

# RESOLUTION OF THE CITY COUNCIL

No. 477

Approved October 11, 2011

WHEREAS, the State of Rhode Island proposes to undertake roadway reconstruction, rehabilitation and/or improvement on certain roads in the City; and

WHEREAS, said improvements will alleviate congestion and facilitate pedestrian and vehicular traffic,

NOW, THEREFORE, BE IT RESOLVED THAT, His Honor, the Mayor, is authorized to execute a Statewide Construction and Maintenance Agreement to the State of Rhode Island with respect to Bike to Work and College: Bike Lane and Bike Route Component Congestion Mitigation and Air Quality Program Design, Construction and Maintenance Agreement. Said Agreement shall be substantially in the form as exhibited in attachment "A" subject to such modifications as may be recommended by the Mayor and/or the Department of Law.

IN CITY COUNCIL

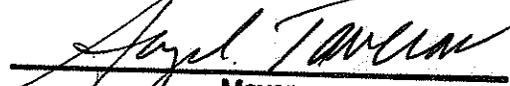
OCT 06 2011

READ AND PASSED

  
\_\_\_\_\_  
PRES.

  
\_\_\_\_\_  
CLERK

I HEREBY APPROVE.

  
\_\_\_\_\_  
Mayor

Date: 10/11/11

**CONTRACT-4**

**Sheridan Street Pedestrian Bridge to Button Hole Golf Course**

Design R.I. Federal-Aid Project No. HPP-1737(003)

Construction R.I. Federal-Aid Project No.:

**CONSTRUCTION & MAINTENANCE AGREEMENT/MUNICIPALITY**

**FEDERAL FUNDS**

by and between the

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

and the

CITY OF PROVIDENCE

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Agreement entered into by and between the State Of Rhode Island and Providence Plantations (hereinafter called the "State"), through its Department of Transportation and the City of Providence (hereinafter called the "Municipality").

WHEREAS the State, in cooperation with the Municipality, has selected the above-referenced Project in the City of Providence, specifically the Northwest Bike Trail/Woonasquatucket River Bikeway Contract-4 from Sheridan Street Pedestrian Bridge to Button Hole Golf Course (further described in the attached Project Description and hereinafter called the "Project"), for improvements under the provisions established in the Federal-Aid Policy Guide (FAPG), 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 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. The STATE will construct and maintain Bridge No. 1066 over a tailrace to the Woonasquatucket River.

3. 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.

4. Upon completion of the Project, the Municipality will:

- (a) maintain all landscaping installed during construction of this project;
- (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 and for the traffic devices installed in connection therewith;
- (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 the portions of 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 Act and the regulations, including the (FAPG), 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 Act 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. The State's representative must be on site during maintenance of the Emergency Vehicle Priority Control System.

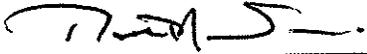
9. The Mayor will take all necessary steps to receive authority from the City Council to enter into and execute this Agreement including, but not limited to, submission of this Agreement to the City Council for ratification and submission of proof of such authority to the State prior to project advertisement.

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IN WITNESS WHEREOF, the State and the Municipality have caused this Agreement to be executed by their duly authorized officials as of the date last written below.

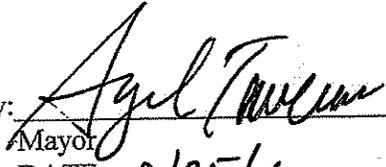
Recommended for Approval:  
RHODE ISLAND DEPARTMENT OF  
TRANSPORTATION

CITY OF PROVIDENCE



Chief Engineer  
DATE: 8/1/11

By:



Mayor  
DATE: 8/25/11

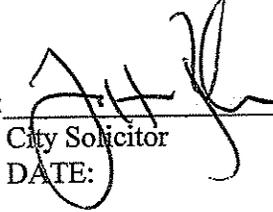
Approved as to form:

Approved as to form:

*-and correctness*

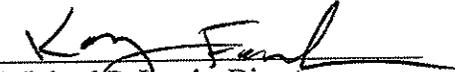
  
Executive Counsel  
DATE: 8/1/11

By:



City Solicitor  
DATE:

Approved:

For   
Michael P. Lewis, Director  
Department of Transportation 8/1/11  
DATE:

N.A.  
Division Administrator  
U.S. Department of Transportation  
Federal Highway Administration

PROJECT DESCRIPTION

This Project, located in the County of Providence, City of Providence, Rhode Island, is from Sheridan Street Pedestrian Bridge over US Route 6 to Button Hole Golf Course. The work includes installation of a bike path requiring retaining walls, construction of Bridge No. 1066 over the Woonasquatucket River, paving of Mancini Drive, providing ADA compatible sidewalks ramps, signage and landscaping, within the above Project limits.

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