

Thomas F. Walsh
Partner

February 11, 2013

By Federal Express and Email

Mr. James Dierks
New York Museum of Transportation
6393 East River Road
West Henrietta, NY 14586

**Subject: Award of Funding from the CSXT Bricks and Mortar Fund
Pursuant to Section 106 Memorandum of Agreement
Hojack Railroad Swing Bridge Removal Project
Rochester, Monroe County, New York**

Dear Mr. Dierks:

Congratulations on the selection of your organization's application for funding from the Bricks and Mortar Fund (Fund) created to mitigate the adverse impacts to the historic resource of the Hojack Railroad Swing Bridge (Bridge) of the above-referenced project. Hiscock & Barclay LLP has been assigned to manage and disburse payments from the Fund. This letter will guide you through the process to access the approved funding.

As you are aware, CSX Transportation, Inc. (CSXT), the owner of the Bridge, donated \$30,000 to the Fund as one of several measures to mitigate the historic impacts of removing the Bridge from the middle of the Genesee River in accordance with an enforcement proceeding initiated by the United States Coast Guard. The Fund is more fully described in the stipulations contained in the Letter of Resolution (LOR) entered into by CSXT, the New York State Historic Preservation Office (NY SHPO) and the New York State Department of Environmental Conservation (NYSDEC) which was incorporated into a federal Section 106 Memorandum of Agreement (MOA) among the U.S. Surface Transportation Board, CSXT, NY SHPO and NYSDEC.

NYSDEC and the NY SHPO have accepted the application of the New York Museum of Transportation ("Museum") for a grant to cover the costs of creating an interpretive exhibit for salvaged components of the Bridge that CSXT has donated to your Museum (the Project).

By now, you should have received a letter from NYSDEC, dated January 24, 2013, that specifies the maximum grant for each award (the Award Letter). But for your convenience, I have attached a copy to this letter as Exhibit A. CSXT is pleased that a portion of the \$30,000 that it has contributed to the Fund will be used to preserve the Bridge's legacy.

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In addition to providing you with notice and our congratulations regarding the award, the purpose of this letter is to summarize the requirements for obtaining reimbursement of the Project's costs provided for by the Award Letter. As I understand the Award Letter, the Museum is to be reimbursed up to a maximum of \$4,937 for your Project. To be eligible for reimbursement, your Project must be conducted in substantial accordance with your Application and with the U.S. Secretary of the Interior's Standards for Rehabilitation.

Each request for reimbursement must be accompanied by invoice(s), either paid or unpaid, from the person(s) who provided the services or materials to your organization's Project, or receipts or other appropriate documentation for the Project. In addition to describing the service or material provided, each invoice must include the name, address and telephone number of each provider of services or materials for which you seek reimbursement. We will also need documentation, if any, demonstrating that your organization is a not-for-profit corporation approved by the the U.S. Internal Revenue Service to accept charitable donations. Please forward each request for reimbursement to me as follows:

Thomas Walsh, Esq.
Hiscock & Barclay, LLP
2000 HSBC Plaza
100 Chestnut Street
Rochester, NY 14604.

The maximum reimbursement for your Project will be the lesser of: (a) the sum of all properly documented reimbursement requests; or (b) the maximum award for the Project specified in the Award Letter.

To maintain eligibility for reimbursements from the Fund, your organization should demonstrate completion of the Project no later than October 31, 2013 (i.e., the deadline specified in your Application) and submit your reimbursement request(s) with supporting documentation no later than December 15, 2013.

You must demonstrate completion of the approved Project work within the assigned time frame specified above by submitting photographic documentation of the completed interpretive exhibit for salvaged components of the Bridge to me and directly to the NYSDEC and NY SHPO.

Please be aware that, if the approved Project work is not completed within the specified time frame, you may be required by NYSDEC or NY SHPO to pay back any previously disbursed Fund money to Hiscock & Barclay LLP for deposit back into the Fund for reprogramming by NY SHPO. So, if it looks like you will run out of time, please request in writing a reasonable time frame extension from NYSDEC and NY SHPO, and copy me on your extension request so that I can help facilitate its processing.

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Distribution of any money left in the Fund after January 31, 2014, that has not been committed to specific projects, will be dispersed to appropriate projects, programs or institutions as directed by NYSDEC and NY SHPO.

Once again, CSXT is pleased that the Fund will be aiding such a worthwhile Project. Please feel free to contact me if you have any questions or concerns regarding the Fund.

Sincerely,

A handwritten signature in black ink that reads "Thomas F. Walsh /mlc". The signature is written in a cursive, slightly slanted style.

Thomas F. Walsh

Enc.

