EXHIBIT 45

From: Barbara Askins <bid125thst@aol.com>
Sent: Monday, 28 September 2026 10:23:35
To:

Subject: list of questions re 2nd avenue subway from the 125th street BID

Hello

Many BID members have expressed their support for the project, and there are many questions.

We are very pleased that Janno Lieber, Chairman of the MTA, will be the guest speaker at the BID's Annual Meeting on October 5th. We see this as an opportunity to establish a stronger working relationship with the MTA that goes well

beyond a general community outreach program.

We gathered issues and questions from board members and organized them into a single list. The list is provided below. We ask, if possible, for Mr. Lieber to address some of the items in his remarks at the Annual meeting.

Priority requests

1. A designated MTA representative to serve on the BID's Board of Directors. One named person with authority to make decisions, and not through the MTA's general community communication program. The BID has made this request.

2. A project schedule. A current schedule for all work affecting the 125th Street BID boundaries, with a rolling 90-day look-ahead updated monthly.

3. A tunneling map. The full alignment from Lexington Avenue west to the end of the tunnel beyond Lenox Avenue, showing depth, construction method by segment, shafts, street openings and staging areas.

4. A list of affected properties. Every parcel to be acquired, subject to an easement or located within the BID boundaries where the MTA will monitor vibration and settlement.

5. Compensation for lost BID revenue. A commitment to replace the assessment revenue the BID loses when the MTA takes property off the tax rolls (see Q1 through Q3).

6. Plain-language communication. Technical information presented so that merchants, owners and residents can understand it. Engineering drawings alone do not meet this need.

Issues and questions for the MTA

BID operations and revenue

The BID is funded by special assessments on real property in the district under General Municipal Law Article 19-A. When the MTA acquires a parcel, that parcel generally drops off the assessment roll. The BID's budget shrinks at the exact moment its workload grows, because construction brings more litter, more safety concerns and a greater need to market the corridor as open for business.

Q1. Which parcels in or next to the district has the MTA acquired, and which does it still plan to acquire? The BID can supply the assessment revenue attached to each.

Q2. Will the MTA make payments in lieu of BID assessments on the parcels it holds, at least through the end of construction? If not, how does the MTA propose to replace this revenue?

Q3. Will the MTA fund or reimburse the extra services the BID will need during construction, including added sanitation, public safety, wayfinding and marketing?

Q4. Will the MTA work directly with the BID on mitigation for BID members and recognize the BID as a formal stakeholder in its construction mitigation process?

Communication

Q5. Will the MTA provide plain-language summaries, renderings and block-by-block impact sheets for each phase of work on 125th Street?

Q6. Will the MTA send construction notices to the BID directly, with fixed advance notice (for example, 14 days for lane and sidewalk closures and 72 hours for utility shutoffs), so the BID can relay them to members?

Tunneling and station design

Q7. Please provide a map of the tunnel path, including depth below street level, from Lexington Avenue to the western end of the tunnel.

Q8. Which segments will be built by tunnel boring machine, and which by cut-and-cover or other surface construction? Which blocks of 125th Street will have open excavation?

Q9. Will the new station sit beneath the existing Lexington Avenue 4/5/6 station? How deep will it be, and how will the existing station and its entrances operate during construction?

Q10. What is the purpose of the tunnel segment west of Park Avenue (tail tracks, train storage or a future extension), how far past Lenox Avenue does it run, and will it require any shafts, vent structures or surface work inside the district?

Q11. Where are the tunneling entry points, and what specific protections will the businesses immediately east and west of each entry point receive?

Q12. Which utilities will be relocated along 125th Street, on which blocks and when? What service outages should owners and tenants expect?

Q13. Which building foundations fall within the zone of influence of the tunnel or station? Will any buildings need underpinning or other protective work?

Construction impacts on the street

Q14. How will the MTA and its contractors control noise and dust? Please describe the noise mitigation plans required under the NYC Noise Code, dust suppression, air quality monitoring, permitted work hours and any planned night work.

Q15. How will 125th Street keep functioning as a commercial street during construction? Please address travel lanes,

sidewalk widths, crosswalks and bus service (including the M60 SBS and the local routes that use 125th Street).

