



Metropolitan Transportation Authority

September 2025

MTA Board Action Items



MTA Board Meeting

**130 Livingston Street
Brooklyn, NY**

**Tuesday, 9/30/2025
9:00 AM - 12:00 PM ET**

1. PUBLIC COMMENT PERIOD

2. EXECUTIVE SESSION

3. FARE AND TOLL PROPOSAL

4. APPROVAL OF MINUTES

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July 2025 - Joint Minutes of the Metropolitan Transportation Authority1 - Page 8

5. COMMITTEE ON CAPITAL PROGRAM

a. Procurements

C&D Procurements - Page 18

6. COMMITTEE ON METRO-NORTH RAILROAD & LONG ISLAND RAILROAD - No Items

7. COMMITTEE ON NYCT & BUS

September 2025 (NYCT) Board Package - Page 32

8. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS - No Items

9. COMMITTEE ON FINANCE

a. Procurements

MTAHQ Procurement Report - Page 43

10. Real Estate

Real Estate Action Items (1) - Page 47

Joint Minutes of the Special Meeting of the Metropolitan Transportation Authority, the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan Suburban Bus Authority, the Triborough Bridge and Tunnel Authority, the Long Island Rail Road Company, Metro-North Commuter Railroad Company, MTA Construction and Development Company, the MTA Bus Company, Grand Central Madison Operating Company, and the First Mutual Transportation Assurance Company

Monday, August 18, 2025

9:00 a.m.

Adam Clayton Powell Jr. State Office Building

163 West 125th Street

New York, NY 10027

The following Board Members attended in person or by videoconference:

Hon. Janno Lieber, Chair & CEO

Hon. Michael Fleischer

Hon. Daniel Garodnick

Hon. Marc Herbst

Hon. David Jones

Hon. Christopher Leathers

Hon. Blanca Lopez

Hon. David Mack

Hon. Haeda B. Mihaltses

Hon. James O'Donnell

Hon. Dr. John-Ross Rizzo

Hon. Lisa Sorin

The following alternate non-voting member was present:

Hon. Randolph Glucksman

The following Board Members were not present:

Hon. Andrew Albert

Hon. Gerard Bringmann

Hon. Samuel Chu

Hon. Melva M. Miller

Hon. John Samuelsen

Hon. Midori Valdivia

Hon. Edward Valente

Hon. Neal Zuckerman

The following staff members attended in person or by videoconference:

John McCarthy, Chief External Relations & Policy; Jai Patel, Chief Financial Officer; Jamie Torres-Springer, President MTA C&D; Juliette Michaelson, Deputy Chief External Relations; Evan Eisland, General Counsel MTA C&D; Sean Fitzpatrick, Deputy Chief of Staff MTA C&D; David Farber, General Counsel NYCT; Kurt Egger, Vice President, Project Executive, MTA C&D; Saqib Rizwan, Senior Vice President, Program Executive

1. OPENING MEETING

Chair Janno Lieber called the August 18, 2025 Special Board Meeting to order by noting its exclusive purpose – to present and discuss the Design-Build contract for Phase 2 of the Second Avenue Subway Project.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details.

2. PUBLIC SPEAKERS' SESSION

The following public speakers commented:

Assembly Member Jordan Wright, Assembly District 70
Christopher Greif, ADA Accessibility
Diane Collier, Uptown Grand Central
Lisa Daglian, PCAC
Senator Cordell Cleare, Senate District 30

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details.

3. GOVERNOR'S REMARKS

Governor Kathy Hochul emphasized the transformational nature of the Phase 2 contract, noting Harlem residents will finally see delivery of their subway service after nearly a century of delay. She expressed gratitude towards Chair Lieber, Senator Cordell Cleare, and Assembly Member Jordan Wright for their extraordinary efforts. She stated it was one of her top priorities to provide better access and opportunities for the people of Harlem. Noting some of the funding for the Phase 2 project came from Congestion Pricing, she stressed the importance of continuing the highly successful Congestion Pricing Program. She discussed the transformative nature of other infrastructure improvement projects, including the Long Island Railroad third track, Grand Central Madison, and Gateway Tunnel. In closing, she stated she looks forward to the completion of the

Phase 2 project, which will be another hallmark of success for her administration, the MTA, and the community.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details.

4. CHAIR'S UPDATE

Chair Lieber thanked Governor Hochul and noted under her leadership, the MTA has experienced a transformative Golden Age. He expressed gratitude towards the Board members for their support and participation.

Chair Lieber continued to echo Governor Hochul's statement that the people of Harlem have waited long enough. He noted the contract before the Board is the largest tunnelling contract ever awarded by the MTA and the first of its kind to use the Design-Build methodology. He explained this methodology reduces conflict between designers and builders, and will expedite completion.

Chair Lieber emphasized the project is a good investment. He noted it is cost-effective on a per-rider basis and consistent with international benchmarks. He also noted extensive measures have been taken to mitigate problems encountered during Phase 1.

He thanked Jamie Torres-Springer and his team for working around the clock to facilitate the utility relocations. He stated with a \$68 Billion Capital Plan, there is opportunity to create a better system for all who depend on the MTA to live their lives. He also thanked the Biden and Trump administrations for supporting the Phase 2 project, Congressman Espaillat, and Senator Schumer.

Noting improved ridership and service, Chair Lieber stated the MTA has helped to support the Central Business District.

Governor Hochul commended recent improvements in safety and security, including cameras installed on trains. She emphasized July showed the lowest crime rate in recorded history on the subway system.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details.

5. PRESENTATION ON SECOND AVENUE SUBWAY PHASE 2 CONTRACT

Jamie Torres-Springer, President, MTA C&D, presented an overview of the Second Avenue Subway Phase 2 Project.

Torres-Springer outlined the scope of expected work: adapting an existing 1970's tunnel at 116th Street, constructing a new tunnel to 125th Street, and building two stations. He highlighted expected benefits including 110,000 new daily riders, up to 20 minutes in commuting time savings, and major relief to the Lexington Avenue Line.

Kurt Egger, Vice President, Project Executive, MTA C&D, discussed several cost saving innovations being utilized for the project.

Torres-Springer discussed further efficiencies including reducing tunnel crew size by 40%, yielding \$100 Million in labor savings.

Saqib Rizwan, Senior Vice President, Program Executive, discussed innovations including the use of a variable density tunnel boring machine and various labor efficiencies and savings.

Torres-Springer stated the project maintains a 20% local hiring goal, with partnerships to provide internships for East Harlem residents. He stated revenue service is targeted for 2032, with tunneling beginning in 2027.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details.

6. SECOND AVENUE SUBWAY PHASE 2 PROCUREMENT

Evan Eisland, Executive Vice President, General Counsel & Secretary, presented the procurements. He stated there were two items in furtherance of the Phase 2 Second Avenue Subway Project.

He stated the first item is a new Design-Build contract to Connect Plus Partners, a joint venture consisting of Halmar International LLC and FCC Construction, in the amount of \$1,971,968,227. He stated this contract, which is referred to as Contract 2 of Phase 2, provides for the construction of two bored tunnels and associated cross passages, rehabilitation of existing tunnels, the excavation and construction of seven shafts for the future ancillary buildings and station entrances, and the construction of the structural shells for the 116th and 125th Street stations.

He stated the second item is for the selection of Alliant Insurance Services as the broker for the placement of an owner-controlled insurance program ("OCIP") for the Second Avenue Subway Phase 2 Program, and to authorize and not to exceed a budget of \$105,000,000 for the insurance program for Contract 2. He stated

the program will provide general liability and excess liability coverage, workers' compensation coverage, and builders' risk coverage.

Evan Eisland, Executive Vice President and General Counsel, C&D, presented 2 procurement actions to the Board and upon motion duly made and seconded, the Board approved the following:

1. Award of a publicly advertised and competitively solicited contract with Connect Plus Partners (Contract C26202) for Design-Build services for the tunneling and structural shells for Phase 2 of the Second Avenue Subway program; and,
2. Award of a contract with Alliant Insurance Services, Inc. (Contract 15625-0100) for the placement of an Owner Controlled Insurance Program for Phase 2 of the Second Avenue Subway.

Refer to the staff summary and documentation filed with the records of this meeting for the details of these items, and refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for Board members' and C&D representatives' comments.

7. ADJOURNMENT

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:15am.

Paige Graves
General Counsel and
Corporate Secretary MTA

Eamonn Foley
General Counsel and Corporate Secretary
Metro-North Commuter Railroad Company

David Farber
General Counsel and
Corporate Secretary
NYCT and MTA Bus

Haley Stein
Vice President,
General Counsel and Corporate Secretary
Long Island Rail Road Company

Paul L. Friman
General Counsel
and Corporate Secretary
Triborough Bridge & Tunnel Authority

Evan Eisland
General Counsel and Corporate Secretary
MTA C&D

Joint Minutes of the Metropolitan Transportation Authority, the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan Suburban Bus Authority, the Triborough Bridge and Tunnel Authority, the Long Island Rail Road Company, Metro-North Commuter Railroad Company, MTA Construction and Development Company, the MTA Bus Company, Grand Central Madison Operating Company, and the First Mutual Transportation Assurance Company

Regular Board Meeting Minutes

July 30, 2025

9:00 a.m.

2 Broadway

New York, NY

The following Board Members were present (*attended remotely):

Hon. Janno Lieber, Chair & CEO

Hon. Andrew Albert

Hon. Samuel Chu

Hon. Daniel Garodnick

Hon. David Jones

Hon. Christopher Leathers

Hon. David Mack

Hon. Melva M. Miller

Hon. James O'Donnell

Hon. John Samuelsen

Hon. Edward Valente

Hon. Neal Zuckerman

The following alternate non-voting members were present:

Hon. Gerard Bringmann

Hon. Randolph Glucksman

The following Board Members were not present:

Hon. Marc Herbst

Hon. Michael Fleischer

Hon. Dr. John-Ross Rizzo

Hon. Blanca Lopez

Hon. Haeda B. Mihaltses

Hon. Lisa Sorin

Hon. Midori Valdivia

Paige Graves, General Counsel, Laura Wiles, Chief of Staff, John McCarthy, Chief External Relations & Policy, Lisette Camilo, Chief Administrative Officer, Kevin Willens, Co- Chief Financial Officer, Jai Patel, Co-Chief Financial Officer, Carl Hamann, Acting Chief Safety Officer, Justin Vonashek, President Metro-North Railroad, Rob Free, President LIRR, Jamie Torres-Springer, President MTA C&D, Michael Kemper, Chief Security Officer, Shanifah Rieara, Senior Advisor for Communications and Policy/Chief Customer Officer, Juliette Michaelson, Deputy Chief External Relations, Catherine Sheridan, President Bridges & Tunnels, Demetrius Crichlow, President New York City Transit, Monica Murray, Auditor General, Anita L Miller, Chief Labor Relations and Quemuel Arroyo, Chief Accessibility Officer.

Chair Lieber called to order the July 2025 Board meeting.

A safety announcement was made.

1. PUBLIC SPEAKERS' SESSION

The MTA Moderator announced that the following public speakers will speak either live virtually or in-person. The MTA Moderator reminded public speakers of the rules of conduct and the two-minute speaking limit. The Moderator reminded speakers of the warning beep when 30 second remain to conclude their remarks. The moderator advised that the public comment will be recorded, published to the MTA website, and available for MTA Board Members' review.

The following public speakers commented (*live virtual comments):

John Chiarello, TWU Local 100
Debra Greif, BFSSAC
Greta Baier, Elevator Action Group
David Kupferberg, Passengers United
Mo Yain Tham, Jobs to Move America
Julia Mccarthy, New York Health Foundation
Charles Wilson, TWU Local 100
Lisa Daglian, PCAC
Christopher Greif, ADA Accessibility
Omar Vera, private citizen
Robert Rotolo, Local 28
Patrick Condren, Bus4NYC
Christian Joseph, private citizen
Victor Dias Rodrigues, private citizen
Emily Louise Allen, TWU Local 100
Joseph Morales, private citizen

Gian Carlo Pedulla, private citizen
Iris Kelly, Disabled In Action
Michael Ring, Disabled In Action
Jean Ryan, Disabled in Action
Jason Anthony, LIRR ADA Task Force
Anna Humphrey, Center for Independence of the Disabled NY
Oliver Meyer, private citizen
Philippe Pierre, Mistral
Nikki Leder, private citizen
Eric Romann, Mistral
Jeffrey Mui, Joint Transit Association
Edward Zeng, Joint Transit Association
Scott Qi, private citizen
Adrienne Abbate, Partnerships for Community Wellness
Matthew McMillan, TWU Local 100/Jobs to Move America
Anthony Fotiadis, SMART Local Union 137
Shaun O’Conner, International Association of Machinists District 19*
Kim Kessler, NYC Department of Health and Mental Hygiene
Jessica Murray, Elevator action Group*
Norbert Giesse, Cures*
Charlton D’Souza, Passengers United*
Miriam Fisher, Auto Free NY*
Naomi Hersson Ringskog, The Fullerton*
Carson Carter, Save the Newburg Beacon Ferry*
Mark Sanchez Potter, private citizen*
Jl Ji Johnson, private citizen*

Chair Lieber thanked everyone who joined the meeting today, especially the public speakers. Chair Lieber called on Chief Security Officer Michael Kemper and President Demetrius Crichlow for opening remarks.

2. CHIEF KEMPER REMARKS

Chief Security Officer Michael Kemper provided remarks regarding recent tragic event in New York City and offered condolences to the victims. Chief Kemper recognized the efforts of the MTAPD in their response to the incident. He further reminded the Board and the public of the MTA PD relationship with NYPD, training and security efforts in the system.

For details of Chief Kemper's remarks refer to the video recording produced and maintained in MTA records.

3. NEW YORK CITY TRANSIT PRESIDENT REMARKS

NYCT President Crichlow provided an update to the Board regarding the July 29 outage in the subway system. President Crichlow explained the circumstances of outages at the West 4th Street Station which impacted the signals in the area. President Crichlow outlined the preliminary investigation and the immediate repair work underway. President Crichlow also provided information related to issues raised in the public comment session regarding late payments of employee wages.

For details of President Crichlow's remarks refer to the video recording produced and maintained in MTA records.

4. MEETING PAUSE

Chair Lieber announced the Board would take a ten-minute recess to address quorum.

5. CHAIR'S REMARKS

Chair Lieber began by saying things never slow down at the MTA. One of the items we are very focused on is the July Financial Plan which is the update we do each year to the budget that makes it possible for the MTA to move six million people a day. The Chair noted a lot has happened since the last meeting. There were incredible ridership records. LIRR had its best post-COVID day last Tuesday and broke the record the very next day on Wednesday July 23 with almost 300,000 passengers. NYCT had three days with 4 million passengers on the subway. All of these records happened in the same week that the City was pounded by heavy rainfall. The Chair stated that it is clear the City of New York needs to expand its wastewater and storm sewer management infrastructure to deal with the consequences of climate change. The Chair stated it is time to build the sewer capacity, so New York is not overwhelmed by rainwater. Another contributing factor the City needs to deal with is related to the Department of Transportation. When the Department of Transportation paves streets and is piling on asphalt, the curb height gets reduced to an inch or two, and that is what allows all that water to get on the sidewalk. Once the water is on the sidewalk, it goes down stairways into the subway system and through the vents that are all along, for example, Seventh Avenue. The Chair stated we need NYC DOT to rethink how they are doing their paving and repaving to make sure that we have enough of a curb to channel all the water into drains and catch basins. Relating to the storms that hit the area, the heroes of that night were the transit workers. Workers who got out and worked the long hours to pump out water and restore full service.

That was also true of the Metro-North workers who helped us to recover from the conditions that were both in the Mott Haven Yard and up the line as well. The storms such as these, what it takes to combat them are a reminder of the dedication that is routinely shown by our workforce, and also a reminder of the work we have to do on resilience.

The Chair stated that a lot is already happening. The Rockaway project, flood gates all over Queens, flood-proofing electrical substations and bus depots, cleaning drains with VakTrak – a special vehicle designed to allow us to keep drains clear. In addition, MTA is upgrading pump rooms. There is more to come in the 2025-29 Capital Plan. Some of the upcoming investments involve rethinking and reconstructing entire swath of our system to help mitigate the risks that climate change has brought. For example, the Hudson Line is going to get \$800 million of upgrades to help manage the water. Some actions are simpler and involves just a step or two added at subway entrances to prevent water flow down the stairway. The MTA is fighting climate change and the impact it has on our system.

Moving to the Interborough Express (IBX), the Chair stated that he is excited that the Board is going to take a vote to approve the full design for the proposed 14-mile light rail line that is going to connect the Brooklyn waterfront at Bay Ridge with Jackson Heights Queens. It will connect 17 subway lines. The Chair gave credit to Governor Hochul for championing the IBX project. In addition, the Chair noted Governor Hochul has been the most impactful governor on transit issues since Nelson Rockefeller, helping to solve the fiscal crisis, supported MTA as it worked through congestion pricing, and is now leading us toward a fully funded \$68 billion capital plan.

The Chair also talked about vertical expansion to support accessibility systemwide. It was announced last week that 12 new stations would be getting ADA upgrades as part of the 2025-2029 Capital Plan. There has been lots of progress from where we began in 2019. By the time the 2025-2029 Capital Plan is complete, 271 or more stations will be accessible stations – meaning more than half the system will accessible.

