3 INSTALLATION: Use automated job site batching, mixing, and placing equipment certified by the Lightweight Cellular Concrete Manufacturer. The Contractor is responsible for maintaining a stable slope during construction.

3.3.1 A drainage blanket shall be constructed in accordance with requirements of the lightweight fill detail sheet. The drainage blanket beneath the lightweight cellular concrete shall be wrapped with Type IV Geotextile Fabric, unless the plans state otherwise.

3.3.2 Mix the materials and convey promptly to the point of placement. Cast the lightweight fill in lifts in such a manner to prevent segregation. The maximum lift thickness of the cellular concrete shall be 4 feet.

3.3.3 The final surface finish shall be within 6 inches of plan elevation. The final surface of the lightweight fill shall be primed with an acceptable asphalt primer.

3.4 SAMPLING (to be completed by the Applicator in accordance with this Special Note):

Take four (4) 3" x 6" cylinder test specimens for each 300 cubic yards of lightweight fill placed or for each four (4) hours of placing. Take samples in accordance with ASTM C 495. The sample molds shall be provided by the Lightweight Fill Applicator, and the cost of the sample molds is incidental to the placement of lightweight fill.

3.5 CURING:

Mark the cylinder and place it in a location where it will not be disturbed or subjected to temperature extremes. Avoid excessive or early handling of test cylinders. After 2-3 days, the cylinders may be delivered to the material testing laboratory. Care should be taken during delivery to prevent damage of the specimens. Maintain the curing environment as specified in ASTM C 495, Section 6 except as modified by ASTM C 796, Section 8.9 in which allowable temperatures are as follows:

Day 1: 70 ± 10°F, Days 2-7: 73.4 ± 3°F (specimens will be in a moist condition and temperatures of the specimen surface will be lower than the surrounding atmosphere due to evaporation), Days 8-28: 70 ± 10°F and relative humidity of 50 ± 3%.

3.6 TESTING:

3.6.1 The Applicator shall perform the field unit weight measurement in accordance with ASTM C 796, Section 8). Field unit weight shall be measured using a machined-steel container with a volume of 0.5 cubic feet and a flat smooth rim. The scale used for the weight measurement shall be accurate to within 0.1% of the measured weight. Fill the tared weighing container with a representative sample of the lightweight concrete (tap the sides of the container with a rubber hammer during filling). Overfill the container, then strike off excess concrete by holding the strike-off plate in a horizontal position and moving it across the top of the container with a sawing motion. Wipe the outside surface of the container free of spilled concrete with a cloth. Record the weight of the container and concrete. Calculate the unit weight of the lightweight concrete. Adjust the mix as required to obtain the specified cast unit weight at the point of placement.

3.6.2 Compressive Strength: The Department, Division of Materials shall test compressive strength in accordance with ASTM C 495. Specimens shall have been moist cured for a period up to 7 days prior to a 28-day compressive strength test or a 56-day compressive strength test if greater than 40% of the cement has been replaced by fly ash. Specimens may be tested at any age to monitor the compressive strength. Note: The maximum load required to break the sample should not be less than 10% of the maximum load range of the testing equipment being used. A testing machine with a load range of 5,000 pounds is appropriate to use when testing cellular concrete.

3.6.3 Absorption: Water absorption must be certified by the Manufacturer to meet the requirements of Section 2.2 prior to approval for the LAM. The procedure for certification shall be as specified in ASTM C 796, Section 8.

3.6.3 Permeability: Permeability must be certified by the Manufacturer to meet the requirements of Section 2.2 prior to approval for the LAM. The procedure for certification shall be as specified ASTM D 2434.

PART FOUR - METHOD OF MEASUREMENT AND BASIS OF PAYMENT

4.1 Method of Measurement:

4.1.1 No separate measurement shall be made for Lightweight Cellular Concrete Fill. Lightweight fill shall be paid for based on the volume of Lightweight Cellular Concrete Fill shown on the plans. Changing the limits or

character of the installation due to the Contractor's construction methods or the Contractor's choice of a lightweight fill material of different unit weight as outlined in Section 1.3.1 of this Special Note shall not be cause for changing the plan pay quantities including plan roadway pay quantities.

4.1.2 The Contractor's selected construction methods may require additional excavation, fill or lightweight fill volume, or incidental items to satisfy the plan requirements. Sheeting, shoring, temporary walls or other earth retention systems necessary to stabilize any excavation required during lightweight fill construction shall be paid for based on the quantities shown on the plans. The Contractor will be responsible for maintaining a stable slope during construction. All designs, labor, materials, etc. required to complete this work shall be included in the unit price bid per linear foot for "Sheet Piling".

4.3 PAYMENT: Work specified in this Section will be paid for at the contract unit prices for the quantities specified herein. The quantities shall be as shown in the Construction documents and specified herein for Lightweight Cellular Concrete Fill.

<u>Code</u>	<u>Item</u>	<u>Pay Unit</u>
23930EC	Lightweight Cellular Concrete Fill	Cubic Yard

Right-of-Way Certification Form

Revised 2/22/11

Federal Funded

Original

State Funded

Re-Certification

This form must be completed and submitted to FHWA with the PS&E package for federal-aid funded Interstate, Appalachia, and Major projects. This form shall also be submitted to FHWA for all federal-aid projects that fall under Conditions No. 2 or 3 outlined elsewhere in this form. When Condition No. 2 or 3 apply, KYTC shall resubmit this ROW Certification prior to construction contract Award. For all other federal-aid projects, this form shall be completed and retained in the KYTC project file.

Date: January 28, 2014

Project Name: Cumberland Pkwy Interchange at Russell Springs

Letting Date: April 25, 2014

Project #: FD04 104 83016 01R

County: Russell

Item #: 08-8504.00

Federal #: N/A

Description of Project: Construct a New Interchange from US 127 on the Cumberland Parkway - Replace clover leaf ramps with diamond interchange.

Projects that require **NO** new or additional right-of-way acquisitions and/or relocations

- The proposed transportation improvement will be built within the existing rights-of-way and there are no properties to be acquired, individuals, families, and businesses ("relocatees") to be relocated, or improvements to be removed as a part of this project.

Projects that require new or additional right-of-way acquisitions and/or relocations

- Per 23 CFR 635.309, the KYTC hereby certify that all relocatees have been relocated to decent, safe, and sanitary housing or that KYTC has made available to relocatees adequate replacement housing in accordance with the provisions of the current FHWA directive(s) covering the administration of the Highway Relocation Assistance Program and that at least one of the following three conditions has been met. (Check those that apply.)

- Condition 1.** All necessary rights-of-way, including control of access rights when applicable, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been obtained. There may be some improvements remaining on the right-of-way, but all occupants have vacated the lands and improvements, and KYTC has physical possession and the rights to remove, salvage, or demolish all improvements and enter on all land. Fair market value has been paid or deposited with the court.

- Condition 2.** Although all necessary rights-of-way have not been fully acquired, the right to occupy and to use all rights-of-way required for the proper execution of the project has been acquired. Trial or appeal of some parcels may be pending in court and on other parcels full legal possession has not been obtained, but right of entry has been obtained, the occupants of all lands and improvements have vacated, and KYTC has physical possession and right to remove, salvage, or demolish all improvements. Fair market value has been paid or deposited with the court for most parcels. Fair market value for all pending parcels will be paid or deposited with the court prior to AWARD of construction contract. (See note 1 below.)

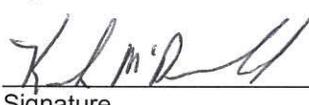
Note 1: The KYTC shall re-submit a right-of-way certification form for this project prior to AWARD of all Federal-Aid construction contracts. Award must not to be made until after KYTC has obtained full legal possession and fair market value for all parcels has been paid or deposited with the court and FHWA has concurred in the re-submitted right-of-way certification.

Right-of-Way Certification Form

Revised 2/22/11

Condition 3. The acquisition or right of occupancy and use of a few remaining parcels are not complete and/or some parcels still have occupants. However, all remaining occupants have had replacement housing made available to them in accordance with 49 CFR 24.204. The KYTC is hereby requesting authorization to advertise this project for bids and to proceed with bid letting even though the necessary rights-of-way will not be fully acquired, and/or some occupants will not be relocated, and/or the fair market value will not be paid or deposited with the court for some parcels until after bid letting. KYTC will fully meet all the requirements outlined in 23 CFR 635.309(c)(3) and 49 CFR 24.102(j) and will expedite completion of all acquisitions, relocations, and full payments after bid letting and prior to AWARD of the construction contract or force account construction. A full explanation and reason for this request, including identification of each such parcel and dates on which acquisitions, payments, and relocations will be completed, is attached to this certification form for FHWA concurrence. (See note 2.)

Note 2: The KYTC may request authorization on this basis only in unique and unusual circumstances. Proceeding to bid letting shall be the exception and never become the rule. In all cases, the KYTC shall make extraordinary efforts to expedite completion of the acquisition, payment for all affected parcels, and the relocation of all relocatees prior to AWARD of all Federal-Aid construction contracts or force account construction.

Approved:	<u>Charles Hale</u> Printed Name	<u></u> Signature	Right-of-Way Supervisor
Approved:	<u>Keith McDonald</u> Printed Name	<u></u> Signature	3/7/14 KYTC, Director of ROW & Utilities
Approved:	_____ Printed Name	_____ Signature	FHWA, ROW Officer (when applicable)

Right-of-Way Certification Form

Revised 2/22/11

Date: January 28, 2014

Project Name: Cumberland Pkwy Interchange at Russell Springs

Project #: FD04 104 83016 01R

Item #: 08-8504.00

Letting Date: April 25, 2014

County: Russell

Federal #: N/A

This project has 8 total number of parcels to be acquired, and 0 total number of individuals or families to be relocated, as well as 0 total number of businesses to be relocated.

8 Parcels where acquired by a signed fee simple deed and fair market value has been paid

 Parcels have been acquired by IOJ through condemnation and fair market value has been deposited with the court

 Parcels have not been acquired at this time (*explain below for each parcel*)

 Parcels have been acquired or have a "right of entry" but fair market value has not been paid or has not been deposited with the court (*explain below for each parcel*)

 Relocatees have not been relocated from parcels , , , , , , and (*explain below for each parcel*)

Parcel #	Name/Station	Explanation for delayed acquisition, delayed relocation, or delayed payment of fair market value	Proposed date of payment or of relocation

There are 0 billboards and/or 0 cemeteries involved on this project.

There are 0 water or monitoring wells on parcels , , , , and . All have been acquired and are the responsibility of the project contractor to close/cap.

Form Effective Date: April 1, 2006
Last Revised: February 22, 2011

SPECIAL NOTES FOR UTILITY CLEARANCE IMPACT ON CONSTRUCTION

**RUSSELL COUNTY
FD04 104 83016 01U
NEW INTERCHANGE US-127 ON CUMBERLAND PARKWAY
ITEM NO. 08-8504.00**

GENERAL PROJECT NOTE ON UTILITY PROTECTION

All existing utilities are to remain in service until their proposed utility relocations are complete. Holidays, bad weather, and facility outages may affect the below mentioned completion dates. It is recommended the Road Contractor contact the utility companies in order to coordinate utility relocation and roadway construction. Note: No railroads are on project..

NOTE: DO NOT DISTURB THE FOLLOWING UTILITIES LOCATED WITHIN THE PROJECT DISTURB LIMITS

South Kentucky RECC: is believed to be clear of construction. Their facilities are located at a crossing east of US 127. The road contractor is responsible for contacting South Kentucky RECC and having their line located in the field to avoid conflicts.

Kentucky Utilities: is believed to be clear of construction. Their facilities are located at the north-west corner of the interchange. The road contractor is responsible for contacting Kentucky Utilities and having their line located in the field to avoid conflicts.

The Contractor is fully responsible for protection of all utilities listed above

THE FOLLOWING COMPANIES ARE RELOCATING/ADJUSTING THEIR UTILITIES WITHIN THE PROJECT LIMITS AND WILL BE COMPLETE PRIOR TO CONSTRUCTION

Not Applicable

THE FOLLOWING COMPANIES HAVE FACILITIES TO BE RELOCATED/ADJUSTED BY THE COMPANY OR THE COMPANY'S SUBCONTRACTOR AND IS TO BE COORDINATED WITH THE ROAD CONTRACT

City of Russell Springs: is 0% clear with relocation of both water and wastewater facilities located within the project limits. The City has a wastewater crossing the Cumberland Parkway west of US 127 and a water line crossing the Cumberland Parkway east of US 127. The City of Russell Springs anticipates beginning with their relocation by June 1, 2014 and completing relocation by September 1, 2014. The road contractor is responsible for contacting the City of Russell Springs and having their line located in the field to avoid conflicts.

THE FOLLOWING COMPANIES HAVE FACILITIES TO BE RELOCATED/ADJUSTED BY THE ROAD CONTRACTOR AS INCLUDED IN THIS CONTRACT

Duo County Telephone: is 100% complete with their relocation work. Duo County Telephone has an abandoned cable crossing the Cumberland Parkway east of US 127 that the road contractor will be responsible for removing incidental to clearing and grubbing. The road contractor is responsible for contacting Duo County Telephone and having their line located in the field to avoid conflicts

SPECIAL NOTES FOR UTILITY CLEARANCE IMPACT ON CONSTRUCTION

<p>RUSSELL COUNTY FD04 104 83016 01U NEW INTERCHANGE US-127 ON CUMBERLAND PARKWAY ITEM NO. 08-8504.00</p>

SPECIAL CAUTION NOTE – PROTECTION OF UTILITIES

The contractor will be responsible for contacting all utility facility owners on the subject project to coordinate his activities. The contractor will coordinate his activities to minimize and, where possible, avoid conflicts with utility facilities. Due to the nature of the work proposed, it is unlikely to conflict with the existing utilities beyond minor facility adjustments. If conflicts with utility facilities are unavoidable, the contractor will coordinate any necessary relocation work with the facility owner and Resident Engineer. The Kentucky Transportation Cabinet maintains the right to remove or alter portions of this contract if a utility conflict occurs.

The utility facilities as noted in the previous section(s) have been determined using data garnered by varied means and with varying degrees of accuracy: from the facility owners, a result of S.U.E., field inspections, and/or reviews of record drawings. The facilities defined may not be inclusive of all utilities in the project scope and are not Level A quality, unless specified as such. It is the contractor's responsibility to verify all utilities and their respective locations before excavating.

BEFORE YOU DIG

The contractor is instructed to call 1-800-752-6007 to reach KY 811, the one-call system for information on the location of existing underground utilities. The call is to be placed a minimum of two (2) and no more than ten (10) business days prior to excavation. The contractor should be aware that owners of underground facilities are not required to be members of the KY 811 one-call Before-U-Dig (BUD) service. The contractor must coordinate excavation with the utility owners, including those whom do not subscribe to KY 811. It may be necessary for the contractor to contact the County Court Clerk to determine what utility companies have facilities in the area.

Please Note: The information presented in this Utility Note is informational in nature and the information contained herein is not guaranteed.

SPECIAL NOTES FOR UTILITY CLEARANCE IMPACT ON CONSTRUCTION

RUSSELL COUNTY
FD04 104 83016 01U
NEW INTERCHANGE US-127 ON CUMBERLAND PARKWAY
ITEM NO. 08-8504.00

AREA UTILITIES CONTACT LIST

<u>Utility Company/Agency</u>	<u>Contact Name</u>	<u>Contact Information</u>
City of Russell Springs	Terry Russell	P.O. Box 247 Russell Springs, KY. 42642 (270) 866-5189
Engineer	Eddie Brown (Kenvirons) ebrown@kenvirons.com	(502) 695-4357
Duo County Telephone	Rick Eldridge reldridge@duotel.com	P.O. Box 80 Jamestown, KY. 42629 (270) 343-3131
South Kentucky RECC	Bruce Parkey brucep@skrecc.com	P.O. Box 910 Somerset, KY. 42502 (606) 678-4121
Kentucky Utilities	Larry L. Gilpin Larry.gilpin@lgeenergy.com	101 Old Greensburg Rd. Campbellsville, KY 42718 (270) 465-7721

N O T I C E

**DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
(NATIONWIDE PERMIT & GENERAL WQC AUTHORIZATION)**

PROJECT: Russell County, Item No. 8-8504
US-127 & Cumberland Parkway Reconstruct Interchange

The Section 404 & 401 activities for this project have been previously permitted under the authority of the Department of the Army Nationwide Permit No. 14 “Linear Transportation Projects” & Division of Water General Water Quality Certification. In order for these authorizations to be valid, the attached conditions must be followed. The contractor shall post a copy of this Nationwide Permit & General WQC in a conspicuous location at the project site for the duration of construction and comply with the general conditions as required.

To more readily expedite construction, the contractor may elect to alter the design or perform the work in a manner different from what was originally proposed and specified. Prior to commencing such alternative work, the contractor shall obtain **written** permission from the Division of Construction and the Corps of Engineers. A copy of any request to the Corps of Engineers to alter this proposal and subsequent responses shall be forwarded to the Division of Environmental Analysis, DA Permit Coordinator, for office records and for informational purposes.



STEVEN L. BESHEAR
GOVERNOR

LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENTAL PROTECTION CABINET

DEPARTMENT FOR ENVIRONMENTAL PROTECTION

DIVISION OF WATER

200 FAIR OAKS LANE

FRANKFORT, KENTUCKY 40601

www.kentucky.gov

General Certification--Nationwide Permit # 14 Linear Transportation Projects

This General Certification is issued March 19, 2012, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33 U.S.C. §1341), as well as Kentucky Statute KRS 224.16-050.

For this and all nationwide permits, the definition of surface water is as per 401 KAR 10:001 Chapter 10, Section 1(80): Surface Waters means those waters having well-defined banks and beds, either constantly or intermittently flowing; lakes and impounded waters; marshes and wetlands; and any subterranean waters flowing in well-defined channels and having a demonstrable hydrologic connection with the surface. Lagoons used for waste treatment and effluent ditches that are situated on property owned, leased, or under valid easement by a permitted discharger are not considered to be surface waters of the commonwealth.

Agricultural operations, as defined by KRS 224.71-100(1) conducting activities pursuant to KRS 224.71-100 (3), (4), (5), (6), or 10 are deemed to have certification if they are implementing an Agriculture Water Quality Plan pursuant to KRS 224.71-145.

For all other operations, the Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 10, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under NATIONWIDE PERMIT 14, namely Linear Transportation Projects, provided that the following conditions are met:

1. The activity will not occur within surface waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Water, Cold Water Aquatic Habitat, or Exceptional Waters.
2. The activity will not occur within surface waters of the Commonwealth identified as perpetually-protected (e.g. deed restriction, conservation easement) mitigation sites.
3. The activity will impact less than 1/2 acre of wetland/marsh.
4. The activity will impact less than 300 linear feet of surface waters of the Commonwealth. Stream realignment greater than 100 feet is not covered under this general water quality certification.

General Certification--Nationwide Permit # 14
Linear Transportation Projects
Page 2

5. For a single and complete linear transportation project, the cumulative length of impacts less than 300 linear feet of surface waters within each Hydrologic Unit Code (HUC) 14 watershed will not exceed 500 linear feet.
6. Stream impacts covered under this General Water Quality Certification and undertaken by those persons defined as an agricultural operation under the Agricultural Water Quality Act must be completed in compliance with the Kentucky Agricultural Water Quality Plan (KWQP).
7. The Kentucky Division of Water may require submission of a formal application for an individual certification for any project if the project has been determined to likely have a significant adverse effect upon water quality or degrade the waters of the Commonwealth so that existing uses of the water body or downstream waters are precluded.
8. Activities that do not meet the conditions of this General Water Quality Certification require an Individual Section 401 Water Quality Certification.
9. Activities qualifying for coverage under this General Water Quality Certification are subject to the following conditions:
 - Erosion and sedimentation pollution control plans and Best Management Practices must be designed, installed, and maintained in effective operating condition at all times during construction activities so that violations of state water quality standards do not occur (401 KAR 10:031 Section 2 and KRS 224.70-100).
 - Sediment and erosion control measures, such as check-dams constructed of any material, silt fencing, hay bales, etc., shall not be placed within surface waters of the Commonwealth, either temporarily or permanently, without prior approval by the Kentucky Division of Water's Water Quality Certification Section. If placement of sediment and erosion control measures in surface waters is unavoidable, design and placement of temporary erosion control measures shall not be conducted in such a manner that may result in instability of streams that are adjacent to, upstream, or downstream of the structures. All sediment and erosion control devices shall be removed and the natural grade restored within the completion timeline of the activities.
 - Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
 - Removal of riparian vegetation in the utility line right-of-way shall be limited to that necessary for equipment access.
 - To the maximum extent practicable, all in-stream work under this certification shall be performed under low-flow conditions.

General Certification--Nationwide Permit # 14
Linear Transportation Projects
Page 2

- Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used or operated within the stream channel. In those instances in which such in-stream work is unavoidable, then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to substrates and bank or riparian vegetation.
- Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters and/or cause violations of water quality standards. If rip-rap is utilized, it should be of such weight and size that bank stress or slump conditions will not be created because of its placement.
- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when such work will be done.
- Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the KDOW shall be notified immediately by calling (800) 928-2380.

Non-compliance with the conditions of this general certification or violation of Kentucky state water quality standards may result in civil penalties.



US Army Corps of Engineers

Nationwide Permit No. 14, Linear Transportation Projects

Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States.

- a. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/3-acre of waters of the United States.
- b. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.
- c. This NWP also authorizes temporary structures, fills, and work necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.
- d. This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge in a special aquatic site, including wetlands. (See general condition 31.) (Sections 10 and 404)

Note: Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Valid from March 19, 2012 through March 18, 2017

Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR §§ 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR § 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car

bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River

designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.noaa.gov/fisheries.html> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must

still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.

(2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) – (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist

of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with

any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

31. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;
(2) Location of the proposed project;
(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative

description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWP's and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments.

The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWP, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

D. District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. For a linear project, this determination will include an evaluation of the individual crossings to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to intermittent or ephemeral streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51 or 52, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in minimal adverse effects. When making minimal effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

2. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

3. If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either: (a) that the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (c) that the project is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period, with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

E. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project.

