

COMMONWEALTH OF PENNSYLVANIA
Department of Environmental Protection
Northwest Regional Office

October 11, 2011
Tel: 814-332-6984
Fax: 814-332-6117

SUBJECT: General Permit Acknowledgment
PA DOT, District 10-0
DEP File No.: GP111011621
SR 3025-251-0060-0000 Across Little Connoquenessing Creek
Lancaster Township, Butler County

TO: Brian Allen, P.E.
Assistant District Executive, Design
District 10-0

FROM: Karl M. Gross, P.E.
Permitting and Technical Services Chief
Watershed Management

This acknowledges receipt of your notification and registers your use of a General Permit issued by the Department.

You are responsible for assuring the work is done in accordance with the drawings and conditions contained in the General Permit. You may proceed with your project after making the required notifications stipulated in the General Permit and after securing **all other approvals** that may be necessary.

A copy of your General Permit Registration has been sent to the U.S. Army Corps of Engineers (COE) for a 45-day review. **You do not have Federal authorization.** You will be contacted directly by the Corps of Engineers regarding federal authorization.

The Erosion and Sedimentation Control Plan dated **10/05/2011** has been reviewed and determined adequate to meet the minimum requirements of Chapter 102. You are responsible for ensuring that adequate measures are taken during construction to implement and maintain BMPs to minimize the potential for accelerated erosion and sedimentation. The Department may, upon complaint or investigation, require additional BMPs or other measures on a case-by-case basis to correct or minimize the potential for accelerated erosion and sedimentation. A copy of the plan dated **10/05/2011**, and this memo must be available on-site at all times. Any changes to the approved plan should be submitted to the Department for review and approval prior to construction.

Since **Little Connoquenessing Creek** may be used by recreational boaters in the vicinity of the project and in-stream work may affect the width of the stream during construction, an Aids to Navigation (ATON) Plan may be required. The permittee should contact the PA Fish and Boat Commission's Bureau of Boating and Education at 717-705-7841 prior to beginning construction.

This authorization also **includes the installation of temporary structures** as shown on the approved Erosion and Sedimentation Control Plan. Changes to temporary in-stream structures may require you to request an amendment to this permit in advance of beginning construction.

If you have any questions, please contact William M. Sinick by e-mail at wilsinick@pa.gov or by phone at 814-332-6152.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.

Enclosures

cc: Allen Edris, US ACE, Pittsburgh
William Savage, PA Fish and Boat Commission
Butler County Conservation District



DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

April 3, 2012

REPLY TO

Operations Division
Regulatory Branch
2011-1695

Pennsylvania Department of Transportation, District 10-0
Attn: Eric Buchan
Route 286 South
P.O. Box 429
Indiana, Pennsylvania 15701

Dear Mr. Buchan:

I am replying to Pennsylvania Department of Environmental Protection General Permit No. GP111011621, received in this office August 31, 2011, requesting our comments on eligibility for authorization under the Pennsylvania State Programmatic General Permit (PA SPGP-4). The project calls for a full bridge replacement of the structure that carries State Route 3025 over the Little Connoquenessing Creek in Lancaster Township, Butler County, Pennsylvania.

Our review has determined that the proposed project qualifies for Federal authorization by PA SPGP-4. The project will result in the existing two-span structure being replaced with a new two-span structure on the existing alignment. A temporary full width causeway will be utilized to provide construction access for the demolition and construction of the project. The existing pier will be removed and the proposed pier will be located at approximately the same location. No wetland impacts are anticipated. You are authorized to perform the work in accordance with the terms and conditions outlined in the enclosure. The following conditions are added:

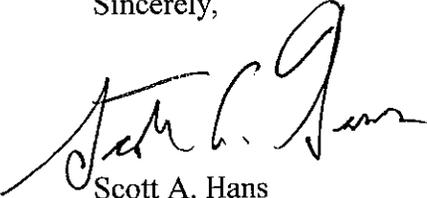
- 1.) The project lies within the range of the Indiana bat (*Myotis sodalis*), a federally listed endangered species. Should the project involve cutting trees; the permittee must only cut trees between November 16th and March 31st. Where possible retain shagbark hickory trees, dead and dying trees, and large diameter trees (>12 inches d.b.h.) to serve as roost trees for bats.
- 2.) Following completion of the authorized work, the temporary causeway and stream diversion devices must be completely removed and the temporarily impacted areas returned to pre-construction conditions.

This verification is valid for the length of the Pennsylvania Department of Environmental Protection permit, including 401 Water Quality Certification, or until the PASPGP-4 expires

(June 30, 2016), is modified, reissued, suspended, or revoked. Activities authorized under the PASPGP-4 that have commenced construction or are under contract to commence construction, will remain authorized provided the activity is completed within 12 months of the date of the PASPGP-4's expiration (June 30, 2016), modification, reissuance, suspension, revocation; or until the expiration date of the project specific verification, whichever is sooner.

If you have any questions, please contact Allen R. Edris by phone at 412-395-7158 or email at allen.r.edris@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott A. Hans". The signature is fluid and cursive, with a large initial "S" and "H".

Scott A. Hans
Chief, Regulatory Branch

Enclosure (SPGP-4)

Copy Furnished
PAFBC (Savage)
USFWS (Kagel)

PASPGP-4 PERMIT COMPLIANCE, SELF-CERTIFICATION FORM

Project Name: SR 3025, Section 251

Applicant Name: PennDOT, D-10-0

PADEP Permit No: GP111011621

Date of Issuance: October 11, 2011

Corps Permit Number: 2011-1695

Date of Issuance: April 3, 2012

Waterway: Little Connoquenessing Creek

County: Butler

In accordance with the compliance certification condition of your PASPGP-4 authorization, you are required to complete and sign this certification form and return it to the appropriate Corps of Engineers District in which the work is located.

U.S. Army Corps of Engineers
Philadelphia District
Regulatory Branch
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390

U.S. Army Corps of Engineers
Baltimore District
1631 South Atherton Street
Suite 101
State College, PA 16801-6260

U.S. Army Corps of Engineers
Pittsburgh District
Regulatory Branch
Federal Building, 20th Floor
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Please note that the permitted activity is subject to compliance inspections by U.S. Army Corps of Engineers representatives. As a condition of this permit, failure to return this notification form, provide the required information below, or to perform the authorized work in compliance with the permit, can result in suspension, modification or revocation of your authorization in accordance with 33 CFR Part 325.7 and/or administrative, civil, and/or criminal penalties, in accordance with 33 CFR part 326.

Please provide the following information:

1. Date authorized work commenced: _____

2. Date authorized work completed: _____

3. Was all work, including any required mitigation, completed in accordance with your PASPGP-4 authorization?
 YES NO

4. Explain any deviations (use additional sheets if necessary)

5. Was mitigation accomplished through an approved in-lieu fee program?
 YES NO (if **YES** please provide documentation, if **NO** complete Nos. 6 and 7 below).

6. Wetland Mitigation: Required? YES NO Required Completion Date _____
 Completed? YES NO Mitigation Monitoring Reports Required? Yes No

7. Attach labeled photographs showing completed work including mitigation area(s) (not required for PADEPGP's/Waivers)

I hereby certify that, except as noted above, that all work, including mitigation, has been completed in accordance with the terms and conditions, including special conditions of the above referenced permit

<i>Applicants Signature:</i>	<i>Consultant/Agents Signature:</i>
<i>Address:</i>	<i>Address:</i>
<i>Telephone:</i>	<i>Telephone:</i>
<i>Email:</i>	<i>Email:</i>

PENNSYLVANIA STATE PROGRAMMATIC GENERAL PERMIT – 4
(PASPGP-4)
July 1, 2011

Please note: the full text of the PASPGP-4 may be viewed on the Baltimore District web site at <http://www.nab.usace.army.mil/Wetlands%20Permits/> or by calling the Corps at 814-235-0570

Applicant: PennDOT D-10-0
State Authorization(s): GP111011621

Corps District:

<input type="checkbox"/> Philadelphia U.S. Army Corps of Engineers, Philadelphia District Regulatory Branch Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390	<input type="checkbox"/> Baltimore U.S. Army Corps of Engineers, Baltimore District Regulatory Branch 1631 South Atherton Street Suite 101 State College, PA 16801-6260	<input checked="" type="checkbox"/> Pittsburgh U.S. Army Corps of Engineers, Pittsburgh District Regulatory Branch Federal Building, 20 th floor 1000 Liberty Avenue Pittsburgh, PA 15222-4186
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It has been determined that your proposed project, which includes the discharge of dredged and/or fill material and/or the placement of structures into waters of the United States, including wetlands, qualifies for Federal authorization under the provisions of Section 404 of the Clean Water Act and /or Section 10 of the River and Harbor Act of 1899, under the terms and conditions of the PASPGP-4.

All activities authorized under PASPGP-4 must comply with all conditions of the authorization, including General, Procedural, and Special Conditions. Failure to comply with all the conditions of the authorization, including project special conditions, will constitute a permit violation and may be subject to criminal, civil, or administrative penalties, and /or restoration.

The authorized activity must be performed in compliance with the following General Conditions to be authorized under PASPGP-4:

General Conditions:

- 1. Permit Conditions:** The permittee shall comply with all terms and conditions set forth in the PADEP authorization for use of this permit, including all conditions of Section 401 Water Quality Certification, and any subsequent amendment or modification to such authorization. The permittee shall conduct all work and activities in strict compliance with all approved maps, plans, profiles, and specifications used by PADEP and/or the Corps as the basis for its authorization or subsequent modification of authorization.
- 2. Aquatic Life Movements:** No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be appropriately depressed to maintain aquatic life movement and low flow conditions.
- 3. Threatened and Endangered Species:** If an activity is authorized under the PASPGP-4, and a Federally listed threatened or endangered species, or proposed species or critical habitat, is subsequently found to be present, all work must cease, and the Corps and USFWS (or NMFS) must be notified. The PASPGP-4 verification is suspended and will not be re-issued until consultation pursuant to Section 7 of the ESA is concluded and adverse effects to Federally listed threatened, endangered, and proposed species and critical habitat are avoided.

Furthermore, persons have an independent responsibility under Section 9 of ESA to not engage in any activity that could result in the “take” of a Federally listed species.

4. Spawning Areas: The permittee shall comply with all time-of-year restrictions as set forth by the PFBC or other designated agency. Discharges or structures in spawning or nursery areas shall not occur during spawning seasons, unless written approval is obtained by the PFBC or other designated agency. In addition, work in areas used for other time sensitive life span activities of fish and wildlife (such as hibernation or migration) may necessitate the use of seasonal restrictions for avoidance of adverse impacts to vulnerable species. Impacts to these areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.

5. Waterfowl Breeding and Wintering Areas: Activities including discharges of dredged or fill material or the placement of structures in breeding and wintering areas of migratory waterfowl must be avoided to the maximum extent practicable.

6. Shellfish Production: No discharge of dredged or fill material and/or the placement of structures may occur in areas of concentrated shellfish production, unless the discharge is directly related to an authorized shellfish harvesting activity.

7. Adverse Effects From Impoundments: If the activity, including the discharge of dredged or fill material or the placement of a structure, creates an impoundment of water, the adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow, including impacts to wetlands, shall be minimized to the maximum extent practicable.

8. Obstruction of High Flows: To the maximum extent practicable, the activity must be designed to maintain pre-construction downstream flow conditions (i.e., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters), and the structure or discharge of dredged and/or fill material shall be designed to withstand expected high flows.

9. Erosion and Sediment Controls: During construction, appropriate erosion and siltation controls must be used and maintained in effective operating condition in accordance with State regulations. All exposed soil and other fill material must be permanently stabilized.

10. Suitable Material: No activity, including discharges of dredged and/or fill material or the placement of structures, may consist of unsuitable material (i.e., asphalt, trash, debris, car bodies, etc.). No material discharged shall contain toxic pollutants in amounts that would violate the effluent limitation standards of § 307 of the CWA.

11. Temporary Fill: Temporary fill in waters and wetlands authorized by the PASPGP-4 (i.e., access roads and cofferdams) shall be properly constructed and stabilized during use to prevent erosion and accretion. Temporary fill in wetlands shall be placed on geotextile fabric laid on existing wetland grade. Whenever possible, rubber or wooden mats should be used for equipment access through wetlands to the project area. Temporary fills shall be removed, in their entirety, to an upland site, and suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their preconstruction contours, elevations, and hydrology and revegetated with non-invasive, native species.

12. Equipment Working in Wetlands: Measures must be taken to minimize soil disturbance when heavy equipment is used in wetland areas. These measures include, but are not limited to, avoiding the use of such equipment, use of timber mats or geotextile fabric, and the use of low pressure tire vehicles.

13. Installation and Maintenance: Any structure or fill authorized shall be properly installed and maintained to ensure public safety.

14. PASPGP-4 Verification:

- a. The PASPGP-4 expires June 30, 2016, unless suspended or revoked.

b. Activities authorized under a project specific PASPGP-4 expire June 30, 2016, unless suspended, revoked, or the PADEP authorization expires, whichever date occurs sooner. Activities authorized under the project specific PASPGP-4 that have commenced construction or are under contract to commence construction will remain authorized provided the activity is completed within 12 months of the date of the PASPGP-4's expiration, modification, or revocation; or until the expiration date of the project specific verification, whichever is sooner.

15. **One-Time Use:** A PASPGP-4 authorization is valid to construct the project, or perform the activity, one time only, except for PASPGP-4 authorizations specifically issued for reoccurring maintenance activities.

16. **Water Supply Intakes:** No activity, including discharges of dredged and/or fill material and/or the placement of structures, may occur in the proximity of a public water supply intake and adversely impact the public water supply.

17. **Cultural Resources:** For all activities verified under a PASPGP-4, upon the discovery of the presence of previously unknown Historic Properties (historic or archaeological), all work must cease and the permittee must notify the SHPO and the Corps of Engineers. The PASPGP-4 authorization is not valid until it is determined, through the Section 106 consultation process, whether the activity will have an effect on the Historic Property. The PASPGP-4 may be reverified and special conditions added if necessary, after an effects determination on the Historic Property is made. The PASPGP-4 authorization may be suspended and/or revoked in accordance with 33 CFR 325.7 for the specific activity if an adverse affect on the Historic Property cannot be avoided or mitigated.

18. **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.

19. **Corps Civil Works Projects:** The PASPGP-4 does not authorize any work which will interfere with an existing or proposed Corps Civil Works project (i.e., flood control projects, dams, reservoirs, and navigation projects). The permittee understands and agrees that, if future operations by the United States require removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation, or alteration.