Chair Lieber stated in addition to focusing on accessibility, the MTA is also focused on affordability. MTA is a huge proponent of the Fair Fares program run by New York City. MTA has been pushing for raising the eligibility threshold and for the City to market the program to people who are eligible, so everyone is getting the benefit that are entitled to. MTA is doing its part by jumping at the opportunity to make it easier for people to sign up. Applicants can now enroll on the spot at any of our 15 Customer Service Centers.

There is more good news – the continuing evidence of success for congestion pricing. From the beginning, congestion pricing reduced travel times for drivers and bus riders. Further, we are mindful of the improvements to pedestrian safety and air quality and the reductions in noise pollution. A newer data point is that truck entries into the Congestion Relief Zone are down in the

first half of the year as delivery firms are switching to smaller vehicles to manage their cost exposure.

In-house job hiring is on the move also. As part of the capital program, we want to fill the new in-house jobs that are made possible by the new 468 billion capital program. We are going to be doing a lot more in-house work on this capital program, and we are looking to bring on hundreds of skilled tradespeople.

General Paige Graves confirmed a quorum for the record. Chair Lieber announced the Board would now hear Committee reports.

6. APPROVAL OF MINUTES

Upon motion duly made and seconded, the Board approved the Joint Minutes of the MTA and MTA Agencies Regular Board meeting held on June 25, 2025 as distributed.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records for details.

7. SAFETY COMMITTEE

Chair Lieber reported there were no items on behalf of the Safety Committee for Board action.

8. TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY COMMITTEE

Upon motion duly made and seconded, the Board approved the following:

1. Competitive procurement contract for HOV/Bus Lane Operations at the Verrazano – Narrows Bridge: Modification (1) extend the contract services and durations one year; (2) increase the allowance fund; and (3) adjust the as-needed scope. Triumph Construction Corp \$3,048,000.

Refer to the video recording, the staff summary, and documentation filed with the records of this meeting, produced by the MTA and maintained in MTA records for the details of this item.

9. JOINT LONG ISLAND RAIL ROAD/METRO-NORTH RAILROAD COMMITTEE

Upon motion duly made and seconded, the Board approved the following:

A. MNR Railroad Action Item

1. Connecticut Department of Transportation Fare Increase

Refer to the video recording, the staff summary, and documentation filed with the records of this meeting, produced by the MTA and maintained in MTA records for the details of this item.

10. NEW YORK CITY TRANSIT COMMITTEE

Upon motion duly made and seconded, the Board approved the following:

1. Ratification of the awards of two modifications awarded under an immediate operating need to Hayden AI Inc, and Seon [USA] Corp for Automated Camera Enforcement. Both awards include options to extend for up to six years beyond their expiration dates. Hayden AI Inc. SEon [USA] Corp.

Refer to the video recording, the staff summary, and documentation filed with the records of this meeting, produced by the MTA and maintained in MTA records for the details of this item.

11. CAPITAL PROGRAM COMMITTEE

Upon a motion duly made and seconded, the Board voted to approve the following three actions for a combined total of \$483 million dollars:

1. Award of a publicly advertised and competitively solicited contract with VNB Construction Company (Contract VN-84B) for Design-Build services to rehabilitate elevated roadways and ramps on the Brooklyn side of the Verrazzano-Narrows Bridge;
2. Award of a modification to a contract with Gramercy PJS, JV (Contract A35305) to add the demolition of the decommissioned Parkchester Avenue Signal Tower; and,
3. Ratification of a modification to a contract with Hitachi Rail GTS USA Inc. (Contract S48013-2) to add the scope of designing, furnishing and supporting the installation of 5G-based Data Communication System equipment on R211 subway cars.

Next, C&D President Jamie Torres-Springer and Project Executive Charles Gans presented the Interboro Express procurement action to the MTA Board and upon a motion duly made and seconded, the Board voted to approve the following:

4. Award of a publicly advertised and competitively solicited contract with Jacobs/HDR JV (Contract CS00037C) for preliminary design services for the Interborough Express Light Rail project.

Refer to the staff summaries and documentation filed with the records of this meeting for the details of these items, and refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for Board members' and C&D representatives' comments.

12. AUDIT COMMITTEE

Upon motion duly made and seconded, the Board voted to approve the following five actions

- a. Management Letter Reports
- b. Single Audit Report
- c. Pension Audits
- d. Review of MTA Inspector General Office; and
- e. 1st Quarter 2025 Consolidated Financial Statements

Refer to the staff summaries and documentation filed with the records of this meeting for the details of these items.

13. COMMITTEE ON FINANCE

Upon motion duly made and seconded, the Board voted to approve the following procurement items:

- A. A. Procurement
 1. Contract award for the implementation and integration of a Project Management Information System ("PMIS") for MTA Construction & Development ("C&D") Enstoa Inc.
 2. Retainer agreements with various attorney and law firms to provide tort litigation services. Various awards. Refer to the staff summaries and documentation filed with the records of this meeting for the details of these items.

B. Real Estate

Upon motion duly made and seconded, the Board voted to approve the following real estate items:

1. Administrative Actions
 - a. Eminent Domain Procedure Law Determination and Findings; acquisition of property interests for the Second Avenue Subway Project.
2. Transactional Actions

- a. MTA MNR – Lease with Rose Companies Holdings, LLC to develop the Beacons Station commuter parking lot.
- b. MTA MNR Acquisition agreement with Palmer Center for New Rochelle Yard Improvements in support of Penn Station Access
- c. MTA LIRR License agreement with Jamaica-Archer Live Poultry and Meat Market Inc. for use and occupancy of a parking lot in Jamaica, NY

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records for the staff summary and details.

14. EXECUTIVE SESSION

The Board voted to enter into Executive Session to discuss labor matters.

15. CHAIR’S REMARKS CONTINUED

The Chair confirmed that while in executive session the Board voted affirmatively on labor agreements between the MTA and various labor organizations. The Chair then continued his July Board update remarks. Chair Lieber states that the main even for today’s meeting is the July Financial Plan. He stated 2025 and 2026 remain in balance. In the out years of the five-year financial plan there are deficits. 2027-2029 are now in deficit due in large part to the growing cost and success of paratransit. We have been making paratransit better and lots more people are riding it which is great except as part of the budget compromises set in Albany this year, they have shifted a lot of cost from the City to the MTA. This is something that will need attention in the coming years. For now, the MTA is in place of financial stability that allows us to serve 6 million people a day.

16. JULY MID-YEAR FINANCIAL PLAN AND BUDGET UPDATE

CFO Jai Patel presented the July Mid-Year Financial Plan and Budget.

For details of Ms. Patel’s remarks and Board Member discussion, refer to the video recording produced and maintained in MTA records.

17. FARE AND TOLL PROPOSAL

Deputy Chief Commerical Ventures Jessica Lazarus described the Fare and Toll proposals and fare payment updates.

For details of Ms. Lazarus’ remarks and Board Member discussion, refer to the video recording produced and maintained in MTA records.

18. ADJOURNMENT

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:39pm

Paige Graves
General Counsel and
Corporate Secretary
MTA

Eamonn Foley
Vice President,
General Counsel and Corporate Secretary
Metro-North Commuter Railroad Company

David Farber
General Counsel and
Corporate Secretary
NYCT and MTA Bus

Haley Stein
Vice President,
General Counsel and Corporate Secretary
Long Island Rail Road Company

Paul L. Friman
General Counsel
and Corporate Secretary
Triborough Bridge & Tunnel Authority

Evan Eisland
General Counsel and Corporate Secretary
MTA C&D

Contracts Department

Evan Eisland, Executive Vice President and General Counsel

PROCUREMENT PACKAGE SEPTEMBER 2025

PROCUREMENTS

The Procurement Agenda this month includes 6 actions for a proposed expenditure of \$ 141M.

Staff Summary

Page 1 of 1

| | | | | | |
|--|---------------------------|-------------|-----------------|-------------|--------------|
| Subject Request Authorization for Several Procurement Actions | | | | | |
| Contracts Department | | | | | |
| Evan Eisland, Executive Vice President and General Counsel | | | | | |
| Board Action | | | | | |
| Order | To | Date | Approval | Info | Other |
| 1 | Capital Program Committee | 09/29/25 | X | | |
| 2 | Board | 09/30/25 | X | | |

| | | | |
|---------------------------------|---|---|--|
| Date: September 25, 2025 | | | |
| Internal Approvals | | | |
| | Approval | | Approval |
| X | Deputy Chief Development Officer, Delivery | X | President |
| X | Deputy Chief Development Officer, Development | X | Executive Vice President & General Counsel |

Purpose

To obtain the approval of the Board to award several procurement actions and to inform the Capital Program Committee of these procurement actions.

Discussion

MTA Construction & Development proposes to award Competitive Procurements in the following categories:

| <u>Schedules Requiring Two-Thirds Vote</u> | <u># of Actions</u> | <u>\$</u> | <u>Amount</u> |
|--|---------------------|-----------|--------------------|
| B. Competitive Requests For Proposals (Solicitation of Purchase and Public Work Contracts) | 1 | \$ | TBD |
| C. Competitive Requests For Proposals (Award of Purchase and Public Work Contracts) | 2 | \$ | 110,514,750 |
| SUBTOTAL | 3 | \$ | 110,514,750 |

MTA Construction & Development proposes to ratify awards in the following category:

| <u>Schedules Requiring Majority Vote</u> | <u># of Actions</u> | <u>\$</u> | <u>Amount</u> |
|--|---------------------|-----------|--------------------|
| K. Ratification of Completed Procurement Actions | 3 | \$ | 30,518,417 |
| SUBTOTAL | 3 | \$ | 30,518,417 |
| TOTAL | 6 | \$ | 141,033,167 |

Budget Impact

The approval of these procurement actions will obligate capital and operating funds in the amounts listed. Funds are available in the capital program and operating budgets for this purpose.

Recommendation

That the procurement actions be approved as proposed. (The items are included in the resolution of approval at the beginning of the Procurement Section.)

MTA Construction & Development

BOARD RESOLUTION

WHEREAS, in accordance with Sections 559, 2879, 1209 and 1265-a of the Public Authorities Law and the All Agency General Contract Procurement Guidelines, the Board authorizes the award of certain non-competitive purchase and public works contracts, and the solicitation and award of request for proposals in regard to purchase and public work contracts; and

WHEREAS, in accordance with the All Agency Service Contract Procurement Guidelines and the All Agency General Contract Procurement Guidelines, the Board authorizes the award of certain non-competitive miscellaneous service and miscellaneous procurement contracts, certain change orders to purchase, public work, and miscellaneous service and miscellaneous procurement contracts; and

WHEREAS, in accordance with Section 2879 of the Public Authorities Law and the All-Agency Guidelines for Procurement of Services, the Board authorizes the award of certain service contracts and certain change orders to service contracts.

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.
2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which authorization to solicit proposals is requested, for the reasons specified therein, the Board declares competitive bidding to be impractical or inappropriate, declares it is in the public interest to solicit competitive request for proposals and authorizes the solicitation of such proposals.
3. As to each request for proposals (for purchase and public work contracts set forth in Schedule C for which a recommendation is made to award the contract), the Board authorizes the execution of said contract.
4. As to each action set forth in Schedule D, the Board declares competitive bidding impractical or inappropriate for the reasons specified therein, and ratifies each action for which ratification is requested.
5. The Board authorizes the execution of each of the following for which Board authorization is required: i) the miscellaneous procurement contracts set forth in Schedule E; ii) the personal service contracts set forth in Schedule F; iii) the miscellaneous service contracts set forth in Schedule G; iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; v) the contract modifications to purchase and public work contracts set forth in Schedule I; vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.
6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.

SEPTEMBER 2025

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

Schedule B. Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)

(Staff Summaries required for all items greater than \$1M.)

| | | | |
|-----------|---|---------------------------|--------------------------------------|
| 1. | To Be Determined Contract No. To Be Determined | \$To Be Determined | <u>Staff Summary Attached</u> |
|-----------|---|---------------------------|--------------------------------------|

MTA Construction and Development requests that the Board adopt a resolution declaring competitive bidding impractical or inappropriate for all MTA Design-Build contracts through the end of 2028 and determine that it is in the public interest to issue Requests for Proposals for such contracts pursuant to New York State Public Authorities Law Section 1265-a(4)(f) and Section 1209(9)(f) and the All-Agency General Contract Procurement Guidelines.

Schedule C. Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)

(Staff Summaries required for all items greater than \$1M.)

| | | | |
|-------------|---|----------------------|--------------------------------------|
| 2-3. | Forte Construction Corp. Contract No. A37811 | \$103,700,000 | <u>Staff Summary Attached</u> |
|-------------|---|----------------------|--------------------------------------|

| | | |
|---|--------------------|--------------------------------------|
| Mid-American Elevator Co., Inc. Contract No. 600000000037020 | \$6,814,750 | <u>Staff Summary Attached</u> |
|---|--------------------|--------------------------------------|

MTA Construction & Development ("C&D") requests Board approval to award a publicly advertised and competitively solicited contract for Design-Build Services for ADA Upgrades – Package 7 to provide American with Disabilities Act upgrades at two New York City Transit stations. Board approval is also requested to award a long-term elevator maintenance contract.

Staff Summary

Schedule B: Request to Use RFP for Procurement of Purchase and Public Works in lieu of Sealed Bids

Page 1 of 2

| | | | | | |
|---|--|--------------|-----------------|-------------|--------------|
| Item Number 1 | | | | | |
| Department, Department Head Name: Contracts, Legislative Services & Compliance, Samuel Schaffner, Senior Vice President | | | | | |
| | | | | | |
| Board Reviews | | | | | |
| Order | To | Date | Approval | Info | Other |
| 1 | Capital Program Committee | 09/29/25 | X | | |
| 2 | Board | 09/30/25 | X | | |
| Internal Approvals | | | | | |
| Order | Approval | Order | Approval | | |
| X | Executive Vice President & General Counsel | X | President | | |
| | | | | | |
| | | | | | |
| | | | | | |

| | |
|---|---|
| SUMMARY INFORMATION | |
| Vendor Name | Contract Number |
| RFP Authorizing Resolution | To Be Determined |
| Description | |
| All-Agency Omnibus Authorizing Resolution to solicit all Design-Build Contracts by RFP through the end of 2028 | |
| Total Amount | |
| To Be Determined | |
| Contract Term (including Options, if any) | |
| To Be Determined | |
| Option(s) included in Total Amount? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Renewal? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Procurement Type | |
| <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive | |
| Solicitation Type | |
| <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: | |
| Funding Source | |
| <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other: | |

ACTION REQUESTED

MTA Construction and Development (“C&D”) requests that the Board adopt a resolution declaring competitive bidding impractical or inappropriate for all MTA Design-Build contracts through the end of 2028 and determine that it is in the public interest to issue Requests for Proposals (“RFPs”) for such contracts pursuant to New York State Public Authorities Law Section 1265-a(4)(f) and Section 1209(9)(f) and the All-Agency General Contract Procurement Guidelines. Board approval of each proposed contract award will continue to be required.

DISCUSSION

Design-Build contracting is a delivery method used extensively by the MTA and, in fact, Public Authorities Law Section 1264(1) requires that all MTA agencies use Design-Build contracting for certain projects absent a specific waiver from the New York State Budget Director. It is impractical and inappropriate to solicit Design-Build contracts by competitive bidding because the competitive bid process does not allow for the MTA to consider, in addition to price, factors such as design and construction approaches, experience of the proposer, and negotiated contract terms. The experience and creativity of the design and construction team are also particularly important factors to consider when selecting a Design-Build contractor. For all of these reasons the competitive RFP process rather than the competitive bid process is the industry norm and best practice for soliciting Design-Build contracts.

Sections 1265-a subdivision 4(f) and 1209 subdivision 9(f) of the Public Authorities Law, however, require MTA to obtain authorization from the Board to solicit purchase and public work contracts by RFP rather than by sealed bids. Because MTA makes extensive use of the Design-Build delivery method and because the RFP process is the best practice for Design-Build projects, it would be inefficient to seek an authorizing resolution from the Board prior to soliciting each individual Design-Build contract. Therefore, MTA C&D is requesting that the Board provide an omnibus authorization to solicit all Design-Build contracts by competitive RFP rather than by sealed bids through the end of 2028. By eliminating the need for

the Board to approve individual authorizing resolutions for individual Design-Build projects, this omnibus resolution will expedite award of Design-Build contracts. All proposed contract awards resulting from these competitive RFPs will continue to be submitted to the Board for approval prior to award.

The October 2022 Board approved a previous Omnibus Authorizing Resolution allowing MTA agencies to use the RFP method to solicit Design-Build contracts through the end of 2025. This request will allow C&D to use the RFP method to solicit Design-Build contracts through the end of 2028.

In accordance with MTA policy regarding the use of Design-Build contracts, it is MTA's intent generally to pay stipends to Design-Build RFP proposers that are not selected yet provide proposals that are responsive to the RFP requirements. This will be done to enhance competition by defraying proposal costs.

IMPACT ON FUNDING

There is no impact on funding. This action only changes the method by which contracts for the required work are solicited.

ALTERNATIVES

Request Board approval to use the competitive RFP process instead of sealed bids with individual authorizing resolutions for each Design-Build contract. This is not recommended because the Design-Build method is used extensively, it is not a best practice to solicit Design-Build projects by sealed bids and it would be inefficient to obtain Board authorization to use a competitive RFP via individual authorizing resolutions for each Design-Build contract.

