

CHAPTER 6: SECTION 4(F) EVALUATION

Section 4(f) of the Department of Transportation Act of 1966, as amended (49 USC 303, 23 USC 138), and implementing regulations for this law, require FHWA to avoid the taking of publicly owned parkland, wildlife/waterfowl preserve, or cultural resources for transportation projects.

Section 4(f) states in part that, “the [Federal Highway] Administration may not approve the use of land from a significant publicly-owned park, recreation area, or wildlife and waterfowl refuge, or any significant historic site, unless a determination is made that: there is no feasible and prudent alternative to the use of the land from the property; and the action includes all possible planning to minimize harm to the property resulting from such use.” (23 CFR 771.135)

“Use” of a Section 4(f) resource occurs:

- With direct taking when land from a Section 4(f) site is acquired for a transportation project; or
- With “constructive use” when the proximity impacts of the transportation project on the Section 4(f) site, without acquisition of land, are so great that the purposes for which the Section 4(f) site exists are substantially impaired.

This draft Section 4(f) evaluation has been prepared for the Southtowns Connector/Buffalo Outer Harbor Project (STC/BOH) Project because all of the Build Alternatives would involve the use of a site-specific historic resource within the project area.

6.1 Proposed Action/Alternatives

The STC/BOH Project involves a reconfiguration of the New York State (NYS) Route 5/Fuhrmann Boulevard/Ohio Street complex into a road system that would better facilitate local and multi-modal (vehicular, transit, pedestrian, bicycle) access. The project area is depicted in **Figure 2.1-1** of Chapter 2.

Three feasible Build Alternatives are currently being considered in the EIS, along with the Null Alternative, which includes only currently planned and programmed road improvements through 2010. The Build Alternatives are generally distinguished by the alignment of Route 5 and Fuhrmann Boulevard between the Buffalo Skyway Bridge touchdown and Ridge Road.



6.1.1 Modified Improvement Alternative (Preferred Alternative)

Estimated Construction Cost: \$95.1 Million

This alternative would involve making improvements to the existing Route 5/Fuhrmann Boulevard complex while maintaining the two roads as separate facilities. Fuhrmann Boulevard would be converted to a continuous, two-way roadway on the west side (i.e., lakeside) of Route 5 between the US Coast Guard Station and the Union Ship Canal. Route 5 would remain as a four-lane highway to serve commuter/through traffic and include a simplified system of interchanges to access Fuhrmann Boulevard and key cross streets (**see Figures 3.3-1**).

6.1.2 Boulevard Alternative

Estimated Construction Cost: \$124.0 Million

This alternative would involve full reconstruction of the Route 5/Fuhrmann Boulevard complex to convert it into a single, six-lane boulevard to serve both through traffic and local access from the Buffalo Skyway Bridge to Ridge Road. North of the Skyway Bridge, Route 5 Boulevard would be connected via ramps to the remaining portion of Fuhrmann Boulevard; improvements would be implemented along this segment to provide access to Times Beach and the US Coast Guard Station (**see Figures 3.3-3**).

6.1.3 Hybrid Alternative

Estimated Construction Cost: \$131.9 Million

This alternative would involve a combination of alignments used in both the Improvement and Boulevard Alternatives. From the Buffalo Skyway Bridge to Ohio Street, the Hybrid Alternative would include an alignment similar to the Improvement Alternative—maintaining Route 5 and Fuhrmann Boulevard as separate facilities and converting Fuhrmann Boulevard to a two-way roadway on the west side of Route 5. At Ohio Street, Route 5 would transition at a signalized intersection to a six-lane boulevard, similar to the characteristics of the Boulevard Alternative (**see Figures 3.3-5**).

6.1.4 Project Components in All Build Alternatives

All three of the build alternatives identified above would all involve a series of other road improvements in key locations within the STC/BOH Study Area, including the following:

- **Route 5 – Ridge Road to South Buffalo Railroad Bridge** Passing through the Bethlehem Park section of the City of Lackawanna, this project component adds a new southbound lane to Route 5 along the former Bethlehem Steel site frontage to create a total of six travel lanes in this segment. The South Buffalo Railroad Bridges would be reconstructed and widened to allow for this improvement. In addition, the existing center turn lane along this segment is converted to a landscaped median (with left turn lanes at key intersections)



and streetscape improvements implemented to provide safe bicycle, pedestrian, and transit access (e.g., bicycle trail, sidewalks, transit shelters, bus curb cuts, etc.).

- **Route 5 - South Buffalo Railroad Bridge to NYS Route 179 (Mile Strip Road)** This project component incorporates streetscape and safety improvements along Route 5 as it passes through a community business district in the Woodlawn section of the Town of Hamburg. These improvements are similar to those proposed along Route 5 between Ridge Road and the South Buffalo Railroad Bridge with the exception of any road widening, given that this segment currently contains six travel lanes.
- **Ohio Street Improvements** From Michigan Avenue to Route 5 through Buffalo's First Ward neighborhood, this project component reconstructs Ohio Street so that it provides better local access between downtown Buffalo and the Lake Erie waterfront. The alignment includes three lanes (two travel lanes and a center turn lane) within the existing curb-to-curb width of the roadway and streetscape improvements to provide safe pedestrian, bicycle, and transit access. In addition, this project component includes construction of a segment of the Industrial Heritage Trail¹ along the west side of Ohio Street and the east side of Ganson Street, including a sidewalk marked with commemorative medallions with locations for interpretive stations (**see Figures 3.3-8**).
- **New I-190/Tifft Street Arterial** This project component consists of construction of a new four-lane (or two-lane expandable to four-lane) arterial road connecting I-190 to Tifft Street, with signalized intersections at Seneca Street, Elk Street, and South Park Avenue. The alignment of the new road consists of construction of new on/off ramps at the existing Seneca Street interchange on I-190 and it follows a former railroad right-of-way to a new fixed bridge over the Buffalo River beyond the river's navigable portion for commercial vessels (**see Figures 3.3-9**). The alignment passes through the eastern portion of the former LTV/Republic Steel site. In addition, a new bicycle/pedestrian trail is constructed along the full length of the alignment.



6.2 Section 4(f) Properties

6.2.1 Parks, Recreation Areas, and Wildlife Refuges

The project area contains a number of designated parks, recreation areas, and wildlife refuges, including the Times Beach Nature Preserve, Gallagher Beach, the NFTA Boat Harbor (Buffalo Boat Harbor State Park), Tifft Nature Preserve, Woodlawn Beach State Park, Conway Park, and recreational/fishing access areas along the Buffalo River.

One of the major goals of the project is to gain easier access to facilitate better use of existing waterfront recreational and park facilities. All of the Build Alternatives would improve connectivity among these resources. None of the Build Alternatives would result in direct taking or “constructive use” of any of these types of 4(f) properties.

6.2.2 Historic Sites (Archaeological and Architectural Resources)

To identify and assess archaeological and architectural resources in the project area, a Phase 1A cultural resource investigation was conducted, consisting of an archaeological and architectural reconnaissance survey in the area of potential effect (APE) associated with the project. For purposes of this assessment, the APE for archaeological resources was defined as 30 meters (100 feet) on either side of rights-of-way for proposed roadway improvements to account for projected areas of disturbance and for slight refinements to alignments. Architectural resources APE included structures on all properties that abut right-of-ways for proposed roadway improvements. Based upon information provided in the cultural resource assessment, an infield meeting, and review of SHPO files, a listing of NRHP-listed and NRHP-eligible properties within the APE was provided.

