

**Facilities and Infrastructure Committee  
September 18, 2007  
Scott Heyman Conference Room**

**APPROVED 1/17/08**

Present: K. Luz Herrera, D. Kiefer, P. Mackesey, G. Stevenson, D. Randall  
Staff: J. Lampman, Highway Division; E. Marx, Commissioner of Planning and Public Works;  
M. Lynch, Public Information Officer; R. Nicholas, Ithaca Tompkins Airport; S. Flash,  
County Attorney; K. Fuller, Deputy Clerk of the Legislature  
Legislator: M. Robertson  
Public: William Lesser, Rich DePaulo, Mary Russell

**Call to Order**

Ms. Herrera called the meeting to order at 4:45 p.m.

**Additions to and Deletions from the Agenda**

The following item(s) received approval to be added to the agenda:

- Resolution – Authorizing a Cooperative Agreement with the Transportation Security Administration (TSA) in Relation to its Mandated Law Enforcement Officer (LEO) Program at the Ithaca Tompkins Regional Airport

There were no items to be deleted from the agenda.

**Persons Wishing to Address the Committee**

Mr. DePaulo, resident of Coddington Road, addressed the Committee regarding the proposed Coddington Road Highway Division project, specifically that, based upon information and discussions they have had with individuals at the New York State Department of Transportation, the Federal funding for the project was directly tied to the requirement of eleven-foot lanes. He said that through research and conversations with individuals from the Department of Transportation in Syracuse and Albany, a design exception could be possible depending on the accident history. Mr. DePaulo said a review of accident history, and elimination of animal-caused or other accidents not specifically related to the present road design, shows there is no relevant data to require a wider lane. He said the Dan D'Angelo, Director of the State Office of Design, informed him the State typically looks to sideswipes and head-on collision for lanes with design neglect. Mr. DePaulo said that Mr. D'Angelo had told him that the request to have the reduced lane width could be possible. He asked that the County assist them in making a unified request for design exception to maintain a ten-foot lane with four-foot shoulder. Mr. DePaulo noted that although the decisions are made by the Syracuse Department of Transportation, the design staff in the Albany Department of Transportation felt it is a reasonable request.

Ms. Russell spoke of the legal aspect of the request for reduced lanes and provided the Committee with a copy of a memorandum dated September 14, 2007, to Mr. Joseph and a copy of a web page for the American Association of State Highway and Transportation Officials (AASHTO) regarding lane widths (both on file with the official minutes). She stated that the documents and case law support a request for design exception.

**Items to be Added to the Agenda**

It was MOVED by Ms. Mackesey, seconded by Ms. Kiefer to add the following item to the agenda:

- Authorizing a Cooperative Agreement with the Transportation Security Administration (TSA) in Relation to its Mandated Law Enforcement Officer (LEO) Program at the Ithaca Tompkins Regional Airport

**Airport**

**RESOLUTION NO. - AUTHORIZING A COOPERATIVE AGREEMENT WITH THE  
TRANSPORTATION SECURITY ADMINISTRATION (TSA) IN  
RELATION TO ITS MANDATED LAW ENFORCEMENT OFFICER  
(LEO) PROGRAM AT THE ITHACA TOMPKINS REGIONAL AIRPORT**

It was MOVED by Ms. Mackesey, seconded by Mr. Stevenson, and unanimously adopted by voice vote to recommend approval of the following resolution to the full Legislature. RESOLUTION ADOPTED.

