



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

P.O. BOX 25201, RALEIGH, NC 27611-5201

CERTIFICATION OF RULEMAKING

<b>Certifying Agency:</b> Department of Transportation					
<b>Action:</b>	<input checked="" type="checkbox"/>	Adoption		<input checked="" type="checkbox"/>	Repeal
<b>Statutory Authority:</b> 136-54, 136-30, 20-141, 20-141.					
<b>Public Hearing Not Required For This Action Under:</b> GS 150A-1, 20-1.					
<b>Rule Summary:</b> Municipal Speed Zones, Rural Speed Zones, Route Changes.					
<b>Circumstances Requiring Rule Adoption, Repeal:</b> Necessary for public safety and welfare.					
<b>Effective Date:</b> April 18, 2011					

April 18, 2011  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
OFFICER SIGNATURE

James. K. Lacy, P.E.  
\_\_\_\_\_  
TYPED NAME

State Traffic Engineer  
\_\_\_\_\_  
TITLE



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## Municipal Speed Zones

The Board of Transportation has delegated to the Secretary of Transportation the authority to adopt and promulgate all rules and regulations and ordinances regulating traffic on the highways pursuant to authority of N.C.G.S 143B-350 (g) (see 19ANCAC 4A.0004).

The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to adopt and promulgate all necessary rules, regulations and ordinances for the use of and to police traffic on state highways, and to set, change, or extend route numbers on the Primary Highway System of North Carolina pursuant to authority of N.C.G.S 143B-350(g) (see 19ANCAC 4A.0004).

Pursuant to that delegation, the State Traffic Engineer hereby adopts and promulgates the following ordinances based on traffic and engineering studies performed by the Traffic Engineering Branch, Department of Transportation, and in accordance with General Statute 20-141.

**COUNTY** CRAVEN

**DIVISION** 2

### RESCIND THE FOLLOWING

County / Municipality	Ordinance Number	Route	Car Spd Lmt	Trk Spd Lmt	Description
CRAVEN NEW BERN	1009899	US 70BUS	25	25	US 70 Business-NC 55 (Broad Street) from Queen Street (0.27 mile west of SR 1403), eastward to South Front Street, a point 0.05 mile north of the Trent RiverBridge.

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## Rural Speed Zones

The Board of Transportation has delegated to the Secretary of Transportation the authority to adopt and promulgate all rules and regulations and ordinances regulating traffic on the highways pursuant to authority of N.C.G.S 143B-350 (g) (see 19ANCAC 4A.0004).

The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to adopt and promulgate all necessary rules, regulations and ordinances for the use of and to police traffic on state highways, and to set, change, or extend route numbers on the Primary Highway System of North Carolina pursuant to authority of N.C.G.S 143B-350(g) (see 19ANCAC 4A.0004).

Pursuant to that delegation, the State Traffic Engineer hereby adopts and promulgates the following ordinances based on traffic and engineering studies performed by the Traffic Engineering Branch, Department of Transportation, and in accordance with General Statute 20-141.

COUNTY CRAVEN

DIVISION 2

### RESCIND THE FOLLOWING

County / Municipality	Ordinance Number	Route	Car Spd Lmt	Trk Spd Lmt	Description
CRAVEN	1010082	US 70BUS	45	45	From US70 Bypass, northward to the southern corporate limits of New Bern at theTrent River.(Correction of road number)
CRAVEN	1052395	US 70BUS	35	35	On US 70 Business, from a point 0.06 mile north of SR 1004 northward to the New Bern City Limits, a point 0.49 mile north of SR 1004.

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## Route Changes

The Board of Transportation has delegated to the Secretary of Transportation the authority to adopt and promulgate all rules and regulations and ordinances regulating traffic on the highways pursuant to authority of N.C.G.S 143B-350 (g) (see 19ANCAC 4A.0004).

The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to adopt and promulgate all necessary rules, regulations and ordinances for the use of and to police traffic on state highways, and to set, change, or extend route numbers on the Primary Highway System of North Carolina pursuant to authority of N.C.G.S 143B-350(g) (see 19ANCAC 4A.0004).

Pursuant to that delegation, the State Traffic Engineer hereby adopts and promulgates the following ordinances based on traffic and engineering studies performed by the Traffic Engineering Branch, Department of Transportation, and in accordance with General Statute 136-30, 136-54.

**COUNTY** CRAVEN **DIVISION** 2

### DECLARE THE FOLLOWING

County	Ordinance Number	Route	Long Description
CRAVEN	1061978	SR 1395	Add SR 1395 to replace existing US 70 Business (MLK Boulevard) between US 17, US 70 and NC 55 (Neuse Boulevard). Project U-4755.
CRAVEN	1061979	US 70BUS	Delete existing US 70 Business (MLK Boulevard) and replace with SR 1395 between US 17, US 70 and NC 55 (Neuse Boulevard). Project U-4755.
CRAVEN	1061980	US 70BUS	Delete existing US 70 Business and retain existing NC 55 between NC 55 (Neuse Boulevard) and NC 55 (First Street). Project U-4755.
CRAVEN	1061981	US 70BUS	Delete existing US 70 Business (E. Front Street) from the State Highway System between Broad Street and US 17, US 70, NC 55. Project B-2532.
CRAVEN	1061983	US 70BUS	Delete existing US 70 Business (Broad Street) from the State Highway System between NC 55 (First Street) and E. Front Street. Project U-4755.

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The foregoing Highway Traffic Ordinances are hereby adopted in accordance with the General Statutes of North Carolina (136-54, 136-30, 20-141, 20-141).

**All the actions to the Highway Traffic Ordinances herein adopted are effective April 18, 2011 and are identified as follows:**

<b>ORDINANCE TYPE</b>	<b>ADOPT</b>	<b>REPEAL</b>
Municipal Speed Zones	0	1
Rural Speed Zones	0	2
Route Changes	5	0
<b>Total</b>	<b>5</b>	<b>3</b>

The Division Engineer for each affected Division shall cause to be erected appropriate signs indicating the action of the State Traffic Engineer and these ordinances shall be in full force and effect from and after the erection of such signs.

April 18, 2011

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**OFFICER SIGNATURE**

James. K. Lacy, P.E.

\_\_\_\_\_  
**TYPED NAME**

State Traffic Engineer

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April 18, 2011

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TYPED NAME

State Traffic Engineer

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US Route Numbering Report to the Standing Committee on Highways  
 Thursday, May 20, 2010 Natchez, Mississippi

**Members:**

- Chair Don Vaughn, AL (Region 2)
- Ken Sweeney, ME (Region 1)
- Kevin Keith, MO (Region 3)
- Cathy Nelson, OR (Region 4)
- Marty Vitale, AASHTO (Secretary)

**Guest:** Michael McGough, Consultant

**REPORT**

The Special Committee on U.S. Route Numbering convened at 7:00 AM at the Natchez Convention Center. The committee considered 31 applications from 10 states. Actions of the committee are:

State	Proposed Route Change	Description	USRN Decision
Alabama	AL US Alt 331	The route begins at mile marker/post MP 24.445 and from there at the junction of US 331 North of Opp, Alabama southerly to MP 19.451 at the junction of US 84/US 331 south of Opp, Alabama. It is traveling over an existing pathway south near Opp, AL for 4.994 miles and ends at MP 19.451.	Approved
Alabama	AL US ALT 84	The route begins at mile marker/post MP 150.639 at the junction of US 84/US 331 northeast of Opp, Alabama to MP 144.923 at junction of US 84 west of Opp, AL. It travels over an existing pathway south/southwest of Opp, AL for 5.716 miles and ends at MP 144.923.	Approved
Colorado	CO US 50	The route begins at mile Marker 91.878 (existing US 50) traveling from junction of proposed US 550 in Montrose, along San Juan Avenue to junction of existing US 50 (Main Street) east for 1.680 miles and ends at mile marker 93.558 (existing US 50)	Approved
Colorado	CO US 550	Route begins at mile marker 129.257 (junction of CO 90) and travels north from junction of existing US 50 and State Route 90, along Townsend Avenue to junction of existing US 50 and proposed US 50, in Montrose. The length of this route is .953 miles and ends at mile marker 130.210 (junction of US 50)	Approved
Iowa	IA US61 Bus Rte	US 61 Business Route begins at the junction of US61 and I-280 and travels east on West River Drive to the east junction of US67 then north along Brady Street to its junction with I-80. Length is 14.16 miles.	Approved
Iowa	IA US61 Rte	US61 begins at the junction of US 61 and I280 traveling north on I280 to Jct with I80 then east on I80 to Jct with existing US61 on existing interstate going north then east to the city of Davenport for about 12 miles and ends at the jct of I80 and existing US61.	Approved



