



**State of Vermont**  
**Policy, Planning & Intermodal Development Division**  
**Policy, Planning and Research Bureau**  
**Development Review & Permitting Services Section**  
Barre City Place, 219 North Main Street  
Barre, VT 05641  
**vtrans.vermont.gov**

*Agency of Transportation*

June 23, 2020

Town of Hartford  
Hannah Tyler  
171 Bridge Street  
White River Junction, VT 05001

**[Via E-Mail]**

Subject: Hartford, US5, L.S. 161+84 LT & RT

Dear Hannah,

Your application for a permit to work within the State Highway right-of-way to reconstruct a signalized intersection to a roundabout, at the location indicated, has been processed by this office and is enclosed.

Please contact the District Transportation Office #4 prior to starting work in the state highway right-of-way. The telephone number in White River Junction is (802) 295-8888.

Sincerely,

Brian R. McAvoy  
Permit Coordinator  
Permitting Services

Enclosures

cc: **[Via E-Mail]**

District Transportation Office #4  
Steven Ireland, McFarland Johnson Inc.  
Ken Robie, Dubois & King  
Scott Robertson, Project Manager, VTrans MAB  
Tim St. Pierre, BUR Construction  
Derek Lyman, VTrans Signal Operation Engineer  
Dan Ertel, State Signal Supervisor  
Michael Johnson, VTrans Stormwater Technician

PERMIT ID# 43566

FOR AGENCY USE ONLY  
Town: Hartford  
Route: US 5  
Mile Marker: 3.065  
Log Station: 161+84 LT & RT

VERMONT AGENCY OF TRANSPORTATION  
State Highway Access and Work Permit

Owner's/Applicant's Name, Address, E-mail & Phone No. Town of Hartford  
Attn Hannah Tyler, Public Works Director 802-295-3622  
Co-Applicant's Name, Address, E-mail & Phone No. (if different from above) BUR Construction  
940 John Stark Hwy, Newport, NH 03773, burconstruction@myfairpoint.net, 603-863-3313  
The location of work (town, highway route, distance to nearest mile marker or intersection & which side)  
400' South of US Route 5 and Sykes Mountain Ave intersection to 500' North of the intersection  
Description of work to be performed in the highway right-of-way (attach plan)  
Reconstruction of signalized intersection to a roundabout.

Property Deed Reference Book: \_\_\_\_\_ Page: \_\_\_\_\_ (only required for Permit Application for access)  
Fee \$ \_\_\_\_\_ (fees do not apply for residential or agricultural purposes)  
Is a Zoning Permit required? Yes  No  - If Yes, # \_\_\_\_\_  
Is a 30 VSA § 248 permit required? Yes  No  - If Yes, # \_\_\_\_\_  
Is an Act 250 permit required? Yes  No  - If Yes, # \_\_\_\_\_  
Other permit(s) required? Yes  No  - If Yes, name and # of each Storm Water #7824-9015  
Date applicant expects work to begin Summer 20 20  
Owner/Applicant: Hannah Tyler Position Title: Director of Public Works

(Print name above)  
Sign in Shaded area: Hannah Tyler Date: \_\_\_\_\_

Co-Applicant: Tim St.Pierre Position Title: Owner  
(Print name above)

Sign in Shaded area: Tim St.Pierre Date: 6/23/20

**INSTRUCTIONS:** -Contact the Development Review and Permitting Services Section (802.636.0037) or your local area Transportation Maintenance District Office to determine your issuing authority. The issuing authority will determine what plans, fee and other documents are required to be submitted with your Vermont Statutes Annotated, Title 19, Section 1111, permit application request.  
- **Original signatures are required on an original Form.** The Owner/Applicant and Co-Applicant (if applicable) declares under the pains and penalty of perjury that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.  
**FEE:** -See Fee Schedule for applicable administrative processing and application review fee.

**PERMIT APPROVAL**

This covers only the work described below: Permission is granted to work within the state highway right-of-way to reconstruct a signalized intersection to a roundabout, in accordance with the attached plans and permit special conditions.

