

DETERMINATION AND FINDINGS PURSUANT TO ARTICLE 2 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW

PROJECT: NO. 7 SUBWAY EXTENSION - HUDSON YARDS REZONING AND DEVELOPMENT PROGRAM

In accordance with Section 204 of the New York Eminent Domain Procedure Law ("EDPL"), the Board of the Metropolitan Transportation Authority ("MTA") hereby approves the acquisition of certain subsurface easements described below by eminent domain, if necessary, and adopts the following statutory findings:

1. Project Description and Objectives. The No. 7 Subway Extension—Hudson Yards Rezoning and Development Program (the "Project") is a collaborative effort involving the City of New York ("the City"), the Metropolitan Transportation Authority ("MTA") and various other City and State agencies to formulate a comprehensive transit-oriented plan for redeveloping the Far West Side of Midtown Manhattan. The Project area generally extends from West 24th to West 43rd Streets and from Seventh Avenue to the Hudson River Park - an underutilized area that is now primarily characterized by parking lots, auto repair shops, highway entrance ramps and an open rail yard, MTA's John D. Caemmerer West Side Yard, located between Tenth and Twelfth Avenues from West 30th to West 33rd Streets, which is used to store Long Island Rail Road's commuter rail cars and related equipment. The Project's programmatic objective is to transform the Far West Side into a transit-oriented, pedestrian-friendly, mixed-use extension of Midtown Manhattan, having new civic facilities, open spaces and parkland including a new broad, tree lined boulevard and park system between Tenth and Eleventh Avenues and 33rd and 42nd Streets. It has been designed to accommodate projected future growth in commercial, residential and retail development over the next several decades, allowing the City and State to maintain their respective positions in an increasingly competitive global marketplace.

One of the Project's key components is the proposed extension of the No. 7 Subway Line from its current terminus near Times Square. The No. 7 Subway Extension would extend westward under West 41st Street, then turn southward under Eleventh Avenue and continue underground to West 24th Street. The proposed extension would have two new stations: a Terminal Station on Eleventh Avenue at approximately West 34th Street, and eventually, a Tenth Avenue Intermediate Station at approximately West 41st Street and Tenth Avenue. The extension also has been designed to include two lay-up tracks located south of the Terminal Station, with the most southerly end of the lay-up tracks ending in the vicinity of West 24th Street. In addition to tracks and stations, the extension would require ancillary facilities, such as electrical substations, ventilation facilities, mechanical equipment rooms, and maintenance rooms.

Extension of the No. 7 Subway line offers the best opportunity to meet the Project's transportation objectives and satisfy the Project's transportation needs. In particular, the No. 7 Subway:

- Has the potential, in combination with other transportation services, to provide the capacity needed to support the anticipated new demand from residents, visitors, and office workers.
- Is the closest east-west subway to the Hudson Yards area.
- Could be extended from its current West 41st Street terminus without interfering with other subway lines.

- Already connects to major transportation hubs in Manhattan (Grand Central Terminal, Times Square, and the Port Authority Bus Terminal).
- Provides connections to all of Midtown Manhattan’s major north-south subway lines.
- Would offer direct service between the Hudson Yards area and Queens.

The five subsurface easements (four permanent and one temporary) that MTA herein approves for acquisition are required for construction of the portions of the No. 7 Subway Extension.

2. EDPL Public Hearing. In accordance with Article 2 of the New York State Eminent Domain Procedure Law (“EDPL”), the City and MTA jointly conducted a public hearing on June 16, 2005 to describe and to invite public comment on the public uses, benefits, and purposes to be served by the proposed acquisitions for the Project; the property interests to be acquired; the reasons for acquiring property at the proposed locations; and the general effect of the proposed acquisitions on the environment and residents of the locality. Notices of this public hearing were duly published as required under the EDPL. Property owners and other interested parties also were given advance notice of the hearing by mail. As stated at the hearing, the record of the hearing remained open until July 8, 2005 at 5:00 P.M. for purposes of receiving any additional written comments with respect to the proposed acquisitions. At the hearing site, copies of the detailed surveys of the property interests to be acquired by the City and MTA for the No. 7 Subway Extension were posted and reduced copies of those surveys were made available to the public. At the hearing, the City and MTA also made available to the public copies of a previously distributed booklet outlining the proposed property acquisitions and tenant/occupant relocations and the previously issued Executive Summary of the Final Generic Environmental Impact Statement for the Project. Representatives of the MTA and the City were present at the June 16, 2005 public hearing and have been given the transcript of that hearing and the written comments subsequently submitted. All oral and written comments received during the public hearing, and in the written submission period following the hearing, have been reviewed, made part of the record, and given due consideration.

