

ARTICLE

## Urban law and the expulsion of authenticity: Preservation of the TWA terminal in the JFK Airport Redevelopment Plan

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### Abstract

The key issue addressed in this article is authenticity, which is a criterion that is no longer limited to the United Nations Educational, Scientific and Cultural Organization's world heritage domain. This article draws from one of the most interesting public projects in the United States – the John F. Kennedy (JFK) Terminal 5/6 Redevelopment Plan, which was part of the larger JFK master plan. The project's Trans World Airlines (TWA) terminal, which is the only landmarked terminal and remnant of the original JFK airport plan, raised concerns. In 2001, the debate started off with keeping the terminal building active for aviation use and experiences. Nonetheless, the terminal was reimagined into a luxury hotel in 2019. This article unveils the micro-politics in the redevelopment plan and examines the authenticity of the TWA terminal and how it was (re)constructed. In doing so, the article sheds light on urban law and the decision-making process. Moreover, it discusses the tangible and intangible consequences of the prevailing speculative logic in the law.

### Introduction

Airports have a global, national, and urban role as gateways of nation-states as well as cities. Airports are urban infrastructures and global urban systems erected in architectural form. Airport terminals are critically material in shaping contemporary urban-built environments that involve multilayered governance, politics, and economies. The process of globalization demands the growth of infrastructure, which puts pressure on existing airports and air terminals to increase their capacity by keeping up to date with technological advancements.<sup>1</sup> Globalization is a stimulus that drives urban expansion in order to be competitive on national and urban scales and attract investors and tourists while excluding certain characters.<sup>2</sup> On the ground, urban infrastructure is not only (re)produced by private sector actors but also carried out by public-private partnerships such that the public sector facilitates the involvement of private developers and funds.

Heritage properties are not immune to the domination of capitalist market systems and the complexity of neoliberalized redevelopment trends. Heritage has increasingly contributed to economic commodification and the consumption of experiences,<sup>3</sup> which calls for an

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<sup>1</sup> Cidell 2006.

<sup>2</sup> Song 2020.

<sup>3</sup> Graham and Tunbridge 2000; González Martínez 2017.

integral and holistic approach to heritage preservation to overcome the limitations in the existing approaches.<sup>4</sup> Globalization has opened doors for the field of heritage to intersect with urban political economies as a mode of economic revitalization and, in turn, has clashed with heritage authenticity. While authenticity is composed of various attributes,<sup>5</sup> use, among them, explicitly enhances the value of heritage properties.<sup>6</sup> It turns heritage properties into political issues and a new political currency for seeking investment and intensifying tangible value.<sup>7</sup> Heritage properties have shifted in the global political economy, joining the ranks of market mechanisms and have become a new form of capital.<sup>8</sup> Heritage properties are called symbolic capital not only for their relationship with economic exchange but also for their production force.<sup>9</sup>

However, those who make these criticisms have neglected one important fact – authenticity, which is at the intersection of capitalist globalization, urban political-economic development, and heritage preservation. When a property is classified as heritage, it gains authenticity as an authorized representation of unique and non-replicable characters, which makes it marketable and provides a basis for monopoly rent.<sup>10</sup> Institutional heritage designation status serves as a guarantee of unique and special characteristics; moreover, it simultaneously creates a path for the expulsion of authenticity in the heritage property commodification process. Institutions and actors who have decision-making power over a historic property collectively act in a form of public-private partnership to select, shape, and trade authenticity.<sup>11</sup> In regard to twentieth-century heritage properties, the existing concepts, policies, and regulations were originally developed for more traditional types of heritage properties; therefore, they contradict rather than support and protect the authenticity of these properties.<sup>12</sup> In this manner, the authenticity of twentieth-century heritage properties is more vulnerable to expulsion and loss in favor of larger urban strategies.

Against this background, the chosen case study is a public urban project involving the preservation of a twentieth-century heritage infrastructure in the United States – the Trans World Airlines (TWA) Flight Center (that is, TWA terminal or Terminal 5) at John F. Kennedy (JFK) International Airport, which has been transformed into the TWA Hotel.<sup>13</sup> Due to the rising importance of heritage in urban management,<sup>14</sup> it is worth investigating the current status of the relevant legal systems and discussing the political and economic dynamics of authenticity. Through the lens of the TWA case, this article examines the “urban law” of the United States, located at the nexus of urban infrastructure redevelopment and heritage preservation.<sup>15</sup> The goal of this article is not just to tell another story about the global capitalist exploitation of urban processes and heritage production. By unfolding the

<sup>4</sup> Bandarin 2015.

<sup>5</sup> Those attributes include form and design, materials and substance, use and function, tradition and techniques, location and setting, and spirit and feeling. For more details, please see the Nara Document on Authenticity, November 1994, which was officially adopted by the International Council on Monuments and Sites (ICOMOS) in 1999 and incorporated into the United Nations Educational, Scientific and Cultural Organization (UNESCO) Operational Guidelines in 2005.

<sup>6</sup> Harvey 2002.

<sup>7</sup> Meskell 2015.

<sup>8</sup> Bandarin 2015; Coombe and Weiss 2015.

<sup>9</sup> Labadi and Long 2010.

<sup>10</sup> Harvey 2002.

<sup>11</sup> Song 2020.

<sup>12</sup> Prudon 2008. The sharpness of the contradiction increases in non-Western regions.

<sup>13</sup> Sadie Whitelocks, “A Sneak Peek at JFK’s New \$265m Hotel in Its Space Age TWA Terminal,” *Daily Mail Online*, 15 November 2018.

<sup>14</sup> Bandarin 2015.

<sup>15</sup> See UN-Habitat’s definition of urban law can be found at <https://unhabitat.org/urban-themes/urban-legislation/> (accessed 11 January 2022).

speculative logic in urban law, the article illustrates how, on the one hand, the concept of heritage is enshrined and authenticity is facilitated by controls and guidelines and, on the other hand, how decision-making bodies maneuver legal systems to achieve their interests. Urban practices involving heritage properties are increasingly consistent with globalization. In this context, the lessons from the TWA terminal case are not limited to New York City (NYC) or the United States but, rather, apply to other areas. We can learn similarities and differences, identify where other researchers should look for heritage and urban practices, and develop alternative provisions and regulatory instruments.<sup>16</sup>

This article has adopted a combination of two methods. The first method was archival research involving government reports, project reports, minutes from project meetings, newspapers, and architectural drawings from institutional archives.<sup>17</sup> Analyzing the contents of these documents assisted me in identifying key institutions and actors and their interplay. Significantly, the second method was a set of seven face-to-face, semi-structured interviews conducted between 2007 and 2008 (Appendix 1). All of the interviews occurred when the TWA terminal was closed, and JetBlue's new terminal was still under construction. The interviews lasted one hour to two hours. This article focuses on the legal review processes conducted between 2001 and 2008, which marked a period of major negotiations over the TWA terminal. By the time the new JetBlue terminal opened in 2008, the physical and adaptive use of the TWA terminal had been irrevocably determined (Table 1).<sup>18</sup>

### Twentieth-century urban infrastructure

JFK airport has been significant not only in shaping NYC and its region but also in providing a gateway to the world. While the city entered the Jet Age – the age of commercial flights – in 1938, the origin of JFK airport can be traced to 1942, when Mayor Fiorello LaGuardia announced a plan for a new airport based on his vision for greater air travel capacity in the NYC region and the city's preeminence as a port in the age of aviation.<sup>19</sup> In the 1950s, the port authority announced a terminal city plan for JFK airport to be functionally designed so that its terminal buildings could flexibly respond to future needs without being obsolete. A unique idea in this plan was that each domestic airline company could build its passenger terminal.<sup>20</sup> Unlike European airlines, those in the United States were separate, competing private companies.<sup>21</sup> This was an excellent opportunity for major airline companies such as Pan Am, TWA, American Airlines, United Airlines, and Eastern Airlines to project an image of their corporate identities to the world. Their terminals were expected to be larger and better than any existing terminals in the world at the time.<sup>22</sup>

However, flight experiences were still limited and expensive. Commercial aviation services began in 1955 but soon declined. At the time, less than 5 percent of the American

<sup>16</sup> Oranje 2002; Layard 2018.

<sup>17</sup> These institutions include the following: the Architecture and Design Center at the Museum of Modern Art, New York; the Eero Saarinen Collection, Manuscripts and Archives, Yale University Library, New Haven, CT; the Municipal Art Society of New York, New York, NY; the National Trust for Historic Preservation, Northeast Office, Boston, MA; the New York City Landmarks Preservation Commission, New York, NY; the New York Landmarks Conservancy, New York, NY; and the New York State Office of Historic Preservation, Albany, NY.

<sup>18</sup> The files related to Trans World Airlines (TWA) at certain institutions were not well maintained, and the people in charge of the parties involved in the negotiations changed over time, which limited my ability to track down earlier information regarding the TWA redevelopment plan.

<sup>19</sup> National Park Service, "Historic American Building Survey," n.d., HABS no. NY-6371.

<sup>20</sup> Scullin 1968.

<sup>21</sup> Merkel 2005.

<sup>22</sup> Scullin 1968.

