PENNSYLVANIA COASTAL ZONE MANAGEMENT PROGRAM

BAYFRONT BIKEWAY DEVELOPMENT PROJECT - PHASE I
FINAL REPORT

CITY OF ERIE
ERIE COUNTY, PENNSYLVANIA

Prepared By:

ERIE COUNTY DEPARTMENT OF PLANNING
December 31, 1993

DER GRANT/CONTRACT NO. - CZ1:92.01PE
GRANT TASK NO. - CZ1:92PE.05
ME NO. - 92269

A REPORT OF THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES TO THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PURSUANT TO NOAA AWARD NO. - NA270Z0335-01

This project was financed in part through a federal Coastal Zone Management Grant from the Pennsylvania Department of Environmental Resources with funds provided by NOAA. The views expressed herein are those of the author(s) and do not necessarily reflect the view of NOAA or any of its subagencies.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

BAYFRONT BIKEWAY DEVELOPMENT PROJECT - PHASE I
CITY OF ERIE
ERIE COUNTY, PENNSYLVANIA

FINAL REPORT
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The preparation of this report was funded and coordinated through the Pennsylvania Department of Environmental Resources, Bureau of Land and Water Conservation, Division of Coastal Programs, and the Erie County Department of Planning.

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1. Project Location/Background

The Bayfront Bikeway is a two-way, 10 foot wide improvement located on the north side of the Bayfront Parkway in the City of Erie. According to the specifications developed as part of the CZM-funded Bayfront Bikeway Design Project (FY 1991), the bikeway route begins at West 6th and Cranberry Streets, runs along Cranberry Street to the Bayfront Parkway, and then extends eastward along the north side of the Bayfront Parkway, a distance of 1.5 miles to State Street. The west end of the bikeway links with an existing bikeway which originates at Presque Isle State Park, thereby connecting that natural resource with Erie's scenic bayfront and the central business district.

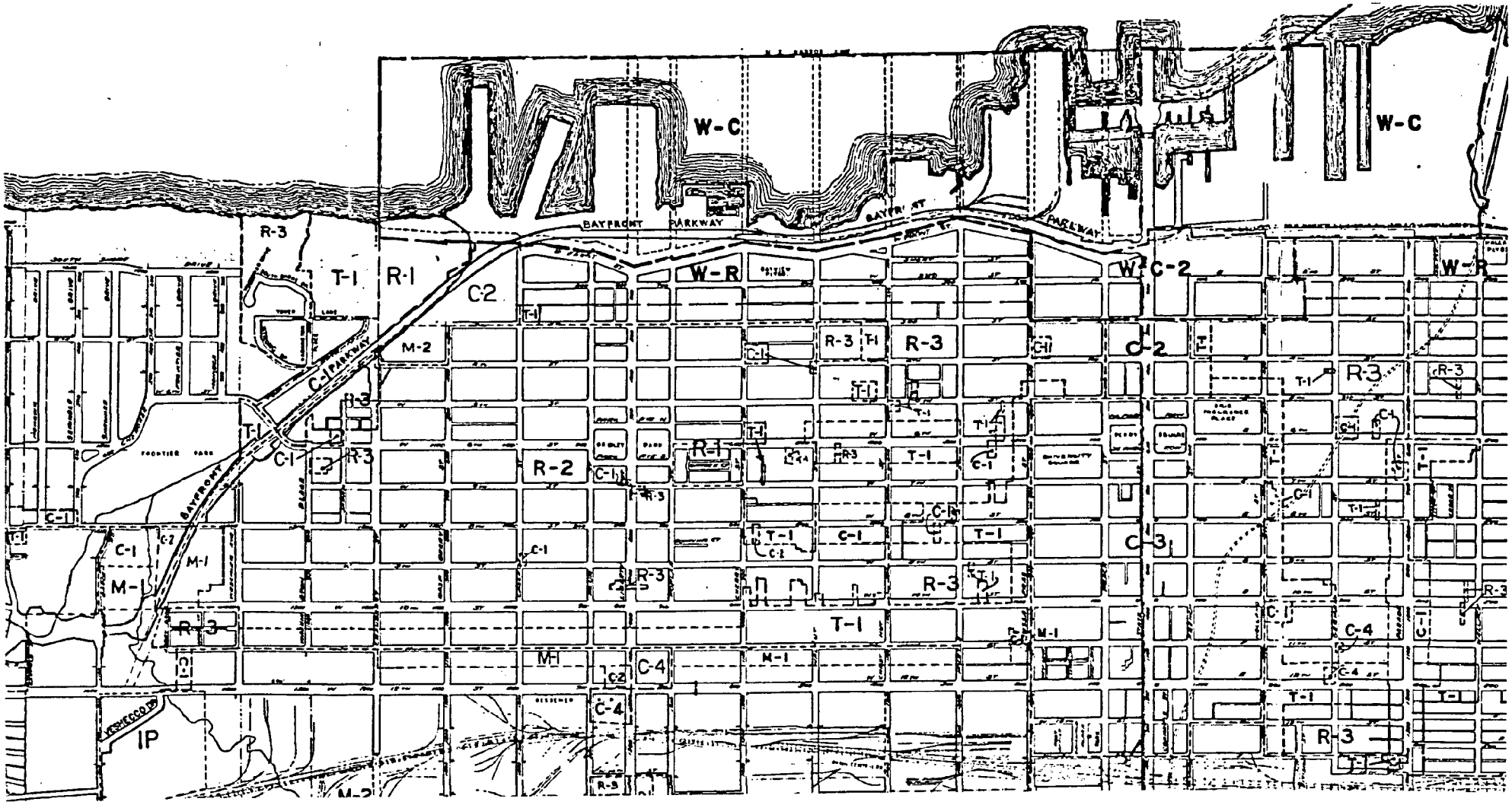
Due to conflicting construction activities between the bikeway and three private development projects along that section of the bikeway route between Cranberry Street and Perry's Landing, the City of Erie requested and received CZM approval on a two-phase approach to the project. Phase I, which was completed as part of the FY 1992 CZM Grant, begins at West 6th and Cranberry Streets, runs along Cranberry Street to the Bayfront, at which point it terminates. Phase I then resumes at Perry's Landing and extends eastward along the north side of the bayfront Parkway to State Street (see Site Location Map). Phase II, which is scheduled to be completed as part of the FY 1993 CZM Grant, will link the two segments of the bikeway which were completed as part of the Phase I project effort. Phase II will begin at the intersection of Cranberry Street and the Bayfront Parkway and extend eastward along the north side of the Bayfront Parkway to Perry's Landing. The entire bikeway route, except for that section along Cranberry Street, has been identified as a Geographic Area of Particular Concern (GAPC) within the Lake Erie Coastal Zone as included in the State's adopted Coastal Zone Management Program. (Note: The section of the bikeway along Cranberry Street was funded entirely by the City of Erie). The bikeway traverses through areas primarily made up of residential, industrial, and marine-related uses.

