

**CONNECTICUT
SUPPLEMENTAL SPECIFICATION
SECTION 1.07
LEGAL RELATIONS AND RESPONSIBILITIES**

Article 1.07.18—Vacant

Rename the article and incorporate the following:

1.07.18—Use of State Property: The Contractor may not use State property for any purpose or activity other than carrying out the construction activities required by the Contract, except with the prior written consent of the Engineer.

Such other activities, which require the Engineer's advance consent, include, but are not limited to, the establishment of staging areas, storage areas, asphalt plants, concrete plants, or gravel/borrow pits; or the conduct of screening, crushing, manufacturing, or mining operations.

Any permitted use of the Project site or other State property for such other purposes or activities must be for the performance of the specific Contract only, and must be at no cost to the State. In addition, the Contractor may not assert or bring any claim or formal proceeding for damages or additional compensation based on either the approval or denial of a request to make such use of the Project site or other State property.

Under no circumstances shall the bulk storage of fuel or lubricants by the Contractor or its agents be permitted on State property. Nor shall the Contractor be allowed to store any hazardous materials on State property other than those which are integral to the Contractor's performance of the Contract. The Contractor shall have the responsibility and duty to ensure the proper storage, handling, management and disposal of any such hazardous materials. The Contractor shall be liable to the Department for all remedial or punitive costs, damages or penalties incurred by the Department as a result of the Contractor's failure to fulfill that duty.

The Engineer may require environmental testing of the affected site at the Contractor's expense both prior to and upon completion of the Contractor's permitted use of the site or of other related State property. The Contractor shall be responsible for ensuring that the site is restored to the condition required by the Engineer and that all contaminants deposited on the site by the Contractor or its agents are removed and properly disposed of. All such restoration and removal activities must be carried out at the Contractor's expense, and must be carried out in accordance with the provisions of the Department's Best Management Practices, any applicable environmental permits, and all other applicable State or Federal laws or regulations.

The Contractor must submit any request to use State property for a staging or storage area to the District Engineer at the District Construction Office. The following information, at a minimum, must accompany such written request: (a) a detailed description of the proposed operation or use of State property; (b) a site plan detailing the location of any operations, materials, or facilities related to the requested use, including any appropriate sedimentation or erosion controls; (c) an area plan detailing ingress to and egress from the site of the proposed activity or the Project site, as appropriate, and indicating the location of and proximity to residential or occupied buildings in the vicinity; (d) copies of any related, required or affected environmental permits; (e) a detailed listing or description of the anticipated hours of the proposed operations or activities; and (f) photo documentation (a minimum of twelve 8x10 in. color photographs) (i) of the preconstruction condition of each site of the proposed activities and (ii) of adjacent property at the boundaries of those areas. If the site to be used or affected is State property that lies outside of any DOT right-of-way, the Contractor must also obtain from other State agencies all necessary or appropriate authorizations for the proposed use(s) of State property.

Any request by the Contractor relating to a proposed use of State property for activities other than the establishment of a construction staging or storage area must also be submitted to the District Engineer at the District Construction Office, and must include the same information required by (a) through (f) of the preceding paragraph. In addition, in connection with such other requests, (g) the Contractor must submit written confirmation from the municipality or municipalities in which each affected site is located that each such municipality has no objection to the proposed use or activity; and (h) the Contractor must execute a license agreement with the Department, on terms acceptable to the Department, defining the nature and scope of the proposed use or activity.

For any request to establish or operate an asphalt batching or continuous mix facility, the Contractor must also provide to the District Engineer at the District Construction Office a map detailing the outermost perimeter of the proposed facilities and operations, showing all related and potentially-affected structures, land uses, watercourses, wetlands, and other areas of environmental concern within one-third of a mile of the facility or operation perimeter. No such facility will be permitted on State property where any hospital, nursing home, school, area of environmental concern, watercourse, or residential housing exists within one-third of a mile of the perimeter of the facility or operation (as per Public Act 98-216).