



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

February 18, 2015

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

**Re: Proposed State Transfer of Former US Route 219 Bridge to Erie and
Cattaraugus Counties**

Dear Honorable Members:

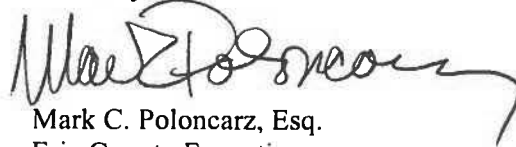
As some of you are aware, in 2011 the New York State Department of Transportation ("NYSDOT") attempted to unilaterally transfer ownership of the former US Route 219 bridge over Cattaraugus Creek to Erie County and Cattaraugus County. After Erie County objected strongly, NYSDOT withdrew its proposal.

Recently, the County became aware that NYSDOT was initiating a process to replace the existing former US Route 219 Bridge over Cattaraugus Creek and then unilaterally transfer ownership and maintenance responsibilities to Erie and Cattaraugus Counties. Both counties continue to object, for a variety of reasons, to ownership of this massive bridge and we have joined in a joint effort to oppose this unilateral State ownership transfer.

Please find attached for your consideration and sponsorship a legislative resolution opposing the NYSDOT proposed action and urging the State to continue to own and maintain the former Route 219 bridge. I am requesting that the Erie County Legislature join with me and the Cattaraugus County Legislature and government in opposing this State proposal.

Thank you in advance for your consideration on this matter. If you have any questions, please contact Deputy County Executive Maria Whyte.

Sincerely,



Mark C. Poloncarz, Esq.
Erie County Executive

MCP/tcc

cc: Robert W. Keating, Director of Budget and Management
John Loffredo, PE, Commissioner of Public Works
Deputy County Executive Maria Whyte

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Proposed State Transfer of Former US Route 219 Bridge to Erie and Cattaraugus Counties
Date: February 18, 2015

SUMMARY

On November 10, 2014 the Erie County Department of Public Works was notified by the Region 5 Design Manager of the New York State Department of Transportation (NYSDOT) that the State intended to unilaterally transfer ownership and maintenance of the former US Route 219 Bridge (BIN 1041590) to Cattaraugus County and Erie County. This bridge is a major bridge with a span of 652 feet (see attached photo). The County Executive's Office became aware of this matter in December 2014 and commenced steps to address this State action, including meeting with our counterparts in Cattaraugus County.

It can be assumed that the reason for NYSDOT's action is that State Law allows them to shed duplicate routes thereby avoiding an undue maintenance burden and transferring the ownership and maintenance responsibilities onto local governments.

In the past, in order to shed responsibility, other levels of government have transferred hundreds of lane miles of roads and other infrastructure to Erie County to the extent that Erie County now has more miles of roads (1,177) to maintain than any other County in New York State. In fact, Erie County has 1/3 more miles of road than the second place county (Onondaga at 794) and more than two states (Hawaii and Rhode Island). The County also has 283 bridges to maintain.

The State's proposed action does not take into consideration potential safety and financial issues and the fact that Erie and Cattaraugus Counties are not equipped to maintain a 652 foot long major bridge. The average length of an Erie County bridge is 83 feet.

The Cattaraugus County Legislature has introduced a resolution opposing the State action and their county manager, public works commissioner and legislative leadership have joined Erie County in opposing the proposed NYSDOT action.

In addition, the Deputy Erie County Executive has sent a letter to the NYSDOT Commissioner expressing our opposition and concerns and the Erie County Public Works Commissioner has sent a letter to the NYSDOT Region 5 Director sharing our concerns. Both letters were provided to your Honorable Body under separate cover.

FISCAL IMPLICATIONS

If the County is successful in averting this State action, the fiscal implications to the County will remain neutral with no new costs.

However, if NYSDOT's action is successful, the cost of maintaining this 652 long bridge would become the responsibility of Erie and Cattaraugus Counties. The cost will rise over a period of time which will eventually include the replacement of same. There will be multi-million dollar maintenance costs to the Counties in future years.

REASONS FOR RECOMMENDATION

The State's proposed action does not take into consideration potential safety and financial issues and the fact that Erie and Cattaraugus Counties are not equipped to maintain a 652 foot long major bridge. The proposed NYSDOT action would in effect, create another State mandate on local governments.

