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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

May 22, 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
Tonawanda Rails to Trails Extension Project, PIN 5761.02
City of Tonawanda - 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 to participate in the Tonawanda Rails to Trails Extension Federal Aid project with the New York State Department of Transportation. Please note: this phase is for the extension of the trail in the City of Tonawanda. The Department of Public Works is also requesting authorization to enter into an agreement with C&S Companies, Inc. for the Preliminary Engineering (Scoping & Design I-VI) and Right-of-Way Incidentals phases of the project.

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,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/br/dab

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
Tonawanda Rails to Trails Extension Project, PIN 5761.02
City of Tonawanda - County of Erie
Date: May 22, 2015

SUMMARY

This resolution is seeking authorization for the County Executive to execute an agreement to participate in the Tonawanda Rails to Trails Extension Federal Aid project with the New York State Department of Transportation. Additionally, the Department is requesting authorization for the County to enter into an agreement with C&S Companies, Inc. for the Preliminary Engineering (Design Phases I-VI) and Right-of-Way Incidentals phases of the project.

FISCAL IMPLICATIONS

The cost of the Preliminary Engineering and Right-of-Way Incidentals phase of this project is currently estimated at \$206,400.00 and requires a local share of \$78,400.00. The local share amount is available from SAP Project B.14024.17, Fund Center 123, Fund 420, 2014 Capital Overlay Program. A new project fund in Fund Center 123, Fund 420 will be established for anticipated federal revenue representing the balance of the project in the amount of \$128,000.

REASONS FOR RECOMMENDATION/ BACKGROUND

INFORMATION

The original Tonawanda Rails to Trails project was intended to extend to East Niagara Street in the City of Tonawanda and connect into the Erie Canalway Trail. Due to unexpected constraints at the time of final design the project had to be stopped short at State Street in the City. The Tonawanda Rails to Trails Extension project is to complete the originally intended connection to East Niagara Street and the trail system along the canal.

CONSEQUENCES OF NEGATIVE ACTION

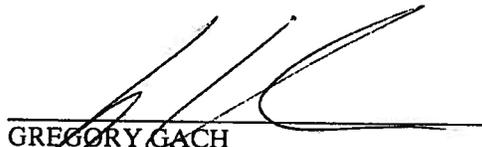
The extension of the present Tonawanda Rails to Trails project will not take place and there will be no connectivity between the present project and the trail system along the canal.

STEPS FOLLOWING APPROVAL

The Division of Budget and Management and Office of Comptroller will establish a new capital project fund for the anticipated federal revenue in the amount of \$128,000.00 for the purposes of this project. Highway Division will proceed with execution of agreements with NYSDOT and C&S Companies, Inc. in accordance with the federal and NYSDOT guidelines.

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

Re: Federal-Aid Highway Local Project Agreement with NYSDOT
Transportation Alternatives Program
Tonawanda Rails to Trails Extension Project, PIN 5761.02
City of Tonawanda - County of Erie

WHEREAS, the Tonawanda Rails to Trails Extension Project PIN 5761.02 (the "Project") is eligible for funding under the federal Transportation Alternatives Program administered by the New York State Department of Transportation (NYSDOT); and

WHEREAS, under the Transportation Alternatives Program the federal cost share is limited to the amount set forth in the agreement with NYSDOT with any additional costs borne 100% by the County of Erie; 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 (Scoping & Design I-VI) and Right of Way Incidentals phases of the Project; and

WHEREAS, the total Project is currently estimated at \$206,400.00 and the County is required to pay the estimated local share for the Project in the amount of \$78,400.00 which is available from Project B.14024.17, Fund Center 123, Fund 420, 2014 Capital Road Overlay Program; and

WHEREAS, this new project will require a new capital project established in the amount of \$128,000.00 in Fund Center 123, Fund 420 for the anticipated federal revenue; and

WHEREAS, it has been determined that C&S Companies, Inc. 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 Tonawanda Rails to Trails Extension 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 in the amount of \$206,400.00; and be it further

RESOLVED, that the Erie County Division of Budget and Management and the Office of Comptroller are authorized to establish a new capital project in the amount of \$128,000.00 in Fund Center 123, Fund 420, for the anticipated federal revenue G/L Account 414000 and make it available to cover the cost of participation in the above Project; and be it further

RESOLVED, that the local share required in the amount of \$78,400.00 from Proj 10

B.14024.17, Fund Center 123, Fund 420, 2014 Capital Road Overlay Program be made available for the costs of the Tonawanda Rails to Trails Extension 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 \$206,400.00 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 permanent funding of 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 agreement with C&S Companies 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 \$206,400.00; 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 | <u>NYS Department of Transportation
C&S Companies, Inc.</u> |
| 2. AMOUNT OF CONTRACT | <u>\$206,400.00 C&S Companies, Inc. (not to exceed)</u> |
| 3. PROJECT NUMBER | <u>B.14024.17 2014 Capital Overlay = \$78,400.00
B.XXXXX New Project = \$128,000.00</u> |
| 4. PROJECT TITLE | <u>Tonawanda Rails to Trails Extension
PIN 5761.02</u> |
| 5. DEPARTMENT CONTACT | <u>Funding questions: Charles A. Sickler, PE at 8372
Letter pickup: Diane Bukowski at 8301</u> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

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| 6. AVAILABILITY OF FUNDS | <u>B.14024 \$ 1,314,971.86
B.XXXXX \$ 128,000.00 upon execution of agreement
with NYSDOT specified in the Resolution</u> |
| 7. PERFORMED BY | <u><i>D. Wilson</i></u> |
| Date Sent to Comptroller's Office: | <u>May 8, 2015</u> |

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