



**CITY OF PROVIDENCE**

Angel Taveras, Mayor

Date: September 24, 2012

Anna Stetson  
City Clerk  
City hall  
25 Dorrance Street  
Providence, RI 02903

**Re: Construction and Maintenance Agreement  
1R Highway Safety Improvements to Sunset Avenue**

Dear Anna:

Attached are three originals of the 1R Highway Safety Improvements to Sunset Avenue Construction and Maintenance Agreement. This requires city council approval. Please put this on the agenda for the next council meeting.

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 black ink that reads "Natale D. Urso".

Natale D. Urso, PE, PTOE  
Deputy City Engineer

**IN CITY COUNCIL  
FEB 13 2013**

READ  
WHEREUPON IT IS ORDERED THAT  
THE SAME BE RECEIVED AND APPROVED  
A handwritten signature in black ink, likely of the City Clerk.  
CLERK

**DEPARTMENT OF PUBLIC WORKS**

700 Allens Avenue Providence, Rhode Island 02905

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[www.providenceri.com](http://www.providenceri.com)

1R Highway Safety Improvements to Sunset Avenue  
From the Johnston Town Line to Killingly Street  
Providence R.I.

Design R.I. Federal-Aid Project No. 2006-EH-010

Construction R.I. Federal-Aid Project No. 2012-CH-002

**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 (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 1R Improvements to Sunset Avenue (further described in the attached Project Description and 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:

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. Upon completion of the Project, the Municipality will:

- (a) maintain all landscaping and sidewalk installed during construction of this project within the State Right-of-Way;
- (b) regulate the parking, standing, moving and guiding operations of vehicles and pedestrians in conformance with the specifications of the approved plans for the

IR Highway Safety Improvements to Sunset Avenue  
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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.

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 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

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during maintenance of the Emergency Vehicle Priority Control System.

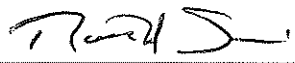
8. The Mayor will take all necessary steps to receive authority from the City Council to enter into and execute this Agreement including, but not limited to, submission of this Agreement to the City Council for ratification and submission of proof of such authority to the State prior to project advertisement.

(Intentionally Blank)

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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:

  
\_\_\_\_\_  
Chief Engineer *FJR*  
Department of Transportation

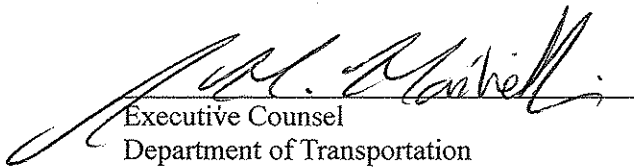
DATE: 8/24/12

MUNICIPALITY  
City of Providence  
Approved As To Form And Correctness:

By:   
\_\_\_\_\_  
City Solicitor


DATE: \_\_\_\_\_

Approved as to form:

  
\_\_\_\_\_  
Executive Counsel  
Department of Transportation

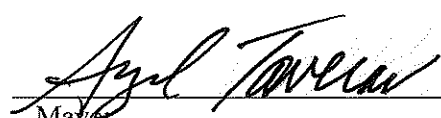
DATE: 8/30/12

Approved:

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

DATE: 8/31/12

Approved as to form:

  
\_\_\_\_\_  
Mayor  
City of Providence

DATE: 9/18/12

Examined and Approved:

\_\_\_\_\_  
Division Administrator  
U.S. Department of Transportation  
Federal Highway Administration

#### PROJECT DESCRIPTION

This project involves the following 1R improvements: cold plane with new bituminous surface course, new sidewalk and concrete curb, replacement of existing sidewalk and concrete curb, minor improvements to the existing drainage system, and installation of new roadway signs and pavement markings.