

EASTERN RAIL YARD RFP

**REQUEST FOR PROPOSALS
For Development At
Eastern Rail Yard Section
of The Long Island Rail Road's
West Side Yard**

**ADDENDUM NO. 5
August 31, 2007**

This is Addendum No. 5 to the Eastern Rail Yard RFP (“ERY RFP”), dated July 13, 2007. All capitalized terms not otherwise defined in this Addendum No. 5 shall have the meanings ascribed thereto in the ERY RFP and any addenda thereto.

Clarification of Previous Question

23. Q: Can a survey (grades and utilities) of the ERY be released?

A: MTA will make a survey of the ERY available in CD-ROM format to the Registered Proposer’s Security Officer identified in the Registered Proposer’s Registration and Confidentiality Agreement upon receipt from that person of the Survey Request Form attached as Addendum 5 – Exhibit 1 hereto. By accepting the CD-ROM, each Registered Proposer acknowledges and agrees that the MTA did not prepare the survey and does not make any representations or warranties as to the completeness or accuracy of the survey. The CD-ROM will be released only to the designated Security Officer in person at the offices of the MTA.

Additional Questions

The following additional questions that have been submitted are answered below. MTA anticipates that further additional questions that have been submitted will be answered in subsequent addenda.

31. [RESERVED]

32. [RESERVED]

33. [RESERVED]

34. [RESERVED]

35. [RESERVED]

36. [RESERVED]

37. [RESERVED]

38. Q: Please describe the City's plan for the re-profiling of 33rd Street. What are the elevations at specific mid-block points? Is there any change in road profile/elevation planned for the NYC DOT 11th Avenue Viaduct project? Will the sidewalk widening be included in this project? Will the designated developer have the opportunity to modify the project plans to ensure consistency with the developer's platform plans?

A: DOT, DDC and HYDC have begun the design process for re-profiling West 33rd Street between 10th and 11th Avenues. URS is the consultant working on this effort. The elevations for the re-profiling of the section of 33rd Street between 10th and 11th Avenues will be in accordance with the legal grades indicated in the map of Hudson Yard Park and Boulevard Plan, dated November 3, 2006 (copy attached as Addendum 5 – *Exhibit 3*). The elevations for the re-profiling of the section of 33rd Street between 11th and 12th Avenues are currently being designed by DOT and are not yet available.

DOT is not planning to change the profile or elevations of the 11th Avenue Viaduct.

Sidewalk widenings as required by the Hudson Yards zoning will be the Designated Developer's responsibility.

The Designated Developer will be given an opportunity to comment on the re-profiling plans, but the City will not be obligated to accept the Designated Developer's comments.

39. Q: What is the DOT schedule for work on 33rd Street?

A: It is anticipated that the design will be completed in Fall/Winter 2007, construction documents will be bid in Spring 2008, and construction will commence in Summer 2008. For additional information, see ERY RFP *Exhibit O – "Description of ERY Site Preparation Work – Northeast Corner Development Site."*

40. Q: In regards to the 33rd Street/10th Avenue retaining walls, is the City or developer responsible for inspection/maintenance?

A: Developer.

41. Q: Exhibit D-1 requires that entrance to 10th Ave to remain in "all development schemes." How many points of egress must be maintained?

A: LIRR does not require that the current entrance to 10th Avenue be maintained, but that "equivalent access" to the WSY facilities be provided, all as approved by LIRR. See ERY RFP *Exhibit D-1 – "Long Island Rail Road West Side Yard Engineering Criteria, Section 13 – Site Access, Security and Threat, Vulnerability & Risk Assessment."*

42. Q: Can the main yard access road be relocated from 10th Avenue, but have roadway access maintained?

A: See ERY RFP *Exhibit D-1 – "Long Island Rail Road West Side Yard Engineering Criteria"*, Sections 10.5 and 13.3.