The work is subject to the restrictions and conditions on the reverse page, plus the Special Conditions stated on the attached page(s).  
Date work is to be completed December 1, 2022 Date work accepted: \_\_\_\_\_

By \_\_\_\_\_ Issued Date June 23, 2020 By: \_\_\_\_\_  
Authorized Representative for Secretary of Transportation DTA or Designee

**NOTICE:** This permit covers only the Vermont Agency of Transportation's jurisdiction over this highway under Vermont Statutes Annotated, Title 19, Section 1111. It does not release the petitioner from the requirements of any other statutes, ordinances, rules or regulations. This permit addresses only access to, work within, and drainage affecting the state highway. It does not address other possible transportation issues, such as access to town highways, use of private roads, and use of railroad crossings. If relevant to the proposed development, such issues must be addressed separately.

No work shall be done under this permit until the owner/applicant has contacted the District Transportation Office at:  
District #4, 223 Beswick Drive, White River Jct., VT 05001 (802) 295 - 8888

## RESTRICTIONS AND CONDITIONS

### DEFINITIONS:

"Agency" means the Vermont Agency of Transportation (a/k/a VTrans).

"Engineer" means the authorized agent of the Secretary of Transportation.

"Owner/Applicant" means the party(s) to whom the permit is to be issued.

"Co-Applicant" means the party who performs the work, if other than Owner/Applicant or a secondary Owner/Applicant under a joint permit application.

"Permit Holder" means the party who currently owns the lands abutting the highway that are the subject of the permit.

### GENERAL:

By accepting this permit, or doing any work hereunder, the Owner/Applicant agrees to comply with all of the restrictions and conditions and any imposed special conditions. If the Owner/Applicant is aggrieved by the restrictions and conditions or special conditions of the permit, they shall submit a written request for consideration to the Engineer within 30-days of permit issuance and prior to starting any work. No work will be authorized by the Agency, or performed under the permit, until the dispute is fully resolved.

Vermont Statutes Annotated, Title 30, Chapter 86 ("Dig Safe") requires notice to Dig Safe before starting excavation activities. The Permit Holder or his/her contractor must telephone Dig Safe at 811 at least 48 hours (excluding Saturdays, Sundays and legal holidays) before, but not more than 30 days before, starting excavation activities at any location. In addition, please note that the Agency and many municipalities are not members of Dig Safe and will need to have their utility facilities investigated with due diligence prior to starting excavation activities in or on the State Highway right-of-way.

The Permit Holder is to have a supervisory representative present any time work is being done in or on the State Highway right-of-way. A copy of this permit and Special Conditions must be in the possession of the individual performing this work for the Permit Holder.

Except with the specific, written permission of the District Transportation Administrator, all work in the State Highway right-of-way shall be performed during normal daylight hours and shall cease on Sunday, on all holidays (which shall include the day before and the day following), during or after severe storms, and between December 1 and April 15. These limitations will not apply for the purposes of maintenance, emergency repairs, or proper protections of the work which includes, but not limited to, the curing of concrete and the repairing and servicing of equipment.

The Owner/Applicant shall be responsible for all damages to persons or property resulting from any work done under this permit, even if the Applicant's Contractor performs the work. All references to the Owner/Applicant also pertain to the Co-Applicant.

The Owner/Applicant must comply with all federal and state statutes or regulations and all local ordinances controlling occupancy of public highways. In the event of a conflict, the more restrictive provision shall apply.

The Owner/Applicant must, in every case where there is a possibility of injury to persons or property from blasting, use a pre-approved Blasting Plan. All existing utility facilities shall be protected from damage or injury.

The Owner/Applicant shall erect and maintain barriers needed to protect the traveling public. The barriers shall be properly lighted at night and must be MUTCD (Manual on Uniform Traffic Control Devices) compliant.

All temporary and permanent traffic control measures and devices shall be MUTCD compliant.

The Owner/Applicant shall not do any work or place any structures or obstacles within the State Highway right-of-way, except as authorized by this permit.

The Owner/Applicant may pay the entire cost of the salary, subsistence and traveling expenses of any inspector appointed by the Engineer to supervise such work.

