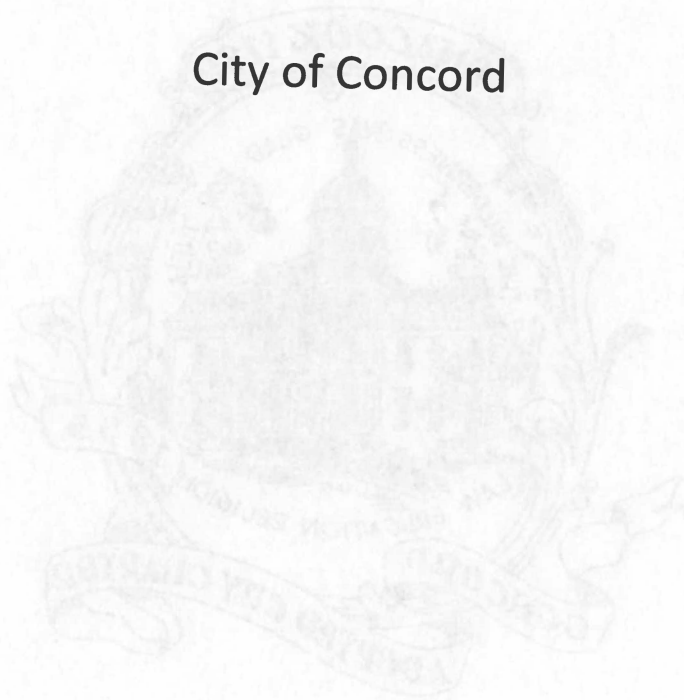


tabbies	EXHIBIT
	DG 16-449
	RR 4 06/14/16

City of Concord



CITY OF CONCORD
NEW HAMPSHIRE

[Handwritten signature]

2009 STREET EXCAVATION PERMIT REGULATIONS

GENERAL PERMIT CONDITIONS AND CONSTRUCTION REQUIREMENTS



CITY OF CONCORD NEW HAMPSHIRE

a minimum period of four (4) hours being required. The Engineering Services Division shall be notified twenty-four (24) hours in advance of the placement of all permanent pavement patches. The location of all utility facilities shall be determined prior to excavation work to avoid damage to those facilities and permit their relocation if necessary. The applicant shall, as specified by New Hampshire RSA 374:51 and 374:55, call DIG SAFE (1-888-344-7233) at least 72 hours prior to any excavation. In addition to notifying the Engineering Services Division, the applicant shall also notify the Concord Police Department, Fire Department, and Concord Area Transit (contact names and phone numbers are listed in the appendix).

Every applicant will be required to place around openings, excavations, encumbrances, or obstructions such barriers, barricades, lights, warning flags, danger signs, and traffic control personnel as may be required by the Engineering Services Division to protect the safety of the general public. Adequate artificial lighting devices are required to call attention to and indicate the actual location of obstructions and hazards. Adherence to Part VI of the MUTCD for traffic control and work area safety will be required.

In general, where compliance to these regulations and their intent is in question, the applicant at his expense shall provide any and all proof of compliance to the City Engineer. Acceptable proof shall be by, but not limited to, approved independent laboratory tests, approved independent field tests, shop drawings, and certificates of compliance from manufacturers. Specific tests as required by regulations and specifications shall be performed.

After an excavation has commenced, the work shall proceed in a continuous manner with diligence and expedition and shall be completed and the street restored, as nearly as possible to its original condition, so as not to obstruct the public access or travel thereon more than is reasonably necessary. The Applicant shall notify the City Engineer in writing should more time be needed than the completion date indicated on the permit. This notification shall include an explanation as to why the additional time is needed. In any event, the Applicant shall place temporary hot bituminous pavement immediately upon backfilling, which shall be maintained on a daily basis.

As a condition of this permit, the applicant agrees that following the excavation and proper backfill, all pavement areas will be permanently restored under the pavement scheduling and construction guidelines set forth within this regulation. No permanent street restoration will be allowed between November 15th and April 15th, unless specifically authorized by the City Engineer.

