

**ACT NO. 2013-134**

An ACT adopting the determination and findings in connection with the rehabilitation of the Ashford Avenue Bridge (BIN 5348380), which is located within the Villages of Ardsley and Dobbs Ferry and situated over the Saw Mill River Parkway, South County Trailway, Elm Street, the New York State Thruway (Interstate 87) and the Saw Mill River, and the entrance and exit ramp between Ashford Avenue and the northbound Saw Mill River Parkway (BIN 534838A), in accordance with New York Eminent Domain Procedure Law §204.

**WHEREAS**, the functional classification for Ashford Avenue, including the Ashford Avenue Bridge, as defined by the Federal Highway Administration, is an “urban principal arterial (other)” located in the south western portion of Westchester County; and

**WHEREAS**, Ashford Avenue, in Westchester County, provides an east/west link between Broadway (Route 9) and Saw Mill River Road (Route 9A); and

**WHEREAS**, the structure at Ashford Avenue is comprised of two structures: (i) the Ashford Avenue Bridge (BIN 5348380), which is located within the Villages of Ardsley and Dobbs Ferry and situated over the Saw Mill River Parkway, South County Trailway, Elm Street, the New York State Thruway (Interstate 87) and the Saw Mill River (the “Bridge”), and (ii) the entrance and exit ramp between Ashford Avenue and the northbound Saw Mill River Parkway (BIN 534838A) (the “Ramp”); and

**WHEREAS**, the Bridge and Ramp are owned and maintained by the County of Westchester; the wearing surface on the portion of the Bridge in Dobbs Ferry is maintained by the Village of Dobbs Ferry; the wearing surface on the portion of the Bridge in Ardsley is maintained by the County of Westchester, and the wearing surface on the Ramp is maintained by the State of New York; and

**WHEREAS**, the County of Westchester, in response to the deteriorated condition of the Bridge and the Ramp and the safety concerns, initiated a project to address deficiencies associated with these structures; and

**WHEREAS**, in June of 2010, an Initial Project Proposal (IPP) was completed and approved by the State of New York for inclusion in the Transportation Improvement Program; and

**WHEREAS**, the Bridge having a 2011 NYS Condition Rating of 3.653, is categorized as “Deficient” under the NYS Condition Rating system; and

**WHEREAS**, the Ramp having a 2012 NYS Condition Rating of 4.111, is categorized as “Deficient” under the NYS Condition Rating system; and

**WHEREAS**, an in depth inspection performed in March 2010 revealed the Bridge is in a state of advanced deterioration; and

**WHEREAS**, the Bridge and the Ramp have become increasingly deteriorated with an incident in June 2012 involving falling concrete which fell onto the New York State Thruway and resulted in emergency closures and repairs; and

**WHEREAS**, the rehabilitation of the Bridge and the Ramp are needed to insure the continued service of the roadway as a critical link in the regional transportation system and to improve safety along the Ashford Avenue corridor; and

**WHEREAS**, the project objectives include: eliminating structural deficiencies of the Bridge and the Ramp in a cost effective manner; reducing potential seismic failure vulnerability and minimizing future maintenance efforts in the rehabilitated structures; and improving vehicular safety conditions at identified locations using cost effective measures; and

**WHEREAS**, the County of Westchester Department of Public Works and Transportation implemented a program to incorporate public involvement which included one public informational meeting held at the Dobbs Ferry High School in the Village of Dobbs Ferry on May 16, 2012, and included consideration of the following environmental issues: social and economic consequences; surface waters/wetlands and water source quality; general ecology and wildlife; historical and cultural resources; visual resources; parks and recreational facilities; farmland assessment; air, noise and energy; traffic forecasts; levels of service and safety considerations; contaminated materials assessment; construction impacts, and anticipated permits, approvals and coordination; and

**WHEREAS**, the purpose of the public informational meeting was to present environmental evaluations and design alternatives and solicit comments from the local residents or other stakeholders; and

**WHEREAS**, following consideration of public input, the County of Westchester Department of Public Works and Transportation and its consultants did incorporate measures into the project design to address stated concerns where warranted; and

**WHEREAS**, the County of Westchester Department of Public Works and Transportation and its consultants prepared and periodically revised the project design to accomplish the rehabilitation of the Bridge and the Ramp, the design included the development and consideration of various preliminary alternatives; and

**WHEREAS**, based on the analysis of data gathered by the County of Westchester Department of Public Works and Transportation and its consultants and comments received through the public involvement program, Bridge Rehabilitation – Precast Superstructure Replacement with

