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Letting November 18, 2022

Notice to Bidders, Specifications and Proposal



**Contract No. 76K25
RANDOLPH County
Section 74BR-2
Route FAP 312
Project NHPP-20T3(085)
District 8 Construction Funds**

Prepared by

Checked by

F

(Printed by authority of the State of Illinois)



- 1. TIME AND PLACE OF OPENING BIDS.** Electronic bids are to be submitted to the electronic bidding system (iCX-Integrated Contractors Exchange). All bids must be submitted to the iCX system prior to 12:00 p.m. November 18, 2022 at which time the bids will be publicly opened from the iCX SecureVault.
- 2. DESCRIPTION OF WORK.** The proposed improvement is identified and advertised for bids in the Invitation for Bids as:

**Contract No. 76K25
RANDOLPH County
Section 74BR-2
Project NHPP-20T3(085)
Route FAP 312
District 8 Construction Funds**

Replacing SN 079-0005 carrying IL 3 over Nine Mile Creek, 4 miles south of Evansville.

- 3. INSTRUCTIONS TO BIDDERS.** (a) This Notice, the invitation for bids, proposal and letter of award shall, together with all other documents in accordance with Article 101.09 of the Standard Specifications for Road and Bridge Construction, become part of the contract. Bidders are cautioned to read and examine carefully all documents, to make all required inspections, and to inquire or seek explanation of the same prior to submission of a bid.

(b) State law, and, if the work is to be paid wholly or in part with Federal-aid funds, Federal law requires the bidder to make various certifications as a part of the proposal and contract. By execution and submission of the proposal, the bidder makes the certification contained therein. A false or fraudulent certification shall, in addition to all other remedies provided by law, be a breach of contract and may result in termination of the contract.
- 4. AWARD CRITERIA AND REJECTION OF BIDS.** This contract will be awarded to the lowest responsive and responsible bidder considering conformity with the terms and conditions established by the Department in the rules, Invitation for Bids and contract documents. The issuance of plans and proposal forms for bidding based upon a prequalification rating shall not be the sole determinant of responsibility. The Department reserves the right to determine responsibility at the time of award, to reject any or all proposals, to re-advertise the proposed improvement, and to waive technicalities.

By Order of the
Illinois Department of Transportation

Omer Osman,
Secretary

INDEX
FOR
SUPPLEMENTAL SPECIFICATIONS
AND RECURRING SPECIAL PROVISIONS

Adopted January 1, 2022

This index contains a listing of SUPPLEMENTAL SPECIFICATIONS and frequently used RECURRING SPECIAL PROVISIONS.

No ERRATA this year.

SUPPLEMENTAL SPECIFICATIONS

Std. Spec. Sec.

Page No.

No Supplemental Specifications this year.

RECURRING SPECIAL PROVISIONS

The following RECURRING SPECIAL PROVISIONS indicated by an "X" are applicable to this contract and are included by reference:

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STATE OF ILLINOIS

SPECIAL PROVISIONS

The following Special Provisions supplement the "Standard Specifications for Road and Bridge Construction," adopted January 1, 2022, the latest edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways," and the "Manual of Test Procedures for Materials" in effect on the date of invitation for bids, and the Supplemental Specifications and Recurring Special Provisions indicated on the Check Sheet included herein which apply to and govern the construction of FAP Route 312 (IL 3), Project NHPP-20T3(085), Section 74BR-2, Randolph County, Contract No. 76K25, and in case of conflict with any part or parts of said Specifications, the said Special Provisions shall take precedence and shall govern.

FAP Route 312 (IL 3)
Project NHPP-20T3(085)
Section 74BR-2
Randolph County
Contract No. 76K25

LOCATION OF PROJECT

This project is located on IL 3 over Nine Mile Creek, 3.6 miles south of Evansville, Illinois.

DESCRIPTION OF PROJECT

This project consists of replacing the existing three span bridge with a proposed three span bridge on a new roadway alignment with new pavement, drainage improvements, guardrail, and all incidental and collateral work necessary to complete the project as shown on the plans and as described herein.

SUBMITTAL OF EEO/LABOR DOCUMENTATION

Effective: April 2016

This work shall be done in accordance with Check Sheets No. 1, 3, and 5 of the IDOT Supplemental Specifications and Recurring Special Provisions and the Weekly DBE Trucking Reports (BDE) special provision, except as here-in modified.

PAYROLL AND STATEMENT OF COMPLIANCE:

Certified payroll (FORM SBE 48 OR AN APPROVED FACSIMILE) and the Statement of Compliance (FORM SBE 348) shall be submitted by two methods:

1. By Mail (United States Postal Service): The ORIGINAL of the certified payroll and the Statement of Compliance for the Prime Contractor and each Subcontractor shall be submitted by mail to the Regional Engineer for District 8.
2. Electronically: Scan both the ORIGINAL of the certified payroll and the Statement of Compliance to the same PDF file, and email to the District at the email address designated by the District EEO Officer.

SBE 48 and SBE 348 forms shall be submitted weekly and will be considered late if received after midnight seven (7) business days after the payroll ending date.

WEEKLY DBE TRUCKING REPORT:

The Weekly DBE Trucking Report (FORM SBE 723) shall be submitted electronically. Scan the form to a PDF file, and email to the District at the email address designated by the District EEO Officer.

SBE 723 forms shall be submitted weekly and will be considered late if received after midnight ten (10) business days following the reporting period.

MONTHLY LABOR SUMMARY & MONTHLY CONTRACT ACTIVITY REPORTS:

The Monthly Labor Summary Report (MLSR) shall be submitted by one of two methods:

1. For contractors having IDOT contracts valued in the aggregate at \$250,000 or less, the report may be typed or clearly handwritten using Form D8 PI0148. Submit the ORIGINAL report by mail to the Regional Engineer for District Eight. Contractors also have the option of using the method #2 outlined below.
2. For contractors having IDOT contracts valued in the aggregate at more than \$250,000, the report must be submitted in a specific "Fixed Length Comma Delimited ASCII Text File Format". This file shall be submitted by e-mail using specific file formatting criteria provided by the District EEO Officer. Contractors must submit a sample text file to District 8 for review at least fourteen (14) days prior to the start of construction.

The Monthly Contract Activity Report (MCAR) may be typed or clearly handwritten using Form D8 PI0149.

The Monthly Labor Summary Report and the Monthly Contract Activity Report shall be submitted concurrently. If the method of transmittal is method #1 above, then both the MLSR and the MCAR shall be mailed together in the same envelope. If the method of transmittal is method #2 above, then the MCAR shall be scanned to a .pdf file and attached to the email containing the MLSR .txt file.

The MLSR and MCAR must be submitted for each consecutive month, for the duration of the project, and will be considered late if received after midnight ten (10) calendar days following the reporting period.

REQUEST FOR APPROVAL OF SUBCONTRACTOR:

The ORIGINAL and one copy of the Request for Approval of Subcontractor (FORM BC 260A) shall be submitted to the District at the IDOT Preconstruction Conference.

SUBSTANCE ABUSE PREVENTION PROGRAM CERTIFICATION:

The ORIGINAL and one copy of the Substance Abuse Prevention Program Certification (FORM BC 261) shall be submitted to the District at the IDOT Preconstruction Conference.

The Contractor is required to follow submittal procedures as provided by the EEO Officer at the preconstruction conference and to follow all revisions to those procedures as issued thereafter.

If a report is rejected, it is the Contractor's responsibility to make required adjustments and/or corrections and resubmit the report. Reports not submitted and accepted within the established timeframes will be considered late.

Disclosure of this information is necessary to accomplish the statutory purpose as outlined under 23CFR part 230 and 41CFR part 60.4 and the Illinois Human Rights Act. Disclosure of this information is REQUIRED. **Failure to comply with this special provision may result in the withholding of payments to the Contractor and/or cancellation, termination, or suspension of the contract in whole or part.**

This Special Provision must be included in each subcontract agreement.

ALL HARD COPY FORMS TO BE SUBMITTED TO:

Region 5 Engineer
Illinois Department of Transportation
ATTN: EEO/LABOR OFFICE
1102 Eastport Plaza Drive
Collinsville, IL 62234-6198

Compliance with this Special Provision shall be included in the cost of the contract, and no additional compensation will be allowed for any costs incurred.

EMBANKMENT

Revised November 1, 2006

Revised December 18, 2017

Material which is proposed for use by the Contractor to be used for embankment construction must be inspected and approved by the District Geotechnical Engineer. In order to be approved for use as embankment material, it must meet all applicable requirements of Sections 202, 203, 204, 205, and 502 of the Standard Specifications and meet the following requirements:

1. It must fall in one of the following Highway Research Board Classifications: A-1, A-2, A-3, A-4, A-6, or A-7-6.
2. It shall have a Liquid Limit of 49 or less.

3. Any A-4, A-6, or A-7-6 material to be used as borrow for embankment construction shall not have an organic content greater than 7%.
4. Classification of the material for points 1 and 2 shall be determined in accordance with the latest AASHTO Designation: M 145.
5. When tested for density in place, any soil classified as an A-4 shall not contain more than 100% of optimum moisture content determined according to AASHTO T-99.

The outside 3 feet of those portions of the embankment, which will be permanently exposed in the completed roadway, shall be constructed using native materials of a classification that will support vegetation and contain a minimum plasticity index of 12 to reduce frost susceptibility and potential for erosion. The outside cover of the embankment shall be placed perpendicular to the outside surface.

The lime modified soil layer shall be constructed with a minimum of 18 inches (450 mm) of "reactive" soil as defined by Article 1009.02 of the Standard Specifications.

SEEDING, CLASS 2

In addition to the requirements of Section 250 when Class 2 seeding is done between March 1st and June 1st, the seed mixture shall also include 48 pounds per acre (55kg/ha) of Spring Oats. When Class 2 seeding is done between August 1st and November 15th, the seed mixture shall also include 56 pounds per acre (63kg/ha) of Balboa Farm Rye or 60 pounds per acre (67kg/ha) of Winter Wheat.

RIGHT-OF-WAY AND PROPERTY CORNERS

Revised: July 9, 2020

Description. This work shall consist of resetting right-of-way and property corners that are disturbed prior to or during construction.

Materials. For state right-of-way and permanent easement corners, a 5/8" X 30" rebar with an Illinois Department of Transportation aluminum cap bearing the surveyor's license number shall be used. The aluminum cap design shall be as shown on the detail.

For the intersection of private property lines with proposed state right-of-way lines and permanent easement lines, a 5/8" X 30" rebar with a plastic cap bearing the surveyor's license number shall be used.

CONSTRUCTION REQUIREMENTS

General. Upon completion of the construction operations, the Contractor and Engineer shall locate and inventory the right-of-way and property corners. A written report of any missing right-of-way and property corners shall be submitted to the Engineer.

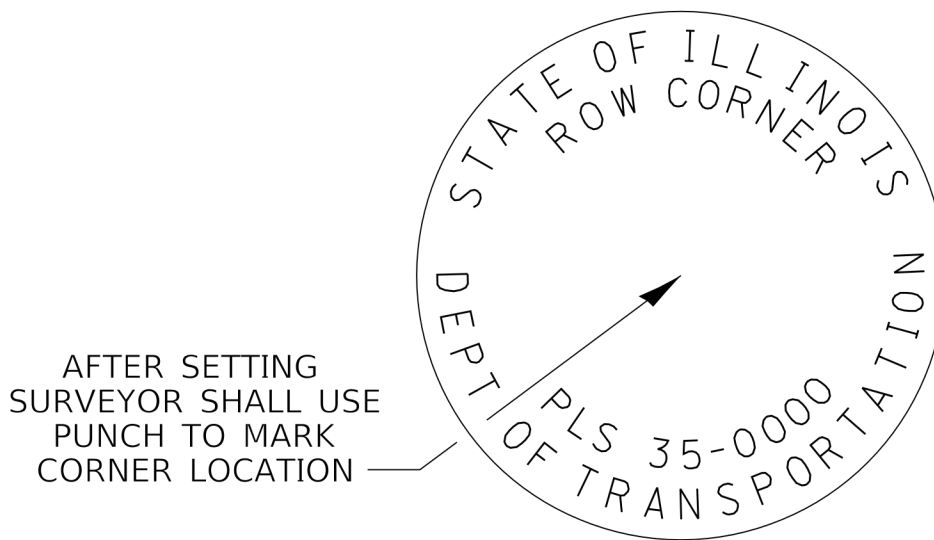
An Illinois professional land surveyor shall be retained by the Contractor to set the right-of-way and property corners.

The right-of-way and property corners shall be set after the construction work is complete, and there is no possibility of disturbance of the marker. Corners shall be set in compliance with the "Minimum Standards of Practice" for a boundary survey as prescribed under the "Rules for the Administration of the Illinois Professional Land Surveyor's Act of 1989" as set forth by the Illinois Department of Financial and Professional Regulation, amended at 39 Ill. Reg. 14826, effective November 13, 2015.

Method of Measurement. Resetting of right-of-way and property corners that are disturbed through no fault of the Contractor will be measured for payment as each. Resetting of corners that are not protected and carefully preserved according to Article 107.20 of the Standard Specifications will not be measured for payment.

Basis of Payment. This work will be paid for at the contract unit price per EACH for RIGHT-OF-WAY AND PROPERTY CORNERS.

ALUMINUM CAP DESIGN
DETAIL FOR RIGHT-OF-WAY
AND PERMANENT EASEMENT CORNERS



2" FLAT ALUMINUM CAP
FOR 5/8" REBAR

TRAFFIC CONTROL PLAN

Effective: July 12, 1993

Revised: May 12, 1997

Traffic control shall be in accordance with the applicable sections of the “Standard Specifications for Road and Bridge Construction”, the applicable guidelines contained in the “National Manual on Uniform Traffic Control Devices for Streets and Highways”, Illinois Supplement to the National Manual of Uniform Traffic Control Devices, these special provisions, and any special details and highway standards contained herein and in the plans.

Special attention is called to Articles 107.09 and 107.14 of the “Standard Specifications for Road and Bridge Construction” and the following highway standards relating to traffic control:

701001	701006	701011	701301	701306	701311
701326	701331	701901	704001		

In addition, the following special provision(s) will also govern traffic control for this project:

- Traffic Control and Protection, (Special)
- Vehicle and Equipment Warning Lights
- Work Zone Traffic Control Devices

TRAFFIC CONTROL AND PROTECTION, (SPECIAL)

This work shall be done according to Section 701 of the Standard Specifications, the Traffic Control Plans as shown in the plans, and as specified within.

This item shall include all traffic control required for construction of Structure Number 079-0051 as shown on the Traffic Control Plans including furnishing, placing, relocating, and removing traffic control drums and signage.

Temporary mailboxes shall be provided, and their location coordinated with the United States Postal Service.

The placement and relocation of the temporary concrete barrier, impact attenuators, and work zone related pavement markings shall be paid for separately.

This work will be paid for at the contract unit price per LUMP SUM for TRAFFIC CONTROL AND PROTECTION, (SPECIAL).

TEMPORARY INLETS AND MANHOLES

Description. This work shall consist of furnishing, installing, maintaining, and removing temporary inlets and manholes complete with frames, grates, and lids of the type specified and at the locations shown in the plans for the purpose of providing positive drainage during construction. This work shall be performed in accordance with Section 602 of the Standard Specifications.

Temporary inlets and manholes of the types specified in the plans will meet the following Illinois Department of Transportation highway standards.

Inlet Type	Standard	Description
A	602301	INLET TYPE A
Manhole Size (ft)	Standard	Description
4	602401	MANHOLE TYPE A 4' DIAMETER
5	602402	MANHOLE TYPE A 5' DIAMETER

Concrete adjusting rings may be used to bring temporary structures to grade with the approval of the Engineer.

Basis of Payment. This work will be paid for at the contract unit price per EACH for TEMPORARY INLETS or TEMPORARY MANHOLES, regardless of the type or diameter specified.

REMOVAL OF EXISTING WOOD BOLLARDS

Description. This work shall consist of removing wood bollards and any items attached to the bollards. The bollard shall be removed and disposed of in accordance with the requirements of Article 202.03 of the Standard Specifications. The resulting hole shall be backfilled with suitable excavated material as approved by the Engineer.

Method of Measurement. This work will be measured for payment in units of each for each bollard removed.

Basis of Payment. This work will be paid for at the contract unit price per EACH for REMOVAL OF EXISTING WOOD BOLLARDS.

RELOCATE EXISTING MAILBOX

Handling of all mailboxes shall be in accordance with the Standard Specifications, Article 107.20, and the following. Before removing and relocating mailboxes, the Contractor shall contact and coordinate with the local Postmaster concerning the placement, accessibility, temporary location, and final location of the mailboxes. All mailboxes that interfere with construction operations shall be temporarily erected outside the limits of construction. After construction operations are complete, the mailboxes shall be re-erected in a permanent location as directed by the Engineer and in accordance with the appropriate postal regulations. Any damage due to negligence shall be the Contractor's responsibility.

Basis of Payment. This work will be paid for at the contract unit price per EACH for RELOCATE EXISTING MAILBOX.

CONNECTION TO EXISTING CULVERT

This work shall consist of furnishing equipment, labor, and materials to connect proposed temporary drainage structures to existing culverts as shown on the plans. The connection shall be a watertight connection.

Basis of Payment. This work will be measured and paid for at the contract unit price per EACH for CONNECTION TO EXISTING CULVERT.

BOX CULVERT REMOVAL

This work shall consist of the removal and disposal of the box culvert according to the applicable portions of Section 501 of the Standard Specifications.

This work shall also include the removal and disposal of the end section wingwalls, aprons, rebar, and all related items to enable the installation of temporary culverts thru the sidewall of the barrel as specified in the plans and/or as directed by the Engineer

The culvert to be removed crosses Illinois Route 3 at Sta. 583+17 (9' x 6'). This culvert is shown on the plans.

Basis of Payment. This work will be paid for at the contract unit price per FOOT for BOX CULVERT REMOVAL.

TEMPORARY PAVEMENT AND REMOVAL

This work shall consist of all labor, materials, and equipment necessary to construct temporary pavement in accordance with applicable sections of the Standard Specifications, except as herein specified.

The temporary pavement shall consist of 2" of hot-mix asphalt surface course and 7" of hot-mix asphalt binder course over 12" of aggregate subgrade improvement.

This work will be paid for at the contract unit price per SQUARE YARD (Square Meter) for HOT-MIX ASPHALT PAVEMENT (FULL DEPTH), 9" and AGGREGATE SUBGRADE IMPROVEMENT 12".

Removal of temporary pavement will be paid for separately in accordance with Section 440 of the Standard Specifications. Removal of temporary pavement will be paid for at the contract unit price per SQUARE YARD for TEMPORARY PAVEMENT REMOVAL

STEEL PLATE BEAM GUARDRAIL (SHORT RADIUS)

Description. This work shall consist of furnishing and erecting steel plate beam guardrail, type A and posts as shown in the plans and as directed by the Engineer.

Construction Requirements. This work shall be performed as specified in Section 630 of the Standard Specifications and as detailed on the plans. The guardrail shall be fabricated and constructed to the radius and length shown on the plans or as directed by the Engineer. The Contractor shall verify all dimensions and modifications in the field prior to ordering materials.

Method of Measurement. This work will be measured in feet along the top edge of the rail elements, continuous through laps and splices.

Basis of Payment. This work will be paid for at the contract unit price per FOOT for STEEL PLATE BEAM GUARDRAIL (SHORT RADIUS).

WICK DRAINS

Description. This work shall consist of all labor, materials, equipment, and services necessary to complete the wick drain installation according to the details and dimensions shown on the plans, this specification, and as directed by the Engineer.

Submittals.

- (a) Within two weeks of the preconstruction meeting, the Contractor shall submit to the Engineer for review:
 - (1) Details of the equipment, sequence, and method of installation.
 - (2) Wick drain samples indicating the source of the proposed materials.
 - (3) List of at least three projects of similar magnitude and installation where the same wick drain has been installed including details on prior performance on these projects.
 - (4) Manufacturer's literature documenting the physical and mechanical properties of the wick drain. Letter of certification from manufacturer documenting test results indicating that materials meet material specifications in accordance with this specification.
- (b) Four weeks prior to installation, the Contractor shall submit wick drain detail drawings to the Engineer for review. The detailed plan drawing shall indicate wick drain layout and spacing; each vertical wick drain location referenced to the roadway baseline, the wick drain limits shown on the plans, and top and bottom elevation of each wick drain.
- (c) Two weeks prior to installation, the Contractor shall submit to the Engineer a purchase certificate which documents the type and physical characteristics of the wick drain to be used and documents that the materials meet testing requirements specified.
- (d) At the end of each working day, the Contractor shall supply to the Engineer a summary of the wick drains installed that day. The summary shall include drain type, locations, and length (to nearest 4 inches) quantity of wick drain installed at each location.

Quality Assurance:

- (a) Prior to the installation of wick drains within the designated areas, the Contractor shall demonstrate that his/her equipment, method, and materials produce a satisfactory installation in accordance with these specifications. For this purpose, the Contractor shall install five trial wick drains at locations designated by the Engineer. Payment will be made at the bid price per linear foot for wick drains. Payment will not be made for installing unsatisfactory trial wick drains.
- (b) Approval by the Engineer of the method and equipment to install the trial wick drains shall not necessarily constitute acceptance of the method for the remainder of the project. If, at any time, the Engineer considers that the method of installation does not produce a satisfactory wick, the Contractor shall alter his or her method and/or equipment as necessary to comply with these specifications.

- (c) The Contractor shall provide the Engineer with suitable means of making a linear determination of the quantity of wick material used in each wick location. During installation of the wick, the Contractor shall provide suitable means of determining the depth of the wick drains at any given time.
- (d) Wick drain materials shall be labeled or tagged in such a manner that the information for sample identification and other quality control purposes can be read from the label. As a minimum, each roll shall be identified by the manufacturer as to lot or control numbers, individual roll number, date of manufacture, and manufacturer and product identification of the jacket and core.

Materials: The materials used for the construction of wick drains shall satisfy the following requirements:

- (a) Wick drains shall be of newly manufactured materials and shall consist of a core enclosed in or integrated with a jacket. The jacket shall allow free passage of pore water to the core without loss of soil material or piping. The core shall provide continuous vertical drainage.
- (b) The wick drains shall be a prefabricated band-shaped drain with an aspect ratio (width divided by thickness) not exceeding 50.

(c) Jacket material:

- (1) Shall be a synthetic non-woven geotextile capable of resisting all bending, punching, and tensile forces imposed during installation and during the design life of the wick drain.
- (2) Shall not be subject to localized damage (e.g., punching through the filter by sand/gravel particles).
- (3) Shall be sufficiently rigid to withstand lateral earth pressures due to embedment and surcharge so that the vertical flow capacity through the core will not be adversely affected.
- (4) Shall be sufficiently flexible to bend smoothly during installation and induced consolidation settlement without damage.
- (5) Shall not undergo cracking and peeling during installation of the wick drain.
- (6) Shall conform to the following specifications:

Test Property	Test Method	(Minimum Value)*
Grab Tensile Strength	ASTM D4632	120 lbs.
Trapezoidal Tear	ASTM D4533	50 lbs.
Puncture Strength	ASTM D4833	40 lbs.
Mullen Burst Strength	ASTM D3786	130 psi

* The jacket material shall be tested in saturated and dry condition. These requirements apply to the lower of the two tested conditions.

These criteria must be demonstrated by manufacturer's test results and letter of certification.

- (d) The core shall be a continuous plastic material fabricated to promote drainage along the axis of the vertical wick drain. The core should be in continuous contact with the jacket but not bonded to it. The core should have a minimum uniaxial tensile strength of 300 lbs and an elongation at break of 10%.

Assembly:

- (a) The mechanical properties (strength and modulus) of the assembled wick drain shall equal or exceed those specified for the component jacket and core.
- (b) The assembled wick drain shall be resistant against wet rot, mildew, bacterial action, insects, salts in solution in the groundwater, acids, alkalis, solvents, and any other significant ingredients in the site groundwater.
- (c) One single type of assembled wick drain shall be used on the project unless otherwise directed by the Engineer.
- (d) The jacket and core shall be environmentally safe.
- (e) The assembled wick drain shall have a minimum equivalent diameter of 2.1 inches using the following definition of equivalent diameter:

$$dw = (a+b)/2$$

dw = diameter of a circular drain equivalent to the band shaped drain

a = width of a band shaped drain

b = thickness of a band shaped drain

Protection of Materials. During shipment and storage, the wick drain shall be wrapped in heavy paper, burlap, or similar heavy duty protective covering. The wick drain shall be protected from sunlight, mud, dirt, dust, debris, and other detrimental substances during shipping and onsite storage.

Construction. Wick drains shall be installed with approved modern equipment which will cause a minimum disturbance of the subsoil during the installation operation. The wick installation rig shall utilize either vibratory methods or a static push. Installation shall be in accordance with the following procedure.

- (a) The drainage wick shall be installed using a mandrel or sleeve that is continuously vibrated or statically pushed into the soil. The sleeve shall protect the wick material from tears, cuts, and abrasion during installation and shall be retracted after each drainage wick is installed. The sleeve shall be rhombic or rectangular in shape and a cross sectional area not to exceed 10 square inches. To minimize disturbance to the subsoil, the sleeve shall not be advanced into the subsoil using impact methods. In no case will alternate raising or lowering of the mandrel during advancement be permitted. Raising of the mandrel will only be permitted after completion of a wick drain installation.

- (b) Wick drains shall be staked out by the Contractor. The locations of the wick drains shall not vary by more than 6 inches from the locations indicated on the Contractor design drawings, as specified or as directed by the Engineer. The equipment must be carefully checked for plumbness prior to advancing each wick and must not deviate more than one inch per five feet from the vertical. Wick drains that are out of their proper location by more than 6 inches, that are damaged in construction, or that are improperly completed will be abandoned in place, and no compensation will be allowed for any material furnished or for work performed on such wicks.
- (c) Wick drains shall completely penetrate the compressible soft to stiff clay strata at the site.
- (d) The Engineer may vary the depths, spacing, or the number of wick drains to be installed and may revise the plan limits for this work, as necessary.
- (e) Splices or connections of wick drain material shall be done by stapling in a workmanlike manner and so as to ensure structural and hydraulic continuity of the wick drain. The jacket and core shall be overlapped a minimum of 6 inches at any splice. A maximum of one splice per drain installed will be permitted, unless otherwise directed by the Engineer.
- (f) The Contractor is permitted to use auguring or other methods to loosen stiff upper soils and/or granular fill prior to installation of the wick drains. If pre-drilling or other methods are used to open an installation hole, the annulus must be filled with sand after installation of the wick drains. No additional compensation will be made for auguring or loosening of soils.
- (g) Where obstructions are encountered below the working surface which cannot easily be removed or penetrated using normal and accepted procedures, the Contractor shall complete the wick drain from the elevation of the obstruction to the working surface and notify the Engineer in writing within four hours.

Method of Measurement. Wick drains will be measured for payment in feet in place for the full length of wick drain measured from the middle of the sand drainage blanket to tip elevation, (vertical). Wick drains that are out of their proper location by more than 6 inches, that are damaged in construction, or that are improperly completed will not be measured for payment, and no compensation will be allowed for any material furnished or for work performed on such wick drains.

Basis of Payment. This work will be paid for at the contract unit price per FOOT for WICK DRAINS. The price shall be full compensation for the cost of furnishing the full length of wick drain material, installing the wick drains, altering of the equipment and methods of installation in order to produce the required end result, and including the cost of furnishing all tools, materials, labor, equipment, services, and all other costs necessary to complete the required work. No direct payment will be made for unacceptable wick drains or for any delays or expenses incurred through change necessitated by improper or unacceptable material or equipment, but the costs of such shall be included in the bid unit prices for this work. No additional compensation will be allowed for the cost of constructing any work platform to provide stability for the wick drain installation equipment and to allow movement of the wick drain installation equipment across the site.

SETTLEMENT WAITING PERIOD AND SETTLEMENT PLATFORMS

A settlement waiting period is required between embankment completion at the north end of the bridge and all construction relating to the north abutment bridge approach slab and adjacent pavement. The estimated magnitude of settlement is 3.5 inches, and the estimated waiting period is 45 calendar days. It is estimated that 90 percent of the consolidation will occur during this time frame. The start date for settlement and estimated waiting period will begin after the initial completion of the highest fill section of embankment at the location. Construction of the north abutment bridge approach slab and adjacent pavement may commence when the Engineer determines settlement is complete.

The north abutment piles have been designed to accommodate settlement effects. Construction of the north abutments (including pile driving) and bridge superstructure may commence during the waiting period.

The Contractor shall install settlement platforms according to Article 204.06. They should be put in after placement of the drainage blanket and installation of wick drains and prior to placing embankment materials at the location indicated in the plans.

The Engineer will obtain settlement pipe elevation data immediately before and after cutting the pipe to grade. Settlement platform data shall be gathered on a weekly basis.

This work will be measured and paid for at the contract unit price per EACH for SETTLEMENT PLATFORMS.

SAND DRAINAGE BLANKET

Description. This work shall consist of furnishing all materials and equipment necessary for construction of a sand drainage blanket to form a horizontal drainage layer between the proposed embankment and the existing or prepared ground surface and constructing drainage blanket protection according to the plans.

Materials. The drainage blanket shall be sand according to Article 1003.01 of the Standard Specifications. The gradation shall be FA 1, FA 2, FA 6, or FA 20, except that the percentage passing the No. 200 (75 micron) sieve shall be a maximum of 4 percent. The fine aggregate shall be Class A quality.

The source of the fine aggregate and gradation test results shall be provided to the Engineer a minimum of 60 days prior to placement of the fine aggregate.

The riprap used for the drainage blanket protection shall be riprap according to Article 1005.01 of the Standard Specifications. The gradation shall be RR 1 and RR 3 as shown on the plans. The riprap shall be Class A quality.

The filter fabric shall be according to Article 1080.03 of the Standard Specifications. The physical properties shall meet the requirements of gradation 4 & 5 of Article 1080.03 of the Standard Specifications.

Construction Requirements. The sand drainage blanket shall be constructed to the thickness and within the lines and grades shown on the plans. The sand drainage blanket shall be constructed with sufficient slope so that water can drain out of the embankment throughout the settlement process. Sand may be placed by end dumping, or another approved method, and spread uniformly over the site to the neat lines shown on the plans. The sand shall be compacted to a minimum of 90% of the standard laboratory density as determined by Illinois Modified AASHTO T 99.

The drainage blanket protection shall be constructed according to the plans and be maintained until the settlement period has ended. At that time, the drainage blanket protection shall be removed or incorporated into the embankment as approved by the Engineer. Final cover of the drainage layer shall be with embankment material like that being used to construct the embankment above the drainage blanket.

Prior to placement of the embankment, the sand drainage blanket shall be reshaped if necessary to conform to the lines shown on the plans.

If the equipment used for construction of the vertical wick drains cannot be supported directly on the sand drainage blanket without displacing the underlying soils, the Contractor may be permitted to place a small portion of the embankment material to be used as a working platform for installing the vertical wick drains as directed by the Engineer.

Method of Measurement. The sand drainage blanket will be measured as cubic yards of sand, crushed stone, and/or crushed gravel placed including drainage blanket protection, and no allowance will be made for any material placed outside the lines specified on the plans or as directed by the Engineer.

Filter fabric will not be measured for payment and is included in the cost of the associated work.

Removing the drainage blanket protection and providing final cover of the drainage blanket protection area with embankment will not be measured for payment and is included in the cost of the associated work.

Excavation necessary for constructing the SAND DRAINAGE BLANKET will not be measured for payment and is included in the cost of the associated work.

Basis of Payment. This work will be paid for at the contract unit price per CUBIC YARD for SAND DRAINAGE BLANKET. No additional payment will be made for additional sand placed because of settlement.

STATUS OF UTILITIES TO BE ADJUSTED

Company	Type	Location	Completed
Village of Ellis Grove 101 N. Main Street P.O. Box 69 Ellis Grove, IL 62241 Contact: Ted Beggs Work Phone: 618-687-1771	water & sanitary sewer	Village of Ellis Grove to relocate water line from approximately STA 545+50 to STA 598+50.	9/1/2022
Frontier Communications Southern Division 111 E. State Street Mascoutah, IL 62258 Contact: Jim Rakers Work Phone: (618) 566-9820	communications	Fiber and copper line to be relocated throughout the project. Relocation from approximate STA 575+50 to STA 605+50.	12/1/2022
Ameren Illinois 1050 West Boulevard Belleville, IL 62221-4169 Contact: Victor Onyewuch Work Phone: 618-236-8924	gas & electric	2" high pressure gas pipeline to be relocated from approximately STA 554+25 to approximately STA 563+50	12/1/2022

The above represents the best information of the Department and is only included for the convenience of the bidder. The applicable provisions of Sections 102 and 103 and Articles 105.07 and 107.20 of the Standard Specifications for Road and Bridge Construction shall apply.

If any utility adjustment or removal has not been completed when required by the Contractor's operations, the Contractor should notify the Engineer in writing. A request for an extension of time will be considered to the extent the Contractor's operations were affected.

STRUCTURAL ASSESSMENT REPORTS FOR CONTRACTOR'S MEANS AND METHODS

Effective: March 6, 2009

Revised October 5, 2015

Description. This item shall consist of preparing and submitting, to the Engineer for approval, Structural Assessment Reports (SARs) for proposed work on structure(s) or portions thereof. Unless noted otherwise, a SAR shall be required when the Contractor's means and methods apply loads to the structure or change its structural behavior. A SAR shall be submitted and approved prior to beginning the work covered by that SAR. Separate portions of the work may be covered by separate SARs which may be submitted at different times or as dictated by the Contractor's schedule.

Existing Conditions. An Existing Structure Information Package (ESIP) will be provided by the Department to the Contractor upon request. This package will typically include existing or "As-Built" plans, and the latest National Bridge Inspection Standards (NBIS) inspection report. The availability of structural information from the Department is solely for the convenience and information of the Contractor and shall not relieve the Contractor of the duty to make, and the risk of making, examinations and investigations as required to assess conditions affecting the work. Any data furnished in the ESIP is for information only and does not constitute a part of the Contract. The Department makes no representation or warranty, express or implied, as to the information conveyed or as to any interpretations made from the data.

Removal SARs. A SAR for removal of existing structures, or portions thereof, shall demonstrate that the Contractor's proposed means and methods to accomplish the work do not compromise the structural adequacy of the bridge, or portions thereof that are to remain in service, at any time during the work activities being performed. Each phase of the operation shall be accounted for, as well as the existing condition of the structure.

Construction SARs. A SAR for new construction or for construction utilizing existing components shall demonstrate that the Contractor's proposed means and methods to accomplish the work do not compromise the structural adequacy of the bridge or portions thereof at any time during the work activities being performed. For construction activities applying less than 10 tons (9 metric tons) of total combined weight of equipment and stockpiled materials on the structure at any one time, a SAR submittal shall not be required provided the Contractor submits written verification to the Engineer stating the applied loads do not exceed this threshold. The verification shall be submitted prior to the start of the activity. This SAR exemption shall not relieve the Contractor from responsibility for the structure. A SAR shall be submitted in all cases where the existing structure is posted for less than legal loads or the Contract plans indicate a live load restriction is in place.

Requirements

a) General. All work specified shall be performed according to the Contract plans, Special Provisions and/or Standard Specifications governing that work.

Submittals for falsework and forming for concrete construction shall be according to Articles 503.05 and 503.06 and does not require a SAR. Moving construction equipment across a structure, or portions thereof, open to traffic shall be addressed according to Article 107.16 and does not require a SAR. Operating equipment on an in-service structure and/or using a portion

of an in-service structure as a work platform shall require a SAR and Article 107.16 shall not apply.

The Contractor may move vehicles across the existing bridge without a SAR after closure and prior to removal of any portion of the structure provided:

- The vehicles satisfy the requirements of Section 15-111 of the Illinois Vehicle Code (described in the IDOT document "Understanding the Illinois Size & Weight Laws") or of the Federal Highway Administration document "Bridge Formula Weights" (available at: http://www.ops.fhwa.dot.gov/freight/publications/brdg_frm_wgths/index.htm)
- The Contractor submits written verification to the Engineer stating the vehicles meet these requirements. The verification shall be submitted prior to allowing the vehicles on the structure.

This SAR exemption shall not relieve the Contractor from responsibility for the structure. This SAR exemption shall not be allowed where the existing structure is posted for less than legal loads or the Contract plans indicate a live load restriction is in place. No stockpiling of material is allowed under this exemption.

All SARs shall detail the procedures and sequencing necessary to complete the work in a safe and controlled manner. When appropriate, supporting design calculations shall be provided verifying the following:

- The effects of the applied loads do not exceed the capacity at Operating level for any portions of the structure being utilized in the demolition of the structure provided those portions are not to be reused.
- The effects of the applied loads do not exceed the capacity at Inventory level for new construction or for portions of the existing structure that are to be reused.
- The condition of the structure and/or members has been considered.

See AASHTO Manual for Bridge Evaluation for further information on determining the available capacities at the Operating and Inventory levels.

b) Confidential Documents. Due to the sensitivity of the inspection reports and bridge condition reports to bridge security, the following confidentiality statement applies to these reports:

"Reports used by the Contractor and the contents thereof are the property of the Department, and are subject to the control of the Department in accordance with State and Federal law. The distribution, dissemination, disclosure, duplication or release of these reports or the content thereof in any manner, form or format without the express permission of the keeper of this record is prohibited. The owner is the official keeper of these records, except for state owned bridges, where the official keeper of these records is the Regional Engineer."

c) Submittals. The Contractor shall be pre-approved to prepare SAR(s) or shall retain the services of a pre-qualified engineering firm to provide these services. Pre-approval of the Contractor will be determined by the Illinois Department of Transportation and will allow SAR(s) preparation by the Contractor unless otherwise noted on the plans. For engineering firms, pre-qualification shall be according to the Department in the category of "Highway Bridges-Typical" unless otherwise noted on the plans. Firms involved in any part of the project (plan

development or project management) will not be eligible to provide these services. Evidence of pre-approval/pre-qualification shall be submitted with all SAR(s). The SAR(s) shall be prepared and sealed by an Illinois Licensed Structural Engineer. The Contractor shall submit SAR(s), complete with working drawings and supporting design calculations, to the Engineer for approval, at least 30 calendar days prior to start of that portion of the work.

At a minimum a Structural Assessment Report shall include the following:

1. A plan outlining the procedures and sequence for the work, including staging when applicable.
2. A demolition plan (when removal is included as an item of work in the contract) including details of the proposed methods of removal.
3. A beam erection plan (when beam erection is included as an item of work in the contract) including details of the proposed methods of erection.
4. Pertinent specifications for equipment used during the work activity.
5. The allowable positions for that equipment during the work activity.
6. The allowable positions and magnitudes of stockpiled materials and/or spoils, if planned to be located on the structure.
7. Design and details for temporary shoring and/or bracing, if required by the Contractor's means and methods.

Approval or acceptance of a Structural Assessment Report shall not relieve the Contractor of any responsibility for the successful completion of the work.

Revisions to the Contractor's means and methods resulting in no increased load effects to the structure, as determined by the Contractor's Structural Engineer, shall not require a SAR resubmittal. However, the Contractor's Structural Engineer shall submit to the Engineer written verification that there is no increased load effect. The written verification shall specify the revisions and shall be submitted prior to the start of the revised activities.

The Contractor shall be responsible for following the approved SAR related to the work involved.

Method of Measurement. Structural Assessment Reports will not be measured for payment.

Basis of payment. Structural Assessment Reports will not be paid for separately but shall be considered as included in the contract unit price(s) for the work item(s) specified.

BRIDGE DECK CONSTRUCTION

Effective: October 22, 2013

Revised: December 21, 2016

When Diamond Grinding of Bridge Sections is specified, hand finishing of the deck surface shall be limited to areas not finished by the finishing machine and to address surface corrections according to Article 503.16(a)(2). Hand finishing shall be limited as previously stated solely for the purpose of facilitating a more timely application of the curing protection. In addition the requirements of 503.16(a)(3)a. and 503.16(a)(4) will be waived.

Revise the Second Paragraph of Article 503.06(b) to read as follows.

“When the Contractor uses cantilever forming brackets on exterior beams or girders, additional requirements shall be as follows.”

Revise Article 503.06(b)(1) to read as follows.

- “(1) Bracket Placement. The spacing of brackets shall be per the manufacturer’s published design specifications for the size of the overhang and the construction loads anticipated. The resulting force of the leg brace of the cantilever bracket shall bear on the web within 6 inches (150 mm) of the bottom flange of the beam or girder.”

Revise Article 503.06(b)(2) to read as follows.

- “(2) Beam Ties. The top flange of exterior steel beams or girders supporting the cantilever forming brackets shall be tied to the bottom flange of the next interior beam. The top flange of exterior concrete beams supporting the cantilever forming brackets shall be tied to the top flange of the next interior beam. The ties shall be spaced at 4 ft (1.2 m) centers. Permanent cross frames on steel girders may be considered a tie. Ties shall be a minimum of 1/2 inch (13 mm) diameter threaded rod with an adjusting mechanism for drawing the tie taut. The ties shall utilize hanger brackets or clips which hook onto the flange of steel beams. No welding will be permitted to the structural steel or stud shear connectors, or to reinforcement bars of concrete beams, for the installation of the tie bar system. After installation of the ties and blocking, the tie shall be drawn taut until the tie does not vary from a straight line from beam to beam. The tie system shall be approved by the Engineer.”

Revise Article 503.06(b)(3) to read as follows.

- “(3) Beam Blocks. Suitable beam blocks of 4 in x 4 in (100 x 100 mm) timbers or metal structural shapes of equivalent strength or better, acceptable to the Engineer, shall be wedged between the webs of the two beams tied together, within 6 inches (150 mm) of the bottom flange at each location where they are tied. When it is not feasible to have the resulting force from the leg brace of the cantilever brackets transmitted to the web within 6 inches (150 mm) of the bottom flange, then additional blocking shall be placed at each bracket to transmit the resulting force to within 6 inches (150 mm) of the bottom flange of the next interior beam or girder.”

Delete the last paragraph of Article 503.06(b).

PREFORMED PAVEMENT JOINT SEAL

Effective: October 4, 2016

Revised: October 23, 2020

Description. This work shall consist of furnishing all labor, equipment and materials necessary to prepare the joint opening and install pavement joint seal(s) at the locations specified. Unless otherwise detailed on the plans, the joint shall be sized for a rated movement of 2 inches (50 mm).

Materials: Unless otherwise specified, one of the following prefabricated joint seals will be permitted.

- (a) Preformed Elastomeric Joint Seal. This material shall be according to Section 1053.01.
- (b) Preformed Pre-compressed, Silicone Coated, Self-Expanding Sealant System. This Sealant system shall be comprised of three components: 1) cellular polyurethane foam impregnated with hydrophobic 100% acrylic, water-based emulsion, factory coated with highway-grade, fuel resistant silicone; 2) field-applied epoxy adhesive primer, 3) field-injected silicone sealant bands.

The preformed, pre-compressed silicone joint seal shall, as a minimum, be according to the following:

- The joint seal shall be held in place by a non-sag, high modulus silicone adhesive.
- The joint seal shall be compatible with the epoxy and header material.
- The joint seal shall withstand the effects of vertical and lateral movements, skew movements and rotational movement without adhesive or cohesive failure.
- The joint seal shall be designed so that, the material is capable of movement of +50%, - 50% (100% total) of nominal material size.
- The gland shall not contain any open, unsealed joints along its length in its final condition.
- Changes in plane and direction shall be executed using factory fabricated 90 degree transition assemblies. The transitions shall be watertight at the inside and outside corners through the full movement of the product.
- The depth of the joint shall be recessed 3/4 in. (19 mm) below the riding surface throughout the normal limits of joint movement.
- The joint seal shall be resistant to ultraviolet rays.
- The joint seal shall be resistant to abrasion, oxidation, oils, gasoline, salt, and other materials that may be spilled on or applied to the surface.
- The manufacturer shall certify that the joint composition shall be free of any waxes or wax compounds; asphalts or asphalt compounds.

The joint material shall meet the following physical properties:

Property	Requirement	Test Method
Tensile Strength of Silicone Coating (min)	140 psi	ASTM D 412
UV Resistance of Joint System	No Changes--2000 Hours	ASTM C793
Density of Cellular Polyurethane Foam	4.0 lb/ cu ft (200kg/cu m)	ASTM D545
Heat Aging Effects (Silicone Coating)	No cracking, chalking	ASTM C 792
Joint System Operating temp range (min)	-40° F to 185° F	ASTM C 711

The adhesive shall be a two-component, 100% solid, modified epoxy meeting the requirements of ASTM C881, Type I, Grade 3, Class B & C. The adhesive shall also have the following properties:

Property	Requirement	Test method
Tensile Strength	2,500 psi (24 MPa) min.	ASTM D638
Compressive Strength	7000 psi (48 MPa) min.	ASTM D695
Bond Strength (Dry Cure)	2000 psi (28MPa) min	ASTM C882
Water Absorption	0.1% by weight	ASTM D570

The silicone band adhesive shall have the following properties:

Property	Requirement	Test Method
Movement Capability	+50/-50%	ASTM C 719
Elongation at Break	>600%	ASTM D 5893
Slump	≤0.3"	ASTM D 2202
Hardness (Shore A) max.	20	ASTM C 661
Tack free time (max)	60 minutes	ASTM C 679
Heat Aging Effects	No cracking, chalking	ASTM C 792
Resilience	≥ 75%	ASTM D5329
Bond	0% Adhesive or Cohesive Failure after 5 cycles @100%extension	ASTM D 5329

- (c) Performed Silicone Joint Seal. The preformed silicone joint seal used for this item shall conform to the following specifications:

Table 1
Physical Properties of Preformed Silicone Gland

Property	Requirement	Test Method
Rated Movement Capability	+2 ¼ inch total	N/A
Tensile Strength, psi.	1000 min	ASTM D 412
Elongation	400% min	ASTM D 412
Tear (die B)	100 ppi. min	ASTM D 624
Hardness Durometer (Shore A).	55 +/- 5 max	ASTM D 2240
Compression set at 212°F, 70 hrs	30% max	ASTM D 395
Heat Aged Properties	5pt max loss on Durometer	ASTM D 573
Tensile and Elongation % Loss	10 % max	

The color of the preformed silicone seal shall be black, made by the addition of Carbon Black fillers which increases UV resistance, tensile strength, and abrasion wear properties.

The locking adhesive shall be non-sag, high modulus silicone adhesive conforming to the following specifications:

Table 2
Physical Properties of the Silicone Locking Adhesive

Property	Requirement	Test Method
Tensile Strength, psi.	200 min	ASTM D 412
Elongation, %	450 min	ASTM D 412
Tack Free Time, minutes.	20 max.	ASTM C 679
Cure Time ¼" bead, hrs	24 max	ASTM C 679
Resistance to U.V.	No cracking, chalking, or degradation	ASTM C793
VOC (g/L)	0	ASTM D 3960

Any rips, tears, or bond failure will be cause for rejection.

