

**MEMORANDUM OF UNDERSTANDING**

**Robert Moses Parkway Reconfiguration, Access, and Enhancements  
Transportation Projects and Funding Strategy**

**THIS MEMORANDUM OF UNDERSTANDING ("MOU")**, effective MAY 03 2006, 2006, by and between the City of Niagara Falls, New York ("City"), the New York State Office of Parks Recreation and Historic Preservation ("OPRHP"), NYS Department of Transportation ("DOT"), and the USA Niagara Development Corporation ("USAN") is hereby entered into with regard to the improvement of downtown Niagara Falls transportation infrastructure.

This MOU is meant to formalize a series of discussions among the aforementioned agencies (hereinafter the "Stakeholders") culminating in January 2006, which reflect specific policy and programmatic ~~agreement~~ <sup>intent</sup> between them. The statements contained herein are expected to serve as a basis for moving various transportation proposals into and through scoping and design in anticipation of subsequent construction funding decisions. The intent is to advance required planning and design phases to allow for the implementation of specific downtown Niagara Falls transportation initiatives related to both current City/State economic development strategies and the overall enhancement of existing regional tourism assets. However, the ~~agreement~~ <sup>intent</sup> to proceed with analysis and/or design of various proposals does not pre-suppose agreement among the Stakeholder agencies on final design recommendations and/or final funding strategies.

Therefore, in order to facilitate and expedite the transportation initiatives in accordance with the foregoing, the parties ~~agree~~ <sup>intend</sup> to undertake and cooperatively accomplish the following:

1. The City will sponsor and/or co-sponsor with DOT (i.e., at the request of OPRHP) amendments to an existing item on the Greater Buffalo Niagara Regional Transportation Council's (GBNRTC's) Transportation Improvement Program ("TIP"), which will proportionately reduce the scope and budget amount as necessary from the "approved" Buffalo Avenue Reconstruction Project. The re-programming of TIP funds will be made available by the City in order to accomplish development and transportation goals as stated generally in City and USAN planning documents, including, but not limited to, the USA Niagara Multi-Modal Access Program; the City of Niagara Falls Strategic Master Plan; Achieving Niagara Falls' Future; and the USA Niagara Development Strategy - A Blueprint for Revitalization of Downtown Niagara Falls. In the alternative, if so agreed to by all the parties and if as expeditiously achieved as the re-programming noted above, funding may be advanced for efforts specified herein through the sponsoring and/or co-sponsoring of a new item(s) on the GBNRTC's TIP by DOT and the City.
2. The TIP funds shall provide an amount sufficient to undertake preliminary design (30%) through final design/contract document

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(100%) phases for a Robert Moses Parkway-South (RMP-S) Reconfiguration Project. The parameters of the Expanded Project Proposal ("EPP") for the RMP-S Project shall reflect that contained in the USA Niagara Multi-Modal Access Program, described under "Concept A".

3. The design alternatives considered in the RMP-S Project shall involve features including, but not limited to:
  - a. Proper configuration of accessways on approaches to the historic Goat Island Bridge to facilitate all of the various of design alternatives being considered for rehabilitation/reconstruction of this bridge (i.e., to accommodate full traffic, to accommodate pedestrians only, etc.); and
  - b. Configuration of roads/accessways in the vicinity of the American Rapids Bridge to facilitate logical access by OPRHP Park Trolley vehicles from areas in the vicinity of Prospect Point to/from Goat Island.
  - c. Restoration/re-naturalization of areas where RMP-S highway features are removed, including restoring/interpreting elements of the original 1885 Olmsted design for the Niagara Reservation Park along this corridor (e.g., former pond feature).
4. The TIP funds shall provide an amount sufficient to undertake an EPP for a Robert Moses Parkway-North (RMP-N) Reconfiguration Project. The parameters of an Initial Project Proposal ("IPP") for the RMP-N Project shall include an alternative as described in the City of Niagara Falls Strategic Master Plan.
5. Insofar as it is already included in DOT's work program, <sup>these additional</sup> TIP funds shall NOT be used to cover design and/or construction of a RMP-N "Interim Project", as proposed by OPRHP, involving a limited reconfiguration of the southern terminus of the RMP-N in the vicinity of Main Street and Rainbow Boulevard North/South.
6. The TIP funds shall NOT include an amount to cover any construction costs associated with the RMP-S Reconfiguration Project, although this MOU shall not preclude further discussion among the City and other Stakeholders of potential future re-programming of funds as one or more sources for financing such construction.
7. USAN will coordinate between the City, OPRHP, DOT, and GBNRTC to identify the specific steps and actions necessary to be undertaken by each Stakeholder in accomplishing the aforementioned items noted in Sections 1 through 6 above, and shall continue to participate in facilitating coordination in conjunction with both the RMP-S and RMP-N initiatives. However, it is agreed that OPRHP will serve as state lead agency (as owner of the roadway and the involved agency with final approval authority) and will procure/manage scoping, planning, and design activities. OPRHP will coordinate as necessary with DOT and the

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Federal Highway Administration ("FHWA"), as federal lead agency (insofar as the effort involves the use of federal funds and that segments of the RMP-S and RMP-N on designated as part of the National Highway System).