Staff Summary

Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Works Contracts)

Page 1 of 3

| | | | | | |
|--|---------------------------|--------------|--|-------------|--------------|
| Item Number 2-3 | | | | | |
| Department, Department Head Name: Delivery, William Montanile, Senior Vice President, Stations | | | | | |
| | | | | | |
| Board Reviews | | | | | |
| Order | To | Date | Approval | Info | Other |
| 1 | Capital Program Committee | 09/29/25 | X | | |
| 2 | Board | 09/30/25 | X | | |
| | | | | | |
| Internal Approvals | | | | | |
| Order | Approval | Order | Approval | | |
| X | Deputy Chief, Development | X | Executive Vice President & General Counsel | | |
| X | Deputy Chief, Delivery | X | President | | |
| | | | | | |
| | | | | | |

| | |
|---|--|
| SUMMARY INFORMATION | |
| Vendor Name | Contract Number |
| 1. Forte Construction Corp. 2. Mid-American Elevator Co., Inc. | A37811 600000000037020 |
| Description | |
| Design-Build Services for ADA Upgrades – Package 7 | |
| Total Amount | |
| 1. Design Build Contract \$103,700,000 2. Long Term Elevator Maintenance Contract \$6,814,750 3. Stipend \$375,000 | |
| Contract Term (including Options, if any) | |
| 1. A37811 1,000 Calendar Days 2. Maintenance Contract 15 years | |
| Option(s) included in Total Amount? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A |
| Renewal? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Procurement Type | |
| <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive | |
| Solicitation Type | |
| <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: | |
| Funding Source | |
| <input checked="" type="checkbox"/> Operating** <input checked="" type="checkbox"/> Capital* <input checked="" type="checkbox"/> Federal* <input type="checkbox"/> Other: | |

*Design-Build Contract

**Maintenance Contract

ACTION REQUESTED

MTA Construction & Development (“C&D”) requests Board approval to award to Forte Construction Corp. (“Forte”), a publicly advertised and competitively solicited contract for Design-Build Services for ADA Upgrades – Package 7 (the “Contract”) to provide American with Disabilities Act (“ADA”) upgrades at two New York City Transit (“NYCT”) stations. The Contract is in the amount of \$103,700,000 and for a duration of 1,000 Calendar Days. Board approval is also requested to award a long-term elevator maintenance contract to Mid-American Elevator Co., Inc. (“Mid-American”) in the amount of \$6,814,750 and for a duration of 15 years. In accordance with MTA policy regarding the use of Design-Build contracts, and to enhance competition and defray proposal costs, this solicitation includes a stipend of \$125,000 to be paid to each of the three unsuccessful proposers for a total amount of \$375,000.

DISCUSSION

This Contract is one of a series of projects in support of the MTA’s commitment to make stations ADA accessible, providing design-build services for ADA upgrades at the Kingsbridge Road (4) and 167th Street (B, D) stations in the Bronx. The work consists of installing four new ADA-compliant elevators, two at each station. In addition, the work includes the relocation of street utilities, state of good repair work including fire alarm and suppression systems at both stations and the construction of new fare controls on both the northbound and southbound platforms at the Kingsbridge Road station. C&D also seeks to engage the elevator manufacturer to provide long term maintenance of the elevators installed under this Contract, providing for all maintenance, repairs, tests and inspections, and emergency services required to ensure optimum performance and longevity of the elevators and ancillary equipment. To ensure long-term, optimum performance of the elevators, the procurement was structured to require continuity between the design and installation of the elevator equipment and their subsequent maintenance. Only the elevator manufacturer or installer is eligible for the award of the Maintenance Contract. The goal is to ensure that the Design-Builder works in concert with its elevator subcontractor to choose sufficiently robust

equipment to not only withstand the rigors of the NYCT system, but to also take into consideration the elevator subcontractor's ultimate responsibility under a performance-based, long-term Maintenance Contract. The Maintenance Contract is for a fifteen-year term, commencing on the service start date for the last elevator installed under the Contract, and includes two options, each to extend the maintenance period for an additional five years.

A two-step procurement process was conducted for this Contract. In Step 1, a Request for Qualifications was advertised resulting in the submission of ten Statements of Qualifications, which were then evaluated against pre-established Threshold Criteria (addressing completeness, timeliness, capacity, responsibility, and financial capability) and Substantive Evaluation Criteria (addressing team, key personnel and organization, project approach, prior Design-Build experience, past performance and diversity compliance). Based on these criteria, the following firms were selected to receive a Request for Proposal ("RFP") in Step 2:

- Forte
- ECCO III Enterprises, Inc. ("ECCO"),
- Kiewit Infrastructure Co. ("Kiewit"), and
- MLJ Contracting Corp. and TC Electric, LLC ("MLJTC2")

Prior to issuance of the RFP, Kiewit informed C&D that it would not participate in Step 2 of the procurement process because it was focusing its resources on other projects. Gramercy Group, Inc. ("Gramercy"), the next highest ranked proposer from Step 1, was selected to replace Kiewit for Step 2, and ECCO, Forte, Gramercy and MLJTC2 were issued the RFP.

In response to the RFP, ECCO, Forte, Gramercy, and MLJTC2 all submitted technical and price proposals. ECCO and Gramercy both proposed Modern Elevator as the elevator manufacturer and installer, while Forte and MLJTC2 proposed Mid-American Elevator Co. The selection committee, consisting of representatives from C&D Delivery, Development and Contracts and NYCT Department of Elevator and Escalators, reviewed the technical proposals and attended the oral presentations of each of the four teams. The selection committee evaluated the technical proposals using the following preestablished selection criteria: design and construction, schedule, elevator maintenance plan, management plan, experience, record of performance, safety and quality, diversity practices, and other relevant matters. After evaluating technical proposals, the selection committee opened the price proposals which were as follows: ECCO: \$157,477,000 (maintenance - \$6,044,091); Forte: \$108,910,000 (maintenance \$6,814,702); Gramercy: \$131,600,000 (maintenance: \$6,044,091); and, MLJTC2: \$123,400,000 (maintenance: \$6,814,702).

The selection committee invited Forte and MLJTC2 to participate in negotiations. ECCO III and Gramercy were not invited to participate in negotiations because their price proposals were outside of the competitive range. Negotiations with Forte and MLJTC2 included detailed discussions of the proposers' general conditions and other costs, their approach to design and construction, and utility price assumptions. Following negotiations, the two proposers were asked to submit Best and Final Offers ("BAFO"). The BAFOs submitted by the proposers were as follows: Forte: \$103,700,000 (maintenance \$6,814,750); and MLJTC2: \$120,300,000 (maintenance: \$6,814,750).

The selection committee unanimously recommended Forte for award of the Contract and Mid-American Elevator Co., Inc. for the award of the long-term elevator maintenance contract. In addition to providing the lowest competitive price, the selection committee determined that Forte's technical proposal demonstrates an ability to complete the work safely, ahead of schedule, and within budget. Forte's proposal provides a team of key personnel and major participants with qualifications and prior experience successfully completing work of similar scope and magnitude. Forte's \$103,700,000 and Mid-American's Proposal of \$6,814,750 are deemed to be fair and reasonable.

DBE/MBE/WBE/SDVOB/Local Hiring Information

The MTA Department of Diversity and Civil Rights has established a DBE goal of 22.5% for the Contract. This Contract also includes a 20% local hiring goal, requiring Forte to make best efforts to hire workers from the surrounding zip codes and economically disadvantaged areas. Forte is committed to meeting the goals requirements. Forte has achieved its DBE/MBE/WBE/SDVOB goals on recently completed MTA contracts.

DDCR has established a 0% MBE/WBE/SDVOB goal for the Maintenance Contract due to the lack of MWBE/SDVOB firms in the marketplace. Mid-American has not completed any MTA contracts with goals, therefore, no assessment of its performance can be determined at this time.

IMPACT ON FUNDING

Funding for the Contract and the stipend for the unsuccessful proposer is included in the MTA's 2020-2024 Capital Program. Funding for the Maintenance Contract is included in the NYCT operating budget.

ALTERNATIVES

None recommended. MTA lacks available in-house technical personnel to perform the scope of work associated with this Contract.

SEPTEMBER 2025

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

Schedule K. Ratification of Completed Procurement Actions (Involving Schedule E – J)

(Staff Summaries required for all items requiring Board approval)

- | | | | |
|-----------|--|--------------------|--------------------------------------|
| 4. | Infinity Contracting Services Corp. Contract No. C33945 | \$2,415,600 | <u>Staff Summary Attached</u> |
|-----------|--|--------------------|--------------------------------------|

MTA Construction and Development requests Board approval to ratify a modification to the Contract to restore to a state of good repair Track Pit No. 8 at the 207th Street Overhaul Shop.

- | | | | |
|-----------|---|--------------------|--------------------------------------|
| 5. | Atkins-HNTB JV Contract No. C33945 | \$3,102,817 | <u>Staff Summary Attached</u> |
|-----------|---|--------------------|--------------------------------------|

MTA Construction and Development requests Board approval to ratify a modification to the Contract for additional design services for CBTC implementation and for enhanced cellular coverage on New York City Transit's Fulton Street and Liberty Avenue lines and to extend the period of performance by nine months to December 31, 2025.

- | | | | |
|-----------|---|---------------------|--------------------------------------|
| 6. | Siemens Mobility, Inc. Contract No. S48013-1 | \$25,000,000 | <u>Staff Summary Attached</u> |
|-----------|---|---------------------|--------------------------------------|

MTA Construction and Development requests Board approval to ratify a modification to add to the Contract the development of hardware and software for 5G-based Data Communication System train equipment, support for the installation and testing of the new 5G-based equipment on two R160-class and two R179-class subway trains, and ordering long lead components of the new equipment for installation on the full R160 and R179 fleets.

Staff Summary

Schedule K: Ratification of Completed Procurement Actions

Page 1 of 1

Item Number: 4

| | |
|--|--|
| Vendor Name (& Location) Infinity Contracting Services Corp. (College Point, New York) | |
| Description Component Repairs at the 207 th Street Overhaul and Maintenance Facilities, in the Borough of Manhattan | |
| Contract Term (including Options, if any) December 20, 2022 – February 17, 2025 | |
| Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a | |
| Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive | |
| Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification | |
| Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other: | |
| Requesting Dept/Div & Dept/Div Head Name: Delivery, Mark Roche, Deputy Chief Development Officer | |

| Contract Number | AWO/Modification # |
|--|--------------------|
| C33495 | 006 |
| Original Amount: | |
| | \$ 21,416,000 |
| Prior Modifications: | |
| | \$ 438,294 |
| Prior Budgetary Increases: | |
| | \$ 0 |
| Current Amount: | |
| | \$ 21,854,294 |
| This Request | |
| | \$ 2,415,600 |
| % of This Request to Current Amount: | |
| | 11.05% |
| % of Modifications (including This Request) to Original Amount: | |
| | 13.33% |

DISCUSSION:

Contract C33945 (the “Contract”) is for repairs to improve the existing structural condition at the 207th Street Overhaul and Maintenance Facility in Manhattan (the “Overhaul Shop”). The Contract includes work to replace exterior walls and windows, roll-up doors, deteriorated structural steel beams, provide repairs to spalled concrete, sewer and electrical work, and replace deteriorated HVAC units. MTA Construction and Development (“C&D”) requests Board approval to ratify a modification to the Contract to add the repair work required to restore Track Pit No. 8 at the 207th Street Overhaul Shop to a state of good repair.

The Overhaul Shop operates 24/7, providing repairs and rebuilding train engines and components critical to train operations. The first floor of the Overhaul Shop has several tracks and track pits dedicated to these repairs. After years of wear and tear, exacerbated by a leaking roof and leaking overhead vents (which have since been repaired), and despite temporary repairs performed over the years, Track Pit No. 8 developed substantial areas of broken and spalled concrete as well as rotten wood track ties creating an unsafe situation which caused NYCT- Department of Facility Management to take the pit out of service. Track Pit No. 8 is one of 11 such work areas in the Overhaul Shop and its loss represents a 13% reduction in repair capacity at the shop. Accordingly, NYCT – Department of Car Equipment determined that the restoration of Track Pit No. 8 to be an Immediate Operating Need on January 17, 2025.

This modification provides for the restoration of Track Pit No. 8 to a state of good repair. In order to address this Immediate Operating Need and return Track No. 8 to operation as soon as possible, on February 17, 2025, the President of MTA C&D authorized the work to proceed up to a not-to-exceed amount of \$1,000,000.

The Contractor’s proposal was submitted in the amount of \$2,933,235.92. Negotiations were held and agreement was reached in the amount of \$2,415,600, which is considered fair and reasonable.

Staff Summary

Schedule K: Ratification of Completed Procurement Actions

Page 1 of 1

Item Number: **5**

| | |
|--|--|
| Vendor Name (& Location) Atkins-HNTB JV (New York, NY) | |
| Description General Engineering Services for NYC Transit Communications Based Train Control | |
| Contract Term (including Options, if any) April 1, 2022 – March 31, 2025 | |
| Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a | |
| Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive | |
| Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification | |
| Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other: | |
| Requesting Dept/Div & Dept/Div Head Name: Delivery, Mark Roche, Deputy Chief Development Officer | |

| Contract Number | AWO/Modification # |
|---|--------------------|
| PS21002 | 7 |
| | |
| Original Amount: | \$ 18,154,956 |
| Prior Modifications: | \$ 9,409,198 |
| Prior Budgetary Increases: | \$ 0 |
| Current Amount: | \$ 27,564,154 |
| | |
| This Request: | \$ 3,102,817 |
| | |
| % of This Request to Current Amount: | 11.2% |
| | |
| % of Modifications (including This Request) to Original Amount: | 68.9% |

DISCUSSION:

The Contract provides for general engineering consultant services to assist the MTA in the implementation of its Communications Based Train Control ("CBTC") program for New York City Transit subway service. MTA Construction and Development ("C&D") requests that the Board ratify a modification to add to the Contract additional design services for CBTC implementation and for enhanced cellular coverage on New York City Transit's Fulton Street and Liberty Avenue lines and to extend the period of performance of the Contract work by nine months, to December 31, 2025, for an amount not-to-exceed \$3,102,817.

The Contract work includes design, engineering and procurement support, and program administration in support of the expansion of CBTC to the Fulton Street Line (IND, B-Division), the Sixth Avenue & 63rd Street Line (IND, B-Division), and the Crosstown Line (IND, B-Division). This modification will provide for the revision of the contract documents on the Fulton Line RFP package to expand the CBTC wayside system onto the Liberty Avenue Subway Line and add a distributed antenna system and associated infrastructure for enhanced cellular coverage on both the Fulton and Liberty Lines. This modification will also provide for the procurement, configuration and implementation of a technical requirements management software application that will be used to organize and track technical requirements for the Fulton-Liberty Line Contract and for subsequent CBTC projects. In order to mitigate schedule delays, authorization was obtained from the President of C&D on January 24, 2025, to commence work under this Modification.

The consultant, Atkins-HNTB JV, submitted its cost proposal in the amount of \$3,610,084. Following negotiations, the consultant submitted a final price of \$3,102,817, which is considered fair and reasonable.

Staff Summary

Schedule K: Ratification of Completed Procurement Actions

Page 1 of 1

Item Number: 6

| | |
|--|--|
| Vendor Name (& Location) Siemens Mobility, Inc. (New York, NY) | |
| Description Supplemental Agreement for CBTC Carborne Equipment for R179 Cars for the 8th Avenue Line | |
| Contract Term (including Options, if any) March 27, 2019 – March 9, 2026 | |
| Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a | |
| Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive | |
| Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification | |
| Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other: | |
| Requesting Dept/Div & Dept/Div Head Name: Delivery, Mark Roche, Deputy Chief Development Officer | |

| Contract Number | AWO/Modification # |
|---|--------------------|
| S-48013-1 | 11 |
| | |
| Original Amount: (including options) | \$ 20,675,412 |
| Prior Modifications: | \$ 4,181,000 |
| Prior Budgetary Increases: | \$ 0 |
| Current Amount: | \$ 24,856,412 |
| | |
| This Request: | \$ 25,000,000 |
| | |
| % of This Request to Current Amount: | 100.6% |
| | |
| % of Modifications (including This Request) to Original Amount: | 141.1% |

DISCUSSION:

Contract S-48013-1 (the “Contract”) provides for the furnishing and support of installation of wi-fi based carborne Communication Based Train Control (“CBTC”) equipment for MTA’s fleet of R179 subway cars. MTA Construction and Development (“C&D”) requests Board ratification of a Contract modification to add the development of hardware and software for 5G-based Data Communication System (“DCS”) equipment, support for the installation and testing of the new 5G-based DCS equipment on two R160-class and two R179-class subway trains, and ordering long lead 5G DCS components for installation on the full R160 and R179 fleets.

5G-based DCS is a dramatic technological improvement over the wi-fi based DCS system that the MTA currently uses for radio communication between the carborne CBTC controllers and the wayside CBTC zone controllers. 5G provides enhanced transmission capacity for advanced operation and maintenance capabilities not available with the wi-fi based DCS system and enables integration of new, state-of-the-art, cybersecurity features providing enhanced CBTC system protection and system resilience. Moreover, in contrast to the current wi-fi based system, which is proprietary and approaching obsolescence and will ultimately not be supported, 5G provides access to a competitive global radio equipment market, fostering vendor diversity, innovation and cost efficiency. For those reasons, MTA intends to use 5G-based DCS on its new CBTC installations.

