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**J**ames R. Metcalfe II knew this could happen. The director of the new Western New York National Cemetery in Pembroke knew that many of the facility's elderly visitors would be unfamiliar with the nearby country roads. He knew it could be tough for people leaving the cemetery to see traffic barreling down Route 77 at 55 mph or more.

So, in email after email to public officials in March 2020, Metcalfe called the intersection of State Route 77 and Indian Falls Road an imminent danger that needed to be fixed.

Many local leaders agreed – but then, according to government documents obtained by The Buffalo News, Metcalfe's boss at the U.S. Department of Veterans Affairs reprimanded him for "inappropriate routing of email" and ordered him to stop talking to other officials about traffic safety improvements. Meanwhile, Metcalfe's chief VA ally in his safety efforts, cemetery planner Peter C. Rizzo, was transferred away from the project.

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[James Metcalfe reprimanded for "inappropriate routing of email" by Department of Veterans Affairs](#) (p. 30).

Date: July 20, 2020  
 From: Executive Director, North Atlantic District (NAD) National Cemetery Administration (NCA)  
 Subj: Guidance and Expectations  
 To: James Metcalfe III, Cemetery Director, Western New York (WNY) National Cemetery

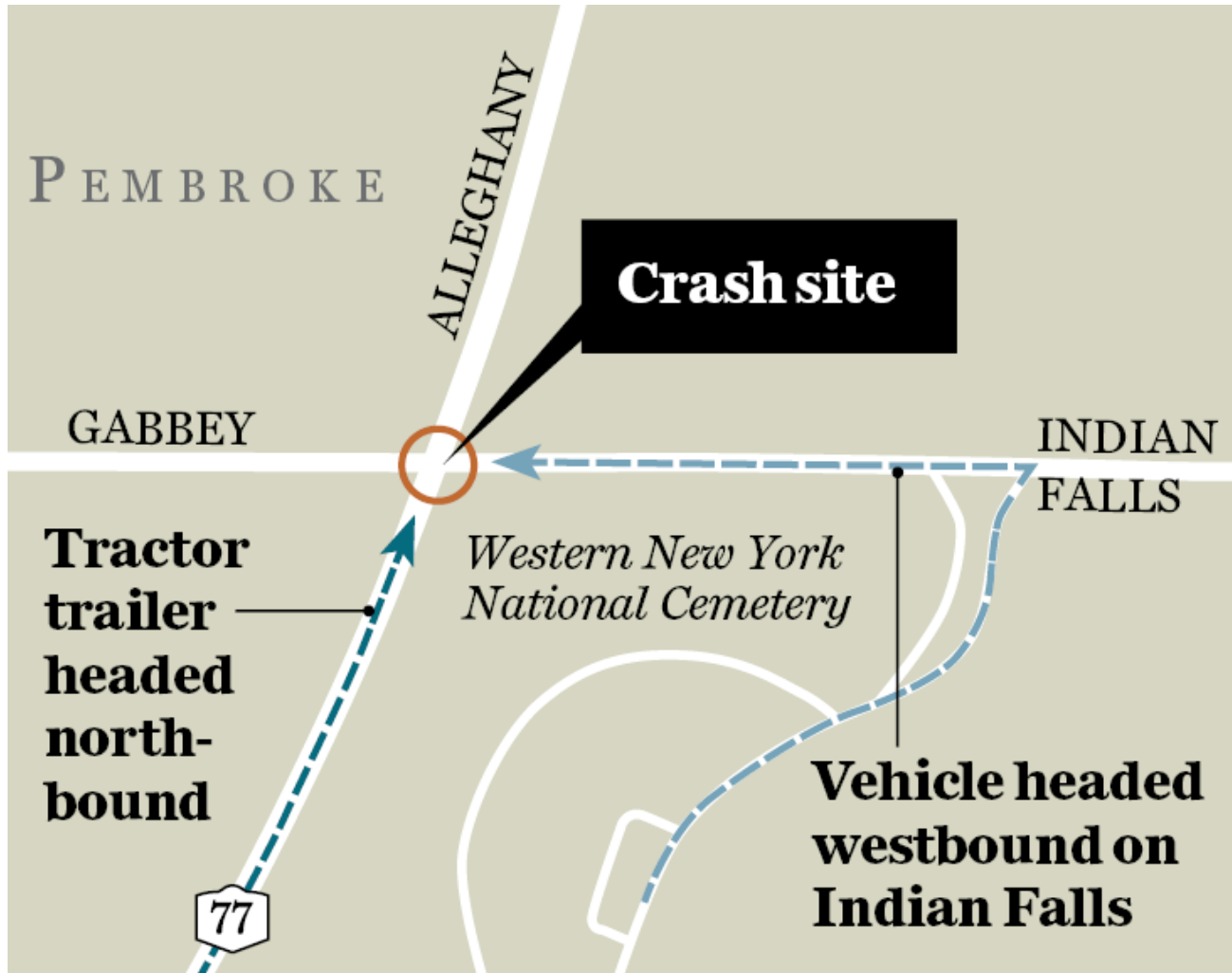
1. **Purpose:** This memorandum outlines my expectations and provides guidance to focus your attention and direction to govern your interactions with the Contractor, CFM, VSO's and elected officials. While this is not a disciplinary action, it does serve as a formal counseling to address miscommunication/misinformation and inappropriate routing of email and other information.