	Kentucky Transportation Cabinet Federal Highway Administration NO EFFECT FINDING		
KYTC Item No:	08 - 8504	Route:	US-127 & Cumberland Pkwy
Quadrangle(s): Russell Springs		County(ies):	Russell
Project Description: (Type of improvement, areas to be impacted, crossroad improvements, easements, etc.)			
Reconstruct interchange at US-127 & Cumberland Parkway			
<p><u>RUSSELL COUNTY LISTED SPP:</u></p> <p>Indiana Bat (<i>Myotis sodalists</i>) (USFWS) Fanshell (<i>Cyprogenia stegaria</i>) (USFWS, KDFWR, KSNPC) Sheepnose (<i>Plethobasus cyphus</i>) (KDFWR, KSNPC) Purple Catspaw Pearlymussel (<i>Epioblasma o. obliquata</i>) (KDFWR) Pink Mucket (<i>Lampsilis abrupta</i>) (USFWS, KDFWR, KSNPC) Ring Pink (<i>Obovaria retusa</i>) (USFWS, KDFWR, KSNPC) Rough Pigtoe (<i>Pleurobema plenum</i>) (USFWS, KDFWR, KSNPC) Spectaclecase (<i>Cumberlandia monodonta</i>) (KDFWR, KSNPC) Orangefoot Pimpleback (<i>Plethobasus cooperianus</i>) (USFWS, KDFWR, KSNPC) Cumberland Bean (<i>Villosa trabalis</i>) (USFWS, KDFWR, KSNPC) Oyster mussel (<i>Epioblasma capsaeiformis</i>) (USGWS, KDFWR, KSNPC) Cumberland Combshell (<i>Epioblasma brevidens</i>) (USFWS, KDFWR, KSNPC) Fluted Kidneyshell (<i>Ptychobranhus subtenetum</i>) (USFWS, KDFWR, KSNPC) Dromedary Pearlymussel (<i>Dromus dromas</i>) (KDFWR, KSNPC) Snuffbox (<i>Epioblasma triquetra</i>) (KDFWR, KSNPC) Rabbitsfoot (<i>Quadrula cylindrica</i>) (KDFWR) Scaleshell (<i>Leptodea leptodon</i>) (KSNPC) Crackling Pearlymussel (<i>Hemistena lata</i>) (KSNPC) Tan Riffleshell (<i>Epioblasma florentina walkeri</i>) (KSNPC)</p> <p><u>This NE document will cover all listed mussel species and Indiana bat winter habitat. Indiana Bat summer habitat will be covered with the PA IBCMOA.</u></p>			
Methodologies: (Methods of assessment, who, what, when, resources, etc.)			
<p>ArcMap (Aerial photographs, topographic maps, project area photos, and project plans)</p> <p>KYTC biologist and DEC walked project area March of 2013. They utilized project plans, topo maps, percent slope, and aerial photos to ascertain T/E species habitat and potential impacts.</p>			
Results: (Compare habitat used by listed species with available habitat)			

Mussels: Listed mussel species require clean, flowing water ranging from larger streams to large rivers. An appropriate substrate for mussel species to inhabit would be sufficient for burial (i.e. – sand/cobble mixture). This substrate should itself be clean from organic matter clogging and siltation. The two streams on or nearby the project, Caney Fork & Big Elly Creek, are small intermittent streams that flow through agricultural land and have concrete lined bottoms for stretches near the roadway. These streams are heavily silted and have accumulated large amounts organic matter in the form of leaves. Being intermittent, the streams dry up annually and do not provide year round water flow for listed mussels. This habitat does not represent even marginal habitat for listed mussel species. Also, upon site visit no live or relic shells were found. Therefore, no habitat/ no effect for listed mussel species.

Mammals: The Indiana bat uses caves in the winter and trees in which to roost during summer months. No cave-like features were found within 1km of the projects footprint (either by mapping or during the site visit). Therefore no habitat/no effect for Indiana bat for winter habitat.

Determinations:

NO HABITAT, NO EFFECT for

- Indiana Bat (*Myotis sodalists*) (USFWS) – winter habitat
- Fanshell (*Cyprogenia stegaria*) (USFWS, KDFWR, KSNPC)
- Sheepnose (*Plethobasus cyphus*) (KDFWR, KSNPC)
- Purple Catspaw Pearlymussel (*Epioblasma o. obliquata*) (KDFWR)
- Pink Mucket (*Lampsilis abrupta*) (USFWS, KDFWR, KSNPC)
- Ring Pink (*Obovaria retusa*) (USFWS, KDFWR, KSNPC)
- Rough Pigtoe (*Pleurobema plenum*) (USFWS, KDFWR, KSNPC)
- Spectaclecase (*Cumberlandia monodonta*) (KDFWR, KSNPC)
- Orangefoot Pimpleback (*Plethobasus cooperianus*) (USFWS, KDFWR, KSNPC)
- Cumberland Bean (*Villosa trabalis*) (USFWS, KDFWR, KSNPC)
- Oyster mussel (*Epioblasma capsaeiformis*) (USGWS, KDFWR, KSNPC)
- Cumberland Combshell (*Epioblasma brevidens*) (USFWS, KDFWR, KSNPC)
- Fluted Kidneyshell (*Ptychobranhus subtenetum*) (USFWS, KDFWR, KSNPC)
- Dromedary Pearlymussel (*Dromus dromas*) (KDFWR, KSNPC)
- Snuffbox (*Epioblasma triquetra*) (KDFWR, KSNPC)
- Rabbitsfoot (*Quadrula cylindrica*) (KDFWR)
- Scaleshell (*Leptodea leptodon*) (KSNPC)
- Crackling Pearlymussel (*Hemistena lata*) (KSNPC)
- Tan Riffleshell (*Epioblasma florentina walkeri*) (KSNPC)

The project has been assessed in accordance with the provisions of Section 7 of the Endangered Species Act. As a designated representative of the FHWA, the KYTC has determined that the project will have No Effect on any listed species or their critical habitat, and further Section 7(a)(2) consultation with the Service is not required.



KYTC Signature

3/8/2013
Date

Nathan Click

Print Name

Name _____

Date _____

 U.S. Fish & Wildlife Service <i>Kentucky Ecological Services Field Office</i>		U.S. Fish & Wildlife Service 330 West Broadway, Rm 265 Frankfort, KY 40601 Phone: 502-695-0468 Fax: 502-695-1024			
Endangered, Threatened, & Candidate Species in <u> RUSSELL </u> County, KY					
Group	Species	Common name	Legal* Status	Known** Potential	Special Comments
Mammals	<i>Myotis sodalis</i>	Indiana bat	E	P	
Mussels	<i>Villosa trabilis</i>	Cumberland bean pearlymussel	E	K	
	<i>Epioblasma brevidens</i>	Cumberlandian combshell	E	K	
	<i>Cyprogenia stegaria</i>	fanshell	E	K	
	<i>Ptychobranchnus subtentum</i>	fluted kidneyshell	C	K	
	<i>Plethobasus cooperianus</i>	orangefoot pimpleback	E	K	
	<i>Epioblasma capsaeiformis</i>	oyster mussel	E	K	
	<i>Lampsilis abrupta</i>	pink mucket	E	K	
	<i>Obovaria retusa</i>	ring pink	E	K	
	<i>Pleurobema plenum</i>	rough pigtoe	E	K	



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Species Information

Federal Threatened, Endangered, and Candidate Species observations for selected counties

Linked life history provided courtesy of [NatureServe Explorer](#).

Records may include both recent and historical observations.

[US Status Definitions](#) [Kentucky Status Definitions](#)

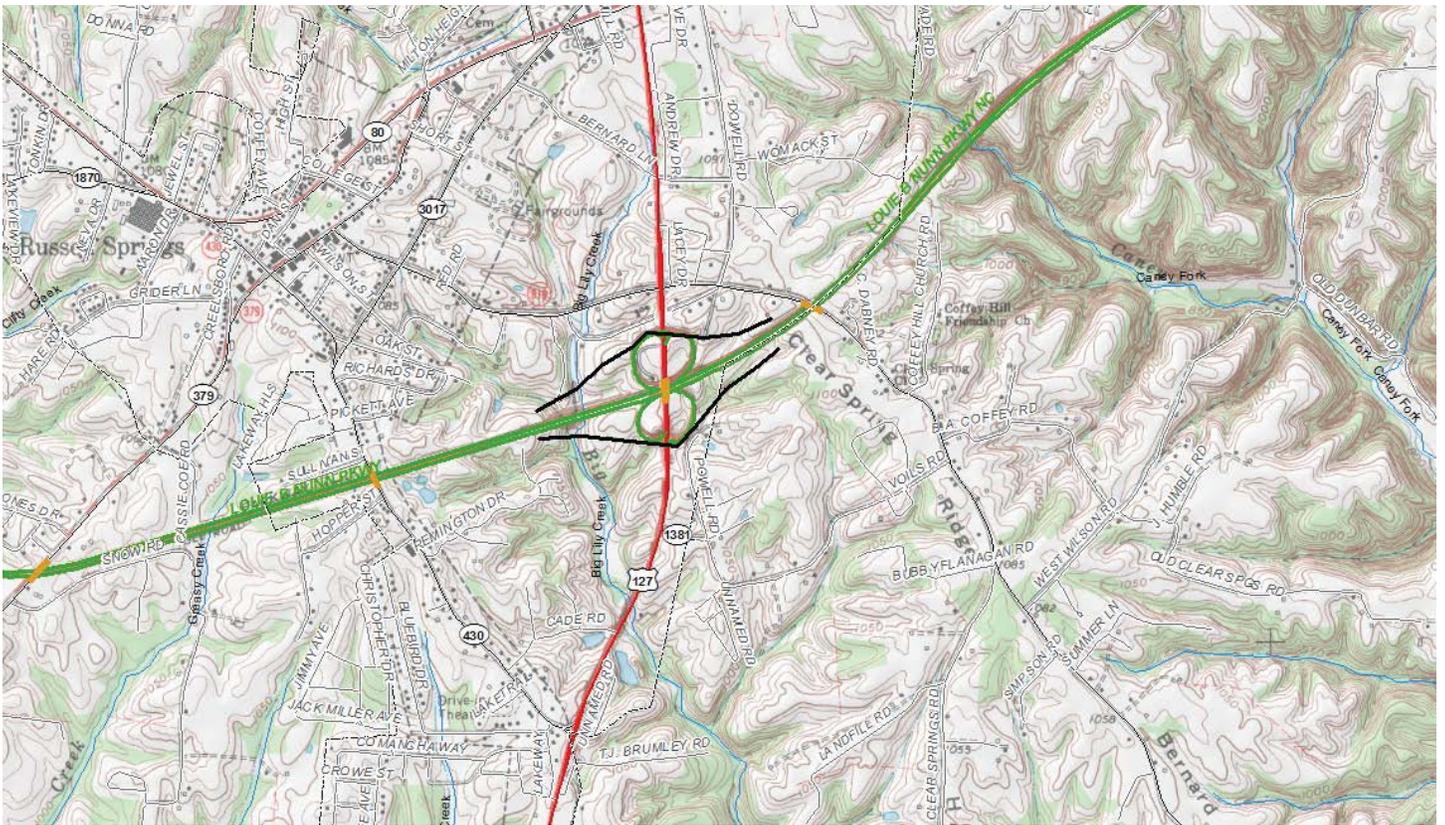
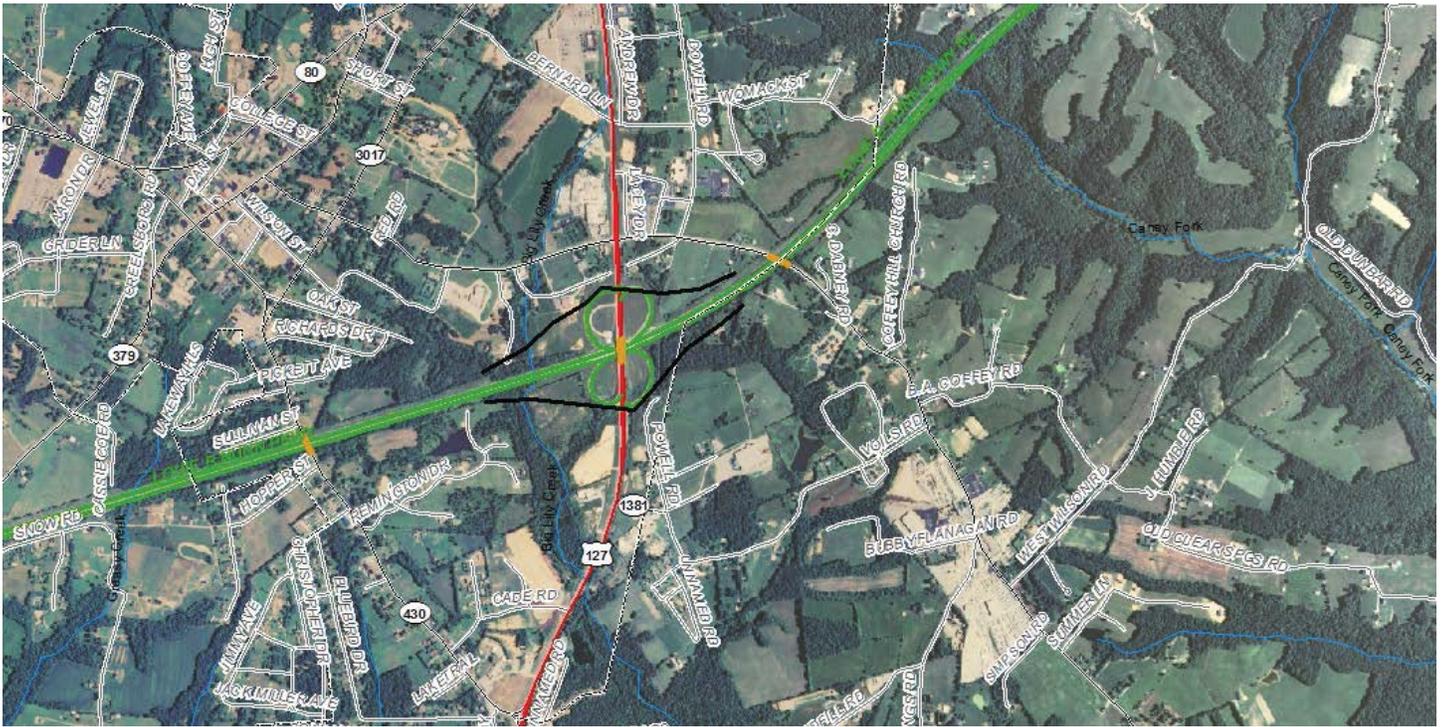
List Federal Threatened, Endangered, and Candidate Species observations in 1 selected county.

Selected county is: Russell.

Scientific Name and Life History	Common Name and Pictures	Class	County	US Status	KY Status	WAP	Reference
Cumberlandia monodonta	Spectacle Case	Bivalvia	Russell	E	E	Yes	Reference
Cyprogenia stegaria	Fanshell	Bivalvia	Russell	LE	E	Yes	Reference
Dromus dromas	Dromedary Pearlymussel	Bivalvia	Russell	LE, XN	E	Yes	Reference
Epioblasma brevidens	Cumberlandian Combshell	Bivalvia	Russell	LE, XN	E	Yes	Reference
Epioblasma capsaeformis	Oyster Mussel	Bivalvia	Russell	LE, XN	E	Yes	Reference
Epioblasma obliquata obliquata	Catspaw	Bivalvia	Russell	LE	E	Yes	Reference
Epioblasma triquetra	Snuffbox	Bivalvia	Russell	E	E	Yes	Reference
Lampsilis abrupta	Pink Mucket	Bivalvia	Russell	LE	E	Yes	Reference
Obovaria retusa	Ring Pink	Bivalvia	Russell	LE	E	Yes	Reference
Plethobasus cooperianus	Orangefoot Pimpleback	Bivalvia	Russell	LE	E	Yes	Reference
Plethobasus cyphus	Sheepnose	Bivalvia	Russell	E	E	Yes	Reference
Pleurobema plenum	Rough Pigtoe	Bivalvia	Russell	LE	E	Yes	Reference
Ptychobranchnus subtentum	Fluted Kidneyshell	Bivalvia	Russell	PE	E	Yes	Reference
Quadrula cylindrica cylindrica	Rabbitsfoot	Bivalvia	Russell	PT	T	Yes	Reference
Villosa trabalis	Cumberland Bean	Bivalvia	Russell	LE, XN	E	Yes	Reference

15 species are listed

County	Taxonomic Group	Scientific name	Common name	Statuses	Ranks	E	H	F	X	U
Russell	Vascular Plants	<i>Aureolaria patula</i>	Spreading False Foxglove	S /	G3 / S3	3	0	0	0	0
Russell	Vascular Plants	<i>Drosera intermedia</i>	Spoon-leaved Sundew	E /	G5 / S1	1	0	0	0	0
Russell	Vascular Plants	<i>Hypericum crux-andreae</i>	St. Peter's-wort	T /	G5 / S2S3	1	0	0	0	0
Russell	Vascular Plants	<i>Juncus articulatus</i>	Jointed Rush	S /	G5 / S2S3	1	0	0	0	0
Russell	Vascular Plants	<i>Lespedeza capitata</i>	Round-head Bush-clover	S /	G5 / S3	2	0	0	0	0
Russell	Vascular Plants	<i>Muhlenbergia cuspidata</i>	Plains Muhly	T /	G4 / S2	1	0	0	0	0
Russell	Vascular Plants	<i>Paxistima canbyi</i>	Canby's Mountain-lover	T / SOMC	G2 / S2	1	0	0	0	0
Russell	Vascular Plants	<i>Polygala cruciata</i>	Crossleaf Milkwort	E /	G5 / S1	2	0	0	0	0
Russell	Vascular Plants	<i>Thuja occidentalis</i>	Northern White Cedar	T /	G5 / S2S3	2	4	0	0	0
Russell	Vascular Plants	<i>Trillium pusillum</i>	Least Trillium	E / SOMC	G3 / S1	1	0	0	0	0
Russell	Vascular Plants	<i>Ulmus serotina</i>	September Elm	S /	G4 / S3	1	0	0	0	0
Russell	Aquatic Snails	<i>Pleurocera curta</i>	Shortspire Hornsnail	S / SOMC	G2 / S2	0	0	0	1	0
Russell	Freshwater Mussels	<i>Aiasmidonta marginata</i>	Elktoe	T / SOMC	G4 / S2	0	0	0	4	0
Russell	Freshwater Mussels	<i>Cumberlandia monodonta</i>	Spectaclecase	E / LE	G3 / S1	0	0	0	4	0
Russell	Freshwater Mussels	<i>Cyprogenia stegaria</i>	Fanshell	E / LE	G1Q / S1	0	1	0	6	0
Russell	Freshwater Mussels	<i>Dromus dromas</i>	Dromedary Pearlymussel	E / LE	G1 / S1	0	0	0	9	0
Russell	Freshwater Mussels	<i>Epioblasma brevidens</i>	Cumberlandian Combshell	E / LE	G1 / S1	0	0	0	6	0
Russell	Freshwater Mussels	<i>Epioblasma capsaeformis</i>	Oyster Mussel	E / LE	G1 / S1	0	0	0	4	0
Russell	Freshwater Mussels	<i>Epioblasma florentina walkeri</i>	Tan Riffleshell	E / LE	G1T1 / S1	0	0	0	1	0
Russell	Freshwater Mussels	<i>Epioblasma triquetra</i>	Snuffbox	E / LE	G3 / S1	0	0	0	7	0
Russell	Freshwater Mussels	<i>Hemistena lata</i>	Cracking Pearlymussel	X / LE	G1 / SX	0	0	0	3	0
Russell	Freshwater Mussels	<i>Lampsilis abrupta</i>	Pink Mucket	E / LE	G2 / S1	0	0	0	6	0
Russell	Freshwater Mussels	<i>Lampsilis ovata</i>	Pocketbook	E /	G5 / S1	0	0	0	7	0
Russell	Freshwater Mussels	<i>Leptodea leptodon</i>	Scaleshell	X / LE	G1G2 / SX	0	0	0	2	0
Russell	Freshwater Mussels	<i>Obovaria retusa</i>	Ring Pink	E / LE	G1 / S1	0	0	0	3	0
Russell	Freshwater Mussels	<i>Plethobasus cooperianus</i>	Orangefoot Pimpleback	E / LE	G1 / S1	0	1	0	6	0
Russell	Freshwater Mussels	<i>Plethobasus cyphus</i>	Sheepnose	E / LE	G3 / S1	0	0	0	4	0
Russell	Freshwater Mussels	<i>Pleurobema oviforme</i>	Tennessee Clubshell	E / SOMC	G2G3 / S1	0	0	0	1	0
Russell	Freshwater Mussels	<i>Pleurobema piumum</i>	Rough Pigtoe	E / LE	G1 / S1	0	0	0	6	0
Russell	Freshwater Mussels	<i>Pleurobema rubrum</i>	Pyramid Pigtoe	E / SOMC	G2G3 / S1	0	0	0	5	0
Russell	Freshwater Mussels	<i>Pychobranchus subtentum</i>	Fluted Kidneyshell	E / PE	G2 / S1	0	0	0	1	0
Russell	Freshwater Mussels	<i>Quadrula cylindrica cylindrica</i>	Rabbitsfoot	T / C	G3G4T3 / S2	0	0	0	5	0
Russell	Freshwater Mussels	<i>Toxolasma lividus</i>	Purple Lilliput	E / SOMC	G3 / S1	0	0	0	2	0
Russell	Freshwater Mussels	<i>Villosa liemosa</i>	Little Spectaclecase	S /	G5 / S3S4	0	0	0	1	0
Russell	Freshwater Mussels	<i>Villosa trabalis</i>	Cumberland Bean	E / LE	G1 / S1	0	0	0	6	0
Russell	Insects	<i>Stylurus notatus</i>	Evasive Clubtail	E / SOMC	G3 / S1	0	0	0	0	1
Russell	Breeding Birds	<i>Accipiter striatus</i>	Sharp-shinned Hawk	S /	G5 / S3B,S4N	1	0	0	0	0
Russell	Breeding Birds	<i>Picoides borealis</i>	Red-cockaded Woodpecker	X / LE	G3 / SX	0	0	0	1	0
Russell	Communities	<i>Wet prairie</i>		E /	GNR / S1	1	0	0	0	0
Russell County Total:						18	6	0	101	1







Indiana Bat Conservation Fund

Commitment for Use of Take

Item No.: 8 - 8504 Route: Pkwy County: Russell

Description of project areas requiring "take":
Woodland areas located in each of the four quadrants of the interchange (Pkwy & US127) along the existing Cumberland parkway and new ramp alignments.

Amount of Take: 7 acres trees Mean Land Cost/ac: \$ 3000
(amount) (amount)

Anticipated Value of Take: \$ 4200.00

Attachments: Maps Photographs Other: Project Aerial

The amount listed above has been determined in accordance with the Programmatic Biological Opinion issued by the US Fish and Wildlife Service June 9, 2006, any subsequent amendments thereto, and the KYTC Habitat Assessment Manual.

Jami West, D-8 DEC Jami West 7/22/11
(Name of Biologist or DEC) Signature Date

As Project Manager, I understand that this authorization for use of the IBCF represents an irretrievable commitment for the referenced project. Furthermore, I acknowledge that Design funds are available for immediate payment of this expense.

Brian Dunbar Brian Dunbar 7-22-11
(Name of Project Manager) Signature Date

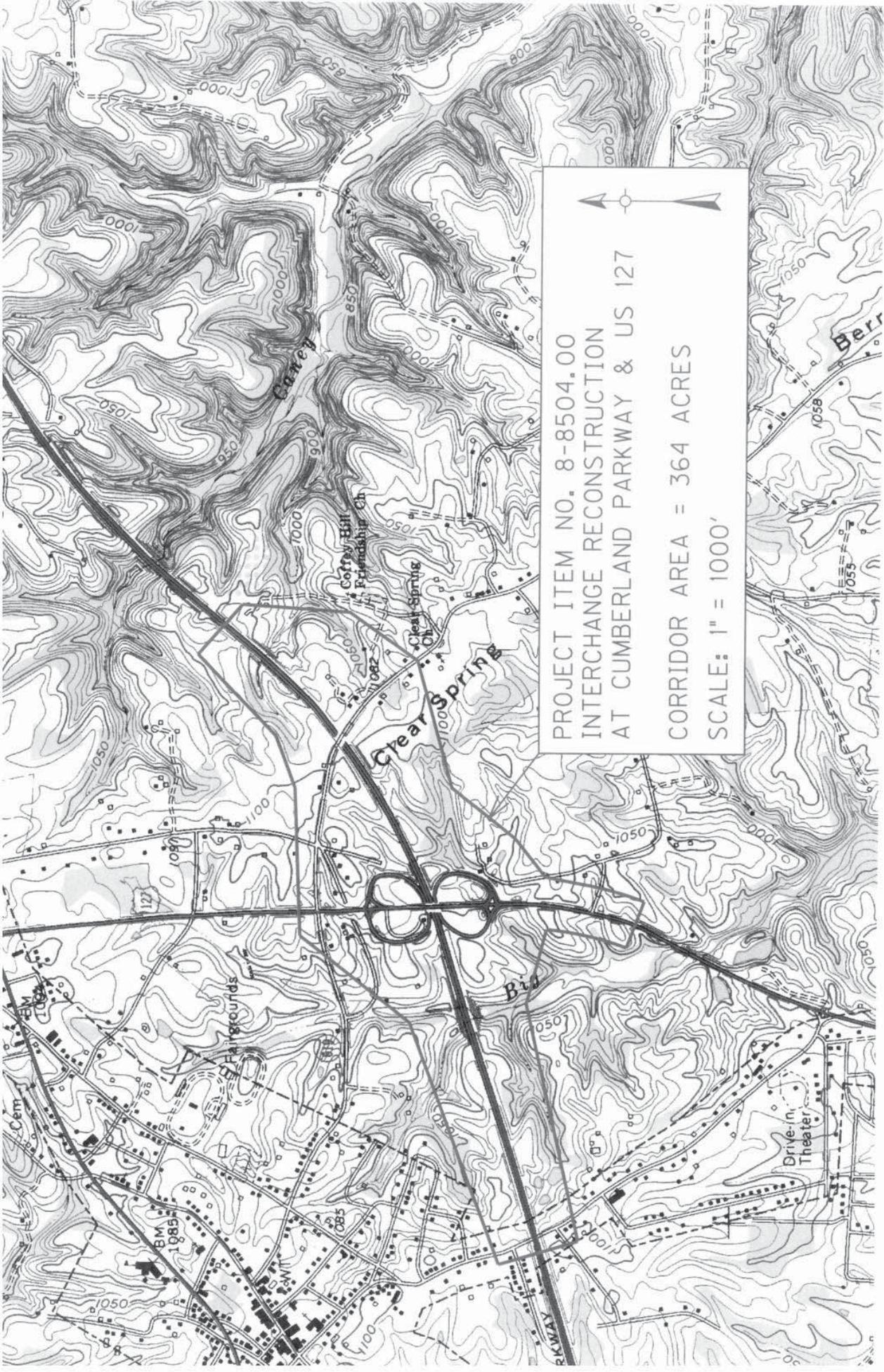
Following completion, route form to Ecology and Permitting Branch Manager, Division of Environmental Analysis

FOR DEA USE ONLY

Approved: _____
Date Signature

All appropriate entries to reflect use of the take have been entered into the Environmental Analysis Tracking System.

