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September 23, 2002

JOHN H. BROADLEY

Honorable Vernon Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W. Suite 700  
Washington, D.C. 20423-0001



Re: Chelsea Property Owners -- Abandonment--Portion of the Consolidated Rail Corporation's West 30<sup>th</sup> Street Secondary Track in New York, NY. Docket No. AB-167 (Sub-No. 1094)A.

Dear Mr. Williams:

Enclosed for filing in the captioned proceeding are an original and ten copies of a document entitled REPLY OF CHELSEA PROPERTY OWNERS TO THE FRIENDS OF THE HIGH LINE INC.'S PETITION TO REOPEN THE 1992 ABANDONMENT DECISION.

Please date stamp the enclosed extra copy of this cover letter and return it with our messenger.

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Yours very truly,

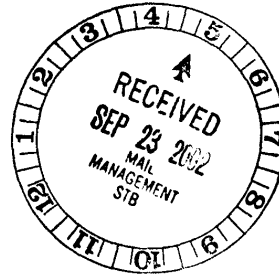
John Broadley

Enclosures

cc: All counsel w/enclosure

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BEFORE THE  
SURFACE TRANSPORTATION BOARD  
Washington, D.C.



CHelsea PROPERTY OWNERS -- Abandonment --  
PORTION OF THE CONSOLIDATED RAIL  
CORPORATION'S WEST 30<sup>TH</sup> STREET SECONDARY  
TRACK IN NEW YORK, NY

Docket No. AB-167  
(Sub. No. 1094)A

REPLY OF CHELSEA PROPERTY OWNERS TO THE  
FRIENDS OF THE HIGH LINE INC'S PETITION TO  
REOPEN THE 1992 ABANDONMENT DECISION

CHELSEA PROPERTY OWNERS

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Dated: September 23, 2002

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## Table of Contents

|                                                                                                                                                                                                                                 |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| PRELIMINARY MATTER: POSITION OF THE<br>CITY OF NEW YORK.....                                                                                                                                                                    | 2  |
| PART I: THE BOARD SHOULD REJECT FHL'S PETITION<br>TO REOPEN THE ABANDONMENT PROCEEDING.....                                                                                                                                     | 4  |
| A. FHL Is Not A Party To This Proceeding Entitled To Petition to Reopen.....                                                                                                                                                    | 4  |
| B. FHL Has Presented No New Evidence To Warrant Reopening.....                                                                                                                                                                  | 4  |
| C. FHL Has Demonstrated No Changed Circumstances.....                                                                                                                                                                           | 17 |
| 1. The current transportation utility of the Highline.....                                                                                                                                                                      | 17 |
| 2. Economic and cultural revival of Highline neighborhoods.....                                                                                                                                                                 | 18 |
| 3. Changed public opinion.....                                                                                                                                                                                                  | 21 |
| 4. Effect on open space.....                                                                                                                                                                                                    | 22 |
| 5. Changed environmental and economic effects.....                                                                                                                                                                              | 23 |
| PART II: IF THE BOARD DECIDES TO REOPEN THIS PROCEEDING FOR<br>FURTHER EVALUATION OF HISTORIC PRESERVATION AND/OR<br>ENVIRONMENTAL ISSUES, IT SHOULD REAFFIRM ITS PREVIOUS<br>POSITION AND IMPOSE NO ADDITIONAL CONDITIONS..... | 26 |
| A. Standards For Determining Whether A Property Is Eligible For<br>Inclusion In The National Register .....                                                                                                                     | 27 |
| B. Application Of The Eligibility Criteria Leads To The Conclusion That<br>The Highline Is Not Eligible For Inclusion In The National Register.....                                                                             | 29 |
| 1. Identification of the relevant historic context.....                                                                                                                                                                         | 29 |
| 2. Selection of the relevant criteria to apply.....                                                                                                                                                                             | 30 |
| 3. Application of Criterion A to the Highline.....                                                                                                                                                                              | 30 |
| a. The development of transportation in New York.....                                                                                                                                                                           | 31 |

|                                                                                                                                                        |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| b. Application of criterion a in the historic context of industrial development in New York.....                                                       | 35 |
| c. Application of Criterion A in the historical context of the development of transportation engineering.....                                          | 36 |
| d. Application of Criterion A in the historical context of the development of industrial architecture.....                                             | 37 |
| 4. Application of Criterion C to the Highline.....                                                                                                     | 38 |
| C. Demolition Of The Highline Will Not Affect Properties Eligible For Inclusion In the National Register.....                                          | 40 |
| 1. There is little risk of physical damage to eligible properties even by the grossly negligent demolition of the Highline.....                        | 40 |
| 2. There is no risk of physical damage to eligible properties from the demolition of the Highline pursuant to demolition requirements in New York..... | 41 |
| 3. The demolition of the Highline will to affect the eligibility of any properties for listing in the National Register.....                           | 42 |
| D. Abandonment And Demolition Of The Highline Will Not Have A Significant Environmental Impact.....                                                    | 45 |
| CONCLUSION.....                                                                                                                                        | 46 |

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
Washington, D.C.**

\_\_\_\_\_)  
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PORTION OF THE CONSOLIDATED RAIL )  
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(Sub. No. 1094)A

**REPLY OF CHELSEA PROPERTY OWNERS TO THE  
FRIENDS OF THE HIGH LINE INC'S PETITION TO  
REOPEN THE 1992 ABANDONMENT DECISION<sup>1</sup>**

In a decision served on September 16, 1992, 8 I.C.C.2d 773, (the "September 16, 1992 Decision") the ICC approved the abandonment of the line at issue in this proceeding (the "Highline") subject to two conditions, standard *Oregon Short Line* labor protective conditions, and a condition that Chelsea Property Owners ("CPO") post a surety bond to protect Conrail against demolition costs exceeding \$7 million to which Conrail might be exposed by the terms of the easements on which the Highline was built and/or New York law. The ICC's decision was subject to judicial review and was affirmed by the court. See *Consolidated Rail Corp. v. I.C.C.*, 29 F.3d 706 (D.C. Cir. 1994). CPO and Conrail have now reached an agreement (the "Settlement Agreement") that, when implemented, will protect Conrail and the other railroad interests against demolition, restoration, and environmental costs exceeding \$7 million, thus meeting the terms of the

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<sup>1</sup> FHL exceeded the normal page limits for a petition to reopen. CPO does not object to the Board granting FHL's implied motion to exceed page limits, but similarly moves for enlargement for this Reply. Additional space is needed because of the "shotgun" approach FHL has used that requires CPO to address in some detail a wide variety of specious factual assertions.

ICC's surety condition. On August 14, 2002 CPO filed a motion asking the Board to find that the Settlement Agreement meets the terms of the surety condition.

On August 16, 2002 Friends of the High Line ("FHL"), an organization that has not previously participated in this proceeding, filed a petition to reopen the abandonment case ("Petition to Reopen" or "FHL Petition") on the grounds of "new evidence" and "changed circumstances" relating to historic preservation and environmental issues. The Board should reject FHL's Petition to reopen for the reasons set forth in Part I below.

In the event the Board decides to reopen this proceeding for further consideration of either historic preservation or environmental issues, for the reasons set forth in Part II below it should reaffirm the conclusions of the September 16, 1992 Decision that the abandonment and demolition of the Highline would have no significant environmental impact and would not affect any property eligible for inclusion in the National Register of Historic Places ("National Register").

**PRELIMINARY MATTER  
POSITION OF THE CITY OF NEW YORK**

At the beginning it will be helpful to eliminate an issue that permeates FHL's Petition. By pointing to statements of New York mayoral candidates and to non-binding resolutions of the New York City Council, and to public statements of elected officials at the national, state and local level, FHL suggests that the City of New York (the "City") no longer supports the abandonment and demolition of the Highline. The facts say otherwise and have been contradicted by neither FHL nor the City.

1. The City is a signatory to the Settlement Agreement and by that signature has committed itself to abandonment, demolition and disposition of the property interests in the Highline

in accordance with its terms. So far as CPO is aware, the City is not in breach of the Settlement Agreement. Indeed it is vigorously litigating a law suit brought to contest its authority to sign the Settlement Agreement. (Sarini V.S. ¶28)

2. An organization under the name New York 2012, authorized by and acting on behalf of the City, has submitted an application to the United States Olympic Committee for the City to host the 2012 Olympic Games. New York and San Francisco have been selected as the United States finalists with a final decision to be made by the US Olympic Committee on November 3, 2002. New York's application commits to the construction of an 86,000 seat Olympic Stadium over the rail yards between 30<sup>th</sup> Street and 33<sup>th</sup> Street, a project that will require the abandonment and subsequent removal of the Highline structure and the construction of the stadium on the Highline right-of-way. The only way for this to be accomplished in time for the Olympics is to proceed with this abandonment proceeding. (Sarini V.S. ¶¶ 24-26, 28).<sup>2</sup> See also Exhibit B, hereto, taken from the web site of New York 2012.

If the FHL Petition has raised any doubts at the Board regarding the City's continued commitment to the terms of the Settlement Agreement and to the terms of its 2012 Olympic Application, it should immediately direct the City, as a party to this proceeding, to clarify its position.

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<sup>2</sup> Mr. Sarini's Verified Statement is attached hereto as Exhibit A.

**PART I: THE BOARD SHOULD REJECT FHL'S PETITION  
TO REOPEN THE ABANDONMENT PROCEEDING.**

The Board should reject FHL's Petition for three reasons. First, FHL is not a party to this proceeding and has not sought to become a party. Because it is not a party, FHL is not entitled to file a petition to reopen. Second, FHL has presented no new evidence to warrant reopening on the grounds asserted. Third, FHL has not demonstrated changed circumstances that would warrant reopening on the grounds asserted.

**A. FHL Is Not a Party to this Proceeding Entitled to Petition for Reopening.**

FHL seeks to reopen the abandonment proceeding under Rule 1152.25(e)(2)(ii). It recognizes, however, that (Petition at 14) (emphasis added): "Rule 1152.25(e)(2)(ii) allows *any party* to file a petition to reopen an abandonment proceeding at any time before the abandonment is consummated." FHL simply ignores the obvious difficulty with its reliance on this Rule -- FHL is not now and never has been a *party* to this proceeding, and indeed has not sought to become a party. The Board can and should reject FHL's Petition on this basis.<sup>3</sup>

**B. FHL Has Presented No New Evidence to Warrant Reopening.**

New evidence does not mean "newly presented" evidence. It means evidence which was either not in existence at the time of the original proceeding, or evidence which had not been located at the time of the original proceeding. In *Canadian National et al. -- Control -- Illinois*

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<sup>3</sup>Even if FHL's petition is viewed as a motion to intervene, FHL has offered no explanation for its extraordinary tardiness in seeking intervention and relief from the Board. It is obvious from the documents filed by FHL in support of its Petition that its Petition has been in progress for over a year. See e.g. the dates on Exhibits H, I, J and K filed in support of the Petition. The Board should not countenance this type of gamesmanship of its proceedings which plainly is designed simply to delay further the final resolution of this long delayed issue.

*Central Corporation, et al.*, Finance Docket No. 33556, 2002 STB LEXIS 500 (Aug. 27, 2002), the

Board explained:

[W]e have not been presented with "new evidence" or "changed circumstances" . . . "Changed circumstances" or "new evidence" is not newly presented evidence, but rather is evidence that could not have been foreseen or planned for at the time of the original proceeding. *See Friends of Sierra R.R. v. ICC*, 881 F.2d 663, 667 (9th Cir. 1989), cert. denied, 493 U.S. 1093 (1990).

In *Friends of Sierra Railroad, Inc. et al. v. I. C.C.*, 881 F.2d 663 (9th Cir. 1989), the court addressed an argument similar to that made by FHL.

Although Friends's petition to reopen may have raised this evidence for the first time in these proceedings, *newly raised* evidence is not the same as *new* evidence. *See Union Mechling Corp. v. United States*, 185 U.S. App. D.C. 57, 566 F.2d 722, 726-27 (DC Cir. 1977); *Platnick Brothers, Inc. v. Norfolk & Western Railway Co.*, 367 I.C.C. 782, 785 (1983) (*Platnick Brothers*); *see generally United States v. Northern Pacific Railway Co.*, 288 U.S. 490, 493-94, 77 L. Ed. 914, 53 S. Ct. 406 (1933). While section 10327(g) does not define new evidence, "in an administratively final case it is only fair that 'new evidence' be in fact *new*. Thus, evidence that was reasonably available to the parties before the proceeding is not new evidence for purposes of the statute." *Platnick Brothers*, 367 I.C.C. at 785 (emphasis in original).

Moreover, new evidence does not mean random facts but *relevant evidence*, or "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Fed. Rul. Ev. 401. And finally, new evidence must be admissible evidence. The Board's admissibility standard is formulated somewhat differently from those of the Federal Rules of Evidence. The touchstone of the Board's standard is whether the offered evidence "is sufficiently reliable and probative to support a decision under the provisions of the Administrative Procedure

Act.” 49 CFR 1114.1. Put another way, admissibility of evidence in Board proceedings is, in part, governed by a test of whether it would be arbitrary and capricious under the Administrative Procedure Act for the Board to rely on such evidence in support of a decision.

Applying the foregoing standards, it is plain that FHL’s “evidence” is neither “new,” “relevant,” nor, for the most part, “admissible.” FHL’s Petition to Reopen on the basis of new evidence must be rejected. We will review the “new evidence” offered by FHL below.

Exhibits A, B, C and D

These exhibits are unobjectionable for the purposes for which they are used.

Exhibit A is simply a press release from the Mayor’s office indicating that FHL will prepare a study of the feasibility of reuse of the Highline.

Exhibit B is an excerpt from the 2001 Annual Report of the Preservation League of New York indicating that FHL is sponsoring the Highline as a site to be saved from demolition. From Exhibit B it can be inferred that the Preservation League supports FHL’s efforts, but the Exhibit provides no independent evidence that make it eligible for inclusion in the National Register.

Exhibit C is a map showing the location of the Highline.

Exhibit D is copy of a 1934 pamphlet describing the construction of New York Central’s West Side Improvement Project which included the Highline.

While Exhibits A and B relate to post-1992 actions, they do not constitute or incorporate relevant evidence that bears on either the historic preservation issue or the environmental issues. Exhibit C is a map which, while not published until 2002, even FHL does not contend is different from similar maps published at the time of the 1989 proceeding and, indeed, admitted in evidence in that proceeding. Exhibit D, a 1934 pamphlet, was clearly in existence at the time of the

1989 proceeding, and FHL does not contend that it is either newly discovered or that it contains information that was not available in 1989. None of these Exhibits constitutes "new evidence" warranting reopening this proceeding.

Exhibits E and F

Exhibits E and F are "letters of support" from various persons for "railbanking" the Highline and for its use as a trail under the provisions of the Trails Act, 16 U.S.C. 1247(d). None of the letters in Exhibit E addresses the issue of whether the Highline is eligible for inclusion in the National Register and none of them addresses the environmental consequences of abandonment and demolition of the Highline. The statements in Exhibit F express support for the efforts of FHL to raise funds for the feasibility study it is preparing on reuse of the Highline as announced in Exhibit A. Because FHL's Petition does not seek to "railbank" the Highline but to *reopen the abandonment proceeding* to reconsider environmental and historic preservation issues.<sup>4</sup> Even if the letters in Exhibits E and F were "new evidence", they are not "relevant evidence" on the issues FHL seeks to bring to the Board.<sup>5</sup> None of the letters addresses whether the Highline is eligible for inclusion on the National Register; none of them addresses the impact of demolition of the Highline on properties that are eligible for inclusion on the National Register; and none of them addresses the environmental consequences of abandonment and demolition of the Highline.

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<sup>4</sup> If FHL sought to railbank the Highline it should have filed an application for a CITU. Because it cannot qualify financially to protect Conrail it instead chose this stalling tactic.

<sup>5</sup> Ironically, if FHL were to prevail in its novel contention that the Highline is eligible for inclusion in the National Register, and if it were successful in persuading the Board to impose mitigating conditions, those conditions could well be as inconsistent with railbanking the Highline and its use as a trail as with its abandonment and demolition.

Exhibit G

Exhibit G is an excerpt from the New York City Charter and Administrative Code. FHL does not contend that this is evidence of new laws or procedures affecting the Highline, is not "new evidence."

Exhibit H

Exhibit H is unique. It is the October 22, 2001 Verified Statement of Stephen V. Desimone, the only piece of sworn evidence submitted by FHL in support of its Petition. In Exhibit H Desimone recounts conclusions regarding the physical condition of the Highline that are contained in an "Interim Letter Report" dated August 1999. According to Desimone, the Interim Letter Report was prepared by another consulting firm. Desimone does not attach a copy of that Interim Letter Report to his verified statement, nor does he tell us any other details such as whether the Interim Letter Report was finalized, nor whether the opinions in the Interim Letter Report are different from opinions regarding the condition of the Highline submitted in the 1989 proceeding. From Desimone's Verified Statement, we cannot tell whether there is anything "new" in the Interim Letter Report. Moreover, while the Board does not strictly apply the Federal Rules of Evidence, 49 CFR 1114.1, crediting Mr. Desimone's hearsay account of an undisclosed "Interim Letter Report" prepared by another firm for the truth of the matter asserted in the undisclosed Interim Letter Report does not meet the Board's standard for admissibility. It is inconceivable that a court would sustain a Board decision predicated on such double hearsay.

Mr. Desimone also opines that demolition of the Highline would be a lengthy and disruptive process. He points to the problems of demolition done in urban areas such as the need to control excessive vibration, dust, and noise. He also notes that the paint on the steel of the

Highline structure may contain lead and thus require encapsulation before demolition,<sup>6</sup> and that the roadbed may be contaminated with pollutants requiring the demolition contractor to use special disposal methods. He also notes the possibility of disruption of traffic. This is interesting and true to some degree, but not new. These conditions relating to the Highline existed at the time of the 1989 proceeding and the costs that may be associated with dealing with these issues were one factor that led to the divergence in views of the cost of demolition of the Highline. Indeed, the City has had regulations and permit requirements for many years governing demolition to protect against the problems Desimone identifies. *See* Exhibit C.<sup>7</sup> Desimone's opinions regarding demolition issues simply do not amount to "new evidence" in any sense.

#### Exhibit I

Exhibit I is a letter written to the Board over a year ago by Andrew Scott Dolkart.<sup>8</sup> Mr. Dolkart is listed in the Columbia University on-line directory as an adjunct associate professor in the school of Architecture, Planning and Preservation.<sup>9</sup> Mr. Dolkart's testimony is primarily opinion testimony to the effect that:<sup>10</sup>

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<sup>6</sup> This problem will have to be addressed whether or not the demolition proceeds.

<sup>7</sup> Exhibit C is a copy of the sections of the New York City Building Code applicable to demolition projects.

<sup>8</sup> CPO has no record of ever receiving a copy of this letter. Nor does a review of the Board's docket sheet in this proceeding indicate that the Board received it. It is likely that this letter was created in anticipation of its deferred use in this Petition to Reopen.

<sup>9</sup> *See* <http://www.columbia.edu/cu/search.html> (As of September 15, 2002).

<sup>10</sup> Mr. Dolkart's letter does not contain sufficient information that would permit a court (or the Board) to qualify him as an expert witness under revised Federal Evidence Rule 702 and the Supreme Court's standards established in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and *Kumho Tire v. Carmichael*, 526 U.S. 137 (1999). We are not aware of any Board

The High Line is significant in the history of transportation as an important response to the issues of congestion and danger from rail tracks that ran on the surface. The New York Central Railroad's decision to elevate its freight tracks was an important investment in the urban infrastructure and a dramatic response to the city's transportation needs.

Nothing in Mr. Dolkart's observations quoted above constitutes new or newly discovered evidence. The New York Central's response to the problems of surface tracks was as "significant" in 1934 as it was in 1989 as it is today -- the New York Central saw a transportation problem and addressed it by building the Highline. Mr. Dolkart does not identify any factors or conditions or new modes of analysis which would differentiate his current evaluation of the historical significance of the Highline from what it would have been in 1989. In a nutshell, there is nothing in Mr. Dolkart's statement that suggests it is "new" rather than simply newly presented.<sup>11</sup> Mr. Dolkart also opines that:

The High Line is also significant as an engineering venture and for its influence on industrial architecture. Among the most extraordinary vistas in New York is that of the High Line tracks entering and leaving factory buildings along New York's west side waterfront. Several industrial buildings were designed specifically to maximize use of the High Line permitting industry to thrive on the west side. Goods could be manufactured in Manhattan and easily shipped out of the city and raw materials could easily be brought into New York. . . . The High Line is a major link in the transportation

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or court of appeals decision addressing the relationship between 49 CFR 1114.1 and the Supreme Court's decisions in *Daubert* and *Kumho Tire*, and whether the "gatekeeping functions" with respect to expert testimony that the Supreme Court imposed in federal judicial proceedings also extend to federal administrative proceedings.

<sup>11</sup> As will become clear when we address the application of the National Park Service guidelines to determining whether the Highline is eligible for inclusion in the National Register, Mr. Dolkart's conclusory statement does not suggest that his opinion is based on application of the National Park Service regulations and guidelines.

networks that permitted New York City to dominate the American industrial economy for over one hundred years.<sup>12</sup>

Nothing in the above suggests change or any new insight since the 1989 proceeding. The vistas are just as extraordinary now as they were in 1989, the buildings designed to use the Highline are still there as they were in 1989, no changed understanding has occurred as to where goods could be manufactured, and the Highline is as much (or as little) of a transportation link now as it was in 1989. Mr. Dolkart simply does not assert that there has been any change in the significance of the Highline as an engineering venture or in its influence on industrial architecture over the years. Nor does he identify any factors or conditions or new modes of analysis which would differentiate the current evaluation of the significance of the Highline as an engineering venture, or the current evaluation of its influence on industrial architecture from those performed in 1989. Without some new facts or new methods of evaluating facts, Mr. Dolkart is not presenting new evidence.<sup>13</sup>

#### Exhibit J

Exhibit J is a statement addressed to the Surface Transportation Board by Vicki Weiner who is listed in the on-line directory of the Municipal Art Society of New York (the "Society") as the "Kress Fellow for Historic Preservation."<sup>14</sup> Ms. Weiner states that the Society is

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<sup>12</sup> Much of this is not only not new, it is not true. Most of the traffic on the Highline was live animals or freshly killed carcasses to be delivered to meat cutters in processors, not manufacturing establishments. (Sarini V.S. ¶7).

<sup>13</sup> We will address the merits of Mr. Dolkart's assertions in Part II below.

<sup>14</sup> See <http://www.mas.org/aboutmas/staff.cfm>. Ms. Weiner's letter is on Municipal Art Society letterhead but it is ambiguous whether her statements represent formal positions of the Municipal Art Society or simply the personal views of Ms. Weiner. The letter is couched in terms of "The Society is aware. . . ." and "The Municipal Art Society believes . . . ." While such language

aware that the STB has been asked to conduct new environmental and historic preservation reviews of the Highline.<sup>15</sup> She also states that the Society believes the Highline is a significant historic structure worthy of preservation and meeting the criteria for listing on the National Register, meeting Criterion A (associated with events that have made a significant contribution to the broad patterns of our history) and C (embodies the distinctive characteristics of a type, period, or method of construction). This belief, according to Ms. Weiner is based on the fact that:<sup>16</sup>

the High Line is a significant engineering innovation important to the history of transportation. . . .

Its construction as part of New York Central's West Side Improvement project was an innovative response to the dangers posed by the original West Side Line, which ran at grade level down heavily used 10<sup>th</sup> Avenue. . . .

The New York Central Railroad's decision to elevate its freight tracks represents an important investment made by the company in the urban infrastructure of the City. . . .

This move greatly contributed to the economic vitality of New York, as it enhanced the ability of manufacturing concerns to receive raw materials cheaply and easily, produce goods on site, and then immediately ship them to awaiting wholesalers outside the City. By serving as a major transportation link in this manner, the High Line

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might carry weight as a position of the Society if it came from an officer or the chairman of the board of the Society, coming from a staff member it leaves much doubt as to whether the Board is hearing the views of the Municipal Art Society or of Ms. Weiner. We note parenthetically that the Chairman of the Municipal Art Society is Philip K. Howard, Esq., who is described as "Vice-Chairman of Covington & Burling." See <http://www.mas.org/aboutmas/aboutmas.cfm?conttd=98>.

<sup>15</sup> Ms. Weiner's letter is dated October 15, 2001 yet the FHL Petition was not filed until August 16, 2002. Neither Ms. Weiner nor FHL has offered any explanation for the discrepancy.

<sup>16</sup> Although Ms. Weiner asserts these as "facts" supporting the Society's asserted conclusion, it is clear that most of the assertions are in fact opinions. Ms. Weiner presents no qualifications to warrant the Board accepting her opinions as evidence.

the focal point of a renewed interest as residential and new commercial uses spring up where industrial concerns have vacated. Ms. Weiner does not assert that the renewed interest is focused on the historic characteristics of these buildings or on their eligibility for inclusion in the National Register, but on their conversion from industrial to commercial and residential uses -- a real estate development interest.

Ms. Weiner's letter does not constitute new evidence warranting reopening of this proceeding.<sup>17</sup>

Exhibit K

Exhibit K is a letter from Craig Morrison to the Board dated November 16, 2001. According to Mr. Morrison, the Historic Buildings Committee of the New York City Chapter of the American Institute of Architects viewed a presentation regarding the High Line and was in "total agreement" that:

this railway is a historic element in New York's transportation and industrial development. The manner in which it interfaces with the buildings that it serves, by actually passing through their upper floors, represents a uniquely futuristic approach to integrating industry and transportation. It will undoubtedly be considered eligible for inclusion in the National Register of Historic Places.

Again applying the practical test of whether this evidence is "new," we must conclude that it is not. The facts of the Highline have not changed since the 1989 proceeding in such a manner as to alter the perception of whether it is a historic element in New York's transportation and industrial development, nor does Mr. Morrison inform us of new factors or modes of analysis that

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<sup>17</sup> As with Mr. Dolkart's letter, Ms. Weiner's statement does not appear to apply the mode of analysis prescribed by the National Park Service regulations and guidelines to determine whether a property is eligible for inclusion in the National Register. See *infra* at Part II.

would lead to a different conclusion today than the ICC and the New York State Historic Preservation Officer reached in the 1989 proceeding. Whether or not one can fairly characterize a rail line entering the premises of an industrial facility as a "futuristic approach to integrating industry and transportation," the Highline passed through the same upper floors at the time of the 1989 proceeding as it does today. Neither the facts nor the mode of analysis have changed. This is not new evidence warranting reopening.<sup>18</sup>

Exhibits L, M and N

Exhibits L, M and N relate to the attempt of the Greenwich Village Society for Historic Preservation to obtain a designation of the Gansevoort Market area as a Historic District. Exhibit M is a report by the Society to the New York City Landmarks Preservation Commission on the proposed historic district. Exhibit N is a description by the Society of a Walking Tour of the Gansevoort Market. FHL presents no evidence of the response of the Landmarks Preservation Commission to the Report seeking the designation of a historic district in Gansevoort Market area. No such designation has been made. (Sarini V.S. ¶34). Indeed the Landmarks Preservation Commission has not even scheduled any hearings or begun the process of creating such a district.

Exhibit L is a letter from Kathleen Howe, a Historic Preservation Specialist at the New York State Office of Parks, Recreation and Historic Preservation. She acknowledges receipt

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<sup>18</sup> Mr. Morrison does assert that recent changes in land use patterns have caused industrial buildings to be converted to residential facilities. He opines that such conversions in buildings adjoining the Highline would give the Highline the potential to become an important linkage between the buildings. This speculation on a new use for the Highline is not new evidence directed to the *historical* significance of the Highline and the Highline's eligibility for inclusion in the National Register. In addition, as with Mr. Dolkart and Ms. Weiner, Mr. Morrison does not appear to employ the method of analysis prescribed by the National Park Service regulations and guidelines to determine whether the Highline is eligible for inclusion in the National Register.

of documentation and a map on the proposed Gansevoort Market Historic District and opines that based upon the materials provided and site visits to the neighborhood, it is "our opinion that the proposed Gansevoort Market Historic District meets the criteria for listing to the State and National Registers of Historic Places." There is no indication of what documentation was submitted (the same Exhibit M submitted in September 2001 to the New York City Landmarks Preservation Commission?), nor is there any explanation of why the documentation was submitted to the State after it had previously been submitted to the City Landmarks Preservation Commission.)

Notwithstanding the circumstances, Ms. Howe's opinion is based on the fact that:

The district appears to be historically significant under Criterion A in the areas of commerce, industry and community development. It is also architecturally significant under Criterion C for its interesting mix of loft, market, and residential architecture.

Again, FHL fails to confront the difficult issue that this simply isn't new evidence.

No one asserts that the Gansevoort Market district has developed historic significance in the past decade in the areas of commerce, industry and community development, and if it has, neither Ms. Howe nor FHL tell us what change has occurred to cause this. Nor does Ms. Howe indicate what changes in the mode of analysis may lead to a different result in 2002 than in the 1989 proceeding. Similarly with its "interesting mix of loft, market and residential architecture," there is no indication that the mix has changed in any material respect since the 1989 proceeding, nor that the mode of analysis now used is different than at an earlier date and thus may lead to a different conclusion. "Newly presented evidence," perhaps, but "new evidence" in any sense, again the answer is no. Moreover, the relevance of this information is questionable at best. Whether a district through which

the Highline passes is historical or not is only tangentially related to whether it is eligible for inclusion in the National Register.

Exhibits O and P

Exhibits O and P are respectively the New York City Landmarks Preservation Commission's designation of the Chelsea Historic District (1970), and the same Commission's designation of the extension to the Chelsea Historic District (1981). Both are unobjectionable for the purposes for which they are offered. They obviously are not new evidence.

**C. FHL Has Demonstrated No Changed Circumstances.**

The foregoing discussion of the *evidence* FHL has brought to the Board makes it plain that there is no new evidence. Similarly, FHL's evidence does not show changed circumstances. A review of the arguments in FHL's Petition leads the reader to the same conclusion -- circumstances have not changed in any material respect since the 1989 proceeding. We will address these issues under the same themes FHL uses in its Petition.

**1. The current transportation utility of the Highline**

FHL contends (Petition at 12) that "[i]t makes no sense to tear down a piece of perfectly good transportation infrastructure," repeating a statement to this effect by Congressman Jerold Nadler. Other than Mr. Nadler's opinion, FHL's Petition is devoid of any evidence that the Highline constitutes "perfectly good transportation infrastructure" that can address current transportation needs or that this represents a change from 1989. FHL does not contend that Congressman Nadler is an expert on the engineering qualities of the Highline to warrant giving credence to his opinion, nor does it qualify him as an expert on current transportation needs. Moreover, FHL's contention flies in the face of the facts. As Mr. Sarini points out in his Verified

Statement, possible reuse of the Highline for transportation purposes has been studied in three different New York mayoral administrations and it has been found not useful for transportation purposes. A comprehensive study of transit needs on the west side of New York completed in 1989 by the New York Department of City Planning rejected the feasibility of incorporating the Highline into a transitway project. (Sarini V.S. ¶¶ 19-21). In addition, the Metropolitan Transportation Authority, a state agency, has previously emphasized to the ICC that the line is a hazard which hinders expansion and development, not a transportation resource. (Sarini V.S. ¶19). FHL has brought nothing to the Board that suggest the conclusion would be different today.

## **2. Economic and cultural revival of Highline neighborhoods**

FHL contends (Petition at 14, 28-34) that circumstances have changed radically since 1989 in that Chelsea, the Meat Packing District and Clinton/Hells Kitchen have experienced economic and cultural revivals since 1989 which, FHL asserts, undercuts the ICC's 1992 conclusion that the Highline stifles economic development in the neighborhoods through which it passes. A careful review of FHL's assertions about changes in Chelsea, the Meat Packing District and Clinton/Hells Kitchen shows that they rely almost entirely on newspaper stories.<sup>19</sup> See, e.g. notes 78 - 89, 91-94, 96-97, 100-103 to the FHL Petition. The only authorities cited for this proposition that are not newspaper or magazine articles are as follows:

*Note 90* cites the web site of the New York City Real Estate Tax Assessment Board which shows that the assessment on the Chelsea Market buildings rose from \$11.25 million in 1992 to \$32.05 in 2002. FHL did not disclose either that that building has been completely redeveloped

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<sup>19</sup> FHL does not supply copies of or web links to the newspaper articles it cites so it is difficult to determine whether FHL's assertions accurately reflect the tenor of the stories.

or that the owner of is an active member of CPO and publicly supports the demolition of the Highline. (Sarini V.S. ¶16(a)).

*Notes 98 and 99* cite the web site [www.luxuryloft.com](http://www.luxuryloft.com) which, on investigation, turns out to be a real estate site, a sales tool, specializing in sales of luxury lofts in New York. A review of the listings on that site on September 9, 2002 showed three lofts for sale in Chelsea, two at 252 7<sup>th</sup> Avenue and one at 325 West 16<sup>th</sup> Street. These locations are at least 1 ½ blocks from the Highline, providing confirmation for Mr. Sarini's explanation that development in the Chelsea area has avoided locations affected by the Highline, just as in 1992 the ICC believed would be the case.

*Note 104* cites to a letter from Toby Brandt, Program Coordinator of the Neighborhood Open Space Coalition, to former Mayor Giuliani asking the Mayor to pursue a certificate of interim trail use for the Highline. Brandt also opines that the conversion of the Highline to such a use will "increase the value of properties under it and next to it." Brandt discloses no expertise in real estate valuation matters, and presents no explanation for this conclusion which is sharply at odds with the views of the people who own properties under and adjacent to the Highline. Brandt claims to be a community resident living at Eighth Avenue and 25<sup>th</sup> Street, two and a half of New York's long east-west blocks from the Highline. *See* Map, Petition to Reopen, Exhibit C.

*Note 105* cites to a letter from Stanley Bulback, representing the Fifteenth Street Block Association (West 200 Block). Bulback recognizes that demolition of the Highline might improve the value of properties immediately adjacent to the Highline, but opines that "hasty demolition would certainly be a terrible permanent loss to property values and residents and businesses throughout western Chelsea and the north Village." As Mr. Sarini points out, however,

FHL does not describe the interest of the Fifteenth Street Block Association, whether it is an association of tax-paying property owners, or whether it is a *tenants' association* which has little interest in or knowledge of property values except as they may impact rents and the continuation of rent stabilization. If it is the latter, the interests of its members are furthered by keeping property values and thus rents down, something the presence of the Highline clearly does. (Sarini V.S. ¶30).

In his Verified Statement Mr. Sarini addresses FHL's contentions regarding an economic revival of the neighborhoods through which the Highline passes, and shows that economic development is taking place in areas that are distant from the Highline or where the Highline has been removed, not in areas in close proximity to the Highline. West of Tenth Avenue (which is where the Highline is located north of 17<sup>th</sup> Street) there is little or no residential development. The only residential development in proximity to the Highline route is south of Gansevoort Street where the Highline structure has been demolished and removed. In that location there has been extensive residential development that is absent further north where the Highline has not been removed. *See* (Sarini V.S. ¶¶ 6-17). Moreover, the Department of City Planning has conducted a study regarding economic development on the Far West Side which bemoaned the area's "economic stagnation." The study states as follows: "West of North Avenue and north of 28<sup>th</sup> Street, there has been little change in the economic conditions since 1997." (Sarini V.S. ¶15). This is entirely consistent with the conclusions reached by the ICC in its 1992 decision. Circumstances have not changed in this respect.

### **3. Changed public opinion**

FHL also contends (Petition at 14) that:

Public opinion has shifted dramatically, contrary to the ICC's understanding. The ICC found no feasible use for the High Line in 1992, but in 2002 private and public organizations have proposed several uses, including use as public open space and as a transportation alternative in a crowded city.

FHL seems to forget the reason it is advancing for reopening this abandonment -- to further consider the impact on historic structures and to further consider the environmental effect of abandoning the Highline. If private and public organizations believe there are alternative uses, including for open space and as a transportation alternative, there are avenues to bring about those uses. FHL has not sought to pursue those avenues. It could, for example, have sought the issuance of a CITU and negotiated a Trails Act agreement with Conrail. It has chosen not to do so, and has chosen not to give the Board any explanation, such as that it cannot satisfy the financial or other requirements.<sup>20</sup>

Nor has the City undertaken to preserve the Highline. As we have noted above, the City has signed the Settlement Agreement and is now pursuing an application to the United States Olympic Committee for the 2012 Olympic Games which contemplates construction of a 86,000 seat Olympic Stadium on part of the Highline right-of-way. This conduct does not suggest that the City has changed its position and now supports preservation of the Highline. If the City wishes to preserve the Highline it could file an application for a CITU and negotiate a Trails Act agreement with Conrail, though this would require it to drop or revise its proposal to the United States Olympic

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<sup>20</sup> Under the Settlement Agreement, Conrail has preserved its option to negotiate a Trails Act Agreement. See Settlement Agreement at 2.3.

Committee as the construction of an Olympic stadium athwart the Highline right-of-way between 30<sup>th</sup> Street and 33<sup>rd</sup> Street would effectively sever the remainder of the Highline from the national rail system and result in the conversion of any CITU into an abandonment.

Under Section 18 of the New York State Transportation Law, the State of New York, acting through the New York State Department of Transportation, has the option to purchase abandoned railroad rights-of-way. The State had the option in 1992, it has the option today. Nothing has changed.

**4. Effect on open space**

FHL contends (Petition at 34) that

The ICC never considered that destruction of the High Line would deprive the West Side of Manhattan of much-needed open space and a transportation right-of-way.

It is difficult to understand FHL's point here. The core issue in an abandonment is whether the public convenience and necessity require and permit the abandonment of the rail line. The post-abandonment use of the right-of-way is outside the ICC's jurisdiction, except as Congress may have provided otherwise. *See Hayfield Northern v. CNW*, 467 U.S. 622 (1984). Congress has specifically provided mechanisms whereby rail rights-of-way can be railbanked and used as trails, 16 U.S.C. 1247(d), and it has provided an opportunity for imposing a public use condition on an abandonment requiring the abandoning railroad to offer the right-of-way for other public use. 49 U.S.C. 10905. No one filed a CITU in the 1989 proceeding and no one asked for a public use condition. If the public authorities cannot reach agreement with the abandoning railroad regarding a Trails Act agreement or the acquisition of the property for public use under 49 U.S.C. 10905, they typically have ample authority to condemn the necessary property interests once the abandonment

has been authorized. In the case of New York, both the State and the City have such condemnation authority.<sup>21</sup>

#### **5. Changed environmental and economic effects**

FHL contends (Petition at 36) that:

partial demolition of the High Line would cause environmental and economic effects that the Commission could not have imagined in 1992.

According to FHL, "because of the intense development in the High Line neighborhoods, a huge demolition project would have far more serious effects than the Commission envisioned for an area then considered an eyesore." As we explained in detail above, and as Mr. Sarini explains at length in his Verified Statement, the development that has taken place in the Highline neighborhoods has, for the most part, avoided those parts of the neighborhoods that are in close proximity to the Highline. Thus, while development has taken place, for the most part it is not in locations that will be impacted by the Highline's demolition. (Sarini V.S ¶37). Moreover, it is completely incorrect to assert that the Commission was unaware in 1992 of the complexity and difficulty of demolition of the Highline. The sharply differing views of the parties to this proceeding on the cost of the demolition clearly focused the ICC's attention on the demolition issues.

Demolition in urban neighborhoods is strictly regulated and can be conducted only under permit and under closely monitored conditions. See Exhibit C, the demolition provisions of the New York City Building Code. And while there may well be some localized disruption, it is far

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<sup>21</sup> Moreover, as FHL has framed this argument, it asserts error in the ICC's 1989 proceeding, not changed circumstances. If the ICC failed to do something in the 1989 proceeding that it was obligated to do, FHL's remedy was to file a petition for review in the court of appeals within 60 days of the entry of the Board's order.

less than the disruption that would be caused by a major construction project to rehabilitate the Highline and convert it into a Promenade Plantée which FHL now appears to favor. While FHL expresses concern about the disruption to the tourist trade of Chelsea Market and Chelsea Piers, it fails to inform the Board that the owners of those facilities support demolition of the Highline. (Sarini V.S. ¶¶ 16(a),(b)).

Finally, we must address the assertion of Ms. Martha Stewart (Petition at 37) that tearing down the High Line would result in a “costly, protracted, and inevitably noisy and traffic-snarling demolition that would rob New Yorkers of another great public space. . . .” We should first observe that Ms. Stewart has her facts wrong. The cost of the demolition will not be borne by New Yorkers, *see* Settlement Agreement, and the City strictly regulates demolition to mitigate noise and other adverse effects of demolition, *see* Exhibit C. Most importantly, however, she is wrong in implying that the Highline today is a public space belonging to New Yorkers and that demolition will wrongly deprive New Yorkers of that public space. The Highline is not public space, but a deteriorating, hazardous structure owned by Conrail that is also a burden on the servient property interests. That dangerous structure must either be demolished or rehabilitated. If New Yorkers acting either privately or through the City or the State want to acquire the Highline as public space, including the necessary interests of the servient property owners, and to undertake the investment needed to rehabilitate and maintain it for that purpose, they have adequate power and resources to do so as they did in 1989. Ms. Stewart points to no changed circumstances that warrant reopening on either historic preservation or environmental grounds.

If FHL, the City or the State wishes to preserve and rehabilitate the Highline as public open space, however, they will have to face up to the real issues involved which are neither historic

nor environmental but financial. Instead of filing an application for a CITU and demonstrating the necessary financial wherewithall to protect Conrail from liability, FHL has chosen to delay the resolution of the Highline issue by seeking a reopening based spurious assertions of "new evidence" and "changed circumstances." The Board should reject this delaying tactic, deny FHL's Petition, and direct the filing of any CITU application within 15 days of its order.<sup>22</sup>

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<sup>22</sup> If either FHL or the City files an application for a CITU, the City will have to face up to the issues posed by its 2012 Olympic bid. It cannot obtain a CITU for a part of the Highline that is severed from the national rail system, and it cannot build an 86,000 seat Olympic Stadium over the rail yards between 30<sup>th</sup> and 33d Streets and the Highline's right-of-way without severing the rest of the Highline from the national rail system. The issuance of a CITU by the Board and the negotiation of a Trails Act agreement by Conrail would clearly result in a taking of property interests of the servient property owners compensable under the Tucker Act. See *Preseault v. ICC*, 494 U.S. 1 (1990); *Preseault v. United States*, 100 F.3d 1525 (Fed. Cir. 1996)

**PART II: IF THE BOARD DECIDES TO REOPEN THIS PROCEEDING FOR FURTHER EVALUATION OF HISTORIC PRESERVATION AND/OR ENVIRONMENTAL ISSUES, IT SHOULD REAFFIRM ITS PREVIOUS POSITION AND IMPOSE NO ADDITIONAL CONDITIONS.**

Reopening of this proceeding and reconsideration of historic preservation and environmental issues will lead the Board to three conclusions.

First, the Highline is not a structure that is eligible for inclusion in the National Register, but is simply a piece of industrial junk. Viewed in any of the historic contexts advanced by FHL, the Highline does not qualify for inclusion in the National Register under either Criterion A or Criterion C as argued by FHL.

Second, abandonment and demolition of the Highline will not affect any structures that are eligible for inclusion in the National Register. Almost all the structures in the Highline neighborhoods that are eligible for inclusion in the National Register are sufficiently remote from the Highline that its demolition *even in a grossly negligent manner* would have no effect on them whatsoever. Any structure eligible for inclusion that is close to the Highline (the Merchants' Refrigerating Warehouse which is a condominium owned in part by Able Empire and leased to the U.S. Drug Enforcement Administration as office space, and in part by Tenth Avenue MiniStorage, LLC, an affiliate of Edison Properties) is the only one of which we are aware) will not be affected by the demolition of the Highline so long as the demolition is conducted in accordance with New York City demolition regulations and permit requirements.

Third, abandonment and demolition of the Highline will not have any significant environmental impacts.

**A. Standards For Determining Whether A Property Is Eligible For Inclusion in the National Register**

FHL asserts throughout its Petition that the Highline is eligible for inclusion in the National Register because it was a unique and historically significant response to the problem of conflicting rail traffic and other surface traffic in an urban area, that the manner in which the Highline interfaces with the industries it served -- entering into their premises -- is unique and indeed "futuristic," that the Highline affected industrial design, and that it is representative of a particular construction practice. Neither FHL nor any of its supporters come to grips with the criteria for inclusion in the National Register and the application of those criteria to the Highline in the manner prescribed by the National Park Service Guidelines.

The starting place for analysis of whether the Highline meets the criteria for inclusion in the National Register is the criteria themselves. They are set forth at 36 CFR 60.4, which provides in relevant part:

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and

(a) that are associated with events that have made a significant contribution to the broad patterns of our history; or

(b) that are associated with the lives of persons significant in our past; or

(c) that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values or that

represent a significant and distinguishable entity whose components may lack individual distinction; . . .<sup>23</sup>

The National Park Service has published an information bulletin with guidance on how to apply the National Register Criteria for Evaluation (National Register Bulletin 15). A copy of Bulletin 15 is attached as Exhibit D.

Bulletin 15 makes clear that to be eligible for inclusion in the National Register a property must be significant *within its historic context*.

Bulletin 15 states that (Exhibit D, Part V, at p. 1 of 6):

In order to decide whether a property is significant within its historic context, the following five things must be determined:

- The facet of prehistory or history of the local area, State or nation that the property represents;

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<sup>23</sup> The term "integrity" is used in this context much as lawyers use the term "authenticity." National Register Bulletin 15 (attached as Exhibit D) states that:

Integrity is the ability of a property to convey its significance. To be listed in the National Register of Historic Places, a property must not only be shown to be significant under the National Register criteria, but it also must have integrity. . . .

Historic properties either retain integrity (this is, convey their significance) or they do not. Within the concept of integrity, the National Register criteria recognizes seven aspects or qualities that, in various combinations, define integrity. . . .

- Location
- Design
- Setting
- Materials
- Workmanship
- Feeling
- Association

- Whether that facet of prehistory or history is significant;
- Whether it is a type of property that has relevance and importance in illustrating the historic context
- How the property illustrates that history; and finally
- Whether the property possesses the physical features necessary to convey the aspect of prehistory or history with which it is associated.

**B. Application Of The Eligibility Criteria Leads To The Conclusion That The Highline Is Not Eligible For Inclusion In The National Register.**

Application of the National Register eligibility criteria to the facts of the Highline leads to the conclusion that the Highline is not eligible for inclusion in the National Register.

**1. Identification of the relevant historic context**

FHL submitted (Petition Exhibits I, J and K) letters expressing the view that the Highline was eligible for inclusion on the National Register for the following reasons:

Exh.I (Dolkert): The High Line is significant in the history of transportation as an important response to the issues of congestion and danger from rail tracks that ran on the surface.

The High Line is also significant as an engineering venture and for its influence on industrial architecture.

The High Line is a major link in the transportation networks that permitted New York City to dominate the American industrial economy for over one hundred years.

Exh. J (Weiner): We believe that the High Line is a significant engineering innovation important to the history of transportation.

Its construction as part of the New York Central's West Side Improvement project was an innovative response to the dangers posed by the original West Side Line which ran at grade level down heavily used 10<sup>th</sup> Avenue . . .

By serving as a major transportation link in this manner, the High Line helped New York City achieve dominance in the country's industrial economy for over fifty years.

The High Line has had a significant impact on the surrounding urban fabric of Manhattan's lower west side. Many manufacturing buildings constructed during the early 20<sup>th</sup> century were designed specifically to take advantage of the High Line; others were altered to maximize the elevated rail's use.

Exh. K (Morrison): The Committee was in total agreement that this railway is a historic element in New York's transportation and industrial development. The manner in which it interfaces with the buildings that it serves, by actually passing through their upper floors, represents a uniquely futuristic approach to integrating industry and transportation.

The historic contexts identified by FHL with which it contends the Highline is associated appear to be (1) the development of transportation in New York, (2) industrial development in New York, (3) the development of transportation engineering, and (4) the development of industrial architecture. We will accept those historic contexts as the framework for analysis and will concede that each of them is significant in American History.

## **2. Selection of the relevant criteria to apply**

Once the historic context has been determined, Bulletin 15 states that (Exhibit D, Part VI, at p. 1 of 14):

After identifying the relevant historic context(s) with which the property is associated, the four Criteria are applied to the property. Within the scope of the historic context, the National Register Criteria define the kind of significance that the properties represent.

FHL's Petition asserts that the Highline qualifies under Criterion A and Criterion C.

We will accept FHL's view for purposes of that analysis.

## **3. Application of Criterion A to the Highline**

Again looking to Bulletin 15 for guidance on how to apply Criterion A we are directed as follows (Exhibit D, Part VI, at pp. 1-2 of 14)(emphasis added):

To be considered for listing under Criterion A, a property must be associated with *one or more events* important in the defined historic context. Criterion A recognizes properties associated with single events, such as the founding of a town, or with a pattern of events, repeated activities or historic trends such as the gradual rise of a port city's prominence in trade and commerce. The event or trends, however must *clearly be important* within the associated context: settlement, in the case of a town, or development of a maritime economy, in the case of the port city. Moreover, the property must have an important association with the event or historic trends, and it must retain historic integrity.

The Bulletin thus sets up a chain of analysis, each of whose links must hold for a property to qualify under Criterion A:

1. There must be an *identified historical context*;
2. There must be a *clearly important event or trend* within that historical context;
3. The property must have an *important association* with the event or trend; and
4. The property must *retain its historic integrity*.

We will apply this mode of analysis to the Highline in each of the historical contexts FHL itself has identified.

**a. The development of transportation in New York**

If we apply Criterion A to the Highline in the historical context of the development of transportation in New York, the analysis leads to the conclusion that the Highline is not an eligible property. It fails on several grounds. First, it is not possible to associate the Highline with a *clearly important event or trend* within that historical context. FHL would have the Board believe that grade separation of industrial rail service to the lower west side was a such a clearly important event in the historical context of the development of transportation in New York. This is not the case.

The Highline was in fact a late 1920's response to congestion on Tenth Avenue caused by the combined impact of surface rail deliveries to lower west side industries and booming street traffic. That event, though, cannot be found to have been "clearly important" within the historical context because by the time of the Highline's completion in 1934, the need of lower west side industry for rail deliveries was being rapidly undercut by two other developments. In fact, as early as 1939 the minutes of the Twenty-Third Street Association Transportation Committee note that traffic on the Tenth Avenue line is comparatively limited.

The first such development was the rise of the motor carrier industry which permitted more flexible delivery patterns and largely supplanted rail service to light industry. With the opening of direct highway links between Manhattan and New Jersey, motor carrier access to lower west side industries rapidly drained traffic from the railroads. Construction began on the Holland Tunnel which connects lower Manhattan with New Jersey in 1920. The tunnel opened in 1927 before the Highline's construction was approved by the I.C.C.<sup>24</sup> Construction began on the George Washington Bridge which connects upper Manhattan (178<sup>th</sup> Street) with New Jersey in October 1927. The bridge opened in 1931 while the Highline was still under construction.<sup>25</sup> The present center tube of the Lincoln Tunnel which connects mid-town Manhattan (with connections to West 42<sup>nd</sup> Street and south to West 30<sup>th</sup> Street) with New Jersey was opened in 1937, only three years after the Highline was finished. The north tube of the Lincoln Tunnel was opened in 1945 and the south

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<sup>24</sup> See Exhibit E hereto, the history of the Holland Tunnel on the web site of the Port Authority of New York and New Jersey, <http://www.panynj.gov/tbt/hthist.htm>.

<sup>25</sup> See Exhibit F hereto, the history of the George Washington Bridge on the web site of the Port Authority of New York and New Jersey, [http://www.panynj.gov/tbt/gwb\\_about.htm](http://www.panynj.gov/tbt/gwb_about.htm).

tube in 1957.<sup>26</sup> Indeed, FHL itself has recognized the root cause of the Highline's failure ("Reclaiming the Highline" at 12):

But the premise on which all these structures were based -- that the West Side would continue to be a place where trains, ships and industry came together, proved elusive. The mid-century rise of air travel and trucking brought a decline in ocean and rail traffic. Major infrastructure for ships and trains in Manhattan was abandoned. McKim, Mead & White's Pennsylvania Station was declared an outmoded relic and demolished. The southernmost portion of the High Line was torn down. Piers burned or fell into disuse.

The second development which undercut the need for rail deliveries to lower west side industries was the change in industry itself. Many industries migrated from the lower west side (and other congested areas) to larger, more efficient facilities outside the congested area of Manhattan. Of special consequence for the Highline was the elimination of slaughtering in New York. This migration was itself facilitated by the ability of motor carriers to deliver finished goods into the City and other urban areas efficiently and cheaply. Again, FHL does not dispute the facts of the industrial demise and a consequent change in usage patterns in the Highline neighborhoods.

("Reclaiming the Highline" at 12):

The factory and warehouse buildings that were designed to interact with the railroads have been similarly transformed. . . . Art museums, galleries, performance spaces, restaurants, and nightclubs vie for turf in the one-story garages and larger warehouse buildings that once house railroad-related manufacturing and distribution operations. . .

Far from being associated in an important way with an important event in the development of transportation in New York, the Highline was an anachronism from the start,

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<sup>26</sup> See Exhibit G hereto, the history of the Lincoln Tunnel on the web site of the Port Authority of New York and New Jersey, <http://www.panynj.gov/tbt/ltnmain.htm>.

reflecting the poor judgment of New York Central management in spending hundreds of millions of dollars on building a facility to provide rail service to industries that would migrate to rapidly emerging motor carrier service provided over highway facilities that were already under construction or in the planning process when the Highline was being built, or to industries that would migrate to other locations where more efficient plant design was possible and from which they could serve their customers (including customers in the City) more efficiently using rapidly emerging motor carrier service.<sup>27</sup>

The Highline can usefully be contrasted with grade separation projects that clearly are important events in the development of transportation in New York. For example, in 1871 the New York Central and the New York, New Haven tracks entering Manhattan from the north ran south in a trench along Fourth Avenue and terminated in the then new Grand Central Depot at 42<sup>nd</sup> Street. Over the course of the last decades of the 19<sup>th</sup> century the tracks were placed in a tunnel under Fourth Avenue between 57<sup>th</sup> Street and 96<sup>th</sup> Street. At the turn of the century the City Council prohibited the use of steam locomotives in Manhattan after 1910. The New York Central responded by electrifying its lines into Manhattan through the Fourth Avenue tunnel, and by building the new (and present) Grand Central Terminal to replace the 1871 facility.

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<sup>27</sup> In his concurring opinion in Finance Docket No. 7753, *Abandonment and Construction by New York Central Railroad Company in New York City*, 158 I.C.C. 309 (1929), in which the ICC authorized the abandonment of the New York Central's existing line and the construction of the Highline and other parts of the West Side Improvement Project, Commissioner Eastman expressed his reservations about the expenditure by the New York Central of \$120 million for less than five miles of rail line in New York City, a project which was largely for the relief of street traffic congestion in the City. To some degree Commissioner Eastman's observations reflected a sense of the enormous financial mistake being made by the New York Central.

After the completion of the new Grand Central Terminal in 1913 with all the tracks on two underground levels, the New York Central sold the air rights over the entire rail complex north of the terminal to the entrance to the Fourth Avenue (now Park Avenue) tunnel for the development of Terminal City. When these air rights were fully developed, all rail facilities north of Grand Central Terminal were underground between Grand Central Station at 42<sup>nd</sup> Street and 96<sup>th</sup> Street, and the surface was intensively developed along what is now Park Avenue. This series of events *facilitated* the growth of rail traffic into New York, both long distance and commuter, and led to valuable property development in the air rights space over the grade separated tracks. This was an enormously important event in the development of transportation (and of commerce) in New York. The contrast with the Highline could not be more striking. On the Highline, rail traffic was dying from its completion, and instead of promoting economic development the presence of the Highline became a blight on the area through which it passed.<sup>28</sup>

**b. Application of Criterion A in the historical context of industrial development.**

Application of Criterion A to the Highline in the historical context of industrial development in New York runs into the same problem discussed above. The construction of grade separated rail access to the industries on the lower west side did not *facilitate* industrial development in that area, but occurred at its *high point*. By the time the Highline was completed, the industrial base of New York and of the lower west side had reached its peak and was on the cusp of decline as production was relocated to larger, more efficient plants which could more easily move their

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<sup>28</sup> The development of Grand Central Terminal is described in the recent book, Grand Central Terminal: Railroads, Engineering and Architecture in New York City, Kurt Schlichting, Johns Hopkins University Press, 2001. We have attached as Exhibit H a review of the book.

products to customers by motor carrier. In the context of the meat packing industry, the development of refrigeration and refrigerated transportation vehicles (often motor carriers) made it unnecessary to move meat into Manhattan by rail on the hoof, thus beginning the decline of the lower west side meat business. The Highline did not, as FHL would have the Board believe, contribute to building and maintaining New York's industrial dominance for 100 years. The Highline was completed in 1934 when powerful economic forces were already bringing that industrial dominance to an end as well as changing the character of the businesses conducted in the City in a way that rendered the provision of direct rail service unnecessary.

The basic industrial facts outlined above cannot seriously be disputed and we do not understand FHL to do so. It is not accidental that the New York Central ceased all operations over the Highline south of Bank Street and sold its St. Johns Park Terminal by 1960, a scant 26 years after its completion, because of a decline in rail traffic, *see* "Reclaiming the Highline" at 49; nor is it accidental that by the mid-1970's, only 40 years after the completion of a project whose cost in today's dollars would have been many hundreds of millions, all service had ceased on the Highline south of 30<sup>th</sup> Street, *Chelsea Property Owners -- Abandonment -- Portion of Conrail West 30<sup>th</sup> Street Secondary*, 8 I.C.C. 2d 773, 774-75; nor that the last train moved on the Highline in 1982, *Id.* at 775. Far from being an important event in the industrial development of New York, the construction of the Highline was a futility which demonstrably failed to stop the inevitable migration of industry to more favorable locations and to more flexible means of transportation such as motor carriage.

- c. **Application of Criterion A in the historical context of the development of transportation engineering.**

Application of Criterion A to the Highline in the historical context of the development of transportation engineering does not permit the conclusion that the construction of the Highline was a significant event in that historical context. The Highline incorporates no breakthrough technologies but is an ordinary piece of elevated rail line construction of no significant design or technological distinction. It is one of many similar structures that penetrate American eastern and midwestern cities above grade to avoid conflicts with surface traffic. FHL has pointed to no evidence to the contrary.

**d. Application of Criterion A in the historical context of the development of industrial architecture.**

Finally, application of Criterion A to the Highline in the historical context of the development of industrial architecture does not lead to the conclusion that the Highline is associated in an important way with an important event in that historical context. The Highline's history shows that, at best, most of the buildings that wanted rail access from the Highline were already in place along the section of the Highline that remains in place today, including the Merchants' Refrigerating Warehouse to which a siding was built after construction of the Highline. Moreover, it is difficult to conclude that rail lines accessing industrial property at the grade level of the main rail line is in any sense an unusual or novel departure in industrial architecture, to say nothing of "futuristic." With the main line elevated above street level, it would have been a departure from the norm to provide rail access to a multistory industrial plant served by that rail line at street level, 20 feet below the grade of the main line.

#### **4. Application of Criterion C to the Highline.**

Bulletin 15 gives guidance for application of Criterion C, the Design/Construction criterion. The Bulletin provides (Exhibit D, Part VI, p. 6 of 14):

This criterion applies to properties significant for their physical design or construction, including such elements as architecture, landscape architecture, engineering, and artwork. To be eligible under Criterion C, a property must meet at least one of the following requirements:

- Embody distinctive characteristics of a type, period, or method of construction.
- Represent the work of a master.
- Possess high artistic value.
- Represent a significant and distinguishable entity whose components may lack individual distinction.

The Bulletin explains that the first requirement of Criterion C, that properties embody the distinctive characteristics of a type, period or method of construction, "refers to the way in which the property was conceived, designed, or fabricated by a people or culture in past periods of history."

The work of a master refers to the "technical or aesthetic achievements of an architect or craftsman."

High artistic values "concerns the expression of aesthetic ideals or preferences and applies to aesthetic achievement." The Bulletin gives an example of a bridge or dam representing technological advances as an example of a property associated with design and construction. The Bulletin recognizes that most properties will qualify under the "distinctive characteristics" and specifies that (Exhibit D, Part VI, at p. 7 of 14):

a property must clearly illustrate, through "distinctive characteristics" the following:

- The pattern of features common to a particular class of resources,

- The individuality of variation of features that occurs within the class,
- The evolution of that class, or
- The transition between classes of resources.

*Distinctive Characteristics:* "Distinctive characteristics" are the physical features or traits that commonly recur in individual types, periods, or methods of construction. To be eligible, a property must clearly contain enough of those characteristics to be considered a true representative of a particular type, period or method of construction.

Characteristics can be expressed in terms such as form, proportion, structure, plan, style, or materials. They can be general, referring to ideas of design and construction such as the basic plan or form, or they can be specific referring to precise ways of combining particular kinds of materials.

