

Memorandum of Agreement

Agreement this 9 day of September 2010 by and between the Governor of the State of New Hampshire ("Governor"), the New Hampshire Department of Transportation through its Commissioner ("Commissioner"), the Department of Resources and Economic Development through its Commissioner ("DRED"), the Appalachian Mountain Club ("AMC") and the Society for the Protection of New Hampshire Forests, a New Hampshire Corporation, ("Society"), and other parties as may join herein.

RECITALS

Whereas, on November 18, 1977 and on October 14, 1983, the parties entered into two Memoranda of Agreement, further amended on March 17, 1993, which collectively governed the design and construction of what is today known as the Franconia Notch Parkway and its adjacent state park facilities, and which were intended to be the foundation for any future reconstruction of the Parkway;

Whereas, the Commissioner seeks necessary approvals for a two-year, federal "4R" (reconstruction, rehabilitation, replacement and resurfacing) oversight project ("Lincoln-Franconia 15603") commencing in 2011 on the Franconia Notch Parkway, beginning in Lincoln at the Whitehouse Bridge and proceeding north to Lafayette Brook in Franconia;

Whereas, the parties in the original agreements recognized that the Franconia Notch section of Interstate 93 has characteristics that required special consideration, including:

1. Being a unique and sensitive environmental area;
2. Being one of the State's most important recreational resources, as a state park originally protected in 1929 as a monument to New Hampshire veterans;
3. Being the location of some of the State's consistently harshest winter weather;
4. Being a location with a very short construction season;
5. Being the only segment of the Interstate System that contains a single lane mainline facility and also having significant truck traffic, narrow width of pavement, and very limited footprint of construction;

Whereas, the Commissioner has sought the input of AMC and the Society on the proposed 4R project in conjunction with the original MOAs and amendment;

Whereas, AMC and the Society have identified four major concerns regarding the proposed project, including 1) the design and appearance of the guardrail and other associated roadway elements, 2) the design and maintenance of the outside unpaved panels of the Parkway, 3) the signage and other measures designed to assist the motoring public in better navigating the Parkway; and 4) the need to protect the integrity of the original investments made in State Park facilities along the Parkway;

Whereas the original agreements called for unified planning between the Department of Transportation and the Department of Resources and Economic Development, to assure that Parkway design and State Park facility designs were consistent with each other;

Whereas, the parties have reviewed the proposed project in detail, and have agreed that the 4R project should be completed, subject to certain conditions specified below;

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING RECITALS AND THE MUTUAL COVENANTS HEREOF, the undersigned parties agree that the original design and width of the Parkway set forward in the earlier agreements is maintained except as noted below:

1. That the existing median safety barrier will be replaced by a narrower and less visually intrusive guardrail, the Nu-Guard 31 system, to be brown for aesthetic purposes;
2. That the granite curbing along the outer edges of the road surfaces will be removed and the panels regraded to drain away from the roadway as part of the 4R project to enhance the water quality of roadway runoff and the appearance and maintenance of the non-paved panels;
3. That other work included in the project, such as the reconstruction of drainage, the addition of snow fencing, and the protection of scenic views, will be carried out to ensure consistency with the previous MOAs;
4. The parties will work with the Department of Safety to design and post signs and employ traffic safety measures on the pavement as part of the 4R project or subsequent projects to keep highway speeds and off ramp traffic consistent with original Parkway design.

Within the southern segment of the Parkway the speed limit will be adjusted in a barrel to

- A) a maximum of 65 mph where that barrel has two lanes and both a ten foot and four foot shoulder and
- B) a maximum of 55 mph where that barrel has two lanes and two 2-foot shoulders.

At the southern limit of the 4R project, the existing 45 mph speed limit will be adjusted in each barrel, as follows:

- A) the northbound 45 mph speed limit will be adjusted northerly to approximately 0.2 miles north of bridge number 133/109 over the Pemigewasset River and
- B) the southbound 45 mph speed limit will be adjusted northerly to approximately 0.2 miles south of bridge number 132/108 over the Pemigewasset River.

From these points northerly on both barrels the speed limit will remain at the existing 45 mph posting.

