



## Text File

**Introduced:** 9/30/2022

**Bill No:** 2022-0791, **Version:** 1

**Committee:** Committee on Public Works

**Status:** Passed Finally

Resolution expressly authorizing and recognizing the delegation by the Mayor on behalf of City of Pittsburgh to the Commonwealth of Pennsylvania Department of Transportation's Secretary of Transportation, for authority to acquire right-of-way necessary to complete the Fern Hollow Bridge project as provided in an intergovernmental cooperation agreement authorized by Council Resolution 20 of 2022.

WHEREAS, the City of Pittsburgh and the Commonwealth of Pennsylvania, Department of Transportation ("PennDOT"), have coordinated through appropriate officials a project to remove and replace Fern Hollow Bridge on Forbes Avenue ("Project") in the City of Pittsburgh; and

WHEREAS, by Resolution 20 of 2022, adopted February 1<sup>st</sup>, 2022, the Council of the City of Pittsburgh, pursuant to 53 Pa. C.S. § 2301, et al, authorized the Mayor and the Mayor's designated directors, to execute for and on behalf of the City of Pittsburgh an intergovernmental cooperation agreement for PennDOT's performance of the Project; and

WHEREAS, Resolution 20 of 2022 expressly provided that the aforementioned intergovernmental cooperation agreement would address any or all coordination activities necessary in response to the Fern Hollow Bridge collapse including but not limited to 1. cooperation in the exercise of any pertinent government functions, powers, or responsibilities; 2. The delegation of relevant municipal functions, powers or responsibilities to the Commonwealth and/or its designated agencies; and 3. the receipt or furnishing of aid; and

WHEREAS, the intergovernmental cooperation agreement, designated by PennDOT as Agreement No. 11A058 ("Agreement 11A058"), for the bridge project was made fully effective on February 3<sup>rd</sup>, 2022; and

WHEREAS, Agreement No. 11A058 expressly provides that PennDOT "certifies that, as delegated to [PennDOT] by the City, [PennDOT] shall acquire all right-of-way necessary to construct this Project"; and

WHEREAS, the Secretary of Transportation, acting for and on behalf of the Governor as well as herself, wishes to proceed in a prompt manner with the acquisition of all necessary right-of-way for the Fern Hollow Bridge Project; and

WHEREAS, for avoidance of doubt, the City of Pittsburgh now wishes to expressly delegate authority to the Secretary of Transportation to acquire all necessary right-of-way for the Fern Hollow Bridge project in accordance with Agreement No. 11A058.

**Be it resolved by the Council of the City of Pittsburgh as follows:**

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**SECTION 1.** The Council of the City of Pittsburgh expressly authorizes the Mayor, on behalf of the City of Pittsburgh, in accordance with and subject to Agreement No. 11A058, effective February 3<sup>rd</sup>, 2022, attached hereto and incorporated herein as Exhibit A, to delegate to the Secretary of Transportation authority to acquire the right-of-way necessary for the Fern Hollow Bridge project described and enumerated in Agreement No. 11A058.

**SECTION 2.** This delegation of such authority shall be coextensive with the term of Agreement No. 11A058.

**SECTION 3.** One hundred percent of right-of-way acquisition costs, along with all other costs under Agreement No. 11A058, is being funded with state and/or federal funding.

**SECTION 4.** All pre-construction phases of the project shall be managed, directed and performed as directed in Agreement No. 11A058.

**SECTION 5.** As provided in Agreement No. 11A058, the Secretary of Transportation shall acquire all right-of-way necessary to construct this Project in accordance with all state laws, policies and procedures pertinent to right-of-way acquisition; the most current version of PennDOT's Publication No. 378, Right of Way Manual.