



## Legislation Details (With Text)

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**File created:** 8/22/2022      **In control:** Public Service & Transportation Committee  
**On agenda:** 1/30/2023      **Final action:** 2/1/2023

**Title:** To authorize the Director of Public Service to grant consent and propose cooperation with the Director of the Ohio Department of Transportation relative to the FRA-70-12.68 project, PID 77372; to authorize the execution of a maintenance agreement between the City of Columbus, Department Director and the Ohio Department of Transportation relative to the FRA-70-12.68 project, PID 77372; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/1/2023	1	CITY CLERK	Attest	
1/31/2023	1	MAYOR	Signed	
1/30/2023	1	COUNCIL PRESIDENT	Signed	
1/30/2023	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

This ordinance authorizes the Director of Public Service 1) to grant consent and propose cooperation with the Ohio Department of Transportation (ODOT) for the FRA-70-12.68 project, PID 77372 and 2) to execute a maintenance agreement with ODOT relative to this project.

The aforementioned effort, which is slated to commence in the summer of 2023, encompasses rebuilding I-70 E from the I-71 confluence to High Street, including replacing the structures over the Scioto River and the Norfolk Southern and CSX railroad tracks and the structures carrying 3<sup>rd</sup> Street, 4<sup>th</sup> Street, and High Street over I-70.

ODOT will ask the City to approve final legislation for the project at a later date. At that time, the Director of Public Service shall seek Council approval to encumber and expend funds to support the local share of associated construction costs.

### 2. FISCAL IMPACT

The local share of construction costs has yet to be determined as the preliminary cost estimate is still being finalized; however, the City agrees to be responsible for any construction costs not supported by ODOT. Legislation authorizing the requisite payment to ODOT shall be authorized under a separate ordinance at a later time.

### 3. EMERGENCY DESIGNATION

Emergency action is requested in order to maintain the project schedule established by ODOT and to promote highway safety.

To authorize the Director of Public Service to grant consent and propose cooperation with the Director of the Ohio Department of Transportation relative to the FRA-70-12.68 project, PID 77372; to authorize the execution of a

maintenance agreement between the City of Columbus, Department Director and the Ohio Department of Transportation relative to the FRA-70-12.68 project, PID 77372; and to declare an emergency. (\$0.00)

**WHEREAS**, the Ohio Department of Transportation (ODOT) proposes rebuilding the stretch of I-70 E from the I-71 confluence to High Street and performing other associated work; and

**WHEREAS**, the aforementioned project is located within the corporate boundaries of Columbus; and

**WHEREAS**, this ordinance authorizes the Director of Public Service to grant consent and to agree to cooperate with ODOT relative to the FRA-70-12.68 project, PID 77372; and

**WHEREAS**, the Department of Public Service further agrees to provide adequate maintenance for the resulting improvements, necessitating the execution of a maintenance agreement between the City and ODOT documenting that commitment; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize consent and cooperation for this project in order to maintain the schedule established by ODOT and to promote highway safety, thereby preserving the public health, peace, property, safety and welfare; **now, therefore,**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

That the following is an Ordinance enacted by the City of Columbus, Franklin County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

**SECTION 1 - PROJECT DESCRIPTION**

WHEREAS, the STATE has identified the need for the described project:

Rebuild I-70 E from I-71 confluence to High St including the replacement of structures over the river (FRA-70-1321R), and over NS and CSX (FRA-70-1358R), as well as structures carrying 3rd St., 4th St., and High St. over I-70.

**SECTION 2 - CONSENT STATEMENT**

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

**SECTION 3 - COOPERATION STATEMENT**

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The LPA agrees to participate in 20% of the cost of pavement surface related construction items.

The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

**SECTION 4 - MAINTENANCE**

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC

116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes. Pursuant to this section, the LPA, acting through its Public Service Director, is hereby empowered to enter into agreements with the Director of Transportation formalizing the aforementioned maintenance obligations.

#### **SECTION 5 - AUTHORITY TO SIGN**

The Public Service Director of said City of Columbus is hereby empowered on behalf of the City of Columbus to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above described project.

Upon the request of ODOT, the Public Service Director is also empowered to assign all rights, title, and interests of the City of Columbus to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

#### **SECTION 6 - EMERGENCY**

That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves and or vetoes the same.