20. **Navigation:** No activity authorized under PASPGP-4 may cause more than a minimal adverse affect on navigation. No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein. In addition, activities that require temporary causeways that prohibit continued navigational use of a waterway (i.e., temporary causeways extending greater than $\frac{3}{4}$ the width across the waterway) shall be removed in their entirety upon completion of their use. 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. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

21. **Inspections:** The permittee shall allow a District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with all the terms and conditions of the PASPGP-4. The District Engineer may also require post-construction engineering drawings (as-built plans) for completed work.

22. **PASPGP-4 Permit Compliance Self Certification Form:** A Self Certification Form, regarding the PASPGP-4 authorized work and required mitigation, will be forwarded to each permittee with the PASPGP-4 verification. Every permittee, who receives a written PASPGP-4 verification, shall submit the signed Self Certification Form upon completion of the authorized work and required mitigation. The completed form shall be returned to the appropriate Corps District.

23. **Permit Modifications:** Any proposed modification of the authorized overall project that results in a change in the authorized impact to, or use of waters of the United States, including jurisdictional wetlands, must be approved by PADEP. Corps approval is also required if the overall project had been previously reviewed by the Corps as a Category III activity, or the proposed modification causes the overall project impacts to exceed 1.0 acre of waters of the United States, including jurisdictional wetlands, or 250 linear feet of streams, rivers, other watercourses and open water areas. Project modifications that cause the overall project impacts to exceed 1.0 acre of waters of the United States, including wetlands, may not be eligible for PASPGP-4 and will be forwarded to the Corps for review.

24. **Recorded Conservation Instruments:** As per Part IV.A.26 and Part IV.B.4 and Part IV.C.8 of this permit, proposed Draft Conservation Instruments may be submitted by the applicant as part of the permit application package for review and approval. **When such proposed Conservation Instruments are submitted by the applicant, verification of the recorded deed restriction, conservation easement, or deed restricted open space area shall be forwarded to the appropriate Corps District and appropriate PADEP offices, prior to the initiation of any permitted work.**

25. **Property Rights:** This PASPGP-4 does not convey any property rights, either in real estate or material, or any exclusive privileges; nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

26. **Navigable Waters of the United States (Section 10 Waters):** In addition to the conditions referenced above, the following conditions are applicable for navigable waters of the United States eligible for the PASPGP-4. The PASPGP-4 may be used to authorize work in the following navigable waters of the United States:

a. Codorus Creek – from the confluence with the Susquehanna River 11.4 miles upstream to the Indian Rock Dam in York, Pennsylvania;

b. Main Stem Susquehanna River – from the confluence with the Chesapeake Bay upstream to Athens, Pennsylvania (approximately 4 miles south from the New York State line);

c. West Branch of the Susquehanna River – from the confluence with the main stem Susquehanna River upstream to the dam at Lock Haven, Pennsylvania;

d. Chester Creek – from the confluence with the Delaware River 2 miles upstream;

e. Crum Creek – from the confluence with the Delaware River 1 mile upstream to the upstream side of the dam at Eddystone;

f. Darby Creek – from the confluence with the Delaware River 5 miles upstream to the upstream side of 84th Street Bridge in Philadelphia;

g. Delaware River – from the Morrisville-Trenton Railroad Bridge in Morrisville, Pennsylvania, including the West Branch of the Delaware River, upstream to the Pennsylvania/New York border at the 42nd parallel;

h. Lehigh River – from the confluence with the Delaware River 72 miles upstream to the downstream side of PA Route 940 Bridge;

i. Neshaminy Creek – from the confluence with the Delaware River, including the Neshaminy State Park Harbor Project at the mouth of Neshaminy creek, 4 miles upstream to the downstream side of the Newportville Bridge;

j. Pennypack Creek – from the confluence with the Delaware River 2 miles upstream to the downstream side of Frankford Avenue Bridge in Philadelphia;

k. Ridley Creek – from the confluence with the Delaware River 1 mile upstream to the upstream side of the Baltimore and Ohio Railroad Bridge in Chester, Pennsylvania;

l. Schuylkill River – from the Fairmont Dam, 104 miles upstream to Port Carbon, Pennsylvania; and

m. Schuylkill Navigation Channel (Manayunk Canal) – along the Schuylkill River for two miles from the Flat Rock Dam to Lock Street in the Manayunk Section of Philadelphia, Pennsylvania.

27. For Aerial Transmission Lines Across Navigable Waters:

a. The following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the United States Coast Guard for new fixed bridges, in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions producing the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electrical Safety Code:

NOMINAL SYSTEM VOLTAGE (kV)	Minimum additional clearance (ft.) above clearance required for bridges.
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

i. Clearances for communication lines, stream gauging cables, ferry cables, and other aerial crossings must be a minimum of ten feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer.

ii. Corps of Engineer regulation ER 1110-2-4401 prescribes minimum vertical clearances for power communication lines over Corps lake projects. In instances where both this regulation and ER 1110-2-4401 apply, the greater minimum clearance is required.

b. **Encasement:** The top of the cable, encasement, or pipeline shall be located a minimum of three feet below the existing bottom elevation of the streambed and shall be backfilled with suitable heavy material to the preconstruction bottom elevation. Where the cable, encasement, or pipeline is placed in rock, a minimum depth of one foot from the lowest point in the natural contour of the streambed shall be maintained. When crossing a maintained navigation channel, the requirements are a minimum of eight feet

between the top of the cable, encasement, or pipeline and the authorized depth of the navigation channel. For maintained navigational channels, where the utility line is placed in rock, a minimum depth of two feet from the authorized depth of the navigation channel shall be maintained.

c. **As-built drawings:** Within 60 days of completing an activity that involves an aerial transmission line, submerged cable, or submerged pipeline across a navigable water of the United States (i.e., Section 10 waters), the permittee shall furnish the Corps and the National Oceanic and Atmospheric Administration, Nautical Data Branch, N/CS26, Station 7317, 1315 East-West Highway, Silver Spring, Maryland, 20910 with professional, certified as-built drawings, to scale, with control (i.e., latitude/longitude, state plane coordinates), depicting the alignment and minimum clearance of the aerial wires above the mean high water line at the time of survey or depicting the elevations and alignment of the buried cable or pipeline across the navigable waterway.

d. **Aids to Navigation:** The permittee must prepare and provide for United States Coast Guard (USCG) approval, a Private Aids To Navigation Application (CG-2554). The form can be found at: http://www.uscg.mil/forms/cg/CG_2554.pdf. Within 30 days of the date of receipt of the USCG approval, the permittee must provide a copy to the applicable Corps District

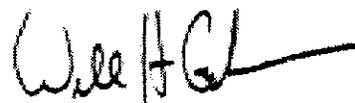
By Authority of the Secretary of the Army:



David E. Anderson
Colonel, Corps of Engineers
District Engineer, Baltimore



Philip M. Secrist III
Lieutenant Colonel, Corps of Engineers
District Engineer, Philadelphia



William H. Graham
Colonel, Corps of Engineers
District Engineer, Pittsburgh

COMMONWEALTH OF PENNSYLVANIA
Department of Environmental Protection
Northwest Regional Office

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FROM: Karl M. Gross, P.E.
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Enclosures

cc: Allen Edris, US ACE, Pittsburgh
William Savage, PA Fish and Boat Commission
Butler County Conservation District



DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

April 3, 2012

REPLY TO

Operations Division
Regulatory Branch
2011-1695

Pennsylvania Department of Transportation, District 10-0
Attn: Eric Buchan
Route 286 South
P.O. Box 429
Indiana, Pennsylvania 15701

Dear Mr. Buchan:

I am replying to Pennsylvania Department of Environmental Protection General Permit No. GP111011621, received in this office August 31, 2011, requesting our comments on eligibility for authorization under the Pennsylvania State Programmatic General Permit (PA SPGP-4). The project calls for a full bridge replacement of the structure that carries State Route 3025 over the Little Connoquenessing Creek in Lancaster Township, Butler County, Pennsylvania.

Our review has determined that the proposed project qualifies for Federal authorization by PA SPGP-4. The project will result in the existing two-span structure being replaced with a new two-span structure on the existing alignment. A temporary full width causeway will be utilized to provide construction access for the demolition and construction of the project. The existing pier will be removed and the proposed pier will be located at approximately the same location. No wetland impacts are anticipated. You are authorized to perform the work in accordance with the terms and conditions outlined in the enclosure. The following conditions are added:

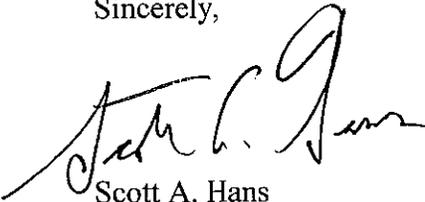
- 1.) The project lies within the range of the Indiana bat (*Myotis sodalis*), a federally listed endangered species. Should the project involve cutting trees; the permittee must only cut trees between November 16th and March 31st. Where possible retain shagbark hickory trees, dead and dying trees, and large diameter trees (>12 inches d.b.h.) to serve as roost trees for bats.
- 2.) Following completion of the authorized work, the temporary causeway and stream diversion devices must be completely removed and the temporarily impacted areas returned to pre-construction conditions.

This verification is valid for the length of the Pennsylvania Department of Environmental Protection permit, including 401 Water Quality Certification, or until the PASPGP-4 expires

(June 30, 2016), is modified, reissued, suspended, or revoked. Activities authorized under the PASPGP-4 that have commenced construction or are under contract to commence construction, will remain authorized provided the activity is completed within 12 months of the date of the PASPGP-4's expiration (June 30, 2016), modification, reissuance, suspension, revocation; or until the expiration date of the project specific verification, whichever is sooner.

If you have any questions, please contact Allen R. Edris by phone at 412-395-7158 or email at allen.r.edris@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott A. Hans". The signature is fluid and cursive, with a large initial "S" and "H".

Scott A. Hans
Chief, Regulatory Branch

Enclosure (SPGP-4)

Copy Furnished
PAFBC (Savage)
USFWS (Kagel)

PASPGP-4 PERMIT COMPLIANCE, SELF-CERTIFICATION FORM

Project Name: SR 3025, Section 251

Applicant Name: PennDOT, D-10-0

PADEP Permit No: GP111011621

Date of Issuance: October 11, 2011

Corps Permit Number: 2011-1695

Date of Issuance: April 3, 2012

Waterway: Little Connoquenessing Creek

County: Butler

In accordance with the compliance certification condition of your PASPGP-4 authorization, you are required to complete and sign this certification form and return it to the appropriate Corps of Engineers District in which the work is located.

U.S. Army Corps of Engineers
Philadelphia District
Regulatory Branch
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390

U.S. Army Corps of Engineers
Baltimore District
1631 South Atherton Street
Suite 101
State College, PA 16801-6260

U.S. Army Corps of Engineers
Pittsburgh District
Regulatory Branch
Federal Building, 20th Floor
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Please note that the permitted activity is subject to compliance inspections by U.S. Army Corps of Engineers representatives. As a condition of this permit, failure to return this notification form, provide the required information below, or to perform the authorized work in compliance with the permit, can result in suspension, modification or revocation of your authorization in accordance with 33 CFR Part 325.7 and/or administrative, civil, and/or criminal penalties, in accordance with 33 CFR part 326.

Please provide the following information:

1. Date authorized work commenced: _____

2. Date authorized work completed: _____

3. Was all work, including any required mitigation, completed in accordance with your PASPGP-4 authorization?
 YES NO

4. Explain any deviations (use additional sheets if necessary)

5. Was mitigation accomplished through an approved in-lieu fee program?
 YES NO (if **YES** please provide documentation, if **NO** complete Nos. 6 and 7 below).

6. Wetland Mitigation: Required? YES NO Required Completion Date _____
 Completed? YES NO Mitigation Monitoring Reports Required? Yes No

7. Attach labeled photographs showing completed work including mitigation area(s) (not required for PADEPGP's/Waivers)

I hereby certify that, except as noted above, that all work, including mitigation, has been completed in accordance with the terms and conditions, including special conditions of the above referenced permit

<i>Applicants Signature:</i>	<i>Consultant/Agents Signature:</i>
<i>Address:</i>	<i>Address:</i>
<i>Telephone:</i>	<i>Telephone:</i>
<i>Email:</i>	<i>Email:</i>

PENNSYLVANIA STATE PROGRAMMATIC GENERAL PERMIT – 4
(PASPGP-4)
July 1, 2011

Please note: the full text of the PASPGP-4 may be viewed on the Baltimore District web site at <http://www.nab.usace.army.mil/Wetlands%20Permits/> or by calling the Corps at 814-235-0570

Applicant: PennDOT D-10-0
State Authorization(s): GP111011621

Corps District:

<input type="checkbox"/> Philadelphia U.S. Army Corps of Engineers, Philadelphia District Regulatory Branch Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390	<input type="checkbox"/> Baltimore U.S. Army Corps of Engineers, Baltimore District Regulatory Branch 1631 South Atherton Street Suite 101 State College, PA 16801-6260	<input checked="" type="checkbox"/> Pittsburgh U.S. Army Corps of Engineers, Pittsburgh District Regulatory Branch Federal Building, 20 th floor 1000 Liberty Avenue Pittsburgh, PA 15222-4186
--	--	--

It has been determined that your proposed project, which includes the discharge of dredged and/or fill material and/or the placement of structures into waters of the United States, including wetlands, qualifies for Federal authorization under the provisions of Section 404 of the Clean Water Act and /or Section 10 of the River and Harbor Act of 1899, under the terms and conditions of the PASPGP-4.

All activities authorized under PASPGP-4 must comply with all conditions of the authorization, including General, Procedural, and Special Conditions. Failure to comply with all the conditions of the authorization, including project special conditions, will constitute a permit violation and may be subject to criminal, civil, or administrative penalties, and /or restoration.

The authorized activity must be performed in compliance with the following General Conditions to be authorized under PASPGP-4:

General Conditions:

- 1. Permit Conditions:** The permittee shall comply with all terms and conditions set forth in the PADEP authorization for use of this permit, including all conditions of Section 401 Water Quality Certification, and any subsequent amendment or modification to such authorization. The permittee shall conduct all work and activities in strict compliance with all approved maps, plans, profiles, and specifications used by PADEP and/or the Corps as the basis for its authorization or subsequent modification of authorization.
- 2. Aquatic Life Movements:** No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be appropriately depressed to maintain aquatic life movement and low flow conditions.
- 3. Threatened and Endangered Species:** If an activity is authorized under the PASPGP-4, and a Federally listed threatened or endangered species, or proposed species or critical habitat, is subsequently found to be present, all work must cease, and the Corps and USFWS (or NMFS) must be notified. The PASPGP-4 verification is suspended and will not be re-issued until consultation pursuant to Section 7 of the ESA is concluded and adverse effects to Federally listed threatened, endangered, and proposed species and critical habitat are avoided.

Furthermore, persons have an independent responsibility under Section 9 of ESA to not engage in any activity that could result in the “take” of a Federally listed species.

