



**CALL NO. 108**

**CONTRACT ID. 161039**

**SHELBY COUNTY**

**FED/STATE PROJECT NUMBER STP BRZ 0503(243)**

**DESCRIPTION SCRABBLE ROAD(CR-1036)**

**WORK TYPE BRIDGE REPLACEMENT**

**PRIMARY COMPLETION DATE 11/1/2016**

**LETTING DATE: July 29,2016**

Sealed Bids will be received electronically through the Bid Express bidding service until 10:00 AM EASTERN DAYLIGHT TIME July 29,2016. Bids will be publicly announced at 10:00 AM EASTERN DAYLIGHT TIME.

**PLANS AVAILABLE FOR THIS PROJECT.**

**DBE CERTIFICATION REQUIRED - 7%**

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

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**PART I**  
**SCOPE OF WORK**

## ADMINISTRATIVE DISTRICT - 05

**CONTRACT ID - 161039**

**STP BRZ 0503(243)**

**COUNTY - SHELBY**

**PCN - DE10610361639**

**STP BRZ 0503(243)**

SCRABBLE ROAD(CR-1036) REPLACE BRIDGE AND APPROACHES ON SCRABBLE ROAD(CR-1036) OVER  
BACKBONE CREEK.BRIDGE REPLACEMENT SYP NO. 05-01069.00.

GEOGRAPHIC COORDINATES LATITUDE 84:59:38.00 LONGITUDE 38:19:12.00

**COMPLETION DATE(S):**

COMPLETED BY 11/01/2016

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](http://www.transportation.ky.gov/construction-procurement))

The Bidder must download the bid file located on the Bid Express website ([www.bidx.com](http://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 shall make every effort to protect underground facilities from damage as prescribed in the Underground Facility Damage Protection Act of 1994, Kentucky Revised Statute KRS 367.4901 to 367.4917. It is the contractor's responsibility to determine and take steps necessary to be in compliance with federal and state damage prevention directives. When prescribed in said directives, the contractor shall submit Excavation Locate Requests to the Kentucky Contact Center (KY811) via web ticket entry. The submission of this request does not relieve the contractor from the responsibility of contacting non-member facility owners, whom shall be contacted through their individual Protection Notification Center. Non-compliance with these directives can result in the enforcement of penalties.

### **SPECIAL NOTE FOR COMPOSITE OFFSET BLOCKS**

Contrary to the Standard Drawings (2016 edition) the Cabinet will allow 6" composite offset blocks in lieu of wooden offset blocks, except as specified on proprietary end treatments and crash cushions. The composite blocks shall be selected from the Cabinet's List of Approved Materials.

### **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](mailto: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](http://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 US Department of Agriculture has imposed a quarantine in Kentucky and several surrounding states, 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 state. 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.

06/01/16

### **FEDERAL CONTRACT NOTES**

The Kentucky Department of Highways, in accordance with the Regulations of the United States Department of Transportation 23 CFR 635.112 (h), hereby notifies all bidders that failure by a bidder to comply with all applicable sections of the current Kentucky Standard Specifications, including, but not limited to the following, may result in a bid not being considered responsive and thus not eligible to be considered for award:

102.02 Current Capacity Rating 102.10 Delivery of Proposals  
102.8 Irregular Proposals 102.14 Disqualification of Bidders  
102.9 Proposal Guaranty

### **CIVIL RIGHTS ACT OF 1964**

The Kentucky Department of Highways, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the Regulations of the Federal Department of Transportation (49 C.F.R., Part 21), issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that the contract entered into pursuant to this advertisement will be awarded to the lowest responsible bidder without discrimination on the ground of race, color, or national origin.

### **NOTICE TO ALL BIDDERS**

To report bid rigging activities call: 1-800-424-9071.

The U.S. Department of Transportation (DOT) operates the above toll-free "hotline" Monday through Friday, 8:00 a.m. to 5:00 p.m. eastern time. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the "hotline" to report such activities.

The "hotline" is part of the DOT's continuing effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the DOT Inspector General. All information will be treated confidentially and caller anonymity will be respected.

### **SECOND TIER SUBCONTRACTS**

Second Tier subcontracts on federally assisted projects shall be permitted. However, in the case of DBE's, second tier subcontracts will only be permitted where the other subcontractor is also a DBE. All second tier subcontracts shall have the consent of both the Contractor and the Engineer.

### **DISADVANTAGED BUSINESS ENTERPRISE PROGRAM**

It is the policy of the Kentucky Transportation Cabinet (“the Cabinet”) that Disadvantaged Business Enterprises (“DBE”) shall have the opportunity to participate in the performance of highway construction projects financed in whole or in part by Federal Funds in order to create a level playing field for all businesses who wish to contract with the Cabinet. To that end, the Cabinet will comply with the regulations found in 49 CFR Part 26, and the definitions and requirements contained therein shall be adopted as if set out verbatim herein.

The Cabinet, contractors, subcontractors, and sub-recipients shall not discriminate on the basis of race, color, national origin, or sex in the performance of work performed pursuant to Cabinet contracts. The contractor shall carry out applicable requirements of 49 CFR 26 in the award and administration of federally assisted highway construction projects. The contractor will include this provision in all its subcontracts and supply agreements pertaining to contracts with the Cabinet.

Failure by the contractor to carry out these requirements is a material breach of its contract with the Cabinet, which may result in the termination of the contract or such other remedy as the Cabinet deems necessary.

### **DBE GOAL**

The Disadvantaged Business Enterprise (DBE) goal established for this contract, as listed on the front page of the proposal, is the percentage of the total value of the contract.

The contractor shall exercise all necessary and reasonable steps to ensure that Disadvantaged Business Enterprises participate in a least the percent of the contract as set forth above as goals for this contract.

### **OBLIGATION OF CONTRACTORS**

Each contractor prequalified to perform work on Cabinet projects shall designate and make known to the Cabinet a liaison officer who is assigned the responsibility of effectively administering and promoting an active program for utilization of DBEs.

If a formal goal has not been designated for the contract, all contractors are encouraged to consider DBEs for subcontract work as well as for the supply of material and services needed to perform this work.

Contractors are encouraged to use the services of banks owned and controlled by minorities and women.

### **CERTIFICATION OF CONTRACT GOAL**

Contractors shall include the following certification in bids for projects for which a DBE goal has been established. BIDS SUBMITTED WHICH DO NOT INCLUDE CERTIFICATION OF DBE PARTICIPATION WILL NOT BE ACCEPTED. These bids will not be considered for award by the Cabinet and they will be returned to the bidder.

“The bidder certifies that it has secured participation by Disadvantaged Business Enterprises (“DBE”) in the amount of \_\_\_\_ percent of the total value of this contract and that the DBE participation is in compliance with the requirements of 49 CFR 26 and the policies of the Kentucky Transportation Cabinet pertaining to the DBE Program.”

**The certification statement is located in the electronic bid file. All contractors must certify their DBE participation on that page. DBEs utilized in achieving the DBE goal must be certified and prequalified for the work items at the time the bid is submitted.**

### **DBE PARTICIPATION PLAN**

Lowest responsive bidders must submit the *DBE Plan/ Subcontractor Request*, form TC 14-35 DBE, within **7** days of the letting. This is necessary before the Awards Committee will review and make a recommendation. **The project will not be considered for award prior to submission and approval of the apparent low bidder’s DBE Plan/Subcontractor Request.**

The DBE Participation Plan shall include the following:

- 1 Name and address of DBE Subcontractor(s) and/or supplier(s) intended to be used in the proposed project;
- 2 Description of the work each is to perform including the work item , unit, quantity, unit price and total amount of the work to be performed by the individual DBE. The Project Code Number (PCN), Category Number, and the Project Line Number can be found in the “material listing” on the Construction Procurement website under the specific letting;
- 3 The dollar value of each proposed DBE subcontract and the percentage of total project contract value this represents. DBE participation may be counted as follows; a) If DBE suppliers and manufactures assume actual and contractual responsibility, the dollar value of materials to be furnished will be counted toward the goal as follows:
  - The entire expenditure paid to a DBE manufacturer;
  - 60 percent of expenditures to DBE suppliers that are not manufacturers provided the supplier is a regular dealer in the product involved. A regular dealer must be engaged in, as its principal business and in its own name, the sale of products to the public, maintain an inventory and own and operate distribution equipment; and
  - The amount of fees or commissions charged by the DBE firms for a bona fide service, such as professional, technical, consultant, or managerial services and assistance in the procurement of essential personnel, facilities, equipment, materials, supplies, delivery of materials and supplies or for furnishing bonds, or insurance, providing such fees or commissions are determined to be reasonable and customary.

- b) The dollar value of services provided by DBEs such as quality control testing, equipment repair and maintenance, engineering, staking, etc.;
  - c) The dollar value of joint ventures. DBE credit for joint ventures will be limited to the dollar amount of the work actually performed by the DBE in the joint venture;
- 4 Written and signed documentation of the bidder's commitment to use a DBE contractor whose participation is being utilized to meet the DBE goal; and
- 5 Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment.

#### **UPON AWARD AND BEFORE A WORK ORDER WILL BE ISSUED**

Contractors must submit the signed subcontract between the contractor and the DBE contractor, the DBE's certificate of insurance, and an affidavit for bidders, offerors, and contractors from the DBE to the Division of Construction Procurement. The affidavit can be found on the Construction Procurement website. If the DBE is a supplier of materials for the project, a signed purchase order and an affidavit for bidders, offerors, and contractors must be submitted to the Division of Construction Procurement.

Changes to DBE Participation Plans must be approved by the Cabinet. The Cabinet may consider extenuating circumstances including, but not limited to, changes in the nature or scope of the project, the inability or unwillingness of a DBE to perform the work in accordance with the bid, and/or other circumstances beyond the control of the prime contractor.

#### **CONSIDERATION OF GOOD FAITH EFFORTS REQUESTS**

If the DBE participation submitted in the bid by the apparent lowest responsive bidder does not meet or exceed the DBE contract goal, the apparent lowest responsive bidder must submit a Good Faith Effort Package to satisfy the Cabinet that sufficient good faith efforts were made to meet the contract goals prior to submission of the bid. Efforts to increase the goal after bid submission will not be considered in justifying the good faith effort, unless the contractor can show that the proposed DBE was solicited prior to the letting date. DBEs utilized in achieving the DBE goal must be certified and prequalified for the work items at the time the bid is submitted. One complete set and nine (9) copies of this information must be received in the

office of the Division of Contract Procurement no later than 12:00 noon of the tenth calendar day after receipt of notification that they are the apparent low bidder.

Where the information submitted includes repetitious solicitation letters it will be acceptable to submit a sample representative letter along with a distribution list of the firms solicited. Documentation of DBE quotations shall be a part of the good faith effort submittal as necessary to demonstrate compliance with the factors listed below which the Cabinet considers in judging good faith efforts. This documentation may include written subcontractors' quotations, telephone log notations of verbal quotations, or other types of quotation documentation.

The Good Faith Effort Package shall include, but may not be limited to information showing evidence of the following:

- 1 Whether the bidder attended any pre-bid meetings that were scheduled by the Cabinet to inform DBEs of subcontracting opportunities;
- 2 Whether the bidder provided solicitations through all reasonable and available means;
- 3 Whether the bidder provided written notice to all DBEs listed in the DBE directory at the time of the letting who are prequalified in the areas of work that the bidder will be subcontracting;
- 4 Whether the bidder followed up initial solicitations of interest by contacting DBEs to determine with certainty whether they were interested. If a reasonable amount of DBEs within the targeted districts do not provide an intent to quote or no DBEs are prequalified in the subcontracted areas, the bidder must notify the DBE Liaison in the Office of Minority Affairs to give notification of the bidder's inability to get DBE quotes;
- 5 Whether the bidder selected portions of the work to be performed by DBEs in order to increase the likelihood of meeting the contract goals. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise perform these work items with its own forces;
- 6 Whether the bidder provided interested DBEs with adequate and timely information about the plans, specifications, and requirements of the contract;
- 7 Whether the bidder negotiated in good faith with interested DBEs not rejecting them as unqualified without sound reasons based on a thorough investigation of their capabilities. Any rejection should be so noted in writing with a description as to why an agreement could not be reached;
- 8 Whether quotations were received from interested DBE firms but were rejected as unacceptable without sound reasons why the quotations were considered unacceptable. The fact that the DBE firm's quotation for the work is not the lowest quotation received will not in itself be considered as a sound reason for rejecting the quotation as unacceptable. The fact that the bidder has the ability and/or desire to perform the contract work with its own forces will not be considered a sound reason for rejecting a DBE quote. Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy DBE goals;
- 9 Whether the bidder specifically negotiated with subcontractors to assume part of the responsibility to meet the contract DBE goal when the work to be subcontracted includes potential DBE participation;
- 10 Whether the bidder made any efforts and/or offered assistance to interested DBEs in obtaining the necessary equipment, supplies, materials, insurance and/or bonding to satisfy the work requirements of the bid proposal; and
- 11 Any other evidence that the bidder submits which may show that the bidder has made reasonable good faith efforts to include DBE participation.



### **FAILURE TO MEET GOOD FAITH REQUIREMENT**

Where the apparent lowest responsive bidder fails to submit sufficient participation by DBE firms to meet the contract goal and upon a determination by the Good Faith Committee based upon the information submitted that the apparent lowest responsive bidder failed to make sufficient reasonable efforts to meet the contract goal, the bidder will be offered the opportunity to meet in person for administrative reconsideration. The bidder will be notified of the Committee's decision within 24 hours of its decision. The bidder will have 24 hours to request reconsideration of the Committee's decision. The reconsideration meeting will be held within two days of the receipt of a request by the bidder for reconsideration.

The request for reconsideration will be heard by the Office of the Secretary. The bidder will have the opportunity to present written documentation or argument concerning the issue of whether it met the goal or made an adequate good faith effort. The bidder will receive a written decision on the reconsideration explaining the basis for the finding that the bidder did or did not meet the goal or made adequate Good Faith efforts to do so.

The result of the reconsideration process is not administratively appealable to the Cabinet or to the United States Department of Transportation.

The Cabinet reserves the right to award the contract to the next lowest responsive bidder or to rebid the contract in the event that the contract is not awarded to the low bidder as the result of a failure to meet the good faith requirement.

### **SANCTIONS FOR FAILURE TO MEET DBE REQUIREMENTS OF THE PROJECT**

Failure by the prime contractor to fulfill the DBE requirements of a project under contract or to demonstrate good faith efforts to meet the goal constitutes a breach of contract. When this occurs, the Cabinet will hold the prime contractor accountable, as would be the case with all other contract provisions. Therefore, the contractor's failure to carry out the DBE contract requirements shall constitute a breach of contract and as such the Cabinet reserves the right to exercise all administrative remedies at its disposal including, but not limited to the following:

- Disallow credit toward the DBE goal;
- Withholding progress payments;
- Withholding payment to the prime in an amount equal to the unmet portion of the contract goal; and/or
- Termination of the contract.

### **PROMPT PAYMENT**

The prime contractor will be required to pay the DBE within seven (7) working days after he or she has received payment from the Kentucky Transportation Cabinet for work performed or materials furnished.

### **CONTRACTOR REPORTING**

All contractors must keep detailed records and provide reports to the Cabinet on their progress in meeting the DBE requirement on any highway contract. These records may include, but shall not be limited to payroll, lease agreements, cancelled payroll checks, executed subcontracting agreements, etc. Prime contractors will be required to complete and submit a signed and notarized affidavit (TC 18-7) and copies of checks for any monies paid to each DBE subcontractor or supplier utilized to meet a DBE goal. **These documents must be submitted within 10 days of being paid by the Cabinet.**

Payment information that needs to be reported includes date the payment is sent to the DBE, check number, Contract ID, amount of payment and the check date. Before Final Payment is made on this contract, the Prime Contractor will certify that all payments were made to the DBE subcontractor and/or DBE suppliers.

The Prime Contractor should supply the payment information at the time the DBE is compensated for their work. Form to use is located at:

<http://transportation.ky.gov/Construction/Pages/Subcontracts.aspx>

**The prime contractor should notify the KYTC Office of Civil Rights and Small Business Development seven (7) days prior to DBE contractors commencing work on the project. The contact is Melvin Bynes and the telephone number is (502) 564-3601.**

Photocopied payments and completed, signed and notarized affidavit must be submitted by the Prime Contractor to: Office of Civil Rights and Small Business Development  
6<sup>th</sup> Floor West 200 Mero Street  
Frankfort, KY 40622

### **DEFAULT OR DECERTIFICATION OF THE DBE**

If the DBE subcontractor or supplier is decertified or defaults in the performance of its work, and the overall goal cannot be credited for the uncompleted work, the prime contractor may utilize a substitute DBE or elect to fulfill the DBE goal with another DBE on a different work item. If after exerting good faith effort in accordance with the Cabinet's Good Faith Effort policies and procedures, the prime contractor is unable to replace the DBE, then the unmet portion of the goal may be waived at the discretion of the Cabinet.

3/24/2016

**LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC – CARGO PREFERENCE ACT (CPA).**

**(REV 12-17-15) (1-16)**

SECTION 7 is expanded by the following new Article:

102.10 **Cargo Preference Act – Use of United States-flag vessels.**

Pursuant to Title 46CFR Part 381, the Contractor agrees

- To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.

- To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph 1 of this section to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590.

- To insert the substance of the provisions of this clause in all subcontracts issued pursuant to this contract.

### **EXPEDITE PROJECT WORK ORDER**

The Contractor may request that the Department expedite the work order for this project to allow for maximization of time to complete the work. In order for the Department to accomplish this task, the Contractor may be required to “hand carry” all required project documentation to facilitate the process. Immediately UPON NOTIFICATION OF AWARD OF THE CONTRACT, deliver required project documentation to:

Division of Construction Procurement  
200 Mero St.  
Frankfort, KY 40602

### **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.

### **OPTION B**

Be advised that the Department will control and accept compaction of asphalt mixtures furnished on this project under OPTION B in accordance with Sections 402 and 403.

***SPECIAL NOTE***

**For Tree Removal**

**Shelby County  
Scrabble Road Bridge Replacement  
Item No. 5-1069**

NO CLEARING OF TREES 5 INCHES OR GREATER (DIAMETER BREST  
HEIGHT) FROM JUNE 1- JULY 31.

**If there are any questions regarding this note, please contact David Waldner,  
Director, Division of Environmental Analysis, 200 Mero Street, Frankfort, KY  
40601, Phone: (502) 564-7250.**


**LIQUIDATED DAMAGES and FIXED COMPLETION DATE**

CONTRARY TO THE CURRENT EDITION OF THE STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION, SECTION 108.09, IF THE CONTRACTOR FAILS TO COMPLETE THE ALL WORK BY THE FIXED COMPLETION DATE LISTED IN THE CONTRACT DOCUMENTS, LIQUIDATED DAMAGES WILL BE ASSESSED AT \*\*\* **\$1,600** \*\*\* PER CALENDAR DAY.

LIQUIDATED DAMAGES WILL BE CHARGED FROM THE COMPLETION DATE TO THE PROJECT'S COMPLETION REGARDLESS OF TEMPERATURE OR WEATHER LIMITATIONS. THIS PROJECT HAS A FIXED COMPLETION DATE OF \*\*\* **NOVEMBER 01, 2016.** \*\*\*

**MEMO TO:** Chris Sloan, PE  
Project Delivery and Preservation Manager  
District 5 Louisville

Mohammad Abdol, PE  
Engineering Support Manager  
District 5 Louisville

**FROM:** Keith Downs   
Project Manager  
District 5 Design

**DATE:** April 22, 2016

**SUBJECT:** Shelby County  
Replace Bridge and Apprs on CR 1036 over Backbone Ck  
BRZ 0503(224)  
1200 C35 D625 05 FD52 1550 C106 E143  
MARS # 8755701D  
**Item No. 5-1069.00**

In concurrence with Design Memorandum No. 4-08 submitted herewith is the Traffic Management Plan (TMP) for the subject project. It is requested that each division review the plan and provide comments as necessary. If the plan is acceptable, it is requested that the approval signatures be affixed hereon.

The project is scheduled for July 29, 2016 letting and has a fixed completion date of November 1, 2016.

Attachment

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# KENTUCKY TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS TRAFFIC MANAGEMENT PLAN

County: Shelby Item No.: 5-1069.00

Federal Project No.: BRZ 0503(224)

**Project Description:**

CR 1036 Bridge Replacement over Backbone Creek.

Roadway Classification:  Urban  Rural  
 Local  Collector  Arterial  Interstate

ADT (current) 200 AM Peak Current 25 PM Peak Current 25 % Trucks 10

Project Designation:  Significant  Other: \_\_\_\_\_

**Traffic Control Plan Design:**

Taper and Diversion Design Speeds N/A

Minimum Lane Width N/A

Minimum Shoulder Width N/A

Minimum Bridge Width N/A

Minimum Radius N/A

Maximum Grade N/A

Minimum Taper Length N/A

Minimum Intersection Level of Service N/A

Existing Traffic Queue Lengths N/A

Projected Traffic Queue Lengths N/A

**Comments:**

A road closure on CR 1036 at bridge with a signed detour route will be utilized for this project.



**KENTUCKY TRANSPORTATION CABINET  
 DEPARTMENT OF HIGHWAYS  
 TRAFFIC MANAGEMENT PLAN**

Item No. 5-1069.00

**Discussion:**

<b>1) Public Information Plan</b>			
a) Prepare with assistance from <input type="checkbox"/> KYTC or <input checked="" type="checkbox"/> Strand Associates, Inc.			
b) Identify Trip Generators	N/A	f) Railroad Involvement	N/A
c) Identify Types of Road Users	Referenced	g) Address Pedestrians, Bikes Mass Transit	N/A
d) Public Information Message	Referenced	h) Address Timing, Frequency, Updates, Effectiveness of Plan	N/A
e) Public Information Strategies to be used	Referenced	i) Police & Other Emergency Services	Referenced

## KENTUCKY TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS TRAFFIC MANAGEMENT PLAN

Item No. 5-1069.00

<b>2) Temporary Traffic Control Plan (For Each Phase of Construction)</b>	
<b>Phase I</b>	
<b>Exposure Control Measures</b>	<b>Positive Protection Measures</b>
a) Is Road Closure Allowed Type:                      Referenced	a) Address Drop Off Protection Criteria                      Referenced
b) Detour Conditions                      Referenced	b) Temporary Barrier Requirements                      N/A
c) Working Hour Restrictions                      N/A	c) Evaluation of Existing Guardrail Conditions                      N/A
d) Holiday or Special Event Work Restrictions                      N/A	d) Address Temporary Drainage                      N/A
e) Evaluation of Intersection LOS                      N/A	<b>Uniformed Law Enforcement Officers</b> N/A
f) Evaluation of Queue Lengths                      N/A	<b>Payment for Traffic Control*</b>
g) Evaluation of User Costs and Incentives/Disincentives                      N/A	a) Method of Project Bidding                      Referenced
h) Address Pedestrians, Bikes, Mass Transit                      N/A	b) Special Notes                      Referenced
<b>Work Vehicles and Equipment</b> Referenced	*Payment for traffic control items shall be in accordance with the Kentucky Department of Highways Standard Specifications for Road and Bridge Construction
Comments:	
See Maintenance of Traffic Plans for CR 1036 Closure and Detour Details.	

**KENTUCKY TRANSPORTATION CABINET  
DEPARTMENT OF HIGHWAYS  
TRAFFIC MANAGEMENT PLAN**

Item No. 5-1069.00

<b>2) Temporary Traffic Control Plan (For Each Phase of Construction) Phase N/A</b>	
<b>Exposure Control Measures</b>	<b>Positive Protection Measures</b>
a) Is Road Closure Allowed Type: N/A	a) Address Drop Off Protection Criteria N/A
b) Detour Conditions N/A	b) Temporary Barrier Requirements N/A
c) Working Hour Restrictions N/A	c) Evaluation of Existing Guardrail Conditions N/A
d) Holiday or Special Event Work Restrictions N/A	d) Address Temporary Drainage N/A
e) Evaluation of Intersection LOS N/A	<b>Uniformed Law Enforcement Officers</b> N/A
f) Evaluation of Queue Lengths N/A	<b>Payment for Traffic Control*</b>
g) Evaluation of User Costs and Incentives/Disincentives N/A	a) Method of Project Bidding N/A
h) Address Pedestrians, Bikes, Mass Transit N/A	b) Special Notes N/A
<b>Work Vehicles and Equipment</b> N/A	*Payment for traffic control items shall be in accordance with the Kentucky Department of Highways Standard Specifications for Road and Bridge Construction
Comments:	

**KENTUCKY TRANSPORTATION CABINET  
DEPARTMENT OF HIGHWAYS  
TRAFFIC MANAGEMENT PLAN**

Item No. 5-1069.00

<b>2) Temporary Traffic Control Plan (For Each Phase of Construction) Phase N/A</b>	
<b>Exposure Control Measures</b>	<b>Positive Protection Measures</b>
a) Is Road Closure Allowed Type: N/A	a) Address Drop Off Protection Criteria N/A
b) Detour Conditions N/A	b) Temporary Barrier Requirements N/A
c) Working Hour Restrictions N/A	c) Evaluation of Existing Guardrail Conditions N/A
d) Holiday or Special Event Work Restrictions N/A	d) Address Temporary Drainage N/A
e) Evaluation of Intersection LOS N/A	<b>Uniformed Law Enforcement Officers</b> N/A
f) Evaluation of Queue Lengths N/A	<b>Payment for Traffic Control*</b>
g) Evaluation of User Costs and Incentives/Disincentives N/A	a) Method of Project Bidding N/A
h) Address Pedestrians, Bikes, Mass Transit N/A	b) Special Notes N/A
<b>Work Vehicles and Equipment</b> N/A	*Payment for traffic control items shall be in accordance with the Kentucky Department of Highways Standard Specifications for Road and Bridge Construction
Comments:	

KENTUCKY TRANSPORTATION CABINET  
DEPARTMENT OF HIGHWAYS  
TRAFFIC MANAGEMENT PLAN

Item No. 5-1069.00

**APPROVAL:**

  
\_\_\_\_\_  
Project Manager 4/22/2016  
Date

  
\_\_\_\_\_  
Project Delivery and Preservation Manager 4.25.16  
Date

  
\_\_\_\_\_  
Engineering Support Manager 5-11-16  
Date

**NOT REQUIRED**

\_\_\_\_\_  
FHWA Representative Date

**Revisions to the TMP require review/approval by the signatories.**

**SCRABBLE ROAD BRIDGE REPLACEMENT  
CR1036  
ITEM # 5-1069  
PUBLIC INFORMATION PLAN**

The primary goal of the Public Information Plan (PIP) is to inform the motoring public and area stakeholders of project information including Maintenance of Traffic (MOT) lane and road closures. The KYTC District 5 Public Information Officer (PIO) will coordinate and disseminate to stakeholders and the media appropriate information regarding the construction plans.

**LOCAL STAKEHOLDERS**

- Elected Officials
  - State Senator Paul Hornback – (502) 564-8100; [paul.hornback@lrc.ky.gov](mailto:paul.hornback@lrc.ky.gov)
  - State Representative Brad Montell – (502) 633-7533; [brad.montell@lrc.ky.gov](mailto:brad.montell@lrc.ky.gov)
  - Shelby County Judge/Executive Rob Rothenburger – (502) 633-1220; [rob.rothenburger@shelbycoky.com](mailto:rob.rothenburger@shelbycoky.com)
  - Shelby County Magistrate Bill Hedges – (502)461-0897; [billhedges4@gmail.com](mailto:billhedges4@gmail.com)
  
- Local Agencies
  - Mike Armstrong, Shelby County Sheriff – (502) 633-4324; [sheriff@shelbycoky.com](mailto:sheriff@shelbycoky.com)
  - George Blakeman, Shelby County Public Schools Transportation– (502) 633-4671; [george.blakeman@shelby.kyschools.us](mailto:george.blakeman@shelby.kyschools.us)
  - Paul Whitman, Shelby County Emergency Management – (502) 647-9001; [paul.whitman@shelbycoky.com](mailto:paul.whitman@shelbycoky.com)
  - Chief Rusty Newton, Bagdad Fire Department – (502) 747-0078; [rusty.newton@shelbycoky.com](mailto:rusty.newton@shelbycoky.com)
  
- Utility Companies
  - Local utility companies are kept apprised of this project at the monthly utility coordination meetings hosted by District 5
  
- Neighborhoods and their Mayors

**TRUCKING FIRMS AND OUT OF STATE STAKEHOLDERS**

Information will be distributed electronically to trucking firms via Rick Taylor at the Department of Vehicle Regulation (502-564-4540; [rick.taylor@ky.gov](mailto:rick.taylor@ky.gov)). Information will also be posted on the 511 website ([www.511.ky.gov](http://www.511.ky.gov)) and on the 511 telephone information system.

