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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

May 5, 2015

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

**RE: Federal-Aid Highway Local Project Agreement with NYSDOT  
Transportation Alternatives Program  
Elmwood Avenue Pedestrian – Bicycle Improvements, PIN 5761.03  
Village of Kenmore - County of Erie**

Dear Honorable Members:

The Department of Public Works, Division of Highways is requesting authorization for the County Executive to execute an agreement with the New York State Department of Transportation to participate in the Elmwood Avenue Pedestrian – Bicycle Improvements federal aid project; to execute an inter-municipal agreement with the Village of Kenmore for the project; and to execute a contract with DiDonato for design engineering services for same.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/br/dab

cc: John C. Loffredo PE, Commissioner

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works  
**Re:** Federal-Aid Highway Local Project Agreement with NYSDOT  
Transportation Alternatives Program  
Elmwood Avenue Pedestrian – Bicycle Improvements, PIN 5761.03  
Village of Kenmore  
County of Erie  
**Date:** May 5, 2015

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### **SUMMARY**

This resolution seeks authorization for the County Executive to execute an agreement with the New York State Department of Transportation to participate in the above federal aid project under the federal Transportation Alternatives Program; to execute an inter-municipal agreement with the Village of Kenmore for the project; and to execute a contract with DiDonato for design engineering services for same.

### **FISCAL IMPLICATIONS**

The Village of Kenmore has agreed to reimburse the County for the entire local cost share of the project, including 100% of any overruns. This is spelled out in the proposed inter-municipal agreement. Under the Transportation Alternatives Program the amount eligible for 80% federal reimbursement is capped with any overruns being 100% local share.

The cost of the Preliminary Engineering and Right-of-Way Incidentals phase of this project is currently estimated at \$120,000.00 and requires a local share of \$40,000.00. This new \$120,000.00 capital project will be set up by the Department of Budget and Finance in Fund Center 123, Fund 420.

### **REASONS FOR RECOMMENDATION**

On Elmwood Avenue in the Village of Kenmore there is a dense mix of uses that should encourage bicycling and walking. Currently there is not enough room in the right-of-way (ROW) to safely accommodate bicyclists. Walking is problematic as the sidewalks are in poor condition and uncontrolled access to adjacent properties along with encroachments into the ROW creates safety hazards for pedestrians. Curb ramps and crosswalks do not comply with current ADA standards. The proposed project addresses these issues along the east side of Elmwood Avenue, a distance of approximately 1 mile, by restoring access control, addressing unpermitted encroachments, creating a wide green space behind the curb line, establishing a safe space for use by pedestrians and bicyclists and by bringing curb ramps and crosswalks into ADA compliance.

## **BACKGROUND INFORMATION**

Projects under the Transportation Alternatives Program were selected on a competitive basis. The Village of Kenmore approached the County and asked if the County would sponsor the project with the understanding that the Village would provide any local funding share required as well as 100% of any cost overruns. The County agreed. Applications were submitted mid – 2014 and selections were finalized in October of 2014. This project was one of two submitted by the County that were chosen.

## **CONSEQUENCES OF NEGATIVE ACTION**

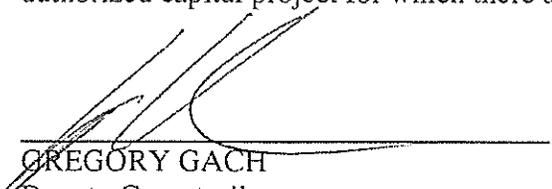
The opportunity to improve the east side of the Elmwood Avenue corridor within the Village of Kenmore utilizing federal funds will be lost and the project will not go forward.

## **STEPS FOLLOWING APPROVAL**

The process of executing the agreements/contracts noted will proceed.

**COMPTROLLER'S OFFICE REVIEW**

The proposed legislation has been reviewed by the Office of the Comptroller and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.



GREGORY GACH  
Deputy Comptroller  
Comptroller's Office

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF HIGHWAYS

Re: Federal-Aid Highway Local Project Agreement with NYSDOT  
Transportation Alternatives Program  
Elmwood Avenue Pedestrian – Bicycle Improvements, PIN 5761.03  
Village of Kenmore - County of Erie

WHEREAS, the Elmwood Avenue Pedestrian-Bicycle Improvements Project PIN 5761.03 (the “Project”) is eligible for funding under the Federal Transportation Alternatives Program administered by the New York State Department of Transportation (NYSDOT); and

WHEREAS, the County of Erie has agreed to act as sponsor of the Project at the request of the Village of Kenmore; and

WHEREAS, under the Transportation Alternatives Program the federal cost share is limited to the amount set forth in the agreement NYSDOT with any additional costs borne 100% by the local sponsor; and

WHEREAS, the Village of Kenmore has agreed to reimburse the County of Erie for the entire local (non-federal) cost share, including 100% of any overruns; and

WHEREAS, based on reimbursement by the Village of Kenmore for the entire non-federal share of the costs 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 (Scoping & Design I-VI) and Right of Way Incidentals phases of the Project; and

WHEREAS, this new project will require a new capital project established in the amount of \$120,000 in Fund Center 123, Fund 420; and

WHEREAS, in Comm. 7E-5 (2015), this Honorable Body approved of the project and its funding in the amount of \$120,000; and

WHEREAS, it has been determined that DiDonato Associates has the necessary qualifications to provide engineering services for this project, and is an approved engineering firm via Comm. 13E-26 of July 18, 2013.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject 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 (Scoping & Design I-VI) and Right of Way Incidentals

phase of the Project or portions thereof; and be it further

RESOLVED, that the Erie County Office of Budget and Finance establish a new capital project in the amount of \$120,000.00, Fund Center 123, Fund 420, to accept federal revenue in the amount of \$80,000.00, G/L Account 414000 and the Village of Kenmore share of \$40,000.00, G/L 420499; and be it further

RESOLVED, that the estimated total sum of Project phase \$120,000.00 is hereby appropriated from the new Capital Project and made available to cover the cost of participation in the above phases of the Project; 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 (Scoping & Design I-VI) and Right of Way Incidentals phase exceeds \$120,000.00 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the County's first instance funding of Project costs and 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 of the County of Erie is hereby authorized to execute an inter-municipal agreement with the Village of Kenmore regarding the Village's responsibility to provide 100% of the local funding share of the project including any cost overruns (subject to the County of Erie Attorney's approval as to form and content); and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute an agreement with DiDonato for engineering services for the Project's Preliminary Engineering (Scoping & Design I-VI) and Right of Way Incidentals phase in an amount not to exceed \$120,000.00; 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 ten (10) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

TO: GREGORY GACH - COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST  
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- |                       |  |
|-----------------------|--|
| 1. CONTRACTOR'S NAME  | NYS Department of Transportation<br>DiDonato   |
| 2. AMOUNT OF CONTRACT | \$120,000.00 DiDonato  |
| 3. PROJECT NUMBER     | NEW  |
| 4. PROJECT TITLE      | Elmwood Ave Pedestrian-Bike Improvements<br>5761.03  |
| 5. DEPARTMENT CONTACT | Funding questions: Charles A. Sickler, PE at 8372<br>Letter pickup: Diane Bukowski at 8301 |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

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|------------------------------------|-------------------------------------|
| 6. AVAILABILITY OF FUNDS           | \$ 0.00 \$120,000 Piggyback funding |
| 7. PERFORMED BY                    | Don Uslan                           |
| Date Sent to Comptroller's Office: | April 28, 2015                      |

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