The cultural resource investigation yielded no archaeological resources that are on or eligible for inclusion on the NRHP. Architectural resources in the APE identified as on or eligible for inclusion on the NRHP are listed in **Table 6.2-1**. The table identifies any proposed changes to these properties or their setting/context under the Build Alternatives. With exception to one structure (see Section 6.3), the project would result in no direct taking or “constructive use” of historic sites in the project area (i.e., APE).



Table 6.2-1: Evaluation of Project Impacts on Properties Listed or Eligible for Listing on the National Register of Historic Places (NRHP)

Property Name	Address	Property Characteristics that Qualify it for Inclusion on the NRHP	Proposed Changes to the Property and Setting Resulting from the Project ¹
NRHP-Listed and NRHP-Eligible Properties on NYS Route 5 – US Coast Guard Station to NYS Route 179 (north to south)			
Connecting Terminal	100 Fuhrmann Blvd. Buffalo, NY	<p>The elevator was built in two sections, the first in 1915 and the second in 1954. It is the last grain storage facility to be built in Buffalo. It is associated with the collection of grain elevators related to Buffalo's role as a transshipment point on the Great Lakes in the 19th and early 20th centuries.</p> <p>The setting is primarily shaped by the structure's positioning on the Buffalo River; when originally built, property could only be accessed via the river or adjacent rail.</p>	<p>No changes proposed that would directly affect the property or adversely affect its setting under any of the build alternatives. The building is situated approximately 75 meters (492 feet) from Fuhrmann Blvd. right-of-way.</p> <p>Proposed changes under any of the build alternatives would involve in-kind reconstruction of right-of-way (Fuhrmann Blvd.) on property frontage to the rear of the structure (see Appendix A: Drawing Nos. I-1, B-1, and H-1).</p>
Buffalo Port Terminal Building (Former Ford Motor Co.)	901 Fuhrmann Blvd. Buffalo, NY	<p>Built in 1930/31 as the Ford Motor Co. assembly plant; the design is an industrial style with subtle influences of the Art Moderne style. It is associated with the early history of automobile manufacturing in Buffalo.</p> <p>The setting of property is primary influenced by the building's positioning on adjacent Ford Slip and rail lines on Buffalo Outer Harbor.</p>	<p>No changes proposed that would directly affect the property or adversely affect its setting under any of the build alternatives. The building is situated approximately 150 meters (492 feet) from Fuhrmann Blvd./Route 5 right-of-way.</p> <p>Proposed changes under each build alternative would involve the following:</p> <ul style="list-style-type: none"> • Modified Improvement and Hybrid Alternatives: Reconstruction of Fuhrmann Blvd. and Route 5 as separate facilities while reducing their visual prominence (see Appendix A: Drawing Nos. I-4 and H-4). • Boulevard Alternative: Consolidation of roadways into a single, at-grade 6-lane facility (see Appendix A: Drawing No. B-4).



Table 6.2-1: Evaluation of Project Impacts on Properties Listed or Eligible for Listing on the National Register of Historic Places (NRHP)

Property Name	Address	Property Characteristics that Qualify it for Inclusion on the NRHP	Proposed Changes to the Property and Setting Resulting from the Project ¹
Freezer Queen Foods	975 Fuhrmann Blvd. Buffalo, NY	Constructed in 1927; former warehouse and terminal for the Merchants Refrigerating Company. The building is an example of International Style of architecture, prominent in early 20th-century industrial design. The setting of property is primary influenced by the building's positioning on adjacent deep-water slip on Buffalo Outer Harbor.	No changes proposed that would directly affect the property or adversely affect its setting under any of the build alternatives. The building is situated approximately 55 meters (180 feet) from Fuhrmann/Route 5 right-of-way. Proposed changes would under each build alternative would involve the following: <ul style="list-style-type: none"> • Modified Improvement and Hybrid Alternatives: Reconstruction of Fuhrmann Blvd. and Route 5 as separate facilities while reducing their visual prominence (see Appendix A: Drawing Nos. I-5 and H-5). • Boulevard Alternative: Consolidation of Route 5 and Fuhrmann Blvd into a single, at-grade 6-lane facility (see Appendix A: Drawing No. B-5).
Cargill Pool Elevator	1489 Fuhrmann Blvd. Buffalo, NY	Built in 1925 and expanded in 1926 as the Canadian Pool Elevator; associated with later periods in Buffalo's role as a transshipment point on the Great Lakes in the 19th and 20th centuries. Setting of property primary influenced by the building's position on a man-made peninsula with adjacent deep-water slips on Buffalo Outer Harbor.	No changes proposed that would directly affect the property or adversely affect its setting under any of the build alternatives. The building is situated approximately 175 meters (246 feet) from Fuhrmann Blvd. right-of-way. Proposed changes under each build alternative would involve the following: <ul style="list-style-type: none"> • Modified Improvement and Hybrid Alternatives: Reconstruction of Fuhrmann Blvd. and Route 5 as separate facilities while reducing their visual prominence (see Appendix A: Drawing Nos. I-7 and H-7). • Boulevard Alternative: Consolidation of roadways into a single, at-grade 6-lane facility (see Appendix A: Drawing No. B-7).



Table 6.2-1: Evaluation of Project Impacts on Properties Listed or Eligible for Listing on the National Register of Historic Places (NRHP)

Property Name	Address	Property Characteristics that Qualify it for Inclusion on the NRHP	Proposed Changes to the Property and Setting Resulting from the Project ¹
Independent Cement	1751 Fuhrmann Blvd. Buffalo, NY	Built of reinforced concrete in 1926, it was able to serve both truck and rail transshipments. The structure is associated with the later period of Buffalo's role as a transshipment point on the Great Lakes in the 19th and early 20th centuries. The structure is sited along the Lake Erie shore; the existing alignments of Fuhrmann Blvd/Route 5 do not contribute to the property's NRHP eligibility.	No changes proposed that would directly affect the property or adversely affect its setting under any of the build alternatives. Building is situated over 146 meters (480 feet) from Fuhrmann Blvd. right-of-way. Proposed changes under all build alternatives involve in-kind reconstruction of segment Fuhrmann Blvd. along property frontage and removal of dilapidated bridge over rail spur into property (see Appendix A: Drawing Nos. I-7, B-7, and H-7). Please note that rail spur to property discontinued by CSX and bridge structure is not eligible for NRHP.
Union Ship Canal	Under NYS Route 5 Buffalo, NY	Originally built in 1905 as the "Goodyear Slip" to provide industrial marine access to the Buffalo & Susquehanna Iron & Coal Co. (later used by Hanna Furnace Co.); associated with the large-scale development of basic steel manufacturing and industrial development in the region. The setting of property was primarily shaped by the canal's relationship to the remains of the Hanna Furnace property along the southern edge of the Canal; these remains have been removed and property has been redeveloped. Setting of Canal was changed in 1991 with the removal of the former high-level Father Baker Bridge, which involved reducing the overall width of the channel to construct a new low-level crossing.	Proposed changes under each build alternative would involve the following: <ul style="list-style-type: none"> • Modified Improvement Alternative: No changes proposed to Canal or its setting (see Appendix A: Drawing No. I-8). • Boulevard and Hybrid Alternative: Changes would involve widening of the low-level Father Baker Bridge above the previously disturbed portion of the Union Ship Canal (see Appendix A: Drawing Nos. B-8 and H-8).



