APPENDIX B

TRAFFIC VOLUMES AND ANALYSIS RESULTS
APPENDIX C

CORRESPONDENCE
April 19, 2007

Marc Kenward, Senior Associate
Erdman, Anthony and Associates
2165 Brighton Henrietta Townline Road
Rochester, NY 14623

Dear Mr. Kenward,

The City of Binghamton Parks and Recreation Department has no concerns with the temporary easement to remove old bridges and the construction of the retaining wall and new bridges. Because the Cheri Lindsey Memorial Park may be busy in the summer months we will advise the construction company of any problems that need to be addressed if they arise.

Respectfully,

John C. Whalen
Director of Parks and Recreation
Memorandum

Subject: PIN 9500.61  
NYS Route 17/I-86 Interchange  
City of Binghamton & Town of Dickinson, Broome County

From: Robert Arnold  
Division Administrator  
Albany, New York

To: Joe Pollock, Cultural Resource Coordinator  
New York State Department of Transportation, Region 9  
44 Hawley Street  
Binghamton, NY 13901

Date: September 11, 2006

Please reference your July 13, 2006 letter requesting our review and confirmation that the requirements of 36 CFR Part 800 have been met for the subject project. You have applied the criteria of effect in compliance with Section 106 of the National Historic Preservation Act and found that this undertaking would have No Adverse Effect upon properties on or eligible for inclusion on the National Register of Historic Places and notified the State Historic Preservation Officer (SHPO) of your finding. The SHPO has reviewed the project in accordance with Section 106 of the National Historic Preservation Act and has not issued an opinion within the 45 day review period, therefore we assume the SHPO agrees with the above recommendation.

We have reviewed the scope of the project, the information submitted, and visited the site; and conclude there will be no adverse effect on cultural resources eligible for, or listed on, the National Register of Historic Places within the project’s area of potential effect.

The requirements of 36 CFR Part 800 have been met for this project.

/s/ROBERT M. DAVIES

Robert M. Davies  
Senior Operations Engineer

cc: Ruth Pierpont, OPRHP

bcc: Environmental File, DO Day, s:/fy06/4th/memo/9500.61 Section 106.doc 
RDAVIES:rmd:tm: 9/11/06

BUCKLE UP AMERICA
July 13, 2006

Ruth L. Pierpont
New York State Office of Parks, Recreation and Historic Preservation
Field Services Bureau
P.O. Box 189
Peaches Island
Waterford, New York 12188

RE: PIN 950061.122 / 05PR04756
NYS ROUTE 17 / I-81 INTERCHANGE
SH 63-24, SH 64-1, SH 64-4, SH 64-5, SH 68-8
CITY OF BINGHAMTON / TOWN OF DICKINSON
BROOME COUNTY

Dear Ms. Pierpont:

The New York State Department of Transportation (NYS DOT) is completing preliminary design for the above referenced federally funded project. The project objective is to upgrade the NYS Route 17/ I-81 Interchange to present day interstate highway standards. The attached Finding Documentation prepared in accordance with 36 CFR Part 800 summarizes the project and its effect upon historic properties.

The NYS DOT has applied the criteria of effect in compliance with 36 CFR Part 800.5(b) and finds that this undertaking will have No Adverse Effect upon properties on or eligible for inclusion on the National Register of Historic Places.

The NYS DOT respectfully requests that the State Historic Preservation Office (SHPO) review the attached finding and comment of there are questions or objections within 45 days of receipt. If the SHPO does not respond within 45 days, the NYS DOT will assume agreement to this finding. After this review period has expired, the NYS DOT requests that the Federal Highway Administration (FHWA) determine that the requirements of 36 CFR Part 800 have been met for this project.

Sincerely,

Joseph Pollock
Cultural Resource Coordinator
NYS DOT Region 9

JP/jp
attachments
c: Robert Arnold, FHWA
Daniel Hitt, BAB
Peter Larson, Consultant Management Reg. 9
CRS File
1. Project Description

This federally funded project involves the reconstruction of the Route 17 / Interstate 81 Interchange including the replacement of bridge structures over the Chenango River.

2. Steps Taken To Identify Historic Properties

A Cultural Resource Management Survey was completed in July 2003 and an addendum survey completed in December 2004.

3. Evaluation of Projects Impact on Historic Properties

Only properties on 484 Chenango Street and 20 Sturges Street were identified as being eligible for inclusion on the National Register of Historic Places. The Chenago Street property is an Italianate commercial structure built before 1891 and the Sturges Street property is a Queen Anne style residence built between 1891 and 1898. One alternative (D7B) originally impacted the modern car garage associated with the Sturges Street property and is shown on the attached plans as being demolished. This garage will be avoided. There are no properties listed on the National or State Register of Historic Places within the Area of Project Effect (APE). No archaeology sites were identified within or directly adjacent to the APE.

Therefore, this undertaking will have No Adverse Effect upon properties on or eligible for inclusion on the National Register of Historic Places.

4. Basis for Recommended Project Finding

Applying the criteria of effect in accordance with 36 CFR Part 800 the implementing regulations for Section 106 of the National Historic Preservation Act, this undertaking meets the criteria of No Adverse Effect. The highway project will not directly affect either identified historic property or its setting.

5. Public involvement and Native American Consultation

Several public information meetings were held and individual property owners within the APE contacted. Since no archaeology was identified there was no consultation with Native Americans.

6. Attachments

Half scale typical sections, plans and profiles.
September 14, 2005

Dr. Anthony Wonderley, Nation Historian
Oneida Indian Nation
221 Union Street
P.O. Box 662
Oneida, New York 13421

RE: PIN 9500.61.121 1-81/ NY ROUTE 17 INTERCHANGE
TOWN OF DICKINSON / CITY OF BINGHAMTON
BROOME COUNTY

Dear Tony:

The New York State Department of Transportation (NYSDOT) is completing preliminary design for the above referenced federally funded project. Enclosed please find a copy of a cultural resource management survey dated July 2003 as well as an cultural resource management addendum survey dated December 2004 for this project. Due to funding considerations this project was not being actively progressed under Section 106 of the National Historic Preservation Act. Now however, the NYSDOT feels that this consultation can appropriately be advanced in accordance with 36 CFR Part 800. The NYSDOT apologizes for the delay. No Native American Archaeology was identified in either report. If the Oneida Indian Nation has any objections to the contents of these reports the NYSDOT would appreciate comments within 45 days of receipt of this letter. If the Oneida do not respond within 45 days the NYSDOT will assume concurrence with the report recommendations.

Sincerely,

[Signature]

Joseph Pollock
Cultural Resource Coordinator
NYSDOT Region 9

JP/jp
enclosure
c: Robert Arnold, FHWA
    Daniel Hitt, EAB
    Donald Hogan, Reg. 9
September 14, 2005

Ms. Ruth Pierpont
New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, P.O. Box 189
Waterford, New York 12188

RE: PIN 9500.6.121 1-81/NY ROUTE 17 INTERCHANGE
TOWN OF DICKINSON & CITY OF BINGHAMTON
BROOME COUNTY

Dear Ms. Pierpont:

Enclosed please find a cultural resource management addendum survey report for the above referenced federally funded project. Any questions about the content of the report should be directed to Mary Santangelo in the NYSDOT Environmental Analysis Bureau (EAB) at (518) 457-5672. Any questions about the project should be directed to Joe Pollock, the Region 9 Cultural Resource Coordinator at (607) 721-8077. Although no historic properties were identified in the report, please be advised that a previous survey was sent to your office dated July 2003 in which resources were identified as being eligible for the National Register of Historic Places.

