

Control	0914-05-237
Project	STP 2024(499)FRS
Highway	VA
County	WILLIAMSON

## ADDENDUM ACKNOWLEDGMENT

**Each bidder is required to acknowledge receipt of an addendum issued for a specific project. This page is provided for the purpose of acknowledging an addendum.**

FAILURE TO ACKNOWLEDGE RECEIPT OF AN ADDENDUM WILL RESULT IN THE BID NOT BEING READ.

In order to properly acknowledge an addendum place a mark in the box next to the respective addendum.

- ADDENDUM NO. 1
- ADDENDUM NO. 2
- ADDENDUM NO. 3
- ADDENDUM NO. 4
- ADDENDUM NO. 5

In addition, the bidder by affixing their signature to the signature page of the proposal is acknowledging that they have taken the addendum(s) into consideration when preparing their bid and that the information contained in the addendum will be included in the contract, if awarded by the Commission or other designees.

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# PROPOSAL TO THE TEXAS TRANSPORTATION COMMISSION

## 2014 SPECIFICATIONS

### WORK CONSISTING OF RAILROAD CROSSING IMPROVEMENTS WILLIAMSON COUNTY, TEXAS

The quantities in the proposal are approximate. The quantities of work and materials may be increased or decreased as considered necessary to complete the work as planned and contemplated.

This project is to be completed in 106 working days and will be accepted when fully completed and finished to the satisfaction of the Executive Director or designee.

Provide a proposal guaranty in the form of a Cashier's Check, Teller's Check (including an Official Check) or Bank Money Order on a State or National Bank or Savings and Loan Association, or State or Federally chartered Credit Union made payable to the Texas Transportation Commission in the following amount:

THIRTEEN THOUSAND (Dollars) ( \$13,000 )

A bid bond may be used as the required proposal guaranty. The bond form may be detached from the proposal for completion. The proposal may not be disassembled to remove the bond form. The bond must be in accordance with Item 2 of the specifications.

Any addenda issued amending this proposal and/or the plans that have been acknowledged by the bidder, become part of this proposal.

By signing the proposal the bidder certifies:

1. the only persons or parties interested in this proposal are those named and the bidder has not directly or indirectly participated in collusion, entered into an agreement or otherwise taken any action in restraint of free competitive bidding in connection with the above captioned project.
2. in the event of the award of a contract, the organization represented will secure bonds for the full amount of the contract.
3. the signatory represents and warrants that they are an authorized signatory for the organization for which the bid is submitted and they have full and complete authority to submit this bid on behalf of their firm.
4. that the certifications and representations contained in the proposal are true and accurate and the bidder intends the proposal to be taken as a genuine government record.

• **Signed:** \*\*

(1) \_\_\_\_\_ (2) \_\_\_\_\_ (3) \_\_\_\_\_

**Print Name:**

(1) \_\_\_\_\_ (2) \_\_\_\_\_ (3) \_\_\_\_\_

**Title:**

(1) \_\_\_\_\_ (2) \_\_\_\_\_ (3) \_\_\_\_\_

**Company:**

(1) \_\_\_\_\_ (2) \_\_\_\_\_ (3) \_\_\_\_\_

- Signatures to comply with Item 2 of the specifications.

\*\*Note: Complete (1) for single venture, through (2) for joint venture and through (3) for triple venture.

\* **When the working days field contains an asterisk (\*) refer to the Special Provisions and General Notes.**

## **NOTICE TO CONTRACTORS**

**ANY CONTRACTORS INTENDING TO BID ON ANY WORK TO BE AWARDED BY THIS DEPARTMENT MUST SUBMIT A SATISFACTORY “AUDITED FINANCIAL STATEMENT” AND “EXPERIENCE QUESTIONNAIRE” AT LEAST TEN DAYS PRIOR TO THE LETTING DATE.**

**UNIT PRICES MUST BE SUBMITTED IN ACCORDANCE WITH ITEM 2 OF THE STANDARD SPECIFICATIONS OR SPECIAL PROVISION TO ITEM 2 FOR EACH ITEM LISTED IN THIS PROPOSAL.**

# TEXAS DEPARTMENT OF TRANSPORTATION

## BID BOND

KNOW ALL PERSONS BY THESE PRESENTS,

That we, (Contractor Name) \_\_\_\_\_  
\_\_\_\_\_

Hereinafter called the Principal, and (Surety Name) \_\_\_\_\_  
\_\_\_\_\_

a corporation or firm duly authorized to transact surety business in the State of Texas, hereinafter called the Surety, are held and firmly bound unto the Texas Department of Transportation, hereinafter called the Oblige, in the sum of not less than two percent (2%) of the department's engineer's estimate, rounded to the nearest one thousand dollars, not to exceed one hundred thousand dollars (\$100,000) as a proposal guaranty (amount displayed on the cover of the proposal), the payment of which sum will and truly be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the principal has submitted a bid for the following project identified as:

<b>Control</b>	<b>0914-05-237</b>
<b>Project</b>	<b>STP 2024(499)FRS</b>
<b>Highway</b>	<b>VA</b>
<b>County</b>	<b>WILLIAMSON</b>

NOW, THEREFORE, if the Oblige shall award the Contract to the Principal and the Principal shall enter into the Contract in writing with the Oblige in accordance with the terms of such bid, then this bond shall be null and void. If in the event of failure of the Principal to execute such Contract in accordance with the terms of such bid, this bond shall become the property of the Oblige, without recourse of the Principal and/or Surety, not as a penalty but as liquidated damages.

Signed this \_\_\_\_\_ Day of \_\_\_\_\_ 20\_\_\_\_\_

By: \_\_\_\_\_  
(Contractor/Principal Name)

\_\_\_\_\_  
(Signature and Title of Authorized Signatory for Contractor/Principal)

\*By: \_\_\_\_\_  
(Surety Name)

\_\_\_\_\_  
(Signature of Attorney-in-Fact)

Impressed  
Surety Seal  
Only

\*Attach Power of attorney (Surety) for Attorney-in-Fact

**This form may be removed from the proposal.**

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# BIDDER'S CHECK RETURN

## IMPORTANT

The space provided for the return address must be completed to facilitate the return of your bidder's check. Care must be taken to provide a legible, accurate, and complete return address, including zip code. A copy of this sheet should be used for each different return address.

## NOTE

Successful bidders will receive their guaranty checks with the executed contract.

RETURN BIDDERS CHECK TO (PLEASE PRINT):


<b>Control</b>	<b>0914-05-237</b>
<b>Project</b>	<b>STP 2024(499)FRS</b>
<b>Highway</b>	<b>VA</b>
<b>County</b>	<b>WILLIAMSON</b>

## IMPORTANT

### PLEASE RETURN THIS SHEET IN ITS ENTIRETY

Please acknowledge receipt of this check(s) at your earliest convenience by signing below in longhand, in ink, and returning this acknowledgement in the enclosed self addressed envelope.

Check Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

For (Contractor's Name): \_\_\_\_\_

Project \_\_\_\_\_ County \_\_\_\_\_

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## NOTICE TO THE BIDDER

In the space provided below, please enter your total bid amount for this project. Only this figure will be read publicly by the Department at the public bid opening.

It is understood and agreed by the bidder in signing this proposal that the total bid amount entered below is not binding on either the bidder or the Department. It is further agreed that **the official total bid amount for this proposal will be determined by multiplying the unit bid prices for each pay item by the respective estimated quantities shown in this proposal and then totaling all of the extended amounts.**

\$ \_\_\_\_\_  
**Total Bid Amount**

Control 0001-03-030  
 Project STP 2000(938)HES  
 Highway SH 20  
 County EL PASO

ALT	ITEM	DESC	SP	Bid Item Description	Unit	Quantity	Bid Price	Amount	Seq
	104	509	X	REMOV CONC (SDWLK)	MSY	266.400	\$10.000	\$2,664.00	1
							Total Bid Amount	\$2,664.00	

Signed \_\_\_\_\_  
 Title \_\_\_\_\_  
 Date \_\_\_\_\_

Additional Signature for Joint Venture:

Signed \_\_\_\_\_  
 Title \_\_\_\_\_  
 Date \_\_\_\_\_

**EXAMPLE OF BID PRICES SUBMITTED BY COMPUTER PRINTOUT**

EXAMPLE

EXAMPLE

EXAMPLE

EXAMPLE

# EXAMPLES

## BID PRICES SUBMITTED BY HAND WRITTEN FORMAT

ALT	ITEM-CODE			UNIT BID PRICE <u>ONLY</u> WRITTEN IN WORDS	UNIT	APPROX QUANTITIES	DEPT USE ONLY
	ITEM NO	DESC NO	S.P. NO.				
	190	026		RED OAK 1 1/2 - 1 3/4 GAL BB	EA	9.000	1
					L	E	

**Unit price for each plant in place**

	249	014		FLEX BASE(DEL)(DENSOT)(TY A GR4 CL2)	TON	56,787.00	14
					L	E	

**Unit price for each ton of Flexible Base**

	430	001	001	CL A CONC FOR EXT STR (CULV)	CY	45.000	27
					L	E	

**Unit price for each cubic yard of Concrete**

	610	007	001	RDWY ILL ASSEM(TY ST 50T-8-8)(.4 KW)S	EA	13.000	7
					L	E	

**Unit price of each Roadway Illumination Assembly**

EXAMPLE

EXAMPLE

EXAMPLE

EXAMPLE

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ALT	ITEM-CODE			UNIT BID PRICE ONLY. WRITTEN IN WORDS	UNIT	APPROX QUANTITIES	DEPT USE ONLY
	ITEM NO	DESC CODE	S.P. NO.				
	100	6002		PREPARING ROW  DOLLARS and CENTS	STA	45.000	1
	104	6015		REMOVING CONC (SIDEWALKS)  DOLLARS and CENTS	SY	466.000	2
	132	6003		EMBANKMENT (FINAL)(ORD COMP)(TY B)  DOLLARS and CENTS	CY	1.000	3
	276	6310		CEM TRT(PL MX)(CL N)(TY A)(GR 5)(FN POS DOLLARS and CENTS	CY	44.000	4
	334	6080	004	HMCL ACP TY-D AC-1.5  DOLLARS and CENTS	TON	11.340	5
	500	6001		MOBILIZATION  DOLLARS and CENTS	LS	1.000	6
	502	6001	008	BARRICADES, SIGNS AND TRAFFIC HAN- DLING  DOLLARS and CENTS	MO	2.000	7
	531	6002		CONC SIDEWALKS (5")  DOLLARS and CENTS	SY	39.000	8
	644	6001		IN SM RD SN SUP&AM TY10BWG(1)SA(P) DOLLARS and CENTS	EA	22.000	9
	666	6048	007	REFL PAV MRK TY I (W)24"(SLD)(100MIL) DOLLARS and CENTS	LF	156.000	10
	666	6093	007	REFL PAV MRK TY I (W)(RR XING)(100MIL) DOLLARS and CENTS	EA	4.000	11

ALT	ITEM-CODE			UNIT BID PRICE ONLY. WRITTEN IN WORDS	UNIT	APPROX QUANTITIES	DEPT USE ONLY
	ITEM NO	DESC CODE	S.P. NO.				
	666	6309	007	RE PM W/RET REQ TY I (W)6"(SLD)(100MIL) DOLLARS and CENTS	LF	1,200.000	12
	677	6007		ELIM EXT PAV MRK & MRKS (24") DOLLARS and CENTS	LF	144.000	13
	677	6016		ELIM EXT PAV MRK & MRKS (RR XING) DOLLARS and CENTS	EA	4.000	14
	4169	6015		VEHICULAR GRADE CROSSING (CON- CRETE) DOLLARS and CENTS	LF	320.000	15
	5003	6006		RETROFIT DET WARN SURF(SURF APP OR CIP) DOLLARS and CENTS	EA	2.000	16
	6001	6002		PORTABLE CHANGEABLE MESSAGE SIGN DOLLARS and CENTS	EA	6.000	17
	6185	6002	002	TMA (STATIONARY) DOLLARS and CENTS	DAY	49.000	18

## **CERTIFICATION OF INTEREST IN OTHER BID PROPOSALS FOR THIS WORK**

By signing this proposal, the bidding firm and the signer certify that the following information, as indicated by checking "Yes" or "No" below, is true, accurate, and complete.

- A. Quotation(s) have been issued in this firm's name to other firm(s) interested in this work for consideration for performing a portion of this work.

\_\_\_\_\_ YES

\_\_\_\_\_ NO

- B. If this proposal is the low bid, the bidder agrees to provide the following information prior to award of the contract.

1. Identify firms which bid as a prime contractor and from which the bidder received quotations for work on this project.
2. Identify all the firms which bid as a prime contractor to which the bidder gave quotations for work on this project.

# DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352 (See reverse for public burden disclosure.)

<p>1. Type of Federal Action:</p> <ul style="list-style-type: none"> <li>a. contract</li> <li>b. grant</li> <li>c. cooperative agreement</li> <li>d. loan</li> <li>e. loan guarantee</li> <li>f. loan insurance</li> </ul>	<p>2. Status of Federal Action:</p> <ul style="list-style-type: none"> <li>a. bid/offer/application</li> <li>b. initial award</li> <li>c. post-award</li> </ul>	<p>3. Report Type:</p> <ul style="list-style-type: none"> <li>a. initial filing</li> <li>b. grant</li> </ul> <p style="margin-left: 20px;">For material change only:</p> <p style="margin-left: 40px;">year _____ quarter _____</p> <p style="margin-left: 40px;">date of last report _____</p>
<p>4. Name and Address of Reporting Entity:</p> <p>? Prime                      ? Subawardee</p> <p style="margin-left: 40px;">Tier _____, if known:</p> <p><b>Congressional District</b>, if known:</p>		<p>5. <b>If Reporting Entity in No. 4 is Subawardee</b>, Enter Name and Address of Prime:</p> <p><b>Congressional District</b>, if known:</p>
<p>6. Federal Department/Agency:</p>	<p>7. Federal Program Name/Description:</p> <p>CFDA Number, if applicable: _____</p>	
<p>8. Federal Action Number, if known:</p>	<p>9. Award Amount, if known:</p> <p>\$ _____</p>	
<p>10. a. Name and Address of Lobbying Entity (if individual, last name, first name, MI):</p>	<p>b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):</p>	
<p>(attach Continuation Sheet(s) SF-LLL-A, if necessary)</p>		
<p>11. Amount of Payment (check all that apply):</p> <p>\$ _____ actual                      planned</p>	<p>13. Type of Payment (check all that apply):</p> <ul style="list-style-type: none"> <li>a. retainer</li> <li>b. one-time fee</li> <li>c. commission</li> <li>d. contingent fee</li> <li>e. deferred</li> <li>f. other; specify: _____</li> </ul>	
<p>12. Form of Payment (check all that apply)</p> <ul style="list-style-type: none"> <li>a. cash</li> <li>b. in-kind; specify:                      nature _____</li> <li style="margin-left: 40px;">value _____</li> </ul>		
<p>14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:</p> <p>(attach Continuation Sheet(s) SF-LLL-A, if necessary)</p>		
<p>15. Continuation Sheet(s) SF-LLL-A attached:                      ? Yes                      ? No</p>		
<p>16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</p>	<p>Signature: _____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Telephone No: _____ Date: _____</p>	
<p>FEDERAL USE ONLY</p>		<p>Authorized for Local Reproduction Standard Form - LLL</p>



## **INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES**

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity or this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number, the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

# DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB

0348-0046

## CONTINUATION SHEET

Reporting Entity: \_\_\_\_\_ Page \_\_\_\_\_ of \_\_\_\_\_

# CONTRACTOR'S ASSURANCE

(Subcontracts-Federal Aid Projects)

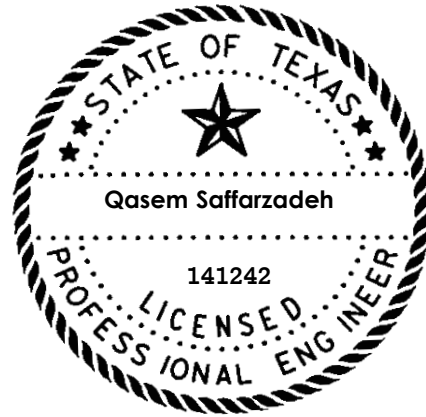
By signing this proposal, the contractor is giving assurances that all subcontract agreements will incorporate the Standard Specification and Special Provisions to Section 9.9., Payment Provisions for Subcontractors, all subcontract agreements exceeding \$2,000 will incorporate the applicable Wage Determination Decision, and all subcontract agreements will incorporate the following:

Special Provision	Certification of Nondiscrimination in Employment
Special Provision	Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246)
Special Provision	Standard Federal Equal Employment Opportunity
Construction	Construction Specifications (Executive Order 11246)
Form FHWA 1273	Required Contract Provisions Federal-aid Construction Contracts (Form FHWA 1273 must also be physically attached to subcontracts and all lower-tier subcontracts)
Special Provision	Nondiscrimination (Include provisions of Sections 3.1 – 3.6 in all subcontracts and agreements for materials)
Special Provision	Cargo Preference Act Requirements in Federal-Aid Contracts
Special Provision	Disadvantaged Business Enterprise in Federal-Aid Contracts

# ENGINEER SEAL

Control 0914-05-237  
Project STP 2024(499)FRS  
Highway VA  
County WILLIAMSON

The enclosed Texas Department of Transportation Specifications, Special Specifications, Special Provisions, General Notes and Specification Data in this document have been selected by me, or under my responsible supervision as being applicable to this project. Alteration of a sealed document without proper notification to the responsible engineer is an offense under the Texas Engineering Practice Act.



The seal appearing on this document was authorized by  
*Qasem Saffarzadeh, P.E.*  
SEPTEMBER 08, 2023

**GENERAL NOTES: Version: August 4, 2023**

Item	Description	**Rate
**204	<b>Sprinkling</b> (Dust) (Item 132) (Item 247)	30 GAL/CY 30 GAL/CY 30 GAL/CY
**210	<b>Rolling (Flat Wheel)</b> (Item 247) (Item 316)	1 HR/200 TON 1 HR/6000 SY
**210	<b>Rolling (Tamping and Heavy Tamping)</b>	1 HR/200 CY
**210	<b>Rolling (Lt Pneumatic Tire)</b> (Item 132) (Item 247) (Item 316 - Seal Coat) (Item 316 - Two Course)	1 HR/500 CY 1 HR/200 TON 1 HR/6000 SY 1 HR/3000 SY
247	<b>Flexible Base (CMP IN PLC)</b>	132 LB/CF
310	<b>Prime Coat</b>	0.20 GAL/SY
314	<b>Emulsified Asphalt Treatment (SS-1 or MS-2)</b>	0.30 GAL/SY
316	<b>Underseals Asphalts (Multi Option)</b>	0.20 GAL/SY
	<b>Surface Treatments</b>	
	<b>Seal Coat</b>	
	<b>Grade 4</b>	
	Asphalt	0.38 GAL/SY
	Aggregate	1 CY/120 SY
	<b>Grade 5</b>	
	Asphalt	0.32 GAL/SY
	Aggregate	1 CY/150 SY
	<b>Two Course Surface Treatment</b>	
	Asphalt 1st Application	0.28 GAL/SY
	Asphalt 2nd Application	0.24 GAL/SY
	Aggregate 1st Application Grade 4	1 CY/110 SY
	Aggregate 2nd Application Grade 4	1 CY/130 SY
341/3076, 344/3077	<b>Dense-Graded Hot-Mix Asphalt and Superpave</b>	110 LB/SY/IN
342/3079	<b>Permeable Friction Course (PFC)</b>	90.0 LB/SY/IN
346/3080	<b>Stone-Matrix Asphalt</b>	113 LB/SY/IN
347/3081	<b>Thin Overlay Mixtures (TOM)</b> SAC B SAC A	113.0 LB/SY/IN 116.0LB/SY/IN
350	<b>Microsurfacing</b>	25 LB/SY
3084	<b>Bonding Course</b>	0.09 GAL/SY
3085	<b>UnderSeal Course</b>	0.20 GAL/SY
	<b>Tack Coat</b>	0.08 GAL/SY

\*\* For Informational Purposes Only

## **GENERAL**

Contractor questions and requests for documents on this project are to be addressed to the following individual(s):

Georgetown	<a href="mailto:Jason.Hudson@txdot.gov">Jason.Hudson@txdot.gov</a>
Georgetown	<a href="mailto:John.Peters@txdot.gov">John.Peters@txdot.gov</a>
Traffic	<a href="mailto:Mahendran.Thivakaran@txdot.gov">Mahendran.Thivakaran@txdot.gov</a>
Traffic	<a href="mailto:Cory.Jucius@txdot.gov">Cory.Jucius@txdot.gov</a>

Questions and requests for documents will be accepted via the Letting Pre-Bid Q&A web page. All questions and any corresponding responses that are generated will be posted through the same Letting Pre-Bid Q&A web page. This webpage can be accessed from the Notice to Contractors dashboard located at the following Address:  
<https://tableau.txdot.gov/views/ProjectInformationDashboard/NoticetoContractors>

The Letting Pre-Bid Q&A web page for each project can be accessed by using the dashboard to navigate to the project you are interested in by scrolling or filtering the dashboard using the controls on the left. Hover over the blue hyperlink for the project you want to view the Q&A for and click on the link in the window that pops up.

References to manufacturer's trade name or catalog numbers are for the purpose of identification only. Similar materials from other manufacturers are permitted if they are of equal quality, comply with the specifications for this project, and are approved.

If work is performed at Contractor's option, when inclement weather is impending, and the work is damaged by subsequent precipitation, the Contractor is responsible for all costs associated with replacing the work, if required.

The roadbed will be free of organic material prior to placing any section of the pavement structure.

Equip all construction equipment used in roadway work with highly visible omnidirectional flashing warning lights.

Intelligent Transportation Systems (ITS) Infrastructure may exist within the limits of this project and that the system must remain operational throughout construction. The exact location of ITS Infrastructure is not known. Contact the TxDOT Area Engineer's or Inspection Team's Office for the location(s) at least 72 hours before commencing any work that might affect present ITS Infrastructure. In the event of system damage, notify TxDOT/CTECC at (512) 974-0883 within one hour of occurrence. Refer to Item 6000 for additional details.

Provide a smooth, clean sawcut along the existing asphalt or concrete pavement structure, as directed. Consider subsidiary to the pertinent Items.

Construct all manholes/valves to final pavement elevations prior to the placement of final surface. If the manholes/valves are going to be exposed to traffic, place temporary asphalt

around the manhole/valve to provide a 50:1 taper. The asphalt taper is subsidiary to the ACP work.

Keep the roadway free of debris and sediment caused by construction activities. Dispose of all material in accordance with federal, state, and local regulations. This work is subsidiary.

Damage to existing pipes and SET's due to Contractor operations will be repaired at Contractor's expense.

All locations used for storing construction equipment, materials, and stockpiles of any type, within the right of way, will be as directed. Use of right of way for these purposes will be restricted to those locations where driver sight distance to businesses and side street intersections is not obstructed and at other locations where an unsightly appearance will not exist. The Contractor will not have exclusive use of right of way but will cooperate in the use of the right of way with the city/county and various public utility companies as required.

Coordinate and obtain approval for all bridgework over existing roadways.

**Bridge Vertical Clearance and Traffic Handling.**

Notify TxDOT project staff and the local bridge engineer 10 business days prior to the following: change in vertical clearance, placing beams/girders over traffic, opening or removing traffic from a bridge or portion of a bridge, and completion of bridge work. This requirement includes bridge class culverts. Provide vertical clearance for all structures (including signal mast arms, span wires, and overhead sign bridge structures) within the project limit. Submit information and notices to local bridge engineer at [AUS\\_BRG\\_Notify@txdot.gov](mailto:AUS_BRG_Notify@txdot.gov).

During evacuation periods for Hurricane events the Contractor will cooperate with Department for the restricting of Lane Closures and arranging for Traffic Control to facilitate Coastal Evacuation Efforts.

**ITEM 5 – CONTROL OF THE WORK**

Place construction or silt fence 2 ft. inside TxDOT ROW along the Railroad ROW. If work is to be performed inside the Railroad ROW, then the Contractor will coordinate with the Railroad for a Railroad Flagger. This work is subsidiary.

Place construction stakes at intervals of no more than 100 ft. This work is subsidiary.

Provide a 72 hour advance email notice to [AUS\\_Locate@TxDOT.gov](mailto:AUS_Locate@TxDOT.gov) to request illumination, traffic signal, ITS, or toll equipment utility locates. Provide [AUS\\_Locate@TxDOT.gov](mailto:AUS_Locate@TxDOT.gov) an electronic pdf of as-builts within 21 calendar days of illumination, traffic signal, ITS, or toll equipment being placed into operation. As-built shall include GPS coordinates of manholes and junction boxes. Include final version of RFI's and revised plan sheets.

**Precast Alternate Proposals.**

When a precast or cast-in-place concrete element is included in the plans, a precast concrete alternate may be submitted in accordance with “Standard Operating Procedure for Alternate Precast Proposal Submission” found online at [Alternate Precast Proposal Submission \(txdot.gov\)](http://www.txdot.gov). Acceptance or denial of an alternate is at the sole discretion of the Engineer. Impacts to the project schedule and any additional costs resulting from the use of alternates are the sole responsibility of the Contractor.

### **Thermoplastic Pipe Alternate Proposals**

When a reinforced concrete or corrugated metal pipe is included in the plans, a thermoplastic polypropylene pipe alternate may be submitted in a 2-phase process. Acceptance or denial of an alternate is at the sole discretion of the Engineer. Impacts to the project schedule and any additional costs resulting from the use of alternates are the sole responsibility of the Contractor.

Phase 1 submit an official request to TxDOT PM with a summary of proposed locations, max depth of placement for each location, cover depth, and pipe diameters. TxDOT goal is to review and respond within 10 days. Phase 1 approval does not guarantee Phase 2 approval.

Phase 2 submit the following documents with all documents signed and sealed by a licensed Engineer in the state of Texas. 1-Provide a redline or revised set of drainage plans reflecting the revised locations. 2-Provide certification that the use of the alternate pipe and proposed bedding are adequate for the proposed application, depth, etc. 3-Provide a completed thermoplastic pipe installation drawing using the following,

<https://ftp.txdot.gov/pub/txdot/brg/thermoplastic-pipe-installation-drawing.pdf>  
<https://ftp.txdot.gov/pub/txdot/brg/thermoplastic-pipe-installation-drawing.dgn>

For all uses of thermoplastic pipe as an alternate, furnish, install, and inspect the thermoplastic pipe in accordance with SS4216 or latest thermoplastic pipe special specification at time of letting. Minimum values, such as cover depth, required by the specification, installation drawing, etc. will not be waived. Use granular backfill unless flowable fill or CSB is required by the alternate design. Backfill locations shown in the bid plans using flowable fill or CSB must use the backfill per the bid plans.

### **Electronic Shop Drawing Submittals.**

Submit electronic shop drawing submittals according to the current [Guide to Electronic Shop Drawing Submittal](https://www.txdot.gov/business/resources/highway/bridge/shop-drawing-submittal-cycle.html), <https://www.txdot.gov/business/resources/highway/bridge/shop-drawing-submittal-cycle.html>. Pre-approved producers can be found online at <https://www.txdot.gov/business/resources/materials/material-producer-list.html>. Use the following contact list for all submittals that are not required to be sent to Bridge Division and to copy the Engineer for all submittals to the Bridge Division.

#### Submittal Contact List

Georgetown [Jason.Hudson@txdot.gov](mailto:Jason.Hudson@txdot.gov) [AUS\\_GE-ShopReview@txdot.gov](mailto:AUS_GE-ShopReview@txdot.gov)

### **ITEM 6 - CONTROL OF MATERIALS**

Give a minimum of 1 business day notice for materials, which require inspection at the Plant.



For structures with paint containing hazardous materials, provide locations of material removal 60 days prior to begin removal. For metal elements to be removed, mechanical shear or unbolting for removal and disposal does not require paint abatement but requires 60 day advance notice.

For removal, tie, or tap of asbestos concrete (AC) pipe, contact TxDOT and the local utility company 60 days prior to performing the work. Expose the AC pipe to provide a minimum of 1 ft. of clearance around the top and sides. A minimal amount of soil may remain around the AC pipe to avoid disturbance. The local utility company will be responsible for the demo notice to DSHS and removal of the AC pipe. Tie or tap into existing AC pipe may require removing an entire section of pipe from collar to collar and replacement of pipe with new pipe using existing bid items.

For Federally Funded Contracts, comply with the latest provisions of Build America, Buy America Act (BABA Act) of the Bipartisan Infrastructure Law, by submitting an original of the TxDOT Construction Material Buy America Certification Form for all items classified as construction materials. This form is not required for materials classified as a manufactured product. Refer to the Buy America Material Classification Sheet, located at the following link, for clarification on material categorization. [Buy America material classification sheet \(txdot.gov\)](https://www.txdot.gov/buy-america-material-classification-sheet)

#### **ITEM 7 – LEGAL RELATIONS AND RESPONSIBILITIES**

TxDOT will coordinate with TDLR regarding pedestrian elements and sidewalks. The contractor will procure and provide all permits, licenses, and inspections; pay all charges, fees, and taxes regarding TDLR rules governing industrialized housing and buildings.

Roadway closures during key dates and/or special events are prohibited. See notes for Item 502 for the key dates and/or special events.

Refer to the Environmental Permits, Issues and Commitments (EPIC) plan sheets for additional requirements and permits.

When any abandoned well is encountered, cease construction operations in this area and notify the Engineer who will coordinate the proper plugging procedures. A water well driller licensed in the State of Texas must be used to plug a well.

Perform maintenance of vehicles or equipment at designated maintenance sites. Keep a spill kit on-site during fueling and maintenance. This work is subsidiary.

Maintain positive drainage for permanent and temporary work for the duration of the project. Be responsible for any items associated with the temporary or interim drainage and all related maintenance. This work is subsidiary.

Suspend all activities near any significant recharge features, such as sinkholes, caves, or any other subterranean openings that are discovered during construction or core sampling. Do not proceed until the designated Geologist or TCEQ representative is present to evaluate and approve remedial action.

Locate aboveground storage tanks kept on-site for construction purposes in a contained area as to not allow any exposure to soils. The containment will be sized to capture 150% of the total capacity of the storage tanks.

**PSL in Edwards Aquifer Recharge and Contributing Zone.**

Obtain written approval from the Engineer for all on or off right of way PSLs not specifically addressed in the plans. Provide a signed sketch of the location 30 business days prior to use of the PSL. Include a list of materials, equipment and portable facilities that will be stored at the PSL. TxDOT will coordinate with the necessary agencies. Approval of the PSL is not guaranteed. Un approved PSL is not a compensable impact.

**Work within a USACE Jurisdictional Area.**

Do not initiate activities within a U.S. Army Corps of Engineers (USACE) jurisdictional area that have not been previously evaluated by the USACE as part of the permit review of this project. Such activities include, but are not limited to, haul roads, equipment staging areas, borrow and disposal sites. Obtain written approval from the Engineer for activities not specifically addressed in the plans. Provide a signed sketch and description of the location 60 business days prior to begin work at the location. Complete and return any forms provided by TxDOT. Approval of the work is not guaranteed. Un approved work is not a compensable impact.

**Work over or near Bodies of Water (lakes, rivers, ponds, creeks, dry waterways, etc.).**

Keep on site a universal spill kit adequate for the body of water and the work being performed. Debris is not allowed to fall into the ordinary high-water level (OHWL). Debris that falls into the OHWL must be removed at the end of each work day. Debris that falls into the floodway must be removed at the end of each work week or prior to a rain event. Install and maintain traffic control devices to maintain a navigable corridor for water traffic, except during bridge demo and beam placement. This work is subsidiary.

Obtain written approval from the Engineer for temporary fill or crossings not specifically addressed in the plans. Provide a signed sketch of the location 60 business days prior to begin work at the location. Complete and return any forms provided by TxDOT. Approval of the work is not guaranteed. Unapproved work is not a compensable impact.

**DSHS Asbestos and Demolition Notification.**

Complete and provide the Texas Department of State Health Services (DSHS) notification form to the Engineer and email to [AUS\\_BRG\\_Notify@txdot.gov](mailto:AUS_BRG_Notify@txdot.gov) at least 30 calendar days prior to bridge removal or renovation for each phase or step of work. Notify the Engineer via email of any changes to the work start and end dates.

**Migratory Birds and Bats.**

Migratory birds and bats may be nesting within the project limits and concentrated on roadway structures such as bridges and culverts. Remove all old and unoccupied migratory bird nests from any structures, trees, etc. between September 16 and February 28. Prevent migratory birds from re-nesting between March 1 and September 15. Prevention shall include all areas within 25 ft. of proposed work. All methods used for the removal of old nesting areas and the prevention

of re-nesting must be submitted to TxDOT 30 business days prior to begin work. This work is subsidiary.

If active nests are encountered on-site during construction, all construction activity within 25 ft. of the nest must stop. Contact the Engineer to determine how to proceed.

**Tree and Brush Trimming and Removal.**

Work will be conducted September 16 thru February 28. Work conducted outside this timeframe will require a bird survey. Submit a survey request to TxDOT 30 business days prior to begin work.

If within the removal time period, removal work may be conducted during delayed start period using proper traffic control per TCP standards.

Upon begin removal operations, all removal work for the project must be completed within 21 calendar days. Completion of removal includes removing from ROW or mulching of all debris.

No extension of time or compensation will be granted for a delay or suspension due to the above bird, bat, and tree/brush requirements.

**Law Enforcement Personnel.**

Submit charge summary and invoices using the Department forms.

Patrol vehicles must be clearly marked to correspond with the officer's agency and equipped with appropriate lights to identify them as law enforcement. For patrol vehicles not owned by a law enforcement agency, markings will be retroreflective and legible from 100 ft. from both sides and the rear of the vehicle. Lights will be high intensity and visible from all angles.

No payment will be made for law enforcement personnel needed for moving equipment or payment for drive time to/from the event site. A minimum number of hours is not guaranteed. Payment is for work performed. If the Contractor has a field office, provide an office location for a supervisory officer when event requires a supervising officer. This work is subsidiary.

A maximum combined rate of \$70 per hour for the law enforcement personnel and the patrol vehicle will be allowed. Any scheduling fee is subsidiary per Standard Specification 502.4.2. Cancel law enforcement personnel when the event is canceled. Cancellation, minimums or "show up" fees will not be paid when cancellation is made 12 hours prior to beginning of the event. Failure to cancel within 12 hours will not be cause for payment for cancellation, minimums, or "show up" time. Payment of actual "show up" time to the event site due to cancellation will be on a case-by-case basis at a maximum of 2 hours per officer.

Alterations to the cancellation and maximum rate must be approved by the Engineer or pre-determined by official policy of the officers governing authority.

**Back Up Alarm.**

For hours 9 P to 5 A, utilize a non-intrusive, self-adjusting noise level reverse signal alarm. This is not applicable to hotmix or seal coat operations. This is subsidiary.

**ITEM 100 - PREPARING RIGHT OF WAY**

Prep ROW must not begin until accessible trees designated for preservation have been protected, items listed in the EPIC have been addressed, and SW3P controls installed in accessible areas. Backfill material will be Type B Embankment using ordinary compaction.

Follow Item 752.4 Work Methods and Item 752 general notes when removing or working on or near trees and brush.

Unless shown otherwise in the plans or a designated non-mow area, perform trimming or removal for areas within 30 ft. of edge of pavement under construction. Trim or remove to provide minimum of 5 ft. of horizontal clearance and 7 ft. of vertical clearance for the following: sidewalks, paths, guard fence, rails, signs, object markers, and structures. Trim to provide a minimum of 14 ft. vertical clearance under all trees. This work is subsidiary.

**ITEM 132 – ALL EMBANKMENT**

At no time will the retaining wall backfill material exceed the adjacent embankment operation by more than one lift. At no time will the embankment adjacent to the retaining wall backfill exceed the wall backfill by any elevation. Embankment placed over the area of MSE backfill must meet the same backfill requirements for the type specified under Item 423.

The Engineer will define unsuitable material. Material which the Contractor might deem to be unsuitable due to moisture content will not be considered unsuitable material.

Prior to begin embankment of existing area, correct or replace unstable material to a depth of 6 in. below existing grade. Embankment areas will be inspected prior to beginning work.

Rock or broken concrete produced by the project is allowed in earth embankments. The size of the rock or broken concrete will not exceed the layer thickness requirements in Section 132.3.4., “Compaction Methods.” The material will not be placed vertically within 5 ft. of the finished subgrade elevation.

Embankment placed vertically within 5 ft. of the finished subgrade elevation or within the edges of the subgrade and treated with lime, cement, or other calcium based additives must have a sulfate content less than 3000 ppm. Allow 5 business days for testing. Treatment of sulfate material 3000 ppm to 7000 ppm requires 7 days of mellowing and continuous water curing, in accordance TxDOT guidelines for Treatment of Sulfate-Rich Soils and Bases in Pavement Structures (9/2005). Material over 7000 ppm is not allowed.

**ITEM 132 – EMBANKMENT TY C**

The Department must approve all Type C embankment material before use on the project. Do not furnish shale clays. Furnish embankment with sulfate content less than 3000 ppm if treated with calcium-based chemicals or within 5 ft. of the finished subgrade elevation. Existing material from within the project limits that meets the Type C Substitute requirements may substituted for Type C but is not allowed to substitute for C1, C2, or density-controlled material. Offsite material may be used to blend with onsite material to achieve the Type C requirements. The Type C substitute may also be existing material in accordance with 132 for rock embankment. The Type C substitute

material may only be placed vertically beyond 5 ft. below the finished subgrade elevation or 5 ft. beyond the edge of the subgrade.

Type C				
Percent Retained		LL	PI	PI
3"	#4	Max	Max	Min
0	MIN 45	55	20	6
Type C Substitute				
Percent Retained			PI	
3"	#4		Max	
Max 10	10-90		25	

TY C1 and C2

Description	Percent Retained					LL	PI	PI
	3"	1 3/4"	3/8"	#4	#40	Max	Max	Min
Embankment (Ordinary) (TY C1)	0	0-10	-	45-75	60-85	45	20	6
Embankment (Ordinary) (TY C2)	-	-	0	30-75	50-85	55	25	8

**ITEM 276 – CEMENT TREATMENT (PLANT-MIXED)**

Unless shown on the plans, flexible base will be as follows: Class N, Type A Grade 4 or 5, and microcracked.

**Class N Requirements**

Description	Minimum	Maximum
Cement Content (by dry weight of base)	2% (Flexible Pavement) 3% (Rigid Pavement)	5%
	Test Method	Requirement
7-Day Unconfined Compressive Strength (min.) <sup>1</sup>	Tex-120-E, Part I	300 psi (Flexible Pavement)
		500 psi. (Rigid Pavement)
Retained Strength after Moisture Conditioning (min.)	Tex-120-E, Part I (10-day capillary soak)	100% of 7-Day Unconfined Compressive Strength
Expansion <sup>2</sup>	ASTM C 1567	0.10% (maximum)

1. Meet the unconfined compressive strength after addition of stabilizer.
2. Required when using crushed concrete or other material that contains cement. Provide the certified test report signed and sealed by a licensed professional

engineer. This may be waived by the Engineer when the material has a known performance history based on previous ASTM C 1567 or ASTM C 1260 tests.

**ITEMS 341, 344, & 3076 THRU 348/3082 - HOT-MIX ASPHALT PAVEMENT**

Core holes may be filled with an Asphaltic patching material meeting the requirements of DMS-9203 or with SCM meeting requirements of DMS-9202.

Remove and dispose of off the ROW the audible/profile markings, reflectorized markings, and raised markers.

Install transverse butt joints with 50 ft. H: 1 in. V transition from the new ACP to the existing surface. Install a butt joint with 24 in. H: 1 in. V transition from the new ACP to a driveway, pullout or intersection. Saw cut the existing pavement at the butt joints. This work is subsidiary.

Use a device to create a maximum 3H:1V notched wedge joint on all longitudinal joints of 2 in. or greater. This work is subsidiary.

Prior to milling, core the existing pavement to verify thickness. This work is subsidiary.

Ensure placement sequence to avoid excess distance of longitudinal joint lap back not to exceed one day's production rates.

Submit any proposed adjustments or changes to a JMF before production of the new JMF.

Tack every layer. Do not dilute tack coat. Apply it evenly through a distributor spray bar. Provide a minimum transition of 10' for intersections, 10' for commercial driveways, and 6' for residential driveways unless otherwise shown on the plans.

Irregularities will require the replacement of a full lane width using an asphalt paver. Replace the entire subplot if the irregularities are greater than 40% of the subplot area.

Lime or an approved anti-stripping agent must be used when crushed gravel is utilized to meet a SAC "A" requirement.

When using RAP or RAS, include the management methods of processing, stockpiling, and testing the material in the QCP submitted for the project. If RAP and RAS are used in the same mix, the QCP must document that both of these materials have dedicated feeder bins for each recycled material. Blending of RAP and RAS in one feeder bin or in a stockpile is not permitted.

Asphalt content and binder properties of RAP and RAS stockpiles must be documented when recycled asphalt content greater than 20% is utilized.

No RAS is allowed in surface courses.

Department approved warm-mix additives is required for all surface mix application when RAP is used. Dosage rates will be approved during JMF approval.

The Hamburg Wheel Test will have a minimum rut depth of 3mm except for SMA with HPG or PG 76.

**ITEMS 341/3076 - DENSE-GRADED HOT-MIX ASPHALT**

Use the SGC for design and production testing of all mixtures. Design all Type D mixtures as a surface mix, maximum 15% RAP and no RAS. Contractor may not use a substitute PG binder for 76-22. When using substitute binders, mold specimens for mix design and production at the temperature required for the substitute binder used to produce the HMA.

The Hamburg Wheel minimum number of passes for PG 64 or lower is reduced to 7,000. The Engineer may accept Hamburg Wheel test results for production and placement if no more than 1 of the 5 most recent tests is below the specified number of passes and the failing test is no more than 2,000 passes below the specified number of passes.

**ITEM 502 - BARRICADES, SIGNS, AND TRAFFIC HANDLING**

Table 1

Roadway	Limits	Allowable Closure Time
IH 35	All (1 lane closed)	9 P to 5 A
IH 35	All (2 lanes closed, see allowable work below)	9 P to 5 A
IH 35	All (2 lanes closed, all work)	11 P to 5 A
SH 45	US 183 to SH130	8 P to 5 A
LP 1	William Cannon to Parmer Lane	8 P to 5 A
US 183	SH 29 to FM 1327	8 P to 5 A
SH 71	SH 130 to IH 35	8 P to 5 A
SH 71	SH 304 to Tahitian Drive	8 P to 5 A
SH 71	US 290 W to RM 3238	8 P to 5 A
US 290 W	IH 35 to Nutty Brown Rd	8 P to 5 A
US 290 E	IH 35 to SH 95	8 P to 5 A
FM 734	FM 1431 to US 290 E	8 P to 5 A
US 79	IH 35 to Bus 79 in Taylor	8 P to 5 A
RM 1431	Lohmans Ford Rd to IH 35	8 P to 5 A
SH 29	LP 332 western terminus to SH 130	8 P to 5 A
SH 80	Charles Austin to River Road	8 P to 5 A
RM 2222	All	8 P to 5 A
RM 620	All	8 P to 5 A
RM 2244	All	8 P to 5 A
SPUR 69	All	8 P to 5 A
LP 360	All	8 P to 5 A
LP 343	All	8 P to 5 A
LP 275	All	8 P to 5 A
FM 1325	All	8 P to 5 A
All	Within 200' of a signalized intersection	9 P to 5 A
All	All (Full Closure, see allowable work below)	11 P to 4 A

Table 3 (Mobile Operations)

<u>Roadway</u>	<u>Allowable Sun Night thru Fri Noon</u>	<u>Allowable Sat thru Sun Morn</u>
Within Austin City Limits	10 A to 2 P and 7 P to 6 A	7 P to 10 A
Outside Austin City Limits	9 A to 3 P and 7 P to 7 A	6 P to 11 A
IH 35 main lanes	10 P to 5 A	9 P to 9 A
AADT over 50,000	8 P to 6 A	8 P to 10 A

For roadways without defined allowable closure times, nighttime lane closures will be allowed from 8 P to 6 A.

Daytime or Friday night lane closures will not be allowed unless otherwise shown on the plans. One lane in each direction will remain open at all times for all roadways unless otherwise shown on the plans.

Two lanes closed on IH 35 allowed to begin at 9 P.M. for main lane (shoulder work not included) hotmix overlay or pavement repair operations (does not include bridge joint work). Full closures only allowed Friday night thru Monday morning for bridge beam installation, bridge demolition, or OSB truss removal/installation. Full closures only allowed for roadways with frontage roads or if a designated detour route is provided in the plans.

No closures will be allowed on the weekends, working day prior, and working day after the National Holidays defined in the Standard Specifications, Good Friday, and Easter weekend. No closures will be allowed 1 P.M. to 11 P.M. the Sunday of the Super Bowl.

Time charges will not be suspended during the large and special events listed below. These events are provided in the contract to allow scheduling of work around these lane closure restrictions.

All lanes will be open by noon of the day before the large events listed in below table. No closures will be allowed on Friday and the weekends for projects within 20 miles of these large events:

Table 4 (Large Events)

<b>Event</b>	<b>City</b>	<b>Dates</b>
Formula 1 @ COTA	Austin	Annually (See Event Website)
Moto GP @ COTA	Austin	Annually (See Event Website)
ACL Fest	Austin	Annually (See Event Website)
SXSW	Austin	Annually (See Event Website)
ROT Rally	Bastrop	Annually (See Event Website)
UT Football Games	Austin	Annually (See Event Website)



		Website)
Sales Tax Holiday	All	Annually (See Event Website)
Rodeo Austin	Austin	Annually (See Event Website)

All lanes will be open by noon of the day before the special events listed in below table. No closures will be allowed on Friday and the weekends for projects within 10 miles of these special events:

Table 5 (Special Events)

<b>Event</b>	<b>City</b>	<b>Dates</b>
Wiener Dog Races	Buda	April 29-30, 2023
Founders Day Festival	Dripping Springs	April 28-30, 2023
Christmas on Mercer	Dripping Springs	Dec 2, 2023
Christmas Nights of FBG Lights	Fredericksburg	Nov 21, 2023
Lady of Guadalupe Procession	Fredericksburg	Dec 12, 2023
Eaker BBQ Competition	Fredericksburg	March 10, 2024
Founders Day Ceremony	Fredericksburg	2 <sup>nd</sup> Weekend in May
Crawfish Festival	Fredericksburg	Saturday before Memorial Day
Red Poppy Festival	Georgetown	April 26-28, 2024
Wine and Music Festival	Georgetown	Last Saturday of September
Fair and Rodeo	Liberty Hill	May 18, 2023
Lakefest Boat Races	Marble Falls	June 10-11, 2023
Pie in the Sky	Kyle	Sept 1-2, 2023
Texas State Graduation Fall	San Marcos	TBD
Texas State Graduation Spring	San Marcos	TBD

All the large and special events listed in the above tables occur annually. Coordinate with the Department and review the city/event website to plan around the future events.

No closures will be allowed during the upcoming eclipses on October 14, 2023, and April 8, 2024. All lanes will be open from noon October 12<sup>th</sup> to noon October 15<sup>th</sup>. All lanes will be open from noon April 5<sup>th</sup> to noon April 9<sup>th</sup>. Time charges will not be suspended during this event.

To account for directional traffic volumes, begin and end times of closures may be shifted equally by the Engineer. The closure duration will remain. Added compensation is not allowed.

One-way traffic control, including work performed under Item 510, must be set up to provide a maximum of 20 minutes of delay to the traveling public.

Submit an emailed request for a lane closure (LCN) to TxDOT. The email will be submitted in the format provided. Receive concurrence prior to implementation. Submit a cancellation of lane closures a minimum of 18 hours prior to implementation. Blanket requests for extended periods are not allowed. Max duration of a request is 2 weeks prior to requiring resubmittal.

Provide 2-hour notice prior to implementation and immediately upon removal of the closure.

For roadways listed in Table 1: Submit the request 96 hours prior to implementation.

For roadways not listed in Table 1: Submit the request a minimum of 48 hours prior to the closure and by the following deadline immediately prior to the closure: 11A on Tuesday or 11A on Friday.

For all roadways: Submit request for traffic detours and full roadway closures 168 hours prior to implementation. Submit request for nighttime work 96 hours to implementation date.

Cancellations of accepted closures (not applicable to full closures or detours) due to weather will not require resubmission in accordance with the above restrictions if the work is completed during the next allowable closure time.

Closures that conflict with adjacent contractor will be prioritized according to critical path work per latest schedule. Conflicting critical path or non-critical work will be approved for first LCN submitted. Denial of a closure due to prioritization or other reasons will not be reason for time suspension, delay, overhead, etc.

Meet with the Engineer prior to lane closures to ensure that sufficient equipment, materials, devices, and workers will be used. Take immediate action to modify current and future traffic control, if at any time the queue becomes greater than 20 minutes.

Consider inclement weather prior to implementing the lane closures. Do not set up traffic control when the pavement is wet.

Cover, relocate, or remove existing small, large, and overhead signs that conflict with traffic control. Cover large and overhead signs to remain using latest standard TS-CD. This work is subsidiary.

Install all permanent signs, delineation, and object markers required for the operation of the roadway before opening to traffic. Use of temporary mounts is allowed or may be required until the permanent mounts are installed or not impacted by construction. Maintain the temporary mounts. This work is subsidiary.

Place a 28-inch cone, meeting requirements of BC (10) and Ty III barricades, on top of foundations that have protruding studs. This work is subsidiary.

Vertical panels used on roadways with speed limit 55mph or greater must be round in shape or have a self-righting mechanism. The "flat" or "oblong" shaped vertical panels are not allowed.

A series of sequential flashing warning lights, per BC(7), must be installed in a merging taper for long term stationary TCP. This includes all TCP setups, such as those shown on the plans or TCP setups per the standards.

Edge condition treatment types must be in accordance with the TxDOT standard. Installation and removal of a safety slope is subsidiary.

To determine a speed limit or an advisory speed limit, submit a request to TxDOT 60 business days prior to manufacture of the sign.

For non-site-specific signal projects, 2 months of barricades will be paid per work order location.

The Contractor Force Account "Safety Contingency" that has been established for this project is intended to be utilized for work zone enhancements, to improve the effectiveness of the Traffic Control Plan, that could not be foreseen in the project planning and design stage. These enhancements will be mutually agreed upon by the Engineer and the Contractor's Responsible Person based on weekly or more frequent traffic management reviews on the project. The Engineer may choose to use existing bid items if it does not slow the implementation of enhancement.

#### **ITEM 506 - TEMPORARY EROSION, SEDIMENTATION, AND ENV CONTROLS**

If SW3P plan sheets are not provided, place the control measures as directed.

Install, maintain, remove control measures in areas of the right of way utilized by the Contractor that are outside the limits of disturbance required for construction. Permanently stabilize the area. This work is subsidiary.

Erosion control measures must be initiated immediately in areas where construction activities have ceased and will not resume for a period exceeding 14 calendar days. Vertical track all exposed soil, stockpiles, and slopes. Re-track after each rain event or every 14 days, whichever occurs first. Sheep foot roller is allowed for vertical tracking. This work is subsidiary.

For routine or anticipated dewatering, notify the engineer 72 hours before beginning dewatering. Notify the Engineer within 1 hour of beginning emergency or recent rainfall dewatering. Water located within the ROW that will leave the ROW must appear free of pollutants such as suspended sediment, oil sheen, floating solids, etc. Dirty water must pass thru adequate BMPs prior to leaving the ROW to prevent discharge of dirty water. Bypass pumping of water found in a navigable waterway that enters from outside the ROW and is discharged downstream of the ROW will not require the use of BMPs.

Dewatering BMPs will be paid for in conformance with the applicable bid items. However, if the necessary BMP item is not included in the Contract, payment for the BMP will be in accordance with Article 9.7., "Payment for Extra Work and Force Account Method." The act of dewatering and the equipment used to dewater will not be paid for directly but will be subsidiary to pertinent bid items.

**ITEMS 528, 529, 530, 531, & 536 – MISCELLANEOUS CONSTRUCTION**

Reinforcement will be in accordance with Section 432.3.1 unless shown on the plans. Fiber reinforcement is not allowed. GFRP is allowed reinforcement for all applications. Class A and B Concrete are allowed to use Coarse Aggregate Grades 1-8.

Unless shown on the plans, all concrete will be 5 in. thick and have 2 in. sand, base, or RAP bedding. Furnish base meeting the requirement for any type or grade in accordance with Item 247. Compressive strengths for flexible base are waived. RAP must be 100% passing a 1 in. sieve. Bedding and flexible base must be placed using ordinary compaction.

Expansion joints will be placed every 40 ft. Expansion joints must be 1 in. wide asphalt board and flush with the surface. The bottom of the asphalt board will be at half the depth of the concrete. The reinforcement will be continuous thru the expansion joint. Sidewalk cross slope must not exceed 1.5%.

If roots are encountered verify with the Engineer before accommodating or removing 2 in. diameter or larger roots. Root removal must be in accordance with Section 752.4.2. Roots may remain in the bedding or base. For improvements within 6 in. of a root, the concrete thickness may be reduced by 1 in. and the bedding increased by 1 in. to minimize impacts to the roots. Adjust bedding and surface profile to provide a 1 in. bedding cushion around the roots. The surface profile may be adjusted to the extent allowed by ADA. This work is subsidiary.

**ITEMS 600s & 6000s – ITS, TOLLING, LIGHTING, SIGNING, MARKINGS, AND SIGNALS**

Meet the requirements of the NEC, Texas MUTCD, TxDOT standards, and TxDOT Standard Specifications. Notify the Engineer if existing elements to remain do not meet code or specification.

Contractor shall provide all service, equipment and material required to provide a functional item and interface with existing equipment and software.

For signal shop contact Charles Vaughn Jr ([Charles.Vaughn@txdot.gov](mailto:Charles.Vaughn@txdot.gov)) and Robert Bolin ([Robert.Bolin@txdot.gov](mailto:Robert.Bolin@txdot.gov))

Use the TxDOT provided form to submit an electrical, illumination, and signal checklist prior to request for signal activation or a punch list.

Provide a 7-day advance email notice to the Engineer to request illumination or traffic signal punch list inspection.

Provide a 14-day advance email notice to the Engineer with signal technician contact information and signal locations prior to working or assuming operations of illumination or traffic signal.

Provide a 60-day advance email notice to the Engineer to request signal timing if timing is not provided in the plans.

Provide a 180-day advance email notice to the Engineer for equipment to be provided by TxDOT.

Provide equipment that requires TxDOT programming, etc. to TxDOT 180 day in advance.

Prior to relief of maintenance, a 30-day Test Period is required for signals and ITS equipment in accordance with Item 680.3.1.8. Response time to reported trouble calls shall be less than 2 hours. Complete repairs within 24 hours. Notify the Engineer and maintain a logbook in the controller cabinet of each trouble call. Do not clear the error log in the conflict monitor without approval.

Maintain the existing ITS equipment and HUB buildings operational during construction. ITS downtime is allowed from 12A to 4A. Downtime is restricted to one time per HUB or equipment.

Definitions of abbreviations used to designate ITS equipment, material, etc. can be provided by the Engineer.

Provide email notice to TxDOT and toll road owner 60 business days prior to begin work that impacts tolling equipment. Attend a pre-construction meeting with TxDOT and toll road owner prior to begin work.

Coordinate with toll road owner during construction that impacts or installs tolling equipment. Toll owner will assist with inspection to ensure tolling equipment will operate correctly. Provide email notice to TxDOT and toll road owner 30 business days in advance of completion of toll equipment work. Once toll equipment work is complete, allow 60 calendar days for toll road owner to complete their portion of the work and testing.

Stakes or other physical method shall be installed to hold down conduit prior to placement of concrete/flow fill encasement.

Minimum distance between HDPE joints will be 200 ft.

For conduit mounted to bridges in hangers, fiberglass can be substituted for RMC. Furnish and install per Special Specification 6390.

#### **ITEM 644 – SMALL ROADSIDE SIGN ASSEMBLIES**

Triangular slip base must be the clamp style to secure the post to the slip base. Set screw style slip base will not be allowed.

#### **ITEM 666 - RETROREFLECTORIZED PAVEMENT MARKINGS**

Notify the Engineer at least 24 hr. before beginning work.

The center-to-center minimum width for double yellow solid stripes must be 18 in. for all roadways.

Place longitudinal markings nightly for IH 35 main lanes or roadways with AADT greater than 100,000. Use of temporary flexible reflective roadway marker tabs is subsidiary and at the Contractor's option. Replace missing or damaged tabs nightly. If using tabs, place longitudinal markings weekly by 5 AM Friday for all weekday work and by 5 AM Monday for all weekend work. Failure to maintain tabs or place longitudinal markings by deadline will require nightly placement of longitudinal markings.

Place longitudinal markings no later than 7 calendar days after placement of the surface for roadways with AADT greater than 20,000.

When the raised portion of a profile marking is placed as a separate operation from the pavement marking, the raised portion must be placed first then covered with TY I.

When using black shadow to cover existing stripe apply a non-retroreflective angular abrasive bead drop. The marking color shall be adjusted to resemble the pavement color. If Item 677 is not used prior to placement of black shadow, scrape the top of the marking with a blade or large piece of equipment unless surface is a seal coat. The scraping of the marking is subsidiary.

#### **ITEM 677 - ELIMINATING EXISTING PAVEMENT MARKINGS AND MARKERS**

Dispose of removed materials and debris at locations off the right of way.

Elimination using a pavement marking will not be allowed in lieu of methods listed in specification.

Remove pavement markings on concrete surfaces by a blasting method. Flail milling will be allowed when total quantity of removal on concrete surfaces is less than 1000 ft.

Strip seal is only method allowed on seal coat surface unless project includes placement of a new surface. If total quantity of removal on a seal coat surface is less than 2000 ft., elimination using a pavement marking is allowed if a test section is approved by the Engineer. Test section shall demonstrate the thermo marking color matches the existing pavement color.

Remove pavement markings outside the limits of the new surface by a blasting method.

Use a TRAIL or a non-retroreflective paint to cover stripe remnants that remain after elimination.

The test requirements for these materials are waived. The paint color shall be adjusted to resemble the existing pavement color. Installation and maintenance is subsidiary.

#### **ITEM 6000s – ITS**

Coordinate with the Department at least 120 hours (5 days) in advance of interrupting existing Department ITS communication devices that will result in the elements being non-operational or offline. Network downtime may be no more than 4 hours and may only be scheduled for the

weekend between the hours of 10:00 PM and 5:00 AM on Saturday and Sunday. The schedule must be coordinated and approved by the Department. If more than 4 hours of downtime is needed, use alternative communication routes via wireless communication or temporary duct bank. Refer to table below for contact information.

Name	Organization	Email
Kevin Plumlee	TxDOT	Kevin.Plumlee@txdot.gov
Charles Vaughn	TxDOT	Charles.Vaughn@txdot.gov

Every effort must be made to protect the duct bank during construction. Repair or replace any damages to the duct bank/cable/conduit caused by the Contractor to its original condition at no additional cost to the Department. Failure of the Contractor to repair damage to any infrastructure that conveys any corridor information to TxDOT/CTECC will result in the Contractor being billed for the full cost of emergency repairs

Acceptable response time for repair of communication trunklines:

- Major or backbone fiber optic cables, radios, and/or power supply.
  - Four hours.
- Minor fiber optic cables (CCTV, DMS, & RVSD).
  - Twelve hours.

Protect and preserve the existing Department infrastructure not affected by the construction.

#### **ITEM 6001 – PORTABLE CHANGEABLE MESSAGE SIGN**

Provide 6 PCMS. Provide a replacement within 12 hours. PCMS will be available for traffic control, event notices, roadway conditions, service announcements, etc.

Place PCMS 10 calendar days prior to begin work stating “Road Work Begin Soon, Contact 832-7000 For Info”.

Place PCMS at time of LCN request. Place the PCMS at the expected end of queue caused by the closure. When the closure is active, revise the message to reflect the actual condition during the closure, such as “RIGHT LN CLOSED XXX FT”.

#### **ITEM 6185 – TRUCK MOUNTED ATTENUATOR AND TRAILER ATTENUATOR**

The TMA/TA used for installation/removal of traffic control for a work area will be subsidiary to the TMA/TA used to perform the work.

The contractor will be responsible for determining if one or more operations will be ongoing at the same time to determine the total number of TMA/TA required for the work. TMA/TAs paid by the day is full compensation for all worksite locations during an entire day.

TMA/TAs used to protect damaged attenuators will be paid by the day using the force account item for the repair.

CONTROL : 0914-05-237  
PROJECT : STP 2024(499)FRS  
HIGHWAY : VA  
COUNTY : WILLIAMSON

TEXAS DEPARTMENT OF TRANSPORTATION

**GOVERNING SPECIFICATIONS AND SPECIAL PROVISIONS**

ALL SPECIFICATIONS AND SPECIAL PROVISIONS APPLICABLE TO THIS PROJECT ARE IDENTIFIED AS FOLLOWS:

STANDARD SPECIFICATIONS: ADOPTED BY THE TEXAS DEPARTMENT OF  
----- TRANSPORTATION NOVEMBER 1, 2014.  
STANDARD SPECIFICATIONS ARE INCORPORATED  
INTO THE CONTRACT BY REFERENCE.

- ITEMS 1 TO 9 INCL., GENERAL REQUIREMENTS AND COVENANTS
- ITEM 100 PREPARING RIGHT OF WAY (103)
- ITEM 104 REMOVING CONCRETE
- ITEM 132 EMBANKMENT (100)(160)(204)(210)(216)(260)(400)
- ITEM 276 CEMENT TREATMENT (PLANT-MIXED) (204)(210)(216)(247)(300)  
(310)<520><3096>
- ITEM 334 HOT-MIX COLD-LAID ASPHALT CONCRETE PAVEMENT (204)(300)  
(301)(320)(520)(585)<3096>
- ITEM 500 MOBILIZATION
- ITEM 502 BARRICADES, SIGNS, AND TRAFFIC HANDLING
- ITEM 506 TEMPORARY EROSION, SEDIMENTATION, AND ENVIRONMENTAL  
CONTROLS <506>
- ITEM 531 SIDEWALKS (104)(360)(420)(421)(440)(530)
- ITEM 644 SMALL ROADSIDE SIGN ASSEMBLIES (421)(440)(441)(442)(445)  
(636)(643)(656)
- ITEM 666 RETROREFLECTORIZED PAVEMENT MARKINGS (316)(502)(662)(677)  
(678)<6438>
- ITEM 677 ELIMINATING EXISTING PAVEMENT MARKINGS AND MARKERS (300)  
(302)(316)<3096>

SPECIAL PROVISIONS: SPECIAL PROVISIONS WILL GOVERN AND TAKE  
----- PRECEDENCE OVER THE SPECIFICATIONS ENUMERATED  
HEREON WHEREVER IN CONFLICT THEREWITH.

REQUIRED CONTRACT PROVISIONS, FEDERAL-AID CONSTRUCTION CONTRACTS  
(FORM FHWA 1273)

WAGE RATES

SPECIAL PROVISION "NONDISCRIMINATION" (000---002)



SPECIAL PROVISION "CERTIFICATION OF NONDISCRIMINATION IN EMPLOYMENT"  
(000---003)

SPECIAL PROVISION "NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO  
ENSURE EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE  
ORDER 11246" (000---004)

SPECIAL PROVISION "STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY  
CONSTRUCTION CONTRACT SPECIFICATIONS" (000---005)

SPECIAL PROVISION "ONTHEJOB TRAINING PROGRAM" (000---006)

SPECIAL PROVISION "CERTIFICATE OF INTERESTED PARTIES (FORM 1295)"  
(000--1019)

SPECIAL PROVISION "SCHEDULE OF LIQUIDATED DAMAGES" (000--1243)

SPECIAL PROVISION "CARGO PREFERENCE ACT REQUIREMENTS IN FEDERAL AID  
CONTRACTS" (000---241)

SPECIAL PROVISION "DISADVANTAGED BUSINESS ENTERPRISE IN FEDERAL AID  
CONTRACTS" (000---394)

SPECIAL PROVISION "NOTICE OF CONTRACTOR PERFORMANCE EVALUATIONS"  
(000---659)

SPECIAL PROVISIONS TO ITEM 2 (002---009) (002---013) (002---014)  
(002---015)

SPECIAL PROVISIONS TO ITEM 3 (003---011) (003---013)

SPECIAL PROVISIONS TO ITEM 5 (005---002) (005---003)

SPECIAL PROVISIONS TO ITEM 6 (006---001) (006---012) (006---040)

SPECIAL PROVISIONS TO ITEM 7 (007---004) (007---008) (007---010)  
(007---011) (007---013)

SPECIAL PROVISIONS TO ITEM 8 (008---030) (008---033) (008---054)

SPECIAL PROVISIONS TO ITEM 9 (009---010) (009---011)

SPECIAL PROVISION TO ITEM 247 (247---005)

SPECIAL PROVISION TO ITEM 300 (300---020)

SPECIAL PROVISION TO ITEM 302 (302---003)

SPECIAL PROVISION TO ITEM 316 (316---002)

SPECIAL PROVISION TO ITEM 334 (334---004)

SPECIAL PROVISION TO ITEM 360 (360---001)

SPECIAL PROVISION TO ITEM 420 (420---001)

SPECIAL PROVISION TO ITEM 421 (421---012)

SPECIAL PROVISION TO ITEM 440 (440---005)

SPECIAL PROVISION TO ITEM 441 (441---004)

SPECIAL PROVISION TO ITEM 442 (442---001)

SPECIAL PROVISION TO ITEM 502 (502---008)

SPECIAL PROVISION TO ITEM 506 (506---002)

SPECIAL PROVISION TO ITEM 520 (520---002)

SPECIAL PROVISION TO ITEM 636 (636---001)

SPECIAL PROVISION TO ITEM 643 (643---001)

SPECIAL PROVISION TO ITEM 656 (656---001)

SPECIAL PROVISION TO ITEM 666 (666---007)

SPECIAL PROVISION TO SPECIAL SPECIFICATION ITEM 3096 (3096--003)

SPECIAL PROVISION TO SPECIAL SPECIFICATION ITEM 6185 (6185--002)

SPECIAL SPECIFICATIONS:

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ITEM 3079 PERMEABLE FRICTION COURSE (PFC)  
ITEM 3081 THIN OVERLAY MIXTURES (TOM)  
ITEM 3082 THIN BONDED FRICTION COURSES

ITEM 3096 ASPHALTS, OILS, AND EMULSIONS  
ITEM 4169 BALLASTED TRACK CONSTRUCTION AND REHABILITATION  
ITEM 5003 RETROFIT DETECTABLE WARNING SURFACES  
ITEM 6001 PORTABLE CHANGEABLE MESSAGE SIGN  
ITEM 6185 TRUCK MOUNTED ATTENUATOR (TMA) AND TRAILER ATTENUATOR (TA)  
ITEM 6438 MOBILE RETROREFLECTIVITY DATA COLLECTION FOR PAVEMENT  
MARKINGS

GENERAL: THE ABOVE-LISTED SPECIFICATION ITEMS ARE THOSE UNDER WHICH  
----- PAYMENT IS TO BE MADE. THESE, TOGETHER WITH SUCH OTHER  
PERTINENT ITEMS, IF ANY, AS MAY BE REFERRED TO IN THE ABOVE-  
LISTED SPECIFICATION ITEMS, AND INCLUDING THE SPECIAL  
PROVISIONS LISTED ABOVE, CONSTITUTE THE COMPLETE SPECIFI-  
CATIONS FOR THIS PROJECT.

**Control**    **0914-05-237**  
**Project**    **STP 2024(499)FRS**  
**Highway**   **VA**  
**County**    **WILLIAMSON**

**DISADVANTAGED BUSINESS ENTERPRISE  
REQUIREMENTS**

The following goal for disadvantaged business enterprises is established:

**DBE**  
**0.0%**

## **CHILD SUPPORT STATEMENT**

**Under Section 231.006, Family Code, the vendor or applicant certifies that the individual or business entity named in this contract, bid, or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate.**

## CONFLICT OF INTEREST CERTIFICATION

Pursuant to Texas Government Code Section 2261.252(b), the Department is prohibited from entering into contracts in which Department officers and employees have a financial interest.

By signing the Contract, the Contractor certifies that it is not prohibited from entering into a Contract with the Department as a result of a financial interest as defined under Texas Government Code Section 2261.252(b), and that it will exercise reasonable care and diligence to prevent any actions or conditions that could result in a conflict of interest with the Department.

The Contractor also certifies that none of the following individuals, nor any of their family members within the second degree of affinity or consanguinity, owns 1% or more interest or has a financial interest as defined under Texas Government Code Section 2261.252(b) in the Contractor:

- Any member of the Texas Transportation Commission; and
- The Department's Executive Director, General Counsel, Chief of Procurement and Field Support Operations, Director of Procurement, and Director of Contract Services.

Violation of this certification may result in action by the Department.

## E-VERIFY CERTIFICATION

Pursuant to Texas Transportation Code §223.051, all TxDOT contracts for construction, maintenance, or improvement of a highway must include a provision requiring Contractors and subcontractors to use the U.S. Department of Homeland Security's E-Verify system to determine employment eligibility. By signing the contract, the Contractor certifies that prior to the award of the Contract:

- the Contractor has registered with and will, to the extent permitted by law, utilize the United States Department of Homeland Security's E-Verify system during the term of the Contract to determine the eligibility of all persons hired to perform duties within Texas during the term of the agreement; and
- the Contractor will require that all subcontractors also register with and, to the extent permitted by law, utilize the United States Department of Homeland Security's E-Verify system during the term of the subcontract to determine the eligibility of all persons hired to perform duties within Texas during the term of the agreement.

Violation of this requirement constitutes a material breach of the Contract, subjects a subcontractor to removal from the Contract, and subjects the Contractor or subcontractors to possible sanctions in accordance with Title 43, Texas Administrative Code, Chapter 10, Subchapter F, "Sanctions and Suspension for Ethical Violations by Entities Doing Business with the Department."

## Certification Regarding Disclosure of Public Information

Pursuant to Subchapter J, Chapter 552, Texas Government Code, contractors executing a contract with a governmental body that results in the expenditure of at least \$1 million in public funds must:

- 1) preserve all contracting information\* as provided by the records retention requirements applicable to Texas Department of Transportation (TxDOT) for the duration of the contract,
- 2) on request of TxDOT, promptly provide any contracting information related to the contract that is in the custody or possession of the entity, and
- 3) on completion of the contract, either:
  - A. provide, at no cost to TxDOT, all contracting information related to the contract that is in the custody or possession of the entity, or
  - B. preserve the contracting information related to the contract as provided by the records retention requirements applicable to TxDOT

The requirements of Subchapter J, Chapter 552, Government Code, may apply to this contract, and the contractor or vendor agrees that the contract can be terminated if the contractor or vendor knowingly or intentionally fails to comply with a requirement of that subchapter.

By entering into Contract, the Contractor agrees to:

- provide, or make available, to TxDOT and any authorized governmental investigating or auditing agency all records, including electronic and payment records related to the contract, for the same period provided by the records retention schedule applicable to TxDOT, and
- ensure that all subcontracts include a clause requiring the same.

\* As defined in Government Code §552.003, “Contracting information” means the following information maintained by a governmental body or sent between a governmental body and a vendor, contractor, potential vendor, or potential contractor:

- 1) information in a voucher or contract relating to the receipt or expenditure of public funds by a governmental body;
- 2) solicitation or bid documents relating to a contract with a governmental body;
- 3) communications sent between a governmental body and a vendor, contractor, potential vendor, or potential contractor during the solicitation, evaluation, or negotiation of a contract;
- 4) documents, including bid tabulations, showing the criteria by which a governmental body evaluates each vendor, contractor, potential vendor, or potential contractor responding to a solicitation and, if applicable, an explanation of why the vendor or contractor was selected; and
- 5) communications and other information sent between a governmental body and a vendor or contractor related to the performance of a final contract with the governmental body or work performed on behalf of the governmental body.

