

Updated Pavement Preservation Legislation Guidance

In 2014, the NCGA established a Pavement Preservation Program for NCDOT defining eligible and ineligible activities, as well as mandatory outsourcing requirements. Modifications to the legislation have been made in subsequent legislative sessions. The following serves as guidance for pavement preservation activities.

Eligible Activities or Treatments (§ 136-44.17 (b)):

- (1) Chip seals, slurry seals, fog seals, sand seals, scrub seals, and cape seals.
- (2) Microsurfacing.
- (3) Profile milling not covered by resurfacing.
- (4) Asphalt rejuvenators.
- (5) Open graded asphalt friction course.
- (6) Overlays less than 1,000 feet in length.
- (7) Diamond grinding.
- (8) Joint sealing.
- (9) Dowel bar retrofit.
- (10) Partial-depth or full-depth repairs and reclamations.
- (11) Ultra-thin whitetopping.
- (12) Thin lift and sand asphalt overlays.
- (13) Asphalt crack sealing.
- (14) Pavement markers and markings.

Ineligible Activities or Treatments (§ 136-44.17 (c)):

- (1) Contract resurfacing activities or major pavement rehabilitation treatments and pretreatments that are used in combination with a resurfacing treatment, such as profile milling or chip seals.
- (2) Routine maintenance activities used to maintain and preserve the condition of roads. Treatments include, but are not limited to, pothole patching, rut filling, cleaning of roadside ditches and structures, shoulder maintenance, and retracing of pavement markings.
- (3) Maintenance and preservation activities performed on bridges or culverts.
- (4) Activities related to positive guidance or signal maintenance program functions.

Legislation goes further in defining eligible and ineligible activities:

§ 136-44.3A(f) – Authorized Use of Single Chip Seal Treatment on Secondary Roads

The Department may use Single Chip Seal treatments on Secondary roads only under any of the following conditions:

- (1) Chip Seals may be placed on Secondary roads with an ADT of 15,000 or less.
 - Single Chip Seals must be capped with a final riding surface of sand or material of equivalent size to fill voids to create a smooth riding surface.
 - Double and Triple Seals may be placed on Secondary roads with an ADT of 15,000 or less.

- (2) The Single Chip Seal treatment is used in combination with a slurry seal, microsurfacing, or resurfacing treatment.
- (3) The condition of the Secondary Road requires a rough surface to improve traction, such as a Secondary Road in a mountainous community or another area with low skid resistance.

§ 136-44.3A(f1) – Chip Seal Treatment Prohibited on Subdivision Streets

Unless used in combination with a fog seal, the Department shall not use chip seal treatment on subdivision streets. No treatment other than a fog seal may be placed on top of a chip seal in a subdivision.

Note: the following definition is from 19A NCAC 02C .0101 (Item 3):

Subdivision Streets. A subdivision street is considered to be a street or road which has been dedicated to the public to provide ingress and egress to lots or parcels which have been laid out for the purpose of providing home sites by a person or firm hoping to profit by the sale of such parcels. These lots or parcels are of insufficient size to be used primarily for farming purposes. A subdivision street is primarily for the use and convenience of the abutting property owners and not the general traveling public.

Additional Reminders:

1. Capping a Single Seal with sand or screenings can be avoided if the Single Seal is covered with a slurry seal, microsurfacing, or resurfacing treatment.
2. In instances where skid resistance is needed (mountainous area mentioned in the legislation), sand or equivalent filler is not required for Single Seals.
3. While the legislation does not specifically prohibit preservation work on Primary roads, the same criteria for Secondary roads should be applied. Therefore, Primary roads must have an ADT of 15,000 or less.
4. Double and Triple Seals may be placed on Primary roads with an ADT of 15,000 or less.
5. **“Thin Lift Overlays”** must meet the following criteria:
 - Thickness less than 1 ½”.
 - Mix Types applicable for thin lift overlays: S4.75A, S9.5B, or SA-1.
 - Pavement Preservation funds cannot be used for S9.5C or S9.5D.(Note: Pavements placed at 1 ½” or greater cannot be paid for with Preservation funds.)
6. **“Pavement Markers and Markings”** must meet the following criteria:
 - Any paint, thermoplastic, or polyurea lines, words or symbols, markers and vertical delineators or removal thereof that are **not** done in conjunction with another preservation treatment.
 - Any pavement markers or markings placed on top of another treatment are considered incidental to that other treatment and do not need to be tracked separately.
 - Pavement Markers and Markings are eligible preservation activities on both Primary and Secondary roads regardless of ADT.
7. The Materials & Tests Unit provides both classroom training as well as onsite troubleshooting to both NCDOT personnel and contractors.
 - Manuals, Videos, Pre-Con Attendance, etc., all available upon request.