No response is necessary if the State Historic Preservation Officer (SHPO) is in agreement with the recommendations in this report. If the SHPO does not respond within 30 days the NYSDOT will assume agreement.

Sincerely,

Joseph Pollock
Cultural Resource Coordinator
NYSDOT Region 9

JP/jp
enclosure\
c: Robert Arnold, FHWA (report)
Daniel Hitt, EAB (report)
Daniel D'Angelo, NYSDOT Design Quality Assurance Bureau
James Church, NYSDOT Project & Letting Management
Donald Hogan, Reg.9
CRS
Scott Faulkner - PIN 9500.61 - April 7, 2006 Bike/Ped Meeting

From:    "Don Hogan" <dhogan@dot.state.ny.us>
To:      <sfauklner@mjinc.com>
Date:    4/7/06 4:14:25 PM
Subject: PIN 9500.61 - April 7, 2006 Bike/Ped Meeting

Scott, here's a summary of this morning's meeting.

1. The City will be responsible for planning, design, cultural resource issues, and property issues for the bike/ped trail on the east side of the river. Construction will be added to the Prospect Mountain project by Order-On-Contract. Mark Bowers is checking on funding.

2. The bike/ped bath on the west side of the river will be included in our project. You need to make sure of the Front Street lane requirements as we discussed yesterday and then design the bike/ped bath from approximately the Front Street crossing just south of Prospect Street up to Bevier Street. A crossing should be provided at Bevier Street and the trail should also extend under the Bevier Street Bridge and tie into the Otsiningo Park trail.

3. We cannot allow cultural resource or flood plain issues to delay Design Approval on the Prospect Mountain project. You need to investigate whether that is a problem; particularly in the flood wall area at Prospect Street, at the north end of the trail nearing Bevier Street, and at the tie-in to Otsiningo Park. It may become necessary to stop the trail at Bevier Street to avoid these problems if they are determined to exist.

4. The County will be working on construction of a new deck for the Bevier Street Bridge. I believe it is expected to be completed during the summer of 2006. Perhaps their construction vehicles will be running over the area of our tie-in and it will already be perceived as a disturbed area. Perhaps as part of their project they might conveniently grade a trail from Front Street to the park trail that we can then just pave over. Mark Bowers will be checking with the County on possibilities and will also check on a fund source.

5. We should strive for a 4.0 m wide trail where possible. Gary Holmes will also send us information on trail widths from the City's previous designs.

6. Construction of the west side trail will occur in the Phase 2 construction project. It is desired to retain the lanes on Front Street during most of the construction since this will be part of an incident management route.

7. Scott, include whatever survey and design time that is required in the current supplemental agreement that you are working on.

CC:    <grholmes@cityofbinghamton.com>, "Doug Bickford" <DBICKFORD@dot.state.ny.us>, "Jack Williams" <JWILLIAMS.R09-PO.R09-Domain@dot.state.ny.us>, "Mark Bowers" <MBOWERS.R09-PO.R09-Domain@dot.state.ny.us>, "Pete Larson" <PLARSON.R09-PO.R09-Domain@dot.state.ny.us>, "Ron Coleman" <RCOLEMAN@dot.state.ny.us>
SLIDING INTO THE PROPOSED LAGRANGE STREET INTERCHANGE

Mygatt Street is the only access to approximately 105 homes scattered across the easterly and southerly sides of Prospect Mountain. LaGrange Street runs westerly from the northerly end of Mygatt and provides the only access to 28 of these homes.

The turn from Mygatt to LaGrange is a real challenge during a winter storm. The residents have worked out the following plans to deal with this:

PLAN A: Stay home. We learn to watch the forecast and be prepared.

PLAN B: Many of us have all wheel drive vehicles. Early in a storm a driver proceeding uphill on Mygatt can accelerate on the dry pavement underneath Route 17 and make the left turn up and over the hump on LaGrange. Later – when moisture is dragged and freezes under 17 – it becomes more difficult.

PLAN C: The driver of a two wheel drive car may try the easier right turn from LaGrange to Ridge Road - then turn around in the end of Packard Street and take a straight shot from Ridge Road - across the top end of Mygatt - to LaGrange.

PLAN D: There is room to park a few cars on the Mygatt Street sidewalks under Route 17. Walk home and retrieve your car the next day.

If you have to leave during slippery conditions – the best method is to come to a complete stop on the hump at the easterly end of LaGrange. Put your transmission into low range and ease into a right turn down the incline onto Mygatt. Avoid using the brakes or you may slide into the uphill traffic.

The local residents have adapted to the local problems. A few thousand strangers introduced to this intersection may find the learning curve very damaging.

The interchange proposed on Prospect Street avoids these problems.

Lynn Pullis, August 27, 2005
March 17, 2005

Mr. Terry Zimmer, Facilities Manager
Universal Instruments Corporation
90 Bevier Street
Binghamton, New York 13904

Dear Mr. Zimmer:

RE: NYS ROUTE 17/INTERSTATE 81 RECONSTRUCTION
INTERCHANGE 4 (NYS ROUTE 7) IMPROVEMENTS
BINGHAMTON, NEW YORK; PIN950061

Thank you for your comments regarding the proposed modifications for NYS Route 17/ Interstate 81 in the vicinity of Interchange 4 (NYS Route 7).

The NYS Route 17/Interstate 81 reconstruction project is currently in the preliminary design phase. Our Department is evaluating two alternatives to address operational and safety issues at Interchange 4 in the second phase of construction: an expanded clover leaf design, as depicted in the plans that were forwarded to you in January 2005, and an alternative diamond interchange configuration. The diamond interchange alternative would make the interchange more compact but would require the installation of traffic signals at the ramp termini on NYS Route 7. We are forwarding to you an additional set of plans which depict the diamond interchange configuration.

Both alternatives will be presented to community stakeholders for review and comment in the Design Report and in future meetings, prior to the selection of a preferred alternative. If you have any questions or additional comments, please do not hesitate to call me by telephone at (607) 721-8250 or by e-mail at dligeikis@dot.state.ny.us.

We look forward to continuing our working relationship with you during the design and construction of this project.

