

B. Buffalo Niagara Intermodal Freight Terminal Volume Feasibility Study (V921)

August 19, 2009

Grantee: Greater-Buffalo Niagara Regional Transportation Council (“GBNRTC” or the “Council”)

ESD Investment: A grant of up to \$50,000 to be used for a portion of consulting costs associated with the Buffalo Niagara Intermodal Freight Terminal Volume feasibility study (the “Intermodal Study”).

Project Location: 438 Main Street, Buffalo, Erie County

NYS Empire Zone (or equivalent): N/A

ESD Incentive Offer Accepted: January 8, 2008

Project Completion: July 2008

Grantee Contact: Hal Morse, Executive Director
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Project Team:	Origination	Ed Kowalewski
	Project Management	Jean Bly
	Affirmative Action	Helen Daniels
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Project Description:

Background

The GBNRTC, established in 1975, is the metropolitan planning organization for the Greater Buffalo-Niagara Region. Through the Council’s Unified Planning Work Program (“UPWP”), it provides comprehensive, coordinated, and continuous short and long-term transportation planning for metropolitan areas of Erie and Niagara Counties. UPWP identifies transportation planning activities outlined in the Long Range Plan 2030, adopted in January 2007 and utilizes millions of dollars of federal and state funding annually to improve transportation of all modes of travel, including public transit, walking, bicycling, and automotive. The Council periodically undergoes a federal certification process to ensure that it is adequately meeting federal mandates relating to funding.

The Council is comprised of seven members, representing the major political jurisdictions and transportation agencies in the region, including the City of Buffalo, City of Niagara Falls, County of Erie, County of Niagara, NYS Thruway Authority, and the NYS Department of Transportation. The Seneca Nation of Indians, the Transportation Council of the Buffalo-Niagara Partnership, and ESDC serve formally as Regional Strategic

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Stakeholders.

In late 2007, the Council notified ESD that it had selected Wilbur Smith Associates, a full-service transportation and infrastructure consulting firm headquartered in Columbia, South Carolina, to perform a freight feasibility study for the Buffalo Region. The Council determined a need to ascertain the volume levels and feasibility of a rail intermodal freight terminal in Western New York. However, it lacked sufficient funds to finance the additional work. ESD responded with an incentive offer in December 2007 to assist with financing the Intermodal Feasibility Study. The offer was accepted in January 2008 to facilitate the project.

The Project

The World Trade Center Buffalo Niagara (Buffalo, NY), an international business development and trade services organization, was selected by Wilbur Smith Associates to conduct the Intermodal Feasibility Study, which was completed in July 2008. The study included an analysis of international trade data and surveys of area importers and exporters. The results of the study indicated that a truck/rail intermodal opportunity does exist and identified current cross border volume conditions. Prior to the Intermodal Feasibility study, it was anticipated that the Western New York area would have significant import and export container volume via Canadian ports. The Intermodal Study concluded that the identified volumes may not be sufficient for Canadian Railroads to extend service to Western New York. The project was financed also by a New York State Department of Transportation (“NYSDOT”) grant.

The Grantee will furnish a final report describing the impact and effectiveness of the project.

Financing Uses	Amount	Financing Sources	Amount	Percent
Consultant Fees	\$100,000	ESD Grant	\$50,000	50%
		NYS DOT Grant	50,000	50%
Total Project Costs	\$100,000	Total Project Financing	\$100,000	100%

Financial Terms and Conditions:

1. The Grantee will be obligated to advise ESD of a materially adverse change in its financial condition prior to disbursement.
2. Up to \$50,000 will be disbursed to Grantee in three installments as follows:
 - i) an Initial Disbursement of an amount equal to 40% of the grant (\$20,000) will be disbursed upon satisfactory completion of the study survey phase, with supporting detailed billings and documentation of the concurrent funding match, provided Grantee is otherwise in compliance with program requirements;
 - ii) a Second Disbursement of an amount equal to 50% of the grant (\$25,000) will be disbursed upon satisfactory completion, as evidenced by supporting detailed

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billings and documentation of concurrent funding match, provided Grantee is otherwise in compliance with program requirements;

- iii) a Third Disbursement of an amount equal to 10% of the grant (\$5,000) will be disbursed upon satisfactory completion of the entire study, the study's delivery to ESD, ESD's acceptance of the final report, and documentation of concurrent funding match, provided Grantee is otherwise in compliance with program requirements

Payment will be made upon presentation to ESDC of an invoice and such other documentation as ESDC may reasonably require. Expenditures must be incurred on or after January 8, 2008 to be considered eligible project costs. Disbursements must be requested by no later than December 31, 2009.

- 3. ESD may reallocate the project funds to another form of assistance, at an amount no greater than \$50,000, for this project if ESD determines that the reallocation of the assistance would better serve the needs of the Council and the State of New York. In no event shall the total amount of any assistance to be so reallocated exceed the total amount of assistance approved by the Directors.

Statutory Basis – Urban and Community Development Program:

This project is authorized under Sections 5(4) and 16-d of the New York State Urban Development Corporation Act (the "Act") and satisfies the eligibility criteria for an urban and community development assistance grant as set forth in the Act and the rules and regulations for the Urban and Community Development Program. No residential relocation is required as there are no families or individuals residing on the site.