Morera, Margarita

From: Kornfeld, Robert [RKornfeld@LZATechnology.com]
Sent: Tuesday, July 06, 2004 6:12 PM
To: Morera, Margarita
Cc: 'ewa@allisongroup.com'; 'klustbader@aol.com'; 'fsanchis@mas.org'; 'alexherrera@nylandmarks.org'; 'Ethan_Yankowitz@nthp.org'; 'betsy_merritt@nthp.org'; 'philip.craft@mail.house.gov'; 'Charlene Vaughn'; 'Joel Klein'; 'aferster@transact.org'; 'amg@wtcufg.org'; 'Simeon Bankoff'; 'John S. Jurayj'; 'David Goldfarb'; 'Jay Platt'; Kornfeld, Robert
Subject: RE: Section 106 Consulting Parties - Meeting Invitation

Ivy.gif

COMMENTS OF
BERT KORNFELD 0

Ms. Morena:

This is an electronic copy of my preliminary comments regarding the Section 106 review for the Permanent WTC PATH Station. A hard copy was forwarded last week. Thannk you.

Robert Kornfeld Jr. on behalf of the Historic Districts Council

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The information in this email and any attachments may contain confidential information that is intended solely for the attention and use of the named addressee(s). This message or any part thereof must not be disclosed, copied, distributed or retained by any person without authorization from the addressee. If you are not the intended addressee, please notify the sender immediately, and delete this message.
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not appropriate to reject an alternative out-of-hand because it would necessitate design modifications to the station.

In several respects the PA cited their architects' designs as reasons that adverse effects are unavoidable. This is an invalid type of circular reasoning. These consultants or employees are carrying out your instructions. You have to furnish them with historic guidelines. If you instruct them which historic resources must be preserved they will design around them just as they design around any other constraint.

The PA should qualify its "need" to install additional track. It appears to be a long-term contingency for an area with a permanent reduction in office space, and which is increasingly residential. One suspects that the driving force is opportunity rather than need, because with the towers gone the construction cost would be much lower. This does not factor in the adverse effects to the historic site. The effects would be profound.

3. Another adverse effect is the encroachment of the upper level of the PATH station over the footprints, and the potential of a support column landing on the footprint. This is not acceptable because it would limit the development of the footprints as dignified spaces by limiting the ceiling height. It would also impact the memorial voids and circulation space for the memorial planned by LMDC. It is unacceptable for these elements to encroach on the footprints and therefore design of a column landing on the 1 WTC footprint should be a moot point.

SEYMOUR P. LACHMAN
SENATOR, 23rd DISTRICT
DEPUTY MINORITY WHIP

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER
TRANSPORTATION

MEMBER:
AGING
CHILDREN & FAMILIES
CONSUMER PROTECTION
CRIME VICTIMS, CRIME & CORRECTION
EDUCATION
FINANCE
HIGHER EDUCATION

THE SENATE
STATE OF NEW YORK

ALBANY OFFICE
ROOM 406
LEGISLATIVE OFFICE BUILDING
ALBANY, NEW YORK 12247
(518) 455-2427
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STATEN ISLAND OFFICE
36 RICHMOND TERRACE
STATEN ISLAND, NEW YORK 10301
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BROOKLYN OFFICE
2424 CROPSEY AVENUE
BROOKLYN, NEW YORK 11214
(718) 449-1443
FAX (718) 372-5749

EMAIL:
LACHMAN@SENATE.STATE.NY.US

Comments of New York State Senator Seymour P. Lachman on the Permanent World Trade Center PATH Terminal Draft Environmental Impact Statement and Section 4(f) Evaluation July 21, 2004

My name is Seymour Lachman. I represent the 23rd district in the New York State Senate. My district includes portions of Brooklyn and Staten Island. I am the ranking Democrat on the Senate Committee on Transportation and the chair of the Democratic Conference Task Force on Public Transit. While I am supportive of the proposed Permanent World Trade Center PATH Terminal (the Terminal), I would like to express a concern that I have about how the Terminal will connect to the existing MTA New York City Transit subway lines at the World Trade Center site, two of which are to be connected under the proposed Fulton Street Transit Center (FSTC) project.

I want to urge the Port Authority of New York and New Jersey and the Metropolitan Transportation Authority to ensure that these two projects are completely integrated. The proposed connections between the Cortlandt Street Station of the R and W trains and the World Trade Center-Church Street Station of the E train should be integrated into the design of the Terminal project, as should the western end of the Dey Street passageway and the eventual

construction at the Cortlandt Street-WTC Station of the 1 and 9 trains.

New York City has been plagued by over a century of uncoordinated mass transportation services with poor and confusing connections between formerly competing transit lines. Hundreds of millions of dollars of scarce transit capital funds have been spent rebuilding poor interconnections at 42nd Street-Times Square, 14th Street-Union Square, and Atlantic Avenue-Pacific Street. One of the worst examples of this situation can be found at the four Fulton Street/Broadway-Nassau Street stations that will be rebuilt under the FSTC project to improve passenger flow and access. I would urge that the final design of the both the R/W-E connector and the Dey Street passageway be physically integrated into the WTC PATH Terminal such that there is easy passenger access and flow to and between the PATH terminal and the subway stations on the WTC site. I would also urge that the connections between the Terminal and the New York City Subway System (including provisions for the eventual Cortlandt Street station of the 1 and 9 trains) be designed in such a way that they can be reconfigured to allow easy free transfers if and when the subway system and PATH are brought within the fare system. We must not replicate the mistakes that led to awkward and inconvenient transfers between former IRT, BMT, and IND stations throughout the subway system.

Finally, I want to reiterate the importance of considering the wishes of many family members of the victims of the World Trade Center attack and not building on the footprints of the destroyed towers. I cannot overstate the significance of this request to these family members. I hope that the Port Authority can design a plan for the PATH station and the concourse that will serve the needs of Lower Manhattan commuters and the desires of the family members of the victims.

THE WORLD TRADE CENTER TRANSPORTATION HUB
Permanent WTC PATH Terminal and Pedestrian Connections
Environmental Review Process
DEIS Comments Summary

Date Received:	07/20/04	**Type:**	E-mail
Contact Details:	John D. Lictro **P** ; **F** ; **E** jdllog14@yahoo.com	**Location:**	

Comment:
Good morning, In regards to the permanent PATH terminal plan, I strongly recommend that this project be developed WITHOUT taking into consideration the Libeskind WTS site plan. The reason I believe this should be so, is that due to the lack of funding to build and overwhelming lack of public (The Libeskind plan finished LAST in the official poll at the Wintergarden) and corporate support (i.e. Citibank), this current WTC plan is close to being discarded. Instead, please consider building a cost-effective and practical PATH terminal with the probability that the Twin Towers will be rebuilt. With this bold new direction guiding your project, there is not doubt you will receive more public and corporate support thank you could ever imagine. Thank you very much for your time.

THE WORLD TRADE CENTER TRANSPORTATION HUB
Permanent WTC PATH Terminal and Pedestrian Connections
Environmental Review Process
DEIS Comments Summary

Date Received: 07/05/04 **Type:** Email/Letter
Contact Details: Bill Love **Location:**
Vice Chair
Coalition to Save West Street
333 Rector Place #11-B
New York, NY 10280
P 212-306-1789; **F** ; **E** blove93@earthlink.net

Comment:
E-mail & Letter sent 7/5 by Coalition to Save West Street – Scanned

333 Rector Place, Apt. 11-B
New York, NY 10280
July 5, 2004

Ms. Margarita Morera
Port Authority of New York and New Jersey
225 Park Avenue South, 15th Floor
New York, NY 10003

Re: Comments of Consulting Party on WTC Transportation Hub Project -- Draft Finding of Effects/Section 106 Review Process

Ladies and Gentlemen:

On behalf of the Coalition to Save West Street (the "Coalition"), a Consulting Party in the Section 106 review process relating to the WTC Transportation Hub project, I offer the following comments regarding the draft Finding of Effects document that was discussed at the meeting of the Consulting Parties on June 14, 2004.

The Coalition, a group comprised of several hundred residents of Lower Manhattan and formed in 2002 in order to oppose plans to tunnel a portion of West Street, believes that its views on the redevelopment of the WTC site are broadly representative of a strong majority of Lower Manhattan residents.

First, as I stated at the June 14 meeting, although our group opposes a West Street car tunnel, we have not opposed the proposed east/west pedestrian tunnel because we recognize the importance of providing a means for large numbers of pedestrians to be able to safely cross West Street, particularly during peak hours. This is critical not only for residents of Battery Park City (most of whom work east of West Street) but for office workers in the World Financial Center (WFC) and for the retail businesses located there.

We were intrigued to note, however, the reference on page 2 of the draft Finding of Effects to a bridge over West Street as a possible alternative to the proposed corridor beneath the street. Our main comment here is to urge you to seriously study a pedestrian bridge over West Street as a means to provide all-weather access between the WFC and the WTC Transportation Hub. In our view, it might also be possible to have both a corridor underneath and a bridge over West Street that would supplement each other, rather than one necessarily being an alternative to the other.

The model for any such permanent pedestrian bridge, in our view, should be the former North Bridge that was the primary means of crossing West Street prior to 9/11. That bridge worked extremely well and carried 8,000 pedestrians per hour during the rush hours. The current South Bridge at Liberty Street (which we hope will be retained) is a smaller version of the North Bridge. In our view, such a new pedestrian bridge over West Street must have the following characteristics for it to be an acceptable alternative/supplement to an underground passageway:

- completely enclosed and climate controlled at all times (unlike the current temporary bridges at Vesey and Rector Streets)

- seamless indoor connection between the WFC and the WTC Transportation Hub (i.e., pedestrians should not simply be deposited on the sidewalk, as the east end of the South Bridge did prior to 9/11 and as the temporary bridges at Vesey and Rector Streets do now)

- well-illuminated around the clock (for safety reasons)

- large windows to provide views of the neighborhood

- security at both ends (like the North Bridge, which had security guards in the WFC at one end and in One World Trade Center at the other, providing a high degree of safety 24 hours per day)

- indoor escalators (both up and down) and elevators that work in all weather conditions, with building personnel at each end responsible for quickly repairing breakdowns (anchoring the bridge with a Class A office building or the equivalent at each end would work best, which suggests linking such a bridge to the Freedom Tower in some fashion should be considered)

- west end of the bridge connecting to second floor of the WFC (where the elevator lobbies are) for the convenience of WFC office workers, preferably at the Winter Garden (where the North Bridge terminated)

If a high quality pedestrian bridge meeting the foregoing standards cannot be provided, then we agree than the proposed east/west pedestrian tunnel should be the preferred alternative even though the Hudson River Bulkhead will need to be pierced, resulting in an adverse effect on this historic resource. The need for a pedestrian passageway that will transport large numbers of pedestrians across West Street during the rush hours is critical if the residential and commercial properties in Battery Park City are to survive and prosper in the years to come. We call to your attention, however, the fact that this is one more reason for not putting a car tunnel under West Street. Such a car tunnel would result in even more extensive damage to the Hudson River Bulkhead.

At the June 14 meeting, I also spoke up in support of another Consulting Party who was concerned about the proposed plans to remove the last intact piece of the underground portion of the World Trade Center at the passageway to the NYCT "E" train. That passageway is the one WTC remnant that preserves the feeling of what it was like to enter the WTC indoor concourse from the train platform. As an "E" train rider for eight years prior to 9/11, I was very moved when they reopened that passageway in connection with the opening of the temporary PATH station. When I walk up those stairs or that ramp, I can visualize the old concourse, and that experience is magnified when I step a few feet into the temporary PATH station and see the escalators from the PATH train emerging at their same pre-9/11 location. I am sure that thousands of other people

familiar with this passageway share these feelings. Simply preserving the materials and moving them elsewhere is not going to preserve the feeling of the WTC that is provided by those materials and that passageway in their current location. We urge that the designers and architects be asked to take a careful look at their plans to see if there is a creative way to maintain this passageway in the current location within the framework of the overall design. If it is deemed appropriate to go to great lengths to preserve truncated box-beam columns and a slurry wall which were invisible to the masses of people who visited the WTC site daily prior to 9/11, then it should be that much more important to preserve a remnant that emerged relative unscathed and that is recognizable and very familiar to the thousands of people who used the "E" train passageway daily.

We are resigned to, and accept, the decision to remove the structural remnants of the former plaza and subway access from Vesey Street, due to the heavy damage to these remnants and their lack of permanent stability or functionality. We also agree with the decision to remove the steel beams in cross form from the site. This "steel cross" would be particularly inappropriate as a permanent part of the site because of its association with one particular religion at a site where people of many religions (and of no religion) perished.

In closing, I would simply like to observe that, while most local residents are sensitive to preservationist concerns as well as the need for remembrance and honoring those who perished, we do not want those concerns to significantly delay the redevelopment of the site and its ultimate return to the level of commercial and retail vitality that existed prior to 9/11. One preservationist at the June 14 meeting of the Consulting Parties argued, in essence, for trying to preserve everything that might be deemed a "ruin" by future generations. I and most other local residents could not disagree more strongly. We do not want to live next door to a "ruin" that is preserved for tourists (any more than we want to live next to a "graveyard," as some of the family members opposing redevelopment of the site have deemed it). The primary focus has to be on the redevelopment of the site and the economic revitalization of Lower Manhattan. Otherwise, we could find ourselves on the path of economic decline, and that could end up ratifying one of the goals of the attackers – to cause us severe economic harm.

Thank you for the opportunity that I and other members of the Coalition have been afforded to participate in the Section 106 review process.

Yours truly,

Bill Love
Vice Chair, Coalition to Save West Street
W: (212) 306-1789
H: (212) 786-4897
blove93@earthlink.net

LOWER MANHATTAN EMERGENCY PRESERVATION FUND

Municipal Art Society | National Trust for Historic Preservation | New York Landmarks Conservancy | Preservation League of New York State | World Monuments Fund

FACSIMILE COVER SHEET

To: Anthony Cracchiolo
The Port Authority of NY & NJ
212 435-5514

Bernard Cohen
Federal Transit Administration
212 668-2505

Kevin Rampe
Lower Manhattan Development Corporation
212 962-2431

Don L. Klima
Advisory Council on Historic Preservation
202 606-5072

From: Lower Manhattan Emergency Preservation Fund

Date: July 8, 2004

Pages: Cover plus 3

Re: Comments on Finding of Effect for the Permanent WTC PATH Terminal

PLEASE DELIVER THIS FAX IMMEDIATELY – THANK YOU

Municipal Art Society
457 Madison Avenue
New York, NY 10022
212 935-3960

National Trust for Historic Preservation
1785 Massachusetts Avenue, NW
Washington, DC 20036
800 944-NTHP

New York Landmarks Conservancy
141 Fifth Avenue
New York, NY 10010
212 995-5260

Preservation League of New York State
44 Central Avenue
Albany, NY 12206
518 462-5658

World Monuments Fund
95 Madison Avenue
New York, NY 10016
646 424-9594

LOWER MANHATTAN EMERGENCY PRESERVATION FUND

Municipal Art Society | National Trust for Historic Preservation | New York Landmarks Conservancy | Preservation League of New York State | World Monuments Fund

June 23, 2004

Response of the Lower Manhattan Emergency Preservation Fund to the Permanent WTC PATH Terminal Draft Environmental Impact Statement (DEIS).

Good afternoon. My name is Ken Lustbader and I represent the Lower Manhattan Emergency Preservation Fund. The Fund is a coalition of five leading preservation organizations that was formed in response to the events of September 11th. The group consists of the Municipal Art Society, the National Trust for Historic Preservation, the New York Landmarks Conservancy, the Preservation League of New York State, and the World Monuments Fund.

The LMEPF commends the DEIS for addressing historic preservation concerns and for identifying the numerous historic resources that contribute to the character and architectural significance of Lower Manhattan.

Most broadly, we are concerned about the possible impact that vibrations will have on adjacent historic properties and recommend state-of-the-art vibration monitoring. We are especially concerned about the cumulative impact of numerous construction projects on the surrounding historic properties and recommend that a single entity be charged with overseeing construction monitoring.

Specifically, we are concerned that the proposed project will negatively impact a number of surviving elements that are currently part of the WTC Site itself. These elements are called out in the National Register Determination of Eligibility and we are requesting that the PA provide more detailed information regarding why certain elements are proposed for removal and/or demolition. While we are not promoting the preservation of the site as it currently exists and look forward to rebuilding, we believe that the FTA and PA needs to view the site as historic, make attempts to incorporate existing elements into the design goals, and provide an analysis and detailed explanation if the preservation of these elements cannot be achieved.

We offer the following specific comments regarding certain elements that may be affected:

Tower Perimeter Column Bases

- We appreciate the attempt to minimize the encroachment over the perimeter column bases which outline the footprints of Towers One and Two; however, we are concerned about the cumulative impact that additional construction activities will have on minimizing access to these bases. Although the PA is not a party to the Programmatic Agreement for the WTC Site Memorial and Redevelopment Plan, we are requesting that they adhere to the design and construction goals outlined in the document. The Memorial Center Advisory Committee recently recommended providing access to these bases and this should be a recognized goal of all coordinated construction activities. Additionally, as stated in the Draft Section 4(f) Evaluation, creative and meaningful architectural treatments should be developed to demark and/or expose the locations of the column bases.

Northwest Remnant Subgrade Structures

- As part of a separate review, we previously recommended that the PA consult with museum curators and investigate the possibility of salvaging more than three elements from the northwest remnant subgrade structures. Additional elements, along with Tito Dupret's photographs, could provide for a more effective interpretation of the WTC Site.

Passageway to the E-Train

- As one of the last surviving elements of the WTC Site, the passageway to the E-train was recently restored and the PA should revisit the proposed plan to have it demolished. We are requesting that additional analysis be done with the goal of incorporating it into the new design.

Steel Beams in Cross Form

- Currently, the PA proposes to remove the steel beam in cross form to an off-site location. We are requesting that instead of moving the cross off site, it be moved temporarily within the WTC site. Should it have to be moved off-site, we should be provided with an explanation as to why, and confirmation that it will be moved to Hanger 17 at JFK where it will be properly stored.

Plaza and Subway Entrance at Vesey Street

- The plaza and subway entrance at Vesey Street are the only surviving above ground elements of the WTC Site. The current plan to have them demolished should be revisited with the goal of possibly incorporating them in situ into the new design. This proposed demolition, with no detailed justification or explanation, underscores our request for additional information as to how decisions to demolish elements were made.

The LMEPF recognizes the unprecedented nature of this undertaking and the importance of ensuring for meaningful public input as rebuilding proceeds. We appreciate the outreach that the PA doing with various interest groups and look forward to continued participation.

Thank you for the opportunity to express the LMEPF's views.

Contact Information:

Ken Lustbader
Preservation Consultant
Lower Manhattan Emergency Preservation Fund
c/o New York Landmarks Conservancy
141 Fifth Avenue
New York, NY 10010
212 995-5260

THE WORLD TRADE CENTER TRANSPORTATION HUB
Permanent WTC PATH Terminal and Pedestrian Connections
Environmental Review Process
DEIS Comments Summary

Date Received: 07/21/04
Type: Comment Sheet

Contact Details:
Yvonne Morrow
315 8th Avenue, #14E
New York, NY 10001
P 212-242-5909; **F** ; **E**

Location:

Comment:
(1) I support the option with the exit/entrance in Liberty Plaza. Prior to 9/11, I believe more than 40% of PATH users exited to the WTC complex at the SE corner. This option would be beneficial for both pedestrian and vehicular flow (2) Must coordinate construction of the permanent WTC Transportation hub through the "Lower Manhattan Construction Command Center" to mediate the severe impacts of so many construction projects happening at the same time. (3) Absolutely necessary to mediate/prevent severe impacts on existing buildings near the WTC site - especially historic and/or historically eligible properties. Two buildings in point, 125 Cedar Street and 114 Liberty Street, are directly across the street from the WTC site and were severely impacted by events of 9/11. In fact, the residents of 125 Cedar were not able to move back in for 16 months and, I believe, the residents of 125 Cedar were not able to move back in for 16 months and, I believe, the residents of 114 Liberty are still not back in. The impacts of rebuilding the WTC site and envirions can be horrendous on these folks. Special plans must be instituted to mediate these impacts. These folks have suffered enough - way beyond enough.

BE A PART OF THE PROCESS...

THE WORLD TRADE CENTER TRANSPORTATION HUB

Draft Environmental Impact Statement for the Permanent WTC PATH Terminal

DEIS Public Hearings
Tuesday, June 22, 2004 - Jersey City
Wednesday, June 23, 2004 - Lower Manhattan

Please use this comment form to let us know your thoughts about this important project. Please leave this form wit us today or **mail by July 21, 2004** to: WTC PATH Terminal - Comments, The Port Authority of NY & NJ, 115 Broadway, 5th Fl., NY, NY 10006 or fax to (212) 435-5514.

Contact Information:

Name YVONNE MORROW

Organization/Affiliation

Street Address 315 8TH AVENUE (14E)

City NYC State NY Zip 10001

Tel 212-242-5909

Fax

E-mail

Are you a part of any organization that would like to hear more about the project?

Who can we contact in your organization?

Comments (Please use additional sheets if necessary):

(1) I SUPPORT THE OPTION WITH AN EXIT/ENTRANCE IN LIBERTY PLAZA. PRIOR TO "9/11", I BELIEVE MORE THEN 40% OF PATH USERS EXITED THE WTC COMPLEX AT THE SE CORNER. THIS OPTION WOULD BE BENEFICIAL FOR BOTH PEDESTRIAN AND VEHICULAR FLOW

(2) MUST COORDINATE CONSTRUCTION OF THE PERMANENT WTC TRANSPORTATION HUB THROUGH THE "LOWER MANHATTAN CONSTRUCTION COMMAND CENTER" TO MEDIATE THE SEVERE IMPACTS OF SO MANY CONSTRUCTION PROJECTS HAPPENING AT THE SAME TIME

(3) ABSOLUTELY NECESSARY TO MEDIATE/PREVENT SEVERE IMPACTS ON EXISTING BUILDINGS NEAR THE WTC SITE — ESPECIALLY HISTORIC AND/OR HISTORICALLY ELIGIBLE PROPERTIES. TWO BUILDINGS ON POINT, 125 CEDAR STREET AND 114 LIBERTY STREET, ARE DIRECTLY ACROSS THE STREET FROM THE WTC SITE AND WERE SEVERELY IMPACTED BY EVENTS OF "9/11". IN FACT, THE RESIDENTS OF 125 CEDAR WERE NOT ABLE TO MOVE BACK IN FOR 16 MONTHS AND, I BELIEVE, THE RESIDENTS OF 114 LIBERTY ARE STILL NOT BACK. THE IMPACTS OF REBUILDING THE WTC SITE AND ENVIRONS CAN BE HARASSING ON THESE FOLKS. SPECIAL PLANS MUST BE INSTITUTED TO MEDIATE THESE IMPACTS. THESE FOLKS HAVE SUFFERED ENOUGH — WAY BEYOND ENOUGH!

United States Department of Transportation
Federal Transit Administration

THE WORLD TRADE CENTER TRANSPORTATION HUB
Permanent WTC PATH Terminal and Pedestrian Connections
Environmental Review Process
DEIS Comments Summary

Date Received:	06/28/04	**Type:** Written Comment
Contact Details:	James P. O'Shea Real Estate Consultant **P** 718-786-5431; **F** ; **E**	**Location:**

Comment:
1) Design - beautiful, but too costly at $2 Billion! New rolling stack cost $800 Million! Original location was site of 30/50 Church Street - Hudson Tubes - greater connectivity to financial district and transfer point to N&R BMT. 2) E train at Vesey/Church should be linked into N&R BMT - about 100' distance to carry IND service to south end of district at Whitehall/Water streets - or even further to Brooklyn. 3) Since masterplan seems to be still in flux it may be prudent to wait upon finalization before building this hub.

To: Mr. Shawn Lenahan
Port Authority of New York and New Jersey (PANYNJ)

August 4, 2004

Dear Mr. Lenahan:

I am submitting the attached joint reply letter from the New Jersey Association of Railroad Passengers (NJ-ARP) and the Regional Rail Working Group (RRWG), dated August 4, 2004, directed to Mr. Anthony G. Cracchiolo for submission into the NEPA Draft Environmental Impact Statement (DEIS) record dealing with the reconstruction of the permanent PATH Terminal at the World Trade Center site in downtown Manhattan. Also being submitted for that same record is an accompanying letter, dated April 23, 2004, from Mr. George Haikalis, Chair RRWG.

This morning, Mr. Haikalis contacted Mr. Lou Venech, PANYNJ Senior Manager, Transportation Policy Development, to discuss submission procedures. Mr. Venech replied that we direct this correspondence to your attention. It is hereby attached and copied in plain text below.

Subsequently, I will submit a printed copy of both documents to you for your records.

Sincerely,

Albert L. Papp, Jr.
New Jersey Association of Railroad Passenger, Director
121 Northfield Road,
Millington, N.J. 07946-1353
(973)762-1831
alpappjr@earthlink.net

Mr. Anthony G. Cracchiolo
Director, Priority Capital Programs The Port Authority of NY & NJ
233 Park Avenue South, 4rth Floor
New York, NY 10003

August 4, 2004

Dear Mr. Cracchiolo,

We are in receipt of your letter of June 10th, 2004 detailing your agency's evaluation of NJ-ARP's proposal dealing with the "Connection of PATH to New York City's Lexington Avenue Subway."

We would request that the following response be entered into the formal NEPA record of the Draft Environmental Impact Statement (DEIS) concerning the reconstruction of the permanent PATH Terminal at the World Trade Center (WTC) site in lower Manhattan.

We thank you and your associates for the time and effort involved in evaluating our series of proposals but feel that certain aspects of them were misunderstood and misinterpreted by both the PANYNJ, and your consultant, Parsons, Brinckerhoff, Quade & Douglas, Inc. (Parsons Brinckerhoff) whom you retained to examine the multiple facets of the design, constructability, operation and maintenance and federal regulations of the PATH/Lex Connection. In turn, adoption of, and strict adherence to, New York City Transit's (NYCT) best practices for grades, curvature and intersecting line separation distances as put forth in the "MW-1 Track Standards and Reference Manual" virtually precludes not only the PATH/Lex Connection but also most future subway or regional rail construction both in lower Manhattan and, in fact, much of the rest of Borough as well. It was none other than Norm Silverman, New York City Transit Director of Operations Planning, who stated at our March 26, 2004 meeting that exceptions from these standards were possible as long as the deviations were not extreme. That we adhered to current practices should be proof positive that the PATH/Lex Connection was conceived within operational constraints.

We feel compelled to state at the outset that NJ-ARP, and subsequently the "Regional Rail Working Group," (RRWG) was hopeful that a relatively frequent and truly interactive process between your agency, the consultants and our group could have materialized in order in to refine the PATH/Lex Connection over its almost 15 month gestation period. In fact, this did not occur. If it had, certain technical elements of the plan could have been discarded early on and led to more fruitful discussions between all parties thereby saving everyone involved considerable time and effort. To cite but one specific example, Parsons Brinckerhoff presented in their December 11, 2003 Figure 3 a gradient of 10.8% when referring to NJ-ARP "Alignment 2.1." That Parsons Brinckerhoff would even propose a further "Alternative Alignment to NJARP Proposal," dated

December 4, 2003, that employed a 15.9% grade and that it would be offered by the PANYNJ neither enhanced the credibility of our cause nor contributed to an effective on-going dialogue on the proposal. Clearly, grades of this kind are operationally impossible in service, were never proposed by NJ-ARP and should never have been attributed to our advocacy groups. So it should come as no surprise to you that NJ-ARP and the RRWG are profoundly dismayed and disappointed with your statement to "...not plan any further investigation of the proposed connection at this time."

NJ-ARP and the RRWG would like to address several of your comments regarding concept, alignment selection, station placement, vehicle compatibility and operational criteria and funding.

Concept

The original concept of the PATH/Lex Connection emerged from wide ranging discussions in the aftermath of the unprecedented terrorist attack on the World Trade Center on September 11, 2001. For over 10 years, the PANYNJ has been the lead agency on the "Access to the Region's Core" (ARC) study whose initial goal was to tie the tri-state metropolitan region together through the expansion of the existing regional rail network by adding capacity enhancements at several key choke points. Among them, this included the addition of two trans-Hudson rail tracks and, in one option, the connection between New York Penn Station (NYP) with Grand Central Terminal (GCT) with a physical track linkage. A key consideration in the later, as explained in the scoping document for the initiation of this study, was the critical determination that about 70% of all midtown job sites are within a short walk of GCT. The importance of east midtown has been accentuated as many employers relocated their facilities in the wake of the terrorist attack. But with the lack of any substantive relief from the ARC project expected in the near term -- implementation is years, if not decades, in the future -- NJ-ARP concluded that many of the anticipated benefits to be provided by ARC, principally access to midtown Manhattan, could be achieved relatively quickly (within three to four years) and inexpensively ($800 million to $1 billion) by the PATH/Lex Connection given the forthcoming reconstruction efforts at the WTC site.

Alignment and Constructability

With that in mind, and after our initial meeting with the PANYNJ on March 31, 2003 and subsequently with the PANYNJ and the MTA/NYCT on March 26, 2004, NJ-ARP, then joined by the RRWG, refined its alignment in several iterations to comply with best practice operating parameters of the existing PATH and NYCT properties. The PATH/Lex Connection is premised on grades of 4.5%, curve radii of 200 feet and a minimum rail to rail clearance of 17 feet (where the connecting track passes under the "A" and "C" subway line) and 14 feet (where the track link passes over the "#2" and "#3" line at Beekman Street).

We do agree that the paramount issue is the feasibility of building these close clearance intersections without infringing on the reliability of these heavily traveled lower Manhattan transportation arteries. However, we do not agree with your allegation that "...we were unable to identify a feasible vertical alignment that can be constructed to avoid all of the PATH and subway lines and meet in the Brooklyn Bridge Station..." and therefore reject "...the variation offered in your April 23rd letter as a workable solution."

We would be disingenuous if we didn't remind the PANYNJ, NYCT and Parsons Brinckerhoff that the NYCT's much praised #7 line operates on two minute headways and surmounts 4.5% grades in its Steinway Tunnels located to the west of Grand Central Terminal and in Long Island City. Even steeper gradients can be found on the approaches to the East River Bridges. The PATH has used 115 foot radius curves on its WTC approach and departure tracks for 30 years while NYCT has turned trains on its 147 foot radius City Hall loop for a century, both with no ill effect on operational reliability. Because of the age of the structures in this part of the City (some dating back to Colonial times) and the narrow street grid, engineering of the City's early subway infrastructure was carefully built to preclude damage to any number of priceless historic structures. And if success can be gauged by the yardstick of longevity and uninterrupted service, these lines have served the City faithfully for almost a century and likely will continue to do so for at least several more. And so the fundamental question remains "Why change the rules of the game when the current ones are perfectly adequate." Or in the vernacular, "If it ain't broke, don't fix it." And yet that is exactly what NYCT has done.

NJ-ARP and RRWG revised its plan and submitted "Alignment 2.8" to you on April 23rd to be in accordance with physical constraints of the existing PATH and NYCT infrastructure. Yet Parsons Brinckerhoff suggests that 230 foot curve radii result in track that impinges on the footprint of One WTC, interferes with the temporary PATH Station and has grades in excess of 6%. In fact, this alignment employs 200 foot radii curves, avoids the footprints of both WTC towers (something the present "temporary" station fails to achieve), passes over the tracks and platforms of the temporary station (albeit taking some of the northern part of the concourse) and has grades of no more than 4.5%, all this within existing NYCT practices. If the only reason that can be found to reject further discussion of this alternative is to invoke more restrictive clearance distances, grades and curving standards, then it is a grim portent, indeed, for future Manhattan mobility options.

While constructability would be challenging, it is not impossible. Ways were devised during the building of the WTC to keep PATH running and we have no doubt the creativity of the PANYNJ and MTA/NYCT engineers and designers will rise to the occasion, if only those agencies would be afforded the opportunity to do so. While this alternative would sever the southbound City Hall Lexington Avenue #6 loop track, this interruption in service would only occur after all other

work is finalized. Certainly, the 63rd Street tunnel local-express connection was built under the heavy load experienced by the Queens Boulevard four track subway line and underpinning of lines in service is not unknown during subway construction and station alterations.

As NJ-ARP and the RRWG listened to the comments of PATH and NYCT concerning operational constraints of an integrated system -- at least in the near future -- we devised "Alternative 4.2" that features a cross platform transfer between the #6 Lexington Avenue local (which is extended from its Brooklyn Bridge terminal to the WTC site) and the PATH. The separation between the two transit systems is maintained and the City Hall loop severed and taken out of service with the #6 subway trains reversal now taking place at the WTC site. If and when operational, jurisdictional and equipment issues can be harmonized, through running could still be adopted. This alignment stays within the bathtub on the west to avoid expensive, wet construction in West Street and to make continued operation of the temporary PATH station easier but does extend south of the bathtub to achieve less restrictive curve radii.

Station Placement

The Parsons Brinckerhoff analysis suggests that the proposed station location for the NJ-ARP "Alignment 2.1" "...would be located on the 4.0% grade. This exceeds the NYCT criteria of 0.5% maximum grade for new station construction. Also the switches within the interlockings would be placed on grades exceeding the 1.5% maximum allowable grade, and would be located within vertical curves." NJ-ARP spent considerable time with industry professionals and examined closely appropriate track diagrams to assure that the revised station location in "Alignment 2.8" which is oriented in a northeasterly direction is, in fact, on a gradient of 0.5% and meets NYCT criteria. Comprised of a basic two track, side platform facility, it is close to, and formally aligned with, the proposed station entrance just south of Fulton Street. A close examination by Parsons Brinckerhoff of the vertical cross section of "Alignment 2.8" should have revealed that the top of rail clearance between the tracks of the temporary station and those of the tracks leading to the WTC PATH/Lex station is 14 feet, perfectly adequate to allow the temporary facility to continue operations during construction of the new link. The grade never exceeds 4.5%, this in direct contrast to Parsons Brinckerhoff's assertion that it contains a "...track grade in excess of 6% to avoid the A/C, N/R, and 4/5 subway lines." NJ-ARP and the RRWG never suggested that a tunnel boring machine be used for station or right-of-way construction; rather, the openness of the "pit" pointed to a reduced cost of building in that nearby "soft ground." Underpinning is a typical facet of underground development, whether for subways, water, sewer or utility lines.

Vehicle Compatibility and Operational Criteria

We examined the dimensional differences between the IRT and PATH vehicles and have concluded that while width, length and truck center variations are evident, there is no technical barrier preventing the design of a hybrid vehicle to allow operation on both transit systems. In fact, the PANYNJ had considered an add on order to the NYCT's R-142 purchase according to an article in the Newark Star-Ledger. That the PATH has announced an order to replace much, if not all, of its aging fleet was a principal reason in crafting the PATH/Lex proposal after the terror attack on 9/11.

Through operation between the PATH and Lexington Avenue subway using 10-car trainsets need not necessitate lengthening "...all PATH platforms..." The Draft Environmental Impact Statement (DEIS) states that "...PATH plans to implement 10-car service on its Newark-WTC line..." but this action "...is not planned at this time." Still, Newark, Journal Square, Exchange Place and the WTC stations are already capable of accommodating 10-car PATH trainsets. Only Harrison and Grove Street have not been enlarged but could still accommodate 10-car sets although certain ones would not open their doors at that location. The Hoboken line does present a challenge, which, while not insuperable, would initially restrict through running to only the Newark line.

As to car widths, given that PATH vehicles are 8.75 inches wider than IRT cars, the width of the PATH fleet replacement purchase would be reduced accordingly, resulting in a 4.375 inch narrower profile on the platform side with PATH platforms reduced in a like amount. No interior passenger room need be lost since the exterior of the car can turn in more sharply at platform level than at present.

Recall that "Alignment 4.2" was presented to you to circumvent this difficulty and permit the continuation of separate non-integrated PATH/NYCT system operation with variable PATH train lengths until that time when all operational, jurisdictional and vehicle compatibility issues could be overcome.

Funding

One of the inevitable questions that was raised in the gestation of the PATH/Lex proposal is where the money would originate for its construction. Presently, the cost for the permanent WTC station ranges between $1.7 billion and $2.0 billion with the PANYNJ requesting $1.4 billion to $1.7 billion from FEMA/FTA. Our estimate for the 3000 feet of track to link the downtown PATH tunnels to the #6 Lexington Avenue local line at Brooklyn Bridge Station is about $800 million to $1 billion, using the 8 mile, $16 billion Second Avenue subway expense as a guide. No official thought that any remaining federal monies were left over to be directed to PATH/Lex. Yet, late in July, the Bush Administration, subject to Congressional approval, agreed to pay New York some $2 billion in additional transportation money in a swap for unused tax credits that were part of a $20 billion 9/11 aid

package. The White House agreed that the City could redirect the Liberty Zone tax benefits into transportation related projects.

The project that will be the recipient of these funds is a direct track link to New York City's JFK Airport with a new tunnel under the East River. Yet, with a short 1.5 mile extension of the PATH to Newark Liberty International Airport (EWR) from Newark Penn Station (ignoring for the moment the NEC airport monorail interface which provides two stop service to New York Penn Station) at a fraction of the JFK $6 billion cost, travelers would be able to access lower Manhattan on an existing PATH rail line that has experienced a 50% decline in ridership from that which existed on 9/10/01. And if the PATH/Lex Connection was built, this direct airport access would extend to the entire east side of Manhattan as well. To us, this sounds like a far better transit investment than a $6 billion tunnel under the East River to bring, at most, several thousand airline riders a day into downtown Manhattan.

NJ-ARP and the RRWG remain committed to a continuing constructive dialogue with the PANYNJ and NYCT regarding the PATH/Lex Connection even though your letter claims that the two agencies "...do not plan any further investigation of the proposed connection at this time." This opportunity is finite and eventually will no longer be available to merit consideration. Our concern remains that if this PATH/Lex proposal is not addressed in an expeditious manner, the opportunity will be lost for generations. Yet if all stake holders can put aside their own individual jurisdictional and institutional imperatives, this transportation link can be implemented and held out as a positive accomplishment in the wake of one of the most tragic episodes in American history.

Sincerely,

Albert L. Papp, Jr.
New Jersey Association of Railroad Passengers,
Director

George Haikalis
Regional Rail Working Group,
Chair

Regional Rail Working Group
A Consortium of Transit Advocacy Organizations:
New Jersey Association of Rail Passengers
Empire State Passengers Association
Committee for Better Transit
Institute for Rational Urban Mobility, Inc.

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April 23, 2004

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Mr. William Wheeler
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Metropolitan Transportation

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Re: Recommended Alignment for the PATH-Lex Connection

Dear Lou and Bill:

Thank you for arranging the March 26, 2004 meeting with representatives of our respective organizations to discuss the geometric characteristics of the proposed PATH-Lex connection. Based on suggestions made at the meeting, the Regional Rail Working Group (RRWG) has carefully reworked its plan and produced a revised alignment, which is feasible using design practices that are well within the parameters of the existing subway and PATH systems. This "Basic Alignment (2.8)" is shown in the attached drawing. Clearly, Lower Manhattan's colonial era street pattern and its densely developed structures prevent an alignment that completely meets the "best practices" for building new rapid transit routes. None of the existing rapid transit lines serving this area, including the newly rebuilt PATH line, meets these ideal standards.

The substantial benefits of this connection were enumerated at the RRWG's October 22, 2003 meeting with Congressman Jerrold Nadler, and are described in statements made by several of the group's member organizations at the environmental hearings for both the new PATH station and the World Trade Center redevelopment. Given the unanticipated opportunity to achieve these benefits, because of the extraordinary and tragic losses resulting from the 9/11 terrorist attack, taking some liberties from the "best practices" standards is certainly justified.

Alignment issues

The Regional Rail Working Group's proposed connection uses a minimum 200 foot radius curve and a minimum *bottom of rail to bottom of rail* clearance of 17 feet where

the new line passes under the existing A and C line at Church Street, and 14 feet where it passes over the existing 2 and 3 line at Beekman Street.

The RRWG's plan is a considerable improvement over the "no build" plan, which leaves both PATH and NYC Transit operating on existing 115 foot and 147 foot radius curves, respectively at the WTC terminal and the City Hall loop. Note also that the PANYNJ's recently completed AirTrain at Kennedy International Airport includes a 225 foot radius curve. This line was built to handle specially-designed "one-seat-ride" trains that could also operate on NYC Transit or the LIRR.

The RRWG plan requires a 4.5% grade, identical to grades experienced on the #7 Flushing subway line just west of Grand Central, and in Queens after crossing the East River approaching the Vernon-Jackson Station. NYC Transit operates very reliable service at two-minute headways through much of the peak hour on this busy line. Even steeper grades are found at several other locations in the NYC Transit subway system. The maximum grade on the Kennedy AirTrain is 5.35%.

Constructability

The attached drawing shows the proposed connection shifted slightly to the north at Church Street, avoiding the tube section of the A and C subway line. Clearly, this will require a careful underpinning and reconstruction of the cut-and-cover segment of the existing subway for 50 to 100 feet. This would be an ambitious, but not unprecedented effort, not unlike NYC Transit's recently completed local-express connection of the 63rd Street subway with the Queens Boulevard line. At Beekman Street the connection crosses over the 2 and 3 subway line. Since this construction would involve excavation downward from Park Row, a tight vertical clearance over an operating railroad is feasible. It is between these two crossing points, under the A and C line and over the 2 and 3, that the steepest grade is experienced. By minimizing the vertical clearances at these two points and by beginning vertical curves after these two critical crossing points are cleared, a 4.5% grade is achieved on this segment. The crossing under the 4 and 5 subway at Park Row is less constrained, with about 30 feet bottom of rail to bottom of rail clearance. A similar clearance is available for the crossing under the R and W lines at Vesey Street.

The City Hall loop of the #6 subway would be severed by the proposed southbound connecting
track. This interruption would occur as a final step after all other work is completed. The connection would pass over the new temporary PATH terminal, cutting off the northern portion of the concourse. When the PATH-Lex connection is completed and placed in service, the existing
PATH terminal could be removed and the space released to accommodate other subsurface activities at the WTC site. In this "basic alignment" all service would flow through Lower Manhattan, just as it now does on the 2 and 3 lines or the 4 and 5 lines. Instead of crossing the East River, the PATH-Lex connection crosses the Hudson River, greatly easing travel between the two states. Going beyond the "basic alignment", the

RRWG has identified a wide range of more complex options, permitting turn-back of trains or including more platform tracks. The RRWG would be happy to share these concepts with you.

The December 11, 2003 Parsons Brinckerhoff plan distributed at the meeting calls for more generous clearances than suggested by the RRWG, resulting in a 10.8% grade. This grade is clearly unacceptable, and should not be attributed to the RRWG or NJ-ARP. The central issue is the feasibility of constructing these limited clearance crossings without disturbing service on these busy subway lines. RRWG would welcome an opportunity to discuss this matter with PANYNJ and NYCT engineers and planners.

Request for Additional Information

Finally, we would like to repeat our request for two studies conducted by PANYNJ. One is the study of possible extension of platforms at the Hoboken PATH Station to accommodate longer trains, done in the mid-1980s. The other is the analysis of procurement of new PATH cars similar to NYC Transit 'A" Division subway cars, done prior to 9/11. At the meeting we also asked if we could obtain detailed vertical elevations that were described in the Parsons Brinckerhoff analysis distributed at the meeting.

Conclusion

This revised plan for the PATH-Lex connection offers substantial benefits for the riding public. While it does not adhere to current "best practices" design standards, the proposed alignment is well within the parameters of existing transit facilities operated by PANYNJ and NYC Transit. The connection is feasible and the question to be decided is whether the benefits are significant enough to outweigh the costs.

Thank you for your assistance.

George Haikalis
Chair, Regional Rail Working Group

cc Norman Silverman, NYCT
John Dean, MTA
Shawn Lenahan, PANYNJ
Kevin Lejda, PATH
Kieran Spillane, Parsons Brinckerhoff
Members of RRWG
Congressman Jerrold Nadler

THE WORLD TRADE CENTER TRANSPORTATION HUB
Permanent WTC PATH Terminal and Pedestrian Connections
Environmental Review Process
DEIS Comments Summary

Date Received:	06/21/04	**Type:**	Email
Contact Details:	Scott Pasternack	**Location:**	
	P ; **F** ; **E** scott_pasternack@yahoo.com		

Comment:
Dear Port Authority, My comment pertains to achieving better environmental results from this Downtown PATH/MTA Restoration Program by creating combined PATH/MTA ticketing options that will make underground rail use more cost-effective for NJ-NY travel than using cars. To encourage greater ridership (particularly on nights and weekends) and to lessen use of automobiles in tunnels, over bridges, and on streets between NJ and NY, Port Authority and MTA should agree to a ticket arrangement that would allow the user to pay one price for a combined PATH/MTA ride (and should also consider combined unlimited PATH/MTA tickets similar to MTA's current unlimited monthly subway pass). If the combination of riding PATH and MTA were made more cost effective, then more people would opt to use the underground rail and forgo use of cars -- especially on nights and weekend when the assumption is that there is less rush hour traffic. For example a family of 4 currently spends $7 per person (or $28) for roundtrip ride on PATH ($3 r/t)and MTA ($4 r/t) to come to NYC to visit a museum or go to a restaurant, etc. Yet, to drive a car through the Holland Tunnel, pay a parking meter, gas, and car wear & tear, the family of four would pay less than $28, probably only about $18-20. The combination of lower cost and greater convenience makes the car more appealing than underground rail -- and with use of the car comes the increase in air pollution, congestion and noise that this environmental review for this Downtown Restoration Plan is designed to prevent. Instead, if there were a combined PATH/MTA ticket (a daily one for $2.00 or $2.50 per person; a monthly for $70.00 or $75.00 per person) then that family of four might now reconsider the rail. Spending only about $8-10 ($2-$2.50 per person), the family of four might now forgo the car (and the traffic that comes with it) and use underground PATH and MTA, as is envisioned -- especially on nights and weekends. In the end, if public transportation is meant to truly achieve better environmental results, it needs to be priced competitively with cars, ESPECIALLY on nights and weekends when there is less traffic than rush hour. Thank you.

THE WORLD TRADE CENTER TRANSPORTATION HUB
Permanent WTC PATH Terminal and Pedestrian Connections
Environmental Review Process
DEIS Comments Summary

Date Received: 07/08/04 **Type:** Letter
Contact Details: **Location:**
Lower Manhattan Emergency Preservation Fund
P ; F ; E

Comment:
Letter sent on 7/8 by Lower Manhattan Emergency Preservation Fund - Scanned

LOWER MANHATTAN EMERGENCY PRESERVATION FUND

Municipal Art Society | National Trust for Historic Preservation | New York Landmarks Conservancy | Preservation League of New York State | World Monuments Fund

July 8, 2004

Anthony Cracchiolo
Director
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Bernard Cohen
Director
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Re: Permanent WTC PATH Terminal Finding of Effects Pursuant to Section 106 of the National Historic Preservation Act

Dear Messrs. Cracchiolo and Cohen:

The five organizations that make up the Lower Manhattan Emergency Preservation Fund (LMEPF) support the building of the Permanent PATH Terminal as part of the revitalization of Lower Manhattan, and thank the PA and FTA for our involvement as Consulting Party. However, we have a number of serious concerns about the Section 106 process and how it is being implemented for this project. As requested, we are submitting the following comments concerning the proposed Finding of Effects (FOE) and will be submitting written testimony on the Draft Environmental Impact Statement (DEIS) before July 21st.

Most broadly, the LMEPF is concerned about the following:

- **The FOE Fails to Consider Cumulative Effects.** The FOE addresses the PATH Terminal as an isolated project and does not consider the cumulative impact that it will have on the National Register-eligible World Trade Center Site (WTCS) in conjunction with the numerous other projects soon to be underway (Route 9A, Freedom Tower, Memorial, Memorial Center, etc.). Each of these projects is being reviewed separately under Section 106 with little or no ability for the consulting parties to address effects and alternatives holistically. There is a significant risk that decisions made in the context of one project will foreclose alternatives or opportunities to minimize adverse effects for the other projects. For this reason, it is difficult, if not impossible, to evaluate this specific project's impact without taking into account how the other projects may also affect the site and existing remnants. For example, the LMEPF is concerned about the location of various site infrastructure elements that would impact the visibility of and accessibility to the column bases themselves. The information provided in the FOE is vague and the impact that these elements could have on the site should be coordinated with the cumulative infrastructure needs of all WTCS projects.

- **The Proposed Project Fails to Comply with the Requirement of Section 4(f) to Include "All Possible Planning to Minimize Harm."** The FOE does not include, nor were we ever provided with, any record of how decisions to demolish or remove National Register-eligible remnants were made. Section 4(f) of the Department of Transportation Act adopted by Congress in 1966 states that transportation projects must avoid harming historic sites unless there is "no feasible and prudent alternative," and the project includes "all possible planning to minimize harm" to historic places. While we are not suggesting that the site be preserved as it is, we strongly believe that the PA and FTA need to approach the project from the point of view that the work will be taking place within and around a historic site and make attempts to incorporate existing elements into the design goals, provide an analysis and detailed explanation if the preservation of these elements cannot be achieved, and provide mitigation solutions.

- **Precluding Visibility and Access to Remaining Features of the WTC Must be Acknowledged as an Adverse Effect.** The LMEPF requests that the following sentence be removed from page 6 of the FOE (Section B - Effects of the Undertaking on the WTC Site) since we believe it is an incorrect interpretation of the feeling of the WTC Site: "Because most of the features were not visible to the public prior to September 11, 2001 and would remain intact, obscuring the features from public view would not necessarily diminish the site's integrity of feeling." We strongly disagree. This statement does not take into account that these features took on a different meaning and feeling as surviving elements of the September 11th attacks. Whether or not they were in public view prior to the attacks is irrelevant because as they now exist, and with their current visibility, they "convey the tragedy and destruction" described in the National Register Determination of Eligibility (DOE). As a result, we believe that obscuring these features from public view would diminish the site's integrity of feeling, and it is important for the FOE to acknowledge this effect.

- **Need for Recommendations for Architectural Treatments.** The LMEPF recommends that the FTA and PA establish recommendations for specific architectural treatments that interpret remnants that are adversely impacted by the PATH Terminal. For example, the interior of the concourse that will cut through the slurry wall could indicate the location or provide a view of the wall itself giving pedestrians a sense of the bathtub's location. This concourse, which will be located along the northern elevation of the North Tower, could include design treatments indicating or providing visual access to the location of the former tower's façade and locations of the column bases.

As stated in our public testimony on June 23rd, we are specifically concerned that the proposed project will negatively impact a number of surviving elements that are currently part of the WTC Site itself. These elements are called out in the DOE and, as previously stated, we are requesting that the FTA and PA provide more detailed information regarding why certain elements are proposed for removal and/or demolition:

- **Tower Perimeter Column Bases.** We appreciate the attempt to minimize the encroachment over the perimeter column bases which outline the footprints of Towers One and Two; however, we are concerned about the cumulative impact that additional construction activities will have on reducing access to and visibility of these bases. In our view, a concerted effort must be made to maximize the access to and visibility of this significant part of the site. The Memorial Center Advisory Committee recently recommended providing access to these bases and this should be a recognized goal of all coordinated construction activities.

- **Northwest Remnant Subgrade Structures.** As part of a separate review, we previously recommended that the PA consult with museum curators and investigate the possibility of salvaging more than three elements from the northwest remnant subgrade structures. We have received no meaningful response to our earlier comments, and information about additional historic features that could possibly be salvaged has not been disclosed. The FOE fails to take into account our request and it appears that no additional elements will be salvaged.

- **Passageway to the E-Train.** As one of the last surviving elements of the WTC Site, the passageway to the E-train was recently restored and the PA and FTA should revisit the proposed plan to have it demolished. No reason has been offered as to why the passageway cannot be retained. We are requesting that additional analysis be done with the goal of incorporating it into the new design.

- **Steel Beams in Cross Form.** Currently, the PA and FTA propose to remove the steel beam in cross form to an off-site location. We are requesting that instead of moving the cross off-site, it be moved temporarily within the WTC site. This has become a highly evocative element of the site and an effort should be made to retain and incorporate it. Should it have to be moved off-site, we should be provided with an explanation as to why, and confirmation that it will be moved to Hanger 17 at JFK where it will be properly stored.

- Plaza and Subway Entrance at Vesey Street. The plaza and subway entrance at Vesey Street are the only surviving above ground elements of the WTC Site. The current plan to have them demolished should be revisited with the goal of possibly incorporating them in situ into the new design. This proposed demolition, with no justification or explanation, underscores our objections and our request for additional information as to how decisions to demolish elements were made.

The five organizations of the LMEPF recognize the unprecedented nature of this undertaking and the importance of ensuring for meaningful public input as rebuilding proceeds. The LMEPF reiterates our position that the PA and FTA should work toward the goal of minimizing harm and adverse effects on the World Trade Center Site.

We appreciate the outreach that the PA and FTA are doing with various interest groups and look forward to continued participation.

Sincerely,

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cc: Kevin Rampe, Lower Manhattan Development Corporation
Don L. Klima, Advisory Council on Historic Preservation

LOWER MANHATTAN EMERGENCY PRESERVATION FUND

Municipal Art Society | National Trust for Historic Preservation | New York Landmarks Conservancy | Preservation League of New York State | World Monuments Fund

August 2. 2004

cc: B. McNeely
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C. Ryan (HSC)
T. Stickelman
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Bernard Cohen
Director
Lower Manhattan Recovery Office
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One Bowling Green, Suite 436
New York, NY 10004

Re: Permanent WTC PATH Terminal Draft Environmental Impact Statement (DEIS) and Finding of Effects (FOE)

Dear Messrs. Cracchiolo and Cohen:

On behalf of the Lower Manhattan Emergency Preservation Fund (LMEPF), the following are our written comments on the Draft Environmental Impact Statement (DEIS) and Finding of Effects (FOE) for the Permanent WTC PATH Terminal. Each of the five organizations that make up the LMEPF support the building of the Terminal as part of the revitalization of Lower Manhattan and appreciate the opportunity to contribute to the rebuilding process.

Most broadly, the LMEPF is concerned about the following:

- **Cumulative Impact of Ground-Borne Vibrations From All Construction Projects.** The LMEPF is concerned about the cumulative impact of ground-borne vibrations and dewatering on historic resources from all World Trade Center Site and Lower Manhattan redevelopment projects. We recommend increasing the standards and adopting state-of-the-art monitoring methods to ensure that historic resources within the project site and Area of Potential Effect are protected. We are especially concerned that this project be coordinated by the single entity charged with overseeing all Lower Manhattan construction activities.

- **The Construction Protection Plan (CPP), Based on Technical Policy and Procedure Notice #10/88, Fails to Address Cumulative Impacts.** Chapter 6: Cultural Resources and Chapter 10: Noise and Vibration state that the CPP will be based on the requirements laid out in the "New York City Department of Buildings Technical Policy and Procedure Notice #10/88." This Notice, dating from June 6, 1988, deals with procedures for avoiding damage to historic structures resulting from adjacent construction of a single project. It does not include procedures, vibration standards, and monitoring programs for cumulative construction projects.

- **The Finding of Effects (FOE) Included in the DEIS Fails to Consider Cumulative Effects.** The FOE addresses the PATH Terminal as an isolated project and does not consider the cumulative impact that it will have on the National Register-eligible World Trade Center Site (WTCS) in conjunction with the numerous other projects soon to be underway (Route 9A, Freedom Tower, Memorial, Memorial Center, etc.). Each of these projects is being reviewed separately under Section 106 with little or no ability for the consulting parties to address effects and alternatives holistically. There is a significant risk that decisions made in the context of one project will foreclose alternatives or opportunities to minimize adverse effects for the other

projects. For this reason, it is difficult, if not impossible, to evaluate this specific project's impact without taking into account how the other projects may also affect the site and existing remnants. For example, the LMEPF is concerned about the location of various site infrastructure elements that would impact the visibility of and accessibility to the column bases and footprints of the twin towers. The information provided in the FOE is vague and the impact that these elements could have on the site should be coordinated with the cumulative infrastructure needs of all WTCS projects.

- **Precluding Visibility and Access to Remaining Features of the WTC Must be Acknowledged as an Adverse Effect.** The LMEPF requests that the following sentence be removed from page 6 of the FOE (Section B - Effects of the Undertaking on the WTC Site) since we believe it is an incorrect interpretation of the feeling of the WTC Site: "Because most of the features were not visible to the public prior to September 11, 2001 and would remain intact, obscuring the features from public view would not necessarily diminish the site's integrity of feeling." We strongly disagree. This statement does not take into account that these features took on a different meaning and feeling as surviving elements of the September 11th attacks. Whether or not they were in public view prior to the attacks is irrelevant because as they now exist, and with their current visibility, they "convey the tragedy and destruction" described in the National Register Determination of Eligibility (DOE). As a result, we believe that obscuring these features from public view would diminish the site's integrity of feeling, and it is important for the FOE to acknowledge this effect.

- **The Proposed Project Fails to Comply with the Requirement of Section 4(f) to Include "All Possible Planning to Minimize Harm."** Section 4(f) of the Department of Transportation Act requires that transportation projects must avoid harming historic sites unless there is "no feasible and prudent alternative," and the project includes "all possible planning to minimize harm" to historic places. 49 U.S.C. § 303. As stated in our public testimony on June 23rd, and reiterated at the consultation meeting on July 20, we are specifically concerned that the proposed project will negatively impact a number of surviving elements that are currently part of the WTC Site itself. We recognize that complete avoidance of historic properties would be impossible, given the inextricable relationship between the PATH Terminal and the World Trade Center site. Nonetheless, the project needs to incorporate more modifications that would minimize harm to the various contributing elements of the site. The proposed list of mitigation measures on page 4(f)-13 of the Draft Section 4(f) Evaluation needs to be expanded. Additional measures to minimize harm, which should be incorporated into a Memorandum of Agreement (MOA) under Section 106, should include the following:

  - **Minimize Encroachment on the Tower Footprints.** As we discussed at the July 20, 2004 consultation meeting, the Port Authority should conduct a much more stringent analysis of ways to reduce the footprint of the main passenger platforms in order to reduce encroachment on the footprints of the twin towers.[1] Alternatives should include eliminating or narrowing the width of the new western-most platform. In addition, the MOA should incorporate a specific commitment to keep utilities and other infrastructure outside the tower footprints.

  - **Maximize Visual and Physical Access to Tower Perimeter Column Bases.** We appreciate the Port Authority's efforts to minimize the encroachment over the perimeter column bases which outline the footprints of Towers One and Two; however, we are concerned about the cumulative

[1] The Draft Section 4(f) Statement describing elements of the historic site that would be "used" by the PATH project needs to be revised to include a specific discussion of the Tower Footprints in addition to the Tower Perimeter Column Bases. *See* DEIS at 4(f)-4. The footprints as a whole should be explicitly acknowledged as a significant contributing element of the site.

impact that additional construction activities will have on reducing access to and visibility of the bases. In our view, a concerted effort must be made to maximize the access to and visibility of this significant part of the site. The Memorial Center Advisory Committee recently recommended providing access to these bases and this should be a recognized goal of all coordinated construction activities.

- **Include Architectural Treatments to Increase Public Interpretation of WTC Remains.** The LMEPF recommends that the MOA incorporate specific architectural treatments that will increase public awareness and interpretation of remnants from the World Trade Center that will be adversely affected by the PATH Terminal. For example, the interior of the concourse that will cut through the slurry wall could indicate the location or provide a view of the wall itself, giving pedestrians a sense of the bathtub's location. This concourse, which will be located along the northern elevation of the North Tower, could also include design treatments indicating or providing visual access to the location of the former tower's façade and locations of the column bases. In addition, we support the concept of incorporating into the passenger platforms a design demarcation that would identify the footprint of the twin towers to the extent that infringing upon the footprint is found to be unavoidable.

- **Salvage or Preserve Additional Elements From Northwest Remnant Subgrade Structures.** We previously recommended that the Port Authority investigate the possibility of salvaging more than three elements from the northwest remnant subgrade structures. We appreciate the Port Authority providing us with additional photographs of the northwest slab remnants, which we just received today, and we will be reviewing these in order to offer more specific suggestions for mitigation through the MOA.

- **Preserve and Incorporate Passageway to the E-Train.** As one of the last surviving elements of the WTC Site, the passageway to the E-train was recently restored. We appreciate the Port Authority's commitment to additional analysis of this element in order to incorporate it into the new transportation hub.

- **Retain Steel Beams in Cross Form On-Site If Possible.** Instead of moving the cross off-site, as proposed, it should be moved temporarily within the WTC site, in order to minimize harm. This has become a highly evocative element of the site and an effort should be made to retain and incorporate it. Should it have to be moved off-site, we should be provided with an explanation as to why, and confirmation that it will be moved to Hanger 17 at JFK where it will be properly stored and accessible to the public.

- **Explore Options to Preserve or Relocate Plaza and Subway Entrance at Vesey Street.** The plaza and subway entrance at Vesey Street are the only surviving above-ground elements of the WTC Site. The current plan to have them demolished should be revisited. We recognize that the proposed plan for redevelopment creates significant constraints (if not outright conflicts) that severely limit or foreclose options for preserving this element of the site. Nonetheless, we appreciate the Port Authority's efforts to begin exploring those options as discussed at the July 20 meeting, in order to minimize harm.

The five organizations of the LMEPF recognize the unprecedented nature of this undertaking and the importance of ensuring for meaningful public input as rebuilding proceeds. The LMEPF reiterates our position that the Port Authority and the FTA should work toward the goal of minimizing harm and adverse effects on the World Trade Center Site and adjacent historic properties in the Area of Potential Effect.

We appreciate the outreach that the PA and FTA are doing with various interest groups and look forward to continued participation.

Sincerely,

Frank E. Sanchis, III
Executive Director
Municipal Art Society
457 Madison Avenue
New York, NY 10022
212 935-3960

Elizabeth S. Merritt
Deputy General Counsel
National Trust for Historic Preservation
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Marilyn Fenollosa
Senior Program Officer & Regional Attorney
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Peg Breen
President
New York Landmarks Conservancy
141 Fifth Avenue
New York, NY 10010
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Scott Heyl
President
Preservation League of New York State
44 Central Avenue
Albany, NY 12206
914 462-5658

Bonnie Burnham
President
World Monuments Fund
95 Madison Avenue
New York, NY 10016
646 424-9594

cc: Kevin Rampe, Lower Manhattan Development Corporation
Carol Braegelmann, Federal Transit Administration
Paul Lebrun, Federal Transit Administration
Don L. Klima, Advisory Council on Historic Preservation
Carol Shull, National Park Service
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation

THE WORLD TRADE CENTER TRANSPORTATION HUB
Permanent WTC PATH Terminal and Pedestrian Connections
Environmental Review Process
DEIS Comments Summary

Date Received: 06/21/04 **Type:** Email
Contact Details: Paul Scian **Location:**
P 212-458-1119; **F** ; **E** paul.scian@aig.com

Comment:
After quite a search, I found the drawings showing various options for the PATH restoration. It seems however that no matter where I searched, I could not find any drawings/sketches/plans for integration of the existing subways into a regional subsurface transportation hub. Am I just missing it or is the future integration of the various subway stations and PATH station with subsurface people movers not being planned any more? If so, it would be a tremendous loss to the rebirth and economic vitality of both downtown and NYC as a whole.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
3817 Luker Road
Cortland, NY 13045

cc: Memo
Graham
Sahni
Wong

June 15, 2004

cc
6/16

Anthony Cracchiolo, Director
WTC PATH Terminal
The Port Authority of New York and New Jersey
115 Broadway, 5th Floor
New York, NY 10006

Attn: Comments on the Permanent WTC PATH Terminal DEIS

Dear Mr. Cracchiolo:

The U.S. Fish and Wildlife Service (Service) has reviewed, and has the following comments on, the Draft Environmental Impact Statement (DEIS) for the Permanent WTC PATH Terminal, Borough of Manhattan, New York.

Project Description

The Port Authority of New York and New Jersey (Port Authority) proposes to construct a permanent terminal at the World Trade Center site for the Port Authority Trans-Hudson (PATH) system to replace the terminal that was destroyed during the September 11, 2001, terrorist attacks. The stated project purpose is to restore and enhance public transportation infrastructure to Lower Manhattan that would meet present and future needs and be compatible with the redevelopment of the World Trade Center. The project is located in the Borough of Manhattan, New York.

Threatened and Endangered Species

The Service notes that our August 26, 2003, letter stating that, with the exception of occasional transient individuals, no Federally-listed species or proposed threatened or endangered species under our jurisdiction are known to exist in the project impact area, was included in the DEIS. The Federally-listed endangered shortnose sturgeon (*Acipenser brevirostrum*) is found in the Hudson River and coastal areas near the project area. This species is under the jurisdiction of the National Oceanographic and Atmospheric Administration/Fisheries (NOAA/F). The Port Authority should contact Mr. Stanley Gorski, Habitat and Protected Resources Division, Area Coordinator, NOAA-F, James J. Howard Marine Sciences Laboratory, 74 Magruder Road, Highlands, NJ 07732 (telephone: 732-872-3037) for additional information on sturgeon and Essential Fish Habitat (EFH).

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BY

The shortnose sturgeon is also listed by the State of New York. The New York State Department of Environmental Conservation (NYSDEC) contacts for the shortnose sturgeon are Mr. Peter Nye, Endangered Species Unit, NYSDEC, 625 Broadway, Albany, NY 12233-4753 (telephone: 518-402-8859) and Ms. Kathy Hatalla, NYSDEC, Hudson River Fisheries Unit, New Paltz, NY 12561 (telephone: 845-256-3071).

The NYSDEC requests that you be advised that the peregrine falcon (*Falco peregrinus*), listed as endangered by the State of New York, is known to occur in the vicinity of the project area. The project should, therefore, be coordinated with the NYSDEC. The NYSDEC contact for the peregrine falcon is Mr Peter Nye (see above contact information).

Aquatic Impacts

The Service has designated the Lower Hudson River estuary as a Significant Habitat Complex (USFWS 1997). Shellfish such as northern quahog (*Mercenaria mercenaria*), soft clam (*Mya arenaria*), and eastern oyster (*Crassostrea virginica*) are abundant in some areas. This is also an important spawning area for blue crab (*Callinectes sapidus*).

The lower Hudson River estuary is among the most productive systems on the northern Atlantic coast for fisheries (USFWS 1997). Marine finfish that use this area include American eel (*Anguilla rostrata*), Atlantic menhaden (*Brevoortia tyrannus*), fourbeard rockling (*Enchelyopus cimbrius*), bluefish (*Pomatomus saltatrix*), weakfish (*Cynoscion regalis*), northern pipefish (*Syngnathus fuscus*), and longhorn sculpin (*Myoxocephalus octodecemspinosus*). Estuarine fish that spawn in this stretch of the Hudson include winter flounder (*Pleuronectes americanus*), bay anchovy (*Anchoa mitchilli*), hogchoker (*Trinectes maculatus*), striped bass (*Morone saxatilis*), and mummichog (*Fundulus heteroclitus*) (USFWS 1997).

The Service recognizes that the proposed project construction would not occur along the Hudson River shoreline or waterfront areas. However, the DEIS stated that the final design may include the withdrawal of an undetermined quantity of cooling water from the Hudson River using the existing intake structures. Thermal discharges may also be required using existing infrastructure. Both of these actions can have negative impacts on aquatic species. Water withdrawals can result in fish impingement and entrainment, with early life stages (i.e. eggs, larvae, juveniles) being the most susceptible. Thermal discharges can result in decreases in dissolved oxygen levels and thermal stresses depending on the temperature and quantity of the discharge.

Given the importance of this area for aquatic species resources, the Service recommends using the closed cooling system option that was mentioned in the DEIS, or one of the dry-cool technologies that are available. Otherwise, we recommend incorporating best management practices to avoid impacts associated with impingement/entrainment and thermal discharge. Marine life exclusion systems have been developed to reduce impingement/entrainment, and these systems are constantly being improved.

Migratory Birds

Migratory birds including waterfowl and passerines use the area during spring and fall migration periods. Waterfowl species such as canvasback (*Aythya valisineria*), brant (*Branta bernicla*),

scaup (*Aythya* spp.), and black duck (*Anas rubripes*) can be periodically abundant throughout the winter months. Manhattan's Central Park is world renowned for providing the public with opportunities to witness a wide diversity of songbirds during migrations.

The Migratory Bird Treaty Act (MBTA) provides that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture, or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried, or received any migratory bird, part, nest, egg, or product, manufactured or not without appropriate permits.

Through the MBTA, the Service is working with agencies and individuals to reduce impacts to migratory birds. We recommend the implementation of measures to avoid or reduce the likelihood of "take". Examples of these measures that would be applicable to this project include: 1) minimizing window lighting and using strobes on aerial towers/antennae for aircraft beacons (especially during migration periods - mid-March to mid-May and mid-August to mid-November), and 2) minimizing reflective window surfaces by using etched glass or adhesive films.

Summary Comments

The DEIS provides an adequate assessment of the resources in the project area and potential impacts to those resources. The Service recommends that the Port Authority: 1) contact the NOAA/F for information on EFH and Federally-listed species, 2) contact the NYSDEC for information on State-listed species, 3) use best available technologies to avoid or reduce water withdrawals/thermal discharges and minimize entrainment/impingement, and 4) avoid "take" of migratory birds as described above.

We appreciate the opportunity to comment on this project. If you have any questions regarding this letter, please contact Alex Chmielewski at the Service's New York Field Office (telephone: 607-753-9334).

Sincerely,

for David A. Stilwell
Field Supervisor

Literature Cited:

USFWS. 1997. Significant Habitats and Habitat Complexes of the New York Bight Watershed. Department of the Interior - Fish and Wildlife Service, Coastal Ecosystems Program, Charlestown, Rhode Island.

cc: BFA (ERT), Washington, DC

The New York City Landmarks Preservation Commission

1 Centre Street, 9th Floor North New York NY 10007 TEL: 212-669-7922 FAX: 212-669-7797
http://www.nyc.gov/landmarks

61

To: Anthony Cracchiolo, Director of Priority Capital Projects
From: Amanda Sutphin, Director of Archaeology AS
Date: June 17, 2004
Re: May 2004 DEIS Review

The Landmarks Preservation Commission is in receipt of the May 2004 "Permanent WTC PATH Terminal Draft Environmental Impact Statement and Section 4(f) Evaluation."

The Commission notes that the text describing the potential impacts to potentially significant archaeological resources reflects the findings of Historical Perspectives Archaeological Documentary Studies dated October 2003, March 2004, and April 2004 as well as Cultural Resources Summary Report for the Route 9A Project prepared by Vollmer Associates LLP and dated April 1996 which are provided in Appendix B. The Commission has previously reviewed the October 2003, the March 2004, and the Route 9A Study. This is the first opportunity we have had to review the Phase 1A Archaeological Assessment for the Permanent World Trade Center PATH Terminal for the South Pedestrian Passageway, dated April 2004. The LPC cannot concur that there are no further archaeological concerns for this project area. Instead, we recommend that the consultant do additional research to substantiate their finding that Liberty St, Liberty Place, and Temple Street do not contain potentially significant archaeological resources. HPI's determination appears to be based upon the assumption that the installation of utilities would have disturbed the entire area. However, we note that there are examples, such as Chambers Street, where significant archaeological resources have remained intact at shallow levels irregardless of the high number of utilities that are present. We further note that additional research should be completed to determine whether these streets were widened as some streets in the vicinity were in the Colonial and early 19th century. If this happened at these streets and the project will impact these locations, there may be potential that early building foundations and their builders' trenches may be within the project area as well as water features that may once have been located in the historic sidewalk and are now within the streetbed.

The text related to historic architectural resources is appropriate.

cc: Bernard Cohen, Federal Transit Authority
Robert Kuhn, NY SHPO
Mary Beth Betts, LPC
Kate Daly, LPC

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By

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United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

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Ms. Letitia Thompson
Regional Administrator
Federal Transit Administration, Region 2
One Bowling Green, Room 429
New York, New York 10014-1415

Dear Ms. Thompson:

This responds to a request for the Department of the Interior's (Department) review and comment on the Draft Environmental Impact Statement (DEIS) for the **Permanent World Trade Center PATH Terminal and (Subway) Pedestrian Connections, Lower Manhattan Development, New York County, New York.** We note that a Draft Section 4(f) Evaluation is included as a separate documentary part of Volume I of this DEIS, and will comment on it first.

DRAFT SECTION 4(f) EVALUATION

We concur that there are no feasible and prudent alternatives to the proposed project, if project objectives are to be met. However, we cannot concur with the Section 4(f) proviso that all planning for measures to minimize harm has been undertaken for cultural resources, considered as "Section 4(f) resources." As noted in the document, parties are exploring measures to minimize harm and are coordinating such measures through a Section 106 review under the National Historic Preservation Act. It is anticipated that measures and final commitments will be established between the consulting parties prior to publication of the FEIS. At that time, we would be pleased to review those measures in the final documents for this project so that our concurrence in the measures to minimize harm can be recorded.

DRAFT ENVIRONMENTAL IMPACT STATEMENT

CULTURAL and RECREATIONAL RESOURCES

Regarding recreational resources, this project is primarily an underground infrastructure when complete and should not interfere with surface recreation such as park land, except at access or egress portals, and in those situations it would be appropriate if consideration is given for safety and resource loss mitigation during construction.

Regarding cultural resources, we simply reiterate our comments above under the Section 4(f) review, wherein we have in effect reserved our rights and responsibilities to concur and agree to final determinations. The National Park Service (NPS), Heritage Preservation Services, 1201

Eye Street, NW, Washington, DC 20005, has indicated that the NPS should be notified directly whenever National Historic Landmarks are involved, two of which appear in this case. Contact on that matter can be made with Caroline Hall, Preservation Compliance Coordinator, the Preservation address given above, or by telephone at 202-354-2056.

NATURAL and WETLAND/WATER HABITAT RESOURCES

The Department endorses the comments by the U.S. Fish and Wildlife Service (FWS) sent on June 15, 2004, to Mr. Anthony Cracchiolo, Director, World Trade Center PATH Terminal, The Port Authority of New York and New Jersey (address below).

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Through the MBTA, the FWS is working with agencies and individuals to reduce impacts to migratory birds. We recommend the implementation of measures to avoid or reduce the likelihood of "take." Examples of these measures that would be applicable to this project include: 1) minimizing window lighting and using strobes on aerial towers/antennae for aircraft beacons (especially during migration periods - mid-March to mid-May and mid-August to mid-

November), and 2) minimizing reflective window surfaces by using etched glass or adhesive films.

Summary Comments

The FWS recommends that the Port Authority: 1) contact the NOAA/F for information on EFH and federally-listed species, 2) contact the NYSDEC for information on State-listed species, 3) use best available technologies to avoid or reduce water withdrawals/thermal discharges and minimize entrainment/impingement, and 4) avoid "take" of migratory birds as described above.