Sincerely,

DAVID LIGEIKIS, P.E.
Regional Planning & Program Manager
Mr. Terry Zimmer  
March 17, 2005  
Page Two

DL/WQ/jab  
Attachment

c:  D. Hogan, Regional Design Office  
    A. J. Kull, Regional Real Estate Office  
    J. Mancuso, Regional Traffic Engineer  
    P. Gendron, Regional Planning and Program Management Office  
    File PIN 950061  
    Blue
March 11, 2005

David Ligeikis, P.E.
Regional Planning & Program Manager
State of New York Department of Transportation
44 Hawley Street
Binghamton, NY 13901-4434

Re: PIN 950061: NYS Route 17/Interstate 81 Viaduct Over CP Rail Bevier Street Yard & Former Conrail Syracuse Branch Right-of-Way Binghamton, NY

Dear Mr. Ligeikis:

After receiving a copy of your letter of January 25, 2005 addressed to Kevin Carr of Canadian Pacific Railway, we have carefully reviewed the letter along with the set of drawings provided which depict the proposed modification to New York State Route 17/Interstate 81 Viaduct with particular consideration being given by us to the impact that such would have upon the property owned by Universal within the areas of the proposed taking and proposed construction.

As I am certain that you are aware, prior reconstruction project work undertaken by the Department of Transportation in this location has significantly and adversely affected the property owned by Universal at this location. Our review of the proposed project, as set forth in your letter and in the plans provided, establishes that the proposed takings and the project will significantly limit any possible future manufacturing growth by Universal at this site. Furthermore, the project completely eliminates any potential for future retail development of any of the vacant property owned by Universal. Additionally, the overall impact of the project and the takings are such that they will significantly and adversely impact the value of the property owned by Universal.

We further understand that the proposed takings and the project will result in a negative impact on the available parking for Bevier Street employees of Universal. Finally, to the extent that the intent of the Department of Transportation is to address and remediate deficiencies with regard to the existing design and layout of the highways, we note that the proposed changes still provide no direct means for exiting Route 81 northbound and Route 17 westbound onto the Brandywine Highway going north. It would behoove the Department of Transportation to address this deficiency in connection with any proposed modifications or renovations to the existing highway.

Should you require any further clarification with regard to our concerns and comments with regard to the proposed project, please feel free to contact the undersigned.

Very truly yours,

Patrick Gillard
Vice President, Finance

c: Ian deSouza
Terry Zimmer
From: "Don Hogan" <dhogan@dot.state.ny.us>
To: <sfaulkner@mjinc.com>
Date: 3/15/05 1:43:27 PM
Subject: Fwd: PIN 950061, NYS Rt. 17/I-81 over CP Rail Bevier St Yard, Binghamton

>>> "Kevin Carr" <Kevin_Carr@cpr.ca> 3/15/2005 11:43:21 AM >>>
To: William Quinn, NYSDOT Region 9

Please refer to letter dated January 25, 2005 received from Mr. David Ligeikis. We have reviewed the proposals as forwarded and would have the following comments.

The Delaware and Hudson Railway Company, Inc./ Canadian Pacific Railway would oppose the alternative which includes the infill of spans 2 to 6. As you are probably aware D&H/CP owns a large parcel of land to the east of, and between, the existing Bevier St. yard facilities and Broad St. The infill of spans 2 to 6 of the existing I-81/Rt 17 overhead structure, as proposed, would basically split this parcel of land in half from a north-south perspective. This proposal would limit our ability in the future to re-establish tracks or facilities in this area for our operating use, and more importantly, it would severely limit the ability to establish tracks or facilities, as may be required, to accommodate any potential commercial or industrial development initiatives within this area. Inasmuch, we would request that DOT not consider this option any further.

We would have no general objections to the alternate proposal to infill just spans 10 to 24 which are located west of any D&H/CP owned property or facilities.

Should you need any further information regarding this please feel free to contact me at 518-383-7247 or by return e-mail.

Kevin R. Carr
Engineer Public Works,
Canadian Pacific Railway/ D&H
200 Clifton Corporate Park
PO Box 8002
Clifton Park, NY 12065
Office (518-383-7247) Fax (518-383-7250)

--------------------------- IMPORTANT NOTICE - AVIS IMPORTANT ---------------------------
Computer viruses can be transmitted via email. Recipient should check this email and any attachments for the presence of viruses. Sender and sender company accept no liability for any damage caused by any virus transmitted by this email. This email transmission and any accompanying attachments contain confidential information intended only for the use of the individual or entity named above. Any dissemination, distribution, copying or action taken in reliance on the contents of this email by anyone other than the
February 13, 2004

Mr. Scott Faulkner
Transportation Manager
McFarland-Johnson, Inc.
49 Court Street, Metrocenter
PO Box 1980
Binghamton, NY 13902-1980

Re: PIN 9500.61
NYS Route 17/I-81 Interchange in Binghamton

Dear Mr. Faulkner:

This letter will serve to summarize our telephone conversation of 10 February 2004 regarding PIN 9500.61, changes to the bridges carrying I-81 and NYS Route 17 over the Chenango River at Binghamton.

Thank you for you letter 23 October 2003 indicating the results of a survey for freshwater mussels in the project impact area in the river. The survey found numerous yellow lampmussels (*Lampsilis cariosa*), a federal species of concern, and one live green floater (*Lasmigona subviridis*), a state threatened species, within the impact area. According to the map and report provided from Normandeau Associates, who did the survey, the green floater was found in DC10, a survey cell located downstream from the bridges.

In our conversation, you indicated that construction causeways and equipment would be in the water immediately under and just downstream of the bridges (DC 8 and DC2), but that no causeways would be placed downstream of that area. Your letter indicates that culverts will be used to allow flow to continue under the causeways, and that best management practices (BMP) will be used to prevent erosion and sedimentation in the Susquehanna River.

Since direct impact should be avoided with all equipment and fill well upstream, the main concern for impacts on the green floater is sedimentation. The most stringent BMP should be used for this project considering how close the species is to the project. With these conditions I
concur that the project should not significantly impact the green floater. If any aspects of the project change from what we discussed, please contact me to determine if the changes may impact the green floater.

Since several yellow lampmussels were found within the direct impact area, the project will very likely kill many of those individuals of this species as well as the other mussel species found below and just downstream of the bridges. Impacts may be reduced by limiting fill and other impacts to the stream bottom to just what is essential and by conducting the project during low flow conditions. Care should be taken to remove causeways and culverts completely without undue excavation of the riverbed so as not to cause permanent damage to mussel habitat.

Thank you for the opportunity to comment on this project and for the cooperation of project sponsors in protecting freshwater mussels. If you have any questions, please do not hesitate to contact me.

Sincerely,

Kathy O'Brien
Biologist I, Wildlife
Endangered Species Unit

cc: Peter Nye, Endangered Species Unit Leader
    Michael Stoll, US Fish and Wildlife Service, Cortland
October 23, 2003

Kathy O’Brien
NYSDEC Endangered Species Unit
625 Broadway
Albany, NY 12233

Re: PIN 9500.61
NYS Route 17/I-81 Interchange
City of Binghamton and Town of Dickinson
Green Floater and Yellow Lampmussel

Dear Kathy:

A survey of freshwater mussels living in the Chenango River, in an area upstream and downstream from the existing bridges including the area underneath the bridges, was conducted on the 15th and 16th of July 2003 by Normandeau Associates (see attached). The purpose of the survey was to determine if two bivalve mollusks, the green floater (Lasmigona subviridis), a New York State listed threatened species, and the yellow lampmussel (Lampsilis cariosa), exist within the study area. The green floater and the yellow lampmussel are both federally listed as species of special concern. The proposed project will construct improvements to the NYS Route 17/I-81 Interchange including new bridges over the Chenango River that are within the footprint of the existing bridges as well as immediately upstream and downstream of the existing bridges.

