

**Establishing Capital Project No. 648 – Ulster & Delaware Corridor Rail Trail – Shandaken (PIN 8762.89) – Authorizing The Chair Of The Ulster County Legislature To Execute Agreements For Federal Aid With The New York State Department Of Transportation – Amending The 2022 Capital Program - Declaring Intent To Act As Lead Agency (SEQRA) – Department Of Planning**

Referred to: The Economic Development, Planning, Education, Employment, Arts and Agriculture Committee (Chairman Cahill and Legislators Corcoran, Criswell, Hewitt, Litts, Maloney and Sperry), The Energy, Environment and Sustainability Committee (Chairwoman Greene and Legislators Hansut, Erner, Maloney, and Stewart), The Public Works, Capital Projects and Transportation Committee (Chairwoman Petit and Legislators Fabiano, Litts, Nolan, and Stewart), and The Ways and Means Committee (Chairman Gavaris and Legislators Cahill, Fabiano, Ronk, and Walter)

Chairwoman of the Public Works, Capital Projects and Transportation Committee, Laura Petit, Deputy Chair Dean J. Fabiano, and Legislators Nolan and Stewart offer the following:

WHEREAS, this resolution has been submitted by the Acting County Executive on behalf of the Department of Planning; and

WHEREAS, the 2022-2027 Ulster County Capital Improvement Program included \$10,250,000.00 in funding for the U&D Corridor Rail Trail (U&D Trail) in the Town of Shandaken to be completed in two phases with the first phase to run from High Mount to Giggle Hollow approximately 2.5 miles; and

WHEREAS, pursuant to Resolution No. 449 of October 2021 the Ulster County Legislature, authorizing the submittal of an application to the New York State Department of Transportation for funding Phase I of the U&D Trail including the local funding for the required local match; and

WHEREAS, the design and construction of a shared-use trail from Highmount to Giggle Hollow in the Town of Shandaken along the Ulster & Delaware Railroad Corridor (the “Project”), PIN 8762.89, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such project to be borne at the ration of 80% federal funds and 20% non-federal funds; and

WHEREAS, Ulster County was awarded competitive federal Transportation Alternatives Project (“TAP”) funding for 80% has received a Federal-Aid Local Project Agreement for funding reimbursement for engineering and right-of-way incidental work for the Project; and

**Resolution No. 544      November 15, 2022**

**Establishing Capital Project No. 648 – Ulster & Delaware Corridor Rail Trail – Shandaken (PIN 8762.89) – Authorizing The Chair Of The Ulster County Legislature To Execute Agreements For Federal Aid With The New York State Department Of Transportation – Amending The 2022 Capital Program - Declaring Intent To Act As Lead Agency (SEQRA) – Department Of Planning**

WHEREAS, Ulster County desires to advance the Project by authorizing engineering and right-of-way incidental work totaling \$531,000 in Federal funds and \$133,000 in County funds and by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidental work for the Project or portions thereof; and

WHEREAS, the Ulster County Legislature is desirous of establishing itself as Lead Agency for review of the construction of the Project, and conducting a coordinated review of the construction of the Project as provided for under SEQRA; now, therefore, be it

RESOLVED, that establishing Capital Project No. 648 for the Ulster & Delaware Corridor Rail Trail – Shandaken (PIN 8762.89) and providing funding for only the engineering and right-of- way incidental work that constitutes a Type II action under NYCRR Part 617.5(c)(18),(21) (SEQRA), and this action has been determined not to have a significant impact on the environment; and, be it further

RESOLVED, that pursuant to 6 NYCRR Part 617.6(b) (3) of the Regulations pertaining to Article 8 of the Environmental Conservation Law of New York State (SEQRA), the Ulster County Legislature hereby declares its intent to serve as Lead Agency for construction of the above recited Project and has determined, after review of the criteria contained in 6 NYCRR Parts 617.4 (b) and 617.5(b), that the Project is an Unlisted Action; and, be it further

RESOLVED, that the Ulster County Legislature will conduct a coordinated review and circulate its Notice of Intent to serve as Lead Agency, together with the EAF and accompanying documentation, to all interested and involved agencies pursuant to 6 NYCRR Part 617.6(b) (2) (i) and 6 NYCRR Part 617.6(b) (3); and, be it further

RESOLVED, that pursuant to 6 NYCRR Part 617.6(b) (3), at the conclusion of an otherwise unchallenged thirty (30) day period following the date of transmittal of the Notice of Intent, the EAF and documentation aforesaid to the interested agencies, the Legislature shall become the Lead Agency under SEQRA for the Project; and, be it further

**Resolution No. 544      November 15, 2022**

**Establishing Capital Project No. 648 – Ulster & Delaware Corridor Rail Trail – Shandaken (PIN 8762.89) – Authorizing The Chair Of The Ulster County Legislature To Execute Agreements For Federal Aid With The New York State Department Of Transportation – Amending The 2022 Capital Program - Declaring Intent To Act As Lead Agency (SEQRA) – Department Of Planning**