Widening, was deemed to be the preferred alternative for Final Design Approval (“Preferred Alternative”); and

**WHEREAS**, the Project was classified as a Type II action pursuant to the New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQRA”). Type II actions are those actions determined not to have a significant effect on the environment and therefore do not require further environmental review; and

**WHEREAS**, the County of Westchester has considered the general effect of the proposed project on the residents of the localities in which the proposed project is to be undertaken; and

**WHEREAS**, representatives of the County of Westchester have met with owners and interested parties who may be affected by the proposed public project and have made every effort to minimize the impact that the proposed public project will have on adjacent properties; and

**WHEREAS**, the Preferred Alternative would require the County of Westchester to acquire property rights in the form of temporary easements to five (5) parcels of property for approximately 1.4 acres. The temporary easements are needed in order for the County to maintain a work area during construction and for construction access, staging and material storage during the Project. The anticipated duration of these temporary easements is 4 years; and

**WHEREAS**, in accordance with Article 2 of the New York Eminent Domain Procedure Law (“EDPL”), the oral presentation and comment phase of the public hearing was held on May 20, 2013 at approximately 7:30 p.m. in the chambers of the Board of Legislators, Room 800, Michaelian Office Building, 148 Martine Avenue, White Plains, New York (“Public Hearing”), for the purpose of outlining the project’s purpose, proposed location, possible alternate locations, and to present other pertinent information, including maps and property descriptions of the properties for which temporary easements need to be obtained and adjacent parcels; and

**WHEREAS**, during the course of the aforementioned oral presentation phase of the Public Hearing, all matters required by the EDPL and appropriate to such Public Hearing were identified and explained to persons then in attendance, and at the conclusion of the oral presentation such persons in attendance were given an opportunity to speak and comment on the proposed public project, and there were no public speakers; and

**WHEREAS**, at the conclusion of the public comment phase of the aforementioned Public Hearing, the Public Hearing was adjourned; and

**WHEREAS**, additional written public comments regarding the proposed project were accepted by the County of Westchester until the close of business on June 3, 2013 and no comments were received; and

**WHEREAS**, in addition, a transcript of the Public Hearing, together with the exhibits that were identified during the oral presentation phase of the Public Hearing, has been made available for inspection and examination by the public at the offices of the Westchester County Clerk and the

Westchester County Department of Public Works and Transportation, and is also available for review at: [www.westchestergov.com/ashfordavenuebridge](http://www.westchestergov.com/ashfordavenuebridge).

**BE IT ENACTED** by the Board of Legislators of the County of Westchester as follows:

**Section 1.** The following constitutes the determination and findings of the Board of Legislators of the County of Westchester, State of New York, with respect to the rehabilitation of the Ashford Avenue Bridge (BIN 5348380) (the “Bridge”), which is located within the Villages of Ardsley and Dobbs Ferry and situated over the Saw Mill River Parkway, South County Trailway, Elm Street, the New York State Thruway (Interstate 87) and the Saw Mill River, and the entrance and exit ramp between Ashford Avenue and the northbound Saw Mill River Parkway (BIN 534838A) (the “Ramp”), Westchester County, New York:

(a) The proposed Project is located within the Villages of Ardsley and Dobbs Ferry and situated over the Saw Mill River Parkway, South County Trailway, Elm Street, the New York State Thruway (Interstate 87) and the Saw Mill River. This location was selected because it is the site of the existing roadway and bridges sought to be rehabilitated due to poor conditions and which have required extensive repairs in recent years to keep traffic flowing.

(b) The public use, benefit or purpose to be served by the proposed Project will include:

- The Bridge - the complete removal and replacement of the concrete decking, structural steel, and abutment caps (wingwall repairs);
- The Ramp - the removal of the concrete decking, bearing and abutment caps and structural steel and replacing the ramp structure with a fill structure;
- The Bridge - the replacement of piers 2 & 4 and the rehabilitation of piers 1, 3, & 5; concrete abutments and wingwalls to meet the Federal seismic requirements.

(c) The proposed Project objectives are as follows:

- Eliminate the structural deficiencies of the Bridge and the Ramp in a cost effective manner while providing a 50 year service life. Reduce potential seismic failure vulnerability and minimize future maintenance efforts in the rehabilitated structures.
- Improve vehicular safety conditions at identified locations using cost effective measures.
- Improve highway design features to maintain or restore acceptable operational characteristics, where appropriate, for the facility for a minimum of 30 years beyond completion of the project.