## **PRESENTATIONS**

A project description including anticipated schedule will be provided to the media, stakeholders, TRIMARC, rest areas and other emergency service agencies via e-mail prior to construction. Information will be provided to these groups via traffic advisories, press releases, the District 5 website and the weekly District 5 Road Show of Construction and Maintenance Activities.

## **MEDIA RELATIONS**

The District PIO will prepare an initial news release regarding the contract award for the project. The PIO will conduct interviews with the media throughout the project duration to keep the public informed of construction progress. Traffic advisories will be submitted to the media when a change in the MOT occurs. The contractor must provide to the PIO via the Resident Engineer notification of any change in the MOT at least seven (7) days prior to the change.

## TRAFFIC MANAGEMENT PLAN

### Item 5-1069.00

#### 2) Temporary Traffic Control Plan

##### Exposure Control Measures

**a) Is Road Closure Allowed:** Yes, a Road Closure on CR 1036 will be allowed for this project. The signed Detour Route will be provided. See Traffic Control Plans.

**b) Detour Conditions:** The Detour Route is signed and utilizes state and county roads. See Traffic Control Plans.

**c) Working Hour Restrictions:** N/A

**d) Holiday or Special Even Work Restrictions:** N/A

**e) Evaluation of Intersection LOS:** N/A

**f) Evaluation of Queue Lengths:** N/A

**g) Evaluation of User Cost and Incentives/Disincentives:** N/A

**h) Address Pedestrians, Bikes, and Mass Transit:** N/A

**Work Vehicles and Equipment:** As stipulated in the Traffic Control Plan and Standard Specifications for Road and Bridge Construction, current edition.

##### Positive Protection Measures

**a) Address Drop Off Protection Criteria:** See Traffic Control Plans.

**b) Temporary Barrier Requirements:** N/A

**c) Evaluation of Existing Guardrail Condition:** N/A

**d) Address Temporary Drainage:** N/A

**Uniform Law Enforcement Officers:** N/A

**Payment for Traffic Control:** Payment for traffic control items shall be in accordance with the Kentucky Department of Highways Standard Specifications for Road and Bridge Construction, unless otherwise noted.

**a) Method of Project Bidding:** Open

**b) Special Notes:** See Proposal



# BACKBONE CREEK BRIDGE REPLACEMENT IN SHELBY COUNTY M.P. 0.482 ON CR 1036 ITEM # 5-1069.00

## Traffic Management Plan Overview

### PROJECT GOALS AND OBJECTIVES

- The purpose of this project is to provide a safe, structurally sufficient stream crossing for travelers on CR 1036 in Shelby County. The existing 39-foot single-span steel girder bridge was constructed in 1987 and has been determined to be structurally deficient with a sufficiency rating of 44.2. Typically a bridge with a sufficiency rating below 50 is considered substandard and should be replaced. The bridge also has a clear width of 16 feet, which is considered narrow for truck use. CR 1036 serves as a connection between KY 1922 (Cedarmore Rd.), a Rural Minor Collector in Shelby County with US-421, a Rural Minor Arterial in Franklin County. US-421 is part of a direct link to Interstate 71 that connects to the Milton-Madison Bridge, which connects Kentucky to Indiana.
- The pavement construction considerations for this project will provide new pavement and a widened typical section. The bridge and roadway will be constructed with a road closure and a signed detour route which use state and county roads.
- The road closure with signed detour route option was chosen over part-width and diversion construction alternates. This was due to the low traffic volume and residents along CR 1036. The Shelby County officials, including emergency management services, were not opposed to the road closure or detour route.
- Utility Impacts: A water main (North Shelby Water Company) is located on the south side of CR 1036 that will require relocation due to the project. However, the extent of the relocation is minimal, with KYTC allotting \$20,000 for the relocation. Time Warner Communications, AT&T, and Shelby Energy Cooperative all have facilities in the project area, however no relocations are anticipated.
- The existing drainage pattern will remain virtually unchanged. The proposed bridge will utilize vertical abutments; the existing bridge also has vertical abutments. With the exception of Backbone Creek, there are no other blue-line streams within the project limits.

<b>Federal Number :</b> STP BRZ 0503 (224)	<b>SYP Item No :</b> 5 - 01069.00
<b>Project Type :</b> Conventional	<b>KYTC File No :</b> 5221
<b>DUNS # :</b> 188593644	<b>eMARS :</b> 87557 01D
<b>Demo ID :</b>	<b>Rural/Urban :</b> R
<b>Inv Route Number :</b> CR 1036	<b>Functional System :</b> L
<b>Beg/End Mile Point :</b> 0.462 - 0.502	<b>FA System :</b> O
<b>Project Length :</b> 0.04	<b>On NHS Y/N :</b> N
<b>Bridge No :</b> 106C00055N	<b>County Name :</b> Shelby
<b>Project Oversight :</b> Delegated/State Administered	<b>Congrl District(s) :</b> 2
<b>STIP Ref:</b> FY13-16, Adm. Mod.# 2012.027	<b>KYTC Phase :</b> Design
<b>TIP Ref:</b>	<b>State Def Field 1 :</b>
<b>Env. Doc. Type/Date :</b>	<b>State Def Field 2 :</b> PROGRAM MANAGEMENT
<b>Urbanized Area :</b>	<b>State Def Field 3 :</b> 2-11-13 <i>use</i>

**Project Description**  
REPLACE BRIDGE ON SCRABBLE RD (CR 1036) OVER BACKBONE CREEK 0.47 MILE E OF CEDARMORE RD (KY 1922).

**Additional comments**  
PE, Environmental Assesment, and Design for replacing Bridge and Approaches.

**Remarks:**  
The projected environmental document for this project is CE Level 1.  
Modify agreement to release \$360,000.00 (M240) and obligate \$360,000.00 (M233).

CO	IMPR. TYPE	AC	APP	FF %	PRIOR FEDERAL	FEDERAL	STATE	OTHER	TOLL CREDIT	TOTAL
211	15		M233	80%		360,000.00			72,000.00	360,000.00
211	15		M240	80%	360,000.00	0.00			0.00	0.00

NOTE: 5-1069 IS NON-NHS  
FHWA SIGNATURE IS NOT  
REQUIRED ON TMP.

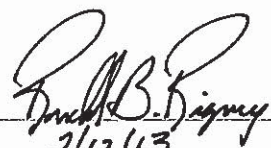
KEITH DOWNS 2/10/2016


<b>Project Total</b>	<b>\$360,000.00</b>	<b>\$360,000.00</b>	<b>\$72,000.00</b>	<b>\$360,000.00</b>
----------------------	---------------------	---------------------	--------------------	---------------------

The State agrees that as a condition to payment of Federal funds obligated, it accepts and will comply with the agreement provisions set forth in 23 CFR 630.112; and its signature constitutes the making of the certifications.

Original	
Modification	1

This agreement is subject to the following award terms:  
<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf> and  
<http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf>

KYTC Signature:   
Date: 2/12/13

FHWA Signature:   
Date: 2-14-13

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# MAINTENANCE OF TRAFFIC NOTES

**GENERAL NOTES**

1. TRAFFIC SHALL BE MAINTAINED IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, THE STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION AND THE STANDARD DRAWINGS, CURRENT EDITIONS.
2. THE CONTRACTOR SHALL NOTIFY THE SHELBY COUNTY SHERIFF AND KENTUCKY STATE POLICE A MINIMUM OF 14 HOURS IN ADVANCE OF ALL LUMP SUMS OF ASSISTANCE IS BEING REQUIRED BY THE CONTRACTOR, ANY FEE REQUIRED BY THE POLICE SHALL BE AT THE CONTRACTOR'S EXPENSE.
3. EXCEPT FOR THE ROADWAY AND TRAFFIC CONTROL BID ITEMS LISTED, ALL ITEMS OF WORK NECESSARY TO MAINTAIN AND CONTROL TRAFFIC WILL BE PAID AT THE LUMP SUM BID PRICE TO "MAINTAIN AND CONTROL TRAFFIC" AS SET FORTH IN THE CURRENT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION UNLESS OTHERWISE PROVIDED FOR IN THESE NOTES. THE LUMP SUM BID TO MAINTAIN AND CONTROL TRAFFIC SHALL ALSO INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING ITEMS AND OPERATIONS:
  - A. ALL GRADING AND NECESSARY DRAINAGE (UNLESS A BID ITEM FOR DETOUR CONSTRUCTION IS INCLUDED) FOR THE TEMPORARY ROADWAY AND REMOVAL THEREOF, WHEN IT IS NO LONGER NEEDED, IF A BID ITEM FOR DETOUR CONSTRUCTION IS INCLUDED, GRADING AND DRAINAGE WILL BE PAID FOR IN THE BID ITEM "DETOUR CONSTRUCTION".
  - B. ALL LABOR AND MATERIALS NECESSARY FOR CONSTRUCTION AND MAINTENANCE OF TRAFFIC CONTROL DEVICES AND MARKINGS.
  - C. ALL FLAGPERSONS AND TRAFFIC CONTROL DEVICES SUCH AS, BUT NOT LIMITED TO, FLASHERS, SIGNS BARRICADES AND VERTICAL PANELS, PLASTIC DRUMS (STEEL DRUMS WILL NOT BE PERMITTED) AND CONES NECESSARY FOR THE CONTROL AND PROTECTION OF VEHICULAR AND PEDESTRIAN TRAFFIC AS SPECIFIED IN THESE NOTES, THE PLANS, THE MUTCD OR THE ENGINEER.
4. ANY TEMPORARY TRAFFIC CONTROL ITEMS, DEVICES, MATERIALS AND INCIDENTALS SHALL REMAIN THE PROPERTY OF THE CONTRACTOR WHEN NO LONGER NEEDED.
5. THE CONTRACTOR SHALL COMPLETELY COVER ANY SIGNS, EITHER EXISTING, PERMANENT OR TEMPORARY, WHICH DO NOT PROPERLY APPLY TO THE CURRENT TRAFFIC PHASING, AND SHALL MAINTAIN THE COVERING UNTIL THE SIGNS ARE APPLICABLE OR ARE REMOVED.
6. IN GENERAL, ALL TRAFFIC CONTROL DEVICES SHALL BE PLACED STARTING AND PROCEEDING IN THE DIRECTION OF THE FLOW OF TRAFFIC AND REMOVED STARTING AND PROCEEDING IN THE DIRECTION OPPOSITE THE FLOW OF TRAFFIC.
7. THE ENGINEER AND THE CONTRACTOR OR THEIR AUTHORIZED REPRESENTATIVES SHALL REVIEW THE SIGNING DRAWINGS AND THE TRAFFIC CONTROL DEVICES AND MATERIALS TO BE USED BY THE CONTRACTOR. ANY DEVIATIONS APPROVED BY THE ENGINEER BEFORE WORK CAN BE STARTED BY THE CONTRACTOR.
8. IF THE CONTRACTOR DESIRES TO DEVIATE FROM THE TRAFFIC CONTROL SCHEME AND CONSTRUCTION SCHEDULE OUTLINED IN THESE PLANS AND THIS PROPOSAL, HE SHALL PREPARE AN ALTERNATE PLAN AND PRESENT IT IN WRITING TO THE ENGINEER. THIS ALTERNATE PLAN CAN BE USED ONLY AFTER REVIEW AND APPROVAL OF THE DIVISIONS OF TRAFFIC, DESIGN AND CONSTRUCTION, AND THE FEDERAL HIGHWAY ADMINISTRATION, WHERE APPLICABLE.
9. IF TRAFFIC SHOULD BE STOPPED DUE TO CONSTRUCTION OPERATIONS AND AN EMERGENCY VEHICLE ON AN OFFICIAL EMERGENCY RUN ARRIVES AT THE SCENE, THE CONTRACTOR SHALL MAKE THE PROVISIONS FOR THE PASSAGE OF THAT VEHICLE AS QUICKLY AS POSSIBLE.
10. ALL SIGNS NECESSARY FOR A MARKED DETOUR WILL BE PROVIDED BY THE CONTRACTOR AS SHOWN IN THE DRAWINGS. SIGNS OUTSIDE THE PROJECT LIMITS SHALL BE PAID FOR BY THE SQUARE FOOT. THIS QUANTITY SHALL INCLUDE SIGN MOUNTING HARDWARE AND POSTS.
11. REPLACEMENTS FOR DAMAGED SIGNS DIRECTED BY THE ENGINEER TO BE REPLACED DUE TO POOR CONDITIONS OR REFLECTIVITY WILL NOT BE MEASURED FOR PAYMENT.

**PAVEMENT DROP-OFF**

A PAVEMENT EDGE THAT TRAFFIC IS NOT EXPECTED TO CROSS, EXCEPT ACCIDENTALLY, SHALL BE TREATED AS FOLLOWS:

- LESS THAN TWO INCHES - NO PROTECTION REQUIRED, WARNING SIGNS SHALL BE PLACED IN ADVANCE AND THROUGHOUT THE DROP-OFF AREA.

- TWO TO FOUR INCHES - PLASTIC DRUMS, VERTICAL PANELS OR BARRICADES EVERY 100 FEET ON TANGENT SECTIONS FOR SPEEDS OF 50 MPH OR GREATER. CONES MAY BE USED IN PLACE OF PLASTIC DRUMS, VERTICAL PANELS AND BARRICADES DURING DAYLIGHT HOURS. FOR TANGENT SECTIONS WITH SPEEDS LESS THAN 50 MPH AND FOR CURVES, DEVICES SHALL BE PLACED EVERY 50 FEET. SPACING OF DEVICES FOR BARRICADES SHALL BE IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, CURRENT EDITION.
- GREATER THAN FOUR INCHES - POSITIVE SEPARATION OR WEDGE WITH 3:1 OR FLATTER SLOPE NEEDED. IF THERE IS FIVE FEET OR MORE DISTANCE BETWEEN THE EDGE OF THE PAVEMENT AND THE DROP-OFF, THEN DRUMS, VERTICAL PANELS, BARRICADES OR WEDGES MAY BE USED. WEDGES SHALL BE CONCRETE BARRICADES. POSITIVE SEPARATION IS STRONGLY ENCOURAGED. IF CONCRETE BARRICADES ARE USED, SPECIAL REFLECTIVE DEVICES OR STEADY BURN LIGHTS SHALL BE USED FOR OVERNIGHT INSTALLATIONS.

FOR TEMPORARY CONDITIONS, DROP-OFFS GREATER THAN FOUR INCHES MAY BE PROTECTED WITH PLASTIC DRUMS, VERTICAL PANELS OR BARRICADES FOR SHORT PERIODS OF TIME DURING DAYLIGHT HOURS WHILE WORK IS BEING DONE IN THE DROP-OFF AREA.

LESSER TREATMENTS THAN THOSE DESCRIBED ABOVE MAY BE CONSIDERED FOR THE ENTRANCE.

**SPECIAL NOTES:**

**BLASTING PROHIBITED**

BLASTING SHALL BE PROHIBITED ON THIS PROJECT. ROCK STRUCTURE EXCAVATION SHALL BE PERFORMED IN A METHOD APPROVED BY THE ENGINEER.

**ROAD CLOSURE**

CR 1036 (BACK BONE CREEK) WILL BE CLOSED TO THROUGH TRAFFIC AT THE BRIDGE. ALL SAFETY AND TRAFFIC CONTROL DEVICES MUST BE IN PLACE BEFORE THE REOPENING OF CR 1036 (BACK BONE CREEK).

ALL SIGNS ARE TO BE IN PLACE AND APPROVED BY THE RESIDENT ENGINEER PRIOR TO CLOSING THE ROAD. SIGNS NOTIFYING THE PUBLIC OF THE ROADWAY CLOSURE ARE TO BE IN PLACE TWO (2) WEEKS PRIOR TO CLOSING THE ROAD WITH THE MONTH AND DAY APPROVED BY THE RESIDENT ENGINEER. SIGNING SHALL BE IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, THE STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, AND THE STANDARD DRAWINGS.

SIGN NO. 16 SHALL BE MOUNTED ON A TYPE III BARRICADE AT EACH END OF THE ROAD CLOSURE.

SIGNS 2 AND 3 SHALL BE PLACED AT 500 FT., 1,000 FT IN BOTH DIRECTIONS FROM THE ROAD CLOSURE.

ALL SAFETY AND TRAFFIC CONTROL DEVICES MUST BE IN PLACE BEFORE THE REOPENING OF CR 1036 (BACK BONE CREEK)

**LIQUIDATED DAMAGES AND FIXED COMPLETION DATE**

CONTRARY TO THE CURRENT EDITION OF THE STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION, SECTION 108.09, IF THE CONTRACTOR FAILS TO COMPLETE ALL THE WORK BY THE FIXED COMPLETION DATE LISTED IN THE CONTRACT DOCUMENTS, LIQUIDATED DAMAGES WILL BE ASSESSED AT \*\*\* \$1,600 \*\*\* PER CALENDAR DAY.

LIQUIDATED DAMAGES WILL BE CHARGED FROM THE COMPLETION DATE TO THE PROJECT'S COMPLETION REGARDLESS OF TEMPERATURE OR WEATHER LIMITATIONS. THIS PROJECT HAS A FIXED COMPLETION DATE OF \*\*\* NOVEMBER 01, 2016. \*\*\*

**NOTE:**

LOCAL ACCESS SHALL BE MAINTAINED DURING ALL CONSTRUCTION PHASES.

**PROJECT PHASES:**

- PHASE I: INSTALL DETOUR SIGNAGE, CLOSE ROAD, AND CONSTRUCT PROJECT.
- PHASE II: UPON COMPLETION OF PROJECT CONSTRUCTION, OPEN ROAD TO TRAFFIC, AND REMOVE ALL DETOUR SIGNAGE.

**GENERAL NOTES**

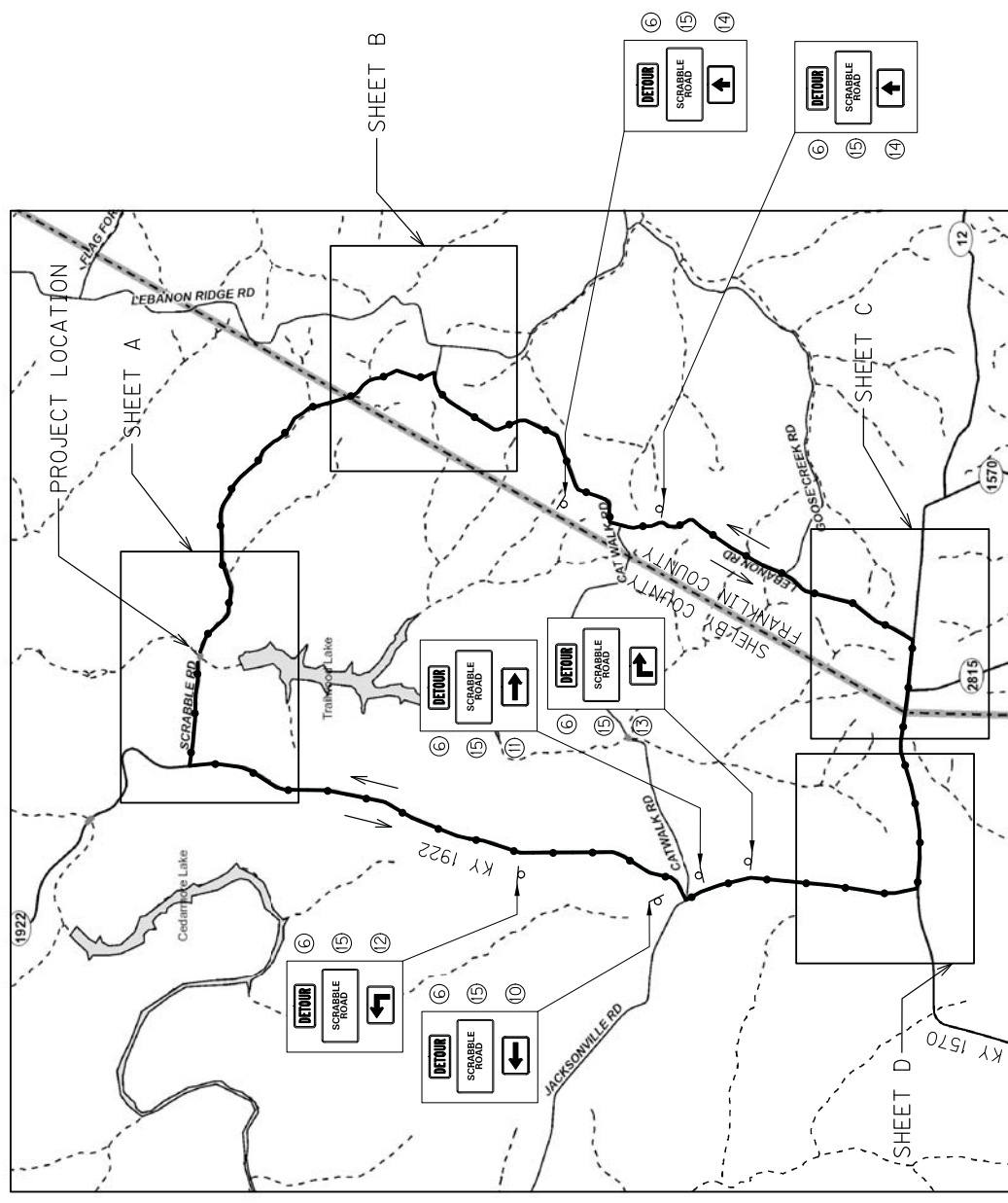
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# MAINTENANCE OF TRAFFIC

## SIGN SUMMARY

SIGN NO.	MUTCD DESIGNATION	TOTAL QUANTITY	SIZE	TOTAL SQ. FT.
1	W20-2a	2	36" x 36"	18.0
2	W20-3 (500')	2	36" x 36"	18.0
3	W20-3 (1,000')	2	36" x 36"	18.0
4	R11-2b	1	48" x 30"	10.0
5	R11-2b	1	60" x 30"	12.5
6	M4-3	27	24" x 12"	54.0
7	M4-3	1	24" x 12"	2.0
8	M4-10R	1	48" x 18"	6.0
9	M4-10L	1	48" x 18"	6.0
10	M6-1 LT	4	21" x 15"	8.75
11	M6-1 RT	4	21" x 15"	8.75
12	M5-1 LT	4	21" x 15"	8.75
13	M5-1 RT	4	21" x 15"	24.06
14	M6-3	11	21" x 15"	8.75
15	SCRABBLE ROAD (W16-8)	27	24" x 18"	81.0
16	BRIDGE OUT (R11-2)	2	48" x 30"	20.0
17	W20-3	3	36" x 36"	27.0
18	SIDE ROAD (SPECIAL)	3	30" x 24"	15.0
<b>MOT SIGN TOTALS</b>				<b>346.56</b>
<b>TYPE 3 BARRICADES</b>				<b>2</b>

**NOTES:**  
ALL SIGNING AND TRAFFIC CONTROL DEVICES SHALL BE IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND THE APPLICABLE KYTC STANDARD DRAWINGS AND THE APPLICABLE SECTIONS OF THE KYTC STANDARD SPECIFICATIONS, AND AS REQUIRED BY THE ENGINEER.  
ALL DETOUR SIGNING SHALL BE IN PLACE PRIOR TO CLOSURE OF CR 1036 (SCRABBLE ROAD).  
THE CONTRACTOR SHALL COVER ANY EXISTING SIGNS ALONG THE DETOUR ROUTE WHICH DO NOT PROPERLY APPLY TO THE DETOUR, AND MAINTAIN THEIR COVERING FOR THE DURATION OF THE DETOUR.



TOTAL DETOUR ROUTE = 9.1 MILES



MAINTENANCE OF TRAFFIC PLAN  
GENERAL DETOUR PLAN

SCALE: 1"=500'

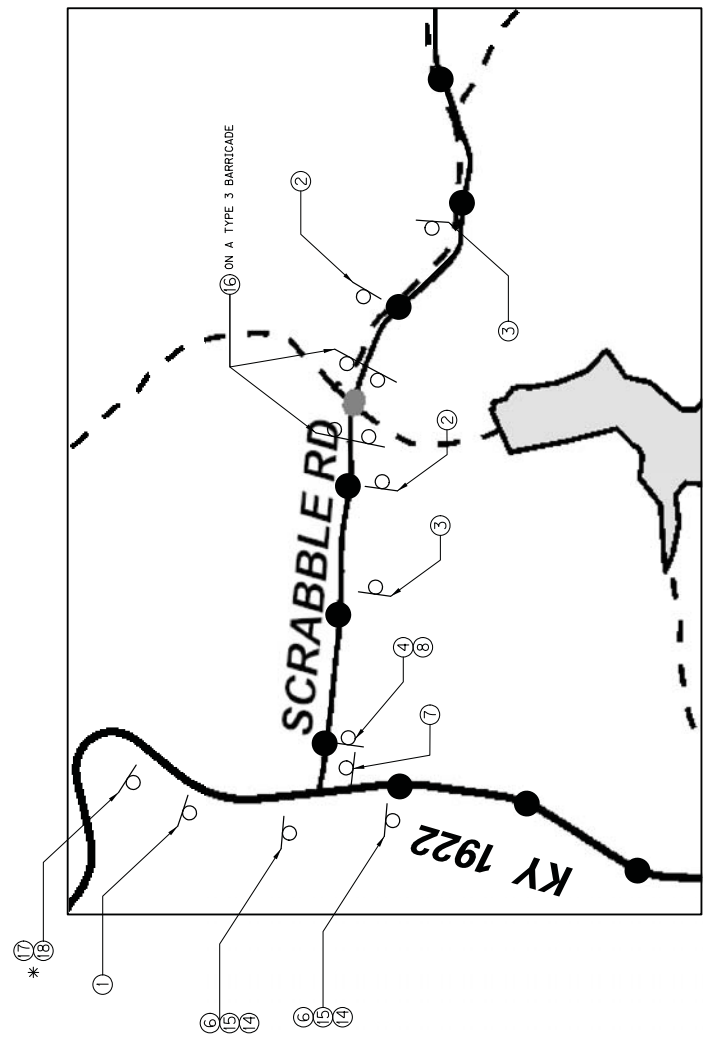
COUNTY OF	ITEM NO.	SHEET
SHELBY	5-1068.00	143
		RIE

# MAINTENANCE OF TRAFFIC SHEET A

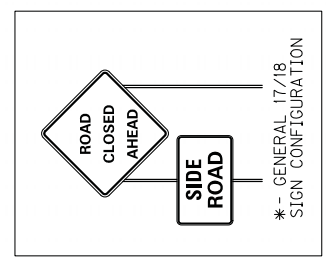
NOTES:  
CONTRACTOR SHALL MAINTAIN ACCESS TO ENTRANCE IN PROJECT AREA AT ALL TIMES FOR THE ENTIRETY OF CONSTRUCTION.

### SIGN LEGEND

- ① DETOUR AHEAD W20-2c
- ② ROAD CLOSED 500 FEET W20-3
- ③ ROAD CLOSED 1000 FEET W20-3
- ④ BRIDGE OUT 0.5 MILES AHEAD LOCAL TRAFFIC ONLY R11-3b
- ⑤ BRIDGE OUT 1.9 MILES AHEAD LOCAL TRAFFIC ONLY R11-3b
- ⑥ SCRABBLE ROAD M4-8
- ⑦ END DETOUR M4-8a
- ⑧ DETOUR M4-10R
- ⑨ DETOUR M4-10L
- ⑩ M6-1 LEFT
- ⑪ M6-1 RIGHT
- ⑫ M5-1 LEFT
- ⑬ M5-1 RIGHT
- ⑭ M6-3
- ⑮ SCRABBLE ROAD W16-8
- ⑯ BRIDGE OUT R11-2
- \*⑰ ROAD CLOSED AHEAD W20-3
- \*⑱ SIDE ROAD SPECIAL



REFER TO MUTCD FOR EXACT DISTANCES AND PLACEMENT OF SIGNS AND BARRICADES.



