

**440001XX HOT-MIX ASPHALT SURFACE REMOVAL**  
**X4401198 HOT-MIX ASPHALT SURFACE REMOVAL VARIABLE DEPTH**  
**(LCDOT)**

Effective: January 1, 2007

Revised: November 15, 2022

**Description:** This work shall consist of removing the existing hot-mix asphalt (HMA) surface to a depth specified on the plans with a self-propelled milling machine.

**General:** The work shall be performed according to Section 440 of the “Standard Specifications” and the following:

*If the milling machine cuts too deep or tears out areas of the existing pavement which were not designated for removal, the holes shall be filled with leveling binder at the Contractor's expense.*

*Failure to Complete the Work: Should the Contractor fail to provide the temporary bituminous ramp, the Contractor shall be liable to the Lake County Division of Transportation (LCDOT) in the amount of \$100.00 per lane, per day, per ramp location, not as a penalty but as liquidated and ascertained damages for each calendar day beyond the date that the bituminous ramp remains incomplete after written notification from the Engineer. Such damages may be deducted by LCDOT from any monies due the Contractor.*

*In fixing the damages as set out herein, the desire is to establish a certain mode of calculation for the work because the LCDOT's actual loss, in the event of delay, cannot be predetermined, would be difficult of ascertainment, and a matter of argument and unprofitable litigation. This mode is an equitable rule for measurement of the LCDOT's actual loss and fairly takes into account losses from the lack of the bituminous ramp. LCDOT shall not be required to provide any actual losses to recover these liquidated damages provided herein, as these damages are very difficult to ascertain. Furthermore, no provision of this clause shall be construed as a penalty, as such is not the intention of the parties.*

*A calendar day is every day on the calendar and starts at 12:00 midnight and ends at the following 12:00 midnight, twenty-four hours later. No payment will be paid for any day less than twenty-four hours.*

**Include the following paragraph if the project does not include the pay item 40600982 Hot-Mix Asphalt Surface Removal - Butt Joint. Delete this note from the Contract Specifications.**

*Temporary ramps at butt joints shall be provided according to Article 406.08 of the “Standard Specifications”. The installation and removal of the temporary ramps shall be included in the contract unit price for HOT-MIX ASPHALT SURFACE REMOVAL, of the depth specified.*

**Method of Measurement:** Hot-Mix Asphalt Surface Removal will be measured for payment in place and the area computed in square yards for each specified increment thickness of material removed.

Include the following paragraph if the project includes the pay item 40600982 Hot-Mix Asphalt Surface Removal - Butt Joint. Delete this note from the Contract Specifications.

**Basis of Payment:** This work will be paid for at the contract unit price per square yard for HOT-MIX ASPHALT SURFACE REMOVAL of the depth specified. *The unit price shall include all equipment, materials, and labor required to remove the HMA surface.*

Include the following paragraph if the project does not include the pay item 40600982 Hot-Mix Asphalt Surface Removal - Butt Joint. Delete this note from the Contract Specifications.

**Basis of Payment:** This work will be paid for at the contract unit price per square yard for HOT-MIX ASPHALT SURFACE REMOVAL of the depth specified. *The unit price shall include all equipment, materials, and labor required to remove the HMA surface. The unit price shall include all equipment, materials and labor required to install, maintain, remove and dispose of the temporary ramp at butt joints.*