The City Engineer, as a condition of the permit, reserves the right to order the applicant to restore the street or highway or order the same to be restored by others if in the opinion of the City Engineer the applicant is non-responsive or in default of performance of the permit. The applicant shall reimburse the City for any and all liability and expense suffered by reasons of such work especially in the case where an independent contractor, after notice, has been ordered to make final restorations. The Applicant shall reimburse the City for any liability and expense suffered by reasons of such work.

The applicant hereby agrees that any financial obligations that it may incur to the City are due upon presentation. According to Article 2-4 of the City of Concord Code of Ordinances, an amount of one and one-half (1½) percent per month (18% per year) will be added to the unpaid

Salt tolerant seed mixtures shall be used immediately adjacent to the roadway; slope seed shall be used on all slopes; park seed mixtures shall be used in all other areas; or a specific seed mixture may be specified by the City Engineer.

If the subsurface materials or pavement over or within the trench influence area becomes depressed or broken at any time, the area shall be immediately repaired. Repairs to the installation or backfill shall be made and the pavement restored in the manner and within the time period specified by the City Engineer.

After the contractor has restored the excavation and placed a temporary hot bituminous pavement patch, a minimum thirty (30) day settlement period will be directed by the City Engineer before permanently restoring the excavation work area.

No trenches or excavations will be permitted to be left open overnight unless specifically authorized by the City Engineer. Open excavations shall be protected by concrete jersey barriers, steel plates, or other methods approved by the City Engineer. Construction materials and equipment shall not be left in the public right-of-way overnight unless approved by the City Engineer. If approved, proper warning devices and protection shall be provided as required.

As the work progresses, all streets shall be thoroughly cleaned of all rubbish, excess earth, rock, and other debris resulting from such work. Upon request, the street shall be immediately cleaned to the satisfaction of the City Engineer. Dust control shall be provided as necessary to prevent a nuisance to abutters and surrounding areas. Dust control shall be by wetting, use of calcium chloride, or other approved methods.

The following permanent patching schedule will be observed:

<u>Work done between:</u>	<u>To be permanently patched by:</u>
April 1 st - May 31 st	July 1 st
June 1 st - June 30 th	August 1 st
July 1 st - July 31 st	September 1 st
August 1 st - August 31 st	October 31 st
September 1 st - October 31 st	November 15 th
November 1 st - March 31 st	May 1 st

3. TRAFFIC CONTROL

The applicant is required to take all appropriate measures to assure that during performance of the excavation work, so far as practicable, normal traffic conditions including vehicular, bicycle and pedestrian traffic shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the adjoining property and to the general public.

The City Engineer and/or the Concord Police Chief may require, while street excavation opening work is in progress, that the applicant engage a police detail to maintain traffic control and public safety at a project site, if in their opinion the work within the street or highway constitutes a compromise to public safety, or a potential for significant traffic delays or congestion on certain streets.

Minimally, the applicant will be required, while street excavation opening work is in progress, to utilize a certified flagger detail to maintain traffic control and public safety at the project site.

4. EMERGENCY PROVISIONS

The dispatcher on duty at the Police and Fire Department shall be notified immediately of any emergency excavation within the public right-of-way or on City property.

If such an emergency exists, the Engineering Services Division and the General Services Department, as well as any utility affected by the emergency shall be notified immediately by telephone. At the earliest opportunity and no later than the first business day after said emergency, the applicant shall obtain a regular permit at the office of the Engineering Services Division. If an emergency occurs during normal work hours, generally 7:30 AM – 4:30 PM, Monday through Friday, contact shall be made directly to the Engineering Service Division, as well as the other listed agencies. If an emergency occurs outside of normal business hours, the Concord Police Department, Fire Department, and the General Services Emergency Call Center after-hours number shall be contacted.

The City Engineer reserves the right to waive any of the provisions of this regulation in the case of an emergency, and to impose such conditions as he/she may require as part of an emergency permit. Partial or full street closures under the emergency provision will require proper traffic controls as per regular street excavation procedures.

