




# ERIE COUNTY WATER AUTHORITY

## INTEROFFICE MEMORANDUM

May 10, 2024

To: Terrence D. McCracken, Secretary to the Authority

From: Michael J. Quinn, PE, Senior Distribution Engineer 

Subject: GP-010, Transmission and Distribution Mains  
City of Lackawanna, Town of Hamburg and West Seneca, NY  
Occupancy License Agreement  
Buffalo and Pittsburgh Railway Company  
ECWA Project No. 202100035

---

The Erie County Water Authority (ECWA) is undertaking a transmission main replacement project in the City of Lackawanna and the Towns of Hamburg and West Seneca (GP-010). The project in part includes the replacement of an existing transmission main along Willet Road beneath a Buffalo and Pittsburg Railroad (B&P) line. In order to construct the improvements as well as to operate and maintain the mains following completion of the project, the ECWA must execute an occupancy license agreement (Agreement).

The ECWA Law and Engineering Departments have negotiated the terms of this Agreement and collectively are recommending that the Board review and approve the attached Agreement and authorize the Chairman to execute same. Note that the version of the agreement included herein contemplates an annual occupancy fee. However, the B&P railroad is in the process of revising the agreement to include the one-time fee provision and delete all other previously paid fees. In addition to executing the revised Agreement itself, it is requested that the Board approve payment of the associated one-time Permit Fee of \$18,360.00 as well as an additional payment of up to \$5,000.00 which covers the required Railroad Protective Liability coverage. The ECWA's current insurance policies do not include this type of coverage. Note that the fee for the Railroad Protective Insurance has yet to be determined however, in the past the cost for this coverage has not exceeded \$5,000.00.

Funds for the Risk Financing Fee payments are available as follows:

- Budget Unit: 2595 Eng/Const Transmission Mains
- Item: 101599 GP-010 Transmission Main Replacement.

Attached find two copies of the Agreement for the Board's review and approval as well as for execution by the Chairman. Thank you and please feel free to contact me if you have any questions.

MJQ:jmf

Attachments

cc: L.Kowalski

W.Wheeler

CONT-GP-010-2101-X-10