



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



Victoria F. Sheehan
Commissioner

William Cass, P.E.
Assistant Commissioner

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

Bureau of Turnpikes
October 1, 2019

REQUESTED ACTION

1. Authorize the New Hampshire Department of Transportation to enter into a Memorandum of Agreement with Manchester Community College (MCC) to provide emergency access from the F.E. Everett Turnpike and accept reimbursement from MCC for construction costs of the access road, in the amount of \$68,710.19.

Funding for this MOA is available in SFY 2020, with the ability to adjust encumbrances through the Budget Office, if needed and justified, as follows:

	<u>SFY 2020</u>
04-096-096-961017-7025 – Renewal and Replacement	
400-500870 Highway Contract Payments	\$68,710.19

2. Authorize the New Hampshire Department of Transportation to accept and expend revenue in the amount of \$68,710.19 from the Manchester Community College (MCC), for reimbursement of construction expenditures for an emergency access located approximately 950 feet north of the I-293 bridge over NH 3A at the Exit 7 interchange. Approval to be effective upon the date of Governor and Council approval through June 30, 2020. 97.9% Turnpikes, 2.1% Private Local Income.

04-096-096-961017-70250000	Current Budget FY 2020	Requested Change	Revised Budget FY 2020
Renewal and Replacement			
Expenses:			
020 500200 Current Expense	\$236,514	\$0	\$236,514
046 500463 Consultants	730,681	0	730,681
047 500240 Own Forces Maintenance	55,500	0	55,500
048 500226 Contractual Repairs	440,686	0	440,686
400 500870 Highway Contract Payments	36,914,310	68,710	36,983,020
Total	\$38,377,691	\$68,710	\$38,446,401
Source of Funds			
Revenue:			
005-407991 Private Local Funds	\$750,000	\$68,710	\$818,710
000-000017 Turnpike Fund	37,627,691	0	37,627,691
Total	\$38,377,691	\$68,710	\$38,446,401

EXPLANATION

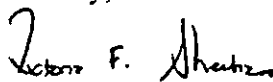
The Department requests authorization to accept and expend \$68,710.19 under a Memorandum of Agreement with the Manchester Community College, a component of the Community College of New Hampshire, in fiscal year 2020 as reimbursement for construction of an emergency access.

The purpose is to improve safety at the MCC campus by constructing an emergency access from I-293 to the college. MCC has a need for more than the single access point from NH 3A in support of emergency response as this has proven unreliable and has become blocked by students, faculty, and staff exiting the campus while emergency vehicles are attempting to respond. This secondary access (being a locked gate along the limited-access-right-of-way) will improve response times, eliminate conflicts with student evacuation routes and help to improve overall safety at the MCC campus.

The Manchester-Merrimack 41097 resurfacing contract with Continental Paving Inc., approved by G&C on April 11, 2018 Item No. 29, has built the access to MCC. This work is expected to be completed this summer.

Your approval of this resolution is respectfully requested.

Sincerely,



Victoria F. Sheehan
Commissioner

Attachments

**MEMORANDUM OF AGREEMENT (MOA)
WITH
MANCHESTER COMMUNITY COLLEGE
A COMPONENT COLLEGE OF THE
COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHIRE
FOR
TEMPORARY EMERGENCY ACCESS FROM THE F. E. EVERETT TURNPIKE**

THIS AGREEMENT, executed in *triplicate*, made and entered into this 7th day of June, 2018, between the New Hampshire Department of Transportation, hereinafter called the "DEPARTMENT" and the Manchester Community College, a component college of the Community College System of New Hampshire hereinafter called the "COLLEGE", which is located within the City of Manchester.

WITNESSETH that,

WHEREAS, the DEPARTMENT is responsible to control access along this Limited Access Right of Way (LAROW) section of the F.E. Everett Turnpike (FEET), which is also designated I-293;

WHEREAS, the COLLEGE has encountered fire emergencies on the campus in the past where emergency response was significantly delayed due to constraints associated with the existing single driveway access into the property;

WHEREAS, the COLLEGE investigated other alternatives and determined them to not be financially feasible, and has requested direct temporary access for emergency vehicles be provided from the FEET to the COLLEGE.