CONSEQUENCES OF NEGATIVE ACTION

There will be multi-million dollar maintenance costs to the Counties in future years.

STEPS FOLLOWING APPROVAL

The resolution will be transmitted to the State and will become part of a larger advocacy and education program conducted by Erie and Cattaraugus Counties to oppose the NYSDOT proposed action.

PROPOSED RESOLUTION
SUBMITTED BY THE OFFICE OF THE COUNTY EXECUTIVE

**Re: Proposed State Transfer of Former US Route 219 Bridge to Erie and
 Cattaraugus Counties**

WHEREAS, on November 10, 2014 the Erie County Department of Public Works was notified by the Region 5 Design Manager of the New York State Department of Transportation (NYSDOT) that the State intended to unilaterally transfer ownership and maintenance of the former US Route 219 Bridge (BIN 1041590) to Cattaraugus County and Erie County; and

WHEREAS, this is a major bridge with a span of 652 feet, which is approximately eight (8) times longer than most Erie County owned bridges; and

WHEREAS, in the past, in order to shed responsibility, other levels of government have transferred hundreds of lane miles of roads and other infrastructure to Erie County to the extent that Erie County now has more miles of roads (1,177) to maintain than any other County in New York State and has 1/3 more miles of road than the second place county and more than two States (Hawaii and Rhode Island), along with 283 bridges to maintain; and

WHEREAS, NYSDOT's decision did not take into consideration that the two Counties are not equipped or have the experience to maintain a 652 foot long major bridge; and

WHEREAS, it can be assumed that the reason for NYSDOT's action is that State Law allows them to shed duplicate routes thereby avoiding an undue maintenance burden and transferring the ownership and maintenance responsibilities onto local governments; and .

WHEREAS, the proposed NYDOT action would create another State mandate on local governments; and

WHEREAS, pursuant to section 62 of the New York Highway Law, the New York Commissioner of Transportation may, with the approval of the State Budget Director continue to maintain said bridge as part of the state highway system; and

WHEREAS, the Cattaraugus County Legislature has introduced a resolution opposing the State action and their county manager, public works commissioner and legislative leadership have joined Erie County in opposing the proposed NYSDOT action; and

WHEREAS, the Deputy Erie County Executive has sent a letter to the NYSDOT Commissioner expressing our opposition and concerns and the Erie County Public Works Commissioner has sent a letter to the NYSDOT Region 5 Director sharing our concerns; and

WHEREAS, the Erie County Legislature wishes to join the Erie County Executive in expressing its opposition to the proposed State action and transfer of the former US Route 219 bridge to Erie and Cattaraugus County ownership and maintenance.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby states its opposition to the New York State Department of Transportation's proposal to unilaterally transfer ownership and

maintenance of the Former US Route 219 bridge over Cattaraugus Creek to Erie and Cattaraugus Counties without considering the recipient's ability and experience to safely maintain same and urges the State to continue to own and maintain any such local bridge over Cattaraugus Creek; and be it further

RESOLVED, that the Erie County Legislature expresses its opposition to unilateral State actions that in effect create unfunded new mandates on local governments, including through such highway transfers; and be it further

RESOLVED, that this Honorable Body calls upon the Governor, New York State Department of Transportation Commissioner, State Budget Director, local State Delegation and local congressional delegation to take whatever action necessary to stop the State's proposed abandonment of the Former US Route 219 bridge (BIN 1041590) to Erie County and Cattaraugus County; and be it further

RESOLVED, one certified copy of this resolution be forwarded to the Governor, New York State Department of Transportation Commissioner, State Budget Director, local State Delegation, local congressional delegation, the Erie County Executive, the Erie County Attorney, Erie County Commissioner of Public Works, the Chairman of the Cattaraugus County Legislature, the Cattaraugus County Manager, and the Cattaraugus County Commissioner of Public Works.

REPRESENTATIVE ERIE COUNTY BRIDGE



Average Erie County bridge length - 83 feet long

FORMER US ROUTE 219 BRIDGE



State bridge (BIN 1041590) – 652 feet long