The 5G system is currently being implemented on the Crosstown line and the contract for implementation on the Fulton and Liberty lines is currently in procurement. Consequently, the 5G-based DCS train equipment must be added to the R160 and R179 trains which operate on those lines. This Contract modification provides for Siemens Mobility, Inc. (“Siemens”) to develop the hardware and software for the 5G-based DCS train equipment, support the installation and testing of the new 5G-based DCS equipment on two R160-class and two R179-class subway trains, and order the long lead 5G DCS components that will be required to equip the full R160 and R179 fleets with 5G based DCS train equipment. Procuring the remainder of the equipment and supporting the installation on the full fleets will be performed under a separate contract.

In June 2024, the President of MTA C&D authorized Siemens to commence this work to expedite the deployment of 5G DCS equipped R160 and R179 trains on the Crosstown line.

Siemens submitted a cost proposal of \$35,439,028. Negotiations yielded a final price of \$25,000,000, which has been determined to be fair and reasonable.

New York City Transit Procurements

Louis Montanti, MTA Deputy Chief Procurement Officer – Procurement Operations

PROCUREMENTS

The Procurement Agenda this month includes 3 actions for a proposed estimated expenditure of \$330.7M.

| | | | | | | | | | |
|--|-----------------|--------------|-----------------|--------------|-----------------|----------------------------------|-----------------|--------------|------------------------|
| Subject Request for Authorization to Award Various Procurements | | | | | | September 26, 2025 | | | |
| Department MTA Procurement | | | | | | Department | | | |
| Department Head Name Lisette Camilo | | | | | | Department Head Name | | | |
| Department Head Signature | | | | | | Department Head Signature | | | |
| Project Manager Name Rose Davis | | | | | | Internal Approvals | | | |
| Board Action | | | | | | | | | |
| Order | To | Date | Approval | Info | Other | | Approval | | Approval |
| 1 | Committee | 9/29/25 | | | | | President NYCT | | SVP Buses |
| 2 | Board | 9/30/25 | | | | | CFO | | Subways |
| | | | | | | | Law | | Diversity/Civil Rights |
| Internal Approvals (cont.) | | | | | | | | | |
| Order | Approval | Order | Approval | Order | Approval | Order | Approval | Order | Approval |
| | | | | | | | | | |

PURPOSE
To obtain approval of the Board to award various contracts and purchase orders, and to inform the NYC Transit Committee of these procurement actions.

DISCUSSION
NYC Transit proposes to award Noncompetitive procurements in the following categories: None
NYC Transit proposes to award Competitive procurements in the following categories: None
NYC Transit proposes to award Ratifications in the following categories:

| Schedules Requiring Two-Thirds Vote: | # of Actions | \$ Amount |
|---|--------------|-------------------|
| Schedule D: Ratification of Completed Procurement Actions | 2 | \$ 330.7 M |
| TOTAL | 2 | \$ 330.7 M |

COMPETITIVE BIDDING REQUIREMENTS: The procurement actions in Schedules A, B, C, and D are subject to the competitive bidding requirements of PAL 1209 or 1265-a relating to contracts for the purchase of goods or public work. Procurement actions in the remaining Schedules are not subject to these requirements.

BUDGET IMPACT: The purchases/contracts will result in obligating funds in the amounts listed. Funds are available in the current operating / capital budgets for this purpose.

RECOMMENDATION: That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)

BOARD RESOLUTION

WHEREAS, in accordance with Sections 1265-a and 1209 of the Public Authorities Law and the All-Agency General Contract Procurement Guidelines, the Board authorizes the award of certain noncompetitive purchase and public work contracts, and the solicitation and award of requests for proposals regarding purchase and public work contracts; and

WHEREAS, in accordance with the All-Agency Service Contract Procurement Guidelines and General Contract Procurement Guidelines the Board authorizes the award of certain noncompetitive miscellaneous service and miscellaneous procurement contracts, certain change orders to purchase, public work, and miscellaneous service and miscellaneous procurement contracts, and

WHEREAS, in accordance with Section 2879 of the Public Authorities Law and the All-Agency Service Contract Procurement Guidelines, the Board authorizes the award of certain service contracts and certain change orders to service contracts.

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.

2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which authorization to solicit proposals is requested, for the reasons specified therein, the Board declares competitive bidding to be impractical or inappropriate, declares it is in the public interest to solicit competitive request for proposals, and authorizes the solicitation of such proposals.

3. As to each request for proposals (for purchase and public work contracts) set forth in Schedule C for which a recommendation is made to award the contract, the Board authorizes the execution of said contract.

4. As to each action set forth in Schedule D, the Board declares competitive bidding impractical or inappropriate for the reasons specified therein and ratifies each action for which ratification is requested.

5. The Board authorizes the execution of each of the following for which Board authorization is required: (i) the miscellaneous procurement contracts set forth in Schedule E; (ii) the personal service contracts set forth in Schedule F; (iii) the miscellaneous service contracts set forth in Schedule G; (iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; (v) the contract modifications to purchase and public work contracts set forth in Schedule I; and (vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.

6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.

SEPTEMBER 2025

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

D. Ratification of Completed Procurement Actions

(Staff Summaries required for items estimated to be greater than \$1,000,000.)

- | | | |
|--|---------------|-------------------------------|
| 1. Hayden AI Inc. | \$218,588,922 | <i>Staff Summary Attached</i> |
| 2. Seon [USA] Corp | \$40,121,280 | ↓ |
| 65 months (Hayden) / 48 months (Seon) | | |
| B64049.2 / B62063.1 | | |
| Ratification of the awards of two modifications awarded under an Immediate Operating Need for Automated Camera Enforcement. Both awards include options to extend for up to six years beyond their expiration dates. | | |
| 3. RideCo US Inc | \$71,951,068 | <i>Staff Summary Attached</i> |
| Up to 18 months (Implementation) + 7 years (Operating) + Option Up to 3 years (Maintenance / Support) | | |
| Contract# 6%36822 | | |
| Contract for Paratransit technology solution; Ratification of an Immediate Operating Need. | | |

Item Number: 1–2

| | | |
|---|---|--|
| Vendor Name (Location) Hayden AI Inc (San Francisco, California) Seon [USA] Corp. (Bellingham, Washington) | Contract Number B64049 Mod. 2 (Hayden) B62063 Mod. 1 (Seon) | Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Description Automated Camera Enforcement | Total Amount: \$258,710,202 (excluding options) <div style="text-align: right;">Hayden: \$218,588,922 Seon \$40,121,280</div> | |
| Contract Terms (including Options, if any) Hayden: 65 Months base term (July 2022–December 2027) Seon: 48 Months base term (April 2024–April 2028) Options to extend both contracts for six years (2028–2033) | | |
| Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a | | |
| Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive | | |
| Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Negotiated | | |
| Funding Source <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other: | | |
| Requesting Department: Department of Buses, Chris Pangilinan | | |

Discussion:

It is requested that the Board formally ratify the award of two modifications awarded under an Immediate Operating Need (“ION”) as approved by the Deputy Chief Procurement Officer, MTA Procurement, and ratified by the April 2024 Board waiving competitive bidding pursuant to Article III, Paragraph A, of the All-Agency Procurement Guidelines and Public Authorities Law 1209, subsection 9(a); B62049 Modification 2 to Hayden AI, Inc. (“Hayden”) in the estimated amount of \$218,588,922, and B62063 Modification 1 to Seon [USA] Corp (“Seon”) in the estimated amount of \$98,527,060. Both awards include options to extend for up to six years beyond their expiration dates. Procurement will obtain Board approval prior to exercising any option years from Hayden and/or Seon.

Improving the enforcement of traffic restrictions is a critical element to ensuring the success of MTA’s strategic goal of providing twenty-first century bus service. NYC Transit continues to develop aggressive and sustainable strategies, while also researching best practices around the country and outside the United States for approaches to making bus trips faster. The implementation of an Automated Camera Enforcement (“ACE”) system has automated the enforcement process by issuing violation notices to owners of vehicles observed disregarding various traffic regulations during the enforcement period.

In 2012, NYC Transit, with the assistance of the NYC Department of Transportation, was permitted to conduct a limited Automated Bus Lane Enforcement (“ABLE”) proof-of-concept with Zenco Systems, Ltd. (“Zenco”). This process proved that the Zenco ABLE system was well suited to work with NYC enforcement laws and the NYC operating environment. It should be noted that Zenco was acquired by Siemens Mobility, Inc. (“Siemens”) in 2015. Following the declaration of an ION on June 5, 2018, a contract was negotiated and awarded to Siemens (February 2019) for the installation of 123 ABLE systems and related evidence processing. The contract was subsequently ratified by the March 2019 Board, later assigned to Yunex Traffic LLC (December 2021), and was allowed to expire in 2023 due to performance-related issues.

In an effort to foster competition, a Request for Information (“RFI”) was issued in June 2019 seeking additional vendors capable of furnishing ABLE systems. Responses were received from eight vendors. Following a series of meetings with the responding vendors, the Department of Buses (“DOB”) entered into test agreements with Hayden and Seon in October 2020 and January 2021 respectively. DOB subsequently began intensive field testing to assist Hayden and Seon in the development of their ABLE systems and completion of the required certification testing prior to the award of any new contracts for widescale deployment.

Pursuant to the ION as amended on May 11, 2022, Hayden was awarded a three-year contract on July 8, 2022, for the provision of ABLE services on 300 buses in the estimated amount of \$19,655,898. On May 7, 2023, Hayden filed the first of several lawsuits, which included a preliminary injunction, against Seon and Safe Fleet (Seon’s parent company) alleging patent infringement. Upon the advice of the Law Department and outside counsel, all work with Seon regarding its ABLE system was suspended.

In an effort to meet the publicly stated timelines of the ABLE program, and in light of the Authority’s inability to award an ABLE contract to Seon, Modification 1 was awarded to Hayden on December 21, 2023, in the estimated amount of \$63,477,161, bringing the total value of the Hayden contract to \$83,133,059. Modification 1 extended the contract term through December 2027 and added an additional 723 ABLE systems, for a total of 1,023 systems.

On February 23, 2024, the Eastern District of New York issued a Memorandum & Order denying Hayden's preliminary injunction. In keeping with DOB's strategy to foster competition in the enforcement space as well as reduce risk exposure by having more than one qualified vendor, negotiations with Seon resumed. On April 26, 2024, Seon was awarded a three-year contract for ABLE services on 1,000 buses in the estimated amount of \$58,405,780.

It should be noted that the April 2024 Board ratified the awards of both the base contract and Modification 1 to Hayden, as well as the base contract awarded to Seon.

Following legislative approval to monitor and ticket vehicles obstructing bus stops as well as double-parked vehicles, the DOB changed the name of this project from ABLE to ACE, updated the scope of work, and requested that Procurement negotiate with Hayden and Seon to add the enforcement of bus stops and double-parked vehicles to their respective contracts.

In response to Procurement's outreach, Hayden submitted its initial proposal for the upgrade to ACE and up to 1,000 additional ACE systems in the total amount of \$248,319,771 in February 2024. Following protracted negotiations with Procurement and the Cost Price Analysis Unit ("CPAU"), Hayden submitted its BAFO in the amount of \$218,588,922, which was \$29,730,849 or 12 percent less than its initial proposal. Hayden's final proposal was deemed fair and reasonable by CPAU, and Modification 2 was awarded to Hayden on June 17, 2024, bringing the total value of this contract to \$301,721,980. This Modification 2 also includes up to six option years for up to 2,023 systems in the estimated amount of \$434,880,193. The total estimated amount for Modification 2, if all options are exercised, is \$653,469,115, which would bring the overall value of this contract to \$736,602,173.

| Hayden | |
|--|-----------------------|
| Initial Award | \$ 19,655,898 |
| Mod 1 | \$ 63,477,161 |
| Mod 2 | \$ 218,588,922 |
| Total Contract Value | \$ 301,721,980 |
| 6 Option years (2028–2033) | \$ 434,880,193 |
| Total Contract Value with Options | \$ 736,602,173 |

In response to Procurement's outreach, Seon submitted its initial proposal for the upgrade to ACE in the total amount of \$35,460,000 in February 2025. Subsequent to legislative approval of bicycle lane enforcement and the anticipated approval of paratransit vehicle stop enforcement later this year, Seon was asked to add the two new enforcement types to its ACE system's functionality. Seon submitted its second proposal in the total amount of \$40,289,280. Following negotiations with Procurement and CPAU, Seon submitted its BAFO in the amount of \$40,121,280, which is \$168,000 or 0.4 percent less than its second proposal. Seon's final proposal was deemed fair and reasonable by the CPAU, and Modification 1 was awarded to Seon on May 5, 2025, bringing the total value of this contract to \$98,527,060. This Modification 1 also includes up to six option years for up to 1,000 systems in the estimated amount of \$176,040,000. The total estimated amount for Modification 1, if all options are exercised, is \$216,161,280, which would bring the overall value of this contract with Seon to \$274,567,060.

| Seon | |
|--|-----------------------|
| Initial Award | \$ 58,405,780 |
| Mod 1 | \$ 40,121,280 |
| Total Contract Value | \$ 98,527,060 |
| 6 Option years (2028–2033) | \$ 176,040,000 |
| Total Contract Value with Options | \$ 274,567,060 |

A comparison of the pricing provided by Hayden and Seon reveals that operating the Seon system on 1,000 buses with five enforcement types will save the Authority \$27,407,500 versus operating the Hayden system on 1,023 buses with only three enforcement types from 2026 and 2027. If all options to extend both contracts through the year 2033 are exercised, the Seon contract will cost \$43,872,228 less during the six-year option period. By cultivating competition, the Authority is projected to save \$71,279,728 on the 1,000 systems being purchased from Seon for ACE enforcement from 2026 through 2033.

Subsequent to awarding the modification for ACE to Seon, Procurement contacted Hayden to seek a price concession and requested Hayden add the enforcement of bicycle lanes and paratransit vehicle stops to its ACE system at no additional cost to the Authority. Due to the significant difference between the operating expenses associated with these two systems, Procurement will continue to negotiate with Hayden in an effort to add additional functionality and lower Hayden's costs as life cycle costs will be a major factor in determining which ACE systems to install on future buses.

Hayden has certified that pursuant to EO 16, it is not doing business in Russia.

Seon has certified that pursuant to EO 16, it is not doing business in Russia.

The contract awarded to Hayden resulting from this procurement was evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Cybersecurity language as agreed to by Hayden and the Authority has been included in the contract terms and conditions.

The contract awarded to Seon resulting from this procurement was evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Seon has certified compliance with the MTA's cybersecurity requirements.

M/W/DBE Information

The MTA Department of Diversity and Civil Rights (DDCR) has established a zero percent M/WBE and zero percent SDVOB goals on this contract due to the lack of subcontracting availability.

Impact on Funding

These contracts will be funded with 100 percent MTA funds. Funds for these procurements have been approved in the MTA 2020–2024 Capital Programs as well as the operating budget.

Alternatives

There are no alternatives as these contracts have already been awarded.

Recommendation

It is recommended that the Board ratify the awards of B62049 Modification 2 to Hayden, and B62063 Modification 1 to Seon. The award to Hayden was for the addition of bus stop and double-parked vehicle enforcement as well as the purchase, installation, operation, and maintenance of up to 1,000 additional Automated Camera Enforcement (“ACE”) systems, for a total of 2023, in the total estimated amount of \$218,588,922 and includes up to six option years in the estimated amount of \$176,040,000. The total estimated amount for Modification 2, if all options are exercised, is \$434,880,192. The award to Seon was for the addition of bus stop, double-parked vehicle, bike lane, and paratransit stop enforcement on up to 1,000 ACE systems in the total estimated amount of \$40,121,280 and includes up to six option years in the estimated amount of \$176,040,000. The total estimated amount for Modification 1, if all options are exercised, is \$216,161,280. Procurement will obtain Board approval prior to exercising options from Hayden and/or Seon.

Item Number: 3

| | | |
|---|--|--|
| Vendor Name (Location) RideCo US Inc. (Waterloo, Ontario, Canada) | Contract Number 6%36822 | Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Description Paratransit Technology Solution | Total Amount: \$71,951,068 | |
| Contract Terms (including Options, if any) Base Contract: Up to 18 months for implementation + 7-year operating term Option: Maintenance and support for up to 3 years | | |
| Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a | Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other: | |
| Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive | Requesting Department: Department of Paratransit, Rachel Cohen | |
| Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Immediate Operating Need | | |

Discussion:

It is requested that the Board ratify the declaration of an Immediate Operating Need (“ION”) approved by the Deputy Chief Procurement Officer, MTA Procurement, waiving competitive bidding pursuant to Article III, Paragraph A, of the All-Agency Procurement Guidelines and Public Authorities Law 1209, subsection 9(a) and approve the award of Contract 6%36822 to RideCo US Inc. (“RideCo”) in the estimated amount of \$71,951,068. The award was made on August 18, 2025, with a base contract term of up to 18 months for system implementation and seven years of operations and maintenance. The contract also includes an option to extend the operations and maintenance period for up to three years, for which Board approval will be sought.

The ION authorized the procurement of essential short- and long-term technology and related services to ensure uninterrupted operations pursuant to the January 2023 termination for cause of Contract W-32564 to provide Real-Time Scheduling and Computer-Aided Dispatch (“RTS/CAD”) systems, as well as hardware and software for Automatic Vehicle Location Monitoring (“AVLM”) and Interactive Voice Response (“IVR”) systems for Paratransit’s Access-A-Ride (“AAR”) operations. This procurement action establishes the long-term technology solution, which entails the acquisition, set up, and management of a new enterprise technology system (“System”) for Paratransit trips. This system will replace the existing RTS/CAD and AVLM systems originally planned for acquisition and implementation under Contract W-32564.