The survey resulted in the identification of six species of mussels, including the green floater and the yellow lampmussel. One live green floater and twenty-six live yellow lampmussels were identified within the survey reach. The locations where these mussels were found are shown on the attached plan showing the survey cells superimposed on the existing and proposed bridges over the Chenango River. The green floater was found approximately 240 meters downstream from the existing bridge in cell DC10. Since there was only one individual found, and it was found far enough downstream from the bridge crossing, in an area that is expected to be excluded from the work zone, there will not be any impact to this species with the construction of the new bridges.

Yellow lampmussels were distributed throughout the survey area. The highest density of yellow lampmussels was found along the eastern portion of the river, just upstream from the existing
bridge crossing and underneath the bridge. Since this species is widely distributed throughout the survey area and there was similar habitat identified further upstream from the existing bridge, well out of the impact area, the impact to the yellow lampmussel will be negligible.

As design and construction planning progress, mitigation measures will be incorporated and implemented according to the final, detailed plans. Causeways constructed of washed stone will be required for construction of the new bridges and removal of the existing bridges. Culverts will be used to allow water through the causeway rather than diverting water and increasing flows. Dewatering of the work area will be conducted using acceptable environmental controls (e.g. pumping to settling basins or sediment bags) to prevent sediments from washing into the river. Secondary effects including the potential release of fuel, oil, grease, sediments and other construction materials will be controlled by proper handling and storage and by employing best management practices (BMP). Appropriate erosion and sediment control measures will be incorporated into the project design plans. Increased sedimentation in the river is not expected to be significant since the escape of sediments will be controlled by using acceptable methods (BMP).

Please review the enclosed information and provide concurrence with the conclusion that the impacts to the green floater and yellow lampmussel are negligible.

If you have any questions or need additional information, please call.

Sincerely,

Scott P. Faulkner, P.E.
Transportation Manager

Enclosure

cc: Mr. Don Hogan, NYSDOT R9
Memorandum

To: Roseann Schmid
From: Frank Dahar
Date: September 26, 2003
Copy: 
Project Name: rte 17 / I-81
Project No.: 18960.00
Subject: Chenago River - Instream work window

According to Dave Lemon, NYSDEC Cortland Office Bureau of Fisheries, work within the Chenango River is restricted from May 15 to July 15. If you need any further information you can contact Dave directly @ 1-800-388-8244.
STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
44 HAWLEY STREET
BINGHAMTON, N.Y. 13901-4434

JOHN R. WILLIAMS, P.E.
REGIONAL DIRECTOR

JOSHD H. BOARDMAN
COMMISSIONER

August 13, 2003

Ruth L. Pierpont, Director
New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, P.O. Box 189
Waterford, New York 12188-0189

Dear Ms. Pierpont:

RE: PIN 9500.61 NYS ROUTE 17B-81 INTERCHANGE
CITY OF BINGHAMTON & TOWN OF DICKINSON
BROOME COUNTY

Enclosed please find the cultural resource reconnaissance survey report for the above federally funded project for your review. Any questions you have about the content of the report or the project should be directed to Robert Ewing in the Environmental Analysis Bureau at (518) 457-5672.

No response is necessary if the State Historic Preservation Officer is in agreement with the findings and recommendations in this report. Comments may be provided to Dan Hit, head of the New York State Department of Transportation's Environmental Analysis Bureau Cultural Resource Section within 45 days of the receipt of this letter.

Sincerely,

Joseph Pollock
Cultural Resource Coordinator
NYS DOT Region 9

JP/jp
ENCLOSURE

c: Robert Arnold, Federal Highway Administration, Director, NY Division (report)
Robert Ewing, Environmental Analysis Bureau (report)
Dan Hit, Environmental Analysis Bureau
Daniel D’Angelo, Office of Engineering
James Church, Project and Letting Management Bureau
Endangered Species Act List Request Response Cover Sheet

This cover sheet is provided in response to a search of our website* for information regarding the potential presence of species under jurisdiction of the U.S. Fish and Wildlife Service (Service) within a proposed project area.

Attached is a copy of the New York State County List of Threatened, Endangered, and Candidate Species for the appropriate county(ies). The database that we use to respond to list requests was developed primarily to assist Federal agencies that are consulting with us under Section 7(a)(2) of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Our lists include all Federally-listed, proposed, and candidate species known to occur, as well as those likely to occur, in specific counties.

The attached information is designed to assist project sponsors or applicants through the process of determining whether a Federally-listed, proposed, or candidate species and/or “critical habitat” may occur within their proposed project area and when it is appropriate to contact our offices for additional coordination or consultation. You may be aware that our offices have provided much of this information in the past in project-specific letters. However, due to increasing project review workloads and decreasing staff, we are now providing as much information as possible through our website. We encourage anyone requesting species list information to print out all materials used in any analyses of effects on listed, proposed, or candidate species.

The Service routinely updates this database as species are proposed, listed, and delisted, or as we obtain new biological information or specific presence/absence information for listed species. If project proponents coordinate with the Service to address proposed and candidate species in early stages of planning, this should not be a problem if these species are eventually listed. However, we recommend that both project proponents and reviewing agencies retrieve from our online database an updated list every 90 days to append to this document to ensure that listed species presence/absence information for the proposed project is current.

Reminder: Section 9 of the ESA prohibits unauthorized taking** of listed species and applies to Federal and non-Federal activities. For projects not authorized, funded, or carried out by a Federal agency, consultation with the Service pursuant to Section 7(a)(2) of the ESA is not required. However, no person is authorized to “take***” any listed species without appropriate authorizations from the Service. Therefore, we provide technical assistance to individuals and agencies to assist with project planning to avoid the potential for “take***” or when appropriate, to provide assistance with their application for an incidental take permit pursuant to Section 10(a)(1)(B) of the ESA.
Additionally, endangered species and their habitats are protected by Section 7(a)(2) of the ESA, which requires Federal agencies, in consultation with the Service, to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. An assessment of the potential direct, indirect, and cumulative impacts is required for all Federal actions that may affect listed species.

For instance, work in certain waters of the United States, including wetlands and streams, may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Service may concur, with or without recommending additional permit conditions, or recommend denial of the permit depending upon potential adverse impacts on fish and wildlife resources associated with project construction or implementation. The need for a Corps permit may be determined by contacting the appropriate Corps office(s).*

For additional information on fish and wildlife resources or State-listed species, we suggest contacting the appropriate New York State Department of Environmental Conservation regional office(s) and the New York Natural Heritage Program Information Services.*

Since wetlands, ponds, streams, or open or sheltered coastal waters may be present in the project area, it may be helpful to utilize the National Wetlands Inventory (NWI) maps as an initial screening tool. However, they may or may not be available for the project area. Please note that while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating wetland boundaries for Federal regulatory purposes. Online information on the NWI program and digital data can be downloaded from Wetlands Mapper, http://wetlands.fws.gov/mapper_tool.htm.