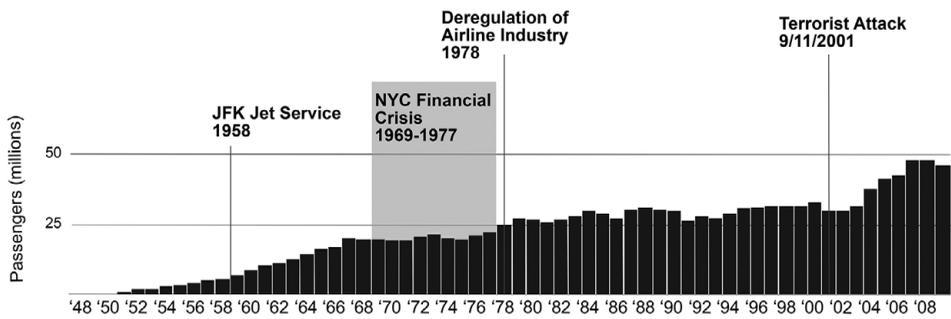
public had ever bought a plane ticket, and the remaining 95 percent was indifferent and rejected airplane travel.<sup>23</sup> The first boom came suddenly – in 1961: 10.1 million passengers took flights during that year alone, and the annual figure increased to 17 million passengers by the end of 1966 (Figure 1).<sup>24</sup>

During the Jet Age, TWA, a legendary airline in the United States, commissioned the TWA terminal. The TWA terminal opened in 1962 and is widely recognized as a distinguished masterpiece of modern expressionistic architecture; it captures the “spirit of flight” and the

**Table 1.** Chronology: TWA terminal

2019	• TWA terminal transformed into TWA Hotel
2008	• No provision for the head house use
2007	• Request for proposal (developer’s proposal) failed
2006	• The head house accommodated JetBlue self-service check-in kiosks
2005	• Construction on JetBlue terminal began
2004	• JetBlue decided to build an entirely new terminal building Commissioned Gensler and Associates
2003	• JetBlue publicly announced its intent to use TWA terminal as part of its operations and in tandem with a new terminal • TWA terminal placed on America’s eleven most endangered places
2002	• The Municipal Art Society of New York proposed alternatives to the Port Authority’ plan • TWA terminal placed on the Preservation League of New York State’s Seven to Save list
2001	• TWA terminal vacated • Determined eligible for listing on the National Registers of Historic Places
1994	• Designated as NYC Landmarks: Interior and Exterior
1962	• TWA terminal opened at JFK International Airport

Source: Created by the author.



**Figure 1.** Air travel demand at JFK airport (created by the author based on data from Nicholas Dagen Bloom, 2015).<sup>25</sup>

<sup>23</sup> Scullin 1968.

<sup>24</sup> Scullin 1968.

<sup>25</sup> Bloom 2015.

“excitement of travel.”<sup>26</sup> The terminal building incorporates exterior and interior imagery and the physical features that an American-Finnish architect, Eero Saarinen, intentionally designed to speak to aviation use and the experience of air travel. The TWA terminal became the physical manifestation of a vision of America’s future – unlimited confidence in American capitalism and the emerging power of the private sector to finance urban redevelopment in the post-World War II era.<sup>27</sup> In an interview with *Time* magazine in 1956, Saarinen stated that “our architecture is too humble. It would be prouder, more aggressive, much richer and larger than we see it today. I would like to do my part in expanding that richness.”<sup>28</sup> The architectural expression of the terminal offered the country a new financial, political, and cultural status. Thus, not only the historical but also the ideological fabric of the time was woven into the TWA terminal.

During the 1960s, JFK airport managed approximately 80 percent of all American-bound traffic from Europe and a notable share of national domestic travelers; moreover, JFK operated as the hub of globalized airline companies.<sup>29</sup> Simultaneously, however, jets increased in size and capacity and changed in design, and passenger traffic continued to outpace projections, which resulted in the need for airports to have larger loading areas, modern-day security equipment such as inspection facilities for screening passengers and baggage, and the ability to handle increasing numbers of passengers. The port authority announced a new ten-year expansion plan designed to handle both jumbo jets and supersonic airplanes; this led the TWA terminal to undergo an expansion to accommodate the new jets and continue its existence.<sup>30</sup> In the 1970s, JFK was financially depressed due to deregulation in the aviation industry, the fuel crisis, the recession, and the city’s financial problems, but it rebounded in the 1980s and 1990s and has survived into the twenty-first century owing to JetBlue’s success and the recovery of the tourism industry.<sup>31</sup>

The history of JFK airport, on the one hand, involves numerous master plans, updates, abandonments, and revisions to keep pace with technological advancements, the explosive growth in air passenger travel, and economic development. On the other hand, its history reflects the drawbacks of government planning – that is, that planners cannot predict the future but engage in projects based on current trends; to be specific, planners and planning cannot truly prepare for the future.<sup>32</sup> Once urban infrastructures have been built, they cannot be changed. In this manner, JFK laid a foundation for the creation of the TWA terminal, but, ironically, it became a threat to the terminal building in terms of demolition. Mayor Rudolph Giuliani’s suggestion of privatizing the NYC airports led to the TWA terminal being designated as a NYC exterior and interior landmark in 1994 as “a small aid to assure the future of the terminal.”<sup>33</sup> This surviving airline terminal comprises a main building connected to two satellite gate structures<sup>34</sup> by oval-shaped tubes (Figure 2).

<sup>26</sup> Variations of the “excitement of the trip” and the “spirit of flight” phrases were common in the reviews of the TWA terminal, such as that in *Architecture Forum*.

<sup>27</sup> Conrad Hilton, quoted in Wharton 2001, cited in Colquhoun 2002; Albrecht 2006.

<sup>28</sup> “The Maturing Modern,” *Time*, 2 July 1956, 54.

<sup>29</sup> Bloom 2015.

<sup>30</sup> Bloom 2015; National Park Service, “Historic American Building Survey.”

<sup>31</sup> Bloom 2015.

<sup>32</sup> O’Toole 2007.

<sup>33</sup> Landmarks Preservation Commission (LPC) Letter, 3 March 1995, LPC Archive, New York, NY, United States; Steven Myers, “Giuliani Suggests Privatizing of Airports,” *New York Times*, 10 December 1994.

<sup>34</sup> These structures are known as flight wings.

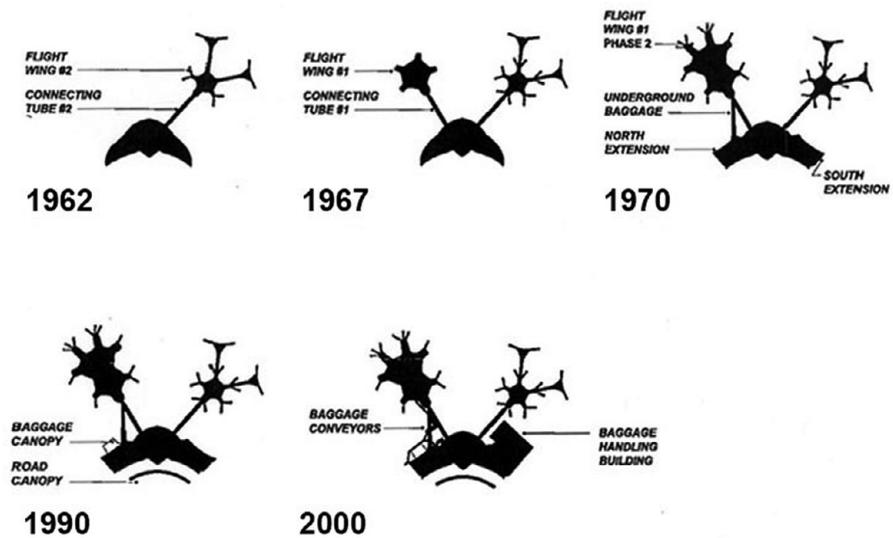


Figure 2. TWA terminal: morphology (adopted by the author from New York State Office of Parks, Recreation and Historic Preservation, 2005).<sup>35</sup>

Nonetheless, concerns over the future of this NYC terminal building landmark grew from 2001 onwards, after the Port Authority (PA) of New York and New Jersey<sup>36</sup> released a master plan concept proposing a major redevelopment and expansion of Terminals 5 (TWA) and 6 (Sundrome)<sup>37</sup> for JetBlue Airways, an American airline rapidly growing at JFK airport.<sup>38</sup> Concurrently, TWA's 75-year business came to an end when it was acquired by American Airlines; TWA flew its last official flight, and its lease on the structure expired. Accordingly, the structure was returned to its landlord, the PA.<sup>39</sup> The TWA terminal was closed and stood empty, and the PA's plan escalated the debate over an adaptive use for the building, which called for an immediate listing on the National and New York State Registers of Historic Places even though the TWA terminal was less than 50 years old at that time. The terminal building was determined eligible for listing in 2001 and was successfully listed in 2005. This heritage determination was based on the airline terminal's exceptional depiction of the significance of the fields of architecture, aviation, and engineering in twentieth-century American history.

When JetBlue Airways (JetBlue) publicly announced its intention to use the terminal building as part of its new terminal operation, the threats to the TWA terminal were intensified. The proposed redevelopment plan required approval by the Federal Aviation Administration (FAA) to change the airport layout. Despite its power to give final approval, the FAA deferred its authority to the PA, which was the owner of the terminal. The PA was

<sup>35</sup> New York State Office of Parks, Recreation and Historic Preservation 2005. Notably, additions and alterations were made to the terminal before it was listed in the National Register, including the addition of security and entrance vestibules and a pedestrian canopy.

<sup>36</sup> A bistate agency established in 1912 cooperatively run by New York and New Jersey.

<sup>37</sup> Designed by I. M. Pei. Sundrome was torn down in 2011 to make room for JetBlue Airways.

<sup>38</sup> The project also included the construction of the following: a new bi-level access roadway system, a new connector from the AirTrain system to the TWA terminal to enhance public access, and a new parking garage to serve this portion of the central terminal area.