The two part epoxy primer shall be supplied for application to the vertical faces of the joint opening. The supplied primer shall be equally as effective when bonded to concrete or steel. This primer shall meet the following criteria:

Table 3
Physical Properties of Preformed Silicone Joint System Primer

Property	Requirement	Test Method
Viscosity (cps)	44	ASTM D 2196
Color	Light Amber	Visual
Solids (%)	41	ASTM D 4209
Specific Gravity	0.92	ASTM D 1217
Product Flash Point (°F, T.C.C.)	48	ASTM D 56
Package Stability	N/A	One year in tightly sealed containers
Cleaning	N/A	Mineral Spirits
VOC (g/L)	520	ASTM D 3960

- (a) Preformed Inverted EPDM Joint Seal. The preformed inverted EPDM joint seal used for this item shall conform to the following specifications:

Table 1
Physical Properties of Preformed Silicone Gland

Property	Requirement	Test Method
Rated Movement Capability	Up To 5 inch total	N/A
Tensile Strength, psi.	1200 psi min	ASTM D 412
Elongation	400 % min	ASTM D 412
Tear (Die C)	150 pli. min	ASTM D 624
Durometer Content	50 +/- 5 max	ASTM D 2240
Water Resistance (70 hrs @ 100c)	10% max	ASTM D 471
Ozone Resistance	100 min	ASTM D 1171

Table 2
Physical Properties of the V-Epoxy-R

V-Epoxy-R adhesive meets the requirements of ASTM C881 Type III, Grade 2. The adhesive shall also have the following properties:

Property	Requirement	Test Method
Color	Gray	Visual
Viscosity	45,000 CP (typ.)	N/A
Gel Time (minutes)	30 min.	ASTM C 881
Shelf Life (Separate Sealed Containers)	12 Months	N/A
Resistance to U.V.	No cracking, chalking, or degradation	ASTM C793
VOC (g/L)	0	ASTM D 3960

Any rips, tears, or bond failure will be cause for rejection.

- (e) Bonded Preformed Joint Seal. This joint system shall consist of preformed elastomeric seal bonded to the side walls of the joint opening using an adhesive as specified by the Manufacturer of the joint seal.

The bonded preformed joint seal shall be according to Table 1 of ASTM D2628 with the following exceptions: Compression set shall not be over 40 percent when tested according to Method B (Modified) of ASTM D 395 after 70 hours at 212 °F (100 °C). The Compression-Deflection requirement will not apply to the bonded preformed joint seal.

The adhesive shall be epoxy base, dual component, which resists salt, diluted acids, alkalis, solvents, greases, oils, moisture, sunlight and weathering. Temperatures up to 200 °F (93 °C) shall not reduce bond strength. At 68 °F (20 °C), the bond strength shall be a minimum of 1000 psi (6.9 MPa) within 24 hours.

Any primers or cleaning solutions used on the faces of the joint or on the profile of the sides of the bonded preformed joint seal shall be supplied by the manufacturer of the bonded preformed joint seal.

Any additional installation materials and adhesive for splicing joint sections shall be as supplied by the manufacturer of the preformed joint seal.

The Contractor shall submit the Manufacturer's material certification documentation stating that their materials meet the applicable requirements of this specification for the joint seal(s) installed.

CONSTRUCTION REQUIREMENTS

General. The Contractor shall furnish the Engineer with the manufacturer's product information and installation procedures at least two weeks prior to installation.

The minimum ambient air temperature in which the joint seal can be installed is 40° F (4.4° C) and rising, except for bonded preformed joint seals which shall not be installed when temperatures below 50 °F (10 °C) are predicted within a 48 hour period.

The joint surface shall be completely dry before installing the Joint Seal. For newly placed concrete, the concrete shall be fully cured and allowed to dry out a minimum of seven additional days prior to placement of the seal. Cold, wet, inclement weather will require an extended drying time.

The Joint Seal shall not be installed immediately after precipitation or if precipitation is forecasted for the day. Joint preparation and installation of Joint Seal shall be done during the same day.

Surface Preparation. Surface preparation shall be according to the joint seal manufacturer's written instructions.

After surface preparation is completed, the joint shall be cleaned of debris using compressed air with a minimum pressure of 90 psi (620 kPa). The air compressor shall be equipped with traps to prevent the inclusion of water and/or oil in the air line. The compressed air shall be according to the cleanliness requirements of ASTM D 4285.

When priming is required per the manufacturer's instruction, this operation shall immediately follow cleaning.

Joint Installation. The Joint installation shall be per the manufacturer's instructions; special attention shall be given to insure the joint seal is properly recessed below the top of the riding surface as recommended by the manufacturer.

For bonded joint seals the seal shall be inserted into the joint and held tightly against both sides of the joint until sufficient bond strength has been developed to resist the expected expansion forces.

Opening to traffic. As these joint systems are supposed to be recessed below the top of the riding surface, there should be no restriction, based on the joint seal installation, on when these joints can be reopened to traffic.

Method of Measurement. The installed prefabricated joint seal will not be measured for payment.

Basis of Payment. The prefabricated joint seal will not be paid for separately but shall be considered included in the cost of the adjacent concrete work involved.

AGGREGATE SUBGRADE IMPROVEMENT (BDE)

Effective: April 1, 2012

Revised: April 1, 2022

Add the following Section to the Standard Specifications:

“SECTION 303. AGGREGATE SUBGRADE IMPROVEMENT

303.01 Description. This work shall consist of constructing an aggregate subgrade improvement (ASI).

303.02 Materials. Materials shall be according to the following.

Item	Article/Section
(a) Coarse Aggregate	1004.07
(b) Reclaimed Asphalt Pavement (RAP)	1031.09

303.03 Equipment. The vibratory roller shall be according to Article 1101.01, or as approved by the Engineer. Vibratory machines, such as tampers, shall be used in areas where rollers do not fit.

303.04 Soil Preparation. The minimum immediate bearing value (IBV) of the soil below the improved subgrade shall be according to the Department’s “Subgrade Stability Manual” for the aggregate thickness specified.

303.05 Placing and Compacting. The maximum nominal lift thickness of aggregate gradations CA 2, CA 6, and CA 10 when compacted shall be 9 in. (225 mm). The maximum nominal lift thickness of aggregate gradations CS 1, CS 2, and RR 1 when compacted shall be 24 in. (600 mm).

The top surface of the aggregate subgrade improvement shall consist of a layer of capping aggregate gradations CA 6 or CA 10 that is 3 in. (75 mm) thick after compaction. Capping aggregate will not be required when aggregate subgrade improvement is used as a cubic yard pay item for undercut applications.

Each lift of aggregate shall be compacted to the satisfaction of the Engineer. If the moisture content of the material is such that compaction cannot be obtained, sufficient water shall be added so that satisfactory compaction can be obtained.

303.06 Finishing and Maintenance. The aggregate subgrade improvement shall be finished to the lines, grades, and cross sections shown on the plans, or as directed by the Engineer. The aggregate subgrade improvement shall be maintained in a smooth and compacted condition.

303.07 Method of Measurement. This work will be measured for payment according to Article 311.08.

303.08 Basis of Payment. This work will be paid for at the contract unit price per cubic yard (cubic meter) or ton (metric ton) for AGGREGATE SUBGRADE IMPROVEMENT or at the contract unit price per square yard (square meter) for AGGREGATE SUBGRADE IMPROVEMENT, of the thickness specified.”

Add the following to Section 1004 of the Standard Specifications:

“**1004.07 Coarse Aggregate for Aggregate Subgrade Improvement (ASI).** The aggregate shall be according to Article 1004.01 and the following.

- (a) Description. The coarse aggregate shall be crushed gravel, crushed stone, or crushed concrete. In applications where greater than 24 in. (600 mm) of ASI material is required, gravel may be used below the top 12 in (300 mm) of ASI.
- (b) Quality. The coarse aggregate shall consist of sound durable particles reasonably free of deleterious materials.
- (c) Gradation.
 - (1) The coarse aggregate gradation for total ASI thickness less than or equal to 12 in. (300 mm) shall be CA 2, CA 6, CA 10, or CS 1.

The coarse aggregate gradation for total ASI thickness greater than 12 in. (300 mm) shall be CS 1 or CS 2 as shown below or RR 1 according to Article 1005.01(c).

COARSE AGGREGATE SUBGRADE GRADATIONS					
Grad No.	Sieve Size and Percent Passing				
	8"	6"	4"	2"	#4
CS 1	100	97 ± 3	90 ± 10	45 ± 25	20 ± 20
CS 2		100	80 ± 10	25 ± 15	

COARSE AGGREGATE SUBGRADE GRADATIONS (Metric)					
Grad No.	Sieve Size and Percent Passing				
	200 mm	150 mm	100 mm	50 mm	4.75 mm
CS 1	100	97 ± 3	90 ± 10	45 ± 25	20 ± 20
CS 2		100	80 ± 10	25 ± 15	

- (2) Capping aggregate shall be gradation CA 6 or CA 10.”

Add the following to Article 1031.09 of the Standard Specifications:

“(b) RAP in Aggregate Subgrade Improvement (ASI). RAP in ASI shall be according to Articles 1031.01(a), 1031.02(a), 1031.06(a)(1), and 1031.06(a)(2), and the following.

- (1) The testing requirements of Article 1031.03 shall not apply.
- (2) Crushed RAP used for the lower lift may be mechanically blended with aggregate gradations CS 1, CS 2, and RR 1 but it shall be no greater than 40 percent of the total product volume. RAP agglomerations shall be no greater than 4 in. (100 mm).

- (3) For capping aggregate, well graded RAP having 100 percent passing the 1 1/2 in. (38 mm) sieve may be used when aggregate gradations CS 1, CS 2, CA 2, or RR 1 are used in the lower lift. FRAP will not be permitted as capping material.

Blending shall be through calibrated interlocked feeders or a calibrated blending plant such that the prescribed blending percentage is maintained throughout the blending process. The calibration shall have an accuracy of ± 2.0 percent of the actual quantity of material delivered.”

BITUMINOUS MATERIALS COST ADJUSTMENTS (BDE)

Effective: November 2, 2006

Revised: August 1, 2017

Description. Bituminous material cost adjustments will be made to provide additional compensation to the Contractor, or credit to the Department, for fluctuations in the cost of bituminous materials when optioned by the Contractor. The bidder shall indicate with their bid whether or not this special provision will be part of the contract.

The adjustments shall apply to permanent and temporary hot-mix asphalt (HMA) mixtures, bituminous surface treatments (cover and seal coats), and preventative maintenance type surface treatments that are part of the original proposed construction, or added as extra work and paid for by agreed unit prices. The adjustments shall not apply to bituminous prime coats, tack coats, crack filling/sealing, joint filling/sealing, or extra work paid for at a lump sum price or by force account.

Method of Adjustment. Bituminous materials cost adjustments will be computed as follows.

$$CA = (BPI_P - BPI_L) \times (\%AC_V / 100) \times Q$$

Where: CA = Cost Adjustment, \$.

BPI_P = Bituminous Price Index, as published by the Department for the month the work is performed, \$/ton (\$/metric ton).

BPI_L = Bituminous Price Index, as published by the Department for the month prior to the letting for work paid for at the contract price; or for the month the agreed unit price letter is submitted by the Contractor for extra work paid for by agreed unit price, \$/ton (\$/metric ton).

%AC_V = Percent of virgin Asphalt Cement in the Quantity being adjusted. For HMA mixtures, the % AC_V will be determined from the adjusted job mix formula. For bituminous materials applied, a performance graded or cutback asphalt will be considered to be 100% AC_V and undiluted emulsified asphalt will be considered to be 65% AC_V.

Q = Authorized construction Quantity, tons (metric tons) (see below).

For HMA mixtures measured in square yards: $Q, \text{ tons} = A \times D \times (G_{mb} \times 46.8) / 2000$. For HMA mixtures measured in square meters: $Q, \text{ metric tons} = A \times D \times (G_{mb} \times 1) / 1000$. When computing

adjustments for full-depth HMA pavement, separate calculations will be made for the binder and surface courses to account for their different G_{mb} and % AC_v .

For bituminous materials measured in gallons: $Q, \text{ tons} = V \times 8.33 \text{ lb/gal} \times SG / 2000$
For bituminous materials measured in liters: $Q, \text{ metric tons} = V \times 1.0 \text{ kg/L} \times SG / 1000$

Where: A = Area of the HMA mixture, sq yd (sq m).
D = Depth of the HMA mixture, in. (mm).
 G_{mb} = Average bulk specific gravity of the mixture, from the approved mix design.
V = Volume of the bituminous material, gal (L).
SG = Specific Gravity of bituminous material as shown on the bill of lading.

Basis of Payment. Bituminous materials cost adjustments may be positive or negative but will only be made when there is a difference between the BPI_L and BPI_P in excess of five percent, as calculated by:

$$\text{Percent Difference} = \{(BPI_L - BPI_P) \div BPI_L\} \times 100$$

Bituminous materials cost adjustments will be calculated for each calendar month in which applicable bituminous material is placed; and will be paid or deducted when all other contract requirements for the work placed during the month are satisfied. The adjustments shall not apply during contract time subject to liquidated damages for completion of the entire contract.

BLENDED FINELY DIVIDED MINERALS (BDE)

Effective: April 1, 2021

Revise the second paragraph of Article 1010.01 of the Standard Specifications to read:

“Different sources or types of finely divided minerals shall not be mixed or used alternately in the same item of construction, except as a blended finely divided mineral product according to Article 1010.06.”

Add the following article to Section 1010 of the Standard Specifications:

“1010.06 Blended Finely Divided Minerals. Blended finely divided minerals shall be the product resulting from the blending or intergrinding of two or three finely divided minerals. Blended finely divided minerals shall be according to ASTM C 1697, except as follows.

- (a) Blending shall be accomplished by mechanically or pneumatically intermixing the constituent finely divided minerals into a uniform mixture that is then discharged into a silo for storage or tanker for transportation.
- (b) The blended finely divided mineral product will be classified according to its predominant constituent or the manufacturer’s designation and shall meet the chemical requirements of its classification. The other finely divided mineral constituent(s) will not be required to conform to their individual standards.”

COMPENSABLE DELAY COSTS (BDE)

Effective: June 2, 2017

Revised: April 1, 2019

Revise Article 107.40(b) of the Standard Specifications to read:

“(b) Compensation. Compensation will not be allowed for delays, inconveniences, or damages sustained by the Contractor from conflicts with facilities not meeting the above definition; or if a conflict with a utility in an unanticipated location does not cause a shutdown of the work or a documentable reduction in the rate of progress exceeding the limits set herein. The provisions of Article 104.03 notwithstanding, compensation for delays caused by a utility in an unanticipated location will be paid according to the provisions of this Article governing minor and major delays or reduced rate of production which are defined as follows.

- (1) Minor Delay. A minor delay occurs when the work in conflict with the utility in an unanticipated location is completely stopped for more than two hours, but not to exceed two weeks.
- (2) Major Delay. A major delay occurs when the work in conflict with the utility in an unanticipated location is completely stopped for more than two weeks.
- (3) Reduced Rate of Production Delay. A reduced rate of production delay occurs when the rate of production on the work in conflict with the utility in an unanticipated location decreases by more than 25 percent and lasts longer than seven calendar days.”

Revise Article 107.40(c) of the Standard Specifications to read:

“(c) Payment. Payment for Minor, Major, and Reduced Rate of Production Delays will be made as follows.

- (1) Minor Delay. Labor idled which cannot be used on other work will be paid for according to Article 109.04(b)(1) and (2) for the time between start of the delay and the minimum remaining hours in the work shift required by the prevailing practice in the area.

Equipment idled which cannot be used on other work, and which is authorized to standby on the project site by the Engineer, will be paid for according to Article 109.04(b)(4).

- (2) Major Delay. Labor will be the same as for a minor delay.

Equipment will be the same as for a minor delay, except Contractor-owned equipment will be limited to two weeks plus the cost of move-out to either the Contractor's yard or another job and the cost to re-mobilize, whichever is less. Rental equipment may be paid for longer than two weeks provided the Contractor presents adequate support to

the Department (including lease agreement) to show retaining equipment on the job is the most economical course to follow and in the public interest.

- (3) Reduced Rate of Production Delay. The Contractor will be compensated for the reduced productivity for labor and equipment time in excess of the 25 percent threshold for that portion of the delay in excess of seven calendar days. Determination of compensation will be in accordance with Article 104.02, except labor and material additives will not be permitted.

Payment for escalated material costs, escalated labor costs, extended project overhead, and extended traffic control will be determined according to Article 109.13.”

Revise Article 108.04(b) of the Standard Specifications to read:

“(b) No working day will be charged under the following conditions.

- (1) When adverse weather prevents work on the controlling item.
- (2) When job conditions due to recent weather prevent work on the controlling item.
- (3) When conduct or lack of conduct by the Department or its consultants, representatives, officers, agents, or employees; delay by the Department in making the site available; or delay in furnishing any items required to be furnished to the Contractor by the Department prevents work on the controlling item.
- (4) When delays caused by utility or railroad adjustments prevent work on the controlling item.
- (5) When strikes, lock-outs, extraordinary delays in transportation, or inability to procure critical materials prevent work on the controlling item, as long as these delays are not due to any fault of the Contractor.
- (6) When any condition over which the Contractor has no control prevents work on the controlling item.”

Revise Article 109.09(f) of the Standard Specifications to read:

“(f) Basis of Payment. After resolution of a claim in favor of the Contractor, any adjustment in time required for the work will be made according to Section 108. Any adjustment in the costs to be paid will be made for direct labor, direct materials, direct equipment, direct jobsite overhead, direct offsite overhead, and other direct costs allowed by the resolution. Adjustments in costs will not be made for interest charges, loss of anticipated profit, undocumented loss of efficiency, home office overhead and unabsorbed overhead other than as allowed by Article 109.13, lost opportunity, preparation of claim expenses and other consequential indirect costs regardless of method of calculation.

The above Basis of Payment is an essential element of the contract and the claim cost recovery of the Contractor shall be so limited.”

Add the following to Section 109 of the Standard Specifications.

“109.13 Payment for Contract Delay. Compensation for escalated material costs, escalated labor costs, extended project overhead, and extended traffic control will be allowed when such costs result from a delay meeting the criteria in the following table.

Contract Type	Cause of Delay	Length of Delay
Working Days	Article 108.04(b)(3) or Article 108.04(b)(4)	No working days have been charged for two consecutive weeks.
Completion Date	Article 108.08(b)(1) or Article 108.08(b)(7)	The Contractor has been granted a minimum two week extension of contract time, according to Article 108.08.

Payment for each of the various costs will be according to the following.

- (a) Escalated Material and/or Labor Costs. When the delay causes work, which would have otherwise been completed, to be done after material and/or labor costs have increased, such increases will be paid. Payment for escalated material costs will be limited to the increased costs substantiated by documentation furnished by the Contractor. Payment for escalated labor costs will be limited to those items in Article 109.04(b)(1) and (2), except the 35 percent and 10 percent additives will not be permitted.
- (b) Extended Project Overhead. For the duration of the delay, payment for extended project overhead will be paid as follows.
 - (1) Direct Jobsite and Offsite Overhead. Payment for documented direct jobsite overhead and documented direct offsite overhead, including onsite supervisory and administrative personnel, will be allowed according to the following table.

Original Contract Amount	Supervisory and Administrative Personnel
Up to \$5,000,000	One Project Superintendent
Over \$ 5,000,000 - up to \$25,000,000	One Project Manager, One Project Superintendent or Engineer, and One Clerk
Over \$25,000,000 - up to \$50,000,000	One Project Manager, One Project Superintendent, One Engineer, and One Clerk
Over \$50,000,000	One Project Manager, Two Project Superintendents, One Engineer, and One Clerk

- (2) Home Office and Unabsorbed Overhead. Payment for home office and unabsorbed overhead will be calculated as 8 percent of the total delay cost.

- (c) Extended Traffic Control. Traffic control required for an extended period of time due to the delay will be paid for according to Article 109.04.

When an extended traffic control adjustment is paid under this provision, an adjusted unit price as provided for in Article 701.20(a) for increase or decrease in the value of work by more than ten percent will not be paid.

Upon payment for a contract delay under this provision, the Contractor shall assign subrogation rights to the Department for the Department's efforts of recovery from any other party for monies paid by the Department as a result of any claim under this provision. The Contractor shall fully cooperate with the Department in its efforts to recover from another party any money paid to the Contractor for delay damages under this provision."

CORRUGATED PLASTIC PIPE (CULVERT AND STORM SEWER) (BDE)

Effective: January 1, 2021

Revise Tables IIIA and IIIB of Article 542.03 and the storm sewers tables of Article 550.03 of the Standard Specifications to read:

(SEE TABLES ON NEXT 10 PAGES)

"PIPE CULVERTS TABLE IIIA: PLASTIC PIPE PERMITTED FOR A GIVEN PIPE DIAMETER AND FILL HEIGHT OVER THE TOP OF THE PIPE																				
Nominal Diameter (in.)	Type 1					Type 2					Type 3					Type 4				
	Fill Height: 3' and less, with 1' min					Fill Height: Greater than 3', not exceeding 10'					Fill Height: Greater than 10', not exceeding 15'					Fill Height: Greater than 15', not exceeding 20'				
	PVC	CPVC	PE	CPE	CPP	PVC	CPVC	PE	CPE	CPP	PVC	CPVC	PE	CPE	CPP	PVC	CPVC	PE	CPE	CPP
10	X	QPL	X	QPL	NA	X	QPL	X	QPL	NA	X	QPL	X	QPL	NA	X	QPL	X	QPL	NA
12	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL
15	X	QPL	NA	QPL	QPL	X	QPL	NA	QPL	QPL	X	QPL	NA	QPL	QPL	X	QPL	NA	QPL	QPL
18	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL
21	X	QPL	NA	QPL	NA	X	QPL	NA	QPL	NA	X	QPL	NA	QPL	NA	X	QPL	NA	NA	NA
24	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	NA	QPL
27	X	NA	NA	NA	NA	X	NA	NA	NA	NA	X	NA	NA	NA	NA	X	NA	NA	NA	NA
30	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	NA	QPL
36	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	NA	QPL
42	X	NA	X	QPL	QPL	X	NA	X	QPL	QPL	X	NA	X	NA	QPL	X	NA	X	NA	NA
48	X	NA	X	QPL	QPL	X	NA	X	QPL	QPL	X	NA	X	NA	QPL	X	NA	X	NA	NA
54	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
60	NA	NA	NA	QPL	QPL	NA	NA	NA	NA	QPL	QPL	NA	NA	NA	NA	NA	NA	NA	NA	NA

- Notes: PVC Polyvinyl Chloride Pipe
 CPVC Corrugated Polyvinyl Chloride Pipe with a Smooth Interior
 PE Polyethylene Pipe
 CPE Corrugated Polyethylene Pipe with a Smooth Interior
 CPP Corrugated Polypropylene Pipe with a Smooth Interior
 X Permitted
 QPL Permitted for the producers approved for that diameter in the Department's qualified product list
 NA Not Acceptable

PIPE CULVERTS (metric)																				
TABLE IIIA: PLASTIC PIPE PERMITTED																				
FOR A GIVEN PIPE DIAMETER AND FILL HEIGHT OVER THE TOP OF THE PIPE																				
Nominal Diameter (mm)	Type 1					Type 2					Type 3					Type 4				
	Fill Height: 1 m and less, with 0.3 m min. cover					Fill Height: Greater than 1 m, not exceeding 3 m					Fill Height: Greater than 3 m, not exceeding 4.5 m					Fill Height: Greater than 4.5 m, not exceeding 6 m				
	PVC	CPVC	PE	CPE	CPP	PVC	CPVC	PE	CPE	CPP	PVC	CPVC	PE	CPE	CPP	PVC	CPVC	PE	CPE	CPP
250	X	QPL	X	QPL	NA	X	QPL	X	QPL	NA	X	QPL	X	QPL	NA	X	QPL	X	QPL	NA
300	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL
375	X	QPL	NA	QPL	QPL	X	QPL	NA	QPL	QPL	X	QPL	NA	QPL	QPL	X	QPL	NA	QPL	QPL
450	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL
525	X	QPL	NA	QPL	NA	X	QPL	NA	QPL	NA	X	QPL	NA	QPL	NA	X	QPL	NA	NA	NA
600	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	NA	QPL
675	X	NA	NA	NA	NA	X	NA	NA	NA	NA	X	NA	NA	NA	NA	X	NA	NA	NA	NA
750	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	NA	QPL
900	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	QPL	QPL	X	QPL	X	NA	QPL
1050	X	NA	X	QPL	QPL	X	NA	X	QPL	QPL	X	NA	X	NA	QPL	X	NA	X	NA	NA
1200	X	NA	X	QPL	QPL	X	NA	X	QPL	QPL	X	NA	X	NA	QPL	X	NA	X	NA	NA
1350	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
1500	NA	NA	NA	QPL	QPL	NA	NA	NA	QPL	QPL	NA	NA	NA	NA	QPL	NA	NA	NA	NA	NA

- Notes: PVC Polyvinyl Chloride Pipe
 CPVC Corrugated Polyvinyl Chloride Pipe with a Smooth Interior
 PE Polyethylene Pipe
 CPE Corrugated Polyethylene Pipe with a Smooth Interior
 CPP Corrugated Polypropylene Pipe with a Smooth Interior
 X Permitted
 QPL Permitted for the producers approved for that diameter in the Department's qualified product list
 NA Not Acceptable

PIPE CULVERTS TABLE IIIB: PLASTIC PIPE PERMITTED FOR A GIVEN PIPE DIAMETER AND FILL HEIGHT OVER THE TOP OF THE PIPE											
Nominal Diameter (in.)	Type 5					Type 6			Type 7		
	Fill Height: Greater than 20', not exceeding 25'					Fill Height: Greater than 25', not exceeding 30'			Fill Height: Greater than 30', not exceeding 35'		
	PVC	CPVC	PE	CPE	CPP	PVC	CPVC	PE	PVC	CPVC	PE
10	X	QPL	X	QPL	NA	X	QPL	X	X	QPL	X
12	X	QPL	X	QPL	QPL	X	QPL	X	X	QPL	X
15	X	QPL	NA	NA	QPL	X	QPL	NA	X	QPL	NA
18	X	QPL	X	NA	NA	X	QPL	X	X	QPL	X
21	X	QPL	NA	NA	NA	X	QPL	NA	X	QPL	NA
24	X	QPL	X	NA	NA	X	QPL	X	X	QPL	X
27	X	NA	NA	NA	NA	X	NA	NA	X	NA	NA
30	X	QPL	X	NA	QPL	X	QPL	X	X	QPL	X
36	X	QPL	X	NA	NA	X	QPL	X	X	QPL	X
42	X	NA	X	NA	NA	X	NA	X	X	NA	X
48	X	NA	X	NA	NA	X	NA	X	X	NA	X
54	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
60	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

- Notes:
- PVC Polyvinyl Chloride Pipe
 - CPVC Corrugated Polyvinyl Chloride Pipe with a Smooth Interior
 - CPP Corrugated Polypropylene Pipe with a Smooth Interior
 - X Permitted
 - QPL Permitted for the producers approved for that diameter in the Department's qualified product list
 - NA Not Acceptable

PIPE CULVERTS (metric)											
TABLE IIIB: PLASTIC PIPE PERMITTED											
FOR A GIVEN PIPE DIAMETER AND FILL HEIGHT OVER THE TOP OF THE PIPE											
Nominal Diameter (mm)	Type 5					Type 6			Type 7		
	Fill Height: Greater than 6 m, not exceeding 7.5 m					Fill Height: Greater than 7.5 m, not exceeding 9 m			Fill Height: Greater than 9 m, not exceeding 10.5 m		
	PVC	CPVC	PE	CPE	CPP	PVC	CPVC	PE	PVC	CPVC	PE
250	X	QPL	X	QPL	NA	X	QPL	X	X	QPL	X
300	X	QPL	X	QPL	QPL	X	QPL	X	X	QPL	X
375	X	QPL	NA	NA	QPL	X	QPL	NA	X	QPL	NA
450	X	QPL	X	NA	NA	X	QPL	X	X	QPL	X
525	X	QPL	NA	NA	NA	X	QPL	NA	X	QPL	NA
600	X	QPL	X	NA	NA	X	QPL	X	X	QPL	X
675	X	NA	NA	NA	NA	X	NA	NA	X	NA	NA
750	X	QPL	X	NA	QPL	X	QPL	X	X	QPL	X
900	X	QPL	X	NA	NA	X	QPL	X	X	QPL	X
1000	X	NA	X	NA	NA	X	NA	X	X	NA	X
1200	X	NA	X	NA	NA	X	NA	X	X	NA	X
1350	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
1500	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

- Notes: PVC Polyvinyl Chloride Pipe
 CPVC Corrugated Polyvinyl Chloride Pipe with a Smooth Interior
 CPP Corrugated Polypropylene Pipe with a Smooth Interior
 X Permitted
 QPL Permitted for the producers approved for that diameter in the Department's qualified product list
 NA Not Acceptable

FAP ROUTE 312 (IL 3)
 PROJECT NHPP-20T3(085)
 SECTION 74BR-2
 RANDOLPH COUNTY
 CONTRACT NO. 76K25

STORM SEWERS																
KIND OF MATERIAL PERMITTED AND STRENGTH REQUIRED																
FOR A GIVEN PIPE DIAMETERS AND FILL HEIGHTS OVER THE TOP OF THE PIPE																
Nominal Diameter in.	Type 1								Type 2							
	Fill Height: 3' and less, with 1' min.								Fill Height: Greater than 3', not exceeding 10'							
	RCCP	CSP	ESCP	PVC	CPVC	PE	CPE	CPP	RCCP	CSP	ESCP	PVC	CPVC	PE	CPE	CPP
10	NA	3	X	X	QPL	X	QPL	NA	NA	1	*X	X	QPL	X	QPL	NA
12	IV	NA	X	X	QPL	X	QPL	QPL	II	1	*X	X	QPL	X	QPL	QPL
15	IV	NA	NA	X	QPL	NA	QPL	QPL	II	1	*X	X	QPL	NA	QPL	QPL
18	IV	NA	NA	X	QPL	X	QPL	QPL	II	2	X	X	QPL	X	QPL	QPL
21	III	NA	NA	X	QPL	NA	QPL	NA	II	2	X	X	QPL	NA	QPL	NA
24	III	NA	NA	X	QPL	X	QPL	QPL	II	2	X	X	QPL	X	QPL	QPL
27	III	NA	NA	X	NA	NA	NA	NA	II	3	X	X	NA	NA	NA	NA
30	IV	NA	NA	X	QPL	X	QPL	QPL	II	3	X	X	QPL	X	QPL	QPL
33	III	NA	NA	NA	NA	NA	NA	NA	II	NA	X	NA	NA	NA	NA	NA
36	III	NA	NA	X	QPL	X	QPL	QPL	II	NA	X	X	QPL	X	QPL	QPL
42	II	NA	X	X	NA	X	QPL	QPL	II	NA	X	X	NA	X	QPL	QPL
48	II	NA	X	X	NA	X	QPL	QPL	II	NA	X	X	NA	X	QPL	QPL
54	II	NA	NA	NA	NA	NA	NA	NA	II	NA	NA	NA	NA	NA	NA	NA
60	II	NA	NA	NA	NA	NA	QPL	QPL	II	NA	NA	NA	NA	NA	QPL	QPL
66	II	NA	NA	NA	NA	NA	NA	NA	II	NA	NA	NA	NA	NA	NA	NA
72	II	NA	NA	NA	NA	NA	NA	NA	II	NA	NA	NA	NA	NA	NA	NA
78	II	NA	NA	NA	NA	NA	NA	NA	II	NA	NA	NA	NA	NA	NA	NA
84	II	NA	NA	NA	NA	NA	NA	NA	II	NA	NA	NA	NA	NA	NA	NA
90	II	NA	NA	NA	NA	NA	NA	NA	II	NA	NA	NA	NA	NA	NA	NA
96	II	NA	NA	NA	NA	NA	NA	NA	III	NA	NA	NA	NA	NA	NA	NA
102	II	NA	NA	NA	NA	NA	NA	NA	III	NA	NA	NA	NA	NA	NA	NA
108	II	NA	NA	NA	NA	NA	NA	NA	III	NA	NA	NA	NA	NA	NA	NA

- RCCP Reinforced Concrete Culvert, Storm Drain, and Sewer Pipe
- CSP Concrete Sewer, Storm drain, and Culvert Pipe (number in column indicates strength class)
- ESCP Extra Strength Clay Pipe
- PVC Polyvinyl Chloride Pipe
- CPVC Corrugated Polyvinyl Chloride Pipe with a Smooth Interior
- PE Polyethylene Pipe
- CPE Corrugated Polyethylene Pipe with a Smooth Interior
- CPP Corrugated Polypropylene Pipe with a Smooth Interior
- X Permitted
- QPL Permitted for the producers approved for that diameter in the Department's qualified product list
- NA Not Acceptable
- * May also use Standard Strength Clay Pipe

FAP ROUTE 312 (IL 3)
 PROJECT NHPP-20T3(085)
 SECTION 74BR-2
 RANDOLPH COUNTY
 CONTRACT NO. 76K25

STORM SEWERS (metric)																
KIND OF MATERIAL PERMITTED AND STRENGTH REQUIRED FOR A GIVEN PIPE DIAMETERS AND FILL HEIGHTS OVER THE TOP OF THE PIPE																
Nominal Diameter mm	Type 1								Type 2							
	Fill Height: 1 m and less, with 300 mm min.								Fill Height: Greater than 1 m, not exceeding 3 m							
	RCCP	CSP	ESCP	PVC	CPVC	PE	CPE	CPP	RCCP	CSP	ESCP	PVC	CPVC	PE	CPE	CPP
250	NA	3	X	X	QPL	X	QPL	NA	NA	1	*X	X	QPL	X	QPL	NA
300	IV	NA	X	X	QPL	X	QPL	QPL	II	1	*X	X	QPL	X	QPL	QPL
375	IV	NA	NA	X	QPL	NA	QPL	QPL	II	1	*X	X	QPL	NA	QPL	QPL
450	IV	NA	NA	X	QPL	X	QPL	QPL	II	2	X	X	QPL	X	QPL	QPL
525	III	NA	NA	X	QPL	NA	QPL	NA	II	2	X	X	QPL	NA	QPL	NA
600	III	NA	NA	X	QPL	X	QPL	QPL	II	2	X	X	QPL	X	QPL	QPL
675	III	NA	NA	X	NA	NA	NA	NA	II	3	X	X	NA	NA	NA	NA
750	IV	NA	NA	X	QPL	X	QPL	QPL	II	3	X	X	QPL	X	QPL	QPL
825	III	NA	NA	NA	NA	NA	NA	NA	II	NA	X	NA	NA	NA	NA	NA
900	III	NA	NA	X	QPL	X	QPL	QPL	II	NA	X	X	QPL	X	QPL	QPL
1050	II	NA	X	X	NA	X	QPL	QPL	II	NA	X	X	NA	X	QPL	QPL
1200	II	NA	X	X	NA	X	QPL	QPL	II	NA	X	X	NA	X	QPL	QPL
1350	II	NA	NA	NA	NA	NA	NA	NA	II	NA	NA	NA	NA	NA	NA	NA
1500	II	NA	NA	NA	NA	NA	QPL	QPL	II	NA	NA	NA	NA	NA	QPL	QPL
1650	II	NA	NA	NA	NA	NA	NA	NA	II	NA	NA	NA	NA	NA	NA	NA
1800	II	NA	NA	NA	NA	NA	NA	NA	II	NA	NA	NA	NA	NA	NA	NA
1950	II	NA	NA	NA	NA	NA	NA	NA	II	NA	NA	NA	NA	NA	NA	NA
2100	II	NA	NA	NA	NA	NA	NA	NA	II	NA	NA	NA	NA	NA	NA	NA
2250	II	NA	NA	NA	NA	NA	NA	NA	II	NA	NA	NA	NA	NA	NA	NA
2400	II	NA	NA	NA	NA	NA	NA	NA	III	NA	NA	NA	NA	NA	NA	NA
2550	II	NA	NA	NA	NA	NA	NA	NA	III	NA	NA	NA	NA	NA	NA	NA
2700	II	NA	NA	NA	NA	NA	NA	NA	III	NA	NA	NA	NA	NA	NA	NA

- RCCP Reinforced Concrete Culvert, Storm Drain, and Sewer Pipe
- CSP Concrete Sewer, Storm drain, and Culvert Pipe (number in column indicates strength class)
- ESCP Extra Strength Clay Pipe
- PVC Polyvinyl Chloride Pipe
- CPVC Corrugated Polyvinyl Chloride Pipe with a Smooth Interior
- PE Polyethylene Pipe
- CPE Corrugated Polyethylene Pipe with a Smooth Interior
- CPP Corrugated Polypropylene Pipe with a Smooth Interior
- X Permitted
- QPL Permitted for the producers approved for that diameter in the Department's qualified product list
- NA Not Acceptable
- * May also use Standard Strength Clay Pipe

FAP ROUTE 312 (IL 3)
 PROJECT NHPP-20T3(085)
 SECTION 74BR-2
 RANDOLPH COUNTY
 CONTRACT NO. 76K25

STORM SEWERS																
KIND OF MATERIAL PERMITTED AND STRENGTH REQUIRED																
FOR A GIVEN PIPE DIAMETERS AND FILL HEIGHTS OVER THE TOP OF THE PIPE																
Nominal Diameter in.	Type 3								Type 4							
	Fill Height: Greater than 10' not exceeding 15'								Fill Height: Greater than 15' not exceeding 20'							
	RCCP	CSP	ESCP	PVC	CPVC	PE	CPE	CPP	RCCP	CSP	ESCP	PVC	CPVC	PE	CPE	CPP
10	NA	2	X	X	QPL	X	QPL	NA	NA	3	X	X	QPL	X	QPL	NA
12	III	2	X	X	QPL	X	QPL	QPL	IV	NA	NA	X	QPL	X	QPL	QPL
15	III	3	X	X	QPL	NA	QPL	QPL	IV	NA	NA	X	QPL	NA	QPL	QPL
18	III	NA	X	X	QPL	X	QPL	QPL	IV	NA	NA	X	QPL	X	QPL	QPL
21	III	NA	NA	X	QPL	NA	QPL	NA	IV	NA	NA	X	QPL	NA	NA	NA
24	III	NA	NA	X	QPL	X	QPL	QPL	IV	NA	NA	X	QPL	X	NA	QPL
27	III	NA	NA	X	NA	NA	NA	NA	IV	NA	NA	X	NA	NA	NA	NA
30	III	NA	NA	X	QPL	X	QPL	QPL	IV	NA	NA	X	QPL	X	NA	QPL
33	III	NA	NA	NA	NA	NA	NA	NA	IV	NA	NA	NA	NA	NA	NA	NA
36	III	NA	NA	X	QPL	X	QPL	QPL	IV	NA	NA	X	QPL	X	NA	QPL
42	III	NA	NA	X	NA	X	NA	QPL	IV	NA	NA	X	NA	X	NA	NA
48	III	NA	NA	X	NA	X	NA	QPL	IV	NA	NA	X	NA	X	NA	NA
54	III	NA	NA	NA	NA	NA	NA	NA	IV	NA	NA	NA	NA	NA	NA	NA
60	III	NA	NA	NA	NA	NA	NA	QPL	IV	NA	NA	NA	NA	NA	NA	NA
66	III	NA	NA	NA	NA	NA	NA	NA	IV	NA	NA	NA	NA	NA	NA	NA
72	III	NA	NA	NA	NA	NA	NA	NA	IV	NA	NA	NA	NA	NA	NA	NA
78	III	NA	NA	NA	NA	NA	NA	NA	IV	NA	NA	NA	NA	NA	NA	NA
84	III	NA	NA	NA	NA	NA	NA	NA	IV	NA	NA	NA	NA	NA	NA	NA
90	III	NA	NA	NA	NA	NA	NA	NA	1680	NA	NA	NA	NA	NA	NA	NA
96	III	NA	NA	NA	NA	NA	NA	NA	1690	NA	NA	NA	NA	NA	NA	NA
102	III	NA	NA	NA	NA	NA	NA	NA	1700	NA	NA	NA	NA	NA	NA	NA
108	1360	NA	NA	NA	NA	NA	NA	NA	1710	NA	NA	NA	NA	NA	NA	NA

- RCCP Reinforced Concrete Culvert, Storm Drain, and Sewer Pipe (RCCP with a number instead of a Roman numeral shall be furnished according to AASHTO M170 Section 6. This number represents the D-load to produce a 0.01 in crack.)
- CSP Concrete Sewer, Storm drain, and Culvert Pipe (number in column indicates strength class)
- ESCP Extra Strength Clay Pipe
- PVC Polyvinyl Chloride Pipe
- CPVC Corrugated Polyvinyl Chloride Pipe with a Smooth Interior
- PE Polyethylene Pipe
- CPE Corrugated Polyethylene Pipe with a Smooth Interior
- CPP Corrugated Polypropylene Pipe with a Smooth Interior
- X Permitted
- QPL Permitted for the producers approved for that diameter in the Department's qualified product list
- NA Not Acceptable

FAP ROUTE 312 (IL 3)
 PROJECT NHPP-20T3(085)
 SECTION 74BR-2
 RANDOLPH COUNTY
 CONTRACT NO. 76K25

STORM SEWERS (metric)																
KIND OF MATERIAL PERMITTED AND STRENGTH REQUIRED																
FOR A GIVEN PIPE DIAMETERS AND FILL HEIGHTS OVER THE TOP OF THE PIPE																
Nominal Diameter mm	Type 3								Type 4							
	Fill Height: Greater than 3 m, not exceeding 4.5 m								Fill Height: Greater than 4.5 m, not exceeding 6 m							
	RCCP	CSP	ESCP	PVC	CPVC	PE	CPE	CPP	RCCP	CSP	ESCP	PVC	CPVC	PE	CPE	CPP
250	NA	2	X	X	QPL	X	QPL	NA	NA	3	X	X	QPL	X	QPL	NA
300	III	2	X	X	QPL	X	QPL	QPL	IV	NA	NA	X	QPL	X	QPL	QPL
375	III	3	X	X	QPL	NA	QPL	QPL	IV	NA	NA	X	QPL	NA	QPL	QPL
450	III	NA	X	X	QPL	X	QPL	QPL	IV	NA	NA	X	QPL	X	QPL	QPL
525	III	NA	NA	X	QPL	NA	QPL	NA	IV	NA	NA	X	QPL	NA	NA	NA
600	III	NA	NA	X	QPL	X	QPL	QPL	IV	NA	NA	X	QPL	X	NA	QPL
675	III	NA	NA	X	NA	NA	NA	NA	IV	NA	NA	X	NA	NA	NA	NA
750	III	NA	NA	X	QPL	X	QPL	QPL	IV	NA	NA	X	QPL	X	NA	QPL
825	III	NA	NA	NA	NA	NA	NA	NA	IV	NA	NA	NA	NA	NA	NA	NA
900	III	NA	NA	X	QPL	X	QPL	QPL	IV	NA	NA	X	QPL	X	NA	QPL
1050	III	NA	NA	X	NA	X	NA	QPL	IV	NA	NA	X	NA	X	NA	NA
1200	III	NA	NA	X	NA	X	NA	QPL	IV	NA	NA	X	NA	X	NA	NA
1350	III	NA	NA	NA	NA	NA	NA	NA	IV	NA	NA	NA	NA	NA	NA	NA
1500	III	NA	NA	NA	NA	NA	NA	QPL	IV	NA	NA	NA	NA	NA	NA	NA
1650	III	NA	NA	NA	NA	NA	NA	NA	IV	NA	NA	NA	NA	NA	NA	NA
1800	III	NA	NA	NA	NA	NA	NA	NA	IV	NA	NA	NA	NA	NA	NA	NA
1950	III	NA	NA	NA	NA	NA	NA	NA	IV	NA	NA	NA	NA	NA	NA	NA
2100	III	NA	NA	NA	NA	NA	NA	NA	IV	NA	NA	NA	NA	NA	NA	NA
2250	III	NA	NA	NA	NA	NA	NA	NA	80	NA	NA	NA	NA	NA	NA	NA
2400	III	NA	NA	NA	NA	NA	NA	NA	80	NA	NA	NA	NA	NA	NA	NA
2550	III	NA	NA	NA	NA	NA	NA	NA	80	NA	NA	NA	NA	NA	NA	NA
2700	70	NA	NA	NA	NA	NA	NA	NA	80	NA	NA	NA	NA	NA	NA	NA

- RCCP Reinforced Concrete Culvert, Storm Drain, and Sewer Pipe (RCCP with a number instead of a Roman numeral shall be furnished according to AASHTO M170 Section 6. This number represents the D-load to produce a 25.4 micro-meter crack.)
- CSP Concrete Sewer, Storm drain, and Culvert Pipe (number in column indicates strength class)
- ESCP Extra Strength Clay Pipe
- PVC Polyvinyl Chloride Pipe
- CPVC Corrugated Polyvinyl Chloride Pipe with a Smooth Interior
- PE Polyethylene Pipe
- CPE Corrugated Polyethylene Pipe with a Smooth Interior
- CPP Corrugated Polypropylene Pipe with a Smooth Interior
- X Permitted
- QPL Permitted for the producers approved for that diameter in the Department's qualified product list
- NA Not Acceptable

STORM SEWERS KIND OF MATERIAL PERMITTED AND STRENGTH REQUIRED FOR A GIVEN PIPE DIAMETERS AND FILL HEIGHTS OVER THE TOP OF THE PIPE														
Nominal Diameter in.	Type 5						Type 6				Type 7			
	Fill Height: Greater than 20', not exceeding 25'						Fill Height: Greater than 25', not exceeding 30'				Fill Height: Greater than 30', not exceeding 35'			
	RCCP	PVC	CPVC	PE	CPE	CPP	RCCP	PVC	CPVC	PE	RCCP	PVC	CPVC	PE
10	NA	X	QPL	X	QPL	NA	NA	X	QPL	X	NA	X	QPL	X
12	IV	X	QPL	X	QPL	QPL	V	X	QPL	X	V	X	QPL	X
15	IV	X	QPL	NA	NA	QPL	V	X	QPL	NA	V	X	QPL	NA
18	IV	X	QPL	X	NA	NA	V	X	QPL	X	V	X	QPL	X
21	IV	X	QPL	NA	NA	NA	V	X	QPL	NA	V	X	QPL	NA
24	IV	X	QPL	X	NA	NA	V	X	QPL	X	V	X	QPL	X
27	IV	X	NA	NA	NA	NA	V	X	NA	NA	V	X	NA	NA
30	IV	X	QPL	X	NA	QPL	V	X	QPL	X	V	X	QPL	X
33	IV	NA	NA	NA	NA	NA	V	NA	NA	NA	V	NA	NA	NA
36	IV	X	QPL	X	NA	NA	V	X	QPL	X	V	X	QPL	X
42	IV	X	NA	X	NA	NA	V	X	NA	X	V	X	NA	X
48	IV	X	NA	X	NA	NA	V	X	NA	X	V	X	NA	X
54	IV	NA	NA	NA	NA	NA	V	NA	NA	NA	V	NA	NA	NA
60	IV	NA	NA	NA	NA	NA	V	NA	NA	NA	V	NA	NA	NA
66	IV	NA	NA	NA	NA	NA	V	NA	NA	NA	V	NA	NA	NA
72	V	NA	NA	NA	NA	NA	V	NA	NA	NA	V	NA	NA	NA
78	2020	NA	NA	NA	NA	NA	2370	NA	NA	NA	2730	NA	NA	NA
84	2020	NA	NA	NA	NA	NA	2380	NA	NA	NA	2740	NA	NA	NA
90	2030	NA	NA	NA	NA	NA	2390	NA	NA	NA	2750	NA	NA	NA
96	2040	NA	NA	NA	NA	NA	2400	NA	NA	NA	2750	NA	NA	NA
102	2050	NA	NA	NA	NA	NA	2410	NA	NA	NA	2760	NA	NA	NA
108	2060	NA	NA	NA	NA	NA	2410	NA	NA	NA	2770	NA	NA	NA

RCCP Reinforced Concrete Culvert, Storm Drain, and Sewer Pipe (RCCP with a number instead of a Roman numeral shall be furnished according to AASHTO M170 Section 6. This number represents the D-load to produce a 0.01 in crack.)