In accordance with the Americans with Disabilities Act (“ADA”) of 1990, NYC Transit provides paratransit service, a 24/7 origin-to-destination, demand-response, shared ride transportation service for individuals with disabilities that cannot use fixed-route public buses and subways. Serving approximately 182,500 customers through dedicated and non-dedicated third-party service providers, this federally mandated service relies on core technology systems such as the RTS/CAD and AVLM systems. NYC Transit’s Department of Paratransit (“Paratransit”) operates within the ADA regulations (49 C.F.R. Section 37). These systems are crucial for Paratransit operations, ensuring service continuity and regulatory compliance, particularly following the previous contractor's inability to fulfill its contractual obligations.

The existing RTS/CAD system, in operation since 2001, plays a critical role in trip management, supporting advance and same-day trip bookings, trip batching, and daily manifest generation. It has been adapted over the years to accommodate the scheduling capacity, currently averaging 43,000 trips per day, and integrates with the AVLM system, which employs GPS and fleet management tablets to track vehicle locations, speed, directionality, and relay updates to the scheduling system for dispatching purposes. The AVLM system has also undergone iterations to ensure sustained operational continuity. Though provided by different contractors, these systems have been adapted to communicate and share information to support Paratransit operations over many years. However, they must be replaced as they are outdated, fragmentedly integrated, and lack critical functionality needed to manage on-street service issues in real time and support scalability, which are key factors in ensuring efficient operations now and into the future.

Since the new system (once fully implemented) will be provided by one contractor, it will offer tighter integration of the various functionalities, ensuring better communication among them all. By consolidating the required functions under a single contractor platform, data exchanges will occur without delays or inconsistencies, which are common with separate systems. Further, the existing RTS/CAD system lacks full integration, with functions spread across multiple platforms instead of being localized within a single, unified system. This added fragmentation requires Paratransit personnel to navigate multiple software tools for various tasks, leading to time lost, manual coordination challenges, and an increased likelihood of errors. The new system will consolidate core functionalities, among them, customer management, reservations, scheduling, dispatching, real time vehicle tracking and billing/reconciliation management into one streamlined technology solution, improving operational coherence.

Additionally, the new system will introduce real-time/dynamic scheduling capabilities, enabling immediate and automated adjustments to schedules and routes in response to changing road conditions, traffic delays, service disruptions, and fluctuating passenger demand. As service is performed each day, the system will continuously look across the scheduled service and identify opportunities to repackage scheduled trips for greater efficiency. The current system does not have this type of continuous optimization functionality. This added functionality will increase the productivity of the performed routes, yielding more efficient service delivery and improving service reliability, adapting to changes faster so that customers experience more consistent and reliable service.

The new system is also designed to accommodate annual increases in passenger demand as well as evolving policy changes, and emerging technologies with minimal effort. The current systems have limited capacity to scale effectively in response to growing ridership demands. As service expands, the limitation of the existing technology becomes more apparent, preventing it from efficiently accommodating increased scheduling requirements, more routes, and larger volumes of data. Without scalable architecture, the systems risk becoming further degraded, leading to further service disruptions.

Prior to issuing the solicitation, Paratransit and Procurement conducted a thorough market outreach to identify qualified transportation technology companies. Throughout most of 2023 and into early 2024, Paratransit held informal information exchange sessions with potential vendors. These sessions were designed to gauge viable competition in the marketplace and to inform the development of a formal competitive Request for Proposal (“RFP”).

In June 2024, RFP 468625 was competitively solicited to acquire, set up, and manage a new enterprise technology system for Paratransit trips, replacing the existing systems.

On September 9, 2024, nine proposers responded to the RFP. The Selection Committee (“SC”) evaluated the proposals in accordance with the evaluation criteria covering Overall Technical Qualifications, Overall Price, and Other Relevant Matters. Following the SC’s review, four proposers were eliminated, as these proposers did not have the necessary experience related to projects of similar complexity and magnitude and/or were unable to fulfill the technical requirements. The remaining five proposers were invited for oral presentations. After oral presentations, three proposers were eliminated as the SC determined that these proposers were unable to fulfill the technical requirements.

Two proposers were invited to negotiations: RideCo and The Routing Company (“TRC”). The SC considered RideCo’s proposed technology solution to be technically superior as compared to TRC’s. RideCo’s initial proposal totaled \$65,632,587, whereas TRC’s initial proposal was notably higher at \$161,615,837. After further evaluation, the SC unanimously eliminated TRC from further consideration because its pricing was substantially outside of the competitive range without providing full system functionality. Continued negotiations with RideCo focused on exceptions, and clarifications to the terms and conditions and technical specifications; on-board hardware used for vehicle monitoring, project schedule, and pricing. At the conclusion of negotiations, a Best and Final Offer (“BAFO”) was received from RideCo. After further pricing evaluation, RideCo was selected for the contract award based on its technical strengths and favorable pricing. It should be noted that the approximate difference of \$6.3 million between RideCo’s award amount versus initial proposal pricing is attributable to NYC Transit’s adjustments to the SOW, primarily due to increasing the daily trip scheduling capacity requirement from 35,000 to 50,000 while preserving an annual growth rate over the seven-year operating contract term.

Pricing for the contract consists of milestone payments for the implementation period (up to 18 months) and monthly operating payments to support and maintain the System for seven years. The MTA Cost Price Analysis Unit reviewed and found RideCo’s pricing to be fair and reasonable based on market findings.

RideCo has certified that pursuant to EO 16, it is not doing business in Russia.

The contract awarded to RideCo resulting from this ION was evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Any applicable cybersecurity requirements, to the extent required, have been included in the contract terms and conditions.

M/W/DBE Information

The MTA Department of Diversity and Civil Rights has established zero percent M/WBE and zero percent Service-Disabled Veteran-Owned Business (“SDVOB”) goals due to the lack of qualified MWBE/SDVOB firms capable of providing the services required for this procurement.

Impact on Funding

Operating funds will be utilized for this project. The funding for this award is available in the Department of Paratransit's Operating Budget under RC No. 3042, Function No. 120, with Account No. 709102.

Alternatives

None. This new System is critical to NYC Transit's goal to improve customer service and increase efficiencies.

Recommendation

It is recommended that the Board ratify the award of a contract to RideCo in the estimated amount of \$71,951,068, for the new system for Paratransit AAR operations.



MTA Headquarters Procurements

Lisette Camilo, Chief Administrative Officer/Interim Chief Procurement Officer

PROCUREMENTS

The Procurement Agenda this month includes 4 actions for a proposed estimated expenditure of \$8,034.0M.

| | | | | | |
|--|-----------|-------------|-----------------|-------------|--------------|
| Subject Request for Authorization to Award Various Procurements | | | | | |
| Department MTA Procurement | | | | | |
| Department Head Name Lisette Camilo | | | | | |
| Department Head Signature <i>Lisette Camilo</i> | | | | | |
| Project Manager Name Rose Davis | | | | | |
| Board Action | | | | | |
| Order | To | Date | Approval | Info | Other |
| 1 | Committee | 09/29/25 | | | |
| 2 | Board | 09/30/25 | | | |
| | | | | | |
| | | | | | |

| | | | |
|----------------------------------|-----------------|--|-----------------|
| September 26, 2025 | | | |
| Department | | | |
| Department Head Name | | | |
| Department Head Signature | | | |
| Internal Approvals | | | |
| | Approval | | Approval |
| | CAO | | |
| | Legal | | |
| | CFO | | |
| | | | |

| | | | | | | | |
|-----------------------------------|-----------------|--------------|-----------------|--------------|-----------------|--------------|-----------------|
| Internal Approvals (cont.) | | | | | | | |
| Order | Approval | Order | Approval | Order | Approval | Order | Approval |
| | | | | | | | |

PURPOSE

To obtain approval of the Board to award various contracts and purchase orders, and to inform the MTA Headquarters Committee of these procurement actions.

DISCUSSION

MTA Headquarters proposes to award Noncompetitive procurements in the following categories: None

MTA Headquarters proposes to award Competitive procurements in the following categories:

| <u>Schedules Requiring Majority Vote:</u> | | <u># of Actions</u> | <u>\$ Amount</u> |
|---|---|---------------------|------------------|
| Schedule F: | Personal Service Contracts | 3 | \$ 8,016.0 M |
| Schedule J: | Modification to Miscellaneous Procurement Contracts | 1 | \$ 18.0 M |
| SUBTOTAL | | 4 | \$ 8,034.0 M |

MTA Headquarters proposes to award Ratifications in the following categories: None

| | | |
|-------|---|--------------|
| TOTAL | 4 | \$ 8,034.0 M |
|-------|---|--------------|

COMPETITIVE BIDDING REQUIREMENTS: The procurement actions in Schedules A, B, C, and D are subject to the competitive bidding requirements of PAL 1209 or 1265-a relating to contracts for the purchase of goods or public work. Procurement actions in the remaining Schedules are not subject to these requirements.

BUDGET IMPACT: The purchases/contracts will result in obligating funds in the amounts listed. Funds are available in the current operating / capital budgets for this purpose.

RECOMMENDATION: That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)

BOARD RESOLUTION

WHEREAS, in accordance with Sections 1265-a and 1209 of the Public Authorities Law and the All-Agency General Contract Procurement Guidelines, the Board authorizes the award of certain noncompetitive purchase and public work contracts, and the solicitation and award of requests for proposals regarding purchase and public work contracts; and

WHEREAS, in accordance with the All-Agency Service Contract Procurement Guidelines and General Contract Procurement Guidelines the Board authorizes the award of certain noncompetitive miscellaneous service and miscellaneous procurement contracts, certain change orders to purchase, public work, and miscellaneous service and miscellaneous procurement contracts, and

WHEREAS, in accordance with Section 2879 of the Public Authorities Law and the All-Agency Service Contract Procurement Guidelines, the Board authorizes the award of certain service contracts and certain change orders to service contracts.

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.

2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which authorization to solicit proposals is requested, for the reasons specified therein, the Board declares competitive bidding to be impractical or inappropriate, declares it is in the public interest to solicit competitive request for proposals, and authorizes the solicitation of such proposals.

3. As to each request for proposals (for purchase and public work contracts) set forth in Schedule C for which a recommendation is made to award the contract, the Board authorizes the execution of said contract.

4. As to each action set forth in Schedule D, the Board declares competitive bidding impractical or inappropriate for the reasons specified therein and ratifies each action for which ratification is requested.

5. The Board authorizes the execution of each of the following for which Board authorization is required: (i) the miscellaneous procurement contracts set forth in Schedule E; (ii) the personal service contracts set forth in Schedule F; (iii) the miscellaneous service contracts set forth in Schedule G; (iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; (v) the contract modifications to purchase and public work contracts set forth in Schedule I; and (vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.

6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.

SEPTEMBER 2025
MTA REAL ESTATE
FINANCE COMMITTEE AGENDA ITEMS

1. ADMINISTRATIVE ACTION ITEMS

Metropolitan Transportation Authority

- a. Modification to the existing policy to award telecommunication and utility franchise licenses along any MTA Agency right-of-way

MTA Metro-North Railroad

- b. Eminent Domain Procedure Law Determination and Findings related to the acquisition of property interests for the Penn Station Access Project in Westchester and Bronx, NY

2. TRANSACTIONAL ACTION ITEMS

MTA New York City Transit

- c. Authorization to acquire property interests by negotiated settlement or eminent domain for the Nostrand Avenue ADA Project in Brooklyn, NY
- d. Lease modification and extension agreement with 29-76 Realty Co., LLC for office space at 29-76 Northern Blvd in Queens, NY

MTA Metro-North Railroad

- e. Lease with The Saw Pit at Port Chester Station LLC for a restaurant in the Port Station Building
- f. License Agreement with Gateway Foods Holding LLC for a Tim Horton's coffee concession in the White Plains Station

MTA Long Island Rail Road

- g. Easement with AIREF Station Road Logistics Center II for two subsurface utility connections along the Main Line in Yaphank, NY
- h. License with Eagle Scaffolding Services, Inc. for property to be used for storage and parking at the Babylon Branch in Amityville, NY

3. INFORMATION ITEMS

- a. Report on agreements entered into directly by the Real Estate Department pursuant to board policy

| <u>Legal Name</u> | <u>Popular Name</u> | <u>Abbreviation</u> |
|--|---|---------------------|
| <u>New York City Transit Authority</u> | <u>MTA New York City Transit</u> | <u>NYC Transit</u> |
| <u>The Long Island Rail Road Company</u> | <u>MTA Long Island Rail Road</u> | <u>LIRR</u> |
| <u>Metro-North Commuter Railroad Company</u> | <u>MTA Metro-North Railroad</u> | <u>MNR</u> |
| <u>Triborough Bridge and Tunnel Authority</u> | <u>MTA Bridges and Tunnels</u> | <u>MTA B&T</u> |
| <u>MTA Construction and Development Company</u> | <u>MTA Construction and Development</u> | <u>MTA C&D</u> |
| <u>MTA Bus Company</u> | <u>MTA Bus Company</u> | <u>MTA Bus</u> |
| <u>MTA Grand Central Madison Operating Company</u> | <u>Grand Central Madison</u> | <u>GCMC</u> |

Staten Island Rapid Transit Operating Authority is a subsidiary of the Metropolitan Transportation Authority. Its popular name is MTA Staten Island Railway (abbreviated as SIR).

Manhattan and Bronx Surface Transit Operating Authority is a subsidiary of the New York City Transit Authority (abbreviated as MaBSTOA).

METROPOLITAN TRANSPORTATION AUTHORITY

Staff Summary

| |
|---|
| Subject MODIFICATION OF POLICY TO AWARD TELECOMMUNICATION AND UTILITY FRANCHISE LICENSES |
| Department REAL ESTATE |
| Department Head Name DAVID FLORIO |
| Department Head Signature |
| Project Manager Name JASON ORTIZ |

| |
|--|
| Date SEPTEMBER 30, 2025 |
| Vendor Name |
| Contract Number |
| Contract Manager Name |
| Table of Contents Ref. # |

| Board Action | | | | | |
|--------------|-------------------|----------|----------|------|-------|
| Order | To | Date | Approval | Info | Other |
| 1 | Finance Committee | 09/29/25 | X | | |
| 2 | Board | 09/30/25 | X | | |
| | | | | | |
| | | | | | |

| Internal Approvals | | | |
|--------------------|------------------------------|-------|----------|
| Order | Approval | Order | Approval |
| 1 | Legal | | |
| 2 | Chief Administrative Officer | | |
| 3 | Chief Financial Officer | | |
| | | | |

AGENCY: All Agencies ("MTA Agencies")

FRANCHISE LICENSEES: Telecommunications and utility companies constructing and maintaining in-ground or above ground occupancies along the MTA Agencies' rights-of-way

LOCATION: Any MTA Agency right-of-way

USE: Installation, operation, and maintenance of an enhanced wireless communications network.

ACTION REQUESTED: Authorization to modify the Franchise License term from thirty (30) years to forty-nine (49) years.

COMMENTS:

On February 18, 2021 the Metropolitan Transportation Authority ("MTA") Board approved the attached Franchise License policy authorizing license terms of up to thirty (30) year to establish reliable, seamless wireless communications coverage through the creation of a comprehensive communications infrastructure, using state-of-the-art technology which can support multiple carriers' commercial cellular services.

The MTA issued an RFP on November 8, 2024, and closed on June 6, 2025, for the aforementioned establishment of a wireless communications network. Proposals were non-compliant, as none of the Proposers could accommodate the thirty (30) year maximum Franchise License term of the existing MTA Franchise License policy. After further discussion with the Proposers and other industry experts, it was determined that a forty-nine (49) year term is aligned with the industry standard for similar installation and maintenance of broadband infrastructure and sublicense to telecom vendors. The term of the licensee is being increased to 49 years because that is the longest term that may be granted without any risk that the license may be deemed a transfer of an interest in real property. All other terms and conditions of the existing Franchise License policy shall remain the same.

Based on the foregoing, MTA Real Estate requests authorization to modify the Franchise License policy to forty-nine (49) years for the comprehensive installation and maintenance of a broadband network along MTA Agencies rights-of-way.

Staff Summary

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| Subject POLICY TO AWARD TELECOMMUNICATIONS AND UTILITY FRANCHISE LICENSES |
| Department REAL ESTATE |
| Department Head Name JOHN N. LIEBER |
| Department Head Signature |
| Project Manager Name DAVID FLORIO |

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|---|
| Date FEBRUARY 18, 2021 |
| Vendor Name |
| Contract Number |
| Contract Manager Name |
| Table of Contents Ref. # |

| Board Action | | | | | |
|--------------|-------------------|---------|----------|------|-------|
| Order | To | Date | Approval | Info | Other |
| 1 | Finance Committee | 2/18/21 | X | | |
| 2 | Board | 2/18/21 | X | | |
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| Internal Approvals | | | |
|--------------------|---------------------------|-------|----------|
| Order | Approval | Order | Approval |
| 1 | Legal | | |
| 2 | Chief Development Officer | | |
| 3 | Chief Financial Officer | | |
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AGENCY: All-agencies ("MTA Agencies")

FRANCHISE LICENSEES: Telecommunications and utility companies constructing and maintaining in-ground or above ground occupancies along MTA Agencies' rights of way

LOCATION: Any MTA Agency right of way

ACTION REQUESTED: Approval of the new policy

COMMENTS:

As the MTA Agencies seek more comprehensive telecommunications services for our customers, the traditional real estate license or lease models are not the appropriate vehicles. In the case of wireless telecommunications, entities known as "neutral host providers" which build the infrastructure and sub-license to the carriers, have become a means to facilitate telecommunications service. As our upcoming RFPs involve more broader right of way offerings, such neutral host providers will be committing to greater capital investments, in addition to compensation payable to MTA agencies in the form of fixed and percentage-based structures. Given these financial commitments, traditional real estate licenses, which are terminable for convenience within 30 to 60 days, are simply inappropriate and have made marketing our opportunities challenging. As we endeavor to look forward to comprehensive offerings along the rights of way across all agencies, a new mechanism is needed to meet marketplace conditions.

