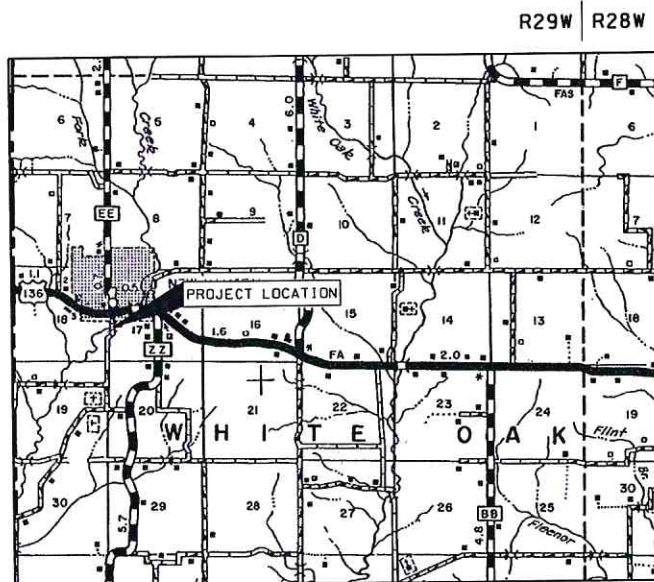


HARRISON COUNTY MISSOURI

W 120 AVE
CONSTRUCTION OF BRIDGE NO. 4750002
OVER SAMPSON CREEK
BRO-R041 (38)



VICINITY MAP

INDEX OF SHEETS

1	TITLE SHEET
2-3	SUMMARY OF QUANTITIES
4	PLAN AND PROFILE
5	SPECIAL SHEET
6	GENERAL PLAN AND ELEVATION
7	GENERAL NOTES
8	DETAILS OF END BENTS NO. 1 & 2
9	DETAILS OF END BENTS NO. 1 & 2
10	DETAILS OF END BENTS NO. 1 & 2
11	VERTICAL DRAIN AT END BENTS
12	CAST IN PLACE PILE
13	FRAMING PLAN
14	SPREAD BOX BEAMS, SPAN (1-2)
15	PLAN OF SLAB SHOWING REINFORCEMENT
16	SLAB SECTION & DETAILS
17	SLAB DETAILS
18	THREE BEAM RAIL DETAILS
19	BILL OF REINFORCING STEEL
20	AS-BUILT PILE DATA
21	BORING DATA
22	BORING DATA
23-24	CROSS SECTIONS

LENGTH OF PROJECT

BEGINNING OF PROJECT	STA. 12+00.00
END OF PROJECT	STA. 16+50.00
APPARENT LENGTH	450.00 FEET
EQUATIONS AND EXCEPTIONS	NONE
TOTAL CORRECTIONS	NONE
NET LENGTH OF PROJECT	450.00 FEET
STATE LENGTH	0.085 MILES
FEDERAL LENGTH	0.085 MILES

PROJECT DATA

ADT (PRESENT)	35
ADT (DESIGN)	40
DESIGN SPEED	20 MPH
LENGTH OF PROJECT	450.00 FEET
FUNCTIONAL CLASSIFICATION	LOCAL

HARRISON COUNTY

APPROVED

PRESIDENT COMMISSIONER

DATE

Jack W. Lodge 8-11-25



DATE	7/28/
ROUTE	W120 AVE
DISTRICT	NW
COUNTY	HARR
JOB	BRO-R0
CONTRACT	
PROJECT	
BRIDGE	
DESCRIPTION	
DATE	

HARRISON COUNTY
MISSOURI

GARVER, LLC
7005 NW JEFFANY SPRINGS
PARKWAY, SUITE 200
KANSAS CITY, MO 64114



PERMANENT EROSION CONTROL									
SHEET	STA.	STA.	LOC.	ROCK FILL		TYPE 2 ROCK BLANKET		PERM EROSION CONTROL GEOTEXTILE (SY)	REMARKS
				FURNISHING (CY)	PLACING (CY)	FURNISHING (CY)	PLACING (CY)		
5	13+75.00	13+95.51	RT	4.5	4.5			1.3	
5	13+95.51	14+09.39	℄			38.0	38.0	57.0	
5	14+29.40	14+65.60	℄			46.4	46.4	69.5	
TOTALS				4.5	4.5	84.4	84.4	127.8	
USE				5	5	84	84	128	

TEMPORARY EROSION CONTROL								
SHEET	STA.	STA.	LOC.	SILT FENCE (LF)	ROCK DITCH CHECK (LF)	TYPE C BERM (LF)	SEDIMENT REMOVAL (CY)	REMARKS
5	12+00.00	13+95.60	LT	201			2.0	
5	12+00.00	13+95.60	RT	186			1.9	
5	13+95.60	14+15.20	LT/RT		40	73	2.7	
5	14+44.52	14+65.60	LT/RT		40	69	2.7	
5	14+65.60	16+50.00	LT	193			1.9	
5	14+65.60	16+50.00	RT	183			1.8	
TOTALS				763	80	142	13.0	
USE				763	80	142	13	

EARTHWORK							
SHEET	ROADWAY	BEGIN STA.	END STA.	UNCLASSIFIED EXCAVATION (CY)	COMPACTING EMBANKMENT (CY)	EMBANKMENT IN PLACE (CY)	REMARKS
4	W 120 AVE	12+00.00	16+50.00	13	12	597	
TOTALS				13	12	597	

REMOVAL OF IMPROVEMENTS								
SHEET	ROADWAY	STA.	STA.	LOCATION	DESCRIPTION	UNIT	AMOUNT	REMARKS
4	W 120 AVE	13+40.46		LT	SIGN	EA	1.0	TO BE RELOCATED
4	W 120 AVE	13+91.89		RT	SIGN	EA	1.0	TO BE RELOCATED
4	W 120 AVE	14+81.19		LT	SIGN	EA	1.0	TO BE RELOCATED
4	W 120 AVE	15+44.20		LT	SIGN	EA	1.0	TO BE RELOCATED
TOTAL						LUMP SUM		

BRIDGE ESTIMATED QUANTITIES				
ITEM	SUBSTR.	SUPERSTR.	TOTAL	
CLASS 1 EXCAVATION CU. YARD	70		70	
REMOVAL OF BRIDGES LUMP SUM			1	
GALVANIZED CAST-IN-PLACE CONC. PILES (14IN.) LINEAR FOOT	448		448	
DYNAMIC PILE TESTING EACH	2		2	
CLASS B CONCRETE (SUBSTRUCTURE) CU. YARD	22.4		22.4	
SLAB ON CONCRETE BEAM SQ. YARD		200	200	
27IN., PRESTRESSED CONCRETE SPREAD BOX BEAM LINEAR FOOT		269	269	
BRIDGE GUARDRAIL (THRIE BEAM) LINEAR FOOT		168	168	
VERTICAL DRAIN AT END BENTS EACH			2	
PLAIN NEOPRENE BEARING PAD EACH		8	8	

ALL CONCRETE ABOVE THE CONSTRUCTION JOINT IN THE END BENT IS INCLUDED IN THE ESTIMATED QUANTITIES FOR SLAB ON CONCRETE BEAM.

ALL REINFORCEMENT IN THE END BENTS IS INCLUDED IN THE ESTIMATED QUANTITIES FOR SLAB ON CONCRETE BEAM.

SEEDING						
SHEET	ROADWAY	STA.	STA.	LOC.	SEEDING AND MULCHING COOL SEASON GRASSES (AC)	REMARKS
5	W 120 AVE	12+00.00	16+50.00	LT/RT	0.11	
TOTAL					LUMP SUM	SEE JSP

GRAVEL					
SHEET NO.	STA.	STA	LT/RT	GRAVEL A	REMARKS
				(SY)	
4	12+00.00	13+95.60	LT/RT	427	
4	14+65.60	16+50.00	LT/RT	401	
TOTAL				828	

CONTRACTOR FURNISHED SURVEYING AND STAKING
LUMP SUM

MOBILIZATION
LUMP SUM

SUMMARY OF QUANTITY
1 OF 2

STATE OF MISSOURI

DONALD THOMAS SAIKO

NUMBER PE-28475

PROFESSIONAL ENGINEER

THIS SHEET HAS BEEN SIGNED, SEALED AND DATED ELECTRONICALLY.

DATE PREPARED

7/28/2025

ROUTE

W120 AVE

STATE

MO

DISTRICT

NW

SHEET NO.

2

COUNTY

HARRISON

JOB NO.

BRO-R041 (38)

CONTRACT ID.

.

PROJECT NO.

.

BRIDGE NO.

.

DESCRIPTION

DATE

.

.

.

.

.

.

.

.

HARRISON COUNTY MISSOURI

1300 Central St
Bethany, MO 64424

GARVER, LLC.

7509 NW TIFFANY SPRINGS PARKWAY, SUITE 200

KANSAS CITY, MO 64153

PHONE: (816) 298-6465

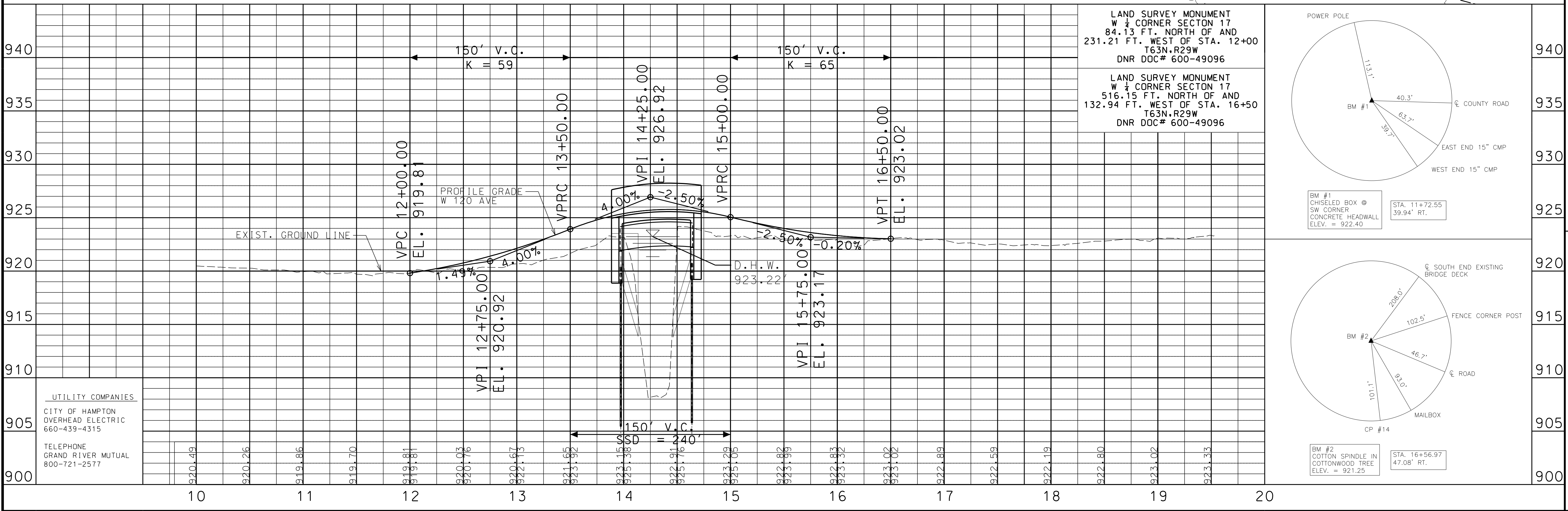
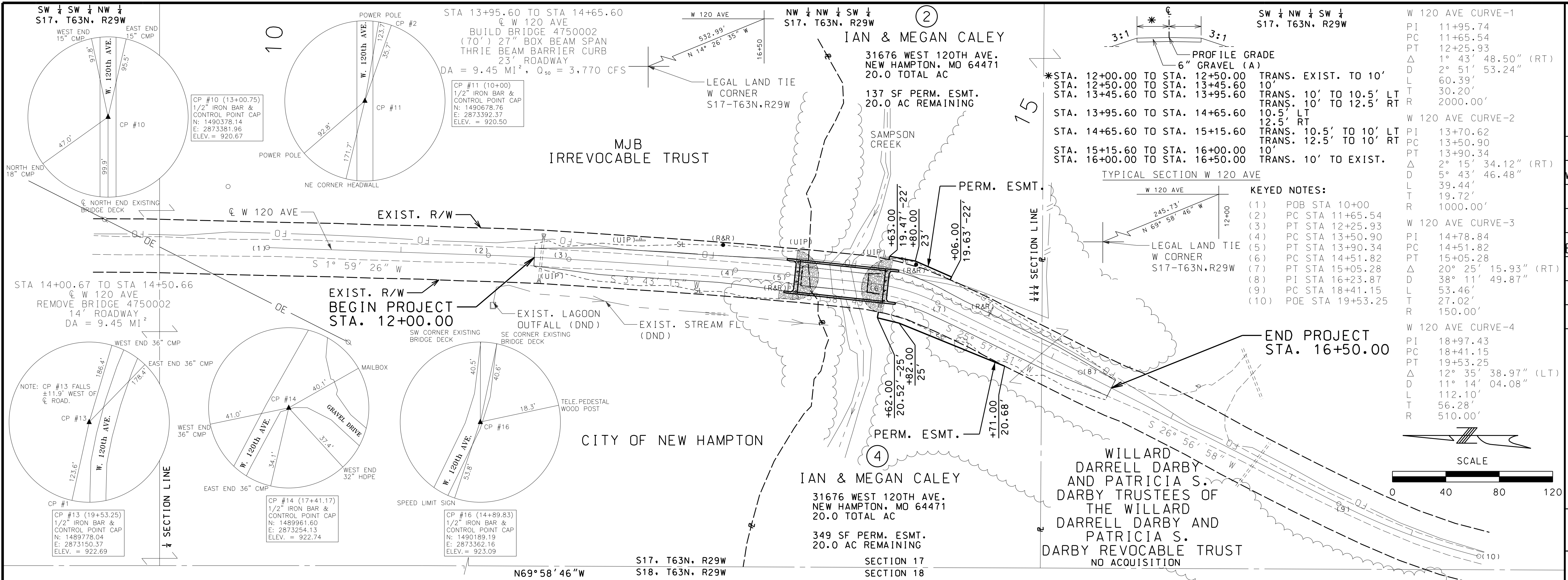
CERTIFICATE OF AUTHORITY NO. 2008013090

GARVER

\\garver\inc.local\ngdata\Projects\2023\23104070 - Harrison Cty Bridge 4750002 Replacement\Drawings\002_BR04750002_QU_01.il.dgn

10:11:31 AM 7/28/2025

EFFECTIVE: 07-01-2024																												
SIGN	SIZE	AREA	QTY	TOTAL	QTY	TOTAL	SIGN									ITEM	TOTAL											
IN.	SQ.FT.	EACH	SQ.FT.	EACH	SQ.FT.	NUM.	DESCRIPTION										NUMBER	QTY	DESCRIPTION									
WARNING SIGNS																												
WO1-1L	48X48	16.00					TURN (SYMBOL LEFT)	E05-1	36X48	12.00							GORE EXIT	6122008		IMPACT ATTENUATOR 40 MPH (SAND BARRELS)								
WO1-1R	48X48	16.00					TURN (SYMBOL RIGHT)	E05-2	48X36	12.00							EXIT OPEN	6122009		IMPACT ATTENUATOR 45 MPH (SAND BARRELS)								
WO1-2L	48X48	16.00					CURVE (SYMBOL LEFT)	E05-2a	48X36	12.00							EXIT CLOSED	6122010		IMPACT ATTENUATOR 50 MPH (SAND BARRELS)								
WO1-2R	48X48	16.00					CURVE (SYMBOL RIGHT)	GO20-1	60X24	10.00							ROAD WORK NEXT XX MILES	6122012		IMPACT ATTENUATOR 55 MPH (SAND BARRELS)								
WO1-3L	48X48	16.00					REVERSE TURN (SYMBOL LEFT)	GO20-2	48X24	8.00							END ROAD WORK	6122014		IMPACT ATTENUATOR 60 MPH (SAND BARRELS)								
WO1-3R	48X48	16.00					REVERSE TURN (SYMBOL RIGHT)	GO20-4	36X18	4.50							PILOT CAR FOLLOW ME	6122017		IMPACT ATTENUATOR 65 MPH (SAND BARRELS)								
WO1-4L	48X48	16.00					REVERSE CURVE (SYMBOL LEFT)	GO20-4a	42X30	8.75							PILOT CAR IN USE WAIT & FOLLOW	6122019		IMPACT ATTENUATOR 70 MPH (SAND BARRELS)								
WO1-4R	48X48	16.00					REVERSE CURVE (SYMBOL RIGHT)	GO20-4a	18X12	1.50							PILOT CAR IN USE WAIT & FOLLOW	6122020		REPLACEMENT SAND BARREL								
WO1-4bL	48X48	16.00					DOUBLE ARROW REVERSE CURVE (SYMBOL LEFT)	GO20-5aP	36X24	6.00							WORK ZONE (PLAQUE)	6122030		IMPACT ATTENUATOR (RELOCATION)								
WO1-4bR	48X48	16.00					DOUBLE ARROW REVERSE CURVE (SYMBOL RIGHT)	MO4-8a	24X18	3.00							END DETOUR	6123001		TRUCK MOUNTED ATTENUATOR (TMA)								
WO1-4cL	48X48	16.00					TRIPLE ARROW REVERSE CURVE (SYMBOL LEFT)	MO4-9L	48X36	12.00							DETOUR (LEFT)	6161008		ADVANCED WARNING RAIL SYSTEM								
WO1-4cR	48X48	16.00					TRIPLE ARROW REVERSE CURVE (SYMBOL RIGHT)	MO4-9R	48X36	12.00							DETOUR (RIGHT)	6161012		BUOYS (BOATS KEEP OUT)								
WO1-6	60X30	12.50					HORIZONTAL ARROW (SYMBOL)	MO4-9P	48X12	4.00							STREET NAME (PLAQUE)	6161013		BUOYS (NO WAKE)								
WO1-6a	72X36	18.00					HORIZ. ARROW (SYMBOL ON PERMANENT BARRICADE)	MO4-10L	48X18	6.00							DETOUR ARROW (LEFT)	6161014		SPECIAL SIGN ASSEMBLY (BOATS KEEP OUT)								
WO1-7	60X30	12.50					DOUBLE HEAD HORIZONTAL ARROW (SYMBOL)	MO4-10R	48X18	6.00							DETOUR ARROW (RIGHT)	6161025		CHANNELIZER (TRIM LINE)								
WO1-7a	72X36	18.00					DOUBLE HEAD HORIZ. ARROW (SYMBOL ON PERM. BARR.)	REGULATORY SIGNS										6161030	6	TYPE III MOVEABLE BARRICADE								
WO1-8	18X24	3.00					CHEVRON (SYMBOL)	R1-1	48X48	13.25							STOP	6161033		DIRECTION INDICATOR BARRICADE								
WO1-8a	30X36	7.50					CHEVRON (SYMBOL FOR DIVIDED HIGHWAYS)	R1-2	48TRI.	6.93							YIELD	6161040		FLASHING ARROW PANEL								
WO3-1	48X48	16.00					STOP AHEAD (SYMBOL)	R1-2a	36X36	9.00							TO ONCOMING TRAFFIC (PLAQUE)	6161047		TYPE III OBJECT MARKER								
WO3-2	48X48	16.00					YIELD AHEAD (SYMBOL)	R1-3P	30X12	2.50							ALL WAY (PLAQUE)	6161055		SEQUENTIAL FLASHING WARNING LIGHT								
WO3-3	48X48	16.00					SIGNAL AHEAD (SYMBOL)	R2-1	36X48	12.00							SPEED LIMIT XX	6161070		TUBULAR MARKER								
WO3-4	48X48	16.00					BE PREPARED TO STOP	R3-1	48X48	16.00							NO RIGHT TURN (SYMBOL)	6161095		RADAR SPEED ADVISORY SYSTEM								
WO3-5	48X48	16.00					SPEED LIMIT AHEAD	R3-2	48X48	16.00							NO LEFT TURN (SYMBOL)	6161096		CHANGEABLE MESSAGE SIGN, COMMISSION FURNISHED/RETAINED								
WO4-1L	48X48	16.00					MERGE (SYMBOL FROM LEFT)	R3-3	36X36	9.00							NO TURNS	6161096		CHANGEABLE MESSAGE SIGN W/O COMM.								
WO4-1R	48X48	16.00					MERGE (SYMBOL FROM RIGHT)	R3-4	48X48	16.00							NO U-TURN (SYMBOL)	6161098A		INTERFACE - CONTRACTOR FURNISHED/RETAINED								
WO4-1aL	48X48	16.00					MERGE (LEFT)	R3-7L	30X30	6.25							LEFT LANE MUST TURN LEFT			CHANGEABLE MESSAGE SIGN WITH COMM.								
WO4-1aR	48X48	16.00					MERGE (RIGHT)	R3-7R	30X30	6.25							RIGHT LANE MUST TURN RIGHT			INTERFACE - CONTRACTOR FURNISHED/RETAINED								
WO5-1	48X48	16.00					ROAD/BRIDGE/RAMP NARROWS	R4-1	36X48	12.00							DO NOT PASS	6161099		WORK ZONE TRAFFIC SIGNAL SYSTEM								
WO5-3	48X48	16.00					ONE LANE BRIDGE	R4-2	36X48	12.00							PASS WITH CARE	6162000A		TEMPORARY LONG-TERM RUMBLE STRIPS								
WO5-5	48X48	16.00					NARROW LANES	R4-7a	36X48	12.00							KEEP RIGHT (HORIZONTAL ARROW)	6162002		TEMPORARY TRAFFIC BARRIER								
WO6-1	48X48	16.00					DIVIDED HIGHWAY (SYMBOL)	R4-8a	36X48	12.00							KEEP LEFT (HORIZONTAL ARROW)	6173600D		CONTRACTOR FURNISHED/RETAINED								
WO6-2	48X48	16.00					DIVIDED HIGHWAY END (SYMBOL)	R5-1	30X30	6.25							DO NOT ENTER			TEMPORARY TRAFFIC BARRIER								
WO6-3	48X48	16.00					TWO WAY TRAFFIC (SYMBOL)	R5-1a	36X24	6.00							WRONG WAY	6173602B		CONTRACTOR FURNISHED/RETAINED								
WO7-3a	30X24	5.00					NEXT XX MILES (PLAQUE)	R6-1L	54X18	6.75							ONE WAY ARROW (LEFT)	6174000A		TEMPORARY TRAFFIC BARRIER								
WO8-1	48X48	16.00					BUMP	R6-1R	54X18	6.75							ONE WAY ARROW (RIGHT)	6175010A		RELOCATING TEMPORARY TRAFFIC BARRIER								
WO8-2	48X48	16.00					DIP	R6-2L	24X30	5.00							ONE WAY (LEFT)			TEMPORARY TRAFFIC BARRIER								
WO8-3	48X48	16.00					PAVEMENT ENDS	R6-2R	24X30	5.00							ONE WAY (RIGHT)	6176000B		COMMISSION FURNISHED/RETAINED								
WO8-4	48X48	16.00					SOFT SHOULDER	R9-9	24X12	2.00							SIDEWALK CLOSED			TEMP. TRAFFIC BARRIER HEIGHT TRANSITION								
WO8-5	48X48	16.00					SLIPPERY WHEN WET (SYMBOL)	R9-11L	24X18	3.00							SIDEWALK CLOSED AHEAD, (ARROW LEFT) CROSS HERE	6177000B		COMMISSION FURNISHED/RETAINED								
WO8-6	48X48	16.00					TRUCK CROSSING	R9-11R	24X18	3.00							SIDEWALK CLOSED AHEAD, (ARROW RIGHT) CROSS HERE	6208064A		TEMPORARY RAISED PAVEMENT MARKER								
WO8-6c	48X48	16.00					TRUCK ENTRANCE	R10-6	24X36	6.00																		



STATE OF MISSOURI

DONALD THOMAS SAIKO

NUMBER PE-28475

PROFESSIONAL ENGINEER

DATE PREPARED

7/28/2025

ROUTE

W120 AVE

STATE

MO

DISTRICT

NW

SHEET NO.

4

COUNTY

HARRISON

JOB NO.

BRO-RO41 (38)

CONTRACT ID.

PROJECT NO.

BRIDGE NO.

DESCRIPTION

DATE

HARRISON COUNTY

MISSOURI

1300 Central St

Bethany, MO 64424

GARVER, LLC.

7509 NW TIFFANY SPRINGS

PARKWAY, SUITE 200

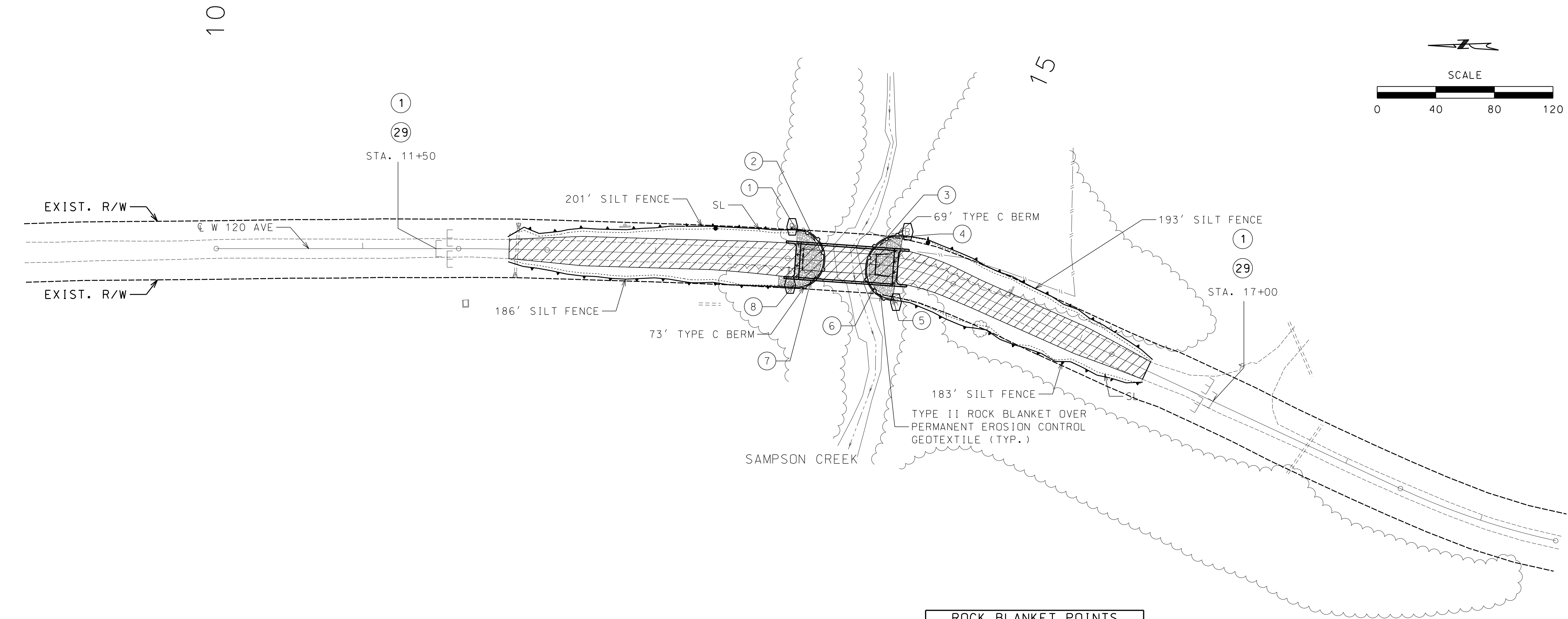
KANSAS CITY, MO 64153

PHONE: (816) 298-6465

CERTIFICATE OF AUTHORITY

NO. 2008013090

\\garverinc.local\gdata\Projects\2023\23104070 - Harrison Cty Bridge 4750002 Replacement\Drawings\004_BR04750002_PP_01_140.dgn 10:11:39 AM 7/28/2025



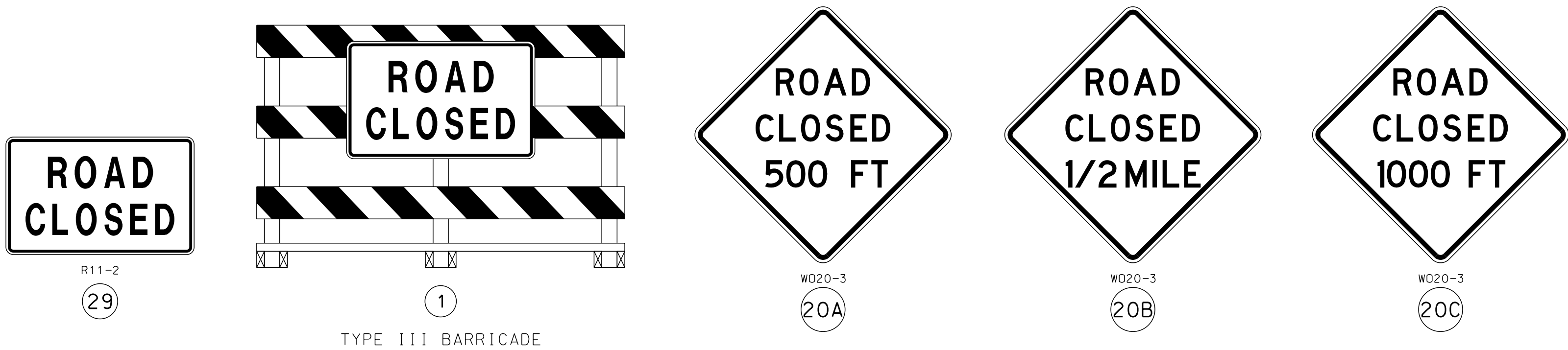
NOTE:

1. PLACE SIGN 20A AT INTERSECTION OF US HWY 136 AND W 120TH AVE
2. PLACE SIGN 20A 500 FEET BEFORE TYPE III BARRICADES ARE PLACED ON THE SOUTH SIDE OF CONSTRUCTION
2. PLACE SIGN 20B AT INTERSECTION OF W 322ND ST AND W 120TH AVE
3. PLACE SIGN 20C 1000 FEET BEFORE TYPE III BARRICADES ARE PLACED ON THE SOUTH SIDE OF CONSTRUCTION

ROCK BLANKET POINTS			
POINT	STATION	OFFSET (FT)	SIDE
1	13+95.60	18.60	LT.
2	14+08.08	13.08	LT.
3	14+52.32	12.96	LT.
4	14+65.60	20.75	LT.
5	14+65.60	20.79	RT.
6	14+50.81	15.62	RT.
7	14+07.17	13.93	RT.
8	13+95.51	18.21	RT.

TRAFFIC CONTROL LEGEND

- WORK ZONE
- SIGN (SINGLE SIDED)
- TYPE III BARRICADE



SPECIAL SHEET
TRAFFIC CONTROL &
EROSION CONTROL
1 OF 1

STATE OF MISSOURI
DONALD THOMAS
SAIKO
NUMBER
PE-28475
PROFESSIONAL ENGINEER

THIS SHEET HAS BEEN
SIGNED, SEALED AND DATED
ELECTRONICALLY.

DATE PREPARED
7/28/2025

ROUTE
W120 AVE

DISTRICT
NW

STATE
MO

SHEET NO.
5

COUNTY
HARRISON

JOB NO.
BRO-R041 (38)

CONTRACT ID.
.

PROJECT NO.
.

BRIDGE NO.
.

DATE	DESCRIPTION
.	.
.	.
.	.
.	.
.	.
.	.

HARRISON COUNTY
MISSOURI

1300 Central St
Bathory, MO 64424

GARVER, LLC.
7509 NW TIFFANY SPRINGS
PARKWAY, SUITE 200
KANSAS CITY, MO 64153
PHONE: (816) 298-6465
CERTIFICATE OF AUTHORITY
NO. 2008013090

IF A SEAL IS PRESENT ON THIS SHEET IT HAS BEEN ELECTRONICALLY SEALED AND DATED.

REV.

\\garverinc.local\gdata\Projects\2023\23104070 - Harrison Cty Bridge 4750002 Replacement\Drawings\005_BRO4750002_TC&EC_01_140.dgn 10:11:39 AM 7/28/2025

Design Specifications:
2020 – AASHTO LRFD Bridge Design Specifications (9th Edition)
Seismic Performance Category A

Design Loading:
Vehicular = HL-93
Future Wearing Surface = 35 lb/sf (Min.)
Earth = 120 lb/cf
Equivalent Fluid Pressure = 45lb/cf
Superstructure: Simply-Supported, Non-Composite for dead load.
Composite for live load.

Design Unit Stresses:
Class B Concrete (Substructure) f'c = 3,000 psi
Class B-1 Concrete (Cast-In-Place Concrete Piles) f'c = 4,000 psi
Class B-2 Concrete (Superstructure, except Prestressed Beams) f'c = 4,000 psi
Reinforcing Steel (Grade 60) fy = 60,000 psi
Structural Carbon Steel (ASTM A709 Grade 36) fy = 36,000 psi
Steel Pipe Pile (ASTM A252 Grade 2) fy = 35,000 psi

For prestressed beam stresses, see Sheet No. 14.

Neoprene Pads:
Neoprene bearings pads shall be 60 durometer and shall be in accordance with Sec 716.

Joint Filler:
All joint filler shall be in accordance with Section 1057 for preformed sponge rubber expansion and partition joint filler, except as noted.

Reinforcing Steel:
Minimum clearance to reinforcing steel shall be 1 1/2", unless otherwise shown.

Traffic Handling:
Structure to be closed during construction. Traffic to be maintained on other routes.
See roadway plans for traffic control.

Miscellaneous:
Outline of old work is indicated by light dashed lines. Heavy lines indicate new work.

High strength bolts, nuts, and washers will be sampled for quality assurance as specified in Sec 106.

Stay-In-Place Forms:
Slab shall be cast-in-place with conventional forms or stay-in-place corrugated steel forms. Precast prestressed panels will not be permitted.
Corrugated steel forms, supports, closure elements and accessories shall be in accordance with grade requirement and coating designation G165 of ASTM A653. Complete shop drawings of the permanent steel deck forms shall be required in accordance with Sec 1080.
Corrugations of stay-in-place forms shall be filled with an expanded polystyrene material. The polystyrene material shall be placed in the forms with an adhesive in accordance with the manufacturer's recommendations.
Form sheets shall not rest directly on the top of beams. Sheets shall be securely fastened to form supports with a minimum bearing length of one inch on each end. Form supports shall be placed in direct contact with the beam. Welding on or drilling holes in the beams will not be permitted. All steel fabrication and construction shall be in accordance with Secs 1080 and 712. Certified field welders will not be required for welding of the form supports.
The design of stay in place corrugated steel forms is per manufacturer which shall be in accordance with Sec 703 for false work and forms. Maximum actual weight of corrugated steel forms allowed shall be 4 psf assumed for beam loading.

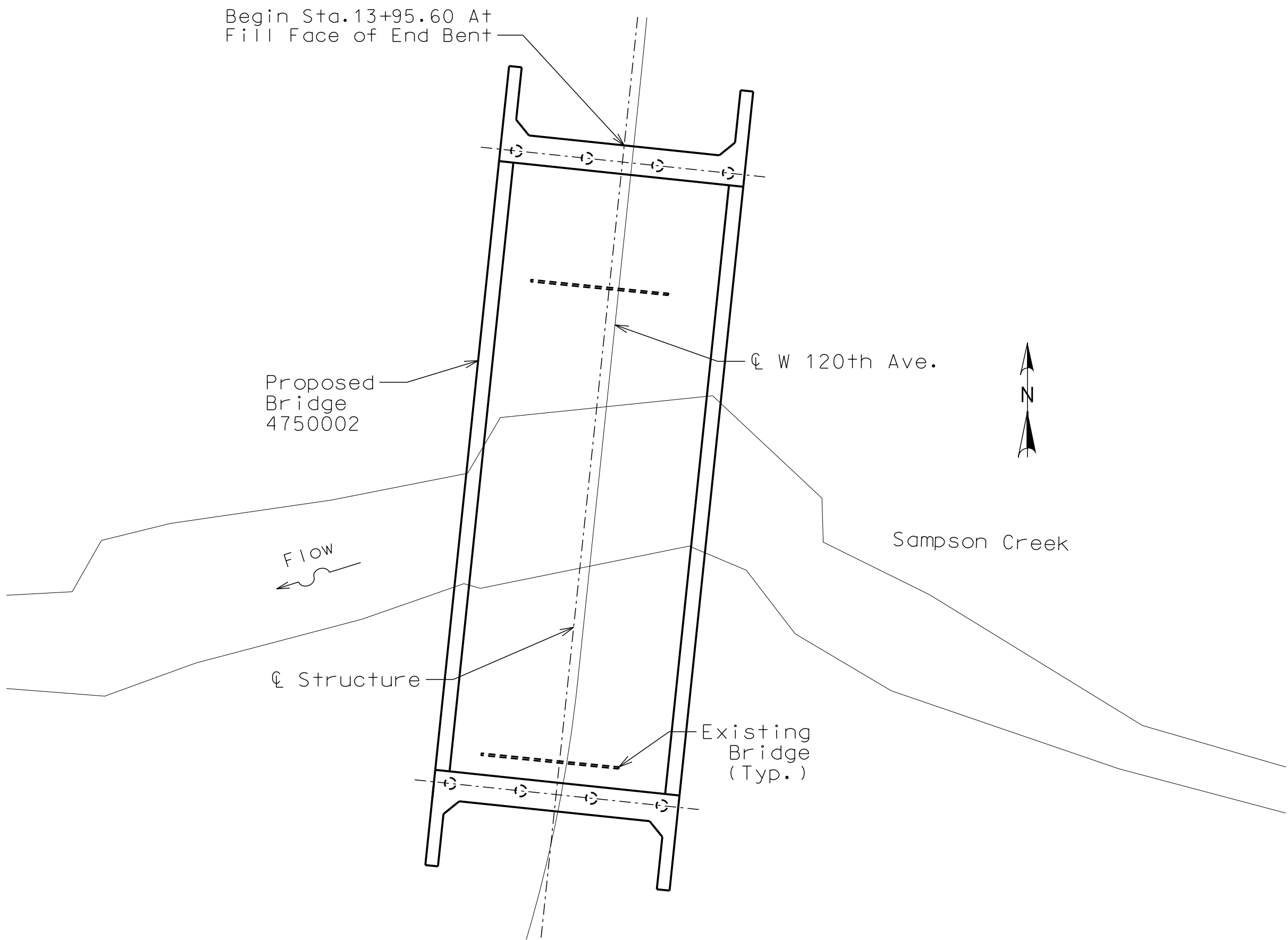
Abbreviations:
E.F. denotes Each Face
N.F. denotes Near Face
F.F. denotes Far Face
U.N.O. denotes Unless Noted Otherwise
T.B.R. denotes To Be Removed
T.R. denotes To Remain

Foundation Data

Bent No.		1	2
Load Bearing Pile	Pile Type and Size	CECIP 14"	CECIP 14"
	Number ea	4	4
	Approximate Length per Each ft	56	56
	Pile Point Reinforcement ea	–	–
	Min. Galvanized Penetration (Elev.) ft	898.0	899.0
	Est. Max. 100 Yr Scour Depth (Elev.) ft	–	–
	Minimum Tip Penetration (Elev.) ft	871.0	872.0
	Criteria for Min. Tip Penetration	Penetration anticipated soft geotechnical layers	Penetration anticipated soft geotechnical layers
	Pile Driving Verification Method	DT	DT
	Resistance Factor	0.65	0.65
Minimum Nominal Axial Compressive Resistance kip		296	296

DT = Dynamic Testing
CECIP = Closed Ended Cast-In-Place concrete pile

Minimum Nominal Axial Compressive Resistance = Maximum Factored Loads/Resistance Factor (Ø=0.65,End Bents)



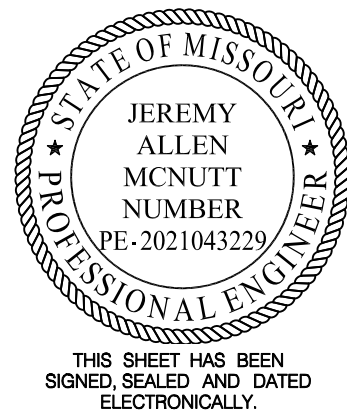
LOCATION SKETCH

GENERAL NOTES

Detailed Dec. 2023
Checked Jan. 2024

Note: This drawing is not to scale. Follow dimensions.

Sheet No. 7 of 24



DATE PREPARED
8/5/2025

ROUTE
W120 AVE
DISTRICT
NW
STATE
MO
SHEET NO.
7

COUNTY
HARRISON
JOB NO.

CONTRACT ID.

PROJECT NO.

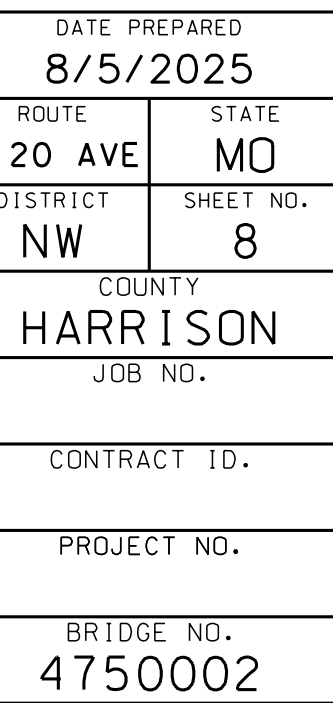
BRIDGE NO.
4750002

DATE	DESCRIPTION
.	.
.	.
.	.
.	.
.	.
.	.

HARRISON COUNTY
MISSOURI
1500 Central St
Bethany, MO 64424

GARVER, LLC.
7509 NW TIFFANY SPRINGS
PARKWAY, SUITE 200
KANSAS CITY, MO 64153
PHONE: (816) 298-6465
CERTIFICATE OF AUTHORITY
NO. 2008013090

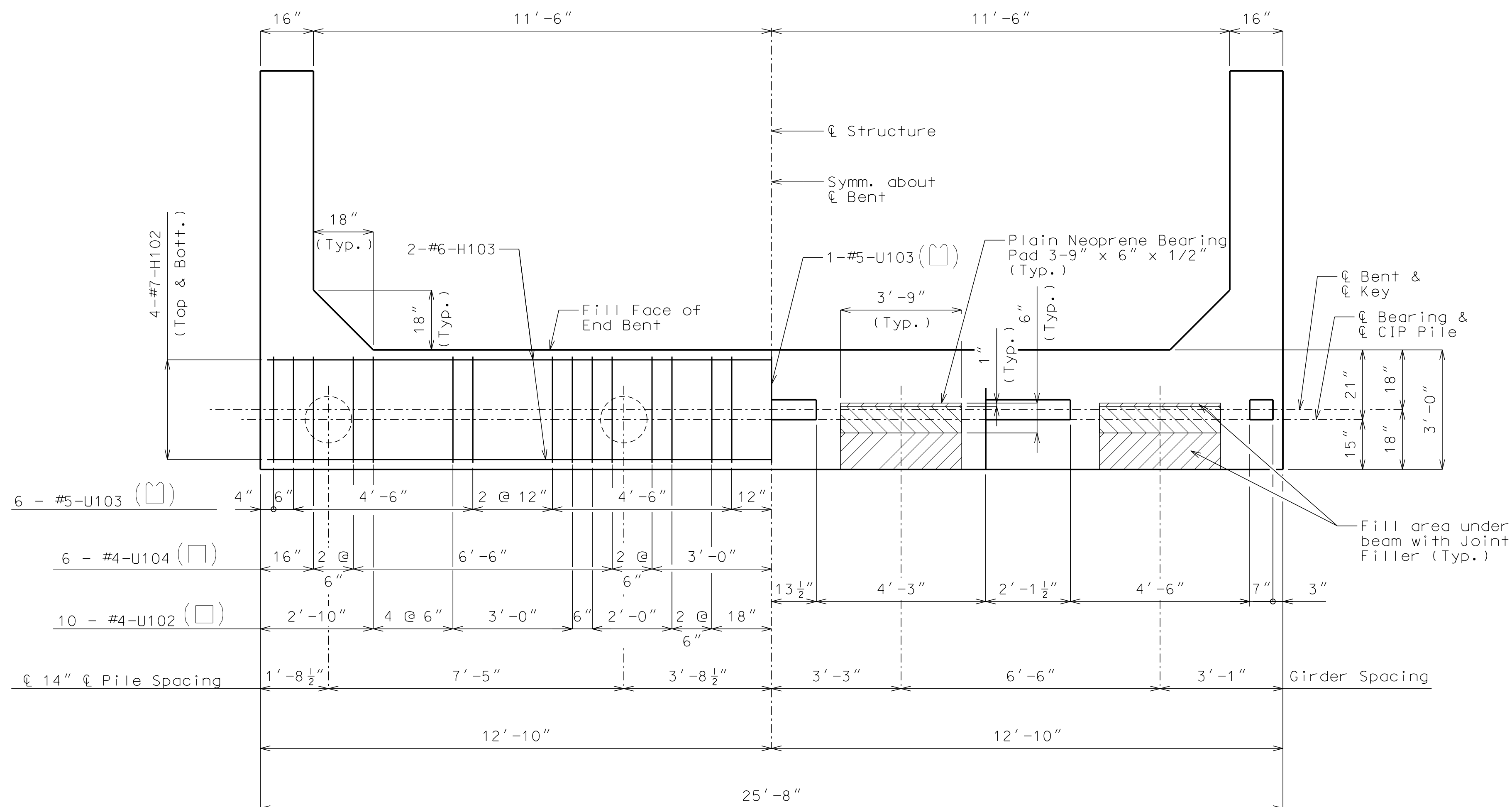




	*						
	*	*					
	*						
	*						
	*				*		
	*				*		
	*				*		

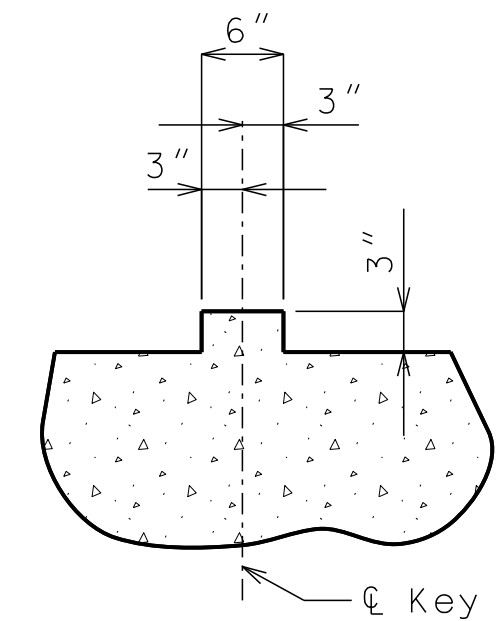
HARRISON COUNTY
MISSOURI
1500 Central St
Bethany, MO 64424

7509 NW TIFFANY SPRINGS
PARKWAY, SUITE 200
KANSAS CITY, MO 64153
PHONE: (816) 298-6465
CERTIFICATE OF AUTHORITY
NO. 2008013090



PART PLAN OF BEAM
SHOWING REINFORCEMENT
(Note: Steps and Key not shown for clarity)

PART PLAN OF BEAM



DETAIL OF KEY

Notes:
For End Bent No. 1 & 2 Details not shown, see Sheet Nos. 9 & 10.

All concrete in the end bent above top of beam and below top of slab shall be Class B-2.

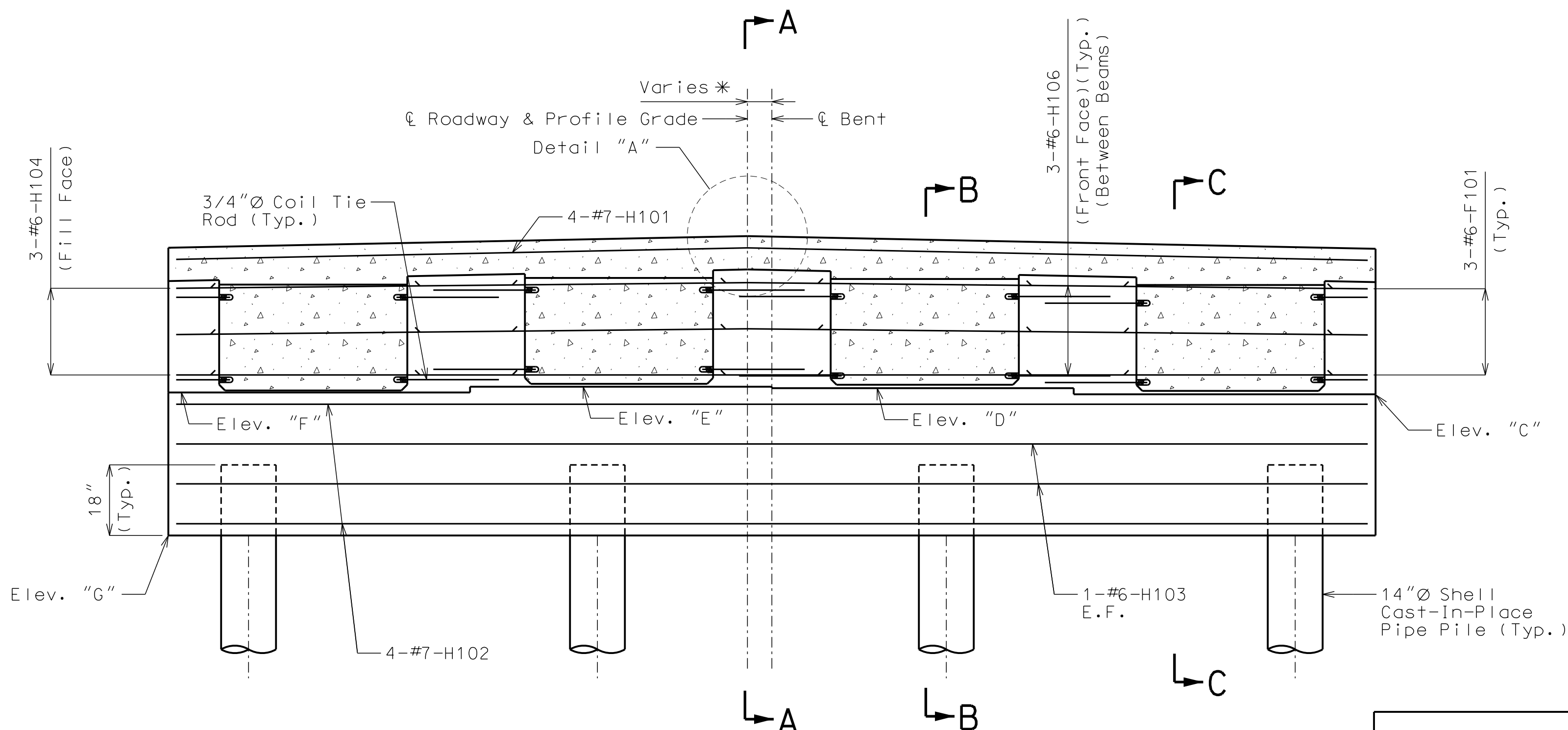
For Details of Vertical Drain at End Bent, see Sheet
No. 11.

Detailed Nov. 2023
Checked Jan. 2024

Note: This drawing is not to scale. Follow dimensions.

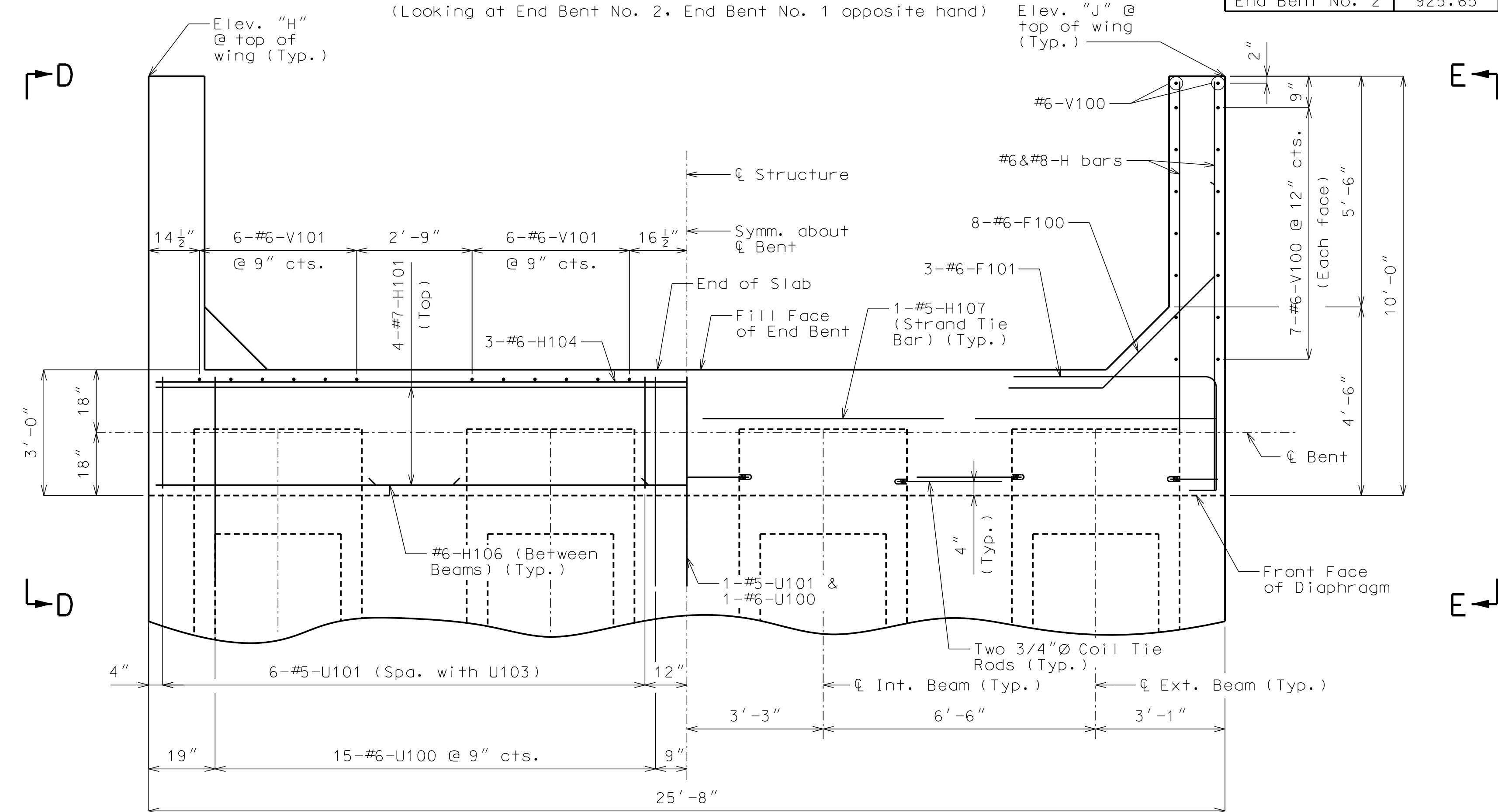
Sheet No. 8 of 24

BRO_B041(38)_008_End_Bent_1&2.dgn 4:20:39 PM 8/5/2025



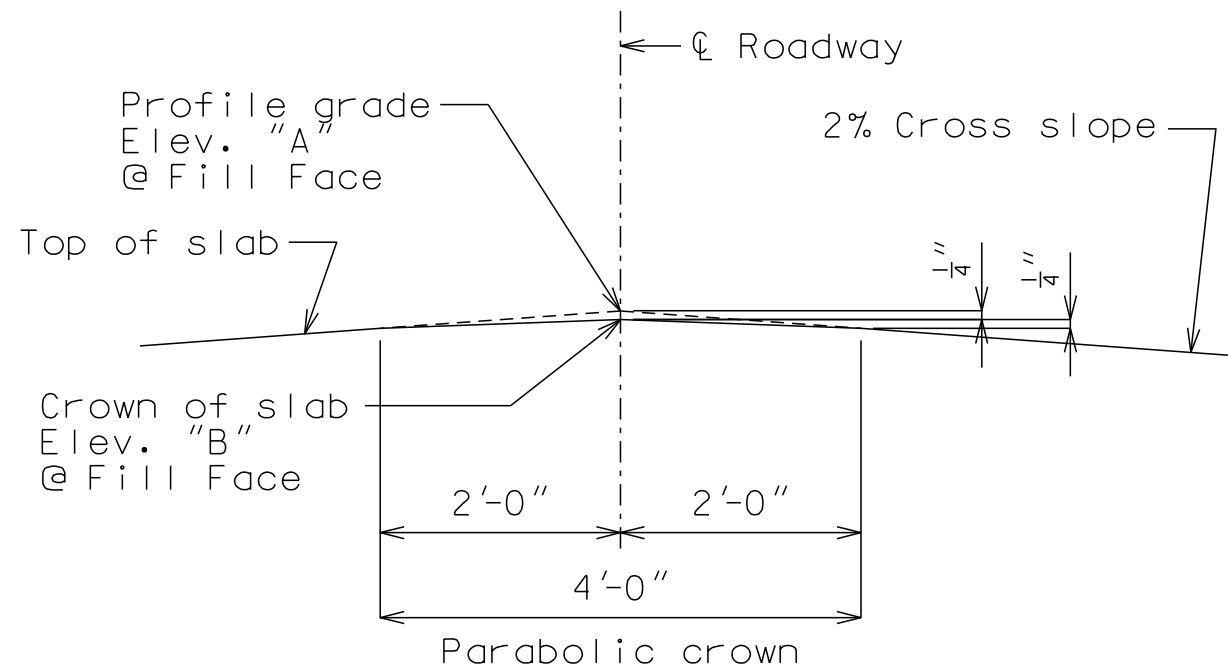
SECTION NEAR END BENT

(Looking at End Bent No. 2, End Bent No. 1 opposite hand)



PART PLAN OF DIAPHRAGM

END BENT NO. 1 & 2 DETAILS



DETAIL "A"

* 12" at Fill Face End Bent No. 1
4 3/8" at Fill Face End Bent No. 2

Elevations									
Location	"A"	"B"	"C"	"D"	"E"	"F"	"G"	"H"	"J"
End Bent No. 1	925.30	925.28	922.03	922.16	922.12	921.99	918.99	924.87	924.91
End Bent No. 2	925.65	925.63	922.33	922.46	922.49	922.37	919.33	925.33	925.30

Notes:
For End Bent No. 1 & 2 Details not shown, see Sheet Nos. 8 & 10.

For Sections A-A, B-B & C-C, Elevations D-D & E-E, see Sheet No. 10.

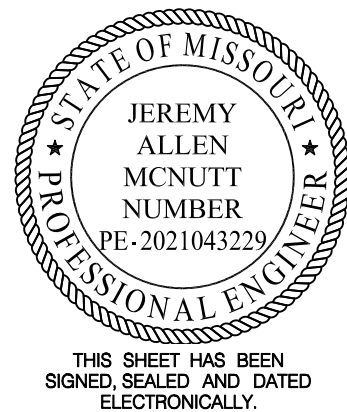
All strands at end of beams shall be field bent or, if necessary, cut in field to maintain 1 1/2" minimum clearance to fill face of end bent.

For CIP Pile details, see Sheet No. 12.

SUBSTRUCTURE QUANTITY TABLE FOR END BENT NO. 1		
Item		Quantity
Class 1 Excavation	cu. yard	35
Cast-In-Place Concrete Piles (14 in.)	linear foot	224
Class B Concrete (Substructure)	cu. yard	11.2
Dynamic Pile Testing	each	1

SUBSTRUCTURE QUANTITY TABLE FOR END BENT NO. 2		
Item		Quantity
Class 1 Excavation	cu. yard	35
Cast-In-Place Concrete Piles (14 in.)	linear foot	224
Class B Concrete (Substructure)	cu. yard	11.2
Dynamic Pile Testing	each	1

Note:
These quantities are included in the Estimated Quantities shown on Sheet No. 2.



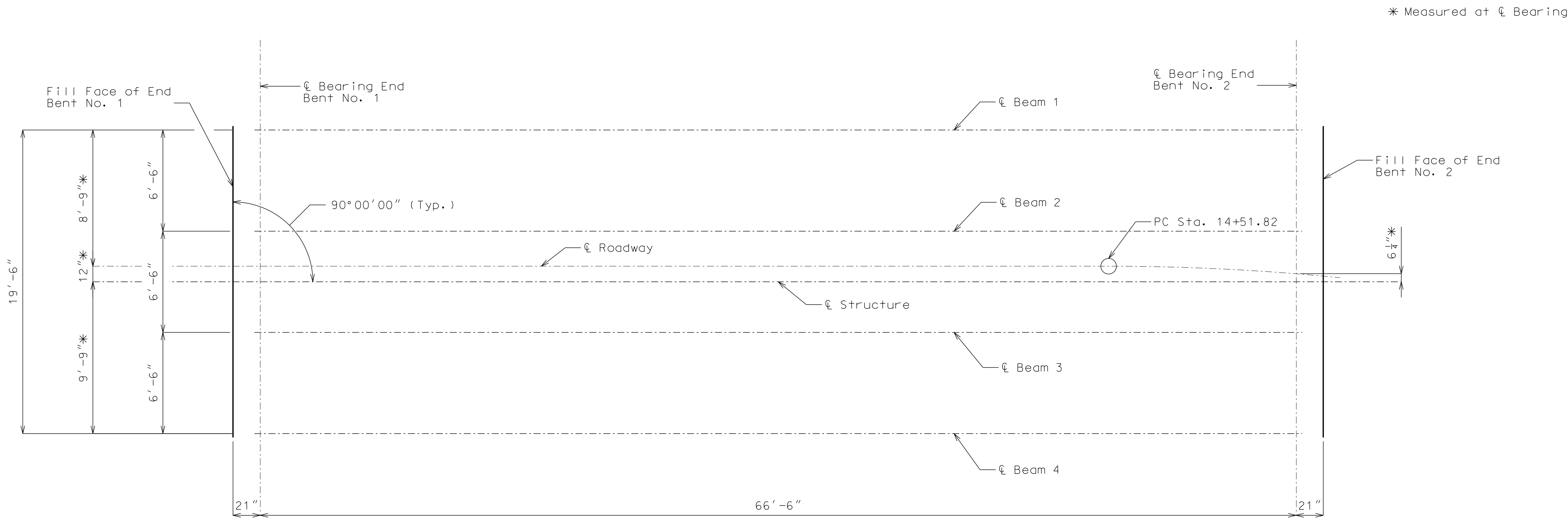
DATE PREPARED 8/5/2025	
ROUTE W120 AVE	STATE MO
DISTRICT NW	SHEET NO. 9
COUNTY HARRISON	
JOB NO.	
CONTRACT ID.	
PROJECT NO.	
BRIDGE NO. 4750002	

DATE	DESCRIPTION
.	.
.	.
.	.
.	.
.	.
.	.

HARRISON COUNTY
MISSOURI
1500 Central St
Bethany, MO 64424

GARVER, LLC.
7509 NW TIFFANY SPRINGS
PARKWAY, SUITE 200
KANSAS CITY, MO 64153
PHONE: (816) 298-6465
CERTIFICATE OF AUTHORITY
NO. 2008013090



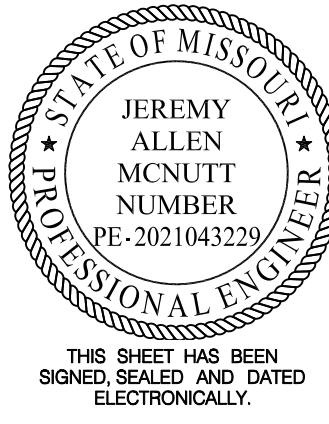


SPAN (1-2)

Notes:
Longitudinal dimensions are horizontal.
All bents are parallel.
For Box Beam Details, see Sheet No. 14.

FRAMING PLAN

Detailed Nov. 2023
Checked Dec. 2023



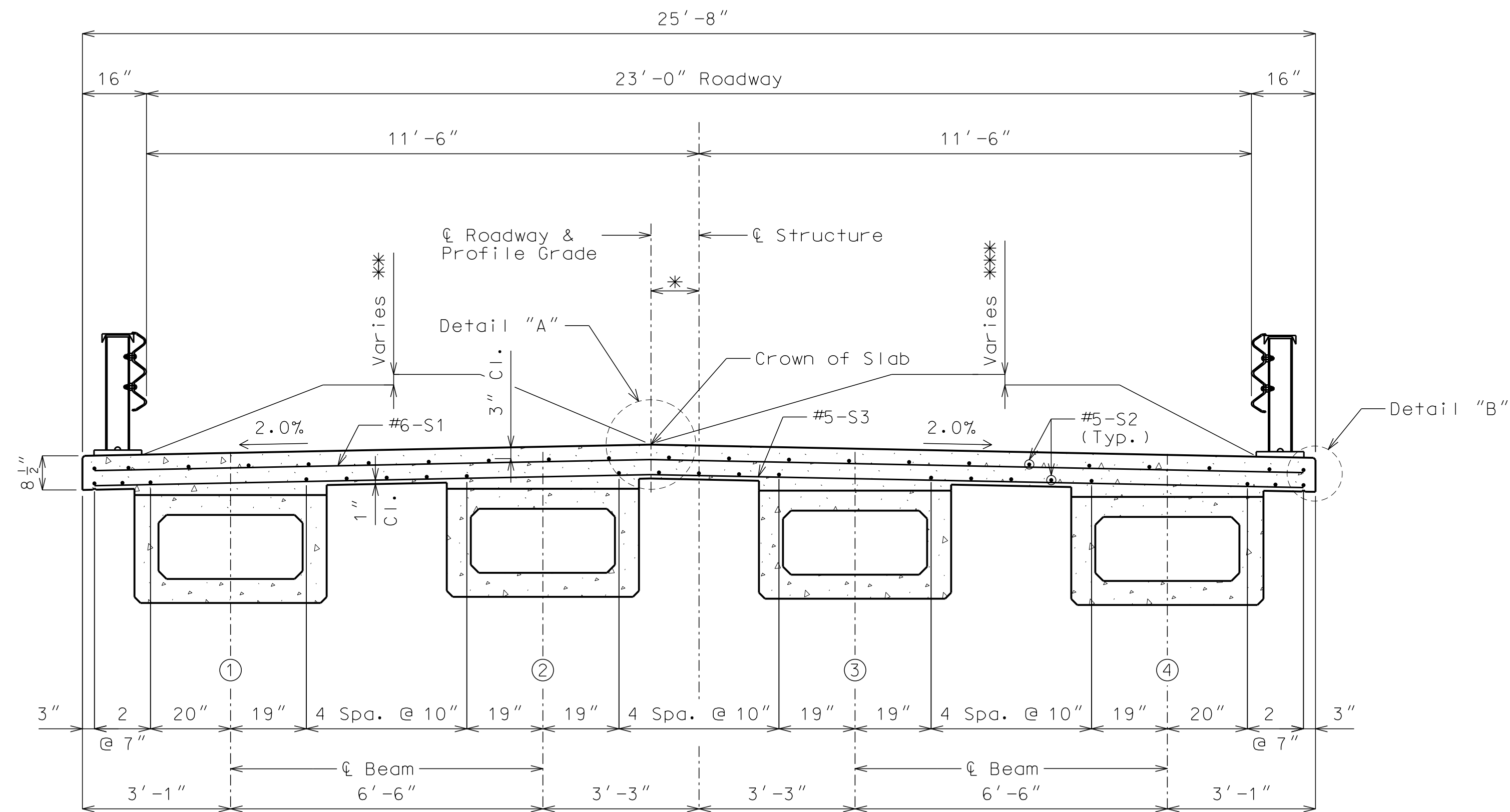
DATE PREPARED 8/5/2025	
ROUTE W120 AVE	STATE MO
DISTRICT NW	SHEET NO. 13
COUNTY HARRISON	
JOB NO.	
CONTRACT ID.	
PROJECT NO.	
BRIDGE NO. 4750002	

DATE	DESCRIPTION
.	.
.	.
.	.
.	.
.	.
.	.
.	.

