

**STATUS REPORT
On the
Amended Programmatic Agreement
among
The Federal Transit Administration
The Metropolitan Transportation Authority,
AND
The New York State Historic Preservation Office
Regarding Implementation of the
MTA/LIRR East Side Access Project**

December 2009



Introduction

The East Side Access project will provide a critical expansion of the New York metropolitan region's rail network by bringing Long Island Rail Road (LIRR) passenger service into Grand Central Terminal (GCT). The completed project will allow thousands of LIRR commuters who now must travel daily to Penn Station on their way to Manhattan's East Side to enjoy a faster and much more convenient commute via LIRR into GCT. Convenient LIRR access to the East Side will not only reduce congestion at Penn Station and shorten commute times, but it will also reduce auto travel, generate significant economic growth along the route, and further the region's development potential. The scheduled completion date is 2016.

East Side Access will route the LIRR through new track connections in Queens and new tunnels under Sunnyside Yard, through the existing 63rd Street Tunnel under the East River to Second Avenue in Manhattan, and then curve south along new tunnels under Park Avenue.

The Final Environmental Impact Statement (FEIS) and the ensuing Programmatic Agreement following consultation with the New York State Office of Parks, Recreation and Historic Preservation (SHPO), the Advisory Council on Historic Preservation, and the New York City Landmark Preservation Commission (LPC), were both completed in 2001. Since then, new project elements and modifications were identified as indicated in the following documents:

- Technical Memorandum 1: Assessing Potential Design Changes, Feb 2002;
- Technical Memorandum 2: Queens Revision 14-4M Environmental Analysis, Nov 2005;
- 50th Street Revised Supplemental Environmental Assessment to the FEIS, April 2006;
- Technical Memorandum 3: for 37th Street Ventilation Plant, Feb 2008.

Due to the identification of additional archaeological and historic properties in these documents not covered by the former Areas of Potential Effect (APEs) in Manhattan and Queens, MTA, FTA and SHPO determined it appropriate to enter into an Amended Programmatic Agreement that addresses the current alignment in July 2006 and a revised CPP was prepared and approved in September 2007.

This Annual Report serves as an update on the status of the implementation of the 2006 Programmatic Agreement stipulations, and it summarizes work performed in the last year related to the protection of archaeological resources and historic structures. In addition, this report identifies anticipated work over the next year.

The updates have been organized by stipulation as presented in the Programmatic Agreement.

STIPULATION I: Archaeological Resources

Based on the current alignment, 20 archaeologically sensitive areas have been identified in Manhattan and Queens that could be affected by the Project. Specifically, six different contracts in Queens and two in Manhattan will disturb soils in areas determined to be archaeologically sensitive. Of the areas in Queens, all but one is within the Sunnyside Rail Yard Complex, an active railroad with significant groundwater contamination that makes advanced field testing difficult. Progress made on the Project in the last year, and upcoming work such as soil-boring analysis and field monitoring, is described below.

A. Archaeological Assessments

No assessments were necessary and none were conducted in the last year.

B. Field Testing

No field testing was necessary and none occurred in the last year.

C. Monitoring, Mitigation and Data Recovery**Monitoring**

Stage IB archaeological monitoring was conducted from March 26 through April 9, 2009 for construction activities in support of the installation of a ventilation shaft at the southwest corner of Park Avenue and East 37th Street, within the sidewalk and roadway that fronts the Union League Club at 48 Park Avenue. The August 2007 Phase IA archaeological assessment determined the project area to have a moderate potential for intact historic cultural deposits associated with the Murray mansion and farm.

The monitoring report concluded that prior significant disturbance to the project area, including the construction of the Union League building in 1931 and later utility work, disturbed any possible cultural remnants to such an extent that no further cultural resource work was recommended for this portion of the project. LPC and SHPO agreed with the May 2009 monitoring report in their respective letters of July 13 and July 14, 2009.

Construction activities are expected to commence in 2010 in archaeologically sensitive areas 4, 5, 6b, 6c and 11 in Queens (refer to Exhibit B in November 2007 ESA CPP).