3. Location of Property Required for the Project. The following five (5) subsurface easements in real property located the Borough of Manhattan, New York County, are approved for acquisition by MTA:

Block	Lot	Property Address	Subsurface Interest	Upper Limiting Plane*	Lower Limiting Plane*
1013	6	640 8 th Avenue	Temporary Easement	approx. 130'	approx. 85'
1050	1	538 10 th Avenue	Permanent Easement	approx. 80'	approx. 35'
1050	6	455 West 40 th Street	Permanent Easement	approx. 80'	approx. 35'
1050	61	554 10 th Avenue	Permanent Easement	approx. 80'	approx. 35'
1050	158	454 West 41 st Street	Permanent Easement	approx. 80'	approx. 35'
*Project Elevation 0.0000 feet refers to New York City Transit Authority Datum, which is 97.347 feet below the U.S. Coast and Geodetic Survey mean sea level at Sandy Hook, New Jersey, established in 1929.					

If an address shown above conflicts with a Block/Lot number, the Block/Lot number will control. The temporary easement in Block 1013, Lot 6 will be approximately 24.75 feet wide, run the length of the Lot in an easterly-westerly direction, and be located approximately 15 feet to 60 feet below street level. This temporary easement is required to install rock bolts for temporary support of the subway tunnel during construction and may be needed for a period of up to seven years from the date of its acquisition. The four adjacent, permanent easements in Block 1050 will be approximately 5 feet wide, run in an easterly-westerly direction along the northerly property line of each affected Lot, and be located approximately 43 feet to 88 feet below street level. These permanent easements are required to accommodate the encroachment of a structural key for the Tenth Avenue Station box.

MTA reserves the right to acquire a lesser interest in any of the properties described above, or to refrain from acquiring any of the above property interests, as dictated by the needs of the Project.

4. The Public Use, Benefit, and Purpose to Be Served by MTA's Acquisition of Easements to Support the Project [EDPL § 204(B)(1)]. MTA's acquisition of property interests to construct the No. 7 Subway Extension is integral to and necessary for implementing the Project. Because transportation and urban development patterns are historically linked and interdependent, the No. 7 Subway Extension will facilitate the transit-oriented development of higher residential and commercial densities and new civic facilities, public open space and parkland in the Hudson Yards area. This type of transit-oriented development represents a sustainable plan in that it both will reduce urban sprawl and allow travel at lower per capita levels of energy consumption and vehicular emissions production.

The No. 7 Subway Extension will help integrate the Far West Side into the rest of Midtown and the metropolitan area. The redevelopment contemplated by the Project and the revenues that it will generate are important for the City's fiscal well-being and, among other things, will fund construction of the No. 7 Subway Extension. In addition, the City anticipates that there will be approximately 13,500 new residential units created in the area (of which nearly 4,000 will be affordable) and that about 218,000 temporary and approximately 234,000 permanent jobs will be generated as a result of the Project's construction and on-going economic activity. As noted above, the No. 7 Subway Extension and other substantial infrastructure investments by the City are crucial to supporting the higher density development needed to realize these benefits.

The subway extension also will make some 300 acres of the Far West Side more accessible and will unlock the potential of an underutilized portion of Manhattan that is now replete with parking lots, auto repair shops, roadway entrance ramps and similar uses. Moreover, new civic facilities, open space and parkland will be created to enhance an area that currently is lacking in such amenities for City residents and visitors. The Project, therefore, will produce significant and long-lasting economic, aesthetic and social benefits to the City and State, and construction of the No. 7 Subway Extension is a necessary part of the Project plan.