As the proposed mechanism by which this can be accomplished is neither (a) a procurement under the procurement guidelines (since it is not a General Contract for the purchase of materials or services), nor (b) a disposition of real estate under Section 2897 of the Public Authorities Law, MTA Real Estate seeks to adopt a new policy covering such transactions. No current policy of MTA Real Estate expressly permits the same.

Under PAL 1266 (2), the MTA may franchise out to a franchise licensee the non-exclusive right to enter upon, within and/or around MTA Agency property in order to install, operate, maintain, repair and replace a telecommunications infrastructure.

Under this statute, the MTA will facilitate the installation, operation, maintenance, repair and replacement of certain telecommunications and other utility occupancies that run longitudinally along the rights of way, parallel with the rail. This does not apply to right of way crossings which are administered by the railroads themselves.

Staff Summary

FINANCE COMMITTEE MEETING NEW POLICY FOR FRANCHISE LICENSES (Cont'd.)

Page 2 of 2

Each franchise license agreement will be entered into upon the following conditions:

- a. The term of the agreement shall be for no more than thirty (30) years, including all renewal options and extensions.
- b. The agreement shall be competitively offered as an exclusive through MTA Real Estate's RFP process; or non-exclusively, without an RFP, in those instances where multiple franchise licensees are able to occupy by the same right of way
- c. The installation of any such occupancy, as well as all operation and maintenance cost throughout the term, shall be at no cost to the respective MTA Agency except to the extent of any termination fees payable by the MTA for termination for corporate or transportation purposes
- d. The franchise licensee shall provide to the MTA, at no cost, the services and benefits to the MTA Agency and its customers of the telecommunications infrastructure element installed.
- e. The franchise licensee will be required to propose a compensation structure that includes recurring base compensation, percentage rent based upon gross income from permitted sub-licensing, and/or in-kind services for the benefit of the MTA Agencies and their customers.

MTA Real Estate recommends adoption of this addition to its leasing and licensing policies under the terms and conditions set forth above.

FOR REFERENCE PURPOSES ONLY

MTA METRO-NORTH RAILROAD

Staff Summary

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|---|
| Subject EMINENT DOMAIN PROCEDURE LAW DETERMINATION AND FINDINGS RELATED TO THE ACQUISITION OF PROPERTY INTERESTS FOR THE PENN STATION ACCESS PROJECT |
| Department REAL ESTATE |
| Department Head Name DAVID FLORIO |
| Department Head Signature |
| Project Manager Name ANGELA SZU |

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|--|
| Date SEPTEMBER 30, 2025 |
| Vendor Name |
| Contract Number |
| Contract Manager Name |
| Table of Contents Ref. # |

| Board Action | | | | | |
|--------------|-------------------|----------|----------|------|-------|
| Order | To | Date | Approval | Info | Other |
| 1 | MNR | 09/29/25 | | X | |
| 2 | Finance Committee | 09/29/25 | X | | |
| 3 | Board | 09/30/25 | X | | |
| | | | | | |

| Internal Approvals | | | |
|--------------------|------------------------------|-------|----------|
| Order | Approval | Order | Approval |
| 1 | Legal | | |
| 2 | Chief Administrative Officer | | |
| 3 | Chief Financial Officer | | |
| | | | |

AGENCY: Metropolitan Transportation Authority ("MTA")

PROJECT: Penn Station Access Project (the "Project")

ACTIVITY: Acquisition of Fee Interest and Permanent Easements in Properties Listed on the Attached Determination and Findings for the Project

ACTION REQUESTED: Approval of Determination and Findings Under the New York Eminent Domain Procedure Law

COMMENTS:

In connection with the construction of the Project, a number of real property interest acquisitions will be required for stations (including platforms, stairways, walkways and Americans with Disabilities Act compliance), electrical substations, right-of-way augmentations along Amtrak's Hell Gate Line, and New Rochelle Yard improvements. On May 28, 2025, the MTA Board authorized the acquisition of required property interests through negotiated agreements or eminent domain (see attached Staff Summary for reference).

The various required property interests in the Bronx and Westchester are set forth in a chart on the attached Determination and Findings. The MTA will seek to acquire these property interests by negotiated agreements. In those instances where the MTA cannot reach agreements with the affected property owners, legal proceedings will be commenced under Article 2 of the New York State Eminent Domain Procedure Law ("EDPL").

On July 24, 2025, the MTA held an EDPL public hearing to describe the public uses, benefits, purposes and location of the work elements covered by the Project, the property interests to be acquired, and the Project's general impact on the environment. Notices of this public hearing were published in newspapers, as required under the EDPL. Property owners, affected tenants, and other interested parties were also given advance notice of the hearing by certified mail. MTA Construction and Development ("MTA C&D") personnel attended this hearing.

Following a presentation by the MTA's hearing officer, speakers made statements about the Project and the proposed property acquisitions. In addition, written submissions with comments about the Project and the proposed property acquisitions were received by the MTA prior to the end of the written submission period at the close of business on July 31, 2025, at 5:30 p.m. A summary of the statements and written comments is contained in the attached Determination and Findings.

FINANCE COMMITTEE MEETING

EMINENT DOMAIN PROCEDURE LAW DETERMINATION AND FINDINGS; ACQUISITION OF PROPERTY INTERESTS FOR THE PENN STATION ACCESS PROJECT (Cont'd.)

Page 2 of 2

After due consideration of all statements made during the EDPL public hearing and comments period, MTA Real Estate recommends Board approval of the acquisitions, by eminent domain, if necessary, of the property interests described in the attached Determination and Findings. All comments have been given careful, extensive, and due consideration by the MTA. Moreover, MTA Real Estate, MTA C&D and project staff will continue to work with property owners, tenants, and other potentially affected parties as the Project moves forward to mitigate project related impacts as much as possible.

A copy of the Determination and Findings under the EDPL is attached for the Board's consideration and approval.

MTA Real Estate hereby requests Board approval of the attached Determination and Findings. This action will authorize MTA Real Estate and its Legal Counsel to continue with the Eminent Domain proceedings to acquire the required property interests by eminent domain, if necessary.

Staff Summary

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| Subject ACQUISITION OF PROPERTY INTERESTS FOR THE PENN STATION ACCESS PROJECT |
| Department REAL ESTATE |
| Department Head Name DAVID FLORIO |
| Department Head Signature |
| Project Manager Name ANGELA SZU |

| |
|------------------------------------|
| Date MAY 28, 2025 |
| Vendor Name |
| Contract Number |
| Contract Manager Name |
| Table of Contents Ref. # |

| Board Action | | | | | |
|--------------|-------------------|----------|----------|------|-------|
| Order | To | Date | Approval | Info | Other |
| 1 | MNR | 05/28/25 | | X | |
| 2 | Finance Committee | 05/28/25 | X | | |
| 3 | Board | 05/28/25 | X | | |
| | | | | | |

| Internal Approvals | | | |
|--------------------|------------------------------|-------|----------|
| Order | Approval | Order | Approval |
| 1 | Legal | | |
| 2 | Chief Administrative Officer | | |
| 3 | Chief Financial Officer | | |
| | | | |

AGENCY: Metropolitan Transportation Authority ("MTA") and MTA Metro-North Railroad ("MNR")

GRANTORS: Various grantors per attached schedule

LOCATIONS: Various locations per attached schedule

ACTIVITY: Acquisition of real property interests in connection with the Penn Station Access Project ("PSA")

ACTION REQUESTED: Authorization to acquire various real property interests through negotiated agreements or eminent domain

COMPENSATION: To be determined separately for each property interest via negotiation or condemnation

COMMENTS:

In connection with the construction of PSA, a number of real property interest acquisitions will be required for stations (including platforms, stairways, walkways and Americans with Disabilities Act compliance), electrical substations, right-of-way ("ROW") augmentations along Amtrak's Hell Gate Line, and New Rochelle Yard improvements. The properties are listed on the attached schedule.

The MTA will endeavor to acquire all property interests for the project through negotiated agreements, but for a project of this magnitude, the MTA may not be able to reach agreements with all property owners and will be compelled to acquire some property interests through eminent domain. Thus, Board approval is being sought for the MTA to begin taking steps to satisfy the requirements of the Eminent Domain Procedure Law in order to preserve the MTA's rights, lessen the potential for delays to PSA and ensure the timely acquisition of the necessary property interests. If a negotiated agreement to acquire any of the property interests is reached prior to the filing of condemnation papers with the court, the terms of any such agreements will be presented to the Finance Committee and the MTA Board for further approval.

Based on the foregoing, MTA Real Estate requests authorization to proceed with the acquisition, by negotiated agreement or condemnation on the above-described terms and conditions.

FINANCE COMMITTEE MEETING

ACQUISITION OF PROPERTY INTERESTS FOR THE PENN STATION ACCESS PROJECT

(Cont'd.)

Page 2 of 3

BOARD RESOLUTION

WHEREAS, the MTA is undertaking the construction of the MTA MNR Penn Station Access Project ("PSA");

WHEREAS, in connection with PSA a number of real property interest acquisitions will be required for stations (including platforms, stairways, walkways and Americans with Disabilities Act compliance), electrical substations, Right-of-Way ("ROW") augmentations along Amtrak's Hell Gate Line, and New Rochelle Yard improvements;

WHEREAS, the MTA will endeavor to acquire the real property interests through negotiated voluntary agreements with the affected property owners, in order to preserve the MTA's rights and lessen the potential for future delays to the project if agreements cannot be negotiated in a timely manner, the MTA must take preliminary steps under the Eminent Domain Procedure Law to secure the property interest needed for PSA.

WHEREAS, if a negotiated agreement to acquire any of the property interests is reached prior to the filing of condemnation papers with the court, the terms of any such agreements will be presented to the Finance Committee and the MTA Board for further approval.

NOW THEREFORE, BE IT RESOLVED that in accordance with the Eminent Domain Procedure Law and Section 1267 of the Public Authorities Law, the Chairman or designated staff member of the MTA is authorized to proceed with the acquisition of real property interests in the properties described above by negotiated agreements or eminent domain and to schedule and undertake such preliminary steps, including holding a public hearing, as may be required under the Eminent Domain Procedure Law, in connection with these acquisitions.

BE IT FURTHER RESOLVED that the proposed acquisitions will be subject to prior, satisfactory completion of any required environmental reviews and that the terms of any negotiated agreements will be presented to the Finance Committee and the MTA Board for further approval.

See attachment for list of properties.

This resolution shall take effect immediately upon its adoption.

FINANCE COMMITTEE MEETING

ACQUISITION OF PROPERTY INTERESTS FOR THE PENN STATION ACCESS PROJECT

(Cont'd.)

Page 3 of 3

Acquisition of Various Real Property Interests in Support of the MTA Metro-North Penn Station Access Project by Negotiated Purchase or Condemnation

| <u>Borough</u> | <u>Block</u> | <u>Lot</u> | <u>Property Address</u> | <u>Reputed Owner</u> | <u>Type of Interest</u> |
|----------------|--------------|---------------------|-----------------------------------|--|-------------------------|
| Bronx | 2599 | 1 | Southern Boulevard | Bruckner RR, LLC | Perm & Temp Easements |
| Bronx | 2599 | 62 | Bruckner Boulevard | 980 BLC Owner LLC | Perm & Temp Easements |
| Bronx | 2599 | 87 | 980 East 149 th Street | 980 BLC Owner LLC | Perm & Temp Easements |
| Bronx | 2599 | 175 | East 141 st Street | 980 BLC Owner LLC | Perm & Temp Easements |
| Bronx | 2599 | 269 | 380 Bruckner Boulevard | Bruckner, LLC | Full Fee Simple |
| Bronx | 4018 | 121 | Van Buren Street | 1601 Van Buren LLC | Permanent Easement |
| Bronx | 4085 | 4 | 1140 Sacket Avenue | Y Properties Holdings II, LLC | Permanent Easement |
| Bronx | 4411 | 300 | 1770 Stillwell Avenue | United Cerebral Palsy of New York City, Inc. | Permanent Easements |
| Westchester | 238 | 10 | 171 Huguenot Street | SILWIS LLC | Perm & Temp Easements |
| Westchester | 238 | 5 p/o (F/K/A 21) | 12 Commerce Drive | BRP 10 Commerce LLC | Perm & Temp Easements |
| Westchester | 238 | 20 | 8 Commerce Drive | Cedar Plaza Associates, LLC | Perm & Temp Easements |
| Westchester | 250 | 1 | 8 Joyce Road | Agree Eastern LLC | Perm & Temp Easements |
| Westchester | 267 | 30 | 2533 Palmer Avenue | 2533 Premium Realty LTD. | Perm & Temp Easements |
| Westchester | 267 | 15 | 2525 Palmer Avenue | 2525 Palmer Associates LLC | Perm & Temp Easements |
| Westchester | 267 | 3 | Oak Street | Aldanso Realty LLC | Perm & Temp Easements |
| Westchester | 308 | 29 | 186 Lisenard Avenue | AMD Realty, Inc. | Perm & Temp Easements |
| Westchester | 308 | 30 | Oak Street | AMD Realty, Inc. | Perm & Temp Easements |
| Westchester | 310 | 20 | 2425 Palmer Avenue | Palmer-Petersville Leopold LP | Perm & Temp Easements |

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

PENN STATION ACCESS PROJECT

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

1. EDPL Public Hearing. On July 24, 2025, MTA held an EDPL public hearing to inform the public and to receive the public's comments on proposed property acquisitions for the Penn Station Access Project (the "Project"). All oral comments received at the hearing and all written comments received by the end of the written submission period following the hearing have been reviewed, made part of the record, and given due consideration.

2. Location of Property Required for the Project. The location and nature of the property interests required for the Project, and hereby approved for acquisition, are as described on the chart below.

At the July 24, 2025 public hearing and in letters and maps mailed to property owners and interested parties prior to the public hearing, MTA provided more detailed descriptions of the required property interests and estimated time frames when the property interests would be needed for the Project, currently scheduled to occur in Q1 2026.

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

3. Public Use, Purpose and Benefits. With respect to the Project in general, the Project will provide direct rail access to Penn Station-New York and Manhattan's west side from southern Connecticut, Westchester County, and the east Bronx by providing direct service to New Haven Line customers and introducing convenient, direct rail service to communities in the eastern Bronx currently underserved by mass transit. The Project will make various infrastructure improvements to Amtrak's existing Hell Gate Line and will construct four (4) new Metro-North stations along the line in the East Bronx at Hunts Point, Parkchester-Van Nest, Morris Park, and Co-op City.

More specifically, the Project's area of construction will begin at Shell Interlocking, which is just west of Metro-North's New Rochelle yard and the location where the Hell Gate Line and the New Haven Line diverge. The Project will then continue west along the length of the Hell Gate Line in the Bronx, entering Queens via the Hell Gate Bridge and meeting the LIRR Mainline at Harold Interlocking.

The Project will greatly improve transit access for communities in the East Bronx, including low-income and minority communities, saving riders traveling to Penn Station New York approximately 50 minutes. East Bronx passengers traveling to Connecticut could save up to

approximately 75 minutes. Additionally, the new Metro-North stations will provide better access to employment opportunities, shopping and entertainment, the enhancement of transportation options for residents, workers and visitors as well as create a more attractive environment for residential and commercial development.

4. Reasons for Selecting the Project Locations: MTA the Federal Transit Administration (“FTA”) and the Federal Railroad Administration (“FRA”) fully evaluated alternatives during the environmental assessment process, as set forth in detail in the Environmental Assessment (“EA”) issued in May 2021. On September 24, 2021 FTA issued a Finding of No Significant Impact (“FONSI”). Additionally, on November 16, 2021 the FRA issued a FONSI for the Project. Thereafter, the FTA and/or FRA issued Supplemental Environmental Assessment Re-Evaluations in September 2022, January 2023, May 2023, April 2024 and April 2025, concluding the environmental review for the Project by recommending the Project as the alternative that best satisfies the goal and objectives of the National Environmental Policy Act.

5. General Effect of the Project on the Environment and Residents of the Locality. The environmental impacts of the Project as a whole are thoroughly covered in the EA. The Project will take place along the existing railroad right-of-way and will result in adverse impacts to only a select number of environmental technical areas, none of which will be significant and all of which will be temporary or which MTA will mitigate. The general environmental impacts are summarized as follows:

The following six environmental technical areas could have potential adverse impacts:

- Historic Resources
- Archaeological Resources
- Department of Transportation Act, Section 4(f)
- Transportation
- Noise and Vibration and
- Contaminated Materials

Historic Resources:

The Amtrak Hell Gate Line bascule bridge over the Bronx River will be rehabilitated, and a new two-span bridge will be constructed adjacent to it. The work will not alter the significant features of the bascule bridge, but will preserve and protect this historic resource by conducting the necessary upgrades that will allow it to continue to function, albeit in a modified form.