## CERTIFICATION TO NOT BOYCOTT ISRAEL

Pursuant to Texas Government Code §2271.002, the Department must include a provision requiring a written verification affirming that the Contractor does not boycott Israel, as defined in Government Code §808.001, and will not boycott Israel during the term of the contract. This provision applies to a contract that:

- 1) is with a Contractor that is not a sole proprietorship,
- 2) is with a Contractor with 10 or more full-time employees, and
- 3) has a value of \$100,000 or more.

By signing the contract, the Contractor certifies that it does not boycott Israel and will not boycott Israel during the term of this contract. "Boycott" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

Violation of this certification may result in action by the Department.



## CERTIFICATION TO NOT BOYCOTT ENERGY COMPANIES

Pursuant to Texas Government Code §2274.002, the Department must include a provision requiring a written verification affirming that the Contractor does not boycott energy companies, as defined in Government Code §809.001, and will not boycott energy companies during the term of the contract. This provision applies to a contract that:

- 1) is with a Contractor that is not a sole proprietorship,
- 2) is with a Contractor with 10 or more full-time employees, and
- 3) has a value of \$100,000 or more.

By signing the contract, the Contractor certifies that it does not boycott energy companies and will not boycott energy companies during the term of this contract. "Boycott" means taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company: (1) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law; or (2) does business with a company described by (1).

Violation of this certification may result in action by the Department.

## CERTIFICATION TO NOT DISCRIMINATE AGAINST FIREARM ENTITIES OR FIREARM TRADE ASSOCIATIONS

Pursuant to Texas Government Code §2274.002, the Department must include a provision requiring a written verification affirming that the Contractor:

- 1) does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association, as defined in Government Code §2274.001, and
- 2) will not discriminate against a firearm entity or firearm trade association during the term of the contract.

This provision applies to a contract that:

- 1) is with a Contractor that is not a sole proprietorship,
- 2) is with a Contractor with 10 or more full-time employees, and
- 3) has a value of \$100,000 or more.

By signing the contract, the Contractor certifies that it does not discriminate against a firearm entity or firearm trade association as described and will not do so during the term of this contract. "Discriminate against a firearm entity or firearm trade association" means, with respect to the entity or association, to: (1) refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association; (2) refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or (3) terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association. "Discriminate against a firearm entity or firearm trade association" does not include: (1) the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories; (2) a company's refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency, or for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity's or association's status as a firearm entity or firearm trade association.

Violation of this certification may result in action by the Department.

# PROHIBITION ON CERTAIN TELECOMMUNICATIONS EQUIPMENT OR SERVICES

The Federal Register Notice issued the Final Rule and states that the amendment to 2 CFR 200.216 is effective on August 13, 2020. The new 2 CFR 200.471 regulation provides clarity that the telecommunications and video surveillance costs associated with 2 CFR 200.216 are unallowable for services and equipment from these specific providers. OMB's Federal Register Notice includes the new 2 CFR 200.216 and 2 CFR 200.471 regulations.

<https://www.federalregister.gov/documents/2020/08/13/2020-17468/guidance-for-grants-and-agreements>

Per the Federal Law referenced above, use of services, systems, or services or systems that contain components produced by any of the following manufacturers is strictly prohibited for use on this project. Therefore, for any telecommunications, CCTV, or video surveillance equipment, services or systems cannot be manufactured by, or have components manufactured by:

- Huawei Technologies Company,
- ZTE Corporation (any subsidiary and affiliate of such entities),
- Hytera Communications Corporation,
- Hangzhou Hikvision Digital Technology Company,
- Dahua Technology Company (any subsidiary and affiliate of such entities).

Violation of this prohibition will require replacement of the equipment at the contractor's expense.

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

- I. General
- II. Nondiscrimination
- III. Non-segregated 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. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
- XI. Certification Regarding Use of Contract Funds for Lobbying
- XII. Use of United States-Flag Vessels:

**ATTACHMENTS**

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

**I. GENERAL**

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under title 23, United States Code, as required in 23 CFR 633.102(b) (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). 23 CFR 633.102(e).

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. 23 CFR 633.102(e).

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) in accordance with 23 CFR 633.102. The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in solicitation-for-bids or request-for-proposals 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). 23 CFR 633.102(b).

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. 23 CFR 633.102(d).

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. 23 U.S.C. 114(b). The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors. 23 U.S.C. 101(a).

**II. NONDISCRIMINATION** (23 CFR 230.107(a); 23 CFR Part 230, Subpart A, Appendix A; EO 11246)

The provisions of this section related to 23 CFR Part 230, Subpart A, Appendix A 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.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR Part 60, 29 CFR Parts 1625-1627, 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

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.

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 Part 60, and 29 CFR Parts 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

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

**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 (see 28 CFR Part 35, 29 CFR Part 1630, 29 CFR Parts 1625-1627, 41 CFR Part 60 and 49 CFR Part 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 Part 35 and 29 CFR Part 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. 23 CFR 230.409 (g)(4) & (5).

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, sexual orientation, gender identity, 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 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 or other knowledgeable company official.

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, sexual orientation, gender identity, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to ensure 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. 23 CFR 230.409. 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, sexual orientation, gender identity, 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, sexual orientation, gender identity, 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 thereunder. 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, sexual orientation, gender identity, 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, 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. Assurances Required:**

a. The requirements of 49 CFR Part 26 and the State DOT's FHWA-approved Disadvantaged Business Enterprise (DBE) program are incorporated by reference.

b. The contractor, subrecipient 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 recipient deems appropriate, which may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible.

c. The Title VI and nondiscrimination provisions of U.S. DOT Order 1050.2A at Appendixes A and E are incorporated by reference. 49 CFR Part 21.

**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 more than \$10,000. 41 CFR 60-1.5.

As prescribed by 41 CFR 60-1.8, 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, sexual orientation, gender identity, 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), in accordance with 29 CFR 5.5. The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. 23 U.S.C. 113. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. 23 U.S.C. 101. Where applicable law requires that projects be treated as a project on a Federal-aid highway, the provisions of this subpart will apply regardless of the location of the project. Examples include: Surface Transportation Block Grant Program projects funded under 23 U.S.C. 133 [excluding recreational trails projects], the Nationally Significant Freight and Highway

Projects funded under 23 U.S.C. 117, and National Highway Freight Program projects funded under 23 U.S.C. 167.

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 (29 CFR 5.5)

a. *Wage rates and fringe benefits.* All laborers and mechanics employed or working upon the site of the work (or otherwise working in construction or development of the project under a development statute), 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 basic hourly 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. As provided in paragraphs (d) and (e) of 29 CFR 5.5, the appropriate wage determinations are effective by operation of law even if they have not been attached to the contract. Contributions made or costs reasonably anticipated for bona fide fringe benefits under the Davis-Bacon Act ([40 U.S.C. 3141\(2\)\(B\)](#)) on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph 1.e. 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 must be paid the appropriate wage rate and fringe benefits on the wage determination for the classification(s) of work actually performed, without regard to skill, except as provided in paragraph 4. of this section. 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 classifications and wage rates conformed under paragraph 1.c. of this section) and the Davis-Bacon poster (WH-1321) must 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. *Frequently recurring classifications.* (1) In addition to wage and fringe benefit rates that have been determined to be prevailing under the procedures set forth in [29 CFR part 1](#), a wage determination may contain, pursuant to § 1.3(f), wage and fringe benefit rates for classifications of laborers and mechanics for which conformance requests are regularly submitted pursuant to paragraph 1.c. of this section, provided that:

(i) The work performed by the classification is not performed by a classification in the wage determination for which a prevailing wage rate has been determined;

(ii) The classification is used in the area by the construction industry; and

(iii) The wage rate for the classification bears a reasonable relationship to the prevailing wage rates contained in the wage determination.

(2) The Administrator will establish wage rates for such classifications in accordance with paragraph 1.c.(1)(iii) of this section. Work performed in such a classification must be paid at no less than the wage and fringe benefit rate listed on the wage determination for such classification.

c. *Conformance.* (1) The contracting officer must 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 be classified in conformance with the wage determination. Conformance of an additional classification and wage rate and fringe benefits is appropriate 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 used 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) The conformance process may not be used to split, subdivide, or otherwise avoid application of classifications listed in the wage determination.

(3) 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 will be sent by the contracting officer by email to [DBAconformance@dol.gov](mailto:DBAconformance@dol.gov). 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.

(4) 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 will, by email to [DBAconformance@dol.gov](mailto:DBAconformance@dol.gov), refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The 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.

(5) The contracting officer must promptly notify the contractor of the action taken by the Wage and Hour Division

under paragraphs 1.c.(3) and (4) of this section. The contractor must furnish a written copy of such determination to each affected worker or it must be posted as a part of the wage determination. The wage rate (including fringe benefits where appropriate) determined pursuant to paragraph 1.c.(3) or (4) of this section must 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.

d. *Fringe benefits not expressed as an hourly rate.* 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 may either pay the benefit as stated in the wage determination or may pay another bona fide fringe benefit or an hourly cash equivalent thereof.

e. *Unfunded plans.* 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, in accordance with the criteria set forth in § 5.28, 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.

f. *Interest.* In the event of a failure to pay all or part of the wages required by the contract, the contractor will be required to pay interest on any underpayment of wages.

## 2. Withholding (29 CFR 5.5)

a. *Withholding requirements.* The contracting agency may, upon its own action, or must, upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to satisfy the liabilities of the prime contractor or any subcontractor for the full amount of wages and monetary relief, including interest, required by the clauses set forth in this section for violations of this contract, or to satisfy any such liabilities required by any other Federal contract, or federally assisted contract subject to Davis-Bacon labor standards, that is held by the same prime contractor (as defined in § 5.2). The necessary funds may be withheld from the contractor under this contract, any other Federal contract with the same prime contractor, or any other federally assisted contract that is subject to Davis-Bacon labor standards requirements and is held by the same prime contractor, regardless of whether the other contract was awarded or assisted by the same agency, and such funds may be used to satisfy the contractor liability for which the funds were withheld. In the event of a contractor's failure to pay any laborer or mechanic, including any apprentice or helper working on the site of the work all or part of the wages required by the contract, or upon the contractor's failure to submit the required records as discussed in paragraph 3.d. of this section, the contracting agency may on its own initiative and 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.

b. *Priority to withheld funds.* The Department has priority to funds withheld or to be withheld in accordance with paragraph



2.a. of this section or Section V, paragraph 3.a., or both, over claims to those funds by:

- (1) A contractor's surety(ies), including without limitation performance bond sureties and payment bond sureties;
- (2) A contracting agency for its procurement costs;
- (3) A trustee(s) (either a court-appointed trustee or a U.S. trustee, or both) in bankruptcy of a contractor, or a contractor's bankruptcy estate;
- (4) A contractor's assignee(s);
- (5) A contractor's successor(s); or
- (6) A claim asserted under the Prompt Payment Act, [31 U.S.C. 3901–3907](#).

### 3. Records and certified payrolls (29 CFR 5.5)

a. *Basic record requirements (1) Length of record retention.* All regular payrolls and other basic records must be maintained by the contractor and any subcontractor during the course of the work and preserved for all laborers and mechanics working at the site of the work (or otherwise working in construction or development of the project under a development statute) for a period of at least 3 years after all the work on the prime contract is completed.

(2) *Information required.* Such records must contain the name; Social Security number; last known address, telephone number, and email address of each such worker; each worker's correct classification(s) of work actually performed; 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 [40 U.S.C. 3141\(2\)\(B\)](#) of the Davis-Bacon Act); daily and weekly number of hours actually worked in total and on each covered contract; deductions made; and actual wages paid.

(3) *Additional records relating to fringe benefits.* Whenever the Secretary of Labor has found under paragraph 1.e. of this section 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 [40 U.S.C. 3141\(2\)\(B\)](#) of the Davis-Bacon Act, the contractor must 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.

(4) *Additional records relating to apprenticeship.* Contractors with apprentices working under approved programs must maintain written evidence of the registration of apprenticeship programs, the registration of the apprentices, and the ratios and wage rates prescribed in the applicable programs.

b. *Certified payroll requirements (1) Frequency and method of submission.* The contractor or subcontractor must submit weekly, for each week in which any DBA- or Related Acts-covered work is performed, certified payrolls to the contracting

agency. The prime contractor is responsible for the submission of all certified payrolls by all subcontractors. A contracting agency or prime contractor may permit or require contractors to submit certified payrolls through an electronic system, as long as the electronic system requires a legally valid electronic signature; the system allows the contractor, the contracting agency, and the Department of Labor to access the certified payrolls upon request for at least 3 years after the work on the prime contract has been completed; and the contracting agency or prime contractor permits other methods of submission in situations where the contractor is unable or limited in its ability to use or access the electronic system.

(2) *Information required.* The certified payrolls submitted must set out accurately and completely all of the information required to be maintained under paragraph 3.a.(2) of this section, except that full Social Security numbers and last known addresses, telephone numbers, and email addresses must not be included on weekly transmittals. Instead, the certified payrolls need only include an individually identifying number for each worker ( e.g., the last four digits of the worker's Social Security number). The required weekly certified payroll information may be submitted using Optional Form WH-347 or in any other format desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division website at <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh347.pdf> or its successor website. It is not a violation of this section for a prime contractor to require a subcontractor to provide full Social Security numbers and last known addresses, telephone numbers, and email addresses to the prime contractor for its own records, without weekly submission by the subcontractor to the contracting agency.

(3) *Statement of Compliance.* Each certified payroll submitted must be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor, or the contractor's or subcontractor's agent who pays or supervises the payment of the persons working on the contract, and must certify the following:

(i) That the certified payroll for the payroll period contains the information required to be provided under paragraph 3.b. of this section, the appropriate information and basic records are being maintained under paragraph 3.a. of this section, and such information and records are correct and complete;

(ii) That each laborer or mechanic (including each helper and apprentice) working 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 [29 CFR part 3](#); and

(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(s) of work actually performed, as specified in the applicable wage determination incorporated into the contract.

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

(5) *Signature*. The signature by the contractor, subcontractor, or the contractor's or subcontractor's agent must be an original handwritten signature or a legally valid electronic signature.

(6) *Falsification*. The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under [18 U.S.C. 1001](#) and [31 U.S.C. 3729](#).

(7) *Length of certified payroll retention*. The contractor or subcontractor must preserve all certified payrolls during the course of the work and for a period of 3 years after all the work on the prime contract is completed.

c. *Contracts, subcontracts, and related documents*. The contractor or subcontractor must maintain this contract or subcontract and related documents including, without limitation, bids, proposals, amendments, modifications, and extensions. The contractor or subcontractor must preserve these contracts, subcontracts, and related documents during the course of the work and for a period of 3 years after all the work on the prime contract is completed.

d. *Required disclosures and access* (1) *Required record disclosures and access to workers*. The contractor or subcontractor must make the records required under paragraphs 3.a. through 3.c. of this section, and any other documents that the contracting agency, the State DOT, the FHWA, or the Department of Labor deems necessary to determine compliance with the labor standards provisions of any of the applicable statutes referenced by § 5.1, available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and must permit such representatives to interview workers during working hours on the job.

(2) *Sanctions for non-compliance with records and worker access requirements*. If the contractor or subcontractor fails to submit the required records or to make them available, or refuses to permit worker interviews during working hours on the job, the Federal agency may, after written notice to the contractor, sponsor, applicant, owner, or other entity, as the case may be, that maintains such records or that employs such workers, 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, or to permit worker interviews during working hours on the job, may be grounds for debarment action pursuant to § 5.12. In addition, any contractor or other person that fails to submit the required records or make those records available to WHD within the time WHD requests that the records be produced will be precluded from introducing as evidence in an administrative proceeding under [29 CFR part 6](#) any of the required records that were not provided or made available to WHD. WHD will take into consideration a reasonable request from the contractor or person for an extension of the time for submission of records. WHD will determine the reasonableness of the request and may consider, among other things, the location of the records and the volume of production.

(3) *Required information disclosures*. Contractors and subcontractors must maintain the full Social Security number and last known address, telephone number, and email address

of each covered worker, and must provide them upon request to the contracting agency, the State DOT, the FHWA, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or other compliance action.

#### **4. Apprentices and equal employment opportunity (29 CFR 5.5)**

a. *Apprentices* (1) *Rate of pay*. Apprentices will be permitted to work at less than the predetermined rate for the work they perform 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 (OA), or with a State Apprenticeship Agency recognized by the OA. A person who is not individually registered in the program, but who has been certified by the OA or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice, will be permitted to work at less than the predetermined rate for the work they perform in the first 90 days of probationary employment as an apprentice in such a program. In the event the OA or a State Apprenticeship Agency recognized by the OA withdraws approval of an apprenticeship program, the contractor will no longer be permitted to use apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(2) *Fringe benefits*. Apprentices must 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, fringe benefits must be paid in accordance with that determination.

(3) *Apprenticeship ratio*. The allowable ratio of apprentices to journeyworkers on the job site in any craft classification must not be greater than the ratio permitted to the contractor as to the entire work force under the registered program or the ratio applicable to the locality of the project pursuant to paragraph 4.a.(4) of this section. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated in paragraph 4.a.(1) of this section, must 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 this section must be paid not less than the applicable wage rate on the wage determination for the work actually performed.

(4) *Reciprocity of ratios and wage rates*. Where a contractor is performing construction on a project in a locality other than the locality in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyworker's hourly rate) applicable within the locality in which the construction is being performed must be observed. If there is no applicable ratio or wage rate for the locality of the project, the ratio and wage rate specified in the contractor's registered program must be observed.

b. *Equal employment opportunity*. The use of apprentices and journeyworkers under this part must be in conformity with

the equal employment opportunity requirements of Executive Order 11246, as amended, and [29 CFR part 30](#).

c. 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. 23 CFR 230.111(e)(2). 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 journeyworkers 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 as provided in 29 CFR 5.5.

**6. Subcontracts.** The contractor or subcontractor must insert FHWA-1273 in any subcontracts, along with the applicable wage determination(s) and such other clauses or contract modifications as the contracting agency may by appropriate instructions require, and a clause requiring the subcontractors to include these clauses and wage determination(s) in any lower tier subcontracts. The prime contractor is responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in this section. In the event of any violations of these clauses, the prime contractor and any subcontractor(s) responsible will be liable for any unpaid wages and monetary relief, including interest from the date of the underpayment or loss, due to any workers of lower-tier subcontractors, and may be subject to debarment, as appropriate. 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 as provided in 29 CFR 5.5.

**9. Disputes concerning labor standards.** As provided in 29 CFR 5.5, 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 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 [40 U.S.C. 3144\(b\)](#) or § 5.12(a).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of [40 U.S.C. 3144\(b\)](#) or § 5.12(a).

c. The penalty for making false statements is prescribed in the U.S. Code, Title 18 Crimes and Criminal Procedure, [18 U.S.C. 1001](#).

**11. Anti-retaliation.** It is unlawful for any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, or to cause any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, any worker or job applicant for:

a. Notifying any contractor of any conduct which the worker reasonably believes constitutes a violation of the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#);

b. Filing any complaint, initiating or causing to be initiated any proceeding, or otherwise asserting or seeking to assert on behalf of themselves or others any right or protection under the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#);

c. Cooperating in any investigation or other compliance action, or testifying in any proceeding under the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#); or

d. Informing any other person about their rights under the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#).

## V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Pursuant to 29 CFR 5.5(b), 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 watchpersons 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. 29 CFR 5.5.

**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 and interest from the date of the underpayment. 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 watchpersons and guards, employed in violation of the clause set forth in paragraph 1. of this section, in the sum currently provided in 29 CFR 5.5(b)(2)\* 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.

\* \$31 as of January 15, 2023 (See 88 FR 88 FR 2210) as may be adjusted annually by the Department of Labor, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990.

### 3. Withholding for unpaid wages and liquidated damages

a. *Withholding process.* The FHWA or the contracting agency may, upon its own action, or must, upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to satisfy the liabilities of the prime contractor or any subcontractor for any unpaid wages; monetary relief, including interest; and liquidated damages required by the clauses set forth in this section on this contract, 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 that is held by the same prime contractor (as defined in § 5.2). The necessary funds may be withheld from the contractor under this contract, any other Federal contract with the same prime contractor, or any other federally assisted contract that is subject to the Contract Work Hours and Safety Standards Act and is held by the same prime contractor, regardless of whether the other contract was awarded or assisted by the same agency, and such funds may be used to satisfy the contractor liability for which the funds were withheld.

b. *Priority to withheld funds.* The Department has priority to funds withheld or to be withheld in accordance with Section IV paragraph 2.a. or paragraph 3.a. of this section, or both, over claims to those funds by:

- (1) A contractor's surety(ies), including without limitation performance bond sureties and payment bond sureties;
- (2) A contracting agency for its procurement costs;
- (3) A trustee(s) (either a court-appointed trustee or a U.S. trustee, or both) in bankruptcy of a contractor, or a contractor's bankruptcy estate;
- (4) A contractor's assignee(s);
- (5) A contractor's successor(s); or
- (6) A claim asserted under the Prompt Payment Act, [31 U.S.C. 3901](#)–3907.

**4. Subcontracts.** The contractor or subcontractor must insert in any subcontracts the clauses set forth in paragraphs 1. through 5. of this section and a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor is responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs 1. through 5. In the

event of any violations of these clauses, the prime contractor and any subcontractor(s) responsible will be liable for any unpaid wages and monetary relief, including interest from the date of the underpayment or loss, due to any workers of lower-tier subcontractors, and associated liquidated damages and may be subject to debarment, as appropriate.

**5. Anti-retaliation.** It is unlawful for any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, or to cause any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, any worker or job applicant for:

a. Notifying any contractor of any conduct which the worker reasonably believes constitutes a violation of the Contract Work Hours and Safety Standards Act (CWHSSA) or its implementing regulations in this part;

b. Filing any complaint, initiating or causing to be initiated any proceeding, or otherwise asserting or seeking to assert on behalf of themselves or others any right or protection under CWHSSA or this part;

c. Cooperating in any investigation or other compliance action, or testifying in any proceeding under CWHSSA or this part; or

d. Informing any other person about their rights under CWHSSA or this part.

### VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System pursuant to 23 CFR 635.116.

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" in paragraph 1 of Section VI 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: (based on longstanding interpretation)

- (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. 23 CFR 635.102.

2. Pursuant to 23 CFR 635.116(a), 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. Pursuant to 23 CFR 635.116(c), 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. (based on long-standing interpretation of 23 CFR 635.116).

5. The 30-percent self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements. 23 CFR 635.116(d).

## **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 Part 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. 23 CFR 635.108.

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 Part 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). 29 CFR 1926.10.

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 Part 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 11, 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 (42 U.S.C. 7606; 2 CFR 200.88; EO 11738)**

This provision is applicable to all Federal-aid construction contracts in excess of \$150,000 and to all related subcontracts. 48 CFR 2.101; 2 CFR 200.327.

By submission of this bid/proposal or the execution of this contract or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, subcontractor, supplier, or vendor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal Highway Administration and the Regional Office of the Environmental Protection Agency. 2 CFR Part 200, Appendix II.

The contractor agrees to include or cause to be included the requirements of this Section in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements. 2 CFR 200.327.

**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. 2 CFR 180.220 and 1200.220.

**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. 2 CFR 180.320.
- 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. 2 CFR 180.325.
- 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. 2 CFR 180.345 and 180.350.

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, Subpart I, 180.900-180.1020, and 1200. "First Tier Covered Transactions" refers to any covered transaction between a recipient or subrecipient 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 recipient or subrecipient 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. 2 CFR 180.330.

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. 2 CFR 180.220 and 180.300.

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. 2 CFR 180.300; 180.320, and 180.325. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. 2 CFR 180.335. 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 System for Award Management website (<https://www.sam.gov/>). 2 CFR 180.300, 180.320, and 180.325.

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 CFR 180.325.

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**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 CFR 180.335;

(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, 2 CFR 180.800;

(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, 2 CFR 180.700 and 180.800; 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. 2 CFR 180.335(d).

(5) Are not a corporation that has been convicted of a felony violation under any Federal law within the two-year period preceding this proposal (USDOT Order 4200.6 implementing appropriations act requirements); and

(6) Are not a corporation with any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability (USDOT Order 4200.6 implementing appropriations act requirements).

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant should attach an explanation to this proposal. 2 CFR 180.335 and 180.340.

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**3. 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). 2 CFR 180.220 and 1200.220.

a. By signing and submitting this proposal, the prospective lower tier participant 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. 2 CFR 180.365.

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, Subpart I, 180.900 – 180.1020, 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 recipient or subrecipient 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 recipient or subrecipient 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. 2 CFR 1200.220 and 1200.332.

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. 2 CFR 180.220 and 1200.220.

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 System for Award Management website (<https://www.sam.gov/>), which is compiled by the General Services Administration. 2 CFR 180.300, 180.320, 180.330, and 180.335.

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. 2 CFR 180.325.

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

a. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals:

(1) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency, 2 CFR 180.355;

(2) is a corporation that has been convicted of a felony violation under any Federal law within the two-year period preceding this proposal (USDOT Order 4200.6 implementing appropriations act requirements); and

(3) is a corporation with any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability. (USDOT Order 4200.6 implementing appropriations act requirements)

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

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#### **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 Part 20, App. A.

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.

#### **XII. USE OF UNITED STATES-FLAG VESSELS:**

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, or any other covered transaction. 46 CFR Part 381.

This requirement applies to material or equipment that is acquired for a specific Federal-aid highway project. 46 CFR 381.7. It is not applicable to goods or materials that come into inventories independent of an FHWA funded-contract.

When oceanic shipments (or shipments across the Great Lakes) are necessary for materials or equipment acquired for a specific Federal-aid construction project, the bidder, proposer, contractor, subcontractor, or vendor agrees:

1. 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. 46 CFR 381.7.

2. 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 (b)(1) of this section to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Office of Cargo and Commercial Sealift (MAR-620), Maritime Administration, Washington, DC 20590. (MARAD requires copies of the ocean carrier's (master) bills of lading, certified onboard, dated, with rates and charges. These bills of lading may contain business sensitive information and therefore may be submitted directly to MARAD by the Ocean Transportation Intermediary on behalf of the contractor). 46 CFR 381.7.



**ATTACHMENT A - EMPLOYMENT AND MATERIALS  
PREFERENCE FOR APPALACHIAN DEVELOPMENT  
HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS  
ROAD CONTRACTS (23 CFR 633, Subpart B, Appendix B)**

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.

The wage rates listed herein are those predetermined by the Secretary of Labor and State Statute and listed in the United States Department of Labor's (USDOL) General Decisions dated 01-05-2024 and are the minimum wages to be paid accordingly for each specified classification. To determine the applicable wage rate zone, a list entitled "TEXAS COUNTIES IDENTIFIED BY WAGE RATE ZONES" is provided in the contract. Any wage rate that is not listed herein and not in the USDOL's general decision, must be requested by the contractor through the completion of an Additional Classification and Wage Rate Request and be submitted for approval. IMPORTANT NOTICE FOR STATE PROJECTS: only the controlling wage rate zone applies to the contract. Effective 01-05-2024.

CLASS. #	CLASSIFICATION DESCRIPTION	ZONE TX02 *(TX20240002)	ZONE TX03 *(TX20240003)	ZONE TX04 *(TX20240004)	ZONE TX05 *(TX20240005)	ZONE TX06 *(TX20240006)	ZONE TX07 *(TX20240007)	ZONE TX08 *(TX20240008)	ZONE TX24 *(TX20240024)	ZONE TX25 *(TX20240025)	ZONE TX27 *(TX20240027)	ZONE TX28 *(TX20240028)	ZONE TX29 *(TX20240029)	ZONE TX30 *(TX20240030)	ZONE TX37 *(TX20240037)	ZONE TX38 *(TX20240038)	ZONE TX42 *(TX20240042)
1428	Agricultural Tractor Operator						\$12.69					\$12.35			\$11.75		
1300	Asphalt Distributor Operator	\$14.87	\$13.48	\$13.88	\$15.72	\$15.58	\$15.55	\$15.72	\$13.28	\$15.32	\$15.62	\$14.36	\$14.25	\$14.03	\$13.75	\$14.06	\$14.40
1303	Asphalt Paving Machine Operator	\$13.40	\$12.25	\$12.35	\$13.87	\$14.05	\$14.36	\$14.20	\$13.26	\$13.99	\$14.68	\$12.92	\$13.44	\$12.53	\$14.00	\$14.32	\$12.99
1106	Asphalt Raker	\$12.28	\$10.61	\$12.02	\$14.21	\$11.65	\$12.12	\$11.64	\$11.44	\$12.69	\$12.05	\$11.34	\$11.67	\$11.40	\$12.59	\$12.36	\$11.78
1112	Batching Plant Operator, Asphalt																
1115	Batching Plant Operator, Concrete																
1214	Blaster																
1615	Boom Truck Operator						\$18.36										
1444	Boring Machine Operator																
1305	Broom or Sweeper Operator	\$11.21	\$10.33	\$10.08	\$11.99		\$11.04	\$11.62		\$11.74	\$11.41	\$10.30		\$10.23	\$10.60	\$12.68	\$11.05
1144	Communications Cable Installer																
1124	Concrete Finisher, Paving and Structures	\$13.55	\$12.46	\$13.16	\$12.85	\$12.64	\$12.56	\$12.77	\$12.44	\$14.12	\$13.04	\$13.38	\$12.64	\$12.80	\$12.79	\$12.98	\$13.32
1318	Concrete Pavement Finishing Machine Operator				\$16.05		\$15.48			\$16.05		\$19.31				\$13.07	
1315	Concrete Paving, Curing, Float, Texturing Machine Operator											\$16.34				\$11.71	
1333	Concrete Saw Operator				\$14.67					\$14.48	\$17.33					\$13.99	
1399	Concrete/Gunite Pump Operator																
1344	Crane Operator, Hydraulic 50 tons or less				\$18.22		\$18.36			\$18.12	\$18.04	\$20.21			\$18.63	\$13.86	
1345	Crane Operator, Hydraulic Over 80 Tons																
1342	Crane Operator, Lattice Boom 80 Tons or Less	\$16.82	\$14.39	\$13.85	\$17.27		\$15.87			\$17.27		\$14.67			\$16.42	\$14.97	\$13.87
1343	Crane Operator, Lattice Boom Over 80 Tons				\$20.52		\$19.38			\$20.52		\$17.49			\$25.13	\$15.80	
1306	Crawler Tractor Operator	\$13.96	\$16.63	\$13.62	\$14.26		\$15.67			\$14.07	\$13.15	\$13.38			\$14.60	\$13.68	\$13.50
1351	Crusher or Screen Plant Operator																
1446	Directional Drilling Locator						\$11.67										
1445	Directional Drilling Operator				\$20.32		\$17.24										
1139	Electrician	\$20.96		\$19.87	\$19.80		\$26.35		\$20.27	\$19.80		\$20.92				\$27.11	\$19.87
1347	Excavator Operator, 50,000 pounds or less	\$13.46	\$12.56	\$13.67	\$17.19		\$12.88	\$14.38	\$13.49	\$17.19		\$13.88			\$14.09	\$12.71	\$14.42
1348	Excavator Operator, Over 50,000 pounds		\$15.23	\$13.52	\$17.04		\$17.71			\$16.99	\$18.80	\$16.22				\$14.53	\$13.52
1150	Flagger	\$9.30	\$9.10	\$8.50	\$10.28	\$8.81	\$9.45	\$8.70		\$10.06	\$9.71	\$9.03	\$8.81	\$9.08	\$9.90	\$10.33	\$8.10
1151	Form Builder/Setter, Structures	\$13.52	\$12.30	\$13.38	\$12.91	\$12.71	\$12.87	\$12.38	\$12.26	\$13.84	\$12.98	\$13.07	\$13.61	\$12.82	\$14.73	\$12.23	\$12.25
1160	Form Setter, Paving & Curb	\$12.36	\$12.16	\$13.93	\$11.83	\$10.71	\$12.94			\$13.16	\$12.54	\$11.33	\$10.69		\$13.33	\$12.34	\$13.93
1360	Foundation Drill Operator, Crawler Mounted				\$17.99					\$17.99						\$17.43	
1363	Foundation Drill Operator, Truck Mounted		\$16.86	\$22.05	\$21.51		\$16.93			\$21.07	\$20.20	\$20.76		\$17.54	\$21.39	\$15.89	\$22.05
1369	Front End Loader Operator, 3 CY or Less	\$12.28	\$13.49	\$13.40	\$13.85		\$13.04	\$13.15	\$13.29	\$13.69	\$12.64	\$12.89			\$13.51	\$13.32	\$12.17
1372	Front End Loader Operator, Over 3 CY	\$12.77	\$13.69	\$12.33	\$14.96		\$13.21	\$12.86	\$13.57	\$14.72	\$13.75	\$12.32			\$13.19	\$13.17	\$13.02
1329	Joint Sealer																
1172	Laborer, Common	\$10.30	\$9.86	\$10.08	\$10.51	\$10.71	\$10.50	\$10.24	\$10.58	\$10.72	\$10.45	\$10.30	\$10.25	\$10.03	\$10.54	\$11.02	\$10.15
1175	Laborer, Utility	\$11.80	\$11.53	\$12.70	\$12.17	\$11.81	\$12.27	\$12.11	\$11.33	\$12.32	\$11.80	\$11.53	\$11.23	\$11.50	\$11.95	\$11.73	\$12.37
1346	Loader/Backhoe Operator	\$14.18	\$12.77	\$12.97	\$15.68		\$14.12			\$15.18	\$13.58	\$12.87		\$13.21	\$14.13	\$14.29	\$12.90
1187	Mechanic	\$20.14	\$15.47	\$17.47	\$17.74	\$17.00	\$17.10			\$17.68	\$18.94	\$18.58	\$17.00	\$16.61	\$18.46	\$16.96	\$17.47

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1380	Milling Machine Operator Motor Grader Operator,	\$15.54	\$14.64	\$12.22	\$14.29		\$14.18			\$14.32	\$14.35	\$12.86			\$14.75	\$13.53	\$12.80
1390	Fine Grade	\$17.49	\$16.52	\$16.88	\$17.12	\$18.37	\$18.51	\$16.69	\$16.13	\$17.19	\$18.35	\$17.07	\$17.74	\$17.47	\$17.08	\$15.69	\$20.01
1393	Motor Grader Operator, Rough	\$16.15	\$14.62	\$15.83	\$16.20	\$17.07	\$14.63	\$18.50		\$16.02	\$16.44	\$15.12	\$16.85	\$14.47	\$17.39	\$14.23	\$15.53
1413	Off Road Hauler			\$10.08	\$12.26		\$11.88			\$12.25		\$12.23			\$13.00	\$14.60	
1196	Painter, Structures Pavement Marking Machine Operator	\$16.42		\$13.10	\$13.55		\$19.17	\$12.01		\$13.63	\$14.60	\$13.17		\$16.65	\$10.54	\$11.18	\$13.10
1443	Percussion or Rotary Drill Operator																
1202	Piledriver															\$14.95	
1205	Pipelayer		\$11.87	\$14.64	\$13.17	\$11.17	\$12.79		\$11.37	\$13.24	\$12.66	\$13.24	\$11.17	\$11.67		\$12.12	\$14.64
1384	Reclaimer/Pulverizer Operator	\$12.85			\$11.90		\$12.88			\$11.01		\$10.46					
1500	Reinforcing Steel Worker	\$13.50	\$14.07	\$17.53	\$16.17		\$14.00			\$16.18	\$12.74	\$15.83		\$17.10		\$15.15	\$17.72
1402	Roller Operator, Asphalt	\$10.95		\$11.96	\$13.29		\$12.78	\$11.61		\$13.08	\$12.36	\$11.68			\$11.71	\$11.95	\$11.50
1405	Roller Operator, Other	\$10.36		\$10.44	\$11.82		\$10.50	\$11.64		\$11.51	\$10.59	\$10.30		\$12.04	\$12.85	\$11.57	\$10.66
1411	Scraper Operator	\$10.61	\$11.07	\$10.85	\$12.88		\$12.27		\$11.12	\$12.96	\$11.88	\$12.43		\$11.22	\$13.95	\$13.47	\$10.89
1417	Self-Propelled Hammer Operator																
1194	Servicer	\$13.98	\$12.34	\$14.11	\$14.74		\$14.51	\$15.56	\$13.44	\$14.58	\$14.31	\$13.83		\$12.43	\$13.72	\$13.97	\$14.11
1513	Sign Erector Slurry Seal or Micro-Surfacing Machine Operator																
1708	Machine Operator																
1341	Small Slipform Machine Operator									\$15.96							
1515	Spreader Box Operator	\$12.60		\$13.12	\$14.71		\$14.04			\$14.73	\$13.84	\$13.68		\$13.45	\$11.83	\$13.58	\$14.05
1705	Structural Steel Welder															\$12.85	
1509	Structural Steel Worker						\$19.29									\$14.39	
1339	Subgrade Trimmer																
1143	Telecommunication Technician																
1145	Traffic Signal/Light Pole Worker						\$16.00										
1440	Trenching Machine Operator, Heavy						\$18.48										
1437	Trenching Machine Operator, Light																
1609	Truck Driver Lowboy-Float	\$14.46	\$13.63	\$13.41	\$15.00	\$15.93	\$15.66			\$16.24	\$16.39	\$14.30	\$16.62	\$15.63	\$14.28	\$16.03	\$13.41
1612	Truck Driver Transit-Mix				\$14.14					\$14.14							
1600	Truck Driver, Single Axle Truck Driver, Single or Tandem Axle Dump Truck	\$12.74	\$10.82	\$10.75	\$13.04	\$11.61	\$11.79	\$13.53	\$13.16	\$12.31	\$13.40	\$10.30	\$11.61		\$11.97	\$11.46	\$10.75
1606	Truck Driver, Tandem Axle Tractor with Semi Trailer	\$11.33	\$14.53	\$11.95	\$12.95		\$11.68		\$14.06	\$12.62	\$11.45	\$12.28		\$13.08	\$11.68	\$11.48	\$11.10
1607	Tunneling Machine Operator, Heavy	\$12.49	\$12.12	\$12.50	\$13.42		\$12.81	\$13.16		\$12.86	\$16.22	\$12.50			\$13.80	\$12.27	\$12.50
1441	Tunneling Machine Operator, Light																
1706	Welder		\$14.02		\$14.86		\$15.97		\$13.74	\$14.84					\$13.78		
1520	Work Zone Barricade Servicer	\$10.30	\$12.88	\$11.46	\$11.70	\$11.57	\$11.85	\$10.77		\$11.68	\$12.20	\$11.22	\$11.51	\$12.96	\$10.54	\$11.67	\$11.76

Notes:

\*Represents the USDOL wage decision.

Any worker employed on this project shall be paid at the rate of one and one half (1-1/2) times the regular rate for every hour worked in excess of forty (40) hours per week.

For reference, the titles and descriptions for the classifications listed here are detailed further in the AGC of Texas' *Standard Job Classifications and Descriptions for Highway, Heavy, Utilities, and Industrial Construction in Texas* posted on the AGC's Web site for any contractor.

**TEXAS COUNTIES IDENTIFIED BY  
WAGE RATE ZONES: 2, 3, 4, 5, 6, 7, 8, 24, 25, 27, 28, 29, 30, 37, 38, 42**

County Name	Zone	County Name	Zone	County Name	Zone	County Name	Zone
Anderson	28	Donley	37	Karnes	27	Reagan	37
Andrews	37	Duval	30	Kaufman	25	Real	37
Angelina	28	Eastland	37	Kendall	7	Red River	28
Aransas	29	Ector	2	Kenedy	30	Reeves	8
Archer	25	Edwards	8	Kent	37	Refugio	27
Armstrong	2	El Paso	24	Kerr	27	Roberts	37
Atascosa	7	Ellis	25	Kimble	37	Robertson	7
Austin	38	Erath	28	King	37	Rockwall	25
Bailey	37	Falls	28	Kinney	8	Runnels	37
Bandera	7	Fannin	28	Kleberg	27	Rusk	4
Bastrop	7	Fayette	27	Knox	37	Sabine	28
Baylor	37	Fisher	37	Lamar	28	San Augustine	28
Bee	27	Floyd	37	Lamb	37	San Jacinto	38
Bell	7	Foard	37	Lampasas	7	San Patricio	29
Bexar	7	Fort Bend	38	LaSalle	30	San Saba	37
Blanco	27	Franklin	28	Lavaca	27	Schleicher	37
Borden	37	Freestone	28	Lee	27	Scurry	37
Bosque	28	Frio	27	Leon	28	Shackelford	37
Bowie	4	Gaines	37	Liberty	38	Shelby	28
Brazoria	38	Galveston	38	Limestone	28	Sherman	37
Brazos	7	Garza	37	Lipscomb	37	Smith	4
Brewster	8	Gillespie	27	Live Oak	27	Somervell	28
Briscoe	37	Glasscock	37	Llano	27	Starr	30
Brooks	30	Goliad	29	Loving	37	Stephens	37
Brown	37	Gonzales	27	Lubbock	2	Sterling	37
Burleson	7	Gray	37	Lynn	37	Stonewall	37
Burnet	27	Grayson	25	Madison	28	Sutton	8
Caldwell	7	Gregg	4	Marion	28	Swisher	37
Calhoun	29	Grimes	28	Martin	37	Tarrant	25
Callahan	25	Guadalupe	7	Mason	27	Taylor	2
Cameron	3	Hale	37	Matagorda	27	Terrell	8
Camp	28	Hall	37	Maverick	30	Terry	37
Carson	2	Hamilton	28	McCulloch	37	Throckmorton	37
Cass	28	Hansford	37	McLennan	7	Titus	28
Castro	37	Hardeman	37	McMullen	30	Tom Green	2
Chambers	38	Hardin	38	Medina	7	Travis	7
Cherokee	28	Harris	38	Menard	37	Trinity	28
Childress	37	Harrison	42	Midland	2	Tyler	28
Clay	25	Hartley	37	Milam	28	Upshur	4
Cochran	37	Haskell	37	Mills	37	Upton	37
Coke	37	Hays	7	Mitchell	37	Uvalde	30
Coleman	37	Hemphill	37	Montague	37	Val Verde	8
Collin	25	Henderson	28	Montgomery	38	Van Zandt	28
Collingsworth	37	Hidalgo	3	Moore	37	Victoria	6
Colorado	27	Hill	28	Morris	28	Walker	28
Comal	7	Hockley	37	Motley	37	Waller	38
Comanche	37	Hood	28	Nacogdoches	28	Ward	37
Concho	37	Hopkins	28	Navarro	28	Washington	28
Cooke	37	Houston	28	Newton	28	Webb	3
Coryell	7	Howard	37	Nolan	37	Wharton	27
Cottle	37	Hudspeth	8	Nueces	29	Wheeler	37
Crane	37	Hunt	25	Ochiltree	37	Wichita	5
Crockett	8	Hutchinson	37	Oldham	37	Wilbarger	37
Crosby	2	Irion	2	Orange	38	Willacy	30
Culberson	8	Jack	28	Palo Pinto	28	Williamson	7
Dallam	37	Jackson	27	Panola	28	Wilson	7
Dallas	25	Jasper	28	Parker	25	Winkler	37
Dawson	37	Jeff Davis	8	Parmer	37	Wise	25
Deaf Smith	37	Jefferson	38	Pecos	8	Wood	28
Delta	25	Jim Hogg	30	Polk	28	Yoakum	37
Denton	25	Jim Wells	27	Potter	2	Young	37
DeWitt	27	Johnson	25	Presidio	8	Zapata	30
Dickens	37	Jones	25	Rains	28	Zavala	30
Dimmit	30			Randall	2		

# Special Provision to Item 000

## Nondiscrimination



### 1. DESCRIPTION

All recipients of federal financial assistance are required to comply with various nondiscrimination laws including Title VI of the Civil Rights Act of 1964, as amended, (Title VI). Title VI forbids discrimination against anyone in the United States on the grounds of race, color, or national origin by any agency receiving federal funds.

Texas Department of Transportation, as a recipient of Federal financial assistance, and under Title VI and related statutes, ensures that no person shall on the grounds of race, religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. § 2000d-3), color, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any Department programs or activities.

### 2. DEFINITION OF TERMS

Where the term “contractor” appears in the following six nondiscrimination clauses, the term “contractor” is understood to include all parties to contracts or agreements with the Texas Department of Transportation.

### 3. NONDISCRIMINATION PROVISIONS

During the performance of this contract, the contractor agrees as follows:

- 3.1. **Compliance with Regulations.** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, “DOT”) Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- 3.2. **Nondiscrimination.** The contractor, with regard to the work performed by it during the contract, shall 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 shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- 3.3. **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 shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- 3.4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Texas Department of Transportation to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Recipient, or the Texas Department of Transportation as appropriate, and shall set forth what efforts it has made to obtain the information.

- 3.5. **Sanctions for Noncompliance.** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Recipient shall impose such contract sanctions as it or the Texas Department of Transportation may determine to be appropriate, including, but not limited to:
- withholding of payments to the contractor under the contract until the contractor complies, and/or
  - cancellation, termination or suspension of the contract, in whole or in part.

- 3.6. **Incorporation of Provisions.** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Recipient or the Texas Department of Transportation may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Recipient to enter into such litigation to protect the interests of the Recipient, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

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# Special Provision to Item 000

## Certification of Nondiscrimination in Employment

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### 1. GENERAL

By signing this proposal, the Bidder certifies that he has participated in a previous contract or subcontract subject to the equal opportunity clause, as required by Executive Orders 10925, 11114, or 11246, or if he has not participated in a previous contract of this type, or if he has had previous contract or subcontracts and has not filed, he will file with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

**Note**—The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7(b)(1)), and must be submitted by Bidders and proposed subcontractors only in connection with contracts and subcontracts which are subject to the equal opportunity clause. Contracts and subcontracts which are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally only contracts or subcontracts of \$10,000 or under are exempt.)

Currently, Standard Form 100 (EEO-1) is the only report required by the Executive Orders or their implementing regulations.

Proposed prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the Executive Orders and have not filed the required reports should note that 41 CFR 60-1.7(b)(1) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.

## Special Provision to Item 000

# Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246)



### 1. GENERAL

In addition to the affirmative action requirements of the Special Provision titled "Standard Federal Equal Employment Opportunity Construction Contract Specifications" as set forth elsewhere in this proposal, the Bidder's attention is directed to the specific requirements for utilization of minorities and females as set forth below.

### 2. GOALS

2.1. Goals for minority and female participation are hereby established in accordance with 41 CFR 60-4.

2.2. The goals 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:

Goals for minority participation in each trade, %	Goals for female participation in each trade, %
See Table 1	6.9

2.3. 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 will 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 41 CFR Part 60-4 will be based on its implementation of the Standard Federal Equal Employment Opportunity Construction Contract Specifications Special Provision 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 must make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority and female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals will 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.

2.4. A Contractor or subcontractor will be considered in compliance with these provisions by participation in the Texas Highway-Heavy Branch, AGC, Statewide Training and Affirmative Action Plan. Provided that each Contractor or subcontractor participating in this plan must individually comply with the equal opportunity clause set forth in 41 CFR 60-1.4 and must make a good faith effort to achieve the goals set forth for each participating trade in the plan in which it has employees. The overall good performance of other Contractors and subcontractors toward a goal in an approved plan does not excuse any covered Contractor's or subcontractor's failure to make good faith efforts to achieve the goals contained in these provisions. Contractors or subcontractors participating in the plan must be able to demonstrate their participation and document their compliance with the provisions of this Plan.

### 3. SUBCONTRACTING

The Contractor must provide written notification to the Department within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the Contract resulting from this solicitation pending concurrence of the Department in the award. The notification will list the names,



address and telephone number of the subcontractor; employer identification number; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the Contract is to be performed.

#### 4. COVERED AREA

As used in this special provision, and in the Contract resulting from this solicitation, the geographical area covered by these goals for female participation is the State of Texas. The geographical area covered by these goals for other minorities are the counties in the State of Texas as indicated in Table 1.

#### 5. REPORTS

The Contractor is hereby notified that he may be subject to the Office of Federal Contract Compliance Programs (OFCCP) reporting and record keeping requirements as provided for under Executive Order 11246 as amended. OFCCP will provide direct notice to the Contractor as to the specific reporting requirements that he will be expected to fulfill.

**Table 1**  
**Goals for Minority Participation**

County	Participation, %	County	Participation, %
Anderson	22.5	Chambers	27.4
Andrews	18.9	Cherokee	22.5
Angelina	22.5	Childress	11.0
Aransas	44.2	Clay	12.4
Archer	11.0	Cochran	19.5
Armstrong	11.0	Coke	20.0
Atascosa	49.4	Coleman	10.9
Austin	27.4	Collin	18.2
Bailey	19.5	Collingsworth	11.0
Bandera	49.4	Colorado	27.4
Bastrop	24.2	Comal	47.8
Baylor	11.0	Comanche	10.9
Bee	44.2	Concho	20.0
Bell	16.4	Cooke	17.2
Bexar	47.8	Coryell	16.4
Blanco	24.2	Cottle	11.0
Borden	19.5	Crane	18.9
Bosque	18.6	Crockett	20.0
Bowie	19.7	Crosby	19.5
Brazoria	27.3	Culberson	49.0
Brazos	23.7	Dallam	11.0
Brewster	49.0	Dallas	18.2
Briscoe	11.0	Dawson	19.5
Brooks	44.2	Deaf Smith	11.0
Brown	10.9	Delta	17.2
Burleson	27.4	Denton	18.2
Burnet	24.2	DeWitt	27.4
Caldwell	24.2	Dickens	19.5
Calhoun	27.4	Dimmit	49.4
Callahan	11.6	Donley	11.0
Cameron	71.0	Duval	44.2
Camp	20.2	Eastland	10.9
Carson	11.0	Ector	15.1
Cass	20.2	Edwards	49.4
Castro	11.0	Ellis	18.2

County	Participation, %	County	Participation, %
El Paso	57.8	Kenedy	44.2
Erath	17.2	Kent	10.9
Falls	18.6	Kerr	49.4
Fannin	17.2	Kimble	20.0
Fayette	27.4	King	19.5
Fisher	10.9	Kinney	49.4
Floyd	19.5	Kleberg	44.2
Foard	11.0	Knox	10.9
Fort Bend	27.3	Lamar	20.2
Franklin	17.2	Lamb	19.5
Freestone	18.6	Lampasas	18.6
Frio	49.4	LaSalle	49.4
Gaines	19.5	Lavaca	27.4
Galveston	28.9	Lee	24.2
Garza	19.5	Leon	27.4
Gillespie	49.4	Liberty	27.3
Glasscock	18.9	Limestone	18.6
Goliad	27.4	Lipscomb	11.0
Gonzales	49.4	Live Oak	44.2
Gray	11.0	Llano	24.2
Grayson	9.4	Loving	18.9
Gregg	22.8	Lubbock	19.6
Grimes	27.4	Lynn	19.5
Guadalupe	47.8	Madison	27.4
Hale	19.5	Marion	22.5
Hall	11.0	Martin	18.9
Hamilton	18.6	Mason	20.0
Hansford	11.0	Matagorda	27.4
Hardeman	11.0	Maverick	49.4
Hardin	22.6	McCulloch	20.0
Harris	27.3	McLennan	20.7
Harrison	22.8	McMullen	49.4
Hartley	11.0	Medina	49.4
Haskell	10.9	Menard	20.0
Hays	24.1	Midland	19.1
Hemphill	11.0	Milam	18.6
Henderson	22.5	Mills	18.6
Hidalgo	72.8	Mitchell	10.9
Hill	18.6	Montague	17.2
Hockley	19.5	Montgomery	27.3
Hood	18.2	Moore	11.0
Hopkins	17.2	Morris	20.2
Houston	22.5	Motley	19.5
Howard	18.9	Nacogdoches	22.5
Hudspeth	49.0	Navarro	17.2
Hunt	17.2	Newton	22.6
Hutchinson	11.0	Nolan	10.9
Irion	20.0	Nueces	41.7
Jack	17.2	Ochiltree	11.0
Jackson	27.4	Oldham	11.0
Jasper	22.6	Orange	22.6
Jeff Davis	49.0	Palo Pinto	17.2
Jefferson	22.6	Panola	22.5
Jim Hogg	49.4	Parker	18.2
Jim Wells	44.2	Parmer	11.0
Johnson	18.2	Pecos	18.9
Jones	11.6	Polk	27.4
Karnes	49.4	Potter	9.3
Kaufman	18.2	Presidio	49.0
Kendall	49.4	Randall	9.3

<b>County</b>	<b>Participation, %</b>	<b>County</b>	<b>Participation, %</b>
Rains	17.2	Reagan	20.0
Real	49.4	Throckmorton	10.9
Red River	20.2	Titus	20.2
Reeves	18.9	Tom Green	19.2
Refugio	44.2	Travis	24.1
Roberts	11.0	Trinity	27.4
Robertson	27.4	Tyler	22.6
Rockwall	18.2	Upshur	22.5
Runnels	20.0	Upton	18.9
Rusk	22.5	Uvalde	49.4
Sabine	22.6	Val Verde	49.4
San Augustine	22.5	Van Zandt	17.2
San Jacinto	27.4	Victoria	27.4
San Patricio	41.7	Walker	27.4
San Saba	20.0	Waller	27.3
Schleicher	20.0	Ward	18.9
Scurry	10.9	Washington	27.4
Shackelford	10.9	Webb	87.3
Shelby	22.5	Wharton	27.4
Sherman	11.0	Wheeler	11.0
Smith	23.5	Wichita	12.4
Somervell	17.2	Wilbarger	11.0
Starr	72.9	Willacy	72.9
Stephens	10.9	Williamson	24.1
Sterling	20.0	Wilson	49.4
Stonewall	10.9	Winkler	18.9
Sutton	20.0	Wise	18.2
Swisher	11.0	Wood	22.5
Tarrant	18.2	Yoakum	19.5
Taylor	11.6	Young	11.0
Terrell	20.0	Zapata	49.4
Terry	19.5	Zavala	49.4

# Special Provision to Item 000

## Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246)



### 1. GENERAL

1.1. As used in these specifications:

- "Covered area" means the geographical area described in the solicitation from which this Contract resulted;
- "Director" means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority;
- "Employer identification number" means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941.
- "Minority" includes:
  - Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);
  - Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);
  - Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and
  - American Indian or Alaskan Native (all persons having origins in any of the original peoples of North American and maintaining identifiable tribal affiliations through membership and participation or community identification).

1.2. Whenever the Contractor, or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it will physically include in each subcontract in excess of \$10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this Contract resulted.

1.3. If the Contractor is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan approved by the U. S. Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) will be in accordance with that plan for those trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the equal employment opportunity (EEO) clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Contractors or Subcontractors toward a goal in an approved Plan does not excuse any covered Contractor's or Subcontractor's failure to take good faith efforts to achieve the Plan goals and timetables.

1.4. The Contractor will implement the specific affirmative action standards provided in Section 1.7.1. through Section 1.7.16. of these specifications. The goals set forth in the solicitation from which this Contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each construction trade in which it has employees in the covered area. Covered construction Contractors performing Contracts in geographical areas where they do not have a Federal or federally assisted construction Contract will apply the minority and female goals established for the geographical area where the Contract is being performed. Goals are published periodically in the Federal Register in notice form and such notices may be obtained from any Office of Federal Contract Compliance Programs office or any Federal procurement contracting officer. The

Contractor is expected to make substantially uniform progress toward its goals in each craft during the period specified.

- 1.5. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the Contractor has a collective bargaining agreement, to refer either minorities or women will excuse the Contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.
- 1.6. In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U. S. Department of Labor.
- 1.7. The Contractor will take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications will be based upon its effort to achieve maximum results from its actions. The Contractor will document these efforts fully, and will implement affirmative action steps at least as extensive as the following:
  - 1.7.1. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the Contractor's employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor will specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.
  - 1.7.2. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses.
  - 1.7.3. Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the Contractor, this will be documented in the file with the reason therefor, along with whatever additional actions the Contractor may have taken.
  - 1.7.4. Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral Process has impeded the Contractor's efforts to meet its obligations.
  - 1.7.5. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor. The Contractor will provide notice of these programs to the sources compiled under 7b above.
  - 1.7.6. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and Collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.
  - 1.7.7. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other

employment decisions including specific review of these items with on-site supervisory personnel such as Superintendents, General Foremen, etc., before the initiation of construction work at any job site. A written record must be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.

- 1.7.8. Disseminate the Contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.
- 1.7.9. Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month before the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the Contractor will send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.
- 1.7.10. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a Contractor's workforce.
- 1.7.11. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.
- 1.7.12. Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.
- 1.7.13. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment-related activities to ensure that the EEO policy and the Contractor's obligations under these specifications are being carried out.
- 1.7.14. Ensure that all facilities and company activities are non-segregated except that separate or single-user toilet and necessary changing facilities will be provided to assure privacy between the sexes.
- 1.7.15. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.
- 1.7.16. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.
- 1.8. Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (Section 7.1. through Section 7.16.). The efforts of a contractor association, joint contractor-union, contractor-community, or other similar group of which the Contractor is a member and participant, may be asserted as fulfilling any one or more of its obligations under Section 7.1. through Section 7.16. of these Specifications provided that the Contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Contractor's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation to comply, however, is the Contractor's and failure of such a group to fulfill an obligation will not be a defense for the Contractor's noncompliance.
- 1.9. A single goal for minorities and a separate single goal for women have been established. The Contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the Contractor

may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though the Contractor has achieved its goals for women generally, the Contractor may be in violation of the Executive Order if a specific minority group of women is underutilized).

- 1.10. The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex, or national origin.
- 1.11. The Contractor will not enter into any Subcontract with any person or firm debarred from Government Contracts pursuant to Executive Order 11246.
- 1.12. The Contractor will carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties will be in violation of these specifications and Executive Order 11246, as amended.
- 1.13. The Contractor, in fulfilling its obligations under these specifications, will implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 7 of these specifications, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Director will proceed in accordance with 41 CFR 60-4.8.
- 1.14. The Contractor will designate a responsible official to monitor all employment-related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records must at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice, trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records must be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, Contractors shall not be required to maintain separate records.
- 1.15. Nothing herein provided will be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).
- 1.16. In addition to the reporting requirements set forth elsewhere in this Contract, the Contractor and the subcontractors holding subcontracts, not including material suppliers, of \$10,000 or more, will submit for every month of July during which work is performed, employment data as contained under Form PR 1391 (Appendix C to 23 CFR, Part 230), and in accordance with the included instructions.

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# Special Provision to Item 000

## On-the-Job Training Program

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### 1. DESCRIPTION

The primary objective of this Special Provision is the training and advancement of minorities, women and economically disadvantaged persons toward journeyworker status. Accordingly, make every effort to enroll minority, women and economically disadvantaged persons to the extent that such persons are available within a reasonable area of recruitment. This training commitment is not intended, and will not be used to discriminate against any applicant for training, whether or not he/she is a member of a minority group.

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### 2. TRAINEE ASSIGNMENT

Training assignments are based on the past volume of state-let highway construction contracts awarded with the Department. Contractors meeting the selection criteria will be notified of their training assignment at the beginning of the reporting year by the Department's Office of Civil Rights.

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### 3. PROGRAM REQUIREMENTS

Fulfill all of the requirements of the On-the-Job Training Program including the maintenance of records and submittal of periodic reports documenting program performance. Trainees will be paid at least 60% of the appropriate minimum journeyworker's rate specified in the Contract for the first half of the training period, 75% for the third quarter, and 90% for the last quarter, respectively.

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### 4. REIMBURSEMENT

If requested, Contractors may be reimbursed \$0.80 per training hour at no additional cost to the Department. Training may occur on this project, all other Department contracts, or local-administered federal-aid projects with concurrence of the local government entity. However, reimbursement for training is not available on projects to the extent that such projects that do not contain federal funds.

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### 5. COMPLIANCE

The Contractor will have fulfilled the contractual responsibilities by having provided acceptable training to the number of trainees specified in their goal assignment. Noncompliance may be cause for corrective and appropriate measures pursuant to Article 8.7., "Abandonment of Work or Default of Contract," which may be used to comply with the sanctions for noncompliance pursuant to 23 CFR Part 230.



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## Special Provision 000

### Certificate of Interested Parties (Form 1295)

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Submit a notarized Form 1295, "Certificate of Interested Parties," in the following instances:

- at Contract execution for Contracts awarded by the Commission;
- at Contract execution for Contracts awarded by the District Engineer or Chief Engineer with an award amount of \$1,000,000 or more; at any time an existing Contract awarded by the District Engineer or Chief Engineer increases in value to \$1,000,000 or more due to changes in the Contract; at any time there is an increase of \$1,000,000 or more to an existing Contract (change orders, extensions, and renewals); or
- at any time there is a change to the information in Form 1295, when the form was filed for an existing Contract.

Form 1295 and instructions on completing and filing the form are available on the Texas Ethics Commission website.

# Special Provision 000

## Important Notice to Contractors



For Dollar Amount of Original Contract		Dollar Amount of Daily Contract Administration Liquidated Damages per Working Day
From More Than	To and including	
0	1,000,000	618
1,000,000	3,000,000	832
3,000,000	5,000,000	940
5,000,000	15,000,000	1317
15,000,000	25,000,000	1718
25,000,000	50,000,000	2411
50,000,000	Over 50,000,000	4265

In addition to the amount shown in Table 1, the Liquidated Damages will be increased by the amount shown in Item 8 of the General Notes for Road User Cost (RUC), when applicable.

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# Special Provision 000

## Cargo Preference Act Requirements in Federal Aid Contracts

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### 1. DESCRIPTION

All recipients of federal financial assistance are required to comply with the U.S. Department of Transportation's (DOT) Cargo Preference Act Requirements, 46 CFR Part 381, Use of United States-Flag Vessels.

This requirement applies to material or equipment that is acquired specifically for a Federal-aid highway project. It is not applicable to goods or materials that come into inventories independent of a Federal Highway Administration (FHWA) funded contract.

When oceanic shipments are necessary for materials or equipment acquired for a specific Federal-aid construction project, 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.
- Furnish a legible copy of a rated, on-board commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (b) (1) of 46 CFR Part 381 Section 7, "Federal Grant, Guaranty, Loan and Advance of Funds Agreements," 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, to both the Engineer (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.
- Insert the substance of the provisions of this clause in all subcontracts issued pursuant to this contract.

# Special Provision to Item 000

## Disadvantaged Business Enterprise in Federal-Aid Contracts



### 1. DESCRIPTION

The purpose of this Special Provision is to carry out the U.S. Department of Transportation's (DOT) policy of ensuring nondiscrimination in the award and administration of DOT-assisted Contracts and creating a level playing field on which firms owned and controlled by individuals who are determined to be socially and economically disadvantaged can compete fairly for DOT-assisted Contracts.

### 2. DISADVANTAGED BUSINESS ENTERPRISE IN FEDERAL-AID CONTRACTS

2.1. **Policy.** It is the policy of the DOT and the Texas Department of Transportation (Department) that DBEs, as defined in 49 CFR Part 26, Subpart A, and the Department's DBE Program, will have the opportunity to participate in the performance of Contracts financed in whole or in part with federal funds. The DBE requirements of 49 CFR Part 26, and the Department's DBE Program, apply to this Contract as follows.

The Contractor will solicit DBEs through reasonable and available means, as defined in 49 CFR Part 26, Appendix A, and the Department's DBE Program, or show a good faith effort to meet the DBE goal for this Contract.

The Contractor, subrecipient, or subcontractor will not discriminate on the basis of race, color, national origin, or sex in the performance of this Contract. Carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted Contracts. Failure 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 Department deems appropriate.

The requirements of this Special Provision must be physically included in any subcontract.

By signing the Contract proposal, the Bidder is certifying that the DBE goal as stated in the proposal will be met by obtaining commitments from eligible DBEs or that the Bidder will provide acceptable evidence of good faith effort to meet the commitment.

#### 2.2. Definitions.

2.2.1. **Administrative Reconsideration.** A process by which the low bidder may request reconsideration when the Department determines the good faith effort (GFE) requirements have not been met.

2.2.2. **Commercially Useful Function (CUF).** A CUF occurs when a DBE has the responsibility for the execution of the work and carrying out such responsibilities by actually performing, managing, and supervising the work.

2.2.3. **Disadvantaged Business Enterprise (DBE).** A for-profit small business certified through the Texas Unified Certification Program in accordance with 49 CFR Part 26, that is at least 51% owned by one or more socially and economically disadvantaged individuals, or in the case of a publicly owned business, in which is at least 51% of the stock is owned by one or more socially and economically disadvantaged individuals, and whose management and daily business operations are controlled by one or more of the individuals who own it.

2.2.4. **DBE Joint Venture.** An association of a DBE firm and one or more other firms to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills, and knowledge, and

in which the DBE is responsible for a distinct, clearly defined portion of the work of the Contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

- 2.2.5. **DOT.** The U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).
- 2.2.6. **Federal-Aid Contract.** Any Contract between the Department and a Contractor that is paid for in whole or in part with DOT financial assistance.
- 2.2.7. **Good Faith Effort.** All necessary and reasonable steps to achieve the contract goal which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if not fully successful. Good faith efforts are evaluated prior to award and throughout performance of the Contract. For guidance on good faith efforts, see 49 CFR Part 26, Appendix A.
- 2.2.8. **North American Industry Classification System (NAICS).** A designation that best describes the primary business of a firm. The NAICS is described in the North American Industry Classification Manual—United States, which is available on the Internet at the U.S. Census Bureau website: <http://www.census.gov/eos/www/naics/>.
- 2.2.9. **Race-Conscious.** A measure or program that is focused specifically on assisting only DBEs, including women-owned businesses.
- 2.2.10. **Race-Neutral DBE Participation.** Any participation by a DBE through customary competitive procurement procedures.
- 2.2.11. **Texas Unified Certification Program (TUCP) Directory.** An online directory listing all DBEs currently certified by the TUCP. The Directory identifies DBE firms whose participation on a Contract may be counted toward achievement of the assigned DBE Contract goal.
- 2.3. **Contractor's Responsibilities.**
- 2.3.1. **DBE Liaison Officer.** Designate a DBE liaison officer who will administer the Contractor's DBE program and who will be responsible for maintenance of records of efforts and contacts made to subcontract with DBEs.
- 2.3.2. **Compliance Tracking System (CTS).** This Contract is subject to electronic Contract compliance tracking. Contractors and DBEs are required to provide any noted and requested Contract compliance-related data electronically in the Department's tracking system. This includes commitments, payments, substitutions, and good faith efforts. Contractors and DBEs are responsible for responding by any noted response date or due date to any instructions or request for information, and to check the system on a regular basis. A Contractor is responsible for ensuring all DBEs have completed all requested items and that their contact information is accurate and up-to-date. The Department may require additional information related to the Contract to be provided electronically through the system at any time before, during, or after contract award. The system is web-based and can be accessed at the following Internet address: <https://txdot.txdotcms.com/>.
- In its sole discretion, the Department may require that contract compliance tracking data be submitted by Contractors and DBEs in an alternative format prescribed by the Department.
- 2.3.3. **Apparent Low Bidder.** The apparent low bidder must submit DBE commitments to satisfy the DBE goal or submit good faith effort Form 2603 and supporting documentation demonstrating why the goal could not be achieved, in whole or part, no later than 5 calendar days after bid opening. The means of transmittal and the risk of timely receipt of the information will be the bidder's responsibility and no extension of the 5-calendar-day timeframe will be allowed for any reason.

2.3.4. **DBE Contractor.** A DBE Contractor may receive credit toward the DBE goal for work performed by its own forces and work subcontracted to DBEs. In the event a DBE subcontracts to a non-DBE, that information must be reported monthly.

2.3.5. **DBE Committal.** Only those DBEs certified by the TUCP are eligible to be used for goal attainment. The Department maintains the TUCP DBE Directory. The Directory can be accessed at the following Internet address: <https://txdot.txdotcms.com/FrontEnd/VendorSearchPublic.asp?TN=txdot&XID=2340>.

A DBE must be certified on the day the commitment is considered and at time of subcontract execution. It is the Contractor's responsibility to ensure firms identified for participation are approved certified DBE firms.

The Bidder is responsible to ensure that all submittals are checked for accuracy. Any and all omissions, deletions, and/or errors that may affect the end result of the commitment package are the sole liabilities of the bidder.

Commitments in excess of the goal are considered race-neutral commitments.

2.3.6. **Good Faith Effort Requirements.** A Contractor who cannot meet the Contract goal, in whole or in part, must make adequate good faith efforts to obtain DBE participation as so stated and defined in 49 CFR Part 26, Appendix A.

2.3.6.1. **Administrative Reconsideration.** If the Department determines that the apparent low bidder has failed to satisfy the good faith efforts requirement, the Department will notify the Bidder of the failure and will give the Bidder an opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so..

The Bidder must request an administrative reconsideration of that determination within 3 days of the date of receipt of the notice. The request must be submitted directly to the Texas Department of Transportation, Civil Rights Division, 125 East 11th Street, Austin, Texas 78701-2483.

If a request for administrative reconsideration is not filed within the period specified the determination made is final and further administrative appeal is barred.

If a reconsideration request is timely received, the reconsideration decision will be made by the Department's DBE liaison officer or, if the DBE liaison officer took part in the original determination, the Department's executive director will appoint a department employee to perform the administrative reconsideration. The employee will hold a senior leadership position and will report directly to the executive director.

The meeting or written documentation must be provided or held within 7 days of the date the request was submitted.

The Department will provide to the Bidder a written decision if the Bidder did or did not make adequate good faith efforts to meet the Contract goal. The reconsideration decision is final and is not administratively appealed to DOT.

2.3.7. **Determination of DBE Participation.** The work performed by the DBE must be reasonably construed to be included in the work area and NAICS work code identified by the Contractor in the approved commitment.

Participation by a DBE on a Contract will not be counted toward DBE goals until the amount of the participation has been paid to the DBE.

Payments made to a DBE that was not on the original commitment may be counted toward the Contract goal if that DBE was certified as a DBE before the execution of the subcontract and has performed a Commercially Useful Function.

The total amount paid to the DBE for work performed with its own forces is counted toward the DBE goal. When a DBE subcontracts part of the work of its Contract to another firm, the value of the subcontracted work may be counted toward DBE goals only if the subcontractor is itself a DBE.

DBE Goal credit for the DBE subcontractors leasing of equipment or purchasing of supplies from the Contractor or its affiliates is not allowed. Project materials or supplies acquired from an affiliate of the Contractor cannot directly or indirectly (second or lower tier subcontractor) be used for DBE goal credit.

If a DBE firm is declared ineligible due to DBE decertification after the execution of the DBE's subcontract, the DBE firm may complete the work and the DBE firm's participation will be counted toward the Contract goal. If the DBE firm is decertified before the DBE firm has signed a subcontract, the Contractor is obligated to replace the ineligible DBE firm or demonstrate that it has made good faith efforts to do so.

The Contractor may count 100% of its expenditure to a DBE manufacturer. According to 49 CFR 26.55(e)(1)(i), a DBE manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the Contract and of the general character described by the specifications.

The Contractor may count only 60% of its expenditure to a DBE regular dealer. According to 49 CFR 26.55(e)(2)(i), a DBE regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the Contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. A firm may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business if the firm both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment must be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis. A long-term lease with a third-party transportation company is not eligible for 60% goal credit.

With respect to materials or supplies purchased from a DBE that is neither a manufacturer nor a regular dealer, the Contractor may count the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site.

A Contractor may count toward its DBE goal a portion of the total value of the Contract amount paid to a DBE joint venture equal to the distinct, clearly defined portion of the work of the Contract performed by the DBE.