Table 6.2-1: Evaluation of Project Impacts on Properties Listed or Eligible for Listing on the National Register of Historic Places (NRHP)

Property Name	Address	Property Characteristics that Qualify it for Inclusion on the NRHP	Proposed Changes to the Property and Setting Resulting from the Project ¹
Former Bethlehem Steel Corp. Complex (See below):	See below:	The complex is associated with the early 20 th -century development of basic steel manufacturing and industrial development in the region and the early development of the City of Lackawanna.	See below:
Former Lackawanna Steel Company Office Building	Route 5/Hamburg Turnpike/ Commerce St., Lackawanna, NY	Constructed in ca. 1901; excellent example of Beaux Arts architectural style. The building marked the northeast corner of the Bethlehem Steel complex. The setting of the property has significantly evolved over its history. The property originally fronted upon Hamburg Turnpike, while access was via interior roadways. In 1955, the high-level Father Baker Bridge was constructed over the Union Ship Canal, visually blocking the property. In 1991, the setting changed when the high-level bridge was demolished and replaced with a low-level bridge immediately east of the former span.	Proposed changes under each build alternative would involve the following: <ul style="list-style-type: none"> • Modified Improvement Alternative: No direct changes would occur to the property (see Appendix A: Drawing No. I-8). The setting would change only with respect to narrowing pavement section of the former approach to the now-demolished high-level Father Baker Bridge. • Boulevard and Hybrid Alternative: No direct changes would occur to the property (see Appendix A: Drawing Nos. B-8 and H-8). The setting would change only with respect to removing pavement section of the former approach to the now-demolished high-level Father Baker Bridge in lieu of improvements to the road network internal to the complex.
Other Surviving buildings of former Bethlehem Steel Complex	NYS Route 5, Lackawanna, NY	All other surviving buildings are approximately 150 meters (492 feet) or greater from segments of Route 5.	Proposed changes under all alternatives would involve widening along the Complex frontage to create six-travel lanes. The project would not affect the setting in light of the scale of the Complex compared to the limited expansion of the roadway (see Appendix A: Drawing Nos. I-9 to I-12; B-9 to B-12; and H-9 to H-12).
Buffalo Specialty Products (former Bethlehem Steel Complex Structures)	NYS Route 5, Hamburg, NY	Buildings directly front upon Route 5 and are accessed via former Bethlehem Steel Gate 5.	No proposed changes to structures or setting –improvements under all alternatives would be limited to a center planted median to address safety issues and in-kind replacement of sidewalks and other streetscape features (see Appendix A: Drawing Nos. I-13, B-13, and H-13).



Table 6.2-1: Evaluation of Project Impacts on Properties Listed or Eligible for Listing on the National Register of Historic Places (NRHP)

Property Name	Address	Property Characteristics that Qualify it for Inclusion on the NRHP	Proposed Changes to the Property and Setting Resulting from the Project¹
Bethlehem Steel Gates 5 & 6	NYS Route 5, Hamburg, NY	Gate structures directly front upon and provide access for former Complex to/from Route 5.	No proposed changes to Gate Structures or setting –improvements in this area would be limited to a center planted median to address safety issues and in-kind replacement of sidewalks and other streetscape features (see Appendix A: Drawing Nos. Drawing Nos. I-13, B-13, and H-13).
NRHP-Listed and NRHP-Eligible Properties on Ohio Street Corridor – Michigan Avenue to NYS Route 5 (north to south)			
Swannie House	170 Ohio St. Buffalo, NY	One of the last remaining tavern structures related to the “saloon boss system” in the Buffalo Harbor associated with bar owners trading access to work for “drinks, food and lodging”.	No changes to property/setting – in-kind reconstruction of Ohio Street right-of-way along property frontage and replacement of streetscape features (lighting, sidewalks, etc.) consistent in design with improvements in adjacent Cobblestone District (see Appendix A: Drawing No. O-1).
Former New York Central and Hudson Railroad Office and Freight Station (former Buffalo, Rochester, and Pittsburgh Railroad)	212 Miami St. Buffalo, NY	Two-story neoclassical structure constructed ca. 1880, formerly used as an office associated with the former railroad. The structure is associated with transition from canal shipment to railroads in the mid- to late-19th century. Original property setting involved long rectangular freight house fronting on Moore Street between South Park and Miami Streets, with a multi-track switching yard located to the east of this structure. Switching yard now removed and building exhibits several large modern prefabricated-metal additions in former rail yard.	Proposed reconstruction would involve slight realignment of Miami Street to create “T” intersection with Ohio and in-kind replacement of streetscape features (lighting, sidewalks, etc.), consistent in design with improvements in adjacent Cobblestone District (see Appendix A: Drawing No. O-1).



Table 6.2-1: Evaluation of Project Impacts on Properties Listed or Eligible for Listing on the National Register of Historic Places (NRHP)

Property Name	Address	Property Characteristics that Qualify it for Inclusion on the NRHP	Proposed Changes to the Property and Setting Resulting from the Project ¹
E&B Holmes Machinery Co.	59 Chicago St. Buffalo, NY	Importance related to early industrial development of Buffalo and association with Edward and Britain Holmes, English immigrants that became prominent industrialists and innovators. Property setting involves typical industrial structure fronting upon urban street – does not contribute to the property’s NRHP-eligibility.	No changes to property/setting – in-kind reconstruction of adjacent Ohio Street right-of-way (see Appendix A: Drawing No. O-1).
Cargill Electric Elevator	60 Childs St. Buffalo, NY	Built in 1897—remains (storage bins) now constitute Gelinmac Feed and Storage; last remaining components of first all-electric grain elevator in Buffalo and possibly the world. The setting primarily shaped by the elevator’s positioning on the Buffalo River; is part of “elevator alley” grouping of structures along the river.	No changes to property/setting – in-kind reconstruction of adjacent Ohio Street right-of-way (see Appendix A: Drawing No. O-3).
Truck/Train Transfer Building	630 Ohio St. Buffalo, NY	Built in 1926; small utilitarian industrial/railroad depot structure with slight influences of Art Deco architectural style. The structure is associated with early industrial/railroad development in Buffalo. The property’s setting originally related to rail sidings between which the structure spanned/fronted; these rail spurs have been removed.	Project would result in realignment of roadway to eliminate abrupt curve that is a non-standard roadway design feature. Would require removal or relocation of structure to allow for realignment (see Appendix A: Drawing No. O-3).



Table 6.2-1: Evaluation of Project Impacts on Properties Listed or Eligible for Listing on the National Register of Historic Places (NRHP)

Property Name	Address	Property Characteristics that Qualify it for Inclusion on the NRHP	Proposed Changes to the Property and Setting Resulting from the Project ¹
NRHP-Listed and NRHP-Eligible Properties on Proposed Right-of-Way for I-190/Tift Street Arterial			
None Identified.	N/A	N/A	N/A

Notes:

¹ Drawing Numbers refer to map set contained in **Appendix A (Plans and Profiles) of the FDR/FEIS/4(f) for Southtowns Connector/Buffalo Outer Harbor Project**, as follows:

- **Modified Improvement Alternative** – Tab Entitled, “Route 5 – Modified Improvement Alternative”: Drawing Nos. I-1 through I-14.
- **Boulevard Alternative** – Tab Entitled, “Route 5 – Boulevard Alternative”: Drawing Nos. B-1 through B-14.
- **Hybrid Alternative** - Tab Entitled, “Route 5 – Hybrid Alternative”: Drawing Nos. H-1 through H-14.
- **Ohio Street Reconstruction** (Included under the Modified Improvement, Boulevard, and Hybrid Alternatives noted above) – Tab Entitled, “Ohio Street Reconstruction”: Drawing Nos. O-1 through O-3.
- **I-190/Tift Street Arterial** (Included under the Modified Improvement, Boulevard, and Hybrid Alternatives noted above) – Tab Entitled, “190/Tift Street Arterial”: Drawing Nos. A-1 through A-5.



