



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

September 2, 2020

Division Six - District Two  
Harnett County

Mr. William R. Barnacascel Jr.  
Boddie-Noel Enterprises, Inc.  
Post Office Box 1908  
Rocky Mount, North Carolina 27802

Mr. Steve Ward, Director  
Harnett Regional Water  
Post Office Box 1119  
Lillington, North Carolina 27546

**SUBJECT:** Encroachment Agreement on NC Highway 87 South and SR 1115 (Buffalo Lake Road) for the installation of 10'± of 1"Φ water service line, 16'± of 2"Φ water service line and 17'± of 2"Φ sanitary sewer line with associated appurtenances (E062-043-20-00249).

Dear Sir:

Attached is an approved R/W form 16.6 and plans for the installation of one (1) 8" x 2" tapping sleeve and valve, 10'± of 1"Φ PE (SDR 9) water service line, 16'± of 2"Φ PE (SDR 9) water service line, one (1) 1" irrigation meter and one (1) 2" domestic meter at the intersection of NC Highway 87 South and SR 1115 (Buffalo Lake Road) by open trench method. One (1) 8" x 2" tapping sleeve and valve and 17'± of 2"Φ PE (SDR 9) sanitary sewer main by open trench method on SR 1115 (Buffalo Lake Road) with associated appurtenances in Harnett County as shown on the attached plans (Hardee's at Cameron).

**Location:**

<b>Route</b>	<b>At a point</b>	<b>Towards</b>
NC 87	At the intersection of NC Highway 87 South and SR 1115 (Buffalo Lake Road)	16'± northeast
SR 1115	490'± northeast of the intersection of NC Highway 87 South and SR 1115 (Buffalo Lake Road)	17'± northwest

*Mailing Address:*  
NC DEPARTMENT OF TRANSPORTATION  
DIVISION SIX / DISTRICT TWO  
POST OFFICE BOX 1150  
FAYETTEVILLE, NC 28302

*Telephone:* (910) 364-0601  
*Fax:* (910) 437-2529  
*Customer Service:* 1-877-368-4968

*Location:*  
600 SOUTHERN AVENUE  
FAYETTEVILLE, NC 28306

*Website:* [www.ncdot.gov](http://www.ncdot.gov)

This encroachment is approved subject to the following:

- 1. Within ninety (90) days of the completion of the proposed utility installation, an As-Built drawing(s) and an executed North Carolina Department of Transportation Subdivision Road, Driveway Access and Encroachment Installation Contractor Certification Memo shall be submitted to the District Office (online encroachment database). The As-Built drawing(s) shall depict the horizontal and vertical locations of all utilities and associated appurtenances.**
- 2. All lanes of traffic on NC Highway 87 South and SR 1115 (Buffalo Lake Road) are to be open during the hours of 6:00 AM to 9:00 AM and from 4:00 PM to 6:00 PM. No lane of traffic shall be closed on holidays, special events, or as directed by the engineer. Traffic shall be maintained at all times.**
3. Mr. Keith L. Anderson, Highway Maintenance Engineer at (910) 893-4020 and Mr. Earl C. Locklear, Assistant District Engineer at (910) 364-0601 shall be notified a minimum of three (3) days before construction is to begin.
4. Traffic will be maintained and proper signs, signal lights, flagmen and other warning devices will be provided for the protection of traffic, in conformance with the latest **Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)**. All contractor personnel will be required to wear a class II ANSI approved safety vest while working within the DOT right of way.
5. The proposed water and sanitary sewer line(s) and other associated appurtenances are to be placed 5' off of the Right-of-Way Lines of NC Highway 87 South and SR 1115 (Buffalo Lake Road). All associated appurtenances must be placed behind the ditch line. Associated appurtenances will not be allowed to be placed in the ditch line or on the shoulder of the road.
6. Luminaire and utility poles shall be outside the Clear Recovery Area in accordance with the latest version of the **AASHTO Roadside Design Guide** or made breakaway in accordance with the requirements of NCHRP Report 350. Associated appurtenances will not be allowed to be placed in the ditch line or on the shoulder of the road.
- 7. The proposed water and sanitary sewer line(s) shall be constructed under all existing culverts and/or the future extension of existing culverts. Two (2) feet minimum separation shall be maintained between the proposed water and sanitary sewer line(s) and all existing culverts at all locations.**
8. Underground utilities may cross perpendicularly but may not run longitudinally nor at a skew under the pavement.
- 9. Any deviation of the proposed utility as shown on the attached plans shall be reviewed and approved prior to installation.**
- 10. A qualified NCDOT inspector should be on site at all times during construction. The encroaching party should be required to reimburse NCDOT for the cost of providing the inspector. If NCDOT cannot supply an inspector, the encroaching party (not the utility contractor) should make arrangements to have a qualified inspector under the supervision of a Professional Engineer registered in North Carolina, on site at all times. The Registered Engineer should be required to certify that the utility was installed in accordance with the encroachment agreement and that the backfill material meets the Statewide Borrow Criteria.**