<sup>39</sup> The Port Authority (PA) has leased the land and structures at John F. Kennedy (JFK) International Airport from New York City (NYC) since 1947, and TWA leased the terminal from the PA. Due to its financial status, TWA put very little money into maintenance. See also LPC Letter, 3 March 1995; New York State Office of Parks, Recreation and Historic Preservation 2005.

**Table 2.** Urban law governing the TWA terminal

Scales	Controls and guidelines	Executing agencies	Parent legislation
National	Section 106 Review	Advisory Council of Historic Preservation (ACHP)	National Historic Preservation Act of 1966
	Section 4(f) Review	Department of Transportation (DOT)	Department of Transportation Act of 1966
	Secretary of the Interior's (SOI) Standards and Guidelines	Department of the Interior/ National Park Service (NPS)	Tax Reform Act of 1976
National/ State	Listing on the National and State Registers of Historic Places	National Park Service / State Historic Preservation Office (SHPO)	Historic Sites Act of 1935 / National Historic Preservation Act of 1966
Municipal	NYC Exterior and Interior Landmark Designation	NYC Landmarks Preservation Commission (LPC)	NYC Landmarks Preservation Law
	Special Permit	NYC Planning Commission	Zoning and Land Use

Source: Created by the author in reference to Jiewon Song, "A Thought on the Experiential Dimension of Architecture in Preserving Historic Buildings (in Japanese)," in *Summaries of Technical Papers of Annual Meeting 2014* (Tokyo: Architectural Institute of Japan, 2014), 747–48.

created by an interstate compact under the US Constitution. The PA cannot ignore federal law, but it is not bound by municipal land use regulations; therefore, the terminal's NYC landmark status did not provide binding review protection. The National Trust of Historic Preservation (National Trust) asserted that the PA was going "to amputate part of Eero Saarinen's swooping 1962 landmark, change its use, and suffocate it with a new terminal."<sup>40</sup>

As Antonio Roman has pointed out, the experiential quality of the terminal demanded the preservation of its aviation-related use, while its obsolescence required a new use that could make the building viable.<sup>41</sup> He further maintained that practical considerations should be seen in the context of the importance of Saarinen's terminal as a symbol of contemporary architecture and the Jet Age. Ironically, however, the "obsolescence" as urban infrastructure, "use" coordination, and national heritage status left room for commoditizing the terminal and expelling its authenticity. These issues will be discussed in further detail in the next section (see Table 2).

### Setting the stage: Urban law and its limits

When historic properties are threatened by an action involving the federal government through funding or other mechanisms, their eligibility to be listed on the National and State Registers of Historic Places can function as a protection mechanism by triggering review under federal historic preservation laws such as Section 106 of the National Historic Preservation Act, Section 4(f) of the DOT Act, and the National Environmental Policy Act (NEPA).<sup>42</sup> These tools apply to federal actions to identify and consider ways to minimize potential impacts on historic properties. Nevertheless, the National Register does not also have regulatory power. While the TWA terminal is listed in both national and state registers, when the PA disregards municipal

<sup>40</sup> National Trust for Historic Preservation 2003.

<sup>41</sup> Roman 2003.

<sup>42</sup> National Historic Preservation Act, 1996, s. 106, <https://www.achp.gov/digital-library-section-106-landing/national-historic-preservation-act>; Department of Transportation (DOT) Act, 1966/, s. 4(f), <https://environment.transportation.org/resources/practitioners-handbooks/complying-with-section-4f-of-the-u-s-dot-act>; National Environmental Policy Act, 1970, <https://ceq.doe.gov/> (all accessed 11 January 2022).

regulations and the FAA and New York SHPO do not exercise their responsibility in a sufficient manner, there are no further legal mechanisms that can mitigate the effect of the PA's actions on the terminal. Consequently, the National Register listing process saves historic properties from immediate adverse impacts or threats, but it does not ensure the long-term protection of their significance or authenticity.

### Section 106 review

Section 106 of the National Historic Preservation Act consists of a review process that was created to protect cultural heritage properties from harmful federal governmental actions. It protects properties listed on, or eligible to be listed on, the National Register, and the review process is activated when a listed or eligible resource faces an adverse impact from a federal governmental or government-assisted undertaking. The ACHP<sup>43</sup> implements section 106 reviews through each state's historic preservation office. The regulations require that the ACHP or the SHPO be included in any consultation following a determination by a federal agency that a federal or federally assisted undertaking will harm a property that is listed on, or eligible to be listed on, the National Register. The ACHP must report the outcome of the Section 106 review to the SOI and the head of the agency responsible for the undertaking.<sup>44</sup>

In 2001, the New York SHPO held a public hearing to discuss the significance of the TWA terminal and sought public comments. At this hearing, the PA presented its JFK Terminal 5/6 Redevelopment Plan to build a large new terminal behind the historic terminal and on the site of the adjacent Terminal 6.<sup>45</sup> Because of its location, the new terminal building's connection to the TWA terminal would require the demolition of the TWA terminal's two flight wings. Preservation groups such as the Municipal Art Society of New York (MAS) argued against changing the historic building without a federally mandated National Historic Preservation Act Section 106 review. The Act requires federal agencies to consider the impacts and effects of their undertakings on historic sites. The MAS highlighted a statement by a SHPO officer that recognized the significance of the terminal. This single statement was enough to invoke Section 106 and require a review of the design and planning for the new Terminal 5 at JFK airport. Subsequently, the review process kicked off, saving the TWA terminal from demolition (including the additions from the 1970s) shortly before 11 September 2001.<sup>46</sup> The process was discontinued after the 11 September attacks and resumed in the summer of 2002.<sup>47</sup> It is difficult to deny that the 9/11 attacks impacted the review process; therefore, the Section 106 review was not the same as it was in the beginning.<sup>48</sup>

Nevertheless, Section 106 reviews are not binding but, rather, only opportunities to review and comment. Section 106 functions by identifying adverse effects and issues that may be resolved through negotiation and consultation, the outcome of which is a memorandum of agreement (MOA). A MOA can be a binding legal document that holds the parties responsible for their commitments. This document can be used as a tool between governmental agencies, communities, and individuals to set forth the ground rules for a positive cooperative effort.

<sup>43</sup> The Advisory Council of Historic Preservation is an independent federal agency that promotes the use of historic resources and advises the president of the United States and Congress on national historic preservation policy.

<sup>44</sup> National Park Service 1998.

<sup>45</sup> The redevelopment plan initially provided for a new terminal to be shared by United Airlines and JetBlue. However, United, the larger tenant of the proposed new terminal, dropped out of the plan after the 9/11 attacks, and, accordingly, the new terminal became solely for JetBlue's use.

<sup>46</sup> Interview 1.

<sup>47</sup> "Municipal Art Society of New York Newsletter," n.d., Municipal Art Society (MAS) Archive, New York, NY, United States.

<sup>48</sup> Interview 1.

Both SHPOs and the ACHP have the right to comment on adverse effect determinations and historic property issues, but their role is merely advisory.<sup>49</sup> This defect has led the FAA and the PA decision-making bodies to have an influence on Section 106 processes.

### Section 4(f) review

Section 4(f) of the DOT Act applies to all programs of the DOT; it is a federal provision that was created to protect historic resources from harmful governmental action.<sup>50</sup> This review process protects national, state, and municipal historic sites; parks; wildlife refuges; and recreation areas and is activated when these cultural and natural resources would be affected by a federal transportation project.<sup>51</sup> A Section 4(f) review was undertaken for the TWA terminal due to the proposed use of the historic structure as a transportation facility. Unlike Section 106, Section 4(f) has substantive power. To the greatest extent possible, any impact must be mitigated, and historic properties may be used only if there is no feasible and prudent alternative. A review of these alternatives leads to either a determination of adverse impact or the development of an environmental impact statement that identifies the potential adverse impact on historic resources.<sup>52</sup> Under Section 4(f), the DOT has final authority, and litigation is the only way to appeal agency decisions.

### SOI's standards and guidelines

The SOI's standards and guidelines of the United States are rooted in the 1964 Venice Charter.<sup>53</sup> The Tax Reform Act of 1976 granted tax incentives for the rehabilitation of qualified historic properties.<sup>54</sup> The required rehabilitation standards and guidelines are known as the SOI's Standards for Rehabilitation (SOI Standards). They define treatments that can be undertaken on historic properties listed on the National Register of Historic Places. The NPS is the implementing agency at the national level, while various state historic preservation offices act on behalf of the NPS and apply the SOI Standards to all historic properties.

The SOI Standards are evaluation criteria implemented for administrative efficiency for the federal agency and are frequently used by SHPOs and the ACHP in Section 106 cases to determine the appropriate treatment for listed historic properties. The SOI Standards are integrated into contract specifications for federal preservation projects and used as a basis for a variety of state and municipal preservation laws to regulate how private property owners modify their historic properties. However, the standards are used by the federal government without real legal enforcement; therefore, they serve only as a basis for review. Because the SOI Standards are not binding, agencies and individuals have a great deal of control over the final treatment of historic properties. In addition, the flexibility of the SOI

<sup>49</sup> Miller 1997.

<sup>50</sup> Federal Highway Administration, US Department of Transportation, "Office of Planning, Environment, and Realty (HEP): Environment," 12 October 2018, <http://www.fhwa.dot.gov/environment/4fpol1.htm> (accessed 11 January 2022).

<sup>51</sup> 49 USC § 303 (c), [http://www.nps.gov/history/local-law/FHPL\\_DOTAct.pdf](http://www.nps.gov/history/local-law/FHPL_DOTAct.pdf) (accessed 11 January 2022).

<sup>52</sup> Environmental Assessment and DOT Section 4(f) Evaluation final draft was issued in October 2004.

