PROGRAMMATIC AGREEMENT
BETWEEN
THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND
THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND
HISTORIC PRESERVATION REGARDING IMPLEMENTATION OF
PROJECTS AFFECTING THE TACONIC STATE PARKWAY

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has determined that the Taconic State Parkway from its northern terminus at I-90 south to and including the Crompond Road Bridge is eligible for inclusion in the State and National Registers of Historic Places; and

WHEREAS, the New York State Department of Transportation (DOT) has developed a five-year capital program for the Taconic State Parkway which includes the following projects:

PUTNAM COUNTY

8126.58  Bryant Pond Road to Peekskill Hollow Road
8126.59  Stillwater Pond to Route 301
8126.48  Knapp Road to Miller Hill Road

DUTCHESS COUNTY

8126.76  Miller Hill Road Crossing
8126.47  Hesner Mountain Road Intersection Improvement
8126.61  Hesner Mountain Road Park & Ride Lot
8126.60  Arthursburg Road Intersection Improvement
8126.51  Route 44 to Willow Lane
8126.52  Willow Lane to Cold Spring Road
8126.53  Cold Spring Road to Jackson Corners Road

COLUMBIA COUNTY

8126.49  Jackson Corners Road to Route 82
8126.57  Route 82 to Route 23
8126.75  Angell Hill Road Bridge Replacement; and

WHEREAS, OPRHP has determined that some or all of these projects will have an impact upon the Taconic State Parkway, and the consulting parties agree that the Taconic State Parkway should be addressed as a single historic resource with a programmatic mitigation that considers the collective positive and negative impacts of the projects to be undertaken; and

WHEREAS, DOT participated in the consultation and has been invited to concur in this Programmatic Agreement.
NOW, THEREFORE, DOT and OPRHP agree that the projects included in this agreement shall be administered in accordance with the following stipulations for undertakings that may have an impact on the Taconic State Parkway satisfying DOT responsibilities under Section 14.09 of the New York State Historic Preservation Act.

STIPULATIONS

1) PUTNAM COUNTY SECTION, INCLUDING DUTCHESS COUNTY BELOW I-84

a) The Taconic State Parkway reconstruction shall be implemented with 8 foot paved right shoulders, 4 foot paved left shoulders, standard acceleration/deceleration lanes with reduced shoulders and curbing.

b) Fluted mountable curbing shall be installed where curbing exists or existed.

c) Guardrails separating north-bound/south-bound lanes shall not be replaced with Jersey Barriers. DOT shall consult with OPRHP on the use of aesthetic guardrails, such as rustic box guardrails, rustic "W" guardrails, or stone-faced concrete barriers. DOT shall reach consensus on the plans through consultation or follow Stipulation 6.

d) The Miller Hill Road Crossing shall proceed in accordance with plans submitted to OPRHP on June 19, 1997. Any modifications that are consistent with the technical stipulations of this agreement can be progressed without further OPRHP review.

2) COLUMBIA COUNTY SECTION, INCLUDING DUTCHESS COUNTY NORTH OF STATE ROUTE 44

a) The Taconic State Parkway reconstruction shall be implemented with 12 foot, 2 lane roadways and 3 foot paved left shoulders and 4 foot paved right shoulders set within mountable, fluted curbs on both sides of the roadway.

b) A closed drainage system shall be retained/installed. Plans for the drainage system shall be submitted to OPRHP for review and comment prior to final design. DOT and OPRHP shall reach consensus on the plans through consultation or follow Stipulation 6.

c) For rehabilitation projects in the absence of compelling safety concerns, there shall be minimal changes to acceleration/deceleration lanes and ramps.

d) There shall be no Jersey Barriers installed.
h) DOT shall explore completing full HABS/HAER documentation of the Taconic State Parkway and either undertake the documentation project or provide OPRHP with a record that demonstrates a good faith effort to identify funding for the project.

i) DOT shall investigate the possibility of reopening a closed overlook or look for opportunities to establish a new overlook on the parkway. DOT shall report to OPRHP on the progress of this investigation and shall report its findings and recommendations.

j) The medians at at-grade crossings to be closed to crossing traffic shall be blocked off with guiderail or replanted to match the adjacent landscape treatment. For other parkway or approach road changes related to at-grade crossings, DOT and OPRHP shall reach agreement on the plans through consultation or follow Stipulation 6.

4) MONITORING

OPRHP may monitor activities carried out pursuant to this Programmatic Agreement.

5) AMENDMENTS

Any party to this Programmatic Agreement may request that it be amended, whereupon the parties will consult to consider such amendment.

6) DISPUTE RESOLUTION

Should any party to this agreement object within 30 days to any documents or plans provided for review or any actions proposed pursuant to this agreement, DOT and OPRHP shall meet, discuss and agree or elevate to executive management level in both agencies. Until consensus is reached, it is understood that the proposed project constitutes an adverse impact.

7) TERMINATION

Any party to this Programmatic Agreement may terminate it by providing 30 days notice to the other party, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.
There are no changes proposed to be made to the parkway maintenance facilities. Additions, alterations and removals shall be submitted to OPRHP for review as described in Stipulation 8.

DOT shall explore the use of concrete paving and document the final selection of paving material to OPRHP.