Application of Criterion C to the Highline in the historical context of the development of transportation engineering strikes no chords. The Highline does not contain or reflect physical features or traits that commonly recur in individual types, periods or methods of construction, and FHL has not attempted to identify any. Even if one were broadly to classify "elevated railroad structures" as a class of resources, the Highline does not embody a set of features common to that particular class.<sup>29</sup> Nor does the Highline exhibit any individuality or variation of features that occur within the class of elevated railroad structures, nor that illustrate the evolution of that class nor the transition between classes. There is nothing distinctive about the design and construction of the Highline in the historic context of the development of transportation engineering and FHL has pointed to none.

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<sup>29</sup> In common with all elevated railroad structures that remain standing under the heavy loads imposed by trains, the Highline conforms to the ordinary laws of physics and mechanics. This characteristic simply differentiates the class of railroad structures that remain standing and perform their intended function from the class of structures that fall down and do not. While this is clearly a relevant and desirable characteristic of all elevated structures, it is not a "distinctive characteristic" for analytic purposes under the eligibility criteria.

**C. Demolition of the Highline Will Not Affect Properties Eligible for Inclusion In the National Register.**

Theoretically, demolition of the Highline might affect properties eligible for inclusion on the National Register in three ways. First, if the demolition is done in a negligent manner it might cause physical damage or destruction to a property eligible for inclusion. Second, because of the physical relationship between the Highline and the eligible property the demolition of the Highline, even if done carefully, might affect the physical condition of the eligible property. For example, if the eligible property depends in some degree on the Highline for its structural integrity, demolition of the Highline, even if done with great care, might damage it. Finally, the removal of the Highline might remove one or more of the qualities of the eligible property that makes it eligible for inclusion in the National Register. We will address each of these possibilities and show that demolition of the Highline will not affect any eligible properties in any of the three ways discussed above.

**1. There is little risk of physical damage to eligible properties even by the grossly negligent demolition of the Highline.**

As we pointed out in Part I, almost none of the properties identified by FHL as being included in or eligible for inclusion in the National Register is close enough to the Highline to be affected even by a grossly negligent demolition. Most are long blocks away from the Highline structure. Others are separated from the Highline by at least part of a block and the full width of Tenth Avenue. Thus, even a grossly negligent demolition job would run little risk of physically damaging any of the properties to which FHL has called the Board's attention. (Sarini V.S. ¶¶ 31-

33).<sup>30</sup> FHL's allegations regarding these buildings are an obvious subterfuge by desperate people with no case.

**2. There is no risk of physical damage to eligible properties from the demolition of the Highline pursuant to demolition requirements in New York.**

There is one building that is in fact listed in the National Register -- the Merchant's Refrigerating Warehouse Condominium -- that is physically close to the Highline. This building is on the west side of Tenth Avenue between 16<sup>th</sup> and 17<sup>th</sup> Streets at a point where the Highline is on the east side of Tenth Avenue (south of 17<sup>th</sup> Street). At its south end the Merchants' Refrigerating Warehouse is 120 feet from the Highline, at its north end it is much closer because the Highline crosses Tenth Avenue at 17<sup>th</sup> Street and the structure passes close to the Warehouse. The Merchants' Refrigerating Warehouse has an elevated siding crossing Tenth Avenue from the Highline and ending at its second story. Access into the Warehouse from the Highline via the siding has been physically closed and the siding tracks within the Warehouse have been removed. (Sarini V.S. ¶32).

Demolition of the Highline pursuant to New York City demolition regulations and pursuant to a Department of Buildings' demolition permit would not affect the Merchant's Refrigerating Warehouse. The demolition regulations and the conditions imposed on the demolition

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<sup>30</sup> In considering the risk of demolition and the geographic relationship between properties that are eligible for listing in the National Register and the Highline, the Board should note that in Manhattan the east-west blocks (between the numbered avenues) are long -- approximately 840 feet, or 900 feet when a 60 foot wide avenue is included. Thus, an eligible property that is one block plus the width of an avenue east of the Highline is approximately 900 feet away, or the length of three end-to-end football fields. (Sarini V.S. ¶ 32).

permit are specifically designed to permit demolition of the involved structure *without* affecting adjacent buildings, and ensuring that the demolition has no adverse environmental affects.<sup>31</sup>

FHL has made broad claims about the Gansevoort Market being eligible for inclusion in the National Register or for designation as a historic district. Indeed, at one point in its Petition it misleadingly asserts that the Gansevoort Market area has been designated as a historic district. There has been no designation of a Gansevoort Market Historic District. (Sarini V.S. ¶ 34). The Highline runs over Gansevoort Market. While CPO questions whether the Market is eligible for inclusion in the National Register, we note that the Market is owned by the City of New York, as is all the property under the Highline in the area of the Market. If the Board and/or the City believes the Gansevoort Market is eligible for inclusion, or that some larger area near the Gansevoort Market is eligible for designation as a Historic District, the Board can condition the abandonment of that part of the Highline on a mitigation agreement acceptable to the City and the State Historic Preservation Officer.

**3. The demolition of the Highline will not affect the eligibility of any properties for listing in the National Register.**

As we noted above, it is theoretically possible that the presence of the Highline may be one of the factors that makes another property eligible for listing on the National Register. In such a case even if the Highline can be safely demolished without physical effect on the eligible property, its removal might have an adverse effect on the eligible property by removing one of the

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<sup>31</sup> FHL's submissions to the Board recognize that there is concern that some of the Highline may have lead-based paint on it. That paint is currently flaking and peeling, presenting a potential hazard to the residents of the neighborhood, particularly children. Under the demolition regulations, the demolition company will be required to encapsulate any lead-based paint that might otherwise escape into the air during the demolition process. In the event that the Highline is not demolished, it will still be necessary to deal with the present lead-based paint problem.

characteristics that form the basis for its eligibility. We are unaware of any such properties in the Highline neighborhood, and FHL has pointed to none. The Highline was only completed in 1934, thus, its presence is unlikely to affect the eligibility of any property constructed before that date, e.g. Merchant's Refrigerating Warehouse. On the other hand, properties less than 50 years old are not eligible for listing on the National Register, so no building in proximity to the Highline built after 1951 could be adversely affected in this respect by the demolition.

In the absence of any concrete example of such a building we must hypothesize one and apply the analysis set forth in the National Park Service Bulletin 15 to determine whether it could meet the eligibility criteria for inclusion and whether the demolition of the Highline would terminate its eligibility. The hypothetical building, either as built or as modified to incorporate the Highline, would have to be significant in some historical context. In this case, the historical context would likely be either that of the development of transportation in New York City or industrial development in New York. As we have seen, however, the Highline itself is not associated with a *clearly important event or trend* in the historical context of the development of transportation in New York. Instead it represented a serious error by New York Central management which did not recognize the important events and trends that were occurring in that historical context. To the extent that our hypothetical building was built or modified to accommodate transportation using the Highline, it similarly cannot be associated with a clearly important event or trend in that historical context, but, as is the case of the Highline itself, simply represents a misreading by the investor of the clearly important events and trends in the development of transportation and the development of industry in New York.

To put the matter another way, just as the Highline represented a misreading by New York Central management of trends in the development of transportation in New York, so does the construction or modification of industrial facilities to use the Highline represent a misreading by the owners/investors in the hypothetical building or the trends in the development of industry in New York.

Another possible historical context in which to analyze our hypothetical building is that of the development of industrial architecture. Again, though, the difficulty is that just as the construction of the Highline was not an important event in the development of transportation in New York but an anachronism, so the construction or modification of buildings between 1934 and 1951 to permit second story access by rail from the Highline was not a significant event in industrial architecture (applying Criterion A). The need for rail access to light industry and, indeed, continuation of industrial production in multistory urban industrial plants was dying at the time of the Highline's completion under the economic pressures brought about by the development of the motor carrier industry and the ready access it provided to more efficient single-level plants in less congested areas. The development of an industrial architecture to serve a dying industrial environment cannot reasonably be interpreted as a significant event.

Similarly, the construction or modification after 1934 of multi-story industrial buildings with second story rail access does not qualify under Criterion C in the historical context of the development of industrial architecture. By their very nature railroads strive to access industrial plants at the grade of the main line and have done so from the beginning of railroading. Indeed, for

the most part they must do so as railroads cannot easily move cars in the vertical direction.<sup>32</sup> The fact that this implies second story access from the Highline is not a technological or other characteristic of distinction to warrant qualification of a post-1934 building under Criterion C.

One of the supporters of FHL's Petition has characterized the way the Highline interacts with adjacent buildings as "futuristic." (Morrison, Petition, Exhibit K) The Highline was completed in 1934 and its interaction with adjacent buildings was completed either at that time or shortly thereafter. By 1960 the Highline was commercially moribund and abandoned south of Bank Street (*see* "Reclaiming the Highline" at 49). By the mid-1970's all service had ceased south of 30<sup>th</sup> Street. If the Highline's interaction with adjacent buildings at the time of its construction was "futuristic," it was, like the future reported by Lincoln Steffens, a future that didn't work.

**D. Abandonment and Demolition Of The Highline Will Not Have A Significant Environmental Impact.**

The Board has already found that the abandonment and demolition of the Highline will not have a significant environmental impact. FHL has asserted that the changing character of the neighborhood through which the Highline passes requires a reconsideration of this conclusion. As we pointed out above, however, those assertions are not consistent with the facts.

Assuming, *arguendo*, that the facts were as represented by FHL, the abandonment and demolition of the Highline would still not have a significant environmental impact. As we discussed above, the only assertion that FHL has made that affects the situation is that now there are more people and businesses in the area of the Highline than there were in 1992, all of which would be affected by the demolition. Even if this were true, which it is not, the New York City demolition

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<sup>32</sup> For example, assuming a maximum 2% grade it would require  $50 \times 20 = 1000$  feet of ramping to move a car from a 20' elevated structure to street level.

regulations and the terms of any demolition permit issued by the Department of Buildings are designed to minimize the impact of the demolition on people and property near the demolition site. Moreover, the alternative to demolition is not for the Highline to remain as is, but for it to be rehabilitated and converted to some other use. The rehabilitation alone would be far more disruptive and extend over a far longer time than will demolition. (Sarini V.S. ¶ 39).

### **CONCLUSION**

FHL is not a party to this proceeding and has not sought to become a party. Accordingly, its petition should be dismissed.

If the Board entertains FHL's Petition to Reopen, notwithstanding FHL's procedural status in this proceeding, it should find that FHL has presented neither new evidence nor shown changed circumstances warranting reopening this proceeding and deny the Petition to Reopen.

If the Board should decide to reopen this proceeding to reconsider historical and environmental issues as requested by FHL, it should find that the Highline is not a structure eligible for inclusion on the National Register, that the demolition of the Highline will not affect any property eligible for inclusion on the National Register, and that demolition of the Highline will have no significant environmental impact.

Respectfully submitted,

CHELSEA PROPERTY OWNERS ASSOCIATION

By: John Broadley  
One of its attorneys

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Dated: September 23, 2002

### CERTIFICATE OF SERVICE

I hereby certify that on this 23<sup>rd</sup> day of September 2002 I caused copies of the foregoing REPLY OF CHELSEA PROPERTY OWNERS TO THE FRIENDS OF THE HIGHLINE, INC'S PETITION TO REOPEN THE 1992 ABANDONMENT DECISION to be served on all parties to this proceeding and on Friends of the Highline by depositing copies thereof, postage prepaid, in the United States mails addressed to counsel listed below:

Elizabeth Bradford  
655 West 34<sup>th</sup> Street  
New York, NY 10001-1188  
(NYCCDC)

John F. Guinan  
New York Department of Transportation  
Albany, NY 12232  
(NYSDOT)

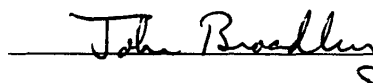
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(FHL)



Dated: September 23, 2002

## INDEX TO EXHIBITS

- Exhibit A            Verified Statement of Douglas Sarini
- Exhibit B            Web site entry of New York 2012, the Sponsor of New York City's Bid to Host the 2012 Olympic Games.
- Exhibit C            Excerpts from New York City Building Code regarding conduct of demolitions.
- Exhibit D            National Register Bulletin No. 15, How to Apply the National Register Criteria for Evaluation
- Exhibit E            History of the Holland Tunnel from the web site of the Port Authority of New York and New Jersey, <http://www.panynj.gov/tbt/hthist.htm>.
- Exhibit F            History of the George Washington Bridge from the web site of the Port Authority of New York and New Jersey, [http://www.panynj.gov/tbt/gwb\\_about.htm](http://www.panynj.gov/tbt/gwb_about.htm).
- Exhibit G            History of the Lincoln Tunnel from the web site of the Port Authority of New York and New Jersey, <http://www.panynj.gov/tbt/ltmain.htm>.
- Exhibit H            Review of Grand Central Terminal: Railroads, Engineering and Architecture in New York City, Kurt Schlichting, Johns Hopkins University Press, 2001.

**EXHIBIT A**

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**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
Washington, D.C.**

\_\_\_\_\_  
CHELSEA PROPERTY OWNERS -- Abandonment -- )  
PORTION OF THE CONSOLIDATED RAIL )  
CORPORATION'S WEST 30<sup>TH</sup> STREET SECONDARY )  
TRACK IN NEW YORK, NY )  
\_\_\_\_\_) )

Docket No. AB-167  
(Sub. No. 1094)A

**VERIFIED STATEMENT OF DOUGLAS SARINI**

Douglas Sarini states for his verified statement as follows:

**I. The Affiant.**

1. I am Douglas Sarini, Vice President for Government Relations of Edison Properties, LLC. I have worked for Edison Properties for twenty years in various capacities. At present I am responsible for assisting the company in its relationships with local, state and national governmental entities, particularly with respect to securing necessary authorizations and permits for new projects.

2. In the course of my employment with the company I have become familiar with the real estate market and with real estate development trends in New York City generally, and specifically on the west side of Manhattan.

3. I am also President of Chelsea Property Owners Association ("CPO") which has brought this action. CPO is a group of property owners whose properties are affected by the presence of the Highline structure. The members of CPO have owned their properties in the vicinity of the Highline for an average of over 30 years, indeed some of them have owned the properties for much longer.

4. I have also served as President of the Twenty-Third Street Association which has been dealing with issues surrounding the Highline since at least 1939 when it noted that the traffic on the Highline was comparatively light and anticipated that it would soon be obsolete. See Exhibit No. 1, attached hereto.

5. I also serve on the board of Friends of the Hudson River Park, an organization working actively to create really first class usable open space one block from the Highline, a project still \$180,000,000 short of reaching its goal.

## **II. The Development Of The Area**

6. FHL asserts throughout its Petition that the ICC's 1992 conclusion that the Highline was an impediment to economic development of the neighborhoods through which it passes has proven to be incorrect. Specifically, FHL asserts that even with the presence of the Highline those neighborhoods are experiencing redevelopment and economic growth. At certain points in its petition FHL even claims that the redevelopment and economic growth that is occurring is in part a result of the presence of the Highline. A review of the facts shows that FHL is wrong on all points. Where development and economic growth have occurred generally in the broader neighborhoods through which the Highline passes, it has occurred in those areas sufficiently remote so as not to be affected by the presence of the Highline. I will explain below in more detail.

7. The Highline was built to provide rail service to an industrial part of Manhattan without the need to operate trains at street level. Almost immediately following its completion in 1934 the nature of the activities in the neighborhoods it was designed to serve began to change. Manufacturing and meat packing moved to other locations and the neighborhoods began the process of transition to industrial/commercial uses serviced exclusively by motor carriers. In

recent years, the demand for residential uses has resulted in industrial and warehouse buildings being converted through a City approval process that requires a use variance. Some development has occurred in the area as a result of sweeping zoning changes in selected areas. The presence of the Highline structure has adversely affected the ability of the property owners in the immediate vicinity of the structure to make the necessary investments in their properties to either expand their existing businesses or consider reuse options.

8. I am familiar with several cases where the presence of the Highline structure was the direct cause of the failure of a redevelopment project. In 1999 Edison Properties signed a forty year net lease with Federal Express for the property between 17<sup>th</sup> and 18<sup>th</sup> Streets to be used for construction of a 350,000 square foot distribution facility for FedEx. The facility would also have provided structured underground parking for the adjacent regional offices of the Drug Enforcement Administration. This project required the use of the entire footprint for optimal utilization of the facility. The project was made impossible as a result of the continued presence of the Highline. The General Services Administration has leased a condominium unit comprising the majority of the Merchants' Refrigerating Company warehouse and has invested hundreds of millions of dollars in this adjacent property. The GSA has made representations to the Surface Transportation Board regarding its desire to have the Highline removed.

9. In 2001 Eastern Meats, a wholesale meat packager at 14<sup>th</sup> Street, entered into a contract to sell its facility to a company for the construction of a restaurant and office building above. The project could not be constructed without removing the Highline structure. Accordingly, the project never went to closing.

10. Nebraska Meats, the owner of the parcel between Little West 12<sup>th</sup> Street and 13<sup>th</sup> Street, has applied for a variance which would provide for a major new residential project for the neighborhood. One of the grounds for the variance is the economic hardship created by the Highline. The community, which is comprised of many of the same people who are members of FHL, strongly opposed this project.

11. There are other examples. All illustrate the point, though, that the presence of the Highline -- a structure designed to provide rail service to industries -- is now incompatible with the community and has significantly and negatively impacted capital investment in the area.

12. While there has been some commercial and residential development in the neighborhoods through which the Highline passes, that development has lagged far behind other Manhattan neighborhoods. Development has predominantly occurred east of Tenth Avenue where zoning is more conducive to development and has encouraged capital investment. Little development has occurred west of Tenth Avenue near the Highline in part because of the depressing effect of the Highline structure on the willingness and ability of the property owners to make the capital investments needed for the transformation between industrial uses and the commercial and residential uses that are now demanded. What is significant about the development that has occurred is that it has almost all taken place in locations where the Highline structure does not affect the property in question, or where the Highline structure has been removed. Development has occurred where the Highline is not. I will illustrate below.

13. Exhibit C to FHL's Petition is a map showing the location of the Highline and the adjacent neighborhoods. North of 17<sup>th</sup> Street the Highline runs in the mid-block between Tenth Avenue and Eleventh Avenue, approximately 100 feet west of Tenth Avenue. Almost all the

development has occurred east of Tenth Avenue in locations separated from the Highline structure by Tenth Avenue itself and by part of the block to the west of Tenth Avenue.

14. The only significant developments that have occurred adjacent to the right-of-way of the Highline are in the three block area south of Gansevoort Street. In 1992 the part of the Highline structure south of Gansevoort Street was abandoned and demolished. This cleared the way for Rockrose Development to build 270 new apartments and beautiful and functional open space at grade along an avenue and revive the neighborhood. Attached as my Exhibit No. 2 is a set of photographs showing the "before" and "after" effects in this neighborhood of removal of the Highline. The "before" photographs show a deteriorated industrial neighborhood, the "after" photographs show a redeveloped vibrant residential neighborhood. This development could only occur once the Highline was removed. In addition, the only development which has occurred west of Tenth Avenue and adjacent to the Highline is on 23<sup>rd</sup> Street where the City of New York significantly increased the zoning to allow for dense residential development. It is important to note that 23<sup>rd</sup> Street is an extraordinarily wide street where the Highline's presence does not easily dominate the development potential. The narrower streets by contrast could not overcome this burden.

15. FHL asserts (Petition at 31) that Chelsea has experienced a boom in residential construction with twenty new apartment projects started in 2000. Almost all of this development has occurred east of Tenth Avenue in parts of Chelsea that are not affected by the presence of the Highline structure. The only development that has occurred west of Tenth Avenue in the area adjacent to the Highline has been the result of industrial buildings obtaining use variances from the City and being converted to residential properties. As described above, this conversion is so limited

that it cannot be compared to conversions occurring in other neighborhoods that are properly zoned and do not have impediments to development such as the Highline. This is clearly described in the report issued by the New York City Department of City Planning entitled "Far West Midtown, A Framework for Development" (Winter 2001) which states that the area west of Ninth Avenue is an area of "economic stagnation" (p. 1 of the Executive Summary). The study further states that "West of Ninth Avenue and North of West 28<sup>th</sup> Street there has been little change in the economic conditions since 1997." *Id.* at p. 15. A copy of this report is attached as Exhibit No. 3.

16. FHL points to a number of specific properties that have changed their use and that are located close to the Highline in a way that suggests their owners support retention of the Highline:

(a) For example, at Petition p. 18 and p. 30 FHL points to the former National Biscuit Company factory at 15<sup>th</sup> Street which opened in 1997 as the Chelsea Market. FHL fails to point out that the owner of the Chelsea Market is an active member of CPO and vocally and publicly supports the Highline's abandonment and removal.

(b) Another example is at Petition p. 30 where FHL points to the Chelsea Piers Sports and Entertainment Complex opened in 1995 along the waterfront in a way that suggests support for retention of the Highline. This complex is west of Eleventh Avenue and thus well separated from the Highline structure itself. I have had numerous personal conversations with the principals of Chelsea Piers. They have stated that their interests are in the redevelopment of the Chelsea neighborhood that would provide commercial and residential uses. They believe the Highline is a blight to the neighborhood and negatively impacts the development and growth of the area.

(c) Finally at Petition p. 31 FHL notes that "several blocks away, another building by Taconic Investment Partners has attracted media firms." This appears to be the building which is located at 111 Eighth Avenue. FHL fails to note that this building is east of Ninth Avenue, which is almost two and a half long blocks from the Highline, and thus largely unaffected by its presence. It should also be noted that since the dotcom and telecom crashes of recent years, this building is experiencing significant vacancies.

17. FHL's observation (Petition at 29-30) that there has been a migration of artists and galleries to the Chelsea area indirectly confirms that the area affected by the Highline structure has fallen well behind in redevelopment. It is well recognized that such uses typically move to the least expensive space. As SoHo and other areas of Manhattan have improved and the price of renting space has increased, there has been a migration of such uses to less developed and less expensive neighborhoods such as Chelsea.

### **III. Changing Perceptions Of The Highline**

18. FHL makes a number of assertions about the Highline that simply are not consistent with the facts. I will discuss them under the heading of "Changing Perceptions of the Highline" though in fact many of these assertions and contentions have been around for over twenty years and have repeatedly been disproved.

19. Alternate Transportation Uses: FHL asserts (quoting Congressman Jerold Nadler) (Petition at 12) that "It makes no sense to tear down a piece of perfectly good transportation infrastructure." The possibility of use of the Highline for transportation purposes has been studied by three Mayoral administrations in New York -- the Koch Administration, the Dinkins Administration, and the Giuliani Administration. All three reached the same conclusion: the

Highline has no potential for reuse for transportation purposes. In connection with the planning of the reconstruction of the West Side Highway the installation of light rail was considered and rejected as not feasible. In fact, in the original ICC action we provided the Board with reports from the Metropolitan Transportation Authority, the State agency charged with serving the City's transportation needs, which classified the Highline as "a hazard and hinders expansion and development" and not as a transportation resource. *See* Exhibit No. 4, excerpts from CPO's June 21, 1989 Application.

20. In August 1989 Parsons Brinkerhoff and affiliated consultants presented the Phase IV West Side Transitway Study to the Department of City Planning. The West Side Transitway Study comprehensively assessed options for transitway alignments to serve the west side and certain cross-town routes. Among the north-south alignments studied was one that would have carried a light rail transitway between 30<sup>th</sup> Street and 14<sup>th</sup> Street over the Highline, and from 14<sup>th</sup> Street to the Battery on surface streets. The result of the Study was to recommend an alternative consisting of a cross-town transitway on 42<sup>nd</sup> Street from the East River to Twelfth Avenue, looping south on Twelfth Avenue and then looping east on 33<sup>rd</sup> Street to terminate in Penn Station. The north-south alignment over the Highline between 30<sup>th</sup> Street and 14<sup>th</sup> Street and then on the surface from 14<sup>th</sup> Street to the Battery was not part of the preferred alignment. One reason emerges at p. 5-19 of the Study in discussing possible service extensions to the preferred alternative:

Between 30<sup>th</sup> and 14<sup>th</sup> Street, only 400 riders would use the transitway in the AM peak hour. South of 14<sup>th</sup> Street, 2,600 passengers would ride the transitway in the AM peak hour; however, almost 40 percent of them would be diverted from the existing system. The construction costs associated with the southern segment (30<sup>th</sup> Street to the Battery) are approximately \$125 million in 1987 dollars.

I have attached relevant parts of the Study as Exhibit No. 5.

21. The only possible "transportation use" of the Highline is as a walkway. Because of its relatively short length (1.45 miles) it would not even be attractive as a bikeway. Far superior alternative walkways and bikeways are under construction *only one block to the west of the Highline* as I will discuss below.

22. Public Open Space. FHL asserts (Petition at 35) that the Highline offers the prospect of rare open space on the west side of Manhattan. The construction of a "park" on the elevated structure of the Highline would not only be enormously expensive, it would lead to a low quality open space. The right-of-way on the Highline is only 30 feet in most places, so there would be space only for a walkway with adjacent seating areas. Any other open space use such as for sports fields would be precluded by the narrowness of the right of way. A similar investment in acquiring a full city block would result in much more useable open space.

23. Only one block west of the Highline, along the Hudson River, the City is building the Hudson River Park which, when completed, will run from the Battery at the southern tip on Manhattan Island to West 57<sup>th</sup> Street. I am on the Board of Directors of the Friends of the Hudson River Park. The Hudson River Park is supported by a far broader constituency than now supports FHL and its plans for the Highline. The Hudson River Park will be at ground level, on the waterfront, and will have facilities for both walking and biking, precisely the facilities FHL claims can be provided by the Highline. FHL does not disclose, however, that the Hudson River Park is already under construction, though still short of its total funding requirement by about \$180 million.

24. Construction of an Olympic Stadium: FHL asserts (Petition at 39) that demolition of the Highline will preclude the construction of a stadium over the 30<sup>th</sup> Street railroad

yards to bring the 2012 Olympics to New York City and to return the Jets football team to the City, and that the Board should conduct a new environmental study to consider the loss of those options. Contrary to FHL's assertion, construction of an Olympic/Jets Stadium at the 30<sup>th</sup> Street Yards will *require* demolition of the part of the Highline north of 30<sup>th</sup> Street.

25. The City of New York, through "New York 2012" has filed an application with the United States Olympic Committee to be the United States candidate city to host the 2012 Summer Olympic Games. That application includes the construction of a new 86,000 seat Olympic Stadium over the 30<sup>th</sup> Street Yards which clearly requires the demolition of the Highline north of 30<sup>th</sup> Street. I have attached as Exhibit No. 6 an excerpt from the City's application which clearly shows the City's proposed demolition of the Highline to accommodate that stadium.

26. The City's proposal to construct an 86,000 seat Olympic/Jets stadium in part on the Highline right-of-way north of 30<sup>th</sup> Street not only requires the abandonment and demolition of the Highline north of 30<sup>th</sup> Street, it will also separate the part of the Highline south of 30<sup>th</sup> Street from any connection with the national rail system which, I have been advised, will result in the abandonment of the remainder of the Highline and preclude maintaining the Highline as a trail under the rails to trails program. It should be noted that the easement owned by the Railroad over the proposed Olympic Stadium site has been the subject of litigation between Conrail and the MTA for at least 12 years and that the Settlement Agreement currently before the Board for approval has been fully negotiated by both these parties and is the only acceptable method of removing the easement. the City clearly will be precluded from building the Olympic Stadium unless the current abandonment proceeding is finalized.

27. Public Support for Preservation of the Highline: Throughout its Petition FHL attempts to portray an evolution of opinion towards preservation of the Highline for historic or transportation reasons. Upon analysis this attempt fails as it does not accord with the facts.

28. The City of New York is a signatory to the Settlement Agreement and has submitted a Proposal to the United States Olympic Committee in which it proposes to demolish the northern part of the Highline and build an Olympic Stadium on the right-of-way. Unless the City plans to breach the Settlement Agreement and unless the City has made outright misrepresentations to the United States Olympic Committee, the City is firmly agreed to demolition of the Highline pursuant to the Settlement Agreement. The City has not informed me or CPO that it intends to breach the Settlement Agreement or that it has made misrepresentations to the United States Olympic Committee.

29. Effect on Value of Adjacent Property: FHL's assertion (Petition at 33) that preservation of the Highline "will increase the value of properties under and next to it . . . [and] will complement whatever new use is selected for the 30<sup>th</sup> Street Yards" is simply nonsense and totally inconsistent with my own experience and the experience of the other property owners whose properties are burdened by the Highline. Put bluntly, the property owners (almost all of whom are members of CPO) have a more realistic understanding of the impact of the Highline on the value of their properties that are under and next to the Highline than does the Neighborhood Open Space Coalition. FHL's Petition and my day-to-day dealing with FHL suggests that neither the organization nor its members have any experience with the rehabilitation and reuse of property, including the planning, execution, or investment in such projects.

30. FHL's Petition repeats the assertion of the "Fifteenth Street Block Association" (Petition at 33-34) that "hasty demolition would certainly be a terrible permanent loss to property values and residents and business throughout western Chelsea and the north Village." FHL does not identify the interests of the Fifteenth Street Block Association. Is it a property-owners' association made up of tax-paying owners of property in the area, or is it a *tenants'* association interested in the continuation of rent stabilization in the area by preventing higher use development. If it is a tenants' association it has no interest in the maintenance of their landlords' property values, and has even less experience in what will maintain or enhance property values.

#### **IV. The Effect Of The Highline's Demolition On Historic Structures**

31. FHL asserts (Petition at 24) that the Highline runs near the Chelsea Historic District and suggests that the Chelsea Historic District would be affected by the demolition of the Highline. This is not correct. The Chelsea Historic District lies east of Tenth Avenue between West 23d and West 19<sup>th</sup> Streets. In this area the Highline is mid-block between Tenth Avenue and Eleventh Avenue, separated from the Historic District by at least 100 feet plus the full width of Tenth Avenue. Demolition of the Highline could not possibly affect any building in the Chelsea Historic District. The geographic relationship between the Highline and the Chelsea Historic District is illustrated by comparing the map at Petition Exhibit C with the map on page 2 of Petition Exhibit P, the 1981 Chelsea Historic District Extension Designation Report.

32. FHL also asserts (Petition at 24) that the National Register lists eight historic sites in the Chelsea area and suggests that these properties would be affected by demolition of the Highline. Each of these properties is identified on the set of maps I have attached as Exhibit No.7. The scale on each map is 1 inch = 120 feet. The east-west blocks between avenues are 840 feet plus

a 60 foot wide avenue, or a total of 900 feet, approximately 1/6 mile. The geographical relationship to the Highline of each of the properties FHL identified is summarized below:<sup>1</sup>

|                    |                                                                                                                                                                                                                                                                                                                              |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Historic Site A:   | Chelsea Apartments (Hotel Chelsea):                                                                                                                                                                                                                                                                                          |
| Address:           | 222 West 23d Street                                                                                                                                                                                                                                                                                                          |
| Rel'n to Highline  | Between Seventh and Eighth Avenues, 3 blocks east from Highline.                                                                                                                                                                                                                                                             |
| Historic Site B:   | New York House and School of Industry (Young Adults Institute)                                                                                                                                                                                                                                                               |
| Address:           | 120 West 16 <sup>th</sup> Street                                                                                                                                                                                                                                                                                             |
| Rel'n to Highline: | Between Sixth and Seventh Avenue, 3 ½ blocks east from the Highline.                                                                                                                                                                                                                                                         |
| Historic Site C:   | A house                                                                                                                                                                                                                                                                                                                      |
| Address:           | 17 West 16 <sup>th</sup> Street                                                                                                                                                                                                                                                                                              |
| Rel'n to Highline  | Between Fifth and Sixth Avenue, 4 ½ blocks east from the Highline.                                                                                                                                                                                                                                                           |
| Historic Site D:   | Philo V. Beebe Houses                                                                                                                                                                                                                                                                                                        |
| Address:           | 437-459 West 24 <sup>th</sup> Street                                                                                                                                                                                                                                                                                         |
| Rel'n to Highline: | Between Ninth and Tenth Avenue, approx. 1 block east of the Highline.                                                                                                                                                                                                                                                        |
| Historic Site E:   | The Merchants Refrigerating Company Warehouse: This property is                                                                                                                                                                                                                                                              |
| located Address:   | 501 West 16 <sup>th</sup> Street                                                                                                                                                                                                                                                                                             |
| Rel'n to Highline: | Property is on the west side of Tenth Avenue, Highline is on the east side. Property is accessed by a spur from the Highline. The spur entrance to the property has been walled off and the tracks removed. It is now entirely independent of the Highline and would not be affected by the Highline's removal. <sup>2</sup> |
| Historic Site F:   | Andrew S. Norwood House                                                                                                                                                                                                                                                                                                      |
| Address:           | 241 West 14 <sup>th</sup> Street                                                                                                                                                                                                                                                                                             |
| Rel'n to Highline: | Between Seventh and Eighth Avenues, approximately 2 ½ blocks from the Highline.                                                                                                                                                                                                                                              |
| Historic Site G:   | West 18 <sup>th</sup> Street Stables                                                                                                                                                                                                                                                                                         |

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<sup>1</sup> The letter after each historic site is keyed to the map sheet in Exhibit 7.

<sup>2</sup> The Merchants Refrigerating Company Warehouse was built before construction of the Highline. The Highline has no relationship to the qualities that make this structure eligible for inclusion on the National Register. This property is owned by Edison Properties.

Address: 461-463 West 18<sup>th</sup> Street<sup>3</sup>  
Rel'n to Highline: Property is on the east side of Tenth Avenue at a point where the Highline is mid-block between Tenth and Eleventh Avenues.

Historic Site H: Trinity Chapel Complex (Serbian Orthodox Cathedral)  
Address: 15 West 25<sup>th</sup> Street  
Rel'n to Highline: Between Fifth and Sixth Avenue, over 4 blocks east of the Highline.

33. FHL asserts (Petition at 24-25) that several other structures in Chelsea may be eligible for inclusion in the National Register, pointing to the General Theological Seminary, and the seven Cushman Row Houses on West 20<sup>th</sup> Street. The General Theological Seminary is located between West 20<sup>th</sup> and West 21<sup>st</sup> Streets between Ninth and Tenth Avenue in the Chelsea Historic District. As I have already noted the Chelsea Historic District is separated from the Highline by at least 100 feet plus the full width of Tenth Avenue. The location of this property is shown on Exhibit No. 7 and its characteristics are discussed at p. 19 and pp. 21-25 of the 1970 Chelsea Historic District Designation Report which is attached as Exhibit O to the FHL petition. Similarly, the Cushman Row properties are located in the Chelsea Historic District well separated from the Highline. These properties are at 438 - 450 West 20<sup>th</sup> Street between Tenth and Ninth Avenues. The closest property to the Highline (No. 450) is approximately 360 feet from it, a distance which includes the full width of Tenth Avenue. The Cushman Row houses are discussed at p. 9 of the 1970 Chelsea Historic District Designation Report, Exhibit O to the FHL petition. The following summary is keyed to the Maps in Exhibit 7:

Historic Site I: General Theologic Seminary

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<sup>3</sup> FHL did not include an address for this site, describing it only as "West 18<sup>th</sup> Street Stables." We could not find a National Register listing under this name. The building at this address was built as a stable in the late 19<sup>th</sup> Century according to the Museum of the City of New York. See [www.mcny.org/abbott/al21.htm](http://www.mcny.org/abbott/al21.htm).

Address: Block between Tenth and Ninth Avenues and between West 20<sup>th</sup> and West 21<sup>st</sup> Streets.  
Rel'n to Highline: Closest point is approximately 200 feet from the Highline, including the full width of Tenth Avenue.

Historic Site J: Cushman Row Houses  
Address: 438 - 450 West 20<sup>th</sup> Street  
Rel'n to Highline: Closest property is approximately 400 feet from the Highline, including the full width of Tenth Avenue.

34. FHL asserts (Petition at 23) that "the High Line runs right through the the Gansevoort Market Historic District and is physically a part of its buildings." I have had twenty years experience with real estate on the west side of Manhattan. There is no Gansevoort Market Historic District in New York City, it is a figment of FHL's imagination. The Greenwich Village Society for Historic Preservation has proposed a historic district but there has been no designation and so far as I am aware a designation is not being pursued. Gansevoort Market is owned by the City of New York. Under the Settlement Agreement the Highline structure located on easements on properties owned by the City will be conveyed to the City. The City would then be free to leave the Highline in place, or to turn it into a museum or similar facility if it believes that Gansevoort Market is a historic property. The Gansevoort Market is shown on my Exhibit No. 7 and is labeled "K," although it is not a historic site.

35. The wholesale meat business for which the Meat Market District was developed has already relocated for the most part to other more convenient locations. Today I am aware of only one meat wholesaler still doing business on West 14<sup>th</sup> Street, compared to 35 or 40 in its heyday.

**V. The Environmental Effect Of The Highline's Abandonment And Demolition**

36. FHL asserts (Petition at 37) that demolition of the Highline will cause enormous disruptions in busy Chelsea, including tourists visiting Chelsea Market and Chelsea Piers. This assertion not only ignores the facts, it fails to recognize that the rehabilitation of the Highline for use either as a transportation facility or as a park as proposed by FHL would entail much more disruption, street closings, and adverse effects on quality of life than would the demolition of the Highline. In addition, the rehabilitation would be spread over a longer time than will demolition.

37. The area around the Highline structure itself (which will be affected by demolition) is not "busy" and certainly no busier than it was in 1992. As I have discussed above, development in the area has taken place where the Highline is not, the Highline itself has been a deterrent to development.

38. FHL ignores the plain fact that demolition will be accomplished only under the supervision of a licensed structural engineer and under strictly regulated conditions prescribed by the New York Department of Buildings and pursuant to a demolition permit that must be obtained from the Department of Buildings. In fact, the demolition plans and drawings have already been examined and permits have been issued for many of the Highline segments. Conditions are imposed by the Department of Buildings to minimize dirt, dust, vibration, and street and lane closings. The Department of Buildings imposes conditions to ensure that the dust from lead based paints used on many older structures such as the Highline are not released into the air during demolition.

39. The proposed demolition of the Highline will take approximately 13 months. This is because it will be removed in sections to minimize the neighborhood impacts. Removal of each section will take approximately two weeks. The alternative to demolition of the Highline will,

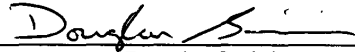
at a minimum, be a multimillion dollar renovation project which would be needed to protect the public from the lead based paint on the structure and to repair rusting steel structural members and the spalling concrete on the decking. Such a renovation project would take far longer and would be far more disruptive to the neighborhoods adjacent to the Highline than will be its demolition.

40. FHL asserts (Petition at 39) that the plan of certain property owners to leave the Highline structure in place over their properties would result in a significant environmental impact. Certain property owners have chosen this option because the Highline has, in the case of the car wash property on the corner of 14<sup>th</sup> Street, been incorporated into their new glass facade, or because they use the Highline to shield loading docks. The more typical reason is that the building owner anticipates the ultimate demolition of the building and wants to demolish the Highline and the building at the same time. Any property owner who is party to the Settlement Agreement and who leaves the structure in place will be responsible for ensuring it is maintained in a safe condition, just as he is responsible for the maintenance of his existing buildings in a safe condition.

**Declaration Under 28 U.S.C. 1621**

I, Douglas Sarini, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement.

Executed on September 20, 2002.

  
\_\_\_\_\_  
Douglas Sarini

**EXHIBIT LIST**  
**(Sarini Verified Statement)**

- |               |                                                                                                                                                                                                           |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Exhibit No. 1 | Excerpt from Twenty-Third Street Association 1939 Report                                                                                                                                                  |
| Exhibit No. 2 | Photographs showing effects of removal of the Highline and resulting property development.                                                                                                                |
| Exhibit No. 3 | Far West Midtown Report                                                                                                                                                                                   |
| Exhibit No. 4 | Excerpts from CPO June 21, 1989 Abandonment Application                                                                                                                                                   |
| Exhibit No. 5 | Excerpts from 1989 Phase IV West Side Transitway Study for the Department of City Planning of the City of New York                                                                                        |
| Exhibit No. 6 | Excerpts from New York 2012 Application to United States Olympic Committee for New York to Host 2012 Olympic Games, and map of proposed 86,000 seat Olympic Stadium to be build on Highline right-of-way. |
| Exhibit No. 7 | Set of maps showing each of the eligible properties identified by FHL as potentially adversely affected by the abandonment and demolition of the Highline.                                                |

# **Exhibit No. 1**



**TWENTY-THIRD STREET ASSOCIATION**  
INCORPORATED

FLATIRON BUILDING, 23rd Street and Fifth Avenue  
NEW YORK, N. Y.



Report of the President  
at the  
Tenth Annual Meeting  
October 18, 1939

File  
2nd st. Assoc.

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"To foster the development of Twenty-third Street and adjacent territory from 18th to 28th Street, river to river."

# REPORT OF THE PRESIDENT — Tenth Annual Meeting

To the Officers, Directors and Members of the Twenty-third Street Association, Inc.

WE COMPLETE our tenth year of civic service with an anxious cloud hanging over the World, a cloud which in reality dwells over the best citizen and government. In spite of this great shadow, we must seek to extend and enlarge our service to the community. It is our duty to analyze the activity of associations and organizations like ours is directed toward representing and emphasizing the taxpayer's and the business community's problems before governmental bodies. It is our duty to make the latter may know a little more intimately the opinion and reaction of the former.

It is our hope that a lasting, permanent peace may soon come to the World. At the moment, however, we must all realize that we are confronted with a world which is not only a world of peace and good-will, but a world of peace and good-will, and in adjusting our lives and activities to these new conditions, let us not overlook the problems to which we have heretofore directed our effort. Let us not overlook the problems to which we have heretofore directed our effort.

A review of our past year's work and the knowledge that our Association has been a constructive force for the good of our community we have in guiding ourselves for the tasks we face. In the past year, we have accomplished a great deal for this and for the splendid work done by our Committees. I am grateful. The reports of Committees which follow indicate the attention and resources of our Association.

In the past year, we have witnessed an increasing interest in the Twenty-third Street district. The City Council, the City Planning Commission and other bodies, and the Council on Standards and Aesthetics, have been active in the district. The City Council, the City Planning Commission and other bodies, and the Council on Standards and Aesthetics, have been active in the district.

In the past year, we have witnessed an increasing interest in the Twenty-third Street district. The City Council, the City Planning Commission and other bodies, and the Council on Standards and Aesthetics, have been active in the district. The City Council, the City Planning Commission and other bodies, and the Council on Standards and Aesthetics, have been active in the district.

ices and establishments. With the coordination of all this activity it is not difficult to visualize, a few years hence, that the Twenty-third Street district, from river to river, will be the City's ideal home and business community.

We joined with other organizations in the State-wide opposition to an increased State budget and proposed State real estate tax and increase in the business tax. This opposition was successful because our different organizations truly represented the various interests of the community. The individual response of our members in communicating with the members of the Legislature played a most important part in stressing the taxpayers demand for reducing the budget.

Our membership activity under the direction of Vice President, Charles W. Schwetel, and with the cooperation of Charles G. Keller, Secretary, I. Harold McCreery and Bernard Chabot, has been maintained. We have also continued the presentation of our petitions, illustrated Bulletin, Keon Kroger and other publications, for their cooperation.

Harmonious relationship with other organizations, and especially the Gramercy Park Association, has been maintained. We have also continued the presentation of our petitions, illustrated Bulletin, Keon Kroger and other publications, for their cooperation.

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Our Bowling Team, was successful in civic competition. This activity was added to our social functions which include an Annual Golf

## HOUSING COMMITTEE

Norman W. VanNostrand, Chairman

THE Twenty-third Street Association has operated with agencies on the West Side and East side in an effort to interest the Housing Authorities in public housing projects. In the West Side, the association has been successful in securing the removal of the old, dilapidated buildings, and in the City, housed in clean, comfortable, safe and modern buildings. We would like, however, to see the plan developed so that private initiative would not be destroyed. We would like to see the plan developed so that private initiative would not be destroyed. We would like to see the plan developed so that private initiative would not be destroyed.

I think a brief outline of the situation in the 23rd Street district might serve to illustrate the conditions here are quite different from those that prevail in blighted and undeveloped sections of the City. Due to the lack of zoning restrictions, business and industrial use has been permitted in the residential areas. This use continues today and will continue to do so for some time.

Following the war and up until 1929, demands for residential quarters were not so great as they are today. Many owners naturally converted their properties for commercial use. The zoning laws permitted it and the economy demanded it. At the same time, the demand for commercial space was increasing. This use continues today and will continue to do so for some time.

## SIXTH AVENUE COMMITTEE

Ralph N. Voorhis, Chairman

DURING the past year we have witnessed the removal of the Sixth Avenue Elevated structure and the beginning of a revival of interest in the Avenue as a business thoroughfare. The construction of the City Independent Subway under Sixth Avenue between 33rd and 43rd Streets, which will be completed in 1934, will be a great help in the development of the Avenue. The road way will soon be permanently improved with a smooth asphalt surface and existing surface car tracks will be removed. The Hudson and Manhattan Railroad, which has been in operation since 1908, is a great help in the development of the Avenue.

## LABOR RELATIONS COMMITTEE

Henry D. Reed, Chairman

THE report of your Committee on Study and Recommendations of the National Labor Relations Act was accepted by the Board of Commissioners on June 31, 1933. The Board has no doubt that the Act will come up for discussion at the next regular session. The A. F. of L. also suggested changes in the Act which, in our opinion, are of a nature to improve the Act. Changes in personnel of the Labor Relations Board and the changes in the Board's interpretation of the Act, whereby employer may now, under certain conditions, petition the Board, indicate that the general opposition to the Act, which was so strong in 1933, is now being recognized by the Board.

The report received wide distribution and several organizations and Chambers of Commerce adopted similar resolutions. It was also forwarded to the National Labor Relations Board. The Board's interpretation of the Act, whereby employer may now, under certain conditions, petition the Board, indicate that the general opposition to the Act, which was so strong in 1933, is now being recognized by the Board.

## TRANSPORTATION COMMITTEE

John F. Morgan, Chairman

THE growing importance of 23rd Street is indicated in the increase in the use of the transportation facilities which serve the area. The Transit Commission shows, for the year ending June 30, 1933, that 47,941,512 fares were collected on the 23rd Street line. This is an increase of 1,100,000 fares over the year ending June 30, 1932.

In addition to the transportation lines listed in our district, the exceptional and fine services given by the Fifth Avenue Coach Company, which during the World's Fair inaugurated a new service, have been a great help in the development of the Avenue. The City Independent Subway, which is now under construction, will be a great help in the development of the Avenue.

Thus, even with the demolition of the Sixth Avenue Elevated Line, which for the previous twelve months, collected 1,735,852 fares on 23rd Street, we show an increase of 284,338 over a similar period ending June 30, 1932. Some of the reasons for this increase are: the transfer of their riding habits from the Avenue I.R.T. which this year shows an increase of 227,526 and the Ninth Avenue I.R.T. which shows a decrease of 2,918 compared with a total of 33,093 last year. The City Independent Subway, which is now under construction, will be a great help in the development of the Avenue.

Land values, therefore, in our midtown area seem to be excessive for public housing development. The New York City Housing Authority, which has been established a rule that land may not be purchased for more than \$1.50 per square foot. The report further states, "No property may be purchased in the lower East Side for less than \$1.50 per square foot. The lower East Side is in East Harlem, the price approaches \$2.00 per square foot on the West side of Manhattan. The price of land on the West side of Manhattan is \$1.50 and \$1.00 per square foot, in many sections of Brooklyn, \$1.00 and \$1.00 per square foot. Under these conditions and so far as your Committee sees the problem, these restrictions provide an insurmountable obstacle to such districts in Manhattan as ours, where land is so scarce and where the demand for housing is so great. The U. S. Housing Authority, which is now under construction, will be a great help in the development of the Avenue.

It is also significant to read in the New York City Housing Authority report in connection with these two projects which are now under construction, that the City of New York has agreed to grant tax exemption to these projects. The Authority will, however, by virtue of a Co-Operation Agreement entered into with the City, make payments to the City in lieu of taxes for the period of the construction of the projects. These payments will amount to \$55,000 per year for the combined Bad Hook and Queensbridge project. Under private ownership, the tax on a development of this size would amount to more than \$100,000.

There are many other problems in connection with the development of the Avenue. The public debt, the demand of other public services upon our public funds, the actual construction on land that will accomplish all the above mentioned projects, etc. Your Committee is sympathetic to the efforts of the City and County of New York and of public bodies towards solving this housing problem. It will do so.

The B.M.T. Broadway line, is fifth avenue station, which during the World's Fair inaugurated a new service, have been a great help in the development of the Avenue. The City Independent Subway, which is now under construction, will be a great help in the development of the Avenue.

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## **Exhibit No. 2**

**MAP WILL BE SCANNED  
AT A LATER DATE**

# HIGH LINE REALTY

No. 4

High Line Realty, One of the most innovative and successful real estate companies in New York City, is now a part of the High Line Realty Group. High Line Realty Group is a leading real estate company in New York City, with a focus on the High Line area.

## What Happens When the High Line is Demolished: 270 New Apartments

When the High Line is replaced with places for people to live and work, everyone comes out ahead.

A five block segment of the High Line between Bank Street and Gansevoort Street was demolished in 1991. At the time, the High Line existed in a tunnel through two existing buildings and above parking lots in three blocks.

So far, two of the parking lots have become sites for new residential buildings and the tunnel through one of the buildings has been filled in for residential use.

These are the completed projects:

- Between Horatio Street and Jane Street, Rockrose constructed a residential building, 99 Jane Street, with 84 apartments. **After incentives expire, the real estate taxes on the site, money that goes to the city, will increase from \$43,000 per year as a parking lot to more than \$1,000,000 per year as a building.**
- Between Jane Street and W. 12th Street, Rockrose constructed a building with 148 apartments. **The real estate taxes on the property will increase from \$85,000 per year as a parking lot to more than \$1,250,000 per year as a building.**
- Where the High Line passed through the West Coast apartment building between Gansevoort Street and Horatio Street, Rockrose filled in the tunnel with 38 new apartments.



The parking lot under the High Line is gone and the structure is in the process of demolition.



One of two new apartment buildings which replaced the High Line on Washington Street.

Email us at [highline2002@mail.com](mailto:highline2002@mail.com)

**Exhibit No. 3**

KL  
WESTSIDE ZONING

# Far West Midtown

## A Framework for Development



The City of New York  
Rudolph W. Giuliani, Mayor

Department of City Planning  
Joseph B. Rose, Director

nyc.gov/planning  
Winter 2001  
NYC DCP #01-21

## TABLE OF CONTENTS

|                                                         |           |
|---------------------------------------------------------|-----------|
| <b>Executive Summary</b> . . . . .                      | <b>1</b>  |
| <b>Introduction</b> . . . . .                           | <b>1</b>  |
| <b>Existing Conditions</b> . . . . .                    | <b>5</b>  |
| Physical Conditions . . . . .                           | 5         |
| Economic Conditions . . . . .                           | 11        |
| Transportation . . . . .                                | 15        |
| Development Activity and Planning Initiatives . . . . . | 21        |
| <b>Opportunities and Issues</b> . . . . .               | <b>24</b> |
| Opportunities . . . . .                                 | 24        |
| Issues . . . . .                                        | 26        |
| <b>Development Framework</b> . . . . .                  | <b>29</b> |
| Land Use and Density . . . . .                          | 33        |
| Urban Design and Open Space . . . . .                   | 38        |
| Transportation . . . . .                                | 45        |
| <b>Implementation Strategy</b> . . . . .                | <b>57</b> |
| Special Purpose Zoning District . . . . .               | 57        |
| Zoning Map Changes . . . . .                            | 58        |
| Specific Infrastructure Improvements . . . . .          | 58        |
| Financing Strategies . . . . .                          | 60        |
| Implementation Steps . . . . .                          | 62        |

## LIST OF FIGURES

|            |                                                                                 |    |
|------------|---------------------------------------------------------------------------------|----|
| Figure 1:  | Areawide Context. . . . .                                                       | 2  |
| Figure 2:  | Existing Zoning. . . . .                                                        | 4  |
| Figure 3:  | Primary Land Use. . . . .                                                       | 6  |
| Figure 4:  | Existing Floor Area Ratio (FAR). . . . .                                        | 10 |
| Figure 5:  | Ownership. . . . .                                                              | 12 |
| Figure 6:  | 1997 Jobs (by block). . . . .                                                   | 14 |
| Figure 7:  | 1997 Jobs - East and West of Ninth Avenue. . . . .                              | 15 |
| Figure 8:  | Existing Transportation Infrastructure. . . . .                                 | 16 |
| Figure 9:  | Parking and Bus Storage. . . . .                                                | 20 |
| Figure 10: | Development Activity and Planning Initiatives. . . . .                          | 22 |
| Figure 11: | Conceptual Development Framework. . . . .                                       | 30 |
| Figure 12: | Proposed Land Use and Density. . . . .                                          | 32 |
| Figure 13: | Areawide Open Space. . . . .                                                    | 40 |
| Figure 14: | Superblock and 34th Street Open Space. . . . .                                  | 41 |
| Figure 15: | Eleventh Avenue Looking North. . . . .                                          | 42 |
| Figure 16: | Midblock Open Space. . . . .                                                    | 44 |
| Figure 17: | Large Scale System Improvements. . . . .                                        | 46 |
| Figure 18: | Proposed Traffic Improvement Measures, Office-Use Alternative. . . . .          | 52 |
| Figure 19: | Proposed Sidewalk Improvement Measures, Multi-Use Facility Alternative. . . . . | 54 |

## EXECUTIVE SUMMARY

The redevelopment of Far West Midtown offers an extraordinary opportunity to meet the City's need for an expanded central business district. Together with the reconstruction of Lower Manhattan, the redevelopment of Far West Midtown would provide the expansion space the City's prime office users will need as the City's economy rebounds, spreading economic benefits throughout the City and region. With proper planning and investment, Far West Midtown would be a transit-oriented, pedestrian-friendly urban central business district, with office, hotel, entertainment, exhibition, and retail space that would be accessible to, and integrated with Midtown, while strengthening the City's tax base and providing new housing and public parks in an environmentally beneficial manner. Moreover, the value that would be created by the redevelopment of Far West Midtown, and the tax revenues it would generate, would permit the financing of the needed public investment without impinging on public funds needed elsewhere in the City.

This *Framework* establishes a plan for the revitalization, over the next two decades, of this critical but long-neglected area of Manhattan, through areawide infrastructure investments and zoning changes that reflect the growth potential of the area, and through innovative strategies for financing and implementation. An extension of the Number 7 Subway line to Far West Midtown, the first subway construction since the 1930's intended specifically to open new areas to development, is the key to ensuring that the area's infrastructure supports the projected new development.

### **Far West Midtown Today**

Far West Midtown covers an area of 59 blocks. On its eastern edge are some of the City and region's best transportation infrastructure including Pennsylvania Station, the Port Authority Bus Terminal, and Eighth Avenue subway lines, as well as large commercial uses, including Madison Square Garden, the Penn Plaza office buildings, and major Post Office facilities. West of Ninth Avenue, the area exists today largely as a diverse collection of monumental structures, railway lines, the MTA Rail Yards, approaches for the Lincoln Tunnel, low-rise industrial buildings, and open lots used for parking and bus storage. The Javits Convention Center sits isolated at the extreme western edge. Apartment buildings are significant along West 42<sup>nd</sup> Street and the 34<sup>th</sup> Street corridor east of Tenth Avenue, and tenement buildings interspersed with parking lots predominate on Ninth Avenue and the midblocks to the west. Overall, though, the area has a relatively low residential density, with approximately 6,300 residences, only 150 of which are west of Tenth Avenue and south of West 41<sup>st</sup> Street.

Intended to reflect the area's historic role as a warehouse, supply and distribution center for moving goods from the west side waterfront to the rest of the City, the predominant low- and medium-density manufacturing zoning west of Ninth Avenue remains largely unchanged since it was first put in place over 40 years ago. This outdated zoning, coupled with poor mass transit and commuter rail access in the western portion of the area, has contributed to the area's economic stagnation.



**Conceptual Development Framework**

### **Issues and Opportunities**

To remain competitive in the world marketplace, the City needs to provide for office growth and development. Even before the City lost over 13 million square feet of office space in the September 11 attack on Lower Manhattan, land was needed to add an estimated 60 million square feet of office space in Manhattan over the next 20 years. In addition, the City has an opportunity to accommodate new sports and entertainment facilities, create new housing and open space, and expand the Javits Convention Center facilities. Far West Midtown provides a unique opportunity to meet these future demands, making the world's greatest city even greater, and finally realizing the untapped potential envisioned in building the Javits Convention Center.

The area is contiguous with Midtown's western border and is the only large, underutilized area where Midtown can expand without encroaching on densely built-up residential communities. In addition to rebuilding Lower Manhattan, providing for the expansion of Midtown represents the best opportunity to meet the City's long-term need to develop office space to serve as headquarters for financial and advanced business services firms. The planned extension of the Number 7 Subway line will ensure that all of these opportunities connect with the City and region's transportation network, providing direct access to Pennsylvania Station, the Port Authority Bus Terminal, Grand Central Station and all of Midtown's north-south subway lines. With the appropriate infrastructure investments, the City can create a Central Business District (CBD) environment designed with 21st century sensibilities in mind: environmentally sustainable with convenient and seamless

transit access that would connect Midtown to a revitalized waterfront, and provide sorely needed neighborhood and regional open space. New housing can be integrated into the area and help alleviate the chronic housing shortage in Manhattan. Far West Midtown also presents an opportunity to transform what has been for decades a transitional area without a strongly defined urban character or open space of any significance.

The area also presents considerable planning challenges that must be addressed as part of a comprehensive plan. While the ability to provide additional public transit service is critical for creating and sustaining significant new development, future plans must also address traffic congestion around the approaches to the Lincoln Tunnel, ensure safe and easy pedestrian circulation throughout the area, and accommodate necessary parking and vehicle storage facilities as they are displaced by redevelopment.

### **Framework for Development**

The *Framework* designates six distinct areas within Far West Midtown, each with its own unique characteristics, for redevelopment at different densities and mix of uses. These six areas would be knitted together through a combination of new open space, urban design controls, and streetscape improvements to create a strong definition for the area. Under today's zoning, only seven million square feet of new development is projected over the next 20 years. In conjunction with new transportation facilities, over the next 20 years the area would be transformed with up to 30 to 40 million square feet of new offices, hotels, housing, and expanded exhibition and sports facilities, as well as new and

improved neighborhood and regional open space with direct pedestrian connections to the Hudson River Park.

**Superblock and 34<sup>th</sup> Street Corridor: High Density Commercial Spine**

Extending from the existing Pennsylvania Station west to the Javits Convention Center and Route 9A, generally between West 30<sup>th</sup> and West 35<sup>th</sup> streets, this corridor presents one of the best opportunities for large scale development due to its central location, the presence of the large sites created by the superblocks and MTA Rail Yards, and the extension of the Number 7 Subway line.

This corridor would be the commercial spine of Far West Midtown, tying the area to Midtown Manhattan and a newly developed commercial center across from the Javits Convention Center. This commercial spine could accommodate about 25 million square feet of new development over the next 20 years. The superblock between Eleventh Avenue and Route 9A could be the location of a multi-use sports and exhibition facility, as proposed by the NYC 2012 Olympics organizing committee, providing a stadium for the Olympics, if the City's bid is successful, and potentially the New York Jets, as well as additional space for the Javits Convention Center. If no stadium is built, the superblock could accommodate additional commercial space.

New regional open space would be a precondition for development atop the MTA Rail Yards. This new park would be reached by a green pedestrian corridor extending from Midtown along West 33<sup>rd</sup> Street, which would continue across Route 9A to the new Hudson River Park.

**Tenth to Eleventh Avenue Corridor: High Density Office Core**

This area is envisioned as the second leg of a high-density commercial office core with new open space serving the Javits Convention Center and office workers. Together with the new commercial spine formed by the superblock corridor, these areas would help realize the potential envisioned for the area at the time the Javits Convention Center was built. The absence of significant residential uses between Tenth and Eleventh Avenues and the large amount of vacant and underutilized land would facilitate the assemblage of development parcels to accommodate large-scale development. Up to eight million square feet of office and hotel development at 15.0 FAR are projected to be built in this area over the next 20 years.

As the front door to the Javits Convention Center, the development of the Eleventh Avenue blockfronts would be a strong defining point of the area. A variety of building types with ground floor retail and other active uses would enliven a newly landscaped tree-lined corridor, and the Javits Plaza at West 35<sup>th</sup> Street across from the Javits Convention Center would be expanded and redesigned with greenery. A midblock promenade extending north from the new regional open space atop the MTA Rail Yards to West 39<sup>th</sup> Street would provide the relief of green spaces in a dense urban environment. This promenade would be enlivened through outdoor cafes, seating areas, wide pedestrian paths and landscaping.

**Ninth to Tenth Avenue Corridor: Mixed-Use Neighborhood**

This mixed-use area already contains 1,700 housing units along Ninth Avenue and on the midblocks to the west. The plan removes the prohibition on residential development west of Ninth Avenue and encourages new mixed-use development and neighborhood open space to strengthen the residential community and provide an appropriate transition to the proposed high density office uses to the west. This area would also be enhanced by decking over portions of the Lincoln Tunnel Expressway to create neighborhood parks with playgrounds and recreation facilities to serve local residents.