<sup>53</sup> Secretary of the Interior's Standards for Rehabilitation, 1976, <https://www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm> (SOI Standards). First issued in 1978, the SOI Standards were revised in 1983, 1992 and 2017. International Charter for the Conservation and Restoration of Monuments and Sites, 31 May 1964, [https://www.icomos.org/charters/venice\\_e.pdf](https://www.icomos.org/charters/venice_e.pdf) (Venice Charter). The Venice Charter was adopted by ICOMOS in 1965 (all accessed 11 January 2022).

<sup>54</sup> Tax Reform Act, 1976, <https://www.congress.gov/bill/94th-congress/house-bill/10612> (accessed 11 January 2022).

Standards results in the final evaluation depending on who prepares it and how that individual interprets the standards.<sup>55</sup>

### *Listing on the National and State Registers of Historic Places*

The National Register of Historic Places (National Register) was established under the Historic Sites Act of 1935 and expanded by the National Historic Preservation Act of 1966.<sup>56</sup> The National Register is the official list of designated heritage properties at the national level; it provides minimum protection, but it acts as a planning tool and establishes the significance of a listed property.<sup>57</sup> The NPS applies specific criteria to evaluate properties nominated for inclusion on the National Register, by which the significance of such properties is reviewed; however, the criteria for determining significance are broad.<sup>58</sup> The 1980 amendments to the National Historic Preservation Act require property owners to be consulted before their buildings are listed and allow them to object to the listing.

To be eligible for listing on the National Register, a historic building should be at least 50 years old. However, a building of extraordinary quality can be listed or determined eligible for listing on the National and State Registers of Historic Places even if it is less than 50 years old. The TWA terminal, for example, was 39 years old at the time it was determined to be eligible for listing. The New York SHPO specifically identified the significance of the TWA terminal in the areas of architecture, engineering, and transportation in addition to determining its significance for the period between 1962 and 1970. Specifically, the National Register established the landmark's boundaries by including the main building, the east and west tubes, and Flight Wing 2. The listing claims that additions and alterations made to the terminal have eroded the visual quality of the original Saarinen design.<sup>59</sup> The significance assessment of the terminal largely supports the NYC Exterior and Interior Landmarks designation reports. The only exception is that the National Register does not list the exterior and interior aspects separately.

### *NYC Exterior and Interior Landmark designations*

The NYC LPC is a municipal agency that was created to administer the city's Landmarks Preservation Law, established in 1965.<sup>60</sup> The Landmarks Preservation Law authorizes the designation of individual buildings and historic districts and, following a 1973 amendment, interior landmarks and scenic landmarks of historical, cultural, and architectural significance.<sup>61</sup> The law protects historic buildings from demolition and inappropriate alteration. The LPC has the authority to designate properties as landmarks and interior landmarks; then it may regulate any change to those resources. The law's provisions protect the aesthetic, historic, and "special character" of designated buildings and spaces. When the commission identifies the significance of both exterior and interior aspects, it sets a separate vote to designate them under the law. In addition to the LPC, the NYC Planning Commission has a

<sup>55</sup> Kelly 1996.

<sup>56</sup> Historic Sites Act, 1935, <https://www.nps.gov/subjects/archeology/historic-sites-act.htm> (accessed 11 January 2022); National Historic Preservation Act. National Register listings include districts, sites, buildings, structures, and objects that must possess the integrity determined by the Department of the Interior.

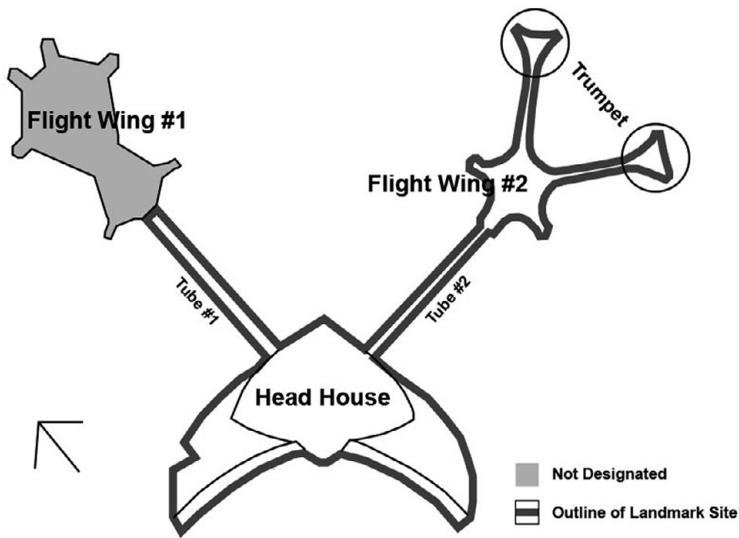
<sup>57</sup> The criteria for being listed on a state register are often based on those for being listed on the National Register; these registers are often identical.

<sup>58</sup> Robinson 1981.

<sup>59</sup> National Register of Historic Places Report 2005.

<sup>60</sup> Landmarks Preservation Law, 1965, <https://www.nypap.org/preservation-history/new-york-city-landmarks-law/> (accessed 11 January 2022).

<sup>61</sup> See section 25-304 of the Landmarks Preservation Law for the scope of the LPC's power.



**Figure 3.** TWA terminal: elements (created by the author based on “New York City Landmarks Preservation Commission Designation Report no. 259 (LP-1916), Trans World Airlines Flight Center: Interior,” 19 July 1994).

special permit (Figure 3) for retaining the original use of historic properties. Because the JFK airport redevelopment plan did not involve land-use regulations, the special permit did not apply to the TWA terminal.<sup>62</sup>

In 1994, the TWA terminal was designated as a NYC Exterior and Interior Landmark. From its opening to the public in 1962 until 2000, the TWA terminal kept up with additions and changes responding to the needs of the airline industry and advancements in technology (Figure 2). However, when the LPC granted the TWA terminal landmark status, it did not recognize the 1970s additions to the terminal as historic. Thus, the designation report describes only one flight wing (Flight Wing 2), while the other structure (Flight Wing 1) is not even mentioned (Figure 3).

NYC’s designation categories are less flexible than those of the National Register, and the requirement of a minimum age of 30 years is stricter.<sup>63</sup> When a historic building meets the 30-year requirement, the LPC can include its components that are less than 30 years old. In the TWA terminal case, however, the LPC decided not to include the later additions made in the 1970s to the TWA terminal as part of its designated area. The LPC’s judgment was based on the originally intended design when the TWA terminal was first constructed. This resulted in dividing the building into parts, which later provided the reasoning for the decision-making agencies to exploit not only the building but also its authenticity. The heritage designation ironically led the terminal to lose not only its non-authentic parts but also its authentic parts.

Although the NYC Landmarks Preservation Law, together with zoning regulations, has a greater ability to protect heritage properties than state or federal laws, when federal or state

<sup>62</sup> The LPC has been involved in several preservation cases dealing with the original use of historic buildings, such as the Beacon Theatre, the Four Seasons Restaurant, and the Broadway Theatre. In all three cases, the buildings retained their original use instead of being converted into other, new uses. Among them, the US Supreme Court declared invalid the proposed issuance of a certificate of appropriateness by the LPC for alterations to the landmark-designated interior of the Beacon Theatre in January 1989.

<sup>63</sup> In 1984, the LPC received an inquiry for landmarking the TWA Flight Center as a means of protecting it from alterations to its terminal building and its immediate surroundings. However, the LPC declined the inquiry based on the 30-year rule. LPC Letter, 5 October 1984, LPC Archive.

public agencies are involved, the city's land-use laws and regulations lose their power. Because the role of the LPC is advisory in these circumstances and does not hold governmental authority, there are no alternative legal mechanisms to protect municipal landmarks from federal and state pressure. This legal dysfunction impacted the TWA terminal as well as its authenticity. In the following section, this article will dissect the discussion of, and reveal the embedded hierarchical structure in key proposals of, the JFK Terminal 5/6 Redevelopment Plan (see Table 3; Figure 4).<sup>64</sup> These proposals are interrelated and carried out simultaneously.

## Commoditizing the TWA terminal and the expulsion of authenticity

### *PA's request for proposals*

The PA is the leading agency and property owner that proposed the new JetBlue terminal construction and the adaptive use and change of the TWA terminal, including the demolition of the two flight wings.<sup>65</sup> The first draft of the request for proposal (RFP) came out in 2003, and the final draft was released in 2006.<sup>66</sup> The objective of the RFP was to seek developers who would pay for the cost of the TWA terminal's restoration and explore economic opportunities at this historic site.<sup>67</sup> Before releasing the RFP, the PA asked the decision-making agencies and consulting parties to sign a nondisclosure agreement to review the draft RFP. If a party signed the agreement, the PA would share the RFP with that party, but if a party did not sign it, the PA would not allow that party access to the proposal.<sup>68</sup>

After years of circulating the RFP, the PA and JetBlue recognized that the RFP had a problem because it did not achieve its objective. No developers submitted proposals.<sup>69</sup> The RFP failed to elicit any response to the cost burden on the developer's side. Accordingly, the PA agreed to pay for the restoration and rehabilitation of the TWA terminal. It assumed that, if the building were in better shape, there would be more interest from operators who might use parts of the terminal for an airline lounge, a restaurant, office space, a museum, a hotel, or a spa.<sup>70</sup> In February 2008, the board of the PA approved \$19 million for repairing the head house (Figure 5). As a result, the focus of the RFP shifted to the main building, leaving the two flight wings and the trumpets behind.