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VA officials said privately at the time that they didn't want any changes in the cemetery plan that could delay the cemetery's opening. State Department of Transportation officials, meanwhile, said safety improvements could be made at the intersection, but didn't mandate them.

And so it was that 15 months later, Metcalfe found himself at the intersection he and Rizzo worried about, gazing in horror at the remains of a gray Chevrolet Cobalt crushed between a tractor-trailer and a snapped utility pole.

Two Army veterans from Lockport, Christopher Rowell and Arnold Herdendorf, were killed moments earlier when Herdendorf pulled Rowell's Cobalt into the path of that oncoming truck without stopping at a stop sign. They were leaving a Sept. 22 memorial service for a friend and fellow vet, Martin Phelps, when they died.



A map indicating the crash site outside the Western New York National Cemetery in Pembroke.

Five months later, that crash – and the VA's abrupt decision in the summer of 2020 to quash attempts to find a fix for the intersection – have prompted accusations of workforce wrongdoing from Metcalfe and Rizzo. And they've left Rowell's daughter, Anne Rowell of Lockport, anguished yet hopeful that her father's death may someday lead to safety improvements at the intersection.

"I think that my dad would most definitely happily give up his life to bring light to a dangerous situation and save somebody else's life," she said.

#### **A safety crusade**

Metcalf told friends he came home to his dream job when he was named director of the still-to-be-built Western New York National Cemetery in 2015. A Seneca Indian from Nunda, in Livingston County, and a service-connected disabled Army veteran injured while on duty in Bosnia in 1995, Metcalfe made a career for himself with the VA's National Cemetery Administration, traveling the country to run facilities built to honor those who served their country just like he did.

He returned to Western New York to lead a facility that local vets had long sought, but on March 2, 2020, a few months before the cemetery's opening, he noticed something troubling. At the intersection of Route 77 and Indian Falls Road, 600 feet from the entrance to the new cemetery, he saw cars and trucks speeding on Route 77.



In email after email to public officials in March 2020, James R. Metcalfe II called the intersection of State Route 77 and Indian Falls Road an imminent danger that needed to be fixed.

Sharon Cantillon/ News file photo

What would happen, he wondered, when an estimated 20,000 annual cemetery visitors – many of them elderly, in mourning and unfamiliar with the local roadways – arrived at that intersection?

"I have great concern for their safety and feel there is (imminent) danger for our visitors if we cannot improve the current traffic pattern," he wrote in an email to several public officials at the time.

**James Metcalfe letter: "I have great concern for their safety and feel there is emanate danger for our visitors..." (p. 4)**

I have great concern for their safety and feel there is emanate danger for our visitors if we cannot improve the current traffic pattern. Both Allegany road (State RT77) and Indian Falls road (County RT4) are 55 mph speed limits with a two way stop at the intersection. If the speed on county road 4 was reduced to 40 mph as we expect over one thousand funeral precessions and 20,000 visitors a year to enter and exit our Indian Falls road main entrance it would improve both safety and access. If the speed limit on route 77 was reduced to 45 mph with a four-way stop at the intersection that would greatly improve the safety for all travelers on that road.