PVC Polyvinyl Chloride Pipe

CPVC Corrugated Polyvinyl Chloride Pipe with a Smooth Interior

PE Polyethylene Pipe

CPE Corrugated Polyethylene Pipe with a Smooth Interior

CPP Corrugated Polypropylene Pipe with a Smooth Interior

X Permitted

QPL Permitted for the producers approved for that diameter in the Department's qualified product list

NA Not Acceptable

STORM SEWERS (metric) KIND OF MATERIAL PERMITTED AND STRENGTH REQUIRED FOR A GIVEN PIPE DIAMETERS AND FILL HEIGHTS OVER THE TOP OF THE PIPE														
Nominal Diameter mm	Type 5						Type 6				Type 7			
	Fill Height: Greater than 6 m, not exceeding 7.5 m						Fill Height: Greater than 7.5 m, not exceeding 9 m				Fill Height: Greater than 9 m, not exceeding 10.5 m			
	RCCP	PVC	CPVC	PE	CPE	CPP	RCCP	PVC	CPVC	PE	RCCP	PVC	CPVC	PE
250	NA	X	QPL	X	QPL	NA	NA	X	QPL	X	NA	X	QPL	X
300	IV	X	QPL	X	QPL	QPL	V	X	QPL	X	V	X	QPL	X
375	IV	X	QPL	NA	NA	QPL	V	X	QPL	NA	V	X	QPL	NA
450	IV	X	QPL	X	NA	NA	V	X	QPL	X	V	X	QPL	X
525	IV	X	QPL	NA	NA	NA	V	X	QPL	NA	V	X	QPL	NA
600	IV	X	QPL	X	NA	NA	V	X	QPL	X	V	X	QPL	X
675	IV	X	NA	NA	NA	NA	V	X	NA	NA	V	X	NA	NA
750	IV	X	QPL	X	NA	QPL	V	X	QPL	X	V	X	QPL	X
825	IV	NA	NA	NA	NA	NA	V	NA	NA	NA	V	NA	NA	NA
900	IV	X	QPL	X	NA	NA	V	X	QPL	X	V	X	QPL	X
1050	IV	X	NA	X	NA	NA	V	X	NA	X	V	X	NA	X
1200	IV	X	NA	X	NA	NA	V	X	NA	X	V	X	NA	X
1350	IV	NA	NA	NA	NA	NA	V	NA	NA	NA	V	NA	NA	NA
1500	IV	NA	NA	NA	NA	NA	V	NA	NA	NA	V	NA	NA	NA
1650	IV	NA	NA	NA	NA	NA	V	NA	NA	NA	V	NA	NA	NA
1800	V	NA	NA	NA	NA	NA	V	NA	NA	NA	V	NA	NA	NA
1950	100	NA	NA	NA	NA	NA	110	NA	NA	NA	130	NA	NA	NA
2100	100	NA	NA	NA	NA	NA	110	NA	NA	NA	130	NA	NA	NA
2250	100	NA	NA	NA	NA	NA	110	NA	NA	NA	130	NA	NA	NA
2400	100	NA	NA	NA	NA	NA	120	NA	NA	NA	130	NA	NA	NA
2550	100	NA	NA	NA	NA	NA	120	NA	NA	NA	130	NA	NA	NA
2700	100	NA	NA	NA	NA	NA	120	NA	NA	NA	130	NA	NA	NA

RCCP Reinforced Concrete Culvert, Storm Drain, and Sewer Pipe (RCCP with a number instead of a Roman numeral shall be furnished according to AASHTO M170 Section 6. This number represents the D-load to produce a 25.4 micro-meter crack.)

PVC Polyvinyl Chloride Pipe

CPVC Corrugated Polyvinyl Chloride Pipe with a Smooth Interior

PE Polyethylene Pipe

CPE Corrugated Polyethylene Pipe with a Smooth Interior

CPP Corrugated Polypropylene Pipe with a Smooth Interior

X Permitted

QPL Permitted for the producers approved for that diameter in the Department's qualified product list

NA Not Acceptable"

Revise the first paragraph of Article 1040.03 of the Standard Specifications to read:

“1040.03 Polyvinyl Chloride (PVC) Pipe. Acceptance testing of PVC pipe and fittings shall be accomplished during the same construction season in which they are installed. The pipe shall meet the following additional requirements.”

Revise Article 1040.04(b) of the Standard Specifications to read:

“(b) Corrugated PE Pipe with a Smooth Interior. The manufacturer shall be listed as compliant through the NTPEP program and the pipe shall be according to AASHTO M 294 (nominal size – 12 to 60 in. (300 to 1500 mm)). The pipe shall be Type S or D.”

Revise the first paragraph of Article 1040.04(d) of the Standard Specifications to read:

“(d) PE Pipe with a Smooth Interior. The pipe shall be according to ASTM F 714 (DR 32.5) with a minimum cell classification of PE 335434 as defined in ASTM D 3350.”

Revise the first paragraph of Article 1040.08 of the Standard Specifications to read:

“1040.08 Polypropylene (PP) Pipe. Storage and handling shall be according to the manufacturer's recommendations, except in no case shall the pipe be exposed to direct sunlight for more than six months. Acceptance testing of the pipe shall be accomplished during the same construction season in which it is installed. The pipe shall meet the following additional requirements.”

DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION (DBE)

Effective: September 1, 2000

Revised: March 2, 2019

FEDERAL OBLIGATION. The Department of Transportation, as a recipient of federal financial assistance, is required to take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of contracts. Consequently, the federal regulatory provisions of 49 CFR Part 26 apply to this contract concerning the utilization of disadvantaged business enterprises. For the purposes of this Special Provision, a disadvantaged business enterprise (DBE) means a business certified by the Department in accordance with the requirements of 49 CFR Part 26 and listed in the Illinois Unified Certification Program (IL UCP) DBE Directory.

STATE OBLIGATION. This Special Provision will also be used by the Department to satisfy the requirements of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, 30 ILCS 575. When this Special Provision is used to satisfy state law requirements on 100 percent state-funded contracts, the federal government has no involvement in such contracts (not a federal-aid contract) and no responsibility to oversee the implementation of this Special Provision by the Department on those contracts. DBE participation on 100 percent state-funded contracts will not be credited toward fulfilling the Department's annual overall DBE goal required by the US Department of Transportation to comply with the federal DBE program requirements.

CONTRACTOR ASSURANCE. The Contractor makes the following assurance and agrees to include the assurance in each subcontract the Contractor signs with a subcontractor.

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 contracts funded in whole or in part with federal or state funds. 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:

- (a) Withholding progress payments;
- (b) Assessing sanctions;
- (c) Liquidated damages; and/or
- (d) Disqualifying the Contractor from future bidding as non-responsible.

OVERALL GOAL SET FOR THE DEPARTMENT. As a requirement of compliance with 49 CFR Part 26, the Department has set an overall goal for DBE participation in its federally assisted contracts. That goal applies to all federal-aid funds the Department will expend in its federally assisted contracts for the subject reporting fiscal year. The Department is required to make a good faith effort to achieve the overall goal. The dollar amount paid to all approved DBE companies performing work called for in this contract is eligible to be credited toward fulfillment of the Department's overall goal.

CONTRACT GOAL TO BE ACHIEVED BY THE CONTRACTOR. This contract includes a specific DBE utilization goal established by the Department. The goal has been included because the Department has determined the work of this contract has subcontracting opportunities that may be suitable for performance by DBE companies. The determination is based on an assessment of the type of work, the location of the work, and the availability of DBE companies to do a part of the work. The assessment indicates, in the absence of unlawful discrimination and in an arena of fair and open competition, DBE companies can be expected to perform **18.00%** of the work. This percentage is set as the DBE participation goal for this contract. Consequently, in addition to the other award criteria established for this contract, the Department will only award this contract to a bidder who makes a good faith effort to meet this goal of DBE participation in the performance of the work. A bidder makes a good faith effort for award consideration if either of the following is done in accordance with the procedures set for in this Special Provision:

- (a) The bidder documents enough DBE participation has been obtained to meet the goal or,
- (b) The bidder documents a good faith effort has been made to meet the goal, even though the effort did not succeed in obtaining enough DBE participation to meet the goal.

DBE LOCATOR REFERENCES. Bidders shall consult the IL UCP DBE Directory as a reference source for DBE-certified companies. In addition, the Department maintains a letting and item specific DBE locator information system whereby DBE companies can register their interest in providing quotes on particular bid items advertised for letting. Information concerning DBE companies willing to quote work for particular contracts may be obtained by contacting the

Department's Bureau of Small Business Enterprises at telephone number (217) 785-4611, or by visiting the Department's website at:
<http://www.idot.illinois.gov/doing-business/certifications/disadvantaged-business-enterprise-certification/il-ucp-directory/index>.

BIDDING PROCEDURES. Compliance with this Special Provision is a material bidding requirement and failure of the bidder to comply will render the bid not responsive.

The bidder shall submit a DBE Utilization Plan (form SBE 2026), and a DBE Participation Statement (form SBE 2025) for each DBE company proposed for the performance of work to achieve the contract goal, with the bid. If the Utilization Plan indicates the contract goal will not be met, documentation of good faith efforts shall also be submitted. The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor is selected over a DBE for work on the contract. The required forms and documentation must be submitted as a single .pdf file using the "Integrated Contractor Exchange (iCX)" application within the Department's "EBids System".

The Department will not accept a Utilization Plan if it does not meet the bidding procedures set forth herein and the bid will be declared not responsive. In the event the bid is declared not responsive, the Department may elect to cause the forfeiture of the penal sum of the bidder's proposal guaranty and may deny authorization to bid the project if re-advertised for bids.

GOOD FAITH EFFORT PROCEDURES. The contract will not be awarded until the Utilization Plan is approved. All information submitted by the bidder must be complete, accurate and adequately document enough DBE participation has been obtained or document the good faith efforts of the bidder, in the event enough DBE participation has not been obtained, before the Department will commit to the performance of the contract by the bidder. The Utilization Plan will be approved by the Department if the Utilization Plan documents sufficient commercially useful DBE work to meet the contract goal or the bidder submits sufficient documentation of a good faith effort to meet the contract goal pursuant to 49 CFR Part 26, Appendix A. This means the bidder must show that all necessary and reasonable steps were taken to achieve the contract goal. Necessary and reasonable steps are those which, by their scope, intensity and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not successful. The Department will consider the quality, quantity, and intensity of the kinds of efforts the bidder has made. Mere *pro forma* efforts, in other words efforts done as a matter of form, are not good faith efforts; rather, the bidder is expected to have taken genuine efforts that would be reasonably expected of a bidder actively and aggressively trying to obtain DBE participation sufficient to meet the contract goal.

- (a) The following is a list of types of action that the Department will consider as part of the evaluation of the bidder's good faith efforts to obtain participation. These listed factors are not intended to be a mandatory checklist and are not intended to be exhaustive. Other factors or efforts brought to the attention of the Department may be relevant in appropriate cases and will be considered by the Department.
 - (1) Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBE companies that have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBE companies to respond

- to the solicitation. The bidder must determine with certainty if the DBE companies are interested by taking appropriate steps to follow up initial solicitations.
- (2) Selecting portions of the work to be performed by DBE companies in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the Contractor might otherwise prefer to perform these work items with its own forces.
 - (3) Providing interested DBE companies with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
 - (4) a. Negotiating in good faith with interested DBE companies. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBE companies that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBE companies to perform the work.

b. A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBE companies is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also the ability or desire of a bidder to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Bidders are not, however, required to accept higher quotes from DBE companies if the price difference is excessive or unreasonable. In accordance with the above Bidding Procedures, the documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract.
 - (5) Not rejecting DBE companies as being unqualified without sound reasons based on a thorough investigation of their capabilities. The bidder's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the bidder's efforts to meet the project goal.
 - (6) Making efforts to assist interested DBE companies in obtaining bonding, lines of credit, or insurance as required by the recipient or Contractor.
 - (7) Making efforts to assist interested DBE companies in obtaining necessary equipment, supplies, materials, or related assistance or services.

- (8) Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBE companies.
- (b) If the Department determines the bidder has made a good faith effort to secure the work commitment of DBE companies to meet the contract goal, the Department will award the contract provided it is otherwise eligible for award. If the Department determines the bidder has failed to meet the requirements of this Special Provision or that a good faith effort has not been made, the Department will notify the responsible company official designated in the Utilization Plan that the bid is not responsive. The notification will also include a statement of reasons for the adverse determination. If the Utilization Plan is not approved because it is deficient as a technical matter, unless waived by the Department, the bidder will be notified and will be allowed no more than a five calendar day period to cure the deficiency.
- (c) The bidder may request administrative reconsideration of an adverse determination by emailing the Department at "DOT.DBE.UP@illinois.gov" within the five calendar days after the receipt of the notification of the determination. The determination shall become final if a request is not made on or before the fifth calendar day. A request may provide additional written documentation or argument concerning the issues raised in the determination statement of reasons, provided the documentation and arguments address efforts made prior to submitting the bid. The request will be reviewed by the Department's Reconsideration Officer. The Reconsideration Officer will extend an opportunity to the bidder to meet in person to consider all issues of documentation and whether the bidder made a good faith effort to meet the goal. After the review by the Reconsideration Officer, the bidder will be sent a written decision within ten working days after receipt of the request for reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. A final decision by the Reconsideration Officer that a good faith effort was made shall approve the Utilization Plan submitted by the bidder and shall clear the contract for award. A final decision that a good faith effort was not made shall render the bid not responsive.

CALCULATING DBE PARTICIPATION. The Utilization Plan values represent work anticipated to be performed and paid for upon satisfactory completion. The Department is only able to count toward the achievement of the overall goal and the contract goal the value of payments made for the work actually performed by DBE companies. In addition, a DBE must perform a commercially useful function on the contract to be counted. A commercially useful function is generally performed when the DBE is responsible for the work and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. The Department and Contractor are governed by the provisions of 49 CFR Part 26.55(c) on questions of commercially useful functions as it affects the work. Specific counting guidelines are provided in 49 CFR Part 26.55, the provisions of which govern over the summary contained herein.

- (a) DBE as the Contractor: 100 percent goal credit for that portion of the work performed by the DBE's own forces, including the cost of materials and supplies. Work that a DBE subcontracts to a non-DBE does not count toward the DBE goals.

- (b) DBE as a joint venture Contractor: 100 percent goal credit for that portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work performed by the DBE's own forces.
- (c) DBE as a subcontractor: 100 percent goal credit for the work of the subcontract performed by the DBE's own forces, including the cost of materials and supplies, excluding the purchase of materials and supplies or the lease of equipment by the DBE subcontractor from the Contractor or its affiliates. Work that a DBE subcontractor in turn subcontracts to a non-DBE does not count toward the DBE goal.
- (d) DBE as a trucker: 100 percent goal credit for trucking participation provided the DBE is responsible for the management and supervision of the entire trucking operation for which it is responsible. At least one truck owned, operated, licensed, and insured by the DBE must be used on the contract. Credit will be given for the following:
 - (1) 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.
 - (2) The DBE may also lease trucks from a non-DBE firm, including from an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission is receives as a result of the lease arrangement.
- (e) DBE as a material supplier:
 - (1) 60 percent goal credit for the cost of the materials or supplies purchased from a DBE regular dealer.
 - (2) 100 percent goal credit for the cost of materials of supplies obtained from a DBE manufacturer.
 - (3) 100 percent credit for the value of reasonable fees and commissions for the procurement of materials and supplies if not a DBE regular dealer or DBE manufacturer.

CONTRACT COMPLIANCE. Compliance with this Special Provision is an essential part of the contract. The Department is prohibited by federal regulations from crediting the participation of a DBE included in the Utilization Plan toward either the contract goal or the Department's overall goal until the amount to be applied toward the goals has been paid to the DBE. The following administrative procedures and remedies govern the compliance by the Contractor with the contractual obligations established by the Utilization Plan. After approval of the Utilization Plan and award of the contract, the Utilization Plan and individual DBE Participation Statements become part of the contract. If the Contractor did not succeed in obtaining enough DBE participation to achieve the advertised contract goal, and the Utilization Plan was approved and contract awarded based upon a determination of good faith, the total dollar value of DBE work calculated in the approved Utilization Plan as a percentage of the awarded contract value shall become the amended contract goal. All work indicated for performance by an approved DBE shall be performed, managed, and supervised by the DBE executing the DBE Participation Commitment Statement.

- (a) NO AMENDMENT. No amendment to the Utilization Plan may be made without prior written approval from the Department's Bureau of Small Business Enterprises. All requests for amendment to the Utilization Plan shall be emailed to the Department at DOT.DBE.UP@illinois.gov.
- (b) CHANGES TO WORK. Any deviation from the DBE condition-of-award or contract plans, specifications, or special provisions must be approved, in writing, by the Department as provided elsewhere in the Contract. The Contractor shall notify affected DBEs in writing of any changes in the scope of work which result in a reduction in the dollar amount condition-of-award to the contract. Where the revision includes work committed to a new DBE subcontractor, not previously involved in the project, then a Request for Approval of Subcontractor, Department form BC 260A or AER 260A, must be signed and submitted. If the commitment of work is in the form of additional tasks assigned to an existing subcontract, a new Request for Approval of Subcontractor will not be required. However, the Contractor must document efforts to assure the existing DBE subcontractor is capable of performing the additional work and has agreed in writing to the change.
- (c) SUBCONTRACT. The Contractor must provide copies of DBE subcontracts to the Department upon request. Subcontractors shall ensure that all lower tier subcontracts or agreements with DBEs to supply labor or materials be performed in accordance with this Special Provision.
- (d) ALTERNATIVE WORK METHODS. In addition to the above requirements for reductions in the condition of award, additional requirements apply to the two cases of Contractor-initiated work substitution proposals. Where the contract allows alternate work methods which serve to delete or create underruns in condition of award DBE work, and the Contractor selects that alternate method or, where the Contractor proposes a substitute work method or material that serves to diminish or delete work committed to a DBE and replace it with other work, then the Contractor must demonstrate one of the following:
- (1) The replacement work will be performed by the same DBE (as long as the DBE is certified in the respective item of work) in a modification of the condition of award; or
 - (2) The DBE is aware its work will be deleted or will experience underruns and has agreed in writing to the change. If this occurs, the Contractor shall substitute other work of equivalent value to a certified DBE or provide documentation of good faith efforts to do so; or
 - (3) The DBE is not capable of performing the replacement work or has declined to perform the work at a reasonable competitive price. If this occurs, the Contractor shall substitute other work of equivalent value to a certified DBE or provide documentation of good faith efforts to do so.
- (e) TERMINATION AND REPLACEMENT PROCEDURES. The Contractor shall not terminate or replace a DBE listed on the approved Utilization Plan, or perform with other forces work designated for a listed DBE except as provided in this Special Provision. The Contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the Contractor obtains the Department's written consent as provided in subsection (a) of this part. Unless Department consent is provided

for termination of a DBE subcontractor, the Contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the DBE in the Utilization Plan.

As stated above, the Contractor shall not terminate or replace a DBE subcontractor listed in the approved Utilization Plan without prior written consent. This includes, but is not limited to, instances in which the 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. Written consent will be granted only if the Bureau of Small Business Enterprises agrees, for reasons stated in its concurrence document, that the Contractor has good cause to terminate or replace the DBE firm. Before transmitting to the Bureau of Small Business Enterprises any request to terminate and/or substitute a DBE subcontractor, the Contractor shall give notice in writing to the DBE subcontractor, with a copy to the Bureau, of its intent to request to terminate and/or substitute, and the reason for the request. The Contractor shall give the DBE five days to respond to the Contractor's notice. The DBE so notified shall advise the Bureau and the Contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why the Bureau should not approve the Contractor's action. If required in a particular case as a matter of public necessity, the Bureau may provide a response period shorter than five days.

For purposes of this paragraph, good cause includes the following circumstances:

- (1) The listed DBE subcontractor fails or refuses to execute a written contract;
- (2) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided, however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the Contractor;
- (3) The listed DBE subcontractor fails or refuses to meet the Contractor's reasonable, nondiscriminatory bond requirements;
- (4) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
- (5) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant 2 CFR Parts 180, 215 and 1200 or applicable state law.
- (6) The Contractor has determined the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the projects and provides written notice to the Contractor of its withdrawal;
- (8) The listed DBE is ineligible to receive DBE credit for the type of work required;
- (9) A DBE owner dies or becomes disabled with the result that the listed DBE subcontractor is unable to complete its work on the contract;

- (10) Other documented good cause that compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the Contractor seeks to terminate a DBE it relied upon to obtain the contract so that the Contractor can self-perform the work for which the DBE contractor was engaged or so that the Contractor can substitute another DBE or non-DBE contractor after contract award.

When a DBE is terminated or fails to complete its work on the Contract for any reason, the Contractor shall make a good faith effort to find another DBE to substitute for the original DBE to perform at least the same amount of work under the contract as the terminated DBE to the extent needed to meet the established Contract goal. The good faith efforts shall be documented by the Contractor. If the Department requests documentation under this provision, the Contractor shall submit the documentation within seven days, which may be extended for an additional seven 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.

- (f) FINAL PAYMENT. After the performance of the final item of work or delivery of material by a DBE and final payment therefore to the DBE by the Contractor, but not later than 30 calendar days after payment has been made by the Department to the Contractor for such work or material, the Contractor shall submit a DBE Payment Agreement on Department form SBE 2115 to the Resident Engineer. If full and final payment has not been made to the DBE, the DBE Payment Agreement shall indicate whether a disagreement as to the payment required exists between the Contractor and the DBE or if the Contractor believes the work has not been satisfactorily completed. If the Contractor does not have the full amount of work indicated in the Utilization Plan performed by the DBE companies indicated in the Utilization Plan and after good faith efforts are reviewed, the Department may deduct from contract payments to the Contractor the amount of the goal not achieved as liquidated and ascertained damages. The Contractor may request an administrative reconsideration of any amount deducted as damages pursuant to subsection (h) of this part.
- (g) ENFORCEMENT. The Department reserves the right to withhold payment to the Contractor to enforce the provisions of this Special Provision. Final payment shall not be made on the contract until such time as the Contractor submits sufficient documentation demonstrating achievement of the goal in accordance with this Special Provision or after liquidated damages have been determined and collected.
- (h) RECONSIDERATION. Notwithstanding any other provision of the contract, including but not limited to Article 109.09 of the Standard Specifications, the Contractor may request administrative reconsideration of a decision to deduct the amount of the goal not achieved as liquidated damages. A request to reconsider shall be delivered to the Contract Compliance Section and shall be handled and considered in the same manner as set forth in paragraph (c) of "Good Faith Effort Procedures" of this Special Provision, except a final decision that a good faith effort was not made during contract performance to achieve the goal agreed to in the Utilization Plan shall be the final administrative decision of the Department. The result of the reconsideration process is not administratively appealable to the U.S. Department of Transportation.

FUEL COST ADJUSTMENT (BDE)

Effective: April 1, 2009

Revised: August 1, 2017

Description. Fuel cost adjustments will be made to provide additional compensation to the Contractor, or a credit to the Department, for fluctuations in fuel prices when optioned by the Contractor. The bidder shall indicate with their bid whether or not this special provision will be part of the contract. Failure to indicate "Yes" for any category of work will make that category of work exempt from fuel cost adjustment.

General. The fuel cost adjustment shall apply to contract pay items as grouped by category. The adjustment shall only apply to those categories of work checked "Yes", and only when the cumulative plan quantities for a category exceed the required threshold. Adjustments to work items in a category, either up or down, and extra work paid for by agreed unit price will be subject to fuel cost adjustment only when the category representing the added work was subject to the fuel cost adjustment. Extra work paid for at a lump sum price or by force account will not be subject to fuel cost adjustment. Category descriptions and thresholds for application and the fuel usage factors which are applicable to each are as follows:

(a) Categories of Work.

- (1) Category A: Earthwork. Contract pay items performed under Sections 202, 204, and 206 including any modified standard or nonstandard items where the character of the work to be performed is considered earthwork. The cumulative total of all applicable item plan quantities shall exceed 25,000 cu yd (20,000 cu m). Included in the fuel usage factor is a weighted average 0.10 gal/cu yd (0.50 liters/cu m) factor for trucking.
- (2) Category B: Subbases and Aggregate Base Courses. Contract pay items constructed under Sections 311, 312 and 351 including any modified standard or nonstandard items where the character of the work to be performed is considered construction of a subbase or aggregate, stabilized or modified base course. The cumulative total of all applicable item plan quantities shall exceed 5000 tons (4500 metric tons). Included in the fuel usage factor is a 0.60 gal/ton (2.50 liters/metric ton) factor for trucking.
- (3) Category C: Hot-Mix Asphalt (HMA) Bases, Pavements and Shoulders. Contract pay items constructed under Sections 355, 406, 407 and 482 including any modified standard or nonstandard items where the character of the work to be performed is considered HMA bases, pavements and shoulders. The cumulative total of all applicable item plan quantities shall exceed 5000 tons (4500 metric tons). Included in the fuel usage factor is 0.60 gal/ton (2.50 liters/metric ton) factor for trucking.
- (4) Category D: Portland Cement Concrete (PCC) Bases, Pavements and Shoulders. Contract pay items constructed under Sections 353, 420, 421 and 483 including any modified standard or nonstandard items where the character of the work to be performed is considered PCC base, pavement or shoulder. The cumulative total of all applicable item plan quantities shall exceed 7500 sq yd (6000 sq m). Included in the fuel usage factor is 1.20 gal/cu yd (5.94 liters/cu m) factor for trucking.
- (5) Category E: Structures. Structure items having a cumulative bid price that exceeds \$250,000 for pay items constructed under Sections 502, 503, 504, 505, 512, 516 and

540 including any modified standard or nonstandard items where the character of the work to be performed is considered structure work when similar to that performed under these sections and not included in categories A through D.

(b) Fuel Usage Factors.

English Units		
Category	Factor	Units
A - Earthwork	0.34	gal / cu yd
B – Subbase and Aggregate Base courses	0.62	gal / ton
C – HMA Bases, Pavements and Shoulders	1.05	gal / ton
D – PCC Bases, Pavements and Shoulders	2.53	gal / cu yd
E – Structures	8.00	gal / \$1000
Metric Units		
Category	Factor	Units
A - Earthwork	1.68	liters / cu m
B – Subbase and Aggregate Base courses	2.58	liters / metric ton
C – HMA Bases, Pavements and Shoulders	4.37	liters / metric ton
D – PCC Bases, Pavements and Shoulders	12.52	liters / cu m
E – Structures	30.28	liters / \$1000

(c) Quantity Conversion Factors.

Category	Conversion	Factor
B	sq yd to ton	0.057 ton / sq yd / in depth
	sq m to metric ton	0.00243 metric ton / sq m / mm depth
C	sq yd to ton	0.056 ton / sq yd / in depth
	sq m to metric ton	0.00239 m ton / sq m / mm depth
D	sq yd to cu yd	0.028 cu yd / sq yd / in depth
	sq m to cu m	0.001 cu m / sq m / mm depth

Method of Adjustment. Fuel cost adjustments will be computed as follows.

$$CA = (FPI_P - FPI_L) \times FUF \times Q$$

- Where: CA = Cost Adjustment, \$
 FPI_P = Fuel Price Index, as published by the Department for the month the work is performed, \$/gal (\$/liter)
 FPI_L = Fuel Price Index, as published by the Department for the month prior to the letting for work paid for at the contract price; or for the month the agreed unit price letter is submitted by the Contractor for extra work paid for by agreed unit price, \$/gal (\$/liter)
 FUF = Fuel Usage Factor in the pay item(s) being adjusted
 Q = Authorized construction Quantity, tons (metric tons) or cu yd (cu m)

The entire FUF indicated in paragraph (b) will be used regardless of use of trucking to perform the work.

Basis of Payment. Fuel cost adjustments may be positive or negative but will only be made when there is a difference between the FPI_L and FPI_P in excess of five percent, as calculated by:

$$\text{Percent Difference} = \{(FPI_L - FPI_P) \div FPI_L\} \times 100$$

Fuel cost adjustments will be calculated for each calendar month in which applicable work is performed; and will be paid or deducted when all other contract requirements for the items of work are satisfied. The adjustments shall not apply during contract time subject to liquidated damages for completion of the entire contract.

HOT-MIX ASPHALT (BDE)

Effective: January 1, 2022

Revised: August 1, 2022

Replace Article 1030.09(g)(1) of the Standard Specifications with the following:

“(1) The Contractor shall sample approximately 150 lb (70 kg) of mix as required for the Department’s random mixture verification tests according to Article 1030.09(h)(1).”

Replace the second sentence of Article 1030.09(h)(1) of the Standard Specifications with the following:

“The Engineer will randomly identify one sample for each 3,000 tons (2,720 metric tons) of mix, with a minimum of one sample per mix. If the remaining mix quantity is 600 tons (544 metric tons) or less, the quantity will be combined with the previous 3,000 tons (2,720 metric tons) in the Engineer’s random sample identification. If the required tonnage of a mixture for a single pay item is less than 250 tons (225 metric tons) in total, the Engineer will waive mixture verification tests.”

Add the following to the end of the third paragraph of Article 1030.09(h)(2) of the Standard Specifications:

“The HMA maximum theoretical specific gravity (G_{mm}) will be based on the Department mixture verification test. If there is more than one Department mixture verification G_{mm} test, the G_{mm} will be based on the average of the Department test results.”

Add the following paragraph between the third and four paragraphs of Article 1030.10 of the Standard Specifications:

“When a test strip is not required, each HMA mixture with a quantity of 3,000 tons (2,750 metric tons) or more shall still be sampled on the first day of production: I-FIT and Hamburg wheel testing for High ESAL; I-FIT testing for Low ESAL. Within two working days after sampling the mixture, the Contractor shall deliver gyratory cylinders to the District laboratory for Department verification testing. The High ESAL mixture test results shall meet the requirements of Articles

1030.05(d)(3) and 1030.05(d)(4). The Low ESAL mixture test results shall meet the requirements of Article 1030.05(d)(4).”

HOT-MIX ASPHALT – LONGITUDINAL JOINT SEALANT (BDE)

Effective: November 1, 2022

Add the following after the second sentence in the eighth paragraph of Article 406.06(h)(2) of the Standard Specifications:

“If rain is forecasted and traffic is to be on the LJS or if pickup/tracking of the LJS material is likely, the LJS shall be covered immediately following its application with FA 20 fine aggregate mechanically spread uniformly at a rate of 1.5 ± 0.5 lb/sq yd (0.75 ± 0.25 kg/sq m). Fine aggregate landing outside of the LJS shall be removed prior to application of tack coat.”

Add the following after the first sentence in the ninth paragraph of Article 406.06(h)(2) of the Standard Specifications:

“LJS half-width shall be applied at a width of 9 ± 1 in. (225 ± 25 mm) in the immediate lane to be placed with the outside edge flush with the joint of the next HMA lift. The vertical face of any longitudinal joint remaining in place shall also be coated.”

Add the following after the eleventh paragraph of Article 406.06(h)(2):

“LJS Half-Width Application Rate, lb/ft (kg/m) ^{1/}			
Lift Thickness, in. (mm)	Coarse Graded Mixture (IL-19.0, IL-19.0L, IL-9.5, IL-9.5L, IL-4.75)	Fine Graded Mixture (IL-9.5FG)	SMA Mixture (SMA-9.5, SMA-12.5)
3/4 (19)	0.44 (0.66)		
1 (25)	0.58 (0.86)		
1 1/4 (32)	0.66 (0.98)	0.44 (0.66)	
1 1/2 (38)	0.74 (1.10)	0.48 (0.71)	0.63 (0.94)
1 3/4 (44)	0.82 (1.22)	0.52 (0.77)	0.69 (1.03)
2 (50)	0.90 (1.34)	0.56 (0.83)	0.76 (1.13)
≥ 2 1/4 (60)	0.98 (1.46)		

1/ The application rate includes a surface demand for liquid. The thickness of the LJS may taper from the center of the application to a lesser thickness on the edge of the application, provided the correct width and application rate are maintained.”

Add the following to the end of the second paragraph of Article 406.14 of the Standard Specifications:

“Longitudinal joint sealant (LJS) half-width will be paid for at the contract unit price per foot (meter) for LONGITUDINAL JOINT SEALANT, HALF-WIDTH.”

MATERIAL TRANSFER DEVICE (BDE)

Effective: June 15, 1999

Revised: January 1, 2022

Add the following to Article 406.03 of the Standard Specifications:

“(n) Material Transfer Device1102.02”

Add the following to the end of Article 406.06(f) of the Standard Specifications:

“When required, a material transfer device (MTD) shall be used to transfer the HMA from the haul trucks to the spreading and finishing machine. The particular HMA mixtures for which an MTD is required will be specified in the plans. When not required, an MTD may still be used at the Contractor’s option, subject to the requirements and restrictions herein. Use of MTDs shall be according to the following.

MTD Category	Usage
Category I	Any resurfacing application Full-Depth HMA where the in-place binder thickness is ≥ 10 in. (250 mm)
Category II	Full-Depth HMA where the in-place binder thickness is < 10 in. (250 mm)

Category I MTD’s will only be allowed to travel over structures under the following conditions:

- (1) Approval will be given by the Engineer.
- (2) The MTD shall be emptied of HMA material prior to crossing the structure and shall travel at crawl speed across the structure.
- (3) The tires of the MTD shall travel on or in close proximity and parallel to the beam and/or girder lines of the structure.”

Add the following to the end of Article 406.13(b) of the Standard Specifications:

“The required use of an MTD will be measured for payment in tons (metric tons) of the HMA mixtures placed with the MTD. The use of an MTD at the Contractor’s option will not be measured for payment.”

Add the following between the second and third paragraphs of Article 406.14 of the Standard Specifications:

“The required use of an MTD will be paid for at the contract unit price per ton (metric ton) for MATERIAL TRANSFER DEVICE. The HMA mixtures placed with the MTD will be paid for separately according to their respective specifications.”

Revise Article 1102.02 of the Standard Specifications to read:

“1102.02 Material Transfer Device (MTD). The MTD shall be according to the following.

- (a) Requirements. The MTD shall have a minimum surge capacity of 15 tons (13.5 metric tons), shall be self-propelled and capable of moving independent of the paver, and shall be equipped with the following.
 - (1) Front-Dump Hopper and Conveyor. The conveyor shall provide a positive restraint along the sides of the conveyor to prevent material spillage. MTDs having paver style hoppers shall have a horizontal bar restraint placed across the foldable wings which prevents the wings from being folded.
 - (2) Paver Hopper Insert. The paver hopper insert shall have a minimum capacity of 14 tons (12.7 metric tons).
 - (3) Mixer/Agitator Mechanism. This re-mixing mechanism shall consist of a segmented, anti-segregation, re-mixing auger.
- (b) Qualification and Designation. The MTD shall be on the Department’s qualified product list with one of the following designations.
 - (1) Category I. The MTD has a documented maximum HMA carrying capacity contact pressure greater than 25 psi and has a central surge hopper of sufficient capacity to mix upstream HMA with downstream HMA.
 - (2) Category II. The MTD has a documented maximum HMA carrying capacity contact pressure less than or equal to 25 psi.”

PORTLAND CEMENT CONCRETE – HAUL TIME (BDE)

Effective: July 1, 2020

Revise Article 1020.11(a)(7) of the Standard Specifications to read:

- “(7) Haul Time. Haul time shall begin when the delivery ticket is stamped. The delivery ticket shall be stamped no later than five minutes after the addition of the mixing water to the cement, or after the addition of the cement to the aggregate when the combined aggregates contain free moisture in excess of two percent by weight (mass). If more than one batch is required for charging a truck using a stationary mixer, the time of haul shall start with mixing of the first batch. Haul time shall end when the truck is emptied for incorporation of the concrete into the work. The maximum haul time shall be as follows.

Concrete Temperature at Point of Discharge, °F (°C)	Maximum Haul Time ^{1/} (minutes)	
	Truck Mixer or Truck Agitator	Nonagitator Truck
50 - 64 (10 - 17.5)	90	45
> 64 (> 17.5) - without retarder	60	30
> 64 (> 17.5) - with retarder	90	45

1/ To encourage start-up testing for mix adjustments at the plant, the first two trucks will be allowed an additional 15 minutes haul time whenever such testing is performed.

For a mixture which is not mixed on the jobsite, a delivery ticket shall be required for each load. The following information shall be recorded on each delivery ticket: (1) ticket number; (2) name of producer and plant location; (3) contract number; (4) name of Contractor; (5) stamped date and time batched; (6) truck number; (7) quantity batched; (8) amount of admixture(s) in the batch; (9) amount of water in the batch; and (10) Department mix design number.

For concrete mixed in jobsite stationary mixers, the above delivery ticket may be waived, but a method of verifying the haul time shall be established to the satisfaction of the Engineer.”

SEEDING (BDE)

Effective: November 1, 2022

Revise Article 250.07 of the Standard Specifications to read:

“**250.07 Seeding Mixtures.** The classes of seeding mixtures and combinations of mixtures will be designated in the plans.

When an area is to be seeded with two or more seeding classes, those mixtures shall be applied separately on the designated area within a seven day period. Seeding shall occur prior to placement of mulch cover. A Class 7 mixture can be applied at any time prior to applying any seeding class or added to them and applied at the same time.

FAP ROUTE 312 (IL 3)
 PROJECT NHPP-20T3(085)
 SECTION 74BR-2
 RANDOLPH COUNTY
 CONTRACT NO. 76K25

TABLE 1 - SEEDING MIXTURES		
Class - Type	Seeds	lb/acre (kg/hectare)
1 Lawn Mixture 1/	Kentucky Bluegrass	100 (110)
	Perennial Ryegrass	60 (70)
	<i>Festuca rubra</i> ssp. <i>rubra</i> (Creeping Red Fescue)	40 (50)
1A Salt Tolerant Lawn Mixture 1/	Kentucky Bluegrass	60 (70)
	Perennial Ryegrass	20 (20)
	<i>Festuca rubra</i> ssp. <i>rubra</i> (Creeping Red Fescue)	20 (20)
	<i>Festuca brevipilla</i> (Hard Fescue)	20 (20)
	<i>Puccinellia distans</i> (Fults Saltgrass or Salty Alkaligrass)	60 (70)
1B Low Maintenance Lawn Mixture 1/	Turf-Type Fine Fescue 3/	150 (170)
	Perennial Ryegrass	20 (20)
	Red Top	10 (10)
	<i>Festuca rubra</i> ssp. <i>rubra</i> (Creeping Red Fescue)	20 (20)
2 Roadside Mixture 1/	<i>Lolium arundinaceum</i> (Tall Fescue)	100 (110)
	Perennial Ryegrass	50 (55)
	<i>Festuca rubra</i> ssp. <i>rubra</i> (Creeping Red Fescue)	40 (50)
	Red Top	10 (10)
2A Salt Tolerant Roadside Mixture 1/	<i>Lolium arundinaceum</i> (Tall Fescue)	60 (70)
	Perennial Ryegrass	20 (20)
	<i>Festuca rubra</i> ssp. <i>rubra</i> (Creeping Red Fescue)	30 (20)
	<i>Festuca brevipilla</i> (Hard Fescue)	30 (20)
	<i>Puccinellia distans</i> (Fults Saltgrass or Salty Alkaligrass)	60 (70)
3 Northern Illinois Slope Mixture 1/	<i>Elymus canadensis</i> (Canada Wild Rye) 5/	5 (5)
	Perennial Ryegrass	20 (20)
	Alsike Clover 4/	5 (5)
	<i>Desmanthus illinoensis</i> (Illinois Bundleflower) 4/ 5/	2 (2)
	<i>Schizachyrium scoparium</i> (Little Bluestem) 5/	12 (12)
	<i>Bouteloua curtipendula</i> (Side-Oats Grama) 5/	10 (10)
	<i>Puccinellia distans</i> (Fults Saltgrass or Salty Alkaligrass)	30 (35)
	Oats, Spring	50 (55)
	Slender Wheat Grass 5/	15 (15)
	Buffalo Grass 5/ 7/	5 (5)
	3A Southern Illinois Slope Mixture 1/	Perennial Ryegrass
<i>Elymus canadensis</i> (Canada Wild Rye) 5/		20 (20)
<i>Panicum virgatum</i> (Switchgrass) 5/		10 (10)
<i>Schizachyrium scoparium</i> (Little Blue Stem) 5/		12 (12)
<i>Bouteloua curtipendula</i> (Side-Oats Grama) 5/		10 (10)
<i>Dalea candida</i> (White Prairie Clover) 4/ 5/		5 (5)
<i>Rudbeckia hirta</i> (Black-Eyed Susan) 5/		5 (5)
Oats, Spring		50 (55)

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Class – Type	Seeds	lb/acre (kg/hectare)
4 Native Grass 2/ 6/	<i>Andropogon gerardi</i> (Big Blue Stem) 5/	4 (4)
	<i>Schizachyrium scoparium</i> (Little Blue Stem) 5/	5 (5)
	<i>Bouteloua curtipendula</i> (Side-Oats Grama) 5/	5 (5)
	<i>Elymus canadensis</i> (Canada Wild Rye) 5/	1 (1)
	<i>Panicum virgatum</i> (Switch Grass) 5/	1 (1)
	<i>Sorghastrum nutans</i> (Indian Grass) 5/	2 (2)
	Annual Ryegrass	25 (25)
	Oats, Spring	25 (25)
	Perennial Ryegrass	15 (15)
	4A Low Profile Native Grass 2/ 6/	<i>Schizachyrium scoparium</i> (Little Blue Stem) 5/
<i>Bouteloua curtipendula</i> (Side-Oats Grama) 5/		5 (5)
<i>Elymus canadensis</i> (Canada Wild Rye) 5/		1 (1)
<i>Sporobolus heterolepis</i> (Prairie Dropseed) 5/		0.5 (0.5)
Annual Ryegrass		25 (25)
Oats, Spring		25 (25)
Perennial Ryegrass		15 (15)
4B Wetland Grass and Sedge Mixture 2/ 6/		Annual Ryegrass
	Oats, Spring	25 (25)
	Wetland Grasses (species below) 5/	6 (6)
<u>Species:</u>		<u>% By Weight</u>
<i>Calamagrostis canadensis</i> (Blue Joint Grass)		12
<i>Carex lacustris</i> (Lake-Bank Sedge)		6
<i>Carex slipata</i> (Awl-Fruited Sedge)		6
<i>Carex stricta</i> (Tussock Sedge)		6
<i>Carex vulpinoidea</i> (Fox Sedge)		6
<i>Eleocharis acicularis</i> (Needle Spike Rush)		3
<i>Eleocharis obtusa</i> (Blunt Spike Rush)		3
<i>Glyceria striata</i> (Fowl Manna Grass)		14
<i>Juncus effusus</i> (Common Rush)		6
<i>Juncus tenuis</i> (Slender Rush)		6
<i>Juncus torreyi</i> (Torrey's Rush)		6
<i>Leersia oryzoides</i> (Rice Cut Grass)		10
<i>Scirpus acutus</i> (Hard-Stemmed Bulrush)		3
<i>Scirpus atrovirens</i> (Dark Green Rush)		3
<i>Bolboschoenus fluviatilis</i> (River Bulrush)		3
<i>Schoenoplectus tabernaemontani</i> (Softstem Bulrush)		3
<i>Spartina pectinata</i> (Cord Grass)		4

Class – Type	Seeds	lb/acre (kg/hectare)
5	Forb with Annuals Mixture 2/ 5/ 6/	Annuals Mixture (Below) Forb Mixture (Below)
		1 (1) 10 (10)
	Annuals Mixture - Mixture not exceeding 25 % by weight of any one species, of the following:	
	<i>Coreopsis lanceolata</i> (Sand Coreopsis) <i>Leucanthemum maximum</i> (Shasta Daisy) <i>Gaillardia pulchella</i> (Blanket Flower) <i>Ratibida columnifera</i> (Prairie Coneflower) <i>Rudbeckia hirta</i> (Black-Eyed Susan)	
	Forb Mixture - Mixture not exceeding 5 % by weight PLS of any one species, of the following:	
	<i>Amorpha canescens</i> (Lead Plant) 4/ <i>Anemone cylindrica</i> (Thimble Weed) <i>Asclepias tuberosa</i> (Butterfly Weed) <i>Aster azureus</i> (Sky Blue Aster) <i>Symphotrichum leave</i> (Smooth Aster) <i>Aster novae-angliae</i> (New England Aster) <i>Baptisia leucantha</i> (White Wild Indigo) 4/ <i>Coreopsis palmata</i> (Prairie Coreopsis) <i>Echinacea pallida</i> (Pale Purple Coneflower) <i>Eryngium yuccifolium</i> (Rattlesnake Master) <i>Helianthus mollis</i> (Downy Sunflower) <i>Heliopsis helianthoides</i> (Ox-Eye) <i>Liatris aspera</i> (Rough Blazing Star) <i>Liatris pycnostachya</i> (Prairie Blazing Star) <i>Monarda fistulosa</i> (Prairie Bergamot) <i>Parthenium integrifolium</i> (Wild Quinine) <i>Dalea candida</i> (White Prairie Clover) 4/ <i>Dalea purpurea</i> (Purple Prairie Clover) 4/ <i>Physostegia virginiana</i> (False Dragonhead) <i>Potentilla arguta</i> (Prairie Cinquefoil) <i>Ratibida pinnata</i> (Yellow Coneflower) <i>Rudbeckia subtomentosa</i> (Fragrant Coneflower) <i>Silphium laciniatum</i> (Compass Plant) <i>Silphium terebinthinaceum</i> (Prairie Dock) <i>Oligoneuron rigidum</i> (Rigid Goldenrod) <i>Tradescantia ohiensis</i> (Spiderwort) <i>Veronicastrum virginicum</i> (Culver's Root)	

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Class – Type	Seeds	lb/acre (kg/hectare)
5A Large Flower Native Forb Mixture 2/ 5/ 6/	Forb Mixture (see below)	5 (5)
	<u>Species:</u>	<u>% By Weight</u>
	<i>Aster novae-angliae</i> (New England Aster)	5
	<i>Echinacea pallida</i> (Pale Purple Coneflower)	10
	<i>Helianthus mollis</i> (Downy Sunflower)	10
	<i>Heliopsis helianthoides</i> (Ox-Eye)	10
	<i>Liatris pycnostachya</i> (Prairie Blazing Star)	10
	<i>Ratibida pinnata</i> (Yellow Coneflower)	5
	<i>Rudbeckia hirta</i> (Black-Eyed Susan)	10
	<i>Silphium laciniatum</i> (Compass Plant)	10
	<i>Silphium terebinthinaceum</i> (Prairie Dock)	20
	<i>Oligoneuron rigidum</i> (Rigid Goldenrod)	10
5B Wetland Forb 2/ 5/ 6/	Forb Mixture (see below)	2 (2)
	<u>Species:</u>	<u>% By Weight</u>
	<i>Acorus calamus</i> (Sweet Flag)	3
	<i>Angelica atropurpurea</i> (Angelica)	6
	<i>Asclepias incarnata</i> (Swamp Milkweed)	2
	<i>Aster puniceus</i> (Purple Stemmed Aster)	10
	<i>Bidens cernua</i> (Beggarticks)	7
	<i>Eutrochium maculatum</i> (Spotted Joe Pye Weed)	7
	<i>Eupatorium perfoliatum</i> (Boneset)	7
	<i>Helenium autumnale</i> (Autumn Sneezeweed)	2
	<i>Iris virginica shrevei</i> (Blue Flag Iris)	2
	<i>Lobelia cardinalis</i> (Cardinal Flower)	5
	<i>Lobelia siphilitica</i> (Great Blue Lobelia)	5
	<i>Lythrum alatum</i> (Winged Loosestrife)	2
	<i>Physostegia virginiana</i> (False Dragonhead)	5
	<i>Persicaria pensylvanica</i> (Pennsylvania Smartweed)	10
	<i>Persicaria lapathifolia</i> (Curlytop Knotweed)	10
	<i>Pycnanthemum virginianum</i> (Mountain Mint)	5
	<i>Rudbeckia laciniata</i> (Cut-leaf Coneflower)	5
	<i>Oligoneuron riddellii</i> (Riddell Goldenrod)	2
	<i>Sparganium eurycarpum</i> (Giant Burreed)	5
6 Conservation Mixture 2/ 6/	<i>Schizachyrium scoparium</i> (Little Blue Stem) 5/ <i>Elymus canadensis</i> (Canada Wild Rye) 5/ Buffalo Grass 5/ 7/ Vernal Alfalfa 4/ Oats, Spring	5 (5) 2 (2) 5 (5) 15 (15) 48 (55)
6A Salt Tolerant Conservation Mixture 2/ 6/	<i>Schizachyrium scoparium</i> (Little Blue Stem) 5/ <i>Elymus canadensis</i> (Canada Wild Rye) 5/ Buffalo Grass 5/ 7/ Vernal Alfalfa 4/ Oats, Spring <i>Puccinellia distans</i> (Fults Saltgrass or Salty Alkaligrass)	5 (5) 2 (2) 5 (5) 15 (15) 48 (55) 20 (20)
7 Temporary Turf Cover Mixture	Perennial Ryegrass Oats, Spring	50 (55) 64 (70)

Notes:

- 1/ Seeding shall be performed when the ambient temperature has been between 45 °F (7 °C) and 80 °F (27 °C) for a minimum of seven (7) consecutive days and is forecasted to be the same for the next five (5) days according to the National Weather Service.
- 2/ Seeding shall be performed in late fall through spring beginning when the ambient temperature has been below 45 °F (7 °C) for a minimum of seven (7) consecutive days and ending when the ambient temperature exceeds 80 °F (27 °C) according to the National Weather Service.
- 3/ Specific variety as shown in the plans or approved by the Engineer.
- 4/ Inoculation required.
- 5/ Pure Live Seed (PLS) shall be used.
- 6/ Fertilizer shall not be used.
- 7/ Seed shall be primed with KNO₃ to break dormancy and dyed to indicate such.

