

EXPECTED IMPLEMENTATION JULY 2019

338 VALUE ADDED ASPHALT PAVEMENT.

(REV 9-11-18) (FA 11-19-18) (7-19)

SUBARTICLE 338-5.5 is deleted and the following substituted:

338-5.5 Remedial Work: The Responsible Party will perform all necessary remedial work described within this Section at no cost to the Department. If the pavement distresses exceed threshold values and it is determined that the cause of the distress is due to the embankment, subgrade, base or other activities performed by the Contractor, the Responsible Party will be responsible for performing all remedial work associated with the pavement distress. Should an impasse develop in any regard as to the need for remedial work or the extent required, the Statewide Disputes Review Board will render a final decision by majority vote.

Remedial work will not be required if any one of the following conditions is found to apply:

a. Determination that the pavement thickness design as provided by the Department is deficient. The Department will make available a copy of the original pavement thickness design package and design traffic report to the Responsible Party upon request. The Responsible Party is responsible for performing all remedial work associated with the pavement distress if the pavement design is provided by the Contractor.

b. Determination that the Accumulated ESALs (Number of 18 Kip Equivalent Single Axle Loads in the design lane) has increased by 25% or more than the Accumulated ESALs used by the Department for design purposes for the warranty period for the pavement design life. In calculating ESALs, the Average Annual Daily Traffic (AADT) will be obtained from the Department's traffic count data and the T24 (Percent Heavy Trucks during a 24 hour period) will be obtained from the Department's traffic classification survey data.

c. Determination that the deficiency was due to the failure of the existing underlying layers that were not part of the Contract work.

d. Determination that the deficiency was the responsibility of a third party or its actions, unless the third party was performing work included in the Contract.

e. Determination that raveling of open-graded friction course (FC-5) in a turn lane, turn out, or median cross over was caused by turning movements and not a materials or construction issue.

If a measured distress value indicates remedial action is required per Table 338-1, Table 338-2 and/or Table 338-3, the Responsible Party must begin remedial work within 45 calendar days of notification by the Department or a ruling of the Statewide Disputes Review Board. The Disputes Review Board will determine the allowable duration for the completion of the remedial work, but not to exceed 6 months.

In the event remedial action is necessary and forensic information is required to determine the source of the distress, the Department may core and/or trench the pavement. The Responsible Party will not be responsible for damages to the pavement as a result of any forensic activities conducted by the Department.

As applicable to distress criteria for rutting, ride and cracking for Category 1 and Category 2 pavements, when two LOTs requiring remedial action are not separated by three or more LOTs not requiring remedial action, the remedial work shall be required for the total length of all such contiguous LOTs, including the intermediate LOTs not requiring remedial action.

EXPECTED IMPLEMENTATION JULY 2019

D Additionally, for Category 1 and Category 2 pavements, where such areas of remedial action are required due to raveling, slippage or bleeding are separated by less than 1,000 feet, the remedial work will be required for the entire area contiguous to the distressed areas, including intermediate areas otherwise requiring no remedial action.

R The Responsible Party has the first option to perform all remedial work that is determined by the Department to be their responsibility. If, in the opinion of the Engineer, the problem poses an immediate danger to the traveling public and the Responsible Party cannot provide temporary mitigation for the defect within 4 hours of written notification and restore the pavement to its original design condition within 72 hours of written notification, the Engineer has the authority to have the remedial work performed by other forces. Temporary mitigation includes the use of traffic control systems such as barricades, drums, or other approved devices to secure the area including lane closures if necessary, and constructing temporary repairs making it safe for the roadway user until the defect can be restored to its original design condition. The Responsible Party is responsible for all incurred costs of the work performed by other forces should the problem (remedial work) be determined to be the responsibility of the Responsible Party. Remedial work performed by other forces does not alter any of the requirements, responsibilities or obligations of the Responsible Party.

A The Responsible Party must complete all remedial work to the satisfaction of the Engineer. Any disputes regarding the adequacy of the remedial work will be resolved by the Statewide Disputes Review Board. Approval of remedial work does not relieve the Responsible Party from continuing responsibility under the provisions of this Specification.

A Notify the Engineer in writing prior to beginning any remedial work. Meet the requirements of the Specifications when performing any remedial work. Perform all signing and traffic control in accordance with the current edition of the Department's Standard Plans. Provide maintenance of traffic during remedial work at no additional cost to the Department. Lane closure restrictions listed in the original Contract will apply to remedial work. Written requests to obtain permission for lane closures for either forensic investigation or remedial work must be made to the Engineer 48 hours in advance of any lane closures. Do not perform any lane closures until written permission is given by the Engineer.

F If remedial work necessitates a corrective action to overlying asphalt layers, pavement markings, signal loops, adjacent lane(s), roadway shoulders, or other affected Contract work, perform these corrective actions using similar products at no additional cost to the Department.

T