SCALE: 1"=1/4" T.S.  
MAINTENANCE OF TRAFFIC PLAN  
SHEET A



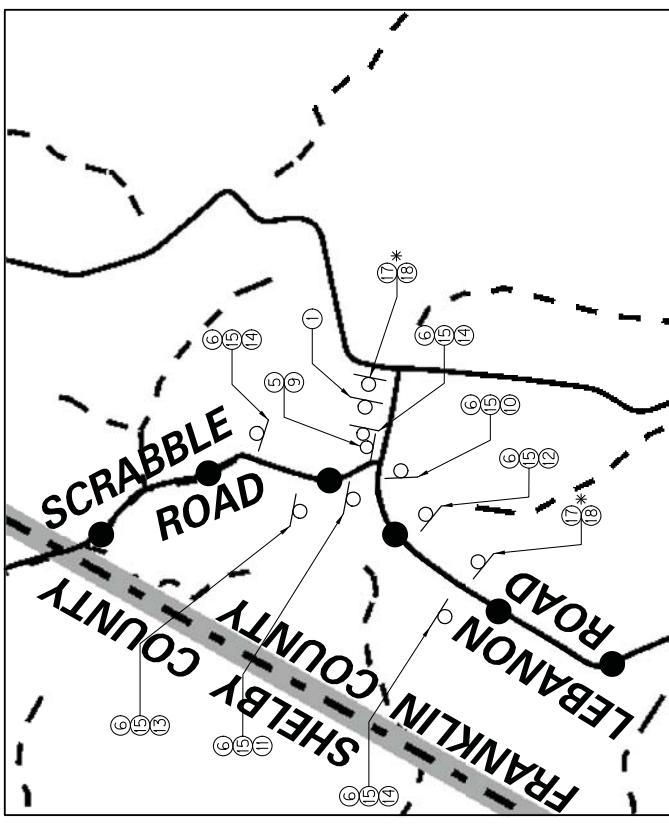
COUNTY OF	ITEM NO.	SHEET
SHELBY	5-1068.00	243
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# MAINTENANCE OF TRAFFIC SHEET B

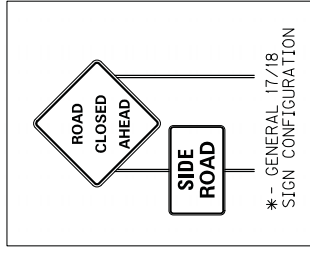
NOTES:  
CONTRACTOR SHALL MAINTAIN ACCESS TO ENTRANCE IN PROJECT AREA AT ALL TIMES FOR THE ENTIRETY OF CONSTRUCTION.

## SIGN LEGEND

- 1: DETOUR AHEAD (W20-2a)
- 2: ROAD CLOSED 500 FEET (W20-3)
- 3: ROAD CLOSED 1000 FEET (W20-3)
- 4: BRIDGE OUT 0.5 MILES AHEAD LOCAL TRAFFIC ONLY (RII-3b)
- 5: BRIDGE OUT 1.5 MILES AHEAD LOCAL TRAFFIC ONLY (RII-3b)
- 6: DETOUR (M4-8)
- 7: END DETOUR (M4-8a)
- 8: DETOUR (M4-10R)
- 9: DETOUR (M4-10L)
- 10: M6-1 LEFT
- 11: M6-1 RIGHT
- 12: M5-1 LEFT
- 13: M5-1 RIGHT
- 14: M6-3
- 15: SCRABBLE ROAD (W16-8)
- 16: BRIDGE OUT (RII-2)
- 17: ROAD CLOSED AHEAD (W20-3)
- 18: SIDE ROAD SPECIAL

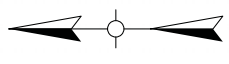


REFER TO MUTCD FOR EXACT DISTANCES AND PLACEMENT OF SIGNS AND BARRICADES.



SCALE: 1"=1/4" T.S.  
MAINTENANCE OF TRAFFIC PLAN  
SHEET B

COUNTY OF	ITEM NO.	SHEET NO.	RIS
SHELBY	5-1068.00	243	

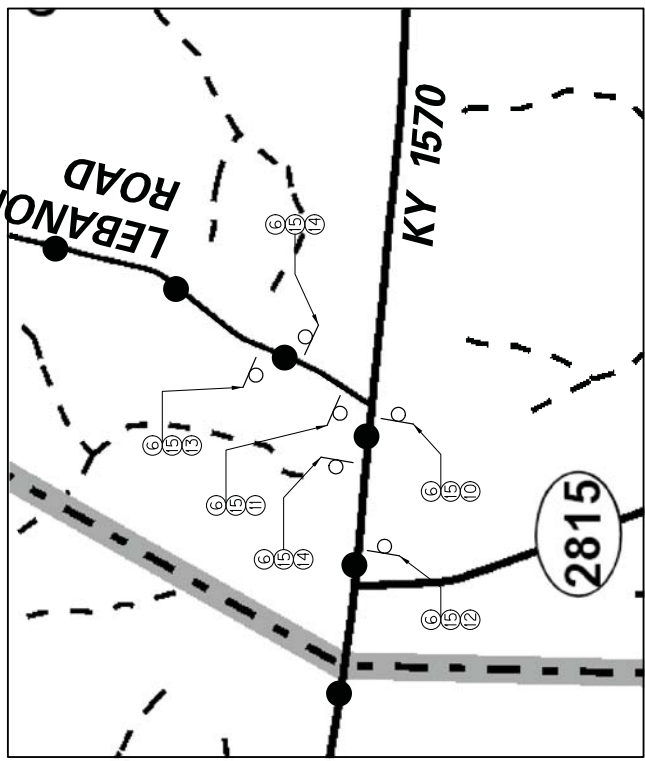


# MAINTENANCE OF TRAFFIC SHEET C

NOTES:  
CONTRACTOR SHALL MAINTAIN ACCESS TO ENTRANCE IN PROJECT AREA AT ALL TIMES FOR THE ENTIRETY OF CONSTRUCTION.

### SIGN LEGEND

①  DETOUR AHEAD W20-2c	⑦  END DETOUR M4-8c	⑬  BRIDGE OUT R11-2	⑰  ROAD CLOSED AHEAD W20-3
②  ROAD CLOSED 500 FEET W20-3	⑧  DETOUR 4-10R	⑭  SIDE ROAD SPECIAL	⑱  DETOUR M4-10L
③  ROAD CLOSED 1000 FEET W20-3	⑩  M6-1 LEFT		⑲  M6-1 RIGHT
④  BRIDGE OUT 0.5 MILES AHEAD LOCAL TRAFFIC ONLY R11-3b	⑪  M5-1 LEFT		⑳  M5-1 RIGHT
⑤  BRIDGE OUT 1.9 MILES AHEAD LOCAL TRAFFIC ONLY R11-3b	⑫  M6-3		㉑  SCRUBBLE ROAD W16-8
⑥  DETOUR M4-8			

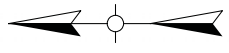


REFER TO MUTCD FOR EXACT DISTANCES AND PLACEMENT OF SIGNS AND BARRICADES.

SCALE: 1"=100'-0"  
MAINTENANCE OF TRAFFIC  
SHEET C

COUNTY OF	ITEM NO.	SHEET
SHELBY	5-1068.00	243
		RIE

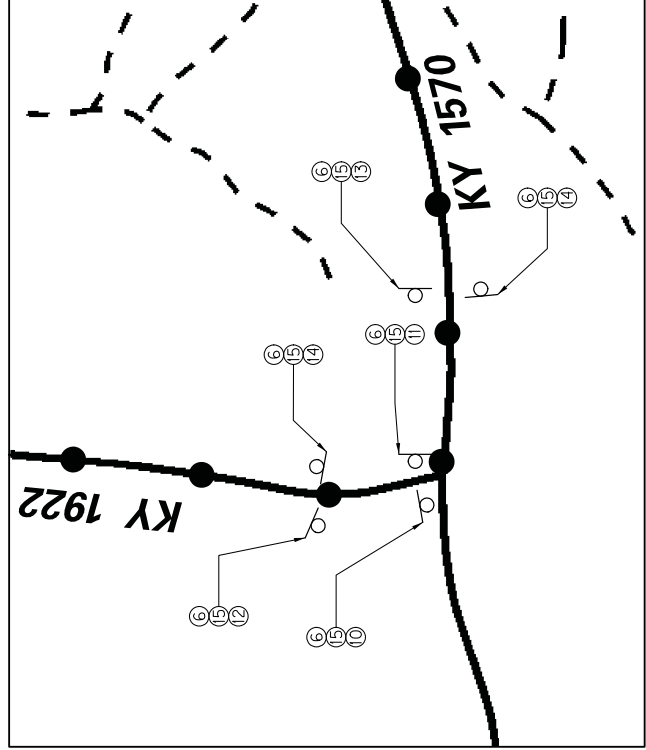
# MAINTENANCE OF TRAFFIC SHEET D



NOTES:  
CONTRACTOR SHALL MAINTAIN ACCESS TO ENTRANCE IN PROJECT AREA AT ALL TIMES FOR THE ENTIRETY OF CONSTRUCTION.

SIGN LEGEND

①  DETOUR AHEAD W20-2a	⑦  END DETOUR M4-8a	⑬  SCRABBLE ROAD W16-8
②  ROAD CLOSED 900 FEET W20-3	⑧  DETOUR 4-10R	⑭  BRIDGE OUT 1.9 MILES AHEAD LOCAL TRAFFIC ONLY M6-3
③  ROAD CLOSED 1000 FEET W20-3	⑨  DETOUR M4-10L	⑮  BRIDGE OUT 0.5 MILES AHEAD LOCAL TRAFFIC ONLY R11-3b
④  BRIDGE OUT 0.5 MILES AHEAD LOCAL TRAFFIC ONLY R11-3b	⑩  M6-1 LEFT	⑯  SIDE ROAD SPECIAL
⑤  BRIDGE OUT 1.9 MILES AHEAD LOCAL TRAFFIC ONLY M6-3	⑪  M6-1 RIGHT	⑰  ROAD CLOSED AHEAD W20-3
⑥  DETOUR M4-8	⑫  M5-1 LEFT	⑱  BRIDGE OUT R11-2
	⑬  M5-1 RIGHT	



REFER TO MUTCD FOR EXACT DISTANCES AND PLACEMENT OF SIGNS AND BARRICADES.

SCALE: 1"=N.T.S.

MAINTENANCE OF TRAFFIC  
SHEET D



### **Special Note for Bridge Demolition, Renovation and Asbestos Abatement**

**If the project includes any bridge demolition or renovation, the successful bidder is required to notify Kentucky Division for Air Quality (KDAQ) via filing of form (DEP 7036) a minimum of 10 days prior to commencement of any bridge demolition or renovation work.**

**Any available information regarding possible asbestos containing materials (ACM) on or within bridges to be affected by the project has been included in the bid documents. These are to be included with the Contractor's notification filed with the KDAQ. If not included in the bid documents, the Department will provide that information to the successful bidder for inclusion in the KDAQ notice as soon as possible. If there are no documents stating otherwise, the bidders should assume there are no asbestos containing materials that will in any way affect the work.**



**TRANSPORTATION CABINET**  
Frankfort, Kentucky 40622  
www.transportation.ky.gov/

**Steven L. Beshear**  
Governor

**Michael W. Hancock, P.E.**  
Secretary

## Memorandum

**To:** Jeff Schaefer  
**CC:** Tim Foreman  
**From:** O'Dail Lawson  
Environmental Scientist II  
Division of Environmental Analysis  
**Date:** 9/23/2013  
**Re:** Asbestos Inspection Report for Shelby 5-1069

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**This report is prepared to accompany the 10-Day NOI for Demolition to the Division of Air Quality. Please include all pages with submittal.**

### **Project and Structure Information**

Project # Shelby 5-1069

Bridge # C00055N

Description: All materials sampled contained no ACM. No abatement necessary.

Inspection Date: 9/10/2013

### **Results**

The results revealed that there is no ACM abatement required at this time.





# MICROBAC LABORATORIES, INC. Chain of Custody


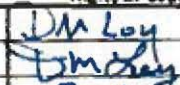
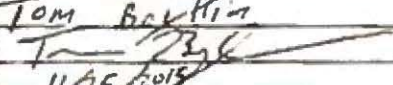


Quote # \_\_\_\_\_ of \_\_\_\_\_  
Due Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

3323 Gilmore Ind. Blvd. 2520 Regency Road 2701 A North Cullen Ave. 5309 Reidland Road  
Louisville, KY 40213 Lexington, KY 40503 Evansville, IN 47715 Paducah, KY 42003  
Phone: 502-962-6400 Phone: 859-276-3506 Phone: 812-464-9000 Phone: 270-898-3637  
Fax: 502-962-6411 Fax: 859-278-5665 Fax: 812-424-0667 Fax: 270-898-3666  
www.microbac.com kentucky@microbac.com lexington@microbac.com evansville@microbac.com paducah@microbac.com

Client: KYTC		COA#		Analysis Requested	
Street Address:		Number of Containers		Type of Containers	
City, State & Zip:		Preservative in Container		Sample Matrix	
Phone #: _____ Fax #: _____		Soil, Sludge, Water, Oil, etc.		RUSH	
E-mail: craig.craig@ky.gov		1 bag NA solid		X	
Attention: Craig		↓ ↓ ↓ ↓ ↓		↓ ↓ ↓ ↓ ↓	
Sampler: Craig		↓ ↓ ↓ ↓ ↓		↓ ↓ ↓ ↓ ↓	
Site/Project Name: Shelby S-1069		↓ ↓ ↓ ↓ ↓		↓ ↓ ↓ ↓ ↓	
Date/Time	Sample ID/Description				
1 9/19/13 9:00	Pier				
2	abutment				
3	deck				
4	rail				
5	joint compound				
Relinquished By: Craig J. Craig		Date/Time: 9/10/13 11:00		Temperature Upon Receipt (°C)	
Received By: [Signature]		Date/Time: 9/10/13 11:00		Headspace: Yes / No	
Relinquished By:		Date/Time:		Special QC or DL:	
Received By:		Date/Time:		Notes:	
Relinquished By:		Date/Time:		COC Seals Intact: Yes / No	
Received By:		Date/Time:		Report: E-mail / Fax / Mail	

Standard RUSH TAT Charges: Same Day x 3; Next Day x 2; Three Day x 1.5

		KENTUCKY TRANSPORTATION CABINET Department of Highways DIVISION OF RIGHT OF WAY & UTILITIES		TC 62-226 Rev. 09/2015 Page 1 of 1	
		<b>RIGHT OF WAY CERTIFICATION</b>			
ITEM #	COUNTY	PROJECT #	FEDERAL PROJECT #		
5-1069.00	Shelby	8755701R	BRZ 0503 (233)		
PROJECT DESCRIPTION		Scrabble Road @ Backbone Creek – Bridge Replacement			
<b>CONDITION 1: NO ADDITIONAL RIGHT OF WAY REQUIRED</b>					
Construction will be within the limits of the existing right of way. The right of way was acquired in accordance with FHWA regulations under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970, as amended. No additional rights of way or relocation assistance were required for this project.					
<input checked="" type="checkbox"/> <b>CONDITION 2: ADDITIONAL RIGHT OF WAY REQUIRED AND CLEARED</b>					
TOTAL NUMBER OF PARCELS ON PROJECT		3	IMPROVEMENTS		
NUMBER OF PARCELS THAT HAVE BEEN ACQUIRED BY:		X	There were no improvements within the required right of way		
Signed Deed					3
Condemnation					
Signed Right of Entry Agreement			All improvements have been removed from the required right of way		
RELOCATION ASSISTANCE					
Relocation Assistance was not required for this project		X	Improvements are currently being removed and It is anticipated that right of way will be cleared prior to the letting date		
All parties have been relocated in accordance with FHWA regulations					
			Improvement removal will be included in the construction contract		
<b>CONDITION 3: ADDITIONAL RIGHT OF WAY REQUIRED WITH EXCEPTION</b>					
TOTAL NUMBER OF PARCELS ON PROJECT					
Number of parcels acquired by Deed, Condemnation or Signed Right of Entry Agreement					
EXCEPTION(S)	ANTICIPATED DATE OF POSSESSION	IMPROVEMENTS			
		There were no improvements within the required right of way			
		All improvements have been removed from the required right of way			
		Improvements are currently being removed and it is anticipated that right of way will be cleared prior to the letting date			
		Improvement removal will be included in the construction contract			
RELOCATION ASSISTANCE					
Relocation assistance was not required for this project				X	
All parties have been relocated in accordance with FHWA regulations					
Notes/Comments:					
LPA		Right of Way Director			
Printed Name		Printed Name	DM Loy		
Signature		Signature			
Date		Date	30 NOV 2015		
Right of Way Supervisor		FHWA			
Printed Name	TOM BAKHIN	Printed Name			
Signature		Signature	No Signature Required as per FHWA - KYTC 2013 Stewardship Agreement		
Date	11/25/2015	Date			



## UTILITIES AND RAIL CERTIFICATION NOTE

**SHELBY COUNTY, STPBRZ 0503 (238)  
FD52 106 87557 01U  
BRIDGE REPLACEMENT ON SCRABBLE RD (CR 1036) OVER  
BACKBONE CREEK  
SYP ITEM NO. 5-1069.00**

**GENERAL PROJECT NOTE ON UTILITY PROTECTION**

*Utility coordination efforts determined that no significant utility relocation work is required to complete the project. Any work pertaining to these utility facilities is defined in the bid package and is to be carried out as instructed by the Kentucky Transportation Cabinet. The contractor will be responsible for any coordination or adjustments that are discussed or quantified in the proposal.*

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

North Shelby Water Company has an existing 8" water main located approximately 40FT south of, and running parallel to, Scrabble Road for the entire length of the project. This water main is not to be disturbed during construction.

Shelby Energy Cooperative has existing aerial electric distribution lines located approximately 100FT south of, and running parallel to Scrabble Rd for the entire length of project. There is one overhead crossing at STA. 102+32 with a low wire elevation of 682.76'. The proposed centerline elevation at this location is 663.79 resulting in 19.97 FT of vertical clearance.

AT&T KY has an existing aerial communication line on the above mentioned Shelby Energy Cooperative pole route. These facilities are not to be disturbed during construction.

**\*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**

(N/A)

**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**

(N/A)

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

(N/A)

**THE FOLLOWING RAIL COMPANIES HAVE FACILITIES IN CONJUNCTION WITH THIS PROJECT AS NOTED**

- No Rail Involved       Minimal Rail Involved (See Below)       Rail Involved (See Below)

## UTILITIES AND RAIL CERTIFICATION NOTE

**SHELBY COUNTY, STPBRZ 0503 (238)  
FD52 106 87557 01U  
BRIDGE REPLACEMENT ON SCRABBLE RD (CR 1036) OVER  
BACKBONE CREEK  
SYP ITEM NO. 5-1069.00**

### **UNDERGROUND FACILITY DAMAGE PROTECTION – BEFORE YOU DIG**

The contractor shall make every effort to protect underground facilities from damage as prescribed in the Underground Facility Damage Protection Act of 1994, Kentucky Revised Statute KRS 367.4901 to 367.4917. It is the contractor's responsibility to determine and take steps necessary to be in compliance with federal and state damage prevention directives. The contractor is instructed to contact KY 811 for the location of existing underground utilities. Contact shall be made a minimum of two (2) and no more than ten (10) business days prior to excavation.

The contractor shall submit Excavation Locate Requests to the Kentucky Contact Center (KY 811) via web ticket entry. The submission of this request does not relieve the contractor from the responsibility of contacting non-member facility owners, whom are to be contacted through their individual Protection Notification Center. It may be necessary for the contractor to contact the County Court Clerk to determine what utility companies have facilities in the area. Non-compliance with these directives can result in the enforcement of penalties.

### **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. Where 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.

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

## UTILITIES AND RAIL CERTIFICATION NOTE

**SHELBY COUNTY, STPBRZ 0503 (238)  
FD52 106 87557 01U  
BRIDGE REPLACEMENT ON SCRABBLE RD (CR 1036) OVER  
BACKBONE CREEK  
SYP ITEM NO. 5-1069.00**

### AREA UTILITIES CONTACT LIST

<u>Utility Company/Agency</u>	<u>Contact Name</u>	<u>Contact Information</u>
LG&E KU (Electric) 820 West Broadway Louisville, KY 40202 LG&E Emergency Number (502) 589-1444 LG&E and KU Emergency Number 1-800-331-7370		Greg Geiser work: (502) 627-3708 <a href="mailto:Greg.Geiser@LGE-KU.com">Greg.Geiser@LGE-KU.com</a>
LG&E (Gas) 820 West Broadway Louisville, KY 40202 Gas Emergency Number (502) 589-5511 LG&E and KU Emergency Number 1-800-331-7370		Greg Geiser work: (502) 627-3708 <a href="mailto:Greg.Geiser@LGE-KU.com">Greg.Geiser@LGE-KU.com</a>
AT&T KY 1350 E. John Rowan Blvd Bardstown, KY 40004		Scott Roche <a href="mailto:sr8832@att.com">sr8832@att.com</a> (502) 348-4528
Shelby Energy Cooperative P.O. Box 311, 620 Old Finchville Road Shelbyville, KY 40065 (502) 633-4420		Jason Ginn <a href="mailto:Jason@ShelbyEnergy.com">Jason@ShelbyEnergy.com</a> cell: 502-643-2778
North Shelby Water District P.O. Box 97, 4596 Bagdad Rd. Bagdad, KY 40003		Pete Hedges <a href="mailto:PeteHedges@BellSouth.net">PeteHedges@BellSouth.net</a> Office: (502) 747-8942 Cell: (502) 220-0169
Atmos Energy 105 Hudson Blvd Shelbyville, KY 40065		Bernie Anderson cell: (502) 321-8073 (502) 633-2831 ext. 104 <a href="mailto:Bernie.Anderson@AtmosEnergy.com">Bernie.Anderson@AtmosEnergy.com</a>
	OR	Ryne White <a href="mailto:Ryne.white@atmosenergy.com">Ryne.white@atmosenergy.com</a> 270-929-1706
Mid - Valley Pipeline Company 4910 Limaburg Road Burlington, KY 41005 FAX (866) 699-1185		Todd Calfee (859) 371-4469 ext. 14 (859) 630-8271 <a href="mailto:RTCalfee@SunocoLogistics.com">RTCalfee@SunocoLogistics.com</a>



## UTILITIES AND RAIL CERTIFICATION NOTE

**SHELBY COUNTY, STPBRZ 0503 (238)  
FD52 106 87557 01U  
BRIDGE REPLACEMENT ON SCRABBLE RD (CR 1036) OVER  
BACKBONE CREEK  
SYP ITEM NO. 5-1069.00**

Shelbyville Water & Sewer Commission  
1059 Washington Street  
Shelbyville, KY 40065  
(502) 633-2840

Tom Doyle  
[TGDoyle@BellSouth.net](mailto:TGDoyle@BellSouth.net)

Time Warner Cable  
10168 Linn Station Road  
Suite 120  
Louisville, KY 40223

Deno Barbour  
Cell: (502) 664-7395  
Office: (502) 357-4376  
[Dwight.Barbour@TWCable.com](mailto:Dwight.Barbour@TWCable.com)

U.S. 60 Water District  
P.O. Box 97  
Bagdad, KY 40003

Pete Hedges  
[PeteHedges@BellSouth.net](mailto:PeteHedges@BellSouth.net)  
[NSWUS60@BellSouth.net](mailto:NSWUS60@BellSouth.net)(old)  
(502) 747-8942  
(859) 271-1778

Engineer: Sandy Broughman

West Shelby Water District  
P.O. Box 39  
Simpsonville, KY 40067

Steve Eden  
[SEden@WestShelbyWater.org](mailto:SEden@WestShelbyWater.org)  
(502) 722-8944  
Engineer: Kenvirons-Chris Jones  
[CJones@Kenvirons.com](mailto:CJones@Kenvirons.com)  
(502) 695-4357

City of Simpsonville Sewer Board  
P.O. Box 378  
Simpsonville, KY 40067  
(502) 722-5634

Bryan Romine (Plant)  
Office: 502-722-5634  
Cell: 442-5608  
[BRomine1@gmail.com](mailto:BRomine1@gmail.com)  
Engineer: Derrick Engineering  
(Walter Elmes)  
(502) 636-9273  
[DerrickInc@BellSouth.net](mailto:DerrickInc@BellSouth.net)

Windstream Kentucky East, LLC  
3701 Communications Way  
Evansville, IN 47715  
(812) 454-6756

James Galvin  
Office: 270-765-1818  
Mobile: 270-748-9249  
[James.Galvin@windstream.com](mailto:James.Galvin@windstream.com)  
Lezlie Allison  
[Lezlie.Allison@Windstream.com](mailto:Lezlie.Allison@Windstream.com)

## UTILITIES AND RAIL CERTIFICATION NOTE

**SHELBY COUNTY, STPBRZ 0503 (238)**  
**FD52 106 87557 01U**  
**BRIDGE REPLACEMENT ON SCRABBLE RD (CR 1036) OVER**  
**BACKBONE CREEK**  
**SYP ITEM NO. 5-1069.00**

AT&T Legacy  
7555 E. Pleasant Valley Rd. – Suite 140  
Independence, OH 44131

Mike Diederich  
[MD4145@att.com](mailto:MD4145@att.com)  
PHONE - (216) 750.0135  
CELL - (216) 212-8556  
Don Garr  
[DRGarr@Hughes.net](mailto:DRGarr@Hughes.net)  
Cell: (502) 741-8374

City of Taylorsville Sewer & Water  
70 Taylorsville Rd., P O Box 279  
Taylorsville, KY 40071  
Fax: (502) 477-1310

Contact: Harold Compton  
[HCompton@TaylorsvilleWater.org](mailto:HCompton@TaylorsvilleWater.org)  
(502) 477-3235

East Kentucky Power Coop  
4775 Lexington Road  
Winchester, KY 40391

Garry Harvey  
[Garry.Harvey@EKPC.coop](mailto:Garry.Harvey@EKPC.coop)  
(859) 745-9601

P O Box 707  
Winchester, KY 40391

OR

Jason Witt  
[Jason.Witt@EKPC.coop](mailto:Jason.Witt@EKPC.coop)  
Cell: (859) 749-9110  
Office: (859) 745-9596

OR

Barry Warner  
[Barry.Warner@EKPC.coop](mailto:Barry.Warner@EKPC.coop)  
(859) 745-9304

Marathon Pipeline, LLC  
539 S Main St, Rm 7642  
Findlay, OH 45840

Greg NewMan  
[gnewman@marathonpetroleum.com](mailto:gnewman@marathonpetroleum.com)  
(419) 884-0800 ext. 236

Crown Castle Network Operations  
10170 Linn Station Road  
Suite 525  
Louisville, KY 4 0223  
(builds cell towers and leases space on them)  
(502) 318-1322

Brian Watkins  
[Brian.Watkins@CrownCastle.com](mailto:Brian.Watkins@CrownCastle.com)  
(502) 318-1323  
Brandy Bowling (Brian's supervisor)  
[Brandy.Bowling@CrownCastle.com](mailto:Brandy.Bowling@CrownCastle.com)

Cindy Shaffer  
[Cynthia.Shaffer@CrownCastle.com](mailto:Cynthia.Shaffer@CrownCastle.com)  
(502) 318-1313

## UTILITIES AND RAIL CERTIFICATION NOTE

**SHELBY COUNTY, STPBRZ 0503 (238)  
FD52 106 87557 01U  
BRIDGE REPLACEMENT ON SCRABBLE RD (CR 1036) OVER  
BACKBONE CREEK  
SYP ITEM NO. 5-1069.00**

TRIMARC  
Public Safety & Transportation Systems  
901 West Main Street  
Louisville, KY 40202

Todd Hood  
[Todd.Hodd@ngc.com](mailto:Todd.Hodd@ngc.com)  
Office: (502) 587-6624 ext. 2  
Cell: (502) 307-7456

### Railroad Companies

#### **C.S.X. Transportation, Inc.**

Contacts:

Dave Fette (Ft. Wright) – (859) 344-8137

Milton Holder – crossings – cell (502) 817-2011

John Williams – crossings – cell (502) 376-8745, Office (502) 364-1133

Joe Malandruco (Florida) – signals (904) 245-1160

R. J. Corman Railroad Corp.  
One Jay St.  
Nicholasville, KY 40356

Mike Lamar  
(859) 881-2502  
Dispatcher (859) 881-2503

# *N O T I C E*

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**DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS  
NATIONWIDE PERMIT AUTHORIZATION  
KENTUCKY DIVISION OF WATER 401 WQC**

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**PROJECT:** Shelby County, Item No. 5-1069  
County Road 1036 over Backbone Creek Bridge  
Replacement

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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.

Station 100+10 –  
Station 101+25  
See sheet R4

Move a stream/roadside ditch into a new 4 ft. flat bottom ditch to allow for the longer bridge. The **intermittent** stream an unnamed tributary of Backbone Creek will have impacts below the normal high water mark due to realignment of the channel. The estimated area of impact is **120 linear feet** and **0.011 acres**. The drainage area is **29 acres**.  
**Lat 38.320133, Long -84.994239**

Station 101+20 –  
Station 101+60  
See sheet R4

Replace the existing steel span bridge over Backbone Creek with a concrete spread box beam bridge. The **perennial** stream will have impacts below the normal high water mark due to widening the crossing, headwalls, and riprap. The estimated area of impact is **56 linear feet** and **0.008 acres**. The drainage area at the bridge is **2,790 acres**.  
**Lat 38.319998, Long -84.993884**

Station 102+30 –  
Station 103+10  
See sheet R4

Move a small ephemeral stream/roadside ditch into a new special “v” ditch to allow for the wider bridge. The **ephemeral** stream an unnamed tributary of Backbone Creek will have impacts below the normal high water mark due to realignment of the channel. The estimated area of impact is **80 linear feet** and **0.004 acres**. The drainage area is **3 acres**.  
**Lat 38.319848, Long -84.993656**

This project involves work near and/or within Jurisdictional Waters of the United States as defined by the United States Army Corps of Engineers and therefore requires a Nationwide 14 General 404 Permit. The Division of Water certified this General Permit with several conditions (See attached). One that should be brought to your attention is regarding the use of heavy equipment in the stream channel. If there is need to cross the stream channel with heavy equipment or conduct work from within the stream channel a working platform or temporary crossing is authorized. This should be constructed with clean rock and sufficient pipe to allow stream flow to continue unimpeded (see attached typical drawing).