8. The parties agree that a Steering or Coordination Committee will be established to oversee efforts on both the RMP-S and RMP-N projects. At a minimum, this Committee shall include equal representation by the City, OPRHP, DOT, and USAN.

9. While the EPP for RMP-N will consider all reasonable alternatives for undertaking a reconfiguration, it shall include the following parameters in the development and evaluation of alternatives:

a. The RMP-N EPP study area to be evaluated shall:

i. Connect logical termini, for example, between downtown Niagara Falls and another major transportation facility/geographic point (e.g., NYS Route 104, Queenston Lewiston Bridge, Robert Moses Power Plant, etc.) and be of sufficient length to address environmental matters on a broad scope (although the project could be implemented/constructed in phases - see Item 10);

ii. Permit the formulation of alternatives that would have independent utility from other portions of the RMP (i.e., be usable and a reasonable expenditure even if no additional transportation improvements in the area are made); and

iii. Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements (i.e., on the RMP or other interconnected roadways).

b. That the process be coordinated and related to the planning and implementation of a "Niagara Greenway", a proposed continuous greenway between Lake Ontario and Lake Erie, for which initial master planning phases are being undertaken.

c. That the range of alternatives considered shall involve features including, but not limited to:

i. Restoration/re-naturalization of areas where RMP-N highway features are removed;

ii. Preservation and/or replacement of equivalent facilities of continuous bikeway access along the Gorge;

iii. Restoration/enhancement of areas/connections between the Aquarium of Niagara and the Gorge Discovery Center, along with other interpretive features such as the Hydraulic Canal right-of-way/Adams Generating Station site (see also Item 11 below); and

iv. For one or more of the alternatives, preservation/creation of limited internal park access among OPRHP features along the Gorge (e.g., Gorge Discovery Center, Whirlpool State Park, Devil's Hole, etc.).

10. The parties expect that there will be a phased construction approach to completing RMP-N Reconfiguration, and that the EPP Recommendations shall result in the identification of an overall plan, as well as a "Phase I" Project, which could be immediately advanced to subsequent design approval phases and pursuit of funding with agreement by the parties.
11. As part of the required transportation, planning, and environmental analyses, the economic development components of the RMP-N EPP Scope of Work shall provide for the development of an integrated "Cultural District Plan" comprised of a master design plan, management and operations guidelines, and cost recovery, phasing, and implementation strategies. These efforts shall focus on techniques to maximize the cultural and economic benefits of a RMP-N reconfiguration in portions of downtown Niagara Falls adjoining the Niagara Falls State Park, north of Niagara Street and Main Street.
12. The parties shall cooperate in a partnership arrangement as necessary to undertake appropriate reconfiguration of RMP-N including access and park enhancements in implementing the "Cultural District" as a destination area within Niagara Falls as proposed.
13. Design priorities, estimated costs, and funding sources for the various proposals (Re-programmed from "Buffalo Reconstruction Project" noted in Item 1 of this MOU) shall be as follows:

**Proposed Financial Sources & Uses:**

Item	Federal	%	City & State	%	Total
<b>Project 1:</b> RMP-S: Preliminary & Final Design	\$1,040,000	80%	\$260,000	20%	\$1,300,000
<b>Project 2a</b> RMP-N: Scoping & Expanded Project Proposal (including Gorge-Cultural District)	\$560,000	80%	\$140,000	20%	\$700,000
<b>TOTAL</b>	<b>\$1,600,000</b>		<b>\$400,000</b>		<b>\$2,000,000</b>

**Priority 1:**

RMP-South- Reconfiguration Access/Enhancement Project  
Preliminary & Final Design (est.) \$1,300,000

**Priority 2:**

RMP-North - Reconfiguration Access/Enhancement Project  
Scoping & Expanded Project Proposal, including  
Cultural District Pre-Development Planning &  
Partnership Development (est.) \$700,000

**Approximate TOTAL**

**\$2,000,000**

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be written as of the date first written above.

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CITY OF NIAGARA FALLS, NEW YORK

Vincenzo V. Anello  
Mayor

4-10-06  
Date

NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

[Signature]  
Executive Deputy Commissioner

4-17-06  
Date

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

[Signature]  
Regional Director: Region 5

5-3-06  
Date

USA NIAGARA DEVELOPMENT CORPORATION

[Signature]  
President

4/10/06  
Date