HARRISON COUNTY
MISSOURI
1500 Central St
Bethany, MO 64424

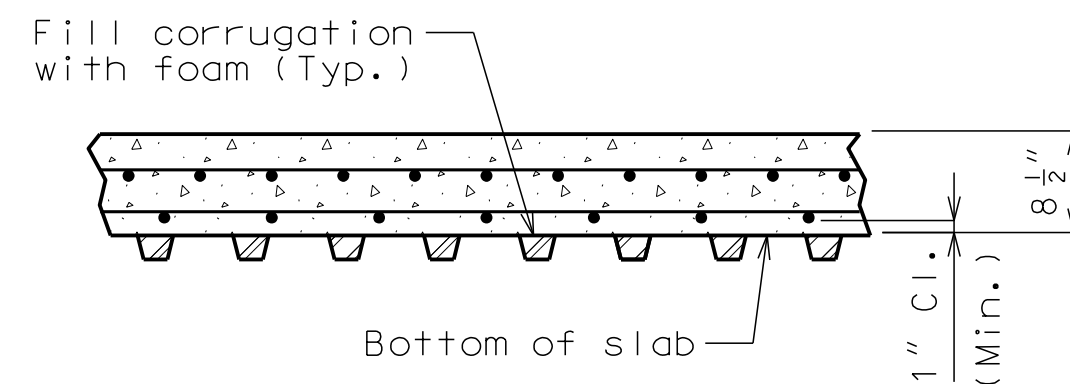
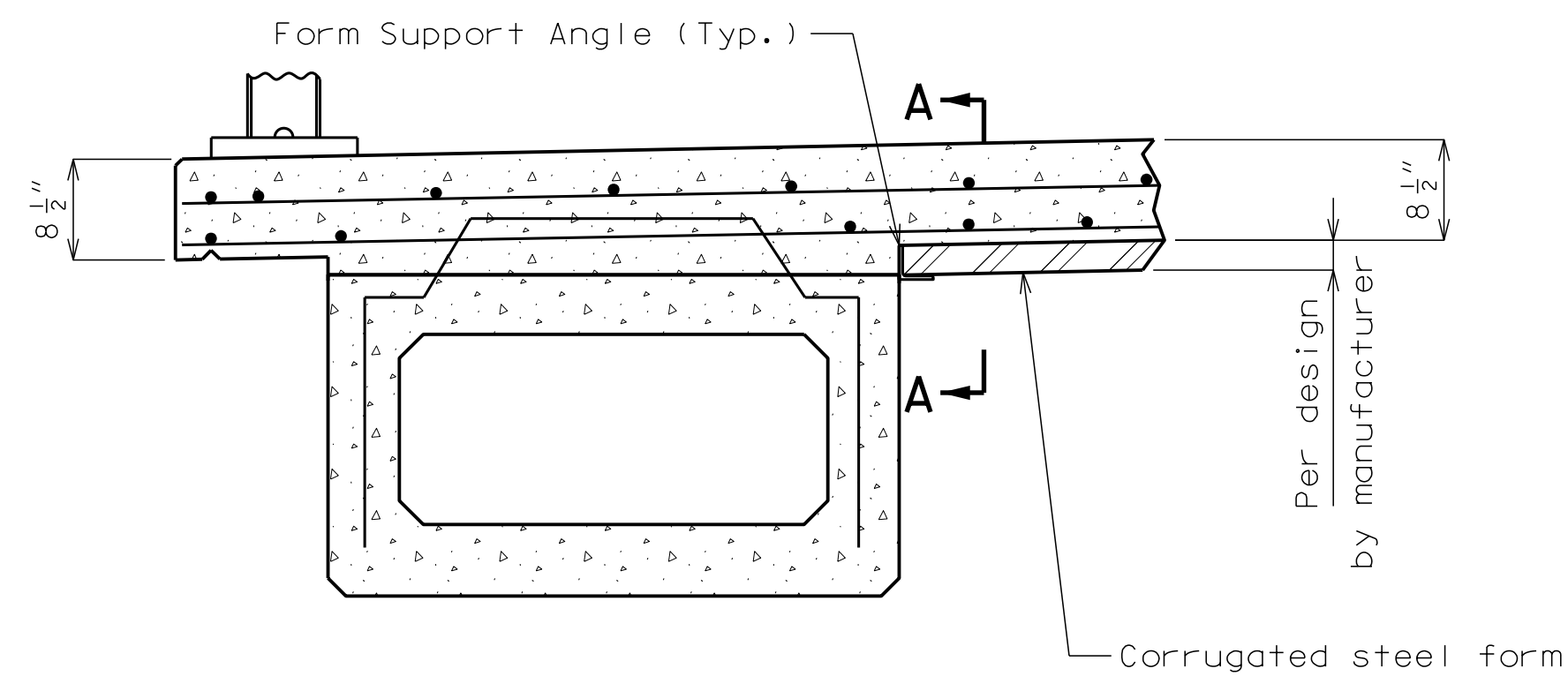
GARVER, LLC.
7509 NW TIFFANY SPRINGS
PARKWAY, SUITE 200
KANSAS CITY, MO 64153
PHONE: (816) 298-6465
CERTIFICATE OF AUTHORITY
NO. 2008013090





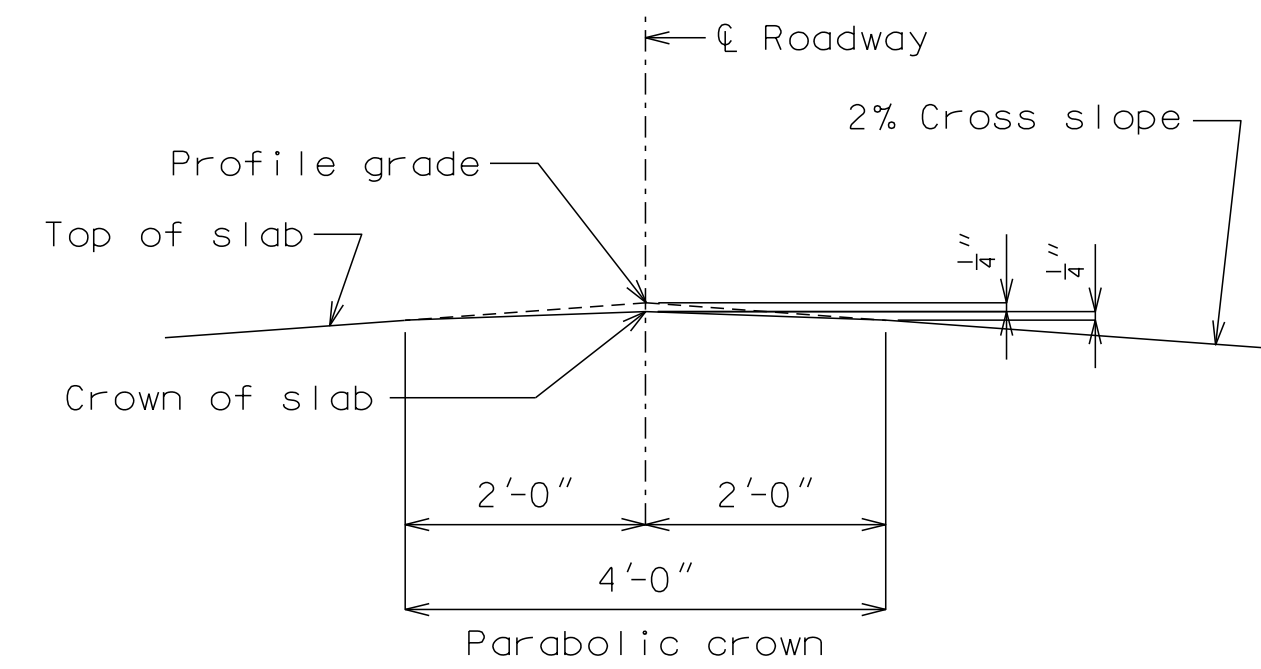
SECTION THRU SLAB

- * 12" at End of Slab End Bent No. 1
4 3/8" at End of Slab End Bent No. 2
- ** 2 1/4" from End Slab End Bent No. 1 to PC Sta. 14+51.82
2 3/8" at End Slab End Bent No. 2
- *** 2 3/4" from End Slab End Bent No. 1 to PC Sta. 14+51.82
2 5/8" at End Slab End Bent No. 2

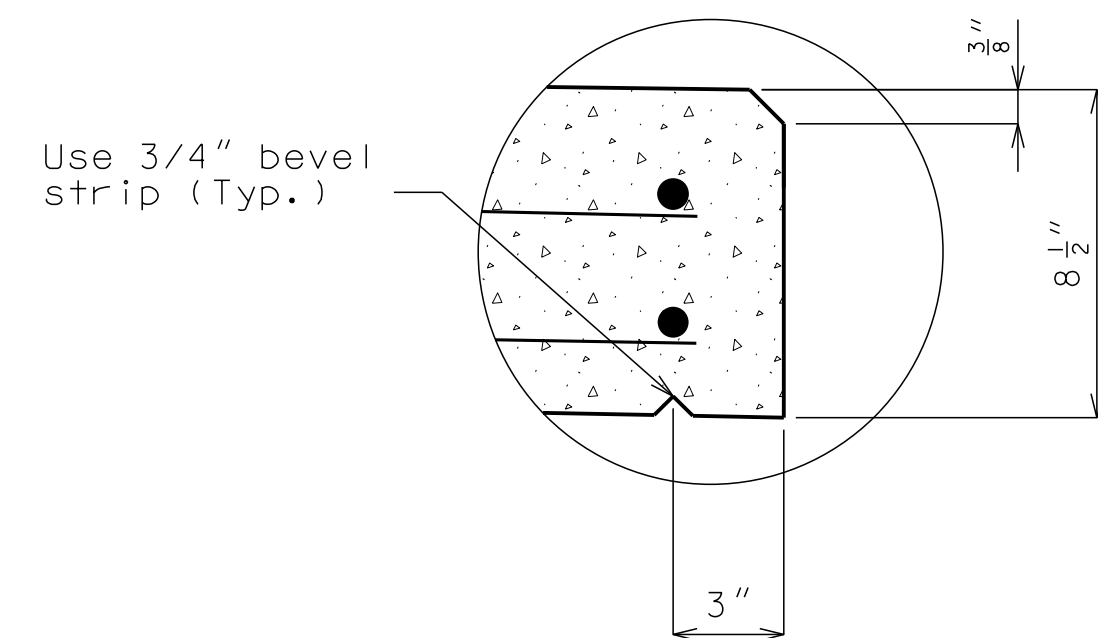


SECTION A-A

OPTIONAL STAY-IN-PLACE
FORM DETAILS



DETAIL "A"



DETAIL "B"

Notes:

For Plan of Slab Showing Reinforcement, see Sheet No. 15.

For Theoretical Slab Haunching Diagram, Theoretical Bottom of Slab Elevations and Beam Camber Diagram, see Sheet No. 17.

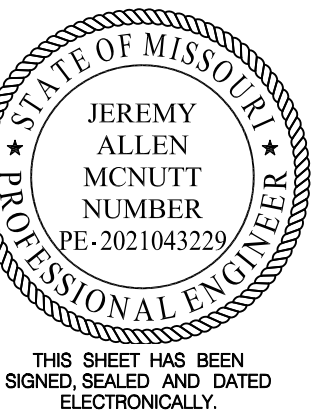
For details of Thrie Beam Rail, see Sheet No. 18.

The contractor shall pour and satisfactorily finish the roadway slab at a rate of not less than 25 cubic yards per hour.

For Stay-In-Place form notes, see Sheet No. 7.

Slab shall be constructed at a uniform depth as shown on the plans. Haunching will vary.

SLAB SECTION AND DETAILS



DATE PREPARED
8/5/2025

ROUTE
W120 AVE
DISTRICT
NW
STATE
MO
SHEET NO.
16

COUNTY
HARRISON
JOB NO.

CONTRACT ID.
PROJECT NO.

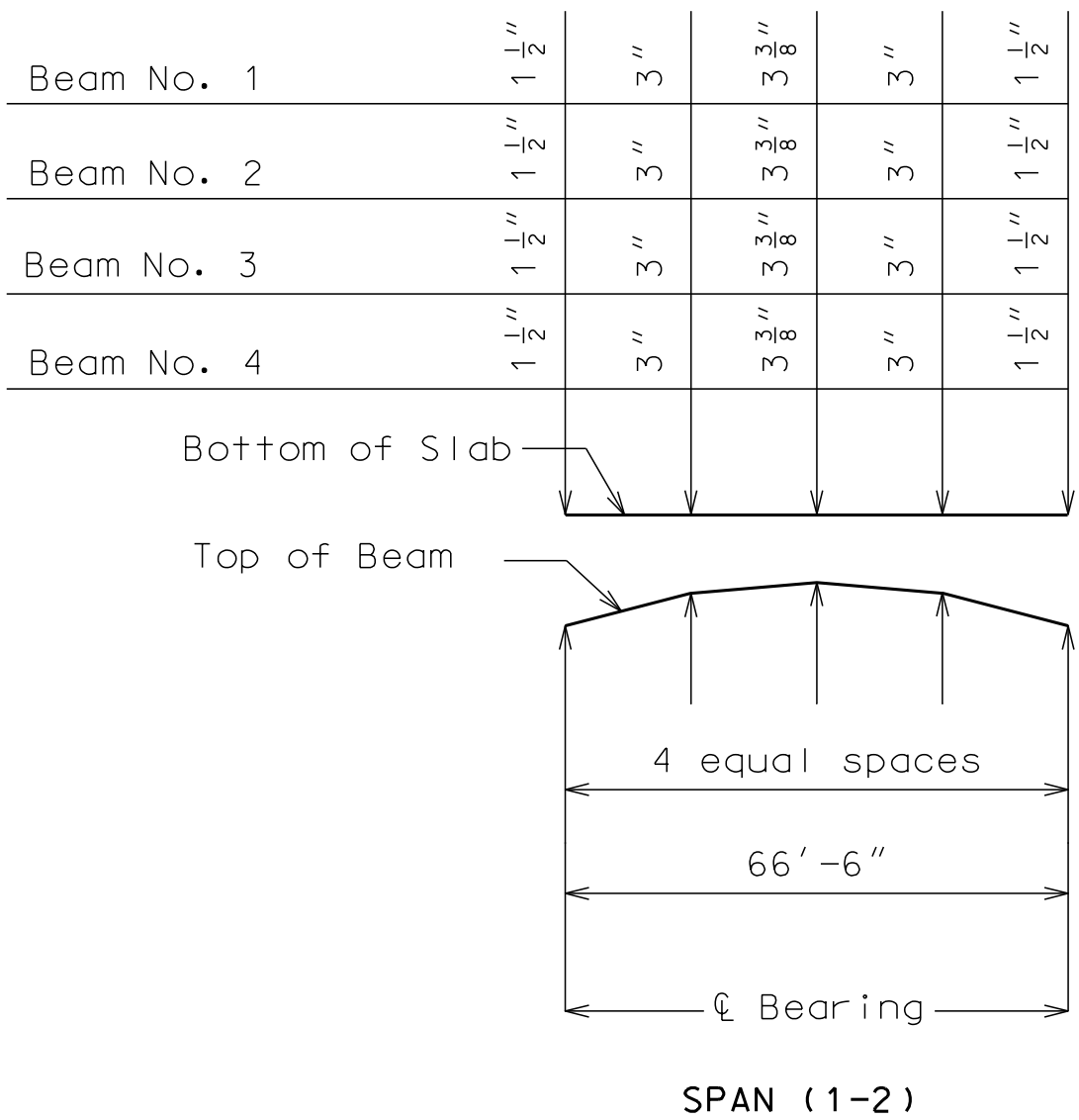
BRIDGE NO.
4750002

DATE	DESCRIPTION

HARRISON COUNTY
MISSOURI
1500 Central St
Bethany, MO 64424

GARVER, LLC.
7509 NW TIFFANY SPRINGS
PARKWAY, SUITE 200
KANSAS CITY, MO 64153
PHONE: (816) 298-6465
CERTIFICATE OF AUTHORITY
NO. 2008013090





THEORETICAL SLAB HAUNCHING DIAGRAM

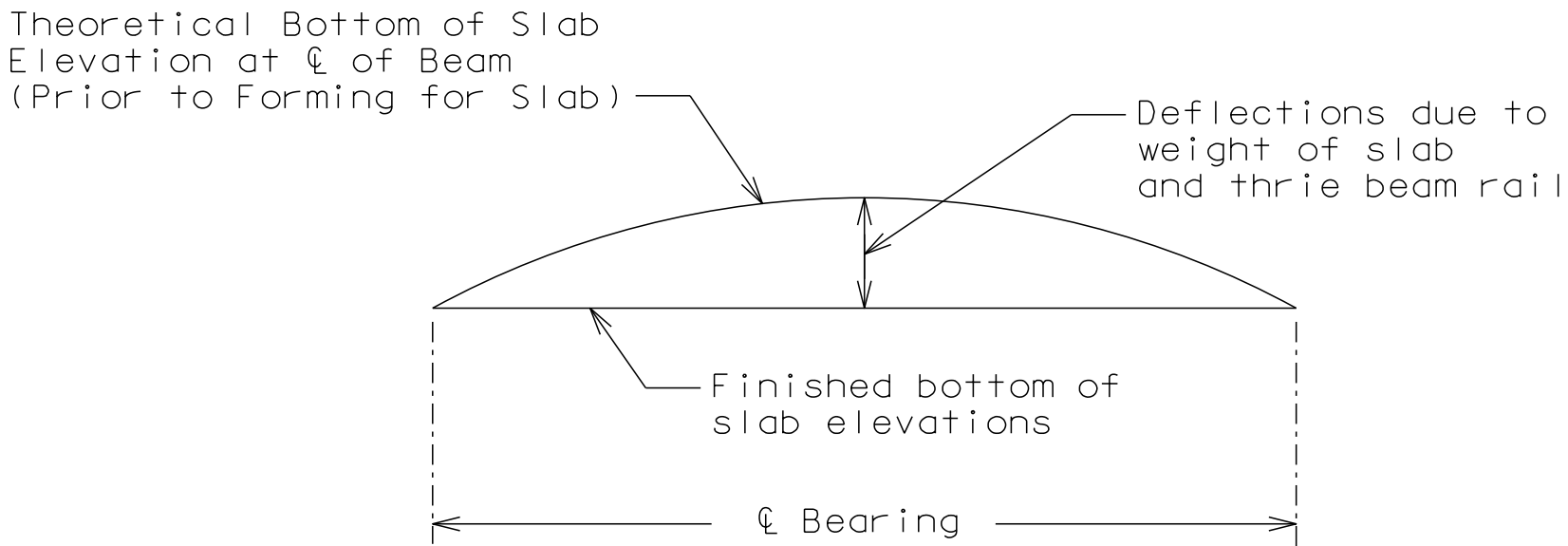
Theoretical Bottom of Slab Elevations at CL of Beam (Prior to Forming for Slab) **					
	Span (1-2) (66'-6" CL brg. - CL brg.)				
	CL brg.	.25	.50	.75	CL brg.
Beam No. 1	924.45	924.77	924.94	924.94	924.79
Beam No. 2	924.58	924.90	925.07	925.07	924.92
Beam No. 3	924.54	924.86	925.03	925.03	924.88
Beam No. 4	924.41	924.73	924.90	924.90	924.75

** Elevations are based on a constant slab thickness of 8 1/2" and include allowance for theoretical dead load deflections due to weight of slab and thrie beam rail.

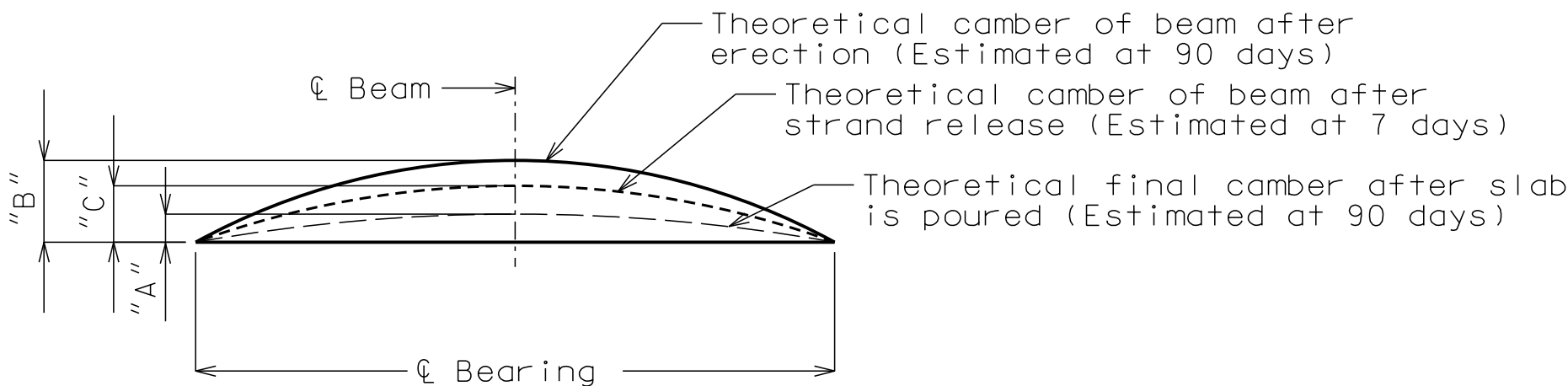
Notes:

If beam camber is different from that shown in the camber diagrams, in order to maintain minimum slab thickness adjustment of the slab haunches, an increase in slab thickness or a raise in grade uniformly throughout the structure shall be necessary. No payment will be made for additional labor or materials required for variation in haunching, slab thickness or grade adjustment.

Concrete in the slab haunches is included in the Estimated Quantities for Slab on Concrete Beam.



TYPICAL SLAB ELEVATIONS DIAGRAM



	Span (1-2)		
	"A"	"B"	"C"
Ext. beam	1"	2"	1 1/8"
Int. beam	1"		

BEAM CAMBER DIAGRAM

Conversion factors for beam camber (estimated at 90 days)

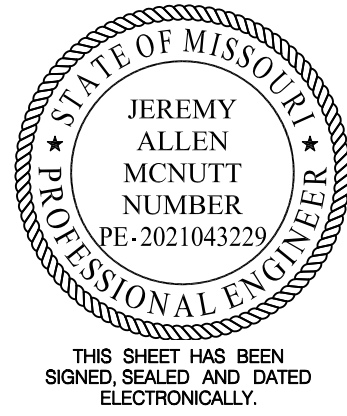
0.25 pt. = 0.7125 x 0.5 pt.

SLAB DETAILS

Detailed Dec. 2023
Checked Dec. 2023

Note: This drawing is not to scale. Follow dimensions.

Sheet No. 17 of 24



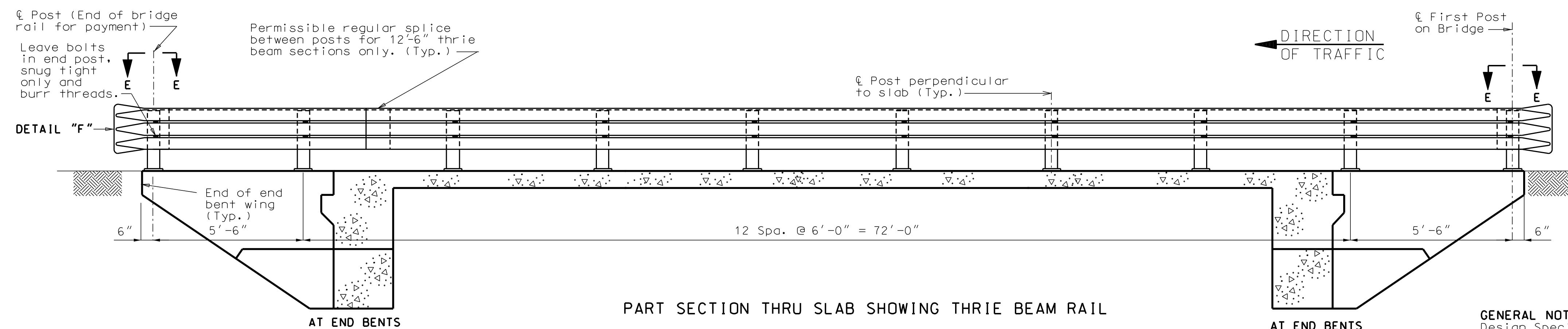
DATE PREPARED 8/5/2025	
ROUTE W120 AVE	STATE MO
DISTRICT NW	SHEET NO. 17
COUNTY HARRISON	
JOB NO.	
CONTRACT ID.	
PROJECT NO.	
BRIDGE NO. 4750002	

DATE	DESCRIPTION
.	.
.	.
.	.
.	.
.	.
.	.

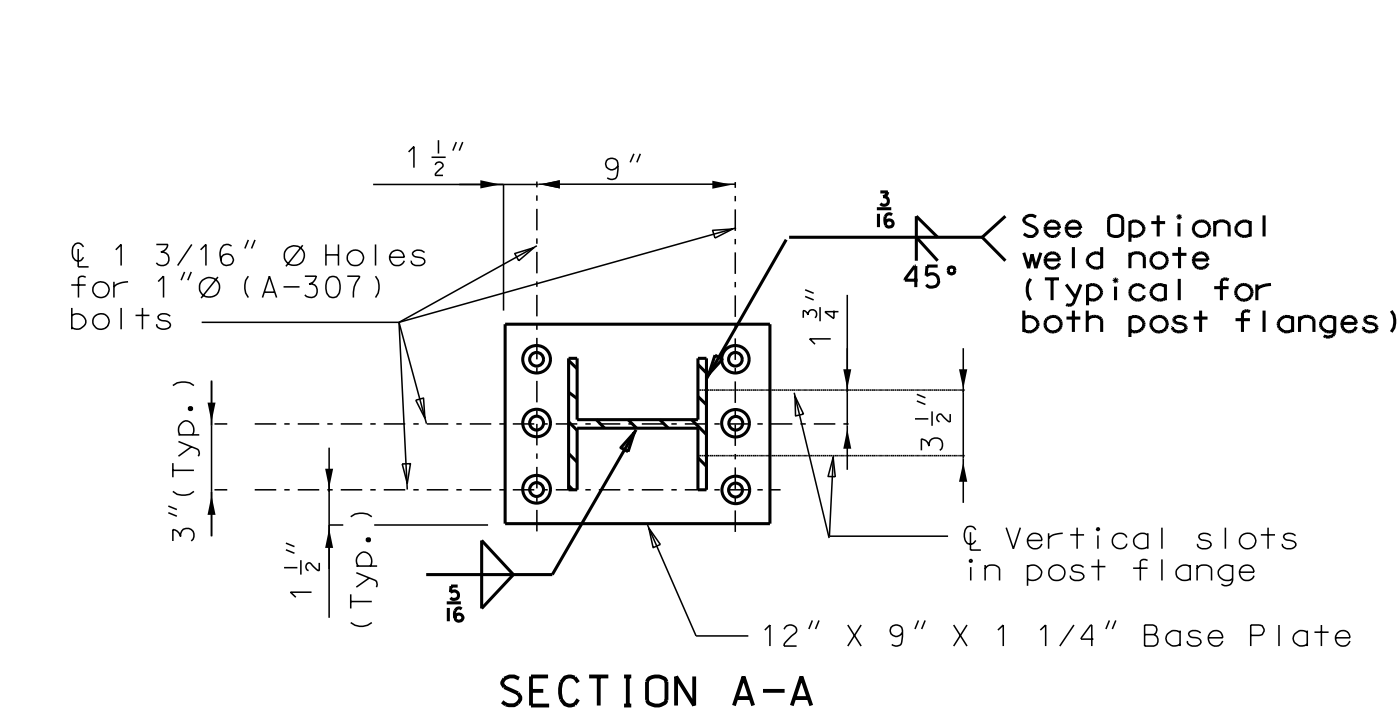
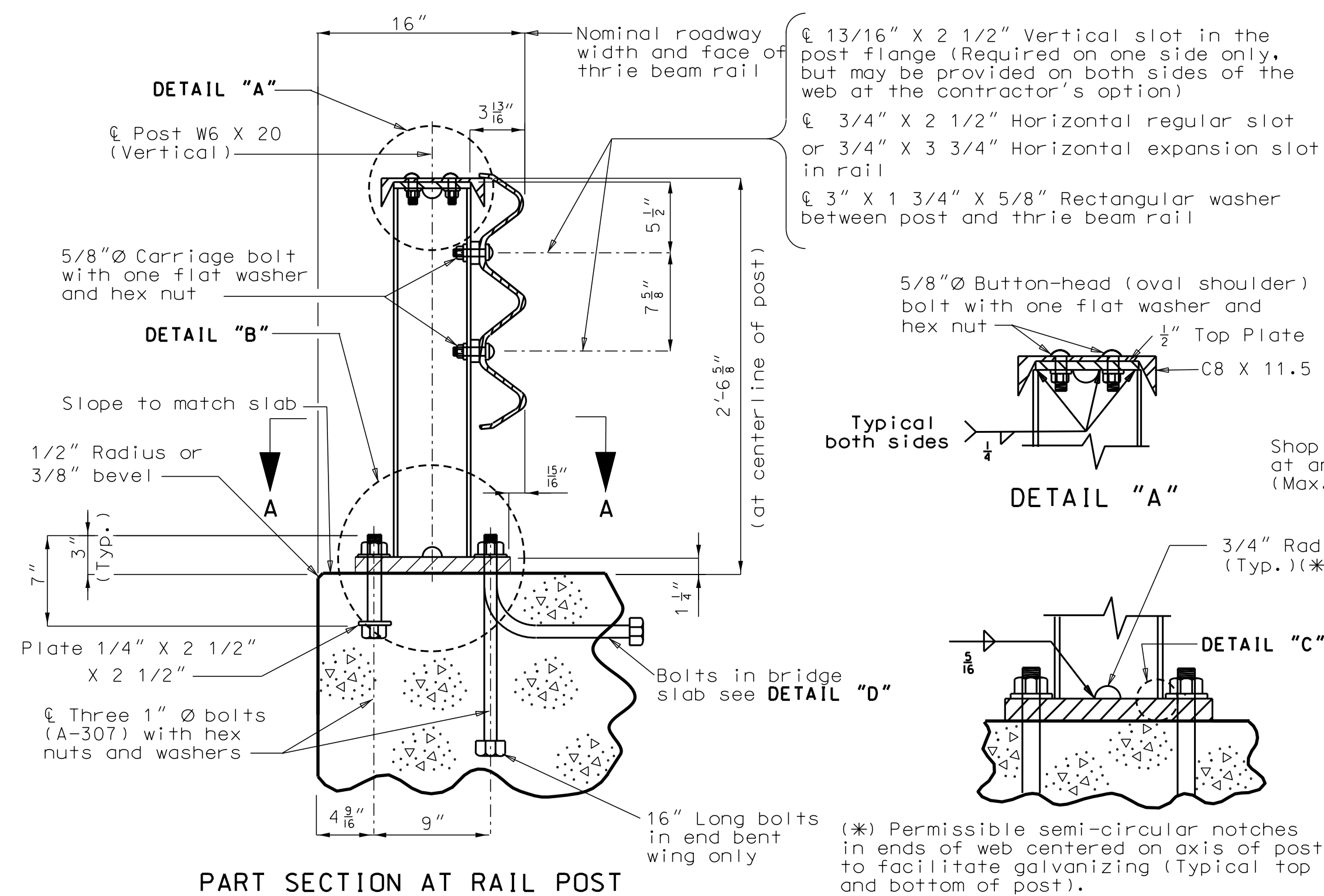
HARRISON COUNTY
MISSOURI
1500 Central St
Bethany, MO 64424

GARVER, LLC.
7509 NW TIFFANY SPRINGS
PARKWAY, SUITE 200
KANSAS CITY, MO 64153
PHONE: (816) 298-6465
CERTIFICATE OF AUTHORITY
NO. 2008013090

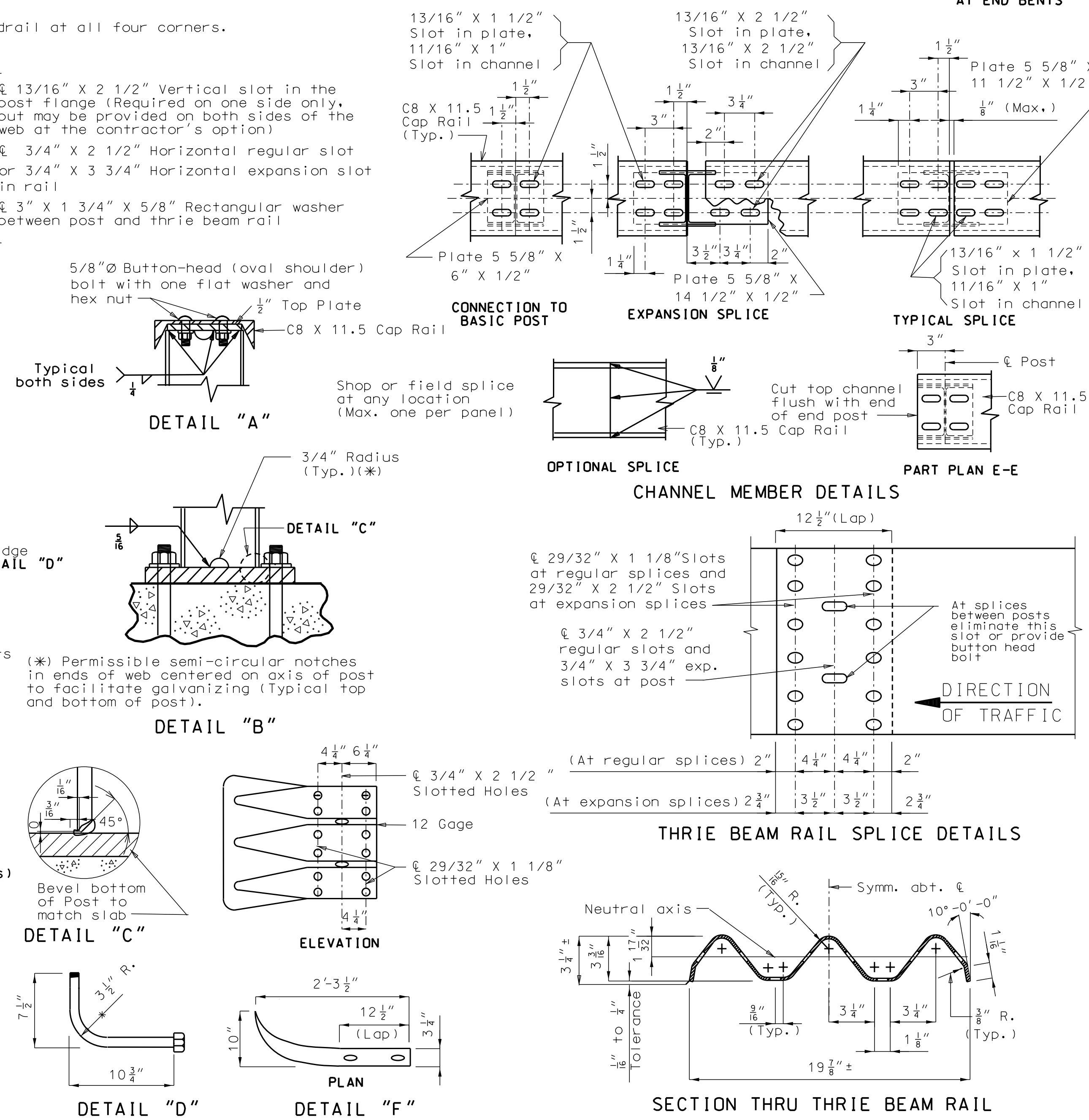




Note: At the bridge ends for two-way pavement, use guardrail at all four corners.



Note: Optional welding of the post to the base plate is a 3/8" fillet weld all around (including the edges of the post flanges) in lieu of the weld shown.



GENERAL NOTES:

Design Specifications: AASHTO-1996 and Interims thru 1999.

Panel lengths of channel members shall be attached continuously to a minimum of four posts and a maximum of six posts (except at end bents).

All bolts, nuts, washers, plates and elastomeric materials are considered as parts of the thrie beam rail for payment.

All steel connecting bolts and fasteners for posts and railing, and all anchor bolts, nuts, washers and plates shall be galvanized after fabrication. For protective coating and material requirement of steel railing, see Section 1040 of the Missouri Standard Specifications.

Rail posts shall be set perpendicular to roadway profile grade and vertically in cross section, and aligned according to Section 713 of the Missouri Standard Specifications, except that the rail posts shall be aligned by the use of shims so that in the final adjustment no part shall deviate more than one inch from true horizontal alignment. The shims shall be 1 1/2" thick and 3" wide. The posts shall be the three beam rail. The thickness of the shims shall be determined by the contractor and verified by the engineer before ordering material for this work.

Rail posts shall be seated on elastomeric pads having the same dimensions as the post base plate and 1/16" thickness. Such pads may be any elastomeric material, plain or fibered, having a hardness (Durometer) of 50 or above, as certified by the manufacturer. Additional pads or half pads may be used in shimming for alignment. Post heights shown will increase by the thickness of the pad.

At the thrie beam connection to posts on wings, tighten bolts, back off one-half turn and burr threads.

Minimum length of thrie beam sections is equal to one post space.

Use 5/8"Ø button-head, oval shoulder bolts with hex nuts at all slots. (Thickness of hex nuts = 3/8" Min.).

Three beam guardrail on the bridge shall be made of steel and shall be 12 Gage.

Posts, top plates, base plates, channels and channel splice plates shall be fabricated from ASTM A709 Grade 36 steel and galvanized.

Threaded rods Grade A-321 with 2 hex nuts and washers may be substituted for the A-307 anchor bolts.

Each of the three (3) shorter anchor bolts shall be furnished with a 1/4" x 2 1/2" x 2 1/2" plate (ASTM A709 Grade 36) tack welded to the head of the bolt; or, at the contractor's option, one plate 1/4" x 2 1/2" x 12" continuous for all three bolts may be used.

Washers shall be used at all post bolts (between the bolt head and beam). They shall be rectangular in shape (3" x 1 3/4" x 3/16" Min.) and flat with a 11/16" x 1" slot, or when necessary of such design as to fit the contour of the beam. (Use a 3" x 1 3/4" x 5/8" rectangular washer between the post and the three beam rail.)

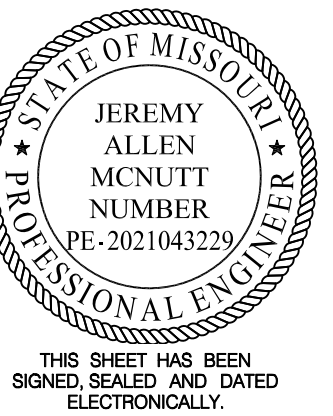
Special drilling of the thrie beam may be required at the splices. (All drilling details are to be shown on the shop drawings.)

Fabrication of structural steel shall be in accordance with Section 712 of the Missouri Standard Specifications.

Expansion splices in the thrie beam rail shall be made on structure at bridge ends.

Shim plates 6" x 6" x 1/16" may be used between the top of the post and the channel member as required for vertical alignment.

See Missouri Standard Plans Drawing 606.00 for details not shown.



DATE PREPARED
8/5/2025

ROUTE	STATE
W120 AVE	MO

DISTRICT NW	SHEET NO. 18
----------------	-----------------

COUNTY
HARRISON

JOB NO.

CONTRACT ID

PROJECT NO.

BRIDGE NO.

4750002

[illegible]

HARRISON COUNTY
MISSOURI
1500 Central St
Bethany, MO 64424

7509 NW TIFFANY SPRINGS
PARKWAY, SUITE 200
KANSAS CITY, MO 64153
PHONE: (816) 298-6465
CERTIFICATE OF AUTHORITY
NO. 2008013090

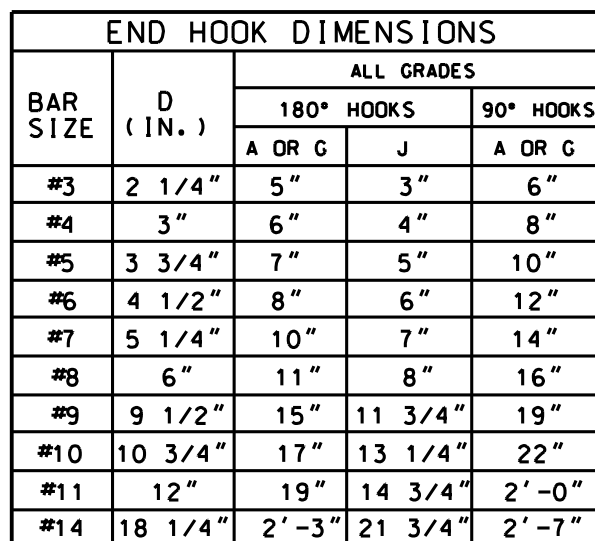
Detailed Nov. 2023
Checked Dec. 2023

Note: This drawing is not to scale. Follow dimensions.

Sheet No. 18 of 24

BRO_B041(38)_018_Thrie_Beam_Rail_Details.dgn 4:20:46 PM 8/5/2025

NO.	REQ'D.		MARK NO.	LOCATION	EPOXY (E)	SHAPE NO.	STIRRUP (S)	SUBSTR. (X)	VARIES (V)	NO. EACH	DIMENSIONS																NOMINAL LENGTH	ACTUAL LENGTH	WEIGHT
											B		C		D		E		F		H		K						
											FT.	IN.	FT.	IN.	FT.	IN.	FT.	IN.	FT.	IN.	FT.	IN.	FT.	IN.	FT.	IN.			
				SUPERSTR.																									
				END BENTS NO. 1 & 2																									
32	6	F100		WING BRACE	E	15	S				2	3.000	3	11.000	2	3.000		19.000		19.000		19.000		8	5	8	5	405	
12	6	F101		DIAPHRAGM	E	11	S						9.000	2	8.000	4	10.000						8	3	8	0	145		
32	8	H100		WING	E	20					9	8.000											9	8	9	8	826		
8	7	H101		DIAPHRAGM	E	20					25	5.000											25	5	25	5	416		
16	7	H102		BEAM	E	20					25	5.000											25	5	25	5	832		
8	6	H103		BEAM	E	20					25	5.000											25	5	25	5	306		
6	6	H104		DIAPHRAGM	E	20					25	5.000											25	5	25	5	230		
72	6	H105		WING	E	20					8	8.000											8	8	8	8	938		
18	6	H106		DIAPHRAGM	E	20					2	3.000											2	3	2	3	61		
8	5	H107		STRAND TIE	E	20					5	8.000											5	8	5	8	48		
62	6	U100		DIAPHRAGM	E	19	S				2	7.000	5	1.000									7	8	7	6	699		
26	5	U101		DIAPHRAGM	E	31	S				2	7.000	2	9.000	2	7.000							8	10	8	7	233		
40	4	U102		BEAM	E	13	S				2	9.000	2	8.000	2	9.000	2	8.000					11	7	11	4	303		
26	5	U103		BEAM	E	31	S				4	8.000	2	9.000	4	8.000							13	0	12	9	346		
24	4	U104		BEAM	E	10	S						2	8.000	2	9.000							8	1	7	11	127		
64	6	V100		WING	E	20					5	7.000											5	7	5	7	537		
48	6	V101		DIAPHRAGM	E	20					2	7.000											2	7	2	7	187		
48	5	V102		PILE	E	17					5	3.000											5	10	5	10	293		
64	4	P100		PILE	E	34	S				10	500											3	6	3	6	150		
				SLAB																									
127	6	S1		SLAB	E	20					25	5.000											25	5	25	5	4849		
86	5	S2		SLAB	E	20					36	6.000											36	6	36	6	3274		



ALL STANDARD HOOKS AND BENDS OTHER THAN 180 DEGREE ARE TO BE BENT WITH SAME PROCEDURE AS FOR 90 DEGREE STANDARD HOOKS.
HOOKS AND BENDS SHALL BE IN ACCORDANCE WITH THE PROCEDURES AS SHOWN ON THIS SHEET.

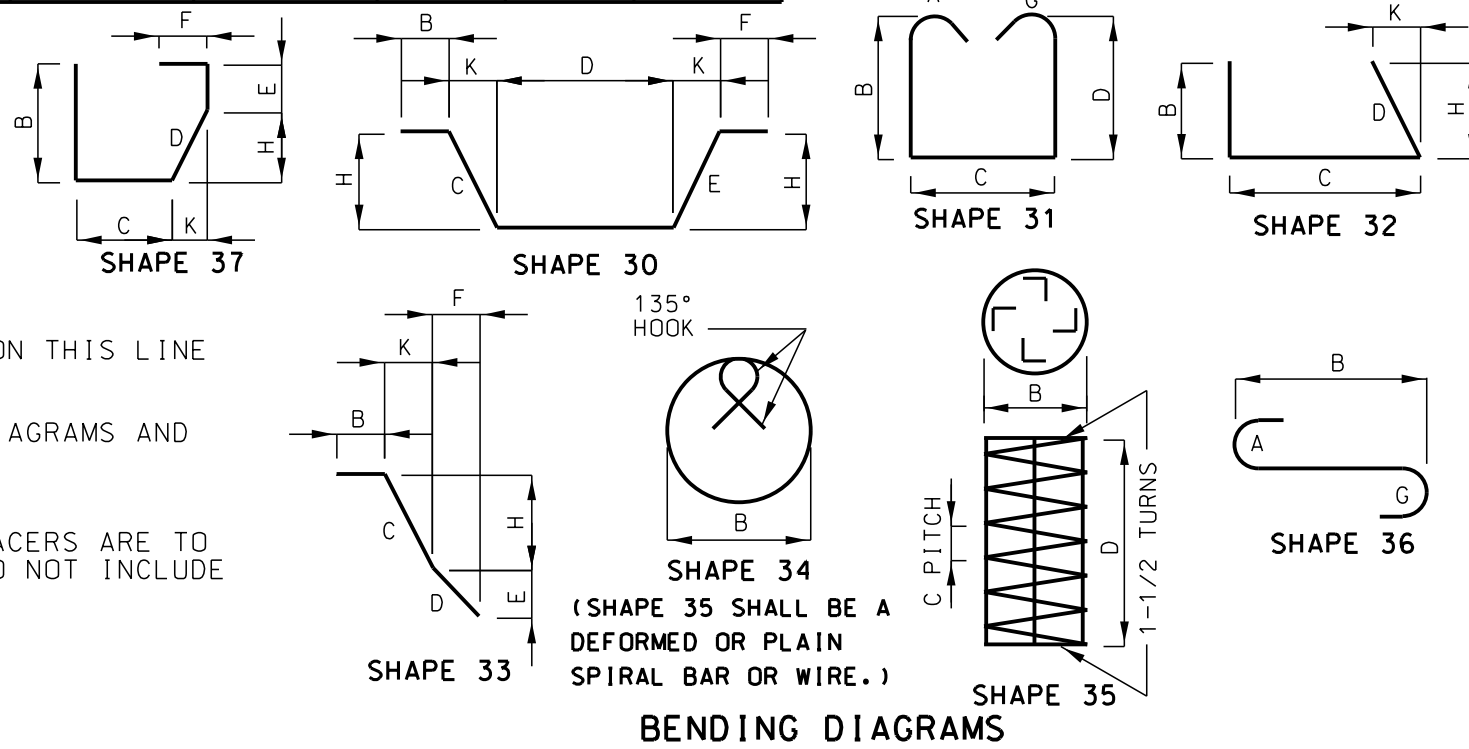
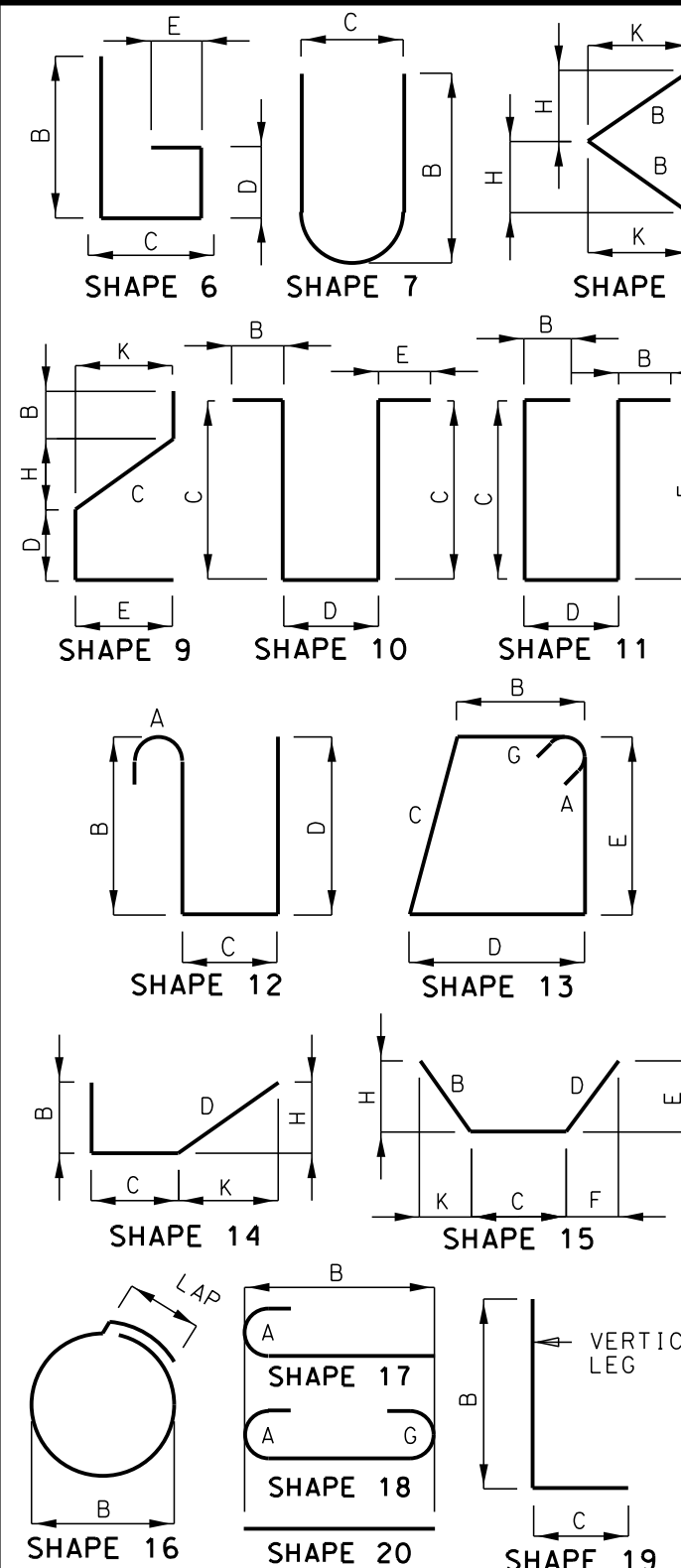
E = EPOXY COATED REINFORCEMENT.
S = STIRRUP.
X = BAR IS INCLUDED IN SUBSTRUCTURE QUANTITIES.
V = BAR DIMENSIONS VARY IN EQUAL INCREMENTS BETWEEN DIMENSIONS SHOWN ON THIS LINE AND THE FOLLOWING LINE.
NO. EA. = NUMBER OF BARS OF EACH LENGTH.
NOMINAL LENGTHS ARE BASED ON OUT TO OUT DIMENSIONS SHOWN IN BENDING DIAGRAMS AND ARE LISTED FOR FABRICATORS USE. (NEAREST INCH)
ACTUAL LENGTHS ARE MEASURED ALONG CENTERLINE BAR TO THE NEAREST INCH.
WEIGHTS ARE BASED ON ACTUAL LENGTHS.

FOR CHANNEL SPACERS ARE TO BE ORDERED FOR EACH COLUMN SPIRAL. SPACERS ARE TO BE PLACED ON INSIDE OF SPIRALS. LENGTH AND WEIGHT OF COLUMN SPIRALS DO NOT INCLUDE SPLICES OR SPACERS.

REINFORCING STEEL (GRADE 60) FY = 60,000 PSI.



SHAPE 3

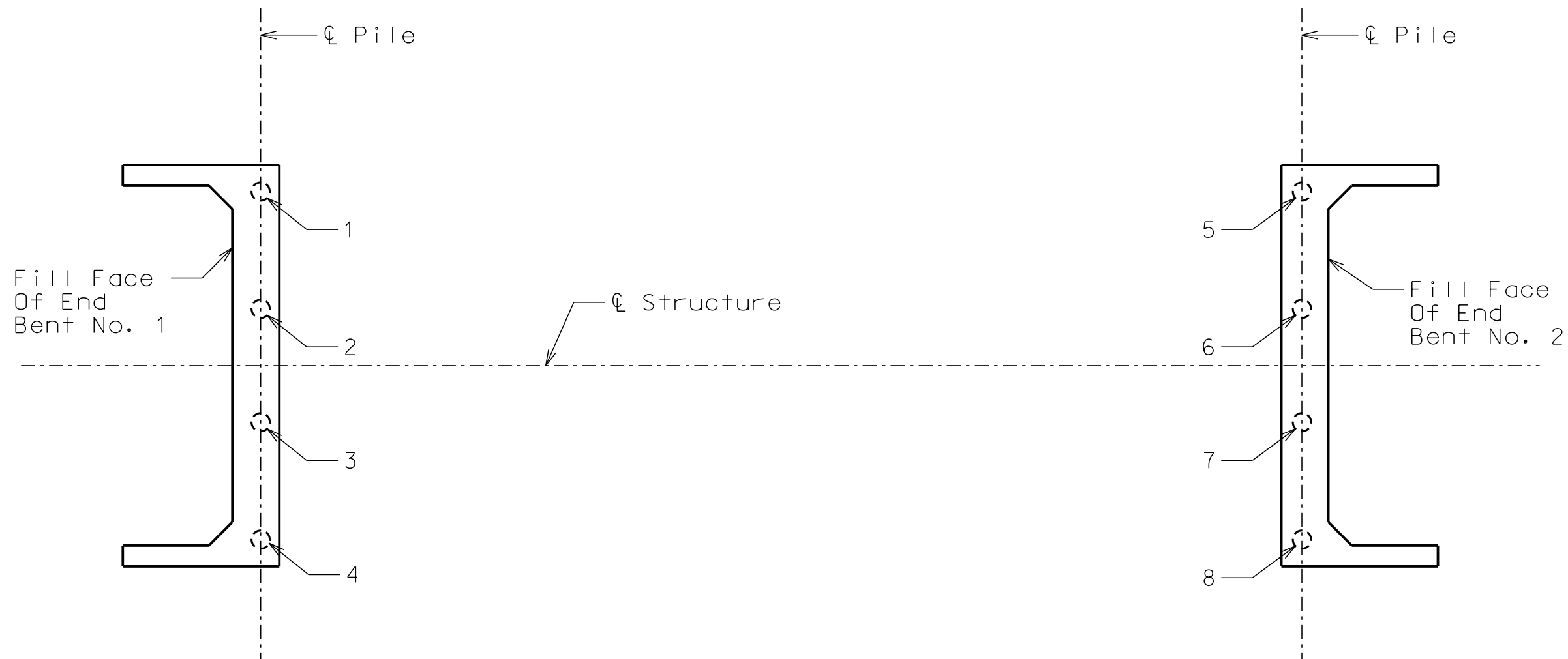
[illegible][illegible]

HARRISON COUNTY
MISSOURI
1500 Central St
Bethany, MO 64424

GARVER, LLC.
7509 NW TIFFANY SPRINGS
PARKWAY, SUITE 200
KANSAS CITY, MO 64153
PHONE: (816) 298-6465
CERTIFICATE OF AUTHORITY
NO. 2008013090



IF A SEAL IS PRESENT ON THIS SHEET IT HAS BEEN ELECTRONICALLY SEALED AND DATED.

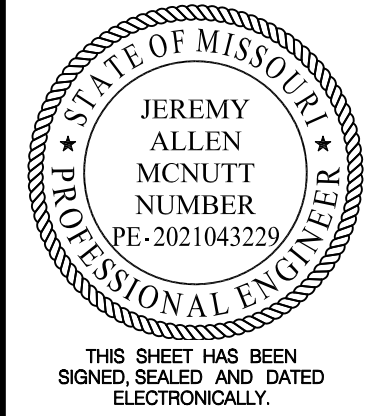


AS-BUILT PILE DATA			
PILE NO.	LENGTH IN PLACE (FT.)	COMPUTED NOMINAL AXIAL COMPRESSIVE RESISTANCE (KIPS)	REMARKS
			END BENT NO. 1
1			
2			
3			
4			
			END BENT NO. 2
5			
6			
7			
8			

Note:
Indicate in remarks column:
A. Pile type
B. Batter
C. Driven to practical refusal

This sheet to be completed by MoDOT construction personnel.