2.3.8. **Commercially Useful Function.** It is the Contractor's obligation to ensure that each DBE used on federal-assisted contracts performs a commercially useful function on the Contract.

The Department will monitor performance during the Contract to ensure each DBE is performing a CUF.

Under the terms established in 49 CFR 26.55, a DBE performs a CUF when it is responsible for execution of the work of the Contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved.

With respect to material and supplies used on the Contract, a DBE must be responsible for negotiating price, determining quality and quantity, ordering the material, installing the material, if applicable, and paying for the material itself.

With respect to trucking, the DBE trucking firm must own and operate at least one fully licensed, insured, and operational truck used on the Contract. The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the Contract. The DBE may also lease trucks from a non-DBE firm, including from an owner-operator. The DBE that leases trucks equipped with drivers from a non-DBE is entitled to credit for the total value of transportation services provided by non-DBE leased trucks equipped with drivers not to exceed the value of transportation services on the Contract.

provided by DBE-owned trucks or leased trucks with DBE employee drivers. Additional participation by non-DBE owned trucks equipped with drivers receives credit only for the fee or commission it receives as a result of the lease arrangement.

A DBE does not perform a CUF when its role is limited to that of an extra participant in a transaction, Contract, or project through which funds are passed in order to obtain the appearance of DBE participation. The Department will evaluate similar transactions involving non-DBEs in order to determine whether a DBE is an extra participant.

If a DBE does not perform or exercise responsibility for at least 30% of the total cost of its Contract with its own work force, or the DBE subcontracts a greater portion of the work than would be expected on the basis of normal industry practice for the type of work involved, the Department will presume that the DBE is not performing a CUF.

If the Department determines that a DBE is not performing a CUF, no work performed by such DBE will count as eligible participation. The denial period of time may occur before or after a determination has been made by the Department.

In case of the denial of credit for non-performance of a CUF, the Contractor will be required to provide a substitute DBE to meet the Contract goal or provide an adequate good faith effort when applicable.

- 2.3.8.1. **Rebuttal of a Finding of No Commercially Useful Function.** Consistent with the provisions of 49 CFR 26.55(c)(4)&(5), before the Department makes a final finding that no CUF has been performed by a DBE, the Department will notify the DBE and provide the DBE the opportunity to provide rebuttal information.

CUF determinations are not subject to administrative appeal to DOT.

- 2.3.9. **Joint Check.** The use of joint checks between a Contractor and a DBE is allowed with Department approval. To obtain approval, the Contractor must submit a completed Form 2178, "DBE Joint Check Approval," to the Department.

The Department will closely monitor the use of joint checks to ensure that such a practice does not erode the independence of the DBE nor inhibit the DBE's ability to perform a CUF. When joint checks are utilized, DBE credit toward the Contract goal will be allowed only when the subcontractor is performing a CUF in accordance with 49 CFR 26.55(c)(1).

Long-term or open-ended joint checking arrangements may be a basis for further scrutiny and may result in the lack of participation towards the Contract goal requirement if DBE independence cannot be established.

Joint checks will not be allowed simply for the convenience of the Contractor.

If the proper procedures are not followed or the Department determines that the arrangements result in a lack of independence for the DBE involved, no credit for the DBE's participation as it relates to the material cost will be used toward the Contract goal requirement, and the Contractor will need to make up the difference elsewhere on the project.

- 2.3.10. **DBE Termination and Substitution.** No DBE named in the commitment submitted under Section 2.3.5. will be terminated for convenience, in whole or part, without the Department's approval. This includes, but is not limited to, instances in which a Contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm.

Unless consent is provided, the Contractor will not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.



The Contractor, prior to submitting its request to terminate, must first give written notice to the DBE of its intent to terminate and the reason for the termination. The Contractor will copy the Department on the Notice of Intent to terminate.

The DBE has 5 calendar days to respond to the Contractor's notice and will advise the Contractor and the Department of the reasons, if any, why it objects to the proposed termination of its subcontract and why the Department should not approve the prime Contractor's request for termination.

The Department may provide a shorter response time if required in a particular case as a matter of public necessity.

The Department will consider both the Contractor's request and DBE's stated position prior to approving the request. The Department may provide a written approval only if it agrees, for reasons stated in its concurrence document, that the Contractor has good cause to terminate the DBE. If the Department does not approve the request, the Contractor must continue to use the committed DBE firm in accordance with the Contract. For guidance on what good cause includes, see 49 CFR 26.53.

Good cause does not exist if the Contractor seeks to terminate, reduce, or substitute a DBE it relied upon to obtain the Contract so that the Contractor can self-perform the work for which the DBE firm was engaged.

When a DBE subcontractor is terminated, make good faith efforts to find, as a substitute for the original DBE, another DBE to perform, at least to the extent needed to meet the established Contract goal, the work that the original DBE was to have performed under the Contract.

Submit the completed Form 2228, "DBE Termination Substitution Request," within seven (7) days, which may be extended for an additional 7 days if necessary at the request of the Contractor. The Department will provide a written determination to the Contractor stating whether or not good faith efforts have been demonstrated. If the Department determines that good faith efforts were not demonstrated, the Contractor will have the opportunity to appeal the determination to the Civil Rights Division.

- 2.3.11. **Reports and Records.** By the 15th of each month and after work begins, report payments to meet the DBE goal and for DBE race-neutral participation on projects with or without goals. These payment reports will be required until all DBE subcontracting or material supply activity is completed. Negative payment reports are required when no activity has occurred in a monthly period.

Notify the Area Engineer if payment to any DBE subcontractor is withheld or reduced.

Before receiving final payment from the Department, the Contractor must indicate a final payment on the compliance tracking system. The final payment is a summary of all payments made to the DBEs on the project.

All records must be retained for a period of 3 years following completion of the Contract work, and must be available at reasonable times and places for inspection by authorized representatives of the Department or the DOT. Provide copies of subcontracts or agreements and other documentation upon request.

- 2.3.12. **Failure to Comply.** If the Department determines the Contractor has failed to demonstrate good faith efforts to meet the assigned goal, the Contractor will be given an opportunity for reconsideration by the Department.

A Contractor's failure to comply with the requirements of this Special Provision will constitute a material breach of this Contract. In such a case, the Department reserves the right to terminate the Contract; to deduct the amount of DBE goal not accomplished by DBEs from the money due or to become due the Contractor; or to secure a refund, not as a penalty but as liquidated damages, to the Department or such other remedy or remedies as the Department deems appropriate.

- 2.3.13. **Investigations.** The Department may conduct reviews or investigations of participants as necessary. All participants, including, but not limited to, DBEs and complainants using DBE Subcontractors to meet the

Contract goal, are required to cooperate fully and promptly with compliance reviews, investigations, and other requests for information.

2.3.14.

**Falsification and Misrepresentation.** If the Department determines that a Contractor or subcontractor was a knowing and willing participant in any intended or actual subcontracting arrangement contrived to artificially inflate DBE participation or any other business arrangement determined by the Department to be unallowable, or if the Contractor engages in repeated violations, falsification, or misrepresentation, the Department may:

- refuse to count any fraudulent or misrepresented DBE participation;
- withhold progress payments to the Contractor commensurate with the violation;
- reduce the Contractor's prequalification status;
- refer the matter to the Office of Inspector General of the US Department of Transportation for investigation; and/or
- seek any other available contractual remedy.

# Special Provision 000

## Notice of Contractor Performance Evaluations



### 1. GENERAL

In accordance with Texas Transportation Code §223.012, the Engineer will evaluate Contractor performance based on quality, safety, and timeliness of the project.

### 2. DEFINITIONS

- 2.1. **Project Recovery Plan (PRP)**—a formal, enforceable plan developed by the Contractor, in consultation with the District, that documents the cause of noted quality, safety, and timeliness issues and specifies how the Contractor proposes to correct project-specific performance deficiencies.

In accordance with Title 43, Texas Administrative Code (TAC), §9.23, the District will request a PRP if the Contractor's performance on a project is below the Department's acceptable standards and will monitor the Contractor's compliance with the established plan.

- 2.2. **Corrective Action Plan (CAP)**—a formal, enforceable plan developed by the Contractor, and proposed for adoption by the Construction or Maintenance Division, that documents the cause of noted quality, safety, and timeliness issues and specifies how the Contractor proposes to correct statewide performance deficiencies.

In accordance with 43 TAC §9.23, the Division will request a CAP if the average of the Contractor's statewide final evaluation scores falls below the Department's acceptable standards for the review period and will monitor the Contractor's compliance with the established plan.

### 3. CONTRACTOR EVALUATIONS

In accordance with Title 43, Texas Administrative Code (TAC) §9.23, the Engineer will schedule evaluations at the following intervals, at minimum:

- Interim evaluations—at or within 30 days after the anniversary of the notice to proceed, for Contracts extending beyond 1 yr., and
- Final evaluation—upon project closeout.

In case of a takeover agreement, neither the Surety nor its performing Contractor will be evaluated.

In addition to regularly scheduled evaluations, the Engineer may schedule an interim evaluation at any time to formally communicate issues with quality, safety, or timeliness. Upon request, work with the Engineer to develop a PRP to document expectations for correcting deficiencies.

Comply with the PRP as directed. Failure to comply with the PRP may result in additional remedial actions available to the Engineer under Item 5, "Control of the Work." Failure to meet a PRP to the Engineer's satisfaction may result in immediate referral to the Performance Review Committee for consideration of further action against the Contractor.

The Engineer will consider and document any events outside the Contractor's control that contributed to the failure to meet performance standards or comply with a PRP, including consideration of sufficient time.

Follow the escalation ladder if there is a disagreement regarding an evaluation or disposition of a PRP. The Contractor may submit additional documentation pertaining to the dispute. The District Engineer's decision

on a Contractor's evaluation score and recommendation of action required in a PRP or follow up for non-compliance is final.

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#### **4. DIVISION OVERSIGHT**

Upon request of the Construction or Maintenance Division, develop and submit for Division approval a proposed CAP to document expectations for correcting deficiencies in the performance of projects statewide.

Comply with the CAP as directed. The CAP may be modified at any time up to completion or resolution after written approval of the premise of change from the Division. Failure to meet an adopted or revised adopted CAP to the Division's satisfaction within 120 days will result in immediate referral to the Performance Review Committee for consideration of further action against the Contractor.

The Division will consider and document any events outside the Contractor's control that contributed to the failure to meet performance standards or comply with a CAP, including consideration of sufficient time and associated costs as appropriate.

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#### **5. PERFORMANCE REVIEW COMMITTEE**

The Performance Review Committee, in accordance with 43 TAC §9.24, will review at minimum all final evaluations, history of compliance with PRPs, any adopted CAPs including agreed modifications, any information about events outside a Contractor's control contributing to the Contractor's performance, and any documentation submitted by the Contractor and may recommend one or more of the following actions:

- take no action,
- reduce the Contractor's bidding capacity,
- prohibit the Contractor from bidding on one or more projects,
- immediately suspend the Contractor from bidding for a specified period of time, by reducing the Contractor's bidding capacity to zero, or
- prohibit the Contractor from being awarded a Contract on which they are the apparent low bidder.

The Deputy Executive Director will determine any further action against the Contractor.

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#### **6. APPEALS PROCESS**

In accordance with 43 TAC §9.25, the Contractor may appeal remedial actions determined by the Deputy Executive Director.

## Special Provision to Item 2

### Instructions to Bidders



Item 2, "Instructions to Bidders," of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Article 2.3., "Issuing Proposal Forms,"** second paragraph, is supplemented by the following.

The Department will not issue a proposal form if one or more of the following apply:

- the Bidder or affiliate of the Bidder that was originally determined as the apparent low Bidder on a project, but was deemed nonresponsive for failure to submit a DBE commitment as specified in Article 2.14., "Disadvantaged Business Enterprise (DBE)," is prohibited from rebidding that specific project.

**Article 2.7., "Nonresponsive Bid,"** is supplemented by the following:

The Department will not accept a nonresponsive bid. A bid that has one or more of the deficiencies listed below is considered nonresponsive:

- the Bidder failed to submit a DBE commitment as specified in Article 2.14., "Disadvantaged Business Enterprise (DBE)."

**Article 2.14., "Disadvantaged Business Enterprise (DBE),"** is added.

The apparent low bidder must submit DBE commitment information on federally funded projects with DBE goals within 5 calendar days (as defined in 49 CFR Part 26, Subpart A) of bid opening. For a submission that meets the 5-day requirement, administrative corrections will be allowed.

If the apparent low Bidder fails to submit their DBE information within the specified timeframe, they will be deemed nonresponsive and the proposal guaranty will become the property of the State, not as a penalty, but as liquidated damages. The Bidder forfeiting the proposal guaranty will not be considered in future proposals for the same work unless there has been a substantial change in the design of the work. The Department may recommend that the Commission:

- reject all bids, or
- award the Contract to the new apparent low Bidder, if the new apparent low Bidder submits DBE information within one calendar day of notification by the Department.

If the new apparent low Bidder is unable to submit the required DBE information within one calendar day:

- the new apparent low Bidder will not be deemed nonresponsive,
- the new apparent low Bidder's guaranty will not be forfeited,
- the Department will reject all bids, and
- the new apparent low Bidder will remain eligible to receive future proposals for the same project.

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## Special Provision to Item 2

### Instructions to Bidders

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Item 2, "Instructions to Bidders" of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Article 3., "Issuing Proposal Forms,"** is supplemented by the following:

The Electronic State Business Daily (ESBD), the Integrated Contractor Exchange (iCX) system, and the project proposal are the official sources of advertisement and bidding information for the State and Local Lettings. Bidders should bid the project using the information found therein, including any addenda. These sources take precedence over information from other sources, including TxDOT webpages, which are unofficial and intended for informational purposes only.

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## Special Provision to Item 2

### Instructions to Bidders

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Item 2, "Instructions to Bidders," of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Section 2.8.2., "Proposal Guaranty,"** third paragraph is replaced by the following.

It is the Bidder's responsibility to ensure the electronic bid bond is issued in the name or Department vendor identification numbers of the Bidder or Bidders.

## Special Provision to Item 2

### Instructions to Bidders



Item 2, "Instructions to Bidders," of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Article 2.3., "Issuing Proposal Forms,"** is supplemented by the following:

- the Bidder or affiliate of the Bidder that was originally determined as the apparent low Bidder on a project but was deemed nonresponsive for failure to register or participate in the Department of Homeland Security's (DHS) E-Verify system as specified in Article 2.15., "Department of Homeland Security (DHS) E-Verify System," is prohibited from rebidding that specific project.

**Article 2.7., "Nonresponsive Bid,"** is supplemented by the following:

- the Bidder failed to participate in the Department of Homeland Security's (DHS) as specified in Article 2.15., "Department of Homeland Security (DHS) E-Verify System."

**Article 2.15., "Department of Homeland Security (DHS) E-Verify System,"** is added.

The Department will not award a Contract to a Contractor that is not registered in the DHS E-Verify system. Remain active in E-Verify throughout the life of the Contract. In addition, in accordance with paragraph six of Article 8.2., "Subcontracting," include this requirement in all subcontracts and require that subcontractors remain active in E-Verify until their work is completed.

If the apparent low Bidder does not appear in the DHS E-Verify system before award, the Contractor must submit documentation showing that they are compliant within 5 calendar days after bid opening. A Contractor that fails to comply or respond within the deadline will be declared nonresponsive. The Bidder forfeiting the proposal guaranty will not be considered in future proposals for the same work unless there has been a substantial change in the scope of the work.

The Department may recommend that the Commission:

- reject all bids, or
- award the Contract to the new apparent low Bidder, if the Department is able to verify the Bidder's participation in the DHS E-Verify system.

If the Department is unable to verify the new apparent low Bidder's participation in the DHS E-Verify system:

- the new apparent low Bidder will not be deemed nonresponsive,
- the new apparent low Bidder's guaranty will not be forfeited,
- the Department will reject all bids,
- the new apparent low Bidder will remain eligible to receive future proposals for the same project, and
- the proposal guaranty of the original low bidder will become the property of the State, not as a penalty, but as liquidated damages.



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## Special Provision to Item 3 Award and Execution Contract

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Item 3, Award and Execution of Contract," of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Section 4.3, "Insurance."** The first sentence is voided and replaced by the following:

For construction and building Contracts, submit a certificate of insurance showing coverages in accordance with Contract requirements. For routine maintenance Contracts, refer to Article 8, "Beginning of Work."

**Article 8, "Beginning of Work."** The first sentence is supplemented by the following:

For a routine maintenance Contract, do not begin work until a certificate of insurance showing coverages in accordance with the Contract requirements is provided and accepted.

## Special Provision to Item 3

### Award and Execution of Contract



Item 3, "Award and Execution of Contract" of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Section 4.3 "Insurance" is being amended by the following:**

**Table 2**  
**Insurance Requirements**

<b>Type of Insurance</b>	<b>Amount of Coverage</b>
Commercial General Liability Insurance	Not Less Than: \$600,000 each occurrence
Business Automobile Policy	Not Less Than: \$600,000 combined single limit
Workers' Compensation	Not Less Than: Statutory
All Risk Builder's Risk Insurance (For building-facilities contracts only)	100% of Contract Price

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## Special Provision to Item 5

### Control of the Work

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Item 5, "Control of the Work," of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Article 5.1, "Authority of Engineer,"** is voided and replaced by the following.

The Engineer has the authority to observe, test, inspect, approve, and accept the work. The Engineer decides all questions about the quality and acceptability of materials, work performed, work progress, Contract interpretations, and acceptable Contract fulfillment. The Engineer has the authority to enforce and make effective these decisions.

The Engineer acts as a referee in all questions arising under the terms of the Contract. The Engineer's decisions will be final and binding.

The Engineer will pursue and document actions against the Contractor as warranted to address Contract performance issues. Contract remedies include, but are not limited to, the following:

- conducting interim performance evaluations requiring a Project Recovery Plan, in accordance with Title 43, Texas Administrative Code (TAC) §9.23,
- requiring the Contractor to remove and replace defective work, or reducing payment for defective work,
- removing an individual from the project,
- suspending the work without suspending working day charges,
- assessing standard liquidated damages to recover the Department's administrative costs, including additional project-specific liquidated damages when specified in the Contract in accordance with 43 TAC §9.22,
- withholding estimates,
- declaring the Contractor to be in default of the Contract, and
- in case of a Contractor's failure to meet a Project Recovery Plan, referring the issue directly to the Performance Review Committee for consideration of further action against the Contractor in accordance with 43 TAC §9.24.

The Engineer will consider and document any events outside the Contractor's control that contributed to the failure to meet performance standards, including consideration of sufficient time.

Follow the issue escalation ladder if there is disagreement regarding the application of Contract remedies.

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## Special Provision to Item 5

### Control of the Work

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Item 5, "Control of the Work" of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Article 5.4, "Coordination of Plans, Specifications, and Special Provisions," the last sentence of the last paragraph is replaced by the following:**

Failure to promptly notify the Engineer will constitute a waiver of all contract claims against the Department for misunderstandings or ambiguities that result from the errors, omissions, or discrepancies.

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## Special Provision to Item 6

### Control of Materials

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For this project, Item 6, "Control of Materials," of the Standard Specifications, is hereby amended with respect to the clauses cited below, and no other clauses or requirements of this Item are waived or changed hereby.

**Article 4., "Sampling, Testing, and Inspection,"** is supplemented by the following:

Meet with the Engineer and choose either the Department or a Department-selected Commercial Lab (CL) for conducting the subset of project-level sampling and testing shown in Table 1, "Select Guide Schedule Sampling and Testing." Selection may be made on a test by test basis. CLs will meet the testing turnaround times shown (includes test time and time for travel/sampling and reporting) and in all cases issue test reports as soon as possible.

If the Contractor chooses a Department-selected CL for any Table 1 sampling and testing:

- notify the Engineer, District Lab, and the CL of project scheduling that may require CL testing;
- provide the Engineer, District Lab, and CL at least 24 hours' notice by phone and e-mail;
- reimburse the Department for CL Table 1 testing using the contract fee schedule for the CL (including mileage and travel/standby time) at the minimum guide schedule testing frequencies;
- reimburse the Department for CL Table 1 testing above the minimum guide schedule frequencies for retesting when minimum frequency testing results in failures to meet specification limits;
- agree with the Engineer and CL upon a policy regarding notification for testing services;
- give any cancellation notice to the Engineer, District Lab, and CL by phone and e-mail;
- reimburse the Department a \$150 cancellation fee to cover technician time and mileage charges for previously scheduled work cancelled without adequate notice, which resulted in mobilization of technician and/or equipment by the CL; and
- all CL charges will be reimbursed to the Department by a deduction from the Contractor's monthly pay estimate.

If the CL does not meet the Table 1 turnaround times, testing charge to the Contractor will be reduced by 50% for the first late day and an additional 5% for each succeeding late day.

Approved CL project testing above the minimum testing frequencies in the Guide Schedule of Sampling and Testing, and not as the result of failing tests, will be paid by the Department.

Other project-level Guide Schedule sampling and testing not shown on Table 1 will be the responsibility of the Department.

**Table 1**  
**Select Guide Schedule Sampling and Testing (Note 1)**

<b>TxDOT Test</b>	<b>Test Description</b>	<b>Turn-Around Time (Calendar days)</b>
<b>SOILS/BASE</b>		
Tex-101-E	Preparation of Soil and Flexible Base Materials for Testing (included in other tests)	
Tex-104-E	Liquid Limit of Soils (included in 106-E)	
Tex-105-E	Plastic Limit of Soils (included in 106-E)	
Tex-106-E	Calculating the Plasticity Index of Soils	7
Tex-110-E	Particle Size Analysis of Soils	6
Tex-113-E	Moisture-Density Relationship of Base Materials	7
Tex-114-E	Moisture-Density Relationship of Subgrade and Embankment Soil	7
Tex-115-E	Field Method for In-Place Density of Soils and Base Materials	2
Tex-116-E	Ball Mill Method for the Disintegration of Flexible Base Material	5
Tex-117-E, Part II	Triaxial Compression Tests For Disturbed Soils and Base Materials (Part II)	6
Tex-113-E w/ Tex-117-E	Moisture-Density Relationship of Base Materials <b>with</b> Triaxial Compression Tests For Disturbed Soils and Base Materials (Part II)	10
Tex-140-E	Measuring Thickness of Pavement Layer	2
Tex-145-E	Determining Sulfate Content in Soils - Colorimetric Method	4
<b>HOT MIX ASPHALT</b>		
Tex-200-F	Sieve Analysis of Fine and Coarse Aggregate (dry, from ignition oven with known correction factors)	1 (Note 2)
Tex-203-F	Sand Equivalent Test	3
Tex-206-F, w/ Tex-207-F, Part I, w/ Tex-227-F	<b>(Lab-Molded Density of Production Mixture – Texas Gyrotory)</b> Method of Compacting Test Specimens of Bituminous Mixtures <b>with</b> Density of Compacted Bituminous Mixtures, Part I - Bulk Specific Gravity of Compacted Bituminous Mixtures, <b>with</b> Theoretical Maximum Specific Gravity of Bituminous Mixtures	1 (Note 2)
Tex-207-F, Part I &/or Part VI	<b>(In-Place Air Voids of Roadway Cores)</b> Density of Compacted Bituminous Mixtures, Part I- Bulk Specific Gravity of Compacted Bituminous Mixtures <b>&amp;/or</b> Part VI - Bulk Specific Gravity of Compacted Bituminous Mixtures Using the Vacuum Method	1 (Note 2)
Tex-207-F, Part V	Density of Compacted Bituminous Mixtures, Part V- Determining Mat Segregation using a Density-Testing Gauge	3
Tex-207-F, Part VII	Density of Compacted Bituminous Mixtures, Part VII - Determining Longitudinal Joint Density using a Density-Testing Gauge	4
Tex-212-F	Moisture Content of Bituminous Mixtures	3
Tex-217-F	Deleterious Material and Decantation Test for Coarse Aggregate	4
Tex-221-F	Sampling Aggregate for Bituminous Mixtures, Surface Treatments, and LRA (included in other tests)	
Tex-222-F	Sampling Bituminous Mixtures (included in other tests)	
Tex-224-F	Determination of Flakiness Index	3
Tex-226-F	Indirect Tensile Strength Test (production mix)	4
Tex-235-F	Determining Draindown Characteristics in Bituminous Materials	3
Tex-236-F (Correction Factors)	Asphalt Content from Asphalt Paving Mixtures by the Ignition Method (Determining Correction Factors)	4
Tex-236-F	Asphalt Content from Asphalt Paving Mixtures by the Ignition Method (Production Mixture)	1 (Note 2)
Tex-241-F w/ Tex-207-F, Part I, w/ Tex-227-F	<b>(Lab-Molded Density of Production Mixture – Superpave Gyrotory)</b> Superpave Gyrotory Compacting of Specimens of Bituminous Mixtures (production mixture) <b>with</b> Density of Compacted Bituminous Mixtures, Part I- Part I - Bulk Specific Gravity of Compacted Bituminous Mixtures, <b>with</b> Theoretical Maximum Specific Gravity of Bituminous Mixtures	1 (Note 2)
Tex-242-F	Hamburg Wheel-Tracking Test (production mix, molded samples)	3
Tex-244-F	Thermal Profile of Hot Mix Asphalt	1
Tex-246-F	Permeability of Water Flow of Hot Mix Asphalt	3
Tex-280-F	Flat and Elongated Particles	3
Tex-530-C	Effect of Water on Bituminous Paving Mixtures (production mix)	4

AGGREGATES		
Tex-400-A	Sampling Flexible Base, Stone, Gravel, Sand, and Mineral Aggregates	3
Tex-410-A	Abrasion of Coarse Aggregate Using the Los Angeles Machine	5
Tex-411-A	Soundness of Aggregate by Use of Sodium Sulfate or Magnesium Sulfate	12
Tex-461-A	Degradation of Coarse Aggregate by Micro-Deval Abrasion	5
CHEMICAL		
Tex-612-J	Acid Insoluble Residue for Fine Aggregate	4
GENERAL		
HMA Production Specialist [TxAPA – Level 1-A] (\$/hr)		
HMA Roadway Specialist [TxAPA – Level 1-B] (\$/hr)		
Technician Travel/Standby Time (\$/hr)		
Per Diem (\$/day – meals and lodging)		
Mileage Rate (\$/mile from closest CL location)		
<b>Note 1 – Turn-Around Time includes test time and time for travel/sampling and reporting.</b> <b>Note 2 – These tests require turn-around times meeting the governing specifications. Provide test results within the stated turn-around time.</b> <b>CL is allowed one additional day to provide the signed and sealed report.</b>		

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## Special Provision to Item 6

### Control of Materials

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Item 6, "Control of Materials" of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Article 6.10., "Hazardous Materials,"** is voided and replaced by the following:

Comply with the requirements of Article 7.12., "Responsibility for Hazardous Materials."

Notify the Engineer immediately when a visual observation or odor indicates that materials on sites owned or controlled by the Department may contain hazardous materials. Except as noted herein, the Department is responsible for testing, removing, and disposing of hazardous materials not introduced by the Contractor. The Engineer may suspend work wholly or in part during the testing, removing, or disposing of hazardous materials, except in the case where hazardous materials are introduced by the Contractor.

Use materials that are free of hazardous materials. Notify the Engineer immediately if materials are suspected to contain hazardous materials. If materials delivered to the project by the Contractor are suspected to contain hazardous materials, have an approved commercial laboratory test the materials for the presence of hazardous materials as approved. Remove, remediate, and dispose of any of these materials found to contain hazardous materials. The work required to comply with this section will be at the Contractor's expense if materials are found to contain hazardous materials. Working day charges will not be suspended and extensions of working days will not be granted for activities related to handling hazardous material introduced by the Contractor. If suspected materials are not found to contain hazardous materials, the Department will reimburse the Contractor for hazardous materials testing and will adjust working day charges if the Contractor can show that this work impacted the critical path.

**10.1. Painted Steel Requirements.** Coatings on existing steel contain hazardous materials unless otherwise shown on the plans. Remove paint and dispose of steel coated with paint containing hazardous materials in accordance with the following:

**10.1.1. Removing Paint From Steel** For contracts that are specifically for painting steel, Item 446, "Field Cleaning and Painting Steel" will be included as a pay item. Perform work in accordance with that item.

For projects where paint must be removed to allow for the dismantling of steel or to perform other work, the Department will provide for a separate contractor (third party) to remove paint containing hazardous materials prior to or during the Contract. Remove paint covering existing steel shown not to contain hazardous materials in accordance with Item 446, "Field Cleaning and Painting Steel."

**10.1.2. Removal and Disposal of Painted Steel.** For steel able to be dismantled by unbolting, paint removal will not be performed by the Department. The Department will remove paint, at locations shown on the plans or as agreed, for the Contractor's cutting and dismantling purposes. Utilize Department cleaned locations for dismantling when provided or provide own means of dismantling at other locations.

Painted steel to be retained by the Department will be shown on the plans. For painted steel that contains hazardous materials, dispose of the painted steel at a steel recycling or smelting facility unless otherwise shown on the plans. Maintain and make available to the Engineer invoices and other records obtained from the facility showing the received weight of the steel and the facility name. Dispose of steel that does not contain hazardous material coatings in accordance with federal, state and local regulations.



**10.2. Asbestos Requirements.** The plans will indicate locations or elements where asbestos containing materials (ACM) are known to be present. Where ACM is known to exist or where previously unknown ACM has been found, the Department will arrange for abatement by a separate contractor prior to or during the Contract. Notify the Engineer of proposed dates of demolition or removal of structural elements with ACM at least 60 days before beginning work to allow the Department sufficient time for abatement.

The Department of State Health Services (DSHS), Asbestos Programs Branch, is responsible for administering the requirements of the National Emissions Standards for Hazardous Air Pollutants, 40 CFR Part 61, Subpart M and the Texas Asbestos Health Protection Rules (TAHPR). Based on EPA guidance and regulatory background information, bridges are considered to be a regulated "facility" under NESHAP. Therefore, federal standards for demolition and renovation apply.

The Department is required to notify the DSHS at least 10 working days (by postmarked date) before initiating demolition or renovation of each structure or load bearing member shown on the plans. If the actual demolition or renovation date is changed or delayed, notify the Engineer in writing of the revised dates in sufficient time to allow for the Department's notification to DSHS to be postmarked at least 10 days in advance of the actual work.

Failure to provide the above information may require the temporary suspension of work under Article 8.4., "Temporary Suspension of Work or Working Day Charges," due to reasons under the control of the Contractor. The Department retains the right to determine the actual advance notice needed for the change in date to address post office business days and staff availability.

**10.3. Lead Abatement.** Provide traffic control as shown on the plans, and coordinate and cooperate with the third party and the Department for managing or removing hazardous materials. Work for the traffic control shown on the plans and coordination work will not be paid for directly but will be subsidiary to pertinent Items.

# Special Provision to Item 6

## Control of Materials



Item 6, "Control of Materials" of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Section 1.1. "Buy America,."** This section is voided and replaced by the following:

- 1.1. **Buy America.** Comply with the latest provisions of Build America, Buy America Act (BABA Act) of the Bipartisan Infrastructure Law and applicable CFR, which restrict funds being made available from Federal financial assistance programs unless all the iron products, steel products, manufactured products, and construction materials used in the project are produced in the United States. Use iron or steel products, manufactured products, or construction materials produced in the United States for all permanently installed materials and products except when defined in Section 1.1.5., "Buy America Exceptions."

A material is solely classified based on its status at the time it is brought to the work site as either an iron or steel product, construction material, manufactured product, or Section 70917(c) material. Refer to the Buy America Material Classification Sheet found in the general notes or [txdot.gov](http://txdot.gov) for additional clarification on material classification.

- 1.1.1. **Iron or Steel.** Iron or steel products means articles, materials, or supplies that consist of iron or steel or a combination of both. For iron or steel products, manufacturing includes any process that modifies the chemical content, physical shape or size, or final finish of a product. The manufacturing process begins with initial melting and mixing and continues through fabrication (cutting, drilling, welding, bending, etc.) and coating (paint, galvanizing, epoxy, etc.).

For iron or steel products submit a notarized original FORM D-9-USA-1 (Department Form 1818) with the proper attachments for verification of compliance.

- 1.1.2. **Section 70917(c) Materials.** Section 70917(c) materials mean cement and cementitious material; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives. Section 70917(c) materials do not require domestic sourcing or Buy America certification.

- 1.1.3. **Construction Materials.** Construction materials are classified as articles, materials, or supplies that consist of only one of the items listed in bullets below. Minor additions (as determined by plans or Engineer) to any of the items listed is still a construction material.

- non-ferrous metals,
- plastic and polymer-based products (including polyvinyl chloride, composite building materials, and polymers used in fiber optic cables),
- glass (including optic glass),
- fiber optic cable (including drop cable),
- optical fiber,
- lumber,
- engineered wood, or
- drywall.

For construction materials, submit a Construction Material Buy America Certification Form (Department Form 2806) for verification of compliance that all manufacturing processes, as required, occurred in the

United States. Each construction material has specific certification requirements stated below. Provide additional documentation as requested.

Details shown on the plans provide additional clarification on Buy America requirements.

For non-ferrous metals, certification requires all manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.

For plastic and polymer-based products (including polyvinyl chloride, composite building materials, and polymers used in fiber optic cables), certification requires all manufacturing processes, from initial combination of constituent plastic or polymer-based inputs, or, where applicable, constituent composite materials, until the item is in its final form, occurred in the United States.

For glass (including optic glass), certification requires all manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.

For fiber optic cable (including drop cable), certification requires all manufacturing processes, from the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States. All manufacturing processes also include the standards for glass and optical fiber, but not for non-ferrous metals, plastic and polymer-based products, or any others.

For optical fiber, certification requires all manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.

For lumber, certification requires all manufacturing processes, from initial debarking through treatment and planing, occurred in the United States.

For engineered wood, certification requires all manufacturing processes from the initial combination of constituent materials until the wood product is in its final form, occurred in the United States.

For drywall, certification requires all manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels, occurred in the United States.

1.1.4. **Manufactured Products.** Materials classified as a manufactured product are currently waived from Buy America requirements by an FHWA general waiver and are not required to be domestically sourced. However, iron or steel products incorporated into manufactured products must meet iron and steel compliance requirements.

1.1.5. **Buy America Exceptions.** Use of iron, steel, construction materials, and manufactured products manufactured in the United States is required unless the material meets an exception below.

- A waiver exists exempting the material from Buy America compliance.
- The total value of the non-compliant products (other than iron or steel products) is no more than the lesser of \$1,000,000 or 5% of Total Applicable Costs for the project. Total Applicable Cost means the actual cost of all materials requiring Buy America compliance including iron, steel, or other materials that are within the scope of existing waivers. Contractor must provide documentation showing under threshold in advance for Engineer's consideration.
- The total value of foreign iron and steel products, including delivery, does not exceed 0.1% of the total Contract cost or \$2,500, whichever is greater. Contractor must provide documentation showing under threshold in advance for Engineer's consideration.
- Foreign steel may be allowed when the Contract contains an alternate item for a foreign source iron or steel product and the Contract is awarded based on the alternate item.

- The materials are temporarily installed or are supplies, tools and equipment not incorporated into the project. Temporarily installed means the materials and products must be removed at the end of the project or may be removed at the contractor's convenience with Engineers approval.

# Special Provision to Item 7

## Legal Relations and Responsibilities



Item 7, "Legal Relations and Responsibilities," of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Section 7.7.2., "Texas Pollutant Discharge Elimination System (TPDES) Permits and Storm Water Pollution Prevention Plans (SWP3)," is voided and replaced by the following:**

**7.2. Texas Pollution Discharge Elimination System (TPDES) Permits and Storm Water Pollution Prevention Plans (SWP3).**

**7.2.1. Projects with less than one acre of soil disturbance including required associated project specific locations (PSL's) per TPDES GP TXR 150000.**

No posting or filing will be required for soil disturbances within the right of way. Adhere to the requirements of the SWP3.

**7.2.2. Projects with one acre but less than five acres of soil disturbance including required associated PSL's per TPDES GP TXR 150000.**

The Department will be considered a primary operator for Operational Control Over Plans and Specifications as defined in TPDES GP TXR 150000 for construction activity in the right of way. The Department will post a small site notice along with other requirements as defined in TPDES GP TXR 150000 as the entity of having operational control over plans and specifications for work shown on the plans in the right of way.

The Contractor will be considered a Primary Operator for Day-to-Day Operational Control as defined in TPDES GP TXR 150000 for construction activity in the right of way. In addition to the Department's actions, the Contractor will post a small site notice along with other requirements as defined in TPDES GP TXR 150000 as the entity of having day-to-day operational control of the work shown on the plans in the right of way. This is in addition to the Contractor being responsible for TPDES GP TXR 150000 requirements for on- right of way and off- right of way PSL's. Adhere to all requirements of the SWP3 as shown on the plans. The Contractor will be responsible for Implement the SWP3 for the project site in accordance with the plans and specifications, TPDES General Permit TXR150000, and as directed.

**7.2.3. Projects with 5 acres or more of soil disturbance including required associated PSL's per TPDES GP TXR 150000.**

The Department will be considered a primary operator for Operational Control Over Plans and Specifications as defined in TPDES GP TXR 150000 for construction activities in the right of way. The Department will post a large site notice, file a notice of intent (NOI), notice of change (NOC), if applicable, and a notice of termination (NOT) along with other requirements per TPDES GP TXR 150000 as the entity having operational control over plans and specifications for work shown on the plans in the right of way.

The Contractor will be considered a primary operator for Day-to-Day Operational Control as defined in TPDES GP TXR 150000 for construction activities in the right of way. In addition to the Department's actions, the Contractor shall file a NOI, NOC, if applicable, and NOT and post a large site notice along with other requirements as the entity of having day-to-day operational control of the work shown on the plans in the right of way. This is in addition to the Contractor

being responsible for TPDES GP TXR 150000 requirements for on- right of way and off- right of way PSL's. Adhere to all requirements of the SWP3 as shown on the plans.

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## Special Provision to Item 7

### Legal Relations and Responsibilities

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Item 7, "Legal Relations and Responsibilities" of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Section 19.1., Minimum Wage Requirements for Federally Funded Contracts.** The second paragraph is voided and replaced by the following:

Submit electronic payroll records to the Engineer using the Department's payroll system.

**Section 19.2., Minimum Wage Requirements for State Funded Contracts.** The second paragraph is voided and replaced by the following:

Submit electronic payroll records to the Engineer using the Department's payroll system.

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## Special Provision to Item 7

# Legal Relations and Responsibilities

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Item 7, "Legal Relations and Responsibilities," of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Section 7.2.4., "Public Safety and Convenience."** The first paragraph is deleted and replaced by the following.

Ensure the safety and convenience of the public and property as provided in the Contract and as directed. Keep existing roadways open to traffic or construct and maintain detours and temporary structures for safe public travel. Manage construction to minimize disruption to traffic. Maintain the roadway in a good and passable condition, including proper drainage and provide for ingress and egress to adjacent property.

If the construction of the project requires the closing of a highway, as directed, coordinate the closure with the Engineer and work to ensure all lanes and ramps possible are available during peak traffic periods before, during, and after significant traffic generator events to avoid any adverse economic impact on the municipalities during:

- dates or events as shown on the plans, and
- other dates as directed.



# Special Provision to Item 007

## Legal Relations and Responsibilities



Item 7, "Legal Relations and Responsibilities," of the Standard Specifications is amended with respect to the clauses cited below.

**Section 2.6., "Barricades, Signs, and Traffic Handling,"** the first paragraph is voided and replaced by the following:

- 2.6. **Barricades, Signs, and Traffic Handling.** Comply with the requirements of Item 502 "Barricades, Signs, and Traffic Handling," and as directed. Provide traffic control devices that conform to the details shown on the plans, the TMUTCD, and the Department's Compliant Work Zone Traffic Control Device List maintained by the Traffic Safety Division. When authorized or directed, provide additional signs or traffic control devices not required by the plans.

**Section 2.6.1., "Contractor Responsible Person and Alternative,"** is voided and replaced by the following:

- 2.6.1. **Contractor Responsible Person and Alternative.** Designate in writing, a Contractor's Responsible Person (CRP) and an alternate to be the representative of the Contractor who is responsible for taking or directing corrective measures regarding the traffic control. The CRP or alternate must be accessible by phone 24 hr. per day and able to respond when notified. The CRP and alternate must comply with the requirements of Section 2.6.5., "Training."

**Section 2.6.2., "Flaggers,"** the first paragraph is voided and replaced by the following:

- 2.6.2. **Flaggers.** Designate in writing, a flagger instructor who will serve as a flagging supervisor and is responsible for training and assuring that all flaggers are qualified to perform flagging duties. Certify to the Engineer that all flaggers will be trained and make available upon request a list of flaggers trained to perform flagging duties.

**Section 2.6.5., "Training,"** is voided and replaced by the following:

- 2.6.5. **Training.** Train workers involved with the traffic control using Department-approved training as shown on the "Traffic Control Training" Material Producer List.

Coordinate enrollment, pay associated fees, and successfully complete Department-approved training or Contractor-developed training. Training is valid for the period prescribed by the provider. Except for law enforcement personnel training, refresher training is required every 4 yr. from the date of completion unless otherwise specified by the course provider. The Engineer may require training at a frequency instead of the period prescribed based on the Department's needs. Training and associated fees will not be measured or paid for directly but are considered subsidiary to pertinent Items.

Certify to the Engineer that workers involved in traffic control and other work zone personnel have been trained and make available upon request a copy of the certification of completion to the Engineer. Ensure the following is included in the certification of completion:

- name of provider and course title,
- name of participant,
- date of completion, and
- date of expiration.

Where Contractor-developed training or a Department-approved training course does not produce a certification, maintain a log of attendees. Make the log available upon request. Ensure the log is legible and includes the following:

- printed name and signature of participant,
- name and title of trainer, and
- date of training.

2.6.5.1. **Contractor-developed Training.** Develop and deliver Contractor-developed training meeting the minimum requirements established by the Department. The outline for this training must be submitted to the Engineer for approval at the preconstruction meeting. The CRP or designated alternate may deliver the training instead of the Department-approved training. The work performed and materials furnished to develop and deliver the training will not be measured or paid for directly but will be considered subsidiary to pertinent Items.

2.6.5.1.1. **Flagger Training Minimum Requirements.** A Contractor's certified flagging instructor is permitted to train other flaggers.

2.6.5.1.2. **Optional Contractor-developed Training for Other Work Zone Personnel.** For other work zone personnel, the Contractor may provide training meeting the curriculum shown below instead of Department-approved training.

Minimum curriculum for Contractor-provided training is as follows:

Contractor-developed training must provide information on the use of personnel protection equipment, occupational hazards and health risks, and other pertinent topics related to traffic management. The type and amount of training will depend on the job duties and responsibilities. Develop training applicable to the work being performed. Develop training to include the following topics.

- The Life You Save May Be Your Own (or other similar company safety motto).
- Purpose of the training.
  - It's the Law.
  - To make work zones safer for workers and motorist.
  - To understand what is needed for traffic control.
  - To save lives including your own.
- Personal and Co-Worker Safety.
  - **High Visibility Safety Apparel.** Discuss compliant requirements; inspect regularly for fading and reduced reflective properties; if night operations are required, discuss the additional and appropriate required apparel in addition to special night work risks; if moving operations are underway, discuss appropriate safety measures specific to the situation and traffic control plan.
  - **Blind Areas.** A blind area is the area around a vehicle or piece of construction equipment not visible to the operators, either by line of sight or indirectly by mirrors. Discuss the "Circle of Safety" around equipment and vehicles; use of spotters; maintain eye contact with equipment operators; and use of hand signals.
  - **Runovers and Backovers.** Remain alert at all times; keep a safe distance from traffic; avoid turning your back to traffic and if you must then use a spotter; and stay behind protective barriers, whenever possible. Note: It is not safe to sit on or lean against a concrete barrier, these barriers can deflect four plus feet when struck by a vehicle.
  - Look out for each other, warn co-workers.
  - Be courteous to motorists.
  - Do not run across active roadways.
  - Workers must obey traffic laws and drive courteously while operating vehicles in the work zones.
  - Workers must be made aware of company distracted driving policies.
- **Night Time Operations.** Focus should be placed on projects with a nighttime element.

- **Traffic Control Training.** Basics of Traffic Control.
  - Identify work zone traffic control supervisor and other appropriate persons to report issues to when they arise.
  - Emphasize that work zone traffic control devices must be in clean and in undamaged condition. If devices have been hit but not damaged, put back in their correct place and report to traffic control supervisor. If devices have been damaged, replace with new one and report to traffic control supervisor. If devices are dirty, faded or have missing or damaged reflective tape clean or replace and report to traffic control supervisor. Show examples of non-acceptable device conditions. Discuss various types of traffic control devices to be used and where spacing requirements can be found.
  - **Channelizing Devices and Barricades with Slanted Stripes.** Stripes are to slant in the direction you want traffic to stay or move to; demonstrate this with a device.
  - **Traffic Queuing.** Workers must be made aware of traffic queuing and the dangers created by it. Workers must be instructed to immediately notify the traffic control supervisor and other supervisory personnel if traffic is queuing beyond advance warning sign and devices or construction limits.
  - **Signs.** Signs must be straight and not leaning. Report problems to the traffic control supervisor or other as designated for immediate repair. Covered signs must be fully covered. If covers are damaged or out of place, report to traffic control supervisor or other as designated.

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## Special Provision to Item 7

### Legal Relations and Responsibilities

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Item 7, "Legal Relations and Responsibilities" of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Article 7.20., "Security Incidents,"** is added.

- 20.1. Reporting of Security Incidents.** Immediately notify the Department's [Cyber Security Operations Center \(CSOC\) via the Report Cybersecurity Incident Page](#) on [www.txdot.gov](http://www.txdot.gov), of any potential cybersecurity incident or breach involving Department data. A breach of system security is the unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of sensitive personal information maintained by a person, including data that is encrypted if the person accessing the data has the key required to decrypt the data.
- 20.2. Liability for costs incurred.** The Department reserves the right to hold the Contractor liable for all costs incurred by the Department to resolve a security incident introduced by the Contractor, their Subcontractors, or their Suppliers.

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## Special Provision to Item 8 Prosecution and Progress

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Item 8, "Prosecution and Progress" of the Standard Specification is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Article 8.2., "Subcontracting,"** is supplemented by the following paragraph, which is added as paragraph six to this article:

The Contractor certifies by signing the Contract that the Contractor will not enter into any subcontract with a subcontractor that is not registered in the Department of Homeland Security's (DHS) E-Verify system. Require that all subcontractors working on the project register and require that all subcontractors remain active in the DHS E-Verify system until their work is complete on the project.

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## Special Provision to Item 8 Prosecution and Progress

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Item 8, "Prosecution and Progress" of the Standard Specifications is amended with respect to the clause cited below. No other clauses or requirements of this Item are waived or changed.

**Article 8.7.2., "Wrongful Default,"** is revised and replaced by the following:

If it is determined after the Contractor is declared in default, that the Contractor was not in default, the rights and obligations of all parties will be the same as if termination had been issued for the convenience of the public as provided in Article 8.8 "Termination of Contract."

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## Special Provision to Item 8 Prosecution and Progress

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Item 8, "Prosecution and Progress" of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Article 3., "Computation of Contract Time for Completion."** The second paragraph is voided and replaced by the following:

The development of the conceptual time determination is intended to establish the number of working days on the Contract. Upon request, the Engineer will provide the conceptual time determination schedule to the Contractor for informational purposes only. The schedule assumes generic resources, production rates, sequences of construction, and average weather conditions based on historic data. Schedule labor, equipment, procurement of materials, subcontractor work, and all other necessary means to prosecute the work within the number of working days specified by the Contract.

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## Special Provision to Item 009

### Measurement and Payment

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Item 009 "Measurement and Payment" of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Article 9.5., "PROGRESS PAYMENTS" is supplemented with the following:**

It is the Department's desire to pay a Contractor for work through the last working day of the month; however, the use of early cut-off dates for monthly estimates and MOH is a project management practice to manage workload at the Area Office level. Approval for using early cut-off dates is at the District's discretion. The earliest cut-off date for estimates is the 25<sup>th</sup> of the month.

**Article 9.6., "PAYMENT FOR MATERIAL ON HAND (MOH)" first paragraph is amended as follows:**

If payment for MOH is desired, request compensation for the invoice cost of acceptable nonperishable materials that have not been used in the work before the request, and that have been delivered to the work location or are in acceptable storage places. Nonperishable materials are those that do not have a shelf life or whose characteristics do not materially change when exposed to the elements. Include only materials that have been sampled, tested, approved, or certified, and are ready for incorporation into the work. Only materials which are completely constructed or fabricated on the Contractor's order for a specific Contract and are so marked and on which an approved test report has been issued are eligible. Payment for MOH may include the following types of items: concrete traffic barrier, precast concrete box culverts, concrete piling, reinforced concrete pipe, and illumination poles. Any repairs required after fabricated materials have been approved for storage will require approval of the Engineer before being made and will be made at the Contractor's expense. Include only those materials and products, when cumulated under an individual item or similar bid items, that have an invoice cost of at least \$1,000 in the request for MOH payment (e.g. For MOH eligibility, various sizes of conductor are considered similar bid items and may be cumulated to meet the threshold; for small roadside signs, the sign supports, mounting bolts, and the sign face is considered one bid item or similar bid items for more than one pay item for sign supports.) Requests for MOH are to be submitted at least two days before but not later than the estimate cutoff date unless otherwise agreed. If there is a need to request MOH after the established cut-off date, the district can make accommodation as the need arises. This needed accommodation is to be the exception, though, and not the rule.



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# Special Provision to Item 9

## Measurement and Payment

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Item 9, "Measurement and Payment" of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Section 9.7.1.4.3., "Standby Equipment Costs,"** is voided and replaced by the following:

7.1.4.3.           **Standby Equipment Costs.** Payment for standby equipment will be made in accordance with Section 9.7.1.4., "Equipment," except that the 15% markup will not be allowed and that:

**Section 7.1.4.3.1., "Contractor-Owned Equipment,"** is voided and replaced by the following:

7.1.4.3.1.       **Contractor-Owned Equipment.** For Contractor-owned equipment:

- Standby will be paid at 50% of the monthly Equipment Watch rate after the regional and age adjustment factors have been applied. Operating costs will not be allowed. Calculate the standby rate as follows.

$$\text{Standby rate} = (\text{FHWA hourly rate} - \text{operating costs}) \times 50\%$$

- If an hourly rate is needed, divide the monthly *Equipment Watch* rate by 176.
- No more than 8 hr. of standby will be paid during a 24-hr. day period, nor more than 40 hr. per week.
- Standby costs will not be allowed during periods when the equipment would have otherwise been idle.

# Special Provision to Item 247

## Flexible Base



Item 247, "Flexible Base," of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Section 247.2.1., "Aggregate."** This Section is voided and replaced by the following.

Furnish aggregate of the type and grade shown on the plans and meeting the requirements shown in Table 1. Each source must meet Table 1 requirements for liquid limit, plasticity index, and wet ball mill for the grade specified. Do not use additives, such as but not limited to cement, emulsion, foamed asphalt, or lime, to modify aggregates to meet the requirements of Table 1, unless otherwise shown on the plans.

Unless otherwise shown on the plans, the unconfined compressive strength is waived when the flexible base material meets the #200 sieve requirement.

**Table 1**  
**Material Requirements**

Property	Test Method	Grade 1–2 <sup>3</sup>	Grade 3	Grade 4	Grade 5 <sup>3</sup>
Master gradation sieve size (cumulative % retained)		–	–		–
2-1/2"		0	0		0
1-3/4"		0–10	0–10		0–5
7/8"	<a href="#">Tex-110-E</a>	10–35	–		10–35
3/8"		30–65	–		35–65
#4		45–75	45–75		45–75
#40		65–90	50–85		70–90
#200 <sup>1, 2</sup>		85–95	–		–
Liquid limit, % Max	<a href="#">Tex-104-E</a>	40	40	As shown on the plans	35
Plasticity index, Max		10	12		10
Plasticity index, Min	<a href="#">Tex-106-E</a>	As shown on the plans	As shown on the plans		As shown on the plans
Wet ball mill, % Max		40	–		40
Wet ball mill, % Max increase passing the #40 sieve	<a href="#">Tex-116-E</a>	20	–		20
Min compressive strength <sup>2</sup> , psi		–	–		–
lateral pressure 0 psi		35	–		–
lateral pressure 3 psi	<a href="#">Tex-117-E</a>	–	–		90
lateral pressure 15 psi		175	–		175

1. The #200 sieve test is only required to meet the waiver of the unconfined compressive strength. The #200 sieve test requirement is only applicable to stockpile samples from Section 247.2.4.
2. Compressive strength and #200 sieve test requirements are waived when the flexible base is mixed with or without existing material and treated with cement, emulsion, foamed asphalt, or lime, unless otherwise shown on the plans.
3. Grade 3 may be substituted for Grade 1–2 or Grade 5 when the flexible base is mixed with or without existing material and treated with cement, emulsion, foamed asphalt, or lime, as approved. The Grade 3 flexible base must meet the wet ball mill requirements of Grade 1–2 or Grade 5.

**Section 247.2.1.2.4., "Type D."** The third sentence is voided and replaced by the following.

Crushed concrete must meet the requirements in Section 247.2.1.3., "Recycled Material," and be managed in a way to provide for uniform quality.

**Section 247.2.1.3., "Recycled Material."** This Section is voided and replaced by the following.

Reclaimed asphalt pavement (RAP) and other recycled materials may be used as shown on the plans. Request approval to blend two or more sources of recycled materials. When RAP is allowed, do not exceed 20% RAP by weight, unless otherwise shown on the plans. The percentage limitations for other recycled materials are as shown on the plans.

Provide recycled materials, other than RAP, that have a maximum sulfate content of 3,000 ppm when tested in accordance with [Tex-145-E](#). Certify accordance with [DMS-11000](#), "Evaluating and Using Nonhazardous Recyclable Materials Guidelines." In addition, recycled materials must be free of reinforcing steel and other objectionable material and have at most 1.5% deleterious material when tested in accordance with [Tex-413-A](#). The liquid limit, plasticity index, wet ball mill, and compressive strength for all recycled materials are waived. When using RAP, crush RAP so that 100% passes the 2-in. sieve and does not exceed a maximum percent loss from decantation of 5.0% when tested in accordance with [Tex-406-A](#). Test RAP without removing the asphalt. The final product must meet the requirements shown in Table 1 for the grade specified, except when the Department requires a specific amount of Department-furnished RAP be added to the blend, unless otherwise shown on the plans.

The Contractor is responsible for uniformly blending the recycled material with the flexible base material to build a stockpile to meet the percentages required. Any Contractor-furnished surplus of recycled materials must remain the property of the Contractor. Remove Contractor-owned recycled materials from the project, and dispose of them in conformance with federal, state, and local regulations before project acceptance.

**Section 247.2.4., "Stockpile Approval."** This Section is added.

Stockpile is approved when the Engineer's test results meet the material requirements shown in Table 1.

**Section 247.2.4.1., "Sampling."** This Section is added.

The Contractor and the Engineer will sample flexible base from completed stockpiles in accordance with [Tex-100-A](#). Personnel conducting sampling must be certified by the Department-approved soils and base certification program.

Sampling stockpiles may be located at the production site or at the project location. The Contractor must witness the Engineer's sampling and sample the stockpile for their own testing, and label as deemed necessary.

Sample the stockpile for the Engineer as shown on the plans. When the Contractor samples the stockpile for the Engineer, the Engineer will witness the sampling of material designated for the Engineer and the Materials and Tests Division (MTD). The Engineer will label their sampling containers as "Engineer" and "MTD," or as deemed necessary.

The Engineer will take immediate possession of the sample containers for the Engineer and MTD. The Engineer will maintain custody of the samples until all testing and reporting are completed.

**Section 247.2.4.2., "Referee Testing."** This Section is added.

Referee testing is applicable for stockpile testing only. MTD is the referee laboratory. MTD may designate a laboratory from the Department's MPL for *Commercial Laboratories Approved for Flexible Base Referee Requests* as the referee laboratory as deemed necessary. The designated laboratory must not perform any testing under this Item for the Engineer or Contractor.

The Contractor may request referee testing when the Engineer's test results fail to meet any of the material requirements shown in Table 1 and when the Contractor's sample from Section 247.2.4.1., "Sampling," for the same failing Department test passes. The tests must be performed by a laboratory on the Department's MPL for *Commercial Laboratories Approved for Flexible Base Referee Requests*. Submit the request by email within 5 working days after receiving failing test results from the Engineer. Include completed test reports passing the applicable requirements shown in Table 1 in the email.

Record and submit completed test reports electronically on Department-provided templates in their original format meeting the applicable material requirements shown in Table 1. Use Department-provided templates to record and calculate all test data. The Engineer and the Contractor will provide any available test results to the other party when requested.

**Section 247.4.3., "Compaction."** The first paragraph is voided and replaced by the following.

Compact using density control unless otherwise shown on the plans. Multiple lifts are permitted as shown on the plans or approved. Bring each layer to the moisture content directed. When necessary, sprinkle the material in accordance with Item 204, "Sprinkling." Maintain moisture during compaction within  $\pm 2.0\%$  of the optimum moisture content as determined in accordance with [Tex-113-E](#).

**Section 247.4.3.2., "Density Control."** This Section is voided and replaced by the following.

Compact to at least 100% of the maximum dry density and within  $\pm 2.0\%$  of the optimum moisture content as determined in accordance with [Tex-113-E](#), unless otherwise shown on the plans. Provide the Engineer with the beginning and ending station numbers of the area completed for testing. The Engineer will determine roadway density and moisture content of completed sections in accordance with [Tex-115-E](#), Part I. The Engineer will determine random locations for testing in accordance with [Tex-115-E](#), Part IV. Do not achieve density by drying the material after compaction.

When the density is less than 100% of the maximum dry density, the Engineer may perform additional testing to determine the extent of the area to correct. The Engineer may accept the section if no more than one of the five most recent density tests is below the specified density and the failing test is no more than 3 pcf below the specified density.

**Section 247.4.3.3., "Miscellaneous and Small Areas."** This Section is added.

Miscellaneous areas are those that typically involve handwork or discontinuous paving operations, such as temporary detours, driveways, mailbox turnouts, crossovers, gores, spot level-up areas, and other similar areas. Miscellaneous and small areas are not subject to random sampling procedure but may be tested as directed.

**Section 247.4.6., "Ride Quality."** This Section is voided and replaced by the following.

Measurement of ride quality only applies to the final travel lanes that receive a one- or two-course surface treatment for the final riding surface, unless otherwise shown on the plans. Measure the ride quality of the base course either before or after the application of the prime coat, as directed, and before placement of the surface treatment. Use a certified profiler operator on the Department's MPL. When requested, furnish the Engineer with documentation for the person certified to operate the profiler.

Provide all profile data to the Engineer in electronic data files within 3 days of measuring the ride quality using the format specified in [Tex-1001-S](#). The Engineer will use Department software to evaluate longitudinal profiles to determine areas requiring corrective action. Correct 0.1-mi. sections with an average international roughness index (IRI) value greater than 100 in. per mile to an IRI value of 100 in. per mile or less, unless otherwise shown on the plans. Re-profile and correct sections that fail to maintain ride quality before the placement of the surface treatment, as directed. Unless ride deterioration is due to environmental impact, traffic, or other incidents outside the Contractor's control, perform this work at no additional expense to the Department, as approved.

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## Special Provision to Item 300 Asphalt, Oils, and Emulsions

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Item 300, "Asphalt, Oils, and Emulsions" of the Standard Specifications is replaced by Special Specification [3096](#), "Asphalts, Oils, and Emulsions." All Item 300 Special Provisions are no longer available, beginning with the April 2022 letting.

# Special Provision to Item 302

## Aggregates for Surface Treatments



Item 302, "Aggregates for Seal Coats," of the Standard Specifications, is hereby amended with respect to the clauses cited below, and no other clauses or requirements of this Item are waived or changed hereby.

Section 2.1., "Aggregate." Tables 2 and 3 are voided and replaced by the following.

**Table 2**  
**Aggregate Gradation Requirements (Cumulative % Retained<sup>1</sup>)**

Sieve	Grade								
	1	2	3S <sup>2</sup>	3		4S <sup>2</sup>	4	5S <sup>2</sup>	5
				Non-Lightweight	Lightweight				
1"	-	-	-	-	-	-	-	-	-
7/8"	0-2	0	-	-	-	-	-	-	-
3/4"	20-35	0-2	0	0	0	-	-	-	-
5/8"	85-100	20-40	0-5	0-5	0-2	0	0	-	-
1/2"	-	80-100	55-85	20-40	10-25	0-5	0-5	0	0
3/8"	95-100	95-100	95-100	80-100	60-80	60-85	20-40	0-5	0-5
1/4"	-	-	-	95-100	95-100	-	-	65-85	-
#4	-	-	-	-	-	95-100	95-100	95-100	50-80
#8	99-100	99-100	99-100	98-100	98-100	98-100	98-100	98-100	98-100

1. Round test results to the nearest whole number.
2. Single-size gradation.

**Table 3**  
**Aggregate Quality Requirements**

Property	Test Method	Requirement <sup>1</sup>	
		Minimum	Maximum
SAC	<a href="#">AQMP</a>	As shown on the plans	
Deleterious Material <sup>2</sup> , %	<a href="#">Tex-217-F</a> , Part I	-	2.0
Decantation, %	<a href="#">Tex-406-A</a>	-	1.5
Flakiness Index, %	<a href="#">Tex-224-F</a>	-	17
Gradation	<a href="#">Tex-200-F</a> , Part I	Table 2 Requirements	
Los Angeles Abrasion, %	<a href="#">Tex-410-A</a>	-	35
Magnesium Sulfate Soundness, 5 Cycle, %	<a href="#">Tex-411-A</a>	-	25
Micro-Deval Abrasion, %	<a href="#">Tex-461-A</a>	Note 3	
Coarse Aggregate Angularity <sup>4</sup> , 2 Crushed Faces, %	<a href="#">Tex-460-A</a> , Part I	85	-
Additional Requirements for Lightweight Aggregate			
Dry Loose Unit Wt., lb./cu. ft.	<a href="#">Tex-404-A</a>	35	60
Pressure Slaking, %	<a href="#">Tex-431-A</a>	-	6.0
Freeze-Thaw Loss, %	<a href="#">Tex-432-A</a>	-	10.0
Water Absorption, 24hr., %	<a href="#">Tex-433-A</a>	-	12.0

1. Material requirements are listed below, unless otherwise shown on the plans.
2. Not required for lightweight aggregate.
3. Used to estimate the magnesium sulfate soundness loss in accordance with Section 2.1.1.
4. Only required for crushed gravel.

**Section 2.1.1., “Micro-Deval Abrasion,”** is added.

The Engineer will perform a minimum of one Micro-Deval abrasion test in accordance with [Tex-461-A](#) for each coarse aggregate source per project that has a Rated Source Soundness Magnesium (RSSM) loss value greater than 15 as listed in the BRSQC. The Engineer may waive all Micro-Deval testing based on a satisfactory test history of the same aggregate source.

The Engineer will estimate the magnesium sulfate soundness loss for each coarse aggregate source, when tested, using the following formula.

$$Mg_{est.} = (RSSM)(MD_{act.}/RSMD)$$

where:

$Mg_{est.}$  = magnesium sulfate soundness loss

$MD_{act.}$  = actual Micro-Deval percent loss

$RSMD$  = Rated Source Micro-Deval

When the estimated magnesium sulfate soundness loss is greater than the maximum magnesium sulfate soundness loss specified, the coarse aggregate source will not be allowed for use unless otherwise approved by the Engineer. The Engineer may require additional testing before granting approval.

**Section 2.2., “Precoating.”** The third paragraph is voided and replaced by the following.

The Engineer retains the right to remove precoat material from aggregate samples in accordance with [Tex-210-F](#), or as recommended by the Construction Division, and test the aggregate to verify compliance with Table 2 and Table 3 requirements. Gradation testing may be performed with precoat intact.

**Section 2.3., “Sampling,”** is added.

Personnel who conduct sampling and witnessing of sampling must be certified by the Department-approved certification program. Supply the Engineer with a list of certified personnel and copies of their current certificates before beginning construction and when personnel changes are made. At any time during the project, the Engineer may perform production tests as deemed necessary in accordance with Item 5, “Control of the Work.”

The Engineer will sample aggregate from stockpiles located at the production site, intermediate distribution site, or project location in accordance with [Tex-221-F](#), Section 3.2.3. The Engineer will split each sample into 2 equal portions in accordance with [Tex-200-F](#), Section 3.3, and label these portions “Engineer” and “Contractor” or “Supplier.” Witness the sampling and splitting, and take immediate possession of the samples labeled “Contractor” or “Supplier”.

**Section 2.4., “Reporting and Responsibilities,”** is added.

The Engineer will provide test results to the Contractor and Supplier within 10 working days from the date the stockpile was sampled for sources listed on the Department’s Bituminous Rated Source Quality Catalog (BRSQC), unless otherwise directed. The Engineer will provide test results for the LA Abrasion ([Tex-410-A](#)) and Magnesium Sulfate Soundness ([Tex-411-A](#)) tests within 30 calendar days for sources not listed on the BRSQC, or for sources not meeting the requirements of Section 2.1.1., “Micro-Deval Abrasion.” The Engineer will report to the other party within 24 hours when any test result does not meet the requirements listed in Table 2 or Table 3.

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## Special Provision to Item 316

### Seal Coat

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Item 316, "Seal Coat" of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Section 4.8, "Asphalt Placement"** is supplemented by the following:

4.8.5. Collect all samples in accordance with Tex-500-C, "Sampling Bituminous Materials, Pre-Molded Joint Fillers, and Joint Sealers" from the distributor and with witness by the Engineer.

At least once per project, collect split samples of each binder grade and source used. The Engineer will submit one split sample to MTD for testing and retain the other split sample.

In addition, collect one sample of each binder grade and source used on the project for each production day. The Engineer will retain these samples.

The Engineer will keep all retained samples for one yr., for hot-applied binders and cutback asphalts; or for two mo., for emulsified asphalts. The Engineer may submit retained samples to MTD for testing as necessary or as requested by MTD.



# Special Provision to Item 334

## Hot-Mix Cold-Laid Asphalt Concrete Pavement



Item 334, "Hot-Mix Cold-Laid Asphalt Concrete Pavement," of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed hereby.

Section 334.4.1.2., "Job-Mix Formula Approval." Table 5 is voided and replaced by the following:

**Table 5**  
**Laboratory Mixture Design Properties**

Property	Test Method	Requirement
Target laboratory-molded density, % <sup>1</sup>	<a href="#">Tex-207-F</a>	94.0 ± 1.5
Hveem stability, Min	<a href="#">Tex-208-F</a>	35
Cantabro loss, %, Max	<a href="#">Tex-245-F</a>	10
Hydrocarbon-volatile content, %, Max	<a href="#">Tex-213-F</a>	0.6
Moisture content, %, Max <sup>2</sup>	<a href="#">Tex-212-F</a>	1.0
Boil test, %, Max <sup>3</sup>	<a href="#">Tex-530-C</a>	10

1. Unless otherwise shown on the plans.
2. Unless otherwise approved.
3. Limit may be increased or eliminated when approved.

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# Special Provision to Item 360

## Concrete Pavement

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Item 360, "Concrete Pavement" of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Section 360.2.1., "Materials,"** the third paragraph is voided and replaced by the following:

For continuously reinforced concrete pavements, use a coarse aggregate with a rated coefficient of thermal expansion of not more than  $5.5 \times 10^{-6}$  in./in./°F as listed in the Department's *Concrete Rated Source Quality Catalog*.

**Section 360.4.8.3., "Surface Texture,"** the second paragraph is voided and replaced by the following:

A metal-tine texture finish is required unless otherwise shown on the plans. Provide transverse or longitudinal tining unless otherwise shown on the plans. Immediately following the carpet drag, apply a single coat of evaporation retardant, if needed, at the rate recommended by the manufacturer. Provide the metal-tine finish immediately after the concrete surface has set enough for consistent tining. Operate the metal-tine device to obtain grooves approximately 3/16 in. deep, with a minimum depth of 1/8 in., and approximately 1/12 in. wide. Do not overlap a previously tined area. Use manual methods to achieve similar results on ramps, small or irregular areas, and narrow width sections of pavements. Repair damage to the edge of the slab and joints immediately after texturing. Do not tine pavement that will be overlaid or that is scheduled for blanket diamond grinding or shot blasting.

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## Special Provision to Item 420

### Concrete Substructure

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Item 420, "Concrete Substructures" of the Standard Specifications is amended with respect to the clause cited below. No other clauses or requirements of this Item are waived or changed.

**Article 420.6., "Payment."** The first paragraph is replaced by the following:

The work performed and materials furnished in accordance with this Item and measured as provided under "Measurement" will be paid for at the unit price bid for the class of concrete and element identified and by the special designation when appropriate. This price is full compensation for furnishing, hauling, and mixing concrete materials; furnishing, bending, fabricating, splicing, welding and placing the required reinforcement; clips, blocks, metal spacers, ties, wire, or other materials used for fastening reinforcement in place; placing, finishing, and curing concrete; mass placement controls; applying ordinary surface finish; furnishing and placing drains, metal flashing strips, and expansion-joint material; excavation, subgrade preparation; and forms and falsework, equipment, labor, tools, and incidentals.

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## Special Provision to Item 421

### Hydraulic Cement Concrete

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Item 421, "Hydraulic Cement Concrete" of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Article 421.2., "Materials,"** the second sentence of the first paragraph is voided and replaced by the following.

Provide aggregates from sources listed in the Department's Concrete Rated Source Quality Catalog (CRSQC).

**Article 421.2.2., Supplementary Cementing Materials (SCM),** is voided and replaced with the following.

Supplementary Cementitious Materials (SCM).

- **Coal Ash.** Furnish sources of fly ash, , Modified fly ash (MFA), harvested coal ash, and Ground Bottom Ash (GBA) conforming to [DMS-4610](#), "Coal Ash."
- **Slag Cement.** Furnish Slag Cement in accordance with [DMS-4620](#), "Slag Cement."
- **Silica Fume.** Furnish silica fume in accordance with [DMS-4630](#), "Silica Fume."
- **Natural Pozzolans.** Furnish Natural Pozzolans in accordance with [DMS-4635](#), "Natural Pozzolans."

**Article 421.3.1.3., "Agitators and Truck and Stationary Mixers,"** the first paragraph is voided and replaced by the following.

Provide stationary and truck mixers capable of combining the ingredients of the concrete into a thoroughly mixed and uniform mass and capable of discharging the concrete so that the requirements of [Tex-472-A](#) are met.

**Article 421.3.1.3., "Agitators and Truck and Stationary Mixers,"** is supplemented with the following.

Truck mixers with automated water and chemical admixture measurement and slump and slump flow monitoring equipment meeting the requirement of ASTM C94 will be allowed. Provide data every 6 mo. substantiating the accuracy of slump, slump flow, temperature, water, and chemical admixture measurements. The slump measured by the automated system must be within 1 in. of the slump measured in accordance with [Tex-415-A](#). The concrete temperature measured by the automated system must be within 1°F of concrete temperature measured in accordance with [Tex-422-A](#). The Engineer will not use the automated measurements for acceptance.

Article 421.4.2., "Mix Design Proportioning," Table 8 is voided and replaced by the following.