5. WINTER CONSTRUCTION PROCEDURES FOR PAVEMENT RESTORATION

These procedures are effective from November 15th through April 15th (Weather pending) and are intended to supplement the permitting conditions and construction requirements specified herein. The procedures outlined in the Street Excavation Permit requirements shall be followed except for the placement of hot bituminous pavement.

1. If hot bituminous pavement is available, three (3) inches of temporary hot bituminous pavement (1/2" aggregate) shall be used.
2. When hot bituminous pavement is not available, cold patch may be allowed with the approval of the City Engineer.
3. The Applicant may be required to use a temporary concrete patch. If a concrete patch is used, the following procedures will be followed:
 - a. Three (3) inch pavement of Class "AA" (4000 p.s.i.) concrete with three-quarter (¾) inch stone shall be placed. Use of "high early" strength or 6000 p.s.i. Portland concrete mix is also acceptable.
 - b. The concrete shall be placed over a prepared crushed gravel base.

- c. The concrete shall be placed flush to the existing line and grade of the adjacent asphalt pavement.
 - d. The surface of the pavement will have a rough broom type finish placed perpendicular to the flow of traffic.
 - e. The concrete pavement shall be protected from freezing for a minimum of two (2) days by covering it with polyethylene insulated blanket or hay and polyethylene plastic. The length of protection and curing may be increased or decreased by the City Engineer depending on the daily temperature.
4. The following spring, when hot bituminous pavement becomes available, the temporary "cold patch," temporary bituminous pavement, or temporary concrete pavement shall be removed and replaced with a permanent pavement patch as required by the City Engineer.

The applicant is responsible for maintaining all temporary patches until permanent restorations are accepted.

Signatures

These regulations shall take effect upon their approval.

APPROVED:  DATE: 4/13/2010
Edward L. Roberge, PE, City Engineer

APPROVED:  DATE: 4.14.2010
Carlos Baña, Deputy City Manager

APPROVED:  DATE: 4.15.2010
Thomas J. Aspell, Jr., City Manager

City of Manchester

PART II, Section 5 - Street Exc. Requirements

5.2.8. The Public Works Director reserves the right to allow alternative means of repair or restoration or other roadway improvements in lieu of the required infrastructure damage charge.

5.2.9. A Late Permit fee of an additional 10% of the street damage and/or infrastructure damage fee, will be charged if any excavation is begun without a Street Excavation Permit (other than those approved as an Emergency Excavation) which is in effect at the time of the excavation.

5.2.10. In the event of an emergency, excavations or closing of City streets due to a utility leak or like situation, the Police Department, Fire Department and Department of Highways Dispatcher shall be notified immediately by telephone. **At the earliest opportunity available**, a representative of the Permittee shall obtain a regular permit at the office of the Department of Highways.

5.2.11. If work is done on a street that is currently under moratorium as described in the Street Restoration and Patching Guidelines the Permittee will be responsible for paying an additional pavement life reduction factor to be billed and due upon presentation. This factor will be assessed as follows.

- Street pavement less than 2 years old – three times the street damage charge.
- Street pavement older than 2 years old but less than 5 years old – two times the street damage charge.

5.2.12. Inspection Agreement. The Contractor may be required to obtain an inspection agreement per the requirements of the General Provisions for Construction of Public Improvements, Section 6.2.9, of the **Standard Specifications for Road, Drain and Sewer Construction**.

5.2.13. Work authorized by a permit shall be performed between 7:00 a.m. and 9:00 p.m., Monday through Friday from April 1st through November 15th, unless the permittee obtains written consent from the Public Works Director or his designee to do the work during another time. Such permission shall be granted only in case of an emergency or in the event the work authorized by the permit is to be performed in traffic congested areas. In case of an emergency, the "Emergency Provisions" section of the regulation shall apply.

5.2.14. The permittee shall notify the Department of Highways the day construction has begun.

5.2.15. The location of all utility facilities shall be determined sufficiently ahead of excavation work to avoid damage to those facilities and permit their relocation if necessary. The permittee shall, as specified by New Hampshire Law, RSA 374:51 and 374:55, call **DIG SAFE at (1-888-344-7233)** at least **72 hours prior** to any excavation.

