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Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

Memorandum

To: Distribution

From: Carl S. Peil, P.E.
Preconstruction Engineer

Joseph P. Kolman, P.E.
Bridge Engineer

Date: September 30, 2003

Subject: Salvaged Bridge Material

There has been some confusion determining the disposition of salvaged bridge materials. The intent of this memo is to clarify the process and to identify when agreements need to be obtained to indemnify the Department for use of the material.

Determine if there will be any salvage of bridge material at the Preliminary Field Review and document it in the Report. Verify that the salvaged material is still wanted at the time of the Plan in Hand and document it in that report.

The Department has an MOU with FWP, which requires that any salvageable timber material must be offered to FWP in accordance with the precedence noted below. The FWP contact person for the state is Mark Lere 444-2432. Please do not contact anyone else at FWP. This only causes confusion and word is not getting back to the FWP Helena office.

Follow the process noted below:

BRIDGES ON STATE MAINTAINED ROADWAYS
The lead agency will contact the following in the order noted:

1) Division Maintenance Chiefs - all salvage
2) FWP Habitat Program Office - Mark Lere at 444-2432 - timber stringers
3) County Commissioners - all salvage

BRIDGES ON COUNTY MAINTAINED ROADWAYS
The lead agency will contact the following in the order noted:

1) County Commissioners - all salvage
2) FWP Habitat Program Office Mark Lere at 444-2432 - timber stringers

An Agreement is required when salvage material is transferred to FWP or when it is transferred to a County on a State Maintained Route. Two agreements are attached for your information. They are also located on the Intranet at Departments/Engineering/Bridge/Documents/Agreements. The first attachment is for

Bridges on State Maintained Roads and the second is for Bridges on County Maintained Roads.

Agreements are not required for county constructed secondary bridges or bridges on a local system.

Please note that **all agreements need to be reviewed by Legal Services prior to obtaining signatures**. Send copies of the final document to the new owner, District Administrator and Environmental Bureau.

Attachments

Distribution:
Loran Frazier – Missoula District
Jeff Ebert – Butte District
Mick Johnson – Gt Falls District
Ray Mengel – Glendive District
Bruce Barrett – Billings District
Dave Hill - Environmental
Mark Lere – FWP
Tim Reardon Legal
Joel Marshik – Engineering
Mark Wissinger – Construction
Tom Martin – Consultant Design
John Horton – Right of Way
James Walther – Engineering
file

AN AGREEMENT BETWEEN THE
MONTANA DEPARTMENT OF TRANSPORTATION
AND COUNTY
FOR SALVAGE MATERIAL UNDER
FEDERAL-AID PROJECT NO.
COUNTY MAINTAINED HIGHWAY

The Montana Department of Transportation (MDT) and (FWP or _____)County (hereinafter referred to as Grantee) agree as follows:

There are bridges located within the limits of this project. The Grantee has expressed an interest in the salvage of the from the structures.

MDT and the Grantee agree that MDT will make the structures available to the Grantee for salvage by the Grantee and the Grantee will indemnify, assume all liability and hold the Department and the State of Montana harmless from any and all claims, losses, damages or causes of action related to the removal and disposition of the salvaged materials. The Grantee assumes no liability for the removal or transport of the salvaged material to the storage site specified by the engineer. The Grantee's liability will begin after the material is unloaded at the storage site. The Grantee's assumption of liability, responsibility and hold harmless and indemnification, includes, but is not limited to, any claims arising from or in any way related to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq.; the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. § 6901, et seq.; the Clean Water Act, as amended 33 U.S.C. § 1251, et seq.; the Clean Air Act, as amended, 42 U.S.C. § 741, et seq.; the Solid Waste Disposal Act, as amended, 42 U.S.C. § 6901, et seq.; including civil and criminal penalties assessed by any federal, state, regional or local governmental entity or court for actions or non-actions by the Department in any manner relating to or arising from activities upon this Bridge and/or material.

DATED this day of _____, 20___.

MONTANA DEPARTMENT OF TRANSPORTATION

By: _____

_____
APPROVED FOR LEGAL CONTENT (Date)

COUNTY

By: _____

or

FWP

By: _____
Mark Lere

AN AGREEMENT BETWEEN THE
MONTANA DEPARTMENT OF TRANSPORTATION
AND
FOR SALVAGE MATERIAL UNDER
FEDERAL-AID PROJECT NO.
STATE MAINTAINED HIGHWAY

The Montana Department of Transportation (MDT) and (FWP or _____)County (hereinafter referred to as Grantee) agree as follows:

The MDT has in its possession and ownership a bridge located at and Grantee has expressed an interest and has requested that it be given possession of the bridge and all of its related structural components for purposes of salvage.

NOW, THEREFORE, in consideration of the interests of the respective parties, the MDT agrees to transfer and exchange all rights of possession, title and ownership in the bridge located at Station to the Grantee in exchange for which the Grantee will indemnify, assume all liability and hold the Department and the State of Montana harmless from any and all claims, losses, damages or causes of action related to the removal and disposition of the salvaged materials. Grantee assumes no liability for the removal or transport of the salvaged material to the storage site specified by the engineer. The Grantee's liability will begin after the material is unloaded at the storage site. The Grantee's assumption of liability, responsibility and hold harmless and indemnification, includes, but is not limited to, any claims arising from or in any way related to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. ∋ 9601, et seq.; the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. ∋ 6901, et seq.; the Clean Water Act, as amended 33 U.S.C. ∋ 1251, et seq.; the Clean Air Act, as amended, 42 U.S.C. ∋ 741, et seq.; the Solid Waste Disposal Act, as amended, 42 U.S.C. ∋ 6901, et seq.; including civil and criminal penalties assessed by any federal, state, regional or local governmental entity or court for actions or non-actions by owners in any manner relating to or arising from ownership or activities upon this Bridge and/or material.

DATED this _____ day of _____, 20___.

MONTANA DEPARTMENT OF TRANSPORTATION

By: _____

_____
APPROVED FOR LEGAL CONTENT (Date)

COUNTY

By: _____

or

FWP

By: _____
Mark Lere