

# Memorandum of Agreement

## Municipal Funded Projects completed on State Jurisdiction Roads

Project Location: \_\_\_\_\_

Project Description: \_\_\_\_\_

This Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by and between the Town of \_\_\_\_\_, Maine, a body corporate and politic (the "Municipality"), and the State of Maine, acting by and through its Department of Transportation ("MaineDOT"), concerning the transportation system project described below.

### Background

1. The Municipality wishes to undertake a construction [or reconstruction or rehabilitation] project to improve Route \_\_\_\_\_, a state [or state aid] highway, from \_\_\_\_\_ to \_\_\_\_\_ (the "Project") for the benefit of its residents and local travelers.
2. The Municipality to fund the Project using only local or municipal funds.
3. The Project involves improvements to a state (or state aid) highway that is under the jurisdiction and control of MaineDOT and that is part of a highway corridor that serves the traveling public throughout the region and the state.
4. Accordingly, the Project work must comply with state construction specifications and be subject to MaineDOT oversight as more particularly set forth below.

### Agreement

In light of the above, the Municipality and MaineDOT agree to the following roles and responsibilities in connection with the Project.

5. The Municipality and its engineer shall be responsible, within the Project limits, for the following:
  - a. Ensuring that the safety of the corridor and the life of the resulting structural and design elements are equal to or better than existing conditions and design;
  - b. Ensuring that the structures, roadways and/or design features affected by the Project work shall, at a minimum, be of equal dimensions to the existing features or structures and shall be of improved quality in terms of materials and utility;
  - c. Ensuring that the Project does not introduce any unanticipated safety hazards to the traveling public;
  - d. Ensuring that the Project retains the same level of mobility or improves mobility of travel within the corridor; and,
  - e. Ensuring that the Project does not in any manner decrease the life expectancy of this component of Maine's transportation system.
  - f. Ensuring that the Project meets the most recent Americans with Disabilities Act of 1990 (ADA) design requirements to the maximum extent feasible.
  
6. The Municipality agrees (a) that the Project shall be designed and approved by a Maine Professional Engineer in conformance with the State's Design Standards, and (b) that the Professional Engineer shall provide a certification to the Municipality and to MaineDOT that, in his professional opinion, the Project as designed will not reduce the safety, mobility or structural quality of the state [state aid] road. All plans and design documents must be stamped and signed in accordance with this provision by the Professional Engineer.
  
7. The Municipality agrees that any exceptions to State Design Standards shall be documented as part of this process. This documentation shall compare the new design to the existing conditions for each of the exceptions to current design standards. Any such exceptions shall be displayed on the cover sheet for the Project plans with the signature and PE stamp of the engineer responsible for the design of the Project.

8. Prior to commencing the Project work, the Municipality agrees to submit for review by MaineDOT the Project scope and full set of plans to the MaineDOT with a certified statement from the Professional Engineer that the above criteria have been met and that the Project will be completed as per plan details.
9. MaineDOT agrees to complete its review of the Project scope and Plans and provide any comments in a timely manner so as not to delay the commencement of the Project work.

**MUNICIPAL REPRESENTATIVE**

By: \_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Typed Name and Title)  
\_\_\_\_\_  
(Date Signed)

**MAINE DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Typed Name and Title)  
\_\_\_\_\_  
(Date Signed)