**11. Open cuts are not permitted on NC Highway 87 South and/or SR 1115 (Buffalo Lake Road) for this encroachment.**

**12. Any asphalt that is damaged as a result of construction shall be repaired at the encroaching party's expense. An NCDOT approved asphalt mix shall be used for all repairs within NCDOT rights of way. Contact Mr. Earl C. Locklear, Assistant District Engineer for acceptance of asphalt mix designs.**

13. All open cuts (if permitted) on primary routes will require full depth patching with 5.0" of B 25.0 C (ACBC) Asphalt Concrete Base Course, 3.0" of I 19.0 C (ACIC) Asphalt Concrete Intermediate Course and 2.0" of S 9.5 C (ACSC) Asphalt Concrete Surface Course the same day as cut is made. It will also be required to mill the existing pavement surface at a depth of 2.0" and a width of 1.0' on each side of the cut to key in the patch with the existing pavement surface in accordance with the attached detail.
14. All open cuts (if permitted) on secondary routes will require full depth patching with 4.0" of B 25.0 C (ACBC) Asphalt Concrete Base Course, and 3.0" of S 9.5 C (ACSC) Asphalt Concrete Surface Course the same day as cut is made. It will also be required to mill the existing pavement surface at a depth of 1.5" and a width of 1.0' on each side of the cut to key in the patch with the existing pavement surface in accordance with the attached detail. The owner will be required to have an approved laboratory furnish the District office a copy of the test results.
15. Eight inches of ABC will be used as the base. Compaction tests shall be performed at the location of every open cut that crosses NCDOT roadways. The owner will be required to have an approved laboratory furnish the District office a copy of the test results.
16. A certified pavement structure report, signed by a Professional Engineer, shall be submitted to the District Engineer's office and shall indicate the following:
  - Pavement thickness by type
  - Base thickness
  - Base density
  - Subgrade density
  - Core and/or test locations

Test frequency and method shall be in conformance with the NCDOT "Materials and Tests" Manual. A letter of approval, or recommendations for compliance, will be provided upon receipt and review of the report.

17. All concrete installed within NCDOT rights of way shall be constructed in accordance with the NCDOT **Standard Specifications for Roads and Structures** and **Roadway Standard Drawings** and Amendments or Supplementals thereto. All concrete shall be an approved NCDOT Class B mix. All materials testing results shall be provided to the District Engineer upon completion of the project.
18. All concrete sidewalk installed within NCDOT rights of way shall be constructed in accordance with the NCDOT **Standard Specifications for Roads and Structures** and **Roadway Standard Drawings** (Std. Dwg. No. 846.01 and 848.01) and Amendments or Supplementals thereto. All concrete shall be an approved NCDOT Class B mix. All materials testing results shall be provided to the District Engineer upon completion of the project.