Q16. Delays on 125th Street will push drivers onto residential side streets. What traffic management plan, developed with NYC DOT, will prevent that?

Q17. How will emergency vehicles be routed, and how has the MTA coordinated with FDNY, NYPD and EMS, including access to Harlem Hospital?

Q18. What will happen to parking? Will construction workers park on 125th Street and side streets, taking spaces that customers and deliveries depend on? Will the MTA provide off-street parking for its workforce and protect loading zones?

Q19. Will contractors be required to clean up their sites daily and provide enough portable toilets, break areas and garage facilities that crews do not rely on local stores? Whom does the BID call when a site is not maintained?

Property owners and upstairs tenants

Q20. Will the MTA perform pre-construction condition surveys, at its own expense, for every building within the zone of influence and give each owner a copy?

Q21. What vibration and settlement thresholds will apply, how will they be monitored and will owners have access to the monitoring data in real time?

Q22. What is the claims process for construction damage? Who handles claims, how quickly are they resolved and what insurance stands behind the contractors?

Q23. Will any owner be required to make alterations to accommodate station entrances, vents or easements? If so, who pays?

Q24. Upstairs residential and office tenants face noise, vibration, utility outages, blocked entryways, delivery delays, slower commutes and poor air quality. What notice and mitigation will they receive, and is relocation assistance available for severe cases?

Q25. Is the MTA, the State or the City considering any value capture tax, special assessment or similar charge on properties near the new station? Owners need to know before they plan or finance.

Retailers, commuters and foot traffic

Q26. Please identify the retail stores the MTA expects to be affected, block by block, including the businesses next to each tunneling entry point and the Whole Foods at 125th Street and Malcolm X Boulevard, a key anchor for the corridor.

Q27. How will the MTA keep storefronts visible and accessible? Will it commit to open-for-business signage on construction fencing and a clear path to every entrance at all times?

Q28. Retailers along Second Avenue lost significant business during Phase 1. Will the MTA fund a business mitigation or assistance program for 125th Street merchants, and will it be in place before heavy construction starts?

Q29. The BID operates pedestrian counting cameras at Malcolm X Boulevard and Frederick Douglass Boulevard. Will the MTA accept this data as a baseline for measuring construction impacts and share its own pedestrian and ridership studies?

Q30. How will commuters and visitors be affected, including station entrance closures at Lexington Avenue, access to Metro-North and bus stop relocations?

Eminent domain, zoning and development

Q31. The MTA has already used eminent domain and negotiated purchases in the area. Does it expect any further acquisitions in or next to the district? Will it hold public hearings under Article 2 of the Eminent Domain Procedure Law before proceeding?

Q32. Because the project carries federal funding, are displaced businesses eligible for relocation benefits under the Uniform Relocation Assistance Act (42 U.S.C. 4601 et seq.)? Will the MTA confirm this and name a relocation contact?

Q33. Which lots in the district will be subject to transit easement requirements under Zoning Resolution Article VI, Chapter 6? That program covers lots of 5,000 square feet or more within 50 feet of a station and requires MTA and City Planning certification, within 60 days, before a building permit issues. Does the MTA plan to seek any other zoning measure along 125th Street?

Q34. Will planned development projects in the district need to be put on hold, redesigned or delayed? Could the project derail any of them outright?

Q35. Will the MTA pursue development on top of the properties it acquires, such as the leaseback arrangement at the former Pathmark site? What is the timeline, and will the BID and community have input?

Existing street infrastructure

125th Street was last reconstructed in 1987. The roadway, sidewalks, lighting and underground infrastructure are in poor condition and receive constant patch repairs. The final Phase 2 contract already includes site restoration, which creates an opening that should not be wasted.

Q36. Has the MTA assessed the condition of 125th Street? Will

it work with NYC DOT and the Department of Design and Construction to fold a full reconstruction of the street into the project, rather than restoring the street to its current condition?

Some proposed next steps to be determined by the Board of Directors After the Annual Meeting

- The BID requests a written response to each numbered question

- The BID requests a meeting with the MTA project team and its designated representative.

- The BID will provide the MTA with its parcel and assessment data and its baseline pedestrian counts and request a meeting with the BID, the Department of Small Business Services and the MTA. .

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