The bikeway was developed through a unique public-private partnership which included the PA DER Division of Coastal Programs, the City of Erie, the County of Erie, the Bayfront Access and Beautification Organization (BABO), Citadel Development Corporation, Integra Bank, and many other organizations. The original plans for the bikeway called for all construction to take place within the right-of-ways of the Bayfront Parkway and Cranberry Street. However, with the assistance of BABO and the adjacent property owners, namely Citadel Development Corporation and Integra Bank, an alternate bikeway route was developed which meanders outside the right-of-way onto private properties via easements. BABO executed easement agreements with both Citadel Development Corporation and Integra Bank and subsequently transferred the easement rights to the City of Erie. The easements were obtained for the following sections of the bikeway:

BAYFRONT BIKEWAY DEVELOPMENT PROJECT – PHASE 1

SITE LOCATION MAP

BIKEWAY ROUTE



1. Along the north side of the Bayfront Parkway between Cranberry Street and Perry's Landing on lands owned by Citadel Development Corporation (Phase II).

2. Along the north side of the Bayfront Parkway between Perry's Landing and Cherry Street on lands owned by Integra Bank (Phase I).

During Phase I, two sections of the bikeway were constructed within public road right-of-ways: the section along Cranberry Street and the section along the Bayfront Parkway from Cherry Street to State Street. It should be noted that the City of Erie is not a fee simple owner of these properties. However, the City does have right-of-ways covering the properties which are controlled in trust for the general public. The law in Pennsylvania states that where lots are sold with streets as boundaries, the fee simple interest to the center of the street passes to the purchasers. However, the municipality is given a right-of-way and such right-of-way exists as long as the municipality uses the right-of-way for the purpose so dedicated. Therefore, the City of Erie does have significant property rights in the Cranberry Street and Bayfront Parkway right-of-ways and will maintain such rights as long as the streets are used as public right-of-ways.