AS-BUILT PILE DATA



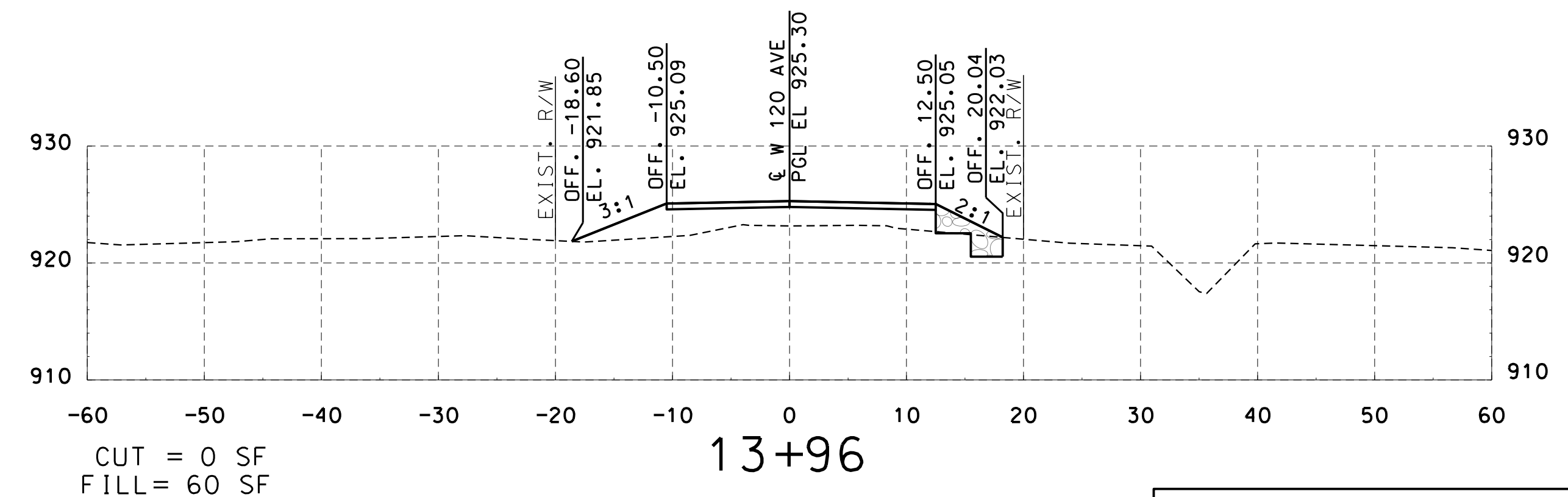
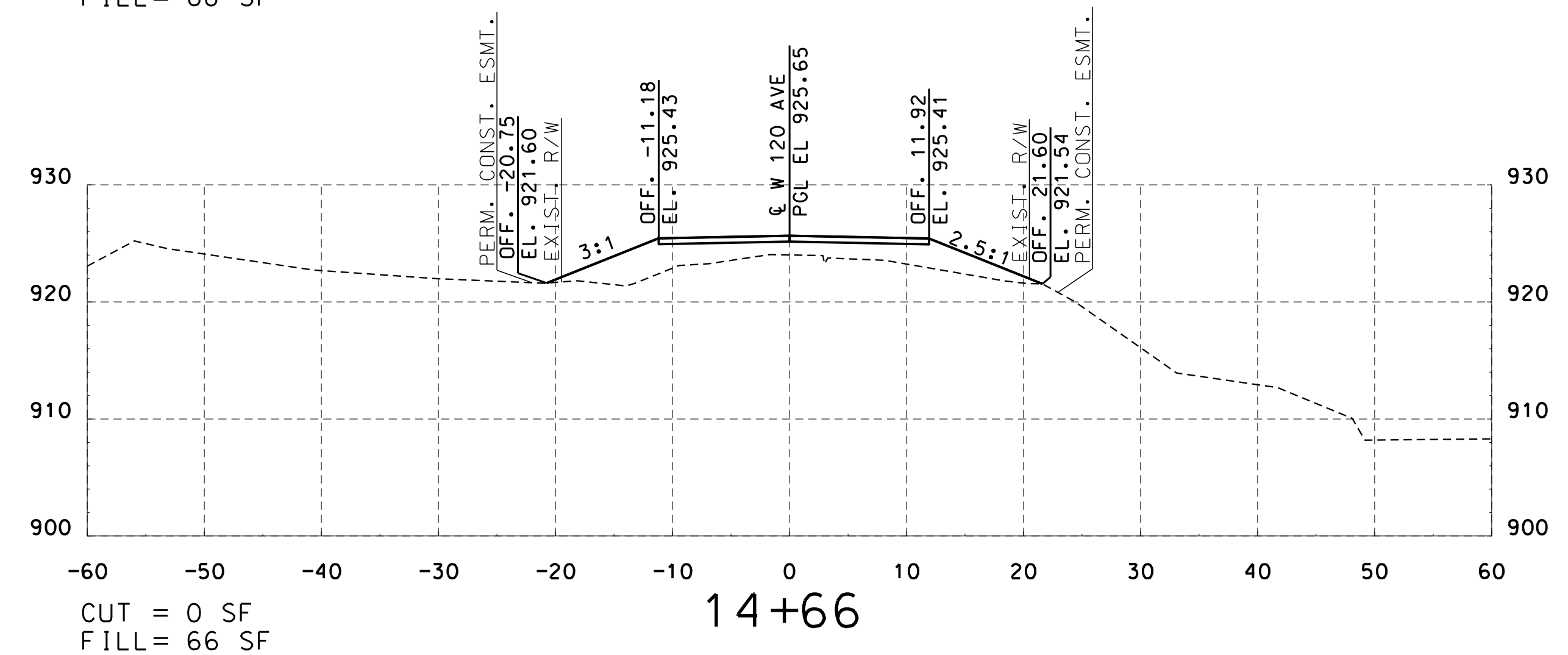
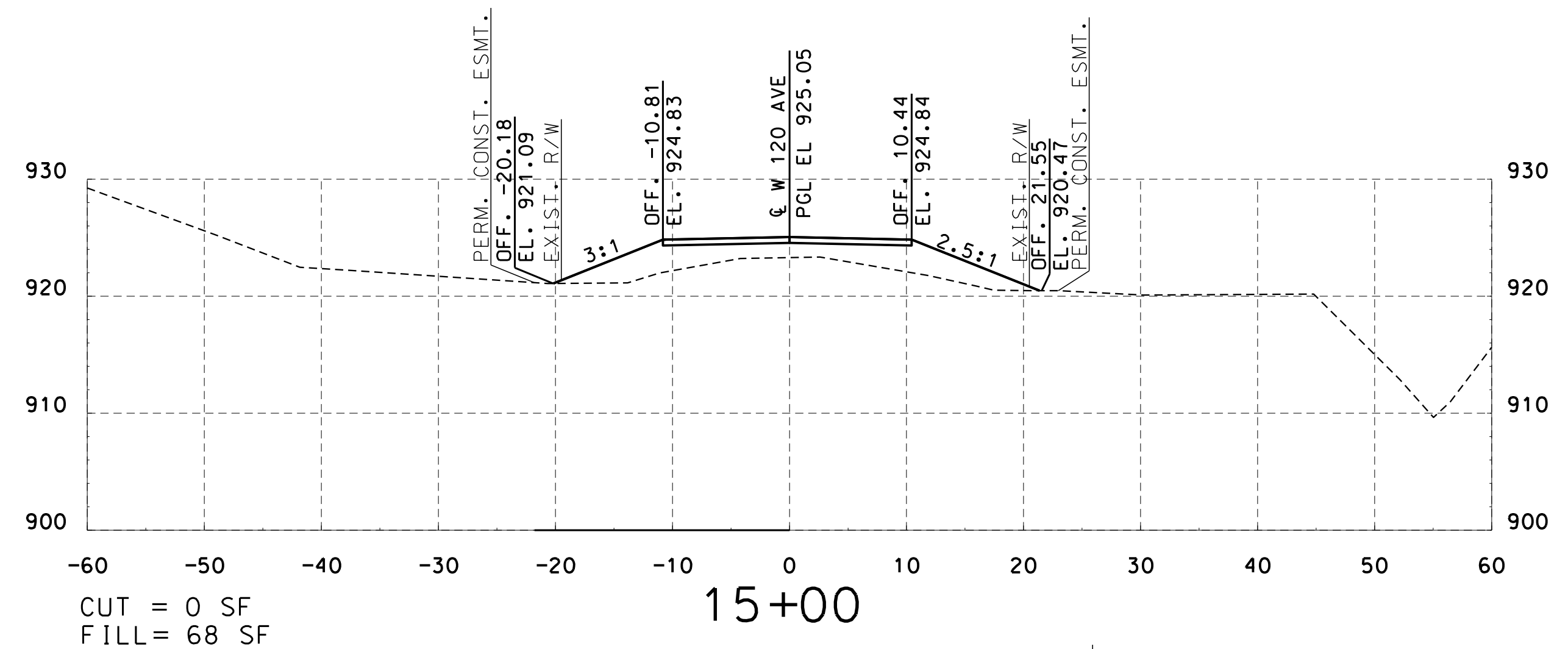
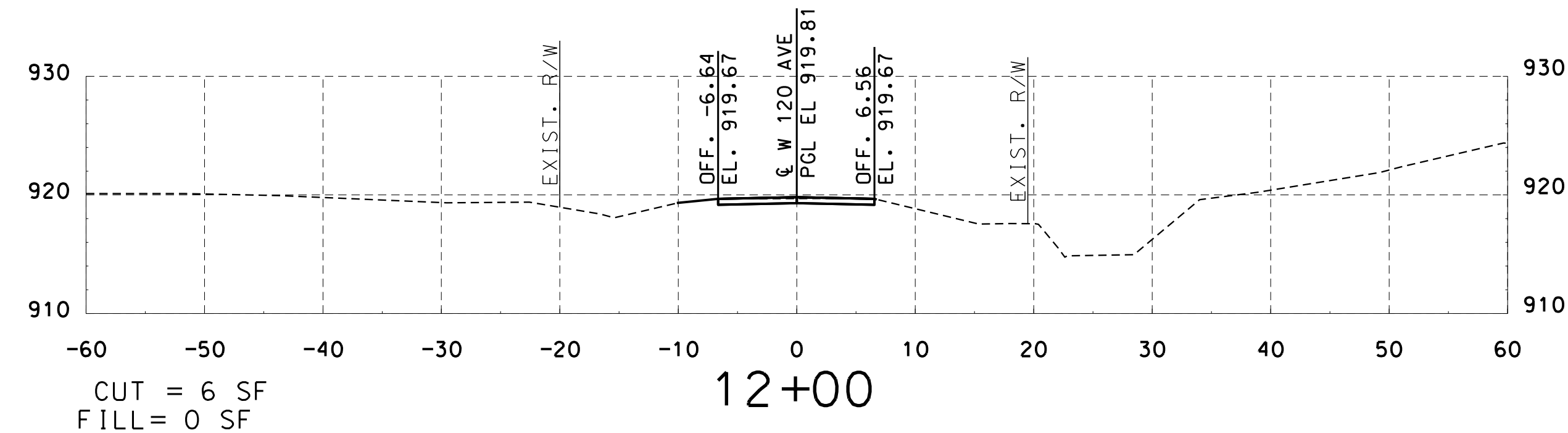
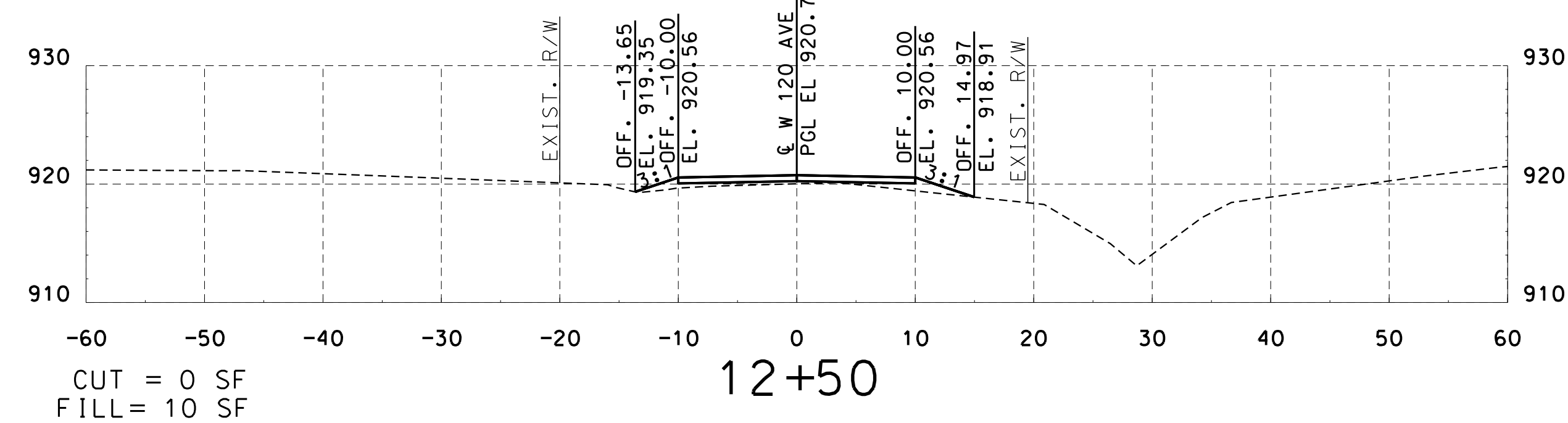
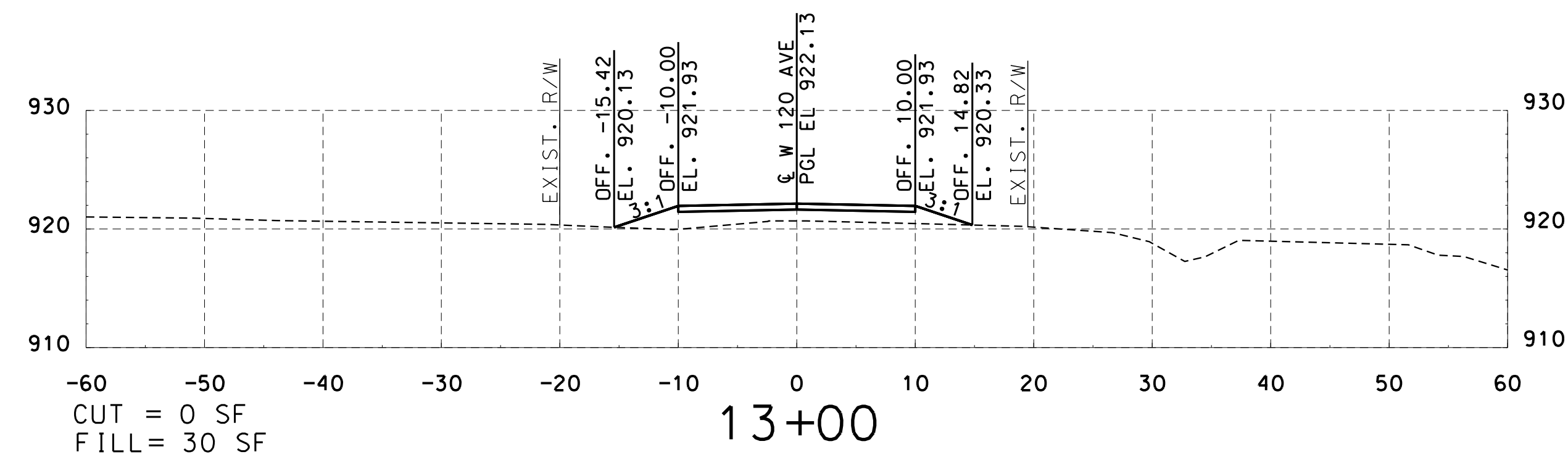
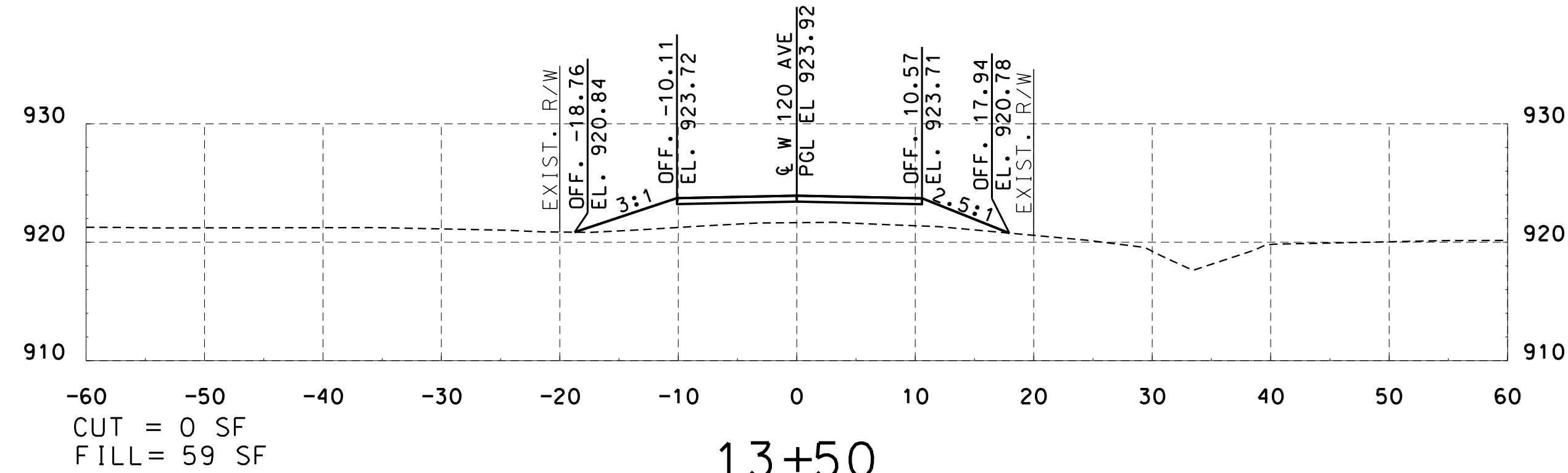
DATE PREPARED 8/5/2025	
ROUTE W120 AVE	STATE MO
DISTRICT NW	SHEET NO. 20
COUNTY HARRISON	
JOB NO.	
CONTRACT ID.	
PROJECT NO.	
BRIDGE NO. 4750002	

DATE	DESCRIPTION
.	.
.	.
.	.
.	.
.	.
.	.
.	.

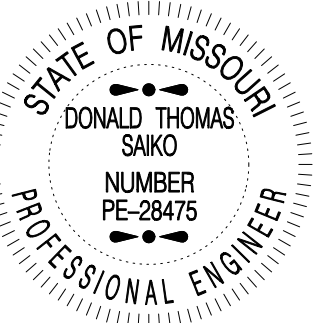
HARRISON COUNTY
MISSOURI
1500 Central St
Bethany, MO 64424

GARVER, LLC.
7509 NW TIFFANY SPRINGS
PARKWAY, SUITE 200
KANSAS CITY, MO 64153
PHONE: (816) 298-6465
CERTIFICATE OF AUTHORITY
NO. 2008013090





W 120 AVE CROSS SECTIONS
STA. 12+00 TO STA. 15+00
10 SCALE



THIS SHEET HAS BEEN
SIGNED, SEALED AND DATED
ELECTRONICALLY.

DATE PREPARED

ROUTE	STATE
-------	-------

DISTRICT	SHEET NO.
----------	-----------

COUNTY

JOB NO.

CONTRACT ID.

PROJECT NO.

BRIDGE NO.

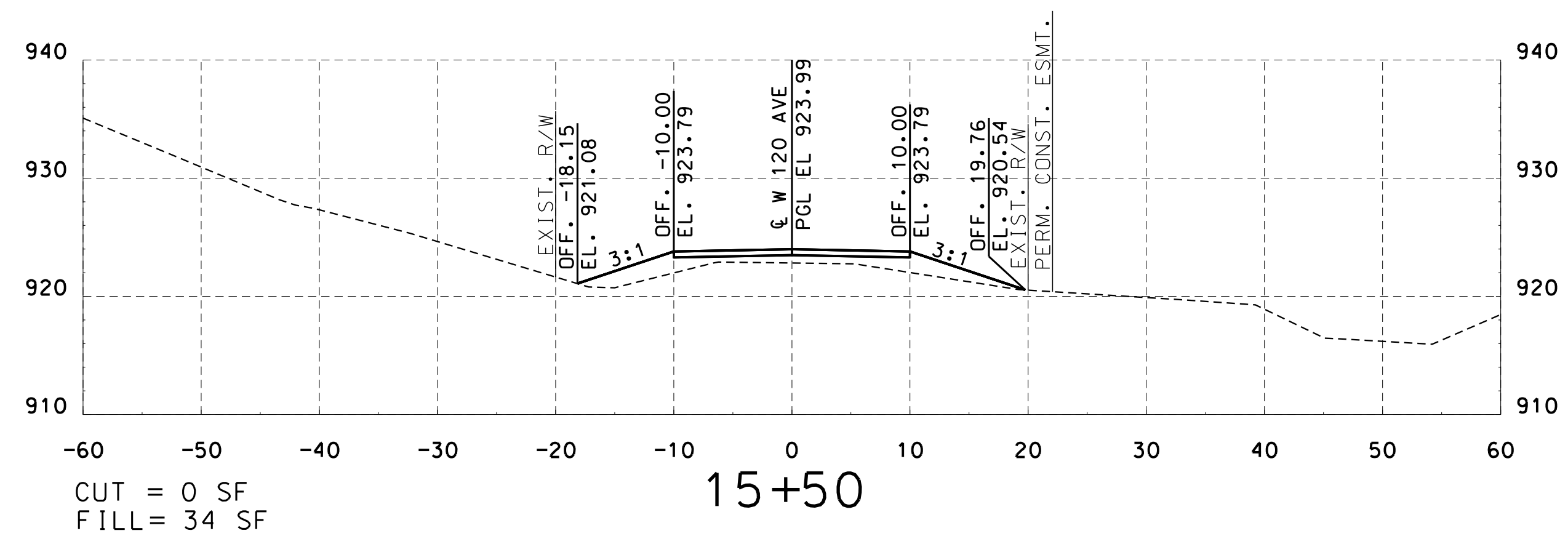
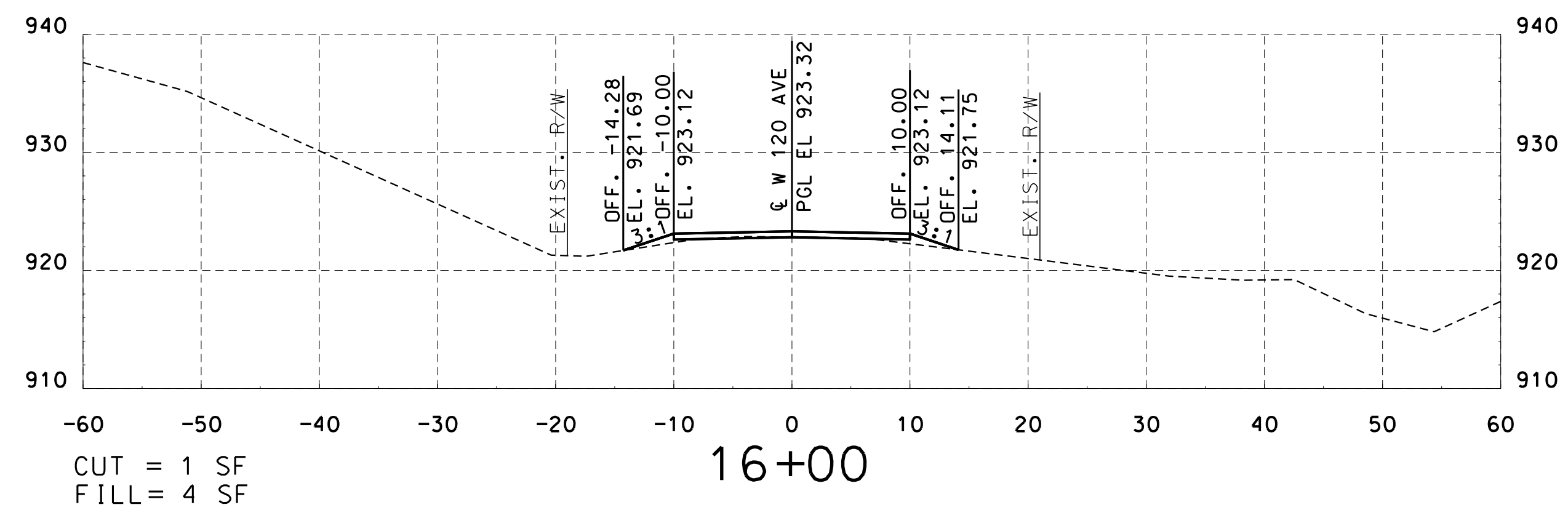
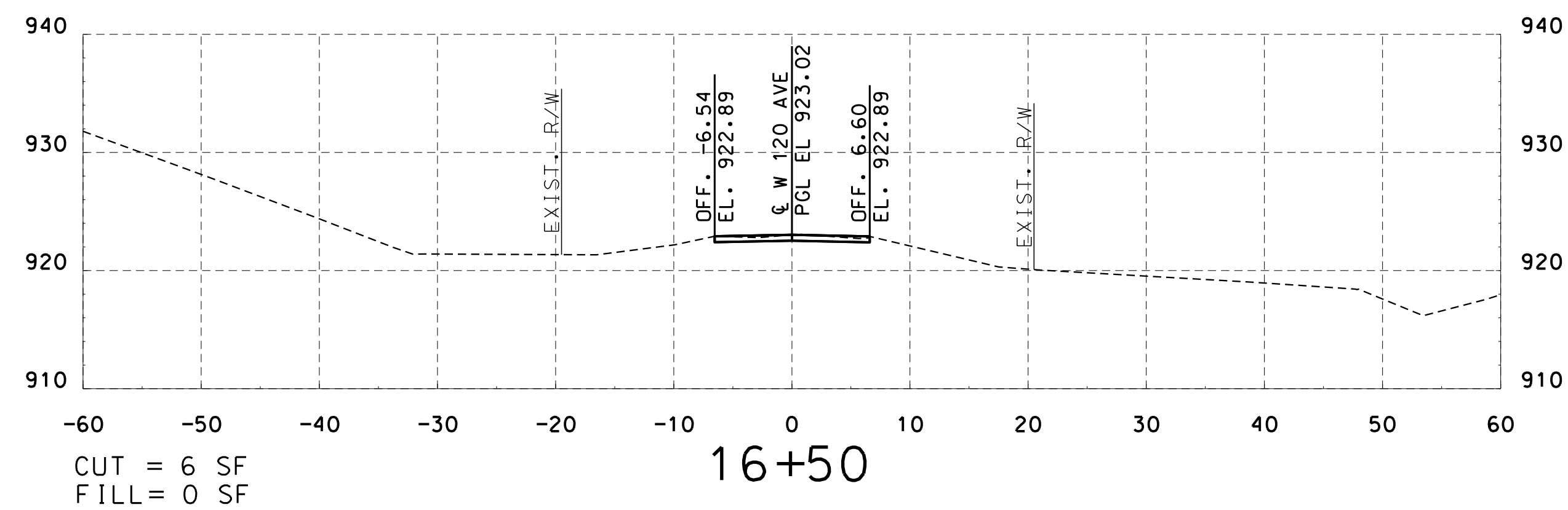
--	--	--	--	--	--	--	--

[illegible]

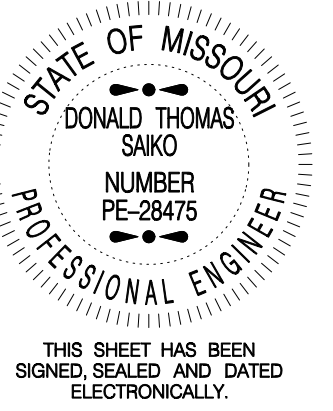
HARRISON COUNTY
MISSOURI

7509 NW TIFFANY SPRINGS
PARKWAY, SUITE 200
KANSAS CITY, MO 64153
PHONE: (816) 298-6465
CERTIFICATE OF AUTHORITY
NO. 2008013090





W 120 AVE CROSS SECTIONS
STA. 15+50 TO STA. 16+50
10 SCALE



DATE PREPARED

1/28/2025

ROUTE
130 AVE

120 AVE
DISTRICT

STATE
40

ET NO.

NW

CO

24

R I S C

JOB NO.
DC44736

U41 (38)

CONTRACT ID.

PROJECT NO.

PAGE NO.

1	•	•
2	•	•
3	•	•
4	•	•
5	•	•
6	•	•

HARRISON COUNTY
MISSOURI

7509 NW TIFFANY SPRINGS
PARKWAY, SUITE 200
KANSAS CITY, MO 64153
PHONE: (816) 298-6465
CERTIFICATE OF AUTHORITY
NO. 2008013090



BRO-R041(38)

Harrison County
PO Box 525
1505 Main Street
Bethany, MO 64424

REQUEST FOR BID

BID OF

MoDOT Vendor Number _____

Bidder Name _____

Bidder Address _____

FOR
CONSTRUCTING OR IMPROVING
Bridge #4750002 over Sampson Creek

West 120th Ave
Section 17, Township 63N, Range 29W
Harrison County, MO

July 2025

BRO-R041(38)

Harrison County
PO Box 525
1505 Main Street
Bethany, MO 64424

CONTRACT
AND
BOND
FOR
CONSTRUCTING OR IMPROVING
Bridge #4750002 over Sampson Creek

West 120th Ave
Section 17, Township 63N, Range 29W
Harrison County, MO

ADVERTISEMENT FOR BIDS
Bridge Replacement

Notice to Contractors

Sealed bids for Bridge #4750002-1 over Sampson Creek located at West 120th Avenue, Section 17, Township 63N, Range 29W in Harrison County, Missouri, Project BRO-B041(038). will be received at: Harrison County Courthouse at 1050 Main Street, Bethany, MO 64424 until 3:00 o'clock P.M. (Prevailing Local Time) on the 5th day of November, 2025, at the office of the Jack Hodge, Presiding County Commissioner, and at that time will be publicly opened and read. All bids shall be submitted on the forms provided.

The proposed work includes: Removal of existing Bridge #4750002 over Sampson Creek, and construction of new Bridge #4750002-1. Work includes disposal of existing materials, grading, drainage, traffic control, pile driving, installation of precast beams, and other miscellaneous work to construct the bridge.

Plans and specifications may be picked up from the office of Harrison County, MO at 1050 Main Street, Bethany, MO 64424. Digital copies of the bid documents are available at <https://planroom.garverusa.com> for a fee of \$22. These documents may be downloaded by selecting this project from the "Plan Room" link, and by entering Quest Project Number 9896595 on the "Browse Projects" page. For assistance and free membership registration, contact QuestCDN at 952.233.1632 or info@questcdn.com. Addendums to the bid package will be issued through the online Plan Holders List; therefore, all prime bidders shall be responsible for downloading the bid documents from the online plan room in order to be included in the Plan Holders List.

All labor used in the construction of this public improvement shall be paid a wage no less than the prevailing hourly rate of wages of work of a similar character in this locality as established by the Department of Labor and Industrial Relations (Federal Wage Rate), or state wage rate, whichever is higher.

Harrison County hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, businesses owned and controlled by socially and economically disadvantaged individuals will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religion, creed, sex, age, ancestry, or national origin in consideration for an award."

All bidders must be on MoDOT's Qualified Contractor List per Section 102.2 from the current version of the Missouri Standard Specifications for Highway Construction, including all revisions. The contractor questionnaire must be on file 7 days prior to bid opening.

Contractors and sub-contractors who sign a contract to work on public works project provide a 10-Hour OSHA construction safety program, or similar program approved by the Department of Labor and Industrial Relations, to be completed by their on-site employees within sixty (60) days of beginning work on the construction project.

A certified or cashier's check or a bid bond in the amount of 5% shall be submitted with each proposal.

The project will be awarded to the lowest, responsive, responsible bidder. Harrison County reserves the right to reject any or all bids.

The DBE Goal for this project is 0% .

No 2nd tier subcontracting will be allowed on this project.

BIDDER CHECKLIST
FINAL CHECKLIST BEFORE SUBMITTING BID

- ☐ 1. Submit completed Contractor Questionnaire and/or Contractor Prequalification Questionnaire with attachments not later than seven (7) days prior to the date and hour of the bid opening. See Secs 101-103 of the Standard Specifications, and Rule 7 CSR 10-15.900, "Prequalifications to Bid of Certain Contractors". Questionnaire and Contact information are provided on MoDOT's website. (if applicable – required on highway and bridge projects)
- ☐ 2. For submittal of paper bids, the complete set of bidding documents includes all information through the DBE forms (for DBE forms see #8). The Technical Specifications/Job Special Provisions are for the bidder's information only and is not to be returned with the bid.
- ☐ 3. If submitting the bid by mail, it is to be completed, executed, and submitted in a sealed envelope addressed to
Harrison County
Attn: Jack Hodge, Presiding Commissioner
1505 Main Street
Bethany, MO 64424

Provide the vendor name, vendor address, vendor number, county, route and federal project number on the outside of the envelope.

- ☐ 4. Please read all items in the bidding document carefully. For paper bids, complete all items in ink or by typing in the information.
- ☐ 5. Sign this bidding document properly. If submitted in the name of a firm or corporation, the legal name of the firm or corporation should appear in the space designated, and be signed for by one or more persons legally qualified to execute papers in the name of said firm or corporation. Affix Corporate Seal if the Bidder is a Corporation.
- ☐ 6. For paper bids submit a bid bond executed by bidder and surety, or attach cashier's check to the bid bond form.
- ☐ 7. Submit the Bidder's List Quote Summary form with the bid.
- ☐ 8. Submit the DBE Submittal Forms within 3 business days of the Bid Opening. The DBE Identification Submittal Form (Page 2 of this document) must be submitted for each DBE to be utilized on the project. Any DBE's submitted as regular dealers/distributors must have an accompanying [DBE Regular Dealer/Distributor Affirmation Form](#).
- ☐ 9. For paper bids, staple addenda to the bid in the appropriate part of the bid. The letter accompanying the addenda should be stapled to the inside of the back cover of the bid and returned. The bidder should retain a duplicate copy.

Below is a list of common mistakes made by bidders leading to non-responsive bids. Please refer to the Standard Specifications for the appropriate procedures for completing and submitting a bid.

- a) Not signing the bid
- b) Not incorporating the addendum into the bidding documents, including attaching the letter to the bid
- c) Not providing a bid bond
- d) Using pencil to fill out the bid
- e) Using white out to make corrections to the itemized bid sheets
- f) Not initialing changes made

All questions concerning the bid document preparation and project specific questions can be directed to Jeremy McNutt of Garver, LLC at 816-849-2021.

Special Needs: If you have special needs addressed by the Americans with Disabilities Act, please notify Lee Ann Miles, County Clerk, at 660-425-6424 or through Missouri Relay System, TDD 1-800-735-2966, at least five (5) working days prior to the bid opening.

TABLE OF CONTENTS

Notice to Contractors

Proposed Work.....	(1)
Compliance With Contract Provisions.....	(2)
Period of Performance	(3)
Liquidated Damages	(4)
Bid Guaranty	(5)
Certifications for Federal Jobs	(6)
Antidiscrimination	(7)
Federal and State Inspection	(8)
Prevailing Wage.....	(9)
Worker Eligibility Requirements	(10)
OSHA Training Requirements.....	(11)
Buy America Requirements	(12)
Addendum Acknowledgement.....	(13)
Signature and Identity of Bidder	(14)
Trainees.....	(15)
Subcontractor Disclosure	(16)
Project Award	(17)
Materials Inspections.....	(18)
Prime Contractor Requirements	(19)
Tax Exempt Status	(20)

Itemized Bid Sheets

Bid Bond

Bidder's List Quote Summary Form ([Fig. 136.9.12](#))

DBE Identification Submittal ([Fig. 136.9.9](#))

DBE Provisions ([Fig. 136.9.8](#))

Job Special Provisions

Form FHWA 1273 ([Fig. 136.9.7](#))

Federal Aid Provisions <provided within>

Applicable State Wage Rates

Applicable Federal Wage Rates

Applicable Environmental and Cultural Permits and Clearances

ADA Checklist ([Fig. 136.9.4](#))

Contract Forms

[Fig 136.10.3 Sample Contract Agreement](#)

[Fig 136.10.4 Sample Contract Bond](#)

[Fig 136.10.5 Sample Contractors Acknowledgement](#)

NOTICE TO CONTRACTORS

Sealed bids, addressed to Harrison County, Attn: Jack Hodge – Presiding Commissioner, 1505 Main Stree, Bethany, MO 64424 for the proposed work will be received by Harrison County until 3:00 PM (prevailing local time) on November 5th, 2025, at the office of Harrison County, and at that time will be publicly opened. Bids should be delivered to: Harrison County, Attn: Jack Jodge – Presiding Commissioner, 1505 Main Stree, Bethany, MO 64424.

(1) **PROPOSED WORK:** The proposed work, hereinafter called the work, includes:

Project BRO-R041(38) for the replacement of Bridge #4750002 over Sampson Creek located on West 120th Ave, Section 17, Township 63N, Range 29W in Harrison County, MO. Work will include removal and disposal of existing bridge

(2) **COMPLIANCE WITH CONTRACT PROVISIONS:** The bidder, having examined and being familiar with the local conditions affecting the work, and with the contract, contract documents, including the current version of the Missouri Highways and Transportation Commission's "Missouri Standard Specifications for Highway Construction," and "Missouri Standard Plans for Highway Construction", their revisions, and the request for bid, including appendices, the special provisions and plans, hereby proposes to furnish all labor, materials, equipment, services, etc., required for the performance and completion of the work. All references are to the Missouri Standard Specifications for Highway Construction, as revised, unless otherwise noted.

The following documents are available on the Missouri Department of Transportation web page at www.modot.mo.gov under "Business with MoDOT" "Standards and Specifications". The effective version shall be determined by the letting date of the project.

July 1st, 2025 General Provisions & Supplemental Specifications

July 1st, 2025 Supplemental Revisions to Missouri Standard Plans
For Highway Construction

These supplemental bidding documents contain all current revisions to the bound printed versions and have important legal consequences. It shall be conclusively presumed that they are in the bidder's possession, and they have been reviewed and used by the bidder in the preparation of any bid submitted on this project.

Please note that within the above-listed documents, the term "Commission" shall be replaced with the term, "Harrison County", and the term "Engineer" is a reference to the Engineer of Record from Garver, LLC.

The contracting authority for this contract is Harrison County, Missouri.

(3) **PERIOD OF PERFORMANCE:** If the bid is accepted, the bidder agrees that work shall be diligently prosecuted at such rate and in such manner as, in the judgment of the engineer, is necessary for the completion of the work within the time specified as follows in accordance with Sec 108:

Anticipated Notice to Proceed: November 2025

Completion Date: June 23, 2026 or 100 calendar days after the road is closed, whichever comes first.

(4) **LIQUIDATED DAMAGES:** The bidder agrees that, should the bidder fail to complete the work in the time specified or such additional time as may be allowed by the engineer under the contract, the amount of liquidated damages to be recovered in accordance with Sec 108 shall be as follows:

Liquidated damages per day \$950

July 2025

(5) **BID GUARANTY:** The bidder shall submit a Bid Guaranty meeting the requirements of Section 102 of the Missouri Standard Specifications for Highway Construction. A sample project bid bond form is included in the bid book. The bidder shall mark the box below to identify the type of Bid Guaranty.

- ☐ Paper Bid Bond
- ☐ Cashier's Check

(6) **CERTIFICATIONS FOR FEDERAL JOBS:** By signing and submitting this bid, the bidder makes the certifications appearing in Sec. 102.18.1 (regarding affirmative action and equal opportunity), Sec. 102.18.2 (regarding disbarment, eligibility, indictments, convictions, or civil judgments), Sec. 102.18.3 (regarding anti-collusion), and Sec. 102.18.4 (regarding lobbying activities). Any necessary documentation is to accompany the bid submission, as required by these sections. As provided in Sec. 108.13, the contracting authority may terminate the contract for acts of misconduct, which includes but is not limited to fraud, dishonesty, and material misrepresentation or omission of fact within the bid submission.

(7) **ANTIDISCRIMINATION:** The Contracting Authority hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, businesses owned and controlled by socially and economically disadvantaged individuals will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religion, creed, sex, age, ancestry, or national origin in consideration for an award.

(8) **FEDERAL AND STATE INSPECTION:** The Federal Government is participating in the cost of construction of this project. All applicable Federal laws, and the regulations made pursuant to such laws, shall be observed by the contractor, and the work will be subject to the inspection of the appropriate State or Federal Agency in the same manner as provided in Sec 105.10 of the Missouri Standard Specifications for Highway Construction with all revisions applicable to this bid and contract.

(9) **PREVAILING WAGE (FEDERAL AND STATE):** This contract requires payment of the prevailing hourly rate of wages for each craft or type of work required to execute the contract as determined by the Missouri Department of Labor and Industrial Relations, and requires adherence to a schedule of minimum wages as determined by the United States Department of Labor. For work performed anywhere on this project, the contractor and the contractor's subcontractors shall pay the higher of these two applicable wage rates. The applicable state wage rates for this contract are detailed in "Annual Wage Order No. 32", that is attached to this bidding document. The applicable federal wage rates for this contract are the effective Davis-Bacon federal wage rates posted the tenth day before the bid opening date and are attached herein.

These supplemental bidding documents have important legal consequences. It shall be conclusively presumed that they are in the bidder's possession, and they have been reviewed and used by the bidder in the preparation of any bid submitted on this project.

(10) **WORKER ELIGIBILITY REQUIREMENTS:** Execution of the construction contract for this project is dependent upon the awarded bidder providing an Affidavit of Compliance AND E-Verify Memorandum-of-Understanding (MOU) between the bidder and Department of Homeland Security to the Contracting Authority as required by section 285.530 RSMo. The cover page and signature page of the E-Verify MOU and the Affidavit must be submitted prior to award of this contract.

A sample Affidavit of Compliance can be found at the Missouri Attorney General's website at the following link:

http://ago.mo.gov/forms/Affidavit_of_Compliance.pdf

All bidders must also be enrolled in the E-Verify Program, and include their MOU prior to contract execution. Bidders who are not enrolled will need to go to the following website link and select "Enroll in the Program" to get started. After completing the program, they will receive their E-Verify MOU with Department of Homeland Security. This document will need to be printed out and kept on file so that a copy can be attached to the Affidavit of Compliance.

http://www.dhs.gov/files/programs/gc_1185221678150.shtm

This requirement also applies to subcontractors and contract labor, but this contract only requires submittal of the verification documents for the prime contractor. It is the prime contractor's responsibility to verify the worker eligibility of their subcontractors in order to protect their own company from liability as required by section 285.530 RSMo.

(11) OSHA TEN HOUR TRAINING REQUIREMENTS: Missouri Law, 292.675 RSMO, requires any awarded contractor and its subcontractor(s) to provide a ten-hour Occupational Safety and Health Administration (OSHA) Construction Safety Program (or a similar program approved by the Missouri Department of Labor and Industrial Relations as a qualified substitute) for their on-site employees (laborers, workmen, drivers, equipment operators, and craftsmen) who have not previously completed such a program and are directly engaged in actual construction of the improvement (or working at a nearby or adjacent facility used for construction of the improvement). The awarded contractor and its subcontractor(s) shall require all such employees to complete this ten-hour program, pursuant to 292.675 RSMO, unless they hold documentation on their prior completion of said program. Penalties, for Non-Compliance include contractor forfeiture to the Contracting Authority in the amount of \$2,500, plus \$100 per contractor and subcontractor employee for each calendar day such employee is employed beyond the elapsed time period for required program completion under 292.675 RSMO.

(12) BUY AMERICA REQUIREMENTS: Construction contracts shall assure compliance with Section 165 of the Surface Transportation Assistance Act of 1982, Section 337 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, 23 CFR 635.410, and the Bipartisan Infrastructure Law (2021) Build America, Buy America Act Publication L. No. 117-58 regarding Buy America provisions on the procurement of foreign products and materials. On all contracts involving Federal-aid, all products of iron, steel, or a coating of steel which are incorporated into the work must have been manufactured in the United States. Construction materials consisting primarily of non-ferrous metals, plastic and polymer-based products, glass, lumber, or drywall also require Buy America certification. Cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives are excluded from this requirement. In addition, manufactured products are currently exempted under the 1983 waiver from FHWA. The Contracting Authority may allow minimal amounts of these materials from foreign sources, provided the cost does not exceed 0.1 percent of the contract sum or \$2,500, whichever is greater. The Contractor certifies that these materials are of domestic origin. Additional information regarding the "Buy America" requirements can be found at:

<https://www.fhwa.dot.gov/construction/cqit/buyam.cfm>

(13) ADDENDUM ACKNOWLEDGEMENT: The undersigned states that the all addenda (if applicable) have been received, acknowledged and incorporated into their bid, prior to submittal. For paper bids, staple addenda to the bid in the appropriate part of the bid.

(14) SIGNATURE AND IDENTITY OF BIDDER: The undersigned states that the following provided information is correct and that (if not signing with the intention to bind themselves to become the responsible and sole bidder) they are the agent of, and they are signing and executing this, as the bid of

_____, which
is the correct LEGAL NAME as stated on the contractor questionnaire.

a) The organization submitting this bid is a(n) (1) individual bidder, (2) partnership, (3) joint venturer (whether individuals or corporations, and whether doing business under a fictitious name), or (4) corporation. Indicate by marking the appropriate box below.

☐ sole individual ☐ partnership ☐ joint venture
☐ corporation, incorporated under laws of state of _____.

b) If the bidder is doing business under a fictitious name, indicate below by filling in the fictitious name

Executed by bidder this _____ day of _____ 20____.

THE BIDDER CERTIFIES THAT THE BIDDER AND ITS OFFICIALS, AGENTS, AND EMPLOYEES HAVE NEITHER DIRECTLY NOR INDIRECTLY ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FREE COMPETITIVE BIDDING IN CONNECTION WITH THIS
July 2025

BID, AND THAT THE BIDDER INTENDS TO PERFORM THE WORK WITH ITS OWN BONAFIDE EMPLOYEES AND SUBCONTRACTORS, AND DID NOT BID FOR THE BENEFIT OF ANOTHER CONTRACTOR.

THE BIDDER ACKNOWLEDGES THAT THIS IS AN UNSWORN DECLARATION, EXECUTED UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES AND/OR FALSE DECLARATION UNDER THE LAWS OF MISSOURI, AND ANY OTHER APPLICABLE STATE OR FEDERAL LAWS. THE FAILURE TO PROVIDE THIS CERTIFICATION IN THIS BID MAY MAKE THIS BID NON-RESPONSIVE, AND CAUSE IT TO BE REJECTED.

THE BIDDER CERTIFIES THAT THE BIDDER'S COMPANY KNOWINGLY EMPLOYS ONLY INDIVIDUALS WHO ARE AUTHORIZED TO WORK IN THE UNITED STATES IN ACCORDANCE WITH APPLICABLE FEDERAL AND STATE LAWS AND ALL PROVISIONS OF MISSOURI EXECUTIVE ORDER NO. 07-13 FOR CONTRACTS WITH THE CONTRACTING AUTHORITY.

☐ Check this box ONLY if the bidder REFUSES to make any or all of these certifications. The bidder may provide an explanation for the refusal(s) with this submittal.

Signature of Bidder's Owner, Officer, Partner or Authorized Agent

Please print or type name and title of person signing here

Attest:

Secretary of Corporation if Bidder is a Corporation

Affix Corporate Seal (If Bidder is a Corporation)

NOTE: If bidder is doing business under a fictitious name, the bid shall be executed in the legal name of the individual, partners, joint ventures, or corporation, and registration of fictitious name filed with the secretary of state, as required by sections 417.200 to 417.230 RSMo. If the bidder is a corporation not organized under the laws of Missouri, it shall procure a certificate of authority to do business in Missouri, as required by section 351.572 et seq RSMo. A certified copy of such registration of fictitious name or certificate of authority to do business in Missouri shall be filed with the Missouri Highways and Transportation Commission, as required by the standard specifications.

(15) **TRAINEES**: By submitting this bid, the bidder certifies that the bidder is familiar with the Training Provision in the Missouri Highways and Transportation Commission's "General Provisions and Supplement Specifications" which are available on the Missouri Department of Transportation web page at www.modot.mo.gov under "Business with MoDOT" "Standards and Specifications". The number of trainee hours provided under this contract will be 0 slots at 1000 hours per slot or 0 hours.

(16) **SUBCONTRACTOR DISCLOSURE**: Requirements contained within Sec 102.7.8 of the Missouri Standard Specification for Highway Construction shall be waived for this contract.

(17) **PROJECT AWARD**: This project will be awarded to the lowest, responsive, responsible bidder.

(18) **MATERIALS INSPECTIONS**: All technicians who perform, or are required by the FHWA to witness, such sampling and testing shall be deemed as qualified by virtue of successfully completing the requirements of EPG 106.18 Technician Certification Program, for that specific technical area.

(19) **PRIME CONTRACTOR REQUIREMENTS**: The limitation in Sec 108.1.1 of the Missouri Standard Specifications for Highway Construction that "the contractor's organization shall perform work amounting to not less than 40 percent of the total contract cost" is waived for this contract. Instead, the less restrictive terms of the Federal Highway Administration's rule at Title 23 Code of Federal Regulations (CFR) § 635.116(a) shall apply, so that the contractor must perform project work with its own organization equal to and not less than 30 percent of the total original contract price. All other provisions in Sec 108.1.1 et seq. of the Missouri Standard Specifications for Highway Construction shall remain in full force and effect, and shall continue to govern the contractor and its subcontractors, in accordance with the provisions of Title 23 CFR § 635.116.

(20) **SALES AND USE TAX EXEMPTION**: **Harrison County**, a tax exempt entity, will furnish a Missouri Project Exemption Certificate as described in Section 144.062 RSMo to the awarded contractor who in July 2025

turn may use the certificate to purchase materials for a specific project performed for the tax exempt entity. Only the materials and supplies incorporated or consumed during the construction of the project are exempt. The certificate will be issued to the contractor for a specific project for a defined period of time.

ITEMIZED BID: The bidder should complete the following section in accordance with Sec 102.7. The bidder proposes to furnish all labor, materials, equipment, services, etc. required for the performance and completion of the work, as follows:

Harrison County, MO
Replacement of Bridge 4750002 over Sampson Creek
UNIT PRICES - SCHEDULE 1

ITEM NO.	SPEC. NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	BID AMOUNT
ROADWAY ESTIMATE						
1	201-30.00	Clearing and Grubbing	ACRE	0.1		
2	202-20.10	Removal of Improvements	LS	1		
3	203-50.00	Unclassified Excavation	CUYD	13		
4	203-55.00	Embankment in Place	CUYD	597		
5	203-60.00	Compacting Embankment	CUYD	12		
6	214-20.00	Furnishing Rock Fill	CUYD	5		
7	214-30.00	Placing Rock Fill	CUYD	5		
8	310-10.03	Gravel (A)	SQYD	828		
9	611-30.20	Furnishing Type 2 Rock Blanket	CUYD	84		
10	611-30.40	Placing Type 2 Rock Blanket	CUYD	84		
11	616-10.05	Construction Signs	SQFT	84		
12	616-10.30	Type 3 Moveable Barricade	EA	6		
13	618-10.00	Mobilization	LS	1		
14	624-01.04A	Permanent Erosion Control Geotextile	SQYD	128		
15	627-40.00	Contractor Furnished Surveying and Staking	LS	1		
16	805-10.00A	MISC. (Seeding and Mulching)	LS	1		
19	806-10.05	Rock Ditch Check	LF	80		
20	806-10.16	Sediment Removal	CY	13		
21	806-10.19	Silt Fence	LF	763		
22	806-10.50	Type C Berm	LF	142		
BRIDGE ESTIMATE						
1	206-10.00	Class 1 Excavation	CUYD	70		
2	216-05.00	Removal of Bridges	LS	1		
3	618-10.00	Mobilization	LS	1		
4	627-40.00	Contractor Furnished Surveying and Staking	LS	1		
5	702-13.14	Galvanized Cast-In-Place Concrete Piles (14 in)	LF	448		
6	702-50.01	Dynamic Pile Testing	EA	2		
7	703-20.03	Class B Concrete (Substructure)	CUYD	22.4		
8	703-42.22	Slab on Concrete Beam	SQYD	200		

Harrison County, MO
Replacement of Bridge 4750002 over Sampson Creek
UNIT PRICES - SCHEDULE 1

ITEM NO.	SPEC. NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	BID AMOUNT
9	705-60.50A	27 in., Prestressed Concrete Spread Box Beam	LF	269		
10	713-40.00	Bridge Guardrail (Thrie Beam)	LF	168		
11	715-10.01	Vertical Drain at End Bents	EA	2		
12	716-10.00	Plain Neoprene Bearing Pad	EA	8		

Total Bid - Schedule 1 _____

BID BOND

KNOW ALL PERSONS BY THESE PRESENTS, that we _____

as principal and _____
as surety, are held and firmly bound unto the (Insert LPA Name) _____ in the penal sum
of _____ Dollars (\$) to be paid to the commission to be credited to the state road fund, the
principal and surety binding themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally,
firmly by these presents.

Sealed with our seals and dated this _____

THE CONDITION OF THIS OBLIGATION is such that

WHEREAS the principal is submitting herewith a bid to the commission on route(s) _____

in _____ County(ies),
project (s) _____

_____ for construction or improvement of state highway as set out in said bid;

NOW THEREFORE, if the commission shall accept the bid of the principal and if the principal shall properly execute and deliver to the commission the contract, contract bond, and evidence of insurance coverage in compliance with the requirements of the bid, the specifications, and the provisions of section 227.100 RSMo, to the satisfaction of the commission, then this obligation shall be void and of no effect, otherwise to remain in full force and effect.

In the event the said principal shall, in the judgment of the commission, fail to comply with any requirement as set forth in the preceding paragraph, then the state of Missouri, acting by and through the commission, shall immediately and forthwith be entitled to recover the full penal sum above set out, together with court costs, attorney's fees, and any other expense of recovery.

The principal and surety hereby certify that the document is the original or a verbatim copy of the bid bond form furnished by the Commission, in accordance with Sec 102.9 of the Missouri Standard Specifications for Highway Construction.

Principal

SEAL

By _____
Signature

Surety

SEAL

By _____
Signature of Attorney in Fact

NOTE: This bond must be executed by the principal, and by a corporate surety authorized to conduct surety business in the state of Missouri.

Project No. _____

Bidder's List Quote Summary

MoDOT and its subrecipients are recipients of federal funds and are required by 49 CFR 26.11, to provide data about its DBE program. The information listed below shall include the names of subcontractors, material suppliers, and service providers (e.g. hauling) and the corresponding NAICS codes for each firm, which may be obtained by using the search function at the following link: <https://www.census.gov/naics/>. Lastly, indicate if the firm's quote was used in the bid by Y or N. Additional sheets may be used. This information must be submitted with the bid.

[illegible]

Contractor Name: _____

Contractor Signature: _____

Date: _____

DBE Submittal Forms - LPA

- (6) **DBE Submittal Forms:** This form must be submitted by 4 p.m. three (3) business days after bid opening. You may also use the Excel version located at:
https://epg.modot.org/forms/CM/DBE_Identification_Submittal_Form_LPA_Excel.xlsm

(A) DBE Contract Goal: By submitting this bid, the bidder certifies that the bidder is familiar with the DBE Program Requirements in this contract. The contract DBE goal for the amount of work to be awarded is 0% of the total federal project price. The bidder shall also complete the DBE Submittal Form in accordance with the program requirements.

(B) DBE Participation: The bidder certifies that it will utilize DBE's as follows:

_____% OF TOTAL FEDERAL CONTRACT

NOTE: Bidder must fill in the above blank. If no percentage is specified, the bidder certifies that it agrees to, and will comply with the contract goal. If a percentage below the contract goal is specified, then the bidder must submit complete documentation of good faith efforts to meet the DBE contract goal, immediately below.

(C) Certification of Good Faith Efforts to Obtain DBE Participation: By submitting its signed bid, the bidder certifies under penalty of perjury and other provisions of law, that the bidder took each of the following steps to try to obtain sufficient DBE participation to achieve the Commission's proposed DBE Contract Goal: (Attach additional sheets if necessary).

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

DBE Identification Submittal Form

(For Local Program Agency (LPA) Projects)

Job Number: _____

Route: _____

County: _____

Prime Contractor: _____

Contract Amount: _____

Identification of Participating DBE's: Provide the requested information below for each DBE participating on the project. Submit this information with your bid or no later than 4:00 p.m. on the 3rd business day after the bid opening. Contact MoDOT's Business Development and Compliance (BDC) Division at (573) 526-2978 for questions and assistance on completion. **This page of this document must be received for each DBE utilized on the project. A DBE Regular Dealer/Distributor Affirmation Form is required for each DBE firm submitted as a regular dealer or distributor.**

All information must be provided.

If awarded the contract for this project, the undersigned will use the following DBE to perform or furnish the work, supplies, and/or services as shown below:

DBE Name: _____ Address: _____

(A) Line No.	(B) Dollar Value of DBE Work** (Unit Price x Quantity of the Item in (A), or Lump Sum)	(C) Dollar value applicable to DBE Goal** (40%, 60%, 100%)	(D) Dollar amount applicable to DBE Goal (B x C)	(E) Percent of total contract amount for line item (D / total contract amount)
			DBE Total:	Total %

**Cannot exceed contract amount for given item of work
Trucking services credited at 100% if the DBE owns the trucks or is leasing from a DBE firm
Allowed amount of participation will be in accordance with 49 CFR Part 26.
Supplier Affirmation Form required for all DBE firms submitted as suppliers.
Brokered services will only receive credit for fees.

Respectfully submitted:

Company Name (Prime Contractor)

Name / Title

Signed (Prime Contractor)

**Instructions for Completing the
DBE Identification Submittal Form
(For Local Program Agency (LPA) Projects)
(BDC-101)**

Submit this form with your bid or as outlined on front of page no later than 4:00 p.m. on the 3rd working day after the bid opening. Only DBE's listed in MoDOT's Missouri Regional Certification Committee (MRCC) directory may be used towards obtaining the DBE goal on the project. DBE firm must be certified with the appropriate North American Industrial Classification System (NAICS) code for the type of work being utilized to perform. The MRCC directory is available at the following link under the MRCC Directory tab: <https://www.modot.org/welcome-business-development-and-compliance>.

- (A) Insert Bid Line Item in the same order as it appears in the bid document.
- (B) Insert the result from multiplying the unit price for the bid line item by the quantities listed in column (A); a lump sum, if applicable, may also be inserted.
- (C) Insert the percentage of column (B) that the DBE will perform. If the DBE is a distributor as that term is defined in 49 CFR Part 26.55, then only 40% of the value in column (B) can be applied towards the contract specific goal. If the DBE is a supplier as that term is defined in 49 CFR Part 26.55, then only 60% of the value in column (B) can be applied towards the contract specific goal. A **Supplier Affirmation Form** is required for **each** DBE firm submitted as a supplier. A copy of this form is provided on the next page. If the DBE is furnishing and installing the line item, then 100% of the value can be applied.
- (D) Insert the result from dividing columns (B) and (C).
- (E) Insert the result from dividing column (D) from the total bid line item amount.



U.S. Department of
Transportation

DBE Regular Dealer/Distributor Affirmation Form

Bidder Name:

Contract Name/Number:

Sections 26.53(c)(1) of Title 49 Code of Federal Regulations requires recipients to make a preliminary counting determination for each DBE listed as a regular dealer or distributor to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in section 26.55(e)(2)(iv)(A),(B),(C), and (3) under the contract at issue. The regulation requires the recipient's preliminary determination to be made based on the DBE's written responses to relevant questions and its affirmation that its subsequent performance of a commercially useful function will be consistent with the preliminary counting of such participation. The U.S. Department of Transportation is providing this form as a tool for recipients, prime contractors, regular dealers, and distributors to use to carry out their respective responsibilities under this regulation. The form may be used by each DBE supplier whose participation is submitted by a bidder for regular dealer or distributor credit on a federally-assisted contract with a DBE participation goal. The form may also be used by prime contractors in connection with DBE regular dealer or distributor participation submitted after a contract has been awarded provided such participation is subject to the recipient's prior evaluation and approval. If this form is used, it should be accompanied by the bidder's commitment, contract, or purchase order showing the materials the DBE regular dealer or distributor is supplying. Use of this tool is not mandatory. If a recipient chooses a different method for complying with Section 26.53(c)(1), it must include that method in its DBE Program Plan.

DBE Name:	Total Subcontract/Purchase Order Amount:
Authorized DBE Representative (Name and Title):	NAICS Code(s) Related to the Items to be Sold/Leased:

1. Will all items sold or leased be provided from the on-hand inventory at your establishment? ☐ YES ☐ NO

(If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. STOP here. Read and sign the affirmation below. If "NO" Continue.)

- a) Are you selling bulk items (e.g., petroleum products, steel, concrete, concrete products, sand, gravel, asphalt, etc.) or items not typically stocked due to their unique characteristics (aka specialty items)?
☐ YES ☐ NO (If "YES," Go to Question 2. If "NO" Continue.)
- b) Will at least 51% of the items you are selling be provided from the inventory maintained at your establishment, and will the minor quantities of items delivered from and by other sources be of the general character as those provided from your inventory?

☐ YES ☐ NO* (If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. STOP here. Read and sign the affirmation below.)

*If 1., 1.a), and 1. b) above are "NO," your performance on the whole will not satisfy the regular dealer requirements; therefore, only the value of items to be sold or leased from inventory can be counted at 60%. (Go to Question 3. to determine if the items delivered from and by other sources are eligible for Distributor credit.)

2. Will you deliver all bulk or specialty items using distribution equipment you own (or under a long-term lease) and operate?
☐ YES ☐ NO¹

(If "YES," you have indicated that your performance will satisfy the requirements for a regular dealer of bulk items and may be counted at 60%. STOP here. Read and sign the affirmation below.)

¹ If "NO," your performance will not satisfy the requirements for a regular dealer of bulk items; the value of items to be sold or leased cannot be counted at 60%. (Go to Question 3.)

3. Will the written terms of your purchase order or bill of lading from a third party transfer responsibility, including risk for loss or damage, to your company at the point of origin (e.g. a manufacturer's facility)? ☐ YES² ☐ NO³

- a) Will you be using sources other than the manufacturer (or other seller) to deliver or arrange delivery of the items sold or leased? ☐ YES² ☐ NO³

² If your responses to 3 and 3.a) are "YES," you have indicated that your performance will satisfy the requirements of a distributor; therefore, the value of items sold or leased may be counted at 40%.

³ If you responded "NO" to either 3 or 3.a), counting of your participation is limited to the reasonable cost of fees or commissions charged, including transportation charges for the delivery of materials or supplies; the cost of materials or supplies may not be counted.

I affirm that the information that I provided above is true and correct and that my company's subsequent performance of a commercially useful function will be consistent with the above responses. I further affirm that my company will independently negotiate price, order specified quantities, and pay for the items listed in the bidder's commitment. This includes my company's responsibility for the quality of such items in terms of necessary repairs, exchanges, or processing of any warranty claims for damaged or defective materials.

Printed Name and Signature of DBE Owner/Authorized Representative:

--

The bidder acknowledges its responsibility for verifying the information provided by the DBE named above and ensuring that the counting of the DBE's participation is accurate. Any shortfall caused by errors in counting are the responsibility of the bidder.

Printed Name and Signature of Bidder's Authorized Representative:

--

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM REQUIREMENTS
FOR LOCAL PROGRAMS

1.0 Program Applicability. The subsequent sections will apply only to contracts involving U.S. Department of Transportation (USDOT) federal-aid or federal funded participation. Federal-aid or federal funded participation includes, but is not limited to, any funds directly or indirectly received by MoDOT, or authorized for distribution to or through MoDOT, by the USDOT or any operating administration within the USDOT. These provisions will not apply to contracts funded exclusively with state funds, or state and local funds. Any contractor, subcontractor, supplier, DBE firm, and contract surety involved in the performance of a federal-aid contract shall be aware of and fully understand the terms and conditions of the USDOT DBE Program, as the terms appear in Title 49 CFR Part 26 (as amended), the USDOT DBE Program regulations; Title 7 CSR Division 10, Chapter 8 (as amended), and the Commission's DBE Program rules.

2.0 DBE Program Distinguished From Other Affirmative Action Programs. The USDOT DBE Program established by the U.S. Congress is not the same as, and does not involve or utilize, any of the elements or authority of other state or local affirmative action programs, nor does the program rely upon state legislation or gubernatorial executive orders for implementation or authorization, other than the general authority given the Commission in Section 226.150, RSMo. The USDOT DBE Program is implemented by the Commission and MoDOT, through and in conjunction with the FHWA, FTA and FAA, as a "recipient" defined in Title 49 CFR 26.5.

3.0 Policy Regarding DBE Firms. It is the policy of the U. S. Department of Transportation and MoDOT that businesses owned by socially and economically disadvantaged individuals have an opportunity to participate in the performance of contracts funded in whole or in part with federal funds. Consequently, the requirements of 49 CFR Part 26 (as amended) and the Commission's implementing state regulations in Title 7 CSR Division 10, Chapter 8, "Disadvantaged Business Enterprise Program", will apply to any contract funded in whole or part with federal funds.

4.0 Opportunity for DBEs to Participate. Each contractor, subcontractor and supplier working on a contract funded in whole or in part with federal funds shall take all necessary and reasonable steps to ensure that DBEs have an opportunity to compete for and participate in performance on project contracts and subcontracts in which a DBE goal is established.

5.0 Required Contract Provision. The federal-aid contract will include the following provision, as mandated by USDOT at Title 49 CFR 26.13(b):

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

In this provision, “contractor” will be defined as the contractor on the contract; sub-contractor, or material supplier performing the work on or for the project. For the purposes of any federal-aid contract awarded by the Local Public Agency (LPA), they will be designated as “the recipient”. The contractor shall include this same contract provision in every supply contract or subcontract the contractor makes or executes.

6.0 DBE Program Information. DBE Program information may be obtained from the MoDOT Business Development & Compliance Division, 105 W. Capitol Avenue, P.O. Box 270, Jefferson City, Missouri 65102-0270. Phone (573) 751-7801, Fax (573) 526-0558, E-Mail: dbe@modot.mo.gov. It will be the duty of each contractor, and for the contractor’s subcontractors to take the steps necessary to determine the legal obligations and limitations under the DBE Program, as an element of responsibility. It will be the duty of each certified DBE firm to know, understand and comply with the DBE firm’s legal obligations and limitations under the DBE Program, as a requirement of program participation.

7.0 DBE Certification, and the Missouri Unified Certification Program. MoDOT and other certifying agencies within Missouri have partnered to form the Missouri Regional Certification Committee (MRCC) and developed a Unified Certification Program (UCP) pursuant to 49 CFR 26.81 and 7 CSR 10-8.061. Only DBE firms certified by the MRCC are eligible to perform work on a federal-aid contract for DBE contract goal credit. It is the contractor’s responsibility to ensure firms identified for participation are approved certified DBE firms.

The MRCC DBE Directory can be found at the following link:
<https://www.modot.org/welcome-business-development-and-compliance>

8.0 DBE Program-Related Certifications Made By Bidders and Contractors. If the bidder makes a written, express disclaimer of one or more certifications or assurances in the bid, the bid will be considered non-responsive. By submitting a bid on any project involving USDOT federal financial participation, and by entering into any contract on the basis of that bid, the contractor makes each of the following DBE Program-related certifications and assurances to USDOT, to the Commission, to MoDOT, and to the LPA:

(a) The bidder certifies that management and bidding officers have reviewed and understand the bidding and project construction and administration obligations of the USDOT DBE Program regulations at Title 49 CFR Part 26 (as amended), and the Commission’s DBE Program rules at Title 7 CSR Division 10, Chapter 8 (as amended).

(b) The bidder agrees to ensure that certified DBE firms have a full and fair opportunity to participate in the performance of the contract financed in whole or in part with federal funds. The bidder certifies that all necessary and reasonable steps were taken to ensure that DBE firms have an opportunity to compete for, and perform work on the contract. The bidder further certifies that the bidder not discriminate on the basis of race,

color, age, national origin or gender in the performance of the contract, or in the award of any subcontract.

(c) The bidder certifies that if awarded the federal-aid contract, the contractor will make a good faith effort to utilize certified DBE firms committed to with the awarded contract.

(d) The bidder certifies, that if awarded the federal-aid contract with an approved DBE Good Faith Effort, the bidder will at a minimum achieve any DBE participation committed at time of bid as well as make good faith efforts to obtain additional DBE participation throughout the life of the project. Any liquidated damages at the completion of the project will be assessed contingent on the awarded bidders efforts in obtaining DBE participation.

(e) The bidder understands and agrees that if awarded the contract the contractor is legally responsible to ensure that the contractor and each DBE, comply fully with all regulatory and contractual requirements of the USDOT DBE Program, and that each DBE firm participating in the contract fully perform the designated tasks, with the DBE's own forces and equipment, under the DBE's own direct supervision and management. The bidder certifies, that if awarded the contract and if MoDOT or the Commission determine that the contractor, a DBE or any other firm retained by the contractor has failed to comply with the DBE Program requirements or federal or state DBE Program regulations, the Commission, through MoDOT, shall have the sole authority and discretion to determine the extent of the monetary value to which the DBE contract goals have not been met at the project completion, and to assess against and withhold monetary damages from the contractor up to the full amount of that breach. The bidder further understands and agrees that this clause authorizes the Commission, through MoDOT, to determine and fix the extent of the damages caused by a breach of any contractual or regulatory DBE Program requirement and that the damage assessment will be enforced in addition to, and not in lieu of, any other general liquidated damages clause in the contract. By submitting a bid for a federal-aid contract, the bidder irrevocably agrees to such an assessment of liquidated damages for DBE Program purposes, and authorizes the Commission and MoDOT to make such an assessment of liquidated damages against the contractor, and to collect that assessment from any sums due the contractor under the contract, or any other contract, or by other legal process. The bidder makes this certification, agreement and authorization on behalf of itself, for each federal-aid contract.

9.0 Designation of DBE firms to perform on contract. The bidder states and certifies that the DBE participation information submitted in the bid or within the contract designated time is true, correct and complete and that the information provided includes the names of all DBE firms that will participate in the contract, the specific line item (s) that each DBE firm will perform or partially perform, and the creditable dollar amounts of the participation of each DBE. The specific line item must reference the bid line number and item number contained in the proposal. The bidder further states and certifies that the bidder has committed to use each DBE firm listed for the work shown to meet the DBE

contract goal and that each DBE firm listed has clearly confirmed to the bidder that the DBE firm will participate in and perform the work, with the DBE's own forces.

(a) The bidder certifies the bidder's understanding that as the contractor on a contract funded in whole or in part by USDOT federal funds, the bidder may not unilaterally terminate, substitute for, or replace any DBE firm that was designated in the executed contract, in whole or in any part, with another DBE, any non-DBE firm or with the contractor's own forces or those of an affiliate, without the prior written consent of MoDOT. The bidder understands it must receive approval in writing from MoDOT for the termination of a DBE firm, or the substitution or replacement of a DBE before any substitute or replacement firm may begin work on the project in lieu of the DBE firm participation information listed in the executed contract. Unless MoDOT's written consent is provided as outlined above, the bidder shall not be entitled to any payment of work or material unless it is performed or supplied by the listed DBE.

(1) The bidder further certifies understanding, that if a DBE firm listed in the bid or approved in the executed contract documents ceases to be a certified DBE firm, at any time during the performance of the contract work, and a contract or subcontract with that firm has not yet been executed by the prime and subcontractor, the contractor can not count any work performed by that firm after the date of the firm's loss of eligibility toward meeting the DBE contract goal. The contractor can pursue efforts to replace the work planned with the decertified firm, with other certified DBEs, in coordination with MoDOT's Business Development & Compliance Division. If the contractor has executed a subcontract with the firm before the DBE lost eligibility and ceased to be a certified DBE, the contractor may continue to receive credit toward the DBE contract goal for that firm's work on the executed subcontract. However, if the reason for the firm's DBE decertification is due to the firm being acquired or merged with a non-DBE, the portion of the work remaining after the date of decertification is not eligible for counting towards the contract goal. In this case, the Contractor must seek additional DBE participation to the extent needed to meet the contract goal or demonstrate that it has made good faith efforts to do so. Subcontract extensions that add work for firms that become decertified from the DBE program may not count for DBE goal credit without MoDOT's prior written consent.

(2) The bidder further certifies the bidder's understanding, that the dollar value of any work completed by a DBE firm prior to approval of the DBE's substitution or replacement, in writing, by MoDOT will not be credited toward meeting the DBE contract goal. No credit toward the DBE goal will be given for any amount withheld from payment to the DBE or "back charged" against monies owed to the DBE, regardless of the purpose or asserted debt.

10.0 Contract Goal Submittal. The bidder may submit the completed "DBE Identification Submittal" information in the bid documents at the same time as, and within the sealed bid, at the time the bid is submitted. However, if that information is not completed and submitted with the initial sealed bid, then as a matter of responsiveness and responsibility, all bidders shall file the completed "DBE Identification Submittal" pages to

the Local Agency on or before 4:00 p.m. of the third business day after the bid opening date. The Local Agency may permit telefax transmittal.

Any “DBE Identification Submittal” that identifies a DBE regular dealer or distributor must be accompanied by a “DBE Regular Dealer/Distributor Affirmation Form” that is completed and signed by both the bidder and the DBE. This form must be received on or before 4:00 p.m. of the third business day after the bid opening date.

No extension of time will be allowed for any reason. The means of transmittal and the risk of timely receipt of the information shall be the bidder’s.

10.1 Good Faith Effort Submittal. If the bidder is not able to meet the Commission’s DBE contract goal, the bidder has the opportunity to submit with and as a part of the bid, a true, accurate, complete and detailed written explanation of good faith efforts taken to meet the DBE Contract Goal established in the bid documents. The bidder shall use the “DBE Identification Submittal” sheets for any DBE participation that will be committed towards the goal and an explanation, with any supporting documentation, for the inability to meet the full goal established on the contract. Any Good Faith efforts shall be submitted as part of the bid or within the three business days after the bid opening.

10.2 Bidders Good Faith Efforts Described. MoDOT will consider the quality, quantity, and intensity of the different kinds of efforts that the bidder has made based upon 49 CFR Appendix A to Part 26 and the following additional efforts:

- (a) Providing documentation on any and all past GFE activities for review.
- (b) Past project DBE performance utilization.
- (c) Race neutral methods utilized on completed projects.

All good faith efforts are evaluated on a case-by-case basis whereas any of the numerous good faith elements listed individually or collectively is not a guarantee of approval.

10.3 Administrative Reconsideration of the Bidder’s Good Faith Efforts Made as a Part of the Bid Submittal. If MoDOT determines that the apparent low bidder has failed to adequately document in the bid that the bidder made a good faith effort to achieve sufficient DBE participation in the contract work, that firm will be offered the opportunity for administrative reconsideration upon written request, before MoDOT and the Commission reject that bid as non-responsive.

10.4 Forfeiture of Bid Bond possible when: The failure of either the apparent low bidder to file the completed and executed “DBE Identification Submittal”, listing actual, committed DBE participation equal to or greater than the DBE contract goal percentage specified in the bid by 4:00 p.m. on the third business day after the bid opening, will be cause for rejection of that bid. In addition, the bid surety bond or bid guaranty of the apparent low bidder will be forfeited to and become the property of the Local Agency upon demand, only if the contract is awarded.

(a) By submitting a bid on a federal-aid project, the bidder accepts and agrees to these provisions, and the disposition of the bidders bid bond or guaranty, upon demand by the Local Agency.