WHEREAS, the terrorist attacks of September 11, 2001, created the need for greatly enhanced security screening at the nation's commercial service airports, and

WHEREAS, among these enhanced procedures the Transportation Security Administration (TSA) determined that a need existed to have an armed Law Enforcement Officer (LEO) present at all passenger screening points during screening operations, and

WHEREAS, in order to provide LEO screening point coverage for all flights departing the Ithaca Tompkins Regional Airport, the TSA signed a Reimbursement Contract with the County of Tompkins for the period June 1, 2003, through September 30, 2003, with an option to renew for a further four years through 30<sup>th</sup> September 2007, and

WHEREAS, said contract reimbursed the County for personnel costs associated with providing said LEOs but contained no allowance for other sundry costs, and

WHEREAS, said contract made provision for annual increases to allow for inflation but the TSA did not pay the inflation-indexed rate for the present final contract year, and

WHEREAS, the TSA is proposing replacing said expiring Reimbursement Contract program with a Cooperative Agreement program, and

WHEREAS, due to the TSA's stated budgetary constraints, said Cooperative Agreement would only reimburse Tompkins County for sixty-five percent of the LEO's total cost, leaving a significant budgetary shortfall in excess of \$84,000 for the first year of the contract, growing to a shortfall in excess of \$119,000 for the fifth and final year of the contract, and

WHEREAS, failure to execute this contract for mandated LEO coverage could result in no Federal funding being made available, and

WHEREAS, the County's legislative delegation in Washington has initiated an attempt to increase funding for this program to eliminate the budgetary shortfall, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That said Cooperative Agreement be accepted under strong protest and encouragement to fully fund this program in future years, and the County Administrator be and hereby is authorized to execute said agreement with the TSA, conveying in a cover memo the County's protest.

**SEQR ACTION: TYPE II-20**

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**Coddington Road Project Discussion**

Ms. Herrera spoke of the resolution that is to be considered for addition to the agenda. She noted that following the last meeting she had had discussions with Committee members about the topic. Subsequent to the discussions she was informed by Legislature Chair Joseph of a meeting that occurred on Friday, September 21, 2007, with residents and Mr. Lampman to discuss the subject. Ms. Herrera

stated neither she nor Mr. Koplinka-Loehr, Legislator for a portion of Coddington Road had been informed. She expressed her surprise and extreme disapproval of the manner in which the meeting occurred and stated she will let her feelings be known publicly. Ms. Herrera said that at the meeting it was decided to bring forth a design exception. Although she has very strong personal feelings about the meeting, she said she has delayed moving the project forward twice to enable a thorough review of the project as well as to hear public comments. She said that although she would have desired the questions and request had come directly to those involved with the Committee she will not delay the matter and will allow the subject to come to the full Legislature.

Mr. Marx stated he would have a problem with submitting the design exception for anything less than a ten-foot travel-lane with five-foot shoulders due to safety factors, which had been supported by the County previously. He does not believe the ten-foot travel-lane and four-foot shoulder would be safe; for traffic calming purposes the ten-foot travel lane could be supported. In addition, if the exception went to ten-foot travel lane, five-foot shoulder, it would allow the resolutions for the overall design and environmental review to move forward. Mr. Marx stated a revision has been made to the design resolution to support the ten-foot travel-lane, five-foot shoulder option.

Ms. Kiefer inquired who drafted the resolution; no one was sure. Ms. Kiefer noted at the previous committee meeting the segmentation had been addressed and the EAF was modified accordingly; the need to have the project description consistent with the design report was also acknowledged.

Ms. Kiefer stated that her suggestions to the offered draft resolution regarding a design exception are to indicate her belief that it would be irresponsible to ask for ten-foot travel-lane and four-foot shoulders due to safety factors involved with large vehicles such as buses and trucks traveling on the highway in proximity to pedestrians. She put time in on the Hanshaw Road reconstruction project that made this very clear to her. She would support the amended language offered in the original resolution provided by the Highway Division.

Ms. Mackesey disagreed and said that the present roadway does not have any shoulders in some areas, with no indication that shoulder-width has been a problem; she believes a ten-foot travel-lane and four-foot shoulder is sufficient.

Mr. Marx stated that the consultants used in this and other projects have said that, for safety of both the travel lanes and shoulder area, if a narrow travel lane is used a wider shoulder is recommended. He stated that the Legislature is allowed to make the final determination, however, staff supports a total area of fifteen feet for each side of the road.

