

Construction RI Contract No. 2009-CH-005 Design RI Contract No. 99102

1R IMPROVEMENTS TO ATWELLS AVENUE, CONTRACT-2

VALLEY STREET TO SERVICE ROAD 7

Design R.I. Federal-Aid Project No. STP-DESN(001)

Construction R.I. Federal-Aid Project No.:STP-RESF(135)

CONSTRUCTION & MAINTENANCE AGREEMENT/MUNICIPALITY

FEDERAL FUNDS

by and between the

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

and the

CITY OF PROVIDENCE

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, specifically the 1R Improvements to Atwells Avenue, Contract-2 from Valley Street to Service Road 7 (hereinafter called the FACILITIES), in the City of Providence 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 FACILITIES.

IN CITY COUNCIL
JUN 4 2009
READ *Ann M. Steen*
WHEREUPON IT IS ORDERED THAT
THE SAME BE APPROVED.

2. The MUNICIPALITY will allow the STATE to enter onto its property, where applicable, for purposes of constructing the FACILITIES.

3. Upon completion of the FACILITIES, 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 FACILITIES;

(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;

(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 these FACILITIES.

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 the FACILITIES shall be in effect prior to completion of construction; and

(e) maintain all portions of the FACILITIES, 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. 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.

5. 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.

6. 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.

7. 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.

PROJECT DESCRIPTION

This Project, located in the County of Providence, City of Providence, Rhode Island, is from Valley Street to Service Road 7. The work includes the resurfacing approximately 1600 feet of roadway from Valley Street to the Route 6/10 overpass (Bridge #775), including cold planning (1 to 4 inches) of the existing bituminous surface, filling any voids within the existing concrete base and overlaying 3 inches of bituminous surface course Type I-1. Other items of work at select locations include traffic signal upgrades, installing concrete sidewalks in compliance with ADA, replacing bituminous patches with pavers, resetting granite curb, new striping, and all other work items associated with the above, within the above Project limits.

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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 _____ day of _____, 2009.

Recommended for Approval:

CITY OF PROVIDENCE

Chief Engineer
Department of Transportation

By: _____
David N. Cicilline
Mayor

Approved as to form:

Approved as to form:

Chief Legal Counsel
Department of Transportation

City Solicitor

Approved:

Director
Department of Transportation

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