In order for this authorization to be valid, the attached conditions must be followed. The contractor shall post a copy of this Nationwide Approval 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 Division of Environmental Analysis. If such changes necessitate further permitting then the contractor will be responsible for applying to the Army Corps of Engineers and the Kentucky Division of Water (KDOW). A copy of any request to the Corps of Engineers or the KDOW 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](http://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.



### KENTUCKY REGIONAL GENERAL CONDITIONS

These regional conditions are in addition to, but do not supersede, the requirements in the Federal Register (Volume 77 No. 34 of February 21, 2012)

Notifications for all Nationwide Permits (NWP) shall be in accordance with General Condition No. 31.

1. For activities that would result in a loss of Outstanding State or National Resource Waters (OSNRWs), Exceptional Waters (EWs), Coldwater Aquatic Habitat Waters (CAHs) and waters with Designated Critical Habitat (DCH) under the Endangered Species Act for the NWP listed below, a Pre-Construction Notification (PCN) will be required to the Corps. The Corps will coordinate with the appropriate resource agencies (see attached list) on these NWP for impacts to these waters.

NWP 3 (Maintenance)

NWP 7 (Outfall Structures and Associated Intake Structures)

NWP 12 (Utility Line Activities)

NWP 14 (Linear Transportation Projects)

NWP 29 (Residential Developments)

NWP 39 (Commercial and Institutional Developments)

NWP 40 (Agricultural Activities)

NWP 41 (Reshaping Existing Drainage Ditches)

NWP 42 (Recreational Facilities)

NWP 43 (Stormwater Management Facilities)

NWP 44 (Mining Activities)

NWP 51 (Land-Based Renewable Energy Generation Facilities)

NWP 52 (Water-Based Renewable Energy Generation Pilot Projects)

2. In addition to the notification and agency coordination requirements in the NWP, for impacts greater than 0.25 acres in all "waters of the U.S." for the NWP listed below, a PCN will be required to the Corps. The Corps will coordinate with the appropriate resource agencies (see attached list) on these NWP:

NWP 3 (Maintenance)

NWP 7 (Outfall Structures and Associated Intake Structures)

NWP 12 (Utility Line Activities)

NWP 14 (Linear Transportation Projects)

NWP 29 (Residential Developments)

NWP 39 (Commercial and Institutional Developments)

NWP 40 (Agricultural Activities)

NWP 41 (Reshaping Existing Drainage Ditches)

NWP 42 (Recreational Facilities)

NWP 43 (Stormwater Management Facilities)

NWP 44 (Mining Activities)

NWP 51 (Land-Based Renewable Energy Generation Facilities)

NWP 52 (Water-Based Renewable Energy Generation Pilot Projects)

3. For activities in all "waters of the U.S." for the NWP's listed below, a PCN will be required to the Corps. The Corps will coordinate with the appropriate resource agencies (see attached list) on these NWP's:

NWP 21 (Surface Coal Mining Activities)

NWP 27 (Aquatic Habitat Restoration, Establishment & Enhancement Activities)

NWP 49 (Coal Remining Activities)

NWP 50 (Underground Coal Mining Activities)

4. Nationwide Permit No. 14 – Linear Transportation Projects.

(a) Activities in Section 10 navigable waters will require a PCN to the Corps.

(b) New public road alignments or realignments are limited to a permanent loss of 500 linear feet of intermittent or perennial stream length at each crossing. Public road crossings with permanent losses greater than 500 linear feet of intermittent or perennial stream associated with new alignments or realignments will be evaluated as an individual permit i.e., a Letter of Permission or as a Standard Individual Permit.

(c) All linear transportation project crossings resulting in the permanent loss of greater than 300 linear feet of intermittent or perennial stream will require mitigation to compensate for impacts to the "waters of the U.S." The permanent loss of "waters of the U.S." includes the linear feet of water that is permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity and not restored to pre-construction contours and elevations after construction. In addition to the notification requirements contained in NWP 14, the permittee must submit a PCN to the district engineer prior to commencing the activity for the permanent loss of greater than 300 feet of intermittent and perennial stream of all "waters of the U.S.". (See General Condition 31 and the definition of "loss of waters of the United States" in the Nationwide Permits for further information.)

Further information:

Outstanding State or National Resource Water (OSNRWs), Exceptional Waters (EWs), and Coldwater Aquatic Habitat Waters (CAHs) are waters designated by the Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet. The list can be found at the following link: <http://epccapp.ky.gov/spwaters/>

Designated Critical Habitat (DCH) under the Endangered Species Act is determined within the Commonwealth of Kentucky by the U.S. Fish and Wildlife Service. The current list of Kentucky's Threatened, Endangered, and Federal Candidate Species can be found at the following link: <http://www.fws.gov/frankfort/EndangeredSpecies.html>



Information on Pre-Construction Notification (PCN) can be found at NWP General Condition No. 31 (Federal Register, Volume 77, No. 34, Tuesday, February 21, 2012, pp 10286-10288).

Mitigation includes activities that avoid, minimize, and compensate for impacts.

**COORDINATING RESOURCE AGENCIES**

Chief, Wetlands Regulatory Section  
U.S. Environmental Protection Agency  
Region IV

Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

Supervisor  
U.S. Fish & Wildlife Service  
JC Watts Federal Building, Room 265

330 West Broadway  
Frankfort, Kentucky 40601

Supervisor  
401 Water Quality Certification

Kentucky Division of Water  
200 Fair Oaks Lane, 4th Floor  
Frankfort, Kentucky 40601

Commissioner  
Department of Fish and Wildlife Resources  
#1 Game Farm Road

Frankfort, Kentucky 40601  
Executive Director and State Historic Preservation Officer  
Kentucky Heritage Council

300 Washington Street  
Frankfort, Kentucky 40601

**ADDITIONAL COORDINATING RESOURCE AGENCY  
FOR NWPS 21, 49, AND 50**

Kentucky Department of Natural Resources  
Division of Mine Permits  
#2 Hudson Hollow  
Frankfort, Kentucky 40601



US Army Corps of Engineers

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## 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 NWP's 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 NWP's 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 NWP's 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.

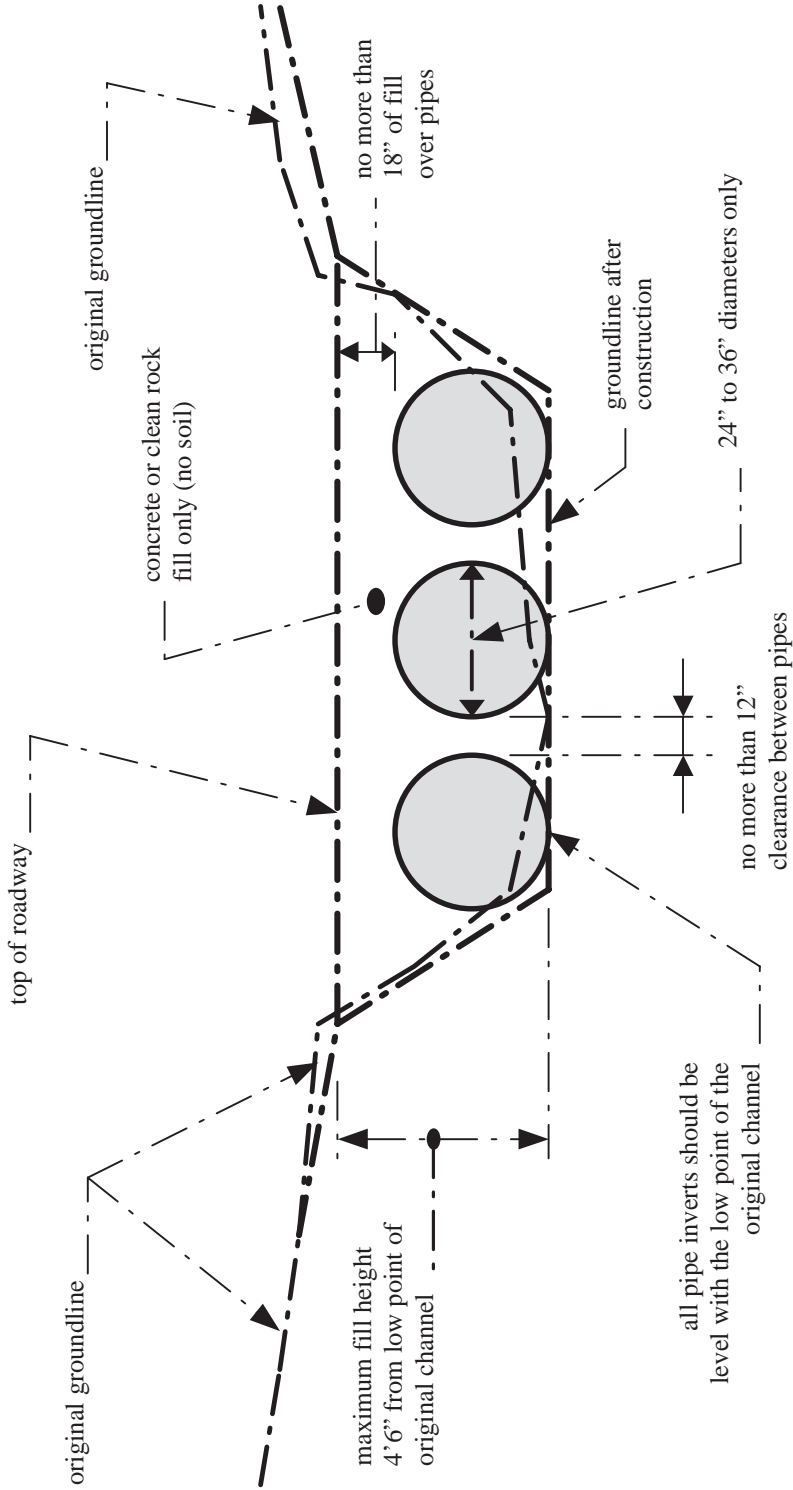
3. If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either: (a) that the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization 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.

# ATTACHMENT 1



### NOTES:

1. This is a conceptual drawing. The number and size of pipes and other details will vary depending on specific site conditions.
2. The pipes and backfill must be contained within the stream channel as shown above. During the construction of the approaches and access roadway across the floodplain, unstable and unconsolidated materials unsuitable for roadways may be excavated and replaced with riprap, crushed stone, or other stable road construction materials. This may only be done, however, with the following provisions: (1) the disposal of excess, unconsolidated materials thus excavated must be outside of the floodplain and (2) the finished surface of the completed road may be no more than three inches (3") above the pre-construction surface of the floodplain at any point beyond the top of banks.

## LOW-WATER CROSSING

STANDARD DRAWING

Not to Scale

KyTC BMP Plan for Project PCN 5-1069.00



**Kentucky Transportation Cabinet**

**Highway District 5**

**And**

\_\_\_\_\_ **(2), Construction**

**Kentucky Pollutant Discharge Elimination System  
Permit KYR10**

**Best Management Practices (BMP) plan**

**Groundwater protection plan**

**For Highway Construction Activities**

**For**

**Replace bridge (ID-106COOSSN, SR=44.2) and  
approaches on CR 1036- Scrabble Road  
(MP 0.482) over Backbone Creek; 0.47 mile east of  
Cedarmore Road (KY 1922)**

**Project: PCN 5 – 1069.00**

## KyTC BMP Plan for Project PCN 5-1069.00

### Project information

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

1. Owner – Kentucky Transportation Cabinet, District 5 (1)
2. Resident Engineer: (2)
3. Contractor name: (2)  
Address: (2)  
  
Phone number: (2)  
Contact: (2)  
Contractors agent responsible for compliance with the KPDES permit requirements (3):
4. Project Control Number (2)
5. Route (Address) (CR 1036, DEFOE, KY)
6. Latitude/Longitude (project mid-point): 38/19/12, 84/59/38 (1)
7. County (project mid-point) (SHELBY)
8. Project start date (date work will begin): (2)
9. Projected completion date: (2)

### **A. Site description:**

1. Nature of Construction Activity (from letting project description) GD&S (1)  
**REPLACE BRIDGE AND APPROACHES**

## KyTC BMP Plan for Project PCN 5-1069.00

2. Order of major soil disturbing activities (2) and (3)
3. Projected volume of material to be moved: 686 cu yd (1)
4. Estimate of total project area (acres): 0.60 ac (1)
5. Estimate of area to be disturbed (acres): 0.60 ac (1)
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)  
This project is in the Polsgrove Geologic Quadrangle (GQ-1349). The geologic mapping indicates that the bedrock at this site consists of Lexington Limestone Formation
8. Data describing existing discharge water quality (if any) (1) & (2)
9. Receiving water name: Backbone Creek (1)
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)

## KyTC BMP Plan for Project PCN 5-1069.00

### **B. Sediment and Erosion Control Measures:**

1. 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. 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 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 BMP's 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 BMP's in place before being disturbed.
3. As DDAs are prepared for construction, the following will be addressed for the project as a whole or for each DDA as appropriate:
  - Ø 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.
  - Ø 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.

## KyTC BMP Plan for Project PCN 5-1069.00

- ∅ Clearing and Grubbing – The following BMP's will be considered and used where appropriate.
  - Leaving areas undisturbed when possible.
  - Silt basins to provide silt volume for large areas.
  - Silt Traps Type A for small areas.
  - Silt Traps Type C in front of existing and drop inlets which are to be saved
  - Diversion ditches to catch sheet runoff and carry it to basins or traps or to divert it around areas to be disturbed.
  - Brush and/or other barriers to slow and/or divert runoff.
  - Silt fences to catch sheet runoff on short slopes. For longer slopes, multiple rows of silt fence may be considered.
  - Temporary Mulch for areas which are not feasible for the fore mentioned types of protections.
  - Non-standard or innovative methods.
- ∅ Cut & Fill and placement of drainage structures - The BMP Plan will be modified to show additional BMP's such as:
  - Silt Traps Type B in ditches and/or drainways as they are completed
  - Silt Traps Type C in front of pipes after they are placed
  - Channel Lining
  - Erosion Control Blanket
  - Temporary mulch and/or seeding for areas where construction activities will be ceased for 21 days or more.
  - Non-standard or innovative methods
- ∅ Profile and X-Section in place – The BMP Plan will be modified to show elimination of BMP's which had to be removed and the addition of new BMP's as the roadway was shaped. Probably changes include:
  - 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.
  - Additional Silt Traps Type B and Type C to be placed as final drainage patterns are put in place.
  - Additional Channel Lining and/or Erosion Control Blanket.
  - Temporary Mulch for areas where Permanent Seeding and Protection cannot be done within 21 days.
  - Special BMP's such as Karst Policy
- ∅ Finish Work (Paving, Seeding, Protect, etc.) – A final BMP Plan will result from modifications during this phase of construction. Probably changes include:
  - Removal of Silt Traps Type B from ditches and drainways if they are protected with other BMP's which are sufficient to control erosion, i.e. Erosion Control Blanket or Permanent Seeding and Protection on moderate grades.

## KyTC BMP Plan for Project PCN 5-1069.00

- Permanent Seeding and Protection
  - Placing Sod
  - Planting trees and/or shrubs where they are included in the project
- Ø BMP's including Storm Water Management Devices such as velocity dissipation devices and Karst policy BMP's to be installed during construction to control the pollutants in storm water discharges that will occur after construction has been completed are : (1)

### **C. Other Control Measures**

1. 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 Resident Engineer if there 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.

- Ø **Good Housekeeping:**



## KyTC BMP Plan for Project PCN 5-1069.00

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

- An effort will be made to store only enough product required to do the job
- 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
- Products will be kept in their original containers with the original manufacturer's label
- Substances will not be mixed with one another unless recommended by the manufacturer
- Whenever possible, all of the product will be used up before disposing of the container
- Manufacturers' recommendations for proper use and disposal will be followed
- The site contractor will inspect daily to ensure proper use and disposal of materials onsite

### Ø **Hazardous Products:**

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

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

### **The following product-specific practices will be followed onsite:**

#### Ø **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 Project PCN 5-1069.00

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.

### ∅ **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.

### ∅ **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.

### ∅ **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

### ∅ **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:

- 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.
- 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.
- All spills will be cleaned up immediately after discovery.
- The spill area will be kept well ventilated and personnel will wear appropriate protective clothing to prevent injury from contact with a hazardous substance.

## KyTC BMP Plan for Project PCN 5-1069.00

- Spills of toxic or hazardous material will be reported to the appropriate state/local agency as required by KRS 224 and applicable federal law.
- The spill prevention plan will be adjusted as needed to prevent spills from reoccurring and improve spill response and cleanup.
- Spills of products will be cleaned up promptly. Wastes from spill clean up will be disposed in accordance with appropriate regulations.

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

### **E. Maintenance**

1. 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)

### **F. Inspections**

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

## KyTC BMP Plan for Project PCN 5-1069.00

- Ø All erosion prevention and sediment control measures will be inspected at least once each week and following any rain of one-half inch or more.
- Ø Inspections will be conducted by individuals that have successfully completed the KEPSC-RI course as required by Section 213.02.02 of the Standard Specifications for Road and Bridge Construction, current edition.
- Ø Inspection reports will be written, signed, dated, and kept on file.
- Ø Areas at final grade will be seeded and mulched within 14 days.
- Ø 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.
- Ø All measures will be maintained in good working order; if a repair is necessary, it will be initiated within 24 hours of being reported.
- Ø Built-up sediment will be removed from behind the silt fence before it has reached halfway up the height of the fence.
- Ø Silt fences will be inspected for bypassing, overtopping, undercutting, depth of sediment, tears, and to ensure attachment to secure posts.
- Ø 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.
- Ø 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.
- Ø 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.
- Ø 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.

### **G. 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:

- Ø Water from water line flushings.
- Ø Water from cleaning concrete trucks and equipment.
- Ø Pavement wash waters (where no spills or leaks of toxic or hazardous materials have occurred).

### KyTC BMP Plan for Project PCN 5-1069.00

- 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.

## H. Groundwater Protection Plan (3)

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

- Contractors statement: (3)

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

\_\_\_\_\_ 2. (e) land treatment or land disposal of a pollutant;

\_\_\_\_\_ 2. (f) Storing, ..., or related handling of hazardous waste, solid waste or special waste, ..., in 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);

\_\_\_\_\_ 2. (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;

\_\_\_\_\_ 2. (j) Storing or related handling of road oils, dust suppressants, ....., at a central location;

\_\_\_\_\_ 2. (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);

\_\_\_\_\_ 2. (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

\_\_\_\_\_ 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.

## KyTC BMP Plan for Project PCN 5-1069.00

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 Project PCN 5-1069.00

#### 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.

#### Resident Engineer and Contractor Certification:

##### (2) Resident Engineer signature

Signed \_\_\_\_\_ title \_\_\_\_\_, \_\_\_\_\_  
Typed or printed name<sup>2</sup> signature

(3) Signed \_\_\_\_\_ title \_\_\_\_\_, \_\_\_\_\_  
Typed or printed name<sup>1</sup> 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 Project Control Number (PCN) 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 Project Control Number (PCN) and KPDES number when one has been issued.

KyTC BMP Plan for Project PCN 5-1069.00

## 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:  
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.

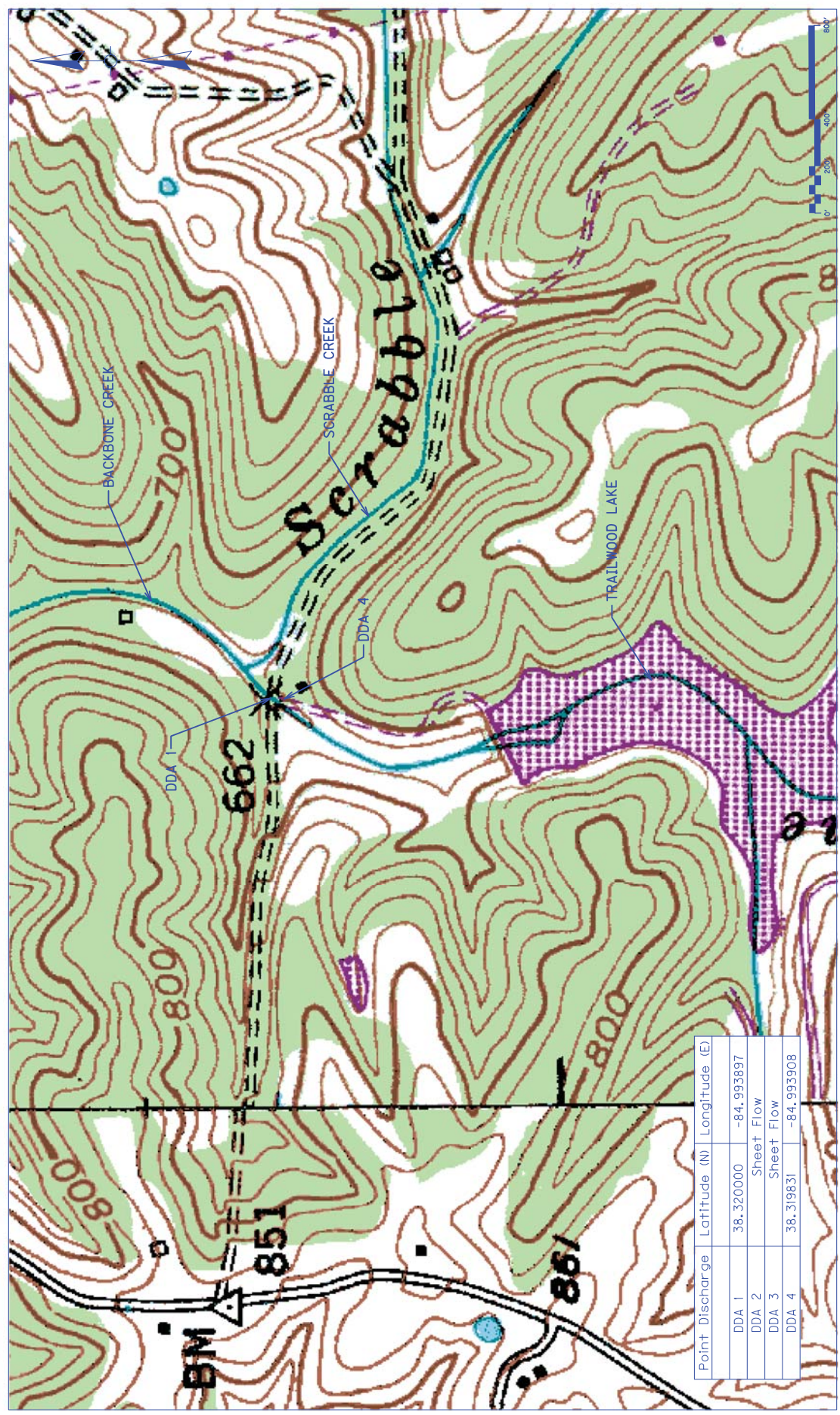
Signed \_\_\_\_\_ title \_\_\_\_\_, \_\_\_\_\_  
Typed or printed name<sup>1</sup> signature

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 Project Control Number (PCN) and KPDES number when one has been issued.



COUNTY OF	ITEM NO.	SHEET NO.
SHELBY	5-1069.0	EXB

EXHIBIT #1



Point Discharge	Latitude (N)	Longitude (E)
DDA 1	38.320000	-84.993897
DDA 2	Sheet Flow	Sheet Flow
DDA 3	Sheet Flow	Sheet Flow
DDA 4	38.319831	-84.993908

SHELBY COUNTY QUADRANGLE - KY - SHELBY COUNTY

SCALE: 1"=200'  
CR 1036  
USGS TOPOGRAPHIC MAP  
POINT DISCHARGE



MATTHEW G. BEVIN  
GOVERNOR

CHARLES G. SNAVELY  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET**  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER  
200 FAIR OAKS LANE, 4TH FLOOR  
FRANKFORT, KENTUCKY 40601  
[www.kentucky.gov](http://www.kentucky.gov)

April 28, 2016

Matt Bullock  
KYTC District 5  
PO Box 22129  
Louisville, KY 40252

Re: KYR10 Coverage Acknowledgment  
KPDES No.: KYR10K443  
5-1069.00 CR 1036 (SCRABBLE ROAD) OVER BACKBONE CR  
Permit Type: Construction  
AI ID: 129797  
Shelby County, Kentucky

Dear Matt Bullock:

The discharges associated with the Notice of Intent you submitted have been approved for coverage under the "Kentucky Pollutant Discharge Elimination System (KPDES) General Permit for Storm Water Discharges Associated with Construction Activities (KYR100000)" master general permit. Your coverage becomes effective on the date of this letter, and will automatically terminate two years from the effective date of your coverage unless an extension is requested prior to the termination date, until the KYR100000 master general permit expires on November 30, 2019, or the Division of Water revokes coverage, whichever comes first. During this period of coverage all discharges shall comply with the conditions of the KYR100000 master general permit. This permit and links to the eNOI (and permit coverage extension) and eNOT forms can be found on our website:

<http://dep.ky.gov/formslibrary/Documents/KYR10PermitPage.pdf>.

Any questions concerning the general permit and its requirements should be directed to me at (502) 564-3410.

Construction Site GPS Coordinates: 38.32 , -84.993889  
Receiving Water: Backbone Creek

Sincerely,

A handwritten signature in black ink that reads "Justina Riddick".