The trumpets are the small gate lounges at the airside end of Flight Wing 2. The trumpet element was seen as significant because it was part of the original structure and was included within the landmark boundary (Figure 6). The total cost of the trumpet's restoration, relocation, and incorporation into the new building was estimated at approximately \$10 million, while the cost of the head house restoration was estimated at \$11 million.<sup>71</sup> The PA was not in favor of moving the trumpet at \$10 million and thus questioned the trumpet plan, as did JetBlue. The MAS suggested that the trumpet cost was not an unreasonable amount given

<sup>64</sup> The proposals and plans were developed even before the official closing of the terminal in 2001 and kept being changed. Some of the earlier plans were published in later times.

<sup>65</sup> The information in this section is based on the State Historic Preservation Office (SHPO) and the New York Landmarks Conservancy (NYLC) Archives unless otherwise specified.

<sup>66</sup> The Terminal 5/6 Redevelopment Plan was one of the many schedules in the request for proposal (RFP).

<sup>67</sup> The expected yearly rent for the entire site was approximately \$554,000. See *Cityland*, vol. 4, 15 February 2007, 13.

<sup>68</sup> The consulting parties were section 106 stakeholders: the New York Landmarks Conservancy; the MAS; the National Trust for Historic Preservation; John Cullinane and Associates; Documentation and Conservation of Buildings, Sites and Neighborhoods of the Modern Movement; the New York City Partnership; the Consulate General of Finland, New York; JetBlue Airways; and the New York Buildings Congress.

<sup>69</sup> Interview 1. According to the officer, preservation parties had indicated that the original RFP would fail, and it failed.

<sup>70</sup> Interview 3.

<sup>71</sup> Letter from the MAS to the PA, 29 June 2006, SHPO Archive, Albany, NY, United States.

**Table 3.** Overview of the JFK Terminal 5/6 Redevelopment proposals

Proposal	Request for proposal	Memorandum of agreement	Restoration and Rehabilitation Plan	MAS alternative proposal	JetBlue design proposal
Leading stakeholder(s)	PA	PA (RAC)	PA BBB (NYLC)	MAS (National Trust)	JetBlue (PA)
Position	<ul style="list-style-type: none"> <li>• Partial demolition of TWA</li> <li>• Competence of JFK</li> <li>• Financial viability</li> <li>• JetBlue's presence in TWA not required</li> <li>• Private developer to complete the restoration, rehabilitation, and adaptive use and pay the cost</li> </ul>	<ul style="list-style-type: none"> <li>• Appropriate setting for TWA</li> <li>• Demolition of non-authentic additions</li> <li>• Demolition of flight wings</li> <li>• Tube no. 1 could be retained, modified or replaced</li> <li>• Trumpets may be relocated and reused</li> </ul>	<ul style="list-style-type: none"> <li>• Restoration, rehabilitation and maintenance of head house</li> <li>• Public open space between TWA and new JetBlue terminal</li> <li>• Demolition of flight wings</li> </ul>	<ul style="list-style-type: none"> <li>• Preserving the authentic features of TWA</li> <li>• Long-term reversible preservation solutions</li> <li>• Minimize harm to authentic structure</li> <li>• Respecting the authentic context of TWA</li> <li>• JetBlue presence in TWA</li> </ul>	<ul style="list-style-type: none"> <li>• JetBlue is neither tenant nor adaptive use developer</li> <li>• TWA as a grand entry to new JetBlue terminal</li> <li>• Demolition of trumpets</li> </ul>

Source: Created by the author.

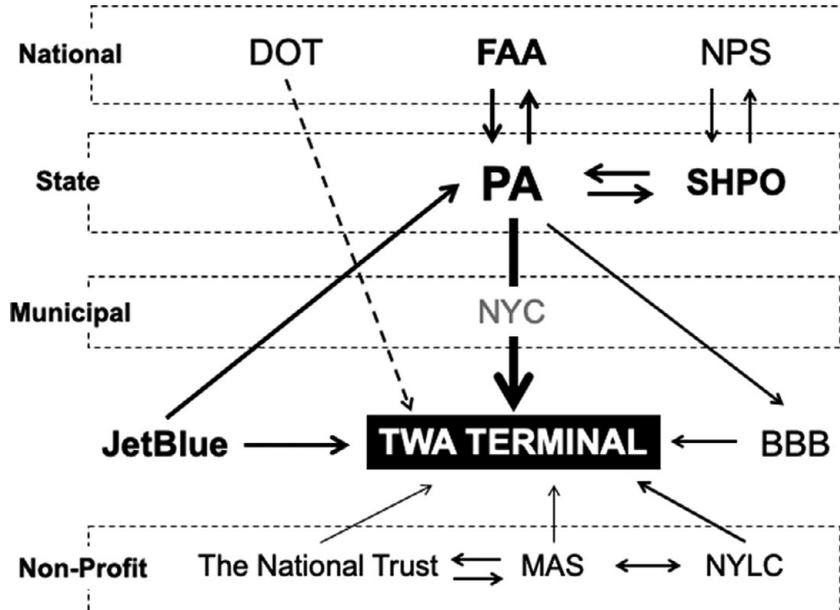


Figure 4. Decision-making hierarchy in the JFK Terminal 5/6 Redevelopment Project (created by the author).



Figure 5. TWA terminal: head house (photo taken by the author in February 2008).

the significance of the terminal and that the overall redevelopment cost was \$875 million. The New York SHPO proposed potential tax credits such as the Save America’s Treasures program.<sup>72</sup> Nevertheless, JetBlue proposed that the PA reallocate the trumpet funds to the head house for a greater impact on the TWA terminal, and the PA was convinced.<sup>73</sup>

Simultaneously, the PA was looking for a developer as a tenant for the TWA terminal; the developer would provide all of the services, skills, and capital required for the TWA

<sup>72</sup> Minutes of RAC Meeting no. 10, 9 February 2006, SHPO Archive.

<sup>73</sup> Fax letter from JetBlue to the PA, 6 July 2007, SHPO Archive.



Figure 6. Detached trumpet (photo taken by the author in April 2008).

terminal's renovation, not limited to restoration, rehabilitation, and adaptive use development as well as including the future operation and maintenance of the terminal.<sup>74</sup> The PA had discussions with a hotel developer and an airline company: the former, called Yotel, operated the "Pod Hotel," while the latter, Eos Airlines, a relatively small and new airline company, operated a direct route between New York and London at the time of the negotiations. Eos approached the PA to suggest using one gate in the new JetBlue terminal and a check-in lounge and departure lounge in the TWA terminal.<sup>75</sup> The discussion between the PA and the developers was not smooth. After years of negotiations over its adaptive use, the PA had no choice but to settle on a hotel plan.<sup>76</sup> In 2014, the PA and a hotel developer were unable to reach a final agreement and parted ways.<sup>77</sup> Another new hotel plan was proposed shortly after, and it was finally determined that the TWA terminal would serve as the lobby of a luxury hotel with new functions: retail, restaurants, bars, and event space. For this plan, the developers received a \$230 million loan.<sup>78</sup> Consequently, the PA turned the public project into an entirely privately funded project that became the driving force for the expulsion of its authenticity.<sup>79</sup>

<sup>74</sup> PA, "Final Draft of the TWA Terminal Request for Proposal," 1 October 2006, NYLC Archive, New York, NY, United States.

<sup>75</sup> Interview 7.

<sup>76</sup> Joey Arak, "JFK's Landmark Airport Terminal Could Become a Hotel Lobby," *Curbed New York*, 7 February 2011; Andrew Grossman and Eliot Brown, "Hotel Plan Set for Ghost Terminal," *Wall Street Journal*, 7 January 2011.

<sup>77</sup> "Talks to Turn TWA Terminal into Hotel Fall Apart," *Crain's New York Business*, 29 January 2014.

<sup>78</sup> "Developers Turning JFK's Iconic 1960s Terminal into Hotel Secure \$230 Million Loan," *International Airport Review*, 18 May 2018, <https://www.internationalairportreview.com/news/69391/jfk-terminal-hotel/> (accessed 11 January 2022).

<sup>79</sup> Michelle Cohen, "JFK's TWA Flight Center Hotel Tops Out, on Track to Open in 2019 with World's Largest Hotel Lobby," *6SQFT*, 15 December 2017; David Gannon, "Ahead of Next Year's Opening, TWA Hotel's Second Tower Tops Out," *6SQFT*, 26 March 2018; Christine Negroni, "Updating the Landmark T.W.A. Terminal at J.F.K., This Time as a Hotel," *New York Times*, 6 February 2018.

### *Memorandum of agreement*

The RFP was based on the memorandum of agreement for the JFK Terminal 5/6 Redevelopment Project (MOA) and the outcome of the Redevelopment Advisory Committee (RAC) meetings.<sup>80</sup> Hence, the RFP refers to the language of the MOA, which was a written document of requirements and restrictions to mitigate adverse effects on the historic properties.<sup>81</sup> Section 106 and Section 4(f) culminated in the MOA. The primary concerns, in the beginning, were whether the redevelopment would result in the partial demolition of the terminal and lead to significant controversy.<sup>82</sup> The FAA notified the ACHP<sup>83</sup> that the redevelopment plan would harm the TWA terminal. Accordingly, the FAA, the SHPO, the ACHP, and the PA entered into the MOA as signatory agencies pursuant to Section 106, as required by the 1966 National Historic Preservation Act and the 1970 National Environmental Policy Act,<sup>84</sup> with an expectation of mitigating adverse effects on the TWA terminal as part of the larger redevelopment scheme of the JFK airport's master plan. The final draft of the MOA was released in September 2004 and covered the rehabilitation, restoration, adaptive use, operation, and maintenance of the terminal.<sup>85</sup>

The MOA procedures required the establishment of a RAC, which is a voluntary advisory group comprised of stakeholders in the Section 106 process.<sup>86</sup> As an outcome of the MOA, a RAC was created to provide input on the project as it was executed, and its first meeting was held in March 2005.<sup>87</sup> However, the FAA exited the RAC soon after signing off on the MOA and informally delegated its responsibilities to the PA; therefore, the PA possessed decision power.<sup>88</sup> At the RAC meeting on 14 June 2007, its members agreed to save, restore, and temporarily relocate the trumpet for future use. JetBlue also agreed to save it.<sup>89</sup> The PA was seemingly the only agency that wanted the trumpet to be demolished.