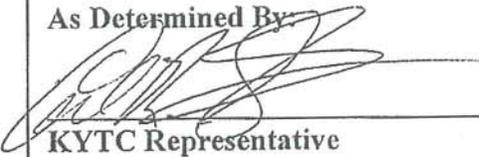
Reported to USFWS: _____
Date Signature



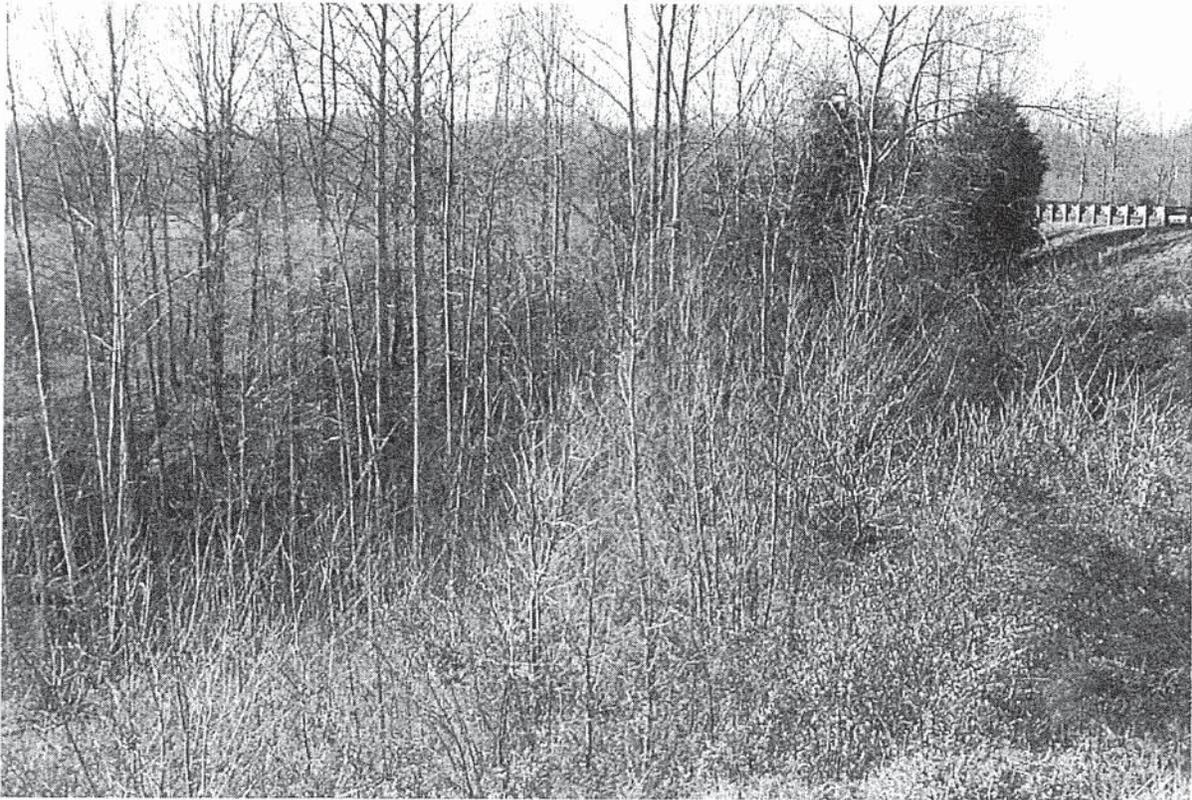
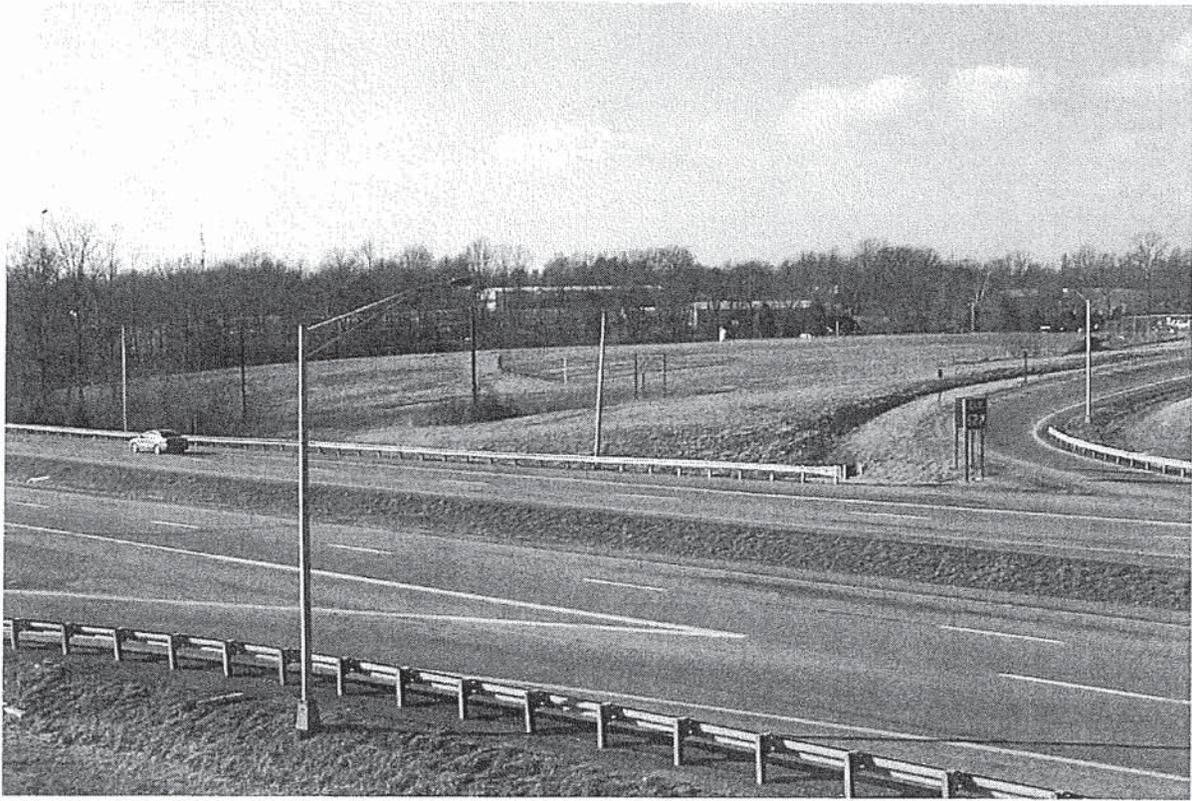
PROJECT ITEM NO. 8-8504.00
INTERCHANGE RECONSTRUCTION
AT CUMBERLAND PARKWAY & US 127
CORRIDOR AREA = 364 ACRES
SCALE: 1" = 1000'



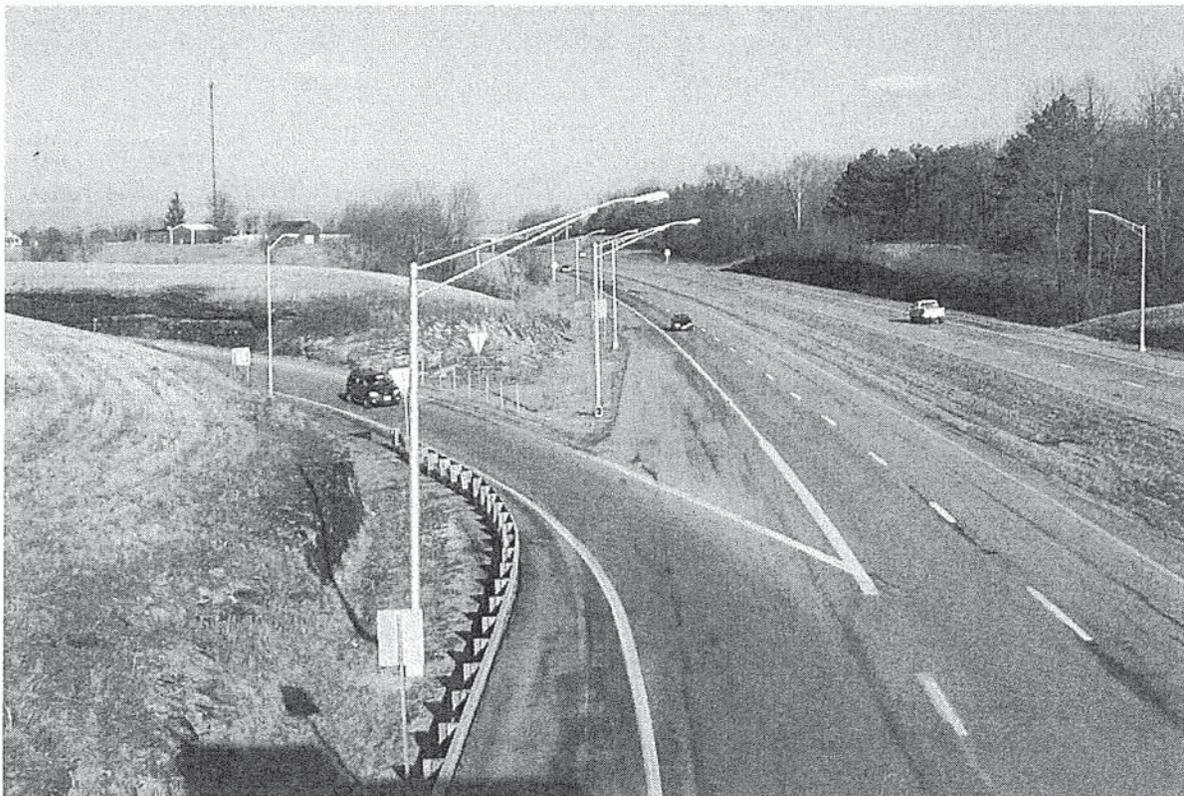
Version 1.0
June 3, 2010

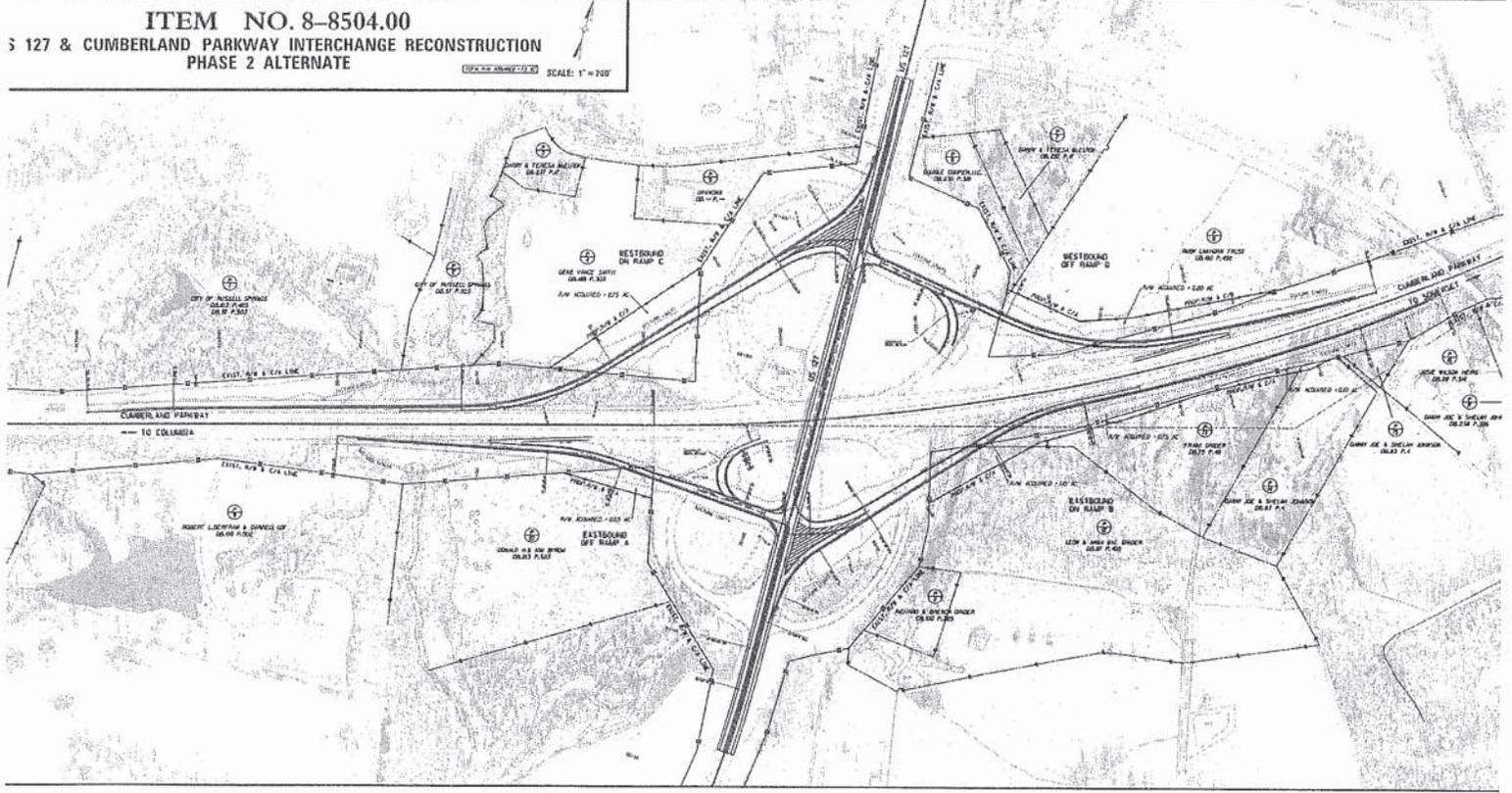
No Historic Properties Affected	
As Determined By	
	<u>5/22/2013</u>
KYTC Representative	Date
Attachments	
<input checked="" type="checkbox"/> Project Plans (show date on plans)	Concur No Effect on Historic Properties by <u>n. R. Hunt</u> Date <u>5/22/2013</u> Kentucky State Historic Preservation Office
<input checked="" type="checkbox"/> Photos	
<input type="checkbox"/> Mapping	
<input type="checkbox"/> Other: _____	
<input checked="" type="checkbox"/> Copy EPM	
<input checked="" type="checkbox"/> Copy DEC	
<input checked="" type="checkbox"/> Copy DEA Archaeologist	
<input checked="" type="checkbox"/> Copy SHPO	

If the project plans change then additional archaeological survey may be required. If human remains are discovered or a previously unidentified archaeological site is encountered, work must cease and the KYTC Division of Environmental Analysis be notified immediately.











STEVEN L. BESHEAR
GOVERNOR

**TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY HERITAGE COUNCIL**

MARCHETA SPARROW
SECRETARY

THE STATE HISTORIC PRESERVATION OFFICE
300 WASHINGTON STREET
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-7005
FAX (502) 564-5820
www.heritage.ky.gov

2012 DEC 14 09:02:11 A

LINDY CASEBIER
ACTING EXECUTIVE DIRECTOR AND
STATE HISTORIC PRESERVATION OFFICER

December 11, 2012

Mr. David M. Waldner, P.E.
Director, Division of Environmental Analysis
Kentucky Transportation Cabinet
200 Mero Street
Frankfort, KY 40622

Re: A Cultural Historic Survey for the Proposed Interchange Reconstruction at Cumberland Parkway and US 127, Russell County, Kentucky (Item No. 8-8504.00)

Dear Mr. Waldner:

The Kentucky Heritage Council, State Historic Preservation Office has received for review and comment the above referenced cultural historic survey report completed by CDM Smith, Inc. The survey identified seven (7) resources over 50 years of age, none of which are recommended as eligible for listing in the National Register of Historic Places (NRHP). We agree with the report's author that the following sites are not eligible for listing in the NRHP: RU-405, RU-408, RU-409, RU-410, RU-411, RU-599, and RU-600.

The undertaking as proposed will therefore have No Effect on Historic Properties. If you have questions regarding these comments, please contact Craig Potts of my staff at (502) 564-7005, extension 123.

Sincerely,

Lindy Casebier
Acting Executive Director and
State Historic Preservation Officer

KYTC BMP Plan for Contract ID #####



Kentucky Transportation Cabinet

Highway District 8

And

_____ **(2), Construction**

**Kentucky Pollutant Discharge Elimination System
Permit KYR10
Best Management Practices (BMP) plan**

Groundwater protection plan

For Highway Construction Activities

For

**INTERCHANGE RECONSTRUCTION
AT CUMBERLAND PARKWAY & US 127**

Contract ID #

Six Year Plan No. 8-8504.00

Revised
1-28-08

KYTC BMP Plan for Contract ID #####

Project Information

Note – (1) = Design (2) = Construction (3) = Contractor

1. Owner – Kentucky Transportation Cabinet, District 8
2. Resident Engineer: (2)
3. Contractor Name: (2)
 Address: (2)
 Phone number: (2)
 Contact: (2)
 Responsible Person: (3)
4. Contract ID Number: (2)
5. Route (Address): CUMBERLAND PARKWAY INTERCHANGE AT US 127
6. *Latitude/Longitude (project mid-point): 37°03'05"N, 85°04'12"W*
7. County (project mid-point): RUSSELL
8. Project start date (date work will begin): (2)
9. Projected completion date: (2)

KYTC BMP Plan for Contract ID #####

1.0 SITE DESCRIPTION.

- 1) Nature of construction activity (from letting project description). RECONSTRUCT INTERCHANGE RAMPS FROM US 127 ON THE CUMBERLAND PARKWAY.
- 2) Order of major soil disturbing activities. (2) and (3)
- 3) Projected volume of material to be moved. 188,558 CU YDS
- 4) Estimate of total project area (acres). 50 ACRES
- 5) Estimate of area to be disturbed (acres). 45 ACRES
- 6) Post construction runoff coefficient will be included in the project drainage folder. Persons needing information pertaining to the runoff coefficient will contact the resident engineer to request this information. (1)
- 7) Data describing existing soil condition. (1) & (2)
- 8) Data describing existing discharge water quality (if any). (1) & (2)
- 9) Receiving water name. BIG LILY CREEK
- 10) TMDLs and Pollutants of Concern in Receiving Waters. (1 DEA)
- 11) Site Map. Project layout sheet plus the erosion control sheets in the project plans that depict Disturbed Drainage Areas (DDAs) and related information. These sheets depict the existing project conditions with areas delineated by DDA (drainage area bounded by watershed breaks and right of way limits), the storm water discharge locations (either as a point discharge or as overland flow) and the areas that drain to each discharge point. These plans define the limits of areas to be disturbed and the location of control measures. Controls will be either site specific as designated by the designer or will be annotated by the contractor and resident engineer before disturbance commences. The project layout sheet shows the surface waters and wetlands.
- 12) Potential sources of pollutants. The primary source of pollutants is solids that are mobilized during storm events. Other sources of pollutants include oil/fuel/grease from servicing and operating construction equipment, concrete washout water, sanitary wastes and trash/debris. (3)

2.0 SEDIMENT AND EROSION CONTROL MEASURES.

2.1 Erosion Control Sheets. Plans for highway construction projects will include erosion control sheets that depict Disturbed Drainage Areas (DDAs) and related information. These plan sheets will show the existing project conditions with areas delineated by DDA within the right of way limits, the discharge points and the areas that drain to each discharge point. Project managers and designers will analyze the DDAs and identify Best Management Practices (BMPs) that are site specific. The balance of the BMPs for the project will be listed in the bid documents for selection and use by the contractor on the project with approval by the resident engineer.

Projects that do not have DDAs annotated on the erosion control sheets will employ the same concepts for development and managing BMP plans.

2.2 Annotations. Following award of the contract, the contractor and resident engineer will annotate the erosion control sheets showing location and type of BMPs for each of the DDAs that will be disturbed at the outset of the project. This annotation will be accompanied by

KYTC BMP Plan for Contract ID #####

an order of work that reflects the order or sequence of major soil moving activities. The remaining DDAs are to be designated as “Do Not Disturb” until the contractor and resident engineer prepare the plan for BMPs to be employed. The initial BMPs shall be for the first phase (generally Clearing and Grubbing) and shall be modified as needed as the project changes phases. The BMP Plan will be modified to reflect disturbance in additional DDA’s as the work progresses. All DDA’s will have adequate BMPs in place before being disturbed.

2.3 Disturbed Drainage Areas. As DDAs are prepared for construction, the following will be addressed for the project as a whole or for each DDA as appropriate:

- A) Construction Access.** This is the first land-disturbing activity. As soon as construction begins, bare areas will be stabilized with gravel and temporary mulch and/or vegetation.
- B) Sources.** At the beginning of the project, all DDAs for the project will be inspected for areas that are a source of storm water pollutants. Areas that are a source of pollutants will receive appropriate cover or BMPs to arrest the introduction of pollutants into storm water. Areas that have not been opened by the contractor will be inspected periodically (once per month) to determine if there is a need to employ BMPs to keep pollutants from entering storm water.
- C) Clearing and Grubbing.** The following BMPs will be considered and used where appropriate.
 - 1) Leaving areas undisturbed when possible.
 - 2) Silt Basins to provide silt volume for large areas.
 - 3) Silt Traps Type A for small areas.
 - 4) Silt Traps Type C in front of existing and drop inlets which are to be saved.
 - 5) Diversion ditches to catch sheet runoff and carry it to basins or traps or to divert it around areas to be disturbed.
 - 6) Brush and/or other barriers to slow and/or divert runoff.
 - 7) Silt fences to catch sheet runoff on short slopes. For longer slopes, multiple rows of silt fence may be considered.
 - 8) Temporary Mulch for areas which are not feasible for the fore mentioned types of protections.
 - 9) Non-standard or innovative methods.
- D) Cut and Fill and Placement of Drainage Structures.** The BMP Plan will be modified to show additional BMPs such as:
 - 1) Silt Traps Type B in ditches and/or drainways as they are completed.
 - 2) Silt Traps Type C in front of pipes after they are placed.
 - 3) Channel Lining
 - 4) Erosion Control Blanket
 - 5) Temporary Mulch and/or seeding for areas where construction activities will be ceased for 21 days or more.
 - 6) Non-standard or innovative methods.