Seeding will be inspected after a period of establishment. The period of establishment shall be six (6) months minimum, but not to exceed nine (9) months. After the period of establishment, areas not exhibiting 75 percent uniform growth shall be interseeded or reseeded, as determined by the Engineer, at no additional cost to the Department.”

SLOPED METAL END SECTION FOR PIPE CULVERTS (BDE)

Effective: January 1, 2018

Description. This work shall consist of furnishing and installing sloped metal end sections and sloped metal end sections with traversable pipe grate for pipe culverts. Work shall be according to Section 505 and 542 of the Standard Specifications except as modified herein.

Materials. Materials shall be according to the following:

- (a) Sloped Metal End Section. The sloped metal end sections shall be fabricated of steel and all component parts shall be of the same material. The base metal, bolts, and spelter coating shall be according to AASHTO M 36 (M 36M). Toe plates shall be furnished and the metal thickness shall be the same as that used in the end section.
- (b) Traversable Pipe Grate. Traversable pipe grate components shall be according ASTM A 53, (Type E or S), Grade B, or ASTM A 500 Grade B, standard weight Schedule 40. All steel components of the grating system shall be galvanized according to AASHTO M 111 or M 232 as applicable.

CONSTRUCTION REQUIREMENTS

General. Fabrication shall be according to the dimensions and details shown on Highway Standard 542411 or 542416.

Assembly, hardware, and rods for sloped metal end sections shall be according to the manufacturer's specifications.

Galvanizing, assembly, and hardware for traversable pipe grate shall be according to the manufacturer's specifications.

Method of Measurement. This work will be measured for payment as each, with each end of each culvert being one each.

Basis of Payment. This work will be paid for at the contract unit price per each for SLOPED METAL END SECTION, STANDARD 542411, SLOPED METAL END SECTION WITH GRATE, STANDARD 542411, SLOPED METAL END SECTION, STANDARD 542416, or SLOPED METAL END SECTION WITH GRATE, STANDARD 542416, of the pipe diameter and slope specified.

STEEL COST ADJUSTMENT (BDE)

Effective: April 2, 2004

Revised: January 1, 2022

Description. Steel cost adjustments will be made to provide additional compensation to the Contractor, or a credit to the Department, for fluctuations in steel prices when optioned by the Contractor. The bidder shall indicate with their bid whether or not this special provision will be part of the contract. Failure to indicate "Yes" for any item of work will make that item of steel exempt from steel cost adjustment.

Types of Steel Products. An adjustment will be made for fluctuations in the cost of steel used in the manufacture of the following items:

- Metal Piling (excluding temporary sheet piling)
- Structural Steel
- Reinforcing Steel

Other steel materials such as dowel bars, tie bars, welded reinforcement, guardrail, steel traffic signal and light poles, towers and mast arms, metal railings (excluding wire fence), and frames and grates will be subject to a steel cost adjustment when the pay items they are used in have a contract value of \$10,000 or greater.

The adjustments shall apply to the above items when they are part of the original proposed construction, or added as extra work and paid for by agreed unit prices. The adjustments shall not apply when the item is added as extra work and paid for at a lump sum price or by force account.

Documentation. Sufficient documentation shall be furnished to the Engineer to verify the following:

- (a) The dates and quantity of steel, in lb (kg), shipped from the mill to the fabricator.
- (b) The quantity of steel, in lb (kg), incorporated into the various items of work covered by this special provision. The Department reserves the right to verify submitted quantities.

Method of Adjustment. Steel cost adjustments will be computed as follows:

$$SCA = Q \times D$$

Where: SCA = steel cost adjustment, in dollars
Q = quantity of steel incorporated into the work, in lb (kg)
D = price factor, in dollars per lb (kg)

$$D = MPI_M - MPI_L$$

Where: MPI_M = The Materials Cost Index for steel as published by the Engineering News-Record for the month the steel is shipped from the mill. The indices will be converted from dollars per 100 lb to dollars per lb (kg).

MPI_L = The Materials Cost Index for steel as published by the Engineering News-Record for the month prior to the letting for work paid for at the contract price; or for the month the agreed unit price letter is submitted by the Contractor for extra work paid for by agreed unit price,. The indices will be converted from dollars per 100 lb to dollars per lb (kg).

The unit weights (masses) of steel that will be used to calculate the steel cost adjustment for the various items are shown in the attached table.

No steel cost adjustment will be made for any products manufactured from steel having a mill shipping date prior to the letting date.

If the Contractor fails to provide the required documentation, the method of adjustment will be calculated as described above; however, the MPI_M will be based on the date the steel arrives at the job site. In this case, an adjustment will only be made when there is a decrease in steel costs.

Basis of Payment. Steel cost adjustments may be positive or negative but will only be made when there is a difference between the MPI_L and MPI_M in excess of five percent, as calculated by:

$$\text{Percent Difference} = \{(MPI_L - MPI_M) \div MPI_L\} \times 100$$

Steel cost adjustments will be calculated by the Engineer and will be paid or deducted when all other contract requirements for the items of work are satisfied. Adjustments will only be made for fluctuations in the cost of the steel as described herein. No adjustment will be made for changes in the cost of manufacturing, fabrication, shipping, storage, etc.

The adjustments shall not apply during contract time subject to liquidated damages for completion of the entire contract.

Attachment

Item	Unit Mass (Weight)
Metal Piling (excluding temporary sheet piling)	
Furnishing Metal Pile Shells 12 in. (305 mm), 0.179 in. (3.80 mm) wall thickness)	23 lb/ft (34 kg/m)
Furnishing Metal Pile Shells 12 in. (305 mm), 0.250 in. (6.35 mm) wall thickness)	32 lb/ft (48 kg/m)
Furnishing Metal Pile Shells 14 in. (356 mm), 0.250 in. (6.35 mm) wall thickness)	37 lb/ft (55 kg/m)
Other piling	See plans
Structural Steel	See plans for weights (masses)
Reinforcing Steel	See plans for weights (masses)
Dowel Bars and Tie Bars	6 lb (3 kg) each
Welded Reinforcement	63 lb/100 sq ft (310 kg/sq m)
Guardrail	
Steel Plate Beam Guardrail, Type A w/steel posts	20 lb/ft (30 kg/m)
Steel Plate Beam Guardrail, Type B w/steel posts	30 lb/ft (45 kg/m)
Steel Plate Beam Guardrail, Types A and B w/wood posts	8 lb/ft (12 kg/m)
Steel Plate Beam Guardrail, Type 2	305 lb (140 kg) each
Steel Plate Beam Guardrail, Type 6	1260 lb (570 kg) each
Traffic Barrier Terminal, Type 1 Special (Tangent)	730 lb (330 kg) each
Traffic Barrier Terminal, Type 1 Special (Flared)	410 lb (185 kg) each
Steel Traffic Signal and Light Poles, Towers and Mast Arms	
Traffic Signal Post	11 lb/ft (16 kg/m)
Light Pole, Tenon Mount and Twin Mount, 30 - 40 ft (9 – 12 m)	14 lb/ft (21 kg/m)
Light Pole, Tenon Mount and Twin Mount, 45 - 55 ft (13.5 – 16.5 m)	21 lb/ft (31 kg/m)
Light Pole w/Mast Arm, 30 - 50 ft (9 – 15.2 m)	13 lb/ft (19 kg/m)
Light Pole w/Mast Arm, 55 - 60 ft (16.5 – 18 m)	19 lb/ft (28 kg/m)
Light Tower w/Luminaire Mount, 80 - 110 ft (24 – 33.5 m)	31 lb/ft (46 kg/m)
Light Tower w/Luminaire Mount, 120 - 140 ft (36.5 – 42.5 m)	65 lb/ft (97 kg/m)
Light Tower w/Luminaire Mount, 150 - 160 ft (45.5 – 48.5 m)	80 lb/ft (119 kg/m)
Metal Railings (excluding wire fence)	
Steel Railing, Type SM	64 lb/ft (95 kg/m)
Steel Railing, Type S-1	39 lb/ft (58 kg/m)
Steel Railing, Type T-1	53 lb/ft (79 kg/m)
Steel Bridge Rail	52 lb/ft (77 kg/m)
Frames and Grates	
Frame	250 lb (115 kg)
Lids and Grates	150 lb (70 kg)

SUBCONTRACTOR AND DBE PAYMENT REPORTING (BDE)

Effective: April 2, 2018

Add the following to Section 109 of the Standard Specifications.

“109.14 Subcontractor and Disadvantaged Business Enterprise Payment Reporting.
 The Contractor shall report all payments made to the following parties:

- (a) first tier subcontractors;
- (b) lower tier subcontractors affecting disadvantaged business enterprise (DBE) goal credit;
- (c) material suppliers or trucking firms that are part of the Contractor’s submitted DBE utilization plan.

The report shall be made through the Department’s on-line subcontractor payment reporting system within 21 days of making the payment.”

SUBCONTRACTOR MOBILIZATION PAYMENTS (BDE)

Effective: November 2, 2017
 Revised: April 1, 2019

Replace the second paragraph of Article 109.12 of the Standard Specifications with the following:

“This mobilization payment shall be made at least seven days prior to the subcontractor starting work. The amount paid shall be at the following percentage of the amount of the subcontract reported on form BC 260A submitted for the approval of the subcontractor’s work.

Value of Subcontract Reported on Form BC 260A	Mobilization Percentage
Less than \$10,000	25%
\$10,000 to less than \$20,000	20%
\$20,000 to less than \$40,000	18%
\$40,000 to less than \$60,000	16%
\$60,000 to less than \$80,000	14%
\$80,000 to less than \$100,000	12%
\$100,000 to less than \$250,000	10%
\$250,000 to less than \$500,000	9%
\$500,000 to \$750,000	8%
Over \$750,000	7%”

SUBMISSION OF PAYROLL RECORDS (BDE)

Effective: April 1, 2021

Revised: November 1, 2022

FEDERAL AID CONTRACTS. Revise the following section of Check Sheet #1 of the Recurring Special Provisions to read:

“STATEMENTS AND PAYROLLS

The payroll records shall include the worker’s name, the worker’s address, the worker’s telephone number when available, the worker’s social security number, the worker’s classification or classifications, the worker’s gross and net wages paid in each pay period, the worker’s number of hours worked each day, and the worker’s starting and ending times of work each day. However, any Contractor or subcontractor who remits contributions to a fringe benefit fund that is not jointly maintained and jointly governed by one or more employers and one or more labor organization must additionally submit the worker’s hourly wage rate, the worker’s hourly overtime wage rate, the worker’s hourly fringe benefit rates, the name and address of each fringe benefit fund, the plan sponsor of each fringe benefit, if applicable, and the plan administrator of each fringe benefit, if applicable.

The Contractor and each subcontractor shall certify and submit payroll records to the Department each week from the start to the completion of their respective work, except that full social security numbers shall not be included on weekly submittals. Instead, the payrolls shall

include an identification number for each employee (e.g., the last four digits of the employee's social security number). In addition, starting and ending times of work each day may be omitted from the payroll records submitted. The submittals shall be made using LCPtracker Pro software. The software is web-based and can be accessed at <https://lcptracker.com/>. When there has been no activity during a work week, a payroll record shall still be submitted with the appropriate option ("No Work", "Suspended", or "Complete") selected."

STATE CONTRACTS. Revise Item 3 of Section IV of Check Sheet #5 of the Recurring Special Provisions to read:

3. Submission of Payroll Records. The Contractor and each subcontractor shall, no later than the 15th day of each calendar month, file a certified payroll for the immediately preceding month to the Illinois Department of Labor (IDOL) through the Illinois Prevailing Wage Portal in compliance with the State Prevailing Wage Act (820 ILCS 130). The portal can be found on the IDOL website at <https://www2.illinois.gov/idol/Laws-Rules/CONMED/Pages/Prevailing-Wage-Portal.aspx>. Payrolls shall be submitted in the format prescribed by the IDOL.

In addition to filing certified payroll(s) with the IDOL, the Contractor and each subcontractor shall certify and submit payroll records to the Department each week from the start to the completion of their respective work, except that full social security numbers shall not be included on weekly submittals. Instead, the payrolls shall include an identification number for each employee (e.g., the last four digits of the employee's social security number). In addition, starting and ending times of work each day may be omitted from the payroll records submitted. The submittals shall be made using LCPtracker Pro software. The software is web-based and can be accessed at <https://lcptracker.com/>. When there has been no activity during a work week, a payroll record shall still be submitted with the appropriate option ("No Work", "Suspended", or "Complete") selected."

SURFACE TESTING OF PAVEMENTS – IRI (BDE)

Effective: January 1, 2021

Revised: January 1, 2022

Description. This work shall consist of testing the ride quality of the finished surface of pavements, according to Illinois Test Procedure 701, "Ride Quality Testing Using the International Roughness Index (IRI)". Work shall be according to Sections 406, 407, or 420 of the Standard Specifications, except as modified herein.

Hot-Mix Asphalt (HMA) Overlays

Add Article 406.03(n) to the Standard Specifications:

"(n) Pavement Surface Grinding Equipment.....1101.04"

Revise Article 406.11 of the Standard Specifications to read:

“406.11 Surface Tests. Prior to pavement improvements, the Engineer will measure the smoothness of the existing high-speed mainline pavement. The Contractor shall measure the smoothness of the finished high-speed mainline, low-speed mainline, and miscellaneous pavements within seven days of paving. Testing shall be performed in the presence of the Engineer and according to Illinois Test Procedure 701. The pavement will be identified as high-speed mainline, low-speed mainline, or miscellaneous as follows.

(a) Test Sections

- (1) High-Speed Mainline Pavement. High-speed mainline pavement shall consist of pavements, ramps, and loops with a posted speed limit greater than 45 mph. These sections shall be tested with an inertial profiling system (IPS).
- (2) Low-Speed Mainline Pavement. Low-speed mainline pavement shall consist of pavements, ramps, and loops with a posted speed limit of 45 mph or less. These sections shall be tested with an IPS and will be analyzed using the rolling 16 ft (5 m) straightedge simulation in ProVAL.
- (3) Miscellaneous Pavement. Miscellaneous pavement includes segments that either cannot readily be tested by an IPS or conditions beyond the control of the contractor preclude the achievement of smoothness levels typically achievable with mainline pavement construction. This may include the following examples or as determined by the Engineer.
 - (a) Pavement on horizontal curves with a centerline radius of curvature of less than or equal to 1,000 ft (300 m) and the pavement within the superelevation transition of such curves;
 - (b) Pavement on vertical curves having a length less than or equal to 200 ft (60 m) in combination with an algebraic change in tangent grade greater than or equal to 3 percent as may occur on urban ramps or other constricted-space facilities;
 - (c) The first and last 50 ft (15 m) of a pavement section where the Contractor is not responsible for the adjoining surface;
 - (d) Intersections and the 25 ft (7.6 m) before and after an intersection or end of radius return;
 - (e) Variable width pavements;
 - (f) Side street returns, to the end of radius return;
 - (g) Crossovers;
 - (h) Connector pavement from the mainline pavement expansion joint to the bridge approach slab;
 - (i) Bridge approach slab;

- (j) Pavement that must be constructed in multiple short segments, typically defined as 600 ft (180 m) or less;
- (k) Pavement within 25 ft (7.6 m) of manholes, utility structures, or other appurtenances;
- (l) Turn lanes; and
- (m) Pavement within 5 ft (1.5 m) of jobsite sampling locations for HMA volumetric testing that fall within the wheel path.

Miscellaneous pavement shall be tested using a 16 ft (5 m) straightedge.

- (4) International Roughness Index (IRI). An index computed from a longitudinal profile measurement using a quarter-car simulation at a simulation speed of 50 mph (80 km/h).
 - (5) Mean Roughness Index (MRI). The average of the IRI values for the right and left wheel tracks.
 - (6) Areas of Localized Roughness (ALR). Isolated areas of roughness, which can cause significant increase in the calculated MRI for a given subplot.
 - (7) Lot. A lot will be defined as a continuous strip of pavement 1 mile (1,600 m) long and one lane wide. When the length of a continuous strip of pavement is less than 1 mile (1,600 m), that pavement will be included in an adjacent lot. Structures will be omitted when measuring pavement length, but will not be considered as a discontinuity and the numbering of sublots will not restart. The limits of the structure shall include the entire length between the outside ends of both connector pavements.
 - (8) Sublot. Lots will be divided into 0.1 mile (160 m) sublots. A partial subplot greater than or equal to 264 ft (80 m) resulting from an interruption in the pavement will be subject to the same evaluation as a whole subplot. Partial sublots less than 264 ft (80 m) shall be included with the previous subplot for evaluation purposes.
- (b) Corrective Work. Corrective work shall be completed according to the following.
- (1) High-Speed Mainline Pavement. For high-speed mainline pavement, any 25 ft (7.6 m) interval with an ALR in excess of 150 in./mile (2,400 mm/km) will be identified by the Engineer and shall be corrected by the Contractor. Any subplot having a MRI greater than MRI_D , including ALR, shall be corrected to reduce the MRI to the MRI_F , or replaced at the Contractor's option.
 - (2) Low-Speed Mainline Pavement. Bumps in low-speed mainline pavement which exceed the 5/16 in. (8 mm) tolerance using a simulated 16 ft (5 m) straightedge will be identified by the Engineer and shall be corrected by the Contractor.
 - (3) Miscellaneous Pavements. Bumps in miscellaneous pavement which exceed the 5/16 in. (8 mm) tolerance on a 16 ft (5 m) straightedge will be identified by the Engineer and shall be corrected by the Contractor.

Corrective work shall be completed with pavement surface grinding equipment or by removing and replacing the pavement. Corrective work shall be applied to the full lane width. When completed, the corrected area shall have uniform texture and appearance, with the beginning and ending of the corrected area normal to the centerline of the paved surface.

Upon completion of the corrective work, the surface of the subplot(s) shall be retested. The Contractor shall furnish the data and reports to the Engineer within 2 working days after corrections are made. If the MRI and/or ALR still do not meet the requirements, additional corrective work shall be performed.

Corrective work shall be at no additional cost to the Department.

- (c) Smoothness Assessments. Assessments will be paid to or deducted from the Contractor for each subplot of high-speed mainline pavement per the Smoothness Assessment Schedule. Assessments will be based on the MRI of each subplot prior to performing any corrective work unless the Contractor has chosen to remove and replace the subplot. For sublots that are replaced, assessments will be based on the MRI determined after replacement.

The upper MRI thresholds for high-speed mainline pavement are dependent on the MRI of the existing pavement before construction (MRI_0) and shall be determined as follows.

Upper MRI Thresholds ^{1/}	MRI Thresholds (High-Speed, HMA Overlay)	
	$MRI_0 \leq 125.0$ in./mile ($\leq 1,975$ mm/km)	$MRI_0 > 125.0$ in./mile ^{1/} ($> 1,975$ mm/km)
Incentive (MRI_I)	45.0 in./mile (710 mm/km)	$0.2 \times MRI_0 + 20$
Full Pay (MRI_F)	75.0 in./mile (1,190 mm/km)	$0.2 \times MRI_0 + 50$
Disincentive (MRI_D)	100.0 in./mile (1,975 mm/km)	$0.2 \times MRI_0 + 75$

1/ MRI_0 , MRI_I , MRI_F , and MRI_D shall be in in./mile for calculation.

Smoothness assessments for high-speed mainline pavement shall be determined as follows.

SMOOTHNESS ASSESSMENT SCHEDULE (High-Speed, HMA Overlay)	
Mainline Pavement MRI Range	Assessment Per Sublot ^{1/}
$MRI \leq MRI_I$	$+ (MRI_I - MRI) \times \$33.00$ ^{2/}
$MRI_I < MRI \leq MRI_F$	$+ \$0.00$
$MRI_F < MRI \leq MRI_D$	$- (MRI - MRI_F) \times \$20.00$
$MRI > MRI_D$	$- \$500.00$

1/ MRI , MRI_I , MRI_F , and MRI_D shall be in in./mile for calculation.

2/ The maximum incentive amount shall not exceed \$500.00.

Smoothness assessments will not be paid or deducted until all other contract requirements for the pavement are satisfied. Pavement that is corrected or replaced for reasons other than smoothness, shall be retested as stated herein.”

Hot-Mix Asphalt (HMA) Pavement (Full-Depth)

Revise the first paragraph of Article 407.03 of the Standard Specifications to read:

“**407.03 Equipment.** Equipment shall be according to Article 406.03.”

Revise Article 407.09 of the Standard Specifications to read:

“**407.09 Surface Tests.** The finished surface of the pavement shall be tested for smoothness according to Article 406.11, except as follows:

The testing of the existing pavement prior to improvements shall not apply and the smoothness assessment for high-speed mainline pavement shall be determined according to the following table.

SMOOTHNESS ASSESSMENT SCHEDULE (High-Speed, Full-Depth HMA)	
Mainline Pavement MRI, in./mile (mm/km)	Assessment Per Sublot ^{1/}
≤ 45.0 (710)	+ (45 – MRI) × \$80.00 ^{2/}
> 45.0 (710) to 75.0 (1,190)	+ \$0.00
> 75.0 (1,190) to 100.0 (1,580)	– (MRI – 75) × \$30.00
> 100.0 (1,580)	– \$750.00

1/ MRI shall be in in./mile for calculation.

2/ The maximum incentive amount shall not exceed \$1,200.00.”

Portland Cement Concrete Pavement

Delete Article 420.03(i) of the Standard Specifications.

Revise Article 420.03(j) of the Standard Specifications to read:

“(i) Coring Machine (Note 1)”

Revise Article 420.10 of the Standard Specifications to read:

“**420.10 Surface Tests.** The finished surface of the pavement shall be tested for smoothness according to Article 406.11, except as follows.

The testing of the existing pavement prior to improvements shall not apply. The Contractor shall measure the smoothness of the finished surface of the pavement after the pavement has

attained a flexural strength of 250 psi (3,800 kPa) or a compressive strength of 1,600 psi (20,700 kPa).

Membrane curing damaged during testing shall be repaired as directed by the Engineer at no additional cost to the Department.

- (a) Corrective Work. No further texturing for skid resistance will be required for areas corrected by grinding. Protective coat shall be reapplied to ground areas according to Article 420.18 at no additional cost to the Department.

Pavement corrected by removal and replacement, shall be corrected in full panel sizes.

- (b) Smoothness Assessments. Smoothness assessment for high-speed mainline pavement shall be determined as follows.

SMOOTHNESS ASSESSMENT SCHEDULE (High-Speed, PCC)	
Mainline Pavement MRI, in./mile (mm/km) ^{3/}	Assessment Per Sublot ^{1/}
≤ 45.0 (710)	+ (45 – MRI) × \$120.00 ^{2/}
> 45.0 (710) to 75.0 (1,190)	+ \$0.00
> 75.0 (1,190) to 100.0 (1,580)	– (MRI – 75) × \$45.00
> 100.0 (1,580)	– \$1,125.00

1/ MRI shall be in in./mile for calculation.

2/ The maximum incentive amount shall not exceed \$1,800.00.

3/ If pavement is constructed with traffic in the lane next to it, then an additional 10 in./mile will be added to the upper thresholds.”

Removal of Existing Pavement and Appurtenances

Revise the first paragraph of Article 440.04 of the Standard Specifications to read:

“**440.04 HMA Surface Removal for Subsequent Resurfacing.** The existing HMA surface shall be removed to the depth specified on the plans with a self-propelled milling machine. The removal depth may be varied slightly at the discretion of the Engineer to satisfy the smoothness requirements of the finished pavement. The temperature at which the work is performed, the nature and condition of the equipment, and the manner of performing the work shall be such that the milled surface is not torn, gouged, shoved or otherwise damaged by the milling operation. Sufficient cutting passes shall be made so that all irregularities or high spots are eliminated to the satisfaction of the Engineer. When tested with a 16 ft (5 m) straightedge, the milled surface shall have no surface variations in excess of 3/16 in. (5 mm).”

TRAINING SPECIAL PROVISIONS (BDE)

Effective: October 15, 1975

Revised: September 2, 2021

This Training Special Provision supersedes Section 7b of the Special Provision entitled "Specific Equal Employment Opportunity Responsibilities," and is in implementation of 23 U.S.C. 140(a).

As part of the Contractor's equal employment opportunity affirmative action program, training shall be provided as follows:

The Contractor shall provide on-the-job training aimed at developing full journeyman in the type of trade or job classification involved. The number of trainees to be trained under this contract will be 4. In the event the Contractor subcontracts a portion of the contract work, it shall determine how many, if any, of the trainees are to be trained by the subcontractor, provided however, that the Contractor shall retain the primary responsibility for meeting the training requirements imposed by this special provision. The Contractor shall also ensure that this Training Special Provision is made applicable to such subcontract. Where feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training.

The number of trainees shall be distributed among the work classifications on the basis of the Contractor's needs and the availability of journeymen in the various classifications within the reasonable area of recruitment. Prior to commencing construction, the Contractor shall submit to the Illinois Department of Transportation for approval the number of trainees to be trained in each selected classification and training program to be used. Furthermore, the Contractor shall specify the starting time for training in each of the classifications. The Contractor will be credited for each trainee it employs on the contract work who is currently enrolled or becomes enrolled in an approved program and will be reimbursed for such trainees as provided hereinafter.

Training and upgrading of minorities and women toward journeyman status is a primary objective of this Training Special Provision. Accordingly, the Contractor shall make every effort to enroll minority trainees and women (e.g. by conducting systematic and direct recruitment through public and private sources likely to yield minority and women trainees) to the extent such persons are available within a reasonable area of recruitment. The Contractor will be responsible for demonstrating the steps it has taken in pursuance thereof, prior to a determination as to whether the Contractor is in compliance with this Training Special Provision. This training commitment is not intended, and shall not be used, to discriminate against any applicant for training, whether a member of a minority group or not.

No employee shall be employed as a trainee in any classification in which he or she has successfully completed a training course leading to journeyman status or in which he or she has been employed as a journeyman. The Contractor should satisfy this requirement by including appropriate questions in the employee application or by other suitable means. Regardless of the method used, the Contractor's records should document the findings in each case.

The minimum length and type of training for each classification will be as established in the training program selected by the Contractor and approved by the Illinois Department of Transportation and the Federal Highway Administration. The Illinois Department of Transportation and the Federal Highway Administration shall approve a program, if it is reasonably calculated to meet the equal employment opportunity obligations of the Contractor

and to qualify the average trainee for journeyman status in the classification concerned by the end of the training period. Furthermore, apprenticeship programs registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau and training programs approved by not necessarily sponsored by the U.S. Department of Labor Employment Training Administration shall also be considered acceptable provided it is being administered in a manner consistent with the equal employment obligations of Federal-aid highway construction contracts. Approval or acceptance of a training program shall be obtained from the State prior to commencing work on the classification covered by the program. It is the intention of these provisions that training is to be provided in the construction crafts rather than clerk-typists or secretarial-type positions. Training is permissible in lower level management positions such as office engineers, estimators, timekeepers, etc., where the training is oriented toward construction applications. Training in the laborer classification may be permitted provided that significant and meaningful training is provided and approved by the Illinois Department of Transportation and the Federal Highway Administration. Some offsite training is permissible as long as the training is an integral part of an approved training program and does not comprise a significant part of the overall training.

Except as otherwise noted below, the Contractor will be reimbursed 80 cents per hour of training given an employee on this contract in accordance with an approved training program. As approved by the Engineer, reimbursement will be made for training of persons in excess of the number specified herein. This reimbursement will be made even though the Contractor receives additional training program funds from other sources, provided such other source does not specifically prohibit the Contractor from receiving other reimbursement. Reimbursement for offsite training indicated above may only be made to the Contractor where he does one or more of the following and the trainees are concurrently employed on a Federal-aid project; contributes to the cost of the training, provides the instruction to the trainee or pays the trainee's wages during the offsite training period.

No payment shall be made to the Contractor if either the failure to provide the required training, or the failure to hire the trainee as a journeyman, is caused by the Contractor and evidences a lack of good faith on the part of the Contractor in meeting the requirement of this Training Special Provision. It is normally expected that a trainee will begin his training on the project as soon as feasible after start of work utilizing the skill involved and remain on the project as long as training opportunities exist in his work classification or until he has completed his training program.

It is not required that all trainees be on board for the entire length of the contract. A Contractor will have fulfilled his responsibilities under this Training Special Provision if he has provided acceptable training to the number of trainees specified. The number trained shall be determined on the basis of the total number enrolled on the contract for a significant period.

Trainees will be paid at least 60 percent of the appropriate minimum journeyman's rate specified in the contract for the first half of the training period, 75 percent for the third quarter of the training period, and 90 percent for the last quarter of the training period, unless apprentices or trainees in an approved existing program are enrolled as trainees on this project. In that case, the appropriate rates approved by the Departments of Labor or Transportation in connection with the existing program shall apply to all trainees being trained for the same classification who are covered by this Training Special Provision.

The Contractor shall furnish the trainee a copy of the program he will follow in providing the training. The Contractor shall provide each trainee with a certification showing the type and length of training satisfactorily complete.

The Contractor shall provide for the maintenance of records and furnish periodic reports documenting its performance under this Training Special Provision.

For contracts with an awarded contract value of \$500,000 or more, the Contractor is required to comply with the Illinois Works Apprenticeship Initiative (30 ILCS 559/20-20 to 20-25) and all applicable administrative rules to the extent permitted by Section 20-20(g). For federally funded projects, the number of trainees to be trained under this contract, as stated in the Training Special Provisions, will be the established goal for the Illinois Works Apprenticeship Initiative 30 ILCS 559/20-20(g). The Contractor shall make a good faith effort to meet this goal. For federally funded projects, the Illinois Works Apprenticeship Initiative will be implemented using the FHWA approved OJT procedures. The Contractor must comply with the recordkeeping and reporting obligations of the Illinois Works Apprenticeship Initiative for the life of the project, including the certification as to whether the trainee/apprentice labor hour goals were met.

Method of Measurement. The unit of measurement is in hours.

Basis of Payment. This work will be paid for at the contract unit price of 80 cents per hour for TRAINEES. The estimated total number of hours, unit price, and total price have been included in the schedule of prices.

IDOT TRAINING PROGRAM GRADUATE ON-THE-JOB TRAINING SPECIAL PROVISION

Effective: August 1, 2012

Revised: February 2, 2017

In addition to the Contractor's equal employment opportunity (EEO) affirmative action efforts undertaken as required by this Contract, the Contractor is encouraged to participate in the incentive program described below to provide additional on-the-job training to certified graduates of the IDOT pre-apprenticeship training program, as outlined in this Special Provision.

IDOT funds, and various Illinois community colleges operate, pre-apprenticeship training programs throughout the State to provide training and skill-improvement opportunities to promote the increased employment of minority groups, disadvantaged persons and women in all aspects of the highway construction industry. The intent of this IDOT Pre-Apprenticeship Training Program Graduate (TPG) special provision (Special Provision) is to place these certified program graduates on the project site for this Contract in order to provide the graduates with meaningful on-the-job training. Pursuant to this Special Provision, the Contractor must make every reasonable effort to recruit and employ certified TPG trainees to the extent such individuals are available within a practicable distance of the project site.

Specifically, participation of the Contractor or its subcontractor in the Program entitles the participant to reimbursement for graduates' hourly wages at \$15.00 per hour per utilized TPG trainee, subject to the terms of this Special Provision. Reimbursement payment will be made even though the Contractor or subcontractor may also receive additional training program funds from other non-IDOT sources for other non-TPG trainees on the Contract, provided such other source

does not specifically prohibit the Contractor or subcontractor from receiving reimbursement from another entity through another program, such as IDOT through the TPG program. With regard to any IDOT funded construction training program other than TPG, however, additional reimbursement for other IDOT programs will not be made beyond the TPG Program described in this Special Provision when the TPG Program is utilized.

No payment will be made to the Contractor if the Contractor or subcontractor fails to provide the required on-site training to TPG trainees, as solely determined by IDOT. A TPG trainee must begin training on the project as soon as the start of work that utilizes the relevant trade skill and the TPG trainee must remain on the project site through completion of the Contract, so long as training opportunities continue to exist in the relevant work classification. Should a TPG trainee's employment end in advance of the completion of the Contract, the Contractor must promptly notify the IDOT District EEO Officer for the Contract that the TPG's involvement in the Contract has ended. The Contractor must supply a written report for the reason the TPG trainee involvement terminated, the hours completed by the TPG trainee on the Contract, and the number of hours for which the incentive payment provided under this Special Provision will be, or has been claimed for the separated TPG trainee.

Finally, the Contractor must maintain all records it creates as a result of participation in the Program on the Contract, and furnish periodic written reports to the IDOT District EEO Officer that document its contractual performance under and compliance with this Special Provision. Finally, through participation in the Program and reimbursement of wages, the Contractor is not relieved of, and IDOT has not waived, the requirements of any federal or state labor or employment law applicable to TPG workers, including compliance with the Illinois Prevailing Wage Act.

Method of Measurement: The unit of measurement is in hours.

Basis of Payment: This work will be paid for at the contract unit price of \$15.00 per hour for each utilized certified TPG Program trainee (TRAINEES TRAINING PROGRAM GRADUATE). The estimated total number of hours, unit price, and total price must be included in the schedule of prices for the Contract submitted by Contractor prior to beginning work. The initial number of TPG trainees for which the incentive is available for this contract is 4.

The Department has contracted with several educational institutions to provide screening, tutoring and pre-training to individuals interested in working as a TPG trainee in various areas of common construction trade work. Only individuals who have successfully completed a Pre-Apprenticeship Training Program at these IDOT approved institutions are eligible to be TPG trainees. To obtain a list of institutions that can connect the Contractor with eligible TPG trainees, the Contractor may contact: HCCTP TPG Program Coordinator, Office of Business and Workforce Diversity (IDOT OBWD), Room 319, Illinois Department of Transportation, 2300 S. Dirksen Parkway, Springfield, Illinois 62764. Prior to commencing construction with the utilization of a TPG trainee, the Contractor must submit documentation to the IDOT District EEO Officer for the Contract that provides the names and contact information of the TPG trainee(s) to be trained in each selected work classification, proof that that the TPG trainee(s) has successfully completed a Pre-Apprenticeship Training Program, proof that the TPG is in an Apprenticeship Training Program approved by the U.S. Department of Labor Bureau of Apprenticeship Training, and the start date for training in each of the applicable work classifications.

To receive payment, the Contractor must provide training opportunities aimed at developing a full journeyworker in the type of trade or job classification involved. During the course of performance

of the Contract, the Contractor may seek approval from the IDOT District EEO Officer to employ additional eligible TPG trainees. In the event the Contractor subcontracts a portion of the contracted work, it must determine how many, if any, of the TPGs will be trained by the subcontractor. Though a subcontractor may conduct training, the Contractor retains the responsibility for meeting all requirements imposed by this Special Provision. The Contractor must also include this Special Provision in any subcontract where payment for contracted work performed by a TPG trainee will be passed on to a subcontractor.

Training through the Program is intended to move TPGs toward journeyman status, which is the primary objective of this Special Provision. Accordingly, the Contractor must make every effort to enroll TPG trainees by recruitment through the Program participant educational institutions to the extent eligible TPGs are available within a reasonable geographic area of the project. The Contractor is responsible for demonstrating, through documentation, the recruitment efforts it has undertaken prior to the determination by IDOT whether the Contractor is in compliance with this Special Provision, and therefore, entitled to the Training Program Graduate reimbursement of \$15.00 per hour.

Notwithstanding the on-the-job training requirement of this TPG Special Provision, some minimal off-site training is permissible as long as the offsite training is an integral part of the work of the contract, and does not compromise or conflict with the required on-site training that is central to the purpose of the Program. No individual may be employed as a TPG trainee in any work classification in which he/she has previously successfully completed a training program leading to journeyman status in any trade, or in which he/she has worked at a journeyman level or higher.

VEHICLE AND EQUIPMENT WARNING LIGHTS (BDE)

Effective: November 1, 2021

Revised: November 1, 2022

Add the following paragraph after the first paragraph of Article 701.08 of the Standard Specifications:

“The Contractor shall equip all vehicles and equipment with high-intensity oscillating, rotating, or flashing, amber or amber-and-white, warning lights which are visible from all directions. In accordance with 625 ILCS 5/12-215, the lights may only be in operation while the vehicle or equipment is engaged in construction operations.”

WEEKLY DBE TRUCKING REPORTS (BDE)

Effective: June 2, 2012

Revised: November 1, 2021

The Contractor shall submit a weekly report of Disadvantaged Business Enterprise (DBE) trucks hired by the Contractor or subcontractors (i.e. not owned by the Contractor or subcontractors) that are used for DBE goal credit.

The report shall be submitted to the Engineer on Department form “SBE 723” within ten business days following the reporting period. The reporting period shall be Sunday through Saturday for each week reportable trucking activities occur.

Any costs associated with providing weekly DBE trucking reports shall be considered as included in the contract unit prices bid for the various items of work involved and no additional compensation will be allowed.

WORK ZONE TRAFFIC CONTROL DEVICES (BDE)

Effective: March 2, 2020

Add the following to Article 701.03 of the Standard Specifications:

“(q) Temporary Sign Supports1106.02”

Revise the third paragraph of Article 701.14 of the Standard Specifications to read:

“For temporary sign supports, the Contractor shall provide a FHWA eligibility letter for each device used on the contract. The letter shall provide information for the set-up and use of the device as well as a detailed drawing of the device. The signs shall be supported within 20 degrees of vertical. Weights used to stabilize signs shall be attached to the sign support per the manufacturer’s specifications.”

Revise the first paragraph of Article 701.15 of the Standard Specifications to read:

“701.15 Traffic Control Devices. For devices that must meet crashworthiness standards, the Contractor shall provide a manufacturer’s self-certification or a FHWA eligibility letter for each Category 1 device and a FHWA eligibility letter for each Category 2 and Category 3 device used on the contract. The self-certification or letter shall provide information for the set-up and use of the device as well as a detailed drawing of the device.”

Revise the first six paragraphs of Article 1106.02 of the Standard Specifications to read:

“1106.02 Devices. Work zone traffic control devices and combinations of devices shall meet crashworthiness standards for their respective categories. The categories are as follows.

Category 1 includes small, lightweight, channelizing and delineating devices that have been in common use for many years and are known to be crashworthy by crash testing of similar devices or years of demonstrable safe performance. These include cones, tubular markers, plastic drums, and delineators, with no attachments (e.g. lights). Category 1 devices manufactured after December 31, 2019 shall be MASH-16 compliant. Category 1 devices manufactured on or before December 31, 2019, and compliant with NCHRP 350 or MASH 2009, may be used on contracts let before December 31, 2024.

Category 2 includes devices that are not expected to produce significant vehicular velocity change but may otherwise be hazardous. These include vertical panels with lights, barricades, temporary sign supports, and Category 1 devices with attachments (e.g. drums with lights). Category 2 devices manufactured after December 31, 2019 shall be MASH-16 compliant. Category 2 devices manufactured on or before December 31, 2019, and compliant with NCHRP 350 or MASH 2009, may be used on contracts let before December 31, 2024.

Category 3 includes devices that are expected to cause significant velocity changes or other potentially harmful reactions to impacting vehicles. These include crash cushions (impact attenuators), truck mounted attenuators, and other devices not meeting the definitions of Category 1 or 2. Category 3 devices manufactured after December 31, 2019 shall be MASH-16 compliant. Category 3 devices manufactured on or before December 31, 2019, and compliant with NCHRP 350 or MASH 2009, may be used on contracts let before December 31, 2029. Category 3 devices shall be crash tested for Test Level 3 or the test level specified.

Category 4 includes portable or trailer-mounted devices such as arrow boards, changeable message signs, temporary traffic signals, and area lighting supports. It is preferable for Category 4 devices manufactured after December 31, 2019 to be MASH-16 compliant; however, there are currently no crash tested devices in this category, so it remains exempt from the NCHRP 350 or MASH compliance requirement.

For each type of device, when no more than one MASH-16 compliant is available, an NCHRP 350 or MASH-2009 compliant device may be used, even if manufactured after December 31, 2019.”

Revise Articles 1106.02(g), 1106.02(k), and 1106.02(l) to read:

“(g) Truck Mounted/Trailer Mounted Attenuators. The attenuator shall be approved for use at Test Level 3. Test Level 2 may be used for normal posted speeds less than or equal to 45 mph.

(k) Temporary Water Filled Barrier. The water filled barrier shall be a lightweight plastic shell designed to accept water ballast and be on the Department’s qualified product list.

Shop drawings shall be furnished by the manufacturer and shall indicate the deflection of the barrier as determined by acceptance testing; the configuration of the barrier in that test; and the vehicle weight, velocity, and angle of impact of the deflection test. The Engineer shall be provided one copy of the shop drawings.

(l) Movable Traffic Barrier. The movable traffic barrier shall be on the Department’s qualified product list.

Shop drawings shall be furnished by the manufacturer and shall indicate the deflection of the barrier as determined by acceptance testing; the configuration of the barrier in that test; and the vehicle weight, velocity, and angle of impact of the deflection test. The Engineer shall be provided one copy of the shop drawings. The barrier shall be capable of being moved on and off the roadway on a daily basis.”

WORKING DAYS (BDE)

Effective: January 1, 2002

The Contractor shall complete the work within 200 working days.

PROJECT LABOR AGREEMENT

Effective: May 18, 2007

Revised: August 1, 2019

Description. The Illinois Project Labor Agreements Act, 30 ILCS 571, states that the State of Illinois has a compelling interest in awarding public works contracts so as to ensure the highest standards of quality and efficiency at the lowest responsible cost. A project labor agreement (PLA) is a form of pre-hire collective bargaining agreement covering all terms and conditions of employment on a specific project that is intended to support this compelling interest. It has been determined by the Department that a PLA is appropriate for the project that is the subject of this contract. The PLA document, provided below, only applies to the construction site for this contract. It is the policy of the Department on this contract, and all construction projects, to allow all contractors and subcontractors to compete for contracts and subcontracts without regard to whether they are otherwise parties to collective bargaining agreements.

Execution of Letter of Assent. A copy of the PLA applicable to this project is included as part of this special provision. As a condition of the award of the contract, the successful bidder and each of its subcontractors shall execute a "Contractor Letter of Assent", in the form attached to the PLA as Exhibit A. The successful bidder shall submit a Subcontractor's Contractor Letter of Assent to the Department prior to the subcontractor's performance of work on the project. Upon request, copies of the applicable collective bargaining agreements will be provided by the appropriate signatory labor organization at the pre-job conference.

Quarterly Reporting. Section 37 of the Illinois Project Labor Agreements Act requires the Department to submit quarterly reports regarding the number of minorities and females employed under PLAs. To assist in this reporting effort, the Contractor shall provide a quarterly workforce participation report for all minority and female employees working under the PLA of this contract. The data shall be reported on Construction Form BC 820, Project Labor Agreement (PLA) Workforce Participation Quarterly Reporting Form available on the Department's website <http://www.idot.illinois.gov/Assets/uploads/files/IDOT-Forms/BC/BC%20820.docx>.

The report shall be submitted no later than the 15th of the month following the end of each quarter (i.e., April 15 for the January – March reporting period). The form shall be emailed to DOT.PLA.Reporting@illinois.gov or faxed to (217) 524-4922.

Any costs associated with complying with this provision shall be considered as included in the contract unit prices bid for the various items of work involved and no additional compensation will be allowed.

Illinois Department of Transportation
PROJECT LABOR AGREEMENT

This Project Labor Agreement (“PLA” or “Agreement”) is entered into this _____ day of

_____, 2019, by and between the Illinois Department of Transportation (“IDOT” or “Department”) in its proprietary capacity, and each relevant Illinois AFL-CIO Building Trades signatory hereto as determined by the Illinois AFL-CIO Statewide Project Labor Agreement Committee on behalf of each of its affiliated members (individually and collectively, the “Unions”). This PLA shall apply to Construction Work (as defined herein) to be performed by IDOT’s Prime Contractor and each of its subcontractors of whatever tier (“Subcontractor” or “Subcontractors”) on Contract No. (hereinafter, the “Project”).

ARTICLE 1 - INTENT AND PURPOSES

- 1.1 This PLA is entered into in accordance with the Project Labor Agreement Act (“Act”, 30 ILCS 571). It is mutually understood and agreed that the terms and conditions of this PLA are intended to promote the public interest in obtaining timely and economical completion of the Project by encouraging productive and efficient construction operations; by establishing a spirit of harmony and cooperation among the parties; and by providing for peaceful and prompt settlement of any and all labor grievances or jurisdictional disputes of any kind without strikes, lockouts, slowdowns, delays, or other disruptions to the prosecution of the work. The parties acknowledge the obligations of the Contractors and Subcontractors to comply with the provisions of the Act. The parties will work with the Contractors and Subcontractors within the parameters of other statutory and regulatory requirements to implement the Act’s goals and objectives.
- 1.2 As a condition of the award of the contract for performance of work on the Project, IDOT’s Prime Contractor and each of its Subcontractors shall execute a “Contractor Letter of Assent”, in the form attached hereto as Exhibit A, prior to commencing Construction Work on the Project. The Contractor shall submit a Subcontractor’s Contractor Letter of Assent to the Department prior to the Subcontractor’s performance of Construction Work on the Project. Upon request copies of the applicable collective bargaining agreements will be provided by the appropriate signatory labor organization consistent with this Agreement and at the pre-job conference referenced in Article III, Section 3.1.