2. **Scope of Work**

The construction activities associated with the Bayfront Bikeway Development Project - Phase I were started in October 1993 and completed in December 1993 with funds provided by the PA Department of Environmental Resources Coastal Zone Management (CZM) Program and the City of Erie. The total project cost was $141,481, with the CZM share being $50,000. Specific activities which took place during the completion of this project effort included:

1. Final Project Specifications and Engineering Drawings - Completed by the City of Erie in December 1992.

2. Delays in obtaining permits and approvals - The bid opening was delayed for several month as the City of Erie attempted to get the necessary approvals from the Pennsylvania Historical and Museum Commission (PHMC) and the Erie County Conservation District. Approval letters were submitted by the PHMC and the Conservation District on March 2, 1993 and June 30, 1993, respectively. Because of these delays, CZM approved a contract extension through December 31, 1993 in order to give the City of Erie additional time to complete the project.

3. Easement Agreements - The Bayfront Access and Beautification Organization (BABO) had been working for a number of months with the Division of Coastal Programs (DCP), the Erie County Department of Planning, the City of Erie, Citadel Development Corporation, and Integra Bank to finalize the easement agreement language. By mid-August 1993, the draft language

agreement language. By mid-August 1993, the draft language was acceptable to all parties, and the City was given permission to schedule a bid opening. (Note: The final easement agreement between the City of Erie and BABO was dated November 30, 1993).

4. Bid Opening - The City of Erie held an official bid opening for the construction activities on August 17, 1993. The low bidder was the Joseph McCormick Construction Company.

5. Project Administration - During the next several weeks, the City of Erie, the DCP, and the Erie County Department of Planning finalized all paperwork in conjunction with this project effort. A notice to proceed with construction activities was issued on October 1, 1993.

6. Project Phasing - Due to conflicting construction activities between the bikeway and three private development projects, the City of Erie submitted a letter to the Erie County Department of Planning on November 3, 1993 which requested DCP approval of a two-phased approach to the project. Phase I would be completed by December 31, 1993 as part of the current contract and Phase II would be completed in the Spring of 1994 under the FY 1993 CZM Grant. The DCP subsequently approved this request.

7. Completion of Construction Activities - The Joseph McCormick Construction Company started the Phase I construction activities in October 1993 and completed the project by the December 31, 1993 contract deadline. Specific construction activities which were undertaken as part of this project effort included.

   - Construction of a concrete bikeway along the west side of Cranberry Street from West 6th Street to the Bayfront Parkway.

   - Construction of a meandering asphalt bikeway along the north side of the Bayfront Parkway from Perry's Landing to Sassafras Street. (Note: Bikers will be directed onto the north shoulder of the Bayfront Parkway between Sassafras Street and State Street on an interim basis until the Erie-Western PA Port Authority completes Phase III of the Bayfront Bikeway through Wolverine Park).

   - Curb cuts were installed and catch basins were adjusted as needed.

   - Tree plantings and final landscaping.

   - Final project sign will be installed upon completion of the Phase II construction activities.

3. PRE-CONSTRUCTION PHOTOGRAPHS

BAYFRONT BIKEWAY DEVELOPMENT PROJECT - PHASE I
SEPTEMBER 1993

1. Northward view along Cranberry Street at West 6th Street.

2. Southward view along the west side of Cranberry Street.

3. View of the intersection of Cranberry Street and the Bayfront Parkway.

4. Eastward view along the north side of the Bayfront Parkway at the entrance to Perry's Landing.

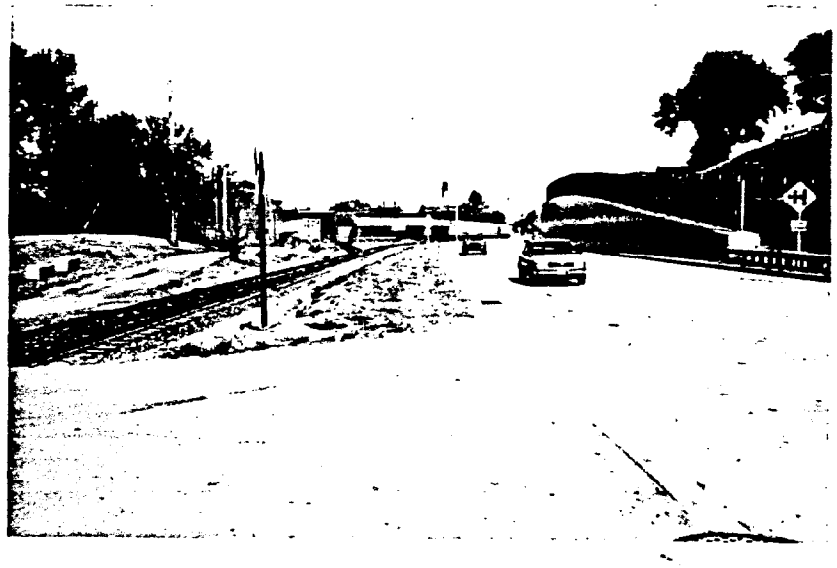
5. Westward view along the Bayfront Parkway at Liberty Street.