5. Location of Real Property Interests and Reasons for Selection of those Locations [EDPL § 204(B)(2)]. The proposed alignment for the No. 7 Subway Extension was the product of a rigorous alternatives analysis that was performed in conjunction with the extensive environmental review for the Project under the State Environmental Quality Review Act ("SEQRA") and the City Environmental Quality Review ("CEQR"). The location of the five subsurface easements that MTA will acquire for subway construction was driven by the need to

construct and stabilize the subway tunnels and related facilities within and adjacent to the proposed subway alignment. The depth of the subway alignment was dictated by factors of clearance, environmental impact minimization, and quality of rock. The five subsurface easements that MTA will acquire are not anticipated to either materially restrict or adversely impact the current surface uses of the parcels in which they are located. Temporary easements for the No. 7 Subway Extension generally are needed for such uses as site preparation, staging, tunnel excavation, and support for subway tunnels and related subway equipment and facilities.

Permanent easements are necessary for the long term maintenance, stability and functioning of the subway extension. It is contemplated that MTA will acquire the five subsurface easements that are described herein in conjunction and in coordination with the City's acquisition of easements and other property acquisitions for the No. 7 Subway Extension.

6. General Effect of Real Property Acquisition on the Environment and Residents of the Locality [EDPL § 204(B)(3)]. The Project's environmental impacts are discussed in detail in a Final Generic Environmental Impact Statement ("FGEIS") that was adopted in November 2004 by the City of New York City Planning Commission and MTA, as co-lead agencies. The FGEIS has been made available to the public at various locations, including internet access at <http://nyc.gov/html/dcp/html/hyards/eis.html>. In addition, the Project has been the subject of more than 150 outreach meetings and numerous public hearings.

As fully discussed in the FGEIS, various impacts may occur during construction of the No. 7 Subway Extension, including increased construction-related noise and vibration, traffic congestion at several intersections, and possible periodic disruptions to businesses and subway service. MTA and its affiliate, the New York City Transit Authority ("NYCT"), will implement, through a Construction Environmental Protection Program ("CEEP"), mitigation measures to reduce, where practicable, construction related impacts. With respect to air quality, and with mitigation measures in place such as use of ultra-low sulfur diesel fuel and engine retrofit technology in certain construction equipment, construction of the Project is not expected to generate air pollutants in concentrations that exceed the Environmental Protection Agency's National Ambient Air Quality Standards. Furthermore, MTA and NYCT, in cooperation with the City, will incorporate into design, construction, and operation of the No. 7 Subway Extension all mitigation measures identified in the FGEIS as well as any additional measures identified during final design. These measures will reduce Project-related impacts to the fullest extent practicable.

The City also has committed to provide relocation assistance to any residents and businesses displaced by property acquisitions needed for the No. 7 Subway Extension and by other property acquisitions for the Project that are undertaken by the City. No such relocations are anticipated for the five subsurface easements that MTA is authorized herein to acquire for the No. 7 Subway Extension.

Operation of the No. 7 Subway Extension is not expected to result in any significant adverse impacts in the Project Area, because subway operations would occur deep below ground or in specially designated enclosures with no significant impacts to the surrounding neighborhoods.

On the basis of a technical memo that was prepared by MTA's engineering consultants, the five subsurface easements to be acquired by MTA are not themselves anticipated to generate any significant adverse construction or operational impacts on existing surface uses, because the easements and related activities will be located in rock at a sufficiently safe depth below existing surface uses and the lowest levels of existing buildings on or adjacent to these sites.

Long term, the Project's impact on the residents in the area will be beneficial with the greater availability of housing, employment opportunities, new civic facilities and open space amenities, and expansion of mass transit to the Far West Side. Once constructed, the general effects of the No. 7 Subway Extension on the environment will be beneficial in that a presently underutilized area of Manhattan will be transferred into an area capable of supporting open space, high density commercial, retail and housing development and growth for the next several decades – all with ready access to mass transit.

Copies of this Determination and Findings by the Metropolitan Transportation Authority are available and will be forwarded without cost and, upon request, by writing to:

Mr. Anthony P. Semancik
Deputy General Counsel
Metropolitan Transportation Authority
347 Madison Avenue
New York, New York 10017