**28<sup>th</sup> to 30<sup>th</sup> Street: Transition Area**

This area contains low-intensity industrial, commercial, and arts-related uses. The plan proposes a modest increase in permitted density and a continued prohibition on new residential development, to accommodate CBD support uses and provide a transition between future high-density uses to the north on the MTA Rail Yards, and continued moderate intensity uses to the south in Chelsea.

**Garment Center Area: Existing Special District at Higher Density**

This portion of the Garment Center, the midblocks between Eighth and Ninth avenues from West 35<sup>th</sup> to West 41<sup>st</sup> streets, contains a mix of loft buildings with garment-related uses predominating, and parking lots. The plan retains the Special Garment Center District, while increasing the permitted density from 5.0 to 10.0 FAR to better reflect the built character of the existing industrial lofts and to encourage new

office development on infill lots.

**Convention Center Area: Potential Expansion Area**

Extending north from the existing Javits Convention Center, the manufacturing zoning would be retained to allow for the expansion of the Javits Convention Center or for additional CBD support uses. The Javits Convention Center recently purchased the block to its immediate north in anticipation of expansion. Expansion as far north as West 41<sup>st</sup> Street, which would require the relocation of the MTA West Side Bus Depot, could remake the Javits Convention Center into a world class venue for exhibitions, and fulfill its role as an important draw in a revitalized Far West Midtown. As noted above, the Javits Convention Center could also expand to the south as part of a multi-use exhibition and entertainment facility.

**Transportation Improvements**

To help realize the vision for Far West Midtown, the *Framework* lays out a comprehensive program of transportation improvements. While the most critical component is the extension of the Number 7 Subway line, a number of physical improvements at existing subway stations, such as new entrances, stairway widenings and platform construction, are recommended to accommodate the expected increase in subway riders. More frequent bus service would also be required.

A number of physical improvements and traffic operation measures are also identified to ensure that congestion issues are addressed in a coherent and rational way. Traffic flow and pedestrian movement and safety would be improved through

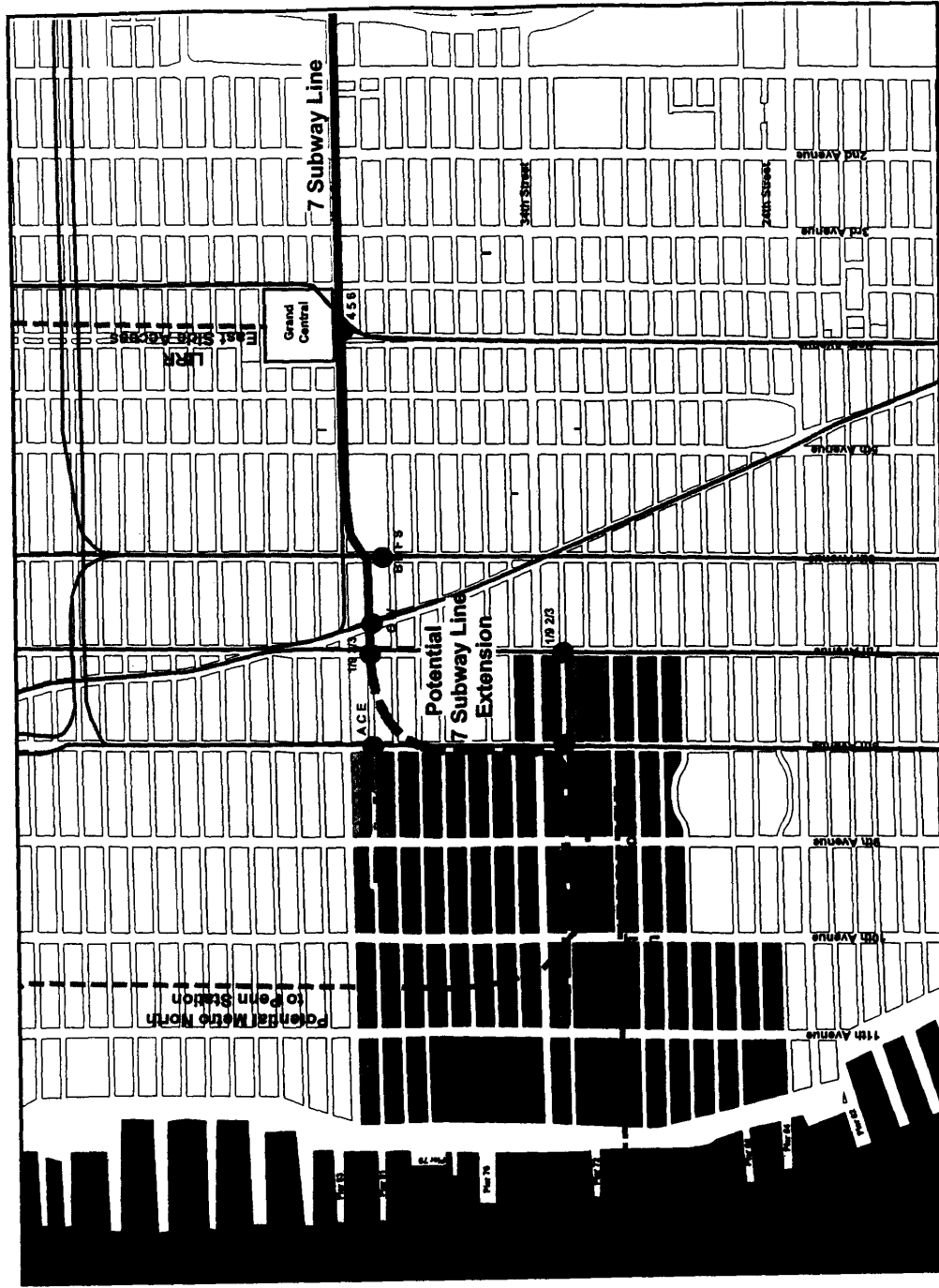


Figure 1: Proposed Large-Scale Transportation Infrastructure Improvements

changes in signal timing, lane channelizations, signal phasing and re-striping as part of a comprehensive program of traffic operational improvements. Regulatory changes would modify parking regulations to provide additional capacity for moving vehicles, and physical improvements such as the widening of certain streets and new pedestrian circulation spaces would also be provided.

One of the consequences of redevelopment is the potential loss of spaces in public parking lots that serve existing residents and businesses in the area and the CBD to the west. While mass transit improvements will be paramount in Far West Midtown, the plan would replace and supplement displaced spaces by requiring on-site parking as a component of new development. One or more off-street bus storage facilities are also proposed to replace the loss of bus storage resulting from redevelopment of bus storage lots and the elimination of on-street bus parking.

### **Implementing the Plan**

Several steps are proposed to immediately move forward and make this plan a reality. Recognizing that the City, the MTA and the Port Authority face constraints on their capital budgets, which have been exacerbated by the events of September 11, the implementation program incorporates innovative financing strategies to ensure that infrastructure improvements are financed and made as redevelopment proceeds. Of the major infrastructure elements identified in the *Framework*, extension of the Number 7 Subway line is the most critical. The MTA and the Department of City Planning will undertake a joint environmental review that will examine both the subway extension and the rezoning plan. Other key

infrastructure improvements include new public open space and waterfront access, replacement parking and bus storage facilities, and street, subway, and pedestrian improvements. Potential financing strategies would ameliorate the burden of these improvements on existing public agency capital programs by creating a financial linkage between the proposed zoning density increases in Far West Midtown and the provision of needed infrastructure. A new special zoning district with zoning map changes would incorporate new density, use and urban design controls, as well as certain on-site amenities and a capital financing mechanism.

### **Special Purpose Zoning District**

In conjunction with public discussions to refine the *Framework* for Far West Midtown, the Department would draft new special district regulations to achieve development and urban design objectives; mandatory on-site improvements such as pedestrian circulation space and publicly accessible open space; streetscape improvements; special regulations concerning parking and loading; and required elements to be included in the redevelopment over the rail yards, such as open space and pedestrian connections. Appropriate zoning map changes would be proposed in conjunction with new special district controls.

### **Financing and Infrastructure Strategies**

Two potential financing strategies, which are not mutually exclusive, are summarized below:

#### ***Tax Increment Financing***

The City would propose state legislation permitting it to dedicate a portion of the incremental property taxes resulting

from development in the area to reimburse the debt service on bonds for capital improvements serving the area. This strategy involves designating a Far West Midtown Improvement District and developing a District Improvement Plan specifying infrastructure improvements to be funded.

***Zoning Bonus Strategy***

The Far West Midtown Improvement District would also be designated and a District Improvement Plan developed. The special zoning district would permit the current base FAR as-of-right. Increased densities (zoning bonus) would be permitted only in conjunction with a monetary contribution to the district improvement fund, which would provide reimbursement for the plan's capital expenditures, support general obligation bonds, or fund capital expenditure directly.

Under both strategies, consideration should also be given to dedicating revenues from the sale of MTA and Port Authority development rights to capital expenditures supporting the District Plan.

Many of the steps for implementation can proceed simultaneously. Environmental work for the Number 7 Subway line extension, including route selection and preliminary engineering, and on proposed land use and density changes, can begin immediately and could be completed in approximately three to four years. Public discussion on the *Framework* would take place over the next year. At the same time work can start on drafting new special zoning district regulations and evaluating financing proposals. Zoning changes would be considered for adoption following completion of the EIS with completion of the Number 7 Subway line extension between 2009 and 2012.

## INTRODUCTION

Far West Midtown, the area generally located west of Eighth Avenue between West 42<sup>nd</sup> and West 24<sup>th</sup> streets, is strategically located for expanding the Midtown Central Business District, thereby providing for the future growth needs of the City's office economy. It is located adjacent to Midtown and proximate to major transportation facilities, including the Port Authority Bus Terminal (PABT), Pennsylvania Station, the Lincoln Tunnel, and the Metropolitan Transportation Authority (MTA) John D. Caemmerer Rail Yards. This area also contains major destination uses that include the Javits Convention Center and Madison Square Garden. While the area is experiencing development pressures and is poised for significant land use

## *Introduction*

change, it suffers from antiquated zoning and a lack of adequate transportation infrastructure which prevent the realization of the area's full potential.

This study was undertaken to investigate the opportunities for land use change and future growth in conjunction with strategies to reinforce and expand mass transit and commuter rail access in the area. The study analyzes transportation, zoning, and infrastructure constraints, documents existing land use and economic activity, and identifies land use and economic trends. Based on an assessment of critical issues and opportunities, the study establishes both a framework for the future development of the area and an implementation strategy. The study, completed prior to the attack on the World Trade Center, assumes that the findings and conclusions of the study remain valid.



Study Area from West 28th Street

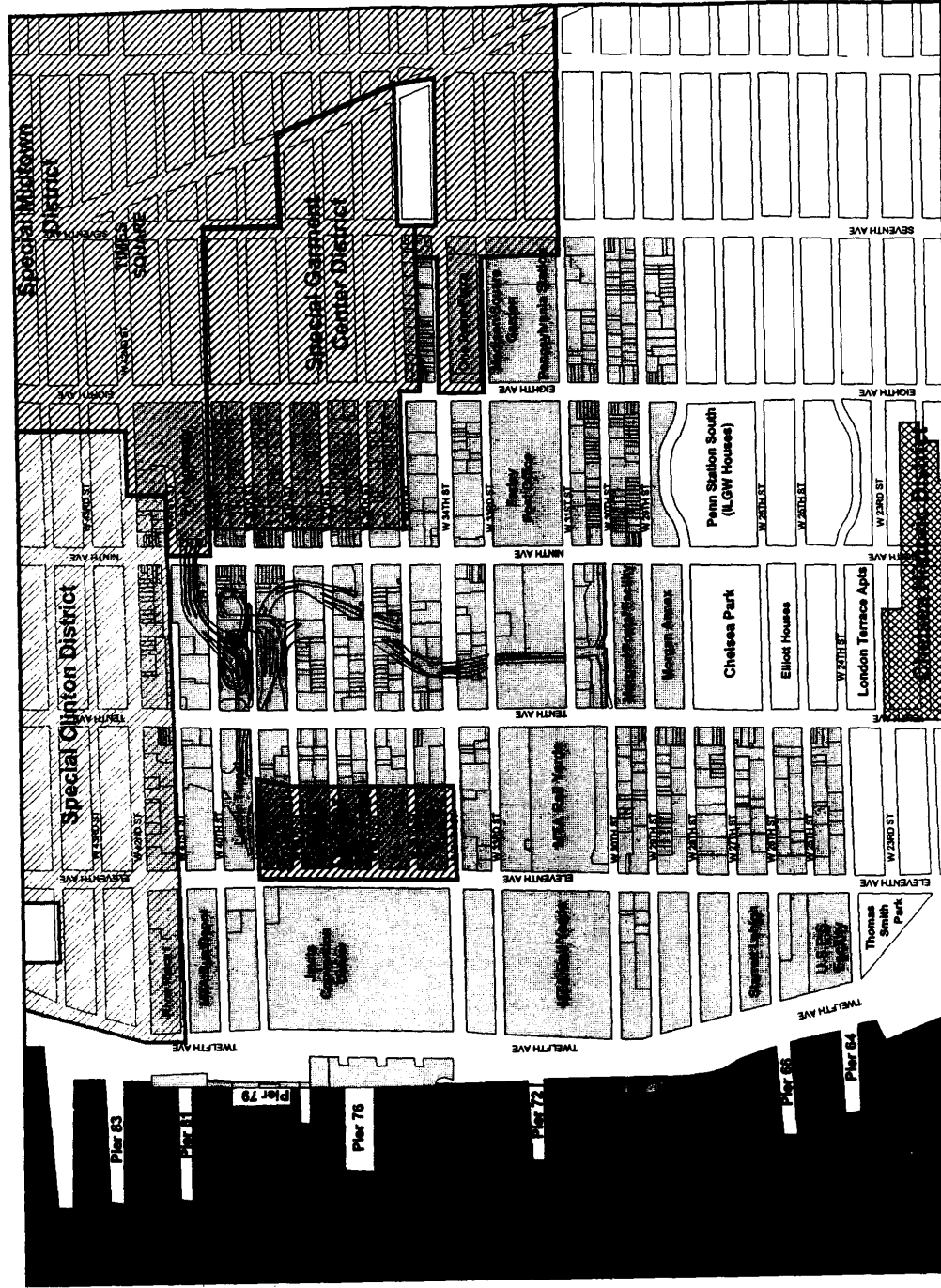


Figure 1: Areawide Context

This study focuses on a 59-block area bordered by West 24<sup>th</sup> and West 28<sup>th</sup> streets on the south, the Hudson River on the west, West 42<sup>nd</sup> Street on the north, and Seventh and Eighth avenues on the east. The study area lies almost entirely within Community District 4, except for the portion east of Eighth Avenue which is in Community District 5.

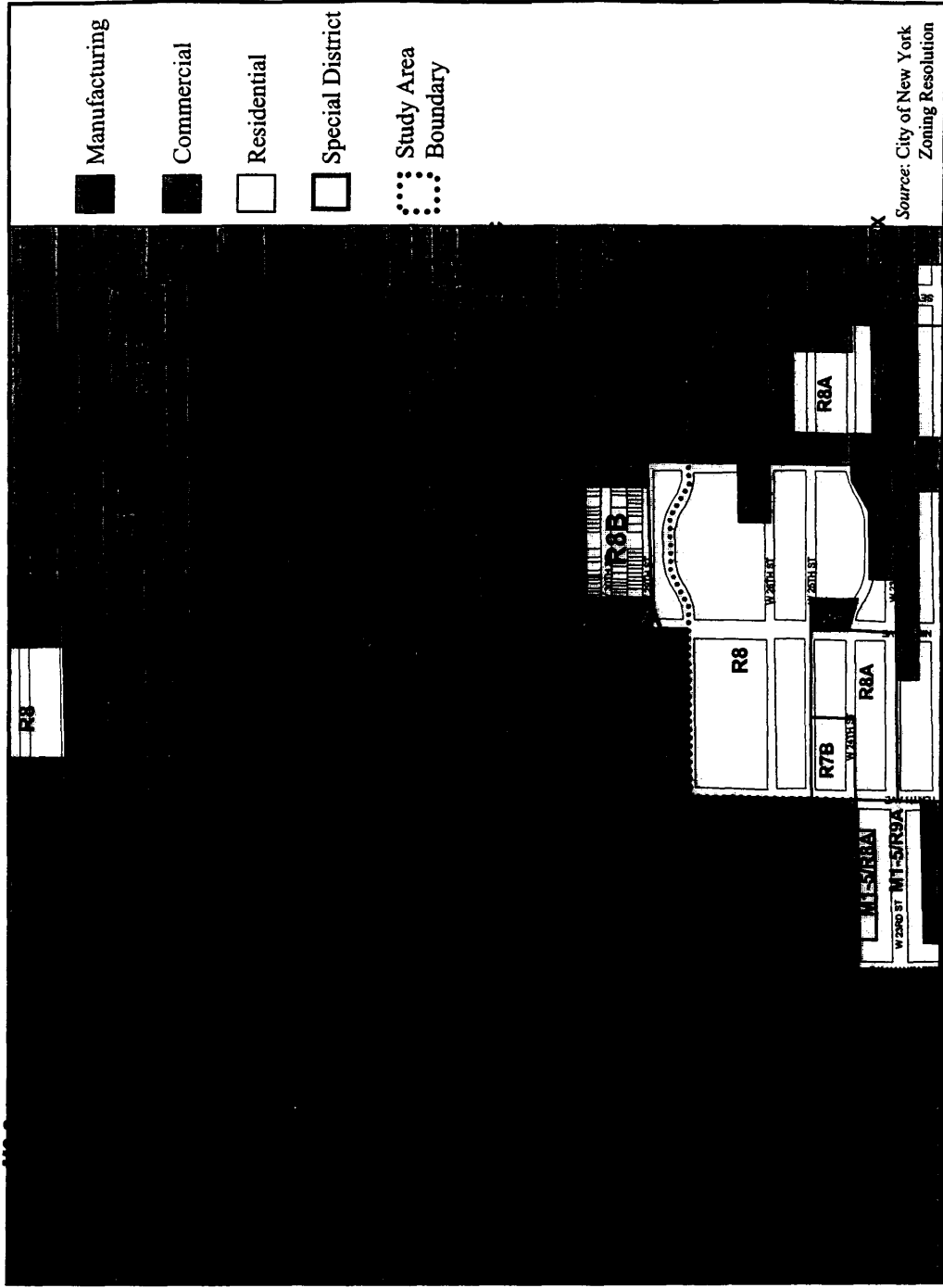
The eastern boundary incorporates the PABT, and Pennsylvania Station, Madison Square Garden (MSG) and the western portion of the Garment Center. To the west the boundary encompasses the Javits Convention Center and Hudson River Park which is under construction. The northern boundary overlaps the West 42<sup>nd</sup> Street Perimeter Area of the Special Clinton Preservation District, and the southern boundary at West 24<sup>th</sup> Street is coterminous with a Special Mixed Use District adopted in 1998 as part of the Chelsea Rezoning.

Funding for the study was provided by the New York Metropolitan Transportation Council. In addition to this document, a comprehensive transportation study, *Far West Midtown Transportation Study*, analyzed a larger study area. The findings of the *Transportation Study* are summarized within this report.



West of Tenth Avenue looking from West 26th Street

*Existing Conditions*



**Figure 2: Existing Zoning**

## EXISTING CONDITIONS

The Department of City Planning produced a comprehensive existing conditions report for the New York Metropolitan Transportation Council (NYMTC) in April 2000. That report contained detailed information regarding zoning, land use, built character, employment, and transportation. The following is a summary of the report's key findings.

### **Physical Conditions**

Beginning as part of the marshy river banks of the Hudson River, this area on the western edge of Manhattan has undergone a succession of distinct transformations over the last four hundred years. Developed into farm land in the eighteenth-century and subsequently transformed into a thriving freight yard in the mid-nineteenth-century, the study area exists today as a diverse collection of monumental structures, railway lines, storage yards, and approaches for the Lincoln Tunnel.

### **Zoning**

New York City's first zoning regulations in 1916 delineated three use groups: business, residential, and unrestricted. The study area was zoned predominantly unrestricted with the majority of the area occupied by industrial uses, such as freight distribution, lumberyards, warehouses, and rail yards. Several blocks around Pennsylvania Station and directly to its north were designated as business districts. Below West 30<sup>th</sup> Street between Eighth and Ninth avenues was the only zoned residential district.

The zoning remained substantially unchanged until the adoption of the 1961 Zoning Resolution, which mapped manufacturing districts in much of the area which was unrestricted and the prior commercial and residential districts remained unchanged. There have been few zoning changes in the intervening 40 years, and the area – particularly west of Ninth Avenue – continues to remain predominantly low- and medium-density manufacturing districts. Several small areas have been rezoned to commercial districts, primarily along West 42<sup>nd</sup> Street, Ninth Avenue, and across from the Javits Convention Center on Eleventh Avenue.

Currently, 70 percent of the lot area within the study area is zoned for manufacturing, 27 percent is commercially zoned, and three percent is zoned residential. The major manufacturing designations, M1-5 and M2-3 with floor area ratios (FARs) of 5.0 and 2.0 respectively are located primarily west of Ninth Avenue. Commercial designations vary, but C6-2 and C6-4 with FARs of 6.0 and 10.0 respectively are the predominant commercial districts. The only residential district is R8B with a FAR of 4.0, which is located at the southern portion of the study area in Chelsea.

The allowable FARs within the study area generally increase from 2.0 FAR along the Hudson River to 5.0 FAR at Eleventh Avenue, and 10.0 FAR east of Ninth Avenue along West 34<sup>th</sup> Street. A portion of the Special Garment Center District, located between Eighth and Ninth avenues from West 35<sup>th</sup> to West 41<sup>st</sup> streets, is zoned M1-5 and does not conform to this general trend. Other exceptions to this trend are the West 42<sup>nd</sup>

*Existing Conditions*



**Figure 3: Primary Land Use**

## Existing Conditions

Street corridor, the Jacob K. Javits Special District along Eleventh Avenue, and the M1-6 areas adjacent to Route 9A at West 29<sup>th</sup> Street and on the superblock between Ninth and Tenth avenues and West 31<sup>st</sup> and West 33<sup>rd</sup> streets. These areas allow a base FAR of 10.

There are four special zoning districts that are wholly or partially within the study area:

The Special Jacob K. Javits District was adopted in 1986 to promote development across from the Javits Convention Center between West 34<sup>th</sup> and West 39<sup>th</sup> streets. It imposes specific urban design controls, including a mandatory through-block pedestrian way from West 34<sup>th</sup> to West 37<sup>th</sup> streets approximately 200 feet east of Eleventh Avenue.

The portion of the Special Garment Center District within the study area is located between Eighth and Ninth Avenues from West 35<sup>th</sup> to West 40<sup>th</sup> streets. The district includes midblock preservation areas for garment related manufacturing where conversions to office use are restricted.

The other two special districts, the Special Clinton District and the Special Midtown District, are located at the periphery of the study area.

### Primary Land Use

The land uses in the study area are mainly commercial, transportation, industrial, parking and residential. Public facilities, open space, and vacant land in comparison comprise very few of the uses within this area.

Commercial uses are the most predominant both east and west of Ninth Avenue and occupy a total of 4.2 million square feet of lot area. Much of this lot area, though, can be attributed to large uses such as the Javits Convention Center, Post Office buildings, Madison Square Garden, and the Penn Plaza buildings. Besides some of these large uses, the major concentration of commercial uses are located east of Ninth Avenue and centered around Madison Square Garden and Pennsylvania Station. West of Ninth Avenue, there has been an influx of commercial and arts-related uses south of West 28<sup>th</sup> Street between Tenth and Twelfth avenues where there is a concentration of mid-rise loft buildings. The Starrett Lehigh building, which covers a full block and contains 1.8 million square feet of floor area, has been converted to predominantly commercial uses over the last few years, signifying the broader shift from industrial to commercial uses in the southern part of the study area.

Table 1: Land Uses

| Land Use                      | West of Ninth* |      | East of Ninth |      |
|-------------------------------|----------------|------|---------------|------|
|                               | Lot Area       | %    | Lot Area      | %    |
| Commercial                    | 2,592,167      | 32%  | 1,647,839     | 49%  |
| Transportation/Utility        | 2,387,337      | 29%  | 301,422       | 9%   |
| Industrial/Manufacturing      | 1,289,620      | 16%  | 393,629       | 12%  |
| Parking/Vehicle Storage       | 1,102,950      | 14%  | 271,677       | 8%   |
| Residential                   | 450,592        | 6%   | 600,173       | 18%  |
| Institutional/Public Facility | 229,722        | 3%   | 144,771       | 4%   |
| Open Space                    | 49,375         | 1%   | 0             | 0%   |
| Vacant Land                   | 18,694         | 0%   | 12,442        | 0%   |
| Total                         | 8,120,457      | 100% | 3,371,953     | 100% |

Source: 1999 RPAD Data, 1999 Field Survey

\*Does not include waterfront lots

### *Existing Conditions*

Transportation and utility uses are significant west of Ninth Avenue, accounting for nearly 2.4 million square feet of lot area. The Lincoln Tunnel and its access ramps, as well as the MTA Rail Yards and other railroad cuts, account for the majority of the lot area within this land use category. The MTA Rail Yards extend both east and west of Eleventh Avenue between West 30<sup>th</sup> and West 33<sup>rd</sup> streets with each encompassing roughly 13 acres. In addition, an open rail cut leading to the yards between Ninth and Tenth avenues is just over 5 acres.

Other significant transportation and utility uses include the Consolidated Edison sites, on a full block site at Twelfth Avenue and West 29<sup>th</sup> Street and on West 41<sup>st</sup> Street between Tenth and Eleventh avenues, and the full-block MTA West Side Bus Depot located between Eleventh and Twelfth avenues and West 40<sup>th</sup> and West 41<sup>st</sup> streets. The major transportation uses east of Ninth Avenue are the Port Authority Bus Terminal at West 42<sup>nd</sup> Street and Eighth Avenue, and the below-grade Pennsylvania Station between Seventh and Eighth avenues, as well as under a portion of the Farley Building.

Industrial uses, accounting for approximately 1.7 million square feet of lot area, are concentrated in three general areas. A significant amount of apparel-related uses exist east of Ninth Avenue within the Special Garment Center District. Auto-related and storage uses are concentrated between Tenth and Eleventh avenues across from the Javits Convention Center and in the area south of West 30<sup>th</sup> Street.

Parking and vehicle storage uses account for 1.4 million square feet of lot area. These uses are primarily surface level parking lots located west of Ninth Avenue in the vicinity of the Javits Convention Center. Surface level parking lots east of Ninth Avenue are located primarily within the Garment Center.

There are approximately 6,300 residential units throughout the study area. Major concentrations of residences include the area south of West 30<sup>th</sup> Street between Eighth and Ninth avenues, the West 42<sup>nd</sup> Street corridor with recent high-rise construction, an area of tenement buildings from Ninth to Tenth avenues between West 35<sup>th</sup> and West 41<sup>st</sup> streets, and the West 34<sup>th</sup> Street corridor east of Tenth Avenue, which contains a number of large, pre-1961 apartment buildings. There is little housing – only 150 units in 19 buildings – west of Tenth Avenue from West 24<sup>th</sup> Street north to West 41<sup>st</sup> Street. A number of significant residential projects have been completed or are under construction along the West 42<sup>nd</sup> Street corridor, and on West 34<sup>th</sup> Street between Eighth and Ninth avenues. The River Place development, located on the south side of West 42<sup>nd</sup> Street between Eleventh and Twelfth avenues will contain approximately 1,800 units when completed.

There are few institutional or public facilities within the study area. These consist primarily of religious institutions, and fire and police stations. While there is almost no vacant land within the study area, there is a significant amount of land without major improvements used primarily for parking and storage.

The major open space in the area is the planned Hudson River Park that will extend from Battery Park to West 59th Street, where it will connect with Riverside South Park and Riverside Park. The portion of the park within the study area corresponds to Segment Six of the Hudson River Park Plan, which runs from West 25th Street to West 42nd Street. Through much of the study area, the new park will consist of bikeways, walkways, and linear lawns. An esplanade linking green passive sitting and recreation areas, would connect to the north and south of Segment Six. The southern portion of this segment will connect to the Park's largest open space area, Chelsea Waterside Park, located between West 22nd and West 24th streets. Under the plan, West 30th, West 34th, and West 42nd streets are designated as major park entrances and will include major plazas.

Pier 66, located at West 26th Street, is designated as a public pier with passive recreation space and a boat house. Pier 79, just south of West 42nd Street, is planned for a rebuilt and expanded ferry terminal with public access. Pier 76, located opposite the Javits Convention Center, is currently used as a tow pound and is also not part of Hudson River Park. If the tow pound vacates the pier, then half the pier would be incorporated into the park and dedicated to open space use. East of Route 9A, the only permanent public open space is the sitting plaza across from the Javits Center. Several small community parks have recently been created on Port Authority property, between Ninth and Tenth avenues, through an agreement with the community. In addition, privately owned public space is located at 1 and 2 Penn Plaza, and on the midblock between West 41st and West 42nd streets and Eleventh and Twelfth avenues.

### Built Character

The study area is predominantly organized along Manhattan's grid of streets and avenues creating the typical 200-foot by 800-foot blocks. Although most of the blocks conform to the street grid, a series of superblocks extend from Seventh Avenue to the Hudson River along the south side of West 33rd Street. These superblocks are a consequence of the railroad network that links the MTA Rail Yards with Pennsylvania Station. The superblocks also extend from West 34th Street to West 39th Street between Eleventh and Twelfth avenues due to the Javits Convention Center. In addition to the superblocks, the other disruption to the regular street grid is caused by the Lincoln Tunnel access ramps. The Lincoln Tunnel and its access ramps disrupt the block pattern between Ninth and Tenth avenues from West 30th Street to West 42nd Street.

The character of the study area differs significantly from one area to another. Though the Garment Center area, Madison Square Garden area, Javits Convention Center area, and the area south of West 28th Street are distinct, the greatest

Table 2. Floor Area Ratios (FAR)

| FAR         | West of Ninth* |      | East of Ninth |      |
|-------------|----------------|------|---------------|------|
|             | Lot Area       | %    | Lot Area      | %    |
| No Building | 3,012,773      | 37%  | 160,330       | 5%   |
| 0.1 - 3.0   | 1,732,143      | 21%  | 588,536       | 17%  |
| 3.1 - 5.0   | 1,844,970      | 23%  | 479,263       | 14%  |
| 5.1 - 10.0  | 1,263,524      | 16%  | 1,315,784     | 39%  |
| 10.1 - 15.0 | 267,047        | 3%   | 547,825       | 16%  |
| 15.1 +      | 0              | 0%   | 280,215       | 8%   |
| Total       | 8,120,457      | 100% | 3,371,953     | 100% |

Source: 1999 RPAD Data

\*Does not include waterfront lots

Existing Conditions

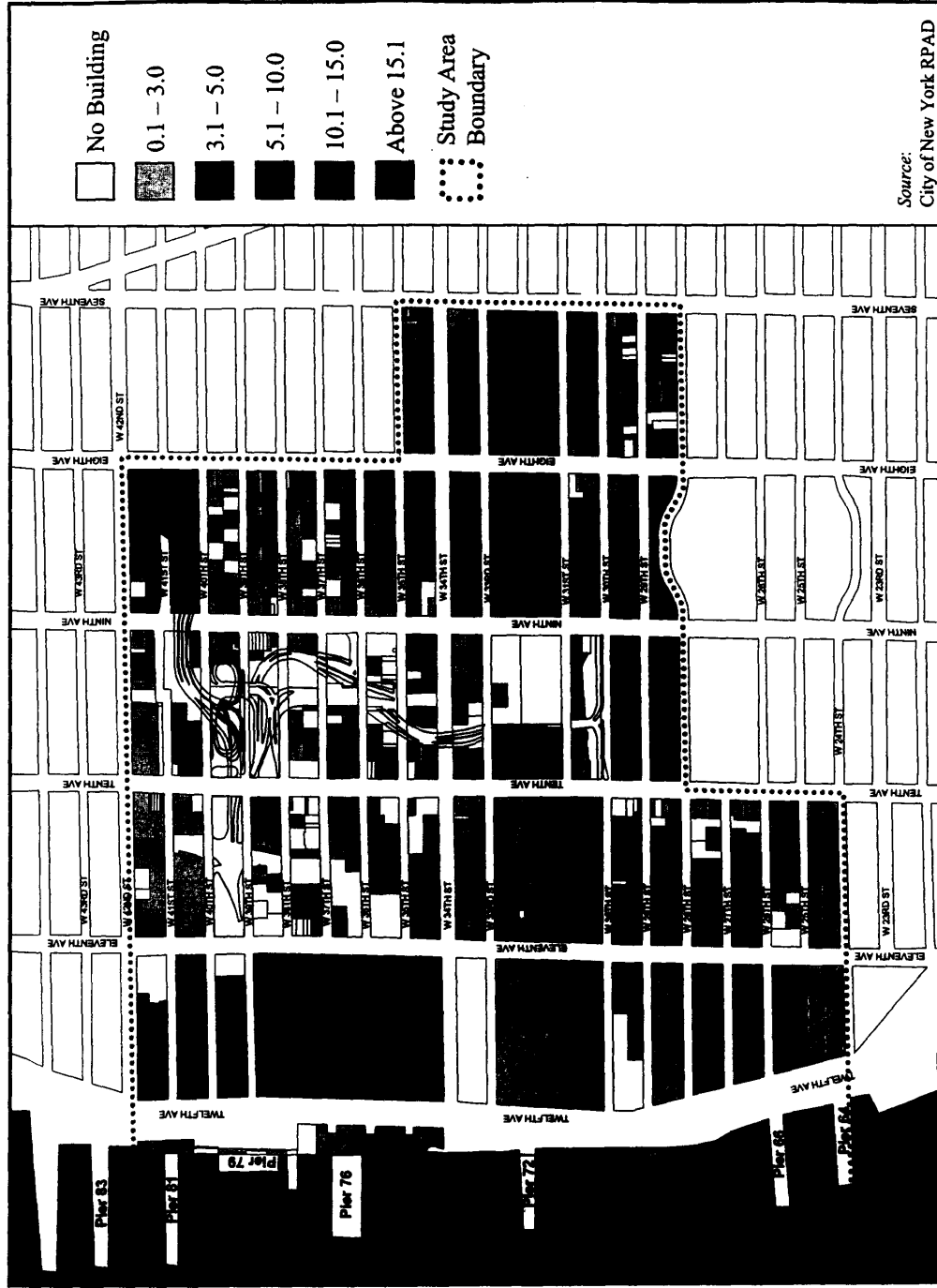


Figure 4: Existing Floor Area Ratio (FAR)

differences exist between the areas west and east of Ninth Avenue.

The area east of Ninth Avenue is characterized by relatively small lots, tall buildings, and continuous streetwalls. The FARs in this area typically exceed 5.0 while many buildings are built in excess of 10.0. The height of these buildings, as well as the concentration of buildings and active ground floor uses create a dense urban fabric. This area also conforms to the typical street grid, and is well integrated with Times Square and Midtown to the north and east.

In contrast, the built character west of Ninth Avenue, particularly north of West 33<sup>rd</sup> Street, is comprised primarily of one- to three-story structures and unbuilt lots. The FARs in this area are generally below 5.0. The lots west of Ninth Avenue are generally larger, the streetwalls are not continuous, and there are fewer ground floor retail uses. In addition, large portions of the lots are below-grade. The parking and vehicle storage lots, one- and two-story structures, and below-grade railways and ramps create a gritty area without a distinct built character. South of West 28<sup>th</sup> Street, some larger loft structures are interspersed with low-scale uses. Many of these buildings have been, or are in the process of, being converted from storage or industrial uses to art galleries or commercial space.

#### **Ownership**

The vast majority of the land in the study area is privately owned. Most of the privately owned properties are held by individual owners who own one or two properties.

The largest of property owners, though, are public entities. Among these owners are the MTA, the Port Authority, the New York Convention Center Development Corporation, and the Federal Government. New York City, on the other hand, owns almost no land in the area.

The MTA owns 1.0 million square feet of property most of which is the MTA Rail Yards and the West Side Bus Depot. The Port Authority owns 23 lots comprising 900,000 square feet. The lots primarily consist of ramps to the Lincoln Tunnel, Dyer Avenue, and the PABT. The New York Convention Center Development Corporation owns the property upon which the Javits Convention Center sits as well as the full blocks immediately north and south of the facility. The Federal Government's ownership in the area exceeds 1.0 million square feet, but is limited to U.S. Postal facilities such as the Farley Building, the Morgan Building and Annex, and a maintenance and storage facility.

#### **Economic Conditions**

The economic analysis identified and examined trends in industrial and non-industrial business activity within the study area from 1991 through 2000. The analysis from 1991 to 1997 was based on third quarter ES-202 data from the U.S. Department of Employment and Labor and the 2000 data on surveys by the Department of City Planning. ES-202 data provides data on private companies, but not on government agencies. 1997 was the latest year for which ES-202 data was available. This analysis identified which industries grew, declined, or remained constant, leading to general conclusions about the area's industrial and non-industrial sectors.

Existing Conditions

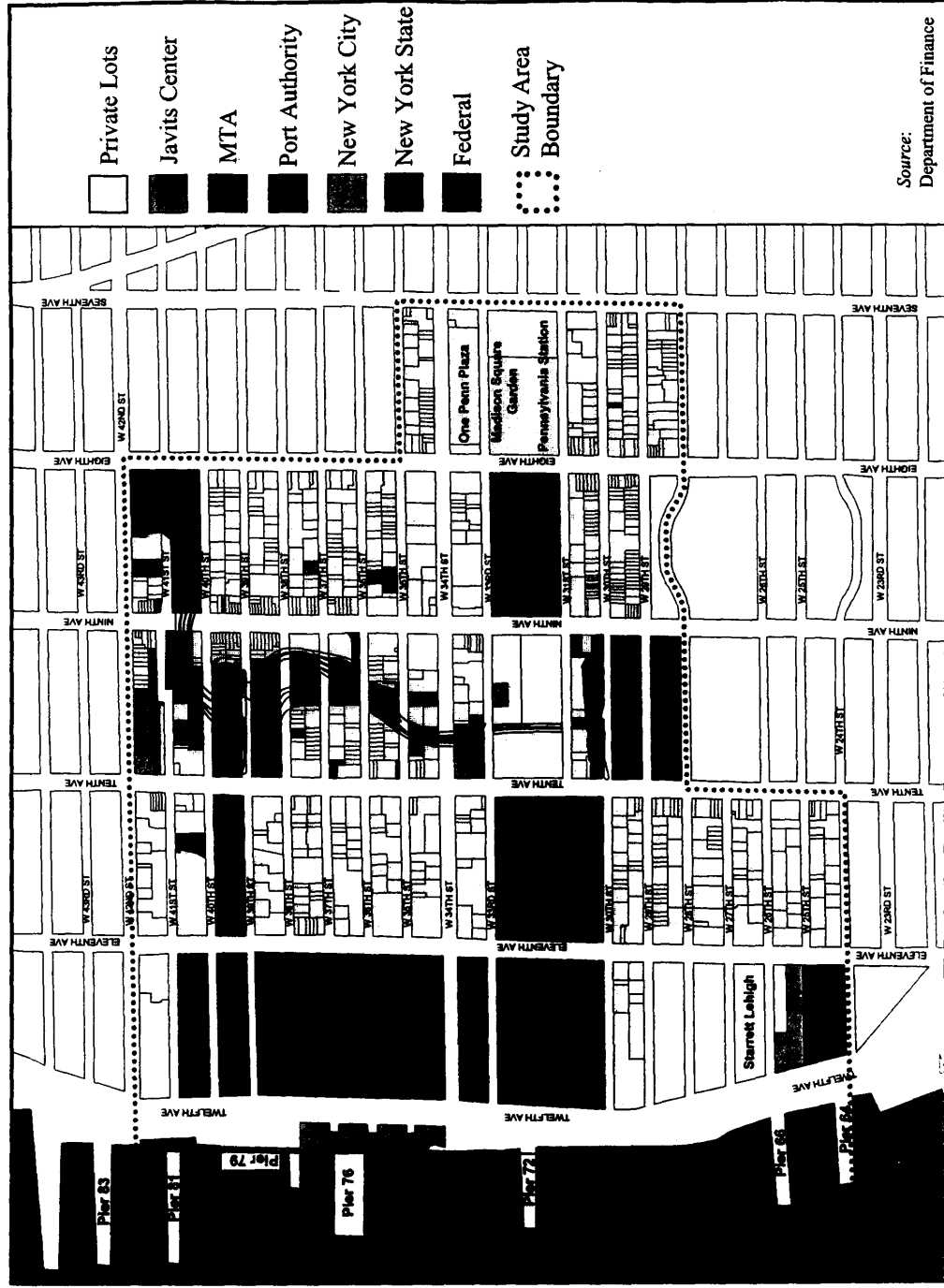


Figure 5: Ownership

### 1991 to 1997 Analysis

Traditionally, the study area possessed a strong industrial base; however, during this seven-year period it was evident that more than half of the jobs were non-industrial. In addition, the decline in industrial jobs, primarily manufacturing, was offset by a significant increase in non-industrial jobs, specifically commercial activities. Even with this increase, employment in the study area declined while it grew overall in Manhattan.

In 1991, there were 23,541 industrial-sector jobs in the study area. These jobs were primarily within the manufacturing sector, specifically fashion-related goods and printing and publishing. The non-industrial jobs in the study area totaled 37,244 during this same time. These jobs were concentrated in the services sector - business services, social services, amusement services - and financial sector.

The study area has followed Manhattan's overall trend shifting from manufacturing to a services-based economy. In 1997 the number of industrial-sector jobs decreased to 20,757 in the study area. As in 1991, these workers were concentrated in the manufacturing sector, specifically fashion-related goods and printing and publishing. The number of non-industrial jobs grew to a total of 38,247. These workers were primarily within the services sector such as business services and social services.

Between 1991 and 1997, job growth in the study area lagged behind Manhattan's. During this time period, the job concentration east and west of Ninth Avenue was significantly different. East of Ninth Avenue there was a concentration of

commercial jobs (services, FIRE, retail trade, wholesale trade) within the Penn Plaza buildings and along Eighth Avenue. Manufacturing jobs (apparel-related, printing and publishing) were located in the Garment District between Eighth and Ninth avenues from West 35<sup>th</sup> to West 40<sup>th</sup> streets. In addition, there were some manufacturing jobs within the commercial area east of Eighth Avenue between West 31<sup>st</sup> and West 35<sup>th</sup> streets.

West of Ninth Avenue there were low-intensity auto-related, construction, manufacturing, and transportation firms. The manufacturing and auto-related firms were between Tenth and Eleventh avenues from West 25<sup>th</sup> to West 41<sup>st</sup> streets. South of West 28<sup>th</sup> Street between Tenth and Twelfth avenues there

Table 3: 1991 & 1997 Jobs

|                         | 1991 Jobs        | 1997 Jobs        | % Change      |
|-------------------------|------------------|------------------|---------------|
| <b>Manhattan</b>        | <b>1,718,823</b> | <b>1,776,170</b> | <b>3.3%</b>   |
| <b>Total Study Area</b> | <b>60,785</b>    | <b>59,004</b>    | <b>-2.9%</b>  |
| <b>Industrial</b>       | <b>23,541</b>    | <b>20,757</b>    | <b>-11.8%</b> |
| Construction            | 3,521            | 2,996            | -14.9%        |
| Manufacturing           | 11,164           | 9,573            | -14.3%        |
| TCPU*                   | 3,755            | 4,560            | 21.4%         |
| Wholesale Trade         | 5,101            | 3,628            | -28.9%        |
| <b>Nonindustrial</b>    | <b>37,244</b>    | <b>38,247</b>    | <b>2.7%</b>   |
| Retail Trade            | 3,438            | 4,261            | 23.9%         |
| FIRE**                  | 8,958            | 6,673            | -25.5%        |
| Services                | 24,682           | 26,893           | 9.0%          |
| Nonclassifiable         | 166              | 420              | 153%          |

Source: ES-202 Data as compiled by the Department of City Planning

\*Transportation, Communication, and Public Utilities

\*\*Finance, Insurance, and Real Estate

Existing Conditions

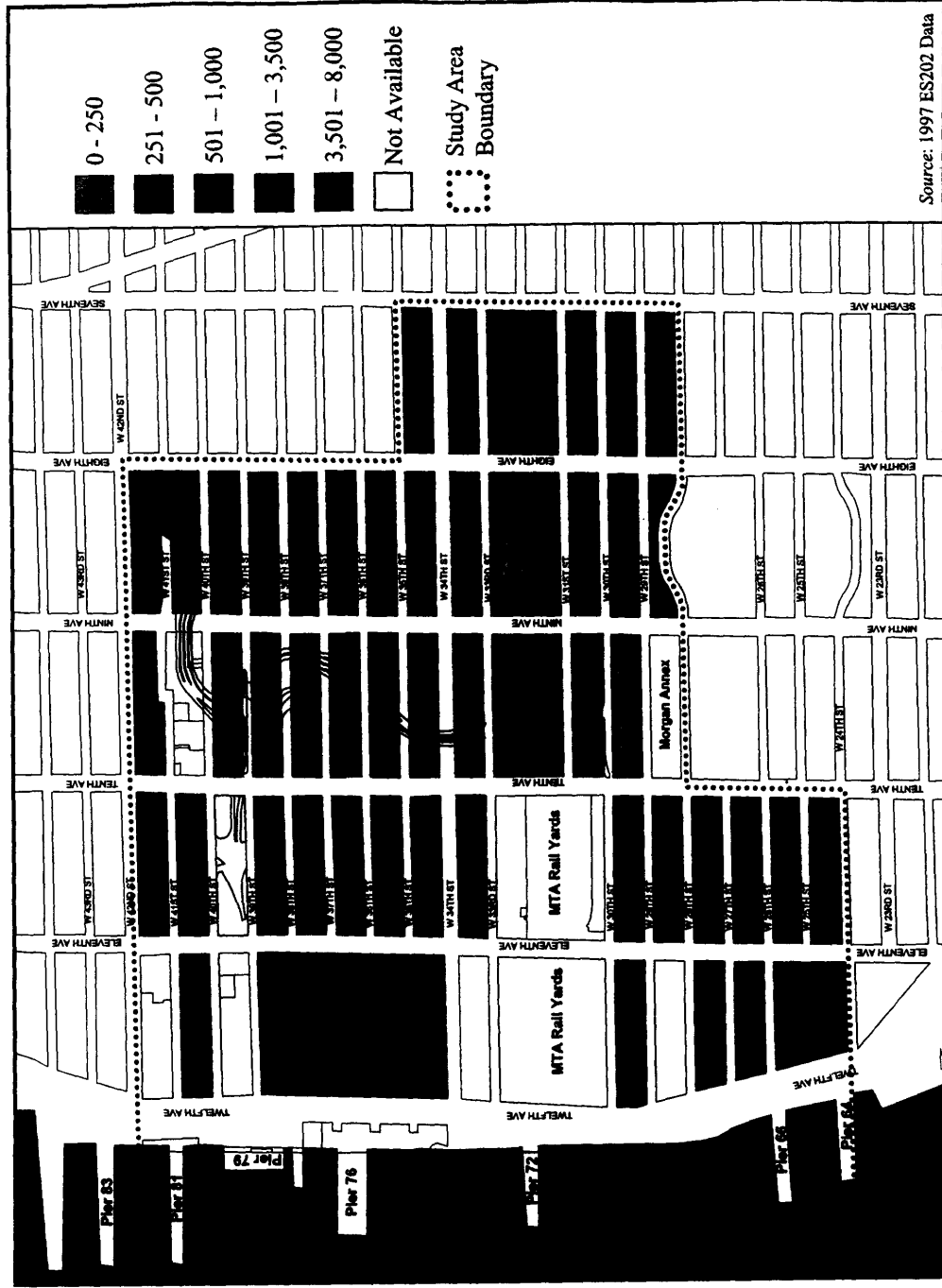


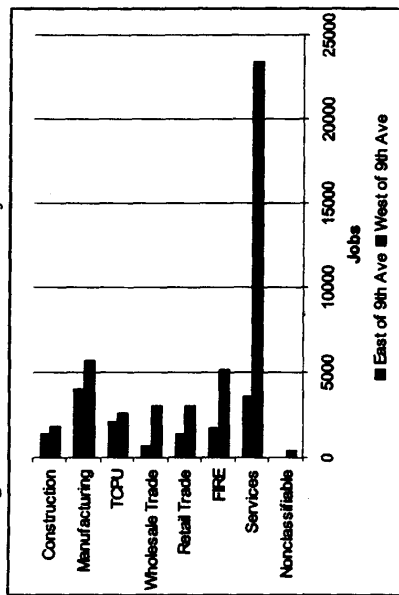
Figure 6: 1997 Jobs (per block)

## Existing Conditions

was a concentration of services-related uses (art galleries, restaurants, taxi garages).

The services sector had the strongest growth within the study area reflecting the area's transition to arts-related and commercial businesses. The printing industry is amongst the last of the industrial uses within this area and these businesses have been in decline, in part due to changes in the industry and due to the competition for space from other users.

Figure 7: 1997 Jobs - East and West of Ninth Avenue



Source: ES-202 Data as compiled by the Department of City Planning

## 1997 to 2000 Analysis

Similar to the 1991 to 1997 analysis, this analysis indicated that the study area continued to grow as a services-based economy. Economic trends from the third quarter of 1997 to 2000 were analyzed qualitatively and supported by a

telephone survey of manufacturing firms, and secondary research materials. This analysis identified the trend of reusing large floor plate manufacturing buildings for new arts-related (studios, galleries) and computer businesses. For example, the Starrett-Lehigh building originally built for manufacturing uses was repositioned during the late 1990's into a high-technology commercial building.

The primary areas of economic change were east of Ninth Avenue, specifically growth in office uses along the Eighth Avenue corridor. The area south of West 28th Street between Tenth and Twelfth avenues also experienced growth as the employment sector shifted towards technology and arts-related uses. West of Ninth Avenue and north of West 28th Street there has been little change in the economic conditions since 1997 due in part to the general lack of a significant number of larger loft buildings compared to other parts of the study area.

## Transportation

The study area contains a diverse network of transportation resources that serve Manhattan and the entire New York Metropolitan Region. Located in this area are three key pieces of transportation infrastructure: the Lincoln Tunnel, Pennsylvania Station, and Port Authority Bus Terminal. These facilities provide automobile, rail, and bus access to New York, New Jersey, and the entire Eastern Seaboard.

The transportation analysis examined a study area from West 23rd to West 54th streets from Sixth Avenue to Route 9A. While the numbers in the following section reflect the data for

Existing Conditions

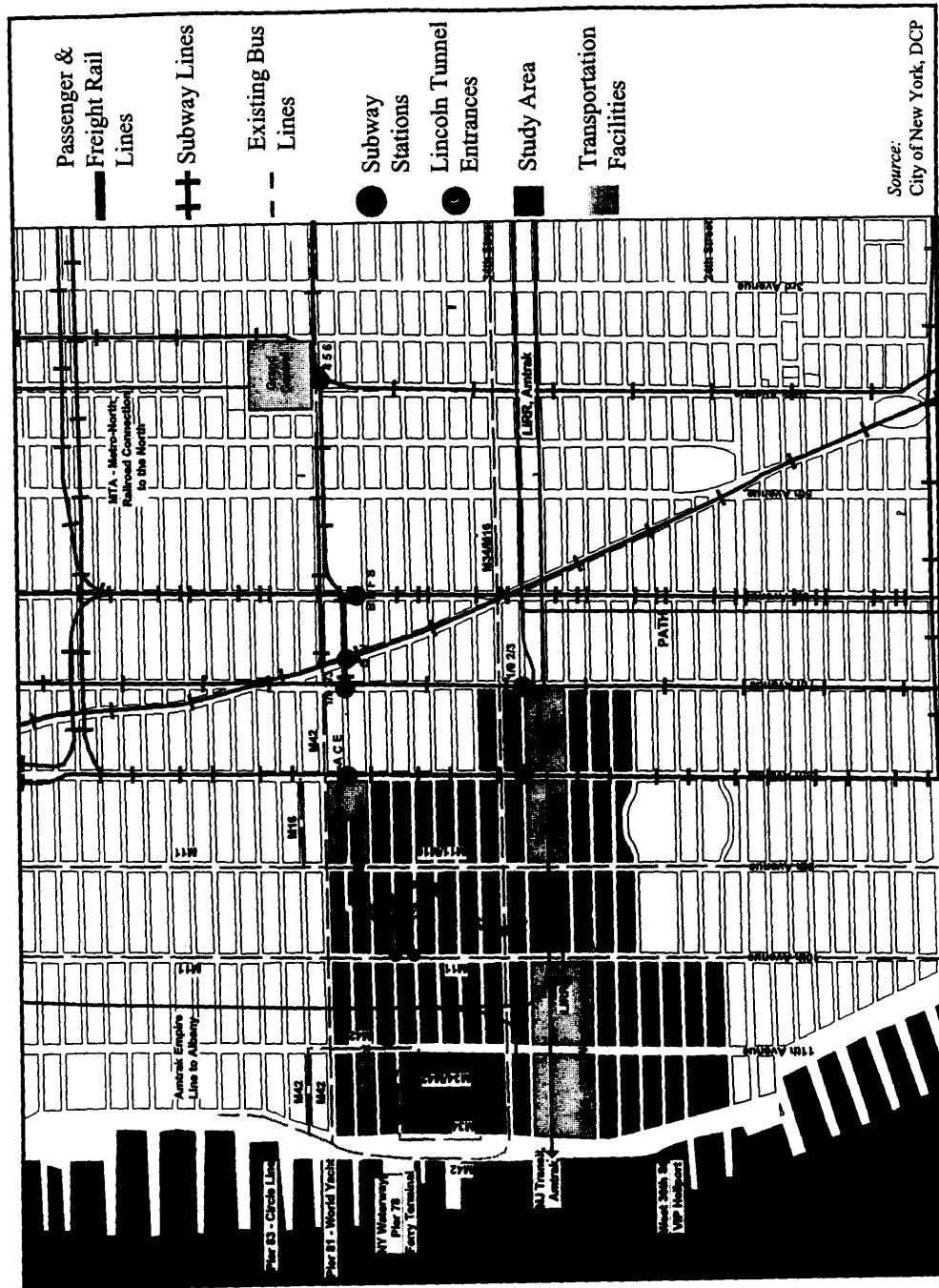


Figure 8: Existing Transportation Infrastructure

the larger study area, the figures present only the area included in this *Framework*.

#### **Vehicular Infrastructure**

The Lincoln Tunnel, its access ramps, and the Port Authority Bus ramps are in the midst of the study area. As the major gateway to Midtown Manhattan, the Lincoln Tunnel is plagued with traffic congestion which acutely impacts the study area in the weekday evening.

The Lincoln Tunnel consists of three two-lane tubes, the last of which was completed in 1957, connecting Manhattan with New Jersey. The northern tube located at West 39<sup>th</sup> Street and Eleventh Avenue always operates in a westbound direction. The southern tube at West 38<sup>th</sup> Street and Tenth Avenue operates in an eastbound direction only. The center tube, at West 39<sup>th</sup> Street and Tenth Avenue, is configured to allow each lane to operate in either a westbound or eastbound direction. During non-peak hours, the Tunnel operates with three lanes in each direction, while in peak hours, the tubes are configured with four lanes in the peak direction and two lanes in the non-peak direction. The Port Authority indicates that during peak periods all lanes of the Tunnel are at or above capacity. The capacity problem has caused the peak periods to start earlier and last longer. During the weekday morning peak period the Port Authority operates a 2 1/2 mile exclusive bus lane (XBL) from the New Jersey Turnpike to the Lincoln Tunnel. Utilizing the XBL, commuter buses operate on a dedicated route to the Tunnel avoiding regular rush hour traffic and significantly reducing travel time.

Another regional element of transportation infrastructure in

the area is Route 9A. Currently under reconstruction, Route 9A will be an urban boulevard along the West Side of Manhattan connecting with Route 9 in Upstate New York. The reconstruction project has been divided into seven segments, with segment six generally corresponding to the study area boundaries. Segment six provides a 120-foot roadway with four northbound lanes, three southbound lanes, parking on the northbound side, and a 30-foot median. West 34<sup>th</sup> and 42<sup>nd</sup> streets will provide two way access/outlets and allow both north and southbound entry to Route 9A. In addition, West 24<sup>th</sup>, 27<sup>th</sup>, 29<sup>th</sup>, 33<sup>rd</sup>, and 41<sup>st</sup> streets provide access to Route 9A and West 26<sup>th</sup>, 28<sup>th</sup>, 30<sup>th</sup>, 39<sup>th</sup>, and 40<sup>th</sup> streets provide outlets from Route 9A.

The street network in the study area is a grid composed primarily of one-way streets and avenues. The curb to curb widths of the major east-west streets, 34<sup>th</sup> and 42<sup>nd</sup>, vary from 53 to 60 feet, while the widths of all other crosstown streets generally vary from 30 to 34 feet. In general, even-numbered streets serve eastbound traffic and odd-numbered streets serve westbound traffic, with 24<sup>th</sup>, 34<sup>th</sup>, and 42<sup>nd</sup> streets allowing two way traffic. Avenues run north-south and are typically 60 or 70 feet wide operating in one direction. Ninth and Eleventh avenue traffic flows are one-way southbound; whereas, Eighth and Tenth avenues are both one-way northbound.

Most intersections in the study area are controlled by traffic signals on a 90 second cycle. The allocation of green time is generally 60 percent to the avenues, 35 percent to the streets, and 5 percent for clearance. The Department's analysis found that of the approximate 585 intersection approaches,

only 32, 44, and 56 approaches during the AM, Midday, and PM peak hours respectively operate at mid-level LOS D or worse.

#### **Transit Infrastructure**

Although the area is dominated by the presence of vehicular infrastructure, it is also home to some of the busiest transit facilities in the United States. Nevertheless, most of the study area lacks convenient mass transit access as all of the rail and bus facilities are located in the eastern portion of the study area.

Pennsylvania Station, the busiest rail facility in the nation, with over 310,000 rail trips on an average weekday, provides regional and long distance train service, as well as subway access to New York City. New Jersey Transit and Long Island Rail Road (LIRR) trains provide regional service while Amtrak provides long distance service to Pennsylvania Station. Only one block away the Port Authority Trans-Hudson (PATH) trains terminate at Herald Square providing another regional link to the area. The Farley Post Office Building will be converted into a new Pennsylvania Station. The creation of East Side Access, providing LIRR trains access to Grand Central Terminal in 2011, will free up some space in Pennsylvania Station. However, the Trans-Hudson rail tunnel is nearing capacity and will soon limit the number of trains serving Pennsylvania Station.

The subway stations are located along Seventh and Eighth avenues providing only a small portion of the study area with service. The Times Square subway station at West 42<sup>nd</sup> Street and Eighth Avenue serves the A, C, and E trains with

connections to the N, R, S, 1, 2, 3, 7, and 9 trains at Seventh Avenue. Subway service for the A, C, and E continues along Eighth Avenue with stops at West 34<sup>th</sup> Street and West 23<sup>rd</sup> Street. Service for the 1, 2, 3, and 9 trains continues at the West 34<sup>th</sup> Street and Seventh Avenue station. There is one additional stop in the study area at West 28<sup>th</sup> and Seventh Avenue that provides service to the 1 and 9 trains.

The Port Authority Bus Terminal, built in 1950, replaced a number of independently operated bus terminals which were scattered throughout Midtown Manhattan. It has been expanded twice; once in 1963, when an additional level was added, and again in 1981, when the North Wing was completed. Its current location on the corner of Eighth Avenue and West 42<sup>nd</sup> Street is directly above the Eighth Avenue subway station and conveniently linked by underground passages to the Times Square subway station. Three bus operating levels can berth 223 buses simultaneously at both island and sawtooth loading bays. Based on Port Authority data approximately 6,600 buses and 176,500 passengers utilize the terminal on a typical weekday. New Jersey Transit buses are the major service provider accounting for 60 percent of these numbers.

Local bus service in the study area is provided by MTA-New York City Transit (NYCT) on 16 routes. The M-42 provides crosstown service along the 42<sup>nd</sup> Street corridor with alternate buses serving the Javits Convention Center during the day. Although portrayed for clarity as two distinct routes, the M-16/M-34 is a 34<sup>th</sup> Street crosstown operated as a single route with branches and a short-turn point. The M-16 route links Waterside with the PABT, while the M-34 serves the 34<sup>th</sup>

Street corridor exclusively, with a western terminus at the Javits Convention Center. The M-11 operates from Riverbank State Park to Bethune Street, chiefly via Ninth and Tenth avenues. The M-10 operates between Harlem and Battery Park City via Seventh and Eighth avenues. Along the periphery is the M-27/M-50 dual-route crosstown service on West 49<sup>th</sup> and West 50<sup>th</sup> streets. The M-50 provides base service between Pier 83 (West 42<sup>nd</sup> Street) and 1<sup>st</sup> Avenue, while the M-27 functions largely as a short-turn or branch service south to the PABT. The M-104, also on the periphery, links Harlem with the 42<sup>nd</sup> Street corridor, largely via Broadway.