KYTC BMP Plan for Contract ID #####

- E) Profile and X-Section in Place.** The BMP Plan will be modified to show elimination of BMPs which had to be removed and the addition of new BMPs as the roadway was shaped. Probably changes include:
- 1) Silt Trap Type A, Brush and/or other barriers, Temporary Mulch, and any other BMP which had to be removed for final grading to take place.
 - 2) Additional Silt Traps Type B and Type C to be placed as final drainage patterns are put in place.
 - 3) Additional Channel Lining and/or Erosion Control Blanket.
 - 4) Temporary Mulch for areas where Permanent Seeding and Protection cannot be done within 21 days.
 - 5) Special BMPs such as Karst Policy.
- F) Finish Work (Paving, Seeding, Protect, etc.).** A final BMP Plan will result from modifications during this phase of construction. Probable changes include:
- 1) Removal of Silt Traps Type B from ditches and drainways if they are protected with other BMPs which are sufficient to control erosion, i.e. Erosion Control Blanket or Permanent Seeding and Protection on moderate grades.
 - 2) Permanent Seeding and Protection.
 - 3) Placing Sod.
 - 4) Planting trees and/or shrubs where they are included in the project.
- G) Post Construction.** BMPs including Storm Water Management Devices such as velocity dissipation devices and Karst policy BMPs to be installed during construction to control the pollutants in storm water discharges that will occur after construction has been completed are: (1)

3.0 OTHER CONTROL MEASURES.

- 1) Solid Materials. No solid materials, including building materials, shall be discharged to waters of the commonwealth, except as authorized by a Section 404 permit.
- 2) Waste Materials. All waste materials that may leach pollutants (paint and paint containers, caulk tubes, oil/grease containers, liquids of any kind, soluble materials, etc.) will be collected and stored in appropriate covered waste containers. Waste containers shall be removed from the project site on a sufficiently frequent basis as to not allow wastes to become a source of pollution. All personnel will be instructed regarding the correct procedure for waste disposal. Wastes will be disposed in accordance with appropriate regulations. Notices stating these practices will be posted in the office.
- 3) Hazardous Waste. All hazardous waste materials will be managed and disposed of in the manner specified by local or state regulation. The contractor shall notify the

KYTC BMP Plan for Contract ID

Resident Engineer if there are any hazardous wastes being generated at the project site and how these wastes are being managed. Site personnel will be instructed with regard to proper storage and handling of hazardous wastes when required. The Transportation Cabinet will file for generator, registration when appropriate, with the Division of Waste Management and advise the contractor regarding waste management requirements.

- 4) Spill Prevention. The following material management practices will be used to reduce the risk of spills or other exposure of materials and substances to the weather and/or runoff.

2.4 Good Housekeeping. The following good housekeeping practices will be followed onsite during the construction project.

- 1) An effort will be made to store only enough product required to do the job.
- 2) All materials stored onsite will be stored in a neat, orderly manner in their appropriate containers and, if possible, under a roof or other enclosure.
- 3) Products will be kept in their original containers with the original manufacturer's label.
- 4) Substances will not be mixed with one another unless recommended by the manufacturer.
- 5) Whenever possible, all of the product will be used up before disposing of the container.
- 6) Manufacturers' recommendations for proper use and disposal will be followed
- 7) The site contractor will inspect daily to ensure proper use and disposal of materials onsite.

2.5 Hazardous Products. These practices will be used to reduce the risks associated with any and all hazardous materials.

- 1) Products will be kept in original containers unless they are not re-sealable.
- 2) Original labels and material safety data sheets (MSDS) will be reviewed and retained
- 3) Contractor will follow procedures recommended by the manufacturer when handling hazardous materials.
- 4) If surplus product must be disposed of, manufacturers' or state/local recommended methods for proper disposal will be followed.

2.6 The following product-specific practices will be followed onsite:

- A) **Petroleum Products.** Vehicles and equipment that are fueled and maintained on site will be monitored for leaks, and receive regular preventative maintenance to reduce the chance of leakage. Petroleum products onsite will be stored in tightly sealed containers, which are clearly labeled and will be protected from exposure to weather.

The contractor shall prepare an Oil Pollution Spill Prevention Control and Countermeasure plan when the project that involves the storage of petroleum products in 55 gallon or larger containers with a total combined storage capacity of 1,320 gallons. This is a requirement of 40 CFR 112.

KYTC BMP Plan for Contract ID #####

This project (will / will not) (3) have over 1,320 gallons of petroleum products with a total capacity, sum of all containers 55 gallon capacity and larger.

- B) Fertilizers.** Fertilizers will be applied at rates prescribed by the contract, standard specifications or as directed by the resident engineer. Once applied, fertilizer will be covered with mulch or blankets or worked into the soil to limit exposure to storm water. Storage will be in a covered shed. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.
- C) Paints.** All containers will be tightly sealed and stored indoors or under roof when not being used. Excess paint or paint wash water will not be discharged to the drainage or storm sewer system but will be properly disposed of according to manufacturers' instructions or state and local regulations.
- D) Concrete Truck Washout.** Concrete truck mixers and chutes will not be washed on pavement, near storm drain inlets, or within 75 feet of any ditch, stream, wetland, lake, or sinkhole. Where possible, excess concrete and wash water will be discharged to areas prepared for pouring new concrete, flat areas to be paved that are away from ditches or drainage system features, or other locations that will not drain off site. Where this approach is not possible, a shallow earthen wash basin will be excavated away from ditches to receive the wash water
- E) Spill Control Practices.** In addition to the good housekeeping and material management practices discussed in the previous sections of this plan, the following practices will be followed for spill prevention and cleanup:
 - 1) Manufacturers' recommended methods for spill cleanup will be clearly posted. All personnel will be made aware of procedures and the location of the information and cleanup supplies.
 - 2) Materials and equipment necessary for spill cleanup will be kept in the material storage area. Equipment and materials will include as appropriate, brooms, dust pans, mops, rags, gloves, oil absorbents, sand, sawdust, and plastic and metal trash containers.
 - 3) All spills will be cleaned up immediately after discovery.
 - 4) The spill area will be kept well ventilated and personnel will wear appropriate protective clothing to prevent injury from contact with a hazardous substance.
 - 5) Spills of toxic or hazardous material will be reported to the appropriate state/local agency as required by KRS 224 and applicable federal law.
 - 6) The spill prevention plan will be adjusted as needed to prevent spills from reoccurring and improve spill response and cleanup.
 - 7) Spills of products will be cleaned up promptly. Wastes from spill clean up will be disposed in accordance with appropriate regulations.

4.0 OTHER STATE AND LOCAL PLANS. This BMP plan shall include any requirements specified in sediment and erosion control plans, storm water management plans or permits that have been approved by other state or local officials. Upon submittal of the NOI, other requirements for surface water protection are incorporated by reference into and are enforceable under this permit (even if they are not specifically included in this BMP plan). This provision does not apply to master or comprehensive plans, non-enforceable guidelines or

KYTC BMP Plan for Contract ID

technical guidance documents that are not identified in a specific plan or permit issued for the construction site by state or local officials. (1)

5.0 MAINTENANCE. The BMP plan shall include a clear description of the maintenance procedures necessary to keep the control measures in good and effective operating condition.

Maintenance of BMPs during construction shall be a result of weekly and post rain event inspections with action being taken by the contractor to correct deficiencies.

Post Construction maintenance will be a function of normal highway maintenance operations. Following final project acceptance by the cabinet, district highway crews will be responsible for identification and correction of deficiencies regarding ground cover and cleaning of storm water BMPs. The project manager shall identify any BMPs that will be for the purpose of post construction storm water management with specific guidance for any non-routine maintenance. (1)

6.0 INSPECTIONS. Inspection and maintenance practices that will be used to maintain erosion and sediment controls:

- 1) All erosion prevention and sediment control measures will be inspected by the contractor at least once each week and following any rain of one-half inch or more.
- 2) Inspections will be conducted by individuals that have received KYTC Grade Level II training or other qualification as prescribed by the cabinet that includes instruction concerning sediment and erosion control.
- 3) Inspection reports will be written, signed, dated, and kept on file.
- 4) Areas at final grade will be seeded and mulched within 14 days.
- 5) Areas that are not at final grade where construction has ceased for a period of 21 days or longer and soil stock piles shall receive temporary mulch no later than 14 days from the last construction activity in that area.
- 6) All measures will be maintained in good working order; if a repair is necessary, it will be initiated within 24 hours of being reported and completed within 5 days.
- 7) Built-up sediment will be removed from behind the silt fence before it has reached halfway up the height of the fence.
- 8) Silt fences will be inspected for bypassing, overtopping, undercutting, depth of sediment, tears, and to ensure attachment to secure posts.
- 9) Sediment basins will be inspected for depth of sediment, and built-up sediment will be removed when it reaches 70 percent of the design capacity and at the end of the job.
- 10) Diversion dikes and berms will be inspected and any breaches promptly repaired. Areas that are eroding or scouring will be repaired and re-seeded / mulched as needed.
- 11) Temporary and permanent seeding and mulching will be inspected for bare spots, washouts, and healthy growth. Bare or eroded areas will be repaired as needed.
- 12) All material storage and equipment servicing areas that involve the management of bulk liquids, fuels, and bulk solids will be inspected weekly for conditions that represent a release or possible release of pollutants to the environment.

KYTC BMP Plan for Contract ID #####

7.0 NON-STORM WATER DISCHARGES. It is expected that non-storm water discharges may occur from the site during the construction period. Examples of non-storm water discharges include:

- 1) Water from water line flushings.
- 2) Water from cleaning concrete trucks and equipment.
- 3) Pavement wash waters (where no spills or leaks of toxic or hazardous materials have occurred).
- 4) Uncontaminated groundwater and rain water (from dewatering during excavation).

All non-storm water discharges will be directed to the sediment basin or to a filter fence enclosure in a flat vegetated infiltration area or be filtered via another approved commercial product.

8.0 GROUNDWATER PROTECTION PLAN.

This plan serves as the groundwater protection plan as required by 401 KAR 5:037.

Contractor's statement: (3)

The following activities, as enumerated by 401 KAR 5:037 Section 2. (2) requiring the preparation and implementation of a groundwater protection plan, will or may be may be conducted as part of this construction project:

_____ (e) Land treatment or land disposal of a pollutant;

_____ (f) Storing, treating, disposing, or related handling of hazardous waste, solid waste or special waste, or special waste in landfills, incinerators, surface impoundments, tanks, drums, or other containers, or in piles, (This does not include wastes managed in a container placed for collection and removal of municipal solid waste for disposal off site);

_____ (g) Handling of materials in bulk quantities (equal or greater than 55 gallons or 100 pounds net dry weight transported held in an individual container) that, if released to the environment, would be a pollutant;

_____ (j) Storing or related handling of road oils, dust suppressants, or deicing agents at a central location;

_____ (k) Application or related handling of road oils, dust suppressants or deicing materials, (does not include use of chloride-based deicing materials applied to roads or parking lots);

_____ (m) Installation, construction, operation, or abandonment of wells, bore holes, or core holes, (this does not include bore holes for the purpose of explosive demolition);

Or, check the following only if there are no qualifying activities

KYTC BMP Plan for Contract ID #####

_____ There are no activities for this project as listed in 401 KAR 5:037 Section 2 that require the preparation and implementation of a groundwater protection plan.

The contractor is responsible for the preparation of a plan that addresses the 401 KAR 5:037 Section 3. (3) Elements of site specific groundwater protection plan:

- (a) General information about this project is covered in the Project information;
- (b) Activities that require a groundwater protection plan have been identified above;
- (c) Practices that will protect groundwater from pollution are addressed in section C. Other control measures.
- (d) Implementation schedule – all practices required to prevent pollution of groundwater are to be in place prior to conducting the activity;
- (e) Training is required as a part of the ground water protection plan. All employees of the contractor, sub-contractor and resident engineer personnel will be trained to understand the nature and requirements of this plan as they pertain to their job function(s). Training will be accomplished within one week of employment and annually thereafter. A record of training will be maintained by the contractor with a copy provide to the resident engineer.
- (f) Areas of the project and groundwater plan activities will be inspected as part of the weekly sediment and erosion control inspections
- (g) Certification (see signature page.)

KYTC BMP Plan for Contract ID #####

Contractor and Resident Engineer Plan Certification

The contractor that is responsible for implementing this BMP plan is identified in the Project Information section of this plan.

The following certification applies to all parties that are signatory to this BMP plan:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. Further, this plan complies with the requirements of 401 KAR 5:037. By this certification, the undersigned state that the individuals signing the plan have reviewed the terms of the plan and will implement its provisions as they pertain to ground water protection.

Contractor and Resident Engineer Certification:

(3)
Signed _____ title _____ , _____
typed or printed name¹ signature

(2)
Signed _____ title _____ , _____
typed or printed name² signature

1. *Contractors Note: to be signed by a person who is the owner, a responsible corporate officer, a general partner or the proprietor or a person designated to have the authority to sign reports by such a person in accordance with 401 KAR 5:060 Section 9. This delegation shall be in writing to: Manager, KPDES Branch, Division of Water, 14 Reilly Road, Frankfort Kentucky 40601. Reference the Contract ID number and KPDES number when one has been issued.*
2. *KYTC Note: to be signed by the Chief District Engineer or a person designated to have the authority to sign reports by such a person (usually the resident engineer) in accordance with 401 KAR 5:060 Section 9. This delegation shall be in writing to: Manager, KPDES Branch, Division of Water, 14 Reilly Road, Frankfort Kentucky 40601 Reference the Contract ID number and KPDES number when one has been issued.*

KYTC BMP Plan for Contract ID #####

Sub-Contractor Certification

The following sub-contractor shall be made aware of the BMP plan and responsible for implementation of BMPs identified in this plan as follows:

Subcontractor Name:

Address:

Phone:

The part of BMP plan this subcontractor is responsible to implement is:

I certify under penalty of law that I understand the terms and conditions of the general Kentucky Pollutant Discharge Elimination System permit that authorizes the storm water discharges, the BMP plan that has been developed to manage the quality of water to be discharged as a result of storm events associated with the construction site activity and management of non-storm water pollutant sources identified as part of this certification.

Signed _____ title _____ , _____
typed or printed name *signature*

- 1. Sub Contractor Note: To be signed by a person who is the owner, a responsible corporate officer, a general partner or the proprietor or a person designated to have the authority to sign reports by such a person in accordance with 401 KAR 5:060 Section 9. This delegation shall be in writing to: Manager, KPDES Branch, Division of Water, 14 Reilly Road, Frankfort Kentucky 40601. Reference the Contract ID number and KPDES number when one has been issued.*

Special Note For: Erosion Prevention and Sediment Control Item No. 08 – 8504.00 – Russell County

The Contractor shall be responsible for filing the Kentucky Pollution Discharge Elimination System (KPDES) KYR10 permit Notice of Intent (NOI) with the Kentucky Division of Water (DOW) and any KPDES local Municipal Separate Storm Sewer System (MS4) program that has jurisdiction. The NOI shall name the contractor as the Facility Operator and include the KYTC Contract ID Number (CID) for reference.

The Contractor shall perform all temporary erosion/sediment control functions including: providing a Best Management Practice (BMP) Plan, conducting required inspections, modifying the BMP plan documents as construction progresses and documenting the installation and maintenance of BMPs in conformance with the KPDES KYR10 permit effective on August 1, 2009 or a permit re-issued to replace that KYR10 permit. This work shall be conducted in conformance with the requirements of Section 213 of KYTC 2008 Department of Highways, Standard Specifications for Road and Bridge Construction.

Contrary to Section 213.03.03, paragraph 2, the Engineer shall conduct inspections as needed to verify compliance with Section 213 of KYTC 2008 Department of Highways, Standard Specifications for Road and Bridge Construction. The Engineer's inspections shall be performed a minimum of once per month and within seven days after a storm of ½ inch or greater. Copies of the Engineer's inspections shall not be provided to the contractor unless improvements to the BMP's are required. The contractor shall initiate corrective action within 24 hours of any reported deficiency and complete the work within 5 days. The Engineer shall use Form TC 63-61 A for this report. Inspections performed by the Engineer do not relieve the Contractor of any responsibility for compliance with the KPDES permit.

Contrary to Section 213.05, bid items for temporary BMPs will not be listed and will be replaced with one lump sum item for the services. Payment will be pro-rated based on the Project Schedule as submitted by the Contractor and as agreed to by the Engineer.

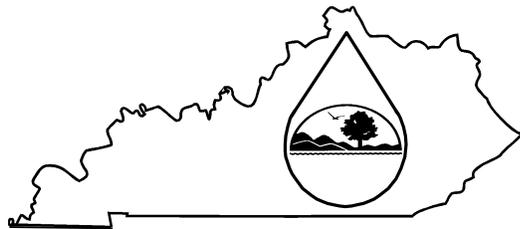
The contractor shall be responsible for applying "good engineering practices" as required by the KPDES permit. The contractor may use any temporary BMPs with the approval of the KYTC Engineer.

The contractor shall provide the Engineer copies of all documents required by the KPDES permit at the time they are prepared.

The contractor shall be responsible for the examination of the soils to be encountered and make his own independent determination of the temporary BMPs that will be required to accomplish effective erosion prevention and sediment control.

The Contractor shall be responsible for filing the KPDES permit Notice of Termination (NOT) with the Kentucky DOW and any local MS4 program that has jurisdiction. The NOT shall be filed after the Engineer agrees that the project is stabilized or the project has been formally accepted.

KPDES FORM NOI-SW



Kentucky Pollutant Discharge Elimination System
(KPDES)
Notice of Intent (NOI)
for Storm Water Discharges
Associated with Industrial Activity Under the
KPDES General Permit

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form intends to be authorized by a KPDES permit issued for storm water discharges associated with industrial activity. Becoming a permittee obligates such discharger to comply with the terms and conditions of the permit.

ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM (See Instructions on back)

I. Facility Operator Information

Name:	KYTC DISTRICT 8	Phone:	(606) 677-4017
Address:	P.O. BOX 780	Status of Owner/Operator:	S
City, State, Zip Code:	SOMERSET, KY 42502		

II. Facility/Site Location Information

Name:	INTERCHANGE RECONSTRUCTION AT CUMBERLAND PARKWAY & US 127 ITEM NO. 8-8504.00		
Address:	CUMBERLAND PARKWAY INTERCHANGE AT US 127		
City, State, Zip Code:	RUSSELL SPRINGS, KY 42642		
County:	RUSSELL		
Site Latitude: (degrees/minutes/seconds)	37°03'05"N	Site Longitude: (degrees/minutes/seconds)	85°04'12"W

III. Site Activity Information

MS4 Operator Name:							
Receiving Water Body:	BIG LILY CREEK						
Are there existing quantitative data?	Yes <input type="checkbox"/> If Yes, submit with this form. No <input checked="" type="checkbox"/>						
SIC or Designated Activity Code Primary	1611	2nd	1622	3rd		4th	
If this facility is a member of a Group Application, enter Group Application Number:							
If you have other existing KPDES Permits, enter Permit Numbers:							

IV. Additional Information Required FOR CONSTRUCTION ACTIVITIES ONLY

Project Start Date:		Completion Date:	
Estimated Area to be disturbed (in acres):	45		
Is the Storm Water Pollution Prevention Plan in Compliance with State and/or Local Sediment and Erosion Plans?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

V. Certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed or Typed Name:	BRIAN DUNBAR		

Signature:	Date:	
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**Kentucky Pollutant Discharge Elimination System (KPDES)
Instructions
Notice of Intent (NOI) for Storm Water Discharges Associated with Industrial Activity
To Be Covered Under The KPDES General Permit**

WHO MUST FILE A NOTICE OF INTENT (NOI) FORM

Federal law at 40 CFR Part 122 prohibits point source discharges of stormwater associated with industrial activity to a water body of the Commonwealth of Kentucky without a Kentucky Pollutant Discharge Elimination System (KPDES) permit. The operator of an industrial activity that has such a storm water discharge must submit a NOI to obtain coverage under the KPDES Storm Water General Permit. If you have questions about whether you need a permit under the KPDES Storm Water program, or if you need information as to whether a particular program is administered by the state agency, call the **Storm Water Contact, Industrial Section, Kentucky Division of Water at (502) 564-3410.**

WHERE TO FILE NOI FORM

NOIs must be sent to the following address:

**Section Supervisor
Inventory & Data Management Section
KPDES Branch, Division of Water
Frankfort Office Park
14 Reilly Road
Frankfort, KY 40601**

COMPLETING THE FORM

Type or print legibly in the appropriate areas only. If you have any questions regarding the completion of this form call the **Storm Water Contact, Industrial Section, at (502) 564-3410.**

SECTION I - FACILITY OPERATOR INFORMATION

Give the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same as the name of the facility. The responsible party is the legal entity that controls the facility's operation, rather than the plant or site manager. Do not use a colloquial name. Enter the complete address and telephone number of the operator.

Enter the appropriate letter to indicate the legal status of the operator of the facility.

F = Federal M = Public (other than federal or state)
S = State P = Private

SECTION II - FACILITY/SITE LOCATION INFORMATION

Enter the facility's or site's official or legal name and complete street address, including city, state, and ZIP code.

SECTION III - SITE ACTIVITY INFORMATION

If the storm water discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., municipality name, county name) and the receiving water of the discharge from the MS4. (A MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by a state, city, town, borough, county, parish, district, association, or other public body which is designed or used for collecting or conveying storm water.)

If the facility discharges storm water directly to receiving water(s), enter the name of the receiving water.

Indicate whether or not the owner or operator of the facility has existing quantitative data that represent the characteristics and concentration of pollutants in storm water discharges. If data is available submit with this form.

List, in descending order of significance, up to four 4-digit standard industrial classification (SIC) codes that best describe the principal products or services provided at the facility or site identified in Section II of this application.

If the facility listed in Section II has participated in Part 1 of an approved storm water group application and a group number has been assigned, enter the group application number in the space provided.

If there are other KPDES permits presently issued for the facility or site listed in Section II, list the permit numbers.

SECTION IV - ADDITIONAL INFORMATION REQUIRED FOR CONSTRUCTION ACTIVITIES ONLY

Construction activities must complete Section IV in addition of Sections I through III. Only construction activities need to complete Section IV.

Enter the project start date and the estimated completion date for the entire development plan.

Provide an estimate of the total number of acres of the site on which soil will be disturbed (round to the nearest acre).

Indicate whether the storm water pollution prevention plan for the site is in compliance with approved state and/or local sediment and erosion plans, permits, or storm water management plans.

SECTION V - CERTIFICATION

Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

PART II
SPECIFICATIONS AND STANDARD DRAWINGS

SPECIFICATIONS REFERENCE

Any reference in the plans or proposal to previous editions of the *Standard Specifications for Road and Bridge Construction* and *Standard Drawings* are superseded by *Standard Specifications for Road and Bridge Construction, Edition of 2012* and *Standard Drawings, Edition of 2012 with the 2012 Revision*.