**Justina Riddick**  
Surface Water Permits Branch  
Division of Water

KENTUCKY TRANSPORTATION CABINET  
COMMUNICATING ALL PROMISES (CAP)  
ACTIVE

26 MAY 2016

<b>Item No.</b>	5 - 1069	<b>Project Mgr.</b>	kytc\keith.downs	
		<b>County</b>	SHELBY	<b>Route</b> CR-1036
<b>CAP #</b>	<b>Date of Promise</b>	<b>Promise made to:</b>	<b>Location of Promise</b>	
1	01-OCT-15	FARMWAY, LLC	PARCEL 1	
<b>CAP Description</b>				
Property donation contingent on execution of most updated plans? ? the one with the cor-ten guardrail				
2	01-OCT-15	DOUBLE R. RANCH, LLC.	PARCEL 2	
<b>CAP Description</b>				
Property donation contingent on execution of most updated plans? ? the one with the cor-ten guardrail				
3	01-OCT-15	LARRY T. & CHERYL A. SCHUCK	PARCEL 3	
<b>CAP Description</b>				
Gate and gate posts on property will not be disturbed				

**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 2016*.



**Supplemental Specifications to the  
Standard Specifications for Road and Bridge Construction, 2012 Edition  
Effective with the April 29, 2016 Letting**

<b>Subsection:</b>	101.03 DEFINITIONS
<b>Revision:</b>	Add the following Definitions to this section: <b>Superpave Mix Design Technologist (SMDT)</b> - An inspector qualified by the KYTC to submit, adjust, or approve asphalt mix designs.  <b>Superpave Plant Technologist (SPT)</b> - An inspector qualified by the KYTC to perform routine inspection and process control, acceptance, or verification testing on asphalt mixtures.
<b>Subsection:</b>	102.15 Process Agent.
<b>Revision:</b>	Replace the 1st paragraph with the following: Every corporation doing business with the Department shall submit evidence of compliance with KRS Sections 14A.4-010, 271B.11-010, 271B.11-070, 271B.11-080, 271B.5-010 and 271B.16-220, and file with the Department the name and address of the process agent upon whom process may be served.
<b>Subsection:</b>	105.13 Claims Resolution Process.
<b>Revision:</b>	Delete all references to TC 63-34 and TC 63-44 from the subsection as these forms are no longer available through the forms library and are forms generated within the AASHTO SiteManager software.
<b>Subsection:</b>	108.01 Subcontracting of Contract.
<b>Revision:</b>	Replace the section with the following: Do not subcontract, sell, transfer, assign, or otherwise dispose of the Contract or any portion of the Contract or Contracts, or of the right, title, or interest therein, without the Engineer's written consent. If the Contractor chooses to subcontract any portion of the Contract, a written request to sublet work must be submitted on the Subcontract Request (TC 63-35) form for the Engineer's approval. When directed by the Engineer, submit a certified copy of the actual subcontract agreement executed between the parties.  The Engineer will allow the Contractor to subcontract a portion, but the Contractor must perform with his own organization work amounting to no less than 30 percent of the total Contract cost. The Engineer will not allow any subcontractor to exceed the percentage to be performed by the Contractor and will require the Contractor to maintain a supervisory role over the entire project.  Do not allow any subcontractor to further subcontract any portion of the work without obtaining written consent from the Engineer. When the Engineer gives such consent, the first tier subcontractor may further subcontract a portion of his work not to exceed 50 percent of the work originally subcontracted to him by the Contractor. Do not allow any second tier subcontractor to subcontract any portion of the work.  Extra work performed by subcontractors in accordance with Section 109 will not be utilized in the computation of total dollar amount subcontracted. Subcontract percentages are based upon the original contract amount.  Payment to subcontractors for satisfactory performance of their work or materials supplied must be made within 7 calendar days from receipt of payment from the Engineer. Upon request by the Engineer, provide proof that payment has been made to the subcontractor within the 7 calendar days. Progress payments may be withheld for failure to comply with this request

**Supplemental Specifications to the  
Standard Specifications for Road and Bridge Construction, 2012 Edition  
Effective with the April 29, 2016 Letting**

	<p>The Engineer’s written consent to subcontract, assign, or otherwise dispose of any portion of the Contract does not, under any circumstances, relieve the Contractor or the surety of their respective liabilities and obligations under the Contract. The Engineer will make transactions only with the Contractor. The Engineer will recognize subcontractors only in the similar capacity of employees or workers of the Contractor who are subject to the same requirements as to character and competence as specified in Subsection 108.06.</p> <p>Lease agreements are acceptable on Department projects. No additional paperwork is needed when equipment is rented from a commercial rental company unless the leased equipment comes with an operator. In these circumstances, payroll records for the operator of the leased equipment must be maintained and submitted by the contractor in accordance with Department policy.</p> <p>Lease agreements between contractors that involve equipment only will require the submittal of a TC 63-71 Department Equipment Rental Form. If a Contractor is found to be in violation of these requirements, the Engineer reserves the right to withhold payment for the work which was performed in violation of these requirements. This provision does not include the lease or use of equipment from a corporation or company wholly owned by the Contractor. The Contractor shall not use equipment in the performance of the Contract to which title is not held by the Contractor or an approved subcontractor without a submitted lease agreement.</p> <p>If a public official has provided a documented Declaration of Emergency, then the Engineer may verbally waive the requirement of submitting a TC 63-71 Department Equipment Rental Form until the situation has ended. After the emergency situation ends, immediately remove the equipment from the project or submit a completed TC 63-71 Department Equipment Rental Form to the Engineer.</p>
<b>Subsection:</b>	108.03 Preconstruction Conference.
<b>Revision:</b>	Replace 8) Staking with the following: 8) Staking (designated by a Professional Engineer or Land Surveyor licensed in the Commonwealth of Kentucky.
<b>Subsection:</b>	109.07.02 Fuel.
<b>Revision:</b>	Revise item Crushed Aggregate Used for Embankment Stabilization to the following: Crushed Aggregate Used for Stabilization of Unsuitable Materials Used for Embankment Stabilization
	Delete the following item from the table. <del>Crushed Sandstone Base (Cement Treated)</del>
<b>Subsection:</b>	110.02 Demobilization.
<b>Revision:</b>	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;
<b>Subsection:</b>	112.03.12 Project Traffic Coordinator (PTC).
<b>Revision:</b>	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.

**Supplemental Specifications to the  
Standard Specifications for Road and Bridge Construction, 2012 Edition  
Effective with the April 29, 2016 Letting**

<b>Subsection:</b>	112.04.18 Diversions (By-Pass Detours).
<b>Revision:</b>	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.
<b>Subsection:</b>	201.03.01 Contractor Staking.
<b>Revision:</b>	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.
<b>Subsection:</b>	201.04.01 Contractor Staking.
<b>Revision:</b>	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.
<b>Subsection:</b>	206.04.01 Embankment-in-Place.
<b>Revision:</b>	Replace the fourth paragraph with the following: The Department will not measure <b>suitable</b> excavation included in the original plans that is disposed of for payment and will consider it incidental to Embankment-in-Place.
<b>Subsection:</b>	208.02.01 Cement.
<b>Revision:</b>	Replace paragraph with the following: Select Type I or Type II cement conforming to Section 801. Use the same type cement throughout the work.
<b>Subsection:</b>	208.03.06 Curing and Protection.
<b>Revision:</b>	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.
<b>Subsection:</b>	208.03.06 Curing and Protection.
<b>Revision:</b>	Replace paragraph eight with the following: At no expense to the Department, repair any damage to the subgrade caused by freezing.



**Supplemental Specifications to the  
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<b>Subsection:</b>	212.03.03 Permanent Seeding and Protection.
<b>Part:</b>	A) Seed Mixtures for Permanent Seeding.
<b>Revision:</b>	Revise <b>Seed Mix Type I</b> to the mixture shown below: 50% Kentucky 31 Tall Fescue ( <i>Festuca arundinacea</i> ) 35% Hard Fescue ( <i>Festuca (Festuca longifolia)</i> ) 10% Ryegrass, Perennial ( <i>Lolium perenne</i> ) 5% White Dutch Clover ( <i>Trifolium repens</i> )
<b>Subsection:</b>	212.03.03 Permanent Seeding and Protection.
<b>Part:</b>	A) Seed Mixtures for Permanent Seeding.
<b>Number:</b>	2)
<b>Revision:</b>	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.
<b>Subsection:</b>	212.03.03 Permanent Seeding and Protection.
<b>Part:</b>	A) Seed Mixtures for Permanent Seeding.
<b>Number:</b>	3)
<b>Revision:</b>	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 <i>Sericea Lespedeza</i> with Kentucky 31 Fescue.
<b>Subsection:</b>	212.03.03 Permanent Seeding and Protection.
<b>Part:</b>	B) Procedures for Permanent Seeding.
<b>Revision:</b>	Delete the first sentence of the section.
<b>Subsection:</b>	212.03.03 Permanent Seeding and Protection.
<b>Part:</b>	B) Procedures for Permanent Seeding.
<b>Revision:</b>	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.
<b>Subsection:</b>	212.03.03 Permanent Seeding and Protection.
<b>Part:</b>	D) Top Dressing.
<b>Revision:</b>	Change the title of part to D) Fertilizer.
<b>Subsection:</b>	212.03.03 Permanent Seeding and Protection.
<b>Part:</b>	D) Fertilizer.
<b>Revision:</b>	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.
<b>Subsection:</b>	212.03.03 Permanent Seeding and Protection.
<b>Part:</b>	D) Fertilizer.
<b>Revision:</b>	Delete the second paragraph.

**Supplemental Specifications to the  
Standard Specifications for Road and Bridge Construction, 2012 Edition  
Effective with the April 29, 2016 Letting**

<b>Subsection:</b>	212.04.04 Agricultural Limestone.												
<b>Revision:</b>	Replace the entire section with the following: The Department will measure the quantity of agricultural limestone in tons.												
<b>Subsection:</b>	212.04.05 Fertilizer.												
<b>Revision:</b>	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.												
<b>Subsection:</b>	212.05 PAYMENT.												
<b>Revision:</b>	Delete the following item code: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Code</u></th> <th style="text-align: left;"><u>Pay Item</u></th> <th style="text-align: left;"><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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<b>Subsection:</b>	212.05 PAYMENT.												
<b>Revision:</b>	Add the following pay items: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Code</u></th> <th style="text-align: left;"><u>Pay Item</u></th> <th style="text-align: left;"><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
<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											
<b>Subsection:</b>	213.03.02 Progress Requirements.												
<b>Revision:</b>	Replace the third paragraph with the following: After exposing areas of erodible material, make every effort to stabilize and protect the areas as quickly as possible. Permanently seed and mulch all areas at final grade within 14 days. Temporary stabilization practices on those portions of the project where construction activities have temporarily ceased shall be initiated within 14 days of the date of activity cessation. The Engineer will suspend grading operations for instances where the Contractor fails to sustain erosion control measures to effectively control erosion and to prevent water pollution in accordance with the KPDES Permit. In addition, the Engineer will withhold monies due on current estimates until corrective work has been initiated and is continuously progressing to remediate noted deficiencies. Additionally, should noted deficiencies not be adequately addressed to the satisfaction of the Engineer within 7 calendar days of receipt of written notification of deficiencies, the Department will apply a penalty equal to the daily liquidated damages rate until all aspects of the work have been completed.												
<b>Subsection:</b>	213.03.05 Temporary Control Measures.												
<b>Part:</b>	E) Temporary Seeding and Protection.												
<b>Revision:</b>	Delete the second sentence of the first paragraph.												
<b>Subsection:</b>	304.02.01 Physical Properties.												
<b>Table:</b>	Required Geogrid Properties												
<b>Revision:</b>	Replace all references to Test Method "GRI-GG2-87" with ASTM D 7737.												
<b>Subsection:</b>	402.03.02 Contractor Quality Control and Department Acceptance.												
<b>Part:</b>	B) Sampling.												
<b>Revision:</b>	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.												

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<b>Subsection:</b>	402.03.02 Contractor Quality Control and Department Acceptance.
<b>Part:</b>	D) Testing Responsibilities.
<b>Number:</b>	3) VMA.
<b>Revision:</b>	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.
<b>Subsection:</b>	402.03.02 Contractor Quality Control and Department Acceptance.
<b>Part:</b>	D) Testing Responsibilities.
<b>Number:</b>	4) Density.
<b>Revision:</b>	Replace the second sentence of the Option A paragraph with the following: Perform coring by the end of the following work day.
<b>Subsection:</b>	402.03.02 Contractor Quality Control and Department Acceptance.
<b>Part:</b>	D) Testing Responsibilities.
<b>Number:</b>	5) Gradation.
<b>Revision:</b>	Delete the second paragraph.
<b>Subsection:</b>	402.03.02 Contractor Quality Control and Department Acceptance.
<b>Part:</b>	H) Unsatisfactory Work.
<b>Number:</b>	1) Based on Lab Data.
<b>Revision:</b>	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.
<b>Subsection:</b>	402.03.03 Verification.
<b>Revision:</b>	Replace the first paragraph with the following: <b>402.03.03 Mixture Verification.</b> 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.
<b>Subsection:</b>	402.03.03 Verification.
<b>Part:</b>	A) Evaluation of Subplot(s) Verified by Department.
<b>Revision:</b>	Replace the third sentence of the second paragraph with the following: When the paired $t$ -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.

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<b>Subsection:</b>	402.03.03 Verification.
<b>Part:</b>	B) Evaluation of Sublots Not Verified by Department.
<b>Revision:</b>	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.
<b>Subsection:</b>	402.03.03 Verification.
<b>Part:</b>	B) Evaluation of Sublots Not Verified by Department.
<b>Revision:</b>	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.
<b>Subsection:</b>	402.03.03 Verification.
<b>Part:</b>	C) Test Data Patterns.
<b>Revision:</b>	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.
<b>Subsection:</b>	402.03 CONSTRUCTION.
<b>Revision:</b>	Add the following subsection: <b>402.03.04 Testing Equipment and Technician Verification.</b> 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 $\pm 2.0$ percent, the Department will investigate and resolve the discrepancy according to Subsection 402.03.05.
<b>Subsection:</b>	402.03.04 Dispute Resolution.
<b>Revision:</b>	Change the subsection number to 402.03.05.
<b>Subsection:</b>	402.05 PAYMENT.
<b>Part:</b>	Lot Pay Adjustment Schedule Compaction Option A Base and Binder Mixtures
<b>Table:</b>	AC
<b>Revision:</b>	Replace the Deviation from JMF(%) that corresponds to a Pay Value of 0.95 to $\pm 0.6$ .
<b>Subsection:</b>	403.01 Description.
<b>Revision:</b>	Replace the sentence three and four of the first paragraph with the following: Provide a Superpave Plant Technologist (SPT) or Superpave Mix Design Technician (SMDT) qualified by the Laboratories' Quality Acceptance program. Be available to address all Quality Control concerns arising during work performed under section 403.
<b>Subsection:</b>	403.02.10 Material Transfer Vehicle (MTV).
<b>Revision:</b>	Replace the first sentence with the following: In addition to the equipment specified above, provide a MTV with the following minimum characteristics:

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<b>Subsection:</b>	403.03.03 Preparation of Mixture
<b>Part:</b>	C) Mix Design Criteria
<b>Number:</b>	2)
<b>Revision:</b>	Revise part 2) to read as follows: Selection of Optimum AC. Normally, the Department will approve the AC at an air-void content of 4.0 percent. The Engineer may assign an AC corresponding to other air-void levels as deemed appropriate. Ensure the optimum AC is a minimum of 5.2 percent by weight of the total mixture for all 0.5-inch nominal surface mixtures and 5.5 percent by weight of the total mixture for all 0.38-inch nominal surface mixtures.
<b>Subsection:</b>	412.02.09 Material Transfer Vehicle (MTV).
<b>Revision:</b>	Replace the paragraph with the following: Provide and utilize a MTV with the minimum characteristics outlined in section 403.02.10.
<b>Subsection:</b>	412.03.07 Placement and Compaction.
<b>Revision:</b>	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.
<b>Subsection:</b>	412.04 MEASUREMENT.
<b>Revision:</b>	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.
<b>Subsection:</b>	501.03.19 Surface Tolerances and Testing Surface.
<b>Part:</b>	B) Ride Quality.
<b>Revision:</b>	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.
<b>Subsection:</b>	501.03.05 Weather Limitations and Protection.
<b>Revision:</b>	Replace the reference to Subsection 501.03.19 in Paragraph 5, with Subsection 501.03.20.
<b>Subsection:</b>	601.02.02 Cement
<b>Revision:</b>	Replace the third sentence with the following: The Department will allow the use of Type IP( $\leq$ 20), Type IS( $\leq$ 30), Type IL, Type II, and Type III when the Engineer approves.
<b>Subsection:</b>	601.02.02 Cement
<b>Revision:</b>	Replace the fifth sentence with the following: If unsatisfactory test results are obtained using Type IP( $\leq$ 20), Type IS( $\leq$ 30), Type IL, Type II, or Type III cement complete the work using Type I cement.

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**Subsection:** 601.03.02 Concrete Producer Responsibilities.  
**Part:** E) Trip Tickets.  
**Revision:** Replace the section with the following:  
 Furnish a trip ticket containing the minimum information shown in the table below. Certify that the data on the ticket is correct and that the mixture conforms to the approved mix design. Ensure that the plant manager or a Level II concrete technician signs the ticket. The Department's jobsite inspector will complete all other necessary information on the back of the trip ticket.

Contract Id:	Proj. Number:	Date:	County:	
Truck No:	Producer Name:	SiteManager Sample Id:		
Qty(Yds <sup>3</sup> ):	Time Loaded (Non Agitated Concrete Only):			
Begin Mixing Time: _____ AM ____ PM ____ REV _____				
Set Retarder Used		Yes ___	Type ___	No ___
Water Reducer Used		Yes ___	Type ___	No ___
Water Underrun		_____ Gal/Yd <sup>3</sup>	_____ Total Gallons	
Design W/C:	Actual W/C:	Slump (inches)		
<b>Batch Weight Information:</b>				
<u>Material:</u>	<u>Description:</u>	<u>Design Qty:</u>	<u>Required:</u>	<u>Batched:</u>
Remarks:				
*The data on this ticket is correct for the approved concrete mix design.*				
Signature: _____			Date: _____	
KRMCA Level II Technician or Plant Manager				

**Subsection:** 601.03.03 Proportioning and Requirements  
**Part:** A) Concrete  
**Revision:** Revise Table for INGREDIENT PROPORTIONS AND REQUIREMENTS FOR VARIOUS CLASSES OF CONCRETE as follows: Replace "M1 w/ Type 1 cement" with "M1 w/ Type 1 or blended hydraulic cement"

**Subsection:** 601.03.03 Proportioning and Requirements  
**Part:** C) Mixtures Using Type IP, IS, and I(SM) Cement or Mineral Admixtures  
**Revision:** Revise part C) header to read as follows: Mixtures Using Type IP(≤20), IS(≤30), and IL Cement and Mineral Admixtures.

**Subsection:** 601.03.03 Proportioning and Requirements  
**Part:** C) Mixtures Using Type IP, IS, and I(SM) Cement or Mineral Admixtures  
**Number:** 1)  
**Revision:** Revise first sentence to read as follows: Type IP(≤20), IS(≤30), IL Cement.

**Subsection:** 601.03.03 Proportioning and Requirements  
**Part:** C) Mixtures Using Type IP, IS, and I(SM) Cement or Mineral Admixtures  
**Number:** 2)  
**Revision:** Revise second sentence to read as follows: The use of fly ash, blast furnace slag cement, or micosilica in concrete is the Contractor's option.



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<b>Subsection:</b>	601.03.03 Proportioning and Requirements
<b>Part:</b>	C) Mixtures Using Type IP, IS, and I(SM) Cement or Mineral Admixtures
<b>Number:</b>	2)
<b>Revision:</b>	Revise the first sentence in the second paragraph to read as follows: When the ability to use blast furnace slag cement or microsilica has not been demonstrated have the concrete producer provide trial batches in accordance with Subsection 601.03.02 G) 1).
<b>Subsection:</b>	601.03.03 Proportioning and Requirements
<b>Part:</b>	C) Mixtures Using Type IP, IS, and I(SM) Cement or Mineral Admixtures
<b>Number:</b>	2)
<b>Part:</b>	b)
<b>Revision:</b>	Revise first sentence to read as follows: Blast Furnace Slag Cement
<b>Subsection:</b>	601.03.03 Proportioning and Requirements
<b>Part:</b>	C) Mixtures Using Type IP, IS, and I(SM) Cement or Mineral Admixtures
<b>Number:</b>	2)
<b>Part:</b>	b)
<b>Revision:</b>	Revise second sentence to read as follows: When added as a separate ingredient, use Grade 120 or Grade 100 slag to reduce the quantity of cement, except do not use blast furnace slag cement to reduce the quantity of Type IS( $\leq$ 30) cement.
<b>Subsection:</b>	601.03.03 Proportioning and Requirements
<b>Part:</b>	C) Mixtures Using Type IP, IS, and I(SM) Cement or Mineral Admixtures
<b>Number:</b>	2)
<b>Part:</b>	b)
<b>Revision:</b>	In part b), replace all references to "GGBF slag" with "blast furnace slag cement".
<b>Subsection:</b>	601.03.04 Classes and Primary Uses
<b>Part:</b>	H) Class M1
<b>Revision:</b>	Revise part H) to read as follows: High early strength for bridge joint repair and full or partial depth bridge deck patching. (Type 1 cement or blended hydraulic cement)
<b>Subsection:</b>	603.03.06 Cofferdams.
<b>Revision:</b>	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.
<b>Subsection:</b>	605.03.04 Tack Welding.
<b>Revision:</b>	Insert the subsection and the following: 605.03.04 Tack Welding. The Department does not allow tack welding.
<b>Subsection:</b>	606.03.17 Special Requirements for Latex Concrete Overlays.
<b>Part:</b>	A) Existing Bridges and New Structures.
<b>Number:</b>	1) Prewetting and Grout-Bond Coat.
<b>Revision:</b>	Add the following sentence to the last paragraph: Do not apply a grout-bond coat on bridge decks prepared by hydrodemolition.
<b>Subsection:</b>	609.03 Construction.
<b>Revision:</b>	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.

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<b>Subsection:</b>	611.03.02 Precast Unit Construction.
<b>Revision:</b>	Replace the first sentence of the subsection with the following: Construct units according to ASTM C1577, <b>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)</b> , and Section 605 with the following exceptions and additions:
<b>Subsection:</b>	613.03.01 Design.
<b>Number:</b>	2)
<b>Revision:</b>	Replace "AASHTO Standard Specifications for Highway Bridges" with "AASHTO LRFD Bridge Design Specifications"
<b>Subsection:</b>	615.06.02
<b>Revision:</b>	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 $\frac{3}{4}$ inch.
<b>Subsection:</b>	615.06.03 Placement of Reinforcement in Precast 3-Sided Units.
<b>Revision:</b>	Replace the reference of 6.6 in the section to 615.06.06.
<b>Subsection:</b>	615.06.04 Placement of Reinforcement for Precast Endwalls.
<b>Revision:</b>	Replace the reference of 6.7 in the section to 615.06.07.
<b>Subsection:</b>	615.06.06 Laps, Welds, and Spacing for Precast 3-Sided Units.
<b>Revision:</b>	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.
<b>Subsection:</b>	615.06.07 Laps, Welds, and Spacing for Precast Endwalls.
<b>Revision:</b>	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.

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<b>Subsection:</b>	615.08.01 Type of Test Specimen.
<b>Revision:</b>	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 <sup>3</sup> (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.
<b>Subsection:</b>	615.08.02 Compression Testing.
<b>Revision:</b>	Delete the second sentence.
<b>Subsection:</b>	615.08.04 Acceptability of Core Tests.
<b>Revision:</b>	Delete the entire subsection.
<b>Subsection:</b>	615.12 Inspection.
<b>Revision:</b>	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.
<b>Subsection:</b>	701.04.16 Deduction for Pipe Deflection.
<b>Revision:</b>	Insert the following at the end of the paragraph: The section length is determined by the length of the pipe between joints where the failure occurred.
<b>Subsection:</b>	716.02.02 Paint.
<b>Revision:</b>	Replace sentence with the following: Conform to Section 821.
<b>Subsection:</b>	716.03 CONSTRUCTION.
<b>Revision:</b>	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,
<b>Subsection:</b>	716.03.02 Lighting Standard Installation.
<b>Revision:</b>	Replace the paragraph with the following: Locate poles to avoid trees, drainage, structures, etc. Regardless of the station & offset noted, locate all poles/bases behind guardrail a minimum of 4 feet behind the face of the guardrail. All poles shall be placed as close to stations and offsets as stated on Plans to provide proper illumination. If any pole needs to be relocated from stations indicated, the Division of Traffic Operations shall be contacted. When submitting brochures for suggested luminaires include iso lux curves, IES type distribution, lamp lumens, and typical ballast factor used for each type of luminaire. Submit the photometric data in a digital IES format to the Division of Traffic Operations. Include with the submittal a point of contact and phone number to answer technical questions about the luminaire.
<b>Subsection:</b>	716.03.02 Lighting Standard Installation.
<b>Part:</b>	A) Conventional Installation.
<b>Revision:</b>	Replace the third sentence with the following: Orient the transformer base so the door is positioned on the side away from on-coming traffic.
<b>Subsection:</b>	716.03.02 Lighting Standard Installation.
<b>Part:</b>	A) Conventional Installation.
<b>Number:</b>	1) Breakaway Installation and Requirements.
<b>Revision:</b>	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.

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**Subsection:** 716.03.02 Lighting Standard Installation.  
**Part:** B) High Mast Installation  
**Revision:** Replace the first three sentences of the first paragraph with the following: Install each high mast pole as noted on Plans. Install each high mast pole on a separate circuit and use luminaires with light patterns as indicated. Orient luminaires as shown in 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:

Drilled Shaft Depth Data							
Level Ground		3:1 Ground Slope		2:1 Ground Slope		1.5:1 Ground Slope <sup>(2)</sup>	
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				

Note 1: Shaft length is 22 feet for cohesive soil only. For cohesionless soil, contact Geotechnical Branch for design.

Note 2: Do not construct high mast drilled shafts on ground slopes steeper than 1.5:1 without the approval of the Division of Traffic Operations.

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 design 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

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.

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

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.

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. Exposed portions of the foundation shall be formed to create a smooth finished surface. All forming shall be removed upon completion of foundation construction.

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<b>Subsection:</b>	716.03.03 Trenching.
<b>Part:</b>	A) Trenching of Conduit for Highmast Ducted Cables.
<b>Revision:</b>	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.
<b>Subsection:</b>	716.03.03 Trenching.
<b>Part:</b>	B) Trenching of Conduit for Non-Highmast Cables.
<b>Revision:</b>	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.
<b>Subsection:</b>	716.03.04 Conduit Installation.
<b>Revision:</b>	Replace the first two sentences of the paragraph with the following: Provide rigid steel conduit encasement for all conductors except as specified in the Contract. Provide conduit that is listed on the Department's List of Approved Materials.
<b>Subsection:</b>	716.03.04 Conduit Installation.
<b>Part:</b>	A) Conduit Requirements in Junction Boxes.
<b>Number:</b>	1) Highmast Ducted Cable.
<b>Revision:</b>	Replace the first two sentences with the following: Install conduit horizontally through the junction box. Conduit shall be 4 inches from the bottom and 4 inches from the side of the junction box.
<b>Subsection:</b>	716.03.04 Conduit Installation.
<b>Revision:</b>	Add the following to the Part to the Subsection: <b>G) Bore and Jack.</b> Construction methods shall be in accordance with Subsections 706.03.02, paragraphs 1, 2 and 4.
<b>Subsection:</b>	716.03.08 Splicing.
<b>Revision:</b>	Replace the last sentence of the paragraph with the following: Ensure the splices are of the correct size for the wire being used.
<b>Subsection:</b>	716.03.10 Junction Boxes.
<b>Revision:</b>	Replace subsection title with the following: Electrical Junction Box and replace the last sentence of the paragraph with the following: Any additional junction boxes shall be approved by the Engineer.
<b>Subsection:</b>	716.03.13 Temporary Lighting.
<b>Revision:</b>	Change subsection heading to the following: <b>716.03.13 Temporary/Maintain Lighting.</b>
<b>Subsection:</b>	716.03.13 Temporary /Maintain Lighting.
<b>Revision:</b>	Replace the entire section with the following: The Contractor shall furnish and install all materials necessary to temporarily light the proposed roadway to design standards in Subsection 716.03. The Contractor shall submit his proposed design of temporary lighting to the Division of Traffic Operations for approval at least 30 days before installation.  Maintain all lighting elements impacted within or outside the project limits until new lighting elements are installed and a functional inspection has been performed on the new lighting elements. The Contractor shall submit a proposed design for maintaining lighting to the Division of Traffic Operations for approval at least 30 days before installation.

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<b>Subsection:</b>	716.03.14 Remove Lighting.
<b>Revision:</b>	Replace the section with the following: Remove all lighting equipment that is identified by the Engineer as no longer necessary including, but not limited to, the following: pole bases, poles, junction boxes, cabinets, and wood poles. Pole bases shall be removed a minimum of one foot below finished grade by chipping off or other method that is approved by the Engineer. Dispose of all removed concrete off right-of-way. Wood poles shall be removed a minimum of one foot below finished grade. Backfill holes with material approved by the Engineer. Conduit may be abandoned in the ground. All materials shall be removed from the project as directed by the Engineer. Transformers not owned by a utility shall be tested for PCB's and disposed of in accordance with state regulations.
<b>Subsection:</b>	716.03.15 Painting.
<b>Revision:</b>	Replace the first sentence with the following: Clean non-galvanized or damaged surfaces of exposed junction boxes, pull boxes, control panels, poles, and similar equipment, and apply one coat of an inhibiting paint and two coats of aluminum paint.
<b>Subsection:</b>	716.04.01. Poles.
<b>Revision:</b>	Change the subsection heading to 716.04.01 Pole and replace the last sentence of the subsection with the following: The Department will not measure anchor bolts, washers, nuts, anchor bolt covers, ground lugs, and any associated hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	716.04.02 High Mast Pole.
<b>Revision:</b>	Replace the second sentence with the following: The Department will not measure the lowering device, anchor bolts, head frame assembly, cables, winch unit, power cables, wiring, connectors, circuit breakers, grounding lugs, ground wire, ground rods, conduits, test plugs,, adjustment and calibration of the unit to provide the desired operation, and any associated hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	716.04.03 Bracket.
<b>Revision:</b>	Replace the second sentence with the following: The Department will not measure any associated hardware needed for attaching the bracket to the pole for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	716.04.04 Pole Base.
<b>Revision:</b>	Change the subsection heading to 716.04.04 Pole Bases and delete the paragraph.
<b>Subsection:</b>	716.04.04 Pole Bases.
<b>Revision:</b>	Insert the following: <b>A. Pole Base.</b> The Department will measure the quantity as each individual unit furnished and installed. The Department will not measure excavation, concrete, conduits, fittings, ground rods, ground wires, ground lugs, reinforcing steel, restoring disturbed areas to the satisfaction of the Engineer, and any associated hardware for payment and will consider them incidental to this item of work. <b>B. Pole Base High Mast.</b> The Department will measure the quantity in cubic yards furnished and installed. The Department will not measure excavation, concrete, conduits, fittings, ground rods, ground wires, ground lugs, reinforcing steel, restoring disturbed areas to the satisfaction of the Engineer, and any associated hardware for payment and will consider them incidental to this item of work.