4. Spawning Areas: The permittee shall comply with all time-of-year restrictions as set forth by the PFBC or other designated agency. Discharges or structures in spawning or nursery areas shall not occur during spawning seasons, unless written approval is obtained by the PFBC or other designated agency. In addition, work in areas used for other time sensitive life span activities of fish and wildlife (such as hibernation or migration) may necessitate the use of seasonal restrictions for avoidance of adverse impacts to vulnerable species. Impacts to these areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.

5. Waterfowl Breeding and Wintering Areas: Activities including discharges of dredged or fill material or the placement of structures in breeding and wintering areas of migratory waterfowl must be avoided to the maximum extent practicable.

6. Shellfish Production: No discharge of dredged or fill material and/or the placement of structures may occur in areas of concentrated shellfish production, unless the discharge is directly related to an authorized shellfish harvesting activity.

7. Adverse Effects From Impoundments: If the activity, including the discharge of dredged or fill material or the placement of a structure, creates an impoundment of water, the adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow, including impacts to wetlands, shall be minimized to the maximum extent practicable.

8. Obstruction of High Flows: To the maximum extent practicable, the activity must be designed to maintain pre-construction downstream flow conditions (i.e., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters), and the structure or discharge of dredged and/or fill material shall be designed to withstand expected high flows.

9. Erosion and Sediment Controls: During construction, appropriate erosion and siltation controls must be used and maintained in effective operating condition in accordance with State regulations. All exposed soil and other fill material must be permanently stabilized.

10. Suitable Material: No activity, including discharges of dredged and/or fill material or the placement of structures, may consist of unsuitable material (i.e., asphalt, trash, debris, car bodies, etc.). No material discharged shall contain toxic pollutants in amounts that would violate the effluent limitation standards of § 307 of the CWA.

11. Temporary Fill: Temporary fill in waters and wetlands authorized by the PASPGP-4 (i.e., access roads and cofferdams) shall be properly constructed and stabilized during use to prevent erosion and accretion. Temporary fill in wetlands shall be placed on geotextile fabric laid on existing wetland grade. Whenever possible, rubber or wooden mats should be used for equipment access through wetlands to the project area. Temporary fills shall be removed, in their entirety, to an upland site, and suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their preconstruction contours, elevations, and hydrology and revegetated with non-invasive, native species.

12. Equipment Working in Wetlands: Measures must be taken to minimize soil disturbance when heavy equipment is used in wetland areas. These measures include, but are not limited to, avoiding the use of such equipment, use of timber mats or geotextile fabric, and the use of low pressure tire vehicles.

13. Installation and Maintenance: Any structure or fill authorized shall be properly installed and maintained to ensure public safety.

14. PASPGP-4 Verification:

- a. The PASPGP-4 expires June 30, 2016, unless suspended or revoked.

b. Activities authorized under a project specific PASPGP-4 expire June 30, 2016, unless suspended, revoked, or the PADEP authorization expires, whichever date occurs sooner. Activities authorized under the project specific PASPGP-4 that have commenced construction or are under contract to commence construction will remain authorized provided the activity is completed within 12 months of the date of the PASPGP-4's expiration, modification, or revocation; or until the expiration date of the project specific verification, whichever is sooner.

15. **One-Time Use:** A PASPGP-4 authorization is valid to construct the project, or perform the activity, one time only, except for PASPGP-4 authorizations specifically issued for reoccurring maintenance activities.

16. **Water Supply Intakes:** No activity, including discharges of dredged and/or fill material and/or the placement of structures, may occur in the proximity of a public water supply intake and adversely impact the public water supply.

17. **Cultural Resources:** For all activities verified under a PASPGP-4, upon the discovery of the presence of previously unknown Historic Properties (historic or archaeological), all work must cease and the permittee must notify the SHPO and the Corps of Engineers. The PASPGP-4 authorization is not valid until it is determined, through the Section 106 consultation process, whether the activity will have an effect on the Historic Property. The PASPGP-4 may be reverified and special conditions added if necessary, after an effects determination on the Historic Property is made. The PASPGP-4 authorization may be suspended and/or revoked in accordance with 33 CFR 325.7 for the specific activity if an adverse affect on the Historic Property cannot be avoided or mitigated.

18. **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.

19. **Corps Civil Works Projects:** The PASPGP-4 does not authorize any work which will interfere with an existing or proposed Corps Civil Works project (i.e., flood control projects, dams, reservoirs, and navigation projects). The permittee understands and agrees that, if future operations by the United States require removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation, or alteration.

20. **Navigation:** No activity authorized under PASPGP-4 may cause more than a minimal adverse affect on navigation. No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein. In addition, activities that require temporary causeways that prohibit continued navigational use of a waterway (i.e., temporary causeways extending greater than $\frac{3}{4}$ the width across the waterway) shall be removed in their entirety upon completion of their use. 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. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

21. **Inspections:** The permittee shall allow a District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with all the terms and conditions of the PASPGP-4. The District Engineer may also require post-construction engineering drawings (as-built plans) for completed work.

22. **PASPGP-4 Permit Compliance Self Certification Form:** A Self Certification Form, regarding the PASPGP-4 authorized work and required mitigation, will be forwarded to each permittee with the PASPGP-4 verification. Every permittee, who receives a written PASPGP-4 verification, shall submit the signed Self Certification Form upon completion of the authorized work and required mitigation. The completed form shall be returned to the appropriate Corps District.

23. **Permit Modifications:** Any proposed modification of the authorized overall project that results in a change in the authorized impact to, or use of waters of the United States, including jurisdictional wetlands, must be approved by PADEP. Corps approval is also required if the overall project had been previously reviewed by the Corps as a Category III activity, or the proposed modification causes the overall project impacts to exceed 1.0 acre of waters of the United States, including jurisdictional wetlands, or 250 linear feet of streams, rivers, other watercourses and open water areas. Project modifications that cause the overall project impacts to exceed 1.0 acre of waters of the United States, including wetlands, may not be eligible for PASPGP-4 and will be forwarded to the Corps for review.

24. **Recorded Conservation Instruments:** As per Part IV.A.26 and Part IV.B.4 and Part IV.C.8 of this permit, proposed Draft Conservation Instruments may be submitted by the applicant as part of the permit application package for review and approval. **When such proposed Conservation Instruments are submitted by the applicant, verification of the recorded deed restriction, conservation easement, or deed restricted open space area shall be forwarded to the appropriate Corps District and appropriate PADEP offices, prior to the initiation of any permitted work.**

25. **Property Rights:** This PASPGP-4 does not convey any property rights, either in real estate or material, or any exclusive privileges; nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

26. **Navigable Waters of the United States (Section 10 Waters):** In addition to the conditions referenced above, the following conditions are applicable for navigable waters of the United States eligible for the PASPGP-4. The PASPGP-4 may be used to authorize work in the following navigable waters of the United States:

a. Codorus Creek – from the confluence with the Susquehanna River 11.4 miles upstream to the Indian Rock Dam in York, Pennsylvania;

b. Main Stem Susquehanna River – from the confluence with the Chesapeake Bay upstream to Athens, Pennsylvania (approximately 4 miles south from the New York State line);

c. West Branch of the Susquehanna River – from the confluence with the main stem Susquehanna River upstream to the dam at Lock Haven, Pennsylvania;

d. Chester Creek – from the confluence with the Delaware River 2 miles upstream;

e. Crum Creek – from the confluence with the Delaware River 1 mile upstream to the upstream side of the dam at Eddystone;

f. Darby Creek – from the confluence with the Delaware River 5 miles upstream to the upstream side of 84th Street Bridge in Philadelphia;

g. Delaware River – from the Morrisville-Trenton Railroad Bridge in Morrisville, Pennsylvania, including the West Branch of the Delaware River, upstream to the Pennsylvania/New York border at the 42nd parallel;

h. Lehigh River – from the confluence with the Delaware River 72 miles upstream to the downstream side of PA Route 940 Bridge;

i. Neshaminy Creek – from the confluence with the Delaware River, including the Neshaminy State Park Harbor Project at the mouth of Neshaminy creek, 4 miles upstream to the downstream side of the Newportville Bridge;

j. Pennypack Creek – from the confluence with the Delaware River 2 miles upstream to the downstream side of Frankford Avenue Bridge in Philadelphia;

k. Ridley Creek – from the confluence with the Delaware River 1 mile upstream to the upstream side of the Baltimore and Ohio Railroad Bridge in Chester, Pennsylvania;

l. Schuylkill River – from the Fairmont Dam, 104 miles upstream to Port Carbon, Pennsylvania; and

m. Schuylkill Navigation Channel (Manayunk Canal) – along the Schuylkill River for two miles from the Flat Rock Dam to Lock Street in the Manayunk Section of Philadelphia, Pennsylvania.

27. For Aerial Transmission Lines Across Navigable Waters:

a. The following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the United States Coast Guard for new fixed bridges, in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions producing the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electrical Safety Code:

NOMINAL SYSTEM VOLTAGE (kV)	Minimum additional clearance (ft.) above clearance required for bridges.
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

i. Clearances for communication lines, stream gauging cables, ferry cables, and other aerial crossings must be a minimum of ten feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer.

ii. Corps of Engineer regulation ER 1110-2-4401 prescribes minimum vertical clearances for power communication lines over Corps lake projects. In instances where both this regulation and ER 1110-2-4401 apply, the greater minimum clearance is required.

b. **Encasement:** The top of the cable, encasement, or pipeline shall be located a minimum of three feet below the existing bottom elevation of the streambed and shall be backfilled with suitable heavy material to the preconstruction bottom elevation. Where the cable, encasement, or pipeline is placed in rock, a minimum depth of one foot from the lowest point in the natural contour of the streambed shall be maintained. When crossing a maintained navigation channel, the requirements are a minimum of eight feet

between the top of the cable, encasement, or pipeline and the authorized depth of the navigation channel. For maintained navigational channels, where the utility line is placed in rock, a minimum depth of two feet from the authorized depth of the navigation channel shall be maintained.

c. **As-built drawings:** Within 60 days of completing an activity that involves an aerial transmission line, submerged cable, or submerged pipeline across a navigable water of the United States (i.e., Section 10 waters), the permittee shall furnish the Corps and the National Oceanic and Atmospheric Administration, Nautical Data Branch, N/CS26, Station 7317, 1315 East-West Highway, Silver Spring, Maryland, 20910 with professional, certified as-built drawings, to scale, with control (i.e., latitude/longitude, state plane coordinates), depicting the alignment and minimum clearance of the aerial wires above the mean high water line at the time of survey or depicting the elevations and alignment of the buried cable or pipeline across the navigable waterway.

d. **Aids to Navigation:** The permittee must prepare and provide for United States Coast Guard (USCG) approval, a Private Aids To Navigation Application (CG-2554). The form can be found at: http://www.uscg.mil/forms/cg/CG_2554.pdf. Within 30 days of the date of receipt of the USCG approval, the permittee must provide a copy to the applicable Corps District

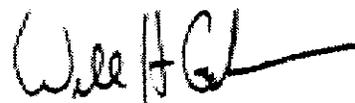
By Authority of the Secretary of the Army:



David E. Anderson
Colonel, Corps of Engineers
District Engineer, Baltimore



Philip M. Secrist III
Lieutenant Colonel, Corps of Engineers
District Engineer, Philadelphia



William H. Graham
Colonel, Corps of Engineers
District Engineer, Pittsburgh

COMMONWEALTH OF PENNSYLVANIA
Department of Environmental Protection
Northwest Regional Office

October 11, 2011
Tel: 814-332-6984
Fax: 814-332-6117

SUBJECT: General Permit Acknowledgment
PA DOT, District 10-0
DEP File No.: GP111011621
SR 3025-251-0060-0000 Across Little Connoquenessing Creek
Lancaster Township, Butler County

TO: Brian Allen, P.E.
Assistant District Executive, Design
District 10-0

FROM: Karl M. Gross, P.E.
Permitting and Technical Services Chief
Watershed Management

This acknowledges receipt of your notification and registers your use of a General Permit issued by the Department.

You are responsible for assuring the work is done in accordance with the drawings and conditions contained in the General Permit. You may proceed with your project after making the required notifications stipulated in the General Permit and after securing **all other approvals** that may be necessary.

A copy of your General Permit Registration has been sent to the U.S. Army Corps of Engineers (COE) for a 45-day review. **You do not have Federal authorization.** You will be contacted directly by the Corps of Engineers regarding federal authorization.

The Erosion and Sedimentation Control Plan dated **10/05/2011** has been reviewed and determined adequate to meet the minimum requirements of Chapter 102. You are responsible for ensuring that adequate measures are taken during construction to implement and maintain BMPs to minimize the potential for accelerated erosion and sedimentation. The Department may, upon complaint or investigation, require additional BMPs or other measures on a case-by-case basis to correct or minimize the potential for accelerated erosion and sedimentation. A copy of the plan dated **10/05/2011**, and this memo must be available on-site at all times. Any changes to the approved plan should be submitted to the Department for review and approval prior to construction.

Since **Little Connoquenessing Creek** may be used by recreational boaters in the vicinity of the project and in-stream work may affect the width of the stream during construction, an Aids to Navigation (ATON) Plan may be required. The permittee should contact the PA Fish and Boat Commission's Bureau of Boating and Education at 717-705-7841 prior to beginning construction.

This authorization also **includes the installation of temporary structures** as shown on the approved Erosion and Sedimentation Control Plan. Changes to temporary in-stream structures may require you to request an amendment to this permit in advance of beginning construction.

If you have any questions, please contact William M. Sinick by e-mail at wilsinick@pa.gov or by phone at 814-332-6152.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.

Enclosures

cc: Allen Edris, US ACE, Pittsburgh
William Savage, PA Fish and Boat Commission
Butler County Conservation District



DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

April 3, 2012

REPLY TO

Operations Division
Regulatory Branch
2011-1695

Pennsylvania Department of Transportation, District 10-0
Attn: Eric Buchan
Route 286 South
P.O. Box 429
Indiana, Pennsylvania 15701

Dear Mr. Buchan:

I am replying to Pennsylvania Department of Environmental Protection General Permit No. GP111011621, received in this office August 31, 2011, requesting our comments on eligibility for authorization under the Pennsylvania State Programmatic General Permit (PA SPGP-4). The project calls for a full bridge replacement of the structure that carries State Route 3025 over the Little Connoquenessing Creek in Lancaster Township, Butler County, Pennsylvania.

