



## Legislation Details (With Text)

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**File created:** 2/1/2013      **In control:** Public Service & Transportation Committee

**On agenda:** 2/25/2013      **Final action:** 2/27/2013

**Title:** To authorize the Director of Public Service to enter into maintenance agreements that set forth maintenance responsibilities of the City and ODOT; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/27/2013	1	CITY CLERK	Attest	
2/27/2013	1	MAYOR	Signed	
2/25/2013	1	COUNCIL PRESIDENT	Signed	
2/25/2013	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

From time to time the City of Columbus grants the Ohio Department of Transportation (ODOT) consent to repair or replace ODOT's or joint City and ODOT transportation infrastructure that is located in the Columbus corporate limits or in the ODOT LA-ROW. Even though the funding may be ODOT's responsibility, maintenance is sometimes a shared responsibility or fully the City's responsibility. When ODOT requests and the City grants consent, ODOT requires, at minimum, the following of the City:

"Upon completion of the project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial resources, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions, and (4) hold said right-of-way inviolate for public highway purposes."

Additionally, from time to time, the City and ODOT may identify a new need that may result in joint or City maintenance responsibilities.

This ordinance will authorize the Public Service Director to enter into maintenance agreements that set forth maintenance responsibilities of the City and ODOT.

### 2. FISCAL IMPACT

None

### 3. EMERGENCY DESIGNATION

Emergency action is requested to allow for immediate execution of pending maintenance agreements so as not to delay agreements and therefore delay maintenance of ODOT's transportation infrastructure in the Columbus Corporate limits.

To authorize the Director of Public Service to enter into maintenance agreements that set forth maintenance

responsibilities of the City and ODOT; and to declare an emergency. (\$0.00)

**WHEREAS**, from time to time the City of Columbus grants the Ohio Department of Transportation (ODOT) consent to upgrade, repair, or replace ODOT's or joint City and ODOT transportation infrastructure that is located in the Columbus corporate limits. Even though the funding may be ODOT's responsibility, maintenance is sometimes a shared responsibility or fully the City's responsibility; and

**WHEREAS**, from time to time, the City and ODOT may identify a new need that may result in joint or City maintenance responsibilities; and

**WHEREAS**, it is necessary to authorize the Director of the Department of Public Service the ability to execute agreements that define and detail the maintenance responsibilities of the City and ODOT when ODOT constructs projects in the Columbus corporate limits or the two agencies identify a new maintenance need; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service, in that this legislation should go forth immediately to provide for execution of pending maintenance agreements so as not to delay agreements and therefore delay maintenance of ODOT's transportation infrastructure in the Columbus Corporate limits; now, therefore

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

**SECTION 1.** That the Public Service Director be and is hereby authorized to execute agreements that define the maintenance responsibilities of the City and ODOT.

**SECTION 2.** 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 nor vetoes the same.