**Table 8**  
**Concrete Classes**

Class of Concrete	Design Strength, <sup>1</sup> Min $f'_c$ (psi)	Max w/cm Ratio	Coarse Aggregate Grades <sup>2,3,4</sup>	Cement Types	Mix Design Options	Exceptions to Mix Design Options	General Usage <sup>5</sup>
A	3,000	0.60	1-4, 8	I, II, I/II, IL, IP, IS, IT, V	1, 2, 4, & 7	When the cementitious material content does not exceed 520 lb./cu. yd., any coal ash or natural pozzolan listed in the MPL may be used at a cement replacement of 20% to 50%.	Curb, gutter, curb & gutter, conc. retards, sidewalks, driveways, back-up walls, anchors, non-reinforced drilled shafts
B	2,000	0.60	2-7				Riprap, traffic signal controller foundations, small roadside signs, and anchors
C <sup>6</sup>	3,600	0.45	1-6	I, II, I/II, IP, IL, IS, IT, V	1-8		Drilled shafts, bridge substructure, traffic rail, culverts except top slab of direct traffic culverts, headwalls, wing walls, inlets, manholes, traffic barrier
E	3,000	0.50	2-5	I, II, I/II, IL, IP, IS, IT, V	1-8	When the cementitious material content does not exceed 520 lb./cu. yd., any coal ash or natural pozzolan listed in the MPL may be used at a cement replacement of 20% to 50%.	Seal concrete
F <sup>6</sup>	Note <sup>7</sup>	0.45	2-5	I, II, I/II, IP, IL, IS, IT, V			Railroad structures; occasionally for bridge piers, columns, bents, post-tension members
H <sup>6</sup>	Note <sup>7</sup>	0.45	3-6	I, II, I/II, III, IP, IL, IS, IT, V	1-4, 8	<p>Mix design options 1-8 allowed for cast-in-place concrete and the following precast elements unless otherwise stated in the plans:</p> <ul style="list-style-type: none"> <li>■ Bridge Deck Panels,</li> <li>■ Retaining Wall Systems,</li> <li>■ Coping,</li> <li>■ Sound Walls,</li> <li>■ Wall Columns,</li> <li>■ Traffic Rail,</li> <li>■ Traffic Barrier,</li> <li>■ Long/Arch Span Culverts, and</li> <li>■ precast concrete products included in Item 462, "Concrete Box Culverts and Drains, Item 464, "Reinforced Concrete Pipe," and Item 465, "Junction Boxes, Manholes, and Inlets."</li> </ul> <p>Do not use Type III cement in mass placement concrete. Up to 20% of blended cement may be replaced with listed SCMs when Option 4 is used for precast concrete. Options 6, &amp; 7 allowed for cast-in-place Class H concrete.</p>	Precast concrete, post-tension members
S <sup>6</sup>	4,000	0.45	2-5	I, II, I/II, IP, IL, IS, IT, V	1-8		Bridge slabs, top slabs of direct traffic culverts, approach slabs

Class of Concrete	Design Strength, <sup>1</sup> Min $f_c$ (psi)	Max w/cm Ratio	Coarse Aggregate Grades <sup>2,3,4</sup>	Cement Types	Mix Design Options	Exceptions to Mix Design Options	General Usage <sup>5</sup>
P	See Item 360, "Concrete Pavement."	0.50	2-3	I, II, I/II, IL, IP, IS, IT, V	1-8	When the cementitious material content does not exceed 520 lb./cu. yd., any coal ash or natural pozzolan listed in the MPL's may be used at a cement replacement of 20% to 50%.	Concrete pavement
CO <sup>6</sup>	4,600	0.40	6	I, II, I/II, IP, IL, IS, IT, V	1-8		Bridge deck concrete overlay
LMC <sup>6</sup>	4,000	0.40	6-8				Latex-modified concrete overlay
SS <sup>6</sup>	3,600	0.45	4-6	I, II, I/II, IP, IL, IS, IT, V	1-8	Use a Min cementitious material content of 658 lb./cu. yd. of concrete. Limit the alkali loading to 4.0 lbs./cu. yd. or less when using Option 7.	Slurry displacement shafts, underwater drilled shafts
K <sup>6</sup>	Note <sup>7</sup>	0.40	Note <sup>7</sup>	I, II, I/II, III, IP, IL, IS, IT, V	1-8		Note <sup>7</sup>
HES	Note <sup>7</sup>	0.45	Note <sup>7</sup>	I, IL, II, I/II, III		Mix design options do not apply. 700 lb. of cementitious material per cubic yard limit does not apply.	Concrete pavement, concrete pavement repair
"X" (HPC) <small>6,8,9</small>	Note <sup>10</sup>	0.45	Note <sup>10</sup>	I, II, I/II, III, IP, IL, IS, IT, V	1-4, & 8	Max coal ash replacement for Option 3 may be increased to 50%. Up to 20% of a blended cement may be replaced with listed SCMs for Option 4. Do not use Option 8 for precast concrete.	
"X" (SRC) <small>6,8,9</small>	Note <sup>10</sup>	0.45	Note <sup>10</sup>	I/II, II, IP, IL (MS or HS), IS, IT (MS or HS), V	1-4, & 7	When using coal ash, only use coal ashes allowed for SRC as listed in the Coal Ash MPL. Type III-MS may be used where allowed. Type I, Type IL, and Type III cements may be used when natural pozzolans are used or when coal ashes allowed for SRC as listed in the Coal Ash MPL are used, and with a Max w/cm of 0.40. Up to 20% of blended cement may be replaced with listed SCMs when Option 4 is used for precast concrete. Use Option 7 for precast concrete where allowed.	

1. Design strength must be attained within 56 days.
2. Do not use Grade 1 coarse aggregate except in massive foundations with 4 in. Min clear spacing between reinforcing steel bars, unless otherwise permitted. Do not use Grade 1 aggregate in drilled shafts.
3. Use Grade 8 aggregate in extruded curbs unless otherwise approved.
4. Other grades of coarse aggregate maybe used in non-structural concrete classes when allowed by the Engineer.
5. For information only.
6. Structural concrete classes.
7. As shown on the plans or specified.
8. "X" denotes class of concrete shown on the plans or specified.
9. (HPC): High Performance Concrete, (SRC): Sulfate Resistant Concrete.
10. Same as class of concrete shown on the plans.

**Article 421.4.2.2., “Aggregates,”** is supplemented by the following.

Use the following equation to determine if the aggregate combination meets the sand equivalency requirement when blending fine aggregate or using an intermediate aggregate:

$$\frac{(SE_1 \times P_1) + (SE_2 \times P_2) + (SE_{ia} \times P_{ia})}{100} \geq 80\%$$

where:

$SE_1$  = sand equivalency (%) of fine aggregate 1

$SE_2$  = sand equivalency (%) of fine aggregate 2

$SE_{ia}$  = sand equivalency (%) of intermediate aggregate passing the 3/8 in. sieve

$P_1$  = percent by weight of fine aggregate 1 of the fine aggregate blend

$P_2$  = percent by weight of fine aggregate 2 of the fine aggregate blend

$P_{ia}$  = percent by weight of intermediate aggregate passing the 3/8 in. sieve

**Article 421.4.2.3., “Chemical Admixtures,”** the second paragraph is voided and replaced with the following.

Use a 30% calcium nitrite solution when a corrosion-inhibiting admixture is required. Dose the admixture at the rate of gallons of admixture per cubic yard of concrete shown on the plans. Use set retarding admixtures, as needed, to control setting time to ensure concrete containing corrosion inhibiting admixtures remain workable for the entire duration of the concrete placement. Perform setting time testing and slump loss testing during trial batch testing.

**Article 421.4.2.5., “Slump,”** the second paragraph is voided and not replaced. Table 9 is voided and replaced with below:

**Table 9**  
**Placement Slump Requirements**

General Usage	Placement Slump Range, <sup>1,2</sup> in.
Walls (over 9 in. thick), caps, columns, piers	3 – 7
Bridge slabs, top slabs of direct traffic culverts, approach slabs, concrete overlays, latex-modified concrete for bridge deck overlays	3 – 6
Inlets, manholes, walls (less than 9 in. thick), bridge railing, culverts, concrete traffic barrier, concrete pavement (formed)	4 – 6
Precast concrete	4 – 9
Underwater concrete placements	6 – 8-1/2
Drilled shafts, slurry displaced and underwater drilled shafts	See Item 416, “Drilled Shaft Foundations.”
Curb, gutter, curb and gutter, concrete retards, sidewalk, driveways, seal concrete, anchors, riprap, small roadside sign foundations, concrete pavement repair, concrete repair	As approved

1. Max slump values may be increase above these values shown using chemical admixtures, provided the admixture treated concrete has the same or lower water-to-cementitious ratio and does not exhibit segregation or excessive bleeding. Request approval to increase slump limits in advance for proper evaluation by the Engineer.
2. For fiber reinforced concrete, perform slump before addition of fibers.

**Article 421.4.2.6., “Mix Design Options,”** is voided and replaced with the following.

**Option 1.** Replace cement with at least the minimum dosage listed in the MPL for the coal ash or natural pozzolan used in the mixture. Do not replace more than 50% of the cement. Conduct Option 8 testing as listed on the MPL.

**Option 2.** Replace 35% to 50% of the cement with slag cement.

**Option 3.** Replace 35% to 50% of the cement with a combination of coal ash, slag cement, natural pozzolan, or at least 3% silica fume; however, no more than 10% may be silica fume.

**Option 4.** Use Type IP, Type IS, or Type IT cement as allowed in Table 8 for each class of concrete. When replacing blended cements with additional SCM's, the replacement limits in Option 3 will apply to the final cementitious mixture. When using coal

ash or natural pozzolans not having a minimum dosage listed in the MPL in the final cementitious mixture, perform Option 8 testing.

**Option 5.** Option 5 is left intentionally blank.

**Option 6.** Use a lithium nitrate admixture at a minimum dosage determined by testing conducted in accordance with [Tex-471-A](#). Before use of the mix, provide an annual certified test report signed and sealed by a licensed professional engineer, from a laboratory listed on the MPL, certified by the Materials and Tests Division as being capable of testing according to [Tex-471-A](#).

**Option 7.** Ensure the total alkali contribution from the cement in the concrete does not exceed 3.5 lb. per cubic yard of concrete when using hydraulic cement not containing SCMs calculated as follows:

$$\text{lb. alkali per cu. yd.} = \frac{(\text{lb. cement per cu. yd.}) \times (\% \text{ Na}_2\text{O equivalent in cement})}{100}$$

In the above calculation, use the maximum cement alkali content reported on the cement mill certificate.

**Option 8.** Use Table 10 when deviating from Options 1–3 or when required by the Coal Ash MPL. Perform required testing annually and submit results to the Engineer. Laboratories performing ASTM C1260, ASTM C1567, and ASTM C1293 testing must be listed on the MPL. Before use of the mix, provide a certified test report signed and sealed by a licensed professional engineer demonstrating the proposed mixture in accordance with the requirements of Table 10.

Provide a certified test report signed and sealed by a licensed professional engineer, when HPC is required, and less than 20% of the cement is replaced with SCMs, demonstrating ASTM C1876 test results indicate the uniaxial resistivity of the concrete is greater than 15.6 kΩ-cm tested immediately after either of the following curing schedules:

- Moisture cure specimens 56 days at 73°F.
- Moisture cure specimens 7 days at 73°F followed by 21 days at 100°F.



**Table 10**  
**Option 8 Testing and Mix Design Requirements**

Scenario	ASTM C1260 Result		Testing Requirements for Mix Design Materials or Prescriptive Mix Design Options
	Mix Design Fine Aggregate	Mix Design Coarse Aggregate	
<b>A</b>	> 0.10%	> 0.10%	Determine the dosage of SCMs needed to limit the 14-day expansion of each aggregate <sup>1</sup> to 0.10% when tested individually in accordance with ASTM C1567.
<b>B</b>	≤ 0.10%	≤ 0.10%	Use the Min replacement listed in the Coal Ash MPL, or when Option 8 is listed on the MPL, use a Min of 40% coal ash with a Max CaO <sup>2</sup> content of 25%, or use any ternary combination which replaces 35% to 50% of cement.
	≤ 0.10%	ASTM C1293 1 yr. Expansion ≤ 0.04%	Use a minimum of 20% of any coal ash; or Use any ternary combination which replaces 20% to 50% of cement.
<b>C</b>	≤ 0.10%	> 0.10%	Determine the dosage of SCMs needed to limit the 14-day expansion of coarse and intermediate <sup>1</sup> aggregate to ≤0.10% when tested individually in accordance with ASTM C1567.
<b>D</b>	> 0.10%	≤ 0.10%	Use the Min replacement listed in the Coal Ash MPL, or when Option 8 is listed on the MPL, use a Min of 40% coal ash with a Max CaO <sup>2</sup> content of 25%, or use any ternary combination which replaces 35% to 50% of cement.
	> 0.10%	ASTM C1293 1 yr. Expansion ≤ 0.04%	Determine the dosage of SCMs needed to limit the 14-day expansion of each fine aggregate to ≤0.10% when individually tested in accordance with ASTM C1567.

1. Intermediate size aggregates will fall under the requirements of mix design coarse aggregate.
2. Average the CaO content from the previous ten values as listed on the test certificate.

**Article 421.4.2.7., “Optimized Aggregate Gradation (OAG) Concrete,”** the first sentence of the first paragraph is voided and replaced by the following.

The gradations requirements in Table 4 and Table 6 do not apply when OAG concrete is specified or used by the Contractor unless otherwise shown on the plans.

The fineness modulus for fine aggregate listed in Table 5, does not apply when OAG concrete is used,

**Article 421.4.6.2., Delivering Concrete,”** the third paragraph is supplemented by the following.

When truck mixers are equipped with automated water or chemical admixture measurement and slump or slump flow monitoring equipment, the addition of water or chemical admixtures during transit is allowed. Reports generated by this equipment must be submitted to the Engineer daily.

**Article 421.4.6.2., “Delivering Concrete,”** the fifth paragraph is voided and replaced with the following. Begin the discharge of concrete delivered in truck mixers within the times listed in Table 14. Concrete delivered after these times, and concrete that has not begun to discharge within these times will be rejected.

**Article 421.4.8.3., “Testing of Fresh Concrete,”** is voided and replaced with the following.

**Testing Concrete.** The Engineer, unless specified in other Items or shown on the plans, will test the fresh and hardened concrete in accordance with the following methods:

- Slump. [Tex-415-A](#);
- Air Content. [Tex-414-A](#) or [Tex-416-A](#);
- Temperature. [Tex-422-A](#);
- Making and Curing Strength Specimens. [Tex-447-A](#);
- Compressive Strength. [Tex-418-A](#);
- Flexural Strength. [Tex-448-A](#); and
- Maturity. [Tex-426-A](#).

Flexural strength and maturity specimens will not be made unless specified in other items or shown on the plans.

Concrete with slump less than minimum required after all addition of water withheld will be rejected, unless otherwise allowed by the Engineer. Concrete with slump exceeding maximum allowed may be used at the Contractor's option. If used, Engineer will make, test, and evaluate strength specimens as specified in Article 421.5., "Acceptance of Concrete." Acceptance of concrete not meeting air content or temperature requirements will be determined by Engineer. Fresh concrete exhibiting segregation and excessive bleeding will be rejected.

**Article 421.4.8.3.1., "Job-Control Testing,"** is voided and not replaced.

# Special Provision to Item 440

## Reinforcement for Concrete



Item 440, "Reinforcement for Concrete," of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Article 440.2., "Materials,"** is supplemented with the following.

- 2.7. **Welded Deformed Bar Mat Reinforcement.** Provide welded deformed bar mats in accordance with ASTM A184 except as otherwise noted in this Specification. Fabricate welded bar mats from deformed steel bars in accordance with ASTM A706 by securely connecting every intersection with a process of electrical resistance welding that employs the principle of fusion combined with pressure. The bars must be assembled by automatic machines or by other suitable mechanical means that will assure accurate spacing and alignment of all bars of the finished product.
- 2.14. **Zinc-Coated, Hot-Dip Galvanized Class I or Class II Steel Reinforcement.** Provide zinc-coated, hot-dip galvanized Class I or Class II steel reinforcement in accordance with ASTM A767, Grade 60 or Grade 75, when shown on the plans and as allowed.
- 2.15. **Continuously Hot-Dip Galvanized Reinforcement (CGR).** Provide CGR in accordance with ASTM A1094 steel reinforcement, Grade 60 or Grade 75, when shown on the plans and as allowed.

**Section 440.2.1., "Approved Mills."** The second paragraph is voided and not replaced.

**Section 440.2.5., "Weldable Reinforcing Steel,"** is supplemented with the following.

All welding operations must be performed before hot-dip galvanizing.

**Section 440.2.8., "Mechanical Couplers,"** is voided and replaced with the following.

Use couplers of the type specified in [DMS-4510](#), "Mechanical Couplers for Reinforcing Steel," Section 4510.6.1., "General Requirements," when mechanical splices in reinforcing steel bars are shown on the plans.

Furnish only couplers pre-qualified in accordance with [DMS-4510](#), "Mechanical Couplers for Reinforcing Steel." Ensure sleeve-wedge type couplers are not used on coated reinforcing. Sample mechanical couplers in accordance with [Tex-743-I](#) for testing before use on individual projects. Test the mechanical couplers for every project in which mechanical couplers are used in accordance with [Tex-744-I](#). Furnish couplers only at locations shown on the plans.

Furnish couplers for stainless reinforcing steel with the same alloy designation as the reinforcing steel.

Provide hot-dip or mechanically galvanized couplers when splicing galvanized reinforcing or CGR.

**Section 440.2.11., "Low Carbon/Chromium Reinforcing Steel."** The first sentence is voided and replaced by the following.

Provide deformed steel bars in accordance with ASTM A1035, Grade 100, Type CS, when low-carbon, chromium-reinforcing steel is required on the plans. Type CM will be permitted only if specified on the plans.

**Section 440.3.1., "Bending,"** is supplemented with the following.

Do not bend hot-dip galvanized reinforcement. Only minor positioning adjustments are permitted.

Bending of CGR is permitted after galvanizing.

**Section 440.3.5., “Placing.”** The following will be added to the fourth paragraph.

Use Class 1 or Class 1A supports with CGR. Provide epoxy- or plastic-coated tie wires and clips for use with epoxy-coated reinforcing steel.

**Section 440.3.6.3., “Repairing Coating,”** is supplemented with the following:

Repair damaged galvanized surfaces in accordance with Section 445.3.5.2., “Repair Processes.”

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# Special Provision to Item 441

## Steel Structures

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Item 441, "Steel Structures" of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Section 441.2.2., "Approved Electrodes and Flux-Electrode Combinations,"** is voided and replaced with the following:

Use only electrodes and flux-electrode combinations conforming to AWS A5 specifications, and pertinent classifications for the applicable welding processes. When requested, submit a current Certificate of Conformance (COC) containing all test results as required by the applicable AWS A5 specification and welding code. Provide proof of Buy America compliance for welding consumables when requested. For bridge main member fabrication, submit the COC annually.

**Section 441.2.3., "High-Strength Bolts,"** is revised and replaced by the following:

Use fasteners that meet Item 447, "Structural Bolting." Use galvanized fasteners on field connections of bridge members when ASTM F3125-Grade A325 bolts are specified, and steel is painted.

**Section 441.3.1.5.1., "Plants,"** The second and third paragraphs are voided and replaced with the following:

Fabrication plants that produce the following non-bridge steel members must be approved in accordance with DMS-7380, "Steel Non-Bridge Member Fabrication Plant Qualification."

- Item 610, "Roadway Illumination Poles"
- Item 613, "High Mast Illumination Poles"
- Item 614, "High Mast Rings and Support Assemblies"
- Item 650, "Overhead Sign Support Structures"
- Item 654, "Sign Walkways"
- Item 686, "Traffic Signal Poles"
- Special Specification 6064, "Intelligent Transportation System (ITS) Poles."

The Materials and Tests Division (MTD) maintains a list of approved non-bridge fabrication plants on the Department MPL that produce these members.

**Section 441.3.1.6.1., "Erection Drawings,"** the third paragraph is voided and replaced with the following:

Perform erection engineering evaluation of the structural adequacy and stability of constructing the bridge system for each step of the steel erection.

**Section 441.3.1.5.3., "Nondestructive Testing (NDT),"** is voided and replaced with the following:

Personnel performing NDT must be qualified in accordance with the applicable AWS code and the employer's Written Practice. Level III personnel who qualifies Level I and Level II technicians must be certified by ASNT for which the NDT Level III is qualified. In addition, NDT technicians must pass hands-on tests that MTD administers. This will remain current provided they continue to perform testing on Department materials as evidenced by test reports requiring their signature. A technician who fails any of the hands-on tests must wait 3 mo. or as approved otherwise before retesting. Qualification to perform NDT will be revoked when the technician's employment is terminated or when the technician goes 6 mo. without performing a test on a Department project. The technician must pass a new hands-on test to be re-certified. Testing of similar weld joints for non-Department projects may be considered by the Engineer instead of re-testing provided enough documentation is submitted with the signature of the project's Engineer. These requirements also apply to testing agencies, and individual third-party contractors.

**Section 441.3.1.5.4., “Welding Procedure Specification Qualification Testing,”** is voided and replaced by the following:

For Fabricators qualified in accordance with DMS-7370, DMS-7380, or DMS-7395, laboratories performing procedure qualification testing for welding procedure specifications (WPSs) must be accredited by a nationally recognized agency that performs testing in accordance with ISO/International Electrotechnical Commission (IEC) 17025 in the mechanical field of testing.

**Section 441.3.1.9., “Material Identification,”** is amended to include the following paragraph:

Low-stress stencil marks must have a radius instead of a sharp point. Acceptable stencils include dot, vibration, and rounded-V stencils. Label these stencils so that they are easily distinguishable from other stencils that are not low-stress.

**Section 441.3.2.4.1., “Flange Tilt,”** the last sentence is voided and replaced with the following:

Minor jacking that does not deform the material will be permitted.

**Section 441.3.2.5.3., “Magnetic Particle Testing,”** is voided and replaced with the following:

Use alternating current (AC) when using the yoke method unless otherwise approved. Welds may be further evaluated with half-wave rectified DC for subsurface indications. Centerline cracking may be detected with aluminum prod method when approved.

**Section 441.3.5.8., “Hammering,”** is added to state the following:

Do not perform hammering on any portion of the member that causes the material to permanently deform. Avoid damage to the material by measures such as use of brass or aluminum hammers or by padding the area to be hammered.

**Section 441.3.8.1., “Shop Painting,”** is amended to include with the following paragraph:

Measure the anchor profile after blast cleaning at random locations along the thermal cut surfaces. If specified anchor profile is not achieved over the entire flame cut surface, grind the edges and re-blast to achieve the required anchor pattern.

**Section 441.3.9., “Handling and Storage of Materials,”** The second sentence of the second paragraph is replaced by the following:

Keep materials clean and avoid damaging of the applied coating.

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## Special Provision to Item 442

### Metal for Structures

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Item 442, "Metal for Structures" of the Standard Specifications is amended with respect to the clause cited below. No other clauses or requirements of this Item are waived or changed.

**Section 442.2.1.3.3., "Fasteners."** The first sentence of the first paragraph is replaced by the following:

**Fasteners.** Provide high-strength bolts that meet ASTM F3125-Grade A325 unless otherwise shown on the plans.

**Section 442.2.1.3.3., "Fasteners."** The third paragraph is deleted and not replaced.

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# Special Provision to Item 502

## Barricades, Signs and Traffic Handling

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Item 502, "Barricades, Signs and Traffic Handling" of the Standard Specifications, is hereby amended with respect to the clauses cited below, and no other clauses or requirements of this Item are waived or changed hereby.

**Article 502.1., "Description,"** is supplemented by the following:

Temporary work-zone (TWZ) traffic control devices manufactured after December 31, 2019, must have been successfully tested to the crashworthiness requirements of the 2016 edition of the Manual for Assessing Safety Hardware (MASH). Such devices manufactured on or before this date and successfully tested to NCHRP Report 350 or the 2009 edition of MASH may continue to be used throughout their normal service lives. An exception to the manufacture date applies when, based on the project's date of letting, a category of MASH-2016 compliant TWZ traffic control devices are not approved, or are not self-certified after the December 31, 2019, date. In such case, devices that meet NCHRP-350 or MASH-2009 may be used regardless of the manufacture date.

Such TWZ traffic control devices include: portable sign supports, barricades, portable traffic barriers designated exclusively for use in temporary work zones, crash cushions designated exclusively for use in temporary work zones, longitudinal channelizers, truck and trailer mounted attenuators. Category I Devices (i.e., lightweight devices) such as cones, tubular markers and drums without lights or signs attached however, may be self-certified by the vendor or provider, with documentation provided to Department or as are shown on Department's Compliant Work Zone Traffic Control Device List.

**Article 502.4., "Payment,"** is supplemented by the following:

Truck mounted attenuators and trailer attenuators will be paid for under Special Specification, "Truck Mounted Attenuator (TMA) and Trailer Attenuator (TA)." Portable Changeable Message Signs will be paid for under Special Specification, "Portable Changeable Message Sign." Portable Traffic Signals will be paid for under Special Specification, "Portable Traffic Signals."



# Special Provision to Item 506

## Temporary Erosion, Sedimentation, and Environmental Controls



For this project, Item 506, "Temporary Erosion, Sedimentation, and Environmental Controls," of the Standard Specifications, is hereby amended with respect to the clauses cited below, and no other clauses or requirements of this Item are waived or changed hereby.

**Article 506.1., "Description,"** is voided and replaced by the following:

Install, maintain, and remove erosion, sedimentation, and environmental control measures to prevent or reduce the discharge of pollutants in accordance with the Storm Water Pollution Prevention Plan (SWP3) or as directed. Ensure the installation and maintenance of control measures is performed in accordance with the manufacturer's or designer's specifications. Erosion and sediment control devices must be selected from the "Erosion Control Approved Products" or "Sediment Control Approved Products" lists. Perform work in a manner to prevent degradation of receiving waters, facilitate project construction, and comply with applicable federal, state, and local regulations.

**Article 506.3., "Qualifications, Training, and Employee Requirements,"** is voided and not replaced.

**Section 506.4.1., "Contractor Responsibilities," Section 506.4.2., "Implementation," and Section 506.4.3., "General,"** are voided and replaced by the following:

4.1. **Contractor Responsibilities.** Implement the SWP3 for the project site in accordance with the plans and specifications, and as directed. Coordinate storm water management with all other work on the project. Develop and implement an SWP3 for project-specific material supply plants within and outside of the Department's right of way in accordance with the specific or general storm water permit requirements. Prevent water pollution from storm water associated with construction activity from entering any surface water or private property on or adjacent to the project site.

4.2. **Implementation.**

4.2.1. **Commencement.** Implement the SWP3 as shown and as directed. Contractor proposed recommendations for changes will be allowed as approved. Do not implement changes until approval has been received and changes have been incorporated into the plans by the Engineer. Minor adjustments to meet field conditions are allowed and will be recorded by the Engineer in the SWP3.

Implement control measures before the commencement of activities that result in soil disturbance. Phase and minimize the soil disturbance to the areas shown on the plans. Coordinate temporary control measures with permanent control measures and all other work activities on the project to assure economical, effective, safe, continuous water pollution prevention. Provide control measures that are appropriate to the construction means, methods, and sequencing allowed by the Contract.

Do not prolong final grading and shaping. Preserve vegetation where possible throughout the project and minimize clearing, grubbing, and excavation within stream banks, bed, and approach sections.

4.3. **General.**

4.3.1. **Temporary Alterations or Control Measure Removal.** Altering or removal of control measures is allowed when control measures are restored within the same working day.

- 4.3.2. **Stabilization.** Initiate stabilization for disturbed areas no more than 14 days after the construction activities in that portion of the site has temporarily or permanently ceased. Establish a uniform vegetative cover or use another stabilization practice as approved.
- 4.3.3. **Finished Work.** Upon the Engineer's acceptance of vegetative cover or other stabilization practice, remove and dispose of all temporary control measures unless otherwise directed. Complete soil disturbing activities and establish a uniform perennial vegetative cover. A project will not be considered for acceptance until a vegetative cover of 70% density of existing adjacent undisturbed areas is obtained or equivalent permanent stabilization is obtained as approved.
- 4.3.4. **Restricted Activities and Required Precautions.** Do not discharge onto the ground or surface waters any pollutants such as chemicals, raw sewage, fuels, lubricants, coolants, hydraulic fluids, bitumens, or any other petroleum product. Operate and maintain equipment on site in a manner as to prevent actual or potential water pollution. Manage, control, and dispose of litter on site such that no adverse impacts to water quality occur. Prevent dust from creating a potential or actual unsafe condition, public nuisance, or condition endangering the value, utility, or appearance of any property. Wash out concrete trucks only in approved contained areas. Use appropriate controls to minimize the offsite transport of suspended sediments and other pollutants if it is necessary to pump or channel standing water (i.e. dewatering). Prevent discharges that would contribute to a violation of Edwards Aquifer Rules, water quality standards, the impairment of a listed water body, or other state or federal law.

**Section 506.4.4., "Installation, Maintenance, and Removal Work."** The first paragraph is voided and replaced by the following.

Perform work in accordance with the SWP3, and according to the manufacturers' guidelines. Install and maintain the integrity of temporary erosion and sedimentation control devices to accumulate silt and debris until soil disturbing activities are completed and permanent erosion control features are in place or the disturbed area has been adequately stabilized as determined by the Engineer.

**Section 506.4.5., "Monitoring and Documentation,"** is voided and not replaced.

**Section 506.6.5.2., "Maintenance Earthwork for Erosion and Sediment Control for Cleaning and/or Restoring Control Measures,"** is voided and replaced by the following:

Earthwork needed to remove and obliterate of erosion-control features will not be paid for directly but is subsidiary to pertinent Items unless otherwise shown on the plans.

Sprinkling and rolling required by this Item will not be paid for directly but will be subsidiary to this Item.

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## Special Provision to Item 520

### Weighing and Measuring Equipment

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Item 520, "Weighing and Measuring Equipment" of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Article 520.2., "Equipment."** The third paragraph is voided and replaced by the following.

Calibrate truck scales using weights certified by the Texas Department of Agriculture (TDA) or an equivalent agency as approved. Provide a written calibration report from a scale mechanic for truck scale calibrations. Cease plant operations during the checking operation. Do not use inaccurate or inadequate scales. Bring performance errors as close to zero as practicable when adjusting equipment.

**Article 520.2., "Equipment."** The fourth paragraph is amended to include the following:

At the Contractors option, an electronic ticket delivery system (e-ticketing) may be used instead of printed tickets. The use of e-ticketing will require written approval of the Engineer. At a minimum, the approved system will:

- Provide electronic, real-time e-tickets meeting the requirements of the applicable bid items;
- Automatically generate e-tickets using software and hardware fully integrated with the automated scale system used to weigh the material, and be designed in such a way that data input cannot be altered by the Contractor or the Engineer;
- Provide the Engineer access to the e-ticketing data in real-time with a web-based or app-based system compatible with iOS;
- Provide offline capabilities to prevent data loss if power or connectivity is lost;
- Require both the Contractor and the Engineer to accept or reject the e-ticket and provide the ability to record the information required by the applicable bid items, as well as any comments. Record the time of the approval/rejection and include it in the summary spreadsheet described below. Provide each party the capability to edit their respective actions and any entered information;

The Contractor may discontinue use of the e-ticket system and provide printed tickets as needed to meet the requirements of the applicable bid items.

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## Special Provision to Item 636 Signs

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Item 636, "Signs" of the Standard Specifications, is hereby amended with respect to the clauses cited below, and no other clauses or requirements of this Item are waived or changed hereby.

**Section 636.3.1, "Fabrication."** is deleted.

**Section 636.3.1.2, "Sheeting Application."** The last sentence of the fourth paragraph is voided and replaced by the following.

Do not splice sheeting or overlay films for signs fabricated with ink or with colored transparent films.

# Special Provision to Item 643

## Sign Identification Decals



Item 643, "Sign Identification Decals," of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Article 2. "Materials."** The sign identification decal design shown in Figure 1 and the description for each row in Table 1 are supplemented by the following.

Texas Department of Transportation													
<b>C</b>	<b>Fabrication Date</b>											<b>T</b>	1
J	F	M	A	M	J	J	A	S	O	N	D		2
	201		202		203		204		205				3
	0	1	2	3	4	5	6	7	8	9			4
<b>Sheeting MFR - Substrate</b>													
A	B	C	D	E	F	G	H	J	K	L	M		5
<b>Film MFR</b>													
A	B	C	D	E	F	G	H	J	K	L	M		6
<b>Sheeting MFR - Legend</b>													
A	B	C	D	E	F	G	H	J	K	L	M		7
<b>Installation Date</b>													
				0	1	2	3						8
	0	1	2	3	4	5	6	7	8	9			9
J	F	M	A	M	J	J	A	S	O	N	D		10
	201		202		203		204		205				11
	0	1	2	3	4	5	6	7	8	9			12
<b>Name of Sign Fabricator</b> <b>Physical Address</b> <b>City, State, Zip Code</b>													13

**Figure 1**  
Decal Design (Row numbers explained in Table 1)

**Table 1**  
**Decal Description**  
**Row Explanation**

<b>1</b>	Sign fabricator
<b>2</b>	Month fabricated
<b>3</b>	First 3 digits of year fabricated
<b>4</b>	Last digit of year fabricated
<b>5</b>	Manufacturer of the sheeting applied to the substrate
<b>6</b>	Film (colored transparent or non-reflective black) manufacturer
<b>7</b>	Manufacturer of the sheeting for the legend
<b>8</b>	Tens digit of date installed
<b>9</b>	Ones digit of date installed
<b>10</b>	Month installed
<b>11</b>	First 3 digits of year installed
<b>12</b>	Last digit of year installed
<b>13</b>	Name of sign fabricator and physical location of sign shop

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## Special Provision to Item 656

### Foundations for Traffic Control Devices

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Item 656, "Foundations for Traffic Control Devices" of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Article 3. "Construction,"** the first paragraph is supplemented by the following:

Ensure the top of the foundation and anchor bolts meet specified requirements in relation to the final grade.

# Special Provision to Item 666

## Retroreflectorized Pavement Markings



Item 666, "Retroreflectorized Pavement Markings," of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

**Section 2.3., "Glass Traffic Beads."** The first paragraph is voided and replaced by the following:

Furnish drop-on glass beads in accordance with DMS-8290, "Glass Traffic Beads," or as approved. Furnish a double-drop of Type II and Type III drop-on glass beads for longitudinal pavement markings where each type bead is applied separately in equal portions (by weight), unless otherwise approved. Apply the Type III beads before applying the Type II beads. Furnish Type II beads for work zone pavement markings and transverse markings or symbols.

**Section 4.3.1., "Type I Markings.,"** is supplemented by the following:

**4.3.1.3. Spot Striping.** Perform spot striping on a callout basis with a minimum callout quantity as shown on the plans.

**Section 4.3.2., "Type II Markings.,"** is supplemented by the following:

**4.3.2.1. Spot Striping.** Perform spot striping on a callout basis with a minimum callout quantity as shown on the plans.

**Section 4.4., "Retroreflectivity Requirements.,"** is voided and replaced by the following.

Type I markings for Contracts totaling more than 20,000 ft. of pavement markings must meet the following minimum retroreflectivity values for all longitudinal edgeline, centerline or no passing barrier-line, and lane line markings when measured any time after 3 days, but not later than 10 days after application.

- White markings: 250 millicandelas per square meter per lux (mcd/m<sup>2</sup>/lx)
- Yellow markings: 175 mcd/m<sup>2</sup>/lx

Retroreflectivity requirements for Type I markings are not required for Contracts with less than 20,000 ft. of pavement markings or Contracts with callout work, unless otherwise shown on the plans.

**Section 4.5., "Retroreflectivity Measurements.,"** is voided and replaced by the following:

Use a mobile retroreflectometer to measure retroreflectivity for Contracts totaling more than 50,000 ft. of pavement markings, unless otherwise shown on the plans. For Contracts with less than 50,000 ft. of pavement markings, mobile or portable retroreflectometers may be used at the Contractor's discretion. Coordinate with and obtain authorization from the Engineer before starting any retroreflectivity data collection.

**Section 4.5.1., "Mobile Retroreflectometer Measurements."** The last paragraph is voided and replaced by the following.

Restripe again at the Contractor's expense with a minimum of 0.060 in. (60 mils) of Type I marking material if the average of these measurements falls below the minimum retroreflectivity requirements. Take measurements every 0.1 miles a minimum of 10 days after this third application within that mile segment for that series of markings. If the markings do not meet minimum retroreflectivity after this third application, the Engineer may require removal of all existing markings, a new application as initially specified, and a repeat of the application process until minimum retroreflectivity requirements are met.



**Section 4.5.2., "Portable Retroreflector Measurements."** The first and second paragraphs are voided and replaced by the following.

Provide portable measurement averages for every 1.0 mile unless otherwise specified or approved. Take a minimum of 20 measurements for each 1-mi. section of roadway for each series of markings (e.g., edgeline, center skip line, each line of a double line) and direction of traffic flow when using a portable reflectometer. Measure each line in both directions for centerlines on two-way roadways (i.e., measure both double solid lines in both directions and measure all center skip lines in both directions). The spacing between each measurement must be at least 100 ft. The Engineer may decrease the mileage frequency for measurements if the previous measurements provide satisfactory results. The Engineer may require the original number of measurements if concerns arise.

Restripe at the Contractor's expense with a minimum of 0.060 in. (60 mils) of Type I marking material if the averages of these measurements fail. Take a minimum of 10 more measurements after 10 days of this second application within that mile segment for that series of markings. Restripe again at the Contractor's expense with a minimum of 0.060 in. (60 mils) of Type I marking material if the average of these measurements falls below the minimum retroreflectivity requirements. If the markings do not meet minimum retroreflectivity after this third application, the Engineer may require removal of all existing markings, a new application as initially specified, and a repeat of the application process until minimum retroreflectivity requirements are met.

**Section 4.6. "Performance Period."** The first sentence is voided and replaced by the following:

All longitudinal markings must meet the minimum retroreflectivity requirements within the time frame specified. All markings must meet all other performance requirements of this specification for at least 30 calendar days after installation.

**Article 6. "Payment."** The first two paragraphs are voided and replaced by the following.

The work performed and materials furnished in accordance with this Item and measured as provided under "Measurement" will be paid for at the unit price bid for "Pavement Sealer" of the size specified; "Retroreflectorized Pavement Markings" of the type and color specified and the shape, width, size, and thickness (Type I markings only) specified, as applicable; "Retroreflectorized Pavement Markings with Retroreflective Requirements" of the types, colors, sizes, widths, and thicknesses specified; "Retroreflectorized Profile Pavement Markings" of the various types, colors, shapes, sizes, and widths specified; or "Reflecterized Pavement Marking (Call Out)" of the shape, width, size, and thickness (Type I markings only) specified, as applicable; or "Pavement Sealer (Call Out)" of the size specified.

This price is full compensation for materials, application of pavement markings, equipment, labor, tools, and incidentals.

# Special Provision to Special Specification 3096

## Asphalts, Oils, and Emulsions



Special Specification 3096, "Asphalts, Oils, and Emulsions," is amended with respect to the clause cited below. No other clause or requirements of this Item are waived or changed.

**Section 3096.2.2., Table 3 Polymer-Modified Asphalt Cement** has been voided and replaced by the following:

**Table 3**  
**Polymer-Modified Asphalt Cement**

Property	Test Procedure	Polymer-Modified Viscosity Grade											
		AC-12-5TR		NT-HA <sup>1</sup>		AC-15P		AC-20XP		AC-10-2TR		AC-20-5TR	
		Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
Polymer		TR				SBS				SBS			
Polymer content, % (solids basis)	<a href="#">Tex-533-C</a> or <a href="#">Tex-553-C</a>	5.0	-	-	-	3.0	-	-	-	2.0	-	5.0	-
Dynamic shear, G*/sin δ, 82°C, 10 rad/s, kPa	T 315	-	-	1.0	-	-	-	-	-	-	-	-	-
Dynamic shear, G*/sin δ, 64°C, 10 rad/s, kPa	T 315	-	-	-	-	-	-	1.0	-	-	-	1.0	-
Dynamic shear, G*/sin δ, 58°C, 10 rad/s, kPa	T 315	1.0	-	-	-	-	-	-	-	1.0	-	-	-
Viscosity													
140°F, poise	T 202	1,200	-	-	-	1,500	-	2,000	-	1,000	-	2,000	-
275°F, poise	T 202	-	-	-	-	-	8.0	-	-	-	8.0	-	10.0
275°F, Pa-s	T 316	-	-	-	4.0	-	-	-	-	-	-	-	-
Penetration, 77°F, 100 g, 5 sec.	T 49	110	150	-	25	100	150	75	115	95	130	75	115
Elastic recovery, 50°F, %	<a href="#">Tex-539-C</a>	55				55	-	55	-	30	-	55	-
Polymer separation	<a href="#">Tex-540-C</a>	None		-		None		None		None		None	
Flash point, C.O.C., °F	T 48	425		425		425	-	425	-	425	-	425	-
Tests on residue from RTFOT aging and pressure aging:	T 240 and R 28												
Creep stiffness	T 313												
S, -18°C, MPa		-	300	-	-	-	300	-	300	-	300	-	300
m-value, -18°C		0.300	-	-	-	0.300	-	0.300	-	0.300	-	0.300	-

1. This is a hot-applied TRAIL product.

**Section 3096.2.5., Diluted Emulsions** tables has been added.

**Diluted Emulsions.** Provide emulsified asphalt that is homogeneous, does not separate after thorough mixing, and meets the requirements for the specified type and grade in Tables 12A, and 12B, where the suffixes 50/50, 40/60, and 30/70 mean 50% emulsion diluted with 50% water; 40% emulsion diluted with 60% water, and 30% emulsion diluted with 70% water, respectively. For example, CSS-1H 40/60 means 40% CSS-1H diluted with 60% water and AE-P 30/70 means 30% AE-P diluted with 70% water.

**Table 12A**  
**Diluted CSS-1H**

Property	Test Procedure	Type-Grade					
		Diluted Slow-Setting					
		CSS-1H 50/50		CSS-1H 40/60		CSS-1H 30/70	
		Min	Max	Min	Max	Min	Max
Viscosity, Saybolt Furol 77°F, sec.	T 72	Report Only		Report Only		Report Only	
Distillation test: Residue by distillation, % by wt. Oil distillate, % by volume of emulsion	T 59	30	–	24	–	18	–
		–	0.5	–	0.5	–	0.5
Tests on residue from distillation:							
Penetration, 77°F, 100 g, 5 sec.	T 49	40	110	40	110	40	110
Solubility, %	T 44	97.5	–	97.5	–	97.5	–
Ductility, 77°F, 5 cm/min., cm	T 51	80	–	80	–	80	–

**Table 12B**  
**Diluted AE-P**

Property	Test Procedure	Type-Grade					
		Diluted Slow-Setting					
		AE-P 50/50		AE-P 40/60		AE-P 30/70	
		Min	Max	Min	Min	Max	Min
Viscosity, Saybolt Furol 122°F, sec.	T 72	Report Only		Report Only		Report Only	
Asphalt emulsion distillation to 500°F followed by Cutback asphalt distillation of residue to 680°F: Residue after both distillations, % by wt. Total oil distillate from both distillations, % by volume of emulsion	T 59 & T 78	20	–	16	–	12	–
		12.5	20	10.0	16	7.5	12
Tests on residue after all distillations:							
Solubility, %	T 44	97.5	–	97.5	–	97.5	–
Float test, 122°F, sec.	T 50	50	200	50	200	50	200

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# Special Provision to Special Specification 6185

## Truck Mounted Attenuator (TMA) and Trailer Attenuator (TA)

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Item 6185, "Truck Mounted Attenuator (TMA) and Trailer Attenuator (TA)" of the Standard Specifications, is hereby amended with respect to the clauses cited below, and no other clauses or requirements of this Item are waived or changed hereby.

**Article 4. "Measurement"**, is voided and replaced by the following:

- 4.1. **Truck Mounted Attenuator/Trailer Attenuator (Stationary).** This Item will be measured by the day. TMA/TAs must be set up in a work area and operational before a calendar day can be considered measurable. A day will be measured for each TMA/TA set up and operational on the worksite.
- 4.2. **Truck Mounted Attenuator/Trailer Attenuator (Mobile Operation).** This Item will be measured by the hour or by the day. The time begins once the TMA/TA is ready for operation at the predetermined site and stops when notified by the Engineer. When measurement by the hour is specified, a minimum of 4 hr. will be paid each day for each operating TMA/TA used in a mobile operation. When measurement by the day is specified, a day will be measured for each TMA/TA set up and operational on the worksite.

# Special Specification 3079

## Permeable Friction Course



### 1. DESCRIPTION

Construct a hot-mix asphalt (HMA) surface course composed of a compacted permeable mixture of aggregate, asphalt binder, and additives mixed hot in a mixing plant.

### 2. MATERIALS

Furnish uncontaminated materials of uniform quality that meet the requirements of the plans and specifications.

Notify the Engineer of all material sources and before changing any material source or formulation. The Engineer will verify that the specification requirements are met when the Contractor makes a source or formulation change, and may require a new laboratory mixture design, trial batch, or both. The Engineer may sample and test project materials at any time during the project to verify specification compliance in accordance with Item 6, "Control of Materials."

- 2.1. **Aggregate.** Furnish aggregates from sources that conform to the requirements in accordance with Table 1 and as specified in this Section. Aggregate requirements in this Section, including those shown in Table 1, may be modified or eliminated when shown on the plans. Additional aggregate requirements may be specified when shown on the plans. Provide aggregate stockpiles that meet the definitions in this Section for coarse aggregate. Do not use intermediate or fine aggregate in permeable friction course (PFC) mixtures. Supply aggregates that meet the definitions in [Tex-100-E](#) for crushed gravel or crushed stone. The Engineer will designate the plant or the quarry as the sampling location. Provide samples from materials produced for the project. The Engineer will establish the Surface Aggregate Classification (SAC) and perform Los Angeles abrasion, magnesium sulfate soundness, and Micro-Deval tests. Perform all other aggregate quality tests in accordance with Table 1. Document all test results on the mixture design report. The Engineer may perform tests on independent or split samples to verify Contractor test results. Stockpile aggregates for each source and type separately. Determine aggregate gradations for mixture design and production testing based on the washed sieve analysis given in [Tex-200-F](#), Part II.

- 2.1.1. **Coarse Aggregate.** Coarse aggregate stockpiles must have no more than 20% material passing the No. 8 sieve. Aggregates from sources listed in the Department's *Bituminous Rated Source Quality Catalog* (BRSQC) are preapproved for use. Use only the rated values for hot-mix listed in the BRSQC. Rated values for surface treatment (ST) do not apply to coarse aggregate sources used in hot-mix asphalt.

For sources not listed on the Department's BRSQC:

- build an individual stockpile for each material;
- request the Department test the stockpile for specification compliance;
- approved only when tested by the Engineer;
- once approved, do not add material to the stockpile unless otherwise approved; and
- allow 30 calendar days for the Engineer to sample, test, and report results.

Provide coarse aggregate with at least the minimum SAC shown on the plans. SAC requirements only apply to aggregates used on the surface of travel lanes, unless otherwise shown on the plans. SAC requirements apply to aggregates used on surfaces other than travel lanes when shown on the plans. The SAC for sources on the Department's *Aggregate Quality Monitoring Program* (AQMP) ([Tex-499-A](#)) is listed in the BRSQC.

2.1.1.1. **Blending Class A and Class B Aggregates.** To prevent crushing of the Class B aggregate when blending, Class B aggregate may be blended with a Class A aggregate to meet requirements for Class A materials if the Department's BRSQC rated source soundness magnesium (RSSM) rating for the Class B aggregate is less than the Class A aggregate or if the RSSM rating for the Class B aggregate is less than or equal to 10%. Use the rated values for hot mix asphaltic concrete (HMAC) published in the BRSQC. When blending Class A and B aggregates to meet a Class A requirement, ensure that at least 50% by weight, or volume if required, of all the aggregates used in the mixture design retained on the No. 4 sieve comes from the Class A aggregate source, unless otherwise shown on the plans. Blend by volume if the bulk specific gravities of the Class A and B aggregates differ by more than 0.300. Class B aggregate may be disallowed when shown on the plans.

The Engineer may perform tests at any time during production, when the Contractor blends Class A and B aggregates to meet a Class A requirement, to ensure that at least 50% by weight, or volume if required, of the material retained on the No. 4 sieve comes from the Class A aggregate source. The Engineer will use the Department's mix design template, when electing to verify conformance, to calculate the percent of Class A aggregate retained on the No. 4 sieve by inputting the bin percentages shown from readouts in the control room at the time of production and stockpile gradations measured at the time of production. The Engineer may determine the gradations based on either washed or dry sieve analysis from samples obtained from individual aggregate cold feed bins or aggregate stockpiles. The Engineer may perform spot checks using the gradations supplied by the Contractor on the mixture design report as an input for the template; however, a failing spot check will require confirmation with a stockpile gradation determined by the Engineer.

2.1.1.2. **Micro-Deval Abrasion.** The Engineer will perform a minimum of one Micro-Deval abrasion test in accordance with [Tex-461-A](#) for each coarse aggregate source used in the mixture design that has a Rated Source Soundness Magnesium (RSSM) loss value greater than 10 as listed in the BRSQC, unless otherwise directed. The Engineer will perform testing before the start of production and may perform additional testing at any time during production. The Engineer may obtain the coarse aggregate samples from each coarse aggregate source or may require the Contractor to obtain the samples. The Engineer may waive all Micro-Deval testing based on a satisfactory test history of the same aggregate source.

The Engineer will estimate the magnesium sulfate soundness loss for each coarse aggregate source, when tested, using the following formula:

$$Mg_{est.} = (RSSM)(MD_{act.}/RSMD)$$

where:

$Mg_{est.}$  = magnesium sulfate soundness loss

RSSM = Rated Source Soundness Magnesium

$MD_{act.}$  = actual Micro-Deval percent loss

RSMD = Rated Source Micro-Deval

When the estimated magnesium sulfate soundness loss is greater than the maximum magnesium sulfate soundness loss specified, the coarse aggregate source will not be allowed for use unless otherwise approved. The Engineer will consult the Soils and Aggregates Section of the Materials and Tests Division, and additional testing may be required before granting approval.

**Table 1**  
**Coarse Aggregate Quality Requirements**

Property	Test Method	Requirement
SAC	<a href="#">Tex-499-A</a> (AQMP)	As shown on the plans
Deleterious material, %, Max	<a href="#">Tex-217-F</a> , Part I	1.0
Decantation, %, Max	<a href="#">Tex-217-F</a> , Part II	1.5
Micro-Deval abrasion, %	<a href="#">Tex-461-A</a>	Note <sup>1</sup>
Los Angeles abrasion, %, Max	<a href="#">Tex-410-A</a>	30
Magnesium sulfate soundness, 5 cycles, %, Max	<a href="#">Tex-411-A</a>	20
Crushed face count, <sup>2</sup> %, Min	<a href="#">Tex-460-A</a> , Part I	95
Flat and elongated particles @ 5:1, %, Max	<a href="#">Tex-280-F</a>	10

1. Used to estimate the magnesium sulfate soundness loss in accordance with Section 3079.2.1.1.2., "Micro-Deval Abrasion."

2. Only applies to crushed gravel.

- 2.2. **Baghouse Fines.** Fines collected by the baghouse or other dust-collecting equipment may be reintroduced into the mixing drum.
- 2.3. **Asphalt Binder.** Furnish the type and grade of binder specified on the plans that meets the requirements of Item 300, "Asphalts, Oils, and Emulsions."
- 2.3.1. **Performance-Graded (PG) Binder.** Provide an asphalt binder with a high-temperature grade of PG 76 and low-temperature grade as shown on the plans in accordance with Section 300.2.10., "Performance-Graded Binders," when PG binder is specified.
- 2.3.2. **Asphalt-Rubber (A-R) Binder.** Provide A-R binder that meets the Type I or Type II requirements of Section 300.2.9., "Asphalt-Rubber Binders," when A-R is specified unless otherwise shown on the plans. Use at least 15.0% by weight of Crumb Rubber Modifier (CRM) that meets the Grade B or Grade C requirements of Section 300.2.7., "Crumb Rubber Modifier," unless otherwise shown on the plans. Provide the Engineer the A-R binder blend design with the mix design (JMF1) submittal. Provide the Engineer with documentation such as the bill of lading showing the quantity of CRM used in the project unless otherwise directed.
- 2.4. **Tack Coat.** Furnish CSS-1H, SS-1H, EBL, or a PG binder with a minimum high-temperature grade of PG 58 for tack coat binder in accordance with Item 300, "Asphalts, Oils, and Emulsions." Specialized tack coat materials listed on the Department's Tracking Resistant Asphalt Interlayer (TRAIL) MPL may be allowed or required when shown on the plans. Do not dilute emulsified asphalts at the terminal, in the field, or at any other location before use.
- 2.5. **Additives.** Provide the Engineer with documentation such as the bill of lading showing the quantity of additives used in the project unless otherwise directed.
- 2.5.1. **Fibers.** Provide cellulose or mineral fibers when PG binder is specified. Do not use fibers when A-R binder is specified. Submit written certification to the Engineer that the fibers proposed for use meet the requirements of DMS-9204, "Fiber Additives for Bituminous Mixtures." Fibers may be pre-blended into the binder at the asphalt supply terminal unless otherwise shown on the plans.
- 2.5.2. **Lime Mineral Filler.** Add lime as mineral filler at a rate of 1.0% by weight of the total dry aggregate in accordance with Item 301, "Asphalt Antistripping Agents," unless otherwise shown on the plans or waived by the Engineer based on Hamburg Wheel test results. Do not add lime directly into the mixing drum of any plant where lime is removed through the exhaust stream unless the plant has a baghouse or dust collection system that reintroduces the lime into the drum.
- 2.5.3. **Lime and Liquid Antistripping Agent.** When lime or a liquid antistripping agent is used, add in accordance with Item 301, "Asphalt Antistripping Agents." Do not add lime directly into the mixing drum of any plant where lime is removed through the exhaust stream unless the plant has a baghouse or dust collection system that reintroduces the lime into the drum. When the plans require lime to be added as an antistripping agent, lime added as mineral filler will count towards the total quantity of lime specified.
- 2.5.4. **Compaction Aid.** Compaction aid is defined as a Department-approved chemical warm mix additive denoted as "chemical additive" on the Department's materials producer list (MPL) that is used to facilitate mixing and compaction of HMA.
- Compaction aid is allowed for use on all projects. Compaction aid is required when shown on the plans or as required in Section 3079.4.7.1., "Weather Conditions."
- Warm mix foaming processes, denoted as "foaming process" on the Department-approved MPL, may be used to facilitate mixing and compaction of HMA; however warm mix foaming processes are not defined as a Compaction aid.
- 2.6. **Recycled Materials.** Recycled materials are not allowed for use.

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**3. EQUIPMENT**

Provide required or necessary equipment in accordance with Item 320, "Equipment for Asphalt Concrete Pavement." When A-R binder is specified, equip the hot-mix plant with an in-line viscosity-measuring device located between the blending unit and the mixing drum. Provide a means to calibrate the asphalt mass flow meter on-site when a meter is used.

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**4. CONSTRUCTION**

Produce, haul, place, and compact the specified paving mixture. In addition to tests required by the specification, Contractors may perform other QC tests as deemed necessary. At any time during the project, the Engineer may perform production and placement tests as deemed necessary in accordance with Item 5, "Control of the Work." Schedule and participate in a mandatory pre-paving meeting with the Engineer on or before the first day of paving unless otherwise shown on the plans.

- 4.1. **Certification.** Personnel certified by the Department-approved hot-mix asphalt certification program must conduct all mixture designs, sampling, and testing in accordance with Table 2. Supply the Engineer with a list of certified personnel and copies of their current certificates before beginning production and when personnel changes are made. Provide a mixture design developed and signed by a Level 2 certified specialist. Provide Level 1A certified specialists at the plant during production operations. Provide Level 1B certified specialists to conduct placement tests. Provide Level AGG101 certified specialists for aggregate testing.



**Table 2**  
**Test Methods, Test Responsibility, and Minimum Certification Levels**

Test Description	Test Method	Contractor	Engineer	Level <sup>1</sup>
<b>1. Aggregate Testing</b>				
Sampling	<a href="#">Tex-221-F</a>	✓	✓	1A/AGG101
Dry sieve	<a href="#">Tex-200-F, Part I</a>	✓	✓	1A/AGG101
Washed sieve	<a href="#">Tex-200-F, Part II</a>	✓	✓	1A/AGG101
Deleterious material	<a href="#">Tex-217-F, Parts I &amp; III</a>	✓	✓	AGG101
Decantation	<a href="#">Tex-217-F, Part II</a>	✓	✓	AGG101
Los Angeles abrasion	<a href="#">Tex-410-A</a>		✓	Department
Magnesium sulfate soundness	<a href="#">Tex-411-A</a>		✓	Department
Micro-Deval abrasion	<a href="#">Tex-461-A</a>		✓	AGG101
Crushed face count	<a href="#">Tex-460-A</a>	✓	✓	AGG101
Flat and elongated particles	<a href="#">Tex-280-F</a>	✓	✓	AGG101
<b>2. Asphalt Binder &amp; Tack Coat Sampling</b>				
Asphalt binder sampling	<a href="#">Tex-500-C, Part II</a>	✓	✓	1A/1B
Tack coat sampling	<a href="#">Tex-500-C, Part III</a>	✓	✓	1A/1B
<b>3. Mix Design &amp; Verification</b>				
Design and JMF changes	<a href="#">Tex-204-F</a>	✓	✓	2
Mixing	<a href="#">Tex-205-F</a>	✓	✓	2
Molding (SGC)	<a href="#">Tex-241-F</a>	✓	✓	1A
Laboratory-molded density	<a href="#">Tex-207-F, Parts I, VI, &amp; VIII</a>	✓	✓	1A
Rice gravity	<a href="#">Tex-227-F, Part II</a>	✓	✓	1A
Ignition oven correction factors <sup>2</sup>	<a href="#">Tex-236-F, Part II</a>	✓	✓	2
Drain-down	<a href="#">Tex-235-F</a>	✓	✓	1A
Hamburg Wheel test	<a href="#">Tex-242-F</a>	✓	✓	1A
Boil test <sup>4</sup>	<a href="#">Tex-530-C</a>	✓	✓	1A
Cantabro loss	<a href="#">Tex-245-F</a>	✓	✓	1A
<b>4. Production Testing</b>				
Control charts	<a href="#">Tex-233-F</a>	✓	✓	1A
Mixture sampling	<a href="#">Tex-222-F</a>	✓	✓	1A/1B
Gradation & asphalt binder content <sup>2</sup>	<a href="#">Tex-236-F, Part I</a>	✓	✓	1A
Moisture content	<a href="#">Tex-212-F, Part II</a>	✓	✓	1A/AGG101
Micro-Deval abrasion	<a href="#">Tex-461-A</a>		✓	AGG101
Drain-down	<a href="#">Tex-235-F</a>	✓	✓	1A
Boil test <sup>4</sup>	<a href="#">Tex-530-C</a>	✓	✓	1A
Abson recovery	<a href="#">Tex-211-F</a>		✓	Department
<b>5. Placement Testing</b>				
Control charts	<a href="#">Tex-233-F</a>	✓	✓	1A
Ride quality measurement	<a href="#">Tex-1001-S</a>	✓	✓	Note 3
Thermal profile	<a href="#">Tex-244-F</a>	✓	✓	1B
Water flow test	<a href="#">Tex-246-F</a>	✓	✓	1B
Shear bond strength test	<a href="#">Tex-249-F</a>		✓	Department

- Level 1A, 1B, AGG101, and 2 are certification levels provided by the Hot Mix Asphalt Center certification program.
- Refer to Section 3079.4.9.2.3., "Production Testing," for exceptions to using an ignition oven.
- Profiler and operator are required to be certified at the Texas A&M Transportation Institute facility when Surface Test Type B is specified.
- When shown on the plans.

- 4.2. **Reporting and Responsibilities.** Use Department-provided templates to record and calculate all test data, including mixture design, production and placement tests, control charts, and thermal profiles. Obtain the current version of the templates at <https://www.txdot.gov/inside-txdot/forms-publications/consultants-contractors/forms/site-manager.html> or from the Engineer. The Engineer and the Contractor will provide any available test results to the other party when requested. The maximum allowable time for the Contractor and Engineer to exchange test data is given in Table 3. The Engineer and the Contractor will immediately report to the other party any test result that requires suspension of production or placement or that fails to meet the specification requirements. Record and electronically submit all test results and pertinent information on Department-provided templates.

Subsequent sublots placed after test results are available to the Contractor, which require suspension of operations, may be considered unauthorized work. Unauthorized work will be accepted or rejected at the discretion of the Engineer in accordance with Article 5.3., "Conformity with Plans, Specifications, and Special Provisions."

**Table 3**  
**Reporting Schedule**

Description	Reported By	Reported To	To Be Reported Within
<b>Production Quality Control</b>			
Gradation <sup>1</sup>	Contractor	Engineer	1 working day of completion of the subplot
Asphalt binder content <sup>1</sup>			
Laboratory-molded density <sup>1</sup>			
Moisture content <sup>2</sup>			
Drain-down <sup>1</sup>			
Boil test <sup>4</sup>			
<b>Production Quality Assurance</b>			
Gradation <sup>2</sup>	Engineer	Contractor	1 working day of completion of the subplot
Asphalt binder content <sup>2</sup>			
Laboratory-molded density <sup>2</sup>			
Hamburg Wheel test <sup>3</sup>			
Boil test <sup>4</sup>			
Drain-down <sup>2</sup>			
Binder tests <sup>3</sup>			
<b>Placement Quality Control</b>			
Thermal profile <sup>1</sup>	Contractor	Engineer	1 working day of completion of the lot
Water flow <sup>1</sup>			
<b>Placement Quality Assurance</b>			
Thermal profile <sup>2</sup>	Engineer	Contractor	1 working day of completion of the lot
Aging ratio <sup>3</sup>			
Water flow <sup>2</sup>			

1. These tests are required on every subplot.
2. To be performed at the frequency in accordance with Table 9 or as shown on the plans.
3. To be reported as soon as the results become available.
4. When shown on the plans

Use the procedures described in [Tex-233-F](#) to plot the results of all production and placement testing, when directed. Update the control charts as soon as test results for each subplot become available. Make the control charts readily accessible at the field laboratory. The Engineer may suspend production for failure to update control charts.

- 4.3. **Quality Control Plan (QCP).** Develop and follow the QCP in detail. Obtain approval for changes to the QCP made during the project. The Engineer may suspend operations if the Contractor fails to comply with the QCP.

Submit a written QCP before the mandatory pre-paving meeting when directed. Receive approval of the QCP before pre-paving meeting. Include the following items in the QCP:

- 4.3.1. **Project Personnel.** For project personnel, include:
- a list of individuals responsible for QC with authority to take corrective action;
  - current contact information for each individual listed; and

- current copies of certification documents for individuals performing specified QC functions.

4.3.2. **Material Delivery and Storage.** For material delivery and storage, include:

- the sequence of material processing, delivery, and minimum quantities to assure continuous plant operations;
- aggregate stockpiling procedures to avoid contamination and segregation;
- frequency, type, and timing of aggregate stockpile testing to assure conformance of material requirements before mixture production; and
- procedure for monitoring the quality and variability of asphalt binder.

4.3.3. **Production.** For production, include:

- loader operation procedures to avoid contamination in cold bins;
- procedures for calibrating and controlling cold feeds;
- procedures to eliminate debris or oversized material;
- procedures for adding and verifying rates of each applicable mixture component (e.g., aggregate, asphalt binder, lime, liquid antistriper, compaction aid, foaming process, fibers);
- procedures for reporting job control test results; and
- procedures to avoid segregation and drain-down in the silo.

4.3.4. **Loading and Transporting.** For loading and transporting, include:

- type and application method for release agents; and
- truck loading procedures to avoid segregation.

4.3.5. **Placement and Compaction.** For placement and compaction, include:

- proposed agenda for mandatory pre-paving meeting, including date and location;
- proposed paving plan (e.g., production rate, paving widths, joint offsets, and lift thicknesses);
- type and application method for release agents in the paver and on rollers, shovels, lutes, and other utensils;
- procedures for the transfer of mixture into the paver, while avoiding physical and thermal segregation and preventing material spillage;
- process to balance production, delivery, paving, and compaction to achieve continuous placement operations and good ride quality;
- paver operations (e.g., speed, operation of wings, height of mixture in auger chamber) to avoid physical and thermal segregation and other surface irregularities; and
- procedures to construct quality longitudinal and transverse joints.

4.4. **Mixture Design.**

4.4.1. **Design Requirements.** Use the PFC design procedure provided in [Tex-204-E](#), unless otherwise shown on the plans. Design the mixture to meet the requirements in accordance with Tables 1, 4, 5, and 6. Use a Superpave Gyrotory Compactor (SGC) at 50 gyrations as the design number of gyrations (Ndesign).

The Engineer will provide the mixture design when shown on the plans. The Contractor may submit a new mixture design at any time during the project. The Engineer will verify and approve all mixture designs (JMF1) before the Contractor can begin production.

Provide the Engineer with a mixture design report using the Department-provided template. Include the following items in the report:

- the combined aggregate gradation, source, specific gravity, and percent of each material used;
- results of all applicable tests;
- the mixing and molding temperatures;
- the signature of the Level 2 person or persons that performed the design;

- the date the mixture design was performed; and
- a unique identification number for the mixture design.

**Table 4**  
**Master Gradation Limits (% Passing by Weight or Volume)**

Sieve Size	PG 76 Mixtures		A-R Mixtures		Test Procedure
	Fine (PFC-F)	Coarse (PFC-C)	Fine (PFCR-F)	Coarse (PFCR-C)	
3/4"	–	100.0 <sup>1</sup>	100.0 <sup>1</sup>	100.0 <sup>1</sup>	<a href="#">Tex-200-F</a>
1/2"	100.0 <sup>1</sup>	80.0–100.0	95.0–100.0	80.0–100.0	
3/8"	95.0–100.0	35.0–60.0	50.0–80.0	35.0–60.0	
#4	20.0–55.0	1.0–20.0	0.0–8.0	0.0–20.0	
#8	1.0–10.0	1.0–10.0	0.0–4.0	0.0–10.0	
#200	1.0–4.0	1.0–4.0	0.0–4.0	0.0–4.0	

1. Defined as maximum sieve size. No tolerance allowed.

**Table 5**  
**Mixture Design Properties**

Mix Property	PG 76 Mixtures		A-R Mixtures		Test Procedure
	Fine (PFC-F) Requirements	Coarse (PFC-C) Requirements	Fine (PFCR-F) Requirements	Coarse (PFCR-C) Requirements	
Design gyrations (N <sub>design</sub> )	50	50	50	50	<a href="#">Tex-241-F</a>
Lab-molded density, %	78.0 Max	82.0 Max	82.0 Max	82.0 Max	<a href="#">Tex-207-F</a>
Asphalt Binder Content, %	6.0–7.0	6.0–7.0	8.0–10.0	7.0–9.0	--
Hamburg Wheel test, <sup>1</sup> passes at 12.5 mm rut depth	10,000 Min <sup>2</sup>	Note 3	Note 3	Note 3	<a href="#">Tex-242-F</a>
Drain-down, %	0.10 Max	0.10 Max	0.10 Max	0.10 Max	<a href="#">Tex-235-F</a>
Fiber content, % by wt. of total PG 76 mixture	0.20–0.50	0.20–0.50	–	–	Calculated
Lime content, % by wt. of total aggregate	1.0 <sup>4</sup>	1.0 <sup>4</sup>	–	–	Calculated
CRM content, % by wt. of A-R binder	–	–	15.0 Min	15.0 Min	Calculated
Boil test <sup>5</sup>	–	–	–	–	<a href="#">Tex-530-C</a>
Cantabro loss, %	20.0 Max	20.0 Max	20.0 Max	20.0 Max	<a href="#">Tex-245-F</a>

1. Mold test specimens to N<sub>design</sub> at the optimum asphalt binder content.
2. May be decreased when shown on the plans.
3. No specification value is required unless otherwise shown on the plans.
4. Unless otherwise shown on the plans or waived by the Engineer based on Hamburg Wheel results.
5. When shown on the plans. Used to establish baseline for comparison to production results.

4.4.2. **Job-Mix Formula Approval.** The job-mix formula (JMF) is the combined aggregate gradation, N<sub>design</sub> level, and target asphalt percentage used to establish target values for hot-mix production. JMF1 is the original laboratory mixture design used to produce the trial batch. When a compaction aid or foaming process is used, JMF1 may be designed and submitted to the Engineer without including the compaction aid or foaming process. When a compaction aid or foaming process is used, document the compaction aid or foaming process used and recommended rate on the JMF1 submittal. The Engineer and the Contractor will verify JMF1 based on plant-produced mixture from the trial batch unless otherwise approved. The Engineer may accept an existing mixture design previously used on a Department project and may waive the trial batch to verify JMF1. The Department may require the Contractor to reimburse the Department for verification tests if more than two trial batches per design are required.

4.4.2.1. **Contractor's Responsibilities.**

- 4.4.2.1.1. **Providing Gyrotory Compactor.** Furnish an SGC calibrated in accordance with [Tex-241-F](#) for molding production samples. Locate the SGC at the Engineer's field laboratory or make the SGC available to the Engineer for use in molding production samples.
- 4.4.2.1.2. **Gyrotory Compactor Correlation Factors.** Use [Tex-206-F](#), Part II, to perform a gyrotory compactor correlation when the Engineer uses a different SGC. Apply the correlation factor to all subsequent production test results.
- 4.4.2.1.3. **Submitting JMF1.** Furnish a mix design report (JMF1) with representative samples of all component materials and request approval to produce the trial batch. Provide an additional 25 lb. of the design mixture if opting to have the Department perform the Hamburg Wheel test on the laboratory mixture when required in accordance with Table 5, and request that the Department perform the test.
- 4.4.2.1.4. **Supplying Aggregates.** Provide approximately 40 lb. of each aggregate stockpile unless otherwise directed.
- 4.4.2.1.5. **Supplying Asphalt.** Provide at least 1 gal. of the asphalt material and enough quantities of any additives proposed for use.
- 4.4.2.1.6. **Ignition Oven Correction Factors.** Determine the aggregate and asphalt correction factors from the ignition oven in accordance with [Tex-236-F](#), Part II. Provide correction factors that are not more than 12 mo. old. Note that the asphalt content correction factor takes into account the percent fibers in the mixture so that the fibers are excluded from the binder content determination. Provide the Engineer with split samples of the mixtures before the trial batch production, including all additives (except water), and blank samples used to determine the correction factors for the ignition oven used for quality assurance (QA) testing during production. Correction factors established from a previously approved mixture design may be used for the current mixture design if the mixture design and ignition oven are the same as previously used and the correction factors are not more than 12 mo. old, unless otherwise directed.
- 4.4.2.1.7. **Boil Test.** When shown on the plans, perform the test and retain the tested sample from [Tex-530-C](#) until completion of the project or as directed. Use this sample for comparison purposes during production. Add lime or liquid antistripping agent, as directed, if signs of stripping exist.
- 4.4.2.1.8. **Trial Batch Production.** Provide a plant-produced trial batch upon receiving conditional approval of JMF1 and authorization to produce a trial batch including the compaction aid or foaming process, if applicable, for verification testing of JMF1 and development of JMF2. Produce a trial batch mixture that meets the requirements in accordance with Table 6. The Engineer may accept test results from recent production of the same mixture instead of a new trial batch.
- 4.4.2.1.9. **Trial Batch Production Equipment.** Use only equipment and materials proposed for use on the project to produce the trial batch. Provide documentation to verify the calibration or accuracy of the asphalt mass flow meter to measure the binder content. Verify that asphalt mass flow meter meets the requirements of 0.4% accuracy, when required, in accordance with Item 520, "Weighing and Measuring Equipment." The Engineer may require that the accuracy of the mass flow meter be verified based on quantities used.
- 4.4.2.1.10. **Trial Batch Quantity.** Produce enough quantity of the trial batch to ensure that the mixture meets the specification requirements.
- 4.4.2.1.11. **Number of Trial Batches.** Produce trial batches as necessary to obtain a mixture that meets the specification requirements.
- 4.4.2.1.12. **Trial Batch Sampling.** Obtain a representative sample of the trial batch and split it into three equal portions in accordance with [Tex-222-F](#). Label these portions as "Contractor," "Engineer," and "Referee." Deliver samples to the appropriate laboratory as directed.
- 4.4.2.1.13. **Trial Batch Testing.** Test the trial batch to ensure the mixture produced using the proposed JMF1 meets the mixture requirements in accordance with Table 6. Ensure the trial batch mixture is also in compliance with the requirements in accordance with Table 5. Use a Department-approved laboratory listed on the MPL to perform

the Hamburg Wheel test on the trial batch mixture or request that the Department perform the Hamburg Wheel test. Provide an additional 25 lb. of the trial batch mixture if opting to have the Department perform the Hamburg Wheel test, if applicable, and request that the Department perform the test. The Engineer will be allowed 10 working days to provide the Contractor with Hamburg Wheel test results on the trial batch. Provide the Engineer with a copy of the trial batch test results.