6. Westward view along the Bayfront Parkway at Cherry Street.

7. Eastward view along the Bayfront Parkway at Cherry Street.

8. Westward view along the Bayfront Parkway at the Chestnut Park Boat Launch Ramp.

9. Westward view along the Bayfront Parkway at Water Works Road.



10. Eastward view along the Bayfront Parkway at Water Works Road.

Sept. 1993

11. Westward view along the Bayfront Parkway at Sassafras Street.

12. Westward view along the Bayfront Parkway at State Street.

4. CONSTRUCTION PHOTOGRAPHS

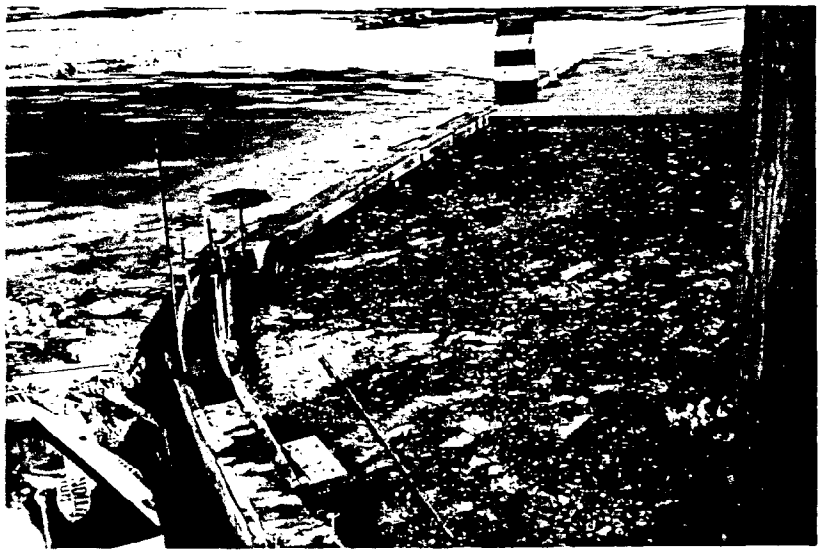
BAYFRONT BIKEWAY DEVELOPMENT PROJECT - PHASE I
OCTOBER 1993

13. Construction sign which was erected at the project site.

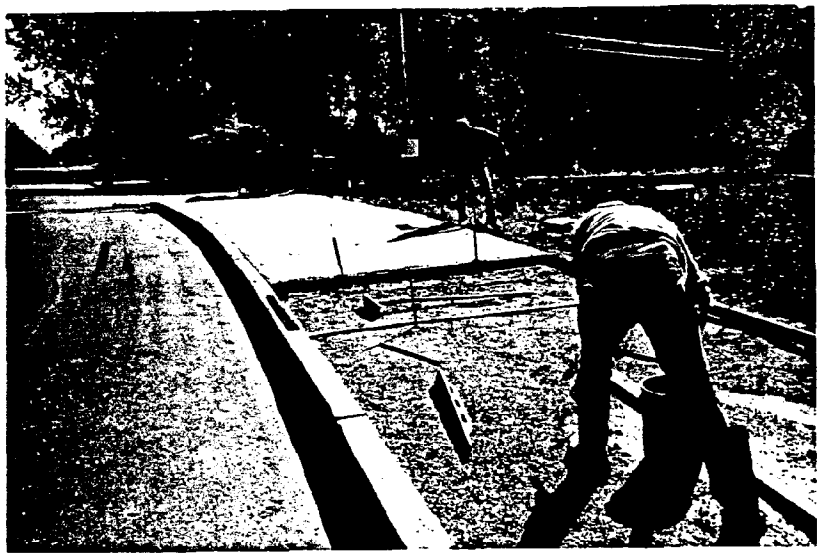
14. View of the graded bikeway route along the west side of Cranberry Street.