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Metcalfe immediately met with Rizzo, a certified planner for the VA who had been detailed to oversee cemetery construction, to discuss what they could do. Together they wrote a letter, signed by Metcalfe on March 4, 2020, to the State Department of Transportation and several other agencies.

"Traffic on NY State Route 77 does not stop at this intersection," Metcalfe noted. "Combined with the configuration of NY State Route 77, the angle at which it intersects with Genesee County Route 4, and the high speed at which vehicles travel on both roadways, roadway safety improvements appear warranted and necessary."

**James Metcalfe expresses traffic safety concerns in letter to state Department of Transportation commissioner and Genesee County highway superintendent (p. 1)**

The entrance to Western New York National Cemetery is on Genesee County Route 4, approximately 600 feet from the intersection of NY State Route 77. Traffic on NY State Route 77 does not stop at this intersection; combined with the configuration of NY State Route 77, the angle at which it intersects with Genesee County Route 4, and the high speed at which vehicles travel on both roadways, roadway safety improvements appear warranted and necessary.

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Other public officials agreed.

"I concur with your concerns," Genesee County Sheriff William A. Sheron said in a March 5 email to Metcalfe.

That same day, James D. McDonough Jr., then the director of the New York State Division of Veterans Services, emailed Marie Therese Dominguez, the state transportation commissioner.

"I'm writing today as your fellow commissioner in state government regarding an urgent traffic/safety issue that has come up, potentially affecting the safety and well-being of families and visitors to New York's newest national cemetery," McDonough wrote.

**State Division of Veterans Services director asks state transportation commissioner to reduce speed around new WNY National Cemetery (p. 5)**

Good afternoon, Commissioner Dominguez.

I'm writing today as your fellow commissioner in state government regarding an urgent traffic/safety issue that has come up potentially affecting the safety and wellbeing of families and visitors to New York's newest national cemetery in Pembroke, New York.

Please see attached and below; essentially, we're recommending a reduction in speed limits in/around our newest national cemetery and seeking your concurrence and action to reduce the speed limits accordingly.

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The Pembroke Town Board reacted just a week later, unanimously passing a resolution supporting Metcalfe's safety efforts.



"The intersection of Route 77 and Indian Falls Road has been the site of numerous accidents," the resolution said.

### The VA says no

Metcalf thought he had a good argument for improving the intersection. Rizzo, his VA colleague, had catalogued four serious crashes there since 2003.

State DOT officials responded to Metcalfe's concerns by studying the intersection. In documents obtained by The News, they said they opposed Metcalfe's proposal for lowering the speed limits on both roadways and installing stop signs on Route 77 to match the ones on Indian Falls Road, fearing that drivers used to speeding through the intersection would just continue to do so. But they proposed an alternative.



The intersection of Route 77 and Indian Falls Road in Pembroke near the Western New York National Cemetery.

Derek Gee / News file photo

"A roundabout would address the speeds and safety issues at the intersection and has been used in other rural areas of the region," state DOT officials said in unsigned notes from a March 31, 2020, meeting with VA officials. Referring to the amount of traffic at the spot, the letter said: "This type of treatment is appropriate for the projected volumes."

[State transportation officials suggest a roundabout would resolve the cemetery safety issues \(p. 13\).](#)

As discussed in our meeting, a roundabout would address the speeds and safety issues at the intersection and has been used in other rural areas of the Region. This type of treatment is appropriate for the projected volumes. The construction cost at letting from

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But Metcalfe's superiors at the VA's National Cemetery Administration (NCA) had other ideas.

Five days before DOT officials proposed the roundabout, Metcalfe met with his superiors at the VA. They insisted on moving forward with the only roadway change included in the cemetery's plan: construction of a right-turn lane from Route 77 onto Indian Falls Road.

"We determined it would be in NCA's best interest to move forward with the construction in accordance with the design drawings," Michael D. Carcanague, the NCA's North Atlantic District engineer, said in a March 26, 2020, email to colleagues. "The reason for this is that NCA does not want to negatively impact schedule" for the cemetery's completion.

