

SUSPENSION



COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

February 6, 2015

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

RE: Federal Aid Project Agreement – New York State Department of Transportation – Erie County Shoreline Trail Bethlehem Steel Project – Preliminary Engineering (Design I-VI) Phase – Cities of Buffalo and Lackawanna, 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 the Erie County Shoreline Trail – Bethlehem Steel Section, in the City of Lackawanna, New York and City of Buffalo, New York.

Should your Honorable Body require further information, I encourage you to contact Christopher Pawenski, Coordinator of Business Assistance, at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,


Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cp
Enclosure

cc: Maria R. Whyte, Commissioner
Kenneth J. Swanekamp
Christopher Pawenski

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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 – Shoreline Trail Bethlehem Steel Project – Preliminary Engineering (Design I-VI) Phase – Cities of Buffalo and Lackawanna, NY
Date: February 6, 2015

SUMMARY

Authorization is requested for the commitment of \$62,000 in County funds toward preliminary engineering services associated with the Shoreline Trail Bethlehem Steel Phase I 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, including ROW incidentals, cost will be \$310,000, with 80% (\$248,000) being the federal share and the balance (\$62,000) coming from Erie County. County funds are available from the 2009 Bethlehem Steel Redevelopment SAP Account A.20911.

REASONS FOR RECOMMENDATION

Erie County was awarded a \$980,160 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 Shoreline Trail Bethlehem Steel Section Phase I in the Cities of Buffalo and Lackawanna. The award requires a 20% local match by Erie County. Award of the funds is being split between the Preliminary Engineering Phase (\$248,000) and the Construction/ROW Acquisition Phase (\$732,160). 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.

Residents of the City of Lackawanna do not have direct access to the City's waterfront. Current conditions allow very few provisions for bicyclists and pedestrians from the City to access neighboring waterfront amenities and multi-use trails without sharing roadways with truck and automobile traffic, which creates a safety hazard for residents. The Erie County Shoreline Trail Bethlehem Steel Section Phase I will provide Lackawanna residents with safe access to recreational amenities along Buffalo's Outer Harbor area, including Tiff Nature Preserve, Gallagher Beach and Times Beach Bird Sanctuary. The proposed trail is located in the Cities of Buffalo and Lackawanna. 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 and the NYSDOT 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.

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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

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A RESOLUTION SUBMITTED BY: DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Federal Aid Project Agreement –
New York State Department of
Transportation – Shoreline Trail
Bethlehem Steel – Preliminary
Engineering (Design I-VI) Phase –
Cities of Buffalo and Lackawanna, NY

WHEREAS, the Erie County Shoreline Trail Bethlehem Steel Project, Transportation Alternatives Program 2014, in the Cities of Buffalo and Lackawanna, Erie County, PIN 5761.04 (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 5761.04; and

WHEREAS, the total Preliminary Design Phase of the Project is \$310,000, and the County is required to provide the local share portion of the Project Phase in the amount of \$62,000.

NOW, THEREFORE BE IT

RESOLVED, the County Legislature of the County of Erie does hereby approve the Erie County Shoreline Trail Bethlehem Steel – 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 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

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RESOLVED, that the County Executive is authorized to appropriate and make available \$62,000 to cover the local share cost of participation in the Preliminary Engineering (Design I-VI) Phase of the Project, with said funds are available within the Erie County Department of Environment and Planning Budget SAP Account A.20911, Bethlehem Steel Redevelopment and be it further

RESOLVED, that authorization is hereby provided to accept funding in an amount not to exceed \$248,000 from New York State and to increase the capital budget for A.20911 as follows:

<u>Revenue</u>	<u>Current Budget</u>	<u>Increase</u>	<u>New Budget</u>
Bond Proceeds - 475000	\$500,000	\$ 0	\$500,000
Federal Aid - 414000	<u>\$ 0</u>	<u>\$248,000</u>	<u>\$248,000</u>
Total Revenue	\$500,000	\$248,000	\$748,000
<u>Expense</u>			
Capital Project Expense	<u>\$500,000</u>	<u>\$248,000</u>	<u>\$748,000</u>
Total Expense	\$500,000	\$248,000	\$748,000

NOW, THEREFORE, BE IT

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.