- 4.4.2.1.14. **Development of JMF2.** Evaluate the trial batch test results, determine the target mixture proportions, and submit as JMF2 after the Engineer grants full approval of JMF1 based on results from the trial batch. The mixture produced using JMF2 must meet the requirements in accordance with Tables 4 and 5. Verify that JMF2 meets the operational tolerances in accordance with Table 6.
- 4.4.2.1.15. **Mixture Production.** Use JMF2 to produce Lot 1 after receiving approval for JMF2.
- 4.4.2.1.16. **Development of JMF3.** Evaluate the test results from Lot 1, determine the optimum mixture proportions, and submit as JMF3 for use in Lot 2.
- 4.4.2.1.17. **JMF Adjustments.** If JMF adjustments are necessary to achieve the specified requirements, make the adjustments before beginning a new lot. The adjusted JMF must:
- be provided to the Engineer in writing before the start of a new lot;
  - be numbered in sequence to the previous JMF;
  - meet the master gradation limits in accordance with Table 4; and
  - be within the operational tolerances of JMF2 in accordance with Table 6.
- 4.4.2.1.18. **Requesting Referee Testing.** Use referee testing, if needed, in accordance with Section 3079.4.9.1., "Referee Testing," to resolve testing differences with the Engineer.

**Table 6**  
**Operational Tolerances**

Test Description	Test Method	Allowable Difference between JMF2 and JMF1 Target <sup>1</sup>	Allowable Difference from Current JMF and JMF2 <sup>2</sup>	Allowable Difference between Contractor and Engineer <sup>3</sup>
Individual % retained for sieve sized larger than #200	<a href="#">Tex-200-F</a>	Must be Within Master Grading Limits in accordance with Table 4	±3.0 <sup>4</sup>	±5.0 <sup>4</sup>
% passing the #200 sieve				±2.0 <sup>4</sup>
Laboratory-molded density, %	<a href="#">Tex-207-F</a> , Part VIII	±1.0	±1.0	±1.0
Asphalt binder content, %	<a href="#">Tex-236-F</a> , Part I <sup>5</sup>	±0.3 <sup>6,7</sup>	±0.3 <sup>4,6,7</sup>	±0.3 <sup>6,7</sup>
Drain-down, %	<a href="#">Tex-235-F</a>	Note 8	Note 8	N/A
Boil test	<a href="#">Tex-530-C</a>	Note 9	Note 9	N/A

1. JMF1 is the approved laboratory mixture design used for producing the trial batch. JMF2 is the approved mixture design developed from the trial batch used to produce Lot 1.
2. Current JMF is JMF3 or higher. JMF3 is the approved mixture design used to produce Lot 2.
3. Contractor may request referee testing only when values exceed these tolerances.
4. Only applies to mixture produced for Lot 1 and higher. Aggregate gradation is not allowed to be outside the limits shown in Table 4.
5. Ensure the binder content determination excludes fibers.
6. May be obtained from asphalt mass flow meter readouts as determined by the Engineer.
7. Binder content is not allowed to be outside the limits in accordance with Table 5.
8. Verify that Table 5 requirements are met.
9. When shown on the plans.

4.4.2.2. **Engineer's Responsibilities.**

- 4.4.2.2.1. **Superpave Gyrotory Compactor.** The Engineer will use a Department SGC calibrated in accordance with [Tex-241-F](#) to mold samples for laboratory mixture design verification. For molding trial batch and production specimens, the Engineer will use the Contractor-provided SGC at the

field laboratory or provide and use a Department SGC at an alternate location.

4.4.2.2.2. **Conditional Approval of JMF1 and Authorizing Trial Batch.** The Engineer will review and verify conformance of the following information within two working days of receipt:

- the Contractor's mix design report (JMF1);
- the Contractor-provided Hamburg Wheel test results;
- all required materials including aggregates, asphalt, and additives; and
- the mixture specifications.

The Engineer will grant the Contractor conditional approval of JMF1 if the information provided on the paper copy of JMF1 indicates that the Contractor's mixture design meets the specifications. When the Contractor does not provide Hamburg Wheel test with laboratory mixture design, 10 working days are allowed for conditional approval of JMF1. The Engineer will base full approval of JMF1 on the test results on mixture from the trial batch.

Unless waived, the Engineer will determine the Micro-Deval abrasion loss in accordance with Section 3079.2.1.1.2., "Micro-Deval Abrasion." If the Engineer's test results are pending after two working days, conditional approval of JMF1 will still be granted within two working days of receiving JMF1. When the Engineer's test results become available, they will be used for specification compliance.

The Contractor is authorized to produce a trial batch after the Engineer grants conditional approval of JMF1.

4.4.2.2.3. **Hamburg Wheel Testing.** At the Contractor's request, the Department will perform the Hamburg Wheel test on the laboratory mixture in accordance with [Tex-242-F](#) to verify compliance with the Hamburg Wheel test requirement in accordance with Table 5. The Engineer will be allowed 10 working days to provide the Contractor with Hamburg Wheel test results on the laboratory mixture design.

4.4.2.2.4. **Ignition Oven Correction Factors.** The Engineer will use the split samples provided by the Contractor to determine the aggregate and asphalt correction factors for the ignition oven used for QA testing during production in accordance with [Tex-236-F](#), Part II. Provide correction factors that are not more than 12 mo. old. The Engineer will verify that the asphalt content correction factor takes into account the percent fibers in the mixture so that the fibers are excluded from the binder content determination.

4.4.2.2.5. **Testing the Trial Batch.** Within one full working day, the Engineer will sample and test the trial batch to ensure that the mixture meets the requirements in accordance with Table 6. If the Contractor requests the option to have the Department perform the Hamburg Wheel test on the trial batch mixture, the Engineer will mold samples in accordance with [Tex-242-F](#) to verify compliance with the Hamburg Wheel test requirement in accordance with Table 5.

The Engineer will have the option to perform [Tex-530-C](#) on the trial batch when shown on the plans. These results may be retained and used for comparison purposes during production.

4.4.2.2.6. **Full Approval of JMF1.** The Engineer will grant full approval of JMF1 and authorize the Contractor to proceed with developing JMF2 if the Engineer's results for the trial batch meet the requirements in accordance with Table 5.

The Engineer will notify the Contractor that an additional trial batch is required if the trial batch does not meet these requirements.

4.4.2.2.7. **Approval of JMF2.** The Engineer will approve JMF2 within one working day if the mixture meets the requirements in accordance with Tables 4, 5, and 6.

- 4.4.2.2.8. **Approval of Lot 1 Production.** The Engineer will authorize the Contractor to proceed with Lot 1 production (using JMF2).
- 4.4.2.2.9. **Approval of JMF3 and Subsequent JMF Changes.** JMF3 and subsequent JMF changes are approved if they meet the master grading limits in accordance with Table 4, the asphalt binder content in accordance with Table 5, and are within the operational tolerances of JMF2 in accordance with Table 6.
- 4.4.2.2.10. **Binder Content Adjustments.** For JMF2 and above, the Engineer may require the Contractor to adjust the target binder content by no more than 0.3% from the current JMF.
- 4.5. **Production Operations.** Perform a new trial batch when the plant or plant location is changed. Take corrective action and receive approval to proceed after any production suspension for noncompliance to the specification.
- 4.5.1. **Storage and Heating of Materials.** Do not heat the asphalt binder above the temperatures specified in Item 300, "Asphalts, Oils, and Emulsions," or outside the manufacturer's recommended values. Provide the Engineer with daily records of asphalt binder and hot-mix asphalt discharge temperatures (in legible and discernible increments) in accordance with Item 320, "Equipment for Asphalt Concrete Pavement," unless otherwise directed. Do not store mixture for a period long enough to affect the quality of the mixture, nor in any case longer than 12 hr. unless otherwise approved.
- 4.5.2. **Mixing and Discharge of Materials.** Notify the Engineer of the target discharge temperature and produce the mixture within 25°F of the target. Monitor the temperature of the material in the truck before shipping to ensure that it does not exceed the maximum production temperatures in accordance with Table 7. The Department will not pay for or allow placement of any mixture produced above the maximum production temperatures in accordance with Table 7.

**Table 7**  
**Maximum Production Temperature**

High-Temperature Binder Grade <sup>1</sup>	Maximum Production Temperature
PG 76	345°F
A-R Binder	345°F

1. The high-temperature binder grade refers to the high-temperature grade of the virgin asphalt binder used to produce the mixture.

Control the mixing time and temperature so that substantially all moisture is removed from the mixture before discharging from the plant. Determine the moisture content, if requested, by oven-drying in accordance with [Tex-212-F](#), Part II, and verify that the mixture contains no more than 0.2% of moisture by weight. Obtain the sample immediately after discharging the mixture into the truck and perform the test promptly.

- 4.6. **Hauling Operations.** Clean all truck beds before use to ensure that mixture is not contaminated. Use a release agent, when necessary, shown on the Department's MPL to coat the inside bed of the truck. Do not use diesel or any release agent not shown on the Department's MPL.

Use equipment for hauling as defined in Section 3079.4.7.3.3., "Hauling Equipment." Use other hauling equipment only when allowed.

- 4.7. **Placement Operations.** Collect haul tickets from each load of mixture delivered to the project and provide the Department's copy to the Engineer approximately every hour or as directed. Use a hand-held thermal camera or infrared thermometer, when a thermal imaging system is not used, to measure and record the internal temperature of the mixture as discharged from the truck or Material Transfer Device (MTD) before or as the mix enters the paver and an approximate station number or GPS coordinates on each ticket. Calculate the daily yield and cumulative yield for the specified lift and provide to the Engineer at the end of paving operations for each day unless otherwise directed. The Engineer may suspend production if the Contractor fails to produce and provide haul tickets and yield calculations by the end of paving operations for each day.

Prepare the surface by removing raised pavement markers and objectionable material such as moisture, dirt, sand, leaves, and other loose impediments from the surface before placing mixture. Remove vegetation from



pavement edges. Place the mixture to meet the typical section requirements and produce a smooth, finished surface with a uniform appearance and texture. Offset longitudinal joints of successive courses of hot-mix by at least 6 in. Place mixture so that longitudinal joints on the surface course coincide within 6-in. of lane lines and are not placed in the wheel path, or as directed. Ensure that all finished surfaces will drain properly.

#### 4.7.1. **Weather Conditions.**

- 4.7.1.1. **When Using a Thermal Imaging System.** The Contractor may pave any time the roadway is dry and the roadway surface temperature is at least 60°F unless otherwise approved or as shown on the plans; however, the Engineer may restrict the Contractor from paving if the ambient temperature is likely to drop below 32°F within 12 hr. of paving. Place mixtures when weather conditions and moisture conditions of the roadway surface are suitable as determined by the Engineer. Provide output data from the thermal imaging system to demonstrate to the Engineer that no recurring severe thermal segregation exists in accordance with Section 3079.4.7.3.1.2., "Thermal Imaging System."

Produce mixture with a target discharge temperature higher than 300°F and with a compaction aid to facilitate compaction when the air temperature is 70°F and falling.

- 4.7.1.1.1. **When Not Using a Thermal Imaging System.** When using a thermal camera instead of the thermal imaging system, place mixture when the roadway surface temperature is at or above 70°F unless otherwise approved or as shown on the plans. Measure the roadway surface temperature with a hand-held thermal camera or infrared thermometer. Place mixtures only when weather conditions and moisture conditions of the roadway surface are suitable as determined by the Engineer. The Engineer may restrict the Contractor from paving if the air temperature is 60°F and falling.

Produce mixture with a target discharge temperature higher than 300°F and with a compaction aid to facilitate compaction when the air temperature is 70°F and falling.

#### 4.7.2. **Tack Coat.**

- 4.7.2.1. **Application.** Clean the surface before placing the tack coat. The Engineer will set the rate between 0.04 and 0.10 gal. of residual asphalt per square yard of surface area. Apply a uniform tack coat at the specified rate unless otherwise directed. Apply the tack coat in a uniform manner to avoid streaks and other irregular patterns. Apply adequate overlap of the tack coat in the longitudinal direction during the placement of the mat to ensure bond of adjacent PFC mats, unless otherwise directed. Unless otherwise directed, avoid tacking the vertical faces of adjacent PFC mats in the longitudinal direction to avoid restricting lateral drainage. Apply tack coat to all transverse joints. Allow adequate time for emulsion to break completely before placing any material. Do not dilute emulsified asphalts at the terminal, in the field, or at any other location before use.

- 4.7.2.2. **Sampling.** The Engineer will obtain at least one sample of the tack coat binder per project in accordance with [Tex-500-C](#), Part III, and test it to verify compliance with Item 300, "Asphalts, Oils, and Emulsions." The Engineer will notify the Contractor when the sampling will occur and will witness the collection of the sample from the asphalt distributor immediately before use. Label the can with the corresponding lot and subplot numbers, producer, producer facility, grade, district, date sampled, and project information including highway and CSJ. For emulsions, the Engineer may test as often as necessary to ensure the residual of the emulsion is greater than or equal to the specification requirement in Item 300, "Asphalts, Oils, and Emulsions."

- 4.7.3. **Lay-Down Operations.** Use the placement temperature in accordance with Table 8 to establish the minimum placement temperature of the mixture delivered to the paving operation.

**Table 8**  
**Minimum Mixture Placement Temperature**

High-Temperature Binder Grade <sup>1</sup>	Minimum Placement Temperature (Before Entering Paving Operation) <sup>2,3</sup>
PG 76	280°F
A-R Binder	280°F

1. The high-temperature binder grade refers to the high-temperature grade of the virgin asphalt binder used to produce the mixture.
2. The mixture temperature must be measured using a hand-held thermal camera or infrared thermometer nearest to the point of entry of the paving operation.
3. Minimum placement temperatures may be reduced 10°F if using a compaction aid.

4.7.3.1. **Thermal Profile.** Use a hand-held thermal camera or a thermal imaging system to obtain a continuous thermal profile in accordance with [Tex-244-F](#). Thermal profiles are not applicable in areas described in Section 3079.4.9.3.2., "Miscellaneous Areas."

4.7.3.1.1. **Thermal Segregation.**

4.7.3.1.1.1. **Moderate.** Any areas that have a temperature differential greater than 25°F, but not exceeding 50°F.

4.7.3.1.1.2. **Severe.** Any areas that have a temperature differential greater than 50°F.

4.7.3.1.2. **Thermal Imaging System.** Review the output results when a thermal imaging system is used, and provide the report described in [Tex-244-F](#) to the Engineer daily. Modify the paving process as necessary to eliminate any recurring (moderate or severe) thermal segregation identified by the thermal imaging system.-

The Engineer may suspend subsequent paving operations if the Contractor cannot successfully modify the paving process to eliminate recurring severe or moderate thermal segregation.

Provide the Engineer with electronic copies of all daily data files that can be used with the thermal imaging system software to generate temperature profile plots daily or as requested by the Engineer.

4.7.3.1.2.1. **Thermal Camera.** When using a thermal camera instead of the thermal imaging system, take immediate corrective action to eliminate recurring moderate thermal segregation when a hand-held thermal camera is used. Provide the Engineer with the thermal profile of every subplot within one working day of the completion of each lot. When requested by the Engineer, provide the electronic files generated using the thermal camera. Report the results of each thermal profile in accordance with Section 3079.4.2., "Reporting and Responsibilities." The Engineer will use a hand-held thermal camera to obtain a thermal profile at least once per project. Suspend operations and take immediate corrective action to eliminate severe thermal segregation unless otherwise directed. Resume operations when the Engineer determines that subsequent production will meet the requirements of this Section.

4.7.3.2. **Windrow Operations.** Operate windrow pickup equipment so that when hot-mix is placed in windrows, substantially all the mixture deposited on the roadbed is picked up and loaded into the paver.

4.7.3.3. **Hauling Equipment.** Use belly dumps, live bottom, or end dump trucks to haul and transfer mixture; however, with exception of paving miscellaneous areas, end dump trucks are only allowed when used in conjunction with an MTD with remixing capability or when a thermal imaging system is used unless otherwise allowed.

4.7.3.4. **Screed Heaters.** Turn off screed heaters to prevent overheating of the mat if the paver stops for more than 5 min. The Engineer may evaluate the suspect area in accordance with Section 3079.4.9.3.3., "Recovered Asphalt Dynamic Shear Rheometer (DSR)," if the screed heater remains on for more than 5 min. while the paver is stopped.

4.8. **Compaction.** Roll the freshly placed PFC with as many steel-wheeled rollers as necessary, operated in static mode, to seat the mixture without excessive breakage of the aggregate and to provide a smooth surface and uniform texture. Do not use pneumatic rollers. Moisten the roller drums thoroughly with a soap and water solution to prevent adhesion. Use only water or an approved release agent on rollers, tamps, and

other compaction equipment unless otherwise directed.

Use [Tex-246-F](#) to test and verify that the compacted mixture has adequate permeability. Measure the water flow once per subplot at locations directed by the Engineer. The water flow rate must be less than 20 sec. Investigate the cause of the water flow rate test failures and take corrective actions during production and placement to ensure the water flow rate is less than 20 sec. Suspend production if two consecutive water flow rate tests fail unless otherwise approved. Resume production after the Engineer approves changes to production or placement methods.

Complete all compaction operations before the pavement temperature drops below 180°F unless otherwise allowed. The Engineer may allow compaction with a light finish roller operated in static mode for pavement temperatures below 180°F.

Allow the compacted pavement to cool to 160°F or lower before opening to traffic unless otherwise directed. Sprinkle the finished mat with water or limewater, when directed, to expedite opening the roadway to traffic.

- 4.9. **Acceptance Plan.** Sample and test the hot-mix on a lot and subplot basis.
- 4.9.3. **Referee Testing.** The Materials and Tests Division is the referee laboratory. The Contractor may request referee testing if the differences between Contractor and Engineer test results exceed the operational tolerances in accordance with Table 6 and the differences cannot be resolved. The Contractor may also request referee testing if the Engineer's test results require suspension of production and the Contractor's test results are within specification limits. Make the request within five working days after receiving test results and cores from the Engineer. Referee tests will be performed only on the subplot in question and only for the particular tests in question. Allow 10 working days from the time the referee laboratory receives the samples for test results to be reported. The Department may require the Contractor to reimburse the Department for referee tests if more than three referee tests per project are required and the Engineer's test results are closer to the referee test results than the Contractor's test results.
- 4.9.4. **Production Acceptance.**
- 4.9.4.1. **Production Lot.** A production lot consists of four equal sublots. The default quantity for Lot 1 is 1,000 ton; however, when requested by the Contractor, the Engineer may increase the quantity for Lot 1 to no more than 2,000 ton. The Engineer will select subsequent lot sizes based on the anticipated daily production such that approximately three to four sublots are produced each day. The lot size will be between 1,000 ton and 4,000 ton. The Engineer may change the lot size before the Contractor begins any lot.
- 4.9.4.1.1. **Incomplete Production Lots.** If a lot is begun but cannot be completed, such as on the last day of production or in other circumstances deemed appropriate, the Engineer may close the lot. Close all lots within five working days unless otherwise allowed.
- 4.9.4.2. **Production Sampling.**
- 4.9.4.2.1. **Mixture Sampling.** Obtain hot-mix samples from trucks at the plant in accordance with [Tex-222-F](#). The sampler will split each sample into three equal portions in accordance with [Tex-200-F](#) and label these portions as "Contractor," "Engineer," and "Referee." The Engineer will perform or witness the sample splitting and take immediate possession of the samples labeled "Engineer" and "Referee." The Engineer will maintain the custody of the samples labeled "Engineer" and "Referee" until the Department's testing is completed.
- 4.9.4.2.1.1. **Random Sample.** At the beginning of the project, the Engineer will select random numbers for all production sublots. Determine sample locations in accordance with [Tex-225-F](#). Take one sample for each subplot at the randomly selected location. The Engineer will perform or witness the sampling of production sublots.
- 4.9.4.2.1.2. **Blind Sample.** For one subplot per lot, the Engineer will obtain and test a "blind" sample instead of the random sample collected by the Contractor. Test either the "blind" or the random sample; however, referee testing (if applicable) will be based on a comparison of results from the "blind" sample. The location of the Engineer's "blind" sample will not be disclosed to the Contractor. The Engineer's "blind" sample may be randomly selected in accordance with [Tex-225-F](#) for any subplot or selected at the discretion of the Engineer. The

Engineer will use the Contractor's split sample for sublots not sampled by the Engineer.

- 4.9.4.2.2. **Informational Shear Bond Strength Testing.** Select one random subplot from Lot 2 or higher for shear bond strength testing. Obtain full depth cores in accordance with [Tex-249-F](#). Label the cores with the Control Section Job (CSJ), producer of the tack coat, mix type, shot rate, lot, and subplot number and provide to the Engineer. The Engineer will ship the cores to the Materials and Tests Division or district laboratory for shear bond strength testing. Results from these tests will not be used for specification compliance.
- 4.9.4.2.3. **Informational Hamburg and Overlay Testing.** Select one random subplot from Lot 2 or higher for Hamburg and Overlay testing during the first week of production. Obtain and provide the Engineer with approximately 90 lb. of mixture, sampled in accordance with [Tex-222-F](#), in sealed containers, boxes, or bags labeled with the Control-Section-Job (CSJ), mixture type, lot, and subplot number. The Engineer will ship the mixture to the Materials and Tests Division for Hamburg and Overlay testing. Results from these tests will not be used for specification compliance.
- 4.9.4.2.4. **Asphalt Binder Sampling.** Obtain a 1 qt. (1 gal. for A-R binder) sample of the asphalt binder witness by the Engineer for each lot of mixture produced. The Contractor will notify the Engineer when the sampling will occur. Obtain the sample at approximately the same time the mixture random sample is obtained. Sample from a port located immediately upstream from the mixing drum or pug mill and upstream from the introduction of any additives in accordance with [Tex-500-C](#), Part II. Label the can with the corresponding lot and subplot numbers, producer, producer facility, grade, district, date sampled, and project information including highway and CSJ. The Engineer will retain these samples for one year. The Engineer may also obtain independent samples. If obtaining an independent asphalt binder sample and upon request of the Contractor, the Engineer will split a sample of the asphalt binder with the Contractor

At least once per project, the Engineer will collect split samples of each binder grade and source used. The Engineer will submit one split sample to the Materials and Tests Division to verify compliance with Item 300, "Asphalts, Oils, and Emulsions" and will retain the other split sample for one year.

- 4.9.4.3. **Production Testing.** The Contractor and Engineer must perform production tests in accordance with Table 9. The Contractor has the option to verify the Engineer's test results on split samples provided by the Engineer. Determine compliance with operational tolerances in accordance with Table 6 for all sublots.

At any time during production, the Engineer may require the Contractor to verify the following based on quantities used:

- lime content (within  $\pm 0.1\%$  of JMF), when PG binder is specified;
- fiber content (within  $\pm 0.03\%$  of JMF), when PG binder is specified; and
- CRM content (within  $\pm 1.5\%$  of JMF), when A-R binder is specified.

Maintain the in-line measuring device when A-R binder is specified to verify the A-R binder viscosity between 2,500 and 4,000 centipoise at 350°F unless otherwise approved. Record A-R binder viscosity at least once per hour and provide the Engineer with a daily summary unless otherwise directed.

If the aggregate mineralogy is such that [Tex-236-F](#), Part I does not yield reliable results, the Engineer may allow alternate methods for determining the asphalt content and aggregate gradation. The Engineer will require the Contractor to provide evidence that results from [Tex-236-F](#), Part I are not reliable before permitting an alternate method unless otherwise allowed. Use the applicable test procedure as directed if an alternate test method is allowed.

**Table 9**  
**Production and Placement Testing Frequency**

Description	Test Method	Minimum Contractor Testing Frequency	Minimum Engineer Testing Frequency
Individual % retained for sieve sized larger than #200	<a href="#">Tex-200-F</a>	1 per subplot	1 per 12 sublots
% passing the #200 sieve			
Laboratory-molded density, %	<a href="#">Tex-207-F</a> , Part VIII	1 per subplot	1 per lot
Asphalt binder content <sup>1</sup> , %	<a href="#">Tex-236-F</a> , Part I <sup>2</sup>	1 per subplot	1 per lot
Drain-down, %	<a href="#">Tex-235-F</a>	1 per subplot	1 per 12 sublots
Boil test <sup>3</sup>	<a href="#">Tex-530-C</a>	1 per project	1 per project
Moisture content	<a href="#">Tex-212-F</a> , Part II	When directed	1 per project
Cantabro loss, %	<a href="#">Tex-245-F</a>	1 per project (sample only)	1 per project
Overlay test	<a href="#">Tex-248-F</a>	1 per project (sample only)	1 per project <sup>4,9</sup>
Hamburg Wheel test	<a href="#">Tex-242-F</a>	1 per project (sample only)	1 per project <sup>4,9</sup>
Water flow test	<a href="#">Tex-246-F</a>	1 per subplot	1 per project
Asphalt binder sampling	<a href="#">Tex-500-C</a> , Part II	1 per lot (sample only) <sup>5</sup>	1 per project
Tack coat sampling and testing	<a href="#">Tex-500-C</a> , Part III	N/A	1 per project
Thermal profile	<a href="#">Tex-244-F</a>	1 per subplot, <sup>6,7,8</sup>	1 per project <sup>7</sup>

1. May be obtained from t mass flow meter readouts as determined by the Engineer.
2. Ensure the binder content determination excludes fibers.
3. When shown on the plans.
4. Testing performed by the Materials and Tests Division on sample obtained from Lot 2 or higher.
5. Obtain samples witness by the Engineer. The Engineer will retain these samples for one year.
6. To be performed in the presence of the Engineer when using the thermal camera, unless otherwise approved.
7. Not required when a thermal imaging system is used.
8. When using the thermal imaging system, the test report must include the temperature measurements taken in accordance with Tex-244-F.
9. Testing performed by the Materials and Tests Division for informational purposes only.

4.9.4.4. **Operational Tolerances.** Control the production process within the operational tolerances in accordance with Table 6. Suspend production and placement operations when production or placement test results exceed the tolerances in accordance with Table 6 unless otherwise allowed. When production is suspended, the Engineer will allow production to resume when test results or other information indicates the next mixture produced will be within the operational tolerances.

4.9.4.5. **Individual Loads of Hot-Mix.** The Engineer can reject individual truckloads of hot-mix. When a load of hot-mix is rejected for reasons other than temperature, contamination, or excessive uncoated particles, the Contractor may request that the rejected load be tested. Make this request within 4 hr. of rejection. The Engineer will sample and test the mixture. If test results are within the operational tolerances in accordance with Table 6, payment will be made for the load. If test results are not within operational tolerances, no payment will be made for the load.

4.9.5. **Placement Acceptance.**

4.9.5.1. **Placement Lot.** A placement lot consists of four placement sublots. A placement subplot consists of the area placed during a production subplot.

4.9.5.2. **Miscellaneous Areas.** Miscellaneous areas include areas that typically involve significant handwork or discontinuous paving operations such as driveways, mailbox turnouts, crossovers, gores, spot level-up

areas, and other similar areas. The specified layer thickness is based on the rate of 90 lb. per square yard for each inch of pavement unless another rate is shown on the plans. Miscellaneous areas are not subject to thermal profiles testing.

4.9.5.3. **Recovered Asphalt Dynamic Shear Rheometer (DSR).** The Engineer may take production samples or cores from suspect areas of the project to determine recovered asphalt properties. Asphalt binders with an aging ratio greater than 3.5 do not meet the requirements for recovered asphalt properties and may be deemed defective when tested and evaluated by the Materials and Tests Division. The aging ratio is the DSR value of the extracted binder divided by the DSR value of the original unaged binder. Obtain DSR values in accordance with AASHTO T 315 at the specified high temperature performance grade of the asphalt. The Engineer may require removal and replacement of the defective material at the Contractor's expense. The asphalt binder will be recovered for testing from production samples or cores in accordance with [Tex-211-F](#).

4.9.5.4. **Irregularities.** Identify and correct irregularities, including segregation, rutting, raveling, flushing, fat spots, mat slippage, irregular color, irregular texture, roller marks, tears, gouges, streaks, uncoated aggregate particles, or broken aggregate particles. The Engineer may also identify irregularities, and in such cases, the Engineer will promptly notify the Contractor. If the Engineer determines that the irregularity will adversely affect pavement performance, the Engineer may require the Contractor to remove and replace (at the Contractor's expense) areas of the pavement that contain irregularities. The Engineer may also require the Contractor to remove and replace (at the Contractor's expense) areas where the mixture does not bond to the existing pavement.

If irregularities are detected, the Engineer may require the Contractor to immediately suspend operations or may allow the Contractor to continue operations for no more than one day while the Contractor is taking appropriate corrective action.

4.9.6. **Exempt Production.** When the anticipated daily production is less than 100 ton, all QC and QA sampling and testing are waived. The Engineer may deem the mixture as exempt production for the following conditions:

- anticipated daily production is more than 100 ton but less than 250 ton;
- total production for the project is less than 2,500 ton;
- when mutually agreed between the Engineer and the Contractor; or
- when shown on the plans.

For exempt production, the Contractor is relieved of all production and placement sampling and testing requirements. All other specification requirements apply, and the Engineer will perform acceptance tests for production and placement in accordance with Table 9.

For exempt production:

- produce, haul, place, and compact the mixture as directed by the Engineer; and
- control mixture production to yield a laboratory-molded density that is within  $\pm 1.0\%$  of the target density as tested by the Engineer.

4.9.7. **Ride Quality.** Measure ride quality in accordance with Item 585, "Ride Quality for Pavement Surfaces," unless otherwise shown on the plans.

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## 5. MEASUREMENT

5.1. **PFC Hot-Mix Asphalt.** Permeable friction course (PFC) hot-mix will be measured by the ton of composite mixture which includes asphalt, aggregate, and additives. Measure the weight on scales in accordance with Item 520, "Weighing and Measuring Equipment."

5.2. **Tack Coat.** Tack coat will be measured at the applied temperature by strapping the tank before and after road application and determining the net volume in gallons from the calibrated distributor. The Engineer will witness all strapping operations for volume determination. All tack, including emulsions, will be measured by the gallon applied.

The Engineer may allow the use of a metering device to determine asphalt volume used and application rate if the device is accurate to within 1.5% of the strapped volume.

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**6. PAYMENT**

The work performed and materials furnished in accordance with this Item and measured as provided under Section 3079.5.1., "PFC Hot-Mix Asphalt," will be paid for at the unit bid price for "Permeable friction course Hot Mix Asphalt" of the mixture type, SAC, and binder specified. These prices are full compensation for surface preparation, materials, placement, equipment, labor, tools, and incidentals.

The work performed and materials furnished in accordance with this Item and measured as provided under Section 3079.5.2., "Tack Coat," will be paid for at the unit bid price for "Tack Coat" of the tack coat provided. These prices are full compensation for materials, placement, equipment, labor, tools, and incidentals.

Trial batches will not be paid for unless they are included in pavement work approved by the Department.

Payment adjustment for ride quality will be determined in accordance with Item 585, "Ride Quality for Pavement Surfaces."

# Special Specification 3081

## Thin Overlay Mixtures



### 1. DESCRIPTION

Construct a thin surface course composed of a compacted mixture of aggregate and asphalt binder mixed hot in a mixing plant. Produce a thin overlay mixture (TOM) with a minimum lift thickness of 1/2 in. for a Type F mixture and 3/4 in. for a Type C mixture.

### 2. MATERIALS

Furnish uncontaminated materials of uniform quality that meet the requirements of the plans and specifications.

Notify the Engineer of all material sources and before changing any material source or formulation. The Engineer will verify that the specification requirements are met when the Contractor makes a source or formulation change, and may require a new laboratory mixture design, trial batch, or both. The Engineer may sample and test project materials at any time during the project to verify specification compliance in accordance with Item 6, "Control of Materials."

2.1. **Aggregate.** Furnish aggregates from sources that conform to the requirements in accordance with Table 1 and as specified in this Section. Aggregate requirements in this Section, including those shown in Table 1, may be modified or eliminated when shown on the plans. Additional aggregate requirements may be specified when shown on the plans. Provide aggregate stockpiles that meet the definitions in this Section for coarse, intermediate, or fine aggregate. Do not use reclaimed asphalt pavement (RAP) or recycled asphalt shingles (RAS). Supply aggregates that meet the definitions in accordance with [Tex-100-E](#) for crushed gravel or crushed stone. The Engineer will designate the plant or the quarry as the sampling location. Provide samples from materials produced for the project. The Engineer will establish the Surface Aggregate Classification (SAC) and perform Los Angeles abrasion, magnesium sulfate soundness, and Micro-Deval tests. Perform all other aggregate quality tests in accordance with Table 1. Document all test results on the mixture design report. The Engineer may perform tests on independent or split samples to verify Contractor test results. Stockpile aggregates for each source and type separately. Determine aggregate gradations for mixture design and production testing based on the washed sieve analysis in accordance with [Tex-200-F](#), Part II.

2.1.1. **Coarse Aggregate.** Coarse aggregate stockpiles must have no more than 20% material passing the No. 8 sieve. Aggregates from sources listed in the Department's *Bituminous Rated Source Quality Catalog* (BRSQC) are preapproved for use. Use only the rated values for hot-mix listed in the BRSQC. Rated values for surface treatment (ST) do not apply to coarse aggregate sources used in hot-mix asphalt.

For sources not listed on the Department's BRSQC:

- build an individual stockpile for each material;
- request the Department test the stockpile for specification compliance;
- approved only when tested by the Engineer;
- once approved, do not add material to the stockpile unless otherwise approved; and
- allow 30 calendar days for the Engineer to sample, test, and report results.

2.1.1.1. **Blending Class A and Class B Aggregates.** Class B aggregate meeting all other requirements in blending Class A and B aggregates to meet a Class A requirement, ensure that at least 50% by weight, or volume if required, of all aggregates used in the mixture design retained on the No. 8 sieve comes from the Class A



aggregate source, unless otherwise shown on the plans. Blend by volume if the bulk specific gravities of the Class A and B aggregates differ by more than 0.300. Class B aggregate may be disallowed when shown on the plans.

The Engineer may perform tests at any time during production, when the Contractor blends Class A and B aggregates to meet a Class A requirement, to ensure that at least 50% by weight, or volume if required, of the material retained on the No. 8 sieve comes from the Class A aggregate source. The Engineer will use the Department's mix design template, when electing to verify conformance, to calculate the percent of Class A aggregate retained on the No. 8 sieve by inputting the bin percentages shown from readouts in the control room at the time of production and stockpile gradations measured at the time of production. The Engineer may determine the gradations based on either washed or dry sieve analysis from samples obtained from individual aggregate cold feed bins or aggregate stockpiles. The Engineer may perform spot checks using the gradations supplied by the Contractor on the mixture design report as an input for the template; however, a failing spot check will require confirmation with a stockpile gradation determined by the Engineer.

- 2.1.1.2. **Micro-Deval Abrasion.** The Engineer will perform a minimum of one Micro-Deval abrasion test in accordance with [Tex-461-A](#) for each coarse aggregate source used in the mixture design that has a Rated Source Soundness Magnesium (RSSM) loss value greater than 15 as listed in the BRSQC, unless otherwise directed. The Engineer will perform testing before the start of production and may perform additional testing at any time during production. The Engineer may obtain the coarse aggregate samples from each coarse aggregate source or may require the Contractor to obtain the samples. The Engineer may waive all Micro-Deval testing based on a satisfactory test history of the same aggregate source.

The Engineer will estimate the magnesium sulfate soundness loss for each coarse aggregate source, when tested, using the following formula:

$$Mg_{est.} = (RSSM)(MD_{act.}/RSMD)$$

where:

$Mg_{est}$  = magnesium sulfate soundness loss

RSSM = Rated Source Soundness Magnesium

$MD_{act}$  = actual Micro-Deval percent loss

RSMD = Rated Source Micro-Deval

When the estimated magnesium sulfate soundness loss is greater than the maximum magnesium sulfate soundness loss specified, the coarse aggregate source will not be allowed for use unless otherwise approved. The Engineer will consult the Soils and Aggregates Section of the Materials and Tests Division, and additional testing may be required before granting approval.

- 2.1.2. **Intermediate Aggregate.** Aggregates not meeting the definition of coarse or fine aggregate will be defined as intermediate aggregate. Supply intermediate aggregates, when used that are free from organic impurities. The Engineer may test the intermediate aggregate in accordance with [Tex-408-A](#) to verify the material is free from organic impurities. Supply intermediate aggregate from coarse aggregate sources, when used that meet the requirements in accordance with Table 1 unless otherwise approved.

If 10% or more of the stockpile is retained on the No. 4 sieve, verify that it meets the requirements in accordance with Table 1 for crushed face count ([Tex-460-A](#)) and flat and elongated particles ([Tex-280-F](#)).

- 2.1.3. **Fine Aggregate.** Fine aggregates consist of manufactured sands and screenings. Natural sands are not allowed in any mixture. Fine aggregate stockpiles must meet the fine aggregate properties in accordance with Table 1 and the gradation requirements in accordance with Table 2. Supply fine aggregates that are free from organic impurities. The Engineer may test the fine aggregate in accordance with [Tex-408-A](#) to verify the material is free from organic impurities. Use fine aggregate from coarse aggregate sources that meet the requirements in accordance with Table 1 unless otherwise approved.

If 10% or more of the stockpile is retained on the No. 4 sieve, verify that it meets the requirements in accordance with Table 1 for crushed face count ([Tex-460-A](#)) and flat and elongated particles ([Tex-280-F](#)).

**Table 1**  
**Aggregate Quality Requirements**

Property	Test Method	Requirement
<b>Coarse Aggregate</b>		
SAC	<a href="#">Tex-499-A</a>	A <sup>1</sup>
Deleterious material, %, Max	<a href="#">Tex-217-F</a> , Part I	1.5
Decantation, %, Max	<a href="#">Tex-217-F</a> , Part II	1.5
Micro-Deval abrasion, %	<a href="#">Tex-461-A</a>	Note <sup>f</sup>
Los Angeles abrasion, %, Max	<a href="#">Tex-410-A</a>	30
Magnesium sulfate soundness, 5 cycles, %, Max	<a href="#">Tex-411-A</a>	20
Crushed face count, <sup>3</sup> %, Min	<a href="#">Tex-460-A</a> , Part I	95
Flat and elongated particles @ 5:1, %, Max	<a href="#">Tex-280-F</a>	10
<b>Fine Aggregate</b>		
Linear shrinkage, %, Max	<a href="#">Tex-107-E</a>	3
Sand equivalent, %, Min	<a href="#">Tex-203-F</a>	45

1. Surface Aggregate Classification of "A" is required unless otherwise shown on the plans.
2. Used to estimate the magnesium sulfate soundness loss in accordance with Section 3081.2.1.1.2., "Micro-Deval Abrasion."
3. Only applies to crushed gravel.

**Table 2**  
**Gradation Requirements for Fine Aggregate**

Sieve Size	% Passing by Weight or Volume
3/8"	100
#8	70-100
#200	0-30

- 2.2. **Mineral Filler.** Mineral filler consists of finely divided mineral matter such as agricultural lime, crusher fines, or hydrated lime. Mineral filler is allowed unless otherwise shown on the plans. Fly ash is not permitted unless otherwise shown on the plans. Use no more than 2% hydrated lime unless otherwise shown on the plans. Test all mineral fillers except hydrated lime and fly ash in accordance with [Tex-107-E](#) to ensure specification compliance. The plans may require or disallow specific mineral fillers. Provide mineral filler, when used, that:
- is sufficiently dry, free-flowing, and free from clumps and foreign matter as determined by the Engineer;
  - does not exceed 3% linear shrinkage when tested in accordance with [Tex-107-E](#); and
  - meets the gradation requirements in Table 3, unless otherwise shown on the plans.

**Table 3**  
**Gradation Requirements for Mineral Filler**

Sieve Size	% Passing by Weight or Volume
#8	100
#200	55-100

- 2.3. **Baghouse Fines.** Fines collected by the baghouse or other dust-collecting equipment may be reintroduced into the mixing drum.
- 2.4. **Asphalt Binder.** Furnish performance-graded (PG) asphalt binder with a high temperature grade of PG 76 unless otherwise shown in the plans and a low temperature grade as shown on the plans, in accordance with Section 300.2.10., "Performance-Graded Binders."
- 2.5. **Tack Coat.** Furnish CSS-1H, SS-1H, EBL, or a PG binder with a minimum high-temperature grade of PG 58 for tack coat binder in accordance with Item 300, "Asphalts, Oils, and Emulsions." Specialized tack coat materials listed on the Department's Tracking Resistant Asphalt Interlayer (TRAIL) MPL may be allowed or required when shown on the plans. Do not dilute emulsified asphalts at the terminal, in the field, or at any other location before use.

- 2.6. **Additives.** Provide the Engineer with documentation such as the bill of lading showing the quantity of additives used in the project unless otherwise directed.
- 2.6.1. **Lime and Liquid Antistripping Agent.** When lime or a liquid antistripping agent is used, add in accordance with Item 301, "Asphalt Antistripping Agents." Use no more than 1% hydrated lime when using crushed gravel. Do not add lime directly into the mixing drum of any plant where lime is removed through the exhaust stream unless the plant has a baghouse or dust collection system that reintroduces the lime into the drum.
- 2.6.2. **Compaction Aid.** Compaction Aid is defined as a department-approved chemical warm mix additive denoted as "chemical additive" on the Department's materials producer list (MPL) that is used to facilitate mixing and compaction of HMA.
- Compaction Aid is allowed for use on all projects. Compaction aid is required when shown on the plans or as required in Section 3081.4.7.1., "Weather Conditions."
- Warm mix foaming processes, denoted as "foaming process" on the Department-approved MPL, may be used to facilitate mixing and compaction of HMA; however warm mix foaming processes are not defined as a Compaction Aid.
- 2.7. **Recycled Materials.** Recycled materials are not allowed for use.

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### 3. EQUIPMENT

Provide required or necessary equipment in accordance with Item 320, "Equipment for Asphalt Concrete Pavement."

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### 4. CONSTRUCTION

Produce, haul, place, and compact the specified paving mixture. In addition to tests required by the specification, Contractors may perform other QC tests as deemed necessary. At any time during the project, the Engineer may perform production and placement tests as deemed necessary in accordance with Item 5, "Control of the Work." Schedule and participate in a mandatory pre-paving meeting with the Engineer on or before the first day of paving unless otherwise shown on the plans.

- 4.1. **Certification.** Personnel certified by the Department-approved hot-mix asphalt certification program must conduct all mixture designs, sampling, and testing in accordance with Table 4. Supply the Engineer with a list of certified personnel and copies of their current certificates before beginning production and when personnel changes are made. Provide a mixture design developed and signed by a Level 2 certified specialist. Provide Level 1A certified specialists at the plant during production operations. Provide Level 1B certified specialists to conduct placement tests. Provide AGG101 certified specialists for aggregate testing.

**Table 4**  
**Test Methods, Test Responsibility, and Minimum Certification Levels**

Test Description	Test Method	Contractor	Engineer	Level <sup>1</sup>
<b>1. Aggregate Testing</b>				
Sampling	<a href="#">Tex-221-F</a>	✓	✓	1A/AGG101
Dry sieve	<a href="#">Tex-200-F</a> , Part I	✓	✓	1A/AGG101
Washed sieve	<a href="#">Tex-200-F</a> , Part II	✓	✓	1A/AGG101
Deleterious material	<a href="#">Tex-217-F</a> , Part I	✓	✓	AGG101
Decantation	<a href="#">Tex-217-F</a> , Part II	✓	✓	AGG101
Los Angeles abrasion	<a href="#">Tex-410-A</a>		✓	Department
Magnesium sulfate soundness	<a href="#">Tex-411-A</a>		✓	Department
Micro-Deval abrasion	<a href="#">Tex-461-A</a>		✓	AGG101
Crushed face count	<a href="#">Tex-460-A</a>	✓	✓	AGG101
Flat and elongated particles	<a href="#">Tex-280-F</a>	✓	✓	AGG101
Sand equivalent	<a href="#">Tex-203-F</a>	✓	✓	AGG101
Organic impurities	<a href="#">Tex-408-A</a>	✓	✓	AGG101
Methylene blue test	<a href="#">Tex-252-F</a>		✓	Department
<b>2. Asphalt Binder &amp; Tack Coat Sampling</b>				
Asphalt binder sampling	<a href="#">Tex-500-C</a> , Part II	✓	✓	1A/1B
Tack coat sampling	<a href="#">Tex-500-C</a> , Part III	✓	✓	1A/1B
<b>3. Mix Design &amp; Verification</b>				
Design and JMF changes	<a href="#">Tex-204-F</a>	✓	✓	2
Mixing	<a href="#">Tex-205-F</a>	✓	✓	2
Molding (TGC)	<a href="#">Tex-206-F</a>	✓	✓	1A
Molding (SGC)	<a href="#">Tex-241-F</a>	✓	✓	1A
Laboratory-molded density	<a href="#">Tex-207-F</a> , Parts I & VI	✓	✓	1A
Rice gravity	<a href="#">Tex-227-F</a> , Part II	✓	✓	1A
Drain-down	<a href="#">Tex-235-F</a>	✓	✓	1A
Ignition oven correction factors <sup>2</sup>	<a href="#">Tex-236-F</a> , Part II	✓	✓	2
Indirect tensile strength	<a href="#">Tex-226-F</a>	✓	✓	1A
Overlay test	<a href="#">Tex-248-F</a>		✓	Department
Hamburg Wheel test	<a href="#">Tex-242-F</a>	✓	✓	1A
Boil test <sup>4</sup>	<a href="#">Tex-530-C</a>	✓	✓	1A
<b>4. Production Testing</b>				
Selecting production random numbers	<a href="#">Tex-225-F</a> , Part I		✓	1A
Mixture sampling	<a href="#">Tex-222-F</a>	✓	✓	1A/1B
Molding (TGC)	<a href="#">Tex-206-F</a>	✓	✓	1A
Molding (SGC)	<a href="#">Tex-241-F</a>	✓	✓	1A
Laboratory-molded density	<a href="#">Tex-207-F</a> , Parts I & VI	✓	✓	1A
Rice gravity	<a href="#">Tex-227-F</a> , Part II	✓	✓	1A
Gradation & asphalt binder content <sup>2</sup>	<a href="#">Tex-236-F</a> , Part I	✓	✓	1A
Drain-down	<a href="#">Tex-235-F</a>	✓	✓	1A
Control charts	<a href="#">Tex-233-F</a>	✓	✓	1A
Moisture content	<a href="#">Tex-212-F</a> , Part II	✓	✓	1A/AGG101
Hamburg Wheel test	<a href="#">Tex-242-F</a>	✓	✓	1A
Overlay test	<a href="#">Tex-248-F</a>	✓	✓	Department
Micro-Deval abrasion	<a href="#">Tex-461-A</a>		✓	AGG101
Boil test <sup>4</sup>	<a href="#">Tex-530-C</a>	✓	✓	1A
Abson recovery	<a href="#">Tex-211-F</a>		✓	Department
<b>5. Placement Testing</b>				
Establish rolling pattern	<a href="#">Tex-207-F</a> , Part IV	✓		1B
In-place density (nuclear method)	<a href="#">Tex-207-F</a> , Part III	✓		1B
Control charts	<a href="#">Tex-233-F</a>	✓	✓	1A
Ride quality measurement	<a href="#">Tex-1001-S</a>	✓	✓	Note 3
Thermal profile	<a href="#">Tex-244-F</a>	✓	✓	1B
Water flow test	<a href="#">Tex-246-F</a>	✓	✓	1B

- Level 1A, 1B, AGG101, and 2 are certification levels provided by the Hot Mix Asphalt Center certification program.
- Refer to Section 3081.4.9.2.3., "Production Testing," for exceptions to using an ignition oven.
- Profiler and operator are required to be certified at the Texas A&M Transportation Institute facility when Surface Test Type B is specified.
- When shown on the plans.

4.2.

**Reporting and Responsibilities.** Use Department-provided templates to record and calculate all test data, including mixture design, production and placement QC/QA, control charts, and thermal profiles. Obtain the current version of the templates at <https://www.txdot.gov/inside-txdot/forms-publications/consultants-contractors/forms/site-manager.html> or from the Engineer. The Engineer and the Contractor will provide any available test results to the other party when requested. The maximum allowable time for the Contractor and Engineer to exchange test data is as given in Table 5 unless otherwise approved. The Engineer and the Contractor will immediately report to the other party any test result that requires suspension of production or placement or that fails to meet the specification requirements. Record and electronically submit all test results and pertinent information on Department-provided templates.

Subsequent sublots placed after test results are available to the Contractor, which require suspension of operations, may be considered unauthorized work. Unauthorized work will be accepted or rejected at the discretion of the Engineer in accordance with Section 5.3., "Conformity with Plans, Specifications, and Special Provisions."

**Table 5**  
**Reporting Schedule**

Description	Reported By	Reported To	To Be Reported Within
<b><i>Production Quality Control</i></b>			
Gradation <sup>1</sup>	Contractor	Engineer	1 working day of completion of the subplot
Asphalt binder content <sup>1</sup>			
Laboratory-molded density <sup>2</sup>			
Moisture content <sup>3</sup>			
Boil test <sup>5</sup>			
<b><i>Production Quality Assurance</i></b>			
Gradation <sup>3</sup>	Engineer	Contractor	1 working day of completion of the subplot
Asphalt binder content <sup>3</sup>			
Laboratory-molded density <sup>1</sup>			
Hamburg Wheel test <sup>4</sup>			
Overlay test <sup>4</sup>			
Boil test <sup>5</sup>			
Binder tests <sup>4</sup>			
<b><i>Placement Quality Control</i></b>			
Thermal profile <sup>1</sup>	Contractor	Engineer	1 working day of completion of the lot
Water flow <sup>1</sup>			
<b><i>Placement Quality Assurance</i></b>			
Thermal profile <sup>3</sup>	Engineer	Contractor	1 working day of completion of the lot
Aging ratio <sup>4</sup>			
Water flow			

1. These tests are required on every subplot.
2. Optional test. When performed on split samples, report the results as soon as they become available.
3. To be performed at the frequency specified and in accordance with Table 13 or as shown on the plans.
4. To be reported as soon as the results become available.
5. When shown on the plans.

Use the procedures described in [Tex-233-E](#) to plot the results of all quality control (QC) and quality assurance (QA) testing. Update the control charts as soon as test results for each subplot become available. Make the control charts readily accessible at the field laboratory. The Engineer may suspend production for failure to update control charts.

4.3.

**Quality Control Plan (QCP).** Develop and follow the QCP in detail. Obtain approval for changes to the QCP made during the project. The Engineer may suspend operations if the Contractor fails to comply with the QCP.

Submit a written QCP before the mandatory pre-paving meeting. Receive approval of the QCP before pre-paving meeting. Include the following items in the QCP:

- 4.3.1. **Project Personnel.** For project personnel, include:
- a list of individuals responsible for QC with authority to take corrective action;
  - current contact information for each individual listed; and
  - current copies of certification documents for individuals performing specified QC functions.
- 4.3.2. **Material Delivery and Storage.** For material delivery and storage, include:
- the sequence of material processing, delivery, and minimum quantities to assure continuous plant operations;
  - aggregate stockpiling procedures to avoid contamination and segregation;
  - frequency, type, and timing of aggregate stockpile testing to assure conformance of material requirements before mixture production; and
  - procedure for monitoring the quality and variability of asphalt binder.
- 4.3.3. **Production.** For production, include:
- loader operation procedures to avoid contamination in cold bins;
  - procedures for calibrating and controlling cold feeds;
  - procedures to eliminate debris or oversized material;
  - procedures for adding and verifying rates of each applicable mixture component (e.g., aggregate, asphalt binder, lime, liquid antistripping, compaction aid, foaming process);
  - procedures for reporting job control test results; and
  - procedures to avoid segregation and drain-down in the silo.
- 4.3.4. **Loading and Transporting.** For loading and transporting, include:
- type and application method for release agents; and
  - truck loading procedures to avoid segregation.
- 4.3.5. **Placement and Compaction.** For placement and compaction, include:
- proposed agenda for mandatory pre-paving meeting, including date and location;
  - proposed paving plan (e.g., production rate, paving widths, joint offsets, and lift thicknesses);
  - type and application method for release agents in the paver and on rollers, shovels, lutes, and other utensils;
  - procedures for the transfer of mixture into the paver, while avoiding physical and thermal segregation and preventing material spillage;
  - process to balance production, delivery, paving, and compaction to achieve continuous placement operations and good ride quality;
  - paver operations (e.g., speed, operation of wings, height of mixture in auger chamber) to avoid physical and thermal segregation and other surface irregularities; and
  - procedures to construct quality longitudinal and transverse joints.
- 4.4. **Mixture Design.**
- 4.4.1. **Design Requirements.** The Contractor may design the mixture using a Texas Gyrotory Compactor (TGC) or a Superpave Gyrotory Compactor (SGC) unless otherwise shown on the plans. Use the typical weight design example given in [Tex-204-F](#), Part I, when using a TGC. Use the Superpave mixture design procedure provided in [Tex-204-F](#), Part IV, when using a SGC. Design the mixture to meet the requirements in accordance with Tables 1, 2, 3, 6, and 7.
- 4.4.1.1. **Target Laboratory-Molded Density When the TGC Is Used.** Design the mixture at a 97.5% target laboratory-molded density or in accordance with Table 7.

## 4.4.1.2.

**Design Number of Gyration (Ndesign) When the SGC Is Used.** Design the mixture at 50 gyrations (Ndesign). Use a target laboratory-molded density of 96.0% to design the mixture; however, adjustments can be made to the Ndesign value as noted in Table 7. The Ndesign level may be reduced to no less than 35 gyrations at the Contractor's discretion.

Use an approved laboratory from the Department's MPL to perform the Hamburg Wheel test, and the Department will perform the Overlay test and provide results with the mixture design, or provide the laboratory mixture and request that the Department perform the Hamburg Wheel test and Overlay test. The Engineer will be allowed 10 working days to provide the Contractor with Hamburg Wheel test and Overlay test results on the laboratory mixture design.

The Engineer will provide the mixture design when shown on the plans. The Contractor may submit a new mixture design at any time during the project. The Engineer will verify and approve all mixture designs (JMF 1) before the Contractor can begin production.

Provide the Engineer with a mixture design report using the Department-provided template. Include the following items in the report:

- the combined aggregate gradation, source, specific gravity, and percent of each material used;
- the target laboratory-molded density (or Ndesign level when using the SGC);
- results of all applicable tests;
- the mixing and molding temperatures;
- the signature of the Level 2 person or persons that performed the design;
- the date the mixture design was performed; and
- a unique identification number for the mixture design.

**Table 6**  
**Master Gradation Limits (% Passing by Weight or Volume) and Volumetric Requirements**

Sieve Size	Coarse (TOM-C)	Fine (TOM-F)
1/2"	100.0 <sup>1</sup>	100.0 <sup>1</sup>
3/8"	95.0–100.0	98.0–100.0
#4	40.0–60.0	70.0–95.0
#8	17.0–27.0	40.0–65.0
#16	5.0–27.0	20.0–45.0
#30	5.0–27.0	10.0–35.0
#50	5.0–27.0	10.0–20.0
#200	5.0–9.0	2.0–12.0
<b>Asphalt Binder Content,<sup>2</sup> % Min</b>		
-	6.0	6.5
<b>Design VMA,<sup>3</sup> % Min</b>		
-	16.0	16.5
<b>Production (Plant-Produced) VMA,<sup>3</sup> % Min</b>		
-	15.5	16.0

1. Defined as maximum sieve size. No tolerance allowed.
2. Unless otherwise shown on the plans or approved by the Engineer.
3. Voids in Mineral Aggregates (VMA).

**Table 7**  
**Mixture Design Properties**

Mixture Property	Test Method	Requirement
Target laboratory-molded density, % (TGC)	<a href="#">Tex-207-F</a>	97.5 <sup>1</sup>
Design gyrations (Ndesign for SGC)	<a href="#">Tex-241-F</a>	50 <sup>2</sup>
Hamburg Wheel test, passes at 12.5 mm rut depth for PG 76 mixtures	<a href="#">Tex-242-F</a>	20,000 Min
Overlay test, Critical Fracture Energy, lb.-in/sq. in	<a href="#">Tex-248-F</a>	1.5 Min
Overlay test, Crack Progression Rate	<a href="#">Tex-248-F</a>	0.40 Max
Drain-down, %	<a href="#">Tex-235-F</a>	0.20 Max

1. Unless otherwise shown on the plans or approved by the Engineer. Laboratory-molded density requirement using the TGC may be waived when approved by the Engineer.

2. May be adjusted within the range of 35–100 gyrations when shown on the plans or specification or when mutually agreed between the Engineer and Contractor. Laboratory-molded density requirement using the SGC may be waived when approved by the Engineer.

- 4.4.1 **Job-Mix Formula Approval.** The job-mix formula (JMF) is the combined aggregate gradation, target laboratory-molded density (or Ndesign level), and target asphalt percentage used to establish target values for hot-mix production. JMF1 is the original laboratory mixture design used to produce the trial batch. When a compaction aid or foaming process is used, JMF1 may be designed and submitted to the Engineer without including the compaction aid or foaming process. When a compaction aid or foaming process is used, document the compaction aid or foaming process used and recommended rate on the JMF1 submittal. The Engineer and the Contractor will verify JMF1 based on plant-produced mixture from the trial batch unless otherwise approved. The Engineer may accept an existing mixture design previously used on a Department project and may waive the trial batch to verify JMF1. The Department may require the Contractor to reimburse the Department for verification tests if more than two trial batches per design are required.
- 4.4.2.1. **Contractor's Responsibilities.**
- 4.4.2.1.1. **Providing Gyrotory Compactor.** Use a TGC calibrated in accordance with [Tex-914-K](#) when electing or required to design the mixture in accordance with [Tex-204-E](#), Part I, for molding production samples. Furnish an SGC calibrated in accordance with [Tex-241-F](#) when electing or required to design the mixture in accordance with [Tex-204-F](#), Part IV, for molding production samples. Locate the SGC if used, at the Engineer's field laboratory or make the SGC available to the Engineer for use in molding production samples.
- 4.4.2.1.2. **Gyrotory Compactor Correlation Factors.** Use [Tex-206-F](#), Part II, to perform a gyrotory compactor correlation when the Engineer uses a different gyrotory compactor. Apply the correlation factor to all subsequent production test results.
- 4.4.2.1.3. **Submitting JMF1.** Furnish a mix design report (JMF1) with representative samples of all component materials and request approval to produce the trial batch. Provide approximately 25 lb. of the design mixture if opting to have the Department perform the Hamburg Wheel test on the laboratory mixture, and request that the Department perform the test. Provide approximately 60 lb. of the design mixture to perform the Overlay test.
- 4.4.2.1.4. **Supplying Aggregates.** Provide approximately 40 lb. of each aggregate stockpile unless otherwise directed.
- 4.4.2.1.5. **Supplying Asphalt.** Provide at least 1 gal. of the asphalt material and enough quantities of any additives proposed for use.
- 4.4.2.1.6. **Ignition Oven Correction Factors.** Determine the aggregate and asphalt correction factors from the ignition oven in accordance with [Tex-236-F](#), Part II. Provide correction factors that are not more than 12 mo. old. Provide the Engineer with split samples of the mixtures before the trial batch production, including all additives (except water), and blank samples used to determine the correction factors for the ignition oven used for QA testing during production. Correction factors established from a previously approved mixture design may be used for the current mixture design if the mixture design and ignition oven are the same as previously used and the correction factors are not more than 12 mo. old, unless otherwise directed.
- 4.4.2.1.7. **Boil Test.** When shown on the plans, perform the test and retain the tested sample from [Tex-530-C](#) until completion of the project or as directed. Use this sample for comparison purposes during production.
- 4.4.2.1.8. **Trial Batch Production.** Provide a plant-produced trial batch upon receiving conditional approval of JMF1 and authorization to produce a trial batch, including the compaction aid or foaming process, if applicable, for verification testing of JMF1 and development of JMF2. Produce a trial batch mixture that meets the requirements in accordance with Table 8. The Engineer may accept test results from recent production of the same mixture instead of a new trial batch.



- 4.4.2.1.9. **Trial Batch Production Equipment.** Use only equipment and materials proposed for use on the project to produce the trial batch.
- 4.4.2.1.10. **Trial Batch Quantity.** Produce enough quantity of the trial batch to ensure that the mixture meets the specification requirements.
- 4.4.2.1.11. **Number of Trial Batches.** Produce trial batches as necessary to obtain a mixture that meets the specification requirements.
- 4.4.2.1.12. **Trial Batch Sampling.** Obtain a representative sample of the trial batch and split it into three equal portions in accordance with [Tex-222-F](#). Label these portions as “Contractor,” “Engineer,” and “Referee.” Deliver samples to the appropriate laboratory as directed.
- 4.4.2.1.13. **Trial Batch Testing.** Test the trial batch to ensure the mixture produced using the proposed JMF1 meets the mixture requirements in accordance with Table 8. Ensure the trial batch mixture is also in compliance with the requirements in accordance with Tables 6 and 7. Use a Department-approved laboratory listed on the MPL to perform the Hamburg Wheel test on the trial batch mixture or request that the Department perform the Hamburg Wheel test. Provide approximately 25 lb. of the trial batch mixture if opting to have the Department perform the Hamburg Wheel test, and request that the Department perform the test. Obtain and provide approximately 60 lb. of trial batch mixture in sealed containers, boxes, or bags labeled with the CSJ, mixture type, lot, and subplot number in accordance with [Tex-222-F](#) for the Overlay test. The Engineer will be allowed 10 working days to provide the Contractor with Hamburg Wheel test and Overlay test results on the trial batch. Provide the Engineer with a copy of the trial batch test results.
- 4.4.2.1.14. **Development of JMF2.** Evaluate the trial batch test results after the Engineer grants full approval of JMF 1 based on results from the trial batch, determine the optimum mixture proportions, and submit as JMF2. Adjust the asphalt binder content or gradation to achieve the specified target laboratory-molded density. The mixture produced using JMF2 must meet the requirements in accordance with Tables 6 and 7. Verify that JMF2 meets the operation tolerances of JMF 1 in accordance with Table 8.
- 4.4.2.1.15. **Mixture Production.** Use JMF2 to produce Lot 1 after receiving approval for JMF2 and a passing result from the Department’s or a Department-approved laboratory’s Hamburg Wheel test and the Department’s Overlay test on the trial batch. If desired, proceed to Lot 1 production, once JMF2 is approved, at the Contractor’s risk without receiving the results from either the Department’s Hamburg Wheel test or Overlay test on the trial batch.
- Notify the Engineer if electing to proceed without Hamburg Wheel test and Overlay test results from the trial batch. Note that the Engineer may require up to the entire subplot of any mixture failing the Hamburg Wheel test or Overlay test to be removed and replaced at the Contractor’s expense.
- 4.4.2.1.16. **Development of JMF3.** Evaluate the test results from Lot 1, determine the optimum mixture proportions, and submit as JMF3 for use in Lot 2.
- 4.4.2.1.17. **JMF Adjustments.** If JMF adjustments are necessary to achieve the specified requirements, make the adjustments before beginning a new lot. The adjusted JMF must:
- be provided to the Engineer in writing before the start of a new lot;
  - be numbered in sequence to the previous JMF;
  - meet the master gradation limits in accordance with Table 6; and
  - be within the operational tolerances of JMF2 in accordance with Table 8.
- 4.4.2.1.18. **Requesting Referee Testing.** Use referee testing, if needed, in accordance with Section 3081.4.9.1., “Referee Testing,” to resolve testing differences with the Engineer.

**Table 8**  
**Operational Tolerances**

Description	Test Method	Allowable Difference between JMF2 and JMF1 Target <sup>1</sup>	Allowable Difference from Current JMF and JMF2 <sup>2</sup>	Allowable Difference between Contractor and Engineer <sup>3</sup>
Individual % retained for #8 sieve and larger	<a href="#">Tex-200-F</a> or <a href="#">Tex-236-F</a>	Must be Within Master Grading Limits in accordance with Table 6	±3.0 <sup>4,5</sup>	±5.0
Individual % retained for sieves smaller than #8 and larger than #200			±3.0 <sup>4,5</sup>	±3.0
% passing the #200 sieve			±2.0 <sup>4,5</sup>	±1.6
Asphalt binder content, % <sup>6</sup>	<a href="#">Tex-236-F</a>	±0.3	±0.3 <sup>5</sup>	±0.3
Laboratory-molded density, %	<a href="#">Tex-207-F</a>	±1.0	±1.0	±1.0
Laboratory-molded bulk specific gravity		N/A	N/A	±0.020
VMA, % Min	<a href="#">Tex-204-F</a>	Note 7	Note 7	N/A
Theoretical Max specific (Rice) gravity	<a href="#">Tex-227-F</a>	N/A	N/A	±0.020
Drain-down, %	<a href="#">Tex-235-F</a>	Note 8	Note 8	N/A

1. JMF1 is the approved laboratory mixture design used for producing the trial batch. JMF2 is the approved mixture design developed from the trial batch used to produce Lot 1.
2. Current JMF is JMF3 or higher. JMF3 is the approved mix design used to produce Lot 2.
3. Contractor may request referee testing only when values exceed these tolerances.
4. When within these tolerances, mixture production gradations may fall outside the master grading limits; however, the % passing the #200 will be considered out of tolerance when outside the master grading limits.
5. Only applies to mixture produced for Lot 1 and higher.
6. Binder content is not allowed to be outside the limits in accordance with Table 6. May be obtained from asphalt meter readouts as determined by the Engineer.
7. Verify that Table 6 requirements are met.
8. Verify that Table 7 requirements are met.

#### 4.4.2.2. **Engineer's Responsibilities.**

4.4.2.2.1. **Gyrotory Compactor.** For mixtures designed in accordance with [Tex-204-F](#), Part I, the Engineer will use a Department TGC, calibrated in accordance with [Tex-914-K](#), to mold samples for trial batch and production testing.

For mixtures designed in accordance with [Tex-204-F](#), Part IV, the Engineer will use a Department SGC, calibrated in accordance with [Tex-241-F](#), to mold samples for laboratory mixture design verification. For molding trial batch and production specimens, the Engineer will use the Contractor-provided SGC at the field laboratory or provide and use a Department SGC at an alternate location.

4.4.2.2.2. **Conditional Approval of JMF1 and Authorizing Trial Batch.** The Engineer will review and verify conformance of the following information within two working days of receipt

- the Contractor's mix design report (JMF1);
- the Department-provided Overlay test results;
- the Contractor-provided Hamburg Wheel test results;
- all required materials including aggregates, asphalt, and additives; and
- the mixture specifications.

The Engineer will grant the Contractor conditional approval of JMF1 if the information provided on the paper copy of JMF1 indicates that the Contractor's mixture design meets the specifications. When the Contractor does not provide Hamburg Wheel test and department provided Overlay test results with laboratory mixture design, 10 working days are allowed for conditional approval of JMF1. The Engineer will base full approval of JMF1 on test results on mixture from the trial batch.

Unless waived, the Engineer will determine the Micro-Deval abrasion loss in accordance with

Section 3081.2.1.1., "Micro-Deval Abrasion." If the Engineer's test results are pending after two working days, conditional approval of JMF1 will still be granted within two working days of receiving JMF1. When the Engineer's test results become available, they will be used for specification compliance.

The Contractor is authorized to produce a trial batch after the Engineer grants conditional approval of JMF1.

- 4.4.2.2.3. **Hamburg Wheel and Overlay Testing of JMF1.** If the Contractor requests the option to have the Department perform the Hamburg Wheel test on the laboratory mixture, the Engineer will mold samples in accordance with [Tex-242-F](#) to verify compliance with the Hamburg Wheel test requirement in Table 7. The Engineer will perform the Overlay test and mold samples in accordance with [Tex-248-F](#) to verify compliance with the Overlay test requirements in Table 7. The Engineer will be allowed 10 working days to provide the Contractor with Hamburg Wheel and Overlay test results on the laboratory mixture design.
- 4.4.2.2.4. **Ignition Oven Correction Factors.** The Engineer will use the split samples provided by the Contractor to determine the aggregate and asphalt correction factors for the ignition oven used for QA testing during production in accordance with [Tex-236-F](#), Part II. Provide correction factors that are not more than 12 mo. old.
- 4.4.2.2.5. **Testing the Trial Batch.** Within one full working day, the Engineer will sample and test the trial batch to ensure that the mixture meets the requirements in accordance with Table 8. The Engineer will mold samples in accordance with [Tex-242-F](#) if the Contractor requests the option to have the Department perform the Hamburg Wheel test on the trial batch mixture to verify compliance with Hamburg Wheel test requirements in Table 7. The Engineer will mold samples for the Overlay test in accordance with [Tex-248-F](#) to verify compliance with the Overlay test requirement in Table 7.
- The Engineer will have the option to perform [Tex-530-C](#) on the trial batch when shown on the plans. These results may be retained and used for comparison purposes during production.
- 4.4.2.2.6. **Full Approval of JMF1.** The Engineer will grant full approval of JMF1 and authorize the Contractor to proceed with developing JMF2 if the Engineer's results for the trial batch meet the requirements in accordance with Tables 6 and 7. The Engineer will notify the Contractor that an additional trial batch is required if the trial batch does not meet these requirements.
- 4.4.2.2.7. **Approval of JMF2.** The Engineer will approve JMF2 within one working day if the mixture meets the requirements in accordance with Table 6, 7, and 8.
- 4.4.2.2.8. **Approval of Lot 1 Production.** The Engineer will authorize the Contractor to proceed with Lot 1 production (using JMF2) as soon as a passing result is achieved from the Department's or a Department-approved laboratory's Hamburg Wheel test and the Department's Overlay test on the trial batch. The Contractor may proceed at its own risk with Lot 1 production without the results from the Hamburg Wheel test or Overlay test on the trial batch.
- If the Department's or Department-approved laboratory's sample from the trial batch fails the Hamburg Wheel test or Overlay test, the Engineer will suspend production until further Hamburg Wheel tests or Overlay tests meet the specified values. The Engineer may require up to the entire subplot of any mixture failing the Hamburg Wheel test or Overlay test to be removed and replaced at the Contractor's expense.
- 4.4.2.2.9. **Approval of JMF3 and Subsequent JMF Changes.** JMF3 and subsequent JMF changes are approved if they meet the master grading limits and asphalt binder content shown in Table 6 and are within the operational tolerances of JMF2 shown in accordance with Table 8.
- 4.5. **Production Operations.** Perform a new trial batch when the plant or plant location is changed. Take corrective action and receive approval to proceed after any production suspension for noncompliance to the specification.