RESOLVED, that the Ulster County Legislature hereby authorizes Ulster County to pay in the first instance 100% of the federal and non-federal share of the cost of engineering and right-of-way incidental work for the Project; and, be it further

RESOLVED, that that the sum of \$664,000.00.00 (\$531,000.00 Federal funds and \$133,000 County funds) is hereby appropriated in the manner prescribed below and made available to cover the cost of the engineering and right-of-way incidental phase of the Project; and, be it further

RESOLVED, that in the event the full federal and non-federal share costs of the Project exceed the amount appropriate above, the Ulster County legislature shall convene as soon as possible to appropriate said excess amount immediately upon notification by the Ulster County Executive thereof; and, be it further

RESOLVED, that the Chair of the Ulster County Legislature be and is hereby authorized to execute all necessary Agreements, certification and reimbursement requests for federal aid on behalf of Ulster County with the New York State Department of Transportation (“NYSDOT”) in connection with the advancement or approval of the Project and providing for the administration of the Project and the County’s first instance funding of Project costs and permanent funding of the local share of federal aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and, be it further

RESOLVED, that in addition to the Chair of the Ulster County Legislature, the following municipal titles—Director of Purchasing, Director of Planning, and Deputy Director of Planning—are also hereby authorized to execute any Agreements, certifications and reimbursement requests of behalf of the County with NYSDOT in connection with the advancement or approval of the Project identified in the Federal-Aid Local Project Agreement; and, be it further

RESOLVED, that a certified copy of this Resolution will be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and, be it further

**Resolution No. 544      November 15, 2022**

**Establishing Capital Project No. 648 – Ulster & Delaware Corridor Rail Trail – Shandaken (PIN 8762.89) – Authorizing The Chair Of The Ulster County Legislature To Execute Agreements For Federal Aid With The New York State Department Of Transportation – Amending The 2022 Capital Program - Declaring Intent To Act As Lead Agency (SEQRA) – Department Of Planning**

RESOLVED, that Capital Project No. 648 is hereby established in the amount of \$664,000.00 for the preliminary design, environmental review, and right of way incidentals for the development of the U&D Rail Trail – Shandaken from Highmount to Giggle Hollow; and be it further

RESOLVED, that the 2022 Capital Project Fund is hereby amended as follows:

	<u>CREATE</u>	<u>AMOUNT</u>
Capital Project No. 648    U&D Corridor Rail Trail Shandaken		\$664,000.00

and be it further;

RESOLVED, that the 2022 Ulster County Capital Fund Budget is hereby amended as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
HH.7197.0648.4300.4355 (App.#)	Engineering Services	\$664,000.00
HH.7197.0648.3500.5710 (Rev.#),	Serial Bonds	\$664,000.00

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22      NOES: 1  
(Noes: Legislator Maloney)

Passed Committee: Economic Development, Planning, Education, Employment, Arts and Agriculture on November 1, 2022

**Resolution No. 544      November 15, 2022**

**Establishing Capital Project No. 648 – Ulster & Delaware Corridor Rail Trail – Shandaken (PIN 8762.89) – Authorizing The Chair Of The Ulster County Legislature To Execute Agreements For Federal Aid With The New York State Department Of Transportation – Amending The 2022 Capital Program - Declaring Intent To Act As Lead Agency (SEQRA) – Department Of Planning**

Passed Committee: Energy, Environment and Sustainability on November 1, 2022

Passed Committee: Public Works, Capital Projects and Transportation on November 7, 2022

Passed Committee: Ways and Means on November 9, 2022

**FINANCIAL IMPACT:**

**\$664,000.00 – COUNTY CAPITAL FUND APPROPRIATIONS**

**\$664,000.00 – COUNTY REVENUE – SERIAL BONDS**

**(80% FEDERAL REIMBURSABLE)**

**Resolution No. 544      November 15, 2022**

**Establishing Capital Project No. 648 – Ulster & Delaware Corridor Rail Trail – Shandaken (PIN 8762.89) – Authorizing The Chair Of The Ulster County Legislature To Execute Agreements For Federal Aid With The New York State Department Of Transportation – Amending The 2022 Capital Program - Declaring Intent To Act As Lead Agency (SEQRA) – Department Of Planning**

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 15<sup>th</sup> Day of November in the year Two Thousand Twenty-Two, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 18<sup>th</sup> Day of November in the year Two Thousand Twenty-Two.

|s| Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

Submitted to the County Executive this  
18<sup>th</sup> Day of November 2022.

Approved by the Acting County Executive this  
22<sup>nd</sup> Day of November 2022.

|s| Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

|s| Johanna Contreras  
Johanna Contreras, Acting County Executive