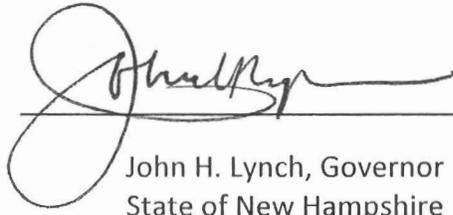
This adjustment is to make the speed limits more consistent with the typical sections of improvement while retaining the original intent of having the least impact to the most sensitive segment of the Parkway through minimizing design and posted speeds and associated pertinent design criteria.

Plans showing these speed limit changes are attached.

5. That the Commissioner will work with DRED to assist in the planning for the repaving upgrades in the State Park facilities adjacent to the Parkway, recognizing that federal and state highway funds are not available to cover these specific expenses;

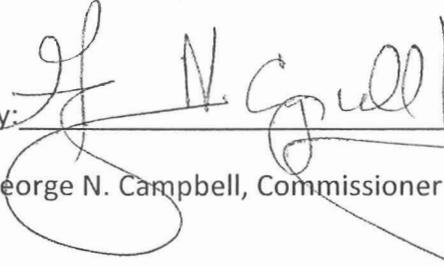
IT IS FURTHER AGREED, that the 4R project will commence in 2011 and be completed in 2012 with all other provisions of the original agreements in place without further conditions or reservations;

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized representatives as of the day and year set forth above.