4.5.1. **Storage and Heating of Materials.** Do not heat the asphalt binder above the temperatures specified in Item 300, "Asphalts, Oils, and Emulsions," or outside the manufacturer's recommended values. Provide the Engineer with daily records of asphalt binder and hot-mix asphalt discharge temperatures (in legible and discernible increments) in accordance with Item 320, "Equipment for Asphalt Concrete Pavement," unless otherwise directed. Do not store mixture for a period long enough to affect the quality of the mixture, nor in any case longer than 12 hr. unless otherwise approved.

4.5.2. **Mixing and Discharge of Materials.** Notify the Engineer of the target discharge temperature and produce the mixture within 25°F of the target. Monitor the temperature of the material in the truck before shipping to ensure that it does not exceed the maximum production temperatures in accordance with Table 9. The Department will not pay for or allow placement of any mixture produced above the maximum production temperatures listed in Table 9.

**Table 9**  
**Maximum Production Temperature**

High-Temperature Binder Grade <sup>1</sup>	Max Production Temperature
PG 76	345°F

1. The high-temperature binder grade refers to the high-temperature grade of the virgin asphalt binder used to produce the mixture.

Control the mixing time and temperature so that substantially all moisture is removed from the mixture before discharging from the plant. Determine the moisture content, if requested, by oven-drying in accordance with [Tex-212-F](#), Part II, and verify that the mixture contains no more than 0.2% of moisture by weight. Obtain the sample immediately after discharging the mixture into the truck and perform the test promptly.

4.6. **Hauling Operations.** Clean all truck beds before use to ensure that mixture is not contaminated. Use a release agent shown on the Department's MPL to coat the inside bed of the truck when necessary. Do not use diesel or any release agent not shown on the Department's MPL.

Use equipment for hauling as defined in Section 3081.4.7.3.3., "Hauling Equipment." Use other hauling equipment only when allowed.

4.7. **Placement Operations.** Collect haul tickets from each load of mixture delivered to the project and provide the Department's copy to the Engineer approximately every hour, or as directed. Use a hand-held thermal camera or infrared thermometer, when a thermal imaging system is not used, to measure and record the internal temperature of the mixture as discharged from the truck or Material Transfer Device (MTD) before or as the mix enters the paver and an approximate station number or GPS coordinates on each ticket. Calculate the daily yield and cumulative yield for the specified lift and provide to the Engineer at the end of paving operations for each day unless otherwise directed. The Engineer may suspend production if the Contractor fails to produce and provide haul tickets and yield calculations by the end of paving operations for each day.

Prepare the surface by removing raised pavement markers and objectionable material such as moisture, dirt, sand, leaves, and other loose impediments from the surface before placing mixture. Remove vegetation from pavement edges. Place the mixture to meet the typical section requirements and produce a smooth, finished surface with a uniform appearance and texture. Place mixture so that longitudinal joints on the surface course coincide within 6-in. of lane lines and are not placed in the wheel path, or as directed, and offset longitudinal joints of successive courses of hot-mix by at least 6-in. Ensure that all finished surfaces will drain properly. Place the mixture at the rate or thickness shown on the plans. The Engineer will use the guidelines in Table 10 to determine the compacted lift thickness. The thickness determined is based on the rate of 110–115 lb. per square inch. for each inch of pavement unless otherwise shown on the plans.

**Table 10**  
**Compacted Lift Thickness**

Mixture Type	Compacted Lift Thickness <sup>1</sup>	
	Min (in.)	Max (in.)
TOM-C	0.75	1.25
TOM-F	0.5	1.00

1. Compacted target lift thickness will be specified on the plans.

4.7.1. **Weather Conditions.**

4.7.1.1. **When Using a Thermal Imaging System.** The Contractor may pave any time the roadway is dry and the roadway surface temperature is at least 60°F unless otherwise approved or as shown on the plans; however, the Engineer may restrict the Contractor from paving surface mixtures if the ambient temperature is likely to drop below 32°F within 12 hr. of paving. Place mixtures only when weather conditions and moisture conditions of the roadway surface are suitable as determined by the Engineer. Provide output data from the thermal imaging system to demonstrate to the Engineer that no recurring severe thermal segregation exists in accordance with Section 3081.4.7.3.1.2., "Thermal Imaging System."

Produce mixture with a target discharge temperature higher than 300°F and with a compaction aid to facilitate compaction when the air temperature is 70°F and falling

4.7.1.2. **When Not Using a Thermal Imaging System.** When using a thermal camera instead the thermal imaging system, place mixture when the roadway surface temperature is at or above 70°F unless otherwise approved or as shown on the plans. Measure the roadway surface temperature with a hand-held thermal camera or infrared thermometer. Place mixtures only when weather conditions and moisture conditions of the roadway surface are suitable as determined by the Engineer. The Engineer may restrict the Contractor from paving if the air temperature is 70°F and falling.

Produce mixture with a target discharge temperature higher than 300°F and with a compaction aid to facilitate compaction when the air temperature is 70°F and falling.

4.7.2. **Tack Coat.**

4.7.2.1. **Application.** Clean the surface before placing the tack coat. The Engineer will set the rate between 0.04 and 0.10 gal. of residual asphalt per square yard of surface area, unless otherwise specified on the plans. Apply a uniform tack coat at the specified rate unless otherwise directed. Apply the tack coat in a uniform manner to avoid streaks and other irregular patterns. Apply the tack coat to all surfaces that will come in contact with the subsequent HMA placement unless otherwise directed. Apply adequate overlap of the tack coat in the longitudinal direction during placement of the mat to ensure bond of adjacent mats, unless otherwise directed. Allow adequate time for emulsion to break completely before placing any material. Prevent splattering of tack coat when placed adjacent to curb, gutter, and structures. The Engineer may suspend paving operations until there is adequate coverage. Do not dilute emulsified asphalts at the terminal, in the field, or at any other location before use.

4.7.2.2. **Sampling.** The Engineer will obtain at least one sample of the tack coat binder per project in accordance with [Tex-500-C](#), Part III, and test it to verify compliance with Item 300, "Asphalts, Oils, and Emulsions." The Engineer will notify the Contractor when the sampling will occur and will witness the collection of the sample from the asphalt distributor immediately before use. Label the can with the corresponding lot and subplot numbers, producer, producer facility, grade, district, date sampled, and project information including highway and CSJ. For emulsions, the Engineer may test as often as necessary to ensure the residual of the emulsion is greater than or equal to the specification requirement in Item 300, "Asphalts, Oils, and Emulsions."

4.7.3. **Lay-Down Operations.** Use the placement temperatures in accordance with Table 11 to establish the minimum placement temperature of mixture delivered to the paving operation.

**Table 11**  
**Minimum Mixture Placement Temperature**

High-Temperature Binder Grade <sup>1</sup>	Min Placement Temperature (Before Entering Paving Operation) <sup>2,3</sup>
PG 76	280°F

1. The high-temperature binder grade refers to the high-temperature grade of the virgin asphalt binder used to produce the mixture.
2. The mixture temperature must be measured using a hand-held thermal camera or infrared thermometer nearest to the point of entry of the paving operation.
3. Minimum placement temperatures may be reduced 10°F if using a compaction aid.

4.7.3.1. **Thermal Profile.** Use a hand-held thermal camera or a thermal imaging system to obtain a continuous thermal profile in accordance with [Tex-244-F](#).

4.7.3.1.1. **Thermal Segregation.**

4.7.3.1.1.1. **Moderate.** Any areas that have a temperature differential greater than 25°F, but not exceeding 50°F.

4.7.3.1.1.2. **Severe.** Any areas that have a temperature differential greater than 50°F.

4.7.3.1.2. **Thermal Imaging System.** Review the output results when a thermal imaging system is used, and provide the report described in accordance with [Tex-244-F](#) to the Engineer daily. Modify the paving process as necessary to eliminate any recurring (moderate or severe) thermal segregation identified by the thermal imaging system.

The Engineer may suspend subsequent paving operations if the Contractor cannot successfully modify the paving process to eliminate recurring severe or moderate thermal segregation.

Provide the Engineer with electronic copies of all daily data files that can be used with the thermal imaging system software to generate temperature profile plots daily or as requested by the Engineer.

4.7.3.1.3. **Thermal Camera.** When using a thermal camera instead of the thermal imaging system, take immediate corrective action to eliminate recurring moderate thermal segregation when a hand-held thermal camera is used. Evaluate areas with moderate thermal segregation by performing water flow testing in accordance with [Tex-246-F](#) and verify the water flow is greater than 120 sec. Provide the Engineer with the thermal profile of every subplot within one working day of the completion of each lot. When requested by the Engineer, provide the electronic files generated using the thermal camera. Report the results of each thermal profile in accordance with Section 3081.4.2., "Reporting and Responsibilities." The Engineer will use a hand-held thermal camera to obtain a thermal profile at least once per project, unless the thermal imaging system is used. Suspend operations and take immediate corrective action to eliminate severe thermal segregation unless otherwise directed. Resume operations when the Engineer determines that subsequent production will meet the requirements of this Section. Evaluate areas with severe thermal segregation by performing water flow testing in accordance with [Tex-246-F](#) and verify the water flow is greater than 120 sec. Remove and replace the material in any areas that have both severe thermal segregation and a failing result for water flow test unless otherwise directed.

4.7.3.2. **Windrow Operations.** Operate windrow pickup equipment so that when hot-mix is placed in windrows, substantially all the mixture deposited on the roadbed is picked up and loaded into the paver.

4.7.3.3. **Hauling Equipment.** Use belly dumps, live bottom, or end dump trucks to haul and transfer mixture. End dump trucks are only allowed when used in conjunction with an MTD with remixing capability unless otherwise allowed.

4.7.3.4. **Screed Heaters.** Turn off screed heaters to prevent overheating of the mat if the paver stops for more than 5 min. The Engineer may evaluate the suspect area in accordance with Section 3081.4.9.3.1.1., "Recovered Asphalt Dynamic Shear Rheometer (DSR)," if the screed heater remains on for more than 5 min. while the paver is stopped.

4.8.

**Compaction.** Roll the freshly placed mixture with as many steel-wheeled rollers as necessary to ensure adequate compaction without excessive breakage of the aggregate and to provide a smooth surface and uniform texture. Operate each roller in static mode for TOM-F mixtures only. Do not use pneumatic-tire rollers. Use the control strip method given in accordance with [Tex-207-F](#), Part IV, to establish the rolling pattern. Thoroughly moisten the roller drums with a soap and water solution to prevent adhesion. Use only water or an approved release agent on rollers, tamps, and other compaction equipment unless otherwise directed.

Use tamps to thoroughly compact the edges of the pavement along curbs, headers, and similar structures and in locations that will not allow thorough compaction with rollers. The Engineer may require rolling with a trench roller on widened areas, in trenches, and in other limited areas.

Use [Tex-246-F](#) to measure water flow to verify the mixture is adequately compacted. Measure the water flow once per subplot at locations directed by the Engineer. Take additional water flow measurements when the minimum temperature of the uncompacted mat is below the temperature requirements in accordance with Table 12.

**Table 12**  
**Minimum Uncompacted Mat Temperature Requiring Additional Water Flow Measurements**

High-Temperature Binder Grade <sup>1</sup>	Min Temperature of the Uncompacted Mat Allowed Before Initial Break Down Rolling <sup>2,3</sup>
PG 76	<270°F

1. The high-temperature binder grade refers to the high-temperature grade of the virgin asphalt binder used to produce the mixture.
2. The surface of the uncompacted mat must be measured using a hand-held thermometer or infrared thermometer.
3. Minimum uncompacted mat temperature requiring a water flow measurement may be reduced 10°F if using a compaction aid.

Use [Tex-246-F](#) to measure water flow to verify the mixture is adequately compacted at confined longitudinal joints as directed by the Engineer.

The water flow rate should be greater than 120 sec. Investigate the cause of the water flow rate test failures and take corrective actions during production and placement to ensure the water flow rate is greater than 120 sec. Suspend production if two consecutive water flow rate tests fail unless otherwise approved. Resume production after the Engineer approves changes to production or placement methods.

Complete all compaction operations before the pavement temperature drops below 180°F unless otherwise allowed. The Engineer may allow compaction with a light finish roller operated in static mode for pavement temperatures below 180°F when approved.

Allow the compacted pavement to cool to 160°F or lower before opening to traffic unless otherwise directed. Sprinkle the finished mat with water or limewater, when directed, to expedite opening the roadway to traffic.

4.9.

**Acceptance Plan.** Sample and test the hot-mix asphalt on a lot and subplot basis.

4.9.1.

**Referee Testing.** The Materials and Tests Division is the referee laboratory. The Contractor may request referee testing if the differences between Contractor and Engineer test results exceed the maximum allowable difference in accordance with Table 8 and the differences cannot be resolved. The Contractor may also request referee testing if the Engineer's test results require suspension of production and the Contractor's test results are within specification limits. Make the request within five working days after receiving test results from the Engineer. Referee tests will be performed only on the subplot in question and only for the particular tests in question. Allow 10 working days from the time the referee laboratory receives the samples for test results to be reported. The Department may require the Contractor to reimburse the Department for referee tests if more than three referee tests per project are required and the Engineer's test results are closer to the referee test results than the Contractor's test results.

The Materials and Tests Division will determine the laboratory-molded density based on the molded specific gravity and the maximum theoretical specific gravity of the referee sample.

4.9.2. **Production Acceptance.**

4.9.2.1. **Production Lot.** A production lot consists of four equal sublots. The default quantity for Lot 1 is 500 ton; however, when requested by the Contractor, the Engineer may increase the quantity for Lot 1 to no more than 2,000 ton. The Engineer will select subsequent lot sizes based on the anticipated daily production such that approximately three to four sublots are produced each day. The lot size will be between 500 ton and 2,000 ton. The Engineer may change the lot size before the Contractor begins any lot.

4.9.2.1.1. **Incomplete Production Lots.** If a lot is begun but cannot be completed, such as on the last day of production or in other circumstances deemed appropriate, the Engineer may close the lot. Close all lots within five working days unless otherwise allowed.

4.9.2.2. **Production Sampling.**

4.9.2.2.1. **Mixture Sampling.** Obtain hot-mix samples from trucks at the plant in accordance with [Tex-222-F](#). The sampler will split each sample into three equal portions in accordance with [Tex-200-F](#) and label these portions as “Contractor,” “Engineer,” and “Referee.” The Engineer will perform or witness the sample splitting and take immediate possession of the samples labeled “Engineer” and “Referee.” The Engineer will maintain the custody of the samples labeled “Engineer” and “Referee” until the Department’s testing is completed.

4.9.2.2.1.1. **Random Sample.** At the beginning of the project, the Engineer will select random numbers for all production sublots. Determine sample locations in accordance with [Tex-225-F](#). Take one sample for each subplot at the randomly selected location. The Engineer will perform or witness the sampling of production sublots.

4.9.2.2.1.2. **Blind Sample.** For one subplot per lot, the Engineer will obtain and test a “blind” sample instead of the random sample collected by the Contractor. Test either the “blind” or the random sample; however, referee testing (if applicable) will be based on a comparison of results from the “blind” sample. The location of the Engineer’s “blind” sample will not be disclosed to the Contractor. The Engineer’s “blind” sample may be randomly selected in accordance with [Tex-225-F](#) for any subplot or selected at the discretion of the Engineer. The Engineer will use the Contractor’s split sample for sublots not sampled by the Engineer.

4.9.2.2.2. **Informational Methylene Blue Testing.** During the project and at random, obtain and provide the Engineer with approximately 50 lb. of each fine aggregate and approximately 20 lb. of all mineral fillers used to produce the mixture. Label the samples with the Control Section Job (CSJ), mixture type, and approximate lot and subplot number corresponding to when the sample was taken. The Engineer will ship the samples to the Materials and Tests Division for Methylene Blue testing in accordance with [Tex-252-F](#). Results from these tests will not be used for specification compliance.

4.9.2.2.3. **Asphalt Binder Sampling.** Obtain a 1-qt. sample of the asphalt binder witnessed by the Engineer for each lot of mixture produced. The Contractor will notify the Engineer when the sampling will occur. Obtain the sample at approximately the same time the mixture random sample is obtained. Sample from a port located immediately upstream from the mixing drum or pug mill and upstream from the introduction of any additives in accordance with [Tex-500-C](#), Part II. Label the can with the corresponding lot and subplot numbers, producer, producer facility location, grade, district, date sampled, and project information including highway and CSJ. The Engineer will retain these samples for one year. The Engineer may also obtain independent samples. If obtaining an independent asphalt binder sample and upon request of the Contractor, the Engineer will split a sample of the asphalt binder with the Contractor.

At least once per project, the Engineer will collect split samples of each binder grade and source used. The Engineer will submit one split sample to the Materials and Tests Division to verify compliance with Item 300, “Asphalts, Oils, and Emulsions,” and will retain the other split sample for 1 yr.

4.9.2.3. **Production Testing.** The Contractor and Engineer must perform production tests in accordance with Table 13. The Contractor has the option to verify the Engineer’s test results on split samples provided by the Engineer. Determine compliance with operational tolerances listed in accordance with Table 8 for all sublots. Take immediate corrective action if the Engineer’s laboratory-molded density on any subplot is less than 95.0% or greater than 98.0% when using the SGC or less than 96.5% or greater than 98.5% when using the TGC, to bring



the mixture within these tolerances. The Engineer may suspend operations if the Contractor's corrective actions do not produce acceptable results. The Engineer will allow production to resume when the proposed corrective action is likely to yield acceptable results.

The Engineer may allow alternate methods for determining the asphalt binder content and aggregate gradation if the aggregate mineralogy is such that [Tex-236-F](#), Part I does not yield reliable results. Provide evidence that results from [Tex-236-F](#), Part I are not reliable before requesting permission to use an alternate method unless otherwise directed. Use the applicable test procedure as directed if an alternate test method is allowed.

**Table 13**  
**Production and Placement Testing Frequency**

Description	Test Method	Min Contractor Testing	Min Engineer Testing
Individual % retained for #8 sieve and larger	<a href="#">Tex-200-F</a> or <a href="#">Tex-236-F</a>	1 per subplot	1 per 12 sublots <sup>1</sup>
Individual % retained for sieves smaller than #8 and larger than #200			
% passing the #200 sieve			
Laboratory-molded density	<a href="#">Tex-207-F</a>	N/A	1 per subplot <sup>1</sup>
Laboratory-molded bulk specific gravity			
VMA			
Moisture content	<a href="#">Tex-212-F</a> , Part II	When directed	
Theoretical maximum specific (Rice) gravity	<a href="#">Tex-227-F</a> , Part II	N/A	1 per subplot <sup>1</sup>
Asphalt binder content <sup>2</sup>	<a href="#">Tex-236-F</a> , Part I	1 per subplot	1 per lot <sup>1</sup>
Overlay test <sup>3</sup>	<a href="#">Tex-248-F</a>	N/A	1 per project
Hamburg Wheel test	<a href="#">Tex-242-F</a>	N/A	1 per project
Thermal profile	<a href="#">Tex-244-F</a>	1 per subplot <sup>4,5,6</sup>	1 per project <sup>5</sup>
Asphalt binder sampling and testing	<a href="#">Tex-500-C</a> , Part II	1 per lot (sample only) <sup>7</sup>	1 per project
Tack coat sampling and testing	<a href="#">Tex-500-C</a> , Part III	N/A	1 per project
Boil test <sup>8</sup>	<a href="#">Tex-530-C</a>	1 per subplot <sup>9</sup>	1 per project
Water flow	<a href="#">Tex-246-F</a>		
Methylene blue test <sup>10</sup>	<a href="#">Tex-252-F</a>	1 per project (sample only)	1 per project

1. For production defined in Section 3081.4.9.4., "Exempt Production," the Engineer will test one per day if 100 ton or more are produced. For Exempt Production, no testing is required with less than 100 ton are produced.
2. May be obtained from asphalt flow meter readout as determined by the Engineer.
3. Testing performed by the Materials and Tests Division on sample obtained from Lot 2 or higher.
4. To be performed in the presence of the Engineer when a thermal camera is used, unless otherwise approved.
5. Not required when a thermal imaging system is used.
6. When using the thermal imaging system, the test report must include the temperature measurements taken in accordance with [Tex-244-F](#).
7. Obtain samples witnessed by the Engineer. The Engineer will retain these samples for 1 yr.
8. When shown on the plans.
9. To be performed in the presence of the Engineer, unless otherwise directed.
10. Testing performed by the Materials and Tests Division for informational purposes only.

4.9.2.4. **Operational Tolerances.** Control the production process within the operational tolerances in accordance with Table 8. When production is suspended, the Engineer will allow production to resume when test results or other information indicates the next mixture produced will be within the operational tolerances.

4.9.2.4.1. **Gradation.** Suspend operation and take corrective action if any aggregate is retained on the maximum sieve size in accordance with Table 6. A subplot is defined as out of tolerance if either the Engineer's or the Contractor's test results are out of operational tolerance. Suspend production when test results for gradation exceed the operational tolerances in accordance with Table 8 for three consecutive sublots on the same sieve or four consecutive sublots on any sieve unless otherwise directed. The consecutive sublots may be from more than one lot.

4.9.2.4.2. **Asphalt Binder Content.** A subplot is defined as out of operational tolerance if either the Engineer's or the Contractor's test results exceed the values in accordance with Table 8. Suspend production when two or

more sublots within a lot are out of operational tolerance or below the minimum asphalt binder content specified in accordance with Table 6 unless otherwise directed. Suspend production and shipment of mixture if the Engineer's or Contractor's asphalt binder content deviates from the current JMF by more than 0.5% for any subplot or is less than the minimum asphalt content allowed in accordance with Table 6.

- 4.9.2.4.3. **Voids in Mineral Aggregates (VMA).** The Engineer will determine the VMA for every subplot. For sublots when the Engineer does not determine asphalt binder content, the Engineer will use the asphalt binder content results from QC testing performed by the Contractor to determine VMA.

Take immediate corrective action if the VMA value for any subplot is less than the minimum VMA requirement for production in accordance with Table 6. Suspend production and shipment of the mixture if the Engineer's VMA results on two consecutive sublots are below the minimum VMA requirement for production in accordance with Table 6.

Suspend production and shipment of the mixture if the Engineer's VMA result is more than 0.5% below the minimum VMA requirement for production in accordance with Table 6. In addition to suspending production, the Engineer may require removal and replacement or may allow the subplot to be left in place without payment.

- 4.9.2.4.4. **Hamburg Wheel.** The Engineer may perform a Hamburg Wheel on plant produced mixture at any time during production. In addition to testing production samples, the Engineer may obtain cores and perform the Hamburg Wheel test on any area of the roadway where rutting is observed. Suspend production until further Hamburg Wheel meet the specified values when the production or core samples fail to meet the Hamburg Wheel criteria in accordance with Table 7. Core samples, if taken, will be obtained from the center of the finished mat or other areas excluding the vehicle wheel paths. The Engineer may require up to the entire subplot of any mixture failing the Hamburg Wheel to be removed and replaced at the Contractor's expense.

If the Department's or Department-approved laboratory's Hamburg Wheel test results in a "remove and replace" condition, the Contractor may request that the Department confirm the results by re-testing the failing material. The Materials and Tests Division will perform the Hamburg Wheel and determine the final disposition of the material in question based on the Department's test results.

- 4.9.2.5. **Individual Loads of Hot-Mix.** The Engineer can reject individual truckloads of hot-mix. When a load of hot-mix is rejected for reasons other than temperature, contamination, or excessive uncoated particles, the Contractor may request that the rejected load be tested. Make this request within 4 hr. of rejection. The Engineer will sample and test the mixture. If test results are within the operational tolerances in accordance with Table 8, payment will be made for the load. If test results are not within operational tolerances, no payment will be made for the load.

- 4.9.3. **Placement Acceptance.**

- 4.9.3.1. **Placement Lot.** A placement lot consists of four placement sublots. A placement subplot consists of the area placed during a production subplot.

- 4.9.3.1.1. **Recovered Asphalt Dynamic Shear Rheometer (DSR).** The Engineer may take production samples or cores from suspect areas of the project to determine recovered asphalt properties. Asphalt binders with an aging ratio greater than 3.5 do not meet the requirements for recovered asphalt properties and may be deemed defective when tested and evaluated by the Materials and Tests Division. The aging ratio is the DSR value of the extracted binder divided by the DSR value of the original unaged binder. Obtain DSR values in accordance with AASHTO T 315 at the specified high temperature performance grade of the asphalt. The Engineer may require removal and replacement of the defective material at the Contractor's expense. The asphalt binder will be recovered for testing from production samples or cores in accordance with [Tex-211-F](#).

- 4.9.3.1.2. **Irregularities.** Identify and correct irregularities including segregation, rutting, raveling, flushing, fat spots, mat slippage, irregular color, irregular texture, roller marks, tears, gouges, streaks, uncoated aggregate particles, or broken aggregate particles. The Engineer may also identify irregularities, and in such cases, the Engineer will promptly notify the Contractor. The Engineer may require the Contractor to remove and replace (at the

Contractor's expense) areas of the pavement that contain irregularities if the Engineer determines that the irregularity will adversely affect pavement performance. The Engineer may also require the Contractor to remove and replace (at the Contractor's expense) areas where the mixture does not bond to the existing pavement.

The Engineer may require the Contractor to immediately suspend operations if irregularities are detected or may allow the Contractor to continue operations for no more than one day while the Contractor is taking appropriate corrective action.

4.9.4. **Exempt Production.** When the anticipated daily production is less than 100 ton, all QC and QA sampling and testing are waived. The Engineer may deem the mixture as exempt production for the following conditions:

- anticipated daily production is more than 100 ton but less than 250 ton;
- total production for the project is less than 2,500 ton;
- when mutually agreed between the Engineer and the Contractor; or
- when shown on the plans.

For exempt production, the Contractor is relieved of all production and placement sampling and testing requirements. All other specification requirements apply, and the Engineer will perform acceptance tests for production and placement in accordance with Table 13.

For exempt production:

- produce, haul, place, and compact the mixture as directed by the Engineer; and
- control mixture production to yield a laboratory-molded density that is within  $\pm 1.0\%$  of the target density as tested by the Engineer.

4.9.5. **Ride Quality.** Measure ride quality in accordance with Item 585, "Ride Quality for Pavement Surfaces," unless otherwise shown on the plans.

## 5. MEASUREMENT

5.1. **TOM Hot-Mix Asphalt.** TOM hot-mix will be measured by the ton of composite mixture, which includes asphalt, aggregate, and additives. Measure the weight on scales in accordance with Item 520, "Weighing and Measuring Equipment."

5.2. **Tack Coat.** Tack coat will be measured at the applied temperature by strapping the tank before and after road application and determining the net volume in gallons from the calibrated distributor. The Engineer will witness all strapping operations for volume determination. All tack, including emulsions, will be measured by the gallon applied.

The Engineer may allow the use of a metering device to determine asphalt volume used and application rate if the device is accurate within 1.5% of the strapped volume.

## 6. PAYMENT

The work performed and materials furnished in accordance with this Item and measured as provided under Section 3081.5.1., "TOM Hot-Mix Asphalt," will be paid for at the unit bid price for "Thin Overlay Mixture" of the mixture type, SAC, and binder specified. These prices are full compensation for surface preparation, removing pavement marking and markers, materials, placement, equipment, labor, tools, and incidentals.

The work performed and materials furnished in accordance with this Item and measured as provided under Section 3081.5.2., "Tack Coat," will be paid for at the unit bid price for "Tack Coat" of the tack coat provided. These prices are full compensation for materials, placement, equipment, labor, tools, and incidentals.

Trial batches will not be paid for unless they are included in pavement work approved by the Department.

Payment adjustment for ride quality will be determined in accordance with Item 585, "Ride Quality for Pavement Surfaces."

# Special Specification 3082

## Thin Bonded Friction Courses



### 1. DESCRIPTION

Construct a hot-mix asphalt (HMA) surface course composed of a warm spray-applied polymer modified emulsion membrane followed immediately with a compacted permeable mixture of aggregate, asphalt binder, and additives mixed hot in a mixing plant.

### 2. MATERIALS

Furnish uncontaminated materials of uniform quality that meet the requirements of the plans and specifications.

Notify the Engineer of all material sources and before changing any material source or formulation. The Engineer will verify that the specification requirements are met when the Contractor makes a source or formulation change, and may require a new laboratory mixture design, trial batch, or both. The Engineer may sample and test project materials at any time during the project to verify specification compliance in accordance with Item 6, "Control of Materials."

2.1. **Aggregate.** Furnish aggregates from sources that conform to the requirements shown in Table 1 and as specified in this Section. Aggregate requirements in this Section, including those shown in Table 1, may be modified or eliminated when shown on the plans. Additional aggregate requirements may be specified when shown on the plans. Provide aggregate stockpiles that meet the definitions in this Section for coarse or fine aggregate. Do not use intermediate or fine aggregate in PFC mixtures. Supply aggregates that meet the definitions in [Tex-100-E](#) for crushed gravel or crushed stone. The Engineer will designate the plant or the quarry as the sampling location. Provide samples from materials produced for the project. The Engineer will establish the Surface Aggregate Classification (SAC) and perform Los Angeles abrasion, magnesium sulfate soundness, and Micro-Deval tests. Perform all other aggregate quality tests listed in accordance with Table 1. Document all test results on the mixture design report. The Engineer may perform tests on independent or split samples to verify Contractor test results. Stockpile aggregates for each source and type separately. Determine aggregate gradations for mixture design and production testing based on the washed sieve analysis given in [Tex-200-F](#), Part II.

2.1.1. **Coarse Aggregate.** Coarse aggregate stockpiles must have no more than 20% material passing the No. 8 sieve. Aggregates from sources listed in the Department's *Bituminous Rated Source Quality Catalog* (BRSQC) are preapproved for use. Use only the rated values for hot-mix listed in the BRSQC. Rated values for surface treatment (ST) do not apply to coarse aggregate sources used in hot-mix asphalt.

For sources not listed on the Department's BRSQC:

- build an individual stockpile for each material;
- request the Department test the stockpile for specification compliance;
- approved only when tested by the Engineer;
- once approved, do not add material to the stockpile unless otherwise approved; and
- allow 30 calendar days for the Engineer to sample, test, and report results.

Provide coarse aggregate with at least the minimum SAC shown on the plans. SAC requirements only apply to aggregates used on the surface of travel lanes, unless otherwise shown on the plans. SAC requirements apply to aggregates used on surfaces other than travel lanes when shown on the plans. The SAC for sources on the Department's *Aggregate Quality Monitoring Program* (AQMP) ([Tex-499-A](#)) is listed in the BRSQC.

- 2.1.1.1. **Blending Class A and Class B Aggregates.** To prevent crushing of the Class B aggregate when blending, Class B aggregate may be blended with a Class A aggregate to meet requirements for Class A materials if the Department's BRSQC rated source soundness magnesium (RSSM) rating for the Class B aggregate is less than the Class A aggregate or if the RSSM rating for the Class B aggregate is less than or equal to 10%. Use the rated values for hot mix asphaltic concrete (HMAC) published in the BRSQC. When blending Class A and B aggregates to meet a Class A requirement, ensure that at least 50% by weight, or volume if required, of all the aggregates used in the mixture design retained on the No. 4 sieve comes from the Class A aggregate source, unless otherwise shown on the plans. Blend by volume if the bulk specific gravities of the Class A and B aggregates differ by more than 0.300. Class B aggregate may be disallowed when shown on the plans.

The Engineer may perform tests at any time during production, when the Contractor blends Class A and B aggregates to meet a Class A requirement, to ensure that at least 50% by weight, or volume if required, of the material retained on the No. 4 sieve comes from the Class A aggregate source. The Engineer will use the Department's mix design template, when electing to verify conformance, to calculate the percent of Class A aggregate retained on the No. 4 sieve by inputting the bin percentages shown from readouts in the control room at the time of production and stockpile gradations measured at the time of production. The Engineer may determine the gradations based on either washed or dry sieve analysis from samples obtained from individual aggregate cold feed bins or aggregate stockpiles. The Engineer may perform spot checks using the gradations supplied by the Contractor on the mixture design report as an input for the template; however, a failing spot check will require confirmation with a stockpile gradation determined by the Engineer.

- 2.1.1.2. **Micro-Deval Abrasion.** The Engineer will perform a minimum of one Micro-Deval abrasion test in accordance with [Tex-461-A](#) for each coarse aggregate source used in the mixture design that has a Rated Source Soundness Magnesium (RSSM) loss value greater than 15 as listed in the BRSQC, unless otherwise directed. The Engineer will perform testing before the start of production and may perform additional testing at any time during production. The Engineer may obtain the coarse aggregate samples from each coarse aggregate source or may require the Contractor to obtain the samples. The Engineer may waive all Micro-Deval testing based on a satisfactory test history of the same aggregate source.

The Engineer will estimate the magnesium sulfate soundness loss for each coarse aggregate source, when tested, using the following formula:

$$Mg_{est.} = (RSSM)(MD_{act.}/RSMD)$$

where:

$Mg_{est.}$  = magnesium sulfate soundness loss

$RSSM$  = Rated Source Soundness Magnesium

$MD_{act.}$  = actual Micro-Deval percent loss

$RSMD$  = Rated Source Micro-Deval

When the estimated magnesium sulfate soundness loss is greater than the maximum magnesium sulfate soundness loss specified, the coarse aggregate source will not be allowed for use unless otherwise approved. The Engineer will consult the Soils and Aggregates Section of the Materials and Tests Division, and additional testing may be required before granting approval.

- 2.1.2. **Fine Aggregate.** Fine aggregates consist of manufactured sands and screenings. Fine aggregate stockpiles must meet the fine aggregate properties in accordance with Table 1 and the gradation requirements in accordance with Table 2. Supply fine aggregates that are free from organic impurities. The Engineer may test the fine aggregate in accordance with [Tex-408-A](#) to verify the material is free from organic impurities. Do not use field sand or other uncrushed fine aggregate. Use fine aggregate from coarse aggregate sources that meet the requirements shown in accordance with Table 1 unless otherwise approved.

**Table 1**  
**Coarse Aggregate Quality Requirements**

Property	Test Method	Requirement
SAC	<a href="#">Tex-499-A (AQMP)</a>	As shown on the plans
Deleterious material, %, Max	<a href="#">Tex-217-E, Part I</a>	1.0
Decantation, %, Max	<a href="#">Tex-217-E, Part II</a>	1.5
Micro-Deval abrasion, %	<a href="#">Tex-461-A</a>	Note <sup>1</sup>
Los Angeles abrasion, %, Max	<a href="#">Tex-410-A</a>	30
Magnesium sulfate soundness, 5 cycles, %, Max	<a href="#">Tex-411-A</a>	20
Crushed face count <sup>2</sup> , %, Min	<a href="#">Tex-460-A, Part I</a>	95
Flat and elongated particles @ 5:1, %, Max	<a href="#">Tex-280-F</a>	10
Fine Aggregate Properties		
Sand Equivalent, %, Min	<a href="#">Tex-203-F</a>	45
Methylene Blue, mg/g, Max	<a href="#">Tex-252-F</a>	10.0

- Used to estimate the magnesium sulfate soundness loss in accordance with section 3082.2.1.1.2., "Micro-Deval Abrasion."
- Only applies to crushed gravel.

**Table 2**  
**Gradation Requirements for Fine Aggregate**

Sieve Size	% Passing by Weight or Volume
3/8"	100
#8	70–100
#200	0–30

- 2.2. **Mineral Filler.** Mineral filler consists of finely divided mineral matter such as agricultural lime, crusher fines, or hydrated lime. Fly ash is not allowed unless otherwise shown on the plans. Mineral filler is allowed unless otherwise shown on the plans. Use no more than 2% hydrated lime, unless otherwise shown on the plans. Test all mineral fillers except hydrated lime and fly ash in accordance with [Tex-252-F](#) to ensure specification compliance. The plans may require or disallow specific mineral fillers. Provide mineral filler, when used, that:
- is sufficiently dry, free-flowing, and free from clumps and foreign matter as determined by the Engineer;
  - does not exceed 3% linear shrinkage when tested in accordance with [Tex-107-E](#); and
  - meets the gradation requirements in accordance with Table 3, unless otherwise shown on the plans.

**Table 3**  
**Gradation Requirements for Mineral Filler**

Sieve Size	% Passing by Weight or Volume
#8	100
#200	55–100

- 2.3. **Baghouse Fines.** Fines collected by the baghouse or other dust-collecting equipment may be reintroduced into the mixing drum.
- 2.4. **Asphalt Binder.** Furnish the type and grade of binder specified on the plans that meets the requirements of Item 300, "Asphalts, Oils, and Emulsions."
- 2.4.1. **Performance-Graded (PG) Binder.** Provide an asphalt binder with a high-temperature grade of PG 76 and low-temperature grade as shown on the plans in accordance with Section 300.2.10., "Performance-Graded Binders," when PG binder is specified.
- 2.4.2. **Asphalt-Rubber (A-R) Binder.** Provide A-R binder that meets the Type I or Type II requirements of Section 300.2.9., "Asphalt-Rubber Binders," when A-R is specified unless otherwise shown on the plans. Use at least 15.0% by weight of Crumb Rubber Modifier (CRM) that meets the Grade B or Grade C requirements of Section 300.2.7., "Crumb Rubber Modifier," unless otherwise shown on the plans. Provide the Engineer the A-R binder blend design with the mix design (JMF1) submittal. Provide the Engineer with documentation such as the bill of lading showing the quantity of CRM used in the project unless otherwise directed.
- 2.5. **Membrane.** Provide a smooth and homogeneous polymer modified emulsion meeting the requirements in accordance with Table 4.

**Table 4**  
**Polymer Modified Emulsion Requirements**

Test on Emulsion	Test Method	Min	Max
Viscosity @ 77°F, SSF	T 72	20	100
Storage Stability, <sup>1</sup> %	T 59		1
Demulsibility (for anionic emulsions), 35 mL of 0.02 N CaCl <sub>2</sub> , %	T 59	55	
Demulsibility (for cationic emulsions), 35 mL 0.8% Sodium dioctyl sulfosuccinate, %	T 59	55	
Sieve Test, <sup>2</sup> %	T 59		0.05
Distillation Test: <sup>3</sup>			
Residue by distillation, % by wt.	T 59	63	0.5
Oil portion of distillate, % by vol.			
Test on Residue from Distillation	Test Method	Min	Max
Elastic Recovery @ 50°F, 50 mm/min., %	<a href="#">Tex-539-C</a>	60	
Penetration @ 77°F, 100 g, 5 sec, 0.1 mm	T 49	100	150

1. After standing undisturbed for 24 hr., the surface must be smooth, must not exhibit a white or milky colored substance, and must be a homogeneous color throughout.
2. May be required by the Engineer only when the emulsion cannot be easily applied in the field.
3. The temperature on the lower thermometer should be brought slowly to 350°F ±10°F and maintained at this temperature for 20 min. The total distillation should be complete in 60 ±5 min. from the first application of heat.

2.6. **Additives.** Provide the Engineer with documentation such as the bill of lading showing the quantity of additives used in the project unless otherwise directed.

2.6.1. **Fibers.** Provide cellulose or mineral fibers when PG binder is specified. Do not use fibers when A-R binder is specified. Submit written certification to the Engineer that the fibers proposed for use meet the requirements of DMS-9204, "Fiber Additives for Bituminous Mixtures." Fibers may be pre-blended into the binder at the asphalt supply terminal unless otherwise shown on the plans.

2.6.2. **Lime Mineral Filler.** Add lime as mineral filler at a rate of 1.0% by weight of the total dry aggregate in accordance with Item 301, "Asphalt Antistripping Agents," unless otherwise shown on the plans or waived by the Engineer based on Hamburg Wheel test results. Do not add lime directly into the mixing drum of any plant where lime is removed through the exhaust stream unless the plant has a baghouse or dust collection system that reintroduces the lime into the drum.

2.6.3. **Lime and Liquid Antistripping Agent.** When lime or a liquid antistripping agent is used, add in accordance with Item 301, "Asphalt Antistripping Agents." Do not add lime directly into the mixing drum of any plant where lime is removed through the exhaust stream unless the plant has a baghouse or dust collection system that reintroduces the lime into the drum. Lime added as mineral filler will count towards the total quantity of lime specified when the plans require lime to be added as an antistripping agent.

2.6.4. **Compaction Aid.** Compaction Aid is defined as a Department-approved chemical warm mix additive denoted as "chemical additive" on the Department's material producer list (MPL) that is used to facilitate mixing and compaction of HMA.

Compaction aid is allowed for use on all projects. Compaction aid is required when shown on the plans or as required in Section 3082.4.7.1., "Weather Conditions."

Warm mix foaming processes, denoted as "foaming process" on the Department-approved MPL, may be used to facilitate mixing and compaction of HMA; however warm mix processes are not defined as a Compaction Aid.

2.7. **Recycled Materials.** Recycled materials are not allowed for use.



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### 3. EQUIPMENT

Provide required or necessary equipment in accordance with Item 320, "Equipment for Asphalt Concrete Pavement." When A-R binder is specified, equip the hot-mix plant with an in-line viscosity-measuring device located between the blending unit and the mixing drum. Provide a means to calibrate the asphalt mass flow meter on-site when a meter is used.

3.1. **Placement Equipment.** Provide a paver that meets all the requirements listed below.

3.1.1. **Paver.** Furnish a paver that will spray the membrane, apply the PFC mixture, and level the surface of the mat in a single pass. Configure the paver so that the mixture is placed no more than 5 sec. after the membrane is applied. Ensure the paver does not support the weight of any portion of hauling equipment other than the connection. Provide loading equipment that does not transmit vibrations or other motions to the paver that adversely affects the finished pavement quality. Equip the paver with an automatic dual longitudinal-grade control system and an automatic transverse-grade control system.

3.1.1.1. **Tractor Unit.** Supply a tractor unit that can push or propel vehicles, dumping directly into the finishing machine to obtain the desired lines and grades to eliminate any hand finishing. Equip the unit with a hitch to maintain contact between the hauling equipment's rear wheels and the finishing machine's pusher rollers while mixture is unloaded.

3.1.1.2. **Membrane Storage Tank and Distribution System.** Equip the paver with an insulated storage tank with a minimum capacity of 900 gal. Provide a metered mechanical pressure sprayer on the paver to apply a uniform membrane at the specified rate. Locate the spray bar on the paver so that the membrane is applied immediately in front of the screed unit. Provide a read-out device on the paver to monitor the membrane application rate.

Furnish a volumetric calibration and strap stick for the tank in accordance with [Tex-922-K](#), Part I, unless otherwise directed. Calibrate the tank within the previous 5 yr. of the date first used on the project. The Engineer may verify calibration accuracy in accordance with [Tex-922-K](#), Part II.

3.1.1.3. **Screed.** Provide a variable width vibratory screed that meets Item 320, "Equipment for Asphalt Concrete Pavement."

3.1.2. **Material Transfer Device (MTD).** Provide the specified type of MTD when shown on the plans. Ensure MTDs provide a continuous, uniform mixture flow to the asphalt paver.

3.1.3. **Rollers.** Provide steel-wheel rollers meeting the requirements of Item 210, "Rolling," except provide rollers weighing a minimum of 10 ton for each roller required. Operate rollers in static (non-vibrating) mode unless otherwise allowed.

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### 4. CONSTRUCTION

Produce, haul, place, and compact the specified paving mixture. In addition to tests required by the specification, Contractors may perform other QC tests as deemed necessary. At any time during the project, the Engineer may perform production and placement tests as deemed necessary in accordance with Item 5, "Control of the Work." Schedule and participate in a mandatory pre-paving meeting with the Engineer on or before the first day of paving unless otherwise shown on the plans.

4.1. **Certification.** Personnel certified by the Department-approved hot-mix asphalt certification program must conduct all mixture designs, sampling, and testing in accordance with Table 5. Supply the Engineer with a list of certified personnel and copies of their current certificates before beginning production and when personnel changes are made. Provide a mixture design developed and signed by a Level 2 certified specialist. Provide Level 1A certified specialists at the plant during production operations. Provide Level 1B certified specialists to conduct placement tests. Provide AGG101 certified specialists for aggregate testing.

**Table 5**  
**Test Methods, Test Responsibility, and Minimum Certification Levels**

Test Description	Test Method	Contractor	Engineer	Level <sup>1</sup>
<b>1. Aggregate Testing</b>				
Sampling	<a href="#">Tex-221-F</a>	✓	✓	1A/AGG101
Dry sieve	<a href="#">Tex-200-F</a> , Part I	✓	✓	1A/AGG101
Washed sieve	<a href="#">Tex-200-F</a> , Part II	✓	✓	1A/AGG101
Deleterious material	<a href="#">Tex-217-F</a> , Parts I & III	✓	✓	AGG101
Decantation	<a href="#">Tex-217-F</a> , Part II	✓	✓	AGG101
Los Angeles abrasion	<a href="#">Tex-410-A</a>		✓	Department
Magnesium sulfate soundness	<a href="#">Tex-411-A</a>		✓	Department
Micro-Deval abrasion	<a href="#">Tex-461-A</a>		✓	AGG101
Crushed face count	<a href="#">Tex-460-A</a>	✓	✓	AGG101
Flat and elongated particles	<a href="#">Tex-280-F</a>	✓	✓	AGG101
Methylene blue test	<a href="#">Tex-252-F</a>		✓	Department
<b>2. Asphalt Binder &amp; Tack Coat Sampling</b>				
Asphalt binder sampling	<a href="#">Tex-500-C</a> , Part II	✓	✓	1A/1B
Membrane sampling	<a href="#">Tex-500-C</a> , Part III	✓	✓	1A/1B
<b>3. Mix Design &amp; Verification</b>				
Design and JMF changes	<a href="#">Tex-204-F</a>	✓	✓	2
Mixing	<a href="#">Tex-205-F</a>	✓	✓	2
Molding (SGC)	<a href="#">Tex-241-F</a>	✓	✓	1A
Laboratory-molded density	<a href="#">Tex-207-F</a> , Parts I, VI, & VIII	✓	✓	1A
Rice gravity	<a href="#">Tex-227-F</a> , Part II	✓	✓	1A
Ignition oven correction factors <sup>2</sup>	<a href="#">Tex-236-F</a> , Part II	✓	✓	2
Drain-down	<a href="#">Tex-235-F</a>	✓	✓	1A
Hamburg Wheel test	<a href="#">Tex-242-F</a>	✓	✓	1A
Boil test <sup>4</sup>	<a href="#">Tex-530-C</a>	✓	✓	1A
Cantabro loss	<a href="#">Tex-245-F</a>	✓	✓	1A
<b>4. Production Testing</b>				
Control charts	<a href="#">Tex-233-F</a>	✓	✓	1A
Mixture sampling	<a href="#">Tex-222-F</a>	✓	✓	1A/1B
Gradation & asphalt binder content <sup>2</sup>	<a href="#">Tex-236-F</a> , Part I	✓	✓	1A
Moisture content	<a href="#">Tex-212-F</a> , Part II	✓	✓	1A/AGG101
Micro-Deval abrasion	<a href="#">Tex-461-A</a>		✓	AGG101
Drain-down	<a href="#">Tex-235-F</a>	✓	✓	1A
Boil test <sup>4</sup>	<a href="#">Tex-530-C</a>	✓	✓	1A
Abson recovery	<a href="#">Tex-211-F</a>		✓	Department
<b>5. Placement Testing</b>				
Control charts	<a href="#">Tex-233-F</a>	✓	✓	1A
Ride quality measurement	<a href="#">Tex-1001-S</a>	✓	✓	Note 3
Thermal profile	<a href="#">Tex-244-F</a>	✓	✓	1B
Water flow test	<a href="#">Tex-246-F</a>	✓	✓	1B

- Level 1A, 1B, AGG101, and 2 are certification levels provided by the Hot Mix Asphalt Center certification program.
- Refer to Section 3082.4.5., "Production Operations," for exceptions to using an ignition oven.
- Profiler and operator are required to be certified at the Texas A&M Transportation Institute facility when Surface Test Type B is specified.
- When shown on the plans.

4.2.

**Reporting and Responsibilities.** Use Department-provided templates to record and calculate all test data, including mixture design, production and placement tests, control charts, and thermal profiles. Obtain the current version of the templates at <https://www.txdot.gov/inside-txdot/forms-publications/consultants-contractors/forms/site-manager.html> or from the Engineer. The Engineer and the Contractor will provide any available test results to the other party when requested. The Contractor and Engineer must exchange test data within the maximum allowable time in accordance with Table 6 unless otherwise approved. The Engineer and the

Contractor will immediately report to the other party any test result that requires suspension of production or placement or that fails to meet the specification requirements. Record and electronically submit all test results and pertinent information on Department-provided templates.

Subsequent sublots placed after test results are available to the Contractor, which require suspension of operations, may be considered unauthorized work. Unauthorized work will be accepted or rejected at the discretion of the Engineer in accordance with Section 5.3., "Conformity with Plans, Specifications, and Special Provisions."

**Table 6**  
**Reporting Schedule**

Description	Reported By	Reported To	To Be Reported Within
<b>Production Quality Control</b>			
Gradation <sup>1</sup>	Contractor	Engineer	1 working day of completion of the subplot
Asphalt binder content <sup>1</sup>			
Laboratory-molded density <sup>1</sup>			
Moisture content <sup>2</sup>			
Drain-down <sup>1</sup>			
Boil test <sup>4</sup>			
<b>Production Quality Assurance</b>			
Gradation <sup>2</sup>	Engineer	Contractor	1 working day of completion of the subplot
Asphalt binder content <sup>2</sup>			
Laboratory-molded density <sup>2</sup>			
Hamburg Wheel test <sup>3</sup>			
Boil test <sup>4</sup>			
Drain-down <sup>2</sup>			
Binder tests <sup>3</sup>			
<b>Placement Quality Control</b>			
Thermal profile <sup>1</sup>	Contractor	Engineer	1 working day of completion of the lot
Water flow <sup>1</sup>			
Membrane application rate <sup>2</sup>			
<b>Placement Quality Assurance</b>			
Thermal profile <sup>2</sup>	Engineer	Contractor	1 working day of completion of the lot
Aging ratio <sup>3</sup>			
Water flow <sup>2</sup>			
Membrane application rate <sup>2</sup>			

1. These tests are required on every subplot.
2. To be performed at the frequency in accordance with Table 14 or as shown on the plans.
3. To be reported as soon as the results become available.
4. When shown on the plans

Use the procedures described in [Tex-233-F](#), when directed, to plot the results of all production and placement testing. Update the control charts as soon as test results for each subplot become available. Make the control charts readily accessible at the field laboratory. The Engineer may suspend production for failure to update control charts.

- 4.3. **Quality Control Plan (QCP).** Develop and follow the QCP in detail. Obtain approval for changes to the QCP made during the project. The Engineer may suspend operations if the Contractor fails to comply with the QCP.

Submit a written QCP before the mandatory pre-paving meeting, when directed. Receive approval of the QCP before pre-paving meeting. Include the following items in the QCP:

- 4.3.1. **Project Personnel.** For project personnel, include:
- a list of individuals responsible for QC with authority to take corrective action;
  - current contact information for each individual listed; and
  - current copies of certification documents for individuals performing specified QC functions.
- 4.3.2. **Material Delivery and Storage.** For material delivery and storage, include:
- the sequence of material processing, delivery, and minimum quantities to assure continuous plant

operations;

- aggregate stockpiling procedures to avoid contamination and segregation;
- frequency, type, and timing of aggregate stockpile testing to assure conformance of material requirements before mixture production; and
- procedure for monitoring the quality and variability of asphalt binder.

4.3.3. **Production.** For production, include:

- loader operation procedures to avoid contamination in cold bins;
- procedures for calibrating and controlling cold feeds;
- procedures to eliminate debris or oversized material;
- procedures for adding and verifying rates of each applicable mixture component (e.g., aggregate, asphalt binder, lime, liquid antistripping, compaction aid, foaming process, fibers);
- procedures for reporting job control test results; and
- procedures to avoid segregation and drain-down in the silo.

4.3.4. **Loading and Transporting.** For loading and transporting, include:

- type and application method for release agents; and
- truck loading procedures to avoid segregation.

4.3.5. **Placement and Compaction.** For placement and compaction, include:

- proposed agenda for mandatory pre-paving meeting, including date and location;
- proposed paving plan (e.g., production rate, paving widths, joint offsets, and lift thicknesses);
- type and application method for release agents in the paver and on rollers, shovels, lutes, and other utensils;
- procedures for the transfer of mixture into the paver while avoiding physical and thermal segregation and preventing material spillage;
- process to balance production, delivery, paving, and compaction to achieve continuous placement operations and good ride quality;
- paver operations (e.g., speed, operation of wings, height of mixture in auger chamber) to avoid physical and thermal segregation and other surface irregularities; and
- procedures to construct quality longitudinal and transverse joints.

4.4. **Mixture Design.**

4.4.1. **Design Requirements.** Use the design procedure provided in [Tex-204-F](#), unless otherwise shown on the plans. Design the mixture to meet the requirements in accordance with Tables 1, 2, 3, 7, 8, and 9. Use a Superpave Gyration Compactor (SGC) at 50 gyrations as the design number of gyrations (Ndesign).

The Engineer will provide the mixture design when shown on the plans. The Contractor may submit a new mixture design at any time during the project. The Engineer will verify and approve all mixture designs (JMF1) before the Contractor can begin production.

Provide the Engineer with a mixture design report using the Department-provided template. Include the following items in the report:

- the combined aggregate gradation, source, specific gravity, and percent of each material used;
- the membrane application rate based on design volumetrics;
- results of all applicable tests;
- the mixing and molding temperatures;
- the signature of the Level 2 person or persons that performed the design;
- the date the mixture design was performed; and
- a unique identification number for the mixture design.

**Table 7**  
**Master Gradation Limits (% Passing by Weight or Volume)**  
**and Laboratory Mixture Design Properties**

Sieve Size	Permeable Friction Course		Thin Bonded Friction Course		
	Fine (PFC-F)	Coarse (PFC-C and PFCR-C)	Type A	Type B	Type C
3/4"	–	100.0 <sup>1</sup>	–	–	100 <sup>1</sup>
1/2"	100.0 <sup>1</sup>	80.0–100.0	–	100 <sup>1</sup>	75–100
3/8"	95.0–100.0	35.0–60.0	100 <sup>1</sup>	75–100	55–80
#4	20.0–55.0	1.0–20.0	35–55	22–36	22–36
#8	1.0–10.0	1.0–10.0	19–30	19–30	19–30
#16	–	–	14–25	14–24	14–24
#50	–	–	7–14	7–14	7–14
#200	1.0–4.0	1.0–4.0	4–6	4–6	4–6

1. Defined as maximum sieve size. No tolerance allowed.

**Table 8**  
**Mixture Design Properties**

Mixture Property	Test Method	PG 76 Mixtures		A-R Mixtures	Thin Bonded Friction Course		
		Fine (PFC-F)	Coarse (PFC-C)	Coarse (PFCR-C)	Type A	Type B	Type C
Asphalt binder content, %	–	6.0–7.0	6.0–7.0	7.0–9.0	5.0–5.8	4.8–5.6	4.8–5.6
Film thickness, microns	–	–	–	–	9.0 Min	9.0 Min	9.0 Min
Design gyrations (Ndesign)	<a href="#">Tex-241-F</a>	50	50	50	50	50	50
Laboratory-molded density, %	<a href="#">Tex-207-F</a>	78.0 Max	82.0 Max	82.0 Max	92.0 Max	92.0 Max	92.0 Max
Hamburg Wheel test, <sup>1</sup> passes at 12.5 mm rut depth	<a href="#">Tex-242-F</a>	10,000 Min	Note 2	Note 2	Note 2	Note 2	Note 2
Drain-down, %	<a href="#">Tex-235-F</a>	0.10 Max	0.10 Max	0.10 Max	0.10 Max	0.10 Max	0.10 Max
Fiber content, % by wt. of total PG 76 mixture	Calculated	0.20–0.50	0.20–0.50	–	–	–	–
Lime content, % by wt. of total aggregate	Calculated	1.0 <sup>3</sup>	1.0 <sup>3</sup>	–	Note 4	Note 4	Note 4
CRM content, % by wt. of A-R binder	Calculated	–	–	15.0 Min	–	–	–
Boil test <sup>5</sup>	<a href="#">Tex-530-C</a>	–	–	–	–	–	–
Cantabro loss, %	<a href="#">Tex-245-F</a>	20.0 Max	20.0 Max	20.0 Max	20.0 Max	20.0 Max	20.0 Max

- Mold test specimens to Ndesign at the optimum asphalt binder content.
- No specification value is required unless otherwise shown on the plans.
- Unless otherwise shown on the plans or waived by the Engineer based on Hamburg Wheel results.
- Lime may be required when shown on the plans.
- When shown on the plans. Used to establish baseline for comparison to production results.

4.4.2. **Job-Mix Formula Approval.** The job-mix formula (JMF) is the combined aggregate gradation, Ndesign level, and target asphalt percentage used to establish target values for hot-mix production. JMF1 is the original laboratory mixture design used to produce the trial batch. When a compaction aid or foaming process is used, JMF1 may be designed and submitted to the Engineer without including the compaction aid or foaming process. When a compaction aid or foaming process is used, document the compaction aid or foaming process used and recommended rate on the JMF1 submittal. The Engineer and the Contractor will verify JMF1 based on plant-produced mixture from the trial batch unless otherwise approved. The Engineer may accept an existing mixture design previously used on a Department project and may waive the trial batch to verify JMF1. The Department may require the Contractor to reimburse the Department for verification tests if more than two trial batches per design are required.

4.4.2.1. **Contractor's Responsibilities.**

4.4.2.1.1. **Providing Superpave Gyratory Compactor.** Furnish an SGC calibrated in accordance with [Tex-241-F](#) for molding production samples. Locate the SGC at the Engineer's field laboratory or make the SGC available to the Engineer for use in molding production samples.

4.4.2.1.2. **Gyratory Compactor Correlation Factors.** Use [Tex-206-F](#), Part II, to perform a gyratory compactor

correlation when the Engineer uses a different SGC. Apply the correlation factor to all subsequent production test results.

- 4.4.2.1.3. **Submitting JMF1.** Furnish a mix design report (JMF1) with representative samples of all component materials and request approval to produce the trial batch. Provide an additional 25 lb. of the design mixture if opting to have the Department perform the Hamburg Wheel test on the laboratory mixture when required in accordance with Table 8, and request that the Department perform the test.
- 4.4.2.1.4. **Supplying Aggregates.** Provide approximately 40 lb. of each aggregate stockpile unless otherwise directed.
- 4.4.2.1.5. **Supplying Asphalt.** Provide at least 1 gal. of the asphalt material and enough quantities of any additives proposed for use.
- 4.4.2.1.6. **Ignition Oven Correction Factors.** Determine the aggregate and asphalt correction factors from the ignition oven in accordance with [Tex-236-F](#), Part II. Provide correction factors that are not more than 12 mo. old. Note that the asphalt content correction factor takes into account the percent fibers in the mixture so that the fibers are excluded from the binder content determination. Provide the Engineer with split samples of the mixtures before the trial batch production, including all additives (except water), and blank samples used to determine the correction factors for the ignition oven used for quality assurance testing during production. Correction factors established from a previously approved mixture design may be used for the current mixture design if the mixture design and ignition oven are the same as previously used and the correction factors are not more than 12 mo. old, unless otherwise directed.
- 4.4.2.1.7. **Boil Test.** When shown on the plans, perform the test and retain the tested sample from [Tex-530-C](#) until completion of the project or as directed. Use this sample for comparison purposes during production. Add lime or liquid antistripping agent as directed if signs of stripping exist.
- 4.4.2.1.8. **Trial Batch Production.** Provide a plant-produced trial batch upon receiving conditional approval of JMF1 and authorization to produce a trial batch, including the compaction aid or foaming process, if applicable, for verification testing of JMF1 and development of JMF2. Produce a trial batch mixture that meets the requirements in accordance with Table 9. The Engineer may accept test results from recent production of the same mixture instead of a new trial batch.
- 4.4.2.1.9. **Trial Batch Production Equipment.** Use only equipment and materials proposed for use on the project to produce the trial batch. Provide documentation to verify the calibration or accuracy of the asphalt mass flow meter to measure the binder content. Verify that asphalt mass flow meter meets the requirements of 0.4 % accuracy, when required, in accordance with Item 520, "Weighing and Measuring Equipment." The Engineer may require that the accuracy of the mass flow meter be verified based on quantities used.
- 4.4.2.1.10. **Trial Batch Quantity.** Produce enough quantity of the trial batch to ensure that the mixture meets the specification requirements.
- 4.4.2.1.11. **Number of Trial Batches.** Produce trial batches as necessary to obtain a mixture that meets the specification requirements.
- 4.4.2.1.12. **Trial Batch Sampling.** Obtain a representative sample of the trial batch and split it into three equal portions in accordance with [Tex-222-F](#). Label these portions as "Contractor," "Engineer," and "Referee." Deliver samples to the appropriate laboratory as directed.
- 4.4.2.1.13. **Trial Batch Testing.** Test the trial batch to ensure the mixture produced using the proposed JMF1 meets the mixture requirements in accordance with Table 9. Ensure the trial batch mixture is also in compliance with the requirements in accordance with Tables 7 and 8. Use a Department-approved laboratory listed on the MPL to perform the Hamburg Wheel test on the trial batch mixture or request that the Department perform the Hamburg Wheel test. The Engineer will be allowed 10 working days to provide the Contractor with Hamburg Wheel test results on the trial batch. Provide the Engineer with a copy of the trial batch test results.
- 4.4.2.1.14. **Development of JMF2.** Evaluate the trial batch test results, determine the target mixture proportions, and

submit as JMF2 after the Engineer grants full approval of JMF1 based on results from the trial batch. Verify that JMF2 meets the mixture requirements in accordance with Table 9.

4.4.2.1.15. **Mixture Production.** After receiving approval for JMF2, use JMF2 to produce Lot 1.

4.4.2.1.16. **Development of JMF3.** Evaluate the test results from Lot 1, determine the optimum mixture proportions, and submit as JMF3 for use in Lot 2.

4.4.2.1.17. **JMF Adjustments.** If JMF adjustments are necessary to achieve the specified requirements, make the adjustments before beginning a new lot. The adjusted JMF must:

- be provided to the Engineer in writing before the start of a new lot;
- be numbered in sequence to the previous JMF;
- meet the master gradation limits in accordance with Table 7
- meet the binder content limits in accordance with Table 8; and
- be within the operational tolerances of JMF2 in accordance with Table 9.

4.4.2.1.18. **Requesting Referee Testing.** Use referee testing, if needed, in accordance with Section 3082.4.9.1., "Referee Testing," to resolve testing differences with the Engineer.

**Table 9**  
**Operational Tolerances**

Test Description	Test Method	Allowable Difference between JMF2 and JMF1 Target <sup>1</sup>	Allowable Difference from Current JMF and JMF2 <sup>2</sup>	Allowable Difference between Contractor and Engineer <sup>3</sup>
Individual % retained for sieve sized larger than #200	<a href="#">Tex-200-F</a>	Must be Within Master Grading Limits in accordance with Table 7	±3.0 <sup>4</sup>	±5.0 <sup>4</sup>
% passing the #200 sieve			±2.0 <sup>4</sup>	±3.0 <sup>4</sup>
Laboratory-molded density, %	<a href="#">Tex-207-F</a> , Part VIII	±1.0	±1.0	±1.0
Asphalt binder content, %	<a href="#">Tex-236-F</a> , Part I <sup>5</sup>	±0.3 <sup>6,7</sup>	±0.3 <sup>4,6,7</sup>	±0.3 <sup>6,7</sup>
Drain-down, %	<a href="#">Tex-235-F</a>	Note 8	Note 8	N/A
Boil test	<a href="#">Tex-530-C</a>	Note 9	Note 9	N/A
Membrane application rate	<a href="#">Tex-247-F</a>	±0.02	±0.02	N/A

1. JMF1 is the approved laboratory mixture design used for producing the trial batch. JMF2 is the approved mixture design developed from the trial batch used to produce Lot 1.
2. Current JMF is JMF3 or higher. JMF3 is the approved mixture design used to produce Lot 2.
3. Contractor may request referee testing only when values exceed these tolerances.
4. Only applies to mixture produced for Lot 1 and higher. Aggregate gradation is not allowed to be outside the limits in accordance with Table 7.
5. Ensure the binder content determination excludes fibers.
6. May be obtained from asphalt mass flow meter readouts as determined by the Engineer.
7. Binder content is not allowed to be outside the limits shown in Table 8.
8. Verify that Table 8 requirements are met.
9. When shown on the plans.

4.4.2.2. **Engineer's Responsibilities.**

4.4.2.2.1. **Superpave Gyratory Compactor.** The Engineer will use a Department SGC calibrated in accordance with [Tex-241-F](#) to mold samples for laboratory mixture design verification. For molding trial batch and production specimens, the Engineer will use the Contractor-provided SGC at the field laboratory or provide and use a Department SGC at an alternate location.

4.4.2.2.2. **Conditional Approval of JMF1 and Authorizing Trial Batch.** The Engineer will review and verify conformance of the following information within two working days of receipt:

- the Contractor's mix design report (JMF1);
- the Contractor-provided Hamburg Wheel test results, if applicable;
- all required materials including aggregates, asphalt, and additives; and
- the mixture specifications.

The Engineer will grant the Contractor conditional approval of JMF1 if the information provided on the paper copy of JMF1 indicates that the Contractor's mixture design meets the specifications. When the Contractor does not provide Hamburg Wheel test with laboratory mixture design, 10 working days are allowed for conditional approval of JMF1. The Engineer will base full approval of JMF1 on the test results on mixture from the trial batch.

Unless waived, the Engineer will determine the Micro-Deval abrasion loss in accordance with

Section 3082.2.1.1.2., "Micro-Deval Abrasion." If the Engineer's test results are pending after two working days, conditional approval of JMF1 will still be granted within two working days of receiving JMF1. When the Engineer's test results become available, they will be used for specification compliance.

The Contractor is authorized to produce a trial batch after the Engineer grants conditional approval of JMF1.

4.4.2.2.3. **Hamburg Wheel Testing.** At the Contractor's request, the Department will perform the Hamburg Wheel test on the laboratory mixture in accordance with [Tex-242-F](#) to verify compliance with the Hamburg Wheel test requirement in accordance with Table 8. The Engineer will be allowed 10 working days to provide the Contractor with Hamburg Wheel results on the laboratory mixture design.

4.4.2.2.4. **Ignition Oven Correction Factors.** The Engineer will use the split samples provided by the Contractor to determine the aggregate and asphalt correction factors for the ignition oven used for quality assurance testing during production in accordance with [Tex-236-F](#), Part II. Provide correction factors that are not more than 12 mo. old. The Engineer will verify that the asphalt content correction factor takes into account the percent fibers in the mixture so that the fibers are excluded from the binder content determination.

4.4.2.2.5. **Testing the Trial Batch.** The Engineer will sample and test the trial batch within one full working day to ensure that the mixture meets the requirements in accordance with Table 9. If the Contractor requests the option to have the Department perform the Hamburg Wheel test on the trial batch mixture, the Engineer will mold samples in accordance with [Tex-242-F](#) to verify compliance with the Hamburg Wheel test requirement in accordance with Table 8.

The Engineer will have the option to perform [Tex-530-C](#) on the trial batch when shown on the plans. These results may be retained and used for comparison purposes during production.

4.4.2.2.6. **Full Approval of JMF1.** The Engineer will grant full approval of JMF1 and authorize the Contractor to proceed with developing JMF2 if the Engineer's results for the trial batch meet the requirements in accordance with Tables 7 and 8.

The Engineer will notify the Contractor that an additional trial batch is required if the trial batch does not meet these requirements.

4.4.2.2.7. **Approval of JMF2.** The Engineer will approve JMF2 within one working day if the mixture meets the requirements in accordance with Tables 7, 8, and 9.

4.4.2.2.8. **Approval of Lot 1 Production.** The Engineer will authorize the Contractor to proceed with Lot 1 production (using JMF2).

4.4.2.2.9. **Approval of JMF3 and Subsequent JMF Changes.** JMF3 and subsequent JMF changes are approved if they meet the master grading and asphalt binder content shown in accordance with Tables 7 and 8 and are within the operational tolerances of JMF2 in accordance with Table 9.



- 4.4.2.2.10. **Binder Content Adjustments.** For JMF2 and above, the Engineer may require the Contractor to adjust the target binder content by no more than 0.3% from the current JMF.
- 4.5. **Production Operations.** Perform a new trial batch when the plant or plant location is changed. Take corrective action and receive approval to proceed after any production suspension for noncompliance to the specification.
- 4.5.1. **Storage and Heating of Materials.** Do not heat the asphalt binder above the temperatures specified in Item 300, "Asphalts, Oils, and Emulsions," or outside the manufacturer's recommended values. Provide the Engineer with daily records of asphalt binder and hot-mix asphalt discharge temperatures (in legible and discernible increments) in accordance with Item 320, "Equipment for Asphalt Concrete Pavement," unless otherwise directed. Do not store mixture for a period long enough to affect the quality of the mixture, nor in any case longer than 12 hr. unless otherwise approved.
- 4.5.2. **Mixing and Discharge of Materials.** Notify the Engineer of the target discharge temperature and produce the mixture within 25°F of the target. Monitor the temperature of the material in the truck before shipping to ensure that it does not exceed the maximum production temperatures in accordance with Table 10. The Department will not pay for or allow placement of any mixture produced above the maximum production temperatures in accordance with Table 10.

**Table 10**  
**Maximum Production Temperature**

High-Temperature Binder Grade <sup>1</sup>	Max Production Temperature
PG 76	345°F
A-R Binder	345°F

1. The high-temperature binder grade refers to the high-temperature grade of the virgin asphalt binder used to produce the mixture.

Control the mixing time and temperature so that substantially all moisture is removed from the mixture before discharging from the plant. Determine the moisture content, if requested, by oven-drying in accordance with [Tex-212-F](#), Part II, and verify that the mixture contains no more than 0.2% of moisture by weight. Obtain the sample immediately after discharging the mixture into the truck and perform the test promptly.

- 4.6. **Hauling Operations.** Clean all truck beds before use to ensure that mixture is not contaminated. Use a release agent shown on the Department's MPL to coat the inside bed of the truck when necessary. Do not use diesel or any release agent not shown on the Department's MPL.
- Use equipment for hauling as defined in Section 3082.4.7.3.2., "Hauling Equipment." Use other hauling equipment only when allowed.
- 4.7. **Placement Operations.** Collect haul tickets from each load of mixture delivered to the project and provide the Department's copy to the Engineer approximately every hour, or as directed. Use a hand-held thermal camera or infrared thermometer, when a thermal imaging system is not used, to measure and record the internal temperature of the mixture as discharged from the truck or Material Transfer Device (MTD) before or as the mix enters the paver and an approximate station number or GPS coordinates on each ticket. Calculate the daily yield and cumulative yield for the specified lift and provide to the Engineer at the end of paving operations for each day unless otherwise directed. The Engineer may suspend production if the Contractor fails to produce and provide haul tickets and yield calculations by the end of paving operations for each day.

Prepare the surface by removing raised pavement markers and objectionable material such as moisture, dirt, sand, leaves, and other loose impediments from the surface before placing mixture. Remove vegetation from pavement edges. Do not allow any loose mixture onto the prepared surface before application of the membrane. Place the mixture to meet the typical section requirements and produce a smooth, finished surface with a uniform appearance and texture. Offset longitudinal joints of successive courses of hot-mix by at least 6 in. Place mixture so that longitudinal joints on the surface course coincide within 6-in. of lane lines and are not placed in the wheel path, or as directed, and offset longitudinal joints of successive courses of hot-mix by at least 6-in. Ensure that all finished surfaces will drain properly.