6.3 Impacts on Section 4(f) Properties

All of the Building Alternatives would result in the direct taking of one historic property located at 630 Ohio Street – a former truck/train transfer building that has been determined by the SHPO to be eligible for the NRHP. The structure is a small utilitarian industrial/railroad depot containing slight influences of art deco architectural style. Associated with early industrial and railroad development in Buffalo, it was built in 1926 with an original setting that was related to rail sidings between which the structure spanned/fronted. The rail spurs have since been removed.



Former Truck/Train Transfer Building at 630 Ohio Street.

The current alignment of Ohio Street includes an abrupt curve in the vicinity of this structure. The curve exceeds the minimum radius specified by NYSDOT for a minor arterial road (i.e., the functional classification of Ohio Street). A minimum radius of 189 meters (620 feet) is required for the curvature of the roadway to meet design standards. The current radius of the curve is 100 meters (328 feet). Realignment of the curve to meet the radius standard requires the removal or relocation of the truck/train transfer station because at its current location, it would be located in the proposed right-of-way. (see **Figure 6.3-1**).

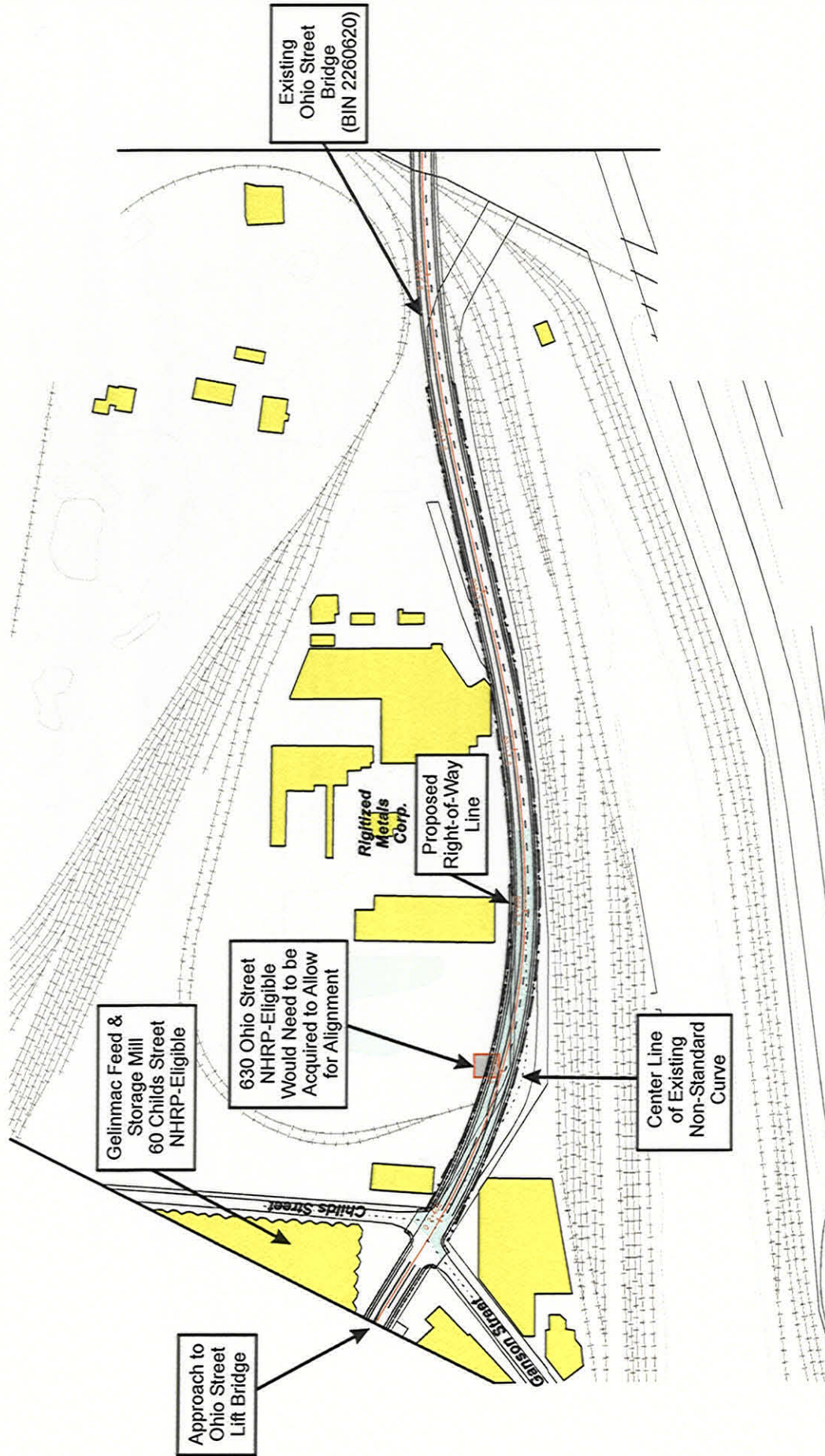
6.4 Avoidance Alternatives

Measures to avoid, minimize, or mitigate the adverse impact to the truck/train transfer station were reviewed for feasibility. The measures were evaluated on the basis of whether they would meet overall Project objectives, their ability to be implemented, and the scale of public investment necessary compared to benefits achieved. These measures are discussed in the following sections.

6.4.1 No Action

The No-Action measure would involve leaving the existing nonstandard curve alignment along Ohio Street as is and undertaking an in-kind replacement of the current road realignment. This measure would not be accepted by NYSDOT or FHWA in that it would not correct a





Key

- Proposed Limits of Realignment
- Right-of-Way Line



0 25 50 Meters

FIGURE 6.3-1
Proposed Re-Alignment
on Ohio Street

nonstandard existing feature. This feature could contribute to diminished road safety and an increase in associated liability issues.

6.4.2 Alternative Alignments

This measure would involve implementing alternative alignments that would avoid the need for removal/relocation of the historic structure at 630 Ohio Street. It was determined that alternative alignments would not be feasible given existing physical constraints exhibited in this segment of Ohio Street (see **Figure 6.4-1**).

The only potential alignment would involve adjusting the radius of the curve through realignment of Ohio Street to the west of its current right-of-way, while still connecting with the approach to the Ohio Street Lift Bridge. However, the current right-of-way is constrained on the west by a very active, multi-track railroad switching area, preventing the ability to realize such a configuration. In addition, even if this constraint could be overcome, such realignment would also affect an operating business located in a building at the southwest corner of the intersection of Ohio Street and Ganson Street. Therefore, this measure was eliminated from further consideration.

6.4.3 Relocation of Structure

This measure would involve relocation of the truck/train transfer station to a new location outside the proposed right-of-way. This was estimated to cost approximately \$250,000 - \$350,000 (excluding additional property acquisition costs). This estimate assumed relocation of the structure to the immediate east of its current location, only to the extent necessary to allow for the proposed realignment of Ohio Street. This measure was eliminated from further consideration for the following set of reasons:

- The estimated costs represent approximately 10% of the construction costs for the entire proposed Ohio Street improvements;
- The current condition of the structure is unknown with respect to permitting relocation without damage to physical integrity of the structure;
- Relocation of the structure would incur additional costs for acquisition of right-of-way to create a new publicly owned site to ensure preservation of the structure (the property where the structure is situated is presently held in private ownership);
- Relocation would change the historic context as a former railroad-related use, impeding understanding of its purpose and setting associated with former industrial area operations; and



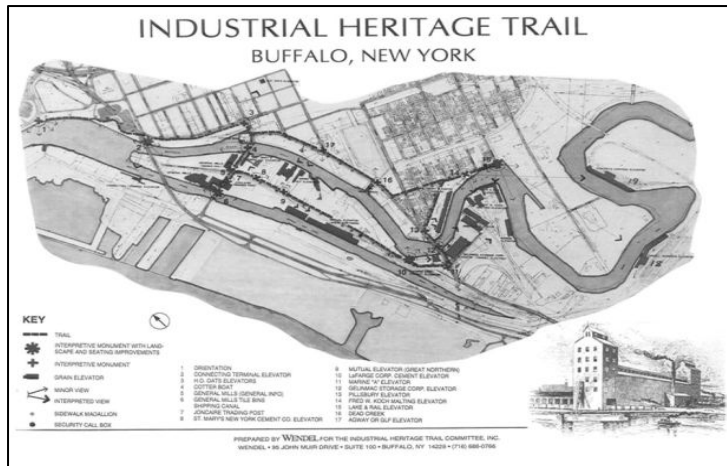
- Relocation or additional property acquisition would impede the reasonable future use of the parcel (by the current owner) where the structure currently exists.

