



CITY OF PROVIDENCE

Jorge O. Elorza, Mayor

Date: January 22, 2016

Lori Hagen
City Clerks Office
City hall
25 Dorrance Street
Providence, RI 02903

**Re: Construction and Maintenance Agreement
Intersection Safety Improvements to Francis Street at Memorial Boulevard**

Dear Lori:

Attached is a copy of the Intersection Safety Improvements to Francis Street at Memorial Boulevard Construction and Maintenance Agreement. This requires city council approval. Please put this on the agenda for the next council meeting. The three originals of the agreement are at the mayor's office for his signature and I will send those to you once I receive them.

Once the agreement is approved by the city council please keep one original for the city records and send the other 2 originals to me. I will send one to the Law department and one to RIDOT. All three of these originals should have a stamp or some other form of proof that this agreement was approved by the city council.

Very Truly Yours

A handwritten signature in dark ink that reads "Natale D. Urso".

Natale D. Urso, PE, PTOE
Deputy City Engineer

**IN CITY COUNCIL
MAR 03 2016**

READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE FORWARDED AND APPROVED
A handwritten signature in dark ink, likely of the City Clerk, over a line.
CLERK

DEPARTMENT OF PUBLIC WORKS

700 Allens Avenue Providence, Rhode Island 02905

401 467 7950 ph | 401 941 2567 fax

www.providenceri.com

**CONSTRUCTION & MAINTENANCE AGREEMENT/MUNICIPALITY
FEDERAL FUNDS**

by and between the

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

and the

CITY OF PROVIDENCE

for

Intersection Safety Improvements to Francis Street at Memorial Boulevard

AGREEMENT entered into by and between the State of Rhode Island and Providence Plantations (the "STATE"), through its Department of Transportation and the City of Providence (the "MUNICIPALITY").

WHEREAS the STATE, in cooperation with the MUNICIPALITY, has selected the above-referenced Project in the City of Providence, specifically Intersection Safety Improvements to Francis Street at Memorial Boulevard (further described in the attached Project Description and referred to as the "PROJECT"), for improvements under the provisions established by the Federal Transportation Acts and policy of the United States Department of Transportation, Federal Highway Administration, and

WHEREAS the STATE will accomplish said improvements with funds apportioned to the STATE under the Federal-Aid Highway Act, as amended and supplemented, and from other sources available for the purpose, subject, however, to various conditions including that the MUNICIPALITY shall provide for the proper maintenance after completion of the improvements.

NOW THEREFORE, the STATE and the MUNICIPALITY (the PARTIES) hereby agree as follows:

1. The STATE will advertise and award the PROJECT in conformance with 23 CFR Part 635 and the provisions of Title 37, Chapter 2 of the Rhode Island General Laws. Thereafter, the STATE shall issue a Notice to Proceed to its contractor (the "Contractor"), who will construct the improvements in accordance with the Plans and Specifications for the PROJECT.
2. After issuance of the Notice to Proceed to the Contractor, the MUNICIPALITY will allow the Contractor to enter onto its property, where applicable, for purposes of constructing the PROJECT.
3. Prior to Substantial Completion of the PROJECT, the MUNICIPALITY shall have the opportunity to participate in the Final Inspection and include any deviations from the PROJECT plans and specifications in the PROJECT punch list. Upon the acceptance of the punch list work, the assets within the MUNICIPALITY right-of-way shall become the responsibility of the MUNICIPALITY (with the exception of the signal equipment, which shall remain the property of the STATE).

4. Upon completion of the PROJECT, the MUNICIPALITY will:

(a) maintain the road altered during construction of the PROJECT within the MUNICIPALITY Right-of-Way in conformance with Chapters 24-8, Section 24-8-15 Title 24 of the Rhode Island General Laws and maintain in conformance with 23 U.S.C. ' 116 and ADA/Section 504 requirements, all pedestrian facilities built with federal funds under this Agreement. This maintenance obligation includes reasonable snow and ice removal efforts, allowing only temporary interruptions in service or access;

(b) regulate the parking, standing, moving and guiding operations of vehicles and pedestrians in conformance with the specifications of the approved plans for the PROJECT and chapters 12 through 27 of Title 31 of the Rhode Island General Laws;

(c) conform to the latest edition of the Manual on Uniform Traffic Control Devices and Standards relative to all traffic control signals, flashing beacons, traffic islands, regulatory or warning signs, pavement markings, or other traffic control devices;

(d) enforce traffic regulations established in accordance with this AGREEMENT;