19. All ADA compliant curb ramps shall be constructed in accordance with the NCDOT **Standard Specifications for Roads and Structures** and **Roadway Standard Drawings** (Std. Dwg. No. 848.06) and Amendments or Supplementals thereto including but not limited to the Alternate Curb Ramp Designs (Curb Ramp Details - Parallel Ramps). All concrete shall be an approved NCDOT Class B mix. All materials testing results shall be provided to the District Engineer upon completion of the project.
20. All 30” curb and gutter within NCDOT rights of way shall be constructed with Class B concrete in accordance with Section 846 of the latest NCDOT **Standard Specifications for Roads and Structures** and **Roadway Standard Drawings** (Std. Dwg. No. 846.01) and Amendment or Supplemental thereto or as directed by the engineer. All concrete testing results shall be provided to the District Engineer’s office at time of project completion.
21. All fill areas/backfill shall be compacted to 95% density in accordance with AASHTO T99 as modified by the North Carolina Department of Transportation. All material to a depth of 8 inches below the finished surface shall be compacted to a density equal to at least 100% of that obtained by compacting a sample of the material in accordance with AASHTO T99 as modified by the department. The subgrade shall be compacted at a moisture content which is approximately that required to produce the maximum density indicated by the above test method. The contractor shall dry or add moisture to the subgrade when required to provide a uniformly compacted and acceptable subgrade.
22. Excavations inside the theoretical 1:1 slope from the existing edge of pavement to the bottom of the nearest excavation wall should be made in accordance with the following conditions:
  - The trench backfill material should meet the Statewide Borrow Criteria. The trench should be backfilled in accordance with Section 300-7 of the latest NCDOT **Standard Specifications for Roads and Structures**, which basically requires the backfill material to be placed in layers not to exceed 6 inches loose and compacted at least 95% of the density obtained by compacting a sample in accordance with AASHTO T99 as modified by the NCDOT.
  - All trench excavation inside the limits of the theoretical 1:1 slope, as defined by the policy, should be completely backfilled and compacted at the end of each construction day. No portion of the trench shall be left open overnight.
23. The contractor shall not begin construction until after all traffic control and erosion control devices have been installed to the satisfaction of the District Engineer.
- 24. An executed copy of this encroachment agreement shall be present at the construction site at all times during construction. If safety or traffic conditions warrant such an action, NCDOT reserves the right to further limit, restrict or suspend operations within the right of way.**
25. Disturbed areas shall have an established stand of vegetation according to the attached specifications for erosion control.

26. The party of the second part agrees to provide traffic control devices, lane closures, road closures, positive protection and/or any other warning or positive protection devices necessary for the safety of motorists and workers during construction and any subsequent maintenance. This shall be performed in conformance with the latest NCDOT Roadway Standard Drawings and Standard Specifications for Roads and Structures and Amendments or Supplementals thereto. When there is no guidance provided in the Roadway Standard Drawings or Specifications, comply with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) and Amendment or Supplemental thereto. Information as to the above rules and regulations may be obtained from the Division Engineer of the party of the first part. **All contractor personnel will be required to wear a class II ANSI approved safety vest while working within the DOT right of way.**
27. Written notice of the completion of the work will be furnished to the District Engineer, P. O. Box 1150, Fayetteville, North Carolina 28302, when the work has been completed.
28. SDR-26 PVC pipe shall not be used on NCDOT Rights of Way for lines under pressure.
29. Please be reminded that all OSHA Standards regarding trenching and shoring should be strictly adhered to.
30. The Contractor shall comply with all OSHA requirements and provide a competent person on site to supervise excavation at all times.
31. No material storage shall be allowed along the shoulders of the roadway, and during non-working hours, equipment shall be parked as close to the right of way line as possible and shall be properly barricaded so that no equipment obstruction shall be within the Clear Recovery Area. No parking or material storage shall be allowed along the shoulders of any state maintained roadway.
32. The Department of Transportation does not guarantee the right of way on this road, nor will it be responsible for any claim for damages brought by any property owner by reason of the installation.
33. The encroaching party shall comply with all applicable federal, state, and local environmental regulations, and shall obtain all necessary federal, state, and local environmental permits, including but not limited to, those related to sediment control, storm water, wetland, streams, endangered species, and historical sites.
34. Excavation within 1,000 feet of a signalized intersection will require notification by the party of the second part to the Division Traffic Engineer at telephone number 910-364-0606. All traffic signal or detection cables must be located prior to excavation.
35. **Trenching, bore pits and/or other excavations shall not be left overnight. The contractor shall comply with all OSHA requirements and provide a competent person on site to supervise excavation at all times.**
36. **When personnel and/or equipment are working on the shoulder and within five (5) feet of an open travel lane, close the nearest open travel lane using Standard Drawing No. 1101.02 unless the work area is protected by barrier or guardrail. When personnel and/or equipment are working within a lane of travel of an undivided or divided facility, close the lane according to the traffic control plans, or as directed by the Engineer. Conduct the work so that all personnel and/or equipment remain within the closed travel lane. Do not work simultaneously, on both sides of an open travel way, within the same location, on a two-lane, two-way road. Do not perform work involving heavy equipment within fifteen (15) feet of the edge of travel way when work is being performed behind a lane closure on the opposite side of the travel way. Perform work only when weather and visibility conditions allow safe operations as directed by the Engineer.**