The Project could have visual effects on the Parkchester Apartment Complex due to the nearby Parkchester-Van Nest Station. The station and the façade for the Van Nest AC Substation will incorporate contextually sensitive design elements into the architecture. A construction monitoring plan will be implemented to ensure there will be no adverse effect to the complex during construction.

The Project will expand the New Rochelle Yard in the vicinity of the Kaufman Building but will have no adverse effect, and a monitoring plan will ensure the protection of the resource.

The Pelham Lane Pathway Bridge in Pelham Bay Park was recently determined to be eligible for listing on the National Register of Historic Places. The bridge is proposed to be rehabilitated or replaced. Replacement would have an adverse effect. However, MTA will explore alternatives to demolition and consult with the NYS State Historic Preservation Office ("SHPO"), as described in the Programmatic Agreement, which is included as an Appendix to the EA.

Archeological Resources:

The Project could have an impact on potential archaeological resources in the corridor beneath 22 inches of ballast in areas where tracks are at grade elevation, including the Co-op City and Morris Park Station sites. Should design indicate that the identified archaeologically sensitive deposits may be disturbed by the Project, testing work plans will be developed and submitted to SHPO. Future steps to be taken to protect archaeological resources are set forth in the Programmatic Agreement for the Project that has been executed by FTA, the State Historic Preservation Office, and the MTA. A copy of the Programmatic Agreement is included as an Appendix to the EA.

Department of Transportation Act, Section 4(f)

Section 4(f) of the USDOT Act of 1966, as amended (23 CFR Part § 774, codified in 49 U.S.C. 303 and generally referred to as "Section 4(f)"), prohibits the Secretary of Transportation from approving any program or project that requires the "use" of the following:

- Any publicly owned parkland, recreation area, or wildlife and waterfowl refuge of national, state, or local significance; or
- Any land from a historic site of national, state, or local significance, unless there is no feasible and prudent alternative to the use of such land and such program or project includes all possible planning to minimize harm to the Section 4(f) properties.

The EA for the Project identifies Section 4(f) properties within the study area, including 33 publicly owned parkland and recreational areas, one wildlife refuge, and 10 historic architectural resources, and describes the effect of the Project on those properties. Because the proposed easements within NYC parklands will not adversely change the activities, features or properties of the resource, FTA has made a de minimis finding. However, the rehabilitation or replacement of the Pelham Lane Pathway Bridge will result in a permanent use of a Section 4(f) resource. As outlined in the FONSI and the Programmatic Agreement MTA will follow the process for resolution of adverse effects. MTA will consult with SHPO regarding minimization or mitigation measures with regard to the rehabilitation or replacement of the Pelham Lane Pathway Bridge.

Transportation

Traffic: While the Project would result in an increase of more than 10 seconds of delay at two locations (Eighth Avenue at West 33rd Street in the PM, and Morris Park Avenue at Eastchester Road in the AM), the Project's overall traffic increases would not result in adverse traffic impacts.

Parking: Consistent with Metro-North policy for urban stations, the Project will not include new parking spaces. No parking impacts are expected in the Penn Station New York ("PSNY") area or in the vicinity of the new Bronx stations. At stations north of the Bronx, any increased parking demand will be addressed by local municipalities through additional parking structures or by encouraging alternative modes of transportation to the stations.

Transit: Ridership is forecast to increase on the Seventh Avenue and Eighth Avenue subway lines in PSNY and on the five bus routes serving the PSNY area. However, existing subway and bus services would adequately accommodate Metro-North passengers making connections via transit with no adverse impact to such services. At the proposed Bronx stations, current bus and subway services would adequately accommodate increased ridership. NYCT will address any future capacity or service deficiencies in its systemwide planning and programming.

Rail Operations: The Project will not result in any adverse impacts to Amtrak's operations along the Hell Gate Line ("HGL") or at PSNY. Overall commuter and intercity passenger rail operations for the area will largely be improved by the additional track flexibility.

Pedestrians: MTA expects no pedestrian-related impacts for sidewalks surrounding the proposed stations, because the additional pedestrian trips to/from the proposed stations will be dispersed over multiple blocks at each location.

MTA will employ an extensive community outreach program throughout construction to keep the affected neighborhoods informed about construction activities taking place. MTA will use the outreach program to work closely with business organizations, community groups, schools, houses of worship, and other organizations to share information about Project-related construction activities.

Noise and Vibration

The Project will increase ambient noise levels by one to four decibels over existing levels and create severe (i.e., significant) noise impacts at 17 buildings (34 dwelling units) and moderate impacts at 270 buildings (765 dwelling units) along the HGL Corridor. Severe impacts will be abated by a noise barrier (noise wall) at 7 buildings where space is available for installation. At the remaining 10 buildings with severe impacts, all existing windows on building facades that have visual exposure to the tracks will be offered replacement windows. The Project will create vibration impacts at 40 buildings (84 dwelling units) along the HGL Corridor. Vibration impacts will be abated by using under-rail pads and resilient fasteners in track construction.

Contaminated Materials

During construction some contaminated materials may be encountered in the station areas and HGL Corridor, caused by historic rail operations, spills, and historical site uses. Discovery of existing groundwater contamination caused by petroleum products and chlorinated solvents is possible based on the historical use of the subject sites and neighboring properties. Lead-based paint, asbestos-containing material, and mold may be present on existing structures (including bridges undergoing rehabilitation). Appropriate measures will be taken to protect human health during construction activities. The results of the subsurface investigation, and any additional investigations performed by the design-builder during final design, will be used to prepare a site-specific Health and Safety Plan and Hazardous Materials Management Plan. Overall, MTA anticipates environmental contamination to be low to moderate, but some remediation may be necessary.

General Disruption Associated with Construction

Construction of the Project would result in temporary effects along the railroad right-of-way and in areas adjacent to sections of the right-of-way where passenger stations, bridge modifications, and other Project elements are proposed. The HGL was originally designed to hold six railroad tracks and is now occupied by two Amtrak passenger tracks and one CSX freight track. Therefore, the right-of-way has sufficient space for the majority of the Project elements. Based on conceptual plans and schedule, construction would last approximately five years. There would be approximately 24 to 36 months of consistent station work at each station and up to 36 months of work at each new substation, with shorter durations of work along the HGL Corridor which could occur simultaneously. Access points and staging areas could be active for the duration of the Project. To minimize any potential adverse effects during construction, the design-builder will implement specific measures to minimize community impacts.

To help minimize potential impacts, MTA will make every reasonable effort to maintain access; control dust, noise and vibration; screen construction activities; control rodents and pests; and minimize other disruptions, where practicable. MTA's goal here is to create an active program of construction security and quality of life controls to ensure community safety.

COMMENTS

At the public hearing, oral comments were received from the public, and it was stated that written comments would be accepted until the close of business on July 31, 2025.

The following summarizes the comments received:

- (a) concerns about the taking of property without providing replacement property as opposed to monetary compensation; (b) impacts to parking, access, safety and functionality on impacted parcels; (c) questions regarding project delay risk due to Amtrak; (d) questioning the need for the project and the location of the venue where the Public Hearing was held and (e) requesting clarity on the project construction schedule.

All comments have been given careful, extensive and due consideration by MTA.

DETERMINATION

Based on due consideration of the record and the foregoing findings, it is determined that the MTA should exercise its power of eminent domain to acquire the property interests set forth in the chart below in order to promote and permit the purposes of the Project to be achieved.

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

Joseph O'Donnell, Director of Public Affairs
MTA Construction & Development
2 Broadway, D8135
New York, N.Y. 10004

ANYONE SEEKING JUDICIAL REVIEW OF THE ABOVE DETERMINATION AND FINDINGS MUST COMMENCE A LEGAL PROCEEDING IN ACCORDANCE WITH EDPL § 207 NO LATER THAN 30 DAYS AFTER MTA COMPLETES ITS TWO-DAY PUBLICATION OF THIS DOCUMENT, OR A SYNOPSIS THEREOF. UNDER EDPL § 207 AND § 208, THE EXCLUSIVE VENUE FOR SUCH PROCEEDING FOR PROPERTY IN THE BRONX IS THE APPELLATE DIVISION, FIRST JUDICIAL DEPARTMENT, 27 MADISON AVENUE, NEW YORK, NEW YORK 10010. THE EXCLUSIVE VENUE FOR SUCH PROCEEDING FOR PROPERTY IN WESTCHESTER IS THE APPELLATE DIVISION, SECOND JUDICIAL DEPARTMENT, 45 MONROE PLACE, BROOKLYN, NEW YORK 11201.

Acquisition of fee interests, permanent and temporary easements for the Penn Station Access Project

| <u>Borough</u> | <u>Block</u> | <u>Lot</u> | <u>Property Address</u> | <u>Type of Interest</u> |
|----------------|--------------|------------|-----------------------------------|---------------------------------|
| Bronx | 2599 | 1 | Southern Boulevard | Permanent & Temporary Easements |
| Bronx | 2599 | 62 | Bruckner Boulevard | Permanent & Temporary Easements |
| Bronx | 2599 | 87 | 980 East 149 th Street | Permanent & Temporary Easements |
| Bronx | 2599 | 175 | East 141 st Street | Permanent & Temporary Easements |
| Bronx | 2599 | 269 | 380 Bruckner Boulevard | Full Fee Taking |
| Bronx | 4018 | 121 | Van Buren Street | Permanent Easement |
| Bronx | 4085 | 4 | 1140 Sacket Avenue | Permanent Easement |
| Bronx | 4411 | 300 | 1770 Stillwell Avenue | Permanent Easements |
| Westchester | 238 | 10 | 171 Huguenot Street | Permanent & Temporary Easements |
| Westchester | 238 | 5 | 12 Commerce Drive | Permanent & Temporary Easements |
| Westchester | 238 | 20 | 8 Commerce Drive | Permanent & Temporary Easements |
| Westchester | 250 | 1 | 8 Joyce Road | Permanent & Temporary Easements |
| Westchester | 267 | 30 | 2533 Palmer Avenue | Permanent & Temporary Easements |
| Westchester | 267 | 15 | 2525 Palmer Avenue | Permanent & Temporary Easements |
| Westchester | 267 | 3 | Oak Street | Permanent & Temporary Easements |
| Westchester | 308 | 29 | 186 Lispenard Avenue | Permanent & Temporary Easements |
| Westchester | 308 | 30 | Oak Street | Permanent & Temporary Easements |
| Westchester | 310 | 20 | 2425 Palmer Avenue | Permanent & Temporary Easements |

MTA NEW YORK CITY TRANSIT

Staff Summary

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| Subject AUTHORIZATION TO ACQUIRE PROPERTY INTERESTS BY NEGOTIATED SETTLEMENT OR EMINENT DOMAIN FOR THE NYCT NOSTRAND AVENUE ADA PROJECT IN BROOKLYN, NY |
| Department REAL ESTATE |
| Department Head Name DAVID FLORIO |
| Department Head Signature |
| Project Manager Name RAYMOND SMYTH |

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| Date SEPTEMBER 30, 2025 |
| Vendor Name |
| Contract Number |
| Contract Manager Name |
| Table of Contents Ref. # |

| Board Action | | | | | |
|--------------|-------------------|----------|----------|------|-------|
| Order | To | Date | Approval | Info | Other |
| 1 | Finance Committee | 09/29/25 | X | | |
| 2 | Board | 09/30/25 | X | | |
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| Internal Approvals | | | |
|--------------------|------------------------------|-------|----------|
| Order | Approval | Order | Approval |
| 1 | Legal | | |
| 2 | Chief Administrative Officer | | |
| 3 | Chief Financial Officer | | |
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AGENCY: MTA New York City Transit ("NYCT")

SELLER: 1242 Fulton Associates

LOCATION: 1242 Fulton Street, Brooklyn, NY

ACTIVITY: Fee acquisition of property to facilitate construction of an ADA elevator at the Nostrand Avenue subway station

ACTION REQUESTED: Authorization to acquire property through negotiated agreement or eminent domain

COMPENSATION: To be determined via negotiation or condemnation

COMMENTS:

In connection with the Nostrand Avenue station ADA project, the MTA Real Estate is seeking to acquire a property located at 1242 Fulton Street, Brooklyn, NY (the "Property"). The Property is approximately 5,000 square feet in size and currently contains a one-story retail building. Once acquired, the MTA will demolish the existing building and utilize the lot to construct a new ADA elevator servicing customers at Nostrand Avenue station. After a review of alternative properties in the vicinity of Nostrand Avenue station, it was determined that the Property is the only viable location that satisfies the location and size requirements for the construction of the elevator.

The MTA will endeavor to acquire the Property through a negotiated agreement. However, the MTA Real Estate may not be able to reach agreement with the Seller and may be compelled to acquire the Property by eminent domain as no viable alternative sites have been identified. Thus, MTA Board approval is being sought for the MTA Real Estate to begin taking steps to satisfy the requirements of Eminent Domain Procedure Law in order to preserve the MTA's rights and lessen the potential for future delays to the Project and ensure the timely acquisition of the Property. If a negotiated agreement to acquire the Property is reached prior to the filing of condemnation papers with the court, the terms of any such agreement will be presented to the Finance Committee and MTA Board for further approval.

Based on the foregoing, MTA Real Estate requests authorization to proceed with the acquisition, by negotiated agreement or condemnation on the above-described terms and conditions.

Staff Summary

FINANCE COMMITTEE MEETING

AUTHORIZATION TO ACQUIRE PROPERTY INTERESTS BY NEGOTIATED SETTLEMENT OR EMINENT DOMAIN FOR THE NYCT NOSTRAND AVENUE ADA PROJECT IN BROOKLYN, NY (Cont'd.)



Metropolitan Transportation Authority

Page 2 of 2

BOARD RESOLUTION

WHEREAS, the MTA is undertaking the construction ADA improvements at Nostrand Avenue Station (the "Project:).

WHEREAS, in connection with the Project the 1242 Fulton Street, Brooklyn, NY is required for improvements (including elevators, stairways, and Americans with Disabilities Act compliance).

WHEREAS, the MTA will endeavor to acquire the real property interests through negotiated voluntary agreements with the affected property owner, in order to preserve the MTA's rights and lessen the potential for future delays to the project if agreements cannot be negotiated in a timely manner, the MTA must take preliminary steps under the Eminent Domain Procedure Law to secure the property interest needed for the Project.

WHEREAS, if a negotiated agreement to acquire the property interests is reached prior to the filing of condemnation papers with the court, the terms of any such agreements will be presented to the Finance Committee and the MTA Board for further approval.

NOW THEREFORE, BE IT RESOLVED that in accordance with the Eminent Domain Procedure Law and Section 1267 of the Public Authorities Law, the Chairman or designated staff member of the MTA is authorized to proceed with the acquisition of real property interests in the Property described above by negotiated agreements or eminent domain and to schedule and undertake such preliminary steps, including holding a public hearing, as may be required under the Eminent Domain Procedure Law, in connection with this acquisition.

BE IT FURTHER RESOLVED that the proposed acquisitions will be subject to prior, satisfactory completion of any required environmental reviews and that the terms of any negotiated agreements will be presented to the Finance Committee and the MTA Board for further approval.

This resolution shall take effect immediately upon its adoption.

Staff Summary

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| Subject LEASE MODIFICATION AND EXTENSION WITH 29-76 REALTY CO., LLC FOR OFFICE SPACE AT 29-76 NORTHERN BLVD IN QUEENS, NY |
| Department REAL ESTATE |
| Department Head Name DAVID FLORIO |
| Department Head Signature |
| Project Manager Name JEAN PAUL |

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|--|
| Date SEPTEMBER 30, 2025 |
| Vendor Name |
| Contract Number |
| Contract Manager Name |
| Table of Contents Ref. # |

| Board Action | | | | | |
|--------------|-------------------|----------|----------|------|-------|
| Order | To | Date | Approval | Info | Other |
| 1 | Finance Committee | 09/29/25 | X | | |
| 2 | Board | 09/30/25 | X | | |
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| Internal Approvals | | | |
|--------------------|------------------------------|-------|----------|
| Order | Approval | Order | Approval |
| 1 | Legal | | |
| 2 | Chief Administrative Officer | | |
| 3 | Chief Financial Officer | | |
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AGENCY: MTA New York City Transit ("NYCT")
Occupant: MTA Construction and Development ("C&D")

LESSOR: 29-76 Realty Co., LLC

LOCATION: 29-76 Northern Boulevard, Long Island City, NY

PREMISES: 17,201 rentable square feet ("RSF") on the 5th floor

USE: Offices

ACTION REQUESTED: Authorization to enter into a lease extension and modification

TERM: 3 years

REAL ESTATE TAXES: 7% proportionate share of any increase in the location's taxes above the 2008/2009 base tax year

UTILITIES: Separately metered with independent utility services.

RENT COMMENCEMENT: 11/01/25

BASE RENT: Lease Year 1: \$633,340.82 per annum
Lease Year 2: \$652,341.04 per annum
Lease Year 3: \$671,911.28 per annum

COMMENTS:

C&D currently occupies office space at 29-76 Northern Boulevard, Long Island City, pursuant to a lease between New York City Transit and 29-76 Realty Co LLC, dated May 12, 1994 (the "Lease"). The Lease has been extended several times and will expire on October 31, 2025.

The Lease currently comprises the entire 5th floor of the Location, which is 34,500 rentable square feet. To better meet its current and future space requirements, C&D will reduce its occupancy to 17,201 rentable square feet effective November 1, 2025. The Premises is already legally separated and built out to accommodate the future reduction with its own sub-metering and independent utility services.