(d) The following alternatives were considered:

- (i) No-Action/Continued Maintenance;
- (ii) Bridge Rehabilitation – Superstructure Repairs with Widening and Fascia Girder Replacement;
- (iii) Bridge Rehabilitation - Conventional Superstructure Replacement with Widening;

- (iv) Bridge Rehabilitation – Precast Superstructure Replacement with Widening (the “Preferred Alternative”); and
- (v) Bridge Replacement.

(e) The reasons for selecting the Bridge Rehabilitation – Precast Superstructure Replacement with Widening as the “Preferred Alternative” include:

(i) No-Action/Continued Maintenance - This alternative would provide no improvements to the roadway other than continued routine maintenance. Ashford Avenue has structural, pavement, drainage, operational, and safety deficiencies that require corrective measures, which cannot be overcome through general maintenance. The No-Action Alternative would not satisfy any of the project objectives. Therefore this alternative has been determined to not be feasible and prudent and has been eliminated from further consideration.

(ii) Bridge Rehabilitation - Superstructure Repairs with Widening and Fascia Girder Replacement - This alternative includes the removal and replacement of a widened structural concrete deck of composite design, replacement of the bearings and fascia girders as well as miscellaneous steel repairs, steel painting and repairs to the concrete substructure. This alternative would not satisfy any of the project objectives and is therefore dismissed from further consideration.

(iii) Bridge Rehabilitation - Conventional Superstructure Replacement with Widening- This alternative would include removal and replacement of the bearings, structural steel framing, concrete deck, bridge joints, and railings. The new bridge superstructure would consist of a steel multi-girder system and composite cast-in-place concrete deck, supporting four 11’-0” travel lanes with no curb offsets, 7” curbing and two 5’-0” sidewalks with 10” concrete vertical parapets. Widening of the structure is maximized with a 4’-0” overhang of the deck, sidewalk, and barrier over the fascia girders. This alternative does not satisfy the project objectives as it will result in continued maintenance of the deteriorated piers. The design life of the patching is 10-years. Additionally full seismic compliance is not achieved. Therefore this alternative is dismissed from further consideration.

(iv) Bridge Rehabilitation – Precast Superstructure Replacement with Widening, the Preferred Alternative - This alternative is similar to (iii) above except that the mainline superstructure will be replaced with a Precast Concrete Steel Composite Superstructure (PCSCS) System rather than a conventional steel superstructure. Prefabricated bridge units will expedite construction activities thus reducing overall duration and impact to the travelling public. This is particularly important for the spans over the New York State Thruway and Saw Mill River Parkway. The entrance/exit ramp structure will be completely replaced with a modular fill-type structure. This alternative expedites construction and eliminates future maintenance costs. This alternative satisfies the project objectives and is the most cost effective.

(v) Bridge Replacement - This alternative would completely replace both the Ashford Avenue Bridge and the SMRP entrance/exit ramp. The Ashford Avenue mainline structure would consist of a three-span steel multi-girder bridge with composite concrete structural deck, reinforced concrete piers, cantilever abutments, and wingwalls founded on spread footings. The bridge section

would contain five 11'-0" travel / turn lanes, two 5'-0" shoulders, two 7" curbs and two 5'-0" sidewalks with 10" concrete vertical parapets. The ramp segment would be of similar construction, containing two spans. The ramp section would contain two 12'-0" travel lanes, two 6'-0" wide shoulders, and 18" concrete barriers. The Bridge Replacement Alternative is not feasible and will therefore not be advanced for further study.

It should be noted that the Preferred Alternative will not preclude any future improvements considered during the preliminary engineering for this Project, such as improvements at Ashford Avenue and New York State Route 9A, a dedicated pedestrian access point to the South County Trailway and a new north bound Saw Mill River Parkway entrance ramp on the north side of Ashford Avenue. Design will include structural provisions such that any of these considerations may be incorporated at a later date.

(f) As the rehabilitation of the Bridge will involve the removal and replacement of concrete decking, bearings, structural steel and abutment caps and replacement of piers 2 & 4 and the rehabilitation of piers 1, 3, & 5, and the rehabilitation of the Ramp will require replacement of the ramp structure with a fill structure, the County will need to acquire property rights in the form of temporary easements to five (5) parcels of property for approximately 1.4 acres. The temporary easements are needed in order for the County to maintain a work area during construction and for construction access, staging and material storage during the Project. The anticipated duration of these temporary easements is 4 years.

The proposed Project will have among other things, the following effects upon the residents and/or businesses of the locality:

**Directly Affected Population** – One parcel is owned by the Village of Ardsley and provides parking for the South County Trailway. This parking area will be temporarily closed and the South County Trailway can be accessed at other locations. Another parcel owned by a private business entity, is currently vacant and cleared.

