

Appendix C1
City of Buffalo Maintenance
Jurisdiction Letter



BYRON W. BROWN
Mayor of Buffalo

NATHAN R. MARTON
Commissioner

DEPARTMENT OF PUBLIC WORKS, PARKS & STREETS

December 21, 2023

Sanjyot S. Vaidya, PE
Regional Design Engineer
NYS Department of Transportation
100 Seneca Street
Buffalo, NY 14203

Re: Maintenance Jurisdiction Agreement
NYS Route 33 Kensington Expressway Project, PIN 5512.52

Dear Sanjyot,

As the New York State Department of Transportation (“NYSDOT”) moves forward with the design process for the NYS Route 33 Kensington Expressway Project, PIN 5512.52, (the “Project”), the City of Buffalo (the “City”) continues to provide input and work collaboratively with the NYSDOT on determining the project’s impact during both the construction and post-construction process. This letter sets forth the non-binding preliminary basis for the conceptual development of a more formal maintenance jurisdiction agreement (the “Agreement”) between the City and NYSDOT for the Project from High Street to Northland Avenue. Although outlined below in more detail, the Agreement will provide for the NYSDOT to maintain/continue to maintain any and all elements and features related to the maintenance and operation of the expressway and the Project and the City will be asked to formally agree to maintain any and all completed elements related to the surface-level crossings of the expressway and tunnel.

From a scope of work standpoint, the Project proposes the following high-level list of major elements:

- Construction of a tunnel on the Expressway from Dodge Street to Sidney Street/Butler Avenue with greenspace including trees on top.
- Construction of an electrical substation at northwest corner of Best Street and West Parade Avenue.
- Reconstruction of Humboldt Parkway within the project limits (see attached Project Map).
- Replacement of the Best Street Bridge, including the construction of roundabouts at the Best Street interchange and museum entrance.



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- Pavement milling/resurfacing, (as well as sidewalk, curb, curb ramp, and lighting improvements, replacement of traffic signals, and tree plantings as needed) on local streets adjacent to Humboldt Parkway and the Expressway (see attached Localized Street and Pedestrian Improvements Map).

Following completion of the Project, NYSDOT would maintain the following features of the project:

1. The NYS Route 33 Kensington Expressway and all associated elements within the NYS right-of-way, including all below and above ground components, all on-and off-ramps, all utilities necessary for the ongoing operations of the expressway, including but not limited to the drainage system (excluding combined sewer).
2. The "Tunnel Structure" which includes, but is not limited to, the underground structures/facilities and utility infrastructure, pump stations, and the associated tunnel electrical/lighting/mechanical/safety systems and other tunnel-related systems not herein defined.
3. The Electrical Substation currently defined (including associated driveway, landscaping, and fencing) and any other substations not currently outlined as this time but would be construction for the construction and operation of the expressway, including the tunnel structure.
4. The Best Street Bridge structure and its associated structural/operational elements, excluding pavement markings, signage, multi-use pathways, curbing, roundabout and landscaping features, and utilities including street lighting.
5. All elements within the fenced-in areas on top of the tunnel (at the tunnel portals) including also fencing.

Following completion of the Project and the City's official acceptance of the completed work, the City would, after satisfactory completion of the work by others, and subject to formal City approvals and budgetary appropriations, maintain (or continue to maintain) the following elements:

1. All new surface (on top of the tunnel structure) expressway crossings, which includes roadbeds, curbs and sidewalks.
2. The newly created landscaped median on top of tunnel, excluding fenced-in areas at the tunnel portals and any tunnel-related structural elements. This scope is specifically related to the landscape elements only and subject to final review/approval in the contract documents, which would specific establishment period which is the responsibility of the NYSDOT.



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3. New roundabouts on Best Street, including landscaping, pavement markings, signage, multi-use pathways, curbing, and street lighting.
4. All City-owned utilities, traffic signals and street lighting. Specifically excluded from the City's responsibility are any/all mechanical/electrical/lighting/drainage/safety systems and their associated components related to the tunnel and/or expressway.
5. All Humboldt Parkway pavement, curbs, sidewalks, lighting and signals.
6. All elements of City-owned roadways included in the local street enhancement. (See attached map of Localized Street and Pedestrian Improvements).
7. Best Street, which includes all pavement, curbs, sidewalks, lighting and signals.

As it relates to the combined sewer that is located within the project limits, the NYSDOT would be required to coordinate directly with the Buffalo Sewer Authority. The City is not the operational entity responsible for the combined sewer system.

As it relates to the water distribution network that is located within the project limits, the NYSDOT would be required to coordinate directly with the Buffalo Water Board. Although the system is operated and maintained by City employees, the City is not the operational entity responsible for the water system.

Additionally, as it relates to electrical, natural gas, telecommunications, and other like utilities that are or are to be within the City's right-of-way, the NYSDOT would be required to directly coordinate with the corresponding entity for each utility service.

Although this letter outlines the basis for an agreement it does not constitute the agreement itself. The City expects that a formal maintenance and jurisdiction agreement, which will include but not be limited to a detailed operational jurisdictional map, will be developed to clearly define what has been initially and conceptually presented in this letter all of which shall be formal City approvals and budgetary appropriation. Additional elements and features may be included in the agreement as design of the Project progresses.

Additionally, City-owned property necessary for construction and operation of the Project outside of the current maintenance envelope for the Kensington Expressway and associated ramps would, subject to



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formal City approvals and conditions, be acquired through permanent and or temporary acquisitions and/or easements.

We look forward to continued collaboration as the Project develops.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nathan R. Marton".

Nathan R. Marton
Commissioner

Cc: Cavette Chambers, City of Buffalo, Corporate Counsel (email)
Nolan Skipper, City of Buffalo, City Engineer (email)
Andy Rabb, City of Buffalo, Deputy Commissioner for Parks and Recreation (email)
Frank Cirillo, Regional Director, NYSDOT Region 5 (email)