PART II, Section 5 - Street Exc. Requirements

5.6. PAVING POLICY:

5.6.1. After an excavation is commenced, the work shall proceed in a continuous manner with diligence and expedition and shall be completed and the street restored, as nearly as possible to its original condition, so as not to obstruct the public places of travel thereon more than is reasonably necessary.

5.6.2. Trench Projects: Permanent base pavement shall be installed within five (5) days from the date of completion of the work. The final wearing course of the street shall be permanently restored within a period of time not to exceed five (5) days from the date of completion of the project for main streets, and ten (10) days from the date of completion of the project for side streets. On large projects, all trench excavations must be based flush by the end of the work week. It will be the responsibility of the Contractor to take into consideration weather forecasts in planning the work. In the event that these timetables are not met, the Department after notifying the utility will withhold all permits beginning 24 hours after issuing the "late notice".

5.6.3. The permittee shall place and maintain temporary pavement immediately upon backfilling and shall maintain the pavement on a daily basis. Department of Highways inspectors will require temporary "hot-patch" or "cold-patch" dependent upon the location of the opening.

5.6.4. Dual Excavations in the Same Street.

- When main replacements or extensions are made by one or more utilities, the Highway Department may require an overlay of the street. Utilities must submit plans of proposed main extensions to the Department for review, after which a decision will be made. Determination will be made by the Department and will be based upon the number of excavations in the street and/or the percent of the street disturbed.
- If the utilities can coordinate their work and be in the same street within 3 calendar days, no temporary pavement will be required. If the 3 calendar days are not attainable, the first utility to disturb the pavement must place temporary hot mix by the end of the third day. Trenches will be based flush with all structures adjusted to the new grade. The entire street shall then be overlaid.

5.6.5. The Public Works Director, as a condition of the permit, reserves the right to restore the highway or cause the same to be restored under his directions and the permittee shall reimburse the City for any or all liability and expense suffered by reason of such work. If the final restoration is not completed in a prompt manner, department forces will, after notice has been given to the permittee, make final restoration which may be done after their normal working hours (overtime rate). The permittee shall reimburse the City for any liability and expense suffered by reason of such work.

PART II, Section 5 - Street Exc. Requirements

5.7.8. Permanent Pavement Patch. Within the paved roadway areas, the 12 inches of gravel sub-base material shall be placed and compacted in two six inch layers, to achieve 95% density. Following the gravel base, nine inches of crushed gravel base shall be placed and compacted to achieve 95% density. The 12 inch gravel layer may be substituted with a nine (9) inch crushed gravel layer. This will provide a total of 18 inches of crushed gravel road base. However, if existing road base is constructed to current city standard (9 inches of crushed gravel and 12 inches of gravel), it shall be replaced with the same (See Fig. 5-2). Both crushed gravel and gravel shall conform to Department of Highways Standard Specifications.

5.7.9. Temporary Pavement Patch. The surface of the street shall be permanently restored within a period of time not to exceed five (5) days from the date of completion of the project. In any event, the permittee shall place and maintain temporary pavement immediately upon backfilling which shall be maintained on a daily basis (See Fig. 5-3). Department of Highways inspectors will require temporary "Hot-Patch" or "Cold-Patch" dependent upon the location of the opening.

5.7.10. Within areas of cement concrete or stone base overlaid with asphalt, the Department of Highways will require the replacement of the cement concrete or stone base with class "A" Portland Cement Concrete, reinforced or non-reinforced, as specified in the New Hampshire Standard Specifications to a depth equal to that removed and then overlaid with hot bituminous pavement as specified above (see Fig. 5-4).

5.7.11. In sidewalk and driveway areas, six inches of crushed gravel base shall be placed and compacted to achieve 95% density. Any asphalt or concrete sidewalk surface shall be restored to depth equal to existing with three inches minimum. In case of longitudinal trenches in a sidewalk area, full width restoration may be required (See Fig. 5-5).

