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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 15, 2019

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

**RE: Agreements between New York State and Erie County
Empire State Trail Construction, Ownership, and Maintenance**

Dear Honorable Members:

The Department of Public Works, Division of Highways is requesting authorization for the County Executive to execute two agreements with New York State. These agreements allow for the construction and maintenance of portions of the Empire State Trail within Erie County Right of Way.

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 Poloncarz, Esq.
Erie County Executive

MCP/kr
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: Agreements between New York State and Erie County
Empire State Trail Construction, Ownership, and Maintenance
Date: March 15, 2019

SUMMARY

The State of New York intends to construct portions of the Empire State Trail pedestrian and bicycle safety improvements on County roads and within County Right of Way. Two agreements are necessary between New York State and the County of Erie on this State funded project. These agreements allow this work to be performed and to identify future maintenance of the proposed improvements.

FISCAL IMPLICATIONS

None to the County

REASONS FOR RECOMMENDATION

The Empire State Trail extends from one end of the state to the other allowing all residents and tourists the benefits of these walking and bicycling facilities. These agreements are required for the State to construct the trail and identify the future maintenance responsibilities of all parties entering into the agreement.

BACKGROUND INFORMATION

The Empire State Trail extends from one end of the state to the other. There is one location on Creekside Drive, and two locations on Tonawanda Creek Road which need to be constructed, thus connecting two existing trails. The third section which is a part of a maintenance agreement between Erie County and the City of Tonawanda on the Shoreline Trail, is being resurfaced and having some spot repairs done.

CONSEQUENCES OF NEGATIVE ACTION

The State will not be able to construct those portions of the trail necessary to provide connectivity between existing trails not allowing residents and tourists the use of the trail.

STEPS FOLLOWING APPROVAL

The State and County will take the necessary steps to enter into an agreement for the work.

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

RE: Agreements between New York State and Erie County
Empire State Trail Construction, Ownership, and Maintenance
NYS PIN 5EST.01

WHEREAS, the New York State Department of Transportation and the New York State Office of Parks, Recreation, and Historic Preservation (State) intend to design and construct pedestrian and bicycle safety improvements on County owned roadways, Creek Side Drive (CR 521) and Tonawanda Creek Road (CR 2) as part of the Empire State Trail; and

WHEREAS, said improvements will also be constructed along a County-maintained section of the Shoreline Trail in the City of Tonawanda; and

WHEREAS said improvements shall be designed and constructed in compliance with the Americans with Disabilities Act and with State funds; and

WHEREAS, Erie County shall be responsible for any and all maintenance of signs, striping, and improvements, to the roadway only, on the County roads named above; and

WHEREAS, Erie County continues to be responsible for the portion of the Shoreline Trail from Niawanda Park to Seymour Street in the City of Tonawanda; and

WHEREAS, the County of Erie does not own and is not responsible for maintenance of the multi-use path being constructed along Tonawanda Creek Road; and

WHEREAS, the agreements between the State and the County are necessary for the State to proceed with the design and construction of the pedestrian and bicycle safety improvements as part of the Empire State Trail.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute agreements between the County of Erie and the State of New York for the design and construction of pedestrian and bicycle safety improvements on the following County owned roadways: Creek Side Drive (CR 521), Tonawanda Creek Road (CR 2), and along a County maintained section of the Shoreline Trail, as part of the Empire State Trail; and be it further

RESOLVED, that the County Executive be authorized to sign the cover sheet of the construction plans; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send six (6) certified copies of the resolution to the Department of Public Works for the State of New York; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of the resolution to the County Executive, the County Attorney, and the Department of Public Works.