- 1.3 Each Union affiliate and separate local representing workers engaged in Construction Work on the Project in accordance with this PLA are bound to this agreement by the Illinois AFL-CIO Statewide Project Labor Agreement Committee which is the central committee established with full authority to negotiate and sign PLAs with the State on behalf of all respective crafts. Upon their signing the Contractor Letter of Assent, the Prime Contractor, each Subcontractor, and the individual Unions shall thereafter be deemed a party to this PLA. No party signatory to this PLA shall, contract or subcontract, nor permit any other person, firm, company, or entity to contract or subcontract for the performance of Construction Work for the Project to any person, firm, company, or entity that does not agree in writing to become bound for the term of this Project by the terms of this PLA prior to commencing such work and to the applicable area-wide collective bargaining agreement(s) with the Union(s) signatory hereto.
- 1.4 It is understood that the Prime Contractor(s) and each Subcontractor will be considered and accepted by the Unions as separate employers for the purposes of collective bargaining, and it is further agreed that the employees working under this PLA shall constitute a bargaining unit separate and distinct from all others. The parties hereto also agree that this PLA shall be applicable solely with respect to this Project, and shall have no bearing on the interpretation of any other collective bargaining agreement or as to the recognition of any bargaining unit other than for the specific purposes of this Project.
- 1.5 In the event of a variance or conflict, whether explicit or implicit, between the terms and conditions of this PLA and the provisions of any other applicable national, area, or local collective bargaining agreement, the terms and conditions of this PLA shall supersede and control. For any work performed under the NTL Articles of Agreement, the National Stack/Chimney Agreement, the National Cooling Tower Agreement, the National Agreement of the International Union of Elevator Constructors, and for any instrument calibration work and loop checking performed under the UA/IBEW Joint National Agreement for Instrument and Control Systems Technicians, the preceding sentence shall apply only with respect to Articles I, II, V, VI, and VII.

- 1.6 Subject to the provisions of paragraph 1.5 of this Article, it is the parties' intent to respect the provisions of any other collective bargaining agreements that may now or hereafter pertain, whether between the Prime Contractor and one or more of the Unions or between a Subcontractor and one or more of the Unions. Accordingly, except and to the extent of any contrary provision set forth in this PLA, the Prime Contractor and each of its Subcontractors agrees to be bound and abide by the terms of the following in order of precedence: (a) the applicable collective bargaining agreement between the Prime Contractor and one or more of the Unions made signatory hereto; (b) the applicable collective bargaining agreement between a Subcontractor and one or more of the Unions made signatory hereto; or (c) the current applicable area collective bargaining agreement for the relevant Union that is the agreement certified by the Illinois Department of Labor for purposes of establishing the Prevailing Wage applicable to the Project. The Union will provide copies of the applicable collective bargaining agreements pursuant to part (c) of the preceding sentence to the Prime Contractor. Assignments by the Contractors or Subcontractors amongst the trades shall be consistent with area practices; in the event of unresolved disagreements as to the propriety of such assignments, the provisions of Article VI shall apply.
- 1.7 Subject to the limitations of paragraphs 1.4 to 1.6 of this Article, the terms of each applicable collective bargaining agreement as determined in accordance with paragraph 1.6 are incorporated herein by reference, and the terms of this PLA shall be deemed incorporated into such other applicable collective bargaining agreements only for purposes of their application to the Project.
- 1.8 To the extent necessary to comply with the requirements of any fringe benefit fund to which the Prime Contractor or Subcontractor is required to contribute under the terms of an applicable collective bargaining agreement pursuant to the preceding paragraph, the Prime Contractor or Subcontractor shall execute all "Participation Agreements" as may be reasonably required by the Union to accomplish such purpose; provided, however, that such Participation Agreements shall, when applicable to the Prime Contractor or Subcontractor solely as a result of this PLA, be amended as reasonably necessary to reflect such fact. Upon written notice in the form of a lien of a Contractor's or Subcontractor's delinquency from any applicable fringe benefit fund, IDOT will withhold from the Contractor's periodic pay request an amount sufficient to extinguish any delinquency obligation of the Contractor or Subcontractor arising out of the Project.
- 1.9 In the event that the applicable collective bargaining agreement between a Prime Contractor and the Union or between the Subcontractor and the Union expires prior to the completion of this Project, the expired applicable contract's terms will be maintained until a new applicable collective bargaining agreement is ratified. The wages and fringe benefits included in any new applicable collective bargaining agreement will apply on and after the effective date of the newly negotiated collective bargaining agreement, except to the extent wage and fringe benefit retroactivity is specifically agreed upon by the relevant bargaining parties.

ARTICLE II – APPLICABILITY, RECOGNITION, AND COMMITMENTS

- 2.1 The term Construction Work as used herein shall include all “construction, demolition, rehabilitation, renovation, or repair” work performed by a “laborer or mechanic” at the “site of the work” for the purpose of “building” the specific structures and improvements that constitute the Project. Terms appearing within quotation marks in the preceding sentence shall have the meaning ascribed to them pursuant to 29 CFR Part 5 and Illinois labor laws.
- 2.2 By executing the Letters of Assent, Prime Contractor and each of its Subcontractors recognizes the Unions signatory to this PLA as the sole and exclusive bargaining representatives for their craft employees employed on the jobsite for this Project. Unions who are signatory to this PLA will have recognition on the Project for their craft.
- 2.3 The Prime Contractor and each of its Subcontractors retains and shall be permitted to exercise full and exclusive authority and responsibility for the management of its operations, except as expressly limited by the terms of this PLA or by the terms and conditions of the applicable collective bargaining agreement.
- 2.4 Except to the extent contrary to an express provision of the relevant collective bargaining agreement, equipment or materials used in the Project may be pre-assembled or pre-fabricated, and there shall be no refusal by the Union to handle, transport, install, or connect such equipment or materials. Equipment or materials delivered to the job-site will be unloaded and handled promptly without regard to potential jurisdictional disputes; any such disputes shall be handled in accordance with the provisions of this PLA.
- 2.5 The parties are mutually committed to promoting a safe working environment for all personnel at the job-site. It shall be the responsibility of each employer to which this PLA applies to provide and maintain safe working conditions for its employees, and to comply with all applicable federal, state, and local health and safety laws and regulations.
- 2.6 The use or furnishing of alcohol or drugs and the conduct of any other illegal activity at the job-site is strictly prohibited. The parties shall take every practical measure consistent with the terms of applicable collective bargaining agreements to ensure that the job-site is free of alcohol and drugs.
- 2.7 All parties to this PLA agree that they will not discriminate against any employee based on race, creed, religion, color, national origin, union activity, age, gender or sexual orientation and shall comply with all applicable federal, state, and local laws.

- 2.8 In accordance with the Act and to promote diversity in employment, IDOT will establish, in cooperation with the other parties, the apprenticeship hours which are to be performed by minorities and females on the Project. IDOT shall consider the total hours to be performed by these underrepresented groups, as a percentage of the workforce, and create aspirational goals for each Project, based on the level of underutilization for the service area of the Project (together "Project Employment Objectives"). IDOT shall provide a quarterly report regarding the racial and gender composition of the workforce on the Project.

Persons currently lacking qualifications to enter apprenticeship programs will have the opportunity to obtain skills through basic training programs as have been established by the Department. The parties will endeavor to support such training programs to allow participants to obtain the requisite qualifications for the Project Employment Objectives.

The parties agree that all Contractors and Subcontractors working on the Project shall be encouraged to utilize the maximum number of apprentices as permitted under the terms of the applicable collective bargaining agreements to realize the Project Employment Objectives.

The Unions shall assist the Contractor and each Subcontractor in efforts to satisfy Project Employment Objectives. A Contractor or Subcontractor may request from a Union specific categories of workers necessary to satisfy Project Employment Objectives. The application of this section shall be consistent with all local Union collective bargaining agreements, and the hiring hall rules and regulations established for the hiring of personnel, as well as the apprenticeship standards set forth by each individual Union.

- 2.9 The parties hereto agree that engineering consultants and materials testing employees, to the extent subject to the terms of this PLA, shall be fully expected to objectively and responsibly perform their duties and obligations owed to the Department without regard to the potential union affiliation of such employees or of other employees on the Project.
- 2.10 This Agreement shall not apply to IDOT employees or employees of any other governmental entity.

ARTICLE III - ADMINISTRATION OF AGREEMENT

- 3.1 In order to assure that all parties have a clear understanding of the PLA, and to promote harmony, at the request of the Unions a post-award pre-job conference will be held among the Prime Contractor, all Subcontractors and Union representatives prior to the start of any Construction Work on the Project. No later than the conclusion of such pre-job conference, the parties shall, among other matters, provide to one another contact information for their respective representatives (including name, address, phone number, facsimile number, e-mail). Nothing herein shall be construed to limit the right of the Department to discuss or explain the purpose and intent of this PLA with prospective bidders or other interested parties prior to or following its award of the job.
- 3.2 Representatives of the Prime Contractor and the Unions shall meet as often as reasonably necessary following award until completion of the Project to assure the effective implementation of this PLA.
- 3.3 Any notice contemplated under Article VI and VII of this Agreement to a signatory labor organization shall be made in writing to the Local Union with copies to the local union's International Representative.

ARTICLE IV - HOURS OF WORK AND GENERAL CONDITIONS

- 4.1 The standard work day and work week for Construction Work on the Project shall be consistent with the respective collective bargaining agreements. In the event Project site or other job conditions dictate a change in the established starting time and/or a staggered lunch period for portions of the Project or for specific crafts, the Prime Contractor, relevant Subcontractors and business managers of the specific crafts involved shall confer and mutually agree to such changes as appropriate. If proposed work schedule changes cannot be mutually agreed upon between the parties, the hours fixed at the time of the pre-job meeting shall prevail.
- 4.2 Shift work may be established and directed by the Prime Contractor or relevant Subcontractor as reasonably necessary or appropriate to fulfill the terms of its contract with the Department. If used, shift hours, rates and conditions shall be as provided in the applicable collective bargaining agreement.
- 4.3 The parties agree that chronic and/or unexcused absenteeism is undesirable and must be controlled in accordance with procedures established by the applicable collective bargaining agreement. Any employee disciplined for absenteeism in accordance with such procedures shall be suspended from all work on the Project for not less than the maximum period permitted under the applicable collective bargaining agreement.

- 4.4 Except as may be otherwise expressly provided by the applicable collective bargaining agreement, employment begins and ends at the Project site; employees shall be at their place of work at the starting time; and employees shall remain at their place of work until quitting time.
- 4.5 Except as may be otherwise expressly provided by the applicable collective bargaining agreement, there shall be no limit on production by workmen, no restrictions on the full use of tools or equipment, and no restrictions on efficient use of manpower or techniques of construction other than as may be required by safety regulations.
- 4.6 The parties recognize that specialized or unusual equipment may be installed on the Project. In such cases, the Union recognizes the right of the Prime Contractor or Subcontractor to involve the equipment supplier or vendor's personnel in supervising the setting up of the equipment, making modifications and final alignment, and performing similar activities that may be reasonably necessary prior to and during the start-up procedure in order to protect factory warranties. The Prime Contractor or Subcontractor shall notify the Union representatives in advance of any work at the job-site by such vendor personnel in order to promote a harmonious relationship between the equipment vendor's personnel and other Project employees.
- 4.7 For the purpose of promoting full and effective implementation of this PLA, authorized Union representatives shall have access to the Project job-site during scheduled work hours. Such access shall be conditioned upon adherence to all reasonable visitor and security rules of general applicability that may be established for the Project site at the pre-job conference or from time to time thereafter.

ARTICLE V – GRIEVANCE PROCEDURES FOR DISPUTES ARISING UNDER A PARTICULAR COLLECTIVE BARGAINING AGREEMENT

- 5.1 In the event a dispute arises under a particular collective bargaining agreement specifically not including jurisdictional disputes referenced in Article VI below, said dispute shall be resolved by the Grievance/Arbitration procedure of the applicable collective bargaining agreement. The resulting determination from this process shall be final and binding on all parties bound to its process.
- 5.2 Employers covered under this Agreement shall have the right to discharge or discipline any employee who violates the provisions of this Agreement. Such discharge or discipline by a contractor or subcontractor shall be subject to Grievance/Arbitration procedure of the applicable collective bargaining agreement only as to the fact of such violation of this agreement. If such fact is established, the penalty imposed shall not be disturbed. Work at the Project site shall continue without disruption or hindrance of any kind as a result of a Grievance/Arbitration procedure under this Article.

- 5.3 In the event there is a deadlock in the foregoing procedure, the parties agree that the matter shall be submitted to arbitration for the selection and decision of an Arbitrator governed under paragraph 6.8.

ARTICLE VI –DISPUTES: GENERAL PRINCIPLES

- 6.1 This Agreement is entered into to prevent strikes, lost time, lockouts and to facilitate the peaceful adjustment of jurisdictional disputes in the building and construction industry and to prevent waste and unnecessary avoidable delays and expense, and for the further purpose of at all times securing for the employer sufficient skilled workers.
- 6.2 A panel of Permanent Arbitrators are attached as addendum (A) to this agreement. By mutual agreement between IDOT and the Unions, the parties can open this section of the agreement as needed to make changes to the list of permanent arbitrators.

The arbitrator is not authorized to award back pay or any other damages for a miss assignment of work. Nor may any party bring an independent action for back pay or any other damages, based upon a decision of an arbitrator.

- 6.3 The PLA Jurisdictional Dispute Resolution Process (“Process”) sets forth the procedures below to resolve jurisdictional disputes between and among Contractors, Subcontractors, and Unions engaged in the building and construction industry. Further, the Process will be followed for any grievance or dispute arising out of the interpretation or application of this PLA by the parties except for the prohibition on attorneys contained in 6.11. All decisions made through the Process are final and binding upon all parties.

DISPUTE PROCESS

- 6.4 Administrative functions under the Process shall be performed through the offices of the President and/or Secretary-Treasurer of the Illinois State Federation of Labor, or their designated representative, called the Administrator. In no event shall any officer, employee, agent, attorney, or other representative of the Illinois Federation of Labor, AFL- CIO be subject to any subpoena to appear or testify at any jurisdictional dispute hearing.
- 6.5 There shall be no abandonment of work during any case participating in this Process or in violation of the arbitration decision. All parties to this Process release the Illinois State Federation of Labor (“Federation”) from any liability arising from its action or inaction and covenant not to sue the Federation, nor its officers, employees, agents or attorneys.

- 6.6 In the event of a dispute relating to trade or work jurisdiction, all parties, including the employers, Contractors or Subcontractors, agree that a final and binding resolution of the dispute shall be resolved as follows:
- (a) Representatives of the affected trades and the Contractor or Subcontractor shall meet on the job site within two (2) business days after receiving written notice in an effort to resolve the dispute. (In the event there is a dispute between local unions affiliated with the same International Union, the decision of the General President, or his/her designee, as the internal jurisdictional authority of that International Union, shall constitute a final and binding decision and determination as to the jurisdiction of work.)
 - (b) If no settlement is achieved subsequent to the preceding Paragraph, the matter shall be referred to the local area Building & Construction Trades Council, which shall meet with the affected trades within two (2) business days subsequent to receiving written notice. In the event the parties do not wish to avail themselves of the local Building & Construction Trades Council, the parties may elect to invoke the services of their respective International Representatives with no extension of the time limitations. An agreement reached at this Step shall be final and binding upon all parties.
 - (c) If no settlement agreement is reached during the proceedings contemplated by Paragraphs “a” or “b” above, the matter shall be immediately referred to the Illinois Jurisdictional Dispute Process for final and binding resolution of said dispute. Said referral submission shall be in writing and served upon the Illinois State Federation of Labor, or the Administrator, pursuant to paragraph 6.4 of this agreement. The Administrator shall, within three (3) days, provide for the selection of an available Arbitrator to hear said dispute within this time period. Upon good cause shown and determined by the Administrator, an additional three (3) day extension for said hearing shall be granted at the sole discretion of the Administrator. Only upon mutual agreement of all parties may the Administrator extend the hearing for a period in excess of the time frames contemplated under this Paragraph. Business days are defined as Monday through Friday, excluding contract holidays.
- 6.7 The primary concern of the Process shall be the adjustment of jurisdictional disputes arising out of the Project. A sufficient number of Arbitrators shall be selected from list of approved Arbitrators as referenced Sec. 6.2 and shall be assigned per Sec. 6.8. Decisions shall be only for the Project and shall become effective immediately upon issuance and complied with by all parties. The authority of the Arbitrator shall be restricted and limited specifically to the terms and provisions of Article VI and generally to this Agreement as a whole.

6.8 Arbitrator chosen shall be randomly selected based on the list of Arbitrators in Sec. 6.2 and geographical location of the jurisdictional dispute and upon his/her availability, and ability to conduct a Hearing within two (2) business days of said notice. The Arbitrator may issue a “bench” decision immediately following the Hearing or he/she may elect to only issue a written decision, said decision must be issued within two (2) business days subsequent to the completion of the Hearing. Copies of all notices, pleadings, supporting memoranda, decisions, etc. shall be provided to all disputing parties and the Illinois State Federation of Labor.

Any written decision shall be in accordance with this Process and shall be final and binding upon all parties to the dispute and may be a “short form” decision. Fees and costs of the arbitrator shall be divided evenly between the contesting parties except that any party wishing a full opinion and decision beyond the short form decision shall bear the reasonable fees and costs of such full opinion. The decision of the Arbitrator shall be final and binding upon the parties hereto, their members, and affiliates.

In cases of jurisdictional disputes or other disputes between a signatory labor organization and another labor organization, both of which is an affiliate or member of the same International Union, the matter or dispute shall be settled in the manner set forth by their International Constitution and/or as determined by the International Union’s General President whose decision shall be final and binding upon all parties. In no event shall there be an abandonment of work.

6.9 In rendering a decision, the Arbitrator shall determine:

- (a) First, whether a previous agreement of record or applicable agreement, including a disclaimer agreement, between National or International Unions to the dispute or agreements between local unions involved in the dispute, governs;
- (b) Only if the Arbitrator finds that the dispute is not covered by an appropriate or applicable agreement of record or agreement between the crafts to the dispute, he shall then consider the established trade practice in the industry and prevailing practice in the locality. Where there is a previous decision of record governing the case, the Arbitrator shall give equal weight to such decision of record, unless the prevailing practice in the locality in the past ten years favors one craft. In that case, the Arbitrator shall base his decision on the prevailing practice in the locality. Except, that if the Arbitrator finds that a craft has improperly obtained the prevailing practice in the locality through raiding, the undercutting of wages or by the use of vertical agreements, the Arbitrator shall rely on the decision of record and established trade practice in the industry rather than the prevailing practice in the locality; and,

(c) Only if none of the above criteria is found to exist, the Arbitrator shall then consider that because efficiency, cost or continuity and good management are essential to the well being of the industry, the interests of the consumer or the past practices of the employer shall not be ignored.

(d) The arbitrator is not authorized to award back pay or any other damages for a mis-assignment of work. Nor may any party bring an independent action for back pay or any other damages, based upon a decision of an arbitrator.

6.10 The Arbitrator shall set forth the basis for his/her decision and shall explain his/her findings regarding the applicability of the above criteria. If lower ranked criteria are relied upon, the Arbitrator shall explain why the higher-ranked criteria were not deemed applicable. The Arbitrator's decision shall only apply to the Project. Agreements of Record, for other PLA projects, are applicable only to those parties signatory to such agreements. Decisions of Record are those that were either attested to by the former Impartial Jurisdictional Disputes Board or adopted by the National Arbitration Panel.

6.11 All interested parties, as determined by the Arbitrator, shall be entitled to make presentations to the Arbitrator. Any interested labor organization affiliated to the PLA Committee and party present at the Hearing, whether making a presentation or not, by such presence shall be deemed to accept the jurisdiction of the Arbitrator and to agree to be bound by its decision. In addition to the representative of the local labor organization, a representative of the labor organization's International Union may appear on behalf of the parties. Each party is responsible for arranging for its witnesses. In the event an Arbitrator's subpoena is required, the party requiring said subpoena shall prepare the subpoena for the Arbitrator to execute. Service of the subpoena upon any witness shall be the responsibility of the issuing party.

Attorneys shall not be permitted to attend or participate in any portion of a Hearing.

The parties are encouraged to determine, prior to Hearing, documentary evidence which may be presented to the Arbitrator on a joint basis.

6.12 The Order of Presentation in all Hearings before an Arbitrator shall be

- I. Identification and Stipulation of the Parties
- II. Unions(s) claiming the disputed work presents its case
- III. Union(s) assigned the disputed work presents its case
- IV. Employer assigning the disputed work presents its case
- V. Evidence from other interested parties (i.e., general contractor, project manager, owner)
- VI. Rebuttal by union(s) claiming the disputed work
- VII. Additional submissions permitted and requested by Arbitrator
- VIII. Closing arguments by the parties

- 6.13 All parties bound to the provisions of this Process hereby release the Illinois State Federation of Labor and IDOT, their respective officers, agents, employees or designated representatives, specifically including any Arbitrator participating in said Process, from any and all liability or claim, of whatsoever nature, and specifically incorporating the protections provided in the Illinois Arbitration Act, as amended from time to time.
- 6.14 The Process, as an arbitration panel, nor its Administrator, shall have any authority to undertake any action to enforce its decision(s). Rather, it shall be the responsibility of the prevailing party to seek appropriate enforcement of a decision, including findings, orders or awards of the Arbitrator or Administrator determining non-compliance with a prior award or decision.
- 6.15 If at any time there is a question as to the jurisdiction of the Illinois Jurisdictional Dispute Resolution Process, the primary responsibility for any determination of the arbitrability of a dispute and the jurisdiction of the Arbitrator shall be borne by the party requesting the Arbitrator to hear the underlying jurisdictional dispute. The affected party or parties may proceed before the Arbitrator even in the absence or one or more stipulated parties with the issue of jurisdiction as an additional item to be decided by the Arbitrator. The Administrator may participate in proceedings seeking a declaration or determination that the underlying dispute is subject to the jurisdiction and process of the Illinois Jurisdictional Dispute Resolution Process. In any such proceedings, the non-prevailing party and/or the party challenging the jurisdiction of the Illinois Jurisdictional Dispute Resolution Process shall bear all the costs, expenses and attorneys' fees incurred by the Illinois Jurisdictional Dispute Resolution Process and/or its Administrator in establishing its jurisdiction.

ARTICLE VII - WORK STOPPAGES AND LOCKOUTS

- 7.1 During the term of this PLA, no Union or any of its members, officers, stewards, employees, agents or representatives shall instigate, support, sanction, maintain, or participate in any strike, picketing, walkout, work stoppage, slow down or other activity that interferes with the routine and timely prosecution of work at the Project site or at any other contractor's or supplier's facility that is necessary to performance of work at the Project site. Hand billing at the Project site during the designated lunch period and before commencement or following conclusion of the established standard workday shall not, in itself, be deemed an activity that interferes with the routine and timely prosecution of work on the Project.

7.2 Should any activity prohibited by paragraph 7.1 of this Article occur, the Union shall undertake all steps reasonably necessary to promptly end such prohibited activities.

7.2.A No Union complying with its obligations under this Article shall be liable for acts of employees for which it has no responsibility or for the unauthorized acts of employees it represents. Any employee who participates or encourages any activity prohibited by paragraph 7.1 shall be immediately suspended from all work on the Project for a period equal to the greater of (a) 60 days; or (b) the maximum disciplinary period allowed under the applicable collective bargaining agreement for engaging in comparable unauthorized or prohibited activity.

7.2.B Neither the PLA Committee nor its affiliates shall be liable for acts of employees for which it has no responsibility. The principal officer or officers of the PLA Committee will immediately instruct, order and use the best efforts of his office to cause the affiliated union or unions to cease any violations of this Article. The PLA Committee in its compliance with this obligation shall not be liable for acts of its affiliates. The principal officer or officers of any involved affiliate will immediately instruct, order or use the best effort of his office to cause the employees the union represents to cease any violations of this Article. A union complying with this obligation shall not be liable for unauthorized acts of employees it represents. The failure of the Contractor to exercise its rights in any instance shall not be deemed a waiver of its rights in any other instance.

During the term of this PLA, the Prime Contractor and its Subcontractors shall not engage in any lockout at the Project site of employees covered by this Agreement.

7.3 Upon notification of violations of this Article, the principal officer or officers of the local area Building and Construction Trades Council, and the Illinois AFL-CIO Statewide Project Labor Agreement Committee as appropriate, will immediately instruct, order and use their best efforts to cause the affiliated union or unions to cease any violations of this Article. A Trades Council and the Committee otherwise in compliance with the obligations under this paragraph shall not be liable for unauthorized acts of its affiliates.

7.4 In the event that activities in violation of this Article are not immediately halted through the efforts of the parties, any aggrieved party may invoke the special arbitration provisions set forth in paragraph 7.5 of this Article.

- 7.5 Upon written notice to the other involved parties by the most expeditious means available, any aggrieved party may institute the following special arbitration procedure when a breach of this Article is alleged:
- 7.5.A The party invoking this procedure shall notify the individual designated as the Permanent Arbitrator pursuant to paragraph 6.8 of the nature of the alleged violation; such notice shall be by the most expeditious means possible. The initiating party may also furnish such additional factual information as may be reasonably necessary for the Permanent Arbitrator to understand the relevant circumstances. Copies of any written materials provided to the arbitrator shall also be contemporaneously provided by the most expeditious means possible to the party alleged to be in violation and to all other involved parties.
- 7.5.B Upon receipt of said notice the Permanent Arbitrator shall set and hold a hearing within twenty-four (24) hours if it is contended the violation is ongoing, but not before twenty-four (24) hours after the written notice to all parties involved as required above.
- 7.5.C The Permanent Arbitrator shall notify the parties by facsimile or any other effective written means, of the place and time chosen by the Permanent Arbitrator for this hearing. Said hearing shall be completed in one session. A failure of any party or parties to attend said hearing shall not delay the hearing of evidence or issuance of an Award by the Permanent Arbitrator.
- 7.5.D The sole issue at the hearing shall be whether a violation of this Article has, in fact, occurred. An Award shall be issued in writing within three (3) hours after the close of the hearing, and may be issued without a written opinion. If any party desires a written opinion, one shall be issued within fifteen (15) days, but its issuance shall not delay compliance with, or enforcement of, the Award. The Permanent Arbitrator may order cessation of the violation of this Article, and such Award shall be served on all parties by hand or registered mail upon issuance.
- 7.5.E Such Award may be enforced by any court of competent jurisdiction upon the filing of the Award and such other relevant documents as may be required. Facsimile or other hardcopy written notice of the filing of such enforcement proceedings shall be given to the other relevant parties. In a proceeding to obtain a temporary order enforcing the Permanent Arbitrator's Award as issued under this Article, all parties waive the right to a hearing and agree that such proceedings may be ex parte. Such agreement does not waive any party's right to participate in a hearing for a final order of enforcement. The Court's order or orders enforcing the Permanent Arbitrator's Award shall be served on all parties by hand or by delivery to their last known address or by registered mail.

- 7.6 Individuals found to have violated the provisions of this Article are subject to immediate termination. In addition, IDOT reserves the right to terminate this PLA as to any party found to have violated the provisions of this Article.
- 7.7 Any rights created by statute or law governing arbitration proceedings inconsistent with the above procedure or which interfere with compliance therewith are hereby waived by parties to whom they accrue.
- 7.8 The fees and expenses of the Permanent Arbitrator shall be borne by the party or parties found in violation, or in the event no violation is found, such fees and expenses shall be borne by the moving party.

ARTICLE VIII – TERMS OF AGREEMENT

- 8.1 If any Article or provision of this Agreement shall be declared invalid, inoperative or unenforceable by operation of law or by any of the above mentioned tribunals of competent jurisdiction, the remainder of this Agreement or the application of such Article or provision to persons or circumstances other than those as to which it has been held invalid, inoperative or unenforceable shall not be affected thereby.
- 8.2 This Agreement shall be in full force as of and from the date of the Notice of Award until the Project contract is closed.
- 8.3 This PLA may not be changed or modified except by the subsequent written agreement of the parties. All parties represent that they have the full legal authority to enter into this PLA. This PLA may be executed by the parties in one or more counterparts.
- 8.4 Any liability arising out of this PLA shall be several and not joint. IDOT shall not be liable to any person or other party for any violation of this PLA by any other party, and no Contractor or Union shall be liable for any violation of this PLA by any other Contractor or Union.
- 8.5 The failure or refusal of a party to exercise its rights hereunder in one or more instances shall not be deemed a waiver of any such rights in respect of a separate instance of the same or similar nature.

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Addendum A

IDOT Slate of Permanent Arbitrators

1. Bruce Feldacker
2. Thomas F. Gibbons
3. Edward J. Harrick
4. Brent L. Motchan
5. Robert Perkovich
6. Byron Yaffee
7. Glenn A. Zipp

Execution Page

Illinois Department of Transportation

Stephen Travia, Director of Highways Project Implementation

Vicki L. Wilson, Director of Finance & Administration

Yangsu Kim, Chief Counsel

Omer Osman, Secretary

(Date)

Illinois AFL-CIO Statewide Project Labor Agreement Committee, representing the Unions listed below:

(Date)

List Unions:

Exhibit A - Contractor Letter of Assent

(Date)

To All Parties:

In accordance with the terms and conditions of the contract for Construction Work on [Contract No.], this Letter of Assent hereby confirms that the undersigned Prime Contractor or Subcontractor agrees to be bound by the terms and conditions of the Project Labor Agreement established and entered into by the Illinois Department of Transportation in connection with said Project.

It is the understanding and intent of the undersigned party that this Project Labor Agreement shall pertain only to the identified Project. In the event it is necessary for the undersigned party to become signatory to a collective bargaining agreement to which it is not otherwise a party in order that it may lawfully make certain required contributions to applicable fringe benefit funds, the undersigned party hereby expressly conditions its acceptance of and limits its participation in such collective bargaining agreement to its work on the Project.

(Authorized Company Officer)

(Company)

STORM WATER POLLUTION PREVENTION PLAN



Illinois Department of Transportation

Storm Water Pollution Prevention Plan



Route FAP 312	Marked Route IL 3	Section Number 74BR-2
Project Number NHPP-20T3(085)	County Randolph	Contract Number 76K25

This plan has been prepared to comply with the provisions of the National Pollutant Discharge Elimination System (NPDES) Permit No. ILR10 (Permit ILR10), issued by the Illinois Environmental Protection Agency (IEPA) for storm water discharges from construction site activities.

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

Signature 	Date 
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Print Name Kyle Brown	Title Region 5 Engineer	Agency Illinois Dept. of Transportation
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Note: Guidance on preparing each section of BDE 2342 can be found in Chapter 41 of the IDOT Bureau of Design and Environment (BDE) Manual. Chapter 41 and this form also reference the IDOT Drainage Manual which should be readily available.

I. Site Description:

A. Provide a description of the project location; include latitude and longitude, section, town, and range:

IL 3 over Nine Mile Creek, 4 miles south of Evansville, IL. Latitude 38.040605 Longitude -89.915789. Section 6 Township 6 Range 7.
--

B. Provide a description of the construction activity which is the subject of this plan. Include the number of construction stages, drainage improvements, in-stream work, installation, maintenance, removal of erosion measures, and permanent stabilization:

The project involves the replacement of the bridge carrying IL 3 over Nine Mile Creek on a new alignment just north of the existing alignment. The project will be constructed in three (3) stages: Pre-Stage, Stage I, and Stage II. Pre-Stage involves construction of the run-around pavement, temporary ditches, and tree removal. Construction of the bridge, new roadway, and right ditch will occur in Stage I. Stage II will consist of removal of the existing 3-span bridge of 165'-3", 9x6 box culvert, pavement, and pipe culverts. The left aggregate shoulder and ditches will be constructed in Stage II. Overall construction entails 4,477 ft of new roadway (two 11 ft lanes with 7 ft shoulders) and a new 3-span bridge with a length of 187'-4". New pipe culverts will be installed to replace the existing culverts. Erosion and sediment control measures will consist of perimeter erosion barrier, inlet filters, temporary ditch checks, temporary erosion control blankets (regular and heavy), mulching, and temporary seeding. The contractor will be required to maintain the measures and remove them upon establishment of the permanent measures and ground cover. Permanent stabilization will include riprap between the proposed bridge abutments and piers, but not between the piers. Permanent Heavy Duty Erosion Control Blanket, Erosion Control Blanket, riprap, and seeding will be used to stabilize the ditches adjacent the road.
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C. Provide the estimated duration of this project:

24 months

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RANDOLPH COUNTY
CONTRACT NO. 76K25

D. The total area of the construction site is estimated to be 19.0 acres.

The total area of the site estimated to be disturbed by excavation, grading or other activities is 17.8 acres.

E. The following are weighted averages of the runoff coefficient for this project before and after construction activities are completed; see Section 4-102 of the IDOT Drainage Manual:

Existing: C = 0.36
Proposed: C = 0.35

F. List all soils found within project boundaries; include map unit name, slope information, and erosivity:

Menfro silt loam, 2 to 5 percent slopes;
Menfro silty clay loam, 10 to 18 percent slopes, severely eroded;
Colp silty clay loam, 5 to 10 percent slopes, severely eroded;
Millstadt silt loam, 0 to 2 percent slopes;
Redbud silt loam, 2 to 5 percent slopes;
Markland silty clay loam, 10 to 18 percent slopes, eroded;
Martinsville silt loam, 2 to 5 percent slopes;
Wakeland silt loam, 0 to 2 percent slopes, frequently flooded;
Menfro silt loam, karst, 5 to 12 percent slopes, severely eroded;
Banlic silt loam, 0 to 2 percent slopes, occasionally flooded

G. If wetlands were delineated for this project, provide an extent of wetland acreage at the site; see Phase I report:

0.1889 acres of wetlands will be impacted by the project.

H. Provide a description of potentially erosive areas associated with this project:

The proposed ditches and the area being disturbed near the bridge are potentially erosive. The roadway area along the proposed alignment is potentially erosive until the pavement is placed.

I. The following is a description of soil disturbing activities by stages, their locations, and their erosive factors (e.g., steepness of slopes, length of slopes, etc.):

Pre-Stage: A temporary left ditch will be constructed at the start and end of the project. The temporary foreslope will be 1V:3H or flatter. The temporary backslope will be 1V:3H or flatter. Isolated areas of the existing 1V:3H or flatter right ditch slopes will be disturbed for tree removal.

Stage I: A temporary median ditch with 1V:2H or flatter foreslopes and backslopes will be constructed. The proposed right ditch with 1V:4H foreslopes and 1V:3H backslopes will be constructed. The bridge cone with 1V:2H slope will be constructed.

Stage II: The proposed left ditch with 1V:4H foreslopes and 1V:3H backslopes will be constructed. Portions of the existing 1V:2H bridge cone will be removed.

J. See the erosion control plans and/or drainage plans for this contract for information regarding drainage patterns, approximate slopes anticipated before and after major grading activities, locations where vehicles enter or exit the site and controls to prevent offsite sediment tracking (to be added after contractor identifies locations), areas of soil disturbance, the location of major structural and non-structural controls identified in the plan, the location of areas where stabilization practices are expected to occur, surface waters (including wetlands), and locations where storm water is discharged to surface water including wetlands.

K. Identify who owns the drainage system (municipality or agency) this project will drain into:

Illinois Department of Natural Resources

L. The following is a list of General NPDES ILR40 permittees within whose reporting jurisdiction this project is located:

M. The following is a list of receiving water(s) and the ultimate receiving water(s) for this site. In addition, include receiving waters that are listed as Biologically Significant Streams by the Illinois Department of Natural Resources (IDNR). The location of the receiving waters can be found on the erosion and sediment control plans:

Nine Mile Creek feeds into the Kaskaskia River.

N. Describe areas of the site that are to be protected or remain undisturbed. These areas may include steep slopes (i.e., 1:3 or steeper), highly erodible soils, streams, stream buffers, specimen trees, natural vegetation, nature preserves, etc. Include any commitments or requirements to protect adjacent wetlands.

For any storm water discharges from construction activities within 50-feet of Waters of the U.S. (except for activities for water-dependent structures authorized by a Section 404 permit, describe: a) How a 50-foot undisturbed natural buffer will be provided between the construction activity and the Waters of the U.S. or b) How additional erosion and sediment controls will be provided within that area.

All current established vegetation outside of the project area will be maintained. Work adjacent the creek within limits of proposed bridge will be protected with riprap.

O. Per the Phase I document, the following sensitive environmental resources are associated with this project and may have the potential to be impacted by the proposed development. Further guidance on these resources is available in Section 41-4 of the BDE Manual.

303(d) Listed receiving waters for suspended solids, turbidity, or siltation.
The name(s) of the listed water body, and identification of all pollutants causing impairment:

Provide a description of how erosion and sediment control practices will prevent a discharge of sediment resulting from a storm event equal to or greater than a twenty-five (25) year, twenty-four (24) hour rainfall event:

Provide a description of the location(s) of direct discharge from the project site to the 303(d) water body:

Provide a description of the location(s) of any dewatering discharges to the MS4 and/or water body:

Applicable Federal, Tribal, State, or Local Programs

Floodplain

Historic Preservation

Receiving waters with Total Maximum Daily Load (TMDL) for sediment, total suspended solids, turbidity or siltation

TMDL (fill out this section if checked above)

The name(s) of the listed water body:

Provide a description of the erosion and sediment control strategy that will be incorporated into the site design that is consistent with the assumptions and requirements of the TMDL:

If a specific numeric waste load allocation has been established that would apply to the project's discharges, provide a description of the necessary steps to meet that allocation:

<input checked="" type="checkbox"/> Threatened and Endangered Species/Illinois Natural Areas (INA)/Nature Preserves
Indiana Bat
<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Wetland

P. The following pollutants of concern will be associated with this construction project:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Antifreeze / Coolants
<input checked="" type="checkbox"/> Concrete
<input checked="" type="checkbox"/> Concrete Curing Compounds
<input checked="" type="checkbox"/> Concrete Truck Waste
<input checked="" type="checkbox"/> Fertilizers / Pesticides
<input type="checkbox"/> Paints
<input checked="" type="checkbox"/> Petroleum (gas, diesel, oil, kerosene, hydraulic oil / fluids)
<input checked="" type="checkbox"/> Soil Sediment | <input checked="" type="checkbox"/> Solid Waste Debris
<input type="checkbox"/> Solvents
<input checked="" type="checkbox"/> Waste water from cleaning construction equipments
<input type="checkbox"/> Other (Specify) _____
<input type="checkbox"/> Other (Specify) _____
<input type="checkbox"/> Other (Specify) _____
<input type="checkbox"/> Other (Specify) _____
<input type="checkbox"/> Other (Specify) _____ |
|--|--|

II. Controls:

This section of the plan addresses the controls that will be implemented for each of the major construction activities described in Section I.C above and for all use areas, borrow sites, and waste sites. For each measure discussed, the Contractor will be responsible for its implementation as indicated. The Contractor shall provide to the Resident Engineer a plan for the implementation of the measures indicated. The Contractor, and subcontractors, will notify the Resident Engineer of any proposed changes, maintenance, or modifications to keep construction activities compliant with the Permit ILR10. Each such Contractor has signed the required certification on forms which are attached to, and are a part of, this plan:

A. Erosion and Sediment Controls: At a minimum, controls must be coordinated, installed and maintained to:

1. Minimize the amount of soil exposed during construction activity;
2. Minimize the disturbance of steep slopes;
3. Maintain natural buffers around surface waters, direct storm water to vegetated areas to increase sediment removal and maximize storm water infiltration, unless infeasible;
4. Minimize soil compaction and, unless infeasible, preserve topsoil.

B. Stabilization Practices: Provided below is a description of interim and permanent stabilization practices, including site- specific scheduling of the implementation of the practices. Site plans will ensure that existing vegetation is preserved where attainable and disturbed portions of the site will be stabilized. Stabilization practices may include but are not limited to: temporary seeding, permanent seeding, mulching, geotextiles, sodding, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Except as provided below in II.B.1 and II.B.2, stabilization measures shall be initiated **immediately** where construction activities have temporarily or permanently ceased, but in no case more than **one (1) day** after the construction activity in that portion of the site has temporarily or permanently ceased on all disturbed portions of the site where construction will not occur for a period of fourteen (14) or more calendar days.

1. Where the initiation of stabilization measures is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
2. On areas where construction activity has temporarily ceased and will resume after fourteen (14) days, a temporary stabilization method can be used.

The following stabilization practices will be used for this project:

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- | | |
|---|--|
| <input checked="" type="checkbox"/> Erosion Control Blanket / Mulching
<input type="checkbox"/> Geotextiles
<input checked="" type="checkbox"/> Permanent Seeding
<input type="checkbox"/> Preservation of Mature Seeding
<input type="checkbox"/> Protection of Trees
<input type="checkbox"/> Sodding
<input checked="" type="checkbox"/> Temporary Erosion Control Seeding | <input type="checkbox"/> Temporary Turf (Seeding, Class 7)
<input checked="" type="checkbox"/> Temporary Mulching
<input type="checkbox"/> Vegetated Buffer Strips
<input type="checkbox"/> Other (Specify) _____
<input type="checkbox"/> Other (Specify) _____
<input type="checkbox"/> Other (Specify) _____
<input type="checkbox"/> Other (Specify) _____ |
|---|--|

Describe how the stabilization practices listed above will be utilized during construction:

Temporary Erosion Control Seeding will be applied to all bare areas every 7 days to minimize the amount of exposed surface areas. Earth stockpiles shall be temporarily seeded if they are to remain unused for more than 14 days. Within construction limits, areas which may be susceptible to erosion as determined by the Engineer shall remain undisturbed until full scale construction is underway to prevent unnecessary soil erosion. Bare or sparsely vegetated ground in highly erodible areas as determined by the Engineer shall be temporarily seeded at the beginning of construction where no construction activities are expected within 7 days.

Temporary ditches with slopes 1V:3H or flatter will receive temporary seeding and temporary erosion control blanket. Temporary ditches with slopes 1V:3H or steeper will receive temporary seeding and temporary heavy duty erosion control blanket. Areas disturbed by the tree removal process will receive mulch method 2.

Permanent seeding and erosion control blanket will be applied to the proposed ditches as soon as the final grade has been established. Slopes 1V:3H or flatter will receive erosion control blanket. Slopes 1V:3H or steeper will receive heavy duty erosion control blanket.

Describe how the stabilization practices listed above will be utilized after construction activities have been completed:

Permanent seeding will provide stabilization to all disturbed earth surfaces after construction activities have been completed. All foot and vehicle traffic will be kept off the stabilized areas after construction to allow for sufficient growth before being disturbed.

C. **Structural Practices:** Provided below is a description of structural practices that will be implemented, to the degree attainable, to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Such practices may include but are not limited to: perimeter erosion barrier, earth dikes, drainage swales, sediment traps, ditch checks, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. The installation of these devices may be subject to Section 404 of the Clean Water Act.

- | | |
|---|---|
| <input type="checkbox"/> Aggregate Ditch
<input type="checkbox"/> Concrete Revetment Mats
<input type="checkbox"/> Dust Suppression
<input type="checkbox"/> Dewatering Filtering
<input type="checkbox"/> Gabions
<input type="checkbox"/> In-Stream or Wetland Work
<input type="checkbox"/> Level Spreaders
<input type="checkbox"/> Paved Ditch
<input type="checkbox"/> Permanent Check Dams
<input checked="" type="checkbox"/> Perimeter Erosion Barrier
<input type="checkbox"/> Permanent Sediment Basin
<input type="checkbox"/> Retaining Walls
<input checked="" type="checkbox"/> Riprap
<input type="checkbox"/> Rock Outlet Protection
<input type="checkbox"/> Sediment Trap
<input type="checkbox"/> Storm Drain Inlet Protection | <input type="checkbox"/> Stabilized Construction Exits
<input type="checkbox"/> Stabilized Trench Flow
<input type="checkbox"/> Slope Mattress
<input type="checkbox"/> Slope Walls
<input checked="" type="checkbox"/> Temporary Ditch Check
<input type="checkbox"/> Temporary Pipe Slope Drain
<input type="checkbox"/> Temporary Sediment Basin
<input type="checkbox"/> Temporary Stream Crossing
<input type="checkbox"/> Turf Reinforcement Mats
<input checked="" type="checkbox"/> Other (Specify) <u>Inlet and Pipe Protection</u>
<input type="checkbox"/> Other (Specify) _____
<input type="checkbox"/> Other (Specify) _____
<input type="checkbox"/> Other (Specify) _____
<input type="checkbox"/> Other (Specify) _____
<input type="checkbox"/> Other (Specify) _____
<input type="checkbox"/> Other (Specify) _____ |
|---|---|

Describe how the structural practices listed above will be utilized during construction:

Perimeter erosion barrier will be established at the staging limits prior to commencement of construction activities for that stage.

Riprap will be placed in the ditches, around the culvert ends, and around the bridge per plan locations as soon as reasonable.

Temporary ditch checks will be placed in all ditches (temporary and proposed) at spacing specified in the plans.

Inlet and pipe protection will be used at the upstream end of pipe culverts that do not have riprap at the upstream end. Inlet and pipe protection will also be installed at temporary inlet and manhole locations.

Describe how the structural practices listed above will be utilized after construction activities have been completed:

Perimeter erosion barrier and temporary ditch checks will be left in place until vegetation has been established. Both will be removed by the contractor after vegetation has been accepted by the engineer.

Inlet and pipe protection located around structures in temporary ditches will remain in place until the temporary ditches are removed. Inlet and pipe protection around permanent culverts will remain in place until vegetation has been established. Inlet and pipe protection will be removed by the contractor after vegetation has been accepted by the engineer.

The riprap will remain in place.

D. Treatment Chemicals

Will polymer flocculants or treatment chemicals be utilized on this project: Yes No

If yes above, identify where and how polymer flocculants or treatment chemicals will be utilized on this project.

E. Permanent (i.e., Post-Construction) Storm Water Management Controls: Provided below is a description of measures that will be installed during the construction process to control volume and pollutants in storm water discharges that will occur after construction operations have been completed. The installation of these devices may be subject to Section 404 of the Clean Water Act.

1. Such practices may include but are not limited to: storm water detention structures (including wet ponds), storm water retention structures, flow attenuation by use of open vegetated swales and natural depressions, infiltration of runoff on site, and sequential systems (which combine several practices).

The practices selected for implementation were determined based on the technical guidance in Chapter 41 (Construction Site Storm Water Pollution Control) of the IDOT BDE Manual. If practices other than those discussed in Chapter 41 are selected for implementation or if practices are applied to situations different from those covered in Chapter 41, the technical basis for such decisions will be explained below.

2. Velocity dissipation devices will be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., maintenance of hydrologic conditions such as the hydroperiod and hydrodynamics present prior to the initiation of construction activities).

Description of permanent storm water management controls:

Class A3 riprap in ditch and at pipe outlet locations as specified on the plans.

F. Approved State or Local Laws: The management practices, controls and provisions contained in this plan will be in accordance with IDOT specifications, which are at least as protective as the requirements contained in the IEPA's Illinois Urban Manual. Procedures and requirements specified in applicable sediment and erosion site plans or storm water management plans approved by local officials shall be described or incorporated by reference in the space provided below. Requirements specified in sediment and erosion site plans, site permits, storm water management site plans or site permits approved by local officials that are applicable to protecting surface water resources are, upon submittal of an NOI, to be authorized to discharge under the Permit ILR10 incorporated by reference

and are enforceable under this permit even if they are not specifically included in the plan.

Description of procedures and requirements specified in applicable sediment and erosion site plans or storm water management plans approved by local officials:

G. Contractor Required Submittals: Prior to conducting any professional services at the site covered by this plan, the Contractor and each subcontractor responsible for compliance with the permit shall submit to the Resident Engineer a Contractor Certification Statement, BDE 2342A.