11.0 DBE Participation for Contract Goal Credit. Goal credit will be in accordance with 49 CFR 26.55 as outlined for the following DBE types:

- Subcontractor
- Manufacturer
- Regular Dealer
- Distributor
- Broker
- Trucker

12.0 DBE Required to Perform a Commercially Useful Function (CUF). The DBE CUF requirements are stated in 49 CFR Part 26, (26.55). Any questions or further information needed for CUF determinations should be directed to MoDOT's Business Development & Compliance Division.

12.1 Quality Control (QC) and Quality Assurance (QA) Reviews. The prime contractor shall monitor their planned DBE project usage for CUF compliance and provide MoDOT information for areas of concern for further evaluation. MoDOT will perform a QA review, or compliance review, for DBE CUF and project documentation retained by the contractor through project completion. The contractor shall maintain all DBE related information it has received, documented and provided to MoDOT for a period of three years beyond the date of final inspection. MoDOT's determination that a DBE's participation may not count toward the project goal, or good faith effort level approved will be subject to administrative reconsideration.

12.2 MoDOT Makes Final Determination On Whether a CUF Is Performed. MoDOT will have the final authority to determine whether a DBE firm has performed a CUF on a federal-aid contract.

13.0 Verification of DBE Participation at project completion. (Assessment of Liquidated Damages Possible)

13.1 Prior to final payment by the Local Agency, the contractor shall file with the Local Agency a detailed list showing each DBE used on the contract work, and the work performed by each DBE. The list shall show the actual dollar amount paid to each DBE for the creditable work on the contract, less any rebates, kickbacks, deductions, withholdings or other repayments made. The list shall be certified under penalty of perjury, or other law, to be accurate and complete. MoDOT and the Commission will use this certification and other information available to determine if the contractor and the contractor's DBEs satisfied the DBE contract goal percentage specified in the contract and the extent to which the DBEs were fully paid for that work. The contractor shall

acknowledge, by the act of filing the detailed list, that the information is supplied to obtain payment regarding a federal participation contract.

13.2 Failure on the part of the contractor to achieve the DBE participation to which the contractor committed in the contract may result in liquidated damages being imposed on the contractor by the Commission for breach of contract and for non-compliance. If the contract was awarded with less than the original DBE contract goal proposed by the Commission, the revised lower amount became the final DBE contract goal, and that goal will be used to determine any liquidated damages to be assessed. Additionally, the Commission or MoDOT may impose any other administrative sanctions or remedies available at law or provided by the contract in the event of breach by the contractor by failing to satisfy the contractor's DBE contract goal commitment. The contractor will be offered the opportunity for administrative reconsideration of any assessment of liquidated damages determined at the project completion, upon written request. The administrative reconsideration officer may consider all facts presented, including the legitimacy or business reason for back charges assessed against a DBE firm, in determining the final amount of liquidated damages.

14.0 Miscellaneous DBE Program Requirements. In accordance with Title 49 CFR Part 26 and the Commission's DBE Program rules in Title 7 CSR Division 10, Chapter 8, the contractor, for both the contractor and for the contractor's subcontractors and suppliers, whether DBE firms or not, shall commit to comply fully with the auditing, record keeping, confidentiality, cooperation and anti-intimidation or retaliation provisions contained in those federal and state DBE Program regulations. By bidding on a federal-aid contract, and by accepting and executing that contract, the contractor agrees to assume these contractual obligations, and to bind the contractor's subrecipients contractually, at the contractor's expense.

15.0 Bidders List Data Collection. MoDOT is a recipient of federal funds and is required by 49 CFR 26.11, to provide data about its DBE program. The information shall consist of the names of all DBE and non-DBE subcontractors, suppliers, manufacturers, distributors, or brokers for actual use and of consideration by the prime bidder. Forms are provided to bidders that specify all required data points. Failure to submit the required forms may deem the bid irregular.

Job No.: BRO-R041(38)

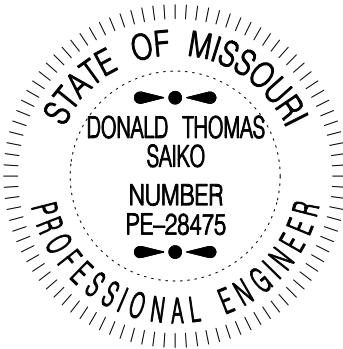
Route: W 120 Ave

County: Harrison

JOB SPECIAL PROVISIONS TABLE OF CONTENTS (ROADWAY)

(Job Special Provisions shall prevail over General Special Provisions whenever in conflict therewith.)

A.	General - Federal JSP-09-02L	1
B.	Work Zone Traffic Management Plan JSP-02-06A	1
C.	Emergency Provisions and Incident Management JSP-90-11A	3
D.	Project Contact for Contractor/Bidder Questions JSP-96-05	3
E.	Supplemental Revisions JSP-18-01JJ	4
F.	Liquidated Damages for Winter Months LPA-15-09A	10
G.	Utilities LPA-15-13A	11
H.	Contractor Quality Control NJSP-15-42	12
I.	Contractor Borrow	13
J.	Final Payment Documents	19
K.	Acceptance of Precast Concrete Members and Panels LPA 15-01A	19
L.	LPA Buy America Requirements LPA-18-08A	20
M.	Seeding and Mulching Requirements JSP-25-03	21

 THIS SHEET HAS BEEN SIGNED, SEALED AND DATED ELECTRONICALLY.	MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION 105 W. CAPITOL AVE. JEFFERSON CITY, MO 65102 Phone 1-888-275-6636
	GARVER 7509 NW Tiffany Springs Parkway STE 200 Kansas City, MO 64153 Certificate of Authority: 2008013090 Consultant Phone: 816-298-6465
	If a seal is present on this sheet, JSP's have been electronically sealed and dated.
	JOB NUMBER: BRO-R041(38) HARRISON COUNTY, MO DATE PREPARED: 08/06/2025
	ADDENDUM DATE:

Only the following items of the Job Special Provisions (Roadway) are
authenticated by this seal: All

JOB
SPECIAL PROVISION

A. General - Federal JSP-09-02L

1.0 Description. The Federal Government is participating in the cost of construction of this project. All applicable Federal laws, and the regulations made pursuant to such laws, shall be observed by the contractor, and the work will be subject to the inspection of the appropriate Federal Agency in the same manner as provided in Sec 105.10 of the Missouri Standard Specifications for Highway Construction with all revisions applicable to this bid and contract.

1.1 This contract requires payment of the prevailing hourly rate of wages for each craft or type of work required to execute the contract as determined by the Missouri Department of Labor and Industrial Relations and requires adherence to a schedule of minimum wages as determined by the United States Department of Labor. For work performed anywhere on this project, the contractor and the contractor's subcontractors shall pay the higher of these two applicable wage rates. State Wage Rates, Information on the Required Federal Aid Provisions, and the current Federal Wage Rates are available on the Missouri Department of Transportation web page at www.modot.org under "Doing Business with MoDOT", "Contractor Resources". Effective Wage Rates will be posted 10 days prior to the applicable bid opening. These supplemental bidding documents have important legal consequences. It shall be conclusively presumed that they are in the bidder's possession, and they have been reviewed and used by the bidder in the preparation of any bid submitted on this project.

1.2 The following documents are available on the Missouri Department of Transportation web page at www.modot.org under "Doing Business with MoDOT"; "Standards and Specifications". The effective version shall be determined by the letting date of the project.

General Provisions & Supplemental Specifications

Supplemental Plans to July 2025 Missouri Standard Plans
For Highway Construction

These supplemental bidding documents contain all current revisions to the published versions and have important legal consequences. It shall be conclusively presumed that they are in the bidder's possession, and they have been reviewed and used by the bidder in the preparation of any bid submitted on this project.

B. Work Zone Traffic Management Plan JSP-02-06A

1.0 Description. Work zone traffic management shall be in accordance with applicable portions of Division 100 and Division 600 of the Standard Specifications, and specifically as follows.

2.0 Traffic Management Schedule.

2.1 Traffic management schedules shall be submitted to the engineer for review prior to the start of work and prior to any revisions to the traffic management schedule. The traffic management schedule shall include the proposed traffic control measures, hours traffic control will be in place, and work hours.

2.2 The contractor shall notify the engineer prior to lane closures or shifting traffic onto detours.

2.3 The engineer shall be notified as soon as practical of any postponement due to weather, material or other circumstances.

2.4 In order to ensure minimal traffic interference, the contractor shall schedule lane closures for the absolute minimum amount of time required to complete the work. Lanes shall not be closed until material is available for continuous construction and the contractor is prepared to diligently pursue the work until the closed lane is opened to traffic.

2.5 Traffic Congestion. The contractor shall, upon approval of the engineer, take proactive measures to reduce traffic congestion in the work zone.

2.5.1 Traffic Delay. The contractor shall be responsible for maintaining the existing traffic flow through the job site during construction. If disruption of the traffic flow occurs and traffic is backed up in queues of 15 minute delays or longer, then the contractor shall review the construction operations which contributed directly to disruption of the traffic flow and make adjustments to the operations to prevent the queues from occurring again.

2.5.2 Traffic Safety.

2.5.2.1 Where traffic queues routinely extend to within 1000 feet (300 m) of the ROAD WORK AHEAD, or similar, sign on a divided highway or to within 500 feet (150 m) of the ROAD WORK AHEAD, or similar, sign on an undivided highway, the contractor shall extend the advance warning area, as approved by the engineer.

2.5.2.2 When a traffic queue extends to within 1000 feet (300 m) of the ROAD WORK AHEAD, or similar, sign on a divided highway or to within 500 feet (150 m) of the ROAD WORK AHEAD, or similar, sign on an undivided highway due to non-recurring congestion, the contractor shall deploy a means of providing advance warning of the traffic congestion, as approved by the engineer. The warning location shall be no less than 1000 feet (300 m) and no more than 0.5 mile (0.8 km) in advance of the end of the traffic queue on divided highways and no less than 500 feet (150 m) and no more than 0.5 mile (0.8 km) in advance of the end of the traffic queue on undivided highways.

3.0 Work Hour Restrictions.

3.1 There are three major summer holiday periods: Memorial Day, Independence Day, and Labor Day. All lanes shall be scheduled to be open to traffic during these holiday periods, from 12:00 noon on the last working day preceding the holiday until 9:00 a.m. on the first working day subsequent to the holiday.

3.2 The contractor shall not perform any construction operation on the roadway, including the hauling of material within the project limits, during restricted periods, holiday periods or other special events specified in the contract documents.

4.0 Detours and Lane Closures.

4.1 The contractor shall provide changeable message signs notifying motorists of future traffic disruption and possible traffic delays one week before traffic is shifted to a detour or prior to lane

closures. The changeable message sign shall be installed at a location as approved or directed by the engineer.

5.0 Basis of Payment. No direct payment will be made to the contractor to recover the cost of equipment, labor, materials or time required to fulfill the above provisions, unless specified elsewhere in the contract document.

C. Emergency Provisions and Incident Management JSP-90-11A

1.0 The contractor shall have communication equipment on the construction site or immediate access to other communication systems to request assistance from law enforcement or other emergency agencies for incident management. In case of traffic accidents or the need for law enforcement to direct or restore traffic flow through the job site, the contractor shall notify law enforcement or other emergency agencies immediately as needed. The area engineer's office shall also be notified when the contractor requests emergency assistance.

2.0 In addition to the 911 emergency telephone number for ambulance, fire or law enforcement services, the following agencies may also be notified for accident or emergency situation within the project limits.

Missouri State Highway Patrol: (816) 387-2345
Harrison County Sheriff Department: (660) 425-3199
New Hampton Volunteer Fire Protection District: (660) 439-3444
MoDOT Area Engineer: (660) 646-3218
Emergency Only Numbers
911
(*55 cell number – Missouri Highway Patrol)

2.1 This list is not all inclusive. Notification of the need for wrecker or tow truck services will remain the responsibility of the appropriate law enforcement agency.

2.2 The contractor shall notify law enforcement and emergency agencies before the start of construction to request their cooperation and to provide coordination of services when emergencies arise during the construction at the project site. When the contractor completes this notification with law enforcement and emergency agencies, a report shall be furnished to the engineer on the status of incident management.

3.0 No direct pay will be made to the contractor to recover the cost of the communication equipment, labor, materials or time required to fulfill the above provisions.

D. Project Contact for Contractor/Bidder Questions JSP-96-05

All questions concerning this project during the bidding process shall be forwarded to the project contact listed below.

Madison Woodward, Project Contact
Northwest District

3602 N Belt Hwy
Saint Joseph, MO 64506

Telephone Number: 816-387-2596
Email: Madison.Woodward@modot.mo.gov

All questions concerning the bid document preparation can be directed to the Central Office – Design at (573) 751-2876.

E. Supplemental Revisions JSP-18-01JJ

- Compliance with [2 CFR 200.216 – Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment](#).

The Missouri Highways and Transportation Commission shall not enter into a contract (or extend or renew a contract) using federal funds to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as substantial or as critical technology as part of any system where the video surveillance and telecommunications equipment was produced by Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

- Stormwater Compliance Requirements

1.0 Description. This provision requires the contractor to provide a Water Pollution Control Manager (WPCM) for any project that includes land disturbance on the project site and the total area of land disturbance, both on the project site, and all Off-site support areas, is one (1) acre or more. Regardless of the area of Off-site disturbance, if no land disturbance occurs on the project site, these provisions do not apply. When a WPCM is required, all sections within this provision shall be applicable, including assessment of specified Liquidated Damages for failure to correct Stormwater Deficiencies, as specified herein. This provision is in addition to any other stormwater, environmental, and land disturbance requirements specified elsewhere in the contract.

1.1 Definitions. The project site is defined as all areas designated on the plans, including temporary and permanent easements. The project site is equivalent to the “permitted site”, as defined in MoDOT’s State Operating Permit. An Off-site area is defined as any location off the project site the contractor utilizes for a dedicated project support function, such as, but not limited to, staging area, plant site, borrow area, or waste area.

1.2 Reporting of Off-Site Land Disturbance. If the project includes any planned land disturbance on the project site, prior to the start of work, the contractor shall submit a written report to the engineer that discloses all Off-site support areas where land disturbance is planned, the total acreage of anticipated land disturbance on those sites, and the land disturbance permit number(s). Upon request by the engineer, the contractor shall submit a copy of its land disturbance permit(s) for Off-site locations. Based on the total acreage of land disturbance, both on and Off-site, the engineer shall determine if these Stormwater Compliance Requirements shall apply. The Contractor shall immediately report any changes to the planned area of Off-site land

disturbance. The Contractor is responsible for obtaining its own separate land disturbance permit for Off-site areas.

2.0 Water Pollution Control Manager (WPCM). The Contractor shall designate a competent person to serve as the Water Pollution Control Manager (WPCM) for projects meeting the description in Section 1.0. The Contractor shall ensure the WPCM completes all duties listed in Section 2.1.

2.1 Duties of the WPCM:

- (a) Be familiar with the stormwater requirements including the current MoDOT State Operating Permit for construction stormwater discharges/land disturbance activities; MoDOT's statewide Stormwater Pollution Prevention Plan (SWPPP); the Corps of Engineers Section 404 Permit, when applicable; the project specific SWPPP, the Project's Erosion & Sediment Control Plan; all applicable special provisions, specifications, and standard drawings; and this provision;
- (b) Successfully complete the MoDOT Stormwater Training Course within the last 4 years. The MoDOT Stormwater Training is a free online course available at MoDOT.org;
- (c) Attend the Pre-Activity Meeting for Grading and Land Disturbance and all subsequent Weekly Meetings in which grading activities are discussed;
- (d) Oversee and ensure all work is performed in accordance with the Project-specific SWPPP and all updates thereto, or as designated by the engineer;
- (e) Review the project site for compliance with the Project SWPPP, as needed, from the start of any grading operations until final stabilization is achieved, and take necessary actions to correct any known deficiencies to prevent pollution of the waters of the state or adjacent property owners prior to the engineer's weekly inspections;
- (f) Review and acknowledge receipt of each MoDOT Inspection Report (Land Disturbance Inspection Record) for the Project within forty eight (48) hours of receiving the report and ensure that all Stormwater Deficiencies noted on the report are corrected as soon as possible, but no later than stated in Section 5.0.

3.0 Pre-Activity Meeting for Grading/Land Disturbance and Required Hold Point. A Pre-Activity meeting for grading/land disturbance shall be held prior to the start of any land disturbance operations. No land disturbance operations shall commence prior to the Pre-Activity meeting except work necessary to install perimeter controls and entrances. Discussion items at the pre-activity meeting shall include a review of the Project SWPPP, the planned order of grading operations, proposed areas of initial disturbance, identification of all necessary BMPs that shall be installed prior to commencement of grading operations, and any issues relating to compliance with the Stormwater requirements that could arise in the course of construction activity at the project.

3.1 Hold Point. Following the pre-activity meeting for grading/land disturbance and subsequent installation of the initial BMPs identified at the pre-activity meeting, a Hold Point shall occur prior to the start of any land disturbance operations to allow the engineer and WPCM the time needed to perform an on-site review of the installation of the BMPs to ensure compliance with the SWPPP is met. Land disturbance operations shall not begin until authorization is given by the engineer.

4.0 Inspection Reports. Weekly and post run-off inspections will be performed by the engineer and each Inspection Report (Land Disturbance Inspection Record) will be entered into a web-based Stormwater Compliance database. The WPCM will be granted access to this database and shall promptly review all reports, including any noted deficiencies, and shall acknowledge receipt of the report as required in Section 2.1 (f.).

5.0 Stormwater Deficiency Corrections. All stormwater deficiencies identified in the Inspection Report shall be corrected by the contractor within 7 days of the inspection date or any extended period granted by the engineer when weather or field conditions prohibit the corrective work. If the contractor does not initiate corrective measures within 5 calendar days of the inspection date or any extended period granted by the engineer, all work shall cease on the project except for work to correct these deficiencies, unless otherwise allowed by the engineer. All impact costs related to this halting of work, including, but not limited to stand-by time for equipment, shall be borne by the Contractor. Work shall not resume until the engineer approves the corrective work.

5.1 Liquidated Damages. If the Contractor fails to complete the correction of all Stormwater Deficiencies listed on the MoDOT Inspection Report within the specified time limit, the Commission will be damaged in various ways, including but not limited to, potential liability, required mitigation, environmental clean-up, fines, and penalties. These damages are not reasonably capable of being computed or quantified. Therefore, the contractor will be charged with liquidated damages specified in the amount of \$2,000 per day for failure to correct one or more of the Stormwater Deficiencies listed on the Inspection Report within the specified time limit. In addition to the stipulated damages, the stoppage of work shall remain in effect until all corrections are complete.

6.0 Basis of Payment. No direct payment will be made for compliance with this provision.

- **Delete Sec 106.9 in its entirety and substitute the following:**

106.9 Buy America Requirements.

Buy America Requirements are waived if the total amount of Federal financial assistance applied to the project, through awards or subawards, is below \$500,000.

106.9.1 Buy America Requirements for Iron and Steel.

On all federal-aid projects, the contractor's attention is directed to Title 23 CFR 635.410 *Buy America Requirements*. Where steel or iron products are to be permanently incorporated into the contract work, steel and iron material shall be manufactured, from the initial melting stage through the application of coatings, in the USA except for "minimal use" as described herein. Furthermore, any coating process of the steel or iron shall be performed in the USA. Under a general waiver from FHWA the use of pig iron and processed, pelletized, and reduced iron ore manufactured outside of the USA will be permitted in the domestic manufacturing process for steel or iron material.

106.9.1.1 Buy America Requirements for Iron and Steel for Manufactured items.

A manufactured item will be considered iron and steel if it is "predominantly" iron or steel. Predominantly iron or steel means that the cost of iron or steel content of a product is more than 50 percent of the total cost of all its components.

106.9.2 Any sources other than the USA as defined will be considered foreign. The required domestic manufacturing process shall include formation of ingots and any subsequent process. Coatings shall include any surface finish that protects or adds value to the product.

106.9.3 "Minimal use" of foreign steel, iron or coating processes will be permitted, provided the cost of such products does not exceed 1/10 of one percent (0.1 percent) of the total contract cost or \$2,500.00, whichever is greater. If foreign steel, iron, or coating processes are used, invoices to document the cost of the foreign portion, as delivered to the project, shall be provided and the engineer's written approval obtained prior to placing the material in any work.

106.9.4 Buy America requirements include a step certification for all fabrication processes of all steel or iron materials that are accepted per Sec 1000. The AASHTO Product Evaluation and Audit Solutions compliance program verifies that all steel and iron products fabrication processes conform to 23 CFR 635.410 Buy America Requirements and is an acceptable standard per 23 CFR 635.410(d). AASHTO Product Evaluation and Audit Solutions compliant suppliers will not be required to submit step certification documentation with the shipment for some selected steel and iron materials. The AASHTO Product Evaluation and Audit Solutions compliant supplier shall maintain the step certification documentation on file and shall provide this documentation to the engineer upon request.

106.9.4.1 Items designated as Category 1 will consist of steel girders, piling, and reinforcing steel installed on site. Category 1 items require supporting documentation prior to incorporation into the project showing all steps of manufacturing, including coating, as being completed in the United States and in accordance with CFR Title 23 Section 635.410 Buy America Requirements. This includes the Mill Test Report from the original producing steel mill and certifications documenting the manufacturing process for all subsequent fabrication, including coatings. The certification shall include language that certifies the following. That all steel and iron materials permanently incorporated in this project was procured and processed domestically and all manufacturing processes, including coating, as being completed in the United States and in accordance with CFR Title 23 Section 635.410.

106.9.4.2 Items designated as Category 2 will include all other steel or iron products not in Category 1 and permanently incorporated in the project. Category 2 items shall consist of, but not be limited to items such as fencing, guardrail, signing, lighting and signal supports. The prime contractor is required to submit a material of origin form certification prior to incorporation into the project from the fabricator for each item that the product is domestic. The Certificate of Materials Origin form ([link to certificate form](#)) from the fabricator must show all steps of manufacturing, including coating, as being completed in the United States and in accordance with CFR Title 23 Section 635.410 Buy America Requirements and be signed by a fabricator representative. The engineer reserves the right to request additional information and documentation to verify that all Buy America requirements have been satisfied. These documents shall be submitted upon request by the engineer and retained for a period of 3 years after the last reimbursement of the material.

106.9.4.3 Any minor miscellaneous steel or iron items that are not included in the materials specifications shall be certified by the prime contractor as being procured domestically. Examples of these items would be bolts for sign posts, anchorage inserts, etc. The certification shall read "I certify that all steel and iron materials permanently incorporated in this project during all manufacturing processes, including coating, as being completed in the United States and in accordance with CFR Title 23 Section 635.410 Buy America Requirements procured and processed domestically in accordance with CFR Title 23 Section 635.410 Buy America

Requirements. Any foreign steel used was submitted and accepted under minor usage". The certification shall be signed by an authorized representative of the prime contractor.

106.9.5 When permitted in the contract, alternate bids may be submitted for foreign steel and iron products. The award of the contract when alternate bids are permitted will be based on the lowest total bid of the contract based on furnishing domestic steel or iron products or 125 percent of the lowest total bid based on furnishing foreign steel or iron products. If foreign steel or iron products are awarded in the contract, domestic steel or iron products may be used; however, payment will be at the contract unit price for foreign steel or iron products.

106.9.6 Buy America Requirements for Construction Materials other than iron and steel materials. Construction materials means articles, materials, or supplies that consist of only one of the items listed. Minor additions of articles, materials, supplies, or binding agents to a construction material do not change the categorization of the construction material. Upon request by the engineer, the contractor shall submit a domestic certification for all construction materials listed that are incorporated into the project.

- (a) Non-ferrous metals
- (b) Plastic and Polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables)
- (c) Glass (including optic glass)
- (d) Fiber optic cable (including drop cable)
- (e) Optical fiber
- (f) Lumber
- (g) Engineered wood
- (h) Drywall

106.9.6.1 Minimal Use allowance for Construction Materials other than iron or steel.

"The total value of the non-compliant products is no more than the lesser of \$1,000,000 or 5% of total applicable costs for the project." The contractor shall submit to the engineer any non-domestic materials and their total material cost to the engineer. The contractor and the engineer will both track these totals to assure that the minimal usage allowance is not exceeded.

106.9.7 Buy America Requirements for Manufactured Products.

Manufactured products means:

- (a) Articles, materials, or supplies that have been:
 - (i) Processed into a specific form and shape; or
 - (ii) Combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.
- (b) If an item is classified as an iron or steel product, a construction material, or a section 70917(c) material under § 184.4(e) and the definitions set forth in this section, then it is not a manufactured product. However, an article, material, or supply classified as a manufactured product under § 184.4(e) and paragraph (1) of this definition may include components that are construction materials, iron or steel products, or section 70917(c) materials.

106.9.7.1 Manufactured products are exempt from Buy America requirements. To qualify as a manufactured product, items that consist of two or more of the listed construction materials that have been combined together through a manufacturing process, and items that include at least one of the listed materials combined with a material that is not listed through a manufacturing

process, should be treated as manufactured products, rather than as construction materials.

106.9.7.2 Manufactured items are covered under a general waiver to exclude them from Buy America Requirements. To qualify for the exemption the components must comprise of 55% of the value of materials in the item. The final assembly must also be performed domestically.

- Third-Party Test Waiver for Concrete Aggregate

1.0 Description. Third party tests may be allowed for determining the durability factor for concrete pavement and concrete masonry aggregate.

2.0 Material. All aggregate for concrete shall be in accordance with Sec 1005.

2.1 MoDOT personnel shall be present at the time of sampling at the quarry. The aggregate sample shall be placed in an approved tamper-evident container (provided by the quarry) for shipment to the third-party testing facility.

2.2 AASHTO T 161 Method B Resistance of Concrete to Rapid Freezing and Thawing, shall be used to determine the aggregate durability factor. All concrete beams for testing shall be 3-inch wide by 4-inch deep by 16-inch long or 3.5-inch wide by 4.5-inch deep by 16-inch long. All beams for testing shall receive a 35-day wet cure fully immersed in saturated lime water prior to initiating the testing process.

2.3 Concrete test beams shall be made using a MoDOT approved concrete pavement mix design.

3.0 Testing Facility Requirements. All third-party test facilities shall meet the requirements outlined in this provision.

3.1 The testing facility shall be AASHTO accredited.

3.1.1 For tests ran after January 1, 2025, accreditation documentation shall be on file with the Construction and Materials Division prior to any tests being performed.

3.1.2 Construction and Materials Division may consider tests completed prior to January 1, 2025, to be acceptable if all sections of this provision are met, with the exception of 3.1.1. Accreditation documentation shall be provided with the test results for tests completed prior to January 1, 2025. No tests completed prior to September 1, 2024, will be accepted.

3.2 The testing facility shall provide their testing process, list of equipment, equipment calibration documentation, and testing certifications or qualifications of technicians performing the AASHTO T 161 Procedure B tests. The testing facility shall provide details on their freezing and thawing apparatus including the time and temperature profile of their freeze-thaw chamber. The profile shall include the temperature set points throughout the entirety of the freeze-thaw cycle. The profile shall show the cycle time at which the apparatus drains/fills with water and the cycle time at which the apparatus begins cooling the specimens.

3.3 Results, no more than five years old, from the third-party test facility shall compare within ± 2.0 percent of an independent test from another AASHTO accredited test facility or with MoDOT test records, in order to be approved for use (e.g. test facility results in a durability factor of 79, MoDOT's recent durability test factor is 81; this compared within +2 percent). The independent

testing facility shall be in accordance with this provision. The comparison test can be from a different sample of the same ledge combination.

3.4 When there is a dispute between the third party durability test results and MoDOT durability test results, the MoDOT durability test result shall govern.

3.5 Test results shall be submitted to MoDOT's Construction and Materials division electronically for final approval. Test results shall include raw data for all measurements of relative dynamic modulus of elasticity and percent length change for each individual concrete specimen. Raw data shall include initial measurements made at zero cycles and every subsequent measurement of concrete specimens. Raw data shall include the cycle count and date each measurement was taken. Test results shall also include properties of the concrete mixture as required by AASHTO T 161. This shall include the gradation of the coarse aggregate sample. If AASHTO T 152 is used to measure fresh air content, then the aggregate correction factor for the mix determined in accordance with AASHTO T 152 shall also be included.

4.0 Method of Measurement. There is no method of measurement for this provision. The testing requirements and number of specimens shall be in accordance with AASHTO T 161 Procedure B.

5.0 Basis of Payment. No direct payment will be made to the contractor or quarry to recover the cost of aggregate samples, sample shipments, testing equipment, labor to prepare samples or test samples, or developing the durability report.

- **Delete paragraph 15.0 of the General Provision Disadvantaged Business Enterprise (DBE) Program Requirements and substitute the following:**

15.0 Bidder's List Quote Summary. MoDOT is a recipient of federal funds and is required by 49 CFR 26.11 to provide data about its DBE program. All bidders who seek to work on federally assisted contracts must submit data about all DBE and non-DBEs in accordance with Sec 102.7.9. MoDOT will not compare the submitted Bidder's List Quote Summary to any other documents or submittals, pre or post award. All information will be used by MoDOT in accordance with 49 CFR 26.11 for reporting to USDOT and to aid in overall DBE goal setting.

- **Add Sec 102.7.9 to include the following:**

102.7.9 Bidder's List Quote Summary. Each bidder shall submit with each bid a summary of all subcontractors, material suppliers, and service providers (e.g. hauling) considered on federally funded projects pursuant to 49 CFR 26.11. The bidder will provide the firm's name, the corresponding North American Industry Classification System (NAICS) code(s) the firm(s) were considered for, and whether or not they were used in the bid. The information submitted should be the most complete information available at the time of bid. The information shall be disclosed on the Bidder's List Quote Summary form provided in the bidding documents and submitted in accordance with Sec 102.10. Failure to disclose this information may result in a bid being declared irregular.

F. Liquidated Damages for Winter Months LPA-15-09A

Delete Sec 108.8.1.3 (a)

Liquidated damages for failure to complete the work on time shall not be waived from December 15 to March 15, both dates inclusive.

G. Utilities LPA-15-13A

1.0 For informational purposes only, the following is a list of names, addresses, and telephone numbers of the known utility companies in the area of the construction work for this improvement:

<u>Utility Name</u>	<u>Known Required Adjustment</u>
N/A	N/A

1.1 The existence and approximate location of utility facilities known to exist, as shown on the plans, are based upon the best information available to the Local Public Agency at this time. This information is provided by the Local Public Agency "as-is" and the Local Public Agency expressly disclaims any representation or warranty as to the completeness, accuracy, or suitability of the information for any use. Reliance upon this information is done at the risk and peril of the user, and the Commission shall not be liable for any damages that may arise from any error in the information. It is, therefore, the responsibility of the contractor to verify the above listing information indicating existence, location and status of any facility. Such verification includes direct contact with the listed utilities.

1.2 The contractor agrees that any effects of the presence of the utilities, their relocation, contractor's coordination of work with the utilities and any delay in utility relocation shall not be compensable as a suspension of work, extra work, a change in the work, as a differing site condition or otherwise including but, without limitation, delay, impact, incidental or consequential damages. The contractor's sole remedy for the effects of the presence of utilities, delay in their relocation or any other effects shall be an excusable delay as provided in Section 105.7.3. The contractor waives, for itself, its subcontractors and suppliers the compensability of the presence of utilities, delay in their relocation and any cost to the contractor, its subcontractors and suppliers in any claim or action arising out of or in relation to the work under the contract.

1.3 The contractor shall be solely responsible and liable for incidental and consequential damage to any utility facilities or interruption of the service caused by it or its subcontractors operation. The contractor shall hold and save harmless the Local Public Agency from damages to any utility facilities interruption of service by it or its subcontractor's operation.

2.0 It shall be noted by the contractor that MoDOT is a member of Missouri One Call (800 Dig Rite). Some work on this project may be in the vicinity of MoDOT utility facilities, which includes but is not limited to traffic signal cables, highway lighting circuits, ITS cables, cathodic protection cables, etc. Prior to beginning work, the contractor shall request locates from Missouri One Call. The contractor shall also complete (if project is on MoDOT ROW) the Notice of Intent to Perform Work form located at the Missouri Department of Transportation website:

<https://www.modot.org/intent-work>

The contractor shall submit the form over the web (preferred method) or call 888-275-6636 (ASK MoDOT). The notice must be submitted a minimum of 2 and a maximum of 10 working days prior to excavation just as Missouri One Call requires.

H. Contractor Quality Control NJSP-15-42

1.0 The contractor shall perform Quality Control (QC) testing in accordance with the specifications and as specified herein. The contractor shall submit a Quality Control Plan (QC Plan) to the engineer for approval that includes all items listed in Section 2.0, prior to beginning work.

2.0 Quality Control Plan.

- (a) The name and contact information of the person in responsible charge of the QC testing.
- (b) A list of the QC technicians who will perform testing on the project, including the fields in which they are certified to perform testing.
- (c) A proposed independent third party testing firm for dispute resolution, including all contact information.
- (d) A list of Hold Points, when specified by the engineer.
- (e) The MoDOT Standard Inspection and Testing Plan (ITP). This shall be the version that is posted at the time of bid on the MoDOT website (www.modot.org/quality).

3.0 Quality Control Testing and Reporting. Testing shall be performed per the test method and frequency specified in the ITP. All personnel who perform sampling or testing shall be certified in the MoDOT Technician Certification Program for each test that they perform.

3.1 Reporting of Test Results. All QC test reports shall be submitted as soon as practical, but no later than the day following the test. Test data shall be immediately provided to the engineer upon request at any time, including prior to the submission of the test report. No payment will be made for the work performed until acceptable QC test results have been received by the engineer and confirmed by QA test results.

3.1.1 Test results shall be reported on electronic forms provided by MoDOT. Forms and Contractor Reporting Excel2Oracle Reports (CRE2O) can be found on the MoDOT website. All required forms, reports and material certifications shall be uploaded to a Microsoft SharePoint® site provided by MoDOT, and organized in the file structure established by MoDOT.

3.2 Non-Conformance Reporting. A Non-Conformance Report (NCR) shall be submitted by the contractor when the contractor proposes to incorporate material into the work that does not meet the testing requirements or for any work that does not comply with the contract terms or specifications.

3.2.1 Non-Conformance Reporting shall be submitted electronically on the Non-Conformance Report form provided on the MoDOT Website. The NCR shall be uploaded to the MoDOT SharePoint® site and an email notification sent to the engineer.

3.2.2 The contractor shall propose a resolution to the non-conforming material or work. Acceptance of a resolution by the engineer is required before closure of the non-conformance report.

4.0 Work Planning and Scheduling.

4.1 Two-week Schedule. Each week, the contractor shall submit to the engineer a schedule that outlines the planned project activities for the following two-week period. The two-week schedule shall detail all work and traffic control events planned for that period and any Hold Points specified by the engineer.

4.2 Weekly Meeting. When work is active, the contractor shall hold a weekly project meeting with the engineer to review the planned activities for the following week and to resolve any outstanding issues. Attendees shall include the engineer, the contractor superintendent or project manager and any foreman leading major activities. This meeting may be waived when, in the opinion of the engineer, a meeting is not necessary. Attendees may join the meeting in person, by phone or video conference.

4.3 Pre-Activity Meeting. A pre-activity meeting is required in advance of the start of each new activity, except when waived by the engineer. The purpose of this meeting is to review construction details of the new activity. At a minimum, the discussion topics shall include: safety precautions, QC testing, traffic impacts, and any required Hold Points. Attendees shall include the engineer, the contractor superintendent and the foreman who will be leading the new activity. Pre-activity meetings may be held in conjunction with the weekly project meeting.

4.4 Hold Points. Hold Points are events that require approval by the engineer prior to continuation of work. Hold Points occur at definable stages of work when, in the opinion of the engineer, a review of the preceding work is necessary before continuation to the next stage.

4.4.1 A list of typical Hold Point events is available on the MoDOT website. Use of the Hold Point process will only be required for the project-specific list of Hold Points, if any, that the engineer submits to the contractor in advance of the work. The engineer may make changes to the Hold Point list at any time.

4.4.2 Prior to all Hold Point inspections, the contractor shall verify the work has been completed in accordance with the contract and specifications. If the engineer identifies any corrective actions needed during a Hold Point inspection, the corrections shall be completed prior to continuing work. The engineer may require a new Hold Point to be scheduled if the corrections require a follow-up inspection. Re-scheduling of Hold Points require a minimum 24-hour advance notification from the contractor unless otherwise allowed by the engineer.

5.0 Quality Assurance Testing and Inspection. MoDOT will perform quality assurance testing and inspection of the work, except as specified herein. The contractor shall utilize the inspection checklists provided in the ITP as a guide to minimize findings by MoDOT inspection staff. Submittal of completed checklists is not required, except as specified in 5.1.

5.1 Inspection and testing required in the production of concrete for the project shall be the responsibility of the contractor. Submittal of the 501 Concrete Plant Checklist is required.

6.0 Basis of Payment. No direct payment will be made for compliance with this provision.

I. Contractor Borrow

Procedures for Environmental Clearance of Borrow Sites and Other Disturbed Areas Outside Right of Way

The article provides guidelines for obtaining environmental clearance for disturbed areas such as:

Haul Roads
Burn Pits
Staging Areas
Spoil Sites

The Local Public Agency (LPA) is responsible for ensuring that all necessary clearances for disturbed areas such as those mentioned above are obtained prior to using these areas for projects. LPA's and their contractors are encouraged to consider using material from previously disturbed locations (substantial disturbance) or disturbed areas that have been cleared previously, precluding the need to address most, if not all, of the issues described below. The LPA and their contractors should include the federal project number on all correspondence. The primary environmental concerns related to obtaining clearance of disturbed areas such as borrow sites are described next.

Once the LPA or their contractor has obtained all required documentation, it should be provided to the LPA and the MoDOT district contract.

The Endangered Species Act.

The U.S. Fish and Wildlife Service (FWS) administers the Federal Endangered Species Act, which protects rare species and their habitats. Violations of this act can result in extensive project delays and severe fines. To determine whether an activity will impact any rare species or their habitats, the LPA or their contractor must contact the FWS, and request an official species list. This must be accomplished by accessing the FWS Information, Planning, and Conservation (IPac) website (<http://ecos.fws.gov/ipac/>) and submitting project details. The LPA or their contractor must also request an official species list and a consultation code. If the project may impact any listed species, contact the FWS and provide them with the consultation code for further information:

U.S. Fish and Wildlife Service (FWS)
Columbia Field Office
101 Park DeVille Drive – Suite A
Columbia MO 65203-0007
Telephone Number (573) 234-2131 or FAX (573) 234-2182

To determine if the activity will impact state listed species, submit the project for a Natural Heritage Review at the Missouri Department of Conservation's (MDC's) website: <https://naturalheritagereview.mdc.mo.gov/>. MDC will provide the LPA or their contractor with a report that lists known resources in or near the site, and provides Best Management Practices (BMP's) and additional instructions. **The report is NOT a clearance letter.** If there are no known records of rare species or sensitive habitats at the proposed site, and it is unlikely that it will be impacted by the activity, the MoDOT district contact will give the contractor clearance to proceed. However, if rare species are known or likely to occur at the site or known critical habitat exists, further coordination with MDC and the FWS will be necessary. Written concurrence from the U.S. Fish and Wildlife Service for "not likely to adversely affect" determination may be required before the project can proceed.

Floodplain/Regulatory Floodway

Executive Order 11988, Floodplain Management, and subsequent federal floodplain management guidelines mandate an evaluation of floodplain impacts. The Federal Emergency Management Agency (FEMA) and Federal Highway Administration (FHWA) guidelines 23 CFR 650 have identified the base (1%) flood as the flood having a one percent probability of being equaled or exceeded in any given year. The base floodplain is the area of one percent flood hazard within a county or community. The regulatory floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the one percent flood discharge can be conveyed without increasing the base flood elevation more than a specified amount. FEMA has mandated that projects can cause no rise in the regulatory floodway, and a one-foot cumulative rise for all projects in the base (1%) floodplain.

When available, flood hazard boundary maps (National Flood Insurance Program) and flood insurance studies for the project area are used to determine the limits of the base (1%) floodplain and the extent of encroachment. Questions concerning the need for a floodplain development permit or whether, for projects proposed within regulatory floodways, a "no-rise" certificate must be obtained before a Floodplain Development Permit can be issued should be addressed to the local floodplain administrator. Use the menu or map feature under Local Floodplain Administrator on the State Emergency Management Agency website at <http://www.sema.dps.mo.gov/programs/floodplain/> to find contact information for your local floodplain administrator.

For projects that involve the state of Missouri, the State Emergency Management Agency (SEMA) issues floodplain development permits. In the case of projects proposed within regulatory floodways, a "no-rise" certificate, if applicable, should be obtained prior to issuance of a permit. Questions regarding floodplain and regulatory floodway for these projects should be addressed to:

SEMA
P.O. Box 116
Jefferson City MO 65102
Telephone (573) 526-9141

Documentation of consultation with the local floodplain administrator or SEMA regarding the presence of base (1%) floodplain/regulatory floodway should be included in the final collection of information to be submitted to the MoDOT district contact.

Federal Emergency Management Agency (FEMA) Buyout Lands

The Flood Disaster Protection Act of 1973, as amended by the Disaster Relief and Emergency Assistance Act of 1988 (The Stafford Act), identified the use of disaster relief funds under Section 404 for the Hazard Mitigation Grand Program (HMGP), including the acquisition and relocation of flood-damaged property. The Volkmer Bill further expanded the use of HMGP funds to "buy out" flood damaged property that was affected by the Great Flood of 1993.

There are numerous restrictions on these FEMA buyout properties. No structures or improvements may be erected on these properties unless they are open on all sides. The site shall be used only for open space purposes, and shall stay in public ownership. These conditions and restrictions (among others), along with the right to enforce same, are deemed to be covenants running with the land in perpetuity and are binding on subsequent successors, grantees, or assigns. Any decision involving these properties should take into consideration that 2–3 years is

needed to obtain an exemption from FEMA to use these parcels. This exemption would likely be a permanent easement rather than a transfer of property. If any proposed site is located on a FEMA buyout property, an alternative site should be chosen.

Farmland Protection

The Farmland Protection Policy Act (FPPA) seeks to minimize federal programs' contributions to the unnecessary and irreversible conversion of farmland caused by nonagricultural uses. FPPA compliance can be achieved through coordination with United States Department of Agriculture's (USDA's) Natural Resources Conservation Service (NRCS) and completion of Form AD-1006 Farmland Conversion Impact Rating. Form AD-1006 can also be obtained by calling the NRCS State office in Columbia at (573) 876-9411. An aerial map of the site or sites will be needed, with the area to be disturbed identified on the map. This aerial map can be obtained from the local NRCS office. In some areas of the state, this office may be located in an adjoining county.

The LPA or their contractor will need to complete Parts I and III on the Form AD-1006. The form should then be sent to the NRCS State Office for completion of Parts II, IV and V. The address for the NRCS State Office is:

Natural Resource Conservation Service
State Soil Scientist
601 Business Loop 70 West
Parkade Center, Suite 250
Columbia, MO 65203-2546
Telephone (573) 876-0907

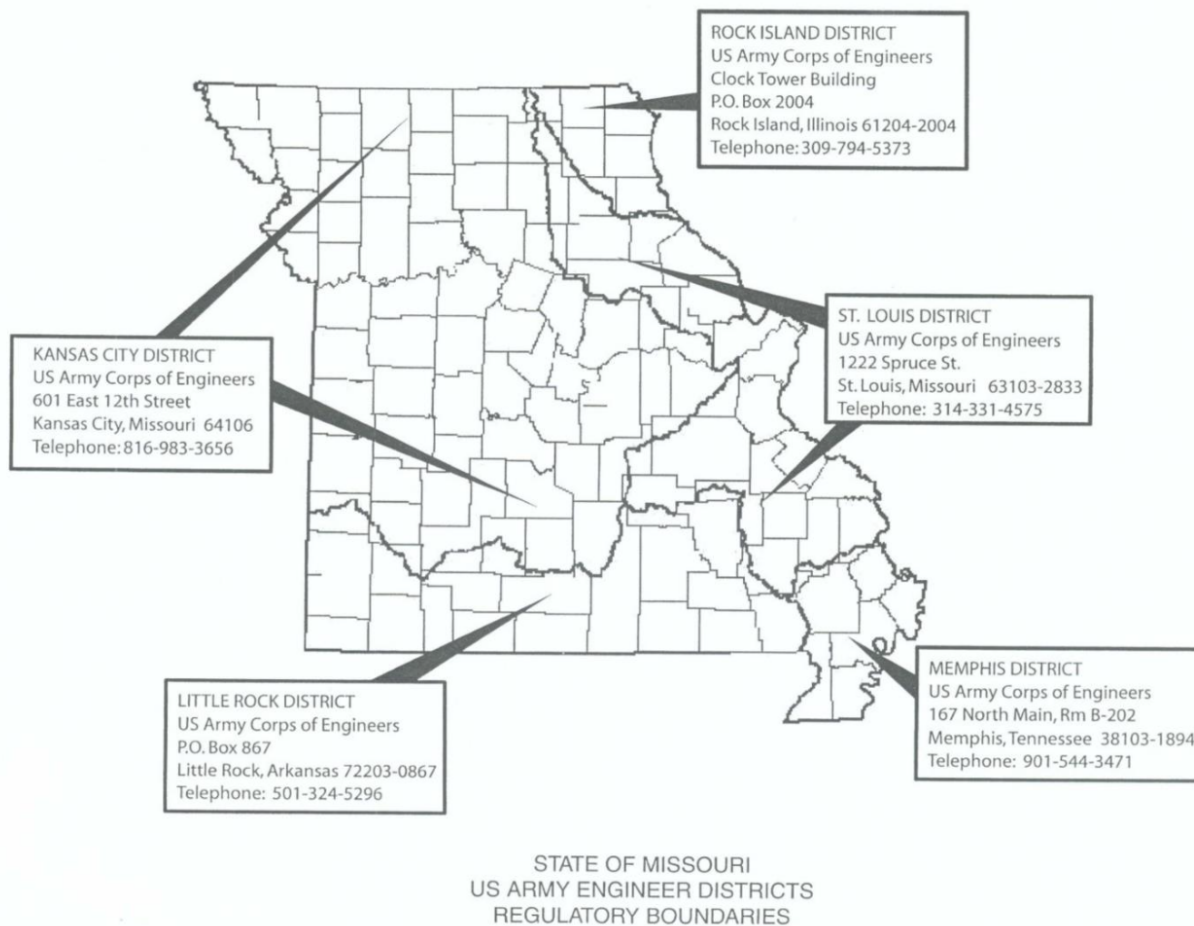
After the NRCS office returns the form, the contractor fills out Parts VI and VII and provides a copy of the completed form to the MoDOT district contact for documentation of compliance with the Farmland Protection Policy Act.

Wetlands

Federal executive order has decreed a national policy of "no net loss of wetlands." Under this policy, impacts to wetlands must be avoided if at all practical. Where wetlands are impacted, these impacts must be mitigated by construction or enhancement of a like quantity and quality of new wetlands. For these reasons, avoiding impacts to wetlands is a primary goal.

To determine whether wetlands occur on a site, contact the NRCS. The NRCS has identified and mapped wetlands as a requirement under the Food Security Act. These maps are available from county NRCS offices, usually located in the county seat. If wetlands are identified on Food Security Act wetland maps, a site visit may be needed to confirm the location of wetlands. If there are no wetland impacts, no other action need be taken.

If there are any questions about the extent of wetlands in the event that wetlands cannot be avoided, contact the U.S. Army Corps of Engineers (COE). If wetlands cannot be avoided, the appropriate COE district would process a COE Section 404 permit. There are five COE districts in Missouri. The locations, addresses, and phone numbers of their offices are on the following map.



Water Quality/Land Disturbance

If the LPA does not have a valid general National Pollutant Discharge Elimination System (NPDES) permit for storm water runoff and the site to be disturbed is 1 acre or more in size, a specific NPDES permit from DNR is required. If the site to be disturbed is entirely within MoDOT right of way, the LPA may use MoDOT's general permit for land disturbance but must follow all conditions in the permit and stormwater pollution prevention plan. A pollution prevention plan may be required with the NPDES application. Permits may be obtained from the Department of Natural Resources at (573) 751-1300. These permits are necessary even if the runoff is directed into a basin.

Hazardous Waste Sites

More than likely, areas to be disturbed will be located in rural areas that have been used for agriculture or similar purposes. Hazardous wastes are most typically associated with commercial or previous industrial properties.

If the proposed area is primarily farmland or pasture, and has not been used for any commercial activity or dumping, hazardous wastes are unlikely. The contractor should simply document the existing and historic land use of the parcel and tell how this assessment was obtained.

In non-rural, suburban or commercial areas a nonintrusive investigation may be used to "diagnose" the environmental conditions of a selected site. The following is a list of suggested items, but not inclusive, for a cursory nonintrusive investigation.

- Examine any noticeable contamination in the form of surface staining, oil sheen, odors, stressed vegetation, spills, leaks, illegal dumping, etc.
- Conduct interviews of local citizens and current owners to identify past land use practices and hazardous waste management practices.
- Consult with local and state (Missouri Department of Natural Resources, Hazardous Waste Program, 573-751-3176) environmental regulatory agencies to identify if any past problems (complaints, citations, etc.) have occurred at the site, if any permits/licenses have been filed for the site, or if enforcement actions have occurred.

If the above analyses produce negative results, the contractor should provide documentation to the MoDOT RE as to who was contacted and the results of the contact. However, if through the search for information described above, potential problems are identified, it would be beneficial to locate another site. If another site is not feasible, the MoDOT RE shall contact MoDOT Environmental and Historic Preservation office to determine the best course of action. Proper coordination will be necessary and the potential for mitigation of the site before use may be likely.

The potential to encounter wastes from sites that are unknown should always be a consideration. Any unknown sites that are found will be handled in accordance with Federal and State Laws and Regulations.

Historic Preservation

All jobs receiving federal funds and/or permits must comply with [Section 106 of the National Historic Preservation Act](#). A letter from the State Historic Preservation office (SHPO), Department of Natural Resources indicating Section 106 compliance for all activities within the footprint of the project (existing & new right-of-way and temporary & permanent easements) should already have been received by the project's sponsor. Section 106 compliance for earth-disturbing activities outside of this foot print is the responsibility of the LPA or their contractor. To initiate SHPO's review and clearance for activities outside of the previously cleared foot-print, the contractor should complete a [Section 106 Project Information Form](#) and submit it to SHPO along with a copy of a United States Geological Survey (USGS) topographic map indicating the location of the project. In addition, photographs of **any** structures that will be impacted must be provided. The Section 106 Project Information Form also can be requested from the SHPO at:

Missouri Department of Natural Resources
State Historic Preservation Office
Attn: Section 106 Review
P.O. Box 176
Jefferson City, MO, 65102-0176
Telephone (573) 751-7858

Based on the information supplied, SHPO may clear the project at that time or request that the LPA or their contractor acquire the services of an archaeological consultant to conduct a historic preservation survey of the proposed area. A list of currently acceptable and available archaeological consultants who can complete a survey if required can be accessed at the SHPO's website at <http://www.dnr.mo.gov/shpo/profqualifications.htm>. Any questions can be directed to MoDOT's Historic Preservation Section at (573) 751-0473.

Public Land

If borrow sites are proposed on any publicly owned land, contact MoDOT's Environmental Section at (573) 526-6678 before proceeding. Section 4(f) of the Department of Transportation (DOT) Act of 1966 (now codified as 49 U.S.C. 303 and 23 U.S.C. 138) protects certain public lands. Section 4(f) requires that all U.S. DOT-funded transportation projects must avoid impacts to public parkland and wildlife refuges (and cultural resources deemed eligible for the National Register of Historic Places), unless it is successfully demonstrated that no feasible and prudent alternative exists that avoid "use" or impacts to the park or refuge. It is strongly recommended that public lands not be considered as potential borrow sites.

J. Final Payment Documents

1.0 Description. If the final payment documents are not completed and ready for final payment in accordance with Sec 109.8, within 60 calendar days of final acceptance of the project, the Contractor shall pay to the Contracting Authority the amount of <LD amount> as liquidated damages and as a penalty for each Calendar Day until the final payment documents are completed and ready for final payment. The amount of liquidated damages shall be deducted from any payments due or to become due to the Contractor. Final payment documentation shall include but not be limited to the following:

- (a) An affidavit, on the form prescribed by the Contracting Authority, to the effect that all payments have been made and all claims have been released for all material, labor and other items covered by the contract bond.
- (b) A Certification, on the form prescribed by the Contracting Authority, showing the actual final DBE participation on the project including name of DBE, type of work and amount paid to each DBE firm.
- (c) An affidavit, on the form prescribed by the Contracting Authority, to the effect that all workers have been paid in compliance with prevailing wage requirements within the contract.

K. Acceptance of Precast Concrete Members and Panels LPA 15-01A

1.0 Description. The following procedures have been established for the acceptance of precast concrete girders, slab panels, MSE wall systems, and other structural members. Shop drawings shall be submitted for review and approval to the engineer of record for the local public agency (LPA). The approval is expected to cover only the general design features, and in no case shall this approval be considered to cover errors or omissions in the shop drawings. The LPA or their engineer of record has the option of inspecting the precast units during fabrication or requiring the fabricator to furnish a certification of contract compliance and substantiating test reports. In addition, the reports shown below shall be required.

- a) Certified mill test reports, including results of physical tests on the prestressing strands and reinforcing steel, as required.
- b) Strand tensioning calculations and actual elongations per bed set-up for Prestressed Girders and Panels.
- c) Test reports on concrete cylinder breaks including % air content, slump, and temperature.

- d) Concrete mix design used.
- e) Each precast unit shall be marked as outlined in Section 1026.3.10 & 1029.8 Markings.

1.1 The LPA or their engineer of record shall verify and document that the dimensions of the precast units were checked at the jobsite and found to be in compliance with the shop drawings.

L. LPA Buy America Requirements LPA-18-08A

106.9 Buy America Requirement. On all federal-aid projects, the contractor's attention is directed to Title 23 CFR 635.410 Buy America Requirements and the Bipartisan Infrastructure Law (2021) Build America, Buy America Act Publication L. No. 117-58 regarding Buy America provisions on the procurement of foreign products and materials. Where steel or iron products or construction materials consisting primarily of non-ferrous metals, plastic and polymer-based products, glass, lumber or drywall are to be permanently incorporated into the contract work, these material shall be manufactured in the USA except for "minor usage" as described herein. Furthermore, any coating process of the steel or iron shall be performed in the USA. The use of pig iron and processed, pelletized and reduced iron ore manufactured outside of the USA will be permitted in the domestic manufacturing process for steel or iron material.

106.9.1 Any sources other than the USA as defined will be considered foreign. The required domestic manufacturing process shall include formation of ingots and any subsequent process. Coatings shall include any surface finish that protects or adds value to the product.

106.9.2 "Minor usage" of the above products or coating processes will be permitted, provided the cost of such products does not exceed 1/10 of one percent of the total contract cost or \$2,500.00, whichever is greater. If foreign steel, iron or coating processes are used, invoices to document the cost of the foreign portion, as delivered to the project, shall be provided and the engineer's written approval obtained prior to placing the material in any work.

106.9.3 Buy America requirements include a step certification for all fabrication processes of all mentioned materials that are accepted per Sec 1000.

106.9.3.1 Items designated as Category 1 will consist of steel girders, piling, and reinforcing steel installed on site. Category 1 items require supporting documentation prior to incorporation into the project showing all steps of manufacturing, including coating, as being completed in the United States and in accordance with CFR Title 23 Section 635.410 Buy America Requirements. This includes the Mill Test Report from the original producing steel mill and certifications documenting the manufacturing process for all subsequent fabrication, including coatings. The certification shall include language that certifies the following. That all steel and iron materials permanently incorporated in this project was procured and processed domestically and all manufacturing processes, including coating, as being completed in the United States and in accordance with CFR Title 23 Section 635.410.

106.9.3.2 Items designated as Category 2 will include all other steel or iron products not in Category 1 and the construction materials under this requirement which are permanently incorporated in the project. Category 2 items shall consist of, but not be limited to items such as fencing, guardrail, signing, lighting and signal supports. The prime contractor is required to submit a material of origin form certification prior to incorporation into the project from the fabricator for each item that the product is domestic. The Certificate of Materials Origin form ([link to certificate form](#)) from the fabricator must show all steps of manufacturing, including coating, as being

completed in the United States and in accordance with CFR Title 23 Section 635.410 Buy America Requirements and be signed by a fabricator representative. The Engineer reserves the right to request additional information and documentation to verify that all Buy America requirements have been satisfied. These documents shall be submitted upon request by the Engineer and retained for a period of 3 years after the last reimbursement of the material.

106.9.3.3 Any minor miscellaneous construction material, steel or iron items that are not included in the materials specifications shall be certified by the prime contractor as being procured domestically. Examples of these items would be bolts for sign posts, anchorage inserts, etc. The certification shall read "I certify all materials permanently incorporated in this project covered under this provision have been to the best of my knowledge procured and all manufactured domestically." The certification shall be signed by an authorized representative of the prime contractor.

106.9.3.4 The National Transportation Product Evaluation Program (NTPEP) compliance program verifies that some non-iron and steel products fabrication processes conform to 23 CFR 635.410 Buy America Requirements and an acceptable standard per 23 CFR 635.410(d). NTPEP compliant suppliers will not be required to submit step certification documentation with the shipment for some selected non-iron and steel materials. The NTPEP compliant supplier shall maintain the step certification documentation on file and shall provide this documentation to the engineer upon request.

106.9.4 When permitted in the contract, alternate bids may be submitted for foreign steel and iron products. The award of the contract when alternate bids are permitted will be based on the lowest total bid of the contract based on furnishing domestic steel or iron products or 125 percent of the lowest total bid based on furnishing foreign steel or iron products. If foreign steel or iron products are awarded the contract, domestic steel or iron products may be used; however, payment will be at the contract unit price for foreign steel or iron products.

106.9.5 Basis of Payment. Any costs incurred by the contractor by reason of compliance with the above requirements shall be considered as included in and completely covered by the unit price bid for the various items of work included in the contract.

M. Seeding and Mulching Requirements JSP-25-03

1.0 Seeding. Seeding shall be in accordance with Sec. 805 except as otherwise stated herein. Cool season grasses shall be utilized in accordance with Standard Plan 805.00.

1.1 Temporary Seeding. Temporary seeding shall be in accordance with Sec. 806.50 except as otherwise stated herein.

2.0 Mulching. Mulching shall be in accordance with Sec. 802 except as otherwise stated herein.

3.0 Method of Measurement. No measurement will be made for seeding, temporary seeding or mulching. Seeding and mulching of all disturbed areas, including any additional areas disturbed beyond what is shown on the plans, shall be considered included in the single lump sum item provided.

Job No.: BRO-R041(38)

Route: W 120 Ave

County: Harrison

4.0 Basis of Payment. All labor, equipment, and materials necessary to complete all seeding, temporary seeding and mulching shall be completely covered under the lump sum price for item 805-99.01, Seeding and Mulching - Cool Season Grasses.

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Non-segregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
- XI. Certification Regarding Use of Contract Funds for Lobbying
- XII. Use of United States-Flag Vessels:

ATTACHMENTS

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

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under title 23, United States Code, as required in 23 CFR 633.102(b) (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services). 23 CFR 633.102(e).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider. 23 CFR 633.102(e).

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services) in accordance with 23 CFR 633.102. The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in solicitation-for-bids or request-for-proposals documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract). 23 CFR 633.102(b).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work

performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract. 23 CFR 633.102(d).

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

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. 23 U.S.C. 114(b). The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors. 23 U.S.C. 101(a).

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

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

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

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

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR Part 60, and 29 CFR Parts 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

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

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

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract. 23 CFR 230.409 (g)(4) & (5).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action

within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

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

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

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

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

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. 23 CFR 230.409. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

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

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

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

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide

sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants /

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

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment:

The contractor shall not discriminate on the grounds of race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

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

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

10. Assurances Required:

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

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

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

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

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

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

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

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

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

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

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of more than \$10,000. 41 CFR 60-1.5.

As prescribed by 41 CFR 60-1.8, the contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location under the contractor's control where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size), in accordance with 29 CFR 5.5. The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. 23 U.S.C. 113. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. 23 U.S.C. 101. Where applicable law requires that projects be treated as a project on a Federal-aid highway, the provisions of this subpart will apply regardless of the location of the project. Examples include: Surface Transportation Block Grant Program projects funded under 23 U.S.C. 133 [excluding recreational trails projects], the Nationally Significant Freight and Highway

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

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

1. Minimum wages (29 CFR 5.5)

a. *Wage rates and fringe benefits.* All laborers and mechanics employed or working upon the site of the work (or otherwise working in construction or development of the project under a development statute), will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act ([29 CFR part 3](#))), the full amount of basic hourly wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. As provided in paragraphs (d) and (e) of 29 CFR 5.5, the appropriate wage determinations are effective by operation of law even if they have not been attached to the contract. Contributions made or costs reasonably anticipated for bona fide fringe benefits under the Davis-Bacon Act ([40 U.S.C. 3141\(2\)\(B\)](#)) on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph 1.e. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics must be paid the appropriate wage rate and fringe benefits on the wage determination for the classification(s) of work actually performed, without regard to skill, except as provided in paragraph 4. of this section. Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: *Provided*, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classifications and wage rates conformed under paragraph 1.c. of this section) and the Davis-Bacon poster (WH-1321) must be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b. *Frequently recurring classifications.* (1) In addition to wage and fringe benefit rates that have been determined to be prevailing under the procedures set forth in [29 CFR part 1](#), a wage determination may contain, pursuant to § 1.3(f), wage and fringe benefit rates for classifications of laborers and mechanics for which conformance requests are regularly submitted pursuant to paragraph 1.c. of this section, provided that:

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

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

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

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

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

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

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

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) The conformance process may not be used to split, subdivide, or otherwise avoid application of classifications listed in the wage determination.

(3) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken will be sent by the contracting officer by email to DBAconformance@dol.gov. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

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

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

under paragraphs 1.c.(3) and (4) of this section. The contractor must furnish a written copy of such determination to each affected worker or it must be posted as a part of the wage determination. The wage rate (including fringe benefits where appropriate) determined pursuant to paragraph 1.c.(3) or (4) of this section must be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

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

e. *Unfunded plans.* If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, *Provided*, That the Secretary of Labor has found, upon the written request of the contractor, in accordance with the criteria set forth in § 5.28, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

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

2. Withholding (29 CFR 5.5)

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

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

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

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

3. Records and certified payrolls (29 CFR 5.5)

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

(2) Information required. Such records must contain the name; Social Security number; last known address, telephone number, and email address of each such worker; each worker's correct classification(s) of work actually performed; hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in [40 U.S.C. 3141\(2\)\(B\)](#) of the Davis-Bacon Act); daily and weekly number of hours actually worked in total and on each covered contract; deductions made; and actual wages paid.

(3) Additional records relating to fringe benefits. Whenever the Secretary of Labor has found under paragraph 1.e. of this section that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in [40 U.S.C. 3141\(2\)\(B\)](#) of the Davis-Bacon Act, the contractor must maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. 23 CFR 230.111(e)(2). The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeyworkers shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract as provided in 29 CFR 5.5.

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

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

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract as provided in 29 CFR 5.5.

9. Disputes concerning labor standards. As provided in 29 CFR 5.5, disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility. a. By entering into this contract, the contractor certifies that neither it nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of [40 U.S.C. 3144\(b\)](#) or § 5.12(a).

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

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

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

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

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

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

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

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

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

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek. 29 CFR 5.5.

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

mechanic, including watchpersons and guards, employed in violation of the clause set forth in paragraph 1. of this section, in the sum currently provided in 29 CFR 5.5(b)(2)* for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph 1. of this section.

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

3. Withholding for unpaid wages and liquidated damages

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

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

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

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

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

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

- a. Notifying any contractor of any conduct which the worker reasonably believes constitutes a violation of the Contract Work Hours and Safety Standards Act (CWHSSA) or its implementing regulations in this part;
- b. Filing any complaint, initiating or causing to be initiated any proceeding, or otherwise asserting or seeking to assert on behalf of themselves or others any right or protection under CWHSSA or this part;
- c. Cooperating in any investigation or other compliance action, or testifying in any proceeding under CWHSSA or this part; or
- d. Informing any other person about their rights under CWHSSA or this part.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

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

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

a. The term "perform work with its own organization" in paragraph 1 of Section VI refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions: (based on longstanding interpretation)

- (1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
- (2) the prime contractor remains responsible for the quality of the work of the leased employees;

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

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

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract. 23 CFR 635.102.

2. Pursuant to 23 CFR 635.116(a), the contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. Pursuant to 23 CFR 635.116(c), the contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract. (based on long-standing interpretation of 23 CFR 635.116).

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

VII. SAFETY: ACCIDENT PREVENTION

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

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR Part 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract. 23 CFR 635.108.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and

health standards (29 CFR Part 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704). 29 CFR 1926.10.

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

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

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

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

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

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

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

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 11, 1916, (39 Stat. 355), as amended and supplemented;

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

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT (42 U.S.C. 7606; 2 CFR 200.88; EO 11738)

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

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

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

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

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200. 2 CFR 180.220 and 1200.220.

1. Instructions for Certification – First Tier Participants:

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

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction. 2 CFR 180.320.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default. 2 CFR 180.325.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. 2 CFR 180.345 and 180.350.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180, Subpart I, 180.900-180.1020, and 1200. "First Tier Covered Transactions" refers to any covered transaction between a recipient or subrecipient of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a recipient or subrecipient of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction. 2 CFR 180.330.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold. 2 CFR 180.220 and 180.300.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. 2 CFR 180.300; 180.320, and 180.325. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. 2 CFR 180.335. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (<https://www.sam.gov/>). 2 CFR 180.300, 180.320, and 180.325.

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

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default. 2 CFR 180.325.

* * * * *

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

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

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency, 2 CFR 180.335;.

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property, 2 CFR 180.800;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification, 2 CFR 180.700 and 180.800; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default. 2 CFR 180.335(d).

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

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

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

3. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders, and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200). 2 CFR 180.220 and 1200.220.

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

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

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

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances. 2 CFR 180.365.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180, Subpart I, 180.900 – 180.1020, and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a recipient or subrecipient of Federal funds and a participant (such as the prime or general contractor). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a recipient or subrecipient of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated. 2 CFR 1200.220 and 1200.332.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold. 2 CFR 180.220 and 1200.220.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (<https://www.sam.gov/>), which is compiled by the General Services Administration. 2 CFR 180.300, 180.320, 180.330, and 180.335.

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

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily

excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment. 2 CFR 180.325.