New York Waterway currently operates two scheduled ferry routes from the Pier 78 Ferry Terminal, at West 38<sup>th</sup> Street, to Port Imperial and Lincoln Harbor, New Jersey. Ridership was about 9,000 persons per weekday but has increased subsequent to the events of September 11, 2001. New York Waterway anticipates ridership to increase to 21,000 daily patrons by the year 2003. Construction of a new six slip Ferry Terminal at Pier 79 to accommodate current and future ridership levels is expected to be completed by 2004.

#### **Parking and Bus Storage**

Based on the February 2001 Departments of Consumer Affairs and City Planning data, there are 244 off-street parking facilities with a total parking capacity of 30,212 spaces within the transportation study area, of which 9,000 spaces are located within the *Framework* study area. In 2001, the Department conducted a survey of parking resources in the transportation study area and found that 7,115 parking spaces were unoccupied at noontime on a weekday.

There is a significant amount of bus storage in the study area utilized by the 41 bus carriers that use the PABT. During the midday hours, many of these buses are inactive and waiting for the evening commute from the PABT. PABT destined buses are stored in the vicinity of the PABT and across the river in New Jersey. There are approximately 450 off-street bus parking spots and 50 on-street spaces in the vicinity of the PABT. Two of the off-street sites are privately owned and have a capacity of 180 buses. Approximately 65 spaces are located inside the PABT, but will be eliminated with the development of the proposed office tower above the terminal. The remaining spaces are located on various Port Authority owned properties and leased to carriers. The demand for space in Manhattan far exceeds the supply.

In addition to the buses using the PABT, there are also charter buses that heavily utilize the area. The charter buses seek layover space as well during their periods of inactivity. They primarily park at on-street locations within the study area or just north of West 42<sup>nd</sup> Street. There is a great demand among these charter operations for permanent off-street layover space on the West Side.

#### **Pedestrian Circulation**

East of Ninth Avenue pedestrian activity is high; however, west of Ninth Avenue the number of pedestrians decreases substantially. The Department conducted pedestrian counts at 35 intersections in the study area in December 2000. The analysis of these counts indicated that all sidewalks, corners, and crosswalks west of Eighth Avenue are operating at LOS C or better.

Existing Conditions

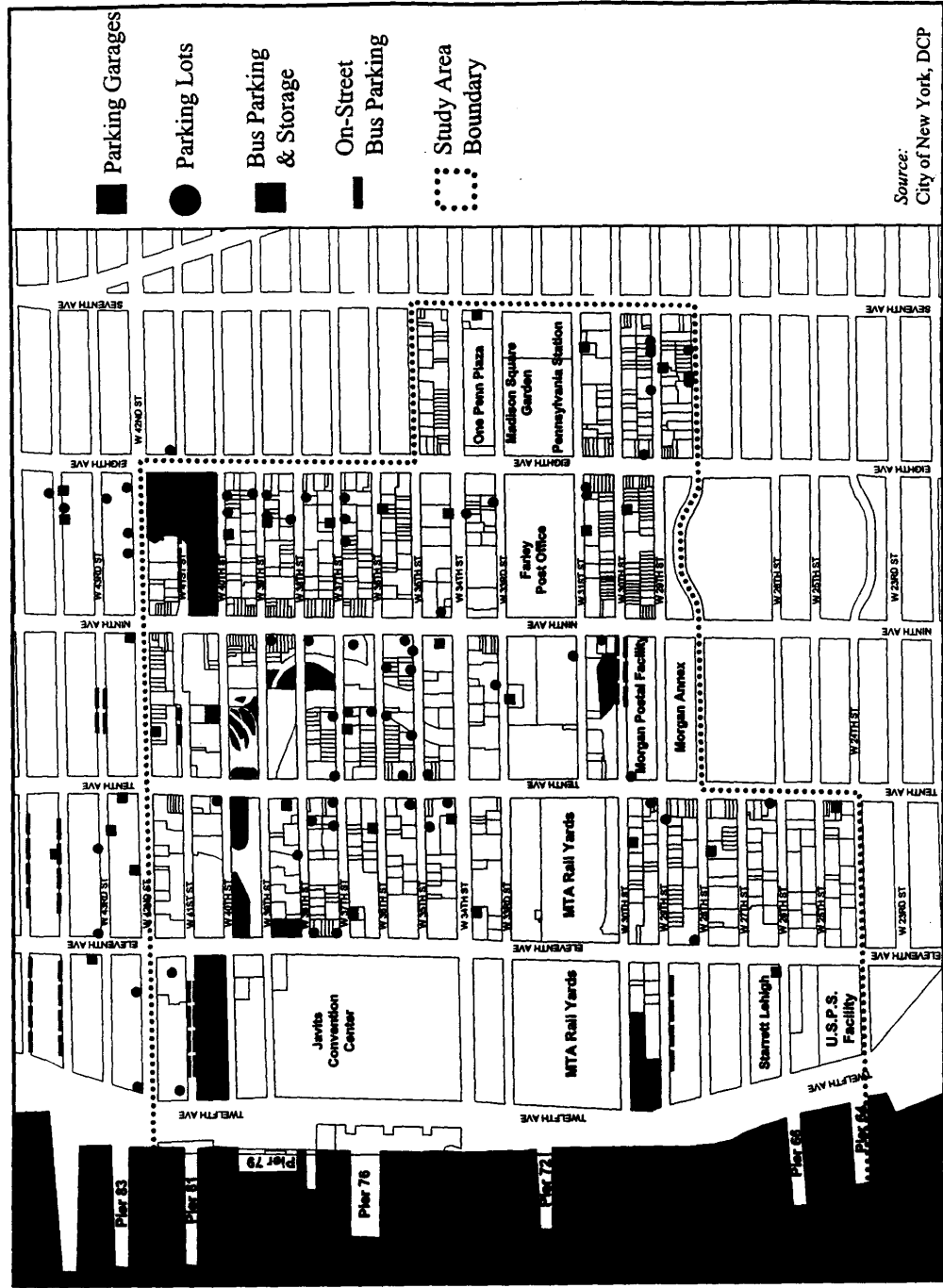


Figure 9: Parking and Bus Storage

### **Development Activity and Planning Initiatives**

There are a number of projects that are under construction or planned for the area. These are shown on Figure 10, and they include primarily mixed-use and transportation related developments. The majority of the projects are on the West 42<sup>nd</sup> Street Corridor and include an approximately 1 million square foot office tower atop the northern portion of the PABT, theater row development of theaters and a residential tower at Dyer Avenue, and two residential towers at Tenth Avenue and Eleventh Avenue. In addition to those projects on West 42<sup>nd</sup> Street, there are numerous other residential projects on the northern side of the street as well. Transportation projects in the area include Route 9A reconstruction, transformation of the Farley Building into a world class train station, and a new ferry terminal at Pier 79.

### **New York City's Third Water Tunnel**

New York City has been planning for years to improve its water delivery system from Upstate New York. Since 1966, the Department of Environmental Protection has been planning for the construction of a third water tunnel. Construction on several stages of this project has already been completed. The future stages require tunneling and creating several shaft sites throughout the City. One of these shaft locations is on the MTA Rail Yard site at Tenth Avenue and West 30<sup>th</sup> Street.

This location will be utilized as a staging area for the excavation and construction of the entire length of the water tunnel in Manhattan south of Central Park. Construction will begin in 2002 and it is expected to take roughly eight years until completion. During this construction period, a 146,000

square foot easement will be required to stage the operation. This construction will not interfere with the operation of the MTA Rail Yards. Upon completion of the water tunnel, a 8,250 square foot easement directly above the shaft site will remain in perpetuity. However, construction or development could occur above this easement so long as a vertical clearance of 25 to 30 feet is provided.

### **Planning Initiatives and Major Proposals**

A number of planning initiatives and major proposals have been put forth for this area. Central to these proposals is the plan put forward by Mayor Giuliani which identifies this area for expansion of the CBD coupled with a major sports and exhibition facility over the MTA Rail Yards and generated this study.

The New York City 2012 Olympic Committee (NYC 2012) has developed a comprehensive proposal for bringing the Summer Olympics to New York City in 2012. The Olympic Stadium and park would be located atop the MTA Rail Yards. The Committee has proposed, on the western rail yard, an Olympic Stadium that would later be used for professional football and exhibition facilities to accommodate an expanded Javits Convention Center. A new Madison Square Garden, a media center, two hotels, and a regional open space of 6 acres would be located on the MTA Rail Yards between Tenth and Eleventh avenues. Transportation improvements are key elements of the proposal, including the Number 7 Subway line extension, extending LIRR service and providing Metro North service to the area. As part of the transportation plan, NYC 2012 suggested a new boulevard from West 34<sup>th</sup> to West 39<sup>th</sup> streets between Tenth and Eleventh avenues.

Existing Conditions

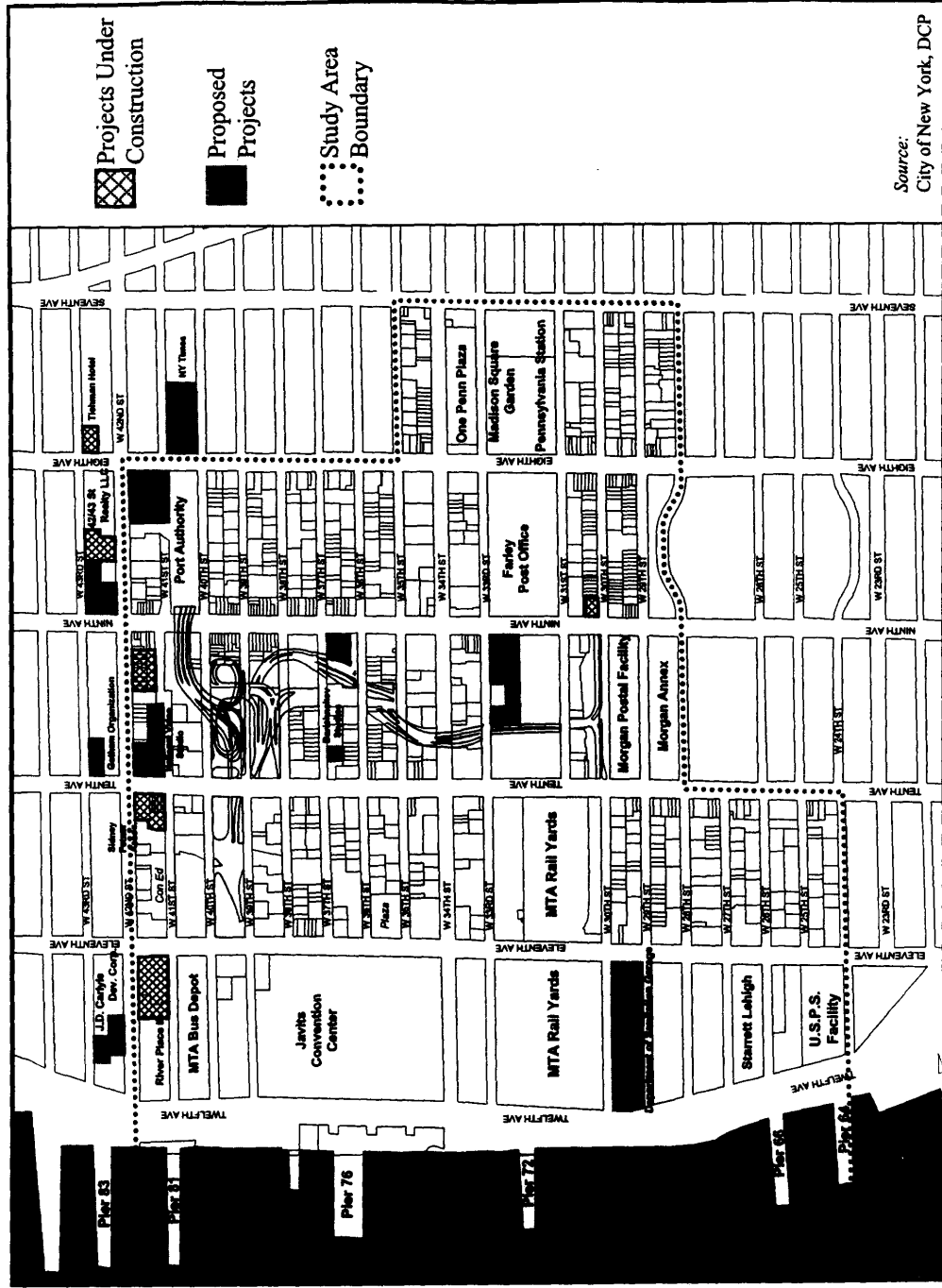


Figure 10: Current Development Activity & Planning Initiatives

The New York Jets have also signaled their interest in a sports and exhibition facility over the MTA Rail Yards. The New York Jets recently released a plan for a multi-use sports and entertainment facility over the western portion of the MTA Rail Yards. This facility would accommodate football games roughly ten times a year, provide a venue for entertainment and sporting events, and meet the expansion needs of the Javits Convention Center by providing additional exhibition and meeting space. With the southern expansion, the floor space available for convention activities would be increased from 900,000 usable square feet to approximately 1.1 million square feet.

Madison Square Garden is currently evaluating relocation options. The study area provides opportunities for relocation that are not available elsewhere in mid-Manhattan. Relocating Madison Square Garden would allow for redevelopment of the superblock over Pennsylvania Station, where rail and subway lines converge at the country's busiest rail and transit hub.

In recognition of the importance of the study area and the potential it has in helping meet the City's future growth needs, a number of other planning studies for portions of this area have been completed or are underway. These include a study sponsored by a local community group and Community Board 4, and a study focusing on the MTA Rail Yards sponsored by the Manhattan Borough President. All of these efforts recognize the role played by transportation facilities, particularly the MTA Rail Yards and Lincoln Tunnel and its approaches, in defining the area west of Ninth Avenue.

## **OPPORTUNITIES AND ISSUES**

This area presents significant opportunities for meeting a number of the City's future development needs, helping to promote the long term health of the City's Midtown Central Business District (CBD) while strengthening the City's tax base, and accommodating new sports and exhibition facilities and expanded opportunities for housing and open space. One of the area's key strengths is its strategic location adjacent to the Midtown CBD. Because of its location and proximity to major transportation facilities, the area provides an opportunity for the expansion of the central business district as well as to accommodate a range of new uses that are not easily located elsewhere in Manhattan and that require access to Midtown.

In addition to its location adjacent to Midtown, the area is proximate to two major transportation nodes – Pennsylvania Station and the Port Authority Bus Terminal – as well as the planned rail station at the Farley Building. While the western portions of the area are distant from these transit hubs (the distance from Pennsylvania Station to Tenth Avenue is similar to the distance between the Lexington Avenue subway and First Avenue), the eastern portion is one of the most accessible locations in the New York Metropolitan Region. No other location in the City or the Region can match this area's connectivity to other parts of the City, New Jersey and Long Island.

This area has the potential to become an extension of the Midtown CBD with convenient and seamless transit access, a

source of significant job growth, and a neighborhood with new housing, open space, and waterfront access. The following opportunities provide a basis for developing a framework for Far West Midtown. In order for the area to realize its immense potential, however, a number of significant issues, particularly those relating to transportation, must be addressed.

## **Opportunities**

### **Central Business District and Office Growth**

The Midtown CBD is the world's largest and most important business district. However, both Midtown and Downtown (the third largest business district in the country) have limited sites available for large floor plate office buildings. The tragic events of September 11, 2001 have altered the Downtown CBD and will lead to opportunities for modern, large floor plate office buildings in the Downtown area. To maintain its pre-eminence as a world city and to ensure the continued growth of the City's economy, suitable locations are also needed proximate to Midtown for large-scale office development. Except for this area, the growth and expansion of Midtown is constrained by Central Park to the north, the residential area of Clinton to the west, north of 42<sup>nd</sup> Street, and by residential neighborhoods to the east and south.

The robust economic growth that New York City experienced during the past six years was accompanied by only a two percent (four million square foot) increase in office space and hotels in Midtown. Even at this level of growth, the ability to retain firms and accommodate large scale office uses is

# **Exhibit No. 4**

212/626535

page 16



BEFORE THE  
INTERSTATE COMMERCE COMMISSION

Docket No. AB 167 (Sub-No. 1094)  
APPLICATION FOR ABANDONMENT OF  
A PORTION OF THE WEST 30TH STREET  
SECONDARY TRACK IN NEW YORK, NEW YORK

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Dated: June 21, 1989

|                                                                                                |    |
|------------------------------------------------------------------------------------------------|----|
| 3. Voluntary and Unauthorized Abandonment and Removal of Portion of Viaduct.....               | 25 |
| 4. Failure to Perform Any Track Maintenance, and Hazardous Condition of Viaduct Structure..... | 26 |
| 5. Abandonment of Connection to National Freight Network.....                                  | 30 |
| 6. Continued Absence of any Traffic.....                                                       | 30 |
| 7. Summary.....                                                                                | 33 |
| B. The Public Convenience and Necessity Require Abandonment.....                               | 33 |
| IV. INFORMATION SPECIFIED IN ABANDONMENT REGULATIONS.....                                      | 34 |
| A. General.....                                                                                | 34 |
| B. Condition of Properties.....                                                                | 35 |
| C. Service Provided.....                                                                       | 37 |
| D. Revenue and Cost Data.....                                                                  | 37 |
| E. Rural and Community Impact.....                                                             | 37 |
| F. Environmental Impact.....                                                                   | 38 |
| V. CONCLUSION.....                                                                             | 46 |

VERIFICATION REQUIRED BY 49 C.F.R. §1152.22(j)

CERTIFICATE OF SERVICE

AFFIDAVIT REQUIRED BY 49 C.F.R. §1152.24(b)

ATTACHMENTS

1. Map showing location of Line.
2. Letter from Metropolitan Transportation Authority supporting abandonment of Line.
3. Excerpt from easement showing Conrail's demolition obligation upon abandonment of Line.

## TABLE OF CONTENTS

|                                                                                 | <u>Page</u> |
|---------------------------------------------------------------------------------|-------------|
| I. INTRODUCTION.....                                                            | 1           |
| II. FACTUAL BACKGROUND.....                                                     | 4           |
| A. History of the Line.....                                                     | 4           |
| 1. Construction.....                                                            | 4           |
| 2. Decline of Rail Traffic.....                                                 | 5           |
| 3. Progressive Abandonment of Line.....                                         | 5           |
| B. The AB-167 (Sub-No. 493N) Abandonment Proceeding                             | 9           |
| 1. Application and Offer of Financial Assistance.....                           | 9           |
| 2. Revised Offer of Financial Assistance.....                                   | 10          |
| 3. City and State Support for Abandonment.....                                  | 11          |
| 4. Commission's January 13, 1987 Decision.....                                  | 12          |
| 5. Commission's April 15, 1987 Decision.....                                    | 13          |
| 6. Commission's June 17, 1987 Decision.....                                     | 14          |
| 7. Withdrawal of Abandonment Application.....                                   | 14          |
| 8. City Study Showing No Feasible Public Use of the Line.....                   | 15          |
| 9. Failure of Negotiations for Voluntary Abandonment.....                       | 17          |
| C. The AB-167 (Sub-No. 863N) Abandonment Proceeding                             | 18          |
| III. ARGUMENT.....                                                              | 19          |
| A. The Public Convenience and Necessity Permit Abandonment.....                 | 19          |
| 1. Absence of Service for from Seven to Twenty Years.....                       | 22          |
| 2. Abandonment of All Stations Formerly Used to Load Freight Onto the Line..... | 24          |

4. Verified statement of John P. Clark, Esq.
  - Exhibit A: Decision of New York Public Service Commission January 26, 1960 authorizing discontinuance of St. John's Park Station at former southern terminus of Line.
5. Letter from Louis Rossa of New York Department of Transportation to Douglas E. Sarini regarding abandonment of St. John's Park terminal and absence of authorization for removal of viaduct between Bank Street and terminal.
6. Verified Statement of Robert L. Banks.
7. Verified Statement of Douglas E. Sarini.
  - Exhibit A: Letters regarding hazardous condition of Line.
  - Exhibit B: Excerpt from easement showing Conrail's maintenance obligation.
  - Exhibit C: Claim regarding chunk of concrete which fell from Line and broke car windshield.
  - Exhibit D: Letter regarding fire on Line.
  - Photographs
8. Submission of New York Department of Transportation July 6, 1984 in Docket No. AB-167 (Sub-No. 493N), including verified statement of James D. Cartin.
9. Excerpts from West Side Transitway Study, Evaluation of Phase III Alternatives (New York City Department of City Planning, May 1988).
10. New York Times article regarding Conrail's transfer of Poughkeepsie Bridge to obscure third party.
11. Excerpts from Conrail's 1986 application to abandon the northern part of the West 30th Street Secondary Track, and decision of Commission granting application.
12. Conrail's 1980 application to abandon its 33rd Street Station, and decision of New York Department of Transportation granting the application.
13. New York Times article regarding sale of St. John's Park terminal.

14. Report by Shah Associates for Metropolitan Transportation Authority on physical deterioration of Line (November 1987).
15. Conrail system map showing no rail line in borough of Manhattan.
16. Decision of New York Supreme Court dismissing Chelsea Property Owners' lawsuit seeking declaration of abandonment, on ground of federal preemption of state court jurisdiction.
17. Letter to New York Department of State regarding consistency with state's Coastal Zone Management Program.
18. Letter from U.S. Army Corps of Engineers regarding absence of any effect on designated wetlands.
19. Letter from New York State Department of Agriculture and Markets regarding absence of any effect on prime agricultural lands.
20. Letter from New York Department of Environmental Conservation regarding absence of any effect on endangered or threatened species or on critical habitats.
21. Letter from U.S. Fish and Wildlife Service regarding absence of any effect on endangered or threatened species or on critical habitats, and absence of any effect on wildlife sanctuaries, refuges, parks or forests.
22. Letter from New York State Office of Parks, Recreation and Historic Preservation regarding absence of any effects on historic or culturally significant properties or sites.
23. Letter to New York State Office of Parks, Recreation and Historic Preservation inquiring regarding effects on historic or culturally significant properties or sites.

City reversed its position, arguing that Conrail be allowed to withdraw its abandonment application to give the City "a reasonable opportunity to consider and discuss with Conrail and with other interested parties alternative uses for the line."<sup>32/</sup>

In a decision served February 11, 1988, the Commission concluded that, in light of the desire of the public parties to study other uses for the Line without the pressures of ongoing litigation, Conrail would be allowed to withdraw its abandonment petition.<sup>33/</sup> In so doing, the Commission stated that either the private or public parties "are free to file their own application, or petition for exemption, to abandon this line."<sup>34/</sup>

8. City Study Showing No Feasible Public Use of the Line

A study performed for the New York City Department of City Planning has concluded that the use of the Line as part

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- <sup>32/</sup> Docket No. AB-167 (Sub-No. 493N), City of New York's Withdrawal of Opposition to Conrail's Withdrawal of Its Abandonment Application, September 1, 1987. The State, in a letter dated December 3, 1987, withdrew its opposition to the withdrawal of Conrail's abandonment application.
- <sup>33/</sup> Docket No. AB-167 (Sub-No. 493N), decision served February 11, 1988 at 6 ("In view of the City's and NYDOT's withdrawals of their opposition, we will exercise our discretion and grant Conrail's request to withdraw its application.").
- <sup>34/</sup> Docket No. AB-167 (Sub-No. 493N), decision served February 11, 1988 at 6, citing *Modern Handcraft, Inc. - Abandonment*, 363 I.C.C. 969 (1981).

of a West Side Transitway would not be financially feasible.<sup>35/</sup> The study examined eight alternative routes (only one of them involving the Line here) and concluded that the only financially feasible transitway alternative is Alternative VIII, a crosstown light rail line running on 42nd Street from First Avenue west to Twelfth Avenues, then turning south to the Convention Center, and east to Penn Station.<sup>36/</sup> Alternative VII, the only alternative that would make use of the Line at issue here, is by far the most expensive of the eight alternatives studied, and is the second worst of the eight in terms of cost per additional passenger.<sup>37/</sup>

In light of the Transitway study showing that the Line at issue here has no potential for use in the City's public transportation network, the Metropolitan Transportation Authority, the state-chartered agency which develops, manages and operates mass transit facilities in the City, fully supports the abandonment of the Line. See Attachment 2 hereto. The MTA also emphasizes that the Line is a hazard and hinders expansion and development of the properties be-

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<sup>35/</sup> New York City Department of City Planning, West Side Transitway Study, Evaluation of Phase III Alternatives (draft, May 1988). See Attachment 9 hereto, relevant excerpts from the Transitway Study.

<sup>36/</sup> Id., Attachment 9 hereto, at 13 and Table 2.

<sup>37/</sup> Id., Table 1.

tween 30th and 34th Street owned by MTA and its subsidiary, the Long Island Railroad. Id.

9. Failure of Negotiations for Voluntary Abandonment

CPO and other parties have also attempted to negotiate with Conrail an agreement under which Conrail would seek voluntary abandonment of the Line and the property owners under the Line would share the costs of demolishing the Line. See Verified Statement of Sarini, Attachment 7 hereto, at 4. Those negotiations, which were intended to obviate the need for the instant third-party abandonment action, were close to achieving agreement when Conrail demanded blanket indemnification by the property owners for all matters relating to the Line and its demolition -- a condition that was simply unacceptable and that ended the negotiations. Id.

In subsequent discussions, Conrail has stated that if a third-party abandonment application is filed, Conrail will simply "do a study" showing that hauling freight from the Line is feasible, or might attempt to transfer the Line to an entity similar to that to which it transferred title to the Poughkeepsie Railroad Bridge.<sup>38/</sup>

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<sup>38/</sup> Sarini V.S., Attachment 7 hereto, at 4-5. When the city of Poughkeepsie won a lawsuit in 1983 requiring Conrail to expend \$300,000 to remove ties, spikes and other loose debris on an portion of the bridge above a residential neighborhood, Conrail transferred the bridge for \$1 to a shadowy group that has failed to maintain the bridge or to

Continued

2. Abandonment of All Stations Formerly Used to Load Freight Onto the Line

As explained above, Conrail in 1982 abandoned the 33rd Street Station. This abandonment, which allowed Conrail to sell two large parcels of real estate,<sup>46/</sup> was critical because it eliminated the only remaining traffic originating or terminating on the Line.<sup>47/</sup> It also eliminated the only remaining means of loading freight onto the Line, and hence the only source of potential traffic on the Line. As CPO emphasized in Docket No. AB-167 (Sub-No. 493N), there is no demand for freight service from customers located on the Line,<sup>48/</sup> and no sidings at which freight can be loaded for shippers not located on the Line.<sup>49/</sup> Furthermore, new

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<sup>46/</sup> The parcels were to be sold to the Triborough Bridge and Tunnel Authority for conversion to a passenger car storage yard. See Attachment 12 hereto, Conrail's application to abandon the 33rd Street Station, and NYDOT's decision approving the abandonment.

<sup>47/</sup> In its decision served January 13, 1987 in Docket No. AB-167 (Sub-No. 493N), the Commission noted (at 5) that service on the Line had temporarily been interrupted by construction of the Jacob K. Javits Convention Center. Yet construction of the Convention Center, which necessitated the relocation of the line between 32nd and 36th Streets, caused only a very brief interruption in service. See Sarini V.S., Attachment 7 hereto, at 2-3. The reason for the permanent cessation of traffic in 1982 was a combination of an absence of traffic from shippers on the Line and Conrail's abandonment of the 33rd Street Station and team track. Id.

<sup>48/</sup> See Part 6 below.

<sup>49/</sup> See Docket No. AB-167 (Sub-No. 493N), Gottesman V.S. (at 2) Attachment I to the Evidence and Comments of Chelsea Property Owners, February 18, 1986.

loading ramps cannot be built under the terms of relevant easements.<sup>50/</sup>

Conrail's abandonment of the 33rd Street Station was, in fact, part of a consistent pattern on the part of Conrail and its predecessors to abandon the obligation to serve shippers, while at the same time maintaining control of the viaduct to dispose of as the railroad saw fit. As explained above, this pattern began in 1959 when Conrail's predecessor, the New York Central, petitioned the New York Public Service Commission for authority to abandon the St. John's Park Station. Having permanently rid itself of the need to conduct operations on the Line (because freight cannot be loaded there), Conrail must not be allowed to avoid the formal abandonment of the Line, and the consequent need to demolish the dilapidated viaduct over which it passes.

3. Voluntary and Unauthorized Abandonment and Removal of Portion of Viaduct

As described previously, Conrail's predecessor Penn Central in the late 1960's, unilaterally, without Commission approval, razed the portion of the elevated viaduct extending from Bank Street south to the former St. John's Park Terminal.<sup>51/</sup> As explained by Conrail's own former

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<sup>50/</sup> Docket No. AB-167 (Sub-No. 493N), letter from Kevin D. Slakas to James H. Bayne, August 21, 1986. See also CPO's Reply to West Side's Motion to Strike, October 8, 1986, at 5-6.

Continued

Manager of Real Estate in its New York office, the viaduct was removed (1) to profit from the sale of scrap metal and (2) to avoid having to provide any further service to customers in the area. Clark V.S., Attachment 4 hereto, at 4.

Conrail's predecessor, by removing the Line south of Bank Street without any authorization from the Commission, attempted to abandon its obligation to provide service while at the same time reserving to itself all decisions regarding when it was expedient or profitable to dispose of the viaduct structure and related real estate.

4. Failure to Perform Any Track Maintenance, and Hazardous Condition of Viaduct Structure

The viaduct structure over which the Line runs is over 50 years old,<sup>52/</sup> and Conrail has not performed any maintenance on the Line and supporting viaduct since 1979 or earlier.<sup>53/</sup> In 1984, when Conrail initiated its proceeding to abandon the Line, the Line was already deteriorating

<sup>51/</sup> Verified Statement of Clark, Attachment 4 hereto, at 4; letter from Louis Rossi, NYDOT, to Douglas Sarini, October 31, 1985, Attachment 5 hereto.

<sup>52/</sup> See 158 I.C.C. 309 (1929). The portion of the Line between 33rd and 34th Streets, which descends from the viaduct to a point under the intersection of 34th Street and 10th Avenue, was realigned in 1980 during construction of the Jacob Javits Convention Center.

<sup>53/</sup> Docket No. AB-167 (Sub-No. 493N), Submission of NYDOT, July 6, 1984 at ¶11 (Attachment 8, hereto); Sarini V.S., Attachment 7 hereto, at 5-6. See also statement in Conrail's March 30, 1984 abandonment application in Docket No. AB-167 (Sub-No. 493N) (at ¶6) that the Line "generates no revenues or expenses."

identify each affected site and describe the impacts.

No wildlife sanctuaries or refuges, National or State parks or forests will be affected. See Attachment 21 hereto.

(9) Water

- (i) Is the proposed action consistent with applicable Federal, State and/or local water quality standards (usually considered only in the context of rail line construction applications and abandonments which will require in-stream salvage operations)? If not, describe any inconsistency.

No action inconsistent with federal, state, and/or local water quality standards will occur. No in-stream salvage operations will be required if the Line is removed.

- (ii) Will permits under Sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344) be required? If so, have permits been sought or issued?

No permits under Section 402 or 404 will be required.

(10) Historic

- (i) Are sites or structures listed in the National Register of Historic Places affected? If so, describe the effects.

No sites or structures listed in the National Register of Historic Places will be affected. See May 17, 1989 letter from New York State Office of Parks, Recreation and Historic Preservation, Attachment 22 hereto.

- (ii) Will sites or structures 50 years old or older be affected? If so, and such sites or structures are not listed in the National Register of

Historic Places, applicant would submit, at the earliest possible juncture, a description of the line, including a map, as well as photographs and descriptions of such structures to the appropriate State Historic Preservation Office for review and include a copy of the cover letter in the Environmental Report.

The only structure 50 years old or older that would be affected is the elevated viaduct over which the Line runs. That structure, in the opinion of the New York State Historic Preservation Officer, does not meet the criteria for inclusion in the National Register. See May 1, 1989 letter to New York State Office of Parks, Recreation and Historic Preservation, Attachment 23 hereto, and responsive letter dated May 17, 1989, Attachment 22 hereto.

- (iii) Will culturally significant locations, archaeological sites, or unique land forms be affected (usually considered only in the context of rail line construction applications)? If so, applicant should consult with the involved State Historic Preservation Office.

The New York State Historic Preservation Officer has advised that no sites or archeological resources in or eligible for inclusion in the National Register of Historic Places would be affected. See May 17, 1989 letter, Attachment 22 hereto.

# **Exhibit No. 5**

# WEST SIDE TRANSITWAY

## PLANNING AND FEASIBILITY STUDY

FINAL REPORT  
TRANSPORTATION COMPONENT

(TASK T-27)

DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

**PHASE IV**  
**WEST SIDE TRANSITWAY STUDY**

**FINAL REPORT**  
**TRANSPORTATION COMPONENT**  
**(TASK T-27)**

**AUGUST 1989**

**DEPARTMENT OF CITY PLANNING**  
**MANHATTAN OFFICE**

**PARSONS BRINCKERHOFF QUADE AND DOUGLAS, INC.**  
**DOUGLAS AND DOUGLAS, INC.**  
**ALLEE KING ROSEN AND FLEMING, INC.**  
**ALAN ALTSHULER**

PHASE IV  
WEST SIDE TRANSITWAY STUDY  
FINAL REPORT; TRANSPORTATION COMPONENT  
CONTENTS

|                                                                            | <u>Page</u> |
|----------------------------------------------------------------------------|-------------|
| 1.0 Introduction and Overview                                              | 1-1         |
| 1.1 Study Purpose of Study                                                 | 1-1         |
| 1.2 Study Process                                                          | 1-2         |
| 1.3 The Preferred Alternative                                              | 1-3         |
| 1.3.1 Right-of-Way                                                         | 1-3         |
| 1.3.2 Maintenance and Storage                                              | 1-4         |
| 1.3.3 Ridership                                                            | 1-7         |
| 1.3.4 Operations                                                           | 1-7         |
| 1.3.5 Costs                                                                | 1-8         |
| 1.3.6 Essential System Performance Characteristics                         | 1-9         |
| 2.0 Phase I                                                                | 2-1         |
| 2.1 Introduction                                                           | 2-1         |
| 2.2 Existing Conditions                                                    | 2-1         |
| 2.3 Future Travel Patterns and Needs                                       | 2-2         |
| 2.4 Study Goal and Objectives                                              | 2-4         |
| 2.5 Evaluation Framework                                                   | 2-6         |
| 2.6 Preliminary Alternative Transitway Configurations                      | 2-7         |
| 2.6.1 North South Service                                                  | 2-8         |
| 2.6.2 East-West Service                                                    | 2-10        |
| 2.6.3 Connections Between North-South and East-West Service                | 2-11        |
| 2.6.4 Transit Modes                                                        | 2-11        |
| 3.0 Phase II                                                               | 3-1         |
| 3.1 Introduction                                                           | 3-1         |
| 3.2 Initial Screening                                                      | 3-2         |
| 3.2.1 East-West Alignments                                                 | 3-3         |
| 3.2.2 North-South Alignments                                               | 3-11        |
| 3.2.3 Transit Vehicle Technologies                                         | 3-22        |
| 3.2.4 Initial Screening Results                                            | 3-22        |
| 3.3 Phase II Alternatives                                                  | 3-26        |
| 3.3.1 Physical Description                                                 | 3-35        |
| 3.3.2 Transit Operations                                                   | 3-37        |
| 3.3.3 Transit Ridership Estimates                                          | 3-41        |
| 3.3.4 Transitway Capital Costs                                             | 3-46        |
| 3.3.5 Transitway Operations and Maintenance Costs                          | 3-46        |
| 3.3.6 Effect of Transitway Extensions                                      | 3-51        |
| 3.4 Evaluations of Phase II Alternatives and Recommendations for Phase III | 3-51        |
| 4.0 Phase III                                                              | 4-1         |
| 4.1 Introduction                                                           | 4-1         |
| 4.2 Phase III Alternatives                                                 | 4-1         |

# CONTENTS (continued)

|                                                       | <u>Page</u> |
|-------------------------------------------------------|-------------|
| 4.2.1 Physical Description                            | 4-10        |
| 4.2.2 Transit Operations                              | 4-13        |
| 4.2.3 Transit Ridership Estimates                     | 4-20        |
| 4.2.4 Transitway Capital Cost                         | 4-28        |
| 4.2.5 Transitway Operations and Maintenance Cost      | 4-31        |
| 4.3 Evaluation and Selection of Preferred Alternative | 4-38        |
| <br>5.0 Phase IV                                      | <br>5-1     |
| 5.1 Introduction                                      | 5-2         |
| 5.2 Transit Technology                                | 5-6         |
| 5.3 Transitway Alignment                              | 5-6         |
| 5.3.1 42nd Street                                     | 5-6         |
| 5.3.2 Twelfth Avenue                                  | 5-10        |
| 5.3.3 33rd Street                                     | 5-11        |
| 5.3.4 Vehicle Storage and Maintenance Facilities      | 5-16        |
| 5.3.5 Possible Service Extensions                     | 5-18        |
| 5.4 Transit Operations                                | 5-20        |
| 5.4.1 LRT Transitway Operations                       | 5-20        |
| 5.4.2 LRV Storage and Maintenance Operations          | 5-23        |
| 5.4.3 TSM Included in the Preferred Alternative       | 5-25        |
| 5.5 Transit Ridership                                 | 5-28        |
| 5.5.1 Operating Assumptions                           | 5-29        |
| 5.5.2 Trip Tables                                     | 5-30        |
| 5.5.3 Special Trip Generators                         | 5-30        |
| 5.5.4 Transit Ridership Estimates                     | 5-31        |
| 5.5.5 Transitway Ridership Profile                    | 5-33        |
| 5.6 Capital Cost                                      | 5-38        |
| 5.6.1 Cost Estimating Methodology                     | 5-38        |
| 5.6.2 Estimating Assumptions                          | 5-41        |
| 5.6.3 Life Cycle Cost Classification                  | 5-43        |
| 5.6.4 Anticipated Capital Cost Cash Flow              | 5-47        |
| 5.6.5 Penn Station Link Capital Costs                 | 5-47        |
| 5.7 Operating and Maintenance Cost                    | 5-51        |
| 5.8 Fare Collection Method                            | 5-56        |
| 5.8.1 Options                                         | 5-59        |
| 5.8.2 Recommendation                                  | 5-61        |
| 5.9 Construction Schedules                            | 5-61        |
| 5.10 Revenue Estimates                                | 5-62        |
| 5.11 Physical and Operational Constraints             | 5-63        |
| 5.11.1 Physical Constraints                           | 5-63        |
| 5.11.2 Operational Constraints                        | 5-66        |
| 5.12 Decisions to Be Made                             | 5-67        |
| 5.12.1 Operational Issues                             | 5-68        |
| 5.12.2 Financial Issues                               | 5-72        |

# FIGURES

|      |                                                                                                    | Follows<br>Page |
|------|----------------------------------------------------------------------------------------------------|-----------------|
| 1-1  | Existing Transit Services                                                                          | 1-1             |
| 1-2  | Preferred Alternative                                                                              | 1-3             |
| 1-3  | Keymap for Alignment Plans                                                                         | 1-4             |
| 2-1  | Existing Conditions-Transit                                                                        | 2-2             |
| 2-2  | Transit Demand Patterns-Morning Peak                                                               | 2-2             |
| 2-3  | Future Demand-New Trips-Year 2005-8-9AM Peak Hour                                                  | 2-2             |
| 2-4  | Concept Development and Evaluation Process                                                         | 2-6             |
| 2-5  | Alternative North-South Transitway Alignments                                                      | 2-8             |
| 2-6  | Potential East-West Transitway Alignments                                                          | 2-10            |
| 3-1  | Phase II Initial Screening-Transitway Demand with No Crosstown Connections                         | 3-4             |
| 3-2  | Phase II Initial Screening-Transitway Demand with Crosstown Connections at All Major Cross Streets | 3-4             |
| 3-3  | Phase II Initial Screening-Transitway Demand with Crosstown Connections at 57th Street             | 3-6             |
| 3-4  | Phase II Initial Screening-Transitway Demand with Crosstown Connections at 49th/50th Street        | 3-6             |
| 3-5  | Phase II Initial Screening-Transitway Demand with Crosstown Connections at 42nd Street             | 3-6             |
| 3-6  | Phase II Initial Screening-Transitway Demand with Crosstown Connections at 34th Street             | 3-6             |
| 3-7  | Phase II Initial Screening-Transitway Demand with Crosstown Connections at 23rd Street             | 3-6             |
| 3-8  | Phase II Initial Screening-Transitway Demand with Crosstown Connections at 14th Street             | 3-6             |
| 3-9  | Phase II Alternative 1                                                                             | 3-27            |
| 3-10 | Phase II Alternative 2                                                                             | 3-27            |
| 3-11 | Phase II Alternative 3                                                                             | 3-28            |
| 3-12 | Phase II Alternative 4                                                                             | 3-29            |
| 3-13 | Phase II Alternative 5                                                                             | 3-30            |
| 3-14 | Phase II Alternative 6                                                                             | 3-31            |
| 3-15 | Phase II Alternative 7                                                                             | 3-32            |
| 3-16 | Phase II Alternative 8                                                                             | 3-33            |
| 3-17 | Phase II Alternative 9                                                                             | 3-34            |
| 3-18 | New York West Side Transportation Zone System                                                      | 3-41            |
| 3-19 | West Side Transitway Study Transit Network                                                         | 3-41            |
| 4-1  | Phase III Alternative I                                                                            | 4-2             |
| 4-2  | Phase III Alternative II                                                                           | 4-3             |
| 4-3  | Phase III Alternative III                                                                          | 4-4             |
| 4-4  | Phase III Alternative IV                                                                           | 4-5             |
| 4-5  | Phase III Alternative V                                                                            | 4-6             |
| 4-6  | Phase III Alternative VI                                                                           | 4-7             |
| 4-7  | Phase III Alternative VII                                                                          | 4-8             |
| 4-8  | Phase III Alternative VIII                                                                         | 4-9             |
| 4-9  | Track Diagrams-Options in Amtrak Cut and 60th Yard                                                 | 4-11            |

FIGURES  
(continued)

|      |                                                                                         | Follows<br>Page |
|------|-----------------------------------------------------------------------------------------|-----------------|
| 4-10 | 72nd Street Vehicle Storage and Maintenance Facility<br>-Riverside Tunnel               | 4-13            |
| 4-11 | Southern Service and Storage Area-Alternative<br>VIII-Twelfth Ave./33rd St. Option      | 4-13            |
| 4-12 | Southern Service and Storage Area-Alternative<br>VIII-Eleventh Ave./31st St. Option     | 4-14            |
| 5-1  | Low-Floor LRV - Perspective (Alstom LRV)                                                | 5-4             |
| 5-2  | Low Floor LRV - Plan and Elevation (Alstom LRV)                                         | 5-4             |
| 5-3  | Cross Section - 42nd Street - Typical Station                                           | 5-8             |
| 5-4  | Cross Section - 42nd Street - Typical Midblock                                          | 5-8             |
| 5-5  | Cross Section - Twelfth Avenue at 38th Street                                           | 5-10            |
| 5-6  | Cross Section - 33rd Street Cut and Cover Tunnel                                        | 5-13            |
| 5-7  | Cross Section - 33rd Street Bored Tunnel                                                | 5-13            |
| 5-8  | Cross Section - 33rd Street at Penn Station                                             | 5-15            |
| 5-9  | Configuration of Vehicle Storage and Maintenance<br>Facilities - Convention Center Area | 5-23            |
| 5-10 | Ridership Profile                                                                       | 5-37            |
| 5-11 | Penn Station - West Midtown Transit Link Preliminary<br>Feasibility Study               | 5-49            |
| 5-12 | Approximate Construction Schedule West Side Transitway                                  | 5-61            |

# TABLES

|                                                                                           | <u>Page</u> |
|-------------------------------------------------------------------------------------------|-------------|
| 1.1 Westside Transitway Alignment Plans - Preferred Alternative                           | 1-5         |
| 3.1 Initial Screening Evaluation Matrix - 14th to 34th Street Crosstown                   | 3-8         |
| 3.2 Initial Screening Evaluation Matrix - 41st to 57th Street Crosstown                   | 3-9         |
| 3.3 Initial Screening Evaluation Matrix - 59th to 125th Street Crosstown                  | 3-10        |
| 3.4 Initial Screening Evaluation Matrix - North-South Alternatives-North and South Ends   | 3-14        |
| 3.5 Initial Screening Evaluation Matrix - 14th to 30th Street, North - South Alternatives | 3-16        |
| 3.6 Initial Screening Evaluation Matrix North-South Alternatives - 34th to 60th Street    | 3-20        |
| 3.7 Advantages and Disadvantages of Alternative Transit Technologies                      | 3-23        |
| 3.8 Phase II Alternatives-Projected Peak Hour Surface Transit Ridership                   | 3-44        |
| 3.9 Phase II Alternatives-Projected Annual Surface Transit Ridership                      | 3-45        |
| 3.10 Phase II Alternatives-Projected Annual Surface Transit Revenues                      | 3-47        |
| 3.11 Phase II Alternatives-Capital Cost Estimates                                         | 3-48        |
| 3.12 Phase II Alternatives-Transitway Construction Cost Estimates                         | 3-49        |
| 3.13 Phase II Alternatives-Projected Annual Operating and Maintenance Costs               | 3-50        |
| 3.14 Phase II Alternatives-Evaluation-Summary Matrix                                      | 3-53        |
| 3.15 Phase II Alternatives-Travel Time Savings                                            | 3-54        |
| 4.1 Phase III Alternatives-Projected Peak Hour Transitway Ridership - 90 Second Headways  | 4-22        |
| 4.2 Phase III Alternatives-Projected Daily Transitway Ridership - 90 Second Headways      | 4-22        |
| 4.3 Phase III Alternatives-Projected Annual Transitway Ridership - 90 Second Headways     | 4-23        |
| 4.4 Phase III Alternatives-Projected Annual Transitway Revenues - 90 Second Headways      | 4-24        |
| 4.5 Phase III Alternatives-Projected Peak Hour Transitway Ridership-Three Minute Headways | 4-25        |
| 4.6 Phase III Alternatives-Projected Daily Transitway - Ridership-Three Minute Headways   | 4-26        |
| 4.7 Phase III Alternatives-Projected Annual Transitway - Ridership-Three Minute Headways  | 4-27        |
| 4.8 Phase III Alternatives-Capital Cost Summary                                           | 4-29        |
| 4.9 Phase III Alternatives-Capital Cost Summary with Modified Service on Crosstown Routes | 4-30        |
| 4.10 Capital Cost Summary For Alternative III                                             | 4-32        |
| 4.11 Annual Operations and Maintenance Costs-Phase III Alternatives - 90 Second Headways  | 4-33        |

TABLES  
(continued)

|                                                                                                      | <u>Page</u> |
|------------------------------------------------------------------------------------------------------|-------------|
| 4.12 Annual Operations and Maintenance Cost Difference-<br>Amtrak Cut Operations for Alternative III | 4-35        |
| 4.13 Annual Operations and Maintenance Costs-Phase III<br>Alternatives-Three Minute Headways         | 4-39        |
| 4.14 Cost Effectiveness Measures-Phase III Alternatives                                              | 4-41        |
| 5.1 Light Rail Vehicle Dimensions and Operating Criteria                                             | 5-4         |
| 5.2 Projected Year 2005 - Total Transit Ridership                                                    | 5-32        |
| 5.3 Estimated Diversion to LRT Transitway from Other<br>Modes (Year 2005 AM Peak Hour)               | 5-37        |
| 5.4 Capital Cost Summary for Preferred Alternative                                                   | 5-39        |
| 5.5 Conceptual Cost Estimate (Itemized)                                                              | 5-44        |
| 5.6 Anticipated Cash Flow                                                                            | 5-48        |
| 5.7 Penn Station Link Capital Costs - Alternative E<br>LRT 33rd Street Below Grade                   | 5-49        |
| 5.8 Annual Operating and Maintenance Costs Preferred<br>Alternative LRT System                       | 5-54        |

## **1.0 INTRODUCTION AND OVERVIEW**

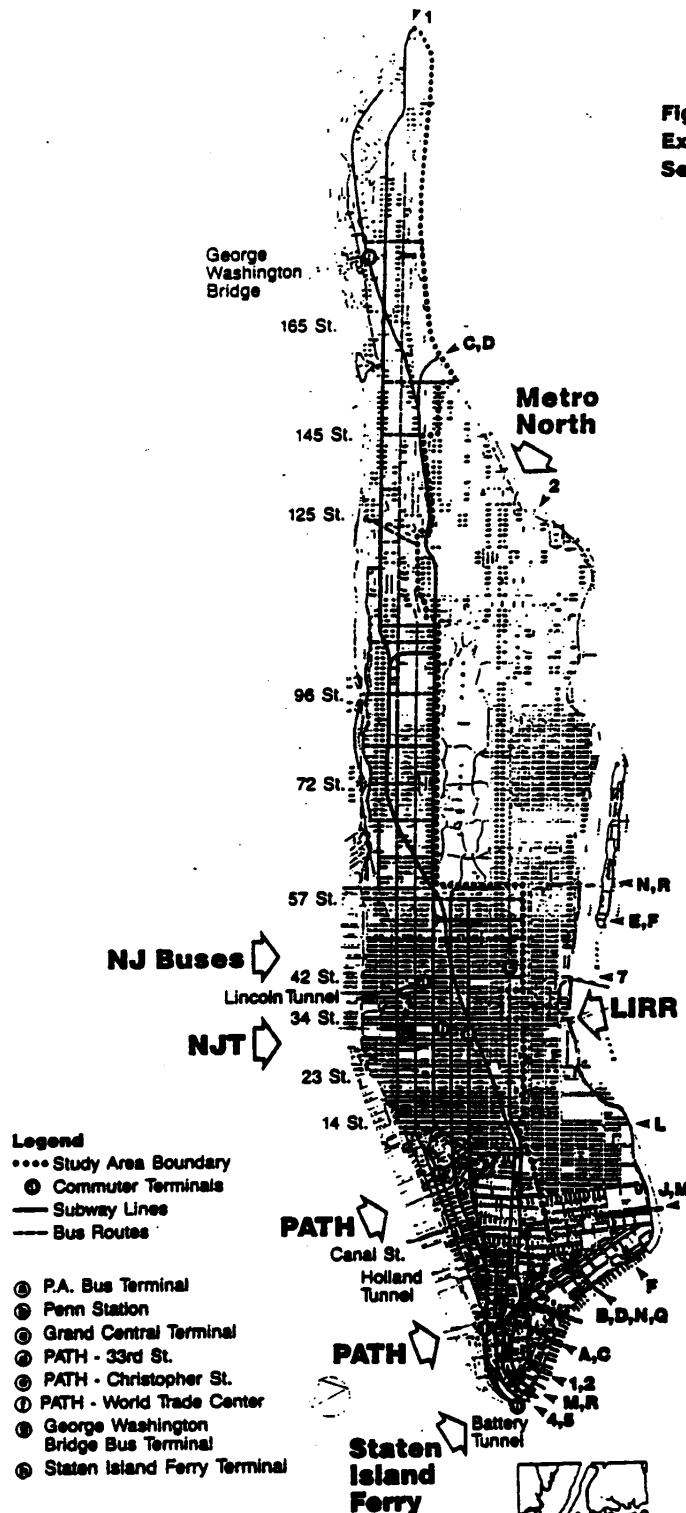
### **1.1 Study Purpose**

In response to the current and anticipated changes in the type and intensity of land use activities on Manhattan's West Side, the New York City Department of City Planning conducted the West Side Transitway Study to ensure that adequate transportation services be in place. Much of the new development is occurring in areas poorly served by the existing public transportation system and in areas where transportation problems such as congestion and overcrowding occur today. Future travel activity generated by the new developments will make the existing situation worse, and create new problems if improvements are not made. Manhattan's West Side (defined for study purposes as Community Boards 1, 2, 4, 5, 7, 9 and 12) currently encompasses a number of residential and semi-industrial neighborhoods, as well as significant parcels of underutilized land. These underutilized parcels represent a special opportunity to accommodate expansion of Manhattan's Central Business District and also provide much-needed housing close to jobs. The City has implemented a number of programs designed to encourage such growth and at the same time preserve viable residential and manufacturing districts.

Presently planned, proposed or under construction in the study area, are 61,000 units of housing and 73 million square feet of office space. If built out over a period of twenty years, the projects would present a scenario of moderate growth, with a net population increase of 67,000 and a net gain of 280,000 jobs. The study area is shown in Figure 1-1.

The West Side Transitway Study was a comprehensive four-phase effort, which examined potential future transportation problems created by the anticipated developments, defined the degree to which improvements are needed, and determined the feasibility of implementing and operating new transit services and facilities to solve the identified problems. Since current sources of funding for public transportation are fully committed to the operation, rehabilitation, and upgrading of the existing systems, innovative methods for financing and implementing the recommended improvements were explored. This study developed land use strategies and a financial/legal/institutional plan to support the transportation improvements that were identified.

**Figure 1-1  
Existing Transit  
Services**



**WEST SIDE TRANSITWAY STUDY**  
MANHATTAN OFFICE DEPARTMENT OF CITY PLANNING - CITY OF NEW YORK  
Petersen Brinckerhoff Quade & Douglas, Inc. - Prime Consultants

north-south component of the alternative was still important, it served more as a means of tying together the major developing areas along the far West Side into the crosstown link(s) rather than function like a north-south subway service.

In Phase III of the Study, transit alternatives were analyzed that addressed the previously identified transportation needs, private financing strategies were examined for implementing the alternatives, and a preferred alternative was recommended. The principle criterion used to evaluate the Phase III alternatives was the extent to which they could be privately financed. Other evaluation criteria included: land use and urban design impacts, transportation cost/effectiveness analyses, and financial institutional/legal considerations.

Eight alternatives were analyzed in Phase III, including no-build and transportation systems management alternatives. Each of the six "build" alternatives included a new light rail transit system. The alternatives varied in the north-south alignment chosen -- using either the Amtrak right-of-way, Eleventh Avenue, the Twelfth Avenue/Route 9A alignment, or some combination of the above. All the options included a 42nd Street crosstown light rail transitway, except one which included a light rail line across 34th Street instead. All included a grade-separated transit link between Penn Station and the LIRR Caemmerer Yard development site between Tenth and Twelfth Avenues and 31st and 33rd Streets.

The primary difference among the alternatives was the capital cost and, to a lesser degree, the revenue generated. As a result of the financial analysis (documented separately), only one alternative emerged as being financially feasible under a viable privatization scenario. This preferred alternative is summarized below and described in detail in Chapter 4 of this report.

### **1.3 The Preferred Alternative**

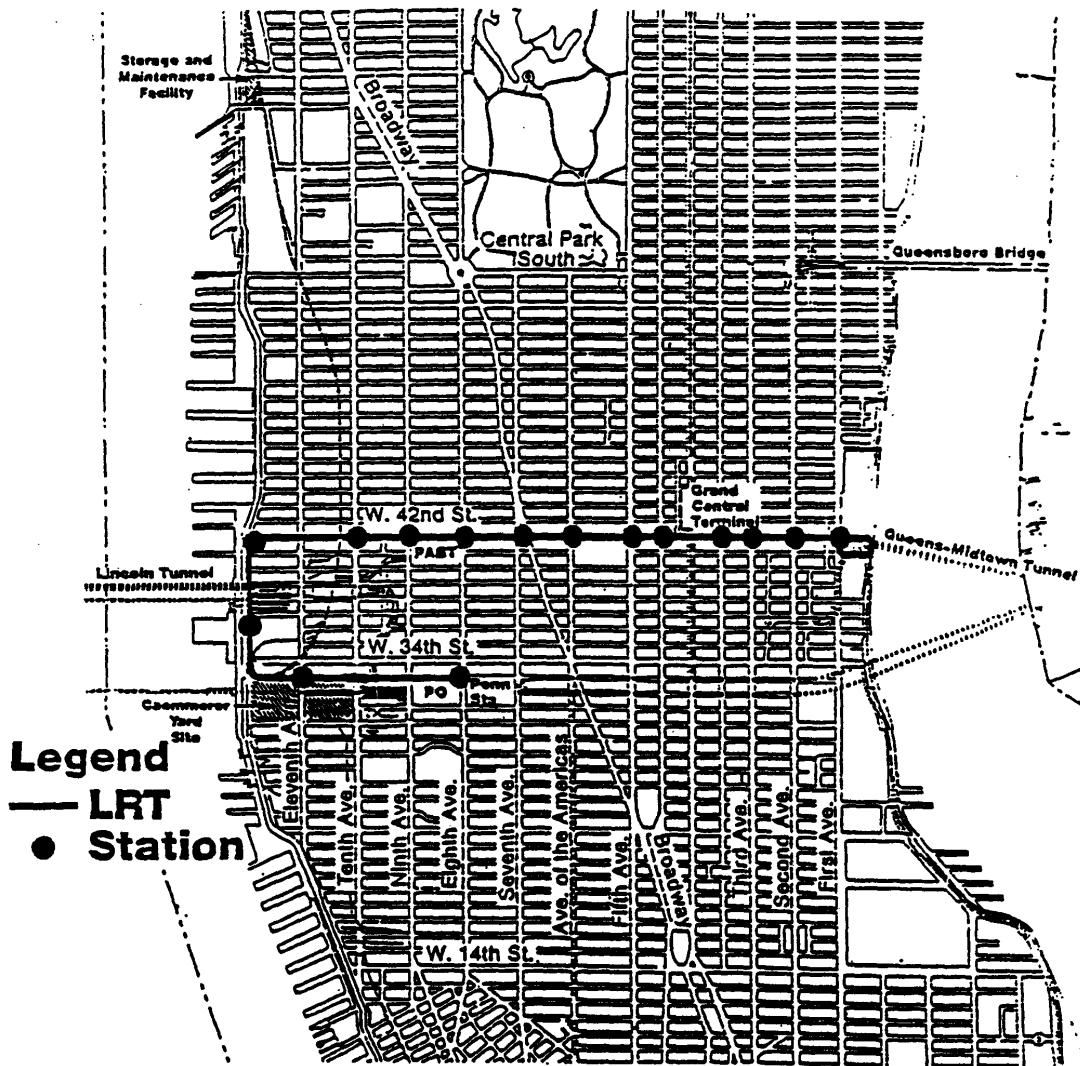
#### **1.3.1 Right-of-Way**

The preferred alternative is a two-track light rail transit line that has three principal segments, connected end to end in roughly the shape of an inverted 'J' (Figure 1-2):

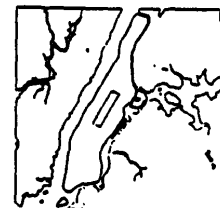
- o across 42nd Street in an at-grade transitway extending from river-to-river across Midtown Manhattan;

Figure 1-2

Preferred Alternative



**WEST SIDE TRANSITWAY STUDY**  
 MANHATTAN OFFICE DEPARTMENT OF CITY PLANNING - CITY OF NEW YORK  
 Parsons Brinckerhoff Quade & Douglas, Inc. - Price Waterhouse



- o within the alignment of a reconstructed Twelfth Avenue/Route 9A, between 42nd and 33rd Street; \*
- o from Twelfth Avenue to Eighth Avenue, in a below grade transitway, following the right-of-way of 33rd Street to just west of Eighth Avenue inside Penn Station.

The transitway and station facilities will occupy the three southernmost lanes along 42nd Street. The remaining three lanes will operate one-way in the westbound direction. On the east end of the line a loop track would be provided with an extra layover track.

At the western end of 42nd Street, the light rail line would turn south along the reconstructed West Side Highway (Twelfth Avenue, or Route 9A). The preferred alignment would place the transitway in the median between the southbound lanes and northbound local lanes of the roadway. (Two northbound express roadway lanes would be in a depressed or tunnel section situated immediately west of the median transitway).

Between 34th Street and 33rd Street, the transitway would turn eastward into the open block presently used for Convention Center truck marshalling, where a station would be located at grade level (below the level of the surrounding streets which are on viaducts). The route would continue eastward into a new tunnel beneath 33rd Street to Ninth Avenue. From Ninth Avenue to the Penn Station terminus, the line would end in two-track stub-end terminal with direct connections into the subway and commuter railroads at Penn Station.

