



Inclusion Through Diversity

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FOR IMMEDIATE RELEASE

Highlights of the **June 30, 2010** Special Meeting of the Tompkins County Legislature

Legislature Accepts Hanshaw Road Determination and Findings

The Legislature, at a special meeting, accepted the determination and findings from a March public hearing regarding the public use, benefit, or purpose to be served by the proposed reconstruction of one-and-a-half miles of Hanshaw Road, between Sapsucker Woods Road and Pleasant Grove Road, in the Towns of Ithaca and Dryden and the Village of Cayuga Heights. The vote was 9-4, with Legislators Will Burbank, Leslyn McBean-Clairborne, Kathy Luz Herrera, and Pam Mackesey voting no. (Legislators Nathan Shinagawa and Jim Dennis were excused.)

The action comes under provisions of the State Eminent Domain Procedure Law and formalizes the Legislature's position that public benefit would be served by the reconstruction project, which has been discussed for more than a decade. The action means that, in case property easement negotiations are unsuccessful, the County would have the option of acquiring land via eminent domain as a last resort. But officials stressed repeatedly that the action is just a precaution and that eminent domain has previously not been used for county highway projects, although thousands of easements have been issued.

The resolution approved by the Legislature states that the rehabilitation project (cost currently estimated at \$4.4 million) would benefit public use by restoring pavement to good condition; enhancing safety through cost-effective accident reduction measures; accommodating pedestrian, bicycle, and transit users; providing adequate drainage; minimizing negative impact on aesthetic features and character; and providing a cost-feasible project given the available funding. Language was modified before the vote to indicate that the project might include a traffic signal at the Warren Road intersection, as well as colored shoulders, and other possible components to increase vehicle and pedestrian safety, instead of citing the signal as a firm project element.

Responding to some property owner concerns that the County has overstated its right-of-way and that current right-of-way should be limited to current use, the Legislature as part of its action directs that property owners be compensated for all land needed beyond the County's existing use. Under eminent domain procedure law, an affected property owner has 30 days from official publication of the action to seek judicial review of the determination and findings, through the Appellate Division of State Supreme Court.

A dozen residents on or near Hanshaw (of about 30 people who attended) spoke to the Legislature prior to its deliberations, expressing concern about the project, how it would affect their properties, and how the redesign—with wider lanes and unobstructed pavement—would make the highway less safe. Some suggested alternative designs and maintained the County could have done better and should postpone the vote and start over. Several criticized the eminent domain process as deeply flawed, unethical, and illegal, claiming proper procedure was not followed in light of current law.

While he advised legislators that a formal redesign would likely pose problems with a project timeline that requires construction drawings to be finalized by August 2011 to receive federal funding, County Highway manager Bill Sczesny stressed that the design is by no means set in stone and there will be considerable

opportunity to adjust the project, including in the field, as it moves forward. He pledged that the County is committed to “working with people, instead of against people” in implementing the project.

Facilities and Infrastructure Chair Dooley Kiefer said the Legislature desires that “staff look at this (project) with fresh eyes,” especially concerning traffic calming. Legislature Chair Martha Robertson expressed confidence that the proper balance can be achieved to both meet pavement design standards and ensure safety, and promised that productive discussion on the project will continue.

Contact: Dooley Kiefer, Chair, Facilities and Infrastructure Committee, 257-7453; Highway Division Manager Bill Sczesny, 274-0300.

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