John H. Lynch, Governor
State of New Hampshire

State of New Hampshire
Department of Transportation

Society for the Protection of New
Hampshire Forests

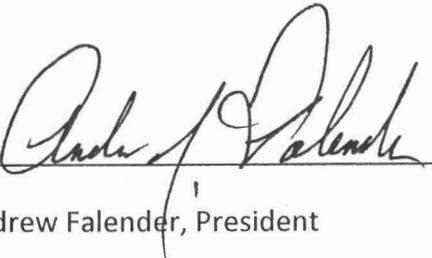
By: 
George N. Campbell, Commissioner

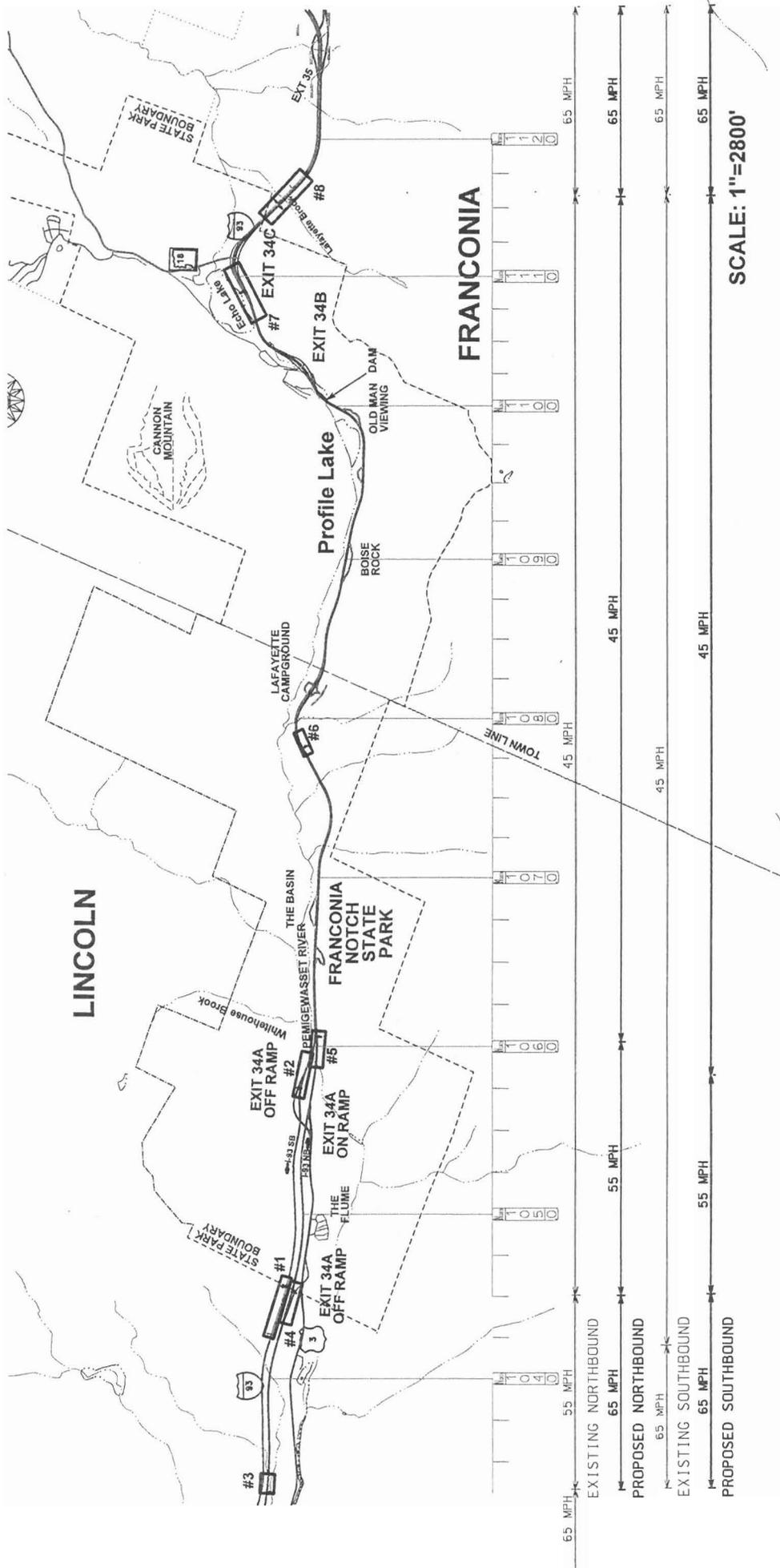
By: 
Jane Difley, President

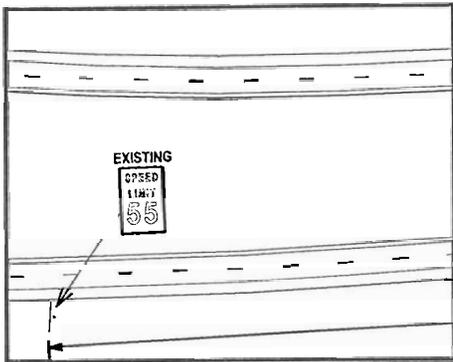
State of New Hampshire
Department of Resources and Economic
Development