43. Q: Can the low-bay and high-bay be split up or must they remain adjacent to each other? Clarification: This question is intended to reference the Maintenance of Equipment Shop (MOE), as per Exhibit D-1, Section 1.3.3, and more specifically whether or not the administrative area, inspection area (or "low-bay") and repair area (or "high bay") need to be adjacent or attached to each other or whether they can be separated to different locations within the yards. There is also a storage and material handling location on the eastside of these shops, can that be located elsewhere? This is all understanding that the continued use and relative efficiencies of the LIRR operations should be maintained or possibly improved.

A: The areas must be adjacent or attached to one another. Any relocation of a facility requires LIRR approval. Material storage and handling must be located adjacent to the specific operation of the MOE building.

44. Q: Exhibit D-2 WSY Engineering Criteria, Section 3.4 Existing WSY Utilities, Para 3.4.3 Drainage, says “However, drainage areas north east of the North Access Tunnel, all flow into the wet well of the T/SS building...with several pumps.” Will these drainage facilities interfere with relocation at ERY of Control Tower & Substations in Northeast Development Site? If so, in Exhibit O, it may be appropriate to add under “For Control Tower”, 1st Quarter 2009, “Relocation of drainage facilities that drain areas north east of the North Access Tunnel- wet well, pumps and other piping, electrical power and controls, to some other location designated by LIRR.” Also ERY, Exhibit L, ERY Northeast Corner, second paragraph description, possibly needs to add description of “drainage facilities - wet well and pumps, to be relocated.”

A: At this time it is anticipated that the wet well and pumps in the NE corner of the WSY will remain in place. These pumps provide normal drainage for the area and also have the capacity to provide emergency pumping for the throat portion into Penn Station.

45. Q: Exhibit D-2 WSY Engineering Criteria LIRR Design Loads, Para 6.2.1. WSY was designed for an E-80 loading condition. Sub-para 6.4.1 seems to indicate “that all track related facilities in MOE Shop, such as stilt tracks, pit tracks, wheel truer, etc, must be to E-80 loading.” Can loading requirements be relaxed to meet the current vehicle weights and design requirements? Other MTA facilities have recognized more “modern” design requirements for track structural loading.

A: No, the standards set forth in the RFP apply.

46. Q: In regards to the dozen or so storage sheds in use under the 12th Avenue High Line: Must program space be provided in the new plan?

A: Program space for these items is identified in WRY RFP *Exhibit L –“LIRR Access, Space and Amenity Requirements for the WRY.”*

47. Q: In Exhibit L for the ERY, the MTA requests 20,000 SF of construction lay down area. (a) Please provide greater detail. (b) Will vehicles/trucks be able to pass through this area?

A: Program space for these items is identified in ERY RFP *Exhibit L –“LIRR Access, Space and Amenity Requirements for the ERY.* This area will be for the exclusive use of LIRR and LIRR vehicles that will be operating in the space to deliver materials to and through the WSY. Developers should assume that vehicles associated with private development at the ERY will not be able to pass through this area.

48. Q: ERY Exhibit L requires that the Developer provide 20,000 square feet of LIRR Construction Laydown Area, something that is not currently provided at the WSY. What type of materials will be stored here and what will be the LIRR facilities to which the construction materials stored at this location will be destined, other than WSY?

A: This area is required to address LIRR needs for laydown space for non-hazardous materials and work within the WSY. Separate facilities are provided for industrial materials. See ERY RFP *Exhibit D-1 –“Long Island Rail Road West Side Yard Engineering Criteria”*, Section 10.9.

49. Q: Are there any criteria for adjacencies if the buildings remain on site and can all the support buildings be Butler Type (metal) same as existing?

A: See *Exhibit D-1 –“Long Island Rail Road West Side Yard Engineering Criteria”*, Section 10.5.

50. Q: Exhibit D-1 – Section 16.5 HVAC Equipment for Buildings and Facilities – for the purposes of satisfying Section 16.5, will the yard ventilation system being provided under Section 16.3 be considered adequate for sustaining air quality and specified ambient temperature in any relocated equipment servicing facilities, or is a separate system needed? Do the ambient temperature requirements stated in 16.3.4 Design Assumptions for Ventilation, pertain to relocated shop facilities?

