

Andrew Donovan, PE
City Engineer



Louis A. Rosamilia
Mayor

Department of Engineering

July 30, 2014

Mr. Michael Franchini
Executive Director, Capital District Transportation Committee
One Park Place
Albany, NY 12205-2676

RE: R 195, PIN 175459, South Troy Industrial Park Road

Dear Mr. Franchini:

We are requesting Planning Committee consideration of an amendment to revise the schedule and redistribute the current budget for the subject project. No increase in funding is requested at this time.

R195 (175459): South Troy Industrial Park Road

This project was initiated based on studies done in the 1990s which recommended new access for revitalizing the South Troy waterfront area while protecting existing residential areas. The area can be accessed by rail (CSX), highway (Routes 2, 4, 378) and water making it flexible for a number of potential commercial development uses. The original project approved by CDTC was conceived to support economic (re)development and extended from Adams Street (near the Congress Street Bridge for 4000 feet (Tyler Street). The project was progressed under NEPA as CAT EX with documentation.

This project received Planning Committee approval on November 4, 2009 for an amendment to revise the scope to extend the project limits to include a south access- egress point to the Troy - Menands Bridge (State Route 378). The approved scope change was limited to the "engineering phase only". The City opted to engage a new design consultant to continue with the already in progress and obligated design phases and to incorporate, if feasible, a southerly access point. Based on a review of project objectives and need, purchases of developable properties by the City, and extensive Brownfield cleanups, it was determined a southerly access would be beneficial to reduce truck traffic in residential neighborhoods bordering the waterfront area, while providing ultimate flexibility for attracting, permitting and sustaining new commercial business on newly developable City property (some 40 acres). Several potential alternatives were identified for more study, with a proposed alignment connecting to Route 4 at Mill Street being identified as the best to meet the project objectives. FHWA ruled that a NEPA Environmental Assessment would be required to support approval for "new access" to the area.

The City, through its consultant and with NYSDOT approval, began environmental and design studies for the additional affected project area in 2011. This included studies to support requirements under Section 106 of the National Historic Preservation Act and Native American Consultation pursuant

to Presidential Executive Order 13175 (November 6, 2000) and as subsequently amended by Presidents Bush and Obama. During initiation of testing and discovery of artifacts on a portion of the preferred south access site, the Mohican Nation requested a cessation of physical tests and contested the conclusions about the significance and scope of the finds. Over the next two and a half years, additional and extensive testing and analysis was done in concert with the Mohican THPO to determine the importance and significance of the site. As of this amendment request, a Section 106 "Findings Document" has been prepared and is under review by FHWA, NYS SHPO, and the THPO. FHWA is expected to rule favorably on National Historic Register eligibility and this will, in all likelihood, result in an "Adverse Effect" determination under Section 106. Further FHWA may rule that "preservation in place "is warranted for the affected Native American site which invokes protection under Section 4(f) of the USDOT Act of 1966. This may require looking further at some less desirable, but still beneficial alternatives to a south access.

As a result of the above situation, the project schedule has obviously suffered. The City is reviewing options for avoidance of the Native American site balanced against possible neighborhood impacts and restricted future property uses. A new tentative schedule is proposed and for consideration by the Committee as follows below. This schedule would reflect the most pessimistic time frames based on expected decisions by FHWA with regard to Section 106 and Executive Order 13175.

Existing TIP Information:

Amount (\$M)	Fund Source	Phase	Year
5.000	STP-Flex	Construction	13-14
0.085	STP-Flex	I (ROW Incidentals)	13-14
0.213	STP-Flex	Preliminary Design	13-14

Proposed TIP Entries:

Amount (\$M)	Fund Source	Phase	Year
0.213	STP-Flex	Preliminary Design	13-14
0.085	STP	I (ROW Incidentals)	14-15
0.150	STP	ROW	15-16
4.850	STP	Construction (default to 5 th year)	17-18

*Note: Construction phases of Existing and Proposed include inspection (assume 15% of total). Detailed Design included within Construction amount on Proposed TIP Entries.

Very truly yours,



Andrew Donovan, PE
City Engineer

cc: Mayor Rosamilia
Deputy Mayor Ryan
Bill Dunne, Commissioner of Planning