

**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**

January 31, 2011

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.
- Technical Memorandum 4: LIRR Concourse and Street Entrances, July 2009

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 to address the current alignment in July 2006 and a revised CPP was prepared and approved in September 2007.

FTA stated in their Tech Memo 4 concurrence letter of March 3, 2010 that the March 2010 amendment executed by MTA, LIRR, NYSHPO and FTA to the 2006 East Side Access Amended Programmatic Agreement negates the need to issue future amended Programmatic Agreements should any resources be found when any Areas of Potential Effects are modified.

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.

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

Construction activities that required archaeological monitoring in 2010 included work in Queens Areas 4 and 5, as well as at the 50th Street Ventilation Facility site in Manhattan (refer to Exhibit B in the November 2007 ESA CPP). In 2011 work may occur in Queens Areas 6b, 6c, and 11.

Archaeological monitoring for Queens Areas 4 and 5 took place from March to April 2010 and followed a revised monitoring proposal approved by SHPO in December 2009. The revised plan was necessary for the health and safety of the monitoring team (see previous annual report). No significant archaeological resources were discovered, and a comprehensive report detailing the monitoring along the entire length of the ESA "Open Cut" (Areas 1, 4 and 5) will be submitted to SHPO in the first quarter of 2011.

Monitoring took place on December 6, 2010, at three test trenches at the ESA 50th Street Ventilation Facility site in Manhattan, where a 2003 Stage 1A archaeological study proposed Stage 1B testing as described in the approved CPP, prior to the construction of the new facility and after the demolition of the existing buildings. The archaeologist, in her December 9 End-of-Field Memorandum, stated that no significant archaeological resources were uncovered during the monitoring, and recommended that no further monitoring be necessary at the Site. SHPO concurred with this finding in their letter dated December 16, 2010. The more extensive full report will be submitted to SHPO in February 2011.

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.

Seven tunnels have been mined in Manhattan between 63rd Street/Second Avenue and 38th Street/Park Avenue. The first TBM has completed its drilling work of four tunnels. The second TBM that will drill its fourth and final tunnel is scheduled for relaunch in early 2011. Vibration levels recorded at historic structures beneath the Manhattan alignment continue to be well below the 0.5 inch/second threshold for cosmetic damage and no settlement has been recorded, or complaints received, related to vibration and settlement conditions in historic properties.

Work of note scheduled in 2011 includes the continuing construction of the ventilation facility adjacent to the historic Yale Club on 44th Street; demolition, civil and structural work in GCT's Madison Yard; and excavation and construction at the 50th Street site. The GCT work will include the completion of 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. Controlled drill-and-blast work to excavate the caverns, chambers, cross passages, escalator wells and shafts will also continue below GCT and at various locations along the alignment.

In Queens, two TBMs will commence tunneling activities in 2011 to create four tunnels beneath the Sunnyside Yard Rail Complex. Buildings in the Sunnyside Gardens historic district that fall within the 100-foot APE of this soft-ground tunneling work will be monitored as per the 2007 Construction Protection Plan.

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 Facility (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.

A modified design for the 44th Street Ventilation Facility façade was submitted to SHPO on June 29, 2010. This submission replaced the approved 2007 design in order to conform to recent changes in the New York City building code on the placement of ventilation ducts. SHPO concurred in their letter of July 23, 2010 that the design will not have an adverse impact on existing historic resources in the area, and no further submissions are necessary for this facility if the design does not substantively change.

In their letter dated February 22, 2010, SHPO approved the MTA CC design for the East Side Access and Grand Central Terminal Dining Concourse Connection.

The ESA-GCT Dining Concourse Connection design was presented to the Landmarks Committee of Manhattan Community Board 5 on September 7, 2010. After approval by this Committee the Design went before the New York City Landmarks Preservation Commission as a courtesy on October 19, 2010. The Commission approved of and complimented the design.

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.

On March 3, 2010, the MTA, LIRR, NYSHPO and FTA agreed to an amendment of the 2006 East Side Access Amended Programmatic Agreement. This amendment negates the need to issue future amended Programmatic Agreements should any resources be found if and when the Project's Areas of Potential Effect are modified.

STIPULATION IV: Dispute Resolution

There have been no disputes to resolve.