15. The Joseph McCormick Construction Company begins grading the bikeway route near the entrance to Perry's Landing.

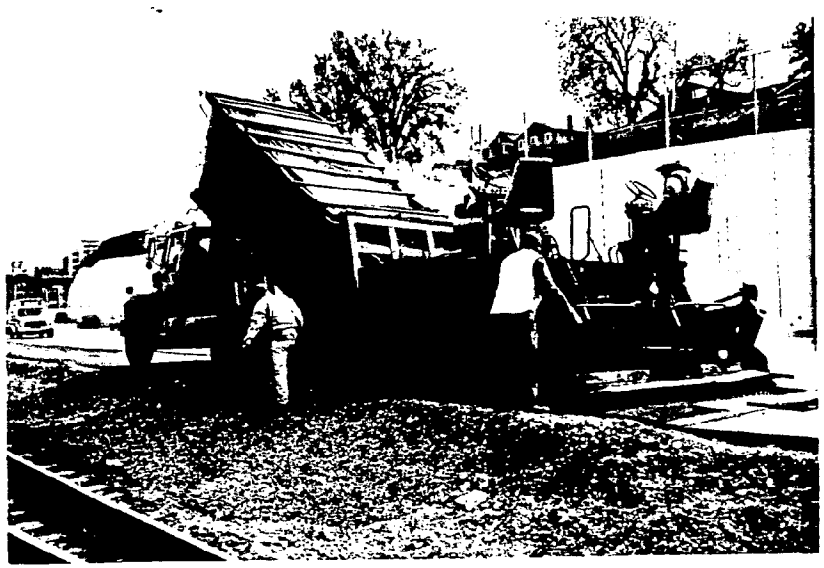
16. Eastward view of the bikeway route along the Bayfront Parkway upon completion of grading activities.



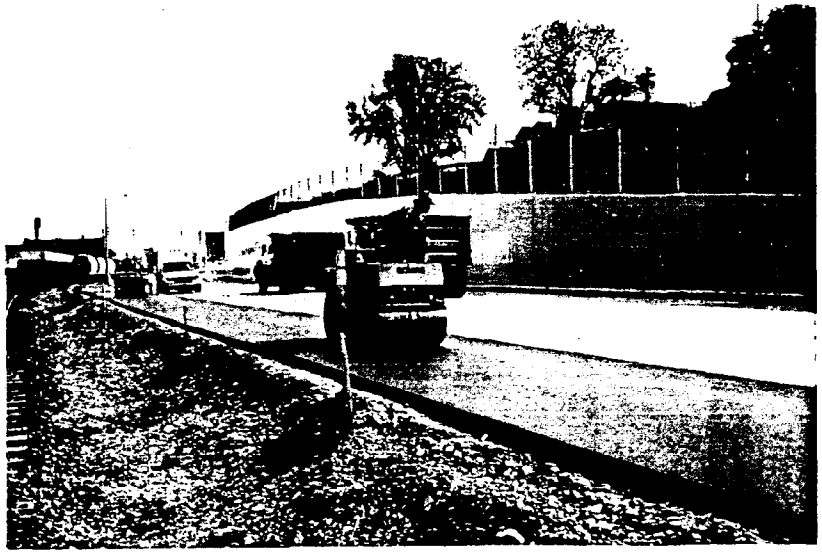
17. Construction of the concrete curbs along Cranberry Street.



18. Workers construct the concrete sidewalk along Cranberry Street.



19. Asphalt is used to construct the bikeway between Perry's Landing and Sassafras Street.



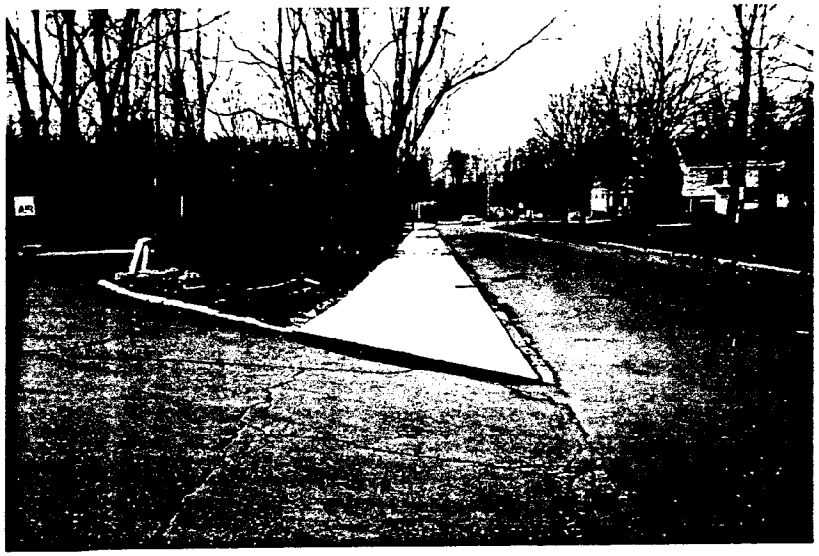
20. Steam rollers are used to compact the asphalt east of Water Works Road.