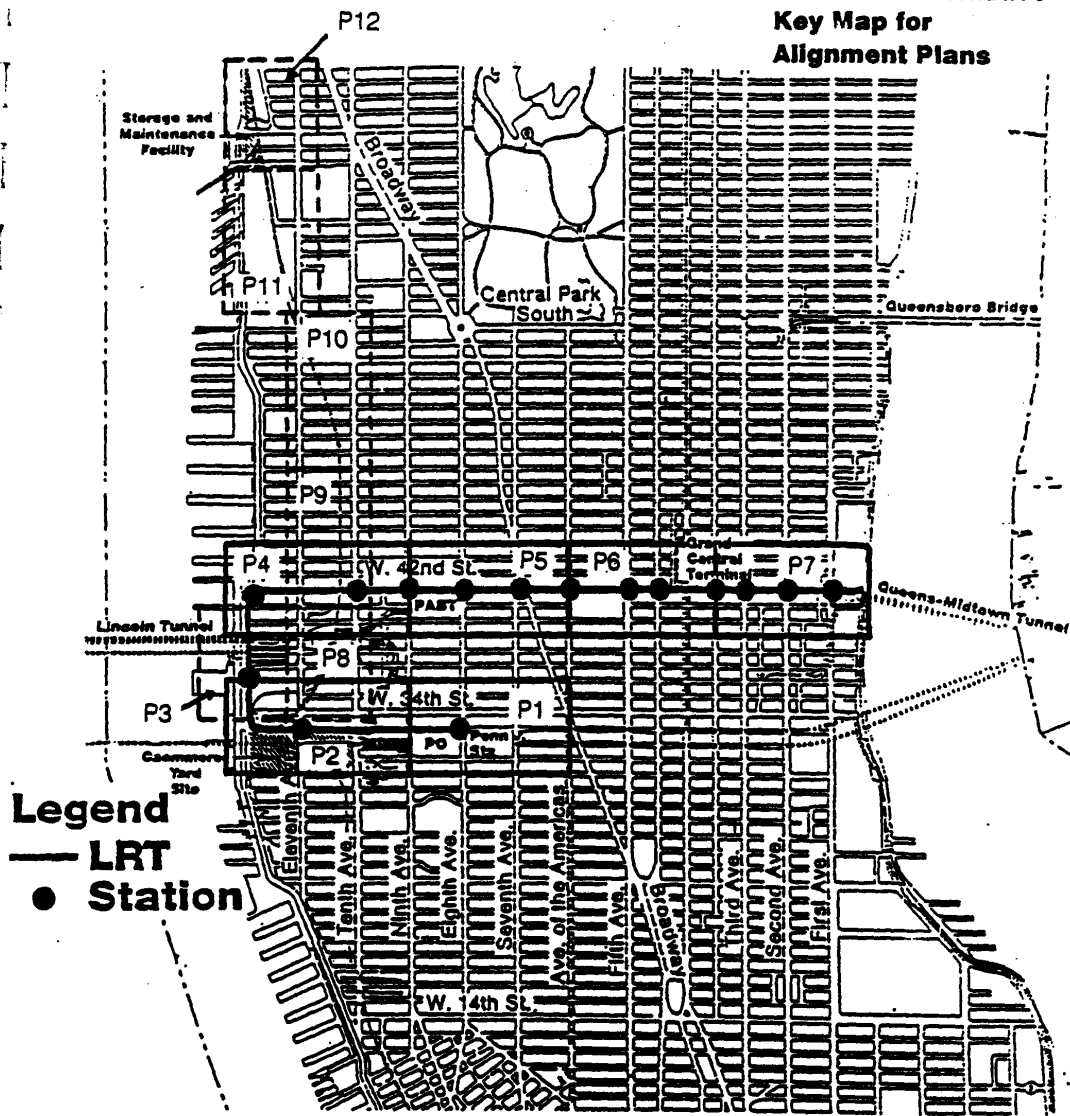
The alignment of the preferred alternative is shown on the attached set of plans. The plans are organized as follows (see key map in Figure 1-3 and Table 1.1).

### 1.3.2 Maintenance and Storage

Lay-up tracks for midday vehicle storage would be provided in the block immediately south of the Convention Center. Light maintenance facilities would be located in the southern portion of the Amtrak Cut, using right-of-way not required by Amtrak. Overnight storage and major inspections and repairs

\* The selection of Twelfth Avenue as the preferred north/south right-of-way was largely due to the fact that the alternative north/south right-of-way -- Eleventh Avenue -- had several major problems, the most significant being severe and potentially unresolvable traffic impacts resulting from reserving a right-of-way on Eleventh Avenue for transitway vehicles. However, the ultimate location of the transitway on Twelfth Avenue will be decided as part of the planning process for the New York State Department of Transportation (NYSDOT) reconstruction of Route 9A.

**Figure 1-3  
Preferred Alternative  
Key Map for  
Alignment Plans**



**WEST SIDE TRANSITWAY STUDY**  
MANHATTAN OFFICE DEPARTMENT OF CITY PLANNING - CITY OF NEW YORK  
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Table 1.1  
WEST SITE TRANSITWAY ALIGNMENT PLANS.

| <u>Map No.</u> | <u>Preferred Alternative</u>                                                                                    | <u>Title</u> |
|----------------|-----------------------------------------------------------------------------------------------------------------|--------------|
| P1             | 33rd Street Transitway<br>Underground Alignment<br>9th Avenue to 8th Avenue                                     |              |
| P2             | 33rd Street Transitway<br>Underground Alignment &<br>Midday Storage/Service Tracks<br>12th Avenue to 9th Avenue |              |
| P3             | 12th Avenue Transitway<br>Median Alignment<br>34th Street to 40th Street                                        |              |
| P4             | 42nd Street Transitway<br>12th Avenue to 9th Avenue                                                             |              |
| P5             | 42nd Street Transitway<br>9th Avenue to 6th Avenue                                                              |              |
| P6             | 42nd Street Transitway<br>6th Avenue to Lexington Avenue                                                        |              |
| P7             | 42nd Street Transitway<br>Lexington Avenue to United Nations                                                    |              |
| P8             | LRT Storage & Service Tracks<br>Amtrak Right-of-Way<br>34th Street to 39th Street                               |              |

Table 1.1 (continued)  
WEST SITE TRANSITWAY ALIGNMENT PLANS

| <u>Map No.</u> | <u>Preferred Alternative</u> | <u>Title</u>                                                                      |
|----------------|------------------------------|-----------------------------------------------------------------------------------|
| P9             |                              | LRT Storage & Service Tracks<br>Amtrak Right-of-Way<br>39th Street to 50th Street |
| P10            |                              | Amtrak Right-of-Way<br>50th Street to 59th Street                                 |
| P11            |                              | Amtrak Right-of-Way<br>59th to 70th Street                                        |
| P12            |                              | 72nd Street Storage and<br>Maintenance Facility<br>Riverside Tunnel               |
| P13            |                              | Cross Sections                                                                    |
| P14            |                              | Cross Sections                                                                    |

rooms and storage areas; lockers, lunch and toilet

rooms; and foreman/administrative areas

16,000 SF

**TOTAL**

**36,000 SF**

o Assume major repair and large component overhaul contracted to outside

o Storage Track (over night/midday)

- revenue vehicles (including carwash)

3,500 LF min.

- maintenance vehicles (optional could be

performed by hi-rail vehicles)

500 LF min.

o Operations/Control

- dispatch

- reception (including revenue extraction)

- operations center

- administrative area

- crew welfare area, including lockers, lunch and toilet rooms

5,000 SF

#### **5.3.5 Possible Service Extensions**

Though not part of the preferred alternative per se, northern and southern extensions of the West Side Transitway could be accommodated with the alignment of the preferred transitway plan. Such extensions, as well as possible additional east-west services in the 49th-50th Street and/or 31st- 34th Street corridors, are not financially feasible as part of the initial segment of construction but may be considered desirable at some point in the future.

The alignment of the preferred alternative is defined by the three parameters of the Study: 1) maximum private participation; 2) demand projections to the year 2005; and 3) no competition with the existing subway system. However, the system could be extended further north or south if any one of those parameters changes.

The characteristics of the demand and the associated construction costs for the area north of 42nd Street and south of 30th Street are discussed below.

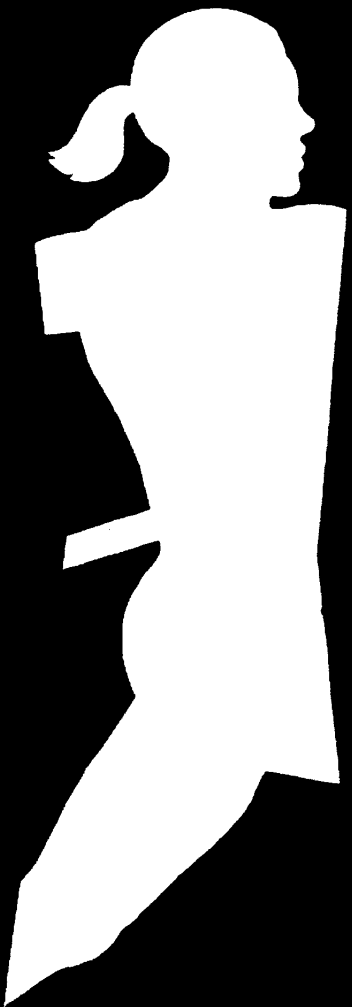
A transitway segment between 42nd and 72nd Street would cost between \$143 and \$229 million. This segment would generate substantial demand (2,500 new riders in the AM peak hour), but not enough to warrant the additional expenditure. Between 72nd Street and the George Washington Bridge, a transitway would attract only 2,000 trips in the AM peak hour, all of which would be diverted from the existing subway system. It would cost approximately \$220 million to construct this segment.

Between 30th and 14th Street, only 400 riders would use the transitway in the AM peak hour. South of 14th Street, 2,600 passengers would ride the transitway in the AM peak hour; however, almost 40 percent of them would be diverted from the existing system. The construction costs associated with the southern segment (30th Street to the Battery) are approximately \$125 million in 1987 dollars.

It may be appropriate, however, for other transportation agencies to consider the need for northern or southern extensions if conditions change in the future. For instance, additional public money may become available for transit or demand may significantly increase after the year 2005. Should the circumstances change, the Transitway Study engineering and cost analysis could be used as a basis for these extensions.

# **Exhibit No. 6**

# SPORTS ATHLETICS



# ATHLETICS SPORTS



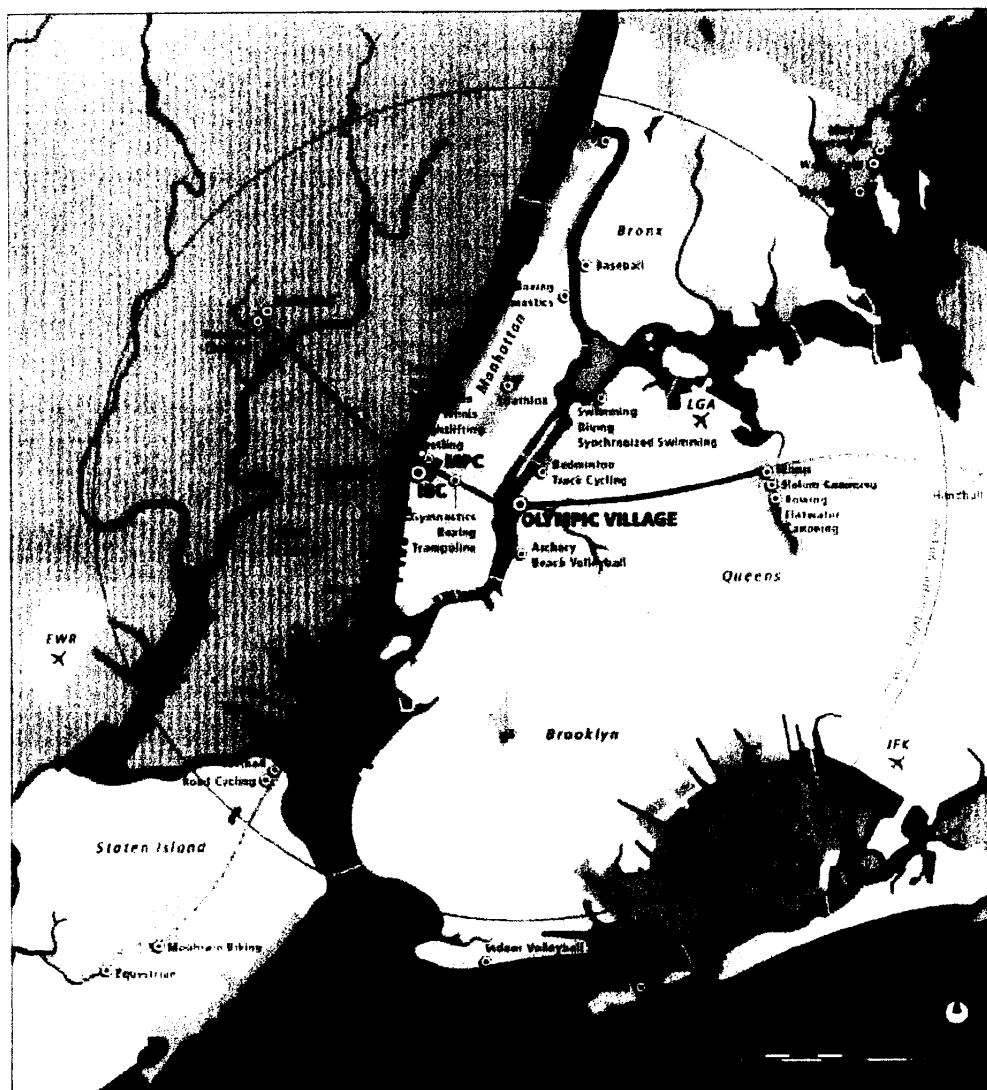
## 10.1 | The Athletics Venue

The 36,000-seat Olympic Stadium, planned for the Hudson Yards area of Manhattan's far West Side, will be the centerpiece of the 2012 Olympic Games in New York City. Housed in a southward expansion of the Jacob K. Javits Convention Center, the stadium will open onto a new 8.5-acre public park—Olympic Square—which will be the focal point of Olympic festivities and celebration. An ingenious design will allow the facility to accommodate the New York Jets, for the ten home games they play each year, and, in 2012, as the home for athletics and the Opening and Closing Ceremonies. Reachable in just over 15 minutes door-to-door from the Olympic Village, the Olympic Stadium will be directly adjacent to the IBC and MPC, providing convenient access for the media.

New York City has a distinguished athletics history. The first-ever international amateur track and field meet was held here in 1895. Since 1914, Madison Square Garden has hosted the Millrose Games, the oldest invitational track meet in the United States. In 1936, Jesse Owens qualified for the U.S. Olympic Team at New York's Downing Stadium and went on to make history in Berlin. And every year, more than 30,000 runners from over 100 countries around the world pass through all five boroughs in the New York City Marathon. In keeping with this tradition, the Olympic Stadium will meet the highest standards for athletics competition and will be developed in full conformity with all International Amateur Athletic Federation (IAAF) specifications and requirements.

| Venue           | Competition Events  |                |
|-----------------|---------------------|----------------|
| Olympic Stadium | <b>Men</b>          | <b>Women</b>   |
|                 | 100m                | 100m           |
|                 | 200m                | 200m           |
|                 | 400m                | 400m           |
|                 | 800m                | 800m           |
|                 | 1,500m              | 1,500m         |
|                 | 5,000m              | 5,000m         |
|                 | 10,000m             | 10,000m        |
|                 | 110m hurdles        | 100m hurdles   |
|                 | 400m hurdles        | 400m hurdles   |
|                 | 3,000m steeplechase | 20km walk      |
|                 | 4 x 100m relay      | 4 x 100m relay |
|                 | 4 x 400m relay      | 4 x 400m relay |
|                 | 20km walk           | Marathon       |
|                 | 50km walk           | High jump      |
|                 | Marathon            | Long jump      |
|                 | High jump           | Triple jump    |
|                 | Long jump           | Pole vault     |
|                 | Triple jump         | Shot put       |
|                 | Pole vault          | Discus throw   |
|                 | Shot put            | Javelin throw  |
|                 | Discus throw        | Hammer throw   |
|                 | Javelin throw       | Heptathlon     |
|                 | Hammer throw        |                |
|                 | Decathlon           |                |

## The Olympic X: Athletics



| Travel to:                       | Distance |    | Minutes |        |
|----------------------------------|----------|----|---------|--------|
|                                  | Miles    | Km | Current | Future |
| Olympic Village (Athletes)       | 3        | 4  | 20      | 16     |
| Olympic Stadium/IOC/MPC (Media)  | 0        | 0  | 1       | 1      |
| Official Hotels (IOC, NOCs, IFs) | 2        | 3  | 24      | 15     |
| Times Square (Spectators)        | 1        | 2  | 12      | 4      |

## 10.2 | Training Centers

New York City has an impressive array of recreation facilities that are more than capable of fulfilling the training requirements for athletics. East River Park, Randall's Island, Red Hook Recreation Area, and Thomas Jefferson Park will each be extensively renovated as major training centers reserved exclusively for Olympic use. Each of the first three has a 400-meter track that will be outfitted with a new, state-of-the-art surface identical to that used in the Olympic Stadium. Thomas Jefferson Park and the soccer field on Randall's Island will be dedicated to the throwing events. NYCOG will work with USA Track & Field and the IAAF to locate appropriate training routes for the marathon and race walk in close proximity to the Olympic Village. Each site is easily accessible by Olympic Ferry, will feature extensive support services, and will be available for athlete use at least two weeks prior to the start of competition. In addition to these four training centers, a warm-up track will be located immediately adjacent to Olympic Stadium.

| Training Center       | Travel Time from the Olympic Village |
|-----------------------|--------------------------------------|
| East River Park       | 7 minutes                            |
| Thomas Jefferson Park | 11 minutes                           |
| Randall's Island      | 12 minutes                           |
| Red Hook Park         | 18 minutes                           |

## 10.3 | Travel on the Olympic X

The Olympic Stadium will be easily reached from the Olympic Village via a 16-minute ride on the Olympic Rail system. Exclusive trains will leave the Olympic Village regularly starting at 6:00 AM and will run throughout the day. Each train will have room for up to 1,000 athletes and coaches, and will be scheduled to allow athletes to arrive at least two hours prior to their event. A special train platform directly below the stadium will be reserved for athletes. When athletes are not competing, they will have the opportunity to travel on the Olympic Ferry and Olympic Rail to other competition and training venues.



Derrick Adkins, member of NYC2012's Circle of Olympians and Policy Board, celebrates after winning the gold medal in the 400m hurdles at the 1996 Olympic Games.

Olympic family members will be provided with dedicated travel lanes for integrated cars and pooled vehicles to reach the Olympic Stadium. The main entrance to the Olympic Stadium is easily reached from the F and VPC on foot or by a short shuttle bus ride. Spectators can reach the Olympic Stadium using the new Olympic Square stop on the extended N, R subway line.

## 10.4 | Preparing the Venue

### Olympic Stadium

|                                         |                                                      |
|-----------------------------------------|------------------------------------------------------|
| <b>Current State of Venue</b>           | To be built; has southern expansion of Javits Center |
| <b>Commencement of Olympic Retrofit</b> | Winter 2011                                          |
| <b>Completion of Olympic Retrofit</b>   | Summer 2011                                          |
| <b>Estimated Cost of Olympic Work</b>   | \$125 million                                        |
| <b>Financing Arrangements</b>           | \$125 million (100%) to be paid for by NYCOG         |
| <b>Current Owner of Site</b>            | State of New York                                    |
| <b>Status of Agreements</b>             | To be negotiated                                     |

### 10.4.1 | Status of the Venue

A comprehensive plan has been developed for transforming the underdeveloped area surrounding the Long Island Rail Road's open Hudson Yards into a major destination in advance of the 2012 Olympic Games. The Jacob K. Javits Convention Center is expected to expand southwards — on top of the functioning rail yards — with a flexible Great Hall for exhibitions that can also accommodate the New York Jets football team. The building will be convertible to an Olympic Stadium for 2012. In order to support the level of activity expected to occur in the rejuvenated Hudson Yards area, the site will be served by extensions of the existing subway and commuter rail systems. A highlight of the plan will be Olympic Square, an 8.5-acre public park with shade trees, grassy lawns, public promenades, cafes, and performance spaces. During the Games, this area will become a central focus of Olympic celebration for spectators and the Olympic Family.

### 10.4.2 | Work Schedule

Construction of the southern expansion of the Javits Center, including site preparation and necessary infrastructure, could begin as early as 2005. The building would

Joetta Clark-Diggs, member of NYC2012's Circle of Olympians and Policy Board, competed in four consecutive Olympic Games from 1988 through 2000.



Jim Beatty, member of NYC2012's Circle of Olympians and Policy Board, competed in the 5,000-meter run for the United States at the 1960 Olympic Games in Rome.

then open in 2009. Olympic retrofit is expected to start in January 2012. The track will be completed in the spring of 2012, allowing ample time to hold national and world championships prior to the 2012 Olympic Games. Temporary seating will be added to bring the capacity to 86,000.

### 10.4.3 | Cost

The total cost of outfitting the building, including installation of the necessary surfaces and equipment and conversion of the building to its permanent configuration after the Games, is estimated at \$125 million. The warm-up track will cost an additional \$30.5 million. All of this work will be paid for by NYCOG.

### 10.4.4 | Ownership

The site is owned by the State of New York, through the Metropolitan Transportation Authority and the New York Convention Center Operating Corporation. A letter of agreement will be negotiated once the building's ownership and operating structure have been established.

### 10.5 | Guarantee from USA Track & Field: Signed

USA Track & Field has reviewed NYC2012's plans for hosting Olympic athletics at the Olympic Stadium in New York City. A letter of agreement is included in Theme 19.

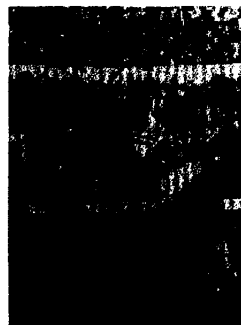
### 10.6 | Post-Games Use

For information regarding use of the venue after the Olympic Games, see Theme 10.7.4

### 10.7 | Detailed Venue Description

The southern expansion of the Javits Center will feature a 314,000-square-foot Great Hall that can also be used as a state-of-the-art venue for the New York Jets and, in 2012, as an Olympic Stadium. With a retractable roof, it will provide fully climate-controlled conditions for conventions, as well as an outdoor environment for sporting events. The design will allow conversion to Olympic configuration using rel-

1964 U.S. Olympic Trials, Randall's Island, New York City. In 2012, Olympians in multiple sports, including athletics, will train at Randall's Island.



Decathlete Milt Campbell, member of NYC2012's Circle of Olympians, won Olympic gold in 1952 and silver in 1956.

sively simple and cost-effective technology. Built to Olympic-sized dimensions, the building will initially be set up to host conventions and football games in the years prior to 2012. In early 2012, a 400-meter track will be installed by narrowing the temporary endzone installations to accommodate the necessary track length and by raising the playing field to provide the required width. These changes will enable the track to be built in full conformity with all IAAF specifications. Additional temporary seating will be installed to bring the capacity up to 86,000 seats – all with sight lines that meet or exceed the IAAF requirements.

A warm-up track will be conveniently located on a temporary floating platform in the Hudson River, directly across 12th Avenue from the Olympic Stadium and connected by a private, secure pedestrian bridge for athletes, coaches and officials. The warm-up track will be of the same dimensions, orientation and surface material as the competition track. It has been engineered to prevent any pitch and roll action from waves or turbulence. Additionally, a 60m straight will be provided below the stands within the Olympic Stadium itself, for athletes to use just prior to their events. All of the competition and warm-up facilities, including the surface materials and dimensions of the two tracks, will be developed in full conformity with the specifications of the IAAF Manual and all other IAAF requirements.

Extensive athlete support facilities will be provided within the Olympic Stadium, including locker rooms, showers, saunas and whirlpools, coaches and team meeting rooms, athlete lounges, and Olympic Family visitor rooms. Reserved front row seating will be provided for judges, jury members, timekeepers and other Olympic officials. Additional support facilities will be located on the warm-up platform for added convenience.

Journalists and broadcasters will be provided with an extremely convenient media operation. The Main Press Center will be located in the Jacob K. Javits Convention Center directly north of the Olympic Stadium, and the International Broadcast Center will be located a few feet away across Olympic Square, providing direct and instantaneous worldwide coverage of all athletics events. The media facilities in the stadium will be equipped with appropriate furnishings, computer censors, and data hook-ups. The building's retractable roof will be kept open throughout the duration of the Olympic Games, and a lighting system will be provided in accordance with the requirements for optimum television broadcast coverage.

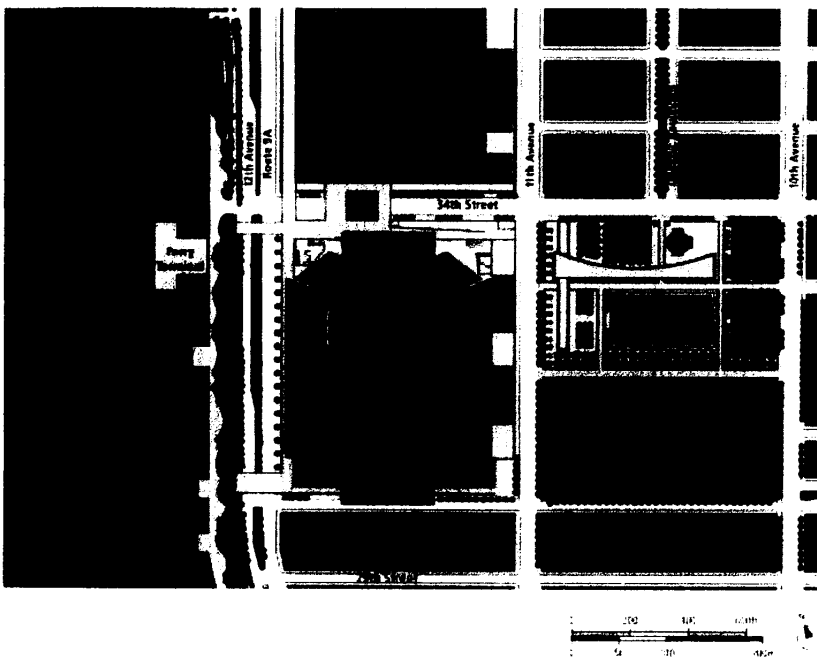
Right: Native New Yorker Al Oerter won the discus gold in four consecutive Olympic Games.

Far right: Diane Dixon, member of NYC2012's Circle of Olympians and Policy Board, won a gold medal at the 1984 Olympic Games in Los Angeles and a silver four years later in Seoul.

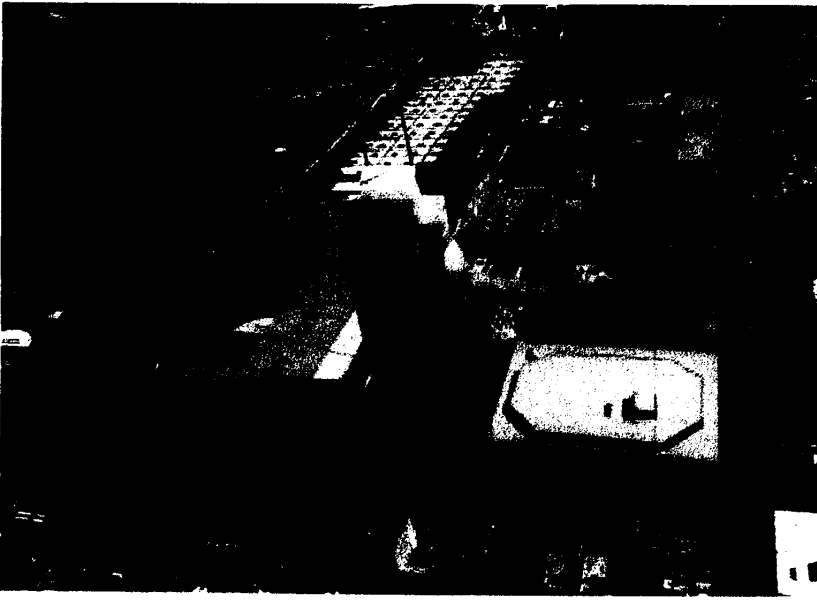


# 10.7.1 | Detailed Plans

## Olympic Stadium Area Plan



The Olympic Stadium Area is a large, multi-block development located in the heart of Manhattan. The plan shows a large stadium complex in the center, surrounded by various streets including 11th Avenue, 10th Avenue, 9th Avenue, 8th Avenue, 7th Avenue, 6th Avenue, 5th Avenue, 4th Avenue, 3rd Avenue, 2nd Avenue, 1st Avenue, and 10th Street. The stadium complex is a large, rectangular building with a curved roof. It is surrounded by several smaller buildings, including a large office building to the north and a large residential building to the south. The plan also shows a large parking lot to the east of the stadium. The area is bounded by 11th Avenue to the west, 10th Avenue to the east, 9th Avenue to the north, and 8th Avenue to the south. The plan shows a large, multi-block development located in the heart of Manhattan. The plan shows a large stadium complex in the center, surrounded by various streets including 11th Avenue, 10th Avenue, 9th Avenue, 8th Avenue, 7th Avenue, 6th Avenue, 5th Avenue, 4th Avenue, 3rd Avenue, 2nd Avenue, 1st Avenue, and 10th Street. The stadium complex is a large, rectangular building with a curved roof. It is surrounded by several smaller buildings, including a large office building to the north and a large residential building to the south. The plan also shows a large parking lot to the east of the stadium. The area is bounded by 11th Avenue to the west, 10th Avenue to the east, 9th Avenue to the north, and 8th Avenue to the south. The plan shows a large, multi-block development located in the heart of Manhattan.



## Olympic Stadium: Entry Level Plan

Shown here is the plan of the Entry Level of the Olympic Stadium. The primary distribution of space is for the athletes' locker rooms, which are located along the perimeter of the plan. The main concourse is located along the perimeter of the plan, with the Olympic Family/VIP area located along the perimeter of the plan. The main concourse is located along the perimeter of the plan, with the Olympic Family/VIP area located along the perimeter of the plan.

## Entry Level Plan

## Athletes

- ① Locker Rooms
- ② Medical
- ③ Training
- ④ Lounge

## Olympic Family/VIP

- Entry

## Media

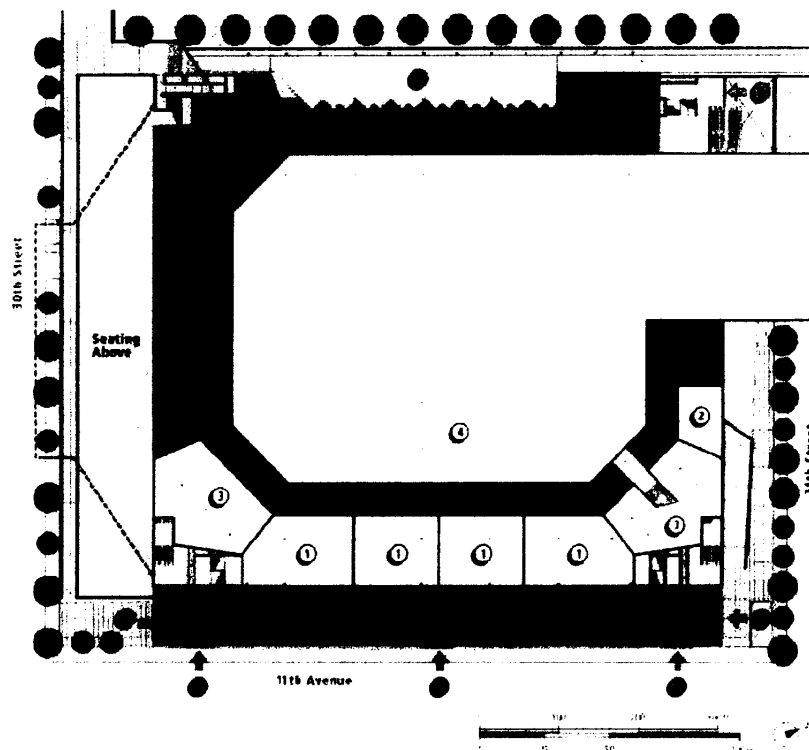
- Entry from MFL

## Spectators

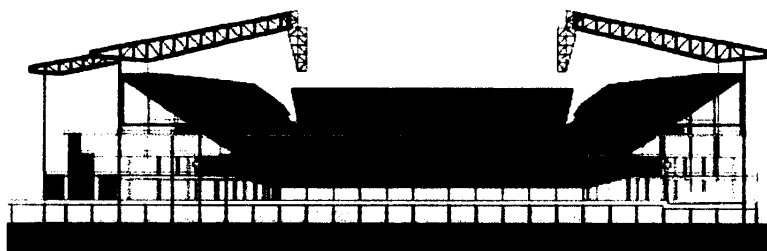
- Entry

## Venue/Competition Management

- Officials Area
- Venue Management
- Logistics/Storage
- Loading Dock



## Olympic Stadium: Cross-Section



Cross-section of the Olympic Stadium. The section shown covers the seating bowl, but leaves the entire track open to the sky. The roadway

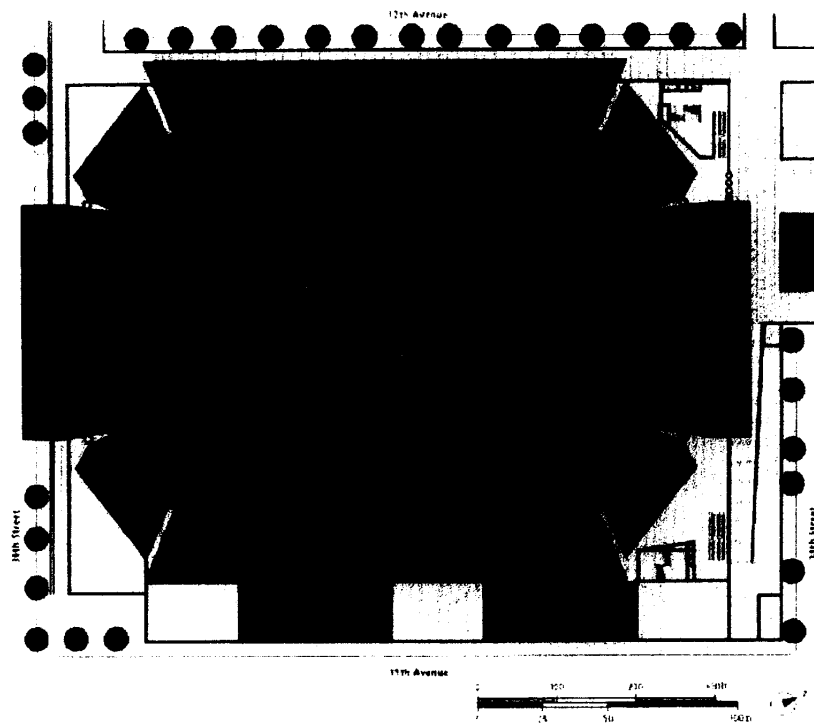
is shown at the lowest level, with the football field just above. The Olympic track is above the football field and seating begins at the

athletics field level. Olympic Family (purple) and media (pink) box levels are shown at the middle and upper concourses.

## Cross-Section

- Competition Area
- Athletes
- Olympic Family/VIP
- Media
- Spectators

## Olympic Stadium: Field and Seating Level Plan



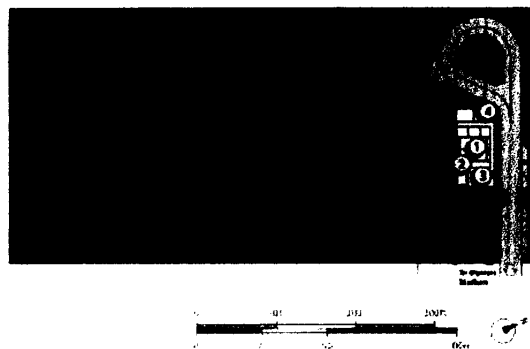
Plan of the field and seating level of the Olympic Stadium. The track is at the center of the plan, surrounded on all sides by the Olympic Family/VIP area. The seating area is divided into several sections, including the Olympic Family/VIP area and the Media area.

The Avenue is shown at the bottom of the plan. Field boundaries are indicated by the seating area, providing easy access to all locations at the stadium and excellent views of the Hudson River and the Olympic Stadium.

### Seating Level

- Competition Area
- Athletes
- Olympic Family/VIP
- Media
- Spectators

## Olympic Stadium: Warm-Up Track



### Warm-Up Track

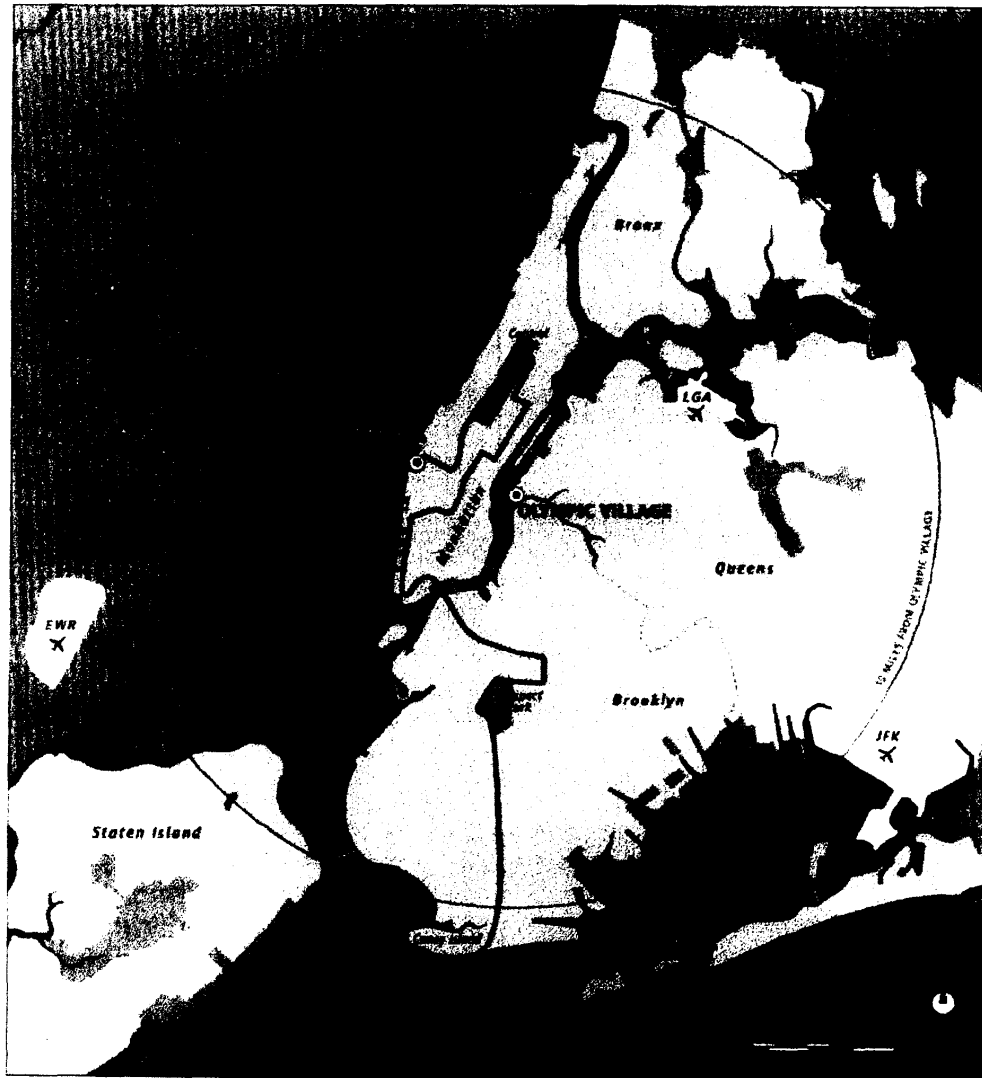
- Athletes**
  - ① Locker Rooms
  - ② Medical
  - ③ Training
  - ④ Lounge
- Olympic Family/VIP**
  - Reception/Lounge
- Media**
  - Interview Room

- Venue/Competition Management**
  - Federation Offices
  - Venue Management
  - Security
  - Emergency Vehicle Parking
  - Emergency Helipad
  - Logistics
- Grass**
- Roads**
- Seating**

The warm-up track is located just above 12th Avenue, north of the Olympic Stadium.

The warm-up track is located just above 12th Avenue, north of the Olympic Stadium.

### Marathon Route



The Olympic marathon brings elite athletic competition to the streets of the Host City like no other Olympic event. NYC2012 proposes a course that passes through diverse residential neighborhoods and grand public spaces, and goes by unique New York landmarks, ensuring a citywide celebration of the event.

The route begins at Coney Island, just steps away from the Atlantic Ocean, and climbs very slowly as it heads straight up Ocean Parkway toward Prospect Park. The runners will pass through several 'brownstone' neighborhoods before moving through downtown Brooklyn and over the high point of the course at the center of the Brooklyn Bridge.

Once in Manhattan, the route will take runners past City Hall and down Broadway's "Canyon of Heroes," site of New York's famous ticker-tape parades. At Battery Park, Manhattan's southern tip, the route turns north and goes through the planned Hudson River Park and on to Midtown. Runners will pass the Empire State Building, the United Nations and other landmarks, as well as numerous residential areas, on their way to Central Park. The final section of the course will take runners through Times Square and across 34th Street, past Olympic Square, and into Olympic Stadium.

### 10.7.2 | Capacity for Olympic Games

|                                  |           |
|----------------------------------|-----------|
| Total number of seats            | 86,000    |
| Total number of spectator seats  | 76,829    |
| Total unseated marathon capacity | Unlimited |

### 10.7.3 | Competition Schedule

#### Athletics

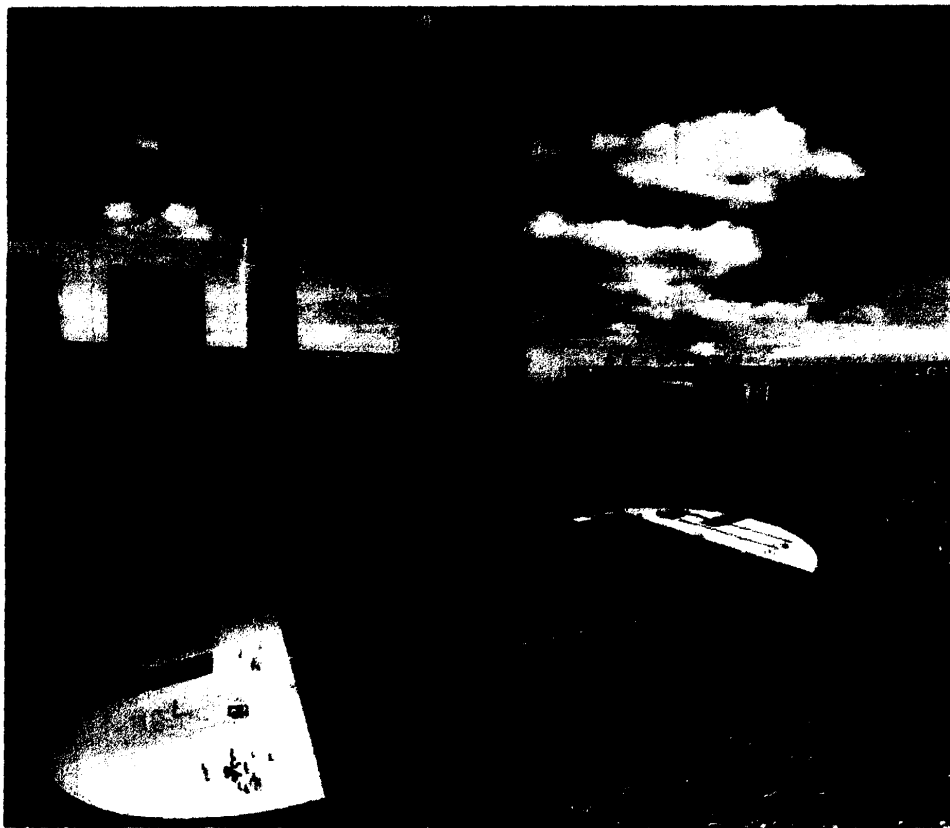
| July            |     |     |     |     | August |     |     |     |     |     |     |     |     |     |     |     |
|-----------------|-----|-----|-----|-----|--------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 27              | 28  | 29  | 30  | 31  | 1      | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  |
| FRI             | SAT | SUN | MON | TUE | WED    | THU | FRI | SAT | SUN | MON | TUE | WED | THU | FRI | SAT | SUN |
| Olympic Stadium |     |     |     |     |        |     | ●   | ●   | ●   | ●   |     | ●   | ●   | ●   | ●   | ●   |

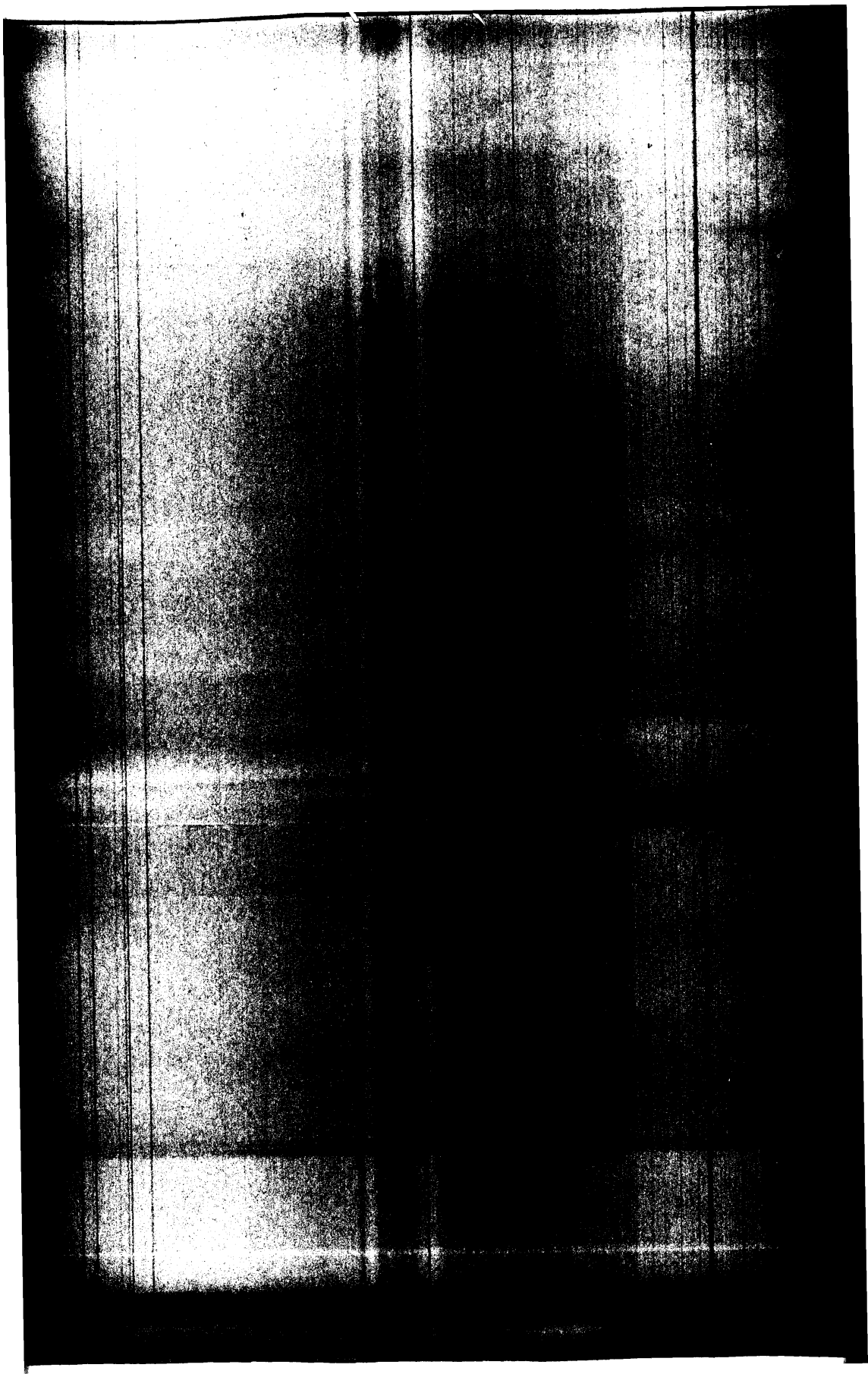
#### Competition Days

- Gold Medal Events Scheduled

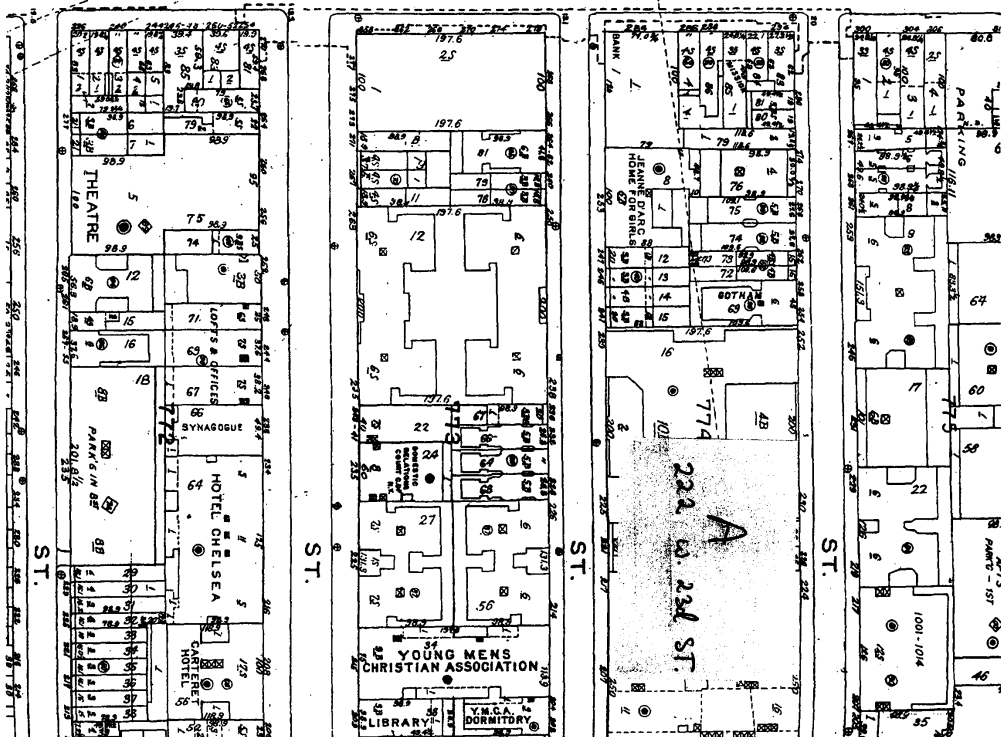
#### 10.7.4 | The Olympic Legacy

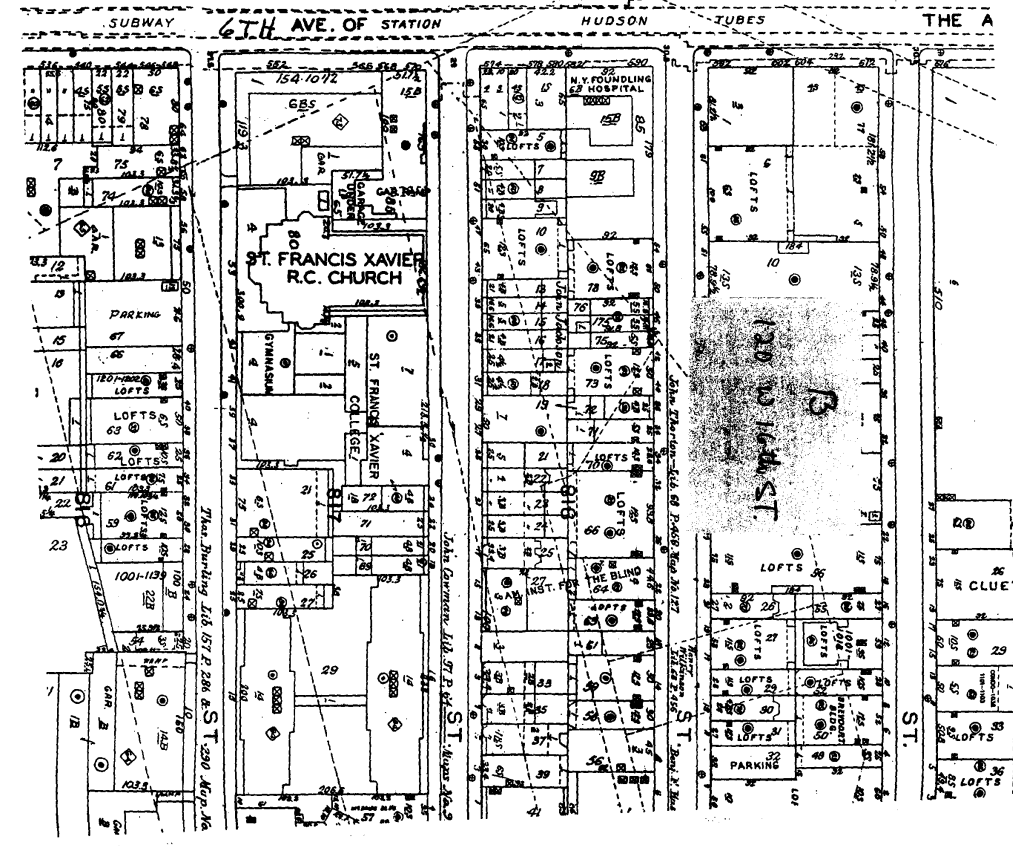
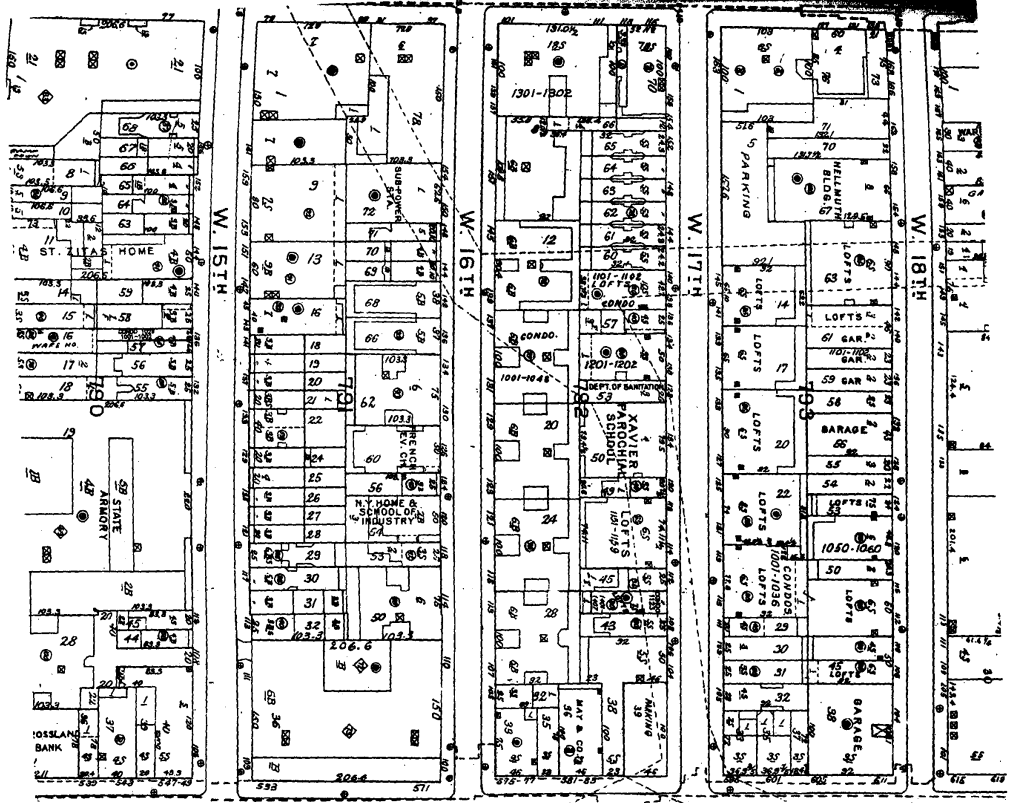
New York's bid for the 2012 Olympic Games is one of the catalysts for creating a new exhibition and sports Great Hall in the nation's largest urban center. Greatly improved mass transit and a new public park—Olympic Square—will forever change the landscape of New York City and enhance its reputation as a center of amateur and professional sports. The retractable-roofed exhibition hall, when converted to its permanent configuration, will provide an excellent venue for future track and field events for many years. And improvements to the four training facilities will leave a legacy of world-class competition tracks that will be available to the millions of adults and children who use the public park system every year.