**RESOLUTION NO. 171 - DETERMINATION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO RECONSTRUCTION OF CODDINGTON ROAD, CR 119, IN THE TOWN OF ITHACA, PIN 3753.24**

It was MOVED by Mr. Randall, seconded by Mr. Stevenson, and unanimously adopted by voice vote to recommend approval of the following resolution to the full Legislature. RESOLUTION ADOPTED.

WHEREAS, the Town of Ithaca has been consulted during design development and has concurred with preliminary planning for reconstruction of Coddington Road, County Road 119, in the Town of Ithaca (“the Action”), and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate a Full Environmental Assessment Form, which finds no significant impacts associated with the Action, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature, hereby determines that the Action is a Type 1 action and will not have a significant negative impact on the environment, requiring no further environmental review,

RESOLVED, further, That the Tompkins County Legislature hereby issues a "Negative Declaration of Environmental Significance" in accordance with SEQRA for the Action.

**SEQR ACTION: TYPE 1-6(i)**

(EAF on file with Clerk of the Legislature)

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**RESOLUTION NO. - AUTHORIZATION TO ISSUE DESIGN AND RIGHT-OF-WAY PLAN APPROVALS FOR THE RECONSTRUCTION OF CODDINGTON ROAD, CR 119, IN THE TOWN OF ITHACA, PIN 3753.24**

It was MOVED by Mr. Randall, seconded by Ms. Kiefer. Ms. Robertson expressed a desire to discuss the resolution; Ms. Herrera indicated that due to the time constraint she would prefer to provide Committee members the opportunity to address the resolution at this time. Ms. Mackesey said she could not support the five-foot shoulders.

Mr. Lampman spoke of the shoulder policy developed approximately four years ago; urban collector roads were designated to have five-foot wide shoulders and rural collectors were designated to have four-foot shoulders. He noted that Coddington Road has both designations, with urban collector designation for the majority of the roadway. In addition, Mr. Lampman said the policy does provide for some deviation from the guidelines as well. Ms. Herrera noted that the five-foot designation would therefore be adequate for the entire length.

Ms. Mackesey moved to amend the resolution to designate ten-foot lanes and four-foot shoulders. MOTION FAILED FOR LACK OF A SECOND.

A voice vote on the resolution resulted as follows: Ayes – 3 (Legislators Herrera, Kiefer, and Randall); Noes – 2 (Legislators Mackesey and Stevenson). RESOLUTION ADOPTED.

WHEREAS, Resolution No. 11 of 2005 authorized an agreement between Tompkins County and the State of New York Department of Transportation to fund design of the reconstruction of County Road 119, Coddington Road, (the "Action") in the Town of Ithaca, and

WHEREAS, preliminary project design has been developed in conformance with the applicable environmental laws, design standards, and accepted engineering practice; all exceptions to accepted design standards have been thoroughly analyzed and their retention adequately justified; all permits have been identified and will be secured prior to letting; public participation has been encouraged and included in the project development processes; and project costs are reasonable, and

WHEREAS, in accordance with applicable Federal regulations and guidelines a Right-of-Way Plan has been prepared which indicates that acquisition of approximately sixty (60) permanent and twenty (20) temporary easements is necessary, but that the individual and cumulative impacts of right-of-way acquisition are considered total de minimus in nature, and

WHEREAS, the Tompkins County Legislature has classified the Action as a "Type I Action" under the SEQRA (State Environmental Quality Review Act) as defined by the underlying regulations of Article 8 of the Environmental Conservation Law of the State of New York, and

WHEREAS the Tompkins County Legislature has issued a "Negative Declaration of Environmental Significance" in accordance with SEQRA, and

WHEREAS, the Tompkins County Legislature is requesting and supporting that a Non-Standard Feature Justification Form be submitted to the New York State Department of Transportation to change the road cross-section from eleven-foot lanes and four-foot shoulders to ten-foot lanes and five-foot shoulders for the purpose of providing traffic calming and enhancing safety, and

WHEREAS, if the non-standard feature (ten-foot lanes) is approved the design report will be modified to reflect this change which will have no impact on the environmental review, and

WHEREAS, completion of all procedural requirements needed prior to project design approval and Right-of-Way Plan approval have been certified by the design consultant and approved by the County Highway Manager, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Chair of the Tompkins County Legislature or designee be and hereby is authorized to execute documents granting Design Approval whereby completion of project final design shall be authorized,

RESOLVED, further, That the Chair of the Tompkins County Legislature or designee be and hereby is authorized to execute documents granting approval of the Right-of-Way Plan for the referenced project.