#### 4.7.1. **Weather Conditions.**

4.7.1.1. **When Using a Thermal Imaging System.** The Contractor may pave any time the roadway is dry and the roadway surface temperature is at least 60°F unless otherwise approved or as shown on the plans; however, the Engineer may restrict the Contractor from paving if the ambient temperature is likely to drop below 32°F within 12 hr. of paving. Place mixtures when weather conditions and moisture conditions of the roadway surface are suitable as determined by the Engineer. Provide output data from the thermal imaging system to demonstrate to the Engineer that no recurring severe thermal segregation exists in accordance with Section 3082.4.7.3.1.2., "Thermal Imaging System."

Produce mixture with a target discharge temperature higher than 300°F and with a compaction aid to facilitate compaction when the air temperature is 70°F and falling.

4.7.1.2. **When Not Using a Thermal Imaging System.** When using a thermal camera instead of the thermal imaging system, place mixture when the roadway surface temperature is at or above 70°F unless otherwise approved or as shown on the plans. Measure the roadway surface temperature with a hand-held thermal camera or infrared thermometer. Place mixtures only when weather conditions and moisture conditions of the roadway surface are suitable as determined by the Engineer. The Engineer may restrict the Contractor from paving if the air temperature is 60°F and falling.

Produce mixture with a target discharge temperature higher than 300°F and with a compaction aid to facilitate compaction when the air temperature is 70°F and falling.

4.7.2. **Application of Membrane.** Apply the membrane at the rates in accordance with Table 11 unless otherwise directed. Spray the membrane using a metered mechanical pressure spray bar at a temperature of 140°F to 180°F. Monitor the membrane application rate and make adjustments to the rate when directed. Verify that the spray bar is capable of applying the membrane at a uniform rate across the entire paving width. Apply adequate overlap of the tack coat in the longitudinal direction during placement of the mat to ensure bond of adjacent mats, unless otherwise directed. Unless otherwise directed, avoid tacking the vertical faces of adjacent PFC mats in the longitudinal direction to avoid restricting lateral drainage. Apply tack coat to all transverse joints. Do not let the wheels or other parts of the paving machine contact the freshly applied membrane. Do not dilute the membrane at the terminal, in the field, or at any other location before use. Do not allow any loose mixture onto the prepared surface before application of the membrane.

**Table 11**  
**Membrane Application Rate Limits, (Gal. per square yard)**

Mix Type	Lift Thickness	Membrane Rate
Permeable Friction Course	1-1/2 in.	0.30–0.33
	1-1/4 in.	0.27–0.30
	1 in.	0.25–0.28
	3/4 in.	0.22–0.25
Thin Bonded Friction Course	3/4 in.	0.17–0.27
	5/8 in.	0.16–0.24
	1/2 in.	0.14–0.20

4.7.2.1. **Non-uniform Application of Membrane.** Stop application if it is not uniform due to streaking, ridging, pooling, or flowing off the roadway surface. Verify equipment condition including plugged nozzles on the spray bar, operating procedures, application temperature, and material properties. Determine and correct the cause of non-uniform application.

4.7.2.2. **Test Strips.** The Engineer may perform independent tests to confirm Contractor compliance and may require testing differences or failing results to be resolved before resuming production.

The Engineer may cease operations and require construction of test strips at the Contractor's expense if any of the following occurs:

- non-uniformity of application continues after corrective action;
- in three consecutive shots, application rate differs by more than 0.03 gal. per square yard from the rate

- directed; or
- any shot differs by more than 0.05 gal. per square yard from the rate directed.

The Engineer will approve the test strip location. The Engineer may require additional test strips until the membrane application meets specification requirements.

- 4.7.3. **Lay-Down Operations.** Use the placement temperature in accordance with Table 12 to establish the minimum placement temperature of the mixture delivered to the paving operation.

**Table 12**  
**Min Mixture Placement Temperature**

High-Temperature Binder Grade <sup>1</sup>	Min Placement Temperature (Before Entering Paving Operation) <sup>2,3</sup>
PG 76	280°F
A-R Binder	280°F

1. The high-temperature binder grade refers to the high-temperature grade of the virgin asphalt binder used to produce the mixture.
2. The mixture temperature must be measured using a hand-held thermal camera or infrared thermometer nearest to the point of entry of the paving operation.
3. Minimum placement temperatures may be reduced 10°F if using a compaction aid.

- 4.7.3.1. **Thermal Profile.** Use a hand-held thermal camera or a thermal imaging system to obtain a continuous thermal profile in accordance with [Tex-244-F](#). Thermal profiles are not applicable in areas described in Section 3082.4.9.8., "Miscellaneous Areas."

- 4.7.3.1.1. **Thermal Segregation.**

- 4.7.3.1.1.1. **Moderate.** Any areas that have a temperature differential greater than 25°F, but not exceeding 50°F.

- 4.7.3.1.1.2. **Severe.** Any areas that have a temperature differential greater than 50°F.

- 4.7.3.1.2. **Thermal Imaging System.** Review the output results when a thermal imaging system is used, and provide the report described in [Tex-244-F](#) to the Engineer daily unless otherwise directed. Modify the paving process as necessary to eliminate any recurring (moderate or severe) thermal segregation identified by the thermal imaging system.

The Engineer may suspend subsequent paving operations if the Contractor cannot successfully modify the paving process to eliminate recurring severe or moderate thermal segregation.

Provide the Engineer with electronic copies of all daily data files that can be used with the thermal imaging system software to generate temperature profile plots daily or as requested by the Engineer.

- 4.7.3.1.3. **Thermal Camera.** When using the thermal camera instead of the thermal imaging system, take immediate corrective action to eliminate recurring moderate thermal segregation when a hand-held thermal camera is used. Provide the Engineer with the thermal profile of every subplot within one working day of the completion of each lot. When requested by the Engineer, provide the electronic files generated using the thermal camera. Report the results of each thermal profile in accordance with Section 3082.4.2., "Reporting and Responsibilities." The Engineer will use a hand-held thermal camera to obtain a thermal profile at least once per project unless the thermal imaging system is used. Suspend operations and take immediate corrective action to eliminate severe thermal segregation unless otherwise directed. Resume operations when the Engineer determines that subsequent production will meet the requirements of this Section.

- 4.7.3.2. **Hauling Equipment.** Use live bottom or end dump trucks to haul and transfer mixture; however, with exception of paving miscellaneous areas, end dump trucks are only allowed when used in conjunction with an MTD with remixing capability or when a thermal imaging system is used unless otherwise allowed.

- 4.7.3.3. **Screed Heaters.** Turn off screed heaters to prevent overheating of the mat if the paver stops for more than 5 min. The Engineer may evaluate the suspect area in accordance with Section 3082.4.9.9., "Recovered

Asphalt Dynamic Shear Rheometer (DSR),” if the screed heater remains on for more than 5 min. while the paver is stopped.

- 4.8. **Compaction.** Roll the freshly placed mixture with as many steel-wheeled rollers as necessary, operated in static mode, to seat the mixture without excessive breakage of the aggregate and to provide a smooth surface and uniform texture. Do not use pneumatic rollers. Use the control strip method given in [Tex-207-F](#), Part IV, to establish the rolling pattern. Moisten the roller drums thoroughly with a soap and water solution to prevent adhesion. Use only water or an approved release agent on rollers, tamps, and other compaction equipment unless otherwise directed.

For PFC mixtures, use [Tex-246-F](#) to test and verify that the compacted mixture has adequate permeability. Measure the water flow once per subplot at locations directed by the Engineer. The water flow rate should be less than 20 sec. Investigate the cause of the water flow rate test failures and take corrective actions during production and placement to ensure the water flow rate is less than 20 sec. Suspend production if two consecutive water flow rate tests fail unless otherwise approved. Resume production after the Engineer approves changes to production or placement methods.

Complete all compaction operations before the pavement temperature drops below 180°F unless otherwise allowed. The Engineer may allow compaction with a light finish roller operated in static mode for pavement temperatures below 180°F.

Allow the compacted pavement to cool to 160°F or lower before opening to traffic unless otherwise directed. Sprinkle the finished mat with water or limewater, when directed, to expedite opening the roadway to traffic.

- 4.9. **Acceptance Plan.** Sample and test the hot-mix on a lot and subplot basis.
- 4.9.1. **Referee Testing.** The Materials and Tests Division is the referee laboratory. The Contractor may request referee testing if the differences between Contractor and Engineer test results exceed the operational tolerances in accordance with Table 9 and the differences cannot be resolved. The Contractor may also request referee testing if the Engineer’s test results require suspension of production and the Contractor’s test results are within specification limits. Make the request within five working days after receiving test results and cores from the Engineer. Referee tests will be performed only on the subplot in question and only for the particular tests in question. Allow 10 working days from the time the referee laboratory receives the samples for test results to be reported. The Department may require the Contractor to reimburse the Department for referee tests if more than three referee tests per project are required and the Engineer’s test results are closer to the referee test results than the Contractor’s test results.
- 4.9.2. **Production Acceptance.**
- 4.9.2.1. **Production Lot.** A production lot consists of four equal sublots. The default quantity for Lot 1 is 1,000 ton; however, when requested by the Contractor, the Engineer may increase the quantity for Lot 1 to no more than 2,000 ton. The Engineer will select subsequent lot sizes based on the anticipated daily production such that approximately three to four sublots are produced each day. The lot size will be between 1,000 ton and 4,000 ton. The Engineer may change the lot size before the Contractor begins any lot.
- 4.9.2.1.1. **Incomplete Production Lots.** If a lot is begun but cannot be completed, such as on the last day of production or in other circumstances deemed appropriate, the Engineer may close the lot. Close all lots within five working days unless otherwise allowed.
- 4.9.2.2. **Production Sampling.**
- 4.9.2.2.1. **Mixture Sampling.** Obtain hot-mix samples from trucks at the plant in accordance with [Tex-222-F](#). The sampler will split each sample into three equal portions in accordance with [Tex-200-F](#) and label these portions as “Contractor,” “Engineer,” and “Referee.” The Engineer will perform or witness the sample splitting and take immediate possession of the samples labeled “Engineer” and “Referee.” The Engineer will maintain the custody of the samples labeled “Engineer” and “Referee” until the Department’s testing is completed.

- 4.9.2.2.1.1. **Random Sample.** At the beginning of the project, the Engineer will select random numbers for all production sublots. Determine sample locations in accordance with [Tex-225-F](#). Take one sample for each subplot at the randomly selected location. The Engineer will perform or witness the sampling of production sublots.
- 4.9.2.2.1.2. **Blind Sample.** For one subplot per lot, the Engineer will obtain and test a “blind” sample instead of the random sample collected by the Contractor. Test either the “blind” or the random sample; however, referee testing (if applicable) will be based on a comparison of results from the “blind” sample. The location of the Engineer’s “blind” sample will not be disclosed to the Contractor. The Engineer’s “blind” sample may be randomly selected in accordance with [Tex-225-F](#) for any subplot or selected at the discretion of the Engineer. The Engineer will use the Contractor’s split sample for sublots not sampled by the Engineer.
- 4.9.2.2.2. **Informational Hamburg and Overlay Testing.** Select one random subplot from Lot 2 or higher for Hamburg and Overlay testing during the first week of production. Obtain and provide the Engineer with approximately 90 lb. of mixture, sampled in accordance with [Tex-222-F](#), in sealed containers, boxes, or bags labeled with the Control-Section-Job (CSJ), mixture type, lot, and subplot number. The Engineer will ship the mixture to the Materials and Tests Division for Hamburg and Overlay testing. Results from these tests will not be used for specification compliance.
- 4.9.2.2.3. **Asphalt Binder Sampling.** Obtain a 1-qt. (1 gal. for A-R binder) sample of the asphalt binder witness by the Engineer for each lot of mixture produced. The Contractor will notify the Engineer when the sampling will occur. Obtain the sample at approximately the same time the mixture random sample is obtained. Sample from a port located immediately upstream from the mixing drum or pug mill and upstream from the introduction of any additives in accordance with [Tex-500-C](#), Part II. Label the can with the corresponding lot and subplot numbers, producer, producer facility, grade, district, date sampled, and project information including highway and CSJ. The Engineer will retain these samples for one year. The Engineer may also obtain independent samples. If obtaining an independent asphalt binder sample and upon request of the Contractor, the Engineer will split a sample of the asphalt binder with the Contractor.

At least once per project, the Engineer will collect split samples of each binder grade and source used. The Engineer will submit one split sample to the Materials and Tests Division to verify compliance with Item 300, “Asphalts, Oils, and Emulsions” and will retain the other split sample for 1 yr.

- 4.9.2.3. **Membrane Sampling.** The Engineer will obtain a 1-qt. sample of the polymer modified emulsion for each lot of mixture produced in accordance with [Tex-500-C](#), Part III. The Engineer will notify the Contractor when the sampling will occur and will witness the collection of the sample. Obtain the sample at approximately the same time the mixture random sample is obtained. Label the can with the corresponding lot and subplot numbers, producer, producer facility, grade, district, date sampled, and project information including highway and CSJ. The Engineer will retain these samples for two months.

At least once per project, the Engineer will collect split samples of the polymer modified emulsion. The Engineer will submit one split sample to the Materials and Tests Division to verify compliance with Item 300, “Asphalts, Oils, and Emulsions” and will retain the other split sample for two months. The Engineer may test as often as necessary to ensure the residual of the emulsion is greater than or equal to the specification requirement in Item 300, “Asphalts, Oils, and Emulsions.”

- 4.9.2. **Production Testing.** The Contractor and Engineer must perform production tests in accordance with Table 13. The Contractor has the option to verify the Engineer’s test results on split samples provided by the Engineer. Determine compliance with operational tolerances in accordance with Table 9 for all sublots.

At any time during production, the Engineer may require the Contractor to verify the following based on quantities used:

- lime content (within  $\pm 0.1\%$  of JMF), when PG binder is specified;
- fiber content (within  $\pm 0.03\%$  of JMF), when PG binder is specified; and
- CRM content (within  $\pm 1.5\%$  of JMF), when A-R binder is specified.

Maintain the in-line measuring device when A-R binder is specified to verify the A-R binder viscosity between

2,500 and 4,000 centipoise at 350°F unless otherwise approved. Record A-R binder viscosity at least once per hour and provide the Engineer with a daily summary unless otherwise directed.

If the aggregate mineralogy is such that [Tex-236-F](#) Part I does not yield reliable results, the Engineer may allow alternate methods for determining the asphalt content and aggregate gradation. The Engineer will require the Contractor to provide evidence that results from [Tex-236-F](#), Part I are not reliable before permitting an alternate method unless otherwise allowed. Use the applicable test procedure as directed if an alternate test method is allowed.

**Table 13**  
**Production and Placement Testing Frequency**

Description	Test Method	Min Contractor Testing Frequency	Min Engineer Testing Frequency
Individual % retained for sieve sized larger than #200	<a href="#">Tex-200-F</a>	1 per subplot	1 per 12 sublots
% passing the #200 sieve			
Laboratory-molded density, %	<a href="#">Tex-207-E</a> , Part VIII	1 per subplot	1 per lot
Asphalt binder content <sup>1</sup> , %	<a href="#">Tex-236-F</a> , Part I <sup>2</sup>	1 per subplot	1 per lot
Drain-down, %	<a href="#">Tex-235-F</a>	1 per subplot	1 per 12 sublots
Boil test <sup>3</sup>	<a href="#">Tex-530-C</a>	1 per project	1 per project
Membrane application rate	<a href="#">Tex-247-F</a>	1 per lot	1 per 12 sublots
Moisture content	<a href="#">Tex-212-F</a> , Part II	When directed	1 per project
Cantabro loss, %	<a href="#">Tex-245-F</a>	1 per project (sample only)	1 per project
Overlay test	<a href="#">Tex-248-F</a>	1 per project (sample only) <sup>10</sup>	1 per project <sup>4</sup>
Hamburg Wheel test	<a href="#">Tex-242-F</a>	1 per project (sample only) <sup>10</sup>	1 per project <sup>4</sup>
Water flow test <sup>5</sup>	<a href="#">Tex-246-F</a>	1 per subplot	1 per project
Asphalt binder sampling	<a href="#">Tex-500-C</a> , Part II	1 per lot (sample only) <sup>6</sup>	1 per project
Membrane sampling and testing	<a href="#">Tex-500-C</a> , Part III	N/A	1 per project
Thermal profile	<a href="#">Tex-244-F</a>	1 per subplot <sup>7,8,9</sup>	1 per project <sup>8</sup>

1. May be obtained from asphalt mass flow meter readouts as determined by the Engineer.
2. Ensure the binder content determination excludes fibers.
3. When shown on the plans.
4. When required according to mixture type and requirements in accordance with Table 8.
5. Only required for PFC mixtures.
6. Obtain samples witness by the Engineer. The Engineer will retain these samples for 1 yr.
7. To be performed in the presence of the Engineer when using the thermal camera, unless otherwise approved.
8. Not required when a thermal imaging system is used.
9. When using the thermal imaging system, the test report must include the temperature measurements taken in accordance with [Tex-244-F](#).
10. Testing performed by the Materials and Tests Division for informational purposes only.

#### 4.9.3.

**Operational Tolerances.** Control the production process within the operational tolerances in accordance with Table 9. Suspend production and placement operations when production or placement test results exceed the tolerances in accordance with Table 9 unless otherwise allowed. The Engineer will allow suspended production to resume when test results or other information indicates the next mixture produced will be within the operational tolerances.

- 4.9.4. **Individual Loads of Hot-Mix.** The Engineer can reject individual truckloads of hot-mix. When a load of hot-mix is rejected for reasons other than temperature, contamination, or excessive uncoated particles, the Contractor may request that the rejected load be tested. Make this request within 4 hr. of rejection. The Engineer will sample and test the mixture. If test results are within the operational tolerances in accordance with Table 9, payment will be made for the load. If test results are not within operational tolerances, no payment will be made for the load.
- 4.9.5. **Placement Acceptance.**
- 4.9.6. **Placement Lot.** A placement lot consists of four placement sublots. A placement subplot consists of the area placed during a production subplot.
- 4.9.7. **Miscellaneous Areas.** Miscellaneous areas include areas that typically involve significant handwork or discontinuous paving operations such as driveways, mailbox turnouts, crossovers, gores, spot level-up areas, and other similar areas. The specified layer thickness is based on the rate of 90 lb. per square yard for each inch of pavement unless another rate is shown on the plans. Miscellaneous areas are not subject to thermal profiles testing.
- 4.9.8. **Recovered Asphalt Dynamic Shear Rheometer (DSR).** The Engineer may take production samples or cores from suspect areas of the project to determine recovered asphalt properties. Asphalt binders with an aging ratio greater than 3.5 do not meet the requirements for recovered asphalt properties and may be deemed defective when tested and evaluated by the Materials and Tests Division. The aging ratio is the DSR value of the extracted binder divided by the DSR value of the original unaged binder. Obtain DSR values in accordance with AASHTO T 315 at the specified high temperature performance grade of the asphalt. The Engineer may require removal and replacement of the defective material at the Contractor's expense. The asphalt binder will be recovered for testing from production samples or cores in accordance with [Tex-211-F](#).
- 4.9.9. **Irregularities.** Identify and correct irregularities including segregation, rutting, raveling, flushing, fat spots, mat slippage, irregular color, irregular texture, roller marks, tears, gouges, streaks, uncoated aggregate particles, or broken aggregate particles. The Engineer may also identify irregularities, and in such cases, the Engineer will promptly notify the Contractor. If the Engineer determines that the irregularity will adversely affect pavement performance, the Engineer may require the Contractor to remove and replace (at the Contractor's expense) areas of the pavement that contain irregularities. The Engineer may also require the Contractor to remove and replace (at the Contractor's expense) areas where the mixture does not bond to the existing pavement.
- If irregularities are detected, the Engineer may require the Contractor to immediately suspend operations or may allow the Contractor to continue operations for no more than one day while the Contractor is taking appropriate corrective action.
- 4.9.10. **Exempt Production.** When the anticipated daily production is less than 100 ton, all QC and QA sampling and testing are waived. The Engineer may deem the mixture as exempt production for the following conditions:
- anticipated daily production is more than 100 ton but less than 250 ton;
  - total production for the project is less than 2,500 ton;
  - when mutually agreed between the Engineer and the Contractor; or
  - when shown on the plans.
- For exempt production, the Contractor is relieved of all production and placement sampling and testing requirements. All other specification requirements apply, and the Engineer will perform acceptance tests for production and placement in accordance with Table 13.
- For exempt production:
- produce, haul, place, and compact the mixture as directed by the Engineer; and
  - control mixture production to yield a laboratory-molded density that is within  $\pm 1.0\%$  of the target density as tested by the Engineer.

- 4.9.11. **Ride Quality.** Measure ride quality in accordance with Item 585, "Ride Quality for Pavement Surfaces," unless otherwise shown on the plans.

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## 5. MEASUREMENT

- 5.1. **PFC Hot-Mix Asphalt.** Permeable friction course (PFC) hot-mix will be measured by the ton of composite mixture, which includes asphalt, aggregate, and additives. Measure the weight on scales in accordance with Item 520, "Weighing and Measuring Equipment."
- 5.2. **TBFC Hot-Mix Asphalt.** Thin bonded friction course (TBFC) hot-mix will be measured by the ton of composite mixture, which includes asphalt, aggregate, and additives. Measure the weight on scales in accordance with Item 520, "Weighing and Measuring Equipment."
- 5.3. **Membrane.** Membrane material will be measured by volume. Membrane material will be measured at the applied temperature by strapping the tank before and after road application and determining the net volume in gallons from the distributor's calibrated strap stick. The Engineer will witness all operations for volume determination. All membrane will be measured by the gallon applied, in the accepted membrane.

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## 6. PAYMENT

The work performed and materials furnished in accordance with this Item and measured as provided under Section 3082.5.1., "PFC Hot-Mix Asphalt," will be paid for at the unit bid price for "Permeable friction course" of the mixture type, SAC, and binder specified. These prices are full compensation for surface preparation, removing pavement marking and markers, materials, placement, equipment, labor, tools, and incidentals.

The work performed and materials furnished in accordance with this Item and measured as provided under Section 3082.5.2., "TBFC Hot-Mix Asphalt," will be paid for at the unit bid price for "Thin bonded friction course" of the mixture type, SAC, and binder specified. These prices are full compensation for surface preparation, removing pavement marking and markers, materials, placement, equipment, labor, tools, and incidentals.

The work performed and materials furnished in accordance with this Item and measured as provided under Section 3082.5.3., "Membrane," will be paid for at the unit bid price for "Membrane" of the membrane material provided. These prices are full compensation for materials, placement, equipment, labor, tools, and incidentals.

Trial batches will not be paid for unless they are included in pavement work approved by the Department.

Payment adjustment for ride quality will be determined in accordance with Item 585, "Ride Quality for Pavement Surfaces."



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# Special Specification 3096

## Asphalts, Oils, and Emulsions

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### 1. DESCRIPTION

Provide asphalt cements, cutback and emulsified asphalts, performance-graded asphalt binders, and other miscellaneous asphalt materials as specified on the plans.

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### 2. MATERIALS

Provide asphalt materials that meet the stated requirements when tested in conformance with the referenced Department, AASHTO, and ASTM test methods. Use asphalt containing recycled materials only if the recycled components meet the requirements of Article 6.9., "Recycled Materials." Provide asphalt materials that the Department has preapproved for use in accordance with [Tex-545-C](#), "Asphalt Binder Quality Program."

Inform the Department of all additives or modifiers included in the asphalt binder as part of the facility quality plan, as required by [Tex-545-C](#), "Asphalt Binder Quality Program," and provide that information to Department personnel. The Department reserves the right to prohibit the use of any asphalt additive or modifier.

Limit the use of polyphosphoric acid to no more than 0.5% by weight of the asphalt binder.

The use of re-refined engine oil bottoms is prohibited.

Acronyms used in this Item are defined in Table 1.

**Table 1**  
**Acronyms**

Acronym	Definition
Test Procedure Designations	
Tex T or R D	Department AASHTO ASTM
Polymer Modifier Designations	
P	polymer-modified
SBR or L	styrene-butadiene rubber (latex)
SBS	styrene-butadiene-styrene block co-polymer
TR	tire rubber (from ambient temperature grinding of truck and passenger tires)
AC	asphalt cement
AE	asphalt emulsion
AE-P	asphalt emulsion prime
A-R	asphalt-rubber
C	cationic
EAP&T	emulsified asphalt prime and tack
EBL	emulsified bonding layer
FDR	full depth reclamation
H-suffix	harder residue (lower penetration)
HF	high float
HY	high yield
MC	medium-curing
MS	medium-setting
PCE	prime, cure, and erosion control
PG	performance grade
RC	rapid-curing
RS	rapid-setting
S-suffix	stockpile usage
SCM	special cutback material
SS	slow-setting
SY	standard yield
TRAIL	tracking resistant asphalt interlayer

2.1.

**Asphalt Cement.** Provide asphalt cement that is homogeneous, water-free, and nonfoaming when heated to 347°F, and meets the requirements in Table 2.

**Table 2**  
**Asphalt Cement**

Property	Test Procedure	Viscosity Grade									
		AC-0.6		AC-1.5		AC-3		AC-5		AC-10	
		Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
Viscosity 140°F, poise 275°F, poise	T 202	40	80	100	200	250	350	400	600	800	1,200
		0.4	–	0.7	–	1.1	–	1.4	–	1.9	–
Penetration, 77°F, 100g, 5 sec.	T 49	350	–	250	–	210	–	135	–	85	–
Flash point, C.O.C., °F	T 48	425	–	425	–	425	–	425	–	450	–
Solubility in trichloroethylene, %	T 44	99.0	–	99.0	–	99.0	–	99.0	–	99.0	–
Spot test	<a href="#">Tex-509-C</a>	Neg.		Neg.		Neg.		Neg.		Neg.	
Tests on residue from RTFOT:											
Viscosity, 140°F, poise	T 240										
Ductility, <sup>1</sup> 77°F	T 202	–	180	–	450	–	900	–	1,500	–	3,000
5 cm/min., cm	T 51	100	–	100	–	100	–	100	–	100	–

1. If AC-0.6 or AC-1.5 ductility at 77°F is less than 100 cm, material is acceptable if ductility at 60°F is more than 100 cm.

- 2.2. **Polymer-Modified Asphalt Cement.** Provide polymer-modified asphalt cement that is smooth, homogeneous, and meets the requirements Table 3. Supply samples of the base asphalt cement and polymer additives if requested.

Table 3  
Polymer-Modified Asphalt Cement

Property	Test Procedure	Polymer-Modified Viscosity Grade											
		AC-12-5TR		NT-HA <sup>1</sup>		AC-15P		AC-20XP		AC-10-2TR		AC-20-5TR	
		Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
Polymer		TR		-		SBS		SBS		TR		TR	
Polymer content, % (solids basis)	<a href="#">Tex-533-C</a> or <a href="#">Tex-553-C</a>	5.0	-	-	-	3.0	-	-	-	2.0	-	5.0	-
Dynamic shear, G*/sinδ, 82°C, 10 rad/s, kPa	T 315			1.0	-								
Dynamic shear, G*/sinδ, 64°C, 10 rad/s, kPa	T 315	-	-	-	-	-	-	1.0	-	-	-	1.0	-
Dynamic shear, G*/sinδ, 58°C, 10 rad/s, kPa	T 315	1.0	-	-	-	-	-	-	-	1.0	-	-	-
Viscosity 140°F, poise	T 202	1,200	-			1,500	-	2,000	-	1,000	-	2,000	-
275°F, poise	T 202			-	4,000	-	8.0	-	-	-	8.0	-	10.0
Penetration, 77°F, 100 g, 5 sec.	T 49	110	150	-	25	100	150	75	115	95	130	75	115
Ductility, 5cm/min., 39.2°F, cm	T 51					-	-	-	-	-	-	-	-
Elastic recovery, 50°F, %	<a href="#">Tex-539-C</a>	55	-			55	-	55	-	30	-	55	-
Softening point, °F	T 53	113	-	170	-	-	-	120	-	110	-	120	-
Polymer separation, 5 hr.	<a href="#">Tex-540-C</a>	None				None		None		None		None	
Flash point, C.O.C., °F	T 48	425	-	425	-	425	-	425	-	425	-	425	-
Tests on residue from RTFOT aging and pressure aging:	T 240 and R 28												
Creep stiffness S, -18°C, MPa	T 313	-	300	-	-	-	300	-	300	-	300	-	300
m-value, -18°C		0.300	-	-	-	0.300	-	0.300	-	0.300	-	0.300	-

1. Non-Tracking Hot Applied Tack Coat - TRAIL product

- 2.3. **Cutback Asphalt.** Provide cutback asphalt that meets the requirements of Tables 4, 5, and 6, for the specified type and grade. Supply samples of the base asphalt cement and polymer additives if requested.

**Table 4**  
**Rapid-Curing Cutback Asphalt**

Property	Test Procedure	Type-Grade					
		RC-250		RC-800		RC-3000	
		Min	Max	Min	Max	Min	Max
Kinematic viscosity, 140°F, cSt	T 201	250	400	800	1,600	3,000	6,000
Water, %	D95	–	0.2	–	0.2	–	0.2
Flash point, T.O.C., °F	T 79	80	–	80	–	80	–
Distillation test:	T 78						
Distillate, percentage by volume of total distillate to 680°F							
to 437°F		40	75	35	70	20	55
to 500°F		65	90	55	85	45	75
to 600°F		85	–	80	–	70	–
Residue from distillation, volume %		70	–	75	–	82	–
Tests on distillation residue:							
Viscosity, 140°F, poise	T 202	600	2,400	600	2,400	600	2,400
Ductility, 5 cm/min., 77°F, cm	T 51	100	–	100	–	100	–
Solubility in trichloroethylene, %	T 44	99.0	–	99.0	–	99.0	–
Spot test	<a href="#">Tex-509-C</a>	Neg.		Neg.		Neg.	

**Table 5**  
**Medium-Curing Cutback Asphalt**

Property	Test Procedure	Type-Grade							
		MC-30		MC-250		MC-800		MC-3000	
		Min	Max	Min	Max	Min	Max	Min	Max
Kinematic viscosity, 140°F, cSt	T 201	30	60	250	500	800	1,600	3,000	6,000
Water, %	D95	–	0.2	–	0.2	–	0.2	–	0.2
Flash point, T.O.C., °F	T 79	95	–	122	–	140	–	149	–
Distillation test:	T 78								
Distillate, percentage by volume of total distillate to 680°F									
to 437°F		–	35	–	20	–	–	–	–
to 500°F		30	75	5	55	–	40	–	15
to 600°F		75	95	60	90	45	85	15	75
Residue from distillation, volume %		50	–	67	–	75	–	80	–
Tests on distillation residue:									
Viscosity, 140°F, poise	T 202	300	1,200	300	1,200	300	1,200	300	1,200
Ductility, 5 cm/min., 77°F, cm	T 51	100	–	100	–	100	–	100	–
Solubility in trichloroethylene, %	T 44	99.0	–	99.0	–	99.0	–	99.0	–
Spot test	<a href="#">Tex-509-C</a>	Neg.		Neg.		Neg.		Neg.	

**Table 6**  
**Special-Use Cutback Asphalt**

Property	Test Procedure	Type-Grade					
		MC-2400L		SCM I		SCM II	
		Min	Max	Min	Max	Min	Max
Kinematic viscosity, 140°F, cSt	T 201	2,400	4,800	500	1,000	1,000	2,000
Water, %	D95	–	0.2	–	0.2	–	0.2
Flash point, T.O.C., °F	T 79	150	–	175	–	175	–
Distillation test:	T 78						
Distillate, percentage by volume of total distillate to 680°F							
to 437°F		–	–	–	–	–	–
to 500°F		–	35	–	0.5	–	0.5
to 600°F		35	80	20	60	15	50
Residue from distillation, volume %		78	–	76	–	82	–
Tests on distillation residue:							
Polymer		SBR		–		–	
Polymer content, % (solids basis)	<a href="#">Tex-533-C</a>	2.0	–	–	–	–	–
Penetration, 100 g, 5 sec., 77°F	T 49	150	300	180	–	180	–
Ductility, 5 cm/min., 39.2°F, cm	T 51	50	–	–	–	–	–
Solubility in trichloroethylene, %	T 44	99.0	–	99.0	–	99.0	–

- 2.4. **Emulsified Asphalt.** Provide emulsified asphalt that is homogeneous, does not separate after thorough mixing, and meets the requirements for the specified type and grade in Tables 7, 8, 9, 10, and 10A-C.

**Table 7**  
**Emulsified Asphalt**

Property	Test Procedure	Type-Grade									
		Rapid-Setting		Medium-Setting				Slow-Setting			
		HFRS-2		MS-2		AES-300		SS-1		SS-1H	
		Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
Viscosity, Saybolt Furol 77°F, sec. 122°F, sec.	T 72	-	-	-	-	75	400	20	100	20	100
Sieve test, %	T 59	-	0.1	-	0.1	-	0.1	-	0.1	-	0.1
Miscibility	T 59	-		-		-		Pass		Pass	
Cement mixing, %	T 59	-	-	-	-	-	-	-	2.0	-	2.0
Coating ability and water resistance: Dry aggregate/after spray Wet aggregate/after spray	T 59	-		-		Good/Fair Fair/Fair		-		-	
Demulsibility, 35 mL of 0.02 N CaCl <sub>2</sub> , %	T 59	50	-	-	30	-	-	-	-	-	-
Storage stability, 1 day, %	T 59	-	1	-	1	-	1	-	1	-	1
Freezing test, 3 cycles <sup>1</sup>	T 59	-		Pass		-		Pass		Pass	
Distillation test: Residue by distillation, % by wt. Oil distillate, % by volume of emulsion	T 59	65	-	65	-	65	-	60	-	60	-
		-	0.5	-	0.5	-	5	-	0.5	-	0.5
Tests on residue from distillation: Penetration, 77°F, 100 g, 5 sec. Solubility in trichloroethylene, % Ductility, 77°F, 5 cm/min., cm Floot test, 140°F, sec.	T 49 T 44 T 51 T 50	100 97.5 100 1,200	140 - - -	120 97.5 100 -	160 - - -	300 97.5 - 1,200	- - - -	120 97.5 100 -	160 - - -	70 97.5 80 -	100 - - -

1. Applies only when the Engineer designates material for winter use.

**Table 8**  
**Cationic Emulsified Asphalt**

Property	Test Procedure	Type-Grade											
		Rapid-Setting		Medium-Setting				Slow-Setting					
		CRS-2		CRS-2H		CMS-2		CMS-2S		CSS-1		CSS-1H	
		Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
Viscosity, Saybolt Furol 77°F, sec. 122°F, sec.	T 72	-	-	-	-	-	-	-	-	20	100	20	100
Sieve test, %	T 59	-	0.1	-	0.1	-	0.1	-	0.1	-	0.1	-	0.1
Cement mixing, %	T 59	-	-	-	-	-	-	-	-	-	2.0	-	2.0
Coating ability and water resistance: Dry aggregate/after spray Wet aggregate/after spray	T 59	-		-		Good/Fair Fair/Fair		Good/Fair Fair/Fair		-		-	
Demulsibility, 35 mL of 0.8% Sodium dioctyl sulfosuccinate, %	T 59	70	-	70	-	-	-	-	-	-	-	-	-
Storage stability, 1 day, %	T 59	-	1	-	1	-	1	-	1	-	1	-	1
Particle charge	T 59	Positive		Positive		Positive		Positive		Positive		Positive	
Distillation test: Residue by distillation, % by wt. Oil distillate, % by volume of emulsion	T 59	65	-	65	-	65	-	65	-	60	-	60	-
		-	0.5	-	0.5	-	7	-	5	-	0.5	-	0.5
Tests on residue from distillation: Penetration, 77°F, 100 g, 5 sec. Solubility in trichloroethylene, % Ductility, 77°F, 5 cm/min., cm	T 49 T 44 T 51	120 97.5 100	160 - -	70 97.5 80	110 - -	120 97.5 100	200 - -	300 97.5 -	- - -	120 97.5 100	160 - -	70 97.5 80	110 - -

**Table 9**  
**Polymer-Modified Emulsified Asphalt**

Property	Test Procedure	Type-Grade									
		Rapid-Setting		Medium-Setting				Slow-Setting			
		HFRS-2P		AES-150P		AES-300P		AES-300S		SS-1P	
		Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
Viscosity, Saybolt Furol 77°F, sec. 122°F, sec.	T 72	-	-	75	400	75	400	75	400	30	100
Sieve test, %	T 59	-	0.1	-	0.1	-	0.1	-	0.1	-	0.1
Miscibility	T 59	-		-		-		-		Pass	
Coating ability and water resistance: Dry aggregate/after spray Wet aggregate/after spray	T 59	-		Good/Fair Fair/Fair		Good/Fair Fair/Fair		Good/Fair Fair/Fair		-	
Demulsibility, 35 mL of 0.02 N CaCl <sub>2</sub> , %	T 59	50	-	-	-	-	-	-	-	-	-
Storage stability, 1 day, %	T 59	-	1	-	1	-	1	-	1	-	1
Breaking index, g	<a href="#">Tex-542-C</a>	-	-								
Distillation test: <sup>1</sup> Residue by distillation, % by wt. Oil distillate, % by volume of emulsion	T 59	65	-	65	-	65	-	65	-	60	-
		-	0.5	-	3	-	5	-	7	-	0.5
Tests on residue from distillation: Polymer content, wt. % (solids basis)	<a href="#">Tex-533-C</a>	3.0	-	-	-	-	-	-	-	3.0	-
Penetration, 77°F, 100 g, 5 sec.	T 49	90	140	150	300	300	-	300	-	100	140
Solubility in trichloroethylene, %	T 44	97.0	-	97.0	-	97.0	-	97.0	-	97.0	-
Viscosity, 140°F, poise	T 202	1,500	-	-	-	-	-	-	-	1,300	-
Float test, 140°F, sec	T 50	1,200	-	1,200	-	1,200	-	1,200	-	-	-
Ductility, <sup>2</sup> 39.2°F, 5 cm/min., cm	T 51	50	-	-	-	-	-	-	-	50	-
Elastic recovery, 250°F, %	<a href="#">Tex-539-C</a>	55	-	-	-	-	-	-	-	-	-
Tests on RTFO curing of distillation residue Elastic recovery, 50°F, %	T 240 <a href="#">Tex-536-C</a>	-	-	50	-	50	-	30	-	-	-

1. Exception to T 59: Bring the temperature on the lower thermometer slowly to 350°F ±10°F. Maintain at this temperature for 20 min. Complete total distillation in 60 min. (±5 min.) from the first application of heat.

2. HFRS-2P must meet one of either the ductility or elastic recovery requirements.

**Table 10**  
**Polymer-Modified Cationic Emulsified Asphalt**

Property	Test Procedure	Type-Grade											
		Rapid-Setting						Medium-Setting				Slow-Setting	
		CRS-2P		CHFRS-2P		CRS-2TR		CMS-1P <sup>3</sup>		CMS-2P <sup>3</sup>		CSS 1P	
		Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
Viscosity, Saybolt Furol 77°F, sec. 122°F, sec.	T 72	-	-	-	-	-	-	10	100	-	-	20	100
		150	400	100	400	150	500	-	-	50	400	-	-
Sieve test, %	T 59	-	0.1	-	0.1	-	0.1	-	0.1	-	0.1	-	0.1
Demulsibility, 35 ml of 0.8% sodium dioctyl sulfosuccinate, %	T 59	70	-	60	-	40	-	-	-	-	-	-	-
Storage stability, 1 day, %	T 59	-	1	-	1	-	1	-	1	-	1	-	1
Breaking index, g	Tex-542-C	-	-	-	-	-	-	-	-	-	-	-	-
Particle charge	T 59	Positive		Positive		Positive		Positive		Positive		Positive	
Distillation test <sup>1</sup> :	T 59												
Residue by distillation, % by weight		65	-	65	-	65	-	30	-	60	-	62	-
Oil distillate, % by volume of emulsion		-	0.5	-	0.5	-	3	-	0.5	-	0.5	-	0.5
Tests on residue from distillation:													
Polymer content, wt. % (solids basis)	Tex-533-C	3.0	-	3.0	-	5.0 <sup>7</sup>	-	-	-	-	-	3.0	-
Penetration, 77°F, 100 g, 5 sec.	T 49	90	150	80	130	90	150	30	-	30	-	55	90
Viscosity, 140°F, poise	T 202	1,300	-	1,300	-	1,000	-	-	-	-	-	-	-
Solubility in trichloroethylene, %	T 44	97.0	-	95.0	-	98	-	-	-	-	-	97.0	-
Softening point, °F	T 53	-	-	-	-	-	-	-	-	-	-	135	-
Ductility, 77°F, 5 cm/min., cm	T 51	-	-	-	-	40	-	-	-	-	-	70	-
Float test, 140°F, sec.	T 50	-	-	1,800	-	-	-	-	-	-	-	-	-
Ductility, <sup>2</sup> 39.2°F, 5 cm/min., cm	T 51	50	-	-	-	-	-	-	-	-	-	-	-
Elastic recovery, <sup>2</sup> 50°F, %	Tex-539-C	55	-	55	-	-	-	-	-	-	-	-	-
Tests on residue from evaporative recovery:	R 78, Procedure B												
Nonrecoverable creep compliance of residue, 3.2 kPa, 52°C, kPa <sup>-1</sup>	T 350	-	-	-	-	-	-	-	2.0	-	4.0	-	-
Tests on rejuvenating agent:													
Viscosity, 140°F, cSt	T 201	-	-	-	-	-	-	50	175	50	175	-	-
Flash point, C.O.C., °F	T 48	-	-	-	-	-	-	380	-	380	-	-	-
Saturates, % by weight	D 2007	-	-	-	-	-	-	-	30	-	30	-	-
Solubility in n-pentane, % by weight	D 2007	-	-	-	-	-	-	99	-	99	-	-	-
Tests on rejuvenating agent after RTFO	T 240												
Weight Change, %		-	-	-	-	-	-	-	6.5	-	6.5	-	-
Viscosity Ratio		-	-	-	-	-	-	-	3.0	-	3.0	-	-
Tests on latex <sup>4</sup> :													
Tensile strength, die C dumbbell, psi	D 412 <sup>5</sup>	-	-	-	-	-	-	800	-	800	-	-	-
Change in mass after immersion in rejuvenating agent, %	D 471	-	-	-	-	-	-	-	40 <sup>6</sup>	-	40 <sup>6</sup>	-	-

- Exception to T 59: Bring the temperature on the lower thermometer slowly to 350°F (±0°F). Maintain at this temperature for 20 min. Complete total distillation in 60 min. (±5 min.) from the first application of heat.
- CRS-2P must meet one of either the ductility or elastic recovery requirements.
- With all precertification samples of CMS-1P or CMS-2P, submit certified test reports showing that the rejuvenating agent and latex meet the stated requirements. Submit samples of these raw materials if requested by the Engineer.
- Preparation of latex specimens: use any substrate and recovery method which produces specimens of uniform dimensions and which delivers enough material to achieve desired residual thickness.
- Cut samples for tensile strength determination using a crosshead speed of 20 in. per minute.
- Specimen must remain intact after exposure and removal of excess rejuvenating agent.
- Modifier type is tire rubber.



**Table 10A**  
**Non-Tracking Tack Coat Emulsion<sup>1</sup>**

Property	Test Procedure	NT-HRE		NT-RRE		NT-SRE	
		Min	Max	Min	Max	Min	Max
Viscosity, Saybolt Furol 77° F, sec.	T 72	15	–	15	–	10	100
Storage stability, 1 Day, %	T 59	–	1	–	1	–	1
Settlement, 5-day, %	T 59	–	5	–	5	–	5
Sieve test, %	T 59	–	0.30	–	0.30	–	0.1
Distillation test: <sup>2</sup> Residue by distillation, % by wt. Oil distillate, by volume of emulsion	T 59	50	–	58	–	50	–
Test on residue from distillation: Penetration, 77°F, 100 g, 5 sec. Solubility in trichloroethylene, % Softening point, °F Dynamic shear, G*/sin(δ), 82°C, 10 rad/s, kPa	T 49 T 44 T 53 T 315	– 97.5 150 1.0	20 – – –	15 97.5 – –	45 – – –	40 97.5 – –	90 – – –

1. Due to the hardness of the residue, these emulsions should be heated to 120-140°F before thoroughly mixing as the emulsion is being prepared for testing.
2. Exception to T 59: Bring the temperature on the lower thermometer slowly to 350°F ± 10°F. Maintain at this temperature for 20 min. Complete total distillation in 60 ± 5 min. from first application of heat.

**Table 10B**  
**Spray Applied Underseal Membrane Polymer-Modified Emulsions (EBL)**

Property	Test Procedure	Min	Max
Viscosity @ 77°F, SSF	T 72	20	100
Storage Stability <sup>1</sup> , %	T 59	–	1
Demulsibility <sup>2</sup> Anionic emulsions – 35 mL of 0.02 N CaCl <sub>2</sub> , % Cationic emulsions – 35 mL of 0.8% sodium dioctyl sulfosuccinate, %	T 59	55	–
Sieve Test <sup>3</sup> , %	T 59	–	0.05
Distillation Test <sup>4</sup> Residue by distillation, % by wt. Oil portion of distillate, % by vol.	T 59	63	0.5
Test on Residue from Distillation Elastic Recovery @ 50°F, 50 mm/min., % Penetration @ 77°F, 100 g, 5 sec., 0.1 mm	<a href="#">Tex-539-C</a> T 49	60 80	– 130

1. After standing undisturbed for 24 hr., the surface must be smooth, must not exhibit a white or milky colored substance, and must be a homogeneous color throughout.
2. Material must meet demulsibility test for emulsions.
3. May be required by the Engineer only when the emulsion cannot be easily applied in the field.
4. The temperature on the lower thermometer should be brought slowly to 350°F ± 10°F and maintained at this temperature for 20 min. The total distillation should be completed in 60 ± 5 min. from the first application of heat.

**Table 10C**  
**Full-Depth Reclamation Emulsion (FDR EM)**

Property	Test Procedure	Standard Yield (SY)		High Yield (HY)	
		Min	Max	Min	Max
Sieve test, %	T 59	–	0.1	–	0.1
Viscosity Saybolt Furol @ 77°F, sec.	T 59	20	100	20	100
Distillation test <sup>1</sup> : Residue by distillation, % by wt. Oil portion of distillate, % by vol.	T 59	60	–	63	–
Test on residue from distillation: Penetration @ 77°F, dmm	T 49	55	95	120	–
Test on rejuvenating agent: BWOA, % <sup>2</sup> Viscosity @ 140°F, cSt Flash Point, COC, °F Solubility in n-pentane, % by wt.	*** T 201 T 48 D2007	– – – –	– – – –	2 50 380 99	– 175 – –

1. The temperature on the lower thermometer should be brought slowly to 350°F ± 10°F and maintained at this temperature for 20 min. The total distillation should be completed in 60 ± 5 min. from the first application of heat.
2. BWOA = By weight of asphalt. Provide a manufacturer's certificate of analysis (COA) with the percent of rejuvenator added.

2.5.

**Specialty Emulsions.** Provide specialty emulsion that is either asphalt-based or resin-based and meets the requirements of Table 11 or Table 11A.

**Table 11**  
**Specialty Emulsions**

Property	Test Procedure	Type-Grade					
		Medium-Setting				Slow-Setting	
		AE-P		EAP&T		PCE <sup>1</sup>	
		Min	Max	Min	Max	Min	Max
Viscosity, Saybolt Furol 77°F, sec. 122°F, sec.	T 72	–	–	–	–	10	100
Sieve test, %	T 59	–	0.1	–	0.1	–	0.1
Miscibility <sup>2</sup>	T 59	–	–	Pass	–	Pass	–
Demulsibility, 35 mL of 0.10 N CaCl <sub>2</sub> , %	T 59	–	70	–	–	–	–
Storage stability, 1 day, %	T 59	–	1	–	1	–	–
Particle size, <sup>5</sup> % by volume < 2.5 μm	<a href="#">Tex-238-F<sup>3</sup></a>	–	–	90	–	90	–
Asphalt emulsion distillation to 500°F followed by Cutback asphalt distillation of residue to 680°F: Residue after both distillations, % by wt. Total oil distillate from both distillations, % by volume of emulsion	T 59 & T 78	40	–	–	–	–	–
		25	40	–	–	–	–
Residue by distillation, % by wt.	T 59	–	–	60	–	–	–
Residue by evaporation, <sup>4</sup> % by wt.	T 59	–	–	–	–	60	–
Tests on residue after all distillations:							
Viscosity, 140°F, poise	T 202	–	–	800	–	–	–
Kinematic viscosity, <sup>5</sup> 140°F, cSt	T 201	–	–	–	–	100	350
Flash point C.O.C., °F	T 48	–	–	–	–	400	–
Solubility in trichloroethylene, %	T 44	97.5	–	–	–	–	–
Float test, 122°F, sec.	T 50	50	200	–	–	–	–

1. Supply with each shipment of PCE:

- a copy of a lab report from an approved analytical lab, signed by a lab official, indicating the PCE formulation does not meet any characteristics of a Resource Conservation Recovery Act (RCRA) hazardous waste;
- a certification from the producer that the formulation supplied does not differ from the one tested and that no listed RCRA hazardous wastes or Polychlorinated Biphenyls (PCBs) have been mixed with the product; and
- a Safety Data Sheet.

2. Exception to T 59: In dilution, use 350 mL of distilled or deionized water and a 1,000-mL beaker.
3. Use [Tex-238-F](#), beginning at "Particle Size Analysis by Laser Diffraction," with distilled or deionized water as a medium and no dispersant, or use another approved method.
4. Exception to T 59: Leave sample in the oven until foaming ceases, then cool and weigh.
5. PCE must meet either the kinematic viscosity requirement or the particle size requirement.

**Table 11A**  
**Hard Residue Surface Sealant**

Property	Test Procedure	Min	Max
Viscosity, Krebs unit, 77°F, Krebs units	D 562	45	75
Softening point, °F	<a href="#">Tex-505-C</a> <sup>1</sup>	250	–
Uniformity	D 2939	Pass <sup>2</sup>	
Resistance to heat	D 2939	Pass <sup>3</sup>	
Resistance to water	D 2939	Pass <sup>4</sup>	
Wet flow, mm	D 2939	–	0
Resistance to Kerosene (optional) <sup>5</sup>	D 2939	Pass <sup>6</sup>	
Ultraviolet exposure, UVA-340, 0.77 W/m <sup>2</sup> , 50°C chamber, 8 hr. UV lamp, 5 min. spray, 3 hr. 55 min. condensation, 1,000 hr. total exposure <sup>7</sup>	G 154	Pass <sup>8</sup>	
Abrasion loss, 1.6 mm thickness, liquid only, %	ISSA TB-100	–	1.0
Residue by evaporation, % by weight	D 2939	33	–
Tests on residue from evaporation: Penetration, 77°F, 100 g, 5 sec. Flash point, Cleveland open cup, °F	T 49 T 48	15 500	30
Tests on base asphalt before emulsification Solubility in trichloroethylene, %	T 44	98	–

1. Cure the emulsion in the softening point ring in a 200°F ± 5°F oven for 2 hr.
2. Product must be homogenous and show no separation or coagulation that cannot be overcome by moderate stirring.
3. No sagging or slippage of film beyond the initial reference line.
4. No blistering or re-emulsification.
5. Recommended for airport applications or where fuel resistance is desired.
6. No absorption of Kerosene into the clay tile past the sealer film. Note sealer surface condition and loss of adhesion.
7. Other exposure cycles with similar levels of irradiation and conditions may be used with Department approval.
8. No cracking, chipping, surface distortion, or loss of adhesion. No color fading or lightening.

2.6.

**Recycling Agent.** Recycling agent and emulsified recycling agent must meet the requirements in Table 12. Additionally, recycling agent and residue from emulsified recycling agent, when added in the specified proportions to the recycled asphalt, must meet the properties specified on the plans.

**Table 12**  
**Recycling Agent and Emulsified Recycling Agent**

Property	Test Procedure	Recycling Agent		Emulsified Recycling Agent (ARA-1)		Polymer Modified Emulsified Recycling Agent (ARA-1P)	
		Min	Max	Min	Max	Min	Max
Viscosity, Saybolt Furol, 77°F, sec.	T 72	–	–	15	100	15	110
Sieve test, %	T 59	–	–	–	0.1	–	0.1
Miscibility <sup>1</sup>	T 59	–		No coagulation			
Residue by evaporation, <sup>2</sup> % by wt.	T 59	–	–	60	–	–	–
Distillation test: Residue by distillation, % by wt. Oil distillate, % by volume of emulsion	T 59					60 –	65 2
Penetration of Distillation Residue at 39.2°F, 100 g, 5 sec.	T 49					110	190
Tests on recycling agent or residue from evaporation: Flash point, C.O.C., °F Kinematic viscosity, 140°F, cSt 275°F, cSt	T 48 T 201	400 75 –	– 200 10.0	400 75 –	– 200 10.0	400	–

1. Exception to T 59: Use 0.02 N CaCl<sub>2</sub> solution in place of water.
2. Exception to T 59: Maintain sample at 300°F until foaming ceases, then cool and weigh.

2.7. **Crumb Rubber Modifier.** Crumb rubber modifier (CRM) consists of automobile and truck tires processed by ambient temperature grinding.

CRM must be:

- free from contaminants including fabric, metal, and mineral and other nonrubber substances;
- free-flowing; and
- nonfoaming when added to hot asphalt binder.

Ensure rubber gradation meets the requirements of the grades in Table 13 when tested in accordance with [Tex-200-F](#), Part I, using a 50-g sample.

**Table 13**  
**CRM Gradations**

Sieve Size (% Passing)	Grade A		Grade B		Grade C		Grade D	Grade E
	Min	Max	Min	Max	Min	Max		
#8	100	–	–	–	–	–	As shown on the plans	As approved
#10	95	100	100	–	–	–		
#16	–	–	70	100	100	–		
#30	–	–	25	60	90	100		
#40	–	–	–	–	45	100		
#50	0	10	–	–	–	–		
#200	–	–	0	5	–	–		

2.8. **Crack Sealer.** Provide polymer-modified asphalt-emulsion crack sealer meeting the requirements of Table 14. Provide rubber-asphalt crack sealer meeting the requirements of Table 15.

**Table 14**  
**Polymer-Modified Asphalt-Emulsion Crack Sealer**

Property	Test Procedure	Min	Max
Rotational viscosity, 77°F, cP	D 2196, Method A	10,000	25,000
Sieve test, %	T 59	–	0.1
Storage stability, 1 day, %	T 59	–	1
Evaporation	<a href="#">Tex-543-C</a>		
Residue by evaporation, % by wt.		65	–
Tests on residue from evaporation:			
Penetration, 77°F, 100 g, 5 sec.	T 49	35	75
Softening point, °F	T 53	140	–
Ductility, 39.2°F, 5 cm/min., cm	T 51	100	–

**Table 15**  
**Rubber-Asphalt Crack Sealer**

Property	Test Procedure	Class A		Class B	
		Min	Max	Min	Max
CRM content, Grade A or B, % by wt.	<a href="#">Tex-544-C</a>	22	26	–	–
CRM content, Grade B, % by wt.	<a href="#">Tex-544-C</a>	–	–	13	17
Virgin rubber content, <sup>1</sup> % by wt.		–	–	2	–
Flash point, <sup>2</sup> C.O.C., °F	T 48	400	–	400	–
Penetration, <sup>3</sup> 77°F, 150 g, 5 sec.	T 49	30	50	30	50
Penetration, <sup>3</sup> 32°F, 200 g, 60 sec.	T 49	12	–	12	–
Softening point, °F	T 53	–	–	170	–
Bond Test, non-immersed, 0.5 in specimen, 50% extension, 20°F <sup>4</sup>	D5329	–	–	–	Pass

1. Provide certification that the Min % virgin rubber was added.
2. Agitate the sealing compound with a 3/8- to 1/2 in. (9.5- to 12.7 mm) wide, square-end metal spatula to bring the material on the bottom of the cup to the surface (i.e., turn the material over) before passing the test flame over the cup. Start at one side of the thermometer, move around to the other, and then return to the starting point using 8 to 10 rapid circular strokes. Accomplish agitation in 3 to 4 sec. Pass the test flame over the cup immediately after stirring is completed.
3. Exception to T 49: Substitute the cone specified in D 217 for the penetration needle.
4. Allow no crack in the crack sealing materials or break in the bond between the sealer and the mortar blocks over 1/4 in. deep for any specimen after completion of the test.

- 2.9. **Asphalt-Rubber Binders.** Provide asphalt-rubber (A-R) binders that are mixtures of asphalt binder and CRM, which have been reacted at elevated temperatures. Provide A-R binders meeting D6114 and containing a minimum of 15% CRM by weight. Provide Types I or II, containing CRM Grade C, for use in hot-mixed aggregate mixtures. Provide Types II or III, containing CRM Grade B, for use in surface treatment binder. Ensure binder properties meet the requirements of Table 16.

**Table 16  
A-R Binders**

Property	Test Procedure	Binder Type					
		Type I		Type II		Type III	
		Min	Max	Min	Max	Min	Max
Apparent viscosity, 347°F, cP	D2196, Method A	1,500	5,000	1,500	5,000	1,500	5,000
Penetration, 77°F, 100 g, 5 sec.	T 49	25	75	25	75	50	100
Penetration, 39.2°F, 200 g, 60 sec.	T 49	10	–	15	–	25	–
Softening point, °F	T 53	135	–	130	–	125	–
Resilience, 77°F, %	D5329	25	–	20	–	10	–
Flash point, C.O.C., °F	T 48	450	–	450	–	450	–
Tests on residue from Thin-Film Oven Test:	T 179						
Retained penetration ratio, 39.2°F, 200 g, 60 sec., % of original	T 49	75	–	75	–	75	–

- 2.10. **Performance-Graded Binders.** Provide PG binders that are smooth and homogeneous, show no separation when tested in accordance with [Tex-540-C](#), and meet the requirements of Table 17.

Separation testing is not required if:

- a modifier is introduced separately at the mix plant either by injection in the asphalt line or mixer,
- the binder is blended on site in continuously agitated tanks, or
- binder acceptance is based on field samples taken from an in-line sampling port at the hot-mix plant after the addition of modifiers.

**Table 17**  
**Performance-Graded Binders**

Property and Test Method	Performance Grade																	
	PG 58			PG 64				PG 70				PG 76				PG 82		
	-22	-28	-34	-16	-22	-28	-34	-16	-22	-28	-34	-16	-22	-28	-34	-16	-22	-28
Average 7-day max pavement design temperature, °C <sup>1</sup>	58			64				70				76				82		
Min pavement design temperature, °C <sup>1</sup>	-22	-28	-34	-16	-22	-28	-34	-16	-22	-28	-34	-16	-22	-28	-34	-16	-22	-28
<b>Original Binder</b>																		
Flash point, T 48, Min, °C	230																	
Viscosity, T 316 <sup>2,3</sup> : Max, 3.0 Pa s, test temperature, °C	135																	
Dynamic shear, T 315 <sup>4</sup> : G*/sin(δ), Min, 1.00 kPa, Max, 2.00 kPa <sup>7</sup> , Test temperature @ 10 rad/sec., °C	58			64				70				76				82		
Elastic recovery, D6084, 50°F, % Min <sup>8</sup>	-	-	30	-	-	30	50	-	30	50	60	30	50	60	70	50	60	70
<b>Rolling Thin-Film Oven (Tex-506-C)</b>																		
Mass change, T 240, Max, %	1.0																	
Dynamic shear, T 315: G*/sin(δ), Min, 2.20 kPa, Max, 5.00 kPa <sup>7</sup> , Test temperature @ 10 rad/sec., °C	58			64				70				76				82		
MSCR, T350, Recovery, 0.1 kPa, High Temperature, % Min <sup>8</sup>	-	-	20	-	-	20	30	-	20	30	40	20	30	40	50	30	40	50
<b>Pressure Aging Vessel (PAV) Residue (R 28)</b>																		
PAV aging temperature, °C	100																	
Dynamic shear, T 315: G*/sin(δ), Max, 5,000 kPa Test temperature @ 10 rad/sec., °C	25	22	19	28	25	22	19	28	25	22	19	28	25	22	19	28	25	22
Creep stiffness, T 313 <sup>5,6</sup> : S, max, 300 MPa, m-value, Min, 0.300 Test temperature @ 60 sec., °C	-12	-18	-24	-6	-12	-18	-24	-6	-12	-18	-24	-6	-12	-18	-24	-6	-12	-18
Direct tension, T 314 <sup>6</sup> : Failure strain, min, 1.0% Test temperature @ 1.0 mm/min., °C	-12	-18	-24	-6	-12	-18	-24	-6	-12	-18	-24	-6	-12	-18	-24	-6	-12	-18

- Pavement temperatures are estimated from air temperatures and using an algorithm contained in a Department-supplied computer program, may be provided by the Department, or by following the procedures outlined in AASHTO MP 2 and PP 28.
- This requirement may be waived at the Department's discretion if the supplier warrants that the asphalt binder can be adequately pumped, mixed, and compacted at temperatures that meet all applicable safety, environmental, and constructability requirements. At test temperatures where the binder is a Newtonian fluid, any suitable standard means of viscosity measurement may be used, including capillary (T 201 or T 202) or rotational viscometry (T 316).
- Viscosity at 135°C is an indicator of mixing and compaction temperatures that can be expected in the lab and field. High values may indicate high mixing and compaction temperatures. Additionally, significant variation can occur from batch to batch. Contractors should be aware that variation could significantly impact their mixing and compaction operations. Contractors are therefore responsible for addressing any constructability issues that may arise.
- For quality control of unmodified asphalt binder production, measurement of the viscosity of the original asphalt binder may be substituted for dynamic shear measurements of G\*/sin(δ) at test temperatures where the asphalt is a Newtonian fluid. Any suitable standard means of viscosity measurement may be used, including capillary (T 201 or T 202) or rotational viscometry (T 316).
- Silicone beam molds, as described in AASHTO TP 1-93, are acceptable for use.
- If creep stiffness is below 300 MPa, direct tension test is not required. If creep stiffness is between 300 and 600 MPa, the direct tension failure strain requirement can be used instead of the creep stiffness requirement. The m value requirement must be satisfied in both cases.
- Maximum values for unaged and RTFO aged dynamic shear apply only to materials used as substitute binders, as described in Item 340, "Dense-Graded Hot-Mix Asphalt (Small Quantity)", Item 341, "Dense-Graded Hot-Mix Asphalt, and Item 344, "Superpave Mixtures."
- Elastic Recovery (ASTM D6084) is not required unless MSCR (AASHTO T 350) is less than the minimum % recovery. Elastic Recovery must be used for the acceptance criteria in this instance.

### 3. EQUIPMENT

Provide all equipment necessary to transport, store, sample, heat, apply, and incorporate asphalts, oils, and emulsions.

#### 4. CONSTRUCTION

**Typical Material Use.** Use materials shown in Table 18, unless otherwise determined by the Engineer.

**Table 18**  
**Typical Material Use**

Material Application	Typically Used Materials
Hot-mixed, hot-laid asphalt mixtures	PG binders, A-R binders Types I and II
Surface treatment	AC-5, AC-10, AC-15P, AC-20XP, AC-10-2TR, AC-20-5TR, HFRS-2, MS-2, CRS-2, CRS-2H, CRS-2TR, CMS-2P HFRS-2P, CRS-2P, CHFRS-2P, A-R binders Types II and III
Surface treatment (cool weather)	AC12-5TR, RC-250, RC-800, RC-3000, MC-250, MC-800, MC-3000, MC-2400L, CMS-2P
Precoating	AC-5, AC-10, PG 64-22, SS-1, SS-1H, CSS-1, CSS-1H
Tack coat	PG Binders, SS-1H, CSS-1H, EAP&T, TRAIL, EBL
Fog seal	SS-1, SS-1H, CSS-1, CSS-1H, CMS-1P
Hot-mixed, cold-laid asphalt mixtures	AC-0.6, AC-1.5, AC-3, AES-300, AES-300P, CMS-2, CMS-2S
Patching mix	MC-800, SCM I, SCM II, AES-300S
Recycling	AC-0.6, AC-1.5, AC-3, AES-150P, AES-300P, recycling agent, emulsified recycling agent
Crack sealing	SS-1P, polymer mod AE crack sealant, rubber asphalt crack sealers (Class A, Class B)
Microsurfacing	CSS-1P
Prime	MC-30, AE-P, EAP&T, PCE
Curing membrane	SS-1, SS-1H, CSS-1, CSS-1H, PCE
Erosion control	SS-1, SS-1H, CSS-1, CSS-1H, PCE
FDR -Foaming	PG 64-22, FDR EM-SY, FDR EM-HY

- 4.1. **Storage and Application Temperatures.** Use storage and application temperatures in accordance with Table 19. Store and apply materials at the lowest temperature yielding satisfactory results. Follow the manufacturer's instructions for any agitation requirements in storage. Manufacturer's instructions regarding recommended application and storage temperatures supersede those of Table 19.



**Table19**  
**Storage and Application Temperatures**

Type-Grade	Application		Storage Max (°F)
	Recommended Range (°F)	Max Allowable (°F)	
AC-0.6, AC-1.5, AC-3	200–300	350	350
AC-5, AC-10	275–350	350	350
AC-15P, AC-20-5TR, AC12-5TR and AC10-2TR	300–375	375	360
RC-250	125–180	200	200
RC-800	170–230	260	260
RC-3000	215–275	285	285
MC-30, AE-P	70–150	175	175
MC-250	125–210	240	240
MC-800, SCM I, SCM II	175–260	275	275
MC-3000, MC-2400L	225–275	290	290
HFRS-2, MS-2, CRS-2, CRS-2H, HFRS-2P, CRS-2P, CMS-2, CMS-2S, AES-300, AES-300S, AES-150P, AES-300P, CRS-2TR	120–160	180	180
SS-1, SS-1H, CSS-1, CSS-1H, PCE, EAP&T, SS-1P, RS-1P, CRS-1P, CSS-1P, recycling agent, emulsified recycling agent, polymer mod AE crack sealant	50–130	140	140
PG binders	275–350	350	350
Rubber asphalt crack sealers (Class A, Class B)	350–375	400	–
A-R binders Types I, II, and III	325–425	425	425

## 5. MEASUREMENT AND PAYMENT

The work performed, materials furnished, equipment, labor, tools, and incidentals will not be measured or paid for directly but is subsidiary or is included in payment for other pertinent items.

# Special Specification 4169

## Ballasted Track Construction and Rehabilitation



- | 1.     | DESCRIPTION  |
|--------|--|
|        | Furnish, construct, install, replace, or rehabilitate railroad track in accordance with this specification, project plans, and the American Railway Engineering and Maintenance of Way Association's (AREMA) "Manual for Railway Engineering." Track construction includes, but is not limited to, placing ballast, distributing and lining ties, installing and field welding running rail, installing jointed rail, installing turnouts and switches, rehabilitating existing ties and rail, raising and lining track, installing vehicular grade crossings and other incidentals as specified. Track on ballasted and open deck bridges is also included. |
| 1.1.   | <p><b>Sub-ballast</b></p> <p>Track foundation material placed above the subgrade and below the ballast. Transfers the load from the ballast (coarser grade) to the subgrade (finer grade).</p>   |
| 1.2.   | <p><b>Ballast</b></p> <p>Track foundation material placed below the ties and above the sub-ballast. Maintains the positional stability of the track structure and transfers the load from the ties to sub-ballast.</p>   |
| 1.3.   | <p><b>Tie</b></p> <p>A timber, concrete, steel, or composite member placed perpendicular to the running rails to maintain positional stability as well as transfer the load from the rail to the track ballast and subgrade. Ties may also be referred to as "Track Crossties", "Rail Ties", "Crossties", or "Track Ties".</p>   |
| 1.3.1. | <p><b>Tie (Ballasted)</b></p> <p>Ties placed in or secured by ballast. Including, but not limited to, ties placed on ballast deck bridges, and at crossings.</p>   |
| 1.3.2. | <p><b>Tie (Open Deck Bridge)</b></p> <p>Ties placed on an open deck bridge, usually timber, and fastened directly to the bridge stringers.</p>   |
| 1.3.3. | <p><b>Tie (Switch)</b></p> <p>Ties placed within the boundaries of a switch (turnout) and are a minimum of 9 feet in length.</p>   |
| 1.4.   | <p><b>Rail</b></p> <p>A steel bar or continuous line of bars placed horizontally as one of a pair forming a railroad track.</p>  |
| 1.5.   | <p><b>Compromise Rail</b></p>  |

A length of rail to connect adjacent rails of differing sections. Compromise rails shall be used in place of compromise joints.

1.6. **Transition Rail**

A length of rail to connect adjacent rails of the same section, but with differing weights or amounts of head wear.

1.7. **Guardrail**

A length of rail placed inside and parallel to the main running rail that keep rolling stock in alignment with the track during a derailment. Guardrails may also be used in switch points and around curves to directly engage the back of the wheel flange to control wheel and rail wear, improve vehicle curving performance, and reduce the risk of a flange climb derailment. Guardrail may also be referred to as "Restraining Rail".

1.8. **Derail**

Mechanical device placed on the rail to prevent the fouling of track by unauthorized movements through the ability to remove a vehicle from the travel surface of the railway.

1.9. **Turnout**

A railroad switch allowing the movement of a train to be guided from one track to another such as at a junction, spur, siding, or crossover. Consists of a pair of linked tapering rails, or points, the diverging outer rails, all associated ties, hardware, welds, and the manually operated switching mechanism.

1.10. **Track Surface and Align (Ballasted)**

The tamping and compaction of ballast and physical straightening of the rails and ties to correct the alignment, surface, and leveling of the track; to reduce mechanical strains; and to ensure a smooth ride quality.

1.11. **Weld**

Structural fusion bond between two pieces of steel rail using a thermite or electric arc induction process.

1.12. **Vehicular Grade Crossing**

An intersection of a railway and a roadway at the same grade (at-grade crossing).

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2. **MATERIALS**

2.1. **General**

2.1.1. Use new material conforming to this specification unless otherwise designated in the plans or as approved by the Engineer. New material shall be free from defects, rust, or damage and conform to the requirements of AREMA standards unless otherwise shown on the plans, these specifications, or as required by the Engineer. Provide new material in an unblemished condition, free from defects, rust, or damage.

2.1.2. Where second hand material is permitted by the plans or approved by the Engineer, the second-hand material shall be in good condition and conform to AREMA Standards unless otherwise shown on the plans or approved by the Engineer. Second hand material shall be straight and true, in good condition, and free from excess rust, pits, or wear. Test second hand rail for head wear, corrosion, base wear, sweeps, kinks, cracking, delamination, or any other defect including internal metal defects. Ensure the material meets the appropriate specifications indicated below.

2.2. **Sub-ballast.**

2.2.1. Sub-ballast shall consist of a foundation coarse for a typical railroad roadbed and shall be composed of uncrushed or crushed aggregates of either caliche, argillaceous limestone, conglomerate, gravel, crushed slag or other granular materials as approved by the Engineer. Aggregate retained on a No. 10 sieve shall consist of hard, durable particles or fragments of stone, gravel, sand or slag. Materials that break up when alternately frozen and thawed or wetted and dried are not permitted. Aggregate shall not have a percentage of wear of more than 50%, by the Los Angeles abrasion test. A higher or lower percentage of wear may be specified by the Engineer, depending on the material available. Submit Certificates of Compliance for all ballast materials furnished under this contract for review and approval by the Engineer prior to transporting ballast to the Job Site.

2.2.2. Unless otherwise indicated on the plans, provide sub-ballast consisting of gradations as set forth in Table 1.

Table1  
Sub-ballast Gradations

Sieve Size	% Passing (optimum)	% Passing (permissible)
2"	100	100
1"	95	90-100
3/4"	67	50-84
No. 10	38	26-50
No. 40	21	12-30
No. 200	7	0-10

2.3. **Ballast.**

2.3.1. Supply crushed stone ballast that is hard, dense, of angular particle structure providing sharp corners and cubical fragments, free of deleterious materials. Provide ballast material that has a high resistance to temperature changes, chemical attack, high electrical resistance, low absorption properties and free of cementing characteristics. Submit Certificates of Compliance for all ballast materials furnished under this contract for review and approval by the Engineer prior to transporting ballast to the Job Site.