5.7.12. In other areas, the excavation shall be restored to the condition that existed before the excavation or as directed by the Department of Highways inspectors. Any existing grassland shall be restored with four (4) inches of sifted loam which shall be fertilized and seeded (See Fig 5-5).

5.7.13. Number of Permits Issued. The Highway Department will deny permits to those Contractors or utilities with an excessive numbers of unfinished patches. The number of permits issued shall be limited as follows:

5.7.13.1. Spring Start-Up. When paving plants open, permits will be issued a the following rates:

No. of Outstanding Patches	No. of Permits Issued/Week
Greater than 25	0 (Including Emergencies)

PART II, Section 5 - Street Exc. Requirements

25 or Less	10 (Including Emergencies)
10 or Less	Unlimited

5.7.13.2. End of Year. The following paving milestones must be met or additional permits will be denied.

Date	No. of Outstanding Patches
1st Monday in October	50
3rd Monday in October	40
1st Monday in November	20
November 15th	0
After November 15 th	Issued on a "day to day" basis

The Highway Department will determine whether or not these milestones are met. Decisions on issuing permits **after** Nov. 15th will be on a "day-to-day basis" as weather permits.

5.7.14. Moratorium.

5.7.14.1. After a City street had been overlaid, no excavation permits will be issued for a period of two years unless approval is given by the Director of Public Works or his designee.

5.7.14.2. After a City street has been newly constructed or reconstructed, no excavation permits will be issued for a period of five years unless approval is given by the Director of Public Works or his designee.

5.7.14.3. Protection of Streets - In an effort to protect the City's investment in its infrastructure, excavations in areas under moratorium within the public right-of-way or on City property, are prohibited except as follows:

- a. Excavations to remedy a public emergency or a situation that creates an imminent threat to the public safety, health, or welfare.
- b. Repair or modification to prevent interruption of essential utility services where no reasonable alternatives are available to avoid excavation in new pavements.
- c. Relocation work that is mandated by State or Federal legislation.
- d. Utility services for new buildings or parcels without existing utility services where no other reasonable means of providing service exists, as determined by the City Engineer.
- e. Excavations within protected streets where the City has scheduled the reconstruction within one year due to the failure of the original pavement.
- f. Other situations deemed by the Public Works Director to be in the best interest of the general public.

5.7.14.4. The Highway Department will notify utilities of it's schedule of overlay and reconstruction activities. This notification will allow time for utilities to

PART II, Section 5 - Street Exc. Requirements

- Dimensional ties to monument lines in streets and to property lines.
- A scale of one (1) inch = 20 feet is desired.
- Depth of proposed installations by notes on the permit drawings.

5.10.7.2.2 "As-Built" Drawings: "As-Built" drawings, shall be provided per the general requirements listed in Part II, Public Improvements of the Standard Specifications.

5.11. WINTER EXCAVATION PERMITS:

5.11.1. Application Procedure

5.11.1.1. Between November 15th and April 1st - Permits will be issued on a case by case basis for any Street Excavation with the exception of emergencies. Emergency requests must conform to the following:

- 1) The permit must be signed by the Public Works Director and there must be a plan with each permit request. New work must also be signed by the Public Works Director.
- 2) The request must be in a letter form, stating:
 - a) Date of request.
 - b) Name of Contractor.
 - c) Name of customer/homeowner, business, and/or other interested parties.
 - d) Detailed description of project..
 - e) Reason why it has to be done now.
 - f) Method of temporary restoration.
 - g) Who will maintain patch until permanently restored with 24 hour contact number.
 - h) When will excavation be permanently restored.
 - i) Company that will effect restoration.

5.10.2. Winter Construction Procedures

The procedure outlined in the Department of Highways Street Excavation General Instructions, shall be followed **except** for the placing of asphaltic pavement.

5.10.2.1. If hot bituminous concrete asphalt is available, three (3) inches of

PART II, Section 5 - Street Exc. Requirements

temporary hot bituminous pavement (1/2" aggregate) shall be used. If hot bituminous concrete asphalt is not available, then, QPR 2,000 high performance cold patch shall be placed over a prepared crushed gravel base.

