

RESOLUTION NO. 1994-10

**AUTHORIZING THE GENERAL MANAGER TO COOPERATE WITH
THE DIRECTOR OF TRANSPORTATION, OHIO DEPARTMENT OF
TRANSPORTATION, FOR THE GCRTA INTERMODAL PILOT PROJECT
FOR THE PROVISION OF BICYCLE RACKS AT TRANSIT FACILITIES.**

WHEREAS, the Board of Trustees of the Greater Cleveland Regional Transit Authority, hereinafter referred to as the Authority, has identified the need for and proposes the improvement which is described as follows:

Install bicycle racks at approximately thirty-seven (37) locations in six (6) municipalities located at or adjacent to Authority facilities,

WHEREAS, the Authority further desires cooperation from the Director of Transportation in the planning, design, and construction of said improvement.

NOW THEREFORE, be it resolved by the Board of Trustees of the Greater Cleveland Regional Transit Authority:

SECTION I. (Cooperation). That the Authority hereby requests the cooperation of the Director of Transportation in the cost of the above described improvement as follows:

The Authority does hereby agree to assume and contribute the entire cost and expense of the improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation; and the Authority will provide preliminary engineering and right-of-way at its own cost and expense.

In addition the Authority agrees to assume and contribute one hundred percent (100%) of the cost of any work included in the construction contract, at the request of the Authority, which is determined by the Director not to be part of or made necessary by the improvement.

SECTION II. (Consent). That it is declared to be in the public interest that the consent of said Authority be and such consent is hereby given to the Director of Transportation to construct the above described improvement, in accordance with plans, specifications and estimates as approved by the Director.

SECTION III. (Authority to Sign). That the General Manager of said Authority is hereby empowered and directed on behalf of the Authority to enter into agreements with the Director of Transportation necessary to complete the planning and construction of this improvement.

SECTION IV. (Traffic Control Signals and Devices). That traffic control devices installed within the limits of the project will conform with Section 4511 of the Ohio Revised Code.

SECTION V. (Maintenance). That upon completion of said improvement, said Authority will:

- (a) Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance; and
- (b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the State of Ohio and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of way limits, and

SECTION VI. (Right-of-Way, Utility Rearrangement, Damage, and Liability Responsibilities):

- (a) That all existing street and public right-of-way within the Authority which is necessary for the aforesaid improvement, shall be made available therefore.
- (b) That the Authority will acquire any additional right-of-way required for the construction of the aforesaid improvement.
- (c) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the said improvement and said companies have agreed to make any and all necessary plant removals or rearrangements in such a manner as to be clear of any construction called for by the plans of said improvement and said companies have agreed to make such necessary rearrangements immediately after notification by said Authority or the Department of Transportation.
- (d) That it is hereby agreed that the Authority shall at its own expense, make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other municipally owned utilities and/or any appurtenances thereto, which do not comply with the provisions of Directive DH-P-411 inside or outside the corporate limits as may be necessary to conform to the said improvement and said rearrangements shall be done at such time as requested by the Department of Transportation Engineer.

- (e) That the construction, reconstruction, and/or rearrangement of both publicly and privately owned utilities, referred to in subsections (c) and (d) above, shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provisions of the Ohio Department of Transportation Construction and Material Specifications and shall be subject to approval by the State.
- (f) That the installation of all utility facilities on the right-of-way shall conform with the requirements of the Federal Highway Administration Policy and Procedure Memorandum 301 "Utility Relocations and Adjustments" and the Department of Transportation's rules on Utility Accommodation.
- (g) That said Authority hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the Authority's obligations made or agreed to in Sections (a), (b), (c), (d), (e), and (f) hereinabove. Likewise the State agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the State's obligations made or agreed to in Sections (a), (b), (c), (d), and (f) hereinabove.

This foregoing is accepted as a basis for proceeding with the improvement herein described.

For the Greater Cleveland Regional Transit Authority:

Adopted: January 18, 1994


Acting President

Attest: 
Secretary/Treasurer

For the State of Ohio:

Attest: _____
Director, Ohio Department of
Transportation

Date: _____