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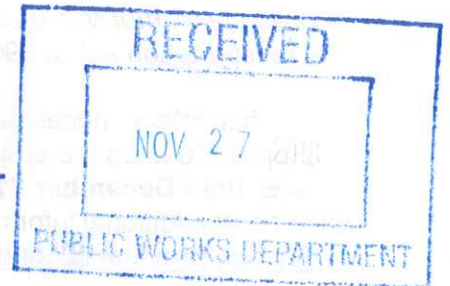
FRANK P. CIRILLO, SR/WA
Regional Director

November 26, 2018
RECEIVED

John P. Caso, Director of Public Works
City of Niagara Falls
745 Main Street
Niagara Falls, NY 14301

NOV 29 2018

LAW DEPARTMENT



**RE: NYSDOT SIGNAL REPLACEMENT PROJECT, SFY 19/20
VARIOUS ROUTES, TOWNS OF AMHERST, NIAGARA, ORCHARD PARK
TONAWANDA, AND WHEATFIELD, CITY OF NIAGARA FALLS
VILLAGES OF DEPEW, FREDONIA, KENMORE, AND LANCASTER
CHAUTAUQUA, ERIE, AND NIAGARA COUNTIES
PIN 5810.95**

Dear Mr. Caso:

The New York State Department of Transportation (NYSDOT) is in the preliminary design phase of the above-referenced, federally-funded project. The project proposes to address deficient/deteriorated equipment, non-compliant traffic signals, pedestrian facilities, remove unwarranted traffic signal systems, and acquire property for signal components previously installed off the State Right-of-Way (ROW).

Included in this project, is the intersection of US Route 62 (Walnut Street) and NY Route 61 (Hyde Park Boulevard) in the City of Niagara Falls (City). New signal equipment (two pull boxes, conduits and a ground mounted signal cabinet) is proposed to be installed on the northeast corner of the intersection outside the current State Right-of-Way (ROW) limits. In order to install the signal equipment, NYSDOT is proposing to purchase in (FEE) approximately 400 square feet of park property from Arthur V. Curcione Place (See attached plan sheet). Our records indicate that Arthur V. Curcione Place is considered public parkland under the jurisdiction of the City of Niagara Falls. The acquisition of public parkland for use in transportation projects is regulated by Section 4(f) of the New York State Department of Transportation Act of 1966 (Act). Furthermore, the 2005 revision of the Act established procedures for states to acquire minor amounts of ROW through Eminent Domain Procedure Law from public parklands as a *de minimis* use. This requires three (3) things: a letter from the "Official with Jurisdiction", a notification of the proposed *de minimis* ROW acquisition, and approval from the Federal Highway Administration.

NYSDOT will be requesting that this ROW action (FEE) be considered a *de minimis* use of Arthur V. Curcione Place by the Federal Highway Administration (FHWA). As regulated under Section 4(f), and as part of the *de minimis* determination process, NYSDOT needs to obtain a letter from the "Official with Jurisdiction", in this case the City of Niagara Falls, before obtaining *de minimis* concurrence from FHWA.

After the City has reviewed this action, NYSDOT respectfully requests an "Official with Jurisdiction" letter stating whether the City agrees or disagrees with the *de minimis* determination. If the City agrees with the action and the *de minimis* determination, NYSDOT asks that the City provide a letter to NYSDOT with the following text included:

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"The City of Niagara Falls has no objections to the de minimis determination of the proposed action (FEE purchase of 400 square feet of property) in Arthur V. Curcione Place, and that this action will not adversely impact the park activities, features and attributes that qualify this property (Arthur V. Curcione Place) for protection as a park under the Department of Transportation Act of 1966, Section 4(f)."

This letter is necessary for NYSDOT to move forward with consultation with FHWA and the project. To keep the project on schedule, **we would appreciate hearing back from the City no later than December 21, 2018**. If you have any questions regarding Section 4(f) requirements or need additional information, please feel free to contact me at (716) 847-3189 or by email at Andrew.Brayman@dot.ny.gov.

If you have specific project related questions, please contact Dave Hill, Project Manager, at (716) 847-3223 or by email at Dave.Hill@dot.ny.gov.

