

From Brenda O'Brien, Engineer of Construction and Technology

MDOT-Construction and
Technology Division
P.O. Box 30049
Lansing, Michigan 48909
Phone/517-322-1087
Fax/517-322-5664
www.michigan.gov/mdot/

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Questions regarding this
Construction Advisory
should be directed to:

Jason Gutting, Construction
Operations Engineer,
Construction Field Services
Division, 517-636-6334 or
guttingj@michigan.gov

Non-Use of Public Recreation Areas for Construction Staging and Storage Areas

Contractors are not permitted under any circumstances to use any public recreation area as a staging area, marshalling yard, storage facility, or any other construction support unless approved by the Michigan Department of Transportation (MDOT) and the Federal Highway Administration (FHWA) prior to project letting.

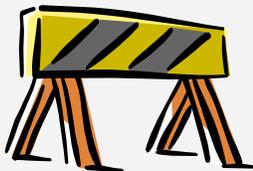
Public recreation areas include: parks, trails, recreation areas, game areas, wildlife and waterfowl refuges, playgrounds, golf courses, ball fields, etc.; which are publicly owned (local, state or federal).

These areas are protected by Section 4(f) of the United States Department of Transportation Act of 1966. Federal law requires there be no use of these areas unless: 1) There is no prudent and feasible alternative; and, 2) All possible measures are taken to minimize harm to the area if there is a use. Compliance with federal law requires these criteria be met and their documentation be approved by the FHWA prior to the project letting.

Any and all negotiated agreements between the contractor and the owner of the public recreation area are not to be considered valid by MDOT. MDOT's Environmental Section manager is to be immediately notified if project staff are informed of any negotiations or receive a copy of an agreement. Furthermore, the contractor is to be immediately notified that these discussions and/or agreements are not valid, will not be honored by MDOT, and non-compliance can result in penalties up to and including termination of the construction contract as well as immediate restoration of the public recreation area at the contractor's cost.

A frequently used special provision is in development for all future projects with eventual incorporation as a supplemental specification.

Please share this construction advisory with local agencies and consultants within your jurisdiction, as well as Transportation Service Center staff.



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