37. Drainage structures shall not be blocked with excavation materials. Any drainage structure disturbed or damaged shall be restored to its original condition as directed by the District Engineer.
38. Any disturbed guardrail shall be reset according to the applicable standard or as directed by the District Engineer.
39. All driveways altered during construction shall be returned to a state comparable with the condition of the driveways prior to construction.
40. All roadway signs which are removed which are removed due to construction shall be reinstalled as soon as possible.
- 41. Any proposed driveway connections onto NCDOT roadways will require an approved driveway permit. The approval of this Three Party encroachment (RW 16.6) does not constitute approval of any proposed driveway connections. For further information, contact Mr. Earl C. Locklear, Assistant District Engineer at (910) 364-0601.**
42. Excavated areas adjacent to pavement having more than a 2” drop shall be safed up at a 6:1 or flatter slope and designated by appropriate delineation during periods of inactivity, including, but not limited to, night and weekend hours. Excavated material shall not be placed on the roadway at any time.
- 43. NCDOT reserves the right to further limit, restrict, or suspend operations within the Right of Way if, in the opinion of NCDOT, safety or traffic conditions warrant such action.**
44. It shall be the responsibility of the encroaching party to determine the location of other utilities within the encroachment area. The encroaching party shall be responsible for notifying other utility owners and providing protection and safeguards to prevent damage or interruption to existing facilities and to maintain accessibility to existing utilities.
45. Any utility marker required shall be as close to the right of way line as possible. If it is not feasible to install markers at or near the right of way line, written approval specific to this site shall be obtained from the District Engineer.
46. All utility facilities, including but not limited to manholes, valve boxes, meter boxes, splice boxes, junction boxes, vaults, and covers within NCDOT right of way shall have been designed for HS-20 loading. A listing of currently approved manholes, valve boxes, and vaults is available at the following site:  
<https://apps.dot.state.nc.us/vendor/approvedproducts> . If any proposed structure is not of a design pre-approved by NCDOT, the encroaching party shall submit details and calculations designed by a Professional Engineer registered in North Carolina for approval prior to construction.
47. All utility access points, including but not limited to manholes, splice boxes, junction boxes, and vaults shall be located outside of the right of way line. Manholes, splice boxes, junction boxes, and vaults shall not be placed in the ditch line, side slopes of the ditches, or in the pavement. All manholes, splice boxes, junction boxes, vaults, and covers shall be flush with the ground when located within the vehicle recovery area.
48. All temporary and final paving markings are the responsibility of the encroaching party. Final pavement markings and sign plans shall be submitted to the Division Traffic Engineer at telephone number 910-364-0606 for review and approval.

49. The pavement marking contractor is required to have at least one member of every pavement marking crew that is working on the project, preferably the Crew Supervisor, be certified through the NCDOT Pavement Marking Technician Certification Process. For more information please contact the Work Zone Traffic Control Unit at (919) 773-2800 or <http://www.ncdot.org/doh/preconstruct/wztc/>".
50. Prior to installing pavement markings, contact Mr. Frank West with the NCDOT Division Six Traffic Services Unit at 910-364-0606 to review the proposed pavement-marking layout. This notification should take place a minimum of 48 hours in advance of the pavement marking installation.
51. Failure to contact the Traffic Services Unit to review the pavement-marking layout prior to installation may result in the removal and reinstallation of the markings at the expense of the Permittee.

**NCDOT WORK ZONE TRAFFIC CONTROL QUALIFICATIONS AND TRAINING PROGRAM**

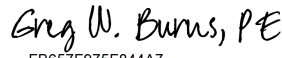
**All personnel performing any activity inside the highway right of way are required to be familiar with the NCDOT Maintenance / Utility Traffic Control Guidelines (MUTCG). No specific training course or test is required for qualification in the Maintenance / Utility Traffic Control Guidelines (MUTCG).**

**All flagging, spotting, or operating Automated Flagger Assist Devices (AFAD) inside the highway right of way requires qualified and trained Work Zone Flaggers. Training for this certification is provided by NCDOT approved training resources and by private entities that have been pre-approved to train themselves.**

**All personnel in charge of overseeing work zone Temporary Traffic Control operations and installations inside the highway right of way are required to be qualified and trained Work Zone Supervisors. Training for this certification is provided by NCDOT approved training resources.**

**For questions and/or additional information regarding this training program please refer to our web site at <https://connect.ncdot.gov/projects/WZTC/Pages/Training.aspx> or call J.S. (Steve) Kite, PE at (919) 662-4339 or [skite@ncdot.gov](mailto:skite@ncdot.gov) or Roger Garrett at (919) 662-4383 or [rmgarrett@ncdot.gov](mailto:rmgarrett@ncdot.gov), both with the NCDOT Work Zone Traffic Control Section.**

If further information or assistance is needed in reference to this project, please feel free to call Mr. Lee R. Hines, Jr. (Richie), PE, District Engineer at (910) 364-0601.