State	Proposed Route Change	Description	USRN Decision
Indiana	IN I-69	I-69 begins at I64 at I-164/PR-69 (mile marker 20.81) to US 231 on a new alignment going north and south near the city of Evansville, Indiana for approximately 67.07 miles (1.77 miles is already open to traffic and total corridor is to be completed in 2012) and ends at US 231 (mile marker 87.93).A letter has been sent to FHWA HQ for their decision. SM2010, IN Letter to FHWA on I-69	Conditional as Future I-69 pending FHWA approval letter
Kentucky	KY GarrardUS27	The route begins on existing US 27 near the intersection with KY 1845. US 27 continues and intersects with Ky 152, KY 753, KY 1355 and then intersects with existing US 27, 1/2 mile south of the intersection with KY 34 on a new alignment with the direction of travel being south near Lancaster, KY for 5.748 miles and ends at the intersection with US 27, 1/2 mile south of intersection with KY 34.	Approved
Kentucky	KY Carter US 60	The route begins on existing US 60 near Counts Crossroads and continues and intersects with KY 3298 and KY 1025 and then intersects with existing US 60 in Olive Hill on a new alignment west near the city of Olive Hill for 1.761 miles. The route ends at the intersection with existing US 60 near the intersection with KY 1025 in Olive Hill.	Approved
Kentucky	KY Owensboro US 60B	The route begins where US 60 currently intersects the Owensboro Bypass (US60B) on the east side of Owensboro. The Owensboro Bypass will be designated as US 60 and the US 60B designation will be removed. US. 60 will head in a westerly direction along the Bypass, south Owensboro. US 60 will be routed over an existing pathway, the Owensboro Bypass (presently designated as US 60B), a four-lane, median-divided, access-controlled facility. The route will head in a general westerly direction. The focal point city is Owensboro, KY. The re-designated portion of US 60 will travel along the Owensboro Bypass a distance of 10.212 miles. The route will rejoin the current US 60 alignment on the west side of Owensboro.	Approved
Kentucky	KY Owensboro US60	The route begins where US 60 currently intersects the Owensboro Bypass (US60B) on the east side of Owensboro. The Owensboro Bypass will be designated as US 60 instead of US 60B; thus, US 60 will head in a westerly direction along the Bypass, south of Owensboro. US 60 will be routed over an existing pathway, the Owensboro Bypass (Presently designated as US 60B) a four-lane, median-divided, access-controlled facility. The route will head in a general westerly direction near Owensboro, KY for 10.212 miles. The route will rejoin the current US 60 alignment on the west side of Owensboro.	Approved

State	Proposed Route Change	Description	USRN Decision
Kentucky	KY US 62	The route begins on existing US 62 near the intersection with KY 453 northwest of Grand Rivers. US 62 continues across the Tennessee River near the Kentucky Lake Dam and crosses the Livingston County/Marshall County line and intersects with existing US 62 and US 641 at the Kentucky Dam Village State Resort Park. It is a new bridge and approaches over the Tennessee River near the Kentucky Lake Dam in a southwest direction for the new section. The focal points are Grand Rivers and Kentucky Dam Village State Resort Park near Gilbertsville for 2.269 miles. The route ends at the intersection with US 641 near Kentucky Dam Village State Resort Park.	Approved
Kentucky	KY Jessamine US 68	The route begins on existing US 68 near the intersection with KY 1980 then intersects with KY 3375, KY 169 (twice), and then KY 29 and then intersects with existing US 68 west of Nicholasville near the intersection with southbound KY 29 on a new alignment south near Nicholasville for 6.019 miles and ends at the intersection with existing US 68 near the intersection with southbound KY 29 near Nicholasville.	Approved
Kentucky	KY Lincoln Rockcastle US150	The route begins on existing US 150 at the intersection with KY 461, west of Mt. Vernon. US 150 continues and intersects with KY 2108, KY 1250, KY 70, KY 1229, KY 3245, KY 39, KY 643, and KY 1369 and then intersects with existing US 150, west of Crab Orchard all on a new alignment traveling northwest near Crab Orchard, Brodhead, and Mt. Vernon for 6.770 miles. The route ends at the intersection with existing US 150 at the intersection with KY 1369 near Crab Orchard.	Approved
Kentucky	KY Owensboro US431	The route will begin at US 60 (currently US 60 Bypass) in south Owensboro continuing along the existing US 431 route to the Tennessee State Line on an existing pathway - new begin point south within the city of Owensboro removing approximately 3.3 miles and ends at the Tennessee State Line.	Approved
Kentucky	KY Morgan US 460	The route begins on existing US 460 near the intersection with KY 203 and continues and intersects with KY 946 on a new alignment traveling west to Mize and Ezel for 1.464 miles ending near the intersection with KY 772.	Approved
Missouri	MO US-40 to I-64	The routing begins at the interchange at I-70 in St. Charles County, to connect to the existing I-64 that begins at I-270 to the east on an existing pathway, US 40/61 traveling east where it begins in Wentzville, travels through Lake St. Louis, O'Fallon, Dardenne Prairie, Weldon Spring, Chesterfield, Town and Country for approximately 25 miles and ends at the interchange of I-270, St. Louis County.	Approval pending FHWA approval letter
Missouri	MO US-60	Carter Co Project begins just east of Route DD, Shannon County part of the east/west corridor upgrade from 2-lane to 4-lane divided highway facility connecting Joplin to Poplar Bluff primarily along existing alignment, some slight re-alignment in an east direction towards Freemont and Van Buren for approximately 10.2 miles and ends just west of Route C, Carter County.	Approved

State	Proposed Route Change	Description	USRN Decision
North Carolina	NC US 17 Bus Recognize	The route begins at the intersection with SR 1149 and relocated US 17. The route travels northward across the Tar River into Washington, North Carolina on an existing Alignment North towards Washington and Chocowinity, North Carolina for 6.02 miles and ends as it rejoins US 17 approximately 1.56 miles north of US 264 along the old alignment of US 17.	Approved
North Carolina	NC US 17 Relocate	The route begins at the intersection of SR 1149 and existing US 17. The route travels northward across the Tar River into Washington, North Carolina and is it traveling over a new alignment North to Washington and Chocowinity, North Carolina 5.60 miles. The route ends as it rejoins the existing alignment of US 17 approximately 0.70 mile north of US 264 along the new alignment of US 17	Approved
North Carolina	NC Craven Co US 70 Bus Eliminate	The route begins at the intersection of US 17 and US 70 west of downtown New Bern. The route travels east through New Bern on an existing alignment East to New Bern, North Carolina for 3.89 Miles and the route ends south of New Bern at US 17/70 – NC 55.	Approved
North Carolina	NC Iredell Co US 70 Relocate	The realignment begins approximately 0.59 mile east of the intersection of SR 2318 and the original alignment of US 70. The route is traveling eastward towards Salisbury, North Carolina on New alignment East to Statesville, North Carolina. The length of the realignment is 3.81 miles. The relocated route terminates at the end of the US 70 realignment, approximately 0.76 mile east of SR 2362.	Approved
North Carolina	NC Stanly Co US 52 Bus Recognize	The route begins at the intersection where the new US 52 alignment ends and NC 24/27 intersects with US 52. The route is traveling over the existing alignment of US 52 in order to maintain the connection with the proposed beginning of the new alignment for US 52 on an existing alignment East to Albemarle, North Carolina for 0.26 Mile. The route ends at the current end of US 52 Business and the intersection of NC 24/27/73.	Approved
North Carolina	NC Stanly Co US 52 Relocate	The new alignment begins approximately 0.68 mile north of the intersection of SR 1785 and US 52. The route travels along a new alignment northward towards Albemarle until it intersects with the original alignment of US 52 on a new alignment North to Albemarle, North Carolina for 2.86 Miles. The route ends at the intersection where the new US 52 alignment ends and NC 24/27 intersects with US 52.	Approved
Ohio	OH US 24	US 24 begins at mile marker 0.0 at the Indiana State Line to west side of the City of Defiance on new alignment east to the Village of Antwerp, Village of Cecil and the City of Defiance for 22.97 miles ending in the City of Defiance.	HOLD – pending application from adjoining state (Indiana)