Project construction or implementation should not commence until all requirements of the ESA have been fulfilled. After reviewing our website and following the steps outlined, we encourage both project proponents and reviewing agencies to contact our office to determine whether an accurate determination of species impacts has been made. If there are any questions about our county lists or agency or project proponent responsibilities under the ESA, please contact the New York or Long Island Field Office Endangered Species Program at the numbers listed above.

Attachment (county list of species)

*Additional information referred to above may be found on our website at: http://www.fws.gov/northeast/nyfo/es/section7.htm

** Under the Act and regulations, it is illegal for any person subject to the jurisdiction of the United States to take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered fish or wildlife species and most threatened fish and wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. “Harm” includes any act which actually kills or injures fish or wildlife, and case law has clarified that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.
Broome County

Federally Listed Endangered and Threatened Species and Candidate Species

This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available.

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bald eagle</td>
<td><em>Haliaeetus leucocephalus</em></td>
<td>T</td>
</tr>
</tbody>
</table>

E=Endangered  T=Threatened  P=Proposed  C=Candidate

Information current as of: 5/16/2007
February 11, 2003

Donald J. Lockwood
McFarland-Johnson, Inc
49 Court St, Metrocenter
Binghamton, NY 13902-1980

Dear Mr. Lockwood:

In response to your recent request, we have reviewed the New York Natural Heritage Program databases with respect to the proposed Rte 17/Interstate 81 Interchange Reconfiguration, area as indicated on the map you provided, located in the City of Binghamton, Broome County.

We have no records of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of your site.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain any information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. For these reasons, we cannot provide a definitive statement on the presence or absence of rare or state-listed species, or of significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Databases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

Sincerely,

Betty Ketcham
Betty A. Ketcham, Information Services
NY Natural Heritage Program

Enc.

cc: Reg. 7, Wildlife Mgr.
    Reg. 7, Fisheries Mgr.
Mr. Donald J. Lockwood  
Assistant Environmentalist  
McFarland-Johnson, Inc.  
P.O. Box 1980  
Binghamton, NY 13902-1980

Dear Mr. Lockwood:

This responds to your letter of January 7, 2003, requesting information on the presence of endangered or threatened species in the vicinity of the proposed reconfiguration of the New York State Route 17/Interstate 81 Interchange in the City of Binghamton and Town of Dickinson, Broome County, New York.

Except for occasional transient individuals, no Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. In addition, no habitat in the project impact area is currently designated or proposed “critical habitat” in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Therefore, no Biological Assessment or further Section 7 consultation under the Endangered Species Act is required with the U.S. Fish and Wildlife Service (Service). Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the Endangered Species Act. This response does not preclude additional Service comments under other legislation.

For additional information on fish and wildlife resources or State-listed species, we suggest you contact the appropriate New York State Department of Environmental Conservation regional office(s) as shown on the enclosed map, and:

New York State Department of Environmental Conservation  
New York Natural Heritage Program Information Services  
625 Broadway  
Albany, NY 12233  
(518) 402-8935

Since culverts or bridges are involved in the proposed project, the Service suggests that you consider methods for enhancing fish and wildlife use of culverted waterways. We generally recommend that box culverts be used rather than circular culverts to convey stream flow. Box
culverts are more likely than circular culverts to duplicate existing flows and allow normal fish passage (Warren and Pardew 1998). In addition, streambed conditions can be better replicated within box culverts to create aquatic habitat, and benches can be installed along one or both sides of the culvert or bridge to allow for dry passage of wildlife during high water periods (Jackson and Griffin 1998, Bates 1999).

Since wetlands may be present, you are advised that National Wetlands Inventory (NWI) maps may or may not be available for the project area. However, while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating wetland boundaries for Federal regulatory purposes. Copies of specific NWI maps can be obtained from:

Cornell Institute for Resource Information Systems
302 Rice Hall
Cornell University
Ithaca, NY 14853
(607) 255-4864

Work in certain waters and wetlands of the United States may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act, the Service may concur, with or without stipulations, or recommend denial of the permit depending upon the potential adverse impacts on fish and wildlife resources associated with project implementation. The need for a Corps permit may be determined by contacting the appropriate Corps office(s) as shown on the enclosed map.

If you require additional information please contact Michael Stoll at (607) 753-9334.

Sincerely,

[Signature]

Acting For

David A. Stilwell
Field Supervisor

Literature Cited:


Enclosure

c: NYSDEC, Cortland, NY (Environmental Permits)
NYSDEC, Albany, NY (Natural Heritage Program)
COE, Buffalo, NY
New York State
Department of Environmental Conservation
Regions
TO: Regional Director's Office, Activities File

REGION 9 ACTIVITIES REPORT

SUBJECT OF REPORT: MINUTES OF PUBLIC INFORMATION MEETINGS
JULY 24, 2000, THEODORE ROOSEVELT SCHOOL
JULY 25, 2000, WOODROW WILSON SCHOOL
MINUTES OF MEETING WITH BROOME CHAMBER OF
COMMERCE, SEPTEMBER 6, 2000
NY 17/I 81 INTERCHANGE PROJECT, PIN 950081

Date of report: 9/21/00
Reporter: Will Quinn
Unit: Regional Planning & Program Management Office
Telephone No. 721-8248

The meetings were conducted by New York State DOT Region 9 and Binghamton Metropolitan Transportation Study (BMTS). The meetings were held to familiarize the public and the business community with the project and to obtain their input early in the project development process. The NY Route 17/Interstate 81 interchange project is being coordinated with BMTS' CBD (Central Business District) Access Study. Combining these efforts will lead to a better overall plan for providing access to the local street system from the adjacent freeways.

The project is in the "scoping" phase during which transportation conditions and needs are identified, and project objectives defined. During this phase, emphasis is placed on identifying those issues which the public feels are most important to consider in the further development of the project. When the project enters the preliminary engineering phase, there will be continuing public involvement as alternatives are developed and evaluated on the basis of engineering feasibility and environmental impacts. The preliminary engineering phase of the project will commence next year.

While conceptual plans from a 1994 planning study, some showing significant community impacts, have been presented in the media, it was emphasized that (1) no decisions have been made on how the problems associated with the interchange will be addressed; and (2) as alternatives are developed, every effort will be made to avoid or minimize adverse impacts to the community. Project alternatives will not be developed until the design consultant begins the preliminary engineering studies, and community input will be an important factor in shaping those alternatives. Public outreach will involve the community in general, potentially impacted neighborhoods, and the traveling public.

FHWA will require that safety issues related to the Prospect Mountain curves be resolved before authorizing Interstate signing for the section of Route 17 from Chemung County to the I81 junction. FHWA may approve a low-cost solution that addresses these concerns. However, as a condition for granting Design Approval, FHWA will also require development of a design alternative that addresses the safety, capacity and operational problems throughout the interchange area, to serve as a gauge for evaluating more readily attainable solutions.
DOT plans to have the design consultant develop a "comprehensive solution" alternative which addresses Prospect Mountain, Exit 4, and local access issues generally in that order. DOT anticipates obtaining the design consultant within one year, and is committed to having the Prospect Mountain portion of the project under construction in State Fiscal Year 2004-2005.

