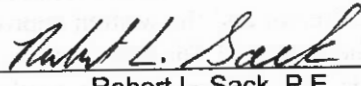


To: Superseded By EI 14-021 Effective 1/8/15		New York State Department of Transportation ENGINEERING INSTRUCTION	EI 09-029
Title: REVISION TO §105-03 METHODS AND EQUIPMENT REVISION TO §107-01 LAWS, RULES, REGULATIONS AND PERMITS			
Distribution: ☐ Manufacturers (18) ☒ Local Govt. (31) ☒ Agencies (32) ☐ Surveyors (33) ☒ Consultants (34) ☒ Contractors (39) ☐ _____ ()		Approved:  Robert L. Sack, P.E., Deputy Chief Engineer (Research) 12 JAN 10 Date	

ADMINISTRATIVE INFORMATION:

- This Engineering Instruction (EI) is effective beginning with projects submitted for the letting of May 6, 2010.
- This EI does not supersede any previous issuances.
- The information transmitted by this issuance will be incorporated into a future revision to the Standard Specifications.

PURPOSE: The purpose of this EI is to revise Standard Specification §105-03 *Methods and Equipment* and §107-01 *Laws, Rules, Regulations and Permits*.

TECHNICAL INFORMATION:

- The requirements of §105-03 *Methods and Equipment* are being revised to coincide with the requirements of §203-3.01A. *Winter Earthwork Submittal*.
- The requirements of §203-3.02 *Archaeological Salvage* are being removed from Section 203 *Excavation and Embankment* and placed into §107-01D. *Archaeological Salvage*.
- The revised Standard Specification Section 203 *Excavation and Embankment* is being issued concurrently via EI 09-024.

IMPLEMENTATION:

- The Main Office Design Quality Assurance Bureau will insert these standard specification shelf notes into contract proposals beginning with projects submitted for the letting of May 6, 2010.

TRANSMITTED MATERIALS:

- Attached are metric and U.S. Customary shelf notes for §105-03 *Methods and Equipment* and §107-01 *Laws, Rules, Regulations and Permits*.

BACKGROUND: The revisions to §105-03 *Methods and Equipment* align with the revisions to Section 203 *Excavation and Embankment*. Moving the requirements to §107-01D. *Archaeological Salvage* will incorporate the obligation into the general provisions of the Standard Specifications, which are applicable to all contracts.

CONTACT: Questions or comments regarding this issuance should be directed to Randall J. Romer, P.E., of the Geotechnical Engineering Bureau at (518) 457-4714, rromer@dot.state.ny.us. Questions or comments regarding Section 100 should be directed to Brian DeWald, P.E., of the Office of Construction at (518) 457-9688, bdewald@dot.state.ny.us.

§105-03 METHODS AND EQUIPMENT
§107-01 LAWS, RULES, REGULATIONS, AND PERMITS

Make the following changes to the Standard Specifications dated May 4, 2006 and May 1, 2008:

May 4, 2006, Page 82 and May 1, 2008, Page 80;

Delete §105-03 *Methods and Equipment* and **Replace** it with the following:

105-03 METHODS AND EQUIPMENT. Where particular methods or equipment are specifically required, the Contractor may apply in writing to the Regional Director to use alternate methods and equipment to provide the same results. Such alternates may be used only after favorable recommendation by the Regional Director and the written approval of the Deputy Chief Engineer (Construction). When, in the opinion of the Regional Director, satisfactory results are not being obtained using the Contractor's alternate methods and equipment, the methods and/or equipment shall be immediately modified to produce satisfactory results.

The Contractor may use the most efficient equipment that is consistent with conditions at the time of use. It is anticipated that seasonal or weather conditions combined with the nature of the terrain will often require the use of lighter and smaller equipment than might be used under optimum conditions.

Construction operations requiring soil compaction shall not be performed from November 1st thru April 1st except with an approved Winter Earthwork submittal in accordance with §203-3.01 A. *Winter Earthwork Submittal*. In all work incorporated into the final product, the Contractor shall not place material that is frozen, or place fill material on frozen ground regardless of the date.

May 4, 2006, Page 103 and May 1, 2008, Page 102;

Insert the following at the end of §107-01 *Laws, Rules, Regulations and Permits*:

D. Archaeological Salvage. Whenever, during the course of construction, historical or prehistoric objects or human remains are encountered, such objects shall not be destroyed or moved. The Contractor shall stop work to avoid disturbing such areas and notify the Engineer immediately.

The Engineer will notify the appropriate Department personnel and other authorities and arrange to have an immediate inspection of the site conducted.

Removal or salvage of archaeological objects will be considered extra work. Such work will be limited to that performed within the right-of-way, and at any location under direct control of the Contractor used as a source of approved borrow material or a spoil disposal area.