

FOR USE AND RESTORATION OF HAUL ROAD

Agreement
No. 02

File No. _____

WHEREAS, the South Dakota Department of Transportation has authorized PRELIMINARY ENGINEERING FOR HIGHWAY PROJECT NO. P 0016 (57) 69, BRP 1902 (1) 0, and P 0044 (125) 44 and

WHEREAS, in order to complete said project it may become necessary for Hubbard Mill/ConAgra to utilize a portion of the Minor Arterial (Haines Ave. Between SD44 & I-90) Highway System of City of Rapid City (Gov. Agency) for the conveyance of commercial goods and

WHEREAS, the South Dakota Department of Transportation or its assignee will restore that portion of said highway system as shown on the reverse side of this agreement sheet, after it has been used to convey construction equipment and materials, to the condition which existed immediately prior to its use, and

WHEREAS, an inspection of the proposed route to be so utilized will be made, in accordance with guidelines as detailed on the attached sheet, at which time the inspection team will determine and record the existing condition of the haul road, including the type, thickness and width of surface material in place, and

WHEREAS, authorized representatives of the City of Rapid City (Gov. Agency) and the South Dakota Department of Transportation, after making said inspection and recording the existing condition of the haul road, shall all sign the inspection report, agreeing to the conditions stated therein.

NOW THEREFORE, in consideration of the premises, the mutual and independent covenants and any and all other requirements, agreements and covenants, all as hereinafter more fully set forth, the parties hereto agree as follows:

That, the portion of the Minor Arterial Highway System as shown on the reverse side of this sheet, is maintained by City of Rapid City (Gov. Agency) and is that portion which is proposed for use as a haul road, and that, after use of said highway as a haul road for the purposes herein set forth, the South Dakota Department of Transportation hereby agrees to restore said highway roadbed and highway appurtenances to the condition, as reported in the Haul Road Inspection Report (DOT-45 Appendage), in accordance with measurements and observations of the inspection party at time of inspection and to the satisfaction of the Engineer. Conditions of use and inspection guidelines are as detailed on attached sheet.

IN WITNESS WHEREOF, the said parties hereto have caused this agreement to be signed by their respective and duly authorized officers on the _____ day of _____,

By: _____
Authorized Representative (Gov. Agency)

Title: _____

Representing: _____
(Gov. Agency)