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<b>Subsection:</b>	716.04.05 Pole Base in Median Wall.
<b>Revision:</b>	Replace the last sentence with the following: The Department will not measure conduits, fittings, junction boxes, additional reinforcing steel, ground rods, ground wire, ground lugs, and aluminum cover plates (if specified) for payment, and will consider them incidental to this item of work.
<b>Subsection:</b>	716.04.06 Transformer Base.
<b>Revision:</b>	Replace the last sentence with the following: The Department will not measure transformer door, ground lug, anchoring bolts, nuts, washers, and any associated hardware for payment and will consider them incidental to this item of work. The filling of any unused holes will also be considered incidental to this item of work.
<b>Subsection:</b>	716.04.07 Pole with Secondary Equipment.
<b>Revision:</b>	Replace the heading with the following: 716.04.07 Pole with Secondary Control Equipment.
<b>Subsection:</b>	716.04.07 Pole with Secondary Control Equipment.
<b>Revision:</b>	Replace the second and third sentence with the following: The Department will not measure mounting the cabinet to the pole, backfilling, restoration, any necessary hardware to anchor pole, electrical inspection fees, and required building fees involving utility secondary, and primary service for payment 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, ground lugs, and ground wires for payment and will consider them incidental to this item of work. The filling of unused holes will also be considered incidental to this item of work.
<b>Subsection:</b>	716.04.08 Lighting Control Equipment.
<b>Revision:</b>	Replace the paragraph with the following: The Department will measure the quantity as each individual unit furnished and installed. The Department will not measure the concrete base, excavation, backfilling, restoration, any necessary anchors, electrical inspection fees, and required building fees involving utility secondary/primary service for payment 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, ground lugs, and ground wires for payment and will consider them incidental to this item of work. The Department will not measure the filling of any unused holes with and will consider them incidental to this item of work.
<b>Subsection:</b>	716.04.09 Luminaire.
<b>Revision:</b>	Replace the paragraph with the following: The Department will measure the quantity as each individual unit furnished and installed. The Department will not measure lamps, starters, ballasts, drivers, surge protection, dimming modules, photo-control receptacle, specified shielding (if required), and any adjustments necessary to provide the desired lighting pattern for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	716.04.10 Fused Connector Kits.
<b>Revision:</b>	Replace the heading with the following: 716.04.10 Fuse Connector Kits.

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<b>Subsection:</b>	716.04.10 Fuse Connector Kits.
<b>Revision:</b>	Replace the paragraph with the following: The Department will measure the quantity as each individual unit furnished and installed. The Department will not measure fuses/lugs for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	716.04.11 Conduit.
<b>Revision:</b>	Replace the second sentence with the following: The Department will not measure installation in ground or on structures, conduit fittings, test plugs, expansion joints with bonding straps, grounding lugs, drill anchors, clamps, and any additional hardware required for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	716.04.12 Markers.
<b>Revision:</b>	Replace the section with the following: The Department will measure the quantity as each individual unit furnished and installed.
<b>Subsection:</b>	716.04.13 Junction Box.
<b>Revision:</b>	Replace the subsection title with the following: Electrical Junction Box Type Various.
<b>Subsection:</b>	716.04.13 Electrical Junction Box Type Various.
<b>Revision:</b>	Replace the section with the following: The Department will measure the quantity as each individual unit furnished and installed. The Department will not measure additional junction boxes for greater depths than those identified in Plans, #57 aggregate, backfilling, restoration of disturbed areas to the satisfaction of the Engineer, geotextile filter fabric, concrete, hot dipped galvanized cover, stainless steel screws, rubber gasket, and any associated hardware for payment , and will consider them incidental to this item of work.
<b>Subsection:</b>	716.04.13 Junction Box.
<b>Part:</b>	A) Junction Electrical.
<b>Revision:</b>	Delete Part A.
<b>Subsection:</b>	716.04.14 Trenching and Backfilling.
<b>Revision:</b>	Replace the section with the following: The Department will measure the quantity in linear feet. The Department will not measure excavation, backfilling, underground utility warning tape (if required), and the restoration of disturbed areas to original condition for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	716.04.15 Wire or Cable.
<b>Revision:</b>	Replace the section with the following: The Department will measure the quantity in linear feet furnished and installed. The Department will not measure installation within conduit, splice boots, and any other hardware required for installing cable for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	716.04.16 Ducted Cable.
<b>Revision:</b>	Replace the second sentence of the paragraph with the following: The Department will not measure installation within trench or conduit and any other necessary hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	716.04.17 Temporary Lighting
<b>Revision:</b>	Rename the subsection as follows: 716.04.17 Temporary Lighting/Maintain Lighting.

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<b>Subsection:</b>	716.04.17 Temporary Lighting/Maintain Lighting.																														
<b>Revision:</b>	Delete the paragraph and add the following parts: A) Temporary Lighting. The Department will measure the quantity by lump sum. The Department will not measure poles, luminaires, wire, conduit, trenching and backfilling, control equipment, all relocations and removal, design (if required), and any other necessary hardware to make a complete installation for payment and will consider them incidental to this item of work. B) Maintain Lighting. The Department will measure the quantity by lump sum. The Department will not measure maintenance of lighting elements and design (if required) for payment and will consider them incidental to this item of work.																														
<b>Subsection:</b>	716.04.18 Remove Lighting.																														
<b>Revision:</b>	Replace the paragraph with the following: The Department will measure the quantity by lump sum. The Department will not measure backfilling and the disposal or transportation of equipment and materials associated with any structural or electrical component of the lighting system including, but not limited to pole bases, poles, junction boxes, cabinets, and wood poles for payment and will consider them incidental to this item of work.																														
<b>Subsection:</b>	716.04.19 Remove Pole Base.																														
<b>Revision:</b>	Delete Subsection.																														
<b>Subsection:</b>	716.04.20 Bore and Jack Conduit.																														
<b>Revision:</b>	Renumber Subsection to 716.04.19 Bore and Jack Conduit.																														
<b>Subsection:</b>	716.04.19 Bore and Jack Conduit.																														
<b>Revision:</b>	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.																														
<b>Subsection:</b>	716.05 PAYMENT.																														
<b>Revision:</b>	Revise the following under <u>Code</u> , <u>Pay Item</u> , and <u>Pay Unit</u> with the following:																														
	<table border="0"> <thead> <tr> <th><u>Code</u></th> <th><u>Pay Item</u></th> <th><u>Pay Unit</u></th> </tr> </thead> <tbody> <tr> <td>04700-04701</td> <td>Pole(Various)Mtg Ht</td> <td>Each</td> </tr> <tr> <td>04710-04714</td> <td>Pole(Various)Mtg Ht High Mast</td> <td>Each</td> </tr> <tr> <td>04810-04811</td> <td>Electrical Junction Box (Various)</td> <td>Each</td> </tr> <tr> <td>20391NS835</td> <td>Electrical Junction Box Type A</td> <td>Each</td> </tr> <tr> <td>20392NS835</td> <td>Electrical Junction Box Type C</td> <td>Each</td> </tr> <tr> <td>04770-04773</td> <td>Luminaire (Various)</td> <td>Each</td> </tr> <tr> <td>04780</td> <td>Fuse Connector Kit</td> <td>Each</td> </tr> <tr> <td>20410ED</td> <td>Maintain Lighting</td> <td>Lump Sum</td> </tr> <tr> <td><del>04941</del></td> <td><del>Remove Pole Base</del></td> <td><del>Each</del></td> </tr> </tbody> </table>	<u>Code</u>	<u>Pay Item</u>	<u>Pay Unit</u>	04700-04701	Pole(Various)Mtg Ht	Each	04710-04714	Pole(Various)Mtg Ht High Mast	Each	04810-04811	Electrical Junction Box (Various)	Each	20391NS835	Electrical Junction Box Type A	Each	20392NS835	Electrical Junction Box Type C	Each	04770-04773	Luminaire (Various)	Each	04780	Fuse Connector Kit	Each	20410ED	Maintain Lighting	Lump Sum	<del>04941</del>	<del>Remove Pole Base</del>	<del>Each</del>
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<b>Subsection:</b>	723.02.02 Paint.																														
<b>Revision:</b>	Replace sentence with the following: Conform to Section 821.																														
<b>Subsection:</b>	723.03 CONSTRUCTION.																														
<b>Revision:</b>	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,																														
<b>Subsection:</b>	723.03.02 Poles and Bases Installation.																														
<b>Revision:</b>	Replace the title with the following: 723.03.02 Pole and Base Installation.																														

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<b>Subsection:</b>	723.03.02 Pole and Base Installation.
<b>Revision:</b>	Replace the first paragraph 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. Orient the handhole door away from traffic travel path. If pole base is installed within a sidewalk the top of the pole base shall be the same grade as the sidewalk.
<b>Subsection:</b>	723.03.02 Poles and Bases Installation.
<b>Part:</b>	A) Steel Strain and Mastarm Poles Installation
<b>Revision:</b>	Replace the title of Part A) Steel Strain and Mast Arm Pole Installation.
<b>Subsection:</b>	723.03.02 Pole and Base Installation.
<b>Part:</b>	A) Steel Strain and Mast Arm Pole Installation.
<b>Revision:</b>	Insert the following sentence at the beginning of the first paragraph: Install pole bases 4 to 6 inches above grade.
<b>Subsection:</b>	723.03.02 Pole and Base Installation.
<b>Part:</b>	A) Steel Strain and Mast Arm Pole Installation.
<b>Revision:</b>	Replace the second paragraph with the following: For concrete base installation, see Subsection 716.03.02 B), 2), Paragraphs 2-6. 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:
<b>Subsection:</b>	723.03.02 Pole and Base Installation.
<b>Part:</b>	B) Pedestal or Pedestal Post Installation.
<b>Revision:</b>	Replace the second sentence with the following: If over 12 feet high the base shall have the minimum depth and diameter as Subsection 716.03.02 (A), paragraph 2.
<b>Subsection:</b>	723.03.02 Poles and Bases Installation.
<b>Part:</b>	B) Pedestal or Pedestal Post Installation.
<b>Revision:</b>	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.
<b>Subsection:</b>	723.03.03 Trenching.
<b>Revision:</b>	Replace the first sentence with the following: See Subsection 716.03.03 (B).
<b>Subsection:</b>	723.03.03 Trenching.
<b>Part:</b>	A) Under Roadway.
<b>Revision:</b>	Delete Part A) Under Roadway.
<b>Subsection:</b>	723.03.05 Conduit Requirements in Junction Boxes.
<b>Revision:</b>	Delete the Subsection and replace with the following: 723.03.05 Fuse Connector Kits. See Subsection 716.03.09.
<b>Subsection:</b>	723.03.06 Coupling Installation.
<b>Revision:</b>	Delete the Subsection and replace with the following: 723.03.06 Painting. See Subsection 716.03.15.
<b>Subsection:</b>	723.03.07 Bonding Requirements.
<b>Revision:</b>	Delete the Subsection and replace with the following: 723.03.07 Electrical Junction Boxes. See Subsection 716.03.10.

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<b>Subsection:</b>	723.03.08 Painting.
<b>Revision:</b>	Replace with 723.03.06 Painting. See Subsection 716.03.15.
<b>Subsection:</b>	723.03.09 Underground Warning Tape.
<b>Revision:</b>	Renumber Subsection to 723.03.08 Underground Warning Tape.
<b>Subsection:</b>	723.03.10 Backfilling and Disturbed Areas.
<b>Revision:</b>	Renumber Subsection to 723.03.09 Backfilling and Disturbed Areas.
<b>Subsection:</b>	723.03.11 Wiring Installation.
<b>Revision:</b>	Renumber Subsection to 723.03.10 Wiring Installation.
<b>Subsection:</b>	723.03.10 Wiring Installation.
<b>Revision:</b>	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.
<b>Subsection:</b>	723.03.12 Loop Installation.
<b>Revision:</b>	Renumber Subsection to 723.03.11 Loop Installation.
<b>Subsection:</b>	723.03.11 Loop Installation.
<b>Revision:</b>	Replace the fourth sentence of the 2nd paragraph with the following: Provide an extra two feet of loop wire and lead-in past the installed conduit in poles, pedestals, and junction boxes.
<b>Subsection:</b>	723.03.13 Grounding Installation.
<b>Revision:</b>	Renumber Subsection to 723.03.12 Grounding Installation.
<b>Subsection:</b>	723.03.12 Grounding Installation.
<b>Revision:</b>	Replace the reference to "Standard Detail Sheets" in the first sentence with "Plans".
<b>Subsection:</b>	723.03.14 Splicing.
<b>Revision:</b>	Renumber Subsection to 723.03.13 Splicing.
<b>Subsection:</b>	723.03.13 Splicing.
<b>Revision:</b>	Delete the reference to (IMSA 19-2) from the 5th sentence of the paragraph.
<b>Subsection:</b>	723.03.15 Painting.
<b>Revision:</b>	Delete Subsection.
<b>Subsection:</b>	723.03.14 Splicing.
<b>Revision:</b>	Replace with new Subsection 723.03.14 Remove Signal Equipment.
<b>Subsection:</b>	723.03.14 Remove Signal Equipment.
<b>Revision:</b>	Insert the following for the new subsection: Remove all traffic signal equipment that is identified by the Engineer as no longer necessary including, but not limited to, the following: pole bases, poles, junction boxes, cabinets, wood poles, and advance warning flashers. Pole bases shall be removed a minimum of one foot below finished grade by chipping off or other method that is approved by the Engineer. Dispose of all removed concrete off right-of-way. Wood poles shall be removed a minimum of one foot below finished grade. Backfill holes with material approved by the Engineer. Conduit may be abandoned in the ground. Contact the district traffic Engineer to determine if any removed signal equipment needs to be returned to the district and to determine the location/time for such deliveries.
<b>Subsection:</b>	723.05.16 Drawings.
<b>Revision:</b>	Renumber the Subsection to 723.03.15 Drawings.



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<b>Subsection:</b>	723.03.15 Drawings.
<b>Revision:</b>	Replace Subsection with the following: Before final inspection of the traffic control device, provide a complete set of reproducible as-built drawings that show the arrangement and locations of all equipment including: junction boxes, conduits, spare conduits, etc. Keep a daily record of all conduits placed in trenches, showing the distance from the pavement edge, the depth, and the length of runs, and indicate this information on the as-built drawings.
<b>Subsection:</b>	723.03.17 Acceptance and Inspection Requirements.
<b>Revision:</b>	Renumber Subsection to 723.03.16 Acceptance and Inspection Requirements.
<b>Subsection:</b>	723.03.16 Acceptance and Inspection Requirements.
<b>Revision:</b>	Replace the first paragraph of the section with the following: See Subsection 105.12. In coordination with the District Traffic Engineer, energize traffic control device as soon as it is fully functional and ready for inspection. After the work has been completed, conduct an operational test demonstrating that the system operates in accordance with the Plans in the presence of the Engineer. The Department will also conduct its own tests with its own equipment before final acceptance. Ensure that the traffic control device remains operational until the Division of Traffic Operations has provided written acceptance of the electrical work.
<b>Subsection:</b>	723.04.01 Conduit.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure conduit fittings, ground lugs, test plugs, expansion joints, and clamps for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.02 Junction Box.
<b>Revision:</b>	Replace subsection title with the following: Electrical Junction Box Type Various.
<b>Subsection:</b>	723.04.02 Electrical Junction Box Type Various.
<b>Revision:</b>	Replace the subsection with the following: The Department will measure the quantity as each individual unit furnished and installed. The Department will not measure additional junction boxes for greater depths than those identified in Plans, Aggregate (#57), backfilling, restoration of disturbed areas to the satisfaction of the Engineer, geotextile fabric, concrete, hot dipped galvanized cover, stainless steel screws, rubber gasket, and any associated hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.03 Trenching and Backfilling.
<b>Revision:</b>	Replace the second sentence with the following: The Department will not measure excavation, backfilling, underground utility warning tape, and the restoration of disturbed areas to original condition for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.04 Open Cut Roadway.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure concrete, reinforcing steel, and asphalt for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.05 Loop Wire.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure splice boots, cable rings, and any other necessary hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.06 Cable.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure splice boots, cable rings, and any other hardware for payment and will consider them incidental to this item of work.

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<b>Subsection:</b>	723.04.07 Pole-Wooden.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure excavation, backfilling, and restoring disturbed areas for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.08 Steel Strain Pole.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure excavation, backfilling, and restoring disturbed areas for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.09 Mast Arm Pole.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure anchor bolts, arms, mounting brackets, and any other necessary hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.10 Signal Pedestal.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure excavation, concrete, reinforcing steel, conduits, fittings, ground rods, ground wire, ground lugs, backfilling, restoring disturbed areas, and other necessary hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.11 Post.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure excavation, backfilling, and restoring disturbed areas for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.12 Anchor.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: . The Department will not measure down-guy, messenger, clamps, guy guard, or insulators, and possible installation in various soil conditions for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.13 Messenger.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure strand vises, bolts, washers, and other necessary hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.14 Install Signal LED.
<b>Revision:</b>	Revise subsection title to 723.04.14 Install Beacon Controller - 2 Circuit.
<b>Subsection:</b>	723.04.14 Install Beacon Controller - 2 Circuit.
<b>Revision:</b>	Replace the subsection with the following: The Department will measure the quantity as each individual unit furnished and installed. The Department will not measure the controller housing, mounting equipment, S5-1 school zone sign, time clock, nema flasher, ground rods, ground wires, ground lugs, metering disconnect hardware, electrical inspection fees, and required building fees involving utility secondary/primary service for payment and will consider them incidental to this item of work.

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<b>Subsection:</b>	723.04.15 Loop Saw Slot and Fill.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure sawing, cleaning, filling induction loop saw slot, loop sealant, backer rod, drilling hole for conduit, and grout for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.16 Pedestrian Detector.
<b>Revision:</b>	Replace the subsection 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 signs, detector housing, and installing mounting hardware for sign for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.17 Signal.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure furnishing and installing LED modules, retroreflective tape, back plates, and any other hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.18 Signal Controller- Type 170.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure the concrete base, mounting the cabinet, connecting the signal and detectors, excavation, backfilling, restoration, any necessary pole mounting hardware, electric service, electrical inspection fees, and building fees involving secondary/primary service for payment 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, electrical service conductors, conduits, anchors, meter base, fused cutout, fuses, ground rods, ground wires, and ground lugs for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.19 Beacon Controller - 2 Circuit.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure the controller housing, mounting equipment, S5-1 school zone sign, time clock, nema flasher, ground rods, ground wires, ground lugs, metering disconnect hardware, electrical inspection fees, and required building fees involving utility secondary/primary service for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.20 Install Signal Controller - Type 170.
<b>Revision:</b>	Replace the paragraph with the following: The Department will measure the quantity as each individual unit installed. The Department will not measure the concrete base, mounting the cabinet, connecting the signal and detectors, excavation, backfilling, restoration, any necessary pole mounting hardware, electric service, electrical inspection fees, and required building fees involving utility secondary/primary service for payment 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 for payment and will consider them incidental to this item of work. The Department will also not measure furnishing and installing electrical service conductors, conduits, anchors, meter base, fused cutout, fuses, ground rods, ground lugs, and ground wires for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.21 Install Steel Strain Pole.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure any necessary clamp assemblies for payment and will consider them incidental to this item of work.

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<b>Subsection:</b>	723.04.22 Remove Signal Equipment.
<b>Revision:</b>	Replace the paragraph with the following: The Department will measure the quantity by lump sum. The Department will not measure backfilling and the disposal or transportation of equipment and materials associated with any structural or electrical component of the signal system including, but not limited to pole bases, poles, junction boxes, cabinets, and wood poles for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.23 Install Span/Pole Mounted Sign.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure the hanger or any other hardware necessary to install the sign for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.24 Install Pedestrian Head LED.
<b>Revision:</b>	Insert the following sentence at the end of the paragraph: The Department will not measure the installation of LED modules and any other necessary hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.25 Install Signal LED.
<b>Revision:</b>	Insert the following sentence at the end of the paragraph: The Department will not measure the installation of LED modules, retroreflective tape, back plates, and any other necessary hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.26 Install Coordinating Unit.
<b>Revision:</b>	Replace the subsection with the following: The Department will measure the quantity as each individual unit installed. The Department will not measure radio, modem, cable(s), antenna(s), router, repeater, and any other necessary hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.27 Video Camera.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure video modules, mounting bracket, truss type arm, power cable, coaxial cable, and any other necessary hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.28 Install Pedestrian Detector Audible.
<b>Revision:</b>	Replace the second sentence with the following: The Department will not measure installing R10-3e sign, detector housing, and installing mounting hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.29 Audible Pedestrian Detector.
<b>Revision:</b>	Replace the second sentence with the following: The Department will not measure furnishing and installing the R10-3e sign, detector housing, and installing mounting hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.30 Bore and Jack Conduit.
<b>Revision:</b>	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.

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<b>Subsection:</b>	723.04.31 Install Pedestrian Detector.
<b>Revision:</b>	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 R 10-3e sign, detector housing, and installing mounting hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.32 Install Mast Arm Pole.
<b>Revision:</b>	Replace the second sentence with the following: The Department will not measure installation of arms, signal mounting brackets, anchor bolts, and any other necessary hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.33 Pedestal Post.
<b>Revision:</b>	Replace the second sentence with the following: The Department will not measure excavation, backfilling, restoration, furnishing and installing concrete, reinforcing steel, anchor bolts, conduit, fittings, ground rod, ground wire, ground lugs, or any other necessary hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.34 Span Mounted Sign.
<b>Revision:</b>	Revise subsection title to 723.04.34 Span/Pole-Mounted Sign.
<b>Subsection:</b>	723.04.34 Span/Pole-Mounted Sign.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure the hanger, sign, and any other necessary hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.35 Remove and Reinstall Coordinating Unit.
<b>Revision:</b>	Add the following sentence to the end of the subsection: The Department will not measure removing, storage, reinstalling, and connecting radio, modem, cable(s), antenna(s), router, repeater, and any other necessary hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.36 Traffic Signal Pole Base.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure excavation, backfilling, restoration, furnishing and installing reinforcing steel, anchor bolts, conduits, ground rods, ground wires, and ground lugs for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.37 Install Signal Pedestal.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: . The Department will not measure excavation, backfilling, restoration, furnishing and installing concrete, reinforcing steel, conduits, fittings, ground rod, ground wire, ground lugs, and any other necessary hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.38 Install Pedestal Post.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure excavation, backfilling, restoration, furnishing and installing concrete, reinforcing steel, conduit, fittings, ground rod, ground wire, ground lugs, and any other necessary hardware for payment and will consider them incidental to this item of work.
<b>Subsection:</b>	723.04.39 Install Antenna.
<b>Revision:</b>	Replace the second sentence of the subsection with the following: The Department will not measure any other materials necessary to complete the installation for payment and will consider them incidental to this item of work.



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<b>Subsection:</b>	723.05 PAYMENT.																					
<b>Revision:</b>	Replace items 04810-04811, 20391NS835, 20392NS835,23052NN and add item number 24526ED under <u>Code</u> , <u>Pay Item</u> , and <u>Pay Unit</u> with the following:																					
	<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>04810</td> <td>Electrical Junction Box</td> <td>Each</td> </tr> <tr> <td>04811</td> <td>Electrical Junction Box Type B</td> <td>Each</td> </tr> <tr> <td>20391NS835</td> <td>Electrical Junction Box Type A</td> <td>Each</td> </tr> <tr> <td>20392NS835</td> <td>Electrical Junction Box Type C</td> <td>Each</td> </tr> <tr> <td>23052NN</td> <td>Span/Pole-Mounted Sign</td> <td>Each</td> </tr> <tr> <td>24526ED</td> <td>Install Beacon Controller 2 Cir</td> <td>Each</td> </tr> </tbody> </table>	<u>Code</u>	<u>Pay Item</u>	<u>Pay Unit</u>	04810	Electrical Junction Box	Each	04811	Electrical Junction Box Type B	Each	20391NS835	Electrical Junction Box Type A	Each	20392NS835	Electrical Junction Box Type C	Each	23052NN	Span/Pole-Mounted Sign	Each	24526ED	Install Beacon Controller 2 Cir	Each
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<b>Subsection:</b>	801.01 REQUIREMENTS																					
<b>Revision:</b>	Replace first sentence in paragraph one with the following: Provide Portland cement <i>or blended hydraulic cement</i> from approved mills listed in the Department's List of Approved Materials.																					
<b>Subsection:</b>	801.01 REQUIREMENTS																					
<b>Number:</b>	1)																					
<b>Revision:</b>	Replace first sentence with the following: Type I, II, III, and IV <i>Portland cement</i> conforms to ASTM C 150.																					
<b>Subsection:</b>	801.01 REQUIREMENTS																					
<b>Number:</b>	3)																					
<b>Revision:</b>	Replace the first sentence with the following: Type IP ( $\leq 20$ ), Portland-pozzolan cement, conforms to ASTM C595, and the following additional requirements to Type IP ( $\leq 20$ ).																					
<b>Subsection:</b>	801.01 REQUIREMENTS																					
<b>Number:</b>	3)																					
<b>Part:</b>	b)																					
<b>Revision:</b>	Delete part b)																					
<b>Subsection:</b>	801.01 REQUIREMENTS																					
<b>Number:</b>	3)																					
<b>Part:</b>	c)																					
<b>Revision:</b>	Rename Part c) to Part b) and replace the text with the following: The cement manufacturer shall furnish to the Engineer reports showing the results of tests performed on the fly ash used in the manufacture of the Type IP( $\leq 20$ ) cement shipped to the project.																					
<b>Subsection:</b>	801.01 REQUIREMENTS																					
<b>Number:</b>	3)																					
<b>Part:</b>	d)																					
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<b>Subsection:</b>	801.01 REQUIREMENTS																					
<b>Number:</b>	3)																					
<b>Part:</b>	e)																					
<b>Revision:</b>	Rename Part e) to Part d) and replace the text with the following: Use only one brand of Type IP( $\leq 20$ ) cement throughout the project, unless the Engineer approved a change in brand in writing.																					
<b>Subsection:</b>	801.01 REQUIREMENTS																					
<b>Number:</b>	4)																					
<b>Revision:</b>	Replace first sentence with the following: Type IS( $\leq 30$ ), Portland blast furnace slag cement, conforms to ASTM C 595 and the following requirements:																					

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<b>Subsection:</b>	801.01 REQUIREMENTS
<b>Number:</b>	4)
<b>Part:</b>	a)
<b>Revision:</b>	Replace part a) with the following: Use Grade 100 or 120 blast furnace slag cement conforming to the requirements of ASTM C 989.
<b>Subsection:</b>	801.01 REQUIREMENTS
<b>Number:</b>	4)
<b>Part:</b>	b)
<b>Revision:</b>	Delete part b)
<b>Subsection:</b>	801.01 REQUIREMENTS
<b>Number:</b>	4)
<b>Part:</b>	c)
<b>Revision:</b>	Rename Part c) to Part b) and replace the text with the following: The cement manufacturer shall furnish to the Engineer reports showing the results of the tests performed on the blast furnace slag cement used in the manufacturing of the Type IS( $\leq$ 30) shipped to the project.
<b>Subsection:</b>	801.01 REQUIREMENTS
<b>Number:</b>	4)
<b>Part:</b>	d)
<b>Revision:</b>	Rename Part d) to Part c)
<b>Subsection:</b>	801.01 REQUIREMENTS
<b>Number:</b>	4)
<b>Part:</b>	e)
<b>Revision:</b>	Rename Part e) to Part d) and replace the text with the following: Use only one brand of Type IS( $\leq$ 30) cement throughout the project, unless the Engineer approves otherwise.
<b>Subsection:</b>	801.01 REQUIREMENTS
<b>Number:</b>	5)
<b>Revision:</b>	Insert part 5) as the following: Type IL(5-15), Portland-limestone cement, conforms to ASTM C 595 and the following additional requirements:
<b>Subsection:</b>	801.01 REQUIREMENTS
<b>Number:</b>	5)
<b>Part:</b>	a)
<b>Revision:</b>	Insert part a) as the following: The cement manufacturer shall furnish to the Engineer reports showing the results of test performed on the limestone used in the manufacture of the Type IL cement shipped to the project.
<b>Subsection:</b>	801.01 REQUIREMENTS
<b>Number:</b>	5)
<b>Part:</b>	b)
<b>Revision:</b>	Insert part b) as the following: Use only one brand of Type IL cement throughout the project, unless the Engineer approves a brand change in writing.
<b>Subsection:</b>	801.01 REQUIREMENTS
<b>Number:</b>	5)
<b>Part:</b>	c)
<b>Revision:</b>	Insert part c) as the following: The Type IL blended cement shall be an intimate and uniform blend produced by intergrinding of the Portland cement and limestone.
<b>Subsection:</b>	804.01.02 Crushed Sand.
<b>Revision:</b>	Delete last sentence of the section.