**VA's National Cemetery Administration says the cemetery project should move forward without a stop sign or speed limit reduction (p. 11)**

After discussion, we determined it would be in NCA's best interest to move forward with the construction in accordance with the design drawings. Thus, the turning lane should be constructed in accordance with the contractors schedule. The reason for this is that NCA does not want to negatively impact schedule and early turn over. If the approvals for the four way stop sign are

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But Metcalfe and Rizzo thought the right-turn lane would make matters worse – and so did state DOT officials. In those March 31, 2020, meeting notes, DOT officials said the turning lane would improve safety for drivers turning right on Indian Falls Road but that it could create another hazard: that vehicles in the turning lane would obscure the view of traffic on Route 77 for drivers who had just left the cemetery.

The 20-person VA team building the cemetery reviewed the DOT's conclusions later the same day, and an unnamed VA note taker echoed the DOT's conclusion.

"Turn lane may add risk," the note taker wrote.

Rizzo spent the next few weeks discussing possible traffic safety improvements with the cemetery designer and public officials working on the project. But then, on June 22, 2020, he got an email from Ann-Marie Sweet-Abshire, a construction director at VA headquarters.

"Regrettably, for reasons beyond my control, your detail is terminated effective immediately," Sweet-Abshire wrote.

Sweet-Abshire never said why Rizzo was being removed from the cemetery project, but noted that Michael Brennan, executive director of the VA Office of Construction and Facilities Management, made the decision.

**Peter Rizzo's assignment to the National Veterans Cemetery project is terminated by the Department of Veterans Affairs (p. 1)**

Peter,

Thank you for your efforts and professionalism while serving on detail at WNY Nation Cemetery. You have served this project well from the start of construction in September 2019.

Regrettably, for reasons beyond my control, your detail is terminated effective immediately. This direction was handed down last Thursday from Michael Brennan, through Ed Gully. At that time, I was also directed not to communicate this detail termination to any other party until today.

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Metcalfe found himself in sudden trouble with his supervisors, too. Three days before Rizzo was removed from the project, Metcalfe got a call of complaint from Willie Clyde Marsh, executive director of the National Cemetery Administration's North Atlantic District (NAD).

And on July 20, 2020 – two weeks after **a three-car crash** at the intersection sent three people, including an 8-year-old boy, to the hospital – Marsh reiterated his complaints in a memo to Metcalfe.

"You are directed not to engage with county officials or DOT about changing traffic patterns or stop signs or speed limits without approval of NAD leadership," Marsh wrote.

**James Metcalfe directed by Department of Veterans Affairs to stop talking about traffic changes with state or county officials** (p. 31)

b. You are directed to not engage with County Officials or DOT about changing traffic patterns or stops signs or speed limits without approval of NAD Leadership.

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## The crash

Metcalfe followed orders and went about planning the cemetery's Dec. 18, 2020, opening. Then in the summer of 2021, the VA built the turn lane that Metcalfe and Rizzo had tried to stop.

Meanwhile, some families, who had kept their loved one's remains in storage for years while they waited for the cemetery to open, scheduled long-delayed memorial services.

Among them was the family of Martin Phelps, an Army vet and the founder of the Medina Railroad Museum, who died in 2017 at age 75. Phelps' family set his service for 1 p.m. Sept. 22, and Christopher Rowell and Arnold Herdendorf were determined to be there.

Rowell and Herdendorf were both retired. They were longtime friends who volunteered at the Railroad Museum, befriending Phelps in the process, Anne Rowell said.



Christopher Rowell at Martin Phelps' memorial service at the Western New York National Cemetery in Pembroke last Sept. 22, shortly before the crash that claimed Rowell's life.

Photo provided by Janien Klotzbach

On the morning of Phelps' interment at the new cemetery, Rowell drove his Chevy Cobalt to Herdendorf's apartment in Lockport to pick him up.

They arrived at the cemetery early. Herdendorf and Rowell sat next to each other at the service, and before it was over, Rowell told Phelps' daughter, Janien Klotzbach, that he wanted to leave early.

"Chris was really shook up, just really emotional about my dad," Klotzbach said. "He said that he really needed to leave because it would tear him up to see them put my dad in the ground."

Rowell's knees – which were injured in a car crash in the 1980s – were hurting him, too. "His legs hurt so bad that after the service, they had Arnie go get my dad's car and bring it right up to where they were all seated," said Rowell's daughter.