This measure was eliminated from further consideration given the aforementioned set of issues.

6.5 Measures to Minimize Harm

In consultation with the SHPO, NYSDOT has determined that the direct taking of 630 Ohio Street for the roadway improvement is unavoidable, and will undertake specific measures to mitigate this adverse effect as part of the final design and implementation of the Ohio Street reconstruction. NYSDOT, FHWA, and the SHPO will enter into a Memorandum of Agreement (MOA) to facilitate the undertaking of the mitigation measures.

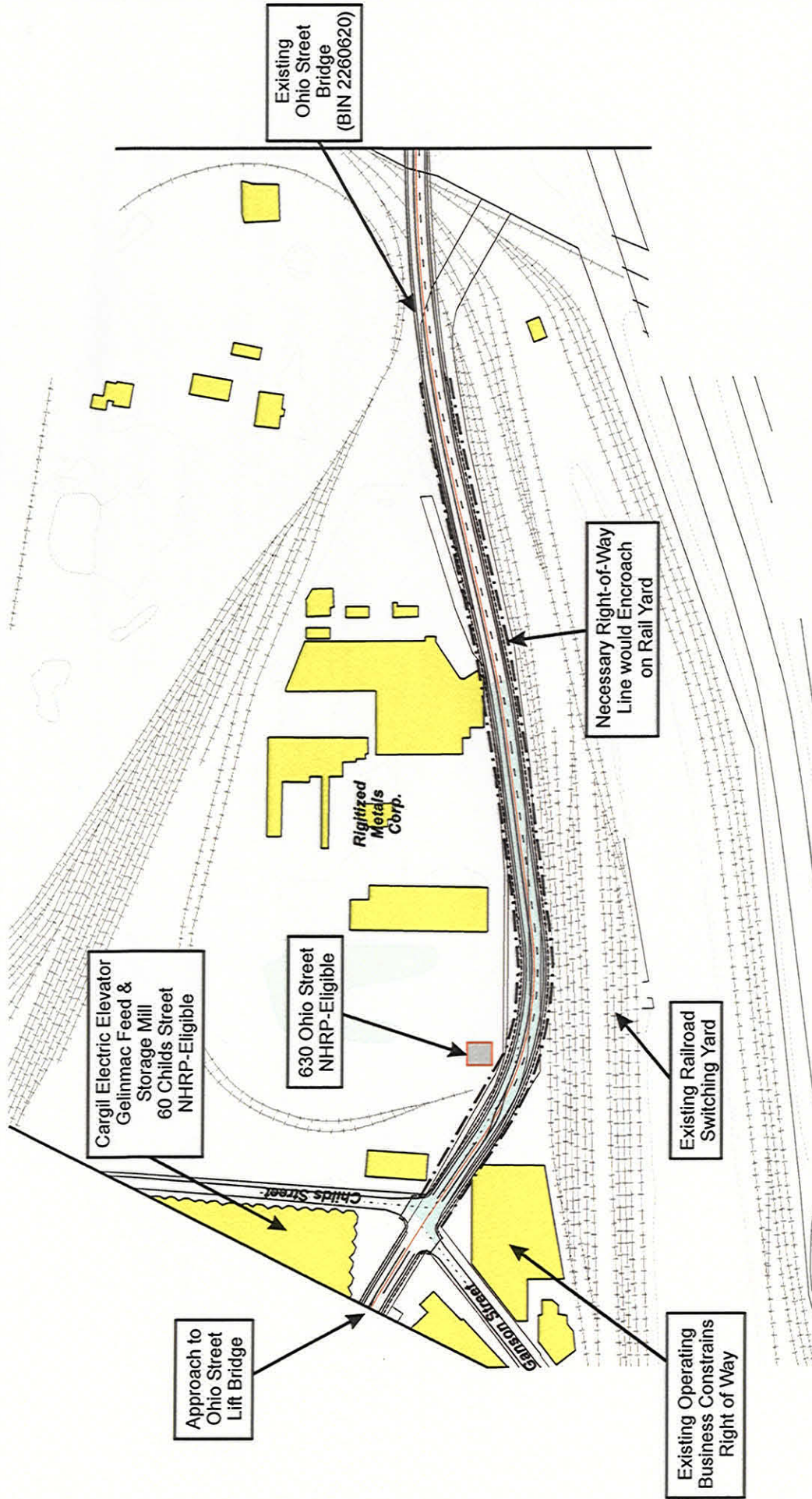
These measures would involve subsequent documentation efforts and the incorporation of project elements to enhance the overall interpretation of the industrial heritage of the City of Buffalo and specifically historic features along the Buffalo River in the Old First Ward.



Originally developed in the mid-1990s, the Industrial Heritage Trail is included in the draft City of Buffalo Comprehensive Plan to highlight grain elevators and other historic industrial features along the Buffalo River corridor.

- Historic American Building Survey (HABS)/Historic American Engineering Record (HAER) recordation of the Truck/Train Transfer Building at 630 Ohio Street prior to its removal for the realignment of Ohio Street.
- Coordination with the SHPO, City of Buffalo, and the Industrial Heritage Committee, Inc. to implement a portion of the interpretative program associated with the proposed “Industrial Heritage Trail”. This would involve:
 - Development and installation of up to five interpretative stations along Ohio Street and/or Ganson Street providing information on features along the trail; and
 - Trailblazing signage along portions of the proposed trail coinciding with road segments proposed for improvements.





Key

- Alignment required to avoid taking of 630 Ohio Street
- Proposed Right-of-Way Line

0 25 50 Meters



FIGURE 6.4-1
Alignment Necessary to Avoid
Section 4(f) Taking

The implementation of these mitigation measures through the proposed MOA is intended to result in sufficient documentation of 630 Ohio Street for future historic reference/research. It is also intended to facilitate a larger program of historic interpretation along the Ohio Street corridor, realizing a long-planned feature to contribute to the overall revitalization of areas along the Buffalo River.



Interpretative stations/kiosks describing key historic industrial features would be installed as part of the reconstruction of Ohio Street (photo: interpretative station – Riverside Park, Niagara Street, Buffalo)

6.6 Agency Coordination

All documentation as part of this process has been submitted to the SHPO for their review and consultation (see attached correspondence). In addition, a number of public involvement measures have been undertaken, including meetings/feedback by a Project Steering Committee of local government officials/stakeholders, a Citizens Advisory Committee of local neighborhood organizations, historic/special interest groups, and other interested citizens, and coordination with regulatory agencies, as well as a number of public scoping and public information meetings. With regard to historic resources, these public involvement efforts have yielded general comments regarding the importance of the collection of grain elevators in the project area and their importance to the City's history, as well as a desire to realize the Industrial Heritage Trail as part of an overall system of greenway and interpretative trail system to provide improved access in the waterfront areas along Lake Erie and the Buffalo River. No specific comments have been received regarding the Truck/Train Transfer Building at 630 Ohio Street or the Project's effects to this property.