**Supplemental Specifications to the
Standard Specifications for Road and Bridge Construction, 2012 Edition
Effective with the January 24, 2014 Letting**

Subsection:	108.03 Preconstruction Conference.
Revision:	Replace 8) Staking with the following: 8) Staking (designated by a Professional Engineer or Land Surveyor licensed in the Commonwealth of Kentucky.
Subsection:	109.07.02 Fuel.
Revision:	Revise item Crushed Aggregate Used for Embankment Stabilization to the following: Crushed Aggregate Used for Stabilization of Unsuitable Materials Used for Embankment Stabilization
Subsection:	110.02 Demobilization.
Revision:	Replace the first part of the first sentence of the second paragraph with the following: Perform all work and operations necessary to accomplish final clean-up as specified in the first paragraph of Subsection 105.12;
Subsection:	112.03.12 Project Traffic Coordinator (PTC).
Revision:	Replace the last paragraph of this subsection with the following: Ensure the designated PTC has sufficient skill and experience to properly perform the task assigned and has successfully completed the qualification courses.
Subsection:	112.04.18 Diversions (By-Pass Detours).
Revision:	Insert the following sentence after the 2nd sentence of this subsection. The Department will not measure temporary drainage structures for payment when the contract documents provide the required drainage opening that must be maintained with the diversion. The temporary drainage structures shall be incidental to the construction of the diversion. If the contract documents fail to provide the required drainage opening needed for the diversion, the cost of the temporary drainage structure will be handled as extra work in accordance with section 109.04.
Subsection:	201.03.01 Contractor Staking.
Revision:	Replace the first paragraph with the following: Perform all necessary surveying under the general supervision of a Professional Engineer or Land Surveyor licensed in the Commonwealth of Kentucky.
Subsection:	201.04.01 Contractor Staking.
Revision:	Replace the last sentence of the paragraph with the following: Complete the general layout of the project under the supervision of a Professional Engineer or Land Surveyor licensed in the Commonwealth of Kentucky.
Subsection:	206.04.01 Embankment-in-Place.
Revision:	Replace the fourth paragraph with the following: The Department will not measure suitable excavation included in the original plans that is disposed of for payment and will consider it incidental to Embankment-in-Place.
Subsection:	208.02.01 Cement.
Revision:	Replace paragraph with the following: Select Type I or Type II cement conforming to Section 801. Use the same type cement throughout the work.

**Supplemental Specifications to the
Standard Specifications for Road and Bridge Construction, 2012 Edition
Effective with the January 24, 2014 Letting**

<p>Subsection: Revision:</p>	<p>208.03.06 Curing and Protection. Replace the fourth paragraph with the following: Do not allow traffic or equipment on the finished surface until the stabilized subgrade has cured for a total of 7-days with an ambient air temperature above 40 degrees Fahrenheit. A curing day consists of a continuous 24-hour period in which the ambient air temperature does not fall below 40 degrees Fahrenheit. Curing days will not be calculated consecutively, but must total seven (7) , 24-hour days with the ambient air temperature remaining at or above 40 degrees Fahrenheit before traffic or equipment will be allowed to traverse the stabilized subgrade. The Department may allow a shortened curing period when the Contractor requests. The Contractor shall give the Department at least 3 day notice of the request for a shortened curing period. The Department will require a minimum of 3 curing days after final compaction. The Contractor shall furnish cores to the treated depth of the roadbed at 500 feet intervals for each lane when a shortened curing time is requested. The Department will test cores using an unconfined compression test. Roadbed cores must achieve a minimum strength requirement of 80 psi.</p>
<p>Subsection: Revision:</p>	<p>208.03.06 Curing and Protection. Replace paragraph nine with the following: At no expense to the Department, repair any damage to the subgrade caused by freezing.</p>
<p>Subsection: Part: Revision:</p>	<p>212.03.03 Permanent Seeding and Protection. A) Seed Mixtures for Permanent Seeding. Revise Seed Mix Type I to the mixture shown below: 50% Kentucky 31 Tall Fescue (Festuca arundinacea) 35% Hard Fescue (Festuca (Festuca longifolia) 10% Ryegrass, Perennial (Lolium perenne) 5% White Dutch Clover (Trifolium repens)</p>
<p>Subsection: Part: Number: Revision:</p>	<p>212.03.03 Permanent Seeding and Protection. A) Seed Mixtures for Permanent Seeding. 2) Replace the paragraph with the following: Permanent Seeding on Slopes Greater than 3:1 in Highway Districts 4, 5, 6, and 7. Apply seed mix Type II at a minimum application rate of 100 pounds per acre. If adjacent to a golf course replace the crown vetch with Kentucky 31 Tall Fescue.</p>
<p>Subsection: Part: Number: Revision:</p>	<p>212.03.03 Permanent Seeding and Protection. A) Seed Mixtures for Permanent Seeding. 3) Replace the paragraph with the following: Permanent Seeding on Slopes Greater than 3:1 in Highway Districts 1, 2, 3, 8, 9, 10, 11, and 12. Apply seed mix Type III at a minimum application rate of 100 pounds per acre. If adjacent to crop land or golf course, replace the Sericea Lespedeza with Kentucky 31 Fescue.</p>
<p>Subsection: Part: Revision:</p>	<p>212.03.03 Permanent Seeding and Protection. B) Procedures for Permanent Seeding. Delete the first sentence of the section.</p>

**Supplemental Specifications to the
Standard Specifications for Road and Bridge Construction, 2012 Edition
Effective with the January 24, 2014 Letting**

Subsection:	212.03.03 Permanent Seeding and Protection.												
Part:	B) Procedures for Permanent Seeding.												
Revision:	Replace the second and third sentence of the section with the following: Prepare a seedbed and apply an initial fertilizer that contains a minimum of 100 pounds of nitrogen, 100 pounds of phosphate, and 100 pounds of potash per acre. Apply agricultural limestone to the seedbed when the Engineer determines it is needed. When required, place agricultural limestone at a rate of 3 tons per acre.												
Subsection:	212.03.03 Permanent Seeding and Protection.												
Part:	D) Top Dressing.												
Revision:	Change the title of part to D) Fertilizer.												
Subsection:	212.03.03 Permanent Seeding and Protection.												
Part:	D) Fertilizer.												
Revision:	Replace the first paragraph with the following: Apply fertilizer at the beginning of the seeding operation and after vegetation is established. Use fertilizer delivered to the project in bags or bulk. Apply initial fertilizer to all areas prior to the seeding or sodding operation at the application rate specified in 212.03.03 B). Apply 20-10-10 fertilizer to the areas after vegetation has been established at a rate of 11.5 pounds per 1,000 square feet. Obtain approval from the Engineer prior to the 2nd fertilizer application. Reapply fertilizer to any area that has a streaked appearance. The reapplication shall be at no additional cost to the Department. Re-establish any vegetation severely damaged or destroyed because of an excessive application of fertilizer at no cost to the Department.												
Subsection:	212.03.03 Permanent Seeding and Protection.												
Part:	D) Fertilizer.												
Revision:	Delete the second paragraph.												
Subsection:	212.04.04 Agricultural Limestone.												
Revision:	Replace the entire section with the following: The Department will measure the quantity of agricultural limestone in tons.												
Subsection:	212.04.05 Fertilizer.												
Revision:	Replace the entire section with the following: The Department will measure fertilizer used in the seeding or sodding operations for payment. The Department will measure the quantity by tons.												
Subsection:	212.05 PAYMENT.												
Revision:	Delete the following item code:												
	<table border="1"> <thead> <tr> <th><u>Code</u></th> <th><u>Pay Item</u></th> <th><u>Pay Unit</u></th> </tr> </thead> <tbody> <tr> <td>05966</td> <td>Topdressing Fertilizer</td> <td>Ton</td> </tr> </tbody> </table>	<u>Code</u>	<u>Pay Item</u>	<u>Pay Unit</u>	05966	Topdressing Fertilizer	Ton						
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05966	Topdressing Fertilizer	Ton											
Subsection:	212.05 PAYMENT.												
Revision:	Add the following pay items:												
	<table border="1"> <thead> <tr> <th><u>Code</u></th> <th><u>Pay Item</u></th> <th><u>Pay Unit</u></th> </tr> </thead> <tbody> <tr> <td>05963</td> <td>Initial Fertilizer</td> <td>Ton</td> </tr> <tr> <td>05964</td> <td>20-10-10 Fertilizer</td> <td>Ton</td> </tr> <tr> <td>05992</td> <td>Agricultural Limestone</td> <td>Ton</td> </tr> </tbody> </table>	<u>Code</u>	<u>Pay Item</u>	<u>Pay Unit</u>	05963	Initial Fertilizer	Ton	05964	20-10-10 Fertilizer	Ton	05992	Agricultural Limestone	Ton
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05963	Initial Fertilizer	Ton											
05964	20-10-10 Fertilizer	Ton											
05992	Agricultural Limestone	Ton											

**Supplemental Specifications to the
Standard Specifications for Road and Bridge Construction, 2012 Edition
Effective with the January 24, 2014 Letting**

Subsection:	213.03.02 Progress Requirements.
Revision:	Replace the last sentence of the third paragraph with the following: Additionally, the Department will apply a penalty equal to the liquidated damages when all aspects of the work are not coordinated in an acceptable manner within 7 calendar days after written notification.
Subsection:	213.03.05 Temporary Control Measures.
Part:	E) Temporary Seeding and Protection.
Revision:	Delete the second sentence of the first paragraph.
Subsection:	304.02.01 Physical Properties.
Table:	Required Geogrid Properties
Revision:	Replace all references to Test Method "GRI-GG2-87" with ASTM D 7737.
Subsection:	402.03.02 Contractor Quality Control and Department Acceptance.
Part:	B) Sampling.
Revision:	Replace the second sentence with the following: The Department will determine when to obtain the quality control samples using the random-number feature of the mix design submittal and approval spreadsheet. The Department will randomly determine when to obtain the verification samples required in Subsections 402.03.03 and 402.03.04 using the Asphalt Mixture Sample Random Tonnage Generator.
Subsection:	402.03.02 Contractor Quality Control and Department Acceptance.
Part:	D) Testing Responsibilities.
Number:	3) VMA.
Revision:	Add the following paragraph below Number 3) VMA: Retain the AV/VMA specimens and one additional corresponding G_{mm} sample for 5 working days for mixture verification testing by the Department. For Specialty Mixtures, retain a mixture sample for 5 working days for mixture verification testing by the Department. When the Department's test results do not verify that the Contractor's quality control test results are within the acceptable tolerances according to Subsection 402.03.03, retain the samples and specimens from the affected subplot(s) for the duration of the project.
Subsection:	402.03.02 Contractor Quality Control and Department Acceptance.
Part:	D) Testing Responsibilities.
Number:	4) Density.
Revision:	Replace the second sentence of the Option A paragraph with the following: Perform coring by the end of the following work day.
Subsection:	402.03.02 Contractor Quality Control and Department Acceptance.
Part:	D) Testing Responsibilities.
Number:	5) Gradation.
Revision:	Delete the second paragraph.
Subsection:	402.03.02 Contractor Quality Control and Department Acceptance.
Part:	H) Unsatisfactory Work.
Number:	1) Based on Lab Data.
Revision:	Replace the second paragraph with the following: When the Engineer determines that safety concerns or other considerations prohibit an immediate shutdown, continue work and the Department will make an evaluation of acceptability according to Subsection 402.03.05.

**Supplemental Specifications to the
Standard Specifications for Road and Bridge Construction, 2012 Edition
Effective with the January 24, 2014 Letting**

<p>Subsection: Revision:</p>	<p>402.03.03 Verification. Replace the first paragraph with the following: 402.03.03 Mixture Verification. For volumetric properties, the Department will perform a minimum of one verification test for AC, AV, and VMA according to the corresponding procedures as given in Subsection 402.03.02. The Department will randomly determine when to obtain the verification sample using the Asphalt Mixture Sample Random Tonnage Generator. For specialty mixtures, the Department will perform one AC and one gradation determination per lot according to the corresponding procedures as given in Subsection 402.03.02. However, Department personnel will not perform AC determinations according to KM 64-405. The Contractor will obtain a quality control sample at the same time the Department obtains the mixture verification sample and perform testing according to the procedures given in Subsection 402.03.02. If the Contractor's quality control sample is verified by the Department's test results within the tolerances provided below, the Contractor's sample will serve as the quality control sample for the affected subplot. The Department may perform the mixture verification test on the Contractor's equipment or on the Department's equipment.</p>
<p>Subsection: Part: Revision:</p>	<p>402.03.03 Verification. A) Evaluation of Sublot(s) Verified by Department. Replace the third sentence of the second paragraph with the following: When the paired <i>t</i>-test indicates that the Contractor's data and Department's data are possibly not from the same population, the Department will investigate the cause for the difference according to Subsection 402.03.05 and implement corrective measures as the Engineer deems appropriate.</p>
<p>Subsection: Part: Revision:</p>	<p>402.03.03 Verification. B) Evaluation of Sublots Not Verified by Department. Replace the third sentence of the first paragraph with the following: When differences between test results are not within the tolerances listed below, the Department will resolve the discrepancy according to Subsection 402.03.05.</p>
<p>Subsection: Part: Revision:</p>	<p>402.03.03 Verification. B) Evaluation of Sublots Not Verified by Department. Replace the third sentence of the second paragraph with the following: When the <i>F</i>-test or <i>t</i>-test indicates that the Contractor's data and Department's data are possibly not from the same population, the Department will investigate the cause for the difference according to Subsection 402.03.05 and implement corrective measures as the Engineer deems appropriate.</p>
<p>Subsection: Part: Revision:</p>	<p>402.03.03 Verification. C) Test Data Patterns. Replace the second sentence with the following: When patterns indicate substantial differences between the verified and non-verified sublots, the Department will perform further comparative testing according to subsection 402.03.05.</p>

**Supplemental Specifications to the
Standard Specifications for Road and Bridge Construction, 2012 Edition
Effective with the January 24, 2014 Letting**

Subsection:	402.03 CONSTRUCTION.
Revision:	Add the following subsection: 402.03.04 Testing Equipment and Technician Verification. For mixtures with a minimum quantity of 20,000 tons and for every 20,000 tons thereafter, the Department will obtain an additional verification sample at random using the Asphalt Mixture Sample Random Tonnage Generator in order to verify the integrity of the Contractor's and Department's laboratory testing equipment and technicians. The Department will obtain a mixture sample of at least 150 lb at the asphalt mixing plant according to KM 64-425 and split it according to AASHTO R 47. The Department will retain one split portion of the sample and provide the other portion to the Contractor. At a later time convenient to both parties, the Department and Contractor will simultaneously reheat the sample to the specified compaction temperature and test the mixture for AV and VMA using separate laboratory equipment according to the corresponding procedures given in Subsection 402.03.02. The Department will evaluate the differences in test results between the two laboratories. When the difference between the results for AV or VMA is not within ± 2.0 percent, the Department will investigate and resolve the discrepancy according to Subsection 402.03.05.
Subsection:	402.03.04 Dispute Resolution.
Revision:	Change the subsection number to 402.03.05.
Subsection:	402.05 PAYMENT.
Part:	Lot Pay Adjustment Schedule Compaction Option A Base and Binder Mixtures
Table:	AC
Revision:	Replace the Deviation from JMF(%) that corresponds to a Pay Value of 0.95 to ± 0.6 .
Subsection:	403.02.10 Material Transfer Vehicle (MTV).
Revision:	Replace the first sentence with the following: In addition to the equipment specified above, provide a MTV with the following minimum characteristics:
Subsection:	412.02.09 Material Transfer Vehicle (MTV).
Revision:	Replace the paragraph with the following: Provide and utilize a MTV with the minimum characteristics outlined in section 403.02.10.
Subsection:	412.03.07 Placement and Compaction.
Revision:	Replace the first paragraph with the following: Use a MTV when placing SMA mixture in the driving lanes. The MTV is not required on ramps and/or shoulders unless specified in the contract. When the Engineer determines the use of the MTV is not practical for a portion of the project, the Engineer may waive its requirement for that portion of pavement by a letter documenting the waiver.
Subsection:	412.04 MEASUREMENT.
Revision:	Add the following subsection: 412.04.03. Material Transfer Vehicle (MTV). The Department will not measure the MTV for payment and will consider its use incidental to the asphalt mixture.

**Supplemental Specifications to the
Standard Specifications for Road and Bridge Construction, 2012 Edition
Effective with the January 24, 2014 Letting**

Subsection:	501.03.19 Surface Tolerances and Testing Surface.
Part:	B) Ride Quality.
Revision:	Add the following to the end of the first paragraph: The Department will specify if the ride quality requirements are Category A or Category B when ride quality is specified in the Contract. Category B ride quality requirements shall apply when the Department fails to classify which ride quality requirement will apply to the Contract.
Subsection:	603.03.06 Cofferdams.
Revision:	Replace the seventh sentence of paragraph one with the following: Submit drawings that are stamped by a Professional Engineer licensed in the Commonwealth of Kentucky.
Subsection:	605.03.04 Tack Welding.
Revision:	Insert the subsection and the following: 605.03.04 Tack Welding. The Department does not allow tack welding.
Subsection:	606.03.17 Special Requirements for Latex Concrete Overlays.
Part:	A) Existing Bridges and New Structures.
Number:	1) Prewetting and Grout-Bond Coat.
Revision:	Add the following sentence to the last paragraph: Do not apply a grout-bond coat on bridge decks prepared by hydrodemolition.
Subsection:	609.03 Construction.
Revision:	Replace Subsection 609.03.01 with the following: 609.03.01 A) Swinging the Spans. Before placing concrete slabs on steel spans or precast concrete release the temporary erection supports under the bridge and swing the span free on its supports. 609.03.01 B) Lift Loops. Cut all lift loops flush with the top of the precast beam once the beam is placed in the final location and prior to placing steel reinforcement. At locations where lift loops are cut, paint the top of the beam with galvanized or epoxy paint.
Subsection:	611.03.02 Precast Unit Construction.
Revision:	Replace the first sentence of the subsection with the following: Construct units according to ASTM C1577, replacing Table 1 (Design Requirements for Precast Concrete Box Sections Under Earth, Dead and HL-93 Live Load Conditions) with KY Table 1 (Precast Culvert KYHL-93 Design Table) , and Section 605 with the following exceptions and additions:
Subsection:	613.03.01 Design.
Number:	2)
Revision:	Replace "AASHTO Standard Specifications for Highway Bridges" with "AASHTO LRFD Bridge Design Specifications"
Subsection:	615.06.02
Revision:	Add the following sentence to the end of the subsection. The ends of units shall be normal to walls and centerline except exposed edges shall be beveled ¾ inch.
Subsection:	615.06.03 Placement of Reinforcement in Precast 3-Sided Units.
Revision:	Replace the reference of 6.6 in the section to 615.06.06.

**Supplemental Specifications to the
Standard Specifications for Road and Bridge Construction, 2012 Edition
Effective with the January 24, 2014 Letting**

Subsection:	615.06.04 Placement of Reinforcement for Precast Endwalls.
Revision:	Replace the reference of 6.7 in the section to 615.06.07.
Subsection:	615.06.06 Laps, Welds, and Spacing for Precast 3-Sided Units.
Revision:	Replace the subsection with the following: Tension splices in the circumferential reinforcement shall be made by lapping. Laps may not be tack welded together for assembly purposes. For smooth welded wire fabric, the overlap shall meet the requirements of AASHTO 2012 Bridge Design Guide Section 5.11.2.5.2 and AASHTO 2012 Bridge Design Guide Section 5.11.6.3. For deformed welded wire fabric, the overlap shall meet the requirements of AASHTO 2012 Bridge Design Guide Section 5.11.2.5.1 and AASHTO 2012 Bridge Design Guide Section 5.11.6.2. The overlap of welded wire fabric shall be measured between the outer most longitudinal wires of each fabric sheet. For deformed billet-steel bars, the overlap shall meet the requirements of AASHTO 2012 Bridge Design Guide Section 5.11.2.1. For splices other than tension splices, the overlap shall be a minimum of 12" for welded wire fabric or deformed billet-steel bars. The spacing center to center of the circumferential wires in a wire fabric sheet shall be no less than 2 inches and no more than 4 inches. The spacing center to center of the longitudinal wires shall not be more than 8 inches. The spacing center to center of the longitudinal distribution steel for either line of reinforcing in the top slab shall be not more than 16 inches.
Subsection:	615.06.07 Laps, Welds, and Spacing for Precast Endwalls.
Revision:	Replace the subsection with the following: Splices in the reinforcement shall be made by lapping. Laps may not be tack welded together for assembly purposes. For smooth welded wire fabric, the overlap shall meet the requirements of AASHTO 2012 Bridge Design Guide Section 5.11.2.5.2 and AASHTO 2012 Bridge Design Guide Section 5.11.6.3. For deformed welded wire fabric, the overlap shall meet the requirements of AASHTO 2012 Bridge Design Guide Section 5.11.2.5.1 and AASHTO 2012 Bridge Design Guide Section 5.11.6.2. For deformed billet-steel bars, the overlap shall meet the requirements of AASHTO 2012 Bridge Design Guide Section 5.11.2.1. The spacing center-to-center of the wire fabric sheet shall not be less than 2 inches or more than 8 inches.
Subsection:	615.08.01 Type of Test Specimen.
Revision:	Replace the subsection with the following: Start-up slump, air content, unit weight, and temperature tests will be performed each day on the first batch of concrete. Acceptable start-up results are required for production of the first unit. After the first unit has been established, random acceptance testing is performed daily for each 50 yd ³ (or fraction thereof). In addition to the slump, air content, unit weight, and temperature tests, a minimum of one set of cylinders shall be required each time plastic property testing is performed.
Subsection:	615.08.02 Compression Testing.
Revision:	Delete the second sentence.
Subsection:	615.08.04 Acceptability of Core Tests.
	Delete the entire subsection.