State	Proposed Route Change	Description	USRN Decision
Oregon	OR US20	The route begins at mile point 263.9 The intersection of NE 3rd Street with NE Greenwood Avenue. This is also the end of the McKenzie-Bend Highway. It is also the beginning of the Central Oregon Highway (US20) and going through Bend, Oregon on an existing pathway nor to Bend, Oregon for 1.3 miles and ends at route mile point 265.1. Southbound exit from the McKenzie-Bend Highway (US20) (NE 3rd Street) to division Street.	Approved
Oregon	OR US97	The route begins at southbound exit from the Dalles-California Hwy. (US97) to NE 3rd Street at mile point 133.4 through Bend, Oregon on a new alignment south to Bend, Oregon for 6.1 miles and ends at northbound exit from the Dalles-California Hwy. (US97) to SE 3rd Street at mile point 139.5.	Approved
Oregon	OR US97Bus	Route begins at mile point 133.4 southbound exit from the Dalles-California Hwy. (US97) to NE 3rd Street through Bend, Oregon on an existing pathway south through Bend, Oregon for 6 miles and ends at route mile point 139.5. Northbound exit from the Dalles-California Hwy.	Approved
Texas	TX US 271 Relocation	Route US 271 begins at US 67 going southward and southeastward and is traveling over a new alignment south near Mount Pleasant, Texas approximately 3.9 and it ends at the intersection with US 271/BU 271-E (old location of US 271, approximately 1.3 miles north of FM 3417.	Approved
Texas	TX US 271 Recognition of a Business	Route on U.S. Route The route begins at SH 49 and current southern terminus of BU 271 traveling southward on an existing roadway - former location of US 271 in a south direction to Mount Pleasant, Texas for approximately 2.3 and ending at an intersection with new location of US 271 south of Mount Pleasant, approximately 1.3 miles north of FM 3417.	Approved
Texas	TX US 380	Route begins at mile marker 0.321 east of intersection with County Road 1063 southwestward on new location on a new alignment south (this segment) to Greenville, Texas for 0.8 miles and ends at 0.479 mile west of intersection with US69.	Conditional approval to be signed when open to traffic

It was also discussed that USRN information was posted on-line in December 2009 and that it is important for states to ensure accuracy. Information can be accessed through the AASHTO Route Numbering Website. Marty Vitale, committee Secretary will email SCOH members and state contacts requesting this review.

The committee wishes to thank Marty Vitale for her hard work and support of the work of this committee.

Submitted by D.W. Vaughn, Chair (Alabama)

May 20, 2010



American Association of State Highway and Transportation Officials

Please save and send as a word file. You can attach a map in PDF or JPG with the application to

[usroutes@aaashto.org](mailto:usroutes@aaashto.org) (M.Vitale)

An Application from the State Highway or Transportation Department of North Carolina for:

- Elimination of a U.S. (Interstate) Route
- Establishment of a U.S. (Interstate) Route
- Extension of a U.S. (Interstate) Route
- Relocation of a U.S. (Interstate) Route
- Establishment of a U.S. Alternate Route
- Establishment of a Temporary U.S. Route
- \*\*Recognition of a Business Route on U.S. (Interstate) Route
- \*\*Recognition of a By-Pass Route on U.S. Route

US 70 Bus

AASHTO Use Only

Date received:

Date to Special Committee on U.S. Route Number:  
Date Presented to Standing Committee on Highways (SCOH):

Action taken by SCOH:

Member Department Notified:

Between US 17 / US 70 and US 17/ US 70/ NC 55

The following states or states are involved:

**North Carolina**

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- \*\*\*"Recognition of..."A local vicinity map needed on page 3. On page 6 a short statement to the effect that there are no deficiencies on proposed routing, if true, will suffice.
- If there are deficiencies, they should be indicated in accordance with page 5 instructions.
- All applications requesting **Interstate** establishment or changes are subject to concurrence and approval by the FHWA

DATE SUBMITTED: April

SUBMIT APPLICATION ELECTRONICALLY TO [usroutes@aaashto.org](mailto:usroutes@aaashto.org)

**\*U.S. Bicycle Route System:** this form is not applicable for US Bicycle Route System see new form.



The purpose of the **United States (U.S.) Numbered Highway System** is to facilitate travel on the main interstate highways, over the shortest routes and the best available roads. A route should form continuity of available facilities through two or more states that accommodate the most important and heaviest motor traffic flow in the area.

The routes comprising the **National System of Interstate and Defense Highways** will be marked with its own distinctive route marker shield and will have a numbering system that is separate and apart from the U.S. Numbered Highway System. For the convenience of the motorist, there must be continuity and a uniform pattern of marking and numbering these Interstate routes without regard to state lines.

The U.S. Numbered System was established in 1926 and the Interstate Numbered System was established in 1956. Both have reached the period of review, revision, and consolidation. They now need perfecting rather than expansion. Therefore, any proposed alteration in the established systems should be extremely meritorious and thoroughly, though concisely, explained in order that the Special Committee on U.S. Route Numbering and the Standing Committee on Highways of the Association may give prompt and proper consideration to each and every request made by a member department.

**Explanation and Reasons for the Request (US and Interstates Only):** (Keep concise and pertinent.)

The City of New Bern received a streetscape project to make the route currently designated as **US 70 Business** more pedestrian-friendly. The City has requested to take ownership of the route upon completion of this project; therefore, this route no longer needs to maintain the US Business route designation.

Date facility available to traffic:

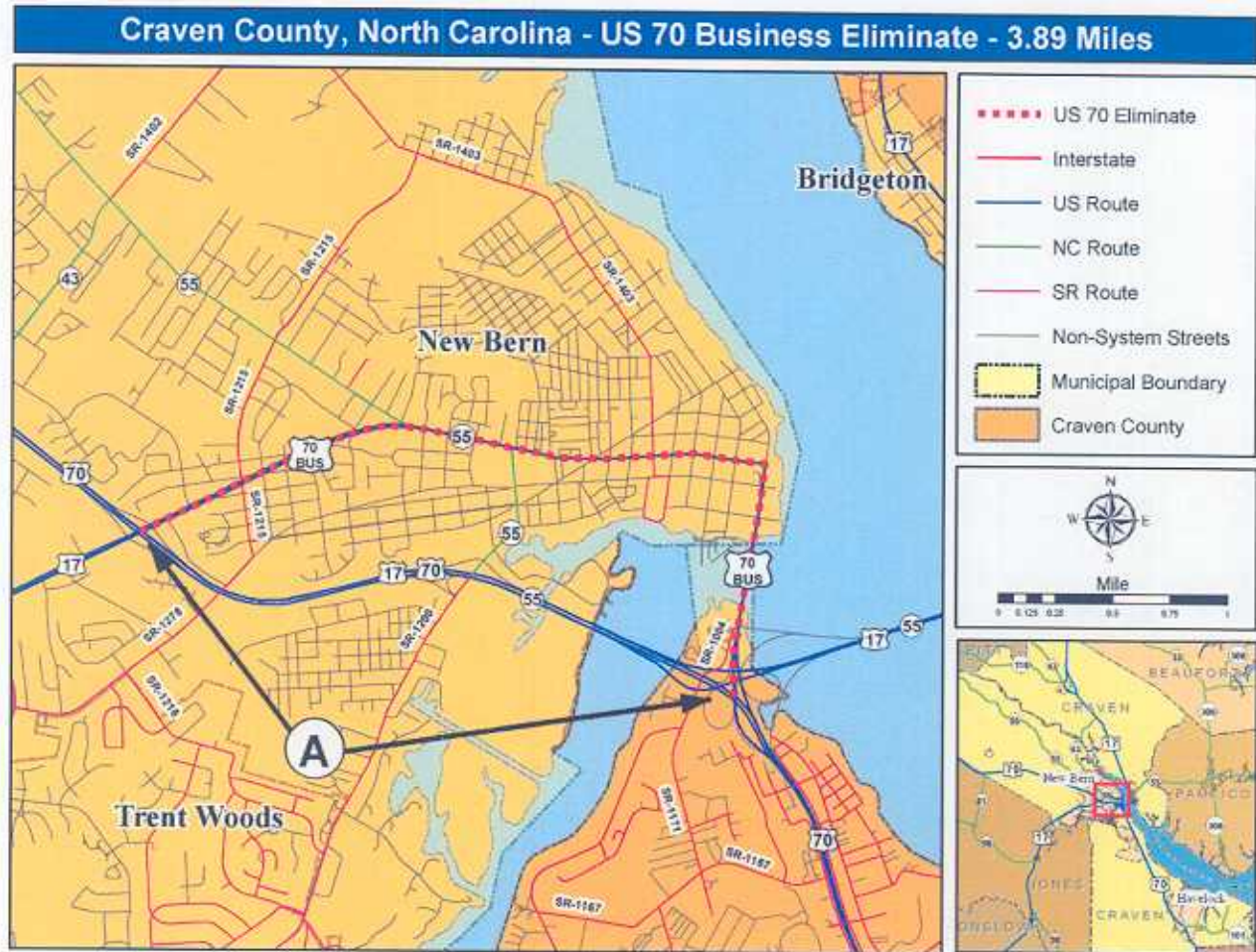
**Route is currently open to traffic**

Does the petition propose a new routing over a portion of an existing U.S. Route? **No**  
If so, where?

Does the petition propose a new routing over a portion of an existing Interstate Route? **No**  
If so, where?

Map of state, or portion thereof, indicating proposed addition or change in the (This includes US and Interstates) U.S. Numbered or Interstate Numbered System:

There are two ways to do this follow the instructions below or convert your map in PDF format and submit as a separate document along with this application to [usroutes@ashto.org](mailto:usroutes@ashto.org). It is your preference, however all files are converted to PDF once received by AASHTO.



(Indicate termini and control points on the map for the route, and number them in sequence. Use the same numbers in column 1 tabulation, page 6, when listing mileage. **Towns, cities, major highway intersections and state lines to be used as control points.** The top of column 1, page 6, will be one terminus, and column 1 will give the log of the route as needed to describe the route in the Association publication *U.S. Numbered Highways* if the application is approved by the Standing Committee on Highways.)



The State agrees and pledges its good faith that it will not erect, remove, or change any U.S. or Interstate Route Markers on any road without the authorization, consent, or approval of the Standing Committee on Highways of the American Association of State Highway and Transportation Officials, notwithstanding the fact that the changes proposed are entirely within this State.

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The weighted average daily traffic volume along the proposed route, as shown on the map on page 3, is **11,947** as compared to **11,800** for the year **2008** for all other U.S. Numbered Routes in the State.

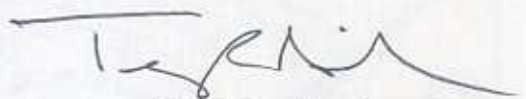
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The *Purpose and Policy in the Establishment and Development of the United States Numbered Highways, as Retained from October 3, 1991* or the *Purpose and Policy in the Establishment of a Marking System of the Routes Comprising the National System of Interstate and Defense Highways as Retained from August 10, 1973* has been read and is accepted.

In our opinion, this petition complies with the above applicable policy.

(Signature Required – see note below)

Chief Executive Officer



North Carolina Department of  
Transportation

This petition is authorized by official action of

under date of \_\_\_\_\_ as follows: (Copy excerpt from minutes.)

**(This includes US, Interstates)**

A **letter** from your Chief Executive Officer with the **CEO's signature** is sufficient when submitting your application, if you choose not to include the signature on this form.



(US and Interstates Only)

Instructions for Preparation of Page 6

**Column 1: Control Points and Mileage.** Top of column is one terminus of road. Indicate control points by identical number as shown on map on page 3. Show mileage between control points in miles and tenths.

<b>Column 2: Pavement Type.</b>	<b>Code</b>
High type, heavy duty	H
Intermediate type	I
Low type, dustless	L (show in red)
Not paved	N (show in red)

<b>Column 3: Pavement Condition</b>	<b>Code</b>
Excellent	E
Good	G
Fair	F (show in red)
Poor	P (show in red)

NOTE: In columns 2 and 3, where pavements types and conditions change, the location of the change shall be indicated by a short horizontal line at the proper place opposite the mileage log and the proper code letter (shown above) shall be entered in the respective column between the locations so indicated.

**Column 4: Traffic.** Indicate average daily traffic volumes in this column. Points of changes in these data to be indicated by short horizontal lines opposite the appropriate mileage point on the mileage log. Any existing main line rail crossing that is not separated shall be indicated at the appropriate mileage point by RXR - black if signalized - red if not protected by signals.

**Columns 5 & 6 Pavement Width and Shoulder Width.** These columns to be completed by comparing standards of highway involved with applicable AASHTO standards. Entries that fall to the right of the tolerance lines (dashed) should be shaded in red. If there are no deficiencies indicate by use of the word NONE.

**Columns 7 & 8 Major Structures.** Show in these columns those structures that do not meet AASHTO standards. Show by horizontal line sufficiently long to indicate percentage of deficiency. Portion on right of tolerance line shall be shown in red. Indicate length of structure in feet immediately under the line. Any sub-standard highway underpass structure shall be shown opposite the appropriate mileage point by the designation LP with the vertical clearance in feet following and shown in red. If there are no deficiencies indicate by the use of the word NONE.

**Column 9: Vertical Sight Distance.** Items to be shown in this column as a horizontal line, the length of which will indicate the deficiency as determined in accordance with comparisons with comparable AASHTO standards. Portions of the line past the tolerance line shall be shown in red.

**Column 10: Horizontal Curvature.** Curves in excess of AASHTO applicable standards to be shown in this column by a short horizontal line with degree of curve shown immediately above the line. To be shown in red.

**Column 11 Percent Grades.** Show by horizontal lines opposite proper mileage point on mileage log. Show percent of grade above the line and length of grade in feet immediately below. To be shown in red.

*What follows is an Excel worksheet that you can open by right clicking your mouse and select "Worksheet Object" – you can then Edit, Open or Convert but you must first unlock the form as show when inserting maps.*



Double click inside frame to release excel worksheet. Click outside frame to re-lock. (US and Interstates Only)

Mileage	1	2	3	4	5							6	7	8	9	10	11	
	Control Points and Mileage	Pavement Type	Pavement Condition	Traffic ADT	Comparison to Applicable AASHTO Design Standards													
					Pavement Width Deficiency	Shoulder Width Deficiency	Major Structures				Vertical Sight Distance Deficiency	Show When In Excess of Standard						
							Roadway Width Deficiency		H - Loading Deficiency			Horizontal Curvature	Percent Grade					
					Percent				Percent					Percent				
10	20	30	40	20	40	60	80	10	20	30	40	20	40	60	80	Degree	Length	
0.00	<b>A</b>	<b>H</b>	<b>G</b>	19,000	<b>Existing US Business Route, Built to AASHTO Standards</b>													
1.00				8,900														
2.00				21,000														
3.00				9,200														
3.89				9,100														
4.00																		
5.00																		
6.00																		
7.00																		
8.00																		