Further coordination will be conducted among NYSDOT, FHWA, the SHPO, the City of Buffalo, and the Industrial Heritage Committee with respect to executing the MOA and incorporating interpretative elements into the Industrial Heritage Trail program.

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New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

November 23, 2004

Ms. Cleo Jones
NYS Department of Transportation
General Wm. J. Donovan Office Bldg.
125 Main Street
Buffalo, New York 14203

Re: 03PR00204
PIN 5044.01.121
FHwy-NY-EIS-04-06-D

Dear Cleo:

The State Historic Preservation Office has received a final copy of the Cultural Resources Survey Report for the Southtowns Connector/Bufalo Outer Harbor project in response to our April 19, 2004 request. Although the report addresses several of the concerns we identified in our previous letter, key elements are still missing and we find that as a result, we are unable to issue final comments on eligible properties in the project corridors and unable to comment on the effect of this project on architectural resources. While we concur with your consultant's eligibility recommendations for the Swannie House, 170 Ohio Street; E & B Holmes Machinery Company, 59 Chicago Street; Cargill Electric Elevator, 60 Childs Street; Buffalo Port Terminal (former Ford Motor Co. Plant, 901 Fuhrmann Blvd.; the former Lackawanna Steel Company Office Building (Bethlehem Steel Corporation Office Building, Commerce Street and surviving buildings of the former Bethlehem Steel complex, including the Gate Structures), at a minimum, the following items will be needed in order for us to complete our review of eligibility:

- an overall project map at a scale of 1 inch: 2000 feet or better illustrating existing conditions with the area of potential effect (APE) overlaid. This map should be labeled with street names. Buildings 50 years old or older should be marked on the map and labeled with their name and street address;
- 630 Ohio Street a truck/train transfer building may meet the criteria for listing. Please prepare an inventory form for this structure placing it in historical context;
- 212 Miami Street, the former New York Central and Hudson Railroad Office and Freight Station needs clear photos. In the future, all properties over 50 years in age should be individually photographed so that eligibility determinations can be evaluated by the SHPO;

Ms. Cleo Jones

Page 2

- additional historic resources missing from the report have been identified by our staff and are adjacent to the project corridor: Freezer Queen Foods, 975 Fuhrmann Blvd.; Independent Comment, 1751 Fuhrmann Blvd.; Cargill Pool Elevator, 1489 Fuhrmann Blvd.; Connecting Terminal, 100 Fuhrmann Blvd;
- The e-mail photos (forwarded on November 22, 2004) of the buildings that will be acquired for demolition, need to be keyed to the project map with street names and addresses: 7, 9 Bertha Street; 1320, 1324 South Park Avenue and 459 Ohio Street.

Clear photographs of all properties that are 50 years old or older, consistent use of street addresses and orientation scale maps with subject properties plotted and labeled are key components of good cultural resources report. Please ask your consultants to refer to and follow the specific standards we have agreed to (copy attached) in future consulting projects.

Because this Cultural Resource Report was missing information of historic properties, we feel that field verification is necessary before we can finalize our list of eligible historic resources. We anticipate visiting the project corridor on December 14, 2004 if the weather cooperates.

OPRHP appreciates the opportunity to provide preliminary comments on the Southtowns Connector and look forward to working with you to complete SHPO review. Using our PR# above will help expedite the processing of future submissions for this project.

Sincerely,



Mark Peckham
Historic Preservation Program Coordinator

cc: Darrell F. Kaminski, NYSDOT-Region 5



New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

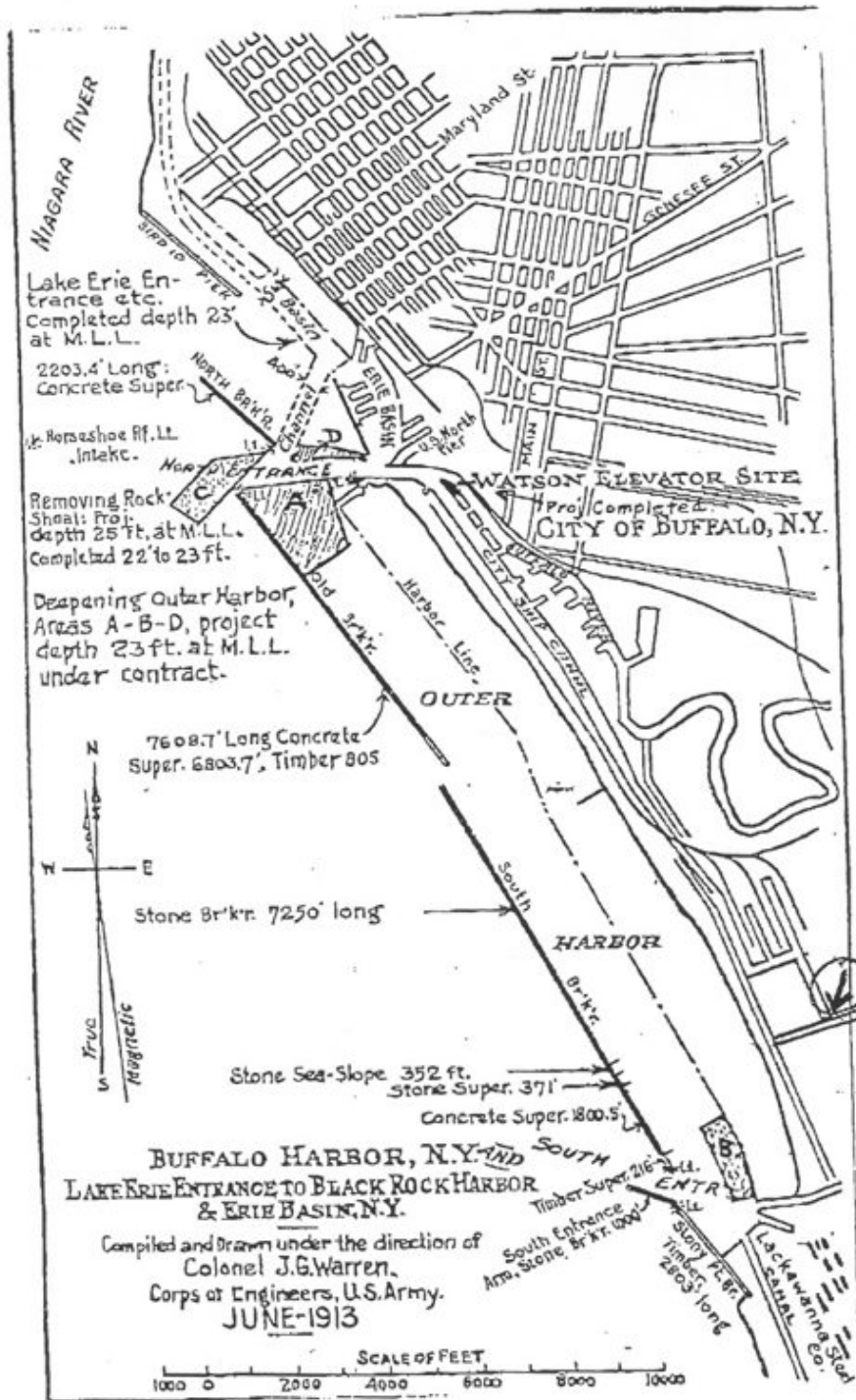
518-237-8643

December 1, 2004

Cleo,

It appears that the ship canal I have marked with an arrow on the June 1911 map abuts the project area along Tifft Street. Could you find out what the project impacts will be in the location of the arrow. I've included a copy of the 1911 map and a copy of one of the project maps included in the CRS report showing the project area running along Tifft Street.