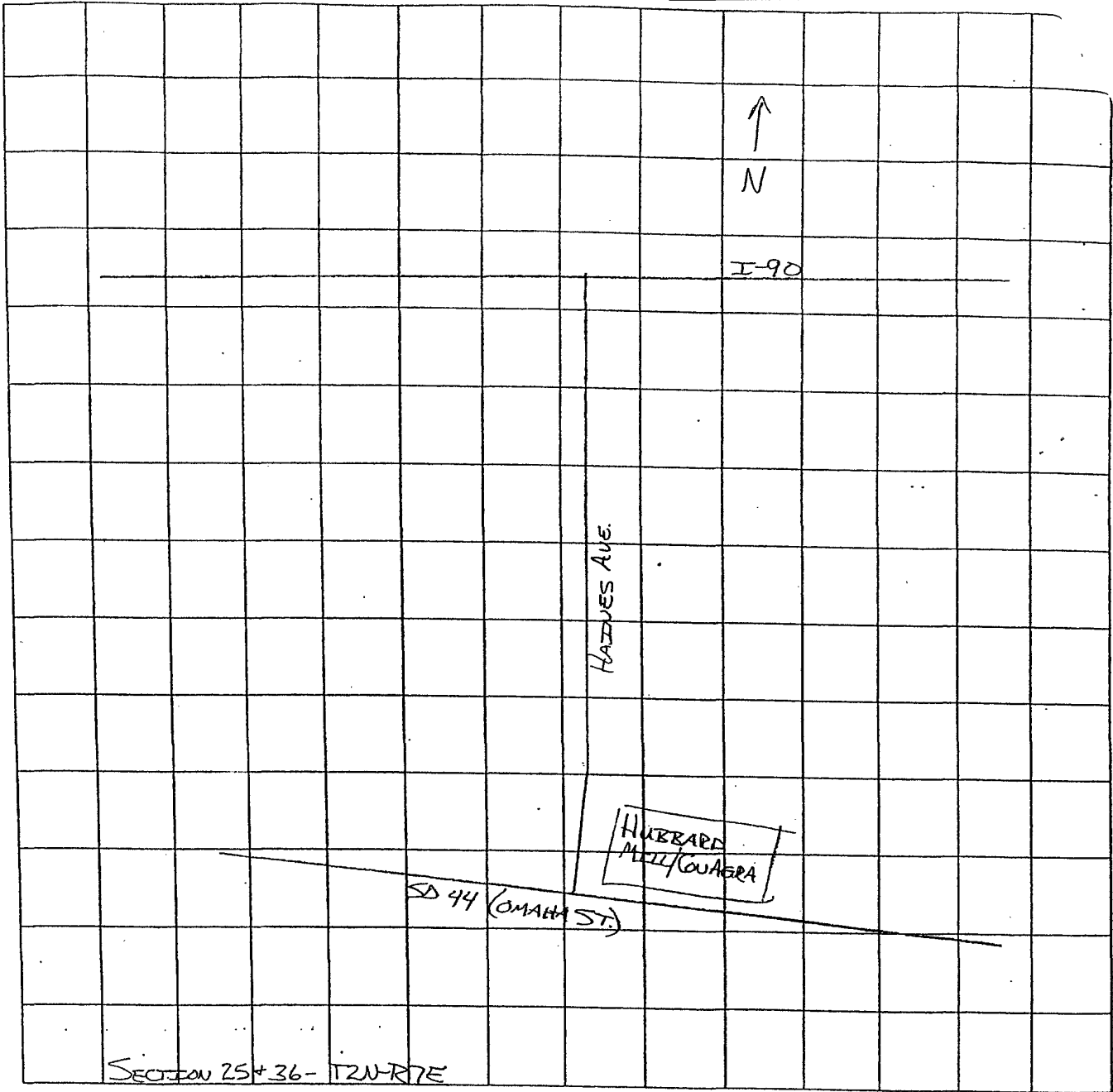
Address: _____

SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION

By: _____
Authorized Representative

APPROVED AS TO FORM:

By: _____
Asst. Atty. General



Show sections, township, range and principal topographic features which help to identify location of the haul road.

Copies to: Governmental Agency
Contractor
Area
Region

Scale 1/2" = NOT TO SCALE

Conditions of Use and Inspection Guidelines for Haines Avenue between I-90 and SD44 in Rapid City on projects **P0016(57)69, BR190-2(1)0, and P0044(125)44.**

- Hubbard Mill/ConAgra trucks will be allowed to use Haines Avenue between Interstate 90 at Exit 58 and the 5th Street intersection at Omaha Street only during which time the 5th Street intersection at Omaha Street is closed during Phase IIIA of the above project. Approximate dates for Phase IIIA will be between April 1, 2004 and July 12, 2004.
- Only Hubbard Mill/ConAgra trucks will be allowed to use the route mentioned above. Contractor trucks will not be allowed on this route.
- Signing provided by the DOT will direct Hubbard Mill/ConAgra trucks to use driving (right) lanes only and will set truck speed limit at 25 mph.
- City of Rapid City Street Department and DOT personnel will conduct a Haul Road inspection (form DOT-45) prior to allowing truck travel on Haines Avenue. This inspection will include a visual inspection of joints for physical deterioration, preferably not to exceed thirty days prior to expected initiation of its stated use. It will also include joint deflection testing for aggregate interlock failure at contraction joints using the Falling Weight Deflectometer test. The Department will provide the testing equipment for this test and will conduct the test within 10 days of the time that frost is no longer detected in the ground.
- City of Rapid City Street Department and DOT personnel will conduct a Haul Road inspection after the 5th Street intersection is reopened and Hubbard Mill/ConAgra trucks return to their normal Omaha Street routes. This inspection will follow the same guidelines as noted above, except that the visual inspection of joints and Falling Weight Deflectometer test will be conducted simultaneously. Pavement damaged as a result of Hubbard Mill/ConAgra truck use will be repaired at the cost of the State.
- PCC Pavement Repair quantities are included in the above project to make necessary repairs to restore Haines Avenue to the condition which was noted during the Haul Road inspection prior to allowing Hubbard Mill/ConAgra trucks on Haines Avenue.