However, JetBlue soon revised its policy and advocated for the demolition of the trumpet. Beginning in June 2007, no RAC meetings were held for seven months.<sup>90</sup> In September 2007, however, there was a rumor that two decision-making agencies – the SHPO and the PA – had agreed on the demolition of the trumpet without informing the RAC members.<sup>91</sup> After months of silence, the PA came up with a report that claimed it was experiencing financial

<sup>80</sup> Federal Aviation Administration (FAA), "Final Draft of Memorandum of Agreement," 22 September 2004, SHPO Archive.

<sup>81</sup> The information in this section is based on the TWA files at the National Trust and the SHPO Archives unless otherwise specified.

<sup>82</sup> Advisory Council on Historic Preservation (ACHP), "Archive of Prominent Section 106 Cases," 6 June 2002, <http://www.achp.gov/casearchive/casesfall01NY2.html> (accessed 11 January 2022).

<sup>83</sup> The criteria for ACHP involvement in the TWA terminal case were Criteria 1 and 3.

<sup>84</sup> National Environmental Policy Act. The construction of the AirTrain connecting JFK airport to the city's public transportation network resulted in an environmental review. The final draft of the environmental assessment was released in June 2001 and determined that the continuing use of Saarinen's terminal was not feasible.

<sup>85</sup> FAA, "Final Draft of Memorandum of Agreement"; Department of Transportation and Federal Aviation Administration, "Finding of No Significant Impact Record of Decision," 7 February 2005, NYLC Archive.

<sup>86</sup> Redevelopment Advisory Committee (RAC) Guidelines in the Memorandum of Agreement for the JFK Terminal 5/6 Redevelopment Project (MOA), 20 August 2004. The leading RAC members were the Port Authority of New York and New Jersey, the New York State Historic Preservation Office, JetBlue Airways, the National Trust for Historic Preservation, the New York Landmarks Conservancy, and the Municipal Art Society of New York.

<sup>87</sup> The Final Draft of Memorandum of Agreement, 20 August 2004; Minutes of RAC Meeting no. 1, 15 March 2005, SHPO Archive. The discussion continued from the review processes.

<sup>88</sup> Interview 1; Interview 6; letter from the FAA to the Advisory Council on Historic Preservation, 1 November 2004, SHPO Archive.

<sup>89</sup> MAS RAC Meeting Comments, 24 January 2008, SHPO Archive; Interview 1.

<sup>90</sup> The RAC meetings were usually held once or twice every month; however, the decision-making agencies ignored the RAC guidelines. The RAC organized approximately 23 meetings in total until January 2008.

<sup>91</sup> Interview 6.

difficulties with the project. The truth was that a deal had been made between JetBlue, the PA, and the SHPO behind closed doors regarding the demolition of the trumpet.<sup>92</sup> On 23 January 2008, the SHPO and the PA announced to the RAC that they had agreed on shifting their focus from saving the trumpet to financially supporting the partial restoration of the head house. At that time, the trumpet had already been moved to the back of the airfield at the cost of \$800,000 (Figure 6).<sup>93</sup>

The signatory agencies believed that the MOA would strike a balance between the interests of all the involved parties.<sup>94</sup> Nonetheless, the role of the RAC was limited due to its nature as a voluntary advisory group. The committee did not have legal power, and the signatory agencies did not have a legal obligation to follow the recommendations of the RAC. In other words, the decision-making agencies could ignore the RAC. The initial emphasis on saving the flight wings was completely shifted to the head house via the trumpet. Consequently, JetBlue's new terminal was constructed right behind the head house. Despite these aspects, the negotiation process through the MOA shaped the following proposals.

### **TWA Restoration and Rehabilitation Plan**

The Restoration and Rehabilitation Plan was prepared by the Beyer Blinder Belle (BBB) firm; therefore, it was also known as the BBB report.<sup>95</sup> Commissioned by the PA, the plan constituted guidelines – a detailed roadmap to the restoration and rehabilitation of the TWA terminal – and was an integral part of the RFP process.<sup>96</sup> In particular, the restoration plan referred to federal standards responding to the MOA conditions.<sup>97</sup> The first draft of the plan came out in October 2002 when the MOA and RFP were in the early draft stage.<sup>98</sup> The early draft was heavy-handed; the BBB examined the entire structure of the terminal and recommended a full restoration that even included portions of the building that were in good condition.<sup>99</sup> The rationale behind the existing condition assessment for restoration included the original design and materials, while the rehabilitation guidelines proposed a demolition plan based on the NYC Exterior and Interior Landmarks designation reports. The plan substantially comprised two parts: the first part included the design, construction, operation, and maintenance of the TWA terminal in compliance with the MOA; the second part focused on the development and implementation of an adaptive use plan for the terminal building.<sup>100</sup>

The failure of the October 2006 RFP led to a second version of the plan conditioned on the PA having a \$19 million fund for repairing the TWA terminal. Therefore, the priority of the plan also shifted to the head house. While the plan had fewer assessment criteria, it included more details than the 2002 draft and put more emphasis on the adaptive use of the TWA terminal. This updated plan focused on the renovation of the exterior and interior of the landmark and its adaptive use, taking the convenience of future maintenance into account. The adaptive use plan was primarily supported by the PA and the New York Landmarks

<sup>92</sup> Fax letter from JetBlue to the PA, 6 July 2007; email correspondence from the PA to the SHPO, 9 August 2007, SHPO Archive.

<sup>93</sup> MAS RAC Meeting Comments, 24 January 2008, SHPO Archive.

<sup>94</sup> Correspondence from New York Airports District Office of the FAA to the signatory parties of the MOA, 22 September 2004, SHPO Archive.

<sup>95</sup> Beyer Blinder Belle is a prominent architecture and planning firm in historic preservation in NYC.

<sup>96</sup> Minutes of RAC Meeting no. 3, 11 May 2005, SHPO Archive.

<sup>97</sup> Letter from the MAS to the PA, 29 June 2006, SHPO Archive.

<sup>98</sup> This section is based on the TWA files in the National Trust, the NYLC, and the SHPO Archives unless otherwise specified.

<sup>99</sup> Interview 4; Interview 5.

<sup>100</sup> PA, "Final Draft."

Conservancy (NYLC).<sup>101</sup> The latter insisted that adaptive use be a keystone in the practice of historic preservation in NYC.<sup>102</sup>

In the discussion of the plan, there was a lack of consensus between the decision-making agencies and the consulting parties; they often used the same vocabulary, but their meanings behind their words indicated different purposes.<sup>103</sup> For example, the plan envisioned a public plaza, which had been an item of discussion since 2001, between the TWA terminal and JetBlue's new terminal as an effort to restore the relationship between the terminal and its immediate setting. BBB thought that this idea of public space would allow the restoration of a signature view of the terminal as a monumental sculpture.<sup>104</sup> BBB's concept of a signature view was from the outside, looking at the terminal. Nevertheless, the MAS was against the proposed idea and understanding of view in the plan. The MAS asserted that the TWA terminal was designed so that, when people went into it, they would see through it and see airplanes; however, in the plan, when people would go into the terminal, they would see another building.<sup>105</sup>

Similarly, the MAS pointed out that the decision-making agencies and the NYLC had wrongly used the term "adaptive use." The NYLC advocated for an adaptive use of the TWA terminal by arguing that an effort to save the historic use of architecture is romantic and wrong.<sup>106</sup> Paradoxically, however, the NYLC also discussed the re-creation of the original experience known as the "Saarinen Experience."<sup>107</sup> In this way, the NYLC was not advocating an adaptive use; it also proposed continuing the terminal's historic use.<sup>108</sup> The MAS contended that, when the TWA terminal was first constructed, its primary use was for aviation, while the building also contained several facilities serving different purposes, such as restaurants, cafés, baggage reclaim areas, check-in areas, and public and nonpublic spaces: these components together composed the TWA terminal. Given this interpretation of the space, if the plan proposed by the PA and the NYLC used the areas for restaurants, cafés, and nonpublic spaces, precisely as they intended, the TWA terminal could still retain its use and experiential quality as an air terminal. This is because the total environment as an air terminal would be preserved.<sup>109</sup> The PA also acknowledged that the primary reason for people to walk into this terminal should be for flight, while shopping, eating, or conferencing should be secondary reasons.<sup>110</sup> Ultimately, the plan did not call for retaining the historic use and associated experience of the TWA terminal. More importantly, there was no concrete proposal for an alternative use from the preservation parties, including the NYLC.<sup>111</sup>

### *MAS's alternative proposal*

The MAS was one of the leading participants among the consulting parties.<sup>112</sup> Public agencies such as the FAA and the PA initially tried to exclude the MAS from the membership

<sup>101</sup> The New York Landmarks Conservancy is a nonprofit organization "dedicated to preserving, revitalizing, and reusing New York's architecturally significant buildings."

<sup>102</sup> Interview 2.

<sup>103</sup> Interview 1.