* * * * *

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

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

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

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

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

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

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

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

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

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

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or

cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

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

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

XII. USE OF UNITED STATES-FLAG VESSELS:

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

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

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

1. To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels. 46 CFR 381.7.

2. To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (b)(1) of this section to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Office of Cargo and Commercial Sealift (MAR-620), Maritime Administration, Washington, DC 20590. (MARAD requires copies of the ocean carrier's (master) bills of lading, certified onboard, dated, with rates and charges. These bills of lading may contain business sensitive information and therefore may be submitted directly to MARAD by the Ocean Transportation Intermediary on behalf of the contractor). 46 CFR 381.7.

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

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

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

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

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

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

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

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

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

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

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

FEDERAL AID PROVISIONS

December 1980

NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE ORDER 11246)

1. The Offeror's or Bidders attention is called to the "Equal Opportunity Clause" and the Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth therein.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:
3. Construction contractors which are participating in an approved Hometown Plan (see 41 CFR 60-4.5) are required to comply with the goals of the Hometown Plan with regard to construction work they perform in the area covered by the Hometown Plan. With regard to all their covered construction work, such contractors are required to comply with the following goals:

Goals for Female participation for each trade

AREA COVERED

Goals for women apply nationwide

GOALS AND TIMETABLES

Goals

Timetable	(Percent)
From April 1, 1978 until March 31, 1979	3.1
From April 1, 1979 until March 31, 1980	5.1
From April 1, 1980 until March 31, 1981	6.9

Goals for Minority Participation for Each Trade

<u>County</u>	<u>Goal (Percent)</u>	<u>County</u>	<u>Goal (Percent)</u>
Adair	4	Linn	4
Andrew	3.2	Livingston	10
Atchison	10	McDonald	2.3
Audrain	4	Macon	4
Barry	2.3	Madison	11.4
Barton	2.3	Maries	11.4
Bates	10	Marion	3.1
Benton	10	Mercer	10
Bollinger	11.4	Miller	4
Boone	6.3	Mississippi	11.4
Buchanan	3.2	Moniteau	4
Butler	11.4	Monroe	4
Caldwell	10	Montgomery	11.4
Callaway	4	Morgan	4
Camden	4	New Madrid	26.5
Cape Girardeau	11.4	Newton	2.3
Carroll	10	Nodaway	10

Carter	11.4	Oregon	2.3
Cass	12.7	Osage	4
Cedar	2.3	Ozark	2.3
Chariton	4	Pemiscot	26.5
Christian	2	Perry	11.4
Clark	3.4	Pettis	10
Clay	12.7	Phelps	11.4
Clinton	10	Pike	3.1
Cole	4	Platte	12.7
Cooper	4	Polk	2.3
Crawford	11.4	Pulaski	2.3
Dade	2.3	Putnam	4
Dallas	2.3	Ralls	3.1
Daviess	10	Randolph	4
DeKalb	10	Ray	12.7
Dent	11.4	Reynolds	11.4
Douglas	2.3	Ripley	11.4
Dunklin	26.5	St. Charles	14.7
Franklin	14.7	St. Clair	2.3
Gasconade	11.4	St. Francois	11.4
Gentry	10	Ste. Genevieve	11.4
Greene	2	St. Louis City	14.7
Grundy	10	St. Louis County	14.7
Harrison	10	Saline	10
Henry	10	Schuyler	4
Hickory	2.3	Scotland	4
Holt	10	Scott	11.4
Howard	4	Shannon	2.3
Howell	2.3	Shelby	4
Iron	11.4	Stoddard	11.4
Jackson	12.7	Stone	2.3
Jasper	2.3	Sullivan	4
Jefferson	14.7	Taney	2.3
Johnson	10	Texas	2.3
Knox	4	Vernon	2.3
Laclede	2.3	Warren	11.4
Lafayette	10	Washington	11.4
Lawrence	2.3	Wayne	11.4
Lewis	3.1	Webster	2.3
Lincoln	11.4	Worth	10
		Wright	2.3

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

The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on Its Implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its effort to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority, or female employees or trainees from Contractor to Contractor or from project to project

for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

4. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor; employer identification number; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the subcontract is to be performed.
5. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" of the county, route and limits described in the proposal for the work.

July 1986

STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY CONSTRUCTION
CONTRACT SPECIFICATIONS (EXECUTIVE ORDER 11246)

1. As used in these specifications:
 - a. "Covered area" means the geographical area described in the solicitation which this contract resulted.
 - b. "Director" mean Director, Office of Federal Contract Compliance Programs, United States Department of labor, or any person to who the Director delegates authority;
 - c. "Employer Identification Number" means the Federal Social Security number used on the Employer's quarterly Federal Tax Return, U.S. Treasury Department Form 941;
 - d. "Minority" includes;
 - (i) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);
 - (ii) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);
 - (iii) Asian and pacific islander (all persons having origins in any of the original peoples of the Far East, southeast Asia, the Indian Subcontinent, or the Pacific Islands; and
 - (iv) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North American and maintain identifiable affiliations through membership and participation or community identifications.
2. Whenever the Contractor, or any Subcontractor at any tier, subcontractors a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of \$10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this contract resulted.
3. If the Contract is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan approved by the U.S. Department of Labor in the covered area either individually or through the association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with the Plan for those trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligation under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith

performance by other Contractors or Subcontractors toward a goal in an approved Plan does not excuse any covered Contractor's or Subcontractors' failure to take good faith efforts to achieve the Plan goals and timetables.

4. The Contractor shall implement the specific affirmative action standards provided in paragraphs 7a through 7p of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each construction trade in which it has employees in the covered area. Covered Construction contractors performing construction work in geographical areas where they do not have a Federal or federally assisted construction contract shall apply the minority and female goals established for the geographical area where the work is being performed. Goals are published periodically in the Federal Register in notice form, and such notices may be obtained from any Office of Federal Contract Compliance Programs office or from Federal procurement contracting officers. The Contractor is expected to make substantially uniform progress toward its goals in each craft during the period specified.
5. Neither the provisions of any collective bargaining agreement, nor the failure by a union with who the Contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the Contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.
6. In order for the nonworking training hours or apprentices and trainees to be counted in meeting the goal, such apprentices and trainees must be employed by the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U.S. Department of Labor.
7. The contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be used its effort to achieve maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:
 - a. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and all facilities at which the Contractor's employees are assigned to work. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.
 - b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses.
 - c. Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if referred not employed by the contractor, this shall be documented in the file with the reason therefore, along with whatever additional actions the Contractor may have taken.
 - d. Provide immediate written notification to the Director when the union or unions with which the Contractor has as collective bargaining agreement has not referred to the contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.
 - e. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and

trainee programs relevant of the contractor's employment needs, especially those programs funded or approved by the Department of Labor. The contractor shall provide notice of these programs to the sources complied under 7b above.

- f. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement by publicizing it in the company newspaper, annual report, etc., by specific review of the policy with all management personnel and with all minority and female employees at least one a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.
- g. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with on-site supervisory personnel such as superintendents, General foreman, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, person attending, subject matter discussed, and the disposition of the subject matter.
- h. Disseminate the Contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media and providing written notification to and discussing the contractor's EEO policy with other Contractors and Subcontractors with who the Contractor does or anticipates doing business.
- i. Direct is a recruitment effort, both oral and written, to minority female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance or applicants for apprenticeship or other training by any recruitment source, the Contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and test to be used in the selection process.
- j. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer vacations employment to minority and female youth both on the site and in other areas or contractor's workforce.
- k. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.
- l. Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc. such opportunities.
- m. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and the Contractor's obligation under these specifications are being carried out.
- n. Ensure that all facilities and company activities are non-segregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
- o. Document and maintain a record of all solicitations or offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.

- p. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.
8. Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (7a through 7p). The efforts of a contractor association, joint contractor union, contractor community, or other similar group of which the contractor is a member and participant, may be asserted as fulfilling anyone or more of its obligations under 7a through 7p of these specifications provided that the contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the contractor's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the contractor. The obligation to comply, however, is the Contractor's and failure of such a group to fulfill an obligation shall not be a defense for the Contractor's noncompliance.
 9. A single goal for minorities and a separate single goal for women have been established to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the group is employed in a substantially disparate manner (for example, even though the Contractor has achieved its goals for women generally, the Contractor may be in violation of the executive order if a specific minority group of women is underutilized).
 10. The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex, or national origin.
 11. The Contractor shall not enter into any Subcontract with any person or firm debarred from Government contract pursuant to Executive Order 11246.
 12. The Contractor shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246, as amended.
 13. The Contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 7 of these specifications, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Direct shall proceed in accordance with 41 CFR 60-4.8.
 14. The Contractor shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status, (e.g. mechanic, apprentice, trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records.
 15. Nothing herein provided shall be constructed as a limitation upon the application of other laws which establish different standard of compliance or upon the application of requirements for the hiring of local or other area residents (e.g. those under the Public Works Employment Action of 1977 and the Community Development Block Grant Program).

OPERATING POLICY STATEMENT

The contractor shall accept as his operating policy the following statement, or one of equal coverage, which is designed to further the provision of equal employment opportunity to all persons without regard to their race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a positive continuing program.

“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, or national origin. 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.”

SUPPLEMENTAL REPORTING REQUIREMENTS

- A. The Contractor will keep such records as are necessary to determine compliance with the contractor's equal employment opportunity obligations. The records kept by the contractor will be designed to indicate the number of minority and non-minority group members and women employed in each work classification on the project.
- B. All such records must be retained for a period of three years following completion of the contract work and shall be available at reasonable times and places for inspection by authorized representatives of the State Highway Agency and the Federal Highway Administration.
- C. The contractor and each covered subcontractor will submit to the State Highway Agency, for the month of July, for the duration of the project, a report (Form PR-1391) “Federal-Aid Highway Construction Contractors Annual EEO Report”, indicating the number of minority, women and non-minority group employees currently engaged in each work classification required by the contract work.

NONDISCRIMINATION IN EMPLOYMENT

July 1990

The following provisions are added by the State to the Required Contract Provisions of Federal-Aid Contracts.

The contractor is advised that the exemptions referred to in the Required Contract Provisions, Federal-Aid contracts under Section II, Nondiscrimination, Paragraph 3g, with respect to contracts and subcontracts, are substantial and are to be found in Chapter 60, Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor (33 Federal Register 7804-7812, May 28, 1968, effective July 1, 1968, Chapter 60, Title 41, Code of Federal Regulations), by which contracts and subcontracts of \$10,000 or less and certain contracts and subcontracts for indefinite quantities are exempt.

The two pertinent exemption clauses are as follows:

60-1.5 Exemptions

- (a) General – (1) Transactions of \$10,000 or under. Contracts and Subcontractors not exceeding \$10,000, other than Government bills of lading, and other than contract and subcontracts with depositories of Federal funds in any amount and with financial institutions which are issuing and paying agents for U.S. savings bonds and savings notes, are exempt from the requirements of the equal opportunity clause. In determining the applicability of this exemption to any federally assisted construction contract, or subcontract thereunder, the amount of such contract or subcontract rather than the amount of the Federal financial assistance shall govern. No agency, contractor, or subcontractor shall procure supplies or services in a manner so as to avoid applicability of the equal opportunity clause: Provided, that where a contractor has contracts or subcontracts with the Government in any 12-month period which have an aggregate total value (or can reasonably be expected to have an aggregate total value) exceeding \$10,000,

the \$10,000 or under exemption does not apply, and the contracts are subject to the order and the regulation issued pursuant thereto regardless of whether any single contracts exceeds \$10,000.

Missouri

Division of Labor Standards

WAGE AND HOUR SECTION



MIKE KEHOE, Governor

Annual Wage Order No. 32

Section 041
HARRISON COUNTY

In accordance with Section 290.262 RSMo 2000, within thirty (30) days after a certified copy of this Annual Wage Order has been filed with the Secretary of State as indicated below, any person who may be affected by this Annual Wage Order may object by filing an objection in triplicate with the Labor and Industrial Relations Commission, P.O. Box 599, Jefferson City, MO 65102-0599. Such objections must set forth in writing the specific grounds of objection. Each objection shall certify that a copy has been furnished to the Division of Labor Standards, P.O. Box 449, Jefferson City, MO 65102-0449 pursuant to 8 CSR 20-5.010(1). A certified copy of the Annual Wage Order has been filed with the Secretary of State of Missouri.

Original Signed by

Logan Hobbs, Director
Division of Labor Standards

Filed With Secretary of State: March 10, 2025

Last Date Objections May Be Filed: April 9, 2025

Prepared by Missouri Department of Labor and Industrial Relations

OCCUPATIONAL TITLE	**Prevailing Hourly Rate
Asbestos Worker	\$23.88*
Boilermaker	\$23.88*
Bricklayer-Stone Mason	\$23.88*
Carpenter	\$23.88*
Lather	
Linoleum Layer	
Millwright	
Pile Driver	
Cement Mason	\$23.88*
Plasterer	
Communication Technician	\$23.88*
Electrician (Inside Wireman)	\$23.88*
Electrician Outside Lineman	\$23.88*
Lineman Operator	
Lineman - Tree Trimmer	
Groundman	
Groundman - Tree Trimmer	
Elevator Constructor	\$23.88*
Glazier	\$23.88*
Ironworker	\$68.80
Laborer	\$23.88*
General Laborer	
First Semi-Skilled	
Second Semi-Skilled	
Mason	\$23.88*
Marble Mason	
Marble Finisher	
Terrazzo Worker	
Terrazzo Finisher	
Tile Setter	
Tile Finisher	
Operating Engineer	\$23.88*
Group I	
Group II	
Group III	
Group III-A	
Group IV	
Group V	
Painter	\$23.88*
Plumber	\$23.88*
Pipe Fitter	
Roofer	\$23.88*
Sheet Metal Worker	\$23.88*
Sprinkler Fitter	\$23.88*
Truck Driver	\$23.88*
Truck Control Service Driver	
Group I	
Group II	
Group III	
Group IV	

*The Division of Labor Standards received fewer than 1,000 reportable hours for this occupational title. The public works contracting minimum wage is established for this occupational title using data provided by Missouri Economic Research and Information Center.

**The Prevailing Hourly Rate includes any applicable fringe benefit amounts for each occupational title as defined in RSMo Section 290.210.

Heavy Construction Rates for
HARRISON County

Section 041

OCCUPATIONAL TITLE	**Prevailing Hourly Rate
Carpenter	\$23.88*
Millwright	
Pile Driver	
Electrician (Outside Lineman)	\$23.88*
Lineman Operator	
Lineman - Tree Trimmer	
Groundman	
Groundman - Tree Trimmer	
Laborer	\$23.88*
General Laborer	
Skilled Laborer	
Operating Engineer	\$23.88*
Group I	
Group II	
Group III	
Group IV	
Truck Driver	\$23.88*
Truck Control Service Driver	
Group I	
Group II	
Group III	
Group IV	

Use Heavy Construction Rates on Highway and Heavy construction in accordance with the classifications of construction work established in 8 CSR 30-3.040(3).

Use Building Construction Rates on Building construction in accordance with the classifications of construction work established in 8 CSR 30-3.040(2).

If a worker is performing work on a heavy construction project within an occupational title that is not listed on the Heavy Construction Rate Sheet, use the rate for that occupational title as shown on the Building Construction Rate Sheet.

*The Division of Labor Standards received fewer than 1,000 reportable hours for this occupational title. Public works contracting minimum wage is established for this occupational title using data provided by Missouri Economic Research and Information Center.

**The Prevailing Hourly Rate includes any applicable fringe benefit amounts for each occupational title.

OVERTIME and HOLIDAYS

OVERTIME

For all work performed on a Sunday or a holiday, not less than twice (2x) the prevailing hourly rate of wages for work of a similar character in the locality in which the work is performed or the public works contracting minimum wage, whichever is applicable, shall be paid to all workers employed by or on behalf of any public body engaged in the construction of public works, exclusive of maintenance work.

For all overtime work performed, not less than one and one-half (1½) the prevailing hourly rate of wages for work of a similar character in the locality in which the work is performed or the public works contracting minimum wage, whichever is applicable, shall be paid to all workers employed by or on behalf of any public body engaged in the construction of public works, exclusive of maintenance work or contractual obligation. For purposes of this subdivision, "**overtime work**" shall include work that exceeds ten hours in one day and work in excess of forty hours in one calendar week; and

A thirty-minute lunch period on each calendar day shall be allowed for each worker on a public works project, provided that such time shall not be considered as time worked.

HOLIDAYS

January first;
The last Monday in May;
July fourth;
The first Monday in September;
November eleventh;
The fourth Thursday in November; and
December twenty-fifth;

If any holiday falls on a Sunday, the following Monday shall be considered a holiday.

Superseded General Decision Number: MO20240001

State: Missouri

Construction Types: Heavy and Highway

Counties: Missouri Statewide.

HEAVY AND HIGHWAY CONSTRUCTION PROJECTS

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(1).

If the contract is entered into on or after January 30, 2022, or the contract is renewed or extended (e.g., an option is exercised) on or after January 30, 2022:	. Executive Order 14026 generally applies to the contract. . The contractor must pay all covered workers at least \$17.75 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in 2025.
If the contract was awarded on or between January 1, 2015 and January 29, 2022, and the contract is not renewed or extended on or after January 30, 2022:	. Executive Order 13658 generally applies to the contract. . The contractor must pay all covered workers at least \$13.30 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2025.

The applicable Executive Order minimum wage rate will be adjusted annually. If this contract is covered by one of the Executive Orders and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must still submit a conformance request.

Additional information on contractor requirements and worker protections under the Executive Orders is available at <http://www.dol.gov/whd/govcontracts>.

Modification Number	Publication Date
0	01/03/2025
1	01/31/2025
2	02/07/2025

3	02/21/2025
4	04/11/2025
5	05/16/2025
6	06/13/2025
7	07/18/2025
8	08/15/2025
9	08/29/2025
10	09/05/2025

CARP0002-002 05/01/2024

ST. LOUIS COUNTY AND CITY

	Rates	Fringes
Carpenters.....	\$ 41.71	21.85

CARP0005-006 05/01/2024		

CASS (Richards-Gebauer AFB ONLY), CLAY, JACKSON, PLATTE AND RAY COUNTIES

	Rates	Fringes
Carpenters:		
CARPENTERS & LATHERS.....	\$ 44.63	22.40
MILLWRIGHTS & PILEDRIVERS...	\$ 44.63	22.40

CARP0011-001 05/01/2024		

	Rates	Fringes
Carpenter and Piledriver		
ADAIR, AUDRAIN (West of Hwy 19), BOONE, CALLAWAY, CHARITON, COLE, COOPER, HOWARD, KNOX, LINN, MACON, MILLER, MONITEAU, MONROE, OSAGE, PUTNAM, RANDOLPH, SCHUYLER, SHELBY AND SULLIVAN COUNTIES.....	\$ 35.61	22.40
ATCHISON, ANDREW, BATES, CALDWELL, CARROLL, DAVIESS, DEKALB, GENTRY, GRUNDY, HARRISON, HENRY, HOLT, LIVINGSTON, MERCER, NODAWAY, ST. CLAIR, SALINE AND WORTH COUNTIES.....	\$ 34.98	22.40
AUDRAIN (East of Hwy.19), RALLS, MARION, LEWIS, CLARK AND SCOTLAND COUNTIES.	\$ 35.61	22.40
BARRY, BARTON, CAMDEN, CEDAR, CHRISTIAN, DADE, DALLAS, DOUGLAS, GREENE, HICKORY, JASPER, LACLEDE, LAWRENCE, MCDONALD, NEWTON, OZARK, POLK, STONE, TANEY, VERNON, WEBSTER AND WRIGHT COUNTIES.	\$ 33.25	22.40
BENTON, MORGAN AND PETTIS...	\$ 34.98	22.40
BOLLINGER, BUTLER, CAPE GIRARDEAU, DUNKLIN, MISSISSIPPI, NEW MADRID, PEMISCOT, PERRY, STE.		

GENEVIEVE, SCOTT, STODDARD AND WAYNE COUNTIES.....\$ 35.37	22.40
BUCHANAN, CLINTON, JOHNSON AND LAFAYETTE COUNTIES.....\$ 34.98	22.40
CARTER, HOWELL, OREGON AND RIPLEY COUNTIES.....\$ 34.04	22.40
CRAWFORD, DENT, GASCONADE, IRON, MADISON, MARIES, MONTGOMERY, PHELPS, PULASKI, REYNOLDS, SHANNON AND TEXAS COUNTIES.....\$ 35.37	22.40
FRANKLIN COUNTY.....\$ 42.19	22.40
JEFFERSON AND ST. CHARLES COUNTIES.....\$ 42.19	22.40
LINCOLN COUNTY.....\$ 38.04	22.40
PIKE, ST. FRANCOIS AND WASHINGTON COUNTIES.....\$ 36.13	22.40
WARREN COUNTY.....\$ 38.04	22.40

ELEC001-002 06/02/2024

BOLLINGER, BUTLER, CAPE GIRARDEAU, CARTER, DUNKLIN, FRANKLIN,
IRON, JEFFERSON, LINCOLN, MADISON, MISSISSIPPI, NEW MADRID,
PEMISCOT, PERRY, REYNOLDS, RIPLEY, ST. CHARLES, ST. FRANCOIS,
ST. LOUIS (City and County), STE. GENEVIEVE, SCOTT, STODDARD,
WARREN, WASHINGTON AND WAYNE COUNTIES

	Rates	Fringes
Electricians.....\$ 47.04		18.196

ELEC002-001 09/09/2024

ADAIR, AUDRAIN, BOONE, CALLAWAY, CAMDEN, CARTER, CHARITON,
CLARK, COLE, COOPER, CRAWFORD, DENT, FRANKLIN, GASCONADE,
HOWARD, HOWELL, IRON, JEFFERSON, KNOX, LEWIS, LINCON, LINN,
MACON, MARIES, MARION, MILLER, MONITEAU, MONROE, MONTGOMERY,
MORGAN, OREGON, OSAGE, PERRY, PHELPS, PIKE, PULASKI, PUTNAM,
RALLS, RANDOLPH, REYNOLDS, RIPLEY, ST. CHARLES, ST. FRANCOIS,
ST. LOUIS (City and County), STE. GENEVIEVE, SCHUYLER,
SCOTLAND, SHANNON, SHELBY, SULLIVAN, TEXAS, WARREN AND
WASHINGTON COUNTIES

	Rates	Fringes
Line Construction:		
Equipment Operator.....\$ 47.77		24.68
Groundman & Truck Driver....\$ 36.49		20.56
Lineman & Cable Splicer.....\$ 55.65		27.56

ELEC0053-005 01/01/2025

ANDREW, ATCHINSON, BARRY, BARTON, BATES, BENTON, BUCHANAN,
CALDWELL, CARROLL, CASS, CEDAR, CHRISTIAN, CLAY, CLINTON, DADE,
DALLAS, DAVIES, DEKALB, DOUGLAS, GENTRY, GREENE, GRUNDY,
HARRISON, HENRY, HICKORY, HOLT, LAFAYETTE, JACKSON, JASPER,
LACLEDE, LAWRENCE, LIVINGSTON, JOHNSON, MCDONALD, MERCER,
NEWTON, NODAWAY, OZARK, PETTIS, PLATTE, POLK, RAY, SALINE, ST.
CLAIR, STONE, TANEY, VERNON, WEBSTER, WORTH AND WRIGHT COUNTIES

Rates	Fringes
-------	---------

Line Construction:

Groundman Powderman.....	\$ 37.14	1.5%+19.76
Groundman.....	\$ 34.65	1.5%+18.93
Lineman Operator.....	\$ 52.45	1.5%+26.05
Lineman.....	\$ 56.18	1.5%+24.22

ELEC0095-001 06/01/2025

BARRY, BARTON, CEDAR, DADE, JASPER, LAWRENCE, MCDONALD, NEWTON,
ST CLAIR, AND VERNON COUNTIES

	Rates	Fringes
--	-------	---------

Electricians:

Cable Splicers.....	\$ 25.40	12.19
Electricians.....	\$ 32.25	20.81

ELEC0124-007 08/26/2024

BATES, BENTON, CARROLL, CASS, CLAY, COOPER, HENRY, JACKSON,
JOHNSON, LAFAYETTE, MORGAN, PETTIS, PLATTE, RAY AND SALINE
COUNTIES:

	Rates	Fringes
--	-------	---------

Electricians.....	\$ 51.01	26.25
-------------------	----------	-------

ELEC0257-003 03/01/2025

AUDRAIN (Except Cuivre Township), BOONE, CALLAWAY, CAMDEN,
CHARITON, COLE, CRAWFORD, DENT, GASCONADE, HOWARD, MARIES,
MILLER, MONITEAU, OSAGE, PHELPS AND RANDOLPH COUNTIES

	Rates	Fringes
--	-------	---------

Electricians:

Cable Splicers.....	\$ 30.42	16.085
Electricians.....	\$ 40.50	23.26

ELEC0350-002 12/01/2024

ADAIR, AUDRAIN (East of Highway 19), CLARK, KNOX, LEWIS, LINN,
MACON, MARION, MONROE, MONTGOMERY, PIKE, PUTNAM, RALLS,
SCHUYLER, SCOTLAND, SHELBY AND SULLIVAN COUNTIES

	Rates	Fringes
--	-------	---------

Electricians.....	\$ 37.60	22.145
-------------------	----------	--------

ELEC0453-001 09/01/2024

	Rates	Fringes
--	-------	---------

Electricians:

CHRISITAN, DALLAS,		
DOUGLAS, GREENE, HICKORY,		
HOWELL, LACLEDE, OREGON,		
OZARK, POLK, SHANNON,		
WEBSTER and WRIGHT COUNTIES..	\$ 32.40	19.11
PULASKI and TEXAS COUNTIES..	\$ 39.70	19.84
STONE and TANEY COUNTIES....	\$ 28.65	18.34

ELEC0545-003 06/01/2025

ANDREW, BUCHANAN, CLINTON, DEKALB, ATCHISON, HOLT, MERCER,
GENTRY, HARRISON, DAVIESS, GRUNDY, WORTH, LIVINGSTON, NODAWAY,
AND CALDWELL COUNTIES

	Rates	Fringes
Electricians:.....	\$ 43.20	21.50

ELEC0702-004 01/06/2025

BOLLINGER, BUTLER, CAPE GIRARDEAU, DUNKLIN, MADISON,
MISSISSIPPI, NEW MADRID, PEMISCOT, SCOTT, STODDARD AND WAYNE
COUNTIES

	Rates	Fringes
Line Construction:		
Groundman - Class A.....	\$ 38.18	29%+8.85
Groundman-Equipment		
Operator Class II (all		
other equipment).....	\$ 46.49	29%+8.85
Heavy-Equipment Operator		
Class I (all crawler type		
equipment D-4 and larger)...	\$ 52.13	29%+8.85
Lineman.....	\$ 74.55	29%+8.85

ENGI0101-001 05/01/2025

AREA 1

ANDREW, ATCHISON, BATES, BENTON, BUCHANAN, CALDWELL, CARROLL,
CHARITON, CLINTON, COOPER, DAVIESS, DEKALB, GENTRY, GRUNDY,
HARRISON, HENRY, HOLT, HOWARD, JOHNSON, LAFAYETTE, LINN,
LIVINGSTON, MERCER, NODAWAY, PETTIS, SALINE, SULLIVAN AND WORTH
COUNTIES

	Rates	Fringes
Power equipment operators:		
GROUP 1.....	\$ 38.83	21.87
GROUP 2.....	\$ 38.43	21.87
GROUP 3.....	\$ 36.43	21.87

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP 1: Asphalt roller operator, finish; asphalt paver and
spreader; asphalt plant operator; auto grader or trimmer or
sub-grader; backhoe; blade operator (all types); boilers -
2; booster pump on dredge; bulldozer operator; boring
machine (truck or crane mounted); clamshell operator;
concrete mixer paver; concrete plant operator; concrete
pump operator; crane operator; derrick or derrick trucks;
ditching machine; dragline operator; dredge engineman;
dredge operator; drill cat with compressor mounted
(self-contained) or similar type self-propelled rotary
drill (not air tract); drilling or boring machine
(rotary-self-propelled); finishing machine operator;
greaser; high loader-fork lift-skid loader (all types);
hoisting engineer (2 active drums); locomotive operator
(standard guage); mechanics and welders (field and plants);

mucking machine operator; pile drive operator; pitman crane or boom truck (all types); push cat; quad track; scraper operators (all types); shovel operator; sideboom cats; side discharge spreader; skimmer scoop operators; slip form paver operator (CMI, Rex, Gomeco or equal); la tourneau rooter (all tiller types); tow boat operator; truck crane; wood and log chippers (all types).

GROUP 2: A-frame truck operator; articulated dump truck; back filler operator; boilers (1); chip spreader; churn drill operator; compressor; concrete mixer operator, skip loader; concrete saws (self-propelled); conveyor operator; crusher operator; distributor operator; elevating grader operator; farm tractor (all attachments); fireman rig; float operator; form grade operator; hoisting engine (one drum); maintenance operator; multiple compactor; pavement breaker, self-propelled hydra-hammer (or similar type); paymill operator; power shield; pumps; roller operator (with or without blades); screening and washing plant; self-propelled street broom or sweeper; siphons and jets; straw blower; stump cutting machine; siphons and jets; tank car heater operator (combination boiler and booster); welding machine; vibrating machine operator (not hand held); welding machine.

GROUP 3: (a) Oiler;
 (b) Oiler driver
 (c) Mechanic.

HOURLY PREMIUMS:
THE FOLLOWING CLASSIFICATIONS SHALL RECEIVE (\$.25) ABOVE
GROUP 1 RATE: Dragline operator - 3 yds. & over; shovel 3 yds. & over; clamshell 3 yds. & over; Crane, rigs or piledrivers, 100' of boom or over (incl. jib.), hoist - each additional active drum over 2 drums

THE FOLLOWING CLASSIFICATIONS SHALL RECEIVE (\$.50) ABOVE
GROUP 1 RATE: Tandem scoop operator; crane, rigs or piledrivers 150' to 200' of boom (incl. jib.)

THE FOLLOWING CLASSIFICATIONS SHALL RECEIVE (\$.75) ABOVE
GROUP 1 RATE: Crane rigs, or piledrivers 200 ft. of boom or over (including jib.)

ENGI0101-005 04/01/2025

CASS, CLAY, JACKSON, PLATTE AND RAY COUNTIES

	Rates	Fringes
Power equipment operators:		
GROUP 1.....	\$ 40.17	22.29
GROUP 2.....	\$ 39.13	22.29
GROUP 3.....	\$ 34.66	22.29
GROUP 4.....	\$ 38.01	22.29

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP 1: Asphalt roller operator, finish; asphalt paver and spreader; asphalt plant operator; auto grader or trimmer or sub-grader; backhoe; blade operator (all types); boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; concrete cleaning decontamination machine operator; concrete mixer

paver; concrete plant operator; concrete pump operator; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted (self-contained) or similar type self propelled rotary drill (not air tract); drilling or boring machine (rotary - self-propelled); finishing machine operator; greaser; heavy equipment robotics operator/mechanic; horizontal directional drill operator; horizontal directional drill locator; loader-forklift - skid loader (all types); hoisting engineer (2 active drums); locomotive operator (standard guage); master environmental maintenance mechanic; mechanics and welders (field and plants); mucking machine operator; piledrive operator; pitman crane or boom truck (all types); push cat; quad-track; scraper operators (all types); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; slip-form paver (CMI, REX, Gomaco or equal); la tourneau rooter (all tiller types); tow boat operator; truck crane; ultra high perssure waterjet cutting tool system operator/mechanic; vacuum blasting machine operator/mechanic; wood and log chippers (all types)

GROUP 2: ""A"" Frame truck operator; back filler operator; boilers (1); chip spreader;churn drill operator; concrete mixer operator, skip loader; concrete saws (self-propelled); conveyor operator; crusher operator; distributor operator; elevating grader operator; farm tractor (all attachments); fireman rig; float operator; form grader operator; hoisting engine (1 drum); maintenance operator; multiple compactor; pavement breaker, self-propelled hydra- hammer (or similar type); power shield; paymill operator; pumps; siphons and jets; stump cutting machine; tank car heater operator (combination boiler and booster); compressor; roller operator (with or without blades); screening and washing plant; self-propelled street broom or sweeper; straw blower; tank car heater operator (combination boiler and booster); vibrating machine operator (not hand held)

GROUP 3: Oilers

GROUP 4: Oiler Driver (All Types)

FOOTNOTE:

HOURLY PREMIUMS FOLLOWING CLASSIFICATIONS SHALL RECEIVE (\$1.00) ABOVE GROUP 1 RATE:

Clamshells - 3 yd. capacity or over; Cranes or rigs, 80 ft. of boom or over (including jib); Draglines, 3 yd. capacity or over;

Piledrivers 80 ft. of boom or over (including jib);

Shovels & backhoes, 3 yd. capacity or over.

ENGI0101-022 05/01/2025

BARRY, BARTON, CAMDEN, CEDAR, CHRISTIAN, DADE, DALLAS, DOUGLAS, GREENE, HICKORY, JASPER, LACLEDE, LAWRENCE, MCDONALD, NEWTON, OZARK, POLK, ST. CLAIR, STONE, TANEY, VERNON, WEBSTER AND WRIGHT COUNTIES and CITY OF SPRINGFIELD

Rates

Fringes

Power equipment operators:

GROUP 1.....	\$ 36.60	19.32
GROUP 2.....	\$ 36.25	19.32
GROUP 3.....	\$ 36.05	19.32
GROUP 4.....	\$ 34.00	19.32

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP 1: Asphalt finishing machine & trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; backhoe; blade operator - all types; boat operator - tow; boilers-2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launch hammer wheel; locomotive operator; - standard guage; mechanic and welders; mucking machine; off-road trucks; piledriver operator; pitman crane operator; push cat operator; quad trac; scoop operator - all types; shovel operator; sideboom cats; skimmer scoop operators; trenching machine operator; truck crane.

GROUP 2: A-frame; asphalt hot-mix silo; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant man; asphalt plant mixer operator; asphalt roller operator; backfiller operator; barber-greene loader; boat operator (bridges and dams); chip spreader; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker; powerbroom - self-propelled; power shield; rooter; side discharge concrete spreader; slip form finishing machine; stumpcutter machine; throttle man; tractor operator (over 50 h.p.); winch truck.

GROUP 3: Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; concrete saw operator (self-propelled); curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; roller operator, other than high type asphalt; screening & washing plant operator; siphons & jets; sub-grading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); tractor operator (50 h.p. or less); Umac, Ulic or similar spreader; vibrating machine operator, not hand;

GROUP 4: Grade checker; Oiler; Oiler-Driver

HOURLY PREMIUMS:

The following classifications shall receive \$.25 above GROUP 1 rate:

Clamshells - 3 yds. or over; Cranes - Rigs or Piledrivers, 100 ft. of boom or over (including jib);
 Draglines - 3 yds. or over; Hoists - each additional active drum over 2 drums; Shovels - 3 yds. or over;

The following classifications shall receive \$.50 above GROUP 1 rate:

Tandem scoop operator; Cranes - Rigs or Piledrivers, 150 ft. to 200 ft. of boom (including jib); Tandem scoop.

The following classifications shall receive \$.75 above GROUP 1 rate:
 Cranes - Rigs or Piledrivers, 200 ft. of boom or over (including jib.).

 ENGI0513-004 05/05/2025

FRANKLIN, JEFFERSON, LINCOLN, ST CHARLES, AND WARREN COUNTIES

	Rates	Fringes
Power equipment operators:		
GROUP 1.....	\$ 45.96	30.96
GROUP 2.....	\$ 45.96	30.96
GROUP 3.....	\$ 44.66	30.96
GROUP 4.....	\$ 44.22	30.96

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP 1: Backhoe, Cable; Backhoe, Hydraulic (2 cu yds bucket and under regardless of attachment, one oiler for 2 or 3, two oilers for 4 through 6); Backhoe, Hydraulic over 2 cu yds; Cableway; Crane, Crawler or Truck; Crane, Hydraulic - Truck or Cruiser mounted, 16 tons and over; Crane, Locomotive; crane with boom including jib over 100 ft from pin to pin; Crane using rock socket tool; Derrick, Steam; Derrick Car and Derrick Boat; Dragline, 7 cu yds and over; Dredge; Gradall, Crawler or tire mounted; Locomotive, Gas, Steam & other powers; Pile Driver, Land or Floating; Scoop, Skimmer; Shovel, Power (Electric, Gas, Steam or other powers); Shovel, Power (7 cu yds and over); Switch Boat; Whirley; Air Tugger with air compressor; Anchor Placing Barge; Asphalt Spreaker; Athey Force Feeder Loader, self-propelled; Backfilling Machine; Boat Operator - Push Boat or Tow Boat (job site); Boiler, High Pressure Breaking in Period; Boom Truck, Placing or Erecting; Boring Machine, Footing Foundation; Bullfloat; Cherry Picker; Combination Concrete Hoist and Mixer (such as Mixermobile); Compressor, Two 125 CFM and under; Compressor, Two through Four over 125 CFM; Compressor when operator runs throttle; Concrete Breaker (Truck or Tractor mounted); Concrete Pump (such as Pumpcrete machine); Concrete Saw (self-propelled); Concrete Spreader; Conveyor, Large (not selfpropelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; Crane, Cimbing (such as Linden); Crane, Hydraulic - Rough Terrain, self-propelled; Crane, Hydraulic - Truck or Cruiser mounted - under 16 tons; Drilling machine - Self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other souces including concrete breakers, jackhammers and Barco equipmnet no engineer required); Elevating Grader; Engine Man, Dredge; Excavator or Powerbelt Machine; Finishing Machine, self- propelled oscillating screed; Forklift; Generators, Two through Six 30 KW or over; Grader, Road with power blade; Greaser; Highlift; Hoist, Concrete and Brick (Brick cages or concrete skips operating or on tower, Towermobile, or similar equipment); Hoist, Three or more drums in use; Hoist, Stack; Hydro-Hammer; Lad-A-Vator, hoisting brick or concrete; Loading Machine such as Barber-Greene; Mechanic on job site

GROUP 2: Air Tugger with plant air; Boiler (for power or heating shell of building or temporary enclosures in

connection with construction work); Boiler, Temporary; Compressor, One over 125 CFM; Compressor, truck mounted; Conveyor, Large (not self- propelled); Conveyor, Large (not self- propelled) moving brick and concrete (distributing) on floor level; Curb Finishing Machine; Ditch Paving Machine; Elevator (outside); Endless Chain Hoist; Fireman (as required); Form Grader; Hoist, One Drum regardless of size (except brick or concrete); Lad-A-Vator, other hoisting; Manlift; Mixer, Asphalt, over 8 cu ft capacity; Mixer, one bag capacity or less; Mixer, without side loader, two bag capacity or more; Mixer, with side loader, regardless of size, not Paver; Mud Jack (where mud jack is used in conjenction with an air compressor, operator shall be paid \$.55 per hour in addition to his basic hourly rate for covering both operations); Pug Mill operator; Pump, Sump - self powered, automatic controlled over 2""; Scissor Lift (used for hoisting); Skid Steer Loader; Sweeper, Street; Tractor, small wheel type 50 HP and under with grader blade and similar equipment; Welding Machine, One over 400 amp; Winch, operating from truck

GROUP 3: Boat operator - outboard motor, job site; Conveyors (such as Con-Vay-It) regardless of how used; Elevator (inside); Heater operator, 2 through 6; Sweeper, Floor

GROUP 4: Crane type

HOURLY PREMIUMS:

Backhoe, Hydraulic 2 cu yds or less without oiler - \$2.00;
Crane,climbing (such as Linden) - \$.50;
Crane, Pile Driving and Extracting - \$.50
Crane with boom (including job) over
100 ft from pin to pin - add \$.01 per foot
to maximum of \$4.00);
Crane, using rock socket tool - \$.50;
Derrick, diesel, gas or electric hoisting material
and erecting steel (150 ft or more above ground) - \$.50;
Dragline, 7 cu yds and over - \$.50;
Hoist, Three or more drums in use - \$.50;
Scoop, Tandem - \$.50;
Shovel, Power - 7 cu yds and over - \$.50;
Tractor, Tandem Crawler - \$.50;
Tunnel, man assigned to work in tunnel or
tunnel shaft - \$.50;
Wrecking, when machines are working on
second floor or higher - \$.50

ENGI0513-006 05/01/2025

ADAIR, AUDRAIN, BOLLINGER, BOONE, BUTLER, CALLAWAY, CAPE
GIRARDEAU, CARTER, CLARK, COLE, CRAWFORD, DENT, DUNKLIN,
GASCONADE, HOWELL, IRON, KNOX, LEWIS, MACON, MADISON, MARIES,
MARION, MILLER, MISSISSIPPI, MONITEAU, MONROE, MONTGOMERY,
MORGAN, NEW MADRID, OREGON, OSAGE, PEMISCOT, PERRY, PHELPS,
PIKE, PULASKI, PUTNAM, RALLS, RANDOLPH, REYNOLDS, RIPLEY, ST.
FRANCOIS, STE. GENEVIEVE, SCHUYLER, SCOTLAND, SCOTT, SHANNON,
SHELBY, STODDARD, TEXAS, WASHINGTON, AND WAYNE COUNTIES

	Rates	Fringes
Power equipment operators:		
GROUP 1.....	\$ 40.39	30.33

GROUP 2.....	\$ 40.04	30.33
GROUP 3.....	\$ 39.84	30.33
GROUP 4.....	\$ 36.19	30.33

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP 1: Asphalt finishing machine & trench widening spreader, asphalt plant console operator; autograder; automatic slipform paver; back hoe; blade operator - all types; boat operator tow; boiler two; central mix concrete plant operator; clam shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine 2 active drums; launchhammer wheel; locomotive operator standrad guage; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; guad-trac; scoop operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane, shovel operator.

GROUP 2: A-Frame; asphalt hot-mix silo; asphalt roller operator asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; concrete mixer operator skip loader; concrete plant operator; concrete pump operator; dredge oiler; elevating graded operator; fork lift; grease fleet; hoisting engine one; locomotive operator narrow guage; multiple compactor; pavement breaker; powerbroom self-propelled; power shield; rooter; slip-form finishing machine; stumpcutter machine; side discharge concrete spreader; throttleman; tractor operator (over 50 hp); winch truck; asphalt roller operator; crusher operator.

GROUP 3: Spreader box operator, self-propelled not asphalt; tractor operator (50 h.p. or less); boilers one; chip spreader (front man); churn drill operator; compressor over 105 CFM 2-3 pumps 4" & over; 2-3 light plant 7.5 KWA or any combination thereof; clef plane operator; compressor maintenance operator 2 or 3; concrete saw operator (self-propelled); curb finishing mancine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; riller operator other than high type asphalt; screening & washing plant operator; siphons & jets; subgrading machine operator; tank car heater (combination boiler & booster); ulmac, ulric or similar spreader; vibrating machine operator; hydrobroom.

GROUP 4: Oiler; grout machine; oiler driver; compressor over 105 CFM one; conveyor operator one; maintenance operator; pump 4" & over one.

FOOTNOTE: HOURLY PREMIUMS

Backhoe hydraulic, 2 cu. yds. or under Without oiler - \$2.00
 Certified Crane Operator - \$1.50;
 Certified Hazardous Material Operator \$1.50;
 Crane, climbing (such as Linden) - \$0.50;
 Crane, pile driving and extracting - \$0.50;
 Crane, with boom (including jib) over 100' from pin to pin
 add \$0.01 per foot to maximum of \$4.00;

Crane, using rock socket tool - \$0.50;
 Derrick, diesel, gas or electric, hoisting material and erecting steel (150' or more above the ground) - \$0.50;
 Dragline, 7 cu. yds, and over - \$0.50;
 Hoist, three or more drums in use - \$0.50; Scoop, Tandem - \$0.50;
 Shovel, power - 7 cu. yds. or more - \$0.50;
 Tractor, tandem crawler - \$0.50;
 Tunnel, man assigned to work in tunnel or tunnel shaft - \$0.50;
 Wrecking, when machine is working on second floor or higher - \$0.50;

 ENGI0513-007 05/05/2025

ST. LOUIS CITY AND COUNTY

	Rates	Fringes
Power equipment operators:		
GROUP 1.....	\$ 45.96	30.96
GROUP 2.....	\$ 45.96	30.96
GROUP 3.....	\$ 44.66	30.96
GROUP 4.....	\$ 44.22	30.96

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP 1: Backhoe, cable or hydraulic; cableway; crane crawler or truck; crane, hydraulic-truck or cruiser mounted 16 tons & over; crane locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas, electric or other powers); switch boat; whirley.

GROUP 2: Air tugger w/air compressor; anchor-placing barge; asphalt spreader; athey force feeder loader (self-propelled); backfilling machine; backhoe-loader; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bull- float; cherry picker; combination concrete hoist & mixer (such as mixer mobile); compressor (when operator runs throttle); concrete breaker (truck or tractor mounted); concrete pump, such as pump-crete machine; concrete saw (self-propelled), concrete spreader; conveyor, large (not self-propelled), hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered use for earth or rock drilling or boring (wagon drills nd any hand drills obtaining power from other sources including concrete breakers, jackhammers and barco equipment-no engineer required); elevating grader; engineman, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift. greaser; hoist, stack, hydro-hammer; loading machine (such as barber-greene); machanic, on job site; mixer, pipe wrapping machines; plant asphalt; plant, concrete producing or ready-mix job site; plant heating-job site; plant mixing-job site; plant power, generating-job site; pumps, two through six self-powered over 2""; pumps, electric submersible, two through six, over

4"; quad-track; roller, asphalt, top or sub-grade; scoop, tractor drawn; spreader box; sub-grader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine automatic, automatic propelled; welding machines (gasoline or diesel) two through six; well drilling machine

GROUP 3: Conveyor, large (not self-propelled); conveyor, large (not self-propelled) moving brick and concrete distributing) on floor level; mixer two or more mixers of one bag capacity or less; air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor (mounted on truck; curb finishing machine; ditch paving machine; elevator; endless chain hoist; form grader; hoist, one drum regardless of size; lad-a-vator; manlift; mixer, asphalt, over 8 cu. ft. capacity, without side loader, 2 bag capacity or more; mixer, with side loader, regardless of size; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch operating from truck; scissor lift (used for hoisting); tractor, small wheel type 50 h.p. & under with grader blade & similar equipment; Oiler on dredge and on truck crane.

GROUP 4: Boat operator-outboard motor (job site); conveyor (such as con-vay-it) regardless of how used; sweeper, floor

HOURLY PREMIUMS:

Backhoe, hydraulic	
2 cu. yds. or under without oiler	\$2.00
Certified Crane Operator	1.50
Certified Hazardous Material Operator	1.50
Crane, climbing (such as Linden)	.50
Crane, pile driving and extracting	.50
Crane, with boom (including jib) over 100' (from pin to pin) add \$.01 per foot to maximum of	4.00
Crane, using rock socket tool	.50
Derrick, diesel, gas or electric, hoisting material and erecting steel (150' or more above ground)	.50
Dragline, 7 cu. yds. and over	.50
Hoist, three (3) or more drums in use	.50
Scoop, Tandem	.50
Shovel, power - 7 cu. yds. or more	.50
Tractor, tandem crawler	.50
Tunnel, man assigned to work in tunnel or tunnel shaft	.50
Wrecking, when machine is working on second floor or higher	.50

IRON0010-012 04/01/2025

Rates	Fringes
-------	---------

Ironworkers:

ANDREW, BARTON, BENTON,
CAMDEN, CEDAR, CHARITON,
CHRISTIAN, COOPER, DADE,
DALLAS, DAVIESS, DE KALB,
GENTRY, GREENE, GRUNDY,
HARRISON, HICKORY, HOLT,

HOWARD, LACLEDE, LINN,
LIVINGSTON, MERCER,
MONITEAU, MORGAN, NODAWAY,
PETTIS, POLK, PUTNAM,
RANDLOPH, ST. CLAIR,
SULLIVAN, TANEY, VERNON,
WEBSTER, WRIGHT and WORTH
Counties and portions of
ADAIR, BOONE, MACON,
MILLER and RANDOLPH

Counties.....	\$ 36.00	34.25
ATCHISON, BATES, BUCHANAN, CALDWELL, CARROLL, CASS, CLAY, CLINTON, HENRY, JACKSON, JOHNSON, LAFAYETTE, PETTIS, PLATTE, SALINE, AND RAY COUNTIES....		
	\$ 39.00	34.25

IRON0010-020 04/01/2025

BARRY, JASPER, LAWRENCE, MCDONALD, NEWTON AND STONE Counties

	Rates	Fringes
Ironworkers:.....	\$ 36.00	34.25

IRON0321-002 08/01/2023

DOUGLAS, HOWELL and OZARK COUNTIES

	Rates	Fringes
Ironworker.....	\$ 27.00	20.96

IRON0396-004 08/07/2024

ST. LOUIS (City and County), ST. CHARLES, JEFFERSON, IRON,
FRANKLIN, LINCOLN, WARREN, WASHINGTON, ST. FRANCOIS, STE.
GENEVIEVE, and REYNOLDS Counties; and portions of MADISON,
PERRY, BOLLINGER, WAYNE, and CARTER Counties

	Rates	Fringes
Ironworker.....	\$ 41.67	31.25

IRON0396-009 08/07/2024

AUDRAIN, CALLAWAY, COLE, CRAWFORD, DENT, GASCONADE, MARIES,
MONTGOMERY, OSAGE, PHELPS, PIKE, PULASKI, TEXAS and WRIGHT
Counties; and portions of BOONE, CAMDEN, DOUGLAS, HOWELL,
LACLEDE, MILLER, MONROE, OREGON, SHANNON and RALLS Counties

	Rates	Fringes
Ironworker.....	\$ 41.67	31.25

IRON0577-005 06/01/2024

ADAIR, CLARK, KNOX, LEWIS, MACON, MARION, MONROE, RALLS,
SCHUYLER, SCOTLAND, AND SHELBY COUNTIES

	Rates	Fringes
--	-------	---------

Ironworker.....	\$ 34.05	25.30
-----------------	----------	-------

IRON0782-003 08/01/2023

CAPE GIRARDEAU, MISSISSIPPI, NEW MADRID, SCOTT, & STODDARD
Counties; and portions of BOLLINGER, BUTLER, CARTER, DUNKLIN,
MADISON, PEMISCOT, PERRY, RIPLEY, and WAYNE Counties

	Rates	Fringes
--	-------	---------

Ironworkers:

Locks, Dams, Bridges and other major work on the Mississippi and Ohio River only.....	\$ 38.77	29.51
All Other Work.....	\$ 33.47	24.12

LAB00042-003 06/04/2025

ST. LOUIS (City and County)

	Rates	Fringes
--	-------	---------

LABORER

Plumber Laborer.....	\$ 40.82	17.56
----------------------	----------	-------

LAB00042-005 06/04/2025

ST. LOUIS (City and County)

	Rates	Fringes
--	-------	---------

LABORER

Dynamiter, Powderman.....	\$ 40.82	17.56
Laborers, Flaggers.....	\$ 40.82	17.56
Wrecking.....	\$ 40.82	17.56

LAB00110-005 05/01/2024

Jefferson and Washington Counties

	Rates	Fringes
--	-------	---------

LABORER (Jefferson County)

GROUP 1.....	\$ 38.24	15.55
GROUP 2.....	\$ 38.24	15.55

LABORER (Washington County)

GROUP 1.....	\$ 35.13	15.55
GROUP 2.....	\$ 35.12	15.55

LABORERS CLASSIFICATIONS

GROUP 1 - General laborer-flagman, carpenter tenders;
salamander Tenders; Dump Man; Ticket Takers; loading trucks
under bins, hoppers, and conveyors; track man; cement
handler; dump man on earth fill; georgie buggy man;
material batch hopper man; spreader on asphalt machine;
material mixer man (except on manholes); coffer dams;
riprap pavers rock, block or brick; scaffolds over ten feet
not self-supported from ground up; skip man on concrete
paving; wire mesh setters on concrete paving; all work in
connection with sewer, water, gas, gasoling, oil, drainage
pipe, conduit pipe, tile and duct lines and all other pipe

lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setters, puddlers (paving only); straw blower nozzle man; asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material; topper of standing trees; feeder man on wood pulverizers, board and willow mat weavers and cabelee tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 ft. where compressed air is not used; abutment and pier hole men working six (6) ft. or more below ground; men working in coffer dams for bridge piers and footing in the river; barco tamper; jackson or any other similar tamp; cutting torch man; liners, curb, gutters, ditch lines; hot mastic kettlemen; hot tar applicator; hand blade operator; mortar men or brick or block manholes; rubbing concrete, air tool operator under 65 lbs.; caulker and lead man; chain or concrete saw under 15 h.p.; signal Gan; Guard rail and sign erectors.

GROUP 2 - Skilled laborers - Vibrator man; asphalt raker; head pipe layer on sewer work; batterboard man on pipe and ditch work; cliff scalers working from bosun's chairs; scaffolds or platforms on dams or power plants over 10 ft. high; air tool operator over 65 lbs.; stringline man on concrete paving; sandblast man; laser beam man; wagon drill; churn drill; air track drill and all other similar type drills, gunite nozzle man; pressure grout man; screed man on asphalt; concrete saw 15 h.p. and over; grade checker; strigline man on electronic grade control; manhole builder; dynamite man; powder man; welder; tunnel man; waterblaster - 1000 psi or over; asbestos and/or hazardous waste removal and/or disposal

LAB00579-005 05/01/2023

	Rates	Fringes
LABORER (ANDREW, ATCHISON, BUCHANAN, CALDWELL, CLINTON, DAVIESS, DEKALB, GENTRY, GRUNDY, HARRISON, HOLT, LIVINGSTON, MERCER, NODAWAY and WORTH COUNTIES.)		
GROUP 1.....	\$ 29.04	16.59
GROUP 2.....	\$ 29.39	16.59
LABORER (BARRY, BARTON, BATES, BENTON, CAMDEN, CARROLL, CEDAR, CHRISTIAN, DADE, DALLAS, DOUGLAS, GREENE, HENRY. HICKORY, JASPER, JOHNSON, LACLEDE, LAWRENCE, MCDONALD, MORGAN, NEWTON, OZARK, PETTIS, POLK, ST.CLAIR, SALINE, STONE, TANEY, VERNON, WEBSTER and WRIGHT COUNTIES)		
GROUP 1.....	\$ 28.23	15.60
GROUP 2.....	\$ 28.78	15.60
LABORER (LAFAYETTE COUNTY)		
GROUP 1.....	\$ 29.78	15.85
GROUP 2.....	\$ 30.13	15.85

LABORERS CLASSIFICATIONS

GROUP 1: General Laborers - Carpenter tenders; salamander tenders; loading trucks under bins; hoppers & conveyors; track men & all other general laborers; air tool operator; cement handler-bulk or sack; dump man on earth fill; georgie buggy man; material batch hopper man; material mixer man (except on manholes); coffer dams; riprap pavers - rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator, all work in connection with hydraulic or general dredging operations; puddlers (paving only); straw blower nozzle man; asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); rubbing concrete; topper of standing trees; batter board man on pipe and ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river; ditchliners; pressure groutmen; caulker; chain or concrete saw; cliffscalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over (10) feet above ground; mortarmen on brick or block manholes; toxic and hazardous waste work.

GROUP 2: Skilled Laborers - Head pipe layer on sewer work; laser beam man; Jackson or any other similar tamp; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters; hot mastic kettleman; hot tar applicator; sandblasting and gunite nozzlemen; air tool operator in tunnels; screed man on asphalt machine; asphalt raker; barco tamper; churn drills; air track drills and all similar drills; vibrator man; stringline man for electronic grade control; manhole builders-brick or block; dynamite and powder men; grade checker.

LAB00660-004 05/01/2024

Clark, Knox, Lewis, Marion, Pike, Ralls, Scotland, Shelby Counties

	Rates	Fringes
LABORER		
GROUP 1.....	\$ 35.13	15.55
GROUP 2.....	\$ 35.13	15.55

LABORERS CLASSIFICATIONS

GROUP 1 - General laborer-flagman, carpenter tenders; salamander Tenders; Dump Man; Ticket Takers; loading trucks under bins, hoppers, and conveyors; track man; cement handler; dump man on earth fill; georgie buggy man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams;

riprap pavers rock, block or brick; scaffolds over ten feet not self-supported from ground up; skip man on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoling, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setters, puddlers (paving only); straw blower nozzleman; asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material; topper of standing trees; feeder man on wood pulverizers, board and willow mat weavers and cabelee tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 ft. where compressed air is not used; abutement and pier hole men working six (6) ft. or more below ground; men working in coffer dams for bridge piers and footing in the river; barco tamper; jackson or any other similar tamp; cutting torch man; liners, curb, gutters, ditch lines; hot mastic kettlemen; hot tar applicator; hand blade operator; mortar men or brick or block manholes; rubbing concrete, air tool operator under 65 lbs.; caulker and lead man; chain or concrete saw under 15 h.p.; signal Gan; Guard rail and sign erectors.

GROUP 2 - Skilled laborers - Vibrator man; asphalt raker; head pipe layer on sewer work; batterboard man on pipe and ditch work; cliff scalers working from bosun's chairs; scaffolds or platforms on dams or power plants over 10 ft. high; air tool operator over 65 lbs.; stringline man on concrete paving; sandblast man; laser beam man; wagon drill; churn drill; air track drill and all other similar type drills, gunite nozzle man; pressure grout man; screed man on asphalt; concrete saw 15 h.p. and over; grade checker; strigline man on electronic grade control; manhole builder; dynamite man; powder man; welder; tunnel man; waterblaster - 1000 psi or over; asbestos and/or hazardous waste removal and/or disposal

LAB00660-006 06/02/2025

Lincoln, Montgomery, St Charles and Warren Counties

	Rates	Fringes
LABORER (Common or General).....	\$ 36.91	15.62
Lincoln, Monntomery, and		
Warrner Counties.....	\$ 39.76	15.96
St. Charles County.....	\$ 41.18	15.96

LAB00662-001 05/01/2024

Callaway, Cole, Miller and Moniteau Counties

	Rates	Fringes
LABORER		
GROUP 1.....	\$ 38.24	15.55
GROUP 2.....	\$ 38.24	15.55

LABORERS CLASSIFICATIONS

GROUP 1 - General laborer-flagman, carpenter tenders;

salamander Tenders; Dump Man; Ticket Takers; loading trucks under bins, hoppers, and conveyors; track man; cement handler; dump man on earth fill; georgie buggy man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers rock, block or brick; scaffolds over ten feet not self-supported from ground up; skip man on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoling, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setters, puddlers (paving only); straw blower nozzle man; asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material; topper of standing trees; feeder man on wood pulverizers, board and willow mat weavers and cable ties on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 ft. where compressed air is not used; abutment and pier hole men working six (6) ft. or more below ground; men working in coffer dams for bridge piers and footing in the river; barco tamper; jackson or any other similar tamp; cutting torch man; liners, curb, gutters, ditch lines; hot mastic kettlemen; hot tar applicator; hand blade operator; mortar men or brick or block manholes; rubbing concrete, air tool operator under 65 lbs.; caulker and lead man; chain or concrete saw under 15 h.p.; signal Gan; Guard rail and sign erectors.

GROUP 2 - Skilled laborers - Vibrator man; asphalt raker; head pipe layer on sewer work; batterboard man on pipe and ditch work; cliff scalers working from bosun's chairs; scaffolds or platforms on dams or power plants over 10 ft. high; air tool operator over 65 lbs.; stringline man on concrete paving; sandblast man; laser beam man; wagon drill; churn drill; air track drill and all other similar type drills, gunite nozzle man; pressure grout man; screed man on asphalt; concrete saw 15 h.p. and over; grade checker; strigline man on electronic grade control; manhole builder; dynamite man; powder man; welder; tunnel man; waterblaster - 1000 psi or over; asbestos and/or hazardous waste removal and/or disposal

LAB00663-002 04/01/2025

CASS, CLAY, JACKSON, PLATTE AND RAY COUNTIES

	Rates	Fringes
LABORER		
GROUP 1.....	\$ 36.24	15.87
GROUP 2.....	\$ 37.45	15.87

LABORERS CLASSIFICATIONS

GROUP 1: General laborers, Carpenter tenders, salamander tenders, loading trucks under bins, hoppers and conveyors, track men and all other general laborers, air tool operator, cement handler (bulk or sack), chain or concrete saw, deck hands, dump man on earth fill, Georgie Buggies man, material batch hopper man, scale man, material mixer man (except on manholes), coffer dams, abutments and pier

hole men working below ground, riprap pavers rock, black or brick, signal man, scaffolds over ten feet not self-supported from ground up, skipman on concrete paving, wire mesh setters on concrete paving, all work in connection with sewer,water, gas, gasoling, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipelines, power tool operator, all work in connection with hydraulic or general dredging operations, straw blower nozzleman,asphalt plant platform man, chuck tender, crusher feeder, men handling creosote ties on creosote materials, men working with and handling epoxy material or materials (where special protection is required), topper of standing trees, batter board man on pipe and ditch work, feeder man on wood pulverizers, board and willow mat weavers and cable tiers on river work, deck hands, pile dike and revetment work, all laborers working on underground tunnels less than 25 feet where compressed air is not used, abutment and pier hole men working six (6) feet or more below ground, men working in coffer dams for bridge piers and footings in the river, ditchliners, pressure groutmen, caulker and chain or concrete saw, cliffscalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over (10) feet above ground, mortarmen on brick or block manholes, signal man.

GROUP 2: Skilled Laborer - spreader or screed man on asphalt machine, asphalt raker, grade checker, vibrator man, concrete saw over 5 hp., laser beam man, barco tamper, jackson or any other similar tamp, wagon driller, churn drills, air track drills and other similar drills, cutting torch man, form setters, liners and stringline men on concrete paving, curb, gutters and etc., hot mastic kettleman, hot tar applicator, hand blade operators, mortar men on brick or block manholes, sand blasting and gunnite nozzle men, rubbing concrete, air tool operator in tunnels, head pipe layer on sewer work, manhole builder (brick or block), dynamite and powder men.

LAB00840-011 05/01/2024

Crawford, Dent, Franklin, Gasconade, Howell, Maries, Oregon, Osage, Phelps, Pulaski, Shannon and Texas Counties

	Rates	Fringes
LABORER (Crawford, Dent, Gasconade, Howell, Maries, Oregon, Osage, Phelps, Pulaski, Shannon and Texas Counties)		
GROUP 1.....	\$ 35.13	15.55
GROUP 2.....	\$ 35.13	15.55
LABORER (Franklin County)		
GROUP 1.....	\$ 38.19	15.55
GROUP 2.....	\$ 38.19	15.55

LABORERS CLASSIFICATIONS

GROUP 1 - General laborer-flagman, carpenter tenders; salamander Tenders; Dump Man; Ticket Takers; loading trucks under bins, hoppers, and conveyors; track man; cement handler; dump man on earth fill; georgie buggie man; material batch hopper man; spreader on asphalt machine;

material mixer man (except on manholes); coffer dams; riprap pavers rock, block or brick; scaffolds over ten feet not self-supported from ground up; skip man on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoling, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setters, puddlers (paving only); straw blower nozzleman; asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material; topper of standing trees; feeder man on wood pulverizers, board and willow mat weavers and cabelee tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 ft. where compressed air is not used; abutement and pier hole men working six (6) ft. or more below ground; men working in coffer dams for bridge piers and footing in the river; barco tamper; jackson or any other similar tamp; cutting torch man; liners, curb, gutters, ditch lines; hot mastic kettlemen; hot tar applicator; hand blade operator; mortar men or brick or block manholes; rubbing concrete, air tool operator under 65 lbs.; caulker and lead man; chain or concrete saw under 15 h.p.; signal Gan; Guard rail and sign erectors.

GROUP 2 - Skilled laborers - Vibrator man; asphalt raker; head pipe layer on sewer work; batterboard man on pipe and ditch work; cliff scalers working from bosun's chairs; scaffolds or platforms on dams or power plants over 10 ft. high; air tool operator over 65 lbs.; stringline man on concrete paving; sandblast man; laser beam man; wagon drill; churn drill; air track drill and all other similar type drills, gunite nozzle man; pressure grout man; screed man on asphalt; concrete saw 15 h.p. and over; grade checker; strigline man on electronic grade control; manhole builder; dynamite man; powder man; welder; tunnel man; waterblaster - 1000 psi or over; asbestos and/or hazardous waste removal and/or disposal

LAB00955-012 05/01/2024

Adair, Audrain, Boone, Chariton, Cooper, Howard, Linn, Macon, Monroe, Putnam, Randolph, Schuyler and Sullivan Counties

	Rates	Fringes
LABORER		
GROUP 1.....	\$ 35.13	15.55
GROUP 2.....	\$ 35.13	15.55

LABORERS CLASSIFICATIONS

GROUP 1 - General laborer-flagman, carpenter tenders; salamander Tenders; Dump Man; Ticket Takers; loading trucks under bins, hoppers, and conveyors; track man; cement handler; dump man on earth fill; georgie buggy man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers rock, block or brick; scaffolds over ten feet not self-supported from ground up; skip man on concrete paving; wire mesh setters on concrete paving; all work in

connection with sewer, water, gas, gasoling, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setters, puddlers (paving only); straw blower nozzleleman; asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material; topper of standing trees; feeder man on wood pulverizers, board and willow mat weavers and cabelee tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 ft. where compressed air is not used; abutement and pier hole men working six (6) ft. or more below ground; men working in coffer dams for bridge piers and footing in the river; barco tamper; jackson or any other similar tamp; cutting torch man; liners, curb, gutters, ditch lines; hot mastic kettlemen; hot tar applicator; hand blade operator; mortar men or brick or block manholes; rubbing concrete, air tool operator under 65 lbs.; caulker and lead man; chain or concrete saw under 15 h.p.; signal Gan; Guard rail and sign erectors.

GROUP 2 - Skilled laborers - Vibrator man; asphalt raker; head pipe layer on sewer work; batterboard man on pipe and ditch work; cliff scalers working from bosun's chairs; scaffolds or platforms on dams or power plants over 10 ft. high; air tool operator over 65 lbs.; stringline man on concrete paving; sandblast man; laser beam man; wagon drill; churn drill; air track drill and all other similar type drills, gunite nozzle man; pressure grout man; screed man on asphalt; concrete saw 15 h.p. and over; grade checker; strigline man on electronic grade control; manhole builder; dynamite man; powder man; welder; tunnel man; waterblaster - 1000 psi or over; asbestos and/or hazardous waste removal and/or disposal

LAB01104-005 05/01/2024

Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St Francois, Ste Genevieve, Stoddard and Wayne Counties

	Rates	Fringes
LABORER		
GROUP 1.....	\$ 35.13	15.55
GROUP 2.....	\$ 35.13	15.55

LABORERS CLASSIFICATIONS

GROUP 1 - General laborer-flagman, carpenter tenders; salamander Tenders; Dump Man; Ticket Takers; loading trucks under bins, hoppers, and conveyors; track man; cement handler; dump man on earth fill; georgie buggie man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers rock, block or brick; scaffolds over ten feet not self-supported from ground up; skip man on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoling, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe

lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setters, puddlers (paving only); straw blower nozzle man; asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material; topper of standing trees; feeder man on wood pulverizers, board and willow mat weavers and cabelee tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 ft. where compressed air is not used; abutment and pier hole men working six (6) ft. or more below ground; men working in coffer dams for bridge piers and footing in the river; barco tamper; jackson or any other similar tamp; cutting torch man; liners, curb, gutters, ditch lines; hot mastic kettlemen; hot tar applicator; hand blade operator; mortar men or brick or block manholes; rubbing concrete, air tool operator under 65 lbs.; caulker and lead man; chain or concrete saw under 15 h.p.; signal Gan; Guard rail and sign erectors.