If you have any questions regarding this letter, please contact Alex Chmielewski at the FWS's New York Field Office (telephone: 607-753-9334).

Literature Cited: USFWS. 1997. Significant Habitats and Habitat Complexes of the New York Bight Watershed. Department of the Interior - Fish and Wildlife Service, Coastal Ecosystems Program, Charlestown, Rhode Island.

We appreciate the opportunity to provide these comments.

Sincerely,

for Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc:
Mr. Anthony Cracchiolo, Director
World Trade Center PATH Terminal
Port Authority of New York and New Jersey
115 Broadway, 5th Floor
New York, New York 10006

Regional Plan Association
NJ CT NY

Written Statement on the World Trade Center Transportation Hub
June 23, 2004

RPA strongly supports the construction of the World Trade Center Transportation Hub to restore long-term access to Lower Manhattan and connectivity to the NYC Subway system, contributing to the revitalization and economic recovery of Lower Manhattan.

We are particularly pleased by the selection of Santiago Calatrava as the lead architect for the station, and his graceful and symbolic design of the freestanding grand pavilion unveiled in January of this year. The commitment to rebuilding the public and civic spaces of Lower Manhattan with high quality architecture holds great promise for Lower Manhattan's future. The design of the pavilion that allows light to reach down to the platform level of PATH trains supports a long-held goal of RPA that transit facilities should be open to light and air to orient the rider to the street above and improve the user experience.

RPA also supports the functionality of the transportation hub as described in the DEIS, including the expansion of the station to accommodate five tracks and four ten-car platforms. Coherent connections to the 1/9, R/W and E subway lines will enhance connections to the subway system to the benefit of commuters moving to and through Lower Manhattan.

The preliminary design of the station suggests it will correct the deficiencies of the former station by providing sufficient capacity for the 175,000 people a day that will be making their way on foot from PATH to the subways or the buildings and streets above. It is imperative that the new station avoid hidden spaces, narrow corridors, steep stairwells, low ceilings, and poor ventilation -- all mistakes of the past station, which we now have an opportunity to correct. For example, the width of stairways between levels should be sufficient to meet the RPA-recommended standard of 3 pedestrians per minute per foot of width in peak periods. This translates into adequate stairway and escalator capacity between platform and mezzanine. We are looking forward to meeting with the Port Authority's architects and planners as the terminal is designed.

Within the context of our strong support for the project, we offer several additional recommendations for your consideration:

1. We support the Terminal without Liberty Plaza Connection Alternative for the project. While the EIS has demonstrated poor pedestrian levels of service at Church and Liberty Streets without the underground passageway, the proposed mitigation measures of widening sidewalks and crosswalks are in fact extremely desirable. In contrast, the Liberty Plaza Connection if built would draw

pedestrians underground below Church Street, undermining the viability of street-level retail, which is an important component of animating street life in Lower Manhattan. The Liberty Plaza connection would also require the appropriation of public open space in Liberty Plaza for access and egress to the passageway, and cost $81 million – a price we feel is not justified by its relatively slim benefits.

2. Second, as a consulting party to the Section 106 historic review process, RPA recommends that the Port Authority make an extraordinary effort to stabilize, preserve and incorporate historic elements of the WTC site, such as the box-beam column remnants that delineate the footprints of the World Trade Center towers, into the rebuilt station, so that they may serve as constant physical testaments to the immeasurable historic importance of this place as commuters, visitors, residents and family members move through the station.
3. Third, we commend the Port Authority for adopting Environmental Performance Criteria to mitigate the cumulative environmental impact of multiple Lower Manhattan Recovery Projects. However, we urge the Port Authority with the other agencies to strengthen the EPCs to protect Lower Manhattan air quality and reduce noise and vibrations. We support the recommendations of Environmental Defense, that the EPCs should be strengthened to the level of Local Law 77, including greater requirements for using Ultra Low Sulfur Diesel Fuel and best available retrofit technology not just to onsite generators and heavy duty equipment, but to moving vehicles delivering to and from the site.

Finally, we look forward to greater details from the Port Authority regarding the specific design of the outdoor public space around the PATH pavilion, as well as the retail mix of the below-grade shops, their planned square footage, and the retail strategy in light of potential slow rates of office space absorption.

While the Port Authority has designed a station that will provide seamless and pleasant underground connections between important Lower Manhattan destinations; we believe the success of Lower Manhattan's revitalization will depend greatly on the quality of the pedestrian experience at the street level. We therefore urge you to pay great attention to the design of the public plaza surrounding the PATH pavilion, as well as the public spaces throughout the World Trade Center site, which hold the greatest potential to provide a positive or negative user experience during the decade of construction that lies ahead of us.

Regional Plan Association
NJ CT NY

July 21, 2004

Anthony Cracchiolo
Director
Priority Capital Programs
The Port Authority of NY & NJ
233 Park Avenue South, 4th Floor
New York, NY 10003

Bernard Cohen
Federal Transit Administration, Lower Manhattan Recovery Office
One Bowling Green, Room 436
New York, NY 10004

Dear Mr. Cracchiolo (Tony) and Mr. Cohen (Bernard):

Thank you for the opportunity to submit comments on the Draft Environmental Impact Statement (DEIS) for Permanent World Trade Center PATH terminal, as well as the Preliminary Finding of Effects (FOE) for the Permanent World Trade Center PATH terminal, pursuant to the Section 106 Process. This letter is supplemental to RPA's testimony at the June 23rd public hearing and includes specific comments on the Section 106 historic review process. A written version of our June 23 comments is attached to this letter.

RPA strongly supports the construction of the World Trade Center Transportation Hub to restore long-term access to Lower Manhattan and connectivity to the NYC Subway system, contributing to the revitalization and economic recovery of Lower Manhattan. We are pleased by many aspects of the plans for the new station, including its distinctive architectural design that will allow for air and light to reach to the platform level, and the functionality of the station that will provide seamless connections to the 1/9, R/W and E subway lines. While we strongly support the project, we have specific concerns about the Section 106 process that we wish to bring to your attention.

- **Section 106 Process and Finding of Effects:** While we appreciate the Port Authority's efforts with the consulting parties regarding the Section 106 process, we are concerned that design and construction is moving forward so quickly that major elements of historic importance risk being compromised each day. For that reason we would like to see more specific and concrete plans detailing how major elements of historic significance will be stabilized, preserved, and made accessible in conjunction with the rebuilding of the new WTC PATH station.

  We agree with the comments made by the Lower Manhattan Emergency Preservation Fund (LMEPF) in their letter of July 14 and in particular with the point that precluding visibility and access to remaining features of the WTC must

be acknowledged as an adverse effect. It is not enough to "preserve" elements of historic significance, such as the box beam column remnants marking the tower footprints, under layers of concrete. If the preservation of these elements is to have any meaningful role in the rebuilt site, the elements must be visible or accessible to the public on a day-to-day basis. The experience of moving though a modern and rebuilt station that references the historic significance of the site by allowing glimpses of historic elements (glass panes permitting viewing of the slurry wall, indicators in the floor marking the Tower footprints, etc.) is extremely desirable and would imbue the quotidian commuter experience with the layers of meaning that its history demands.

Therefore we ask the Port Authority to immediately prepare specific plans to incorporate the viewing and access of historic elements into the everyday experience of the new station. In cases where adverse impacts to certain elements are absolutely unavoidable, the Port Authority should immediately share plans with the consulting parties for the mitigation of these adverse impacts.

The elements that we believe hold particular significance to the site and opportunity for preservation and incorporation into the new station are listed below. We look forward to reviewing plans from the Port Authority about how these elements may be incorporated into the design of the new station for viewing and access to these elements, preferably in locations where they currently sit.

- Box beam column remnants marking the tower perimeter
- Northwest remnant sub-grade structures
- Passageway to E-Train
- Steel beams in cross form
- Plaza and Subway entrance to Vesey Street

Thank you again for the opportunity to provide comments on the Section 106 process. We look forward to reviewing forthcoming plans for incorporating these important historic elements of the WTC site into a new functional and historic World Trade Center transportation hub.

Sincerely,

Robert D. Yaro
President

Appendix H-4: Section 106 Review Meeting Transcripts

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WTC TRANSPORTATION HUB
PERMANENT WTC PATH TERMINAL
SECTION 106 CONSULTING PARTIES MEETING

JUNE 14, 2004
THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY
225 PARK AVENUE
NEW YORK, NEW YORK

WTC TRANSPORTATION HUB
PERMANENT WTC PATH TERMINAL
SECTION 106 CONSULTING PARTIES MEETING

JUNE 14, 2004
PORT AUTHORITY OF NEW YORK AND NEW JERSEY
225 PARK AVENUE
NEW YORK, NEW YORK

Transcription by Jane Rose Reporting

PORT AUTHORITY OF NEW YORK AND NEW JERSEY
Timothy Stickelman
Lou Menno
Carla Bonacci
Peter Rinaldi
Stephanie Talbert
Jackie Hanley
Steve Coleman
Bernie McNeely
Shawn Lenahan
Mark Pagliettini
Harold Levitt
Bill Wong
Paul DeMeo
Anthony Cracchiol

FTA - LOWER MANHATTAN RECOVERY OFFICE
Bernard Cohen
Peter Goelz
Paul Lebrun

AMERICAN PLANNING ASSOCIATION
Eric Allison

WORLD TRADE CENTER NATIONAL MEMORIAL
Louise Lo Presti

COALITION OF 9/11 FAMILIES
Joel Klein
Anthony Gardner

HISTORIC DISTRICTS COUNCIL
Robert Kornfeld

STATE HISTORIC PRESERVATION OFFICE
Ruth Pierpont

ADVISORY COUNCIL
Charlene Vaughn

NYC LANDWORKS PRESERVATION COMMISSION
Katy Daly

REGIONAL PLAN ASSOCIATION
Petra Todorovich

COALITION TO SAVE WEST STREET
Bill Love
Marilyn Gaull-Howard

LOWER MANHATTAN EMERGENCY PRESERVATION FUND
Ken Lustbader

NY STATE ASSEMBLY SPEAKER SHELDON SILVER
Deborah Lester

BATTERY PARK CITY AUTHORITY
Adam Alter

DOWNTOWN ALLIANCE
Anna Melman

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
Shilpan Patel
Adam Levine

AKRF
Robert Conway
Anne Locke
Chris Calvert
Andrea Burke

LOWER MANHATTAN DEVELOPMENT CORPORATION
Irene Chang

PARTNERSHIP FOR NEW YORK CITY
Patty Noonan

FEDERAL TRANSIT ADMINISTRATION
Carol Braegelmann

LOUIS BERGER GROUP
John Hotopp

NATIONAL TRUST - WASHINGTON, D.C.
Elizabeth Merritt

NATIONAL TRUST - BOSTON, MA
Marilyn Fellonossa

June 14, 2004
Port Authority of New York and New Jersey
225 Park Avenue
New York, New York
3:00 p.m.

- - -

MR. COHEN: Good afternoon, everyone. My name is Bernard Cohen. I'm the Director of the Federal Transit Administration's Lower Manhattan Recovery Office. I'm pleased to welcome you here today.

Because the Port Authority project, the PATH project, is a federally funded project, my office, the FTA office in Lower Manhattan, is working very closely with the Port Authority on the planning efforts that are underway for the project, including the 106 process.

So it's my pleasure to welcome you here today and to just give you a minute of background.

You will recall that the initial Section 106 meetings that took place in January and February were conducted under the auspices of multiple agencies--HUD, LMDC, FTA, FHWA,

Port Authority--and that's because at that time we were all jointly involved in developing a document that was used to determine and identify the eligibility of historic resources at the World Trade Center site; and with your involvement and your comments, the outcome of that earlier set of meetings was a coordinated determination of National Register eligibility for the World Trade Center site that was released on March 31st, 2004.

Having made that determination together, as a group of agencies, we have now proceeded individually to look at, on a project-by-project basis, the respective projects' potential effects on these historic resources.

So to that end, the focus for this afternoon's meeting is to discuss the draft determination of effects of the permanent World Trade Center site PATH Terminal project, some of which will have adverse impacts on historic resources at the site.

We're going to talk about that in more detail, we're going to review some early mitigation ideas that we have, and most

importantly, we're going to receive your comments and ideas on both.

There's a great deal of material to go over today, so at this point I'm going to turn the meeting over to our facilitator, Peter Goelz, but I would like to thank you in advance for your time and your participation in the consulting parties meeting today.

Peter?

MR. GOELZ: Good afternoon. It's good seeing all of you again.

As Bernard said, our task today is to really dig into the presentation that's going to be made by the Port Authority staff as it pertains to the World Trade Center PATH Terminal.

As you know, there's been -- I've facilitated a couple of meetings prior to this. This is the first one that's going to focus specifically on the PATH Terminal.

The way in which the agenda is set up is we're going to hear about the 106 process from both Tim Stickelman and John Hotopp, and feel free to ask questions after each one of those folks.

But the real meat of the presentation comes from the Port Authority's staff, and what I would like to do is let them move through their presentation in its entirety.

What I would encourage each of you to do, as questions come up, write them down and write down the number of the slide that will show up in the corner so we Can go back to visit them.

At the end of the presentation by Lou Menno, I'll come back up and we'll just start taking questions. I think that way we'll be able to get as much input from you folks as is humanly possible over the next two hours.

MS. MERRITT: This is Betsy Merritt speaking. Could you e-mail the slides to Marilyn and I?

MR. STICKELMAN: Marilyn, We're going to have to do that separately because we can't do it right now. But we will provide it.

MS. FELLONOSSA: Well, last time we didn't realize there was going to be new materials brought up at the meeting. Last time you sent us the slides in advance. It's just

not clear why that wasn't thought of, if there was going to be new materials. I mean, how can we ask questions based on slides if we can't even see them? It really wasn't a problem last time because you e-mailed them to us.

MR. STICKELMAN: I would have done that but I did not have the slides yet. I mean, I did think about that when I sent you the call-in number, but I did not have the slides, and we will provide that, because we discussed that.

MS. FELLONOSSA: It's not possible for someone to e-mail them now?

MR. STICKELMAN: No.

MS. FELLONOSSA: I find that hard to believe. That surprises me that that's not possible.

MS. LO PRESTI: Are the slides on premise?

MR. STICKELMAN: No.

MS. FELLONOSSA: I mean, even the National Trust would have the technical capability to do that.

MR. STICKELMAN: We just can't do it right now, Marilyn, but I did think about

that, and we will provide them hopefully later this afternoon.

MS. FELLONOSSA: Well, I would appreciate it, then, if the facilitator could describe what's being shown.

MR. GOELZ: Well, to the best of my ability, I will try and do that, or I will ask the speakers to also describe it.

I would point out, I mean, it's unfortunate you didn't get the slides today, but you will have them, and the comment period is open for some period of time, so you will be able to comment on them. And this is not the only meeting we're going to have on this subject.

MS. FELLONOSSA: Well, we are aware of that. But could you just refresh our recollection as to the written comment date for the slides being shown today?

MR. STICKELMAN: The comment period ends on July 21, 2004.

MS. FELLONOSSA: For the slides you are showing today?

MR. STICKELMAN: Well, we are going to discuss when we're going to ask for

comments back from the consulting parties at the end of this session.

MR. GOELZ: Right.

MR. STICKELMAN: But the comment period for the DEIS, which includes the Section 106 process, is July 21, 2004.

MS. FELLONOSSA: Okay. The whole DEIS, including today? Including today?

MR. STICKELMAN: Excuse me?

MS. FELLONOSSA: You are saying the comments for the whole DEIS as well as the today, right, is July 21?

MR. STICKELMAN: Correct.

MS. FELLONOSSA: Okay.

MR. GOELZ: All right. Any other questions?

Well, Tim, since you've already started, why don't you step to the plate.

MR. STICKELMAN: Good afternoon, everyone. My name is Tim Stickelman, with the Port Authority. Many of you know me already.

I'm going to do a quick overview of the Section 106 process to date and what has happened.

As Bernard earlier said, the FHWA, the FTA, LMDC, HUD, and the Port Authority and NYS DOT had coordinated hearings in regards to the determination of eligibility for the World Trade Center site, which took place on January 6th and February 2nd, with comments that came back in.

We then issued a coordinated determination of eligibility for the World Trade Center site on March 31st, 2004.

In addition, the Port Authority, with the help of the LMDC, had some tours of Hangar 17, which many of you participated in, so you could see the artifacts that the Port Authority had in its possession.

The Port Authority also provided a preliminary draft of an artifacts inventory, which we are updating as we speak right now, and an updated inventory will be provided, hopefully soon.

I know that they are actually working very diligently out at Hangar 17 on the secondary lot of steel to include in the artifact inventory for you.

As you are aware, the

coordinated DOE was actually issued on March 31st. I know some of you may be aware, and I just wanted to point out that there was a letter that was sent by the Advisory Council to the keeper for National Historic Landmarks to look at the DOE and give their opinion, advisory opinion, on that DOE, and we are well aware of that with the FTA.

We do not believe that that is going to invalidate the DOE in any way, but they're looking for their expert opinion on that.

When we sent you an invitation for this party, we issued our draft effects document for you to look at. I believe you all received that about two weeks ago, which is also included in the draft EIS for comment.

The comment period for the draft EIS and for the determination of effects is July 21st.

We will speak to you at the end of this meeting about possibly asking for your input prior to that, not that you are going to be cut off before July 21st, but to get feedback from you before the public comment

period so we can possibly have other consulting party meetings after this one.

This is just an overview of the PATH project in regards to its environmental process.

As you know, the draft EIS for the PATH project was issued on June 4th, and we're here having a Section 106 meeting on June 14th.

The DEIS public hearings are going to be June 22nd in New Jersey and June 23rd in New York.

As you can see, we are hopefully going to get comments from you sometime in July on the draft effects comment, but we will talk about dates with you because we want to hear your input on that.

We hope to have another Section 106 consulting parties meeting sometime in July, and as I said here, the draft EIS written comments are due on June 21st, and we will be sharing with you a Section 106 draft MOA agreement on the effects document, and with written comments on the MOA sometime in August, with a possible third consulting parties

meeting again in August, and then a final MOA to be signed sometime in September.

The FEIS availability is hopefully going to be sometime in September, and then with a Record of Decision sometime in October, with a signed MOA prior to that.

That's where we are, and that's the status today, the steps that we are going to be going forward with the EIS and the Section 106 process for the Permanent PATH Terminal.

MR. GOELZ: Any questions on that, on the time frame or the dates that are being proposed and laid out?

MR. KLEIN: Just one. How is --

MR. STICKELMAN: Joel, can I ask you --

MR. KLEIN: Yes.

MR. STICKELMAN: We have a court reporter here, as you know. If you can identify yourself before you speak? She may get to know your names by the end of it, but -- I know your names, but she may not.

MR. GOELZ: How about, before we do this, why don't we go around the room and

introduce each other, in case there's some new people here. Would that be useful?

MR. ALLISON: Eric Allison representing American Planning Association.

MS. LO PRESTI: Louise Lo Presti, the World Trade Center National Memorial.

MR. KLEIN: Joel Klein for the Coalition of 9/11 Families.

MR. GARDNER: Anthony Gardner for the Coalition of 9/11 Families.

MR. KORNFELD: Robert Kornfeld, Historic Districts Council.

MS. PIERPONT: Ruth Pierpont, SHPO.

MS. VAUGHN: Charlene Vaughn, Advisory Council.

MS. DALY: Kate Daly, New York City Landworks Preservation Commission.

MS. TODOROVICH: Petra Todorovich, Regional Plan Association.

MR. LOVE: Bill Love, Coalition to Save West Street.

MR. LUSTBADER: Ken Lustbader, Lower Manhattan Emergency Preservation Fund.

MS. LESTER: Deborah Lester, New York State Assembly Speaker Sheldon Silver.

MR. ALTER: I'm Adam Alter, Battery Park City Authority.

MS. MELMAN: Anna Melman, Downtown Alliance.

MR. PATEL: Shilpan Patel, New York State DOT.

MR. LEVINE: Adam Levine, New York State DOT.

MR. CONWAY: Robert Conway, AKRF.

MS. LOCKE: Anne Locke, AKRF.

MS. CHANG: Irene Chang, LMDC.

MR. CALVERT: Chris Calvert, AKRF.

MS. BURKE: Andrea Burke, AKRF.

MS. TALBERT: Stephanie Talbert, Port Authority.

MS. NOONAN: Patty Noonan, Partnership for New York City.

MS. HANLEY: Jackie Hanley, Port Authority.

MR. COLEMAN: Steve Coleman,

Port Authority.

MR. LEBRUN: Paul Lebrun, FTA, Lower Manhattan Recovery Office.

MR. McNEELY: Bernie McNeely, Port Authority.

MR. CRUZZOLA: Tony Cruzzola, Port Authority.

MS. BRAEGELMANN: Carol Braegelmann, Federal Transit Administration.

MR. LENAHAN: Shawn Lenahan, Port Authority.

MR. PAGLIETTINI: Mark Pagliettini, Port Authority.

MR. LEVITT: Harold Levitt, PATH.

MR. HOTOPP: John Hotopp, Louis Berger Group.

MR. WONG: Bill Wong, Port Authority.

MR. MENNO: Lou Menno from the Port Authority.

MS. BONACCI: Carla Bonacci, Port Authority.

MR. RINALDI: Peter Rinaldi, Port Authority.

MR. DEMEO: Paul DeMeo, Port Authority.

MR. STICKELMAN: Joel, I think you had a question.

MR. GOELZ: On the phone.

MS. MERRITT: On the phone? Ready for us?

MR. GOELZ: Always.

MS. MERRITT: Okay. This is Elizabeth Merritt with the National Trust in Washington, D.C.

MS. FELLONOSSA: And I'm Marilyn Fellonossa with the National Trust in Boston.

MR. GOELZ: Great. Good to have you with us.

MS. MERRITT: Thank you for making the telephone equipment available. We appreciate it.

MR. GOELZ: Joel, you had a question?

MR. KLEIN: Yes.

I just want to know how this schedule ties in with your proposed construction schedule.

MR. STICKELMAN: I can't answer

that question, as a lawyer.
MR. GOELZ: Lou Menno is going to answer.
MR. MENNO: The proposed construction schedule is to begin sometime in 2005. We haven't started any of the final design yet, but in 2005 we will see construction beginning.
MR. KLEIN: Does that mean there really is no ground-breaking ceremony scheduled for the 4th of July?
MR. GOELZ: We're not here to discuss that.
MR. STICKELMAN: That's a different project. That's not the PATH project.
MR. COHEN: This is the Permanent World Trade Center PATH Terminal project.
MR. GOELZ: We are focusing on the PATH project.
MR. KLEIN: This may be a good time to bring this issue up, before we get into this.
MR. GOELZ: Which issue is that?

MR. KLEIN: There is a great deal of confusion as to which agency is taking responsibility for the demolition of the remnants in the northwest corner of the site, including the remains of the parking garage and Six World Trade Center.
LMDC has transmitted information on that under their letterhead, but all of the information under their cover letter indicates that it's a Port Authority undertaking.
We asked LMDC to clarify this in writing almost a month ago and have never heard a response, and we'd be interested in knowing, is this part of your undertaking? Is it a Port Authority undertaking or is it LMDC's responsibility?
MR. GOELZ: Joel, I think that that's the kind of question that should come up after the Port Authority makes their presentation on this project. It's going to be -- they are going to give a pretty extensive presentation. If that question isn't answered, you can ask it at that time.
MR. KLEIN: I'm certainly willing to hold off on that. I only brought it

up now because it relates to the rest of the schedule.
MR. GOELZ: We will get to it. I mean, it's on the agenda.
Yes?
MS. LO PRESTI: Louise Lo Presti. This is a simple yes-or-no question.
MR. GOELZ: When the Port Authority construction people come up, they'll answer it.
MS. LO PRESTI: Okay. Good. They'll answer it?
MR. GOELZ: If they can, they'll answer it.
MR. STICKELMAN: Louise, we hear both yours and Joel's question, and it will be answered.
MR. GOELZ: It will come. I mean, give them a chance to make their presentation in the order that they think is useful, and if it turns out not to be useful, we've got a lot of time here. Okay?
MS. LO PRESTI: Fine.
MR. GOELZ: All right. Any other questions?

John. I think many of you remember John Hotopp.
MR. HOTOPP: I get to go to all the meetings, but I don't talk much.
Thank you. I'm pleased to be here. We are talking a little about -- I'm just going to very quickly run over the Section 106 process.
We did a flow chart ages ago. As you know, the goal was to initiate the process, determine if there were any historic properties, which we did do, and now we are at the point of determining what, if any, impacts the proposed project has on these historic properties. And so that's kind of where we are today.
The first thing was to put it together, figure out who the players were, get the appropriate SHPOs and all that sort of thing, determine if it was going to affect the property, and we did determine that, and now we are on to, I believe, this slide, which is the historic properties affected.
And so today we are beginning the process as to assessing the adverse

effects, as we see them. And you guys may have some other thoughts about this as well.

If in fact they are affected adversely, and this is what will be worked out, we are going to move forward in the process next to try to resolve these adverse effects, and that will lead us to a Memorandum of Agreement, which will conclude the process for the Port Authority.

So that's kind of what we are doing.

The role that we defined for the consulting parties early on was to have you guys give us some input as we went on to each step of the process, to review the documents and to kind of see what we were doing and check out things.

And your input, by the way, on the Determination of Eligibility Report was extremely valuable, and it resulted, I think, in a very strong determination of eligibility. So I thank you for that.

We're looking for your specialized knowledge and your perspectives and your views.

So that's kind of where we are today, and I think the whole presentation, from this point forward, will be on very specific items; what it is the Port Authority proposes to do to build this permanent station and what impacts they will have or they think they will have on this site.

So with that, I'm going to turn it over to the next speaker, and he'll take it from there.

If there are any questions, I'll be happy to field them at this point, but I don't think that I have a major role today. I think you need the information that they are going to be handing out here.

MR. GOELZ: Okay.

MR. HOTOPP: Okay. Thanks.

MR. GOELZ: Thank you.

All right. Now, this next section will involve a number of speakers from the Port Authority, and as I've suggested earlier, watch the slides, keep the numbers if you've got questions about them, because the presentation will be pretty detailed.

When they get through, which

could be 20, 25 minutes, then we will start taking questions.

So I think we want to start with -- I think you all know Lou Menno, and Lou is going to start with the presentation. Then he will turn it over to Shawn Lenahan, and then on to Peter Rinaldi, who you also know.

Go ahead, Lou.

MR. MENNO: Thank you very much, Peter, and good afternoon, everyone.

This afternoon I'm going to provide you with an overview of what the World Trade Center Permanent PATH Terminal is all about.

I'd like to begin by pointing out that this project is not just a new PATH Station in downtown; it is much more than that. It is a transportation terminal, a transportation complex that includes a new PATH Station but also intermodal connections between PATH and virtually all of the subways in Lower Manhattan, intermodal connections that we never had before 9-11; in addition, pedestrian concourses that will reconnect areas of the World Trade Center with other parts of Lower

Manhattan, all through this downtown terminal.

All of these elements that make up this terminal will come together at a new Transit Hall, which is referred to sometimes as a hub. Think of it as the hub of a wheel, and the spokes of that wheel are these intermodal connections, the pedestrian linkages that will be taking place in this terminal.

The terminal will be a visible presence in downtown, and transportation is vital for the rebuilding and the long-term economic viability of downtown.

This terminal, this $2 billion project, is important to downtown but also to the rebuilding of the World Trade Center site. It directly supports the World Trade Center site.

In addition, it will support all of the growth that is coming in downtown in the years to come, not just at the World Trade Center site, but also with other retail spaces, commercial office spaces that will be built away from the World Trade Center site, and other residential areas. It's being built for the future and to provide for that future

growth.

Transportation is so critical to the rebuilding that the federal government has granted us, the Port Authority, $1.7 billion to undertake this World Trade Center PATH Terminal.

It is so important that they put up $1.7 billion, and the Port Authority will be putting up the other $300 million.

They are also funding, the FTA, other critical transportation projects, and it's very important, and they recognize the importance of transportation to the rebuilding of downtown.

I'm going to take you through an overview of this terminal. And this terminal will be built in five levels within the World Trade Center site, beginning at street level and going all the way down to the lowest level within the World Trade Center site, going down approximately 75 feet, just to give a good feel for how deep this terminal will go with all of these intermodal connections and these pedestrian linkages.

Let's begin at the street level.

At the street level, this is where the new downtown transportation terminal will be; a very visible presence in Lower Manhattan.

It has been designed to be in coordination with the master plan for the rebuilding of the World Trade Center site.

It's located at the intersection of the new Fulton Street, the new Greenwich Street, and Dey Street.

It is visible in Lower Manhattan and it is accessible from the street level, from the new streets that will surround the site.

It's located within the Wedge of Light, within the master plan of the World Trade Center, and there's many different access points from the street level along Church Street, along Greenwich Street, in and around the World Trade Center site. It is a visible presence, fully accessible at street level.

As we go down another level -- think of the street level as elevation 325; this is approximately at elevation 295, 294, approximately 30 feet below. This is where our

first intermodal connections begin, as well as a north-south corridor begins to take shape.

And as you can see, it begins to filter and funnel right into that Transit Hall at this upper concourse, or balcony, level.

At this particular level, what you see taking place here are the first intermodal connections that will be made between the 1 and 9 subway that go north and south through the site. It will hook up with that new station that the MTA will be building in the future.

It will connect at the north to the existing E train to create that intermodal connection to the E train.

In addition, we will have the intermodal connection with the N and the W line, but, more importantly, which is not shown here, is the underground Dey Street connection from the Fulton Street Transit Center that the MTA will be providing and building, and that will be another major east-west link from our transportation hall to the Fulton Street Transit Center. That is where we will create the other intermodal connections with the other

nine subways that service Lower Manhattan that come together.

As we go down another level, which is approximately elevation 274, what we have is a main concourse, and what you see here is the east-west link that I was talking about, this one link that will begin at the World Financial Center, come under Route 9A, come across in an east-west fashion to the Transit Hall, where we create this east-west link, and we reconnect the World Trade Center, the entire site, with Battery Park City, the World Financial area on the west.

And by creating this link, we have almost a half a mile of climate-controlled environment for people coming to and from transportation going either west to Battery Park City, the World Financial District, or going over to the heart of Lower Manhattan at the Fulton Street Transit Center. And you can see the lower south link that will take you through the area of the Financial District to the south of the site.

As we go down one more level, this is the new mezzanine level for the PATH

Station that will be located within the site. This is the mezzanine level at elevation 264.

This is where we will have direct access to the PATH platform and tracks below. We will have escalators, stairs, elevators to make the station fully accessible, a climate-controlled environment, as we had before 9-11.

The mezzanine is oriented in a north-south direction, but what's important about the mezzanine, it actually provides access to PATH from both the east side of the site and also from the west side. So we are making PATH more accessible than ever before. Before 9-11, people had to access from the east side, just as we do now in the temporary station.

At the lowest level, which is elevation 250, or the platform level, this is where we have some impacts on the resources in this area.

Before I go into some of the details, I'd just like to say a few words about the Port Authority staff working on this project.

Many of us worked in the World Trade Center for a good number of years, and we were very fortunate to survive. In addition, some of us helped build, operate, and maintain this complex up until that horrible day.

We come together as a team, and we provide great understanding and sensitivity to the resources here. They are very important to us, just as they are important to you, and we are doing everything we can to minimize and to avoid impacts on those resources.

I want you to know that. And we are doing our best, and we are living up to some of the commitments that we already have made in the past.

At the track level, we have the new platform and track configuration for the PATH Station.

Originally, the World Trade Center PATH Station had five tracks, and the new station will also have five tracks; no more than five tracks.

The tracks will be located in virtually the same location and in the same configuration as the original station.

If you remember, early on, we were not sure whether track 1, which was the closest one to the Greenwich Street slurry wall, was going to be able to stay there within that location because we thought that there were issues with the slurry wall and we would have had to bring that track and relocate it further into the bathtub.

We pointed that out; we made a commitment that we would do our best to look at what could be done to keep that track where it was, and we lived up to that commitment, and that's why we can say to you today those five tracks will stay in the same location as before.

Next, with regard to the platforms, in the original station, there were three ten-car platforms. In the new station, there will be four ten-car platforms.

Three of those platforms will remain in virtually the same location and in the same configuration as before, in the original station.

We need to put in a fourth platform, a fourth ten-car platform, to meet

the increased ridership over the next twenty years as spelled out in our DEIS.

The projected increase in ridership is 25 percent above the ridership of the pre-9-11 station, and we need to provide that future transportation for the future.

In addition, we do recognize, and we've pointed out, that that fourth platform has an impact on some of the resources at the northeast corner of One World Trade Center.

In addition, as we look at the design and as we look at the constructability issues associated with building this station, we recognized an important point. We made a commitment publicly that we would maintain PATH service throughout the construction of this terminal. We made a public commitment.

And what we found out, as we analyzed all of our work, we saw that we would be required to remove either one or two of the PATH tracks; they must be taken out of service in order for us to accomplish our work.

In order to provide a level of service that we represented to the public, we

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would have to include the building of a temporary track that would run along the west side of that new platform for the duration of the construction, and that track will be removed when we complete our work.

We do recognize that there will be some temporary impact to the resources in this area. But that track will come out; it's needed to maintain the level of service that we, the Port Authority, committed to early on in this project.

The other point that I wanted to mention here was that along the north column of the One World Trade Center line is where that east-west concourse will come across.

Right now, as we look at the design, we feel comfortable that we could minimize and avoid any impacts to those columns along the north wall of the One World Trade Center column line.

And another thing that we wanted to -- that I wanted to point out is, in the area along the east wall of One World Trade Center, as this design is evolving, and from an architectural point of view, as you see in some

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of the renderings of Santiago Calatrava's, are the use of arches.

Well, one column will have to carry a substantial amount of load to support all of the structures above, including some of the cultural facilities that will be built in the future, and that one column will come through the fourth platform, but it will not hit any of the resources.

But what we have been advised, and looking at, is that the footing upon which this column rests that is used to distribute the load could possibly impact some of the columns along that east wall of One World Trade Center.

We are working; we are just looking at this situation, and we are looking in terms of ways to mitigate and to avoid, as much as possible, the impact on those resources.

I wanted to point that out because it's important that we point this out. We are working at it. We are very early on in this design, and we are identifying these potential issues, and we are working in a very

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strong way to make a commitment to minimize the impacts on those resources.

And finally, before I turn it over to Shawn Lenahan, this is a graphic of the World Trade Center site which shows the existing remnants and structures at the World Trade Center site.

As you can see, we show the Temporary PATH Station, which was recently opened last November; the tracks that come in, the substation, the ramp, the slurry walls, and you will notice we broke this up on the west side and on the east side.

I'm going to turn this over to Shawn Lenahan in a moment. Others will be talking about the resources on the east and the west side.

Thank you very much.

MR. GOELZ: Shawn, do you want to come up and speak on the resources? Do you want to use the podium or do you want to use the mike?

SHAWN LENAHAN: Sure.

As part of the Section 106 process, we've looked not only at resources on

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the site, but also resources near the site that could be impacted or will be impacted. There are 21 such sites.

On the diagram here, the short dashed lines represent an area of potential effect for historic resources on the west and on the east side of the site.

The solid lines indicate an area of potential effects for historic resources.

The long dashed lines on the right of the screen indicate a known historic resource -- or a known historic district, and the hatched areas indicate the Permanent World Trade Center PATH Terminal, and the shaded area indicates the site being impacted as a historic resource.

Of the 21 resources, the potential impacts are as follows.

First, tunneling for a pedestrian concourse under Route 9A would require piercing the Hudson River bulkhead, which is buried below ground on the western edge of Route 9A, indicated right here, and this would result in an alteration of the characteristics of this resource.

Subgrade work associated with the construction of the terminal could affect historic resources within 90 feet of the site.

Construction could cause damage due to ground-borne vibrations and dewatering, and there are five such potential properties that could be affected. They are the Barclay-Vesey Building on the corner of Vesey and West Street, which is also known as the Verizon building; the former East River Savings Bank, which is currently Century 21 Department Store; the U.S. Realty Building, which is 115 Broadway; the Beard Building on Liberty Street; and 114 through 118 Liberty Street.

In terms of potential mitigation, the impacts that there may be, again, for these buildings would be damage -- potential damages due to ground-borne vibrations and dewatering, and the potential mitigations that we are considering or looking at for these potential impacts are vibration monitoring during construction.

The World Trade Center site, of course, will have direct impacts, and that will be the subject of the remainder of our

discussion today.

In addition, the environmental team has done a Section 4F analysis as part of the Draft Environmental Impact Statement.

For our discussion today, as Lou mentioned, our sites -- or our resources on-site will be broken down by those on the west of the site and those on the east of the site.

And right now I'm going to ask Peter Rinaldi to come up and talk about those on the west side of the site.

Thank you.

PETER RINALDI: Thank you. My name is Peter Rinaldi.

What we thought we would do is talk about some of the remaining, remnant structures and the resources on the west portion of the site.

This is essentially the area within the slurry wall area bounded by Vesey, West, Greenwich, and Liberty Streets.

I'm going to talk about some of the tower perimeter column bases, the bathtub or slurry wall and the tiebacks, the potential

impact, and later on, we will talk about some mitigation.

Mark Pagliettini, who has been working with me on this, will talk about some of the tunnel projections for the PATH, the recovery and construction ramp, the cooling water pipes, and some of the other infrastructure that was left behind as we finished the recovery operations back in June of 2002.

I'd like to talk first about the tower perimeter column bases and what they are and where they are.

If you look at an aerial of the site, this shows the area where the Permanent PATH Station inside the west side of the site will be located, the PATH tracks and the mezzanine and the station area.

Tower One is located here at the foot of the ramp, and Tower Two is located over in the southern portion of the site.

The perimeter column bases were the bases of the columns that literally supported the outer skin or perimeter of the building. They were located along here. This

is an example of one. Typically, they were about 28 inches by 32 inches, very heavy structural steel.

This is the basement slab, or the B6 level of the basement of the World Trade Center.

This column here, you can see, is along -- actually located in this location along here. You can almost look down a line, looking west, on where the face of the North Tower was as an example.

During the recovery operation, we had to cut these columns off at their lowest point, and you can see where they are striated there where we kind of burned through them and cut through them in order to be able to facilitate the recovery and the search as we went forward, and that's the reason they were cut at that level. They had to be cut in order for us to move forward with that operation.

So in the North Tower, there are 84 of those column bases, the original bases for the building.

In Tower Two, there are 73 at the lowest level, and as you went up and got up

to the Street level, there were 84 columns that went around and carried the load.

The difference, the reason why there's less at the lowest level in the South Tower is because the South Tower structure had to be configured, unlike the North Tower structure, to bridge over the PATH tubes during construction and eventually the PATH Station that was built. So there is a difference in the structure down at that grade, at that level.

If we take a look at pre-9-11 in terms of the bathtub and the tower footprints, the PATH Station, as it came out of the -- you are looking north. This is Vesey Street; this is West Street on the left; Liberty Street over here on the south portion of the diagram; and Greenwich Street on the right part of the diagram. The tunnel comes in, Tunnel F from New Jersey, splits into the tracks. This is the original configuration that existed for the PATH Station pre-9-11.

In the North Tower, the entire perimeter of the columns and the building were outside of the footprint of the station.

The northeast corner of the tower just came up against the crash wall for the existing pre-9-11 PATH Station.

In the South Tower, you can see that the tracks and the station itself came through and intersected through the footprint of Tower Two. I think 34 of these columns were within the existing PATH Station, and 39 were outside, which totals up to the 73.

During the construction, as Lou mentioned, we will be constructing a platform on the western portion adjacent to the existing track 5. That platform will be a permanent platform, a fourth platform.

When it is constructed, it will have an impact, in terms of where it's located, on the footprint of Tower One, in the northeast corner, and it will have an impact also on Tower Two, on several of the column bases that are there, that exist today.

In addition, we will be placing a temporary track that Lou had mentioned, and that will be put there to facilitate the construction so that we can maintain service. That's this track. It's a relocated temporary

track. That track will be removed at the end of construction.

The proposed final configuration -- and all of this is somewhat subject to change because, as we mentioned, we are going through the preliminary design and engineering for this. The final configuration: The temporary track will be removed; the permanent platform, the fourth platform, will be in place. Also, the pedestrian concourse that Lou Menno had mentioned, which will be just north of the face of Tower One and will be constructed, we believe, just on some preliminary analysis, very sketchy, that it looks like it's feasible to be able to try and avoid the column bases that exist. They may be able to work around them so that the supports in this infrastructure, at least for the pedestrian concourse, will not impact on that footprint.

Lou did mention that one of the things we are looking at now in order to be able to support the new design for the station, at least the conceptual design, that there will probably have to be a large support column that

will come down somewhere through the middle or edge of the platform D, or the new platform. And while that column itself will come down through the platform and probably not impact the existing column outlines, it's possible and probable that the support required for that, or the footing base, would have to come out into an area westward to be able to support those lobes. We are looking at that right now.

Again, all of this is based on our current plans in the conceptual design stage.

So with that in mind, in pre-9-11, as I said before, we had a total, in the North Tower, of 84 in the column bases; in the South Tower, we had 73; and as of today, and pre-9-11, all 84 are outside the footprint of the PATH Station. Pre-9-11, the 39 in the South Tower are outside the footprint of the station; 34 were within the existing station.

During construction, with the construction of the fourth platform and the temporary track, we will probably have to at least temporarily cover about 20 of those column bases, and in the South Tower we will

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affect covering another seven to eight of those column bases between the temporary track that we have to relocate and the platform.

After construction, in its final configuration with the fourth platform, there will be 72 column bases out of the 84 originally that should be accessible or viewable, and there will be 34 in the South Tower, about five less than there are today.

This does not account for the possibility that I described of having to support the new station load down through the center of that fourth platform and what impact that might have.

Let me just go back. That is subject to change and confirmation as we go forward on that.

One of the other resources in the site is the slurry wall. This is Vesey Street. This is looking north. This is West Street along here. Liberty Street, again, here. And this is the Greenwich Street wall. This is the bathtub area.

The Memorial is in the southern central portion of the site. The new station

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will be over here; again, above, essentially, where the existing station is today.

The Freedom Tower will be over in this location, along with the Performing Arts in this area.

And we will have an impact; that pedestrian connection on the pass that Lou mentioned. The east-west corridor will be coming along the 264 mezzanine level and will be going through the western slurry wall.

So in an area at the 264 level against the West Street slurry wall, we will need to cut an opening probably about 30 feet tall by about 50 feet across to accommodate the pedestrian connections and the infrastructure associated with that.

And you can see Battery Park and the World Financial Center and the Winter Garden in the background, going along there.

These are the remnants of the old parking structure openings from the ramps that came into the Trade Center above that.

The proposed area to be exposed in the Memorial and the slurry wall is south of this, so this area is to the north of that

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area. So the area being talked about, planned for having the slurry wall exposed in view, is in this area over here, so it's away from the zone that we are impacting.

Other small minor impacts, I guess, on the slurry wall: In the Greenwich Street wall, it will have to be widened underground there to be able to accept some of the increased pedestrian underpasses and the modification in this station, so we will be removing portions of the Greenwich Street slurry wall adjacent to where the wall was removed for the original construction of the PATH underpass, and probably in this southern portion of the site over here.

This is an area where, during the recovery operation early on, the wall moved quite a bit, and probably eventually there will have to be a structural liner that will come. Depending on how the construction goes forward with the rest of the site, that wall will have to be aligned at some point in the future to maintain the structural integrity.

At this point what I would like to do is have Mark come up and talk to you a

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little bit about some of the other resources that we will possibly be impacting as we go forward and try and implement $2 billion worth of construction at this site.

Mark?

MR. PAGLIETTINI: Thank you very much, Peter. Good afternoon.

In regards to the recovery and the construction ramp, the ramp was installed as a temporary ramp to facilitate the recovery efforts.

Also in regards to when we built the Temporary World Trade Center PATH Station, we utilized the ramp. During that construction, we planned to utilize the ramp when we built the Permanent PATH Station.

What we will need to do is we will need to relocate and modify a set of ramp towers right now to facilitate the temporary track. The ramp will be removed when the -- as the construction proceeds and is completed.

In terms of the tunnel projections, the tunnel projections, the north and the south PATH tunnels, they enter the site under West Street, through the tunnel

projections that are located in the slurry walls. There's a north and there's a south, as indicated.

The slurry walls and their configuration will not be impacted by our project.

What we will need to do is we will need to look here at some of the lateral and vertical bracing. Some of it that was installed as part of the -- temporarily as part of the recovery efforts, we will need to modify that in order to allow the temporary track to come through from the tunnels.

In terms of the cooling water pipes, the cooling water pipes, they extend from the Hudson River Pump House in Battery Park City, they go underneath West Street, and they come into the World Trade Center site right here, along the west slurry wall.

It is our intent to reuse the cooling water pipes, and not as part of this particular program, but as part of the Memorial and the redevelopment.

Some of the components of the system may be realigned or reconfigured,

depending on how they are supposed to be used, but they will not be impacted by our construction of the Permanent PATH Station.

In regards to other bathtub infrastructure, there are elevator pits, sump pump pits, ejector pits, as well as drainage lines that the construction of the Permanent PATH Terminal will not impact.

As a matter of fact, as you can see in this photograph here, we actually utilize some of the sump pump pits today to pump out the water that infiltrates the site.

MR. RINALDI: Mark and I, just concluding our section here and summarizing on the resources, the tower perimeter column bases, actually the full impact, as I mentioned, really needs to be determined.

Right now there's a possibility that we will cover or affect 12 of the column bases from the North Tower and three column bases from the South Tower.

Again, as I mentioned, we still need to look at the design for that, other support for the station in terms of that area.

The bathtub wall and tiebacks;

we'll be removing a section of the 30-by-50 foot section of wall, approximately.

The tunnel projections; we really have minimal impact there, just making sure that they're braced adequately during the construction and that we don't collapse them.

And the recovery and construction ramp needs to be modified. Eventually it needs to be removed. It's not going to be removed as part of the PATH construction, but in order to facilitate the construction of the Memorial and the other infrastructure that's in there, it's right in the location where eventually it will have to be backed out and moved out, and we'll have to provide access another way.

Cooling water pipes will not be impacted by the station work or the other bathtub infrastructure that Mark mentioned to you.

So now I would like to bring up Carla Bonacci, who will talk to you about some of the issues and efforts involved with the east portion of the site; the site from the slurry wall going east.

Carla?

MS. BONACCI: Okay. Thank you. Good afternoon.

I'm going to talk to you about the east side of the site.

Just to refresh your memories, it is essentially bounded on the north by Vesey Street, on the east by Church Street, on the south by Liberty, and on the west by the eastern wall of the 1 and 9.

Of the potential resources on the east side, there are four that are currently in existence today.

I'm going to take you through what is there and what could be impacted by the proposed design.

The first one is the passageway to the E subway train, the second is the steel beams and cross-form, the third will be the plaza and subway access from Vesey Street, and the last one is the H&M Terminal remnants.

This first passageway to the E train, what you are looking at here was refurbished as part of the Temporary PATH Station project.

The existing concourse to PATH connects to the E train. There's about a four-foot drop between the platform and the station.

The star at the top of the plan indicates where that location is and that the access to the E train will essentially be maintained in the proposed design by Calatrava.

However, his design for the Transit Hall is essentially a three-level space that changes by over 60 feet from the west to the east of the site and is a more gradual ascent and therefore cannot use this current concourse.

The next item that I mentioned, the steel beams in cross form, after 9 -- this area right here is what was preserved during the recovery. At one point during the recovery it was relocated to the eastern side of the site right here on the diagram, and this temporary base was constructed to elevate it and support the structure.

It is essentially in alignment with Cortlandt Street, which is east of Church Street. It is also in the way of the proposed

north-south concourse, which you see here, and Cortlandt Way, and so at the time when we would begin the construction of this area, we would look to relocate that element, probably to Hangar 17, at which time it would go into storage with the other potential artifacts.

This element, this remnant element right here, is on Vesey Street. It is adjacent to the proposed Greenwich Street, which you can see in this diagram.

It did provide access up to the plaza prior to 9-11. It also was an access way to the 1 and 9.

In the proposed design, as you can see, we are looking at providing an entry to the 1 and 9 and to the Transit Hall. It would be generally in this area but would be coordinated with the new work. So this element would have to be removed.

It is structurally stable at this point. However, the longevity of that is still to be determined.

And you can see it in this diagram right here. Here's the 1 and 9, which would be the future Greenwich Street.

And the last element is the H&M Terminal which existed prior to the former World Trade Center.

This area here was not structurally impacted by the events on September 11th. It's probably about 40 to 50 thousand square feet of space, indicated in the diagram here in white outline.

So as you can see, in order to build the Transit Hall and the north-south concourse, it would be needed to be removed.

These are also -- this is the cast-iron rings. There are two of them, one to the northern end around here and one at the southern end that were part of the original H&M.

When the Trade Center was built, they were used, really, for service access; they connected the truck docks on each end of the site.

At least one of these would probably have to be impacted in order to connect the mezzanine to the east side and to do the appropriate underpinning to make that connection under the 1 and 9.

And in summary, here are the four elements again. Essentially, the impact is we're saying that they all would probably need to be removed. Some things could be relocated, like the steel beams.

One thing I believe I failed to mention, in the passageway, there are material elements there that could be preserved or used as potential artifacts. If I could just go back and show you, there were some elements that existed prior; the doors, some of the flooring, the signage. One could look at those elements.

Lou?

MR. MENNO: Thank you, Carla.

MR. GOELZ: Lou, you are going to summarize?

MR. MENNO: Yes.

MR. GOELZ: And then we will take some questions. Then we will start the questioning.

MR. MENNO: All right. On this slide, I'm going to summarize the commitments that we've made concerning the impact on the resources and what we will commit to and the

direction that we are taking.

First of all, concerning the temporary track that we spoke about: That temporary track is temporary, and it will be in place during the construction of the terminal. And as I mentioned before, it is required so that we can maintain the level of service that is required for PATH throughout construction. That was the commitment that we made publicly. That track is a temporary one, and it will come out.

Next, the egress stairs from the temporary station, as well as the egress stair from the new substation, will also be removed. As we always indicated, they were temporary and they will be removed.

We acknowledge that one of the stairs from the terminal, from the temporary station, impacted the North Tower. That's being removed with all of the others, as well as that one emergency egress stair that impacts the footprint of Two from the substation will also be removed.

The commitment that we made that the corridors that will go east-west will avoid

the tower column bases: We are analyzing that to ensure that we commit to that and live up to that commitment.

We also have done the documentation, the photographic documentation, of the entire World Trade Center site.

We've also committed to incorporating certain materials from the World Trade Center that would be reused in the Permanent World Trade Center PATH Terminal.

We would allow for access to as many of the tower column bases as possible. That's our commitment.

We will allow for the portion of the exposed slurry wall to be used in the Memorial. That has always been part of the Memorial experience.

We are maintaining the artifacts from the World Trade Center over at JFK for potential use in exhibits.

Early on, when we began this whole project, including the temporary station, we recognized, as I mentioned before, the sensitivity of the footprints and the resources; and that, early on, we kept that

substation out of the footprint of Two World Trade Center and we were very conscious about that, the commitment that we made in terms of track 1, where it was possibly to be relocated into the area west, within the bathtub, and we lived up to our commitment that we were able to keep it in its original location.

This is what we've done, and we will continue to do, to minimize the impact on those resources.

Thank you.

MR. GOELZ: All right.

That was a fairly substantial presentation, and I think all of the Port Authority presenters are available to take questions, so why don't we start with the questions.

MS. LO PRESTI: Louise Lo Presti. I'm just going to restate my original question.

Which is the agency or agencies, plural, that is undertaking the construction?

MR. STICKELMAN: I will answer that. I said I would answer it.

Silverstein Properties, as you

know, is building the Freedom Tower. The Freedom Tower falls under the LMDC Joint Memorial & Redevelopment FGEIS. The Port Authority was acting as the engineer of record for the demolition of the northwest slabs.

MS. FELLONOSSA: Could you speak a little bit more into the phone?

MR. STICKELMAN: I will use the mike. Hopefully you can hear me again.

What I said was the Freedom Tower is being built by Silverstein Properties, which falls under the Joint Memorial & Redevelopment Plan for the World Trade Center site FGEIS.

The Port Authority was acting as the engineer of record for the demolition of the northwest slabs. That's why the Port Authority was involved in the presentation back on April 29th.

MS. LO PRESTI: You didn't respond to who is undertaking construction for the PATH Station.

Is that the Port Authority?

MR. STICKELMAN: It's the Port Authority and FTA. Well, the FTA is the

sponsoring agency.

MR. KORNFELD: This is Robert Kornfeld, Historic Districts Council.

Just to add to what you were saying about being the engineer of record for the demolition, it appears the Port Authority also came up with the mitigation plan, which goes beyond engineering for the demolition for Six World Trade Center.

MR. STICKELMAN: I can say that the northwest slabs is because they are artifacts that have -- potentially may be taken out of the site and were brought to Hangar 17. That is why the Port Authority was involved in that also.

MR. KLEIN: Another follow-up on that.

If that's the case, then why is the discussion of the removal of the northwest slabs included in your 4F statement?

MR. STICKELMAN: Because there's a potential that -- that because of the funding, and I think right now it's unclear in regards to potential funding for some other elements of substructure and infrastructure

that may be made by other agencies, and that's probably -- that is why it is part of the 4F.

MS. FELLONOSSA: Who is funding the deconstruction of the parking garage?

MR. GOELZ: The question is, who's funding deconstruction of the parking garage.

MR. RINALDI: Silverstein Properties.

MR. STICKELMAN: Yes. It's private funding. It's Silverstein Properties.

MS. FELLONOSSA: It's exclusively private, so there is no HUD funding and no STA funding going into that?

MR. STICKELMAN: Correct.

MS. FELLONOSSA: Okay.

BILL LOVE: Bill Love from the Coalition to Save West Street.

I just had a couple of comments and a question that has to do with the proposed east-west pedestrian corridor.

Although our group has opposed the car tunnel, we haven't opposed the pedestrian tunnel because we recognize it's important for large numbers of people to be

able to cross West Street, particularly during peak hours.

And the numbers that -- it's important not only for residents of Battery Park City, but also for office workers in the World Financial Center and also for the retail businesses at the World Financial Center, and the projections that I've seen are that, in twenty years, we're looking at some sort of a passageway of some type that would get about 9,300 pedestrians an hour across West Street at the peak.

So I was kind of intrigued to see on page 2 of the finding of effects a reference to a corridor beneath or a bridge over that would allow for all-weather access.

Then I assume -- this is sort of a question. I assume this is the same reference -- I'm also looking at the State DOT's projected EIS; they say it should be noted that the Port Authority would consider a pedestrian bridge over Route 9A, but this alternative would only be considered if a concourse wasn't feasible.

I'm wondering if it might be

possible for you to take a more serious look at that instead of --

MR. GOELZ: At a bridge?

BILL LOVE: At a bridge, and not just if the other turns out to be infeasible. I don't know if it's practical or not.

I thought that the north pedestrian bridge worked extremely well. That carried 8,000 pedestrians an hour at the peak.

As I see it, in order for it to work, you would really have to anchor it with a Class A office building or the equivalent at both ends so you could have functioning elevators and escalators and have everything done -- you've used the phrase climate control, and I'm glad to hear that; completely enclosed, well-illuminated for security purposes.

If it were done that way, it might be possible. The logic of that would be it puts people into the World Financial Center on the second floor, which is where the elevator lobbies are located.

There are retail businesses on the second floor, as well as the first floor of the World Financial Center. So it might work.

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I don't know if it's practical or not.
But I just wish you would maybe take a little more serious look at it in evaluating it as an alternative. But we recognize, in either case, we have to have one or the other, and it has to be able to handle the capacity that's projected for twenty years.
MR. GOELZ: Good. Thank you.
The next two?
MS. TODOROVICH: Petra Todorovich from Regional Plan Association.
I want to thank the Port Authority for some of the commitments made in the presentation, such as preserving access to the slurry wall and as many box-beam column remnants as possible.
I was wondering if some of the Port Authority staff could talk a little bit, practically, how these elements will be incorporated in the functioning PATH Terminal.
I don't have a good understanding of how one might encounter them when we use the PATH Terminal, such as would there be an area as you're going down to the PATH platform that you might see the slurry

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wall through glass or one of the column remnants in the floor through glass?
I know that that will be a goal in the Memorial, but just in terms of the PATH Terminal, will these elements be part of the everyday experience to encounter when it's rebuilt?
MR. STICKELMAN: I think that's what we want to hear from you, suggestions like that.
MS. TODOROVICH: Well, I would suggest, yes, that something like that be done.
Has there been any thought about how that might be --
[Inaudible.]
MS. BONACCI: We are looking at, in the area where platform D is, if there could be visual access to those column box beams that are in that area. However, all the other column box beams are probably within the Memorial.
MS. TODOROVICH: What about the slurry wall, when you say "preserve access to the slurry wall" or "preserve the slurry wall"? What does that mean in terms of the rebuilt

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PATH Station?
MR. STICKELMAN: I think you were talking about the west slurry wall. Lou will answer that.
MR. MENNO: The west slurry wall that we were referring to was part of the Memorial experience. Early on, the vision of the Memorial was to have a portion of the slurry wall exposed, and we would work to make that happen.
MR. RINALDI: One other point.
The reason it ties into the station and the infrastructure there is because the structure for the station, the structure for the Memorial will have to be integrated in terms of a permanent support for the slurry wall.
The tiebacks that you see that were installed during the recovery are temporary. They were never meant to replace the permanent structure.
So when we say preserve visibility to the wall, you have to build a structure, and it's not easy to do, to be able to leave a section of wall exposed, and that

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needs to be integrated with the design across the site. So that's part of what we were referring to.
MR. GOELZ: Other questions?
Yes?
MR. GARDNER: I just want to add to Petra's comment.
A lot of -- and this is actually just to kind of fill Petra in. A lot of the members of the Family Advisory Council have sort of charged the Port Authority with incorporating the PATH Station and experience into a Memorial, since so much of it traverses the footprints of the towers themselves, so we felt that that would be a natural -- should be something relatively easy to do.
I did what you said, and I wrote down slides, but I have so many slides written down that I think I'm just going to try to look at the effects determination first.
I just want to read a portion of this.
There would be various site infrastructure elements supporting the Permanent WTC PATH Terminal, including utility

lines traversing the outline of the tower perimeter, column bases, and utility rooms and structures located within the area outlined by the tower by the perimeter column bases.

The families, for the last two and a half years, have been advocating for the preservation of the footprints of the Twin Towers, and we have been very diligent in this process. We've been very diligent with LMDC directly on these issues. We've held rallies and done all of those sorts of things.

In September '03 we learned that the columns were delineated by the box beam column remnants, and we started to sort of focus on that.

I just -- I find it -- I'm baffled by how you are now focusing on the tower perimeter columns and overlooking the fact that they are outlining the footprints of the Twin Towers.

They derive their significance because they are examples of design and construction, obviously, and because they form the footprints.

I would like to know--I think

some of us here would like to know--why, in your inventory of these resources -- I think slide 14 might be a good starting point -- if there's any reason why the core column remnants, the concrete slabs, and the elevator pits that are within the footprints of the towers are not listed as a resource.

Let's see if I was right about 14. I think so.

Well, I think that actually -- is that the right one? Yes, because you have an inventory of the resources.

MS. BONACCI: That's the Memorial zone.

MR. GARDNER: I'm sorry?

MS. BONACCI: That's the Memorial zone.

MR. GARDNER: That's the Memorial zone? Yes, but your project impacts the footprints directly, so it falls under your project.

MR. WONG: Those areas that we are covering over are those areas that we've described as infringing or --

MR. GARDNER: Yes, but you are

saying you are going to be building within the tower perimeter area. So, I mean, this is another point of contention, because when you ask LMDC -- LMDC's programmatic agreement gives them the ability to determine appropriate access to the columns that form the footprints, but yet your project directly impacts the footprints of the towers, which are delineated by the column remnants.

Slide 12, please.

And you are using terminology within your effects finding -- you are focusing now on the perimeters and saying, "Oh, we're just going to build utility rooms and structures located within the area outlined by the perimeter column bases."

Why not just say, "We're going to build on the footprints these structures," because those are the footprints.

MR. WONG: A while ago, I think, Lou and others talked about utility lines needing to cross over inside the, quote/unquote, footprint area. 40,000 square feet will require utility lines for all of the projects. So that was that reference.

MR. GARDNER: This specifically says utility rooms and structures located within the area outlined by the perimeter column bases.

MR. WONG: I think that's something, at this point, we haven't determined right now that there is such an impact. So probably that will be clarified.

MR. GARDNER: Can you just --

MR. WONG: We don't have any utility rooms for the PATH Terminal in the footprint area.

MR. GARDNER: Then why does it say that in here?

MR. WONG: This is something that at the time -- again, the time of writing these things has been probably two or three months ago, when plans were not as solidified as they may be right now.

So some things, as to why the subgrade slab remnants are in or out, these are things that are open until such time as we have determined -- our design work will lead us -- will give us the ability to make such statements as we are today about temporary

tracks and other things.
At the time these were being developed, these were still open questions.
MR. GARDNER: Would you say that this document is, then, premature to release it at this time, when you don't --
MR. WONG: It's a draft.
MR. STICKELMAN: It's a draft.
MR. GARDNER: It's just a draft?
MR. STICKELMAN: That's what it says.
Anthony, can you just comment for the record, so we know and look at it, what page that's on and what paragraph?
MR. GARDNER: Sure. This is on page 3 of the Permanent WTC PATH Terminal draft finding of effects.
MR. STICKELMAN: And what paragraph?
MR. GARDNER: This is paragraph 3 under "Tower Perimeter Column Bases (constructed pre-September 11, 2001)."
MR. WONG: I forgot about this.
The other thing that -- I mean, you've got to understand. I mean, we've talked

how, out of the South Tower footprint, a lot of this is in the PATH right of way, so right there and then you have utility infrastructure and so forth.
But I think at this point, beyond the confines or the boundaries of what we've outlined in this presentation, we are not planning on any major PATH utility areas in these footprints.
MR. GOELZ: Within the footprints.
MR. WONG: We can probably say that now.
MR. GARDNER: What I think would be important to do, because when we talk about the footprints in, say, Family Advisory Council meetings, we talk about percentages.
If you go to slide 26 -- and then I'll shut up, I promise, so we can pass the mike on.
But the footprints, to us, are just a priceless historic resource that it would be the worst cultural injustice of our time if you don't preserve the maximum amount of these footprints or column delineations for

the general public.
So slide 26, there's no reference to percentage of -- you have, like, numbers about tower perimeter column bases; you have here "to be determined."
But this might be a good place to say how much of each footprint is being compromised by your PATH structures, because we've talked statistics with --
MR. GOELZ: It was discussed at one of the earlier ones.
MR. GARDNER: -- Kevin Rampe and people from the Port Authority before.
MR. GOELZ: Right.
MR. GARDNER: And when Michael Arad's design was selected, we were told -- this is really for you, I think, Lou. We were told that 97 percent of the North Tower with delineations was available at that point and 50 percent of the South and that you were going to look into an alternative to the fourth platform.
MR. MENNO: At that time, when we spoke about the fourth platform, way back when, we identified that before September 11th,

that PATH right of way occupied 48 percent of the footprint of One -- I'm sorry, of Two World Trade Center and just missed the North Tower.
With the fourth platform included, the area of Two World Trade Center went up to 50 percent, while the area of One World Trade Center went to 3 percent.
That was the impact in terms of square footage.
MR. GARDNER: So that's where the 97 -- so my figure is correct with the 97 percent.
MR. MENNO: Correct.
MR. GARDNER: So, I think, moving forward, it would be very beneficial to us to see percentages, as to how much of those footprints are still free of any infrastructure. So in addition to addressing the inventory of the column bases, also that acreage.
MR. MENNO: Yes.
MR. LUSTBADER: When you are talking about footprints, to get back on an earlier subject, are you talking about the actual box beam columns?

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MR. GARDNER: No. We are talking about the columns, but the space the columns defined along with the columns.

MR. GOELZ: Okay. The interior space?

MR. GARDNER: They have been referred to as columns and they have also been referred to as footprints.

So basically what we've always said is the maximum preservation of the footprints which are delineated by the box beam column reference.

MS. GAULL-HOWARD: My name is Marilyn Gaull-Howard, and I'm with the Coalition to Save West Street, which is really trying to save our neighborhood, the Battery Park City neighborhood.

This is absolutely gorgeous, and we all love your plans very much when we've talked about them in private.

We have one reservation, and that is, there are about -- or will be, by the time the building is done, 8,000 people living in Battery Park City, south. I would like a little more information about our access to the

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terminal. We used to go through World Trade Center Two.

MR. GOELZ: Can anyone respond? Lou?

MS. BONACCI: Through the southern portion of the site there is the Memorial, which is now essentially a plaza at grade. That would then -- could then take you through, we're showing, if you go back to one of the plans, at street level.

Keep going.

As you can see, those yellow circles are the proposed street entries, and then the north-south line is the potential north-south corridor.

But coming from Battery Park City, from the south, you could traverse across the plaza and then enter at any of those points along Greenwich Street, at Cortlandt, the Transit Hall itself, and then up north. But it is an external connection until you get to that side at this point.

MS. GAULL-HOWARD: The Memorial doesn't leave room for people to use it as a -- I mean, the Memorial is not going to be built

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so that people can ...

MR. GOELZ: Traverse it? Is that what you're saying?

MS. BONACCI: Well, that will be part of that process, how you get across.

MR. WONG: I think it will, not that it's impossible. We are not going to put up a wall.

MS. BONACCI: No. No, they are looking at how one could traverse across the site.

MR. WONG: You can see it in the rendering of the Memorial.

MR. ALLISON: I have a comment and then I have a question.

The comment is that the last I heard, the -- and it's absolutely that the -- because of the street levels, the Memorial is not going to be at grade. It's either got to be below grade at one end or above grade at the other end; otherwise, it's not going to be flat, and it's intended to be flat. And Arad is currently looking at depressing it.

So it's not going to be traversible in an easy way, and we should stop

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talking about it that way.

My question, actually, though -- because you kind of rushed past it, I think, and I'm a little unclear as to why the multiple levels in the transit hub will mean that the remnants of the E train access will have to be destroyed.

MS. BONACCI: Based upon the current proposed design, where there are three floor elevations, the lowest one is at approximately 276, and then it traverses up to around 296, from which point you could access, via vertical circulation, the E train, which I believe is around 306, approximately.

And then in the new proposed design, you would then go up to elevation 325, which is the Church Street grade.

So the issue is that the current concourse is at elevation 310. It's sandwiched right in between.

So what Calatrava has done is to look for a more graceful way to traverse the site at 20-foot increments versus what we had prior, which was a huge, like, 36-foot rise from PATH and then another 16-foot rise.

You went 36 feet from the PATH mezzanine to the concourse at 310, and you dipped down to the E train or then you continued up to street.

MR. ALLISON: I understand where you are going with that, but right at the moment, there's a 4-foot rise between the one end of the ramp at the E train access, the remnant piece, the one that was written up in The Times about two weeks ago that that's basically the last intact piece of the underground portion of the World Trade Center. So that's a 4-foot ramp right there to get to the E train.

So I don't understand -- and this may be because we haven't seen Calatrava's work at this point. But I don't understand why that 4 feet cannot be incorporated into it, no matter what you are doing.

MR. WONG: We are looking for a graceful way to not have people make five or six moves to get to the level they need to be at.

MR. ALLISON: So what you are saying is, in order to get routed, at a 4-foot

differential, you are going to destroy the last remaining remnant of the World Trade Center?

I'm asking, is that what you are saying?

Because I don't understand. I understand the graceful getting up and all the rest of it, but in the end --

MS. BONACCI: At the 310 level, it would be removed, yes.

MR. WONG: The whole 310 level, that whole deck.

MS. BONACCI: Because between 196 and 325 --

MR. ALLISON: I understand what you are talking about, the deck and all the rest of it.

The point is that it's only 4 feet at that point on the deck, wherever you are talking, between that and the E train platform, so I don't understand why being -- having a more graceful access, or whatever, means you have to get rid of that particular piece of the platform, even if it meant people had to go up and then down again slightly.

You are not going to change the

level of the E train platform?

MS. BONACCI: Right. Okay.

MR. ALLISON: And it's only 4 feet there.

MS. BONACCI: But from 296, which is the floor --

MR. ALLISON: Forget 296. Start with the E train platform. Okay?

MR. WONG: I guess we are not understanding. The issue right now is -- I mean, I'm not going to start drawing.

MR. ALLISON: Draw. Come on. This makes no sense, the way you've explained it. And I'm not saying it doesn't make sense; I'm saying it makes no sense the way you've explained it.

Let's do it this way, if you can translate the numbers. Let's take the E train platform as zero, and tell me how that affects getting to it from anyplace in Calatrava's drawing, recognizing the fact that we are talking about the end of a corridor.

MR. GOELZ: Your point is that that's the last remnant intact?

MR. ALLISON: Exactly.

And you just did a wonderful refurbishment job. You just put up a wonderful plaque saying it's the last remnant, and now you are saying that because it doesn't fit into some graceful approach that you are going to destroy it.

MS. VAUGHN: I think, Peter, you captured it as something that people feel is --

MR. GOELZ: Right. I think this is called input. I don't think we need to debate, but I think it's fairly accurate input.

MS. MERRITT: This is Betsy Merritt on the phone. Can I clarify which item you are talking about? Is it element number 10 on the diagram that's in the draft EIS document, way up in the northeast corner of the site?

MR. STICKELMAN: Yes.

MR. GARDNER: Yes.

MS. MERRITT: Passageway for the E train?

MR. GARDNER: Slide 29, when you get the slides.

MS. MERRITT: Okay. Thank you.

BILL LOVE: I would just like to

echo the gentleman's comment about what a shame it would be if we did lose that. I was an E train ride for many years, and I know for the thousands of people who pass through there, that's the one remnant that you really get a feel for the old World Trade Center when you come in from the E train.

I mean, I remember when they re-opened that, and I was shocked to see that the same doors were there and that the stairs were there, and it really gives you a feeling. And particularly, when you walk up now, you can look off to the right and see where the PATH train comes up.

So if there's some way to preserve that, I think it would be well worth doing.

MR. LUSTBADER: Ken Lustbader from the Lower Manhattan Emergency Preservation Fund.

I echo the sentiments about the staircase to the -- I mean, the entrance to the E train.

But I also want to better understand the issue of the staircase that's

above grade that was also talked about going up to the concourse, and why -- there was a mention that it may not be stable in future months or something, and I just want to have that clarified.

The other issue is regarding documentation. I mentioned this at the last meeting about the slab remnants, and I'm happy to say that the Port Authority did do different types of documentation.

But having been on the Memorial Center Advisory Committee, the issue of having a curatorial kind of understanding about the existing conditions now, and not just still photography or drawings, it would be helpful to have moving images for the existing conditions.

And also, let me just say, this access to the slurry wall and the box beam columns are something that are Memorial Center commitments that went out by the LMDC in their draft comments.

So that's something that -- is that area being dealt with at the same time that the Port Authority is designing the PATH Station? What's the coordination between the

two?

And, lastly, I'm just curious to hear how vibrations are going to be dealt with rather than just "We're monitoring them."

There's going to be so many cumulative projects going on, this has come up at every EIS public hearing. It came up last week at the Fulton Street Transit Center EIS, so this is a major issue that the preservation world is most concerned about.

MR. STICKELMAN: Ken, just for the recordation, there are several things that we're doing. One is to have photography, which they spoke about earlier, which is the black-and-white photography.

In addition, the Port Authority is also going to be doing color photography of the entire site. And, I think, Ken, you are aware of this.

Tito Dupret from the World Monuments Fund actually was there last week taking the 360 photography of the World Trade Center site and the bathtub. Actually, if anyone's curious, they can stop afterwards. There's an article about him in Conde Nast that

I brought so you can see what kind of photographs he takes.

In addition, the LMDC is actually right now talking to videographers, possibly three, to actually videotape the actual experience of going down to the World Trade Center site before any work is done. We are working with them on getting access and having that done.

So you'll have the HAER photography, the color photography, Tito Dupret's 360, and the videography.

MR. LUSTBADER: I just want to stress the need to have curators who are on the Memorial Advisory Committee giving an input, because, you know, I'm a lay person in preservation, and there were so many good resources on that committee that could be tapped, just to say, "No, here's a way to do it better."

MR. RINALDI: We didn't answer his questions.

MR. STICKELMAN: The engineering stuff, I can't answer.

MR. RINALDI: I'll tell you what

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it was originally used for.
The reason that remnant structure is standing is because during the recovery process, that was the only way we could really get down into the 1-9 subway, from that end of the areas that weren't collapsed, and that's why it was left there. It was really used as access during the recovery process, and then later on, during reconstruction of the 1-9, it was also used for construction access as part of going forward.
That's why it was not demolished at the time we were going forward with the recovery.
The structure itself was somewhat damaged both during the demolition and recovery/removal process. So while it's a stable structure, it's not going to collapse, it's not meant for public access. It's cracked. Over time it's deteriorated. It's not meant to last.
So that's what Carla was referring to about the stability of the structure, is that its long-term usefulness in its current condition will not be there. It's

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a block wall. The cement, where the stairs were on, has been cracked. The escalator was ripped off of there. It used to have an escalator up on top.
So what you see there truly looks like a remnant structure, but it's not -- the structural integrity of that wall, it's not going to collapse today; it's not meant to stay like it is for a long time in the future, as it exists. That's just the existing structure.
MR. LUSTBADER: But it is a remnant structure, and it could be stabilized?
MR. RINALDI: You could refurbish the structure to make it a stable refurbished structure. It might not look quite what it looks like today.
MR. LUSTBADER: You can also stabilize it as it exists too; you don't have to refurbish it.
MR. RINALDI: I'm not a restoration expert. Just in terms of the structure and how it's boxed and what's there would have to be strengthened, and whether that could be done so it's invisible or not --
MALE SPEAKER: From a practical

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point of view, what -- is it in the way of the design? I just want to understand.
MALE SPEAKER: Well, your recommendation in the end is it's a remnant and it ought to be preserved. Is that the recommendation?
MALE SPEAKER: I'm not making a recommendation, no. I wanted to get a better understanding as to what's the condition and just what's the potential use in terms of the area that you had mentioned, the egress and ingress for 1 and 9, if it had to be reconfigured.
MS. BONNACI: [Inaudible] reconfigure because that accessway was built many years ago [inaudible] we're looking at, and then [inaudible] is what makes that exact [inaudible] concept of the proposed [inaudible] is something that [inaudible]. But, you know, where exactly is the best place [inaudible] around access to [inaudible] fairly complicated issue. But we're also looking at [inaudible] structural hardening to protect [inaudible] criteria as well impacts how long and where one can access [inaudible]. So we just can't

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[inaudible].
MR. KORNFELD: Bob Kornfeld, Historic Districts Council.
I think that the way you're approaching it is kind of symptomatic to me of the general problem. It's kind of a corporate culture thing, maybe.
You're not looking at this primarily as a historic site. You're looking at these structures functionally.
I think that, you know, on September 10th, this was a transportation and office facility. Today, this is a world monument, and these things have meanings and significance that they didn't have in the past.
I don't think the issue of this structure -- I'm not saying that this structure has to remain in exactly its current form for eternity, but just the way that you are looking at it is that "It was damaged and it's not really useful, and we want to build something else there, so it has to be torn down." That's essentially what you are saying.
I think that you need to look at it. First, is it significant; what would need

to be done to stabilize it; how can it be incorporated into a historic site.