A: The ventilation system for the large yard space is a separate system from the ones in the buildings and shops. All buildings within the yard complex should have their own HVAC systems meeting the NYS criteria for interior space.

51. Q: What have been the historical costs to refurbish the High Line and what is the current condition of the High Line on the WSY?

A: Registered Proposers should request a copy of a CD-ROM containing such information via fax to (212) 878-1055, together with a signed request and release form, attached hereto as Addendum 5 – *Exhibit 2*. Proposers will be notified via email to make arrangements to pick up the CD-ROM from MTA offices at 347 Madison Avenue with the understanding and acknowledgement that the MTA did not prepare the contents of the CD-ROM and does not make any representations or warranties as to the completeness or accuracy of the contents contained therein.

52. Q: What is the exact size/location of DEP water tunnel?

A: The tunnel is approximately 600 feet below ground. The access shaft for the tunnel will be located in the area of the urban plaza area required by the ERY zoning. All matters affecting the water tunnel, including shaft access, must be coordinated with City DEP.

53. Q: Please describe the access that is required for the water tunnel access shaft in the southeast corner of the ERY.

A: No overbuilds will be permitted above the permanent easement area for the DEP water tunnel access shaft. Developer will be required to coordinate with DEP on water tunnel access requirements.

54. Q: Several mentions are made to the DEP vacating and surrendering its premises in the ERY but, per Section B, para 5 of the MOU, “in no event shall DEP be required to vacate ... prior to December 31, 2009.” Please clarify what premises DEP intends to occupy and, depending on location, if this date can be advanced.

A: DEP will continue to occupy the entire area that it currently occupies at the ERY until it vacates the ERY (i.e. there is no expectation that DEP will make a portion of the area they occupy available prior to their leaving the site completely). While DEP is using its best efforts to complete its work at the ERY prior to December 31, 2009, no assurance can be made that DEP will vacate or reduce its use of the ERY any earlier than such date.

55. Q: Are there diesel engine trains operating out of the Yard?

A: Yes, diesel equipment operates in the WSY. The amount of diesel equipment in the WSY varies from day to day depending upon operational needs.

56. Q: Who owns the water tower tanks?

A: LIRR owns the water tank.

57. Q: In regards to the water tower observed at south track edge, under 11th Avenue, what is the fire protection requirement/LIRR phasing issue? Is the water tower an active source of

LIRR fire protection? If yes, must it remain “as is” throughout construction, or will the LIRR entertain alternate fire protection measures such as fire pumps.

A: The water tower is an active source of LIRR fire protection. Fire protection measures acceptable to LIRR must be retained during all relocation and construction work in the WSY.

58. Q: The West Side Yard Engineering Criteria “Exhibit D1” section 14.3 states “structure located on column lines between tracks must provide for passageways with clear openings of at least 3 feet in width and 8 feet in height every 50 linear feet.” Section 14.4.1 states: “the resulting support structure should maintain 10 foot horizontal foot by 10 vertical foot between adjacent tracks every 100 linear foot.” Exhibit D-2 WRY “Special Site Considerations” 11th bullet states: “In column line height clearance from top of walkway to bottom of longitudinal supporting members must be a minimum of 10 feet. Openings/cross passageways along a column wall must be a minimum every 10 feet.” The openings/cross passages shall be a minimum 4.5 feet wide and 10 feet tall. Please clarify which of these criteria governs.

A: In column zones, height clearance from top of grade to bottom of longitudinal supporting member must be at a minimum 10 feet. Openings/cross passageways along a column wall line must be at a minimum every 10 feet with opening of 4.5 feet wide. At every 100 foot interval, the opening will be 10 feet wide. A final layout shall be submitted to LIRR/MTA for approval. All existing non-column walkways between tracks must be kept completely open and obstruction free. All bisecting roadways/pathways must be maintained. Clearance for a 15 feet tall, 9 feet-6 inches wide and 45 feet long vehicle with a 40 feet turning radius must be kept for 30 tracks for high rail access.