FINANCE COMMITTEE MEETING

LEASE MODIFICATION AND EXTENSION AGREEMENT WITH 29-76 REALTY CO., LLC FOR OFFICE SPACE AT 29-76 NORTHERN BLVD IN QUEENS, NY (Cont'd.)

Page 2 of 2

The proposed extension and modification provide for a three-year lease term, commencing November 1, 2025, and expiring October 31, 2028, and includes an early termination option permitting NYCT to terminate the lease and C&D to vacate and surrender the space effective at any time from and after October 1, 2026 upon six months' prior written notice.

Based on the foregoing, MTA Real Estate requests authorization to extend and modify the Lease on behalf of NYCT with 29-76 Realty Co., LLC under the terms and conditions described above.

MTA METRO-NORTH RAILROAD

Staff Summary

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| Subject LEASE WITH THE SAW PIT AT PORT CHESTER STATION LLC. FOR THE PORT CHESTER STATION BUILDING |
| Department REAL ESTATE |
| Department Head Name DAVID FLORIO |
| Department Head Signature |
| Project Manager Name JASON ORTIZ |

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| Date SEPTEMBER 30, 2025 |
| Vendor Name |
| Contract Number |
| Contract Manager Name |
| Table of Contents Ref. # |

| Board Action | | | | | |
|--------------|-------------------|----------|----------|------|-------|
| Order | To | Date | Approval | Info | Other |
| 1 | Metro-North | 09/29/25 | | X | |
| 2 | Finance Committee | 09/29/25 | X | | |
| 3 | Board | 09/30/25 | X | | |
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| Internal Approvals | | | |
|--------------------|------------------------------|-------|----------|
| Order | Approval | Order | Approval |
| 1 | Legal | | |
| 2 | Chief Administrative Officer | | |
| 3 | Chief Financial Officer | | |
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AGENCY: MTA Metro-North Railroad ("MNR")

LESSEE: The Saw Pit at Port Chester Station LLC. ("TSP")

LOCATION: Port Chester Station Building ("Station Building")

PREMISES: Station Building totaling approximately 5,632 sf with adjacent outdoor area of 3,600 sf, plus seven (7) parking spaces

USE: Railroad-compatible retail or restaurant operation with brewery/brewpub operations and ancillary and incidental uses thereto.

ACTION REQUESTED: Authorization to enter into a lease agreement

TERM: Ten (10) years and two (2) five (5) year extension options plus a (9) month construction period

COMPENSATION: Years 1-10: \$120,000.00 per annum with three percent (3%) escalations
Each 5-year extension option is subject to a fair market value determination

COMMENTS:

MTA Real Estate issued a Request for Proposals ("RFP") dated June 3, 2024, for the Station Building which is currently vacant and was previously occupied by One Track Mind who vacated on July 1, 2022. Three (3) proposals were received, and the proposals are summarized below:

| Proposer Name | Present Value at 6% |
|------------------------------|---------------------|
| Ray's Pizza | \$998,256.45 |
| TSP | \$913,350.79 |
| Famous Greek Kitchen ("FGK") | \$885,048.91 |

Each of the three proposers proposed an annual rent of \$120,000 with 3% annual increases over a 10-year lease term. The Net Present Value (NPV) calculations take into account varying requests for initial free rent periods: Rays Pizza requested none, TSP requested 9 months, while FGK requested 12 months. While FGK's total effective term is 9 years, TSP has proposed a 9-month construction period following the lease execution date, after which they will commence rent payment for the full lease term of 120 months.

FINANCE COMMITTEE MEETING

LEASE AGREEMENT WITH THE SAW PIT AT PORT CHESTER STATION LLC. FOR THE PORT CHESTER STATION BUILDING (Cont'd)

Page 2 of 2

Ray's Pizza submitted an incomplete proposal and did not provide the required documentation and submissions after several requests. FGK provided a complete proposal but was not selected due to a lower overall net rental value.

TSP is majority owned by The Redner Group ("Redner") who possesses the creditworthiness and financial strength necessary to independently fund the required improvements, which are estimated to cost \$1,000,000. In addition to its existing financial resources, TSP has secured a revolving working capital loan of \$1,000,000. The principals of Redner/TSP have also committed to guaranteeing the performance and payment obligations of the tenant under the lease, which will be backed by either a letter of credit or a security deposit.

TSP principals have collectively over 75 years' experience in the alcohol beverage industry and more than 50 years in the restaurant sector. TSP was granted a lease by the Hillsborough County Aviation Authority at Tampa International Airport for food and beverage use. The group's assets include approximately 20,000 square foot production facilities in Largo, Florida, and Carlstadt, New Jersey. Operations span across several states, including California, Connecticut, Florida, Georgia, New Jersey, New York, North Carolina, and Tennessee.

The business plan outlines "The Saw Pit Station House" as a quick service beverage and food hall designed to be a central hub for the community, catering to commuters at all times of the day. The concept is to create a unique brand that resonates with the location's heritage as a train station, preserving and accentuating historical features like the ticket booth and communal seating, while also incorporating modern elements such as displaying train schedules on TV screens.

The beverage selection will include a range of TSP branded craft beers, liquors, meads, wines, and other drinks along with seasonal and rotational offerings to encourage repeat visits. The food hall will feature a diverse menu developed by experienced chefs, with offerings ranging from Nashville Hot Chicken and vegan cuisine to artisanal pizza and pit smoked BBQ. Breakfast will include fast, pre-wrapped items and made-to-order dishes, while lunch and dinner will offer full menus, with a focus on convenience for evening commuters.

Redner/TSP proposed refurbishment project aims to allocate up to \$1,000,000 towards enhancing the Station Building's facilities, equipment, and aesthetic appeal. Key improvements include restoring original architectural features, replacing broken equipment, and integrating sustainable design elements where feasible. These efforts will ensure that the Station Building maintains its historical character while meeting contemporary operational needs.

On May 12, 2024, MTA Real Estate obtained an appraisal from Goodman-Marks regarding the market rental value of the Station Building, which was determined to be \$282,000 annually. However, during an open market Request for Proposals, all three bidders proposed an annual rent of \$120,000, which constitutes concrete evidence of fair market value. Although TSP is not the highest bidder, it is the highest complete bidder and was deemed the best overall proposal, taking into account the concept, experience, and financial capability of the bidder.

Credit and background investigations performed on TSP discovered no evidence of criminal conviction history, or other disagreement or reputation issues connected with the aforementioned company. TSP has good credit and sufficient financial resources to successfully complete the required improvements and compensation obligations.

Based on the foregoing, it is recommended to proceed with the award of a lease agreement to The Saw Pit at Port Chester Station LLC. for the operation of their "Saw Pit Station House" at the Port Chester Station Building.

Staff Summary

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| Subject LICENSE WITH GATEWAY FOODS HOLDING LLC FOR THE RETAIL CONCESSION AND STORAGE SPACE AT WHITE PLAINS STATION, WHITE PLAINS, NY | Date SEPTEMBER 30, 2025 |
| Department REAL ESTATE | Vendor Name |
| Department Head Name DAVID FLORIO | Contract Number |
| Department Head Signature | Contract Manager Name |
| Project Manager Name JASON ORTIZ | Table of Contents Ref. # |

| Board Action | | | | | | Internal Approvals | | | |
|--------------|-------------------|----------|----------|------|-------|--------------------|------------------------------|-------|----------|
| Order | To | Date | Approval | Info | Other | Order | Approval | Order | Approval |
| 1 | MNR | 09/29/25 | | X | | 1 | Legal | | |
| 2 | Finance Committee | 09/29/25 | X | | | 2 | Chief Administrative Officer | | |
| 3 | Board | 09/30/25 | X | | | 3 | Chief Financial Officer | | |
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AGENCY: MTA Metro-North Railroad ("MNR")

LICENSEE: Gateway Foods Holding LLC ("Gateway Foods")

LOCATION: White Plains Station – 16 Ferris Avenue, White Plains NY ("Station")

LICENSED AREA: Approximately 420 sq. ft. retail concession space and up to 550 sq. ft. storage space both located within the White Plains Station.

USE: Operation of a Tim Horton's coffee concession

ACTION REQUESTED: Approval to enter into a license agreement

TERM: Five (5) years and one (1), five (5) year option term, subject to at will revocation on 60 days' notice, at no cost to MNR

COMPENSATION: \$112,500.00 per annum with three percent (3%) annual escalations plus eight and half percent (8.5%) of gross sales over \$1,139,724.13 through the Term and extension thereof.

COMMENTS:

MTA Real Estate issued a Request for Proposals ("RFP") on February 3, 2025, seeking qualified proposals to license a 420 square feet retail concession located on the inbound platform side of the Station.

Two (2) proposals were received and are summarized below:

Staff Summary

FINANCE COMMITTEE MEETING

LICENSE AGREEMENT BETWEEN WITH GATEWAY FOODS HOLDING LLC FOR THE RETAIL CONCESSION AND STORAGE SPACE AT WHITE PLAINS STATION, WHITE PLAINS, NY (Cont'd)

Page 2 of 2

| Proposer | Term | Use/Concept | Yr 1 MAG/ % Rent | NPV w/o Improv (5 Year Term) |
|-------------------------------|--------------------------------------|--------------------------------------|---|------------------------------------|
| Winfield Street Croton LLC | 5 years + 5 year extension option | Operate a Coffee Concession | \$111,000.00 10% of gross sales above \$1,139,724.13 | \$1,033,387.22 |
| Gateway Foods Holding LLC | 5 years + 5 year extension option | Tim Horton's coffee concession | \$112,500.00 8.5% of gross sales above \$1,139,724.13 | \$1,035,865.42 |

Upon review of the submitted proposals, MTA Real Estate determined that the most favorable proposal was submitted by Gateway Foods. Gateway Foods is the highest bidder and has been operating in the Licensed Area since May, 2014. The Licensee is under a holdover agreement dated June 5, 2025, as their license agreement expired on May 31, 2025. Gateway Foods has proposed to continue to operate the Licensed Area as a Tim Horton's coffee concession.

Throughout the Term, Gateway Foods will be responsible for ongoing maintenance and necessary repairs to the Licensed Area, its components and all related systems including fixtures, equipment, and any alterations made by Gateway Foods. Gateway Foods will ensure quality merchandise, compliance with safety, sanitation and business practices.

The proposed annual MAG compensation is listed in the table above, with eight and half (8.5%) percent revenue share on total gross sales over \$1,139,724.13.

A credit and background investigation was performed and indicates that Gateway Foods and its principals have no open civil or criminal records and possesses adequate financial resources to pay the proposed license compensation, maintain the required insurance, make the required improvements and carry out the required property maintenance at the Licensed Area.

The form of the agreement will be drafted by MTA Legal and will require Gateway Foods to provide appropriate insurance coverage and indemnification and comply with MNR's operating requirements.

Based on the foregoing, MTA Real Estate hereby requests authorization for MNR to enter into a license agreement with Gateway Foods under the above-described terms and conditions.

MTA LONG ISLAND RAIL ROAD

Staff Summary

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| Subject EASEMENT WITH AIREF STATION ROAD LOGISTICS CENTER II LLC FOR TWO SUBSURFACE EASEMENTS ALONG LIRR'S MAIN LINE BRANCH NEAR YAPHANK, NY |
| Department REAL ESTATE |
| Department Head Name DAVID FLORIO |
| Department Head Signature |
| Project Manager Name XAVIER CARRERA |

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| Date SEPTEMBER 29, 2025 |
| Vendor Name |
| Contract Number |
| Contract Manager Name |
| Table of Contents Ref. # |

| Board Action | | | | | |
|--------------|-------------------|----------|----------|------|-------|
| Order | To | Date | Approval | Info | Other |
| 1 | Finance Committee | 09/29/25 | X | | |
| 2 | Board | 09/30/25 | X | | |
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| Internal Approvals | | | |
|--------------------|------------------------------|-------|----------|
| Order | Approval | Order | Approval |
| 1 | Legal | | |
| 2 | Chief Administrative Officer | | |
| 3 | Chief Financial Officer | | |
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AGENCY: MTA Long Island Rail Road ("LIRR")

GRANTEE: AIREF Station Road Logistic Center II LLC

LOCATION: Between the LIRR Medford Station and Yaphank Station, two subsurface utility easements at locations: (1) Bellport Ave crossing in Yaphank, NY; and (2) Manor Rd and Munsell Rd crossing in Medford, NY

EASEMENT AREA: Location (1) approximately, 1,350 square feet, and Location (2) approximately, 1,000 square feet (the "Easements")

USE: Subsurface utility easements for the installation of a sewer force main pipe to connect to the Suffolk County Sewer District

ACTION REQUESTED: Authorization to grant easements

TERM: Permanent

COMPENSATION: \$40,000

COMMENTS:

Grantee owns property adjacent to the LIRR ROW, and Grantee requested two (2) underground sewer pipe easements from the LIRR. Due to legal and policy constraints, the LIRR could not grant the easements as requested. However, MTA Real Estate issued a Request for Proposals for the above locations on August 12, 2025, and Grantee was the sole proposer. Use of the Easements will allow the Grantee to connect sewer force main pipes to the Suffolk County Sewer District. The LIRR has approved the Easements and Use at these Locations.

Grantee submitted a complete, detailed proposal demonstrating that they have the financial capability to complete the transaction along with wire confirmation of the required 10% down payment of \$4,000 of proposed compensation of \$40,000, which is in line with the fair market value as determined by an MTA Real Estate's independent appraisal.

Based on the foregoing, the MTA Real Estate requests authorization to grant the Easements on behalf of the LIRR under the above-described terms and conditions.

Staff Summary

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| Subject LICENSE WITH EAGLE SCAFFOLDING SERVICES, INC. FOR THE USE PROPERTY AT 67 MILL STREET, AMITYVILLE, NY |
| Department REAL ESTATE |
| Department Head Name DAVID FLORIO |
| Department Head Signature |
| Project Manager Name SELINA STORZ |

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|--|
| Date SEPTEMBER 30, 2025 |
| Vendor Name |
| Contract Number |
| Contract Manager Name |
| Table of Contents Ref. # |

| Board Action | | | | | |
|--------------|-------------------|----------|----------|------|-------|
| Order | To | Date | Approval | Info | Other |
| 1 | Finance Committee | 09/29/25 | X | | |
| 2 | Board | 09/30/25 | X | | |
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| Internal Approvals | | | |
|--------------------|------------------------------|-------|----------|
| Order | Approval | Order | Approval |
| 1 | Legal | | |
| 2 | Chief Administrative Officer | | |
| 3 | Chief Financial Officer | | |
| | | | |

AGENCY: MTA Long Island Rail Road ("LIRR")

LICENSEE: Eagle Scaffolding Services, Inc. ("Eagle Scaffolding")

LOCATION: Adjacent to 67 Mill Street, Amityville, Town of Babylon, Suffolk County, NY

PREMISES: Two parcels of land consisting collectively of approximately 26,625 sq. ft. with the following breakdown:
Parcel 1 – Approx. 21,000 square feet for equipment storage ("Parcel 1")
Parcel 2 – Approx. 5,625 square feet for vehicle parking ("Parcel 2")

USE: Storage of non-hazardous materials and vehicle parking

ACTION REQUESTED: Approval to enter into a license agreement

TERM: Five (5) Years

COMPENSATION: \$4.00 per square foot for 26,625 square feet for an initial license fee of \$106,500.00 per annum, with 3% annual increases

COMMENTS:

Eagle Scaffolding entered into a license agreement with the MTA Real Estate on August 21, 2003, for the use of Parcel 1 located at the rear of 67 Mill Street in Amityville, Town of Babylon, Suffolk County, New York 11701 for the storage of materials related to their business. Eagle Scaffolding entered into a second license agreement with the LIRR dated July 1, 2019, in response to a Request for Proposals, for the use of Parcel 2 located adjacent to 67 Mill Street, on the southside of Mill Street, for parking. Both agreements have expired, and Eagle Scaffolding continues to occupy both parcels under two separate month-to-month holdover agreements. Therefore, Eagle Scaffolding has requested a renewal of their license agreements and has agreed to the above financial terms.

FINANCE COMMITTEE MEETING

LICENSE AGREEMENT WITH EAGLE SCAFFOLDING SERVICES, INC. FOR THE USE OF LONG ISLAND RAIL ROAD'S PROPERTY AT 67 MILL STREET, AMITYVILLE, NY (Cont'd)

Page 2 of 2

A new license agreement was drafted by MTA Legal, and Eagle Scaffolding will provide an "at will" termination by LIRR on 60 days' notice, appropriate insurance coverage and indemnification and comply with LIRR's operating requirements. Furthermore, Eagle Scaffolding will be responsible, at its sole cost and expense, for maintenance and improvements made to the Licensed Area.

Pursuant to the MTA Real Estate's Policy and Procedures for Licensing of Real Property, Circumstance 2, no RFP is required if the market rental value of the space in question, using standard practices for determining such market value, is considered less than \$5,000 per year or less than \$10.00 per square foot, whichever is greater. Here, the per square foot amount is \$4.00 per square foot per annum based on market comps.

A credit and background investigation was performed and indicates that Eagle Scaffolding and its principal has no open civil or criminal records and possesses adequate financial resources to pay the proposed license compensation, maintain the required insurance, make the required improvements and carry out the required property maintenance on the Premises.

Based on the foregoing, MTA Real Estate hereby requests authorization to enter into a license agreement on behalf of the LIRR with Eagle Scaffolding under the above-described terms and conditions.