

MUNICIPAL AGREEMENT
FOR

BEDFORD

STATE PROJECT: 13953
FEDERAL PROJECT: X-A000(143)

THIS AGREEMENT, executed in *triplicate*, made and entered into this 17th day of August, 2015, between the New Hampshire Department of Transportation, hereinafter called the "DEPARTMENT" and the Town of Bedford hereinafter called the "TOWN".

WITNESSETH that,

WHEREAS, the DEPARTMENT will be reconstructing NH 101 from NH 114 to Wallace Road, widening to 5 lanes to improve the safety and capacity of the road. and

WHEREAS, the State Legislature has delegated the Commissioner of the DEPARTMENT with full authority to control traffic in highway/bridge construction work zones; RSA 228:21, 236:1, and 228:27; and

WHEREAS, the DEPARTMENT intends to use a combination of flaggers and/or uniformed officers, as appropriate, to control traffic and ensure public and worker safety; and

WHEREAS, sidewalks, which are a primary benefit to the community and adjoining neighborhoods, are proposed to be constructed as part of this project, and

WHEREAS, DEPARTMENT maintenance forces, by policy or practice do not maintain sidewalks, and

WHEREAS, landscaped medians and roadsides are an important aesthetic component of the project:

NOW, THEREFORE, in consideration of the above premises, it is mutually agreed as follows:

- A. The DEPARTMENT shall construct the project titled Bedford X-A000(143), 13953, a federal aid construction project, which reconstructs NH 101, and associated segments of local approach roadways.
- B. The DEPARTMENT will be responsible for the management and operation of these facilities throughout the duration of the construction of the project. This includes the authority to determine the most appropriate way to control traffic within the construction work zone limits of the project. The TOWN delegates to the DEPARTMENT the authority to control traffic within the TOWN road construction zones of this project.
- C. The DEPARTMENT will compensate for use of police officers that have successfully completed an NHDOT approved course on the Safe and Effective Use of Law Enforcement in Work Zones.
- D. The Department will maintain drainage and roadside elements constructed with this project.
- E. The TOWN will maintain the landscaping constructed with this project. The Town will not be required to obtain permits from the Department in order to maintain the landscaping, but will provide advance notification of any maintenance activities to the Department's Maintenance District Five office.
- F. The TOWN shall provide or cause to provide for the future maintenance of the sidewalks, including snow and ice removal in accordance with the requirements of 23 CFR1.27 and 28 CFR 35.133, and the Town's Best Management


Practices, once the work under the construction project is completed. The TOWN shall not be responsible for future replacement of the sidewalks, however, the Town agrees that it will continue to maintain any sidewalks subject to this Agreement that are replaced by the Department and/or a third-party

- G. The TOWN agrees that should adjustments be necessary due to changed traffic conditions or operational needs such adjustments will not be made without prior approval of the DEPARTMENT in coordination with the Federal Highway Administration.
- H. The TOWN shall defend, indemnify and hold harmless the DEPARTMENT and its officials, agents and employees from and against any and all claims, liabilities or suits arising from (or which may be claimed to arise from) any act or omission of the TOWN or its subcontractors in the performance of this agreement. Notwithstanding the foregoing, nothing herein contained, shall be deemed to constitute a waiver of the sovereign immunity of the STATE or the DEPARTMENT, which immunity is hereby reserved.
- I. It is further understood and agreed between the DEPARTMENT and the TOWN that neither the DEPARTMENT, nor the Federal Highway Administration will be responsible for any expenses or costs incurred by the TOWN under this Agreement.

IN WITNESS WHEREOF, the parties here have affixed their signatures, the TOWN of Bedford, New Hampshire, on this 17th day of August, 2015, and the Department of Transportation on this 1st day of Sept., 2015.

NEW HAMPSHIRE DEPARTMENT
OF TRANSPORTATION

TOWN OF BEDFORD

By: 
Assistant Commissioner

By: 
Acting Town Manager

cc: NHDOT Maintenance District 5 Office
NHDOT Bureau of Construction

RECEIVED

AUG 20 2015

NHDOT
Highway Design