Sincerely,  
DocuSigned by:  
  
FB657E975F844A7  
Greg W. Burns, PE  
Division Engineer

DS  
ell

GWB:ecl

cc: <https://connect.ncdot.gov/site/Permits/Pages/All-Submissions.aspx>



ROUTE NC Hwy 87 S.R. 1115 PROJECT Hardee's at Cameron, NC COUNTY OF STATE OF NORTH CAROLINA  
Harnett

DEPARTMENT OF TRANSPORTATION

THREE PARTY RIGHT OF WAY

-AND-

ENCROACHMENT AGREEMENT ON  
PRIMARY AND SECONDARY SYSTEM

Boddie-Noell Enterprises, Inc.

P.O. Box 1908 Rocky Mount, NC 27802

-AND-

Harnett Regional Water

P.O. Box 1119 Lillington, NC 27546

THIS AGREEMENT, made and entered into this the 2nd day of September, 2020, by and between the Department of Transportation, party of the first part; and Boddie-Noell Enterprises, Inc. party of the second part; and Harnett Regional Water party of the third part,

WITNESSETH

THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road designated as Route(s) S.R. 1115 (Buffalo Lake Rd.) , NC Hwy 87, located At the intersection of NC-87 and Buffalo Lake Rd. and 490 LF northeast of the intersection of NC-87 and Buffalo Lake Rd.

with the construction and/or erection of: connection to existing 8" water main with 2" service with tapping sleeve and valve as well as connection to existing force main with 2" force main line from private pump station. Installation of 1" water meter for irrigation and 2" meter to serve the building along with ~~19 LF of water line~~ and 17 LF of 2" PE SDR-9 force main.

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of way as indicated, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are made a part hereof upon the following conditions, to wit:

That the installation, operation, and maintenance of the above described facility will be accomplished in accordance with the party of the first part's latest POLICIES AND PROCEDURES FOR ACCOMMODATING UTILITIES ON HIGHWAY RIGHTS-OF-WAY, and such revisions and amendments thereto as may be in effect at the date of this agreement. Information as to these policies and procedures may be obtained from the Division Engineer or State Utility Agent of the party of the first part.

That the said party of the second part binds and obligates himself to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said highway, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part for the cost incurred for any repairs or maintenance to its roadways and structures necessary due to installation and existence of the facilities of the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the said facilities, that the said party of the second part binds himself, his successors and assigns, to promptly remove or alter the said facilities, in order to conform to the said requirement, without any cost to the party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the Division Engineer of the party of the first.

That the party of the second part hereby agrees to indemnify and save harmless the party of the first part from all damages and claims for damage that may arise by reason of the installation and maintenance of this encroachment.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the Division Engineer of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise reestablish the grass cover to meet the satisfaction of the Division Engineer of the party of the first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the Division Engineer of the party of the first part.

That the party of the second part agrees to have available at the construction site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.

Provided the work contained in this agreement is being performed on a completed highway open to traffic; the party of the second part agrees to give written notice to the Division Engineer of the party of the first part when all work contained herein has been completed. Unless specifically requested by the party of the first part, written notice of completion of work on highway projects under construction will not be required.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the facility has been brought into compliance or removed from the right of way at no cost to the party of the first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun within one (1) year from the date of authorization by the party of the first part unless written waiver is secured by the party of the second part from the party of the first part.