Our review has determined that the proposed project qualifies for Federal authorization by PA SPGP-4. The project will result in the existing two-span structure being replaced with a new two-span structure on the existing alignment. A temporary full width causeway will be utilized to provide construction access for the demolition and construction of the project. The existing pier will be removed and the proposed pier will be located at approximately the same location. No wetland impacts are anticipated. You are authorized to perform the work in accordance with the terms and conditions outlined in the enclosure. The following conditions are added:

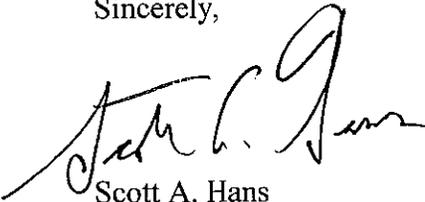
- 1.) The project lies within the range of the Indiana bat (*Myotis sodalis*), a federally listed endangered species. Should the project involve cutting trees; the permittee must only cut trees between November 16th and March 31st. Where possible retain shagbark hickory trees, dead and dying trees, and large diameter trees (>12 inches d.b.h.) to serve as roost trees for bats.
- 2.) Following completion of the authorized work, the temporary causeway and stream diversion devices must be completely removed and the temporarily impacted areas returned to pre-construction conditions.

This verification is valid for the length of the Pennsylvania Department of Environmental Protection permit, including 401 Water Quality Certification, or until the PASPGP-4 expires

(June 30, 2016), is modified, reissued, suspended, or revoked. Activities authorized under the PASPGP-4 that have commenced construction or are under contract to commence construction, will remain authorized provided the activity is completed within 12 months of the date of the PASPGP-4's expiration (June 30, 2016), modification, reissuance, suspension, revocation; or until the expiration date of the project specific verification, whichever is sooner.

If you have any questions, please contact Allen R. Edris by phone at 412-395-7158 or email at allen.r.edris@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott A. Hans". The signature is fluid and cursive, with a large initial "S" and "H".

Scott A. Hans
Chief, Regulatory Branch

Enclosure (SPGP-4)

Copy Furnished
PAFBC (Savage)
USFWS (Kagel)

PASPGP-4 PERMIT COMPLIANCE, SELF-CERTIFICATION FORM

Project Name: SR 3025, Section 251

Applicant Name: PennDOT, D-10-0

PADEP Permit No: GP111011621

Date of Issuance: October 11, 2011

Corps Permit Number: 2011-1695

Date of Issuance: April 3, 2012

Waterway: Little Connoquenessing Creek

County: Butler

In accordance with the compliance certification condition of your PASPGP-4 authorization, you are required to complete and sign this certification form and return it to the appropriate Corps of Engineers District in which the work is located.

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Please note that the permitted activity is subject to compliance inspections by U.S. Army Corps of Engineers representatives. As a condition of this permit, failure to return this notification form, provide the required information below, or to perform the authorized work in compliance with the permit, can result in suspension, modification or revocation of your authorization in accordance with 33 CFR Part 325.7 and/or administrative, civil, and/or criminal penalties, in accordance with 33 CFR part 326.

Please provide the following information:

1. Date authorized work commenced: _____

2. Date authorized work completed: _____

3. Was all work, including any required mitigation, completed in accordance with your PASPGP-4 authorization?
 YES NO

4. Explain any deviations (use additional sheets if necessary)

5. Was mitigation accomplished through an approved in-lieu fee program?
 YES NO (if **YES** please provide documentation, if **NO** complete Nos. 6 and 7 below).

6. Wetland Mitigation: Required? YES NO Required Completion Date _____
 Completed? YES NO Mitigation Monitoring Reports Required? Yes No

7. Attach labeled photographs showing completed work including mitigation area(s) (not required for PADEPGP's/Waivers)

I hereby certify that, except as noted above, that all work, including mitigation, has been completed in accordance with the terms and conditions, including special conditions of the above referenced permit

<i>Applicants Signature:</i>	<i>Consultant/Agents Signature:</i>
<i>Address:</i>	<i>Address:</i>
<i>Telephone:</i>	<i>Telephone:</i>
<i>Email:</i>	<i>Email:</i>

PENNSYLVANIA STATE PROGRAMMATIC GENERAL PERMIT – 4
(PASPGP-4)
July 1, 2011

Please note: the full text of the PASPGP-4 may be viewed on the Baltimore District web site at <http://www.nab.usace.army.mil/Wetlands%20Permits/> or by calling the Corps at 814-235-0570

Applicant: PennDOT D-10-0
State Authorization(s): GP111011621

Corps District:

<input type="checkbox"/> Philadelphia U.S. Army Corps of Engineers, Philadelphia District Regulatory Branch Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390	<input type="checkbox"/> Baltimore U.S. Army Corps of Engineers, Baltimore District Regulatory Branch 1631 South Atherton Street Suite 101 State College, PA 16801-6260	<input checked="" type="checkbox"/> Pittsburgh U.S. Army Corps of Engineers, Pittsburgh District Regulatory Branch Federal Building, 20 th floor 1000 Liberty Avenue Pittsburgh, PA 15222-4186
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It has been determined that your proposed project, which includes the discharge of dredged and/or fill material and/or the placement of structures into waters of the United States, including wetlands, qualifies for Federal authorization under the provisions of Section 404 of the Clean Water Act and /or Section 10 of the River and Harbor Act of 1899, under the terms and conditions of the PASPGP-4.

All activities authorized under PASPGP-4 must comply with all conditions of the authorization, including General, Procedural, and Special Conditions. Failure to comply with all the conditions of the authorization, including project special conditions, will constitute a permit violation and may be subject to criminal, civil, or administrative penalties, and /or restoration.

The authorized activity must be performed in compliance with the following General Conditions to be authorized under PASPGP-4:

General Conditions:

- 1. Permit Conditions:** The permittee shall comply with all terms and conditions set forth in the PADEP authorization for use of this permit, including all conditions of Section 401 Water Quality Certification, and any subsequent amendment or modification to such authorization. The permittee shall conduct all work and activities in strict compliance with all approved maps, plans, profiles, and specifications used by PADEP and/or the Corps as the basis for its authorization or subsequent modification of authorization.
- 2. Aquatic Life Movements:** No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be appropriately depressed to maintain aquatic life movement and low flow conditions.
- 3. Threatened and Endangered Species:** If an activity is authorized under the PASPGP-4, and a Federally listed threatened or endangered species, or proposed species or critical habitat, is subsequently found to be present, all work must cease, and the Corps and USFWS (or NMFS) must be notified. The PASPGP-4 verification is suspended and will not be re-issued until consultation pursuant to Section 7 of the ESA is concluded and adverse effects to Federally listed threatened, endangered, and proposed species and critical habitat are avoided.

Furthermore, persons have an independent responsibility under Section 9 of ESA to not engage in any activity that could result in the “take” of a Federally listed species.

4. Spawning Areas: The permittee shall comply with all time-of-year restrictions as set forth by the PFBC or other designated agency. Discharges or structures in spawning or nursery areas shall not occur during spawning seasons, unless written approval is obtained by the PFBC or other designated agency. In addition, work in areas used for other time sensitive life span activities of fish and wildlife (such as hibernation or migration) may necessitate the use of seasonal restrictions for avoidance of adverse impacts to vulnerable species. Impacts to these areas shall be avoided or minimized to the maximum extent practicable during all other times of the year.

5. Waterfowl Breeding and Wintering Areas: Activities including discharges of dredged or fill material or the placement of structures in breeding and wintering areas of migratory waterfowl must be avoided to the maximum extent practicable.

6. Shellfish Production: No discharge of dredged or fill material and/or the placement of structures may occur in areas of concentrated shellfish production, unless the discharge is directly related to an authorized shellfish harvesting activity.

7. Adverse Effects From Impoundments: If the activity, including the discharge of dredged or fill material or the placement of a structure, creates an impoundment of water, the adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow, including impacts to wetlands, shall be minimized to the maximum extent practicable.

8. Obstruction of High Flows: To the maximum extent practicable, the activity must be designed to maintain pre-construction downstream flow conditions (i.e., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters), and the structure or discharge of dredged and/or fill material shall be designed to withstand expected high flows.

9. Erosion and Sediment Controls: During construction, appropriate erosion and siltation controls must be used and maintained in effective operating condition in accordance with State regulations. All exposed soil and other fill material must be permanently stabilized.

10. Suitable Material: No activity, including discharges of dredged and/or fill material or the placement of structures, may consist of unsuitable material (i.e., asphalt, trash, debris, car bodies, etc.). No material discharged shall contain toxic pollutants in amounts that would violate the effluent limitation standards of § 307 of the CWA.

11. Temporary Fill: Temporary fill in waters and wetlands authorized by the PASPGP-4 (i.e., access roads and cofferdams) shall be properly constructed and stabilized during use to prevent erosion and accretion. Temporary fill in wetlands shall be placed on geotextile fabric laid on existing wetland grade. Whenever possible, rubber or wooden mats should be used for equipment access through wetlands to the project area. Temporary fills shall be removed, in their entirety, to an upland site, and suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their preconstruction contours, elevations, and hydrology and revegetated with non-invasive, native species.

12. Equipment Working in Wetlands: Measures must be taken to minimize soil disturbance when heavy equipment is used in wetland areas. These measures include, but are not limited to, avoiding the use of such equipment, use of timber mats or geotextile fabric, and the use of low pressure tire vehicles.

13. Installation and Maintenance: Any structure or fill authorized shall be properly installed and maintained to ensure public safety.

14. PASPGP-4 Verification:

- a. The PASPGP-4 expires June 30, 2016, unless suspended or revoked.

b. Activities authorized under a project specific PASPGP-4 expire June 30, 2016, unless suspended, revoked, or the PADEP authorization expires, whichever date occurs sooner. Activities authorized under the project specific PASPGP-4 that have commenced construction or are under contract to commence construction will remain authorized provided the activity is completed within 12 months of the date of the PASPGP-4's expiration, modification, or revocation; or until the expiration date of the project specific verification, whichever is sooner.

15. **One-Time Use:** A PASPGP-4 authorization is valid to construct the project, or perform the activity, one time only, except for PASPGP-4 authorizations specifically issued for reoccurring maintenance activities.

16. **Water Supply Intakes:** No activity, including discharges of dredged and/or fill material and/or the placement of structures, may occur in the proximity of a public water supply intake and adversely impact the public water supply.

17. **Cultural Resources:** For all activities verified under a PASPGP-4, upon the discovery of the presence of previously unknown Historic Properties (historic or archaeological), all work must cease and the permittee must notify the SHPO and the Corps of Engineers. The PASPGP-4 authorization is not valid until it is determined, through the Section 106 consultation process, whether the activity will have an effect on the Historic Property. The PASPGP-4 may be reverified and special conditions added if necessary, after an effects determination on the Historic Property is made. The PASPGP-4 authorization may be suspended and/or revoked in accordance with 33 CFR 325.7 for the specific activity if an adverse affect on the Historic Property cannot be avoided or mitigated.

18. **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.

19. **Corps Civil Works Projects:** The PASPGP-4 does not authorize any work which will interfere with an existing or proposed Corps Civil Works project (i.e., flood control projects, dams, reservoirs, and navigation projects). The permittee understands and agrees that, if future operations by the United States require removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation, or alteration.

20. **Navigation:** No activity authorized under PASPGP-4 may cause more than a minimal adverse affect on navigation. No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein. In addition, activities that require temporary causeways that prohibit continued navigational use of a waterway (i.e., temporary causeways extending greater than $\frac{3}{4}$ the width across the waterway) shall be removed in their entirety upon completion of their use. 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. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

21. **Inspections:** The permittee shall allow a District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with all the terms and conditions of the PASPGP-4. The District Engineer may also require post-construction engineering drawings (as-built plans) for completed work.

22. **PASPGP-4 Permit Compliance Self Certification Form:** A Self Certification Form, regarding the PASPGP-4 authorized work and required mitigation, will be forwarded to each permittee with the PASPGP-4 verification. Every permittee, who receives a written PASPGP-4 verification, shall submit the signed Self Certification Form upon completion of the authorized work and required mitigation. The completed form shall be returned to the appropriate Corps District.

23. **Permit Modifications:** Any proposed modification of the authorized overall project that results in a change in the authorized impact to, or use of waters of the United States, including jurisdictional wetlands, must be approved by PADEP. Corps approval is also required if the overall project had been previously reviewed by the Corps as a Category III activity, or the proposed modification causes the overall project impacts to exceed 1.0 acre of waters of the United States, including jurisdictional wetlands, or 250 linear feet of streams, rivers, other watercourses and open water areas. Project modifications that cause the overall project impacts to exceed 1.0 acre of waters of the United States, including wetlands, may not be eligible for PASPGP-4 and will be forwarded to the Corps for review.

24. **Recorded Conservation Instruments:** As per Part IV.A.26 and Part IV.B.4 and Part IV.C.8 of this permit, proposed Draft Conservation Instruments may be submitted by the applicant as part of the permit application package for review and approval. **When such proposed Conservation Instruments are submitted by the applicant, verification of the recorded deed restriction, conservation easement, or deed restricted open space area shall be forwarded to the appropriate Corps District and appropriate PADEP offices, prior to the initiation of any permitted work.**

25. **Property Rights:** This PASPGP-4 does not convey any property rights, either in real estate or material, or any exclusive privileges; nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

26. **Navigable Waters of the United States (Section 10 Waters):** In addition to the conditions referenced above, the following conditions are applicable for navigable waters of the United States eligible for the PASPGP-4. The PASPGP-4 may be used to authorize work in the following navigable waters of the United States:

a. Codorus Creek – from the confluence with the Susquehanna River 11.4 miles upstream to the Indian Rock Dam in York, Pennsylvania;

b. Main Stem Susquehanna River – from the confluence with the Chesapeake Bay upstream to Athens, Pennsylvania (approximately 4 miles south from the New York State line);

c. West Branch of the Susquehanna River – from the confluence with the main stem Susquehanna River upstream to the dam at Lock Haven, Pennsylvania;

d. Chester Creek – from the confluence with the Delaware River 2 miles upstream;

e. Crum Creek – from the confluence with the Delaware River 1 mile upstream to the upstream side of the dam at Eddystone;

f. Darby Creek – from the confluence with the Delaware River 5 miles upstream to the upstream side of 84th Street Bridge in Philadelphia;

g. Delaware River – from the Morrisville-Trenton Railroad Bridge in Morrisville, Pennsylvania, including the West Branch of the Delaware River, upstream to the Pennsylvania/New York border at the 42nd parallel;

h. Lehigh River – from the confluence with the Delaware River 72 miles upstream to the downstream side of PA Route 940 Bridge;

i. Neshaminy Creek – from the confluence with the Delaware River, including the Neshaminy State Park Harbor Project at the mouth of Neshaminy creek, 4 miles upstream to the downstream side of the Newportville Bridge;

j. Pennypack Creek – from the confluence with the Delaware River 2 miles upstream to the downstream side of Frankford Avenue Bridge in Philadelphia;

k. Ridley Creek – from the confluence with the Delaware River 1 mile upstream to the upstream side of the Baltimore and Ohio Railroad Bridge in Chester, Pennsylvania;

l. Schuylkill River – from the Fairmont Dam, 104 miles upstream to Port Carbon, Pennsylvania; and

m. Schuylkill Navigation Channel (Manayunk Canal) – along the Schuylkill River for two miles from the Flat Rock Dam to Lock Street in the Manayunk Section of Philadelphia, Pennsylvania.

