

March 5, 2015

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MORTON.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2M-2 (2015)
NFTA: "2015-2019 Five Year Capital Plan"
(5-0)
 - b. COMM. 3M-3 (2015)
NFTA: "December 18, 2014 Board Minutes"
(5-0)
 - c. COMM. 4E-7 (2015)
COUNTY EXECUTIVE: "Letter to NYS Department of Transportation Regarding Bridge Replacement Project - Bridge Over Cattaraugus Creek - Towns of Concord and Ashford, Erie and Cattaraugus Counties"
(5-0)
 - d. COMM. 4M-6 (2015)
NFTA: "17A Report and Capital Expenditure Reports for Third Quarter Ending March 31, 2015"
(5-0)
2. COMM. 4E-6 (2015)
COUNTY EXECUTIVE
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.

(5-0)

EDWARD A. RATH, III
CHAIR