



## Legislation Details (With Text)

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**Title:** Resolution authorizing the City of Pittsburgh's Department of Public Works to assume responsibility for the year round maintenance, repair, and future alterations of new Pedestrian Facilities constructed by the Pennsylvania Department of Transportation as part of the Marshall Avenue Interchange Rehabilitation Project.

**Sponsors:**

**Indexes:** AGREEMENTS, MISCELLANEOUS

**Code sections:**

**Attachments:** 1. 2012-0698.doc

Date	Ver.	Action By	Action	Result
9/25/2012	1	Mayor	Signed by the Mayor	
9/25/2012	1	Mayor	Signed by the Mayor	
9/18/2012	1	City Council	Passed Finally	Pass
9/12/2012	1	Standing Committee		
9/4/2012	1	City Council	Read and referred	

Presented by Mr. Kraus

Resolution authorizing the City of Pittsburgh's Department of Public Works to assume responsibility for the year round maintenance, repair, and future alterations of new Pedestrian Facilities constructed by the Pennsylvania Department of Transportation as part of the Marshall Avenue Interchange Rehabilitation Project.

..Body

**WHEREAS**, the Pennsylvania Department of Transportation ("PennDOT") plans to improve portions of State Route 0065 and State Route 8049 as part of the Marshall Avenue Interchange Rehabilitation Project ("Project");

**WHEREAS**, all pedestrian facilities altered by a roadway alteration or construction project must be updated to current accessibility standards required by the Americans with Disabilities Act (ADA);

**WHEREAS**, to meet ADA requirements, PennDOT will remove the existing pedestrian facilities attached to State Route 8049 and design and construct new pedestrian facilities ("Pedestrian Facilities")

(fully described in “Exhibit A”);

**WHEREAS**, the City of Pittsburgh (“City”) has certain maintenance responsibilities for pedestrian facilities as defined by the State Highway Law, Act of June 1, 1945, P.L. 1242, as amended, 36 P.S. § 670-101 et seq., and the Act of September 18, 1961, P.L. 1389, No. 615, as amended 36 P.S. § 1758-101 et seq.

**The Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** The Mayor and the Director of the Department of Public Works, on behalf of the City of Pittsburgh, are authorized to execute a Maintenance and Ownership Agreement (“Agreement”) detailing the financial obligations and maintenance responsibilities for the Project and the Pedestrian Facilities. The Agreement will be approved by the City Solicitor and will contain terms and conditions for the protection of the City of Pittsburgh.

**Section 2.** The privileges and licenses hereby granted will be subject to the following terms and conditions as will be more specifically set forth in the agreement authorized by this Resolution, namely the “Maintenance and Ownership Agreement:”

- a) PennDOT will construct the Project and Pedestrian Facilities in accordance with the plans, specifications, and drawings prepared by or for PennDOT and approved by the City.
- b) PennDOT will be responsible for all costs of the Project including the Pedestrian Facilities.
- c) Upon completion of the Pedestrian Facilities, PennDOT will send the City a written notice of completion allowing 30 days to inspect and approve.
- d) Upon approval of the Pedestrian Facilities, the City will, at its sole cost and expense, be responsible for the year-round maintenance and repair of the Pedestrian Facilities, including all future alterations that may be required by the ADA Accessibility Guidelines.
- e) If the City fails to perform any of the terms of the Agreement including but not limited to any default of payment for a period of forty-five (45) days, the City will authorize PennDOT to withhold the necessary allocation to reimburse PennDOT for all costs of the City's failure to perform from the City's Liquid Fuels Tax Fund.