59. Q: In ERY Exhibit D-2, it states that all “existing walkways between tracks must be kept completely open and obstruction free.” This statement appears to be in conflict with designs that will require the placement of columns on some walkways between some of the tracks. Is this prohibition of placement of columns at these locations the MTA’s intent?

A: Location of columns within walkways and between tracks must be coordinated so that the LIRR’s ability to access the tracks and inspect and service the equipment must be maintained.

60. Q: In ERY Exhibit D-2, section Platform Construction Issues: Track Outages, what is length of “extended periods of time” for “Multi-Track Outage” that will be permitted?

A: “Extended periods of time” refers to approved and scheduled track outages that permit a contractor to have a track(s) out of service for certain established periods of time. Those periods are determined through operational needs and coordinating with other activities within the yard and the railroad’s operations.

61. Q: What labor laws apply at the Yard?

A: LIRR operations, including labor matters, are generally governed by Federal Railroad Administration rules and regulations. LIRR has both represented and non-represented employees assigned and working in the WSY. Each represented craft or union has specific contractual requirements that are negotiated through a collective bargaining procedure that affects operations. Third party contractors working in the WSY are expected to perform in accordance with Federal and State law governing their crafts, as applicable.

62. Q: Why is the Yard electrified at all times during the day?

A: The Yard is electrified throughout the day because LIRR operates there 24/7. Yard tracks are energized because the daily operations require train inspections, train servicing, equipment moves, short turn-around times and the need to meet the daily operational schedule. Train equipment when idling does go into layover mode which reduces electric usage.

63. Q: If the MTA selects different developers for the ERY and WRY, how does the MTA plan to coordinate and prioritize requests for track outages between the two developers?

A: The MTA will work with the two developers to develop a track outage plan that is fair to both developers and maximizes the efficiency and cost-effectiveness of track outages consistent with the developers' short-term and long-term plans without impacting LIRR's operations. MTA will determine and control the final track outage process and schedule. A process for track outages is generally outlined in *Exhibit D-1 – Long Island Rail Road West Side Yard Engineering Criteria*, *ERY RFP Exhibit D-2 – “ERY Special Site Considerations”* and *WRY RFP Exhibit D-2 – “WRY Special Site Considerations.”*

64. Q: What type, if any, of multiple track and power outages can be offered on the shop leads, and for what durations?

A: Track outages impacting the six Maintenance of Equipment Shop tracks and WSY tracks 0, 1 and 2 will be permitted only during the hours of 8 a.m. and 4 p.m. on Sundays and will require full track restoration and accessibility at the end of each Sunday outage. Construction work in this track area may be accomplished using fouling orders if agreed with and programmed by the LIRR.

65. Q: Please provide a description of works rules and time window for operations conducted under "fouling orders" relative to work impacting the MOE building (ERY Exhibit D-2, Platform Construction Issues; Track Outages, bullet point 7).

A: See generally *ERY RFP Exhibit D-1 – “Long Island Rail Road West Side Yard Engineering Criteria”*, and *ERY RFP Exhibit D-2 – “ERY Special Site Considerations”* for work rules. Windows are dependent upon construction means and methods, requesting period and coordination with other day's activities.

66. Q: Can foul shots be taken on the shop leads during the week and weekend?

A: See generally *ERY RFP Exhibit D-2 – “ERY Special Site Considerations”*, including specifically the section therein entitled “Platform Construction Issues; Track Outages”.

67. Q: During multiple (4) track outages, can foul shots be taken on the adjacent track(s)?

A: See generally *ERY RFP Exhibit D-2 – “ERY Special Site Considerations”*, including specifically the section therein entitled “Platform Construction Issues; Track Outages” and *WRY RFP Exhibit D-2 – “WRY Special Site Considerations”*, including specifically the section therein entitled “Platform Construction Issues; Track Outages.”