27. For Aerial Transmission Lines Across Navigable Waters:

a. The following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the United States Coast Guard for new fixed bridges, in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions producing the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electrical Safety Code:

NOMINAL SYSTEM VOLTAGE (kV)	Minimum additional clearance (ft.) above clearance required for bridges.
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

i. Clearances for communication lines, stream gauging cables, ferry cables, and other aerial crossings must be a minimum of ten feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer.

ii. Corps of Engineer regulation ER 1110-2-4401 prescribes minimum vertical clearances for power communication lines over Corps lake projects. In instances where both this regulation and ER 1110-2-4401 apply, the greater minimum clearance is required.

b. **Encasement:** The top of the cable, encasement, or pipeline shall be located a minimum of three feet below the existing bottom elevation of the streambed and shall be backfilled with suitable heavy material to the preconstruction bottom elevation. Where the cable, encasement, or pipeline is placed in rock, a minimum depth of one foot from the lowest point in the natural contour of the streambed shall be maintained. When crossing a maintained navigation channel, the requirements are a minimum of eight feet

between the top of the cable, encasement, or pipeline and the authorized depth of the navigation channel. For maintained navigational channels, where the utility line is placed in rock, a minimum depth of two feet from the authorized depth of the navigation channel shall be maintained.

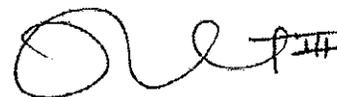
c. **As-built drawings:** Within 60 days of completing an activity that involves an aerial transmission line, submerged cable, or submerged pipeline across a navigable water of the United States (i.e., Section 10 waters), the permittee shall furnish the Corps and the National Oceanic and Atmospheric Administration, Nautical Data Branch, N/CS26, Station 7317, 1315 East-West Highway, Silver Spring, Maryland, 20910 with professional, certified as-built drawings, to scale, with control (i.e., latitude/longitude, state plane coordinates), depicting the alignment and minimum clearance of the aerial wires above the mean high water line at the time of survey or depicting the elevations and alignment of the buried cable or pipeline across the navigable waterway.

d. **Aids to Navigation:** The permittee must prepare and provide for United States Coast Guard (USCG) approval, a Private Aids To Navigation Application (CG-2554). The form can be found at: http://www.uscg.mil/forms/cg/CG_2554.pdf. Within 30 days of the date of receipt of the USCG approval, the permittee must provide a copy to the applicable Corps District

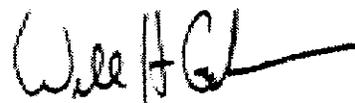
By Authority of the Secretary of the Army:



David E. Anderson
Colonel, Corps of Engineers
District Engineer, Baltimore



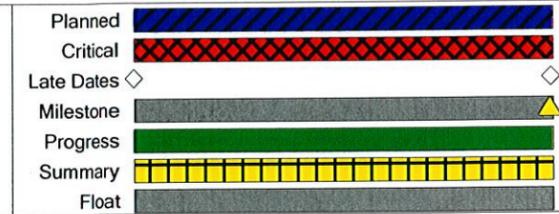
Philip M. Secrist III
Lieutenant Colonel, Corps of Engineers
District Engineer, Philadelphia



William H. Graham
Colonel, Corps of Engineers
District Engineer, Pittsburgh

Time Now: 13Sep12
 Start: 13Sep12
 Finish: 26Aug13
 Run: 19Jul12

Project: SR3025-251 (4)
 Project Description: Little Creek Road Bridge #3 over Little Connoquenessing Creek
 Client: Engineering District 10-0
 Company: PennDOT
 Project Manager: SYSADMIN



Activity ID	Activity Desc.	Dur	ES	EF	TF	Calendar ID	2013												
							Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	
							30	31	30	31	31	28	31	30	31	30	31	31	
0	Contract Administration	338d	13Sep12	26Aug13	0	7-DAY	0	[Critical bar]											
1	Engineering	51d	25Oct12	17Dec12	40d	7-DAY	0.12	[Planned bar]											
6	Construction	283d	25Oct12	12Aug13	0	7-DAY	6	[Critical bar]											
6.1	Preparatory Work	168d	25Oct12	17Apr13	0	7-DAY	6.1	[Critical bar]											
3	Maintenance and Protection of Traffic	261d	10Nov12	06Aug13	0	7-DAY	3	[Critical bar]											
2	Fabrication	100d	18Dec12	31Mar13	56d	7-DAY	2	[Planned bar]											
4	E&S Controls	12d	30Mar13	10Apr13	0	7-DAY	4	[Critical bar]											
5	Demolition	9d	15Apr13	24Apr13	0	7-DAY	5	[Critical bar]											
6.2	Abutment #1/Wingwalls	99d	25Apr13	03Aug13	0	7-DAY	6.2	[Critical bar]											
6.4	Abutment #2/Wingwalls	99d	25Apr13	03Aug13	0	7-DAY	6.4	[Critical bar]											
6.3	Pier	18d	03May13	20May13	4d	7-DAY	6.3	[Planned bar]											
6.5	Bridge Deck	76d	28May13	12Aug13	0	7-DAY	6.5	[Critical bar]											
7	Roadway Construction	38d	03Jul13	10Aug13	1d	7-DAY	7	[Planned bar]											
0.1	Contract Letting	0	13Sep12	13Sep12	40d	5-DAY	0.1	[Summary bar]											
0.2	NTP Awarded	0	25Oct12	25Oct12	40d	5-DAY	0.2	[Summary bar]											
0.3	Construction Duration (Hammock)	209d	25Oct12	26Aug13	40d	5-DAY	0.3	[Critical bar]											
1.1	Prepare/Submit Misc S.O.S. Submittal	15d	25Oct12	15Nov12	70d	5-DAY	1.1	[Planned bar]											
1.2	Prepare/Submit Demolition Plan	15d	25Oct12	15Nov12	81d	5-DAY	1.2	[Planned bar]											
1.3	Prepare/Submit Reinforcing Steel Shop Drawings	15d	25Oct12	15Nov12	80d	5-DAY	1.3	[Planned bar]											
1.4	Prepare/Submit Bridge Beam Shop Drawings	15d	25Oct12	15Nov12	40d	5-DAY	1.4	[Planned bar]											
1.5	Prepare/Submit Erection Procedures	15d	25Oct12	15Nov12	110d	5-DAY	1.5	[Planned bar]											
1.7	Prepare/Submit Concrete Q.C. Plan	15d	25Oct12	15Nov12	95d	5-DAY	1.7	[Planned bar]											
1.8	Prepare/Submit Traffic Control	15d	25Oct12	15Nov12	74d	5-DAY	1.8	[Planned bar]											
6.1.0	Utility Relocation	90d	25Oct12	28Jan13	59d	7-DAY	6.1.0	[Planned bar]											
3.0	Advanced Notification MPT	14d	10Nov12	26Nov12	107d	7-DAY	3.0	[Planned bar]											
0.4	Mobilization	5d	16Nov12	26Nov12	75d	5-DAY	0.4	[Planned bar]											
1.10	Review/Approve Misc S.O.S. Submittal	20d	16Nov12	17Dec12	70d	PENNDOT 5-DAY	1.10	[Planned bar]											
1.20	Review/Approve Demolition Plan	20d	16Nov12	17Dec12	81d	PENNDOT 5-DAY	1.20	[Planned bar]											
1.30	Review/Approve Reinforcing Steel Shop Drawings	20d	16Nov12	17Dec12	80d	PENNDOT 5-DAY	1.30	[Planned bar]											
1.40	Review/Approve Bridge Beam Shop Drawings	20d	16Nov12	17Dec12	40d	PENNDOT 5-DAY	1.40	[Planned bar]											
1.50	Review/Approve Erection Procedures	20d	16Nov12	17Dec12	110d	PENNDOT 5-DAY	1.50	[Planned bar]											
1.70	Review/Approve Concrete Q.C. Plan	20d	16Nov12	17Dec12	95d	PENNDOT 5-DAY	1.70	[Planned bar]											
1.80	Review/Approve Traffic Control	20d	16Nov12	17Dec12	74d	PENNDOT 5-DAY	1.80	[Planned bar]											
6.1.1	Clearing & Grubbing	10d	27Nov12	10Dec12	75d	TREE CUTTING (RESTRICTED)	6.1.1	[Planned bar]											
2.0	Fabrication/Delivery of Reinforcing Steel	30d	18Dec12	18Jan13	112d	7-DAY	2.0	[Planned bar]											
2.1	Fabrication/Delivery of Bridge Beams	100d	18Dec12	31Mar13	56d	7-DAY	2.1	[Planned bar]											
2.2	Fabrication/Delivery of Bearing Pads	30d	18Dec12	18Jan13	126d	7-DAY	2.2	[Planned bar]											
2.3	Fabrication/Delivery of Structural Steel Piling	30d	18Dec12	18Jan13	99d	7-DAY	2.3	[Planned bar]											
3.1	Implement Traffic Control/Detour	0	30Mar13	30Mar13	0	7-DAY	3.1	[Milestone]											
4.1	Place E&S Controls, R.C.E.s	10d	30Mar13	10Apr13	0	6-DAY	4.1	[Critical bar]											

Time Now: 13Sep12
 Start: 13Sep12
 Finish: 26Aug13
 Run: 19Jul12

Project:SR3025-251 (4)
 Project Description: Little Creek Road Bridge #3 over Little Connoquenessing Creek
 Client: Engineering District 10-0
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Planned

Critical

Late Dates

Milestone

Progress

Summary

Float

Activity ID	Activity Desc.	Dur	ES	EF	TF	Calendar ID	2013													
							Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug		
							30	31	30	31	31	28	31	30	31	30	31	31		
6.1.2	Remove Guiderail (STA)	1d	05Apr13	05Apr13	0	6-DAY								6.1.2						
6.1.3	Construct Access Roads	2d	06Apr13	08Apr13	0	6-DAY								6.1.3						
6.1.4	Place Temporary Pipes	2d	09Apr13	10Apr13	0	6-DAY								6.1.4						
6.1.5	Construct Causeway/Cofferdam	6d	11Apr13	17Apr13	0	6-DAY								6.1.5						
5.1	Demolition, Existing Bridge Structure	15d	15Apr13	24Apr13	0	5-DAY (DOUBLE SHIFT)								5.1						
6.2.1	Excavate/Grade Footing (Abut #1)	3d	25Apr13	27Apr13	1d	6-DAY								6.2.1						
6.4.1	Excavate/Grade Footing (Abut #2)	3d	25Apr13	27Apr13	0	6-DAY								6.4.1						
6.2.2	Pre-Augering for Driven Pile (Abut #1)	2d	29Apr13	30Apr13	1d	6-DAY								6.2.2						
6.4.2	Pre-Augering for Driven Pile (Abut #2)	2d	29Apr13	30Apr13	0	6-DAY								6.4.2						
6.4.3	Drive Piling (Abut #2)	2d	30Apr13	01May13	0	6-DAY								6.4.3						
6.2.3	Drive Piling (Abut #1)	2d	01May13	02May13	1d	6-DAY								6.2.3						
6.4.4	F/R/P Abutment Footing (Abut #2)	3d	02May13	04May13	0	6-DAY								6.4.4						
6.2.4	F/R/P Abutment Footing (Abut #1)	3d	03May13	06May13	1d	6-DAY								6.2.4						
6.3.5	F/R/P Column Section (Pier)	5d	03May13	08May13	5d	6-DAY								6.3.5						
6.4.5	Cure abutment Footing (Abut #2)	5d	05May13	09May13	0	Cure								6.4.5						
6.2.5	Cure Abutment Footing (Abut #1)	5d	07May13	11May13	1d	Cure								6.2.5						
6.3.6	F/R/P Cap Section (Pier)	5d	09May13	13May13	6d	Cure								6.3.6						
6.4.6	F/R/P Stem/Seat (Abut #2)	5d	10May13	15May13	0	6-DAY								6.4.6						
6.2.6	F/R/P Stem/Seat (Abut #1)	5d	13May13	17May13	0	6-DAY								6.2.6						
6.3.7	F/R/P Pedestals (Pier)	3d	14May13	16May13	5d	6-DAY								6.3.7						
6.4.7	Cure/Strip Bridge Seat (Abut #2)	7d	16May13	22May13	0	Cure								6.4.7						
6.3.8	Survey/Grind/Place Pads	2d	17May13	20May13	4d	5-DAY								6.3.8						
6.2.7	Cure/Strip Bridge Seat (Abut #1)	5d	18May13	22May13	0	Cure								6.2.7						
6.2.8	Survey/Grind/Place Pads (Abut #1)	3d	23May13	25May13	0	6-DAY								6.2.8						
6.4.8	Survey/Grind/Place Pads (Abut #2)	3d	23May13	25May13	0	6-DAY								6.4.8						
6.5.1	Erect Bridge Beams	3d	28May13	30May13	0	6-DAY								6.5.1						
6.5.2	Place SIP Forms	7d	31May13	07Jun13	0	6-DAY								6.5.2						
6.5.3	Form Overhangs	7d	08Jun13	15Jun13	0	6-DAY								6.5.3						
6.5.4	Place Deck Rebar	12d	17Jun13	29Jun13	0	6-DAY								6.5.4						
6.5.5	Setup Bidwell/Dry Run	3d	01Jul13	03Jul13	0	6-DAY								6.5.5						
7.1	Excavate Existing Roadway (STA 105+65 to 111+00)	5d	03Jul13	09Jul13	7d	6-DAY								7.1						
6.5.6	Place Bridge Deck Concrete (Placement #1)	1d	05Jul13	05Jul13	0	6-DAY								6.5.6						
6.2.9	F/R/P Diaphragm (Abut #1)	3d	06Jul13	09Jul13	1d	6-DAY								6.2.9						
6.4.9	F/R/P Diaphragm (Abut #2)	3d	06Jul13	09Jul13	0	6-DAY								6.4.9						
6.5.7	48 Hour wait Period	2d	06Jul13	07Jul13	2d	7-DAY								6.5.7						
6.5.8	Place Bridge Deck Concrete (Placement #2)	1d	09Jul13	09Jul13	1d	6-DAY								6.5.8						
6.2.10	Cure/Strip Diaphragm (Abut #1)	5d	10Jul13	14Jul13	1d	Cure								6.2.10						
6.4.10	Cure/Strip Diaphragm (Abut #2)	5d	10Jul13	14Jul13	0	Cure								6.4.10						
6.5.9	48 Hour wait Period	2d	10Jul13	11Jul13	1d	7-DAY								6.5.9						
7.5	Construct Shoulder Stabilization/Sliver Fill (STA 111+00 to 112+15)	3d	10Jul13	12Jul13	20d	6-DAY								7.5						

ENVIRONMENTAL DUE DILIGENCE (EDD) PHASE 1
VISUAL INSPECTION FORM

DATE: _____

SR/SEC: _____

COUNTY: _____

SEGMENT: _____

ECMS
Project#: _____

ACTIVITY: _____

Location: _____

Visual Site Inspection (EDD-PHASE 1):

- *Stressed Vegetation* Yes [] No []
- *Staining on Soils* Yes [] No []
- *Staining Along PennDOT ROW
or on ROW Materials* Yes [] No []
- *Detectable Odors* Yes [] No []

Comments: Attached additional pages or information as necessary.

