



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

November 28, 2014

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Federal Aid Project Agreement – New York State Department of Transportation – Town of Evans Multi-Use Pathway, Phase III – Preliminary Engineering (Design I-VI) Phase – Evans, NY

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution pertaining to a contract with the New York State Department of Transportation (NYSDOT) for the Preliminary Engineering Design Phase associated with Phase III to the Shoreline Trail – Beaches Section, in the Town of Evans, New York.

Should your Honorable Body require further information, I encourage you to contact Deputy Commissioner Thomas J. Dearing at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,



Mark C. Poloncarz
Erie County Executive

MCP/cw
Enclosure

cc: Maria R. Whyte, Commissioner
Thomas J. Dearing, Deputy Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Federal Aid Project Agreement – New York State Department of Transportation –
Town of Evans Multi-Use Pathway, Phase III – Preliminary Engineering (Design I-
VI) Phase – Evans, NY
Date: November 28, 2014

SUMMARY

Authorization is requested for the commitment of \$60,000 in County funds toward preliminary engineering services associated with the Town of Evans Multi-Use Pathway, Phase III project. The resolution also authorizes execution of a Preliminary Engineering Design phase agreement with New York State which defines the cost share agreement between the two parties.

FISCAL IMPLICATIONS

It is estimated that the total Preliminary Engineering Design phase cost will be \$300,000, with 80.0% (\$240,000) being the federal share and the balance (\$60,000) coming from Erie County. County funds are available from a 2014 positive variance in the Medicaid-MMIS account.

REASONS FOR RECOMMENDATION

Erie County was awarded a \$2,500,000 federal Transportation Enhancement Program grant through the New York State Department of Transportation. The funds will be used for the preliminary engineering and construction costs associated with Phase III of the Shoreline Trail Beaches Section in the Town of Evans. The award requires a 20% local match by Erie County. Award of the funds is being split between the Preliminary Engineering Phase (\$240,000) and Construction Phase (\$2,260,000). The requested action pertains only to the Preliminary Engineering Phase. The Construction Phase agreement will require separate action and approval by the Erie County Legislature in 2015 or 2016.

BACKGROUND INFORMATION

Phase III to the Shoreline Trail – Beaches Section will provide a 5-mile pedestrian/bicycle path connecting the Eighteen-mile Creek public fishing access area along Old Lake Shore Road in the Town of Evans to Erie County Wendt Beach Park. The proposed trail is located in the Town of Evans. Erie County has received a grant from the Federal Highway Administration that will reimburse Erie County up to a maximum 80% of Project related costs.

CONSEQUENCES OF NEGATIVE ACTION

The Federal Highway Administration may withdraw funds allocated for the Project.

STEPS FOLLOWING APPROVAL

A copy of the certified resolution will be forwarded to NYSDOT officials along with County executed contracts.

COMPTROLLER OFFICE APPROVAL

The proposed legislation has been reviewed by the Comptroller's Office and is related to a capital project, which would become authorized and have sufficient account balances for the action proposed following legislative approval.



GREGORY GACH
Deputy Comptroller

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Federal Aid Project Agreement –
New York State Department of
Transportation – Town of Evans
Multi-Use Pathway, Phase III –
Preliminary Engineering (Design I-VI)
Phase – Evans, NY

WHEREAS, a Project for the Preliminary Engineering of the Town of Evans Multi-Use Pathway, Phase III in the Town of Evans, Erie County, PIN 575802 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80.0% Federal funds and 20.0% Non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) Phase of the Project, PIN 5758028; and

WHEREAS, the total Preliminary Design Phase of the Project is \$300,000, and the County is required to provide the local share portion of the Project Phase in the amount of \$60,000.

NOW, THEREFORE BE IT

RESOLVED, the County Legislature of the County of Erie does hereby approve the Town of Evans Multi-Use Pathway, Phase III – Preliminary Engineering (Design I-VI) Phase project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design Phase I-IV) phase of the Project or portions thereof; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal Shares of the cost of the project’s Preliminary Engineering (Design I-VI) phase exceeds the amount appropriated above, the County of Erie shall convene its County Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation (NYSDOT) thereof; and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and with the New York State Department of Transportation providing for the administration of the Project and the Municipality’s first instance funding of Project costs and permanent funding of the local share of Federal Aid the local share of Federal-Aid Eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the County Executive is authorized to appropriate and make available \$60,000 to cover the local share cost of participation in the Preliminary Engineering (Design I-VI) Phase of the Project, with said funds to be transferred as follows:

2014 Budget – Fund 110

Dept. of Social Services – Business Area 120	Decrease
525000 – MMIS Medicaid Local Share	\$60,000
Dept. of Environment and Planning – Business Area 162	Increase
570050 – Interfund Subsidy-Capital	\$60,000

and be it further

RESOLVED, that authorization is hereby provided to accept funding in an amount not to exceed \$240,000 from NYSDOT and to establish a capital budget for the Project as follows:

2014 Budget – Fund 410 – Business Area 162

Revenue	
414000 - Federal Aid	(\$240,000)
486000 - Interfund Revenue Subsidy	(\$ 60,000)
Total Revenue:	(\$300,000)
Expense	
Capital Project Expense	\$300,000

and be it further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the project; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor; and be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, this Resolution shall take effect immediately.