Once Rowell climbed in, Herdendorf pulled the Cobalt out of the cemetery and onto Indian Falls Road about 1:45 p.m. They were headed to Denny's in Pembroke, where they planned to meet Phelps' family for lunch.

According to an accident report filed by a Genesee County sheriff's deputy, Herdendorf failed to stop at the stop sign at the intersection that so worried Metcalfe and Rizzo.



A tractor-trailer approaching from the left on Route 77 plowed into the Cobalt. Both vehicles crossed the oncoming lane and careened into a nearby field. The Cobalt ended up crushed and on its side, lodged between the tractor-trailer and a utility poll.

Rowell and Herdendorf were pronounced dead at the scene. The driver and a passenger in the tractor-trailer were uninjured.



Arnold Herdendorf at the funeral of Martin Phelps, shortly before the crash that claimed Herdendorf's life.

Photo provided by Janien Klotzbach

Police report on fatal accident (p. 1)

New York State Department of Motor Vehicles											
POLICE ACCIDENT REPORT											
MV-104A (3/04)											
Page 1 of 5 Pages		Local Codes 2021-00022676		W1SH30DLXB7W		<input type="checkbox"/> AMENDED REPORT				19 17	
1 Accident Date Month: 09 Day: 22 Year: 2021		Day of Week WEDNESDAY		Military Time 13:47		No. of Vehicles 2		No. Injured 0		No. Killed 2	
								Not Investigated at Scene <input type="checkbox"/>		Left Scene <input type="checkbox"/>	
								Accident Reconstructed <input checked="" type="checkbox"/>		Police Photos <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2 VEHICLE 1 - Driver License ID Number: 628623690		State of Lic.: NY		VEHICLE 2 - Driver License ID Number: 010940646		State of Lic.: LA					
Driver Name - exactly as printed on license: HERDENDORF, ARNOLD E				Driver Name - exactly as printed on license: INALLA, KEBIR SAIDOU							
Address (Include Number and Street): 284 WILLOW ST APT 43		Apt. No.:		Address (Include Number and Street): 3804 DIVISION STREET		Apt. No.:					
City or Town: LOCKPORT		State: NY		City or Town: METAIRIE		State: LA		Zip Code: 7000232			
3 Date of Birth: [REDACTED]		Sex: M		Unlicensed: <input type="checkbox"/>		No. of Occupants: 02		Public Property Damaged: <input type="checkbox"/>		Date of Birth: [REDACTED]	
Name - exactly as printed on registration: ROWELL, CHRISTOPHER M		Sex: M		Date of Birth: [REDACTED]		Name - exactly as printed on registration: MANHAT TRANSPORTATION,		Sex: C		Date of Birth: [REDACTED]	
Address (Include Number and Street): 205 HAWLEY CTS1		Apt. No.:		Haz. Mat. Code: -		Released: <input type="checkbox"/>		Address (Include Number and Street): 6200 S HARDING ST		Apt. No.:	
1. City or Town: LOCKPORT		State: NY		Zip Code: 14094		City or Town: INDIANAPOLIS		State: IN		Zip Code: 46217	

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Rowell, 70, enlisted in the Army and served in Germany before returning to Western New York and working for the Erie County Sheriff's Department and several other employers. His survivors include his daughter, his grandson, Aaron Goodenough and his widow, Susan Confer Rowell.



Herdendorf, 69, was a Vietnam-era vet who worked at Sunset Drive-In in Middleport and Waterport Lawn and Garden before retiring. His survivors include two brothers in Arkansas who could not be reached for comment.

Metcalfe was the first person on the scene of the crash and helped clear the highway, Rizzo said in an email to Senate Majority Leader Charles E. Schumer and local veterans advocate Patrick W. Welch.



Anne Rowell poses for a photo at her home in Lockport on Friday. Rowell's father, Christopher Rowell, died in a crash near the VA cemetery in September. Mark Mulville/Buffalo News

"Words cannot describe how deeply saddened and troubled I am over this deadly crash, because it could have been avoided if VA leadership had heeded my professional recommendations and those of director James R. Metcalfe II," Rizzo wrote in the email.

