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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 15, 2019

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

**RE: Bridge NY Project Agreement with Railroads for
Culvert Replacement of Amsdell Road (CR 122) over Drainage Channel
CIN 122-03**

Dear Honorable Members:

We are forwarding for your approval a proposed resolution seeking authorization for the County of Erie to enter into agreements with Norfolk Southern Railroad and CSX Railroad for the above-noted Project. These agreements are contracts to reimburse Norfolk Southern Railroad and CSX Railroad for construction phase services, including engineering review, railroad flagging, protective services, and railroad permitting.

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:jtd
Enclosure

cc: William E. Geary, Jr., Commissioner, Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works/Division of Highways
Re: BRIDGE NY Project Agreement with Railroads for
Culvert Replacement of Amsdell Road CR122 over Drainage Channel
CIN 122-01
Date: March 15, 2019

SUMMARY

The Department of Public Works/Division of Highways is requesting authorization for the County Executive to enter into two agreements, one with Norfolk Southern Railroad and the other with CSX Railroad. These agreements are for construction phase engineering services, railroad flagging, protective services, and railroad permitting associated with the replacement of Culvert CIN 122-01 on Amsdell Road, in the Town of Hamburg.

FISCAL IMPLICATIONS

The total cost of entering into these agreements is currently estimated at \$250,000, \$105,000 for Norfolk Southern, \$130,000 for CSX railroad, with a contingency of \$15,000. These contracts are reimbursement type contracts. This entire sum is available in Capital Project B.17017 – 2017 Rehab of Flagged Bridges and Culverts, Fund 420, Funds Center 123.

REASONS FOR RECOMMENDATION

The Erie County Department of Public Works desires to advance the Project into the construction phase. This requires entering into these Agreements with the railroads for construction phase engineering services. This is a Bridge NY project benefitting from NYSDOT funding for the culvert replacement. The Erie County Legislature authorized the construction of the Amsdell Culvert (CIN 122-01) via COMM 2E-22 (2019).

BACKGROUND INFORMATION

The culvert is under Amsdell Road and directly between railroad tracks for Norfolk Southern and CSX. Given its location, the railroads require Erie County and the Contractor to submit shop drawings, demolition and erection procedures, as well as other Contractor operations for review, comment, and approval. The railroads also require flaggers and other safety precautions to be present during construction, and railroad permits to be issued. This project has been approved by the New York State Department of Transportation in their current BRIDGE NY Program.

CONSEQUENCES OF NEGATIVE ACTION

If these Agreements are not entered into, the Construction Phase of the culvert replacement will not progress. Thus, it will continue to deteriorate and pose problems for the traveling public and adjacent transportation facilities. Failure to execute this Agreement will jeopardize construction and possibly the loss of eligibility for future Bridge NY projects.

STEPS FOLLOWING APPROVAL

The Highway Division will proceed with the execution of the two agreements with the County Executive.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Office of the Comptroller is related to an authorized capital project for which there are sufficient appropriations for the action proposed.



JOHN SOLECKI

Director of Accounting Services/Cash Management
Comptroller's Office

B.17017
NYS PIN 5762.23

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: BRIDGE NY Project Agreement with Railroads for
Culvert Replacement of Amsdell Road CR122 over Drainage Channel
CIN 122-01, Town of Hamburg
NYS PIN 5762.23

WHEREAS, the reconstruction of the Culvert CIN 122-01 on Amsdell Road CR 122 over Drainage Channel, NYS PIN 5762.23 (the "Project") was authorized by the legislature in COMM 8E-11 (2017) and COMM 2E-22 (2019); and

WHEREAS, the replacement of the culvert requires the County Executive to enter into construction phase agreements with Norfolk Southern Railroad and CSX Railroad; and

WHEREAS, these the total cost of agreements are estimated at \$250,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive of the County of Erie is hereby authorized to enter into Agreements with Norfolk Southern Railroad and CSX Railroad for construction phase services in reference to the reconstruction of the Culvert Amsdell Road CR 122 over Drainage Channel, NYS PIN 5762.23; and be it further

RESOLVED, that the County Executive be authorized to execute these agreements for preliminary services in the amount of \$105,000 for Norfolk Southern Railroad, \$130,000 for CSX, and a contingency of \$15,000 from Fund Center 123, Fund 420, Capital Project B.17017 – 2017 Rehabilitation of Flagged Bridges; and be it further

RESOLVED, that the Erie County Comptroller be authorized to pay for these contracts; and be it further

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

PROJECT TITLE: B.17017 2017 REHAB OF FLAGGED BRDGS & CULVERTS

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES X NO

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	\$ <u>1,400,000.00</u>
Total Project Appropriations	\$ <u>1,400,000.00</u>
Less: Total Expenditure To Date	\$ <u>278,057.31</u>
Total Commitments	\$ <u>32,953.50</u>
Available Appropriations As Of Date Of Request	\$ <u>1,088,989.19</u>
Less: Contract Amount	\$ <u>250,000.00</u>
Net Available Appropriations	\$ <u><u>838,989.19</u></u>

Comments: \$1,121,942.69 cash is in the project.

Request Approved: *John Solecki*

Request Denied: _____

Date: 3/8/19

TO: JOHN SOLECKI, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST

CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

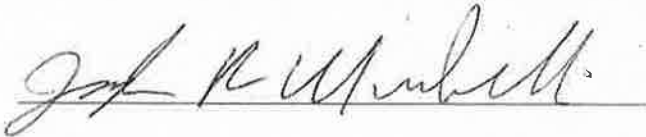
REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- | | |
|-----------------------|---|
| 1. CONTRACTOR'S NAME | Norfolk Southern Railroad
CSX Railroad |
| 2. AMOUNT OF CONTRACT | \$105,000 – Norfolk Southern
\$130,000 – CSX
\$15,000 - Contingency |
| 3. PROJECT NUMBER | B.17017 Preservation of Bridges & Culverts |
| 4. PROJECT TITLE | Culvert Replacement Amsdell Rd. over Drainage
Channel
Funding questions: Jonathan Rivera - 2210 |
| 5. DEPARTMENT CONTACT | Letter pickup: Christy Weber at 8301 |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|--|
| 6. AVAILABILITY OF FUNDS | \$ 1,088,989.19 |
| 7. PERFORMED BY |  |
| Date Sent to Comptroller's Office: | March 7, 2019 |

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