Cc (with enc.):

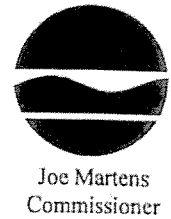
Wm. Parry, CSXT
J. Bonafide, NY SHPO
C. Vandrei, NYSDEC – Region 8
K. Merchant, NYSDEC – Region 8
S. Sheeley, NYSDEC – Region 8
R. Ewing, NYSDEC – DEP Central Office
V. Rutson, U.S. STB, Ofc. of Env't'l Analysis
C. Glidden, STB, Ofc. of Env't'l Analysis
M. Gregor, City of Rochester
P. Siegrist, City of Rochester
S. Smith, City of Rochester

S. Striffler, USCG
J. Frost, USACOE
S. Metivier, USACOE
R. White, CSXT
R. Sullivan, CSXT
T. Warth, Hiscock & Barclay, LLP
M. Dowd, AMEC
P. Foster, AMEC
A. Borrelli, Bergmann Associates
C. Garozzo, Bergmann Associates
File

Exhibit A

Letter from Charles Vandreï,
Agency Historic Preservation Officer, NYSDEC,
Regarding Award of Bricks and Mortar Fund
January 24, 2013

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 8
6274 East Avon-Lima Road, Avon, New York 14414-9519
Phone: (585) 226-5400 • Fax: (585) 226-2830
Website: www.dec.ny.gov



January 24, 2013

Mr. Thomas Walsh
Hiscock and Barclay, LLP
2000 HSBC Plaza
100 Chestnut Street
Rochester, New York 14604

Mr. William Parry
Manager of Environmental Remediation
CSX Transportation, Inc.
One Bell Crossings
Selkirk, NY 12158

RE: DEC 8-2614-00796/00001
Award of Bricks and Mortar Fund
Hojack Railroad Swing Bridge Mitigation
Rochester (C), Monroe (C)

Gentleman:

The purpose of this letter is to two fold; we wish to express our appreciation to CSX Transportation, Inc. for their cooperation and willingness to help preserve the history of the Hojack Railroad Swing Bridge, and we wish to provide you with the Department of Environmental Conservation's and the New York State Office of Parks, Recreation and Historic Preservation's recommendations for the funding.

The Department of Environmental Conservation (The Department), in consultation with John Bonafide of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), reviewed the proposals for funding under the Bricks and Mortar Fund, pursuant to the Letter of Resolution (signed on 7/10/2012). The projects were reviewed in light of the relevance to the bridge itself, the history of the bridge and associated historical navigation and commerce, and the bridge location.

In light of these criteria, we have determined that the Funding for the New York Museum of Transportation Request is appropriate because the museum was awarded the salvage parts from the bridge itself. The monies will be used to transport the bridge components and display them in an interpretive exhibit.

The Charlotte-Genesee Lighthouse (The CG Lighthouse) request is appropriate because this site is the closest National Register Listed resource with a direct impact from the demolition. The CG Lighthouse, which offers tours and interpretation of the port of Rochester, formerly had a view of the bridge which they could point to during tours to describe the importance of the swing bridge in facilitating transport of coal cars over the Genesee River. The museum currently houses a small replica of the bridge which includes moving parts to demonstrate the technology of the swing bridge. The proposal by the Lighthouse includes the preservation/restoration of the structure's front entrance. The Department and OPRHP visited the structure and determined that the proposed renovation was necessary to maintain the structure.

The Charlotte-Genesee Lighthouse requested funds to be used for the U.S Customs House for development of drawings and layout sketches for adapting the building into an educational center for the interpretation of Rochester's rich maritime heritage. This project is just south of the former bridge location on the west side of the river. The building was previously determined to be national Register eligible and had a clear view of the former bridge. We believe this project is also appropriate for funding.

While we determined that the Landmark Society's request for the Hoyt-Potter House restoration and maintenance has merit and is within the greater Rochester area, it has less relevance to the bridge than the other three projects. This project is located several miles south of the bridge site and have no identifiable direct or indirect impacts associated with it from this undertaking, which is a priority consideration in the Letter of Resolution.

For these reasons we jointly recommend the following funding allotments:

<u>APPLICANT</u>	<u>REQUEST</u>	<u>FUNDING ALLOTMENT</u>
New York Museum of Transportation	\$4,937	\$4,937
CG Lighthouse Custom House	\$1,700	\$1,700
CG Lighthouse Renovation	\$28,300	\$23,363
TOTAL	\$34,937	\$30,000

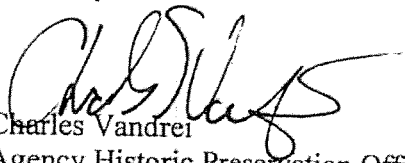
Because the Bricks and Mortar fund can not cover all three projects, we recommend that the NYMT be funded in full. We recommend that CG Lighthouse Custom House project be funded in full due to the large potential benefit for the costs. We recommend that the CG Lighthouse renovation project receive the remainder of the funds. Unfortunately, due to limited funds, we do not recommend funding for the Landmark Society's Hoyt Potter House. However, we thank the Landmark Society for the proposal.

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We recommend that the NYMT contact CSX to see if they can assist with transportation of the bridge components. If so, and if funds are therefore left over, we recommend that the funds be used to further the Hojack exhibit or to assist the Rochester and Genesee Valley Railroad Museum with a Hojack related exhibit (this is the museum that is the closest to the bridge and which has a cross relationship with the NYMT).

Please contact Kimberly Merchant if you wish to discuss this further. Please advise the applicants of the decisions. We recommend that the funds are distributed as soon as possible so that these worthy projects can be funded. Thank you.

Sincerely,


Charles Vandrei
Agency Historic Preservation Officer
NYSDEC

Ecc: J. Bonafide, NY OPRHP
P. D'Amato, Regional Director, NYDEC Region 8
S. Sheeley, RPA, DEP Region 8
R. Ewing, DEP, DEC, Central Office, Albany
M. Dowd, AMEC
K. Merchant, DEP Region 8
V. Rutson, Surface Transportation Board