Findings

Check one:

- Due diligence inspection performed and no visual evidence of a spill or release in project ROW was detected.
- Due diligence inspection performed and evidence of a spill or release in project ROW was detected. Phase 2 documents attached.
- Due diligence not applicable for this project. No waste or fill.

SIGNATURE: _____

PRINTED NAME: _____

TITLE: _____

ORGANIZATION: _____

PENNDOT EDD-VII

CLEAN FILL ENVIRONMENTAL DUE DILIGENCE [EDD] PHASE 2

DATE: _____

SR/SEC: _____

ECMS PROJECT #: _____

SEGMENT: _____

COUNTY: _____

ACTIVITY: _____

LOCATION: _____

A Phase 1 EDD was conducted for the above project and has identified evidence of a potential spill or release of regulated substances to the material. A Phase 2 EDD was performed.

Findings Check all that apply:

- 1. Based on the results of the Phase 2 investigations, it has been determined that no spill or release has occurred.
- 2. Based on the results of the Phase 2 investigations, there is documented evidence that a spill or release has occurred. **MUST COMPLETE ITEM 3**
- 3. If Item 2 is checked, Item 3 must be completed: The materials were Collected and sampled, in accordance with Appendix A of the PADEP Management of Fill Guidance, and
 - All regulated substances analyzed were reported as non-detectable. Form FP-001 must be completed along with the laboratory data, and provided to the property owner of the fill receiving site. Attach documentation.
 - The concentration of regulated substances detected were below the levels indicated in Table FP-1a/1b. Form FP-001 must be completed along with the laboratory data, and provided to the property owner of the fill receiving site. Attach documentation.
 - The concentration of regulated substances detected exceeds the levels in Table FP-1a/1b, but are below the levels indicated in Table GP-1a/1b. **The material is Regulated Fill** and must be approval by the PENNDOT Project Manager for use. If approved, PADEP General Permit WMGR096 must be obtained.
 - The concentration of regulated substances detected exceeds the levels in Table GP-1a/1b. **The materials are a waste.** Manage in accordance with applicable PA Solid Waste Management Act waste regulations. Attach documentation.

SIGNATURE: _____

PRINTED NAME: _____

TITLE: _____

ORGANIZATION: _____

ENVIRONMENTAL DUE DILIGENCE PHASE 2: CLEAN FILL DETERMINATION

NOTE: PERSONS INVOLVED IN PERFORMING EDD ACTIVITIES DO NOT NEED TO COMPLETE ALL STEPS OF THIS PROCESS. ONLY THOSE REQUIRED FOR PROPERLY CHARACTERIZING MATERIALS TO DETERMINE THEY ARE CLEAN FILL.

EDD Phase 2: STEP 1

- o **Property ownership and use histories (deed reviews) for evidence of potential releases of wastes or chemicals from operations along the PennDOT ROW:**

Land and Property Use and Ownership Types Found (Check All That Apply):

- *Public* []
- *Private* []
- *Agricultural* []
- *Industrial* []
- *Commercial* []
- *Residential* []
- *Unused* []
- *Other* []

(Specify) _____

- o **Searching environmental databases to determine the existence of potential impacts from any types of waste sites or related activities that exist or may have existed within the vicinity of the PennDOT ROW: (See Appendix 1)**

Databases Searched (Check All That Apply):

- *PennDOT* []
- *PA DEP* []
- *US EPA* []
- *Other* []

(Specify) _____

ENVIRONMENTAL DUE DILIGENCE PHASE 2: CLEAN FILL DETERMINATION

- **Conducting Interviews with All Relevant Parties to determine whether there had been any incidents that involved the release of substances directly to the PennDOT ROW:**

Interviews Conducted (Check All That Apply):

- *Former Property Owners* []
- *Current Property Owners* []
- *Former Land Owners* []
- *Current Land Owners* []
- *Fire Departments* []
- *Hazardous Materials Teams* []
- *Regulatory Agencies* []

(Specify) _____

- **Examination of aerial photographs in order to determine all land uses within the vicinity of the ROW:**

- Aerial Photographs Evaluated Yes [] No []; if "Yes": refer to Appendix 1 for a Pennsylvania Department of Conservation and Natural Resources (PA DCNR) web site address for locating aerial photographs.

- **Examination of Sanborne or other fire insurance maps (there is an additional cost for obtaining these), in order to determine the existence of businesses that may have had any prior releases of regulated substances to the PennDOT ROW:**

- *Sanborne Fire Insurance Maps Examined* []; refer to Appendix 1 for web site address and telephone number for obtaining these maps;
- *Alternate Fire Insurance Maps Examined* []

(Specify) _____

EDD Phase 2 STEP 2:

- **Sampling and Analysis of PennDOT ROW Materials.** If there is documented evidence of a spill or release, materials must be tested to determine if they are clean fill, regulated fill, or to characterize for proper waste disposal.
- **Sampling and analysis should be conducted in accordance with Appendix A of the PA DEP Management of Fill Guidance: 258-2182-773 April 24, 2004.**

ENVIRONMENTAL DUE DILIGENCE PHASE 2: CLEAN FILL DETERMINATION

APPENDIX 1: LISTING OF WEB SITES AND RELATED CONTACTS FOR ENVIRONMENTAL DUE DILIGENCE DATABASE SEARCHES

Pennsylvania Department of Environmental Protection (PA DEP) -Related Sites

- o **Pennsylvania Municipal and Residual Waste Facilities** (web link: www.dep.state.pa.us/dep/deputate/airwaste/wm/mrw/Docs/Landfill_list.htm; (this website contains descriptions of all Pennsylvania landfills and incinerators (site name, permit number, host county, municipality, and contact person), all arranged by PA DEP region; for more information, click on either the facility name link (this leads to the PA DEP Environmental Facility Application and Compliance Tracking System (E-Facts) information about any specific facility) or contact person (e-mail) link).
- o **Pennsylvania Land Recycling and Environmental Remediation Standards Act (Act 2) Sites** (web link: www.pasitefinder.state.pa.us/Site_listing.asp; this website contains information on all Act 2 sites that have been completed to date and updates that are made to the website when needed; click on the "more details" box associated with each site listed to obtain an interactive "E-Map" location/link for any site selected along with pertinent site information).
- o **Pennsylvania Hazardous Sites Cleanup Act (HSCA) Sites** (web link: www.dep.state.pa.us/dep/deputate/airwaste/wm/hscp/docs/HSCA_Site_List.pdf; this website brings up a list of Pennsylvania HSCA sites that are arranged by PA DEP Region and shows municipality, county, number and dates for HSCA responses (interim and remedial levels), in addition to the site status (complete, listed on Pennsylvania Priority List, or de-listed).
- o **Pennsylvania Storage Tank Release and Active Storage Tank Sites** (web link for storage tank releases: www.dep.state.pa.us/dep/deputate/airwaste/wm/Tanks/Document/tank_release.htm); this website contains a listing of all known storage tank incidents, and is arranged by PA DEP region (with each regional incident alphabetized by county); other details included are facility I. D. #, site name, address, city, county, incident description, confirmation date, type of incident (underground storage tank release (petroleum or hazardous material), or above-ground storage tank release; click on the "Tank Incidents" PDF or Adobe Acrobat Files to see the entire list of storage tank releases to date); web link for active storage tanks: www.dep.state.pa.us/dep/deputate/airwaste/wm/tanks/storagetanks/tank_listings.htm; click on the PA DEP Regional links to obtain Excel spreadsheet lists of storage tanks; information similar to what can be found on the storage tank release sites (except releases) can be found on the active storage tanks list).

ENVIRONMENTAL DUE DILIGENCE PHASE 2: CLEAN FILL DETERMINATION

APPENDIX 1: LISTING OF WEB SITES AND RELATED CONTACTS FOR ENVIRONMENTAL DUE DILIGENCE DATABASE SEARCHES

United States Environmental Protection Agency (US EPA)-Related Sites

- **Pennsylvania Comprehensive Environmental Response and Liability Act (CERCLA/Superfund) Sites** (web link: www.epa.gov/reg3hwmd/super/PA/index.htm); this website contains information on all Pennsylvania Superfund sites, including name, address, city, county, zip code, US EPA I. D. number, and National Priority List (NPL) status, click on the site name to learn more about any Superfund site).
- **Pennsylvania Resource Conservation and Recovery Act (RCRA) Facilities** (web link: www.epa.gov/reg3wcmd/ca/pa.htm); this website contains information for all Pennsylvania RCRA sites, including facility name (click on this for more details), US EPA I. D. number, location (click on this link to get a map showing the site in relation to nearby roadways), environmental indicators (human exposure, groundwater – click on either of these to get the documentation sheets for either or both), and clean up status (initiated, remedy selected, complete with or without controls, construction completed)).
- **Toxic Release Inventories (TRI)** (web link: www.epa.gov/tri); this website is from the US EPA, and contains some background information about TRI is and how it is used; releases for specific areas can be found by entering a zip code on the title page; from here, the user can view the facilities that are part of the TRI for the zip code entered, and the extent of releases that have occurred over the years (starting with 1989, and continuing through 2001, the latest year for which TRI information is available); click on the name of any facility shown to obtain a detailed report about the releases and related activities associated with the facility (onsite, off-site, air emissions, water discharges, land disposal)).
- **Comprehensive Federal and State Site Environmental Database (Enviro-Facts)** (web link: www.epa.gov/enviro/index_java.html); this website contains information about virtually every type of environmental matter known, both in terms of facilities and the media affected by these facilities' collective activities; under the "topics" tab, click on the links related to "waste", "water", "air", "toxics", "land", "radiation", "maps", and "other", to determine the type of media information desired; under the "advanced capabilities" tab, click on the "queries", "maps", or "reports" links to locate more specific information; from here, the user will be led to a page where queries about any type of environmental site can be entered using a zip code, county or State abbreviation; click on the "find it" link to locate information about one or multiple environmental sites, or, to generate map locations for the any type of environmental site activity desired; the map is interactive, and the user can "zoom in" for closer details about the site; this database may include information on sites from the aforementioned Municipal and Residual Waste, Storage Tanks, RCRA, HSCA, CERCLA, Act 2, and TRI databases; sites with National Pollutant Discharge Elimination System (NPDES) and radiation-related permits also included in this database).

ENVIRONMENTAL DUE DILIGENCE PHASE 2: CLEAN FILL DETERMINATION

APPENDIX 1: LISTING OF WEB SITES AND RELATED CONTACTS FOR ENVIRONMENTAL DUE DILIGENCE DATABASE SEARCHES

Sites for Aerial Photographs and Fire Insurance Maps

- **Aerial Photographs:** Aerial photographs may be accessed via the Pennsylvania Department of Conservation and Natural Resources (PA DCNR) web site (web link: www.dcnr.state.pa.us/topogeo/gismaps/aerials.aspx.htm; click on the "Proceed to the new DCNR" link, then click on the "Aerial Photos" option; this will lead to a link for the U. S. Geological Survey's Aerial Photo Finder; information can be sought, and site location maps can be generated by selecting the "zip code", "populated place", or "map location" options).
- **Sanborne Fire Insurance Maps:** These maps may be obtained from EDR Sanborne, Inc., at 1-800-352-0050, or at www.edrmet.com; click on the "Sanborne Maps" link, and then click on the phrase "Download Sample" to view an example of this map type. There is an additional cost for obtaining these maps.

ENVIRONMENTAL DUE DILIGENCE (EDD) PHASE 1
VISUAL INSPECTION FORM

DATE: 7-26-12
SR/SEC: 3025 / 251 COUNTY: Butler
SEGMENT: _____
ECMS Project#: 24706
ACTIVITY: Bridge Replacement
Location: Little Creek Road Bridge #3

Visual Site Inspection (EDD-PHASE 1):

- Stressed Vegetation Yes [] No []
- Staining on Soils Yes [] No []
- Staining Along PennDOT ROW or on ROW Materials Yes [] No []
- Detectable Odors Yes [] No []

Comments: Attached additional pages or information as necessary.

Findings

Check one:

- Due diligence inspection performed and no visual evidence of a spill or release in project ROW was detected.
- Due diligence inspection performed and evidence of a spill or release in project ROW was detected. Phase 2 documents attached.
- Due diligence not applicable for this project. No waste or fill.

SIGNATURE: Alicia D. Kavulic
PRINTED NAME: Alicia D. Kavulic
TITLE: Sr. C.E. Supervisor - Bridge
ORGANIZATION: Design Unit

* FORM MUST BE MAINTAINED FOR A MINIMUM 5 YEARS IN THE PROJECT FILE*

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

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

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 (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).

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.

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

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

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.

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

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

II. NONDISCRIMINATION

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

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

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

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

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

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

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

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

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

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

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

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

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

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

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

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

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

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

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

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract,

which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

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

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

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

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

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

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

III. NONSEGREGATED FACILITIES

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

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

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

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

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

1. Minimum wages

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

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b. (1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer

shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

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

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

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

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

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

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

contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding

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

3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b. (1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g. , the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at

<http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

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

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

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

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

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

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

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

4. Apprentices and trainees

a. Apprentices (programs of the USDOL).

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

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

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

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

b. Trainees (programs of the USDOL).

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

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

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

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

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

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

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

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

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

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

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

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

10. Certification of eligibility.

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

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

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

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

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

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages.

Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

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

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

VI. SUBLETTING OR ASSIGNING THE CONTRACT

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

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

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

(1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;

(2) the prime contractor remains responsible for the quality of the work of the leased employees;

(3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and

(4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

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

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

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

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

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

VII. SAFETY: ACCIDENT PREVENTION

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

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

to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

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

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

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

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

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

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

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

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed,

or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

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

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

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

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

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

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.
2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

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

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

1. Instructions for Certification – First Tier Participants:

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

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification

or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

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

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

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

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

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

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each

participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

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

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

* * * * *

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

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

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

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

2. Instructions for Certification - Lower Tier Participants:

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

- a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.
- b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
- c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.
- d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).
- e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
- f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.
- g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each

participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

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

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

* * * * *

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

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

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

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

General Decision Number: PA120004 08/03/2012 PA4

Superseded General Decision Number: PA20100004

State: Pennsylvania

Construction Types: Heavy and Highway

Counties: Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Mifflin, Potter, Somerset, Venango, Warren, Washington and Westmoreland Counties in Pennsylvania.

