

Statement on the Proposed Weakening of Section 106 of the National Historic Preservation Act

September 28, 2026

The Municipal Art Society of New York (MAS) opposes the Advisory Council on Historic Preservation's (ACHP) proposed revisions to Section 106 of the National Historic Preservation Act that would weaken public review and place historic resources across New York City and the nation at greater risk.

MAS has supported past efforts by the ACHP that were carefully crafted to streamline review processes while protecting historic resources. However, the current proposed changes are reactionary, poorly considered, and would have devastating effects on our national historic treasures and local landmarks. Efficiency must not come at the expense of meaningful public participation and protection for cherished historic and cultural resources.

Section 106 has played an essential role in preserving historic places while still allowing major infrastructure, transportation, and development projects to move forward. In New York City, the process has helped shape the outcomes of significant projects involving the **African Burial Ground, Governors Island, Moynihan Train Hall, and the TWA Terminal at JFK Airport**. Through Section 106 consultation, the State Historic Preservation Office (SHPO), the New York City Landmarks Preservation Commission (LPC), MAS, and other civic and preservation organizations have been able to raise concerns, propose alternatives, and advocate for outcomes that balance development with the protection of historic resources.

We are particularly concerned about proposals that would eliminate or substantially reduce opportunities for State Historic Preservation Offices, Tribal Nations, preservation organizations, and affected communities to comment and consult on decisions involving places of cultural and historic significance. The consequences could be especially significant for historically marginalized communities, whose cultural heritage is often less formally recognized and therefore more dependent on meaningful consultation to ensure that significant places are identified and protected. Reduced individual reviews and accelerated timelines could also increase the risk to unique landmarks, historic districts, archaeological resources, and cultural landscapes. For archaeological resources, an increased reliance on post-review mitigation, rather than avoidance and preservation, could result in irreversible losses. For federally funded state and local large-scale infrastructure projects, broad exemptions from review could eliminate important opportunities to identify impacts before they occur.

The history of the **TWA Terminal at JFK** demonstrates the value of the Section 106 review process. Designed by Eero Saarinen and completed in 1962, the terminal is a New York City Landmark and one of the world's most significant examples of mid-century modernist airport terminal design. The Port Authority of New York and New Jersey initially contemplated

demolishing the terminal. However, over more than two decades of public review and consultation, MAS, the Landmark Conservancy of New York, the Preservation League of New York State, and numerous other interested parties successfully advocated for its preservation. The resulting project not only restored the terminal but also redesigned the adjacent JetBlue terminal and carefully sited a new 512-room hotel and event space within the former head house to enhance the Landmark's visibility and setting. What could have been a significant loss of historic fabric instead became a successful model of preservation, adaptive reuse, and new development working together. Without a robust public review process, we will lose future opportunities to come together to thoughtfully preserve and adapt our landmarks for the next generation.

We recognize that Section 106 can, and should, be improved. There are legitimate opportunities to make the process more predictable, efficient, and responsive where appropriate. But the ACHP's proposed revisions go too far. Streamlining should not eliminate accountability or reduce the ability of SHPOs, Tribal Nations, preservation organizations, and communities to advocate for preservation-sensitive outcomes. Faster project delivery should not come at the cost of historic buildings, archaeological sites, cultural landscapes, and the communities whose histories they embody.

New York City has repeatedly demonstrated that preservation and progress are not mutually exclusive. The success of projects such as the TWA Terminal and Moynihan Train Hall shows that careful consultation and public participation can produce better outcomes for both development and the public realm. We should build on these successes—not weaken the process that made them possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Keri Butler". The signature is fluid and cursive, with the first name "Keri" being more prominent than the last name "Butler".

Keri Butler

President, The Municipal Art Society of New York

cc:

US Senator Charles Schumer
US Senator Kirsten Gillibrand
Attorney General of New York Letitia James
Governor Kathy Hochul
Lieutenant Governor Antonio Delgado
US Representative Daniel Goldman
US Representative Hakeem Jeffries
US Representative Jerrold Nadler
US Representative Alexandra Ocasio-Cortez
US Representative Ritchie Torres