

**AMENDMENT TO
PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL TRANSIT ADMINISTRATION,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
AND
THE METROPOLITAN TRANSPORTATION AUTHORITY
REGARDING IMPLEMENTATION OF THE
PENN STATION ACCESS PROJECT IN
QUEENS, BRONX, NEW YORK AND WESTCHESTER COUNTIES, NEW YORK**

WHEREAS, the *Programmatic Agreement Among the Federal Transit Administration, the New York State Historic Preservation Office, and the Metropolitan Transportation Authority regarding implementation of the Penn Station Access Project in Queens, Bronx, New York and Westchester Counties, New York* (the Agreement) was executed on September 24, 2021; and

WHEREAS, the Metropolitan Transportation Authority Construction and Development (“MTACD”) followed the Section 106 review process and made a reasonable and good faith effort pursuant to 36 CFR §800.4(b)(1) to identify and evaluate historic properties in the Area of Potential Effect, including providing information on the National Register of Historic Places (NRHP) eligibility of the Hunts Point Rail Station and Pennsylvania Station to the New York State Historic Preservation Office (SHPO); and

WHEREAS, on September 24, 2021, the Federal Transit Administration issued a Finding of No Significant Impact that documented the FTA’s findings and decision to proceed with the Proposed Project as described in the Environmental Assessment and Draft Section 4(f) Evaluation for the Penn Station Access Project, which was published on May 18, 2021; and

WHEREAS, on April 7, 2021 the SHPO found a building district in the Area of Potential Effect—Penn Plaza, which includes Penn Station New York, Madison Square Garden, and Two Penn Plaza—is eligible for listing on the NRHP under Criterion A in the area of urban planning and transportation and historic preservation, as well as Criterion C in the area of engineering for Madison Square Garden’s roof system; and

WHEREAS, the Penn Station Access Project will introduce Metro-North passenger service to Penn Station New York, but will not require any infrastructure improvements to the station; and

WHEREAS, on November 13, 2021 the SHPO reversed an earlier 1999 finding that now makes the Hunts Point Rail Station, a property in the Area of Potential Effect (APE), individually eligible for listing on the NRHP under Criterion A in the areas of community planning and development and transportation, as well as Criterion C in the area of architecture; and

WHEREAS, the Penn Station Access Project will construct a new passenger station and an additional passenger track at the location of the Hunts Point Rail Station; and

WHEREAS, THE POINT Community Development Corporation is interested in restoring the Hunts Point Rail Station so it can serve as a point of interest on the greenway being proposed for the surrounding neighborhood, linking to New York City’s greenway system; and

WHEREAS, the Environmental Assessment and Draft Section 4(f) Evaluation considered alternative alignments to the Proposed Project, but as the Hunts Point Rail Station had been determined not to be eligible for inclusion on the NRHP during the Section 106 review process and the concurrent environmental review process, MTACD was not required to assess any potential effects nor identify any avoidance, minimization, and/or mitigation measures for the structure; and

WHEREAS, in light of the revised effects determination, the FTA has determined that there should be

design specifications for the Proposed Project to preserve the structure, and

NOW, THEREFORE, in accordance with Stipulation Section (V)(C), “Reporting and Oversight”, FTA, MTACD, and SHPO agree to amend the Agreement as follows:

1. Stipulation I, Architectural Resources, will be modified by the Amendment:

MTACD, in consultation with the SHPO, determined that within the APEs for the Penn Station Access Project, there are currently eleven (11) identified known historic properties/structures/districts that are eligible for listing on the State and National Registers and/or as New York City Landmarks. These properties are as follows:

1. Penn Plaza Building Complex;
2. Parkchester Apartment Complex;
3. Amtrak Hell Gate Line Bascule Bridge over Pelham Bay and Hutchinson River;
4. Pelham Lane Pathway Bridge in Pelham Bay Park;
5. Cross Bronx Expressway Corridor (I-95) over the Sheridan Expressway (I-895), Bronx River, Bronx River Avenue and the Amtrak Hell Gate Line;
6. New York Westchester & Boston Railway Anchor Bridge;
7. Amtrak Hell Gate (Northeast Corridor) Line Bascule Bridge over the Bronx River;
8. IRT No. 6 Subway Truss Bridge over Westchester Avenue;
9. Lafayette Avenue Bridge over Amtrak Hell Gate Line;
10. Hunts Point Rail Station; and
11. The Kaufman Building at 271 North Avenue in New Rochelle.

In addition, it is anticipated that the Project will have temporary physical effects and permanent indirect visual effects on the Amtrak Hell Gate (Northeast Corridor) Line Bascule Bridge over the Bronx River.

The Parkchester Apartment Complex could experience indirect effects (noise, vibration and particulate matter), due to construction activities on the new station and substation, and it is anticipated that the Project will also create permanent indirect visual (contextual) effects on the resource.

MTACD proposes to rehabilitate or replace the Pelham Lane Pathway Bridge. Due to the nature of the design-build process, the exact construction methodology and design are not known at this time and will be determined by the design-build contractor.

The Hunts Point Rail Station could experience indirect effects (noise, vibration and particulate matter) due to construction activities on the new Hunts Point Station, and it is anticipated that the Project will also create permanent indirect visual (contextual) effects on the resource.