68. Q: Please describe what outages or time windows under fouling orders will be available for steel erection spanning multiple tracks both east and west of the main switch arrays (applicable to both ERY and WRY).

A: See generally *ERY RFP Exhibit D-2 – “ERY Special Site Considerations”*, including specifically the section therein entitled “Platform Construction Issues; Track Outages,” for information relating to outages and *WRY RFP Exhibit D-2 – “WRY Special Site Considerations”*, including specifically the section therein entitled “Platform Construction Issues; Track Outages.”

69. Q: Is it possible to have a portion of the throat taken out of service for an extended outage of more than 24hrs?

A: See generally *ERY RFP Exhibit D-2 – “ERY Special Site Considerations”*, including specifically the section therein entitled “Platform Construction Issues; Track Outages.”

70. Q: How many rail vehicles can occupy each storage track of the yard?

A: The number of vehicles is dependent on the size of the vehicles and the size of the track. Many of the tracks have different lengths. In addition, each track has a different fouling limit – the point you can take a train to without interfering with another train.

71. Q: How is the third rail power sectionalized?

A: The third rail can be sectionalized through three options – breaker, switch box and backing off cable. The sectionalization will depend upon the track outage requirements.

72. Q: With reference to high rail vehicles, what are the necessary clearances for the third rail?

A: See *Exhibit D-1 – “Long Island Rail Road West Side Yard Engineering Criteria”*, Section 3.

73. Q: Does the bridge currently spanning the throat get removed as part of the Control Tower relocation?

A: See *Exhibit D-1 – “Long Island Rail Road West Side Yard Engineering Criteria”*, Sections 10.5 and 13.3.

74. Q: Section 16.3.4 - What is the definition of the “seasonal daily temperature” for which the 10 degrees temperature differential is to be based on?

A: The average monthly temperature for the WSY as recorded by the National Weather Service during the previous 10 years.

75. Q: Section 17.5.2 – It is not clear as to whether the reference to the “LIRR Primary Loop” implies that there is a separate and distinct (i.e. distinct from the Con Edison service as referenced in Section 1.3.3 – “Tower/Substation Building”) additional source of AC power to the Yards or is this loop also fed from the Con Edison service. In addition, what is the available spare capacity of the existing Con Edison Service?

A: No there are no separate and distinct additional sources of AC power to the yards. All primary power to the yard is provided by Con Ed.

76. Q: Section 17.5.2 – Is there a one-line electrical diagram that depicts the current configuration of the electrical distribution system that can be provided to the Developer? At a minimum the distribution on the “line side” would be helpful in understanding of the existing configuration.

A: Referenced drawings are now located in the MTA WSY Reading Room.

77. Q: Adjacent to 11th Avenue, the RFP (Exhibit D-2) states that “within 75 feet of 11th Avenue the minimum height clearance is equal to the bottom of the bridge structure at that point.” If that bridge clearance is larger than the stipulated 17.5’ minimum clearance, which clearance shall govern?

A: The actual bridge height clearance will govern the clearance. The average clearance must be 19.5’ and follow *Exhibit D-2* guidelines.

78. Q: Regarding the platform elevation requirement, the dimension available between a point 385’ east of the 11th Avenue property line and the build-to line along the eastern edge of the Outdoor Plaza appears to be too small to permit the “gradual, appropriate connection” to the Through Block Connection recommended. Please clarify intent.

A: The intent is to ensure that there are well-designed connections between the outdoor plaza and the through-block connection. It is acknowledged that this connection may require ramps and/or steps.

79. Q: The zoning-required sidewalk widening along 11th Avenue may be included in the 55% required open space. The design recommendations also suggest a sidewalk widening along 30th Street. Can this also be included in the required open space?

