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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

July 5, 2019

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

**Re: Coordination of New At-Grade Railroad Crossing for Dona Street Extension
Bethlehem Steel Redevelopment - City of Lackawanna**

Dear Honorable Members:

This resolution is requesting authorization for the County Executive and the Department of Public Works, Division of Highways to coordinate the new Dona Street Extension at-grade railroad crossing with the New York State Department of Transportation's Regional Rail Coordinator and/or Highway – Rail Grade Crossing Safety Section.

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

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:gw/cw
Enclosure

cc: William Geary, Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Coordination of New At-Grade Railroad Crossing for Dona Street Extension
Bethlehem Steel Redevelopment - City of Lackawanna
Date: July 5, 2019

SUMMARY

This resolution is requesting authorization for the County Executive and the Department of Public Works, Division of Highways to coordinate the new Dona Street Extension at-grade railroad crossing with the New York State Department of Transportation's Regional Rail Coordinator and/or Highway – Rail Grade Crossing Safety Section. This new at-grade railroad crossing in the City of Lackawanna requires approval from the New York State Department of Transportation before the crossing can be opened to the public.

FISCAL IMPLICATIONS

The construction cost of the Dona Street Extension project is currently estimated at \$2,100,000 and is funded from three capital funding sources. Coordination of the at-grade railroad crossing will have no effect on the construction budget.

REASONS FOR RECOMMENDATION

The Dona Street Extension project is currently in construction and will provide access to the former Bethlehem Steel site. This project includes a new at-grade railroad crossing, which requires coordination with the New York State Department of Transportation's Regional Rail Coordinator and/or Highway – Rail Grade Crossing Safety Section before it can be opened to the public.

BACKGROUND INFORMATION

The Dona Street extension will be the first public road into the former Bethlehem Steel site in the City of Lackawanna. It will provide access to approximately 200 acres of brownfield property for redevelopment. The project was initiated in 2013 to address project scoping, waterline design and construction, and preliminary design of the Dona Street extension. The waterline construction was completed in August 2013. This project is currently in construction and is expected to be completed during the 2019 construction season.

CONSEQUENCES OF NEGATIVE ACTION

This action is required to ensure project advancement. A Site Infrastructure Agreement between Erie County, South Buffalo Railway Company, Erie County Water Authority, Tecumseh Redevelopment, Inc., and Welded Tube USA Realty, LLC, signed in April 2013, outlined the agreement between the parties for the construction of the waterline, rail yard relocation, and

Dona Street extension that would service the site. This Agreement required that the Dona Street extension be completed or the Erie County Water Authority would refuse to take ownership and maintenance responsibility of the waterline.

Negative action would prevent the road from being opened to the public, jeopardize ownership of the waterline, and hinder redevelopment of the site.

STEPS FOLLOWING APPROVAL

Upon Legislative approval, the County Executive and the Department of Public Works, Division of Highways will coordinate with the New York State Department of Transportation regarding the new at-grade crossing. Once the at-grade crossing review has been finalized, and construction completed, the road will be opened to the public.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: Coordination of New At-Grade Railroad Crossing
for Dona Street Extension Bethlehem Steel
Redevelopment – City of Lackawanna

WHEREAS, the County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound re-use of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, the former Bethlehem Steel site in the City of Lackawanna is now owned in part by the Buffalo and Erie County Industrial Land Development Corporation (ILDC), Tecumseh Redevelopment Inc. and Welded Tube USA Realty, LLC; and

WHEREAS, Tecumseh Redevelopment Inc., Welded Tube, the ILDC, the City of Lackawanna, South Buffalo Railway, and Erie County continue to work cooperatively toward the goal of the redevelopment of this underutilized site; and

WHEREAS, a phased approach to redevelopment of the site included building a new waterline, removal and relocation of railroad tracks, and construction of a new road known as the Dona Street extension; and

WHEREAS, the first two phases have been completed and the Dona Street extension is now underway; and

WHEREAS, in order to properly service the site, the design of the Dona Street extension includes the creation of a new at-grade railway crossing; and

WHEREAS, the County of Erie has coordinated the railroad crossing design with South Buffalo Railway who has accepted the design.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project; and be it further

RESOLVED, that in accordance with New York State Railroad Law section 90, the County of Erie seeks approval and coordination of the proposed at-grade railroad crossing from the New York State Department of Transportation; and

RESOLVED, that the County Executive be authorized to execute all necessary agreements or certifications on behalf of the County of Erie with the New York State

Department of Transportation and/or South Buffalo Railway in connection with the advancement or approval of the project; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Department of Environment and Planning, Office of the County Executive, Office of the County Attorney, the Division of Budget and Management and the Office of the Comptroller.