It's just a very different approach. I think that if you walked across Vesey Street, you would see a number of things all along there, like there are columns that stub up all the way along from Five World Trade Center; there are remnants of floor finishes. There's just a lot of stuff.

I think that if you looked at the site with a different point of view, then you would walk along and every five feet you would say, "Oh, look at this; oh, look at that," and come up with an inventory of things that would be up for discussion, rather than just seeing it as kind of a clean slate.

And I think that that's true, certainly to the greatest extent, with the footprints of One and Two World Trade Center, where I feel that all of the -- the entire footprint has a lot of features. There are concrete slabs and equipment pads, sump pits, elevator pits; all of those are -- if you looked as an archaeologist, if this site were buried for 2000 years and then you were part of

a team that excavated it and you went in as an archaeologist, you would find all these things, try to figure out what they were, sort of clean them off so they were protected, make an inventory, analyze the whole thing.

And no one has approached this project that way at all. It seems to me that even the HAER photography is going to take place with a foot of fill over everything and construction equipment everywhere, so you can't even see the footprints. I may be wrong; maybe it will be cleaned off.

But I just think those are all things that need to be documented. You can't -- especially a lay person who's involved in this and didn't see anything during the recovery cannot conceptualize what the footprints are without seeing them cleaned off of debris and seeing all the -- the core columns, all the different slab levels, the damage to the slab.

I think you did a plan of Six World Trade Center that showed sort of the remnants of the slab and the columns, and then it suddenly became easy to conceptualize what

was there. I think you really need to do that for One and Two World Trade Center, to show every single feature.

Start with an original detailed floor plan and then go through and show what's there; these were all cut off at this level, and then what areas of slab are damaged, and so on.

Anyway, that's my comment. Thanks.

MR. KLEIN: I just want to make an observation, and I say this as someone who works with engineers, has worked with engineers on a daily basis for thirty years. The point -- I worked for many years, a lot of people know, for what was the largest AE in the state of New York. We had 17 floors of office space in the South Tower for many years. So I think I know something about how engineers think.

What I'm noticing, and I say this not as a criticism but as an observation, is that the engineers at the Port Authority seem to be viewing the historic remains at the World Trade Center site as an impediment to their project. And that's understandable, as

engineers who want to build and want to create something new.

But if we were to do that, we would say, "Well, gee, it's your project that's an impediment to the preservation of a really, really important historic site."

And why you wouldn't be giving precedence over the other is subject to debate, and that's what the 106 process is all about, to make that decision.

Bob Kornfeld mentioned -- he talked about archaeologists in the future. Well, I'm an archaeologist. I think 2000 years from now, which was the time period Bob mentioned, if an archaeologist is excavating the remains of the World Trade Center site, it's going to be the remains of the original Twin Towers and not the new Port Authority transportation hub that are probably going to be considered the most important aspect of that site.

I would just ask that you think about some of these things a little bit as you proceed. You've got some good consultants who can talk to you about this.

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I think your engineers need to educate themselves a little bit more about the emotional and historic importance that's associated with this site and think about some better ways as to how they can incorporate some of the concerns rather than trying -- consistently treating them as an impediment to the development of the site.

MS. LO PRESTI: Louise Lo Presti.

I know you guys at the Port Authority always get a bad rap for everything and you get blamed for it all. In this case, unlike -- I have a slightly divergent point of view.

I think that the Calatrava design is brilliant. He is an architectural artist.

However, the nature of his designs is such that it doesn't corporate klugey things like artifacts and remnants. They simply don't fit in a Calatrava design, and that's something that we haven't discussed here at all.

If you go into any of his sites,

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you are not going to find something like a remnant of a staircase or a box beam.

Maybe you will find a glass wall looking out to something like a slurry wall, but nothing else. But that's his vision.

We, as Americans, have a profound disrespect for our history, and if you go to any number of cities in this world, you will find architectural remnants in metro stations.

In Mexico City, when they were in the process of unexpectedly discovering an archaeological ruin, what did they do? Did they take it out? Did they mitigate it? Did they cover it up? No, they built around it.

So if any of you have ever been there, when you walk through those stations, you see the ancient ruins in situ. The same thing for London, Rome, Paris, St. Petersburg, Moscow.

Are they less sophisticated than we are? No. Hopefully we could learn from that.

Second -- and before I leave this subject of artifacts, I think everyone has

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covered everything except the H&M tubes. It would be sad to see the H&M tubes go. They really are distinctive. I think that was brought up by some of the national people in the first meeting.

The second, on the issue of the Port Authority being the engineer of record for Silverstein, who is using private monies, there have been a series of articles in The Wall Street Journal speculating -- for over the year, speculating why federal money has been released to Silverstein in advance of his building plans.

Well, now it's fairly clear; because the money is being funged, so that private monies will in fact pay for this. And it doesn't take a financial rocket scientist to figure that out.

And that is why these issues are in the 4F statement, because the money is funged.

MS. VAUGHN: Charlene Vaughn from the Advisory Council.

I think that a lot of the comments that have been made are on point.

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I would, however, commend the Port Authority and FTA for their approach to identifying distinct historic elements on the site and trying to gauge what the effects are, which is somewhat different from how we function with the LMDC review.

What I would say is let's build on that, let's look at alternatives, have the discussion, and I think we can get there.

I don't think that we're that far apart in our thinking. I think it's just really looking at the full range of alternatives and documenting the pros and cons of them.

And I think that one thing we never really did was look at the site holistically, and that's what Bob was saying; it's not disparate parts and elements and resources; it's a total site. We keep missing that, and I don't know why.

MR. GOELZ: Anybody else?

MR. GARDNER: Do we have any slide capability anymore? Because I notice it went off. I don't know if it was a screensaver.

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Can you go back to the E train platform remnant?

I just have a real quick anecdote that I think kind of speaks to what Charlene was saying.

A couple family members went on a tour of this. The Port Authority took us on a tour right before they opened the temporary station in November, and we were standing on the E platform. Between those two doors there you will see a panel; it looks like a wall. That's actually a panel that was put up in front of a door, and on that door was written, "9-13," in orange paint, and some various symbols, and we had Lee Ielpi with us, who his son as a firefighter who was killed, and Lee also worked through the whole recovery period. And he sort of deciphered what those symbols meant, and on 9-13 there was rescue team that got to that point.

And the Port Authority was -- and I don't think this is malicious, but they were getting somebody in the next day to kind of clean up the doors, and when we sort of pointed that out to them and talked to them

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about it, they made a couple calls and they made the commitment to board it up and save it.

And this collaboration between us, I think we can maybe point out things that you might not see that we see.

And I believe that door has been saved. At least it was boarded up.

But I think that also adds to the significance of this E platform area, which should be considered, as Eric said and, I believe, Ken said.

What I would like to know is you mentioned that Tito Dupret came and did the 360-degree photography.

Were the footprints cleaned off for that? Because we all know there's, like, a couple inches of that dirt and construction.

Does anybody know?

MS. BONACCI: It was done as the site is now.

MR. GARDNER: Okay.

MS. BONACCI: [Inaudible.]

MR. GARDNER: Now, I think it's pretty sad that, two and a half years later, the Coalition of 9-11 Families has better

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pictures than you guys have.

I mean, we have a photo that shows the perfect delineation of the North Tower footprint, with the ramp feeding right into it, and I would hope that you would take advantage of Tito and have him come back and photograph the footprints, especially given there's so much -- it's not clear, when you talk about --

When you focus on columns versus the footprints, it would be nice for people to have photos of what's actually there so we can make those determinations, hopefully together.

I think the families have compromised a lot through this process.

We originally had rejected the PATH coming back in that area, and I think the position that we put forth was provided that what was put back was originally there and that it was incorporated somehow into the Memorial experience, we would be willing to compromise that.

I mean, that's coming from, you know, a position like -- a rather optimistic position that we do have a position of some

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sense of authority in here, but -- I don't know if that's really the case.

But I really want to, once again, urge you to take a look at One World Trade Center and Two World Trade Center's footprints, and I beg you to preserve the maximum amount of those footprints, because only -- their significance will only increase over time.

And I'm not talking about just a row of columns; I'm talking about the space that they define and the columns together.

MR. KLEIN: Joel Klein.

I want to just elaborate a little bit on what Anthony said about the significance of the areas within the perimeters as defined by the box beam columns.

There is a GPS map prepared by the fire department showing the precise locations of approximately 20,000 human remains, the site of recovery at bedrock, and the vast majority of those remains came from within the footprints, within the area delineated by the box beam columns. And that's one of the reasons that that area within the

box beam -- within the perimeter is so significant.

It's unfortunate that what we see in some of the slides here and in the effects analysis that's been presented is the treatment of the individual box beam columns as what is contributing to the significance rather than what they comprise, which is the footprint, the entire area as defined within those perimeter spaces.

45 percent of the victims have still not been identified, so that's the last place these people were known to be, and it's the only place that many of the families will have, ultimately, to come.

I ask you to consider that in terms of what you are doing to this site, and to take that into consideration.

If I could -- if you could go back to slide 34? I just want to point out some of the inconsistency in the logic that you've been using.

In the previous slides in the earlier part of the discussion you talked about numbers of box beam column remnants that would

be preserved.

Yet on this slide, the very last bullet point, you are taking credit for the fact that the substation is avoiding the footprint; you didn't say avoiding the box beam column members. It appears that you are using two different standards to assess impact.

When you want to talk about the main parts of the facility, you talk about the box beam columns that are going to be affected. What you really should be talking about, again, is the entire area within the footprint and the percentages. So you are kind of using apples and oranges.

In terms of the effects determination, a number of comments, one of which what it's sadly lacking, and I think could be incorporated without too much effort, is a consideration of the various alternatives.

That information is included to some degree in the 4F statement, and it probably should be incorporated in the effect finding, in particular, a discussion of, probably even in a tabular format, of how the various alternatives described in the 4F

statement would affect the various remnants on-site.

I would also ask that an additional alternative be considered, which is a variation on the no-build, and that is to just not build the fourth platform, and what the effects on the resources would be by doing that and what the consequences would be.

You are basing a lot of your assessment on the assumption that that fourth platform will be built, and in fact, on slide 21 -- if we could have that?

I'm not sure if you misspoke, but it was my understanding that you said that this analysis did not include the effects of the fourth platform, but in fact the slide says it does, so I just would like to clarify.

MR. RINALDI: Let me correct that, if I spoke that way.

I said it did not include the potential effect of bringing down a column that supported the station that might have an impact on the footprint of the tower.

And let me go further. When we're talking about impact on the footprint, we

translated that to the box beam columns because Lou and I had spoken, and Lou, previously in presentations, talked about the percentage impact on the footprints, and there was a lot of concern beyond that about actually the visibility of the box beam columns and the significance of that. That's why we focused in terms of that.

The percentage of the impact on the footprint is still the same as we talked about before, which is the 3 percent -- from zero to 3 percent, from 48 to 50 percent. We are looking at the number of box beam columns within that percentage that would be affected, and that's what we were trying to say.

I'm not in any way saying that the footprint wasn't significant. It's the details within the footprint.

MR. KLEIN: Thank you for clarifying that.

I'm wondering if -- I suspect this information is in the DEIS, but I think it would be helpful to all of us if we had sort of a road map as to where to find it, and that is the documentation supporting the increased

ridership. I think you estimated it is 25 percent at the end of twenty years.

MR. MENNO: Yes, 25 percent above the pre-9-11 ridership at the PATH Stations.

MR. KLEIN: And that's at the end of 20 years?

MR. MENNO: Within -- up to 20, 25.

MR. KLEIN: Okay. 20, 25. So it's from when construction is completed?

MR. MENNO: Basically 2009 to --

MR. KLEIN: Is the supporting documentation to that analysis in the DEIS?

MR. MENNO: Yes, it is.

MR. KLEIN: Could you --

MR. LENAHAN: The number is in Chapter 8, Section A.

MR. KLEIN: Okay. It's 8A.

Are there any backup studies to that or is all the data presented there?

MR. LENAHAN: There's the chapter and related appendices.

MR. KLEIN: So it's in the transportation appendix?

MR. LENAHAN: Yes.

MR. KLEIN: Just a few more.

Tim Stickelman mentioned that -- and, I think, again, somebody may have misspoke here that the photo documentation at the World Trade Center site was completed.

MR. STICKELMAN: No, it's not completed.

MR. KLEIN: Okay. I suspected somebody had misspoke.

Tim also referred to the HAER recording, and I know we are getting into the LMDC material here as well, but has any decision been made as to the type of HAER recording and, in particular, has the National Park Service been consulted yet? That was a commitment of LMDC within the programmatic agreement.

MR. STICKELMAN: I can't speak for LMDC. I don't know what they have done, National Parks. That's a question for LMDC. But your comment is noted here.

MR. KLEIN: And the last thing, if we can sort of go off agenda a little bit, but we weren't given the opportunity to -- we

weren't asked as to whether we had agenda items -- to come back to the artifact issue.

You mentioned that the artifact inventory is ongoing.

Frankly, we've been puzzled as to why this has taken so long; in particular, why there isn't even a count of the numbers of artifacts.

When we visited Hangar 17, we raised the issue at that point; there was a concern that items might disappear, and the response was, "Well, there's very heavy security," and our response at that time was, "Well, fine, then you will know who to suspect." But you don't even still know what's there. You would have no way of knowing if something was missing.

Tim, do you want to respond to that? I've got a few more on the artifacts.

MR. STICKELMAN: I will wait until you are finished.

MR. KLEIN: Okay. The Port Authority has indicated that it's the custodian of the remains rather than the owner, and yet the Port Authority -- we've heard rumors of the

Port Authority making commitments to turn over artifacts to other institutions.

We'd like to know if that's true.

We also keep finding out about pieces of World Trade Center popping up all over the place, and we're wondering -- including in The New York Times today, there was a story that the towns of New Castle and Chappaqua in Westchester County have pieces of steel from the World Trade Center that they were about to incorporate into a memorial there, that were, quote, "given to them by the police."

Is the Port Authority taking any action to recover any of these materials or find out if any more materials exist, other than what you are already aware of?

MR. STICKELMAN: We can only give an inventory of what we have in our control and custody.

What I can tell you about those pieces that you may hear about being incorporated into museums and memorials throughout the country, those items did not

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come from the Port Authority.
I will say that the Port Authority does have a number -- a significant amount of requests from memorials and museums throughout the country, but all that is on hold until after this process is done.
We're not giving out any pieces of steel or anything else that we have under our control and custody.
MR. KLEIN: You didn't quite answer my question. The question was, is the Port Authority taking any actions to try to identify any of these materials that have gone off-site?
MR. STICKELMAN: No.
MR. GOELZ: Joel, if they said they got it from the police, wouldn't the inquiry be to the police?
MR. KLEIN: Was it somebody local, you know, a local responder who, quote, "stole it"?
The point's been made many times that this material does not belong to the Port Authority, that it most likely belongs to the insurance company, and if in fact all these

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institutions have pieces, they are in fact holding stolen property.
It's kind of shocking to me, as someone who works with museums a lot. I know when I turn something over to a museum, which I do quite frequently in my own work, I have to go through an awful lot of paperwork to prove that I had custody and provide for an adequate chain of title.
Yet there seems to have been this free-for-all of grabbing stuff off the World Trade Center, including some of our very prominent institutions, with no concern as to who has legal ownership of this material.
MR. GOELZ: But I think the Port Authority, have they given you a substantive answer in terms of the material that they have?
MR. KLEIN: Well, yes, but what they've said is that they're not doing anything.
MR. GOELZ: They are holding it.
MR. KLEIN: I think the last -- in terms of finding additional material.
MR. STICKELMAN: Joel, what I can say is that the Port Authority, as you

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know, was not in control of the site until after June 2nd.
MR. KLEIN: I understand that.
MR. STICKELMAN: So we have no way of finding out where all that steel went to. I mean, the answer is no, we're not going to be doing that.
MR. ALLISON: Tim, could you just respond to his question about why the inventory is taking so long?
MR. STICKELMAN: What it is, it's the secondary lot; that I don't know if you recall, in the inventory that you were given, there was a whole secondary lot. There was one picture taken of all this huge lot of steel. They are right now actually cataloging each piece of steel, taking a photograph of it as -- I don't know if you remember from the inventory, there were pieces of steel with numbers on it. That secondary lot is being done right now.
The reason why there is a concern that it's taking so much time is some of this may be contaminated, so they have to treat it all as if it's contaminated, so they

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have to take it out of the hangar, photograph it, give it its number, bring it back into the hangar, and that's all going on as we speak.
We hope -- I can't really answer, because I know when they're -- I know they're working diligently out there, but I think we'll, hopefully, sometime in July have a completed inventory. And each piece, just like the other ones, will be numbered.
MR. GARDNER: And the flag?
MR. STICKELMAN: And the flag.
MR. KORNFELD: I would just like to bring one particular piece to your attention that I saw recently, and I just felt it was a very significant Trade Center remnant.
It's at the Intrepid Museum. In the front, when you first enter that site on the right, there's a big ship's propeller from the USS United States, and then right next to that, outdoors, is a piece of -- a tower, one of the triad pieces, a partial piece.
But it has the column covers intact on it. It's the only piece that I've seen anywhere that has the column covers intact, with the sealant and everything, and

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you can see from the back. And there's a plaque that says it was given to them by the Port Authority police.

I mean, I think it's an appropriate place for something to be exhibited, but this, I happen to think, is a very significant piece that should be considered possibly part of the Memorial; maybe there, but definitely not sitting outdoors, unprotected, in a salt air environment.

So, anyway, I just wanted to bring that to your attention.

MR. GARDNER: Nobody mentioned the -- I don't think anybody mentioned the steel cross and the ramp.

In terms of what we've seen here, we just see proposed mitigation being removing these items.

Can you -- can the Port Authority give some sort of commitment that they are going to be protected and preserved and give us some sort of assurance that they are not going to just be destroyed?

I'm not saying they should be preserved in place, but the cross is important

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for a number of reasons, as a document of the recovery period, and also the ramp. I mean, during ceremonies, we've traveled, we've journeyed down the ramp to stand on bedrock, and it's a document of the whole recovery period, the ceremonies that have taken place on the anniversaries, and it would be really -- it's something that we would hope would -- you know, we don't want to pick up a newspaper one day and find out that that was just recycled.

So those two things.

And once again, since the photo documentation is not complete, as Tim said, just urging you to clean off those couple inches of dirt on those footprints and take some real -- you know, take an accurate account of what's there so that these determinations can be made properly.

Because a lot of these documents still remain flawed by implying that the columns form portions of the lower footprints. I mean, these are the footprints. Go to that site right now. Street level to 30 feet is midair. They are symbolic representations of where the towers stood. These are the tangible

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ruins of the footprints.

They are not functional, you can't support them maybe, but they are ruins; they are modern-day ruins, and you have to preserve the maximum amount for the public to be able to benefit from them in the future.

Lou mentioned before about this transportation hub as being something for the future. That's something you could really give to the future, by preserving the maximum amount of these footprints with column delineations, something tangible that they could always experience and connect to September 11th, because we will all be long gone by then and we won't be able to tell the story.

MR. GOELZ: Thanks.

It's after 5:00, so why don't we see if we can do some final wrap-up work.

As you know, the comments are due on the 21st, and one of the things that we were discussing was whether we could ask you to give us your comments right after the 4th of July weekend, which would then allow us to hold a second meeting such as this prior to the 21st.

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But we didn't want to impose that on you. If people want to wait until the 21st, that's also doable.

But I think in terms of keeping the communications going and trying to be responsive as well as timely, whether that's an agreeable strategy, which we would ask for comments right after the 4th of July weekend and then try and hold a second public meeting on this sometime around the 13th of July.

Is that right? Somewhere in that region.

Does that seem unreasonable? Any major objections?

Go ahead, Joel.

MR. KLEIN: I don't have an objection. I just want to say I think it's a wonderful idea, but I would ask that if we were to do that, that the agenda for that second, next meeting be to specifically discuss the comments that we have rather than -- and have you respond to those, rather than hearing an updated presentation, although you would probably like that as well.

MR. GOELZ: You would want an

updated presentation, yeah, and I think we can. We will try to do some response. I'm not sure we can respond to all of them, but we certainly could do some.

MS. GAULL-HOWARD: What I'm saying is why don't you just meet with the families and leave everybody else out of it then.

MR. GOELZ: So are we in agreement, then, that we will have written comments which would be due July 6th? Is that what we're saying? Is that the Tuesday after?

As close as you can after the 4th of July, and then we will schedule a meeting, giving two or three weeks' notice as soon as we can around July 13th.

Is that okay?

FEMALE SPEAKER: I have another question.

How will we address the comments we're turning in on the draft DEIS? Because with LMDC, I don't know that we ever got a summary of the preservation comments that were received during its environmental review process. And I think those are important, and

everybody who is interested in preservation issues may not in fact be here or have the opportunity to attend these meetings.

So I'm fine with that schedule but would like to know how we have the benefit of any other preservation comments that come in during the environmental review process. The comments from the 21st -- after the 21st.

MR. WONG: That would be part of this discussion as well.

FEMALE SPEAKER: That would be great.

MR. GOELZ: Okay. Any other questions?

MR. GARDNER: I think our attorney, if she's able to receive these, on the line.

MR. STICKELMAN: Is anyone on the line still?

MS. MERRITT: Yes. Betsy Merritt here. I'm still here.

MR. STICKELMAN: Anyone else?

MR. GOELZ: So we will get a notice out as soon as possible to set a time and date after July.

MR. KLEIN: When will the transcript be made available?

MR. GOELZ: The transcript? There's one thing I want to say about the transcript. Remember, we cannot vouch for 100 percent accuracy of the transcript. She has done an extraordinary job. We have tested her skills, but we are not going to go back and circulate the transcript to everyone for editing, because then you wouldn't see the transcript for about two years, knowing this group.

So when will we be able to see a transcript?

THE REPORTER: A week maybe.

MR. GOELZ: About a week or ten days.

MR. STICKELMAN: We will be making that available. It all depends on her schedule in getting it to us.

MR. KLEIN: Thank you. I want to close on a very positive note and thank the Port Authority for arranging to have that transcript. We appreciate it.

MR. ALLISON: I would just like

to say that with all the things that we may have said to you today that may have sounded like criticisms, and they probably were, that the Port Authority has to be complimented, and as many of us complimented the DOT on the 9A hearing, on being much more cooperative and much more forthright than certain other agencies.

MR. GOELZ: I should say, one of the things is at any kind of these public processes, you get punished sometimes, and of course, for doing the right thing you end up getting beat up for a couple hours, but we understand that.

MR. ALLISON: Thank you for the opportunity to beat you up.

MR. KORNFELD: I would like to point out also that while we may sound kind of strident in tone at some points, that we've been very focused on issues that we think are important and really not attacking the overall plan for the site. And I think we have to see -- I think probably most people here feel that Calatrava is a genius, and I don't think that that's -- that terminal itself is not a

point of attack. Really, the impacts on historic resources I don't think affect major elements.

MR. KLEIN: I would like to second that.

I also want to say to the engineers, you know, I talked about your viewing the historic resources as an impediment. I think you should treat this as a challenge, as something that you need to deal with.

As somebody once told me -- I worked in nuclear waste disposal for a long time, and they said there was no such thing as nuclear waste problems; there were only issues that needed to be addressed.

And I think if you take that same approach to the issues and the challenges of building your facility within the constraints that historic preservation creates at this site, I think everybody is going to be pleased with the end result.

MR. GOELZ: Good. Thank you.

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(Meeting concluded at 5:30 p.m.)

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WTC TRANSPORTATION HUB
PERMANENT WTC PATH TERMINAL
SECTION 106 CONSULTING PARTIES MEETING

JULY 20, 2004
PORT AUTHORITY OF NEW YORK AND NEW JERSEY
115 BROADWAY
NEW YORK, NEW YORK

WTC TRANSPORTATION HUB
PERMANENT WTC PATH TERMINAL
SECTION 106 CONSULTING PARTIES MEETING

JULY 20, 2004
THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY
115 BROADWAY
NEW YORK, NEW YORK
3:30 p.m.

Transcription by Jane Rose Reporting

PORT AUTHORITY OF NEW YORK AND NEW JERSEY:
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Jonathan Cohn

LOUIS BERGER
Tracy Newmann
CONGRESSMAN MOLONEY'S OFFICE
Phil Kraft

Bob Rivari (phonetic)

Mark Shaming

Bruce Desell

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MR. BERNARD COHEN: Sorry for the delay in getting started. My name is Bernard Cohen Director of the FTA, Lower Manhattan Recovery Office. FTA is the federal funding agency for the Port Authority Permanent PATH Terminal Project.

I'd like to begin by welcoming you all to today's Consulting Meeting, which is being held under Section 106 of the National Preservation Act.

At the last Consulting Parties Meeting, which was held on June 14, many of the most significant features from the draft determination of effects document were discussed at some length. Valid questions were raised about how those features will be affected by redevelopment of the World Trade Center site. And feedback that you provided at that meeting and in subsequent written correspondence, the most recent of which was a letter that we received last Friday from the Coalition of 9/11 Families, was carefully considered and factored into the preparations for today's meeting.

It is my hope that the ideas that you

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will be hearing today from the Port Authority addressing issues that were talked about at the last meeting will create positive momentum for moving the 106 process forward.

In short, I hope that today will be seen as a day of progress, recognizing that inevitably there is more work to be done.

Before turning the meeting over to Peter Goelz, I would like to point out that a representative from the Lower Manhattan Development Corporation, Bill Kelley, is here today to participate in this Consulting Parties Meeting.

One of the concerns that was expressed to us is the need for better coordination between project sponsors at these consulting party meetings regarding historic resources. So hence, the representation for the need for that.

At this point, I would like to ask Peter Goelz to take over.

MR. PETER GOELZ: Thanks, Bernard. Good afternoon.

As Bernard mentioned, we really envision this two-hour session today to be a working

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period. Many of the comments, many of the suggestions, many of the written submissions that have come in over the past weeks, are reflected in some of the work that's going to be presented to you this afternoon.

We would like this session to be as interactive as possible. So as the various items are being discussed, we really encourage you to ask questions, perhaps to raise new issues, and to really get a dialogue going.

These are working drawings. These are not final drawings. These are not draft drawings. At some point in the near future, draft drawings will be prepared.

(Phone ringing.)

MR. BERNARD COHEN: Tim? Someone is calling.

MR. PETER GOELZ: At some point in the next few weeks -- can anyone name that tune?

At some point in the near future, draft drawings will be available and will become part of the record.

As you can see, our discussion here today is being transcribed. And if you need

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clarification, just jump in and ask us. Thank you for your work.

As I say, our proposed format is to be interactive. We would like you to comment as often as you see fit. And if there are issues that you think -- new issues that need to be raised, we will discuss those. There will be time for those as well.

I think we'll start it off with Lou, is that correct? We have a lot of work and presentation to do today.

MR. LOUIS MENNO: Yes, sir.

MR. PETER GOELZ: You all know Lou Menno. And before Lou starts, let's go around the room again and introduce each other. Why don't we start right here.

MS. LOUISE LOPRESTI: Louise LoPresti, Advocate Legislation for World Trade Center National Memorial.

MR. ROBERT KORNFELD: Bob Kornfeld, Historic District Council.

MR. JOEL KLEIN: Joel Klein for the Coalition of 9/11 Families.

MR. ANTHONY GARDNER: Anthony Gardner for the Coalition of 9/11 Families.

MR. JACK LYNCH: Jack Lynch, Coalition of 9/11 Families.
MS. PATRICIA REILLY: Patricia Reilly, Coalition of 9/11 Families.
MR. BILL LOVE: Bill Love, Coalition to Save West Street.
MR. BERNIE MCNEILLY: Bernie McNeilly, Port Authority.
MR. MARK PAGLIETTINI: Mark Pagliettini, Port Authority.
MR. ANTHONY CRACCHIOL: Tony Cracchiol, Port Authority.
MR. JOHN HOTOPP: John Hotopp, LBG.
MR. KEVIN LEJDA: Kevin Lejda, I'm with the Transportation of PATH.
MR. LOUIS MENNO: Lou Menno, Port Authority.
MR. PETER RINALDI: Peter Rinaldi with the Port Authority.
MR. GLENN GUZI: Glenn Guzi, Port Authority.
MR. STEVE PLATE: Steve Plate, Port Authority.
MR. LOUIS RODRIGUEZ: Louis Rodriquez, Port Authority.

MS. JACKIE HANLEY: Jackie Hanley, Port Authority.
MS. TRACY NEWMAN: Tracy Newman, from Louis Berger.
MR. JONATHAN COHN: Jonathan Cohn, Downtown Design Partnership.
MR. ADAM ALTER: Adam Alter, Battery Park City Authority.
MR. PHIL KRAFT: Phil Kraft, Congressman Moloney's Office.
MR. BOB RIVARY: Good morning. WTC Families, Bob Rivary (phonetic).
MR. ROBERT CONWAY: Robert Conway from AKRF.
UNIDENTIFIED WOMAN: (inaudible).
MR. KEN LUSTBADER: Ken Lustbader, Lower Manhattan Emergency Preservation Fund.
MS. ELIZABETH MERRITT: Betsy Merritt with the National Trust Preservation.
MS. ANDREA FERSTER: Andrea Ferster, Counsel for Coalition of 9/11 Families.
MR. BILL WONG: Bill Wong, Port Authority.
MS. CARLA BONACCI: Carla Bonacci, Port Authority.

MS. ANTHOULA KATSIMATIDES: Anthoula Katsimatides, LMDC.
MR. WILLIAM KELLEY: William Kelley, LMDC.
MS. VIRGINA BORKOWSKI: Virginia Borkoski, MTA.
MS. KATHERINE CHRISTODOULATOS: Katherine Christodoulatos, Wall Street Rising.
MS. JESI POZZYOLI: Jesi Pozzyoli, Rebuilding Downtown.
MS. STEPHANIE TALBERT: Stephanie Talbert Stephanie, Port Authority.
MR. CHRIS CALVERT: Chris Calvert, AKRF.
MR. ADAM LEVINE: Adam Levine, New York City Department Of Transportation.
MR. BERNARD COHEN: Bernard Cohen, FTA.
MS. CAROL BRAEGELMANN: Carol Braegelmann, FTA.
MR. PAUL LEBRUN: Paul LeBrun, FTA.
MR. MARK WAGNER: Mark Wagner, Voors Anger & Associates, architects.
MR. MARK SHAMING: Mark Shaming, New York State (inaudible).
MR. STEVEN WEINTRAUB: Steven Weintraub,

APS.
MR. STEVE COLEMAN: Steven Coleman, Port Authority.
MR. PETER GOELZ: I think that's it.
MR. LOUIS MENNO: Thank you. Good afternoon everyone and thank you for joining us here today.
What I wanted to point out today, this is another meeting as part of the Section 106 process for the permanent World Trade Center PATH Terminal or the Transportation Hub Project. And this is what this meeting is all about. It's focused primarily on the Transportation Hub Project. And we'd just like to point that out, but we do recognize and acknowledge that we are coordinating this with the other projects that are going on at the World Trade Center site that are being undertaken by LMDC or New York State Department of Transportation. And we get involved and we coordinate all of our activities with them because we are the owners of the World Trade Center site.
But today, we're focusing on the PATH terminal project, the transportation hub.

And also pointing out that the transportation hub has some impacts on the footprints and the columns of both 1 and 2 World Trade Center as we previously pointed out at previous meetings.

And so, working with LMDC and NYSDOT with other issues associated with the slurry walls and with the other remnant structures at the World Trade Center site.

This project does not focus on the removal of the portions of 6 World Trade Center slab at the northwest corner of the site. It is not part of our project, but we are working and coordinating all of our efforts, as I said, with LMDC and with our other business partners since we are the owners of the World Trade Center site.

And the transportation project that we're here talking about is the transportation hall that we are all are aware of, that will be designed by Santiago Calatrava, that's located on the east side of the World Trade Center site, as well as the various components that make up this transportation complex, which is the

east/west corridor, that comes from the World Financial Center under Route 9A into the site, into the main mixing bowl of the transportation hub, as well as the north and south concourses also. As we also join up and hook up with the N and the R Subway Line and hooking up with the Dey Street connections coming from the Fulton Street Transit Center. Then building the new PATH Facility which is the new mezzanine and the new station and platforms below in the original locations of where the original World Trade Center station once stood before 9/11.

And that is the whole goal here, is to talk about this particular project. But we do recognize, it interfaces with all of the other projects going on, and that's why we have representatives from LMDC and NYSDOT to talk about how we are working together and to share any of the concerns and comments that you have as they relate to all of these projects.

We do know that there is some overlap, but we're primarily focused on the

Transportation Hub Project. I'm going to turn it over to Tim Stickelman.

MR. BERNARD COHEN: I think he stepped out.

MR. LOUIS MENNO: I'll turn it over to Jackie. We'll skip over that. On the agenda, we'll go to item number three; the E Train.

MR. PETER GOELZ: We'll come back to number two when Tim comes back.

MR. LOUIS MENNO: As you pointed out to us at the last meeting in July about how we could incorporate, preserve and integrate the entries to the E train into the design, and we carefully looked at many different options that Carla Bonacci is going to present to you today of what we are considering.

We'd like to hear your feedback on these different options that are we are going to present.

And on this drawing here, hopefully you can see it, this is a cross section, looking north of the transportation complex, starting at Church Street, going west to just shy of Route 9A. And this area, this box that you

see here, that is the approximate location of where the E Train entrance, the existing E Train entrance exists, relative to the new plan for downtown transportation.

And as you can see here, we tried to, on this drawing, show relative to all of the other existing infrastructure and how we had to incorporate this into the existing infrastructure that was there in terms of developing the master plan for the World Trade Center site, as well as the plan for the transportation terminal.

What you can see here, this is the Main Transit Hall. And the elevation of this station, of the entrance from the E Train, is at elevation approximately 306. And questions were, "Why can't you keep elevation at 306 or 310," which was the original World Trade Center concourse consistent throughout, "stick with that and make that work?"

Unfortunately, by staying with elevation 310 or 306, it doesn't work with the plan, because that basically would bring you at the new street level, or the new street level within the master plan for the World Trade

Center site. And it doesn't quite work by keeping it at such a high elevation, because the goal in the master plan was to integrate the World Trade Center site with the rest of downtown.

Originally the World Trade Center didn't do that. It was isolated. And 310 was determined as the level of the lobbies for 1 and 2 World Trade Center, which basically controlled everything that went on into the site. That's why you had those high walls along Vesey Street and why the bridge going across 9A was very, very high. It was isolated. It was like a castle. We boxed ourselves in away from everybody. Now we're doing it in a more enhanced way of reintegrating the site to be a part of downtown.

And what you can see here, in terms of creating the east/west connection between the Fulton Street Transit Center and the Dey Street underpass and going all the way over to the World Financial Center, we're trying to keep it in such a way that pedestrian movement as a minimal amount of vertical

circulations going up and down.

And then keeping in mind, having to avoid hitting the 1 and 9 subway box that runs under Greenwich Street, as well as keeping clear of the PATH right-of-way, within the bathtub itself, and then coming in under the N and R Subway here, hooking up with the Dey Street corridor, as we coordinated all of our efforts, and to create a movement that will take people east and west, by working around, by coming through all of these existing pieces of transportation infrastructure without determining it.

And this is the configuration as we see it now. So that if someone were to come from the Dey Street corridor, they would come in here, take a stair or an escalator and they can go down to this level here, which is approximately at elevation 277, go down another level to 264 and go across. Or take right past the PATH area, just before the PATH area, or take another vertical circulation movement up to get to a higher elevation to get to the north tower, which is

the Freedom Tower.

And there are many different movements so that we can effectively create those intermodal connections between the various subway lines, PATH, as well as creating direct access to the buildings in and around the World Trade Center site.

MR. ROBERT KORNFELD: Sorry to interrupt. Bob Kornfeld, Historic District Council.

I'm just trying to understand what's on the drawing. Because the section of corridor that's being discussed is just a small section, like 30 or 40 feet, right?

MR. LOUIS MENNO: Yes.

MR. ROBERT KORNFELD: Are you showing that to be preserved?

MR. LOUIS MENNO: That's what we're going to show in a moment. I wanted to give you a quick overall view because the questions were asked --

MR. ROBERT KORNFELD: I don't think anyone was thinking that that should determine what the level of circulation is all around the site.

MR. LOUIS MENNO: Because what we heard last time was that why wasn't everything fixed at 310 or 306.

MR. ROBERT KORNFELD: No, no.

MR. LOUIS MENNO: Okay, I'm sorry. That's why we were addressing that.

Anyway, this is basically where it is relative to the rest of the transportation structure.

MR. ANTHONY GARDNER: Just a question in terms of the east/west connections. Where are the footprints on this?

MR. LOUIS MENNO: The footprints are in this area here. This is beyond it. So if the footprints are here, this is beyond the footprints. What you see here is not within the footprints.

MR. ANTHONY GARDNER: Is it north of the footprints?

MR. LOUIS MENNO: Yes, it is. That's correct. As you see here, this is a cross-section that's basically taken through this area here, but it does not go through.

MR. ANTHONY GARDNER: And that's at an upper level?

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MR. LOUIS MENNO: That's at an upper level. This just gives you a slice through it. But it's not through the footprint. This is not through the footprint.

MR. JACK LYNCH: Is it possible when you refer to these, that you could refer to the levels other than the elevation? I'll tell you why; elevation to most people is sea level. That's what we are looking at. This elevation obviously is completely different to some elevation that's -- I think it was some town in New Jersey.

MR. ANTHONY GARDNER: Talking about 30 feet is street level.

MR. JACK LYNCH: B-2, B-1, you know?

MR. LOUIS MENNO: Basically what we have here, street level, at Church Street is at approximately elevation 324. And the lowest level, which is the PATH right-of-way, is at elevation 250. So we're approximately -- there's like a 75 foot difference from the street level all the way down to the lowest level. The mezzanine area, which would have the fare control, as well as the level that will take people east and west, is at

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approximately elevation 264. And then within the transit hall itself, the bottom of the transit hall is approximately at elevation 277. And then depending on the circulation, there's circulation around here, around the outside edges or the perimeter of it and that's at basically elevation 295; coming around 295 or 296. So there's many different levels.

MR. JACK LYNCH: But lowest level is 250?

MR. LOUIS MENNO: Yes, lowest level which is in the bathtub at 250.

MR. BERNIE MCNEILLY: Lou, just to clarify that. Those elevations are Port Authority data. 300 means sea level. You were asking, so 324 is 24 feet above sea level. 250 is 50 feet below sea level.

MR. PETER RINALDI: There is one level at the station at B-6 level, which was inside the bathtub level, is actually the 243 and steps down from the PATH. That's why the PATH sits a little higher. But there is another level as you get outside the station area. It's a little lower.

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MR. JACK LYNCH: Thank you.

MS. CARLA BONACCI: There are four options specific to this area. I thought first I'd take you through what the existing condition is of this particular area, which on the plan is right here. It's about 1650 square feet. And prior to 9/11 and today, it connects E train users into the concourse that takes people to the PATH. And this is what the facility looked like prior to 9/11. And this is that E train entry, which is right here.

So what we're talking about, the area that remained after 9/11, is about at this point you can see the trafficking. There's a ramp and steps that take you to the doors that are then the entry into the MTA subway area. And there is this overhead.

Now, what we did is we refurnished this, so not everything is existing from prior to 9/11. The handrails existed prior. The flooring existed prior. The signage existed prior. However, we put in a new ceiling. Kept the same form. Kept the same envelope. Put in a new wall finish and reframed the

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columns so that you have a sense of what was. And this is what could be.

So we have four options of various stages of reuse of the facility. Right here, what we're showing is something where people leaving the E train could actually come into this area. And it's more of a museum piece, because it's not connecting through into the World Trade Center site.

So I don't know how you want to think about what that really means. But it's the idea of going into this area and seeing something of what was.

MR. PETER GOELZ: This is Option 2.

MS. CARLA BONACCI: Now we're moving to Option 2.

MR. PETER GOELZ: So option one is essentially everything; the 1650 square feet as you see it in the photographs, but not leading anyplace, essentially being an exhibition or museum area?

MS. CARLA BONACCI: Right. Exactly. No physical link. Not being used as it is being used today.

Then as we move here to Option 2, and

the other options, we're looking at reusing it in a way so that people walk through it as they did prior to 9/11, as they do today. It's part of a transit connection into the World Trade Center site. And what we looked at here was, keeping the elevations as they exist. So you're at 306 at the platform level, you come up some stairs to the 310 elevation, but you have to get back down to the 295.

MR. PETER GOELZ: Do you have that elevation shown here?

MS. CARLA BONACCI: And this is the section through. So you come up, you're at 310, the old elevation, you go back down. So it's about, if my math is right -- so I think one of the issues here is thinking about how people actually use this. This is the main connector for people that come from Penn Station every morning to work. It was a pretty heavily used corridor and passageway. And about 10,000 people a day I think were the numbers.

So you should think about how people traverse and is this a convenient mode to go

up and down, or does it became frustrating to people.

Then we move on to Option 2-A. And what we said here is, if we can modify this existing passageway and eliminate the stairs and the ramps, and hold the 306 elevation, then the difference is about 11 feet. And now, when people come in at 306, they only make one transition down into this transit area. And it requires -- we're still reusing it. We're still using it as a transit entry way, but perhaps it's more convenient for people.

MR. PETER GOELZ: And you would eliminate just one flight of stairs on it?

MS. CARLA BONACCI: As you can see, there's a four-foot change in elevation right here with the ramp. That would get cut out. Right here. And we would hold this lot in elevation. And then from there, people can transit to where they need to go.

And then this fourth option is also maintaining the area for transportation. It's essentially connecting people from the E Train into the R and W. It's not making a

connection into this area. We've also looked at eliminating the stairs, so that you're at the same elevation, because otherwise you get 360, 310. Pretty practical.

And there could be some issues with security concerns and because of the curve and seeing in there, people hanging out in there. And there is no connection back. And here you can see it is a straight line.

And that's essentially the four options. And we thought, perhaps you'd have some reactions to these. Give us some feedback.

MR. BILL LOVE: It seems to me the last two, if you're eliminating the stairs and the ramp, you're kind of eliminating the essence of the whole thing. And that's sort of what gives you the feeling that you have when you're walking into the concourse. And so, I would tend to say that those probably around worth the trouble. I don't think it's worth the troubles just to preserve the level. It's more the ramp and the stairs and the essence of it and the railing.

I don't know. That one preserves it.

Obviously it looks a little strange, and I don't know other people's reaction to that, but that would preserve it as something useful. Sort of, preserving it as a museum piece, the first one, doesn't quite seem maybe to be worth the effort. I don't know. So I suppose I'm more inclined with the second, but if people see it as problematic, and the up and down.

MS. CARLA BONACCI: Maybe other people have reactions. One is walking through this, and the volume, and the envelope part of the feeling, more than changing elevation. Because you're going to change elevation anyway when you're here.

MR. BILL LOVE: And it's not --

MS. CARLA BONACCI: I don't think it's preserving architectural interest, as much as there is an emotional attachment here. So what is it that makes it --

MR. PETER GOELZ: What is the attachment?

MR. BILL LOVE: I think it's the experience of walking up the stairs or the ramp that's the emotional attachment part of

it. You would lose that, I think, with the last two options.

MS. LOUISE LOPRESTI: As another frequent user, I would tend to agree that it's the processional experience of going through it that really, at least for those of us that use it, is the most significant. And in terms of traipsing up stairs and down stairs and up ramps and down, anybody who's gone through 53rd Street at Fifth Avenue, 59th Street and Lexington Avenue, we deal with this all the time. Grand Central. New York commuters are used to going up and down.

Last but not least, you raised a concern about 10,000 people going through here per day. There were 10,000 people going through before and it worked just fine.

MS. CARLA BONACCI: Yes. These are just -- I'm not saying is there a preference or not, but they went through it and then they were on one level.

MS. LOUISE LOPRESTI: I understand that.

MS. CARLA BONACCI: And we are familiar with it, and we may have a different

attachment to it than others who haven't been there before. I'm just asking you to think about that up/down movement.

MS. PATRICIA REILLY: But they go through it on a certain level and then they have to go somewhere else to travel. They're going up and then entering into a big transportation hub that can take them anywhere in the city. So they're better off, even in number one, than they were pre-9/11. Am I correct to say that when they go up and down -- well, from the E, commuters would come in from the big transportation hub right to the PATH train?

MS. CARLA BONACCI: They're coming -- from here, if we just take this --

MS. PATRICIA REILLY: That big yellow thing is the transportation hub, right?

MS. CARLA BONACCI: They'll either go to the World Financial Center, or over to the Freedom Tower. So it may continue along to Dey Street.

MS. PATRICIA REILLY: That circular thing is the hub?

MS. CARLA BONACCI: Yes. From this

level, they can go down to the lower level and then make their way down another level and then across.

Does anyone else have questions?

MR. KEN LUSTBADER: Ken Lustbader, Lower Manhattan Emergency Preservation Fund.

If you could just review, specifically the physical changes to what's declared the historic resource in there so I can get -- rather than being subjective about the emotional component and the feeling, I just want to understand the physical change to the resource.

MS. CARLA BONACCI: For each alternative? For the two that we're talking about.

MR. KEN LUSTBADER: Right.

MS. CARLA BONACCI: From what's there now, what would be the change with one of these alternatives?

MR. KEN LUSTBADER: Right. I've been through it, but just on --

MS. CARLA BONACCI: In this one, I suppose no change.

MR. BILL WONG: We would update the

materials that are temporary. There's fiberglass and other column covers.

MS. CARLA BONACCI: The level of what this gets refurbished to, does it go back to really what it was pre-9/11 if there were (inaudible) on the wall or does it get upgraded? That's another issue. But the envelope and the physical elements, the fixed elements, wouldn't change.

MR. KEN LUSTBADER: Okay, that's what I --

MS. CARLA BONACCI: The walls and the ceiling.

MR. KEN LUSTBADER: The interpretative elements and the design treatments could be discussed. Then, going forward, to create that 306 level?

MS. CARLA BONACCI: This, what's happening is this area right here, the swap where the steps are and then this ramp, this triangular ramp, would come out and it would get locked down to this 306 floor level. However, none of that's changing because it's the area right here at the floor.

MR. BERNIE MCNEILLY: Even though we're

taking out the steps, we have the ability to still utilize the tile, if so desired.

MS. CARLA BONACCI: Again, how this gets redressed or refurbished, to me, is the same as the dressing here, except you wouldn't have the steps, you wouldn't have the ramp.

Can you not hear me?

MR. PETER GOELZ: Go ahead.

UNIDENTIFIED SPEAKER: Where do the people like (inaudible) the E train and the ones where you don't have an exit from the E train?

MS. CARLA BONACCI: They would exit right here. This would be a new entrance that would be provided and they would come around at that 306 level, take vertical circulation. Again, same issue. And drop down --

UNIDENTIFIED SPEAKER: That sounds a lot more confusing than the way it is now where you would get off the train and walk out the doors. That way you'll have to walk down to the end of the platform, back up to the left and take more stairs. Doesn't sound like anything less time consuming.

MS. CARLA BONACCI: It sounds like this one is dropping off. That's okay we want to drop some off.

You give it refunction. So just ...

MR. TIMOTHY STICKELMAN: Just so you know, the transcriber can't get everyone talking at the same time. I'm trying to help her, but --

MR. PETER GOELZ: The transcript shows "mumble mumble."

MS. LOUISE LOPRESTI: One of the great drawbacks of the former site in terms of those who had to try to get from point A to point B was a lack of navigability. And I would hope that either in the usurious of this and planning overall, that that could be improved upon. In which case, this, as far as someone that needs to get around that area and the end one, they're not really viable.

MR. PETER GOELZ: So let's focus for a couple more minutes on the two center ones. And the difference is in 2-A, as you called it, the stairwell is eliminated. The stairs and the ramp are taken out.

MS. CARLA BONACCI: Taken out.

MR. PETER GOELZ: Right. And the reason for that is the convenience for the 10,000 people that are going to go through.

MS. CARLA BONACCI: What we call a level of service because the less vertical moves someone has to make, the faster their travel is, the more convenient.

MR. PETER GOELZ: Now, for somebody like me, steps are good.

MS. CARLA BONACCI: Everyone needs exercise, okay.

MR. ANTHONY GARDNER: Anthony Gardner with the Coalition.

You're not asking us to choose one of these today?

MS. CARLA BONACCI: No, we're just trying to get a sense.

MR. PETER GOELZ: We'd like to have feedback.

MR. ANTHONY GARDNER: I think this kind of relates to those of the Consulting Parties that are concerned with historic preservation. I think the issues is sort of twofold; you want the resource to be preserved, but you want people to be able to

experience it.

I think with the first one, and just a preliminary comment, you know, it's not -- people aren't going to be able to experience it in a way that would be sort of reminiscent of the way it was before because it would just be sort of there, and how would people even know where to go? Would you have signage with arrows saying platform?

MR. PETER GOELZ: I think that one is droppings off the board.

MS. CARLA BONACCI: I'd turn it around, but it's too big.

MR. ANTHONY GARDNER: Not saying you should do that, but I think with historic preservation, it's twofold because you want the resource preserved, but you want access to it.

MR. BILL LOVE: I would say between the two alternatives that we have left here, the second one over here really destroys too much of it. It's really the stairs and the ramp that are the experience. And it's probably not worth the trouble, otherwise, those are taken away.

So I would tend to vote for this one over here. The steps that you go up, it's a 4 foot difference in elevation that I think there are six steps. It's a gentle sort of slope. I don't think it's a real problem at all.

MS. LOUISE LOPRESTI: I agree as well.

MS. CARLA BONACCI: May I ask them a question?

MR. PETER GOELZ: Sure.

MS. CARLA BONACCI: In this area here, prior to 9/11, there was a small corner that was a storefront, a view window. What do you think, depending on the retail here, this became a store window? Not an access point, but a window where one sees merchandise, versus a wall because it is an adaptive change?

MR. PETER GOELZ: Does it show in the photographs?

MR. TIMOTHY STICKELMAN: It's covered. I don't know if anyone remembers, but pre-9/11 it was a HAER salon.

MS. CARLA BONACCI: But you know, I'm just curious.

MR. JOEL KLEIN: You're restoring the original function. And I think that would be appropriate and keep it closer to what was there, which relates to why the first option is dropping out.

This was a transportation corridor destined originally, and you lose that totally with the first operation. In regard to the other alternatives, there's clearly an inverse relationship between the level of service and the amount of historic fabric and integrity that's being maintained.

But because you're dealing with changes in elevation here, there's also a psychological element. When people have to make that change going up and down, to recognize that there's a reason for that to be there, very little in the way of interpretation would be needed at that point to make people recognize either this is why I have to walk up these four steps and down these ten steps on the other side. It's a real break on both sides.

MR. ROBERT KORNFELD: The elevation change relates to what was there. Not that I would object to it being the other way, but I think that's enough of a reason for people to understand why they're going up a few steps.

MR. JACK LYNCH: The doors were originally there -- oh, okay.

MR. KEN LUSTBADER: My hand was raised to raise the point that Joel was making. It's important, if we're going to accept the importance, it's important that people that are using it ultimately understand why there's a change in elevation and back down again.

MR. JACK LYNCH: The doors in that area had markings on it from the Fire Department; are they the doors that are there now?

MS. CARLA BONACCI: Yes.

MR. LOUIS MENNO: And they're covered over. And they are covered over with a protective covering, as you can see. Can you see it? They have not been removed.

MR. TIMOTHY STICKELMAN: I believe, Mr. Lynch, what we're committed to do is, I believe some of the consulting parties have asked us to add that -- to bring it out to Hanger 17. So it would be removed and brought out as one of the artifacts from part

of the artifact collection. That's why it's covered up, to protect it.

MR. PETER GOELZ: Tim, do you want to step up and move in?

MR. TIMOTHY STICKELMAN: Jack, you have to help me. I apologize for being a little late. My name is Tim Stickelman. Some of you know me. I work at the Port Authority.

I just want to give you a quick update on some of the status of the artifacts out at Hanger 17, and some of other issues.

As you know, some of you have been actually out to Hanger 17 where we have a number of artifacts that we're cataloging. You've been given an interim catalogue. We'll be finalizing it and I'll let Jackie speak about where we are on that.

We hope to have it out to you in a CD format by late August. I'll let Jackie speak about it.

One of the other issues too, I believe that came up last meeting, was the Intrepid, the piece of steel and facing that was out at the Intrepid.

Someone provided pictures to us. There

is a plaque there that says it was donated by the Port Authority Police. I have contacted the Port Authority Police; they have no record of this being donated.

I then reached out to the Intrepid to find out how they got it and who they got it from to track that down. And we will report that back to you.

But at this point, I can't give you any more answers than that. But there is a plaque that says it was donated by the Port Authority Police, but it was not an official donation as far as we can tell.

Jackie, you want to speak about the inventory as to what's going on out there? Jackie.

MS. JACKIE HANLEY: When you came out for the tours a few months ago, there was a lot of steel that we referred to as a secondary line of steel. So the issue was the inventory of that.

I know you asked the question at our meeting a month ago. So let me ask Mark Wagner from Voors Anger & Associates, who is working on the inventory everyday at the

hanger, and he can fill you in on the status of that.

MR. MARK WAGNER: Just a quick update on it. When I last addressed some of you previously thought that that secondary lot of steel contained somewhere between 200 and maybe 400 pieces of steel. Over the last few months, we've moved all of that steel out of the hanger, spread it out so we could get at each piece. As it turns out, there are over roughly 533 pieces -- 33 or 34, I have to go back and finalize my numbers.

Everything now has been moved back into the hanger. Everything has been photographed, measured, if there were any markings on the steel like shop tags from the original construction; all of that was taken down, photographed, handwritten.

And what we're doing now is we're in the process of putting everything into the database which, as Tim said, will be provided at some point.

As I said, everything is tagged. Everything is back in the hanger now, and 533 pieces.

MR. TIMOTHY STICKELMAN: Thank you.

MR. ROBERT KORNFELD: Informally, are there any more of the complete triad pieces, the columns with three plates?

MR. MARK WAGNER: There were not pieces like that in this secondary lot of steel. The secondary lot came to us towards the end of the cleanup of the site. It was steel that the DDC had just rounded up. It wasn't hand-selected by anybody -- an effort to grab what they could grab at the time. And, so most of it is just generic I-beam sections. You will find a couple of stair treads; things like that. Some things with a little bit more significance than others, but for the most part, it's typically I-sections.

MS. LOUISE LOPRESTI: We all understand, especially from the last meeting, that the artifacts are not only of tremendous significance to us here, but there's a great deal of curatorial interest in that as well.

There has been a slight disconnect in that the distribution of the artifacts or the allocation of the artifacts from the memorial center, as I understand it, will be dealt

with by a team of curators under the purview of LMDC. And to avoid a disconnect between the artifacts that are currently under control of the Port Authority and their distribution by the LMDC, it would be nice if the process of the potential distribution, or the request for distribution, be integrated between the two agencies so that you don't have a process where, on the one hand, you're controlling it, but we find out that another agency has, in fact, distributed them. There are certain stellar pieces out there, not just the triads, as you showed me, but the big steel angel. Some of them are really unique and they should remain here rather than being distributed elsewhere, no matter how wanted they are by other institutions.

MR. TIMOTHY STICKELMAN: You gave me a great segue into what I wanted to speak about, was the whole coordination with the LMDC and the Port Authority.

As you know, the Port Authority owns the site, so we are intimately involved with all the different projects that are going forward. There's the PATH project, which is

why you're here today, about the PATH project.

The Port Authority, as the owner of the site, is also intimately coordinating with the LMDC on their project, which is the master plan, which includes the memorial and the commercial development.

We are going to be coordinating with the LMDC on every step of the way. The Port Authority is a consulting party to their process, the same way our Consulting Parties to NYSDOT's process, same way we are consulting party to the MTA process.

You couldn't have given me introduction to this. There is a great coordination between these projects. They are separate, but they're dealing with the same resource which really is the World Trade Center. That is why, in the beginning, we have a joint coordination of eligibility and then the projects went their separate ways dealing with that resource. But that does not mean that we're not going to coordinate.

I want to emphasize that that's the key thing among all these different agencies,

both the federal and the local agencies sponsoring them is that we need to coordinate.

We have heard you. I know I have heard you. We really want to emphasize the fact that this coordination is going to continue. I don't know if LMDC wants to speaks about their next process in regards to the program because the Port Authority will be cooperating with them on a lot of things they'll be doing.

MS. LOUISE LOPRESTI: I would ask that -- I understand that there is coordination, and I'm sure everyone here would echo this. Much of what has transpired in this process previously has occurred. We've been informed of it ex post facto. And I think in the interest of ongoing good relations, that if it could be addressed in advance?

MR. TIMOTHY STICKELMAN: One big issue that you raised up was the curatorial. That's one of the things we'll be speaking to LMDC and the other agencies about the next steps in regards to that. You've raised it and we've heard you. We'll be meeting with

the LMDC to discuss that next step, but having some type of panel or something curatorial, except what we have already done.

MS. LOUISE LOPRESTI: No, what I'm saying is that I think it would be a proactive and positive approach if rather than the 106 participants being told ex post facto that ABC and XYZ have all been given away, that it be reviewed in advance of signing any paper off on distribution.

MR. TIMOTHY STICKELMAN: I hear what you're saying.

MS. LOUISE LOPRESTI: Okay.

MR. TIMOTHY STICKELMAN: And the other projects, I just wanted to mention, as you know, the MTA is working on the South Ferry project. And what has come up there is the Koenig piece, some of you may be aware of, which is basically the sculpture that was in the fountain. That right now is a temporary memorial in Battery Park City.

South Ferry is going to be going forward with their EA for the South Ferry project. And they may have to move that Koenig piece. They're not sure what they'll be doing

because of their project, but the Port Authority, if temporarily it had to be moved, as far as we're concerned, it should go out to Hanger 17, remain with the rest of the artifacts, until it's finally determined what's going to happen with it.

I don't know what South Ferry is doing right now, but I know they're not sure if they have to move it or not.

UNIDENTIFIED SPEAKER: If I can interrupt. They're prepared to do that project without moving the piece.

MR. TIMOTHY STICKELMAN: Okay, it's not moving then. That's the answer.

MS. LOUISE LOPRESTI: Under the heading, because I have to leave, and I want to put this in under other issues and resources.

In terms of other ongoing projects within this, since we have LMDC in the room, one of the standards of architectural practice in New York City is that you only have one signature building in the site.

Now we have the Freedom Tower, and the Calatrava Building. And the Calatrava Building, quite frankly, will be one

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of the great landmarks of the 21st Century to which the Port Authority should get all due congratulations for good taste. Adjacent to it is the Cultural Center. Originally it was foreseen, or I hoped, that the City Opera would move in there. And for various reasons it's not. And we now have several much smaller works that is going to be there.

Has there been any thought given to rescaling that building in view of the significance of the Calatrava Building, and are there, in terms of the actual tenants, who are much lesser arts organizations, or possibly even moving it elsewhere?

MR. TIMOTHY STICKELMAN: Unfortunately that's not part of this project. But I believe there are four programs. I really feel uncomfortable speaking about that.

MR. WILLIAM KELLEY: Bill Kelley. That's for a different discussion, but they'll be sized appropriately to their use. You know, it's a thousand-seat theater -- I mean, the program there and the building architects will design it to the programs.

MS. LOUISE LOPRESTI: One quick

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question: Is the concept then, is it possible that the building will be scaled up or down?

MR. WILLIAM KELLEY: It's really up to the architects when they're selected.

MS. LOUISE LOPRESTI: Thank you, Bill.

MR. ANTHONY GARDNER: I have a comment on the artifacts. And it might take like a minute or two, so bear with me.

I think Louise touched on this, but it's getting a little frustrating reading about things in the New York Times as Consulting Parties. I just want to make that point.

But it might not be such a bad thing in this case because maybe it's not too late for this particular thing. But Dunlap talks about an exposed steel beam in the garage that is clearly stenciled PONYA, for Port of New York Authority, as your agency was called at the time the Trade Center was built.

Do you know if this resource is included in any of your inventories?

MR. TIMOTHY STICKELMAN: You kind of gave me another reason to talk about something else I want to talk about; the HAER

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Photography. The HABS HAER photography has been completed for the northwest slabs. That HABS HAER Photography has some pictures showing the PONYA, so it's been recorded.

Prior to 1972, the Port of New York and New Jersey was Port of New York, and changed in 1972. All the steel from the Trade Center had that stamp on it. That's all part of the recordation of the HABS HAER Photography of the northwest slabs.

MR. ANTHONY GARDNER: Are we going to be able to review the HABS HAER photos so we could advise you if we think there's any resources that you should consider before 6 World Trade Center is demolished?

MR. TIMOTHY STICKELMAN: Northwest slabs, as you know, we met back in April. We had three items that we basically dealt with SHPO about bringing out to Hanger 17.

In addition, we are committing, if there are other items that we can take from the northwest slabs, in addition to those three items, an example would be, I know there are some glow-in-the-dark handrails that we want to get, which shouldn't be a problem.

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Then there are the other items that are in the northwest corner, that as they're doing the demolition that we'll be able to take out to Hanger 17, we don't know right now.

MR. ANTHONY GARDNER: I think if you remember back in April, many Consulting Parties asked to be able to see an inventory before you just decide what's going to be removed. I don't think anyone is arguing with the slabs you selected, but basically just the process in which they were selected, we were shown those three slabs and basically told to comment on those three slabs.

And what many Consulting Parties asked for is this HABS HAER documentation or inventory so we can look at it before it's destroyed and maybe mention to you, maybe there's something in there, you know -- for me, I think that's a significant resource because it speaks to the construction of the World Trade Center, which I would think that the Port Authority would be very interesting in preserving remnants that speak to that time period.

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That's the point I wanted to make on that. I think you should share an inventory with the Consulting Parties.

MR. TIMOTHY STICKELMAN: What we'll be doing, you'll all be getting, if you want it, a copy on CDs, of all the HABS HAER Photography. We finished the northwest slabs. We'll be taking the photography of the entire World Trade Center and all of its resources. You will be given a CD of all the photographs.

MR. BILL WONG: We still have to work out technically how we do that, but if it's a scan, it may not be the high reds, and all that. But we should be able to do that.

MS. ELIZABETH MERRITT: Betsy Merritt, National Trust. Is this going to be the same CD you referred to as being distributed in late August because we'd like to get these ASAP so we can give you feedback. We all, all the preservation-related groups, all very emphatically said we want more information about what features are in the parking garage so we can give you some feedback on elements that we'd like to see.

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MR. TIMOTHY STICKELMAN: The CD in August is the artifact inventory. The CD that we're talking about, you'll be getting. So what you're asking is you would refer to get the CD for the HABS HAER copy of the northwest slabs upfront. We'll be happy to supply that to you.

MR. BILL WONG: This is part of LMDC's --

MR. TIMOTHY STICKELMAN: This is the continuing cooperation. The northwest slabs, just so you know, is not part of the PATH project. That was part of the LMDC master of redevelopment and memorial. It's not part of this project. I want you to understand that.

MS. ANDREA FERSTER: Andrea Ferster for the Coalition of 9/11 Families. Just a follow-up on the question about the CD.

The Consulting Parties were interested in reviewing the HABS HAER documentation for the northwest remnants because they want to provide comments on whether or not there are other remnants featured that they would prefer -- I have a follow-up question, but that

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they would prefer to be preserved as opposed even perhaps in addition to the features that you have designated already in your review of the construction.

I understand your position is that the deconstruction of that structure is not part of your undertaking. But in the spirit of sort of cooperation that's going on here, I think it's really important that the Consulting Parties understand the schedule for demolition, or deconstruction of the garage structure in relationship to the comments that they're going to be providing you on the salvage element. How do the two mesh there? Maybe they want to make sure that their comments, if they feel that there are additional features that should be considered for preservation or salvaged, are provided before they are destroyed.

MR. TIMOTHY STICKELMAN: I understand what you're saying. We will provide you with a CD of the photographs. However, that process in regards to what mitigation members of the northwest slabs has already been completed. I can't say any more than that.

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That's not part of this project. But we will provide a CD of the HABS HAER of the northwest slabs.

And the Port Authority and the LMDC will make every effort to get any other items when they do the deconstruction.

MR. KEN LUSTBADER: I know we're diverting off the PATH project, but this speaks to the bigger issue that you began at the segue that the issue of cumulative impact. This is something that the LMDC and the five preservation groups are very concerned about.

How do we assess the PATH project? How do we assess the parking garage when there are these cumulative impacts on historic resources, that were individually taken into account, but holistically we're not addressing. And is there anyway for two things; one is the cumulative impact on historic resource. And two, to do an overall documentation now, rather than waiting.

MR. TIMOTHY STICKELMAN: The goal is to get the HABS HAER finished hopefully within a couple of weeks. The whole idea is to get

the HABS HAER done, the whole entire site done.

MR. KEN LUSTBADER: Is that going to include part of the uncovering, showing the perimeter and the outlines?

MR. TIMOTHY STICKELMAN: Yes. We'll get to that later on when we talk about the footprints, but yes, not only would be the HAER hotography, but the videotaping of that.

MR. KEN LUSTBADER: And again, that links to what was brought up earlier about coordination of the LMDC and the memorial center and the people who are curators on that who could be advising as to what is a good method of documentation. So it can be used in the future for the memorial center. So there's an ebb and flow but not a coordination perception-wise.

MR. TIMOTHY STICKELMAN: Maybe we're not expressing ourselves correctly, but there is a significant amount of coordination. As I said, we want to make every effort to get the entire HAER hotography of the entire site done within the next month or so; which

would include all the resources, the footprints. We'll talk later on.

MR. BILL WONG: That may not be done doable in a month. We have to see how the construction schedules work out to be able to get all the documentation. But we can submit to the documentation before any of the significant features are kind of altered.

MR. PETER GOELZ: I want to get to the footprints. Make sure we have time.

MR. KEN LUSTBADER: Follow-up to the cumulative impact issue. I want to know if that could be answered. Perhaps not now, but something you can discuss?

MR. TIMOTHY STICKELMAN: We've received your letter and also a letter from the Coalition in regards to that statement. I believe it was mentioned in both. And we're looking at that now.

MR. PETER GOELZ: Jack, go ahead.

MR. JACK LYNCH: When I was out in Fresh Kills, there was a lot of steel out there and artifacts out there in Fresh Kills.

Question: Has it all been removed in Fresh Kills? I want to know if it has been

removed, has it been inventoried, or is it at Hanger 17?

MR. TIMOTHY STICKELMAN: The steel that was at Fresh Kills, that was the City of New York. I am the DDC. I've never been out there. I don't believe they have any steel. But I can't really answer that question.

MR. JACK LYNCH: I would like to have the organization that did do it, the group, somebody look into it so we can identify --

MR. TIMOTHY STICKELMAN: We can reach out the City of New York. That won't be a problem.

MR. JOEL KLEIN: Joel Klein for the Coalition. I don't know whether or not you're aware that the Coalition has filed a dispute with SHPO regarding LMDC's implementation of the provision of the programmatic agreement that relates to the site. And one of the issues we're concerned about is LMDC, when we spoke to them about a week ago, never consulted with the HABS HAER people at the National Park Service which they were obligated to do.

As a result, the recording has been

completed. We're not sure that we can accept that statement at face value. We don't know what the nature of that HABS HAER recording was done. I know the Coalition raised questions when the original proposal for mitigation was put forth as to what level of HAER recording was to be employed. The National Trust and some of the other preservation groups raised similar issues. And none of those comments were ever addressed or even responded to. So we don't know what HAER recording, if any true HAER recording has ever really been done. We continue to have serious concerns about it.

MR. TIMOTHY STICKELMAN: What I can say, the HABS HAER photo documentation of the northwest slabs will be transmitted to New York SHPO. They have requested two copies of the photography. We also, in addition, we did color photography which will be on the CDs of same photographs in color. And that will be submitted to SHPO. In addition, we'll be submitting it to HABS and other documentation that Port Authority may have in regard to the two towers. That should

probably, I think it's going out, assuming that it's been delivered to our offices, either tonight or tomorrow. They requested two copies. I believe New York SHPO, they're not here right now so I can't speak to them, but I believe they contacted National Park and HABS back in June.

MR. JOEL KLEIN: They did and they asked them one question which was how many copies do we send them. And that was the extent.

MR. TIMOTHY STICKELMAN: I can't speak for New York SHPO, but the Port will be transmitting the HABS HAER Photography to New York SHPO.

MR. JOEL KLEIN: Will you be waiting to initiate demolition until you've had time for HAER to indicate whether or not the recording is adequate to their standards?

MR. TIMOTHY STICKELMAN: It's being submitted to New York SHPO. The process for the northwest slabs mitigation has been decided. We'll go forward with that project. It's being done by Silverstein Properties.

MR. JOEL KLEIN: You're not really

answering the question which is: How do we know that what you are submitting to HAER will, in fact, satisfy HAER standards. And if HAER comes back and says no, this is not an adequate recordation, and you've proceeded with the demolition of 6 World Trade, we have a problem.

MR. BILL WONG: I think, if John wants to discuss how the recordation is done and to what extend that previous recordation was done, that this should be pretty much consistent. There shouldn't be any issue.

MR. JOHN HOTOPP: The process was done at our standards. (inaudible) large format cameras, processed archival standards. Prints were made from the negatives. Standard process that we used. Approximately 30 photographs were taken across the site; everywhere from establishing shots to close detail shots of things that we needed to illustrate. It's a standard recordation. As they index the photos and as little bit of testing that goes with it, everything is done.

We're waiting now to get a number

from HAER. As soon as we have that, we'll put it in the sleeves and send it to them. The set that will be given to SHPO will be given to the State archives, as well. I would assume that we'll get a comment or two from Kathy about what we're submitting to her.

MR. JOEL KLEIN: What I've heard is a description of what may barely qualify as the minimal level of HAER recording, which is the kind of thing you do when you demolish an outhouse that's historically significant.

Level one HAER recording would certainly involve measured drawings, at the very least. And I think if anyone had even bothered --

MR. JOHN HOTOPP: Joel, we are using (inaudible) to illustrate the photo locations.

MR. JOEL KLEIN: I think the concern here was that there was a commitment, or at least we understood a commitment, on the part of LMDC, not Port Authority, to consult with HABS HAER. And that commitment does not appear to have been honored. This relates to

the coordination issue that we're talking about. The situation with the Port Authority now is possibly being hampered by the reluctance of LMDC to comply with commitment.

MR. TIMOTHY STICKELMAN: I don't think there's any reluctance to comply. And I can't speak for LMDC, but the HABS HAER photo was taken by our consultant, as John just explained. It is being submitted to New York SHPO as they requested. I believe that they contacted in June. I can't speak for New York SHPO.

MR. JOEL KLEIN: HABS HAER recordation is not just photography. And it's not a difficult thing to either talk to the people at HAER about what would be appropriate or even -- in fact, I noticed the original proposals never referenced any of the HABS HAER standards or manuals which lay out in detail exactly what would be appropriate for a HAER recording of a site of this level of importance. And we have no way of knowing how you're matching up with those standards and guidelines.

MR. JOHN HOTOPP: Their recordation was

done at HAER standards. We've been doing this for years. We're very familiar with the standards and we've complied with it.

MR. TIMOTHY STICKELMAN: Next question?

MR. JACK LYNCH: I would like a question on the issue, if you haven't complied, which you indicated you haven't complied totally with the requirements, how can you say that it will go ahead?

MR. TIMOTHY STICKELMAN: I didn't say we didn't comply.

MR. JACK LYNCH: If you haven't received the necessary approval you need from this group?

MR. TIMOTHY STICKELMAN: What I said is, we've taken the HAER photography according to their regs and rules. It's being submitted to New York SHPO as they requested, and also copies will be given to HABS. And eventually, John, you can correct me if I'm wrong, a set goes to the National Archives.

MR. JOHN HOTOPP: Yes.

MR. JACK LYNCH: My question is: Have you received an answer from them?

MR. TIMOTHY STICKELMAN: They have not

received a HABS HAER --

MR. JACK LYNCH: Then how can you say you'll go ahead if you haven't received --

MR. TIMOTHY STICKELMAN: We are not going forward with the deconstruction today, I can tell you that much.

MR. JACK LYNCH: Are you going to go ahead before you get an answer, that's my question?

MR. TIMOTHY STICKELMAN: The documents have been submitted. They will comply.

MR. JACK LYNCH: My question, are you going to go ahead, regardless of whether you get the documentation back from them, or not?

MR. TIMOTHY STICKELMAN: We will follow the rules and regs and submit it to New York SHPO and they will respond.

MR. JACK LYNCH: And then will you wait until you receive a responsible answer from them before you proceed?

MR. TIMOTHY STICKELMAN: Most likely the response will go to LMDC and we'll probably be copied on it. And at that point, they will go forward with their project.

MR. JACK LYNCH: At that point? Fine. Thank you.

MR. PETER GOELZ: Any other questions?

MR. BILL WONG: We have to clarify that the project is on its way. We may be able to get these comments back if there are comments. We don't anticipate comments. I haven't heard any discussion that there will be comments. I don't know this additional level, but in terms of the construction or the deconstruction of those slabs, there is a set schedule that we have discussed with everyone. And that project is still going to be proceeding.

MR. JACK LYNCH: That's a different response than what he gave.

MR. JOEL KLEIN: Could you discuss it with us?

MR. JACK LYNCH: I would like a definite answer from both the LMDC and the Port Authority, from both of them, that you will not go ahead until you get approval on this issue. That's my question. And if you do that, I think you violated the law.

MR. TIMOTHY STICKELMAN: What's going to

happen, the HABS HAER photography that was taken is being submitted to New York SHPO. They will comment on it. Whatever they comment, we will make sure that you get a copy of if, if that's what you're asking.

MR. JACK LYNCH: I'm asking, how can you go ahead without getting approval?

MR. TIMOTHY STICKELMAN: It's going to be submitted to New York SHPO --

MR. JACK LYNCH: I'm not asking that question. I don't care what you submit. If you don't have approval from them, how can you go ahead?

MR. TIMOTHY STICKELMAN: What I'm saying --

MR. BILL WONG: It's a comment.