The Engineer may modify or revoke the permit at any time for safety-related reasons, without rendering the Agency or the State of Vermont liable in any way.

In addition to any other enforcement powers that may be provided for by the law, the Engineer may suspend this permit until compliance is obtained. If there is continued use or activity after suspension, the Engineer may physically close the work area and take corrective action to protect the safety of the highway users.

The Permit Holder shall be responsible to rebuild, repair, restore and make good all injuries or damage to any portion of the highway right-of-way that has been brought about by the execution of the permitted work, for a minimum period of eighteen (18) months after final inspection by the District.

Any approved variance from the permitted plans is to be recorded on "as-builts" with copies provided to both the Chief of Permitting Services and the District Transportation Administrator.

### ACCESS:

**This permit (if for access) does not become effective until the owner/applicant records in the office of the appropriate municipal clerk, the attached "Notice of Permit Action"**

As development occurs on land abutting the highways, the Agency may revoke a permit for access and require the construction of other access improvements such as the combination of access points by adjoining owners.

Under Vermont Statutes Annotated, Title 19, Section 1111, no deed purporting to subdivide land abutting a state highway can be recorded unless all the abutting lots so created are in accordance with the standards of Section 1111.

The Permit Holder acknowledges and agrees that neither this permit nor any prior pattern of use creates an ownership interest or other form of right in a particular configuration or number of accesses to or through the highway right-of-way, and that the right of access consists merely of a right to reasonable access the general system of streets, and is not a right to the most convenient access or any specific configuration of access.

### DRAINAGE:

The Owner/Applicant shall install catch basins and outlets as may be necessary, in the opinion of the Engineer, to preclude interference with the drainage of the state highway. Direct connections shall not be allowed without written approval.

### UTILITY WORK; CUTTING AND TRIMMING TREES:

The Owner/Applicant shall obtain the written consent of the adjoining owners or occupants or, in the alternative, an order from the State Transportation Board in accordance with, Vermont Statutes Annotated, Title 30, Section 2506, regarding cutting of or injury to trees.

In general, all utilities shall be located adjacent to the State Highway right-of-way boundary line and shall be installed without damaging the highway or the highway right-of-way. No pole, push-brace, guy wire or other aboveground facilities shall be placed closer than 10 feet to the edge of traveled-way. If the proposed utility facilities are in conflict with the above, each location is subject to the approval of the Engineer.

Poles and appurtenances shall be located out of conflict with intersection sight distance, guardrail, ditches, signs, culverts, etc.

Where the cutting or trimming of trees is authorized by permit, all debris resulting from such cutting and trimming shall be removed from the State Highway right-of-way.

Open cut excavation for highway crossings is NOT the option of the Applicant, and may be utilized only where attempted jacking, drilling, or tunneling methods fail or are impractical. The Owner/Applicant shall obtain an appropriate modification of the highway permit from the Engineer before making an open cut.

### JOINT PERMITS:

A joint permit application is required when more than one party will be involved with the construction, maintenance, and/or operation of the facility being constructed under this permit. Examples include, but are not limited to, joint ownership or occupancy of a utility pole line and construction of a municipal utility line by a contractor. Both utility companies, and in the second case, the municipality and the contractor, must be joint applicants.

### **SPECIAL CONDITIONS**

***If contradiction exist between the conditions of this permit and the contract documents, the most stringent conditions shall apply unless otherwise authorized by VTrans District Transportation Administrator.***

**As a condition of this permit, the Permit Holder (Town of Hartford) shall be responsible for adhering to the conditions and requirements of the attached document, Appendix A, Operational Stormwater Permitting and Compliance, between the Town of Hartford (Sponsor) and the Agency of Transportation (State), dated November 6, 2019. The requirements of this document are continuous and on-going unless otherwise altered, in writing, by the State. Any persons working within the State right-of-way to inspect, maintain, or repair facilities as required in this document, shall be required to wear the appropriate MUTCD safety apparel.**