Attach additional sheet here if necessary

**(Contact person regarding this application:**

Name: **Thomas Schroeder**

Address: **3401 Carl Sandburg Ct., Raleigh, NC 27610**

Telephone Number: **919-212-6090**

Fax Number: **919-212-5999**

Email Address: **tschroeder@ncdot.gov**

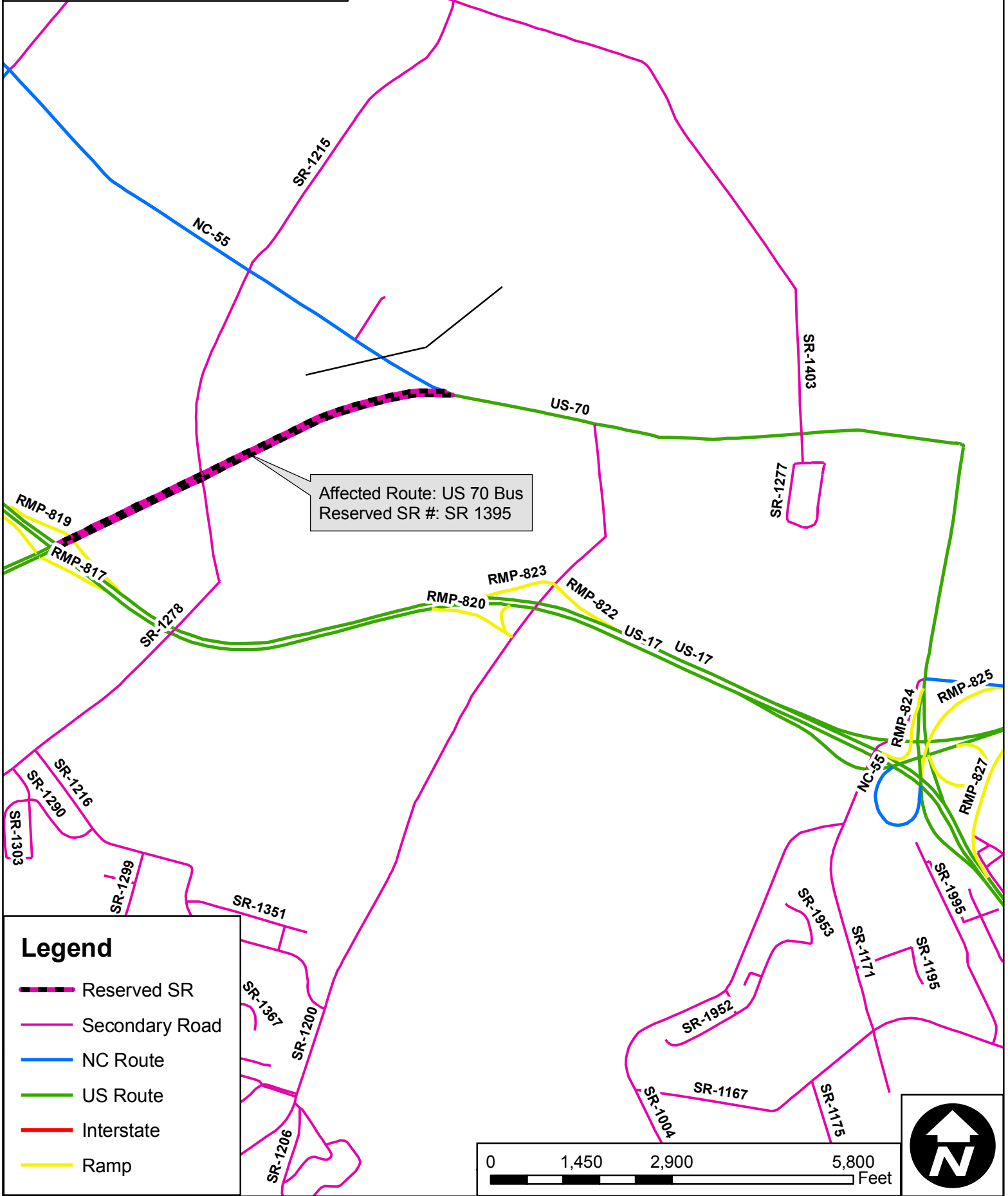
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**Description** to be provided to the AASHTO Highways Special Committee on US Route Number (USRN) when they review this application:

- o Where does the route begin? (Intersection or Mile Marker)  
**The route begins at the intersection of US 17 and US 70 west of downtown New Bern.**
- o Describe where it is going?  
**The route travels east through New Bern.**
- o What type of facility is it traveling over? (New alignment or over an existing pathway)  
**Existing alignment**
- o Give the direction of travel(north, east, south, and west)  
**East**
- o Name the focal point city or cities  
**New Bern, North Carolina**
- o Length of route in miles.  
**3.89 Miles**
- o Where does it end? (Terminal intersection or mile marker)  
**The route ends south of New Bern at US 17/70 – NC 55.**

# HTO SR # Reservation Craven County

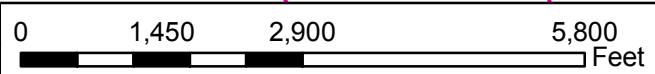
Date: 07/01/2010 Affected Route: US 70 Bus



Affected Route: US 70 Bus  
Reserved SR #: SR 1395

### Legend

- Reserved SR
- Secondary Road
- NC Route
- US Route
- Interstate
- Ramp





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

LYNDO TIPPETT  
SECRETARY

September 22, 2005

In Reply Refer To  
File No.: 02-05-208

MEMORANDUM

To: A. D. Wyatt, P.E.  
Traffic Safety Programs Engineer

From: P. H. Daughtry, III, P.E. *PHD3*  
Eastern and OBX Regional Traffic Engineer

Subject: Route Change Request - Craven County

Please find attached the requested route changes in New Bern, Craven County. These changes are required due to the City taking over maintenance of Broad and E. Front Streets.

If you have any questions or need additional information, please advise.

Attachments

PHD3:hd

cc w/ Att.: J. K. Lacy, P.E.  
C. E. Lassiter, P.E.  
T. M. Hopkins, P.E.  
D. H. Alligood, P.E.  
S. J. Hamilton, P.E.  
C. B. Millikin

# ROUTE CHANGES

## Division 2

### Craven County

1. Delete the following routing of US 70 Business and add as a secondary road:

US 70 Business (Martin Luther King Blvd) from US 17-70 to US 70 Business-NC 55 (Neuse Blvd).

2. Delete the following routing of US 70 Business:

US 70 Business-NC 55 (Neuse Blvd) from NC 55 (Neuse Blvd) to NC 55 (First Street).

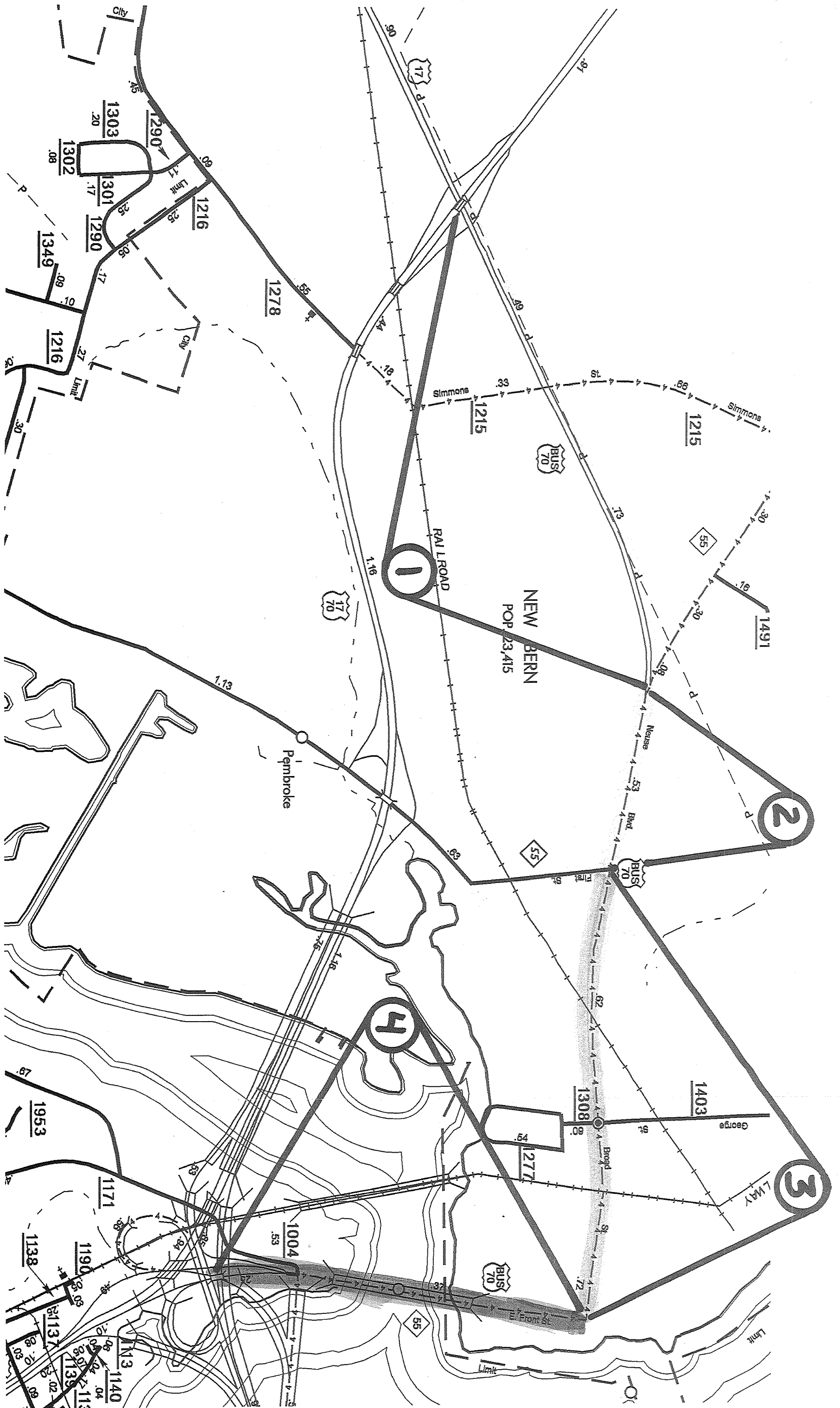
3. Delete the following routing of US 70 Business (will revert to City maintenance):