5. FINAL PROJECT PHOTOGRAPHS

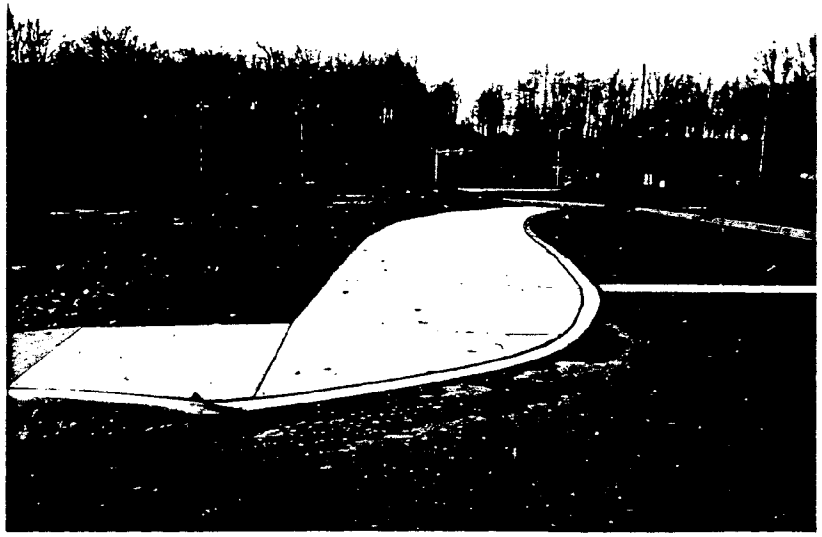
BAYFRONT BIKEWAY DEVELOPMENT PROJECT - PHASE I
DECEMBER 1993

21. Westward view of the existing bikeway along the south side of West 6th Street.

22. The new bikeway connects to the existing bikeway at the intersection of West 6th and Cranberry Streets.



23. Northward view of the new concrete bikeway on the west side of Cranberry Street.



24. Northward view of the concrete bikeway and curb cut at the intersection of West 5th and Cranberry Streets.

25. Northward view of the concrete bikeway as it approaches the Bayfront Bikeway.

26. Southeast view of the concrete bikeway and curb cut at the intersection of Cranberry Street and the Bayfront Parkway.

27. Eastward view of the new asphalt bikeway along the Bayfront Parkway at the entrance to Perry's Landing.

28. Westward view of the bikeway at the entrance to Perry's Landing.

29. Westward view of the bikeway at Liberty Street.

30. Eastward view of the Bikeway at Liberty Street.

31. Westward view of the bikeway at Cherry Street.

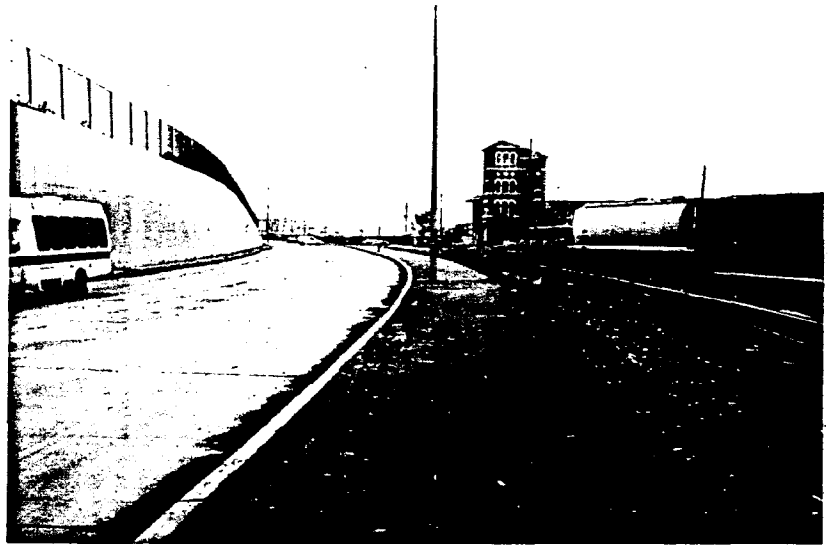
32. Eastward view of the bikeway at Cherry Street.