**The Town of Hartford and/or their assignees shall be responsible for the all maintenance of all new sidewalks constructed in the State right-of-way as part of the project, Hartford STP 0113(59)S, as shown on the attached plans. This shall include, but is not limited to, winter snow and ice removal when deemed necessary; and, the Rectangular Rapid Flashing Beacon (RRFB) signs, including but not limited to the signs, posts, and costs associated with continued operation and maintenance of the power source. The Permit Holder is cautioned that all snow and ice removal shall be kept clear of the traveled portion of the State highway. Should any accumulation occur within the traveled way due to sidewalk maintenance, the Town shall clear the roadway immediately unless otherwise directed by the District Transportation Administrator.**

**The Town of Hartford and/or their assignees shall be responsible for landscape maintenance of vegetation placed within the center island of the roundabout and within the State right-of-way as constructed as part of the project, Hartford STP 0113(59)S. Landscaping shall be limited to live natural materials (trees, shrubs, grass, plants, flower, etc.). There shall be no signs, planters, landscape rocks, fences or other objects without written approval via a 19 V.S.A. §1111 permit (State Highway Access and Work Permit). Any plant modifications, other than in-kind replacements, shall require review and approval by VTrans before being installed or altered. Any persons working within the State right-of-way to maintain, water or plant seasonal vegetation shall be required to wear the appropriate MUTCD safety apparel.**

**The Permit Holder is advised that the State of Vermont, through its Agency of Transportation, manages State highway right-of-way and retains the right – in its sole discretion – to remove or modify any improvements, including but not limited to landscaping, as it deems necessary for transportation purpose with no due compensation to the Town.**

**Prior to the start of construction, the Permit Holder and /or their Contractor shall submit a Maintenance and Protection of Traffic (MPT) and traffic control plan (TCP) to be implemented to the Agency for review and approval. This plan shall also include ADA pedestrian access throughout the project area. If a speed limit reduction is proposed through the project area, a temporary speed certificate shall be submitted to the Agency for approval; allow a minimum of one week for review and approval of the certificate.**

**Prior to the start of construction**, the Permit Holder (Town of Hartford), the project resident engineer and the Contractor are required to hold a preconstruction meeting with VTrans District Transportation Administrator (DTA) to discuss the work to be completed and the Agency's expectations when working within the State highway right-of-way, including but not limited to the management of traffic and the conditions in this permit. The District Transportation Administrator can be contacted at (802) 295-8888.

**Upon completion of the work**, the Permit Holder shall be responsible to schedule and hold a final inspection. The Permit Holder is required to notify the District Transportation Administrator five (5) working days in advance of such inspection. The Permit Holder and/or their Contractor shall provide VTrans Permitting Services Section and the Regional District Office with a copy of any revisions to the project plans prior to or at the final inspection meeting.

**This permit is granted subject to the restrictions and conditions on the back of the permit, with particular attention given to the Special Conditions listed below.** This permit pertains only to the authority exercised by the Vermont Agency of Transportation (Agency) under Vermont Statutes Annotated, Title 19, Section 1111, and does not relieve the Permit Holder from the requirements of otherwise applicable statutes, rules, regulations or ordinances (e.g., Act 250, zoning, etc.). The Permit Holder shall observe and comply with all Federal and State laws and local bylaws, ordinances, and regulations in any manner affecting the conduct of the work and the action or operation of those engaged in the work, including all orders or decrees as exist at present and those which may be enacted later by bodies or tribunals having jurisdiction or authority over the work, and the Permit Holder shall defend, indemnify, and save harmless the State and all its officers, agents, and employees against any claim or liability arising from or based on the violation of any such law, bylaws, ordinances, regulations, order, or decree, whether by the Permit Holder in person, by an employee of the Permit Holder, by a person or entity hired by the Permit Holder, or by a Subcontractor or supplier.