MR. TIMOTHY STICKELMAN: What will happen is, New York SHPO will comment if they approve of the photographer or they do not approve of the photography.

MR. JACK LYNCH: What if they do not approve?

MR. TIMOTHY STICKELMAN: We will have to answer their questions before we do anything else.

MR. JOEL KLEIN: The review is not so much the SHPO review as it is the review from HAER.

MR. BILL WONG: Right.

MR. PETER GOELZ: Do we have an answer?

MR. JOEL KLEIN: I'm curious, I just heard they said that everyone is aware of the plans. Is there a schedule for the demolition? Is there a date?

MR. PETER GOELZ: Peter can update.

MR. BILL WONG: Peter, if you want to -- we'll get to --

MR. PETER RINALDI: The truck work, they're installing bar-backs to stabilize the stone wall in preparation of removing slabs. They've also done some preparation on steel that supports Vesey Street. The schedule is to get those in probably and finish that work sometime around mid to late August, and then begin removal of slabs starting in probably the northwest corner and working their way east way across the site. That's approximately where the plan is.

MR. PETER GOELZ: You want to talk about the disposition?

MR. PETER RINALDI: No, there was a question raised last time about the cross of the steel beam that's on the site and what was going to happen to it.

It happens to be located over here on Church Street. That was a piece of naturally occurring steel that was found in September of 2001, over in the site near the World Trade Center 6 area. It was erected -- just so you know, it was erected on the remnants of what was the north bridge in the beginning of October. It was blessed by Father Brian. It remained there, remain at that location until it was necessary to relocate it at the plan of reopening West Street after the demolition of remnant structure. It was then moved in February of 2002 to its present location.

Our current plans are to leave it in that location until such time as construction of the site necessitates it being moved. That's probably a year or two out; depending on how things go in terms of the construction.

We think, in looking at the entire site, there's really not an area on the site that

you can relocate it to that it wouldn't have to keep needing to be relocated. We think the best course of action, and we'll discuss it, is to take that and ship it once out to JFK and hold it there, rather than move it around the site to various locations, so the construction and the risk of damaging it every time you take it and move it. So that's what we're thinking about.

Right now the current plan is leave it in place until such time that construction has to move it. We think the best course of preserving that would be to take it, log it, keep it up with the artifacts out at Kennedy and find out how it is going to be used. That's kind of our thinking.

MR. JACK LYNCH: Are you talking about the cross?

MR. PETER RINALDI: Yes, the cross that's from the piece of the skin from the building.

MR. ANTHONY GARDNER: Do you have any further ideas for the Vesey Street staircase? Because I know a lot of us are concerned about what's going to happen with

that.

MR. PETER GOELZ: We'll get to that.

MR. PETER RINALDI: There was a question raised about what will happen with that.

MS. PATRICIA REILLY: I wanted to go back in the part of the conversation. Just listening to it. It seems to me that if you have provided those photos to the preservation groups when they asked for them previously, you wouldn't be so close to your demolition point. And if they found a piece or two that they thought was significant, it would have been no skin off your teeth to preserve it, and you wouldn't have to have this adversary back and forth.

If they asked for it in the last consulting party meeting, here we are at another one and they still haven't received it. I think if you had a timely turnaround, they may have reviewed it and thought that you made very good choices. That wouldn't have been such a big deal for you.

MR. TIMOTHY STICKELMAN: I hear you. Thank you very much.

MR. ROBERT KORNFELD: I have a general

comment on the idea of mitigation that was used for 6 World Trade Center, which was continuation of what was done during the emergency, where someone was selecting what seemed to be intriguing or significant pieces, remnants that would then be removed to somewhere else or dispositions at some point in the future.

I think that's very far away from the way you have to approach other parts of this site as far as mitigation where you're looking at a place, it has its integrity in place. The footprints are not something that you can remove and take out to Kennedy Airport and put in a memorial center in the future. I think, I see that same approach, sort of picking significant remnants, sort of continuing through this project. And I see that like having a head-on collision. Maybe this is another segue for you. I hope.

MR. BERNIE MCNEILLY: Actually, it is. This is part of what we'll be discussing today.

MR. ROBERT KORNFELD: I would have hoped that you took more of that approach with 6

World Trade of seeing some of the remnants as things that were inherent to the place where they still are, and not sort of picking something up with a crane and putting it on a truck. But I guess maybe that's a moot point by now.

But I do think that I would have preferred that that approach to start earlier in the process.

MR. PETER GOELZ: I mean, we can't focus on 6 World Trade Center this afternoon.

I want to want move, if we could, to the documentation of the footprints. I know that's a critical issue. Let's see if we can spend some real time. Lou and Peter, will you follow up?

MR. LOUIS MENNO: I wanted to follow up about your concerns about the documentation of the footprints and the column bases within the bathtub.

The Port Authority and LMDC are committed to doing that documentation of the footprints. And we will be temporarily uncovering and removing the soil and the fill that covers the footprints of both 1 and 2

World Trade Center. Expose them down to the concrete slab, the columns. But the only areas that would not be exposed as part of this would be the area of the two World Trade Center footprints in the PATH right-of-way and some of the existing stuff that Peter will talk about. But we are committed to doing that.

MR. JACK LYNCH: Lou, will that also include the interior support, the core?

MR. LOUIS MENNO: Yes.

MR. PETER RINALDI: Maybe I can show you what we've been talking about doing. We are committed with LMDC to doing the documentation. So there's a lot of material there that has been brought in over the years.

But what we plan to do, this is the area of the footprint of Tower 1 runs into approximately in this area here. The bridge lands right down into the print. But the box runs under here.

What we plan to do, we would scrape off the heavy material, take some equipment in there and sweep down and try to expose what's

there on the concrete, including the perimeter and the interior supports there. Some of that area is rough and damaged. Pieces of the slabs are crushed; that happened during the collapse and recovery. One of the reasons the fill is there, to even it out and also for drainage. So we would do that.

And Tower 2, which is over in this location here, we could clean off this here and expose what we can. As you know, most of it, almost half of it was under PATH. It would be difficult to get everything down. But we would remove that material. We plan to go through photo documentation, getting the original plans for the basement of the Trade Center and delineating any scenes to see if any of those features are there, to mark it off, off of the original construction drawing. We actually used those to know where things were when we were searching. So we would do that.

And then we plan to put the material back over it. We may even add some material in there to help with drainage protection and

leveling of that to keep it preserved.

That's the plan. We plan to do that probably sometime between now and the fall, as we're looking to get a contract together. It is a major amount of work in terms of taking all that material, sweeping, and there will be a photographer and documentation. It would be videotaped.

Nothing would be happening on the footprints. There's no plan for anything to happen on the footprints of any kind of permanent nature until construction goes forward with the station. We talked about that. The only work that is going on is the preparation for the demolition of 6. All of that is going to be north of the footprint areas. We've made sure the contractor that's doing that work, put in a staging area and a fence line north of the footprints so they'll be inside that area. He does have to drive across the footprint. We've done that all in the recovery. There's no way to access it without going over it. But their work area would be north of here. You'll see today, we have trailers. We've made sure they marked

the areas of the footprints and temporary trailers outside that area. So that's the plan in terms of going forward with the document.

MR. JACK LYNCH: I know this has nothing to do with the actual -- but both the LMDC and Port Authority, and I want to put this into the record, that they assured us they'll try to preserve 97 percent of the north tower and 50 percent of the south tower.

MR. PETER GOELZ: We'll be getting to that.

MR. PETER RINALDI: Next. It's right around those percentages.

MR. ANTHONY GARDNER: Peter, I want to thank the Port Authority and LMDC for finally making this commitment to clean off the few inches of dirt that obstruct these remains to properly photograph and document them.

We've really felt that was important for some time now, at least nine months or so.

Can I ask that you provide, once the footprints are cleaned off, once the footprints are cleaned off for this documentation, could you provide a tour for

the Consulting Parties so they can see the footprints in an uncovered state? Frankly, I think we're the only ones that have been on the footprints when they've been cleaned off, so you can get a sense of what you're really standing in. That you're standing in a total historic footprint; not just the columns that define the footprints, but the space and everything that they defined wholistically. That's what I would ask.

While you already have them cleaned off, if you could just squeeze in a tour for the Consulting Parties so they can experience that.

MR. PETER RINALDI: We'll consider it.

MR. TIMOTHY STICKELMAN: That's something that we'll consider. It's a timing issue and may be on short notice, but we'll definitely --

MR. ANTHONY GARDNER: That's why I'm putting the request in now.

MR. PETER GOELZ: Any other questions on this? Because we have a few more, particularly the percentage issue I want to get to because I know that's important.

Any other questions on this? The request is in.

MR. KEN LUSTBADER: On the documentation issue, you're showing it in an aerial photograph. We just suggest some kind of photograph that captures the actual outlines.

MR. PETER RINALDI: We can. That's actually, that picture was probably taken from the Financial Center. It looked about a time of May 30th after the last beam ceremony.

We plan on trying to get an aerial.

MR. JOEL KLEIN: You may want to consider the possibility of figuring out what scale would be most appropriate for the photography. You may wind up with a better photograph utilizing a camera on a crane or balloon camera that's tethered at the site.

MR. PETER RINALDI: I'm not the expert on the photography. These were high aerials here that have been flown just recently. This is not --

MR. JOEL KLEIN: Understand, aerials work well, but the problem from surrounding buildings is it's going to be oblique. While

obliques are helpful in some regard, you want a true vertical photo or a crane photo. It might work. So I'm recommending that you might want to consider those.

MR. LOUIS MENNO: The next area we want to talk was the area within the bathtub, specifically the PATH infrastructure and the impacts on the footprints of both 1 and 2 World Trade Center as well as the interior columns. And that's important. And we wanted to take you through that and go a little more detail about it.

As we mentioned the last time, that the PATH right-of-way and the new tracks, the new permanent tracks, will be virtually in the same location, and the same configuration as they were before September 11. So the track configuration will remain the same as it was before 9/11. Five tracks. No more than five tracks.

The original station had three platforms. The new will have four platforms, some cars in length and three of the platforms will be in the same location, the same configuration as they once were before.

And with the addition of this fourth platform that we're talking about, we'll talk in more detail.

What we mentioned before at prior meetings was that before September 11, in 1 World Trade Center, the PATH right-of-way did not touch any of the footprint or the columns of 1 World Trade Center. And in the pre-9/11 condition, the PATH right-of-way here occupied approximately half of the footprint of 2 World Trade Center. And with the addition of the fourth platform, that has an impact on the north tower footprint, as well as some of the other columns here. And we will be impacting approximately 3 percent of the footprint area. While in 2 World Trade Center, we occupied four percent before, we will now encroach by another two percent. So approximately 50 percent of the area within 2 World Trade Center will be impacted by the new PATH infrastructure that will be built as part of the transportation hub.

MR. PETER GOELZ: Why don't we talk about the need for the platform? I think they're all interconnected.

MR. PETER RINALDI: Did we touch on the --

MS. PATRICIA REILLY: Can I ask a question? Where the potential impact, you have a dotted line under potential affect on the south tower --

MR. LOUIS MENNO: This is where we were talking, if you remember at the last meeting, we indicated that to maintain the level of service during construction of the PATH facilities, that either one or two of the existing tracks would have to be taken out of service for construction. And what we said was that we would put in an additional track in this general area here on a temporary basis. That would be used to provide adequate service publicly, as we take either one or two tracks out of service. We need this other track during construction.

However, that track will be removed upon completion of the transportation project so that we will go back to this configuration that we have here. So that temporary track here has potential interim short-term impacts on the footprint area as well as some of the

columns.

MR. JACK LYNCH: And also in the north tower?

MR. LOUIS MENNO: Yes, right in here. Right in this area.

MR. PETER GOELZ: But the permanent impact was approximately two percent additional in the south tower and a little more than three percent in the north tower.

MS. PATRICIA REILLY: Can I just say something? My only concern is that I remember being in a meeting probably two years ago with the Port Authority when they were talking about the temporary station. And they told us, "It's temporary. It's not permanent. We're going to do everything we can not to put it in the bathtub area, but we need to put it in a temporary structure to get the PATH back up and running."

And I knew sitting there that there's no such thing as a temporary structure. You were never going to come back and all of a sudden demolish it and rebuild it, which you're not. So I'm a little concerned when you say you're going to put a track and then

remove it.
MR. LOUIS MENNO: What we have there is a temporary station. It has not been designed for the long haul. It's not climate controlled by any stretch of the imagination. So that will be gone over the next several years as we build this transportation terminal.
MR. PETER GOELZ: Your concern is: Is the temporary track really going to be temporary?
MR. LOUIS MENNO: Yes. We made that commitment last time. And we will say it again, that is just a temporary track that will be put in during construction to maintain the level of service. The Port Authority has publicly said that we will maintain an adequate level of service for PATH. But once the construction is finished, that track will be removed and we will go back to the original configuration of only five tracks.
MR. PETER GOELZ: Guaranteed?
MR. LOUIS MENNO: Guaranteed.
MR. PETER RINALDI: Originally, back in

January, we thought that track might have to be permanent because of work on the wall. We made that determination that it be temporary.
When you say temporary, it will be made on what's there. The electrical work. It will all be taken off and removed. It also, if you see, it actually goes through, the temporary track goes through the basin through the area that's being proposed. It needs to come out. We don't have a problem.
MR. BRUCE DESELL: My question is why is it that when they opened the station, they named the station Memorial Station?
MR. LOUIS MENNO: I believe we have answered that question. And the question that was asked was about the name of the naming of the temporary station.
MR. ANTHONY GARDNER: World Trade Center Memorial.
MS. ANTHOULA KATSIMATIDES: I think at the time the answer that was given was because it wasn't the memorial. The memorial was what we were calling (inaudible) at the time.

MR. BRUCE DESELL: Well, they named it the World Trade Center and the World Trade Center doesn't exist anymore either.
MS. ANTHOULA KATSIMATIDES: That was a symbolic thing. People know where it was.
MR. BILL WONG: People know where it was.
UNIDENTIFIED SPEAKER: And it's just location.
MS. PATRICIA REILLY: But all of our conversations with the Port Authority early on, when we first had discussions about the reintroduction of the PATH train, was that, you know, we conceded to that without much of a fuss, not that a fuss has done us any good anyway, but we conceded to it and we were silent on it. And we said to the people who were present in that room, you probably remember their names, we have no problem, all ask is that you name it World Trade Center Memorial Station so people understand -- especially when you -- forget about the temporary station, but when you create the new station, something, you know, the naming of that station should reflect the fact that

it's not the World Trade Center. The World Trade Center along with the 3,000 people that died there, that it's Trade Center Memorial Station or something that reflects the fact that this is a place of --
MR. JACK LYNCH: Actually, it was at LMDC meeting, an early one, where we suggested that they call it the World Trade Center Memorial Station, and that within the station somehow reflect memorial artifacts what happened in 9/11. Everybody at the meeting agreed to it.
MR. ANTHONY GARDNER: But also, too, the LMDC deferred to the Port Authority in terms of this. Now you're asking Anthoula, but they told us that it was a Port Authority issue and we conceded to the original configuration. We never conceded to additions. And what we really feel is that especially considering that the south tower, half of it is covered with these tracks, specifically transversed the south tower, it would be very easy for the Port Authority and FTA to incorporate that somehow into the experience. And that was what we really

asked that you consider. And also with the name, the name is something very easy to do. People are not going to think the train station is the memorial. They're going to know that they're coming to a site --

MR. TIMOTHY STICKELMAN: I think we've heard you before. I wasn't at the other meetings, but I know that's a very sensitive subject with a lot of individuals. And the Port Authority is going to consider it and we'll talk to the FTA about it.

MS. ANTHOULA KATSIMATIDES: I don't think it's the time for that.

MR. TIMOTHY STICKELMAN: One of the issues, I know that Lou or Mark may be speaking on it, regarding the experience.

MR. BERNIE MCNEILLY: I am Bernie McNeilly. Some people were asking at the last meeting what was some of the justification of a platform D, which is the furthest of the most west platform.

What I want to do I is briefly describe from an operational prospective is what that need is. I believe Lou touched upon it as far as the operations are concerned. But I

want to talk in the context about what occurred in pre-9/11 and then talk about what's going on in the temporary station. And then talk about the future. And that should set the context for you to understand what's being done and why.

Pre-911, whether you folks realize it or not, although for a number of years there was a fairly constant level of ridership to World Trade Center, over the last several years, just prior to 9/11 there was an experiential growth. And largely it was due because of the increased service to say midtown direct to Penn Station. Penn Station was more crowded. There were more and more people that were trying to ultimately get to downtown lower Manhattan that were using PATH.

So by the time September 11 occurred, there was approximately about 67,000 passengers using the World Trade Center terminal on a daily basis.

From a peak period perspective, which is the peak period is generally the a.m. rush hour or the p.m. rush hour. The a.m. rush

hour, the service was in the 20-some odd thousand riders per hour.

When we're looking forward, we're going to be experiencing about 30,000 passengers in that peak period, morning or evening. So there's going to be a significant increase in the passenger ridership.

I just want to jump back to where we are in the temporary station. Although the configuration was set up with three platforms, which were ten-car platforms, one platform was actually a limited-service platform, which was the platform closest to the 1 and 9 lines. The reason was because of its width. It was not as wide of a platform as the other platforms which were full-width, ten-car platforms.

So, basically, PATH, from an operations perspective, had used platform A to alight and deboard passengers on an emergency basis. It's also where they stored a lot of their trains; particularly in the overnight, non-peak periods. What does that mean pre-9/11? It meant that these two platforms were the primary platforms that had service

coming from both Newark to World Trade Center and from Hoboken to World Trade Center. Keep in mind, PATH used to be two separate systems, and then it became one system. So we had two lines coming into the same point. And there were often cases, pre-9/11, where there were two trains that would be deboarding at the same time but different tracks because one would be Newark train and one would be a Hoboken train.

What happened? A lot of these trains, when they're near capacity, as you recall, we were having 20,000 some-odd passengers on a daily basis. For those have you who traveled down to World Trade Center, it was fairly tight. Roughly speaking, as tight as a car can get, you can cram in without breathing, about 130 people in a car. But generally speaking, it's pretty uncomfortable to stand there as a straphanger when you're in excess of 100 or 110 people. But what that meant, when a car train came in, there were about a thousand people that were coming in and deboarding. And it generally takes about two minutes to clear a platform. But what was

happening was because of all the increased ridership pre-9/11, that we were having situations where because of the increased ridership going in the opposite direction, because of reversed commuters going to Jersey City, a lot of the businesses were going to the Jersey City waterfront. We had a lot of passengers coming into the system and were going in the opposite direction. So they were trying to get down stairways or these thousand people that were trying to get up escalators.

Literally speaking, from a vertical circulation perspective, just having one person going down a stairway effectively will block 30 some-odd people that are going up that stairway. What that meant, you were developing, a cue or there were people waiting just physically waiting in a herd. I don't know if any of you remember that, because I used to do it all the time, that you were standing in a cue or a herd to get up the stairs.

The problem is when you were having -- when it was taking some time because people

were coming down to get onto a train and you were trying to go up, that cue, there might have been upwards of a couple of hundred people that had not yet gotten off the platform, and yet you had another train coming in with another thousand people. And then what was happening in the peak period of time, is that it was kind of a domino effect. And what it meant was that -- PATH didn't have the ability to get as much trains coming through the track system as it could have possibly done.

Generally speaking, PATH can run about 30 trains through the World Trade Center in any particular peak hour. What's limiting the 30 trains is the fact that we've got the existing infrastructure under the river. We just physically can't get any more trains through from optimizing our rail perspective of getting people in and out of the service. So that was kind of what was happening pre-9/11. We were pretty much near capacity at the existing system as is.

Where we are now, is that although we have restored these platforms, we've restored

them to have only eight-car capability where they once had ten-car capability. What it means in a ridership day, we can only handle about 50,000 riders.

Now, I know a lot of people have been asking the question, have we over designed our ridership? We're projecting by the time a few years out, that we'll have 50,000 riders. We had programed to have about 30,000 riders at this point in time. I think we took the ridership numbers in May. We were ramping up from zero to 50. And it should have been around 30,000. We're at 36,000. What that means, is that we are already exceeding our ridership projections. And so it also is kind of a testament that our projections are on the mark of what we think we need.

Having said that, moving forward, when all the infrastructure buildup happens in lower Manhattan, we're expecting 80,000 riders. So we're going from 50, pre-9/11 of the 67, we going to 80. The only way that we can safely get people to alight and board on a platform is by having an additional

platform.

Now, Lou had mentioned that the Track 5 is temporary track. What that will allow us to do is have flexibility so that if we're working on another platform, that we can still maintain a level of service. And we'll be able to take that track out when all of the work is done. But this platform will also allow us, in the future condition, to have people get off the train on this platform, while people are getting on the train from the other platforms. It is a much safer situation and will allow us to make sure we're maintaining our 30 cars per hour so we can be able to achieve and meet the ridership projections that we're expecting, which is in excess of 80,000 come the design year.

And that is pretty much a generalization of some things we needed to contemplate as far as why we needed that additional five track.

Is that clear or does anybody have any questions?

MR. JOEL KLEIN: Yes, couple of things.

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At the last Consulting Parties meeting, I asked about the basis for the ridership projection, which is ultimately the basis for the need for the fourth platform. And you referred me back to the EIS, Chapter 8 and the appendix there. Quite frankly, I don't see it there.

MR. BERNIE MCNEILLY: It wasn't there. I'll admit, because I was one of the people in the back room saying it was in the appendix. It's not in the appendix. What it's in, the DEIS has got the ridership numbers and it's in Chapter 8 in summary format, which is in a small table where we talk about what the peak period is and what the both a.m. and p.m. of what the ridership numbers are. But we did not include the actual projections as part of the appendix.

MR. JOEL KLEIN: That's what we would like to see, along with the report that went with the methodology so that an independent evaluation can be made of that because quite frankly, the fourth platform is a concern. And we recognize if you take the projections and assume the projections are correct, and

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logically they're for maximized level of service, you would like that fourth platform.

So we want to make sure that in fact you're correct in your assumptions. We would prefer that fourth platform not be there, quite frankly to avoid impinging any more than necessary --

MR. BERNIE MCNEILLY: It's actually not as simple as saying we would like the platform; we need the platform. And let me explain why.

I was talking about the domino effect about couple of hundred people trying to get up the stairways and escalators. As that occurs and trains coming through, and you have reverse commuters trying to get on a train and rushing to get down, what happens a lot of times, and it's a human issue, people hold the train door. Kevin Lejda just goes nuts over that. He used to hate when people are holding train doors. And the reason is, he has a great difficulty to try to maintain the train timings. But what happens is, people hold that door, they'll hold it for

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their buddy and for the next one. Somebody will scream down, hold the door. What ends up occurring is that anywhere from 20 seconds to a minute to a minute and-a-half that you're delaying. What's happening in a peak period where you're trying to cram through 30 trains per hour to meet the service, you have great difficulty in meeting that service. What he ends up having to do is to rush through in a period of time where you're going to have two vehicles on the same platform at the same time. It's a changed condition because that takes an issue of it just being a nice to have because it will improve level of service to creating a safety condition. Because then we can no longer safely get people off the platforms and into an area of safe refuge. From a domino perspective, it will create a situation that you don't really want to go and try to create a safety situation. You want to make sure that you're optimizing it to the best you can.

MR. PETER GOELZ: Your question, you want to see the data?

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MR. JOEL KLEIN: We want to see the data on the ridership. And that then relates to the question: Did the Port Authority have any plans to address the problem before 9/11? Were there any solutions in terms of maybe additional egress and digress platforms to the platforms, some other solution other than an additional platform?

MR. BERNIE MCNEILLY: PATH actually would want five platforms. One of the reasons was that when you were looking at the old H&M terminal, way back when, there were five platforms. There was actually a preference to have five because it maximized operational flexibility.

One of the things we identified in our DEIS is that as a compromise and to make sure we're handling operational issues to the best we can, we try to determine a hybrid solution which was the existing three platform situation, which was the pre-9/11 World Trade Center system, to what is actually the desirable situation which was to have five platforms, hence the reason why the four platforms came in. It is not the desired

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function that the PATH would want. And actually we're already in a compromised situation.

MR. PETER GOELZ: But your question was, pre-9/11, were there some other solutions on the drawing board on how to relieve this problem that did not involve a fourth?

MR. JOEL KLEIN: Yes and that kind of relates to the next point I want to make. Probably most important thing I'll say here today.

The Families/Coalition really feels there is a need for you to look at a three-platform configuration as an alternative, and do a side-by-side comparison so people can really see exactly what the differences are. We think it's something that you're really obligated to do to satisfy your 4-F obligations. We think it is a prudent -- is a feasible alternative; whether it's a maximum solution. Probably less desirable in terms of the level of service than the four platform solution, but it is a doable construction. And that's why that side-by-side comparison is really necessary.

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As it stands right now, that is not one of the alternatives that's addressed either in EIS or the 4-F statement.

MR. BERNIE MCNEILLY: I respect your position. But that's why I spent time to talk about what the pre-9/11 condition was, because the pre-9/11 condition with the 67,000 passengers in a day was already in a situation where we were having operational difficulties to run things. We're adding in 25 percent ridership on top of that. So you're suggesting that from an operations perspective, that we're going to take what was a less ideal or problematic situation that existed pre-9/11 and you're going to make it worse. I want you to be aware of that.

MR. JOEL KLEIN: Well, I guess just take that and try to incorporate within that some of the possible solutions you had on the boards pre-9/11 to relieve the situation.

MR. ROBERT KORNFELD: I would assume that if the towers were still there, you wouldn't propose this? Is that right? If

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the towers were there, would you propose this solution?

MS. ANTHOULA KATSIMATIDES: I don't think there would be such an increased ridership. Don't forget, the increased ridership will come from all the new developments that are going to happen.

MR. ROBERT KORNFELD: It seems to me that you have a lot less office space and a lot of the buildings that are being renovated and new buildings going up were residential.

MS. ANTHOULA KATSIMATIDES: Americas Memorial.

MR. JOEL KLEIN: I don't know the answer to this.

MS. ANTHOULA KATSIMATIDES: I don't understand why you would contemplate jeopardizing thousands of peoples' lives.

MR. JOEL KLEIN: That's not the issue. Do you know what the estimated visitation is?

MS. ANTHOULA KATSIMATIDES: I have no idea.

MR. JOEL KLEIN: Do you know what the visitation was to the old World Trade

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Center?

MR. BERNIE MCNEILLY: With all due respect, let's get back on point.

MR. PETER GOELZ: People are asking reasonable questions.

MR. ROBERT KORNFELD: This is a line of reasoning that's relevant. Don't cut it off with what's already been dealt with. That issue has been addressed.

MS. ANTHOULA KATSIMATIDES: Which issue?

MR. ROBERT KORNFELD: The basis for projected ridership. That is a bit of information that's going to be provided. We heard the numbers.

I'm saying if the towers were standing, you would not be proposing this solution. So my reasoning is -- excuse me. My reasoning is that you are making a value judgment that now that the towers are gone, that this is the approach you're going to take because you don't think that the memorial or that the historic site has the significance that merits staying off.

In other words, if you're not proposing

going back on the other side of the slurry wall because it would be very expensive. And technically extremely difficult. So you're respecting that as a value that you wouldn't do. But going on to the historic site, you're assigning a lower value. It's cultural factors versus money versus other things. And you're looking the it from one side.

MR. BERNIE MCNEILLY: Actually, I appreciate your opinion, but I can tell you on behalf of Port Authority, we're not looking at it one side. We very much appreciate what your position is, and that's one of the reasons why we've been going through these meetings. We know how important this issue is. One of the reasons we wanted to get up here and explain it is because we're trying very hard to determine how we can minimize the impacts because we do realize how important a resource that is.

We would not been here today unless we were trying to minimize harm for that resource.

MR. ROBERT KORNFELD: So my original question, if the towers were standing, how

would you propose solving this?

MR. PETER GOELZ: Reasonable question.

MR. JACK LYNCH: Most transit authorities have a five-year protection forward planning. And prior to 9/11, I'm sure that existed within the Port Authority. So you had already addressed this problem how you were going to relieve the additional ridership that was coming in. You had plans on the board I'm sure?

MR. BERNIE MCNEILLY: Yes. I can explain. And Mr. Kornfeld, I think it might partially explain your concern.

MR. JACK LYNCH: That's okay. I'll continue my question. So I know that you already have plans. You had them prior to 9/11 how you were going to relieve that question.

Have you addressed those plans to see if they can be incorporated into the situation?

MR. BERNIE MCNEILLY: What was going on pre-9/11, as some of you may well know, the Newark to World Trade Center is the heavier used line relative to the Hoboken and World Trade Line line. And we were running

eight-cars. The plan was to go to a ten-car.

As I mentioned, the World Trade Center was already built pre-9/11 with the three platforms for ten-car platforms. So it would not need any extensive retrofit. The plan that was in place that was understudied and was emerging to be part of the capital plan, but the planning records were on the book at the time was throughout the entire Newark to World Trade Center line was to convert all the stations to ten-car stations. You can not run ten-car service unless you have ten-car platforms throughout the line.

I'll get to you in a minute. Basically speaking, for those of you don't know, Newark to Penn Station was a ten-car platform. Harrison, eight cars. Journal Square had ten cars with modifications. There had to be some adjustments. Grove, eight car. Exchange Place, eight car.

So the plan, which to do with minor retrofits for the World Trade Center, but it was to modify the entire line on other stations so you can provide that ten-car

service. And we would be able to get that increased ridership to go from eight-car to ten-car.

MR. ROBERT KORNFELD: Is that an alternative?

MR. BERNIE MCNEILLY: That plan is feasible today. What is going on and continued to be planned is to have ten-car service from Newark to World Trade Center, and this plan is consistent with that.

MS. PATRICIA REILLY: So you got something additional, because before you would only have three tracks, ten cars. But now you have to retrofit everybody to ten cars, four tracks?

MR. BERNIE MCNEILLY: Right. We would have solved the physical issue of being able to physical land ten cars in these other stations, but we would not have necessarily addressed, unless we did other means, which were just in the planning stages of what we can do with vertical circulation and whatnot. It didn't progress any further than planning stages. But that was some of the things that would have been -- when I say

minor retrofits, we would have done vertical circulation work. And we just didn't get there. September 11th occurred and the plans got washed out. We had to restard.

MR. PETER GOELZ: Betsy, do you have a question?

MS. ELIZABETH MERRITT: Yes. It looks like to me in your plan, you're not extending the partial platform that's farthest to the east. I'm asking why you wouldn't extend it?

MR. BERNIE MCNEILLY: Actually it is the same length. Just because of how narrow the platform is, you may not be able to tell from here, and because I spend painfully long days with these plans, this platform A, as far as some of the modifications were occurring, was shifted to the north. And the reason was, because we had a larger width on the northern side of the platform, and we had better utility of the existing platform A. Platform A, there was not any continual width from the north end to the south end. And we were trying to optimize the south end. But what we're showing which you can't see on this

plan, these ten-car trains that you can get ten cars. We just shifted it up. That's the modification to platform A.

MR. KEN LUSTBADER: Question: In the FOE, it describes that there may be some infrastructure components put into the footprints of the two towers. Can you go into a little further detail on that at this point or is it still preliminary?

MR. PETER RINALDI: We can talk about it.

MR. KEN LUSTBADER: Not treatments. Utilities and other things.

MR. BERNIE MCNEILLY: Do you want me to handle it?

MR. PETER GOELZ: Let's have a couple more.

MR. ANTHONY GARDNER: I have a question on this because in the draft EIS, one of the alternatives, the most feasible alternative was creating the PATH terminal under Church Street. And I believe that it literally just says that that plan is not being pursued because the economics involved with it; it would cost too much. And don't you think in

retrospect, with knowing now the historic resources that exist there, those footprints, wouldn't it have be easier to just build a temporary station under Church Street and then you could have had ten platforms to your heart's content. And now you're faced with this issue that with each platform, and whether you can justify it or not with your ridership estimates, you're encroaching further and further into a very priceless historic resource. It's just the point of, it's really unfortunate that that Church Street alternative, which was in the draft EIS says it's the most feasible, it's unfortunate that you didn't pursue looking into it. A lot of us had this concern that it's really the economics here and the expediency concerns that are driving this whole issue. And the historic resources and the power of what the site is, always takes the back burner.

MR. BERNIE MCNEILLY: I understand your point. I actually think you're interpreting what was in the DEIS about it being the most feasible.

If I remember correctly, there was merit to Church Street and merit to the overbuild. What we chose to do was to create -- we tried to take the best of both worlds. What's some advantages of the Church Street alternative and what advantages were here. And that's what we called the hybrid alternative. And then we tried to optimize it from that perspective.

MR. ANTHONY GARDNER: But the prime advantage of having it on Church Street would be you wouldn't be encroaching on the footprints at all.

MR. BERNIE MCNEILLY: Again, keep in mind that what we're talking about is the historic resources, which is the site. Although you may be addressing -- we're trying to not say one particular resource is more important than the other. Because the fact is, if you tried to avoid this resource, you would then be coming back and telling us that we're destroying Vesey and E train, and then we'd have a different issue.

The fact is because of the site, we will be touching elements of the historic resource

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one way or the other. You have to recognize that. That's part of what the issue is as far as impacts to the overall site.

MS. PATRICIA REILLY: You know what, I'll say something, and take it anyway you want. From my standpoint, the destruction of Vesey and E train, is that what you said, and we would come back to you and say those are historic sites. I don't think too many people died there. These are the two areas where the majority of people worked. So if you were going to give anything weight of value, they have much more value than Vesey Street would have to anybody. I don't think we would come back and argue with that that ferociously.

Can I ask a question? You have 30 trains that can come through underneath the Hudson?

MR. BERNIE MCNEILLY: In a peak hour.

MS. PATRICIA REILLY: You can never have more than that?

MR. BERNIE MCNEILLY: We can never have more than that.

MS. PATRICIA REILLY: Unless you go

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underground and build more.

MR. BERNIE MCNEILLY: That was one of the constraints, the planning constraints, that we had with the project is that we were not rebuilding or creating new tubes so we can have additional trackage. That was a planning constraint.

MS. PATRICIA REILLY: That's a planning constraint? Let me ask you this --

MR. BERNIE MCNEILLY: Well, just order of magnitude. That, one, it's defining a different project. Just look at what's going on with Amtrak with their third tunnel. That's billions of dollars just for the tunnel.

MS. PATRICIA REILLY: If after ten years or five years, you notice that ridership is more than you anticipated, are you going to come back and further on those footprints?

MR. BERNIE MCNEILLY: No.

MS. PATRICIA REILLY: How do we know that?

MR. BERNIE MCNEILLY: Part of what we're doing here is that -- the ultimate goal of this entire process is get a memorandum for

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agreement. That memorandum to the agreement is the agreement. That's what you're going to get.

MR. ANTHONY GARDNER: You'd also have to go through another Section 106 process. I don't think you'd want to go through this again.

MR. BILL WONG: We're trying to get a memorial in place.

MR. TIMOTHY STICKELMAN: I need to give the court reporter a five-minute break.

(Off the record.)

MR. PETER GOELZ: I'd like to try to wrap this up in about 15 or 20 minutes because we are scheduling probably at last one, hopefully two more, sessions in August. We could talk about that at the conclusion; see what people's schedules are. Kevin is going to speak a little bit about the operations on the transit. We'll take a couple more questions on this and then we'll move on to other issues.

MR. KEVIN LEJDA: My name is Kevin Lejda, I'm the assistant superintendent for the transportation division of PATH, train

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operation, revenue collection and station services.

When Mark had mentioned to me that this topic would come up today and not having to be able to address with you in the past, I thought that this might be an only opportunity to talk about this and how important it is for PATH. And maybe I can talk about the issue in the way that it will help to understand where we are coming from as far as the train operations go.

I heard a couple of questions. Maybe I can help to answer them. One of the questions was prior to 9/11, did we have plans to help ourselves increase the World Trade Center handling the passengers. Before 9/11, with 265,000 passengers on the PATH train, we had almost zero opportunity to improve service for the reason running trains more frequently, as opposed to World Trade Center 30 trains per hour, the signal system, the limitations on that would not allow us to do that. The only opportunity through a new car program we have moving forward, would be to lengthen the trains to ten cars from

eight.

That being the case, however, and the 30 trains per hour using the one platform, coupled with our biggest growing ridership base was from New York to New Jersey at that time during peak hours to Jersey City particularly along Exchange Place waterfront, bringing people in at a faster rate, we're trying to take them out at a faster rate was also problematic. Lengthening the trains, being able to bring more people in and trying to get them off the platform.

I heard a question come up with the ways we're trying to address the egress from the platforms. If you had ridden PATH for some time before 9/11 over by Akbars, retail deli, there was another stairway and escalators put in from this platform to accommodate that, I can tell you that after that, the options were over for the current platform. Get no people on and off.

New signal system moving forward about the time the permanent station may be done, coming out of line. That may increase our chances to move trains quicker through the

tunnels from Jersey and back to New Jersey at a little faster rate than 30. If we can get it, that's our goal. Because as I said before, with the prospect of moving maybe 80 thousand people a day, primarily reversed commuters and heavy heaviest line, ten-car trains, the ability to off-load passengers to one platform, load them on the other potentially off loading half of those trains that came in that side, that's going to be a big help to us.

So I just wanted to talk about it in a way that maybe it made sense and this is something that's really vital to us to try to talk about it.

MR. PETER GOELZ: Just a couple more questions on this subject.

MR. ROBERT KORNFELD: Is there a potential with a platform there to configure it differently so it doesn't, by adding the stairs or adding additional vertical circulation, to sort of cut that corner out of it?

MR. KEVIN LEJDA: I couldn't address that.

MR. BERNIE MCNEILLY: On platform B?

MR. ROBERT KORNFELD: If it went further to the north and had additional circulation coming in.

MR. MARK PAGLIETTINI: Right up here, above this line here, I think you can see it right here. This is the east to west connector that's above at the 264 level. Come from the platform up to --

MR. ROBERT KORNFELD: You mean proposed connection?

MR. MARK PAGLIETTINI: Right.

MR. ROBERT KORNFELD: Not something that exists now.

MR. MARK PAGLIETTINI: Not something that exists now, but is part of the overall program that's part of the transportation hub. And that allows -- Lou went through the significance of the east/west connector. And right at this area right here is that if that stair moved any further north, you would be right in that corridor. So you would be landing inside the corridor.

MR. ROBERT KORNFELD: That's Fulton Street.

MR. MARK PAGLIETTINI: Right.

MR. PETER GOELZ: But I think the question, are there other solutions in terms of either minimizing the encroachment, and have you exercised all of the engineering creativity that you can to minimize the encroachment because of the importance of those footprints? I think that's the issue.

I don't want an answer now, but that's the question, isn't it?

MR. ROBERT KORNFELD: I just want to add one thing to the end of that, that one of the things that's notable about 1 World Trade Center is the completeness of it; that there's no existing track crossing it or anything. All the columns are there. And it's complete. And it seems that if you can make some --

MR. MARK PAGLIETTINI: Maybe -- let's talk a little more about it. If I can, where I think you're going, your question. Maybe there's a way that we can do this in a meaningful and symbolic way.

I've heard you guys last meeting I was at. About trying to bring as much of the

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historical into the station.
Well, what if somebody who was using this platform knew that they were on the footprint? What if it was -- please don't hold me -- we're all here work-in-session.
What if these were either outlined or -- I don't want to be an architect, because I'm an engineer, but if these are somehow, it symbolized or it's shown inside the platform with a different color. Different finish. Something. And it could also be done down here? I mean --
MR. JACK LYNCH: I like that idea.
MR. MARK PAGLIETTINI: That's the kind of stuff that we're hoping to get from you guys here today.
MR. ROBERT KORNFELD: I was picturing more reconfiguring the platform. But this is a direction that's good.
MR. MARK PAGLIETTINI: Right. The reconfiguring causes a lot of the issues at this time. But we feel very strongly about this. It's not like we came out and took it -- we're trying to look at the 3 percent. We're trying to think of what else we can

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do. But what if we made this part of the experience?
MS. ELIZABETH MERRITT: I'd like to just throw in one more sub-question as part of this exploration for the future, which is: Could platform D be narrower because you're only going to be unloading a train on one side of it? Do you need the full width? Just as a way of minimizing the encroachment.
MR. JOEL KLEIN: A will be a functional platform, or will be. And it's narrower.
MR. MARK PAGLIETTINI: Yes, A is narrower. But yes, we could -- part of what you're asking about creative engineering, there are ways that we could try to look at possibly looking at something.
MR. PETER GOELZ: Could we spend a little more time on this next time?
MR. MARK PAGLIETTINI: We could.
MR. JOEL KLEIN: On that one issue. Wouldn't have to be narrower for the whole length of the platform. Just for that length.
MR. PETER GOELZ: Go ahead.
MS. ANDREA FERSTER: Would it be

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possible to have it circulated, some more documentation that gives us some information about the pre-9/11 options, for example, that were on the table for dealing with your level of service and safety issues that you had already identified? Or other available information that go into a little more detail about some of the reconfiguration options?
MR. TIMOTHY STICKELMAN: Unfortunately, and if I'm correct, most documents we have were destroyed on September 11. And I don't know if you are aware. I don't know what documentation we have.
MR. KEVIN LEJDA: Maybe I can clear up the first point. There is no documentation about improving service here prior to 9/11 other than a new signal system going forward now, because we couldn't move the trains fast enough with the current system. The technology was just not there.
MR. PETER GOELZ: And you put in the last stairwell.
MR. KEVIN LEJDA: Last stairwell we could on five track by the Akbar.

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MR. PETER GOELZ: So that was it.
MS. ANDREA FERSTER: I don't think you understand my question. Obviously you're going through some thought process in a summary format about why you feel like that the options that the other options for avoiding this fourth platform are not prudent. I mean, in your 4-F determination, you reached a conclusion that there are other options, reconfiguration options, out there, but you didn't feel they were prudent because they would involve cost or other disruptive factors.
My question is, that's a conclusive sentence, and what's the underlying thought process? There is some document that you have prepared, that you're relying on that to set out the reason why you feel that those configurations, alternative configurations or alternative options for dealing with your level of service problem, wouldn't work for you. And if you can share that. All we have right now is a conclusion as opposed to an explanation.
MR. TIMOTHY STICKELMAN: I guess, we

hear what you're saying and we'll consider it and we'll get back to you before the next meeting.

MR. MARK PAGLIETTINI: If I could just jump into other topics. Peter will touch on the next topic.

One of the things that you had asked at the last meeting is would there be any major PATH infrastructure inside the footprint. We're saying, there will be no major PATH infrastructure inside the footprint outside the PATH right-of-way. So your 3 percent and your 50 percent, we'll do whatever we can, it's a commitment we're making, to not put anything in here outside the PATH infrastructure.

And there's another topic you want me to jump on in terms of the footprints? You had also asked us, I want to share this with you because we do take this seriously about this infrastructure and preserving the perimeter of the footprints. We don't take it lightly at all, in that over here, you know, the concern with the Fulton Street area, as you described it, is the area where we have the

east/west connector. One of the things we're working with, the SOM and Silverstein Properties and we're working within ourselves with the Port Authority to not impact any other of these tower perimeter columns. So we're working with them. And what we've told them and working on as saying that the face of the structure, of the new structure, should be let's say five feet from the center line of the tower perimeter so there's no impact. That's how we're doing that up here.

MR. PETER RINALDI: Let's clarify that. The structure would be that's where the columns may have to come down and you may have to put some footings this way or something. But the base of the structure would be up here now.

Again, there's going to be a lot more infrastructure that's going to be built in here for memorial and support. And maybe it can also miss it.

MR. JACK LYNCH: Are we maximizing the height in all levels?

MR. PETER RINALDI: Yes -- the height?

That height is being done as part of the design of the memorial. I just wanted to clarify on the utilities going through there that we had talked about, that we didn't want -- what we talked about in the statement in the document that we handed out, said there would be infrastructure in the footprints. That will be in the area that's occupied by PATH now. We don't intend to put any additional infrastructure there, except that there may be a need, the electrical and refrigeration plant, for a utility line to cross across the footprint at some point in the volume of space. That's why we were putting that in there. We wanted to be upfront. Might be a need for that to happen.

MR. ANTHONY GARDNER: The central chiller plant, isn't that the location of the memorial center? L shape?

MR. PETER RINALDI: Below it.

MR. ANTHONY GARDNER: In the discussion about the platform, you mention that possibly there might be a way to visually alert people to the fact that they're within the

footprints. You could also maybe do that with the east/west corridor. They could be aware that they're passing the footprints of the Twin Towers.

MR. MARK PAGLIETTINI: Along the wall.

MR. LOUIS MENNO: That's part of the ideas that we've thrown out to our consulting team about doing something along this corridor here, do we show a remnant structure? Bring it back from JFK, put it there? Or do we put in like a mock up or something or photographs just something so you know what was there.

MR. ANTHONY GARDNER: Put a window in. Make your lives easier.

MR. LOUIS MENNO: That's all coordinated.

MR. ANTHONY GARDNER: One more question. Within the footprints it says memorial WBS-630, what does that mean?

MS. CARLA BONACCI: That's a breakdown structure how we track cloths.

MR. MARK PAGLIETTINI: We try to utilize the drawings. Can we move on?

MR. PETER GOELZ: Let's move on. 6:00

p.m., I promise. Let's try to end this at 6:00.

MR. ANTHONY GARDNER: Can I ask a question about draft DEIS comments that are due. Can you extend that deadline for the Consulting Parties since there's a lot of information that we wanted that we aren't going to be able to get it? Can you extend it to Tuesday?

MR. TIMOTHY STICKELMAN: I hear what you're saying. We'll consider it.

MR. ANTHONY GARDNER: Well, it's due tomorrow. They're due tomorrow.

MR. BILL WONG: We have to think about it. But I don't think we're going to sort of throw comments out.

MR. TIMOTHY STICKELMAN: You'll know by tomorrow.

MR. ANTHONY GARDNER: If we give it to you Tuesday, you're not going to not consider it?

MR. TIMOTHY STICKELMAN: I know tomorrow is the deadline. You'll get your answer.

MR. SHAWN LENAHAN: Shawn Lenahan with Port Authority. There are a few of the

resource impacts that I'll go through. There are a few here. And hopefully more briefly than some of the others.

First, I'll be going through the IRT-1/9 Subway Vesey Street entrance. In looking at the remaining resources that are there, as you see, here, we looked at first to see how the resource as it exists would tie in our overlays over the new development. And looking at the street level plan, this is the location of this resource. This is in Tower 2. And it sort of gives you an indication. A lot of the redevelopment is doing; integrating more into the site than the old World Trade Center super block. This is more was inclusive. At the edge of the building is brought more to the street level. More to the street edge into the urban fabric.

That being the case, this was the face of the complex before September 11 and now we're brought up here.

That being the case, this is a blow up a larger version of this. Where this falls is essentially into the lobby of Tower 2. The white area that you see, the area of Tower 2,

including lobby or retail area, as well as the core of Tower 2. This is a shaft which would be a support for this 60-plus story tower. The yellow area indicates where an entry to the transportation network would be. We're looking at all the transportation infrastructure is come into serve the flow of pedestrians. This is where this could be.

Now, just to give you a point of reference, the view that I think that we feel evokes the most feeling of this resource, is really the view of walking down Vesey Street and getting the stair and escalator that was here. We included this photo which was taken October 31, 2001, which shows the finishes, the railings and all of the other things that were there essentially before September 11.

Since that time, of course everything was taken down. This sign is in the archive in Hanger 17, so it was brought out here. So what really remains, this again being the view that I think most people could have recalled the feeling of this resource. The other views, this view here, overlaid here is essentially looking here. So you're really

inside of this retail space looking at this moving up.

In addition with the other redevelopment and moving towards the street, the remainder of the site is there is some regrading that's going on. One of the other things that would be occurring to this resource is that the level of grade will be higher than it was before September 11, possibly up to 4 feet or possibly even higher. That being the case, the floor of that area could be approximately here, so you would really be losing the bottom of that. This opening here as a point of reference is really here. And so this is where this opening is just down here a bit. And really giving the pre September 11 conditions, this was really into the side of the facade of 3 World Trade, as you see here, and this was across the street. So really there was no rear side looking east as well as the side toward looking toward the north. Those would be the sides that would be most exposed. This really projecting beyond the face of the building. And this being within the entrance.

MR. JACK LYNCH: That's 5 World Trade, right?

MR. TIMOTHY STICKELMAN: Yes, he meant 5. He said 3, but he meant 5.

MR. JACK LYNCH: That's 5 World Trade.

MR. SHAWN LENAHAN: That being the case, so it's in the office tower. The grades are different. And this structure as it exists is being supported by the column base system that existed before September 11. To maintain this in the way that it was previously, you're impacting more than just this. So at the point that we started to get to these conclusions or just knowing how to work into the fabric of the remainder of the development, we just didn't know where to go from there. We wanted to lay out these issues. And some of the issues that we're dealing with, and really open the floor to what thoughts the Consulting Parties have, because the concern we have is that really if this is the most important view or aspect to evoke the feeling of this resource, and that is really essentially the most compromised area of the resource, then the question is,

what is the value, with everything that will be done to incorporate this. In going through this, we're working with Steve Weintraub of the Arts Preservation Services. I would like to ask Steve some of the thoughts from a recent meeting.

Just given sort of bringing it to us who are not as familiar with the detail, the fact that the finish is being gone and what might factor into evoking that feeling.

MR. STEVEN WEINTRAUB: Last week when I saw the images and heard about it, the reaction I had, normally when you look at an historic object or structure, meaning to rise both by the inherent appearance of the object itself, and the second thing is the context. What struck me is the fact that, since you don't have anything remotely (inaudible) to the original, you really have the substructure, which nobody ever saw. And then the context, I guess when it's most troublesome, winds up in the lobby of the building and it's interior. So I'm not sure how meaningful it is.

And the problem that we find all the

time, my specialty is conservation, and you know that when you conserve something, the appearance that people see, usually they're quite literal about it; oftentimes in parts the wrong information.

So for instance, if you see this concrete under structure, people are going to assume that that actually was the result of the damage from 9/11 as opposed to the fact that most of the surface was removed after 9/11. So the appearance is really not as a result of the damage. So there's a question of both the power of the piece and the information that it conveys and the context in which it would be seen and whether it really provides the impact that it would appear to have in those photos.

MR. SHAWN LENAHAN: So with that, I want to open the floor.

MR. BILL LOVE: I walk by there all the time. It's too heavily damaged. It doesn't evoke any feeling in me, in contrast to the east station. If it's going to be a major impediment, I think it's not worth preserving.

MS. PATRICIA REILLY: I think that you probably should have waited for the 106 process before you took that other stuff off of there.

MR. SHAWN LENAHAN: This was done during the cleanup when the time the Port Authority was not in control of the site.

MR. PETER RINALDI: Let me clarify, that structure the way it exists now, except for, I think, the way we locked up the entrance, was the way the Port Authority inherited the site in July of 2002. That was part of the cleanup. There was a lot of debris around there that was done there.

Matter of fact, that was left standing only because we talked about taking it down. It was left because it provided access into the remnants of the 1/9 structure using to clean it out and subsequent construction going on. That's in terms of what happened.

MR. SHAWN LENAHAN: With the destruction of 7 World Trade, I wonder if part of the finish is if it's taken off, maybe the destruction of 7 made it structurally unstable.

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MR. BERNIE MCNEILLY: Just for some people to get clarified on, the way it was left is the way that resource was within a period of significance, documented as a period of eligibility.

MR. ROBERT KORNFELD: What you may not know, the period of significance includes the emergency operation. So a lot of what you see is the result of that what took place during the emergency operation. But that is within the period of significance. So it's not only significant if the damage you see is damage that was immediately from debris impact or something like that, it's a product of the whole operation. But subjectively, to me, what I find evocative about it, really is that you climb going up and the remnants of the staircase and probably the steel. You see the structural steel going up above.

I think people around the country feel a sense of emotion about with the World Trade Center, it was the steel. That something that's been incorporated in the hulls of ships. People take sheer studs from beams and weld them on motorcycles. I think that

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is one thing you see here. It's not that noticeable. There's a column in the foreground and up at the top. Again, it's a subjective personal feeling. I don't think that the north elevation of it, the stripped finishes and concrete blocks, that doesn't really evoke much for me. I wouldn't mind seeing that with a wall in front of it and certain portions of it exposed.

MR. ANTHONY GARDNER: What I think is really interesting about this resource is that it led to the plaza. And obviously the plaza doesn't exist anymore. And it's reflective of the fact that the World Trade Center was destroyed. I think that's why it is a significant resource because it's leading to nowhere.

MR. SHAWN LENAHAN: Absolutely. And I would agree, but given how that would be in the new surroundings that it would be in, essentially, we're still in the planning with how this all would be done, and the same sense of openness that was there as you walked up and really under the overhang of 5, just the sense of procession, would all --

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the decor of this tower, there's really little to do to move it. This being within a one to two stories base, I can't even commit because we're planning with this. There's so much that you would not have.

Because I would agree, when you get to the top, you're open and go next to the plaza. But you lose so much with that that you wouldn't get that sense because of what would be in the surroundings.

MR. ROBERT KORNFELD: One point, I think it's exactly that contrast that may interest people. You look at something and this is what was there. This is part of the original World Trade Center. If you can conceptualize what was there in the past, it doesn't have to be the same as what is there now. When you travel and see a historic ruin, you look as a the reconstruction; this is what's here now, this is what it is looked like 2000 years ago. Seeing something that's modern compared with that, having that tangible remnant, really gives you a sense of what was there. Even if it doesn't look like what was there in the complete sense of having

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finishes, I think -- if you've been to the Holocaust Museum in Washington, but they'll have a section of paving stones from the Warsaw ghetto, and you walk on that and it's just an experience. It doesn't look like the Warsaw ghetto. You know you're in Washington, on the second floor of a building, but suddenly you're coming in contact with something which is a real physical remnant. It's something from that time and place and the events that took place so on and so forth. You get that kind of connection mentally that you don't get from just a photograph or illustration.

MR. JACK LYNCH: One question. You're saying you're going to elevate it four feet? Now, looking at that stairwell with the column on the bottom, which is approximately maybe three feet in height, you're going to cover that?

MR. TIMOTHY STICKELMAN: He's looking at the photographs.

MR. JACK LYNCH: And the bottom photograph to the left. You're saying you're going to elevate. So if you'll elevate the

ground four feet, you'll bury that column in the ground.

MR. SHAWN LENAHAN: This column is approximately in this shaft.

MR. JACK LYNCH: You have to expose it --

MR. SHAWN LENAHAN: That's the challenge.

MR. ANTHONY GARDNER: I think the -- they don't want to.

MS. CARLA BONACCI: I think one of the issues is this resource if one could actually take it away and bring it back, I'm not sure if it's feasible because of its state in deteriorating. You're just putting it back at a different elevation and totally different spot, all to save a remnant the recovery. And how historic is that? Can we actually save this thing and not get it and wreck it and have it fall apart? It's not like moving a house off of the foundation. We're struggling with, as we look at this --

MR. ROBERT KORNFELD: Is the entire substructure being demolished?

MS. CARLA BONACCI: Yes. We don't think

we can work around the orange area that's depicted. So can it be saved to something we can look at saving. But what if it gets destroyed? Do we then recreate it? These are all the concerns. We're being honest.

MR. BILL WONG: I would ask -- is it something that could be preserved in the memorial center, relocated on the site just as the Warsaw ghetto paving stones were located? What do people think of that?

MS. PATRICIA REILLY: You know, I didn't know it was there. But it was where I used to get into the World Trade Center. It's weird that I see it now. It's where I used to come down the street. To me, now that I know it's there, it would be nice if it was in the memorial center. And then you had photos of how you looked in its original state.

MR. TIMOTHY STICKELMAN: In regards to removing it, we're looking at it, but Jackie had a comment.

MR. STEVEN WEINTRAUB: It's interesting you mention the Holocaust Museum, I was a conservative at that museum. I was there

when we made a lot of decisions. I think that everything you're saying about the possibility of this is correct. I totally agree. It has historic value. It has meaning and purpose. The problem that we had at the Holocaust Museum, even now we have a warehouse of material and we had to make choices about what we would put on its place. Not to say it's not valid, but the question is, is it that or something else? As an example, just a hypothetical, if you have a lobby and somebody is willing to make a commitment that something relative to 9/11 memorial, is that your statement where for instance, let's say, all the steel we have at Hanger 17, for instance, that you take something from there, because the term that we used to talk a lot about, something called emotional knowledge. That is to say, somebody coming through is not reading that, is not familiar with what's going on. When they see it, do they understand it. The problem I have with this, I am not sure that -- it can be evoke some personal knowledge. But is it strong enough relative to other

possibilities? Not to say is something important or not important. It's really a point of relativity.

MS. PATRICIA REILLY: Except that it's there. So much of the World Trade Center isn't there.

MR. STEVEN WEINTRAUB: That's what I'm saying. The significance is because it's there. It is original. That's not why it is -- to not trivialize it. So is that the strongest statement relative to other things you can do? It's what one has to think of.

MR. ANTHONY GARDNER: Right now there's nothing at street level in the plan.

MR. PHILLIP KRAFT: This may not speak to this particular site. The point is for me, and I don't know for other Consulting Parties, that some of the things in a fixed location, if on every occasion it would determine that would go in the museum, you're sort of bringing all of it into one place rather than expressing the breadth of the experience. I don't want to be disruptive of the construction process. If the Consulting Parties feel fine with this not having stayed

there, so be it. But just that position of an historical artifact that looks ruined, cut out and saved and maybe brought back that one piece in a thing that could be read about is valuable. To show how far away. But in thinking about the whole site there should be experiences in different places. One should not have to go to a particular location in my opinion. In seeing it on-site is always a tangible reminder of the material.

MR. SHAWN LENAHAN: Okay. It's passed 6:00, so I'll move on.

MR. PETER GOELZ: Quickly.

MR. SHAWN LENAHAN: One brief thing I want to go over is the issue of site memorial visibility opportunities and architectural treatments. What we're talking about here is a couple of items. First how the visibility of the slurry wall could be incorporated into the PATH train.

The planning stages, what we are considering is how where the terminal pierces the slurry wall, if there may be areas adjacent to it, above or around that could be left to compose to give it the sense that

you're progressing beyond the bathtub for those who have had that strong feeling. Some areas, where you're moving under West Street. Also from when you're moving from the east side of the bathtub over to the main transportation hub, as well as possibly the east side, perhaps either the track level or mezzanine level. Essentially we're looking at areas where it's adjacent to the slurry wall.

The other issue, the issue of visibility from the PATH terminal into the memorial zone. We're looking at opportunities and working with DC and the memorial planners. I wanted to talk about the repercussions.

First, what are the requirements of the memorial hall and focusing on the footprints and everything there. In the event that either on one of the events or at some point there may be visibility from the PATH terminal into the memorial zone, the concern is, there would then by itself be visibility from the memorial zone into transportation. And the concern would be do we want that? And I just wanted to put that out there.

Something we're looking at. I think it is a concern.

MR. PETER GOELZ: Something to think about.

MR. ANTHONY GARDNER: So there's going to be retail in that east/west corridor?

MR. TIMOTHY STICKELMAN: On the northern side.

MS. CARLA BONACCI: On the northern side of the corridor, there's access to the observation deck and some retail. They would be tasteful development on that side. It's a two-way window.

MR. SHAWN LENAHAN: Doing something to evoke the wall.

One last item because it was specifically raised as a comment at the last meeting. There was a question raised regarding the flow movement from west of the World Trade Center Battery Park and World Trade Center to the transportation hub and how would that be done.

We looked at travel distances. At a spot about just the west side of West Street, which would be the residential areas are west

and south of that and of course north, it's about 1100 foot walk, using city streets, moving across Vesey Street and then moving north on Greenwich and then into Tower 3 into the transportation network. About 1270 foot walk if you were to progress up into the hub, that of course, in addition to being able to get into the transportation network on the west side of West Street.

In addition, in our preliminary planning, and we're confident it will continue to go this way, there will be an opportunity to walk across the memorial at some point. So given the levels of this and how it relates to the street, that's something to look at.

MR. BILL LOVE: I think that's important.

MR. SHAWN LENAHAN: To raise that, there's a lot that's being down more than it was previously.

MS. PATRICIA REILLY: From the families' standpoint, that's really very preliminary, but it's not a 106 discussion. It's a memorial discussion.

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MR. ANTHONY GARDNER: But it's worth making the point though that you're creating all these subgrad concourses and concourses around and ways around the sites and you're allowing people just to cut back and forth through the memorial. You may not realize it but it lessens the significance of the memorial itself. You can't go to national memorials and just cut across it as a shortcut, you know. And frankly that's something you should really -- being sympathetic to the residents, frankly their are streets can introduced here that were never here before. You could simply walk down the streets.

MR. SHAWN LENAHAN: The fact is, using city streets, the move can be made relatively easily. That's the point. To the extent -- we're not here to get into the detail of that, so I'm not in that position. This can be done on city streets.

MR. JACK LYNCH: The families would be very opposed to that.

I would like to make a comment on the stairwell. When the towers came down, they

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went down within the bathtub. That is what occurred on this side. I think that's important to anybody who's coming to the site and realizes that the structure so fast, went completely into Vesey Street.

MR. ANTHONY GARDNER: And also, I think Phil Kraft's comment was extremely valuable. This site is supposed to be integrated. So that people no matter where they are, they know they're at the site of the former World Trade Center. That's the way to do it. There can be various ways here and there.

MR. BERNIE MCNEILLY: You might have missed one comment. Right here.

MR. BILL LOVE: Actually, sort of leads into the next question. When we're talking about connectivity and crossing this street. I made some comments last meeting and asked about the pedestrian bridge that was mentioned briefly in the document and suggested that a careful look should be taken at that as opposed to the pedestrian concourse. And subsequent followed that up with a letter suggesting for some characteristics that that bridge may have,

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that was based on a presumption that the DOT-EIS, that both of those alternatives were compatible with all of the West Street alternatives, including the tunnel.

Subsequent to that, I read more carefully that EIS for the PATH station and there's a statement in there couple of places that says if a short bypass is constructed, NYSDOT would relocate the utilities under West Street to facilitate their proposed traffic tunnel.

This utility relocation will also allow for construction for PATH's subgrade concourse. In the event that the no action or grade alternative for the route 9-A is selected, NYSDOT may not undertake this utility relocation if this were to occur. I'm hoping, although from the point of the residents who very much are against the tunnel, we certainly would take a tunnel and pedestrian overpass that may be the best of both worlds. The decisions should be independent. Should not have the tail wagging the dog. I understand everybody wants to do it on the other guy's dime, but

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it might be more better for the Port Authority to put a bridge -- tunnel rather than an upgrade. But I think that's the wrong approach. I hope these are independent decisions.

MR. BERNIE MCNEILLY: The projects are clearly independent. The fact is, whatever decision New York State DOT makes is that subgrade passageway under West Street request be undertaken and can be undertaken by the Port Authority. What was mentioned in the New York State documentation. If the upgrade alternative of being contemplated, that they may consider bridging options particularly on the south side of the bridge in the proximity of the West Street. There used to be a bridge there. They're going to contemplate a bridge, but that's on the New York State DOT that really depends on which recommended alternative, whether they have a bridge or not.

UNIDENTIFIED SPEAKER: I want to make sure that the decision on the pedestrian crossing wasn't driving the decision on the tunnel.

MR. BERNIE MCNEILLY: More or less, a construction coordination issue. But as far as the action and undertaking, the projects are separate and clearly being built as a separate undertaking.

MR. BILL LOVE: This language in your EIS is confusing.

MR. BERNIE MCNEILLY: We could probably clarify that.

MR. JOHN HOTOPP: So far we started out with determining of eligibility and we've worked very hard to get that through. And we did an assessment of the facts and I believe you have until the 21st to give us a last comments on that. The next document you will see, that will be prepared probably within the next two to three weeks, hopefully before the next meeting will be the amendment agreement. That will spell out a number of features to it. All whereas and the standards clauses why we're doing this and why in the first place. That will be spelled out. And then the real meat and potatoes is that you want to focus on the stipulations. What will Port Authority do? How will they

address the issues that we're talking about? So that will be addressed that they worked very hard at. There will be a section on dispute resolution, what happens if we have a problem. There will be a section on amendment and determination of agreement. When is it going to finish out. Who will actually sign the agreement. That's the next document you'll see.

If you want to take some serious time with the stipulations sections, because that is the meat and potatoes of what we've been doing here. I'm anticipating one or two more meetings on this document alone. Because I think that this will be the most important outcome in the whole process. That's my 20 minute speech in three minutes.

MR. PETER GOELZ: Thank you.

MR. ANTHONY GARDNER: We'd like to make a suggestion. There's a lot of concerns about the cumulative effects of all the various projects going on. In particular, we've raised this issue with the LMDC as well. It doesn't make sense that your project directly impacts the footprints and,

yet they're the ones that will determine access. I suggest that you have LMDC -- that you have a signatory on your memorandum of understanding, in particular to the stipulations concerning the footprints. There is a lot of fears we have at this point, and it seems that you really understand the importance of the remains of the footprints.

I think what we're concerned about, we're working towards something good here. And LMDC will turnaround, well within our agreement, we determine access, we want to build and we need infrastructure for the memorial. So we said 90 percent, but you'll get 10 percent. And I think that's why the suggestions we want to put out there, having LMDC signatory, so that there's an understanding when we're dealing with the footprints, if you commit to certain percentages, they have to make that commitment as well.

MR. JOHN HOTOPP: Thank you.

MR. PETER GOELZ: Let's talk about the next meeting. It's been suggested that we

meet into August. That we have a meeting in early August during the first week. During the fourth or fifth, somewhere around there? Then we can try to meet again the 18th or 20th, around there because then, we really are tied up and don't want to meet again until after September 15.

MR. PHILLIP KRAFT: Does someone keep a list? Could there be drawings of the footprints for people to look at and consider, if you're talking about mitigating effects? Do we get to see various designs of what it would look like?

MS. CARLA BONACCI: Too early, but as we do here, we do mark where those footprints are relative to the structures. But I don't have any design solutions.

MR. BILL WONG: We won't be at a point to particularly say the color of the pavers.

MS. CARLA BONACCI: We can talk about philosophy and approach and come to terms on that and there's a design process.

MR. PETER GOELZ: Anyone else?

MR. PHILLIP KRAFT: I guess there was some talk about the alternative to PATH

design or people saying that was missing.
MR. PETER GOELZ: I think they said those were destroyed.
MR. PHILLIP KRAFT: Earliest were the artifacts. I may not understand but especially for the artifacts that are not part not officially part of the 106 here. Of the members that want to be part involved, are the family members going to have a say in what gets brought to the museum and the historic preservation?
MR. BILL WONG: That's within the LMDC purview.
MS. PATRICIA REILLY: Why, if the Port Authority owns the artifacts?
MR. BILL WONG: This is the coordination effort that was raised early on. That there will be a coordination effort, but the way it is set up, there was a LMDC panel.
MR. JACK LYNCH: Is there a family member?
MR. BILL WONG: I can't speak for LMDC.
MR. BERNIE MCNEILLY: What we can say is that we hear what your concern is. We are coordinating with LMDC. But we have a

curatorial process in place.
MR. PHILLIP KRAFT: It's not Port Authority. I know you're coordinating. I want to make sure that some of the Consulting Parties can consult with them.
MR. BERNIE MCNEILLY: I hear the point. I don't think we can answer you.
MR. ANTHONY GARDNER: Last question, are you going to consider our comments and get another draft of the findings -- Finding of Effect documents to the Consulting Parties after you review our suggestions?
MR. BILL WONG: We will go and we will take into account and we will answer you at the last meeting.
MS. PATRICIA REILLY: Actually at the meeting we were at with you, you had stated, I don't know your name, Mr. Menno, that you would be redoing that document.
MR. BILL WONG: Do it usually as part of a final response. Interim draft.
MR. PETER GOELZ: You can see that your comments and input are being taken seriously.
I think that this was a good session

today.
MS. ELIZABETH MERRITT: I have a comment on the next meeting dates that you talked about. On August 5 and 6, the advisor counsel is meeting in Minnesota, so I wanted to know if other than August 5 or 6, you can say August 3 or 4. I want all to be here.
MR. PETER GOELZ: Anything else? I think we're done. Thank you.
(Meeting concluded at 6:45 p.m.)

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, GINA M. D'ADAMO, a Shorthand Reporter and a Notary Public within and for the State of New York, do hereby certify:
That I reported the proceedings in the within-entitled matter, and that the within transcript is a true record of such proceedings.
I further certify that I am not related, by blood or marriage, to any of the parties in this matter and that I am in no way interested in the outcome of this matter.
IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of August, 2004.

GINA M. D'ADAMO
NOTARY PUBLIC

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WTC TRANSPORTATION HUB
PERMANENT WTC PATH TERMINAL
SECTION 106 CONSULTING PARTIES MEETING

AUGUST 19, 2004
PORT AUTHORITY OF NEW YORK AND NEW JERSEY
225 PARK AVENUE SOUTH
NEW YORK, NEW YORK

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY
SECTION 106 CONSULTING PARTIES MEETING

AUGUST 19, 2004

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Noah Pfefferblit, Wall Street Rising
Ruth Pierpont, NYSHPO
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A P P E A R A N C E S: (Continued)
Pat Richards, Con Edison
Peter Rinaldi, PA/NYNJ
Luis Rodriguez, PA/NYNJ
Dave Stanke, BPC United
Ben Stanley, Alliance for Downtown NY
Tim Stickelman, PA
Petra Todorovich, Regional Plan Association
Charlene Vaughn, ACHP
Matt Viggiano, NYS Senator Martin Connor
Mark Wagner, VAA
Steven Weintraub, Art Preservation Services
Bill Wong, PA
Christopher Zaddie, PA/NYNJ

MR. BERNARD COHEN: Good afternoon, everybody. Again, I'm Bernard Cohen, Director of the Lower Manhattan Recovery Office for the Federal Transit Administration. I'd like to welcome you to this third meeting of the Consulting Parties for the Section 106 process for the permanent PATH terminal at the World Trade Center site.

At our last Consulting Parties meeting which was held on July 20th, we discussed a number of topics on which the consulting parties provided input. Taking your comments into consideration, I believe the Port Authority has made progress on a number of fronts to incorporate historic resources in the draft MOU that is being shared with you, including the E train subway entrance area, as well as visual expression of the column perimeters from platforms inside the station.

In reviewing the MOA, you may have noticed that one of the resources that received a lot of discussion at the last meeting, the Vesey Street plaza and subway entrance, are not referenced and that's because the Port Authority has gone back, taken a hard look at its design,

identified another way to create an entrance into the terminal in that area and has determined that it can completely avoid touching this resource.

I'd like to say that FTA is very pleased with that outcome and I'd like to commend the Port Authority for its diligence in going back, taking a good, hard look at its design and determining a way around having to effect this resource.

On another note, there is a point that was addressed specifically to the FTA in one of the comments we received on the DEIS having to do with making a formal referral to the keeper of the National Register of Historic Places regarding the DOE for the World Trade Center site. FTA does not plan on making such a referral.

We believe that the DOE provides a proper basis for the Section 106 review that's now underway. We believe that that review is providing additional information about the site, about mitigation measures that have been and will continue to be discussed and refined throughout this 106 collaborative effort and that the DOE is not constraining this discussion. We do intend

for this 106 process to provide for the appropriate treatment of this historic site and we look forward to continued consulting party participation in developing an MOA for the project that reflects this objective.

That being said, I'd now like to turn the meeting over to Peter and get underway.

THE MODERATOR: My name is Peter Goelz and I am going to serve as the moderator this afternoon of this meeting on the 106 process. Before we get into the formal process, I'd like to, as always, go around the room and introduce ourselves. Why don't we start over here.

(Whereupon, all participants stated their appearances for the record.)

MS. MARILYN VIA TELEPHONE: Thank you for allowing us to participate by conference call. I would ask that with people in the audience who have comments to make, that they speak a little closer to the phone because I only heard about a tenth of the names going around the room.

MR. STICKELMAN: We will send around a portable mike when they start speaking.

MR. BOB KORNFELD: This is Bob Kornfeld from Historic District Council also on the phone.

THE MODERATOR: The goals today are some follow-ups from the July 20th meeting in which we had extended discussion on a number of items. We are going to distribute and discuss the first draft of a partial memorandum of agreement that's part of this process and discuss the next steps that are necessary to finalize the MOA. Those are really the three work items that we want to address today.

Items that we are not going to cover today, items that are being covered in other forums are the removal of the sub-grade slab remnants in the northwest corner, the discussion of the memorial itself and an extended discussion on the artifacts. Although I will ask Jackie if she would give an update, we have committed to do a complete inventory of the JFK material. Jackie, can you give an update on that?

MS. JACKIE HANLEY: We have been in the process of updating the inventory weekly, from the copy that you received sometime back, and I will turn the discussion over to Mark

Wagner from Voorsanger & Associates. He also has a draft copy of the inventory with him.

MR. MARK WAGNER: Most of you know that the initial copy of the inventory that was handed out several months ago was what we are calling the first collection of the primary collection. That was stuff that we handpicked. The second collection, for those of you who were out at the hangar, was piled up. It was steel that came to us later on in the recovery process.

We have now gone through that all, photographed it and put it into a report format. It's becoming a small telephone book and we have about 750 items total in the collection right now. We should be done with that. We are down to the final red-marking stage of the inventory, so it should be done very shortly.

THE MODERATOR: When do you anticipate that being done?

MR. MARK WAGNER: Sometime in mid-September, realistically, to pick up all the red marks, typos, things like that. Most of the data has been entered now. We are just going back and churning through it all.

THE MODERATOR: Thank you. We will get into the discussion of the MOA process, which John Hotopp will be focusing on some remaining stipulations, and anything that comes up in today's meeting or in the near future and then the post MOA process, what goes on once the memorandum of understanding is signed.

If I could just for a second, I will briefly review the 106 progress to date. We've really made some good progress over the past few meetings. We've gone through where we have established the undertaking, we've discussed the effects of historic properties, we have evaluated it, we've had, I think, some significant public input. We have moved towards assessing the adverse effects. We've heard this afternoon already that on the Vesey Street entrance, the Port Authority is changing their need for the entrance at that site to another location, so it will not impact that.

We are now moving into the process of the memorandum of agreement which would then be followed up by the Agency Record of Decision and the final design. In today's discussion we really want to focus on the stipulations that are

being discussed today and on future stipulations that may be included.

The first item for discussion this afternoon is going to be the follow-up and status of some of the items that were raised in the past meetings. The first one we want to discuss is the site documentation with Peter Rinaldi.

MR. PETER RINALDI: Thank you. Specifically, what I just wanted to update is, from the last time, we did speak about site documentation, and specifically the Tower footprints. So we've gone and looked at some of the logistics and timing of what's involved in uncovering the footprints of Towers 1 and 2. The areas we are looking at is this area in that line which is Tower 1.