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<b>Subsection:</b>	804.01.06 Slag.														
<b>Revision:</b>	Add subsection and following sentence. Provide blast furnace slag sand where permitted. The Department will allow steel slag sand only in asphalt surface applications.														
<b>Subsection:</b>	804.04 Asphalt Mixtures.														
<b>Revision:</b>	Replace the subsection with the following: Provide natural, crushed, conglomerate, or blast furnace slag sand, with the addition of filler as necessary, to meet gradation requirements. The Department will allow any combination of natural, crushed, conglomerate or blast furnace slag sand when the combination is achieved using cold feeds at the plant. The Engineer may allow other fine aggregates.														
<b>Subsection:</b>	806.03.01 General Requirements.														
<b>Revision:</b>	Replace the second sentence of the paragraph with the following: Additionally, the material must have a minimum solubility of 99.0 percent when tested according to AASHTO T 44 and PG 76-22 must exhibit a minimum recovery of 60 percent, with a J <sub>NR</sub> (non-recoverable creep compliance) between 0.1 and 0.5, when tested according to AASHTO TP 70.														
<b>Subsection:</b>	806.03.01 General Requirements.														
<b>Table:</b>	PG Binder Requirements and Price Adjustment Schedule														
<b>Revision:</b>	Replace the Elastic Recovery, % <sup>(3)</sup> (AASHTO T301) and all corresponding values in the table with the following:														
	<table border="1"> <thead> <tr> <th>Test</th> <th>Specification</th> <th>100% Pay</th> <th>90% Pay</th> <th>80% Pay</th> <th>70% Pay</th> <th>50%Pay<sup>(1)</sup></th> </tr> </thead> <tbody> <tr> <td>MSCR recovery, %<sup>(3)</sup> (AASHTO TP 70)</td> <td>60 Min.</td> <td>≥58</td> <td>56</td> <td>55</td> <td>54</td> <td>&lt;53</td> </tr> </tbody> </table>	Test	Specification	100% Pay	90% Pay	80% Pay	70% Pay	50%Pay <sup>(1)</sup>	MSCR recovery, % <sup>(3)</sup> (AASHTO TP 70)	60 Min.	≥58	56	55	54	<53
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<b>Subsection:</b>	806.03.01 General Requirements.														
<b>Table:</b>	PG Binder Requirements and Price Adjustment Schedule														
<b>Superscript:</b>	(3)														
<b>Revision:</b>	Replace (3) with the following: Perform testing at 64°C.														
<b>Subsection:</b>	808.07 Polypropylene Waterproofing Membrane.														
<b>Revision:</b>	Replace the paragraph and table with the following: Furnish a layered waterproofing membrane. The layers will consist of an internal puncture resistant woven polypropylene fabric sandwiched between two rubberized mastic layers. The mastic will have a heavy polyethylene membrane attached on the top and the bottom mastic layer will be covered by a protective release film.														
<b>Subsection:</b>	808.09 Acceptance.														
<b>Revision:</b>	Replace the reference to "KMIMS" in the second paragraph with SiteManager.														
<b>Subsection:</b>	811.10.04 Properties of the Coated Bar.														
<b>Part:</b>	B) Flexibility of Coating.														
<b>Revision:</b>	Replace the second sentence of the paragraph with the following: Ensure that the coated bars are capable of being bent to 180 degrees (after rebound) over a mandrel, without any visible evidence of cracking the coating.														
<b>Subsection:</b>	813.04 Gray Iron Castings.														
<b>Revision:</b>	Replace the reference to "AASHTO M105" with "ASTM A48".														
<b>Subsection:</b>	813.09.02 High Strength Steel Bolts, Nuts, and Washers.														
<b>Number:</b>	A) Bolts.														
<b>Revision:</b>	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.														

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<b>Subsection:</b>	814.04.02 Timber Guardrail Posts.
<b>Revision:</b>	Third paragraph, replace the reference to "AWPA C14" with "AWPA U1, Section B, Paragraph 4.1".
<b>Subsection:</b>	814.04.02 Timber Guardrail Posts.
<b>Revision:</b>	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.
<b>Subsection:</b>	814.04.02 Timber Guardrail Posts.
<b>Revision:</b>	Fourth paragraph, replace the reference to "AWPA C2" with "AWPA U1, Section B, Paragraph 4.1".
<b>Subsection:</b>	814.04.02 Timber Guardrail Posts.
<b>Revision:</b>	Delete the second sentence of the fourth paragraph.
<b>Subsection:</b>	814.05.02 Composite Plastic.
<b>Revision:</b>	1) Add the following to the beginning of the first paragraph: Select composite offset blocks conforming to this section and assure blocks are from a manufacturer included on the Department's List of Approved Materials. 2) Delete the last paragraph of the subsection.
<b>Subsection:</b>	816.07.02 Wood Posts and Braces.
<b>Revision:</b>	First paragraph, replace the reference to "AWPA C5" with "AWPA U1, Section B, Paragraph 4.1".
<b>Subsection:</b>	816.07.02 Wood Posts and Braces.
<b>Revision:</b>	Delete the second sentence of the first paragraph.
<b>Subsection:</b>	818.07 Preservative Treatment.
<b>Revision:</b>	First paragraph, replace all references to "AWPA C14" with "AWPA U1, Section A".
<b>Subsection:</b>	833.01.02 Sheeting Signs.
<b>Revision:</b>	Replace the second sentence with the following: Provide a thickness of 125 mils if any single edge dimension of the sign exceeds 3 feet.
<b>Subsection:</b>	834.14 Lighting Poles.
<b>Revision:</b>	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, with the exception of the following: The Cabinet will waive the requirement stated in the first sentence of Section 5.14.6.2 – Reinforced Holes and Cutouts for high mast poles (only). The minimum diameter at the base of the pole shall be 22 inches for high mast poles (only).
<b>Subsection:</b>	834.14.03 High Mast Poles.
<b>Revision:</b>	Remove the second and fourth sentence from the first paragraph.
<b>Subsection:</b>	834.14.03 High Mast Poles.
<b>Revision:</b>	Replace the third paragraph with the following: Provide calculations and drawings that are stamped by a Professional Engineer licensed in the Commonwealth of Kentucky.

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<p><b>Subsection:</b> 834.14.03 High Mast Poles. <b>Revision:</b></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 transverse base shall not be less than 2 inches. Plates shall be integrally welded to the tubes with a telescopic welded joint or a full penetration groove weld with backup bar.</p> <p>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 A 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 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 of the pole but needs to be at least 15 inches. Provide products that are hot-dip galvanized to the requirements of either ASTM A123 (fabricated products) or ASTM A 153 (hardware items).</p>
<p><b>Subsection:</b> 834.16 ANCHOR BOLTS. <b>Revision:</b></p>	<p>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.</p>
<p><b>Subsection:</b> 834.17.01 Conventional. <b>Revision:</b></p>	<p>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 first two numbers of the wattage.</p>
<p><b>Subsection:</b> 834.21.01 Waterproof Enclosures. <b>Revision:</b></p>	<p>Replace the last five sentences in the second paragraph with the following sentences: Provide a cabinet door with a louvered air vent, filter-retaining brackets and an easy to clean metal filter. Provide a cabinet door that is keyed with a factory installed standard no. 2 corbin traffic control key. Provide a light fixture with switch and bulb. Use a 120-volt fixture and utilize a L.E.D. bulb (equivalent to 60 watts minimum). Fixture shall be situated at or near the top of the cabinet and illuminate the contents of the cabinet. Provide a 120 VAC GFI duplex receptacle in the enclosure with a separate 20 amp breaker.</p>



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<b>Subsection:</b>	835.07 Traffic Poles.
<b>Revision:</b>	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.
<b>Subsection:</b>	835.07 Traffic Poles.
<b>Revision:</b>	*Replace the first sentence of the fourth paragraph with the following: Ensure transverse plates have a thickness $\geq 2$ inches. *Add the following sentence to the end of the fourth paragraph: The bottom pole diameter shall not be less than 16.25 inches.
<b>Subsection:</b>	835.07 Traffic Poles.
<b>Revision:</b>	Replace the third 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.
<b>Subsection:</b>	835.07 Traffic Poles.
<b>Revision:</b>	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.
<b>Subsection:</b>	835.07 Traffic Poles.
<b>Revision:</b>	*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.
<b>Subsection:</b>	835.07.01 Steel Strain Poles.
<b>Revision:</b>	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.
<b>Subsection:</b>	835.07.01 Steel Strain Poles.
<b>Revision:</b>	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.
<b>Subsection:</b>	835.07.02 Mast Arm Poles.
<b>Revision:</b>	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.

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<b>Subsection:</b>	835.07.02 Mast Arm Poles.		
<b>Revision:</b>	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.		
<b>Subsection:</b>	835.07.03 Anchor Bolts.		
<b>Revision:</b>	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).		
<b>Subsection:</b>	835.16.05 Optical Units.		
<b>Revision:</b>	Replace the 3rd paragraph with the following: The list of certified products can be found on the following website: <a href="http://www.intertek.com">http://www.intertek.com</a> .		
<b>Subsection:</b>	835.19.01 Pedestrian Detector Body.		
<b>Revision:</b>	Replace the first sentence with the following: Provide a four holed pole mounted aluminum rectangular housing that is compatible with the pedestrian detector.		
<b>Subsection:</b>	843.01.01 Geotextile Fabric.		
<b>Table:</b>	TYPE I FABRIC GEOTEXTILES FOR SLOPE PROTECTION AND CHANNEL LINING		
<b>Revision:</b>	Add the following to the chart:		
	<u>Property</u>	<u>Minimum Value<sup>(1)</sup></u>	<u>Test Method</u>
	CBR Puncture (lbs)	494	ASTM D6241
	Permittivity (1/s)	0.7	ASTM D4491
<b>Subsection:</b>	843.01.01 Geotextile Fabric.		
<b>Table:</b>	TYPE II FABRIC GEOTEXTILES FOR UNDERDRAINS		
<b>Revision:</b>	Add the following to the chart:		
	<u>Property</u>	<u>Minimum Value<sup>(1)</sup></u>	<u>Test Method</u>
	CBR Puncture (lbs)	210	ASTM D6241
	Permittivity (1/s)	0.5	ASTM D4491
<b>Subsection:</b>	843.01.01 Geotextile Fabric.		
<b>Table:</b>	TYPE III FABRIC GEOTEXTILES FOR SUBGRADE OR EMBANKMENT STABILIZATION		
<b>Revision:</b>	Add the following to the chart:		
	<u>Property</u>	<u>Minimum Value<sup>(1)</sup></u>	<u>Test Method</u>
	CBR Puncture (lbs)	370	ASTM D6241
	Permittivity (1/s)	0.05	ASTM D4491
<b>Subsection:</b>	843.01.01 Geotextile Fabric.		
<b>Table:</b>	TYPE IV FABRIC GEOTEXTILES FOR EMBANKMENT DRAINAGE BLANKETS AND PAVEMENT EDGE DRAINS		
<b>Revision:</b>	Add the following to the chart:		
	<u>Property</u>	<u>Minimum Value<sup>(1)</sup></u>	<u>Test Method</u>
	CBR Puncture (lbs)	309	ASTM D6241
	Permittivity (1/s)	0.5	ASTM D4491

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<b>Subsection:</b>	843.01.01 Geotextile Fabric.		
<b>Table:</b>	TYPE V HIGH STRENGTH GEOTEXTILE FABRIC		
<b>Revision:</b>	Make the following changes to the chart:		
	<u>Property</u>	<u>Minimum Value<sup>(1)</sup></u>	<u>Test Method</u>
	CBR Puncture (lbs)	618	ASTM D6241
	Apparent Opening Size	U.S. #40 <sup>(3)</sup>	ASTM D4751
	<sup>(3)</sup> Maximum average roll value.		

## SPECIAL NOTE FOR TURF REINFORCING MAT

**1.0 DESCRIPTION.** Install turf reinforcement mat at locations specified in the Contract or as the Engineer directs. Section references herein are to the Department's 2008 Standard Specifications for Road and Bridge Construction.

### 2.0 MATERIALS.

**2.1 Turf Reinforcement Mat (TRM).** Use a Turf Reinforcement Mat defined as permanent rolled erosion control product composed of non-degradable synthetic fibers, filaments, nets, wire mesh and/or other elements, processed into a three-dimensional matrix of sufficient thickness and from the Department's List of Approved Materials. Mats must be 100% UV stabilized materials. For TRMs containing degradable components, all physical property values must be obtained on the non-degradable portion of the matting exclusively. Ensure product labels clearly show the manufacturer or supplier name, style name, and roll number. Ensure labeling, shipment and storage follows ASTM D-4873. The Department will require manufacturer to provide TRMs that are machine constructed web of mechanically or melt bonded nondegradable fibers entangled to form a three dimensional matrix. The Department will require all long term performance property values in table below to be based on non degradable portion of the matting alone. Approved methods include polymer welding, thermal or polymer fusion, or placement of fibers between two high strength biaxially oriented nets mechanically bound by parallel stitching with polyolefin thread. Ensure that mats designated in the plans as Type 4 mats, are not to be manufactured from discontinuous or loosely held together by stitching or glued netting or composites. Type 4 mats shall be composed of geosynthetic matrix that exhibits a very high interlock and reinforcement capacities with both soil and root systems and with high tensile modulus. The Department will require manufacturer to use materials chemically and biologically inert to the natural soil environments conditions. Ensure the blanket is smolder resistant without the use of chemical additives. When stored, maintain the protective wrapping and elevate the mats off the ground to protect them from damage. The Department will not specify these materials for use in heavily acidic coal seam areas or other areas with soil problems that would severally limit vegetation growth.

- A) Dimensions. Ensure TRMs are furnished in strips with a minimum width of 4 feet and length of 50 feet.
- B) Weight. Ensure that all mat types have a minimum mass per unit area of 7 ounces per square yard according to ASTM D 6566.
- C) Performance Testing: The Department will require AASHTO's NTPEP index testing. The Department will also require the manufacturer to perform internal MARV testing at a Geosynthetic Accreditation Institute – Laboratory Accreditation Program (GAI-LAP) accredited laboratory for tensile strength, tensile elongation, mass per unit area, and thickness once every 24,000 yds of production or whatever rate is required to ensure 97.7% confidence under ASTM D4439& 4354. The Department will require Full scale testing for slope and channel applications shear stress shall be done under ASTM D 6459, ASTM D 6460-07 procedures.

### 2.2 Classifications

The basis for selection of the type of mat required will be based on the long term shear stress level of the mat of the channel in question or the degree of slope to protect and will be designated in the contract. The Type 4 mats are to be used at structural backfills protecting critical

structures, utility cuts, areas where vehicles may be expected to traverse the mat, channels with large heavy drift, and where higher factors of safety, very steep slopes and/or durability concerns are needed as determined by project team and designer and will be specified in the plans by designer.

Turf Reinforcement Matting					
Properties <sup>1</sup>	Type 1	Type 2	Type 3	Type 4	Test Method
Minimum tensile Strength lbs/ft	125	150	175	3000 by 1500	ASTM D6818 <sup>2</sup>
UV stability (minimum % tensile retention)	80	80	80	90	ASTM D4355 <sup>3</sup> (1000-hr exposure)
Minimum thickness (inches)	0.25	0.25	0.25	0.40	ASTM D6525
Slopes applications	2H:1V or flatter	1.5H:1V or flatter	1H:1V or flatter	1 H: 1V or greater	
Shear stress lbs/ft <sup>2</sup> Channel applications	6.0 <sup>4</sup>	8.0 <sup>4</sup>	10.0 <sup>4</sup>	12.0 <sup>4</sup>	ASTM D6459 ASTM D6460-07

<sup>1</sup> For TRMs containing degradable components, all physical property values must be obtained on the non-degradable portion of the matting alone.

<sup>2</sup>Minimum Average Roll Values for tensile strength of sample material machine direction.

<sup>3</sup>Tensile Strength percentage retained after stated 1000 hr duration of exposure under ASTM D4355 testing. Based on nondegradable components exclusively.

<sup>4</sup>Maximum permissible shear design values based on short-term (0.5 hr) vegetated data obtained by full scale flume testing ASTM D6459, D6460-07. Based on nondegradable components exclusively. Testing will be done at Independent Hydraulics Facility such as Colorado State University hydraulics laboratory, Utah State University hydraulics laboratory, Texas Transportation Institute (TTI) hydraulics and erosion control laboratory.

### 2.3 Quality Assurance Sampling, Testing, and Acceptance

- A) Provide TRM listed on the Department’s List of Approved Materials. Prior to inclusion on the LAM, the manufacturer of TRM must meet the physical and performance criteria as outlined in the specification and submit a Letter Certifying compliance of the product under the above ASTM testing procedures and including a copy of report from Full Scale Independent Hydraulics Facility that Fully Vegetated Shear Stress meets shear stress requirements tested under D6459 and D6460-07.
- B) Contractors will provide a Letter of Certification from Manufacturer stating the product name, manufacturer, and that the product MARV product unit testing results meets Department criteria. Provide Letters once per project and for each product.
- C) Acceptance shall be in accordance with ASTM D-4759 based on testing performed by a Geosynthetic Accreditation Institute – Laboratory Accreditation Program (GAI-LAP) accredited laboratory using Procedure A of ASTM D-4354.



Current mats meeting the above criteria are shown on the Department's List of Approved Materials.

**2.4 Fasteners.** When the mat manufacturer does not specify a specific fastener, use steel wire U-shaped staples with a minimum diameter of 0.09 inches (11 gauge), a minimum width of one inch and a minimum length of 12 inches. Use a heavier gauge when working in rocky or clay soils and longer lengths in sandy soils as directed by Engineer or Manufacturer's Representative. Provide staples with colored tops when requested by the Engineer.

**3.0 CONSTRUCTION.** When requested by the Engineer, provide a Manufacturer's Representative on-site to oversee and approve the initial installation of the mat. When requested by the Engineer, provide a letter from the Manufacturer approving the installation. When there is a conflict between the Department's criteria and the Manufacturer's criteria, construct using the more restrictive. The Engineer and Manufacturer's Representative must approve all alternate installation methods prior to execution. Construct according to the Manufacturer's recommendations and the following as minimum installation technique:

**3.1 Site Preparation.** Grade areas to be treated with matting and compact. Remove large rocks, soil clods, vegetation, roots, and other sharp objects that could keep the mat from intimate contact with subgrade. Prepare seedbed by loosening the top 2 to 3 inch of soil.

**3.2 Installation.** Install mats according to Standard Drawing Sepias "Turf Mat Channel Installation" and "Turf Mat Slope Installation." Install mats at the specified elevation and alignment. Anchor the mats with staples with a minimum length of 12 inches. Use longer anchors for installations in sandy, loose, or wet soils as directed by the Engineer or Manufacturer's Representative. The mat should be in direct contact with the soil surface.

**4.0 MEASUREMENT.** The Department will measure the quantity of Turf Reinforcement Mat by the square yard of surface covered. The Department will not measure preparation of the bed, providing a Manufacturer's Representative, topsoil, or seeding for payment and will consider them incidental to the Turf Reinforcement Mat. The Department will not measure any reworking of slopes or channels for payment as it is considered corrective work and incidental to the Turf Reinforcement Mat. Seeding and protection will be an incidental item.

**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>
23274EN11F	Turf Reinforcement Mat 1	Square Yard
23275EN11F	Turf Reinforcement Mat 2	Square Yard
23276EN11F	Turf Reinforcement Mat 3	Square Yard
23277EN11F	Turf Reinforcement Mat 4	Square Yard

April 18, 2009

## **PART III**

### **EMPLOYMENT, WAGE AND RECORD REQUIREMENTS**

FHWA-1273 -- Revised May 1, 2012

**REQUIRED CONTRACT PROVISIONS  
FEDERAL-AID CONSTRUCTION CONTRACTS**

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

**ATTACHMENTS**

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

**II. NONDISCRIMINATION**

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

**I. GENERAL**

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

**1. Equal Employment Opportunity:** Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

**2. EEO Officer:** The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

**3. Dissemination of Policy:** All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

**4. Recruitment:** When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

**5. Personnel Actions:** Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

**6. Training and Promotion:**

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

**7. Unions:** If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

**8. Reasonable Accommodation for Applicants / Employees with Disabilities:** The contractor must be familiar

with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

**9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment:** The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

**10. Assurance Required by 49 CFR 26.13(b):**

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

**11. Records and Reports:** The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor



will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

**III. NONSEGREGATED FACILITIES**

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

**IV. DAVIS-BACON AND RELATED ACT PROVISIONS**

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

**1. Minimum wages**

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions

of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b.(1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

- (i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and
- (ii) The classification is utilized in the area by the construction industry; and
- (iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or

will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program. Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

## 2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

## 3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-

Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b.(1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

#### 4. Apprentices and trainees

##### a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly

rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

##### b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

**5. Compliance with Copeland Act requirements.** The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

**6. Subcontracts.** The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

**7. Contract termination: debarment.** A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

**8. Compliance with Davis-Bacon and Related Act requirements.** All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

**9. Disputes concerning labor standards.** Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

**10. Certification of eligibility.**

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

**V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT**

The following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

**1. Overtime requirements.** 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 such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

**2. Violation; liability for unpaid wages; liquidated damages.** In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

**3. Withholding for unpaid wages and liquidated damages.** The FHWA or the contacting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

**4. Subcontracts.** The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

## VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions:

- (1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
- (2) the prime contractor remains responsible for the quality of the work of the leased employees;
- (3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and
- (4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is

evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

5. The 30% self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements.

## VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C.3704).

## VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

#### **IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT**

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.

2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

#### **X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION**

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

##### **1. Instructions for Certification – First Tier Participants:**

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this

covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.



i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

\* \* \* \* \*

**2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:**

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

- (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
- (2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and
- (4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**2. Instructions for Certification - Lower Tier Participants:**

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which

this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the

department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

\* \* \* \* \*

**Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:**

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

\* \* \* \* \*

**XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING**

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 (49 CFR 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

**ATTACHMENT A - EMPLOYMENT AND MATERIALS  
PREFERENCE FOR APPALACHIAN DEVELOPMENT  
HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS  
ROAD CONTRACTS**

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.

**KENTUCKY TRANSPORTATION CABINET  
DEPARTMENT OF HIGHWAYS  
  
EMPLOYMENT REQUIREMENTS  
RELATING TO  
NONDISCRIMINATION OF EMPLOYEES  
(APPLICABLE TO FEDERAL-AID SYSTEM CONTRACTS)**

**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.

REVISED: 12-3-92

### **Standard Title VI/Non-Discrimination Assurances**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the **Federal Highway Administration** to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the **Federal Highway Administration**, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the **Federal Highway Administration** may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the **Federal Highway Administration** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

### **Standard Title VI/Non-Discrimination Statutes and Authorities**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).



## 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.

General Decision Number: KY160100 07/08/2016 KY100

Superseded General Decision Number: KY20150100

State: Kentucky

Construction Type: Highway

Counties: Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliott, Fayette, Fleming, Franklin, Gallatin, Grant, Grayson, Greenup, Hardin, Harrison, Henry, Jefferson, Jessamine, Larue, Lewis, Madison, Marion, Mason, Meade, Mercer, Montgomery, Nelson, Nicholas, Oldham, Owen, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Washington and Woodford Counties in Kentucky.

HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects & railroad construction; bascule, suspension & spandrel arch bridges designed for commercial navigation, bridges involving marine construction; and other major bridges).

Note: Under Executive Order (EO) 13658, an hourly minimum wage of \$10.15 for calendar year 2016 applies to all contracts subject to the Davis-Bacon Act for which the solicitation was issued on or after January 1, 2015. If this contract is covered by the EO, the contractor must pay all workers in any classification listed on this wage determination at least \$10.15 (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in calendar year 2016. The EO minimum wage rate will be adjusted annually. Additional information on contractor requirements and worker protections under the EO is available at [www.dol.gov/whd/govcontracts](http://www.dol.gov/whd/govcontracts).

Modification Number	Publication Date
0	01/08/2016
1	02/19/2016
2	03/25/2016
3	06/03/2016
4	06/24/2016
5	07/01/2016
6	07/08/2016

BRIN0004-003 06/01/2011

BRECKENRIDGE COUNTY

	Rates	Fringes
BRICKLAYER.....	\$ 24.11	10.07

BRKY0001-005 06/01/2015

BULLITT, CARROLL, GRAYSON, HARDIN, HENRY, JEFFERSON, LARUE, MARION, MEADE, NELSON, OLDHAM, SHELBY, SPENCER, & TRIMBLE COUNTIES:

	Rates	Fringes
BRICKLAYER.....	\$ 25.96	10.64

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 BRKY0002-006 06/01/2011

BRACKEN, GALLATIN, GRANT, MASON & ROBERTSON COUNTIES:

	Rates	Fringes
BRICKLAYER.....	\$ 26.57	10.26

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 BRKY0007-004 06/01/2015

BOYD, CARTER, ELLIOT, FLEMING, GREENUP, LEWIS & ROWAN COUNTIES:

	Rates	Fringes
BRICKLAYER.....	\$ 31.38	18.10

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 BRKY0017-004 06/01/2015

ANDERSON, BATH, BOURBON, BOYLE, CLARK, FAYETTE, FRANKLIN,  
 HARRISON, JESSAMINE, MADISON, MERCER, MONTGOMERY, NICHOLAS,  
 OWEN, SCOTT, WASHINGTON & WOODFORD COUNTIES:

	Rates	Fringes
BRICKLAYER.....	\$ 24.79	11.72

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 CARP0064-001 05/01/2015

	Rates	Fringes
CARPENTER.....	\$ 27.50	16.06
Diver.....	\$ 41.63	16.06
PILEDRIVERMAN.....	\$ 27.75	16.06

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 \* ELEC0212-008 06/06/2016

BRACKEN, GALLATIN and GRANT COUNTIES

	Rates	Fringes
ELECTRICIAN.....	\$ 27.47	17.13

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 ELEC0212-014 12/01/2014

BRACKEN, GALLATIN & GRANT COUNTIES:

	Rates	Fringes
Sound & Communication Technician.....	\$ 22.75	10.08

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 ELEC0317-012 05/28/2014

BOYD, CARTER, ELLIOT & ROWAN COUNTIES:

	Rates	Fringes
ELECTRICIAN		
Cable Splicer.....	\$ 32.68	18.13
Electrician.....	\$ 32.62	21.45
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ELEC0369-007 06/01/2016		

ANDERSON, BATH, BOURBON, BOYLE, BRECKINRIDGE, BULLITT, CARROLL, CLARK, FAYETTE, FRAONKLIN, GRAYSON, HARDIN, HARRISON, HENRY, JEFFERSON, JESSAMINE, LARUE, MADISON, MARION, MEADE, MERCER, MONTGOMERY, NELSON, NICHOLAS, OLDHAM, OWEN, ROBERTSON, SCOTT, SHELBY, SPENCER, TRIMBLE, WASHINGTON, & WOODFORD COUNTIES:

	Rates	Fringes
ELECTRICIAN.....	\$ 30.56	16.10
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ELEC0575-002 06/02/2014		

FLEMING, GREENUP, LEWIS & MASON COUNTIES:

	Rates	Fringes
ELECTRICIAN.....	\$ 31.70	14.21
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ENGI0181-018 07/01/2015		

	Rates	Fringes
POWER EQUIPMENT OPERATOR		
GROUP 1.....	\$ 29.95	14.40
GROUP 2.....	\$ 27.26	14.40
GROUP 3.....	\$ 27.68	14.40
GROUP 4.....	\$ 26.96	14.40

OPERATING ENGINEER CLASSIFICATIONS

GROUP 1 - A-Frame Winch Truck; Auto Patrol; Backfiller; Batcher Plant; Bituminous Paver; Bituminous Transfer Machine; Boom Cat; Bulldozer; Mechanic; Cableway; Carry-All Scoop; Carry Deck Crane; Central Compressor Plant; Cherry Picker; Clamshell; Concrete Mixer (21 cu. ft. or Over); Concrete Paver; Truck-Mounted Concrete Pump; Core Drill; Crane; Crusher Plant; Derrick; Derrick Boat; Ditching & Trenching Machine; Dragline; Dredge Operator; Dredge Engineer; Elevating Grader & Loaders; Grade-All; Gurries; Heavy Equipment Robotics Operator/Mechanic; High Lift; Hoe-Type Machine; Hoist (Two or More Drums); Hoisting Engine (Two or More Drums); Horizontal Directional Drill Operator; Hydrocrane; Hyster; KeCal Loader; LeTourneau; Locomotive; Mechanic; Mechanically Operated Laser Screed; Mechanic Welder; Mucking Machine; Motor Scraper; Orangepeel Bucket; Overhead Crane; Piledriver; Power Blade; Pumpcrete; Push Dozer; Rock Spreader, attached to equipment; Rotary Drill; Roller (Bituminous); Rough Terrain Crane; Scarifier; Scoopmobile; Shovel; Side Boom; Subgrader; Tailboom;

Telescoping Type Forklift; Tow or Push Boat; Tower Crane (French, German & other types); Tractor Shovel; Truck Crane; Tunnel Mining Machines, including Moles, Shields or similar types of Tunnel Mining Equipment

GROUP 2 - Air Compressor (Over 900 cu. ft. per min.); Bituminous Mixer; Boom Type Tamping Machine; Bull Float; Concrete Mixer (Under 21 cu. ft.); Dredge Engineer; Electric Vibrator; Compactor/Self-Propelled Compactor; Elevator (One Drum or Buck Hoist); Elevator (When used to Hoist Building Material); Finish Machine; Firemen & Hoist (One Drum); Flexplane; Forklift (Regardless of Lift Height); Form Grader; Joint Sealing Machine; Outboard Motor Boat; Power Sweeper (Riding Type); Roller (Rock); Ross Carrier; Skid Mounted or Trailer Mounted Concrete Pump; Skid Steer Machine with all Attachments; Switchman or Brakeman; Throttle Valve Person; Tractair & Road Widening Trencher; Tractor (50 H.P. or Over); Truck Crane Oiler; Tugger; Welding Machine; Well Points; & Whirley Oiler

GROUP 3 - All Off Road Material Handling Equipment, including Articulating Dump Trucks; Greaser on Grease Facilities servicing Heavy Equipment

GROUP 4 - Bituminous Distributor; Burlap & Curing Machine; Cement Gun; Concrete Saw; Conveyor; Deckhand Oiler; Grout Pump; Hydraulic Post Driver; Hydro Seeder; Mud Jack; Oiler; Paving Joint Machine; Power Form Handling Equipment; Pump; Roller (Earth); Steerman; Tamping Machine; Tractor (Under 50 H.P.); & Vibrator

CRANES - with booms 150 ft. & Over (Including JIB), and where the length of the boom in combination with the length of the piling leads equals or exceeds 150 ft. - \$1.00 over Group 1 rate

EMPLOYEES ASSIGNED TO WORK BELOW GROUND LEVEL ARE TO BE PAID 10% ABOVE BASIC WAGE RATE. THIS DOES NOT APPLY TO OPEN CUT WORK.