GROUP 2 - Skilled laborers - Vibrator man; asphalt raker; head pipe layer on sewer work; batterboard man on pipe and ditch work; cliff scalers working from bosun's chairs; scaffolds or platforms on dams or power plants over 10 ft. high; air tool operator over 65 lbs.; stringline man on concrete paving; sandblast man; laser beam man; wagon drill; churn drill; air track drill and all other similar type drills, gunite nozzle man; pressure grout man; screed man on asphalt; concrete saw 15 h.p. and over; grade checker; strigline man on electronic grade control; manhole builder; dynamite man; powder man; welder; tunnel man; waterblaster - 1000 psi or over; asbestos and/or hazardous waste removal and/or disposal

PAIN0002-002 09/01/2007

CLARK, FRANKLIN, JEFFERSON, LEWIS, LINCOLN, MARION, PIKE, RALLS, ST. CHARLES, ST. LOUIS (CITY & COUNTY), AND WARREN COUNTIES

	Rates	Fringes
Painters:		
Brush and Roller; Taper.....	\$ 28.61	10.24
High work over 60 feet.....	\$ 29.11	10.24
Lead Abatement.....	\$ 29.36	10.24
Pressure Roller; High work under 60 ft.....	\$ 28.86	10.24
Spray & Abrasive Blasting; Water Blasting (Over 5000 PSI).....	\$ 30.61	10.24
Taper (Ames Tools & Bazooka).....	\$ 30.21	10.24

PAIN0002-006 04/01/2023

ADAIR, AUDRAIN, BOONE, CALLAWAY, CHARITON, COLE, GASCONADE, HOWARD, KNOX, LINN, MACON, MONROE, MONTGOMERY, OSAGE, PUTNAM, RANDOLPH, SCHUYLER, SCOTLAND, SHELBY AND SULLIVAN COUNTIES and the City of Booneville.

	Rates	Fringes
--	-------	---------

Painters:

Bridges, Dams, Locks or Powerhouses.....	\$ 28.49	15.03
Brush and Roll; Taping, Paperhanging.....	\$ 26.49	15.03
Epoxy or Any Two Part Coating; Sandblasting; Stage or other Aerial Work - Platforms over 50 feet high; Lead Abatement.....	\$ 27.49	15.03
Spray; Structural Steel (over 50 feet).....	\$ 27.49	15.03
Tapers using Ames or Comparable Tools.....	\$ 27.24	15.03

PAIN0003-004 04/01/2019

CASS, CLAY, CLINTON, JACKSON, JOHNSON, LAFAYETTE, PLATTE & RAY COUNTIES

	Rates	Fringes
--	-------	---------

Painters:

Bridgeman; Lead Abatement; Sandblast; Storage Bin & Tanks.....	\$ 33.41	17.76
Brush & Roller.....	\$ 30.54	17.76
Drywall.....	\$ 31.74	17.76
Paper Hanger.....	\$ 31.04	17.76
Stageman; Beltman; Steelman; Elevator Shaft; Bazooka, Boxes and Power Sander; Sprayman; Dipping...	\$ 32.41	17.76
Steeplejack.....	\$ 36.98	17.76

PAIN0003-011 04/01/2019

BATES, BENTON, CALDWELL, CARROLL, COOPER, DAVIESS, GRUNDY, HARRISON, HENRY, LIVINGSTON, MERCER, MONITEAU, MORGAN, PETTIS & SALINE COUNTIES

	Rates	Fringes
--	-------	---------

Painters:

Bridgeman; Lead Abatement; Sandblast; Storage Bin & Tanks.....	\$ 26.73	17.76
Brush & Roller.....	\$ 24.43	17.76
Drywall.....	\$ 25.39	17.76
Paper Hanger.....	\$ 24.83	17.76
Stageman; Beltman; Steelman; Elevator Shaft; Bazooka, Boxes and Power Sander; Sprayman; Dipping...	\$ 26.35	17.76
Steeplejack.....	\$ 29.58	17.76

PAIN1185-008 04/01/2025

CAMDEN, CRAWFORD, DENT, LACLEDE, MARIES, MILLER, PHELPS, PULASKI AND TEXAS COUNTIES

	Rates	Fringes
Painters:		
Brush and Roller.....	\$ 33.90	17.21
Floor Work.....	\$ 34.90	17.21
Lead Abatement.....	\$ 33.25	17.21
Spray.....	\$ 34.90	17.21
Structural Steel, Sandblasting and All Tank Work.....	\$ 35.90	17.21
Taping, Paperhanging.....	\$ 34.90	17.21

PAIN1292-002 09/01/2024

BOLLINGER, BUTLER, CAPE GIRARDEAU, CARTER, DUNKLIN,
MISSISSIPPI, NEW MADRID, OREGON, PEMISCOT, PERRY, REYNOLDS,
RIPLEY, SCOTT, SHANNON, STODDARD and WAYNE COUNTIES

	Rates	Fringes
Painters:		
Bridges, Stacks & Tanks.....	\$ 35.30	17.65
Brush & Roller.....	\$ 29.80	17.65
Spray & Abrasive Blasting; Waterblasting (over 5000 PSI).....	\$ 31.80	17.65

Height Rates (All Areas):
Over 60 ft. \$0.50 per hour.
Under 60 ft. \$0.25 per hour.

PAIN1292-003 09/01/2024

IRON, MADISON, ST. FRANCOIS, STE. GENEVIEVE and WASHINGTON
COUNTIES

	Rates	Fringes
Painters:		
Bridges, Stacks & Tanks.....	\$ 35.30	17.65
Brush & Roller.....	\$ 30.95	17.65
Spray & Abrasive Blasting; Waterblasting (Over 5000 PSI).....	\$ 32.95	17.65

Height Rates (All Areas):
Over 60 ft. \$0.50 per hour
Under 60 ft. \$0.25 per hour.

* PAIN2012-001 04/01/2025

ANDREW, ATCHISON, BUCHANAN, DE KALB, GENTRY, HOLT, NODAWAY &
WORTH COUNTIES

	Rates	Fringes
Painters:		
Brush & Roller.....	\$ 36.18	19.97
Sandblaster.....	\$ 40.76	19.97

Steeplejack.....	\$ 44.33	19.97
------------------	----------	-------

PAIN2015-001 04/01/2012

BARRY, BARTON, CEDAR, CHRISTIAN, DADE, DALLAS, DOUGLAS, GREENE,
HICKORY, HOWELL, JASPER, LAWRENCE, MCDONALD, NEWTON, OZARK,
POLK, ST. CLAIR, STONE, TANEY, VERNON, WEBSTER, and WRIGHT
COUNTIES

Rates	Fringes
-------	---------

Painters:

Finisher.....	\$ 20.18	11.33
Painter.....	\$ 19.75	11.76
Sandblaster, High Man, Spray Man, Vinyl Hanger, Tool Operator.....	\$ 21.18	11.33

PLAS0518-006 03/01/2025

BARRY, BARTON, CEDAR, CHRISTIAN, DADE, DALLAS, DOUGLAS, GREENE,
HICKORY, JASPER, LACLEDE, LAWRENCE, MCDONALD, NEWTON, OZARK,
POLK, ST. CLAIR, STONE, TANEY, VERNON, WEBSTER, AND WRIGHT
COUNTIES

Rates	Fringes
-------	---------

CEMENT MASON/CONCRETE FINISHER...	\$ 30.37	12.43
-----------------------------------	----------	-------

PLAS0518-007 04/01/2025

CASS (Richards-Gebaur AFB only), CLAY, JACKSON, PLATTE AND RAY
COUNTIES

Rates	Fringes
-------	---------

Cement Masons:.....	\$ 39.06	18.71
---------------------	----------	-------

PLAS0518-011 04/01/2025

ANDREW, ATCHISON, BATES, BUCHANNAN, CLINTON, DEKALB, GENTRY,
HENRY, HOLT, JOHNSON, LAFAYETTE, NODAWAY & WORTH COUNTIES

Rates	Fringes
-------	---------

CEMENT MASON/CONCRETE FINISHER...	\$ 40.13	20.50
-----------------------------------	----------	-------

PLAS0518-019 03/01/2025

Adair, Audrain, Benton, Boone, Callaway, Caldwell, Camden,
Carroll, Chariton, Cole, Cooper, Daviess, Gasconade, Grundy,
Harrison, Howard, Linn, Livingston, Macon, Maries, Mercer,
Miller, Moniteau, Monroe, Montgomery, Morgan, Osage, Pettis,
Putnam, Randolph, Saline, Schuyler, Shelby and Sullivan Counties

Rates	Fringes
-------	---------

CEMENT MASON/CONCRETE FINISHER...	\$ 33.52	15.88
-----------------------------------	----------	-------

PLAS0527-001 04/01/2023

	Rates	Fringes
CEMENT MASON		
FRANKLIN, LINCOLN AND WARREN COUNTIES.....	\$ 37.29	20.23
JEFFERSON, ST. CHARLES COUNTIES AND ST. LOUIS (City and County).....	\$ 38.46	20.13

PLAS0527-004 06/01/2023

CRAWFORD, DENT, IRON, MADISON, MARION, PHELPS, PIKE, PULASKI,
RALLS, REYNOLDS, ST. FRANCOIS, STE. GENEVIEVE, SHANNON, TEXAS,
WASHINGTON COUNTIES

	Rates	Fringes
CEMENT MASON.....	\$ 32.00	19.72

PLAS0908-001 05/01/2025

BOLLINGER, BUTLER, CAPE GIRARDEAU, CARTER, DUNKLIN, HOWELL,
MISSISSIPPI, NEW MADRID, OREGON, PEMISCOT, PERRY, RIPLEY,
SCOTT, STODDARD, AND WAYNE COUNTIES

	Rates	Fringes
CEMENT MASON.....	\$ 35.10	18.78

PLUM0008-003 06/01/2024

CASS, CLAY, JACKSON, JOHNSON, AND PLATTE COUNTIES

	Rates	Fringes
Plumbers.....	\$ 56.63	24.54

PLUM0008-017 06/01/2024

BATES, BENTON, CARROLL, HENRY, LAFAYETTE, MORGAN, PETTIS, RAY,
ST. CLAIR, SALINE AND VERNON COUNTIES

	Rates	Fringes
Plumbers.....	\$ 56.63	24.54

PLUM0045-003 08/01/2024

ANDREW, ATCHISON, BUCHANAN, CALDWELL, CLINTON, DAVIESS, DEKALB,
GENTRY, HARRISON, HOLT, NODAWAY AND WORTH COUNTIES

	Rates	Fringes
Plumbers and Pipefitters.....	\$ 47.45	26.15

PLUM0178-003 11/01/2024

BARRY, CEDAR, CHRISTIAN, DADE, DALLAS, DOUGLAS, GREENE,
HICKORY, LACLEDE, LAWRENCE, POLK, STONE, TANEY, WEBSTER AND
WRIGHT COUNTIES

	Rates	Fringes
Plumbers and Pipefitters.....	\$ 39.35	15.72

PLUM0178-006 11/01/2022		

BARTON, JASPER, MCDONALD AND NEWTON COUNTIES

	Rates	Fringes
Plumbers and Pipefitters		
Projects \$750,000 & under...	\$ 32.78	15.32
Projects over \$750,000.....	\$ 35.75	15.32

PLUM0533-004 06/01/2024		

BATES, BENTON, CARROLL, CASS, CLAY, HENRY, HICKORY, JACKSON,
JOHNSON, LAFAYETTE, MORGAN, PETTIS, PLATTE, RAY, SALINE, ST.
CLAIR AND VERNON COUNTIES

	Rates	Fringes
Pipefitters.....	\$ 55.56	25.80

PLUM0562-004 07/01/2023		

ADAIR, AUDRAIN, BOLLINGER, BOONE, BUTLER, CALLAWAY,CAMDEN, CAPE
GIRARDEAU,CARTER, CHARITON, CLARK, COLE, COOPER, CRAWFORD,
DENT, DUNKLIN, FRANKLIN, GASCONADE, GRUNDY, HOWARD, HOWELL,
IRON, JEFFERSON, KNOX, LEWIS, LINCOLN, LINN, LIVINGSTON, MACON,
MADISON, MARIES, MARION, MERCER, MILLER, MISSISSIPPI, MONITEAU,
MONROE, MONTGOMERY, NEW MADRID, OREGON, OSAGE, PEMISCOTT,
PERRY, PHELPS, PIKE, PULASKI, PUTNAM, RALLS, RANDOLPH,
REYNOLDS, RIPLEY, ST. CHARLES, ST.FRANCOIS, STE. GENEVIEVE, ST.
LOUIS, SCHUYLER, SCOTLAND, SCOTT, SHANNON, SHELBY, STODDARD,
SULLIVAN, TEXAS, WARREN, WASHINGTON,AND WAYNE COUNTIES.

	Rates	Fringes
Plumbers and Pipefitters		
Mechanical Contracts		
including all piping and		
temperature control work		
\$7.0 million & under.....	\$ 46.66	21.99
Mechanical Contracts		
including all piping and		
temperature control work		
over \$7.0 million.....	\$ 46.66	21.99

PLUM0562-016 07/01/2023		

CAMDEN, COLE, CRAWFORD, FRANKLIN, JEFFERSON, MARIES, MILLER,
MONITEAU, OSAGE, PHELPS, PULASKI, ST. CHARLES, ST. LOUIS (City
and County), WARREN and WASHINGTON COUNTIES

	Rates	Fringes
Plumbers		
Mechanical Contracts		
including all piping and		

temperature control work		
\$7.0 million & under.....	\$ 46.66	21.99
Mechanical Contracts		
including all piping and		
temperature control work		
over \$7.0 million.....	\$ 46.66	21.99

TEAM0013-001 05/01/2025

	Rates	Fringes
--	-------	---------

Truck drivers (ADAIR, BUTLER,
CLARK, DUNKIN, HOWELL, KNOX,
LEWIS, OREGON, PUTNAM,
RIPLEY, SCHUYLER AND SCOTLAND
COUNTIES)

GROUP 1.....	\$ 35.84	15.85
GROUP 2.....	\$ 35.99	15.85
GROUP 3.....	\$ 36.11	15.85
GROUP 4.....	\$ 35.74	15.85

Truck drivers (AUDRAIN,
BOLLINGER, BOONE, CALLAWAY,
CAPE GIRARDEAU, CARTER, COLE,
CRAWFORD, DENT, GASCONADE,
IRON, MACON, MADISON, MARIES,
MARION, MILLER, MISSISSIPPI,
MONROE, MONTGOMERY, NEW
MADRID, OSAGE, PEMISCOT,
PERRY, PHELPS, PIKE, PULASKI,
RALLS, REYNOLDS, ST.
FRANCOIS, STE. GENEVIEVE,
SCOTT, SHANNON, SHELBY,
STODDARD, TEXAS, WASHINGTON
AND WAYNE COUNTIES)

GROUP 1.....	\$ 36.57	15.85
GROUP 2.....	\$ 36.72	15.85
GROUP 3.....	\$ 36.84	15.85
GROUP 4.....	\$ 36.73	15.85

Truck drivers (FRANKLIN,
JEFFERSON and ST. CHARLES
COUNTIES)

GROUP 1.....	\$ 38.93	15.85
GROUP 2.....	\$ 39.08	15.85
GROUP 3.....	\$ 39.15	15.85
GROUP 4.....	\$ 39.04	15.85

Truck drivers (LINCOLN and
WARREN COUNTIES)

GROUP 1.....	\$ 37.58	15.85
GROUP 2.....	\$ 38.73	15.85
GROUP 3.....	\$ 37.80	15.85
GROUP 4.....	\$ 37.69	15.85

TRUCK DRIVERS CLASSIFICATIONS:

GROUP 1: Flat Bed Trucks, Single Axle; Station Wagons;
Pickup Trucks; Material Trucks, Single Axle; Tank Wagon,
Single Axle

GROUP 2: Agitator and Transit Mix Trucks

GROUP 3: Flat Bed Trucks, Tandem Axle; Articulated Dump
Trucks; Material Trucks, Tandem Axle; Tank Wagon, Tandem
Axle

GROUP 4: Semi and/or Pole Trailers; Winch, Fork & Steel

Trucks; Distributor Drivers and Operators; Tank Wagon,
Semi-Trailer; Insley Wagons, Dumpsters, Half-Tracks,
Speedace, Euclids and other similar equipment; A-Frame and
Derrick Trucks; Float or Low Boy

TEAM0056-001 05/01/2025

Rates Fringes

Truck drivers (ANDREW,
BARTON, BATES, BENTON,
CALDWELL, CAMDEN, CARROLL,
CEDAR, CHARITON, CHRISTIAN,
CLINTON, COOPER, DADE,
DALLAS, DAVIESS, DEKALB,
DOUGLAS, GREENE, HENRY,
HICKORY, HOWARD, JASPER,
LACLEDE, LAWRENCE, LINN,
LIVINGSTON, MONITEAU, MORGAN,
NEWTON, PETTIS, POLK,
RANDOLPH, ST. CLAIR, SALINE,
VERNON, WEBSTER AND WRIGHT
COUNTIES)
GROUP 1.....\$ 36.27 15.85
GROUP 2.....\$ 36.43 15.85
GROUP 3.....\$ 36.42 15.85
GROUP 4.....\$ 36.54 15.85

Truck drivers: (ATCHISON,
BARRY, GENTRY, GRUNDY,
HARRISON, HOLT, MCDONALD,
MERCER, NODAWAY, OZARK,
STONE, SULLIVAN, TANEY AND
WORTH COUNTIES)
GROUP 1.....\$ 35.54 15.85
GROUP 2.....\$ 35.70 15.85
GROUP 3.....\$ 35.69 15.85
GROUP 4.....\$ 35.81 15.85

Truck drivers; (BUCHANAN,
JOHNSON AND LAFAYETTE
COUNTIES)
GROUP 1.....\$ 35.93 15.75
GROUP 2.....\$ 36.04 15.75
GROUP 3.....\$ 36.08 15.75
GROUP 4.....\$ 36.08 15.75

TRUCK DRIVER CLASSIFICATIONS

GROUP 1: Flat bed trucks single axle; station wagons; pickup
trucks; material trucks single axle; tank wagons single
axle.

GROUP 2: Agitator and transit mix-trucks.

GROUP 3: Flat bed trucks tandem axle; articulated dump
trucks; material trucks tandem axle; tank wagons tandem
axle.

GROUP 4: Semi and/or pole trailers; winch, fork & steel
trucks; distributor drivers & operators; tank wagons semi-
trailer; insley wagons, dumpsters, half-tracks, speedace,
euclids & other similar equipment; A-frames and derrick
trucks; float or low boy.

TEAM0245-001 03/26/2012

BARRY, BARTON, CAMDEN, CEDAR, CHRISTIAN, DALLAS, DENT, DOUGLAS,
GREENE, HICKORY, HOWELL, JASPER, LACLEDE, LAWRENCE, MCDONALD,
MILLER, NEWTON, OZARK, PHELPS, POLK, PULASKI, SHANNON, STONE,
TANEY, TEXAS, VERNON, WEBSTER AND WRIGHT COUNTIES

	Rates	Fringes
--	-------	---------

Truck drivers:

Traffic Control Service		
Driver.....	\$ 20.45	0.00

PAID HOLIDAYS: New Year's Day, Decoration Day, July 4th,
Labor Day, Thanksgiving Day, Christmas Day, employee's
birthday and 2 personal days.

TEAM0541-001 04/01/2025

CASS, CLAY, JACKSON, PLATTE AND RAY COUNTIES

	Rates	Fringes
--	-------	---------

Truck drivers:

GROUP 1.....	\$ 38.61	15.85
GROUP 2.....	\$ 38.04	15.85
GROUP 3.....	\$ 37.52	15.85

TRUCK DRIVERS CLASSIFICATIONS

GROUP 1: Mechanics and Welders, Field; A-Frame Low Boy-Boom
ruck Driver.

GROUP 2: Articulated Dump Truck; Insley Wagons: Dump Trucks,
Excavating, 5 cu yds and over; Dumpsters; Half-Tracks:
Speedace: Euclids & similar excavating equipment Material
trucks, Tandem Two teams; Semi-Trailers; Winch trucks-Fork
trucks; Distributor Drivers and Operators; Agitator and
Transit Mix; Tank Wagon Drivers, Tandem or Semi; One Team;
Station Wagons; Pickup Trucks; Material Trucks, Single
Axle; Tank Wagon Drivers, Single Axle

GROUP 3: Oilers and Greasers - Field

TEAM0682-002 05/01/2025

ST LOUIS CITY AND COUNTY

	Rates	Fringes
--	-------	---------

Truck drivers:

GROUP 1.....	\$ 37.83	9.85+a+b+c
GROUP 2.....	\$ 37.83	9.85+a+b+c
GROUP 3.....	\$ 37.83	9.85+a+b+c

a. PENSION: 5/1/2012 - \$182.20 per week.

b. HAZMAT PREMIUM: If Hazmat certification on a job site is
required by a state or federal agency or requested by
project owner or by the employer, employees on that job
site shall receive \$1.50 premium pay.

TRUCK DRIVERS CLASSIFICATIONS

GROUP 1 - Pick-up trucks; forklift, single axle; flatbed trucks; job site ambulance, and trucks or trailers of a water level capacity of 11.99 cu. yds. or less

GROUP 2 - Trucks or trailers of a water level capacity of 12.0 cu yds. up to 22.0 cu yds. including euclids, speedace and similar equipment of same capacity and compressors

GROUP 3 - Trucks or trailers of a water level capacity of 22.0 cu. yds & over including euclids, speedace & all floats, flatbed trailers, boom trucks, winch trucks, including small trailers, farm wagons tilt-top trailers, field offices, tool trailers, concrete pumps, concrete conveyors & gasoline tank trailers and truck mounted mobile concrete mixers

FOOTNOTE FOR TRUCK DRIVERS:

c. PAID HOLIDAYS: Christmas Day, Independence Day, Labor Day, Memorial Day, Veterans Day, New Years Day, Thanksgiving Day

d. PAID VACATION: 3 days paid vacation for 600 hours of service in any one contract year; 4 days paid vacation for 800 hours of service in any one contract year; 5 days paid vacation for 1,000 hours of service in any one contract year. When such an employee has completed 3 years of continuous employment with the same employer and then works the above required number of hours, he shall receive double the number of days of vacation specified above. When such an employee has completed 10 years of continuous employment with the same employer and then works the above required number of hours, he shall receive triple the number of days of vacation specified above. When such an employee has completed 15 years of continuous employment with the same employer and then works the above required number of hours, he shall receive 4 times the number of days of vacation specified above.

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

=====
Note: Executive Order (EO) 13706, Establishing Paid Sick Leave for Federal Contractors applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2017. If this contract is covered by the EO, the contractor must provide employees with 1 hour of paid sick leave for every 30 hours they work, up to 56 hours of paid sick leave each year. Employees must be permitted to use paid sick leave for their own illness, injury or other health-related needs, including preventive care; to assist a family member (or person who is like family to the employee) who is ill, injured, or has other health-related needs, including preventive care; or for reasons resulting from, or to assist a family member (or person who is like family to the employee) who is a victim of, domestic violence, sexual assault, or stalking. Additional information on contractor requirements and worker protections under the EO is available at

<https://www.dol.gov/agencies/whd/government-contracts>.

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) (iii)).

The body of each wage determination lists the classifications and wage rates that have been found to be prevailing for the type(s) of construction and geographic area covered by the wage determination. The classifications are listed in alphabetical order under rate identifiers indicating whether the particular rate is a union rate (current union negotiated rate), a survey rate, a weighted union average rate, a state adopted rate, or a supplemental classification rate.

Union Rate Identifiers

A four-letter identifier beginning with characters other than ""SU"", ""UAVG"", ?SA?, or ?SC? denotes that a union rate was prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2024. PLUM is an identifier of the union whose collectively bargained rate prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. The date, 07/01/2024 in the example, is the effective date of the most current negotiated rate.

Union prevailing wage rates are updated to reflect all changes over time that are reported to WHD in the rates in the collective bargaining agreement (CBA) governing the classification.

Union Average Rate Identifiers

The UAVG identifier indicates that no single rate prevailed for those classifications, but that 100% of the data reported for the classifications reflected union rates. EXAMPLE: UAVG-OH-0010 01/01/2024. UAVG indicates that the rate is a weighted union average rate. OH indicates the State of Ohio. The next number, 0010 in the example, is an internal number used in producing the wage determination. The date, 01/01/2024 in the example, indicates the date the wage determination was updated to reflect the most current union average rate.

A UAVG rate will be updated once a year, usually in January, to reflect a weighted average of the current rates in the collective bargaining agreements on which the rate is based.

Survey Rate Identifiers

The ""SU"" identifier indicates that either a single non-union rate prevailed (as defined in 29 CFR 1.2) for this classification in the survey or that the rate was derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As a weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SUFL2022-007 6/27/2024. SU indicates the rate is a single non-union

prevailing rate or a weighted average of survey data for that classification. FL indicates the State of Florida. 2022 is the year of the survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. The date, 6/27/2024 in the example, indicates the survey completion date for the classifications and rates under that identifier.

?SU? wage rates typically remain in effect until a new survey is conducted. However, the Wage and Hour Division (WHD) has the discretion to update such rates under 29 CFR 1.6(c)(1).

State Adopted Rate Identifiers

The ""SA"" identifier indicates that the classifications and prevailing wage rates set by a state (or local) government were adopted under 29 C.F.R 1.3(g)-(h). Example: SAME2023-007 01/03/2024. SA reflects that the rates are state adopted. ME refers to the State of Maine. 2023 is the year during which the state completed the survey on which the listed classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. The date, 01/03/2024 in the example, reflects the date on which the classifications and rates under the ?SA? identifier took effect under state law in the state from which the rates were adopted.

----- WAGE DETERMINATION APPEALS PROCESS

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

- a) a survey underlying a wage determination
- b) an existing published wage determination
- c) an initial WHD letter setting forth a position on a wage determination matter
- d) an initial conformance (additional classification and rate) determination

On survey related matters, initial contact, including requests for summaries of surveys, should be directed to the WHD Branch of Wage Surveys. Requests can be submitted via email to davisbaconinfo@dol.gov or by mail to:

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

Regarding any other wage determination matter such as conformance decisions, requests for initial decisions should be directed to the WHD Branch of Construction Wage Determinations. Requests can be submitted via email to BCWD-Office@dol.gov or by mail 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 an initial decision has been issued, then any interested

party (those affected by the action) that disagrees with the decision can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Requests for review and reconsideration can be submitted via email to dba.reconsideration@dol.gov or by mail 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 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.

=====

END OF GENERAL DECISION"



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Michael L. Parson
Governor

Dru Buntin
Director

January 30, 2024

Murray Verbonitz
Garver
6100 South Yale, Suite 1300
Tulsa, OK 74136

Re: **SHPO Project Number: 003-HA-24** – Bridge #4750002 Replacement Project on W. 120 Avenue over Sampson Creek, BRO-R041(38), New Hampton, Harrison County, Missouri (FHWA)

Dear Murray Verbonitz:

Thank you for submitting information to the State Historic Preservation Office (SHPO) regarding the above-referenced project for review pursuant to Section 106 of the National Historic Preservation Act, P.L. 89-665, as amended (NHPA), and the Advisory Council on Historic Preservation's regulation 36 CFR Part 800, which require identification and evaluation of historic properties.

We have reviewed the information regarding the above-referenced project and have included our comments on the following page(s). Please retain this documentation as evidence of consultation with the Missouri SHPO under Section 106 of the NHPA. SHPO concurrence does not complete the Section 106 process as federal agencies will need to conduct consultation with all interested parties. **Please be advised that, if the current project area or scope of work changes, such as a borrow area being added, or cultural materials are encountered during construction, appropriate information must be provided to this office for further review and comment.**

If you have questions please contact the SHPO at (573)751-7858 or call/email Jeffrey Alvey, (573) 751-7862, jeffrey.alvey@dnr.mo.gov. If additional information is required please submit the information via email to MOSection106@dnr.mo.gov.

Sincerely,

STATE HISTORIC PRESERVATION OFFICE

Brian Stith
Deputy Director Division of State Parks and
Deputy Missouri State Historic Preservation Officer

c: Rachel Campbell, MoDOT
Michael Meyer, MoDOT
Taylor Peters, FHWA
Geordon Taylor, MoDOT



SHPO Project Number: 003-HA-24 – Bridge #4750002 Replacement Project on W. 120 Avenue over Sampson Creek, BRO-R041(38), New Hampton, Harrison County, Missouri (FHWA)

COMMENTS:

Adequate documentation has been provided as outlined in 36 CFR Section 800.11. After review of the initial submission, we concur that Bridge No. 4750002 should be considered **not eligible** for inclusion in the National Register of Historic Places. We further concur with your determination of **no historic properties affected** and have no objection to the initiation of project activities.



Missouri Department of Natural Resources

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION 2021 GENERAL AND SPECIFIC CONDITIONS

Water Protection Program

10/2021

Division of Environmental Quality

PUB2947

Consistent with Section 401 of the Clean Water Act (CWA), 33 U.S.C. § 1341, the Missouri Department of Natural Resources (Department) has designed these precertified conditions to ensure activities carried out in Missouri pursuant to Nationwide Permits (NWP) authorized by the U.S. Army Corps of Engineers (USACE) will comply with Missouri water quality requirements. Unless otherwise stated, these conditions are in addition to, not a replacement for, any federal requirements or conditions.

The conditions outlined in this programmatic WQC apply to those authorized projects where the project proponent has chosen to accept these conditions instead of pursuing an individual CWA Section 401 Water Quality Certification (WQC) for the following NWPs:

- Only General Conditions apply to projects authorized by NWPs 5, 6, 7, 13, 15, 16, 18, 19, 22, 23, 25, 27, 29, 30, 31, 36, 39, 40, 42, 43, 45, 46, 54, and 59.
- Both General and Specific Conditions apply to projects authorized by NWPs 3, 4, 12, 14, 20, 33, 41, 53, 57, and 58.

Alternatively, a project proponent may apply to the Department for individual WQC if it does not wish to accept the conditions outlined in this document.

NWPs 1, 2, 8, 9, 10, 11, 28, and 35 authorize projects pursuant to Section 10 of the Rivers and Harbors Act of 1899 only. These NWPs do not require CWA Section 401 WQC because they authorize activities which, in the opinion of the USACE, could not reasonably be expected to result in a discharge into waters of the United States. An activity needing only a Section 10 permit may require a WQC if that activity can reasonably be expected to result in any discharge either during construction or operation of the facility. Thus, if the USACE determines the activity is likely to result in a discharge during construction or operation, the Department has discretion to require a WQC for the Section 10 activity. The USACE may advise a Section 10 permit project proponent that it might need a WQC if there is a reasonable expectation that a discharge will occur either during the construction or operation of the project.

Pursuant to Section 644.037, RSMo, the Department shall certify without conditions NWPs as they apply to impacts on wetlands in Missouri. Because NWPs are minimal impact, Missouri does not have water quality standards specific to wetlands, and only the general criteria apply, discharges to wetlands from projects authorized by NWPs will comply with water quality requirements.

Pursuant to Section 644.038, RSMo, the Department shall certify without conditions all NWPs for impacts in all waters of the state for the construction of highways and bridges approved by the Missouri Highway and Transportation Commission. A Memorandum of Understanding between the Missouri Departments of Natural Resources and Transportation contains the requirements by which the Missouri Department of Transportation will design and construct such projects in order to protect the water quality of waters of the state. Therefore, as a result of this side agreement, the Department grants programmatic WQC for all NWPs without conditions for the construction of highways and bridges approved by the Missouri Highway and Transportation Commission, because any discharges from these projects will comply with water quality requirements.

GENERAL CONDITIONS

1. A stream's pattern, profile, and dimension, including but not limited to sinuosity, slope, and channel width, shall be maintained as much as practicable. Streambed gradient shall not be adversely impacted during project construction. No project shall accelerate bed or bank erosion. This will ensure compliance with the Missouri Water Quality Standards general criterion requiring waters to be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)].
2. Channelization of streams is not allowed under this precertification. Channelization includes but is not limited to reducing the length of the channel, widening the channel for increased water storage or flow, and/or construction of hard structures which concentrate flow. Unless necessary for a stream crossing associated with infrastructure projects and contained within an associated right-of-way, construction easement, or permanent easement, bank stabilization activities only along one bank of a stream are permitted, including but not limited to bank sloping and riprapping. The redirection of flow by excavation of the opposite bank or a streambed is considered a channel modification and is not authorized by this WQC. This will ensure compliance with the Missouri Water Quality Standards general criterion requiring waters to be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)].
3. No new or expanded wet stormwater retention basins or similar impoundment structures may be constructed unless they are located off-channel. In-channel dry stormwater detention basins are allowable if the stream channel is either temporarily or not adversely affected by the basin. This will ensure compliance with the Missouri Water Quality Standards general criterion requiring waters to be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)].
4. Only clean, nonpolluting fill shall be used. The following materials are not suitable where contact with water is expected and shall not be used due to their potential to cause violations of the general criteria of Missouri's Water Quality Standards [10 CSR 20-7.031(4)]:
 - a. Earthen fill, gravel and broken concrete where the material does not meet the Suitable Material specifications stated in the "Missouri Nationwide Permit Regional Conditions" (<https://usace.contentdm.oclc.org/digital/collection/p16021coll11/id/2662/>) in locations where erosive flows are expected to occur on a regular basis, such as streambanks and/or lake shorelines.
 - b. Asphalt.
 - c. Concrete with exposed rebar.
 - d. Tires, vehicles or vehicle bodies, and construction or demolition debris are solid waste and are excluded from placement in the waters of the state. Properly sized, broken concrete without exposed rebar is allowed.
 - e. Liquid concrete, including grouted riprap, if not placed in forms as part of an engineered structure.
 - f. Any material containing chemicals that would result in violation of Missouri Water Quality Standards general criteria [10 CSR 20-7.031(4)] or specific criteria [10 CSR 20-7.031(5)].
5. Waste concrete or concrete rinsate shall be disposed of in a manner that does not result in discharge to any jurisdictional water ways. This will ensure compliance with the Missouri Water Quality Standards general criteria requiring waters be free from unsightly bottom deposits [10 CSR 20-7.031(4)(A)]; substances resulting in toxicity to human, animal, or aquatic life [10 CSR 20-7.031(4)(D)]; and physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)].
6. Missouri Water Quality Standards antidegradation requirements dictate all appropriate and reasonable Best Management Practices related to erosion and sediment control, project stabilization and prevention of water quality degradation are applied and maintained; for example, preserving vegetation, streambank stability and basic drainage [10 CSR 20-7.031(3)(D)]. Best Management Practices shall be properly installed prior to conducting authorized activities and maintained, repaired and/or replaced as needed during all phases of the project to limit the amount of discharge of water contaminants to waters of the state. The project shall not involve more than normal stormwater or incidental loading of sediment caused by project activities so as to comply with Missouri's general water quality criteria [10 CSR 20-7.031(4)]; <https://www.sos.mo.gov/cmsimages/adrules/csr/current/10csr/10c20-7a.pdf>

7. Clearing of vegetation and trees shall be the minimum necessary to accomplish the activity except for the removal of invasive or noxious species and placement of ecologically beneficial practices. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirement for Best Management Practices [10 CSR 20-7.031(3)(B)].
8. Care shall be taken to keep machinery out of the water way as much as possible. If work in the water way is unavoidable, it shall be performed in a way that minimizes the duration and amount of any disturbance to banks, substrate and vegetation to prevent increases in turbidity. Fuel, oil and other petroleum products, equipment, construction materials and any solid waste shall not be stored below the ordinary high water mark at any time or in the adjacent flood-prone areas beyond normal working hours. All precautions shall be taken to avoid the release of wastes or fuel to streams and other adjacent waters as a result of this operation. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirement for Best Management Practices [10 CSR 20-7.031(3)(B)] and Missouri Water Quality Standards general criteria requiring waters be free from substances preventing beneficial uses [10 CSR 20-7.031(3)(A)]; substances causing unsightly color or turbidity [10 CSR 20-7.031(4)(C)]; and physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)].
9. Petroleum products spilled into any water or on the banks where the material may enter waters of the state shall be immediately cleaned up and disposed of properly. Any such spills of petroleum shall be reported as soon as possible, but no later than 24 hours after discovery to the Department of Natural Resources' Environmental Emergency Response number at 573-634-2436 or website at <http://dnr.mo.gov/env/esp/esp-eer.htm>. This will ensure compliance with Missouri Environmental Improvement Authority to provide for the conservation of state water resources by the prevention of pollution and proper methods of disposal [Section 260.015, RSMo] and Missouri Water Quality Standards general criteria requiring waters be free from substances that prevent maintenance of beneficial uses; cause unsightly bottom deposits, color, turbidity or toxicity; and/or impair the natural biological community [10 CSR 20-7.031(4)(A), -(B), and -(H)].
10. All efforts shall be made to minimize exposure of unprotected soils. To the best of the project proponent's ability, project activity shall be conducted at times of little or no rainfall to limit the amount of overland flow and sediment disturbance caused by heavy equipment. This will ensure compliance with Missouri antidegradation requirements for Best Management Practices [10 CSR 20-7.031(3)(B)].
11. Programmatic WQC is denied for any NWP issued on a water that is listed for a sediment-related impairment, aquatic habitat alteration, channelization, or unknown impairment as listed in the most current Water Quality Report (Section 305(b) Report) at <https://dnr.mo.gov/water/what-were-doing/water-planning/quality-standards-impaired-waters-total-maximum-daily-loads/impaired-waters>. Although intended to result in minimal impacts, NWP authorizations in these waters may contribute to impairments and result in noncompliance with Missouri's general water quality criteria requiring waters be free from physical, chemical, and hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)] or exceedance of Missouri Water Quality Standards specific criteria [10 CSR 20-7.031(5)]. Since WQC General or Specific Conditions cannot be established to address all concerns from the variety of impairments and activities authorized by NWPs, individual review for WQC will be required. Requirements for individual WQC will be determined on a case-by-case basis based on the specific impairments, and additional testing, design, disposal, or BMP considerations may be required.

To determine the location of the waters noted above, the Department's geospatial data is available upon request, and all published data is available on the Missouri Spatial Data Information Services website at msdis.missouri.edu/. Additional information to identify the project location, including stream reaches with listed impairments or special water designations, may be obtained from the Department's Water Protection Program at 573-522-4502.

12. Programmatic WQC is denied for projects authorized by NWP 17, 21, 32, 34, 37, 38, 44, 48, 49, 50, 51, 52, 55, and 56. Although intended to result in minimal impacts, these NWPs authorize activities that may contribute to impairments and result in noncompliance with Missouri's general water quality criteria [10 CSR 20-7.031(4)], including the requirement that all waters of the state shall be free from physical, chemical, and hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)], or noncompliance with Missouri's specific water quality criteria [10 CSR 20-7.031(5)]. Because programmatic WQC General or Specific Conditions cannot be established to address all concerns from the variety of impairments and activities authorized by these NWPs, the Department requires individual review for WQC for these NWPs. Requirements for individual WQC will be determined on a case-by-case basis based on the specific projects, and additional testing, design, disposal, or BMP considerations may be required.
13. Mitigation for loss of stream resources should be in conformance with the compensatory mitigation guidance currently approved for use in Missouri, including guidance provided by the Missouri Stream Mitigation Method. Stream impacts shall require compensatory mitigation with only instream or riparian corridor credits. Compensatory mitigation shall be within the state of Missouri. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirement for maintenance and protection of designated uses [10 CSR 20-7.031(3)] Mitigation guidance documents can be located online at www.nwk.usace.army.mil/Missions/RegulatoryBranch/StateofMissouri.

SPECIFIC CONDITIONS

14. Nationwide Permit 3 Maintenance
- Silt, sediment, and debris removal shall be limited to a maximum of 200 LF upstream and 200 LF downstream of structures. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirement for maintenance and protection of designated uses [10 CSR 20-7.031(3)].
15. Nationwide Permit 4 Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
Any inorganic or extraneous debris, such as may be found on Christmas trees shall be removed to qualify as clean, nonpolluting fill. This will ensure compliance with the Missouri's Water Quality Standards general criteria that waters shall be free from unsightly bottom deposits [10 CSR 20-7.031(4)(A)] and solid waste [10 CSR 20-7.031(4)(I)].
16. Nationwide Permit 12 Oil and Natural Gas Pipeline Activities,
Nationwide Permit 57 Electric Utility Line and Telecommunications Activities, and
Nationwide Permit 58 Utility Line Activities for Water and Other Substances
- For project crossings that must disturb a water body, work shall be conducted in such a manner as to seal off the work area from flow and minimize sediment transport. Material resulting from the activity shall not be sidecast into waters of the state for more than one month. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirement for Best Management Practices [10 CSR 20-7.031(3)(B)] and general criteria requiring waters be free from substances that prevent maintenance of beneficial uses; cause unsightly color, turbidity, or toxicity; and/or impair the natural biological community [10 CSR 20-7.031(4)(B), -(C), and -(H)].
 - If Horizontal Directional Drilling is used, drilling mud and/or other materials shall not be discharged into waters of the state. Best Management Practices shall be implemented to prevent possible discharges from reaching waters of the state. In the event materials are inadvertently discharged to waters of the state, notification to the Department of Natural Resources is required within 24 hours by calling 573-634-2436. This will ensure compliance with Missouri Water Quality Standards antidegradation requirement for Best Management Practices [10 CSR 20-7.031(3)(B)] and Missouri Environmental Improvement Authority [Section 260.015, RSMo] to provide for the conservation of state air, land and water resources by the prevention of pollution and proper methods of disposal.
 - Project crossings shall be placed as close to perpendicular as possible and shall be limited to a maximum crossing length of no more than one and one-half times the width of the stream. This will ensure compliance with the Missouri antidegradation requirement for maintenance and protection of designated uses [10 CSR 20-7.031(3)] and Best Management Practices [10 CSR 20-7.031(3)(B)].

17. **Nationwide Permit 14 Linear Transportation Projects**

- a. The permittee shall propose and employ measures to mitigate the removal of impounded sediment (e.g., sand, gravel) in the unstable area upstream of a proposed project to prevent it from being transported downstream and/or construct a notched weir to slow the release of impounded sediment from upstream of the proposed project. This will ensure compliance with the Missouri Water Quality Standards general criteria requiring waters be free from substances causing unsightly color or turbidity [10 CSR 20-7.031(4)(C)] and physical chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)]. Accumulated gravel may be allowed to naturally deposit into downstream plunge pool voids. Consultation with a hydrologist or other scientist is recommended if the amount of accumulated unconsolidated gravel exceeds the volume of plunge pool voids.
- b. Where this NWP is used to authorize bridge and culvert structures, stream channel work shall be limited to a maximum of 200 feet upstream and a maximum of 200 feet downstream of the bridge or culvert. For purposes of this condition, a channel modification is any activity that alters the width, depth, length and/or sinuosity of a water way. This will ensure compliance with the Missouri antidegradation requirement for maintenance and protection of designated uses [10 CSR 20-7.031(3)] and the Missouri Water Quality Standards general criterion requiring waters be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)].

18. **Nationwide Permit 20 Response Operations for Oil and Hazardous Substances**

Oil and hazardous substance releases shall be reported to the Department of Natural Resources' Environmental Emergency Response number at 573-634-2436. Continue to report updates with regard to the containment and cleanup of releases. This will ensure compliance with Missouri Environmental Improvement Authority [Section 260.015, RSMo] to provide for the conservation of state water resources by the prevention of pollution and proper methods of disposal.

19. **Nationwide Permit 33 Temporary Construction, Access and Dewatering**

- a. The use of this NWP shall be limited to impacts of six months or less in duration. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirements for maintenance and protection of designated uses [10 CSR 20-7.031(3)]
- b. Any removal of accumulated sediment (e.g., sand, gravel) upstream of a proposed project shall be limited to the quantity necessary to relieve any obstruction or to protect downstream habitat. The permittee must propose and employ measures to mitigate the removal of impounded sediment in the unstable area upstream of a proposed project to prevent it from being transported downstream and/or construct a notched weir to slow the release of impounded sediment from upstream of the proposed project. This will ensure compliance with the Missouri Water Quality Standards general criteria requiring waters be free from substances causing unsightly color or turbidity [10 CSR 20-7.031(4)(C)] and physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)].

20. **Nationwide Permit 41 Reshaping Existing Drainage Ditches**

In-channel disposal of excavated material not used for reshaping activities is prohibited. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirement for Best Management Practices [10 CSR 20-7.031(3)(B) and general criteria requiring waters be free from substances that prevent maintenance of beneficial uses; cause unsightly color, turbidity or toxicity; and/or impair the natural biological community [10 CSR 20-7.031(4)(B), -(C), and -(H)].

21. Nationwide Permit 53 *Removal of Low-Head Dams*

- a. The permittee must propose and employ measures to mitigate the removal of impounded sediment (e.g., sand, gravel) in the unstable area upstream of a proposed project to prevent it from being transported downstream and/or construct a notched weir to slow the release of impounded sediment from upstream of the proposed project. This will ensure compliance with the Missouri Water Quality Standards general criteria requiring waters be free from substances causing unsightly color or turbidity [10 CSR 20-7.031(4)(C)] and physical chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)]. Accumulated gravel may be allowed to naturally deposit into downstream plunge pool voids. Consultation with a hydrologist or other scientist is recommended if the amount of accumulated unconsolidated gravel exceeds the volume of plunge pool voids.
- b. Stream channel work shall be limited to a maximum of 100 feet upstream and a maximum of 100 feet downstream of the dam. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirement for maintenance and protection of designated uses [10 CSR 20-7.031(3)] and the Missouri Water Quality Standards general criterion requiring waters to be free from physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)].
- c. Restoration of the stream channel to its former, natural state is authorized. Individual WQC is required for non-natural channel modifications. This will ensure compliance with the Missouri Water Quality Standards general criteria requiring waters be free from physical chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)]. For purposes of this condition, a channel modification is any activity that alters the width, depth, length and/or sinuosity of a water way.

Unless the Department agrees to an alternative, requests for WQC should be sent electronically to wpsc401cert@dnr.mo.gov [Section 644.026.1(26), RSMo and 10 CSR 20-6.060(5)]. A request for WQC shall include all required information for a complete request for certification in compliance with 40 CFR Part 121. The Department may request additional information prior to providing a WQC decision to ensure Missouri water quality requirements are met, such as a response to comments from the Department, other resource agencies, and/or the public; planned compensatory mitigation; and/or an analysis of practicable alternatives.

An issued WQC, whether programmatically or individually issued, becomes part of and expires with the Section 404 and/or Section 10 permit unless explicitly stated in the WQC.

Acquisition of NWP and the attendant WQCs shall not be construed or interpreted to imply the requirements for other permits are replaced or superseded, including Clean Water Act Section 402 National Pollutant Discharge Elimination System Permits required under Missouri Clean Water Law [Sections 644.026.1 and 644.051, RSMo] for land disturbance or return water from material deposition. Permits or any other requirements shall remain in effect. Project proponents with questions are encouraged to contact the Department of Natural Resources' regional office in the project area. A regional office map with contact information is located at <https://dnr.mo.gov/about-us/division-environmental-quality/regional-office>.

Some localities are covered pursuant to Municipal Separate Storm Sewer System Permits with measures to control and possibly treat stormwater. If the project is located within one of these localities, project proponents must comply with all stormwater requirements of the locality's Stormwater Management Plan and any related ordinances. This ensures compliance with CWA Section 402 National Pollutant Discharge Elimination System Permit requirements and the Missouri Clean Water Law [Chapter 644, RSMo].

The Department encourages, but does not require, permittees to consider environmentally-friendly design techniques to include stormwater management strategies that maintain or restore the original site hydrology through infiltration, evaporation, or reuse of stormwater. Designs might include using porous pavement or creating vegetated swales and/or rain gardens. More information can be found at these websites: www.epa.gov/owow/NPS/lid/ and www.lid-stormwater.net/lid_techniques.htm.

The Department encourages the use of native vegetation to protect impacted areas from future water quality concerns. Native vegetation has evolved with Missouri's geology, climate, and wildlife to occur within a region as a result of natural processes rather than human intervention. For areas where direct impacts to streams are to be avoided, the Department recommends a minimum riparian buffer strip width of 50 feet as measured from top of bank.

The Department encourages the use of Horizontal Directional Drilling for stream and wetland crossings when practicable. If properly utilized, Horizontal Directional Drilling is an alternative to more traditional, open-trench methods and can result in significant minimization and/or complete avoidance of aquatic resource impacts.

The following publication provides guidance on how to protect water quality through Best Management Practices on project sites. For more information, please read: "Protecting Water Quality: A field guide to erosion, sediment and stormwater best management practices for development sites in Missouri and Kansas" dated January 2011 and located online at <https://dnr.mo.gov/document-search/protecting-water-quality-field-guide>.

To help determine if a proposed activity could encounter species or sites of conservation concern within or near a project, including those that have not been recorded, the project proponent is encouraged to visit:

- Missouri Department of Conservation's "Natural Heritage Review" website at <https://naturalheritagereview.mdc.mo.gov/>.
- U.S. Fish and Wildlife Service's "Information, Planning and Conservation" website at <http://ecos.fws.gov/ipac/>.

If the proposed project encounters and will potentially affect a species of concern, please promptly report it to the Missouri Department of Conservation and the U.S. Fish and Wildlife Service.

For more information
Missouri Department of Natural Resources
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102-0176
wpsc401cert@dnr.mo.gov
800-361-4827 or 573-522-4502
<https://dnr.mo.gov/water>

Schmidt, Cassie P.

From: Cassie Baumgartner <Cassie.Baumgartner@modot.mo.gov>
Sent: Tuesday, March 12, 2024 1:49 PM
To: Verbonitz, Murray J.
Cc: Dave Earls; Aaron Stolte
Subject: TE Review - Consultation Complete; BRO-R041038; Harrison County; Bridge Replacement on W. 120th Ave over Sampson Creek
Attachments: JSP_Tree_Clearing_Restriction_Dates_2023.doc; BRO-RO41(38)_MoDOT-Effects-Determination_Harrison_W-120th-Ave-over-Sampson-Creek_FINAL.pdf; 20240221 NLAA Concurrence Verification FHWABats.pdf

All,

I sent the programmatic range-wide consultation for IN and NLE bat habitat through the IPaC determination key and received a concurrence verification letter on February 21, 2024. The sponsor commits to seasonal tree clearing restrictions, only removing suitable summer bat roost habitat between Nov 1 and Mar 31.

The 14-day review period has passed with no further comment from USFWS. T&E clearance date 3/6/2024.

Sponsor--please either include a tree clearing JSP in the construction contract with the dates above, or follow the tree clearing dates ahead of the contract. Document in the construction diary when the trees get cleared. If you need further assistance from MoDOT, please contact this office.

This completes all T&E requirements for the RER.

Thank you,

Cassie Baumgartner
Environmental Contractor
(651) 760-0185
MoDOT-Design
601 West Main Street, PO Box 270
Jefferson City, MO



MEMO TO FILE

Request Number: 2024-09-00106; LPA Project Number: BRO-R041(38); County: Harrison County;

Sponsor: Harrison County

Review Completed by MoDOT Contractor: 2/21/2024

Project Code: 2023-0120449

Federal Species: Indiana bat, northern long-eared bat, and tricolored bat (proposed endangered)

State-Listed Species/State Species of Conservation Concern: No occurrences within 1.0 mile of project

Subject: Bridge Replacement on W 120th Avenue over Sampson Creek in Harrison County, MO

MoDOT's environmental contractor reviewed all documentation generated and submitted by the sponsor (Harrison County) and consultant (Garver) including the USFWS IPaC Official Species List, MDC Natural Heritage Review Level 1 report, RER project description, consultant threatened and endangered species determinations, and preliminary plans. The environmental contractor also reviewed the Missouri Natural Heritage Database (NHD 2023), and Missouri Speleological Survey Cave Database (MSS 2024) for additional resource information in and around the project area. The proposed project involves the replacement of the existing bridge (No. 4750002) on W 120 Avenue over Sampson Creek. The project includes removing and replacing the existing bridge with a new bridge with a roadway width of 24 feet that will follow the existing alignment.

The USFWS IPaC lists the following species for the project area: Indiana bat, northern long-eared bat, and tricolored bat (proposed endangered). There are no critical habitats located within the project limits. The MDC Level 1 report indicated that there were no known occurrences of state-listed species or species of conservation concern within 1 mile of the project area. Based on this information, no impacts to state-listed species or species of conservation concern are anticipated as a result of the project.

NOTE: *The IPaC species list contains the monarch butterfly (candidate for listing under the ESA). However, candidate status does not provide species protection under the listing process, and neither consultation nor conference, formal or informal, is required on Federal-aid highway projects for candidate species under the ESA Section 7 requirements. Per guidance received from USFWS on 1/5/2021, conferencing for monarchs is not required unless MoDOT is receiving funding from the USFWS. Because there is no USFWS funding associated with this project, MoDOT has not made an effects determination for this species.*

Indiana and northern long-eared bat: Indiana and northern long-eared bats hibernate during winter in caves and spend the breeding season in forested areas of the state where they may utilize suitable summer roost trees. Roosting and maternity habitat consists primarily of live or dead hardwood trees which have shingle-like bark, providing space for bats to roost underneath. Suitable summer roost habitat for the threatened northern long-eared bat overlaps greatly with Indiana bat habitat and includes additional use of trees with cavities, splits, crevices, hollow sections, and other damage. These two species could occur anywhere in Missouri where suitable habitat exists. According to the NHD, the nearest Indiana bat and northern long-eared bat occurrences are over 16 miles and 11 miles from the project limits, respectively.

In the plans provided by the consultant it was indicated that approximately 0.18 acres of trees would be removed by the project. All trees to be removed are located within 100-feet of the existing roadway surface. The consultant completed a habitat assessment and determined that the trees proposed to be removed are suitable summer roosting habitat for Indiana and northern long-eared bats. MoDOT

reviewed the consultant's habitat assessment documentation, including photos of trees to be removed, and agrees with their assessment. The sponsor has committed to seasonal tree clearing restrictions, only removing suitable summer roosting trees during the winter inactive season (Nov 1 – March 31); a seasonal clearing JSP will be required. Based on this information, MoDOT determined that the project May Affect, but is Not Likely to Adversely Affect (MANLAA) Indiana and northern long-eared bats. Project impacts qualify for informal consultation under the existing USFWS/FHWA Programmatic Biological Opinion. A concurrence verification letter was submitted to USFWS on February 21, 2024.

Tricolored bat: The tricolored bat was proposed for listing (proposed endangered) under the Endangered Species Act on September 13, 2022. The final rule for this species has not yet been finalized. During the winter, tricolored bats hibernate in caves and mines, although in areas where caves are sparse, tricolored bats may hibernate in culverts, tree cavities, or abandoned water wells. During the summer months, tricolored bats roost in trees, primarily among leaves. According to the NHD, the nearest record of tricolored bat is over 39 miles from the project limits. While the removal of 0.18-acre of trees will not jeopardize the continued existence of the tricolored bat, a re-evaluation of project impacts to the tricolored bat may be required if trees are not removed prior to when the final rule is published. At that time, MoDOT will make an effects determination for this species.

Migratory birds: The consultant completed an inspection of the existing bridge and did not document the presence of any bird nests on the underside of the structure. Photos were provided for MoDOT review. Based on this information, there are no concerns related to migratory birds or conflicts with the MBTA.

As the designated non-federal representative of FHWA for USFWS Section 7 ESA requirements, MoDOT has determined the project May Affect, but is Not Likely to Adversely Affect the Indiana bat and northern long-eared bat. The project will not jeopardize the continued existence of the proposed tricolored bat but will require a re-evaluation of project impacts if trees are not removed prior to the final rule being published. There are no state-listed/protected species or MBTA concerns.

Cassie Baumgartner
Environmental Contractor
(651) 760-0185
MoDOT-Design
601 West Main Street, PO Box 270
Jefferson City, MO





United States Department of the Interior

FISH AND WILDLIFE SERVICE
Missouri Ecological Services Field Office
101 Park Deville Drive
Suite A
Columbia, MO 65203-0057
Phone: (573) 234-2132 Fax: (573) 234-2181



In Reply Refer To:

February 21, 2024

Project code: 2023-0120449

Project Name: FHWA-LPA Fed Trans Project:BRO-R041(38), Harrison Co, Bridge Replacement over Sampson Creek

Subject: Concurrence verification letter for the 'FHWA-LPA Fed Trans Project:BRO-R041(38), Harrison Co, Bridge Replacement over Sampson Creek' project under the amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion (dated March 23, 2023) for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (NLEB).

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request dated February 21, 2024 to verify that the **FHWA-LPA Fed Trans Project:BRO-R041(38), Harrison Co, Bridge Replacement over Sampson Creek** (Proposed Action) may rely on the concurrence provided in the amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion (dated March 23, 2023) for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures. **At least one of the qualification interview questions indicated an activity or portion of your project is consistent with a not likely to adversely affect determination therefore, the overall determination for your project is, may affect, and is not likely to adversely affect (NLAA) the endangered Indiana bat (*Myotis sodalis*) and/or the endangered northern long-eared bat (*Myotis septentrionalis*).** Consultation with the Service pursuant to section 7(a)(2) of ESA (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required.

The Service has 14 calendar days to notify the lead Federal action agency or designated non-federal representative if we determine that the Proposed Action does not meet the criteria for a NLAA determination under the PBO. If we do not notify the lead Federal action agency or

designated non-federal representative within that timeframe, you may proceed with the Proposed Action under the terms of the NLAA concurrence provided in the PBO. This verification period allows Service Field Offices to apply local knowledge to implementation of the PBO, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, Service Field Offices may request additional information that is necessary to verify inclusion of the proposed action under the PBO.

For Proposed Actions that include bridge/culvert or structure removal, replacement, and/or maintenance activities: If your initial bridge/culvert or structure assessment documented signs of bat use or occupancy, or an assessment failed to detect Indiana bats and/or NLEBs, yet are later detected prior to, or during construction, please submit the Post Assessment Discovery of Bats at Bridge/Culvert or Structure Form (User Guide Appendix E) to this Service Office within 2 working days of any potential take. In these instances, potential incidental take of Indiana bats and/or NLEBs is covered under the Incidental Take Statement in the 2018 FHWA, FRA, FTA PBO (provided that the take is reported to the Service).

If the Proposed Action is modified, or new information reveals that it may affect the Indiana bat and/or northern long-eared bat in a manner or to an extent not considered in the PBO, further review to conclude the requirements of ESA Section 7(a)(2) may be required.

For Proposed Actions that include bridge/culvert or structure removal, replacement, and/or maintenance activities:

If your initial bridge/culvert or structure assessments failed to detect Indiana bats and/or NLEB use or occupancy, yet bats are later detected prior to, or during construction, please submit the Post Assessment Discovery of Bats at Bridge/Culvert or Structure Form (User Guide Appendix E) to this Service Office within 2 working days of the incident. In these instances, potential incidental take of Indiana bats and/or NLEBs may be exempted provided that the take is reported to the Service.

If the Proposed Action may affect any other federally-listed or proposed species, and/or any designated critical habitat, additional consultation between the lead Federal action agency and this Service Office is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please contact this Service Office.

The following species may occur in your project area and **are not** covered by this determination:

- Monarch Butterfly *Danaus plexippus* Candidate
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

PROJECT DESCRIPTION

The following project name and description was collected in IPaC as part of the endangered species review process.

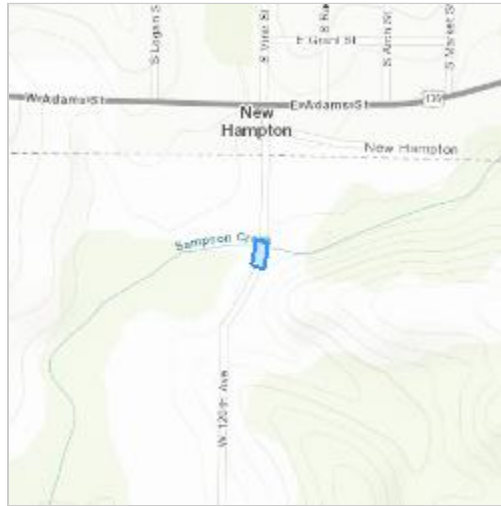
NAME

FHWA-LPA Fed Trans Project:BRO-R041(38), Harrison Co, Bridge Replacement over Sampson Creek

DESCRIPTION

Bridge replacement of bridge 4750002 on W 20 Ave over Sampson Creek

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@40.258636100000004,-94.1966652185315,14z>



DETERMINATION KEY RESULT

Based on your answers provided, this project(s) may affect, but is not likely to adversely affect the endangered Indiana bat and/or the endangered northern long-eared bat, therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required. However, also based on your answers provided, this project may rely on the concurrence provided in the amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion (dated March 23, 2023) for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

QUALIFICATION INTERVIEW

1. Is the project within the range of the Indiana bat^[1]?

[1] See [Indiana bat species profile](#)

Automatically answered

Yes

2. Is the project within the range of the northern long-eared bat^[1]?

[1] See [northern long-eared bat species profile](#)

Automatically answered

Yes

3. Which Federal Agency is the lead for the action?

A) Federal Highway Administration (FHWA)

4. Are *all* project activities limited to non-construction^[1] activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)

[1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

No

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces^[1]?

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

No

6. Does the project include *any* activities **within** 0.5 miles of a known Indiana bat and/or NLEB hibernaculum^[1]?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

No

7. Is the project located **within** a karst area?

No

8. Is there *any* suitable^[1] summer habitat for Indiana Bat or NLEB **within** the project action area^[2]? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [User's Guide for the Range-wide Programmatic Consultation for Indiana Bat and Northern Long-eared Bat](#).

Yes

9. Will the project remove *any* suitable summer habitat^[1] and/or remove/trim any existing trees **within** suitable summer habitat?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

Yes

10. Will the project clear more than 20 acres of suitable habitat per 5-mile section of road/rail?

No

11. Have presence/probable absence (P/A) summer surveys^{[1][2]} been conducted^{[3][4]} **within** the suitable habitat located within your project action area?

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] Presence/probable absence summer surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat hibernaculum (contact local Service Field Office for appropriate distance from hibernacula) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats.

[3] For projects within the range of either the Indiana bat or NLEB in which suitable habitat is present, and no bat surveys have been conducted, the transportation agency will assume presence of the appropriate species. This assumption of presence should be based upon the presence of suitable habitat and the capability of bats to occupy it because of their mobility.

[4] Negative presence/probable absence survey results obtained using the [summer survey guidance](#) are valid for a minimum of two years from the completion of the survey unless new information (e.g., other nearby surveys) suggest otherwise.

No

12. Does the project include activities **within documented Indiana bat habitat**^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

13. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors?

Yes

14. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented Indiana bat** roosting/foraging habitat or travel corridors occur^[1]?

[1] Coordinate with the local Service Field Office for appropriate dates.

B) During the inactive season

15. Does the project include activities **within documented NLEB habitat**^{[1][2]}?

[1] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

[2] For the purposes of this key, we are considering documented corridors as that where Indiana bats and/or NLEB have actually been captured and tracked to using (1) radio telemetry; or (2) treed corridors located directly between documented roosting and foraging habitat.

No

16. Will the removal or trimming of habitat or trees occur **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors?

Yes

17. What time of year will the removal or trimming of habitat or trees **within** suitable but **undocumented NLEB** roosting/foraging habitat or travel corridors occur?

B) During the inactive season

18. Will *any* tree trimming or removal occur **within** 100 feet of existing road/rail surfaces?

Yes

19. Will *any* tree trimming or removal occur **between** 100-300 feet of existing road/rail surfaces?

No

20. Are *all* trees that are being removed clearly demarcated?

Yes

21. Will the removal of habitat or the removal/trimming of trees include installing new or replacing existing **permanent** lighting?

No

22. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?

No

23. Does the project include slash pile burning?

No

24. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

Yes

25. Is there *any* suitable habitat^[1] for Indiana bat or NLEB **within** 1,000 feet of the bridge? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's current [summer survey guidance](#) for our current definitions of suitable habitat.

Yes

26. Has a bridge assessment^[1] been conducted **within** the last 24 months^[2] to determine if the bridge is being used by bats?

[1] See [User Guide Appendix D](#) for bridge/structure assessment guidance

[2] Assessments must be completed no more than 2 years prior to conducting any work below the deck surface on all bridges that meet the physical characteristics described in the Programmatic Consultation, regardless of whether assessments have been conducted in the past. Due to the transitory nature of bat use, a negative result in one year does not guarantee that bats will not use that bridge/structure in subsequent years.

Yes

SUBMITTED DOCUMENTS

- Photo-Log 1.pdf <https://ipac.ecosphere.fws.gov/project/MJDLP4PCRJGGPIU2AXGCNL6DUQ/projectDocuments/138966726>

27. Did the bridge assessment detect *any* signs of Indiana bats and/or NLEBs roosting in/under the bridge (bats, guano, etc.)^[1]?

[1] If bridge assessment detects signs of *any* species of bats, coordination with the local FWS office is needed to identify potential threatened or endangered bat species. Additional studies may be undertaken to try to identify which bat species may be utilizing the bridge prior to allowing *any* work to proceed.

Note: There is a small chance bridge assessments for bat occupancy do not detect bats. Should a small number of bats be observed roosting on a bridge just prior to or during construction, such that take is likely to occur or does occur in the form of harassment, injury or death, the PBO requires the action agency to report the take. Report all unanticipated take within 2 working days of the incident to the USFWS. Construction activities may continue without delay provided the take is reported to the USFWS and is limited to 5 bats per project.

No

28. Will the bridge removal, replacement, and/or maintenance activities include installing new or replacing existing **permanent** lighting?

No

29. Does the project include the removal, replacement, and/or maintenance of *any* structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

No

30. Will the project involve the use of **temporary** lighting *during* the active season?

No

31. Will the project install new or replace existing **permanent** lighting?

No

32. Does the project include percussives or other activities (**not including tree removal/trimming or bridge/structure work**) that will increase noise levels above existing traffic/background levels?

No

33. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives, limited to actions that DO NOT cause any additional stressors to the bat species?