A summary of the comments received at the three meetings is given below.
CBD ACCESS STUDY
9/6/00 MEETING WITH BROOME CHAMBER OF COMMERCE
COMMENTS RECEIVED

- Parking was mentioned as a primary concern; whether it was cost, difficulty maneuvering through the parking ramps, meters, the need for more parking, etc.

- Improved access (or improving the access route) to the Binghamton Regional Airport was highlighted.

- It was felt that highway directional signing, both directing traffic from I-81/Route 17 to the downtown area and also directing traffic leaving downtown back to the Interstate system (Route 17), is inadequate. There was strong feeling that if signing was improved, many of the downtown businesses would benefit; especially hotels.

- A number of times in the past, the idea of carrying the signing of Route 434 along the North Shore Drive (eliminate Route 363) to Interchange 4 has been suggested as a way of improving and simplifying signing to the downtown area and points west along the Vestal Parkway.

- The initial neighborhood impressions along North Shore Drive, Court Street and Susquehanna Street are not favorable.

- Doron Precision (on Court Street) amplified the concern about signing, although they did say they have a relatively good location with truck access not being an issue.

- It was suggested that a "business center" be constructed at the Airport to eliminate the need to come downtown (meetings and business would be conducted at the Airport).

- The appearance and pavement conditions of the major entrances into the City (Riverside Drive, Court Street and Front Street) were in dire need of improvement.

- As you head south on State Street (leaving the downtown area), one cannot access Riverside Drive to the west.

- When the section of Susquehanna Street (behind the Arena) is closed, it creates an access problem for traffic coming from the west side (Riverside Drive) and destined for the south side.

- Deborah Quackenbush from Doron questioned whether the I-86 conversion will change ramp access to the downtown and First Ward areas of the City.

- The "Gateway" (Boulevard) concept was presented for reaction. Everyone was in general agreement that beautification of the major entrance ways was important but it was not clear if there would be a benefit to either existing or new businesses (would it attract business? - chicken and egg argument).
950061 ROUTE 17 PROSPECT MOUNTAIN
PUBLIC INFORMATIONAL MEETINGS 7/24/00 AND 7/25/00
COMMENTS RECEIVED

7/25, Wilson School:

- Put eastbound and westbound Route 17 on a new northerly alignment.
- Flatten eastbound reverse curve and remove blind decision point where 17 eb and 81 nb connector split.
- Flip 17 eb (on left, over) and 81 nb connector (on right, under).
- Prospect Mountain curve is a unique feature.
- Extend Exit 72 eb off ramp to the east side of the river.
- Merge Exit 72 eb off ramp with Prospect Street.
- Retain Exit 72 as is.
- Build a new Exit 72 eastbound on ramp.
- Close or modify access to Exit 72.
- Do not eliminate the Mygatt Street exit - modify it to access Lagrange Street.
- Mygatt Street exit is critical for West Side access.
- Front Street should be main city access route. North Shore Drive is too indirect.
- Close off access from 81 southbound to Exit 4.
- Build a two-tier highway.
- Build a tunnel for the Route 17 mainline. Use the existing highway for city access.
- Don't take property in the Prospect Street/Front Street area.
- Don't tear up Prospect Mountain.
- Curves should be more steeply banked.
- Transverse pavement grooving should be used.
- Slow the traffic down.
- Through truck traffic will grow with I-86 designation.
- How much will traffic grow?
- Better enforcement is needed.
- Patrolling the road and stopping vehicles is difficult.
- Noise walls are needed.
- Who benefits from this project?
7/24, Roosevelt School:

- Put westbound Route 17 on a new northerly alignment.
- Move split for eastbound 17/northbound 81 connector onto tangent section to the west.
- Inadequate number of lanes on connectors and at Exit 4.
- Fix complex weave between 17eb/81sb and Exit 4.
- Eliminate Exit 4.
- Ramp traffic, Bevier Street to 17 wb/81 nb, has to stop and can’t get enough speed to enter traffic stream.
- Restore Bevier Street ramp to original design.
- Provide better signing into the downtown area.
- CBD access using Route 7 (Exit 4) is good. CBD access using Front Street is poor.
- Better access via Front Street is essential.
- Curves too sharp, grades too steep, speeds too high.
- Speeds too high on Hospital Hill downgrade.
- The road is not safe today and will be less safe in the future.
- Slow the traffic down.
- Don’t take private property.
- Don’t build a tunnel.
- Tunnel could pose a safety risk
- Don’t build a roundabout.
- Designate highway as a landmark.
- Make it a toll road.
- Use conservative measures to fix the problems.
- Consider a low-cost solution.
- Start from scratch.
- No more band-aids. Spend the money.
- Presentations used outdated maps.
- Can criteria for noise abatement be waived using Interstate conversion as the basis?
- Follow-up on the Noise Study was inadequate.
- There is too much highway noise.
- There is too much vibration.
To: Doug Conlin

From: David Nardone

Date: July 16, 1999

Subject: PIN 9500.61, Route 17/Interstate 81
           Broome County

On July 14, 1999, you and I met with David Ligeikis, Region 9 RPPM, and his staff to discuss the current plans for the subject interchange.

David Ligeikis stated that the overall plan is to look at the interchange and broaden the scope of the study to include as far east as Broad Avenue. Other objectives besides the safety/operational problems associated with the interchange would also be included in the study such as improved access to the City of Binghamton. This study will continue under PIN 9500.61 and will begin within the next three months.

We clarified a few points regarding the design of the project. We suggested that they think about the distinction between ramps and mainline carefully. This has a big impact on design criteria and substandard features. If the interchange is designed to make it obvious to the motorist that they are on a ramp (even though they are not changing Routes), then the ramp criteria could be applied.

Also, we clarified the timing of the Interstate designation and design approval for this project. We indicated that Interstate designation could follow design approval immediately only if the conclusion to our studies and hence the approved design indicated that no major work is needed. If however, the conclusion to our studies indicated that a major reconfiguration is needed, then we would not designate Route 17 as an Interstate until the approved work is constructed.

We also asked that the expanded project proposal identify specifically what it would take to achieve Interstate standards as at least a benchmark even if it was not feasible.
MEMORANDUM

To: NYSDOT, Region 9
From: John S. Pavlovich/Scott J. Parker
Date: December 3, 1993
Subject: I-81/Route 17 Interchange Traffic Study
Public Information Meeting

On Wednesday, November 18, 1993, The New York State Department of Transportation,
Region 9, hosted a "Public Information Meeting" at the Binghamton East Middle School. The
purpose of the meeting was to present the initial findings of the traffic operation and accident
analysis of the I-81, Route 17 Interchange and immediate area, and a set of conceptual
alternative improvements. Representatives of the NYSDOT Region 9 office and Edwards and
Kelcey, the State's consultant on the project, organized and ran the meeting. Approximately
40 people attended the meeting. A list of public officials and area citizens in attendance
was attached.

A copy of the public information handout is attached. The meeting ran from 4:30 PM to 9:30
PM. Throughout the evening, a slide show with a pre-recorded narration was available
for viewing. The slides presented the study objectives, findings and conceptual alternative
improvements. The conceptual improvements (at 100 scale) were also mounted on boards
and displayed in the meeting room for inspection by the public. Members of the NYSDOT staff
and Edwards and Kelcey were available on a one-to-one basis to answer questions and receive
comments.