Our plan is to remove any material that's on top of the lower level B6 slab and remove it for documentation purposes, the features on the lower level. In the area of Tower 2, which is in this area, cleaning off those areas that we can down to the B6 level and also documenting the features that are there on the lower Tower footprints.

Some of the areas where there are exit

stairs and some of the areas where there was some paving for access in and out of the tracks, these stairs, we will not be able to move all the material in that immediate area right there, but we will do it immediately adjacent.

Our plan is, our timing is to shoot for doing this early October, sometime around the first week of October. We will marshal the resources to have that material removed and the documentation done.

Also at that time there was a question about accessibility to the consulting parties at the time that we uncovered the footprints. We have looked at that and we will provide access to those consulting parties at the appropriate time, when it's done, to go down into the footprints to take a look at this area. As you uncover them, we will coordinate that around the site logistics, and also depending on the response and the size of the group, we may have to do it multiple times because I am just concerned about the logistics and the size of the group as we escort you around through the site because it is somewhat of a construction site and also there are a lot of uneven areas and obstructions. So

it's more a matter of safety for those parties that would be coming to view this area. We tend to go ahead and do that.

As we get close to this, ahead of time, we will send out a notice about the availability of being able to come in and view that access to the site and coordinate that with those parties that are interested. Thank you.

THE MODERATOR: So for the slabs, the uncovering will take place, we hope, the first week in October, sometime, and a site visit will be arranged.

MR. ANTHONY GARDNER: Anthony Gardner, The Coalition of 9/11 Families. I want to thank the Port Authority and LMDC for finally agreeing to cleaning off these footprints and properly documenting them. I just have a concern. If this doesn't take place until October and you're allowed to finalized your memorandum of agreement and finalize your record of decision, how will our evaluation of this documentation that you bring us be able to factor into the process?

MR. PETER RINALDI: We believe in the documentation. At that time there will be

time for the documentation to go out and be reviewed.

MR. DAVE STANKE: Dave Stanke from Battery Park City United. You worked around the area where these items will be uncovered for quite a period of time. Right now they are covered by maybe an eighth, a quarter inch of the dirt that was put in there to straighten, to level everything out. Is that correct?

MR. PETER RINALDI: The thickness of the material varies from an inch to 10 to 12 inches, depending on where it is on the site.

MR. DAVE STANKE: What's under that material? From pictures I've seen, there are square box beam columns that were cut off during the recovery so that we know we have a certain size and shape of a metal outline lying in the cement, essentially.

MR. PETER RINALDI: What underlies the areas of the footprints is the remains of the B6 level of World Trade Center 1 and World Trade Center 2. That consists of the B6 slab. It consists of what's left of the remnants of perimeter columns that penetrated the slab, both in the perimeter and in the center.

Also there are areas where the base was destroyed due to the collapse and the recovery operations so there are some areas where the fill is somewhat thicker and some areas where some pits that were left of the outline from where there were elevators or some pumps and other pumping facilities that were located in those areas.

MR. DAVE STANKE: So I guess the question I have or what I am trying to assess is what is the probability of this process uncovering something that wouldn't be known in advance? In other words, what is the likelihood of a surprise that would suddenly change the scenario and the approach to our views in terms of what is preservable, what's important to preserve and what might not be so important? That's maybe a rhetorical question. That's obviously a tough one to answer.

My sense is, from having been down there, there's not going to be a whole lot that surprises me.

MR. PETER RINALDI: Having been there, just to tell you from my experience, having been there during the recovery process,

everything that was there at that base level that was not solid concrete or attached was removed, cleaned and searched. The material that's brought back, that's there now is material that was brought in after the recovery was done to make the site level and safe.

MR. DAVE STANKE: Great. Thanks very much.

MEMBER OF THE AUDIENCE: One remnant, Peter, that I don't think you mentioned, the core column remnants are a large sort of giant box beam columns, if you will, that are sort of in the middle of each footprint. They were the columns that supported the Trade Center, is that not correct?

MR. PETER RINALDI: No. I did mention those. I did say there were perimeter columns, as well as columns in the center, at the base, and those that are there that we can uncover will be uncovered when we uncover the footprint.

MEMBER OF THE AUDIENCE: That might be an example of a remnant that might be a surprise to Mr. Stanke because that's not a remnant that people are familiar with. In the

descriptions that you've offered thus far in the Section 106 process, nowhere does it describe the footprints in total.

THE MODERATOR: As I said, when the work begins to uncover it, the PA will reach out to people and let them know when the site visits or visit will be determined and will be held. We are going to move on now to the Vesey Street entrance, the former 1 and 9 entrance.

MR. SHAWN LENAHAN: In our last consulting parties meeting we looked at the issue of the 1 and 9 access at Vesey Street. This is the entrance originally coming down Vesey Street and moving up to what was the plaza. This was an entrance to the 1 and 9 station. This is the location in the plan.

As you recall in our last Consulting Parties meeting, and for those who weren't here, we had some comments from consulting parties that favored the removal of the resource and some comments from consulting parties in favor of retaining the resource, which we took in. What the Port Authority has done in working with MTA is in further looking at how the PATH terminal project may impact the resource and realizing

that one preferable option is to avoid the resource. That is the conclusion that we reached for the PATH terminal project.

The terminal being in yellow, the way that we would most likely avoid the resource is to shift the entrance from the street to the PATH pedestrian entrance or pedestrian network, possibly to the south, or in some other direction to not touch the resource and it would not impact the project. Therefore, the other projects on the site may deal with that resource as necessary, but as far as this process and the Section 106 for the PATH terminal project, we won't be impacting that resource.

THE MODERATOR: Any comments on the Vesey Street entrance, any further observations?

MR. KEN LUSTBADER: Ken Lustbader from the Lower Manhattan Emergency Preservation Fund. I just want to understand, did you say that it's removed from your project parameters, boundaries, or you're not going to be impacting it at all?

MR. SHAWN LENAHAN: The PATH terminal project won't impact the resource.

MR. KEN LUSTBADER: But other

projects could potentially impact it?

MR. SHAWN LENAHAN: Yes.

MR. KEN LUSTBADER: So in terms of mitigation or design treatments, there is no proposed design treatment that would be incorporated into the MOA, such as some of the other issues we discussed about the box beam columns, architectural treatments. The Port Authority is not proposing that at this point?

MR. SHAWN LENAHAN: Correct.

MS. LISA ORLOFF: Hi, my name is Lisa Orloff. I'm the executive director of September Space and I am also a World Trade Center Survivors Network board member. I am here representing the Board of the World Trade Center Survivors Network on the issue of the Stairway to Nowhere. I discussed it and it's appropriate at this time to mention it, but I wanted to make sure their views were expressed here. You're talking about the resources, so I wanted to ensure you're speaking about the Stairway to Nowhere in what you're addressing.

One of the things that they had requested was that in speaking about the Stairway to Nowhere, really changing the name perhaps to

Survivors Stairway because that's where most of the people who survived came out of. I have documentation and a full letter requesting that for anybody that would like it.

MR. JOEL KLEIN: Joel Klein for the Coalition of 9/11 Families. Over the last several meetings we have been told over and over about the close cooperation between the Port Authority and LMDC regarding all aspects of their respective projects and the cumulative impacts. Has the Port Authority had any specific discussions with LMDC regarding LMDC's plans to effect the Vesey Street stairs, irregardless of commitments made by the Port Authority? If the LMDC has plans that would affect them, any commitments made by the Port Authority essentially become moot.

MR. SHAWN LENAHAN: The Port Authority has spoken to LMDC that the PATH project is not going to affect this resource, but the LMDC process is that they are not at that stage yet. They just know, they've been informed that we are not in the PATH project affecting this resource.

MR. TIM STICKELMAN: The LMDC 106

process will start. They have a programmatic agreement.

MS. PETRA TODOROVICH: Hi, Pat Todorovich from Regional Plan Association. I see that it's in the footprint of the plan for Tower 2 and I was just wondering if anyone can give me an impression of how this might be dealt with. I assume this might be something that would be -- what grade would it be at when Tower 2 is built? Would this be something that would conflict with the sub-one level of a future office building or the grade level of a future office building and would LMDC manage that process?

MR. TIM STICKELMAN: I believe that's just a schematic drawing basically. You can see Tower 2. It's such a preliminary draft, they are not even sure what Tower 2 is going to look like, but that will be dealt with under the programmatic agreement.

MR. SHAWN LENAHAN: Among the things that we mentioned in our last meeting last month was that there would be a grade change to what the grade is currently, to what the grade of the street and the surrounding structures will

be. So those are things that would factor into that. But since the PATH terminal won't be impacting that, that's something that will be addressed in those forums.

MS. PETRA TODOROVICH: And it would probably be sub-grade, this structure.

MR. SHAWN LENAHAN: There is actually maybe a 4- to 6-foot difference in grade, so it's not a significant difference but it's noticeable.

MR. TIM STICKELMAN: It's just unknown right now. They just don't know.

THE MODERATOR: As most of you know, last time we had extended discussion on the need for Platform D, and the Port Authority agreed that they would return today and discuss their rationale and the data that justifies the need for Platform D. We are going to ask Lou Menno to come up and discuss that.

MR. LOU MENNO: Good afternoon, everyone. Thank you for joining us. I'm going to begin by going over and doing a recap about the history of this project from when it first started, going back two and a half, almost three years ago. It's hard to believe that so much

time has passed.

It's important that we look at some of the history because a lot of good work has been accomplished during that time. It's important that we remember that, because I think sometimes we fail to remember. As we get into heated discussions at times, we seem to forget all of the accomplishments we made and the collaborative spirit with which we work together and at the same time to again demonstrate the Port Authority's firm commitment to document as well as to preserve to the fullest extent possible the historic resources, such as the Tower footprints and the columns of 1 and 2 World Trade Center.

We made a lot of commitments and we have been able to live up to those commitments. When we look at track configuration, platform configuration, we met the promises that we made and we will continue to do so. It's important to keep that in mind as we move forward.

When this planning process started some time ago, we had to start looking at developing the goals and the objectives for this permanent PATH terminal, this transportation hub which is just not the PATH station itself. It's

more than that. We had to look at what we had before 9/11, and then we had to look at what was going to happen in the future. We had to look at all of Lower Manhattan, not just the World Trade Center site and we had to develop the goals and the objectives to meet all of the parties' important criteria for the rebuilding of Lower Manhattan after the events of 9/11.

When we look at what we had before 9/11, when we look at what we lost, we lost a lot and we need to restore a lot of those pre-9/11 functions in a more enhanced and more effective way than ever before. When we look at the PATH station, the PATH facilities that we had at the World Trade Center, we had a station that was designed in the twentieth century, a station that had three platforms with five tracks, three ten-car platforms, and we were at full capacity with that station. We were experiencing ridership growth, especially on the Newark line. We were experiencing ridership growth in the reverse commute as residences were beginning to prosper in Lower Manhattan, more people living in Lower Manhattan.

And what was happening, we were having

situations of overcrowding on those platforms and safety was in question. What could we do for the future? We did not have the ability to expand that station, to relocate it. It was fixed. We had no way to move it. And the best that we could really forecast was a decrease in the level of service as the ridership was going to grow in the future.

Then we looked to the future and we looked at what was happening, not only at the World Trade Center site, with the restoring of 10 million square feet of office space, the rebuilding of 7 World Trade Center, but all of the retail space, the cultural facilities, the memorial, as well as all of the other businesses that were coming back downtown and the residential population that was growing. The residential population is growing. We realize it's going to further increase the reverse commute in Lower Manhattan as we look to the future.

As we look up to the year 2025 and the EIS, the draft EIS, you saw the amount of ridership levels increasing. It was important that when we established our goals, it was to

establish a transportation complex, not just the PATH station but a transportation complex that would address the needs of all the parties affected in Lower Manhattan and also be very mindful and sensitive to the issues of mitigating the impacts on the historic resources. We did that and we will continue to do so.

When we developed the initial plans for this downtown transportation terminal, we laid out corridors, we laid out all the new intermodal connections between PATH and virtually all of the subways, connections to the cultural facilities, memorial, and we avoided with those corridors, with those concourses going east-west, north-south, avoiding the areas of the footprints, the areas where the columns stood. If I only talk about footprints, I also mean columns. I'm talking about all of the historic resources.

And then when we looked at the PATH facilities and we looked at the ridership growth, we had developed with our planners initially a plan, what would be the best for us to have as we build and plan for the future. Initially, our planners came back to us early on and said we

need five tracks and five platforms. We looked at that and we really didn't like it. First of all, a lot of the layouts were nice to have, and more importantly, it also affected the resources of the footprints and the column bases. What we did was go back to the drawing board, do something more effectively, more efficiently in a layout that would address the needs for the future. We presented about a year ago the layout that you see here of five tracks and four platforms.

Early on, when we first presented this plan, Track 1, right here, was located here, further into the footprint. We pointed that out. We didn't hide it. We explained why, because we thought that the slurry wall along Greenwich Street would have to be reinforced, which would then impact that track. We made a commitment that we would do our damndest to make sure that we could avoid doing that. We did that and we were able to come back to the parties and say that Track 1 will remain where it is and have less of an impact on the footprint, as well as the column bases of 1 World Trade Center and 2 World Trade Center. We lived up to our

commitment.

At the same time, we also made a commitment that these five tracks will remain in virtually the same location and the same configuration as before. We also said that these three platforms were also going to remain in the same location and the same configuration as before, ten cars in length, but we needed this fourth platform. We presented to you and we worked very hard at explaining the amount of impact, how many columns, how much area we were covering by this fourth platform. This fourth platform, we explained why it was needed in terms of ridership growth and safety. Keep in mind, we have to build and plan for the future but also still remember what was there and what happened on that horrible day. We are also survivors here.

The need for Platform D, let me go through that for a moment. When we design a PATH station, when we design any station, there is a basic premise. You design for the peak period, and the peak period for this PATH station is in the morning peak. You have to design for that. And more importantly, you have to clear the

platforms before the next train comes into the station. If a train is coming in at a three-minute headway and the first train comes into the station and unloads its passengers, they have to clear that platform within three minutes. When you think about clearing the platform and how long it takes, it's made up of a number of different components. I'm going to do my best to try to explain it as simply as I can.

The time that it takes to clear a platform is made up of increments of time that, added up, gives you this time frame to clear a platform. The first time interval is how long does it take to exit the train. You add to that increment of time now another increment, which is how long does it take to walk on that platform to a queuing area and then the time it takes to get up a vertical circulation element, whether it be a stair or whether it be an escalator. All of that time, all of that clearance time has to be less than the headway.

Next, that clearance time to get off the platform is also affected by the number of vertical circulation elements, how many stairs, how many escalators. When we look at this

station, we look at the platforms, there is only an optimal amount of vertical stairs, vertical elements that you can put into a station before they begin to affect one another and before it becomes a negative, whether it be from a geometry point of view or whether it be from people walking in front of each other. If you have cross-connecting stairs at times coming up to a mezzanine, it's also taking away valuable circulation space on the platform. So there is an optimal amount.

Now, if you remember, I said that there is that reverse commute, that growing residential population in Lower Manhattan. They are doing that reverse commute, so when you look at this calculation of how long, this analysis, of how long it takes to get off a platform, you have to look at that not every single stair or escalator is used to clear a platform. You need to allocate some of that vertical circulation for this reverse commute.

I'm not even going to talk about failure of management here if one or two escalators go out of service. Just keeping that in mind, vertical circulation, reverse commute,

and when we look at and do the analysis of three platforms for the Newark service on Platform C, the time it takes to clear that platform is greater than the three-minute headway. That's a negative. That is a negative. That creates blocking, backup on the platforms. By the addition of this fourth platform, it alleviates that condition. It greatly reduces that clearance time.

We, as a public agency, have to think about safety and safety is very, very important. Safety has been one of our primary objectives here, as well as being a secured environment. Safety is important and we are not going to jeopardize safety for our passengers now and in the future. It would not be, I believe, in everyone's, in the parties' best interest to say that we are willing to sacrifice or jeopardize safety. We have to keep this in mind.

What that extra platform does, it allows for improved circulation of our passengers, allows the passengers to move around more effectively and help us with that projected growth that is coming to Lower Manhattan.

When you think about it, what did we

have before 9/11? We had a constricted station that had reached its limits, and for us to go back and build a station that is a replacement in kind does not serve the best interests of all the parties. Keeping in mind as we move forward, we are very cognizant and very understanding and sensitive to the historic resources that are going to be affected. We will do our damndest to mitigate the impact on those resources, but to put safety at risk and not allow for future ridership growth is not in the best interest of Lower Manhattan and all of the parties concerned. Thank you.

THE MODERATOR: Any questions for Lou, and comments?

MEMBER OF THE AUDIENCE: Most of the push-back in these sessions has been in terms of the Port Authority having to justify this Platform D, which I'm sorry to see that you have to present so defensively because it does seem obvious that you have to be able to handle the traffic in a safe manner.

I want to push it a little further and ask will Platforms A, B, C and D be adequate for the long run or has there been consideration on

whether a fifth platform mike might be necessary to handle the long-term traffic?

MR. LOU MENNO: To respond to that question, the ridership is going to be greater in the future on the Newark line compared to the Hoboken line so that we looked at the analysis, and with the configuration that is being proposed here, it will support the future ridership growth on both the Newark and Hoboken lines coming into the Trade Center.

MR. BOB KORNFELD: May I ask a question? This is Bob Kornfeld. One of the issues that came up at the previous meeting was the idea of reconfiguring the part of that platform that crosses the 1 World Trade Center footprint to clear the columns. Have you explored that any further? It seems like that's a relatively minor change compared to not having another platform at all.

THE MODERATOR: The question was how much consideration or has consideration been given to simply reconfiguring the north end of Platform D? I assume that means, Bob, narrowing it or something like that?

MR. BOB KORNFELD: Right, or kind

of cutting it off and angle it like where work goes across the footprint and maybe reconfiguring the stair or something like that.

MR. LOU MENNO: I have Bernie McNeilly who will address this question for you.

MR. BERNARD McNEILLY: It's Bernie McNeilly from the Port Authority. The width of the platform is comprised of a couple different elements based on what Lou was saying. Part of it is, if you are familiar with the existing station right now, there is a safety strip. There is a distance to be able to get around vertical circulation elements, to stay in accordance with some code requirements, specifically, the American Disabilities Act, ADA, as well as the width that's associated with the vertical circulation elements. Based on that, we are not going to be able to decrease the width of the platforms.

We did take a hard look as far as the number of vertical circulation elements that would be required, and based on the way we were trying to look at this situation, we right now have the minimum amount of vertical circulation elements that we need to maintain an adequate

level of service so that we can make sure we are addressing this platform clearance issue that we are talking about.

Hopefully, that answers your question.

MR. BOB KORNFELD: I don't think that really does answer the question. I think you've got a big problem with that.

MR. BERNARD McNEILLY: Could you be a little bit more specific about the problem?

MR. BOB KORNFELD: I think the problem is that that's an unacceptable impact, I mean, adverse effect. I think you're very close to being able to configure that platform in a way where it will not have an adverse affect on 1 World Trade Center. I think you're so close to having a hundred percent of that footprint, figuring out some way to address that would just move your process along a lot faster.

MR. BERNARD McNEILLY: I understand your point, Bob. We did in fact figure out how to address that there will be an impact. If you could see the slides, and I don't know if you have the slides in front of you, if you look at the coloration that is there for the proposed Platform D configuration, what is

represented in the darker color red is to represent one of the things that was explored. It seemed at the last meeting that there was some reasonably positive feedback about it, about architecturally enhancing and treating both the platform and areas that would represent the Tower area, particularly in the areas where you would be, in fact, either the World Trade Center Tower 1 or 2 footprint area.

In our opinion, what that would mean is that although it is an impact, it would give you an adequate representation, just because of that treatment of increasing your awareness in expressing that you are in fact in either the Tower 1 or Tower 2 footprint. That is how we would be addressing the potential impact to the resource.

MR. NOAH PFEFFERBLIT: I'm Noah Pfefferblit from Wall Street Rising. Mr. Menno, you depicted this in very technical terms in terms of the headways and so on. I am wondering, are you suggesting that if there were an emergency at this location in the future when it was at maximum usage that there could be risk and real endangerment to people trying to evacuate

from the platforms?

MR. LOU MENNO: Without Platform D, the fourth platform, we would have a serious condition that, God forbid, if there were an emergency and we had an overcrowding situation, we wouldn't be able to clear people off in an adequate period of time. There would be some risk.

MR. JOEL KLEIN: For both Lou and Bernie, we keep coming back to this. At the meeting we had almost two months ago, we asked for the backup information to support your ridership projections. We were referred to the EIS. At the last meeting, you acknowledged it was not in the EIS. I believe a commitment was made to provide that information.

In addition, we had not had an opportunity to look at any of the engineering studies to support your contentions about how long it would take to clear the platforms and allow for an independent assessment of that being done. It's clear that that's a very key issue here.

One of the other points that is continually obfuscated is the fact that I believe

that there never was ten-car service into the World Trade Center prior to 9/11. There were ten-car platforms, but as other stations in the system, they could only accommodate eight-car trains. Only eight cars were going into the Trade Center.

You are also showing by your own projections in the year 2025, approximately a 20 percent increase in ridership. You're also now going to be increasing the number of cars on each train by 20 percent because for the first time, with this new station, you will have an opportunity to have ten cars operating throughout the system.

In addition, the Port Authority has contracted for new cars for the system. There's been no information as to the ridership, if there is any difference in the capacity of those cars versus the new ones, the length of those cars, the number of doorways to facilitate ingress and egress. Also, there's been no side-by-side comparison of how passengers would exit the platforms compared to the original condition, the current condition and what's being proposed.

So how is anyone to do their own

evaluation as to whether or not you, in fact, are telling us the truth or not? Essentially, we are being told trust us and I'm not sure that a lot of the consulting parties here feel that we are at the point where we can trust, as an absolute, all the things we hear from the Port Authority.

MEMBER OF THE AUDIENCE: First of all, there are things about the projections that I'm not necessarily sure that I trust. One is in 20 years I think the ability to project they will only have a 20 percent increase in usage is a leap of faith. We could as easily have a 40 percent increase in usage over a period of that time.

So I think in terms of long-range planning, I would expect that this being a significant passage into the city and a very important component of bringing workers in and out and residents in and out, that you have to plan to be very conservative to be able to meet future demands because down the line, as we know from before 9/11, if you underplan it, you are not going to be able to change it in 20 years without a huge cost to the City and the State.

So you know, I have an economics

background and I don't trust economic projections, and so I would be very conservative with that. I think the platforms that you have seem to be reasonably conservative. There will be new trains, faster trains and better, but one thing that doesn't change over a period of time is how fast people walk and how they can clear stations.

Another thing I'd like to say is that I think if you look at the World Trade Center site, probably even within two or three years, the highest volume of visitors to this site is not going to be tourists, it's not going to be residents walking across it, it's not going to be business people in offices. It's going to be people coming into this PATH train. Everywhere on the site has the recollection and the use that it had prior to 9/11. That we walk through and pass and use it in a way that we used it prior to 9/11 is incorporated with reminders of the world before 9/11. It's a far more valuable piece to restore this site and protect the memory of the World Trade Center than protecting a few artifacts of metal and concrete beneath the surface.

I think the design of this PATH station is very important because I think it will be a reminder to everybody who used it on a regular basis. The fact that it takes one through the footprints and people will be walking through the footprints of the World Trade Center and know that when they used to cross through these areas that above them were two towers that are now gone will be an incredibly meaningful part of our daily lives.

So I think those are the main points that I have here. That resource, I think the resource or the ability to be in the space is more valuable than the specific resources of specific columns under the ground.

MR. MATT VIGGIANO: Hi, I'm Matt Vigiano from the State Senator Martin Connor's office. One of the largest goals for Lower Manhattan has been enumerated by many Lower Manhattan organizations, which is to retain this area as the third largest business district in the country. One of the things that is going to help to do that is providing the capacity that would be needed in the future by the workers returning from New Jersey to downtown Manhattan.

I think following the community's lead, this is something that will help us greatly in securing this and keeping this the third largest business district in the city. Thank you.

MS. CHARLENE VAUGHN: I don't know where to begin. First, I'd like to just touch on something that Mr. Stanke said. I actually kind of disagree with that. I think 50 years from now PATH trains are not really going to communicate the September 11th attacks in the way that the actual tangible footprints, that are the scar from the attack, the way that they would be able to provide that powerful connection without words.

I think many people also forget that 3,000 people were killed at this site and cremated remains of those people were found on these bedrock footprints. So they have more than just a historic value, they have a spiritual value. The fact that we are family members is irrelevant. This is a historic preservation position. Check the comments, all the historic preservation groups that are participating in this process have been battling to save these footprints.

Having just been provided with this information that justifies the Platform D, we haven't had a chance to review this yet, but based on what we've seen so far, we do not think that Platform D is justified and we agree with the Historic District Council that a hundred percent of the North Tower should be preserved as opposed to that 97 percent which we had originally agreed to.

The Port Authority and FTA had promised us that they will begin to look at the footprints in total, not just the columns that define them but the total historic footprint. They told us they would speak percentages. Here we are looking at a memorandum of agreement and there is not a single percentage in here in terms of discussion of the footprint of 1 World Trade Center or 2 World Trade Center. I'd like to know where the draft finding of effects document fits into all of this because we haven't seen a revised version of that since you've received all of our comments.

It looks like we are just getting steamrolled into the memorandum of agreement that's going to be finalized. The consulting

parties that we speak with frequently have concerns about the cumulative affects of the LMDC's projects and your projects. A prime example of that is that Vesey Street staircase where you're telling us don't worry, our project is not going to impact it, not telling us what LMDC's impact on that will be, which at the last meeting you mentioned that that Vesey Street staircase was going to essentially, based on the design for the office tower that's going in that location, would essentially be in the lobby and that it wouldn't be practical to preserve it.

I think the consulting parties need to be able to have the ability to look at the entire World Trade Center redevelopment in one cumulative package because otherwise, whatever you tell us, even if you finally keep your promise and begin to look at the footprints in total and start talking percentages, it's going to be irrelevant because LMDC at the end of the day was able to sign an extremely vague programmatic agreement where they just provide access and their definition of the footprints isn't even accurate. They talk about access to the box beam columns that form portions of the

lower footprints. We know from these ongoing meetings they don't form portions, they form the entire historic footprint.

Some people may think these are just steel columns embedded in concrete, but there are those of us who feel they have much more importance and importance in the sense of 50, 100, 200 years from now. The PATH train is not going to speak to future generations about the September 11th attacks, but these physical footprints can. None of the preservation groups are saying you can't have your PATH train, you can't have your office towers, residents can't have their access around the site, which is a different issue.

So the point I'm trying to make is that it's infuriating when people try to downplay the historic significance of these footprints. It really is very difficult to listen to the Port Authority talking about safety issues when maybe you could tell us if the new World Trade Center is even being built under the legal jurisdiction of local building and fire codes because I know that that's another issue.

THE MODERATOR: Try to keep it on

Platform D.

MR. MATT VIGGIANO: Well, we talked about safety features.

THE MODERATOR: I know. They were talking about evacuation of the station. That's not the issue today.

MS. ROBIN FORST: Robin Forst from Council Member Alan Gerson's office. Listening to the different points of view, I am sort of reminded of the lessons that we have learned from 9/11. I think one of the most important lessons that we learned is the critical importance of safety as we go forward. Sadly, it feels like the world is a more dangerous place today than it was on 9/10 or 9/11. I think the creation of easier access into and out of the station through the establishment of the creation of an additional platform makes tremendous sense from a safety standpoint.

One of the other lessons that we learned in the aftermath of 9/11 is that we need to progress, we need to move forward while at the same time preserving the memory of what occurred on that day and also preserving our past. I would ask, and I know there's been some

discussion, I'm sorry I missed the last Consulting Parties meeting on this. I think Anthony is right, that the footprint remains important to our collective memory and if there is a way that that is identified through engineering or designating the area on the platform that represents the footprint, I think that that is an important thing to be done.

I would also say that the memory of what happened 50 years from now or 100 years from now, in my opinion, is better told by the memorial itself and the memorial museum. I don't think the footprint itself will tell a story.

Thank you.

MR. RICHARD KENNEDY: Good afternoon. I'm Richard Kennedy from Community Board 1. I'd like to thank the Port Authority and all the agencies involved for your hard work on this. I agree with much of what Robin said and everyone else. I think we have to look at the folks who live and work here and who come to visit Lower Manhattan. I think that needs to be taken a look at and what the future will bring here. We are the third largest business district, as someone has just previously

mentioned. We are going to add possibly 15,000 residential units which are going to put additional demands on this.

I think if you take a look at that and what needs to happen to make this work, your plan works. I think planning for the future and allowing for growth and capacity, possibly beyond what you're considering today, is a reality. I think the fourth platform is important to serve the community and the safety issues. The folks who live and work here are survivors. I personally do both. I live downtown and I work downtown. On that horrible day I watched what happened and I really don't want anyone to be put at risk ever again. I don't think that's an issue that's debateable, I don't think that's something we can even remotely consider. The ability to be sure we are safe, this works and we are doing all the right things for the people who live, work and are here. It's critical. Sometimes they are the silent majority. They don't come up and talk to you about it, they don't voice it so much, but they are the day-to-day folks who are here. I think that's really important.

I guess if I sound a little emotional, I probably am. Because of that, I think safety is critical, I think the understanding that we are the central business district that's going to grow, the incorporation of the merging of the transportation systems will further increase what we are, making us a greater global city. The need to be sure this all works and ties together is important. So I think the ability to expand is critical. I think the safety issue that was brought up before is an issue that is one that we can't put at risk under any circumstances. Thank you.

MR. BOB KORNFELD: May I make another comment?

THE MODERATOR: In just a second, Bob.

MS. PETRA TODOROVICH: One of the first consensus points that emerged from the civic community after September 11th, in thinking about the planning for rebuilding Lower Manhattan was that restoring the transportation connections to the rest of the city in the region is one of the most important things that could be done to restore the economic vitality of Lower Manhattan

and provide for sufficient capacity and long-term growth of this very important business and residential district and visitors district.

So RPA strongly supports a PATH station that can accommodate this growth over the long term and we feel that a three-platform solution would not be viable. If we are going to invest this much money in the station, it should be able to sustain and promote economic growth in Lower Manhattan over the long term.

That being said, I don't think that the Tower footprints are something that can be taken lightly and I don't believe that the Port Authority is taking them lightly. We are not prepared yet to fully support the solution that's been presented in front of us for platforms. I'm sorry I missed the last meeting. I was very intrigued by Mr. Kornfeld's suggestion over the speakerphone that the platform in some way be narrowed. I'd like to see a greater explanation of how different options might still clear the first footprint. Obviously, this isn't most desirable from a transportation, from a commuting perspective.

I'm thinking about the South Ferry

station which we are now correcting, where you have to walk back a couple cars to exit. If that fourth platform were in fact shorter than the rest, you might be able to provide some additional capacity but not the full capacity as if you'd have four platforms.

Obviously, we would need to review all these options. I would be interested in seeing just a few more options for how to explore this because we are so close to preserving that entire footprint which RPA feels is a very symbolic element that if at all possible, what can be preserved, should be.

I just want to throw our support for having as much capacity as possible for the long-term economic growth downtown, but I'd also like to see some more solutions and see if the Port Authority could provide us with a few more options as to how to deal with this. Thank you.

THE MODERATOR: Bob, you can go now and then we will go to the back of the room.

MR. BOB KORNFELD: I just want to say that I think this is being portrayed by a number of the parties as sort of like a safety versus preservation thing. I think that's a

false premise. It's not that at all. The whole issue of the Section 106 review is to identify historic resources and then see how to minimize an adverse effect. I think that's what we should be doing.

I think making speeches about how we need safety and everything, there is no one who is against safety. There is no one who is against having a good PATH station, but I think that not enough has been done really to bring some imagination and creativity into the design process. I think that that can happen. I don't think it will impact PATH service or safety. I think those are non-issues and they are not really that relevant to the historic review.

MR. ALBERT CAPSOUTO: I'm Albert Capsouto from Tribeca Organization. One, I do want to emphasize the reverse commute point. I think that's a point that is not really taken here that much, but Tribeca and the financial district are some of the fastest growing residential districts, much of which are going to be employed on the Jersey side. I think prior to 9/11, that was not as much of a component as I see down in the future. So down 10, 20, 25

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years, I do see the reverse commute being a very important process.

I want to address again the question of the historic preservation versus the symbolism of the historic preservation. I think having a life through historic preservation elements will actually enhance the memory, not detract from it.

MS. SHIRLEY JAFFE: Hi, I'm Shirley Jaffe from the Alliance for Downtown New York. I guess a lot of people have said things that I would just like to reinforce. We've been around since the middle of the '90s and we watched a lot of things happen to Lower Manhattan. We represent the residents and the businesses downtown. It's critical that Lower Manhattan move forward.

I would like to say that I think this process has been very responsive. To the point of the man on the phone, the point is that you look at the conditions on the side, you look at potential resources and you try to address the conflicts, but you try to address the conflicts as best you can. Sometimes you can and sometimes you can't. I think this process has been very responsive.

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The future of Lower Manhattan is essential. It is the third largest business district, it's going to have a glorious future and I think everybody who lives, works and visits downtown wants to see it move forward as quickly and as impressively as possible. I think that we need to design for the future and not look at a station that the -- the station at the South Ferry station is an incredibly archaic station and the notion that you would even think about designing something as a throwback to that is absurd at this point. This is a moment in history where, fortunately or fortunately, we can actually think about designing for the future and looking at capacity and looking at growth.

Growth is always underestimated. We look at a slow economy right now and we think, oh, it will never change, buildings will never fill up. There are cycles and people forget that there are cycles, and ultimately, Lower Manhattan will grow. Both the residential population and the worker population will grow tremendously. I think we do need to move forward and build a proper PATH station that doesn't just accommodate today but definitely accommodates tomorrow.

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Finally, I'd like to say that I think that the footprint is important, but there are different ways of preserving things. I actually think it's a fairly ingenious way that you've come up with and it's not disrespectful and it's not dismissing the importance of the footprint. There are many, many ways of looking at it, preserving and keeping a memory of important historic events and monuments. You can see them all around the world.

MS. DEBORAH LESTER: I'm Deborah Lester from New York State Assembly Speaker Sheldon Silver's office. I wanted to let you guys know that the Speaker supports the position of Community Board 1 and the residents of Lower Manhattan who seem to be in agreement that the PATH station should move forward and that your plan takes into consideration the footprints. Anything else that you can come up with, I'm sure would be appreciated by all the consulting parties. But at the end of the day, the PATH station and the improvement of the PATH station is vital to Lower Manhattan. Thanks.

MR. JOEL KLEIN: A lot of the people who have spoken have sort of accepted the

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premise that the Port Authority has put forward that Platform D is the only solution to the problem of dealing with increased ridership and proper circulation to get people in and out of the station.

I repeat again, there has been no independent evaluation of that data. You have not made it available to the consulting parties. This is the same agency that told us there was no way to avoid having a fifth platform, there was no way to avoid destroying the E train entrance, there was no way to avoid destroying the Vesey Street stairs.

The heart of the Section 106 process is the need for the process, as well as the consideration of alternatives. The only alternative, one of the three alternatives that the Port Authority and FTA have put forward in their EIS and their 4-F statement is what I refer to as a mega alternative which was unbuildable on its face, which was the construction of new tubes under the Hudson River.

Well, if you're going to look at alternatives that are so outrageous, that would do nothing toward solving the problem, then I can

suggest alternatives to Platform D that would function very well and would preserve the footprint. Why not have another level in the station? There are alternatives that could be looked at. At least give them the courtesy of analysis. They may not be viable, but the point is you have started from the premise that this is the only solution that meets the problem.

We are not convinced that that is the case, and your reluctance to provide the information upon which those conclusions are based to outside review by professionals and traffic, engineering and transportation engineering makes the entire process very, very suspect.

And so I would call upon you again to make that information available so that it can be reviewed by independent parties. I would urge you again, as I had done in prior meetings, not to view these historic resources as impediments but to look at them as challenges. There may be other solutions that you have not yet considered. We think they exist and we think if you get beyond this attachment that borders almost as a rationale to having this fourth

platform as the only solution, that there may be some way to provide an alternative that allows for safe operation of the facility in a manner that meets your future demands and not just the projected demands of 2025.

People talked about not being able to rely on those projections and they talked about the dangers of underestimating future ridership. Well, perhaps there are alternatives that you could consider, such as possibly double decking some of these platforms that would allow for even greater expansion of capacity.

That's all we are asking for and that's what's called for in both the Section 4-F, the Section 106 and the need for processes.

MR. BRUCE EHRMANN: Bruce Ehrmann, chair of Lettermarks Committee of Community Board 1 of Manhattan. I can relate to the issue of trust. It's always a problematic issue when individuals are dealing with either government entities or large private entities. I also appreciate the notion that was raised a little while ago, that had this process been approached more wholistically as an examination of the entire site, I think the view of the

historic preservation mission would be much clearer.

If one viewed this entire process so far on one screen, one would see that, for instance, the World Trade Center Memorial Advisory Committee, of which I was a member, painstakingly went to preserve everything that we really could preserve. Everything on the surface and much below the surface will be starkly evident. Access to the slurry wall is manifest. All kinds of committee members from all approaches worked together to achieve this. The Mission of Historic Preservation, as I see it, is to try to sustain historic resources and make them usable in a modern context. We don't live in a museum, per se.

Community Board 1 has the second most applications for alterations to historic districts or individual buildings of any in the city. We have a long history of strict constructionist preservation. However, so much is being preserved here, including the footprints at the surface, including the slurry wall. The list that was just mentioned of all the things that you said you couldn't preserved that you

have preserved, that you are now preserving, the last people just addressed, is an example of this process working and your malleability on this matter.

I'm not in love with the Port Authority, I don't dislike the Port Authority, but I'm at a loss to understand in the C-106 process as opposed to, for example, the Memorial Committee process, which had as much family members as community members and other elements, I'm at a loss to understand why every small area, every small segment, section, item of discussion is prosecutorial, is one of contention. So far this process has been an enormous success by conventional preservation standards in term of what has been preserved. Thanks.

MR. NOAH PFEFFERBLIT: I don't feel qualified to assess and analyze the presentation that's been made, but accepting at face value what has been said, while I think there is definitely a need to honor the footprints, honor the feelings of the family members, I think that the one thing that for me trumps everything else is the need for safety.

If there is deemed to be a need for

the fourth platform to protect the safety of future users and the future growth of the area because it will mean that there will be that many more users of the station, I think to me there is no question. It would be unconscionable to prevent that from happening.

While there could be other analyses, other people could take a look at this to see if there are other creative solutions that they can come up with, if what we have here turns out to be what we have in the final analysis, then certainly Wall Street Rising would support the plan as it's presented.

MR. KEN LUSTBADER: I'm not prepared to comment on behalf of the five groups that I represent about the intrusions on the two towers. However, I just want to go back, for the record, the concern that we have, which has been discussed before, is the cumulative impact of all projects. I think that's where the frustration comes from the five groups that I deal with, that we can't appropriately evaluate this project without knowing the cumulative impact of other projects, such as the memorial, the Memorial Center, the other cultural buildings.

For example, today being told that, okay, the Vesey Street staircase is now just taken off the table and put into another pile, so we can't even evaluate what the impact is going to be on that, which feels very disingenuous about the entire process. From purely a frustration point of view, that's where the Lower Manhattan Emergency Preservation Fund stands on this.

We do appreciate the Port Authority's efforts to preserve the footprints, we do appreciate the work that's being done to mitigate the impact on the E train, but I think the frustration is the kind of consensus of how to go forward as a team in evaluating this 106 process.

MEMBER OF THE AUDIENCE: There is one dimension of this that we haven't really spoken about and it relates back to some of the other options of what might have been done or what might be doable in order to handle the capacity and that is the dimension of cost. Is there anybody here who is actually paying for this or who represents organizations that have the budget that is responsible for paying for this? I guess it's coming from the FTA, is that

correct?

THE MODERATOR: Indirectly, a lot of people in this room are paying, so to speak.

MEMBER OF THE AUDIENCE: Very much so, I would think. One of the big limits on this, they are realistic limits. We are all paying for it. One of the issues in terms of options is cost. I'm in the middle of renovating my own place and I have to decide whether to take down a wall or keep a wall back up, you know, relating to construction that was done. Keeping a wall up is a heck of a lot less expensive than taking a wall down.

I know some of the early ideas that were considered were taking the platforms, moving them right through the slurry wall to the other side of the site. The expense of that would obviously be prohibitive. The idea of taking the trains up a level and then having to build a structure to support train level weights in two levels, obviously, vastly more expensive.

We are sitting in a situation where we know we don't have the money from insurance, federal government, et cetera, to rebuild. I don't even know what the percentage of what was

lost is. We have to use those funds wisely, we have to find effective ways of using what's there and leveraging it. Ideas that take us into the 20, 30, 40 percent more, you have to consider what is the value of what we are preserving for the dollars that it's going to cost to do that.

We aren't going to be able to go and say we need 50 percent more just because we realigned this PATH station. It's not going to be politically viable down the road. That's just another thought that I would like to be considered in the record.

THE MODERATOR: We will move on. Mr. Hotopp, are you available, sir? We are now going to discuss the partial draft memorandum of agreement and John Hotopp will have an extensive or at least a few issues to discuss.

MR. JOHN HOTOPP: We had prepared a partial MOA that we had circulated for your review. Some of the whereas clauses are in there so you can get a sense of how they are going to look. We are focusing specifically on some of the stipulations. This goes right back to the discussion I believe we are currently having right now.

The first thing I will mention is the documentation that is being proposed and that is that everything will be photographically documented. I put a little bit in here about how that will be done and to what level. I've been in recent consultation with HABS and HAER. They have decided to make it a HABS study rather than an engineering study. The problem we are having with this is really it's a documentary study, we are documenting an event. Nevertheless, we are going to go with the HABS designation. They are providing a number for us and a relationship so that all of these various pieces that are so documented can be brought together in a single document.

I believe that HABS is also going to become very involved in selecting drawings and things that relate to the towers themselves. It's becoming a much larger scale project than was originally envisioned.

The first paragraph talks about how it will be generally done to a Level 2, which is using documentary sources, drawings or maps and things like that, floor plans and other things that will be photographically reproduced, with

occasional sketches, as necessary. Measure drawings, only in the event that they actually would be required to tell the story.

So anyway, so far we have circulated some photographs of the first recordation which was the parking deck, so you have an opportunity to see that. Anyway, that's Paragraph 1 or A.

Now, the tower perimeter column remnants, we are back into that particular issue. In the first place, we are talking about that we are going to make a very careful job to photograph them correctly so that everyone will have a good record of them. The second stip in here was to focus particularly on the east-west pedestrian quarter. You will remember last time we talked about making sure that it stayed away from the footprints. That stipulation has been spelled out in here. You can stop me if you have questions at any point.

MR. BOB KORNFELD: I have a question on 2, the east-west pedestrian corridor. Does that have an impact on LMDC's proposed circulation around 1 World Trade Center, the memorial at grade level? I recall an article in the paper a few months ago saying that they may

need to make the opening smaller than the actual footprint due to surrounding circulation.

MR. JOHN HOTOPP: I don't have any information on that.

Anybody else want to try to answer that question or do we note it and get back to you next time?

MR. BOB KORNFELD: That seems to go to the issue of cumulative impact.

MEMBER OF THE AUDIENCE: Was the opening in the corridor discussed?

MR. JOHN HOTOPP: This was of course discussed, not the impact of Point Number 2, the corridor on the memorial, but the memorial, its configuration, the museum to some extent, what will be on the surface. In every possible iteration it was discussed and it appears in the draft summary of the Memorial Advisory Committee. I don't know what opening is being referred to.

MR. BOB KORNFELD: I thought there was circulation around the memorial wall that might be impacted by this pedestrian corridor.

MR. JOHN HOTOPP: I don't recall this coming up.

MEMBER OF THE AUDIENCE: One of the problems with this whole process, from our point of view, has been we are talking about preserving these various remnants. There's been very little about the tradeoffs involved and what some of the costs are.

I notice with Item 2 here, this commitment to avoid the column bases is an absolute commitment compared to some of the other commitments that are being suggested here, where we use phrases like more "practicable and beneficial to the maximum extent feasible" and so forth.

I guess my question is, is there any significant compromise that's being made in that corridor in order to make this commitment absolute or are we making it because we are absolutely confident and we won't have to compromise because a lot of people are going to be spending a lot of time in this corridor?

If we are sacrificing anything material there, if we are sacrificing a significant amount of retail space or whatever, then maybe we should consider hedging this with some of the same type of language. If there is

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no impact at all, then I can understand how you can make an absolute commitment. That's the question.

MR. ANTHONY GARDNER: In response to the gentleman's question, phrases like to the maximum and feasible if practicable are qualifiers that quite frankly minimize the effectiveness of the PA. While this comes across as an absolute, it's actually where you want to get with mitigation, knowing what the agency is committed to do, why, how, when, whatever.

So I think, for instance, in Number 3, it talks about the locations of column remnants of both towers that will be covered by the proposed Platform D, "Shall be visually expressed on this platform through appropriate architectural treatment." That leaves room for interpretation. Anybody picking up this agreement can interpret that, when you don't have any criteria set forth in here, to establish what it is you're trying to achieve with this.

So I would suggest, as we talk about mitigation measures, that we try to move more toward absolutes. And to the extent that we cannot, that we have criteria listed here where

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we know what we are evaluating it against. It begs interpretation. I don't know who the final arbiter ultimately becomes when something needs to be interpreted down the road.

MEMBER OF THE AUDIENCE: What is the plan execution date of this draft?

MR. JOHN HOTOPP: Another two months, wouldn't you guess, Tim? Probably within the next couple of months.

MEMBER OF THE AUDIENCE: What we would like to avoid, and I would like to say this in advance and it was the subject of discussion in a consulting parties call two days ago, we would like to avoid the situation that occurred with LMDC where a proposed draft was sent out. We delivered our comments only to find that the final copy was signed and executed without our final say on it.

MEMBER OF THE AUDIENCE: Quick comment that speaks to what Charlene was saying, the promise of looking at the footprints in total and referring to them as percentages. You've thrown around numbers over the last couple of meetings and I think for some of us that do feel that the remains of the footprints are a

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significant historic resource that must be preserved, we need that absolute in there. We need to know the percentages that you're looking at in terms of preserving, especially when there seems to be no remedy here that you're willing to explore or implement to resolve this issue with the cumulative effects with LMDC's vague programmatic agreement.

MR. JOHN HOTOPP: I think what we are really talking about is the stage of design where things aren't as firm as they are. I know that Platform D has been going back and forth through the design process. Charlene, to answer the question, it's not as firm as it could be in terms of exact number of column bases that might be impacted. I think in the case of the east-west corridor, the designers were comfortable in placing it where they are placing it now. They are very comfortable with that phase of the design. I think that's why it got a little firmer.

I think you also see in Item Number 3, to go to Mr. Gardner's point, that there is an opportunity to revisit these things as the design becomes more firm. We are going to have a review

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period in here for the consulting parties to actually comment on things as the designers get a little closer to the exact impacts. So I think that's Items A.

Item B is difficult. As you well know, we've been wrestling with that for the bulk of the afternoon. Why don't we go to Number C, which is kind of pleasant in a sense because the Port Authority has been able to accommodate practically all of the concerns with C. We are going to be able to take care of the E train subway entrance and preserve it more or less as it stands now, subject to codes and things like that. Nevertheless, it will be a functional, viable part of the operation.

As New Yorkers know, you've got to go up and go down in this city, so you won't have any problem going up three or four steps and traveling some distance and then back down again. I don't think that's a problem. I was very tickled to see that that did work out well in the design. Item C, are there any questions on that, on the E train?

The slurry wall is an area that the designers are still working with somewhat to the

greatest extent feasible, Charlene, wiggle words. We are trying to accommodate some views of the slurry wall on the east side. That again is contingent on the final design of the station itself and will probably be a subject of some discussion with parties. Any questions on that?

MEMBER OF THE AUDIENCE: I accept that the design phase is not advanced enough to provide enough details to have explicit mitigation measures developed, but in that regard, what about having some operating principles or design guidelines or something that are over-arching here? When you talk about where practicable and beneficial, are we talking about looking at engineering issues, are we talking about access, are we talking about safety, are we talking about consistency with some design guidelines that are used for this project overall? None of that is set forth in this.

So again, you have to interpret or make a lot of assumptions. The more open-ended that process is, the more you're going to have contention and debate because people don't know the frame work in which the design is proceeding.

At the outset, why can't we just say that the design process is still ongoing and is proceeding within this context, then say what it is that's guiding it. The engineers and the architects clearly have to know. They have a contract, they know where they are trying to go. Why can't we understand that in the context of trying to do the 106 consultation?

MR. JOHN HOTOPP: You want that as a preamble?

MEMBER OF THE AUDIENCE: Or something.

MR. JOHN HOTOPP: The other item that we put in this particular piece of the MOA was the penetration of the west slurry wall. That is obviously to get the east-west pedestrian quarter in place. So we've got some description here. We are not quite far enough along with it.

Again, this is a matter of coordination with LMDC and the section of this west slurry wall that they are going to preserve as to whether or not we will be able to view that from the quarter. We don't have a clue yet. And so we've we got some wiggle room in here too, Charlene, to say that as the design proceeds a

little further.

I think you may find in the next iteration of the MOA that we will probably be a little bit firmer in some of the areas because this design is proceeding, as we speak. Anyway, there is a comment on Item E.

MEMBER OF THE AUDIENCE: My concern on E, again, is the question of what is being sacrificed to provide the visibility of the slurry wall from the corridors. I think a lot of residents don't want to be in the position of having to view that thing every day as they go back and forth and have this constant reminder of what happened on 9/11. We started out with a standard, as I understand it, that appropriate access will be provided to portions of the west slurry wall and then we are going from that to providing visibility as people walk back and forth.

Again, I hope nothing is sacrificed for that. I keep talking about retail space, but those of us who live in the area I think remember very fondly the shopping concourse we had there. It was one of the most successful in the country, both for workers and for residents. I would not

sacrifice one square foot of good retail space for one single view of the slurry wall. I think if people want to see the slurry wall, there will be an opportunity for them to do that.

MEMBER OF THE AUDIENCE: I just want to reiterate one point. In our written comments to FTA and the Port Authority, we feel it's really critical that you begin to now address these cumulative impacts in a legally binding way. I think what Charlene was addressing is right on point and in line with what we've been thinking about how there is too much wiggle room in here and there is no absolutes, but the problem is the way we see it, if LMDC doesn't sign on to your programmatic agreement and agree to your terms in terms of how you're dealing with mitigation with the footprints, it's going to render the whole document meaningless because you could say we are going to preserve a hundred percent of the North Tower and then LMDC could come back to us and say, well, that's all well and good but we need to build a chiller plant on the footprint, which I think is on the table right now, and you're only going to get 10 percent. So we

really want, again, to urge you to explore that option.

MR. LOU MENNO: I just want to make a comment. There is no chiller plant that's going on the footprints. We made that clear.

MEMBER OF THE AUDIENCE: That's probably just a rumor.

MR. LOU MENNO: I think that's just an invalid rumor, just as we tried to clarify whether there were six or five tracks. We clarified that. We made it very clear that there will be no chiller plant.

MEMBER OF THE AUDIENCE: We heard this from LMDC that they are looking at breaking up the chiller plant to try to maximize access to the footprint. I don't know if that's true.

MS. IRENE CHANG: I don't think we have any authority on how the chiller plant is built.

MR. JOHN HOTOPP: We were sort of talking about the slurry walls.

The last point we have in this particular document so far was talking about relocating the cross and that will have to be done at some point during the construction. I

think Peter pointed out that it can probably stay in place for some period of time, but eventually, construction will impact that area and it will be taken down and removed during Hangar 17, pending its final disposition with the other artifacts.

Then we move on to a number of other items that we haven't quite gotten finished yet, draft of the Hudson River bulkhead section that will have to be completed out and you will see that in the next week or two.

The vibration impact section, that is also in process, and other anticipated archeological resources and anticipated discoveries are in this document. That gives you a beginning of an idea of how you deal with something that comes up in the site that you didn't plan for, you didn't expect to see and you do see, how do you deal with that. Monitoring is in process and some of it will have to be monitored as construction moves ahead.

Finally, the dispute resolution section. When one of the agencies might become unhappy, how do you work through that. That's also a draft at the moment. You should see that in a week or so. We are pushing hard to get

there.

MEMBER OF THE AUDIENCE: What is the context of Section 3?

MR. JOHN HOTOPP: The context of Section 3, we are talking about the vibration impacts of construction on these historic buildings and a way of monitoring that and assessing it so that we don't wind up with shaking down the Verizon building, for example, causing some sort of harm.

Anyway, what I anticipate is that within the next week or two you, the parties, will get a much expanded draft to look at and we will try to get out a number of the questions you raised today and see how much of that we can get incorporated.

MR. JOEL KLEIN: It's a comment, in general. It's short. I just want to go on record as saying that Port Authority and FTA should not take the fact that the families have not commented extensively on this document today to mean that we do not have comments or concerns about it.

MR. JOHN HOTOPP: Not at all. I'm encouraging you to comment.

MR. JOEL KLEIN: I will say that there is almost literally not a sentence on Page 2 with which we do not take issue. There is an awful lot of wishy-washiness about this, there are some statements in here that are quite frankly offensive, there are some that appear to us to be an attempt to get around regulatory constraints by deliberately using some words in lieu of others.

I will give you just one example very quickly. There is reference to features that would be impacted as opposed to affected. Affected is a defined term in regulatory language, impacted is not. We have to wonder whether that is an accident or whether that was done deliberately. I know you've done literally dozens of these documents and I am surprised to see that word used in that way.

So this is just to let you know that we will be having extensive comments. We would hope to have a document that's a little farther along than this, especially given the amount of time since this process has started. The fact that there is not even a draft of the dispute resolution clause available at this point is

really of concern. I think you know that we are extremely unhappy with the workings of the dispute resolution clause that currently exists in the LMDC programmatic agreement. We would hope that that language does not become a blueprint for this document.

MEMBER OF THE AUDIENCE: You all should consider adding a section to this coordination of mitigation with other agencies because I think there is a lot of overlap with the LMDC and FHWA projects where you all will ultimately find yourself coordinating how to mitigate some of the impacts to the WTC site if no more than for economy of scale or because your project is so interrelated.

So I think having that provision here and spelling out how you envision that happening and what it is you will do to effectively implement mitigation measures is beneficial for all three of you to work together on some aspect of it rather than going off on separate tracks. I just think that is a provision that will be very helpful and I think it will clarify a lot for people who are asking how are you dealing with this wholistically and all the cumulative

effects or whatever.

I think by the three agencies going on record as being committed to working together, you will advance that discussion a lot more.

MR. BOB KORNFELD: Bob Kornfeld again. In number 3, I am just wondering if there is a reason that some of the other historic properties around the site haven't been mentioned, like St. Paul's Chapel, 90 Church Street and 90 West Street.

MR. JOHN HOTOPP: I'm not sure. Are you telling me that the list isn't complete, that's what your concern is?

MR. BOB KORNFELD: Right. I'm not sure even what issues are being addressed. It's just that those buildings seem to fall into the same category.

MR. JOHN HOTOPP: According to the code, it's within 90 feet of any of the construction areas that you have to do monitoring on those sites for vibration impact. That's what's driving that particular section. So we will be looking at that issue in terms of this particular project. The other projects will also have the same problems and we will be looking at

it from their points of view as well.

The document you have is fairly incomplete, although it's the beginnings of the framework that you will see a far more complete document within the next two weeks. I would expect that we would get a fair amount of comment on it and we will give you a couple weeks to consider. I believe sometime in the middle of next month we would like to have another session with you and then following that session, you will have a review period to comment on everything that we said or seen or talked about and ideas that we have.

I do want to thank you for everything today because this to me has been as useful as the comments we got on the determination we got on the report which, as you know, we did a substantial amount of work on. Thank you for your comments so far. I am going to turn it back to the moderator.

THE MODERATOR: We are expecting to see a further draft within the next two weeks or so, two, three weeks. We would then move towards a meeting in mid-September that would be focused on that draft. Is that correct?

MR. JOHN HOTOPP: Correct.

THE MODERATOR: I think we are just about there. Irene, do you have some comments that you want to make concerning the LMDC process?

MS. IRENE CHANG: I was asked by the Port Authority to provide an update at today's meeting on where LMDC is, and I think based on some of the comments that were made today, I want to provide some assurances and maybe take us, as Lou did, a few steps back into where we are in the process.

Folks have thrown around some words that may or may not have legal significance, but in terms of whether there is cumulative effects or things that we haven't considered, I think it might be useful for me to just spend a minute on the backdrop as to how everyone got to here.

I think LMDC at its earliest inception always respected the fact that the Port Authority owns the property on which our plan is targeted and that additional areas surrounding the World Trade Center site were intended to be part of an overall redevelopment plan. We recognize that there are existing features at this site, and

with some of your input and the input of many, many other agencies and individuals, we began the Section 106 process last year, towards the end of last year, as we embarked on the environmental review process for our project.

At that time we conducted the process in cooperation with the Port Authority. The plan was developed with a tremendous amount of public input that fed both at the selection of the Liebskind design, the modification of that design, the incorporation of the architectural plans by Silverstein Properties and many other considerations as to the structural features, both old and new that exist at the site today.

With the Port Authority we developed this plan and we recognize that we could only be allowed the opportunity to implement the memorial and cultural pieces of that plan, which we identified very specifically as the memorial itself, which we selected at the beginning of this year, a museum, which we now call the Memorial Center and two cultural buildings which we very recently selected institutions to consider and develop as potential occupants and fitters of those facilities.

So as we embarked on this process, we thought it was important and we thought we heard that it was important that we state our principles and the things that we thought were significant from a historic standpoint. Notwithstanding the different approaches to MOA's and what programmatic agreements can be, we wanted to, at your request, prepare a programmatic agreement that addressed what we all concurred was important.

I want to take us through the very basic structure of that programmatic agreement and acknowledge that it expects that future work is necessary because we still have planning to do. We had selected things, but folks said, well, how do we know? We want you to put it on paper. So we did. Now we understand that, yes, it doesn't say everything because we couldn't say everything in April of this year, but we wanted to make those commitments as we finalized our EIS.

What we did in Stipulation 1, which is the subject of much letter-writing on my part as well, we agreed that we would consider the existing documentation about the site because we

heard from folks that no one was concerned about documenting the current state of the site. In reality, our consultants who had been preparing the EIS and the draft, had taken lots of color photography with respect to the individual aspects that continue to be on the site.

At the end of that process, we also acknowledged that many individuals had photographs that documented significant points in time since the events of September 11th and none of that had been prepared with an understanding that it was supposed to satisfy HABS/HAER standards. It was significant because it captured a point in time that is now gone. So we recognize that. We address the fact that we needed to consult about that existing documentation.

It is not traditional that HABS and HAER, the National Park Service consider this information, but it may be that when we are done with our documenting process, they may agree, as we did, that there is some significance to those photos, notwithstanding the fact that they were not in quote/unquote archival formats. We have spoken with them and they say there is a couple

of things we need to discuss and think about but that our discussions will continue.

So with that done, we agreed that certainly we were going to commit in the programmatic agreement to the commitments that we made in our final EIS, which is the document where, at the request of the consulting parties, we excerpted to attach to this programmatic agreement so you have in one place all of the commitments that we made to historic resources and really moving from those details to the true purpose of LMDC's plan which was to create and build the memorial complex which included the Museum Center and the most likely avenue with which any artifacts that were preserved or any remnants that are removed could be displayed for the future.

So in Stipulation 3, we went to the issue of the design of the memorial and we made a very concrete commitment here that as we developed the memorial, we would incorporate portions of the western slurry wall and the truncated box beam column bases and that we would provide reasonable and appropriate access.

Now, that wasn't really intended to be

a wiggle spot, but to provide assurance to folks because someone had suggested, oh, well, are we going to have to crawl, so we thought what words can we find to make it meaningful. You could probably debate it, but for us the spirit of what we wanted to do was to provide people access.

Folks asked us for adjectives, we wanted to provide assurance. We are not here to debate whether this was intended to minimize. It's not. We wanted to articulate the commitment that we had made which is that the memorial or the Memorial Center will provide a means by which you can access the box beam column bases.

Now, we noted, though, that we weren't in a position to tell you exactly how we could do that and so this is probably the most updated portion that I can give you today. While we had selected the memorial, Michael Arad and Peter Walker -- and Michael Arad specifically was not an architectural firm that could take the project through necessarily on his own. In the past few months we issued an RFP and we selected Davis Brody Bond as an associate architect to help him go through the process, he and Peter Walker, to realize the design of the memorial.

What we took is that now a larger team of architects, along with our own planners, and Bill Kelly, who you've seen here from the very beginning, Betty Chen, who is our VP for planning who many of you have met, a new team of folks will help to address the memorial and the design features of that memorial, will take this project forward with this programmatic agreement in hand because this document was the result of a lot of the efforts and records really for the future, all of the things that everyone did through this process.

The public comment process and the environmental process have really been embodied in one place which I thought was a great thing, that all the documents that were relevant could be handed off to the folks who will do the actual designs that will make this vision real.

What we have, as we've reported in a couple of letters recently -- we ended up writing letters every month to keep you up-to-date and in late September, maybe to not strain you, so that you are all ready with this group in early October to bring the team, the design team forward so that you can hear from them and they

can hear from you more about how they will realize this vision.

Right now, however, we are only at the point that probably one of the footprint areas can be discussed in any detail, but as progress is made, we will keep you posted on what the agenda for that meeting will be. We would like to provide an agenda in advance of that meeting so you see who will be in attendance, what we will address so that you can look forward to probably the first substantive meeting on sort of the future design and implementation that we can have.

In that regard, just yesterday we learned that Davis Brody Bond has also retained a historic preservation consultant, Higgins & Quasebard, who will be assisting them so that we will have a comprehensive team that will look at ways that none of us in this room could possibly conceive of as to how you can address different features.

So as Bruce mentioned, since we last met with you, the Memorial Center Advisory Committee, which was also something that this group called for had met, prepared guidelines

that were released for public comment and now they've been finalized just at the time of our last board meeting last week. So those will also feed the process.

All of the principles that people should keep in mind will be kept in mind in the form of documents as well as personnel and ongoing sessions. We think that the design teams will be the ones who really will be the ones meeting with the Section 106 process consulting parties on a going-forward basis.

With respect to the artifact review, I think Jackie and Mark already discussed that they are in the final stages of updating the inventory. I expect to go and, along with some members of the design team, look at the fully laid out or whatever format is at Hangar 17 to see what we have. We will be doing that hopefully in the next few weeks or maybe we will wait until the inventory is available.

Along with that, we have, through the Memorial Center Advisory Committee, thought in much greater detail about some of the future artifacts, preservation and presentation possibilities. But again, I don't think that we

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are anywhere near having compiled the team of curators and museum experts that we should have for the museum in the future.

So we are really only at the beginning of that process, preservation being the first step in how it will be displayed, which ones, which other ones. We can't make that determination on how, but our goal is to look and to preserve and to know what's available so that others can make those decisions in the future. In that respect, we did something that was not required by any of these documents and that was at the suggestion of the Lower Manhattan Emergency Preservation Fund, which was to explore what forms of non-traditional and other media we could use to record the current state of the site. This was an effort that our memorial department really undertook with a lot of input. It was probably the most coordinated effort internally at LMDC about something that grew out of this process, which is that we hired three different videographers to go to the site and to take recordings on the theory that people have different perspectives.

Just like this group of consulting

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parties, we hired three different videographers, two that went below ground into the pit and around the site, one that did an at-grade walk to record inside the perimeter of the current viewing wall. And then also a photographer who could put together a 360 virtual tour of the site from a few different perspectives. All of those folks are in the process of preparing samples of those materials.

If it becomes possible, we will see what we can do about sharing some of that material with you. They spent a lot of time and the primary goal was to have raw footage that we could save so that people who prepare documentaries or museum presentation materials would have the raw footage to work with, to edit, to put together, whether it was all three of these folks' existing materials, future materials, that there would be a library of raw footage that people could use to compile the material for communicating to future generations what existed at the site before the project, the rebuilding project began.

The one fundamental point that I want to address is that the redevelopment program is a

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program being implemented by the Port Authority. We may have created some confusion in our LMDC meetings and the PATH meetings, those being a different team of folks that are within Port Authority, maybe not different, but a set team within the Port Authority.

LMDC and the Port Authority, though, have worked very closely and I think they said that I want to reassure you that that's going on as well, to look at how the redevelopment and the memorial program will fulfill the objectives of this programmatic agreement and the overall historic philosophy that, obviously, our memorial and redevelopment program tries to fulfill.

So when folks were asking how do you consider the cumulative impacts, I'm not sure that it is cumulative because we are very clear in our EIS that the plan is a plan that addresses most of the areas that you've seen. Exhibit F to the programmatic agreement, the commitments made relating to the western slurry wall, the commitments made to provide access to the box beam column footprints, those are commitments that we made as part of the memorial and redevelopment plan.

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These commitments are incorporated into the EIS and the ROD, the Record of Decision that arose out of that process. They are not going anywhere, those commitments, and whether they are part of the memorial plan, whether they are part of the redevelopment or part of the cultural programming that we will implement, they remain consistent throughout that building process.

So while I think this project suggests that the PATH project may also have impacted some of the resources we discussed, I think what was revealed today is there are some that they will not, so then it's not cumulative. It's about what our project, meaning the memorial and redevelopment project, will ultimately affect.

So as part of the commitment that we made in the programmatic agreement as individual plans for structures that may impact on the resource are developed, we would share them as part of our regular update process in the programmatic agreement.

Yes, everyone knows that the Freedom Tower has already been designed. That's why in April when we met with you, we shared the World

Trade Center garage sub-grade column and slab work with you because we knew how that building plan would address that structure.

As we move forward to Tower 2, I'm sure that the design team and the architects will be able to explain to you and discuss with you some of whatever may be impacted with respect to the 1 and 9 staircase, escalator remnant. We will come to you when the time comes to discuss the possible impacts and then to discuss the mitigation, as it may be appropriate.

I was a little long-winded, but I thought it was important to go over some of the context. Our main goal is to meet with you again probably in a month or very early in October so we can introduce you to some of the members of the design team that you have not met but who certainly know about all of you and have read these documents and intend to fulfill the mission and the commitments that we've made. I don't know if anybody wanted to ask me any questions.

MEMBER OF THE AUDIENCE: Just a quick question, Irene. Before LMDC in a Family Advisory Council meeting had mentioned that they were going to look into the suggestion of the

Historic Preservation League in terms of the videography and documentation of the site, at that point we asked to be sure that when that happened if you could be sure to clean off those few inches of dirt that currently obstruct the remains of the footprints, as Peter had mentioned earlier. I just was wondering if at that time that that videography was conducted if that had happened.

MS. IRENE CHANG: That happened because the Port Authority really had to be the chief architect of how that brushing-off process had to take place. We were very concerned that we had the videographs in before July 4th when the ceremonial start-up construction took place. The videographs that went into the bathtub went in June, before any of the prep work really began.

MEMBER OF THE AUDIENCE: I think that speaks to the urgency. If you could try to expedite the documentation of the physical remains of the footprints, it could probably be helpful to have that information for the consulting parties before you finalize this memorandum of agreement so that people can get a

sense of the physical remains of the footprints that exist. You can then complete your inventory of this documentation that you did previously.

MR. TIM STICKELMAN: That's not Irene's MOA, that's the Port Authority's MOA. Peter spoke about the footprints and what the Port Authority has committed and those will be considered. We hear what you're saying.

MS. IRENE CHANG: I'm sorry, I meant to say that we were considering some of the details. We will keep reading the MOA and we will see if it's appropriate for LMDC to sign it. We haven't ruled that out at all. We don't know the full contents yet.

MEMBER OF THE AUDIENCE: It's not a question, it's a comment. I didn't want to miss this opportunity and I didn't want to let this go by. The first speaker here today, Bernard Cohen from the FTA had the courtesy of at least addressing for the first time directly a question that has been put to all the agencies involved here. That was a request that the determination of eligibility be forwarded to the keeper of the National Register for review. We appreciate the answer, even though we are not

happy with what that answer is.

We cannot help but wonder why the agencies are afraid to take that step. I think virtually every one of the preservation organizations, and that includes Professional Historic Preservation personnel, has recommended that that procedure be taken because they all have concerns with the content and extent of the determination of eligibility contrary to some of the statements that were made here today.

I want to address this particularly to the Port Authority personnel and the Port Authority engineers. One of the things that the determination of eligibility does not do is address the significant contributions of various Port Authority people whose major life's achievement was represented by the World Trade Center. Austin Tobin, Tobin Plaza, now obliterated. Ray Martin, I think the Port Authority recently named a scholarship after him, Guy Tozzoli and John Kent.

These individuals' crowning achievement in their life's work was the construction of the World Trade Center. Yet in spite of requests from the preservation groups

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that the significant contributions of these individuals be recognized as part of the determination of eligibility and that the World Trade Center as an engineering and construction achievement be recognized, those requests have been completely ignored and eliminated from the final determination of eligibility. It's one of the reasons that we feel that a formal referral to the keeper of the National Register is necessary.

And so I would ask the engineers and personnel from the Port Authority to remember this as we move forward, that you missed an opportunity to commemorate the achievements of your past colleagues and other agencies here have allowed you to, I think the word is be bulldozed into belittling the achievements of those people.

MEMBER OF THE AUDIENCE: The whole concept of referring this DOE to the keeper is set forth in the council's regulations, so I think perhaps I need to go on record and speak to this whole issue. When the 9/11 Family Coalition and the Consortium of Preservation has raised a number of issues about getting clarity on the

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form of DOE, we thought it was worth pursuing.

We also found that the DOE, as written, didn't have the limits on it that we initially envisioned and that through consultation, good-faith consultation in some instances, the mitigation that was being developed far exceeded the limits that we thought would be inherent in and sticking strictly to the DOE. So we felt there was progress that was made in spite of some flaws or deficiencies in this document.

When we did an informal referral to the keeper, her response back was at best a recitation of information we already had seen. There was nothing beyond that or to embellish what we did. Internally, we would have put out regulations, we would have to suggest to the agencies that they refer this DOE to the keeper to get a formal determination.

FTA and FHWA have been unequivocal in telling us they are not inclined to do it, they think they are making great strides and progress in consulting with people and see opportunities to go even farther, i.e., the identification of Port Authority personnel. That could be

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incorporated into a memorial. You could go as far as you want to irregardless of what's set forth in the DOE.

I think the final comment I need to make is that we are hedging our bets on a keeper coming back, getting us detailed information, when in my experience, the keeper with referral of formal DOE's checks a box that says "eligible" and it says nothing more. It looks at the information that's provided, typically doesn't go any farther than what's already submitted for the analysis. So we can wait 45 days and achieve very little but a box check that says eligible. We are already treating it as eligible.

So my position, and I think that of the council's is what could be the value added and what, based on initial comment from the keeper, could we possibly anticipate them providing that would advance these discussions. And quite frankly, I don't have full confidence that it will be anything more than them looking at it and checking the box.

THE MODERATOR: That wraps it up. We will get a notification up to people looking towards a meeting in the second or third week in

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September and a further elaboration of the MOU will come out as well in the next couple of weeks.

(Whereupon, the meeting was concluded at 4:00 p.m.)

CERTIFICATE

STATE OF NEW YORK)
: SS:
COUNTY OF KINGS)

I, HANNA ROTH, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That the hearing herein before set forth, was duly recorded by me, and that such hearing is a true record of the proceedings.

I further certify that I am not related to any of the parties to this action by blood or by marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of September 2004.

_____
HANNA ROTH

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WTC TRANSPORTATION HUB
PERMANENT WTC PATH TERMINAL
SECTION 106 CONSULTING PARTIES MEETING

NOVEMBER 4, 2004
PORT AUTHORITY OF NEW YORK AND NEW JERSEY
115 BROADWAY
NEW YORK, NEW YORK

WTC TRANSPORTATION HUB
PERMANENT WTC PATH TERMINAL
SECTION 106 CONSULTING PARTIES MEETING

NOVEMBER 4, 2004
PORT AUTHORITY OF NEW YORK AND NEW JERSEY
115 BROADWAY
NEW YORK, NEW YORK

Reporter: Gina M. D'Adamo

JANE ROSE REPORTING 1-866-ROSE-NYC

PORT AUTHORITY OF NEW YORK AND NEW JERSEY
Timothy Stickelman
Louis Menno
Peter Rinaldi
Jackie Hanley
Bernard McNeilly
Shawn Lenahan
Mark Pagliettini
Bill Wong
Steve Plate
Peter Goelz
Louis Rodriguez
Glenn Guzi
Steve Coleman
Paul Gimayo (phonetic)

PORT AUTHORITY TRANS-HUDSON CORPORATION

Kevin Lejda
Harold Levitt

ALSO PRESENT:

BERNARD COHEN, FTA

KEN LUSTBADER, Lower Manhattan Emergency Preservation Fund
FRANK SANCHIS, Municipal Arts Society

BETSY MERRITT, National Trust

BRUCE DECELL, Coalition of 9/11 Families
ANTHONY GARDNER, Coalition of 9/11 Families

ROBERT KORNFELD, Historic Districts Council
JOEL KLEIN, Coalition of 9/11 Families
LOUISE LOPRESTI, Advocate for Congressman and Proposed World Trade Center National Memorial Act
NOAH PFEFFERBLIT, Wall Street Rising
FERNANDO RODAS, Wall Street Rising
SHIRLEY JAFFE, Alliance for Downtown New York

ALBERT CAPSUTTO, Tribeca Organization

DAN SLIPPEN, Pace University

MATT VIGGIANO, Office of Senator Martin Connor
RUTH PIERPOINT, State Historic Preservation Office

CHARLENE VAUGHN, Advisement Council for Historic Preservation

ALSO PRESENT: (Continued)
BETH CUMMING, State Historic Preservation Office

MARILYN GAULL HOWARD, Coalition to Save West Street
BILL LOVE, Coalition to Save West Street

OMI CHIRIFAN (phonetic)

STEVEN WEINTRAUB, Art Preservation Services
CHARLES STARK, FTA, Project Management Oversight Consultant

KATE DALY, New York City Landmarks Commission
STEPHANIE GELD, Battery Park City United

BRUCE EHRMANN, Community Board #1

JOHN HOTOPP, Louis Berger

ADAM LEVINE, New York State Department of Transportation
ROBERT CONWAY, ARKF
PAUL LEBRUN, FTA
BEN STANLEY, Downtown Alliance
CAROL BRAEGELMANN, Federal Transit Administration

DEBRA LESTER, Speaker Silver's office

WILLIAM KELLEY, LMDC

LORRAINE CHANG, LMDC

MARGARITA MORERA, Downtown Design Partnership

ALSO PRESENT: (Continued)
ANDREA BURK
TOM ROGER
MICHELE ADAMS, ABNY
MARK WAGNER, Mark Wagner Architects
JACK DEAN, MTA
PETRA TODOROVICH, Regional Plan Association
ANNIE KURTIN, American Institute of Architects
RICK BELL, American Institute of Architects
DAVE STANKE, Battery Park City United
WILL ESTRADA (phonetic), Battery Park City United
HELENE SEEMAN, Battery Park City United
RICHARD KENNEDY, CB 1, WTC Redevelopment Commission
ROBIN FORST, Councilmember Gerson
JOHN MILNER, John Milner & Associates

MR. BERNARD COHEN: Good afternoon. Welcome to the fourth Consulting Parties meeting that's being held for the Permanent World Trade Center PATH Terminal Project under the Section 106 process of the National Restore Preservation Act.