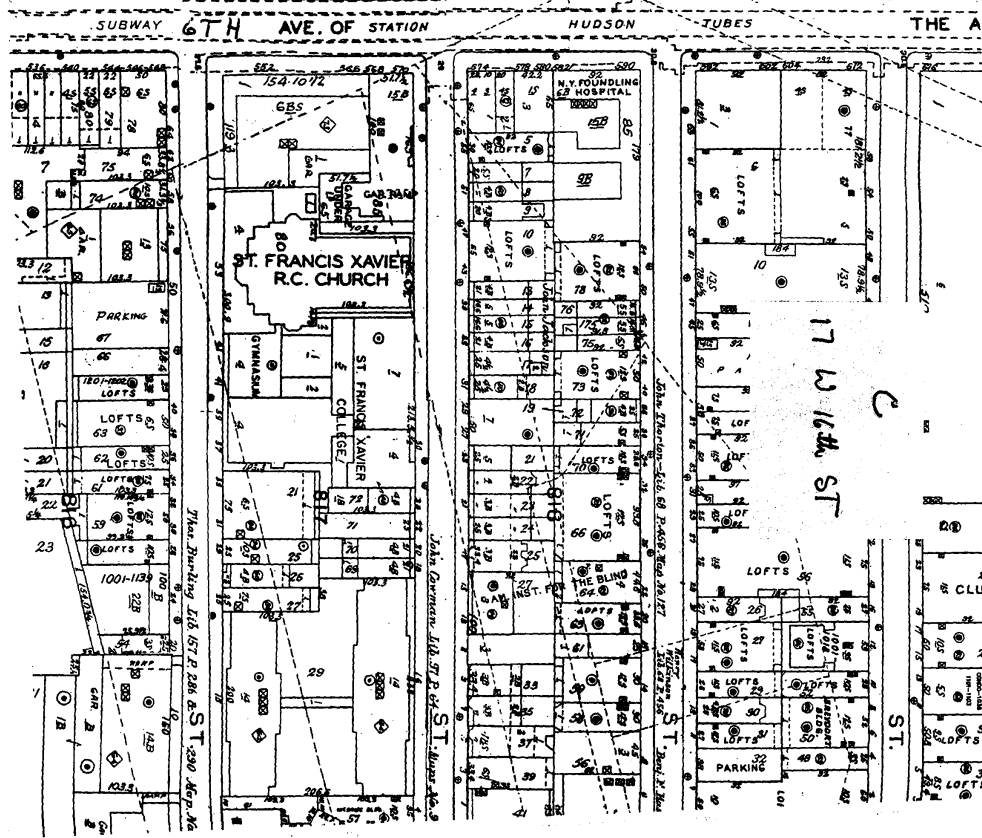
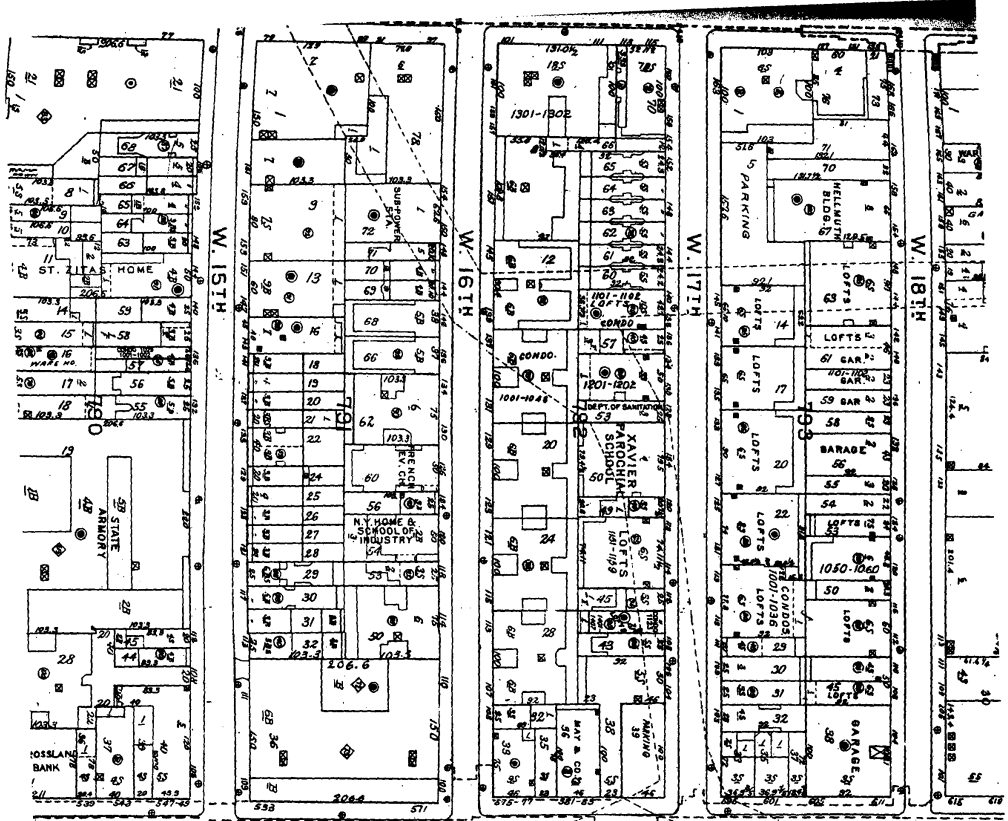


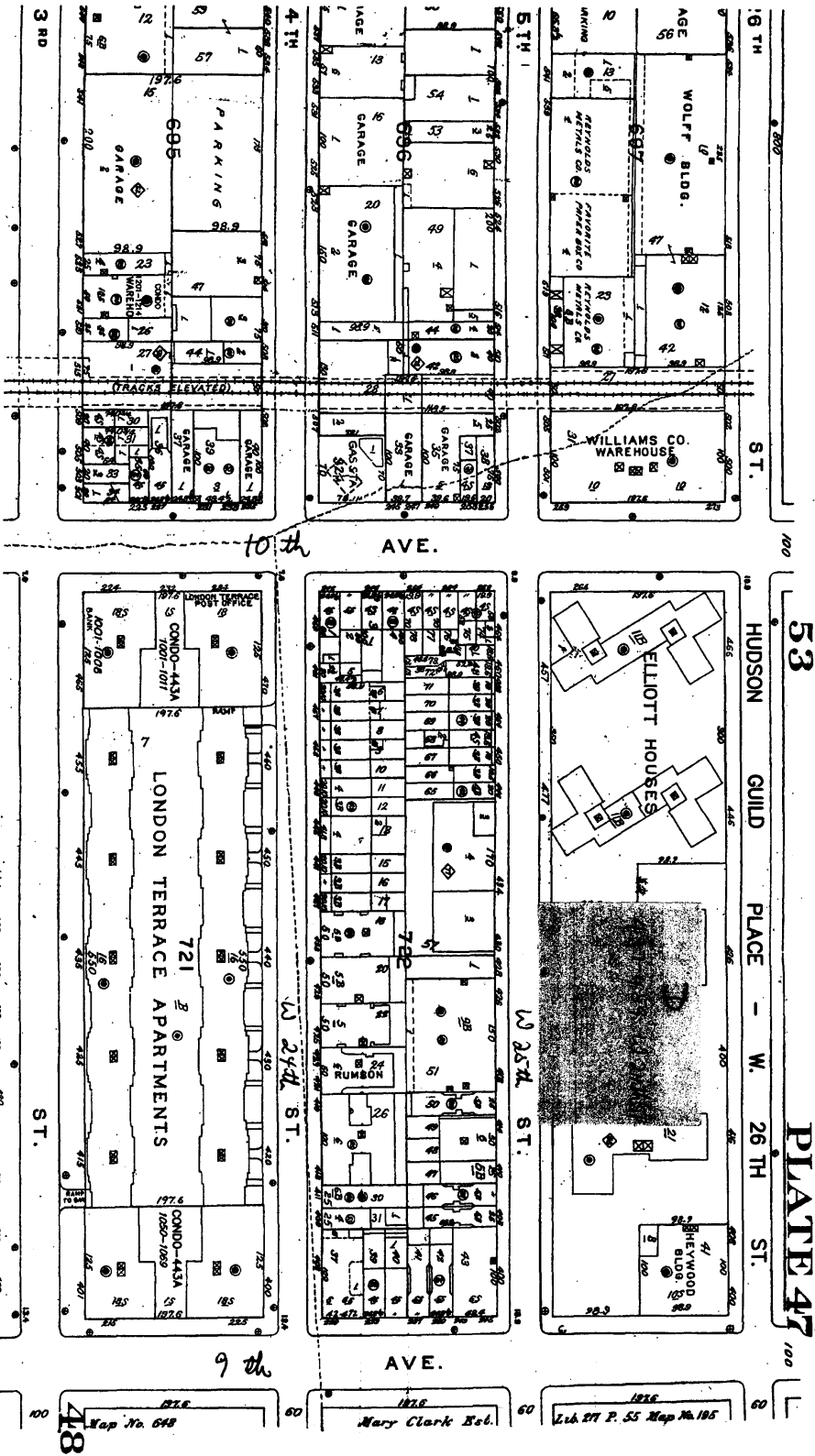


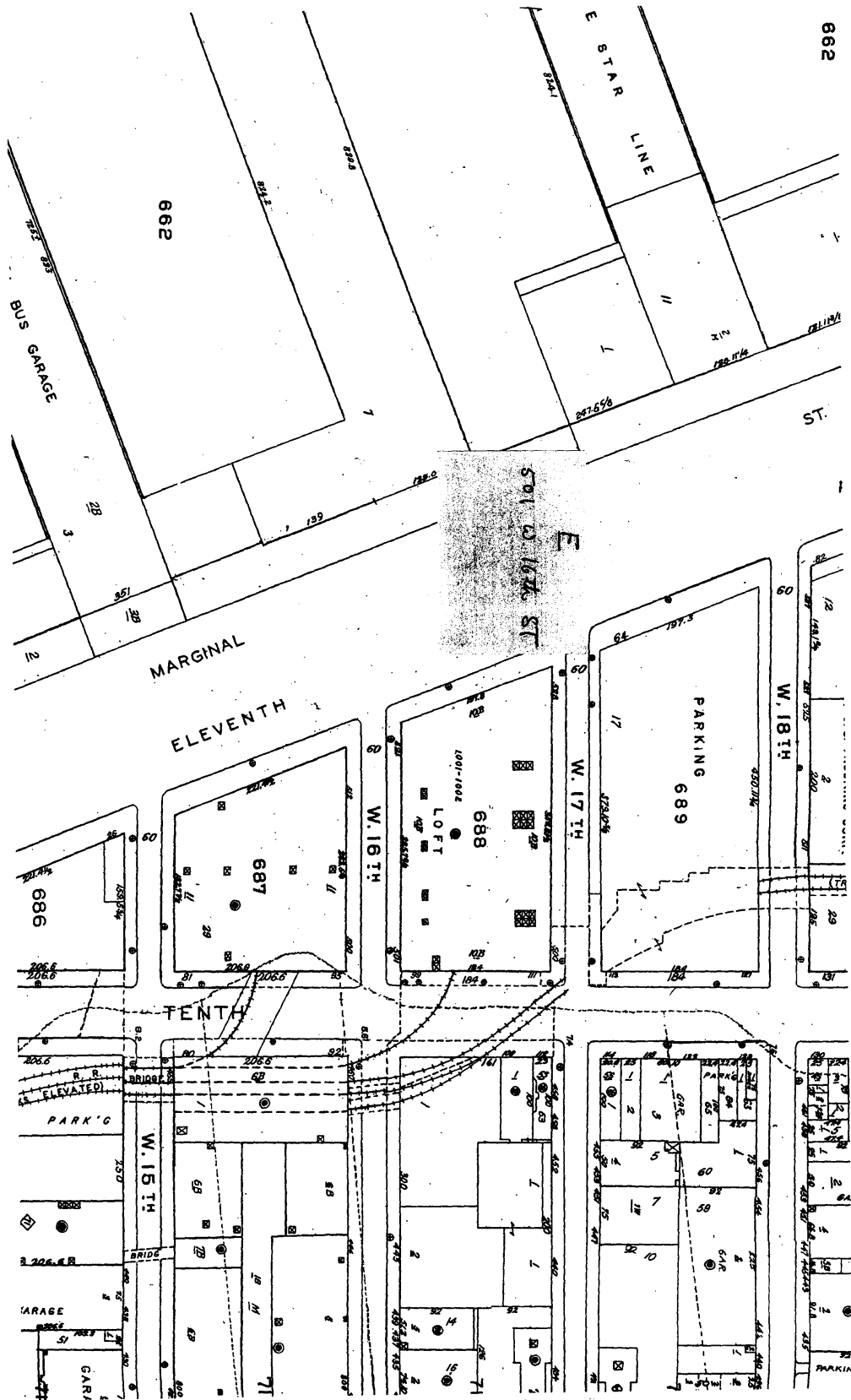
AVE.



















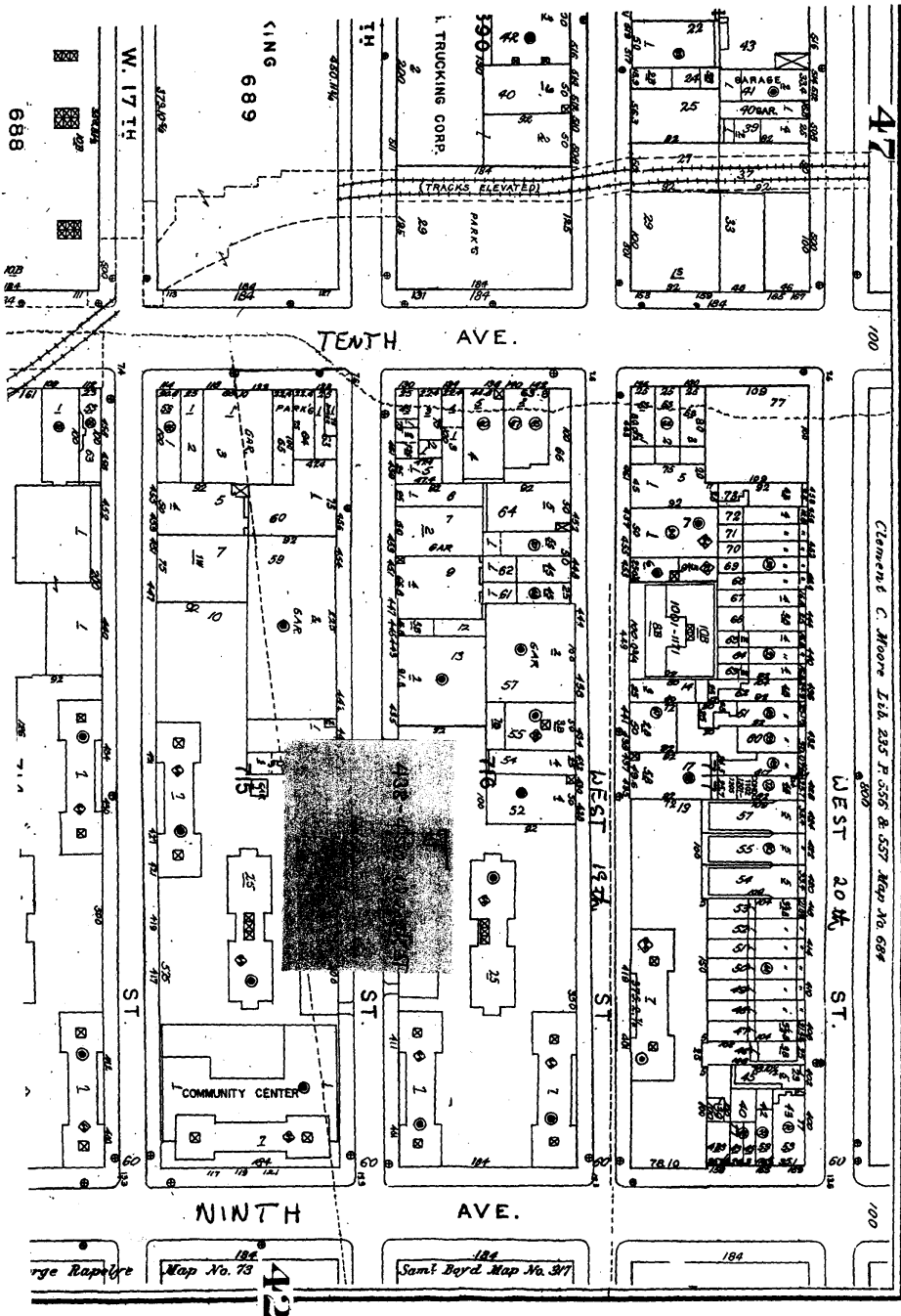
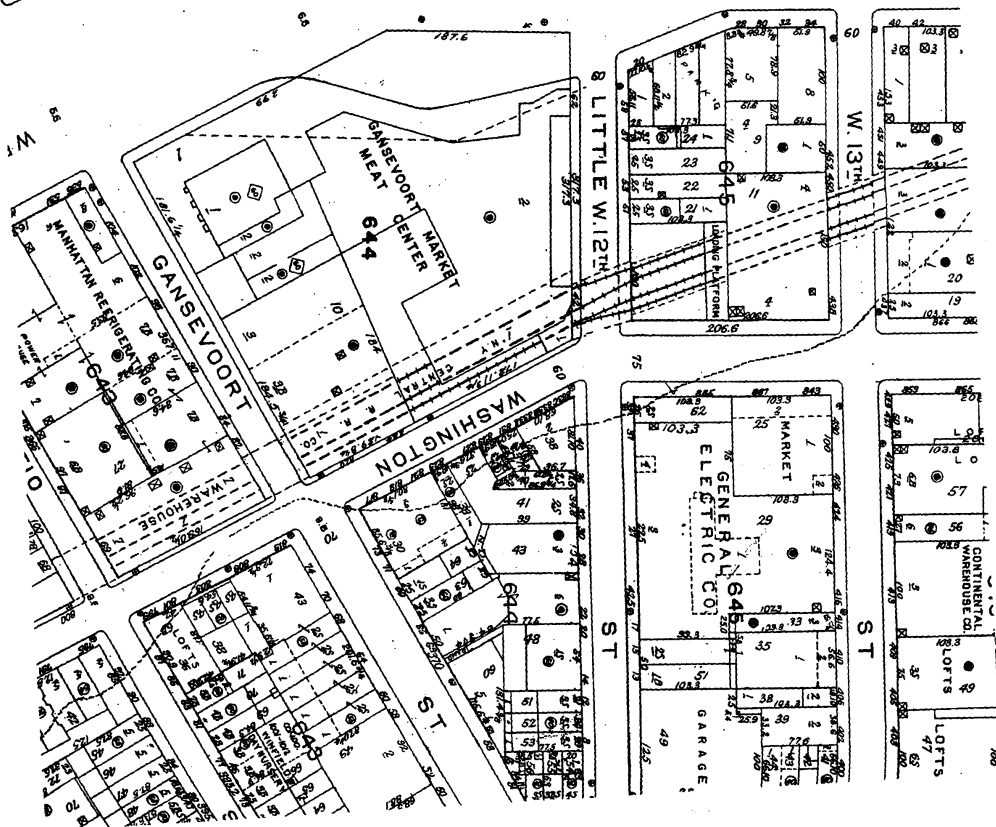
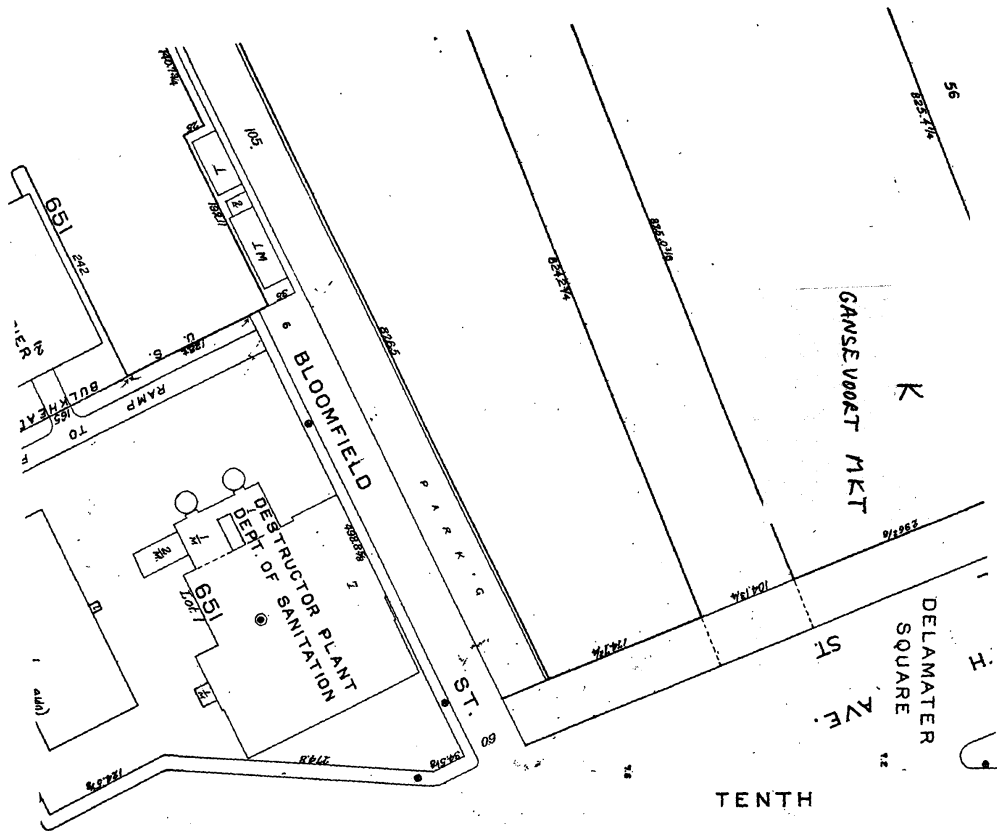
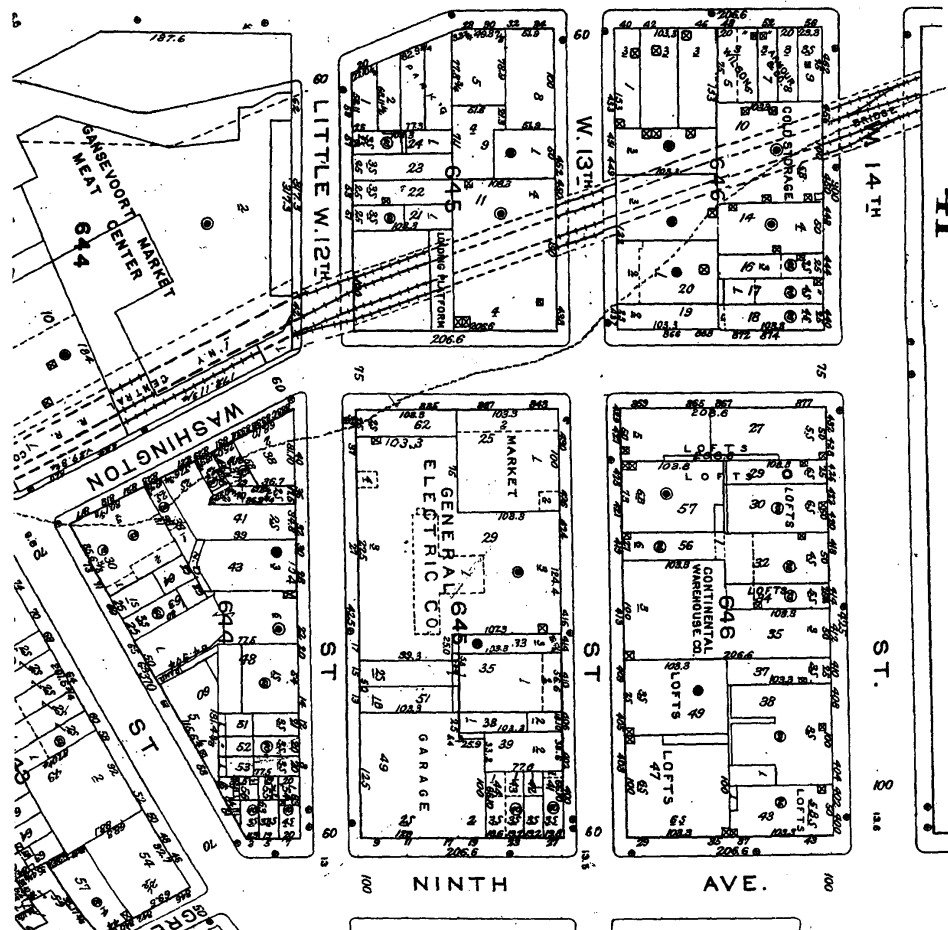
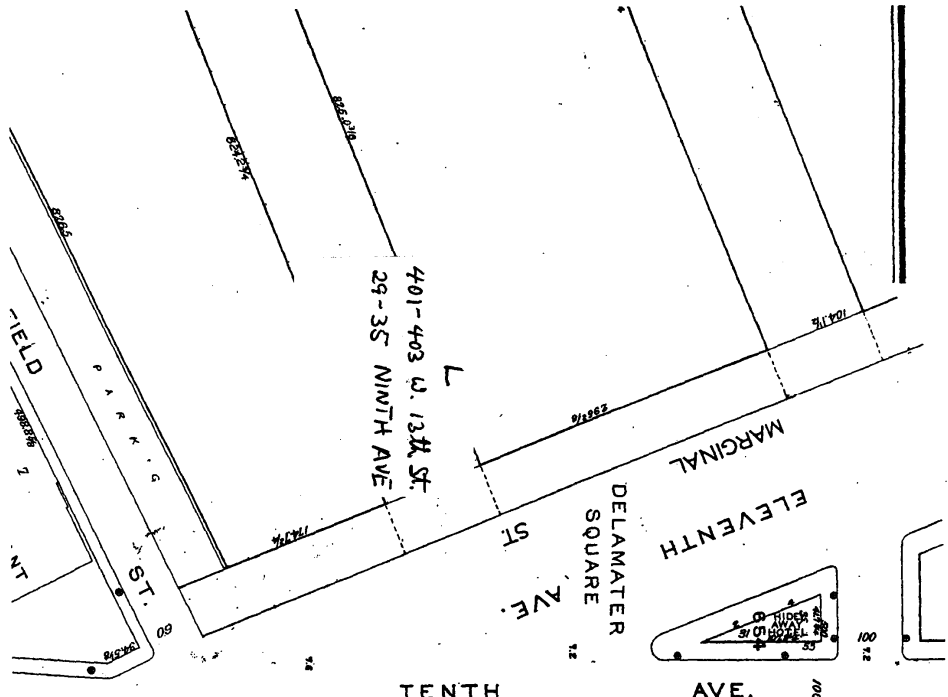
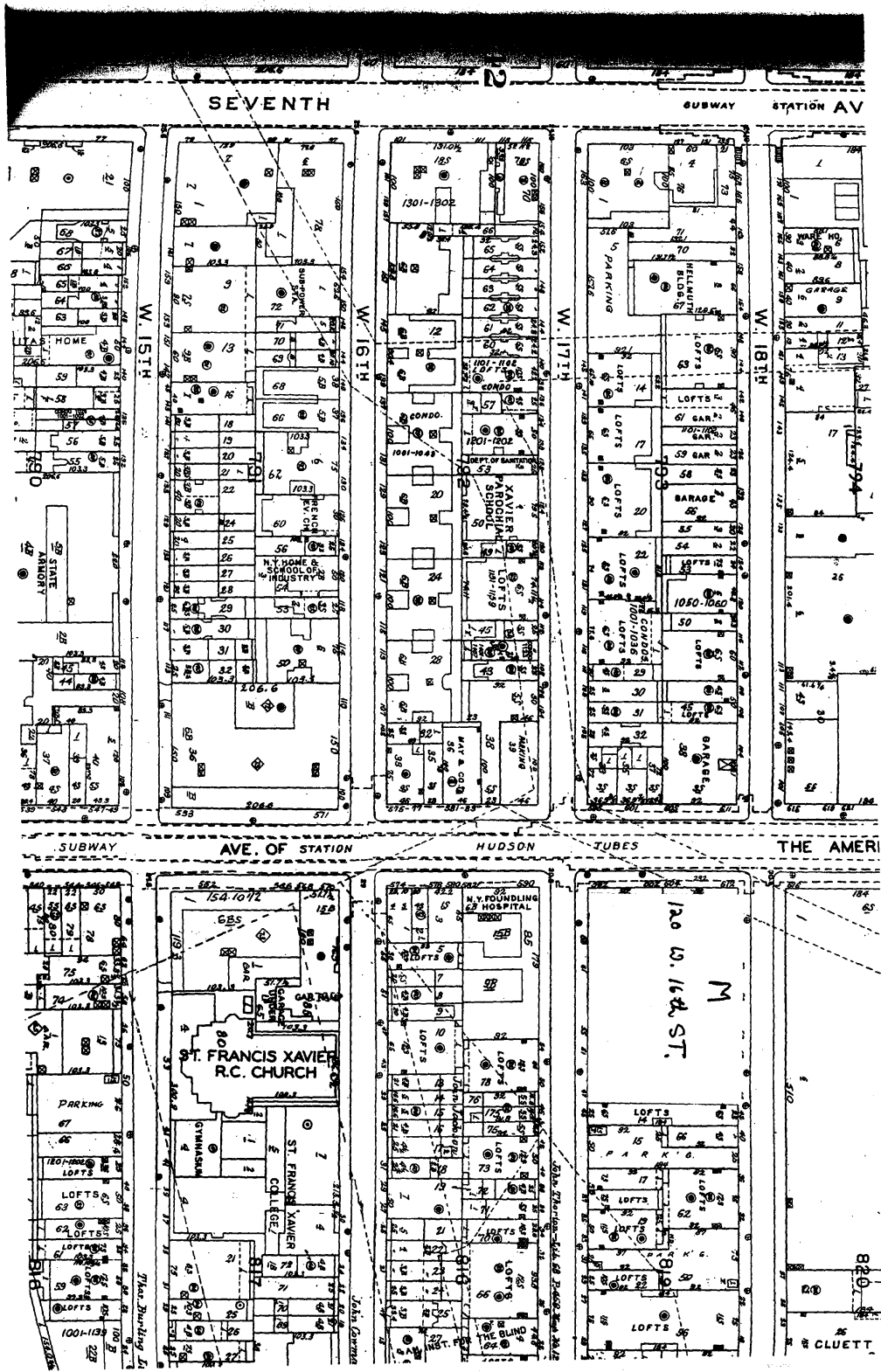


PLATE 41





41



**EXHIBIT B**



click here to "[Show Your Support](#)"  
click here to view "[The Olympic X](#)"

## OUR GAME PLAN

### BID PROCESS

Winning the right to host the Games will require extraordinary teamwork from all New Yorkers.

The Olympic bid process has several phases. On October 26, 2001, the United States Olympic Committee (USOC) named New York to a short-list of bid cities that remained in contention to become the U.S. Candidate City for the 2012 Olympic Games. Joining New York as bid city finalists were Houston, San Francisco and Washington, DC.

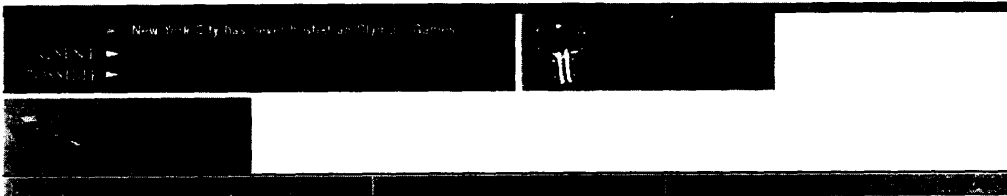
On August 27th, 2002, the USOC named New York and San Francisco as the two Finalist Cities to be the United States Candidate City. The USOC Board of Directors will select the U.S. Candidate City on November 3, 2002. That city will then compete internationally for the right to be designated as Host City for the 2012 Olympic Games by the International Olympic Committee (IOC) in 2005.

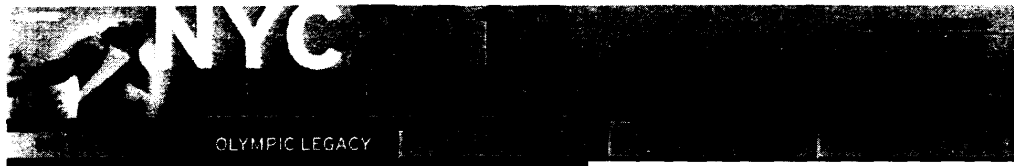
In June 2001, NYC2012, the privately funded nonprofit organization authorized by the City to bid for the Games, submitted its formal proposal for a New York City Olympiad. Reflecting the efforts of hundreds upon hundreds of New Yorkers, the 600-page bid book contains highly detailed plans for virtually every aspect of an Olympic Games in New York - from the obvious, like sports venues and transportation, to the obscure, like quarantine for horses competing in equestrian events. Because nobody knows more about the Olympic Games than the athletes themselves, Olympians have been involved throughout the planning process.

Copies of our bid book are available at the following public libraries:

- Manhattan: the Donnell Library (20 W. 53rd Street).
- Staten Island: the St. George Library (5 Central Avenue).
- Queens: Central Library (89-11 Merrick Boulevard, Jamaica).
- Brooklyn: Central Library (Grand Army Plaza).

New York's plan will ensure a spectacular Olympic Games, with a remarkable legacy for generations to come.





OLYMPIC LEGACY

economics community spirit legacy for youth

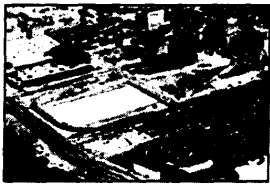
choose from the following:

Midtown West

## OLYMPIC LEGACY

### MIDTOWN WEST

Hosting the Olympic Games requires a stadium large enough for athletics (track and field) competitions and the Opening and Closing Ceremonies. Manhattan's central business district is bursting at the seams. And on the far West Side, eight square blocks - mostly open rail yards - lie fallow. Together, these three factors could spur the city's major development project of the new decade.



Midtown West today

click here to launch the "[Torch Relay Site](#)"

On top of the rail yards, a new Olympic Stadium would be the centerpiece of Olympic activity. The Javits Convention Center would use the stadium as additional exhibition space and could expand north. Below ground, new subway and rail stations would open up "Midtown West" as New York's newest commercial center, complete with hotels and office space - helping to relieve the desperate need for new commercial space. And next to the stadium, an eight-acre Olympic Square - larger than Bryant Park - would become one of the great public spaces of New York City.



Rendering of the proposed Olympic Square

Think it can't be done? See how [Park Avenue](#) became what it is today.



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EXHIBIT C



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# BUILDING CODE

OF THE CITY OF NEW YORK

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LOCAL LAW NO. 76 Effective Dec. 6, 1968  
INCLUDES AMENDMENTS To March 13, 1998

**MICHAEL J. BLOOMBERG**  
MAYOR

**PATRICIA J. LANCASTER, A.I.A.**  
Commissioner

FOR THE DEPARTMENT OF BUILDINGS:  
RON LIVIAN, P.E. Deputy Commissioner for Technical Affairs  
NICHOLAS GRECCO, Executive Engineer  
MARK TOPPING, Deputy Commissioner for Administration and Technology  
FRED BADALAMENTI, Assistant Commissioner, Technology

chapter one of title twenty-six of the administrative code.

#### **ARTICLE 14 APPLICATIONS FOR DEMOLITION AND REMOVAL PERMITS**

**§[C26-113.1] 27-167 General requirements .-**All applications for demolition or removal permits shall be subject to the requirements of article ten, section 27-156 of article eleven, section 27-198 and section 27-198.1 of article nineteen of this subchapter.

**§[C26-113.2] 27-168 Requirement of certifications .-**

(a) Prior to the issuance of the permit, all gas, electric, water, steam, and other service lines to the building shall be disconnected and certifications to that effect by the respective utility companies or city agencies having jurisdiction shall be filed with the department; and the applicant shall also file with the department a certification by a licensed exterminator that the building has been treated effectively for rat extermination.

(b) In addition to all other requirements of this article, an application for a permit for the demolition or removal of an existing multiple dwelling shall be accompanied by a signed statement of the applicant certifying either (1) that the dwelling contains no occupied housing accommodations subject to control under chapter three of title twenty-six of the administrative code, or (2) that the owner has notified the city rent agency of his or her intention to apply for such permit and has complied with all requirements imposed by the regulations of such agency as preconditions of such application.

**§[C26-113.3] 27-169 Notice to adjoining owners .-**No demolition or removal permit shall be issued unless and until at least five days prior written notice of the permit application shall have been given by the applicant to the owners of all adjoining lots, buildings and service facilities which may be affected by the proposed demolition or removal work.

**§[C26-113.4] 27-170 Protection of lot and adjoining properties .-**All demolition and removal operations shall be performed in accordance with the requirements of subchapter nineteen of this chapter; and after the building has been demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper protection of the lot, restoration of grades, and the erection of necessary retaining walls and fences in accordance with the provisions of article three of subchapter eighteen of this chapter.

**§[C26-113.5] 27-171 Requirement of photographs .-**

(a) Except as otherwise provided herein, all applications for permits for the demolition or removal of existing buildings shall be accompanied by two sets of photographs of the building or buildings to be demolished or removed. Both sets of photographs shall be received by the department on behalf of the landmarks preservation commission and the municipal archives division of the department of records and information services.

(b) The commissioner, upon the advice of the commissioner of the department of records and information services and the chairperson of the landmarks preservation commission, shall promulgate such rules and shall prescribe such specifications as may be necessary to carry out the provisions of this section.

(c) Where photographs are otherwise required to be submitted to the landmarks preservation commission, applications for demolition or removal permits submitted on behalf of the department of housing preservation and development, shall be exempt from the requirements of this section.

(d) Permits authorized pursuant to section 26-243 of the administrative code, shall be exempt from the requirements of this section.

#### **ARTICLE 15 APPLICATIONS FOR PLUMBING PERMITS**

**§[C26-114.1] 27-172 General requirements .-**All applications for plumbing permits shall be subject to the requirements of articles nine and ten of this subchapter. In addition, each such application shall set forth the name and business address of the licensed master plumber who is to perform or supervise the proposed work, and shall be accompanied by satisfactory evidence of compliance with the provisions of the workers' compensation law.

**§[C26-114.2] 27-173 Plans required .-**Except as provided in section 27-174 of this article, all applications for plumbing permits shall be accompanied by plans which shall be complete and of sufficient clarity to indicate the nature and extent of the plumbing work to be performed and its compliance with provisions of this code and other applicable laws and regulations. The plans may be submitted with the application for the permit or prior thereto, as provided in article nine of this subchapter. All plans for plumbing work shall comply with the applicable provisions of section 27-157 of article eleven of this subchapter. In addition, the plans shall contain at least the

# **SUBCHAPTER 19** **SAFETY OF PUBLIC AND PROPERTY DURING** **CONSTRUCTION OPERATIONS**

## **TABLE OF CONTENTS**

| <b>[Sub-Art.<br/>or Sec.]**<sup>(1)</sup></b> | <b>Art.<br/>or Sec.**<sup>(2)</sup></b> |                                                               |                                                             |
|-----------------------------------------------|-----------------------------------------|---------------------------------------------------------------|-------------------------------------------------------------|
| <b>[1900.0]</b>                               | <b>Art. 1</b>                           | <b>General</b>                                                | <i>**"C26" omitted from section numbers in this column.</i> |
| [1900.1]                                      | 1007                                    | Scope                                                         | <i>**"27" omitted from section numbers in this column.</i>  |
| [1900.2]                                      | 1008                                    | Definitions                                                   |                                                             |
| [1900.3]                                      | 1009                                    | General Requirements                                          |                                                             |
| [1900.4]                                      | 1010                                    | Inspection                                                    |                                                             |
| [1900.5]                                      | 1011                                    | Sizes and Stresses of Materials                               |                                                             |
| [1900.6]                                      | 1012                                    | Inspections                                                   |                                                             |
| [1900.7]                                      | 1013                                    | Utilities                                                     |                                                             |
| [1900.8]                                      | 1014                                    | Fire Protection                                               |                                                             |
| [1900.9]                                      | 1015                                    | Design                                                        |                                                             |
| [1900.10]                                     | 1016                                    | Alternate Details and Procedures                              |                                                             |
| <b>[1901.0]</b>                               | <b>Art. 2</b>                           | <b>Maintenance of Site and Adjacent Areas</b>                 |                                                             |
| [1901.1]                                      | 1017                                    | Construction Equipment                                        |                                                             |
| [1901.2]                                      | 1018                                    | Housekeeping                                                  |                                                             |
| [1901.3]                                      | 1019                                    | Removal and Storage of Material                               |                                                             |
| [1901.4]                                      | 1020                                    | Obstruction of Sidewalks and Streets                          |                                                             |
| [1901.5]                                      | 1021                                    | Protection of Sidewalks                                       |                                                             |
| [1901.6]                                      | 1022                                    | Safety Netting and Scaffolding                                |                                                             |
| [1901.7]                                      | 1023                                    | Warning Signs and Lights                                      |                                                             |
| [1901.8]                                      | 1024                                    | Watchmen and Flagmen                                          |                                                             |
| [1901.9]                                      | 1025                                    | Escape Hatches Required                                       |                                                             |
| <b>[1902.0]</b>                               | <b>Art. 3</b>                           | <b>Protection of Adjoining Property</b>                       |                                                             |
| [1902.1]                                      | 1026                                    | General                                                       |                                                             |
| [1902.2]                                      | 1027                                    | Abandoned and Discontinued Operations                         |                                                             |
| [1902.3]                                      | 1028                                    | Excavation or Filling Operations Affecting Adjoining Property |                                                             |
| [1902.4]                                      | 1029                                    | Foundation Operations Affecting Adjacent Properties           |                                                             |
| [1902.5]                                      | 1030                                    | Protection of Trees                                           |                                                             |
| <b>[1903.0]</b>                               | <b>Art. 4</b>                           | <b>Excavation Operations</b>                                  |                                                             |
| [1903.1]                                      | 1031                                    | General Requirements                                          |                                                             |
| [1903.2]                                      | 1032                                    | Protection of Sides of Excavations                            |                                                             |
| <b>[1904.0]</b>                               | <b>Art. 5</b>                           | <b>Erection Operations</b>                                    |                                                             |
| [1904.1]                                      | 1033                                    | Protection of Sidewalks                                       |                                                             |
| [1904.2]                                      | 1034                                    | Structural Steel Assembly                                     |                                                             |
| [1904.3]                                      | 1035                                    | Concrete Formwork                                             |                                                             |
| <b>[1905.0]</b>                               | <b>Art. 6</b>                           | <b>Demolition Operations</b>                                  |                                                             |
| [1905.1]                                      | 1036                                    | Preparations                                                  |                                                             |
| [1905.2]                                      | 1037                                    | Protection of Adjacent Structures                             |                                                             |
| [1905.3]                                      | 1038                                    | Protection of Sidewalks                                       |                                                             |
| [1905.4]                                      | 1039                                    | Demolition Operations                                         |                                                             |
| [1905.5]                                      | 1040                                    | Completed Demolitions                                         |                                                             |
| <b>[1906.0]</b>                               | <b>Art. 7</b>                           | <b>Repair and Alteration Operations</b>                       |                                                             |
| [1906.1]                                      | 1041                                    | General Requirements                                          |                                                             |
| <b>[1907.0]</b>                               | <b>Art. 8</b>                           | <b>Scaffolds</b>                                              |                                                             |
| [1907.1]                                      | 1042                                    | General Provisions for all Scaffolds                          |                                                             |
| [1907.2]                                      | 1043                                    | Pole Scaffolds                                                |                                                             |
| [1907.3]                                      | 1044                                    | Outrigger Scaffolds                                           |                                                             |
| [1907.4]                                      | 1045                                    | General Provisions for Suspended Scaffolds                    |                                                             |
| [1907.5]                                      | 1046                                    | Two-Point Suspension Scaffolds                                |                                                             |
| [1907.6]                                      | 1047                                    | Multiple-Point Suspension Scaffolds                           |                                                             |
| [1907.7]                                      | 1048                                    | Manually-Propelled Free Standing Scaffolds                    |                                                             |
| [1907.8]                                      | 1049                                    | Power Operated Free Standing Scaffolds                        |                                                             |
| [1907.9]                                      | 1050                                    | Standard Guard Rail and Toeboard                              |                                                             |

|           |                |                                                                                            |
|-----------|----------------|--------------------------------------------------------------------------------------------|
| [1908.0]  | <b>Art. 9</b>  | <b>Structural Ramps, Runways, and Platforms</b>                                            |
| [1908.1]  | 1051           | Ramps and Runways                                                                          |
| [1908.2]  | 1052           | Platforms                                                                                  |
| [1908.3]  | 1053           | Special Requirements Where Power Buggies Are Used                                          |
| [1909.0]  | <b>Art. 10</b> | <b>Material Handling and Hoisting Equipment</b>                                            |
| [1909.1]  | 1054           | General Requirements                                                                       |
| [1909.2]  | 1055           | Rigging, Rope, Chains, and Their Appurtenances and Fittings                                |
| [1909.3]  | 1056           | Material Platform Hoists and Bucket Hoists                                                 |
| [1909.4]  | 1057           | Testing Inspection, Approval and Use of Power Operated Cranes, Derricks and Cableways      |
| [1909.5]  | 1058           | Conveyors and Cableways                                                                    |
| [1909.6]  | 1059           | Trucks                                                                                     |
| [1909.7]  | 1060           | Power Buggies                                                                              |
| [1909.8]  | 1061           | Lift and Fork Trucks                                                                       |
| [1909.9]  | 1062           | Hand Propelled Vehicles                                                                    |
| [1909.10] | 1063           | Mixing Machines                                                                            |
| [1909.11] | 1064           | Jacks                                                                                      |
| [1910.0]  | <b>Art. 11</b> | <b>Explosive Powered and Projectile Tools</b>                                              |
| [1910.1]  | 1065           | General                                                                                    |
| [1910.2]  | 1066           | Explosive Powered Tools                                                                    |
| [1910.3]  | 1067           | Projectile Tools                                                                           |
| [1911.0]  | <b>Art. 12</b> | <b>Explosives and Blasting</b>                                                             |
| [1911.1]  | 1068           | General                                                                                    |
| [1912.0]  | <b>Art. 13</b> | <b>Flammable and Combustible Mixtures, Compressed Gases, and Other Hazardous Materials</b> |
| [1912.1]  | 1069           | General                                                                                    |

#### LIST OF TABLES

Table No.

|       |                                                                                               |
|-------|-----------------------------------------------------------------------------------------------|
| 19-1  | Minimum Sizes of Timber Bracing and Timber Sheet Piling for Trenches Four Feet Wide or Less   |
| 19-2  | Minimum Sizes of Timber Bracing and Timber Sheet Piling for Trenches Four to Eight Feet Wide  |
| 19-3  | Minimum Lateral Pressures to be Assumed for Fresh Concrete Weighing 150 Pounds per Cubic Foot |
| 19-4  | Size and Number of Nails Required for Scaffold Construction                                   |
| 19-5  | Maximum Permissible Spans for Two-Inch Plank Used on Scaffolds                                |
| 19-6  | Minimum Size and Maximum Spacing of Members of Single Pole Light Duty Scaffolds               |
| 19-7  | Minimum Size and Maximum Spacing of Members of Single Pole Medium Duty Scaffolds              |
| 19-8  | Minimum Size and Maximum Spacing of Members of Single Pole Heavy Duty Scaffolds               |
| 19-9  | Minimum Size and Maximum Spacing of Members of Independent Pole Light Duty Scaffolds          |
| 19-10 | Minimum Size and Maximum Spacing of [sic] Members of Independent Pole Medium Duty Scaffolds   |
| 19-11 | Minimum Size and Maximum Spacing of Members of Independent Pole Heavy Duty Scaffolds          |

#### ARTICLE 1 GENERAL

§[C26-1900.1] 27-1007 **Scope.** -The provisions of this subchapter shall govern the conduct of all construction operations with regard to the safety of the public and property. For the purposes of this subchapter, construction operations shall include excavation, erection, alteration, repair, removal and demolition as related to buildings. For regulations relating to the safety of persons employed in such construction operations, the provisions of subchapter ten of the labor law as implemented by the industrial code of the state of New York, rule no. 23, shall apply.

§[C26-1900.2] 27-1008 **Definitions.** -For definitions to be used in the interpretation of this subchapter, see subchapter two of this chapter.

(3) **RESHORING BEAM AND GIRDER CONSTRUCTION.**-Where reshoring of beam and girder construction is required, the forms shall not be removed from more than one girder at a time, and the girder shall be reshored before any other supports are removed. After the supporting girders are reshored, the form shall be removed from one beam with its adjacent slabs and the beam shall be reshored before any other supports are removed. Slabs spanning ten feet or more shall be reshored along the center line of the span.

(4) **RESHORING FLAT SLABS.**-Where reshoring of flat slab construction is required, the shores for the area within the intersection of the middle strips of each panel shall be left in place at all times until the concrete has attained sufficient strength to support the loading to which it will be subjected. After the other shores in each panel have been removed, reshores shall be placed on the column lines at [sic] the mid-points between columns, before the next panel is stripped.

(g) **Slip form construction.**-

(1) The applicable provisions of subdivision (c) of section 27-1035 of this article shall apply.

(2) All slip forms shall be designed, and the construction and sliding operations shall be carried out under the personal supervision of the person superintending the work or his or her designated representative.

(3) Lateral and diagonal bracing for forms shall be provided to insure that the shape of the structure will not be unduly distorted during the sliding operation.

(4) Jacks shall be spaced, anchored, and operated in such a manner that the vertical load on all jacks is approximately equal and does not exceed the capacity of any jack. Jacks shall be provided with automatic holding devices.

(5) Forms shall be leveled before and after they are filled, and shall be maintained level throughout the slide.

Drifting of the forms from alignment or designed dimensions, and torsional movement shall be prevented.

Horizontal and vertical alignment of structure shall be checked at least once during every twenty-four hours that the slide is in operation.

(h) **Lift method construction.**-

(1) The casting bed and supporting construction shall be designed to carry the dead load of the stacked slabs and any live load that may be imposed.

(2) Slabs shall not be lifted until the concrete has attained adequate strength to support its own weight and any superimposed loads without exceeding the stress values established in subchapter ten of this chapter.

(3) Lifting of all parts of the slab shall be approximately simultaneous and at a uniform rate. The lifting equipment shall be constantly engaged to prevent slippage or retrogression of the slab during lifting operations.

(4) Care shall be taken to insure that collar keyholes or other lifting attachment openings are in direct vertical alignment for all slabs. Wedges shall be inserted between the collar opening and column to maintain clearance on all sides of the column. Blockouts shall be provided to prevent concrete from entering space between collar and column as well as the lifting attachment openings.

(5) Temporary bracing for lateral support of columns shall be provided during lifting operations and shall remain in place until its function can be assumed by permanent connections of slabs to columns, permanent bracing walls, or other means of lateral support, unless it can be shown that all columns, their base connections to footings, the footings, and soil are adequate as a cantilever system to resist all prescribed lateral forces.

(6) The assumed value of lateral forces in lift slab construction due to unsymmetrical loads, lifting reactions, or wind shall be at least fiftyplf of floor edge or one percent of the total load lifted, whichever is greater.

(7) No person shall be allowed to enter the area immediately under slabs during the actual movement of lifting nor shall any construction operations be commenced in this area, other than fixing the connections of slabs to columns or providing other positive supports, until such connections or supports are completed and the load of all lifted slabs has been transferred from lifting equipment thereto.

(i) **Prestressed construction.**-Solid safety shields shall be provided at endanchorage of prestressing beds, or where necessary, for protection against breakage of prestressing strands, cables, or other assemblies during prestressing or casting operations.

## ARTICLE 6 DEMOLITION OPERATIONS

§[C26-1905.1] 27-1036 **Preparations.**-

(a) **Utilities and service lines.**-The provisions of section 27-1013 of article one of this subchapter and article fourteen of subchapter one of this chapter shall apply.

(b) **Condition of structure.**-Where a structure to be demolished has been partially wrecked or weakened by fire, flood, explosion, age, or other causes, it shall be shored or braced to the extent necessary to permit orderly demolition without collapse. The necessary measures shall be determined by the contractor subject to approval by the commissioner.

(c) **Hazards to be removed.**-

(1) Before commencement of actual demolition, all glass in windows, doors, skylights, and fixtures shall be removed.

(2) In any structure more than twenty-five feet high, any window or other exterior wall opening that is within twenty-feet of a floor opening used for the passage of debris from floors above shall be solidly boarded up or otherwise substantially covered, unless such window or opening is so located as to preclude the possibility of any person being injured by material that may fall from such window or opening. See section 27-1022 of article two of this subchapter.

(3) Before demolition is started, the cellar and all floors shall be thoroughly cleaned of combustible materials and debris. All fixtures and equipment that would cause voids in the fill shall be removed. If the cellar is to be filled to grade, the first floor construction shall be removed and the existing cellar floor shall be broken up to the extent necessary to provide ground drainage and prevent accumulation of water. If the cellar is not to be filled, positive cellar drainage shall be provided.

(d) Examination and procedure.-Before any material is stored on any floor, the existing flooring adjacent to the bearing walls shall be removed and ends of floor beams in the bearing walls shall be carefully examined to ascertain their condition and the amount of bearing on the bearing wall. If they are found to be in poor condition or to have insufficient bearing, no material shall be deposited on the floor until these beams are shored from the cellar floor through each successive floor. No bearing partition shall be removed from any floor until the floor beams on the floor above have been removed and lowered. All header beams and headers at stair openings and chimneys shall be carefully examined, and where required shall be shored from the cellar floor through successive floors. All operations shall be continually inspected as the work progresses to detect any hazards that may develop.

**§[C26-1905.2] 27-1037 Protection of adjacent structures.**-The applicable provisions of article three of this subchapter shall apply.

**(a) Adjoining walls.-**

(1) All beams in party walls shall be cut off close to the walls, stub ends removed without weakening existing masonry, and beam pockets cleaned of loose mortar. The owner of the demolished structure shall, at his or her own expense, bend over all wall anchors at the beam ends in the standing wall and shall brick-up all open beam holes with sound brick and cement mortar.

(2) The stability and condition of the remaining walls shall be investigated and all necessary steps taken to protect same. Where the floor beams of the adjacent building bear on the party wall, the person causing the demolition to be made shall ascertain that such beams are anchored into the wall and, where such anchorage is lacking, shall provide anchorage or otherwise brace the standing wall.

(3) Roofing material of adjoining buildings shall be bent over and flashed. All door or other openings in party walls shall be sealed and weatherproofed. Cornices, where cut, shall be properly sealed. Parapets and any walls that have been disturbed shall be pointed up and made weathertight. All exposed furring, lath, and plaster on party walls shall be removed, and any loose wall material shall be firmly anchored or removed and replaced.

(4) All unnecessary chimney breasts, projections and any other debris exposed on party walls shall be removed by the person causing the demolition of the structure and all openings shall be bricked up flush on the exterior side of the party wall. All masonry which is in poor condition shall be pointed and patched.

(b) Party wall exits.-No party wall balcony or horizontal fire exit shall be demolished, removed, or obstructed in any manner that would destroy the full effectiveness of such fire exit as means of egress, unless a substitute means of egress meeting the requirements of this code has been provided.

**§[C26-1905.3] 27-1038 Protection of sidewalks.**-The provisions of section 27-1021 of article two of this subchapter as applicable shall apply.

**§[C26-1905.4] 27-1039 Demolition operations.-**

**(a) Walls.-**

(1) Demolition of walls and partitions shall proceed in a systematic manner, and all work above each tier of floor beams shall be completed before any of the supporting structural members are disturbed.

(2) Sections of masonry walls shall not be loosened or permitted to fall in such masses as to affect the carrying capacity of floors or the stability of structural supports.

(3) No wall, chimney, or other structural part shall be left in such condition that it may collapse or be toppled by wind, vibration or any other cause.

(4) No section of wall with a height more than twenty-two times its thickness shall be permitted to stand without bracing.

(5) Where brick or masonry chimneys cannot be safely toppled or dropped, all materials shall be dropped down on the inside of such chimneys.

(6) All enclosed vertical shafts and stairs shall be maintained enclosed at all floors except the uppermost floor being demolished, and all work on the uppermost floor shall be completed before stair and shaft enclosures on the floor below are disturbed. All hand rails and banisters shall be left in place until actual demolition of such floor is in progress.

**(b) Structural steel and heavy timbers.-**

- (1) Steel and heavy timber construction shall be demolished column length-by-column length and tier-by-tier. Any structural member that is being dismembered shall not be supporting any load other than its own weight, and such member shall be chained or lashed in place to prevent any uncontrolled swing or drop.
- (2) Structural members shall not be thrown or dropped from the building, but shall be slowly and carefully lowered by hoists equipped with adequate brakes and non-reversing safety devices.
- (c) **Use of derricks.**-Where a derrick is used for demolition, an investigation of the floor on which the derrick rests shall be made by an engineer or architect to determine its adequacy for the loading to be imposed; strengthening shall be designed and added as required to limit the imposed stresses to the values permitted by the provisions of subchapter ten of this chapter. A report summarizing such investigation and design shall be prepared and kept at the site available to the commissioner.
- (d) **Mechanical methods of demolition.**-The mechanical method of demolition, whereby the wrecking of a building or part thereof is accomplished by smashing the walls or floors with a heavy weight suspended by a cable, or whereby the walls are collapsed by the use of a power shovel, tractor, or other mechanical contrivance, shall be permitted only upon issuance of a special permit by the department and in accordance with the following requirements:
- (1) The building or structure, or remaining portion thereof, shall not be more than eighty feet in height.
- (2) A safety zone, as determined by the commissioner, shall be provided around the demolition area. Fences constructed as required in section 27-1021 of article two of this subchapter shall be erected to prevent persons other than workers from entering such safety zone.
- (3) Unless permitted by the commissioner, the mechanical method of demolition shall not be used where any building, or portion thereof, occupied by one or more persons is located within the safety zone.
- (4) Where a swinging weight is used, two or more separate cable slings shall be used to attach the ball to a safety or moused hook and the supporting cable shall be of such length or so restrained that it is not possible for the weight to swing against any structure other than the structure being demolished.
- (5) Where mechanical demolition operations may involve a street, the requirements of the department of transportation shall be met.
- (e) **Removal and storage of material.**-
- (1) **PHYSICAL REMOVAL.**-Debris, bricks, and similar material shall be removed by means of chutes, buckets, or hoists or through openings in the floors of the structure. Openings in any floor shall not aggregate more than twenty-five percent of the area of that floor unless it can be shown to the satisfaction of the commissioner that larger openings will not impair the stability of the structure.
- a. Every opening used for the removal of debris in every floor except the top or working floor, shall be provided with a tight enclosure from floor to floor, equivalent to that afforded by planking not less than two inches in thickness. As an alternative in buildings when not more than six stories in height, such openings may be protected by a tight temporary covering equivalent to that afforded by planks not less than two inches in thickness and laid close. Wherever such covering has been temporarily removed to permit debris removal floor openings shall be protected by standard guard rails or railings. Such covering shall be promptly replaced in position upon the ceasing of such work at the end of each work day.
- b. Every opening not used for the removal of debris in any floor shall be solidly planked over.
- (2) **STORAGE OF MATERIAL.**-
- a. Material shall not be stored on catch platforms, working platforms, floors, or stairways of any structure except that any one floor of a building to be demolished may be used for the temporary storage of material when such floor can be shown to be of adequate strength to support one and one-half times the load to be superimposed.
- b. Storage spaces shall not interfere with access to any stairway or passageway, and suitable barricades shall be provided so as to prevent material from sliding or rebounding into any space accessible to the public. All material shall be safely piled in such storage locations in a manner that will not overload any part of the structure or create any hazard.
- c. In buildings of noncombustible construction, floor slabs at an elevation of not more than twenty-five feet above the legally established curb level may be removed to provide temporary storage for debris, provided that: (1) the stored debris is piled with sufficient uniformity to prevent lateral displacement of interior walls or columns; (2) the height of the piled material will not burst the exterior walls due to accumulated pressure; and (3) the operation does not otherwise endanger the stability of the structure.
- d. Debris stored in the cellar shall not be piled above the level of the adjacent exterior grade unless the contractor provides sheet-piling, shoring, bracing, or such other means necessary to insure the stability of the walls and to prevent any wall from collapsing due to the pressure of accumulated material.
- (f) **Dust.**-Dust producing operations shall be wetted down to the extent necessary to lay the dust.
- (g) **Use of explosives.**-The use of explosives in demolition operations shall conform to the requirements and limitations imposed by the fire department. The toppling of buildings by the use of explosives is prohibited except where such procedure is permitted by the commissioner.
- (h) **Temporary elevators.**-Whenever, in the course of building demolition, the work is at a height greater than seventy-five feet, at least one elevator meeting the requirements of subchapter eighteen of this chapter shall be kept in readiness at all times for fire department use.

§[C26-1905.5] 27-1040 **Completed demolitions.**-At the completion of demolition operations, unless new construction is to follow within a period of thirty calendar days, the site shall be graded, drained, or otherwise protected as provided in section 27-1027 of article three of this subchapter.

#### ARTICLE 7 REPAIR AND ALTERATION OPERATIONS

§[C26-1906.1] 27-1041 **General requirements.**-Building repair or alteration operations shall be considered as construction operations and shall be governed by the regulations established in this subchapter. Where alterations are conducted in occupied buildings, barricades, signs, drop cloths, etc., shall be erected as required to provide reasonable protection for the occupants against hazard and nuisance.

#### ARTICLE 8 SCAFFOLDS

§[C26-1907.1] 27-1042 **General provisions for all scaffolds.**-All scaffolds shall be erected and maintained so that the safety of public and property will not be impaired by falling material, tools or debris or by collapse of the scaffold.

**(a) Materials and construction.-**

- (1) All lumber used in scaffolds or their supports shall be at least equal in strength and quality to construction grade Douglas fir.
- (2) All lumber and timber shall be fastened at the various joints with sufficient nails or bolts of a suitable size to produce a secure joint capable of withstanding the design load. Table 19-4 provides minimum requirements for size and number of nails. All nails shall be driven full length.
- (3) Any other suitable material, or dimensions other than those indicated, may be used for scaffold construction provided it is at least equivalent in strength and suitability to the comparable wood scaffold it is designed to replace, and approval of the commissioner has been obtained.

**TABLE 19-4 SIZE AND NUMBER OF NAILS REQUIRED FOR SCAFFOLD CONSTRUCTION**

| Thickness of<br>Smaller Member (in.) | Trade Size<br>of Nail | Length of<br>Nail (in.) |
|--------------------------------------|-----------------------|-------------------------|
| 1                                    | 8d                    | 2 1/2                   |
| 2                                    | 20d                   | 4                       |
| 3                                    | 60d                   | 6                       |
| 4                                    | ---                   | 8                       |

| Width of Smaller<br>Member (in.) | Minimum Number of<br>Nails Required |
|----------------------------------|-------------------------------------|
| 4                                | 2                                   |
| 6                                | 3                                   |
| 8                                | 4                                   |
| 10                               | 5                                   |
| 12                               | 5                                   |

**(b) Loading and design.-**

- (1) **DESIGN REQUIRED.**-All exterior pole scaffolds over seventy-five feet high and all multiple-point suspension scaffolds, including all supports, fastenings, connections, and details, shall be designed. Design drawings shall be prepared and kept at the site available to the commissioner. The construction shall be executed in accordance with such design. All other scaffolding shall be constructed of sizes and numbers of members as hereinafter required or, in the absence of such requirements shall be demonstrated to be capable of supporting, without collapse, not less than four times the maximum weight required to be suspended therefrom or placed thereon when in use.

(d) The space between the shield and the perimeter of the opening in the floor under construction and also between the shield and the perimeter of the opening in the floor next below, shall be decked over with two inch or heavier planking covered with plywood or sheet metal so as to make the decking smoke tight. At the termination of the ladders the opening in the floor shall be covered completely with two inch planking or other material of equivalent strength.

### ARTICLE 3 PROTECTION OF ADJOINING PROPERTY

#### §[C26-1902.1] 27-1026 General.-

(a) **License to enter adjoining premises.** -The provisions of chapter one of title twenty-six of the administrative code, as amended, shall apply.

(b) **Physical examination.** -

(1) When permission to enter upon adjoining property has been obtained, a physical examination of such property shall be conducted by the person initiating the construction or demolition operations prior to the commencement of the operations and at reasonable periods during the progress of the work.

(2) During demolition operations, the provisions of section 27-1037 of article six of this subchapter shall also apply.

(c) **Adjoining walls.** -When any construction operation exposes or breaches an adjoining wall, the contractor shall maintain the structural integrity of such wall and maintain all required fire exits and passageways or provide substitutions meeting the requirements of this code. Portions of the wall exposed by construction operations shall be protected against the elements, and shall be restored or left permanently protected after completion of operations.

(d) **Weatherproof integrity of adjoining buildings.** -Where the weatherproof integrity of an adjoining building is impaired by construction operations, the flashing shall be restored, copings replaced, or other necessary measures taken to restore the weatherproof integrity of such adjoining buildings. See paragraph three of subdivision (a) of section 27-1037 of article six of this subchapter.

#### §[C26-1902.2] 27-1027 Abandoned and discontinued operations.-

(a) **Fencing.** -If any construction operation is abandoned, discontinued or interrupted, a solid fence at least eight feet high shall be provided to protect the public from potential hazards on the site.

(b) **Filling\*\*<sup>(9)</sup> and grading.** -If an excavation has been completed or partly completed and discontinued or interrupted, and the required permit has expired under the provisions of section 27-196 of article nineteen of subchapter one of this chapter and a permit for a proposed building has not been issued within six months after the completion of such operations, the lot shall be filled and graded to eliminate all steep slopes, holes, obstructions, or similar sources of hazard. Fill shall consist of clean, noncombustible material. The final surface shall be graded in such a manner as to drain the lot, eliminate pockets in the fill, and prevent the accumulation of water, without damaging any foundations on the premises or on adjoining property.

**\*\*As enacted but "filling" probably intended.**

§[C26-1902.3] 27-1028 **Excavation or filling operations affecting adjoining property.** -Whenever an excavation or fill is to be made that will affect safety, stability, or usability of adjoining properties or buildings, the adjoining properties or buildings shall be protected as required by the provisions of article four of this subchapter.

§[C26-1902.4] 27-1029 **Foundation operations affecting adjacent properties.** -Whenever subsurface operations are conducted that may impose loads or movements on adjoining property, such as driving of piles, compaction of soils, or soil solidification, the effects of such operations on adjoining property and structures shall be considered. The owner of the property that may be affected shall be given forty-eight hours written notice of the intention to perform such operations. Where construction operations will cause changes in the ground water level under adjacent buildings, the effects of such changes on the stability and settlement of the adjacent foundations shall be investigated and provision made to prevent damage to such buildings. When in the opinion of the commissioner a potential hazard exists, elevations of the adjacent buildings shall be recorded by an architect or engineer at intervals of twenty-four hours or less as determined by the commissioner to ascertain if movement has occurred.