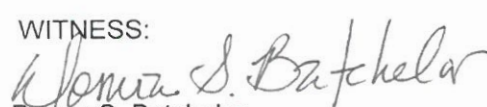
During the performance of this contract, the second party, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

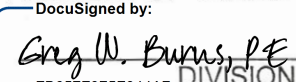

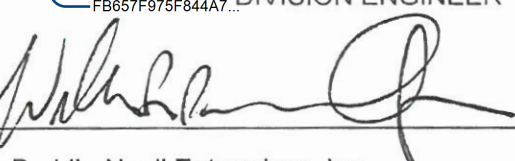
- a. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U. S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- b. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- c. Solicitations for Subcontracts, including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- d. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- e. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to,
  - (1) withholding of payments to the contractor under the contract until the contractor complies, and/or
  - (2) cancellation, termination or suspension of the contract, in whole or in part.
- f. Incorporation of Provisions: The contractor shall include the provisions of paragraphs "a" through "f" in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

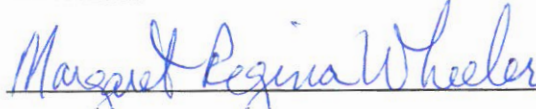
That when title to the subject that constitutes the aforesaid encroachment passes from the party of the second part and vests in the party of the third part, the party of the third part agrees to assume all responsibilities and rights and to perform all obligations as agreed to herein by the party of the second part.

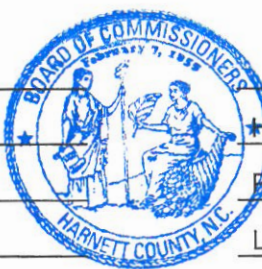

R/W (166) : Party of the Second Part certifies that this agreement is true and accurate copy of the form R/W (166) incorporating all revisions to date.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed the day and year first above written.

WITNESS:  
  
Donna S. Batchelor  
1021 Noell Lane, Rocky Mount NC 27804

DEPARTMENT OF TRANSPORTATION  
DocuSigned by:  
BY:    
FB657F975F844A7... DIVISION ENGINEER  
  
Boddie-Noell Enterprises, Inc.  
P.O. Box 1908  
Rocky Mount, NC 27802  
Second Party

WITNESS:  
  
Margaret Regina Wheeler, Clerk  
County of Harnett  
PO Box 759  
Lillington, NC 27546

  
  
Harnett Regional Water  
PO Box 1119  
Lillington, NC 27546  
Third Party

# WORKFORCE SAFETY PLAN

## FOR ENCROACHMENT ACTIVITIES: COVID-19

*EFFORTS THE N.C. TRANSPORTATION INDUSTRY IS TAKING TO STOP THE SPREAD OF COVID-19*

The North Carolina Department of Transportation (NCDOT) and their partners expect all parties involved in the delivery of transportation projects to abide by the guidelines issued from the Centers for Disease Control and Prevention (CDC) and the North Carolina Department of Health and Human Services (NCDHHS).

Response to COVID-19 is rapidly evolving; new information and guidelines may be issued from the CDC, NCDHHS, or other state or federal agencies. NCDOT and their partners should review the current CDC and NCDHHS guidance, including the resources listed at the end of this document, for up-to-date information on how to respond to COVID-19. Additional guidelines may be issued by state or federal agencies that should be followed in addition to the guidance included in this document.

Though certain Americans with Disabilities Act (ADA) requirements have been relaxed in response to the pandemic, employers must still maintain all information about employee illness as a confidential medical record in compliance with the ADA. If an employee is suspected of having or tests positive for COVID-19, it is essential that management keep the identity of the employee and details related to the employee's health confidential.

Below are precautions required by NCDOT and from encroaching parties and their contractors performing construction within NCDOT Rights of Way. The term employee refers to any person on a job site within NCDOT right of way for the purpose of constructing or inspecting the work related to construction of a facility under an approved encroachment agreement and where that employee may or may not be under employment by or under contract to NCDOT.

### EMPLOYEE WELLNESS

- If an employee has not yet reported to work and develops any COVID-19 symptoms (i.e. fever, coughing, or shortness of breath) — STAY HOME and immediately:
  - Call a health care provider
  - Self-Isolate
  - Communicate with your supervisor
  - Remain calm and follow all instructions from your health care provider
- Employees who appear to have acute respiratory illness symptoms (i.e. cough, shortness of breath) upon arrival to work, or become sick during the day, should be separated from others and sent home immediately. The potentially affected employees should immediately follow the steps outlined above, which includes immediately contacting a health care provider.
- Should an employee show symptoms of acute respiratory illness or be diagnosed with COVID-19, all other employees who have worked in close proximity to the affected employee during the last 14

days and all encroachment points of contact indicated at the end of this plan should be notified of potential exposure to the disease without identifying the affected employee.