**The Permit Holder shall accomplish all work under this permit in accordance with the project plans, VTrans Standard Drawings and associated contract documents for the project entitled, Hartford STP 0113(59)S, and any future revisions or amendments to these plans; and, the COOPERTIVE AGREEMENT BETWEEN THE STATE OF VERMONT AGENCY OF TRANSPORTATION AND THE TOWN OF HARTFORD, CONTRACT #CA0135, executed May 2, 2005 AND ALL SUBSEQUENT AMENDMENTS.**

**All materials and construction practices shall be in accordance with the Vermont Agency of Transportation *2018 Standard Specifications for Construction*, with the latest amendments and all applicable Vermont Agency of Transportation Standard Drawings.**

**The Permit Holder shall arrange for and provide inspection and material testing by qualified engineering personnel and testing laboratories to ensure that all work conforms to Agency standards and the design plans. All results shall be provided to the Agency as directed in the project's contract documents unless otherwise required by the District Transportation Administrator. Any materials or tests failing Agency standards may be required to be removed and replaced in their entirety at the owner's expense.**

The Permit Holder shall have a **Public Relations Specialist** assigned to address inquiries, questions and provided notification to the public of project activity, as deemed necessary. The Permit Holder and/or their assignee shall keep the Agency's District Transportation's Administrator (DTA) apprised of the project schedule; specifically, any changes related to traffic control, major construction activities and other milestones as deemed necessary by the Agency's DTA.

The Agency reserves the right to retain material Items removed from State highway right-of-way and which are deemed property of the State unless otherwise specified in the project's contract documents. These items may include but are not limited to pavement grindings, signage, traffic and pedestrian signal system components and street lighting. These items shall be delivered to a location as specified in the contract documents unless otherwise directed by the District Transportation Administrator.

The Permit Holder and/or their Contractor shall contact Derek Lyman, VTrans Traffic Signal Operations Engineer, at (802) 249-5079 or [derek.lyman@state.vt.us](mailto:derek.lyman@state.vt.us) a minimum of two weeks in advance of on-site project activity.

The Permit Holder shall be responsible for the coordination, in advance of construction, of all necessary utility relocations so as not to delay the project construction. This includes both aerial and underground utilities and temporary and permanent relocation work required to address various traffic control phases. **This permit does not cover work performed by utility companies and/or their contractors, a separate 19 V.S.A. §1111 Permit shall be required from the utility owners if utility relocation work within the State highway right-of-way is needed.**

The Permit Holder shall contact the Agency's Motor Vehicles' Oversize Permit Section prior to construction to notify them of any roadway restrictions associated with the project construction; this includes but is not limited to restricted travel widths less than 14 feet in width.

**Please note that the Vermont Agency of Transportation is not a member of Dig Safe.** The Permit Holder shall also contact Dan Ertel, State Signal Supervisor, at (802) 343-2188. Mr. Ertel will need to locate and mark all existing buried utility facilities owned by the Agency near the location of the proposed work.

All grading within the State Highway right-of-way associated with the proposed construction shall be subject to inspection and approval by the District Transportation Administrator or his or her staff. The Permit Holder shall be responsible for ensuring that all grading work in or on the State Highway right-of-way complies with applicable statutes, rules, regulations or ordinances.

In areas to be grass covered, the Permit Holder shall restore turf by preparing the area and applying the necessary topsoil, limestone, fertilizer, seed, and mulch, all to the satisfaction of the District Transportation Administrator. The Permit Holder shall be responsible for ensuring that all turf restoration work in or on the State Highway right-of-way is in compliance with applicable statutes, rules, regulations or ordinances.

The Permit Holder shall restore any abutting property owner's lawn and drive that is disturbed by the project, to the satisfaction of the owner.

Any disturbed boundary markers shall be reset by a licensed Vermont Land Surveyor.

All new underground utilities installed under US5 shall be constructed in accordance with VTrans Standard D-20, unless otherwise approved in writing by the District Transportation Administrator.

The Permit Holder must exercise extreme care when working adjacent to and extending existing storm drainage pipes owned by the State. Any damage caused by the Permit Holder to the storm drainage system must be repaired using new materials at the expense of the Permit Holder. Repairs must be inspected by the Agency Project Inspector.

Relocated and/or new sign assemblies shall be installed in accordance with the Manual of Uniform Traffic Control Devices (MUTCD). Any damage by the Contractor to existing signs, posts, and/or bases shall be repaired or replaced at the expense of the Permit Holder and the to the satisfaction of the Agency Project Inspector.