§[C26-1902.5] 27-1030 **Protection of trees.** -No trees outside the street line shall be disturbed or removed without the permission of the commissioner of parks and recreation. Protection meeting the requirements of the department of parks and recreation shall be provided around the trunks of all such trees, and written notification shall also be made to the department of parks and recreation at least forty-eight hours prior to commencement of such work. No deleterious, caustic, or acid materials shall be dumped or mixed within ten feet of any such tree, nor shall salt for the removal of ice or snow be applied when runoff will drain to a tree.

**EXHIBIT D**

# How to Apply the National Register Criteria for Evaluation

Technical information on the National Register of Historic Places: survey, evaluation, registration, and preservation of cultural resources.

U.S. Department of the Interior  
National Park Service  
National Register, History and Education



*Photos: Frederick Douglass Home, Washington, D.C. (Walter Smalling, Jr.); Francis Canyon Ruin, Blanco vicinity, Rio Arriba County, New Mexico (John Samuelson); Bridge in Cherrytree Township, Venago County, Pennsylvania (Pennsylvania Department of Transportation)*

**Note:** Except for the above illustrations, the photographs and captions found in the printed version of *How to Apply the National Register Criteria* are omitted in this file.

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## **Mission:**

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## **Table of Contents**

Preface

I. Introduction

II. National Register Criteria for Evaluation

III. How to Use this Bulletin to Evaluate a Property

IV. How to Define Categories of Historic Properties

V. How to Evaluate a Property Within its Historic Context

VI. How to Identify the Type of Significance of a Property

VII. How to Apply the Criteria Considerations

VIII. How to Evaluate the Integrity of a Property

IX. Summary of the National Historic Landmarks Criteria for Evaluation

X. Glossary

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National Register Home Page

Comments and Questions



## PREFACE

Preserving historic properties as important reflections of our American heritage became a national policy through passage of the Antiquities Act of 1906, the Historic Sites Act of 1935, and the National Historic Preservation Act of 1966, as amended. The Historic Sites Act authorized the Secretary of the Interior to identify and recognize properties of national significance (National Historic Landmarks) in United States history and archeology. The National Historic Preservation Act of 1966 authorized the Secretary to expand this recognition to properties of local and State significance in American history, architecture, archeology, engineering, and culture, and worthy of preservation. The National Register of Historic Places is the official list of these recognized properties, and is maintained and expanded by the National Park Service on behalf of the Secretary of the Interior.

The National Register of Historic Places documents the appearance and importance of districts, sites, buildings, structures, and objects significant in our prehistory and history. These properties represent the major patterns of our shared local, State, and national experience. To guide the selection of properties included in the National Register, the National Park Service has developed the National Register Criteria for Evaluation. These criteria are standards by which every property that is nominated to the National Register is judged. In addition, the National Park Service has developed criteria for the recognition of nationally significant properties, which are designated National Historic Landmarks and prehistoric and historic units of the National Park System. Both these sets of criteria were developed to be consistent with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, which are uniform, national standards for preservation activities.(1)

This publication explains how the National Park Service applies these criteria in evaluating the wide range of properties that may be significant in local, State, and national history. It should be used by anyone who must decide if a particular property qualifies for the National Register of Historic Places. Listing properties in the National Register is an important step in a nationwide preservation process. The responsibility for the identification, initial evaluation, nomination, and treatment of historic resources lies with private individuals, State historic preservation offices, and Federal preservation offices, local governments, and Indian tribes. The final evaluation and listing of properties in the National Register is the responsibility of the Keeper of the National Register. This bulletin was prepared by staff of the National Register Branch, Interagency Resources Division, National Park Service, with the assistance of the History Division. It was originally issued in draft form in 1982. The draft was revised into final form by Patrick W. Andrus, Historian, National Park Service, and edited by Rebecca H. Shrimpton, Consulting Historian.

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(1) The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation

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[\[Previous\]](#) [\[Next\]](#) [\[Table of Contents\]](#)

Revised August 16, 1995

**ParkNet**  
National Park Service

## I. INTRODUCTION

The National Register is the nation's inventory of historic places and the national repository of documentation on the variety of historic property types, significance, abundance, condition, ownership, needs, and other information. It is the beginning of a national census of historic properties. The National Register Criteria for Evaluation define the scope of the National Register of Historic Places; they identify the range of resources and kinds of significance that will qualify properties for listing in the National Register. The Criteria are written broadly to recognize the wide variety of historic properties associated with our prehistory and history.

Decisions concerning the significance, historic integrity, documentation, and treatment of properties can be made reliably only when the resource is evaluated within its historic context. The historic context serves as the framework within which the National Register Criteria are applied to specific properties or property types. (See *Part V* for a brief discussion of historic contexts. Detailed guidance for developing and applying historic contexts is contained in *National Register Bulletin 16A: How to Complete the National Register Registration Form* and *National Register Bulletin 16B: How to Complete the National Register Multiple Property Documentation Form*.)

The guidelines provided here are intended to help you understand the National Park Service's use of the Criteria for Evaluation, historic contexts, integrity, and Criteria Considerations, and how they apply to properties under consideration for listing in the National Register. Examples are provided throughout, illustrating specific circumstances in which properties are and are not eligible for the National Register. This bulletin should be used by anyone who is:

- Preparing to nominate a property to the National Register,
- Seeking a determination of a property's eligibility,
- Evaluating the comparable significance of a property to those listed in the National Register, or
- Expecting to nominate a property as a National Historic Landmark in addition to nominating it to the National Register.

This bulletin also contains a summary of the National Historic Landmarks Criteria for Evaluation (see *Part IX*). National Historic Landmarks are those districts, sites, buildings, structures, and objects designated by the Secretary of the Interior as possessing national significance in American history, architecture, archeology, engineering, and culture. Although National Register documentation includes a recommendation about whether a property is significant at the local, State, or national level, the only official designation of national significance is as a result of National Historic Landmark designation by the Secretary of the Interior, National Monument designation by the President of the United States, or establishment as a unit of the National Park System by Congress. These properties are automatically listed in the National Register.

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[\[Previous\]](#) [\[Next\]](#) [\[Table of Contents\]](#)

Revised August 16, 1995



## Criteria For Evaluation

The National Register's standards for evaluating the significance of properties were developed to recognize the accomplishments of all peoples who have made a significant contribution to our country's history and heritage. The criteria are designed to guide State and local governments, Federal agencies, and others in evaluating potential entries in the National Register.

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### Criteria for Evaluation

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of significant persons in or past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded or may be likely to yield, information important in history or prehistory.

### Criteria Considerations

Ordinarily cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- a. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- b. A building or structure removed from its original location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- c. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life; or
- d. A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

- e. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
- g. A property achieving significance within the past 50 years if it is of exceptional importance.

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*Information on documentation of properties and use of the Criteria for Evaluation may be obtained by writing: National Register of Historic Places, National Park Service, U.S. Department of the Interior, 1849 C St. NW, Washington, D.C. 20240.*

See also National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation

[Back to Historic Places](#)



### III. HOW TO USE THIS BULLETIN TO EVALUATE A PROPERTY

For a property to qualify for the National Register it must meet one of the National Register Criteria for Evaluation by:

- Being associated with an important historic context and
- Retaining historic integrity of those features necessary to convey its significance.

Information about the property based on physical examination and documentary research is necessary to evaluate a property's eligibility for the National Register. Evaluation of a property is most efficiently made when following this sequence:

1. **Categorize the property (Part IV).** A property must be classified as a district, site, building, structure, or object for inclusion in the National Register.
2. **Determine which prehistoric or historic context(s) the property represents (Part V).** A property must possess significance in American history, architecture, archeology, engineering, or culture when evaluated within the historic context of a relevant geographic area.
3. **Determine whether the property is significant under the National Register Criteria (Part VI).** This is done by identifying the links to important events or persons, design or construction features, or information potential that make the property important.
4. **Determine if the property represents a type usually excluded from the National Register (Part VII).** If so, determine if it meets any of the Criteria Considerations.
5. **Determine whether the property retains integrity (Part VIII).** Evaluate the aspects of location, design, setting, workmanship, materials, feeling, and association that the property must retain to convey its historic significance.

If, after completing these steps, the property appears to qualify for the National Register, the next step is to prepare a written nomination. (Refer to National Register Bulletin 16A: How to Complete the National Register Registration Form.)

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[\[Previous\]](#) [\[Next\]](#) [\[Table of Contents\]](#)

Revised August 16, 1995



#### IV. HOW TO DEFINE CATEGORIES OF HISTORIC PROPERTIES

1. Building
2. Structure
3. Object
4. Site
5. District

The National Register of Historic Places includes significant properties, classified as buildings, sites, districts, structures, or objects. It is not used to list intangible values, except in so far as they are associated with or reflected by historic properties. The National Register does not list cultural events, or skilled or talented individuals, as is done in some countries. Rather, the National Register is oriented to recognizing physically concrete properties that are relatively fixed in location.

For purposes of National Register nominations, small groups of properties are listed under a single category, using the primary resource. For example, a city hall and fountain would be categorized by the city hall (building), a farmhouse with two outbuildings would be categorized by the farmhouse (building), and a city park with a gazebo would be categorized by the park (site). Properties with large acreage or a number of resources are usually considered districts. Common sense and reason should dictate the selection of categories.

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#### BUILDING

**A building, such as a house, barn, church, hotel, or similar construction, is created principally to shelter any form of human activity. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.**

Buildings eligible for the National Register must include all of their basic structural elements. Parts of buildings, such as interiors, facades, or wings, are not eligible independent of the rest of the existing building. The whole building must be considered, and its significant features must be identified.

If a building has lost any of its basic structural elements, it is usually considered a "ruin" and is categorized as a site.

***Examples of buildings include:***

|                                   |                 |
|-----------------------------------|-----------------|
| administration building           | library         |
| carriage house                    | mill building   |
| church                            | office building |
| city or town hall                 | post office     |
| courthouse                        | school          |
| detached kitchen, barn, and privy | shed            |
| dormitory                         | social hall     |
| fort                              | stable          |
| garage                            | store           |

hotel  
house

theater  
train station

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## STRUCTURE

**The term "structure" is used to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter.**

Structures nominated to the National Register must include all of the extant basic structural elements. Parts of structures can not be considered eligible if the whole structure remains. For example, a truss bridge is composed of the metal or wooden truss, the abutments, and supporting piers, all of which, if extant, must be included when considering the property for eligibility.

If a structure has lost its historic configuration or pattern of organization through deterioration or demolition, it is usually considered a "ruin" and is categorized as a site.

***Examples of structures include:***

|                 |                   |
|-----------------|-------------------|
| aircraft        | fence             |
| apiary          | gazebo            |
| automobile      | grain elevator    |
| bandstand       | highway           |
| boats and ships | irrigation system |
| bridge          | kiln              |
| cairn           | lighthouse        |
| canal           | railroad grade    |
| carousel        | silo              |
| corncrib        | trolley car       |
| dam             | tunnel            |
| earthwork       | windmill          |

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## OBJECT

**The term "object" is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment.**

Small objects not designed for a specific location are normally not eligible. Such works include transportable sculpture, furniture, and other decorative arts that, unlike a fixed outdoor sculpture, do not possess association with a specific place.

Objects should be in a setting appropriate to their significant historic use, roles, or character. Objects relocated to a museum are inappropriate for listing in the National Register.

***Examples of objects include:***

|                 |           |
|-----------------|-----------|
| boundary marker | monument  |
| fountain        | sculpture |

milepost

statuary

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## SITE

**A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure.**

A site can possess associative significance or information potential or both, and can be significant under any or all of the four criteria. A site need not be marked by physical remains if it is the location of a prehistoric or historic event or pattern of events and if no buildings, structures, or objects marked it at the time of the events. However, when the location of a prehistoric or historic event cannot be conclusively determined because no other cultural materials were present or survive, documentation must be carefully evaluated to determine whether the traditionally recognized or identified site is accurate.

A site may be a natural landmark strongly associated with significant prehistoric or historic events or patterns of events, if the significance of the natural feature is well documented through scholarly research. Generally, though, the National Register excludes from the definition of "site" natural waterways or bodies of water that served as determinants in the location of communities or were significant in the locality's subsequent economic development. While they may have been "avenues of exploration," the features most appropriate to document this significance are the properties built in association with the waterways.

### *Examples of sites include:*

battlefield  
campsite  
cemeteries significant for information potential or historic association  
ceremonial site  
designed landscape  
habitation site  
natural feature (such as a rock formation) having cultural significance  
petroglyph  
rock carving  
rock shelter  
ruins of a building or structure  
shipwreck  
trail  
village site

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## DISTRICT

**A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.**

### *Concentration, Linkage, & Continuity of Features*

A district derives its importance from being a unified entity, even though it is often composed of a wide

variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties. For example, a district can reflect one principal activity, such as a mill or a ranch, or it can encompass several interrelated activities, such as an area that includes industrial, residential, or commercial buildings, sites, structures, or objects. A district can also be a grouping of archeological sites related primarily by their common components; these types of districts often will not visually represent a specific historic environment.

### ***Significance***

A district must be significant, as well as being an identifiable entity. It must be important for historical, architectural, archeological, engineering, or cultural values. Therefore, districts that are significant will usually meet the last portion of Criterion C plus Criterion A, Criterion B, other portions of Criterion C, or Criterion D.

### ***Types of Features***

A district can comprise both features that lack individual distinction and individually distinctive features that serve as focal points. It may even be considered eligible if all of the components lack individual distinction, provided that the grouping achieves significance as a whole within its historic context. In either case, the majority of the components that add to the district's historic character, even if they are individually undistinguished, must possess integrity, as must the district as a whole.

A district can contain buildings, structures, sites, objects, or open spaces that do not contribute to the significance of the district. The number of noncontributing properties a district can contain yet still convey its sense of time and place and historical development depends on how these properties affect the district's integrity. In archeological districts, the primary factor to be considered is the effect of any disturbances on the information potential of the district as a whole.

### ***Geographical Boundaries***

A district must be a definable geographic area that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects, or by documented differences in patterns of historic development or associations. It is seldom defined, however, by the limits of current parcels of ownership, management, or planning boundaries. The boundaries must be based upon a shared relationship among the properties constituting the district.

### ***Discontiguous Districts***

A district is usually a single geographic area of contiguous historic properties; however, a district can also be composed of two or more definable significant areas separated by nonsignificant areas. A discontiguous district is most appropriate where:

- Elements are spatially discrete;
- Space between the elements is not related to the significance of the district; and
- Visual continuity is not a factor in the significance.

In addition, a canal can be treated as a discontiguous district when the system consists of man-made sections of canal interspersed with sections of river navigation. For scattered archeological properties, a

discontiguous district is appropriate when the deposits are related to each other through cultural affiliation, period of use, or site type.

It is not appropriate to use the discontiguous district format to include an isolated resource or small group of resources which were once connected to the district, but have since been separated either through demolition or new construction. For example, do not use the discontiguous district format to nominate individual buildings of a downtown commercial district that have become isolated through demolition.

***Examples of districts include:***

business districts  
canal systems  
groups of habitation sites  
college campuses  
estates and farms with large acreage/numerous properties  
industrial complexes  
irrigation systems  
residential areas  
rural villages  
transportation networks  
rural historic districts

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[\[Previous\]](#) [\[Next\]](#) [\[Table of Contents\]](#)

Revised *August 16, 1995*



## V. HOW TO EVALUATE A PROPERTY WITHIN ITS HISTORIC CONTEXT

1. Understanding Historic Contexts
  2. How to Evaluate a Property Within its Historic Context
  3. Local, State, and National Historic Contexts
- 

### UNDERSTANDING HISTORIC CONTEXTS

To qualify for the National Register, a property must be significant; that is, it must represent a significant part of the history, architecture, archeology, engineering, or culture of an area, and it must have the characteristics that make it a good representative of properties associated with that aspect of the past. This section explains how to evaluate a property within its historic context. (*For a complete discussion of historic contexts, see National Register Bulletin 16: Guidelines for Completing National Register of Historic Places Registration Forms.*)

The significance of a historic property can be judged and explained only when it is evaluated within its historic context. Historic contexts are those patterns or trends in history by which a specific occurrence, property, or site is understood and its meaning (and ultimately its significance) within history or prehistory is made clear. Historians, architectural historians, folklorists, archeologists, and anthropologists use different words to describe this phenomena such as trend, pattern, theme, or cultural affiliation, but ultimately the concept is the same.

The concept of historic context is not a new one; it has been fundamental to the study of history since the 18th century and, arguably, earlier than that. Its core premise is that resources, properties, or happenings in history do not occur in a vacuum but rather are part of larger trends or patterns.

In order to decide whether a property is significant within its historic context, the following five things must be determined:

- The facet of prehistory or history of the local area, State, or the nation that the property represents;
- Whether that facet of prehistory or history is significant;
- Whether it is a type of property that has relevance and importance in illustrating the historic context;
- How the property illustrates that history; and finally
- Whether the property possesses the physical features necessary to convey the aspect of prehistory or history with which it is associated.

These five steps are discussed in detail below. If the property being evaluated does represent an important aspect of the area's history or prehistory and possesses the requisite quality of integrity, then it qualifies for the National Register.

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### HOW TO EVALUATE A PROPERTY WITHIN ITS HISTORIC CONTEXT

**Identify what the property represents: the theme(s), geographical limits, and chronological period that provide a perspective from which to evaluate the property's significance.**

Historic contexts are historical patterns that can be identified through consideration of the history of the property and the history of the surrounding area. Historic contexts may have already been defined in your area by the State historic preservation office, Federal agencies, or local governments. In accordance with the National Register Criteria, the historic context may relate to one of the following:

- An event, a series of events or activities, or patterns of an area's development (Criterion A);
- Association with the life of an important person (Criterion B);
- A building form, architectural style, engineering technique, or artistic values, based on a stage of physical development, or the use of a material or method of construction that shaped the historic identity of an area (Criterion C); or
- A research topic (Criterion D).

**Determine how the theme of the context is significant in the history of the local area, the State, or the nation.**

A theme is a means of organizing properties into coherent patterns based on elements such as environment, social/ethnic groups, transportation networks, technology, or political developments that have influenced the development of an area during one or more periods of prehistory or history. A theme is considered significant if it can be demonstrated, through scholarly research, to be important in American history. Many significant themes can be found in the following list of Areas of Significance used by the National Register.

#### *AREAS OF SIGNIFICANCE*

Agriculture  
Architecture  
Archeology  
    Prehistoric  
    Historic--Aboriginal  
    Historic--Non-Aboriginal  
Art  
Commerce  
Communications  
Community Planning and Development  
Conservation  
Economics  
Education  
Engineering  
Entertainment/Recreation  
Ethnic Heritage  
    Asian  
    Black  
    European  
    Hispanic  
    Native American  
    Pacific Islander  
    Other  
Exploration/Settlement  
Health/Medicine  
Industry  
Invention  
Landscape Architecture  
Law  
Literature

Maritime History  
Military  
Performing Arts  
Philosophy  
Politics/Government  
Religion  
Science  
Social History  
Transportation  
Other

**Determine what the property type is and whether it is important in illustrating the historic context.**

A context may be represented by a variety of important property types. For example, the context of "Civil War Military Activity in Northern Virginia" might be represented by such properties as: a group of mid-19th century fortification structures; an open field where a battle occurred; a knoll from which a general directed troop movements; a sunken transport ship; the residences or public buildings that served as company headquarters; a railroad bridge that served as a focal point for a battle; and earthworks exhibiting particular construction techniques.

Because a historic context for a community can be based on a distinct period of development, it might include numerous property types. For example, the context "Era of Industrialization in Grand Bay, Michigan, 1875 - 1900" could be represented by important property types as diverse as sawmills, paper mill sites, salt refining plants, flour mills, grain elevators, furniture factories, workers housing, commercial buildings, social halls, schools, churches, and transportation facilities.

A historic context can also be based on a single important type of property. The context "Development of County Government in Georgia, 1777-1861" might be represented solely by courthouses. Similarly, "Bridge Construction in Pittsburgh, 1870-1920" would probably only have one property type.

**Determine how the property represents the context through specific historic associations, architectural or engineering values, or information potential (the Criteria for Evaluation).**

For example, the context of county government expansion is represented under Criterion A by historic districts or buildings that reflect population growth, development patterns, the role of government in that society, and political events in the history of the State, as well as the impact of county government on the physical development of county seats. Under Criterion C, the context is represented by properties whose architectural treatments reflect their governmental functions, both practically and symbolically. (See Part VI: How to Identify the Type of Significance of a Property.)

**Determine what physical features the property must possess in order for it to reflect the significance of the historic context.**

These physical features can be determined after identifying the following:

- Which types of properties are associated with the historic context,
- The ways in which properties can represent the theme, and
- The applicable aspects of integrity.

Properties that have the defined characteristics are eligible for listing. (See Part VIII: How to Evaluate the Integrity of a Property.)

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***Properties Significant within More than One Historic Context***

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A specific property can be significant within one or more historic contexts, and, if possible, all of these should be identified. For example, a public building constructed in the 1830s that is related to the historic context of Civil War campaigns in the area might also be related to the theme of political developments in the community during the 1880s. A property is only required, however, to be documented as significant in one context.

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***Comparing Related Properties***

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Properties listed in the National Register must possess significance when evaluated in the perspective of their historic context. Once the historic context is established and the property type is determined, it is not necessary to evaluate the property in question against other properties if:

- It is the sole example of a property type that is important in illustrating the historic context or
- It clearly possesses the defined characteristics required to be strongly representative of the context.

If these two conditions do not apply, then the property will have to be evaluated against other examples of the property type to determine its eligibility. The geographic level (local, State, or national) at which this evaluation is made is the same as the level of the historic context.

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**LOCAL, STATE, AND NATIONAL HISTORIC CONTEXTS**

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Historic contexts are found at a variety of geographical levels or scales. The geographic scale selected may relate to a pattern of historical development, a political division, or a cultural area. Regardless of the scale, the historic context establishes the framework from which decisions about the significance of related properties can be made.

***Local Historic Contexts***

A local historic context represents an aspect of the history of a town, city, county, cultural area, or region, or any portions thereof. It is defined by the importance of the property, not necessarily the physical location of the property. For instance, if a property is of a type found throughout a State, or its boundaries extend over two States, but its importance relates only to a particular county, the property would be considered of local significance.

The level of context of archeological sites significant for their information potential depends on the scope of the applicable research design. For example, a Late Mississippian village site may yield information in a research design concerning one settlement system on a regional scale, while in another research design it may reveal information of local importance concerning a single group's stone tool manufacturing techniques or house forms. It is a question of how the available information potential is likely to be used.

***State Historic Contexts***

Properties are evaluated in a State context when they represent an aspect of the history of the State as a whole (or American Samoa, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the Virgin Islands). These properties do not necessarily have to belong to property types found throughout the entire State: they can be located in only a portion of the State's present political boundary. It is the property's historic context that must be important statewide. For example, the "cotton belt" extends through only a portion of Georgia, yet its historical development in the antebellum period affected the entire State. These State historic contexts may have associated properties that are statewide or locally significant representations. A cotton gin in a small town might be a locally significant representation of this context, while one of the largest cotton producing plantations might be of State significance.

A property whose historic associations or information potential appears to extend beyond a single local area might be significant at the State level. A property can be significant to more than one community or local area, however, without having achieved State significance.

A property that overlaps several State boundaries can possibly be significant to the State or local history of each of the States. Such a property is not necessarily of national significance, however, nor is it necessarily significant to all of the States in which it is located.

Prehistoric sites are not often considered to have "State" significance, per se, largely because States are relatively recent political entities and usually do not correspond closely to Native American political territories or cultural areas. Numerous sites, however, may be of significance to a large region that might geographically encompass parts of one, or usually several, States. Prehistoric resources that might be of State significance include regional sites that provide a diagnostic assemblage of artifacts for a particular cultural group or time period or that provide chronological control (specific dates or relative order in time) for a series of cultural groups.

### ***National Historic Contexts***

Properties are evaluated in a national context when they represent an aspect of the history of the United States and its territories as a whole. These national historic contexts may have associated properties that are locally or statewide significant representations, as well as those of national significance.

Properties designated as nationally significant and listed in the National Register are the prehistoric and historic units of the National Park System and those properties that have been designated National Historic Landmarks. The National Historic Landmark criteria are the standards for nationally significant properties; they are found in the Code of Federal Regulations, Title 36, Part 65 and are summarized in this bulletin in Part IX: Summary of National Historic Landmarks Criteria for Evaluation.

A property with national significance helps us understand the history of the nation by illustrating the nationwide impact of events or persons associated with the property, its architectural type or style, or information potential. It must be of exceptional value in representing or illustrating an important theme in the history of the nation.

Nationally significant properties do not necessarily have to belong to a property type found throughout the entire country: they can be located in only a portion of the present political boundaries. It is their historic context that must be important nationwide. For example, the American Civil War was fought in only a portion of the United States, yet its impact was nationwide. The site of a small military skirmish might be a locally significant representation of this national context, while the capture of the State's largest city might be a statewide significant representation of the national context.

When evaluating properties at the national level for designation as a National Historic Landmark, please refer to the National Historic Landmarks outline, History and Prehistory in the National Park System and the National Historic Landmarks Program 1987. (For more information about the National Historic Landmarks program, please write to the Department of the Interior, National Park Service, History Division, 1849 C St. NW, Washington, DC 20240.)

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[\[Previous\]](#) [\[Next\]](#) [\[Table of Contents\]](#)

Revised *August 16, 1995*



## VI. HOW TO IDENTIFY THE TYPE OF SIGNIFICANCE OF A PROPERTY

### INTRODUCTION

When evaluated within its historic context, a property must be shown to be significant for one or more of the four Criteria for Evaluation - A, B, C, or D (listed earlier in [Part II](#)). The Criteria describe how properties are significant for their association with important events or persons, for their importance in design or construction, or for their information potential.

The basis for judging a property's significance and, ultimately, its eligibility under the Criteria is historic context. The use of historic context allows a property to be properly evaluated in a nearly infinite number of capacities. For instance, Criterion C: Design/Construction can accommodate properties representing construction types that are unusual or widely practiced, that are innovative or traditional, that are "high style" or vernacular, that are the work of a famous architect or an unknown master craftsman. The key to determining whether the characteristics or associations of a particular property are significant is to consider the property within its historic context.

After identifying the relevant historic context(s) with which the property is associated, the four Criteria are applied to the property. Within the scope of the historic context, the National Register Criteria define the kind of significance that the properties represent.

For example, within the context of "19th Century Gunpowder Production in the Brandywine Valley," Criterion A would apply to those properties associated with important events in the founding and development of the industry. Criterion B would apply to those properties associated with persons who are significant in the founding of the industry or associated with important inventions related to gunpowder manufacturing. Criterion C would apply to those buildings, structures, or objects whose architectural form or style reflect important design qualities integral to the industry. And Criterion D would apply to properties that can convey information important in our understanding of this industrial process. If a property qualifies under more than one of the Criteria, its significance under each should be considered, if possible, in order to identify all aspects of its historical value.

- 
1. [Criterion A: Event](#)
  2. [Criterion B: Person](#)
  3. [Criterion C: Design/Construction](#)
  4. [Criterion D: Information Potential](#)
- 

### CRITERION A: EVENT

**Properties can be eligible for the National Register if they are associated with events that have made a significant contribution to the broad patterns of our history.**

#### *Understanding Criterion A: Event*

To be considered for listing under Criterion A, a property must be associated with one or more events important in the defined historic context. Criterion A recognizes properties associated with single events, such as the founding of a town, or with a pattern of events, repeated activities, or historic trends.

such as the gradual rise of a port city's prominence in trade and commerce. The event or trends, however, must clearly be important within the associated context: settlement, in the case of the town, or development of a maritime economy, in the case of the port city. Moreover, the property must have an important association with the event or historic trends, and it must retain historic integrity. (See Part V: How to Evaluate a Property Within its Historic Context.)

Several steps are involved in determining whether a property is significant for its associative values:

- Determine the nature and origin of the property,
- Identify the historic context with which it is associated, and
- Evaluate the property's history to determine whether it is associated with the historic context in any important way.

### ***Applying Criterion A: Event***

#### **Types of Events**

A property can be associated with either (or both) of two types of events:

- A specific event marking an important moment in American prehistory or history and
- A pattern of events or a historic trend that made a significant contribution to the development of a community, a State, or the nation.

### ***EXAMPLES OF PROPERTIES ASSOCIATED WITH EVENTS***

#### ***Properties associated with specific events:***

- *The site of a battle.*
- *The building in which an important invention was developed.*
- *A factory district where a significant strike occurred.*
- *An archeological site at which a major new aspect of prehistory was discovered, such as the first evidence of man and extinct Pleistocene animals being contemporaneous.*
- *A site where an important facet of European exploration occurred.*

#### ***Properties associated with a pattern of events:***

- *A trail associated with western migration.*
- *A railroad station that served as the focus of a community's transportation system and commerce.*
- *A mill district reflecting the importance of textile manufacturing during a given period.*
- *A building used by an important local social organization.*
- *A site where prehistoric Native Americans annually gathered for seasonally available resources and for social interaction.*

- *A downtown district representing a town's growth as the commercial focus of the surrounding agricultural area.*

### **Association of the Property with the Events**

The property you are evaluating must be documented, through accepted means of historical or archeological research (including oral history), to have existed at the time of the event or pattern of events and to have been associated with those events. A property is not eligible if its associations are speculative. For archeological sites, well reasoned inferences drawn from data recovered at the site can be used to establish the association between the site and the events.

### **Significance of the Association**

Mere association with historic events or trends is not enough, in and of itself, to qualify under Criterion A: the property's specific association must be considered important as well. For example, a building historically in commercial use must be shown to have been significant in commercial history.

### **Traditional Cultural Values**

Traditional cultural significance is derived from the role a property plays in a community's historically rooted beliefs, customs, and practices. Properties may have significance under Criterion A if they are associated with events, or series of events, significant to the cultural traditions of a community. *(For more information, refer to National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties.)*

### **Eligible**

- A hilltop associated in oral historical accounts with the founding of an Indian tribe or society is eligible.
- A rural community can be eligible whose organization, buildings, or patterns of land use reflect the cultural traditions valued by its long-term residents.
- An urban neighborhood can be eligible as the traditional home of a particular cultural group and as a reflection of its beliefs and practices.

### **Not Eligible**

- A site viewed as sacred by a recently established utopian or religious community does not have traditional cultural value and is not eligible.

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## **CRITERION B: PERSON**

**Properties may be eligible for the National Register if they are associated with the lives of persons significant in our past.**

*(For further information on properties eligible under Criterion B, refer to National Register Bulletin 32: Guidelines for Evaluating and Documenting Properties Associated with Significant Persons.)*

***Understanding Criterion B: Person***

Criterion B applies to properties associated with individuals whose specific contributions to history can be identified and documented. Persons "significant in our past" refers to individuals whose activities are demonstrably important within a local, State, or national historic context. The criterion is generally restricted to those properties that illustrate (rather than commemorate) a person's important achievements. (The policy regarding commemorative properties, birthplaces, and graves is explained further in Part VII: How to Apply the Criteria Considerations.)

Several steps are involved in determining whether a property is significant for its associative values under Criterion B. First, determine the importance of the individual. Second, ascertain the length and nature of his/her association with the property under study and identify the other properties associated with the individual. Third, consider the property under Criterion B, as outlined below.

***EXAMPLES OF PROPERTIES ASSOCIATED WITH PERSONS******Properties associated with a Significant Person:***

- *The home of an important merchant or labor leader.*
- *The studio of a significant artist.*
- *The business headquarters of an important industrialist.*

***Applying Criterion B: Person******Significance of the Individual***

The persons associated with the property must be individually significant within a historic context. A property is not eligible if its only justification for significance is that it was owned or used by a person who is a member of an identifiable profession, class, or social or ethnic group. It must be shown that the person gained importance within his or her profession or group.

***Eligible***

- The residence of a doctor, a mayor, or a merchant is eligible under Criterion B if the person was significant in the field of medicine, politics, or commerce, respectively.

***Not Eligible***

- A property is not eligible under Criterion B if it is associated with an individual about whom no scholarly judgement can be made because either research has not revealed specific information about the person's activities and their impact, or there is insufficient perspective to determine whether those activities or contributions were historically important.

***Association with the Property***

Properties eligible under Criterion B are usually those associated with a person's productive life, reflecting the time period when he or she achieved significance. In some instances this may be the person's home; in other cases, a person's business, office, laboratory, or studio may best represent his or

her contribution. Properties that pre- or post-date an individual's significant accomplishments are usually not eligible.

The individual's association with the property must be documented by accepted methods of historical or archeological research, including written or oral history. Speculative associations are not acceptable. For archeological sites, well reasoned inferences drawn from data recovered at the site are acceptable.

### **Comparison to Related Properties**

Each property associated with an important individual should be compared to other associated properties to identify those that best represent the person's historic contributions. The best representatives usually are properties associated with the person's adult or productive life. Properties associated with an individual's formative or later years may also qualify if it can be demonstrated that the person's activities during this period were historically significant or if no properties from the person's productive years survives. Length of association is an important factor when assessing several properties with similar associations.

A community or State may contain several properties eligible for associations with the same important person, if each represents a different aspect of the person's productive life. A property can also be eligible if it has brief but consequential associations with an important individual. (Such associations are often related to specific events that occurred at the property and, therefore, it may also be eligible under Criterion A.)

### **Association with Groups**

For properties associated with several community leaders or with a prominent family, it is necessary to identify specific individuals and to explain their significant accomplishments.

#### ***Eligible***

- A residential district in which a large number of prominent or influential merchants, professionals, civic leaders, politicians, etc., lived will be eligible under Criterion B if the significance of one or more specific individual residents is explicitly justified.
- A building that served as the seat of an important family is eligible under Criterion B if the significant accomplishments of one or more individual family members is explicitly justified.

#### ***Not Eligible***

- A residential district in which a large number of influential persons lived is not eligible under Criterion B if the accomplishments of a specific individual(s) cannot be documented. If the significance of the district rests in the cumulative importance of prominent residents, however, then the district might still be eligible under Criterion A. Eligibility, in this case, would be based on the broad pattern of community development, through which the neighborhood evolved into the primary residential area for this class of citizens.
- A building that served as the seat of an important family will not be eligible under Criterion B if the significant accomplishments of individual family members cannot be documented. In cases where a succession of family members have lived in a house and collectively have had a demonstrably significant impact on the community, as a family, the house is more likely to be

significant under Criterion A for association with a pattern of events.

#### **Association with Living Persons**

Properties associated with living persons are usually not eligible for inclusion in the National Register. Sufficient time must have elapsed to assess both the person's field of endeavor and his/her contribution to that field. Generally, the person's active participation in the endeavor must be finished for this historic perspective to emerge. (See Criteria Considerations C and G in Part VII: How to Apply the Criteria Considerations.)

#### **Association with Architects/Artisans**

Architects, artisans, artists, and engineers are often represented by their works, which are eligible under Criterion C. Their homes and studios, however, can be eligible for consideration under Criterion B, because these usually are the properties with which they are most personally associated.

#### **Native American Sites**

The known major villages of individual Native Americans who were important during the contact period or later can qualify under Criterion B. As with all Criterion B properties, the individual associated with the property must have made some specific important contribution to history. Examples include sites significantly associated with Chief Joseph and Geronimo. *(For more information, refer to National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties.)*

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### **CRITERION C: DESIGN/CONSTRUCTION**

**Properties may be eligible for the National Register if they embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.**

#### ***Understanding Criterion C: Design/Construction***

This criterion applies to properties significant for their physical design or construction, including such elements as architecture, landscape architecture, engineering, and artwork. To be eligible under Criterion C, a property must meet at least one of the following requirements:

- Embody distinctive characteristics of a type, period, or method of construction.
- Represent the work of a master.
- Possess high artistic value.
- Represent a significant and distinguishable entity whose components may lack individual distinction.

The first requirement, that properties "embody the distinctive characteristics of a type, period, or method

of construction," refers to the way in which a property was conceived, designed, or fabricated by a people or culture in past periods of history. "The work of a master" refers to the technical or aesthetic achievements of an architect or craftsman. "High artistic values" concerns the expression of aesthetic ideals or preferences and applies to aesthetic achievement.

#### *EXAMPLES OF PROPERTIES ASSOCIATED WITH DESIGN/CONSTRUCTION*

*Properties associated with design and construction:*

- *A house or commercial building representing a significant style of architecture.*
- *A designed park or garden associated with a particular landscape design philosophy.*
- *A movie theater embodying high artistic value in its decorative features.*
- *A bridge or dam representing technological advances.*

Resources "that represent a significant and distinguishable entity whose components may lack individual distinction" are called "districts." In the Criteria for Evaluation (as published in the Code of Federal Regulations and reprinted in [Part II](#)), districts are defined within the context of Criterion C. Districts, however, can be considered for eligibility under all the Criteria, individually or in any combination, as is appropriate. For this reason, the full discussion of districts is contained in [Part IV](#): How to Define Categories of Historic Properties. Throughout the bulletin, however, districts are mentioned within the context of a specific subject, such as an individual Criterion.

#### ***Applying Criterion C: Design/Construction***

##### **Distinctive Characteristics of Type, Period, and Method of Construction**

This is the portion of Criterion C under which most properties are eligible, for it encompasses all architectural styles and construction practices. To be eligible under this portion of the Criterion, a property must clearly illustrate, through "distinctive characteristics," the following:

- The pattern of features common to a particular class of resources,
- The individuality or variation of features that occurs within the class,
- The evolution of that class, or
- The transition between classes of resources.

*Distinctive Characteristics:* "Distinctive characteristics" are the physical features or traits that commonly recur in individual types, periods, or methods of construction. To be eligible, a property must clearly contain enough of those characteristics to be considered a true representative of a particular type, period, or method of construction.

Characteristics can be expressed in terms such as form, proportion, structure, plan, style, or materials. They can be general, referring to ideas of design and construction such as basic plan or form, or they can be specific, referring to precise ways of combining particular kinds of materials.

***Eligible***

- A building eligible under the theme of Gothic Revival architecture must have the distinctive characteristics that make up the vertical and picturesque qualities of the style, such as pointed gables, steep roof pitch, board and batten siding, and ornamental bargeboard and veranda trim.
- A late Mississippian village that illustrates the important concepts in prehistoric community design and planning will qualify.
- A designed historic landscape will qualify if it reflects a historic trend or school of theory and practice, such as the City Beautiful Movement, evidencing distinguished design, layout, and the work of skilled craftsmanship.

***Not Eligible***

- A commercial building with some Art Deco detailing is not eligible under Criterion C if the detailing was added merely as an afterthought, rather than fully integrated with overall lines and massing typical of the Art Deco style or the transition between that and another style.
- A designed landscape that has had major changes to its historic design, vegetation, original boundary, topography/grading, architectural features, and circulation system will not qualify.

*Type, Period, and Method of Construction:* "Type, period, or method of construction" refers to the way certain properties are related to one another by cultural tradition or function, by dates of construction or style, or by choice or availability of materials and technology.

A structure is eligible as a specimen of its type or period of construction if it is an important example (within its context) of building practices of a particular time in history. For properties that represent the variation, evolution, or transition of construction types, it must be demonstrated that the variation, etc., was an important phase of the architectural development of the area or community in that it had an impact as evidenced by later buildings. A property is not eligible, however, simply because it has been identified as the only such property ever fabricated; it must be demonstrated to be significant as well.

***Eligible***

- A building that has some characteristics of the Romanesque Revival style and some characteristics of the Commercial style can qualify if it illustrates the transition of architectural design and the transition itself is considered an important architectural development.
- A Hopewellian mound, if it is an important example of mound building construction techniques, would qualify as a method or type of construction.
- A building which illustrates the early or the developing technology of particular structural systems, such as skeletal steel framing, is eligible as an example of a particular method of construction.

**Historic Adaptation of the Original Property**

A property can be significant not only for the way it was originally constructed or crafted, but also for the way it was adapted at a later period, or for the way it illustrates changing tastes, attitudes, and uses

over a period of time.

A district is eligible under this guideline if it illustrates the evolution of historic character of a place over a particular span of time.

#### ***Eligible***

- A Native American irrigation system modified for use by Europeans could be eligible if it illustrates the technology of either or both periods of construction.
- An early 19th century farmhouse modified in the 1880s with Queen Anne style ornamentation could be significant for the modification itself, if it represented a local variation or significant trend in building construction or remodeling, was the work of a local master (see Works of a Master below), or reflected the tastes of an important person associated with the property at the time of its alteration.
- A district encompassing the commercial development of a town between 1820 and 1910, characterized by buildings of various styles and eras, can be eligible.

#### **Works of a Master**

A master is a figure of generally recognized greatness in a field, a known craftsman of consummate skill, or an anonymous craftsman whose work is distinguishable from others by its characteristic style and quality. The property must express a particular phase in the development of the master's career, an aspect of his or her work, or a particular idea or theme in his or her craft.

A property is not eligible as the work of a master, however, simply because it was designed by a prominent architect. For example, not every building designed by Frank Lloyd Wright is eligible under this portion of Criterion C, although it might meet other portions of the Criterion, for instance as a representative of the Prairie style.

The work of an unidentified craftsman is eligible if it rises above the level of workmanship of the other properties encompassed by the historic context.

#### **Properties Possessing High Artistic Values**

High artistic values may be expressed in many ways, including areas as diverse as community design or planning, engineering, and sculpture. A property is eligible for its high artistic values if it so fully articulates a particular concept of design that it expresses an aesthetic ideal. A property is not eligible, however, if it does not express aesthetic ideals or design concepts more fully than other properties of its type.

#### ***Eligible***

- A sculpture in a town square that epitomizes the design principles of the Art Deco style is eligible.
- A building that is a classic expression of the design theories of the Craftsman Style, such as carefully detailed handwork, is eligible.
- A landscaped park that synthesizes early 20th century principles of landscape architecture and

expresses an aesthetic ideal of environment can be eligible.

- Properties that are important representatives of the aesthetic values of a cultural group, such as petroglyphs and ground drawings by Native Americans, are eligible.

#### ***Not Eligible***

- A sculpture in a town square that is a typical example of sculpture design during its period would not qualify for high artistic value, although it might be eligible if it were significant for other reasons.
- A building that is a modest example (within its historic context) of the Craftsman Style of architecture, or a landscaped park that is characteristic of turn of the century landscape design would not qualify for high artistic value.

*A Significant and Distinguishable Entity Whose Components May Lack Individual Distinction:* This portion of Criterion C refers to districts. For detailed information on districts, refer to Part IV of this bulletin.

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## **CRITERION D: INFORMATION POTENTIAL**

**Properties may be eligible for the National Register if they have yielded, or may be likely to yield, information important in prehistory or history.**

### ***Understanding Criterion D: Information Potential***

Certain important research questions about human history can only be answered by the actual physical material of cultural resources. Criterion D encompasses the properties that have the potential to answer, in whole or in part, those types of research questions. The most common type of property nominated under this Criterion is the archeological site (or a district comprised of archeological sites). Buildings, objects, and structures (or districts comprised of these property types), however, can also be eligible for their information potential.

Criterion D has two requirements, which must both be met for a property to qualify:

- The property must have, or have had, information to contribute to our understanding of human history or prehistory, and
- The information must be considered important.

Under the first of these requirements, a property is eligible if it has been used as a source of data and contains more, as yet unretrieved data. A property is also eligible if it has not yet yielded information but, through testing or research, is determined a likely source of data.

Under the second requirement, the information must be carefully evaluated within an appropriate context to determine its importance. Information is considered "important" when it is shown to have a significant bearing on a research design that addresses such areas as: 1) current data gaps or alternative theories that challenge existing ones or 2) priority areas identified under a State or Federal agency

management plan.

### ***Applying Criterion D: Information Potential***

#### **Archeological Sites**

Criterion D most commonly applies to properties that contain or are *likely* to contain information bearing on an important archeological research question. The property must have characteristics suggesting the likelihood that it possesses configurations of artifacts, soil strata, structural remains, or other natural or cultural features that make it possible to do the following:

- Test a hypothesis or hypotheses about events, groups, or processes in the past that bear on important research questions in the social or natural sciences or the humanities; or
- Corroborate or amplify currently available information suggesting that a hypothesis is either true or false; or
- Reconstruct the sequence of archeological cultures for the purpose of identifying and explaining continuities and discontinuities in the archeological record for a particular area.

#### **Buildings, Structures, and Objects**

While most often applied to archeological districts and sites, Criterion D can also apply to buildings, structures, and objects that contain important information. In order for these types of properties to be eligible under Criterion D, they themselves must be, or must have been, the principal source of the important information.

#### ***Eligible***

- A building exhibiting a local variation on a standard design or construction technique can be eligible if study could yield important information, such as how local availability of materials or construction expertise affected the evolution of local building development.

#### ***Not Eligible***

- The ruins of a hacienda once contained murals that have since been destroyed. Historical documentation, however, indicates that the murals were significant for their highly unusual design. The ruins can not be eligible under Criterion D for the importance of the destroyed murals if the information is contained only in the documentation.

#### **Association with Human Activity**

A property must be associated with human activity and be critical for understanding a site's historic environment in order to be eligible under Criterion D. A property can be linked to human activity through events, processes, institutions, design, construction, settlement, migration, ideals, beliefs, lifeways, and other facets of the development or maintenance of cultural systems.

The natural environment associated with the properties was often very different from that of the present and strongly influenced cultural development. Aspects of the environment that are pertinent to human activities should be considered when evaluating properties under Criterion D.

Natural features and paleontological (floral and faunal) sites are not usually eligible under Criterion D in and of themselves. They can be eligible, however, if they are either directly related to human activity or critical to understanding a site's historic environment. In a few cases, a natural feature or site unmarked by cultural materials, that is primarily eligible under Criterion A, may also be eligible under Criterion D, if study of the feature, or its location, setting, etc. (usually in the context of data gained from other sources), will yield important information about the event or period with which it is associated.

### ***Eligible***

- When a site consisting of a village occupation with midden deposits, hearths, ceramics, and stratified evidence of several occupations is being evaluated, three possible research topics could be: 1) the question of whether the site occupants were indigenous to the area prior to the time of occupation or recent arrivals, 2) the investigation of the settlement-subsistence pattern of the occupants, 3) the question of whether the region was a center for the domestication of plants. Specific questions could include: A) Do the deposits show a sequential development or sudden introduction of Ceramic Type X? B) Do the dates of the occupations fit our expectations based on the current model for the reoccupation behavior of slash-and-burn agriculturalists? C) Can any genetic changes in the food plant remains be detected?

### ***Not Eligible***

- A property is not eligible if so little can be understood about it that it is not possible to determine if specific important research questions can be answered by data contained in the property.

### **Establishing a Historic Context**

The information that a property yields, or will yield, must be evaluated within an appropriate historic context. This will entail consulting the body of information already collected from similar properties or other pertinent sources, including modern and historic written records. The researcher must be able to anticipate if and how the potential information will affect the definition of the context. The information likely to be obtained from a particular property must confirm, refute, or supplement in an important way existing information.

A property is not eligible if it cannot be related to a particular time period or cultural group and, as a result, lacks any historic context within which to evaluate the importance of the information to be gained.

### **Developing Research Questions**

Having established the importance of the information that may be recovered, it is necessary to be explicit in demonstrating the connection between the important information and a specific property. One approach is to determine if specific important research questions can be answered by the data contained in the property. Research questions can be related to property-specific issues, to broader questions about a large geographic area, or to theoretical issues independent of any particular geographic location. These questions may be derived from the academic community or from preservation programs at the local, regional, State, or national level. Research questions are usually developed as part of a "research design," which specifies not only the questions to be asked, but also the types of data needed to supply the answers, and often the techniques needed to recover the data.

### **Establishing the Presence of Adequate Data**

To support the assertion that a property has the data necessary to provide the important information, the property should be investigated with techniques sufficient to establish the presence of relevant data categories. What constitutes appropriate investigation techniques would depend upon specific circumstances including the property's location, condition, and the research questions being addressed, and could range from surface survey (or photographic survey for buildings), to the application of remote sensing techniques or intensive subsurface testing. Justification of the research potential of a property may be based on analogy to another better known property if sufficient similarities exist to establish the appropriateness of the analogy.

***Eligible***

- Data requirements depend on the specific research topics and questions to be addressed. To continue the example in "Developing Research Questions" above, we might want to ascertain the following with reference to questions A, B, and C: A) The site contains Ceramic Type X in one or more occupation levels and we expect to be able to document the local evaluation of the type or its intrusive nature. B) The hearths contain datable carbon deposits and are associated with more than one occupation. C) The midden deposits show good floral/faunal preservation, and we know enough about the physical evolution of food plants to interpret signs that suggest domestication.

***Not Eligible***

- Generally, if the applicable research design requires clearly stratified deposits, then subsurface investigation techniques must be applied. A site composed only of surface materials can not be eligible for its potential to yield information that could only be found in stratified deposits.

***Integrity***

The assessment of integrity for properties considered for information potential depends on the data requirements of the applicable research design. A property possessing information potential does not need to recall visually an event, person, process, or construction technique. It is important that the significant data contained in the property remain sufficiently intact to

***Eligible***

- An irrigation system significant for the information it will yield on early engineering practices can still be eligible even though it is now filled in and no longer retains the appearance of an open canal.

***Not Eligible***

- A plowed archeological site contains several superimposed components that have been mixed to the extent that artifact assemblages cannot be reconstructed. The site cannot be eligible if the data requirements of the research design call for the study of artifacts specific to one component.

***Partly Excavated or Disturbed Properties***

The current existence of appropriate physical remains must be ascertained in considering a property's ability to yield important information. Properties that have been partly excavated or otherwise disturbed and that are being considered for their potential to yield additional important information must be shown to retain that potential in their remaining portions.

***Eligible***

- A site that has been partially excavated but still retains substantial intact deposits (or a site in which the remaining deposits are small but contain critical information on a topic that is not well known) is eligible.

***Not Eligible***

- A totally collected surface site or a completely excavated buried site is not eligible since the physical remains capable of yielding important information no longer exist at the site. (See Completely Excavated Sites, below, for exception.) Likewise, a site that has been looted or otherwise disturbed to the extent that the remaining cultural materials have lost their important depositional context (horizontal or vertical location of deposits) is not eligible.
- A reconstructed mound or other reconstructed site will generally not be considered eligible, because original cultural materials or context or both have been lost.

**Completely Excavated Sites**

Properties that have yielded important information in the past and that no longer retain additional research potential (such as completely excavated archeological sites) must be assessed essentially as historic sites under Criterion A. Such sites must be significant for associative values related to: 1) the importance of the data gained or 2) the impact of the property's role in the history of the development of anthropology/archeology or other relevant disciplines. Like other historic properties, the site must retain the ability to convey its association as the former repository of important information, the location of historic events, or the representative of important trends.

***Eligible***

- A property that has been excavated is eligible if the data recovered was of such importance that it influenced the direction of research in the discipline, as in a site that clearly established the antiquity of the human occupation of the New World.

***Not Eligible***

- A totally excavated site that at one time yielded important information but that no longer can convey either its historic/prehistoric utilization or significant modern investigation is not eligible.

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[\[Previous\]](#) [\[Next\]](#) [\[Table of Contents\]](#)

Revised August 16, 1995



## VII. HOW TO APPLY THE CRITERIA CONSIDERATIONS

### INTRODUCTION

Certain kinds of properties are not usually considered for listing in the National Register: religious properties, moved properties, birthplaces or graves, cemeteries, reconstructed properties, commemorative properties, and properties achieving significance within the past fifty years. These properties can be eligible for listing, however, if they meet special requirements, called Criteria Considerations, in addition to meeting the regular requirements (that is, being eligible under one or more of the four Criteria and possessing integrity). Part VII provides guidelines for determining which properties must meet these special requirements and for applying each Criteria Consideration.

The Criteria Considerations need to be applied only to *individual* properties. Components of eligible districts do not have to meet the special requirements unless they make up the majority of the district or are the focal point of the district. These are the general steps to follow when applying the Criteria Considerations to your property:

- Before looking at the Criteria Considerations, make sure your property meets one or more of the four Criteria for Evaluation and possesses integrity.
  - If it does, check the Criteria Considerations (below) to see if the property is of a type that is usually excluded from the National Register. The sections that follow also list specific examples of properties of each type. If your property clearly does not fit one of these types, then it does not need to meet any special requirements.
  - If your property does fit one of these types, then it must meet the special requirements stipulated for that type in the Criteria Considerations.
1. Criteria Considerations
  2. Criteria Consideration A: Religious Properties
  3. Criteria Consideration B: Moved Properties
  4. Criteria Consideration C: Birthplaces or Graves
  5. Criteria Consideration D: Cemeteries
  6. Criteria Consideration E: Reconstructed Properties
  7. Criteria Consideration F: Commemorative Properties
  8. Criteria Consideration G: Properties that Have Achieved Significance Within the Past Fifty Years

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### CRITERIA CONSIDERATIONS

Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past fifty years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- a. a religious property deriving primary significance from architectural or artistic distinction or historical importance; or

- b. a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- c. a birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her productive life; or
- d. a cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, from association with historic events; or
- e. a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- f. a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or,
- g. a property achieving significance within the past 50 years if it is of exceptional importance.

\*The Criteria Considerations are taken from the Criteria for Evaluation, found in the Code of Federal Regulations, Title 36, Part 60.

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## **CRITERIA CONSIDERATION A: RELIGIOUS PROPERTIES**

**A religious property is eligible if it derives its primary significance from architectural or artistic distinction or historical importance.**

### ***Understanding Criteria Consideration A: Religious Properties***

A religious property requires justification on architectural, artistic, or historic grounds to avoid any appearance of judgment by government about the validity of any religion or belief. Historic significance for a religious property cannot be established on the merits of a religious doctrine, but rather, for architectural or artistic values or for important historic or cultural forces that the property represents. A religious property's significance under Criterion A, B, C, or D must be judged in purely secular terms. A religious group may, in some cases, be considered a cultural group whose activities are significant in areas broader than religious history.

### **Examples of Properties that MUST Meet Criteria Consideration A: Religious Properties**

- A historic church where an important non-religious event occurred, such as a speech by Patrick Henry.
- A historic synagogue that is significant for architecture.
- A private residence is the site of a meeting important to religious history.
- A commercial block that is currently owned as an investment property by a religious institution.

- A historic district in which religion was either a predominant or significant function during the period of significance.

**Example of Properties that DO NOT Need to Meet Criteria Consideration A: Religious Properties**

- A residential or commercial district that currently contains a small number of churches that are not a predominant feature of the district.
- A town meeting hall that serves as the center of community activity and houses a wide variety of public and private meetings, including religious service. The resource is significant for architecture and politics, and the religious function is incidental.
- A town hall, significant for politics from 1875 to 1925, that housed religious services during the 1950s. Since the religious function occurred after the Period of Significance, the Criteria Consideration does not apply.

**Criteria Consideration for Religious Properties applies:**

- If the resource was constructed by a religious institution.
- If the resource is presently owned by a religious institution or is used for religious purposes.
- If the resource was owned by a religious institution or used for religious purposes during its Period of Significance.
- If Religion is selected as an Area of Significance.

***Applying Criteria Consideration A: Religious Properties***

**Eligibility for Historic Events**

A religious property can be eligible under Criterion A for any of three reasons:

- It is significant under a theme in the history of religion having secular scholarly recognition; or
- It is significant under another historical theme, such as exploration, settlement, social philanthropy, or education; or
- It is significantly associated with traditional cultural values.

**Religious History**

A religious property can be eligible if it is directly associated with either a specific event or a broad pattern in the history of religion.

***Eligible***

- The site of a convention at which a significant denominational split occurred meets the requirements of Criteria Consideration A. Also eligible is a property that illustrates the broad impact of a religious institution on the history of a local area.

**Not Eligible**

- A religious property cannot be eligible simply because was the place of religious services for a community, or was the oldest structure used by a religious group in a local area.

**Other Historical Themes**

A religious property can be eligible if it is directly associated with either a specific event or a broad pattern that is significant in another historic context. A religious property would also qualify if it were significant for its associations that illustrate the importance of a particular religious group in the social, cultural, economic, or political history of the area. Eligibility depends on the importance of the event or broad pattern and the role of the specific property.

**Eligible**

- A religious property can qualify for its important role as a temporary hospital during the Revolutionary War, or if its school was significant in the history of education in the community.

**Not Eligible**

- A religious property is not significant in the history of education in a community simply because it had occasionally served as a school.

**Traditional Cultural Values**

When evaluating properties associated with traditional cultures, it is important to recognize that often these cultures do not make clear distinctions between what is secular and what is sacred. Criteria Consideration A is not intended to exclude traditional cultural resources merely because they have religious uses or are considered sacred. A property or natural feature important to a traditional culture's religion and mythology is eligible if its importance has been ethnohistorically documented and if the site can be clearly defined. It is critical, however, that the activities be documented and that the associations not be so diffuse that the physical resource cannot be adequately defined. *(For more information on applying Criteria Consideration A to traditional cultural properties, refer to National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties.)*

**Eligible**

- A specific location or natural feature that an Indian tribe believes to be its place of origin and that is adequately documented qualifies under Criteria Consideration A.

**Eligibility for Historic Persons**

A religious property can be eligible for association with a person important in religious history, if that significance has scholarly, secular recognition or is important in other historic contexts. Individuals who would likely be considered significant are those who formed or significantly influenced an important religious institution or movement, or who were important in the social, economic, or political history of the area. Properties associated with individuals important only within the context of a single congregation and lacking importance in any other historic context would not be eligible under Criterion B.

***Eligible***

- A religious property strongly associated with a religious leader, such as George Whitefield or Joseph Smith, is eligible.

**Eligibility for Architectural or Artistic Distinction**

A religious property significant for its architectural design or construction should be evaluated as are other properties under Criterion C; that is, it should be evaluated within an established architectural context and, if necessary, compared to other properties of its type, period, or method of construction. (See "Comparing Related Properties" in Part V: How to Evaluate a Property Within Its Historic Context.)

***Eligible***

- A historic camp meeting district that meets the requirements of Criterion C for its significance as a type of construction is eligible.

**Eligibility for Information Potential**

A religious property, whether a district, site, building, structure, or object, is eligible if it can yield important information about the religious practices of a cultural group or other historic themes. This kind of property should be evaluated as are other properties under Criterion D, in relation to similar properties, other information sources, and existing data gaps.

***Eligible***

- A 19th century camp meeting site that could provide information about the length and intensity of site use during revivals of the Second Great Awakening is eligible.
- Rock cairns or medicine wheels that had a historic religious mythological function and can provide information about specific cultural beliefs are eligible.

**Ability to Reflect Historic Associations**

As with all eligible properties, religious properties must physically represent the period of time for which they are significance. For instance, a recent building that houses an older congregation cannot qualify based on the historic activities of the group because the current building does not convey the earlier history. Likewise, an older building that housed the historic activities of the congregation is eligible if it still physically represents the period of the congregation's significance. However, if an older building has been remodeled to the extent that its appearance dates from the time of the remodeling, it can only be eligible if the period of significance corresponds with the period of the alterations.

***Eligible***

- A church built in the 18th century and altered beyond recognition in the 19th century is eligible only if the additions are important in themselves as an example of late 19th century architecture or as a reflection of an important period of the congregation's growth.

***Not Eligible***

- A synagogue built in the 1920s cannot be eligible for the important activities of its congregation in the 18th and 19th centuries. It can only be eligible for significance obtained after its construction date.
- A rural 19th century frame church recently sheathed in brick is not eligible because it has lost its characteristic appearance and therefore can no longer convey its 19th century significance, either for architectural value or historic association.

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## CRITERIA CONSIDERATION B: MOVED PROPERTIES

**A property removed from its original or historically significant location can be eligible if it is significant primarily for architectural value or it is the surviving property most importantly associated with a historic person or event.**

### *Understanding Criteria Consideration B: Moved Properties*

The National Register criteria limit the consideration of moved properties because significance is embodied in locations and settings as well as in the properties themselves. Moving a property destroys the relationships between the property and its surroundings and destroys associations with historic events and persons. A move may also cause the loss of historic features such as landscaping, foundations, and chimneys, as well as loss of the potential for associated archeological deposits. Properties that were moved *before* their period of significance do not need to meet the special requirements of Criteria Consideration B.

One of the basic purposes of the National Register is to encourage the preservation of historic properties as living parts of their communities. In keeping with this purpose, it is not usual to list artificial groupings of buildings that have been created for purposes of interpretation, protection, or maintenance. Moving buildings to such a grouping destroys the integrity of location and setting, and can create a false sense of historic development.

### *Applying Criteria Consideration B: Moved Properties*

#### **Eligibility for Architectural Value**

A moved property significant under Criterion C must retain enough historic features to convey its architectural values and retain integrity of design, materials, workmanship, feeling, and association.

#### **Examples of Properties that MUST Meet Criteria Consideration B: Moved Properties**

- A resource moved from one location on its original site to another location on the property, during or after its Period of Significance.
- A district in which a significant number of resources have been moved from their original location.
- A district which has one moved building that makes an especially significant contribution to the district.