1. The Contractor shall provide a construction schedule containing an adequate level of detail to show major activities with implementation of pollution prevention BMPs, including the following items:

- Approximate duration of the project, including each stage of the project
- Rainy season, dry season, and winter shutdown dates
- Temporary stabilization measures to be employed by contract phases
- Mobilization time-frame
- Mass clearing and grubbing/roadside clearing dates
- Deployment of Erosion Control Practices
- Deployment of Sediment Control Practices (including stabilized cons

- Deployment of Construction Site Management Practices (including concrete washout facilities, chemical storage, refueling locations, etc.)
- Paving, saw-cutting, and any other pavement related operations
- Major planned stockpiling operation
- Time frame for other significant long-term operations or activities that may plan non-storm water discharges as dewatering, grinding, etc
- Permanent stabilization activities for each area of the project

2. During the pre-construction meeting, the Contractor and each subcontractor shall provide, as an attachment to their signed Contractor Certification Statement, a discussion of how they will comply with the requirements of the permit in regard to the following items and provide a graphical representation showing location and type of BMPs to be used when applicable:

- Temporary Ditch Checks - Identify what type and the source of Temporary Ditch Checks that will be installed as part of the project. The installation details will then be included with the SWPPP.
- Vehicle Entrances and Exits - Identify type and location of stabilized construction entrances and exits to be used and how they will be maintained.
- Material Delivery, Storage and Use - Discuss where and how materials including chemicals, concrete curing compounds, petroleum products, etc. will be stored for this project.
- Stockpile Management - Identify the location of both on-site and off-site stockpiles. Discuss what BMPs will be used to prevent pollution of storm water from stockpiles.
- Waste Disposal - Discuss methods of waste disposal that will be used for this project.
- Spill Prevention and Control - Discuss steps that will be taken in the event of a material spill (chemicals, concrete curing compounds, petroleum, etc.)
- Concrete Residuals and Washout Wastes - Discuss the location and type of concrete washout facilities to be used on this project and how they will be signed and maintained.
- Litter Management - Discuss how litter will be maintained for this project (education of employees, number of dumpsters, frequency of dumpster pick-up, etc.).
- Vehicle and Equipment Fueling - Identify equipment fueling locations for this project and what BMPs will be used to ensure containment and spill prevention.
- Vehicle and Equipment Cleaning and Maintenance - Identify where equipment cleaning and maintenance locations for this project and what BMPs will be used to ensure containment and spill prevention.
- Dewatering Activities - Identify the controls which will be used during dewatering operations to ensure sediments will not leave the construction site.
- Polymer Flocculants and Treatment Chemicals - Identify the use and dosage of treatment chemicals and provide the Resident Engineer with Material Safety Data Sheets. Describe procedures on how the chemicals will be used and identify who will be responsible for the use and application of these chemicals. The selected individual must be trained on the established procedures.
- Additional measures indicated in the plan.

III. Maintenance:

When requested by the Contractor, the Resident Engineer will provide general maintenance guides (e.g., IDOT Erosion and Sediment Control Field Guide) to the Contractor for the practices associated with this project. Describe how all items will be checked for structural integrity, sediment accumulation and functionality. Any damage or undermining shall be repaired immediately. Provide specifics on how repairs will be made. The following additional procedures will be used to maintain, in good and effective operating conditions, the vegetation, erosion and sediment control measures and other protective measures identified in this plan. It will be the Contractor's responsibility to attain maintenance guidelines for any manufactured BMPs which are to be installed and maintained per manufacture's

specifications.

All erosion and sedimentation control measures will be maintained in accordance with IDOT Erosion and Sediment Control Field Guide for Construction Inspection and IDOT's Best Management Practices-Maintenance Guide.

IV. Inspections:

Qualified personnel shall inspect disturbed areas of the construction site including Borrow, Waste, and Use Areas, which have not yet been finally stabilized, structural control measures, and locations where vehicles and equipment enter and exit the site using IDOT Storm Water Pollution Prevention Plan Erosion Control Inspection Report, BC 2259. Such inspections shall be conducted at least once every seven (7) calendar days and within twenty-four (24) hours of the end of a storm or by the end of the following business or work day that is 0.5 inch or greater or equivalent snowfall.

Inspections may be reduced to once per month when construction activities have ceased due to frozen conditions. Weekly inspections will recommence when construction activities are conducted, or if there is 0.5" or greater rain event, or a discharge due to snowmelt occurs.

If any violation of the provisions of this plan is identified during the conduct of the construction work covered by this plan, the Resident Engineer shall notify the appropriate IEPA Field Operations Section office by email at: epa.swnoncomp@illinois.gov, telephone or fax within twenty-four (24) hours of the incident. The Resident Engineer shall then complete and submit an "Incidence of Non-Compliance" (ION) report for the identified violation within five (5) days of the incident. The Resident Engineer shall use forms provided by IEPA and shall include specific information on the cause of noncompliance, actions which were taken to prevent any further causes of noncompliance, and a statement detailing any environmental impact which may have resulted from the noncompliance. All reports of non-compliance shall be signed by a responsible authority in accordance with Part VI. G of the Permit ILR10.

The Incidence of Non-Compliance shall be mailed to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Compliance Assurance Section
1021 North Grand East
Post Office Box 19276
Springfield, Illinois 62794-9276

V. Failure to Comply:

Failure to comply with any provisions of this Storm Water Pollution Prevention Plan will result in the implementation of a National Pollutant Discharge Elimination System/Erosion and Sediment Control Deficiency Deduction against the Contractor and/or penalties under the Permit ILR10 which could be passed on to the Contractor.

404 PERMIT



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. LOUIS DISTRICT
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103

September 9, 2022

Regulatory Branch
File Number: MVS-2021-461

Mr. Keith Roberts
Acting Region 5 Engineer
Illinois Department of Transportation
1102 Eastport Plaza Drive
Collinsville, IL 62234

Dear Mr. Roberts,

We have reviewed your application for the project known as *Illinois Route 3 Bridge Replacement over Nine Mile Creek*. The existing roadway and structure will be raised to increase flood protection. The structure is being replaced due to its deteriorated condition and hydraulic deficiencies that lead to frequent overtopping. The existing structure is a three-span bridge 180' in length. The proposed structure is a three-span bridge 187' in length. The proposed bridge alignment will be moved 54' upstream to accommodate a 10' gap between the upstream face of the existing bridge and the downstream face of the proposed bridge. Riprap will be placed around the abutment cones for scour protection. The adjacent land use is agricultural and some forested on the downside of the bridge. It is anticipated 2.3 acres of trees will be impacted and will be replaced with the 2020 IDNR/IDOT 40-acre tree mitigation contract. There will be 0.189 acres of wetland impacts and will be mitigated with 0.378 acres at the Cahokia Creek Wetland Mitigation Site owned by IDOT. No utilities will be relocated into the wetlands due to this project. IDOT will implement erosion control measures consistent with the "Standards and Specifications for Erosion and Sediment Control". More specifically, the project is located in Section 6, Township 6 South, Range 7 West of the 3rd Principal Meridian, Randolph County, Illinois. Approximate geographic coordinates are: 38.040535, -89.915766.

The Corps of Engineers has determined that this activity is authorized under Section 404 of the Clean Water Act by an existing Department of the Army nationwide permit for *Linear Transportation Projects*, as described in the December 21, 2021, Federal Register, Reissuance and Modification of Nationwide Permits; Notice (86 FR 73574), Appendix A (B) (14). This NWP verification is valid until March 14, 2026, unless the District Engineer modifies, suspends, or revokes the nationwide permit authorization in accordance with 33 CFR 330.5(d). If you commence, or are under contract to commence, this activity before the nationwide permit expires, you will have 12 months from that date to complete the activity under the present terms and conditions of this NVWP. Enclosed is a copy of the nationwide permit and conditions and management practices with which you must comply. The District Engineer has further conditioned this permit to include the following special conditions:

1. That the Permittee notify the Corps should any change in size, location of methods to accomplish the work occur. Changes could potentially require additional authorizations from the Corps as well as other federal, state or local agencies.

2. Temporary construction access, structures or fills shall be removed once the maintenance activity is complete and the site shall be restored to pre-project conditions including elevations, soil substrate, and vegetation.
 3. All unused excavated material shall be placed on an upland site and should not impact any jurisdictional waters of the United States. If you believe you may impact any wetlands or jurisdictional waters with the remaining excavated material you shall contact our office prior to completing the work.
 4. Trees three (3) inches or greater in diameter at breast height shall not be cleared from April 1 through September 30 of any given year
 5. Any trees removed on the land needed for temporary easement, which will remain under IDNR ownership, upon completion of the project are subject to the below replacement requirements:
 - If feasible, trees shall be planted back on IDNR property at this location.
 - If trees cannot be replaced at this location due to the number of trees needing to be replaced or other construction requirements, trees shall be replaced at another IDNR location within the county such as the World Shooting Complex.
 - If the requested 1 inch: 1 inch replacement ratio cannot be implemented, then quality trees such as oaks and hickories shall be planted following the ratio **outlined in IDOT's DE 18 policy which states that:**
 - A 1:1 ratio is recommended to calculate the number of trees to be replaced when using bare root, balled and burlapped trees, Root Production Method (RPM), while considering available right-of-way. If seedlings are used, a 3:1 ratio is recommended (See Section 1081 of Standard Specifications for Road and Bridge Construction) and Chapter 59 of the Bureau of Design and Environment Manual for additional information.
- All other tree replacement may be deducted from IDOT District 8's tree replacement bank ledger.**
6. The impact to 0.189 acres of wetlands will be compensated for by debiting 0.378 acres of wetland mitigation credit from Illinois Department of Transportation's **Cahokia Creek Wetland Mitigation Site.**

In accordance with General Condition number 30 of the Nationwide Permit, a compliance certification (Attachment A of this package) must be completed within 30 days of project completion or the permit issuance may be revoked and considered null and void.

The Illinois Environmental Protection Agency Division of Water Pollution Control (IEPA/WPC) has conditionally issued general Section 401 Water Quality Certification for this nationwide permit, subject to the special conditions and three general conditions (see enclosure). These conditions are part of the Corps permit. If you have any questions regarding the water quality certification conditions, you may call Mr. Darin LeCrone, IEPA/WPC, at 217-782-0610.

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This review is applicable only to the permit program administered by the Corps of Engineers. It does not eliminate the need to obtain other federal, state or local approvals before beginning work. This permit does not convey property rights, nor authorize any injury to property or invasion of other rights.

You are reminded that the permit is based on submitted plans. Variations from these plans shall constitute a violation of Federal law and may result in the revocation of the permit. If this nationwide permit is modified, reissued, or revoked during this period, the provisions described at 33 CFR 330.6(b) will apply.

If you have any questions please contact Ms. Katie Steinmetz at (314) 331-8593 or Katie.M.Steinmetz@usace.army.mil. Please refer to file number **MVS-2021-461**. The St. Louis District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to go to our Customer Service Survey found on our web site at <https://regulatory.ops.usace.army.mil/customer-service-survey/>

Sincerely,

MCMULLEN.KEITH Digitally signed by
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Keith McMullen
Illinois Section Chief
Regulatory Branch

Copy Furnished: (electronically w/o enclosures)
Milner, IDNR-OWR
LeCrone, IEPA

ATTACHMENT A

COMPLETED WORK CERTIFICATION

Date of Issuance: September 9, 2022

File Number: MVS-2021-461

Name of Permittee: Illinois Department of Transportation

River Basin/County/State: Kaskaskia/Randolph County/Illinois

Project Manager: Katie Steinmetz

Upon completion of this activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

**U.S. Army Corps of Engineers
Attn: Regulatory Branch (OD-F)
1222 Spruce Street
St. Louis, Missouri 63103-2833**

(Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification or revocation.)

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date



2022 Nationwide Permit Summary

U.S. Army Corps
 Of Engineers

Issued: February 25, 2022

Expires: March 14, 2026

No. 14. Linear Transportation Projects

(NWP Final Notice, 86 FR, 73574)

Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, driveways, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/2 -acre of waters of the United States. For linear transportation projects in tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/3 -acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites.

Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The loss of waters of the United States exceeds 1/10 acre; or (2) there is a discharge of dredged or fill material in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404).

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges of dredged or fill material for the construction of farm roads or forest roads, or temporary roads for moving mining

equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For NWP 14 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

C. Nationwide Permit General Conditions

(NWP Final Notice, 86 FR 2867-2874)

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act

Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

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

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

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

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

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

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

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

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic

pollutants in toxic amounts (see section 307 of the Clean Water Act).

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

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

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

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

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

12. Soil Erosion and Sediment

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

13. Removal of Temporary Structures and Fills. Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

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

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

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the

appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

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

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly

jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding "activities that are reasonably certain to occur" and "consequences caused by the proposed action."

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical

habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7

consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWP's.

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

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general

condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

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

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and

available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP

activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA:

No historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to

notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

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

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

national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

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

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will

be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to

ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a

watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(iii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWP. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters

of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures.

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

25. Water Quality. (a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP

until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

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

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

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide

permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

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

(Transferee)

(Date)

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

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any

general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a “USACE project”), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) Pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

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

(i) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.

(b) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps

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

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed activity;
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- (4) (i) A description of the proposed activity; the activity's purpose; direct

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

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

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an

official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) All NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites;

and (iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were

considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

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

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

D. District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity

will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the single and complete crossings of waters of the United States that require PCNs to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by an NWP. If an applicant requests a waiver of an applicable limit, as provided for in NWPs 13, 36, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by an NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects

(temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters. The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the

appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure that the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) That the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that

the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

E. Further Information

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

5. NWP's do not authorize interference with any existing or proposed Federal project (see general condition 31).

F. Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term "discharge" means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an

ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the

normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently

adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or

standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has surface water flowing continuously year-round during a typical year.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-

construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: Re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes

characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term "single and complete project" is defined as that

portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of "independent utility"). Single and complete non-linear projects may not be "piecemealed" to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are

those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized jurisdictional stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due

to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: (1) Held in trust by the United States for the benefit of any Indian tribe or individual; or (2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWP, a waterbody is a "water of the United States." If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)).



**US Army Corps
of Engineers** ®

Illinois Regional Conditions 2021 Nationwide Permits

- 1) For NWP 12, 57, and 58: pre-construction notification is required in accordance with General Condition 32 for the following activities; (a) activities that involve mechanized land clearing in a forested wetland for the utility line right-of-way; (b) utility lines placed within, and parallel to or along a jurisdictional stream bed.
- 2) For Nationwide Permit 14, all proposed projects that result in the loss of greater than 300 linear feet of streambed located within Waters of the U.S., requires a Pre-Construction Notice in accordance with General Condition No. 32.
- 3) Any bank stabilization activity involving a method that protrudes from the bank contours, such as jetties, stream barbs, and/or weirs, will require a pre-construction notification in accordance with General Condition 32.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

Corrected Copy

October 8, 2021

Corrected Copy Date: **DEC 21 2021**

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Clock Tower Building
Rock Island, IL 61204-2004

Re: Federal Register [Docket Number: COE-2020-0002] Proposal to Reissue and Modify
Nationwide Permits, September 15, 2020
CWA §401 Certification/Denial and applicable conditions
Illinois EPA Log no. C-0210-20

Dear Ms. Chavez:

On September 15, 2020 the Corps of Engineers issued the notice of proposed rulemaking concerning their determination to reissue and modify the current Nationwide Permits (NWP) that are set to expire on March 18, 2022. By letter dated August 19, 2021 your office extended the reasonable period of time to revise the §401 water quality certification to October 13, 2021 for thirty-two (32) NWP. The Agency has made modifications to the certification conditions issued on December 11, 2020. By this final determination document the Illinois EPA grants §401 water quality certification for NWP 3, 4, 5, 6, 7, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 27, 30, 31, 32, 33, 36, 37, 38, 41, 45, 53, and 54 with the special and/or general conditions specified below. This document also provides the certification conditions for NWP 12, 29, 39, 40, 42, 43, 51, 52, 57, and 58 and notice of the Agency determination to deny eight (8) of the proposed nationwide permits which are provided below with reasons in accordance with 40 CFR 121.7(e)(2).

CWA §401 certification is hereby granted, subject to General Conditions 1 through 12 below, for the following nationwide permits:

- NWP 3 – Maintenance
- NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Device and Activities
- NWP 5 – Scientific Measurement Devices
- NWP 7 – Outfall Structures and Associated Intake Structures
- NWP 18 – Minor Discharges
- NWP 19 – Minor Dredging
- NWP 20 – Response Operations for Oil or Hazardous Substances
- NWP 22 – Removal of Vessels
- NWP 25 – Structural Discharges
- NWP 30 – Moist Soil Management for Wildlife
- NWP 31 – Maintenance of Existing Flood Control Facilities
- NWP 33 – Temporary Construction, Access and Dewatering
- NWP 36 – Boat Ramps
- NWP 41 – Reshaping Existing Drainage Ditches
- NWP 45 – Repair of Uplands Damaged by Discrete Events

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
2009 Mall Street Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

PLEASE PRINT ON RECYCLED PAPER

IEPA Log No. C-0210-20, Section 401 Water Quality Certification with General and Special Conditions and Denial of 401 Certification Regarding Federal Register [Docket Number: COE-2020-0002] Proposal to Reissue and Modify Nationwide Permits, September 15, 2020.

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CWA §401 certification is hereby granted, subject to General Conditions 1 through 12 below and the Special Conditions which are contained in the referenced attachment for the following identified nationwide permits:

- NWP 6 – Survey Activities. Refer to Special Conditions for NWP 6 in Attachment.
- NWP 12 – Oil or Natural Gas Pipeline Activities. Refer to Special Conditions for NWP 12 in Attachment.
- NWP 13 – Bank Stabilization. Refer to Special Conditions for NWP 13 in Attachment.
- NWP 14 – Linear Transportation Projects. Refer to Special Conditions for NWP 14 in Attachment.
- NWP 15 – U.S. Coast Guard Approved Bridges. Refer to Special Conditions for NWP 15 in Attachment.
- NWP 16 – Return Water from Upland Contained Disposal Areas. Refer to Special Conditions for NWP 16 in Attachment.
- NWP 17 – Hydropower Projects. Refer to Special Conditions for NWP 17 in Attachment.
- NWP 23 – Approved Categorical Exclusions. Refer to Special Conditions for NWP 23 in Attachment.
- NWP 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities. Refer to Special Conditions for NWP 27 in Attachment.
- NWP 29 – Residential Developments. Refer to Special Conditions for NWP 29 in Attachment.
- NWP 32 – Completed Enforcement Actions. Refer to Special Conditions for NWP 32 in Attachment.
- NWP 37 – Emergency Watershed Protection and Rehabilitation. Refer to Special Conditions for NWP 37 in Attachment.
- NWP 38 – Cleanup of Hazardous and Toxic Waste. Refer to Special Conditions for NWP 38 in Attachment.
- NWP 39 – Commercial and Institutional Developments. Refer to Special Conditions for NWP 39 in Attachment.
- NWP 40 – Agricultural Activities. Refer to Special Conditions for NWP 40 in Attachment.
- NWP 42 – Recreational Facilities. Refer to Special Conditions for NWP 42 in Attachment.
- NWP 43 – Stormwater Management Facilities. Refer to Special Conditions for NWP 43 in Attachment.
- NWP 51 – Land-Based Renewable Energy Generation Facilities. Refer to Special Conditions for NWP 51 in Attachment.
- NWP 52 – Water-Based Renewable Energy Generation Pilot Projects. Refer to Special Conditions for NWP 52 in Attachment.
- NWP 53 – Removal of Low-Head Dams. Refer to Special Conditions for NWP 53 in Attachment.
- NWP 54 – Living Shorelines. Refer to Special Conditions for NWP 54 in Attachment.
- NWP 57 – Electric Utility Line and Telecommunications Activities. Refer to Special Conditions for NWP 12 in Attachment.
- NWP 58 – Utility Line Activities for Water and Other Substances. Refer to Special Conditions for NWP 12 in Attachment.

CWA §401 certification is hereby denied with reasons provided in accordance with 401 CFR 121.7 for the following NWPs:

- NWP 21 – Surface Coal Mining Activities. The Illinois EPA has determined that a case-specific review is warranted for all surface mining activities including carbon extraction because pursuant to 35 Ill. Admin. Code Section 401.102, mining activities are identified as having, when certain refuse materials are used, the capability to cause or threaten to cause a nuisance or render waters harmful or detrimental to public health and to all legitimate uses including but not limited to livestock and wildlife uses. The likelihood that contaminants related to coal extraction, particularly acid producing minerals in mine refuse, would be found within overburden and soil stockpiles and therefore present within fill materials warrant a facility specific antidegradation assessment pursuant to 35 Ill. Admin. Code Section 302.105. Additionally, Illinois' Section 401 implementation rules at 35 Ill. Admin. Code Part 395 regarding material testing exemptions specifically exclude material with known sources of pollution. Therefore, Section 401 certification is denied for this nationwide permit (NWP21).

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NWP 34 – Cranberry Production Activities: The Illinois EPA has determined that the area of impact that is allowed by an authorization under this nationwide permit exceeds 1/2 acre. 1/2 acre is determined to be representative of the maximum threshold for minimal degradation of existing uses of aquatic resources. Consequently, any activity authorized under this nationwide permit must be subject to a case-specific antidegradation assessment pursuant to 35 Ill. Admin. Code Section 302.105. Therefore, the Illinois EPA denies 401 certification for NWP 34.

NWP 44 – Mining Activities: The Illinois EPA has determined that a case-specific review is warranted for all surface mining activities because pursuant to 35 Ill. Admin. Code Section 401.102, mining activities are identified as having, when certain refuse materials are used, the capability to cause or threaten to cause a nuisance or render waters harmful or detrimental to public health and to all legitimate uses including but not limited to livestock and wildlife uses. Furthermore, all mining activities are regulated by the Illinois EPA under federal and state statute because of their potential to cause or threaten to cause water pollution. Therefore, for the above reasons, the Illinois EPA denies 401 certification for NWP 44.

NWP 46 – Discharges into Ditches: The Illinois EPA has determined that a case-specific review is warranted for all discharge activities into ditches because of the nationwide permit exceeds the 1/2 acreage determined to be the maximum threshold for minimal degradation of existing uses of aquatic resources. Consequently, any activity authorized under this nationwide permit must be subject to a case-specific antidegradation assessment pursuant to 35 Ill. Admin. Code Section 302.105. Therefore, the Illinois EPA denies 401 certification for NWP 46.

NWP 48 – Commercial Shellfish Mariculture Activities: As proposed, the Illinois EPA believes this nationwide permit is inapplicable to waters of the U.S. that are found within the State of Illinois. Therefore, the Illinois EPA denies 401 certification for NWP 48.

NWP 49 – Coal Remining Activities: By reference to the certification denial explanation for NWP 21, the Illinois EPA denies 401 certification for NWP 49.

NWP 50 – Underground Coal Mining: By reference to the certification denial explanation for NWP 21, the Illinois EPA denies 401 certification for NWP 50.

NWP 59 – Water Reclamation and Reuse Facilities: As proposed in the Federal Register, this proposed nationwide permit would appear to allow utilization of existing natural waterbodies as treatment devices. According to 35 Ill. Admin. Code 301.440 such utilization is not permissible. Therefore, the Illinois EPA denies 401 certification for NWP 59.

401 Certification General Conditions

General Conditions 1 through 12 shall be applicable to all NWPs that are granted 401 certification.

General Condition 1: Waterbodies that Require Individual Certification

Pursuant to 35 Ill. Adm. Code Section 302.105(d)(6), an individual 401 water quality certification will be required for activities permitted under these Nationwide Permits for discharges to waters designated by the State of Illinois as waters of particular biological significance or Outstanding Resource Waters under 35 Ill. Adm. Code 302.105(b). Biologically Significant Streams (BSS) are cataloged in Illinois DNR's publication

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“Integrating Multiple Taxa in a Biological Stream Rating System” and may be identified at:
<https://www2.illinois.gov/dnr/conservation/BiologicalStreamratings/Pages/default.aspx>.

General Condition 2: Water Quality Impairments

Pursuant to 35 Ill. Adm. Code Sections 302.105(a), 302.105(c)(2)(B), and 395.401(a), an individual 401 water quality certification will be required for activities permitted under these Nationwide Permits that may cause a discharge that, whether temporarily or permanently, may cause or contribute to additional loading of any pollutant, or deterioration of any water quality parameter, such as pH or dissolved oxygen, where such pollutant or parameter is also designated by the State of Illinois as a cause of water quality impairment of the particular segment of the receiving water body according to the Illinois Environmental Protection Agency's Section 303(d) list. The most recent Illinois Integrated Water Quality Report and Section 303(d) List can be found at <https://www2.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Pages/303d-list.aspx>.

General Condition 3: Threatened and Endangered Species

Pursuant to 35 Ill. Admin. Code Section 302.105(f)(1)(F), prior to proceeding with any work in furtherance of activities permitted under these Nationwide Permits, potential impacts to State threatened or endangered species and Natural Areas shall be determined in accordance with applicable consultation procedures established under 17 Ill. Admin Code Part 1075. The Department of Natural Resources (IDNR) Ecological Compliance Assessment Tool (EcoCAT) is available to complete consultation at <http://dnr.illinois.gov/EcoPublic/>. If IDNR determines that adverse impacts to protected natural resources are likely, the applicant shall address those identified concerns with IDNR through the consultation process. Please contact IDNR, Impact Assessment Section at 217-785-5500 if you have any questions regarding consultation.

General Condition 4: TMDLs

Pursuant to 35 Ill. Admin. Code Sections 302.105(a), 302.105(c)(2)(B), and 395.401(a), activities permitted under these Nationwide Permits that may cause a discharge that, whether temporarily or permanently, may cause or contribute to additional loading of any pollutant, or deterioration of any water quality parameter, such as pH or dissolved oxygen, where such pollutant or parameter is addressed by a USEPA approved Total Maximum Daily Load (TMDL) report for the receiving water body shall develop and implement additional measures and or procedures which ensure consistency with the load allocations, assumptions and requirements of the TMDL report. TMDL program information and water listings are available at <https://www2.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Pages/reports.aspx>.

General Condition 5: Prohibitions

Pursuant to 35 Ill. Admin. Code Section 395.401(a), the applicant shall not cause:

- violation of applicable provisions of the Illinois Environmental Protection Act;
- water pollution defined and prohibited by the Illinois Environmental Protection Act;
- violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
- interference with water use practices near public recreation areas or water supply intakes.

General Condition 6: Erosion and Sedimentation Control Measures

Pursuant to the Illinois Environmental Protection Act Section 39(a)[415 ILCS 5/39(a)] and 35 Ill. Admin. Code Sections 302.203 and 395.402(b)(2), the applicant shall implement all necessary sedimentation and erosion control measures consistent with the current edition of

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the "Illinois Urban Manual" found at <https://illinoisurbanmanual.org/>. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins, silt fencing and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. All areas affected by construction shall be seeded and stabilized as soon after construction as possible.

General Condition 7: NPDES Stormwater Construction Permit

Pursuant to the Illinois Environmental Protection Act Section 39(a)[415 ILCS 5/39(a)] and 35 Ill. Admin. Code Section 395.402(b)(2), the applicant shall be responsible for obtaining an NPDES Storm Water Permit required by the federal Clean Water Act prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be applied for at <https://www2.illinois.gov/epa/topics/forms/water-permits/storm-water/Pages/construction.aspx>.

General Condition 8: Spill Response Plan

Pursuant to 35 Ill. Admin. Code Sections 395.401, 302.203, and 302.208, the applicant shall ensure that a spill avoidance and response plan has been developed and implemented for management of accidental releases of petroleum, oil, and lubricant products to the aquatic environment during construction and for emergency notification of applicable downstream water supply operators. Absorbent pads, containment booms and skimmers shall be available to facilitate the cleanup of petroleum spills. If floating hydrocarbon (oil and gas) products are observed, the applicant or his designated individual will be responsible for directing that work be halted so that appropriate corrective measures are taken in accordance with the plan prior to resuming work.

General Condition 9: Hydraulic Machinery

Pursuant to 35 Ill. Admin. Code Sections 302.203, 302.304, and 302.515, all hydraulic machinery utilized for the permitted activity and used in or immediately adjacent to waters of the State shall utilize biodegradable or bio-based hydraulic fluids to minimize pollution in the case of broken or leaking hydraulic equipment.

General Condition 10: Temporary Structures and Work

Pursuant to 35 Ill. Admin. Code Sections 302.203, 395.204, and 395.401(b), temporary work pads, cofferdams, access roads and other temporary fills are approved provided that such activities are constructed with clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities. Temporary fills within streams, creeks or rivers shall utilize adequate bypass measures (i.e. dam and pump, flumes, culverts, etc.) to minimize sedimentation and erosion and to maintain normal stream flow during construction.

General Condition 11: Construction Site Dewatering

Pursuant to Illinois Environmental Protection Act Section 39(a)[415 ILCS 5/39(a)] and 35 Ill. Admin. Code Section 395.402(b)(2), dewatering of a construction site is authorized provided the dewatering activity is limited to the immediate work area within a cofferdam or otherwise isolated from waters of the State, and the work site is free from sources of contamination including those of natural origin. Dewatering activities shall incorporate Best Management Practices in accordance with the current edition of the "Illinois Urban Manual"

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<https://illinoisurbanmanual.org/>. Practice Standard for Dewatering (no. 813) or as otherwise appropriate to ensure that return flows from the dewatering activity are free of unnatural turbidity and floating debris and meet applicable water quality standards. Dewatering or discharge of flush water from construction of drilled piers or boreholes is not authorized and must be conducted in accordance with an NPDES permit issued by the Illinois EPA.

General Condition 12: Discharged Material Quality

Pursuant to 35 Ill. Admin. Code Sections 302.203, 302.208, and 395.401(b), any spoil material excavated, dredged or otherwise produced must not be returned to the water body but must be deposited in a self-contained area in compliance with all state statutes. Except as specifically allowed by special condition, any backfilling must be done with clean material that is predominantly sand or larger size material, with no more than 20% passing a #230 U. S. sieve and placed in a manner to prevent violation of applicable water quality standards.

401 Certification Special Conditions

Special Conditions including the conditional exclusions of 401 certification coverage that are listed within the Attachment: "Special Conditions for Illinois EPA 401 Water Quality Certifications of Certain Nationwide Permits" shall be applicable as stated therein.

Should you have any questions or comments regarding the content of this nationwide certification, please contact Darren Gove at 217-782-3362.

Sincerely,



Darin E. LeCrone, P.E.
Manager, Permit Section
Division of Water Pollution Control

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Attachment: Special Conditions for Illinois EPA 401 Water Quality Certifications of Certain Nationwide Permits Regarding Federal Register [Docket Number: COE-2020-0002] Proposal to Reissue and Modify Nationwide Permits dated September 15, 2020

cc: Records Unit
CoE, Chicago District
CoE, Louisville District (Indianapolis Office)
CoE, Louisville District (Newburgh Regulatory Office)
CoE, Memphis District
CoE, St. Louis District
IDNR, Bartlett
IDNR, OWR, Chicago
IDNR, OWR, Springfield
USEPA, Region 5
USFWS, Rock Island, Barrington and Marion

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**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 6
Survey Activities**

1. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B)(iii), 302.203, and 395.401(a), the applicant for the applicable nationwide permit shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.
2. Pursuant to 35 Ill. Admin. Code Section 395.401(a), material resulting from trench excavation within surface waters of the State may be temporarily sidecast adjacent to the trench excavation provided that:
 - a. Sidecast material is not placed within a creek, stream, river or other flowing water body such that material dispersion could occur;
 - b. Sidecast material is not placed within ponds or other water bodies other than wetlands; and
 - c. Sidecast material is not placed within a wetland for a period longer than twenty (20) calendar days. Such sidecast material shall either be removed from the site or used as backfill (refer to Condition 4).
3. Pursuant to 35 Ill. Admin. Code Sections 302.203, 395.205, and 395.401(a), backfill used within trenches passing through surface water of the State, except wetland areas, shall be clean coarse aggregate, gravel or other material which will not cause siltation. Excavated material may be used only if:
 - a. Particle size analysis is conducted and demonstrates the material to be at least 80% sand or larger size material, using a #230 U.S. sieve; or
 - b. Excavation and backfilling are done under dry conditions.
4. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B)(ii) and 395.401(a), backfill used within trenches passing through wetland areas shall consist of clean material which will not cause siltation. Excavated material shall be used to the extent practicable, with the upper six (6) to twelve (12) inches backfilled with the topsoil obtained during trench excavation.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMITS 12, 57, and 58.
Utility Line Activities, Electric, Water, and Others.**

1. Pursuant to 35 Ill. Adm. Code Sections 302.105(c)(2)(B), 302.208, and 395.401, a case-specific (individual) 401 water quality certification from the Illinois EPA will be required for:
 - a. activities in the following waters:
 - i. Lake Calumet
 - ii. Fox River (including the Fox Chain of Lakes)
 - iii. Lake Michigan
 - iv. Chicago Sanitary and Ship Canal
 - v. Calumet-Sag Channel
 - vi. Little Calumet River
 - vii. Grand Calumet River
 - viii. Calumet River
 - ix. Pettibone Creek (in Lake County)

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- x. South Branch of the Chicago River (including the South Fork)
 - xi. North Branch of the Chicago River (including the East and West Forks and the Skokie Lagoons)
 - xii. Chicago River (Main Stem)
 - xiii. Des Plaines River
 - xiv. Kankakee River
- b. activities in the following waters if material is sidecast into waters of the State or wetlands:
- i. Saline River (in Hardin County)
 - ii. Richland Creek (in St. Clair and Monroe Counties)
 - iii. Rock River (in Winnebago County)
 - iv. Illinois River upstream of mile 229.6 (Illinois Route 178 bridge)
 - v. Illinois River between mile 140.0 and 182.0
 - vi. DuPage River (including the East and West Branches)
 - vii. Salt Creek (Des Plaines River Watershed)
 - viii. Waukegan River (including the South Branch)
- c. activities in waters designated as Public and Food Processing Water Supplies with surface intake facilities within 2000 feet of the proposed discharge unless the discharge is reasonably considered downstream of the intake. The Illinois EPA's Division of Public Water Supply at 217/782-1020 may be contacted for information on these water supplies
2. Section 401 water quality certification is hereby issued for all other waters, with the following conditions:
- a. Pursuant to 35 Ill. Admin. Code Sections 395.401(b) and 302.105(c)(2)(B)(iii), the applicant for the applicable nationwide permit(s) shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.
 - b. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B)(ii), 302.203, 302.208, 395.203, and 395.401, dredged material resulting from trench excavation within surface waters of the State may be temporarily sidecast adjacent to the trench excavation provided that:
 - i. Sidecast material is not placed within a creek, stream, river or other flowing water body such that material dispersion could occur;
 - ii. Side cast material is not placed within ponds or other water bodies other than wetlands; and
 - iii. Sidecast material is not placed within a wetland for a period longer than twenty (20) calendar days. Such sidecast material shall either be removed from the site (refer to Condition 2.e) or used as backfill (refer to Condition 2.d).
 - c. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B)(ii), 302.203, 302.208, 395.203, and 395.401, backfill used within trenches passing through surface water of the State, except wetland areas, shall be clean course aggregate, gravel or other material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material may be used only if:
 - i. Particle size analysis is conducted and demonstrates the material to be at least 80% sand or larger size material, using a #230 U.S. sieve; or
 - ii. Excavation and backfilling are done under dry conditions.

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- d. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B)(ii), 302.203, 302.208, 395.203, and 395.401, backfill used within trenches passing through wetland areas shall consist of clean material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material shall be used to the extent practicable, with the upper six (6) to twelve (12) inches backfilled with the topsoil obtained during trench excavation.
- e. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B)(ii), 302.203, 302.208, 395.203, and 395.401, all material excavated which is not being used as backfill as stipulated in Condition 2.d and 2.c shall be stored or disposed in self-contained areas with no discharge to waters of the State. Material shall be disposed of appropriately under the regulations at 35 Ill. Adm. Code Subtitle G.
- f. Pursuant to 35 Ill. Admin. Code Sections 395.401(b), 302.203, and 302.208, the use of directional drilling to install utility pipelines below surface waters of the State is hereby certified provided that:
- i. All pits and other construction necessary for the directional drilling process are located outside of surface waters of the State;
 - ii. All drilling fluids shall be adequately contained such that they cannot cause a discharge to surface waters of the State. Such fluids shall be treated as stipulated in Condition 2.F; and
 - iii. Erosion and sediment control is provided in accordance with Conditions 2.B, 2.G, and 2.H.
- g. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B)(iii), 302.203, and 395.401(b), permanent access roads shall be constructed of clean coarse aggregate or non-erodible nonearthen fill material that will not cause siltation. Material excavated or dredged from the surface water or wetland shall not be used to construct the access road in waters of the state. The applicant for Nationwide Permit 12 that constructs access roads shall maintain flow in creeks, streams and rivers by installing culverts, bridges or other such techniques.
- h. Pursuant to 35 Ill. Admin. Code Sections 395.401(b) and 302.203, adjacent banks and slopes disturbed by construction shall be stabilized immediately following construction. The applicant shall undertake necessary measures and procedures to eliminate stormwater channelization via the utility route during and after construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins, check dams, straw bales and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions.
- i. Pursuant to 35 Ill. Admin. Code Sections 395.401(b) and 302.203, asphalt, bituminous material and concrete with protruding material such as reinforcing bar or mesh shall not be 1) used for backfill, 2) placed on shorelines/stream banks, or 3) placed in waters of the State.

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**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 13
Bank Stabilization**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a) and 302.105(c)(2)(B), a case-specific (individual) 401 water quality certification from the Illinois EPA will be required for bank stabilization activities that will exceed 1000 linear feet.
2. Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), asphalt, bituminous material and concrete with protruding material such as reinforcing bars or mesh shall not be:
 - a. used for backfill;
 - b. placed on shorelines/streambanks; or
 - c. placed in waters of the State.
3. Pursuant to 35 Ill. Admin. Code Sections 302.203, 302.208, and 395.401(b), the applicant shall consider installing bioengineering practices in lieu of structural practices of bank stabilization to minimize impacts to the lake, pond, river or stream and enhance aquatic habitat. The applicant shall document the selection process for the bank stabilization technique(s) and the basis for the selection of the bank stabilization practices. Bioengineering techniques may include, but are not limited to:
 - a. adequately sized riprap or A-Jack structures keyed into the toe of the slope with native plantings on the banks above;
 - b. vegetated geogrids;
 - c. coconut fiber (coir) logs;
 - d. live, woody vegetative cuttings, fascines or stumps;
 - e. brush layering; and
 - f. soil lifts.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 14
Linear Transportation Projects**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), a case-specific (individual) 401 water quality certification from the Illinois EPA will be required for linear transportation activities that cause loss of greater than 500 linear feet of stream channel, as measured along the stream corridor.
2. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), a case-specific (individual) 401 water quality certification from the Illinois EPA will be required for linear transportation activities covered by this nationwide permit that include the temporary or permanent placement of steel or other painted structures within the waterbody as result of demolition work of previous structures.
3. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), a case-specific (individual) 401 water quality certification from the Illinois EPA will be required for new or expanded roadways that affect waterways which are designated by the State of Illinois as having water quality impairments caused by chloride. The most recent Illinois Integrated Water Quality Report and Section 303(d) List can be found at <https://www2.illinois.gov/epa/topics/water-quality/watershed-management/tundls/Pages/303d-list.aspx>

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4. Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), any relocated stream channel authorized under this nationwide permit shall be constructed under dry conditions and allowed to fully stabilize prior to the diversion of flow to prevent erosion and sedimentation.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 15
U.S. Coast Guard Approved Bridges**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), a case-specific (individual) 401 water quality certification from the Illinois EPA shall be required for linear transportation activities covered by this nationwide permit that include the temporary or permanent placement of demolished structural or decking materials within the waterbody as result of demolition work of previous structures.
2. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), a case-specific (individual) 401 water quality certification from the Illinois EPA shall be required for new bridges (not replacing another) that affect waterways which are designated by the State of Illinois as having water quality impairments caused by chloride. The most recent Illinois Integrated Water Quality Report and Section 303(d) List can be found at <https://www2.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Pages/303d-list.aspx>.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 16
Return Water from Upland Contained Disposal Areas**

1. Pursuant to 35 Ill. Adm. Code Sections 302.105(c)(2)(B), 302.208, and 395.401, a case-specific (individual) 401 water quality certification from the Illinois EPA will be required for:
 - a. return water discharge resulting from dredging activities in the following waters:
 - i. Lake Calumet
 - ii. Fox River (including the Fox Chain of Lakes)
 - iii. Lake Michigan
 - iv. Chicago Sanitary and Ship Canal
 - v. Calumet-Sag Channel
 - vi. Little Calumet River
 - vii. Grand Calumet River
 - viii. Calumet River
 - ix. Pettibone Creek (in Lake County)
 - x. South Branch of the Chicago River (including the South Fork)
 - xi. North Branch of the Chicago River (including the East and West Forks and the Skokie Lagoons)
 - xii. Chicago River (Main Stem)
 - xiii. Des Plaines River
 - xiv. Kankakee River
 - xv. Saline River (in Hardin County)
 - xvi. Richland Creek (in St. Clair and Monroe Counties)

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- xvii. Rock River (in Winnebago County)
- xviii. Illinois River upstream of mile 229.6 (Illinois Route 178 bridge)
- xix. Illinois River between mile 140.0 and 182.0
- xx. DuPage River (including the East and West Branches)
- xxi. Salt Creek (Des Plaines River Watershed)
- xxii. Waukegan River (including the South Branch)
- xxiii. any waters designated as

- b. return water discharge, resulting from dredging activities, in waters designated as Public and Food Processing Water Supplies with surface intake facilities within 2000 feet of the proposed discharge unless the discharge is reasonably considered downstream of the intake. The Illinois EPA's Division of Public Water Supply at 217/782-1020 may be contacted for information on these water supplies.
- c. disposal areas or return water discharges that are located within a designated Environmental Justice (EJ) area of concern. An EJ mapping tool is available at <https://illinois-epa.maps.arcgis.com/apps/webappviewer/index.html?id=f154845da68a4a3f837cd3b880b0233c>.
- d. dredging activities that would result in upland placement of more than 125,000 cubic yards of material or would produce effluent discharge on a recurring basis for a period lasting more than 5 years, including periods covered under a previous Department of the Army authorization.
- e. hydraulic dredging activities if the total quantity of dredged material per dredge event would exceed 500 cubic yards and the receiving water:
 - i. is listed on the Agency's 303(d) List, or
 - ii. has a USEPA approved Total Maximum Daily Load (TMDL) is in effect, or
 - iii. is designated pursuant to Section 302.206(d) Stream Segments for Enhanced Dissolved Oxygen Protection.

Information on 303(d) List and TMDLs can be found at <https://www2.illinois.gov/epa/topics/water-quality/watershed-management/tmdls/Pages/default.aspx> and Information on Stream Segments for Enhanced Dissolved Oxygen Protection may be found at <https://pcb.illinois.gov/documents/dsweb/Get/Document-33354/>. You may also utilize Resource Management Mapping Service to graphically identify impaired waters at [https:// www.rmms.illinois.edu/](https://www.rmms.illinois.edu/).

- 2. Section 401 water quality certification is otherwise hereby issued pursuant to the Illinois Environmental Protection Act Section 12(a) [415 ILCS 5/12(a)] and 35 Ill. Admin. Code Section 395.402(b)(2), except that applicants shall apply for and obtain a water pollution control permit for construction and operation of the upland contained disposal area as provided by 35 Ill. Admin. Code Subtitle C Part 309 Subpart B, prior to dredging activities.

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**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 17
Hydropower Projects**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(b), an individual Section 401 water quality certification will be required for any project that is not previously approved by a Section 401 water quality certification issued by the Illinois EPA for a Federal Energy Regulatory Commission license or permit.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 23
Approved Categorical Exclusions**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for activities covered by this nationwide permit that will cause the loss of aquatic resources which exceed the lesser of ½ acres or 300 linear feet of stream channel as measured along the stream corridor.
2. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for linear transportation activities covered by this nationwide permit which includes the temporary or permanent placement of painted steel or other painted structures within the waterbody as a result of related demolition work.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 27
Aquatic Habitat Restoration, Establishment, and Enhancement Activities**

1. Pursuant to the Illinois Environmental Protection Act Section 12(a)[415 ILCS 5/12(a)] and 35 Ill. Admin. Code Sections 395.401(a) and 395.401(b)(2), all activities conducted under this nationwide permit shall be in accordance with the provisions of 35 Ill. Adm. Code 405.108. Work in reclaimed surface coal mine areas are required to obtain prior authorization from the Illinois EPA for any activities that result in the use of acid-producing mine refuse.
2. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B), 302.208, and 395.401(a), a case-specific (individual) 401 water quality certification from the Illinois EPA will be required for the relocation of waters of the State.
3. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B), 302.203, and 395.401(a), any backfilled materials used within artificial channels shall be clean coarse aggregate, gravel or other material which will not cause siltation and placed in a manner to prevent violation of applicable water quality standards.

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**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 29
Residential Developments**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for development activities covered by this nationwide permit that cause loss of greater than 300 linear feet of stream channel, as measured along the stream corridor.
2. Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), any relocated stream channel authorized under this nationwide permit shall be constructed under dry conditions and allowed to fully stabilize prior to the diversion of flow to prevent erosion and sedimentation.
3. Pursuant to 35 Ill. Admin. Code Section 395.402(b)(2), the applicant is advised that the following permit(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, and related facilities prior to construction.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 32
Completed Enforcement Actions**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a) and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for activities covered by this nationwide permit that involve carbon recovery (coal mining or coal re-mining) or materials that may be considered "acid-producing material".
2. Pursuant to 35 Ill. Admin. Code Sections 395.401(a) and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for activities covered by this nationwide permit that include proposed (yet to be undertaken) loss of aquatic resources which exceed the lessor of ½ acres or 300 linear feet of stream channel as measured along the stream corridor.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 37
Emergency Watershed Protection and Rehabilitation**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for activities covered by this nationwide permit that will cause the loss of aquatic resources which exceed the lessor of ½ acres or 300 linear feet of stream channel as measured along the stream corridor.

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**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 38
Cleanup of Hazardous and Toxic Waste**

1. Pursuant to 35 Ill. Admin. Code Section 395.401(b), a case-specific (individual) Section 401 water quality certification will be required for activities covered by this nationwide permit that do not require or will not receive authorization or approval from the Illinois EPA, Bureau of Land (BOL).
2. Pursuant to 35 Ill. Admin. Code Section 395.401(b), the applicant shall notify the Illinois EPA, Bureau of Water, Permit Section, of the specific activity. This notification shall include information concerning the orders and approvals that have been or will be obtained from the BOL, for all cleanup activities under BOL jurisdiction or for which authorization or approval is sought from BOL for no further remedial action.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 39
Commercial and Institutional Developments**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a), and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for development activities covered by this nationwide permit that cause loss of greater than 300 linear feet of stream channel, as measured along the stream corridor.
2. Pursuant to 35 Ill. Admin. Code Section 395.402(b)(2), the applicant is advised that the following permit(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, water treatment plants, wastewater treatment plants and related facilities prior to construction.
3. Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), any relocated stream channel authorized under this nationwide permit shall be constructed under dry conditions and allowed to fully stabilize prior to the diversion of flow to prevent erosion and sedimentation.
4. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B)(ii), 302.203, and 395.401(b), for construction of oil and gas wells, the impacted waters of the State shall be restored to pre-construction conditions within six months after construction is started. For purposes of this condition, restoration includes stabilization and seeding or planting of vegetation on the disturbed areas that were vegetated prior to construction.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 40
Agricultural Activities**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a) and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for activities covered by this nationwide permit that cause loss of greater than 300 linear feet of stream channel, as measured along the stream corridor.