- Consideration should be given to employees at “High Risk” of severe illness from COVID-19, who, per NCDHHS, include employees:
  - Over 65 years of age, **OR**
  - With underlying health conditions including heart disease, lung disease, or diabetes, **OR**
  - With weakened immune system
- “High Risk” Employees should be given the opportunity to discuss alternate work arrangements/duties with their employer or take leave according to their company policies.
- For guidance on confirmed positive tests for COVID-19, refer to the most recent version of the “COVID-19 Guidance for Employees on Encroachment Job Sites within NCDOT Right of Way” located on last page of this plan.

#### PERSONAL HYGIENE

- Clean hands often by washing with soap and water for 20 seconds. If soap and water are not available and hands are not visibly dirty, an alcohol-based hand sanitizer that contains 60%-95% alcohol may be used.
- Avoid touching your eyes, nose, mouth, or other parts of your face.
- Do not breathe, cough, or sneeze on another person or into the open air. Employees should cover their noses and mouth with a tissue when coughing or sneezing (or an elbow or shoulder if no tissue is available).
- A facemask for covering nose and mouth is encouraged on the job site.
- Appropriate gloves are encouraged while performing functions of the job.

#### CLEANING/DISINFECTING

- Wash stations and/or hand sanitizer are encouraged on each project site.
- Appropriate cleaning staff should clean frequently touched surfaces and objects with disinfectants at a minimum of once per day.
  - Office/buildings: door knobs, light switches, phones, computers/keyboards, copy machines, elevator buttons, toilets, faucets, sinks, countertops, paper towel dispensers, desktops, handrails, folders, vending machines, counters, tables, cabinets/knobs, etc.
  - Shop Yard/Jobsite: vehicle/equipment door handles, keys, gear shifts, steering wheel/operator controls and levers, fuel pump dispensers, touch points on machinery, etc.
  - Electronic equipment: cell phones, computers, keyboards, etc.
- Appropriate cleaning staff should sanitize/disinfect facilities and work areas after persons suspected/confirmed to have COVID-19 have been in the facility or work area.

- It is recommended to close off access to areas used by the ill persons and wait as long as practical, 24 hours if possible, before beginning cleaning and disinfection to minimize potential for exposure to respiratory droplets. Open outside doors and windows to increase air circulation in the area if possible.
- Appropriate cleaning staff should clean and disinfect all areas used by the ill persons, focusing especially on frequently touched surfaces.

## GENERAL

- Increase communication measures between all parties regarding schedule, daily activities, etc. to reduce/minimize worker exposure in accordance with but not limited to the requirements below.
- Minimize on-site personnel such as subcontractors, work crews, QC personnel, and inspection staff to those required for that day's activities. If work is postponed or cancelled, immediately notify appropriate parties.
- Practice "Social Distancing" whenever feasible. Social Distancing is designed to limit the spread of a disease by reducing the opportunities for close contact between people. All personnel have the responsibility to remind each other to stay 6 feet or more apart. Examples of Social Distancing include:
  - Reducing face-to-face exposure by using conference calls and video conferencing
    - If an in-person meeting is absolutely required and cannot be rescheduled or attended remotely, the meeting is limited to a maximum of 10 people while maintaining Social Distancing of 6 feet or more.
  - Avoiding unnecessary travel
- Do not congregate at lunch or breaks. Bringing your lunch is encouraged.
- No communal coolers or drink stations are allowed. Supervisors should confirm with employees prior to beginning work for appropriate hydration and nutrition availability to employees for the duration of the employee's shift and without direct contact with others on the job site.
- First line of communication should be by phone, rather than in-person.
- Do not shake hands.
- Do not share iPads, tablets, pens, or clipboards for signing or any other purpose. Take pictures as proof of attendance at meetings.
- Sharing of Personal Protective Equipment (PPE) is strictly prohibited.
- Vehicles, equipment, and tools
  - Limit the number of people riding in a vehicle together.
  - Wipe down and disinfect vehicles after each trip.
  - As much as possible, do not share tools or equipment. If a tool or piece of equipment must be shared, the parts of it that are touched should be sanitized between uses.