US 70 Business (Broad Street) from NC 55 (First Street) to US 70 Business (E. Front Street).

4. Delete the following routing of US 70 Business (will revert to City maintenance):

US 70 Business (E. Front Street) from Broad Street to US 17-70-NC 55.





cc: J. Metcalfe

Ed



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

September 29, 2008

Mayor Tom Bayliss  
City of New Bern  
P. O. Box 1129  
New Bern, NC 28563

Dear Mr. Bayliss:

Enclosed is a signed original of the Municipal Agreement between DOT and the City of New Bern covering the improvement of US 70 Business (Broad Street) from US 70 Business (East Front Street) to SR 1200 (1<sup>st</sup> Street) in New Bern, Craven County.

Please contact the Division Construction Engineer Ed Eatmon in the Greenville office at 252-830-3490 if you have any questions or need more information.

Sincerely,

A handwritten signature in cursive that reads "C. E. Lassiter, Jr." with a circled "15" at the end.

C. E. Lassiter, Jr., PE  
Division Engineer

CEL/vws

Enclosure

cc: B. E. Eatmon, PE  
D. H. Alligood, PE  
B. A. Caldwell



NORTH CAROLINA  
CRAVEN COUNTY

Revised  
04/14/08

NORTH CAROLINA DEPARTMENT  
OF TRANSPORTATION

MUNICIPAL AGREEMENT

AND

CITY OF NEW BERN

PROJECT: U-4755  
WBS: 39833.3.1

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the state of North Carolina, hereinafter referred to as the "Department" and the City of New Bern, a municipal corporation, hereinafter referred to as the "Municipality";

WITNESSETH:

WHEREAS, the Department has prepared and adopted plans to make certain street and highway constructions and improvements within the Municipality under Project U-4755, Craven County, said plans consisting of the improvement of US 70 Business (Broad Street) from US 70 Business (East Front Street) to SR 1200 (1<sup>st</sup> Street) in New Bern; said project having a right-of-way width as shown on the project plans on file with the Department's office in Raleigh, North Carolina; and,

WHEREAS, the Department and the Municipality have agreed that the corporate limits of the Municipality, as of the date of the awarding of the contract for the construction of the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

WHEREAS, the Municipality and the Department are authorized by the following legislation: General Statutes of North Carolina, Section 136-66.1, Section 160A-296 and 297, Section 136-18, and Section 20-169, to provide adequate traffic operating controls and control devices for the safe and efficient utilization of highways; and,

WHEREAS, the Board of Aldermen of the Municipality has approved the construction of said project in accordance with the plans and specifications on file with the Department and has agreed

to participate in certain costs thereof in the manner and to the extent as hereinafter set out and has further agreed to the establishment and maintenance of certain traffic operating controls as hereinafter set out.

NOW, THEREFORE, in consideration of the premises and the benefits accruing to the Department and the Municipality as the result of the construction of Project U-4755, Craven County, it is agreed as follows:

1. The Department shall be responsible for the preparation of the environmental and/or planning document, including any environmental permits, needed to construct the project. All work shall be done in accordance with Departmental procedures and guidelines.

2. The Department shall be responsible for the design of the project plans and specifications for the project. All work shall be done in accordance with Departmental standards and specifications.

3. The Municipality, except as set out in Paragraph 4 hereinbelow, shall perform, or cause to be performed, the work hereinafter set out when the same shall become necessary by reason of the construction or relocation of streets or sidewalks, or by reason of the widening or improvement thereof; said work to be performed, or provision made therefor, in a manner satisfactory to the Department prior to beginning construction of the project herein referred to:

(A) The Municipality, without expense to the Department, shall exercise any rights which it may have under any franchise to effect all necessary changes, adjustments, and relocations of telephone, telegraph, and electric power lines; underground cables, gas lines, and other pipelines or conduits; or any privately- or publicly-owned utilities.

(B) The Municipality, without cost or obligation to the Department, except as set out in Paragraph 5 hereinbelow, shall lay, change, relay, repair, and otherwise adjust any municipally-owned electric, water, sewer, and gas lines, and any other pipelines or conduits; and shall make all necessary adjustments to house or lot connections or services lying within the right of way or construction limits, whichever is greater, of the project, whether said connections or services are owned by the Municipality or by others. The Municipality shall make every effort to promptly

relocate said municipally-owned utilities and to make all necessary adjustments to said house or lot connections or services in order that the Department will not be delayed in the construction of the project.

4. The Department, where necessitated by construction, will make vertical adjustments of two (2) feet or less to the existing manholes, meter boxes, and valve boxes at no expense to the Municipality.

5. The Department will reimburse the Municipality in accordance with the Municipally-Owned Utility Policy of the Department contained in the official minutes of the November 14, 1986, meeting of the Board of Transportation, which policy is incorporated herein by reference.

6. The Department shall acquire the right of way necessary to provide a right of way of the width and of the length as called for in the plans and specifications of the project on file with the Department, such right of way to be provided by the Department without any cost whatsoever to the Municipality.

7. It is further agreed that, upon completion of the project, the Department shall establish, maintain and enforce traffic operating controls on Project U-4755 in accordance with the project plans, the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the Policy on Street and Driveway Access to North Carolina Highways dated January 9, 1987, or subsequent revision thereof, and all Departmental criteria.

8. Subject to successful completion of the planning document and all required environmental work, the Department will construct the project in accordance with the plans and specifications adopted therefor or as altered or amended by the Department. The Department shall have the right to abandon the project at any time before the Municipality has been called upon to perform any part of its agreement.

9. The Department shall cooperate with, and seek input from the Municipality regarding the rehabilitation of Broad Street. The costs to the Department to rehabilitate Broad Street (TIP# U-4755) shall not exceed \$3.5 million. The City will be responsible for all municipal utility relocations

~~W/P and all right of way needs.~~ If the bids exceed the amount of obligation by the Department, the City shall be given an opportunity to reexamine the scope of the project and reduce said scope prior to the award of the project and delay the commencement of Project U-4755, as defined herein, until such time as additional NCDOT funds become available. By reducing the scope of the project U-4755, thereby dividing project into two or more phases, the City recognizes and agrees, that the initial phase of the re-scoped project may not be completed by December 2009.

10. It is agreed that, upon completion and acceptance of the Department's TIP Projects B-2532 and U-4755, as defined herein, and pending Board of Transportation approval, the Department shall remove from the State Highway System and transfer the ownership of the Alfred Cunningham Bridge, identified as TIP Project No. B-2532 and the approaches, East Front Street (from Broad Street to the Alfred Cunningham Bridge) and Broad Street (US 70 Business from East Front Street to First Street), identified as TIP Project No. U-4755 to the City of New Bern's municipal street system. It is further agreed that the Municipality shall assume all maintenance activities and liability responsibilities and shall establish, maintain and enforce traffic operating controls in accordance with the Maintenance Agreement that was executed between the Department of Transportation and the City of New Bern on March 21, 2006.

11. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

12. The Municipality shall certify to the Department compliance with all applicable Federal environmental laws and regulations and ordinances and shall indemnify the Department against any fines, assessments or other penalties resulting from noncompliance by the Municipality or any entity performing work under contract with the Municipality.

13. The Municipality will indemnify and hold harmless the Department, FHWA, and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns from and against any and all claims for damage and/or liability in connection with the Project activities performed pursuant to this Agreement including construction of the Project. The Department shall not be responsible for any damages or claims for damages, which may be initiated by third parties.

14. All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IT IS UNDERSTOOD AND AGREED that the approval of the project by the Department is subject to the conditions of this Agreement and that no expenditure of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the Municipality.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given, as evidenced by the attached certified copy of Resolution, Ordinance or Charter Provision, as the case may be.

L.S.  
ATTEST

BY: Vickie H. Johnson  
TITLE City Clerk

CITY OF NEW BERN  
BY: [Signature]  
TITLE: Mayor  
DATE: 4/22/08

MUNICIPAL SEAL

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Mark A. Muehlen  
Municipal Finance Officer

Federal Tax Identification Number

56-6000235  
City of New Bern

Remittance Address:

City of New Bern  
Attn: Accounting  
P.O. Box 1129  
New Bern, NC 28563

DEPARTMENT OF TRANSPORTATION

BY: William J. Ross  
STATE HIGHWAY ADMINISTRATOR

DATE: September 16, 2008

APPROVED AS TO EXECUTION:

BY: [Signature]  
ASSISTANT ATTORNEY GENERAL

COPY OF A RESOLUTION PASSED BY THE BOARD OF ALDERMEN  
OF THE CITY OF NEW BERN, NORTH CAROLINA

A motion was made by Alderman Lee and seconded by Alderman Mattingly for the adoption of the following Resolution, and upon being put to a vote was duly adopted.

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements of US 70 Business (Broad Street) from US 70 Business (East Front Street) to SR 1200 (1<sup>st</sup> Street) in New Bern; and,

WHEREAS, said Department of Transportation and this Municipality propose to enter into an Agreement for the above-captioned project whereby this Municipality agrees; (1) to effect the necessary adjustment of any utilities under franchise without cost to the Department of Transportation, and (2) to provide for the adjustment of any municipally-owned utilities without cost to the Department of Transportation, except that said Department will reimburse this Municipality in accordance with said Department's Municipally-Owned Utility Policy; and,

WHEREAS, the Department agrees to acquire the right of way and construct the project in accordance with the approved project plans, and,

WHEREAS, the Agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion.

NOW, THEREFORE, BE IT RESOLVED that Project U-4755, Craven County, is hereby formally approved by the City Council of the City of New Bern and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

I, Vickie H. Johnson, Clerk of the City of New Bern, do hereby certify that the foregoing

is a true and correct copy of the excerpts from the Minutes of the meeting of the

Board of Aldermen duly held on the 22 day of April, 2008.

WITNESS, my hand and the official seal of said Municipality on this the 23 day of

April, 2008.

SEAL

Vickie H. Johnson  
CLERK  
CITY OF NEW BERN  
NORTH CAROLINA



net to Valore  
FILE



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

April 7, 2006

Mayor Tom Bayliss  
City of New Bern  
P. O. Box 1129  
New Bern, NC 28563

Dear Mr. Bayliss:

Enclosed is a signed copy of the Maintenance Agreement between DOT and the City of New Bern covering the transfer of ownership of the Alfred Cunningham Bridge and Broad Street in New Bern, Craven County.

Please contact the Division Project Engineer Johnny Metcalfe in the Greenville office at 252-830-3490 if you have any questions or need more information.

Sincerely,

C. E. Lassiter, Jr., PE  
Division Engineer

CEL/vws

Enclosure

cc: Ed Eatmon, PE  
Dwayne Alligood, PE  
John Rouse, PE  
Johnny Metcalfe, PE



RECEIVED

APR 07 2006

NC DOT DIV. OF HIGHWAYS  
DIVISION 2

STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

March 27, 2006

MEMORANDUM TO: Neil Lassiter, P.E.  
Division Engineer

FROM: Laurie P. Smith, CPA  
Funds Administration Manager

BY: Pam Matthews *Pam Matthews*  
Contract Officer

SUBJECT: City of New Bern, Craven County  
Maintenance Agreement  
Executed: March 21, 2006

Enclosed are one original and one duplicate copy of the above referenced agreement. Please forward the original to the appropriate authority with the City and retain the duplicate copy for your file. The original agreement will be added to the Agreements Unit database and placed in the folder set up for this specific agreement. The agreement will not be scanned as there is not a wbs element assigned and/or no monies involved with the agreement. If you have any questions, please do not hesitate to contact me at 919-733-3624, Ext.467.

Attachments

Cc: John Rouse, P.E.  
Johnny Metcalfe

4-7-06 TO: Tonya Fronsted  
Please log in agreement & route to Ed, John, & John P. Wayne  
for further handling.

MAILING ADDRESS:  
NC DEPARTMENT OF TRANSPORTATION  
FISCAL SECTION  
1514 MAIL SERVICE CENTER  
RALEIGH NC 27699-1514

TELEPHONE: 919-733-3624  
FAX: 919-715-8718

WEBSITE: [WWW.DOH.DOT.STATE.NC.US](http://WWW.DOH.DOT.STATE.NC.US)

LOCATION:  
TRANSPORTATION BUILDING  
1 SOUTH WILMINGTON STREET  
RALEIGH NC

NORTH CAROLINA  
CRAVEN COUNTY

2/16/06

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

MAINTENANCE AGREEMENT

AND

CITY OF NEW BERN

THIS AGREEMENT, made and entered into this the <sup>21<sup>st</sup></sup>~~28<sup>th</sup>~~ day of <sup>March</sup>~~February~~, 2006, between the DEPARTMENT OF TRANSPORTATION, an agency of the State of North Carolina, hereinafter referred to as the Department, and the CITY OF NEW BERN, a municipal corporation, hereinafter referred to as the Municipality.

WITNESSETH:

WHEREAS, the Municipality has requested the Department transfer the ownership of the Alfred Cunningham Bridge, approaches, East Front Street (from Broad Street to the Alfred Cunningham Bridge), and Broad Street (US 70 Business from East Front Street to First Street) to their Municipal Street System; and,

WHEREAS, the Department has agreed to transfer the ownership of the Alfred Cunningham Bridge, approaches, East Front Street, and Broad Street to the Municipality; and,

WHEREAS, upon transfer of the bridge from the Department to the City, the Municipality, in accordance with Section 106 of the National Historic Preservation Act, agrees to follow the proper avenues and receive approval by the State Historic Preservation Office in order to mitigate the effects of any necessary repairs, etc. on historic properties within the City of New Bern; and,

WHEREAS, the Board of Alderman of the Municipality has approved the acceptance of the transfer of ownership of the bridge and street subject to the terms of this Agreement and the provisions hereinafter set forth.

NOW, THEREFORE, the Department and the Municipality hereto agree as follows:

1. The Department has plans to replace the Alfred Cunningham Bridge, identified as TIP Project No. B-2532 and to rehabilitate a portion of US 70 Business (Broad Street - From the intersection of East Front Street to the intersection of First Street), identified as TIP Project No. U-4755. Upon completion and acceptance of these two projects by the Department, pending Board of Transportation approval, the Department shall remove the newly constructed Alfred Cunningham Bridge and its approaches, East Front Street (from Broad Street to the Alfred Cunningham Bridge), and Broad Street (U.S. 70 Business from the intersection of East Front Street to First Street) from the Department's State Highway System.
2. The Department shall provide supporting documentation that said bridge and roadway have been transferred to the Municipality for ownership and maintenance.
3. The Parties understand and agree that the transfer of ownership of the bridge and roadways described herein is contingent upon the Department's replacement of the Alfred Cunningham Bridge and the rehabilitation of the specified roadways.
4. The Department shall cooperate with, and seek input from the Municipality regarding the rehabilitation of Broad Street. The costs to the Department to rehabilitate Broad Street (TIP# U-4755) shall not exceed \$3.5 million. The City will be responsible for all municipal utility relocations, all right-of-way needs and all project costs that exceed \$3.5 million. If the bids exceed the amount of obligation by the Department, the City shall be

given an opportunity to reexamine the scope of the project and reduce said scope prior to the award of the project.

