

AGREEMENT

Between the States of

NEW HAMPSHIRE and MAINE

Regarding the

Transportation Needs Study

between

PORTSMOUTH, NH AND KITTERY, ME

WHEREAS, the rehabilitation of the Memorial Bridge as proposed and bid is no longer considered prudent given the proven cost, age of the bridge, and concerns about overall, long-term economic value;

WHEREAS, NHDOT has been the lead agency on the Project, with MaineDOT primarily monitoring the design and the project development process and participating in the project funding;

WHEREAS, a decision regarding level of investment into the Memorial bridge can not be prudently made without considering the Sarah Mildred Long Bridge, which will also require replacement or major rehabilitation in the next ten years;

WHEREAS, NHDOT and MaineDOT both have significant financial challenges regarding their respective transportation programs including extraordinary construction cost increases, declining fuel tax revenues, and questions regarding federal funding;

WHEREAS, due to these challenges and the proximity of three bridges crossing the Piscataqua River between Portsmouth and Kittery, broader discussions are needed regarding transportation needs and connections between Portsmouth and Kittery including the replacement/rehabilitation of the Sarah Mildred Long Bridge and/or the Memorial Bridge; and

NOW THEREFORE, NHDOT and MaineDOT hereby agree to the following terms and conditions regarding evaluation of transportation needs and connections between Portsmouth, New Hampshire and Kittery, Maine.

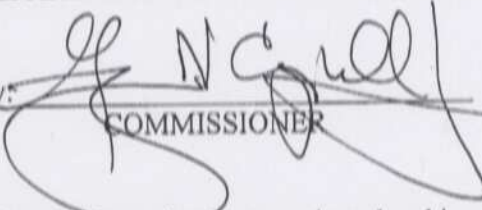
1. Portsmouth-Kittery Transportation Needs Study. MaineDOT and NHDOT agree to collaboratively study all reasonable transportation options for connections between Portsmouth and Kittery including the replacement/rehabilitation of the Sarah Mildred Long Bridge and/or the removal, replacement, or modern rehabilitation of the Memorial Bridge. Reasonable transportation options shall include removal of one or both lift span bridges; construction of a new high-level fixed span bridge; rehabilitation of the Sarah Mildred Long Bridge, construction of a new moveable span structure. This study will assess lifecycle bridge costs, traffic implications, economic ramifications, freight options currently served by rail, impacts on the Naval Shipyard, operation and maintenance costs, other user costs, and consideration of the natural, cultural/historical, and socio-economic impacts. The study will

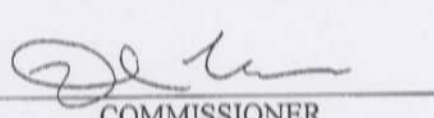
include consideration of all transportation needs including automobile, truck, pedestrian, bicycle, rail and marine traffic. The study will further evaluate anticipated capital bridge funding available, alternative funding sources, and innovative non-traditional contracting methods. The study will be conducted in the context of a broad public involvement process. It is anticipated that the study will commence in Spring 2009.

2. MaineDOT and NHDOT agree to jointly and collaboratively oversee the study with the full involvement of both agencies. NHDOT will be the lead contracting agency, but this shall in no way diminish the active participation and commitment of MaineDOT in the conductance or decision making relative to the Study and the recommended alternative. The parties will be full and equal partners. The parties agree to each pay 50% of the cost of this study and required structural inspections preliminarily estimated to be approximately \$2,000,000
3. MaineDOT and NHDOT agree to jointly convene a project management team to jointly develop the scope of work and administer the study.
4. This Agreement and all the obligations of the parties hereunder, shall become effective on the date of approval of this Agreement by the Governor and Executive Council of the State of New Hampshire.

STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION


STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

By: 
COMMISSIONER

By: 
COMMISSIONER

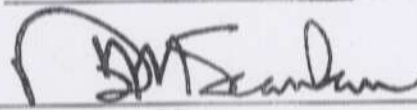
This Agreement has been reviewed and is approved as to form and execution.

5 December 2008
Date


Office of the Attorney General
State of New Hampshire, DOT

This is to certify that the GOVERNOR and EXECUTIVE COUNCIL of the State of New Hampshire approved this Agreement as Item # _____ on DEC 18 2008, 2008.

DEC 18 2008
Date


Secretary of State

DEPUTY SECRETARY OF STATE