**Supplemental Specifications to the
Standard Specifications for Road and Bridge Construction, 2012 Edition
Effective with the January 24, 2014 Letting**

Subsection:	615.12 Inspection.																																																																
Revision:	Add the following sentences to the end of the subsection: Units will arrive at jobsite with the "Kentucky Oval" stamped on the unit which is an indication of acceptable inspection at the production facility. Units shall be inspected upon arrival for any evidence of damage resulting from transport to the jobsite.																																																																
Subsection:	716.02.02 Paint.																																																																
Revision:	Replace sentence with the following: Conform to Section 821.																																																																
Subsection:	716.03 CONSTRUCTION.																																																																
Revision:	Replace bullet 5) with the following: 5) AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, 2013-6th Edition with current interims,																																																																
Subsection:	716.03.02 Lighting Standard Installation.																																																																
Revision:	Replace the second sentence with the following: Regardless of the station and offset noted, locate all poles/bases behind the guardrail a minimum of four feet from the front face of the guardrail to the front face of the pole base.																																																																
Subsection:	716.03.02 Lighting Standard Installation.																																																																
Part:	A) Conventional Installation.																																																																
Revision:	Replace the third sentence with the following: Orient the transformer base so the door is positioned on the side away from on-coming traffic.																																																																
Subsection:	716.03.02 Lighting Standard Installation.																																																																
Part:	A) Conventional Installation.																																																																
Number:	1) Breakaway Installation and Requirements.																																																																
Revision:	Replace the first sentence with the following: For breakaway supports, conform to Section 12 of the AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, 2013-6th Edition with current interims.																																																																
Subsection:	716.03.02 Lighting Standard Installation.																																																																
Part:	B) High Mast Installation																																																																
Revision:	Replace the first sentence with the following: Install each high mast pole as noted on plans.																																																																
Subsection:	716.03.02 Lighting Standard Installation.																																																																
Part:	B) High Mast Installation																																																																
Number:	2) Concrete Base Installation																																																																
Revision:	Modification of Chart and succeeding paragraphs within this section: <table border="1" data-bbox="386 1493 1256 1848"> <tr> <th colspan="8">Drilled Shaft Depth Data</th> </tr> <tr> <th colspan="2">Level Ground</th> <th colspan="2">3:1 Ground Slope</th> <th colspan="2">2:1 Ground Slope</th> <th colspan="2">1.5:1 Ground Slope ⁽²⁾</th> </tr> <tr> <th>Soil</th> <th>Rock</th> <th>Soil</th> <th>Rock</th> <th>Soil</th> <th>Rock</th> <th>Soil</th> <th>Rock</th> </tr> <tr> <td>17 ft</td> <td>7 ft</td> <td>19 ft</td> <td>7 ft</td> <td>20 ft</td> <td>7 ft</td> <td>(1)</td> <td>7 ft</td> </tr> <tr> <th colspan="8">Steel Requirements</th> </tr> <tr> <th colspan="4">Vertical Bars</th> <th colspan="4">Ties or Spiral</th> </tr> <tr> <th>Size</th> <th>Total</th> <th>Size</th> <th colspan="5">Spacing or Pitch</th> </tr> <tr> <td>#10</td> <td>16</td> <td>#4</td> <td colspan="5">12 inch</td> </tr> </table>	Drilled Shaft Depth Data								Level Ground		3:1 Ground Slope		2:1 Ground Slope		1.5:1 Ground Slope ⁽²⁾		Soil	Rock	Soil	Rock	Soil	Rock	Soil	Rock	17 ft	7 ft	19 ft	7 ft	20 ft	7 ft	(1)	7 ft	Steel Requirements								Vertical Bars				Ties or Spiral				Size	Total	Size	Spacing or Pitch					#10	16	#4	12 inch				
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**Supplemental Specifications to the
Standard Specifications for Road and Bridge Construction, 2012 Edition
Effective with the January 24, 2014 Letting**

	<p>(1): Shaft length is 22' for cohesive soil only. For cohesionless soil, contact geotechnical branch for design.</p> <p>(2): Do not construct high mast drilled shafts on ground slopes steeper than 1.5:1 without the approval of the Division of Traffic.</p> <p>If rock is encountered during drilling operations and confirmed by the engineer to be of sound quality, the shaft is only required to be further advanced into the rock by the length of rock socket shown in the table. The total length of the shaft need not be longer than that of soil alone. Both longitudinal rebar length and number of ties or spiral length shall be adjusted accordingly.</p> <p>If a shorter depth is desired for the drilled shaft, the contractor shall provide, for the state's review and approval, a detailed column design with individual site specific soil and rock analysis performed and approved by a Professional Engineer licensed in the Commonwealth of Kentucky.</p> <p>Spiral reinforcement may be substituted for ties. If spiral reinforcement is used, one and one-half closed coils shall be provided at the ends of each spiral unit. Subsurface conditions consisting of very soft clay or very loose saturated sand could result in soil parameters weaker than those assumed. Engineer shall consult with the geotechnical branch if such conditions are encountered.</p> <p>The bottom of the drilled hole shall be firm and thoroughly cleaned so no loose or compressible materials are present at the time of the concrete placement. If the drilled hole contains standing water, the concrete shall be placed using a tremie to displace water. Continuous concrete flow will be required to insure full displacement of any water.</p> <p>The reinforcement and anchor bolts shall be adequately supported in the proper positions so no movement occurs during concrete placement. Welding of anchor bolts to the reinforcing cage is unacceptable, templates shall be used.</p> <p>Exposed portions of the foundation shall be formed to create a smooth finished surface. All forming shall be removed upon completion of foundation construction.</p>
<p>Subsection: Part: Revision:</p>	<p>716.03.03 Trenching. A) Trenching of Conduit for Highmast Ducted Cables. Add the following after the first sentence: If depths greater than 24 inches are necessary, obtain the Engineer's approval and maintain the required conduit depths coming into the junction boxes. No payment for additional junction boxes for greater depths will be allowed.</p>
<p>Subsection: Part: Revision:</p>	<p>716.03.03 Trenching. B) Trenching of Conduit for Non-Highmast Cables. Add the following after the second sentence: If depths greater than 24 inches are necessary for either situation listed previously, obtain the Engineer's approval and maintain the required conduit depths coming into the junction boxes. No payment for additional junction boxes for greater depths will be allowed.</p>
<p>Subsection: Revision:</p>	<p>716.03.10 Junction Boxes. Replace subsection title with the following: Electrical Junction Box.</p>

**Supplemental Specifications to the
Standard Specifications for Road and Bridge Construction, 2012 Edition
Effective with the January 24, 2014 Letting**

Subsection:	716.04.07 Pole with Secondary Control Equipment.
Revision:	Replace the paragraph with the following: The Department will measure the quantity as each individual unit furnished and installed. The Department will not measure mounting the cabinet to the pole, backfilling, restoration, any necessary hardware to anchor pole, or electrical inspection fees, and will consider them incidental to this item of work. The Department will also not measure furnishing and installing electrical service conductors, specified conduits, meter base, transformer, service panel, fused cutout, fuses, lighting arrestors, photoelectrical control, circuit breaker, contactor, manual switch, ground rods, and ground wires and will consider them incidental to this item of work.
Subsection:	716.04.08 Lighting Control Equipment.
Revision:	Replace the paragraph with the following: The Department will measure the quantity as each individual unit furnished and installed. The Department will not measure constructing the concrete base, excavation, backfilling, restoration, any necessary anchors, or electrical inspection fees, and will consider them incidental to this item of work. The Department will also not measure furnishing and installing electrical service conductors, specified conduits, meter base, transformer, service panel, fused cutout, fuses, lighting arrestors, photoelectrical control, circuit breakers, contactor, manual switch, ground rods, and ground wires and will consider them incidental to this item of work.
Subsection:	716.04.09 Luminaire.
Revision:	Replace the first sentence with the following: The Department will measure the quantity as each individual unit furnished and installed.
Subsection:	716.04.10 Fused Connector Kits.
Revision:	Replace the first sentence with the following: The Department will measure the quantity as each individual unit furnished and installed.
Subsection:	716.04.13 Junction Box.
Revision:	Replace the subsection title with the following: Electrical Junction Box Type Various.
Subsection:	716.04.13 Junction Box.
Part:	A) Junction Electrical.
Revision:	Rename A) Junction Electrical to the following: A) Electrical Junction Box.
Subsection:	716.04.14 Trenching and Backfilling.
Revision:	Replace the second sentence with the following: The Department will not measure excavation, backfilling, underground utility warning tape (if required), the restoration of disturbed areas to original condition, and will consider them incidental to this item of work.
Subsection:	716.04.18 Remove Lighting.
Revision:	Replace the paragraph with the following: The Department will measure the quantity as a lump sum for the removal of lighting equipment. The Department will not measure the disposal of all equipment and materials off the project by the contractor. The Department also will not measure the transportation of the materials and will consider them incidental to this item of work.

**Supplemental Specifications to the
Standard Specifications for Road and Bridge Construction, 2012 Edition
Effective with the January 24, 2014 Letting**

Subsection:	716.04.20 Bore and Jack Conduit.															
Revision:	Replace the paragraph with the following: The Department will measure the quantity in linear feet. This item shall include all work necessary for boring and installing conduit under an existing roadway. Construction methods shall be in accordance with Sections 706.03.02, paragraphs 1, 2, and 4.															
Subsection:	716.05 PAYMENT.															
Revision:	Replace items 04810-04811, 20391NS835 and, 20392NS835 under <u>Code</u> , <u>Pay Item</u> , and <u>Pay Unit</u> with the following:															
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Subsection:	723.03 CONSTRUCTION.															
Revision:	Replace bullet 5) with the following: 5) AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, 2013-6th Edition with current interims,															
Subsection:	723.02.02 Paint.															
Revision:	Replace sentence with the following: Conform to Section 821.															
Subsection:	723.03.02 Poles and Bases Installation.															
Revision:	Replace the first sentence with the following: Regardless of the station and offset noted, locate all poles/bases behind the guardrail a minimum of four feet from the front face of the guardrail to the front face of the pole base.															
Subsection:	723.03.02 Poles and Bases Installation.															
Part:	A) Steel Strain and Mastarm Poles Installation															
Revision:	Replace the second paragraph with the following: For concrete base installation, see Section 716.03.02, B), 2), Paragraphs 2-7. Drilled shaft depth shall be based on the soil conditions encountered during drilling and slope condition at the site. Refer to the design chart below:															
Subsection:	723.03.02 Poles and Bases Installation.															
Part:	B) Pedestal or Pedestal Post Installation.															
Revision:	Replace the fourth sentence of the paragraph with the following: For breakaway supports, conform to Section 12 of the AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, 2013-6th Edition with current interims.															
Subsection:	723.03.03 Trenching.															
Part:	A) Under Roadway.															
Revision:	Add the following after the second sentence: If depths greater than 24 inches are necessary, obtain the Engineer's approval and maintain ether required conduit depths coming into the junction boxes. No payment for additional junction boxes for greater depths will be allowed.															
Subsection:	723.03.11 Wiring Installation.															
Revision:	Add the following sentence between the fifth and sixth sentences: Provide an extra two feet of loop wire and lead-in past the installed conduit in poles, pedestals, and junction boxes.															

**Supplemental Specifications to the
Standard Specifications for Road and Bridge Construction, 2012 Edition
Effective with the January 24, 2014 Letting**

Subsection:	723.03.12 Loop Installation.
Revision:	Replace the fifth sentence with the following: Provide an extra two feet of loop wire and lead-in past the installed conduit in poles, pedestals, and junction boxes.
Subsection:	723.04.02 Junction Box.
Revision:	Replace subsection title with the following: Electrical Junction Box Type.
Subsection:	723.04.03 Trenching and Backfilling.
Revision:	Replace the second sentence with the following: The Department will not measure excavation, backfilling, underground utility warning tape (if required), the restoration of disturbed areas to original condition, and will consider them incidental to this item of work.
Subsection:	723.04.10 Signal Pedestal.
Revision:	Replace the second sentence with the following: The Department will not measure excavation, concrete, reinforcing steel, specified conduits, fittings, ground rod, ground wire, backfilling, restoring disturbed areas, or other necessary hardware and will consider them incidental to this item of work.
Subsection:	723.04.15 Loop Saw Slot and Fill.
Revision:	Replace the second sentence with the following: The Department will not measure sawing, cleaning and filling induction loop saw slot, loop sealant, backer rod, and grout and will consider them incidental to this item of work.
Subsection:	723.04.16 Pedestrian Detector.
Revision:	Replace the paragraph with the following: The Department will measure the quantity as each individual unit furnished, installed and connected to pole/pedestal. The Department will not measure installing R10-3e (with arrow) sign, furnishing and installing mounting hardware for sign and will consider them incidental to this item of work.
Subsection:	723.04.18 Signal Controller- Type 170.
Revision:	Replace the second sentence with the following: The Department will not measure constructing the concrete base or mounting the cabinet to the pole, connecting the signal and detectors, excavation, backfilling, restoration, any necessary pole mounting hardware, electric service, or electrical inspection fees and will consider them incidental to this item of work. The Department will also not measure furnishing and connecting the induction of loop amplifiers, pedestrian isolators, load switches, model 400 modem card; furnishing and installing electrical service conductors, specified conduits, anchors, meter base, fused cutout, fuses, ground rods, ground wires and will consider them incidental to this item of work.
Subsection:	723.04.20 Install Signal Controller - Type 170.
Revision:	Replace the paragraph with the following: The Department will measure the quantity as each individual unit installed. The Department will not measure constructing the concrete base or mounting the cabinet to the pole, connecting the signal and detectors, and excavation, backfilling, restoration, any necessary pole mounting hardware, electric service, or electrical inspection fees and will consider them incidental to this item of work. The Department will also not measure connecting the induction loop amplifiers, pedestrian, isolators, load switches, model 400 modem card; furnishing and installing electrical service conductors, specified conduits, anchors, meter base, fused cutout, fuses, ground rods, ground wires and will consider them incidental to this item of work.

**Supplemental Specifications to the
Standard Specifications for Road and Bridge Construction, 2012 Edition
Effective with the January 24, 2014 Letting**

Subsection:	723.04.22 Remove Signal Equipment.
Revision:	Replace the paragraph with the following: The Department will measure the quantity as a lump sum removal of signal equipment. The Department will not measure the return of control equipment and signal heads to the Department of Highways as directed by the District Traffic Engineer. The Department also will not measure the transportation of materials of the disposal of all other equipment and materials off the project by the contractor and will consider them incidental to this item of work.
Subsection:	723.04.28 Install Pedestrian Detector Audible.
Revision:	Replace the second sentence with the following: The Department will not measure installing sign R10-3e (with arrow) and will consider it incidental to this item of work.
Subsection:	723.04.29 Audible Pedestrian Detector.
Revision:	Replace the second sentence with the following: The Department will not measure furnishing and installing the sign R10-3e (with arrow) and will consider it incidental to this item of work.
Subsection:	723.04.30 Bore and Jack Conduit.
Revision:	Replace the paragraph with the following: The Department will measure the quantity in linear feet. This item shall include all work necessary for boring and installing conduit under an existing roadway. Construction methods shall be in accordance with Sections 706.03.02, paragraphs 1, 2, and 4.
Subsection:	723.04.31 Install Pedestrian Detector.
Revision:	Replace the paragraph with the following: The Department will measure the quantity as each individual unit installed and connected to pole/pedestal. The Department will not measure installing sign R 10-3e (with arrow) and will consider it incidental to this item of work.
Subsection:	723.04.32 Install Mast Arm Pole.
Revision:	Replace the second sentence with the following: The Department will not measure arms, signal mounting brackets, anchor bolts, or any other necessary hardware and will consider them incidental to this item of work.
Subsection:	723.04.33 Pedestal Post.
Revision:	Replace the second sentence with the following: The Department will not measure excavation, concrete, reinforcing steel, anchor bolts, conduit, fittings, ground rod, ground wire, backfilling, restoration, or any other necessary hardware and will consider them incidental to this item of work.
Subsection:	723.04.36 Traffic Signal Pole Base.
Revision:	Replace the second sentence with the following: The Department will not measure excavation, reinforcing steel, anchor bolts, specified conduits, ground rods, ground wires, backfilling, or restoration and will consider them incidental to this item of work.
Subsection:	723.04.37 Install Signal Pedestal.
Revision:	Replace the second sentence with the following: The Department will not measure excavation, concrete, reinforcing steel, anchor bolts, specified conduits, fittings, ground rod, ground wire, backfilling, restoration, or any other necessary hardware and will consider them incidental to this item of work.

**Supplemental Specifications to the
Standard Specifications for Road and Bridge Construction, 2012 Edition
Effective with the January 24, 2014 Letting**

Subsection:	723.04.38 Install Pedestal Post.															
Revision:	Replace the second sentence with the following: The Department will not measure excavation, concrete, reinforcing steel, anchor bolts, specified conduits, fittings, ground rod, ground wire, backfilling, restoration, or any other necessary hardware and will consider them incidental to this item of work.															
Subsection:	723.05 PAYMENT.															
Revision:	Replace items 04810-04811, 20391NS835 and, 20392NS835 under <u>Code</u> , <u>Pay Item</u> , and <u>Pay Unit</u> with the following:															
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Subsection:	813.04 Gray Iron Castings.															
Revision:	Replace the reference to "AASHTO M105" with "ASTM A48".															
Subsection:	813.09.02 High Strength Steel Bolts, Nuts, and Washers.															
Number:	A) Bolts.															
Revision:	Delete first paragraph and "Hardness Number" Table. Replace with the following: A) Bolts. Conform to ASTM A325 (AASHTO M164) or ASTM A490 (AASHTO 253) as applicable.															
Subsection:	814.04.02 Timber Guardrail Posts.															
Revision:	Third paragraph, replace the reference to "AWPA C14" with "AWPA U1, Section B, Paragraph 4.1".															
Subsection:	814.04.02 Timber Guardrail Posts.															
Revision:	Replace the first sentence of the fourth paragraph with the following: Use any of the species of wood for round or square posts covered under AWPA U1.															
Subsection:	814.04.02 Timber Guardrail Posts.															
Revision:	Fourth paragraph, replace the reference to "AWPA C2" with "AWPA U1, Section B, Paragraph 4.1".															
Subsection:	814.04.02 Timber Guardrail Posts.															
Revision:	Delete the second sentence of the fourth paragraph.															
Subsection:	816.07.02 Wood Posts and Braces.															
Revision:	First paragraph, replace the reference to "AWPA C5" with "AWPA U1, Section B, Paragraph 4.1".															
Subsection:	816.07.02 Wood Posts and Braces.															
Revision:	Delete the second sentence of the first paragraph.															
Subsection:	818.07 Preservative Treatment.															
Revision:	First paragraph, replace all references to "AWPA C14" with "AWPA U1, Section A".															

**Supplemental Specifications to the
Standard Specifications for Road and Bridge Construction, 2012 Edition
Effective with the January 24, 2014 Letting**

Subsection:	834.14 LIGHTING POLES.
Revision:	Replace the first sentence with the following: Lighting pole design shall be in accordance with loading and allowable stress requirements of the AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, 2013-6th Edition with current interims.
Subsection:	834.14.03 High Mast Poles.
Revision:	<p>*Remove the second and fourth sentence from the first paragraph.</p> <p>*Replace the third paragraph with the following: Provide calculations and drawings that are stamped by a Professional Engineer licensed in the Commonwealth of Kentucky.</p> <p>*Replace paragraph six with the following: Provide a pole section that conforms to ASTM A 595 grade A with a minimum yield strength of 55 KSI or ASTM A 572 with a minimum yield strength of 55 KSI. Use tubes that are round or 16 sided with a four inch corner radius, have a constant linear taper of .144 in/ft and contain only one longitudinal seam weld. Circumferential welded tube butt splices and laminated tubes are not permitted. Provide pole sections that are telescopically slip fit assembled in the field to facilitate inspection of interior surface welds and the protective coating. The minimum length of the telescopic slip splices shall be 1.5 times the inside diameter of the exposed end of the female section. Use longitudinal seam welds as commended in Section 5.15 of the AASHTO 2013 Specifications. The thickness of the opening of the handhole shall not be less than the diameter of the bottom tube of the pole but needs to be at least 15 inches. The handhole frame width shall be 0.4 times the diameter of the bottom tube. Provide products that are hot-dip galvanized to the requirements of either ASTM A123 (fabricated products) or ASTM A 153 (hardware items).</p>
Subsection:	834.16 ANCHOR BOLTS.
Revision:	Insert the following sentence at the beginning of the paragraph: The anchor bolt design shall follow the NCHRP Report 494 Section 2.4 and NCHRP 469 Appendix A Specifications.
Subsection:	834.17.01 Conventional.
Revision:	Add the following sentence after the second sentence: Provide a waterproof sticker mounted on the bottom of the housing that is legible from the ground and indicates the wattage of the fixture by providing the fist to numbers of the wattage.
Subsection:	834.21.01 Waterproof Enclosures.
Revision:	<p>*Add the following sentence in the second paragraph in the thirteenth sentence: Provide a cabinet door with a louvered air vent, Filter-retaining brackets and an easy clean metal filter.</p> <p>*Replace sentence sixteen with the following: Use a 120-volt fixture and utilize a compact fluorescent or L.E.D. bulb (equivalent to 60 watt minimum).</p>
Subsection:	835.07 Traffic Poles.
Revision:	Replace the first sentence of the first paragraph with the following: Pole diameter and wall thickness shall be calculated in accordance with the AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, 2013-6th Edition with current interims.

**Supplemental Specifications to the
 Standard Specifications for Road and Bridge Construction, 2012 Edition
 Effective with the January 24, 2014 Letting**

Subsection:	835.07 Traffic Poles.
Revision:	*Replace the first sentence of the fourth paragraph with the following: Ensure transverse plats have a thickness ≥ 2 inches. *Add the following sentence to the end of the fourth paragraph: The bottom pole diameter shall not be less than 16.25 inches.
Subsection:	835.07 Traffic Poles.
Revision:	Replace the second sentence of the fifth paragraph with the following: For anchor bolt design, pole forces shall be positioned in such a manner to maximize the force on any individual anchor bolt regardless of the actual anchor bolt orientation with the pole.
Subsection:	835.07 Traffic Poles.
Revision:	Replace the first and second sentence of the sixth paragraph with the following: The pole handhole shall be 25 inches by 6.5 inches. The handhole cover shall be removable from the handhole frame. On the frame side opposite the hinge, provide a mechanism on the handhole cover/frame to place the Department's standard padlock as specified in Section 834.25. The handhole frame shall have two stainless studs installed opposite the hinge to secure the handhole cover to the frame which includes providing stainless steel wing nuts and washers. The handhole cover shall be manufactured from 0.25 inch thick galvanized steel (ASTM 153) and have a neoprene rubber gasket that is permanently secured to the handhole frame to insure weather-tight protection. The hinge shall be manufactured from 7 gauge stainless steel to provide adjustability to insure a weather-tight fit for the cover. The minimum clear distance between the transverse plate and the bottom opening of the handhole shall not be less than the diameter of the bottom tube but needs to be at least 12 inches.
Subsection:	835.07 Traffic Poles.
Revision:	*Replace the first sentence of the last paragraph with the following: Provide calculations and drawings that are stamped by a Professional Engineer licensed in the Commonwealth of Kentucky. *Replace the third sentence of the last paragraph with the following: All tables referenced in 835.07 are found in the AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, 2013-6th Edition with current interims.
Subsection:	835.07.01 Steel Strain Poles.
Revision:	Replace the second sentence of the second paragraph with the following: The detailed analysis shall be certified by a Professional Engineer licensed in the Commonwealth of Kentucky.
Subsection:	835.07.01 Steel Strain Poles.
Revision:	Replace number 7. after the second paragraph with the following: 7. Fatigue calculations should be shown for all fatigue related connections. Provide the corresponding detail, stress category and example from table 11.9.3.1-1.
Subsection:	835.07.02 Mast Arm Poles.
Revision:	Replace the second sentence of the fourth paragraph with the following: The detailed analysis shall be certified by a Professional Engineer licensed in the Commonwealth of Kentucky.

**Supplemental Specifications to the
Standard Specifications for Road and Bridge Construction, 2012 Edition
Effective with the January 24, 2014 Letting**

Subsection:	835.07.02 Mast Arm Poles.
Revision:	Replace number 7) after the fourth paragraph with the following: 7) Fatigue calculations should be shown for all fatigue related connections. Provide the corresponding detail, stress category and example from table 11.9.3.1-1.
Subsection:	835.07.03 ANCHORS.
Revision:	Add the following to the end of the paragraph: There shall be two steel templates (one can be used for the headed part of the anchor bolt when designed in this manner) provided per pole. Templates shall be contained within a 26.5 inch diameter. All templates shall be fully galvanized (ASTM A 153).
Subsection:	835.16.05 Optical Units.
Revision:	Replace the 3rd paragraph with the following: The list of certified products can be found on the following website: http://www.intertek.com .
Subsection:	835.19.01 Pedestrian Detector Body.
Revision:	Replace the first sentence with the following: Provide a four holed pole mounted aluminum rectangular housing that is a compatible with the pedestrian detector.

**SPECIAL NOTE FOR ACCEPTANCE OF DENSITY
 OF LONGITUDINAL JOINTS IN ASPHALT SURFACE PAVEMENTS**

This Special Note will apply when indicated on the plans or in the proposal. All applicable portions of the Department's 2012 Standard Specifications for Road and Bridge Construction apply unless specifically modified herein. Section references herein are to the Department's 2012 Standard Specifications for Road and Bridge Construction.

1. DESCRIPTION. This note specifies an increased level of compaction for density acceptance testing required for the longitudinal joint of asphalt surface mixtures compacted under Option A requirements. Due to the inherent difficulty of compacting longitudinal joints, conventional methods of compaction may not be adequate to achieve the desired level of density.

2. MATERIALS AND EQUIPMENT. Reserved.

3. CONSTRUCTION. Reserved.

4. MEASUREMENT. Reserved.

5. PAYMENT.

5.1 Lot Pay Adjustment. Contrary to Subsection 402.05.02, the Department will use the following Lot Pay Adjustment Schedule to assign pay values for Joint Density within each subplot.

JOINT DENSITY	
Pay Value	Test Result (%)
1.05	92.0-96.0
1.00	90.0-91.9 or 96.1-96.5
0.95	89.0-89.9
0.90	88.0-88.9 or 96.6-97.0
0.75	< 88.0 or > 97.0

June 15, 2012

SPECIAL NOTE FOR BARCODE LABEL ON PERMANENT SIGNS

1.0 DESCRIPTION. Install barcode label on sign as specified in the Contract. Section references herein are to the Department’s 2012 Standard Specifications for Road and Bridge Construction.