HEAVY AND HIGHWAY CONSTRUCTION PROJECTS (excluding sewer grouting projects and excluding sewage and water treatment plant projects)

Modification Number	Publication Date
0	01/06/2012
1	02/10/2012
2	02/24/2012
3	03/16/2012
4	04/13/2012
5	04/20/2012
6	05/04/2012
7	05/11/2012
8	06/01/2012
9	06/15/2012
10	07/13/2012
11	08/03/2012

BOIL0013-005 01/01/2011

CENTRE, FRANKLIN, POTTER, CLINTON, FULTON, HUNTINDON AND MIFFLIN COUNTIES

	Rates	Fringes
BOILERMAKER.....	\$ 37.35	30.02

BOIL0154-004 06/01/2012

ALLEGHENY, ARMSTRONG, BEAVER, BEDFORD, BLAIR, BUTLER, CAMBRIA, CAMERON, CLARION, CLEARFIELD, CRAWFORD, ELK, FAYETTE, FOREST, GREENE, INDIANA, JEFFERSON, LAWRENCE, MCKEAN, MERCER, SOMERSET, VENANGO, WARREN, WASHINGTON AND WESTMORELAND COUNTIES

	Rates	Fringes
BOILERMAKER.....	\$ 36.17	24.99

BOIL0744-003 07/01/2008

ERIE COUNTY

	Rates	Fringes
BOILERMAKER.....	\$ 35.34	18.48

* BRPA0009-023 06/01/2012

BEAVER COUNTY

	Rates	Fringes
BRICKLAYER.....	\$ 28.70	16.08

* BRPA0009-024 06/01/2012

WASHINGTON (Cross Creek, Hanover, Jefferson, Mt Pleasant,
Nottingham, Peters, Robinson, Smith, Union Twps) COUNTY

	Rates	Fringes
BRICKLAYER.....	\$ 30.63	16.00

* BRPA0009-025 06/01/2012

BUTLER, LAWRENCE, AND MERCER COUNTIES

	Rates	Fringes
BRICKLAYER.....	\$ 28.70	15.96

* BRPA0009-032 06/01/2012

FAYETTE (Jefferson & Washington Twps), GREENE (Except
Cumberland, Dunkirk, Greene, Monongahelia Twps), INDIANA, AND
WESTMORELAND (Rostraver Twp) COUNTIES

	Rates	Fringes
BRICKLAYER.....	\$ 30.05	15.92

* BRPA0009-033 06/01/2012

ARMSTRONG, CLARION (Brady, Madison, Perry, Tobe, Porter,
Redbank Twps), FAYETTE (Except Jefferson & Washington Twps),
GREENE (Cumberland, Dunkirk, Greene, Monongahelia Twps),
INDIANA, AND WESTMORELAND (Except Rostrave Twp) COUNTIES

	Rates	Fringes
BRICKLAYER.....	\$ 30.10	15.87

* BRPA0009-034 05/01/2012

ERIE COUNTY

	Rates	Fringes
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BRICKLAYER.....\$ 26.82 15.54

 CARP2235-005 01/01/2012

Rates Fringes

PILEDRIVERMAN

Piledriverman (welder).....\$ 31.15 13.60

Piledriverman.....\$ 30.85 13.60

 CARP2235-006 01/01/2007

Rates Fringes

Diver.....\$ 40.40 10.77

Tender.....\$ 26.93 10.77

 CARP2274-001 01/01/2012

Rates Fringes

CARPENTER (ALLEGHENY,
 ARMSTRONG, BEAVER, BUTLER,
 ERIE, FAYETTE, GREENE,
 LAWRENCE, MERCER, WASHINGTON,
 AND WESTMORELAND COUNTIES)

Carpenter (Welders).....\$ 29.69 14.40

Carpenters.....\$ 28.99 14.40

CARPENTER (BEDFORD, BLAIR,
 CAMBRIA, CAMERON, CENTRE,
 CLARION, CLINTON, CLEARFIELD,
 CRAWFORD, ELK, FOREST,
 FRANKLIN, FULTON, HUNTINGDON,
 INDIANA, JEFFERSON, MCKEAN,
 MIFFLIN, POTTER, SOMERSET,
 VENANGO, AND WARREN COUNTIES)

Carpenters (Welders).....\$ 29.45 14.40

Carpenters.....\$ 28.74 14.40

 ELEC0005-006 12/23/2011

ALLEGHENY, ARMSTRONG, BEDFORD, BLAIR, BUTLER CAMBRIA, CAMERON,
 CENTRE (Remainder), CLARION, CLEARFIELD, ELK, FAYETTE, FULTON,
 GREENE, HUNTINGDON, INDIANA, JEFFERSON, MCKEAN, SOMERSET,
 VENANGO, WASHINGTON, AND WESTMORELAND COUNTIES

Rates Fringes

ELECTRICIAN.....\$ 35.76 20.75

 ELEC0056-004 06/01/2011

ERIE, FOREST AND WARREN COUNTIES

Rates Fringes

ELECTRICIAN.....\$ 27.00 19.37

 ELEC0126-005 05/28/2012

ALLEGHENY, ARMSTRONG, BEAVER, BEDFORD, BLAIR, CAMBRIA, CENTRE,
 CLARION, CLEARFIELD, FAYETTE, FULTON, GREENE, HUNTINGDON,
 INDIANA, JEFFERSON, SOMERSET, WASHINGTON AND WESTMORELAND

	Rates	Fringes
Line Construction:		
Groundman.....	\$ 24.42	26%+7.50
Lineman.....	\$ 40.70	26%+7.50
Truck driver.....	\$ 26.45	26%+7.50
Winch truck operator.....	\$ 28.49	26%+7.50

 ELEC0126-007 05/28/2012

FRANKLIN AND MIFFLIN COUNTIES

	Rates	Fringes
Line Construction:		
Groundman.....	\$ 22.98	26%+7.50
Lineman.....	\$ 38.30	26%+7.50
Truck driver.....	\$ 24.89	26%+7.50
Winch truck operator.....	\$ 26.81	26%+7.50

 * ELEC0143-007 06/01/2012

FRANKLIN and MIFFLIN COUNTIES

	Rates	Fringes
ELECTRICIAN.....	\$ 28.00	18.86

 ELEC0712-003 12/27/2010

CRAWFORD, BEAVER, LAWRENCE AND MERCER COUNTIES

	Rates	Fringes
ELECTRICIAN.....	\$ 27.50	3%+18.68

 ELEC0812-008 06/01/2011

CLINTON COUNTY

	Rates	Fringes
ELECTRICIAN.....	\$ 27.54	16.67

 ELEC0812-009 06/01/2011

POTTER COUNTY

	Rates	Fringes
ELECTRICIAN.....	\$ 28.55	16.70

 ELEC0812-011 06/01/2011

CENTRE COUNTY (Burnside, Curtin, Liberty, Howard, Marion,
Walker, Miles, Haines Townships)

	Rates	Fringes
ELECTRICIAN.....	\$ 27.54	16.67

ELEC1319-004 09/05/2011

BUTLER, CAMERON, CLINTON, CRAWFORD, ELK, ERIE, FOREST,
LAWRENCE, MCKEAN, MERCER, VENANGO, WARREN AND POTTER COUNTIES

	Rates	Fringes
Line Construction:		
Groundmen.....	\$ 28.46	10.13
Heavy Equipment Operator....	\$ 45.45	14.40
Linemen.....	\$ 45.91	18.45
Truck Drivers.....	\$ 29.84	10.24

ENGI0066-016 01/01/2012

	Rates	Fringes
Power equipment operators: (ALLEGHENY, ARMSTRONG, BEAVER, BLAIR, BUTLER, CAMBRIA, CENTRE, CLARION, CLEARFIELD, CRAWFORD, ERIE, ELK, FAYETTE, GREENE, INDIANA, JEFFERSON, LAWRENCE, MCKEAN, MERCER, SOMERSET, VENANGO, WARREN, WASHINGTON, AND WESTMORELAND COUNTIES)		
GROUP 1.....	\$ 28.08	16.39
GROUP 2.....	\$ 27.82	16.39
GROUP 3.....	\$ 24.17	16.39
GROUP 4.....	\$ 23.71	16.39
GROUP 5.....	\$ 23.46	16.39

Power equipment operators: (BEDFORD, CAMERON, CLINTON, FOREST, FRANKLIN, FULTON, HUNTINGDON, MIFFLIN, AND POTTER COUNTIES)		
GROUP 1.....	\$ 27.79	16.39
GROUP 2.....	\$ 27.51	16.39
GROUP 3.....	\$ 23.87	16.39
GROUP 4.....	\$ 23.38	16.39
GROUP 5.....	\$ 23.17	16.39

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP 1 - Asphalt Paving Machine (Spreader), Autograde
(C.M.I. and similar); Backfiller, Compactor with Blade,
Backhoe - 360 and 180 degree Swing; Cableway; Caisson Drill
(similar to Hugh Williams), Central Mix Plant; Cooling
Plant; Concrete Paving Mixer, Concrete Pump (self-
propelled); Cranes; Cranes (boom or mast over 101ft. \$.50

per each additional 50 feet inclusive of jib), Cranes (Tower Stationary- Climbing Tower Crane); Derrick; Derrick Boat; Dozer(greater than 25,000 lbs.); Dragline; Dredge; Dredge Hydraulic; Elevating Grader; Franki Pile Machine; Gradall (remote control or otherwise),Grader (power-fine grade); Hllift (4 cy. and over); Hoist 2 Drums or more (in one unit); Hydraulic Boom Truck with pivotal cab (single motor-Pitman or similar), (Boom and Mast over 101 feet will be paid an additional 50 feet inclusive of jib if used;) Kocal; Mechanic, Locomotive (std. Gauge); Metro-chip Harvester or similar; Milling Machine (Roto Mill or similar); Mix Mobile; Mix Mobile (with Self Loading Attachment), Mucking Machine (tunnel); Pile Driver Machine; Pipe Extrusion Machine; Presplitter Drill (self contained); Refrigeration Plant (soil Stablization) Rough Terrain Crane (25 ton over) (Boom and Mast over 101 feet will be paid an additional 50 feet inclusive of jib if used); Rough Terrain Crane (under 25 ton), Scrapers; Shovel-Power; Slip form Paver (C.M.I. and similar); Trenching Machine (30,000 lbs. and over), Trenching Machine (under 30,000 lb.), Tunnell Machine (Mark XXI Jarva or similar), Vermeer Saw, Whirley, Mechanic, Compactor with blade

GROUP 2: Asphalt plant operator; auger (tractor mtd.); auger (truck mtd.); belt loader (euclid or similar); boring machine; cable placer or layer; Directional drill over 3,000 lbs thrust; concrete batch plant (electronically synchronized); concrete belt placer (C.M.I. and similar); concrete finishing machine and spreader, concrete mixer (over 1 cy.) concrete pump (stationary); core drill (truck or skid mtd. - similar to penn drill), dozer (25,000 lbs or less); Ditch Witch Saw, force feedloader; fork lift (lull or similar); grader - power; grease unit opertor (head); guard rail post driver (truck mounted) guard rail post driver (skid type); hilift (under 4 cy.); skid steer loader; hydraulic boom truck (non-pivotal cab); job work boat (powered), jumbo operator; locomotive (narrow guage); minor equipment operator (accumulative four units); mucking machine; multi-head saw (groover); overhead crane; roller -power- asphalt; ross carrier; side boom or tractor mounted boom; shuttle buggy (asphalt), stone crusher (screening-washing plants); stone spreader (self propelled) truck mounted drill (davey or similar); welder and repairman; well point pump operator; bidwell concrete finishing machine (or similar).

GROUP 3: Broom Finisher (C.M.I. or similar); Compactors/Rollers (static or vibratory (Self-propelled) on dirt or stone; Curb Builder; Minor Equipment Opertor (two or three units); Multi-head Tie Tamper; Pavement Breaker (self-propelled or ridden); Soil Stablizer Machine; Tire Repairman; Tractor (snaking and hauling); Well Driller and Horizontal: Winch or "A" Frame Truck (when hoisting and lowering).

GROUP 4: Ballast Regulator; Compressor; Concrete Mixer (1 cy. & under with skip); Concrete Saw (Ridden or selp-propelled); Conveyor; Elevator (Material hauling only); Fork-lift (Ridden or self-propelled); Form Line Machine; Generator; Groute Pump; Heater (Machinical); Hoist

(single Drum); Ladavator, Light Plant; Mulching Machine; Personnel Boat (Powered), Pulverizer, Pumps, Seeding Machine, spray Cure Machine (powered Driven); Subgrader; Tie Puller; Tugger; Welding Machine (Gas or Diesel).

