



## The City of New York Manhattan Community Board 8

505 Park Avenue, Suite 620  
New York, N.Y. 10022-1106  
www.cb8m.com  
David G. Liston, Chair

Phone: (212) 758-4340  
Fax: (212) 758-4616  
CB8M@aol.com - E-Mail  
Elizabeth McKee, District Manager

# 2<sup>nd</sup> Avenue Subway Update

*Community Board 8 has formed a Task Force to deal with issues surrounding the Second Avenue Subway. The MTA will work with the Task Force to deal with questions that have been raised with regard to the construction of the Second Avenue Subway and other issues connected with this project.*

*The following are questions that were submitted to the MTA at the November 14, 2006 2<sup>nd</sup> Avenue Subway Task Force meeting. The responses have been provided by the MTA.*

- 1. What will the negative impact be of the launch at 93<sup>rd</sup> and 95<sup>th</sup> Streets at 245 East 93<sup>rd</sup> Street? If the contract for this work is awarded at the end of 2006 or early 2007, what is the proposed start date for the work?**

*During the construction of the tunnel boring machine (TBM) launch box, utilities presently located within the roadway will have to be relocated into the area between the building and the slurry walls, which form the retaining walls of the launch box. The sidewalks in front of the building along Second Avenue will be reduced to seven feet wide during the construction. Once the slurry walls are installed and the road decking over the excavation is completed on the west side of Second Avenue, the contractor will perform the same operations on the east side. Thereafter, the work area will remain located on the east side of Second Avenue between 91<sup>st</sup> and 95<sup>th</sup> Streets for the duration of the TBM contract (Contract 1).*

*Utility relocation work, which will be the first construction activity in your area, is expected to begin in the first quarter of 2007. There will be short utility outages (a few hours) while the cut-overs from the existing lines to the new lines are done. The contractor will be required to coordinate this work with the utilities companies so that service disruptions are minimal and during low-usage hours. The total duration for Contract 1 is 37 months; most of this time, the aboveground construction work will be on the east side of 2<sup>nd</sup> Avenue. Contract 2, for the construction of the 96<sup>th</sup> Street station, will begin in summer 2008 (an 18-month overlap) and focus on the area between 95<sup>th</sup> and 99<sup>th</sup> Streets until Contract 1 is completed. Once the TBM work is finished, the contractor for the 96<sup>th</sup> Street station will complete the permanent station work located within the launch box area and restore the street and sidewalks by sometime in 2010.*

*It should also be noted that the TBM will operate well below street level and begin tunneling southwards at 92<sup>d</sup> Street, which means that the operation of the TBM should have no appreciable impact on 245 East 93<sup>rd</sup> Street.*

- 2. Who at the Department of Parks and Recreation is in charge of oversight regarding trees that come down during construction? Can an individual volunteer to help with this process?**

*The Chief of Operations for the Manhattan Division of the Department of Parks and Recreation (DPR) oversees the removal/relocation/replacement of trees.*

*We have met with the Chief of Operations and his staff, who provided us with the DPR's requirements and procedures regarding the removal and relocation or replacement of trees. The*

*Parks Department requires that an arborist approved by them perform a tree survey of the construction areas for Contract 1 and develop a tree mitigation plan, which must be submitted for their review and approval. Once the plan is approved, this same arborist would assist the contractor with the removal and relocation of the trees during construction.*

Regarding the issue about volunteering, the person should contact the Parks Department directly and inquire about such possibilities.

3. Can a commercial or residential tenant be proactive and find an acceptable location and still be compensated for that relocation? Can they also legally be released from their lease?

*The Uniform Relocation Assistance and Real Property Acquisition Policies Act (the “Uniform Act”) and applicable federal relocation regulations set forth in 49 CFR Part 24 require MTA, either directly or through its relocation consultants, to provide various relocation advisory services and assistance to commercial and residential displacees, including but not limited to assistance in finding comparable replacement space.*

*Nothing under the Uniform Act prohibits a commercial or residential tenant from performing its own search for a new location, either separate from or in tandem with MTA’s identification of available locations. Under the regulations, a commercial displacee also is entitled to compensation for actual reasonable expenses incurred in searching for a replacement site, up to \$2,500, including the actual and reasonable costs of transportation, meals and lodging away from home, time spent searching (based on reasonable salary or earnings), fees paid to a real estate agent or broker to locate a replacement site (but not any fees or commissions related to the purchase of such sites), time spent in obtaining permits and attending zoning hearings, and time spent negotiating the purchase of a replacement site based on a reasonable salary or earnings.*

In the case of residential displacements, federal regulations require MTA to insure that the replacement dwelling is decent, safe and sanitary. Therefore, federal law prohibits MTA from assisting or providing benefits for any residential relocation site that does not meet these regulatory criteria. This regulation is intended to protect the residential occupant from leasing a sub-standard dwelling. Therefore, when a residential occupant identifies a potential replacement site, he or she must notify MTA in advance so that an appropriate inspection of the premises may be performed prior to entering into a new lease.

*Under New York law, acquisition of property by condemnation automatically terminates all existing leases. If MTA only condemns a portion of the leased property, the tenant must examine its lease to see if any special rules apply. Where leases are terminated by condemnation, the law permits MTA to collect a reasonable amount for rent (known as “use and occupancy” payments) until the tenants vacate the premises. During that time, MTA also will provide basic building management services for all tenanted properties.*

4. Are there contingency plans in place for the tenants at 305 East 72<sup>nd</sup> Street if this site is deemed an inappropriate part of the Second Avenue Subway project?

*The station work within the CVS space at 305 East 72<sup>nd</sup> Street will not have any physical impact on the residences above the commercial space. While there will be construction activity and limited noise during the construction, there is presently no need for contingency plans such as displacing or relocating tenants. We have not been able to get access to the commercial space or the area of the basement that would be impacted. Until we are able to gain access we cannot comment on whether alternate facilities will be required for residential support services such as laundry rooms or storage.*