Sincerely,



Andrew G. Brayman,
Regional Cultural Resource Coordinator

SJJ/AGB/htd
Enclosures

cc: David J. Hill, P.E., Assistant Regional Design Engineer, NYSDOT, Region 5
File

CITY OF NIAGARA FALLS ARTERIALS:
WALNUT AVENUE AND FERRY AVENUE
S.H. FAC 57-15

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
ACQUISITION MAP
PIN 5810.95

MAP NO. 14
PARCEL NO. 14
SHEET 1 OF 2 SHEETS

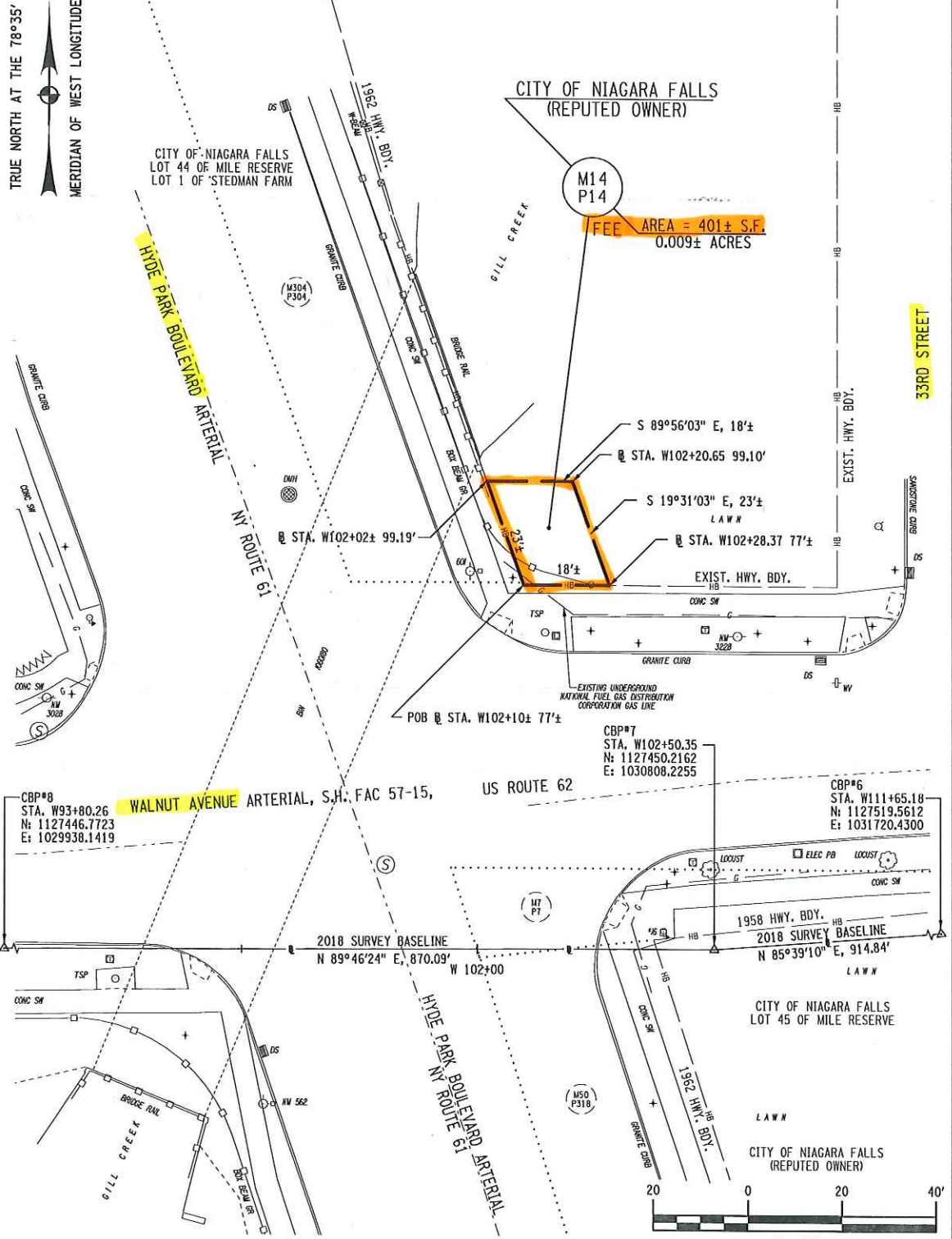
MAP REFERENCE INFORMATION:
PART OF LOT 44 MILE RESERVE
PART OF LOT 1 OF THE
STEDMAN FARM

Parcel Locator Point:
N: 1127527.2000
E: 1030767.7163
N.Y.S.P.C.S. WEST ZONE:
NAD 83 (CORS 96)

CITY OF NIAGARA FALLS
(REPUTED OWNER)

PARCEL SUMMARY:
Type: FEE
Portion of 2014 Tax
Map Ref. No. 159.28-1-1

City of NIAGARA FALLS
County of NIAGARA
State of New York



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