2.0 MATERIALS. The Department will provide the Contractor with a 2 inch x 1 inch foil barcode label for each permanent sign. A unique number will be assigned to each barcode label.

The Contractor shall contact the Operations and Pavement Management Branch in the Division of Maintenance at (502) 564-4556 to obtain the barcode labels.

3.0 CONSTRUCTION. Apply foil barcode label in the lower right quadrant of the sign back. Signs where the bottom edge is not parallel to the ground, the lowest corner of the sign shall serve as the location to place the barcode label. The barcode label shall be placed no less than one-inch and no more than three inches from any edge of the sign. The barcode must be placed so that the sign post does not cover the barcode label.

Barcodes shall be applied in an indoor setting with a minimum air temperature of 50°F or higher. Prior to application of the barcode label, the back of the sign must be clean and free of dust, oil, etc. If the sign is not clean, an alcohol swab shall be used to clean the area. The area must be allowed to dry prior to placement of the barcode label.

Data for each sign shall include the barcode number, MUTCD reference number, sheeting manufacturer, sheeting type, manufacture date, color of primary reflective surface, installation date, latitude and longitude using the North American Datum of 1983 (NAD83) or the State Plane Coordinates using an x and y ordinate of the installed location.

Data should be provided electronically on the TC 71-229 Sign Details Information and TC 71-230 Sign Assembly Information forms. The Contractor may choose to present the data in a different format provided that the information submitted to the Department is equivalent to the information required on the Department TC forms. The forms must be submitted in electronic format regardless of which type of form is used. The Department will not accept PDF or handwritten forms. These completed forms must be submitted to the Department prior to final inspection of the signs. The Department will not issue formal acceptance for the project until the TC 71-229 and TC-230 electronic forms are completed for all signs and sign assemblies on the project.

4.0 MEASUREMENT. The Department will measure all work required for the installation of the barcode label and all work associated with completion and submission of the sign inventory data (TC 71-229 and TC 71-230).

The installation of the permanent sign will be measured in accordance to Section 715.

5.0 PAYMENT. The Department will make payment for the completed and accepted quantities under the following:

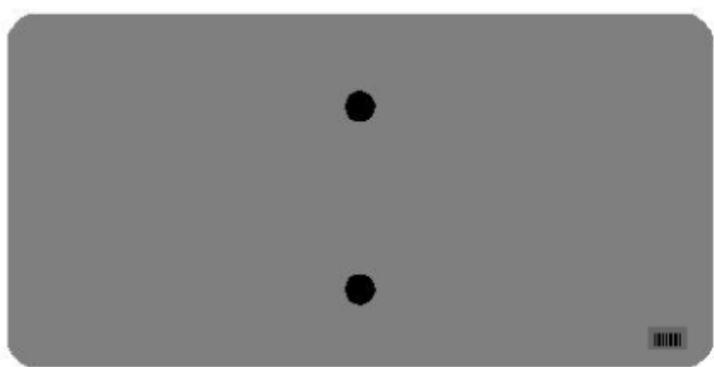
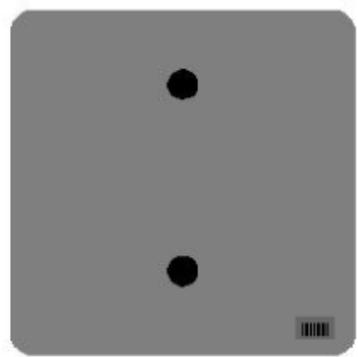
<u>Code</u>	<u>Pay Item</u>	<u>Pay Unit</u>
24631EC	Barcode Sign Inventory	Each

The Department will not make payment for this item until all barcodes are installed and sign inventory is complete on every permanent sign installed on the project. The Department will make payment for installation of the permanent sign in accordance to Section 715. The Department will consider payment as full compensation for all work required under this special note.

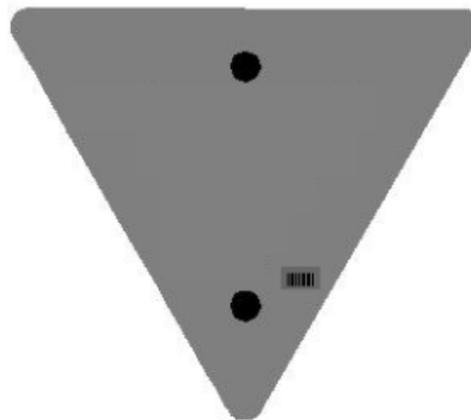
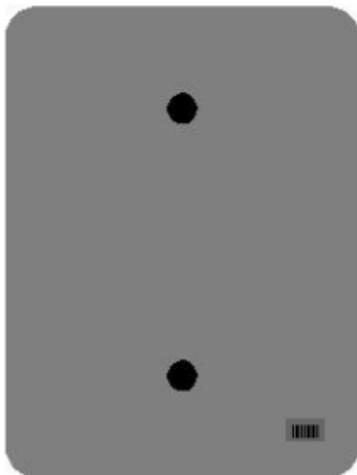
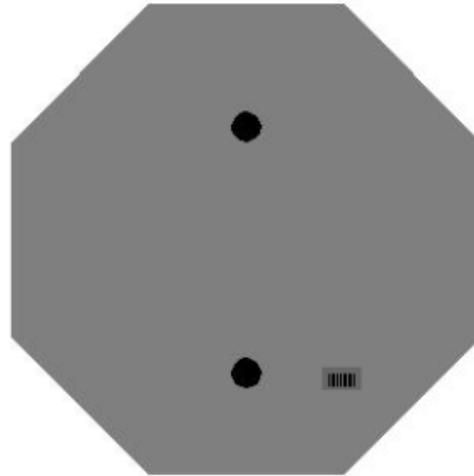
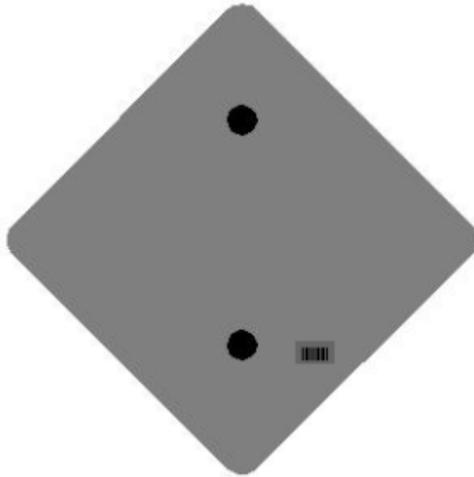
One Sign Post



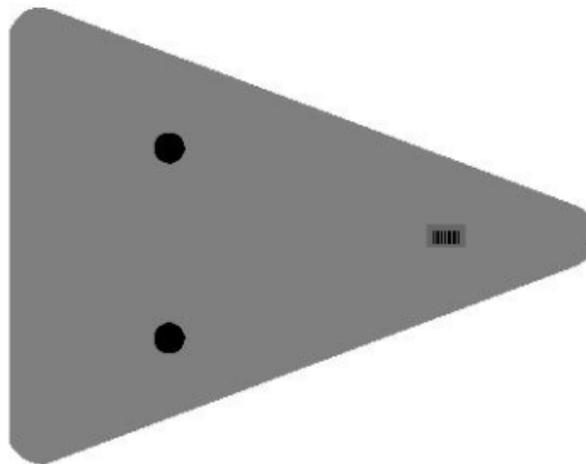
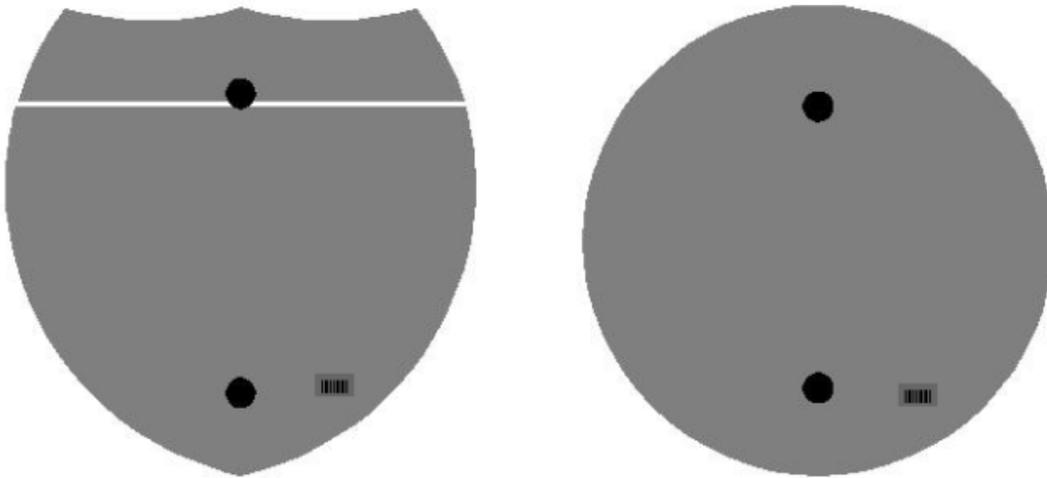
↑
2" Wide Post



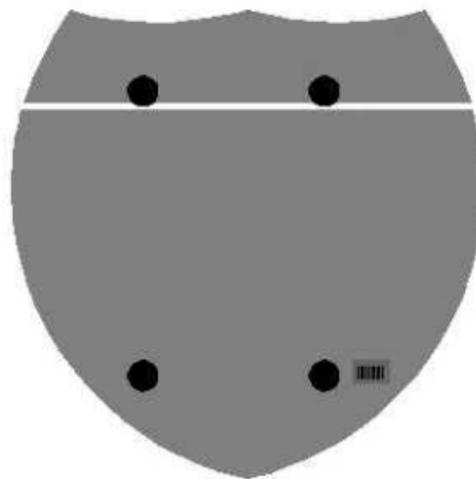
One Sign Post



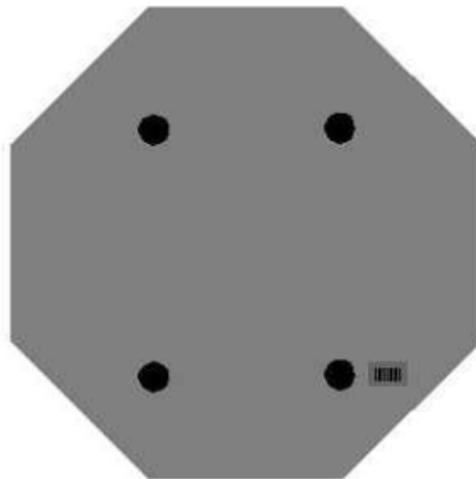
One Sign Post



Double Sign Post



Interstate
Shield

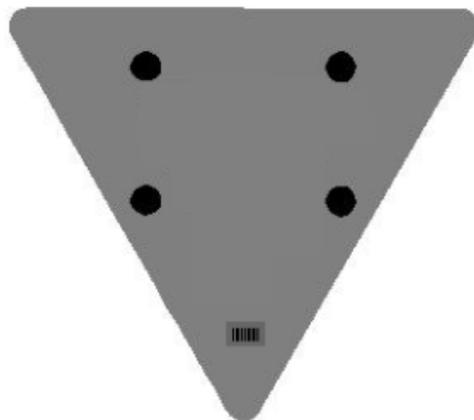


48" Stop

2 Post Signs



↑
2" Wide Post



PART III

EMPLOYMENT, WAGE AND RECORD REQUIREMENTS

TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS

LABOR AND WAGE REQUIREMENTS APPLICABLE TO OTHER THAN FEDERAL-AID SYSTEM PROJECTS

- I. Application
- II. Nondiscrimination of Employees (KRS 344)
- III. Payment of Predetermined Minimum Wages
- IV. Statements and Payrolls

I. APPLICATION

1. These contract provisions shall apply to all work performed on the contract by the contractor with his own organization and with the assistance of workmen under his immediate superintendence and to all work performed on the contract by piecework, station work or by subcontract. The contractor's organization shall be construed to include only workmen employed and paid directly by the contractor and equipment owned or rented by him, with or without operators.

2. The contractor shall insert in each of his subcontracts all of the stipulations contained in these Required Provisions and such other stipulations as may be required.

3. A breach of any of the stipulations contained in these Required Provisions may be grounds for termination of the contract.

II. NONDISCRIMINATION OF EMPLOYEES

AN ACT OF THE KENTUCKY GENERAL ASSEMBLY TO PREVENT DISCRIMINATION IN EMPLOYMENT KRS CHAPTER 344 EFFECTIVE JUNE 16, 1972

The contract on this project, in accordance with KRS Chapter 344, provides that during the performance of this contract, the contractor agrees as follows:

1. The contractor shall not fail or refuse to hire, or shall not discharge any individual, or otherwise discriminate against an individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, national origin, sex, disability or age (between forty and seventy); or limit, segregate, or classify his employees in any way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, national origin, sex, disability or age (between forty and seventy). The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

2. The contractor shall not print or publish or cause to be printed or published a notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by the employment agency, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, national origin, sex, disability or age (between forty and seventy), except that such notice or advertisement may indicate a preference, limitation, or specification based on religion, or national origin when religion, or national origin is a bona fide occupational qualification for employment.

3. If the contractor is in control of apprenticeship or other training or retraining, including on-the-job training programs, he shall not discriminate against an individual

because of his race, color, religion, national origin, sex, disability or age (between forty and seventy), in admission to, or employment in any program established to provide apprenticeship or other training.

4. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for non-compliance.

III. PAYMENT OF PREDETERMINED MINIMUM WAGES

1. These special provisions are supplemented elsewhere in the contract by special provisions which set forth certain predetermined minimum wage rates. The contractor shall pay not less than those rates.

2. The minimum wage determination schedule shall be posted by the contractor, in a manner prescribed by the Department of Highways, at the site of the work in prominent places where it can be easily seen by the workers.

IV. STATEMENTS AND PAYROLLS

1. All contractors and subcontractors affected by the terms of KRS 337.505 to 337.550 shall keep full and accurate payroll records covering all disbursements of wages to their employees to whom they are required to pay not less than the prevailing rate of wages. Payrolls and basic records relating thereto will be maintained during the course of the work and preserved for a period of one (1) year from the date of completion of this contract.

2. The payroll records shall contain the name, address and social security number of each employee, his correct classification, rate of pay, daily and weekly number of hours worked, itemized deductions made and actual wages paid.

3. The contractor shall make his daily records available at the project site for inspection by the State Department of Highways contracting office or his authorized representative.

Periodic investigations shall be conducted as required to assure compliance with the labor provisions of the contract. Interrogation of employees and officials of the contractor shall be permitted during working hours.

Aggrieved workers, Highway Managers, Assistant District Engineers, Resident Engineers and Project Engineers shall report all complaints and violations to the Division of Contract Procurement.

The contractor shall be notified in writing of apparent violations. The contractor may correct the reported violations and notify the Department of Highways of the action taken or may request an informal hearing. The request for hearing shall be in writing within ten (10) days after receipt of the notice of the reported violation. The contractor may submit

records and information which will aid in determining the true facts relating to the reported violations.

Any person or organization aggrieved by the action taken or the findings established as a result of an informal hearing by the Division of Contract Procurement may request a formal hearing.

4. The wages of labor shall be paid in legal tender of the United States, except that this condition will be considered satisfied if payment is made by a negotiable check, on a solvent bank, which may be cashed readily by the employee in the local community for the full amount, without discount or collection charges of any kind. Where checks are used for payments, the contractor shall make all necessary arrangements for them to be cashed and shall give information regarding such arrangements.

5. No fee of any kind shall be asked or accepted by the contractor or any of his agents from any person as a condition of employment on the project.

6. No laborers shall be charged for any tools used in performing their respective duties except for reasonably avoidable loss or damage thereto.

7. Every employee on the work covered by this contract shall be permitted to lodge, board, and trade where and with whom he elects and neither the contractor nor his agents, nor his employees shall directly or indirectly require as a condition of employment that an employee shall lodge, board or trade at a particular place or with a particular person.

8. Every employee on the project covered by this contract shall be an employee of either the prime contractor or an approved subcontractor.

9. No charge shall be made for any transportation furnished by the contractor or his agents to any person employed on the work.

10. No individual shall be employed as a laborer or mechanic on this contract except on a wage basis, but this shall not be construed to prohibit the rental of teams, trucks or other equipment from individuals.

No Covered employee may be employed on the work except in accordance with the classification set forth in the schedule mentioned above; provided, however, that in the event additional classifications are required, application shall be made by the contractor to the Department of Highways and (1) the Department shall request appropriate classifications and rates from the proper agency, or (2) if there is urgent need for additional classification to avoid undue delay in the work, the contractor may employ such workmen at rates deemed comparable to rates established for similar classifications provided he has made written application through the Department of Highways, addressed to the proper agency, for the supplemental rates. The contractor shall retroactively adjust, upon receipt of the supplemental rates schedule, the wages of any employee paid less than the established rate and may adjust the wages of any employee overpaid.

11. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any work-week in which he is employed on such work, to work in excess of eight hours in any calendar day or in excess of forty hours in such work-week unless such laborer or mechanic receives compensation at a rate not less than one and one half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in such work-week. A laborer, workman or mechanic and an employer may enter into a written agreement or a collective bargaining agreement to work more than eight (8) hours a calendar day but not more than ten (10) hours a calendar day for the straight time hourly rate. This agreement shall be in writing and shall be executed prior to the employee working in excess of eight (8) hours, but not more than ten (10) hours, in any one (1) calendar day.

12. Payments to the contractor may be suspended or withheld due to failure of the contractor to pay any laborer or

mechanic employed or working on the site of the work, all or part of the wages required under the terms of the contract. The Department may suspend or withhold payments only after the contractor has been given written notice of the alleged violation and the contractor has failed to comply with the wage determination of the Department of Highways.

13. Contractors and subcontractors shall comply with the sections of Kentucky Revised Statutes, Chapter 337 relating to contracts for Public Works.

Revised 2-16-95

EXECUTIVE BRANCH CODE OF ETHICS

In the 1992 regular legislative session, the General Assembly passed and Governor Brereton Jones signed Senate Bill 63 (codified as KRS 11A), the Executive Branch Code of Ethics, which states, in part:

KRS 11A.040 (6) provides:

No present or former public servant shall, within six (6) months of following termination of his office or employment, accept employment, compensation or other economic benefit from any person or business that contracts or does business with the state in matters in which he was directly involved during his tenure. This provision shall not prohibit an individual from returning to the same business, firm, occupation, or profession in which he was involved prior to taking office or beginning his term of employment, provided that, for a period of six (6) months, he personally refrains from working on any matter in which he was directly involved in state government. This subsection shall not prohibit the performance of ministerial functions, including, but not limited to, filing tax returns, filing applications for permits or licenses, or filing incorporation papers.

KRS 11A.040 (8) states:

A former public servant shall not represent a person in a matter before a state agency in which the former public servant was directly involved, for a period of one (1) year after the latter of:

- a) The date of leaving office or termination of employment; or
- b) The date the term of office expires to which the public servant was elected.

This law is intended to promote public confidence in the integrity of state government and to declare as public policy the idea that state employees should view their work as a public trust and not as a way to obtain private benefits.

If you have worked for the executive branch of state government within the past six months, you may be subject to the law's prohibitions. The law's applicability may be different if you hold elected office or are contemplating representation of another before a state agency.

Also, if you are affiliated with a firm which does business with the state and which employs former state executive-branch employees, you should be aware that the law may apply to them.

In case of doubt, the law permits you to request an advisory opinion from the Executive Branch Ethics Commission, Room 136, Capitol Building, 700 Capitol Avenue, Frankfort, Kentucky 40601; telephone (502) 564-7954.

Kentucky Equal Employment Opportunity Act of 1978

The requirements of the Kentucky Equal Employment Opportunity Act of 1978 (KRS 45.560-45.640) shall apply to this Contract. The apparent low Bidder will be required to submit EEO forms to the Division of Construction Procurement, which will then forward to the Finance and Administration Cabinet for review and approval. No award will become effective until all forms are submitted and EEO/CC has certified compliance. The required EEO forms are as follows:

- EEO-1: Employer Information Report
- Affidavit of Intent to Comply
- Employee Data Sheet
- Subcontractor Report

These forms are available on the Finance and Administration's web page under ***Vendor Information, Standard Attachments and General Terms*** at the following address:
<https://www.eProcurement.ky.gov>.

Bidders currently certified as being in compliance by the Finance and Administration Cabinet may submit a copy of their approval letter in lieu of the referenced EEO forms.

For questions or assistance please contact the Finance and Administration Cabinet by email at **finance.contractcompliance@ky.gov** or by phone at 502-564-2874.

KENTUCKY LABOR CABINET
PREVAILING WAGE DETERMINATION
CURRENT REVISION
HIGHWAY CONSTRUCTION LOCALITY NO. II

Determination No. CR-13-II-HWY

Project No.
Highway

Date of Determination: April 15, 2013

This schedule of the prevailing rate of wages for Locality No. II including the counties of ADAIR, BARREN, BELL, BREATHITT, CASEY, CLAY, CLINTON, CUMBERLAND, ESTILL, FLOYD, GARRARD, GREEN, HARLAN, HART, JACKSON, JOHNSON, KNOTT, KNOX, LAUREL, LAWRENCE, LEE, LESLIE, LETCHER, LINCOLN, MCCREARY, MAGOFFIN, MARTIN, MENIFEE, METCALFE, MONROE, MORGAN, OWSLEY, PERRY, PIKE, POWELL, PULASKI, ROCKCASTLE, RUSSELL, TAYLOR, WAYNE, WHITLEY, and WOLFE has been determined in accordance with the provisions of KRS 337.505 to 337.550. This determination shall be referred to as Prevailing Wage Determination No. CR-13-II-HWY.

The following schedule of rates is to be used for highway construction projects advertised or awarded by the Kentucky Transportation Cabinet. This includes any contracts for the relocation of any utilities or other incidental construction projects advertised or awarded by public authorities as a result of the highway construction project.

Apprentices or trainees shall be permitted to work in accordance with Administrative Regulations adopted by the Commissioner of the Department of Workplace Standards. Copies of these regulations will be furnished upon request to any interested person.

Overtime is to be computed at not less than one and one-half (1 1/2) times the indicated BASE RATE for all hours worked in excess of eight (8) hours per day, or in excess of forty (40) hours per week. However, KRS 337.540 permits an employee and employer to agree, in writing, that the employee will be compensated at a straight time base rate for hours worked in excess of eight (8) hours in any one calendar day, but not more than ten (10) hours worked in any one calendar day, if such written agreement is prior to the over eight (8) hours in a calendar day actually being worked, or where provided for in a collective bargaining agreement. The fringe benefit rate is to be paid for each hour worked at a straight time rate for all hours worked. Fringe benefit amounts are applicable for all hours worked except when otherwise noted. Welders will receive rate for craft in which welding is incidental.

No laborer, workman or mechanic shall be paid at a rate less than that of the General Laborer except those classified as bona fide apprentices registered with the Kentucky State Apprenticeship Supervisor unless otherwise specified in this schedule of wage rates.