Examples: lining roadways, unlighted signage, rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

Yes

34. Will the project raise the road profile **above the tree canopy**?

No

35. Are the project activities that are not associated with habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives consistent with a No Effect determination in this key?

Automatically answered

Yes, other project activities are limited to actions that DO NOT cause any additional stressors to the bat species as described in the BA/BO

36. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal/trimming that occurs outside of the Indiana bat's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.

37. Is the habitat removal portion of this project consistent with a Not Likely to Adversely Affect determination in this key?

Automatically answered

Yes, because the tree removal/trimming that occurs outside of the NLEB's active season occurs greater than 0.5 miles from the nearest hibernaculum, is less than 100 feet from the existing road/rail surface, includes clear demarcation of the trees that are to be removed, and does not alter documented roosts and/or surrounding summer habitat within 0.25 miles of a documented roost.

38. Is the bridge removal, replacement, or maintenance activities portion of this project consistent with a No Effect determination in this key?

Automatically answered

Yes, because the bridge has been assessed using the criteria documented in the BA and no signs of bats were detected

39. **General AMM 1**

Will the project ensure *all* operators, employees, and contractors working in areas of known or presumed bat habitat are aware of *all* FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures?

Yes

40. Tree Removal AMM 1

Can *all* phases/aspects of the project (e.g., temporary work areas, alignments) be modified, to the extent practicable, to avoid tree removal^[1] in excess of what is required to implement the project safely?

Note: Tree Removal AMM 1 is a minimization measure, the full implementation of which may not always be practicable. Projects may still be NLAA as long as Tree Removal AMMs 2, 3, and 4 are implemented and LAA as long as Tree Removal AMMs 3, 5, 6, and 7 are implemented.

[1] The word “trees” as used in the AMMs refers to trees that are suitable habitat for each species within their range. See the USFWS’ current summer survey guidance for our latest definitions of suitable habitat.

Yes

41. Tree Removal AMM 3

Can tree removal be limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits)?

Yes

42. Tree Removal AMM 4

Can the project avoid cutting down/removal of *all* (1) **documented**^[1] Indiana bat or NLEB roosts^[2] (that are still suitable for roosting), (2) trees **within** 0.25 miles of roosts, and (3) documented foraging habitat any time of year?

[1] The word documented means habitat where bats have actually been captured and/or tracked.

[2] Documented roosting or foraging habitat – for the purposes of this consultation, we are considering documented habitat as that where Indiana bats and/or NLEB have actually been captured and tracked using (1) radio telemetry to roosts; (2) radio telemetry biangulation/triangulation to estimate foraging areas; or (3) foraging areas with repeated use documented using acoustics. Documented roosting habitat is also considered as suitable summer habitat within 0.25 miles of documented roosts.)

Yes

PROJECT QUESTIONNAIRE

1. Have you made a No Effect determination for *all* other species indicated on the FWS IPaC generated species list?

Yes

2. Have you made a May Affect determination for *any* other species on the FWS IPaC generated species list?

No

3. How many acres^[1] of trees are proposed for removal between 0-100 feet of the existing road/rail surface?

[1] If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

0.19

4. Please describe the proposed bridge work:

This project includes removing and replacing the existing bridge with a new bridge with a roadway width of 24 feet and will follow the existing alignment. The road will be closed to through traffic during construction, and the bridge is anticipated to have a span length of 65 feet.

5. Please state the timing of all proposed bridge work:

Summer 2024

6. Please enter the date of the bridge assessment:

Summer 2023

AVOIDANCE AND MINIMIZATION MEASURES (AMMS)

This determination key result includes the commitment to implement the following Avoidance and Minimization Measures (AMMs):

TREE REMOVAL AMM 1

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal.

TREE REMOVAL AMM 2

Apply time of year restrictions for tree removal when bats are not likely to be present, or limit tree removal to 10 or fewer trees per project at any time of year within 100 feet of existing road/rail surface and **outside of documented** roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed.

TREE REMOVAL AMM 3

Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits).

TREE REMOVAL AMM 4

Do not remove **documented** Indiana bat or NLEB roosts that are still suitable for roosting, or trees within 0.25 miles of roosts, or **documented** foraging habitat any time of year.

GENERAL AMM 1

Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs.

DETERMINATION KEY DESCRIPTION: FHWA, FRA, FTA PROGRAMMATIC CONSULTATION FOR TRANSPORTATION PROJECTS AFFECTING NLEB OR INDIANA BAT

This key was last updated in IPaC on October 30, 2023. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which may require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the endangered **northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion \(dated March 23, 2023\) for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.

IPAC USER CONTACT INFORMATION

Agency: Kimley-Horn
Name: Cassie Baumgartner
Address: 767 Eustis Street
Address Line 2: Suite 100
City: St. Paul
State: MN
Zip: 55114
Email: cassie.baumgartner@modot.mo.gov
Phone: 6517600185

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Highway Administration



Missouri Department of Conservation

Missouri Department of Conservation's Mission is to protect and manage the forest, fish, and wildlife resources of the state and to facilitate and provide opportunities for all citizens to use, enjoy and learn about these resources.

Natural Heritage Review Level One Report: No Known Records

Foreword: Thank you for accessing the Missouri Natural Heritage Review Website developed by the Missouri Department of Conservation with assistance from the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, Missouri Department of Transportation and NatureServe. The purpose of this report is to provide information to federal, state and local agencies, organizations, municipalities, corporations, and consultants regarding sensitive fish, wildlife, plants, natural communities, and habitats to assist in planning, designing, and permitting stages of projects.

PROJECT INFORMATION

Project Name and ID Number: BRO - R041(38) Bridge Over Sampson Creek #13237

Project Description: Harrison County is replacing the existing bridge #4750002, that carries W 120th Ave over Sampson Creek, just west of Bethany, at Section 18, Township 63 North, Range 29 West.

Project Type: Transportation, Structures and Bridges, Bridge Replacement and/or Removal - on existing alignment (within 12 feet up/down stream), Span

Contact Person: John Allison

Contact Information: jpallison@garverusa.com or 9188584868

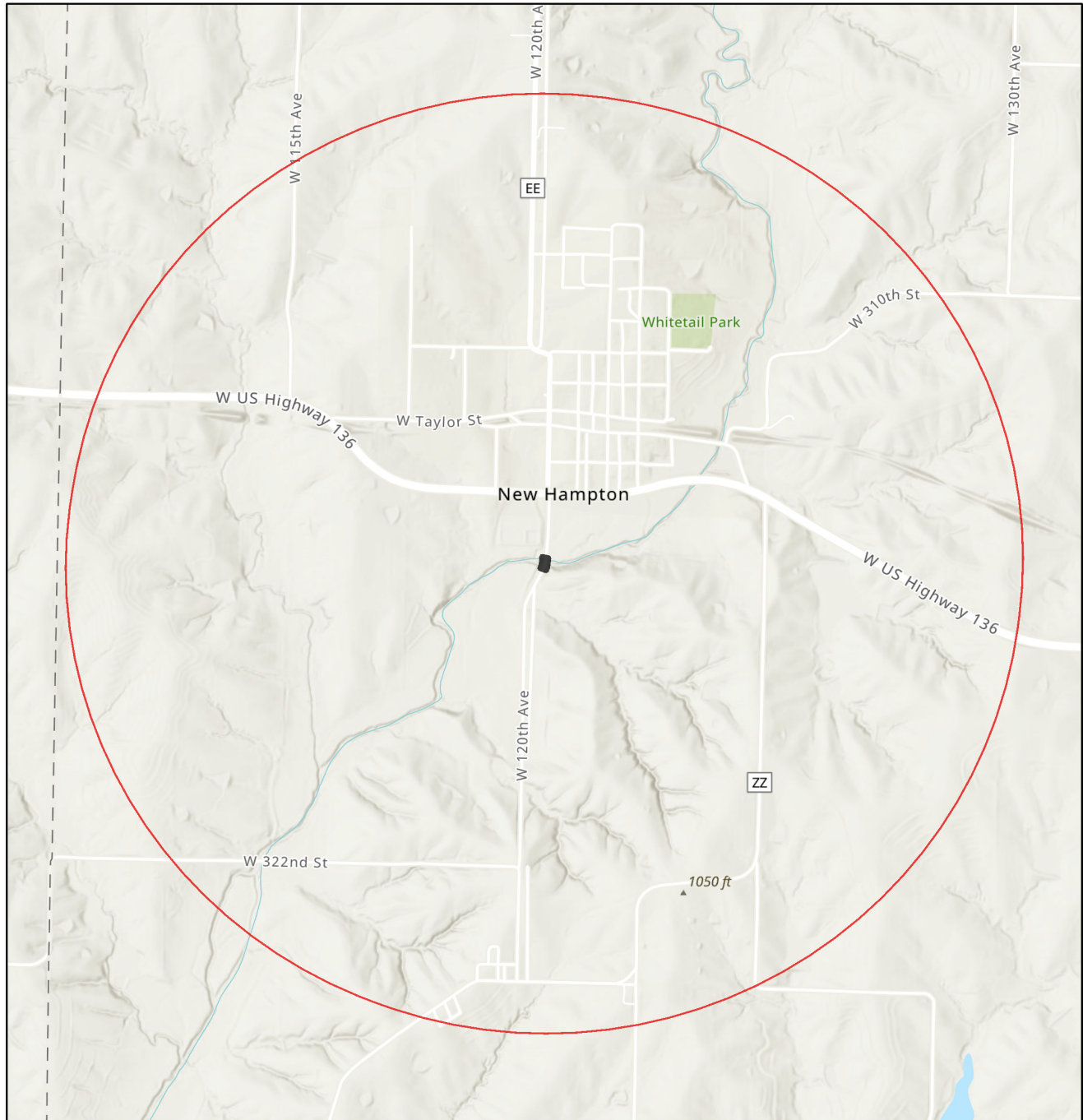
Disclaimer: This NATURAL HERITAGE REVIEW REPORT identifies if a species or natural community tracked by the Natural Heritage Program is known to occur within or near the project area submitted, and shares recommendations to avoid or minimize project impacts to sensitive species or natural habitats. Incorporating information from the Natural Heritage Program into project plans is an important step in reducing impacts to Missouri's sensitive natural resources. If an occurrence record is present, or the proposed project might affect federally listed species, the user must contact the Department of Conservation or U.S. Fish and Wildlife Service for more information.

This Natural Heritage Review Report is not a site clearance letter for the project. Rather, it identifies public lands and records of sensitive resources located close to and/or potentially affected by the proposed project. If project plans or location change, this report may no longer be valid. Because land use conditions change and animals move, the existence of an occurrence record does not mean the species/habitat is still present. Therefore, reports include information about records near but not necessarily on the project site. Lack of an occurrence record does not mean that a sensitive species or natural community is not present on or near the project area. On-site verification is the responsibility of the project. However, the Natural Heritage Program is only one reference that should be used to evaluate potential adverse project impacts and additional information (e.g. wetland or soils maps, on-site inspections or surveys) should be considered. Reviewing current landscape and habitat information, and species' biological characteristics would additionally ensure that Missouri Species of Conservation Concern are appropriately identified and addressed in planning efforts.

U.S. Fish and Wildlife Service – Endangered Species Act (ESA) Coordination: Lack of a Natural Heritage Program occurrence record for federally listed species in your project area does not mean the species is not present, as the area may never have been surveyed. Presence of a Natural Heritage Program occurrence record does not mean the project will result in negative impacts. This report does not fulfill Endangered Species Act consultation with the U.S. Fish and Wildlife Service (USFWS) for listed species. Direct contact with the USFWS may be necessary to complete consultation and it is required for actions with a federal connection, such as federal funding or a federal permit; direct contact is also required if ESA concurrence is necessary. Visit [IPaC: Home \(fws.gov\)](https://www.fws.gov/ipac) to initiate USFWS Information for Planning and Conservation (IPaC) consultation. Contact the Columbia Missouri Ecological Field Services Office (573-234-2132, or by mail at 101 Park Deville Drive, Suite A, Columbia, MO 65203) for more information.

Transportation Projects: If the project involves the use of Federal Highway Administration transportation funds, these recommendations may not fulfill all contract requirements. Please contact the Missouri Department of Transportation at 573-526-4778 or visit [Home Page | Missouri Department of Transportation \(modot.org\)](https://www.modot.org) for additional information on recommendations.

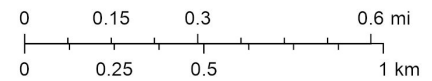
BRO - R041(38) Bridge Over Sampson Creek



August 23, 2023

1:19,138

-  Buffered Project Boundary
-  Project Boundary



Esri, NASA, NGA, USGS, FEMA, Missouri Dept. of Conservation, Missouri DNR, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Species or Communities of Conservation Concern within the Area:

There are no known records of Species or Natural Communities of Conservation Concern within the defined Project Area.

Other Special Search Results:

No results have been identified for this project location.

Project Type Recommendations:

Streams in the area should be protected from soil erosion, water pollution and in-stream activities that modify or diminish aquatic habitats. See [Best Management Practices for Construction and Development Projects Affecting Missouri Rivers and Streams \(mo.gov\)](#) for recommendations.

- Avoid disturbance to stream banks and riparian areas. Channel modification, flow interruption or bank modification should occur only in compliance with conditions established in permits required under the federal Clean Water Act.
- Grade and seed disturbed areas as soon as possible to minimize erosion. Native grasses and wildflowers are recommended for plantings compatible with the local native landscape and wildlife needs. Annuals like ryegrass may be combined with native perennials for quicker green-up. Avoid aggressive exotic perennials such as crown vetch and sericea lespedeza.
- All temporary in-channel fills that could impound water should be culverted. Culverts should (a) maintain at least six inches of water and (b) not create water velocities in excess of two feet per second during average annual discharges. A drop between the downstream end of the culverts and the downstream water surface should not occur at any time. Conditions provided within the USACE Clean Water Act Section 404 permit, if required ([Kansas City District > Missions > Regulatory Branch > Nation Wide Permits \(army.mil\)](#)), should help minimize impacts to the aquatic organisms within the area.
- Avoid work in the channel from March 15 until June 15, a time when many fish are spawning and eggs need minimal disturbance.

Project Location and/or Species Recommendations:

Endangered Species Act Coordination - If this project has the potential to alter habitat (e.g. tree removal, projects in karst habitat) or cause direct mortality of bats, please coordinate directly with U.S. Fish and Wildlife Service (Ecological Services, 101 Park Deville Drive, Suite A, Columbia, Missouri 65203-0007; Phone 573-234-2132 Ext. 100 for Ecological Services) for further coordination under the Endangered Species Act. Indiana bats (*Myotis sodalis*, federal- and state-listed endangered) and Northern long-eared bats (*Myotis septentrionalis*, federal-listed threatened) may occur near the project area. Both of these species of bats hibernate during winter months in caves and mines. During the summer months, they roost and raise young under the bark of trees in wooded areas, often riparian forests and upland forests near perennial streams. During project activities, avoid degrading stream quality and where possible leave snags standing and preserve mature forest canopy. Do not enter caves known to harbor Indiana bats or Northern long-eared bats, especially from September to April.

Greater Prairie-chickens: The proposed project occurs in the range of Greater Prairie-chickens (*Tympanuchus cupido*), a bird on the state's list of endangered species. Populations have been in serious decline for decades, and have reached a point where Greater Prairie-chickens could be gone from Missouri within a few years. The dominant factor in their decline is conversion of native prairie habitats to other uses. Other prairie dependent species are also in serious decline for the same reason. Prairie-chickens range over a broad territory perhaps nesting, breeding and foraging in grasslands several miles apart. Even if prairie-chickens are not present, it is important to conserve as much as possible any grasslands dominated by native plant cover in the project area. See [Greater Prairie Chicken Best Management Practices \(mo.gov\)](#) for best management recommendations.

Invasive exotic species are a significant issue for fish, wildlife and agriculture in Missouri. Seeds, eggs, and larvae may be moved to new sites on boats or construction equipment. Please inspect and clean equipment thoroughly before moving between project sites. See [Managing Invasive Species in Your Community | Missouri Department of Conservation \(mo.gov\)](#) for more information.

- Remove any mud, soil, trash, plants or animals from equipment before leaving any water body or work area.
- Drain water from boats and machinery that have operated in water, checking motor cavities, live-well, bilge and transom wells, tracks, buckets, and any other water reservoirs.
- When possible, wash and rinse equipment thoroughly with hard spray or HOT water (>140° F, typically available at do-it-yourself car wash sites), and dry in the hot sun before using again.

Streams and Wetlands – Clean Water Act Permits: Streams and wetlands in the project area should be protected from activities that degrade habitat conditions. For example, soil erosion, water pollution, placement of fill, dredging, in-stream activities, and riparian corridor removal, can modify or diminish aquatic habitats. Streams and wetlands may be protected under the Clean Water Act and require a permit for any activities that result in fill or other modifications to the site. Conditions provided within the U.S. Army Corps of Engineers (USACE) Clean Water Act Section 404 permit ([Kansas City District Regulatory Branch \(army.mil\)](#)) and the Missouri Department of Natural Resources (DNR) issued Clean Water Act Section 401 Water Quality Certification ([Section 401 Water Quality Certification | Missouri Department of Natural Resources \(mo.gov\)](#)), if required, should help minimize impacts to the aquatic organisms and aquatic habitat within the area. Depending on your project type, additional permits may be required by the Missouri Department of Natural Resources, such as permits for stormwater, wastewater treatment facilities, and confined animal feeding operations. Visit [Wastewater Permits | Missouri Department of Natural Resources \(mo.gov\)](#) for more information on DNR permits. Visit both the USACE and DNR for more information on Clean Water Act permitting.

For further coordination with the Missouri Department of Conservation and the U.S. Fish and Wildlife Services, please see the contact information below:

Email (preferred): NaturalHeritageReview@mdc.mo.gov
MDC Natural Heritage Review
Science Branch
P.O. Box 180
Jefferson City, MO
65102-0180
Phone: 573-522-4115 ext. 3182

U.S. Fish and Wildlife Service
Ecological Service
101 Park Deville Drive
Suite A
Columbia, MO
65203-0007
Phone: 573-234-2132

Miscellaneous Information

FEDERAL Concerns are species/habitats protected under the Federal Endangered Species Act and that have been known near enough to the project site to warrant consideration. For these, project managers must contact the U.S. Fish and Wildlife Service Ecological Services (101 Park Deville Drive Suite A, Columbia, Missouri 65203-0007; Phone 573-234-2132; Fax 573-234-2181) for consultation.

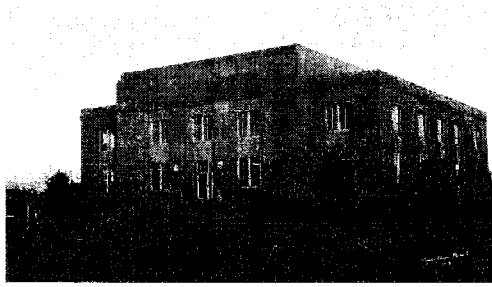
STATE Concerns are species/habitats known to exist near enough to the project site to warrant concern and that are protected under the Wildlife Code of Missouri (RSMo 3 CSR 10). "State Endangered Status" is determined by the Missouri Conservation Commission under constitutional authority, with requirements expressed in the Missouri Wildlife Code, rule 3CSR 10-4.111. Species tracked by the Natural Heritage Program have a "State Rank" which is a numeric rank of relative rarity. Species tracked by this program and all native Missouri wildlife are protected under rule 3CSR 10-4.110 General Provisions of the Wildlife Code.

See [Missouri Species and Communities of Conservation Concern Checklist \(mo.gov\)](#) for a complete list of species and communities of conservation concern. Detailed information about the animals and some plants mentioned may be accessed at [Mofwis Search Results](#). Please contact the Missouri Department of Conservation to request printed copies of any materials linked in this document.

Lee Ann Miles
County Clerk

Jodi Mamminga
Deputy Clerk

Chancel Crabtree
Deputy Clerk/Elections



Jack W. Hodge
Presiding Commissioner

Jim Holcomb
Associate Commissioner

Mike Smith
Associate Commissioner

State of Missouri
COUNTY OF HARRISON

February 21, 2024

To Whom it May Concern:

Please accept this letter as confirmation that there are no floodplain permitting requirements in Harrison County, Missouri.

If further information is need, please feel free to contact me at the telephone number listed below.

Sincerely,


Jack W. Hodge
Presiding Commissioner

Verbonitz, Murray J.

From: Allison, John P.
Sent: Friday, December 8, 2023 2:35 PM
To: Verbonitz, Murray J.
Subject: Fwd: [External Email]NRCS Coordination for Farmland Impacts - Harrison County BRO-R041(38) W 120th Avenue over Sampson Creek
Attachments: AD-1006 Form BRO-R041 (38).pdf



John Allison
Environmental Scientist
Transportation Team
📞 918-858-4868
📠 580-741-0218

CELEBRATING THIRTY YEARS IN OKLAHOMA
1993 to 2023



From: Bilke, Nathan - FPAC-NRCS, MO <nathan.bilke@usda.gov>
Sent: Friday, December 8, 2023 1:45:53 PM
To: Allison, John P. <JPAllison@GarverUSA.com>
Cc: Buck, Randall - FPAC-NRCS, MO <randall.buck@usda.gov>
Subject: RE: [External Email]NRCS Coordination for Farmland Impacts - Harrison County BRO-R041(38) W 120th Avenue over Sampson Creek

John,

Attached is the AD-1006 form for the bridge replacement in Harrison County (BRO-R041 (38)). The proposed project area does not contain prime farmland or farmland of statewide importance. These areas are considered inclusions of the mapping area and are either steeper, dissected, or wetter than the soil component in the soil map unit.

Nathan S. Bilke

Area Resource Soil Scientist
USDA Natural Resource Conservation Service
3915 Oakland Avenue, Suite 103
St. Joseph, Missouri 64506-4920
Cell #660-654-4576
Office Phone: 816-364-3927
nathan.bilke@mo.usda.gov

"It is not the critic who counts; not the man who points out how the strong man stumbles...the credit belongs to the man in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who at his worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat."

Teddy Roosevelt

From: Lugo-Camacho, Jorge - FPAC-NRCS, MO <jorge.lugo-camacho@usda.gov>
Sent: Wednesday, November 29, 2023 3:31 PM
To: Bilke, Nathan - FPAC-NRCS, MO <nathan.bilke@usda.gov>
Subject: FW: [External Email]NRCS Coordination for Farmland Impacts - Harrison County BRO-R041(38) W 120th Avenue over Sampson Creek

Jorge L. Lugo-Camacho

Missouri State Soil Scientist
United States Department of Agriculture
Natural Resources Conservation Service
601 Business Loop 70 West
Suite 250
Columbia, Missouri 65203
Phone: (573) 876-9409

From: Allison, John P. <JPAllison@GarverUSA.com>
Sent: Wednesday, November 29, 2023 3:26 PM
To: Buck, Randall - FPAC-NRCS, MO <randall.buck@usda.gov>
Cc: Verbonitz, Murray J. <MJVerbonitz@GarverUSA.com>; Lugo-Camacho, Jorge - FPAC-NRCS, MO <jorge.lugo-camacho@usda.gov>
Subject: [External Email]NRCS Coordination for Farmland Impacts - Harrison County BRO-R041(38) W 120th Avenue over Sampson Creek

Some people who received this message don't often get email from jpallison@garverusa.com. [Learn why this is important](#)

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;
Use caution before clicking links or opening attachments.
Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Mr. Buck,

Please see the attached letter requesting your review and completion of the NRCS portions of the attached AD-1006 form. Note that the acres to be converted were calculated by using the largest area possible to accommodate any future changes in design plans.

Attachments Include:

Request letter, location map, NEPA footprint map, farmland classification report, New ROW Screenshot
AD-1006 form
Design KMZ

In order to maintain the schedule of the project, please complete and return this form to me within the next 45 days. Let me know if you have any questions or require and other materials.

We attempted to send this to the Area Resource Soil Scientist for this area, but the contact we had (David.kacirek@mo.usda.gov) did not work.

Thank you,



John Allison

Environmental Scientist

Transportation Team

📞 918-858-4868

📠 580-741-0218

CELEBRATING THIRTY YEARS IN OKLAHOMA
1993 to 2023



This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

FARMLAND CONVERSION IMPACT RATING

PART I <i>(To be completed by Federal Agency)</i>		Date Of Land Evaluation Request November 29, 2023			
Name of Project Harrison County BRO-R041(38)		Federal Agency Involved Federal Highway Administration			
Proposed Land Use Bridge Replacement		County and State Harrison County, Missouri			
PART II <i>(To be completed by NRCS)</i>		Date Request Received By NRCS 11/29/23		Person Completing Form: Nathan Bilke	
Does the site contain Prime, Unique, Statewide or Local Important Farmland? <i>(If no, the FPPA does not apply - do not complete additional parts of this form)</i>		YES ☐	NO ☒	Acres Irrigated -	Average Farm Size -
Major Crop(s) -	Farmable Land In Govt. Jurisdiction Acres: - % -		Amount of Farmland As Defined in FPPA Acres: - % -		
Name of Land Evaluation System Used -	Name of State or Local Site Assessment System -		Date Land Evaluation Returned by NRCS 12/8/23		
PART III <i>(To be completed by Federal Agency)</i>		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly		0.011			
B. Total Acres To Be Converted Indirectly		0			
C. Total Acres In Site		0.011			
PART IV <i>(To be completed by NRCS) Land Evaluation Information</i>		0			
A. Total Acres Prime And Unique Farmland		0			
B. Total Acres Statewide Important or Local Important Farmland		0			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted		0			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value		0			
PART V <i>(To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)</i>		0			
PART VI <i>(To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)</i>		Maximum Points	Site A	Site B	Site C
1. Area In Non-urban Use		(15)			
2. Perimeter In Non-urban Use		(10)			
3. Percent Of Site Being Farmed		(20)			
4. Protection Provided By State and Local Government		(20)			
5. Distance From Urban Built-up Area		(15)			
6. Distance To Urban Support Services		(15)			
7. Size Of Present Farm Unit Compared To Average		(10)			
8. Creation Of Non-farmable Farmland		(10)			
9. Availability Of Farm Support Services		(5)			
10. On-Farm Investments		(20)			
11. Effects Of Conversion On Farm Support Services		(10)			
12. Compatibility With Existing Agricultural Use		(10)			
TOTAL SITE ASSESSMENT POINTS		160	0	0	0
PART VII <i>(To be completed by Federal Agency)</i>					
Relative Value Of Farmland <i>(From Part V)</i>		100	0	0	0
Total Site Assessment <i>(From Part VI above or local site assessment)</i>		160	0	0	0
TOTAL POINTS (Total of above 2 lines)		260	0	0	0
Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES ☐ NO ☐			
Reason For Selection: The proposed project area does not contain prime farmland or farmland of statewide importance. These areas are considered inclusions of the mapping area and are either steeper, dissected, or wetter than the soil component in the soil map unit. NB					
Name of Federal agency representative completing this form:					Date:

(See Instructions on reverse side)

This RER has been completed, only administrators may edit this document now, they will contact you if any information changes.

Date Completed: 03/19/2024
Completed By: Holly Cantrell

Request for Environmental Review Form#:2024-09-00106

☐ Alternative Project Delivery Method (such as Design/Build)

Project Information

Prefix:	BRO	Project Number:	R041038	Bridge Number:	4750002
District:	Northwest	County:	HARRISON	Sponsor:	Harrison County
				Sponsor Email:	harrisoncounty@yn
TIP Number:		Rte/Street:	W. 120 Ave		
MoDOT Job Number:	BRO-R041(38)	TIGER Grant Funds:		Is this project on or adjacent to MoDOT Right of Way:	No
Location/Stream Crossing :	NONE				
TMS Project Description - termini (no stations):	HARRISON COUNTY, BRIDGE REPLACEMENT ON W. 120 AVE. OVER SAMSON CREEK				
Describe RER project improvements in full detail:	The existing bridge will be removed and replaced with a new bridge with a roadway width of 24'-0" and will, in general follow the existing alignment. The bridge will be supported by driven piles with concrete abutments. The road will be closed to all through traffic. The bridge is anticipated to have a span length of 80'.				
District Liaison:	David Earls - 816-387-2401	Contact:	None selected		
Email:	David.Earls@modot.mo.gov	Email:	mjverbonitz@garverusa.com		
Contact:	None selected	Contact:	None selected		
Email:		Email:			
Date Desired:	10/22/2023	Submit Date:	09/22/2023		
Desired A-Date:	12/01/2022				
Responsible Individual:	Murray Verbonitz - (9/22/2023 10:06:04 AM) - 918-858-4879	Submitted By:	Murray Verbonitz - (9/22/2023 12:00:00 AM) - 918-858-4879		
Existing Condition					
ADT:	35	Speed Limit:			
Number of Travel Lanes:		Lane Width:			
Shoulder Width:		Curb and Gutter:	Choose One...		
Bridge width, measured from gutterline to gutterline:		Sidewalks:	Choose One...		
Proposed Design Improvement					
ADT:		Speed Limit:	Design Speed:		
Number of Travel Lanes:	2		Lane Width:		
Shoulder Width:			Curb and Gutter: Choose One...		
Bridge width, measured	24'		Sidewalks: None		

from gutterline to gutterline:			
Bridge Length:	80'	Roadway length:	
Railroad Crossing	No	Drainage District (If Applicable):	Choose One...
Program Year:			
Preliminary Engineering:	2024	Right of Way:	2023
Construction:	2024		
Has the sponsor documented that the project has: 1. Independent utility, 2. Logical termini, and 3. Does not restrict consideration of alternatives for other reasonably foreseeable transportation improvements?:	☒ Yes ☐ No		
☐ Project breakout from previous or larger project? <i>If checked explain:</i>			

Acres - From all sources (e.g. donated from public or private entities):

Additional R/W (acres):	0.01	Temp Easement (acres):	0.07	Permanent Easement (acres):	0
ROW may be needed, but, not yet determined?	Yes				
Is ANY Federally-owned land impacted by the project?	☐ Yes ☒ No				

Land Disturbance:

Will project involve 1 acre or more:	No	Acres of Tree Clearing:	up to 0.18 acres acres
DO NOT CLEAR TREES W/O MODOT'S PRIOR WRITTEN APPROVAL.			

Number of Displacements(do not include partial takes that do not displace):

Residential:	☐ Yes ☒ No	Commercial:	☐ Yes ☒ No
No. of People:	Residences:	No. of Employees:	Businesses:

Any Public Involvement planned or completed:

Letters to adjacent landowners will be mailed after right-of-way plans submittal, which is scheduled for Nov 1, 2023.

Average Daily Traffic:

ADT Construction Year:	35	ADT Design Year:	
------------------------	----	------------------	--

Traffic Impacts:

Road Closure Planned:	☒ Yes ☐ No	Bridge Closure Planned:	☒ Yes ☐ No
Days/Months Closed:	3	Detour > 25 mi rural (including local roads)	☐ Yes ☒ No
		Detour > 5 mi urban (including local roads, census defined urban)	☐ Yes ☒ No
Detour Info: The detour length is 3.10 miles using West State Hwy Zz.			

Bicycle / Pedestrian Consideration

Pedestrian facilities considered:	No	Bicycle facilities considered:	No
-----------------------------------	----	--------------------------------	----

National Flood Insurance Program (NFIP) and Hydraulic Design Data:

☐ Project involves land purchased through FEMA Hazard Mitigation Grant Program (Flood buyout property)

If checked, give details:

Is ANY construction taking place on MoDOT owned property under this project?

☐ Yes ☒ No

☐ Is highway improvement located within 4 miles of an existing airport?

Known Concerns: Provide information you have about these resources that you have observed in the area.

Parkland:	No parkland exists within the project area or within 1,000 ft of the project area.
Wetland/404 Permit:	2/7/2024: A qualified wetland biologist collected data points delineating the OHWM in real time using the Trimble Geo 7X hand-held geospatial data collection device that is equipped with submeter accuracy. The data was downloaded and displayed using ArcGIS software. A delineation photolog has been uploaded. 1/10/2024 Update: The design KMZ and a Shapefile of the delineate feature (S1 - Sampson Creek) are attached for review. No impacts from the design are within the OHWM of Sampson Creek, therefore no 404 permit will be required. A screen shot of the shapefile and design is included for quick reference. According to NHD and NWI, one stream is located within the project area. This stream is known as Sampson Creek with classification code R2UBGx. The site visit verified the presence of Sampson Creek, and no other streams or wetlands were identified within the project area. Conceptual design plans anticipate no impacts to, and no fill placed within the OHWM of, Sampson Creek. As design plans are developed, exhibits depicting the delineated aquatic features and impact areas will be provided. Due to no impacts anticipated, a Section 404 Permit will not be required.
Land Disturbance / Stormwater:	Any land disturbance will be under 1.0 acres, therefore, no NPDES permit will be required. No impaired streams are within the project area. The project area is not within a regulated municipal separate storm sewer system (MS4) area.
Farmland:	12/27/2023 Parts I & III of the Farmland Conversion Impact Rating Form AD-1006 and appropriate attachments were submitted to the Area Resource Scientist (ARSS) at the NRCS. The ARSS response stated, "The proposed project area does not contain prime farmland or farmland of statewide importance. There areas are considered inclusions of the mapping area and are either steeper, dissected, or wetter than the soil component in the soil map unit." The email from the ARSS and AD-1006 Form has been uploaded.
Threatened & Endangered Species:	2/7/2024 Update: Harrison County will commit to winter tree clearing restrictions. Any tree clearing activities will take place between November 1st and March 31st. A project design plan set that depicts potential tree clearing areas has been uploaded. 01/04/2024 A T&E species assessment was conducted on August 23, 2023. Habitat for the Indiana Bat, Northern Long-eared Bat, and Tricolored Bat was identified within the project area at totaled 0.18 acres. This represents the maximum amount of acreage that could potentially be cleared; realistically the amount will be far less. Attached is a T&E species assessment report and includes effect determinations, photologs, and MDC correspondence.
Migratory Birds: Are there birds nesting on the structure?	No, 1/10/2024 Update: The bridge was assessed for evidence of migratory bird use. No evidence of use was observed. Please see the T&E species report for additional photos that were not previously submitted.

Hazardous Waste: Survey for lead based paint (LBP) and asbestos containing materials (ACM) were conducted on August 1, 2023, by Titan Environmental Services. No evidence of LBP or ACMs were discovered on the bridge. Both reports are attached for reference. According to DNR's online E-Start Mapping tool (attached), there are no potentially hazardous waste sites within the project area or in the general vicinity.

Cultural Resources: 2/7/2024 Update: The SHPO concurrence letter has been uploaded. Preliminary design plans have been uploaded. 12/20/2023 The Review and Compliance Information Form, Basis of Effect Determination, Aerial Location Map, Photolog, and Design Plans have been uploaded for review.

LPA Comments: 2/21/2024 Update: A letter from Harrison Co stating there are no floodplain permitting requirements within the county has been uploaded to satisfy the Floodplain/Regulatory Floodway section. 2/7/2024 Update: A public notice was published for 2 weeks in the Bethany Republic-Clipper Newspaper in Harrison County from Jan 24, 2024 through Feb 7, 2024 soliciting comments on the proposed project. The notice was available for viewing in print and online. As of Feb 7th, no comments have been received. The affidavit of publication has been uploaded. Although the official comment period has passed, Garver will still accept and respond to comments if any are submitted. No other public involvement is planned. 1/4/2024 Update: Harrison County does not have any floodplain permitting requirements.

Project Attachments:

****NOTE: If making updates to an attachment, please use a different filename than the original.**

****The combined size of attachments in one upload must be less than 100MB**

Attachments:

✖Floodplains - No Permitting Required Letter from Harrison Co.pdf
✖Public Notice Affidavit 2 Week Run_Garver.pdf
✖Tree Clearing Areas - 4750002_Revised Preliminary Plans_V1.pdf
✖SHPO Concurrence 003-HA-24 0667 nhpa.pdf
✖Stream Delineation Photos - Harrison County BRO-R041(38).pdf
✖4750002_KMZ Updated.kmz
✖Bridge 4750002 - Streams.shp.zip
✖WOTUS Screenshot - Delineated Sampson Creek w Design Overlay.JPG
✖Harrison Co 4750002 Habitat Assessment Memo & Attachments.pdf
✖NRCS Response Email w AD-1006 Form.pdf
✖Review and Compliance Information Form - Bridge 4750002, W 120th over Sampson Creek.pdf
✖Aerial Location Map.pdf
✖4750002_Revised Preliminary Plans_V1.pdf
✖Photo Log.pdf
✖Basis for Determination of Effect.pdf
✖Bridge 4750002 Env Study.kmz
✖MoDNR eStart Bridge 4750002.pdf
✖TES_Limited ACM Inspection Report_Bridge #4750002.pdf
✖TES_LBP Testing Report_Bridge #4750002.pdf
✖Paper Firm 4750002_2908030175A.pdf

Required Information to be attached for each RER stage:

- Location map (county map, topographic map or aerial map) showing the project limits
- plan sheets
- KMZ files showing tree clearing limits and/or plans
- permits/documentation as required (floodplain, farmland form, NWP, asbestos & lead based paint inspection reports, Section 106 Project

RER Environmental Screenings

Farmland Impact

Status Information:

☐ N/A ☐ Pending ☒ Cleared

Clearance Date:

12/28/2023

Environmental Response: UPDATE 12/28/23: The NRCS responded that the project site does not contain prime farmland or farmland of statewide importance. Nothing further is required. INITIAL SCREENING: The project is located outside of a designated urbanized area as indicated on the 2010 U.S. Census Bureau Urban Area Reference Map and requires new right of way and/or permanent easements. Therefore, the project is subject to the Farmland Protection Policy Act.

LPA Action: Complete Parts I & III of the attached Farmland Conversion Impact Rating Form AD-1006 and submit it along with the project description and map of the project area, including location of new right of way and/or permanent easements to the appropriate Area Resource Soil Scientist (ARSS) at the Natural Resources Conservation Service (NRCS). See the attached map of NRCS ARSS contacts for each region of the state. If NRCS determines the project site does not contain prime, unique, statewide or local important farmland, no further action is required. If the NRCS finds that the project site does contain prime or farmland of statewide or local importance, complete Part VI of the AD-1006 form, adding its point total to that of Part IV to achieve a cumulative point total for Part VII. If the cumulative point total does not exceed the 160-point threshold established by NRCS for the protection of farmland, no further action is required. If the cumulative point total exceeds 160 points, at least two alternative sites must be identified and considered for a project. If a suitable alternative site is found for a project and does not impact or has a reduced impact on prime, unique or statewide or local important farmland, the site must be seriously considered for the project. If alternative sites are determined unsuitable for the project, the LPA sponsor must identify why the sites are economically infeasible and/or logistically unreasonable. Once a site is chosen, record the recommended site or alternative site at the bottom of Part VII with justification for the selection. Submit the AD-1006 form to the NRCS for its records.

Attachments:

✕AD-1006.pdf

✕Area Resource Soil Scientists.pdf

☒ Farmland Impact Submitted - Mark submitted when this review is ready to be sent to district staff.

Last Updated: Holly Cantrell - 12/28/2023 2:30:48 PM

Floodplain/Regulatory Floodway

Status Information:

☐ N/A ☐ Pending ☒ Cleared

Clearance Date:

02/21/2024

Environmental Response: 2/21/2024 UDPATE: The consultant uploaded a letter from the county stating there are no floodplain permitting requirements in Harrison County. The RER states the project is not within or adjacent to MoDOT ROW. INITIAL SCREENING: A FEMA Firm panel was not available online for the project site. According to information provided by the consultant, the project is in the 100-year floodplain. The project is not located in the regulatory floodway. The city and county are not current members in the National Flood Insurance Program.

LPA Action: Confirm whether the city or county has adopted floodplain permitting requirements and provide documentation of such. If so, the city and/or county must issue a floodplain development permit for its project and upload it to the RER. If not, nothing further is required.

Attachments:

✕FEMA NFIP Communities Harrison Co.PNG

✕2905509999.pdf

✕290550A.tif

☒ Floodplain/Regulatory Floodway Submitted - Mark submitted when this review is ready to be sent to district staff.

Last Updated: Cassie Baumgartner - 2/21/2024 4:24:04 PM

› Land Disturbance / Stormwater

Status Information:

☒ N/A ☐ Possible Issues Noted

Clearance Date:

Environmental Response: If the project is in a regulated MS4 area, adhere to the MS4 requirements as defined in the MS4 permit specific to that municipality. Stormwater routed into MoDOT's drainage system (e.g., ditches and stormwater conveyance systems) must be treated for water quality and/or quantity before entering the system. Any project with land disturbance of 1-acre or more requires a NPDES land disturbance permit from MDNR.

LPA Action: If the project will disturb 1-acre or more of land, obtain a NPDES land disturbance permit from DNR. The LPA must also implement best management practices in accordance with that permit and the Clean Water Act.

Attachments:

☒ Land Disturbance / Stormwater Submitted - *Mark submitted when this review is ready to be sent to district staff.*

Last Updated: Cassie Baumgartner - 10/18/2023 1:10:53 PM

› FEMA/SEMA Buyout

Status Information:

☐ N/A ☐ Pending ☒ Cleared

Clearance Date:

10/09/2023

Environmental Response: According to the ArcMap GIS FEMA buyout layer, there are no flood buyout properties in the vicinity of the project. The project will not result in development on any FEMA buyout properties

LPA Action: None

Attachments:

☒ FEMA/SEMA Buyout Submitted - *Mark submitted when this review is ready to be sent to district staff.*

Last Updated: Cassie Baumgartner - 10/18/2023 1:12:01 PM

› Socioeconomic Impact

Status Information:

☐ N/A ☐ Pending ☒ Cleared

Clearance Date:

02/27/2024

Environmental Response: UPDATE 2/27/24: Based on information uploaded to the RER, a notice of opportunity to comment on the proposed project was published in the Bethany Republican-Clipper, a local newspaper of weekly distribution in Harrison County, on 1/24/24 and on 1/31/24. The notice was available for viewing in print and online. As of Feb 7th, no comments have been received. The affidavit of publication has also been uploaded. Although the official comment period has passed, Garver will still accept and respond to comments if any are submitted. No other public involvement is planned. INITIAL SCREENING: The project requires new right of way/temporary easements/permanent easements that are subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. This is a rural county setting that is sparsely populated with no defined neighborhoods. There is no public transportation and the area is not walkable. The ADT of the bridge/road is very low. The existing roadway will be closed during construction for 3 months. Homes will not be separated from essential emergency/medical services, places of employment, schools, parks, retail, churches, or other community services as a result of the bridge closure. There are no significant impacts associated with this project. Impacts will be temporary and limited to traffic disruptions, construction noise, and fugitive dust and emissions in the area of project construction. Based on a review of EJSscreen, no minority (people of color), low-income, or Limited English Proficiency (LEP) populations were identified within the project area. A detour is proposed and would be approximately 3.10 miles in length using West State Hwy Zz.

LPA Action: 1. Conduct the acquisition of affected properties in accordance with the procedures established in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. 2. Once the planned public engagement has occurred, please upload documentation of that engagement and include any meeting minutes and any materials presented on this project, as well as any sign-in sheets, any comments received, and any responses to those comments. 3. Provide additional detail on the proposed public engagement - beyond adjacent landowners, how will the general traveling public be made aware of the proposed project. Once the planned public engagement has occurred, please upload documentation of that engagement and include any meeting minutes and any materials presented on this project, as well as any sign-in sheets, any comments received, and any responses to those comments

Attachments:

☒ Socioeconomic Impact Submitted - *Mark submitted when this review is ready to be sent to district staff.*

Last Updated: Holly Cantrell - 2/27/2024 1:49:28 PM

Threatened & Endangered Species

Status Information:

☐ No Effect ☐ Pending ☒ Cleared

Clearance Date:

03/12/2024

Environmental Response: 3/12/2024 UPDATE: The 14-day review period has passed with no further comment from USFWS. T&E clearance date 03/06/2024. 2/21/2024 UDPATE: MoDOT has completed a TE review for the bridge replacement on W 120th Avenue over Sampson Creek located in Harrison County, MO. A copy of MoDOT's effects determination document has been uploaded to the TE section of the RER. The proposed project would replace the existing bridge (No. 4750002) with a new, approximately 80-foot bridge. The USFWS IPaC lists the following species for the project area: Indiana bat, northern long-eared bat, and tricolored bat (proposed endangered). There are no critical habitats located within the project limits. The MDC Level 1 report indicated that there were no known occurrences of state-listed species or species of conservation concern within 1 mile of the project area. Based on this information, no impacts to state-listed species or species of conservation concern are anticipated as a result of the project. The project will not impact any known caves, and the existing structure is not being used by bats for roosting. The project will require the removal of approximately 0.18-acre of trees, all within 100-ft of the existing roadway. The consultant completed a habitat assessment and determined that several of the trees to be removed are suitable summer roosting habitat for Indiana and northern long-eared bats. MoDOT reviewed the consultant's habitat assessment documentation, including photos of trees to be removed, and agrees with their assessment. The sponsor has committed to seasonal tree clearing restrictions, only removing suitable summer roosting trees during the winter inactive season (Nov 1 – March 31); a seasonal clearing JSP will be required. Based on this information, MoDOT determined that the project May Affect, but is Not Likely to Adversely Affect (MANLAA) Indiana and northern long-eared bats. While the removal of 0.18-acre of trees will not jeopardize the continued existence of the tricolored bat, a re-evaluation of project impacts to the tricolored bat will be required if trees are not removed prior to the final rule is being published. At that time, MoDOT will make an effects determination for this species. Project impacts qualify for informal consultation under the existing USFWS/FHWA Programmatic Biological Opinion. A concurrence verification letter was submitted to USFWS on February 21, 2024. USFWS will have 14 days to provide any comments on the project. MoDOT will follow-up at the end of the USFWS comment period to provide the approved concurrence documentation. 2/12/2024 UPDATE: The consultant updated the RER to state "2/7/2024 Update: Harrison County will commit to winter tree clearing restrictions. Any tree clearing activities will take place between November 1st and March 31st. A project design plan set that depicts potential tree clearing areas has been uploaded." The consultant also uploaded updated plans showing potential tree clearing locations. Based on the plans, all tree clearing will be less than 100 feet from the existing road surface. At this time, all requested items have been received. MoDOT will prepare an effects determination memo. MoDOT may reach out with follow up questions throughout this process. 1/5/2024: The LPA provided and T&E memo which included tree clearing information as well as species effects determinations. Total tree clearing estimate is 0.18 acres. INITIAL SCREENING: Impacts to threatened and endangered species must be assessed for this project. The consultant provided a Habitat Assessment Report & Preliminary Effects Determination Memo which included an IPaC official species list for the county, as well as an MDC Natural Heritage Review Report (Level 1). The memo also included a written determination of project impacts on listed species. While preliminary tree clearing information was provided, amount timing of tree clearing is needed in order to determine effects on listed species. This includes location and photos on individual trees anticipated for clearing.

LPA Action: COMPLETED 2/12/24 Please confirm if the LPA can commit to winter tree clearing (November 1-March 31) for suitable habitat. Please confirm if all suitable trees to be cleared are within 100ft of the existing roadway. INITIAL SCREENING (Completed 1/5/2024) 1. Access the US Fish and Wildlife Service (USFWS) IPAC online tool at <http://ecos.fws.gov/ipac/> to obtain the official list of species for your county. 2. Access the MO Department of Conservation (MDC) online Natural Heritage Review website at <https://naturalheritagereview.mdc.mo.gov/> and generate a report. Contact MDC if the report indicates to do so. Submit the report, and MDC response, if required, to MoDOT. 3. Provide the amount, location, and time of year for tree clearing, or indicate there will be no tree clearing. 4. If there will be tree clearing, photograph the trees so that bark characteristics of the main trunk and large branches, along with any cavities, are clearly illustrated. 5. If the project involves bridgework, photograph the undersides of bridges illustrating any bird nests or unusual staining on the substructure or underside of the deck. 6. It is the responsibility of the LPA to make a written determination of their project impacts on each species listed from the IPaC. Further, the LPA must assess effects on any MDC listed species (endangered or species of conservation concern). If no effects are anticipated for a particular species, state the reason(s) why. For example: This project does not involve any tree clearing so there will be no effects on summer roosting habitat for listed bat species or this project does not impact any aquatic habitats so there will be no effects on listed fish or mussel species. 7. Submit the full project limits, easements, access, construction date, and ground disturbance information.

Attachments:

✖ [TE Review - Consultation Complete BRO-R041038 Harrison County Bridge Replacement on W. 120th Ave over Sampson Creek.msg](#)

✖ [20240221 NLAA Concurrence Verification FHWA Bats.pdf](#)

✖ [JSP_Tree_Clearing_Restriction_Dates_2023.doc](#)

✖ [BRO-RO41\(38\)_MoDOT-Effects-](#)

[Determination_Harrison_W-120th-Ave-over-Sampson-Creek_FINAL.pdf](#)

☒ Threatened & Endangered Species Submitted - *Mark submitted when this review is ready to be sent to district staff.*

Last Updated: Cassie Baumgartner - 3/12/2024 1:52:30 PM

› Migratory Birds

Status Information:

☐ N/A ☐ Pending ☒ Cleared

Clearance Date:

01/02/2024

Environmental Response: 1/2/2024 UPDATE: Based on the documentation submitted by the consultant, there is no evidence of birds nesting under the existing bridge. Therefore, there are no conflicts or concerns regarding the Migratory Bird Treaty Act. INITIAL SCREENING: Swallows and other bird species protected by the Migratory Bird Treaty Act (MBTA) may be nesting under the bridge that will be demolished during this project. To comply with the MBTA, nests of protected species cannot be disturbed when active (eggs or young are present). Generally, nests are active between April 1 and July 31, but active nests can be present outside of these dates. The consultant provided one photograph of the underside of the bridge. Additional photographs in order to determine if nests or staining are present are requested.

LPA Action: Assess for the presence of migratory birds under the bridge prior to demolition of the structure. Take photographs of underneath the bridge and upload these to the RER along with the remaining T&E documentation as instructed in the T&E section above.

Attachments:

☒ Migratory Birds Submitted - *Mark submitted when this review is ready to be sent to district staff.*

Last Updated: Cassie Baumgartner - 1/2/2024 11:35:36 AM

› Hazardous Waste Impact

Status Information:

☐ N/A ☐ Pending ☒ Cleared

Clearance Date:

10/18/2023

Environmental Response: According to the attached DNR E-START map, there are no Hazardous Substance Investigation and Cleanup Sites and no Regulated Petroleum and Hazardous Substance Storage Tank Facilities in the vicinity of the project area. There are no hazardous waste site concerns based on this information. However, the potential to encounter hazardous wastes from sites unknown to the LPA and MoDOT should always be a consideration. Demolition and renovation/replacement of bridges and/or buildings requires an asbestos inspection by a current DNR-certified asbestos inspector and a lead-based paint inspection by a lead inspector currently licensed by the MO Department of Health and Senior Services. The consultant provided a Limited ACM Sampling Report dated August 3, 2023. The inspection findings state no suspect ACM was identified during the limited ACM assessment; no samples were collected. Additionally, a Lead-Based Paint Report dated August 1, 2023 was also uploaded. According to the report, a total of five individual tests were performed on bridge components. Results from the XRF testing indicated that zero of the painted surfaces tested contain LBP at or above the existing action level of 1.0 mg/cm², the level at which HUD and the EPA consider surface coatings to be lead-based.

LPA Action: If there is any hydroblasting, grooving, milling or diamond grinding related to the project, residue and associated water must be prevented from being released to waterways or adjacent wetlands. Any hazardous waste sites that are found during project construction will be addressed by the LPA sponsor in accordance with Federal and State Laws and Regulations. If any hazardous waste concerns arise, notify MoDOT's environmental specialist as soon as possible. Submit the asbestos report, notification, and demolition notice to DNR within 10 working days. The LPA/consultant is required to submit a request for asbestos and painted concrete inspection to a chemical laboratory. The information needed is outlined in Section 127.8.1.3.1 of the EPG. For demolition inspection, the LPA/consultant is required to notify DNR 10 days in advance of all bridge/building demolitions. It is recommended that Section 202.40.1.1 of the EPG - Notification of Demolition paragraph be included in contract documents to highlight this requirement. Refer to DNR's Asbestos Information page for more guidance: <http://dnr.mo.gov/env/apcp/asbestos/> Refer to DHSS Lead Licensing page for more guidance: <http://health.mo.gov/safety/leadlicensing/> Upload the inspector asbestos certification and lead based paint licensing to the RER. Upload BOTH the asbestos and lead based paint inspection reports to the RER for review by MoDOT.

Attachments:

[✕DNR E-Start RER# 2024-09-00106.PNG](#)

☒ Hazardous Waste Impact Submitted - *Mark submitted when this review is ready to be sent to district staff.*

Last Updated: Cassie Baumgartner - 10/18/2023 1:29:28 PM

Project authorized under NWP 14 without
PCN submittal required

Wetland Impact (Section 404/401)

Status Information:

☐ N/A ☐ Pending ☒ Cleared

Clearance Date:

02/14/2024

Environmental
Response:

2/14/2024 UDPATE: MoDOT agrees that there does not appear to be any fill anticipated within Sampson Creek; therefore, a PCN will likely not be required. 2/12/2024 UPDATE: The consultant uploaded the RER to state "2/7/2024: A qualified wetland biologist collected data points delineating the OHWM in real time using the Trimble Geo 7X hand-held geospatial data collection device that is equipped with submeter accuracy. The data was downloaded and displayed using ArcGIS software. A delineation photolog has been uploaded." The consultant also uploaded photos from the delineation. 1/19/2024 UDPATE: The consultant updated the RER to include "1/10/2024 Update: The design KMZ and a Shapefile of the delineate feature (S1 - Sampson Creek) are attached for review. No impacts from the design are within the OHWM of Sampson Creek, therefore no 404 permit will be required. A screen shot of the shapefile and design is included for quick reference. According to NHD and NWI, one stream is located within the project area. This stream is known as Sampson Creek with classification code R2UBGx. The site visit verified the presence of Sampson Creek, and no other streams or wetlands were identified within the project area. Conceptual design plans anticipate no impacts to, and no fill placed within the OHWM of, Sampson Creek. As design plans are developed, exhibits depicting the delineated aquatic features and impact areas will be provided. Due to no impacts anticipated, a Section 404 Permit will not be required" INITIAL SCREENING: According to the attached USFWS National Wetlands Inventory Mapper, there are wetlands and a blue line stream in and around the project area. The bridge associated with the project crosses a blue line stream, Sampson Creek, which is also identified as a riverine feature by NWI. A review of Google Earth imagery is consistent with the possible presence of wetlands identified by NWI in the project area. The project may have impacts to wetlands or waters of the U.S. The RER states that conceptual design plans anticipate no impacts to, and no fill placed within the OHWM of, Sampson Creek. Design plans depicting the delineated aquatic features and the OHWM are requested in order to confirm.

LPA Action:

1/19/2024 UPDATE: Please provide methodology used for determining the OHWM. Please also provide any available photos of aquatic resources taken during the site visit. INITIAL SCREENING: Although MoDOT staff conducted a desktop review using the USFWS NWI Mapper, the LPA/consultant should conduct and document a field check to determine the presence of wetlands and waters of the U.S. within the project area. If temporary or permanent wetland impacts will result, or if fills will be placed within waters of the U.S, then the project will require submittal to the US Army Corps of Engineers (USACE) for a jurisdictional determination and permit approval. If permanent fill is less than 0.5 acre, the project should qualify for a Nationwide Permit (NWP). Most NWPs are automatically certified for 401 Water Quality Certification. These general water quality conditions as well as USACE Nationwide permit regional conditions, and any other conditions, must be followed during project construction. If a USACE Section 404 permit is required, submit the permit application, MoDOT T&E determinations, and the SHPO letter to the USACE. Upload the permit to the RER once received.

Wetland Permit
Information:

404 Permit Number

Permit Submitted

Permit Received

Permit Expiration

Compliance Certification Sent

Compliance Certification Received

Attachments:

✕ NWI RER# 2024-09-00106.PNG

☒ Wetland Impact Submitted - Mark submitted when this review is ready to be sent to district staff.

Last Updated: Cassie Baumgartner - 2/14/2024 1:22:59 PM

Noise Impact

Status Information:

☒ N/A ☐ Pending ☐ Cleared

Clearance Date:

Environmental
Response:

This is a Type III project and a noise analysis is not required.

LPA Action:

None.

Attachments:

☒ Noise Impact Submitted - Mark submitted when this review is ready to be sent to district staff.

Last Updated: Holly Cantrell - 10/3/2023 1:37:56 PM

Cultural Resources Impact (Section 106/Historic 4f)

Status Information:

☐ Pending ☒ Cleared

Clearance Date:

01/30/2024

Environmental Response: *UPDATE* 2.7.24- On January 30, 2024, SHPO concurred with a determination of No Historic Properties Affected (SHPO Project No. 003-HA-24). *UPDATE* 1.8.23- We have reviewed the RCIF. Additional project detail is needed to determine whether a cultural resources survey is required. 12.7.23- The project requires a Section 106 Review in consultation with MoDOT, Harrison County, and the State Historic Preservation Officer (SHPO) for identifying potential cultural resources that may be impacted by the project.

LPA Action: *UPDATE* 2.7.24- Be advised that if changes are made to the project (including but not limited to the addition of new right of way or easements, or the changing of the scope) the project will need to be reevaluated and additional clearances may be required. *UPDATE* 1.8.23- Please submit RCIF to SHPO. Be sure to attach the bridge information and other details such that SHPO is aware of that information. Upload SHPO concurrence when received. Please provide preliminary engineering plans that depict the entire area of potential effect and differentiate between the areas of ground disturbance and those without, as well as the approximate depth of ground disturbance. 12.7.23- Upload a completed draft of the attached Review and Compliance Information Form, including associated documentation, to the RER for review and comment by MoDOT's Historic Preservation staff. The environmental specialist will relay any comments for inclusion into the documentation. Once documentation is revised, if necessary, upload it to the RER as "Final Section 106 Documentation". The LPA sponsor may then submit it to the SHPO. Upload the SHPO response once received. The form should include photographs of the bridge included in the project area and include the following bridge evaluation: The National Bridge Inventory (NBI) data identifies the structure carrying West 120 Avenue over Samson Creek in Harrison County (MoDOT bridge #4750002) as a Girder Floorbeam System bridge constructed in 1920. MoDOT's Transportation Management Systems data classifies it as a steel Girder Floorbeam System Bridge. Based on 2019 NBI data, there are approximately 38 state and non-state bridges of this type in Missouri constructed in 1920 or earlier, 25 of which have been reconstructed. The subject bridge has not been reconstructed. The bridge has a latticed metal guardrail across the main span. The approach roadways and abutments have no guardrails. There is a timber deck, metal post supports on the south side and a galvanized metal cladding on the south abutment. The bridge appears to be constructed of rolled steel beams. Although fabricated in the United States in the 1850s to 1860s, rolled beams were not generally used on highway bridges until the 1920s and 1930s. The earliest known standard drawings of the rolled beam bridge were prepared by the U.S. Government's Bureau of Public Roads in 1917. Rolled multi-beam bridges are constructed of three or more parallel rolled beams with a deck placed on top of the beams. The primary structural members are the beams, and the secondary members are the diaphragms, when present. This type of superstructure is commonly used for simple spans, but continuous span designs have also been erected. According to the National Cooperative Highway Research Program's (NCHRP) A Context for Common Historic Bridge Types (NCHRP Project 25-25, Task 15) report, metal rolled multi-beam bridges possess low significance. The south abutment of the subject bridge has undergone alterations that have affected its integrity of materials and workmanship and the guardrail exhibits some crash damage. The bridge does not span a significant length, nor does it exhibit innovative fabricating techniques. Additionally, the Missouri Historic Bridge Inventory excluded the bridge, and it is not listed on the 2003 Missouri Historic Bridge List (Fraser 1996). MoDOT recommends the bridge as ineligible for listing in the NRHP. Fraser, Clayton 1996 Missouri Historic Bridge Inventory (DRAFT), Loveland, CO: Fraserdesign. Parsons Brinkerhoff and Engineering and Industrial Heritage 2005 A Context for Common Historic Bridge Types, NCHRP Project 25-25, Task 15. Washington, DC: National Cooperative Highway Research Council. If there are any buildings, structures, or landscape features (such as fences, walls, etc.) 45 years of age or older located within 100 ft of any new right of way or permanent easements, or within 100 ft of any temporary easements associated with sidewalk construction, please also include photographs of these resources, and all resources located on the associated parcel, in your submission to SHPO. The following information should be included in the appropriate sections of the RCIF regarding archaeological resources: The proposed project will include replacing the existing bridge (#4750002) with a new bridge and roadway width of 24'-0" and will, in general, follow the existing alignment on W. 120 Ave over Sampson Creek. The bridge will be supported by driven piles with concrete abutments. The project is anticipated to require 0.10 acres of new right-of-way (ROW), no temporary easements, and 0.10 acres of permanent easement. Additional ROW may be needed but has not yet been determined. Tree clearing is anticipated, but the extent is unknown at this time. The proposed project appears to be within previously disturbed land. No previously recorded archaeological sites are within the proposed project area or 1-mile buffer. Three cultural resource surveys were previously conducted adjacent to the project. As a result, no cultural resources were recorded. Therefore, no archaeological survey is recommended for the project.

Attachments:

☐ Adverse Effect or Conditional No Adverse Effect

☒ Based on the review of the project location and description noted above, there are no identified historic 4(f) resources affected that would preclude the setting of an A-date.

Checked by:

on

Approved on:

☒ Cultural Resources Impact Submitted - Mark submitted when this review is ready to be sent to district staff.

Last Updated: Geordon Taylor - 2/7/2024 3:12:31 PM

Public Land Impact (Section 4f/6f)

Status Information:

☒ N/A ☐ Pending ☐ Cleared

Clearance Date:

Environmental Response: According to Google Earth imagery, there are no Section 4(f) or Section 6(f) resources in the vicinity of the project area. The project will not result in a use to any Section 4(f) properties and no conversion of any Section 6(f) lands.

LPA Action: None.

Attachments:

- ☒ Based on the review of the project location and description noted above, there are no identified 4(f) or 6(f) resources affected that would preclude the setting of an A-date.

Checked by: Holly Cantrell on 10/03/2023

☒ Public Land Impact Submitted - Mark submitted when this review is ready to be sent to district staff.

Last Updated: Holly Cantrell - 10/3/2023 1:39:26 PM

Other

Status Information:

☒ N/A ☐ Pending ☐ Cleared

Clearance Date:

Environmental Response: There are no additional resource impacts associated with this project.

LPA Action: None.

Attachments:

☒ Other Screening Submitted - Mark submitted when this review is ready to be sent to district staff.

Last Updated: Holly Cantrell - 10/3/2023 1:40:50 PM

NEPA Classification

NEPA Right-Of-Way Permission: Can Proceed to Buy R/W

as determined or approved by: KYLE.GRAYSON@MODOT.MO.GOV

NEPA Approval/Proceed to A-date Request: 03/15/2024

Re-evaluation Date:

NEPA Classification: PCE

This project qualifies for the programmatic categorical exclusion under Item#:

28

All Environmental Issues Cleared: 03/15/2024

Commitments and/or Comments to Sponsor: If there are any changes in the scope of the project, MoDOT's Environmental section should review those changes. The sponsor is ultimately responsible for complying with all applicable state and federal laws. PCE approved for A-Date request as well as the all environmental issues cleared date have been provided as of 03.15.2024. THE LPA/CONSULTANT SHOULD REVIEW ALL SECTIONS ABOVE INCLUDING THOSE MARKED AS CLEARED/GREEN.

Attachments:

✕ 2024.03.15_RER#2024-09-00106_
NW_R041038_MoDOT
Concurrence.msg

Last Submitted: 03/19/2024 by Holly Cantrell

LEAD-BASED PAINT TESTING REPORT

Prepared by:



For:

**Nathaniel Wood
Garver, LLC
7509 NW Tiffany Springs Parkway, Suite 200
Kansas City, MO 64153**

Project:

**Lead-Based Paint Testing Report
Bridge #4750002
W. 120th Ave. Over Samson Creek
Harrison County, MO
TES Project #: 23289AL.01**

August 1, 2023

Report Prepared and Submitted By:

Travis Taylor (Missouri Risk Assessor: 170717-300005280)

TES Missouri Lead Activity Firm No. 060130-004227



Full Service Environmental Consulting, Testing & Contracting
2418 Merriam Lane, KCK 66106 | Phone: 913-432-5500 | www.titankc.com

August 1, 2023

TES Project #23289AL

Nathaniel Wood
Garver, LLC
7509 NW Tiffany Springs Parkway, Suite 200
Kansas City, MO 64153

RE: Limited LBP XRF Testing
Bridge #4750002
W. 120th Ave. Over Samson Creek
Harrison County, MO

Dear Client:

Titan Environmental Services, Inc. (TES) is pleased to provide you with this report of findings associated with the lead-based paint (LBP) XRF testing performed at Bridge #4750002, W. 120th Ave. over Sampson Creek, Harrison County, MO. The bridge was constructed circa pre-1978.

The LBP testing was performed on August 1, 2023, to assess the content of lead-based paint on bridge components. The testing performed by TES was in accordance with applicable HUD, EPA, and State of Missouri Guidelines which govern the evaluation and control of LBP and LBP Hazards.

This report should only be used for the purpose of interpreting the presence of lead-based paint (LBP) and should not be used for any lead-hazard risk assessment purposes. Please note that while the testing and reporting was performed in accordance with HUD Guidelines Chapter 7 Regulations for lead-based paint inspections and all applicable state of Missouri guidelines, the entire structure was not tested.

XRF Testing

The testing was performed by Travis Taylor, a MO Certified LBP Inspector/Risk Assessor (License # 070717-300005280, Expiration date: October 4, 2025); employed by TES (MO License # 060130-004227, Expiration January 30, 2024). The purpose of the testing was to assess the presence of lead-based paint on building components that will be impacted through planned renovation activities. The limited LBP XRF testing was performed through the use of a SCIAPS X-550 X-Ray Fluorescence testing instrument, serial no. 1269.

Upon arriving on site, the LBP inspector conducted the initial calibration procedures for the XRF instrument, using a National Institute of Standards and Technology (NIST) LBP calibration paint film, standardized to 1.02 mg/cm². The results of the initial calibration indicated that the instrument was functioning within the 0.3 mg/cm² calibration check variation tolerance limits.

Following completing the initial calibration, a total of **five (5)** individual tests (assays) were performed on bridge components. **Results from the XRF testing indicated that zero (0) of the painted surfaces tested contain LBP at or above the existing action level of 1.0 mg/cm², the level at which HUD and the EPA consider surface coatings to be lead-based. Please reference the attached XRF data sheets for information on specific component type, substrate, location, paint colors, and testing results.**

General Requirements

In the event that future renovation activities impact the identified lead-based surface coatings listed above, an EPA certified renovation firm, employing EPA certified renovators, must perform the renovation and /or demolition activities in accordance with the Renovation, Repair, and Painting (RRP) rule for pre-1978 residential structures and child occupied facilities.