Due to project delays, the slurry wall near Queens Areas 4 and 5, which supports the “North Runner” track – a live railroad track on a bridge – is in need of repair. Critical supports for both the slurry wall and rail bridge must be installed and the slurry wall must also be repaired. Concerns have been raised for the safety of the on-site archaeologist in trying to monitor this area during construction. There will be no safe observation locations for the small portion of Areas 4 and 5 that lies directly underneath the bridge, due to the spacing requirements of the

supports for both the slurry wall and the bridge of the North Runner. Because of the change in construction methods that now require the repairing of the slurry wall while supporting the active rail line above it, and the ensuing safety hazards, this small portion of Areas 4 and 5 cannot conform to the archaeological monitoring procedures as detailed in the CPP. After consultation with SHPO and LPC on November 18, 2009, MTA CC submitted a revised monitoring proposal on December 29, 2009, that will see most of Areas 4 and 5 monitored as per the CPP, and the excavated material from directly underneath the bridge examined after its removal and before its loading onto trucks. LPC concurred in an email with this proposal on December 3, 2009.

The contract for the 50th Street Ventilation Facility was awarded in October 2009. The 2003 Stage 1A archaeological study proposed Stage 1B archaeological testing as described in the approved CPP, prior to the construction of the new facility and after the demolition of the existing buildings on the site. The testing of the archaeologically sensitive areas is expected to occur late in the summer of 2010.

Mitigation and Data Recovery

To date, no significant archaeological resources have been identified and therefore no mitigation measures have been implemented.

D. Professional Standards

All archaeological research, testing and analysis, and plans related to the Amended Programmatic Agreement have been carried out by or under the direct supervision of a person or persons meeting at a minimum the Secretary of Interior's Professional Qualification Standards.

URS Corporation is currently responsible for the protection of archaeological resources and AKRF for the protection of historic built properties during Project construction. These qualified archaeologists and historians have been working with MTA Capital Construction to ensure the stipulations of the Amended Programmatic Agreement are met.

E. Curation

To date, no significant archaeological resources have been identified or excavated and therefore no data analysis or curation plan is required.

F. Phasing of Construction Activities and Archaeological Field Work

MTA Capital Construction has made all practical efforts to initiate and complete archaeological field analysis prior to construction activities in the vicinity of sensitive areas.

STIPULATION II: Historic Properties

A. Construction Protection Plan (CPP)

The MTA, in consultation with SHPO and LPC, developed and is implementing the revised and approved September 2007 CPP for Historical and Archaeological resources. This CPP is posted on the MTA CC website.

Two complete tunnels were mined between 63rd and Second Avenue and 38th and Park Avenue. One of the Project's two active Tunnel Boring Machines (TBMs) is currently excavating the first lower level tunnel at approximately 55th Street and Park Avenue in Manhattan. The second TBM is backing up in preparation for a relaunch at another of the lower drive paths. Vibration levels recorded at historic structures beneath the Manhattan alignment have been well below the 0.5 inch/second threshold for cosmetic damage and no settlement has been recorded or complaints received related to conditions in historic properties.

Vibration and tilt monitoring recorded no exceedances at the historic Union League Club building at 48 Park Avenue during the construction of the sidewalk ventilation shaft on the southwest corner of Park Avenue and East 37th Street in early 2009.

Work scheduled in 2010 includes the construction of the ventilation facility adjacent to the historic Yale Club on 44th Street as well as demolition, civil and structural work in GCT's Madison Yard. This work may include the reframing of several columns below the GCT Viaduct and the underpinning and reframing of one column below the historic Helmsley Building. Tilt and vibration meters have been installed on the building, and during all work the contractors will follow the approved historic resource protection methodology as outlined in the CPP.

B. Design Specifications

The MTA, in consultation with SHPO and LPC, has developed design specifications to ensure that new elements constructed as part of the Project inside Grand Central Terminal are compatible with the terminal's historic and architectural qualities. The advanced design of the 44th Street Ventilation Building (adjacent to the historic Yale Club) was reviewed and approved by SHPO in early 2007, while early design plans affecting the GCT Dining Concourse, and the 50th Street Facility (across the street from the historic Villard Houses) were reviewed with SHPO and LPC (in the case of GCT work) in late 2006.

The most recent advanced design-phase renderings of the 50th Street Ventilation Facility were submitted to SHPO for review on October 2, 2008. SHPO approved these plan in their letter dated August 13, 2009. Additional renderings of the GCT Dining Concourse will be submitted to SHPO and LPC in early 2010.

STIPULATION III: Reporting

This annual report fulfills MTA Capital Construction’s obligations to update SHPO, FTA and LPC on how the Programmatic Agreement is being implemented and the effect of the Project on historic properties.

All final reports resulting from the Programmatic Agreement will be provided to SHPO, FTA and LPC.

In conjunction with the submittal of this annual report, MTA Capital Construction, FTA, SHPO and LPC should make a joint determination on whether revisions to the Programmatic Agreement are necessary at this time.

STIPULATION IV: Dispute Resolution

There have been no disputes to resolve.