33. Eastward view of the bikeway at the foot of Walnut Street.

34. Eastward view of the bikeway adjacent to the Chestnut Park Boat Launch Ramp.

35. Westward view of the bikeway adjacent to the Chestnut Street Water Filtration Plant.

36. Eastward view of the bikeway at Water Works Road.



37. Westward view of the bikeway adjacent to GAF Corporation.

38. Westward view of the bikeway at Sassafras Street.

39. Eastward view of the bikeway at Sassafras Street.

40. View of the trees and landscaping adjacent to the bikeway.

6. PERMITS AND APPROVALS

The City of Erie obtained the following permits and approvals in conjunction with the Bayfront Bikeway Development Project - Phase I:

1. A March 2, 1993 letter from the Pennsylvania Historical and Museum Commission stating that the project will have no adverse impact on historic or archeological resources.

2. A June 30, 1993 letter from the Erie County Conservation District approving the City of Erie's Soil Erosion and Sediment Pollution Control Plan for the project.

1. **PHMC Approval Letter:**
No Adverse Impact

Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Post Office Box 1026
Harrisburg, Pennsylvania 17108-1026

March 2, 1993

Ronald J. Desser
City of Erie
Bureau of Planning and Development
Room 404
626 State Street
Erie, PA 16501

TO EXPEDITE REVIEW USE
BHP REFERENCE NUMBER

RE: ER #92-3940-049-D
CZM, Bayfront Bikeway
Construction Project, City of
Erie, Erie County

Dear Mr. Desser:

The above named project has been reviewed by the Bureau for Historic Preservation (the State Historic Preservation Office) in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation. These requirements include consideration of the project's potential effect upon both historic and archaeological resources.

Based on the available information, there are no National Register eligible or listed historic or archaeological properties in the area of this proposed project and therefore, this project should have no effect upon such resources. Should you become aware, from any source, that historic or archaeological properties are located at or near the project site, please telephone the Bureau for Historic Preservation at (717) 783-8946.

Sincerely,

Kurt W. Carr, Chief
Division of Archaeology
and Protection

KWC/ss

2. Conservation District Approval Letter:
E & S Plan

12723 ROUTE 19 • P.O. BOX 801 • WATERFORD, PA 16441 • PHONE (814) 796-4203

250019366

June 30, 1993

TO: City of Erie
Mark Kukla - City Engineering
626 State St.
Erie, PA 16501

RE: Bayfront Bikeway, City of Erie, Erie County

SUBJECT: SOIL EROSION & SEDIMENT POLLUTION CONTROL PLAN

The plan has been reviewed and is adequate to meet the requirements of PA TITLE 25, Chapter 102, Erosion Control.

The Conservation District has reviewed this plan solely to determine whether it is adequate to satisfy the requirements of 25 PA Code 102.1 et. seq., the Erosion Control Regulations of the Department of Environmental Resources. By a determination that the plan is adequate to meet those requirements, neither the Conservation District nor the County assumes any responsibility for the implementation of the plan or the proper construction and operation of the facilities contained in the plan. The design, structure integrity, and installation of the control measures are the responsibility of the landowner and/or the earthmover. Before any construction or earthmoving may begin the appropriate and necessary local, state and federal permits must be secured from the agency having specific permitting authority.

A copy of the Soil Erosion and Sediment Pollution Control Plan must be available at the site of the earthmoving activity during construction and until the site is stabilized.

Comments on this plan are enclosed (See page 2).

Your Conservation District stands ready to assist you in solving your conservation problems. If you have any questions regarding this or any other projects, please contact our office at the above address and telephone number.

Sincerely,

William F. Staph
District Technician
ERIE CO. CONSERVATION DISTRICT

COMMENTS

1. A copy of the approval letter and the Soil Erosion & Sediment Pollution Control Plan must be kept on site at all times during construction.

2. You must notify the Conservation District (in writing) 5 days prior to the start of earthmoving project.

3. The Soil Erosion & Sediment Pollution Control Plan must be made available upon request of an inspector from the Department of Environmental Resources, Conservation District, or the Fish Commission.

7. EASEMENT AGREEMENT

EASEMENT AGREEMENT

THIS EASEMENT is made on November 30, 1993, by and between BAYFRONT ACCESS AND BEAUTIFICATION ORGANIZATION, INC. (THE "OWNER") AND THE CITY OF ERIE (THE "CITY").

The reasons for this Easement Agreement are as follows:

A. The Owner owns property, or has easements on property and desires to give an easement, the dimensions and location of which are described on Exhibit A attached.

B. The easement shall include both a temporary and a permanent easement, each of which shall have the characteristics stated in this Agreement.