Additional information regarding these requirements can be accessed at www.epa.gov/getleadsafe. Please note that while the testing and reporting was performed in accordance with applicable HUD, EPA and State of Missouri regulations governing LBP testing, evaluation and control, the entire structure was not tested. Additionally, surface coatings with detectable levels of lead below the regulatory limit of 1.0 mg/cm², could create lead dust or lead-contaminated soil hazards when these surface coatings are turned into dust by abrasion, scraping, or sanding.

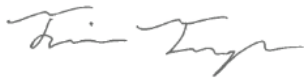
Although an attempt is made to find all potential lead hazards, it is impossible to test all locations at any given property and additional lead-based paint may still be present at all untested/inaccessible areas. All surfaces, substrates, and components not specifically tested should be assumed to contain lead-based paint unless tested and proven otherwise.

Closing Comments

The LBP XRF testing was performed by Titan Environmental Services at the request of the client. Consequently, TES cannot guarantee and does not warrant that this limited assessment has revealed all lead-based surface coatings and other adverse environmental conditions affecting the site. The results reported and any opinions reached by TES are for the benefit of the client. The results and opinions set forth by TES in its report will be valid as of the date of the report.

TES appreciates the opportunity to be of assistance to you. If you have any questions, please don't hesitate to contact us.

Respectfully,

A handwritten signature in black ink, appearing to read "Travis Taylor", with a stylized flourish at the end.

Travis Taylor
MO LBP Risk Assessor

Attachments

- Attachment A - Lead-Based Paint Testing Results Spreadsheet
- Attachment B – Site Photograph & Drawing
- Attachment C – Individual & Corporate Licenses

Attachment A – Lead-Based Paint Testing Results Spreadsheet

Titan Environmental Services, Inc.

2418 Merriam Lane
Kansas City, Kansas 66106
LEAD-BASED PAINT SURVEY RESULTS
XRF: SciAps X-550 Pb, S/N: 1969
INSPECTOR: Travis Taylor
MISSOURI REGISTRATION #: 7843
SURVEY DATE: 7/24/27

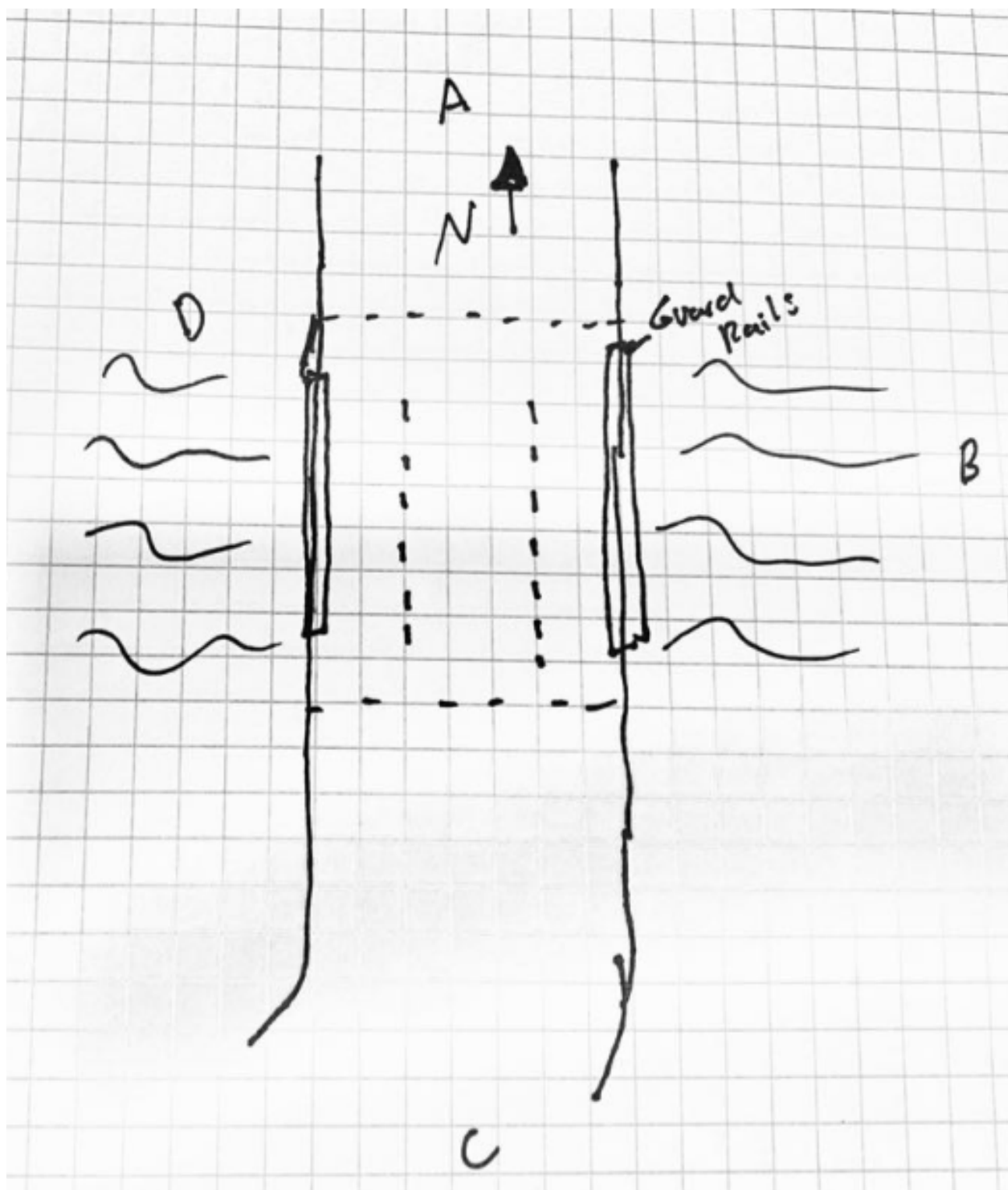
Client: Nathaniel Wood
Project Manger/Transportation Team
Garver USA

Survey Location: Bridge #4750002
W. 120th Ave. over Samson Creek
Harrison County, Mo

SAMP #	BUILDING LOCATION	SIDE	COMPONENT	SUBSTRATE	COLOR	COND.	XRF Reading (mgcm2)	Lead-based
1	Calibration						1.1	
2	Calibration						1.1	
3	Calibration						1.1	
4	Bridge # 4750002	B	Guard Rail	Metal	Rust	Poor	0.0	Negative
5	Bridge # 4750002	D	Guard Rail	Metal	Rust	Poor	0.0	Negative
6	Bridge # 4750002	A	Tire Tracks	Wood	Stain	Poor	0.0	Negative
7	Bridge # 4750002	C	Bridge Support	Metal	Rust	Poor	0.0	Negative
8	Bridge # 4750002	A	Bridge Wall	Metal	Silver	Poor	0.0	Negative
9	Calibration						1.1	
10	Calibration						1.1	
11	Calibration						1.1	

Attachment B – Site Photograph & Drawing





Attachment C – Individual & Corporate Licenses

STATE OF MISSOURI
DEPARTMENT OF HEALTH AND SENIOR SERVICES

LEAD OCCUPATION LICENSE REGISTRATION

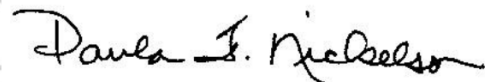
Issued to:

Travis N. Taylor

The person, firm or corporation whose name appears on this certificate has fulfilled the requirements for licensure as set forth in the Missouri Revised Statutes 701.300-701.338, as long as not suspended or revoked, and is hereby authorized to engage in the activity listed below.

Lead Risk Assessor
Category of License

Issuance Date:	9/20/2023
Expiration Date:	10/4/2025
License Number:	170717-300005280



Paula F. Nickelson
Acting Director
Department of Health and Senior Services

Lead Licensing Program, PO Box 570, Jefferson City, MO 65102

Certificate of Training

Paul Ehrhardt

of Titan Environmental Services has completed the SciAps instrument
operator training for the X550 Pb Paint Analyzer, provided by Tim Johnson



Instrument Operator Training X550 Pb Paint Analyzer

I confirm that the above named individual has
received the training listed on this certificate.

A handwritten signature in black ink, appearing to be "TJ", is written over a light gray rectangular background.

Tim Johnson
Name

December 01, 2022
Date

Certified Trainer
Title

I certify that I have received the stated training and
understand the content presented.



Paul Ehrhardt
Name

December 01, 2022
Date

STATE OF MISSOURI
DEPARTMENT OF HEALTH AND SENIOR SERVICES

Lead Abatement Contractor License

The person, firm or corporation whose name appears on this certificate is licensed as a Lead Abatement Contractor as set forth in the Missouri Revised Statutes 701.300-701.338 and 19 CSR 30-70.180, as long as not suspended or revoked, and is hereby authorized to engage in lead-bearing substance activities.

Issued to:

Titan Environmental Services, Inc.

**2418 Merriam Lane
Kansas City, KS 66106**

Issuance Date: **1/30/2022**
Expiration Date: **1/30/2024**
License Number: **060130-004227**



A handwritten signature in black ink, reading "Donald G. Kauerauf".

Donald G. Kauerauf
Director
Department of Health and Senior Services

Lead Licensing Program, PO Box 570, Jefferson City, MO 65102

LIMITED ASBESTOS-CONTAINING MATERIALS (ACM) SAMPLING REPORT



**2418 Merriam Lane
Kansas City, KS 66106**

Report Prepared For:

**Nathaniel Wood
Garver, LLC
7509 NW Tiffany Springs Parkway, Suite 200
Kansas City, MO 64153**

Project:

**Limited Asbestos-Containing Materials
(ACM) Sampling
Bridge #4750002
W. 120th Ave. Over Samson Creek
Harrison County, MO**

TES Project #: 23289AL.01

August 3, 2023



Full Service Environmental Consulting, Testing & Contracting
2418 Merriam Lane, KCK 66106 | Phone: 913-432-5500 | www.titankc.com

August 3, 2023

TES Project No.: 23289AL.01

Nathaniel Wood
Garver, LLC
7509 NW Tiffany Springs Parkway, Suite 200
Kansas City, MO 64153

RE: Limited Asbestos-Containing Materials Sampling
Bridge #4750002
W. 120th Ave. Over Samson Creek
Harrison County, MO

Dear Client:

On August 1, 2023, Titan Environmental Services (TES) conducted a limited asbestos containing materials (ACM) sampling of requested suspect building materials at Bridge #4750002, W. 120th Ave. Over Sampson Creek, Harrison County, MO. Travis Taylor of TES performed the inspection. Mr. Taylor is a licensed Missouri Department of Natural Resources (MDNR) Asbestos Inspector. His certification number is 7001020923MOIR17423, expiration date February 21, 2024. A copy of his certification is attached to this report.

The purpose of this limited sampling was to identify and quantify suspect asbestos-containing materials (ACM) that may be present in the subject property prior to renovation and/or demolition activities that may impact them. The limited sampling of the subject property was performed utilizing the NESHAPS and ASTM assessment, sampling, and analytical protocol.

ACM Inspection Findings

No suspect ACM was identified during the limited ACM assessment; no samples collected.
See pictures in Appendix A.

Recommendations

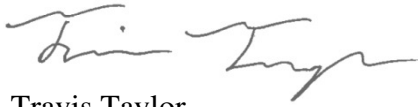
In the event that additional suspect asbestos containing materials are discovered where an inspector previously could not access during future renovation and/or demolition activities, bulk samples should be collected to determine the presence of asbestos. Additionally, a Missouri Department of Natural Resources (MDNR) licensed abatement contractor should remove any identified ACM, if applicable, that will be impacted as part of the renovation/demolition project. All work practices and engineering controls should be implemented in accordance with both state of Missouri Department of Natural Resources (MDNR) and Federal EPA/OSHA abatement regulations.

Closing Comments

The limited asbestos-containing materials (ACM) sampling was performed by TES at the request of the client. Consequently, TES cannot guarantee, and does not warrant, that this limited sampling has revealed all asbestos-containing materials, and other adverse environmental conditions affecting the site. The results reported and opinions reached by TES are for the benefit of the client. The results and opinions set forth by TES in its report will be valid as of the date of the report.

TES appreciates the opportunity to be of assistance to you. If you have any questions, please don't hesitate to contact us.

Respectfully,

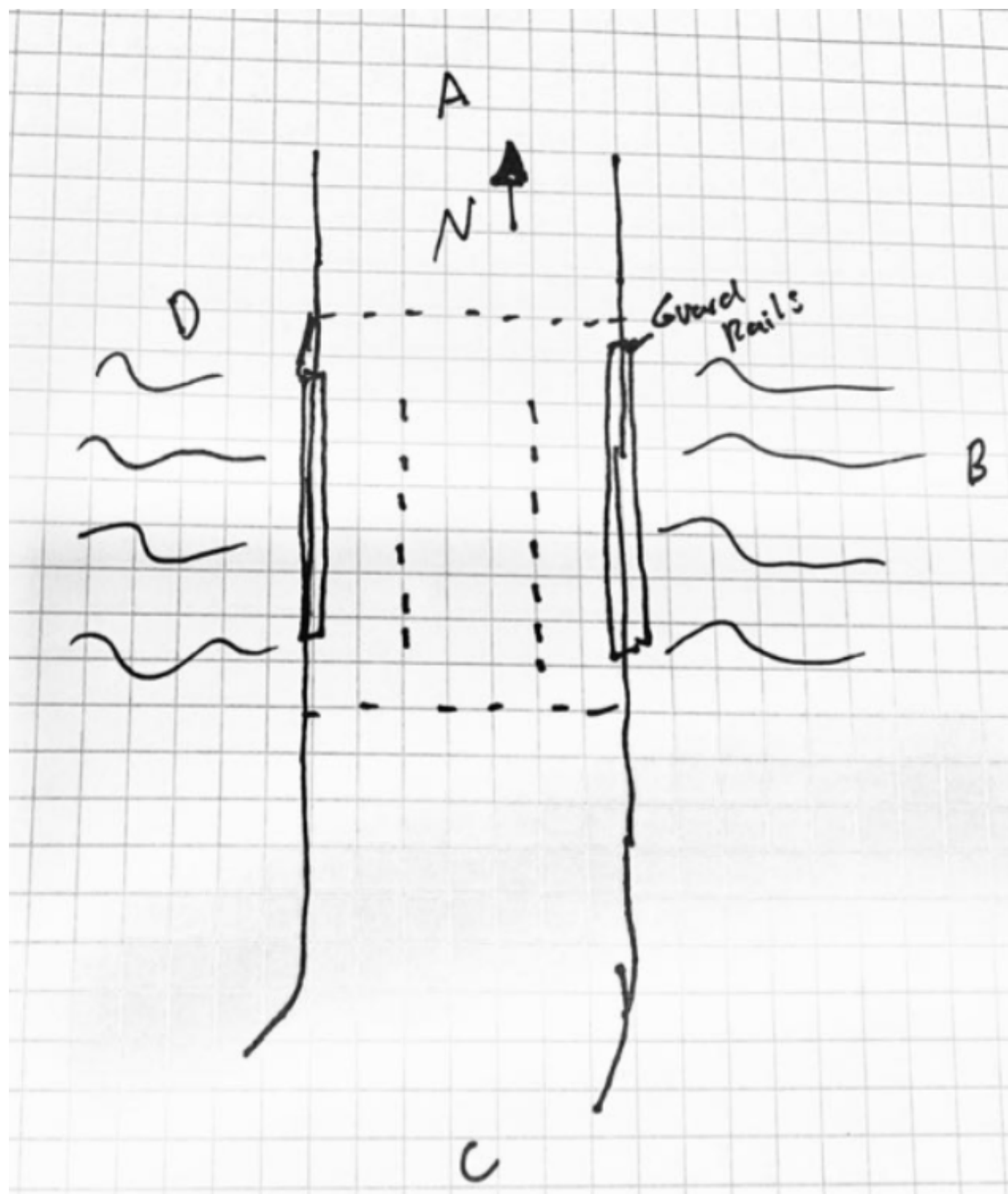
A handwritten signature in black ink, appearing to read "Travis Taylor", with a stylized flourish at the end.

Travis Taylor
MDNR ACM Inspector

Attachments Below: Appendix A – Site Photographs & Drawings
 Appendix B – TES Personnel Certifications

APPENDIX A – SITE PHOTOGRAPHS & DRAWINGS





APPENDIX B – TES PERSONNEL CERTIFICATIONS

CERTIFICATION NUMBER:

7001020923MOIR17423

THIS CERTIFIES

Travis N. Taylor

HAS COMPLETED THE CERTIFICATION

REQUIREMENTS FOR

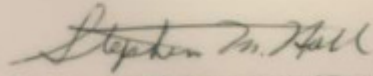
Inspector



APPROVED: **02/21/2023**

TRAINING DATE: **02/09/2023**

EXPIRES: **02/21/2024**



Director of Air Pollution Control Program

STATE OF MISSOURI 2021 NATIONWIDE PERMIT REGIONAL CONDITIONS

For All Nationwide Permits

1. Stream Crossings. In addition to requirements of General Condition 2 and General Condition 9 of the Nationwide Permits, the following guidelines for stream crossings apply for regulated activities in waters of the United States (WOTUS). The guidelines are available at:

<https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll11/id/6216>

- Corps Districts may waive RC 1 when project site geomorphology (i.e. bedrock, gradient) or existing alterations (i.e. adjacent impoundment, as part of a dry detention basin) creates conflict with the guidelines. The applicant must provide Pre-construction Notification (PCN) to the District Engineer for any waiver request.

2. Seasonal Restrictions for Activities Proposed in Spawning Areas. In addition to the requirements of General Condition 3 of the Nationwide Permits, the following specific seasonal restrictions apply for regulated activities in WOTUS. Between the closed dates listed in the Missouri Combined Stream Spawning List, the permittee must not excavate from or discharge into the listed waters. The list of waters with seasonal restrictions is available on request from the Corps or at:

<https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll11/id/6215>

- Corps Districts may waive RC 2 when the applicant demonstrates imminent threats to public safety and health, or to property. The Corps will consult with the U.S. Fish and Wildlife Service and Missouri Department of Conservation before granting the waiver and may add additional special conditions to protect aquatic life during the operation. The applicant must PCN to the District Engineer for any waiver request.

3. Suitable Material. In addition to the specific examples in General Condition 6 of the Nationwide Permits, the following materials are not suitable for fill activities in WOTUS: garbage, tires, treated lumber products that do not comply with the Registration Documents issued by the U.S. Environmental Protection Agency (USEPA) under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and that are not in accordance with standards issued by American Wood Protection Association of the International Code Council, liquid concrete not poured into forms, grouted riprap, bagged cement and sewage or organic waste.

- Broken concrete used as bank stabilization must be reasonably well graded, consisting of pieces varying in size from 20 pounds up to and including at least 150-pound pieces to withstand expected high flows. Applicants must break all large slabs to conform to the well graded requirement. Generally, the maximum weight of any piece should not be more than 500 pounds. Gravel and dirt should not exceed 15% of the total fill volume when using broken concrete as fill. All protruding reinforcement rods, trash, asphalt, and other extraneous materials must be removed from the broken concrete prior to placement in WOTUS.

4. Priority Watersheds. The applicant must provide PCN to the District Engineer for any regulated activity in a priority watershed. The list of priority watersheds requiring notification is available on request from the Corps or at:

<https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll11/id/6217>

5. Sensitive Aquatic Species. The applicant must provide PCN to the District Engineer for any regulated activity in waters listed at: <https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll11/id/6218>. The submitted PCN will be coordinated in accordance with General Condition 32(d) with the U.S. Fish and Wildlife Service as determined appropriate by the Corps.

For Specific Nationwide Permits:

6. Lake of the Ozarks. The applicant must provide a PCN to the District Engineer for any regulated activity associated with Nationwide Permit 12, 57, and 58 within Lake of the Ozarks. A copy of this notification must also concurrently be sent to Ameren Missouri. Nationwide Permits 29 and 44 are revoked in the Lake of the Ozarks. The Corps and Ameren Missouri, regardless of the request to use any Nationwide Permit, may verify the activity under the provisions of Regional General Permit 38M, which can be found at <https://www.nwk.usace.army.mil/Missions/Regulatory-Branch/General-Permits/>. Additional information on Ameren Missouri and Lake of the Ozarks permit requirements can be found at the following webpage: <https://www.ameren.com/missouri/residential/lake-of-the-ozarks/permitting-process-forms>.

=====

Note: PCN to the District Engineer must be in accordance with General Condition 32 of the Nationwide Permits.



General Guidelines for Stream Crossings Regional Condition 1

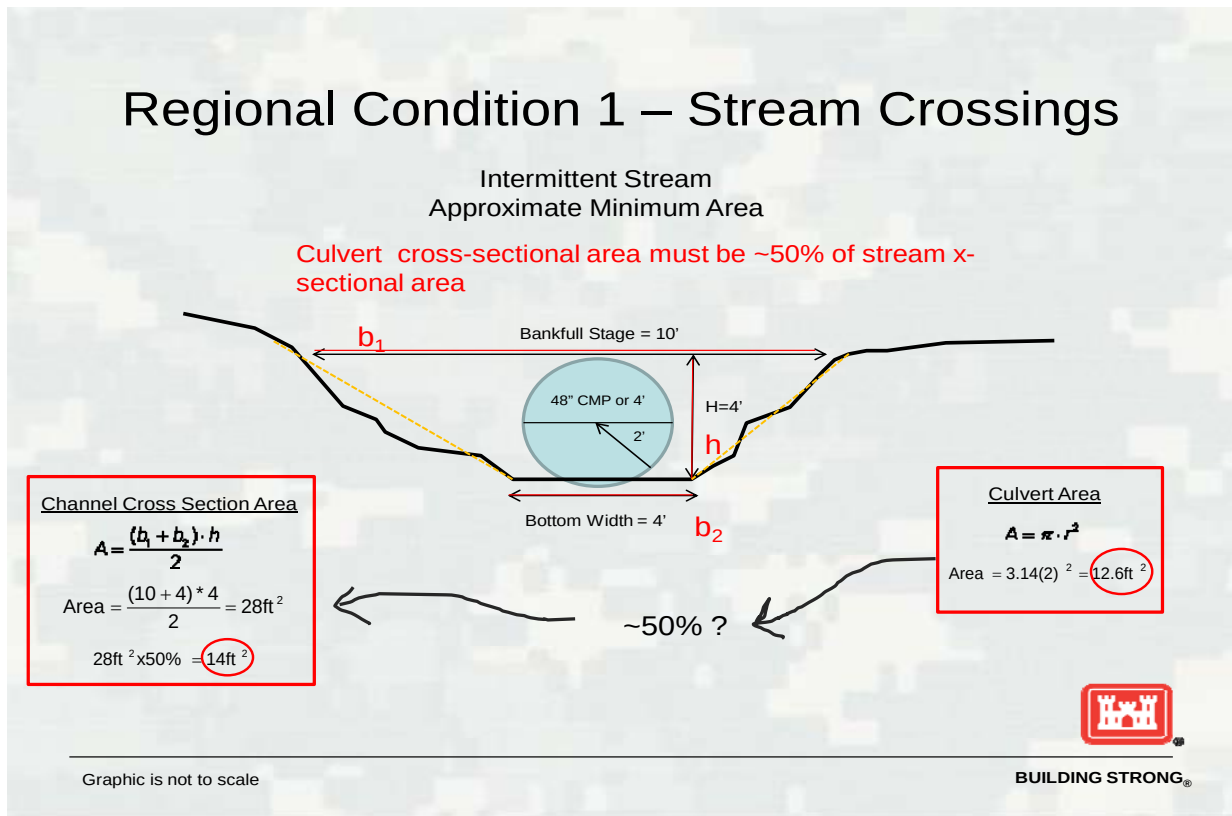
For all Nationwide Permits that involve the construction/installation of culverts and low water crossings, measures will be included in the construction, design, and installation that will allow for the passage of flows and promote the safe passage of fish and other aquatic organisms. The following General Guidelines are required to supplement General Condition (2) Aquatic Life Movements and General Condition (9) Management of Water Flows.

Culverts:

- New or replacement culverts (e.g., box or tubular, pipes, etc.) must be designed, sized, and placed correctly. Culverts perched above the grade of the stream are not allowed. This includes other in-stream structures placed at the inlet with the purpose to reduce sedimentation within the stream crossing. It is acceptable for a portion of the water to pass over the structure if it is designed to be overtopped. Culverts must be the shortest length necessary to meet the project purpose, and a single culvert is encouraged.
- Drop boxes or other structures placed at the inlet with the purpose to reduce sedimentation within the stream crossing are not allowed. Culvert must be the shortest length necessary to meet the project purpose.
- New or replacement culverts, in conjunction with the associated fill material, shall have an appropriately sized opening that allows water flow through and over the crossing that is relative to the bankfull area (See Image 1). For purposes of this regional condition, bankfull area is defined as the height and width of the stream channel within the project to the top of the high bank(s). In addition, if elevations differ on both sides of the stream the lowest elevation shall be used as the height. The following basic guidelines shall be used when designing new or replacement crossing projects:

Stream Type	% of crossing profile that shall remain open
Perennial	Designed to allow an 85% opening to include the culvert(s) and area above the crossing up to the bankfull area.
Intermittent	Designed to allow a 50% opening to include the culvert(s) and area above the crossing up to the bankfull area.
Ephemeral	Placed at a depth below or at the natural stream bottom to provide for passage during low flow conditions.

Image 1



- For permanent crossings, the culvert must be embedded and backfilled below the grade of the stream on both the upstream and downstream sides ≥ 1 foot for culverts >48 inches. On culverts ≤ 48 inches the bottom of the culvert must be placed at a depth below or at the natural stream bottom to provide for aquatic organism passage during low flow conditions. Culverts in streams with non-erodible beds (i.e. bedrock or stable clay) must be constructed flush with the stream bed, but do not need to be embedded. Culverts in streams with highly erodible beds must be embedded deeper to lessen the chance of future perching due to downstream degradation and may be accompanied with other grade control measures to prevent erosion while maintaining General Condition (2) Aquatic Life Movements.

Low Water Crossings:

- The applicant must notify the District Engineer when repairing, rehabilitating or replacing low water crossings when discharges of dredged or fill material would raise or lower the lowest elevation of the crossing.
- When replacing or removing low water crossings the applicant must propose and employ measures to mitigate for and minimize the potential of streambed headcutting where channel incision has occurred downstream of the structure and the structure is providing grade control that is preventing channel incision from migrating upstream.



US Army Corps
of Engineers
Kansas City District

Missouri Regional Condition #2 to Nationwide Permits Seasonal Restrictions for Activities Proposed in Fish Spawning Areas

ID	Stream Name	Downstream Boundary (From)	Upstream Boundary (To)	Closure Period	Listing Criteria	Length (Miles)	County
1	Baker Branch	the tributary (Unnamed Creek ⑦) confluence immediately downstream of CR-SW 1075	the upstream MDC boundary (Taberville Prairie CA)	15 May - 15 July	2,4,5	4.4	St. Clair
2	Barren Fork ①	its mouth (confluence with Tavern Creek)	MO-17	15 March - 15 June	2,4	2.9	Miller
3	Barren Fork ②	its mouth (confluence with Sinking Creek)	CR-A-D	15 Nov. - 15 Feb.	6	3.4	Shannon
4	Bass Creek	its mouth (confluence with Turkey Creek)	US-63	15 May - 15 July	2,5,7	4.4	Boone
5	Bear Creek	RT-A	the south section line (6, 33N, 24W)	15 March - 15 June	2,4	10.5	Cedar, Polk
6	Beaver Creek	Bull Shoals Lake (654' AMSL)	MO-76	15 March - 31 July	2,4	24.3	Taney
7	Big Buffalo Creek	Lake of the Ozarks (660' AMSL)	its headwaters	1 April - 30 June	2,5	10.8	Benton, Morgan
8	Big Cane Creek	the Missouri-Arkansas border	its source (convergence of Cane Creek & Little Cane Creek)	1 March - 15 June	2,7	4.2	Butler
9	Big Creek	its mouth (confluence with St. Francis River)	MO-143	15 March - 15 June	5,6	12.3	Wayne, Iron
10	Big Piney River	its mouth (confluence with Gasconade River)	MO-17	15 March - 15 June	2,4,6,7	84.8	Pulaski, Phelps, Texas
11	Big River	its mouth (confluence with Meramec River)	the upstream MDC boundary (Leadwood Access)	15 March - 15 June	2,6	108.4	Jefferson, Washington, St. Francois
12	Black River ①	the Missouri-Arkansas border	Clearwater Dam	1 Feb. - 15 June	2,4,6,7	91.8	Butler, Wayne
13	Black River ②	Clearwater Lake (498' AMSL)	its source (convergence of West Fork Black River & East Fork Black River)	1 April - 31 July	2,4	27	Reynolds
14	Blue River	the Missouri-Kansas border	RT-W (Bannister RD)	1 April - 30 June	4,7	10.8	Jackson
15	Blue Spring Branch	its mouth (confluence with Bois Brule Creek)	RT-M	1 Dec. - 31 March	2	6.3	Perry
16	Blue Springs Branch	its mouth (confluence with Blue Springs Creek)	its source (Blue Springs)	15 Nov. - 15 Feb.	6	0.2	Crawford
17	Blue Springs Creek	its mouth (confluence with Meramec River)	the confluence of Blue Springs Branch	15 Nov. - 15 Feb.	5,6	4.3	Crawford
18	Bonne Femme Creek	CR-Andrew Sapp RD	US-63	15 May - 15 July	2,5,7	9.8	Boone
19	Bourbeuse River	its mouth (confluence with Meramec River)	the confluence of Clear Creek	15 March - 15 June	2,4	139.6	Franklin, Crawford, Gasconade, Phelps
20	Brush Creek ①	its mouth (confluence with Shoal Creek)	its headwaters	15 March - 15 June	2,4,5	8.4	Caldwell
21	Brush Creek ②	its mouth (confluence with Sac River)	the south section line (6, 35N, 24W)	15 March - 15 June	1,2	13.8	St. Clair, Cedar, Polk
22	Brushy Fork	its mouth (confluence with Barren Fork)	MO-17	15 March - 15 June	2,4	2	Miller
23	Cahoonie Creek	its mouth (confluence with Thomas Creek)	the west section line (3, 36N, 20W)	15 March - 15 June	2,4	2.8	Dallas, Hickory
24	Cane Creek ①	its mouth (convergence with Little Cane Creek & source of Big Cane Creek)	the north section line (11, 22N, 5E)	1 Feb. - 15 June	2	5.5	Butler

	Cane Creek ②	MO-158	the confluence of Tenmile Creek	1 Feb. - 15 June	2	14.2	Butler
26	Castor River	its mouth (confluence with Castor River Diversion Channel)	CR-208	1 Feb. - 31 May	2,4	59.8	Bollinger, Wayne, Madison
	Chariton River	US-136	the Missouri-Iowa border	1 March - 30 April	2,4,5,7	19	Schuyler, Putnam
28	Cinque Hommes Creek	the confluence of Bois Brule Creek	US-61	1 Dec. - 31 March	2	11.5	Perry
	Clear Creek ①	its mouth (confluence with Fishing River)	RT-W	1 June - 31 August	2	23.2	Clay, Clinton
30	Clear Creek ②	its mouth (confluence with Lamine River)	its headwaters	15 May - 15 July	2	12.7	Cooper
	Courtois Creek	its mouth (confluence with Huzzah Creek)	MO-8	15 March - 15 June	4,5,6	15.8	Crawford
32	Crabapple Creek	its mouth (confluence with Shoal Creek)	its headwaters	15 March - 15 June	2,4,5	9.3	Caldwell
	Crane Creek	Quail Spur RD	CR-1240	15 Nov. - 15 Feb.	6	10	Stone, Lawrence
34	Crooked River	MO-10	its headwaters	15 March - 15 June	2,4	65.5	Ray, Caldwell, Clinton
	Culley Creek	its mouth (confluence with Moniteau Creek)	the north section line (14, 46N, 17W)	15 May - 15 July	2	1.9	Cooper
36	Current River	the Carter-Ripley county line (downstream NPS boundary (Ozark National Scenic Riverways))	its source (convergence of Pigeon Creek & Montauk Spring Branch)	15 March - 15 June	2,5,6	112	Carter, Shannon, Texas, Dent
	Des Moines River	its mouth (confluence with Mississippi River)	US-27	1 March - 15 June	2	14.8	Clark
38	Dousinbury Creek	its mouth (confluence with Niangua River)	RT-JJ	15 March - 15 June	2	0.8	Dallas
	Draffen Branch	its mouth (confluence with Moniteau Creek)	CR-Harned RD	15 May - 15 July	2	3.3	Cooper
40	Dry Fork	its mouth (confluence with Meramec River)	MO-8	15 Nov. - 15 Feb.	6	5.8	Crawford, Phelps
	East Fork Big Creek	its mouth (convergence with West Fork Big Creek & source of Big Creek)	the Missouri-Iowa border	15 March - 15 June	2,4	39.5	Harrison
42	East Fork Crooked River	its mouth (confluence with Crooked River)	its headwaters	15 May - 15 July	2,4	32.2	Ray, Caldwell
	East Fork Niangua River	its mouth (convergence with West Fork Niangua River and source of Niangua River)	the south section line (33, 32N, 18W)	15 March - 15 June	2,4	0.6	Webster
44	Eleven Point River	the Missouri-Arkansas border	the Middle Fork Eleven Point River confluence	15 March - 15 June	5,6	54.4	Oregon
	Elk River	the Missouri-Oklahoma border	its source (convergence of Big Sugar Creek & Little Sugar Creek)	15 March - 15 June	4,6	24.7	McDonald
46	Fiery Fork	its mouth (confluence with Little Niangua River)	the tributary confluence immediately upstream of CR-7-17H (Fiery Fork RD)	15 March - 15 June	2	3.6	Camden
	First Nicholson Creek (East Drywood Creek)	the downstream MDNR boundary (Prairie State Park)	the most upstream crossing of CR-West Central RD	15 March - 15 June	4,5,7	4.1	Barton
48	Flat Creek	Table Rock Lake (915' AMSL)	MO-39	15 March - 15 June	2	16.1	Stone, Barry
	Fleck Creek	the downstream MDNR boundary (Prairie State Park)	the first tributary (Unnamed Creek ⑧) confluence upstream	15 March - 15 June	4,7	1	Barton
50	Fourmile Creek	its mouth (confluence with Niangua River)	RT-P	15 March - 15 June	2	0.8	Dallas

51	Gans Creek	its mouth (convergence with Clear Creek & source of Little Bonne Femme Creek)	US-63	15 March - 15 June	5,7	5.4	Boone
52	Gasconade River	its mouth (confluence with Missouri River)	MO-5	15 March - 15 June	2,4,6,7	289.9	Gasconade, Osage, Maries, Phelps, Pulaski, Laclede, Wright
53	Grand River	its mouth (confluence with Missouri River)	the Thompson River confluence	1 March – 15 June	2,4	61.3	Carroll, Chariton, Livingston
54	Greasy Creek	its mouth (confluence with Niangua River)	the south section line (34, 33N, 20W)	15 March - 15 June	2,4	14.2	Dallas
	Greer Spring Branch	its mouth (confluence with Eleven Point River)	its source (Greer Spring)	15 Nov. - 15 Feb.	4,6	1.4	Oregon
56	Grindstone Creek	its mouth (confluence with Grand River)	its headwaters	15 May - 15 July	2,4	42.5	Daviess, DeKalb, Clinton
57	Hickory Creek ①	MO-6	its headwaters	15 May - 15 July	2	8.6	Grundy, Daviess
58	Hickory Creek ②	its mouth (confluence with Shoal Creek)	CR-Monark DR	15 Feb. - 15 July	2	7.6	Newton
59	High Creek	the confluence of McElroy Creek	its headwaters	1 June - 31 August	2	10.7	Atchison
60	Howard Creek	its mouth (confluence with Smiley Creek)	its headwaters	15 May - 15 July	2	4.1	Cooper, Moniteau
61	Huzzah Creek	its mouth (confluence with Meramec River)	CR-Willhite RD	15 March - 15 June	4,5,6	35.8	Crawford
62	Jack Buster Creek	its mouth (confluence with Saline Creek)	RT-MM	15 March - 15 June	2	3.6	Miller
63	Jack's Fork	its mouth (confluence with Current River)	its source (convergence of North Prong Jack's Fork & South Prong Jack's Fork)	15 March - 15 June	5,6	46.7	Shannon, Texas
64	James River	Table Rock Lake (915' AMSL)	Lake Springfield Dam	15 March - 15 June	2,6	51.1	Stone, Christian, Greene
	Joachim Creek	RT-A	RT-V	15 March - 15 June	6	18.3	Jefferson
66	Jones Creek	its mouth (confluence with Niangua River)	CR-Jones Creek RD	15 March - 15 June	2	0.3	Dallas
67	Kelley Branch	its mouth (confluence with Silver Fork)	RT-U	15 March - 15 July	2,4,7	6.6	Boone
68	Kenser Creek	its mouth (confluence with Tavern Creek)	MO-42	15 March - 15 June	2	0.3	Miller
69	La Barque Creek	its mouth (confluence with Meramec River)	its headwaters	15 March - 15 June	4,7	6.2	Jefferson
70	Lane Spring Branch	its mouth (confluence with Little Piney Creek)	its source (Lane Spring)	15 Nov. - 15 Feb.	6	0.2	Phelps
71	Little Black River	the east section line (25, 24N, 3E)	its source (convergence of North Prong Little Black River & South Prong Little Black River)	15 March - 15 June	2,4,5	8.6	Ripley
72	Little Maries Creek	its mouth (confluence with Maries River)	the south section line (33, 43N, 10W)	15 March - 15 June	2	3.4	Osage
73	Little Niangua River	Lake of the Ozarks (660' AMSL)	the east section line (26, 36N, 19W)	15 March - 15 June	1,2,4,7	46.8	Camden, Hickory, Dallas
74	Little Piney Creek	the confluence of Beaver Creek	the Phelps-Dent county line	15 Nov. - 15 Feb.	2,5,6	15.1	Phelps
	Little Pomme de Terre River	its mouth (confluence with Pomme de Terre River)	US-65	15 March - 15 June	2	9.5	Polk, Greene
76	Little Saline Creek	its mouth (confluence with Saline Creek)	its headwaters	15 March - 15 June	2	9.8	Miller
77	Little Wilson Creek	its mouth (confluence with Pomme de Terre River)	CR-244 th ST	15 March - 15 June	2	2.1	Polk
78	Locust Creek	MO-6	US-136	1 March - 30 April	2,4,7	36.5	Sullivan, Putnam

79	Log Creek	its mouth (confluence with Shoal Creek)	its headwaters	15 March - 15 June	2,4,5	14.7	Caldwell
80	Lost Creek	the Missouri-Oklahoma border	RT-CC	1 May - 31 July	2	7.1	Newton
81	Macks Creek	its mouth (confluence with Little Niangua River)	Coffey Hollow RD	15 March - 15 June	2	2.2	Camden
82	Maries River	its mouth (confluence with Osage River)	the south section line (26, 41N, 10W)	15 March - 15 June	2	37.4	Osage, Maries
83	Maze Creek	Stockton Lake (867' AMSL)	CR-231	15 March - 15 June	2	4	Dade
84	McElroy Creek	its mouth (confluence with High Creek)	the Missouri-Iowa border	1 June - 31 August	2	6.6	Atchison
	Meramec River ①	CR-Thurman Lake RD (upstream boundary of Scott's Ford Access)	MO-8	15 Nov. - 15 Feb.	6	8.8	Crawford, Phelps
86	Meramec River ②	its mouth (confluence with Mississippi River)	MO-19	15 March - 15 June	2,4,5,6	205.8	St. Louis, Jefferson, Franklin, Crawford, Dent
87	Meyers Branch	its mouth (confluence with Tavern Creek)	its headwaters	1 May - 31 July	2,7	2.5	Callaway
88	Mill Creek ①	MO-111	its headwaters	15 March - 15 June	2,4	9.7	Atchison
89	Mill Creek ②	its mouth (confluence with Little Piney Creek)	the confluence of Deep Hollow Creek	15 Nov. - 15 Feb.	5,6	9.3	Phelps
90	Mill Creek ③	its mouth (confluence with Wet Glaize Creek)	MO-7	15 March - 15 June	7	4.9	Camden
91	Mineral Fork	its mouth (confluence with Big River)	RT-F	15 March - 15 June	4,6	14.9	Washington
92	Mississippi River	the Missouri River confluence	Mel Price Lock & Dam	1 April - 15 June	2	5.6	St. Charles
93	Moniteau Creek	MO-87	its headwaters	15 March - 15 July	2	30.9	Moniteau, Cooper
94	Niangua River	Lake of the Ozarks (660' AMSL)	its source (convergence of East Fork Niangua River & West Fork Niangua River)	15 March - 15 June	1,2,7	109	Camden, Dallas, Laclede, Webster
	North Dry Sac River	its mouth (confluence with Little Sac River)	the east section line (19, 31N, 21W)	15 March - 15 June	2,4	9.2	Polk, Greene
96	North Fork River	Norfork Lake (554' AMSL)	the Ozark-Douglas county line	15 Nov. - 15 Feb.	4,5,6	23.9	Ozark
97	North Little Tavern Creek	its mouth (confluence with Tavern Creek)	the Miller-Maries county line	15 March - 15 June	2	3.3	Miller
98	Osage Fork of the Gasconade River	its mouth (confluence with Gasconade River)	RT-F	15 March - 15 June	2,6,7	68.6	Laclede, Wright, Webster
99	Osage River	its mouth (confluence with Missouri River)	Bagnell Dam	15 March - 15 June	2,4,7	85.6	Cole, Osage, Miller
100	Panther Creek	its mouth (confluence with Brush Creek)	the St. Clair-Polk county line	15 March - 15 June	2	2.5	St. Clair
101	Piney Spring Branch	its mouth (confluence with Little Piney Creek)	its source (Piney Spring)	15 Nov. - 15 Feb.	6	0.2	Phelps
102	Pisgah Creek	its mouth (confluence with Moniteau Creek)	RT-W	15 May - 15 July	2	8.1	Cooper
103	Pomme de Terre River ①	Pomme de Terre Reservoir (839' AMSL)	RT-D	15 March - 15 June	4	12.4	Polk
104	Pomme de Terre River ②	E 475 th RD	the first tributary confluence upstream of CR-Arrow Head RD	15 March - 15 June	1,2,4	31.8	Polk, Dallas, Greene, Webster
105	Roubidoux Creek ①	the north section line (10, 34N, 12W)	MO-32	15 March - 15 June	2	24.4	Pulaski, Texas
106	Roubidoux Creek ②	its mouth (confluence with Gasconade River)	the upstream MDC boundary (Roubidoux Creek CA)	15 Nov. - 15 Feb.	6	2.2	Pulaski

107	Sac River ①	from Harry S. Truman Reservoir (706' AMSL)	the west section line (14, 36N, 26W)	1 March - 1 June	4	3.2	St. Clair
108	Sac River ②	Stockton Lake (867' AMSL)	CR-34	15 March - 15 June	4	13	Dade, Green
109	Saint Francis River ①	the Missouri-Arkansas border	Wappapello Dam	1 Feb. - 31 June	2,4	113	Dunklin, Butler, Stoddard, Wayne
110	Saint Francis River ②	Wappapello Lake (355' AMSL)	MO-72	1 Feb. - 31 May	2,4,6	63.2	Wayne, Madison
111	Saline Creek	its mouth (confluence with Osage River)	US-54	15 March - 15 June	2	13.1	Miller
112	Salt Creek	its mouth (confluence with Missouri River)	its headwaters	1 June - 31 August	2,7	5.9	Howard
113	Shoal Creek	RT-D	its headwaters	15 May - 15 July	2,4,5	74.8	Livingston, Caldwell, Clinton
114	Silver Fork	US-63	RT-V	15 March - 15 July	2,4,7	9.6	Boone
115	Smiley Creek	its mouth (confluence with Moniteau Creek)	its headwaters	15 May - 15 July	2	8.2	Cooper, Moniteau
116	South Fabius River	US-24/US-61	the Marion-Shelby county line	15 March - 15 June	4,7	42.1	Marion
117	South Fork Pomme de Terre River	its mouth (confluence with Pomme de Terre River)	CR-J RD	15 March - 15 June	2	3.7	Greene, Webster
118	South Fork Turkey Creek	its mouth (convergence with North Fork Turkey Creek & source of Turkey Creek)	RT-H	15 March - 15 July	2,7	2.7	Boone
119	South Little Tavern Creek	its mouth (confluence with Tavern Creek)	the confluence of Atwell Creek	15 March - 15 June	2,4	1.6	Miller
120	South Prong Little Black River	its mouth (convergence with North Prong Little Black River & source of Little Black River)	MO-21	15 March - 15 June	2,4,5	5.5	Ripley
121	Spring Creek	its mouth (confluence with Big Piney River)	the confluence of Bradford Branch	15 Nov. - 15 Feb.	5,6	7.9	Phelps
122	Spring River ①	RT-H	US-60	15 Nov. - 15 Feb.	2,4	14.1	Lawrence
123	Spring River ②	the Missouri-Kansas border	MO-43	15 April - 15 July	2,4	12.3	Jasper
124	Starks Creek	its mouth (confluence with Little Niangua River)	the north section line (22, 38N, 20W)	15 March - 15 June	2	2.2	Hickory
125	Sugar Creek ①	MO-146	its headwaters	15 March - 15 July	2,4	25.7	Grundy, Harrison
126	Sugar Creek ②	its mouth (confluence with Cuivre River)	RT-B	15 March - 15 June	4,5,7	13.5	Lincoln
127	Swan Creek	Bull Shoals Lake (654' AMSL)	the upstream USACE boundary	15 March - 15 June	2	4.6	Taney
128	Tavern Creek ①	its mouth (confluence with Missouri River)	its headwaters	1 May - 31 July	2,7	8.4	Callaway
129	Tavern Creek ②	its mouth (confluence with Osage River)	Bennett RD	15 March - 15 June	1,2,4	43.8	Miller
130	Tenmile Creek	its mouth (confluence with Cane Creek)	RT-B	15 March - 15 June	6	15.4	Butler, Carter
131	Thomas Creek	its mouth (confluence with Little Niangua River)	CR-Howard Chapel RD	15 March - 15 June	2,4	8.7	Hickory, Dallas
132	Thompson River	the south section line (11, 66N, 26W)	the Missouri-Iowa border	15 March - 15 June	2,4	6.9	Harrison
133	Tombstone Creek	its mouth (confluence with Sugar Creek)	its headwaters	15 May - 15 July	2,4	10.9	Harrison, Daviess
134	Turkey Creek	its mouth (confluence with Boone Femme Creek)	its source (convergence of North Fork Turkey Creek & South Fork Turkey Creek)	15 March - 15 July	2,5,7	7.2	Boone
135	Turnback Creek	Stockton Lake (867' AMSL)	the Old Dilday Mill Dam	15 March - 15 June	4	13.4	Dade

136	Unnamed Creek ①	its mouth (confluence with Sugar Creek)	its headwaters	15 May - 15 July	2	5	Harrison
137	Unnamed Creek ②	its mouth (confluence with Sugar Creek)	its headwaters	15 May - 15 July	2	5.9	Harrison
138	Unnamed Creek ③	its mouth (confluence with Moniteau Creek)	its headwaters	15 May - 15 July	2	3.9	Cooper
139	Unnamed Creek ④	its mouth (confluence with Bass Creek)	the south section line (33, 47N, 12W)	15 May - 15 July	2	1.8	Boone
140	Unnamed Creek ⑤	its mouth (confluence with Baker Branch)	its headwaters	15 May - 15 July	2,4	0.9	St. Clair
141	Unnamed Creek ⑥	its mouth (confluence with Baker Branch)	its headwaters	15 May - 15 July	2,4	3.5	St. Clair
142	Unnamed Creek ⑦	its mouth (confluence with Baker Branch)	its headwaters	15 May - 15 July	2,4	2.7	St. Clair
143	Unnamed Creek ⑧	its mouth (confluence with Fleck Creek)	CR-West Central RD	15 March - 15 June	4,7	2.5	Barton
144	Weaubleau Creek	the downstream MDC boundary (Kings Prairie Access)	the St. Clair-Hickory county line	15 May - 15 July	2,4	14	St. Clair
145	West Brush Creek	its mouth (confluence with Moniteau Creek)	RT-O	15 March - 15 July	2	3.4	Cooper, Moniteau
146	West Fork Big Creek	its mouth (convergence with East Fork Big Creek & source of Big Creek)	the Missouri-Iowa border	15 March - 15 June	2,4	38.7	Harrison
147	West Fork Crooked River	its mouth (confluence with Crooked River)	its headwaters	15 May - 15 July	2,4	21.5	Ray
148	West Fork Niangua River	its mouth (convergence with East Fork Niangua River & source of Niangua River)	the south section line (33, 32N, 18W)	15 March - 15 June	2	0.3	Webster
149	West High Creek	its mouth (confluence with High Creek)	the Missouri-Iowa border	1 June - 31 August	2	6.2	Atchison
150	Wet Glaize Creek	its mouth (convergence with Dry Auglaize Creek & source of Grand Glaize Creek)	the confluence of Mill Creek	15 March - 15 June	7	6.6	Camden
151	Whetstone Creek	its mouth (confluence with Loutre River)	I-70	15 March - 15 June	2,4,5,7	17.7	Montgomery, Callaway
152	Whitewater River	its mouth (confluence with Castor River Diversion Channel)	RT-K	1 Feb. - 31 May	2,7	40.7	Cape Girardeau, Bollinger
153	Wilkins Spring Branch	its mouth (confluence with Mill Creek)	its source (Wilkins Spring)	15 Nov. - 15 Feb.	6	0.2	Phelps



US Army Corps
of Engineers
Kansas City District

Priority Waters

Stream Reach Name	Tributary Reaches Included	Counties
Belle Fountain Ditch		Dunklin, Pemiscot
Big Muddy Creek		Gentry
Big Piney River		Phelps, Pulaski, Texas
Big River	Mineral Fork Cedar Creek	Jefferson, St. Francois, Washington
Black River	Cane Creek	Butler, Wayne
Bourbeuse River	Dry Fork	Franklin, Gasconade, Phelps
Bryant Creek		Douglas, Ozark
Center Creek		Jasper
Courtois Creek		Crawford, Washington
Cuivre River	Elkhorn Creek Bear Creek Camp Creek North Fork Cuivre River Indian Creek West Fork Cuivre River Sulphur Creek	Audrain, Lincoln, Montgomery, Pike
Current River	Big Creek Spring Valley Creek Sinking Creek	Carter, Dent, Ripley, Shannon, Texas
Dry Fork		Dent, Phelps
Eleven Point River	Frederick River Hurricane Creek Spring Creek	Oregon
Elk River		McDonald
Gasconade River	Osage Fork Beaver Creek	Gasconade, Laclede, Maries, Osage, Pulaski, Wright

Haw Creek		Morgan, Benton
Huzzah Creek		Crawford
Jacks Fork		Shannon, Texas
Joachim Creek		Jefferson
Little Black River		Butler, Ripley
Little Creek		Harrison
Little Dry Wood Creek		Vernon
Little Niangua River		Camden, Hickory
Little Platte River		Clinton
Little River		Dunklin
Locust Creek	West Locust Creek	Chariton, Linn, Livingston, Putnam, Sullivan
	East Locust Creek	
Main Ditch		Pemiscot
Maries River		Maries, Osage
Marrowbone Creek		Daviess
Meramec River		Crawford, Dent, Franklin, Jefferson, St. Louis
Moniteau Creek		Cooper, Moniteau
Moreau River		Cole, Moniteau
Niangua River	Greasy Creek	Camden, Dallas, Webster
North Fork River	Spring Creek	Ozark
Osage River		Miller, Cole, Osage
Peno Creek		Pike

Pomme de Terre River		Dallas, Greene, Polk
Pomme de Terre River		Benton, Hickory
Sac River		Greene, Polk
Sac River		Cedar, St. Clair
Saint Francis River	Mingo Ditch	Butler, Dunklin, Madison,
	Lick Creek	
Saint Johns Diversion Ditch		New Madrid
Shoal Creek (NE)		Putnam
Shoal Creek (SW)		Newton
South Fabius River	Little Fabius River	Knox, Lewis, Marion, Shelby
	North Fork	
	South Fork	
Spring Creek		Adair, Sullivan
Spring River	North Fork	Barton, Jasper, Lawrence
Sugar Creek		Grundy, Harrison
Tavern Creek		Miller
Whetstone Creek		Callaway, Montgomery
Yellow Creek	East Yellow Creek	Chariton, Linn, Sullivan
	West Yellow Creek	



US Army Corps
of Engineers
Kansas City District

Sensitive Aquatic Species Waters Regional Condition 5

Sensitive Aquatic Species: Includes all mussel and hellbender species with a Federal status, including Endangered, Threatened, Proposed Endangered (published in Federal Register).

Curtis Pearlymussel (E)

Pink mucket (E)

Higgins Eye (E)

Scaleshell (E)

Fat pocketbook (E)

Winged mapleleaf (E)

Spectaclecase (E)

Sheepnose (E)

Snuffbox (E)

Neosho mucket (E)

Rabbitsfoot (E)

Ozark Hellbender (E)

1. **Belle Fountain/State Line Ditch** – from the Route NN Bridge on the border of Pemiscot and Dunklin Counties, to the Missouri (Dunklin County)-Arkansas (Mississippi County) border, including all portions of the waterbody that make up the border between Missouri and Arkansas.
2. **Big Piney River** – from the confluence of Arthur Creek in Texas County to its confluence with the Gasconade River in Pulaski County.
3. **Big River** – from confluence of Belews Creek in Jefferson County to its confluence with the Meramec River in Jefferson/St. Louis Counties.
4. **Black River** – from the point of discharge from Clearwater Dam in Wayne County to the Missouri (Butler County)-Arkansas (Clay County) border in Butler County.
5. **Bourbeuse River** – from the confluence of Clear Creek in Phelps County to its confluence with the Meramec River in Franklin County.
6. **Bryant Creek** – from the confluence of Planer Branch in Douglas County to its confluence with the North Fork of the White River in Ozark County.

7. **Cane Creek** – from the confluence of Kenner Spring Branch in Butler County to the confluence of Harviell Ditch in Butler County.
8. **Castor River** – from the confluence of Pond Creek in Bollinger County including all unchannelized reaches to the Castor River Diversion Channel in Bollinger County.
9. **Center Creek** – from 0.4 miles upstream of Missouri Route 71 in Jasper County to 0.35 miles upstream from confluence with Spring River in Jasper County.
10. **Current River** – from the confluence of Pigeon Creek in Dent County to the confluence of Spring Bluff Creek in Ripley County.
11. **Eleven Point River** – from the confluence of Greer Spring Branch in Oregon County to the Missouri (Oregon County)-Arkansas (Randolph County) border.
12. **Elk River** – from the confluence of Indian Creek in McDonald County to 1.25 miles upstream of the Missouri (McDonald County)-Oklahoma (Delaware County) border in McDonald County.
13. **Gasconade River** – from the confluence of Crocker Creek in Wright County to its confluence with the Missouri River in Gasconade County.
14. **Indian Creek** – from 0.5 miles downstream of the confluence of Elkhorn Creek in McDonald County to its confluence with Elk River in McDonald County.
15. **Jack's Fork River** – from the Missouri Route 106 Bridge in Shannon County to its confluence with the Current River in Shannon County.
16. **Little Black River** – from the convergence of the North Prong Little Black River and the South Prong Little Black River in Ripley County to the Missouri (Ripley County) –Arkansas (Clay County) border.
17. **Main Ditch** – from 0.5 miles upstream from the confluence of Main Ditch and Belle Fountain/State Line Ditch in Dunklin County to its confluence with Belle Fountain/State Line Ditch in Dunklin County.
18. **Meramec River** – from the confluence of Pine Branch in Crawford County to its confluence with the Mississippi River in Jefferson/St. Louis County.
19. **Mississippi River** – from the confluence of the Des Moines River in Clark County to the mouth of the Cuivre Slough in St. Charles County.
20. **North Fork of the White River** – from the Missouri Route 14 Bridge in Douglas County to 0.5 miles downstream of the confluence of Bryant Creek in Ozark County.
21. **North Fork Spring River** – from the confluence of Buck Branch in Jasper County to its confluence with Spring River in Jasper County.

22. **Osage Fork of the Gasconade** – from the confluence of Little Cobb Creek in Laclede County to its confluence with the Gasconade River in Laclede County.
23. **Osage River** – from the point of discharge from Bagnell Dam in Miller County to its confluence with the Missouri River in Cole/Osage County.
24. **Sac River** – from the point of discharge from Stockton Dam in Cedar County to the confluence of Coon Creek in St. Clair County.
25. **Salt River** – from the confluence of Spencer Creek in Ralls County to its confluence with the Mississippi River in Pike County.
26. **Shoal Creek**– from 1.3 miles downstream of the confluence of Joyce Branch in Barry County to 0.6 miles upstream of the Missouri (Newton County)-Oklahoma (Cherokee County) border in Newton County.
27. **South Prong Little Black River** – from the Missouri Route 21 Bridge in Ripley County to its confluence with the North Prong Little Black River in Ripley County.
28. **Spring River**– from 0.6 miles upstream of Missouri Route 97 in Lawrence County to the Missouri (Jasper County)-Oklahoma (Cherokee County) border in Jasper County.
29. **St. Francis River** - from the confluence of Twelvemile Creek in Madison County to the confluence of Holiday Creek in Wayne County.

Table 1. Approximate number of river miles affected, by stream.

Stream	River Miles (Approx.)
Belle Fountain/State Line Ditch	9
Big Piney River	64.4
Big River	21
Black River	85.2
Bourbeuse River	134.6
Bryant Creek	40.7
Cane Creek	8.6
Castor River	15
Center Creek	25.9
Current River	127.4
Eleven Point River	33
Elk River	15.5
Gasconade River	234.1
Indian Creek	20.1
Jack's Fork River	13.6
Little Black River	46.3
Main Ditch	0.5
Meramec River	149.6
Mississippi River	128
Niangua River	33.5
North Fork of the White River	25.5
North Fork Spring River	10.2
Osage Fork of the Gasconade	25.5
Osage River	80.1
Sac River	44.3
Salt River	29.4
Shoal Creek	56.2
South Prong Little Black River	5.3
Spring River	53.9
St. Francis River	40
Total	1542.9

Table 2. UTM coordinates of the up and downstream boundaries of affected streams.

Stream	Upstream Boundary		Downstream Boundary	
	UTM X	UTM Y	UTM X	UTM Y
Belle Fountain/State Line Ditch	774043	3990025	760027	3987542
Big Piney River	593201	4143076	582326	4193333
Big River	707281	4245958	707755	4260876
Black River	697778	4112108	693911	4054007
Bourbeuse River	621128	4218921	684299	4252203
Bryant Creek	546217	4083083	563653	4050270
Cane Creek	723077	4068498	726147	4061507
Castor River	754001	4117222	766310	4110702
Center Creek	383973	4107775	356915	4112945
Current River	616571	4146679	693910	4054007
Eleven Point River	648210	4073798	663668	4040697
Elk River	370249	4049463	357338	4054844
Gasconade River	553621	4135739	626296	4281813
Indian Creek	381177	4064777	370249	4049463
Jack's Fork River	638066	4112527	652894	4117344
Little Black River	701987	4069127	703629	4041635
Main Ditch	760625	3987762	760027	3987541
Meramec River	640007	4208265	732120	4252098
Mississippi River	634210	4470987	705669	4307614
North Fork of the White River	575418	4075419	563642	4049557
North Fork Spring River	373315	4124811	363873	4125767
Osage Fork of the Gasconade	547178	4158807	549159	4178300
Osage River	532836	4228480	591605	4272311
Sac River	432132	4172089	434943	4202936
Salt River	643164	4379439	667061	4370415
Shoal Creek	406567	4074863	356712	4100494
South Prong Little Black River	695553	4068918	701987	4069127
Spring River	416479	4110808	356374	4117655
St. Francis River	725098	4139242	726688	4108421

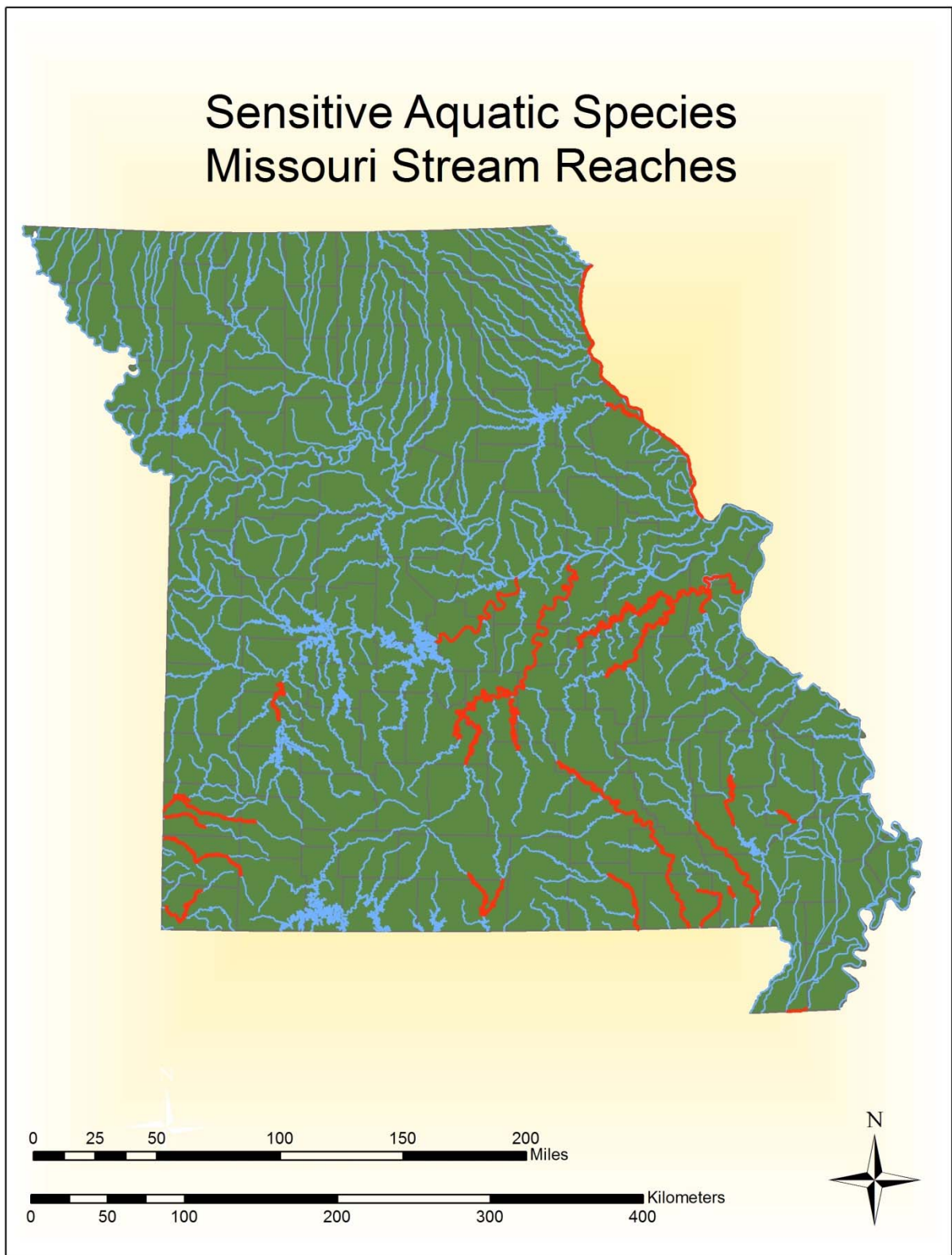


Figure 1. Location of affected streams within Missouri.

Nationwide Permit 14 - Linear Transportation Projects

Effective Date: February 25, 2022; Expiration Date: March 14, 2026
(NWP Final Notice, 86 FR 73522)

Nationwide Permit 14 - Linear Transportation Projects. Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, driveways, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

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

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

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

Note 2: Some discharges of dredged or fill material for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

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

2021 Nationwide Permit General Conditions

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

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

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

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

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

low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

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

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

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

6. **Suitable Material**. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

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

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

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

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

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

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

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

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

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

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

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

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

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

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

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

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

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

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

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

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

rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

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

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

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

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

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

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan

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

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

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

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

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

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may

be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

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

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

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

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

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

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

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

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

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

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

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

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

(Transferee)

(Date)

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

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

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

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

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

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

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

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

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

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

more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

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

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

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

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

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

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

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river” (see general condition 16); and

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

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

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

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile

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

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

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

2021 District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the single and complete crossings of waters of the United States that require PCNs to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by an NWP. If an applicant requests a waiver of an applicable limit, as provided for in NWPs 13, 36, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by an NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters. The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure that the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

2021 Further Information

1. District engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

2021 Nationwide Permit Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which

remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term “discharge” means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water’s surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This

term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of “open waters” include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has surface water flowing continuously year-round during a typical year.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic

characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or

improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized jurisdictional stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWP, a waterbody is a "water of the United States." If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)).

ADDITIONAL INFORMATION

Information about the U.S. Army Corps of Engineers Regulatory Program, including nationwide permits, may also be accessed at

<http://www.swt.usace.army.mil/Missions/Regulatory.aspx> or
<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx>

Lee Ann Miles
County Clerk

Jodi Mamminga
Deputy Clerk



Jack W. Hodge
Presiding Commissioner

Jim Holcomb
Associate Commissioner

Mike Smith
Associate Commissioner

State of Missouri
COUNTY OF HARRISON

Date: June 19, 2025

To: Madison L. Woodward, MPA, Transportation Planner
MoDOT NW District

SUBJECT: Harrison County
West 120 Avenue Bridge Replacement
Job No. BRO-R041(38)
Utility & Railroad- Letter of Certification

**LETTER OF CERTIFICATION
UTILITIES & RAILROAD "STATUS"**

This project is scheduled to be let on October 1, 2025. Scope of work: Bridge Replacement. The utility status is as follows:

There are no impacts to utilities or railroad for this project.

Based on the above information, utility work will not impact the road contractor's progress for this project. We recommend approval of the PS&E on this project.

Please let us know if you need additional information or have any questions.

Regards,

Jack W. Hodge
Presiding Commissioner, Harrison County

CONTRACT FORMS

The following forms can be added to this proposal boilerplate to make it an actual contract.

[Fig. 136.10.3 Sample Contract Agreement](#)

[Fig. 136.10.4 Sample Contract Bond](#)

[Fig. 136.10.5 Sample Contractor's Acknowledgement](#)