The Permit Holder shall install Rectangular Rapid Flashing Beacons, as referenced on the project plans and in accordance with the manufacturer's requirements. These signs shall be installed in accordance with Appendix A, Guidance on Installation of Rectangular Rapid Flashing Beacons (RRFB's) of VTrans Pedestrian Crossing Guide with particular attention to Item C. Pedestrian Pushbuttons (copy attached). The Permit Holder shall ensure the pushbutton face shall be parallel with the crosswalk and the button must be reachable from an accessible surface.

The Permit Holder must install temporary pavement prior to weekend shutdown after completion of backfilling where an open cut excavation has been made through a roadway subject to vehicular traffic or where construction for any roadway widening for turn lanes has been brought to grade. The temporary pavement shall consist of, at least, 2 inches of compacted bituminous concrete. Temporary pavement shall be properly maintained and shall be replaced with permanent pavement prior to completion of the project or suspension of work for the winter season.

The placement, size, shape, and color of all pavement markings must be in accordance with the most recent editions of the MUTCD (Manual on Uniform Traffic Control Devices) and Vermont standards. All existing pavement markings that become disturbed or overlaid with pavement shall be replaced by the Permit Holder with "in kind" (durable or paint) markings to the satisfaction of the District Transportation Administrator. The Permit Holder shall bear all costs associated with this work.

The Permit Holder must backfill all open trenches or pits at the end of each day. With permission from the District Transportation Administrator, trenches or pits may be left open for short periods of time if properly protected. In no case shall trenches or pits be left open over a weekend. The Permit Holder shall be responsible for ensuring that all trench or pit work in or on the State Highway right-of-way is in compliance with applicable statutes, rules, regulations or ordinances.

All stormwater from the defined area approved by the Agency to discharge into the State Highway right-of-way shall be pre-treated (to the maximum extent practicable on the Permit Holder's land) for water volume, velocity, and quality prior to discharging into the Agency's stormwater management system.

The Permit Holder shall promptly and unconditionally pay for full repair and restoration of any and all damages to existing underground utility facilities (meaning any underground pipe, conduit, wire or cable, including appurtenances) that have been brought about by the execution of the permitted work. The Permit Holder also is required to pay for any costs to repair the highway following and resulting from any repairs to existing utilities occurring as a result of the work covered by this permit. Except with the specific, written permission of the Engineer, the Permit Holder or his or her contractor shall expose all underground facilities to verify their location and depth, at each location where the authorized boring or drilling work crosses a facility; and at reasonable intervals when closely paralleling a facility. Whenever possible, existing facilities should be crossed at a perpendicular angle. The Permit Holder shall be responsible for obtaining the modification of this permit, if necessary, for any additional survey work before initiating boring or drilling operations under the permit. The Agency will treat the Permit Holder's failure to fully, promptly, and conscientiously comply with all of conditions of this paragraph, including but not limited to the obligation to pay for repairs, as grounds for the Agency to refuse to grant any further requests by the Permit Holder for any other permits for subsurface work unless the Permit Holder furnishes irrevocable financial security, in a type and an amount deemed sufficient by the Agency in its sole discretion, prior to such future subsurface work.

This permit approves the connection of the Permit Holder's stormwater management system to the Agency's State Highway stormwater management system, which is to be constructed as shown within the highway right-of-way, on the plans referenced and attached to, this permit

The Permit Holder shall at a minimum install and maintain erosion prevention and sediment control measures in accordance with the Low Risk Site Handbook for Erosion Prevention and Sediment Control published by the Vermont Department of Environmental Conservation for the purposes of preventing sediment transport into the Agency's State Highway right of way and stormwater management systems or surface waters of the State. All disturbed earth areas having erosion potential must be temporarily or permanently stabilized, as soon as practicable or within seven (7) days of disturbance or, if precipitation is forecast sooner. Ditches or slopes steeper than 1:3 shall make use of appropriate biodegradable erosion matting composed of planar woven natural fiber. Stabilization measures constructed in the State Highway right-or-way shall be in compliance with the current version of the Vermont Agency of Transportation Standard Specifications for Construction.

