PUBLIC NOTICE: 2020-2024 TIP Amendment # 21

PIN 5V1231, VPP - NY 263; NY 270 - NY 78

New Project

The Greater Buffalo-Niagara Regional Transportation Council (GBNRTC), the Metropolitan Planning Organization for Erie and Niagara Counties, is proposing to amend the 2020-2024 Transportation Improvement Program (TIP) by adding one (1) new project.

PIN 5V1231, VPP - NY 263; NY 270 - NY 78

This project will restore the pavement condition using effective pavement treatment which provides a service life of at least 8 years. Work will also include the removal and replacement of existing corrugated W-Beam median guiderail with new box beam guiderail conforming to current Department standards.

Total project cost is $2.1M ($1.7M federal NHPP + state match). Federal funding is being provided by NYSDOT Main Office Statewide allocations. As no offset is required. Fiscal constraint is maintained.

Project is scheduled to be let 12/20

Full details including TIP Change Form, IPP and geographic map are attached.

Public comments will be received until 9/8/20.

If you have any additional questions or comments please email us at staff@gbnrtc.org, or contact us at the address and telephone number above.

The Greater Buffalo-Niagara Regional Transportation Council (GBNRTC) assures that no person shall on the grounds of race, color, sex, age, disability or national origin, as provided by Title VI of the Unites States Civil Rights Act of 1964 and subsequent legislation, regulations, statutes and orders, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any MPO program or activity.
Transportation Improvement Program (TIP) - Project Change Form

PIN(s): 5V2131  Title(s): VPP - NY 263; NY 270 - NY 78; TOWN OF AMHERST, ERIE COUNTY

Requesting Agency: NYSDOT  Other

Submitted By: J. Buffamonte  Date: 8/11/20

Description of Requested Action: (Fill in Below)

This request is add this new project to the TIP and STIP.

Project is identified in current TIP: Yes  No

Project is identified in current STIP: Yes  No

Exempt from Regional AQ Conformity: Yes  No

AQ Exemption Code(s): A10 (Proposed)

Change Details

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Demonstration of Fiscal Constraint: (Fill in Below)

The total amount of federal funding needed is $1.676M. No offset is required. Federal funding is being provided by Main Office Statewide allocations.

COMPLETED BY THE MPO

Action Processed as ☒ Administrative Modification  ☐ Amendment  Assigned #: 21

TIP Action Control: IV.(c) Add new project using funds outside region

Public Review Period: ☐ Not Required  Start Date: 8/20/20  End Date: 9/8/20

Required Approval Actions

- Public Review (20 Days)  Completed: 8/19/20  Comments: Funding from outside regional allocations
- PCC Approval  Completed: 10/7/20
- No Actions  Completed:  
- No Actions  Completed:  

Notes:

- All TIP modifications require a completed change form. New projects and significant scope changes also require an Initial Project Proposal (IPP) form and a project area map. See change controls for additional details.
- If more than two projects are involved, leave this section blank and include a separate worksheet.

Approved by __________________________________________________________  Date __________________

Title  Amendment - Signature(s) on Resolution.

Ver 5.4
VPP – NY Route 263; NY Route 270 to NY Route 78
Project Identification Number (PIN): 5V21.31
Town of Amherst
Erie County
### Project Approval Sheet

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<td>The project cost and schedule are consistent with the Regional Capital Program.</td>
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<td></td>
<td>Joseph Buffamonte, Acting Regional Program Manager</td>
<td></td>
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<tr>
<td></td>
<td>Date</td>
<td></td>
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<td>B. Recommendation for Scope, Design, and Nonstandard Feature Approval:</td>
<td>All requirements requisite to these actions and approvals have been met, the required independent quality control reviews separate from the functional group reviews have been accomplished, and the work is consistent with established standards, policies, regulations and procedures, except as otherwise noted and explained.</td>
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<td>John Cogswell, Acting Regional Director of Operations</td>
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<tr>
<td></td>
<td>Date</td>
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<td>C. Scope, Design, and Approval:</td>
<td>The required environmental determinations have been made, and the preferred alternative for this project is ready for final design.</td>
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<td>Francis P. Cirillo, Regional Director</td>
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<td>Date</td>
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**CONTACT:** Nicholas S. Gagliardo, P.E.