A: Pursuant to Zoning Resolution Section 93-71(a), the sidewalk widening along 11th Avenue may be included in the 55% open space requirement. The sidewalk widening recommended in the Design Recommendations along West 30th Street would not count towards the open space requirement for the site.

80. Q: Does floor area below the +35' level of the platform count towards FAR?

A: With respect to the portions of each site that require a platform to support development, it is anticipated that, in principle, floor area below the platform will not count as zoning floor area.

81. Q: Is the residential tower floor plate limit of 11,000 sf based on ZFA or GFA?

A: The maximum tower floor plate for residential buildings as set forth in the WRY Design Guidelines is 11,000 square feet of zoning floor area.

82. Q: Loading berths and parking entrances: On those frontages where curb cuts are permitted serving development, is more than one loading area permitted, assuming street frontage does not exceed 40' in each case? On West 30th Street, is more than one parking entrance permitted, assuming each does not exceed 30' of street frontage?

A: Multiple loading docks would be permitted within the 40 foot curb cut. More than one parking entrance is permitted along West 30th Street.

83. Q: Re: Park kiosks - Are there controls on program or size?

A: While there are no specific controls on kiosks, proposed kiosks will be evaluated as part of the overall open space plan and program.

84. Q: The Western Rail Yards design guidelines state that tower regulations “begin at 110' west of the midblock connections” and “at 150' east of the midblock connections.” Does this mean that no towers are permitted or that the regulations do not apply within the two zones described?

A: Tower regulations apply above a height of 110 feet in the area west of the midblock connections, and above a height of 150 feet in the area east of the midblock connections.

85. Q: Setbacks above a maximum base are requested for the midblock connections, but no maximum base is specified. Please clarify. On West 30th Street, west of the High Line Easement Curve, a maximum building base is set at 85', but no setback is required above this base. Please clarify. On West 30th Street, setbacks are requested east of the High Line Easement Curve above 85', but building bases are permitted as low as 60'. Please clarify.

A: Maximum base heights east and west of the midblock connections are specified in the Design Guidelines. Where no minimum base heights are specified, no minimum base height is required. On West 30th Street, west of the High Line Easement Curve, setbacks are required above the specified maximum base height only for commercial buildings. On West 30th Street, east of the High Line Easement Curve, setbacks are required above the specified maximum base height.

86. Q: On Exhibit “F,” “Graphic Representation of the ERY Zoning,” it indicates (within a circle) a “No Build Frontage” over that portion of the Highline on 30th Street. Does this mean that portion of the connection to the High Line must remain open to the sky? Can it be bridged over as long as public access from the High Line to the Open Public Space to the north is maintained?

A: Pursuant to the ERY Design Recommendations, the portion of the 30th Street Linear open space located west of the Spur should be open to the sky.

87. Q: We assume the minor change to the ERY parking requirement will take place prior to the rezoning of the ERY. Could you please confirm? Has any environmental work needed for the rezoning commenced?

A: Given that the ERY is not being rezoned, we assume that this question is intended to refer to the timing of the proposed ERY parking requirement text change vis-à-vis the WRY rezoning. The ERY parking requirement text change is unrelated to the rezoning of the WRY. The ERY Parking Text Change could proceed independently of the WRY rezoning, and be approved prior to the WRY rezoning.

According to the Principals MOU, the City and the MTA agree to support, and they acknowledge that the Councilmember has agreed to support, the ERY Parking Text Change as described in the Principals MOU. The Principals MOU further provides that the Department of City Planning (“DCP”) will prepare the ERY Parking Text Change.

DCP will prepare the ERY Parking Text Change as described in the Principals MOU or as may otherwise be agreed by the ERY Designated Developer, the MTA, the City, the Department of City Planning, and the Councilmember. DCP will prepare the appropriate ERY Parking Text Change after the ERY Designated Developer has been selected.

It will be the responsibility of the ERY Designated Developer to perform and pay for any analysis that may be required under the City Environmental Quality Review for the ERY Parking Text Change.