WHEREAS, the COLLEGE and the DEPARTMENT have agreed to locate an emergency access from the FEET north bound beginning at the edge of pavement connecting to the COLLEGE parking lot, to be located approximately 950 feet north of the FEET bridge over NH 3A at the Exit 7 interchange. And that the access will be solely for the purpose of improving emergency access and response to the COLLEGE and be further referenced in this agreement as the "PROJECT",

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

- A. The DEPARTMENT will incorporate the previously designed access road into the Turnpike Bureau's paving project to be constructed by its low-bid contractor during the 2018 construction season. The DEPARTMENT will also oversee the construction inspection for the access road. The COLLEGE can also maintain oversight and inspection responsibilities during the construction activities as well if they so choose. The COLLEGE will reimburse the Bureau of Turnpikes the construction cost based on the low-bid contractors itemized prices. All work associated with the construction of the PROJECT will be in accordance with DEPARTMENT specifications.
- B. The DEPARTMENT will include, in the design of the access road, a remotely controlled sliding or lift gate and adjacent chain link fence as needed on the Limited-Access-Right-of-Way (LAROW) line to control use of the access.
- C. The COLLEGE will use the access for emergency response only from the FEET to the COLLEGE (no egress from the COLLEGE to the FEET is permitted, except as specifically permitted in the emergency action plan approved by the DEPARTMENT).
- D. The COLLEGE will provide the DEPARTMENT a list of individuals/groups of emergency responders that will have approved access, consistent with this AGREEMENT, through the gate.
- E. The COLLEGE shall develop protocols in its emergency action plan regarding use of the access consistent with this AGREEMENT. The emergency action plan shall be submitted to the DEPARTMENT for review.

- F. If unacceptable uses are identified and ultimately deemed inappropriate after consultation with the COLLEGE, a letter of warning will be issued for discontinuance of the noted action. Upon a second observation, the COLLEGE will be notified of the improper use. use of the access will be discontinued and the access ordered to be removed at the earliest feasible timeframe by the COLLEGE.
- G. The COLLEGE will obtain an encroachment permit for maintenance operations (contact Turnpikes Permit Section (603) 485-3806), any necessary City, and State Fire Marshal's Office approvals, to include insurances and protections to hold the DEPARTMENT harmless against any actions resulting from the PROJECT or its sustained operation.
- H. The COLLEGE will, upon completion of said PROJECT, at its own cost be responsible for the maintenance of all portions of the PROJECT, including, but not limited to, plowing, sanding and salting, maintaining site distance for the travelling public, gate operation, utilities and any other related item to the operation of the access. The DEPARTMENT will be responsible for mowing operations and pavement repairs along the FEET mainline and shoulder; the COLLEGE is responsible for future paving or repairs of the access.
- I. The COLLEGE agrees that should adjustments be necessary within the LAROW due to changed conditions or operational needs, such adjustments will not be made without prior written approval of the DEPARTMENT.
- J. The COLLEGE 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) the presence of the emergency access and/or any act or omission of the COLLEGE or its contractor or 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.
- K. Upon completion of the DEPARTMENT's relocated Exit 7 Interchange construction project along the FEET, which will provide emergency access via a new entrance on the north side of the COLLEGE, the temporary access will be removed by the COLLEGE.
- L. COLLEGE AND DEPARTMENT hereby affirm that this agreement does not confer any property rights on the COLLEGE and that this agreement memorializes a permitted use of the Limited Access Right of Way in conformance with the encroachment permits issued by the DEPARTMENT as referenced in paragraph G.

IN WITNESS WHEREOF, the parties here have affixed their signatures, the Manchester Community College a component of the Community College System of New Hampshire, on this 23 day of January, 2018, and the Department of Transportation on this 7th day of Feb, 2018.

NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

MANCHESTER
COMMUNITY COLLEGE,
a component of the Community
College System of New Hampshire

By: 

Victoria Sheehan, P.E.
Commissioner

By: 

Dr. Ross Gittell
Chancellor

cc: Bureau of Turnpikes

Department of Transportation
FISCAL SITUATION FISCAL YEAR 2020
04-096-096-961017-7025

Renewal and Replacement	
Estimated revenue budgeted:	\$ 750,000
Prior year carryforward revenue (SFY 2019):	\$ -
Additional non-budgeted revenue:	<u>\$ 68,710</u>
Amount available to budget:	\$ 818,710
Less current FY20 budget authorization:	<u>\$ 750,000</u>
Total available for budgeting:	\$ 68,710
Amount to be budgeted this request:	<u>\$ 68,710</u>
Amount available to budget with future requests:	<u>\$ -</u>

Source of Non-Budgeted Revenue	Amount	Expenses through 8/1/2019	Balance
Agency Income 005-407991	\$ 68,710	\$ 68,710.00	\$ -
Totals	<u>\$ 68,710</u>	<u>\$ 68,710.00</u>	<u>\$ -</u>

Amounts from Statement of Appropriations for AU 7025 Dated 8/1/2019