**PHONE:** (716) 970-0925

**PROJECT MANAGER:** Nicholas S. Gagliardo, P.E.
List of Preparers

**Group Director Responsible for Production of this Initial Project Proposal/Final Design Report (IPP/FDR):**

John Cogswell, PE, Acting Regional Director of Operations, NYSDOT Region 5

**Description of Work Performed:** Directed the preparation of the IPP/FDR in accordance with established standards, policies, regulations and procedures, except as otherwise explained in this document.

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**Note:** It is a violation of law for any person, unless they are acting under the direction of a licensed professional engineer, architect, landscape architect, or land surveyor, to alter an item in any way. If an item bearing the stamp of a licensed professional is altered, the altering engineer, architect, landscape architect, or land surveyor shall stamp the document and include the notation "altered by" followed by their signature, the date of such alteration, and a specific description of the alteration.

**This report was prepared by the following NYSDOT staff:**

Nicholas Gagliardo, PE, Resident Program Manager, NYSDOT, Region 5

**Description of Work Performed:** Prepared the IPP/FDR in accordance with established standards, policies, regulations and procedures, except as otherwise explained in this document.
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5.2 SPECIAL CIRCUMSTANCES ..................................................................................... 7
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1.1 **PUBLIC FRIENDLY DESCRIPTION OF PROJECT**
This project will rehabilitate NY 263 from NY 270 to NY 78 in the Town of Amherst with a 1.5” mill and overlay of the existing pavement.

1.2 **PROJECT LOCATION**

A. Route number: NY Route 263  
B. Route name: Millersport Highway  
C. SH (state highway) number and official highway description: SH 1949  
D. BIN (Bridge Identification Number) and feature crossed: N/A  
E. City/Village/Township: Town of Amherst  
F. County: Erie  
G. Length: 5.80 Centerline Miles 18.04 Lane Miles  
H. From RM 263-5301-1045 to RM 263-5301-1103  
I. Any other description information which is pertinent: Milepoints (2014 LRS) 100221011 from 4.74 to 10.48  
J. Federal Aid System: NHS  
K. Functional Class: Urban Principal Arterial - Other  
L. Existing AADT: NY 270 to Dodge: 11,246  
   - Dodge to North French: 9,936  
   - North French to I990: 7,989  
   - I990 to NY 78: 22,449  
M. Trucks (%): NY 270 to Dodge: 2%  
   - Dodge to North French: 3%  
   - North French to I990: 3%  
   - I990 to NY 78: 5%  

1.3 **PROJECT NEED**

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**Project Element(S) To Be Addressed:**

- [x] Highway Element-Specific
- [ ] Bridge Element-Specific
- [ ] Other:

**Priority Results:**

- [x] Mobility & Reliability
- [ ] Safety
- [ ] Security
- [ ] Economic Competitiveness
- [ ] Environmental Stewardship
1.4 PURPOSE/OBJECTIVES

(1) Restore pavement to good condition using cost effective pavement treatments which provide a service life of 8 years.

1.5 DESCRIPTION OF PROPOSED WORK

PM Treatment – (VPP) Production Cold Mill the travel lanes and shoulders along NY Route 263 at a depth of 1.5" and overlay with 1.5" of 9.5mm polymer modified HMA. After milling operations, State Forces will make any necessary repairs prior to the overlay. Pavement markings will be installed on newly paved surface. Any ADA curb ramp upgrades will be addressed through a separate contract. Any sign deficiencies will be addressed by maintenance forces.

2.1 DESIGN STANDARDS

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<tr>
<td>1R Projects</td>
<td>NYSDOT Highway Design Manual Chapter 7</td>
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2.2 OTHER DESIGN PARAMETERS: N/A

2.3 NONSTANDARD/NONCONFORMING FEATURES

Existing pedestrian facilities within the scope of this project will be evaluated in final design for conformance with the applicable standards in the NYSDOT Critical Elements for the Design, Layout and Acceptance of Pedestrian Facilities found on the NYSDOT Highway Design Manual Chapter 18 webpage. If the work at any facility will not meet the applicable standards, then the procedural requirements identified in ED 15-004 - Design, Construction and Inspection of Pedestrian Facilities in the Public Right of Way will be followed and the facility will be rehabilitated, replaced or justified as nonstandard. Pedestrian facility upgrades will be addressed through a separate contract.

2.4 SPECIAL TECHNICAL ACTIVITIES REQUIRED N/A

2.5 WORKZONE SAFETY AND MOBILITY

The Region has determined that this project is not significant per 23 CFR 630.1010.