My name is Bernard Cohen. I'm the director of the Federal Transit Administration Lower Manhattan Recovery Office.

The funding for the PATH terminal project is coming from the FTA through my office, so FTA will continue to play a prominent role as this project goes forward.

At our last Consulting Parties meeting for the PATH project, which took place on August 19, we discussed a number of topics concerning the development of the Memorandum of Agreement. Some of the issues remained unresolved. At that point, one of those unresolved issues had to do with the need for additional capacity at the PATH terminal. And the

impacts of the Port Authority's proposed additional platform, so-called platform D, to serve that capacity.

In light of the discussion that we had at that meeting and some of the concerns that were expressed, the FTA asked the Port Authority to make available to Consulting Parties a PATH Capacity Needs Assessment that identifies and explains the relevant data, the analysis methodology, and the industry standards for reaching conclusions about the need for greater capacity and for evaluating various options.

This kind of analysis is very common and accepted practice in transit industry when agencies are looking to build facilities that will be around for a long, long time, and will need to be functionally effective for a long time into the future.

The data that is used typically includes ridership forecasts, peak period train frequencies, surge factors, numbers of escalators and elevators and stairways

because that affects platform clearance times.

We use professionally-developed measures. For example, how long it typically takes to walk a certain distance. All of that is measured out and is used nationally in terms of these kinds of analysis. And then you apply standards for how long it should take to clear a platform or how much space each passenger waiting on a platform needs in order to draw conclusions about overall capacity needs and options.

Once the capacity needs are determined, then various options and their potential impacts are evaluated. And those impacts include impacts on cost. They include impacts on feasibility. And in the case of the PATH project, they also include impacts on historic resources; in particular, the impacts on the tower footprints and on the box space column footings.

Over the past few weeks, we have been actively engaged with Port Authority

in discussing these topics, and look forward to the Port Authority's presentation today, as well as the materials that are being made available to you.

We also understand that the Appendix C2 platform and track planning requirements and an executive summary of Appendix C2 will be handed out today. Please note that these are draft documents; as the analysis are part of the correct NEPA process. And we are currently in the process of preparing the final environmental impact statement.

So the presentation today will supplement the information provided in these documents, and is part of the ongoing evaluation that is part of the Section 106 and NEPA processes.

We have a lot of material to go through today, but I'd like to remind you that the FTA's goal in this process is to have a Section 106 process that will culminate in a Memorandum of Agreement for the design and construction of the

permanent PATH terminal that strikes a balance between meeting the future ridership demand and service, and the preservation of historic resources at the World Trade Center site.

I think that it's always condescending when a government official says that the Consulting Parties or the public has been instrumental in effecting a process. But I'm going to say it today, because I believe it. As someone who has attended every single 106 meeting since I assumed this position back in January, I really think you've been listened to. I think that the presentation today will reflect that. And I really think that you've had an important impact on the process.

With that, I'd like to turn the meeting over to the gentleman who has been facilitating all of our Section 106 meetings, Peter Goelz.

MR. PETER GOELZ: Good afternoon, folks.

We are entering the final stages of

this 106 consultative process. And today, as Bernard said, we're really going to focus on two important issues that we'll be soliciting comments, questions, concerns. The one is the issue of the platform D configuration and its need. And then the second discussion led by John Hotopp, where he's going to outline the administrative and review processes of the proposed Memorandum of Agreement that's due to be signed or due to have a final draft, final copy, due by later this month or early in December.

I think as all of you know, the final comment period is the 19th of November. So any written comments that you have, need to be in to the Port Authority by the 19th.

I think we're going to start today's discussion or today's presentation with a review of some outstanding issues from past meetings, a status report, particularly focusing on the cleaning of the footprints and the visit to the

site.

And we'll start -- Peter would you give us an update on those.

MR. PETER RINALDI: Last time we spoke, we said we'll move forward with cleaning the footprints of Tower 1 and 2 off for documentation purposes and also available for the Consulting Parties to take a tour of the site.

I wanted to update you on where we are right now. We're in the process, and have been for the past two weeks, of removing material that's on top of the footprints.

It has a been a difficult job, I'll tell you. One of the areas that we thought was going to be difficult and that we might not be able to clean off, we were able to (inaudible) a pavement break of it, which there was temporary pavement. So we're actually cleaning off a larger area than we anticipated. And it's taking some additional time.

Also, I'll share with you that because of the expanded 9/11 ceremonies

this year, when we opened up the South Tower footprint, families entered the North Tower footprint, we opened larger areas, there was fill brought in by both the City and ourselves during that process to make the area available and smoother, and for the families to come down, and that added a lot more material that's being taken off.

So with that said, we are planning to have the footprints completed, cleaned off next week. We are scheduling two dates for visits by Consulting Parties. We will confirm this in an e-mail to the Consulting Parties. But on Friday, November 12 at 2:00 p.m., and Monday November 15, at 10:00 a.m. So we tried to find an afternoon time and a morning time.

I would just put a caveat, while we're striving to do the cleaning and then we have to do a sweeping, we may be weather dependent. If we get a lot of rain and it continues over the next several days and into next week, it will

make it difficult for us to complete that. So I'll just put a caveat on it. We don't anticipate that, but that could happen. When it rains in the site, it takes a while for it to drain, and it's difficult for us to sweep up the material when it's under water or it's muddy. So I just put that caveat.

You will meet at Gate 8, which is located at Liberty and Washington Street. For those of you that are familiar, that's the family viewing area entrance. We'll meet you there. We'll assemble inside that area, and then we will escort the parties down into the footprint areas.

I would say that we are asking that each Consulting Party be limited to two individuals. You will be allowed to take photographs. The caveat is that those photographs are for your personal use as part of this consulting process and not to be used for commercial purposes or anything else. We ask that and for you to respect that.

Also, I would ask that due to the nature of the site, that those of you that will be attending, to wear either work shoes or the sturdiest footwear that you have. It was an uneven surface to start with; it's even more uneven now as we clean it off. There's quite a bit of areas there that were damaged as part of the collapse of the towers on the site. And now that we remove that material, the unevenness of the site is more pronounced. So open-toed shoes, light footwear is something you cannot wear. So I would emphasize that also.

As a contact, we prefer if you could contact us by e-mail or fax. My site manager is Nancy Johnson. Her e-mail is njohnson@PANYNJ.gov. And the fax number is 212-435-5560. We ask that you confirm if you will be attending, and we'll get back to you to confirm.

So that is our present plan for visiting the site. If there are any questions on the logistics, we'll answer them by e-mail. If you have a question,

I can ask answer some questions maybe at this time.

MR. ANTHONY GARDNER: I just have one question, Peter. As far as the caveat that you mentioned about the rain being a factor. I just wanted to make sure that you're going to provide this tour. Rain will just be a delay.

MR. PETER RINALDI: Let me clarify. We're striving to clean off the footprints, sweep them down and get them cleaned. If it rains, we have to delay the dates further. It might change the dates -- we intend to meet the dates I just described to you, but I can't control the weather. I know we have some heavy rain coming in tonight and tomorrow. And I don't know to what extent that will stop our operations. And if we have the same problem next week, we might not be able to get the site ready in time. Depending on that. So we might have to push the dates a little further.

MR. ANTHONY GARDNER: Can I ask you

one additional question?

You mentioned the temporary pavement as a substance that was on the footprints. When some of the family members on the anniversary, we noticed on the western perimeter line of the North Tower footprint that it looked like there was some type of slurry mixture. We didn't know the correct lingo to describe it.

Is that the material you're talking about?

MR. PETER RINALDI: No. That material is actually part of the footing that formed the base for the columns for the perimeter of the west side of Tower 1. That's part of the original construction.

What I'm talking about in Tower 2, by the crash wall area in the construction of PATH, during that construction, there was a temporary ramp and pavement that filled over the area, and there was some payment that facilitated both access and some of the

removal of the old station remnants that were there. There was asphalt there and quite a large amount of fill.

MR. ROBERT KORNFELD: I don't think that's what Anthony was referring to. He was thinks, there some areas that looked like there was some sort of slurry residue actually on the steel. Could have been people washing out concrete mixtures or something.

MR. PETER RINALDI: Not that I am aware of.

MR. ANTHONY GARDNER: Can I just show you this photo real quick?

MR. PETER RINALDI: What I would do, you're discussing the footprints and the cleaning of the footprints. We can take a site tour, and it's probably best to address these issues or take a look at it at that time.

What I'm trying to do is really just set up the logistics, and let you know that the footprints will be available at that time.

MR. KEN LUSTBADER: I don't know if

this is an appropriate time. It's documentation --

MR. PETER RINALDI: I think the documentation is comments that will segway into the documentation.

MR. TIM STICKELMAN: What we're doing with the documentation, we're hiring Louis Berger is our consultant. They'll be doing the documentation of the footprints. As they'll also do the entire site and the other historic elements of the site.

In addition, we're trying to get Tito Duprey. Some of you may have heard. He does 360. He's in Nepal right now, so we're trying to arrange for him to come back from Nepal to do a 360 once we uncover the footprints.

And the photo documentation and the other documentation for the footprints, and the rest of the site, will be shared with NYSHPO and consulted with NYSHPO, whether it be included in the New York Archives and sent down to HABS HAER for their consideration. It will be part of

that process.

In addition, I want to update you on the World Trade Center artifacts inventory. It has been completed. When we send the e-mail to you in regards to the tours, we just ask that you send us a written request that you want a copy of it. It's going to be on a CD. If you printed the whole thing, it's about this thick, but we have a CD. So whoever wants it, can just request it and we'll send it to you.

That's really it on the documentation right now. I'll turn it back over to Peter.

MR. PETER GOELZ: Any questions for Tim?

MR. ANTHONY GARDNER: We have a question on the documentation. The MOA talks about HABS HAER level two. Is there a reason why it's not HABS HAER level one?

MR. TIM STICKELMAN: From what I understand, level two is even better than level one. John?

MR. JOHN HOTOPP: Actually, Anthony, the level one documentation would be using extensive drawings. It's most commonly used when you have processes or something that needs to be shown. And so that's why you need a lot of drawings.

Level two is the standard for photographic recordation. What we made a provision for, if there's anything that would show better in a drawing, then we'll have somebody do the drawings to HABS standards as well.

MR. TIM STICKELMAN: You say in the MO, we would consult with NYSHPO if we had to do something else.

MR. ANTHONY GARDNER: The photos would include some sort of aerial view, right? Because that's where you really get the full sense of the footprints.

MR. JOHN HOTOPP: Absolutely.

MR. PETER GOELZ: What are the chances of the 360 getting done?

MR. TIM STICKELMAN: He's in Nepal, so I don't know.

MR. FRANK SANCHIS: Isn't an

accurate set of drawings necessary for the design of what's going to follow?

MR. TIM STICKELMAN: You mean the drawings of the future?

MR. FRANK SANCHIS: Footprints. In other words, don't you need a truly accurate set of drawings of the footprints as a baseline document for the drawings for any construction?

MR. TIM STICKELMAN: After the photographs are done, we'll be consulting with New York NYSHPO.

MR. JOHN HOTOPP: We've been talking to John's Burns. He was lucky to come up and get the as-builts for the towers. And get those drawings. Those are exactly what you're talking about.

MR. FRANK SANCHIS: Seems like the reverse though. In other words -- oh, the as-builts for the towers? And then check them against the actual of where the column bases are?

MR. TIM STICKELMAN: Right. Because we have the as-builts.

MR. FRANK SANCHIS: Okay.

MR. ROBERT KORNFELD: When you issue the set for 6 World Trade Center, it was a plan that showed what remained. It kind of showed the damage. It showed the profile where the crater was kind of blown out through the slabs of 6. It seems to me that it wouldn't be a huge effort to take a plan of the B-6 or B-5, whatever it was called at that time, level of the towers and to do the same thing; basically document what has changed since, sort of like --

MR. TIM STICKELMAN: I hear you. But we don't know what's going to be there until they finish unburying. We really need to focus and discuss with NYSHPO, which we plan on doing.

MR. PETER GOELZ: Now we're going to enter into what I think should be a fairly substantive discussion. We'll ask Lou Menno to come up.

And as all of you know, one of the ongoing issues has been the platform D debate and discussion. And Lou has got a series of slides to discuss not only the

need for the additional platform, but also some options on impact.

MR. LOUIS MENNO: Thank you very much, Peter. Good afternoon everyone, and thank you for joining us today.

Today I'll be talking about platform D and the fourth platform, and all of the various options that we looked at in terms of litigation and historic resources.

I'll begin by talking about the overall ridership capacity on the PATH system.

Before September 11, PATH had five tracks with three, ten-car platforms. The World Trade Center station was the most heavily traveled station in the entire system of PATH.

PATH carried over 250,000 people a day and 67,000 riders used that PATH station before 9/11. And the station was virtually near its capacity.

When we look to the year 2025, we see at ridership growth increasing to 81,000 people a day at the World Trade

Center station. As well as over 320,000 in the overall PATH system over the next 20 years.

And right now, with the temporary station, which was designed to handle 50,000 people a day, that station is already carrying approximately 38,000, and on some peak days, 40,000 people. Close to its capacity. Our forecast, before the station opened, was that by the year end of 2004, we would be at maybe 28 to 30,000. So we see that ridership growing. And we are basically nearing the capacity of the temporary station if that growth does continue.

And in order to address this growth over the next 20 years within the entire PATH system, and not just at the World Trade Center, but PATH is taking several approaches to meet this increased ridership.

They are making operational changes on the most heavily traveled line which is the Newark service. They will be operating ten-car trains with a

three-minute headway. That means three minutes between every train when they're in operation. One train comes in, within three minutes another train comes into a station; a three-minute headway.

And from a capital investment point of view to meet this demand, PATH is out there right now with the RFP process to replace its entire rail fleet, with new cars that have three doors per side. As well as in the future, a new single system that will allow PATH to operate more efficiently their trains and to maintain those tight headways, or the time between two trains.

What that all means is that PATH will be able to carry more people with greater efficiency (inaudible) on the entire system by what they are doing in the years to come to meet this ridership growth.

But when you think about the whole PATH system, you have to think about the World Trade Center station, which is an integral part. It has to be designed to

comply and be in conformance with, in concert with, with whatever else is being done in that system to handle this ridership growth.

And at the World Trade Center site, as we look at what our needs are for this future, we need to have five tracks as we had before. We need two of those tracks on a daily basis for the Hoboken service, and another two tracks for the Newark service, with a fifth track as we had, for failure management to take care of a disabled train.

At the same time, those tracks help us from an operational point of view in that at night, PATH is able to store trains and keep one track in revenue operation for the Newark service, which runs 24/7. And by having those tracks for stand by, we're able to park and keep overnight the Hoboken trains, and allow for easy ramp-up in the morning. And it also prevents that service from being affected in the bad weather; such as what is going to happen in the winter? Ice

storms and snow. So that will have minimal impact on our customers.

When we look at this video, we're showing the video here at 33rd Street, where we have a dedicated platform for boarding and unboarding.

Here we see how it's working very well at 33rd Street, where people are coming off the trains. And then you'll see here, the doors will open and people are able to move into that train very, very easily. We want to prevent a lot of the cross-flow, or the passage friction, by people getting on and off the train on the same side. This is what allows us to operate more efficiently and to handle that growth.

This was recently taken at 33rd Street, but think about this, this is only for a seven-car train. We're talking about ten-car trains on the Newark service with three-minute headway; the time between trains coming into World Trade Center.

Then, when you look at this other

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video of Exchange Place, you see where you have this cross-flow of people getting on and off from different trains sharing the common platform. And it's not the right situation for our customers. And that especially when you think about the World Trade Center, we have more cross-flow. And we have an increased reverse commute, because the residential population in Downtown is growing.

We need to meet that type of growth. We need to be able to provide for efficient movement of our customers on and off the train in a very safe manner.

Next, when we look at the design of this station, in addition to the operational requirements that I just spoke about, we need to design it following an industry standard, which is the Manual for Transit Capacity -- sorry, Transit Capacity and Quality of Service, the manual. That is the industry standard.

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And what that industry standard says is that we have to do several things. We have to design for the peak periods on the PATH system. We have to make sure you have the proper amount or size of platforms to accommodate the peak periods.

Those peak periods for PATH occur twice a day; in the morning and in the evening. It's a commuter railroad. So we need to be able to accommodate our riders in the morning, in the evening, and a very safe manner. And what that manual says is that in the morning at the World Trade Center station, where most of the people are coming into the station and are alighting from a train, they need to clear a platform in a certain period of time. And that period of time is the time that is basically equivalent to the headway. So if a train comes in every three minutes, people have to be off the platform within three minutes.

However, the manual recognizes, which is very important, failure

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management. What happens if a vertical circulation element, such as an escalator goes down, you must provide for that failure management. And that failure management is a range of anywhere between 70 to 80 percent.

So in effect, on the Newark service, with a ten-car train with a train coming in every three minutes, we need to have our customers off that platform in the morning, between a time period of anywhere between 126 and 144 seconds. Not 180 seconds.

When you look at the evening, you need to look at the capacity that the station can handle; the area to allow for people to safely stand on the platform, to board a train when it comes into the station.

And the manual also says we have to provide for failure management. That is a missed headway. What happens if a train doesn't come in within three minutes, four or five minutes? More people are going to be on that platform.

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And what that manual says, when we do our calculation, for ten-car trains on the Newark service with this headway, we need an effective area of a little over 15,000 square feet of usable area for people to safely stand on that platform.

On the Hoboken, we need approximately 10,400 square feet. And when we look at this, keep those two numbers in mind, we need to have the capacity to handle these requirements. So that if we were to build a station with only three platforms, like we had before 9/11, three platforms, ten cars in length, and if we operated with platform C, the western most platform, ten-car trains by the year 2025, with a three-minute time in between trains, we fail. Our passengers do not get off the platform within 126 and 144 seconds. The analysis shows over 200 seconds. I believe it's 213 seconds, to be exact.

When you look at the analysis from a platform area, it fails unfortunately because we only have an effective area of

a little over -- of approximately 10.4 thousand square feet. Far less than the 15,000 that we require. It doesn't work. It doesn't meet the Transit Capacity Manual. It does not provide for that future growth.

Even if we were to flip the service around, put Hoboken on that platform and move Newark over to the other platform, platform B, it still does not work.

When we look at platform D, which is this fourth platform, I'd like to just point out several things here. The layout of these five tracks in the new station will be in virtually the same location and the same configuration as the pre-9/11 station. These three platforms, A, B and C will be ten cars in length, just as the original World Trade Center station, in the same configuration, in virtually the same location. The difference is this fourth platform; platform D.

By the introduction of this fourth platform, we are now able to meet the

requirements that we have to follow concerning the Transit Capacity and Quality of Service Manual; the industry guidelines.

We now have sufficient time to get people off the platforms before the next train comes in, and we have sufficient area now to have people safely stand on the platform in those rush hour peaks. This is why the need for this fourth platform is very, very important to meet that ridership growth, to meet the operational needs that I just spoke about, the operational needs for failure management, dedicated boarding, and unloading of passengers, to help us address that increased reversed flow, that increased reversed commute because of the residential population that is growing Downtown.

However, this platform has an impact on the footprint of the north tower. We never had an impact before 9/11. Now we have an impact on the columns.

What happens is that that platform

will occupy approximately 3.2 percent of that area, right at that northeast corner of the footprint of 1 World Trade Center.

In addition, it will also impact 12 of the north tower columns; the remanent columns that are there. But this fourth platform, which is a full width platform to meet the operational and the passenger flowing needs for the future, works because it meets the NFPA, it meets the ADA standards. We also comply with the industry standard, the Transit Capacity and Quality of Service Manual. We need all of that anticipated platform clearance requirements, getting people off within that 120 second, 144 second timeframe. It provides the adequate level of service. It significantly reduces that reverse commute, as I just spoke about. You don't get that cross-flow that you saw in the videos over at 33rd Street. It provides for failure management. And again, it does impact the footprint by 3.2 percent of

the footprint, approximately 3.2 percent, and 12 columns.

What this does, it allows for the growth to meet a 2025 ridership growth on the entire PATH system, as well as at the World Trade Center.

In addition, what's very important why this also works, is from a construction point of view. By building this fourth platform, we're able to put in a temporary track that we spoke about many times before. That will just be a temporary track that will be placed and removed. I'll be talking about that in a few moments. And it will allow us to maintain the level of service that we committed to, to maintain PATH operations throughout the time that construction will take place for this terminal. And it will be removed when we are completed.

And by having this platform in place, by having the fourth platform with the temporary track, we're able to stage our work in such a manner that we can

accomplish our goal of building this station within the timeframe that we have.

In addition, it allows us to maintain the level of service for our customers. Because we said, that in order for us to meet the aggressive schedule of building this station, anywhere between one to two of the PATH tracks will be taken out of service at any one particular time. So the ability to put this temporary track in, in conjunction with the permanent platform, makes the construction very, very possible within the time frame that we have.

In addition, the last time we spoke, we do recognize the impacts on those historic resources. We said at the last meeting that we would look at options of how do we represent within that fourth platform where the tower footprint was. Where those columns were.

This just shows two alternatives that we're looking at. There may be

others; special light treatments in this area. For instance, we would show all the columns by different material, compared to the rest of the platform. We would have a uniform treatment of the whole area in terms of the walking service. Or we can do something similar; we would highlight the columns in one material and possibly have the area of where 1 World Trade Center once was highlighted in a different area compared to the rest of the platform.

As I said, there could be other things that we're looking at. Other design opportunities.

MR. ROBERT KORNFELD: May I interrupt?

MR. PETER GOELZ: Let him finish the presentation, and then we can go back.

MR. LOUIS MENNO: So there are a number of options. We're still looking at that. This is not the end-to-end-all here, but there are other options that we're looking.

This is just a highlight of what

we're doing to live up to the commitment that we've made before.

In addition, we've also looked at some other alternatives. And we looked at another alternative that with this platform was we would look at notching out the area by where it goes over the footprint of 1 World Trade Center.

As you can see here with this blow-up, this is the footprint of 1. We would notch out the station to allow for more area to be not touched. And by doing that, it helps mitigate some of the impact to that historic resource there.

And we're looking at the feasibility of this by notching it at the north tower footprint. It does meet our platform clearances for the year 2025, and what we have to do for that, for that design year. It does provide some restriction to passenger flow because it narrows the platform at the northern part of the platform. At the northern part, there are three trains just to the north of that; three, three-cars of a train. So

in case there's a failure management here that I spoke about, say those escalators are out of service, it creates somewhat of an overcrowding situation, funneling people through to the next vertical circulation element further south on that platform.

It does constrain our ability beyond 2025, but it does reduce the area from 3.2 percent impact, to a 2 percent impact on the area. And it does reduce the remanent impacts to those columns from 12 down to 9.

And it does bring along with it added costs to our project, to put something in and take it out, because we need to put a full width platform in just for a temporary in that restricted area, and in order to accommodate the temporary track. We're still looking at this feasibility to see how it works.

We also looked at another option. How do we handle the future growth for 2025? And what we did, we looked at widening platform C. Widening platform

C. And by widening platform C, we have to now relocate track number five further west into the bathtub area.

And we looked at all of that, and that has some implications to it. And what this option looks at, it does impact five perimeter columns in the north tower. It occupies less than one percent of the tower footprint. But it does not work for us. It does not allow us the operational -- doesn't meet our operational requirements. It doesn't meet the overall goals and the objectives of the overall program.

It does not allow for that dedicated boarding and unboarding of passengers. We have that increased cross-flow of people getting on and off a train on the same platform, even though it's wider. It doesn't allow us to handle effectively that reverse commute that's growing in lower Manhattan.

And at the same time what it does, is that by that relocation of that fifth track further into the bathtub, changes

the geometry of that track. And it tightens up that curve. It tightens up the curve that it will force or require PATH to slow down a train to go through that curve. What that does, it affects the through-put of the PATH service into the station. So if it slows down, we can't make or live up to that three-minute headway; the time between the trains.

It will also affect the trains coming out of the tunnel for the Hoboken service. So it has operational impacts. At the same time, a tighter geometry creates wear and tear on the PATH system; to the rails, to the wheels of the new equipment. So it has operational impacts.

But it also has another significant impact on the construction. By putting in this configuration, we would have to build a temporary platform anyway to meet the ridership demands during construction. We'd have to then take that platform out. But in conjunction

with that temporary platform, the feasibility of putting in a temporary track becomes not so feasible anymore. Because that geometry for this temporary track is very tight, that we may not be able to operate a train on that track. Or even though you can work out the geometry, we may not be able to get a full seven-car train into that platform because it would have to be on a curve. And we can't have wide gaps. So it renders, from a construction point of view, not so feasible.

At the same time, it creates now a longer schedule for us, because we're not able to stage the work in such a manner that we can build the station within our established schedule. As the construction takes longer, the costs go up. So this will affect our ability to deliver the program within the very tight $2 billion dollar program that we have.

So because of the operational restrictions, the construction, the impacts it has on construction, and that

it doesn't meet our full goals and the objectives, this widened platform C does not meet our criteria.

I want to now talk about the temporary track, which we've been speaking about over the past several meetings; where we need to put in a temporary track within the World Trade Center site.

This temporary track, it will be located to the west side of this fourth platform. By putting in this temporary track, allows PATH to operate sufficient service throughout construction. Because at any one time, we will be taking out between one and two tracks, as well as some platforms in order to accomplish our goal of building this station.

This temporary track will go temporarily through the footprint, right at this northeast corner. And this temporary track will just cover over some of the footprint area, as well as several of the column bases. Two at the north and five to the south here. It will be

put over it.
When construction is over, it will be removed. The area is still there. The columns are still there. They're not being disturbed.
In addition, just to the south of where that temporary track will come in, we spoke about the construction and the design of the new terminal. And there is a significant arch, structure, that will support the area above the PATH mezzanine. This arch is going to support all of the facilities that will be built above the station; such as the cultural facilities.
We pointed out at that arch needs a footing to transfer all of that weight and all of that load down to solid rock below. And we pointed out that four columns in this area are potentially impacted. And we said that we would look at alternatives to see what could be done to mitigate the impacts on those four resources.
I'm going to show you three of these

options that we are looking at.
This is option one. Let me give you a quick overview. This area here is the proposed fourth platform, platform D, that is the fifth track. And what you see here, that is the temporary track for the train. You see it's dotted; it's temporary. It goes away at the end of the construction. This represents -- this is not what's there, but it represents one of the columns that once made up the exterior wall of 1 World Trade Center. This is that structural arch that comes across the terminal and has to land on a footing.
So the first option that we had was to physically excavate this area, and temporarily remove four of these columns. And then once we would finish placing this footing, we would backfill the area and then replace all four columns in the same location where they once existed. That's one option.
The next option is a little bit similar. Again, this is the temporary

track, it comes out, platform D. There's that structural arch coming down. And the second option is to design a different type of footing that has rock anchors in it, that will anchor it into the rock to prevent up-lifts. And it does avoid touching any of those columns that I just spoke about; those four columns. That's the second option.
The third option is a little bit similar. Again, the temporary track, platform D. There's the arch. That's the column that comes down. And then the third option is to literally excavate or mine under, and to place that footing so we do not disturb those four columns.
Those are the three alternatives that we are considering. We have to look at the schedule impacts. The feasibility of it from a construction point of view, as well as schedule impacts.
So we haven't made any decisions. But these are four options that we're looking at to mitigate the impacts to those four column remnants.

And now I'll turn it over to Peter.
MR. PETER GOELZ: Thank you, Lou. A lot of information. And time for questions and comments.
Before we start, let's go around the room once so we know who we're talking to since we're going into the public discussion phase.
(ALL INTRODUCTIONS MADE:)
"Bernard Cohen, FTA.
Ken Lustbader, Lower Manhattan Emergency Preservation Fund.
Frank Sanchis, for the Municipal Arts Society.
Betsy Merritt for the National Trust.
Bruce DeCell, member of the Coalition for 9/11 families.
Anthony Gardner, Coalition of 9/11 families.
Robert Kornfeld, Historic Districts Council.
Joel Klein, for the Coalition of 9/11 families.
John Milner, John Milner &

Associates.
Louise LoPresti, Advocate for Congressman and Proposed World Trade Center National Memorial Act.
Noah Pfefferblit from Wall Street Rising.
Fernando Rodas, Wall Street Rising.
Shirley Jaffe, Alliance for Downtown New York.
Albert Capsutto from Tribeca Organization.
Dan Slippen, Pace University.
Matt Viggiano, Office of Senator Martin Connor.
Ruth Pierpoint, State Historic Preservation Office.
Charlene Vaughn, Advisement Council for Historic Preservation.
Beth Cumming, State Historic Preservation Office.
Marilyn Gaull Howard, Coalition to Save West Street.
Bill Love, Coalition to Save West Street.
Omi Chirifan (phonetic), September

11th.
Steve Plate, Port Authority.
Peter Rinaldi, Port Authority.
Lou Menno from the Port Authority.
Harold Levitt, PATH.
Mark Pagliettini, Port Authority.
Kevin Lejda, I'm with PATH.
Bernie McNeilly, with the Port Authority.
Steven Weintraub, Art Preservation Services.
Jackie Hanley, Port Authority.
Shawn Lenahan, Port Authority.
Charles Stark, FTA, Project Management Oversight Consultant.
Kate Daly, New York City Landmarks Commission.
Stephanie Geld, Battery Park City Authority.
Bruce Ehrmann, Community Board #1.
Louis Rodriguez, Port Authority.
John Hotopp, Louis Berger.
Adam Levine, New York State Department of Transportation.
Robert Conway, ARKF.

Paul LeBrun, FTA.
Ben Stanley, Downtown Alliance.
Carol Braegelmann, Federal Transit Administration.
Debra Lester, Speaker Silver's office.
William Kelley, LMDC.
Lorraine Chang, LMDC.
Glenn Guzi, Port Authority.
Steve Coleman, Port Authority.
Margarita Morera, Downtown Design Partnership.
Paul Gimayo (phonetic), Port Authority.
Andrea Burk.
Michele Adams, ABNY.
Mark Wagner, Mark Wagner Architects.
Jack Dean, MTA.
Petra Todorovich, Regional Plan Association.
Annie Kurtin, American Institute of Architects.
Rick Bell, American Institute of Architects.
Dave Stanke, Battery Park City

United.
Will Estrada (phonetic), Battery Park City United.
Tim Stickelman, Port Authority."
(INTRODUCTIONS CONCLUDED.)
MR. PETER GOELZ: Go ahead. You had the first question.
MS. LOUISE LOPRESTI: Louise LoPresti.
I appreciate the concerns that you have about providing for increased ridership, as well as the fact that you're anticipating an increase, and you need to provide for that capacity in terms of both design and safety features.
A large part of that, at least in terms of this discussion, is predicated on the reverse commute, and the increasing trend in this neighborhood to be more residential.
I actually work on Wall Street, so I'm very familiar with it. Yes, as has been more publicized, the neighborhood is becoming increasingly residential, but

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the point of fact, the majority of the people who are working down here tend to be commuting up to the east side, or they actually work in the neighborhood, as well as living here.

I have someone who works for me who lives at 67 Wall and walks out the door, turns the corner and walks into the next building. That's one of the reasons why people live down here, because we work extended hours.

In addition, I am also familiar with the patterns, reverse commute patterns. People who are going to, let's say, Metro Tech to work, or to Colgate, or to Newport, and I do it frequently, I don't take the PATH and they don't either. We all walk over, we take the ferry. If we need to go to 34th Street, we get on the E Train for any other variety of reasons.

So I think it might be safely said that yes, you're hoping that ridership will increase, which it certainly will, and you're hoping that you will capture

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the Downtown residents as part of your ridership, but that is not the current pattern now.

And have you done any studies to establish what trends are taking place in terms of the Downtown residents in their reverse commuting, if it is, in fact, reverse commute?

MR. BERNARD MCNEILLY: I'm Bernie McNeilly, with the Port Authority.

We actually handed out at the last Consulting Party meeting the appendix which had the ridership estimate information in there. And I would certainly welcome anybody to revisit that information.

But what was happening, going through 2025, we're expecting in the a.m. peak in excess of 29,000 and nearly 30,000 riders in total. And the balance of that is 23,300 would be alighting passengers. Alighting means that if they're at the station, or they're going to be getting off at the World Trade Center. And there's about 5,600

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passengers that would be boarding. That would be people going west of the Hudson.

MS. LOUISE LOPRESTI: But that's projected. What is that based on?

MR. BERNARD MCNEILLY: That is projected. I'll get to your point in a second.

As far as trends are concerned, generally speaking, the alightings over the period of time going up to the design year, will increase a little less than 4 percent. And although the boarding number is much smaller, 23 versus 5, it's growing at a much more rapid rate. It's increasing by 37 percent in that period of time.

So what that is meaning, is that over time, you're go to have an increased reverse commute, which will be introducing that phenomena that Lou was talking about; which was passenger friction.

But to get to your point about trends, as most of you know, I think it's been well documented in most of the

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things going on with the environmental documents, there is also substantive development that's been going on west of the Hudson along the Jersey City Waterfront and other programs that are going on in New Jersey. And what was noticed as far as a trend is concerned from both PATH and Port Authority, is that the boardings at World Trade Center pre-9/11, increased and continued to increase.

And what's happening as we move out towards 2025, the design year, there's additional build and development that continues to go out; for instance, back-office operations that used to be in the Financial District down in lower Manhattan, which seems to be sustained and will be continuing.

Given that, the trends have been to -- the boardings are going to continue to increase from now and as we move out to the design year; although the alightings of people coming into the World Trade Center is going to be growing

over that period of time, but at a lower rate.

MS. LOUISE LOPRESTI: Have you looked at the trending between the PATH reverse commute and, for example, the New York Waterway reverse commute; which is taking a larger volume?

MR. BERNARD MCNEILLY: I understand your point. But one thing, as far as trends are concerned, as you know, during the period of time between the temporary station and pre-9/11, ferry ridership was through the roof. And actually, there were increasing routes and the frequency of those routes to meet the demand. And that was largely because there was no service to the World Trade Center.

Since the World Trade Center has been opening, there has been a steady decline of ferry service. And there's been much documentation that has been noted in the publications in the area that ferry service continues to decline. And it's coincidental that while there's a steady decline of ferry service,

there's been a steady increase of PATH ridership.

And as Lou had mentioned, we were expecting less than 30,000 riders at this point in time. As we ramp-up to get close to the temporary station needs, we are already in excess of that. We're at 38,000 riders, which is well in excess of the projections that we had made as part of this program.

So as far as a trend is concerned, that trend seems to be very real.

MR. BILL LOVE: This is anecdotal, I know, but I was on a business trip last week with a colleague of mine who lives in Jersey, who rides the ferry. And he was telling me the reason he rides the ferry is because the trains are so packed right now. He comes in from Newark, and he says they're just jammed up. There's an example, for it's not just simply a matter of choice, but it's a matter of the conditions on the trains.

So I think it's important that we focus on the capacity of the system be

conservative in our estimates.

Also, anyone like myself, who lives in Battery Park City, who's watched the skyline in Jersey over the last couple of years has just seen that skyline building up. It seems like there's a new building every month. And clearly what's going on, is that businesses, logically because of terrorism, are choosing to jeer of a diversified geographically [sic].

So I think you are going to have this trend. There are more and more people choosing to live in New York because they like New York, but having the ability to work in New Jersey where more and more jobs are located. That just seems like a logical conclusion.

MS. ROBIN FORST: Hello. Robin Forst, Councilmember Gerson's office.

I'd like to pick up on what Bill just said. I'm actually a little bit concerned with something that Lou had mentioned before; which were the projections that had been made for the end of 2004, which is a much smaller

number than the actual ridership that you're experiencing.

I'm just wondering going out to 2025, which will only be a few years into the new development, assuming all of the development takes place, and whether or not your estimates for that time in the future are indeed accurate?

I mean, they may be as understated as the estimates were for 2004. And that concerns me both as a member of an elected official staff and also as a resident of lower Manhattan.

MS. HELENE SEEMAN: Helen Seeman, BPC United. I'd like to pick up on something Robin just said.

I'm wondering if your projections of PATH ridership have taken into account the fact that I think as the area grows, and the memorial is completed and the buildings are completed, more people will be discouraged taking buses in, and there will be more people stopping off in Jersey and riding in to visit the sites down here. I'm wondering if you've --

it's hard to project, but I'm wondering if you've taken that into account?

Also, what Bill said, I had occasion twice this past week, I had to go over to the Jersey shoreline, and decided to try the ferries. They've totally cut out one. Because ridership is down, they've cut out one route entirely, and they're really cutting back. So I think the method of transportation has clearly become the PATH.

MR. DAVE STANKE: First of all, in terms of anecdotal of it, I know a number of people who do reverse commute. I think one of the great things about being in Downtown and living here is the fact that you could shoot over to New Jersey. There are offices and companies that have branches at different points around Downtown and New Jersey be able to move back and forth between those offices is part of what makes companies work efficiently, and for us living here, gives us the flexibility to move from locations. I think it's very important

that New Jersey -- I mean, Downtown isn't big enough for a stadium. We don't have room to grow. The new buildings for Downtown have been going up in New Jersey, Brooklyn and other areas. And the functioning of this area as a business center is going to depend on transportation between those commercial and corporate and residential centers. And the PATH is clearly the mode of choice in getting back and forth. The water is not dependable. You have weather issues. You have to walk all the way to the end of the element, so it's not as convenient to many of the buildings Downtown. The Waterway ferries can't support what's going on in the PATH station.

I look out my window everyday, and I see the volume. It's just like the old days again. Can't walk up Church Street at certain times of the day. That's a great thing.

MR. FRANK SANCHIS: Frank Sanchis.

I was thinking along the same lines,

and what I'm wondering is this: When you are trying to provide for ridership based on projections to 2025, I think it would be safe to assume that beyond 2025, 50 years from now and 75 years from now, the demand for transportation between New Jersey and New York is going to keep increasing. We'll be looking at a whole different scenario. And that whatever happens with the PATH train now is not ultimately going to provide, the five platforms is not going to provide the ridership that you need.

What you're measuring that against is its impact against something, which right now today, that footprint has been established that this is on its way to nationally significant artifact. And that's for everyone. That's not going to change in 25 years, 50 years, or 100 years. It's going to be a nationally significant thing.

So why would you be thinking along the lines of adversely impacting something where there's already been made

a pretty clear case, that's going to keep coming back, about the need to design a memorial in that same space, which is somehow going to allow you to perceive the entire footprint.

Here you're talking about making a change which is not going to, I would argue, is not going to provide the capacity that you need in the far future. You're making a change that may answer the capacity in 2025, but it probably logically will not answer some capacity in 2050 or 2075; whereas your impact on that monument is forever.

So why not look at it slightly differently; which is to see how long you can get away with the capacity in the PATH terminal by leaving the number of tracks that you have and doing something else? And then figuring out when that next step is going to have to be provided for. Because it's not going to be there.

Once this expansion of PATH goes in on the World Trade Center site, quite

logically you're not going to be able to expand it again. The only way you could expand it again is to stack it. You're not going to be able to go horizontally.

So, for the sake of that one track at this time, and the impact that it will have forever thereafter, why are you thinking about it that way?

MR. BERNARD MCNEILLY: One slight clarification, because you did raise some good points there.

By the year 2009, we are at the capacity of 50,000 riders that the temporary station has been built for. So the time in the decision is now.

You do raise a good point as far as where things are going in the future, but we are at our capacity in 2009. And from a construction perspective, that's not too far in the distant future.

We realize our pre-9/11 ridership in the range of around, which was 67,000 riders in the range of 2014/2015, and then we reach the ultimate goal of the 81,00 riders in 2025. So, although your

points are valid, the reality is that we are at the capacity of the temporary station in just under four years.

MR. LOUIS MENNO: Just several comments.

First of all, we have to make a decision now because that space will not be there. At the same time, federal funding is limited. We have a limited time frame for it.

You mentioned about stacking tracks and elevating, that's like -- it's not a possibility. Basically we would be designing a roller coaster. PATH is not a roller coaster. And we fully understand where you're coming from, but we have to make a decision.

MR. DAN SLIPPEN: I have a couple of comments and a question, if you don't mind.

I haven't really been at your earlier meetings, but I have been following everything via e-mails and your minutes.

I'm from Pace University, and as you

know, we're not experts in engineering and architecture, but we are experts in education. But we're here in the capacity of representing the largest, private university of lower Manhattan.

Since 1906, we've provided more than a thousand jobs per year in lower Manhattan, and more than 8,000 students do come to study. And approximately 1,200 of our students live Downtown, which means 6,800 commute. And in regards to that, over 1,500 use PATH daily.

Just to go on record, we are in favor of the much needed permanent PATH station. We see this as a major transit resource, as a major lifeline for the stability and growth of lower Manhattan. Pace University believes it is important, as well, to our own growth and development.

As we look to grow, our student population Downtown and attract faculty and staff from the region, we know that many of these new students, faculty and

staff will look to PATH service to accommodate their transportation needs.

To say that the safe, consistent and easy PATH service is important to Pace's future growth Downtown is not an exaggeration. At the same time, Pace University fully understands that there are those who have different views on the PATH station and redevelopment in general.

We understand the loss of loved ones on September 11, and we feel strongly that their memories must be honored. But we also believe, however, in the need for balance. We must continue to look to the future as we honor this past, and to think of what we once thought of as impossibilities, as possibilities.

Lower Manhattan is growing. Downtown has seen its residency more than double in ten years. And our economy is slowly coming back to pre-9/11 levels.

We are moving forward as we should, and it is vital that we continue to make good decisions that achieve our common

goals. We need to make the right decisions so we don't say in 50 years we should have done that.

My question to you all is: Based on what we've heard today, we're only talking about right now. I feel that it's somewhat irresponsible for the Port and FTA as planners to not be looking at the long-term future.

So if anyone can really answer what we are going to look at 50 years from now, I think that is something that really needs to be discussed.

MR. BERNARD COHEN: Since you raised FTA, can I just try to provide a little bit of perspective; because some of this is just a way in which this kind of analysis is done. I don't think it means the Port Authority isn't worried about post-2025 growth. In fact, I know they're very concerned about post-2025 growth.

But when you're doing projections, the credibility of projections beyond a certain period of time diminish. And so,

the way in way in which these analyses are done are predicated on a timeframe where you can have reasonable confidence that the factors that are being taken into consideration when you're running your numbers are foreseeable. So that is why the Port Authority has used 2025. Not because they think the world is going to stop in 2025. Not because they think growth isn't going to take place beyond that. It is simply that you can't really do credible and analytical work beyond a certain timeframe. And it isn't because they think that they're only building for the next 20 years.

MR. NOAH PFEFFERBLIT: As to the 2025 being the benchmark. It seems to me if you're dealing with questions of safety you want to err on the conservative side if you're preparing a transportation facility like this. Because I think certainly those of us have been following the lower Manhattan development, we realize there's a lot of very exciting development projects that

are underway now that are going to make the area more desirable for people coming to work in New Jersey and coming from everywhere. And those are probably going to be coming on line conservatively around 2015. 2020. That will initiate a whole cycle of growth.

I think you make a good point when you say we can't make any long-term predictions. I don't think you're going to be building a new transportation infrastructure after you do these tracks and platforms again in another 20 years. I don't think that will be something that you would consider. So it does seem to me that you want to plan conservatively, and make sure you have something that's going to be sufficient for the ridership.

MR. TOM ROGER: Tom Roger.

Just a comment, Lou, on your proposed option for trying to pay attention to the columns. And just to suggest to you to think about first of all looking at moving that stairwell out

of the corner. You seem like you're taking a very large piece of the corner by the location of that stairwell. I realize there are other design considerations with respect to where the stairwell goes, but it seems like you have a lot more of the platform at the northern end to put the stairwell.

And the other thing is, in terms of how you consider signifying the location of the columns. I've seen situations where you actually have a transparent section of the floor. The actual real columns are visible through the glass floor for people to look down and see them, rather than denoting them on the platform. Because I can just see if they're on the platform, it's just going to be in people's way. So they're going to lose any particular significance, rather than if you considered some other ways of somehow denoting them, like I mentioned, that might have more significance.

MR. LOUIS MENNO: Just wanted to

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mention one thing.
You mentioned the significant area to north on that platform. You have to remember, just basically right above that is the east/west corridor and then coming right up into that. So we're still looking at that.
MR. BERNARD MCNEILLY: Can I clarify something? I just want to be clear, because we've actually been investigating this and have been taking this issue quite seriously.
The east/west corridor stays to the north of the north tower. Since that is a principal movement for passengers to come into the terminal, there's a fair zone control immediately to the south and adjacent to that east/west corridor. It's a requirement to maintain a certain amount of spacing from the fair zone control to your vertical circulation elements; it's 30 feet.
We actually reoriented the escalators so that instead of you going into the fair zone control, going through

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with your tickets and then you go immediately down a set of escalators or stairs, you have to actually loop back around. And we did that so we could maximize how far we were moving that vertical circulation element to the north, while still maintaining some of the requirements that we have for the vertical situation.
MR. TOM ROGER: I guess what I would comment. The thing I didn't see in your consideration was widening of that D platform in the area between the footprints. You were notching it out on the footprint, but as far as I'm concerned, you could be a hundred feet wide between the footprints; I don't care. But in order to accommodate stairwells, or whatever other things need to go up above or even down at that level. I don't know whether you've looked at that. I see this nice straight platform that somehow lands in the north and south tower footprint. There's no reason why it couldn't have a different

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shape to it. Obviously it's not well-suited to loading a train, but may be better suited to accommodating some of these other issues.
MR. BERNARD MCNEILLY: We actually did look at that, as well. That's one of the reasons why there was a notching concept versus an architectural treatment concept.
There are different schools of thought as far as having an architectural treatment which would allow you to experience in the station the fact that you are in the north tower zone.
We had introduced that concept one or two meetings ago, and we received some feedback, which is one of the reasons why we had shown some options as far as treatment is concerned.
The notching takes into consideration another school of thought which is to try to minimize the amount of square foot area impacted as a concerned.
So part of today is to try to gain a

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reaction from the Consulting Parties as far as which school of thought makes more sense.
But to answer your other question about transparency, that was another thing that we had investigated with the preliminary design team. And most of you may not be aware, but there are electrical and communication ducts, as well as HVAC ducts, that are under all of the platforms.
So even if we had created a platform with a transparent surface so you could view it down, you'd be looking at duct vents. You wouldn't see the tower remanent bases immediately below.
MR. TOM ROGER: Only in the location of the columns.
MR. BERNARD MCNEILLY: That's correct.
So one of the things we were contemplating was to create some sort of a treatment so that from a placement perspective that you could experience the fact that that is where that particular

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remanent base is below.
MR. ROBERT KORNFELD: A couple of issues.
What you were just saying is interesting; the design of the track platforms. Is it really that inflexible as far as locations of duct vents and so on?
I kind of pictured that there would be a potential for designing platforms maybe so you had a long span across that corner for the proposal for putting a platform there. Where maybe at that area, you could have a span or maybe a trust that would be like up-set from the platform to support it, rather than having it supported down, and actually sort of leave the area open where the footprint is there.
MR. TOM ROGER: Candle-leaf (phonetic) it over the footprint.
MR. ROBERT KORNFELD: Yes, candle-leaf over the footprint. And treat those other issues, like utilities, in a different way there. It's not

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really a huge span.
I think they're going to the level of just reflecting something that's there and architectural finishes on the surface is really -- I just don't think -- when you have the authentic material there, somehow that doesn't answer the issue really. It's certainly better than nothing. But I think that there has to be something that addresses the authentic material still being there.
I had one question about the slide that showed the column footing where you have a base for the arch support. That didn't show the actual footing of the column. The column goes down and has some sort of big foundation that goes below. Doesn't it have some cribbing or something below the surface? Was that shown?
MR. LOUIS MENNO: No, it wasn't. This was just an illustrative in terms of what we are looking at; options. These are not detailed drawings. Just concepts.

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MR. ROBERT KORNFIELD: No, I didn't mean for the new column. I meant for the existing column base. I don't think it sort of scoped out the space.
MR. BERNARD MCNEILLY: Actually, if you'll allow me to clarify.
There was actually several different types of systems for the remanent basis depending on where they were; whether they were interior or along the line.
Along the east line of the north tower was essentially a configuration which was very similar to a spread-footing and if you know what a spread-footing is, it means that it has an integral and linear footing system.
There are grillage type of systems that are in the bathtub on the west side. But along the west side of where we're talking about, the remanent bases that could be impacted by the platform for the temporary track, it's more of a spread-footing configuration. That's one of the reasons we were contemplating some of the options that were presented

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earlier.
MR. ROBERT KORNFELD: Can I bring up a third comment? These are from all along; which is, both the presentation that we saw and also the draft MOA refer only to the perimeter columns, specifically; rather than the core columns and some of the concrete slab features and so forth.
I know that the determination of eligibility speaks in those terms. When I brought that up at the LMDC meetings, they said, "Well, we don't really get into it in that level of detail. Doesn't mean that those aren't things that are significant that need to be dealt with as they came up."
So I feel like we've kind of reached the point where you're talking about actually destroying some of this stuff in some cases. You need to say in detail what's being adversely affected.
MR. LOUIS MENNO: Well, what we showed here is just what we're going to impact; just that 4 percent area and

those columns. We're not going into the other areas within the footprints. We've always made that clear that we're staying out of that footprint. This is where we have the impact.

MR. ROBERT KORNFELD: When you talk about column totals, say, in here, I would rather see it where you talk about like 100 percent of the column bases that are there. And then even where you have the existing PATH station where it's accepted generally that the tracks and platforms and so on will be there like on 2 World Trade Center. I would rather see you discuss the ones -- you know, even the ones that we know are going to be adversely affected, that are in that eastern portion of 2 World Trade Center, I think that should be addressed as an adverse affect.

I'm not saying anyone expects you not to have the tracks and the platforms there. I'm saying that that should be the number of columns you discussed.

MR. LOUIS MENNO: We do recognize

that. I know in previous discussions we also mentioned, and maybe I failed to mention about, there are some impacts in the south tower, how the area is going to increase above the pre-9/11. There are some additional columns that are also affected by that. And that we would do a similar type of arrangement in the southern part. We're looking at that also.

MR. BRUCE EHRMANN: Bruce Ehrmann, Community Board #1 Manhattan.

I reviewed the materials before coming here today ad nauseam. And the principals remain that Downtown, especially the area that we're talking about, remains wounded. I've spoken to a number of residents in this regard in the last few weeks, residents south of Tribeca, who feel that their neighborhoods have not healed. That they have lost services, and they have. Because the World Trade Center concourse had just become, finally after 20/30 years, a vital, viable community center

for people to shop and work and meet. That part of the city has not been brought together. There are all kinds of wonderful plans.

We have this opportunity to discuss like we're discussing, public light-rail transportation that will work for Manhattan. It's such a wonderful thing to have. That concept is rarely on the table anywhere in the United States. Here we have it. We're looking how to make it grow, and how to make public transportation, as opposed to automobile transportation, work and bring people in and out of lower Manhattan, and actually heal lower Manhattan.

It's a wonderful thing to have to begin with, and it's a very necessary thing to expand. And I believe I speak for most of Community Board #1 in speaking for this. I certainly can't say all. But we've had many a discussion on this matter.

I want to address something that's come up in the conversation, and that is,

I'm also CHAER of the Landlord Community Board #1. As someone who was here on that day and has lived here before and since, and having spoken to many children, many, many children in our neighborhood, I believe, I actually believe that what can be preserved should be preserved. But in terms of a day-to-day interaction amongst commuters with that site and with the historic elements there, the representation of what was there, the manifestation of what was there, should be notational.

You should not feel, children should not feel, commuters should not feel, like I feel when I go through the exposed parking lot now on the track. You should not feel everyday that you're going through Yad Vashem (phonetic) when you're going to and from work. You shouldn't have that degree of emotional impact every time you come in and out of Manhattan.

There should be notational representation and intellectual

acknowledgment of what happened. A sense of awe. But you should not feel like you're under 100 stories that collapsed and X-thousands of people died here every time you come in and out of Manhattan, with and without your children.

That's my belief in terms of how -- what we're trying to preserve interfaces with the function of a train station.

The last thing I want to bring up is, I still don't think you've answered the question: Okay, we've gone out to 206 and 220, but when you plan an interstate highway nowadays, you have to leave room in the planning for additional lanes when expansion is called for. I still don't understand how you're planning, if expansion is called for, to expand this station that is now completely built out. Where are you going to go? We can't do it above; that's a roller coaster. We can't do it next door, that's the footprint. What options have you left yourself for the future?

MR. PETER GOELZ: Okay, a lot of people want to speak. This gentleman has been waiting for a while. Then we'll go to the back row and then we'll come back to the front.

MR. MATT VIGGIANO: My name is Matt Viggiano. I'm from Senator Connor's office. We represent all of this area Downtown. I actually am a lifelong resident as well.

And I just think that this neighborhood and community has gone through so much, that it's anxious to get back to a sense of normalcy that we had on September 10th, or before. And if we bring back the commuters, if we bring back the presence, some of the things that Bruce, you were just speaking about, we go a long way to healing this community.

And he actually just stepped out, but there are some things that the gentleman over there spoke about, Mr. Sanchis, about anticipating the future growth. If we do nothing to anticipate

this future growth and just wait until we can't handle it, I don't think that the solutions that would be open to us at that point would be viable in terms of having to cope with needing a new track or numerous tracks having to shut down maybe the one or two tracks that are already heavily used to create those new outlets would be really detrimental to the system.

And I want to say that we support, and the Senator supports, rebuilding, but certainly not at any cost. But rebuilding in a responsible manner. And if we can preserve any of that the northern tower footprint, we really must.

MR. PETER GOELZ: In the back, go ahead.

MR. RICHARD KENNEDY: Rick Kennedy. I'm the vice-cHAERman of Community Board #1.

Another piece that is critical here, we need to rebuild our economic health. Get back to good economic health to allow

the residents to grow and business to grow. (inaudible) transportation capability. That is a big issue and planning issue for them. Let me just finish what I'm saying. It's a planning issue. I think it's critical that transportation capacity is there because the due diligence is very important. Many of the businesses on Wall Street, and the businesses that are in Jersey, they rely on that interconnectivity. Some of it will take decisions between the value down here. They spend dollars on the retailers and the restaurant. People that live here are all -- very much the transportation is the key issue. It creates great central businesses here and around the world. I think any compromise we do to that is going to compromise that restoration in restoring the normalcy and rebuilding the rest of the Trade Center. I think it's critical that all those things work.

MR. RICK BELL: I am a resident of New Jersey. I work in New York. Rick

Bell, head of the American Institute of Architects. I commute on the PATH everyday. And have, obviously, a lot to commend the Port Authority for the temporary PATH station which made it a whole lot easier for New Jersey-ites to get back to work. Before that, I came through Penn Station.

And in terms of the question about representation of what was there before, Penn Station is emblematic. One can see fragments of what was there before; handrails and the like. There are also some excellent photographs.

I would suggest, respectfully, that the less that is representational and the more that is actual to, quote Frank and someone else on this side of the room, and to talk to the authenticity of what remains. That's irreplaceable.

With respect to Tom; look through glass and see it. And Tom and I walked train stations in Berlin where people were deported. And it's a very emotional feeling to see something represented, but

it's even more necessary to see the authentic elements whenever it is possible.

We've been looking at the same slide now for about an hour. And with respect, I would suggest maybe to help the discussion and bring back a slide of the platform, because just like Tom Roger talked about, the possible permutations that may have been studied, and put to the side that may have been commented on in past meetings, but might still be possible for the brain power in this room to think of alternative suggestions. And I am not sure that I know what those might be, having looked at the materials and having given it fresh thought today, but I know one of the disadvantages of commuters both from Long Island and New Jersey and from elsewhere, going through Penn Station, is that the platforms are dismal. Why are they dismal? They're undersized for the ridership as it has increased. But they're also encumbered by stairwells in the wrong positions; by

technology of the long distant train leading to encumbrances in the middle of the platforms that make it very difficult for people to exit in a uniform direction.

The difference to my mind in the PATH platforms that you have now, both at World Trade Center and elsewhere, is that it's not so much a question of distributing people who are going to be waiting for a significant period of time, or for a commuter train that isn't in yet, but rather, people loading and unloading and leaving from stairways that could allow for, I think as Tom said more openly than anyone else, train platform that isn't necessarily all uniform and even.

The movement out of platforms on Penn Station is encumbered by stairwells. I would suggest, and maybe it's been done already and rejected, that a notching that takes into account all of the existing columns where they occur might impact on people loading, but

probably in the long run isn't going to lead to a diminuation [sic] of time of exiting the platform, if there is a notching down rather than having to pass over, whether it be glass or some representational aspect.

And if that's the key issue, as Frank Sanchis said before, maintaining something forever that would otherwise be replaced or some way filtered down, I don't think it's for all of us, except for those representing the families, to talk about the emotional impact now or before. That is something that's incalculable and irreplaceable.

MS. PETRA TODOROVICH: I'm Petra Todorovich with Regional Plan Association.

RPA has reviewed the projected ridership that the Port Authority provided at the last meeting. And we are satisfied that there is a need for a fourth platform. If anything, we think that the projections are perhaps a little bit conservative because they only go up

through the year 2025.

We understand they do not account for the possible extension of PATH to Newark, and the additional ridership that it might create, or the JFK/LIRR connection, or this is only a short-term thing. But if ferry service was reduced because of the New York Waterway, financial problems, we also might see a rise in ridership.

So we firmly feel that there's a need for the fourth platform. Given that, the question becomes, how do you reconcile this physical conflict between the placement of the fourth platform and the tower footprints, which we truly feel are an important historic resource and it must be preserved and the access to it.

So we are eager to see all of the possibilities. At the last meeting I requested that the Port Authority show some options for how some clearance could be provided. And they have, which I really appreciate. All of those, the notched option, which sort of clears the

platform by narrowing the platform seems perhaps the most viable. But even that, we have some concerns that would create safety problems on the platform.

My thinking has evolved a little bit in the last few weeks or so in thinking about this. In that the conflict between this PATH platform and the tower footprint may actually be an opportunity to have more people as they use the PATH encounter on a day-to-day basis, the representation of this tower footprint. I know there's a lot of differing feelings about that. But I think that it is important that people understand when in this PATH station, that this place has the power of remembrance that transcends it as a daily commuting place.

So I think rather than have a extremely narrowed platform and a wall that you don't quite understand why the platform is narrow there, perhaps the experience of seeing the delineation of the tower footprint represented architecturally in some way, or actually

in some way that can be arrived at, would be more powerful. But it's a very hard judgment to make.

So I just wanted to say that we support the fourth platform, and we're eager to continue to see options of how this physical conflict between two spaces can be resolved and represented in some way.

MR. LOUIS MENNO: I want to say a few words about platform D.

I know people have been asking why just to the year 2025. And I believe that Bernard said it very, very well; why. But by us constructing a full-width platform, does give us this additional capacity beyond 2025.

But beyond that, we have to think about, as I said, when we designed this station, we have to think about the overall system capacity. As I said, all the things that PATH is doing to handle this increased ridership over the next 20 years, but there comes a limit within the PATH system by the size of the tunnels;

how many tunnels we have coming into New York. So there is also a system limitation.

But the platform, the full-width platform, a full 30-width platform, gives us that extra room for that growth beyond 2025.

MR. ANTHONY GARDNER: Anthony Gardner, Coalition of 9/11 Families. I have a couple of quick questions, and then I have a comment that I'm going to reserve to the end because I just want to get through my questions.

One, Lou, the original PATH system, you talked about how it was a three-platform, five track system with ten cars. Isn't it the case, from -- some of the data we've seen suggests that pre-9/11, the PATH system you ran eight cars. You never ran the full ten cars. Is that true?

MR. LOUIS MENNO: That is correct. PATH was not operating eight-car trains. They had it in their capital plan -- sorry, it was not operating ten-car

trains. Operating full, eight-car trains. It was in their capital plan to increase the service on the Newark line, which was their most heavily traveled route to ten cars. Part of that expansion was the new cars, Harrison, as well as Grove Street, and well as Exchange Place, were all going to be expanded to fully accommodate ten-car trains.

MR. BERNARD MCNEILLY: The length of that platform pre-9/11 could accommodate ten cars. It's just that PATH ran seven-car service on the Hoboken line, and seven, with the potential to go to eight, on the north to World Trade Center line. But as far as length of platform and sizing of the platform, ten cars.

MR. ANTHONY GARDNER: Isn't it the case though with adding those two cars, you meet your ridership expectations without -- I mean, you're talking about ridership as one of the main factors here for needing platform D.

MR. LOUIS MENNO: We're talking

about ridership on the whole system. We're talking about the ridership at the World Trade Center station. The full ten-car train with a headway of in between trains of three minutes helps us provide for that growth, but you need the platform area, and you need the clearance time to get people safely off the platform to conform to the industry guidelines including that failure management that I spoke about.

MR. ANTHONY GARDNER: Two more quick questions.

In the Draft Affect Documents FTA and the Port Authority prepared, you talk about utility rooms being within the space defined by the perimeter columns, which we all know are the footprints of the towers. You didn't discuss impact of utility rooms in your presentation.

Are those utility rooms no longer going to be housed on those footprints?

MR. LOUIS MENNO: Basically just utility lines; we're not building utility rooms that may infringe --

MR. ANTHONY GARDNER: So, utility lines, not rooms.

One more and then a quick comment. Lou, if 9/11 never happened, how was the Port Authority going to meet these increased ridership issues? Was it something you were even looking at?

MR. LOUIS MENNO: It was going to be a difficult challenge. I don't think that PATH or the Port Authority would have been able to meet all of the riderships, because I think I said last time, we were restricted. There was no way to grow. We were at basically at the capacity. Even if we were to put the ten-car trains on, PATH was going to be troubled with that cross-flow, with the congestion on the platforms, and that the headways -- maybe we would have a ten-car train, but the headway would have to be longer; maybe four minutes or longer to avoid that situation of having an overcrowded platform. So they were limited. And we've said that before.

MR. ANTHONY GARDNER: My quick

comment. Is that okay?

MR. PETER GOELZ: As long as it's not a filibuster.

I want to make an announcement. We're almost at 3:00 o'clock.

MS. LOUISE LOPRESTI: I've had my hand up for fifteen minutes, and you've been dodging me.

MR. PETER GOELZ: Well, there's been a lot of people. You spoke right at the beginning and there are a lot of other people who wanted to speak. This gentleman sitting next to you spoke twice. I'm trying to be fair.

MR. JOEL KLEIN: I haven't spoken at all, and I've had my hand up the whole time.

MR. PETER GOELZ: I'm coming back.

MR. ANTHONY GARDNER: Can I just go real quick?

MR. ANTHONY GARDNER: I have bullet points here.

One, it's very difficult, as you can imagine as a family member, to participate in these meetings. It's very

personal to us. My brother, along with 3,000 other people, were murdered on that site. And it's very offensive when -- we understand there's this layer beneath the service of people being every enthusiastic. And mainly I've heard from residents today about the opportunity that 9/11 has presented to them.

It's an opportunity to honor the people who were killed to preserve our national heritage and to revitalize lower Manhattan. But finding a balance. And it's offensive to hear what a wonderful opportunity it is, because my brother has no more opportunities because he was murdered, along with 3,000 other people.

These discussions that we've heard where Louise and Joel, and other people that are involved in the 106 process because they care about historic preservation. These other issues that so many other people are raising are really NEPA issues as far as ridership and these other issues. There's no place for that in a Section 106 meeting.

Section 106 meetings should be only open to people who care about historic preservation and want to help these agencies to mitigate and preserve as much of our national history as possible.

These other conversations you could take up at a NEPA meeting. And I think any of our advisory councils and our state NYSHPO would attest to that fact.

This is not something that's impossible. Europe has done it for centuries; they route transit systems around the catacombs. This isn't something that's impossible.

The 9/11 families that we represent at these meetings want the redevelopment to move forward. We're not trying to obstruct the revitalization.

But what I can't comprehend as an individual is that the residents that we always see represented in these meetings, you don't see the value of preserving national history. You don't see the value of what it's going to do to your neighborhood, how it's going to bring

people to your neighborhood.

You know, LMDC is importing culture to that site, and they'll destroy the culture that exists that's there. That's authentic. That's irreplaceable.

There's only 1 World Trade Center site in this country, in this world. There's only two authentic, tangible footprints. A reflecting pool 70 feet above them does not replace that. And destroying them to meet ridership for 2050 -- I gotta to tell you, I would hate that if when I'm 50 years old, I have to be back in these meetings trying to continue to fight to protect the remains of the footprints.

This is a 106 process. That's something we should all be working towards, and leave these discussions of opportunity and media and train growth to the NEPA process, which is where it belongs and understand how offensive it is when you talk about this wonderful opportunity that it presents. Because there is an opportunity here, but it's

just way off base.

MR. JOEL KLEIN: Way back to one of the first questions that Frank Sanchis asked, because I don't think he got an answer.

When he asked his question, the response he got was an explanation which was very understandable about why construction needs to start very soon. I think that was very clear.

But Frank's question related to when capacity would be reached. And I think the question really is: At what year in your projections, assuming there was no platform D, does your capacity max out?

MR. LOUIS MENNO: We'll have to get back to you on that.

MR. JOEL KLEIN: Well then, Lou, I have a whole bunch of questions for you. And I apologize in advance if I sound a little prosecutorial because I really don't mean them to be that way.

You refer to the Manual Transportation Capacity and Service. Is that a government document?

MR. BERNARD MCNEILLY: It's a TCRP publication that's readily available.
MR. JOEL KLEIN: That's not my question. Is that a government document?
MR. PETER GOELZ: Well, Joel, let's not make it prosecutorial.
MR. JOEL KLEIN: Well, no, because I am not going to let you do this, Peter.
MR. PETER GOELZ: Are you asking whether it's a document that is prepared by a trade organization, as opposed to a government?
MR. JOEL KLEIN: Yes.
MR. PETER GOELZ: Why don't you ask it that way?
MR. JOEL KLEIN: Well, if it's not a government document --
MR. PETER GOELZ: Is this something that --
MR. JOEL KLEIN: Fine. Answer the question you just asked. I'm perfectly happy with that.
MR. PETER GOELZ: Is it an association document or --

MR. BERNARD MCNEILLY: TCRP is part of the Transportation Board, which is a research engine that this particular documentation was supported. And it's actually referenced on its cover by the Federal Transit Administration.
MR. JOEL KLEIN: Is there any requirement in FTA regs and New York State regs that standards set forth in that manual be adhered to?
MR. BERNARD MCNEILLY: Is the document a standard of industry practice?
MR. JOEL KLEIN: So it's not in any FDA regulations or New York State regulations that it be followed.
Is it illegal to construct a facility that doesn't comply with the manual?
MR. TIM STICKELMAN: Joel, you're asking questions --
MR. JOEL KLEIN: The reason I'm asking these questions is because Lou Menno, three times, said we have to follow it, we must follow it, and it is

required that we follow it.
Who is requiring you to follow this manual?
MR. LOUIS MENNO: Let me put this way, we have to build a station that follows the industry. Why should we be different from any other transit facility in the country who follows these guidelines? Why should we be different when we have to provide service. We as a public agency have to do our best to do the best for all Consulting Parties.
I think we are really trying to do our best for all Consulting Parties by minimizing to the fullest extent possible the impacts. But we have to follow guidelines; industry guidelines for designing a rail system.
MR. JOEL KLEIN: You just said it again.
MR. PETER GOELZ: Here's the issue you're making, Joel. See if I can get it right.
What we have is, they base some of their justification on what are, in fact,

industry best practices, right?
MR. JOEL KLEIN: Understood.
MR. PETER GOELZ: These are best practices that transit authorities try to follow. But are they written in law? Can they be changed? Can they be modified? Are they modified?
The answer is probably yes. Don't you think?
MR. JOEL KLEIN: I would think so, but I would like Lou to say that, and why it can't be done in this case.
MR. PETER GOELZ: Right. And the essential question then is: Is if these best practices are not followed, if we modify them, are there consequences that somehow undercut cut the effectiveness of this facility, as opposed to ignoring the historic importance of these footprints?
MR. JOEL KLEIN: That's what we should be doing. We should be discussing what the consequences are of not adhering to those standards, and what the trade-offs are.
MR. PETER GOELZ: And the question

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is: Is it a reasonable trade-off to not follow a best practice to the letter of the law to preserve what is a historic site?

MR. JOEL KLEIN: Other than the term "letter of the law," yes.

MS. LOUISE LOPRESTI: You probably should have let me talk first because I would have made more conciliatory remarks than these guys would have.

MR. PETER GOELZ: I understand.

MS. LOUISE LOPRESTI: I was going to say earlier on about ten minutes ago that we got to a point that we always do in these meetings where somebody says, "We have to forget about 9/11 and move on," and the families go, "What?"

I'm being facetious, but really, it shouldn't come to that.

I work with the families. I'm an historic preservation advodate. I work on Wall Street. I think everybody understands the need to remember and rebuild, and to rebuild right.

I'd like to echo Tom Roger's comment

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as a family member and he is in the construction business. He's working on this site, as well as Rick's comments, and Frank Sanchis' comments.

This is the site of the largest attack on the U.S. in history, period. Let's hope we never have a bigger one.

That being said, yes, we want to comply with best practices, okay. And in so doing, in adhering to the numbers, we need best design practices. And as Tom and Rick both pointed out, and Frank, as well, we are not seeing it on the screen here.

This is a design challenge. You guys need to come up with a solution. With absolutely with no offense to you, the Port Authority is not known in this town for being the largest bunch of creative thinkers. It's a statement of fact.

You guys need to go back to the drawing board and think it out. Because for no other reason, and it's the white elephant in the room, and I asked Anthony

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if he minded if I mentioned it, next Friday, November 12th, by an extraordinary coincidence, which happens to be the same day you're doing the site tour, is the first appearance in Southern District Court on this issue. And unless you come up with a really good solution that can respect the historic artifacts, as well as meet your needs in terms of transportation and redevelopment for the neighborhood, we'll be in Southern District Court for a long time. We ain't going away. I don't care if it's five people with 250 and a legion behind us. I don't care. And I'm sure Anthony feels the same way.

MR. PETER GOELZ: Let's get your hands up now so we can bring this in. A chance to speak. So who hasn't spoken yet? I do want to give John Hotopp a chance to speak.

MR. KEN LUSTBADER: Ken Lustbader. One of the issues that I've been raising at other meetings, and it comes up frequently when we're trying to mitigate

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the impact on the footprints is the issue of cumulative affect. I know this isn't the forum for it, but I would like to propose having a separate meeting, perhaps a smaller group, to discuss with the LMDC and Port Authority how to deal with not just this PATH projects, but with the multiple projects that are going on short-term and long-term on the site, and how Consulting Parties can reflect on what the impact is going to be.

UNIDENTIFIED: Who will be that smaller group?

MR. KEN LUSTBADER: Well, I'm saying the Consulting Parties.

The other issue, talking about what Frank said, we were at a meeting at the LMDC for Consulting Parties a few weeks ago where they showed great examples of artifacts that were kind of stumbled upon, or found, where they were putting together design solutions.

And I feel strongly that this is an opportunity, because we didn't stumble upon this, we have it in front of us, to

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use the most innovative design solutions.

With that being said, we should look forward and exploit the fact that those elements are there already, and have innovated design solutions that are not being put forth on the screen.

MR. BEN STANLEY: I just want to answer Anthony, with I would call it an attack on the residents down here.

You made your point. I'd like to make mine.

He's saying that we're taking this as an opportunity. This is not an opportunity for us. We have to survive down here.

MR. ANTHONY GARDNER: That was Bruce's own words. We have to survive down here. We have to make the best of this situation that we can. We have to project what is going to go down in the future, and make a best possible situation of that fact with the proper respect for the people who lost and for the proper artifacts.

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Now, just as in the south tower had been infringed upon and artifacts had been no longer been able to be saved there, I feel that there has to be a compromise between what is going to be projected into the future, past 2025, what we can do at this point so that we can satisfy the best possible solution with compromising the least amount of artifacts.

I think this is what the job of this committee is. And obviously you have your point of view. I have my point of view. Bruce has his point of view, which is completely diametrically opposite of yours. We have to come and find the right possible solutions to this.

Now, yes, you can stumble upon artifacts and you have artifacts that are in the ground, we have to find what is an artifact and then what is a symbol of the artifact, and what is going to in the future hold the memory of 9/11 true. And that compromise is what we're here to achieve.

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So I don't think it's going to be all on one side or on the other side. I think there has to be a way that we try to do this. And through a good design and through good engineering, I think it can be done.

MR. BILL LOVE: This is real quick. Just a question basically.

I think that a convincing case has been made today for the addition of platform D. I have a question relating to this notching idea. The gain from that seems minimal to me. You go from 97 percent uncovered to 98 uncovered. But let's say you do that and it causes problems on the platform in terms of crowding and safety, could that be reversed at a later date without the cost being exorbitant?

In other words, would you have to -- if you decided later you wanted to fill that notch in, would you then have to reroute the tracks, and then it would be impractical to do?

MR. LOUIS MENNO: We would not have

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to touch the tracks because it would be on the western-most wall.

MR. BILL LOVE: So you could fix it?

MR. LOUIS MENNO: There's a wall there and that would basically separate the PATH station to the west, which would be the memorial area.

MS. ELIZABETH MERRITT: I'd like to comment on two issues for the National Trust.

One, is that I think this gentleman's suggestion over here about looking into the idea of being able to see through the platform to the authentic remains of the tower perimeter is one that really deserves further exploration. And the answer about over (inaudible), it didn't really seem that thought through. It may be possible to reroute those. And that could provide the basis for a compromise where you wouldn't have to alter the width of the platform. You could have the full width that you want, but still give people the

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opportunity to see the real remains below. And I think that really deserves a lot more exploration.

It also provides an opportunity for people who don't want to be exposed to that; to just walk over that portion of the platform. So it seems like the best approach.

And the notch to me sort of was the worst of both worlds because a five-foot notch, you could really notch out the whole corner. It's just sort of too wane a gesture [sic] as it was proposed.

But the thing that really disturbs me is the location of that escalator/stairway right on the corner of the footprint there. That just seems like the worst possible location. I think some additional exploration should be done as to whether that could be relocated somewhere else on the platform.