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2. Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), any relocated stream channel authorized under this nationwide permit shall be constructed under dry conditions and allowed to fully stabilize prior to the diversion of flow to prevent erosion and sedimentation.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 42
Recreational Facilities**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a) and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for development activities covered by this nationwide permit that cause loss of greater than 300 linear feet of stream channel, as measured along the stream corridor.
2. Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), any relocated stream channel authorized under this nationwide permit shall be constructed under dry conditions and allowed to fully stabilize prior to the diversion of flow to prevent erosion and sedimentation.
3. Pursuant to 35 Ill. Admin. Code Section 395.402(b)(2), the applicant is advised that the following permit(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, and related facilities prior to construction.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 43
Stormwater Management Facilities**

1. Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), the Agency hereby issues Section 401 water quality certification of Nationwide Permit 43 exclusively for the construction and maintenance of pollutant reduction green infrastructure features designed to reduce inputs of sediments, nutrients, and other pollutants into waters to meet reduction targets established under Total Daily Maximum Loads set under the Clean Water Act. All other activities authorized under this Nationwide Permit are denied Section 401 water quality certification. For purposes of this water quality certification green infrastructure means wet weather management approaches and technologies that utilize, enhance or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration and reuse. Green infrastructure approaches currently in use include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, porous and permeable pavements, porous piping systems, dry wells, vegetated median strips, reforestation/revegetation, rain barrels and cisterns and protection and enhancement of riparian buffers and floodplains. Material excavated, dredged or produced from the maintenance of green infrastructure features shall not be discharged to waters of the State.
2. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a) and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for development activities covered by this nationwide permit that cause loss of greater than 300 linear feet of stream channel, as measured along the stream corridor.

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- 3 Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), any relocated stream channel authorized under this nationwide permit shall be constructed under dry conditions and allowed to fully stabilize prior to the diversion of flow to prevent erosion and sedimentation.
- 4 Pursuant to 35 Ill. Admin. Code Section 395.402(b)(2), the applicant is advised that the following permit(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, and related facilities prior to construction.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 51
Land-Based Renewable Energy Generation Facilities**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a) and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for activities covered by this nationwide permit that cause loss of greater than 300 linear feet of stream channel, as measured along the stream corridor.
2. Pursuant to 35 Ill. Admin. Code Sections 302.203 and 395.401(b), any relocated stream channel authorized under this nationwide permit shall be constructed under dry conditions and allowed to fully stabilize prior to the diversion of flow to prevent erosion and sedimentation.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 52
Water-Based Renewable Energy Generation Pilot Projects**

1. Pursuant to 35 Ill. Admin. Code Sections 395.401(a), 302.105(a) and 302.105(c)(2)(B), case-specific (individual) 401 water quality certification from the Illinois EPA will be required for activities covered by this nationwide permit that cause loss of greater than 300 linear feet of stream channel, as measured along the stream corridor.
2. Pursuant to 35 Ill. Admin. Code Section 395.401(b), an individual Section 401 water quality certification will be required for any hydrokinetic project that is not previously approved by a Section 401 water quality certification issued by the Illinois EPA for a Federal Energy Regulatory Commission license or permit.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMIT 53
Removal of Low-Head Dams**

1. Pursuant to 35 Ill. Admin. Code Sections 302.203, 395.205 and 395.401(b), the applicant shall implement the following Best Management Practices and Material Testing:
 - a. Sediments and river bottom material are excavated and removed to upland areas to minimize sediment transport downstream, minimize downcutting and protect water quality; or
 - b. measures shall be implemented to minimize sediment transport downstream; or

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- c. the sediments and river bottom materials that will be transported downstream are determined to have less than 20 percent passing a #230 U.S. Sieve based on representative sampling and analysis of the sediments and river bottom materials; or
 - d. a combination of the above practices to protect water quality; and
 - e. sediments and river bottom materials shall not be polluttional if released to downstream waters.
2. Pursuant to 35 Ill. Admin. Code Sections 302.105(c)(2)(B)(ii), 302.203, and 395.401(b), Best Management Practices shall be implemented to minimize sediment transport downstream, minimize downcutting of sediment and river bottom materials and protect water quality.
 3. Pursuant to 35 Ill. Admin. Code Section 395.401(a), the applicant shall notify downstream surface water supplies of the proposed dam removal. The applicant shall implement practices to prevent interference with Public and Food Processing Water Supply intakes. The Illinois EPA's Division of Public Water Supply may be contacted at 217/782-1020 for information on the Public and Food Processing Water Supplies.
 4. Pursuant to 35 Ill. Admin. Code Sections 302.203, 395.401(b) and 395.402(b)(2), any spoil material excavated, dredged or otherwise produced during dam removal activities must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency.

**ILLINOIS EPA WATER QUALITY CERTIFICATION
SPECIAL CONDITIONS FOR NATIONWIDE PERMIT 54
Living Shorelines**

1. Pursuant to 35 Ill. Admin. Code Section 395.401(a), an individual Section 401 water quality certification shall be required for any project that exceeds 1000 feet as measured along the bank or when the District Engineer waives the limitation of 30 feet as measured from the mean high water line.



Illinois Department of Transportation

Office of Highways Project Implementation / Region 5 / District 8
1102 Eastport Plaza Drive / Collinsville, Illinois 62234-6198

August 17, 2022

County: Randolph
Route: FAP 312
Section: 74BR-2
Contract # 76K25

ADVERTISEMENT DATE: N.A.
RESPONSE DATE: December 15, 2022
CONTACT PERSON(S):
Philip Coppernoll 618-346-3181
philip.coppernoll@illinois.gov

Mr. Keith McMullen
Department of the Army
Corps of Engineers
1222 Spruce Street
St. Louis, MO 63103-2833

Dear Mr. McMullen:

As you are aware, Nationwide Permit MVS-2020-461 expired on March 18, 2022. Unfortunately, the project for which it was issued was not awarded by said expiration date due to ongoing land acquisition issues. Therefore, the Illinois Department of Transportation hereby requests a new Nationwide 404 Permit as described in the regulations adopted by the Corps of Engineers be issued to replace the expired MVS-2020-461.

An updated Natural Resources Review is attached to reflect additional coordination between IDOT and Illinois Department of Natural Resources (IDNR) which owns property adjacent to the project site. IDNR asked that where feasible, any trees which require removal be mitigated by being planted on site, or at another IDNR site in the county. Wetland impacts are estimated at 0.189 acres which will be mitigated at a 2:1 ratio for a total of 0.378 acres to be deducted from the Cahokia, Former Tiernan property ledger.

Mr. Keith McMullen
Page 2

Currently, the project is on the November 18, 2022 letting, which will be advertised to prospective bidders on October 14, 2022. The project would likely be awarded in January of 2023 with construction activities commencing in March of 2023. Construction activities are expected to last two seasons finishing in the fall of 2024.

Sincerely,



Kirk H. Brown, P.E.
Region Five Engineer

Attachments

- Updated Natural Resource Review
- Updated USFWS Official Species List
- Updated Report of Possible Resource Conflicts
- Response to WIE
- Wetland Delineations and Bat Assessment
- Cultural Clearance
- Original Joint Application



Illinois Department of Transportation Memorandum

To: Jeffrey L. Keirn Attn: Kirk Brown
From: Jack A. Elston By: Shawn Wilcockson
Subject: Natural Resources Review Renewal
Date: August 9, 2022

A handwritten signature in black ink, appearing to read 'Shawn Wilcockson'.

FAP 312 (IL 3)
T 6S, R 7W, S 6
Randolph County
Sequence 21227 and 21227 A

This review covers the original project submittal as well as Addendum A. The proposed project is for the removal and replacement of structure number 079-0005 on FAP 312 (IL 3) in Randolph county. The bridge crosses Nine Mile Creek and is located four miles south of Evansville. The addendum was submitted to account for a possible northern alignment shift of the existing structure.

There will be in stream work. It is unknown at this time the amount right-of-way or temporary easements which will be needed and whether or not any tree removal will be required. All tree removal will be conducted within 100 feet from the edge of pavement. Land cover in the project vicinity is a mixture of forested floodplain, row crop agriculture, and mowed pastures.

Review for Illinois Endangered Species Protection and Illinois Natural Areas Preservation – Part 1075

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location. No natural communities of special interest were found during the wetland survey. Additionally, there are inventoried prairie or savanna communities in the project vicinity. The project is adjacent to the Illinois Department of Natural Resources Kaskaskia River State Fish and Wildlife Area; however, this area will not be impacted by the proposed project. The project will require temporary easements from IDNR. IDNR asked for tree replacement as a commitment from IDOT for any tree removal which will occur on IDNR property.

Any trees removed on the land needed for temporary easement land which will remain under IDNR ownership upon completion of the project are subject to the below replacement requirements:

- **If feasible, trees shall be planted back on IDNR property at this location.**

- If trees cannot be replaced at this location due to the number of trees needing to be replaced or other construction requirements, trees shall be replaced at another IDNR location within the county such as the World Shooting Complex.
- If the requested 1 inch: 1 inch replacement ratio cannot be implemented, then quality trees such as oaks and hickories shall be planted following the ratio outlined in IDOT's DE 18 policy which states that:

A 1:1 ratio is recommended to calculate the number of trees to be replaced when using bare root, balled and burlapped trees, Root Production Method (RPM) while considering available right-of-way. If seedlings are used, a 3:1 ratio is recommended (See Section 1081 of Standard Specifications for Road and Bridge Construction) and Chapter 59 of the Bureau of Design and Environment Manual for additional information.

All other tree replacement may be deducted from IDOT District 8's tree replacement bank ledger.

Therefore, consultation under Part 1075 is terminated.

This review for compliance with 17 Ill. Adm. Code Part 1075 is valid for two years unless new information becomes available that was not previously considered; the proposed improvement is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the proposed improvement has not been implemented within two years of the date of this memorandum, or any of the above listed conditions develop, a new review will be necessary.

Review for Illinois Interagency Wetland Policy Act – Part 1090

The National Wetlands Inventory, Ducks Unlimited Wetlands Inventory, ground level and aerial photos, plan sheets, USDA soil maps, and topographic quadrangle maps were examined. A wetland survey was conducted on May 7, 2018. Several sites were determined to be wetlands. This office has reviewed the Wetland Impact Evaluation. The project will impact 0.1889 acres of wet meadow. Mitigation will occur at IDOT's Cahokia (former Tiernan property). The project is located in the Kaskaskia River Basin and mitigation will occur in the Mississippi River Lower Central Drainage Basin. Because the project meets the criteria to be processed as a programmatic action, but mitigation will occur out of basin, the mitigation ratio is 2.0:1. As such, 0.3778 acres of wetland credits will be deducted from the Cahokia, Former Tiernan property, ledger. **Review for wetlands under Part 1090 is complete.**

Review for Endangered Species Act - Section 7

The proposed improvement was reviewed in fulfillment of our obligation under Section 7(a)2 of the Endangered Species Act. Our review included use of the US Fish and Wildlife Service's (USFWS) Information for Planning and Conservation (IPaC) web-based review tool. Through IPaC, an official species list was received and is saved to the project folder. The list contains the endangered, threatened, proposed and candidate species and proposed and designated critical habitat that may be present within or in the vicinity of the proposed improvement. The following species are listed: Indiana bat (Ibat), Northern long-eared bat (NLEB), Pallid sturgeon, Small whorled pogonia, and Eastern prairie fringed orchid. No proposed or designated critical habitat is listed in Randolph County. Under 50 CFR 402.12(e), **the accuracy of the species list is limited to 90 days.**

Within IPaC there is a Determination Key for the NLEB and Ibat. We used the key to determine applicability of the project with the USFWS revised programmatic biological opinion for transportation projects and to assess what effect the project would have on NLEB or Ibat. We completed an IPaC qualification interview and determined that the project is within the scope of the programmatic biological opinion and is **not likely to adversely affect** either bat species provide the following conservation measures are implemented: **Trees Three (3) inches or greater in diameter at breast height shall not be cleared from April 1 through September 30 of any given year.**

Our determination is based in part on the results of the bat bridge assessment which found neither bats nor signs of bats using the bridge. **Please note all bat bridge assessments are valid for two years. Expired assessments will need to be updated prior to construction.**

We cross-referenced the preferred habitat of each of the remaining listed species with our knowledge of the project area and determined that the project will have no effect on those species.

Should the proposed improvement be modified or new information indicates listed or proposed species may be affected; consultation or additional coordination should be initiated

KCB



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Southern Illinois Sub-Office

Southern Illinois Sub-office

8588 Route 148

Marion, IL 62959-5822

Phone: (618) 998-5945

E mail Address: Marion@fws.gov

<https://www.fws.gov/office/illinois-iowa-ecological-services>



In Reply Refer To:

August 09, 2022

Project Code: 2022-0073033

Project Name: IDOT Project 21227 IL 3 over Nine mile creek

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

To Whom It May Concern:

The attached species list identifies federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat, if present, within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) **the accuracy of this species list should be verified after 90 days**. This verification can be completed formally or informally. You may verify the list by visiting the ECOSPHERE Information for Planning and Consultation (IPaC) website <https://ipac.ecosphere.fws.gov> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list.

Section 7 Consultation

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the U.S. Fish and Wildlife Service (Service) if they determine their project "may affect" listed species or designated critical habitat. Under the ESA, it is the responsibility of the Federal action agency or its designated

08/09/2022

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representative to determine if a proposed action may affect endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service to make "no effect" determinations. If you determine that your proposed action will have no effect on threatened or endangered species or their respective designated critical habitat, you do not need to seek concurrence with the Service.

Note: For some species or projects, IPaC will present you with *Determination Keys*. You may be able to use one or more Determination Keys to conclude consultation on your action.

Technical Assistance for Listed Species

1. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain information on the species life history, species status, current range, and other documents by selecting the species from the thumbnails or list view and visiting the species profile page.

08/09/2022

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No Effect Determinations for Listed Species

1. If there are *no* species or designated critical habitats on the Endangered Species portion of the species list: conclude "no species and no critical habitat present" and document your finding in your project records. No consultation under ESA section 7(a)(2) is required if the action would result in no effects to listed species or critical habitat. Maintain a copy of this letter and IPaC official species list for your records.
2. If any species or designated critical habitat are listed as potentially present in the **action area** of the proposed project the project proponents are responsible for determining if the proposed action will have "no effect" on any federally listed species or critical habitat. No effect, with respect to species, means that no individuals of a species will be exposed to any consequence of a federal action or that they will not respond to such exposure.
3. If the species habitat is not present within the action area or current data (surveys) for the species in the action area are negative: conclude "no species habitat or species present" and document your finding in your project records. For example, if the project area is located entirely within a "developed area" (an area that is already graveled/paved or supports structures and the only vegetation is limited to frequently mowed grass or conventional landscaping, is located within an existing maintained facility yard, or is in cultivated cropland conclude no species habitat present. Be careful when assessing actions that affect: 1) rights-of-ways that contains natural or semi-natural vegetation despite periodic mowing or other management; structures that have been known to support listed species (example: bridges), and 2) surface water or groundwater. Several species inhabit rights-of-ways, and you should carefully consider effects to surface water or groundwater, which often extend outside of a project's immediate footprint.
4. Adequacy of Information & Surveys - Agencies may base their determinations on the best evidence that is available or can be developed during consultation. Agencies must give the benefit of any doubt to the species when there are any inadequacies in the information. Inadequacies may include uncertainty in any step of the analysis. To provide adequate information on which to base a determination, it may be appropriate to conduct surveys to determine whether listed species or their habitats are present in the action area. Please contact our office for more information or see the survey guidelines that the Service has made available in IPaC.

May Effect Determinations for Listed Species

1. If the species habitat is present within the action area and survey data is unavailable or inconclusive: assume the species is present or plan and implement surveys and interpret results in coordination with our office. If assuming species present or surveys for the species are positive continue with the may affect determination process. May affect, with respect to a species, is the appropriate conclusion when a species might be exposed to a consequence of a federal action and could respond to that exposure. For critical habitat,

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'may affect' is the appropriate conclusion if the action area overlaps with mapped areas of critical habitat and an essential physical or biological feature may be exposed to a consequence of a federal action and could change in response to that exposure.

2. Identify stressors or effects to the species and to the essential physical and biological features of critical habitat that overlaps with the action area. Consider all consequences of the action and assess the potential for each life stage of the species that occurs in the action area to be exposed to the stressors. Deconstruct the action into its component parts to be sure that you do not miss any part of the action that could cause effects to the species or physical and biological features of critical habitat. Stressors that affect species' resources may have consequences even if the species is not present when the project is implemented.
3. If no listed or proposed species will be exposed to stressors caused by the action, a 'no effect' determination may be appropriate – be sure to separately assess effects to critical habitat, if any overlaps with the action area. If you determined that the proposed action or other activities that are caused by the proposed action may affect a species or critical habitat, the next step is to describe the manner in which they will respond or be altered. Specifically, to assess whether the species/critical habitat is "not likely to be adversely affected" or "likely to be adversely affected."
4. Determine how the habitat or the resource will respond to the proposed action (for example, changes in habitat quality, quantity, availability, or distribution), and assess how the species is expected to respond to the effects to its habitat or other resources. Critical habitat analyses focus on how the proposed action will affect the physical and biological features of the critical habitat in the action area. If there will be only beneficial effects or the effects of the action are expected to be insignificant or discountable, conclude "may affect, not likely to adversely affect" and submit your finding and supporting rationale to our office and request concurrence.
5. If you cannot conclude that the effects of the action will be wholly beneficial, insignificant, or discountable, check IPaC for species-specific Section 7 guidance and conservation measures to determine whether there are any measures that may be implemented to avoid or minimize the negative effects. If you modify your proposed action to include conservation measures, assess how inclusion of those measures will likely change the effects of the action. If you cannot conclude that the effects of the action will be wholly beneficial, insignificant, or discountable, contact our office for assistance.
6. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

For additional information on completing Section 7 Consultation including a Glossary of Terms

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used in the Section 7 Process, information requirements for completing Section 7, and example letters visit the Midwest Region Section 7 Consultations website at: <https://www.fws.gov/library/collections/midwest-region-section-7-consultations>.

You may find more specific information on completing Section 7 on communication towers and transmission lines on the following websites:

- Incidental Take Beneficial Practices: Power Lines - <https://www.fws.gov/story/incidental-take-beneficial-practices-power-lines>
- Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning. - <https://www.fws.gov/media/recommended-best-practices-communication-tower-design-siting-construction-operation>

Northern Long-eared Bat Update

Please note that on March 23, 2022, the Service published a proposal to reclassify the northern long-eared bat (NLEB) as endangered under the Endangered Species Act. The U.S. District Court for the District of Columbia has ordered the Service to complete a new final listing determination for the NLEB by November 2022 (Case 1:15-cv-00477, March 1, 2021). The bat, currently listed as threatened, faces extinction due to the range-wide impacts of white-nose syndrome (WNS), a deadly fungal disease affecting cave-dwelling bats across the continent. The proposed reclassification, if finalized, would remove the current 4(d) rule for the NLEB, as these rules may be applied only to threatened species. Depending on the type of effects a project has on NLEB, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective (anticipated to occur by December 30, 2022). If your project may result in incidental take of NLEB after the new listing goes into effect this will first need to be addressed in an updated consultation that includes an Incidental Take Statement. If your project may require re-initiation of consultation, please contact our office for additional guidance.

Other Trust Resources and Activities

Bald and Golden Eagles

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act, as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, please contact our office for further coordination. For more information on permits and other eagle information visit our website <https://www.fws.gov/library/collections/bald-and-golden-eagle-management>.

We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

Attachment(s):
Official Species List

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USFWS National Wildlife Refuges and Fish Hatcheries
Migratory Birds

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds

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Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Southern Illinois Sub-Office
Southern Illinois Sub-office
8588 Route 148
Marion, IL 62959-5822
(618) 998-5945

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Project Summary

Project Code: 2022-0073033

Project Name: IDOT Project 21227 IL 3 over Nine mile creek

Project Type: Road/Hwy - Maintenance/Modification

Project Description: This is a renewal as the proposed project has not yet been implemented. The proposed project is for the removal and replacement of structure number 079-0005 on FAP 312 (IL 3) in Randolph county. The bridge crosses Nine Mile Creek and is located four miles south of Evansville. There will be in stream work. It is unknown at this time how much right-of-way or temporary easements will be needed and whether or not any tree removal will be required.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.04110212272511,-89.916356351763,14z>



Counties: Randolph County, Illinois

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Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

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Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USEWS Birds of Conservation Concern \(BCC\) list](#) or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Sep 1 to Jul 31
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10

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NAME	BREEDING SEASON
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
Cerulean Warbler <i>Dendroica cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974	Breeds Apr 23 to Jul 20
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Field Sparrow <i>Spizella pusilla</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Mar 1 to Aug 15
Henslow's Sparrow <i>Ammodramus henslowii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3941	Breeds May 1 to Aug 31
Kentucky Warbler <i>Oporornis formosus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 20
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

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Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

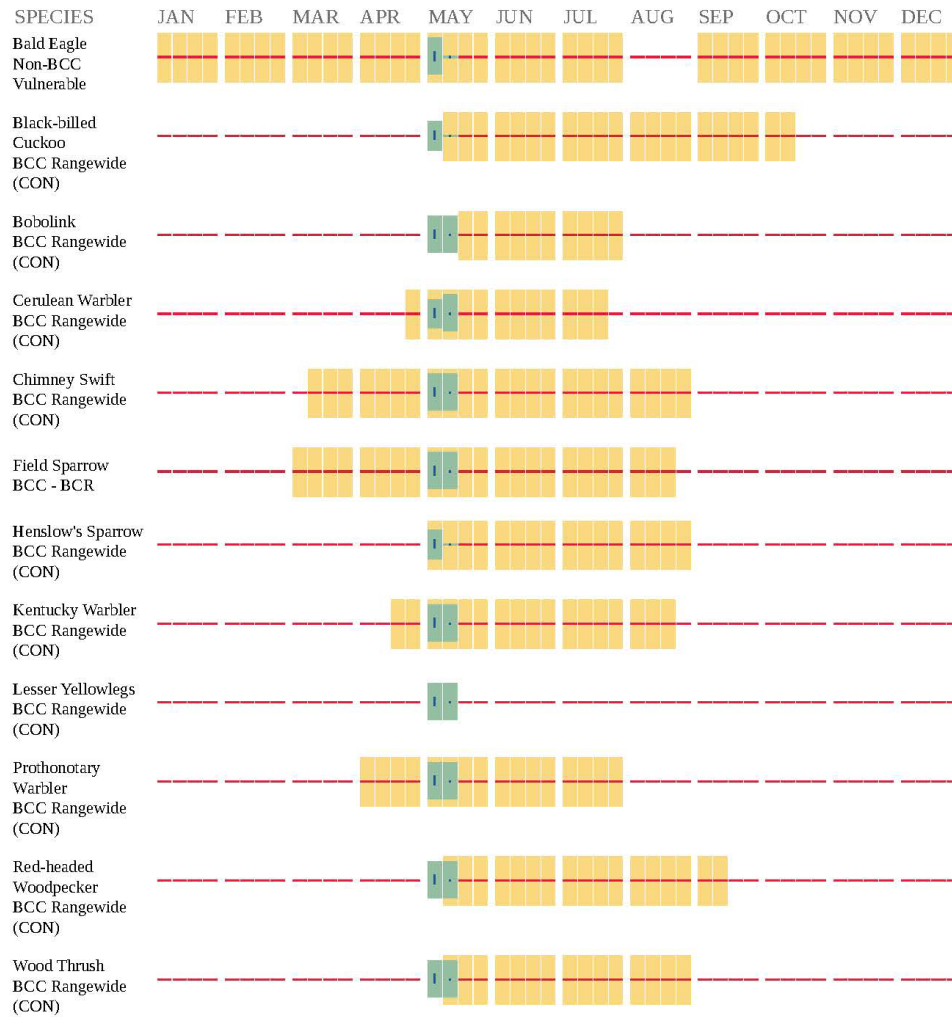
Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

■ probability of presence ■ breeding season | survey effort — no data

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Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

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Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point

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within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no

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data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

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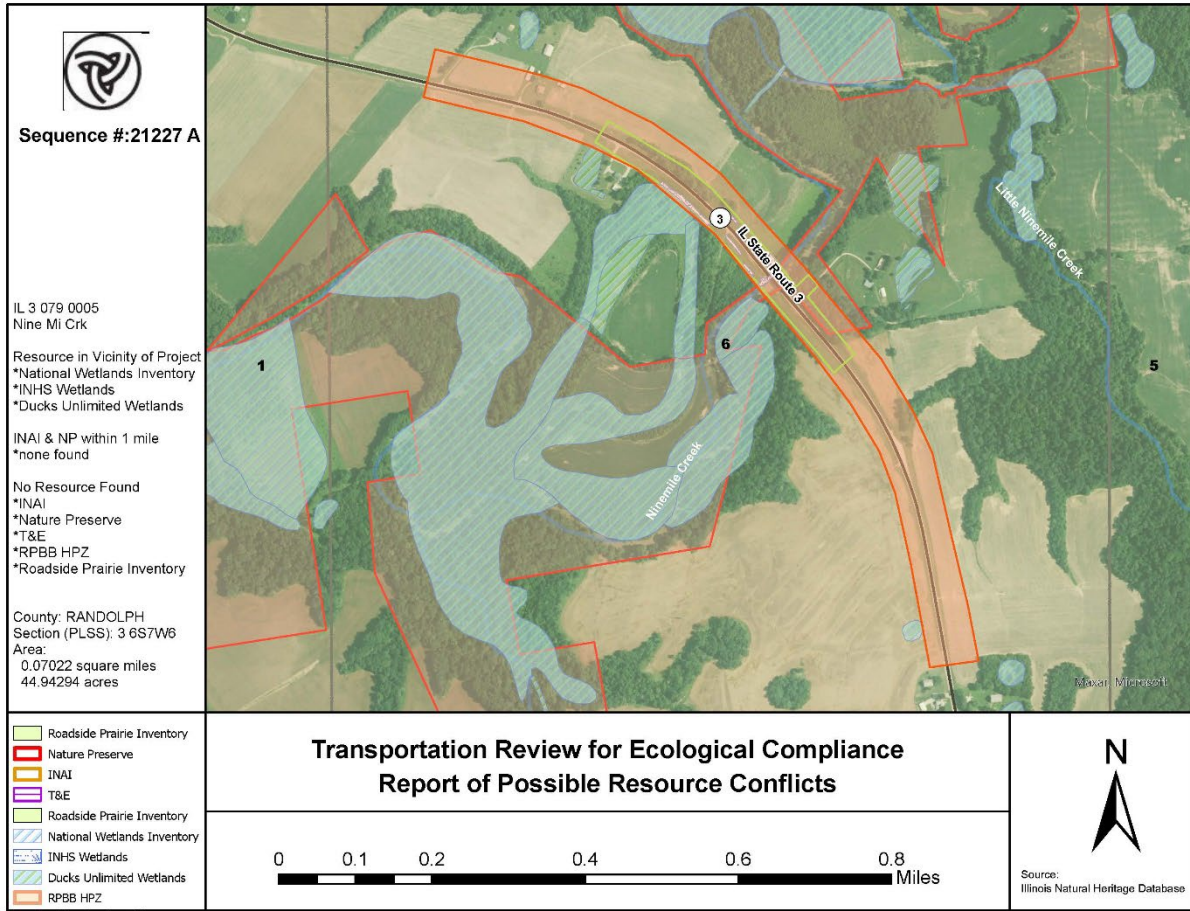
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IPaC User Contact Information

Agency: Illinois Department of Transportation
Name: Kimberly Burkwald
Address: 2300 South Dirksen Parkway
City: Springfield
State: IL
Zip: 62706
Email: kimberly.burkwald@illinois.gov
Phone: 2175245277

Lead Agency Contact Information

Lead Agency: Federal Highway Administration



Created by: Burkwaldk

Wetlands

Submittal Date: 11/29/2017 Sequence No: 21227
 District: 8 Requesting Agency: DOH Project No:
 Contract #: 76K25 Job No.: P-98-003-17
 Counties: Randolph
 Route: FAP 312 Marked: IL 3
 Street: Section: 74BR-2
 Municipality(ies): Project Length: km miles
 From/To (At): IL 3 over Nine Mile Creek 4 mi S of Evansville - SN 079-0005
 Quadrangle: Evansville Township-Range-Section: T6S-R7W-Sec 6
 Anticipated Design Approval: 06/29/2017 Cleared for Design Approval: 06/26/2018
 Cleared for Letting: Mitigation:

Wetland Impacts Evaluation

Submittal Date: 07/28/2020 Submitted By:
 Does the project have wetland impacts? Yes Type: Permanent
 Briefly describe the measures considered to avoid and minimize adverse impacts to the wetlands: The design was re-checked to see if the wetland areas could be minimized or avoided especially site 2 because the impact is so small but putting in the driveway still caused the minor impact.
 Summarize briefly why there are no practicable alternatives to the use of the wetland(s): The wetlands are under the bridge or within the improvement and cannot be avoided.
 Wetland mitigation is being proposed: wetland bank site Reviewed

Memo Date: 07/29/2020 **Memo By:** Burkwaldk
Memo: This office has reviewed the WIE. The project will impact 0.1889 acres of wet meadow. Mitigation will occur at IDOT's Cahokia (former Tiernan property). The project is located in the Kaskaskia River Basin and mitigation will occur in the Mississippi River Lower Central Drainage Basin. Because the project meets the criteria to be processed as a programmatic action, but mitigation will occur out of basin, the mitigation ratio is 2.0:1. As such, 0.3778 acres of wetland credits will be deducted from the Cahokia, Former Tiernan property, ledger. Review for wetlands under Part 1090 is complete and the project is cleared for letting with respect to wetlands.
Memo Date: 01/02/2020 **Memo By:** Kimberly Burkwaldk
Memo: The National Wetlands Inventory, Ducks Unlimited Wetlands Inventory, ground level and aerial photos, plan sheets, USDA soil maps, and topographic quadrangle maps were examined. A wetland survey was conducted on May 7, 2018. Several sites were determined to be wetlands. The Wetland Delineation Report and spatial information (ArcGIS shapefile) are saved in the project folder.
 The project sponsor will consider location and design alternatives to avoid and minimize adverse wetland impacts to the extent practical. After the extent of impacts is determined, a Wetland Impact Evaluation (WIE) form will be completed and submitted to the IDOT Bureau of Design and Environment. Unavoidable adverse wetland impacts are subject to the applicable ratios specified in 17 Ill. Adm. Code Part 1090.50 (c)(8). If the project will avoid adverse wetland impacts, the WIE should reflect the determination that adverse wetland impacts will not occur. The WIE form and instructions for its completion can be accessed at <http://apps.dot.illinois.gov/environment/wetlands.asp>. Therefore, the wetland review under Part 1090 remains open until receipt of the WIE.
Memo Date: 06/26/2018 **Memo By:** KKEssinger
Memo: A WIE waqs requested via NRR on 6/25/2018.

Wetland Impacts and Mitigation Required

Site No.	Type	T&E	Nature Preserve	Natural Area	Essential Habitat	Size (acres)	Acres of Impact	Ratio	Acres of Compensation
1	Wet Mead	No	No	No	No	0.21	.131	2.0	.262
Basin		Quadrangle		FQI		13.4	Addendum		
Describe the work:									

FAP ROUTE 312 (IL 3)
 PROJECT NHPP-20T3(085)
 SECTION 74BR-2
 RANDOLPH COUNTY
 CONTRACT NO. 76K25

2	Wet Mead					0.06		.005	2.0	.010
Basin		Quadrangle				FQI 8.1		Addendum		
Describe the work:										
3	Wet Mead					0.04		.053	2.0	.106
Basin		Quadrangle				FQI 9.0		Addendum		
Describe the work:										
						Total		.189		.378

IL 3 (FAP 312) over Nine Mile Creek Randolph County, Illinois

IDOT Sequence Number: 21227



Prepared by:
Ian Kenney, Andy Olnas, and Brad Zercher


INHS/IDOT Wetland Science Program

May 2018



Project Summary

A wetland survey was conducted for proposed work on IL 3 (FAP 312) over Nine Mile Creek in Randolph County, Illinois. All potential wetlands within the specified project area were examined. Four sites met the three criteria of a wetland established in the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region (Version 2.0)* (U.S. Army Corps of Engineers [USACE] 2010) and were, therefore, determined to be wetlands. Summary information regarding the wetland determination sites is presented in the wetland project report. Wetland determination forms are found in Appendix A and wetland plant species lists are included in Appendix B. Wetland boundaries were recorded using a Trimble Global Navigation Satellite System (GNSS). The spatial data have been digitally uploaded to the Illinois Site Assessment Tracking System (<https://frostycap.isgs.illinois.edu/authenticate/login.asp>). Locations of determination sites were overlaid on a digital aerial orthophoto using ArcGIS; the resulting figure is included in Appendix C. Additional maps and figures are also included in Appendix C. Bat Bridge Assessment information is included in Appendix D.

Signed:  Date: May 25, 2018
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Cover Photo: Facing northwest overlooking Nine Mile Creek and Wetland Site 1.

IL 3 (FAP 312) over Nine Mile Creek Randolph County, Illinois

Introduction

A wetland survey was conducted on May 7, 2018, for the proposed work on IL 3 (FAP 312) over Nine Mile Creek in Randolph County, Illinois. Construction work is to include removal and replacement of an existing bridge over Nine Mile Creek with incidental approach road work and channel modification work.

Methods

All potential wetlands within the specified study area were examined. Characteristics of vegetation, soils, hydrology, and topography were evaluated during field investigation and on-site wetland determination. Locations of observation points for wetland determinations were selected based on plant community borders and topographic changes. The following sources were examined while surveying the project corridor to determine wetland locations and boundaries: aerial photographs; U.S. Geological Survey topographic map (Evansville 7.5 minute quadrangle); National Wetlands Inventory (NWI) website (USFWS 2017); the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987); the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region (Version 2.0)* (USACE 2010); the USDA-NRCS *Official Series Descriptions*; and the USDA-NRCS *Web Soil Survey*. Positional inaccuracies are known to occur with downloaded sources of digital data listed above. As presented on maps and figures in this report, data can be shifted from their actual position when compared to modern aerial photography.

Wetland determinations were conducted using definitions and guidelines established in the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region (Version 2.0)* (USACE 2010). Data from these determinations were recorded on U.S. Army Corps of Engineers' Wetland Determination Data Forms – Midwest Region (Appendix A); a data form was completed for each wetland sampling point. All potential wetlands, including all areas mapped as wetlands by the NWI, were described using at least one sampling point. Results of these determinations are summarized in the following text. Adjacent upland areas were also investigated; forms were not completed for these areas. Comprehensive plant species lists were compiled for each wetland site and are presented in Appendix B.

Wetland location data were recorded using a Trimble Global Navigation Satellite System (model GeoExplorer 6000 Series GeoXT), with a presumed accuracy of +/- 0.5 m under optimal field conditions. Spatial data were digitally uploaded to the Illinois Site Assessment Tracking System (<https://frostycap.isgs.illinois.edu/authenticate/login.asp>). Locations of determination sites were overlaid on a digital aerial orthophoto and approximate area was determined for each wetland site using ArcGIS 10.5 software (ESRI 2016). Resulting areas are calculated in acres, reported to two decimal places. Site location, with respect to the nearest road, was measured from the edge of the pavement and is reported to the nearest foot.

Each native plant species was assigned a “coefficient of conservatism” (C) (Taft et al. 1997), a subjective rating of species fidelity to undegraded natural communities, ranging from zero to ten. Conservative species - those more likely to be found in “pristine” natural areas - were assigned high numbers, whereas non-conservative species - those that occur in anthropogenically disturbed areas - were given lower numbers. Non-native species and those not identifiable to species level were not assigned a rating. The Floristic Quality Index (FQI) is computed as $FQI = (\text{mean } C) \times (\sqrt{N})$, where mean C is the mean coefficient of conservatism for all native plant species at a site and N is the total number of native plant species at the site. In very general terms, higher FQI values for plant communities indicate more similarity to “pristine” natural areas, as compared to those communities with lower FQI values. Botanical nomenclature follows *Vascular Flora of Illinois* (Mohlenbrock 2002), while wetland indicator status for each species follows *National Wetland Plant List, version 3.3* (USACE 2016, Lichvar et al. 2016).

Wetland Determination Site Summaries

Site Number: 1

Community type: **Wet meadow**

National Wetlands Inventory code: **U (upland)**

Site location: **Under and on both sides of IL 3, northwest of Nine Mile Creek**

Hydrophytic Vegetation? **Yes** Hydric Soils? **Yes** Wetland Hydrology? **Yes**

Is this site a wetland? **Yes**

Area of site occurring within the project corridor: **0.21 ac**

Total site area: **Undetermined**

Mean Coefficient of Conservatism (mean C): **2.0** Floristic Quality Index (FQI): **13.4**

Additional Remarks: **The site transitions into a wet floodplain forest community outside of the project corridor to the southwest**

Site Number: 2

Community type: **Wet meadow**

National Wetlands Inventory code: **U (upland)**

Site location: **Approximately 24 ft southwest of IL 3**

Hydrophytic Vegetation? **Yes** Hydric Soils? **Yes** Wetland Hydrology? **Yes**

Is this site a wetland? **Yes**

Area of site occurring within the project corridor: **0.06 ac**

Total site area: **0.06 ac**

Mean Coefficient of Conservatism (mean C): **2.5** Floristic Quality Index (FQI): **8.1**

Site Number: 3

Community type: **Wet meadow**

National Wetlands Inventory code: **U (upland)**

Site location: **Approximately 23 ft northeast of IL 3**

Hydrophytic Vegetation? **Yes** Hydric Soils? **Yes** Wetland Hydrology? **Yes**

Is this site a wetland? **Yes**

Area of site occurring within the project corridor: **0.04 ac**

Total site area: **0.04 ac**

Mean Coefficient of Conservatism (mean C): **2.1** Floristic Quality Index (FQI): **9.0**

Site Number: 4

Community type: **Wet shrubland**

National Wetlands Inventory code: **PEM1A (temporarily flooded, persistent emergent, palustrine wetland)/ U (upland)**

Site location: **Approximately 55 ft southwest of IL 3**

Hydrophytic Vegetation? **Yes** Hydric Soils? **Yes** Wetland Hydrology? **Yes**

Is this site a wetland? **Yes**

Area of site occurring within the project corridor: **0.25 ac**

Total site area: **Undetermined**

Mean Coefficient of Conservatism (mean C): **2.8** Floristic Quality Index (FQI): **16.6**

Stream Description

Site name: **Nine Mile Creek**

Site location: **Approximately 6650 ft north of Union Hall Road**

Community type: **Stream**

National Wetlands Inventory code: **R2UBH (permanently flooded, unconsolidated bottom, lower perennial, riverine)**

USGS 8-Digit Hydrologic Unit Code (HUC): **07140204 (Lower Kaskaskia)**

Watershed area: **40.3 mi² (U.S. Geological Survey 2017)**

Riffles observed? **Yes** Pools observed? **Yes**

Mussel shell material observed? **Yes**

Is the stream or body of water perennial/intermittent/ephemeral? **Perennial**

Is the stream identified by IDNR (2008) as a biologically significant stream? **No***

Stream Integrity Rating: **None** Stream Diversity Rating: **None**

Additional remarks: ***Nine Mile Creek is mapped as a biologically significant stream less than one mile upstream from the project corridor.**

Bat Bridge Assessment

Bridge assessment for presence of suitable summer roosting sites for the Indiana bat and the northern long-eared bat was conducted using the definitions and guidelines established in *2017 Range-wide Indiana Bat Summer Survey Guidelines* (USFWS 2017), *User's Guide for the Range-wide Programmatic Informal Consultation for Indiana Bat and Northern Long-eared Bat (Version 4.0)* (USFWS 2016b), and *Federal Transportation Agency/State Department of Transportation (DOT) Preliminary Bat Assessment Guidelines for Bridges/Structures* (USFWS 2016a).

Assessment results can be found within forms located in Appendix D. No bats or bat signs were observed during the bridge assessment; however, potentially suitable roosting habitat was identified in the forests located east and west of the bridge over IL 3 (see Wetland Determination Map in Appendix C).

Threatened/Endangered Species and Natural Communities of Special Interest

No species listed as threatened or endangered federally or in Illinois were found during our wetland survey within the project corridor. Also, no natural communities of special interest were noted.

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- U.S. Fish and Wildlife Service. 2016a. Federal Transportation Agency/State Department of Transportation (DOT) Preliminary Bat Assessment Guidelines for Bridges/Structures. Online: https://www.fws.gov/midwest/Endangered/section7/fhwa/pdf/AppendixD_BridgeAssessmentAugust2016.pdf [Accessed May 15, 2017].

- U.S. Fish and Wildlife Service. 2016b. User's Guide for the Range-wide Programmatic Informal Consultation for Indiana Bat and Northern Long-eared Bat, Version 4.0, December 2016, online at <https://www.fws.gov/midwest/Endangered/section7/fhwa/pdf/UserGuideFHWAibatNLEBRevDec2016.pdf> [Accessed May 15, 2017].
- U.S. Fish and Wildlife Service. 2017. 2017 Range-wide Indiana Bat Summer Survey Guidelines. <http://www.fws.gov/midwest/Endangered/mammals/inba/inbasummersurveyguidance.html> [Accessed May 15, 2017].
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- U.S. Geological Survey. 2016. The StreamStats program for Illinois, online at <http://water.usgs.gov/osw/streamstats/illinois.html>. [Accessed May 16, 2018].

APPENDIX A

Wetland Determination Forms

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: IL 3 (FAP 312) City/County: Randolph Sampling Date 5/7/2018
 Applicant/Owner: IDOT District 8 State: IL Sampling Point 1A
 Investigator(s): Kenney, Olnas Section, Township, Range: Sec. 6, T6S, R7W
 Landform (hillslope, terrace, etc.): Depression on floodplain Local relief (concave, convex, none): Concave
 Slope (%): 0-2 Lat: 38.04047 Long: -89.91589 Datum: NAD 83
 Soil Map Unit Name: Wakeland SIL, 0-2% slopes, frequently flooded NWI classification: U
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes (If no explain in Remarks.)
 Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes
 Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? <u>Yes</u>	Is the Sampled Area within a Wetland?	<u>Yes</u>
Hydric Soil Present? <u>Yes</u>		
Wetland Hydrology Present? <u>Yes</u>		
Remarks: <u>Community type is wet meadow.</u>		

VEGETATION -Use scientific names of plants.

<u>Tree Stratum</u> (Plot size: 30 ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That are OBL, FACW, or FAC: _____ (A) Total Number of Dominant Species Across All Strata: _____ (B) Percent of Dominant Species That are OBL, FACW, or FAC: _____ (A/B)
1. _____ 2. _____ 3. _____ 4. _____ 5. _____	0			
Sapling/Shrub Stratum (Plot size: 15 ft radius) 1. _____ 2. _____ 3. _____ 4. _____ 5. _____	0			
Herb Stratum (Plot size: 5 ft radius) 1. <u>Phalaris arundinacea</u> 2. <u>Rumex altissimus</u> 3. _____ 4. _____ 5. _____ 6. _____ 7. _____ 8. _____ 9. _____ 10. _____	90 15	Yes No	FACW FACW	Hydrophytic Vegetation Indicators <input checked="" type="checkbox"/> 1-Rapid Test for Hydrophytic Vegetation <input type="checkbox"/> 2-Dominance Test is >50% <input type="checkbox"/> 3-Prevalence Index is < or =3.0 ¹ <input type="checkbox"/> 4-Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
Woody Vine Stratum (Plot size: 30 ft radius) 1. _____ 2. _____	105			
Groundcover Stratum (Plot size: 30 ft radius) 1. _____ 2. _____	0			Hydrophytic Vegetation Present? <u>Yes</u>
Remarks: (Include photo numbers here or on a separate sheet.)				

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 CONTRACT NO. 76K25

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SOIL

Sampling Point: 1A

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)							
Depth (inches)	Matrix		Redox Features			Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹		
0-11	10YR 4/2	88	10YR 4/6	12	C	M	SIL

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. ² Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:	Indicators for Problematic Hydric Soils ³ :
<input type="checkbox"/> Histic Epipedon (A2) <input type="checkbox"/> Black Histic (A3) <input type="checkbox"/> Hydrogen Sulfide (A4) <input type="checkbox"/> Stratified Layers (A5) <input type="checkbox"/> 2 cm Muck (A10) <input type="checkbox"/> Depleted Below Dark Surface (A11) <input type="checkbox"/> Thick Dark Surface (A12) <input type="checkbox"/> Sandy Mucky Mineral (S1) <input type="checkbox"/> 5 cm Mucky Peat or Peat (S3)	<input type="checkbox"/> Sandy Gleyed Matrix (S4) <input type="checkbox"/> Sandy Redox (S5) <input type="checkbox"/> Stripped Matrix (S6) <input type="checkbox"/> Loamy Mucky Mineral (F1) <input type="checkbox"/> Loamy Gleyed Matrix (F2) <input checked="" type="checkbox"/> Depleted Matrix (F3) <input type="checkbox"/> Redox Dark Surface (F6) <input type="checkbox"/> Depleted Dark Surface (F7) <input type="checkbox"/> Redox Depressions (F8)

³ Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):
 Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:	Secondary Indicators
Primary Indicators (minimum of one is required; check all that apply) <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Iron Deposits (B5) <input checked="" type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	(minimum of two is required) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Dry-Season Water Table (C2) <input checked="" type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input checked="" type="checkbox"/> Geomorphic Position (D2) <input checked="" type="checkbox"/> FAC-Neutral Test (D5)
Other Indicators: <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> True Aquatic Plants (B14) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Gauge or Well Data (D9) <input type="checkbox"/> Other (Explain in Remarks)	

Field Observations:
 Surface Water Present? No Depth (inches): _____
 Water Table Present? No Depth (inches): _____
 Saturation Present? No Depth (inches): _____
 (includes capillary fringe)

Wetland Hydrology Present? Yes

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: IL 3 (FAP 312) City/County: Randolph Sampling Date 5/7/2018
 Applicant/Owner: IDOT District 8 State: IL Sampling Point 2A
 Investigator(s): Kenney, Olnas Section, Township, Range: Sec. 6, T6S, R7W
 Landform (hillslope, terrace, etc.): Excavated channel/ditch Local relief (concave, convex, none): Concave
 Slope (%): 0-2 Lat: 38.04116 Long: -89.91663 Datum: NAD 83
 Soil Map Unit Name: NRCS mapped Martinsville SIL, 2-5% slopes; revised to Aaquents NWI classification: U
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes (If no explain in Remarks.)
 Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes
 Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? <u>Yes</u>	Is the Sampled Area within a Wetland? <u>Yes</u>
Hydric Soil Present? <u>Yes</u>	
Wetland Hydrology Present? <u>Yes</u>	
Remarks: Community type is wet meadow. An access road blocks road ditch and site now ponds water	

VEGETATION -Use scientific names of plants.