The remaining three parcels are utilized by a private business entity and the business will need to be temporarily relocated. The occupant is a local paving and excavating company. The business uses the property to store and service construction equipment and vehicles. Several potential sites have been identified for the temporary relocation of this business.

No residential structures will be impacted.

**Local Planning** – The Project will have no adverse effects on local planning. In fact, the Project incorporates provisions such that the local desires of Ardsley and Dobbs Ferry with regard to operational improvements at the Ashford Avenue/Route 9A intersection can be implemented in the future.

**Community Cohesion** - The Project will have no adverse effects on community cohesion. The Project, in fact, has given surrounding communities a chance to provide input toward the preferred alternative(s).

**Changes in Travel Patterns or Accessibility** – A temporary construction detour using

Route 9A will be implemented as a result of closing the entrance and exit to the Saw Mill River Parkway in order to replace the ramp structure. No significant changes to travel patterns or accessibility will result from the proposed Project.

**Impacts on School Districts, Recreational Areas, Churches or Businesses** – The Project will have no adverse effects on school districts, recreation areas, or churches.

**Impacts on Police, Fire Protection and Ambulance Access** - The Project will not negatively affect emergency vehicle access. The Project will be coordinated with officials of the local police departments (Villages of Ardsley, Dobbs Ferry and Irvington) as well as County and State Police, local fire departments, ambulance and other emergency service providers such that Ashford Avenue is passable at all times. Emergency pre-emption devices will be added to traffic signals in the project area to enhance response time during construction.

**Impacts on Highway Safety, Traffic Safety and Overall Public Safety** - The Project is expected to result in improved safety for all users of the corridor, predominantly due to its critical nature. Without a major rehabilitation, the bridge is at risk of eventual red flag conditions, reduced load posting and emergency closures. Slightly widened lanes will also improve safety through the Project corridor.

(g) The Project was classified as a Type II action pursuant to the New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQRA”). Type II actions are those actions determined not to have a significant effect on the environment and therefore do not require further environmental review.

(h) The proposed Project has been reviewed by the State Office of Parks, Recreation and Historic Preservation with regard to its affect on historical and cultural resources. By letter dated December 16, 2009, the State Historic Preservation Office (“SHPO”) indicated that the project will have no Impact upon properties in or eligible for inclusion in the state and National Registers of Historic Places. In addition, SHPO by letter dated August 23, 2012, confirmed their December 2009 assessment of the Project and further recommended a finding of “No Historic Properties Affected”.

In addition, Native American Tribe consultation was initiated on September 7, 2012 with the Stockbridge-Munsee Community Band of Mohican Indians, Delaware Nation and Delaware Tribe requesting a review of historic, cultural and religious significance with regard to this Project. The Delaware Tribe responded with a September 12, 2012 letter stating “no religious or culturally significant sites in the project area.” The Stockbridge-Munsee Tribal Historic Preservation Office provided a form stating “we are not aware of any cultural site within the project area.” They noted in their response that they have no concerns “as long as you are staying within old footings/roadway and no new ground is being dug.” The Delaware Nation has not responded to the County’s second request letter dated October 22, 2012 and the second 45-day comment period window expired on December 6, 2012. As such it is assumed that the Delaware Nation has no concerns with regard to this Project.

**§2.** The foregoing constitutes the determination and findings of this Board and is hereby adopted.

**§3.** The Commissioner of the Westchester County Department of Public Works and Transportation, or his duly authorized designee, (“Commissioner”) is hereby authorized and directed to publish a brief synopsis of the forgoing determination and findings in at least two (2) successive issues of an official newspaper of general circulation in Westchester County.

**§4.** The Commissioner is further authorized and directed to serve, by personal service or certified mail, return receipt requested, a notice of the brief synopsis upon each assessment record billing owner or his or her attorney of record whose property may be acquired.

**§5.** Such notice of the brief synopsis shall:

- (a) Include the information required by EDPL §204(B)(2);
- (b) State that copies of the determination and findings will be forwarded to each individual upon written request and without cost;
- (c) Inform each notified individual that, under EDPL §207, any person aggrieved by the County of Westchester’s determination and findings may seek judicial review thereof in the appellate division of the supreme court second department, by filing a petition in such court within thirty days after the completion of the publication of the determination and findings;
- (d) Inform each notified individual that, pursuant to EDPL §207 and 208, the exclusive venue for judicial review of the County of Westchester’s determination and findings relating to the proposed public project is the appellate division of the supreme court in the judicial department where the property to be condemned is located.

**§6.** This Act shall take effect immediately.