88. Q: Would there be any objection to ERY construction moving ahead before the ERY text amendment is completed?

A: All construction undertaken prior to adoption of any ERY Parking Text Change must be consistent with existing zoning.

89. Q: What is the Elevation of the Future Bridge connection at 10th Avenue? Is this an open or enclosed bridge?

A: The elevation of the future bridge has not been determined. The bridge would have to comply with applicable laws and regulations, including City DOT clearance requirements. The bridge could be enclosed.

90. Q: What is the nature of the future connection to the Hudson River Park: open, closed, platform, bridge?

A: Currently there are no specific requirements for this connection.

91. Q: What is the City’s current estimated completion date (month/year) for Phase 1 of the Mid-Block Boulevard, including the parking garage?

A: It is anticipated that Phase 1 of the Hudson Park and Boulevard System will be completed in 2013 and that the Midblock Garage will open in 2011.

92. Q: If all MTA security requirements are met, is it possible to locate parking and/or loading facilities on the platform above the tracks?

A: The location of parking or loading facilities over or under LIRR facilities is discouraged and any proposal for location of parking or loading facilities over or under LIRR facilities will require the approval of LIRR and will be subject to the results of a Threat Vulnerability and Risk Assessment (“TVRA”).

93. Q: In WRY Exhibit D-2, Off-Site Costs, will the Designated Developer have the opportunity to confirm the Shea Facility estimated cost of \$9.23 million?
A: No. To avoid future disputes as to the scope and implementation of required work at the Shea Facility and to establish consistency as between proposals, MTA has estimated that such cost will be \$9.23 million and will require the WRY Designated Developer to pay to LIRR \$9.23 million irrespective of the actual Shea Facility costs. None of the \$9.23 million will be refunded to the WRY Designated Developer if the Shea Facility costs are less than \$9.23 million and MTA will be responsible for the Shea Facility costs if they are over \$9.23 million
94. Q: Will the Developer have an opportunity to review MTA's cost estimates regarding "Additional LIRR Operating Costs for Enclosed Operations" referenced in ERY Exhibit D-2?
A: No. To avoid future disputes as to the additional LIRR operating costs for enclosed operations and to establish consistency as between proposals, as stated in ERY RFP *Exhibit D-2 – "ERY Special Site Considerations"* under the section therein entitled "Additional LIRR Operating Costs for Enclosed Operations," the neither Designated Developer will be charged for or otherwise responsible for any of the costs described in clauses (a) or (b) therein. Consequently, the Designated Developer will not have an opportunity to review MTA's cost estimates with respect to the costs described in clauses (a) or (b).
95. Q: Do the NYSDOT and NYCDOT Roadway Structural Criteria Code requirements apply to the elevated roads in the WRY?
A: Although the elevated roads in the WRY will not be official City streets, LIRR requires that they meet NYCDOT requirements. The structural support of those roads must meet the criteria established for the platform.
96. Q: Do the design requirements to meet NYCDOT and AASHTO standards apply to the roads on the WRY?
A: Yes, the design requirements must meet NYCDOT and as referenced to AASHTO.
97. Q: Exhibit D1 references the 2003 Building code of NY State. Will permit use of seismic criteria for 2006 code?
A: Use of the most current applicable codes and revisions will be required.
98. Q: How many SF of Hudson Yards Commercial Construction Projects (CCP) have been authorized in UTEP Zone 3 or Zone 3 Adjacent Developments?
A: No projects have applied to the New York City Industrial Development Agency for Hudson Yards UTEP benefits.
99. Q: What is the aggregate square footage of CCPs that have applied for, but not yet received authorization, in UTEP Zone 3 or Zone 3 Adjacent Development?
A: No projects have applied to the New York City Industrial Development Agency for Hudson Yards UTEP benefits.
100. Q: Would it be possible to get a copy of the RFP in Word Format (not PDF)? Please advise.
A: Portions of the RFP that are required to be signed by the Registered Proposers and returned to the MTA, such as certifications and compliance with applicable laws, will not be made available in Word format in order to retain the integrity of the certifications and compliance forms to avoid inadvertent changes or revisions. MTA, upon request to the Designated Point of Contact, will make the body of the RFP (other than certification and compliance materials) available to Registered Proposers for purposes of organizing their responses.