GROUP 5: Deck Hand; Farm Tractor; Fireman on Boiler; Oiler; Power Broom; Side Delivery Shoulder Spreader (attachment);

IRON0003-001 06/01/2012

ALLEGHENY, FAYETTE, WESTMORELAND, CAMBRIA, INDIANA, ARMSTRONG, BUTLER, BEAVER, CLARION, AND WASHINGTON COUNTIES

	Rates	Fringes
IRONWORKER.....	\$ 31.41	24.45

IRON0003-007 06/01/2012

BLAIR, CAMERON, CENTRE, CLEARFIELD, CLINTON, ELK, JEFFERSON, MCKEAN, AND POTTER COUNTIES

	Rates	Fringes
Ironworkers:.....	\$ 26.28	22.99
Pre-Engineered Metal		
Building.....	\$ 26.28	22.99
Structural, Reinforcing & Ornamental		

IRON0003-009 06/01/2012

BLAIR, CAMERON, CENTRE, CLEARFIELD, CLINTON, ELK, JEFFERSON, MCKEAN AND POTTER COUNTIES

	Rates	Fringes
Ironworkers:.....	\$ 26.28	22.99

IRON0003-011 06/01/2012

CRAWFORD, ERIE, FOREST, AND WARREN COUNTIES

	Rates	Fringes
Ironworkers:.....	\$ 27.02	23.14
Pre-Engineered Metal		
Building.....	\$ 27.02	23.14
Structural, Reinforcing & Ornamental		

IRON0207-002 06/01/2011

LAWRENCE, MERCER, AND VENANGO COUNTIES

	Rates	Fringes
IRONWORKER.....	\$ 27.06	18.96

IRON0404-008 07/01/2011

FRANKLIN (Remainder), HUNTINGDON (Remainder), AND MIFFLIN
COUNTIES

	Rates	Fringes
IRONWORKER, STRUCTURAL.....	\$ 29.02	24.05

IRON0549-002 12/01/2011

GREENE COUNTY

	Rates	Fringes
IRONWORKER.....	\$ 29.35	16.04

* IRON0568-004 05/01/2012BEDFORD, FRANKLIN (Southwest 1/3), FULTON, HUNTINGDON (Western
2/3), AND SOMERSET COUNTIES

	Rates	Fringes
Ironworkers:		
Sheeter, Bucker-Up.....	\$ 27.03	15.47
Structural, Ornamental, Reinforcing, Machinery Mover, Rigger & Machinery Erector, Welder, Fence Erector.....	\$ 26.78	15.47

LABO1058-001 01/01/2012

	Rates	Fringes
LABORER (BEDFORD, CAMERON, CENTRE, CLINTON, CRAWFORD, FOREST, FRANKLIN, FULTON, HUNTINGDON, JEFFERSON, MIFFLIN, AND POTTER COUNTIES)		
GROUP 1.....	\$ 23.97	15.58
GROUP 2.....	\$ 24.13	15.58
GROUP 3.....	\$ 24.62	15.58
GROUP 4.....	\$ 25.07	15.58
GROUP 5.....	\$ 25.48	15.58
GROUP 6.....	\$ 22.32	15.58
GROUP 7.....	\$ 24.97	15.58
GROUP 8.....	\$ 26.47	15.58

Laborers: (ALLEGHENY,
ARMSTRONG, BEAVER, BLAIR,
BUTLER, CAMBRIA, CLARION,
CLEARFIELD, ELK, ERIE,
FAYETTE, GREENE, INDIANA,
LAWRENCE, MCKEAN, MERCER,
SOMERSET, VENANGO, WARREN,
WASHINGTON, AND WESTMORELAND
COUNTIES)

GROUP 1.....	\$ 24.07	15.58
GROUP 2.....	\$ 24.23	15.58
GROUP 3.....	\$ 24.62	15.58
GROUP 4.....	\$ 25.07	15.58
GROUP 5.....	\$ 25.48	15.58
GROUP 6.....	\$ 22.32	15.58
GROUP 7.....	\$ 25.07	15.58
GROUP 8.....	\$ 26.57	15.58

LABORERS CLASSIFICATIONS

GROUP 1: Asphalt curb sealer; Asphalt tamper; Batcherman (weigh) Blaster, Boatman, Brakeman, Change house attendant, Cofferdam, Concrete curing pitman, Puddler, Drill Runner's helper (Includes Drill Mounted on Truck, Track, or similar and Davey Drill Spots, Clean up, helps to maintain), Electric Brush and or Grinder, Fence Construction (Including Fence Machine Operator) Form stripper and Mover, Gabion (Erectors and Placers) Hydro jet blaster nozzleman; Landscape laborer, Manually moved emulsion sprayer, Radio actuated traffic control operator Rip rap work, scaffolds and Runways, Sheeters and Shorers (includes lagging) structural concrete Top Surfacer, Walk Behind Street Sweeper, and Wood Chipper; water boy

GROUP 2: Air tool operator (all types); Asphalt, batch & concrete plant operator (manually operated) Burner, Caisson; men (open air); Carryable pumps; Chain saw operator including attachments, Cribbing, (concrete or steel); Curb machine operator (asphalt or concrete walk behind); Diamond head Core Driller, Drill runner's helper (tunnel) Fork Lift, (walk behind), Form Setter (Road Forms Line man) Highway Slab reinforcement placers (including joint and Basket Setters) Hydraulic pipe pusher; Liner plates (Tile or Vitriified Clay) Mechanical compacting equipment operators, Mechanical joint sealer, Dope pot and Tar Kettle, Mortar mixer (hand or machine) Muckers, Brakemen & all other Labor, (Includes installation of utility lines) Pipe Layers /Fusion /Heating Iron (Regardless of materials) Portable Single Unit Conveyor, Post Hole Auger, (2 or 4 cycle hand operated) Power wheelbarrows and buggies, Rail porter or similar; Sand blaster; Signal Man, Vibrator operator, All RAILROAD TRACK WORK TO INCLUDE THE FOLLOWING: adzing machine, ballast Router, Bolting Machine, Power Jacks, Rail Drills, Railroad Brakeman, Rail Saws, Spike Drivers (Manually or hand held tool) Spike Pullers Tamping Machine, Thermitweld

GROUP 3: Asphalt Luteman/Raker, Blacksmith, Blaster, Brick, stone and block pavers and block cutters (wood, belgian and asphalt); Cement mortar lining car pusher; Cement mortar mixer (pipe relining); Cement mortar pipe reliners; concrete saw operator (walk behind); Curb cutters and setters; Elevated roadway drainage construction; erector of overhead signs, Form setter (road forms-lead man); Grout machine operator; Gunite or dry pack gun (nozzle and machine man); Manhole or catch basin builder (Brick block concrete or any prefabrication) Miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment and jumbos); Multi-plate

pipe (aligning and securing); Placing wire mesh on gunite projects; Wagon drill operators (air track or similar); Walk behind ditching machine (trencher or similar); crown screed adjuster and welder

GROUP 4: Reinforcing Steel Placer (Bending, aligning, and securing, Cadweld)

GROUP 5: High Burner, (Any burning not done from deck), Welder (Pipeline)

GROUP 6: Uniformed Flagperson, Watchman

GROUP 7: Toxic/Hazardous Waste Removal Laborer Levels C & D

GROUP 8: Toxic/Hazardous Waste Removal Laborer Levels A & B

 PAIN0021-019 05/01/2010

CLINTON COUNTY

	Rates	Fringes
Painters:		
Bridge.....	\$ 29.60	13.00
Brush & Roller.....	\$ 23.30	13.00
Spray.....	\$ 24.30	13.00

 PAIN0021-024 05/01/2010

FRANKLIN COUNTY

	Rates	Fringes
PAINTER		
Brush.....	\$ 22.57	9.60

 PAIN0057-014 06/01/2012

ALLEGHENY, FAYETTE, GREEN, WASHINGTON COUNTIES

	Rates	Fringes
Painters:		
Bridge.....	\$ 31.70	14.35
Brush & Roller.....	\$ 26.25	14.35
Spray.....	\$ 26.25	14.35

 PAIN0057-015 06/01/2012

ARMSTRONG, BEAVER, BEDFORD, BLAIR, BUTLER, CAMBRIA, CENTRE, CLARION, CLEARFIELD, ELK, FULTON, HUNTINGTON, INDIANA, JEFFERSON, LAWRENCE, MERCER, MIFFLIN, SOMERSET, VENANGO AND WESTMORELAND COUNTIES

	Rates	Fringes
Painters:		
Bridge.....	\$ 31.70	14.35

Brush and Roller.....	\$ 26.25	14.35
Spray.....	\$ 26.25	14.35

PAIN0057-022 05/01/2012

	Rates	Fringes
Painters: (ERIE, McKEAN, AND WARREN (Including Columbus and Freehold twps) COUNTIES)		
Bridges, Stacks, Towers.....	\$ 22.79	14.24
Brush and Roller.....	\$ 20.79	14.24
Spray and Sandblasting.....	\$ 21.54	14.24

PAIN0057-027 06/01/2011CAMERON, CRAWFORD, POTTER, WARREN, (Excluding Columbus and
Freehold twps)

	Rates	Fringes
PAINTER		
Brush and Roller.....	\$ 25.72	14.09

PLAS0526-002 06/07/2012

	Rates	Fringes
CEMENT MASON/CONCRETE FINISHER		
Beaver, Cameron, Clarion, Crawford, Elk, Forest, Lawrence, McKean, Potter, Venango and Warren Counties.....	\$ 28.22	15.17
Bedford, Blair, Cambria, Centre, Clinton, Huntingdon, Mifflin and Somerset Counties.....	\$ 28.22	15.17
All Other Counties.....	\$ 28.22	15.17

PLUM0027-001 06/01/2011ALLEGHENY, ARMSTRONG, GREENE (Except extreme Eastern portion),
WASHINGTON (Except extreme Eastern portion) and WESTMORELAND
(City of Arnold and City of New Kensington Only) COUNTIES

	Rates	Fringes
Plumbers and Pipefitters (Bridge Drain Pipe).....	\$ 35.85	17.57

PLUM0047-005 05/01/2011BEAVER, BUTLER, MCKEAN, MERCER, VENANGO, CLARION, LAWRENCE,
FOREST, WARREN, CRAWFORD, AND ERIE COUNTIES

	Rates	Fringes
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Plumbers and Pipefitters
 (Bridge Drain Pipe).....\$ 36.57 18.51

 PLUM0354-005 06/01/2011

BEDFORD, BLAIR, CAMBRIA, CAMERON, CLEARFIELD, ELK, FAYETTE,
 GREENE (Extreme Eastern portion), HUNTINGDON, INDIANA,
 JEFFERSON, SOMERSE, WASHINGTON (Extreme Eastern portion), AND
 WESTMORELAND COUNTIES

Rates Fringes

Plumbers and Pipefitters
 (Bridge Drain Pipe).....\$ 35.33 19.18

 TEAM0040-001 01/01/2012

Rates Fringes

TRUCK DRIVER (ALLEGHENY,
 ARMSTRONG, BEAVER, BLAIR,
 BUTLER, CAMBRIA, CENTRE,
 CLARFIELD, CRAWFORD, ERIE,
 FAYETTE, GREENE, INDIANA,
 JEFFERSON, LAWRENCE, MCKEAN,
 MERCER, SOMERSET, VENANGO,
 WARREN, WASHINGTON, AND
 WESTMORELAND)

GROUP 1.....	\$ 25.88	13.49
GROUP 2.....	\$ 26.02	13.57
GROUP 3.....	\$ 26.53	13.83

Truck drivers: (BEDFORD,
 CAMERON, CLAIRON, CLINTON,
 ELK, FOREST, FRANKLIN,
 FULTON, HUNTINGDON, MIFFLIN,
 AND POTTER COUNTIES)

GROUP 1.....	\$ 25.69	13.41
GROUP 2.....	\$ 25.87	13.50
GROUP 3.....	\$ 26.37	3.79

FOOTNOTES: A. Hazardous/toxic waste material/work level A
 & B receive additional \$2.50 per hour above classification
 rate

B. Hazardous/toxic waste materials/Work level C & D receive
 \$1.00 per hour above classification

TRUCK DRIVERS CLASSIFICATIONS

GROUP 1 - Single Axle (2 axles including steering axle);
 Includes partsman and warehoueman

GROUP 2 - Tandem - Tri-Axle - Semi-Tractor Trailer
 (combination) (3 axles or more including steering axle)

GROUP 3 - Specialty Vehicles; Heavy equipment whose capacity
 exceeds that for which state licenses are issued
 specifically refers to units in excess of eight (8) feet

width (such as Euclids, Atley Wagon, Payloader, Tournawagons, and similar equipment when not self loaded); Tar and Asphalt Distributors Trucks, Heavy Duty Trailer, such as Low Boy, High Boy

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

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Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of "identifiers" that indicate whether the particular rate is union or non-union.

Union Identifiers

An identifier enclosed in dotted lines beginning with characters other than "SU" denotes that the union classification and rate have found to be prevailing for that classification. Example: PLUM0198-005 07/01/2011. The first four letters, PLUM, indicate the international union and the four-digit number, 0198, that follows indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. The date, 07/01/2011, following these characters is the effective date of the most current negotiated rate/collective bargaining agreement which would be July 1, 2011 in the above example.

Union prevailing wage rates will be updated to reflect any changes in the collective bargaining agreements governing the rate.

Non-Union Identifiers

Classifications listed under an "SU" identifier were derived from survey data by computing average rates and are not union rates; however, the data used in computing these rates may include both union and non-union data. Example: SULA2004-007 5/13/2010. SU indicates the rates are not union rates, LA indicates the State of Louisiana; 2004 is the year of the survey; and 007 is an internal number used in producing the wage determination. A 1993 or later date, 5/13/2010, indicates the classifications and rates under that identifier were issued as a General Wage Determination on that date.

Survey wage rates will remain in effect and will not change until a new survey is conducted.

WAGE DETERMINATION APPEALS PROCESS

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

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

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

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

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

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

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

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

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

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

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

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END OF GENERAL DECISION

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

(See reverse for public burden disclosure.)

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, <i>if known</i> : Congressional District, <i>if known</i> : 4c	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Congressional District, <i>if known</i> :	
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, <i>if applicable</i> : _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$ _____	
10. a. Name and Address of Lobbying Registrant <i>(if individual, last name, first name, MI):</i>	b. Individuals Performing Services <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i>	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only:		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

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

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

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

Steel Escalation Option

The undersigned hereby certifies that he/she is authorized to make a decision, on behalf of the Bidder, regarding application of the provisions of the Standard Special Provision entitled "Price Adjustment for Steel Cost Fluctuations" to the following project:

ECMS Project No. _____ S.R. _____, Section _____ Letting Date _____

SSP SUBSECTION	CATEGORY NAME	OPTION-IN*	OPTION-OUT**
4.a	Guide Rail and Metal Median Barrier	<input type="checkbox"/>	<input type="checkbox"/>
4.b	Reinforcement Bars	<input type="checkbox"/>	<input type="checkbox"/>
4.c	Piles	<input type="checkbox"/>	<input type="checkbox"/>
4.d	Steel Sign Structure(s)	<input type="checkbox"/>	<input type="checkbox"/>
4.e	Fabricated Structural Steel	<input type="checkbox"/>	<input type="checkbox"/>
4.f	Precast Reinforced Concrete Box Culvert(s) / Prestressed Concrete Bridge Beam(s)	<input type="checkbox"/>	<input type="checkbox"/>

* Checking here **elects** the option to apply the provisions of the SSP entitled "Price Adjustment for Steel Cost Fluctuations" to the steel used in applicable materials placed as part of the work items in the indicated category.

** Checking here **declines** the option to apply the provisions of the SSP entitled "Price Adjustment for Steel Cost Fluctuations" to the steel used in applicable materials placed as part of the work items in the indicated category.

CONTRACTOR NAME

X

SIGNATURE

PRINTED NAME

DATE

The apparent low bidder is required to submit this form via fax to (717) 705-1504 by 3:00 pm prevailing local time within 7 calendar days after the bid opening. When the seventh calendar day after the bid opening falls on a day PennDOT offices are closed, submit this form via fax by 3:00 pm prevailing local time on the next business day.

If a properly completed form is not provided by the apparent low bidder within the time specified, the Department will consider the option to apply the price adjustment provisions to the project to be declined (i.e. Option-OUT will be selected for the project). If the form, when provided within the time specified, has been completed such that the Department is unable to ascertain the bidder's intention with regard to the inclusion of any one of the applicable steel product categories, the Department will consider the option to apply the price adjustment provisions to that product category to be declined (i.e. Option-OUT will be selected for the category). No further opportunity to elect steel escalation for the project or an individual steel product category will be made available to the bidder.