Appalachian Mountain Club

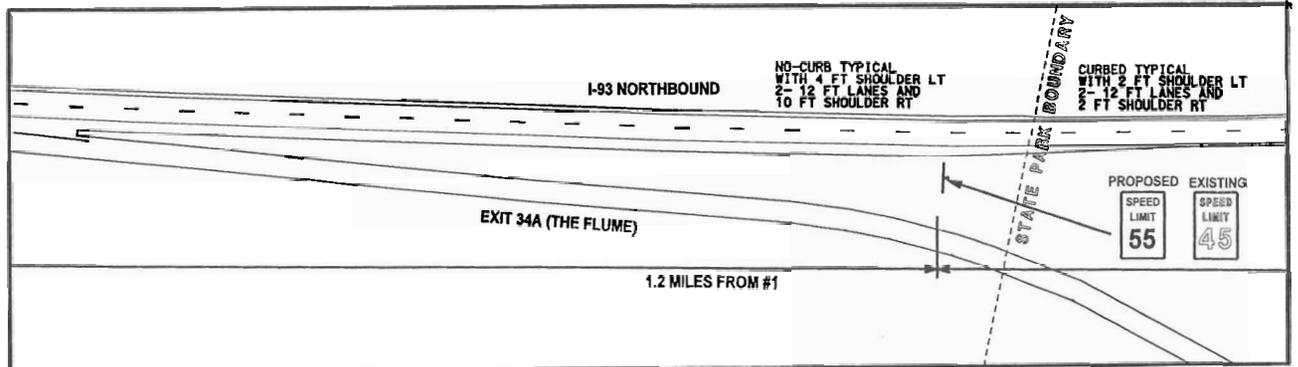
By: 
George Bald, Commissioner

By: 
Andrew Falender, President

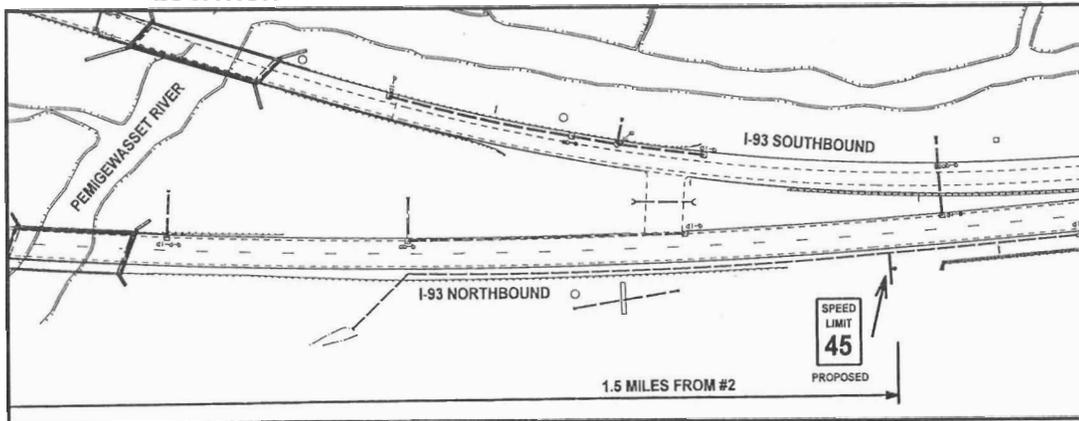




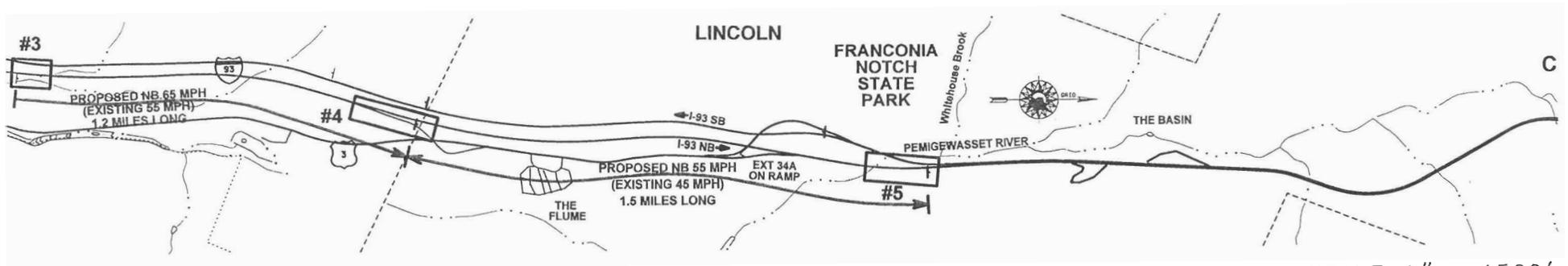
LOCATION #3



LOCATION #4

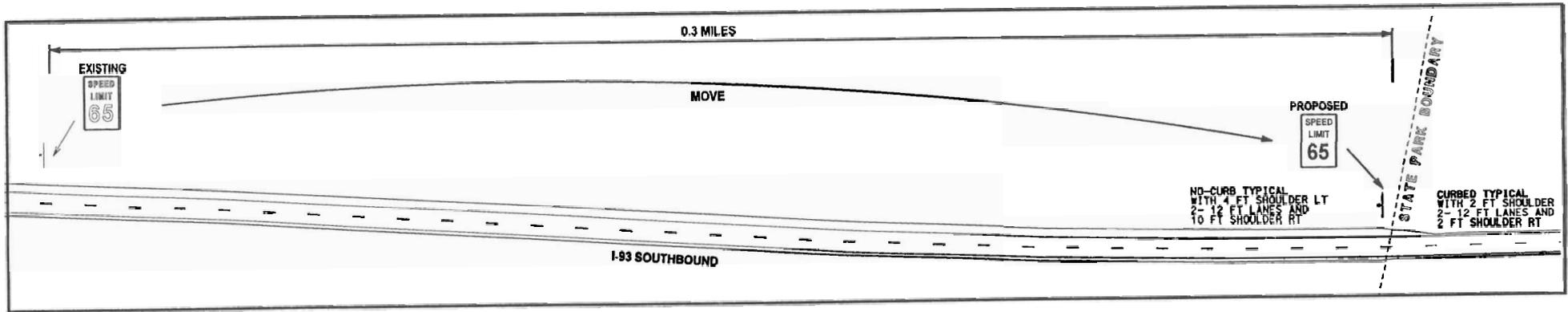


