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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

October 22, 2012

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Rodgers Road Quiet Zone – Town of Hamburg

Dear Honorable Members:

The Erie County Department of Public Works, Division of Highways is requesting authorization to enter into a Memorandum of Understanding with the Town of Hamburg concerning the Rodgers Road Quiet Zone Project.

Should your Honorable Body require any further information, I encourage you to contact Commissioner John C. Loffredo of the Department of Public Works. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

cc: John C. Loffredo, Dept of Public Works

Enclosure

MEMORANDUM

TO:	Honorable Members of the Erie County Legislature
FROM:	Department of Public Works
RE:	Rodgers Road Quiet Zone – Town of Hamburg
DATE:	October 16, 2012

SUMMARY

In order to decrease the noise level for the nearby residential community, the Town of Hamburg ("Town") intends to create a Railroad Quiet Zone on Rodgers Road, as per the Federal Railroad Administration's (FRA) Train Horn Rule. The Town has received a combined total of $525,000 in Federal and State funds for the project. After construction is complete, however, Erie County plows will have difficulty plowing the road due to reduced road width at the railroad tracks.

After a number of meetings with the Town Engineer, the Town has indicated its willingness to assume ownership and maintenance of approximately two (2) centerline miles of Rodgers Road, upon condition that Erie County makes agreed upon improvements to the road. Such an arrangement would relieve Erie County of plowing responsibility in that area.

The underlying resolution is seeking your Honorable Body's authorization to enter into a Memorandum of Understanding ("MOU") with the Town of Hamburg allowing the Town to assume ownership of approximately two (2) centerline miles of Rodgers Road.

FISCAL IMPLICATIONS

The MOU will require Erie County to improve the condition of approximately two (2) centerline miles of Rodgers Road. The cost of these improvements will be funded from the 2013 Capital Budget (Capital Overlay Program) and a future resolution will come before your Honorable Body in 2013 for the construction phase.

REASONS FOR RECOMMENDATION

The MOU will allow the Town of Hamburg to proceed with design and construction of the Rodgers Road Quiet Zone Project and also alleviate Erie County's responsibility for maintenance of approximately two (2) centerline miles of road.

CONSEQUENCES OF NEGATIVE ACTION

The Town will not be able to proceed with the underlying project and Erie County will not be able to reduce its plowing responsibility for the roadway.

STEPS FOLLOWING APPROVAL

The Department of Public Works will work with the Department of Law to prepare a MOU with the Town

A RESOLUTION SUBMITTED BY DEPARTMENT OF PUBLIC WORKS

RE: Rodgers Road Quiet Zone – Town of Hamburg

WHEREAS, the Town of Hamburg ("Town") intends to create a Railroad Quiet Zone, on Rodgers Road, as per Federal Railroad Administration's (FRA) Train Horn Rule; and

WHEREAS, once construction is complete, Erie County plows will have difficulty plowing the road due to reduced road width at the railroad tracks; and

WHEREAS, the Town of Hamburg has indicated its willingness to assume ownership and maintenance of approximately two (2) centerline miles of Rodgers Road after Erie County has made agreed upon improvements to the road; and

WHEREAS, Town ownership of this section of Rodgers Road will relieve Erie County of plowing and maintenance responsibility; and

WHEREAS, A Memorandum of Understanding ("MOU") between the Town of Hamburg and the County will be necessary to allow the Town to proceed with design and construction of the Rodgers Road Quiet Zone Project, as well as assume ownership of this section of road.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized, and is hereby directed to execute a MOU between Erie County and the Town of Hamburg which shall include the agreed upon County improvements to Rodgers Road; and be it further

RESOLVED, that ownership of approximately two (2) centerline miles of Rodgers Road, as defined by the Commissioner of Public Works, shall be turned over to the Town of Hamburg as per the MOU; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to the County Executive; the County Attorney; the Division of Budget and Management and the Department of Public Works.