-OR-

5.10.2.2. Three (3) inches of class "A" (3000 PSI) concrete shall be placed over a prepared crushed gravel base.

- a) The concrete shall have a one percent (1%) calcium chloride added to accelerate curing.
- b) The concrete placed shall be brought up even with the elevation of the existing asphalt pavement.
- c) The surface of the pavement will have a rough broom-type finish placed perpendicular to the flow of traffic.
- d) The concrete pavement shall be protected from freezing for a minimum of two (2) days by covering it with polyethylene plastic or hay and polyethylene plastic. The length of protection and curing, may be increased or decreased by the Department of Highways depending on the daily temperature.

5.10.2.3. The following spring when hot bituminous pavement becomes available, the **temporary** patch shall be removed and replaced with pavement as required in the Department of Highways Street Excavation General Instructions.

5.10.2.4. The permittee must maintain the temporary patch until permanent restorations can be performed.

City of Nashua

#3

City of Nashua, NH
Wednesday, June 8, 2016

Chapter 285. Streets and Sidewalks

Article II. Construction and Repair

§ 285-13. License to excavate.

[Amended by Ord. No. O-97-181; 11-12-2003 by Ord. No. O-03-219]

- A. The Board of Public Works may grant licenses to individuals or corporations who apply in writing for the privilege of excavating trenches or otherwise disturbing the surface of streets of the City.
- B. Such persons shall execute a bond to the City, in the amount deemed necessary by the Board, conditional:
 - (1) That all excavations shall be properly guarded at all times for the protection of the public;
 - (2) That all points where the street, sidewalk, alley, lane or other surface improvement is disturbed shall be properly resurfaced and left in as good condition as when found, and to the satisfaction of the Board;
 - (3) That all resurfacing work shall be divided into two separate phases:
 - (a) Phase I. A temporary resurfacing patch shall be made no later than three working days after completion of work for which such surface improvement was disturbed.
 - (b) Phase II. The final resurfacing work shall be completed no sooner than 30 working days and no later than 45 working days after laying of temporary resurfacing to allow for settling of fill. The Board may authorize the department of public works to extend the completion for final resurfacing for up to one year if required by existing conditions.
 - (4) That the City shall be indemnified and held harmless from any damages or costs for which the City may be liable by reason of injuries resulting from neglect, carelessness or incompetency in the progress of the work, or in properly fencing or lighting any excavation or obstruction, or in performing any other work connected therewith.
- C. Such licenses shall be valid for one year from the date of issue, unless sooner revoked.
- D. The bond will be released upon approval of such resurfacing by the City.
- E. The Board may exempt licensed drainlayers from any of the provisions of this section.
- F. Any construction activity that requires cutting into, connecting to, disturbing, or otherwise damaging an existing public street shall require the licensee to reconstruct the street by removing the existing asphalt, aggregate base, and subgrade material a minimum of three feet in each direction beyond the damaged area (or up to the edge of pavement if closer than three feet), and placing a minimum of 18 inches of aggregate base, and two inches more than the existing asphalt concrete thickness, but never less than five inches total asphalt concrete on residential streets, and

400.5 MIXING TEMPERATURE

The aggregate shall be dried and heated to a minimum temperature of 260°F. The bitumen shall be heated to a temperature between 250°F and 325°F.

The Engineer may adjust the job-mix formula temperature within the limits of 260°F. and 325°F, discharge temperature. Material with a temperature at discharge, outside the job-mix formula tolerance may be rejected.

400.6 PLACING HOT BITUMINOUS PAVEMENT

The Engineer shall have the authority to prevent the starting of a paving operation or to suspend a paving operation that has begun, when in his opinion a satisfactory final product cannot be produced.

Mixtures shall be placed only when the underlying surface is dry, frost free and the surface temperature and air temperature is above 40°F. No load shall be sent out so late in the day that spreading and compacting cannot be completed during daylight. Wearing course shall not be placed after October 30th, unless specifically permitted in writing by the Engineer. Base course pavement shall not be placed until the Engineer has been given the opportunity to inspect the crushed gravel for conformance to the plans and specifications. Wearing course pavement shall not be placed until the Engineer has been given the opportunity to inspect the base course pavement for conformance to the plans and specifications.