So those are my comments.

MS. HELENE SEEMAN: I have a quick question, I guess, to the families

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because we all take our time to come to these meetings. And I appreciate the presentation.

But if the families have decided that there's no compromise, it would have been better for us to know ahead of time.

In other words -- I mean, from what you've said, basically, Louise, you're going to court. If any percent -- it sounds like to me, I don't know if I'm interpreting it correctly, if any percentage of the footprint is covered back, does that mean you're going to court?

MR. PETER GOELZ: No, I don't think that's ever been at issue.

MR. DAVE STANKE: There is an assumption that was stated here that I don't I think is actually 100 percent correct.

Historic preservation is always a game of compromise, finding what's most important, and finding pieces that can be used realistically.

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I think in the scope of that, we have three-and-a-half or four acres of footprint columns that are all going to be six stories underground below, with a memorial above. And that is a huge volume of historic remnants to used. I am not sure how it's going to be used at this point in time. And I am not sure how many visitors are going to fill it. But we're talking about a train covering three percent of that space that is going to pull in thousands of people a day, to make a difference in how many people's daily momentary lives, versus creating three percent more space in some sort of an underground museum facility that will allow somebody to go to every one of the boxed beam columns, versus some symbolic representation that could be fit in.

I mean, there's all of these other types of ways that could make it clear.

I don't also believe that of the thousands of people who come walking around the site, that anybody, except a few, know about these columns or would

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consider 100 percent preservation of those columns to be significant. Especially if you are going to ask them to donate money to save those columns. Which, if the federal government is paying for a project, and there are federal funds, I believe those federal funds are limited. So when those funds start getting used up by expensive, creative solutions for getting trains off the ground and up and around things, are we going to go back to President Bush and say, "By the way, we need another billion, please, or, "We need another $500,000"?

There is right now a fund raising effort going on to raise money for the memorial and the memorial center itself. Not sure how well that is even going.

So we have to balance the needs of this nation and the federal funds and what those funds are doing and what they are achieving. It is an important designed compromise.

MS. DEBRA LESTER: My name is Debra

Lester, and I'm here representing the Speaker of the New York State Assembly, Sheldon Silver, who is also the representative to lower Manhattan.

I wanted to thank the Port Authority for putting together these meetings and hosting everybody. Since this will be the last of our meetings, I just wanted to say that.

And I also wanted to say that the Speaker fully supports the residents of the lower Manhattan and their position on this, and wholeheartedly urges the Port Authority to take every recommendation and comment made by the residents and the community board very seriously. And that this project is very important. And a lot of the rebuilding depends upon the PATH station being built. And to slow down what will already be a lengthy process, would not be in lower Manhattan or the rest of New York City's best interest.

MR. PETER GOELZ: As disappointing as this may be for the Speaker, this may

not be the last meeting.

MR. ANTHONY GARDNER: We didn't talk about the MOA.

I just want to talk about what David had touched on. The remains of the footprints are not three and four acres or five acres. The north tower is about one acre, the full footprint. Half the south tower is already destroyed by the PATH system, so that's only a half acre. We're talking about one-and-a-half acres of bedrock. That's a very fair compromise that half of the south tower is already destroyed.

MR. DAVE STANKE: To whom?

MR. ANTHONY GARDNER: Let me finish.

You talked about the families having to compromise. You could see our point that that's a substantial compromise that we're not fighting that half. We're not asking them to move that, provided it's incorporated into the PATH system.

And also David talked about how these thousands of people this was going to affect. Well, you know what,

preservation of the remains of the footprints will affect millions of people for as long as this country exists.

How many millions of people go to stand over the wreckage of the USS Arizona? How many people go over the battle fields of Gettysburg? It is the same situation.

So we are about compromise, but there are certain facts here that not everybody is on the same page.

Also, it's the fault of these agencies that the country doesn't know the remains of the footprints exist. We have been trying to get that out there. We got the New York Times to publish those pictures last year. We sponsored a nationwide poll through Knowledge Networks, which is an academic and polling company. I think, Bernard, you would be interested in this. We showed people the photos of the remains of the footprints to the polling company. We asked these individuals to get a sample of people around the country. And 60

percent of the people, once they saw the photos, said, "Absolutely." They agreed that the footprints needed to be preserved and accessible. Only 16 percent said no. And that's coming from our photos, which are not that spectacular. They're just the only photos of the footprints uncovered at this point. That number jumped to 70 percent for the sample of just New York voters.

So maybe they don't live Downtown; maybe they live on the upper east or west side. Maybe they didn't poll the Downtown people, but it seems like there's a great misunderstanding here. The word opportunity was used by several of the residents here. That's why we reacted to that. It wasn't something we just pulled out of our hats.

MR. ROBERT KORNFELD: I have to say that I've heard a lot, especially at this meeting, where it seems like preservation is somehow in the interest of family members and destroying historic resources

is in the interest of the residents. I totally reject both of those things.

I'm here as a preservationist representing a preservation organization. You are looking at a line, this is the National Trust, Municipal Art Society, The State Preservation League.

The people who are in favor of preservation are not family members. People say, like, "Oh, they're doing this as a favor to the families." That is not true. I don't know of a more significant preservation issue in this nation. I don't know of a more historic site in this nation. It's not big. Everybody talks about it like it's that big.

If you look at historic sites of this magnitude of importance around the world, you're go talking about places like Pompeii or the Circus Maximus in Rome. This place will be known a thousand years from now.

The images of the Trade Center disaster, of the recovery, of the ruins, will be in peoples minds 50 years from

now, a 100, a 1,000 years from now. Even if New York City isn't here anymore, that is something that will be etched permanently in human memory. It's not just because of the scale; it's somehow the whole thing, the engineering hubris, if you want to call it that, of the towers, the human drama. The whole thing is so significant. I can't believe that people talk about it in terms of, "Oh, it's just a few acres. You can just nip this off you can nip that off." It's very significant.

If you have something that's a whole, 1 World Trade Center as a whole, an intact whole, for what it is, it's a ruin. It's an entire, complete ruin. Now, as you know, if you look at antiques, an antique that's perfectly intact is very different than an antique that has a chip. So, you can't just think of it in terms of percentages. We're not fighting for percentages. There's a certain level of integrity.

A lot of things are not landmarked

because they've lost their integrity. We're fighting for the integrity of this historic site; not just for percentages. I think you have to understand that. This is something that's in the interest of our nation to preserve. It is our responsibility. That is why these preservation groups are here.

I would like to say, also, I think that this meeting has been entirely insufficient as far as dealing with the Memorandum of Agreement. I think we spent the whole meeting saying how much they want train service.

MR. PETER GOELZ: We'll get to the memorandum.

MR. FRANK SANCHIS: Frank Sanchis. I wanted to go on record as saying that design-wise, this isn't about that two or three percent of the north tower. It's about the integrity of the footprint. It's important to remember that there is some sort of a spatial solution. It's not a footprint, but a spatial solution, to be able to understand that perimeter

that is being discussed, but has not been approached from a design point of view. But if you make this decision to log off the end, then that spatial solution is sort of obviated. And it's important to keep in mind the secrets of decisions about the design.

MR. PETER GOELZ: We're running short. I think I'd like to move on to John and the MOA.

MS. CHARLENE VAUGHN: Can I suggest something? We focused a lot of time on the whole treatment of the footprints and the platform. This Agreement includes a very expansive, comprehensive mitigation plan, and I don't feel that you should give it short shrift because we're running out of time. I'm totally opposed to that.

MR. PETER GOELZ: What would be your suggestion?

MS. CHARLENE VAUGHN: I don't know, but I don't think people should be forced to comment real quick on a quick conversation to respect time. We chose,

we made a decision clearly, to have this protracted discussion on the footprints. So I think it was meaningful and good, but don't minimize the need to look at the --

MR. PETER GOELZ: No, no. The MOA is very important.

MR. TIM STICKELMAN: Can we give the court reporter a five-minute break?

(Recess taken.)

MR. PETER GOELZ: I think we've had a spirited discussion today. And it was probably unrealistic to think that we could have accomplished this agenda in the timeframe that we had set aside.

I know many of you have other places to go and promises to keep. I think that what we're going to suggest is that we reconvene this meeting on the 15th or the 16th to focus on the MOA, and to let John Hotopp make his presentation then. I think he'll just do a quick, abbreviated form now so people know what to focus on.

But the key thing to remember is

that the November 19th deadline is still there. So if you want to comment, you need to get your comments in in writing so that 19th date is still in play. But we'll get an e-mail out to everybody within the next 24/48 hours. And it looks like we would do it in the afternoon of the 15th or the 16th.

MS. CHARLENE VAUGHN: Peter, can we do it in conjunction with touring the cleaned columns? I mean, just to be efficient.

MR. PETER GOELZ: We're all in favor of efficiency even though many of us work for the government.

John, give us a few minutes, and then we'll wrap it up.

MR. JOHN HOTOPP: I'll very quickly look through the slides and give you an overview what it is we'll be talking about.

These were the key stipulations that are in the Memorandum of Agreement. We've obviously spending the whole layout of the tower perimeter column stipulation

as number one. And some other stips, I think, clearly need to be talked about. They deserve their place in the sun as well. So that's why that will become the focus of the next meeting.

What we'll be doing, the arc within the plow print areas, everything is as developed than. And what you're seeing is the 35 percent design stage will be coming out for all of you to be looking at, and NYSHPO as well. So that each step of the way as the agency works through the project, will be 74 and 35 percent. We'll be looking for some input on that.

One of the things that we talked about, and it's in the MOA, I think you've seen it, that NYSHPO gets 30 days to comment on this. And originally the Consulting Parties were given 14 days to get their comments in. The objective of that exercise was to give time for the NYSHPO to incorporate or to review the comments made by the Consulting Parties.

On reflection, we're talking about

changing that to 21 days, which basically gives NYSHPO a week to pick up on the comments that all of you are making. But it gives you three weeks which you'll be talking about.

Each one of these will be worked on. The Hudson River Bulkhead, we don't have too much information yet. That's why we'll have to develop a treatment plan. That will all be on the website for all of you to consider. The archeological resource is same thing. We really don't know yet until we get some of the building down and start some of the underground work. So the temporary relocation of some of the elements on this site. We've talked a little bit about relocating the footprints on the perimeter. Take it out to Hanger 17 and then bring it back. We'll have to move the Cross at some point. And some other artifacts may have to be temporarily relocated. It's the same situation we had from the beginning when we talked about do to the artifacts that are

off-site contribute to the site? You can decide yes, they do, and they're brought back. That was the decision we made a long time ago.

We'll talk about the next steps in your comment period. Due November 19th. We really need that. We'll be working towards the final MOA. We're talking about another meeting now to talk about all these things and then end up heading towards the final.

That's the way the process is playing out. That's about a five-minute solution.

MR. JOEL KLEIN: Quick question.

You said it will be the final, so there's going to be no interim draft? The next version that we see will be the final version?

MR. JOHN HOTOPP: We haven't toyed the final yet, Joel. May or may not be another version.

MR. JOEL KLEIN: That's my question.

MR. JOHNSON: We're heading towards the final.

MS. CHARLENE VAUGHN: Do we have to have a meeting for that final iteration, or can we look at it and send you comments electronically to keep it moving?

MR. JOEL KLEIN: That's fine.

MR. BILL WONG: We'll see how it plays out.

MR. BILL LOVE: The 14 days of the 21-day to comment period on each of these plans, will it be our responsibility literally to check the website everyday, or will we get some e-mail notification?

MR. BILL WONG: We'll give you a notification.

MR. PETER GOELZ: All right.

MR. ANTHONY GARDNER: I have a question. I think Ken Lustbader touched on this earlier, John.

The Coalition of 9/11 Families has a lot of concerns with the MOA, I shouldn't say a lot, but a very significant concern, that LMDC, and we've mentioned this before, we feel really needs to be a signatory on your MOA because we have

concerns about how the cumulative affects of their ongoing projects with your own, and especially considering their programmatic agreement is so vague, all they need to do is provide what they determine to be appropriate access to column remnants that form portions of what they call the lower footprints; which, there's no lower or upper footprints. Those are the footprints.

That's really the main comment we'd like to get to you before we move to this final comment because it's something that we feel is so necessary. Otherwise, in our view, all of the work that we've all put into this is rendered meaningless because at the end of the day, FTA and the Port Authority might work towards doing the right thing and spell out percentages that are going to be preserved and mitigation plans we could all wrap our arms around, but then LMDC -- it's the same example like they talked about the Vesey Street staircase which many people advocated for the

preservation of. Port Authority came up at one meeting and said, "Don't worry, our plan won't impact it, but we can't tell you the effects that LMDC will have it on it."

So that's a really good sort of anecdotal example.

MS. CHARLENE VAUGHN: I think subsequent to executing the LMDC agreement, we worked with FHWA to include in their agreement. And I think it's proposed in this agreement, a concept that talks about coordination among the agencies. And perhaps what we need to do is explore that in greater detail when we have the next meeting, understanding what kind of commitments are made. Because it seems to be binding, and I don't think any of us will really know the particulars of that. So maybe that could be shared and discussed because I don't really understand it. But it seems like it's a formal arrangement and it does get to cumulative effects, coordination that we don't know a lot about.

MR. PETER GOELZ: So the 15th or 16th. We'll try to do it on the 15th to coordinate with the site visit. Thank you all.

(The hearing was concluded at 3:55 p.m.)

C E R T I F I C A T I O N

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, GINA M. D'ADAMO, a Shorthand Reporter and a Notary Public within and for the State of New York, do hereby certify:

That I reported the proceedings in the within-entitled matter, and that the within transcript is a true record of such proceedings.

I further certify that I am not related, by blood or marriage, to any of the parties in this matter and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of November, 2004.

_____
GINA M. D'ADAMO
NOTARY PUBLIC

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WTC TRANSPORTATION HUB
PERMANENT WTC PATH TERMINAL
SECTION 106 CONSULTING PARTIES MEETING

NOVEMBER 15, 2004
PORT AUTHORITY OF NEW YORK AND NEW JERSEY
115 BROADWAY
NEW YORK, NEW YORK

WTC Transportation Hub Permanent
WTC PATH Terminal
Section 106 Consulting Parties Meeting

November 15, 2004
Port Authority of New York and New Jersey
115 Broadway
New York, New York

Transcription by Jane Rose Reporting

PORT AUTHORITY OF NEW YORK AND NEW JERSEY
Timothy Stickelman
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FTA - LOWER MANHATTAN RECOVERY OFFICE
Bernard Cohen
Peter Goelz
Paul Lebrun

November 15, 2004
11:29 a.m.
- - -

BILL WONG: First of all, we found out the middle of last week that some of the e-mail transmittals didn't get to some of the parties.

We had sent out, actually, last Friday, the 5th, an e-mail that was the notification for this meeting, as well as some documents. Some people did not receive the documents, or even that e-mail.

We're looking into what may have been the problem. We don't know if it's entirely at 115 from our e-mail server, but it may also have had something to do with the attachments.

We have hard copies of the attachments that really relate to the Platform D analysis here for you to pick up, and we will also work out how we can get those PDFs of those attachments out via another e-mail server so that we at least cover that base.

And we'll talk about how to keep

up with other communications in case there's other problems going forward in this process.

BERNARD COHEN: Good morning, everyone.

This is a follow-up from our November 4th consulting parties meeting for the Permanent World Trade Center PATH Terminal project under the Section 106 process of the National Historic Preservation Act.

At our last consulting parties meeting, the Port Authority presented its analysis for expanding platform capacity, providing relevant data, describing the analysis methodology, and the industry practices that it followed.

Because of the length of time it took to go through all of that, there wasn't time to start in on the memorandum of agreement, so that is the topic for today's discussion.

There were a number of themes, I thought, that came out of the last meeting. One theme was to make sure that the Port Authority designs the transportation elements of the terminal to meet future needs.

Another theme was to provide options for direct visual access from the platforms to the footprints.

And a third was to look at whether the location of the escalators and the stairs in the corner of the north tower could be shifted.

The Port Authority has been looking into those last two concerns, and I know we will be interested today to hear what they have to present.

I'd also like to address another subject that was raised at our last meeting pertaining to LMDC being a signatory party to this MOA.

The currently proposed signatory parties to the MOA are the Port Authority, the Federal Transit Administration, SHPO, and the Advisory Council for Historic Preservation.

These parties all have explicit responsibilities in carrying out the MOA.

The Section 106 regulations do allow for other invited signatories, when a party outside the required signatories has an actual responsibility to fill, in carrying out

the MOA.

LMDC has no such responsibility in the permanent PATH terminal, so therefore there is no basis for including them as a signatory party.

However, LMDC, as a consulting party to this process, can sign the MOA acknowledging their agreement with its outcome. Currently, LMDC proposes to sign the agreement as noted in the draft MOA you are reviewing.

This option of signing as a concurring party to the agreement is also available to all of you as a consulting party to this process who wish to concur when the MOA is finalized.

With that, we have a lot to cover this morning, and before we head to the tour --

CHARLENE VAUGHN: A point of clarification. Excuse me.

Extending the opportunity to all consulting parties to concur in the agreement is an overture that has no real legal standing. So if anyone declines to sign, it has no bearing on the execution of the agreement.

So we need to be clear about that. It's not something that exerts or comes with any power or authority to change the agreement, stop it from going into effect or whatever.

BERNARD COHEN: Thank you for clarifying that.

So with that, I would like to turn the meeting back to Peter.

PETER GOELZ: Good morning, everybody.

We do have a packed agenda this morning, followed by a tour of the site.

And just as a point of clarification, the Port Authority is going to be scheduling a second tour, given that the first tour was canceled because of the rain on Friday.

You'll be letting people know this week in the same effective way we learned of this meeting, I hope?

BILL WONG: We will have belt and suspenders on.

PETER GOELZ: So there will be a second tour.

The three items that we are going to discuss today:

We are going to revisit the Platform D configuration, and the Port Authority is going to present some new design schemes that they have been working on in response to our last meeting.

We're going to spend some time with John Hotopp on the draft memorandum of agreement.

And then, as I say, we are going to take a tour of the site.

But before we start, let's go around the room and introduce ourselves so that everybody knows who's here and the stenographer can do her job.

Let's start with you, Tim.

TIMOTHY STICKELMAN: Tim Stickelman, Port Authority.

BERNARD COHEN: Bernard Cohen, Director, Lower Manhattan Recovery Office, Federal Transit Administration.

ANDREA BURK: Andrea Burk, AKRF.

ANTHONY GARDNER. Anthony

Gardner, Coalition of 9/11 Families.
JOEL KLEIN: Joel Klein, John Milner Associates, for the Coalition of 9/11 Families.
ROBERT KORNFELD: Bob Kornfeld, Historic Districts Council.
NANCY JOHNSON: Nancy Johnson, Port Authority.
KURT HORNING: Kurt Horning, WTC Families for Proper Burial.
CHARLENE VAUGHN: Charlene Vaughn, Advisory Council for Historic Preservation.
BETH CUMMING: Beth Cumming, State Historic Preservation Office.
DEBRA LESTER: Debra Lester, New York State Assembly Speaker Sheldon Silver's Office.
ALBERT CAPSUTTO: Albert Capsutto, Tribeca Organization.
ROBIN FORST: Robin Forst, Council Member Gerson.
RICHARD KENNEDY: Richard Kennedy, Community Board One.
KEN LUSTBADER: Ken Lustbader,

Lower Manhattan Emergency Preservation Fund.
RUTH PIERPONT: Ruth Pierpont, State Historic Preservation Office.
BILL LOVE: Bill Love, Coalition to Save West Street.
LOU MENNO: Lou Menno from the Port Authority.
HAROLD LEVITT: Harold Levitt, Port Authority.
MARK PAGLIETINI: Mark Paglietini, Port Authority.
BERNARD McNEELY: Bernie McNeely, Port Authority.
KEVIN LEJDA: Kevin Lejda, PATH.
KAREN MATTHEWS: Karen Matthews with PATH.
PETER RINALDI: Peter Rinaldi with the Port Authority.
BILL WONG: Bill Wong, Port Authority.
KATHY HOWE: Kathy Howe, State Historic Preservation Office.
SHAWN LENAHAN: Shawn Lenahan, Port Authority.
NANCY JOHNSON: Nancy Johnson,

Port Authority.
PAUL DeMEO: Paul DeMeo, Port Authority.
JOHN HOTOPP: John Hotopp, LBG.
ADAM LEVINE: Adam Levine, State Department of Transportation.
WILLIAM KELLY: William Kelly, LMDC.
CAROL BRAEGELMANN: Carol Braegelmann, FTA.
PAUL LaBRUN: Paul LaBrun, FTA.
ANNIE KURTIN: Annie Kurtin, American Institute of Art.
STEVE COLEMAN: Steve Coleman, Port Authority.
GLENN GUZI: Glenn Guzi, Port Authority.
PETER GOELZ: Okay. That's everyone.
I think the first presentation is going to be from Lou Menno, who is going to discuss a new orientation of Platform D and the work they have been doing over the past week.
KEN LUSTBADER: Betsy's on the

phone.
TIMOTHY STICKELMAN: And Betsy Merritt from the National Trust.
BETSY MERRITT: I'm here.
And thanks to the Port Authority for making it possible for me to participate by telephone.
PETER GOELZ: Good morning, Betsy.
BETSY MERRITT: Good morning.
PETER GOELZ: Go ahead, Lou.
LOU MENNO: Good morning, everyone, and thank you for joining us.
This morning I'm going to follow up to our last discussion we had about Platform D, because at the end of the last meeting we had a lot of discussion concerning ways that we were going to improve the way we were going to mitigate the impact on the historic resources that were being impacted by Platform D, specifically the columns and the area at the northeast corner of One World Trade Center.
And we listened very, very carefully to a lot of the recommendations that

all of you made, and we really put our thinking caps on. And I think what you are going to see today you will be very, very pleased, because our role here is to not only take care of transportation, but to mitigate the impacts on those historic resources, and to improve the visibility and to improve the authenticity of this area.

I'm going to begin with, in this first slide, to show the location of the tracks and the platform in the new World Trade Center station.

As I mentioned the last time, we're going to have five tracks in virtually the same location as they once existed before in the pre-9/11 station.

The three platforms, A, B, and C, will be ten cars in length as before, and virtually in the same location.

The only difference is Platform D, which we went through the extensive discussion and the analysis that's here for everybody's review.

What we pointed out was that Platform D had an impact on the northeast

corner of One World Trade Center.

We looked at some mitigation measures the last time that we spoke, and the mitigation measures that we initially presented to you were two options: To physically show within the platform the representations of where the columns once were, where the area of One World Trade Center once was.

And we had two different types of surface treatments, one where the area of the footprint was virtually the same as the rest of the platform, or we highlighted it in a different material.

But we recognized that that wasn't good enough. And as Bernard said before, we looked at, very, very carefully, how do we make this area visible, to show this footprint, to show these columns, for the future, within that station; what do we do with all of the utilities down below that would go through this area to support the station and the PATH operation, looking at the vertical circulation element, can we move it, can we shift it, what can we do.

And we pointed out that this

northernmost vertical circulation element was important, because we had three full cars of trains just to the north of this vertical circulation element, and there was a need to make sure that this vertical circulation element was able to carry that amount of passengers coming off a train and also be concerned about the east-west corridor that was right above it at the mezzanine level.

And we were concerned about encroachments of this stair and escalators into that east-west corridor, so we would not disrupt the flow and encroach in this area.

And we listened to all of your comments very, very carefully, and what we did, we pulled together the entire design team, our engineering department, the Downtown Design Partnership, who are our consultants, with the representation from Santiago Calatrava's office who was part of the Downtown Design Partnership, and as well as with Steve Weintraub, the curator for us for the artifacts at JFK. And Steve is also one of the curators for the Holocaust Museum in Washington, D.C.

And with all of this input, we

went through a lot of creative thinking. We looked at things structurally, mechanically, from an electrical point of view, HVAC, and this is what we want to present to you, which we believe improves the visibility and the authenticity of the historic resources in this area.

TIMOTHY STICKELMAN: Lou, is this slide three?

LOU MENNO: This is the third slide, which is the elevation at the platform level, which is elevation 250.

This is the platform. You can see the columns of One World Trade Center highlighted here.

And this is the fifth track.

And what we did is, the vertical circulation element, we moved it to hug the western wall, or the end wall that separates the station from the memorial. We moved it to the west.

At the same time, we moved the vertical circulation a little bit further north, so that it would not encroach upon the east-west corridor, because this stairway comes

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up from the platform in a southern direction.
So we pushed it back further north so that it wouldn't impact that east-west corridor.
What that does now, it allows us to show the corner of One World Trade Center, as well as this entire line of columns along the east wall.
And what we are proposing is several things. With the moving of that vertical separation unit--and we are able to now handle all of that traffic flow from the three cars to the north coming up, we've included the failure management with the stair, the whole thing--we are now looking at creating, just to the southern part of this well -- this vertical circulation well, an open sealed chamber that goes all the way down to the footprint below.
And this area would be a sealed chamber where people would be able to look through a glass wall, there would be a mirror here, and be able to see the footprint and the columns down below.
Approximately 12 columns were

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initially impacted by our Platform D, but now we are able to expose a good five full columns, and even show, partially, two others.
So you have approximately five to seven columns that would be visible, as well as this area here of the footprint.
And when you go to the northeast corner of One World Trade Center, we would represent that in the platform surface with showing the columns with a tile or with some other design, and also highlighting the area by a different colored floor treatment -- a different type of treatment from the rest of the platform.
And by doing this, we're able to maintain approximately a 12-foot width between the edge of the vertical circulation element and that track.
And from a safety point of view, we're trying not to allow people to linger right in this area, basically because it becomes a safety issue.
And what you will see in the next slide in this area, we were physically able to relocate all of the duct work and

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electric conduit to hug the east side of this Platform D, so to free up this whole area under here to create this sealed chamber, to create an area that you could look down to, a volume of space, and see bedrock and to see the columns, five to seven of the columns in this area.
When you look at a cross-section -- this here is Track 5, going to the next slide. You will see this is Track 5, this is the platform, and this is the narrowest part, which is about 12 feet between the edge of that chamber and the safety edge of the track.
And under the platform area, in this narrowed area -- narrowed platform area, we would run our electric duct bank throughs, as well as any of the HVAC work, and use that as the plenum, while this whole area would be, now, this sealed space where people would be able to physically look down and see the footprints of One World Trade Center, as well as a number of the column bases.
And what you can see here is that this wall would be transparent glass that

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would be tilted inward, so that people would be able to lean over and look down into it. There would be a mirror on the western-most wall that would also -- people could just, say, look out and see what's down below without physically having to look over into the glass.
And then this treatment in here, where the columns were not exposed, we would show representation in the slab.
And we believe that this solution, creating this sealed chamber, improves the visibility and the authenticity of the historic resources in this area.
On the next slide, just looking one level above, you are at the concourse level looking down.
So what we did was we moved this vertical circulation element, we hugged the wall, the western wall, and we moved it a little over a foot north to just miss hitting the east-west corridor, and stay within the fare-control line, without encroaching into this area where people will be walking east-west to go to and from World Financial Center or to get to PATH.

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So we moved this as far north as we could, and we are able to now create that sealed chamber down below here and show the northeast corner of One World Trade Center in a represented fashion as before.

And we did this within the past week, where we literally got people locked up in a room, with Steve Weintraub giving us the proper criteria to look at, to follow, so that we could create a good, preliminary design, which we believe addresses the concerns of visibility, not just to the footprints, but to most of the columns that are impacted by Platform D.

And we're also looking at other mitigation measures here, like, for instance, in the northern ones, the northern columns, to see if we can mitigate any touching or removal of them.

So we're looking at this. We're only in the preliminary engineering; we can't go into final engineering.

But this is a practical and a feasible solution that we could help address all of your concerns about showing the

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resources in this area.

I thank you.

PETER GOELZ: Well, Lou will take a few questions or any comments, because we need to move on.

Any questions?

JOEL KLEIN: Yes.

I want to say, thank you; we appreciate the work you guys have done, and I have to say, without -- I want to hold off until formal comments and we've had a chance to review this more, but my initial take on this is this is very honest and good, forthright attempt to try to address the problem.

What concerns me is that it starts from a premise that the families are not willing to accept at this point, and that is the need for Platform D.

And I don't want to get into a discussion of that now, because we'll be rendering comments on that.

But we don't feel the Port Authority has yet documented to us sufficiently the need for Platform D.

In the event that that can be

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done, and we recognize that it's possible, we just feel we don't have the information at this point, this looks to be like a very good point to start working from on first blush.

CHARLENE VAUGHN: The Council would like to go on record saying that we are supportive of Platform D.

I prefer to see this site and this project deal with historic preservation issues on the front side rather than trying to come back five, ten years down the road dealing with it on the flip side where you don't have the luxury of being creative and looking at the broadest array of mitigation measures.

So just as a point of clarification, we feel that there is enough evidence on the record to justify a Platform D.

What we're looking for is how to mitigate it at this point in time so we don't have to start, next year, planning for a route where we can't afford the site maximum protection. So we just need to be clear where we are at with this project.

BETSY MERRITT: This is Betsy Merritt. I have a couple of questions.

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First of all, on the cross-section slide, I'm at a little disadvantage because I can't see what you are pointing to, but could you explain what's happening above the sealed chamber in that -- is that the next level up? And what's happening there? I can't quite decipher that.

LOU MENNO: That sealed chamber is basically a volume of space that begins right at the surface of the footprint.

BETSY MERRITT: Right. But what's happening above that, above that form?

KEN LUSTBADER: I think she means beyond it.

TIMOTHY STICKELMAN: The mezzanine level.

LOU MENNO: This is at 264.

But at the 264, just to the north of the east-west wall of One World Trade Center, separated, is the east-west corridor that we're not impacting.

And this volume of space with the sealed chamber that we referred to would basically go from the lowest level at approximately elevation 240 all the way up to

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the underside of the mezzanine level above.
It would be an empty volume of space that would be lit and you would be able to look down into this volume of space to see the footprints, as well as the column bases.
BETSY MERRITT: So you could look down from the upper level too, not just from the platform?
LOU MENNO: No, just at the platform level, not at the mezzanine level. Just at the platform level.
BERNIE McNEELY: Betsy, if you are looking at the section, on the right side, at that upper level, is the fare zone-control area.
And on the left side, that open area, is actually the railing that is around the vertical circulation elements.
If you recall, there are two escalators and one stair at that location.
That area on the left is where it is at that level, where you take the escalators and stairs to go from the mezzanine level down to the platform.
BETSY MERRITT: Okay. Okay.

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Thanks.
My one other question is, if you go back to the previous slide, what's going to happen to the column bases that are underneath the stairs and escalators? Will they be preserved in place or will they be removed or what?
LOU MENNO: We're looking at that now to see what can be done to preserve them, in place, to the fullest extent possible, because we have to build, just to the north of them, a structural support, to support the stairs and the escalators, that will come up in a southerly direction, and we need to have a wall dividing the stairs from the escalators.
So we're going to look at that.
We're not quite sure what the impacts are, but we're going to do our best to avoid touching them. We may cover them, but we're looking not to disturb them, if at all possible.
BETSY MERRITT: So how many column bases, then, would be represented on the platform? Would it be about three, the ones that would be covered but represented?

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LOU MENNO: We would have approximately four that could be represented right at the northeast corner.
You have the last two along the north-south wall, then you have the two smaller ones, which would be right at the chamfer corner of the towers. Those four would be represented.
BETSY MERRITT: So is it still possible that you could have a situation where none of them would need to be permanently removed?
LOU MENNO: That's what we're looking at, not to disturb these, just to avoid them, do what we can do to avoid actual removal. They would be obscure, but they would still be there to the fullest extent possible.
PETER GOELZ: Okay.
ALBERT CAPSUTTO: My concern is that you are going to have people who are going to come down there just to view the columns and have nothing to do with going in and out of the trains.
And from what you were talking, or the presentation we had before, you are

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going basically on a three-minute, four-minute, and you are timing it for people to get out of trains, onto the platform, and off the platform.
How do you think this is going to affect that type of movement of people who are just going to come down to view this as another part of the memorial, as another part of the experience of the memorial situation, as opposed to being a commuter?
LOU MENNO: Well, first of all, this would be in the fare-control zone, so if people --
ALBERT CAPSUTTO: They will buy a ticket.
LOU MENNO: They will pay to see it. But along this one portion of the wall here, if you look at this slide here, this portion that goes north-south would just be a translucent piece of glass, so that would avoid people from congregating here, especially along this whole edge --
ALBERT CAPSUTTO: Because that's narrow.
LOU MENNO: Right.

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-- because that's narrow.
But from this point here, where it goes off at an angle, all of that would be the transparent glass and be out of the way of the passenger flow.
ALBERT CAPSUTTO: So you do not think that it will hamper the movement of people who are just there specifically to get in and out of trains?
LOU MENNO: Maybe we are going to have to look at things from an operational point of view once it's in place, once the station is open. If there are people congregating, maybe we need to have someone there just to make sure people keep moving or stay away from this area, a little bit of a crowd control. We don't know.
KEVIN BLEACH: Even in the temporary station -- (inaudible) -- so far it hasn't been. Folks are willing to come down to the mezzanine level, but short of paying the fare to come down to the platform level -- so far.
This is a small enough area that we would be able to manage that, possibly, with

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either the issue you have of just keeping escalators strictly going up, or the fare zone up above it.
ALBERT CAPSUTTO: Well, then I commend the Port Authority for their work in trying to mitigate the different concerns of this group.
BERNIE McNEELY: Just to add to the point that we're raising, because you have a valid point that we're concerned about as far as people staying in that area. It's most critical during the peak periods, this issue, so it's less of an issue about people congregating as long during the non-peak periods. But it's going to be very critical during an operational perspective that we make sure people are moving along during the peak periods.
ANTHONY GARDNER: I just have a couple of real quick comments and one question.
One, I just want to say, on the record, that in addition to visibility and preservation of authenticity, the Coalition of 9/11 Families is striving for the maximum amount of physical access to the remains of the

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footprints for the public.
Obviously this space is designated towards transportation and that won't be possible. But we want to make that clear as far as the evaluation of moving forward to other aspects of the footprints.
Have you come up with the PATH train is going to obliterate half of the south tower? Do you have plans to recognize where the south tower is impacting the remains -- where the PATH infrastructure is going to be impacting the remains of the south tower?
LOU MENNO: Yes.
Let me go back to the slides here.
Originally, all of this area was taken over by -- was originally occupied by the original PATH right-of-way, and these columns did not go all the way down, I think, as we pointed out, because of the track plan and they were basically bridged over with transfer girders.
However, in the area of the fourth platform, what we would do is we would show the columns and the area in a similar way

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as we showed in the other slide with the surface treatment, and to recognize that this was the portion of the south tower. We will do that.
KEN LUSTBADER: Could you go to the other slide, slide 3? I just want a clarification.
Does that -- where the column perimeter is on the north side of that, is that the east-west corridor as well?
LOU MENNO: Right here?
KEN LUSTBADER: Yes.
LOU MENNO: This is the east-west corridor right above this, in this area.
ROBERT KORNFELD: A couple of things.
One is, as far as people congregating at that area, I think you have to remember that this site has been maintained in such a way that the people managing the site have made every attempt to prevent the public from being able to see into the site.
So your thousands of tourists are sort of wandering around the perimeter

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looking for a little chink where they can see in. Even someplace like the north bridge over West Street, there is a section of that about eight feet long where you can look in at the One World Trade Center footprint, and even that, within the last week, someone put a sheet or towel over it so it blocks off that opening. There's not one single place where people can see.

So anytime you have an opening you get a congregation of people looking for -- I personally don't think it's a voyeuristic sort of thing. I think people are looking for some sort of meaning, they want to see the site, they want to connect with something.

And I think you have to assume that the scheme that's going to be done on this site will allow people to do that in some major way, and they won't be slinking around, looking for some little chink to look through.

So I think if you look at it from the sense that if someone wants to go see the footprints, that they will go and be able to really experience that in some major meaningful way, and not have to go into the

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PATH station and look at some other area.

That brings up another issue.

I'm just wondering -- I think this is a huge milestone compared to where we were at previous schemes. But I wonder, if a lot of people are going to be going to the site to look at the One World Trade Center footprint from the footprint itself, I'm not sure why this scheme completely obscures it from that direction.

In other words, this is only looking at it from the PATH station back, not from the One World Trade Center footprint, looking at that corner.

It seems like you just have a blank wall going across. I understand it's not detailed that much at this point, but I don't see why you wouldn't want people who are on the One World Trade Center footprint to be able to experience that corner also.

PETER GOELZ: Okay.

ROBIN FORST: I just want to commend the Port Authority for what I think is a very creative solution to a problem that may not be a perfect, end-of-the-day solution, but

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it seems like we're so much further along with this.

And I would just like to reiterate, on the part of the community, the business community and the residential community, that we do believe that Platform D is a necessity, and are even concerned, as we expressed last time, about some of the estimates toward 2025 going forward. So we think that that's critical and this seems like a great next step in the process. I just wanted to let you know.

KEN LUSTBADER: One question/comment. Not understanding all the technical elements of this, how high is the platform?

And one of the issues, having been on the Memorial Center Advisory Committee, there was issues of access commitments, and when we were down at Ground Zero and we see that today, there is the issue of the importance of seeing kind of the broader picked and chamfered edge and being in the volume of what was the World Trade Center north or south tower.

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Is there any way to -- I know this is PATH project, but there's no way to knock down the wall that's existing on the -- that there, exactly -- where it can be incorporated into the memorial center?

Or is that just opening a can of worms on design issues and not feasible at all from a pragmatic point of view?

LOU MENNO: We're going to look at the feasibility here. As I said before, we are working very closely with LMDC and their design consultants on the memorial, so we are going to do our best to see how we can better coordinate this.

KEN LUSTBADER: Kind of intuitively you are taking out a corner of a project, letting it be visible from one elevation. However, if you take down a wall, it's kind of like combining two apartments, you have a view shed into the other apartment that can make a more compelling view.

That's all I'm trying to make my point on.

LOU MENNO: We have to be very, very creative here, because we have to create

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separations by code. But there are probably some creative solutions here.

PETER GOELZ: Couple more comments and then I want to get to John Hotopp. In the back?

DAVID STANKE: Having been on the memorial committee and seeing the design for the memorial itself, I think the whole point of the memorial is that you have to communicate the expanse of what was lost.

And I think that, given that the majority of the people will be coming to that memorial -- and there is no way anybody is not going to miss the fact that there were two one-acre buildings on-site, and to necessarily require that throughout every level all the way down, in that volume, when, in reality, the volume of that building we all knew and we know what was lost, and what we really recognize is the volume of -- what started at ground level and went up 110 floors, that that is going to be marked off as being not there anymore in comparison to the height of a very tall building next to it and the spaces open on the ground.

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So what I like about this is, you know, I have always felt, since it was lost, that one of the best things that would be able to be done would be to integrate pieces and a memorial and components and memories of the old site and the old World Trade Center into what is our normal life.

You know, it's great that there are facilities for tourists, but I'm not going to be going down to a tourist center every day. It's great that something like this can be in a place so people who were concerned and are connected to the site will have a poignant and meaningful reminder.

So I think this design accomplishes something that has not been done in any other part of the site in a real way in any formal plan that I've seen so far.

So I think this is really great.

The other thing we've talked about, and it came up in a couple of conversations, we've talked about sort of the demand for the PATH station and what are the estimates and how many people will be coming, et cetera.

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But one of the things we haven't talked about, I think, is, you know, there are a lot of footprints down there, there is an acre and a half of them, and how many people will be coming and how much space is necessary and how many footprints all need to be exposed to handle the volume and the demand for people to see the footprints? What is the demand for the broader audience to see every footprint and be able to go to every column? That's a lot of columns and a lot of space.

So those kind of access demands haven't been addressed. So that's one of my concerns.

WILLIAM KENNEDY: I would like to commend everyone. I think it's terrific what you've done and you've come a long, long way. I think this is a good solution.

I'd like to also speak in support of the platform.

I think the growth is going to occur both in the residential population and the downtown population. And the growth is going to occur in Jersey City eventually, and the office population will be significant

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irrespective of the size of what the tour buses look like and everything else.

So I think for the safety of both parties, the communities of people who work here on both sides of the water, I think that additional track will give us both comfort and opportunity to do that. So I'm certainly in support of seeing that track.

ANTHONY GARDNER: One other second with Bob Kornfeld, his thoughts about some sort of translucent wall that would show people who are standing on the remains of the footprint east -- west of the station, that that's the corner of the north tower footprint.

I also wanted to make the point that I think this illustrates the problem that we have with cumulative impacts.

We don't know how what you are proposing fits in with LMDC's plans for those footprints, and I can't fathom how -- I can't fathom how LMDC, in your mind, has no responsibility as far as your project. They have a direct impact on your area of potential effect, the remains of the footprints.

And also, there's some

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confusion, I think, about what the footprints are. I think you really need to start refining the language.

The individual column remnants outline the footprints, they are not individual footprints. I think they are referred to as footings.

PETER GOELZ: Mm-hmm.

ANTHONY GARDNER: And that's an acre and a half, essentially, because there's one footprint, at least right now, and half of the south tower.

So it's really difficult to make decisions, you know, and a lot of thought is going into this, and you are showing that there is going to be visibility where there can't be physical access.

But there's no way to judge it because there's no way to factor it into what LMDC is proposing.

And you talk about coordination, but if it's not in the MOA, where is it going to be?

Frankly, the Coalition doesn't want to have to attend meetings for the next

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ten years until this is done to ensure that the remains of the footprints are preserved and that includes physical access as well.

CHARLENE VAUGHN: I think my comment is related to Anthony's.

I think this is a great concept. I think the devil is in the details.

My concern is the way we set up this agreement, this will come back to people at the 35 percent completion design level and they will be given x-amount of days to comment and then move on.

I think for this particular element of the project there has to be some additional coordination during the development or the blushing out of the concept, and we haven't provided for that.

I know everybody's in a hurry to get the MOA executed, and I appreciate that, but there has to be some mechanism whereby, not a large group, I don't think it needs to be all the consulting parties, but a representative group really works with the Port Authority to try to hammer out some of these elements of the design so that when we get to the 35 percent

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stage, we're not in an ongoing dispute or a lot of conflict, and I think we need to make some provisions for that.

The memorial group and LMDC has their own advisory group independent of the 106 process to advise them.

I think that something similar needs to happen, and this project may be on its scaled-down version, but one that really provides people to roll up their sleeves, particularly preservationists and people who have architectural expertise and preservation to deal with some of the design elements early on.

PETER GOELZ: I think you are right. The devil is going to be in the details.

CHARLENE VAUGHN: Right.

PETER GOELZ: If we could, since we want to get to the tour, John Hotopp will now give a presentation on the MOA. He gave a very abbreviated one at the tail end of our last meeting, and I thought that we could spend a little more time on it this morning.

JOHN HOTOPP: I thought last

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week's presentation was quite fine and I would like to see if I could do it in about half that time, but people told me that's not acceptable, you have to take a little more time, so I will.

I'm particularly pleased to think about where we are today and where we've come from.

If you remember back, we had the determination of eligibility report that we all put together, and we wrote it up for your review, and you people had some real good input and it became a much more powerful and robust document as a result of the work we all did together on it.

And now we're seeing the same thing as we develop this memorandum of agreement; it's becoming more robust, more powerful, and it really speaks to the issues that you people have identified in the last couple of meetings.

The Port Authority, I think, is probably the most sensitive client that I've worked with in years in trying to accommodate everybody's needs to get a mitigation plan that actually works. So I'm pretty excited about

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it.

What we have here today, I think, is the document as it now stands, and it's getting very close to the end of the process. But as Charlene pointed out, and quite correctly, we're not quite there yet. We've got a little more work to do with design and some more mitigation things that we want to work out.

Do you want to pass these out?

BILL WONG: These documents are for the platform that people can pick up at the end of the meeting.

JOHN HOTOPP: A couple preparatory comments, then.

At the input of the consulting parties, I think we have made a much more robust set of documents for this, thing. I'm very proud of the work you've done.

The other thing, I will tell you today, is that when we actually do the tour, it's going to be difficult because there's an awful lot of water and a lawful lot of mud and it's an awful big mess down there, dating back to Friday.

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One of the disadvantages of working deep below the Hudson River is the water comes in and it's very difficult to get out. So you will all see what a challenge this has been.

I would suggest that those of you who are not particularly strong-hearted for mud, you might want to reschedule for later on the next chance we can to get out there, because if God will let it dry a little longer it will be an easier trip.

With that, everything said, let's see where we can start from.

We have been messing around with all of these stipulations, and all of you have seen these.

The tower perimeter columns have become the stipulation of choice. Everybody has really put some serious thought, effort, and time into it, and the work the Port Authority has done in a week to try to accommodate your needs and interests, to me, was a very important step forward.

That's another point I would like to make, Anthony, when you talk about

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cumulative impact, is that the Port Authority is going to be involved in this whole site development forever; they are the owner, so they can't just walk away.

And I think we've done an excellent job of sensitizing the Port Authority for the concerns of the people who are involved with the process.

I think we've done a real good job, and I can't imagine that the Port Authority, as we've worked with LMDC and everybody else, as we work our way through this process, I can't imagine that they are going to ignore all of our concerns and needs.

So we do have a big advantage, I think. They are going to be totally involved in the process all the way through.

And today I thought we would talk a little bit about some of the steps we haven't really talked about, and to see if you have any concerns that we've missed or comments you want to make about them.

And so I was going to go through them, and last time I went through at double speed. Maybe I will slow down a bit.

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I'm not going to talk about the perimeter columns. This has been a big subject for the last two weeks and it has been very effectively presented and a lot of input come.

East-side subway entrance, what we are going to do to that and treat that entrance, is we are going to basically memorializing the entrance from the E train into the World Trade. We will have a little bit of an up and a little bit of down, but people in Manhattan are very used to that, I can't see that it will be a problem.

Is there anything we've missed on this that you would like to call us out on? No?

We're comfortable with the E train stipulation?

Because some of these I'd like to put to bed. I'd very much like to say to my clients these are final stips.

JOEL KLEIN: I have to object to your use of the phrase "put it to bed." We haven't reached the deadline for comments on the previous versions of the MOA.

JOHN HOTOPP: I know that. But

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what I'm saying, Joel, the things that are not particularly controversial we would like to get them off the table so we can really focus on the ones of interest. That's what I'm really talking about.

CHARLENE VAUGHN: I think that we talked about it, but just as a point of clarification and to go on record, I had suggested to the SHPO that consulting parties have a more extended period of time to review documents. As it was written, I think they were given 14 days, and I thought that was just too abbreviated given that they meet with boards and everything.

TIMOTHY STICKELMAN: We are changing it to 21 days.

CHARLENE VAUGHN: I just wanted to clarify that.

ROBERT KORNFELD: One comment on the tower perimeter remnants and the footprint areas. We really haven't dealt with Two World Trade Center at all.

I think there are a lot of issues there, you know, of what's covered, what's intended to be demolished, what's going

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to go there, how the mezzanine level interacts with the memorial above and that kind of thing. I don't think we've even scratched the surface on Two.

JOHN HOTOPP: I agree. The real focus of the whole meeting has been on One because there we have a whole footprint that reads, and it's very easy to understand what you are seeing, and the two towers are difficult to understand what you are seeing.

I think, for that reason, they haven't focused much on Two. I don't know that there will be a whole lot of impact beyond what they have made -- than what we've already had.

ROBERT KORNFELD: I don't think we've really determined what the impacts are.

BILL WONG: We've made representations.

ROBERT KORNFELD: Does that mean that you are destroying everything that's not out in the -- that's everything east of that line or the PATH track or where the platform is?

JOHN HOTOPP: No.

That's the issue. Are parts

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going to be visible, are parts going to be preserved but covered?

BILL WONG: They are going to be obscured. I think we outlined that in the original discussions back in June, and that's kind of the level of development.

I don't think that there's ways we can really look at to address the same issue that -- or address the same solution as we have in One World Trade; that's an extraordinary circumstance where we understood that there's a concern about the entire footprint. This is a different type of area in the south tower where we probably can't do the same type of solution.

JOEL KLEIN: I think the engineering constraints are clearly much greater where the south tower is involved, and obviously the facility is going to be on top of that portion of the footprint.

But I think the MOA needs to be more specific in at least addressing the process for how those will be built. Right now I think it's fairly silent on discussion of the south tower footprints.

JOHN HOTOPP: Yes, you are

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right. I think the real focus has been on the north tower.

BERNIE McNEELY: John, the draft MOA currently speaks to three items that relate to the south tower. One is the historic recordation process, which is going to occur.

The second is that there have been identified with Platform D three column base remnants that could be either temporarily or permanently impacted.

And the third is the stipulation about providing architectural treatments, not only for Platform D, but for all the platforms that are within the footprint of the south tower.

That is information that's all currently in the draft MOA, and then from there it would be to solicit any comments that relate to those three things.

I think those are the three major things that relate to that south tower currently.

JOHN HOTOPP: Okay.

BILL LOVE: I have a half-dozen comments on the documents. Should I give them

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as we go through?
JOHN HOTOPP: Probably.
BILL LOVE: I have one comment on the section relating to the column remnants.
This is on page 8 -- starts on page 8 where it discusses the efforts to preserve, in this case, 80 column base remnants in the north tower and 39 in the south tower.
There's language in there that is -- I think, provides the Port Authority flexibility, and it refers, for example, in paragraph B(1), to "Shall, to the maximum extent feasible, given project information requirements, preserve in place."
So there's a recognition that certain circumstances could change as we go through here and there's some flexibility built in.
I'm wondering, on page 9, in paragraph 6, you shouldn't also have some sort of conditional language. That basically says that the total extent of the north tower footprint at elevation 242 will not exceed 4 percent of the north tower footprint area.
And then the last line there,

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"will not exceed 53 percent of the south tower footprint area."
What happens, for example, if you are going through and working on the east-west corridor and something happens that would require a change in the location, maybe an impact on another historic building, maybe something to do with the Hudson River bulkhead, shouldn't there be some conditional language similar to what's in paragraph 1 and 2 to recognize that that might -- there might need to be some flexibility there, otherwise you might find yourself in an impossible situation.
So that's my one comment.
JOHN HOTOPP: Good point.
ANTHONY GARDNER: Can I just say, for the record, we are absolutely opposed to that. We see the point of the MOA is to spell out specific percentages that you will be preserving, not more wiggle-room language.
LOUISE LO PRESTI: This is a design issue, and you need to resolve the design issue.
And Tim Stickelman, last week -- and it is highly foreseeable that even the

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existing work that you have in scope will have far greater impact than what you are indicating. It's only realistic and you need to account for that.
JOHN HOTOPP: Yeah, well we've become pretty specific.
LOUISE LO PRESTI: It's not specific enough.
JOHN HOTOPP: These agreements are normally drafted far in advance of construction and you can't see where you are going. We are much closer here, and I think we have a much more complete document than you would normally find in a memorandum of agreement.
LOUISE LO PRESTI: That's nice, given the fact that this is the site of the largest attack of the United States in history; yeah, it would be nice if you were accurate and took adequate measures.
BERNIE McNEELY: If you could offer us some specific comments that relate to your question and concern, that would be helpful to us so that we could finalize the MOA.

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LOUISE LO PRESTI: Yes. I do have a comment that I made to Tim Stickelman last week, namely, I have the utmost respect for the technical team at the Port Authority. However, a project like this is not, by any means, within your normal mandate.
And I don't believe that, despite the excellent skills you have in doing your day-to-day job, that you are equipped to handle this.
And I suggested to Tim --
TIMOTHY STICKELMAN: Louise, I want to stop you.
I know what you are saying, but you were a little late. You missed the first part when Lou went over the Platform D analysis and the different treatments, because they met this week, so what I will do, after this you will get the --
LOUISE LO PRESTI: Does this address my concern to you?
TIM STICKELMAN: Yes, it does.
LOUISE LO PRESTI: And will I be happy with it?
TIMOTHY STICKELMAN: I don't

know, Louise.

LOUISE LO PRESTI: My suggestion to Tim was that we consult with Mr. Calatrava, being one of the finest architects in the world, to come up with a suggestion. If you addressed that, that's wonderful; that alleviates at least 50 percent of my concerns.

KEN LUSTBADER: This raises the issue that the LMDC expressed and Charlene convoluted to this morning, that this project needs someone who has experience in historic preservation.

I know you had Steve Weintraub consulting on this, but I think the MOA has to include that someone from the Secretary of Interior Standards for historic preservation be part of the cultural resources management team, or whatever we want to call it, and that's kind of codified in the document.

I know that we talked about it, but just all these issues, the east-side subway entrance, how is it going to be interpreted, those are all questions that I have and we can't answer right now because it's a design issue, but we can at least make sure that the

solutions or the technical expertise for that type of solution is in place.

CHARLENE VAUGHN: I agree with you whole-heartily. I think that in formalizing the agreement that the Port Authority will have a qualified preservationist on the design team. And I think they probably do, informally, I think it just needs to be codified.

JOHN HOTOPP: I think that was spelled out with the assistant city engineer, for example, and the operational impacts. We have it in that section, but I think it could be expanded -- the role could be expanded.

CHARLENE VAUGHN: Okay.

JOHN HOTOPP: But that's a good point.

ANTHONY GARDNER: Bernie wanted some suggestions about making things more concrete language. And I think we've said this so many times I can't even remember how many.

Ken Lustbader's preservation league, I know they've expressed this. You have to address cumulative impacts. And LMDC

should have to sign on to something, whether it's a separate document or this document, that discusses specifically their projects's impact on the remains of the footprints so that you could coordinate.

I think it would make your job as designers much easier if you knew, Well, LMDC is doing this on this section, and they could make those perimeter lines visible and accessible from here, so we could maybe do this and have it fit and work like one project.

And until you address the cumulative effects, we're not going to be satisfied in any way, because as far as we know, you're working towards a good -- you are going in a good direction where you've acknowledged that the remains of the footprints are significant, you are trying to mitigate against your project's adverse effects.

We have LMDC on the other end where all we have is a vague commitment saying they are going to provide appropriate access. That could be three columns and 5 percent of each footprint, and, frankly, that's not good enough.

The remains of the footprints should have a national designation of protection, and it's only because they are prime New York Manhattan real estate that that hasn't happened yet, and it's a shame.

So you guys are moving in the right direction, but we really feel strongly that LMDC is just going to reverse all of this work, all of the time we are putting in here, by not signing on to an agreement.

JOEL KLEIN: Another comment relating to that very quickly.

We heard earlier today that the decision has been made that LMDC would not ask to be a signatory to the memorandum of agreement, and the explanation given for that, according to Charlene, was because the Port Authority does not have a specific role and responsibilities.

Well, flip that around. The concerns that we have of the fact that the existing programmatic agreement with LMDC essentially gives LMDC the final say over access to the footprints and how they are going to be interpreted.

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When comments went out on that document, it was specifically suggested that the Port Authority become a signatory as the property owner, which was pointed out here under the Advisory Council's regulation.

The Port Authority had a right to be a signatory to that document and was not committed or refused to sign it.

As a result, the Port Authority essentially relinquished control that they could have maintained to the LMDC, and that's the root of the problem we're having here now, and that's why we've asked that LMDC be made a party to this agreement.

If that can't happen, we would strongly urge you to approach the LMDC and reopen the programmatic agreement to allow the Port Authority to become a signatory, so that any commitments that the Port Authority makes would have to be honored by LMDC as well.

PETER GOELZ: Charlene, did you have one more thing on this?

ALBERT CAPSUTTO: It's just -- did I just see throughout this document, through all of it, you have coordination,

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historic properties, and it says -- and you have it here:

"The Port Authority shall coordinate treatment of these historic properties with LMDC."

If you want to put a paragraph to state that even more explicitly, fine, but to go through all of this -- I think you already have it enough in this document that there is going to be coordination with LMDC.

So I don't see exactly the main sticking point that if they have to be a signatory, if legally you say that LMDC doesn't have certain participatory situations in the Port Authority attachment area, then that's the situation, that's the legal situation.

If they are signing on that they concur to this document, and if you have, throughout this document, that's there going to be coordination with LMDC, that should be sufficient.

LOUISE LO PRESTI: Albert, this is law school 101. You are a businessperson. You know you can state whatever you want that another party is going to do X, Y and Z, but

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unless that party is a signatory to the agreement, they are not bound to it.

CHARLENE VAUGHN: You know with the LMDC agreement, I'm sorry, the Port Authority didn't signed and they didn't --

LOUISE LO PRESTI: I say the same thing about that.

CHARLENE VAUGHN: Yeah, but I think we need to be clear about the Port Authority's role and rights and privileges with this site, period.

And, you know, maybe I'm a little dumb here, but why are we putting billions of dollars in redevelopment and there's the perception that these agencies are going to work at cross-purposes?

I'm lost here. Maybe you all know something that I'm not getting because I don't live here, and help me understand that.

But I'm trying to figure out why we're expecting each of these agencies not to coordinate at some point. Why is there the expectation that they are going to undermine one another?

JOEL KLEIN: Charlene, you were

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at the same meeting we attended when the Vesey Street stairs were discussed and the Port Authority made a very nice presentation about how they were going to preserve them, and when they were specifically asked about how LMDC's project would affect them, their response was "We don't know; it might be affected by LMDC's project."

If that is an example of the kind of coordination and cooperation, we are in a very sore state.

CHARLENE VAUGHN: Maybe they didn't know.

TIMOTHY STICKELMAN: We should cut this off. I know everyone wants an opportunity to talk, but Joel and everyone else here should know that the Port Authority, as the owner of the site, is going to be involved in every step of the process, because they don't know what's going to be built in the northeast corner, which they are talking about, so we will be involved in that.

It's just that it's not going to be part of the PATH project, and that's what we were saying way back when, when we said we were

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not affecting the northwest stairs that everyone was talking about.

PETER GOELZ: John, please go on.

JOHN HOTOPP: All right.

CHARLENE VAUGHN: Just one minute, John.

I think Anthony did bring up the whole concept of cumulative effect. I did not hear how that would be addressed.

Let's take away the coordination and concept of cumulative effects. I think that has some validity, and if you feel it's addressed in this agreement, tell us where and how, because I'm not finding it.

JOHN HOTOPP: Well, Tim made the point this morning again that the Port Authority is the owner of the site and there will not be anything occurring on the site where the Port Authority is not involved in, Charlene.

CHARLENE VAUGHN: I don't think we are talking about involvement per se, I think we are talking about planning for the potentiality of things to happen incrementally

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that we just could not have anticipated at this point, because a lot of this is going to unfold. This is just the nature of development.

So as we see these, you know, encroachment on neighborhoods or other factors coming into play that we just did not consider at this point in time, what provision is in this agreement for us to have some ability to address that on a going-forward basis?

It's an unknown; I can see that. But yet, we still don't have a process for dealing with it.

Property owners, what, if after this is all built they look and have, you know, some impact on their neighborhood that clearly was never anticipated, and it's a preservation-related issue. How did they address that? They could just come and address that with the Port Authority on their own? Is there a provision in here to deal with that?

I think that we need to think of what the process will be, recognizing that, at best, we can lay out some steps for the future. But there's just nothing here that addresses it

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fully, as I see it.

JOHN HOTOPP: Okay. Thank you. Do we have one more comment?

ROBERT KORNFELD: Yes. On Section B, where it lists specific numbers of column remnants and that kind of thing, I think that you really need to show the total number of core columns, along with perimeter columns, and other features of the site.

Once you get that specific, then basically you are saying that anything that is not specifically mentioned is excluded, as I would interpret it. In other words, if it's very general, that's one thing.

And with Two World Trade Center, I think you need to talk about the total number of column remnants that are there.

It's understood that the portion where the PATH tracks and station are, are not going to be exposed as a historic site in the same way that One World Trade Center would be. But I think you need to deal with those numbers.

And instead of just saying 39 and plus 3 are being impacted, that's not

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really the case, there are dozens. I mean the whole -- you know, other parts of the north and south perimeters and the entire east perimeter, and portions of the core.

So I think that's part of the mitigation, is how those things are addressed. In other words, if they are covered in a way that protects them rather than demolishing them so that at some point in the indefinite future someone could uncover the site if they wanted to.

I think with a site with this level of significance that this is a concern, and I think it should be addressed.

JOHN HOTOPP: A lot of this site is going to be intact and it's going to be preserved underneath things. So again, you are pushing and pushing beyond where I think the designers are with a lot of it.

The Port Authority and the PATH station design is close, and so we can talk about the impact we are making to the platforms and how many things we've got to cover or whatever. But you are right. The rest of the site, the rest of the footprints, I don't know

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where we are yet. I don't have that information.
ROBERT KORNFELD: The language in the document doesn't describe it.
JOHN HOTOPP: I don't know quite how to address that. We focused on the language that the PATH station is going to have on the project.
ROBERT KORNFELD: But that's what I mean. That's still one of the main impacts, even though no one is disputing that the tracks may impact the east portion of Two World Trade Center.
I think you still need to say what's there, what's going to happen to it. No one disputed the fact that you are not going to uncover that portion due to having operating tracks and construction and so on.
But I think you need to document what's there, on drawings, if not physically uncovering it and say what's happening to the resources there.
JOHN HOTOPP: Part of the documentation will be just that, it's to compare the drawings and photographs and make

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everything kind of jive as we work through the documentation of the site. But there will be a record created.
BILL LOVE: I have a couple of comments. Are we moving on to the next section?
JOHN HOTOPP: Yes.
BILL LOVE: The penetration of the east-west slurry walls. Page 12 talks about the design providing visibility from within the terminal to a portion of the east or west slurry wall and of certain criteria met.
And I hope when this design is done that the designers will be sensitive to the concerns that have been expressed here before by others and by myself about the fact that residents and people who work in a lot of the buildings like the World Financial Center, who experienced trauma on 9/11, don't necessarily want to be reminded on a daily basis as they go back and forth, being forced to confront views of the slurry wall.
In fact, if you ask residents what they are interested in with respect to that passengerway, they will about retail more

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than anything else. So I hope the designers will be sensitive to that.
I noticed in the paper this weekend there was an article about the plane crash that took place in November of 2001 in Far Rockaway, and it's interesting, some of the same conflicts have arisen there that have arisen here. Some of the families went back, and they had built -- I guess the plane went down in a neighborhood and they rebuilt houses there, and they moved the memorial some distance away.
The thing that caught my eye about that article was a quote in there from someone who was a manager of a local restaurant who also lost his brother in the World Trade Center. He said, "We were hit real hard on 9/11, and people around here don't want to keep seeing more grief when they walk out of their homes every morning; they want to move on."
And I thought that captured the feelings of a lot of residents down here who were traumatized on 9/11. So I just want to make that comment.
Also, within that same section,

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it's not directly related to the slurry wall, but there's confusing language in there on what's supposed to happen to the steel beams and cross-form.
Page 13 says that these will be "relocated to Hangar 17 at JFK, or an alternate location, where the object will remain in custody and control of the Port Authority pending final disposition of the artifacts."
And that was my understanding.
But then, if you go over to page 18, I believe it is, "Temporary relocation of historic elements," there it talks about the historic elements potentially anticipated to be, and they mention steel beams and cross-form as being temporarily relocated to protect them from damage during construction of the project.
Then on the next page, page 19, paragraph 2, item C talks about returning the elements to the World Trade Center site.
That seems contradictory to me. In one case it talks about returning it, and in another case, it talks about staying out there pending final disposition.
So I don't know if that's a

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conflict or not, but I would certainly voice opposition to returning what is clearly a religious symbol for one particular religion to the site--I just think it's just inappropriate--if that is the intent. But I hope that language can be revised. It does seem to be in conflict.

Those are my comments on that section.

JOHN HOTOPP: Thank you.

We were talking about artifacts off the site being impacted by the construction activities, and we have a mechanism now to put them in the hangar, keep them there, preserve them, protect them, whatever, until the decision is made as to what to do with them. Basically that's what we are talking about here.

BILL LOVE: This second set of language seems to suggest, by including them in that list, that they will be brought back to the site. So maybe that just needs to be corrected.

JOHN HOTOPP: I appreciate that.

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If you remember, we had a ruling from the Register that objects at Hangar 17, when they come back to the site, will go back in to being a significant portion of the site.

That was an issue early on, was what happens to the stuff that's off-site.

You had a question?

ROBERT KORNFELD: I have a question about artifacts.

A large number of artifacts were removed from the site prior to its being returned back over to the Port Authority under DAC and Bovis, and that was an issue -- a lot of things were distributed to, you know, I don't know, museums, firehouses, churches, all around the country, and I'm just wondering if anyone has followed up on what happened.

I've seen a lot of those items; I don't know where they went and I don't know exactly how it worked.

But a lot of those were very significant items, and it seems to me, when someone is putting together a memorial center, that they should be able to consider all of the items -- I don't know the details of ownership,

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what kind of chain of custody. I'm not trying to get anyone in trouble, but a lot of significant items were removed from the site, and maybe people --

JOHN HOTOPP: As people donate them back to the Port Authority, they are being included in the inventory as that goes along. But that may be a vehicle.

JOEL KLEIN: I think we would like to see the Port Authority make a commitment to being a little more proactive in identifying artifacts removed from the site.

TIMOTHY STICKELMAN: If anyone gives us anything back, the Port Authority will add it to the inventory.

But the Port Authority is not going to search for every item that left the Trade Center when we were not in control of the site.

ROBERT KORNFELD: But there is a -- it wasn't done just chaotically. I believe that there is a list that was maintained of what was given to whom, and it seems that in, whatever, eight months or something, it should have been possible to maintain that list.

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JOHN HOTOPP: I think a lot of what we've been talking about would be the exhibit designers would be able to collect that kind of information because they have to put the final place together and they may find that very useful as well.

BRUCE EARHMAN: In answer to that question, the Memorial Advisory Committee dealt with that and there is a stipulation in the final document, which is on the Web site of the LMDC, that a group is now seeking out every item that might have been distributed, and what isn't currently cataloged is -- attempts are being made to catalog every item that went out and where it is.

JOHN HOTOPP: Good.

BRUCE EARHMAN: I just want to make some general comments about the discussion so far, and I'm sure my friend Albert will stop me via filibuster. But I've been thinking about this an awful lot since the last meeting.

I, for the first time, tried to discuss with my wife the discussion that was here last time, and, you know, just this -- that discussion of the discussion brought her

to tears.

I mean, we are longtime residents here, and I just think that perhaps because the way the Port Authority has perceived this, having dealt with the citizens over the year in a sort of peremptory way, that there is a perception that the Port Authority needs to be -- needs to have its feet held to the fire in this instance.

That being said, I just think there is an ongoing misapprehension or misperception between victims and victimizers.

Last time we were here, this preservationist, who discussed having seen a train station in Germany, which has a memorial -- where a lot of -- where a concentration camp was or was near, or deportation center, it turns out that this station, which was not mentioned in the meeting, is not a regularly used station. It's a train station, but it's not a regularly used commuter platform.

And I think this kind of subtle revisionism has been going on in this discussion.

We need to separate here for the larger good, not just for a faction of family members, but for the general good.

We need to separate what defines victims from victimizers.

Saying it's the largest attack in U.S. history overlooks the fact that if you want to preserve much of North and South Dakota, for instance, because we slaughtered Native Americans, we were the victimizers, they were the victims, it makes sense.

If you want to preserve every concentration camp in Germany, that every generation of Germans, yes, should understand what happened, yes, they were the victimizers. Jews, gays, Eastern Europeans, et cetera, Catholics, were the victims.

I can spin this out indefinitely.

Here, New Yorkers were the victims, not the victimizers. In fact, the victimizers were not even from our soil. In fact, the victimizers have not even been caught.

So to conclude that every commuter, that every resident, that every child

who lived through this should be oppressed by this station and all remnants of the disaster is to conclude that somehow the victims have become the victimizers and should feel oppression and horror every time they commute down here.

I am as irrevocably against that concept as the son of a family who had to flee Germany and whose great grandparents died in the Holocaust, as this group is irrevocably committed to leaving it as tragic as possible.

We have created a beautiful memorial, we have spent months and years on this project, and there is an insatiable desire to make this -- and the preservation community I might add is divided on this issue, while the head of the HDC, for instance, tends to want full preservation, the vice president of the HDC, who lives here, has difficulty, Roger Vyrem.

KEN LUSTBADER: That's not the preservation committee, though.

ROBERT KORNFELD: That's also an excuse. HDC is my organization, okay? I represent the board here. The opinions of one

member do not represent the board.

The board has duly authorized me to represent them at these groups. I do not want you misrepresenting what the HDC is on record saying.

And I would like to say, also, okay, I am not a family member.

Most of the people here that are pro-preservation are preservation groups, not family members.

I also happen to have had the experience being an eyewitness. My office was the city's prime engineering consultant for the emergency. I spent 2000 hours on the site during the emergency in a hard hat and jeans and hiking boots, going around, going through your buildings, office buildings, apartment buildings, seeing what needed to be done to secure them and make them safe for people to go back into. I probably breathed incredible amounts of asbestos, my lungs are probably full of heavy metals.

I'm just saying, you are portraying this like it's the residents versus the family members.

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I see this very clearly as a preservation issue. This is one of the most important historic sites in our nation.

To me, the feeling of coming here and fighting for its preservation in a meaningful way is no different than going to the site when it was seven stories of flaming wreckage. I feel the same sense of dedication. And I'm actually shocked that so many of the residents see it as being something foreign. It's usually the residents who come forward trying to preserve something meaningful in their community, and it surprises me.

BRUCE EARHMAN: If I can respond to that?

PETER GOELZ: I would like John to finish.

BRUCE EARHMAN: Okay.

PETER GOELZ: And I would like the tour to depart, and if people want to stay and talk about this -- you know, this is an important philosophical issue and important debate, I'm willing to stay.

CHARLENE VAUGHN: But as the agency that facilitates this whole thing, I

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think I would be remiss not to clarify that we are here because, in 1966, Congress passed a law that said when federal agencies were going to expend federal funds or have any federal oversight over a project, they had an obligation to look at the impacts on historic preservation.

And as part of that, you brought in other stakeholders who had related issues.

But this is all about historic preservation, and somehow we are getting confused because other factors come in this is a vibrant community, a modern society, and you have to integrate this.

FTA can't release a dollar of this money until we finish a project about historic preservation.

So that's in the public's interest, which means that everybody's issues have equal weight. There's not one that prevails over another. And for the residents -- my son lives here, my daughter. I can appreciate all the feelings of being a resident.

As a preservationist, I can also

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see that this is a site unlike any we'll ever encounter again, and if we don't approach this in a balanced manner with public interest as the prevailing and overarching goal, we are going to regret it, because right now we have these buildings and five, ten years from now you cannot go back and reresurrect or reclaim it. So we've got to work together.

BRUCE EARHMAN: But I must respond now and then I will be silent.

Because you are addressing the chair of the Landmarks Committee, Community Board One, and its monthly meeting is tonight where this is all we do, and we are well known throughout New York as one of the most rigorous preservationist neighborhoods, I have to address your surprise that the neighborhood feels this way.

We are, as I said, extremely preservationist. But the microcosmic examination, as the law requires of us on the site on what needs to be salvaged and what doesn't, in the context of the greater good, is an example of the preservationist community in 40, 45 years, having gone from one of the most

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progressive -- one of the most progressive movements in New York City which save incalculable treasures after incalculable treasures were lost, like Penn Station, to becoming, in some respects, one more -- one more special interest group, whose tiny focus is the preservation of every iota, to the extent that some of the greatest architects in the city, including Calatrava, have said that great architecture has been shunted out of New York City for years.

So that's my response to the surprise that downtown residents aren't more preservationist.

LOUISE LO PRESTI: This is very counterproductive.

PETER GOELZ: John, please.

JOHN HOTOPP: I'm going to shift gears to the Hudson River bulkhead, which is one more stipulation that we've got, will be to run our trench through it, test it, see what's there, we don't know, and if it is there, we will do a recordation of it, it will probably be under the HAER standards, because it will be more of an engineering -- it will be a Historic

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American Building Survey -- provision in here and we will test it, see what's there and then record it.

BILL LOVE: I will just add our group is supportive of trying to preserve this.

I'm actually very surprised that we haven't heard much on preserving this resource from the preservationist community. This is something that would -- and I'm not knowledgeable on these matters, but would at least seem to be clearly a historic resource.

I know McClellan wasn't a great general, I don't know how he was at bulkheads. But all this focus on preserving the destruction, and here's something that has real historic meaning to it, and we've heard very little from the preservationist community on it.

JOHN HOTOPP: We will get a good look at it, because we don't have a lot of information about it. We have drawings and things like that, but we don't, really, have a lot of information about it.

KEN LUSTBADER: The groups that I respect, the LMPF, are on the

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record objection to the -- (inaudible) -- for the 9A project and specifically the one that deals with how it's mitigated here.

JOEL KLEIN: I will point out there are other projects that have been involved with affecting the Hudson River bulkhead. The Cross Hudson Table Project recently had to develop a memorandum of agreement.

There's extensive documentation and drawings available including an excellent study by Michael Greenberg, so you really have to do -- (inaudible) -- baseline available for dealing with impacts.

And I suspect that's the reason that some of the preservationist community has not been spending time on this.

JOHN HOTOPP: It would be nice to get an assessment of condition.

JOEL KLEIN: It's also a resource that's not visible.

JOHN HOTOPP: -- (inaudible) -- impacted, so we are not sure, and this goes back to the coordination issue that Charlene's concerned about. So we are going to see that

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going back and forth.

That leads me to other archaeological resources. That's our standard paragraph that there is a lot out there we may or may not know about and some areas where we've done testing and this provides a vehicle for collecting information to evaluate the resource and to see if it meets the criteria and, if so, what we are going to do about it.

It's not terribly detailed because, again, that whole section is not terribly detailed. We are not quite sure how that's going to go. It's pretty far out in the future.

And that gets me back to the earlier comments about LMDC and where we are.

They are not where we are, they are way behind where we are, and that's one of the difficulties we are having now is to coordinate the agencies back and forth and their impact, which they haven't figured out what -- I think the advantage we have is that we are the Port Authority, and we will be involved in our projects from soup to nuts.

Last point, temporary relocation

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of historic elements.

I believe you addressed that?

BILL LOVE: Right.

JOHN HOTOPP: I've cleaned the language up. That's basically just a vehicle to get things off site and then return them, if that's what the museum desires.

BILL LOVE: I will just give you my last two comments on the agreement.

On page 22 there is a Section B, "Public comments and dispute resolution."

This seems to be a somewhat confused section in that usually these sections will clarify exactly how disputes get resolved.

For example, the previous one on the prior page, "Objections to plans or reports about signatories," after talking about who will consult with who, has, at the end, "FTA will then take these comments into account in reaching a final decision concerning the dispute." But there is no such language in the Section B "Public comments and dispute resolution."

There's a lot of talk about who should consult, but there's no indication who

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would make the final decision. So maybe the answer is FTA again. If it is, I think you should repeat the sentence. But it leaves it sort of in a muddle.

