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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

August 26, 2016

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 – Right-of-Way Incidentals, Right-of-Way Acquisition, Construction and Construction Supervision and Inspection services Phases – 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 Right-of-Way Incidentals, Right-of-Way Acquisition, Construction and Construction Supervision and Inspection services Phases 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 Commissioner Thomas R. Hersey Jr. at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Mark Poloncarz". The signature is written in a cursive style with a long, sweeping tail.

Mark C. Poloncarz
Erie County Executive

MCP/cw
Enclosure

cc: Thomas R. Hersey, Jr., Commissioner
Mark P. Rountree, Senior Planner

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– Right-of-Way Incidentals, Right-of-Way Acquisition, Construction and Construction Supervision and Inspection services Phases– Evans, NY
Date: August 26, 2016

SUMMARY

Authorization is requested for the commitment of \$80,000 in County funds toward Right-of-Way Incidentals, Right-of-Way Acquisition, Construction and Construction Supervision and Inspection services associated with the Town of Evans Multi-Use Pathway, Phase III project. The resolution also authorizes execution of Right-of-Way Incidental, Right-of-Way Acquisition, Construction and Construction Supervision and Inspection phase agreements with New York State, which defines the cost share agreement between the two parties.

FISCAL IMPLICATIONS

It is estimated that the total Right-of-Way Incidental, Right-of-Way Acquisition, Construction and Construction Supervision and Inspection phases cost will be \$2,440,000, with \$1,760,000 being the Federal share and the balance (\$680,000) coming from Erie County. County funds are available from the authorized and approved 2016 Capital Budget and Consolidated Bond Resolution (A.16019 and A.16018).

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 to defray the costs associated with engineering and construction of Phase III of the Shoreline Trail Beaches Section in the Town of Evans. The award requires a minimum 20% local match of the grant award by Erie County. The grant award is split between the Preliminary Engineering Phase (\$300,000) and Construction Phase (\$2,200,000). The County Legislature previously authorized receipt of DOT funding and associated County match for the preliminary engineering phase. The requested action pertains to funding the local component and additional costs associated with the Right-of-Way Incidentals, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection phases. The Construction Phase contractor award agreement will require separate action and approval by the Erie County Legislature in 2016 or 2017.

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

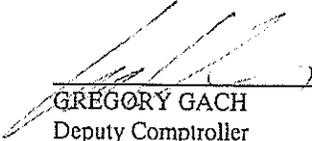
The failure to approve this resolution may result in the loss of \$1,760,000 in Federal and State aid for trail development and prohibit construction of an integral segment of the Lake Erie Trail System.

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

TOWN OF EVANS MULTI-USE
PATH : PHASE III

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 – Right-of-Way Incidentals, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection Phases – Evans, NY

WHEREAS, a Project for the Right-of-Way Incidentals, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection 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% Federal funds and 20% 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 Right-of-Way Incidental, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection Phases of the Project, PIN 575802; and

WHEREAS, the total Right-of-Way Incidental, Right-of-Way Acquisition, Construction and Construction Supervision and Inspection Phases of the Project is \$2,440,000, and the County is required to provide the local share portion of the Project Phase in the amount of \$680,000.

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 – Right-of-Way Incidentals, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection Phases 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 Right-of-Way Incidental, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection Phases 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 Right-of-Way Incidental, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection phases 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

RESOLVED, that the County Executive is authorized to appropriate and make available \$680,000 to cover the local share cost of participation in the Right-of-Way Incidental, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection Phases of the Project, with said funds be allocated from funding approved in the 2016 Capital Budget and the 2016 Consolidated Bond Resolution as found in SAP projects A.16019 and A.16018; and be it further

RESOLVED, that authorization is hereby provided to accept funding in A.16018 in an amount not to exceed \$1,760,000 from New York State; 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.