2.6 ASSET MANAGEMENT

☒ Applies ☐ Not Applicable

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<th>Asset Management Team</th>
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2.7 POTENTIAL UTILITY INVOLVEMENT

☐ Yes ☒ No

2.8 RIGHT OF WAY

All proposed work can be accomplished within the existing right of way; therefore, it is anticipated that no right of way acquisitions will be required for the project. The ROW Clearance Certificate will be attached to the IPP/FDR.

3.1 ENVIRONMENTAL CLASSIFICATION
NEPA (National Environmental Policy Act):

This project is being progressed as a NEPA Class II action (Categorical Exclusion). In accordance with the Federal Highway Administration’s regulations in 23 CFR 771.117(c) this is an action which will not have significant environmental effects and does not normally require additional federal approval regarding NEPA. Specifically, this action meets the description in 23 CFR 771.117(c)(22) described as “Projects that would take place entirely within the existing operational right-of-way” and meets the constraints listed in 23 CFR 771.117(e). In accordance with the NYSDOT/FHWA Programmatic Agreement Regarding Categorical Exclusions, the NYSDOT will make the NEPA environmental determination. This is further detailed in the Federal Environmental Approvals Worksheet (FEAW) included in the Appendices.

SEQRA (State Environmental Quality Review Act):

New York State Department of Transportation is the SEQRA lead agency as per 17 NYCRR Part 15 “Procedures for Implementation of State Environmental Quality Review Act”, Section 15.5.

In accordance with 17 NYCRR Part 15, the Department has determined that this project meets the requirements of a SEQRA Type II Action. A Type II Action is one that is of a class or type of action which has been determined in 17 NYCRR 15.14 to not have a significant effect on the environment. No further SEQRA processing is required. The project is identified as Type II per 17 NYCRR Section 15.14, Subdivision (e), Item 37, Paragraph v. The project does not violate any of the criteria contained in subdivision (d) of Section 15.14. Additional information related to how the project meets the SEQRA Type II criteria is included in Appendices.

The following Checklist(s) are attached:

- Federal Environmental Approvals Worksheet (FEAW)
- Social, Economic and Environmental Review (SEER)
- Capital Projects Complete Streets Checklist

3.2 ENVIRONMENTAL DOCUMENTATION

The project has been reviewed for compliance with federal and state environmental laws and NYSDOT environmental policies and best practices. For topics checked yes on the Social, Economic, and Environmental Review (SEER), or applicable on the Federal Environmental Approval Worksheet (FEAW) included in the appendix, or otherwise requiring discussion, resolution is as follows:

Wetlands
State - The project overlaps the regulated adjacent areas of NYSDEC wetlands TE-18, CC-13, CC-18, and CC-35. An Article 24 Notice of Intent (NOI) will be required at least ten (10) days prior to the start of construction.

Federal - The project crosses numerous NWI mapped wetlands (PFO and riverine). However, no work or impacts within the wetlands are anticipated, due to the limited scope of the project. EO 11990 does not apply.

Surface Waters
The project crosses a UNT to Ellicott Creek (Class C), two UNT to Lower Tonawanda Creek (unclassified), two UNT to Ransom Creek (Class C and unclassified), and Ransom Creek
(Class C). However, no in water work or stream impacts is anticipated due to the limited scope of the project. No further review is required.

**MS4 Urbanized Area**
The project is located within an Urbanized MS4. However, the project will not impact discharge rates or outfall locations. No further review is required.

**Floodplains**
Most of the project falls within 100-year and 500-year floodplains associated with Ellicott Creek, Ransom Creek, and Tonawanda Creek. However, due to the limited scope of the project no impacts to the flood plains are anticipated. E.O. 11988 and/or 6 NYCRR 502 does not apply.

**Threatened and Endangered Species**
An IPaC review of the US Fish and Wildlife Service (USFWS) website was conducted on June 23, 2020. One (1) Federally listed endangered or threatened species under the USFWS’s jurisdiction was listed as potentially occurring within the project area, the northern long-eared bat (NLEB) (*Myotis septentrionalis*). The project is vendor placed pavement project (VPP) with no work off the paved surface/shoulder and no tree removals or impacts to known hibernacula. Therefore, under FHWA’s 3 Step ESA process NYSDOT has made a “No Effect, Activity-Based #24” determination. Based on the agreement between USFWS and FHWA, no further review is required.