Michael Donta, Deputy Commissioner
Department of Workplace Standards

<u>CLASSIFICATIONS</u>	<u>RATE AND FRINGE BENEFITS</u>	
BOILERMAKERS:	BASE RATE	\$24.65
	FRINGE BENEFIT	12.94
<hr/>		
BRICKLAYERS:		
Bricklayers:	BASE RATE	\$22.90
	FRINGE BENEFITS	8.50
Stone Mason:	BASE RATE	\$21.50
	FRINGE BENEFITS	8.50
<hr/>		
CARPENTERS:		
Carpenters:	BASE RATE	\$24.15
	FRINGE BENEFITS	13.50
Piledrivers:	BASE RATE	\$23.80
	FRINGE BENEFITS	13.50
<hr/>		
CEMENT MASONS:	BASE RATE	\$21.25
	FRINGE BENEFITS	8.50
<hr/>		
ELECTRICIANS:	*BASE RATE	\$29.36
	FRINGE BENEFITS	10.55
<p>*When workmen are required to work from bosum chairs, trusses, stacks, tanks, scaffolds, catwalks, radio and T.V. towers, structural steel (open, unprotected, unfloored raw steel), and bridges or similar hazardous locations where workmen are subject to a direct fall, except where using JLG's and bucket trucks up to 75 feet: Add 25% to workman's base rate for 50 to 75 feet, and add 50% to workman's base rate for over 75 feet.</p>		
LINEMAN:	*BASE RATE	\$30.09
	FRINGE BENEFITS	10.94
EQUIPMENT OPERATOR:	*BASE RATE	\$26.90
	FRINGE BENEFITS	10.31
GROUNDSMAN:	*BASE RATE	\$17.79
	FRINGE BENEFITS	8.51
<hr/>		
IRONWORKERS:	BASE RATE	\$ 26.34
	FRINGE BENEFITS	18.84

CLASSIFICATIONS

RATE AND FRINGE BENEFITS

LABORERS:

GROUP 1: Aging and curing of concrete (any mode or method), asbestos abatement worker, asphalt plant laborers, asphalt laborers; batch truck dumpers; carpenter tenders, cement mason tenders, cleaning of machines, concrete laborers, demolition laborers, dredging laborers, drill helper, environmental laborer - nuclear, radiation, toxic and hazardous waste – Level D, flagmen, grade checkers, all hand digging and hand back filling, highway marker placers, landscaping laborers, mesh handlers and placers, puddler, railroad laborers, rip-rap and grouters, right of way laborers, sign, guard rail and fence installers (all types), signalmen, sound barrier installer, storm and sanitary sewer laborers, swampers, truck spotters and dumpers, wrecking of concrete forms, general cleanup:

HEAVY & HIGHWAY	BASE RATE	\$21.15
	FRINGE BENEFITS	11.41

GROUP 2: Batter board men (sanitary and storm sewer), brickmason tenders, mortar mixer operator, scaffold builders, burner and welder, bushammers, chain saw operator, concrete saw operators, deckhand scow man, dry cement handlers, environmental laborers – nuclear, radiation, toxic and hazardous waste – Level C, forklift operators for masonry, form setters, green concrete cutting, hand operated grouter and grinder machine operator, jack hammers, lead paint abatement, pavement breakers, paving joint machine, pipe layers – laser operators (non-metallic), plastic pipe fusion, power driven Georgia buggy and wheel barrow, power post hole diggers, precast manhole setters, walk-behind tampers, walk-behind trenchers, sand blasters, concrete chippers, surface grinders, vibrator operators, wagon drillers:

HEAVY & HIGHWAY	BASE RATE	\$21.40
	FRINGE BENEFITS	11.41

GROUP 3: Air track driller (all types), asphalt luteman and rakersm gunnite nozzleman, gunnite operators and mixers, grout pump operator, powderman and blaster, side rail setters, rail paved ditches, screw operators, tunnel laborers (free air), and water blasters:

HEAVY & HIGHWAY	BASE RATE	\$21.45
	FRINGE BENEFITS	11.41

GROUP 4: Caisson workers (free air), cement finishers, environmental laborer – nuclear, radiation, toxic and hazardous waste – Level A and B, miners and drillers (free air), tunnel blasters, and tunnel mockers (free air), directional and horizontal boring, air track drillers (all types), powder man and blasters, troxler and concrete tester if laborer is utilized:

HEAVY & HIGHWAY	BASE RATE	\$22.05
	FRINGE BENEFITS	11.41

OPERATING ENGINEERS:

Group A-1:

NCCCO or OECP Certified; Crane, dragline, hoist (1 drum when used for stack or chimney construction or repair), hoisting engineer (2 or more drums), orangepeel, overhead crane, piledriver, truck crane, tower crane, hydraulic crane:

BASE RATE	\$28.40
FRINGE BENEFITS	13.40

CLASSIFICATIONS

RATE AND FRINGE BENEFITS

Group A:

Auto patrol, batcher plant, bituminous paver, cable-way, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, orangepeel bucket, piledriver, power blade, roller (bituminous), roller (earth), roller (rock), scarifier, shovel, tractor shovel, truck crane, well points, winch truck, push dozer, grout pump, high lift, fork lift (regardless of lift height), all types of boom cats, multiple operator, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, material pump, pumpcrete, ross carrier, sheepfoot, sideboom, throttle-valve man, rotary drill, power generator, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, tugger, backfiller guries, self-propelled compactor, self-contained hydraulic percussion drill:

BASE RATE \$27.35
FRINGE BENEFITS 13.40

Group B:

All air compressors (200 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, tractor (50 H.P. and over), bull float, finish machine, outboard motor boat, brakeman, mechanic helper, whirly oiler, tractair and road widening trencher, articulating trucks:

BASE RATE \$24.87
FRINGE BENEFITS 13.40

Group B2:

Greaser on grease facilities servicing heavy equipment:

BASE RATE \$25.26
FRINGE BENEFITS 13.40

Group C:

Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, tamping machine, tractors (under 50 H.P.), vibrator, oiler, air compressors (under 200 cu. ft. per min. capacity), concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, hydraulic post driver:

BASE RATE \$24.60
FRINGE BENEFITS 13.40

PAINTERS:

All Excluding Bridges:

BASE RATE \$19.92
FRINGE BENEFITS 9.57

Bridges:

BASE RATE \$23.92
FRINGE BENEFITS 10.07

<u>CLASSIFICATIONS</u>	<u>RATE AND FRINGE BENEFITS</u>	
PLUMBERS:	BASE RATE	\$22.52
	FRINGE BENEFITS	7.80
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SHEET METAL:	BASE RATE	\$20.40
	FRINGE BENEFITS	7.80
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TRUCK DRIVERS:		
Truck helper and warehouseman:	BASE RATE	\$22.45
	FRINGE BENEFITS	13.50
Driver, winch truck and A-Frame when used in transporting materials:	BASE RATE	\$22.55
	FRINGE BENEFITS	13.50
Driver, (semi-trailer or pole trailer), driver (dump truck, tandem axle), driver of distributor:	BASE RATE	\$22.65
	FRINGE BENEFITS	13.50
Driver on mixer trucks (all types):	BASE RATE	\$22.70
	FRINGE BENEFITS	13.50
Truck mechanic:	BASE RATE	\$22.75
	FRINGE BENEFITS	13.50
Driver (3 tons and under), tire changer and truck mechanic helper:	BASE RATE	\$22.78
	FRINGE BENEFITS	13.50
Driver on pavement breakers:	BASE RATE	\$22.80
	FRINGE BENEFITS	13.50
Driver (over 3 tons), driver (truck mounted rotary drill):	BASE RATE	\$22.99
	FRINGE BENEFITS	13.50
Driver, Euclid and other heavy earth moving equipment and Low Boy:	BASE RATE	\$23.56
	FRINGE BENEFITS	13.50
Greaser on greasing facilities:	BASE RATE	\$23.65
	FRINGE BENEFITS	13.50

Kentucky Determination No. CR-13-II-HWY dated April 15, 2013

Fringe benefit amounts are applicable for all hours worked except when otherwise noted.

No laborer, workman or mechanic shall be paid at a rate less than that of the General Laborer except those classified as bona fide apprentices registered with the Kentucky State Apprenticeship Supervisor unless otherwise specified in this schedule of wage rates.

These rates are listed pursuant to the Kentucky Determination No. CR-13-II-HWY dated April 15, 2013. Apprentices or trainees shall be permitted to work as such subject to Administrative Regulations adopted by the Commissioner of Workplace Standards. Copies of these regulations will be furnished upon request from any interested person.

Before using apprentices on the job the contractor shall present to the Contracting Officer written evidence of registration of such employees in a program of a State apprenticeship and training agency approved and recognized by the U. S. Bureau of Apprenticeship and Training. In the absence of such a State agency, the contractor shall submit evidence of approval and registration by the U. S. Bureau of Apprenticeship and Training.

The contractor shall submit to the Contracting Officer, written evidence of the established apprenticeship-journeyman ratios and wage rates in the project area, which will be the basis for establishing such ratios and rates for the project under the applicable contract provisions.

TO: EMPLOYERS/EMPLOYEES

PREVAILING WAGE SCHEDULE:

The wages indicated on this wage schedule are the least permitted to be paid for the occupations indicated. When an employee works in more than one classification, the employer must record the numbers of hours worked in each classification at the prescribed hourly base rate.

OVERTIME:

Overtime is to be paid after an employee works eight (8) hours a day or forty (40) hours a week, whichever gives the employee the greater wage. At least time and one-half the base rate is required for all overtime. A laborer, workman or mechanic and an employer may enter into a written agreement or a collective bargaining agreement to work more than eight (8) hours a calendar day but not more than ten (10) hours a calendar day for the straight time hourly rate. Wage violations or questions should be directed to the designated Engineer or to the undersigned.

Diana Castle Radcliffe, P.E.
Director, Division of Construction Procurement
Frankfort, Kentucky 40622

PART IV
INSURANCE

INSURANCE

The Contractor shall procure and maintain the following insurance in addition to the insurance required by law:

- 1) Commercial General Liability-Occurrence form – not less than \$2,000,000 General aggregate, \$2,000,000 Products & Completed Aggregate, \$1,000,000 Personal & Advertising, \$1,000,000 each occurrence.
- 2) Automobile Liability- \$1,000,000 per accident
- 3) Employers Liability:
 - a) \$100,000 Each Accident Bodily Injury
 - b) \$500,000 Policy limit Bodily Injury by Disease
 - c) \$100,000 Each Employee Bodily Injury by Disease
- 4) The insurance required above must be evidenced by a Certificate of Insurance and this Certificate of Insurance must contain one of the following statements:
 - a) "policy contains no deductible clauses."
 - b) "policy contains _____ (amount) deductible property damage clause but company will pay claim and collect the deductible from the insured."
- 5) KENTUCKY WORKMEN'S COMPENSATION INSURANCE. The contractor shall furnish evidence of coverage of all his employees or give evidence of self-insurance by submitting a copy of a certificate issued by the Workmen's Compensation Board.

The cost of insurance is incidental to all contract items. All subcontractors must meet the same minimum insurance requirements.

PART V
BID ITEMS

PROPOSAL BID ITEMS

141218

Page 1 of 4

Report Date 4/1/14

Section: 0001 - PAVING

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	FP	AMOUNT
0010	00003		CRUSHED STONE BASE	21,722.00	TON		\$	
0020	00100		ASPHALT SEAL AGGREGATE	211.00	TON		\$	
0030	00103		ASPHALT SEAL COAT	27.00	TON		\$	
0040	00190		LEVELING & WEDGING PG64-22	363.00	TON		\$	
0050	00214		CL3 ASPH BASE 1.00D PG64-22	15,426.00	TON		\$	
0060	00388		CL3 ASPH SURF 0.38B PG64-22	3,895.00	TON		\$	
0070	02676		MOBILIZATION FOR MILL & TEXT	1.00	LS		\$	
0080	02677		ASPHALT PAVE MILLING & TEXTURING	678.00	TON		\$	

Section: 0002 - ROADWAY

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	FP	AMOUNT
0090	00078		CRUSHED AGGREGATE SIZE NO 2	8,512.00	TON		\$	
0100	01000		PERFORATED PIPE-4 IN	1,594.00	LF		\$	
0110	01010		NON-PERFORATED PIPE-4 IN	282.00	LF		\$	
0120	01028		PERF PIPE HEADWALL TY 3-4 IN	12.00	EACH		\$	
0130	01310		REMOVE PIPE	690.00	LF		\$	
0140	01825		ISLAND CURB AND GUTTER	100.00	LF		\$	
0150	01921		STANDARD BARRIER MEDIAN TYPE 4	2,412.00	SQYD		\$	
0160	01982		DELINEATOR FOR GUARDRAIL MONO DIRECTIONAL WHITE	52.00	EACH		\$	
0170	01983		DELINEATOR FOR GUARDRAIL MONO DIRECTIONAL YELLOW	26.00	EACH		\$	
0180	01987		DELINEATOR FOR GUARDRAIL BI DIRECTIONAL WHITE	33.00	EACH		\$	
0190	02091		REMOVE PAVEMENT	5,912.00	SQYD		\$	
0200	02200		ROADWAY EXCAVATION	185,858.00	CUYD		\$	
0210	02262		FENCE-WOVEN WIRE TYPE 1	4,621.00	LF		\$	
0220	02265		REMOVE FENCE	5,500.00	LF		\$	
0230	02351		GUARDRAIL-STEEL W BEAM-S FACE	5,725.00	LF		\$	
0240	02363		GUARDRAIL CONNECTOR TO BRIDGE END TY A	4.00	EACH		\$	
0250	02367		GUARDRAIL END TREATMENT TYPE 1	12.00	EACH		\$	
0260	02369		GUARDRAIL END TREATMENT TYPE 2A	7.00	EACH		\$	
0270	02381		REMOVE GUARDRAIL	7,422.00	LF		\$	
0280	02429		RIGHT-OF-WAY MONUMENT TYPE 1	22.00	EACH		\$	
0290	02432		WITNESS POST	10.00	EACH		\$	
0300	02483		CHANNEL LINING CLASS II	2,269.00	TON		\$	
0310	02484		CHANNEL LINING CLASS III	2,183.00	TON		\$	
0320	02545		CLEARING AND GRUBBING (APPROXIMATELY 18 ACRES)	1.00	LS		\$	
0330	02562		TEMPORARY SIGNS	500.00	SQFT		\$	
0340	02599		FABRIC-GEOTEXTILE TYPE IV	85,800.00	SQYD		\$	
0350	02600		FABRIC GEOTEXTILE TY IV FOR PIPE	2,426.00	SQYD	\$2.00	\$	\$4,852.00
0360	02650		MAINTAIN & CONTROL TRAFFIC	1.00	LS		\$	
0370	02651		DIVERSIONS (BY-PASS DETOURS) (DIVERSION #1)	1.00	LS		\$	

PROPOSAL BID ITEMS

141218

Page 2 of 4

Report Date 4/1/14

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	FP	AMOUNT
0380	02651		DIVERSIONS (BY-PASS DETOURS) (DIVERSION #2)	1.00	LS	\$		
0390	02671		PORTABLE CHANGEABLE MESSAGE SIGN	3.00	EACH	\$		
0400	02696		SHOULDER RUMBLE STRIPS-SAWED	20,155.00	LF	\$		
0410	02726		STAKING	1.00	LS	\$		
0420	03171		CONCRETE BARRIER WALL TYPE 9T	425.00	LF	\$		
0430	05950		EROSION CONTROL BLANKET	6,168.00	SQYD	\$		
0440	05963		INITIAL FERTILIZER	3.00	TON	\$		
0450	05964		20-10-10 FERTILIZER	9.10	TON	\$		
0460	05985		SEEDING AND PROTECTION	175,506.00	SQYD	\$		
0470	05990		SODDING	2,393.00	SQYD	\$		
0480	05992		AGRICULTURAL LIMESTONE	53.00	TON	\$		
0490	06510		PAVE STRIPING-TEMP PAINT-4 IN	21,205.00	LF	\$		
0500	06514		PAVE STRIPING-PERM PAINT-4 IN	13,430.00	LF	\$		
0510	06515		PAVE STRIPING-PERM PAINT-6 IN	18,862.00	LF	\$		
0520	06517		PAVE STRIPING-PERM PAINT-12 IN	1,872.00	LF	\$		
0530	06568		PAVE MARKING-THERMO STOP BAR-24IN	137.00	LF	\$		
0540	06569		PAVE MARKING-THERMO CROSS-HATCH	330.00	SQFT	\$		
0550	06574		PAVE MARKING-THERMO CURV ARROW	42.00	EACH	\$		
0560	06589		PAVEMENT MARKER TYPE V-MW	25.00	EACH	\$		
0570	06591		PAVEMENT MARKER TYPE V-BY	115.00	EACH	\$		
0580	06592		PAVEMENT MARKER TYPE V-B W/R	182.00	EACH	\$		
0590	06593		PAVEMENT MARKER TYPE V-B Y/R	153.00	EACH	\$		
0600	06600		REMOVE PAVEMENT MARKER TYPE V	127.00	EACH	\$		
0610	08901		CRASH CUSHION TY VI CLASS BT TL2	2.00	EACH	\$		
0620	10020NS		FUEL ADJUSTMENT	72,000.00	DOLL	\$1.00	\$	\$72,000.00
0630	10030NS		ASPHALT ADJUSTMENT	78,000.00	DOLL	\$1.00	\$	\$78,000.00
0640	22665EN		REMOVE NON-MOUNTABLE MEDIAN	2,711.00	SQYD	\$		
0650	23131ER701		PIPELINE VIDEO INSPECTION	2,605.00	LF	\$		
0660	23143ED		KPDES PERMIT AND TEMP EROSION CONTROL	1.00	LS	\$		

Section: 0003 - DRAINAGE

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	FP	AMOUNT
0670	00461		CULVERT PIPE-15 IN	56.00	LF	\$		
0680	00462		CULVERT PIPE-18 IN	222.00	LF	\$		
0690	00464		CULVERT PIPE-24 IN	171.00	LF	\$		
0700	00466		CULVERT PIPE-30 IN	68.00	LF	\$		
0710	00468		CULVERT PIPE-36 IN	558.00	LF	\$		
0720	00473		CULVERT PIPE-66 IN	72.00	LF	\$		
0730	00475		CULVERT PIPE-78 IN	54.00	LF	\$		
0740	01202		PIPE CULVERT HEADWALL-15 IN	1.00	EACH	\$		
0750	01204		PIPE CULVERT HEADWALL-18 IN	3.00	EACH	\$		
0760	01208		PIPE CULVERT HEADWALL-24 IN	4.00	EACH	\$		
0770	01212		PIPE CULVERT HEADWALL-36 IN	8.00	EACH	\$		
0780	01432		SLOPED BOX OUTLET TYPE 1-15 IN	1.00	EACH	\$		
0790	01452		S & F BOX INLET-OUTLET-30 IN	2.00	EACH	\$		
0800	01453		S & F BOX INLET-OUTLET-36 IN	3.00	EACH	\$		

PROPOSAL BID ITEMS

141218

Page 3 of 4

Report Date 4/1/14

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	FP	AMOUNT
0810	01490		DROP BOX INLET TYPE 1	2.00	EACH		\$	
0820	01493		DROP BOX INLET TYPE 2	1.00	EACH		\$	
0830	01642		JUNCTION BOX-18 IN	1.00	EACH		\$	
0840	24575ES610		HEADWALL (78 IN)	1.00	EACH		\$	
0850	24575ES610		HEADWALL (66 IN)	1.00	EACH		\$	

Section: 0004 - BRIDGE

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	FP	AMOUNT
0860	02110		PARTIAL DEPTH PATCHING	45.00	CUFT		\$	
0870	03298		EXPAN JOINT REPLACE 4 IN	135.00	LF		\$	
0880	03299		ARMORED EDGE FOR CONCRETE	135.00	LF		\$	
0890	08150		STEEL REINFORCEMENT	534.40	LB		\$	
0900	08504		EPOXY SAND SLURRY	165.00	SQYD		\$	
0910	08526		CONC CLASS M FULL DEPTH PATCH	4.00	CUYD		\$	
0920	08534		CONCRETE OVERLAY-LATEX	67.00	CUYD		\$	
0930	08549		BLAST CLEANING	2,067.00	SQYD		\$	
0940	08550		HYDRODEMOLITION	1,912.00	SQYD		\$	
0950	22146EN		CONCRETE PATCHING REPAIR	350.00	SQFT		\$	
0960	23839EC		REMOVE CONCRETE MEDIAN	480.00	SQYD		\$	
0970	23853EC		BEARING REPAIR	10.00	EACH		\$	

Section: 0005 - CULVERT #1

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	FP	AMOUNT
0980	02625		REMOVE HEADWALL (DRAWING 26974)	2.00	EACH		\$	
0990	08002		STRUCTURE EXCAV-SOLID ROCK (DRAWING 26974)	50.00	CUYD		\$	
1000	08003		FOUNDATION PREPARATION (DRAWING 26974)	1.00	LS		\$	
1010	08100		CONCRETE-CLASS A (DRAWING 26974)	158.00	CUYD		\$	
1020	08150		STEEL REINFORCEMENT (DRAWING 26974)	24,436.00	LB		\$	
1030	23930EC		LIGHTWEIGHT CELLULAR CONCRETE FILL (DRAWING 26974)	1,085.00	CUYD		\$	

Section: 0006 - SIGNING

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	FP	AMOUNT
1040	06400		GMSS GALV STEEL TYPE A	15,062.00	LB		\$	
1050	06405		SBM ALUMINUM PANEL SIGNS	1,802.00	SQFT		\$	
1060	06407		SBM ALUM SHEET SIGNS .125 IN	60.00	SQFT		\$	
1070	06410		STEEL POST TYPE 1	62.00	LF		\$	
1080	06417		FLEXIBLE DELINEATOR POST-W	41.00	EACH		\$	
1090	06418		FLEXIBLE DELINEATOR POST-Y	42.00	EACH		\$	
1100	06441		GMSS GALV STEEL TYPE C	15,304.00	LB		\$	
1110	06449		REM OVERHEAD SIGN SUPPORT STR	2.00	EACH		\$	
1120	06451		REMOVE SIGN SUPPORT BEAM	43.00	EACH		\$	

PROPOSAL BID ITEMS

141218

Page 4 of 4

Report Date 4/1/14

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	FP	AMOUNT
1130	06490		CLASS A CONCRETE FOR SIGNS	92.00	CUYD		\$	
1140	06491		STEEL REINFORCEMENT FOR SIGNS	3,328.00	LB		\$	
1150	20418ED		REMOVE & RELOCATE SIGNS	17.00	EACH		\$	
1160	20419ND		ROADWAY CROSS SECTION	23.00	EACH		\$	
1170	21373ND		REMOVE SIGN	5.00	EACH		\$	
1180	21596ND		GMSS TYPE D	4.00	EACH		\$	
1190	24631EC		BARCODE SIGN INVENTORY	2.00	EACH		\$	

Section: 0007 - LIGHTING

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	FP	AMOUNT
1200	04714		POLE 120 FT MTG HT HIGH MAST	11.00	EACH		\$	
1210	04761		LIGHTING CONTROL EQUIPMENT	2.00	EACH		\$	
1220	04773		HPS LUMINAIRE HIGH MAST	62.00	EACH		\$	
1230	04797		CONDUIT-3 IN	625.00	LF		\$	
1240	04800		MARKER	25.00	EACH		\$	
1250	04820		TRENCHING AND BACKFILLING	8,140.00	LF		\$	
1260	04861		CABLE-NO. 6/3C DUCTED	5,930.00	LF		\$	
1270	04862		CABLE-NO. 4/3C DUCTED	3,785.00	LF		\$	
1280	04863		CABLE-NO. 2/3C DUCTED	2,950.00	LF		\$	
1290	04940		REMOVE LIGHTING	1.00	LS		\$	
1300	20391NS835		ELECTRICAL JUNCTION BOX TYPE A	2.00	EACH		\$	
1310	20392NS835		ELECTRICAL JUNCTION BOX TYPE C	4.00	EACH		\$	
1320	21543EN		BORE AND JACK CONDUIT	625.00	LF		\$	
1330	23161EN		POLE BASE-HIGH MAST	98.31	CUYD		\$	

Section: 0008 - DEMOBILIZATION &/OR MOBILIZATION

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	FP	AMOUNT
1340	02568		MOBILIZATION	1.00	LS		\$	
1350	02569		DEMOBILIZATION	1.00	LS		\$	