### **Traffic Control and Safety**

Roadway shoulder areas must be maintained free of unnecessary obstructions, including parked vehicles, at all times while work is being performed under this permit.

The Permit Holder and their contractor shall adhere to the Maintenance and Protection of Traffic (MPT) and traffic control plan (TCP) approved by the Agency, unless revisions are otherwise approved by the Agency.

The Permit Holder shall verify the appropriate safety measures needed, prior to construction, so proper devices and/or personnel are available when and as needed. Traffic control devices, shall be in conformance with the MUTCD (Manual on Uniform Traffic Control Devices), Agency standards and any additional traffic control deemed necessary by the District Transportation Administrator. The Permit Holder's failure to utilize proper measures shall be considered sufficient grounds for the District Transportation Administrator to order cessation of the work immediately.



The Permit Holder will perform construction in such a way as to minimize conflicts with normal highway traffic. When two-way traffic cannot be maintained, the Permit Holder shall provide a sign package that conforms to the MUTCD (Manual on Uniform Traffic Control Devices) or Agency standards, as well as trained Flaggers. The District Transportation Administrator may require a similar sign package with trained Flaggers whenever it is deemed necessary for the protection of the traveling public. In addition, the District Transportation Administrator may require the presence of Uniform Traffic Officers (UTOs); moreover, the presence of UTOs shall not excuse the Permit Holder from its obligation to provide the sign package and Flaggers.

The Permit Holder shall ensure that all workers exposed to the risks of moving highway traffic and/or construction equipment wear high-visibility safety apparel meeting the requirements of ISEA (International Safety Equipment Association) "American National Standards for High-Visibility Safety Apparel," and labeled as ANSI (American National Standards Institute) 107-2004, or latest revisions, for Performance Class 2 or 3 requirements. A competent person - one designated by the Permit Holder's Contractor to be responsible for worker safety within the activity area of the State highway right-of-way - shall select the appropriate class of garment. The Engineer may suspend this permit until compliance is obtained.

### **Insurance and Liability Requirements**

**Independence; Liability:** The Permit Holder will act in an independent capacity and not as officers or employees of the State.

The Permit Holder shall defend the State and its officers and employees against all claims or suits arising in whole or in part from any act or omission of the Permit Holder or of any agent of the Permit Holder. The State shall notify the Permit Holder in the event of any such claim or suit, and the Permit Holder shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit.

After a final judgment or settlement, the Permit Holder may request recoupment of specific defense costs and may file suit in the Washington Superior Court requesting recoupment. The Permit Holder shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Permit Holder.

The Permit Holder shall indemnify the State and its officers and employees in the event that the State, its officers or employees become legally obligated to pay any damages or losses arising from any act or omission of the Permit Holder.

**Insurance:** Before beginning any work under this Permit the Permit Holder must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Permit Holder to maintain current certificates of insurance on file with the State for the duration of work under the Permit. No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Permit Holder for the Permit Holder's operations. These are solely minimums that have been established to protect the interests of the State.

Workers' Compensation: With respect to all operations performed under the Permit, the Permit Holder shall carry workers' compensation insurance in accordance with the laws of the State of Vermont.

General Liability and Property Damage: With respect to all operations performed under the Permit, the Permit Holder shall carry general liability insurance having all major divisions of coverage including, but not limited to:

Premises - Operations  
Products and Completed Operations  
Personal Injury Liability  
Contractual Liability

The policy shall be on an occurrence form and limits shall not be less than:

\$2,000,000 Per Occurrence  
\$2,000,000 General Aggregate  
\$2,000,000 Products/Completed Operations Aggregate  
\$ 50,000 Fire/Legal Liability

Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.

Automotive Liability: The Permit Holder shall carry automotive liability insurance covering all motor vehicles, including hired and non-owned coverage, used in connection with the Permit. Limits of coverage shall not be less than: \$1,000,000 combined single limit.

Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.