



IN CITY COUNCIL  
JUL 16 2005  
FIRST READING  
REFERRED TO COMMITTEE ON  
PUBLIC WORKS  
*Craig Bunting* Acting  
CLERK

THE COMMITTEE ON  
PUBLIC WORKS  
Approves Passage of  
The Within Resolution  
*John M. Stein*  
8-16-05 Clerk



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Rhode Island Department of Transportation  
OFFICE OF THE CHIEF ENGINEER  
Two Capitol Hill, Rm 224  
Providence, RI 02903-1124  
PHONE 401-222-2492  
FAX 401-222-3435 TDD 401-222-4971

RECEIVED  
CITY OF PROVIDENCE  
MAY 31 2005

May 31, 2005

Mr. Michael Clement  
City of Providence  
Office of City Clerk  
25 Dorrance Street  
Providence, RI 02903

Subject: Construction & Maintenance Agreements  
Atwells Avenue Roadway Improvements  
RI Contract No. 2005-CH-085

RECEIVED  
CITY OF PROVIDENCE  
MAY 31 2005

Dear Mr. Clement:

Enclosed are two (2) original Construction & Maintenance Agreements for the above-mentioned projects for execution. Once the City of Providence has signed the enclosed C&M Agreements, kindly return said agreements to this office for further processing.

If you have any questions concerning the agreements, please do not hesitate to contact this office.

Very truly yours,

Edmund T. Parker, Jr., P.E.  
Chief Engineer

LAC/lc

cc: William Chuck Alves  
Kazem Farhoumand, P.E.  
William Riccio, P.E.  
Adrienne G. Southgate, Esq.  
file

IN CITY COUNCIL  
JUN 16 2005  
FIRST READING  
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*Craig B. Burtch* CLERK  
*Justin Caputo*

THE COMMITTEE ON  
PUBLIC WORKS  
Approves Passage of  
The Within Resolution

*Ann M. Helm*  
Clerk

8-16-05

**Atwells Avenue Roadway Improvements**  
**Rhode Island Design Contract Number: 2000-EH-003**  
**Construction & Maintenance Agreement**  
**Municipal Highway**  
**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 Atwells Avenue, (hereinafter referred to as 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:

**SECTION I - GENERAL PROVISIONS**

1. The STATE, through its Contractor, will construct the improvements in accordance with the Plans and Specifications for the PROJECT.
2. The MUNICIPALITY will allow the STATE to enter onto its property for purposes of constructing the PROJECT.
3. Upon completion of the PROJECT, the MUNICIPALITY will maintain all portions of the PROJECT, in accordance with the PROJECT Plans and Specifications, at its own cost and expense, and will make ample provision each year for such maintenance;
4. Upon completion of the PROJECT, the MUNICIPALITY will:
  - (a) regulate the parking, standing, moving and guiding operations of vehicles and pedestrians in conformance with the specifications of the approved plans for the PROJECT;

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(b). 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;

(c). enforce traffic regulations established in accordance with this Agreement and for the traffic devices installed in connection therewith; and

(d). 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.

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 Federal-Aid Policy Guide (FAPG), as aforementioned, which are hereby made a part of this Agreement by reference.

6 (a). 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 there under.

**Atwells Avenue Roadway Improvements**  
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6 (b). 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.

IN WITNESS WHEREOF, the STATE and the MUNICIPALITY have caused this Agreement to be executed by their duly authorized officials as of the \_\_\_\_ day of \_\_\_\_\_, 2005.

Recommended for Approval:

Municipality: City of Providence



\_\_\_\_\_  
Chief Engineer  
Department of Transportation

\_\_\_\_\_  
Mayor  
David N. Cicilline

Approved as to form:

Approved as to form:



\_\_\_\_\_  
Chief Legal Counsel  
Department of Transportation

\_\_\_\_\_  
Joseph M. Fernandez  
City Solicitor

Approved:



\_\_\_\_\_  
Director  
Department of Transportation

\_\_\_\_\_  
**NOT APPLICABLE**  
Division Administrator  
U.S. Department of Transportation  
Federal Highway Administration

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Department of Transportation

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Mayor  
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Approved as to form:

  
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Chief Legal Counsel  
Department of Transportation

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City Solicitor

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Director  
Department of Transportation

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