

AMENDMENT TO THE
MEMORANDUM OF AGREEMENT
BETWEEN
FEDERAL TRANSIT ADMINISTRATION

NEW YORK STATE HISTORIC PRESERVATION OFFICE

NEW YORK CITY TRANSIT AUTHORITY

REGARDING THE TIMES SQUARE SHUTTLE STATION DURING CONTRACT A-35302, THE RECONFIGURATION OF THE TIMES SQUARE SHUTTLE STATION, SHPO PROJECT #17PR00545.

This Memorandum of Agreement (hereinafter referred to as this “MOA”), dated as of _____, 2018 between FEDERAL TRANSIT ADMINISTRATION (hereinafter referred to as the “FTA”), NEW YORK STATE HISTORIC PRESERVATION OFFICE (hereinafter referred to as “SHPO”), NEW YORK CITY TRANSIT AUTHORITY (hereinafter referred to as “MTA-NYCT”) and JAMESTOWN OTS, L.P. (hereinafter referred to as “Jamestown”) outlines the agreed upon mitigation required by the determination by SHPO that this project will cause an Adverse Effect on the cultural resource described below.

WHEREAS, the FTA has determined that the removal of the northern termination of the original 1904 west platform wall, along with removal of Track #3, the removal of several steel columns, and the closing of the east platform to the public will have an adverse effect upon the Shuttle as part of MTA-NYCT’s project to reconfigure the Shuttle (hereinafter referred to as the “Project”); and

WHEREAS, Jamestown intends to construct an observation platform for the existing building at One Times Square, Block 995, Lot 1 on the Tax Map of the City of New York and 1) requires use and occupancy of a portion of the Station in order to install elevators to the cellar to access the observation platform at One Times Square and 2) in conjunction with the construction of the observation platform, will build an ADA elevator from One Times Square to the Station for use by MTA-NYCT passengers (collectively, the “Jamestown Project”), (please see attached plans for the Project and the Jamestown Project); and

WHEREAS, MTA-NYCT has determined that it is necessary for the Project to demolish/remove the northern termination of the original 1904 west platform wall (hereinafter referred to as the “Northwest Platform Wall”) to provide elevator access to the Jamestown Project; and that the northern termination of the Northwest Platform Wall cannot remain *in situ* and be incorporated into the proposed design for the Jamestown Project at its present location; and

WHEREAS, the MTA-NYCT has explored the following alternatives:

Alternative 1: Leave the Northwest Platform Wall in place. This option would leave the wall in-situ, but it would not be visible to the public due to the installation of the new station entrance stairs and control area walls in front of it.

Alternative 2: Remove the Northwest Platform Wall in its entirety and install the removed Northwest Platform Wall in the Times Square Museum being built by Jamestown within its building in One Times Square as a loan from the Transit Museum at the cost of Jamestown. The Northwest Platform Wall would be incorporated into the Times Square history exhibit to be built by Jamestown within Times Square Museum.

Alternative 3: Remove the Northwest Platform Wall in sections and give the wall sections to the New York Transit Museum (hereinafter referred to as the “Transit Museum”). This option would involve cutting out the Northwest Platform Wall in pieces, crating them and delivering them to the Transit Museum; the pieces could then be utilized by the Transit Museum for a display which could be developed at some later date, as Transit Museum space and funding permit.

WHEREAS, Alternative 1 would not allow for installation of the elevators to the observation platform at One Times Square, which would preclude the Jamestown Project currently under development; and

WHEREAS, Alternative 2, would be the most difficult and costly to execute given that the large section of wall is extremely heavy and would have to be moved in one piece; the size and weight of the removed wall would complicate the development of a display in the Times Square Museum; and Jamestown has chosen not to take the Northwest Platform Wall on loan from the Transit Museum; and

WHEREAS, Alternative 3, the preferred option, would reduce the integrity of the Northwest Platform Wall as it would be disassembled into pieces and lose its context as the original termination of the west platform wall, but when displayed in the Transit Museum would allow the public full access and view of representative sections of the original Shuttle platform wall; and

NOW, THEREFORE, MTA-NYCT, SHPO, the FTA and Jamestown agree that the undertaking shall be implemented in accordance with the following stipulations in order to mitigate the adverse effects that the station reconfiguration will have upon the Shuttle, there is no prudent and feasible avoidance alternative to the use of land from the property, and the action includes all possible planning to minimize harm to the property resulting from such use.

Stipulations

MTA-NYCT shall ensure the following measures are carried out:

I. MITIGATION

- 1) The Northwest Platform Wall shall be carefully documented with architectural drawings, followed by a careful cleaning.
- 2) Once the Northwest Platform Wall is cleaned, a professional photographer shall document the wall. Four complete hard copy sets of the documentation shall be prepared; 2 sets each that are fiber based for the SHPO and the Transit Museum, and two machine print sets, one for the New York Historical Society and one for MTA-NYCT project files.
- 3) Physical implementation of the preferred alternative, Alternative 3, shall begin only after all documentation is completed.
- 4) The conservator, in consultation with the project architect and construction manager, shall determine the means of removing the Northwest Platform Wall in sections with the least amount of harm to the historic finishes. If it is determined that removal of the Northwest Platform Wall in sections is not feasible, MTA-NYCT shall notify SHPO and the FTA to determine appropriate options for the Northwest Platform Wall.
- 5) Prior to removal of the Northwest Platform Wall, MTA-NYCT shall submit the removal measures and intended destination of the Northwest Platform Wall to SHPO and the FTA for review and approval.
- 6) The conservator shall assist the contractor in designing protection procedures during the removal of the Northwest Platform Wall section for transportation.
- 7) The contractor shall remove the Northwest Platform Wall section by saw-cutting the area in sections.
- 8) The contractor shall protect and package the removed Northwest platform wall section until it is ready to be displayed in the Transit Museum.
- 9) Jamestown shall fund the documentation, removal and relocation of the Northwest Platform Wall to the Transit Museum. Following any such relocation, MTA-NYCT and/or the Transit Museum shall be responsible for the cleaning, and ongoing maintenance of the Northwest Platform Wall.

Execution of this Amendment to the MOA by the MTA-NYCT and SHPO and implementation of its terms evidence that the MTA-NYCT has afforded the FTA, and SHPO, an opportunity to comment on the proposed work and its effects on the historic

property and that the MTA-NYCT has taken into account the effects of the project on the historic property.

FEDERAL TRANSIT ADMINISTRATION

BY: _____ DATE: _____

TITLE: Stephen Goodman, Regional Administrator Region II: New York & New Jersey

NEW YORK STATE HISTORIC PRESERVATION OFFICE

BY: _____ DATE: _____

TITLE: Roger Daniel Mackay, Deputy Commissioner for Historic Preservation,
NY State Historic Preservation Office

NEW YORK CITY TRANSIT AUTHORITY

BY: _____ DATE _____

TITLE: Linda Tonn, D.V.P. & Chief Architect, Capital Program Management

JAMESTOWN OTS, L.P., solely in its capacity as owner of the property at One Times Square for purposes of acknowledging this MOA between MTA-NYCT, SHPO and FTA, by its General Partner, JP OTS GP LLC.

BY: _____ DATE _____

TITLE _____