(e) enact any further regulations necessary to assure the preferential, safe and efficient movement of traffic in keeping with the through traffic service to be provided by this PROJECT. Dated and attested copies of amendments to the Municipal Ordinance necessary for the enforcement of any specific provisions will be forwarded by the MUNICIPALITY to the STATE. All necessary Municipal Ordinances applicable to this PROJECT shall be in effect prior to completion of construction; and

(f) maintain roadway, sidewalk, landscaping, ornamental street lighting, catch basin frames and grates, manhole frames and covers, drainage system installed during construction of the PROJECT within the State Right-of-Way; and

(g) maintain the PROJECT listed above in accordance with the PROJECT Plans and Specifications, at its own cost and expense, and will make ample provision each year for such maintenance.

5. All work performed under this PROJECT is subject to the approval and inspection of the STATE and Federal authorities in accordance with the provisions of the Federal-Aid Highway Acts and the regulations, as aforementioned, which are hereby made a part of this AGREEMENT by reference.

6. The MUNICIPALITY will use or allow the use of for transportation purposes only the space below a plane sixteen feet, four inches (16' - 4") above the existing grade of the highway or the minimum clearance plus four inches as approved by the STATE, except the space necessary for foundations, vertical support facilities and utility and mechanical systems. Any other space above and below the highway may be used for other than transportation purposes only with the approval of the State and Federal authorities and in accordance with the provisions of the Federal-Aid Highway Acts and the regulations adopted thereunder.


7. The STATE reserves the right to require the execution of an Agreement between the STATE and the MUNICIPALITY or a third party responsible for developing and operating the air space for any use of the space above and below the highway for other than transportation purposes and said Agreement shall be submitted to the FHWA for approval.

8. The MUNICIPALITY must notify the STATE's Maintenance Division at least 24 hours in advance of entering a traffic signal controller cabinet for maintenance of the Emergency Vehicle Priority Control System. The STATE's representative must be on site during said maintenance.

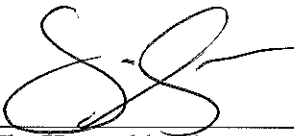
9. The City Mayor will take all necessary steps to receive authority from the City Council to enter into and execute this Agreement including, but not limited to, submission of this Agreement to the City Council for ratification and submission of proof of such authority to the State prior to project advertisement.

IN WITNESS WHEREOF, the PARTIES have caused this AGREEMENT to be executed by their duly authorized officials as of the date last written below

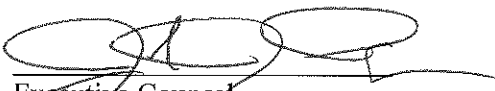
Recommended for Approval:
DEPARTMENT OF TRANSPORTATION:


Chief Engineer David W. Fish, P.E. (acting)
Department of Transportation
Date: 12-1-2015

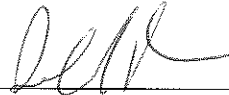
MUNICIPALITY:


The Honorable Mayor Jorge Elorza
City of Providence
Date: 1/25/16

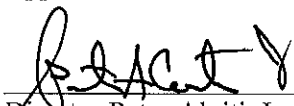
Approved as to form:


Executive Counsel
Department of Transportation
Date: 12/16/15

Approved as to form:


Jeffrey Dana
City of Providence
Date: 1/19/16

Approved:


Director Peter Alviti, Jr., P.E.
Department of Transportation
Date: _____

Examined and Approval:

N/A
Division Administrator
U.S. Department of Transportation
Federal Highway Administration
Date: _____

PROJECT DESCRIPTION

This Project, located in the City of Providence, Providence County, Rhode Island is for the Intersection Safety Improvements to Francis Street at Memorial Boulevard. The work under the contract includes, but is not limited to, micromilling and overlaying pavement, replacement of curb and sidewalk, reconstruction of wheelchair ramps, replacement and installation of pedestrian signal heads and accessible pedestrian detectors, installation of crosswalks, traffic signal controller replacement and modifications, replacement of traffic signal heads, installation of new mast arms, replacement of loop detectors, installation of planters with various plantings and other miscellaneous tasks including, but not limited to, sawcutting pavement, and furnishing and installing directional, regulatory, and warning signs, traffic control.

Please note that the MUNICIPALITY Right-of-Way includes Francis Street, Exchange Terrace, and Memorial Boulevard (east of the intersection). The STATE Right-of-Way includes the on and off-ramps from I-95 and Routes 6 and 10 (west of the intersection). The signal equipment is within the MUNICIPALITY Right-of-Way, however, all signal equipment is owned and maintained by the STATE.