

PROPOSED ADDITIONAL PERMIT PROVISIONS

❖ PEAK-HOUR LANE CLOSURES

Peak-hour lane closures will be prohibited unless all viable alternatives have been explored and reasons for the closures are warranted, justified, and documented. Peak-hour lane closures proposed by Contractor must be preapproved in writing by County; otherwise they are expressly prohibited. Failure of Contractor to comply with this requirement will result in assessment of liquidated damages in the amount of _____ for each occurrence of a prohibited peak-hour lane closure plus _____ for each ensuing thirty (30) minute interval, up to a maximum amount not to exceed _____ per day, which will be assessed until the prohibited peak-hour lane closure is reopened.

❖ PEDESTRIAN ACCESS ROUTE CLOSURES

For any temporary or permanent alteration or removal of a pedestrian access route, curb ramp, or street crossing, for ingress or egress, Contractor shall ensure that there is a viable alternate route accessible to pedestrians during construction, events, or other temporary conditions, for traversing the public right-of-way. Failure of Contractor to comply with the County-approved MOT plan or to request and obtain preapproval of a variance from the County-approved MOT plan will result in the assessment of liquidated damages in the amount of _____ for each occurrence plus _____ for each ensuing thirty (30) minute interval, up to a maximum amount not to exceed _____ per day, which will be assessed until the pedestrian access route is made available.

❖ TRAFFIC SIGNAL MAINTENANCE AND OPERATION DURING CONSTRUCTION

After issuance of the permit and prior to beginning construction, Contractor shall submit to the Traffic Engineering Division for approval the signal timing plan(s) for all signalized intersections identified in those plan(s). The plan(s) must clearly identify each intersection's proposed traffic movements with associated timing throughout each phase of construction.

- (a) To the extent signalized intersections are impacted by the permitted work, Contractor shall assume and accept maintenance responsibilities for all signalized intersections identified in the permit. Maintenance responsibilities include, but are not limited to:
- (1) Repairing or replacing defective equipment;
 - (2) Implementing signal timing plan(s) and performing necessary adjustments thereto;
 - (3) Performing all video/vehicle detection system changes required by Minimum Standards and all traffic control manuals, and deemed necessary by the Traffic Engineering Division's Director, or designee;
 - (4) Maintaining existing systems communications with the Traffic Engineering Division's Traffic Management Center; and

- (5) Adjusting signal equipment to meet the Minimum Standards and all traffic control manuals during each phase of construction.
- (b) At the sole discretion of the County, and if the approved signal timing plan causes extended congestion or delays, Contractor will be directed to study the intersection signal timing plan and to prepare a report with its recommendations. Based on the report, the County may direct Contractor to prepare an alternative signal timing plan for the Traffic Engineering Division's review and approval. The report shall be provided to the Traffic Engineering Division within two (2) business days after such direction. Failure of Contractor to provide a report of the intersection signal timing plan recommendations to the Traffic Engineering Division within two (2) business days after request will result in liquidated damages in the amount of _____ per day until the report is received. Within twenty-four (24) hours after Contractor's receipt of the Traffic Engineering Division's approved changes to an intersection's signal timing plan, Contractor shall submit to the Traffic Engineering Division any proposed modifications to the approved changes; otherwise any objections to the approved changes will be deemed waived. Thereafter, Contractor's failure to implement the approved changes within twenty-four (24) hours will result in liquidated damages in the amount of _____ per day until the approved changes to the signal timing plan are implemented.
- (c) All existing traffic signalization equipment is presumed to be in good working order unless Contractor submits written notice to the Traffic Engineering Division's Director, or designee, before beginning construction, identifying any issues with the equipment. After commencement of construction, any subsequent damage or malfunctions to the signal equipment, including but not limited to mast arm and strain pole structures, must be repaired by Contractor at Contractor's sole expense.

❖ APPEALS

If Contractor desires to appeal any assessment of liquidated damages imposed herein, Contractor shall submit to the Highway Construction & Engineering Division Director written notice of its intent to dispute the assessment within ten (10) calendar days after Contractor's receipt of County's notice of assessment; otherwise any objection to either the assessment or the amount will be deemed waived. Contractor's notice of appeal must provide the basis for the objection(s) and any other supporting documentation to assist in dispute resolution. Once the Highway Construction & Engineering Division Director receives notice of Contractor's intent to dispute, County and Contractor will hold a conference within ten (10) calendar days in an attempt to resolve the dispute. If disputed issues remain after the conference is held, or if no such conference occurs within ten (10) calendar days after the Highway Construction & Engineering Division Director's receipt of Contractor's notice, the parties shall agree to attend mediation with a mediator mutually agreed upon by the parties prior to initiating litigation.