State of New Hampshire

SECTION 401

thickness to retain heat and to protect it from weather conditions. The cover material when new shall weigh a minimum of 18 oz/yd² and it shall be a tightly woven or solid material. When necessary, so that the mixture can be delivered on the project at the specified temperature, truck beds shall be insulated, and covers shall be securely fastened.

3.10 Placing – General.

3.10.1 Prior to placing of any mix, a pre-paving conference shall be held to discuss and approve the paving schedule, source of mix, type and amount of equipment to be used, sequence of paving pattern, rate of mix supply, traffic control, and general continuity of the operation. Special attention shall be made to the paving pattern sequence to minimize cold joints. The field supervisors of the above mentioned operations shall attend this meeting.

3.10.2 The Contractor shall notify the Engineer at least five working days in advance of paving operations to allow sufficient time to schedule required site inspection and testing. All paving and compaction equipment shall be approved and on site prior to start up each day.

3.10.3 Crack sealing material to be covered by a 1" or less overlay shall cure a minimum of 45 days prior to the placement of bituminous pavement.

3.10.4 Base course pavement lifts shall not exceed the maximum compacted thickness of 5 inches. Any course exceeding 5 compacted inches shall be placed in 2 passes.

3.10.5 When performing paving operations at night, in addition to the requirements of 3.1.4.5, the Contractor shall provide sufficient lighting at the work site to ensure the same degree of accuracy in workmanship and conditions regarding safety as would be obtained in daylight.

3.10.6 Performance Requirements (QC/QA). The Contractor shall provide the following equipment for testing and sampling at the project site. The equipment shall be in good condition and shall be replaced by the Contractor if, during the duration of the project, it becomes unsuitable for testing or sampling purposes.

3.10.6.1 Metal plate 12" minimum each side, flat bottom scoop 3000-gram capacity minimum, and sample containers to perform NHDOT B-7 sampling.

3.10.7 Weather Limitations.

3.10.7.1 General. In special instances, when the Engineer determines that it is in the best interest of the State, the Engineer may waive the requirements of 3.10.7, provided that 3.10.7.3 shall always remain in effect.

3.10.7.2 Any material delivered to the spreader having a temperature lower than 260° F shall not be used unless modified by a qualified warm mix technology capable of being compacted to project requirements at the recommended delivery temperature.

3.10.7.3 Mixtures shall be placed only when the underlying surface is dry and frost free. The Engineer may permit, in case of sudden rain, the placing of mixture then in transit from the plant, if laid on a base free from pools of water, provided motorist visibility is not impaired and all other specifications are met. No load shall be sent out so late in the day that spreading and compaction cannot be completed during the daylight, unless the requirements of 3.10.5 are met. The Engineer may suspend operations for the day when the Contractor is unable to meet specifications.

3.10.7.4 All mix placed after October 1st and before May 1st shall be modified by a qualified warm mix technology.

3.10.7.4.1 Wearing course shall not be scheduled for placement after October 1st and before May 1st without written approval by the Engineer.

3.10.8 At the beginning and end of the project or project section, the existing pavement shall be removed to a sufficient depth to allow the placing of the new pavement and construction of a transverse joint, which shall be painted with a suitable bituminous material. The underlying course shall be clean and free from foreign materials and loose bituminous patches and must present a dry, unyielding surface.

3.10.9 Sweeping - General. Existing pavement or previously laid courses shall be thoroughly dry and free from all dust, dirt, and loose material. Sweeping with a power broom, supplemented by hand brooming, may be necessary.

3.10.10 Tack coat - General. Surfaces of any pavement course shall have a tack coat of emulsified asphalt applied in accordance with the requirements of 410.3.4.

3.10.10.1 Tack will be sampled daily and tested by NHDOT for conformance with Section 410. Any pavement that has been placed over tack that is found to be out of specification, but is deemed suitable to remain in place by the Engineer, will be subject to a 3% price reduction. The price reduction will be applied only to the pavement placed on the date that the tack is