The Project will not have any direct or indirect effects on the historic elements of Penn Plaza.

A. Design Specifications for Project Components within Amtrak Hell Gate (Northeast Corridor) Line Bascule Bridge over the Bronx River APE:

The addition of new Metro-North PSA rail service along the Hell Gate Line Right of Way (ROW) in New York will create permanent indirect visual effects on the Amtrak Hell Gate (Northeast Corridor) Line Bascule Bridge over the Bronx River. The design specifications for the architectural resources are described below. No modifications are proposed to the Amtrak Hell Gate Line Bascule Bridge over Pelham Bay and the Hutchinson River as part of the Project. MTACD will continue consultation with FTA and SHPO to take into account project effects.

1. MTACD will avoid the demolition or removal of historic properties. The Project will stabilize, strengthen, and rehabilitate the eligible historic bridge.

2. All bridge rehabilitation work will be undertaken in accordance with the Secretary of the Interior's Standards for Rehabilitation.
3. Design of the new bridge over the Bronx River will maximize compatibility with and minimize the obstruction of the historic bridge.
4. Design drawings and specifications at the 30%, 60%, and 90%, phases for the bridge will be reviewed and approved by SHPO.
5. Construction staging areas and access roads for the bridge work will be reviewed and approved by SHPO.
6. A construction monitoring plan will be implemented by the design-builder, under the oversight of MTACD, to monitor the effects of noise, vibration and particulate matter on the historic bridge. The construction monitoring plan will be reviewed and approved by SHPO.
7. The new bridge construction planning will adopt special measures to avoid damage to the piers or abutment of the historic bridge during the drilling and installation of the piers and the abutment of the new bridge.
8. In order to protect the historic bridge during construction of the new bridge, there will be protective screens and temporary barricades, where appropriate, used to prevent any spoils or new concrete from fouling the tracks or from hitting the truss. Safety precautions will be put in place to prevent any construction equipment (cranes, back hoes) from contacting the historic bridge.

B. Design Specifications for Project Components within the Parkchester Apartment Complex APE:

The addition of new Metro-North PSA rail service and the construction of the Parkchester-Van Nest station on the Hell Gate Line ROW in New York and construction of a new Van Nest AC Substation will create temporary effects (noise, vibration and particulate matter) due to construction and permanent indirect visual (contextual) effects on the Parkchester Apartment Complex. Design drawings and specifications at the 30% phase for the new station facility will be reviewed and approved by SHPO.

C. Design Specifications for Project Components within the Hunts Point Rail Station APE (see Attachment A):

The construction of the new Hunts Point Station will create temporary effects (noise, vibration and particulate matter) due to construction and permanent indirect visual(contextual) effects on the historic Hunts Point Rail Station. Design specifications for this architectural resource are described below:

1. Design drawings at the 30%, 60%, and 90% phase for the new station facility will be reviewed and approved by SHPO.
2. A construction protection plan will be implemented by the design builder, under the oversight of MTACD, to protect the historic station during construction activities. The Construction Protection Plan will be reviewed and approved by SHPO.

F. Construction Protection Plan for Historic Properties

Prior to construction, the design-builder will develop a Construction Protection Plan (CPP) for architectural resources located within 100 feet of construction in consultation with FTA, SHPO, and the Landmarks Preservation Commission (for work in New York City). MTACD will include this Agreement, as well as relevant CPPs, within specific contract packages to inform contractors of their responsibilities relative to Historic Properties. The CPP will consist of the following:

- Inspection and documentation of existing conditions at the historic resources adjacent to construction

activities, prior to the start of Project construction activities;

- Establishment of protection measures and procedures;
- Development of a monitoring program to measure vibration impacts and ground movements during construction;
- Existing foundation and structural condition information and documentation for the historic property;
- Formulation of maximum vibration tolerances based on impact and duration and considerations using accepted engineering standards for historic buildings; and
- Post-construction inspection and documentation of existing conditions at historic resources subject to a CPP.

2. With the exception of items explicitly delineated in this Amendment to the Agreement, all other terms and stipulations of the Agreement shall remain unchanged and in full force and effect.

**APPROVAL AND SIGNATURE PAGE FOR AMENDMENT TO
PROGRAMMATIC AGREEMENT**

Among

**The Federal Transit Administration (FTA)
The Metropolitan Transportation Authority (MTA)
New York State Historic Preservation Officer (SHPO)**

Regarding The

**PENN STATION ACCESS PROJECT in
Queens, Bronx, New York, and Westchester Counties, New York**

FEDERAL TRANSIT ADMINISTRATION

By: _____

Stephen Goodman, P.E.
Regional Administrator, Region 2

Date _____

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The Metropolitan Transportation Authority (MTA)
New York State Historic Preservation Officer (SHPO)**

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Queens, Bronx, New York and Westchester Counties, New York**

METROPOLITAN TRANSPORTATION AUTHORITY

By: _____

Eve Michel
Senior Vice President, PSA Program Executive
MTACD

Date _____

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NEW YORK STATE HISTORIC PRESERVATION OFFICER

By: _____

Daniel Mackay

Deputy State Historic Preservation Officer

Date _____

ATTACHMENT A
HUNTS POINT RAIL STATION APE



Source: WSP, 2021