<sup>104</sup> David W. Dunlap, "Planning a Nest of Concrete for a Landmark of Flight," *New York Times*, 14 August 2001.

<sup>105</sup> Dunlap, "Planning a Nest of Concrete."

<sup>106</sup> Martha Moore, "New Beginning Sought for JFK Terminal," *USA Today*, 4 December 2006.

<sup>107</sup> Minutes of RAC Meeting no. 3, 11 May 2005.

<sup>108</sup> Interview 6.

<sup>109</sup> Interview 6.

<sup>110</sup> Interview 3.

<sup>111</sup> Interview 1.

<sup>112</sup> The MAS is a 115-year-old, Manhattan-based nonprofit organization.

Table 4. Gate comparison

Aircraft Group	PA Plan		MAS Plan	
	Contact Gates	Hardstand Gates	Contact Gates	Hardstand Gates
V	4	0	4	0
IV	15	2	15	3
III	27	1	27	1
II	2	0	2	0
Total gates	48	3	48	4
	51		52	

Source: Adopted by the author from MAS, Eero Saarinen's *Landmark TWA Terminal, JFK Terminal 5/6 Redevelopment Alternatives*, 22 October 2002, National Trust Archive, Boston, MA, United States.

of the RAC, but they did not succeed.<sup>113</sup> The MAS placed a priority on keeping the original design intention and the experiential quality as the integral components of the terminal's authenticity. It insisted from the early stages of the discussion that the terminal's authenticity could be maintained by using the building as an air terminal.<sup>114</sup> The MAS highlighted two practical solutions: first, preserving the terminal's original use and, second, giving leeway to restore the terminal to its original design in the future.

The MAS made an enormous financial investment in developing alternatives and modifications to the redevelopment plan to reduce adverse effects on the TWA terminal by saving the terminal's original use and two flight wings.<sup>115</sup> Together with architect Hal Hayes,<sup>116</sup> the MAS presented the first version of their alternatives titled *T5 Preservation Study* to the PA and the FAA in December 2001. In doing so, the team retrieved issues from the redevelopment plan prior to the 11 September attacks and focused Phase 1 of the redevelopment plan on mitigating adverse impacts on the terminal. In doing so, the MAS's plan suggested keeping an airside view and a side view, looking out from the inside. Despite the PA's intention to demolish the two flight wings, the MAS attempted to preserve them as an integral part of the terminal. There was no significant difference in the number of gates for handling flights between the PA's and the MAS's proposals (see Table 4; Figure 7).

With these alternatives, the MAS was looking to persuade the FAA to disapprove of the plans proposed by the PA and JetBlue. In line with this, the MAS also called for JetBlue to move into the historic structure and use it as a terminal. To accommodate JetBlue's growing fleet, the MAS made practical suggestions, some of which utilized the basement space of the terminal to update baggage handling and security systems in addition to the idea of *in situ* retention.<sup>117</sup>

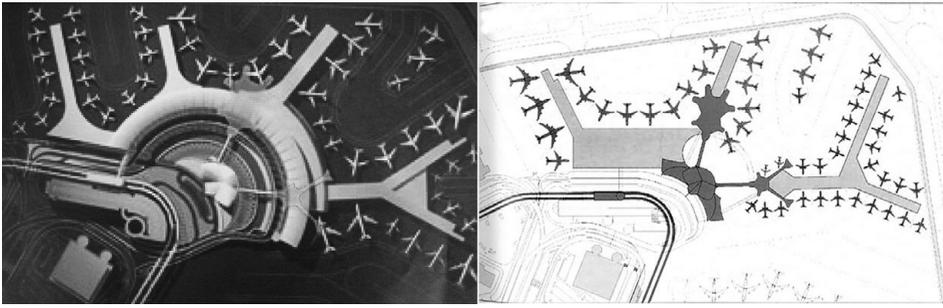
<sup>113</sup> Fax letter from the National Trust to the FAA, 14 May 2004, SHPO Archive. The National Trust objected to the public agencies' attempt to limit the RAC's membership.

<sup>114</sup> The information in this section is based on the National Trust and the MAS Archives unless otherwise specified.

<sup>115</sup> Fax letter from the National Trust to the FAA, 14 May 2004.

<sup>116</sup> Hal Hayes is an airport planning expert and a lead planner in the redevelopment of Dulles International Airport in the Washington, DC, area.

<sup>117</sup> These suggestions included the following: (1) the retention of the existing tube receptor and its reuse for the new terminal's landside access; (2) the reuse of the existing flight wing for restrooms, concessions, and the holding room for Gates 1 and 2; and (3) the reuse of the original tube receptor and stairs for landside access from the Saarinen terminal to the new terminal.



**Figure 7.** Gate comparison rendering (photographed and adopted by the author from MAS, *Eero Saarinen's Landmark TWA Terminal, JFK Terminal 5/6 Redevelopment Alternatives*, 22 October 2002, National Trust Archive).

The MAS noted the unpredictability of the future of the flight industry and claimed that contemporary air terminals throughout the world would be outdated in 50 years due to the nature of the industry. The MAS stressed that the critical problem with the TWA terminal was its obsolescence due to the nature of air travel's rapidly changing technology but that there might be growth in the use of regional jets or personal jets in the future. The MAS argued that the city might need a smaller terminal; in that case, the TWA could retain its original use as a flight center.<sup>118</sup> Nonetheless, JetBlue wanted to maintain gate flexibility and allow all of its aircraft to park at all gates.<sup>119</sup> The PA did not require JetBlue to incorporate the historic terminal into its plans.<sup>120</sup> The MAS insisted on revisions to Saarinen's terminal in the course of the negotiations. Despite its efforts, the alternatives were seen as having no physical or economic feasibility; therefore, no further consideration was given to the MAS.<sup>121</sup>

### *JetBlue's design proposal*

JetBlue was seemingly the only winner in the course of the negotiations over the redevelopment plan since it publicly announced its intention to use the TWA terminal as part of its operations and to connect the terminal with its new terminal in 2003.<sup>122</sup> This low-cost flight business entity understood well its dominant political-economic position and successfully used its power over the PA throughout the decision-making processes.<sup>123</sup> The MAS argued that JetBlue would do whatever it had to do for its business.<sup>124</sup> JetBlue was also one of the consulting parties in the review process and a member of the RAC. As previously noted, JetBlue agreed to preserve the trumpet at the beginning of the discussions; however, it subsequently revised its position, stating that the inclusion of the trumpet at the end of the concourse would add little in functional value to the TWA terminal.<sup>125</sup> Thus, JetBlue began to exercise its political-economic power over the PA. JetBlue needed a new facility to handle its growing business volume and to continue to grow in New York; therefore, JetBlue did not

<sup>118</sup> Interview 6.

<sup>119</sup> Minutes of RAC Meeting no. 3, 11 May 2005.

<sup>120</sup> Interview 1.

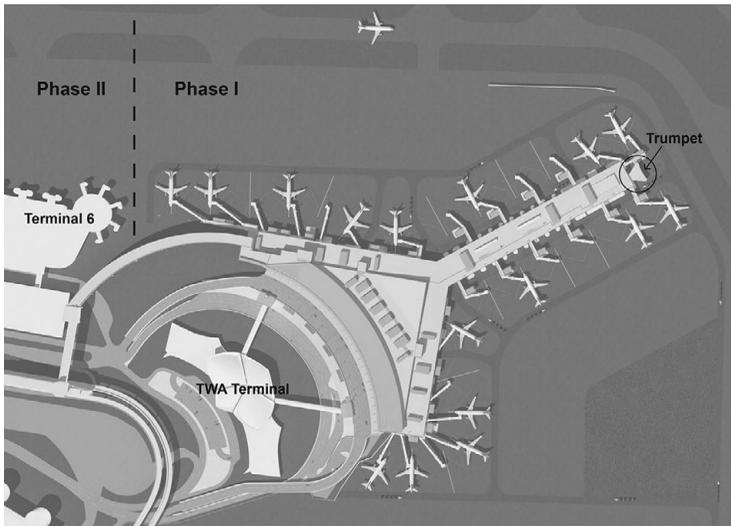
<sup>121</sup> Minutes of RAC Meeting no. 5, 10 August 2005, SHPO Archive.

<sup>122</sup> This section is based on information from the National Trust, the MAS, the NYLC, and the SHPO Archives unless otherwise specified.

<sup>123</sup> In 2005, the PA and JetBlue entered into a 30-year lease agreement with an option to cancel after 25 years.

<sup>124</sup> Interview 6.

<sup>125</sup> RAC Meeting Memo, n.d., SHPO Archive.



**Figure 8.** New JetBlue terminal plan (adopted by the author from Gensler Architect, “Exterior Massing,” 23 April 2007, SHPO Archive, Albany, NY, United States).

propose the demolition of the TWA terminal but, rather, led the charge for the historic structure to be altered.