**Peter Rizzo email to U.S. Sen. Charles Schumer about a fatal accident "that could have been avoided" (p. 1)**

On Wednesday, September 22, 2021, two U.S. Army veterans—[Arnold Herdendorf](#) (age 69) and [Christopher Rowell](#) (age 70), both of Lockport, New York—were tragically killed at the intersection of Alleghany Road and Indian Falls Road, which is immediately adjacent to WNYNC. The two men had traveled to WNYNC together for a 1:00 PM burial service in honor of fellow U.S. Army veteran, Martin C. Phelps. **Words cannot describe how deeply saddened and troubled I am over this deadly crash, because it could have been avoided if VA leadership had heeded my professional recommendations and those of WNYNC Director James R. Metcalfe II concerning needed traffic safety improvements on Alleghany Road and Indian Falls Road,** which run along the west and north boundaries of WNYNC, respectively. Our superiors were made well aware of the dangers of these roads, but they ignored our multiple warnings and stopped us from pursuing responsible safety improvements.

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## The aftermath

The two vets were buried at the VA cemetery Oct. 12 – on the same day, Metcalfe and Rizzo filed a joint complaint with the VA Office of Inspector General.

"Mr. Metcalfe and I have prayed every day for the families of Mr. Herdendorf and Mr. Rowell, and we ask that you please investigate their tragic and avoidable deaths to ensure that VA causes no further loss of life at the subject intersection," Rizzo wrote in that complaint.

**Peter Rizzo and James Metcalfe ask the Department of Veterans Affairs inspector general to investigate** (p. 4)

Mr. Metcalfe and I have prayed every day for the families of Mr. Herdendorf and Mr. Rowell, and we ask that you please investigate their tragic and avoidable deaths to ensure that VA causes no further loss of life at the subject intersection and that VA in the future heeds warnings of qualified professional staff on life safety issues. Accountability is also necessary for those VA leaders who not only silenced the two employees who had the credentials and courage to call out VA's error in proposing the turn lane and demand a safer alternative, but also took steps to lay any potential blame on the shoulders of the NYSDOT by creatively phrasing the June 25, 2020 meeting minutes.

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After receiving copies of Rizzo's email to Schumer and Welch, The Buffalo News contacted the National Cemetery Administration and asked for permission to interview Metcalfe and the VA executive who reprimanded him, as well as Rizzo and the VA executive who ordered his reassignment. Those requests were denied.

Instead, NCA spokesman Les' A. Melnyk agreed to answer written questions – but said the VA would not comment on why Metcalfe was reprimanded and why Rizzo was reassigned.





Arnold Herdendorf and Christopher Rowell are buried behind their friend Martin Phelps at the Western New York National Cemetery in Pembroke.

Photo provided by Janien Klotzbach

In written responses, Melnyk pointed to the state DOT. Citing a July 15, 2020, letter in which the state DOT said drivers on Indian Falls Road would have adequate visibility in both directions when they stopped at the stop sign at Route 77, Melnyk said: "NYSDOT never stated that the traffic safety measures VA adopted were insufficient and never insisted upon a roundabout."

State DOT spokesman Joseph Morrissey acknowledged that under the state's safety requirements, a roundabout didn't have to be built at the intersection – meaning it would have been the VA's responsibility to pay for it if agency officials wanted one.

In his email to Schumer and Welch, Rizzo said millions in leftover funds from other cemetery projects could have been shifted to Pembroke to pay for a roundabout, which would cost about \$2.5 million.

Hearing all of that, Welch, the longtime veterans advocate, was appalled.

"There was a blatant disregard of the data presented that there was a serious possibility that accidents would happen based upon the increased traffic flow from the new cemetery," Welch said.

Anne Rowell is appalled, too, based in part on her own experience.

She left her father's funeral in a friend's Ford pickup. They stopped at the intersection where the two men died and, seeing no traffic in either direction on Route 77, they pulled forward.

Suddenly, a car appeared from the left, speeding toward them.

"We almost got T-boned," she said. "There's a blind spot, there's something there, where you don't have a clear view of the oncoming traffic."



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By Jerry Zremski

Washington bureau

Jerry Zremski, who has covered Washington for The Buffalo News since 1989, is a lecturer at the Philip Merrill College of Journalism at the University of Maryland.