- A portable resource, such as a ship or railroad car, that is relocated to a place incompatible with its original function.
- A portable resource, such as a ship or railroad car, whose importance is critically linked to its historic location or route and that is moved.

**Examples of Properties that DO NOT Need to Meet Criteria Consideration B: Moved Properties**

- A property that is moved prior to its Period of Significance.
- A district in which only a small percentage of typical buildings in a district are moved.
- A moved building that is part of a complex but is of less significance than the remaining (unmoved) buildings.
- A portable resource, such as a ship or railroad car, that is eligible under Criterion C and is moved within its natural setting (water, rails, etc.).
- A property that is raised or lowered on its foundations.

**Eligibility for Historic Associations**

A moved property significant under Criteria A or B must be demonstrated to be the surviving property *most importantly associated* with a particular historic event or an important aspect of a historic person's life. The phrase "most importantly associated" means that it must be the single surviving property that is most closely associated with the event or with the part of the person's life for which he or she is significant.

***Eligible***

- A moved building occupied by an business woman during the majority of her productive career would be eligible if the other extant properties are a house she briefly inhabited prior to her period of significance and a commercial building she owned after her retirement.

***Not Eligible***

- A moved building associated with the beginning of rail transportation in a community is not eligible if the original railroad station and warehouse remained intact on their original sites.

**Setting and Environment**

In addition to the requirements above, moved properties must still have an orientation, setting, and general environment that are comparable to those of the historic location and that are compatible with the property's significance.

***Eligible***

- A property significant as an example of mid-19th century rural house type can be eligible after a move, provided that it is placed on a lot that is sufficient in size and character to recall the basic qualities of the historic environment and setting, and provided that the building is sited

appropriately in relation to natural and manmade surroundings.

***Not Eligible***

- A rural house that is moved into an urban area and a bridge that is no longer situated over a waterway are not eligible.

**Association Dependent on the Site**

For a property whose design values or historical associations are directly dependent on its location, any move will cause the property to lose its integrity and prevent it from conveying its significance.

***Eligible***

- A farm structure significant only as an example of a method of construction peculiar to the local area is still eligible if it is moved within that local area and the new setting is similar to that of the original location.

***Not Eligible***

- A 19th century rural residence that was designed around particular topographic features, reflecting that time period's ideals of environment, is not eligible if moved.

**Properties Designed to Be Moved**

A property designed to move or a property frequently moved during its historic use must be located in a historically appropriate setting in order to qualify, retaining its integrity of setting, design, feeling, and association. Such properties include automobiles, railroad cars and engines, and ships.

***Eligible***

- A ship docked in a harbor, a locomotive on tracks or in a railyard, and a bridge relocated from one body of water to another are eligible.

***Not Eligible***

- A ship on land in a park, a bridge placed in a pasture, or a locomotive displayed in an indoor museum are not eligible.

***Artificially Created Groupings***

An artificially created grouping of buildings, structures, or objects is not eligible unless it has achieved significance since the time of its assemblage. It cannot be considered as a reflection of the time period when the individual buildings were constructed.

***Eligible***

- A grouping of moved historic buildings whose creation marked the beginning of a major concern with past lifestyles can qualify as an early attempt at historic preservation and as an illustration of that generation's values.

***Not Eligible***

- A rural district composed of a farmhouse on its original site and a grouping of historic barns recently moved onto the property is not eligible.

**Portions of Properties**

A moved *portion* of a building, structure, or object is not eligible because, as a fragment of a larger resource, it has lost integrity of design, setting, materials, workmanship, and location.

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**CRITERIA CONSIDERATION C: BIRTHPLACES OR GRAVES**

**A birthplace or grave of a historical figure is eligible if the person is of outstanding importance and if there is no other appropriate site or building directly associated with his or her productive life.**

***Understanding Criteria Consideration C: Birthplaces or Graves***

Birthplaces or graves often attain importance as reflections of the origins of important persons or as lasting memorials to them. The lives of persons significant in our past normally are recognized by the National Register through listing of properties illustrative of or associated with that person's productive life's work. Birthplaces or graves, as properties that represent the beginning and the end of the life of distinguished individuals, may be temporally and geographically far removed from the person's significant activities, and therefore are not usually considered eligible.

**Examples of Properties that MUST Meet Criteria Consideration C: Birthplaces or Graves**

- The birthplace of a significant person who lived elsewhere during his or her Period of Significance.
- A grave that is nominated for its association with the significant person buried in it.
- A grave that is nominated for information potential.

***Examples of Properties that DO NOT Need to Meet Criteria Consideration C: Birthplaces or Graves***

- A house that was inhabited by a significant person for his or her entire lifetime.
- A grave located on the grounds of the house where a significant person spent his or her productive years.

***Applying Criteria Consideration C: Birthplaces and Graves*****Persons of Outstanding Importance**

The phrase "a historical figure of outstanding importance" means that in order for a birthplace or grave to qualify, it cannot be simply the birthplace or grave of a person significant in our past (Criterion B). It

must be the birthplace or grave of an individual who was of outstanding importance in the history of the local area, State, or nation. The birthplace or grave of an individual who was one of several people active in some aspect of the history of a community, a state, or the Nation would not be eligible.

#### **Last Surviving Property Associated with a Person**

When an geographical area strongly associated with a person of outstanding importance has lost all other properties directly associated with his or her formative years or productive life, a birthplace or grave may be eligible.

#### **Eligibility for Other Associations**

A birthplace or grave can also be eligible if it is significant for reasons other than association with the productive life of the person in question. It can be eligible for significance under Criterion A for association with important events, under Criterion B for association with the productive lives of other important persons, or under Criterion C for architectural significance. A birthplace or grave can also be eligible in rare cases if, after the passage of time, it is significant for its commemorative value. (See Criteria Consideration F for a discussion of commemorative properties.) A birthplace or grave can also be eligible under Criterion D if it contains important information on research, e.g., demography, pathology, mortuary practices, or socioeconomic status differentiation.

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### **CRITERIA CONSIDERATION D: CEMETERIES**

**A cemetery is eligible if it derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.**

#### ***Understanding Criteria Consideration D: Cemeteries***

A cemetery is a collection of graves that is marked by stones or other artifacts or that is unmarked but recognizable by features such as fencing or depressions, or through maps, or by means of testing. Cemeteries serve as a primary means of an individual's recognition of family history and as expressions of collective religious and/or ethnic identity. Because cemeteries may embody values beyond personal or family-specific emotions, the National Register criteria allow for listing of cemeteries under certain conditions.

#### **Examples of Properties that MUST Meet Criteria Consideration D: Cemeteries**

- A cemetery that is nominated individually for Criterion A, B, or C.

#### **Examples of Properties that DO NOT Need to Meet Criteria Consideration D: Cemeteries**

- A cemetery that is nominated along with its associated church, but the church is the main resource nominated.
- A cemetery that is nominated under Criterion D for information potential.
- A cemetery that is nominated as part of a district but is not the focal point of the district.

***Applying Criteria Consideration D: Cemeteries*****Persons of Transcendent Importance**

A cemetery containing the graves of persons of transcendent importance may be eligible. To be of transcendent importance the persons must have been of great eminence in their fields of endeavor or had a great impact upon the history of their community, State, or nation. (A single grave that is the burial place of an important person and is located in a larger cemetery that does not qualify under this Criteria Consideration should be treated under Criteria Consideration C: Birthplaces and Graves.)

***Eligible***

- A historic cemetery containing the graves of a number of persons who were exceptionally significant in determining the course of a State's political or economic history during a particular period is eligible.

***Not Eligible***

- A cemetery containing graves of State legislators is not eligible if they simply performed the daily business of State government and did not have an outstanding impact upon the nature and direction of the State's history.

**Eligibility on the Basis of Age**

Cemeteries can be eligible if they have achieved historic significance for their relative great age in a particular geographic or cultural context.

***Eligible***

- A cemetery dating from a community's original 1830s settlement can attain significance from its association with that very early period.

**Eligibility for Design**

Cemeteries can qualify on the basis of distinctive design values. These values refer to the same design values addressed in Criterion C and can include aesthetic or technological achievement in the fields of city planning, architecture, landscape architecture, engineering, mortuary art, and sculpture. As for all other nominated properties, a cemetery must clearly express its design values and be able to convey its historic appearance.

***Eligible***

- A Victorian cemetery is eligible if it clearly expresses the aesthetic principles related to funerary design for that period, through such features as the overall plan, landscaping, statuary, sculpture, fencing, buildings, and grave markers.

***Not Eligible***

- A cemetery cannot be eligible for design values if it no longer conveys its historic appearance because of the introduction of new grave markers.

**Eligibility for Association with Events**

Cemeteries may be associated with historic events including specific important events or general events that illustrate broad patterns.

***Eligible***

- A cemetery associated with an important Civil War battle is eligible.
- A cemetery associated with the settlement of an area by an ethnic or cultural group is eligible if the movement of the group into the area had an important impact, if other properties associated with that group are rare, and if few documentary sources have survived to provide information about the group's history.

***Not Eligible***

- A cemetery associated with a battle in the Civil War does not qualify if the battle was not important in the history of the war.
- A cemetery associated with an area's settlement by an ethnic or cultural group is not eligible if the impact of the group on the area cannot be established, if other extant historic properties better convey association with the group, or if the information that the cemetery can impart is available in documentary sources.

**Eligibility for Information Potential**

Cemeteries, both historic and prehistoric, can be eligible if they have the potential to yield important information. The information must be important within a specific context and the potential to yield information must be demonstrated.

A cemetery can qualify if it has potential to yield important information provided that the information it contains is not available in extant documentary evidence.

***Eligible***

- A cemetery associated with the settlement of a particular cultural group will qualify if it has the potential to yield important information about subjects such as demography, variations in mortuary practices, or the study of the cause of death correlated with nutrition or other variables.

**Integrity**

Assessing the integrity of a historic cemetery entails evaluating principal design features such as plan, grave markers, and any related elements (such as fencing). Only that portion of a historic cemetery that retains its historic integrity can be eligible. If the overall integrity has been lost because of the number and size of recent grave markers, some features such as buildings, structures, or objects that retain integrity may be considered as individual properties if they are of such historic or artistic importance that they individually meet one or more of the requirements listed above.

**National Cemeteries**

National Cemeteries administered by the Veterans Administration are eligible because they have been designated by Congress as primary memorials to the military history of the United States. Those areas within a designated national cemetery that have been used or prepared for the reception of the remains of veterans and their dependents, as well as any landscaped areas that immediately surround the graves may qualify. Because these cemeteries draw their significance from the presence of the remains of military personnel who have served the country throughout its history, the age of the cemetery is not a factor in judging eligibility, although integrity must be present.

A national cemetery or a portion of a national cemetery that has only been set aside for use in the future is not eligible.

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## **CRITERIA CONSIDERATION E: RECONSTRUCTED PROPERTIES**

**A reconstructed property is eligible when it is accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan and when no other building or structure with the same associations has survived. All three of these requirements must be met.**

### ***Understanding Criteria Consideration E: Reconstructed Properties***

"Reconstruction" is defined as the reproduction of the exact form and detail of a vanished building, structure, object, or a part thereof, as it appeared at a specific period of time. Reconstructed buildings fall into two categories: buildings wholly constructed of new materials and buildings reassembled from some historic and some new materials. Both categories of properties present problems in meeting the integrity requirements of the National Register criteria.

### **Examples of Properties that MUST Meet Criteria Consideration E: Reconstructed Properties**

- A property in which most or all of the fabric is not original.
- A district in which an important resource or a significant number of resources are reconstructions.

### **Examples of Properties that DO NOT Need to Meet Criteria Consideration E: Reconstructed Properties**

- A property that is remodeled or renovated and still has the majority of its original fabric.

### ***Applying Criteria Consideration E: Reconstructed Properties***

#### **Accuracy of the Reconstruction**

The phrase "accurately executed" means that the reconstruction must be based upon sound archeological, architectural, and historic data concerning the historic construction and appearance of the resource. That documentation should include both analysis of any above or below ground material and research in written and other records.

#### **Suitable Environment**

The phrase "suitable environment" refers to: 1) the physical context provided by the historic district and 2) any interpretive scheme, if the historic district is used for interpretive purposes. This means that the reconstructed property must be located at the same site as the original. It must also be situated in its original grouping of buildings, structures, and objects (as many as are extant), and that grouping must retain integrity. In addition, the reconstruction must not be misrepresented as an authentic historic property.

***Eligible***

- A reconstructed plantation manager's office building is considered eligible because it is located at its historic site, grouped with the remaining historic plantation buildings and structures, and the plantation as a whole retains integrity. Interpretation of the plantation district includes an explanation that the manager's office is not the original building, but a reconstruction.

***Not Eligible***

- The same reconstructed plantation manager's office building would not qualify if it were rebuilt at a location different from that of the original building, or if the district as a whole no longer reflected the period for which it is significant, or if a misleading interpretive scheme were used for the district or for the reconstruction itself.

**Restoration Master Plans**

Being presented "as part of a restoration master plan" means that: 1) a reconstructed property is an essential component in a historic district and 2) the reconstruction is part of an overall restoration plan for an entire district. "Restoration" is defined as accurately recovering the form and details of a property and its setting as it appeared at a particular period by removing later work or by replacing missing earlier work (as opposed to completely rebuilding the property). The master plan for the entire property must emphasize restoration, not reconstruction. In other words, the master plan for the entire resource would not be acceptable under this consideration if it called for reconstruction of a majority of the resource.

***Eligible***

- A reconstructed plantation manager's office is eligible if the office were an important component of the plantation and if the reconstruction is one element in an overall plan for restoring the plantation and if no other building or structure with the same associations has survived.
- The reconstruction of the plantation manager's office building can be eligible only if the majority of buildings, structures, and objects that comprised the plantation are extant and are being restored. For guidance regarding restoration see the Secretary of the Interior's Standards for Historic Preservation Projects.

**Last Surviving Property of a Type**

This consideration also stipulates that a reconstruction can qualify if, in addition to the other requirements, no other building, object, or structure with the same association has survived. A reconstruction that is part of a restoration master plan is appropriate only if: 1) the property is the only one in the district with which a particular important activity or event has been historically associated or 2) no other property with the same associative values has survived.

**Reconstructions Older than Fifty Years**

After the passage of fifty years, a reconstruction may its own attain significance for what it reveals about the period in which it was built, rather than the historic period it was intended to depict. On that basis, a reconstruction can possibly qualify under any of the Criteria.

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**CRITERIA CONSIDERATION F: COMMEMORATIVE PROPERTIES**

A property primarily commemorative in intent can be eligible if design, age, tradition, or symbolic value has invested it with its own historical significance.

***Understanding Criteria Consideration F: Commemorative Properties***

Commemorative properties are designed or constructed after the occurrence of an important historic event or after the life of an important person. They are not directly associated with the event or with the person's productive life, but serve as evidence of a later generation's assessment of the past. Their significance comes from their value as cultural expressions at the date of their creation. Therefore, a commemorative property generally must be over fifty years old and must possess significance based on its own value, not on the value of the event or person being memorialized.

**Examples of Properties that MUST Meet Criteria Consideration F: Commemorative Properties**

- A property whose sole or primary function is commemorative or in which the commemorative function is of primary significance.

**Examples of Properties that DO NOT Need to Meet Criteria Consideration F: Commemorative Properties**

- A resource that has a non-commemorative primary function or significance.
- A single marker that is a component of a district (whether contributing or non-contributing).

***Applying Criteria Consideration F: Commemorative Properties*****Eligibility for Design**

A commemorative property derives its design from the aesthetic values of the period of its creation. A commemorative property, therefore, may be significant for the architectural, artistic, or other design qualities of its own period in prehistory or history.

***Eligible***

- A commemorative statue situated in a park or square is eligible if it expresses the aesthetics or craftsmanship of the period when it was made, meeting Criterion C.
- A late 19th century statue erected on a courthouse square to commemorate Civil War veterans would qualify if it reflects that era's shared perception of the noble character and valor of the

veterans and their cause. This was commonly conveyed by portraying idealized soldiers or allegorical figures of battle, victory, or sacrifice.

### **Eligibility for Age, Tradition, or Symbolic Value**

A commemorative property cannot qualify for association with the event or person it memorializes. A commemorative property may, however, acquire significance after the time of its creation through age, tradition, or symbolic value. This significance must be documented by accepted methods of historical research, including written or oral history, and must meet one or more of the Criteria.

#### ***Eligible***

- A commemorative marker erected by a cultural group that believed the place was the site of its origins is eligible if, for subsequent generations of the group, the marker itself became the focus of traditional association with the group's historic identity.
- A building erected as a monument to an important historical figure will qualify if through the passage of time the property itself has come to symbolize the value placed upon the individual and is widely recognized as a reminder of enduring principles or contributions valued by the generation that erected the monument.
- A commemorative marker erected early in the settlement or development of an area will qualify if it is demonstrated that, because of its relative great age, the property has long been a part of the historic identity of the area.

#### ***Not Eligible***

- A commemorative marker erected in the past by a cultural group at the site of an event in its history would not be eligible if the marker were significant only for association with the event, and it had not become significant itself through tradition.
- A building erected as a monument to an important historical figure would not be eligible if its only value lay in its association with the individual, and it has not come to symbolize values, ideas, or contributions valued by the generation that erected the monument.
- A commemorative marker erected to memorialize an event in the community's history would not qualify simply for its association with the event it memorialized.

### **Ineligibility as the Last Representative of an Event or Person**

The loss of properties directly associated with a significant event or person does not strengthen the case for consideration of a commemorative property. Unlike birthplaces or graves, a commemorative property usually has no direct historic association. The commemorative property can qualify for historic association only if it is clearly significant in its own right, as stipulated above.

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## **CRITERIA CONSIDERATION G: PROPERTIES THAT HAVE ACHIEVED SIGNIFICANCE WITHIN THE PAST FIFTY YEARS**

**A property achieving significance within the past fifty years is eligible if it is of *exceptional importance*.**

*(For more information on Criteria Consideration G, refer to National Register Bulletin 22: Guidelines for Evaluating and Nominating Properties that Have Achieved Significance Within the Past Fifty Years.)*

**Examples of Properties that MUST Meet Criteria Consideration G: Properties that Have Achieved Significance Within the Past Fifty Years**

- A property that is less than fifty years old.
- A property that continues to achieve significance into a period less than fifty years before the nomination.
- A property that has non-contiguous Periods of Significance, one of which is less than fifty years before the nomination.
- A property that is more than fifty years old and had no significance until a period less than fifty years before the nomination.

**Examples of Properties that DO NOT Need to Meet Criteria Consideration G: Properties that Have Achieved Significance Within the Past Fifty Years**

- A resource whose construction began over fifty years ago, but the completion overlaps the fifty year period by a few years or less.
- A resource that is significant for its plan or design, which is more than fifty years old, but the actual completion of the project overlaps the fifty year period by a few years.
- A historic district in which a few properties are newer than fifty years old, but the majority of properties and the most important Period of Significance are greater than fifty years old.

***Understanding Criteria Consideration G: Properties that Have Achieved Significance Within the Past Fifty Years***

The National Register Criteria for Evaluation exclude properties that achieved significance within the past fifty years unless they are of exceptional importance. Fifty years is a general estimate of the time needed to develop historical perspective and to evaluate significance. This consideration guards against the listing of properties of passing contemporary interest and ensures that the National Register is a list of truly historic places.

**Applying Criteria Consideration G: Properties That Have Achieved Significance Within The Last Fifty Years**

**Eligibility for Exceptional Importance**

The phrase "exceptional importance" may be applied to the extraordinary importance of an event or to an entire category of resources so fragile that survivors of any age are unusual. Properties listed that had attained significance in less than fifty years include: the launch pad at Cape Canaveral from which men first traveled to the moon, the home of nationally prominent playwright Eugene O'Neill, and the Chrysler Building (New York) significant as the epitome of the "Style Moderne" architecture.

Properties less than fifty years old that qualify as exceptional because the entire category of resources is fragile include a recent example of a traditional sailing canoe in the Trust Territory of the Pacific Islands, where because of rapid deterioration of materials, no working Micronesian canoes exist that are more than twenty years old. Properties that by their nature can last more than fifty years cannot be considered exceptionally important because of the fragility of the class of resources.

The phrase "exceptional importance" does not require that the property be of national significance. It is a measure of a property's importance within the appropriate historic context, whether the scale of that context is local, State, or national.

### ***Eligible***

- The General Laundry Building in New Orleans, one of the few remaining Art Deco Style buildings in that city, was listed in the National Register when it was forty years old because of its exceptional importance as an example of that architectural style.

### **Historical Perspective**

A property that has achieved significance within the past fifty years can be evaluated only when sufficient historical perspective exists to determine that the property is exceptionally important. The necessary perspective can be provided by scholarly research and evaluation, and must consider both the historic context and the specific property's role in that context.

In many communities, properties such as apartment buildings built in the 1950s cannot be evaluated because there is no scholarly research available to provide an overview of the nature, role, and impact of that building type within the context of historical and architectural developments of the 1950s.

### **National Park Service Rustic Architecture**

Properties such as structures built in a rustic style by the National Park Service during the 1930s and 1940s can now be evaluated because a broad study, National Park Service Rustic Architecture (1977), provides the context for evaluating properties of this type and style. Specific examples were listed in the National Register prior to reaching fifty years of age when documentation concerning the individual properties established their significance within the historical and architectural context of the type and style.

### **Comparison with Related Properties**

In justifying exceptional importance, it is necessary to identify other properties within the geographical area that reflect the same significance or historic associations and to determine which properties best represent the historic context in question. Several properties in the area could become eligible with the passage of time, but few will qualify now as exceptionally important.

### **Eligibility for Information Potential**

A property that has achieved significance within the past fifty years can qualify under Criterion D only if it can be demonstrated that the information is of exceptional importance within the appropriate context and that the property contains data superior to or different from those obtainable from other sources, including other culturally related sites. An archeological site less than fifty years old may be eligible if the former inhabitants are so poorly documented that information about their lifeways is best obtained

from examination of the material remains.

#### ***Eligible***

- Data such as the rate of adoption of modern technological innovations by rural tenant farmers in the 1950s may not be obtainable through interviews with living persons but could be gained by examination of homesites.

#### ***Not Eligible***

- A recent archeological site such as the remains of a Navajo sheep corral used in the 1950s would not be considered exceptionally significant for its information potential on animal husbandry if better information on the same topic is available through ethnographic studies or living informants.

#### **Historic Districts**

Properties which have achieved significance within the past fifty years can be eligible for the National Register if they are an integral part of a district which qualifies for National Register listing. This is demonstrated by documenting that the property dates from within the district's defined Period of Significance and that it is associated with one or more of the district's defined Areas of Significance.

Properties less than fifty years old may be an integral part of a district when there is sufficient perspective to consider the properties as historic. This is accomplished by demonstrating that: 1) the district's Period of Significance is justified as a discrete period with a defined beginning and end, 2) the character of the district's historic resources is clearly defined and assessed, 3) specific resources in the district are demonstrated to date from that discrete era, and 4) the majority of district properties are over fifty years old. In these instances, it is not necessary to prove exceptional importance of either the district itself or the less-than-fifty-year-old properties. Exceptional importance still must be demonstrated for district where the majority of properties or the major Period of Significance is less than fifty years old, and for less-than-fifty-year-old properties which are nominated individually.

#### **Properties More Than Fifty Years in Age, Less Than Fifty Years in Significance**

Properties that are more than fifty years old, but whose significant associations or qualities are less than fifty years old, must be treated under the fifty year consideration.

#### ***Eligible***

- A building constructed early in the twentieth century (and having no architectural importance), but that was associated with an important person during the 1950s, must be evaluated under Criteria Consideration G because the Period of Significance is within the past fifty years. Such a property would qualify if the person was of exceptional importance.

#### **Requirement to Meet the Criteria, Regardless of Age**

Properties that are less than fifty years old and are not exceptionally important will not automatically qualify for the National Register once they are fifty years old. In order to be listed in the National Register, all properties, regardless of age, must be demonstrated to meet the Criteria for Evaluation.

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[\[Previous\]](#) [\[Next\]](#) [\[Table of Contents\]](#)

Revised *August 16, 1995.*



## VIII. HOW TO EVALUATE THE INTEGRITY OF A PROPERTY

**Integrity is the ability of a property to convey its significance.** To be listed in the National Register of Historic Places, a property must not only be shown to be significant under the National Register criteria, but it also must have integrity. The evaluation of integrity is sometimes a subjective judgment, but it must always be grounded in an understanding of a property's physical features and how they relate to its significance.

Historic properties either retain integrity (this is, convey their significance) or they do not. Within the concept of integrity, the National Register criteria recognizes seven aspects or qualities that, in various combinations, define integrity.

To retain historic integrity a property will always possess several, and usually most, of the aspects. The retention of specific aspects of integrity is paramount for a property to convey its significance. Determining which of these aspects are most important to a particular property requires knowing why, where, and when the property is significant. The following sections define the seven aspects and explain how they combine to produce integrity.

1. Seven Aspects of Integrity
2. Assessing Integrity in Properties
  - Defining the Essential Physical Features
  - Visibility of the Physical Features
  - Comparing Similar Properties
  - Determining the Relevant Aspects of Integrity

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## SEVEN ASPECTS OF INTEGRITY

- Location
- Design
- Setting
- Materials
- Workmanship
- Feeling
- Association

### *Understanding the Aspects of Integrity*

#### **Location**

**Location is the place where the historic property was constructed or the place where the historic event occurred.** The relationship between the property and its location is often important to understanding why the property was created or why something happened. The actual location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons. Except in rare cases, the relationship between a property and its historic associations is destroyed if the property is moved. (See Criteria Consideration B in Part VII: How to Apply the Criteria Considerations, for the conditions under which a moved property can be eligible.)

### Design

**Design is the combination of elements that create the form, plan, space, structure, and style of a property.** It results from conscious decisions made during the original conception and planning of a property (or its significant alteration) and applies to activities as diverse as community planning, engineering, architecture, and landscape architecture. Design includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials.

A property's design reflects historic functions and technologies as well as aesthetics. It includes such considerations as the structural system; massing; arrangement of spaces; pattern of fenestration; textures and colors of surface materials; type, amount, and style of ornamental detailing; and arrangement and type of plantings in a designed landscape.

Design can also apply to districts, whether they are important primarily for historic association, architectural value, information potential, or a combination thereof. For districts significant primarily for historic association or architectural value, design concerns more than just the individual buildings or structures located within the boundaries. It also applies to the way in which buildings, sites, or structures are related: for example, spatial relationships between major features; visual rhythms in a streetscape or landscape plantings; the layout and materials of walkways and roads; and the relationship of other features, such as statues, water fountains, and archeological sites.

### Setting

**Setting is the physical environment of a historic property.** Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the character of the place in which the property played its historical role. It involves how, not just where, the property is situated and its relationship to surrounding features and open space.

Setting often reflects the basic physical conditions under which a property was built and the functions it was intended to serve. In addition, the way in which a property is positioned in its environment can reflect the designer's concept of nature and aesthetic preferences.

The physical features that constitute the setting of a historic property can be either natural or manmade, including such elements as:

- Topographic features (a gorge or the crest of a hill);
- Vegetation;
- Simple manmade features (paths or fences); and
- Relationships between buildings and other features or open space.

These features and their relationships should be examined not only within the exact boundaries of the property, but also between the property and its surroundings. This is particularly important for districts.

### **Materials**

**Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.** The choice and combination of materials reveal the preferences of those who created the property and indicate the availability of particular types of materials and technologies. Indigenous materials are often the focus of regional building traditions and thereby help define an area's sense of time and place.

A property must retain the key exterior materials dating from the period of its historic significance. If the property has been rehabilitated, the historic materials and significant features must have been preserved. The property must also be an actual historic resource, not a recreation; a recent structure fabricated to look historic is not eligible. Likewise, a property whose historic features and materials have been lost and then reconstructed is usually not eligible. (See Criteria Consideration E in Part VII: How to Apply the Criteria Considerations for the conditions under which a reconstructed property can be eligible.)

### **Workmanship**

**Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.** It is the evidence of artisans' labor and skill in constructing or altering a building, structure, object, or site. Workmanship can apply to the property as a whole or to its individual components. It can be expressed in vernacular methods of construction and plain finishes or in highly sophisticated configurations and ornamental detailing. It can be based on common traditions or innovative period techniques.

Workmanship is important because it can furnish evidence of the technology of a craft, illustrate the aesthetic principles of a historic or prehistoric period, and reveal individual, local, regional, or national applications of both technological practices and aesthetic principles. Examples of workmanship in historic buildings include tooling, carving, painting, graining, turning, and joinery. Examples of workmanship in prehistoric contexts include Paleo-Indian clovis projectile points; Archaic period beveled adzes; Hopewellian birdstone pipes; copper earspools and worked bone pendants; and Iroquoian effigy pipes.

### **Feeling**

**Feeling is a property's expression of the aesthetic or historic sense of a particular period of time.** It results from the presence of physical features that, taken together, convey the property's historic character. For example, a rural historic district retaining original design, materials, workmanship, and setting will relate the feeling of agricultural life in the 19th century. A grouping of prehistoric petroglyphs, unmarred by graffiti and intrusions and located on its original isolated bluff, can evoke a sense of tribal spiritual life.

### **Association**

**Association is the direct link between an important historic event or person and a historic property.** A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character. For example, a Revolutionary

War battlefield whose natural and manmade elements have remained intact since the 18th century will retain its quality of association with the battle.

Because feeling and association depend on individual perceptions, their retention alone is never sufficient to support eligibility of a property for the National Register.

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## **ASSESSING INTEGRITY IN PROPERTIES**

Integrity is based on significance: why, where, and when a property is important. Only after significance is fully established can you proceed to the issue of integrity.

The steps in assessing integrity are:

- Define the essential physical features that must be present for a property to represent its significance.
- Determine whether the essential physical features are visible enough to convey their significance.
- Determine whether the property needs to be compared with similar properties. And,
- Determine, based on the significance and essential physical features, which aspects of integrity are particularly vital to the property being nominated and if they are present.

Ultimately, the question of integrity is answered by whether or not the property retains the **identity** for which it is significant.

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## **DEFINING THE ESSENTIAL PHYSICAL FEATURES**

All properties change over time. It is not necessary for a property to retain all its historic physical features or characteristics. The property must retain, however, the essential physical features that enable it to convey its historic identity. The essential physical features are those features that define both why a property is significant (Applicable Criteria and Areas of Significance) and when it was significant (Periods of Significance). They are the features without which a property can no longer be identified as, for instance, a late 19th century dairy barn or an early 20th century commercial district.

### **Criteria A and B**

A property that is significant for its historic association is eligible if it retains the essential physical features that made up its character or appearance during the period of its association with the important event, historical pattern, or person(s). If the property is a site (such as a treaty site) where there are no material cultural remains, the setting must be intact.

Archeological sites eligible under Criteria A and B must be in overall good condition with excellent preservation of features, artifacts, and spatial relationships to the extent that these remains are able to

convey important associations with events or persons.

### **Criterion C**

A property important for illustrating a particular architectural style or construction technique must retain most of the physical features that constitute that style or technique. A property that has lost some historic materials or details can be eligible if it retains the majority of the features that illustrate its style in terms of the massing, spatial relationships, proportion, pattern of windows and doors, texture of materials, and ornamentation. The property is not eligible, however, if it retains some basic features conveying massing but has lost the majority of the features that once characterized its style.

Archeological sites eligible under Criterion C must be in overall good condition with excellent preservation of features, artifacts, and spatial relationships to the extent that these remains are able to illustrate a site type, time period, method of construction, or work of a master.

### **Criterion D**

For properties eligible under Criterion D, including archeological sites and standing structures studied for their information potential, less attention is given to their overall condition, than it they were being considered under Criteria A, B, or C. Archeological sites, in particular, do not exist today exactly as they were formed. There are always cultural and natural processes that alter the deposited materials and their spatial relationships.

For properties eligible under Criterion D, integrity is based upon the property's potential to yield specific data that addresses important research questions, such as those identified in the historic context documentation in the Statewide Comprehensive Preservation Plan or in the research design for projects meeting the *Secretary of the Interior's Standards for Archeological Documentation*.

### **Interiors**

Some historic buildings are virtually defined by their exteriors, and their contribution to the built environment can be appreciated even if their interiors are not accessible. Examples of this would include early examples of steel-framed skyscraper construction. The great advance in American technology and engineering made by these buildings can be read from the outside. The change in American popular taste during the 19th century, from the symmetry and simplicity of architectural styles based on classical precedents, to the expressions of High Victorian styles, with their combination of textures, colors, and asymmetrical forms, is readily apparent from the exteriors of these buildings.

Other buildings "are" interiors. The Cleveland Arcade, that soaring 19th century glass-covered shopping area, can only be appreciated from the inside. Other buildings in this category would be the great covered train sheds of the 19th century.

In some cases the loss of an interior will disqualify properties from listing in the National Register--a historic concert hall noted for the beauty of its auditorium and its fine acoustic qualities would be the type of property that if it were to lose its interior, it would lose its value as a historic resource. In other cases, the overarching significance of a property's exterior can overcome the adverse effect of the loss of an interior.

In borderline cases particular attention is paid to the significance of the property and the remaining historic features.

### **Historic Districts**

For a district to retain integrity as a whole, the majority of the components that make up the district's historic character must possess integrity even if they are individually undistinguished. In addition, the relationships among the district's components must be substantially unchanged since the period of significance.

When evaluating the impact of intrusions upon the district's integrity, take into consideration the relative number, size, scale, design, and location of the components that do not contribute to the significance. A district is not eligible if it contains so many alterations or new intrusions that it no longer conveys the sense of a historic environment.

A component of a district cannot contribute to the significance if:

- it has been substantially altered since the period of the district's significance or
- it does not share the historic associations of the district.

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### **VISIBILITY OF PHYSICAL FEATURES**

Properties eligible under Criteria A, B, and C must not only retain their essential physical features, but the features must be visible enough to convey their significance. This means that even if a property is physically intact, its integrity is questionable if its significant features are concealed under modern construction. Archeological properties are often the exception to this; by nature they usually do not require visible features to convey their significance.

### **Non-Historic Exteriors**

If the historic exterior building material is covered by non-historic material (such as modern siding), the property can still be eligible if the significant form, features, and detailing are not obscured. If a property's exterior is covered by a non-historic false-front or curtain wall, the property will not qualify under Criteria A, B, or C, because it does not retain the visual quality necessary to convey historic or architectural significance. Such a property also cannot be considered a contributing element in a historic district, because it does not add to the district's sense of time and place. If the false front, curtain wall, or non-historic siding is removed and the original building materials are intact, then the property's integrity can be re-evaluated.

### **Property Contained within Another Property**

Some properties contain an earlier structure that formed the nucleus for later construction. The exterior property, if not eligible in its own right, can qualify on the basis of the interior property only if the interior property can yield significant information about a specific construction technique or material, such as rammed earth or tabby. The interior property cannot be used as the basis for eligibility if it has been so altered that it no longer contains the features that could provide important information, or if the presence of important information cannot be demonstrated.

### **Sunken Vessels**

A sunken vessel can be eligible under Criterion C as embodying the distinctive characteristics of a method of construction if it is structurally intact. A *deteriorated* sunken vessel, no longer structurally intact, can be eligible under Criterion D if the remains of either the vessel or its contents is capable of yielding significant information. For further information, refer to National Register Bulletin 20: *Nominating Historic Vessels and Shipwrecks to the National Register of Historic Places*.

### **Natural Features**

A natural feature that is associated with a historic event or trend, such as a rock formation that served as a trail marker during westward expansion, must retain its historic appearance, unobscured by modern construction or landfill. Otherwise it is not eligible, even though it remains intact.

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## **COMPARING SIMILAR PROPERTIES**

For some properties, comparison with similar properties should be considered during the evaluation of integrity. Such comparison may be important in deciding what physical features are essential to properties of that type. In instances where it has not been determined what physical features a property must possess in order for it to reflect the significance of a historic context, comparison with similar properties should be undertaken during the evaluation of integrity. This situation arises when scholarly work has not been done on a particular property type or when surviving examples of a property type are extremely rare. (See Comparing Related Properties in Part V: How to Evaluate a Property within its Historic Context.)

### **Rare Examples of a Property Type**

Comparative information is particularly important to consider when evaluating the integrity of a property that is a rare surviving example of its type. The property must have the essential physical features that enable it to convey its historic character or information. The rarity and poor condition, however, of other extant examples of the type may justify accepting a greater degree of alteration or fewer features, provided that enough of the property survives for it to be a significant resource.

#### ***Eligible***

- A one-room schoolhouse that has had all original exterior siding replaced and a replacement roof that does not exactly replicate the original roof profile can be eligible if the other extant rare examples have received an even greater degree of alteration, such as the subdivision of the original one-room plan.

#### ***Not Eligible***

- A mill site contains information on how site patterning reflects historic functional requirements, but parts of the site have been destroyed. The site is not eligible for its information potential if a comparison of other mill sites reveals more intact properties with complete information.

**DETERMINING THE RELEVANT ASPECTS OF INTEGRITY**

Each type of property depends on certain aspects of integrity, more than others, to express its historic significance. Determining which of the aspects is most important to a particular property requires an understanding of the property's significance and its essential physical features.

**Criteria A and B**

A property important for association with an event, historical pattern, or person(s) ideally might retain some features of all seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. Integrity of design and workmanship, however, might not be as important to the significance, and would not be relevant if the property were a site. A basic integrity test for a property associated with an important event or person is whether a historical contemporary would recognize the property as it exists today.

For archeological sites that are eligible under Criteria A and B, the seven aspects of integrity can be applied in much the same way as they are to buildings, structures, or objects. It is important to note, however, that the site must have demonstrated its ability to convey its significance, as opposed to sites eligible under Criterion D where only the potential to yield information is required.

***Eligible***

A mid-19th century waterpowered mill important for its association with an area's industrial development is eligible if:

- it is still on its original site (Location), and
- the important features of its setting are intact (Setting), and
- it retains most of its historic materials (Materials), and
- it has the basic features expressive of its design and function, such as configuration, proportions, and window pattern (Design).

***Not Eligible***

A mid-19th century waterpowered mill important for its association with an area's industrial development is not eligible if:

- it has been moved (Location, Setting, Feeling, and Association), or
- substantial amounts of new materials have been incorporated (Materials, Workmanship, and Feeling), or
- it no longer retains basic design features that convey its historic appearance or function (Design, Workmanship, and Feeling).

**Criterion C**

A property significant under Criterion C must retain those physical features that characterize the type,

period, or method of construction that the property represents. Retention of design, workmanship, and materials will usually be more important than location, setting, feeling, and association. Location and setting will be important, however, for those properties whose design is a reflection of their immediate environment (such as designed landscapes and bridges).

For archeological sites that are eligible under Criterion C, the seven aspects of integrity can be applied in much the same way as they are to buildings, structures, or objects. It is important to note, however, that the site must have demonstrated its ability to convey its significance, as opposed to sites eligible under Criterion D where only the potential to yield information is required.

### ***Eligible***

A 19th century wooden covered bridge, important for illustrating a construction type, is eligible if:

- the essential features of its design are intact, such as abutments, piers, roof configuration, and trusses (**Design, Workmanship, and Feeling**), and
- most of the historic materials are present (**Materials, Workmanship, and Feeling**), and
- evidence of the craft of wooden bridge technology remains, such as the form and assembly technique of the trusses (**Workmanship**).
- Since the design of a bridge relates directly to its function as a transportation crossing, it is also important that the bridge still be situated over a waterway (**Setting, Location, Feeling, and Association**).

### ***Not Eligible***

For a 19th century wooden covered bridge, important for its construction type, replacement of some materials of the flooring, siding, and roofing would not necessarily damage its integrity. Integrity would be lost, however, if:

- the abutments, piers, or trusses were substantially altered (**Design, Workmanship, and Feeling**) or
- considerable amounts of new materials were incorporated (**Materials, Workmanship, and Feeling**).
- Because environment is a strong factor in the design of this property type, the bridge would also be ineligible if it no longer stood in a place that conveyed its function as a crossing (**Setting, Location, Feeling, and Association**).

### **Criterion D**

For properties eligible under Criterion D, setting and feeling may not have direct bearing on the property's ability to yield important information. Evaluation of integrity probably will focus primarily on the location, design, materials, and perhaps workmanship.

### ***Eligible***

A multicomponent prehistoric site important for yielding data on changing subsistence patterns can be eligible if:

- floral or faunal remains are found in clear association with cultural material (**Materials** and **Association**) and
- the site exhibits stratigraphic separation of cultural components (**Location**).

***Not Eligible***

A multicomponent prehistoric site important for yielding data on changing subsistence patterns would not be eligible if:

- floral or faunal remains were so badly decomposed as to make identification impossible (**Materials**), or
- floral or faunal remains were disturbed in such a manner as to make their association with cultural remains ambiguous (**Association**), or
- the site has lost its stratigraphic context due to subsequent land alterations (**Location**).

***Eligible***

A lithic scatter site important for yielding data on lithic technology during the Late Archaic period can be eligible if:

- the site contains lithic debitage, finished stone tools, hammerstones, or antler flakers (**Material** and **Design**), and
- the site contains datable material (**Association**).

***Not Eligible***

A lithic scatter site important for yielding data on lithic technology during the Late Archaic period would not be eligible if:

- the site contains natural deposits of lithic materials that are impossible to distinguish from culturally modified lithic material (**Design**) or
- the site does not contain any temporal diagnostic evidence that could link the site to the Late Archaic period (**Association**).

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[\[Previous\]](#) [\[Next\]](#) [\[Table of Contents\]](#)

Revised August 16, 1995



## **X. GLOSSARY**

**Associative Qualities** - An aspect of a property's history that links it with historic events, activities, or persons.

**Code of Federal Regulations** - Commonly referred to as "CFR." The part containing the National Register Criteria is usually referred to as 36 CFR 60, and is available from the National Park Service.

**CLG** - Certified Local Government.

**Culture**- A group of people linked together by shared values, beliefs, and historical associations, together with the group's social institutions and physical objects necessary to the operation of the institution.

**Cultural Resource** - See Historic Resource.

**Evaluation** - Process by which the significance and integrity of a historic property are judged and eligibility for National Register listing is determined.

**Historic Context** - An organizing structure for interpreting history that groups information about historic properties that share a common theme, common geographical area, and a common time period. The development of historic contexts is a foundation for decisions about the planning, identification, evaluation, registration, and treatment of historic properties, based upon comparative historic significance.

**Historic Integrity** - The unimpaired ability of a property to convey its historical significance.

**Historic Property** - See Historic Resource.

**Historic Resource** - Building, site, district, object, or structure evaluated as historically significant.

**Identification** - Process through which information is gathered about historic properties.

**Listing** - The formal entry of a property in the National Register of Historic Places. See also, Registration.

**Nomination** - Official recommendation for listing a property in the National Register of Historic Places.

**Property Type** - A grouping of properties defined by common physical and associative attributes.

**Registration** - Process by which a historic property is documented and nominated or determined eligible for listing in the National Register.

**Research Design** - A statement of proposed identification, documentation, investigation, or other treatment of a historic property that identifies the project's goals, methods and techniques, expected results, and the relationship of the expected results to other proposed activities or treatments.

[\[Previous\]](#) [\[Table of Contents\]](#)

Last Updated *August 29, 1995*



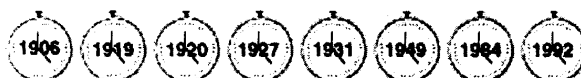
**EXHIBIT E**

## HOLLAND TUNNEL HISTORY

*Collecting tolls in 1929 and today*



To Learn more about The Holland Tunnel,  
Visit these "LINKS IN TIME"...



### HOLLAND TUNNEL: 1906



A joint New York and New Jersey commission is created to investigate the feasibility of building a bridge across the Hudson. The bridge is rejected in favor of a tunnel in 1913 because a bridge high enough to clear harbor shipping required the purchase of a prohibitively costly amount of access land. Moreover, tunnels are felt to be less directly affected by weather.

### HOLLAND TUNNEL: 1919

Clifford Milburn Holland takes office as the Chief Engineer on the Hudson River Vehicular Tunnel project. A thirty-six-year-old father of four from Brooklyn, Holland dies suddenly in 1927, of apparent exhaustion, on the eve of the day workers from the New York and New Jersey sides are to meet in the middle (a process called "holing through"). The tunnel to be named for Holland was the world's first long underwater mechanically ventilated vehicular tunnel.



### HOLLAND TUNNEL: 1920

Construction on the tunnel begins October 12. The biggest challenge is ventilation. There is no precedent for building such a tunnel and ensuring safe ventilation. It is feared that dangerous accumulations of poisonous automobile exhaust fumes will make travel through the tunnel impossible. Holland tunnel engineers design an automatic ventilation system that produces purer air under the Hudson than was to be found above. Fresh air is supplied to the tunnel every 90 seconds. The air is moved by 42 blowing and 42 exhaust fans of 6,000 total horsepower arranged in four ventilation buildings. The solution to the ventilation problem is devised by Ole Singstad, who succeeds Milton H. Freeman as Chief Engineer when Freeman dies five months after taking Holland's place.

### HOLLAND TUNNEL: 1927



*Build a tunnel and they will come.  
New York met New Jersey  
in the Holland Tunnel in 1927,  
and traffic quickly followed.*

The tunnel opens after seven years of construction, during which only thirteen "sandhogs" (as the construction workers were called) die. The greatest danger facing the workers is the bends. Construction is carried out under air pressure, which has to balance river pressure. Workers have to pass through decompression chambers, much as divers do coming up from deep water. None of the worker fatalities are from the bends, however. The toll in 1927 is fifty cents, and the trip takes only eight minutes. The tunnel when it opens is the longest underwater tunnel in the world, with its north tube 8,558 feet long and its south tube 8,371 feet long. On its first day of operation, 51,694 vehicles pass through. The total cost of the tunnel is \$48 million. Today, it would cost approximately \$1.4 billion.

### HOLLAND TUNNEL: 1931

Control and operation of the Holland Tunnel is vested in the Port Authority.

### HOLLAND TUNNEL: 1949

On May 13, a chemical truck loaded with 80 drums of carbon disulfide burns on the New Jersey side of the south tube. The wall surfaces and ceiling slabs are demolished for a distance of 600 feet. Amazingly, no one dies in the explosion and fire, although there are 66 injuries. The fire causes an estimated \$600,000 in damage to the structure—and as a result of this accident, strict standards are established for the transporting of explosives.

### HOLLAND TUNNEL: 1984

Considered an outstanding engineering achievement, the Holland Tunnel was given special status as a National Civil Engineering Landmark by the American Society of Civil Engineers.

### HOLLAND TUNNEL: 1992

A complete renovation of the entire toll plaza and administration building is completed. Through the end of the following year, the Port Authority's investment in the tunnel totals more than \$272.5 million. The tunnel is operated around the clock by a staff of some 300 employees, including operations staff, police, toll collectors, and maintenance workers. Since its completion, an estimated 1.3 billion vehicles has used this landmark

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**EXHIBIT F**

PA HOME   FEEDBACK   SITE MAP   SEARCH   PRESS RELEASES

THE PORT AUTHORITY



# GEORGE WASHINGTON BRIDGE

Instant Link -->

## ABOUT THE BRIDGE

FACTS • HISTORY • STATISTICS

GW Bridge Homepage  
TB&T Homepage

The two-level George Washington Bridge (GWB) crosses the Hudson River between upper Manhattan (West 178th Street) and Fort Lee, New Jersey and forms part of Interstate Highway I-95.

This suspension bridge was designed by Othmar H. Ammann who was the Port Authority's Chief Engineer during that time. Ground was broken for the original six-lane bridge in October 1927. The Port Authority opened the bridge to traffic on October 25, 1931. (The Building of the Bridge: A Gallery of Photographs) In 1946, two additional lanes were provided on the upper level.

The lower level was opened on August 29, 1962. This increased the capacity of the bridge by 75 percent, making the GWB the world's only 14-lane suspension bridge, and it is now one of the world's busiest bridges. Mr. Ammann also served as a consultant on the addition of the lower level. In 1981, the George Washington Bridge was designated a National Historic Civil Engineering Landmark by the American Society of Civil Engineers.

The George Washington Bridge is home to the world's largest free-flying American flag. The flag, which is located under the upper arch of the New Jersey tower, drapes vertically for 90 feet and flies freely, responding to breezes from the Hudson River or Palisades. The flag's stripes are approximately 5 feet wide and the stars measure about 4 feet in diameter. Weather permitting, the flag is flown on the following eight holidays: Martin Luther King, Jr. Day, Presidents Day, Memorial Day, Flag Day, Independence Day, Labor Day, Columbus Day, and Veterans Day.

In New Jersey, the roadways leading to the bridge provide maximum flexibility permitting motorists to use either the upper or lower level. Two four-lane approach and departure roadways connect to the upper level, with connections to and from the lower level via two three-lane tunnels through the Palisades.

The New Jersey approach system provides connections between both levels of the bridge and highways US-1, US-9W, US-46, NJ-4, I-80, I-95 and the Palisades Interstate Parkway.

The twelve-lane Trans-Manhattan Expressway, extending eastward from the bridge to the Harlem River between 178th and 179th Streets, connects both levels of the bridge with Amsterdam Avenue, the Harlem River Drive and the 181st Street Bridge over the Harlem River. The Expressway connects directly with the Alexander Hamilton Bridge, which spans the Harlem River as part of the Cross Bronx Expressway (I-95), and the Major Deegan Expressway (I-87). Both the upper and lower levels connect to the Henry Hudson Parkway and Riverside Drive on the West Side of Manhattan. Sidewalks are available to the general public on both the north and south sides of the bridge. In New Jersey, the sidewalk entrances are located on Hudson Terrace in Fort Lee. In New York, the south sidewalk is located near the corner of 178th Street and Cabrini Boulevard. The north sidewalk is located



World's Largest Free-Flying Flag

near the corner of 179th Street and Cabrini Boulevard.

In 2000, an Intelligent Transportation System (ITS) was implemented at the George Washington Bridge. The system uses automated incident detection information to decrease incident response and removal times. More than 30 state-of-the-art electronic variable message signs provide real-time decision making information directly to motorists on the roadways leading to the bridge. Also included are fully coordinated closed-circuit television cameras, and customer emergency call boxes.

Normally, pedestrians are permitted to use both sidewalks, and bicyclists are permitted to ride their bikes on the south sidewalk. Due to a major repainting of the underside of the upper level, the north sidewalk will be closed until 2001. Bicyclists and pedestrians share the south sidewalk. All sidewalk users are encouraged to exercise extra caution when crossing the south sidewalk. A ramp is available at the entrance and exit to the south sidewalk. General sidewalk guidelines are posted at entrances to the walkways. The sidewalk is open 24-hours-a-day, seven-days-a-week, unless otherwise noted at the sidewalk entrances.

### STATISTICS

|                                       |                  |
|---------------------------------------|------------------|
| Opened to Traffic:                    |                  |
| Upper Level                           | October 25, 1931 |
| Lower Level                           | August 29, 1962  |
| Bus Station opened                    | January 17, 1963 |
| Length of Bridge (between anchorages) | 4,760 feet       |
| Width of bridge                       | 119 feet         |
| Width of roadway                      | 90 feet          |
| Height of tower above water           | 604 feet         |
| Water clearance at mid-span           | 212 feet         |
| Number of Toll Lanes:*                |                  |
| Upper Level                           | 12               |
| Lower Level                           | 12               |
| Palisades Interstate Parkway          | 7                |
| Cost of original structure            | \$59,000,000     |
| PA investment as of 12/31/01          | \$773,718,909    |

### 2001 TRAFFIC VOLUME

|                      |            |
|----------------------|------------|
| TOTAL ANNUAL TRAFFIC | 53,467,000 |
|----------------------|------------|

*\* All toll lanes are equipped to accept E-ZPass as a form of toll payment.*

**EXHIBIT G**

# LINCOLN TUNNEL

## TUNNELS, BRIDGES, & TERMINALS

[New Jersey Access Map](#) | [Tunnel Statistics](#) | [New York Access Map](#) | [Annual Traffic Volumes](#)

The Lincoln Tunnel is the world's only three-tube underwater vehicular tunnel facility. It provides a vital link between midtown Manhattan and central New Jersey, and forms part of New Jersey Route 495.

In New Jersey, this highway connects the tunnel with U.S. Routes 1 and 9, 3 and the New Jersey Turnpike. The Lincoln Tunnel Expressway and Dyer Avenue in Manhattan connect the tunnel and local city streets from West 42nd Street south to West 30th Street.

The tunnel's three tubes provide important flexibility in traffic handling. With the ability to change the six lanes to four lanes in one direction or three lanes in each direction by converting the center tube to a two way operation.

During the weekday morning peak period (between 6:15 am and 10:00 am) the Port Authority operates a 2.5 mile exclusive bus lane (XBL). Utilizing the XBL, commuter buses get a direct route to the tunnel avoiding regular rush hour traffic and significantly reducing travel time.

The XBL is one of the three westbound lanes converted to the eastbound direction when necessary. It runs from the New Jersey Turnpike to the Lincoln Tunnel in one of the normally westbound lanes of New Jersey route 495. This significantly reduces bus commuters' travel time.

Direct ramps connecting the Lincoln Tunnel with the Port Authority Bus Terminal facilitates the handling of commuter buses and reduces traffic congestion on Manhattan streets around the terminal. The ramps provide direct access for automobiles to the three-level roof parking.

- **Essential rehabilitation work currently underway**
- **Special Information about the Exclusive Bus Lanes**



The Lincoln Tunnel New Jersey entrance from the toll plaza. (each tube labeled north, center and south, respectively)

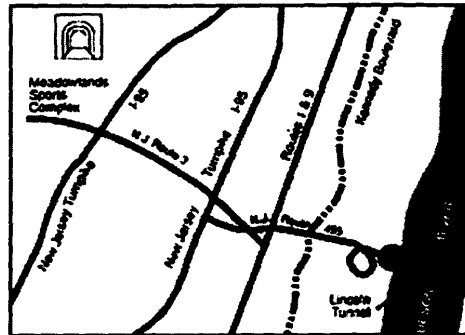
- 
- **Safety Tips for the Lincoln Tunnel**
- **Lincoln Tunnel Toll Plaza Rehabilitation:** Project Status Currently being updated
- **Port Authority Toll Rates for Tunnels and Bridges** essential rehabilitation work currently



**Traffic Advisory** Check this week's lane closings and related construction.  
**Port Authority Toll Rates for Tunnels and Bridges**

## ACCESS INFORMATION

New Jersey access to and from the Lincoln Tunnel



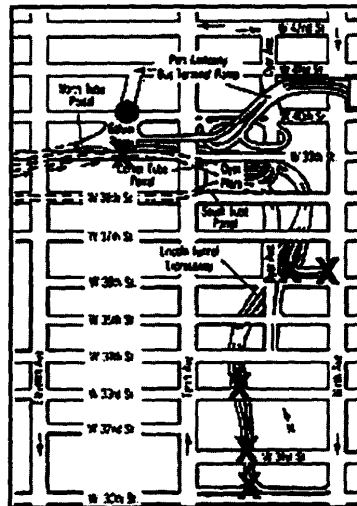
### NJ: PERMANENT RESTRICTIONS

- Kennedy Boulevard: No trucks, local deliveries only
- No trucks in center tube.

New York access to and from the Lincoln Tunnel

### NY: PERMANENT RESTRICTIONS

- Permit required in NYC for 102" trucks.
- No trucks in center tube.



### USAGE RESTRICTIONS IN THE LINCOLN TUNNEL

## VITAL STATISTICS

## LINCOLN TUNNEL

Page 3 of 3

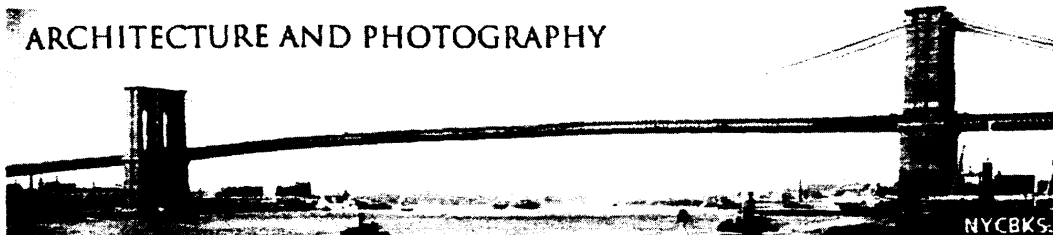
|                                               |                  |
|-----------------------------------------------|------------------|
| Width of each tunnel roadway                  | 21 feet 6 inches |
| Operating headroom                            | 13 feet          |
| External diameter of tunnel                   | 31 feet          |
| Maximum depth from mean high water to roadway | 97 feet          |
| Length of tunnel                              |                  |
| North tube                                    | 7,482 feet       |
| Center tube                                   | 8,216 feet       |
| South tube                                    | 8,006 feet       |
| Opened to traffic                             |                  |
| North tube                                    | Feb. 1, 1945     |
| Center tube                                   | Dec. 22, 1937    |
| South tube                                    | May 25, 1957     |
| Number of Toll Lanes                          | 13               |
| Cost of Original Structure                    | \$75,000,000     |
| PA Investment as of December 31, 2001         | \$630,717,000    |

2001 TRAFFIC VOLUME  
TOTAL ANNUAL TRAFFIC: 20,987,000

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EXHIBIT H

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### Grand Central Station

Railroads, Engineering, and Architecture in New York City  
by Kurt C. Schlichting

April 2001

208 pp., 6 line drawings and 82 halftones

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"Drawing heavily from the papers of William J. Wilgus (chief engineer of the New York Central Railroad and the genius behind plans for the smoke-free electrified rail system) and other primary- source material, the author combines railroading, structural engineering, architecture, and business history in a very readable text... [An] in-depth treatment of design and architecture." -- *Library Journal*

"Grand Central Terminal is the single most important building in New York City - at once a symbol of corporate capitalism, an architectural landmark, and a critical transport hub. Kurt Schlichting's thoroughly researched, well-illustrated book is the best history ever written on this vital subject. Schlichting's achievement lies in explaining Grand Central Terminal's career and in placing its complicated development squarely in the context of New York City's large history." -- Clifton Hood, Hobart and William Smith Colleges, author of *722 Miles: The Building of the Subways and How They Transformed New York*

"A lot has been written about Grand Central Terminal, but this is the first book to take the reader deeply inside the intricacies and agonies that went into creating this remarkable monument. With fascinating insights, Kurt Schlichting explores Grand Central as both an innovative engineering project and a force shaping the life of the city. His book will give New Yorkers -- and everyone else -- a new appreciation of just how visionary a project Grand Central was and what a difficult, complex, and sometimes hair-raising job it was to build." -- Herbert H. Harwood, Jr., author of *Royal Blue Line* and *Impossible Challenge: The Baltimore and Ohio Railroad in Maryland*

Grand Central Terminal, one of New York City's preeminent buildings, stands as a magnificent Beaux-Arts monument to America's Railway Age, and it remains a vital part of city life today. Completed in 1913 after ten years of construction, the terminal became the city's most important transportation hub linking long-distance and commuter trains to New York's network of subways

elevated trains, and streetcars. Its soaring Grand Concourse still offers passengers a majestic gateway to the wonders beyond 42nd Street.

In *Grand Central Terminal*, Kurt C. Schlichting traces the history of this spectacular building, detailing the colorful personalities, bitter conflicts, and Herculean feats of engineering that lie behind its construction. Schlichting begins with Cornelius Vanderbilt--"The Commodore"--whose railroad empire demanded an appropriately palatial passenger terminal in the heart of New York City. Completed in 1871, the first Grand Central was the largest rail facility in the world and yet--cramped and overburdened--soon proved thoroughly inadequate for the needs of this rapidly expanding city. William Wilgus, chief engineer of the New York Central Railroad, conceived of a new Grand Central Terminal, one that would fully meet the needs of the New York Central line. Grand Central became a monument to the creativity and daring of a remarkable age.

The terminal's construction proved to be a massive undertaking. Before construction could begin, more than 3 million cubic yards of rock and earth had to be removed and some 200 buildings demolished. Manhattan's exorbitant real estate prices necessitated a vast, two-story underground train yard, which in turn required a new, smoke-free electrified rail system. The project consumed nearly 30,000 tons of steel, three times more than that in the Eiffel Tower, and two power plants were built. The terminal building alone cost \$43 million in 1913, the equivalent of nearly \$750 million today.

Some of these costs were offset by an ambitious redevelopment project on property above the New York Central's underground tracks. Schlichting writes about the economic and cultural impact of the terminal on midtown Manhattan from building of the Biltmore and Waldorf-Astoria Hotels to the transformation of Park Avenue. Schlichting concludes with an account of the New York Central's decline; the public outcry that prevented Grand Central's new owner, Penn Central, from following through with its 1969 plan to demolish or drastically alter the terminal; the rise of Metro-North Railroad; and the meticulous 1990s restoration project that returned Grand Central Terminal to its original splendor. More than a history of a train station, this book is the story of a city and an age as reflected in a building aptly described as a secular cathedral.

#### Table of Contents

- Chapter 1 The Commodore's Grand Central
- Chapter 2 The Engineer's Grand Central
- Chapter 3 The Architect's Grand Central
- Chapter 4 New York's Grand Central