At 7:45 PM, there was a formal presentation of the study and its findings. Mr. David Ligeikis,
the Regional Planning and Program Manager, introduced the project team and presented an
overview of the study purpose and objectives. Introductory remarks were made by Mr.
Richard R. Church, NYSDOT Regional Director, Region 9 who continued the presentation with
a discussion of the project status and the anticipated course of the project in the future.
Finally, Mr. John Pavlovich of the consultant team, provided a discussion on the initial studies,
procedures, findings and results. Each conceptual alternative improvement was presented
with an explanation of the problem it was intended to solve and the way traffic would operate
in the future. With the conclusion of the presentation, questions and comments were
encouraged from the public.

Question and Answer Period

A synopsis of the questions and comments from the public follows. This section is not
intended as a transcript of the meeting, but rather as a record of general and specific public
concerns.

1. Which area had the highest accident history? The most accidents seem to occur on
   the curve along Route 17 eastbound at Front Street.
2. Comment was made as to the perceived dangerous and congested conditions when accessing I-81 from Bevier Street via Route 7. The merging and weaving conditions, along with poor signing, cause traffic slow-downs. This condition is addressed in Alternatives 6A, 6D and 6E. Minor improvements will be made next summer as part of the bridge rehabilitation project.

3. Will the conceptual improvements be constructed as one big project or a series of smaller improvements? The cost/benefit of each improvement will be evaluated along with the available funds for construction. A decision on construction scheduling will be made at that time.

4. Under Alternative 12, how far into the mountain will the cut extend? It will affect the mountain to approximately 175 feet from the existing pavement edge.

5. The volumes on the Mygatt Street ramp were questioned. Approximately 215 to 220 vehicles use this ramp during peak hours. It was stated that the signing at this location is confusing, and some improvements may increase the safety and reduce the confusion of non-local traffic.

6. Where is the highest accident location? Interchange 4.

7. An attendee stated that the roadway was constructed approximately 30 years ago with a poor vision of the future traffic. It is hoped that these improvements will address the needs of the traveling public 30 years from now. The attendee would prefer to see the Front Street ramp eliminated with no changes being made to Prospect Street. Possibly move the eastbound exit to Mygatt Street. A number of trucks use Mygatt Street to access the west side of the city due to low clearances on other routes. Perhaps a ramp should be added for traffic to access Route 17 westbound at Mygatt Street.

8. An attendee stated that Alternative 12 should be modified so as not to cut into the mountain so deeply. Take whatever improvement could be achieved by cutting a maximum of 100 feet into the mountain.

9. (unclear as to the nature of this comment. Regarded the need for metal markers along Route 17 curve. Please advise)

10. Reference was made earlier to a project on the Chenango River Bridge. What is planned? The bridge will be rehabilitated with the pavement being replaced. The potential for removing the C/D road barriers is being investigated. Signing will be modified to be more clear.

11. During the headlight survey, a significant number of motorists did not put on their lights. This just shows how many people either don't see, or elect not to obey, existing signing. Will improved signing really make a difference?

12. The potential for retaining the direct ramp from I-81 northbound to Route 7 northbound was raised. The ramp does not accommodate a significant amount of traffic.
13. The issue of travel speeds on Route 17 through the curve was raised. Edwards and Kelcey did not measure the speeds in the course of this study. It was felt that the area was posted sufficiently to warn motorists of the 50 mph advisory speed limit, but that the motorists were simply ignoring the signing.

14. The need for keeping the Mygatt Street exit ramp from Route 17 westbound open was raised. A concept of a bridge from Mygatt Street directly to Prospect Street was in the initial proposal, but was removed due to geometric constraints.

15. It was stated that cutting into the mountain would be a good idea for flattening the Route 17 curve, as long as the property on top of the mountain would be unaffected. It was also suggested that the existing bridge be double decked instead of building a new structure (Alternative 1OB). This would add exclusive through lanes through Interchange 4.

16. Copies of the Alternatives were requested. The alternatives will be available for viewing in the NYSDOT Region 9 office.

17. Will the State be purchasing the property along Rt 17 at the Mygatt Street exit? An attendee was speculating on purchasing the land as an investment for when the state bought the right-of-way.

18. Problems with the intersection of Rt 7 with Frederick Street were raised. These issues will be dealt with under the Lower Brandywine Improvement project. Public meetings will be held on this topic at a later date.

19. Where do these improvements fall in the list of statewide priorities? This can not be determined at this point.

20. Can the public do anything to help get money from the State or the FHWA such as a letter writing campaign? It is felt that the study itself will be effective enough in attaining construction funds.

21. The owner of the property along the Mygatt Street exit requested a sound barrier as part of the improvements.

22. The issue of speed enforcement was raised. It was suggested that there be more police enforcement. Discussion also followed on the safety of the State Police in the area who would be responsible for speed enforcement.

23. It was felt that if the curve around Prospect Mountain was straightened out by cutting into the mountain, then people will travel even faster and aggravate the problem.
Mr. Kevin Carr  
Manager, Public Projects- US  
Canadian Pacific Railway  
200 Clifton Corporate Park  
PO Box 8002  
Clifton Park, New York 12065  

Dear Mr. Carr:  

RE: PIN 950061; NYS ROUTE 17/INTERSTATE 81 VIADUCT  
OVER CP RAIL BEVIER STREET YARD & FORMER CONRAIL  
SYRACUSE BRANCH RIGHT-OF-WAY BINGHAMTON, NY  

The New York State Department of Transportation seeks your assistance in planning the referenced project. Our Department plans to either replace or rehabilitate the bridge which carries NYS Route 17 and Interstate 81 over railroad facilities which include a Norfolk Southern spur track and CP Rail's Bevier Street yard in the City of Binghamton, Broome County, New York. This work is being undertaken as part of a larger project to improve traffic flow on NYS Route 17 and Interstate 81 through the City of Binghamton.  

At this point in our project development process, we are seeking input from interested parties regarding any issues that may be important for our Department to consider in planning this project. Our Department is evaluating the merits of either rehabilitating or replacing the aforementioned bridge. In addition, consideration is being given to removing portions of the structure and placing those sections of the highway on an embankment. We are forwarding to you a set of drawings (plans and elevation views) which depict this last option for modifying the highway structure.  

Under both proposals, the Norfolk Southern spur track (former Syracuse Branch) would be relocated to allow construction of a highway embankment as an alternative to constructing a new highway bridge. The modifications would be necessitated under the proposed expansion of the adjacent highway interchange. This spur track currently extends north beyond the highway bridge, with the southerly portion being used to access the Agway plant. Under both proposals, the spur track would be relocated to a more easterly alignment adjacent to the CP running track, with provision for extending the track northward under the highway bridge if needed.
In the second proposal, in addition to the above, a portion of the bridge between the east side of the CP Rail yard as it is currently configured and the west side of Broad Avenue would be removed, and the highway placed on an embankment.