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IRON0044-009 06/01/2015

BRACKEN, GALLATIN, GRANT, HARRISON, ROBERTSON,  
BOURBON (Northern third, including Townships of Jackson, Millersburg, Ruddel Mills & Shawhan);  
CARROLL (Eastern third, including the Township of Ghent);  
FLEMING (Western part, excluding Townships of Beechburg, Colfax, Elizaville, Flemingsburg, Flemingsburg Junction, Foxport, Grange City, Hillsboro, Hilltop, Mount Carmel, Muses Mills, Nepton, Pecksridge, Plummers Landing, Plummers Mill, Poplar Plains, Ringos Mills, Tilton & Wallingford);  
MASON (Western two-thirds, including Townships of Dover, Lewisburg, Mays Lick, Maysville, Minerva, Moranburg, Murphysville, Ripley, Sardis, Shannon, South Ripley & Washington);  
NICHOLAS (Townships of Barefoot, Barterville, Carlisle, Ellisville, Headquarters, Henryville, Morningglory, Myers & Oakland Mills);  
OWEN (Townships of Beechwood, Bromley, Fairbanks, Holbrook,

Jonesville, Long Ridge, Lusby's Mill, New, New Columbus, New Liberty, Owenton, Poplar Grove, Rockdale, Sanders, Teresita & Wheatley);

SCOTT (Northern two-thirds, including Townships of Biddle, Davis, Delaplain, Elmville, Longlick, Muddy Ford, Oxford, Rogers Gap, Sadieville, Skinnersburg & Stonewall)

	Rates	Fringes
IRONWORKER		
Fence Erector.....	\$ 23.76	19.15
Structural.....	\$ 26.40	19.15

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 IRON0070-006 06/01/2016

ANDERSON, BOYLE, BRECKINRIDGE, BULLITT, FAYETTE, FRANKLIN, GRAYSON, HARDIN, HENRY, JEFFERSON, JESSAMINE, LARUE, MADISON, MARION, MEADE, MERCER, NELSON, OLDHAM, SHELBY, SPENCER, TRIMBLE, WASHINGTON & WOODFORD  
 BOURBON (Southern two-thirds, including Townships of Austerlity, Centerville, Clintonville, Elizabeth, Hutchison, Littlerock, North Middletown & Paris);  
 CARROLL (Western two-thirds, including Townships of Carrollton, Easterday, English, Locust, Louis, Prestonville & Worthville);  
 CLARK (Western two-thirds, including Townships of Becknerville, Flanagan, Ford, Pine Grove, Winchester & Wyandotte);  
 OWEN (Eastern eighth, including Townships of Glenmary, Gratz, Monterey, Perry Park & Tacketts Mill);  
 SCOTT (Southern third, including Townships of Georgetown, Great Crossing, Newtown, Stampling Ground & Woodlake);

	Rates	Fringes
IRONWORKER.....	\$ 27.91	21.11

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 IRON0372-006 06/15/2015

BRACKEN, GALLATIN, GRANT, HARRISON and ROBERTSON  
 BOURBON (Northern third, including Townships of Jackson, Millersburg, Ruddel Mills & Shawhan);  
 CARROLL (Eastern third, including the Township of Ghent);  
 FLEMING (Western part, Excluding Townships of Beechburg, Colfax, Elizaville, Flemingsburg, Flemingsburg Junction, Foxport, Grange City, Hillsboro, Hilltop, Mount Carmel, Muses Mills, Nepton, Pecksridge, Plummers Landing, Plummers Mill, Poplar Plains, Ringos Mills, Tilton & Wallingford);  
 MASON (Western two-thirds, including Townships of Dover, Lewisburg, Mays Lick, Maysville, Minerva, Moranburg, Murphysville, Ripley, Sardis, Shannon, South Ripley & Washington);  
 NICHOLAS (Townships of Barefoot, Barterville, Carlisle, Ellisville, Headquarters, Henryville, Morningglory, Myers & Oakland Mills);  
 OWEN (Townships of Beechwood, Bromley, Fairbanks, Holbrook, Jonesville, Long Ridge, Lusby's Mill, New, New Columbus, New Liberty, Owenton, Poplar Grove, Rockdale, Sanders, Teresita & Wheatley);



SCOTT (Northern two-thirds, including Townships of Biddle, Davis, Delaplain, Elmville, Longlick, Muddy Ford, Oxford, Rogers Gap, Sadieville, Skinnersburg & Stonewall) COUNTIES

	Rates	Fringes
IRONWORKER, REINFORCING.....	\$ 27.00	19.00
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IRON0769-007 06/01/2016		

BATH, BOYD, CARTER, ELLIOTT, GREENUP, LEWIS, MONTGOMERY & ROWAN CLARK (Eastern third, including townships of Bloomingdale, Hunt, Indian Fields, Kiddville, Loglick, Rightangele & Thomson); FLEMING (Townships of Beechburg, Colfax, Elizaville, Flemingsburg, Flemingsburg Junction, Foxport, Grange City, Hillsboro, Hilltop, Mount Carmel, Muses Mills, Nepton, Pecksville, Plummers Landing, Plummers Mill, Poplar Plains, Ringos Mills, Tilton & Wallingford); MASON (Eastern third, including Townships of Helena, Marshall, Orangeburg, Plumville & Springdale); NICHOLAS (Eastern eighth, including the Township of Moorefield Sprout)

	Rates	Fringes
IRONWORKER		
ZONE 1.....	\$ 31.33	23.47
ZONE 2.....	\$ 31.73	23.47
ZONE 3.....	\$ 33.33	23.47

ZONE 1 - Up to 10 mile radius of Union Hall, Ashland, Ky., 1643 Greenup Ave.

ZONE 2 - 10 to 50 mile radius of Union Hall, Ashland, Ky., 1643 Greenup Ave.

ZONE 3 - 50 mile radius & over of Union Hall, Ashland, Ky., 1643 Greenup Ave.

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LABO0189-003 07/01/2016

BATH, BOURBON, BOYD, BOYLE, BRACKEN, CARTER, CLARK, ELLIOTT, FAYETTE, FLEMING, FRANKLIN, GALLATIN, GRANT, GREENUP, HARRISON, JESSAMINE, LEWIS, MADISON, MASON, MERCER, MONTGOMERY, NICHOLAS, OWEN, ROBERTSON, ROWAN, SCOTT, & WOOLFORD COUNTIES

	Rates	Fringes
Laborers:		
GROUP 1.....	\$ 22.75	12.84
GROUP 2.....	\$ 23.00	12.84
GROUP 3.....	\$ 23.05	12.84
GROUP 4.....	\$ 23.65	12.84

LABORERS CLASSIFICATIONS

GROUP 1 - Aging & Curing of Concrete; Asbestos Abatement Worker; Asphalt Plant; Asphalt; Batch Truck Dump; Carpenter Tender; Cement Mason Tender; Cleaning of Machines; Concrete; Demolition; Dredging; Environmental - Nuclear, Radiation, Toxic & Hazardous Waste - Level D; Flagperson; Grade Checker; Hand Digging & Hand Back Filling; Highway Marker Placer; Landscaping, Mesh Handler & Placer; Puddler; Railroad; Rip-rap & Grouter; Right-of-Way; Sign, Guard Rail & Fence Installer; Signal Person; Sound Barrier Installer; Storm & Sanitary Sewer; Swamper; Truck Spotter & Dumper; Wrecking of Concrete Forms; General Cleanup

GROUP 2 - Batter Board Man (Sanitary & Storm Sewer); Brickmason Tender; Mortar Mixer Operator; Scaffold Builder; Burner & Welder; Bushhammer; Chain Saw Operator; Concrete Saw Operator; Deckhand Scow Man; Dry Cement Handler; Environmental - Nuclear, Radiation, Toxic & Hazardous Waste - Level C; Forklift Operator for Masonary; Form Setter; Green Concrete Cutting; Hand Operated Grouter & Grinder Machine Operator; Jackhammer; Pavement Breaker; Paving Joint Machine; Pipelayer; Plastic Pipe Fusion; Power Driven Georgia Buggy & Wheel Barrow; Power Post Hole Digger; Precast Manhole Setter; Walk-Behind Tamper; Walk-Behind Trencher; Sand Blaster; Concrete Chipper; Surface Grinder; Vibrator Operator; Wagon Driller

GROUP 3 - Asphalt Luteman & Raker; Gunnite Nozzleman; Gunnite Operator & Mixer; Grout Pump Operator; Side Rail Setter; Rail Paved Ditches; Screw Operator; Tunnel (Free Air); Water Blaster

GROUP 4 - Caisson Worker (Free Air); Cement Finisher; Environmental - Nuclear, Radiation, Toxic & Hazardous Waste - Levels A & B; Miner & Driller (Free Air); Tunnel Blaster; & Tunnel Mucker (Free Air); Directional & Horizontal Boring; Air Track Drillers (All Types); Powdermen & Blasters; Troxler & Concrete Tester if Laborer is Utilized

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LABO0189-008 07/01/2014

ANDERSON, BULLITT, CARROLL, HARDIN, HENRY, JEFFERSON, LARUE, MARION, MEADE, NELSON, OLDHAM, SHELBY, SPENCER, TRIMBLE & WASHINGTON COUNTIES

	Rates	Fringes
Laborers:		
GROUP 1.....	\$ 22.71	11.05
GROUP 2.....	\$ 22.96	11.05
GROUP 3.....	\$ 23.01	11.05
GROUP 4.....	\$ 23.61	11.05

LABORERS CLASSIFICATIONS

GROUP 1 - Aging & Curing of Concrete; Asbestos Abatement Worker; Asphalt Plant; Asphalt; Batch Truck Dump; Carpenter Tender; Cement Mason Tender; Cleaning of Machines; Concrete; Demolition; Dredging; Environmental - Nuclear,

Radiation, Toxic & Hazardous Waste - Level D; Flagperson;  
Grade Checker; Hand Digging & Hand Back Filling; Highway  
Marker Placer; Landscaping, Mesh Handler & Placer; Puddler;  
Railroad; Rip-rap & Grouter; Right-of-Way; Sign, Guard Rail  
& Fence Installer; Signal Person; Sound Barrier Installer;  
Storm & Sanitary Sewer; Swamper; Truck Spotter & Dumper;  
Wrecking of Concrete Forms; General Cleanup

GROUP 2 - Batter Board Man (Sanitary & Storm Sewer);  
Brickmason Tender; Mortar Mixer Operator; Scaffold Builder;  
Burner & Welder; Bushhammer; Chain Saw Operator; Concrete  
Saw Operator; Deckhand Scow Man; Dry Cement Handler;  
Environmental - Nuclear, Radiation, Toxic & Hazardous Waste  
- Level C; Forklift Operator for Masonary; Form Setter;  
Green Concrete Cutting; Hand Operated Grouter & Grinder  
Machine Operator; Jackhammer; Pavement Breaker; Paving  
Joint Machine; Pipelayer; Plastic Pipe Fusion; Power Driven  
Georgia Buggy & Wheel Barrow; Power Post Hole Digger;  
Precast Manhole Setter; Walk-Behind Tamper; Walk-Behind  
Trencher; Sand Blaster; Concrete Chipper; Surface Grinder;  
Vibrator Operator; Wagon Driller

GROUP 3 - Asphalt Luteman & Raker; Gunnite Nozzleman;  
Gunnite Operator & Mixer; Grout Pump Operator; Side Rail  
Setter; Rail Paved Ditches; Screw Operator; Tunnel (Free  
Air); Water Blaster

GROUP 4 - Caisson Worker (Free Air); Cement Finisher;  
Environmental - Nuclear, Radiation, Toxic & Hazardous Waste  
- Levels A & B; Miner & Driller (Free Air); Tunnel Blaster;  
& Tunnel Mucker (Free Air); Directional & Horizontal  
Boring; Air Track Drillers (All Types); Powdermen &  
Blasters; Troxler & Concrete Tester if Laborer is Utilized

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LABO0189-009 07/01/2014

BRECKINRIDGE & GRAYSON COUNTIES

	Rates	Fringes
Laborers:		
GROUP 1.....	\$ 22.66	11.10
GROUP 2.....	\$ 22.91	11.10
GROUP 3.....	\$ 22.96	11.10
GROUP 4.....	\$ 23.56	11.10

LABORERS CLASSIFICATIONS

GROUP 1 - Aging & Curing of Concrete; Asbestos Abatement  
Worker; Asphalt Plant; Asphalt; Batch Truck Dump; Carpenter  
Tender; Cement Mason Tender; Cleaning of Machines;  
Concrete; Demolition; Dredging; Environmental - Nuclear,  
Radiation, Toxic & Hazardous Waste - Level D; Flagperson;  
Grade Checker; Hand Digging & Hand Back Filling; Highway  
Marker Placer; Landscaping, Mesh Handler & Placer; Puddler;  
Railroad; Rip-rap & Grouter; Right-of-Way; Sign, Guard Rail  
& Fence Installer; Signal Person; Sound Barrier Installer;  
Storm & Sanitary Sewer; Swamper; Truck Spotter & Dumper;  
Wrecking of Concrete Forms; General Cleanup

GROUP 2 - Batter Board Man (Sanitary & Storm Sewer);  
Brickmason Tender; Mortar Mixer Operator; Scaffold Builder;  
Burner & Welder; Bushhammer; Chain Saw Operator; Concrete  
Saw Operator; Deckhand Scow Man; Dry Cement Handler;  
Environmental - Nuclear, Radiation, Toxic & Hazardous Waste  
- Level C; Forklift Operator for Masonary; Form Setter;  
Green Concrete Cutting; Hand Operated Grouter & Grinder  
Machine Operator; Jackhammer; Pavement Breaker; Paving  
Joint Machine; Pipelayer; Plastic Pipe Fusion; Power Driven  
Georgia Buggy & Wheel Barrow; Power Post Hole Digger;  
Precast Manhole Setter; Walk-Behind Tamper; Walk-Behind  
Trencher; Sand Blaster; Concrete Chipper; Surface Grinder;  
Vibrator Operator; Wagon Driller

GROUP 3 - Asphalt Luteman & Raker; Gunnite Nozzleman;  
Gunnite Operator & Mixer; Grout Pump Operator; Side Rail  
Setter; Rail Paved Ditches; Screw Operator; Tunnel (Free  
Air); Water Blaster

GROUP 4 - Caisson Worker (Free Air); Cement Finisher;  
Environmental - Nuclear, Radiation, Toxic & Hazardous Waste  
- Levels A & B; Miner & Driller (Free Air); Tunnel Blaster;  
& Tunnel Mucker (Free Air); Directional & Horizontal  
Boring; Air Track Drillers (All Types); Powdermen &  
Blasters; Troxler & Concrete Tester if Laborer is Utilized

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PAIN0012-005 06/11/2005

BATH, BOURBON, BOYLE, CLARK, FAYETTE, FLEMING, FRANKLIN,  
HARRISON, JESSAMINE, MADISON, MERCER, MONTGOMERY, NICHOLAS,  
ROBERTSON, SCOTT & WOODFORD COUNTIES:

	Rates	Fringes
PAINTER		
Bridge/Equipment Tender and/or Containment Builder..\$	18.90	5.90
Brush & Roller.....\$	21.30	5.90
Elevated Tanks; Steeplejack Work; Bridge & Lead Abatement.....\$	22.30	5.90
Sandblasting & Waterblasting.....\$	22.05	5.90
Spray.....\$	21.80	5.90

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PAIN0012-017 05/01/2015

BRACKEN, GALLATIN, GRANT, MASON & OWEN COUNTIES:

	Rates	Fringes
PAINTER (Heavy & Highway Bridges - Guardrails - Lightpoles - Striping)		
Bridge Equipment Tender and Containment Builder.....\$	20.73	9.06
Brush & Roller.....\$	23.39	9.06

Elevated Tanks; Steeplejack Work; Bridge & Lead Abatement.....	\$ 24.39	9.06
Sandblasting & Water Blasting.....	\$ 24.14	9.06
Spray.....	\$ 23.89	9.06

PAIN0118-004 06/01/2014

ANDERSON, BRECKINRIDGE, BULLITT, CARROLL, GRAYSON, HARDIN,  
HENRY, JEFFERSON, LARUE, MARION, MEADE, NELSON, OLDHAM, SHELBY,  
SPENCER, TRIMBLE & WASHINGTON COUNTIES:

	Rates	Fringes
PAINTER		
Brush & Roller.....	\$ 18.50	11.97
Spray, Sandblast, Power Tools, Waterblast & Steam Cleaning.....	\$ 19.50	11.97

PAIN1072-003 12/01/2015

BOYD, CARTER, ELLIOTT, GREENUP, LEWIS and ROWAN COUNTIES

	Rates	Fringes
Painters:.....	\$ 29.39	14.27
Bridges; Locks; Dams; Tension Towers & Energized Substations.....	\$ 31.83	15.30
Power Generating Facilities.	\$ 28.59	15.30

PLUM0248-003 06/01/2016

BOYD, CARTER, ELLIOTT, GREENUP, LEWIS & ROWAN COUNTIES:

	Rates	Fringes
Plumber and Steamfitter.....	\$ 35.00	19.05

PLUM0392-007 06/01/2014

BRACKEN, CARROLL (Eastern Half), GALLATIN, GRANT, MASON, OWEN &  
ROBERTSON COUNTIES:

	Rates	Fringes
Plumbers and Pipefitters.....	\$ 29.80	17.79

PLUM0502-003 08/01/2015

BRECKINRIDGE, BULLITT, CARROLL (Western Half), FRANKLIN  
(Western three-fourths), GRAYSON, HARDIN, HENRY, JEFFERSON,  
LARUE, MARION, MEADE, NELSON, OLDHAM, SHELBY, SPENCER, TRIMBLE &  
WASHINGTON COUNTIES

	Rates	Fringes
PLUMBER.....	\$ 32.00	19.13
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SUKY2010-160 10/08/2001		

	Rates	Fringes
Truck drivers:		
GROUP 1.....	\$ 16.57	7.34
GROUP 2.....	\$ 16.68	7.34
GROUP 3.....	\$ 16.86	7.34
GROUP 4.....	\$ 16.96	7.34

TRUCK DRIVER CLASSIFICATIONS

GROUP 1 - Mobile Batch Truck Tender

GROUP 2 - Greaser; Tire Changer; & Mechanic Tender

GROUP 3 - Single Axle Dump; Flatbed; Semi-trailer or Pole Trailer when used to pull building materials and equipment; Tandem Axle Dump; Distributor; Mixer; & Truck Mechanic

GROUP 4 - Euclid & Other Heavy Earthmoving Equipment & Lowboy; Articulator Cat; 5-Axle Vehicle; Winch & A-Frame when used in transporting materials; Ross Carrier; Forklift when used to transport building materials; & Pavement Breaker

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WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.  
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Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).  
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The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of "identifiers" that indicate whether the particular rate is a union rate (current union negotiated rate for local), a survey rate (weighted average rate) or a union average rate (weighted union average rate).

Union Rate Identifiers

A four letter classification abbreviation identifier enclosed in dotted lines beginning with characters other than "SU" or



"UAVG" denotes that the union classification and rate were prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2014. PLUM is an abbreviation identifier of the union which prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. 07/01/2014 is the effective date of the most current negotiated rate, which in this example is July 1, 2014.

Union prevailing wage rates are updated to reflect all rate changes in the collective bargaining agreement (CBA) governing this classification and rate.

#### Survey Rate Identifiers

Classifications listed under the "SU" identifier indicate that no one rate prevailed for this classification in the survey and the published rate is derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As this weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SULA2012-007 5/13/2014. SU indicates the rates are survey rates based on a weighted average calculation of rates and are not majority rates. LA indicates the State of Louisiana. 2012 is the year of survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. 5/13/2014 indicates the survey completion date for the classifications and rates under that identifier.

Survey wage rates are not updated and remain in effect until a new survey is conducted.

#### Union Average Rate Identifiers

Classification(s) listed under the UAVG identifier indicate that no single majority rate prevailed for those classifications; however, 100% of the data reported for the classifications was union data. EXAMPLE: UAVG-OH-0010 08/29/2014. UAVG indicates that the rate is a weighted union average rate. OH indicates the state. The next number, 0010 in the example, is an internal number used in producing the wage determination. 08/29/2014 indicates the survey completion date for the classifications and rates under that identifier.

A UAVG rate will be updated once a year, usually in January of each year, to reflect a weighted average of the current negotiated/CBA rate of the union locals from which the rate is based.

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#### WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can

be:

- \* an existing published wage determination
- \* a survey underlying a wage determination
- \* a Wage and Hour Division letter setting forth a position on a wage determination matter
- \* a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations  
Wage and Hour Division  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISION

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

These rates are listed pursuant to the Kentucky Determination No. CR-16-III- HWY dated July 1, 2016.

No laborer, workman or mechanic shall be paid at a rate less than that of a Journeyman except those classified as bona fide apprentices.

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 number 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 wages. 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 the undersigned.**

Director  
Division of Construction Procurement  
Frankfort, Kentucky 40622  
502-564-3500

**NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION  
TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY  
(Executive Order 11246)**

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Specifications" set forth herein.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate work force in each trade on all construction work in the covered area, are as follows:

<b>GOALS FOR MINORITY PARTICIPATION IN EACH TRADE</b>	<b>GOALS FOR FEMALE PARTICIPATION IN EACH TRADE</b>
9.6%	6.9%

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally-assisted) performed in the covered area. If the contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the contractor also is subject to the goals for both its federally involved and non-federally involved construction.

The Contractor's compliance with the Executive Order and the regulations in CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4, 3(a), and its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within ten (10) working days of award of any construction subcontract in excess of \$10,000.00 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor; employer identification number of the subcontractor; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the subcontract is to be performed. The notification shall be mailed to:

**Evelyn Teague, Regional Director  
Office of Federal Contract Compliance Programs  
61 Forsyth Street, SW, Suite 7B75  
Atlanta, Georgia 30303-8609**

4. As used in this Notice, and in the contract resulting from this solicitation, the "**covered area**" is Shelby County.

**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**

161039

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Report Date 7/7/16

**Section: 0001 - PAVING**

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0010	00003		CRUSHED STONE BASE	248.00	TON		\$	
0020	00100		ASPHALT SEAL AGGREGATE	4.00	TON		\$	
0030	00103		ASPHALT SEAL COAT	1.00	TON		\$	
0040	00221		CL2 ASPH BASE 0.75D PG64-22	260.00	TON		\$	
0050	00301		CL2 ASPH SURF 0.38D PG64-22	47.00	TON		\$	

**Section: 0002 - ROADWAY**

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0060	01891		ISLAND HEADER CURB TYPE 2	95.00	LF		\$	
0070	01987		DELINEATOR FOR GUARDRAIL BI DIRECTIONAL WHITE	5.00	EACH		\$	
0080	01990		DELINEATOR FOR BARRIER WALL-B/W	2.00	EACH		\$	
0090	02014		BARRICADE-TYPE III	2.00	EACH		\$	
0100	02159		TEMP DITCH	153.00	LF		\$	
0110	02160		CLEAN TEMP DITCH	76.00	LF		\$	
0120	02230		EMBANKMENT IN PLACE	683.00	CUYD		\$	
0130	02363		GUARDRAIL CONNECTOR TO BRIDGE END TY A	4.00	EACH		\$	
0140	02371		GUARDRAIL END TREATMENT TYPE 7	3.00	EACH		\$	
0150	02381		REMOVE GUARDRAIL	110.00	LF		\$	
0160	02432		WITNESS POST	3.00	EACH		\$	
0170	02483		CHANNEL LINING CLASS II	12.00	TON		\$	
0180	02484		CHANNEL LINING CLASS III	188.00	TON		\$	
0190	02545		CLEARING AND GRUBBING 0.6 ACRES	1.00	LS		\$	
0200	02562		TEMPORARY SIGNS	346.56	SQFT		\$	
0210	02565		OBJECT MARKER TYPE 2	4.00	EACH		\$	
0220	02585		EDGE KEY	26.00	LF		\$	
0230	02596		FABRIC-GEOTEXTILE TYPE I	271.00	SQYD		\$	
0240	02650		MAINTAIN & CONTROL TRAFFIC	1.00	LS		\$	
0250	02676		MOBILIZATION FOR MILL & TEXT	1.00	LS		\$	
0260	02701		TEMP SILT FENCE	302.00	LF		\$	
0270	02704		SILT TRAP TYPE B	3.00	EACH		\$	
0280	02705		SILT TRAP TYPE C	1.00	EACH		\$	
0290	02707		CLEAN SILT TRAP TYPE B	3.00	EACH		\$	
0300	02708		CLEAN SILT TRAP TYPE C	1.00	EACH		\$	
0310	02726		STAKING	1.00	LS		\$	
0320	05950		EROSION CONTROL BLANKET	707.00	SQYD		\$	
0330	05952		TEMP MULCH	1,292.00	SQYD		\$	
0340	05953		TEMP SEEDING AND PROTECTION	969.00	SQYD		\$	
0350	05963		INITIAL FERTILIZER	.01	TON		\$	
0360	05964		20-10-10 FERTILIZER	.05	TON		\$	
0370	05985		SEEDING AND PROTECTION	290.00	SQYD		\$	
0380	05992		AGRICULTURAL LIMESTONE	.62	TON		\$	
0390	20060ES719		GUARDRAIL STEEL W BEAM-S FACE CR	259.00	LF		\$	
0400	20062ES719		GUARDRAIL TERMINAL SECT NO.1 CR	1.00	EACH		\$	

**PROPOSAL BID ITEMS**

161039

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Report Date 7/7/16

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0410	23274EN11F		TURF REINFORCEMENT MAT 1	55.00	SQYD		\$	
0420	24540		R/W MONUMENT TYPE 3	12.00	EACH		\$	

**Section: 0003 - DRAINAGE**

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0430	00440		ENTRANCE PIPE-15 IN	38.00	LF		\$	
0440	01202		PIPE CULVERT HEADWALL-15 IN	2.00	EACH		\$	

**Section: 0004 - BRIDGE**

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0450	02731		REMOVE STRUCTURE	1.00	LS		\$	
0460	02998		MASONRY COATING	280.00	SQYD		\$	
0470	03299		ARMORED EDGE FOR CONCRETE	44.70	LF		\$	
0480	08001		STRUCTURE EXCAVATION-COMMON	340.00	CUYD		\$	
0490	08002		STRUCTURE EXCAV-SOLID ROCK	49.00	CUYD		\$	
0500	08100		CONCRETE-CLASS A	148.90	CUYD		\$	
0510	08104		CONCRETE-CLASS AA	50.20	CUYD		\$	
0520	08150		STEEL REINFORCEMENT	14,764.00	LB		\$	
0530	08151		STEEL REINFORCEMENT-EPOXY COATED	10,018.00	LB		\$	
0540	08653		PRECAST PC BOX BEAM B21-48	132.00	LF		\$	
0550	21119ED		CONCRETE FORM LINER	29.00	SQYD		\$	

**Section: 0005 - DEMOBILIZATION &/OR MOBILIZATION**

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0560	02569		DEMOBILIZATION	1.00	LS		\$	