

State of Vermont
Policy, Planning & Intermodal Development Division
Policy, Planning and Research Bureau
Development Review & Permitting Services Section

Agency of Transportation

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Montpelier, VT 05633-5001
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! LETTER OF INTENT !
THIS IS NOT A PERMIT

June 17, 2015

Town Of Shaftsbury
David Kiernan
PO Box 409
Shaftsbury, VT 05262

Subject: Shaftsbury, VT7A, L.S. 48+57 ~ 50+68 LT
(Shaftsbury STP EF 10(3))

Dear Mr. Kiernan:

Your highway permit application to construct a sidewalk with associated drainage improvements, relocating signage and re-striping the existing crosswalks, at the above-referenced location, has been reviewed and found to meet the requirements for work within the highway right-of-way.

As a condition of this permit, the Contractor must sign the highway permit application as the Co-Applicant prior to the start of construction. Following our receipt of the application with this signature, and any updates of the plans included herein, your permit will be issued. We are returning the original permit application so you may obtain this signature following the contract bid award.

When issued, the permit will contain, but will not be limited to, the attached Special Conditions.

This commitment is valid for two years from the date of this letter. Should your other permits require a longer time period, please contact us relative to an extension of time.

This Letter of Intent 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.

If you have any further questions about this matter, please call me at (802) 828-2473.

Sincerely,



Theresa Gilman
Permitting Services Supervisor
Permitting Services Section

Attachment

Reviewed by: Craig S. Keller Date: 6/17/15
Craig S. Keller, P.E., Chief of Permitting Services

cc: Bennington County Regional Commission
Erik Sandblom, KAS Inc

bcc: District Transportation Office #1
Permitting Services Files
Tina Bohl, Municipal Services Bureau

SPECIAL CONDITIONS

Prior to the issuance of this Permit the Contractor must sign the highway permit application as the Co-Applicant prior to start of construction. Following our receipt of the application with this signature, and any updates of the plans included herein, your permit will be issued.

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 and associated contract documents and referenced VTrans Standards for the project entitled, SHAFTSBURY AROUND THE BLOCK, SIDEWALK COMPLETION PROJECT – STP EH 10(3) (copy attached), and any future revisions and amendments to these plans; and, the Cooperative Agreement between the State of Vermont Agency of Transportation and the Town of Shaftsbury, and any subsequent amendments.

A preconstruction meeting to discuss work to be completed must be held prior to the Permit Holder's employees or contractor beginning work. The Permit Holder is required to notify the District Transportation Administrator five (5) working days in advance of such meeting.

The Town of Shaftsbury shall be responsible for the future maintenance of the permitted sidewalk including but not limited to winter snow and ice removal when deemed necessary.

Please note that many municipalities and the Vermont Agency of Transportation are not members of Dig Safe. The Permit Holder shall contact the municipalities and VTrans' Tim Sweeney at (802) 279-0585 so they may review, locate and mark all existing buried utility facilities they own near the location of the proposed work.

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

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 placement, size, shape, and color of all pavement markings and signage 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.

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 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.

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 only authorizes the Permit Holder's extension of the stormwater system and discharge from the defined area approved by the Agency and specified in the Permit Holder's application. The Permit Holder shall not connect (or allow the connection of) non-stormwater drainage systems, such as floor drains, to the stormwater management system that discharges to the Agency's stormwater management system.

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 erect and maintain all necessary site erosion prevention and sediment control measures to maintain compliance with Vermont Water Quality Standards within the State Highway right-of-way. All exposed earth areas having erosion potential must be temporarily or permanently stabilized within seven (7) days of disturbance or as necessary to prevent sediment from entering the Agency's State Highway stormwater management system. Slopes steeper than 1:3 shall make use of appropriate erosion matting.

By acceptance of this permit, the Permit Holder agrees to defend, hold harmless and indemnify the Agency, the State of Vermont, and their officers and employees from and against all claims arising out of connections of the Permit Holder's stormwater management system to the Agency's State Highway stormwater management system.

This permit authorizes only the discharge of stormwater runoff to the Agency's stormwater management system with the following exemptions:

- water line flushing or other potable water sources,
- landscape irrigation or lawn watering,
- rising ground water,
- ground water infiltration to storm drains,
- air conditioning condensation,
- fire fighting activities.

The Permit Holder shall notify the Agency of any planned development or facility expansions or changes that may result in new or increased stormwater discharges. The Agency may require the Permit Holder to submit additional information on the proposed changes. The Agency may amend this permit and authorization to discharge, by requiring that the Permit Holder add to, modify, or replace the Route VT7A stormwater management system, or may require the Permit Holder to seek a discharge point other than the State Highway right-of-way and the Agency's stormwater management system.

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 and/or their Contractor shall provide a site specific traffic control plan to the Agency prior to the start of construction. The plan shall include not only the safe and efficient movement of traffic along the highway but also pedestrian detour routing.

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.

As the utility operation moves, flagger signs shall be moved accordingly. At no time should the flagger symbol sign be more than 1,000 feet from the flagger station. Flagger signs shall be covered or turned away from traffic when flagging operations cease for longer than 15 minutes.

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.

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