5. In the replacement of the Alfred Cunningham Bridge, the Department will incur the costs of the replacement of the existing structure with a new structure that satisfies the needs of the existing navigable boat traffic currently passing through the structure. The municipality recognizes the Department's budget constraints for the bridge replacement (TIP Project No. B-2532) with a project cost of \$25.7 million. The Department shall cooperate with and seek input from the Municipality regarding the design and replacement of the Alfred Cunningham Bridge.

6. The Municipality shall comply with all Coast Guard rules and regulations regarding the operation of drawbridges, specifically including the provision of qualified operators for the opening and closing of the drawbridge, at its sole cost and expense. In the event the Municipality contracts with an independent company to provide said service, it will be the Municipality's responsibility to ensure that the contractor adheres to all state and federal guidelines for maintaining the safety and integrity of the structure and roadway.

7. Upon transfer of the bridge from the Department to the Municipality, the Municipality shall assume all maintenance operations to the lighting of the bridge and release the Department from all liability. Maintenance of the lighting of the bridge shall include but not be limited to the repair and replacement of foundations, supports, poles and fixtures. The Municipality shall also be responsible for providing electrical service for the bridge lighting, and for paying bills for the lighting of the bridge, at no expense to the Department.

8. The Municipality shall have the bridge inspected in accordance with the National Bridge Inspection Standards. The Municipality may either hire a private engineering firm or request the Department to select and hire, at the Municipality's expense, a firm to perform these inspections.

9. The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality for the purpose of this Agreement. The Department shall not be liable for any expenses or obligations incurred by the Municipality under the terms of this Agreement.

10. Furthermore, the Municipality shall be responsible for ensuring compliance with all State, Federal, and local environmental laws regulations and ordinances and shall indemnify the Department against any fines, assessments or other penalties resulting from noncompliance by any entity performing work under contract with the Municipality.

11. In the event the Municipality requires additional funding for replacement and/or rehabilitation of the bridge after the transfer is complete, the Surface Transportation Assistance Act of 1982 provides funding under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program. This program includes bridges located on public roads other than those on a Federal-Aid system that are located on the Municipal Street System. The Municipality may seek to use such funds, but the Department makes no representation as to the availability of such funds to the Municipality at such time as the funds may be requested.

12. Upon completion of the transfer of the bridge and streets from the Department to the Municipality, the Municipality shall be responsible for the establishment and maintenance of traffic operating controls along the streets and bridge. Such controls shall

be in accordance with the approved project plans and the Manual on Uniform Traffic Control Devices for Streets and Highways published by the Federal Highway Administration.

13. The Municipality shall be responsible for the proper maintenance of the completed improvements and for the costs thereof. However, in the event the Municipality fails to maintain or to provide for the proper maintenance and operation of the completed improvements, the Municipality hereby authorizes the Department to maintain the improvements and deduct the costs thereof from allocations made to the Municipality under the provisions of the North Carolina General Statutes, Section 136-41.1.

14. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by North Carolina General Statute, Section 136-41.1, until such time as the Department has received payment in full.

15. The Municipality shall cooperate with all appropriate authorities regarding the controlling or closing of the bridge for the purpose of protecting the public and furthering public safety.

16. During construction of the bridge and roadways described herein, the Municipality shall work with the Department in addressing all concerns and/or complaints from adjoining agencies and/or property owners. After transfer of the same from the Department to the Municipality, the Municipality shall be responsible for addressing all concerns and/or complaints from adjoining agencies and/or property owners.

17. The Municipality agrees to provide appropriate access to the Corps of Engineers for maintaining navigation of the river's channel in accordance with the terms of



this agreement. The Corps of Engineers is responsible for maintenance dredging of the Trent River and has requested the Municipality's cooperation in obtaining suitable access.

18. To the extent authorized by law, each party shall be responsible for its respective actions under the terms of this Agreement. The Municipality agrees to indemnify and hold harmless the Department for any third party claims for payment or damages, of any nature, asserted against the Department in connection with any work performed by the Department for this project upon completion of the transfer of ownership of the bridge, approaches and roadway. The obligations of this paragraph are in addition to the maintenance obligations imposed upon the Municipality by the other provisions of this agreement.

IT IS UNDERSTOOD AND AGREED that the approval of the project by the Department is subject to the conditions of this Agreement, and that no expenditures of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the Municipality.



IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given, as evidenced by the attached certified copy of resolution, ordinance or charter provision, as the case may be.

L.S.

ATTEST:

BY: Vickie H. Johnson  
TITLE: City Clerk CMC

(MUNICIPAL SEAL)

CITY OF NEW BERN

BY: [Signature]  
TITLE: Mayor

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Mary B. Muraglia  
Municipal Finance Officer

Federal Tax Identification Number  
56-6000235  
City of New Bern

Remittance Address:  
City of New Bern  
Danny Meadows  
PO Box 1129  
New Bern NC 28563

DEPARTMENT OF TRANSPORTATION

[Signature]  
STATE HIGHWAY ADMINISTRATOR

APPROVED AS TO FORM:

BY: [Signature]  
ASSISTANT ATTORNEY GENERAL

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF NEW BERN, NORTH CAROLINA

The following resolution was introduced, and Alderman Freeze moved that it be adopted. The motion was seconded by Alderman Parham, and, upon being put to a vote, the resolution was approved and carried;

WHEREAS, the City of New Bern proposes to enter into an agreement with the North Carolina Department of Transportation for said improvements wherein the City of New Bern agrees to accept the transfer of ownership of the Alfred Cunningham Bridge, approaches, East Front Street (from Broad Street to the Alfred Cunningham Bridge), and Broad Street (US 70 Business from East Front Street to First Street) to their Municipal Street System; and,

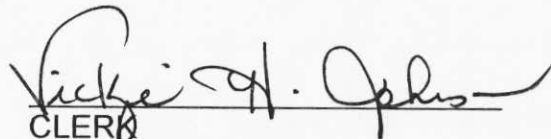
WHEREAS, under the proposed agreement, the City of New Bern shall assume all maintenance, liability, and operation of the drawbridge and maintenance and liability of the street and approaches when the transfer of ownership is complete as set out in the agreement.

NOW, THEREFORE, BE IT RESOLVED that the agreement for the hereinabove referenced improvements is hereby formally approved by the City Council of the City of New Bern and the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the required agreement between the City of New Bern and the Department of Transportation.

This resolution was passed and adopted the 28<sup>th</sup> day of February, 2006.  
I, Vickie H. Johnson, Clerk of the City of New Bern, North Carolina, do hereby certify that the foregoing is a true and correct copy of the excerpts from the minutes of the City Council of this Municipality.

WITNESS, my hand and the official seal of the City of New Bern on this the 28<sup>th</sup> day of February, 2006.

(SEAL)

  
CLERK  
CITY OF NEW BERN  
NORTH CAROLINA

**Certification of Municipal Declaration  
To Repeal Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1009899

Division: 2 County: CRAVEN Municipality: NEW BERN

Type: Municipal Speed Zones

Road: US 70B Car: 25 MPH Truck: 25 MPH

Description: US 70 Business-NC 55 (Broad Street) from Queen Street (0.27 mile west of SR 1403), eastward to South Front Street, a point 0.05 mile north of the Trent River Bridge.

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Municipal Certification

I, Veronica E. Mattacks, Clerk of City of New Bern, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the 8<sup>th</sup> day of March, 2011, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: 34-A Page: \_\_\_\_\_ Ordinance/Resolution Number: 94-A

In witness whereof, I have hereunto set my hand and the municipal seal this 8<sup>th</sup> day of March, 2011.

(municipal seal)

Veronica E. Mattacks  
(signature)

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Division: [Signature] Department of Transportation Approval Title: Div. Traffic Eng. Date: 3/15/11  
Region: P. W. Daughtry, III, PE Title: ERFOE Date: 3/16/11