A review of the New York Natural Heritage Program (NYNHP) data was conducted on June 23, 2020. In addition to the state listing of the NLEB, two (2) other state listed species and one ecological community were identified by the review. Big shellbark hickory (*Carya laciniosa*), northern sunfish (*Lepomis peltastes*), and silver maple-ash swamp ecological community were all identified outside of the project limits, but within the 1.5-mile screening zone. The project is a VPP project with no work off the paved surface/shoulder, no tree removals, and no in-water work. Therefore, NYSDOT has determined that the project will have “No Effect” on any state listed species or ecological communities.

Pursuant to 6 NYCRR Part 182, NYSDOT has determined that the proposed activity is not likely to result in the take or taking of the NLEB, big shellbark hickory, and northern sunfish, and is therefore, not subject to regulation under this Part.

**S1/S2 Mussel Waterbodies**
Ransom Creek is listed as an S1/S2 waterbody by the NYSDEC and is crossed within the project limits. There is no in-water work as all work proposed will be within the existing paved surface/shoulder. No impacts are anticipated due to the scope of the work.

**Invasive Species**
No direct impacts to invasive species are anticipated. However, the contractor must exercise caution and avoid invasive species when accessing the project area and/or selecting construction staging areas. Staging in these areas should be avoided if possible. If not, best management practices (BMP) including equipment washing, should be used to avoid the spread of invasive species if encountered.

**Parks and/or Recreational Resources – Section 4(f)**
The North Amherst Recreation Center is located within the project limits. However, there are no ROW takes and no anticipated impacts to the recreation center. Therefore, there is no Section 4(f) use. No further review is required.
Agricultural Districts/Farmlands
The project is located within farmland of statewide importance (Canandaigua silt loam, Getzville silt loam, Cheektowaga fine sandy loam, Lakemont silt loam) and farmland that would be considered Prime, if drained (Raynham, Odessa). However, the project area has been previously converted for industrial, commercial and residential use. No ROW will be acquired. No further review is required.

Air Quality
Erie County is an orphan non-attainment area for ozone. Therefore, the project will need to be reviewed as part of the Statewide Transportation Improvement Program (STIP) to ensure the project is in conformity with air quality regulations.

Hazardous and Contaminated Materials
There are twenty-eight (28) closed spills and one (1) open spill (#19-05931) within the project corridor. There are Four (4) active bulk storage facilities identified in the project limits as well. There were no remediation or disposal sites found. Due to the minimal scope of the project, 1.5” mill and pave, no impacts from contaminated or hazardous materials are anticipated to be encountered. No further review is required.

3.3 ANTICIPATED PERMITS/CERTIFICATIONS/COORDINATION

New York State Department of Environmental Conservation (NYSDEC)
- Article 24 Freshwater Wetlands Notice of Intent (NOI)

Coordination
- NYSDEC
- Federal Highway Administration (FHWA)
- US Fish and Wildlife Service (USFWS)
- Town of Amherst

Certifications - None

3.4 NYS SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT (SGPIPA)

To the extent practicable this project has met the relevant criteria as described in ECL § 6-0107. The Smart Growth Screening Tool was used to assess the project’s consistency and alignment with relevant Smart Growth criteria; the tool was completed by the Region’s Planning and Program Management group on 6/16/20 and reflects the current project scope.

4.1 FUNDING

FUNDING SOURCE: □ 100% State       ☒ Federal

MPO INVOLVEMENT: □ No ☒ Yes
TIP Name: GBNRTC FFY 20-24 TIP     TIP No.: 5V2131

TIP AMENDMENT REQUIRED: □ No ☒ Yes; Needed by: Authorization Date

STIP STATUS: □ On STIP       ☒ Not on STIP
4.2 COST AND SCHEDULE

[ ] Public Meeting  [ ] 4(f)/106 FHWA sign-off
[ ] Permits  [ ] Consultant(s) for:
[ ] Other – Identify e.g., utilities, endangered species (ESA)

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BASIS OF ESTIMATE: Itemized Estimate


STATEWIDE SIGNIFICANCE: ☒ No  Remarks: Design approval is scheduled for Fall of 2020 with construction scheduled to begin in Spring of 2021 and last 3 months.

5.1 PUBLIC INVOLVEMENT - None

5.2 SPECIAL CIRCUMSTANCES – Federal funding is being provided by Main Office Statewide allocations.

6.1 LIST OF ATTACHMENTS / APPENDICES
- Project Location Map
- Federal Environmental Approval Worksheet (FEAW)
- Social, Economic, and Environmental Review (SEER)
- ESA Section 7 Package
- Capital Projects Complete Streets Checklist
- SmartGrowth Screening Tool
- ROW Clearance Certificate
- SEQRA Type II Criteria