



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Paul R. LePage
GOVERNOR

David Bernhardt
COMMISSIONER

Anthony Plante, Town Manager
Town of Windham
8 School Road
Windham, ME 04062-4899



4/5/17

Subject: Pavement Milling, Hot Mix Asphalt Overlay
and Ultra-Thin Bonded Wearing Surface
Project Nos.: STP-2089(200), STP-2197(000),
STP-2197(200) & NHPP-2197(800)
Towns of Windham, Westbrook and Standish

Dear Mr. Plante:

The Maine Department of Transportation will soon advertise the subject project for construction, and pursuant to 29-A MRSA § 2382 (7) we have established a "Construction Area". A copy of 29-A § 2382 is enclosed for your information. Also included is an agreement, which requires signature by the municipal officers, and additional background documents. **(Another project number has been added to the contract- NHPP-2197(800) - 4.58 miles on Route 302 in Westbrook and Windham)**

The agreement stipulates that the municipality will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits, over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor to "guarantee suitable repair or payment of damages" per 29-A MRSA.

29-A MRSA § 2382 (7) states that "*the suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers*". In other words, municipal officers determine the suitability of repairs on municipal ways and bridges.

The State cannot force municipalities to allow overweight vehicles to travel on posted municipal roads. Municipal postings supersede overweight permits. However, the agreement requires municipalities to make reasonable accommodations for overweight vehicles that are operated by contractors and the MDOT in connection with the construction project.

The specific municipal roads involved are not necessarily known at present, as the contractor's plan of operation won't be known until just prior to the start of work. If the municipality plans to require a bond; the amount of the bond should be determined prior to the start of work. If the project number administratively changes, you will be notified, and the agreement modified accordingly. Please return the completed agreement to my attention. Should you have any questions, please contact me at 624-3410.

Sincerely,

George Macdougall,
Contracts & Specifications Engineer
Bureau of Project Development



PRINTED ON RECYCLED PAPER

Project Nos.: STP-2089(200),
STP-2197(000), STP-2197(200)
& NHPP-2197(800)

SPECIAL PROVISION 105
CONSTRUCTION AREA

Construction Areas located in the **Towns of Windham, Westbrook and Standish** have been established by the Maine Department of Transportation (MDOT) in accordance with provisions of 29-A § 2382 Maine Revised Statutes Annotated (MRSA).

The sections of highway under construction in Cumberland County:

- (a) Project No. STP-2089(200) is in Windham on Route 35, beginning at the Standish/Windham town line and extending northeasterly 0.61 of a mile.
- (b) Project No. STP-2197(000) is in Standish on Route 35, beginning at Route 237 and extending northeasterly 4.65 miles to the Windham town line.
- (c) Project No. STP-2197(200) is in Windham on Route 115, beginning 0.08 of a mile northeast of Route 35 and extending northeasterly 2.82 miles to Route 202.
- (d) Project No. NHPP-2197(800) is on Route 302, beginning in Westbrook 0.22 of a mile northwest of Duck Pond Road and extending northwesterly 4.58 miles, ending before the junction of Route 202 in Windham.

Per 29-A § 2382 (7) MRSA, the MDOT may *"issue permits for stated periods of time for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:*

A. Must be procured from the municipal officers for a construction area within that municipality;

B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:

(1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section."

The Municipal Officers for the **Towns of Windham, Westbrook and Standish** agreed that an Overlimit Permit will be issued to the Contractor for the purpose of using loads and equipment on municipal ways in excess of the limits as specified in 29-A MRSA, on the municipal ways as described in the "Construction Area".

As noted above, a bond may be required by the municipality, the exact amount of said bond to be determined prior to use of any municipal way. The MDOT will assist in determining the bond amount if requested by the municipality.

The maximum speed limits for trucks on any town way will be 25 mph (40 km per hour) unless a higher legal limit is specifically agreed upon in writing by the Municipal Officers concerned.

Return this AGREEMENT, when completed, to:

Maine Department of Transportation
ATTN.: Mr. George Macdougall, Contracts & Specifications Engineer
#16 State House Station, Child Street
Augusta, Maine 04333-0016

Project Nos.: STP-2089(200), STP-2197(000),
STP-2197(200) & NHPP-2197(800)
Towns of Windham, Westbrook and
Standish

Pursuant to 29-A MRSA § 2382, the undersigned municipal officers of the **Town of Windham** agree that a construction overlimit permit will be issued to the Contractor for the above-referenced project allowing the contractor to use overweight equipment and loads on municipal ways.

The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA § 2388 to cover the cost of any damage that might occur as a result of the overweight loads. If a bond is required, the exact amount of said bond should be determined prior to the use of any municipal way. The Maine DOT will assist in determining the amount of the bond if requested. A suggested format for a general construction overlimit bond is attached. A suggested format for a construction overlimit permit is also attached. This construction overlimit permit does not supersede rules that restrict the use of public ways, such as posting of public ways, pursuant to 29-A MRSA § 2395.

The maximum speed limit for trucks on any municipal way will be 25 mph (40 km per hour) unless a higher speed limit is specifically agreed upon, in writing, by the Municipal Officers.

TOWN OF WINDHAM
By the Municipal Officials