Plans shall be submitted to OPRHP for review and comment for any amenities associated with this section including, but limited to, proposed park & ride lots and new gas/service stations. DOT and OPRHP shall reach consensus on the plans through consultation or follow Stipulation 6.

3) ALL SECTIONS

a) Stone-faced culverts shall be retained or replaced with stone-faced culverts. Replacement stone facing shall match the appearance and overall visual qualities (stone finish, size, color and type, pattern, mortar color) of the existing random fieldstone examples.

b) Foot and horse trails shall be retained.

c) Rock cuts shall be designed generally to be 3 on 1 or steeper. If exceptions to this are required to create a stable slope, DOT and OPRHP shall reach agreement on the plans through consultation or follow Stipulation 6.

d) DOT shall provide OPRHP with an opportunity to comment on the selection of an appropriate fluted mountable curbing to be used on the parkway.

e) Treatments for existing bridges and/or replacement bridges shall be designed for compatibility with historic parkway bridges. Plans for all bridges shall be submitted to OPRHP for review and comment prior to final design. DOT and OPRHP shall reach consensus on the plans through consultation or follow Stipulation 6.

f) DOT and OPRHP shall conduct a site visit to identify landscape elements that should be retained or removed to establish the "clear zone" for vegetation. DOT and OPRHP shall reach consensus on the plans through consultation or follow Stipulation 6.

g) DOT shall complete documentation, according to HABS/HAER standards, for all character-defining parkway elements that will be eliminated. DOT shall consult with OPRHP and HABS/HAER regarding appropriate level of documentation.
8) NEW PROJECTS

As new projects are proposed for the Taconic State Parkway, DOT shall consult with OPRHP to determine if the project’s design is consistent with the stipulations of this agreement. Upon OPRHP’s written determination of consistency, the agreement shall be considered amended to incorporate the project. DOT and OPRHP shall reach consensus regarding project impacts through consultation or follow Stipulation 6.

NEW YORK STATE HISTORIC PRESERVATION OFFICER

By: J. Winthrop Aldrich, Deputy Commissioner

Date: 15 Oct. 97

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

By: James B. Cantwell, Assistant Commissioner and Chief Counsel

Date: 10/14/97
December 17, 2008

Ruth L. Pierponrt, Director
NYS Office of Parks, Recreation, and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, P.O. Box 189
Waterford, NY 12188-0189

RE: TACONIC STATE PARKWAY
PROGRAMMATIC AGREEMENT AMENDMENTS

Dear Ms. Pierponrt:

The New York State Department of Transportation (NYSDOT) is requesting that the Programmatic Agreement (PA) between the NYSDOT and the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) Regarding Implementation of Projects Affecting the Taconic State Parkway (dated October 1997) be amended, as per Stipulation 5 of this PA, to reflect NYSDOT's recent policy to cease the use of A588 (Corten, self-weathering, rustic) steel for highway guide railing and barriers as noted in NYSDOT Engineering Instruction (EI) 08-016 'Options for Replacement of Decommissioned A588 Steel for Guide Rail'. Copies of the EI and the signed PA are enclosed for your reference.

We propose the following amendments:

Under 'Stipulations, 1) PUTNAM COUNTY SECTION, INCLUDING DUTCHESS COUNTY BELOW I-84':

- c) Delete: "DOT shall consult with OPRHP on the use of aesthetic guiderail, such as rustic box guiderails, rustic "W" guiderails, or stone-faced concrete barriers. DOT shall reach consensus on the plans through consultation or follow Stipulation 6."
  
  Revise to read: "Guiderails separating north-bound south-bound lanes shall not be replaced with Jersey Barriers".

Under 'Stipulations, 3) ALL SECTIONS':

- Add: "k) DOT has consulted with OPRHP on the use of aesthetic guiderails at the special areas identified below. DOT shall reach consensus on the guiderail treatment type at the following special area locations through consultation with OPRHP or follow Stipulation 6":
  
  Special Areas (as determined by DOT in consultation with OPRHP):
  - Lake Taghkanic State Park Entrance
  - James Baird State Park Entrance
  - Franklin Roosevelt State Park Entrance
  - Route 201 Clarence F. Fathenstock Memorial State Park Exit

The NYSDOT respectfully requests the OPRHP review the proposed amendments and if in agreement with these changes, sign the attached signature pages and return one copy to the Region 8 office.

Very truly yours.

Joan Dupont
Regional Director, Region 8
NYSDOT

Enclosures
Signature Page

cc: J. McLaughlin, Regional Director, OPRHP Taconic Region
    G. Jobson, Capital Facilities Regional Manager, OPRHP Taconic Region
    T. Conway, NYSDOT Delivery Division
    M. Ivey, Director, NYSDOT Office of the Environment
    W. Gorton, Regional Design Engineer, NYSDOT Region 8
    S. MacAvery, Landscape Architecture/Environmental Services Group, NYSDOT Region 8
AMENDMENT TO PROGRAMMATIC AGREEMENT
Amendment to the original agreement evidences that NYSDOT has satisfied its Section 14.09 responsibilities for projects defined in the Programmatic Agreement.

NEW YORK STATE HISTORIC PRESERVATION OFFICER

BY: Ruth Pierpont
    Date: 1/2/09

Ruth Pierpont, Director Field Services Bureau

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

By: Joan Dupont
    Date: 12/18/08

Joan Dupont, Regional Director