LOCATION #5

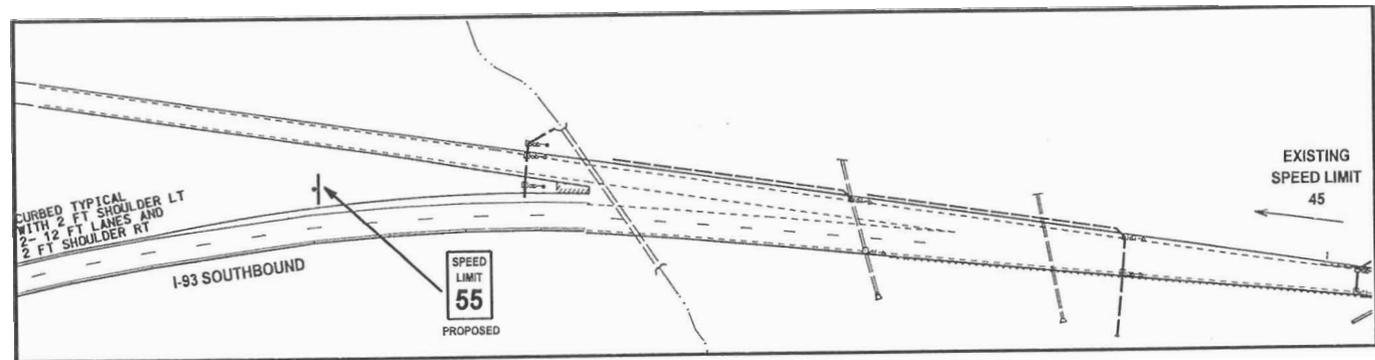


FRANCONIA NOTCH SPEED LIMIT CHANGE - SOUTHERN LIMIT, NORTHBOUND

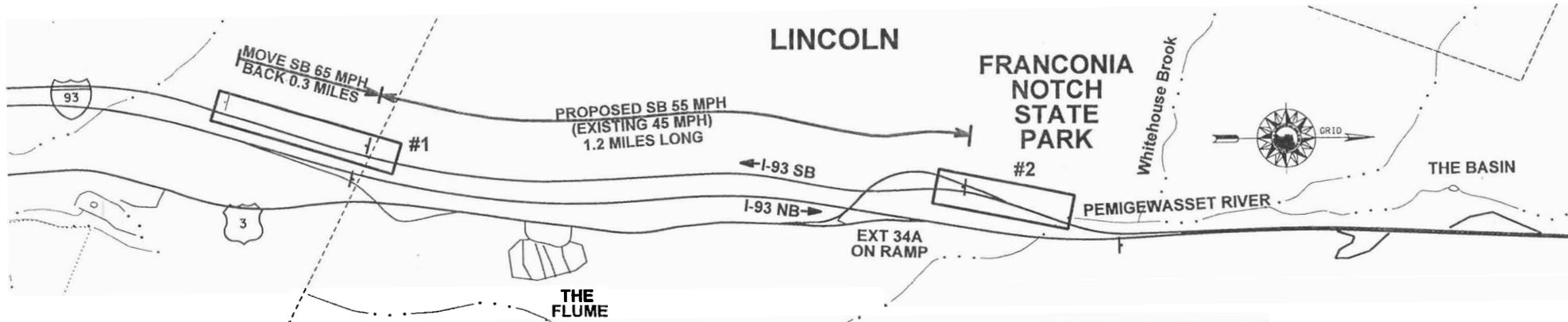
SCALE 1" = 1500'



LOCATION #1



LOCATION #2



FRANCONIA NOTCH SPEED LIMIT CHANGE - SOUTHERN LIMIT, SOUTHBOUND

SCALE 1" = 1000'