Thank you,
Nancy



Appendix #4

Map 7

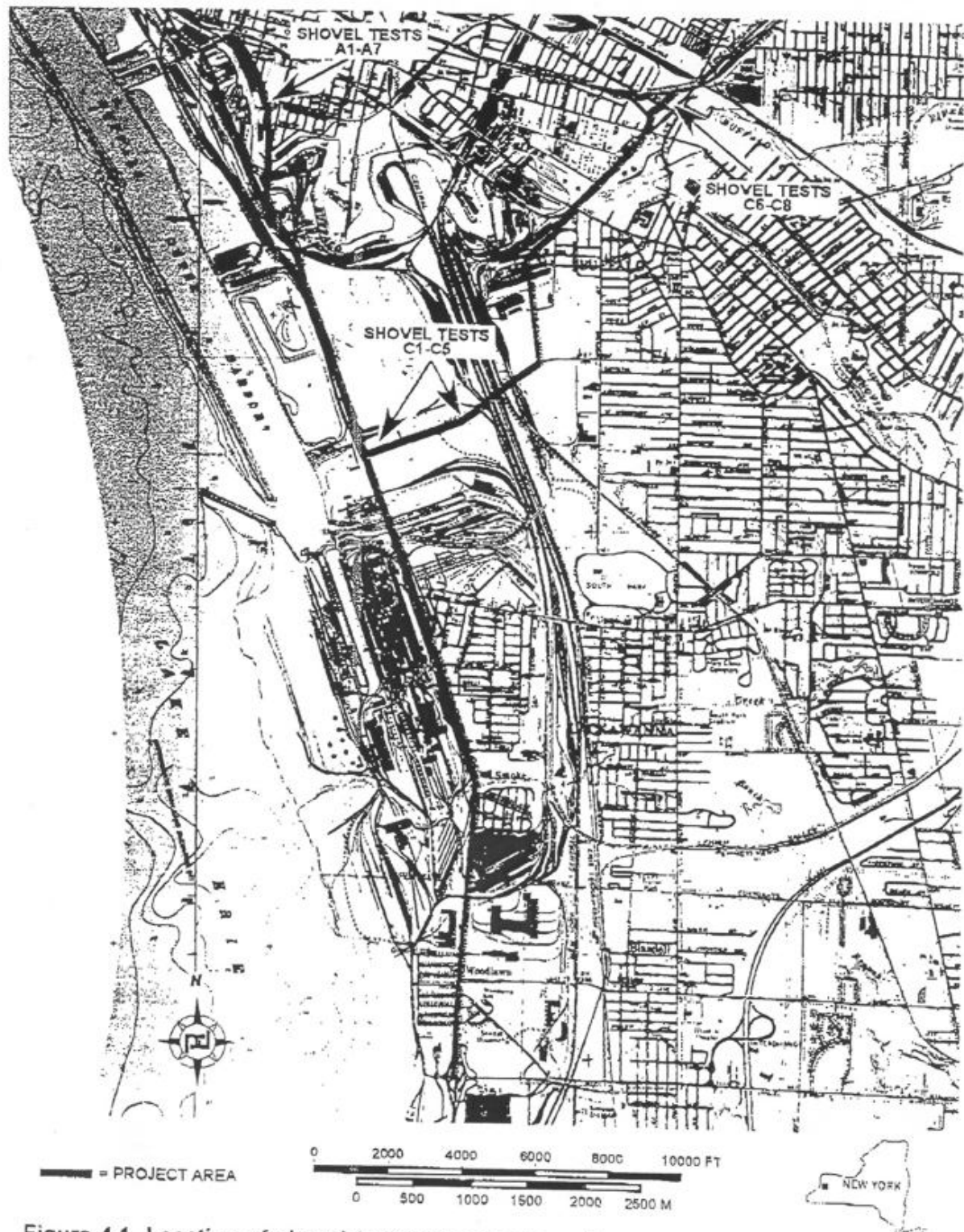


Figure 4.1. Location of shovel test transects along the proposed project route (USGS 7.5' Quadrangle, Buffalo SE, New York 1989 [1965]).



From: Herter, Nancy (PEB) [mailto:Nancy.Herter@oprhp.state.ny.us]
Sent: Friday, December 03, 2004 11:53 AM
To: cjones@gw.dot.state.ny.us
Cc: Tronolone, Paul
Subject: Southtowns Connector Project (03PR00204)

Cleo,

Paul Tronolone of Parsons Brinckerhoff indicated in a phone conversation we had today that there will be no construction impacts to the map documented ship canal located adjacent to Tifft Street. Based on this assurance, the State Historic Preservation Office has no further archaeological concerns with this project.

Thank you,
Nancy Herter
Historic Preservation Archaeology Specialist
New York State Office of Parks,
Recreation and Historic Preservation
Historic Preservation Field Services Bureau
PO Box 189, Peebles Island
Waterford, New York 12188-0189
(518) 237-8643 x.3280
(518) 233-9049 (fax)



New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peoples Island, PO Box 189, Waterford, New York 12188-0189

COPY

518-237-8643

January 12, 2005

Gary V. Gottlieb
NYS Department of Transportation
125 Main Street
Buffalo, New York 14203-3088

Re: FHWA/DOT PIN 5044.01
Southtowns Connector/ Buffalo Outer Harbor
Orchard Park/ Buffalo/ Lackawanna/ Blasdell
Erie County
03PR00204

Dear Mr. Gottlieb:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP) concerning your project's potential impact/effect upon historic and/or prehistoric cultural resources. Our staff has reviewed the documentation that you provided on your project. Preliminary comments and/or requests for additional information are noted on separate enclosures accompanying this letter. A determination of impact/effect will be provided only after ALL documentation requirements noted on any enclosures have been met. Any questions concerning our preliminary comments and/or requests for additional information should be directed to the appropriate staff person identified on each enclosure.

In cases where a state agency is involved in this undertaking, it is appropriate for that agency to determine whether consultation should take place with OPRHP under Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. In addition, if there is any federal agency involvement, Advisory Council on Historic Preservation's regulations, "Protection of Historic and Cultural Properties" 36 CFR 800 requires that agency to initiate Section 106 consultation with the State Historic Preservation Officer (SHPO).

When responding, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont

Ruth L. Pierpont
Director

RLP:bsa
Enclosure



New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

January 13, 2005

Gary V. Gottlieb
NYS Department of Transportation
125 Main Street
Buffalo, New York 14203-3088

Dear Mr. Gottlieb:

Re: FHWA/DOT
Southtowns Connector/Buffalo Outer Harbor
Orchard Park/Buffalo/Lackawanna/Blasdell
Eric County
03PR00204

This is to inform you that the enclosure sent to you with the letter of January 5, 2005 should be disregarded as there was an omission of one property from the list and the project review number was incorrect.