<u>Tree Stratum</u> (Plot size: 30 ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That are OBL, FACW, or FAC: _____ (A) Total Number of Dominant Species Across All Strata: _____ (B) Percent of Dominant Species That are OBL, FACW, or FAC: _____ (A/B)
1. _____ 2. _____ 3. _____ 4. _____ 5. _____	0			
Sapling/Shrub Stratum (Plot size: 15 ft radius)				
1. <u>Rubus pensilvanicus</u> 2. <u>Toxicodendron radicans</u> 3. _____ 4. _____ 5. _____	3 1	No No	UPL FAC	
_____ = Total Cover	4			
Herb Stratum (Plot size: 5 ft radius)				
1. <u>Carex emoryi</u> 2. <u>Toxicodendron radicans</u> 3. _____ 4. _____ 5. _____ 6. _____ 7. _____ 8. _____ 9. _____ 10. _____	40 2	Yes No	OBL FAC	
_____ = Total Cover	42			
Woody Vine Stratum (Plot size: 30 ft radius)				
1. _____ 2. _____	0			
_____ = Total Cover	0			
Remarks: (Include photo numbers here or on a separate sheet.)				Hydrophytic Vegetation Present? <u>Yes</u>

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SOIL

Sampling Point: 2A

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)							
Depth (inches)	Matrix		Redox Features			Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹		
0-12	10YR 4/2	90	7.5YR 4/4	10	C	M	SIL

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. ² Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:	Indicators for Problematic Hydric Soils ³ :
<input type="checkbox"/> Histosol (A1) <input type="checkbox"/> Histic Epipedon (A2) <input type="checkbox"/> Black Histic (A3) <input type="checkbox"/> Hydrogen Sulfide (A4) <input type="checkbox"/> Stratified Layers (A5) <input type="checkbox"/> 2 cm Muck (A10) <input type="checkbox"/> Depleted Below Dark Surface (A11) <input type="checkbox"/> Thick Dark Surface (A12) <input type="checkbox"/> Sandy Mucky Mineral (S1) <input type="checkbox"/> 5 cm Mucky Peat or Peat (S3)	<input type="checkbox"/> Sandy Gleyed Matrix (S4) <input type="checkbox"/> Sandy Redox (S5) <input type="checkbox"/> Stripped Matrix (S6) <input type="checkbox"/> Loamy Mucky Mineral (F1) <input type="checkbox"/> Loamy Gleyed Matrix (F2) <input checked="" type="checkbox"/> Depleted Matrix (F3) <input type="checkbox"/> Redox Dark Surface (F6) <input type="checkbox"/> Depleted Dark Surface (F7) <input type="checkbox"/> Redox Depressions (F8)
<input type="checkbox"/> Coast Prairie Redox (A16) <input type="checkbox"/> Dark Surface (S7) <input type="checkbox"/> Iron-Manganese Masses (F12) <input type="checkbox"/> Very Shallow Dark Surface (TF12) <input type="checkbox"/> Other (Explain in Remarks)	

³ Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed): Type: _____ Depth (inches): _____	Hydric Soil Present? <u>Yes</u>
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Remarks:

HYDROLOGY

Wetland Hydrology Indicators:	Secondary Indicators
Primary Indicators (minimum of one is required; check all that apply) <input checked="" type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	(minimum of two is required) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Dry-Season Water Table (C2) <input checked="" type="checkbox"/> Crayfish Burrows (C8) <input checked="" type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input checked="" type="checkbox"/> Geomorphic Position (D2) <input checked="" type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> True Aquatic Plants (B14) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Gauge or Well Data (D9) <input type="checkbox"/> Other (Explain in Remarks)	

Field Observations: Surface Water Present? <u>Yes</u> Depth (inches): <u><6</u> Water Table Present? <u>No</u> Depth (inches): _____ Saturation Present? <u>No</u> Depth (inches): _____ (includes capillary fringe)	Wetland Hydrology Present? <u>Yes</u>
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Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: IL 3 (FAP 312) City/County: Randolph Sampling Date 5/7/2018
 Applicant/Owner: IDOT District 8 State: IL Sampling Point 3A
 Investigator(s): Kenney, Olnas Section, Township, Range: Sec. 6, T6S, R7W
 Landform (hillslope, terrace, etc.): Excavated channel/ditch Local relief (concave, convex, none): Concave
 Slope (%): 0-2 Lat: 38.04164 Long: -89.91668 Datum: NAD 83
 Soil Map Unit Name: NRCS mapped Martinsville SIL, 2-5% slopes; revised to Aquentis NWI classification: U
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes (If no explain in Remarks.)
 Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes
 Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? <u>Yes</u>	Is the Sampled Area within a Wetland?	<u>Yes</u>
Hydric Soil Present? <u>Yes</u>		
Wetland Hydrology Present? <u>Yes</u>		
Remarks: <u>Community type is wet meadow.</u>		

VEGETATION -Use scientific names of plants.

<u>Tree Stratum</u> (Plot size: 30 ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That are OBL, FACW, or FAC: _____ (A) Total Number of Dominant Species Across All Strata: _____ (B) Percent of Dominant Species That are OBL, FACW, or FAC: _____ (A/B)
1. _____ 2. _____ 3. _____ 4. _____ 5. _____	0 = Total Cover			
Sapling/Shrub Stratum (Plot size: 15 ft radius)				
1. <u>Fraxinus lanceolata</u> 2. _____ 3. _____ 4. _____ 5. _____	5	Yes	FACW	
	5 = Total Cover			
Herb Stratum (Plot size: 5 ft radius)				
1. <u>Carex emoryi</u> 2. <u>Apocynum cannabinum</u> 3. _____ 4. _____ 5. _____ 6. _____ 7. _____ 8. _____ 9. _____ 10. _____	50	Yes	OBL	
	3	No	FAC	
	53 = Total Cover			
Woody Vine Stratum (Plot size: 30 ft radius)				
1. _____ 2. _____	0 = Total Cover			
Remarks: (Include photo numbers here or on a separate sheet.)				Hydrophytic Vegetation Present? <u>Yes</u>

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SOIL

Sampling Point: 3A

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)							
Depth (inches)	Matrix		Redox Features			Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹		
0-11	10YR 4/1	90	10YR 4/6	10	C	M	SIL

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. ² Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:	Indicators for Problematic Hydric Soils ³ :
<input type="checkbox"/> Histosol (A1) <input type="checkbox"/> Histic Epipedon (A2) <input type="checkbox"/> Black Histic (A3) <input type="checkbox"/> Hydrogen Sulfide (A4) <input type="checkbox"/> Stratified Layers (A5) <input type="checkbox"/> 2 cm Muck (A10) <input type="checkbox"/> Depleted Below Dark Surface (A11) <input type="checkbox"/> Thick Dark Surface (A12) <input type="checkbox"/> Sandy Mucky Mineral (S1) <input type="checkbox"/> 5 cm Mucky Peat or Peat (S3)	<input type="checkbox"/> Sandy Gleyed Matrix (S4) <input type="checkbox"/> Sandy Redox (S5) <input type="checkbox"/> Stripped Matrix (S6) <input type="checkbox"/> Loamy Mucky Mineral (F1) <input type="checkbox"/> Loamy Gleyed Matrix (F2) <input checked="" type="checkbox"/> Depleted Matrix (F3) <input type="checkbox"/> Redox Dark Surface (F6) <input type="checkbox"/> Depleted Dark Surface (F7) <input type="checkbox"/> Redox Depressions (F8)

³ Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed): Type: _____ Depth (inches): _____	Hydric Soil Present? <u>Yes</u>
---	--

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:	Secondary Indicators (minimum of two is required)
Primary Indicators (minimum of one is required; check all that apply) <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Dry-Season Water Table (C2) <input checked="" type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input checked="" type="checkbox"/> Geomorphic Position (D2) <input checked="" type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> True Aquatic Plants (B14) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Gauge or Well Data (D9) <input type="checkbox"/> Other (Explain in Remarks)	

Field Observations: Surface Water Present? <u>No</u> Depth (inches): _____ Water Table Present? <u>No</u> Depth (inches): _____ Saturation Present? <u>No</u> Depth (inches): _____ (includes capillary fringe)	Wetland Hydrology Present? <u>Yes</u>
--	--

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: IL 3 (FAP 312) City/County: Randolph Sampling Date 5/7/2018
 Applicant/Owner: IDOT District 8 State: IL Sampling Point 4A
 Investigator(s): Kenney, Olnas Section, Township, Range: Sec. 6, T6S, R7W
 Landform (hillslope, terrace, etc.): Depression Local relief (concave, convex, none): Concave
 Slope (%): 0-2 Lat: 38.04210 Long: -89.91802 Datum: NAD 83
 Soil Map Unit Name: NRCS mapped Colp SICL, 5-10% slopes, sev. eroded; revised to Aaquents NWI classification: PEM1A
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes (If no explain in Remarks.)
 Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes
 Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? <u>Yes</u>	Is the Sampled Area within a Wetland?	<u>Yes</u>
Hydric Soil Present? <u>Yes</u>		
Wetland Hydrology Present? <u>Yes</u>		
Remarks: <u>Community type is wet shrubland.</u>		

VEGETATION -Use scientific names of plants.

<u>Tree Stratum</u> (Plot size: 30 ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That are OBL, FACW, or FAC: <u>3</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That are OBL, FACW, or FAC: <u>100%</u> (A/B)
1. <u>Salix nigra</u>	<u>3</u>	<u>No</u>	<u>OBL</u>	
2. _____				Prevalence Index worksheet: <u> </u> Total % Cover of: <u> </u> Multiply by: <u> </u> OBL species <u> </u> x 1 = <u> </u> FACW species <u> </u> x 2 = <u> </u> FAC species <u> </u> x 3 = <u> </u> FACU species <u> </u> x 4 = <u> </u> UPL species <u> </u> x 5 = <u> </u> Column Totals <u> </u> (A) <u> </u> (B) Prevalence Index =B/A = <u> </u>
3. _____				
4. _____				
5. _____				
<u> </u> = Total Cover				
<u>Sapling/Shrub Stratum</u> (Plot size: 15 ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Indicators <input type="checkbox"/> 1-Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2-Dominance Test is >50% <input type="checkbox"/> 3-Prevalence Index is < or =3.0 ¹ <input type="checkbox"/> 4-Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)
1. <u>Cephalanthus occidentalis</u>	<u>15</u>	<u>Yes</u>	<u>OBL</u>	
2. _____				¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic. Hydrophytic Vegetation Present? <u>Yes</u>
3. _____				
4. _____				
5. _____				
6. _____				
<u> </u> = Total Cover				
<u>Herb Stratum</u> (Plot size: 5 ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	Remarks: (Include photo numbers here or on a separate sheet.)
1. <u>Elymus virginicus</u>	<u>60</u>	<u>Yes</u>	<u>FACW</u>	
2. <u>Ambrosia trifida</u>	<u>30</u>	<u>Yes</u>	<u>FAC</u>	
3. <u>Geranium carolinianum</u>	<u>3</u>	<u>No</u>	<u>UPL</u>	
4. <u>Lamium purpureum</u>	<u>3</u>	<u>No</u>	<u>UPL</u>	
5. <u>Thlaspi arvense</u>	<u>3</u>	<u>No</u>	<u>FACU</u>	
6. <u>Gleditsia triacanthos</u>	<u>1</u>	<u>No</u>	<u>FACU</u>	
7. _____				
8. _____				
9. _____				
10. _____				
<u> </u> = Total Cover				
<u>Woody Vine Stratum</u> (Plot size: 30 ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	
1. _____				
2. _____				
<u> </u> = Total Cover				

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SOIL

Sampling Point: 4A

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-12	10YR 3/1	30					SIL	
0-12	10YR 4/1	58	10YR 4/6	12	C	M	SIL	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. ²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators:	Indicators for Problematic Hydric Soils ³ :
<input type="checkbox"/> Histosol (A1) <input type="checkbox"/> Histic Epipedon (A2) <input type="checkbox"/> Black Histic (A3) <input type="checkbox"/> Hydrogen Sulfide (A4) <input type="checkbox"/> Stratified Layers (A5) <input type="checkbox"/> 2 cm Muck (A10) <input type="checkbox"/> Depleted Below Dark Surface (A11) <input type="checkbox"/> Thick Dark Surface (A12) <input type="checkbox"/> Sandy Mucky Mineral (S1) <input type="checkbox"/> 5 cm Mucky Peat or Peat (S3)	<input type="checkbox"/> Sandy Gleyed Matrix (S4) <input type="checkbox"/> Sandy Redox (S5) <input type="checkbox"/> Stripped Matrix (S6) <input type="checkbox"/> Loamy Mucky Mineral (F1) <input type="checkbox"/> Loamy Gleyed Matrix (F2) <input checked="" type="checkbox"/> Depleted Matrix (F3) <input type="checkbox"/> Redox Dark Surface (F6) <input type="checkbox"/> Depleted Dark Surface (F7) <input type="checkbox"/> Redox Depressions (F8)
	<input type="checkbox"/> Coast Prairie Redox (A16) <input type="checkbox"/> Dark Surface (S7) <input type="checkbox"/> Iron-Manganese Masses (F12) <input type="checkbox"/> Very Shallow Dark Surface (TF12) <input type="checkbox"/> Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed): Type: _____ Depth (inches): _____	Hydric Soil Present? <u>Yes</u>
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Remarks:

HYDROLOGY

Wetland Hydrology Indicators:	Secondary Indicators (minimum of two is required)
Primary Indicators (minimum of one is required; check all that apply) <input checked="" type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Sediment Deposits (B2) <input checked="" type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Iron Deposits (B5) <input checked="" type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Dry-Season Water Table (C2) <input checked="" type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input checked="" type="checkbox"/> Geomorphic Position (D2) <input checked="" type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> True Aquatic Plants (B14) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Gauge or Well Data (D9) <input type="checkbox"/> Other (Explain in Remarks)	

Field Observations: Surface Water Present? <u>Yes</u> Depth (inches): <u><12</u> Water Table Present? <u>No</u> Depth (inches): _____ Saturation Present? <u>No</u> Depth (inches): _____ (includes capillary fringe)	Wetland Hydrology Present? <u>Yes</u>
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Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

APPENDIX B

Wetland Plant Species Lists

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Project Title: IL 3 (FAP 312)

Sequence No: 21227

Site 1 - Wet meadow (continued on next page)

Scientific Name	Common Name	Strata	Wetland Indicator Status	Coefficient of Conservatism
<i>Humulus japonicus</i> *	Japanese hops	H	FACU	-
<i>Phalaris arundinacea</i> *	reed canary grass	H	FACW	-
<i>Acer negundo</i>	box elder	HST	FAC	1
<i>Acer saccharinum</i>	silver maple	HT	FACW	1
<i>Allium canadense</i>	wild garlic	H	FACU	2
<i>Ambrosia trifida</i>	giant ragweed	H	FAC	0
<i>Apocynum cannabinum</i>	dogbane	H	FAC	2
<i>Aster lanceolatus</i>	panicked aster	H	FAC	3
<i>Barbarea vulgaris</i> *	winter cress	H	FAC	-
<i>Bidens frondosa</i>	common beggar's ticks	H	FACW	1
<i>Calystegia sepium</i>	American bindweed	H	FAC	1
<i>Campsis radicans</i>	trumpet creeper	HW	FACU	2
<i>Carex hyalinolepis</i>	southern lake sedge	H	OBL	4
<i>Carex sp.</i>	sedge	H	-	-
<i>Carex stipata</i>	common fox sedge	H	OBL	2
<i>Celtis occidentalis</i>	hackberry	HST	FAC	3
<i>Cephalanthus occidentalis</i>	buttonbush	HS	OBL	4
<i>Clematis sp.</i>	clematis	H	-	-
<i>Elymus virginicus</i>	Virginia wild rye	H	FACW	4
<i>Epilobium coloratum</i>	cinnamon willow herb	H	OBL	3
<i>Eragrostis spectabilis</i>	purple love grass	H	UPL	3
<i>Erigeron annuus</i>	annual fleabane	H	FACU	1
<i>Forestiera acuminata</i>	swamp privet	HS	OBL	6
<i>Fragaria virginiana</i>	wild strawberry	H	FACU	2
<i>Fraxinus lanceolata</i>	green ash	ST	FACW	2
<i>Galium aparine</i>	annual bedstraw	H	FACU	0
<i>Geranium carolinianum</i>	Carolina cranesbill	H	UPL	2
<i>Glechoma hederacea</i> *	ground ivy	H	FACU	-
<i>Impatiens capensis</i>	spotted touch-me-not	H	FACW	2
<i>Laportea canadensis</i>	Canada wood nettle	H	FACW	2
<i>Morus alba</i> *	white mulberry	S	FAC	-
<i>Oenothera biennis</i>	common evening primrose	H	FACU	1
<i>Oxalis stricta</i>	common wood sorrel	H	FACU	0
<i>Plantago rugelii</i>	red-stalked plantain	H	FAC	0
<i>Poa pratensis</i> *	Kentucky blue grass	H	FAC	-
<i>Populus deltoides</i>	eastern cottonwood	H	FAC	2
<i>Prunella vulgaris var. elongata</i>	self-heal	H	FAC	1
<i>Ranunculus abortivus</i>	little-leaf buttercup	H	FACW	1
<i>Rorippa palustris var. fernaldiana</i>	marsh yellow cress	H	OBL	4
<i>Rumex altissimus</i>	pale dock	H	FACW	2
<i>Rumex crispus</i> *	curly dock	H	FAC	-
<i>Senecio glabellus</i>	butterweed	H	FACW	0
<i>Smilax tamnoides</i>	bristly green brier	W	FAC	3
<i>Stellaria media</i> *	common chickweed	H	FACU	-
<i>Taraxacum officinale</i> *	common dandelion	H	FACU	-
<i>Teucrium canadense</i>	germander	H	FACW	3

Site 1 - Wet meadow (continued)

Scientific Name	Common Name	Strata	Wetland Indicator Status	Coefficient of Conservatism
<i>Thlaspi arvense</i> *	field penny cress	H	FACU	-
<i>Toxicodendron radicans</i>	poison ivy	HSW	FAC	1
<i>Ulmus americana</i>	American elm	HST	FACW	5
<i>Verbena hastata</i>	blue vervain	H	FACW	3
<i>Verbena urticifolia</i>	white vervain	H	FAC	3
<i>Vernonia gigantea</i>	tall iron weed	H	FAC	4
<i>Veronica peregrina</i>	purslane speedwell	H	FACW	0
<i>Vitis riparia</i>	riverbank grape	HW	FACW	2
<i>Xanthium strumarium</i>	cocklebur	H	FAC	0
*Non-native species Bolded species are dominant in the denoted stratum			Mean C =	2.0
H = Herb, T = Tree, S = Sapling/Shrub, W = Woody Vine			FQI =	13.4

Site 2 - Wet meadow

Scientific Name	Common Name	Strata	Wetland Indicator Status	Coefficient of Conservatism
<i>Carex emoryi</i>	riverbank sedge	H	OBL	6
<i>Juncus tenuis</i>	path rush	H	FAC	0
<i>Acer saccharinum</i>	silver maple	H	FACW	1
<i>Apocynum cannabinum</i>	dogbane	H	FAC	2
<i>Barbarea vulgaris</i> *	winter cress	H	FAC	-
<i>Carex hyalinolepis</i>	southern lake sedge	H	OBL	4
<i>Carex sp.</i>	sedge	H	-	-
<i>Festuca arundinacea</i> *	tall fescue	H	FACU	-
<i>Fraxinus lanceolata</i>	green ash	S	FACW	2
<i>Ludwigia palustris var. americana</i>	marsh purslane	H	OBL	4
<i>Poa pratensis</i> *	Kentucky blue grass	H	FAC	-
<i>Rubus pensilvanicus</i>	Yankee blackberry	S	UPL	2
<i>Rumex crispus</i> *	curly dock	H	FAC	-
<i>Solidago canadensis</i>	Canada goldenrod	H	FACU	1
<i>Toxicodendron radicans</i>	poison ivy	HS	FAC	1
<i>Vernonia gigantea</i>	tall iron weed	H	FAC	4
*Non-native species Bolded species are dominant in the denoted stratum			Mean C =	2.5
H = Herb, T = Tree, S = Sapling/Shrub, W = Woody Vine			FQI =	8.1

Site 3 - Wet meadow

Scientific Name	Common Name	Strata	Wetland Indicator Status	Coefficient of Conservatism
<i>Carex emoryi</i>	riverbank sedge	H	OBL	6
<i>Acer negundo</i>	box elder	H	FAC	1
<i>Acer saccharinum</i>	silver maple	H	FACW	1
<i>Ambrosia trifida</i>	giant ragweed	H	FAC	0
<i>Apocynum cannabinum</i>	dogbane	H	FAC	2
<i>Aster lanceolatus</i>	panicled aster	H	FAC	3
<i>Barbarea vulgaris</i> *	winter cress	H	FAC	-
<i>Campsis radicans</i>	trumpet creeper	H	FACU	2
<i>Carex sp.</i>	sedge	H	-	-
<i>Elymus virginicus</i>	Virginia wild rye	H	FACW	4
<i>Erigeron annuus</i>	annual fleabane	H	FACU	1
<i>Fraxinus lanceolata</i>	green ash	S	FACW	2
<i>Populus deltoides</i>	eastern cottonwood	S	FAC	2
<i>Rumex crispus</i> *	curly dock	H	FAC	-
<i>Salix nigra</i>	black willow	S	OBL	3
<i>Senecio glabellus</i>	butterweed	H	FACW	0
<i>Taraxacum officinale</i> *	common dandelion	H	FACU	-
<i>Teucrium canadense</i>	germander	H	FACW	3
<i>Toxicodendron radicans</i>	poison ivy	H	FAC	1
<i>Ulmus americana</i>	American elm	H	FACW	5
<i>Vitis riparia</i>	riverbank grape	H	FACW	2
<i>Xanthium strumarium</i>	cocklebur	H	FAC	0

*Non-native species **Bolded species is dominant in the denoted stratum**

H = Herb, T = Tree, S = Sapling/Shrub, W = Woody Vine

Mean C = 2.1
 FQI = 9.0

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Site 4 - Wet shrubland

Scientific Name	Common Name	Strata	Wetland Indicator Status	Coefficient of Conservatism
<i>Ambrosia trifida</i>	giant ragweed	H	FAC	0
<i>Cephalanthus occidentalis</i>	buttonbush	HS	OBL	4
<i>Elymus virginicus</i>	Virginia wild rye	H	FACW	4
<i>Forestiera acuminata</i>	swamp privet	HS	OBL	6
<i>Acer negundo</i>	box elder	H	FAC	1
<i>Acer saccharinum</i>	silver maple	HS	FACW	1
<i>Acorus americanus</i>	flag root	H	OBL	4
<i>Agrimonia pubescens</i>	soft agrimony	H	UPL	4
<i>Apocynum cannabinum</i>	dogbane	H	FAC	2
<i>Apocynum sibiricum</i>	Indian hemp	H	FAC	2
<i>Aster lanceolatus</i>	panicled aster	H	FAC	3
<i>Bidens frondosa</i>	common beggar's ticks	H	FACW	1
<i>Boehmeria cylindrica</i>	false nettle	H	OBL	3
<i>Boltonia asteroides</i>	false aster	H	OBL	5
<i>Campsis radicans</i>	trumpet creeper	H	FACU	2
<i>Carex hyalinolepis</i>	southern lake sedge	H	OBL	4
<i>Carex sp.</i>	sedge	H	-	-
<i>Celtis occidentalis</i>	hackberry	H	FAC	3
<i>Erigeron philadelphicus</i>	marsh fleabane	H	FACW	3
<i>Fraxinus lanceolata</i>	green ash	ST	FACW	2
<i>Galium aparine</i>	annual bedstraw	H	FACU	0
<i>Geranium carolinianum</i>	Carolina cranesbill	H	UPL	2
<i>Gleditsia triacanthos</i>	honey locust	H	FACU	2
<i>Iris shrevei</i>	southern blue flag	H	OBL	5
<i>Lamium purpureum*</i>	purple dead nettle	H	UPL	-
<i>Persicaria hydropiperoides</i>	mild water pepper	H	OBL	4
<i>Phalaris arundinacea*</i>	reed canary grass	H	FACW	-
<i>Populus deltoides</i>	eastern cottonwood	S	FAC	2
<i>Ranunculus sceleratus</i>	cursed crowfoot	H	OBL	3
<i>Rorippa palustris var. fernaldiana</i>	marsh yellow cress	H	OBL	4
<i>Rubus pensilvanicus</i>	Yankee blackberry	HS	UPL	2
<i>Rumex altissimus</i>	pale dock	H	FACW	2
<i>Rumex verticillatus</i>	swamp dock	H	OBL	5
<i>Salix amygdaloides</i>	peach-leaved willow	HS	FACW	4
<i>Salix interior</i>	sandbar willow	S	FACW	1
<i>Salix nigra</i>	black willow	HST	OBL	3
<i>Senecio glabellus</i>	butterweed	H	FACW	0
<i>Thlaspi arvense*</i>	field penny cress	H	FACU	-
<i>Torilis japonica*</i>	Japanese hedge parsley	H	UPL	-
<i>Ulmus americana</i>	American elm	H	FACW	5

*Non-native species **Bolded species are dominant in the denoted stratum**

H = Herb, T = Tree, S = Sapling/Shrub, W = Woody Vine

Mean C = 2.8

FQI = 16.6

APPENDIX C

Figures

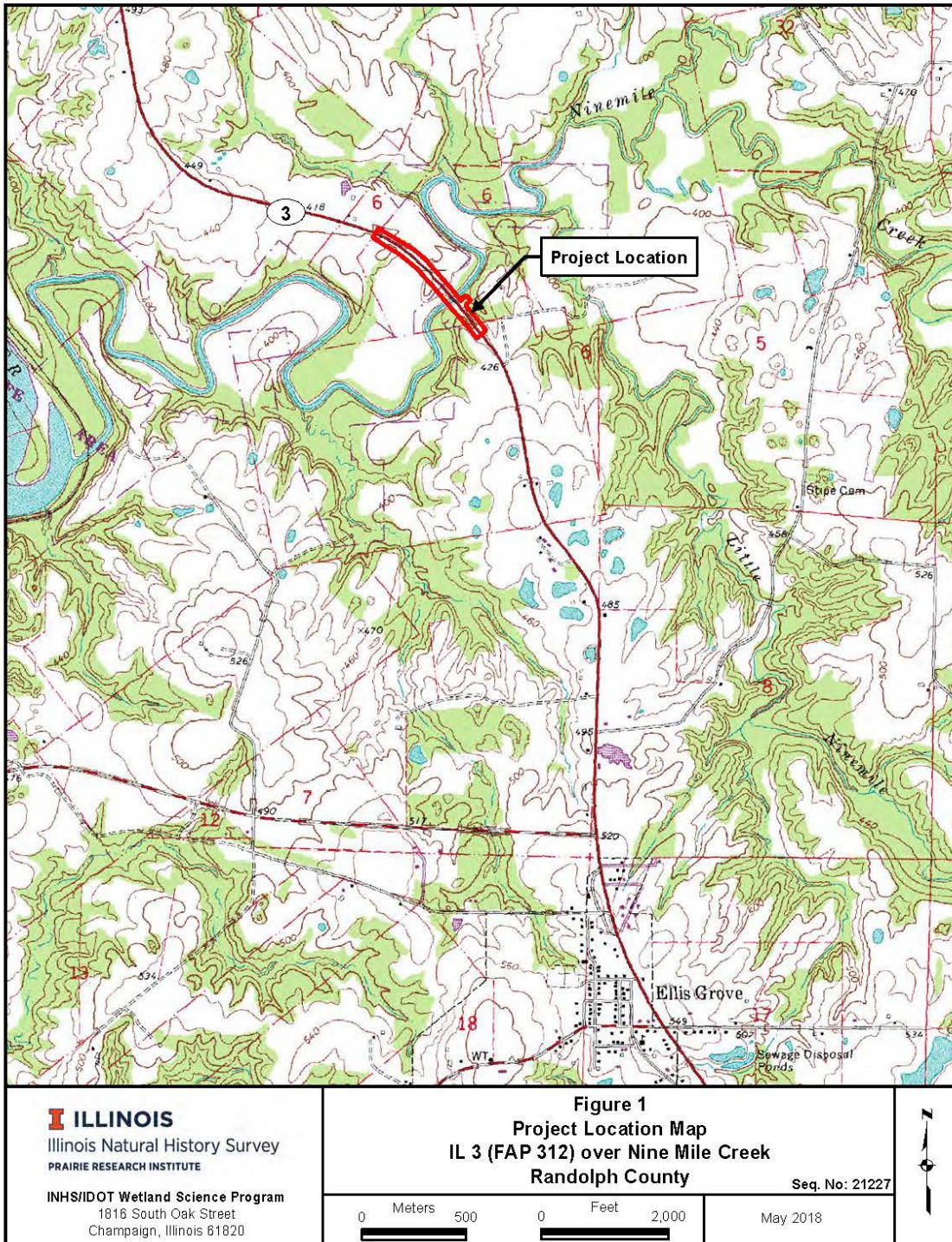
Figure 1 – Project Location Map

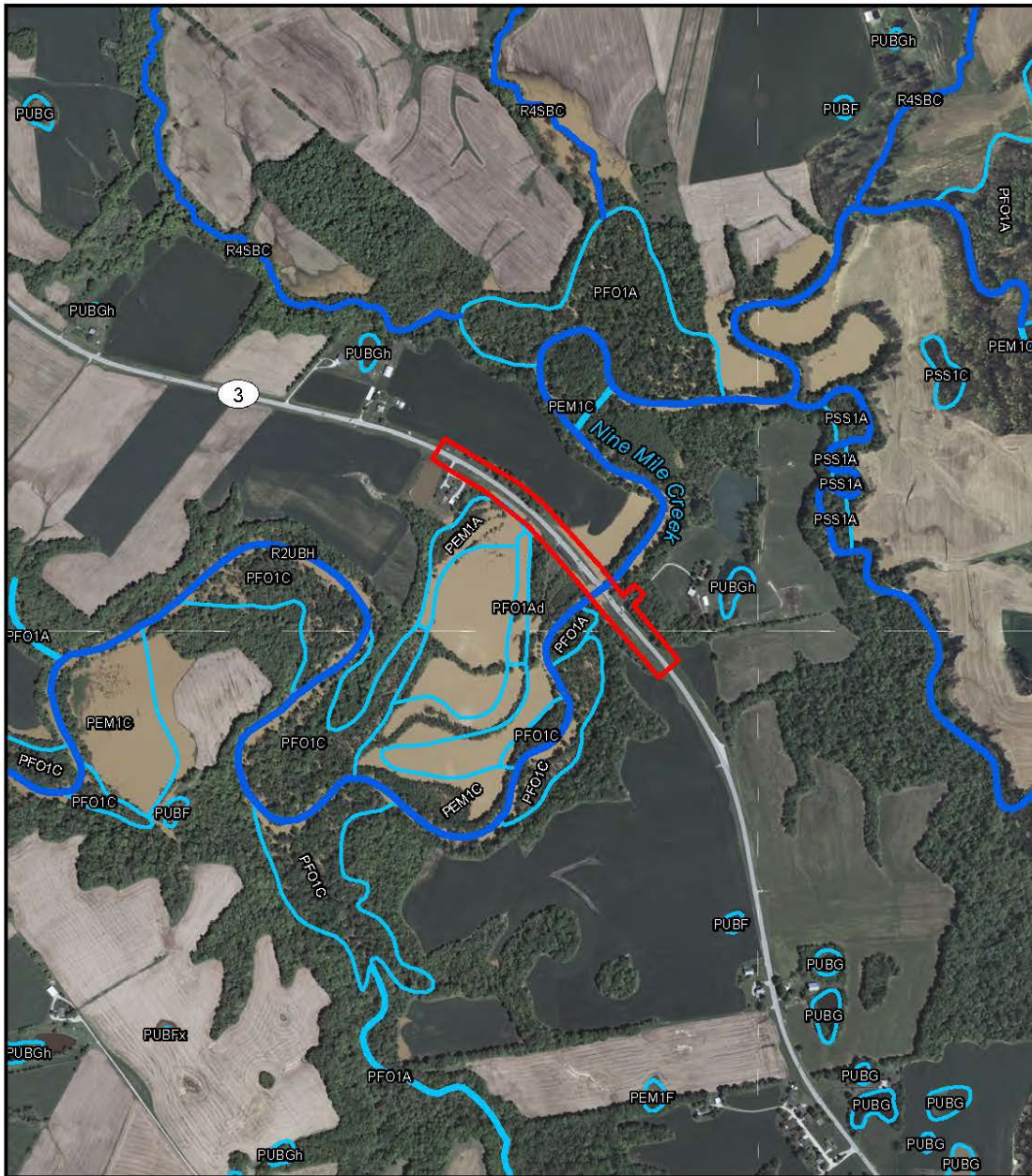
Figure 2 – National Wetlands Inventory Map

Figure 3 – Wetland Determination Map

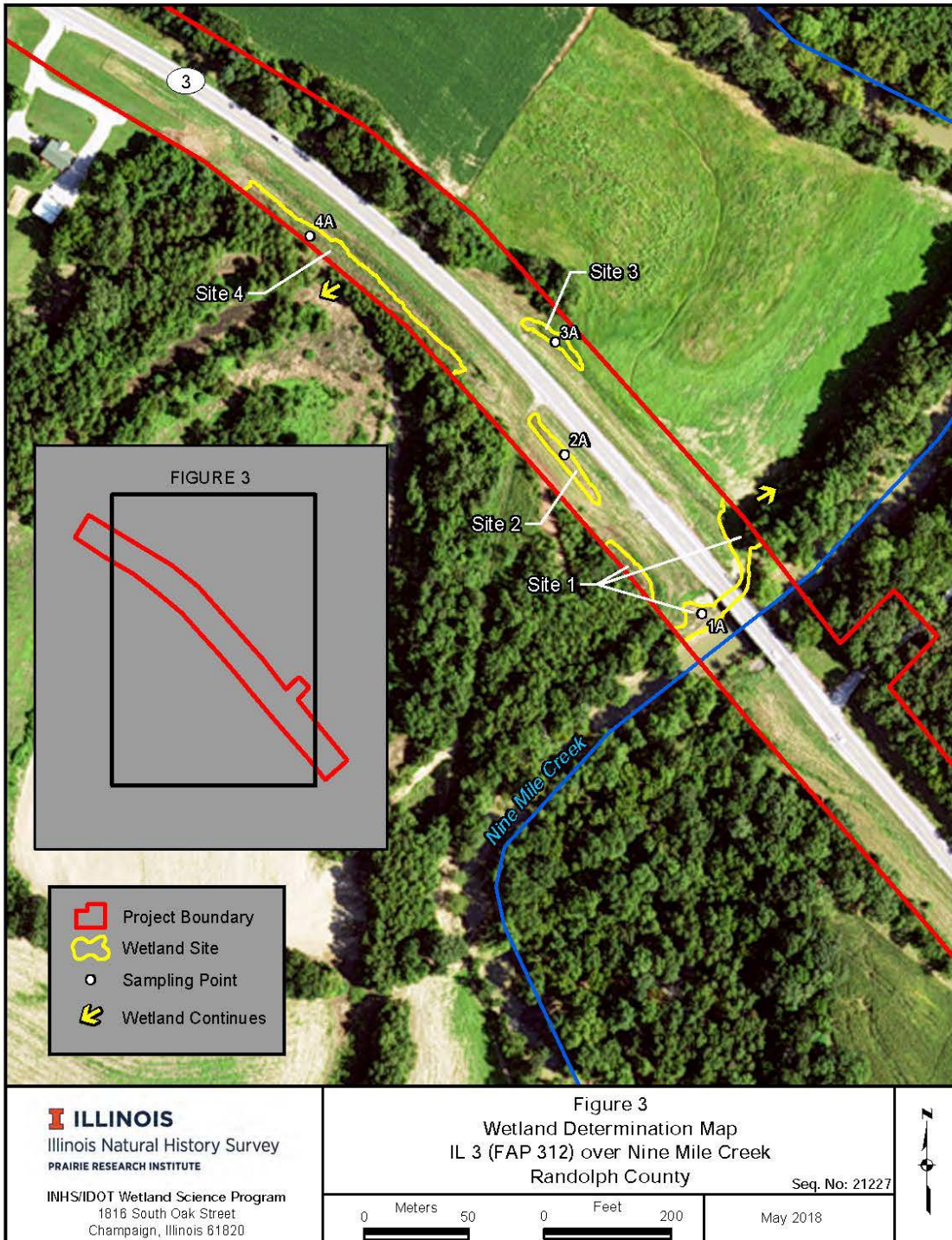
FAP ROUTE 312 (IL 3)
 PROJECT NHPP-20T3(085)
 SECTION 74BR-2
 RANDOLPH COUNTY
 CONTRACT NO. 76K25

25





<p>ILLINOIS Illinois Natural History Survey PRAIRIE RESEARCH INSTITUTE</p> <p>INHS/IDOT Wetland Science Program 1816 South Oak Street Champaign, Illinois 61820</p>	<p>Figure 2 National Wetlands Inventory Map IL 3 (FAP 312) over Nine Mile Creek Randolph County</p>		
	<p>0 Meters 300</p> <p>0 Feet 1,000</p>	<p>Seq. No: 21227</p> <p>May 2018</p>	



APPENDIX D

Bat Bridge Assessment Form

Bridge/Structure Assessment Form

This form will be completed and submitted to the District Environmental Manager by the Contractor prior to conducting any work below the deck surface either from the underside; from activities above that bore down to the underside; from activities that could impact expansion joints; from deck removal on bridges; or from structure demolition for bridges/structures within 1000 feet of suitable bat habitat.

DOT Project # 21227	Water Body Nine Mile Creek	Date/Time of Inspection 05/07/2018 1:00PM	Within 1,000 ft of suitable bat habitat? Yes
-------------------------------	--------------------------------------	---	--

Route:	County:	Federal Structure ID:
IL3	Randolph	079-0005

If the bridge/structure is 1,000 feet or more from suitable bat habitat (e.g., an urban or agricultural area without suitable foraging habitat or corridors linking the bridge to suitable foraging habitat), check box and STOP HERE. No assessment required. Please submit to the U.S. Fish and Wildlife Service.

Areas Inspected (Check all that apply)

Bridges		Culverts/Other Structures		Summary Info	
All vertical crevices sealed at the top and 0.5-1.25" wide & ≥4" deep	Yes	Crevices, rough surfaces or imperfections in concrete	Yes	Human disturbance or traffic under bridge/in culvert or at the structure	Low
All crevices >12" deep & not sealed	Yes	Spaces between walls, ceiling joists	Yes	Possible corridors for netting	Marginal
All guardrails	Yes				
All expansion joints	Yes				
Spaces between concrete end walls and the bridge deck	Yes				
Vertical surfaces on concrete I-beams	Yes				

Evidence of Bats (Underline all that apply) Presence of one or more indicators is sufficient evidence that bats may be using the structure.

True

Visual (e.g., survey, thermal, emergent etc.)

Guano

Staining definitively from bats

Live 0 seen

Odor No

Photo documentation No

Dead 0 seen

Photo documentation No

Photo documentation No

Audible

Assessment Conducted By: _____ Kenney, Ian _____	Signature(s): <i>Ian Kenney</i>
District Environmental Use Only: Date Received by District Environmental Manager: _____	

DOT Bat Assessment Form Instructions

1. Assessments must be completed no more than 2 years prior to conducting any work below the deck surface on all bridges, regardless of whether assessments have been conducted in the past.
2. Any bridge/structure suspected of providing habitat for any species of bat will be removed from work schedules until such time that the DOT has coordinated with the USFWS. Additional studies may be undertaken by the DOT to determine what species may be utilizing each structure identified as supporting bats prior to allowing any work to proceed.
3. Any questions should be directed to the District Environmental Manager.

Last Revised June 2017



Illinois Department of Transportation
Memorandum

To: Keith Roberts Attn: Jennifer Hunt
From: Jack Elston By: Brad Koldehoff
Subject: Cultural Resources – No Historic Properties Affected Clearance
Date: July 24, 2019

Randolph County
FAP 312, IL 3
South of Evansville
Sec. 74BR-2
Job No. P-98-003-17
Seq. 21227A

For the above referenced undertaking, IDOT's qualified Cultural Resources staff hereby make a **"No Historic Properties Affected"** finding pursuant to Section 106 of the National Historic Preservation Act.

This finding concludes the Section 106 process in accordance with the stipulations of the Programmatic Agreement Regarding Section 106 Implementation for Federal-Aid Transportation Projects in the State of Illinois, executed March 6, 2018 by FHWA, Illinois SHPO, IDOT and the Advisory Council on Historic Preservation.

No further cultural resources coordination is required for this undertaking, unless design modifications or new information indicate that historic properties may be affected. If so, then, additional coordination with my office is required.

A handwritten signature in black ink that reads "Brad Koldehoff".

Brad H. Koldehoff
Cultural Resources Unit Chief
Bureau of Design & Environment

BK:km,

JOINT APPLICATION FORM FOR ILLINOIS						
ITEMS 1 AND 2 FOR AGENCY USE						
1. Application Number			2. Date Received			
3 and 4. (SEE SPECIAL INSTRUCTIONS) NAME, MAILING ADDRESS AND TELEPHONE NUMBERS						
3a. Applicant's Name Keith Roberts, PE Acting Region 5 Engineer Illinois Department of Transportation District 8 1102 Eastport Plaza Drive Collinsville, IL 62234-6198		3b. Co-Applicant/Property Owner Name (if needed or if different from applicant)		4. Authorized Agent (an agent is not required) Philip Coppernoll, PE Illinois Department of Transportation District 8 1102 Eastport Plaza Drive Collinsville, IL 62234-6198 philip.coppernoll@illinois.gov		
Applicant's Phone Nos. w/area code Business: 618-346-3100 Residence: Cell: Fax:		Applicant's Phone Nos. w/area code Business: Residence: Cell: Fax:		Agent's Phone Nos. w/area code Business: 618-346-3181 Residence: Cell: 314-704-7654 Fax: 618-346-3203		
STATEMENT OF AUTHORIZATION						
I hereby authorize, _____ Philip Coppernoll _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.						
_____ Applicant's Signature			_____ Date			
5. ADJOINING PROPERTY OWNERS (Upstream and Downstream of the water body and within Visual Reach of Project)						
Name		Mailing Address			Phone No. w/area code	
a.						
b.						
c.						
d.						
6. PROJECT TITLE:						
7. PROJECT LOCATION						
LATITUDE: 38.040635			UTMs 16S			
LONGITUDE: -89.915766			Northing: 4214326.57			
			Easting: 244117.69			
STREET, ROAD, OR OTHER DESCRIPTIVE LOCATION		LEGAL DESCRIPT	QUARTER	SECTION	TOWNSHIP NO.	RANGE
IL Route 3			NE	6	6S	7W
<input checked="" type="checkbox"/> IN OR <input type="checkbox"/> NEAR CITY OF TOWN (check appropriate box)		WATERWAY			RIVER MILE (if applicable)	
Municipality Name Evansville		Nine Mile Creek				
COUNTY	STATE	ZIP CODE				
Randolph	IL	62242				

Revised 2011
 Corps of Engineers IL Dept of Natural Resources IL Environmental Protection Agency Applicant's Copy

FAP ROUTE 312 (IL 3)
 PROJECT NHPP-20T3(085)
 SECTION 74BR-2
 RANDOLPH COUNTY
 CONTRACT NO. 76K25

8. PROJECT DESCRIPTION (Include all features) This project consists of the replacement of the structure carrying IL Route 3 over Nine Mile Creek. The existing roadway and structure will be raised to increase flood protection. The structure is being replaced due to its deteriorated condition and the hydraulic deficiencies that lead to frequent overtopping. The existing structure is a three span bridge 180' in length as measured from inside face of abutment. The proposed structure is a three span bridge 187' in length as measured from inside face of abutments. The proposed bridge alignment will be moved 54' upstream to accommodate a 10' gap between the upstream face of the existing bridge and the downstream face of the proposed bridge. Riprap will be placed around the abutment cones for scour protection. The adjacent land use is agricultural. It is anticipated that 2.3 acres of trees will be impacted and will be replaced with the 2020 IDNR/IDOT 40 acre tree mitigation contract where trees are replaced at various locations in the state on IDNR property. There will be 0.189 acres of wetland impacts and will be mitigated with 0.378 acres at the Cahokia Creek Wetland Mitigation Site. No utilities will be relocated into wetlands due to this project. The Department will implement erosion control measures consistent with the "Standards and Specifications for Erosion and Sediment Control."

9. PURPOSE AND NEED OF PROJECT:
 The structure is being replaced due to its deteriorated condition and the hydraulic deficiencies that lead to frequent overtopping.

COMPLETE THE FOLLOWING FOUR BLOCKS IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

10. REASON(S) FOR DISCHARGE:

11. TYPE(S) OF MATERIAL BEING DISCHARGED AND THE AMOUNT OF EACH TYPE IN CUBIC YARDS FOR WATERWAYS:
 TYPE:
 AMOUNT IN CUBIC YARDS:

12. SURFACE AREA IN ACRES OF WETLANDS OR OTHER WATERS FILLED (See Instructions)

13. DESCRIPTION OF AVOIDANCE, MINIMIZATION AND COMPENSATION (See instructions)

14. Date activity is proposed to commence Date activity is expected to be completed
 March 2022 October of 2022

15. Is any portion of the activity for which authorization is sought now complete? Yes No NOTE: If answer is "YES" give reasons in the Project Description and Remarks section. Indicate the existing work on drawings.
 Month and Year the activity was completed

16. List all approvals or certification and denials received from other Federal, interstate, state, or local agencies for structures, construction, discharges or other activities described in this application.

<u>Issuing Agency</u>	<u>Type of Approval</u>	<u>Identification No.</u>	<u>Date of Application</u>	<u>Date of Approval</u>	<u>Date of Denial</u>

17. CONSENT TO ENTER PROPERTY LISTED IN PART 7 ABOVE IS HEREBY GRANTED. Yes No

18. APPLICATION VERIFICATION (SEE SPECIAL INSTRUCTIONS)
 Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of Applicant or Authorized Agent	Date
Signature of Applicant or Authorized Agent	Date
Signature of Applicant or Authorized Agent	Date

- Corps of Engineers Revised 2011 IL Dept of Natural Resources IL Environmental Protection Agency Applicant's Copy

SEE INSTRUCTIONS FOR ADDRESS

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

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

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

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

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

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

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

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the 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.

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

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

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

2. Withholding (29 CFR 5.5)

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally- assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics,

including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records (29 CFR 5.5)

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

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

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or

subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

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

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

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

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

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under 18 U.S.C. 1001 and 31 U.S.C. 231.

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

4. Apprentices and trainees (29 CFR 5.5)

a. Apprentices (programs of the USDOL).

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

Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

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

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

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

b. Trainees (programs of the USDOL).

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

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

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the

corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

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

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

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

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. 29 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 journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract as provided in 29 CFR 5.5.

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

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

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract 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 (29 CFR 5.5)

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

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

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

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

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 watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek. 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. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph 1 of this section, in the sum 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. 29 CFR 5.5.

* \$27 as of January 23, 2019 (See 84 FR 213-01, 218) 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.

The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph 2 of this section. 29 CFR 5.5.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs 1 through 4 of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs 1 through 4 of this section. 29 CFR 5.5.

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 200.326.

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 200.326.

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.

* * * * *

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.

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 contractor). "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.

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

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

(a) 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;

(b) 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

(c) 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)

2. 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.

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.

Contract Provision - Cargo Preference Requirements

In accordance with Title 46 CFR § 381.7 (b), the contractor 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.

(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 Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590.

(3) To insert the substance of the provisions of this clause in all subcontracts issued pursuant to this contract.”

Provisions (1) and (2) apply to materials or equipment that are acquired solely for the project. The two provisions do not apply to goods or materials that come into inventories independent of the project, such as shipments of Portland cement, asphalt cement, or aggregates, when industry suppliers and contractors use these materials to replenish existing inventories.