**SEQR ACTION:** TYPE I-6(i)  
(EAF on file with Clerk of the Legislature)

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**Discussion regarding Resolution Requesting Approval of Design Exception for Coddington Road**

Mr. Lampman noted he had not yet seen the resolution being offered in support of the design exception. At the meeting with public members it had been indicated that a draft resolution might be possible if time allowed.

**RESOLUTION NO. - REQUESTING APPROVAL OF A DESIGN EXCEPTION FOR CODDINGTON ROAD**

It was MOVED by Ms. Mackesey, seconded by Ms. Kiefer.

Mr. Flash, Deputy County Attorney, pointed out that the resolution does not parallel the design resolution previously passed that designated a ten-foot lane with five-foot shoulders.

Mr. Stevenson was excused at this time (5:13 p.m.).

Ms. Kiefer noted she is not in favor of the resolution without the total 15 feet (10 lane/5 shoulder).

Ms. Kiefer was excused at this time (5:14 p.m.)

Ms. Herrera said that she is somewhat uncomfortable as this was not presented in a manner to fully review it, however, she will support the resolution on behalf of the citizens desire for the purpose of quality of life.

Mr. Lampman indicated the request would not delay the project.

Mr. Randall indicated he is not pleased with the manner that the resolution came forward, noting it is very chaotic.

A voice vote on the resolution resulted as follows: Ayes – 2 (Legislators Herrera and Mackesey); Noes – 1 (Legislator Randall); Excused – 2 (Legislators Kiefer and Stevenson). RESOLUTION FAILED.

WHEREAS, Tompkins County will be reconstructing Coddington Road, and

WHEREAS, the project is included in the Ithaca-Tompkins County Transportation Council's Transportation Improvement Program (TIP) utilizing funds in the Federal Surface Transportation Program (STP), and

WHEREAS, Coddington Road is classified as mainly as a urban collector and rural major collector, although it is a residential road throughout much of its length, and

WHEREAS, vehicular speeding is a serious concern along Coddington Road, and

WHEREAS, widening and straightening roads is known to lead to increased vehicular speeds, and

WHEREAS, a major goal of the Federal Intermodal Surface Transportation Efficiency Act (ISTEA) and its grant programs is to encourage pedestrian and bicycle usage of roadways, and

WHEREAS, speeding vehicles will negatively impact the safety of the road shoulders for pedestrians and bicyclists, and

WHEREAS, Coddington Road has already obtained a design exception to have the design speeds lower than the actual speeds ordinarily required, and

WHEREAS, residents of Coddington Road have repeatedly and strenuously argued in favor of maintaining 10 foot lanes rather than increasing lanes to 11 feet, and

WHEREAS, the Tompkins County Highway Division concurred with the desires of the residents and submitted an initial design for Coddington Road that specified 10 foot lanes, and

WHEREAS, that initial design was rejected by New York State Department of Transportation (DOT) on the grounds that 11 foot lanes were necessary to ensure safety, and

WHEREAS, the accident records for Coddington Road show few accidents and none of the type that could be attributed to inadequate lane width (sideswipes and head-ons), and

WHEREAS, this legislature and the residents of Coddington Road regard speeding as a much more serious safety issue on this road than lane width, and

WHEREAS, the Tompkins County Highway Division has submitted a design exception request to allow Coddington Road to be designed and reconstructed with 10-foot lanes, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Tompkins County Legislature strongly supports the request for a design exception, and urges the DOT to approve it.

**SEQR ACTION:** TYPE II-20

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**Adjournment**

The meeting adjourned at 5:21 p.m.

Respectfully submitted by Karen Fuller, Deputy Clerk of the Legislature