## RETURN TO WORK

- The following criteria must be followed for an employee who is tested for Covid-19, or asked to self-quarantine by health officials, or has contact with another employee with a positive test result to return to work:
  - at least a 14-day quarantine; **OR**
  - release by a health care provider.
- In accordance with CDC guidance, the following criteria must be followed for an employee with a positive test result to return to work:
  - at least 14 days from positive test notification; **AND**
  - at least 3 days (72 hours) have passed since recovery defined as resolution of fever without the use of fever-reducing medications and improvement in respiratory symptoms (e.g., cough, shortness of breath); **AND**
  - at least 7 days have passed since symptoms first appeared.

NCDOT may require certification of fitness to work from a health care provider.

## ADDITIONAL RESOURCES

NCDOT and their partners should review the CDC and NCDHHS resources listed below for up-to-date information on how to respond to COVID-19. Additional guidelines may be issued by state or federal agencies that should be followed in addition to the guidelines included in this document.

- NCDHHS COVID-19 Resources:
  - <https://www.ncdhhs.gov/divisions/public-health/coronavirus-disease-2019-covid-19-response-north-carolina>
- NCOSHR Communicable Disease Emergency Policy
  - <https://oshr.nc.gov/policies-forms/workplace-wellness/communicable-disease-emergency>
- OSHA Guidance on Preparing Workplaces for COVID-19
  - <https://www.osha.gov/Publications/OSHA3990.pdf>
- CDC COVID-19 Resources:
  - <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

## AGREEMENT

The encroaching party shall adhere to the requirements of this plan in order to continue work under their approved encroachment agreement. Violations to this plan could result in the violating entity not being allowed to continue work or all work ceasing as determined by the NCDOT District Engineer or Resident Engineer.

## PROJECT POINTS OF CONTACT







Workforce Safety Plan: COVID-19

NCDOT Encroachment ID#: E062-043-20-00249

**NCDOT**  
 DocuSigned by:  
**Name:** Earl C. Locklear  
 FB657F975F844A7...  
**Phone #:** 910-364-0601

**Encroaching Party (Primary Contact)**  
 DocuSigned by:  
**Name:** Reggie Barnacaseel  
 C604F206A7CB461...  
**Phone #:** 252-937-2800 x 1350

**Primary Contractor to Encroaching Party  
 (Point of Contact)**  
 DocuSigned by:  
**Name:** Barb Hill  
 EC505D6CE9C94AB...  
**Phone #:** 252 4431554

COVID-19 Guidance for Employees on Encroachment Job sites within NCDOT Right of Way				
Relationship to Confirmed POSITIVE Test		CONTACT GROUP		
		What YOU Should Do	What your CREW Should Do <i>Exposure within 6' and longer than 10 minutes</i>	What PROJECT SITE Personnel Should Do <i>No exposure within 6' and longer than 10 minutes</i>
Employee		Notify your supervisor Self-quarantine for 14 days	Advise of POSITIVE test without identifying the affected employee* Directly exposed crew self-quarantine for 14 days Continue hygiene & disinfecting measures	Advise of POSITIVE test without identifying the affected employee* Site personnel without direct contact may continue onsite work or follow their company policy Continue hygiene & disinfecting measures
<b>Direct Contact</b> <i>Interaction with an infected person within 6' and longer than 10 minutes</i>		Self-quarantine for 14 days	Advise of POSITIVE test without identifying the affected employee* Crew may continue onsite work or follow their company policy Continue hygiene & disinfecting measures	Advise of POSITIVE test * Continue hygiene & disinfecting measures
Secondary Contact		You may continue onsite work or follow your company policy Continue hygiene & disinfecting measures	Continue hygiene & disinfecting measures	Continue hygiene & disinfecting measures
Two or more Persons Removed from Contact		Continue hygiene & disinfecting measures	Continue hygiene & disinfecting measures	Continue hygiene & disinfecting measures
<b>*Notification Protocol</b> (Comply with HIPAA & ADA confidentiality requirements)	NCDOT employee / agent tests POSITIVE	NCDOT District Engineer/Resident Engineer notifies Encroaching Party's primary point of contact and Contractor Point of Contact, CDC and, if Resident Engineer has oversight for the job site, FHWA any Consultant Firms working for NCDOT Encroaching party representative notifies other Contractors, Sub-Contractors and Suppliers with exposed Employees		
	Encroaching Party or Contract crew member on job site tests POSITIVE	Encroaching party representative or Contractor point of contact notifies appropriate NCDOT District Engineer or Resident Engineer and all other Contractors, Sub-Contractors and Suppliers with exposed Employees NCDOT notifies CDC, and as appropriate, FHWA and any Consultant Firms working for NCDOT		