The PA and JetBlue seemed to believe that their new plan would balance the needs of a twenty-first-century airport with the desire to restore the icon of the Jet Age for the future instead of letting the terminal building sit empty, neglected, and tired.<sup>126</sup> JetBlue was not willing to compromise its terminal operations or the number of gates for the sake of preserving the TWA terminal.<sup>127</sup> Its plan was divided into two phases as follows. Phase 1 (in 2009) was the construction of the new terminal building, which occupied approximately 80 percent of the rear side of the TWA terminal. In Phase 2 (in 2010), JetBlue’s new terminal was expanded further north, where I. M. Pei’s Terminal 6 was originally located, to add eight new gates to the new terminal building (Figure 8).<sup>128</sup>

JetBlue claimed that its new terminal would be the best in the world by having the largest airfield and providing dual taxiways; moreover, its design was sensitive to concerns regarding its impact on the TWA terminal. JetBlue further justified its construction adjacent to the terminal by recalling TWA’s plan in the late 1980s to build a new terminal building similar to that of JetBlue.<sup>129</sup> JetBlue’s new terminal was security focused and traveler conscious. The new terminal did not demolish the historic structure such that its height would take over the TWA terminal. Nevertheless, the new JetBlue terminal cut into the airfield, isolated the head house, and did away with the two flight wings, including the trumpet. Further, the access road running into the front side of the JetBlue terminal resulted in hiding the TWA terminal: there was no view from the JetBlue terminal to the TWA building and vice versa. Ultimately, it led to the termination of the experience of the TWA terminal.<sup>130</sup>

Consequently, the new JetBlue terminal used the name “Terminal 5” while expelling the “spirit of the flight” from the TWA terminal. It made the historic air terminal an empty shell by transforming it into a hotel lobby tuned into the commercial spirit of the hotel guest experience. In fact, JetBlue had been determined to turn the TWA terminal into a hotel from

<sup>126</sup> Greg Sargnet, “Airport Grab: JetBlue Cramps T.W.A. Jewel,” *New York Observer*, 3 August 2003.

<sup>127</sup> Minutes of RAC Meeting no. 5, 10 August 2005.

<sup>128</sup> The JetBlue plan involved Gensler, DMJM Harris/Aecom, Arup, Turner Construction Company, William Nicholas Bodouva and Associates, JetBlue, and the PA.

<sup>129</sup> Interview 7; Interview 1. The 1980 TWA plan did not materialize.

<sup>130</sup> Interview 6.



**Figure 9.** Capturing the TWA terminal ([left] rendering retrieved on 2 April 2008 from <https://www.jetblue.com/about/jfk/t5.html>; [right] photo taken by the author at the new JetBlue terminal, April 2008).

the very beginning.<sup>131</sup> As the 2008 opening of the new JetBlue terminal approached, JetBlue publicly branded the TWA terminal's image and name by calling its new home JetBlue Terminal 5; JetBlue neither shared the restoration cost with the PA nor used the TWA terminal. They did not have a real presence in the terminal building. However, JetBlue held onto the name "Terminal 5" from the original Terminal 5 (Figure 9). JetBlue said that it was not specifically underwriting the restoration of the TWA terminal but, instead, helping to support the PA's facility as part of the terminal development project.<sup>132</sup> JetBlue further noted that the idea of branding the TWA terminal was suggested by a preservation group and that JetBlue did not take part in the adaptive use plan because the TWA terminal was the PA's property.<sup>133</sup> The PA also supported JetBlue by giving it enough leeway to have its way in using the historic terminal.<sup>134</sup> In truth, however, JetBlue had a corporate vision for the head house as a grand entrance to its new Terminal 5 that would tie JetBlue's new terminal to the glamorous past of the aviation industry and allow it to become a thriving place at the JFK airport.<sup>135</sup>

### Concluding discussion

As the underlying structure of cities and their economies, infrastructures are directly connected to global capital and cultural circulation. From this perspective, airports become speculation currency, and air terminals turn into sites for speculative development. This article has revealed the micro-politics in these processes through the lens of the TWA terminal debates in the JFK Terminal 5/6 Redevelopment Plan. The case study described the many twists and turns in the decision-making processes and uncovered the self-interest of decision makers whose motivation was heavily driven by economic interests. The decision-making agencies collectively acted as speculators and controlled the TWA terminal and its authenticity in the redevelopment of JFK airport.

<sup>131</sup> Taylor Glascock, "Go Inside the Ultra-Cool TWA Flight Center Before It Becomes a Hotel," *Wired*, 11 August 2015; Craig Karmin and Ted Mann, "JetBlue Wants to Turn Former TWA Terminal into Hotel," *Wall Street Journal*, 14 April 2015.

<sup>132</sup> David W. Dunlap, "Renovated T.W.A. Terminal to Reopen as JetBlue Portal," *New York Times*, 22 February 2008.

<sup>133</sup> Interview 7.

<sup>134</sup> Minutes of RAC Meeting no. 10, 9 February 2006.

<sup>135</sup> Fax letter from JetBlue to the PA, 6 July 2007.

The initial topic of the negotiations was to safeguard the historic terminal from the demolition, which provoked heated debate about its original use and associated experience. However, the negotiations resulted in chopping off nationally and locally designated historic parts of the terminal and removing the aviation use and experiential quality from the terminal. On the one hand, the MAS's proposal demonstrated that the preservation of the historic use and exceptional quality of the TWA terminal was economically feasible. On the other hand, JetBlue's proposal showed that continuous growth was feasible in the future of the airline industry and that keeping the aviation use of the TWA terminal hindered JetBlue's new facility and growth. When the MAS was consulted, the PA admitted the possibility of using the TWA terminal for private jets. However, the PA and JetBlue worked together and rejected the proposed idea based on the rationale of investment return. JetBlue denied the possibility of continuing the use of the TWA as an air terminal and claimed that small jets would take up more airfield space due to their engineering systems. Neither the PA nor JetBlue bulldozed the TWA terminal, which is now the only remnant of the original JFK airport plan; instead, they picked the best part of the building over smaller historic parts, aviation use, and experience. They destroyed the head house's authentic quality by hiding it, cutting it off, and repurposing it into a hotel lobby. When the authenticity of the TWA terminal was dismantled, its physical authenticity was also eliminated. The decision makers selected a few of the more unique qualities and emphasized them while ignoring the smaller ones. These smaller authentic qualities were absorbed by the greater ones or disappeared, which is what this article calls the expulsion of authenticity.

The existing urban law did not reduce the power of the PA as the air terminal's owner, operator, and decision-making agency or of JetBlue as the tenant in possession of the TWA terminal. The speculative logic in the law enabled these entities to control the property and tailor its authenticity. The federal government exercised its role through the SOI Standards, but it did not have regulatory power: the SOI Standards served only as a basis for review. When a historic property is threatened by an action involving the federal government through funding or other mechanisms, the property's eligibility for listing on the National Register can protect it by triggering review under federal preservation laws such as Section 106 and Section 4(f). However, as a planning tool, the National Register does not provide regulatory control over listed properties. The power of federal and state laws and regulations is limited, as it is activated upon federal or state involvement; conversely, however, federal and state agencies can easily influence the review processes. Municipal agencies, laws, and regulations lose their power under federal and state pressure. While the TWA terminal is a NYC landmark, the city agency was not invited to the negotiations, and, thus, the state and city agencies did not work together throughout the review processes. More importantly, municipal landmarks laws and agencies designate historic properties as official heritage properties to protect and authorize heritage authenticity; ironically, however, their interpretation and identification are inversely utilized by speculators in the decision-making processes.

As the PA intended, public agencies will continue to seek private sector involvement due to the lack of public funding that provokes private sector participation in urban infrastructure redevelopment. In this circumstance, the defects and neoliberalized mechanisms in urban law call for public and private sector stakeholders in speculative interests not only in heritage but also in authenticity. Prevailing adaptive uses play a significant role in inviting investments in heritage properties in urban redevelopment strategies. Moreover, the power balance between public agencies and private developers shifts toward the developers; as a consequence, the power of the developers dominates the public projects. This article has acknowledged that the TWA terminal in the Terminal 5/6 Redevelopment Plan resulted not only in changing the use of heritage and the public's experience of heritage but also in the

privatization of heritage and the transformation of a government-driven redevelopment project into a developer-driven project.

Lastly, JetBlue Airways invested \$750 million in the new Terminal 5 to meet its current business needs and security requirements after the terrorist attacks.<sup>136</sup> JetBlue claimed that the new terminal would be one of the world's best facilities.<sup>137</sup> The PA wanted JFK airport to catch up with other international flight hubs by completing the \$268 million hotel project.<sup>138</sup> Like Saarinen's terminal, JetBlue and the PA formed the new JetBlue terminal as a window to the world that promotes global visions for the industry, New York, and America. Nevertheless, their message is not equal in weight to Saarinen's, which was an outcome of creativity and boldness. They created the illusion of the Jet Age using nostalgia as a powerful selling tool; therefore, the mid-century modern masterpiece turned into a commercial shopping site in the twenty-first century, and, furthermore, it became JetBlue's home.

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<sup>136</sup> David W. Dunlap, "An Airline Terminal for a Security-Wary Era," *New York Times*, 11 March 2008.

<sup>137</sup> Interview 7.

<sup>138</sup> Verena Dobnik, "New Life as Luxury Hotel for Historic TWA Terminal at N.Y.'s JFK Airport," *Providence Journal*, 18 May 2019.

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## Appendix I: List of Interviews

- Interview 1: Interview with a Program Officer/Regional Attorney, the National Trust for Historic Preservation, Northeast Office, 15 January 2008. The officer was involved in the TWA project from 2006 onwards.
- Interview 2: Interview with the Director of Technical Services, New York Landmarks Conservancy, 29 January 2008.
- Interview 3: Interview with the Program Manager of JFK Plant, Structure and Airport Redevelopment, Port Authority of New York and New Jersey, 13 February 2008.
- Interview 4: Interview with a Historic Preservation Specialist of Technical Services Unit, New York State Office of Historic Preservation, 19 February 2008.
- Interview 5: Interview with a Historic Preservation Specialist of the New York State Office of Historic Preservation, 19 February 2008.
- Interview 6: Interview with the Senior Vice President of the Municipal Art Society of New York, 18 October 2007 and 20 March 2008.
- Interview 7: Interview with the Vice President of Redevelopment for JFK Terminal 5, JetBlue Airways, 2 April 2008.

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