Please replace that enclosure with the one included with this letter.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont

Ruth L. Pierpont
Director

RLP:bsd

cc: Cleo Jones, NYSDOT

JAN 21 2005

RECEIVED	
JAN 21 2005	
Gottlieb	<i>bsd</i>
O'Connor	
Burman	
Kohl	
Felgemacher	
Nolan	
Rolling	
Rutkowski	
Sepanski	
Smith	
Tay	
Swanson	
Kepner	
<i>cc: Aikerman</i>	

PR 5044.01

RECEIVED	
R-5 DESIGN	
CAMINSKI	
BILLITTIER	
A DUC	
MARRACINO	
MESSINA	
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VE ND	
ZIMMERMAN	
B. RYAN	
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NATIONAL REGISTER EVALUATIONS

Date: 01/06/2005 (01/13/05)

Staff: C. Ross

Project Ref: 03PR00204

MCD: Buffalo, Lackawanna, Blasdell, Orchard
Park, Erie County

PIN 5044.01.121 (FHwy-NY-EIS-04-06-D) Southtowns Connector/Buffalo Outer Harbor Project

Listed and/or eligible properties:

Swannie House, 170 Ohio Street
E. & B. Holmes Machinery Company, 59 Chicago Street
Cargill Electric Elevator, 60 Childs Street
Buffalo Port Terminal (former Ford Motor Co. Plant), 901 Fuhrmann Blvd.
Lackawanna Street Company Office Building (Bethlehem Steel Corporation), Commerce Street, including
surviving buildings of the former Bethlehem Steel Complex (Buffalo Specialty Products) along with the
Gate Structures on Rt. 5.
Truck/Train Transfer Building, 630 Ohio Street
Former New York Central and Hudson Railroad Office and Freight Station, 212 Miami Street
Freezer Queen Foods, 975 Fuhrmann Blvd.
Independent Cement, 1751 Fuhrmann Blvd.
Cargill Pool Elevator, 1489 Fuhrmann Blvd.
Connecting Terminal Elevator, 100 Fuhrmann Blvd.
Union Ship Canal, under Rt. 5

Due to an oversight, the Union Ship Canal was left off the list of 01/06/05. Date of Correction
01/13/05.

Not eligible:

7,9 Bertha Street, 1320, 1324 South Park Avenue, 450 Ohio Street, 3192, 3200 Lake Shore Road, 3218
Lakeshore Road, Woodlawn
BIN 7001462 and BIN 7001461

The remaining properties along the project corridors, Route 5, Fuhrmann Blvd. Tiff Street, Keating Street,
Elk Street, Louisiana Street, Ohio Street and the old railroad bed, are Not Eligible for listing on the State
and National Registers of Historic Places.

Please contact Claire Ross at 518-237-8643b ext. 3259 if you have any questions concerning this
evaluation. Please be sure to use the project number noted above in all future correspondence.



U.S. Department
of Transportation
**Federal Highway
Administration**

Leo W. O'Brien Federal Building, Suite 719
Clinton Avenue and North Pearl Street
Albany, New York 12207

June 2, 2005

New York Division

In Reply Refer To:
HDO-NY

Don Klima, Director
Office of Planning and Review
Advisory Council on Historic Preservation
The Old Post Office Building, Suite 809
1100 Pennsylvania Avenue, NW
Washington, DC 20004

Re: NYSDOT PIN: 5044.01, Southtowns Connector/Buffalo Outer Harbor
NY 5/Fuhrmann Boulevard/Ohio Street
Cities of Buffalo and Lackawanna, Erie County

Dear Mr. Klima:

In accordance with Title 36 Code of Federal Regulations Part 806(b)(1)(iv), enclosed you will find an executed Memorandum of Agreement (MOA) for the subject project. Background documentation for this highway project was sent to your office via our April 18, 2005 memorandum advising you of our adverse effect determination. The MOA is required based on the adverse impacts to these sites.

We have now completed the Section 106 coordination process. If you have any questions, please contact Mr. Robert Davies at (518) 431-4125 extension 250.

Sincerely,

/s/ROBERT M. DAVIES

Robert M. Davies
Senior Operations Engineer

Enclosure

cc:

David R. Tackley, Jr., Regional Environmental Contact, Region 5 (w/encl)
Ruth Pierpont, SHPO (w/encl)
Director, Environmental Analysis Bureau, POD 41 (w/encl)

JUN 6 2005

RECEIVED R-5 DESIGN	
KAMINSKI	
BILLITIER	
DELOO	
MARRASINO	
MESSANA	
ROMANO	
SHOCH	
MEANO	
ZIMMERMAN	
BARNACK	
FILE	



MEMORANDUM OF AGREEMENT
among the
Federal Highway Administration,
the
New York State Department of Transportation
and the
New York State Historic Preservation Office
regarding the
SOUTHTOWNS CONNECTOR/BUFFALO OUTER HARBOR PROJECT
City of Buffalo, City of Lackawanna, Town of Hamburg
Erie County, New York
(PIN 5044.01.121/03PR00204)

WHEREAS, the Southtowns Connector/Buffalo Outer Harbor Project (the "Project") involves the reconfiguration of the New York State Route 5 ("NYS RTE 5")/Fuhrmann Boulevard/Ohio Street complex into a road system that will better facilitate local and multi-modal (vehicular, transit, pedestrian, bicycle) access, to be more consistent with proposed future changes in waterfront land use patterns; and

WHEREAS, as part of each of the Build Alternatives being assessed for the project, the New York State Department of Transportation ("NYSDOT") must eliminate a curve that consists of a substandard/unsafe alignment and, to do so, must demolish a truck/train transfer station located at 630 Ohio Street in the City of Buffalo, which the New York State Historic Preservation Officer (SHPO) has determined is eligible for listing on the National Register of Historic Places; and

WHEREAS, the project will be implemented using NYSDOT and Federal Highway Administration ("FHWA") funding, constituting an "undertaking" under 36 CFR Part 800, the federal regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) ("Section 106"); and

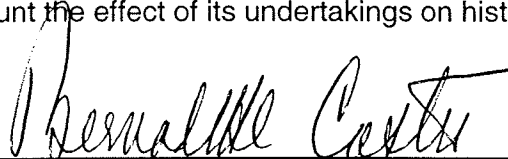
WHEREAS, the FHWA and NYSDOT have determined that the demolition of the building at 630 Ohio Street will result in an adverse effect upon this property and have consulted with the SHPO, which concurs with their assessment; furthermore, after considering a series of measures, the parties have agreed that there are no reasonable or prudent alternatives to avoid such an adverse effect and that appropriate measures to mitigate this impact are available and feasible for implementation;

NOW, THEREFORE, the FHWA, the SHPO, and the NYSDOT agree that the following stipulations will be implemented in order to take into account the effect of the undertaking on this historic property; furthermore, the FHWA will ensure that the following stipulations are met.

STIPULATIONS

1. The NYSDOT will record the truck/train transfer station located at 630 Ohio Street to Historic American Building Survey (HABS) Level III (local level significance) documentation standards. The NYSDOT will prepare this material and submit it in draft form for the SHPO's review and approval. Once the final documentation is agreed to, the NYSDOT will prepare eight (8) copies of this documentation in report form, on archival paper, and distribute it as follows: SHPO (1), for submission to the State Archives (1), EAB (1), NYSDOT (2), FHWA (1), Buffalo and Erie County Public Library (1), City of Buffalo Historical Society (1).
2. The NYSDOT will ensure that the final design of the Ohio Street reconstruction will include the design, fabrication and installation of up to five interpretive stations and trailblazing signs in to-be-determined locations along Ohio Street or along the proposed Industrial Heritage Trail. The ultimate design and locations of these interpretive stations/kiosks will be coordinated between SHPO, NYSDOT, the City of Buffalo, and the Industrial Heritage Committee. The NYSDOT will prepare design materials, photo images and text and submit them in draft form to the SHPO and the Industrial Heritage Committee. Once the SHPO, the Industrial Heritage Committee and the NYSDOT have agreed to the design and content of the interpretive stations and trailblazing signs, the NYSDOT will fabricate and install these features.

THE EXECUTION AND IMPLEMENTATION of this Memorandum of Agreement and the implementation of its provisions evidences that the FHWA has fulfilled its responsibility to consult with the SHPO under Section 106 of the National Historic Preservation Act and take into account the effect of its undertakings on historic and cultural resources.



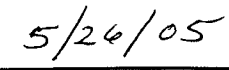
New York State Historic Preservation Officer



Date



New York State Department of Transportation



Date



Federal Highway Administration



Date