2.3.2. Ballast Classifications. Ballast shall be main line quality, AREMA Standard 4A Gradation. A variety of materials may be processed into the railroad ballast. The following general classifications and the accompanying definitions list the most common materials. Detailed examination of the individual materials will be made to determine the specific mineralogical composition. No crushed gravel is allowed.

2.3.2.1. Granite.

Granite is a plutonic rock having an even texture and consisting primarily of feldspar and quartz.

2.3.2.2. Trap Rock.

Trap rock is any dark-colored, fine-grained non-granitic hypabyssal or extrusive rock.

2.3.2.3. Quartzite.

Quartzite is a granoblastic, metamorphic rock consisting mainly of quartz and formed by recrystallization of sandstone or chert by either regional or thermal metamorphism. Quartzite may also be very hard but unmetamorphosed sandstone consisting chiefly of quartz grains with secondary silica that the rock breaks across or through the grains rather than around them.

2.3.2.4. Carbonate Rocks.

Carbonate rocks are sedimentary rocks consisting primarily of carbonate materials such as limestone and dolomite.

2.3.2.5. Slags.

Slags are materials formed during the metal-making process by fusion fluxstones, coke and other metallic particles.

2.3.3. Property Requirements.

2.3.3.1. Physical Analysis.

2.3.3.1.1. Method of Sampling. Secure field samples in accordance with ASTM D-75. Reduce test samples from field samples in accordance with ASTM C 702.

2.3.3.1.2. Sieve Analysis. Perform sieve analysis in accordance with ASTM C 136. All sieve analyses require wet sieving.

2.3.3.1.3. Material Finer than No. 200 Sieve. Test material finer than a No. 200 Sieve in accordance with ASTM C 117.

2.3.3.1.4. Bulk Specific Gravity and Absorption. Determine bulk specific gravity and percentage of absorption in accordance with ASTM C 127. Specific gravity shall conform to AREMA standards at 2.6 minimum.

2.3.3.1.5. Percentage of Clay Lumps and Friable Particles. Determine percentage of clay lumps and friable particles in accordance with ASTM C 142.535 as follows: test materials having gradations containing particles retained on the 1 in. sieve by ASTM C 535, test materials having gradations of 100% passing the 1 in. sieve by ASTM C 131.

2.3.3.1.6. Sodium Sulfate Soundness. Sodium sulfate soundness tests shall be made in accordance with ASTM C 88.

2.3.3.1.7. Unit Weight. The weight per cubic foot shall be determined in accordance with ASTM C 29.

2.3.3.1.8. Percentage of Flat and/or Elongated Particles. Percent of flat and/or elongated particles shall be determined in accordance with U.S. Army Corps of Engineers Test CRD-C-119.

2.3.3.1.9. Plasticity Index. The plastic limit, liquid limit and plasticity index shall be determined in accordance with ASTM D 423 and D 424. Each sample shall be tested in two ways: one test shall test the fines generated by the Los Angeles Machine, and the second test shall test the fines contained in the total sample. The portions of these samples generated by the Los Angeles Machine, and passing the #40 sieve shall be non-plastic

(NP). The portion of the total sample passing the #40 sieve shall have a liquid limit of not more than 25, and plasticity index of not more than 6.

2.3.3.2. Chemical Analysis.

2.3.3.2.1. No specific chemical analysis is considered essential for the evaluation of granite, trap rocks, or quartzite type materials, provided the materials are defined by applicable method. For carbonate materials, dolomitic limestone is defined as having a magnesium carbonate content of 28% to 36%. Those carbonate materials indicating magnesium carbonate values above 36% shall be defined dolomite. Carbonate material indicating magnesium carbonate values below 28% shall be defined as limestone. Chemical analysis will be used in selecting or evaluating plant sites. Magnesium carbonate content of carbonate materials shall be tested and defined in accordance with ASTM C 25.

2.3.3.2.2. The blending, stockpiling and other production handling operations shall be managed by the producer to minimize segregation of the finished product. Stockpiling operations shall minimize, as practical, breakage or excessive fall in stockpiling operations and movement of wheeled or tracked machines over stockpile material shall be limited. Processed ballast shall be washed and/or rescreened as necessary to remove fine particle contamination as defined by the specification.

2.3.3.2.3. The manufacturer shall ensure the fitness of the cars for loading of prepared materials, arranging to clean cars of deleterious materials, plug leaks, close doors, and other like operations as necessary.

2.3.3.2.4. TxDOT or its representative reserve the right to visit the producer's facility during usual business hours unscheduled for the following purpose of examining the production facility and methods.

2.3.3.2.5. The supplier shall receive approval from the Engineer for the testing laboratory prior to performing tests. Prior to installation, the supplier should provide the Engineer with certified results of ballast quality and gradation (refer to Table 2 for acceptable percentages) as conducted by a testing laboratory acceptable to the Engineer.

**Table 2  
Ballast Gradations**

Square Opening	% Passing (optimum)	% Passing (permissible)
2-1/2"	100	100
2"	95	90-100
1-1/2"	60	60-90
1"	10	10-35
3/4"	0	0-10

2.4. Ties.

2.4.1. Ties shall conform to the current AREMA Specifications, Chapter 30, "Ties." The ties shall be new Oak, Douglas Fir, or Mixed Hardwood Wood ties, AREMA – 7 inch Grade or as shown on the plans.

2.4.2. Ties (Ballasted) shall be 7 in. x 9 in. x 8 ft. 6 in. minimum or as shown on the plans.

2.4.3. Ties (Open Deck Bridge) shall be 7 in. x 9 in. x 9 ft. minimum or as shown on the plans. Dimensional size of the ties shall be field verified by the Contractor and approved by the Engineer prior to installation.

- 2.4.4. Switch ties shall be 7 in. x 9 in. x the length necessary for installation at the location as shown on the plans or as approved by the Engineer. Dimensional size of the ties shall be field verified by the Contractor and approved by the Engineer prior to installation.
- 2.4.5. Ties under grade crossing panels shall be 7 in. x 9 in. x 10 ft. minimum, or as directed by the Engineer.
- 2.4.6. Ties shall be treated according to the American Wood Preservers Association Standards, based on 50% creosote and 50% coal tar solution with a minimum preservative retention of 8 lb/ft<sup>3</sup> (pcf) of Wood. Treatment shall conform to AREMA Manual Chapter 3, Parts 6, 7, 8, and 9 for applicable timber species. Treat field cuts or drilled holes with a compatible preservative before installing, spiking, or bolting. No boultonizing of ties will be permitted.
- 2.4.7. Ties shall be seasoned, dimensioned and pre-bored prior to treatment and treated in accordance with AWPA Standard C6 "Crossties and Switch Ties - Preservative Treatment by Pressure Processes," or ASTM D 1760 "Standard Specification for Pressure Treatment of Timber Products." All ties shall be fitted with anti-splitting devices, regardless of their tendency to split.
- 2.4.8. Ties shall be inspected and certified by an approved commercial testing laboratory stating that the ties to be used meet the specifications in accordance with AWPA Standard M2 "Standard for Inspection of Treated Wood Products." Results of test and inspections shall be furnished to the Engineer. Ties may be rejected for excessive checking, warp, twist, or other defects as determined by the Engineer.
- 2.5. **Tie Plates.**
- 2.5.1. Hot worked, high carbon, double shoulder, flat bottom tie plates shall conform to the AREMA specifications, Chapter 5, "Track," with punched A-8 square spike holes. Where necessary on curves, use 16 in. tie plates in accordance with AREMA specifications, Chapter 5, "Track."
- 2.6. **Track Spikes and Coach Screws.**
- 2.6.1. Supply new high carbon steel track spikes and coach screws conforming to the requirements of AREMA Chapter 5 "Track." Deliver track spikes to the Job Site in Engineer-approved containers (kegs). Install in accordance with Section 4 of this specification, and Federal Railroad Administration (FRA) Standards.
- 2.7. **Joint Bars and Track Bolts.**
- 2.7.1. Use joint bars, track bolts, nuts, and washers conforming to the requirements of AREMA Chapter 4, Part 2, Section 2.8, "Specifications for Quenched Carbon-Steel Joint Bars, Microalloyed Joint Bars, and Forged Compromise Joint Bars." Compromise or transition rails shall be used in lieu of compromise joint bars when joining rails of different sizes and/or sections as specified in Section 4 of this specification.
- 2.8. **Rail Anchors.**
- 2.8.1. Use Grip type rail anchors conforming to the requirements of AREMA Chapter 5, Section 7 "Rail Anchors."
- 2.9. **Rail**
- 2.9.1. Use Standard Strength Rail supplied by the Contractor and conforming to the requirements of AREMA Chapter 4 "Rail" for constructing track and replacing rail unless otherwise required as shown on the plans. Rail on curves greater than 1° 30' shall be head hardened rail. For jointed rail or field-welded rail, furnish rail

as show on the plans or in lengths of 39 ft. with 11% shorts varying by 1 ft. increments from 38 ft. down to 25 ft. in length, if lengths are not otherwise specified.

- 2.9.2. The Contractor will furnish the necessary joint bars, anchors, spikes, bolts, nuts, securements, welding, and any other materials necessary for the rail installation. In the event any existing rail should break during tie removal, installation, surfacing, or any other portion of the project; the Engineer will determine whether the rail should be replaced or spliced by welding or the installation of joint bars. The Contractor will furnish the necessary joint bars, anchors, spikes, bolts, nuts, securements, welding, and any other materials necessary for the rail installation of the same rail section size as the break.
- 2.9.3. Submit to the Engineer five (5) copies of a layout showing the proposed rail types, continuous welded rail (CWR) lengths, and field welds for approval prior to track construction. Designate on the track layouts the size of transition rail, compromise rail, and compromise joints as shown on the plans or as necessary at locations where the proposed rail joins with existing rail. Field verify the sizes of required transition rail, compromise rail, and compromise joints then submit a detailed list of the sizes and locations to the Engineer before to beginning track construction.
- 2.9.4. Furnish reports of the chemical and mechanical test results to the Engineer. For continuously welded rail (CWR), provide continuous shop welded rail when specified by the plans and transport it, excluding rail for industry leads, in 80 ft., 400 ft., or longer than 400 ft. sections to the project site unless shorter sections are required due to curve length, or fit between switches. Meet the requirements of AREMA Manual, Chapter 4, "Specifications for Fabrication of Continuous Welded Rail" (electric flash butt welds) for shop welding. Joints shall be field welded using the Thermitite welding process between the sections.
- 2.10. **Compromise Rail and Transition Rail.**
- 2.10.1. Use Standard Strength Rail conforming to the requirements of AREMA Chapter 4 "Rail" "Class 1" unless otherwise required as shown on the plans for "compromise" or "transition" sections to connect replacement rail sections with existing rail sections of dissimilar type or size.
- 2.11. **Guardrails.**
- 2.11.1. Install guardrails of the appropriate size for the location as shown on the plans.
- 2.12. **Deraills.**
- 2.12.1. Supply left hand or right-hand hinge deraills as necessary of the appropriate size for the location shown on the plans.
- 2.13. **Turnouts.**
- 2.13.1. Contractor shall furnish turnout castings (frogs), switch stands, connecting rods, plates, switch ties, cross ties, welding, securements, and all other materials used in construction of turnouts and switch mechanisms in accordance with AREMA Specifications Chapter 4 and construct all new turnouts complete as shown on the plans. Turnouts shall be constructed and placed as shown on the drawings. Contractor shall install all new turnouts complete in place.
- 2.14. **Switch Points.**
- 2.14.1. Use Standard Strength Rail conforming to the requirements of AREMA Chapter 4 "Rail" and matching the existing rail type unless otherwise required or as shown on the plans for installing or replacing switch points.



Switch points shall be replaced on both sides as shown on the plans and replaced as a set. The Contractor will furnish transportation of the switch points and the necessary plates, anchors, joint bars, bolts, clips, and other necessary materials of the same rail section size.

2.15. **Vehicular Grade Crossing Materials.**

2.15.1. Supply vehicular grade crossing materials as required by the Plans, Special Specifications, or as directed by the Engineer. Materials shall meet the requirements stated in Plans, TxDOT Standard Specifications, and this Special Specification.

2.15.2. Vehicular grade crossings shall be constructed as required by the Plans and Special Specifications or as directed by the Engineer.

2.15.3. Vehicular grade crossings intersecting publicly owned or maintained roadways shall be of either wood panel or concrete panel construction.

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**3. EQUIPMENT**

All on-track equipment used on the project shall comply with Federal Railroad Administration regulations contained in 49 CFR 214 Subpart D, Roadway Maintenance Machine Safety.

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**4. CONSTRUCTION**

4.1. **General Requirements.**

4.1.1. Before starting work, the Contractor shall inform the Engineer of the construction methods he proposes to use, the adequacy of which are subject to the approval of the Engineer.

4.1.2. Concurrence on the part of the Engineer of any proposed construction methods or approval of equipment does not relieve the Contractor of the responsibility for the safety or correctness of the methods, the adequacy of his equipment or from carrying out the work in full accordance with the contract.

4.1.3. The following codes, regulations, reference standards, and specifications apply to work included in this section:

- AREMA, Manual for Railway Engineering, Chapter 1 "Roadway and Ballast," Chapter 4 "Rail" and Chapter 5 "Track"
- American Welding Society (AWS): D1.1
- Applicable referenced ASTM Specifications
- Track Safety Standards of the Federal Railroad Administration (FRA).
- Standard drawings provided by the Engineer

Any Items not covered specifically shall be in accordance with AREMA Standards and recommended practices subject to the approval of the Engineer. Construction shall adhere to all TxDOT Standard Specifications, Project Plans, and FRA requirements. Sub-ballast construction methods shall conform to Item 247, "Flexible Base."

- 4.1.4. All workers employed in the project or supervising the project shall have been certified according to Federal Railroad Administration (FRA) regulations contained in 49 CFR 213, "Track Safety Standards"; 49 CFR 214, "Railroad Workplace Safety"; 49 CFR 217, "Railroad Operating Rules"; 49 CFR 218, "Railroad Operating Practices"; 49 CFR 237, "Bridge Safety Standards"; and all other FRA regulations, rules, and orders as applicable. All workers employed in the project shall comply with the workplace safety requirements of the operating railroad which may be subject to change. Changes to the operating railroad's safety requirements may impact training requirements and construction activities, and may result in extra costs for the contractor. All training requirements are subsidiary to the work and will not be reimbursed or considered for payment.
- 4.1.5. When the Contractor desires to occupy any space above the top of rail within the horizontal distance of 10 ft. either side of the centerline of any track, measured at right angles to the track centerline, it will be necessary that he obtain authority from the Railroad with at least 24 hours advanced notice. The authority will be requested and granted according to the Railroad operating rules, and the Contractor will fully comply with all instructions issued by the Railroad to occupancy of the track. If, in the judgment of the Railroad, flagmen are required, they will be furnished at the Railroad's expense.
- 4.1.6. The Contractor shall require his employees, agents, or subcontractors to comply with all instructions or warnings of the Railroad's flagmen as to clearance for the passage of trains.
- 4.1.7. All scaffolding, materials, and equipment used in the Contractor's operations shall, at all times, be maintained at a clearance from the tracks as approved by the Engineer, except when working within the limits of authority granted to occupy the tracks.
- 4.1.8. TxDOT's acceptance of trackage and its appurtenances which have been built shall be based on the Engineer's written statement that construction and construction materials have met TxDOT standards.
- 4.1.9. Unless otherwise shown on the plans or directed by the Engineer, all removed materials will become the property of the Contractor. All removed materials and debris shall be removed from the railroad right of way and TxDOT property, and disposed of in a manner approved by the Engineer.
- 4.1.10. Milestones - The following milestones will be reviewed and approved during the project:
- 4.1.10.1. Grading - Review and approve prior to placement of sub-ballast.
- 4.1.10.2. Ballasted Trackwork - Review, approve, and coordinate the track construction to assure compliance with TxDOT requirements.
- 4.1.10.3. Vehicular Grade Crossing - Review, approve, and coordinate the vehicular crossing to assure compliance with TxDOT requirements.
- 4.1.10.4. Welding - All welds, including compromise and transition welds shall conform to the requirements of AREMA Chapter 4 "Rail," Part 2.3 "Specification for the Quality Assurance of Electric-Flash Butt Welding of Rail" and/or Part 2.5 "Specification for the Quality Assurance of Thermite Welding of Rail." Welds shall be tested in accordance with AREMA standards and all test results provided to the Engineer.
- 4.2. **Trackwork.**
- 4.2.1. The replacement of railroad ties, ballast distribution, surfacing work, and associated mechanical operations will be performed using standard on-track equipment. All work shall be performed using on-track equipment whenever possible.

- 4.2.2. Designated materials storage areas and mobilization areas shall have SW3P plans implemented as shown on the plans before off-track equipment operates in those areas.
- 4.2.3. Ties shall be placed as shown on the plans or as directed by the Engineer or his designee. Defective ties shall be replaced as shown on the plans or as marked by the Engineer or his designee. The ties shall be designated before the commencement of work. The Contractor will remove designated ties and replace them with new ties, laid with the heartwood face down.
- 4.2.4. Ties shall be placed on 19.5 in. centers in main tracks and laid with the heart wood side down. Individually replaced ties shall be centered in the gap and not skewed. All ties shall be laid at right angles to the rail with the ends lined uniformly.
- 4.2.5. Ties shall be placed and maintained square to the line of rail on straight track and radially on curves. The right-hand end of ties (direction determined by facing away from initial point of the line) shall be lined parallel with the rail.
- 4.2.6. Tie hooks, tongs or tie crane shall be used in handling ties, to avoid damage to the ties. New treated ties shall not be adzed without authority from the Engineer. If adzing is authorized, an approved preservative shall be applied to the adzed surface.
- 4.2.7. Tie plates shall set squarely on the tie and shall be of the dimensions to fit the base of rail used. All tracks shall be fully tie plated and spiked in accordance with proper criteria. Tie plates shall be centered and have full bearing on ties. Rail shall be properly seated in the tie plates and not riding on the shoulder of the tie plate. Tie plates and rail shall be cleaned before being laid. Tie plates shall be placed with slope of plate towards center of track.
- 4.2.8. Tie plates that are removed from marked ties shall be reapplied to the replacement tie, unless broken or replaced due to an increase in rail size. All broken tie plates will be replaced and held for the Engineer's inspection.
- 4.2.9. All rail shall be gauged when laid and when replacement ties are spiked. The standard gauge is 4 ft. 8-1/2 in. between points 5/8 in. below the top of rail on the two inside edges of the rail. All gauges used by the Contractor will be checked by the Engineer. If found to be more than 1/16 in. in variance from the master gauge, those gauges shall immediately be removed from the job.
- 4.2.10. Track bolts, with nuts, which have wrench turn fittings, shall be used where required. Spring washers shall be the correct size to fit the bolt. All bolts will be tightened with an approved bolt machine or torque wrench to a torque of 650 ft.-lbs. Bolting shall be started with the center bolts working toward the ends and all nuts shall be turned up tight with bolt heads staggered inside and outside of the rail alternately.
- 4.2.11. Securement of ties to open deck bridge structures shall be in accordance with the plans or as directed by the Engineer.
- 4.2.12. All track spikes are to be the proper size. Care shall be taken to make sure that the base of rail is not riding on the shoulder of the tie plate when spikes are driven. Spikes shall be started, driven vertically, and square when driven into the spike holes of the tie plate. Crooked or bent spikes shall be removed and replaced. Straightening with maul of spikes started crooked will not be permitted. When spikes are pulled, the hole shall be plugged with a standard treated tie plug. In driving the spikes, the last few blows of the hammers shall be such that the spike head will not be bent or broken, and the hammer shall not be permitted to strike directly upon the rail.

- 4.2.13. Ties shall be spiked through the tie plates with three rail-holding spikes in each tie plate on curved track. The rail gauge side of the tie plate shall be spiked through the tie plates with two rail-holding spikes on curved track. The rail field side of the tie plate shall be spiked through the tie plates with one rail-holding spike on curved track.
- 4.2.14. All rail shall be spiked to ties with not less than four spikes per tie, one spike in contact with gauge side and one in contact with field side of each rail. Spikes shall be staggered so that the outside spikes shall be on the same side of the tie and the inside spikes on the opposite side. Ties shall be spiked through the tie plates with two rail holding spikes in each tie plate on tangent track; the rail gauge side and rail field side spikes in each tie plate being driven diagonally across from each other.
- 4.2.15. Rail shall not be struck with maul or heavy tool when spiking, gauging or lining.
- 4.2.16. Immediately after completion of track surfacing, spikes shall be settled in place with the underside of the head of the spike contacting the top of base of rail with a minimum of pressure.
- 4.2.17. Tie plugs, where required, shall completely fill holes from which spikes are drawn. The plugs shall conform to the current AREMA Specifications, Chapter 30, Part 3.1.5, "Specifications for Tie Plugs and Synthetic Tie Plugging Materials". Tie Plugs shall be made of either wood or synthetic materials. Wood plugs shall be treated with Creosote or a similar preservative. Synthetic plug materials, including epoxies, shall conform to the recommended manufacturer's specifications for application, use, and disposal.
- 4.2.18. Grip type rail anchors shall be applied in the approved manner for the type of anchor furnished and as directed by the Engineer. Rail anchors shall be installed on every other tie, or as shown on the plans, after the ballast operation and the track is raised, lined and ties re-spaced or as directed by the Engineer. All ties shall be fully box-anchored in the following areas:
- Entire length of ballast deck bridges
  - Entire length of open deck bridges
  - Within 200 ft. of a ballast or open deck bridge
  - Entire length of roadway crossings
  - Within 200 ft. of a roadway crossing
  - Entire length of turnouts
- 4.2.19. Track shall be box anchored as shown on the plans and as required. Box anchoring is defined as installing opposing anchors to bear against each side of the tie on each rail for a total of four anchors per cross tie.
- 4.2.20. Under no circumstances shall rail anchors be installed on ties under or immediately adjacent to rail joints, nor shall anchors be installed on one side of the tie under one rail and on the opposite side of the tie under the other rail.
- 4.2.21. Care shall be taken to avoid overdriving or damaging anchors. Anchors shall not be driven along the rail. Sufficient rail anchors shall be applied and maintained to effectively control longitudinal rail movement. Anchors shall be installed on the same side(s) of the tie on both rails. Anchors shall not be applied to one rail only, but shall be applied to both rails in a uniform pattern. For CWR, anchors shall not be applied on the opposite rail directly across from the joints or straps.
- 4.2.22. Rail anchors which are dislodged or removed during work, including surfacing, are to be replaced in box pattern. To avoid tie skewing, the anchors shall be applied against the same tie on opposite rails. Rail anchors when applied shall have full bearing against a sound tie.

- 4.2.23. Rail saws shall be used when necessary to cut rail. The use of a torch or track chisel will not be permitted.
- 4.2.24. All necessary new bolt holes shall be marked, using an approved rail drilling template and the drilling operation shall be carefully performed. Both cutting and drilling shall use proper lubrication. Cut rails shall be drilled and fully bolted. There shall be no extra holes in the rail. The burred edges on bolt holes drilled in the field shall be carefully removed by grinding. When necessary to cut secondhand rail, the cut end shall be beveled. When necessary to cut new standard carbon rail, the cut end shall be end hardened and beveled in accordance with Railroad Specifications.
- 4.2.25. The Contractor shall record the number of crossties replaced between each whole-number milepost and provide a report of that information to the Engineer or his designee daily. When crossties are replaced between multiple mileposts the Contractor shall record the number of crossties replaced between each individual whole-number milepost and provide a report of that information to the Engineer or his designee daily.
- 4.2.26. The Contractor shall record the number of crossties replaced on each bridge approach and each bridge and provide a report of that information to the Engineer or his designee daily. When crossties are replaced on multiple bridges and bridge approaches, the Contractor shall record the number of crossties replaced on each bridge and bridge approach and provide a report of that information to the Engineer or his designee daily.
- 4.2.27. When laying rail in tangent track the right-hand rail (direction determined by facing away from initial point of line), shall be laid first and lined to the staked track alignment. After each right-hand rail is lined and spiked, the left-hand rail shall be laid to accurate gauge and spiked to gauge every third tie with gauge spikes fully driven (except through joint areas) before the track gauges are removed. The left-hand rail shall be laid into the track, and rail joint bolts installed (if used) before spiking to gauge, and before gauge spikes are driven. The left-hand rail shall be held in place snugly against the track gauges with lining bars.
- 4.2.28. When laying up to existing track tie-in locations, a combination of rails less than standard length may be used to avoid cutting, if practicable. Rail saws shall be used when necessary to cut rail. The use of a torch or track chisel will not be permitted. All necessary new bolt holes shall be marked, using an approved rail drilling template and the drilling operation shall be carefully performed. Both cutting and drilling shall utilize proper lubrication.
- 4.2.29. When working with rail deliveries, the Contractor shall unload the materials as directed by the Engineer. The Contractor shall provide for the handling and laying of rail in such a manner as to avoid damage to the roadbed, sub-ballast and rail. Care shall be taken to avoid twisting or damaging the rail sections. In areas where new construction is adjacent to existing track, care shall be taken to prevent damage to existing track from equipment operation and construction activities.
- 4.2.30. The Contractor shall provide such equipment, tools and materials as necessary and in common practice for welded rail track construction. It may be necessary for the Contractor to move the welded rail strings to the exact location of installation. When unloading CWR, joint straps shall be removed, rail ends by-passed when necessary and wooden blocks or shims shall be placed between rail ends to accommodate thermal expansion of rail. CWR shall not be unloaded where it would obstruct a grade crossing and shall either be cut or buried through it.
- 4.2.31. The Contractor should apply all rail anchors immediately behind the laying of rail. Ballast shall be unloaded and all cribs filled as soon as rail anchors have been applied. The track should be surfaced and tamped as soon as possible after the laying of the rail.

### 4.3. **Ballasting and Surfacing.**

#### 4.3.1. Ballast

4.3.1.1. Furnishing, delivery and unloading of ballast to project site is the Contractor's responsibility. Care shall be taken to ensure the track and walkways are safe for movement.

4.3.1.2. Haul and place ballast material in such a way that damage to adjacent areas is avoided.

4.3.1.3. Ballast shall be uniformly distributed and the track raised, lined, surfaced, and tamped, with the finished surface of the ballast dressed in accordance with the approved drawings or the Engineer's instructions.

4.3.1.4. The track shall be laid and connected before ballast is spread and raised. It will not be permissible to operate over long stretches of track before it has been raised and surfaced unless approved by the Engineer. Immediately prior to unloading ballast for the final raise, the track shall be lined as close as practical to the stakes and all ties straightened and re-spaced as necessary. Ballast shall then be spread evenly and leveled to the required section, taking care to assure that subgrade material is not intermixed with the ballast.

4.3.1.5. Ballast shall be spread and the track raised in a series of lifts to the approved elevation. No single lift will be higher than 4 in. In raising track, if jacks or mechanical tampers are used they shall be so regulated as to avoid the binding or straining of joints. Sufficient sets of track jacks, if used, shall be simultaneously used and properly spaced to avoid sharp breaks or bends in the rail when the track is raised. Both rails shall be raised simultaneously and to proper cross level by utilizing standard track level boards with each set of track raising jacks (minimum three insertions).

4.3.1.6. Ballast shall be kept clean and free of segregation during handling and placing operations.

4.3.1.7. Ballast shall be thoroughly regulated and level for the full length of each tie, end to end, and for the full length and width of the ballast section or bridge unless otherwise directed by the engineer. Centers are to be filled and regulated.

4.3.1.8. Ballast shall be thoroughly tamped from each tie end to 15 in. outside and inside of the rail.

#### 4.3.2. Tamping

4.3.2.1. Tamping is to be done by machines approved by the Engineer, in a manner that will produce uniform compaction. Tamping shall not disturb subgrade/sub-ballast. Thorough tamping under the rail set is required, and joint ties shall be tamped especially firm.

4.3.2.2. Tamping will not be permitted at the middle of a tie. Both ends of a tie shall be tamped simultaneously and tamping inside and outside the rail shall be done at the same time. All ties that are pulled loose in the track raising operation shall be placed in their proper position and properly tie-plated and fully spiked before tamping. The track shall be true to line and grade as staked with tangent track level transversely.

4.3.2.3. During each track raise, the track is to be tamped in such a manner that it will be uniform. During the raising and tamping operations, sufficient spot boards, track level boards or other approved surfacing devices shall be constantly used to ensure the correct surface and cross level in the track after tamping work is completed.

4.3.2.4. Tamping tools shall be inserted simultaneously on opposite sides of the same tie to prevent the tie from cocking, to ensure the ballast under the tie is completely compacted and that the rail is firmly seated on the tie plate.

- 4.3.2.5. When using power tampers in tandem, the machines should be of the same type and have identical tamping heads to produce uniform compaction.
- 4.3.3. Finishing and Surfacing
- 4.3.3.1. After ballasting is completed and the track is in correct gauge, surfaced and lined according to the stakes, the ballast shall be trimmed neatly to the section shown on the drawings, and any surplus material shall be spread evenly along the slopes of the ballast section. Dressing of the ballast by placing earth higher than the ballast toe and thus preventing proper drainage will not be permitted.
- 4.3.3.2. Bring the initial layer of compacted ballast to an elevation that will establish the track surface no higher than 2 in. below final base of rail grade. Refer to plans and cross sections for ballast depth and base of rail grades.
- 4.3.3.3. Ballast shall be inserted under ties in minimum 2-1/2 in., maximum 4 in. lifts. Cribs shall be filled with ballast to the top of tie.
- 4.3.3.4. Do not perform track surfacing unless the cribs are filled with ballast.
- 4.3.3.5. Special care shall be taken when surfacing during hot weather to avoid track buckles.
- 4.3.3.6. Perform track surfacing by an approved method which prevents undue bending of the rail or straining of the joints.
- 4.3.3.7. Both rails shall be raised at one time and as uniformly as possible.
- 4.3.3.8. Ties that have been pulled loose shall be replaced to proper position and shall be fully tamped to proper elevation.
- 4.3.3.9. Track shall be constructed to the alignment and grade prescribed by the approved plans or drawings.
- 4.3.3.10. Deviation from established gauge and cross level shall not exceed 3/4 in. per 62 ft. cord; deviation from profile grade and horizontal alignment shall not exceed 3/4 in. All work shall be acceptable to the TXPF.
- 4.3.3.11. Tangent track shall be cross level.
- 4.3.3.12. No humps or sags will be accepted nor will irregularities in alignment, either on tangent or curved track that exceed previously defined deviations. Top of track ballast shall be dressed parallel with top of ties for the full length of each tie, end to end and for the full length and width of the ballast section or bridge.
- 4.3.3.13. Maximum allowable adjustment in line after final resurfacing is 2 in.
- 4.3.3.14. Top of track ballast shall be dressed parallel with top of ties, extending a minimum 9 in. beyond the end of tie, then on three to one slope to sub-ballast. Not less than three insertions of tamping tools shall be made.
- 4.3.4. Acceptance
- 4.3.4.1. Before final acceptance, all track shall be surfaced and accurately lined to remove all irregularities of cross level, surface or line caused by settlement or compaction of ballast following traffic loading. Any ties not giving full support to rails shall be re-tamped. Bolts shall be retightened, if necessary, to bring to full tension and spikes set down to full rail contact.

4.3.4.2. TxDOT's acceptance of trackage and its appurtenances which have been built shall be based on the Engineer's written statement that construction and construction materials have met TxDOT standards, Special Specifications, and Plans.

4.4. **Rail Joints.**

4.4.1. All rail joints shall be welded unless shown otherwise on the plans or as directed by the Engineer. Rail not in CWR locations shall be staggered according to the direction of the Engineer, except when balancing the joints for switch leads, grade crossings, bridge ends and signal circuits, as well as in secondary tracks where use of prefabricated track panels is authorized. To reduce the resonant reaction, rail joints shall be staggered at 12 feet from the nearest joint on the opposite rail. To avoid unnecessary rail cutting in providing staggered joints, a 2 foot tolerance will be permitted in either direction. When laying rail, joints shall not be located inside or within 20 feet of any bridges or grade crossings unless approved by the engineer.

4.4.2. At the time rail is being laid, joint bars shall be applied as shown on the plans, placing one bolt at each end of rail in the joint bar. Before the bolts are tightened, and after the track has been surfaced and lined, the joint bars shall be removed and the joint bars as well as the rail ends within the limits of the joint bar area shall be thoroughly cleaned with a wire brush to remove all rust, dirt and mill scale. The contact surface of the joint bars shall then be lubricated using a liberal amount of lubricant as approved by the Engineer. After application of lubricant, the joint bars are to be reapplied; taking care to see that no dirt, gravel or other foreign material is permitted to get into the lubricated area.

4.4.3. Rail expansion shims shall be used to establish the proper opening between rails. Expansion shims shall not be used at the ends of strings when laying CWR.

4.4.4. The desired laying temperature of the rail is determined by the Engineer. The Contractor shall record the temperature of each rail laid. Rail temperature measurements shall be taken on the base of rail on the side away from the sun.

4.4.5. When it is not possible to lay rail at the desired laying temperature, the Contractor shall make the necessary adjustment to the rail at a later time to prevent any damage to the rail. The exact procedure used to adjust the rail temperature shall be approved by the Engineer.

4.4.6. Bond wires that are broken or damaged during rail replacement, tie replacement, surfacing, or other contractor operations will be replaced by the Contractor. Replacement will be subsidiary to the other track work and no separate payment will be made.

4.4.7. At joints, the opening between rail ends shall be in accordance with Table 3:

**Table 3  
Joint Openings**

Rail Temperature	Opening for 39 ft Rail	Opening for 78 ft Rail
Below 25°F	1/2"	1/2"
25°F to 50°F	3/8"	3/8"
51°F to 75°F	1/8"	1/4"
76°F to 100°F	1/8" every other joint	1/8"
Above 100°F	1/8" every other joint	1/8" every other joint

4.4.8. Rail thermometers of the approved type shall be used to determine the rail temperature.



- 4.4.9. When laying new or second hand jointed rail, or constructing new track using jointed rail, the contact surface of the rail ends and joint bars shall be lubricated using a liberal amount of approved lubricant.
- 4.4.10. To maintain free rail movement in existing joint rail territory, joint area shall be thoroughly lubricated along all marring surfaces and into the interior of the bars, using a Hudson sprayer or equivalent. Frozen joint conditions shall be corrected by loosening the bolts and breaking the bars free from the rail to permit proper oiling and ensure free rail movement within the joint.
- 4.4.11. Where joint bars are required, the joint bars shall be installed with the full number of bolts and the nuts tightened to the proper tension. Joint bars shall be either 4-hole, 24 in. or 6-hole, 36 in. joint bars fully bolted with lock washers; elliptically punched for oval necked bolts. Bolts shall be inserted into the joint bars from alternating sides of the rail, seated in the elliptical bolt holes, so that bolt heads are located next to the nut of the bolt in the adjoining bolt hole. Rail joints shall be applied so that bars are not cocked between base and head of rail. Bars are to be properly seated in rail.
- 4.4.12. In the event any existing joint bars should crack or break during tie replacements, ballasting, surfacing, or any other portion of the project; the Contractor will replace the defective joint bars with bars of the same size. Replacement of such broken or cracked bars will be subsidiary to the other trackwork and no separate payment will be made.
- 4.4.13. Where the running surface of rails at joints are mismatched by more than 1/8 in., the Contractor shall build up, grind and profile the rail according to the Engineer's instructions. A rail of more section shall not be ground down to match the lesser, but the lesser built up.
- 4.4.14. The application of lubricants and general maintenance of rail joints in jointed-rail territory are necessary to ensure that the rail is working properly to accommodate rail expansion and contraction resulting from temperature variations, and prevent the occurrence of track buckles or sun kinks and pull-aparts. Joint bars and rail ends shall be cleaned and lubricated with an approved joint lubricant when installing joint bars. Joints shall be installed with the full number of bolts and the nuts tightened to the proper tension.
- 4.4.15. When laying new or second hand jointed rail, or constructing new track using jointed rail, the contact surface of the rail ends and joint bars shall be lubricated using a liberal amount of approved lubricant.
- 4.4.16. To maintain free rail movement in existing joint rail territory, joint area shall be thoroughly lubricated along all marring surfaces and into the interior of the bars, using a Hudson sprayer or equivalent. Frozen joint conditions shall be corrected by loosening the bolts and breaking the bars free from the rail to permit proper oiling and ensure free rail movement within the joint.
- 4.5. **Compromise Rails and Transition Rails.**
- At permanent connections of different rail sections, compromise rails or transition rails shall be placed in lieu of compromise joints or compromise welds, and where practicable they shall not be located in grade crossings, main track curves, on open deck bridges, or in turnouts.
- Compromise rails or transition rails are required at all locations between the ends of rail of different weights or cross section. The Contractor shall install all compromise rails and transition rails as directed by the Engineer. Compromise rails and transition rails shall not be placed within the limits of turnouts.
- 4.6. **Guard Rails.**
- 4.6.1. Guard rails must not be higher than the running rails.

- 4.6.2. Double guard rails must consist of two rails, each spaced 10 in. from the inside of the adjacent running rail.
- 4.6.3. Guard rails on bridges must be spiked on both sides of each rail to every bridge tie and spliced with fully-bolted joint bars.

4.7. **Field Rail Welding.**

Clean the rails to be free of grease, oil, dirt, loose scale, and moisture to a minimum of 6 in. back from the rail ends, including the rail end surfaces, by use of a wire brush. Align the faces of the rail ends. Rail ends to show no steel defects, dents, or porosity before welding.

If rail shall be cut to length for any reason, cut it square and clean by means of rail saws or abrasive cutting wheels in accordance with AREMA, "Specifications for Steel Rails."

Straighten rail not meeting the requirements of AREMA, "Specifications for Fabrication of Continuous Welded Rail," to be within the specified tolerance. If any rail cannot be straightened, cut it back a sufficient distance to achieve the required alignment. Perform all straightening or cutting prior to welding.

Align and properly gap the ends of the rails to be welded to produce a weld which conforms to the alignment tolerances specified. Hold the rail gap and alignment during field welding without change during the complete welding cycle. Align rail on the head of the rail. Vertical alignment shall provide for a flat running surface. Horizontal alignment shall be in such a manner that any difference in the width of heads of rails occurs on the field side. Horizontal offsets shall not exceed 0.040 in. in the head and 0.125 in. in the base.

- 4.7.1. Surface misalignment tolerance shall conform to the following:
- 4.7.1.1. Combined Vertical Offset and Crown Camber. Not to exceed 0.080 in. per foot at 600°F or less. No dip camber will be allowed.
- 4.7.1.2. Gauge Misalignment Tolerance. Combined horizontal offset and horizontal kink camber not to exceed 0.080 in. per foot at 600°F or less.
- 4.7.2. All rails for electric-flash butt welds shall have the scale removed down to the bright metal in the end zones on the top and bottom of the rails where the welding current-carrying electrodes contact on head and base of rail.
- All electric-flash butt welds shall be forged to point of refusal to further plastic deformation and have a minimum upset of 1/2 in., with 5/8 in. as standard. If flashing on electric-flash butt welds is interrupted because of malfunction or external reason, with less than 1/2 in. of flashing distance remaining before upsetting, rails shall be reclamped in the machine and flashing initiated again.
- 4.7.3. Rails for preheated rail welds shall be cleaned 2 in. on each side of the weld, to remove scale and rust using a power actuated grinder, with abrasive wheel. Rail ends shall be preheated prior to welding to at least the temperature designed by the welding manufacturer and for a sufficient time to ensure full fusion of the weld metal to the rail ends without cracking of the rail or weld.
- 4.7.4. Inspect each weld using a 3 ft. straightedge along the centerline of the rail and 0.625 in. below top of rail on the gauge side of the rail head. Center the straightedge over the weld. The gap between the straightedge and the rail to comply with the requirements of AREMA, Chapter 4 Governing the Inspection, Grinding and Heat Treating of Track Components.

Bring rails and joints in the finished track to a true surface and alignment by means of an approved grinding machine. If end bolt hole is drilled in the rail to be welded, the minimum allowable distance from end of rail to edge of end bolt hole is 6 in.

- 4.7.5. Finish the completed weld by grinding to conform to the following requirements:
- Rail head surface and sides shall be finished ground to a smooth and uniform surface.
  - The web zone (underside of head, web, top of base, both fillets each side) shall be finished to not greater than 1/8 in. of parent contour or closer, but shall not be deeper than parent section. Finishing shall eliminate all cracks.
  - All notches created by offset conditions or twisted rails shall be eliminated by grinding to blend the variations.
  - All fins on the weld due to shearing drag shall be removed prior to final inspection.
  - All heavy grinding shall be performed on the hot metal, immediately following welding, by an approved rail grinder, to prevent metallurgical damage. Finish grinding shall be carried out in a cooled down condition. Use a straightedge frequently while grinding to make sure that a good straight surface is produced. If a hand grinder shall be used, extra care shall be taken to ensure a smooth-running surface without low spots. Any grinding of the web and base of the weld should be done while the web is at least 450°F.
  - Jagged, notched or badly mismatched end faces shall be preflashed to an even or mated condition before setting up rails for preheating and final flashing to assure that the entire surfaces of the rail ends are uniformly flashing immediately preceding upsetting.
- 4.7.6. Test all welds at the time of welding and ultrasonically test both the welds and the rail once the rails have been laid in final position. Ultrasonically inspect welds and rail in accordance with ASTM E164 and the AWS D1.1. Use ultrasonic test equipment capable of detecting a 3/64 in. discontinuity, 6-1/2 in. below the top of rail. Test results shall be supplied to the Engineer for review and approval before the rail installation or replacement is accepted.
- At a minimum, scan the weld from the top and both sides of the rail head and the base. Scan the weld from both sides on the face for longitudinal and transverse discontinuities using the applicable scanning pattern or patterns. Use equipment which has a distance amplitude correction feature. Calibrate the equipment daily using an 11W calibration block, also made of rail steel.
- 4.7.7. The Contractor's rail distressing procedure shall be presented to the Engineer for approval before welding can commence.
- 4.7.8. Inspection Personnel: Qualify all inspection personnel in accordance with AWS D1.1. Cut out and re-weld all welds giving fault indication in ultrasonic inspection.
- 4.8. **Turnouts.**
- 4.8.1. Turnouts shall be constructed in strict conformity with the shop drawings, plans, the Engineer's instructions, and AREMA specifications, Chapter 4, Part 4, "Track Construction".
- 4.8.2. The switch stands shall be fastened securely to head blocks and shall be square with the track. The targets shall be lined parallel with the rails of the major track when the switch is lined for the major track. All switch ties shall be fully tie plated.

- 4.8.3. Stock rails for turnouts shall be bent accurately and shall not be sprung into place. All frogs, except for self-guarded frogs, shall be protected by guardrails installed in accordance with the standard plans before any train is allowed to pass over them.
- 4.8.4. Turnouts shall also include switchman walkways.
- 4.8.5. Turnouts shall have all special switch plates, frog and guardrail plates fully spiked. Spiking standards shall be per the approved shop drawings, as shown on the plans, Special Specification, and the Engineer's instructions.
- 4.8.6. Panel turnouts shall be constructed in conformity with the approved shop drawings, plans, the Engineer's instructions, and these specifications. Care shall be taken in unloading or moving the panel sections so as not to skew or bend the sections or cause damage to the prepared subgrade. The Contractor shall adjust anchors, ties, spikes, switch plates, braces, etc., as necessary to conform to the standard plan.
- 4.8.7. Where required, derails shall be installed in conformity with the plans, specifications, and/or instructions, and shall be inspected and approved by the Engineer before final acceptance and operation over the track.
- 4.8.8. All rail within the turnout shall be head hardened.
- 4.8.9. Rail bound and solid steel frogs shall be made of manganese castings.
- 4.9. **Vehicular Grade Crossing.**
- 4.9.1. Preparation
- 4.9.1.1. When preparing to work in vehicular grade crossings, the Contractor shall notify the owner of a private crossing of the work to be done at least 24 hr. in advance of the proposed work. The Contractor shall notify the city, county, or state road authority of crossing work to be done on publicly owned roads at least 24 hr. in advance of the proposed work. The Contractor shall coordinate with the private crossing owner or the road authority regarding the type of work to be performed and the time the crossing will be blocked or closed. Private crossings shall only be closed for one day. Public crossings may be closed for more than one day if appropriate detours are arranged with the responsible road authority. Barricades, signs, and traffic handling for closures and detours shall be placed in accordance with TxDOT Standard Specification Item 502, "Barricades, Signs, and Traffic Handling".
- 4.9.2. Approach subgrades and ditches shall be re-profiled as required by the plans or as directed by the Engineer.
- 4.9.3. Temporary crossing surfaces shall be constructed where necessary as required by the plans or as directed by the Engineer.
- 4.9.4. The track shall be properly lined, tamped, compacted, spiked, broomed and anchored before any crossing materials are installed.
- 4.9.5. Ballast, Sub-ballast, and Subgrade
- 4.9.5.1. Existing ballast and sub-ballast shall be excavated to the hard pan below the grade crossing and to a minimum of 12" below the bottom of the crossties. If full surface hard pan is not present or if the subgrade is not fully consolidated, install fully compacted granular fill as base material before placement of sub-ballast, ballast, or crossing materials.

- 4.9.5.2. Install filter fabric and perforated pipe extending to the indicated limits shown in accordance with the manufacturer's instructions when required by the state or local road authority or when directed by the Engineer. Filter fabric shall meet the requirements of DMS-6200 "Filter Fabric." Protect filter fabrics from puncture throughout construction.
- 4.9.5.3. Fouled ballast materials shall be removed for a minimum distance of 20 ft. from the ends of the crossing. The crossing and approaches shall be raised within specifications to allow drainage away from the crossing.
- 4.9.6. Cross-ties
  - 4.9.6.1. Verify that cross-ties are of correct length, position and spacing. Correct any track deficiencies before starting the installation of the vehicular grade crossing.
  - 4.9.6.2. Each cross-tie in vehicular grade crossings shall be plated and double-spiked with 4 rail holding spikes per tie plate.
  - 4.9.6.3. Each cross-tie in vehicular grade crossings shall be fully box-anchored.
  - 4.9.6.4. Cross-ties shall be long enough to fully support the width of the panels in an even and uniform manner.
- 4.9.7. Rail
  - 4.9.7.1. Rail shall be replaced with new, unused rail within all vehicular grade crossings included in the project as shown on the plans.
  - 4.9.7.2. Weld all rail joints within the limits of the crossing. Limits of the crossing include the full length of the crossing and an additional 15 feet on either side of the crossing as measured along the rail from the edge of the crossing panel furthest from the center of the crossing.
  - 4.9.7.3. All welds within the crossing surface shall be ground flush on all sides of the rail except on the bottom of the base.
- 4.9.8. Crossing panels
  - 4.9.8.1. Panels shall be constructed of either prestressed concrete or treated wood, as specified by the plans or as directed by the Engineer.
  - 4.9.8.2. Panels shall be supported by the ties in an even and uniform manner.
  - 4.9.8.3. Panels shall be secured to the ties below the rail to prevent movement, maintain the grade line of the intersecting roadway, and to establish an even and uniform support for the panels.
  - 4.9.8.4. Panels shall extend a minimum of 3 feet from the edge of the traveled way, including shoulders, of the intersecting roadway.
- 4.9.9. Finishing and Alignment
  - 4.9.9.1. Finished crossings shall be constructed to the lines and grades as shown on the plans or as directed by the Engineer. Grade crossing surfaces shall be placed as shown on the plans or as directed by the Engineer.

- 4.9.9.2. Flangeways in crossings shall be filled. Filter fabric and asphalt shall be installed in the flangeways of timber crossings and rubber fillers shall be installed in concrete panel crossings.
- 4.9.9.3. Where asphalt is specified on the plans or specifications, hot mix asphalt shall be used.
- 4.9.9.4. Verify that the track has been installed in accordance with the plans and specifications and approved for alignment and profile by the Engineer.
- 4.10. **Removing Ballasted Track and Turnouts.**
- 4.10.1. After designated sections of ballasted track and turnouts are no longer needed to carry traffic they shall be disconnected from the rail line and all salvageable materials shall be removed.
- 4.10.2. Fill in ditches, except as needed for drainage and scarify abandoned track bed and/or plow so as to mix it with soil to the satisfaction of the Engineer. The entire area of the removed ballasted track and turnouts shall be smoothed by blading or other methods.
- 4.11. **Salvaging.**
- 4.11.1. Unless otherwise specified, all removed materials will become the property of the Contractor.
- 4.12. **Warranty.**
- 4.12.1. The Contractor will warrant the rehabilitation of track construction and rehabilitation for a period of 12 months. The warranty period begins with the Engineer's acceptance of the work.
- 4.12.2. Contractor Inspections. Conduct initial and semiannual inspections of the Track Construction and Rehabilitation. Conduct initial inspections within 7 days after work is completed. For Track Construction and Rehabilitation provide a written report of the existing conditions at the time of the inspection to the Department. Document each inspection with digital photography, and provide a copy of the written report and digital photographs to the Department. Provide sketches, written reports and digital photographs within 30 days after the inspection. Conduct warranty inspections according to 4.1., "General Requirements."
- 4.12.3. Replace or repair work or materials that do not meet contract specifications. Notify the Engineer at least 72 hrs. prior to beginning any warranty work. If deficiencies are not corrected within 30 days of a semiannual inspection, the warranty period for the entire project will be extended on a daily basis starting on the 31st day until the deficiency is corrected.
- 4.12.4. A Department representative will be present for all semiannual inspections. Provide written notification to the Engineer no later than 15 days prior to any semiannual inspection.
- 4.12.5. Department Inspections. The Contractor will be provided a copy of any inspections. The Contractor will be notified in writing of any needed warranty work between semiannual inspections. Within 30 days of receipt of the written notification, replace or repair work or materials that do not meet the contract specifications. If deficiencies are not corrected within 30 days of receipt of the written notification, the warranty period for the entire project will be extended on a daily basis starting on the 31st day until the deficiency is corrected. If it is found that the requirements are met, provide documentation of the evaluation results to the Engineer for review and his decision per Item 5, "Control of the Work."
- 4.12.6. The Department will conduct a final warranty inspection prior to the expiration of 1 yr. of the project completion date. The Contractor will be notified in writing of the final warranty inspection date at least 15

days prior to the inspection to allow the Contractor to be present. Absence or failure to witness the final inspection will not delay the final inspection. If the final warranty inspection identifies any work or materials that do not meet the contract specifications, replace or repair the work or materials to meet the contract specifications. Failure to repair or replace work or materials that do not meet the contract specifications, will result in the warranty period for the entire project being extended on a daily basis until all work or materials meet performance requirements and have passed an initial inspection.

- 4.12.7. The Contractor will be considered in default during the warranty period if:
- any warranty work is not completed within 60 days of an initial, semiannual or final warranty inspection, or receipt of written notice from the Engineer identifying an area of concern;
  - any warranty work from the initial inspection is not conducted within 7 days of when the work or materials are installed;
  - fails to perform the semiannual inspection or provide the report documenting the inspection; or,
  - submits a false or misleading report regarding whether the work or materials meet the performance requirements.
- 4.12.8. The warranty bond will insure the proper and prompt completion of required warranty work following completion of the project, including payments for all labor performed, equipment and material used in accordance with the specifications.

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## 5. MEASUREMENT

- 5.1. Sub-ballast will be measured by the cubic yard, complete in place.
- 5.2. Ballast will be measured by the ton, complete in place.
- 5.3. Tie (Ballasted) will be measured by the each.
- 5.4. Tie (Open Deck Bridge) will be measured by the each.
- 5.5. Tie (Switch) will be measured by the each.
- 5.6. Rail will be measured by the linear foot.
- 5.7. Rail (Compromise) will be measured by the each.
- 5.8. Rail (Transition) will be measured by the each.
- 5.9. Guardrail will be measured by the linear foot.
- 5.10. Derail will be measured by the each.
- 5.11. Turnout will be measured by the each.
- 5.12. Track Surface and Align (Ballasted) will be measured by the mile.
- 5.13. Weld will be measured by each connecting of two rails ends together.
- 5.14. Vehicular Grade Crossing will be measured by the track foot.

## 6. PAYMENT

The work performed and material furnished in accordance with this special specification and measured as provided under "Measurement" will be paid at the unit price bid for "Sub-ballast"; "Ballast"; "Tie (Ballasted)"; "Tie (Open Deck Bridge)"; "Tie (Switch)"; "Rail"; "Rail (Compromise)"; "Rail (Transition)"; "Guardrail"; "Derail"; "Turnout"; "Track Surface and Align (Ballasted)"; "Weld"; "Vehicular Grade Crossing" of the type specified.

Samples furnished to the Department for testing purposes will not be paid directly but are subsidiary to the items listed.

- 6.1. **Sub-ballast.** The price bid for "Sub-ballast" is full compensation for furnishing, hauling, placing, sprinkling, rolling the sub-ballast and for all other materials, tools, equipment and incidentals necessary to complete the work.
- 6.2. **Ballast.** The price bid for "Ballast" is full compensation for transportation; storage; installation of materials including placing ballast; for regulating ballast to final grade and cross section; for the removal of all materials used in Ballast Delivery and for all other materials, tools, equipment and incidentals necessary to complete the work.
- 6.3. **Tie (Ballasted).** The price bid for "Ties (Ballasted)" is full compensation for transportation; storage; removal and disposal of existing ties; installation of the new tie; all materials necessary for securement including, spikes, bolts, anchors, joint bars; all track work associated with placement including on ballast deck bridges, and at vehicular grade crossings; the disposal of any materials; and for all other equipment, labor, materials, tools, and incidentals necessary to complete the work.
- 6.4. **Tie (Open Deck Bridge).** The price bid for "Ties (Open Deck Bridge)" is full compensation for transportation; storage; removal of defective ties, installation of all track work materials including replacement ties, securement, anchors, joint bars, all track work on open deck bridges; and for the removal of all materials used in tie removal and replacement and for all other materials, tools, equipment and incidentals necessary to complete the work.
- 6.5. **Tie (Switch).** The price bid for "Ties (Switch)" is full compensation for transportation; storage; removal of defective switch ties, installation of all track work materials including replacement ties, securement, anchors, joint bars, all track work on bridges, track work at vehicular grade crossings; and for the removal of all materials used in Track Construction & Rehabilitation and for all other materials, tools, equipment and incidentals necessary to complete the work.
- 6.6. **Track Surface and Align (Ballasted).** The price bid for "Track Surface and Align (Ballasted)" is full compensation for transportation; storage; tamping and raising track to final grade and alignment, and for the removal of all materials used in Ballasted Track Surfacing and Alignment and for all other materials, tools, equipment and incidentals necessary to complete the work.
- 6.7. **Rail.** The price bid for "Rail" is full compensation for transportation; storage; all fasteners, plates, spikes, joints, bolts, welds; and for all other materials, tools equipment, labor and incidentals necessary to complete the work.
- 6.8. **Rail (Compromise).** The price bid for "Rail (Compromise)" is full compensation for the removal of existing rails, bolts, nuts, spikes, and all other materials; furnishing, hauling, and installation of materials including compromise rail, welding materials, welds, joint bars, anchors, spikes, bolts, nuts, and all other materials, tools equipment, labor and incidentals necessary to complete the work.



- 6.9. **Rail (Transition).** The price bid for "Rail (Transition) is full compensation for the removal of existing rails, bolts, nuts, spikes, and all other materials; furnishing, hauling, and installation of materials including compromise rail, welding materials, welds, joint bars, anchors, spikes, bolts, nuts, and all other materials, tools equipment, labor and incidentals necessary to complete the work.
- 6.10. **Turnout.** The price bid for "Turnout" is full compensation for the removal of existing turnouts, rails, bolts, nuts, spikes, and all other materials; furnishing, hauling, and installation of materials including turnout castings (frogs), switch stands, connecting rods, plates, switch ties, cross ties, welding, securements, rail, switch mechanisms, and all other materials, tools equipment, labor and incidentals necessary to complete the work.
- 6.11. **Derail.** The price bid for "Derail" is full compensation for furnishing, hauling, and installation of materials including derails, hinges, plates, bolts, securement, signage, marking, locks, and all other materials, tools equipment, labor and incidentals necessary to complete the work.
- 6.12. **Guardrail.** The price bid for "Guardrail" is full compensation for furnishing, hauling, and installation of materials including guardrail, plates, spikes, bolts, securement, and all other materials, tools equipment, labor and incidentals necessary to complete the work.
- 6.13. **Weld.** The price bid for "Weld" is full compensation for joining two rails by thermite or electric arc induction, and for all materials, tools, equipment, labor and incidentals necessary to complete the work.
- 6.14. **Vehicular Grade Crossing.** The price bid for "Vehicular Grade Crossing" is full compensation for furnishing and installing a vehicular grade crossing; all temporary crossing materials, crossing panels, filter fabric, underdrains, fasteners, roadway restoration materials; for the removal of the existing crossing materials, filter fabric, underdrains, fasteners; for all ties, rail, panels, ballast, sub-ballast, grading, plates, spikes, joints, bolts, welding; and for all other materials, tools, equipment, labor and incidentals necessary to complete the work.

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# Special Specification 5003

## Retrofit Detectable Warning Surfaces

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### 1. DESCRIPTION

Furnish and install detectable warning surfaces onto existing curb ramps or flush landings as shown on the plans or as directed.

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### 2. MATERIALS

Furnish materials on the approved material producer list published in "Detectable Warning Material."

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### 3. CONSTRUCTION

Use construction methods in accordance with manufacturers' recommendations. Install detectable warning surface the full width of the curb ramp or flush landing with a minimum dimension of 24 inches in the direction of pedestrian travel.

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### 4. MEASUREMENT

This Item will be measured by the square foot of surface area or by each detectable warning surface installed.

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### 5. PAYMENT

The work performed and materials furnished in accordance with this Item and measured as provided under "Measurement" will be paid for at the unit price bid for "Retrofit Detectable Warning Surfaces" of the type specified. This price is full compensation for furnishing all materials, equipment, labor, and incidentals.

# Special Specification 6001

## Portable Changeable Message Sign



### 1. DESCRIPTION

Furnish, operate, and maintain portable trailer mounted changeable message sign (PCMS) units.

### 2. MATERIALS

Furnish new or used material in accordance with the requirements of this Item and the details shown on the plans. Provide a self-contained PCMS unit with the following:

- Sign controller
- Changeable Message Sign
- Trailer
- Power source

Paint the exterior surfaces of the power supply housing, supports, trailer, and sign with Federal Orange No. 22246 or Federal Yellow No. 13538 of Federal Standard 595C, except paint the sign face assembly flat black.

- 2.1. **Sign Controller.** Provide a controller with permanent storage of a minimum of 75 pre-programmed messages. Provide an external input device for random programming and storage of a minimum of 75 additional messages. Provide a controller capable of displaying up to 3 messages sequentially. Provide a controller with adjustable display rates. Enclose sign controller equipment in a lockable enclosure.
- 2.2. **Changeable Message Sign.** Provide a sign capable of being elevated to at least 7 ft. above the roadway surface from the bottom of the sign. Provide a sign capable of being rotated 360° and secured against movement in any position.
- Provide a sign with 3 separate lines of text and 8 characters per line minimum. Provide a minimum 18 in. character height. Provide a 5 × 7 character pixel matrix. Provide a message legibility distance of 600 ft. for nighttime conditions and 800 ft. for normal daylight conditions. Provide for manual and automatic dimming light sources.
- The following are descriptions for 3 screen types of PCMS:
- **Character Modular Matrix.** This screen type comprises of character blocks.
  - **Continuous Line Matrix.** This screen type uses proportionally spaced fonts for each line of text.
  - **Full Matrix.** This screen type uses proportionally spaced fonts, varies the height of characters, and displays simple graphics on the entire sign.
- 2.3. **Trailer.** Provide a 2 wheel trailer with square top fenders, 4 leveling jacks, and trailer lights. Do not exceed an overall trailer width of 96 in. Shock mount the electronics and sign assembly.
- 2.4. **Power Source.** Provide a diesel generator, solar powered power source, or both. Provide a backup power source as necessary.
- 2.5. **Cellular Telephone.** When shown on the plans, provide a cellular telephone connection to communicate with the PCMS unit remotely.

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**3. CONSTRUCTION**

Place or relocate PCMS units as shown on the plans or as directed. The plans will show the number of PCMS units needed, for how many days, and for which construction phases.

Maintain the PCMS units in good working condition. Repair damaged or malfunctioning PCMS units as soon as possible. PCMS units will remain the property of the Contractor.

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**4. MEASUREMENT**

This Item will be measured by each PCMS or by the day used. All PCMS units must be set up on a work area and operational before a calendar day can be considered measurable. When measurement by the day is specified, a day will be measured for each PCMS set up and operational on the worksite.

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**5. PAYMENT**

The work performed and materials furnished in accordance with this Item and measured as provided under "Measurement" will be paid for at the unit price bid for "Portable Changeable Message Sign." This price is full compensation for PCMS units; set up; relocating; removing; replacement parts; batteries (when required); fuel, oil, and oil filters (when required); cellular telephone charges (when required); software; and equipment, materials, tools, labor, and incidentals.

# Special Specification 6185

## Truck Mounted Attenuator (TMA) and Trailer Attenuator (TA)




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### 1. DESCRIPTION

Furnish, operate, maintain and remove upon completion of work, Truck Mounted Attenuator (TMA) or Trailer Attenuator (TA).

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### 2. MATERIALS

Furnish, operate and maintain new or used TMAs or TAs. Assure used attenuators are in good working condition and are approved for use. A list of approved TMA/TA units can be found in the Department's Compliant Work Zone Traffic Control Devices List. The host vehicle for the TMA and TA must weigh a minimum of 19,000 lbs. Host vehicles may be ballasted to achieve the required weight. Any weight added to the host vehicle must be properly attached or contained within it so that it does not present a hazard and that proper energy dissipation occurs if the attenuator is impacted from behind by a large truck. The weight of a TA will not be considered in the weight of the host vehicle but the weight of a TMA may be included in the weight of the host vehicle. Upon request, provide either a manufacturer's curb weight or a certified scales weight ticket to the Engineer.

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### 3. CONSTRUCTION

Place or relocate TMA/TAs as shown on the plans or as directed. The plans will show the number of TMA/TAs needed, for how many days or hours, and for which construction phases.

Maintain the TMA/TAs in good working condition. Replace damaged TMA/TAs as soon as possible.

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### 4. MEASUREMENT

4.1. **Truck Mounted Attenuator/Trailer Attenuator (Stationary).** This Item will be measured by the each or by the day. TMA/TAs must be set up in a work area and operational before a calendar day can be considered measurable. When measurement by the day is specified, a day will be measured for each TMA/TA set up and operational on the worksite.

4.2. **Truck Mounted Attenuator/Trailer Attenuator (Mobile Operation).** This Item will be measured by the hour. The time begins once the TMA/TA is ready for operation at the predetermined site and stops when notified by the Engineer. A minimum of 4 hr. will be paid each day for each operating TMA/TA used in a mobile operation.

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### 5. PAYMENT

The work performed and materials furnished in accordance with this Item and measured as provided under "Measurement" will be paid for at the unit price bid for "Truck Mounted Attenuators/Trailer Attenuators (Stationary)," or "Truck Mounted Attenuators/Trailer Attenuators (Mobile Operation)." This price is full compensation for furnishing TMA/TA: set up; relocating; removing; operating; fuel; and equipment, materials, tools, labor, and incidentals.

# Special Specification 6438

## Mobile Retroreflectivity Data Collection for Pavement Markings



### 1. DESCRIPTION

Furnish mobile retroreflectivity data collection (MRDC) for pavement markings on roadways as shown on the plans or as designated by the Engineer. Conduct MRDC on dry pavement only. Provider is defined as the Contractor or Subcontractor who collects the MRDC data.

### 2. EQUIPMENT AND PERSONNEL

- 2.1. **Mobile Retroreflectometer.** Provide a self-propelled, mobile retroreflectometer certified by the Texas A&M Transportation Institute (TTI) Mobile Retroreflectometer Certification Program.
- 2.2. **Portable Retroreflectometer.** Provide a portable retroreflectometer that uses 30-meter geometry meeting the requirements described in ASTM E 1710. Maintain, service, and calibrate all portable retroreflectometers according to the manufacturer's instructions.
- 2.3. **Operating Personnel for Mobile Retroreflectometer.** Provide all personnel required to operate the mobile retroreflectometer and portable retroreflectometer. Ensure MRDC system operator has a current certification from the TTI Mobile Retroreflectometer Certification Program to conduct MRDC with the certified mobile retroreflectometer provided.
- 2.4. **Additional Personnel.** Provide any other personnel necessary to compile, evaluate, and submit MRDC.
- 2.5. **Safety Equipment.** Supply and operate all required safety equipment to perform this service.

### 3. MRDC DOCUMENTATION AND TESTING

Document all MRDC by county and roadway or as directed by the Engineer. Submit all data to the Department and to the TTI Mobile Retroreflectometer Certification Program no later than three working days after the day the data is collected. Submit all raw data collected in addition to all other data submitted. Provide data files in Microsoft Excel format or a format approved by the Engineer. Provide measurement notification and field tests as specified. Verification and referee testing may be conducted at the Department's discretion.

- 3.1. **Preliminary Documentation Sample.** Submit a sample data file, video, and map of MRDC data in the required format 10 working days before beginning any work. The format must meet specification and be approved by the Engineer before any work may begin.
- 3.2. **Initial Documentation Review and Approval.** The Department will review documentation submitted for the first day of MRDC, and if it does not meet specification requirements, will not allow further MRDC until deficiencies are corrected. The Department will inform the Provider no later than three working days after submittal if the first day of MRDC does not meet specification requirements. Time charges will continue unless otherwise directed by the Engineer.
- 3.3. **Data File.** Provide data files with the following:
  - date;
  - district number;

- county;
- Project CSJ number;
- name of mobile retroreflector operator;
- route number with reference markers or other reference information provided by the Engineer to indicate the location of beginning and end data collection points on that roadway;
- cardinal direction;
- line type (single solid, single broken, double solid, etc.);
- line color;
- file name corresponding to video;
- data for each centerline listed separately;
- average reading taken for each 0.1-mi. interval (or interval designated by the Engineer);
- accurate GPS coordinates (within 20 ft.) for each interval;
- color-coding for each interval indicating passing or failing, unless otherwise directed by the Engineer (passing and failing thresholds provided by the Engineer);
- graphical representation of the MRDC (y-axis showing retroreflectivity and x-axis showing intervals) corresponding with each data file;
- distance in miles driven while measuring the pavement markings;
- event codes (pre-approved by the Engineer) indicating problems with measurement;
- portable retroreflector field check average reading and corresponding mobile average reading for that interval when applicable; and
- upper validation threshold (may be included separately with the raw data but must be clearly identified with the data collected using that threshold).

3.4. **Map.** Provide a map in an electronic format approved by the Engineer with each MRDC submission that includes the following information:

- date;
- district number;
- county;
- color-coded 1-mi. intervals (or interval length designated by the Engineer) for passing and failing retroreflectivity values or retroreflectivity threshold values provided by the Engineer; and
- percentage of passing and failing intervals, if required by the Engineer.

3.5. **Video.** Provide a high-quality DVD or electronic video file with the following information:

- date and corresponding data file name on label;
- district number;
- county;
- route number with reference markers or other designated reference information to indicate the location of beginning and end collection points on that roadway; and
- retroreflectivity values presented on the same screen with the following information:
  - date;
  - location;
  - starting and ending mileage;
  - total miles;
  - retroreflectivity readings; and
  - upper validation thresholds (may be included separately with the raw data but must be clearly identified with the data collected using that threshold).

3.6. **Field Comparison Checks with a Portable Retroreflector.** Take a set of field comparison readings with the portable retroreflector at least once every 4 hr. while conducting MRDC or at the frequency designated by the Engineer. Take a minimum of 20 readings, spread out over the interval measured. List the average portable retroreflector reading next to the mobile average reading for that interval with the

reported MRDC data. Request approval from the Engineer to take field comparison readings on a separate roadway, when measuring a roadway where portable retroreflectometer readings are difficult to take. Take the off-location field comparison readings at no additional cost. Submit the portable retroreflectometer printout of all the readings taken for the field comparison check with the corresponding MRDC data submitted. The mobile average reading must be within  $\pm 15\%$  of the portable average reading. The Engineer may require new MRDC for some or all of the pavement markings measured in a 4-hr. interval before a field comparison check not meeting the  $\pm 15\%$  range. Provide the new MRDC at no extra cost to the Department. The Engineer may take readings with a Department portable retroreflectometer to ensure accuracy at any time. The Department's Materials and Tests Division (MTD) will take comparison readings and serve as the referee if there is a significant difference between the Engineer's portable readings and the Provider's mobile and handheld readings. For best results, take field comparison readings on a fairly flat and straight roadway when possible.

- 3.7. **Periodic Field Checks at Pre-Measured Locations.** When requested by the Engineer, measure with the mobile unit and report to the Engineer immediately after measurement the average retroreflectivity values for a designated pre-measured test location. The Engineer will have taken measurements at the test location within 10 days of the test. The test location will not include pavement markings less than 30 days old. If the measured averages do not fall within  $\pm 15\%$  of the pre-measured averages, further calibration and comparison measurements may be required before any further MRDC. Submit the results of the field check with the MRDC report for that day.
- 3.8. **Measurement Notification.** Provide notification via email to [Mobileretro@tamu.edu](mailto:Mobileretro@tamu.edu) with a carbon copy to the Engineer a minimum of 24 hr. before mobile retroreflectivity data collection to allow for scheduling verification testing when needed.
- 3.9. **Verification Testing.** The Engineer or a third party may perform retroreflectivity verification testing within seven days of the Provider's retroreflectivity readings. The Provider-submitted retroreflectivity data will be compared to the verification test data to determine acceptability of the Provider's mobile retroreflectometer data. Comparison of the data will result in one of the two scenarios below:
- Provider's Data is Validated – if the difference between Provider's and Engineer-third party data is 20% or less, then the Provider's data is validated. The Provider's data will be used for acceptance.
  - Provider's Data is not Validated – if the difference between Provider's and Engineer-third party data is more than 20%, then the Provider's data is not validated. The Engineer-third party data will be used for acceptance and the Provider will be required to take corrective action before additional Provider data collection and may require re-certification of the mobile retroreflectometer. If the Engineer determines that the Provider's data might be correct then, referee testing may be requested by the Engineer.
- 3.10. **Referee Testing.** MTD will perform referee testing using portable retroreflectometers to determine if the markings need to be restriped to meet the required retroreflectivity level. The referee test results will be final. Referee testing will be conducted on the verification test sections using the method for portable retroreflectometers specified in Item 666, "Reflectorized Pavement Markings."

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#### 4. FINAL REPORT

Submit a final report in the format specified by the Engineer to the Department's Traffic Engineering representative within one calendar week after the service is complete. The final report must contain a list of all problems encountered (pre-approved event codes) and the locations where problems occurred during MRDC.

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#### 5. MEASUREMENT

When mobile retroreflectivity data collection for pavement markings is specified on the plans to be a pay item, measurement will be by the mile driven while measuring pavement markings.



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**6. PAYMENT**

Unless otherwise specified on the plans, the work performed, materials furnished, equipment, labor, tools, and incidentals will not be paid for directly, but will be considered subsidiary to bid items of the Contract. When mobile retroreflectivity data collection for pavement markings is specified on the plans to be a pay item, the work performed in accordance with this Item and measured as provided under "Measurement" will be paid for at the unit price bid for "Mobile Retroreflectivity Data Collection." This price is full compensation for providing summaries of readings to the Engineer, equipment calibration and prequalification, equipment, labor, tools, and incidentals.