101. Q: Are there any underground tanks anywhere in the Yard?

A: There are no known underground tanks.

102. Q: What additional environmental services has AKRF been engaged for by the MTA?

A: AKRF has been engaged by HYDC, in furtherance of the Railyard Agreement between the MTA and the City, to perform a study to update the baseline environmental conditions in the vicinity of the WRY, including land use, socioeconomic conditions, community facilities and services, open space and recreational resources, traffic and parking, and transit and pedestrians.

ADDENDUM 5 – EXHIBIT 1

SURVEY REQUEST FORM

The undersigned is the person identified by the Registered Proposer referenced below as such Registered Proposer’s Security Officer in the Registration and Confidentiality Agreement executed and delivered by such Registered Proposer. As the Security Officer, I am responsible for implementing and overseeing all procedures for handling Confidential Information (as such term is defined in the Registration and Confidentiality Agreement) relating to the ERY RFP.

I hereby request a copy of the CD-ROM of the additional survey (grades and utilities) of the ERY and WRY. I understand that I must personally pick up a copy of the CD-ROM at the offices of the MTA. I understand and agree that the survey information (i) is security sensitive and confidential, (ii) will be treated as Confidential Information under the Registration and Confidentiality Agreement, (iii) will only be made available to persons who are legally bound to maintain the confidentiality and protect the security of such information, and (iv) was not prepared by the MTA and the MTA is not responsible for the accuracy or completeness of the information contained therein.

Registered Proposer: _____

Security Officer’s Name: _____

Security Officer’s Business Address: _____

Telephone Number: _____ Email: _____

Date: _____

Signature: _____

MAIL OR HAND DELIVER THE
EXECUTED FORM TO:

Metropolitan Transportation Authority
Real Estate Department
347 Madison Avenue, 8th Floor
New York, New York 10017
Attn: Roco Krsulic, Director of Real Estate

ADDENDUM 5 – EXHIBIT 2

HIGH LINE BACKGROUND INFORMATION REQUEST FORM

The undersigned is the person identified by the Registered Proposer referenced below as such Registered Proposer’s Security Officer in the Registration and Confidentiality Agreement executed and delivered by such Registered Proposer. As the Security Officer, I am responsible for implementing and overseeing all procedures for handling Confidential Information (as such term is defined in the Registration and Confidentiality Agreement) relating to the ERY RFP.

I hereby request a copy of the CD-ROM of the High Line Background Information. I understand that I must personally pick up a copy of the CD-ROM at the offices of the MTA. I understand and agree that the High Line Background Information (i) is security sensitive and confidential, (ii) will be treated as Confidential Information under the Registration and Confidentiality Agreement, (iii) will only be made available to persons who are legally bound to maintain the confidentiality and protect the security of such information, and (iv) was not prepared by the MTA and the MTA is not responsible for the accuracy or completeness of the information contained therein.

The original CD-ROM of the additional survey of the ERY and WRY must be returned to the MTA along with the submitted Proposal. If the Registered Proposer does not submit a Proposal, the CD-ROM must be returned by hand by October 11, 2007 (the Proposal Due Date).

Registered Proposer: _____

Security Officer’s Name: _____

Security Officer’s Business Address: _____

Telephone Number: _____ Email: _____

Date: _____

Signature: _____

<p>MAIL OR HAND DELIVER THE EXECUTED FORM TO:</p> <p>Metropolitan Transportation Authority Real Estate Department 347 Madison Avenue, 8th Floor New York, New York 10017 Attn: Roco Krsulic, Director of Real Estate</p>
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ADDENDUM 5 – EXHIBIT 3

WEST 33RD STREET REPROFILING MAP