C. Both parties desire a written statement of their understanding.

NOW, THEREFORE, intending to be legally bound, the Owner does hereby give and grant to the City and its assigns, and the City and its assigns hereby accept a nonexclusive easement for walking, running, biking, skating and similar recreational activities.

The easement shall have the following characteristics:

1. Temporary Easement. The temporary easement shall be for construction of a foot path and associated landscaping across the Owner's property as described in Exhibit A. The easement will be 30-feet wide with the centerline of the easement being the centerline of the path. The 30-foot temporary easement shall begin on the date of the execution of this easement and shall continue

until December 31, 1995, or until the path and associated landscaping are completed, whichever occurs first. If the path is not completed by December 31, 1995, this Easement Agreement shall terminate automatically without any further documents being filed of record.

2. Permanent Easement. The permanent easement shall be for the use and maintenance of a foot path across the Owner's property. The easement shall be as described in Exhibit A and have a depth of 12-inches from the top of the surface of the path. The easement shall be for walking, running, biking, skating and similar recreational uses only. It shall not include the right to place trash cans, vendor carts, picnic tables, park benches, signs and other similar uses on the easement. It shall not include the use of the landscaped area outside of the defined area of the permanent easement.

3. The Owner's Reserved Rights. The Owner reserves the right to change the location of the easement after the date of execution of this Agreement. The Owner shall pay the cost of moving the foot path in the easement and the design of the new foot path shall be of the same quality and be reasonable in relation to the foot path within the easements on adjacent properties. The design shall be consistent with a meandering foot path through a landscaped area along the Bayfront Parkway. The relocation easement shall remain accessible to the public as described in Section 2 of this Agreement. If the location of the easement is

to be changed, the Owner and the City will amend this Agreement in writing accordingly. The amendment shall include a sketch plan which identifies the new location of the easement.

4. Maintenance. The City shall maintain, at its expense, the concrete or asphalt surface of the foot path within the permanent easement.

5. Indemnification. The City acknowledges that it has received the easement for the good of the general public, and that it has a primary duty to maintain the paved surface actually to be used by the public. Therefore, the City hereby agrees to indemnify, save and hold harmless, the owner from any and all liability claims or causes of action of law or in equity including attorney's fees and court costs arising from the actual usage by the public of the pathway within the easement granted herein. The city, however, does not agree to so indemnify, save and hold harmless the owner from the consequences of owner's willful acts or omissions; nor does the City accept any liability for any environmental hazards which may be discovered during the construction or use of the easement, unless actually created by the City. Owner, therefore agrees to indemnify, save and hold harmless the City from all such suits, claims and actions as aforesaid including attorney's fees and court costs. Owner further agrees to make periodic visual inspections of the pathway under construction and to make prompt reports to the City regarding any obvious or reasonably discoverable defects or hazards which should be repaired by the City.

6. Arbitration. If the City fails to maintain or if the public or the City use the easement in a way inconsistent with the original purposes of the easement, then the Owner may request arbitration of the issue by written notice to the City. Thereafter, the arbitration shall take place in Erie County in accordance with the Compulsory Arbitration Rules of Erie County, Pennsylvania and the award of the arbitrators, which may include and injunction or declaratory relief, shall be final and binding on the parties.

7. MISCELLANEOUS.

a) This is the entire agreement between the parties. It may not be amended by an oral agreement or a course of conduct. It may only be amended by a written agreement.

b) This agreement shall be binding upon the parties and their assigns.

IN WITNESS to this Agreement, we fix our signatures and seals on August____, 1993.

BAYFRONT ACCESS AND BEAUTIFICATION ORGANIZATION, INC.

By_____
Jeff Gault

THE CITY OF ERIE

By_____
Joyce Savocchio, Mayor

DESCRIPTION OF EASEMENT

TEMPORARY EASEMENT - All areas shown within the "Limit of Landscape" on drawings numbered 4-CC-4390, Sheets L-1 through L-3, from Station No. 165+90 to 189+70 on file in Room 400 Municipal Building, 626 State Street, Erie, PA - The City Engineer's Office.

PERMANENT EASEMENT - All areas showing the placement of the Bikepath, Alternative A, on drawings numbered 4-CC-4390, Sheets 5 through 8, from Station No. 148+50 to 187+50, on file in Room 400 Municipal Building, 626 State Street, Erie, PA - The City Engineer's Office.

EXHIBIT A

8. AS-BUILT DRAWINGS

NOAA COASTAL SERVICES CTR LIBRARY
3 6668 14111674 1