We request that representatives of all three railroads operating in the Binghamton area (CP Rail, Norfolk Southern, and New York, Susquehanna and Western) and other stakeholders review these drawings. We solicit your comments on these proposals from an engineering, operational and/or economic development standpoint. Please advise us of any anticipated future developments, and identify and comment on the potential impacts of the project alternatives on current and/or future railroad operations or service.

Please direct your reply to William Quinn of my staff at the address given above. If you would like to discuss the project in more detail, or if you think that a meeting would be helpful, please contact Mr. Quinn by telephone at (607) 721-8248 or by e-mail at wquinn@dot.state.ny.us.

We look forward to continuing our working relationship with you during the design and construction of this project.

Sincerely,

DAVID J. LIGEIKIS, P.E.
Regional Planning & Program Manager

DL/WQ/jab
Attachment

c:  P. Quade, Engineer, Public Improvements, Norfolk Southern Corporation
    Bill Vandermark, Track Supervisor, Binghamton Subdivision Norfolk Southern Corp.
    Richard Hensel, Vice President – Engineering, New York, Susquehanna & Western RR
    Terry Zimmer, Facilities Engineer, Universal Instruments Corporation
    Darcy Duguid, Director, Binghamton Local Development Corporation
    Richard D’Attilio, Executive Director, Broome County Industrial Development Agency
    S. Gayle, Director, Binghamton Metropolitan Transportation Study
    J. Earl, NYSDOT Freight and Economic Development Division
    J. Williams, Regional Director
    D. Hogan, Regional Design Office
    F. Matyas, Regional Construction Office
    G. Kull, Regional Real Estate Office
    P. Genecron, Regional Planning and Program Management Office
    File PIN 950061
    Blue
From:  "Don Hogan" <dhogan@dot.state.ny.us>
To:  <sfaulkner@mjinc.com>
Date:  3/15/05 1:43:27 PM
Subject:  Fwd: PIN 950061, NYS Rt. 17/I-81 over CP Rail Bevier St Yard, Binghamton

>>> "Kevin Carr" <Kevin_Carr@cpr.ca> 3/15/2005 11:43:21 AM >>>
To:  William Quinn, NYSDOT Region 9

Please refer to letter dated January 25, 2005 received from Mr. David Ligeikis. We have reviewed the proposals as forwarded and would have the following comments.

The Delaware and Hudson Railway Company, Inc./ Canadian Pacific Railway would oppose the alternative which includes the infill of spans 2 to 6. As you are probably aware D&H/CP owns a large parcel of land to the east of, and between, the existing Bevier St. yard facilities and Broad St. The infill of spans 2 to 6 of the existing I-81/Rt 17 overhead structure, as proposed, would basically split this parcel of land in half from a north-south perspective. This proposal would limit our ability in the future to re-establish tracks or facilities in this area for our operating use, and more importantly, it would severely limit the ability to establish tracks or facilities, as may be required, to accommodate any potential commercial or industrial development initiatives within this area. Inasmuch, we would request that DOT not consider this option any further.

We would have no general objections to the alternate proposal to infill just spans 10 to 24 which are located well to the west of any D&H/CP owned property or facilities.

Should you need any further information regarding this please feel free to contact me at 518-383-7247 or by return e-mail.

Kevin R. Carr
Engineer Public Works,
Canadian Pacific Railway/ D&H
200 Clifton Corporate Park
PO Box 8002
Clifton Park, NY  12065
Office (518-383-7247) Fax (518-383-7250)

--------------------------------- IMPORTANT NOTICE - AVIS IMPORTANT
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NY 17/I-81 Design Meeting Minutes

Subject: NYS Route 17/I-81 Interchange
PIN 9500.61
City of Binghamton & Town of Dickinson
Broome County

Date: September 12, 2006

Location: NYSDOT – Region 9 offices
Binghamton, New York

Attendees: Peter Larson – NYSDOT Design
Doug Bickford – NYSDOT Design
William Barber – NYSDOT Rail Coordinator
Frank Matyas, Jr. – NYSDOT Construction Rail Coordinator
John Fitzgerald – NYSDOT Planning
Ken Frommer – NYSDOT Real Estate
Scott Faulkner – McFarland-Johnson, Inc. (MJ)
Tom Bracey – Norfolk Southern
Neal Daniels – Norfolk Southern
Bill Vandermark – Norfolk Southern
George Berard – Canadian Pacific/Delaware & Hudson

The purpose of the meeting was to coordinate and discuss the proposed project work with the railroads in the project area, specifically Norfolk Southern and Canadian Pacific. The following were the items discussed at the meeting:

- MJ began the meeting by discussing the two options that were investigated for replacing the existing viaduct. The viaduct spans west of NY 7 are proposed to be infilled as are the spans between NY 7 and the Canadian Pacific Rail Yard. The two options vary for the section of the viaduct between the Rail Yard and Broad Avenue, the first options reconstructs the viaduct from west of the rail yard to east of Broad Avenue reducing the number of spans from 9 to 5. The second option reconstructs the viaduct over the rail yard with a 2 span structure, infills the viaduct between the rail yard and Broad Avenue and reconstructs the viaduct over Broad Avenue with a single span structure. The advantage of the second option is that it further reduces the number of bridge spans thereby reducing future maintenance needs of the structures.

- George Berard indicated that the first option is preferred as it did not impact the Canadian Pacific Rail Yard facilities. The second option would not be acceptable to Canadian Pacific as it would split the property, essentially eliminating any chance for future development in this area. He stated that the rail business is increasing and that future development in this area may require additional tracks to service any of this development.

- Norfolk Southern, which owns the spur line that services Agway on Montgomery Street, indicated that they had no problem with infilling over the spur line. The relocation of the spur line adjacent to the Canadian Pacific rail yard appeared to be an acceptable solution.
There were questions raised on how much of the spur line was actually used. Agway has indicated to MJ in past discussions that the spur line is used to switch rail cars in and out of their facilities and at times the rail cars extend to beneath the viaduct.

The spur line could not just be stopped at the southern project limit because it needs to be relocated to provide space for a potential future connector road between Montgomery Street and North Griswold Street.

Bill Vandermark indicated that in some previous discussions held with Agway they may prefer to have rail access to their facilities from the south side as opposed to having them pull up the spur line and back the rail cars in from the north side.

There is an existing project under construction that is relocating the railroad facilities south of the project area. Two new bridges are being constructed over Robinson Street and the rail is being moved to align with the new bridges.

After extensive discussion regarding the two options of relocating the spur line or providing access from the south side, it was thought that either option would be feasible.

Frank Matyas, Jr. indicated that the railroad work that needed to be done would most likely be accomplished by a force account between NYSDOT and the railroad. This work could be done at anytime as long as there was a PIN for the project and it was agreed that the work was absolutely necessary for the progress of the project. It would not be necessary to have design approval to begin this work.

After a review of the project in the field it was further agreed that either option appeared to be feasible for servicing Agway, but the south side option would need further investigation as it wasn’t sure where the new railroad tracks and switches would be under the relocated alignment. George Berard indicated in the field meeting that he would send plans of the proposed railroad track realignment to MJ and NYSDOT.