And also, some of the language doesn't make it clear how the process goes.

Paragraph 1 says, "Port Authority will consult with the objector." I mean, does that mean a personal meeting?

And then paragraph 2 says, "Port Authority shall respond to the commenter within thirty days." So it's a bit muddled there where they talk about face-to-face meetings. So that's my comment on that paragraph.

My next comment relates to the point that was made earlier about who is the signatory to the agreement. And I know the intent is to not make -- or the apparent intent is for the LMDC not to be a signatory.

But on the other hand, if you just look at it physically, here's a page in the agreement, as part of the agreement, and they are signing. And the agreement should

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make it clear who the parties are and who the signatories are.

In fact, the same language -- the different words are used to refer to the same parties between pages 20 through about 23.

For example, on page 20, it talks about each party "agrees to cooperate with the other parties." But when you turn to the next page, they talk about the signatories.

So I think the way to solve that, if you are referring to the same groups, just use the words "parties" throughout and eliminate the word "signatories." That way, you cure that ambiguity, because you don't want it to be ambiguous.

And then what you could do, back on page 5 of the agreement -- I'm sorry, page 6 of the agreement, in the "Now, therefore" clause, where you say "FTA, SHPO, ACHP, and the Port Authority," you could insert the phrase, "as the parties to this agreement," just to really make it clear.

What I'm talking about is not substantive, it's just legal drafting. But there's no reason leaving legal ambiguities as

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to the role of the LMDC, and it's ambiguous now.

LOUISE LO PRESTI: I agree with that.

BRUCE EARHMAN: I agree with that.

CHARLENE VAUGHN: And I think a related comment.

B3 on page 22.

What happens if there is a dispute and the SHPO and the Port Authority can't resolve it and it goes to FTA, I think it should be clear what happens there.

And what basically happens is the matter is referred to the advisory council by the federal agency. We have no veto authority, so we would look at the issue and either issue staff comments or report to our board, as you would, and those comments go to the head of the agency, at which time the agency makes the final call. This is advisory in nature, and I think it's important to have that clarified here, what our role is, the people's expectations are.

JOHN HOTOPP: Okay. Thank you.

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What we've done is moved beyond stipulations, and I appreciate that because there are a lot of pieces of the document you haven't seen from earlier iterations and I appreciate the feedback.

PETER GOELZ: Comments are due the close the business on the 19th.

JOHN HOTOPP: I hate to come back to this, but we're going to do a 35 percent design, and we are going to put that information out, so that all of you people will be able to look at it and see it and add your comments as you do, because we felt it was important that you stay involved in the process as we're working on it.

Also, the 75 percent design later on.

CHARLENE VAUGHN: That's why I had made a comment earlier that there needs to be, maybe, a smaller working group. You know, we've suggested that you hire a qualified preservationist or preservation architect to be involved in the earlier stages of fleshing out design concepts. But it still may not be a bad idea to have a smaller group that you work with

for the 35 percent design, just so as not to have to drag this out and have a lot of conflicts.

If you know up front what people's issues are and try to work through them, I think it's much better than using that 35 percent design review to deal with a lot of horror where you are at.

JOHN HOTOPP: Okay. Thank you.

BRUCE EARHMAN: By the way, in terms of hiring a consultant, I agree with that too. And I just might suggest that you not hire a consultant in this instance because the consultant will be with you.

I do suggest that you consult the preservationist group for an architect, because I think if you hire an outside consultant, such as -- I'm just giving an example, he's a wonderful preservation architect, Bill Higgins, whose job it is to try to get things passed through community boards, it would be counterproductive. I think to hire the consultant, it really should be a preservationist architect.

PETER GOELZ: Okay.

JOHN HOTOPP: We are going back to the comment period.

We have extended that 21 days instead of 14, with the plan being that I would still like to have the SHPO have everybody's comments for at least a week before they render their final decision at their point, because I don't want them not to get the information and not be able to incorporate it into the decisions. But there will still be a 30/21 kind of split on that.

ANTHONY GARDNER: With all due respect, it's our position that the SHPO should recuse itself from this role and the National Conference of SHPO should take over.

We invoked a dispute resolution through LMDC's programmatic agreement, we didn't get a response for eight weeks. We were forced to file a lawsuit.

We got a letter over the weekend that SHPO will not speak to us because the issues that we want to address with them are involved in the litigation issue.

The SHPO will not -- is refusing to speak with consulting parties about concerns

and about a dispute resolution that was invoked.

We feel there's a very strong conflict of interest with Bernadette Castro in both roles as the vice chair of the Advisory Council on Historic Preservation and the head of New York State SHPO.

She said, back in January when this process began, she was going to recuse herself from one of those roles. She never did.

Frankly, we don't have very -- we don't have a lot of confidence in the SHPO, especially when we sit in all these meetings and hear comments that there's no place for them in these types of meetings, and they don't even set the record straight. I think that's very frustrating for us.

And I appreciate what Charlene Vaughn did.

ALBERT CAPSUTTO: I think there needs to be a comment about what happens in public comments and dispute resolution when one of the parties then gets into a lawsuit and then does the process move forward or not.

I would like to see, at the very least, if you have a way or a place to have dispute resolution within this document, that, you know, the people who then file a lawsuit doesn't prevent the process from going forward.

Because we have a situation here where you have people who are party to a process, who then file a lawsuit on that process, and then that process essentially gets stopped. And I think not all the consulting parties is to that interest.

ANTHONY GARDNER: It's never stopped.

CHARLENE VAUGHN: The point you make is one point, and most agreements under this resolution or public comments, it clarifies that all other aspects of the project that are not subject of the dispute proceed.

And I think in this particular scenario we need that level of clarity, so that if there is an aspect where there is conflict it doesn't hold up the project in its entirety.

RUTH PIERPONT: I would also like to say that that letter came from our chief counsel, so obviously this is a legal

issue.
We have reviewed this very carefully, we have given comments to Tim on that; we've had conversations with him.
The letter that you sent, as I recall, and I wouldn't swear to it, but it was specific to the issue that is in legal dispute right now, which is what -- I believe that's what he didn't want to speak to.
ANTHONY GARDNER: He spoke to the larger issue of concerns with the redevelopment, and particularly this disposition of the remains of the footprints, and that was clearly something that you should be able to continue to discuss with our groups.
RUTH PIERPONT: And we have been discussing it here. I mean, we have been talking to Tim about it and having discussions.
CHARLENE VAUGHN: And Anthony, just for the record, and also I think this might be useful for the FTA to know, we feel that the council's involvement in this probably will be more long-term than we anticipated, just on the basis of the LMDC agreement.
It's clear to me you can't do

this and then run away and retreat, which is typically what we do. So we need to talk internally about what mechanisms we may have to work with SHPO on the design review.
We have council members who are architects and everything, so we may just need to talk to our chairman about opportunities to work them on this project with us, and that's something that we are willing to explore in the next week or two before this agreement is finalized.
I don't think it needs to be written in here, per se, but you all should know what our intent is to have an ongoing and continuous presence in the follow-up and post-MOA reviews.
PETER GOELZ: If we could, I think we've got to move to Lou Menno.
John, are you about done?
JOHN HOTOPP: No.
But very quickly, the E train and so forth. Every one of these --
PETER GOELZ: Because people want to go on this tour, I assume. That's a high priority.

JOHN HOTOPP: Where are we?
JOEL KLEIN: John?
JOHN HOTOPP: A final treatment plan --
JOEL KLEIN: One item, real quickly.
JOHN HOTOPP: Yes.
JOEL KLEIN: I would like you to consider some alternative mechanism besides just posting things on the Web site.
That, I can see all kinds of potential problems with. We are talking about large scale drawings and people not being able to print them out to work with.
I really would urge you to, at the very least, make available, to consulting parties who request it, hard copies. I don't necessarily want to burden you with sending them out to people who may not be interested in seeing them. But if requested, really, something better than the Web site.
JOHN HOTOPP: I see. Once things have been posted on the Web site, then people who are really interested could call in or write in.

JOEL KLEIN: Exactly.
JOHN HOTOPP: This is the same thing for archaeology. This is pretty much a recap of everything we were talking about. Again, the elements being removed temporarily.
On the 19th, you owe us some comments. We've got a very extensive rewrite to do to this draft, and we've gotten an awful lot of good feedback from an awful lot of people, so we will be working pretty hard on this one.
So there we are. We are heading towards the final, and we are probably an iteration or two away, I'm not sure. But we are a lot further along.
ANTHONY GARDNER: Two quick comments.
We think it would be important for you to include an inventory, once you complete the recordation of the remains of the footprints, to include that somehow in the MOA, because right now in the MOA you only discuss the individual columns that outline the footprints and there's no discussion of the core column remnants or other artifacts that

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are within the outlines of the footprints.
And also, I would ask that you have a meeting for the consulting parties when you take in all our comments and you create a final version so we could all come together and discuss it as well, because I know a lot of us were very frustrated with the way LMDC's agreement was signed, without giving us a chance to go in and see what comments they incorporated and be able to comment on that further.
JOHN HOTOPP: Okay. Thank you.
I'm going to give it back to Lou.
KEN LUSTBADER: If you could go back to the other slide.
TIMOTHY STICKELMAN: For the contact information.
JOHN HOTOPP: I'm sorry.
PETER GOELZ: Peter, can you come up and we'll get this tour going?
PETER RINALDI: Thank you.
I'm Peter Rinaldi. We've been working trying to clean the footprints off, we had a little bit of a setback the other day, on

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Friday, the weather, we had quite a bit of rain.
I will tell you right now that the site is still partially under water, it's been draining over the Weekend and we've been pumping the site, but there's quite a bit of ponded water, especially since we've removed hundreds of yards of fill where the water used to accumulate below and drain. So right now there's a lot of low areas on the site.
So we will take you down today. I will make another date available this week. This week's supposed to be fairly dry, so hopefully the site will dry out a little better, and I'd like to schedule and make a date available on Friday morning or afternoon, if morning or afternoon is better a indication for those.
BRUCE EARHMAN: Afternoon.
PETER RINALDI: We can try to make it in the early afternoon on Friday. It should be fairly dry by then.
What I would like to do now is we will leave here, we will meet by Gate 7, which is, if you go down Liberty Street, which

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is right out in front of the building across by the corner of the site, follow that down as far as you can go, there is a gate there, Gate 7, we will meet in there and assemble and take you down into the site.
I will tell you that the site is very rough, so be careful. Those of you that don't have boots on, we have rubber boots, and you can avail yourselves of those, in terms of water, and then we will escort you around.
We will show you what we have cleaned off so far, and as we've been cleaning it -- the water has been there so it's been quite muddy, but some of the features are exposed on the footprints and some of the core columns and some of the areas we've discussed you can begin to see.
I will tell you that you are going to see a lot of areas there that are muddy in soil. That's because the footprint area was partially destroyed during the collapse of the Trade Center, so in areas where there was no slab, it got destroyed, so there's actually gravel there and soil, and in some areas there is the slab and you will see that

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combination. You can't sweep and clean off the areas where there is no slab; it's just soil and gravel.
CHARLENE VAUGHN: Is there any way to get a visual from this? I forgot all about the tour, not getting the e-mail. Is there any way to look out the window and get a panoramic view?
PETER RINALDI: You will probably see the details closer up today.
You can, when it's swept a little bit, see an outline of the details as it gets clean this week.
CHARLENE VAUGHN: But not now.
PETER RINALDI: It would be difficult.
BRUCE EARHMAN: I didn't get an e-mail follow-up.
ALBERT CAPSUTTO: A lot of us didn't.
BRUCE EARHMAN: It seems very important. I get huge attachments, but for this tour there was no follow-up, which is bizarre.
TIMOTHY STICKELMAN: We sent it

three times. Apparently there was a problem with the e-mail. We sent it from a different office, I forwarded them, so I don't know if there is something wrong on our end. We are looking into it to find out what happened.

BRUCE EARHMAN: So for the next one, can you make sure that people received it, like putting a received option on your e-mail?

BILL WONG: I would suggest that if you have questions -- there is no problem with us getting incoming e-mails. If there's any further issues, please e-mail your questions to Margie Morera.

BRUCE EARHMAN: Let's pick a time today and also a contact. Is that possible?

BILL WONG: I don't know if there are other consulting parties that are not here today that may have other preferences, but early Friday afternoon, based on some of the feedback.

PETER RINALDI: 1:00 p.m. Friday afternoon.

BRUCE EARHMAN: 1:00 p.m. Where do we meet?

PETER RINALDI: At the same place.

BRUCE EARHMAN: We won't be there, so I don't know where we are meeting.

PETER RINALDI: Gate 7, which is at Liberty Street and Washington Street. There is a gated entrance there.

CHARLENE VAUGHN: Tim, I would like to suggest something for expediency sake.

After the 19th, is there any way you could all try to summarize the comments you received and share them with the consulting parties so that as we see future iterations of the MOA we will have some sense of what any changes or revisions are based on?

Because, in the absence of that, it requires us to do too much talking and coming together. I like meetings, but I think they should be very focused, and I think a summary of the comments and then how you revised or didn't address them in the agreement helps them, and then we, like Betsy, can participate by phone.

BETSY MERRITT: Okay.

TIMOTHY STICKELMAN: Okay.

CHARLENE VAUGHN: And then having a time frame for when we could expect those would also let those of us who are moving into the holiday plan around it and anticipate receiving documents from you.

TIMOTHY STICKELMAN: When we get all the comments we will see what they are and we will figure out a way to summarize them.

CHARLENE VAUGHN: Great.

ANTHONY GARDNER: Charlene, you mentioned if you are able to view the footprints from afar and see the outlines.

At least the day of the closing ceremony, May 30th, 2002, that was possible. We've heard that they have filled in portions of the (inaudible) columns with concrete.

So far as filling in individual columns remnants, we are a little concerned how pronounced the outlines are.

But I would just hope -- where is Mr. Hotopp? -- I would just hope -- and I'm sure this is a no-brainer, you are not doing the recordation until the site's -- the conditions are perfect; right?

JOHN HOTOPP: You are right. It

is a no-brainer.

ANTHONY GARDNER: I don't want you doing it now while it's half flooded.

PETER GOELZ: Okay. Let's pick a time certain. 12:30.

BILL WONG: Anybody that needs to pick up the hard copies of the documents,they are here.

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(Consulting Parties Meeting Adjourned.)

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Appendix H-5: Written Comments from Section 106 Consulting Parties

WRITTEN COMMENTS ON THE OCTOBER 20, 2004 DRAFT MEMORANDUM OF AGREEMENT

- Gardner, Anthony, Coalition of 9/11 Families. Letter dated November 18, 2004.
- Gaull Howard, Dr. Marilyn. E-mail (not dated).
- Kornfeld Jr., Robert, The Historic Districts Council. Letter dated November 12, 2004.
- Kornfeld Jr., Robert, The Historic Districts Council. Letter dated November 19, 2004.
- Love, William C., Jr., Coalition to Save West Street. E-mail dated November 19, 2004.
- Lustbader, Ken, Lower Manhattan Emergency Preservation Fund. Facsimile dated November 19, 2004.
- Martine, David, Shinnecock Nation Cultural Center and Museum. E-mail (not dated).
- Merritt, Elizabeth S., National Trust for Historic Preservation. Letter dated November 22, 2004.
- Sutphin, Amanda, New York City Landmarks Preservation Commission. Memorandum dated November 19, 2004.
- Weisbrod, Carl, Alliance for Downtown New York, Inc. Letter dated November 19, 2004.

WRITTEN COMMENTS ON THE DECEMBER 16, 2004 DRAFT MEMORANDUM OF AGREEMENT

- Gardner, Anthony, Coalition of 9/11 Families. E-mail dated December 22, 2004.
- Kornfeld Jr., Robert, The Historic Districts Council. Letter dated December 23, 2004.
- Love, William C., Jr., Coalition to Save West Street. E-mail (not dated).
- Lustbader, Ken, Lower Manhattan Emergency Preservation Fund. Facsimile dated January 3, 2005.
- Merritt, Elizabeth S., National Trust for Historic Preservation. Letter dated December 31, 2004.
- Yaro, Robert D., Regional Plan Association. Letter dated December 22, 2004.

WRITTEN COMMENTS ON THE MARCH 22, 2005 DRAFT MEMORANDUM OF AGREEMENT

- Hall, Craig. A, World Trade Center Residents Coalition. Facsimile dated March 31, 2005.

- Kornfeld Jr., Robert, The Historic Districts Council. Letter dated March 30, 2005.
- Love, William C., Jr., Coalition to Save West Street. Letter dated March 26, 2005.
- Lustbader, Ken, Lower Manhattan Emergency Preservation Fund. E-mail dated April 1, 2005.
- Merritt, Elizabeth S., National Trust for Historic Preservation. E-mail dated March 30, 2005.
- Stanke, David, BPC United. Letter dated March 31, 2005.

NOV 19 2004

Coalition OF 9/11 FAMILIES

November 18, 2004

Mr. Bernard Cohen
Director
Lower Manhattan Recovery Office
Federal Transit Administration
One Bowling Green, Suite 436
New York, New York 10004

RE: WORLD TRADE CENTER TRANSPORTATION HUB
(PERMANENT WTC PATH TERMINAL)
OCTOBER 20, 2004 DRAFT MEMORANDUM OF AGREEMENT

Dear Mr. Cohen:

The Coalition of 9/11 Families (the Coalition) has prepared the following comments on the draft Memorandum of Agreement (MOA) between the Federal Transit Administration (FTA), the New York State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (ACHP) and the Port Authority of New York and New Jersey (Port Authority). Although we have been directed to send comments to the Port Authority, we are addressing them to you as the representative of the responsible lead federal agency under the Section 106 process. A copy of these comments is being sent to the Port Authority.

Detailed comments are attached. However, there are several major points and concerns that are of such overriding importance to the Coalition. These items go to the heart of how the proposed MOA is structured.

- The Coalition believes that the SHPO should recuse itself from further proceedings and should not be a party to the MOA. The Coalition has come to this conclusion based on the following:

    1. The New York SHPO, Commissioner Bernadette Castro, indicated in an interview with the *New York Times* that she was considering recusing herself from the process because of potential conflicts associated with her dual roles as both SHPO and Vice Chair of the ACHP.

    2. The SHPO has demonstrated an inability to respond in a timely manner to the Coalition's invoking of the dispute resolution clause of the Programmatic Agreement for the Lower Manhattan Development Corporation's World Trade Center Memorial and Redevelopment Plan project. The failure of the SHPO to respond within a reasonable period of time to the Coalition's concerns has forced the Coalition to initiate legal proceedings which are being reviewed in Federal District Court.

3. On November 15, 2004 the Coalition received a letter from the SHPO's counsel indicating that the SHPO would not communicate with the Coalition on any of the matters relating to the lawsuit. At least some of the issues in contention relate directly to some of the provisions in the Draft MOA.

4. The Coalition believes that throughout the Section 106 processes for the various downtown Manhattan redevelopment projects, the SHPO has abdicated its role as defined in ACHP regulations, and in the National Historic Preservation Act, and instead has been acting to further the development goals of its sister New York State agencies including the LMDC, the Port Authority and the New York State Department of Transportation without regard to the effects of those undertakings on the World Trade Center Site.

- The Draft MOA contains wording referring to the EIS for the Project. The Final EIS for the Project has not yet been issued. The Draft MOA has assumed that a particular Project alternative, specifically the Alternative calling for a 5-track, 4-platform system will be the final design alternative. Stipulation IB, in particular, contains detailed language based on the assumption that 5-track, 4-platform alternative will, in fact, be what is constructed. The Coalition is reviewing the back-up data provided to the Consulting Parties on November 15 which purports to justify the selection of the 5-track, 4-platform alternative. However, based on a very preliminary examination of that data it appears that the Port Authority's own analysis indicates that Project objectives can be met with a 5-track, 3-platform system that would meet the criteria and standards for platform clearance and crowding set forth in the *Transit Capacity and Quality of Service Manual*. Given the requirements of Section 4(f) of the Department of Transportation Act we believe that there is a strong likelihood that the FTA will not be able to support the Port Authority's selected alternative. The proposed language in Stipulation IB cannot be finalized until this matter is settled.

- The Draft MOA fails to adequately address the issue of cumulative effects. At the November 15, 2004 meeting of Consulting Parties you advised us that our informal suggestion that the LMDC be a signatory to the Draft MOA was not acceptable. Unfortunately, in the absence of a legally binding commitment from LMDC to honor the preservation commitments and mitigation measures set forth in the Draft MOA, there is no basis for assuming that any of the FTA/Port Authority commitments will be meaningful, since LMDC will be free engage in actions that would render them moot.

We look forward to continuing to work with you, the FTA and the Port Authority in resolving our concerns. We firmly believe that a mutually acceptable solution(s) are possible. To date there have been at least two cases—the Vesey Street Stairs and the E-train subway entrance—where Port Authority engineers have, after urging by the Consulting Parties, found mutually acceptable solutions to problems that those same engineers initially termed unsolvable.

Sincerely,

Anthony Gardner, Executive Board Member, Coalition of 9/11 Families

cc: A. Cracchiolo (Port Authority)
M. Morera (Port Authority) *via email*
J. Nau (ACHP)
R. Pierpont (OPRHP)
R. Lippes, Esq.

WORLD TRADE CENTER TRANSPORTATION HUB (PERMANENT WTC PATH TERMINAL), OCTOBER 20, 2004 DRAFT MEMORANDUM OF AGREEMENT PURSUANT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

ADDITIONAL COMMENTS OF THE COALITION OF 9/11 FAMILIES

Page 1. The WHEREAS clauses should include mention of the fact that a temporary PATHWTC Station was constructed and is operating, and that the proposed undertaking is a replacement for that temporary station.

Page 1. The fourth WHEREAS clause refers to the "EIS." No Final EIS presently exists. This clause should refer to the "Draft EIS."

Page 2. The first WHEREAS clause should describe the nature of the consultation between the SHPO and the ACHP.

Page 2. The second WHEREAS clause states that the Project "may" have an adverse effect on certain historic properties. It is our understanding that FTA has already determined that the Project *will* have an adverse effect. This language should be changed accordingly.

Page 3. As worded, the first WHEREAS clause, while strictly correct, incorrectly conveys the impression that all the Consulting Parties are satisfied with the final Coordinated Determination of Eligibility.

Page 4. The second WHEREAS clause should be revised to reflect the fact that certain WTC artifacts under the Port Authority's control are in locations other than Hanger 17.

Page 4. The fourth WHEREAS clause should acknowledge that protecting and preserving historic properties in the Project area is apparently not a key goal or objective of the Project, even though virtually the entire project area is located within the limits of a nationally significant historic site.

Page 4. The fifth WHEREAS clause should refer to the *Draft* EIS.

Page 5. The second WHEREAS clause should identify what office or division of the National Park Service will be asked to review design plans. It should also identify by date or by milestone when this will take place.

Page 5. The third WHEREAS clause lists the Final EIS as one of the documents the public was provided an opportunity to comment on. No Final EIS has yet been issued. The Port Authority has suggested that the MOA will be finalized relatively soon. As the Final EIS has not been issued and the comment period has not begun, the impression has been conveyed that the MOA will be finalized before the Final EIS is issued.

Page 7. Stipulation I, introduction. How the Port Authority will coordinate treatment of historic properties with LMDC must be described in detail. The Port Authority has previously stated at Consulting Party meetings that it did not know how LMDC activities would affect certain historic resources that the Port Authority was committed to preserving. This goes to the heart of the Coalition's concerns about how cumulative impacts will be addressed.

Page 7, Stipulation IA1, line 1. The use of the word "resolve" is curious. Adverse effects will not be resolved by anything proposed in the draft MOA. They will be addressed and/or mitigated.

Page 7, Stipulation IA1, line 4. The Coalition continues to maintain that Level I standards for HABS/HAER recording should be applied, as is appropriate for a historic property that is being considered for, and will certainly receive, National Historic Landmark status.

Page 7, Stipulation IA1, line 6. Reference is made to photographs of historic features "as they currently exist." This is very unclear. Based upon our November 15, 2004 site visit, the Coalition believes that some features, notably the Twin Tower footprints, have been altered by Port Authority activities subsequent to the end of the recovery period on ~~June~~ May 30, 2002. The WTC site continues to undergo change on a daily basis. For these reasons the term "currently" is meaningless. Any photographs of the Twin Tower footprints must be taken only after the footprints have been restored to their appearance on ~~June~~ May 30, 2002.

Page 7, Stipulation IA1, line 7. The word "or" should replaced with "and." To the best of our knowledge there are no "existing drawings of current conditions." The Coalition has maintained that such drawings should be prepared as part of the HABS/HAER recording of the WTC Site. Any such drawings will clearly be very different from drawings of "pre-9/11 conditions." As worded, Stipulation IA1 implies that one type of drawing can substitute for the other. This is clearly not the case.

Page 7, Stipulation IA1, last sentence. It is unclear what is meant by the phrase "coordinate the photographic effort" with the photographic efforts of LMDC. It is the understanding of the Coalition that LMDC has essentially completed their photographic program at the WTC Site. Does the Port Authority intend to merely adopt those photos as a means of satisfying the requirements of the MOA? If so, this is not acceptable to the Coalition.

Page 7, Stipulation IA2. As noted in our cover letter, the Coalition believes that the SHPO should not be involved. The Port Authority should consult with HABS/HAER. This stipulation needs to be clarified to note which office(s) of HABS/HAER will be consulted.

Page 8, Stipulation IA3. It is unclear whether completed documentation is being "submitted to SHPO" or being "submitted to SHPO for consideration." If the latter, consideration for what? Presumably, HABS/HAER will consider whether or not to accept the documentation based on whether or not it satisfies HABS/HAER standards. HABS/HAER has previously refused to accept documentation of the World Trade Center Site submitted by the Port Authority on behalf of LMDC because it did not conform to their standards. This could have been avoided had LMDC properly consulted with HABS/HAER prior to compiling the documentation.

Page 8, Stipulation IB1. The statement that the Port Authority will implement this stipulation (which relates to the Twin Tower footprints) "in a manner consistent with the 'Memorial Access Commitments' contained in the LMDC Programmatic Agreement" is unacceptable. This statement presumably trumps all commitments made in other stipulations in the draft MOA rendering them meaningless. If it is not intended to do so this must be made very clear. This goes to the heart of the Coalition's continued concern over how cumulative effects are being treated. As the property owner, the Port Authority should have final say over this matter and should not be relinquishing its right to make binding commitments over how the Twin Tower footprints will be dealt with to the LMDC.

Page 8, Stipulations IB2a and b. Reference is made to "temporarily or permanently" removing tower perimeter column remnants. Either would constitute an adverse effect that has not been previously addressed. If permanently removed what would happen to these features?

Page 8, Stipulation IB2. As worded, this Stipulation does not reflect the most recent proposal of the Port Authority to allow some tower perimeter column remnants to remain visible from the proposed Platform D. Should the Platform D alternative, as proposed by the Port Authority, become the final selected alternative, this Stipulation will have to be revised to reflect newly proposed mitigation measures.

Page 9, Stipulation IB2b. The phrase "potentially accessible" must be defined or the modifying adjective "potentially" deleted. The wording could just as easily have been "potentially not accessible." Both phrases have exactly the same meaning and both are irrelevant as the Stipulation leaves the final decision to the LMDC.

Page 9, Stipulation IB3. As noted above, the MOA must discuss what will happen to any column bases that may be permanently removed.

Page 9, Stipulation IB5. The draft MOA does not adequately describe how the footprints will be protected while covered by the temporary PATH track. A detailed resource protection plan specifying how protective covering will be placed and removed from affected areas is needed. This plan need not be part of the MOA, but the MOA should call for its preparation and review for comment by Consulting Parties.

Page 9, Stipulation IB6. The MOA needs to clarify the relationship between elevation 242 and the elevation of "bedrock."

Page 10, Stipulation IB7. The *removal* of the fill that covered the Twin Tower footprints can in no way be categorized as a mitigative measure. The Coalition notes that as of November 15, 2004 this fill has already been removed. The Coalition has serious concerns about how the placement and removal of this fill has already affected the Twin Tower footprints. The Coalition went on record months ago as recommending that a construction protection plan be developed for the WTC Site. The MOA must include provisions for the preparation and implementation of such a plan. It should also provide the Consulting Parties an opportunity to review and comment on such a plan before it is adopted.

Page 10, Stipulation IB8. Much of the discussion in the introductory paragraph has been rendered moot by the Port Authority's November 15, 2004 presentation to the Consulting Parties. While platform architectural treatment remains a possible mitigation measure if combined with other measures, the Coalition notes that this will be required only if a project alternative including Platform D is selected as the final alternative.

Page 10, Stipulation IB8a. Consulting Parties who request to be involved should be included in consultations related to the development of design plans. [This comment also applies to Stipulations IC1b and 1D1b].

Page 10, Stipulation IB8b. Making design plans available to the Consulting Parties only via the Project website is unacceptable. Downloading large-scale drawings from the Internet can be time consuming and will be impossible for some users. Downloading full-scale copies of oversize drawings will also be impossible for some Consulting Parties. The Port Authority must make

available full size hard copies of these drawings to at least those Consulting Parties that request them. [This comment also applies to Stipulations IC1b and 1D1b].

Page 10, Stipulation IB8b. The language in this section should be reworded to make clear "design plans" refers to both preliminary (35%) and pre-final (75%) design plans. [This comment also applies to Stipulations IC1b and 1D1b].

Page 10, Stipulation IB8b. Fourteen calendar days is two short a period to allow for meaningful comment. It is our understanding that the Port Authority has already proposed changing this to 21 days.

Page 10, Stipulation IB8c. It is unclear why the limitation on review comments is included. The FTA and Port Authority should welcome any constructive comments on any matter relating to the project no matter when the comment is made. [This comment also applies to Stipulations IC1b and 1D1b].

Page 10, Stipulation ID1. This stipulation should be reworded so that the prerequisites for making a portion of the slurry wall visible from within the Terminal become obligations of the Port Authority. This stipulation should commit the Port Authority to making a portion of the slurry wall visible and each of the prerequisites should become requirements that the Port Authority agrees to abide by.

Page 10, Stipulation ID1. The last sentence should be eliminated or revised. It seems likely that the corridor enhancement proposed by the Port Authority will be designed long before the LMDC can make available the design information on their project needed for meaning coordination. As the potential exists that the Memorial will never be built or will not be built in the manner presently conceived, the Port Authority should not make any of its proposed treatment of historic properties at the WTC Site contingent upon LMDC activities. Once again this goes to the Coalition's concerns about how cumulative impacts have been addressed.

Page 10, Stipulation IF. This Stipulation should include a commitment by the Port Authority to actively attempt to identify those artifacts that were removed form the site so that a comprehensive inventory can be made. The Coalition notes that at least one instance is known where artifacts not presently in Port Authority custody have been identified as having been donated by the Port Authority Police Department to the current "owner."

Page 10, Stipulation IF. Last sentence. Quarterly, not semi-annual, reports should be issued.

Page 19, Stipulation VIA1. The Consulting Parties, as well as FTA and SHPO should be notified.

Page 19, Stipulation VIA2. The Consulting parties should be involved in developing the plans for removing historic elements, safeguarding them, and returning them to the WTC Site. The Consulting Parties should be permitted to observe the removal of these elements if they wish.

Page 19, Stipulation VIA2, 3 and 4. As noted in our cover letter, we believe that the SHPO should recuse itself from review responsibilities called for by the MOA. The SHPO's role should be assumed by the ACHP and/or the FTA.

Page 19, Stipulation VIA5. Those Consulting Parties who request to be notified should be notified when temporarily removed elements will be returned to the WTC Site. Those Consulting

Parties requesting it should be afforded the opportunity to observe the replacement of these elements to insure that the work is done properly and in a respectful manner.

Page 19, Stipulation VIA6. Keeping the Consulting Parties informed about the implementation of Stipulation VI should be done via e-mail. Relying on the Project website places an unfair burden on the Consulting Parties requiring them to constantly check the website for updates. This comment is not meant to imply that information should not be posted on the website, only that the Consulting Parties should be notified via e-mail when updates become available.

Page 19, Stipulation VIA2, 3 and 4. The Coalition believes that the SHPO cannot be relied upon to monitor the activities carried out pursuant to the MOA. The Coalition recommends that an outside party, acceptable to the FTA, the Port Authority and the Consulting Parties be identified to carry out this function and that the costs of such an outside monitor be paid for by the Port Authority. The monitor should be responsible to both the Port Authority and the Consulting Parties.

Page 21, Stipulation IXC. Reporting should be on a quarterly, not semi-annual basis. The draft MOA is unclear about how the Port Authority will "make this report available" to the Consulting Parties. This must be clarified.

Page 21, Stipulation XA. It should be made clear that signatories (as distinct from parties to the MOA) may include Consulting Parties. The ACHP or FTA should be substituted for the SHPO in the dispute resolution process.

Page 21, Stipulation XB1. The phrase "timely and substantive" is highly subjective to varying interpretations. It should be precisely defined.

Page 25. It is unclear what is meant by LMDC's "concurrence." LMDC is not a party to the MOA. LMDC should have the role of signatory (as distinct from party) to the MOA along with all other Consulting Parties requesting that status.

Exhibit A. The shading is confusing.

Exhibit D. This exhibit is presumably intended to list the HABS/HAER photography proposed. One or more vertical (non-oblique) overhead shots should be included. Additional non-HABS/HAER photography should include photographs of each individual box beam support beam and each other feature identified within the footprint perimeters. These will provide baseline photographs which can be used to determine if features are damaged during construction, can provide a basis for restoring damaged features, and will be necessary to insure that box beam column remnants that are temporarily removed for PATH construction will be replaced to as close as their original appearance as possible.

Exhibit D. The Exhibit calls for six typical views of Tower Footprints. As no photos of individual box beam column remnants are proposed we assume that this is what is being referred to. HABS/HAER photographic documentation must include photographs of the footprints in their entirety.

106 comments
Marilyn Gaull Howard
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Representing the Coalition to Save West Street, we are, in fact, the only group representing Battery Park City South, about 10,000 residents many of whom also lost relatives in 9/11 or are actually survivors who remained in the neighborhood. The families in our neighborhood are not affiliated with the group which has assumed the voice of the victims for obvious reasons. Our neighborhood includes children, the elderly, and a huge population of people who go to work, all of whom need transportation out of Battery Park City. We all used the WTC before 9/11.

Now nearly all transportation is inaccessible—the proposed tunnel, in any design, would make it less accessible. So, first, we need access. The proposed memorial would cut us off from your transportation center and we would be limited to the alleys which now exist, with more construction, more pollution and danger.

Secondly, we need safety, no tunnels, alleys, or temporary bridges. We need to restore the safe access we had with two permanent bridges over the West Side Highway, wide, covered, with escalators that work.

Third, we need community, to have the sheltered center we enjoyed in the WTC restored with underground retail and all the amenities that made the neighborhood work. This does not make us economic opportunists. Rather, we simply want to restore our community.

Fourth, we need to recover. For the past three years we have born witness, daily, two or three times a day to this tragedy that many of us will never recover from, either because we lost family or barely survived ourselves. To those of us who lived it, to re-live it by going into the pit or worshipping the slurry wall and smoke-streaked remains, is gruesome and pointless, emotional self-indulgence. We need access which is emotionally as well as physically safe, not through the memorial or past the gruesome and incidental remains. We have our own remains; no one wanted them.

Fifth, we do not believe that the words "sacred" or "hallowed" are appropriate. To those of us who survived, it is a crime scene, where our neighbors were murdered or injured and which has altered our lives forever. It is sacred only to the religious fanatics who found martyrdom there or to the "dirt-worshippers," godless and emotionally warped people who believe that their loved ones are in the dirt, the foot-prints as they call them, or at Fresh Kills, and not in their hearts or in heaven or in some other appropriate spiritual state. They do a disservice to their loved ones and are implicating all of us in it. We don't know how or why anyone decided that the footprints were sacred, but they are not and are of no more interest to us than the damaged property we discard, the ashes and dust we inhaled, the human remains we found in our living rooms and on our window sills.

Finally, we need to recover our neighborhood from the politicians, bureaucrats, architects, lawyers, the LMDC, and these so-called "families," everyone who has a made a business of our tragedy, who would not exist were it not for the deaths of our neighbors and the destruction of our neighborhoods.

The only agency that has so far been able to offer any vision of recovery is PANYNJ. Your plans are stunning—however many platforms you propose. There cannot be enough as far as we are concerned. The terminal itself is a far better memorial than anything that has been planned at the site. From the very first presentation at CB1, I was convinced that this agency is the only one capable of directing the rebuilding, and I have said it often. The level of professionalism along with your patience is inspiring. But, we need access from BPC south; we do not need a memorial.

What the LMDC and "families" decided was historical is arbitrary, decisions by people who weren't there, either before or after, and have no understanding of what matters. Please get on with your work and do the right thing. I don't know anyone else who can.

Marilyn Gaull Howard
350 Albany Street 3Q
NY, NY 10280

HISTORIC DISTRICTS COUNCIL

THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

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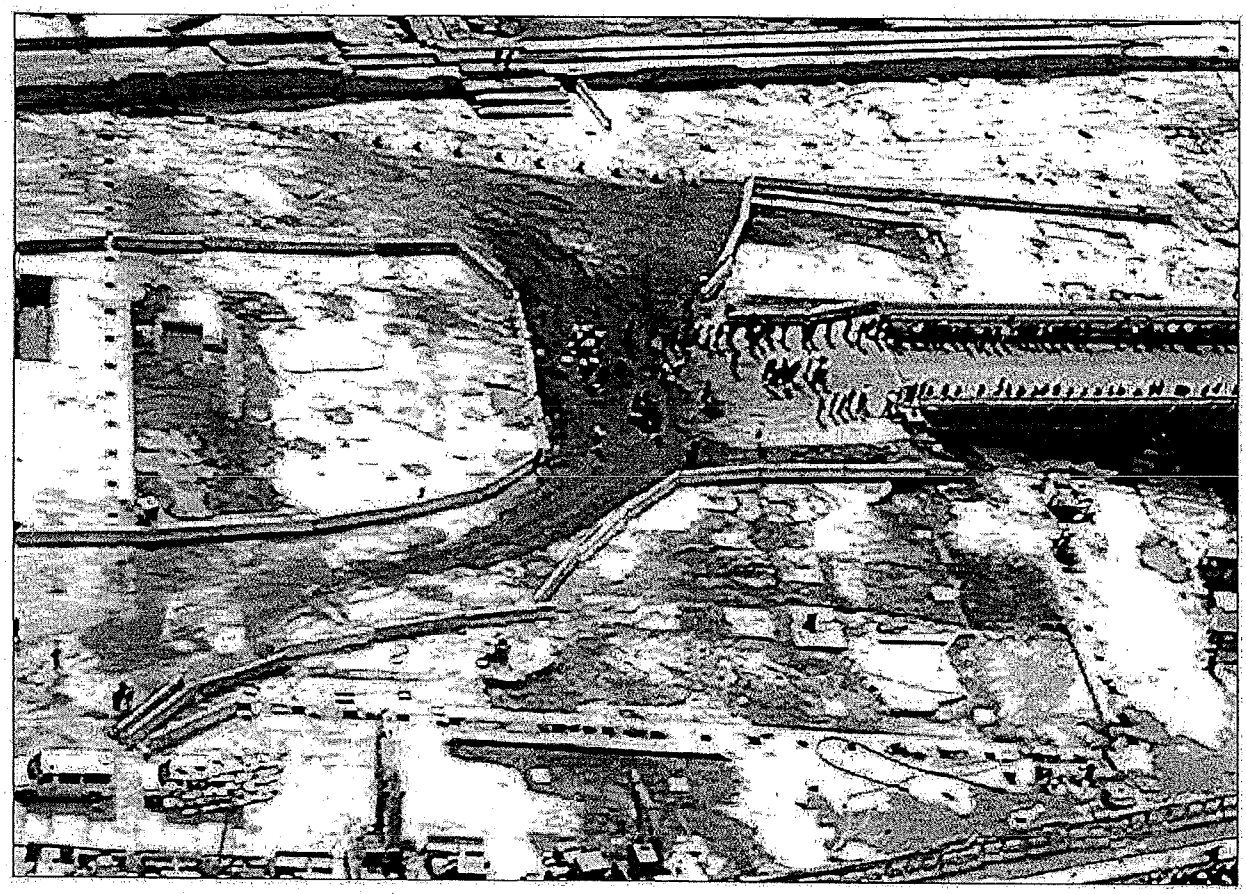
NOVEMBER 12, 2004 COMMENTS REGARDING THE SECTION 106 REVIEW FOR THE PERMANENT WTC PATH STATION (Revised November 19) NOT FOR RELEASE

Daniel Libeskind has described the preservation of the "BEDROCK FOOTPRINTS," the heart and soul of his original scheme, as, "REVEALING THE HEROIC FOUNDATIONS OF DEMOCRACY FOR ALL TO SEE." The attacks of September 11, 2001 sent the towers crashing to earth, but in the profound depth of the World Trade Center site these foundations remained, embodied in the steel column bases, concrete and bedrock of the tower footprints, a monument to the endurance of our nation and a national shrine for ages to come.

Partially uncovered ruin of 1 WTC in June 2002, showing perimeter column bases, core column bases, concrete slab features and areas where falling steel damaged the concrete, opening the foundation to bedrock beneath. The barricaded hole near the bridge apron is the elevator pit of car #50, the freight car that served every floor.



Partially uncovered footprint of 1 WTC during the closing ceremony on May 30, 2002. Note concrete slab features such as column bases, equipment pads, condensate return trenches and pits, and of particular significance, concrete elements damaged by the falling structural steel of the tower.

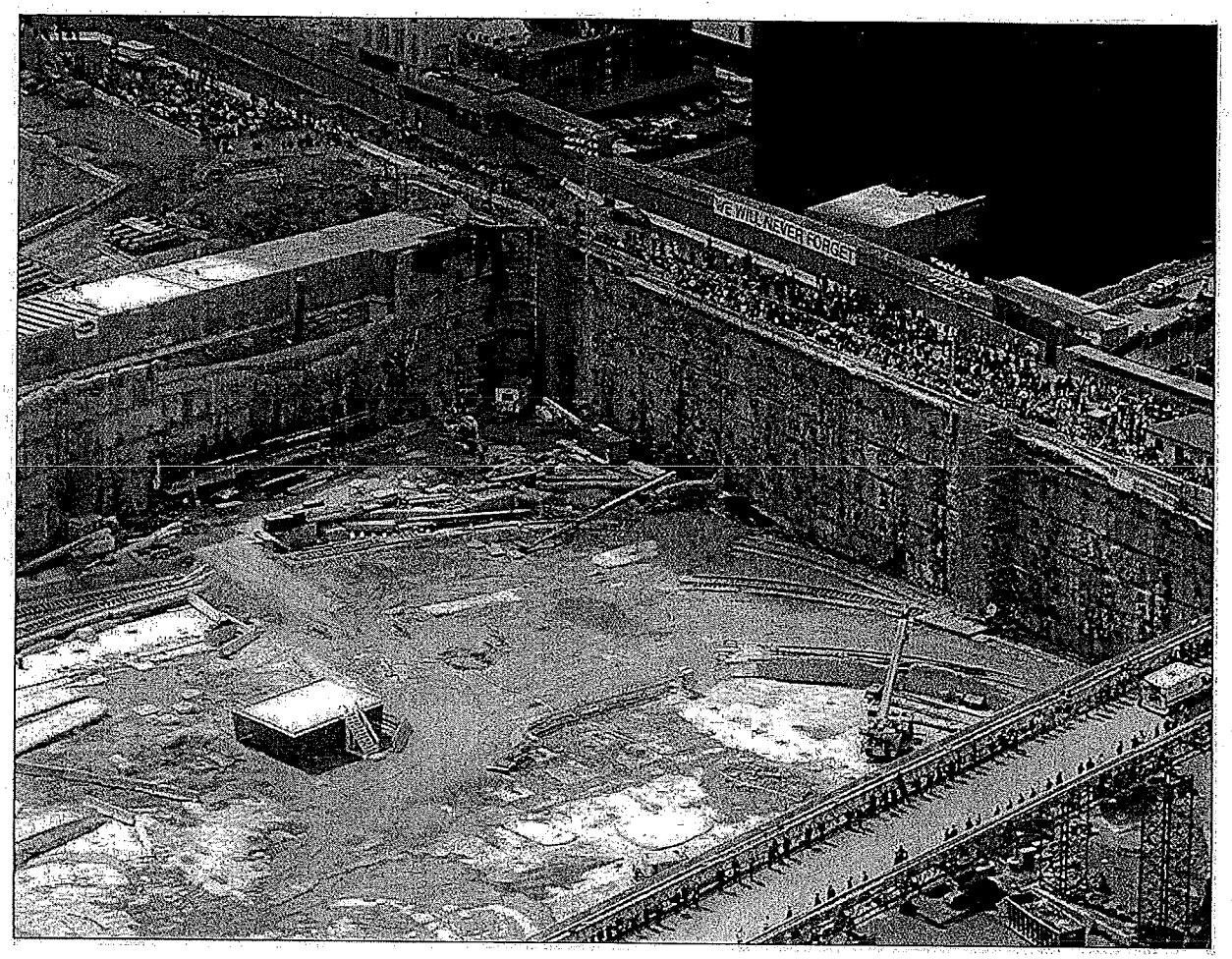
For more than two years the tower footprints have been hidden beneath fill while temporary construction projects progressed. There was an initial focus on the tower footprints: the Libeskind design was organized around the footprints, and the temporary PATH station did not encroach. Governor George Pataki said that where the towers stood was sacred ground and pledged that we would never build where the towers stood.

The features of the footprints were only partially revealed by the gross demolition methods of the WTC Emergency Operation, as shown in the photos herein, which were taken around the time of the closing ceremony in the spring of 2002. Documentation should have begun at that time. I urged it strongly starting more than one year ago in documents furnished to the PANYNJ, SHPO and NPS. Now that the formal documentation of the footprints has finally started it should be performed properly and not rushed through in a perfunctory manner.

Site preparation for HABS/HEAR recordation should accomplish the following:

1. Clean materials sufficiently that size, color, texture and material of each component is apparent, i.e. steel, concrete, bedrock. It is feared that machine brushing alone may leave components covered with dust or residue that will mask their character.

2. Remove fill, new concrete rat slabs and other foreign materials sufficiently to permit the ruin to be seen in full relief, i.e. revealing various levels of concrete slabs, edges



Partially uncovered footprint of 2 WTC during closing ceremony, May 30, 2002. The column bases are most apparent at the southwest corner of the perimeter and core, and at the northeast corner of the perimeter, where the columns have an atypical configuration due to accommodation of the PATH tracks. The darkened area to the right of the podium is where the Flag Column (aka Final Column) had been cut down two days prior.

of column bases and damaged slabs, recesses within column bases, and areas where stone of the underlying bedrock is revealed. It is feared that the methods employed may leave the footprints looking flat and featureless which would be entirely misleading.

3. Identify adverse effects that have already taken place since the end of the period of significance.

4. All of the 2 WTC footprint should be documented in drawings, even if the portion over which the tracks pass cannot reasonably be uncovered at this time. The east portion of this footprint is still full of features that contribute to the significance of the site. Their preservation is still a relevant part of the long-term stewardship of the resource, even if they are not physically accessible. Their inaccessibility, and particularly the proposed demolition of any of these features, would be adverse effects that must be addressed by the mitigation plan.

An acceptable protection plan should be established prior to backfilling, circulated to the consulting parties for comment and evaluated by SHPO and the Advisory Council. The

tower footprints should be properly protected. The methodology used to date seems more geared to protecting truck tires than historic materials. The fill that has been in place for the last two years has looked persistently moist over the footprints, potentially accelerating steel corrosion and deterioration of concrete. There has been too much construction activity and heavy equipment traffic even for these rugged materials.

A great deal of construction is slated for this site in coming years. Traffic over the footprints should be limited. There should be no storage and staging of materials and equipment on the footprints. These measures would not put an extraordinary burden on construction logistics. Few projects in the city have a large staging area beyond the building lot itself and adjacent streets, and the footprints take up only about ten percent of the WTC site. Contractors should be required to behave respectfully – for example, not disposing of refuse or spillage, or washing out concrete mixers where the slurry will wash into the footprints (perhaps such a policy already exists). A coordinator should be responsible for maintaining and monitoring protection of historic site features, setting up sump pumps if areas are persistently wet, and submitting weekly reports.

WTC bathtub during closing ceremony, May 30, 2002.

The construction plans should include measures for actively preserving the features of 1 WTC and 2 WTC. Offering to spare something from demolition is not the same as preserving it. Despite the Port Authority and LMDC's insistence at Section 106 meetings that they have a genuine appreciation for the historic significance of resources at the site, the billions of dollars being lavished on the site do not seem to include any funding for preservation of the footprints or construction of the memorial, and no plan to create a National Memorial on this hallowed ground. It seems that

substantial portions of the site's historically significant features are slated to be demolished and the rest abandoned to an uncertain future.

Based on the site visit of November 15 it appears that the site preparation for HABS/HEAR documentation is far from complete and that there have been significant adverse effects that are unknowns until a more thorough examination of the site has been performed. For example, it is not clear if core columns of 1 WTC have been cut down lower than they were during the period of significance or if some have been removed entirely. Also, it is clear that there not been an effective protection plan and the site has not been treated as an historic resource. The PANYNJ should develop a temporary protection plan immediately until a long-term plan can be finalized.

Most of our comments on the Draft Memorandum of Agreement have been voiced at the November 4th and 15th meetings. In addition we recommend that Level I standards for HABS/HAER recordation be adopted for this site consistent with its level of national significance.

HISTORIC DISTRICTS COUNCIL

Robert J. Kornfeld, Jr., R.A.
Board of Directors

North perimeter column bases of 1 WTC (right) at closing ceremony, May 30, 2002. Left are FDNY and PAPD vehicles participating in the ceremony. Top left is the Flag Column laid on a flatbed truck, wrapped in black bunting, and adorned with a flag and a wreath of red, white and blue flowers. The floor of the bathtub was so clean at this time that the concrete joints were visible. Right from the truck are a pit for elevators serving the garage and a condensate return pit within the 1 WTC tube perimeter.

HISTORIC DISTRICTS COUNCIL

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ADDITIONAL NOVEMBER 19, 2004 COMMENTS REGARDING THE SECTION 106 REVIEW FOR THE PERMANENT WTC PATH STATION

Having participated in the November 19th site visit I would like to commend the PANYNJ for the additional work performed since the visit on the 15th. The perimeter columns have been more clearly delineated. I was very surprised, however, to hear that photographic recordation has started, including aerial photography. The 1 WTC and 2 WTC footprints are nowhere near ready. The entire area within the perimeter is still an amorphous, undulating field of mud. The core columns and concrete features are not discernable. How can they be said to have been officially recorded when they are not visible. The character of the ruin depends to a great extent on the crisp edge of the slab around the perimeter and the delineation of the interior features. Complete photographic recordation should be performed after the site preparation is complete.

Also, an additional site visit should be arranged when the site has been prepared in a satisfactory manner for HABS/HAER recordation, particularly as the Consulting Parties were not notified with reasonable time to arrange to come, particularly out-of-town attendees. It was inexcusable that there was no notification for the first visit. I even sent an email stating that I had not received notice and requesting information on the time and location. This email was not responded to. I was fortunate that I learned of it from another Consulting Party.

HISTORIC DISTRICTS COUNCIL

Robert J. Kornfeld, Jr. R.A.
Board of Directors

333 Rector Place, # 11-B
New York, NY 10280
November 19, 2004

Executive Director
Port Authority of New York and New Jersey
225 Park Avenue South
New York, NY 10003

Via E-mail

Re: WTC Transportation Hub Project
Comments of Section 106 Consulting Party

Dear Sir:

On behalf of the Coalition to Save West Street (the "Coalition"), a Consulting Party for the WTC Transportation Hub Project, I offer these comments in connection with matters related to the proposed Memorandum of Agreement for this project. I have attended most of the Section 106 meetings, including the one earlier this week that dealt specifically with the Memorandum of Agreement and related issues. I hereby incorporate into this letter my previous verbal comments on these issues as reflected in the written transcripts of the Section 106 meetings. The purpose of this letter is to add a few additional general comments reiterating key points that I have made at the meetings and that I particularly want to emphasize at this stage of the decision process.

1. The Port Authority has provided compelling evidence of the need for a fourth platform (Platform D) for PATH service at the World Trade Center ("WTC") site. On behalf of the Coalition, I have reviewed all of the materials provided by the Port Authority and have listened to all of its presentations regarding its rationale for recommending the preferred 5-track, 4-platform alternative for the WTC PATH Terminal. The Coalition hereby joins other residents, downtown organizations and elected officials in recognizing that the Port Authority has proven the case for this alternative beyond any reasonable doubt. We fully support this alternative with the wide version of Platform D. The highest possible priority must be given to increasing platform capacity in order to meet PATH system operating requirements.

It is critical for the economic redevelopment of Lower Manhattan that PATH service be able to accommodate peak period ridership for many years into the future, and to do so with an adequate and conservative margin of safety. Any sacrifice of this goal to preserve a few more box beam columns at bedrock level at the behest of a narrow band of zealots would be ludicrous.

2. The Port Authority should focus its efforts on retail development in the proposed East-West Pedestrian Connector rather than emphasizing views of the slurry wall that many local residents and workers would rather avoid. Many of the people who

live and work in Lower Manhattan were driven from their homes and offices on 9/11 and were traumatized by the events of that day. Consequently, most of those who have returned to their neighborhood do not wish to be forced to revisit the tragedy by continually having to confront a major symbol of the destruction (the slurry wall) on a daily basis as they traverse the site.

On the other hand, one of the things that most local residents and workers fondly remember about the pre-9/11 WTC site was the excellent indoor retail concourse that existed and that was tied so seamlessly into Battery Park City by the pedestrian North Bridge to the World Financial Center. The concourse felt like an integral part of the neighborhood and has even been described by some as serving the role of a "town square," in spite of those critics (most of whom live and work elsewhere) who have claimed that West Street was a major "barrier" isolating Battery Park City. No one knows better than the Port Authority how successful that indoor concourse was as a commercial retail development, and we are confident that local residents and workers will once again embrace and support upscale retail establishments on the redeveloped WTC site. "If you build them (quality retail stores) they will come."

3. The extreme and narrow demands of a few family members and their preservationist allies cannot be allowed to effectively veto the economic redevelopment of Lower Manhattan. It is now an absolute certainty that there will be at the WTC site a significant and meaningful memorial and related reminders of the tragedy of 9/11. That experience will be there for those people, whether locals or tourists or family members, who choose to avail themselves of it. Both the documented history of that terrible day and a significant amount of related artifacts will be preserved at the site for future generations. It is "baked in the cake" as the saying goes. Consequently, whether 0%, 5% or even 10% of the North Tower "footprint" is encroached upon by necessary infrastructure development at the WTC site will make no material difference in the quality of the memorial experience. The emphasis by a small group of family members on fighting tooth and nail to preserve every last box beam column at bedrock level at the expense of the site's timely and adequate redevelopment and the resultant overshadowing of the interests of those who live and work in the area is a bizarre bit of posturing that should not be allowed to dictate developments on the site any more than it already has. Rationality, not emotion, has to carry the day as we make decisions that will have far reaching consequences for the long-term future of Lower Manhattan.

4. The preservation of the E subway entrance is a positive example of historic preservation, and the Port Authority is to be commended for its work with the Consulting Parties in arriving at a creative solution that preserves this section of the site. Unlike the slurry wall, which most residents had never seen or even heard of prior to 9/11 and which conjures up images of destruction, the E train entrance is a very familiar piece of infrastructure that survived 9/11 relatively unscathed and serves as a positive reminder of what existed on the site prior to 9/11. The Port Authority's solution for preserving this entrance to the WTC site, as approved by the Consulting Parties, makes the preserved structure an integral part of the new PATH terminal at minimal cost and with no disruption to subway riders. This is a wonderful outcome.

Thank you for the opportunity to offer these comments and to participate in the Section 106 process.

Yours truly,

/s/ William C. Love, Jr.

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LOWER MANHATTAN EMERGENCY PRESERVATION FUND

Municipal Art Society | National Trust for Historic Preservation | New York Landmarks Conservancy | Preservation League of New York State | World Monuments Fund

November 19, 2004

Bernard Cohen
Director
Lower Manhattan Recovery Office
Federal Transportation Administration
One Bowling Green, Suite 436
New York, NY 10004

Re: Comments on Draft Memorandum of Agreement on the Permanent World Trade Center PATH Terminal and Transportation Connections

Dear Mr. Cohen:

On behalf of the Lower Manhattan Emergency Preservation Fund (LMEPF), the following are our written comments on the Draft Memorandum of Agreement (MOA) dated October 20, 2004 for the Permanent World Trade Center PATH Terminal and Transportation Connections. Each of the five organizations that make up the LMEPF support the building of the Terminal as part of the revitalization of Lower Manhattan and welcomes the opportunity to contribute to the rebuilding process. The LMEPF also appreciates the Port Authority of New York and New Jersey's (PANYNJ) responsiveness to the comments from historic preservation groups and other consulting parties during the past months concerning the importance of integrating the existing on-site historic elements into the new Terminal.

Most broadly, the LMEPF recommends the following:

Develop a Process to Evaluate and Mitigate the Cumulative Impact of all Projects
The LMEPF is concerned about the cumulative impact that all projects will have on the National Register-eligible World Trade Center Site (WTCS) in conjunction with the numerous other projects soon to be underway (Route 9A, Freedom Tower, Memorial, Memorial Center, etc.). Each project is being reviewed separately under Section 106 with little or no ability for the consulting parties to address effects and alternatives holistically. As owner of the site, the PANYNJ needs to establish a review and approval process for all projects (whether implemented by the PANYNJ, Lower Manhattan Development Corporation, and/or others) that identifies, evaluates, and mitigates historic preservation concerns. This process should also include the established consulting party process to ensure that comments from stakeholders are discussed and evaluated. The protocol should also include guidelines for a Resource Protection Plan addressing the care and protection of on-site historic elements during all construction projects.

Establish a Cultural Resources Management Team
As owner of the World Trade Center Site, the PANYNJ should establish a Cultural Resources Management Team (CRMT) with members meeting the Secretary of the Interior's Professional Qualification Standards (36 CFR 61 Appendix A). Members of the team should have appropriate experience and background in the evaluation, preservation, and interpretation of historic properties and artifacts. The MOA should require the inclusion of the CRMT which would help mitigate adverse effects on historic resources and promote sensitive and creative design solutions for the effective interpretation of on-site elements.

Salvage and Preserve Elements from the Slab Remnants in the Northwest Corner
Although not part of this specific project, we are requesting a written commitment from the PANYNJ to salvage and preserve the two smoke scarred columns, one wall section with sign, and one stairwell wall section with heart from the deconstructed slab remnants in the northwest corner of the WTCS.

The LMEPF's specific comments about the MOA are as follows:

Page 2. The third WHEREAS clause should include St. Paul's Chapel and Graveyard that we believe may be adversely affected by the Project. It is directly across from the site and could be damaged by vibrations.

Page 3. Letter "J" St. Paul's Chapel and Graveyard should be deleted.

Page 8. Stipulation IA3. We suggest that the Memorial Center also receive completed documentation for this and any other project that requires historic documentation.

Page 8. Stipulation IB2a & b. In general, the MOA needs to address the care and preservation of any on-site elements that are to be removed and not returned to the site.

Page 9. Stipulation IB3. As previously noted, the MOA must address the care and preservation of elements removed and not returned to the site.

Page 9. Stipulation IB5. As previously stated, the PANYNJ should establish a separate Resource Protection Plan to protect historic elements during all construction projects.

Page 9. Stipulation IB6. Since this addresses the PATH Project, it should be stated that no other projects (whether PANYNJ, LMDC, and/or others) will violate these commitments.

Page 10. Stipulation IB7. As previously stated, the PANYNJ should establish a separate Resource Protection Plan to protect historic elements during all construction projects.

Page 10. Stipulation IB8. As previously stated, the LMEPF recommends the creation of a CRMT to ensure for sensitive and creative interpretation of all historic elements through architectural treatments and other media.

Page 10. Stipulation IB8b. It is our understanding that the 14 day period has been changed to 21 days. The stipulation should also specify when the period begins and ends. In addition, Consulting Parties should be sent affirmative notification from the PANYNJ rather than checking the website. These comments apply to Stipulations IC1b and ID1b.

Page 10. Stipulation IB8f. Should the SHPO fail to comment within 30 calendar days, we are requesting language that the PANYNJ respond directly to any Consulting Party comments. This request applies to Stipulations IC1f and ID1f.

Page 11. Stipulation IC1. In order to not limit the interpretive possibilities of the E Subway Entrance, the CRMT should be involved in all decisions affecting the development of how historic elements will be marked and identified. We are requesting that the last sentence be modified as follows: "This design, at a minimum, will include a plaque identifying the historic features of the E subway entrance." This concern about architectural treatments and interpretation applies to Stipulation ID1.

Page 14. Stipulation IIA. Although extensive documentation exists on the existing conditions of the Hudson River Bulkhead, we are requesting that Consulting Parties have the ability to comment.

Page 15. Stipulation III. St. Paul's Chapel and Graveyard should be added to the list of buildings.

Page 15. Stipulation IIIA. The issue of coordination goes back to our concerns about the cumulative impact and construction coordination affecting historic resources.

Page 16. Stipulation IIIB3. The specific vibration criteria and any other related standards should be explicitly stated or included as an appendix to the MOA. More detailed qualifications should be included concerning the selection of a firm or individual to oversee the Construction Protection Plan (CPP). An engineering firm with extensive experience in historic preservation projects and vibration monitoring may be a more appropriate entity to oversee the CPP than an historic architect.

Page 17. Stipulation IVB. This addresses Project-related disturbances but does not address concerns that we have about how non-Project-related disturbances will be addressed and the cumulative impact that other projects will have on the site.

Page 18. Stipulation VC. This is a typographical error indicating VC and should be changed to read VB.

Page 19. Stipulation VI2. This fails to address the possibility that elements may not be able to be returned to the WTCS.

Thank you for the opportunity to present our concerns, and we look forward to our continued participation.

Sincerely,

Ken Lustbader
Preservation Consultant
Lower Manhattan Emergency Preservation Fund
37 West 12th Street, 2E
New York, NY 10011
Phone: 917-848-1776
Email: klustbader@aol.com

cc: Kevin Rampe, Lower Manhattan Development Corporation
Carol Braegelmann, Federal Transit Administration
Paul Lebrun, Federal Transit Administration
Timothy Stickelman, Port Authority of New York and New Jersey
Don L. Klima, Advisory Council on Historic Preservation
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation

In pertaining to the EIS (Environmental Impact Statement) regarding the WTC Path Terminal and Pedestrian Connections; as has been stated in previous commentary relevant to the reconstruction of the World Trade Center Site:

The southern tip of Manhattan had been an extremely important neutral meeting and trading ground for the Algonquian and Iroquoian tribal nations thousands of years before contact with European powers; and since the area has been irrevocably altered from its original ecology after more than three hundred years of architectural construction; very little of anything relating to the original occupation and archaeology of the indigenous inhabitants has remained. In previous consultation with the LMDC, the Shinnecock Nation Cultural Center and Museum has advocated that a portion of the memorial and the museum contain something which will call to mind the presence of the original inhabitants of the area, something that will communicate the environmental and philosophical ethic which the traditional elders continue to espouse. That ethic says that the indigenous people of the area have been for thousands of years and continue to be the spiritual guardians of the earth according to the original instructions of the Creator. So great a tragedy as the 9/11 situation only intensified the feeling of the transgression of the original instructions of living in harmony with each other and the natural world.

Therefore, in consideration of the construction of the WTC Path Terminal and Pedestrian Connections, we believe it is fitting that some architectural, environmental or artistic statement be included within this area as well as the other areas to bring to the attention of the passersby the ancient presence and history of the indigenous civilization that once flourished under all the steel and concrete for thousands of years ands still lives on today through the some 20,000 native people in the City and throughout the Western Hemisphere. This primordial ethic underscores the idea of a spiritual guardianship that exists, that was never broken, and that the traditional elders feel a connection with the area despite the enormous physical changes to the landscape of the last three-hundred years. They feel this connection even more so after the 9/11 tragedy. Some such tangible statement in this construction project signifying the continuing presence of the Shinnecock, Montauk, Mohawk, Delaware, and Unquechaug (Poospatuck) Tuscarora, Onondaga, Oneida, Seneca, and Cayuga would further serve to help consecrate this land anew for the memories of the thousands who lost their lives in the tragedy and the hopefully bright future ahead.

Finally, in regard to the concerns expressed by the representatives of the 9/11 families and the exposure of the footprints of the buildings, we recommend that appropriate portions of the footprints remain visible much in the manner of the Battleship Arizona in the Pearl Harbor Memorial in the Hawaiian Islands. Sections of the footprint or artifacts of the site should remain visible where appropriate behind some kind of transparent window so that proper respects could be paid.

We sincerely hope these recommendations can be implemented. We at the Shinnecock Nation Cultural Center and Museum appreciate being a part of the consultative process for this very important project.

David Martine
Director/Curator
Shinnecock Nation Cultural Center and Museum

CC. Shinnecock Nation Cultural Center and Museum Board of Directors
Port Authority of New York and New Jersey (PANYNJ)

November 22, 2004

Bernard Cohen, Director
Lower Manhattan Recovery Office
Federal Transit Administration
One Bowling Green, Suite 436
New York, NY 10004

Re: Comments on Draft Memorandum of Agreement (MOA) for
Permanent World Trade Center PATH Terminal and Transportation Connections

Dear Mr. Cohen:

On behalf of the National Trust for Historic Preservation, I am writing to summarize the Trust's comments on the draft Memorandum of Agreement (MOA) under Section 106 of the National Historic Preservation Act (NHPA) for the construction of the permanent PATH Terminal at the World Trade Center.

In preparing these comments, the Trust has also reviewed the comments submitted by the Coalition of 9/11 Families and the Lower Manhattan Emergency Preservation Fund. We agree with the vast majority of these other comments, but rather than repeat each one in detail, we look forward to seeing the revised draft of the MOA and the responses to all comments received.

The MOA Should Include the Port Authority's Mitigation Commitments to Salvage and Preserve Significant Elements from The Remains of the WTC Parking Garage.

The Port Authority has made a number of commitments to salvage and preserve significant elements from the remains of the WTC parking garage. These include the three elements proposed by the Port Authority during the consultation meeting on April 29, 2004 (a smoke-scarred column, a blistered paint column, and a wall section from level B2 with a painted locational sign). In addition, responding to requests from the consulting parties, the Port Authority has made a commitment to salvage and preserve the wall section with a graffiti painted heart and a cross, located in a stairwell between level B3 and B4. This item was identified by the consulting parties from the photos circulated by the Port Authority, in Photo # 24. While these commitments were loosely based on Stipulation 5 in the LMDC's Programmatic Agreement (PA), the Port Authority was not a party to that agreement, and in any event, the PA is not sufficiently specific to reflect the Port Authority's mitigation plans. In our view, it is important for these mitigation commitments to be incorporated into a formal Section 106 agreement, rather than being treated as an informal side-bar understanding. Because of the overlap and physical

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relationship between the PATH Terminal and the WTC Subgrade Remnants (see Exhibit A to the Draft MOA), this agreement (specifically, Stipulation I) would be the most appropriate place for that commitment to be reflected.

The MOA Should Include a Process for the Port Authority, as Owner of the WTC Site, to Take Into Account Cumulative Effects Through an Approval and Consultation Process.

The consulting parties have repeatedly raised the importance of addressing cumulative effects on historic properties as a result of the variety of undertakings going forward within and around the World Trade Center site. The Port Authority is in the best position to take into account cumulative effects, and to coordinate mitigation of those effects, because of the Port Authority's ownership and control of the WTC site, and because of the agency's leadership to date in responding to the concerns raised by consulting parties. In our view, the best way to ensure that cumulative effects are taken into account would be to spell out a specific procedure in the MOA (in Stipulation VIII?) whereby the Port Authority would require that all activities being carried out by other agencies within the WTC site must go through a prior review and approval process, which would include consultation led by the Port Authority.

For example, through the use of such a process, long-term effects to the Vesey Street stairway and escalator could be taken into account, even though the PATH Terminal itself has been reconfigured to avoid directly affecting this element of the site.

St. Paul's Chapel and Graveyard Should be Included on the List of Historic Properties Subject to Potential Adverse Effects.

Presumably, St. Paul's Chapel and Graveyard is included on the No Adverse Effect list because the chapel structure itself may be located more than 90 feet from the expected construction site. However, the historic property as a whole appears to extend within the 90-foot buffer zone, including the cemetery. The National Historic Landmark Chapel was built in the 1760s, and is Manhattan's oldest surviving church. Given the age and significance of the chapel building, combined with the fragility of the cemetery, we are especially concerned about the risk of vibration impacts to this property, which is right across the street from the project site. We urge the FTA to include this property among the group that will be given special monitoring through the Construction Protection Plan in Stipulation III.

Specific Comments on the MOA:

WHEREAS CLAUSES

It might be helpful to add a Whereas Clause confirming that the Port Authority owns the World Trade Center Site, and that all activities within the WTC site must be approved by the Port Authority.

Clauses 7-8 (pages 2-3): St. Paul's Chapel and Graveyard should be included with the Adverse Effect list in Clause 7, rather than the No Adverse Effect List.

Clauses 20-23 (pages 5-6): The two Whereas Clauses on the bottom of Page 5 relate to tribal consultation and public input through the NEPA process. These appear substantively redundant with the next two Whereas Clauses at the top of page 6. We recommend deleting the two clauses on page 6 in favor of the two on page 5, which provide more detailed summaries. In addition, the cross-reference to Stipulation IX at the end of Clause 21 (bottom of page 5) needs to be revised. We assume the intended reference is to Stipulation X.B. (Public Comments and Dispute Resolution).

I. WORLD TRADE CENTER SITE (pages 7-13)

Clarify Consulting Party Review Process (Stipulations I.B.8, I.C.1, and I.D.1, pages 10-13)

Several aspects of the consulting party review process need clarification. This process is described in the draft MOA as applicable to the tower perimeter column remnants, the E Subway entrance, and the slurry walls. We hope the process will be extended to other elements as well, such as the treatment plan for the Hudson River Bulkhead, the Construction Protection Plan, etc. Needed clarifications include the following:

We appreciate the decision to extend the consulting party comment period from 14 days to 21 days. The MOA should explain more clearly that this comment opportunity will begin at the same time as the SHPO's 30-day review period, and that the consulting parties will be directly notified by e-mail, rather than placing the burden on the consulting parties to check the website continually. In addition, subparagraph "F" should provide that, if the SHPO fails to comment, but one or more consulting parties has commented, the Port Authority and/or FTA will address and respond to the consulting party comments directly. This approach mirrors the Section 106 regulations (36 C.F.R. § 800.5(c)(2)(i)).

A. Documentation (pages 7-8)

Although we were unable to participate in the site visit last week, we are extremely disturbed to learn from the other consulting parties that many of the box beam column remnants have been filled and/or covered with concrete. This concrete must be removed in order to properly document the footprints of the twin towers.

B. Tower Perimeter Column Remnants (pages 8-10)

The Port Authority has been extremely responsive to consulting party concerns by modifying the project over the course of the past six weeks to reduce and mitigate the adverse effect on the tower perimeter column remnants. The draft of this entire stipulation needs to be

revised to reflect those improvements in the project design. At the same time, however, the alarming current condition of the column remnants suggests that additional steps need to be taken to ensure that the integrity of these elements is not inadvertently damaged as a result of negligence or poor communication. It would be a tragic waste if the Port Authority's commendable efforts to provide visual access to the column bases within the PATH Terminal were to be lavished on column bases that end up being filled with concrete.

In Stipulations B.2 and B.3 (pages 8-9), a more specific process needs to be spelled out for deciding whether "practical engineering design" will permit returning the column bases to their original locations, and if not, where the column bases will be placed if permanent removal is ultimately required.

In Stipulation B.7 (page 10), we are very concerned about the proposal to replace the construction fill in order to "protect" the footprints and column remnants. This stipulation should be developed in more detail, and should explicitly prohibit the use of concrete or any similar material that would be difficult to remove. It should also require the ultimate removal of the fill once construction is complete.

C. E Subway Entrance (pages 11-12)

This stipulation includes a commitment to install a "plaque identifying the historic features of the E subway entrance." We commend the Port Authority for modifying the project to preserve and integrate this area into the redevelopment of the terminal. In our view, this preservation effort warrants a more creative approach to interpretation.

D. Penetration of East and West Slurry Walls (pages 12-13)

This stipulation includes a commitment to install a "plaque and photograph of the west slurry wall," in addition to providing visibility to a portion of the slurry wall itself. As we discussed at the consultation meeting, the reference to a plaque and a photograph is reminiscent of Penn Station, which is certainly not an ideal example. We strongly encourage reference to a more creative approach to interpretation, which has been discussed during the consultation process.

E. Steel Beams in Cross Form (page 13)

The draft stipulation refers to "final disposition of these artifacts in accordance with the rights of the respective owners thereof." This cryptic reference, which does not appear in Stipulation VI, needs to be clarified. The language suggests that the steel beams in cross form are not owned by the Port Authority, but by more than one other owner. If so, this information should be disclosed to the consulting parties.

F. Off-Site Artifacts (page 13)

This stipulation should be explicit about the Port Authority's ongoing commitment to involve a Conservator or Curator meeting the Secretary of the Interior's Historic Preservation Professional Qualification Standards (62 Fed. Reg. 33,707 (June 20, 1997)), in the preservation and management of off-site artifacts. The Port Authority's responsible stewardship of these artifacts should be reflected in the MOA.

II. HUDSON RIVER BULKHEAD (page 14)

A. Coordination (page 14)

You should be aware that the Federal Highway Administration (FHWA) has issued a determination of No Adverse Effect on the Hudson River Bulkhead in connection with the proposed reconstruction of Route 9A, notwithstanding the anticipated physical alteration and/or damage to the Bulkhead. (36 C.F.R. § 800.5(a)(2)(i)-(ii).) The Lower Manhattan Emergency Preservation Fund has objected to that determination, pursuant to 36 C.F.R. § 800.5(c)(2)(i). This disagreement with FHWA has not yet been resolved. We would recommend additional detail in this stipulation setting out a procedure for coordination, and clarification as to which agency has jurisdiction and authority to approve activities affecting the Hudson River Bulkhead.

C. Treatment (page 14)

We would like to include an opportunity for the consulting parties to comment on the proposed treatment plan, within the SHPO's 30-day comment period, as provided in Stipulations I.B.8.b, I.C.1.b, and I.D.1.b. Though this treatment plan may generate fewer comments than others, the consulting parties could still have valuable input, without delaying the overall timetable for SHPO review of the plan.

III. [HISTORIC BUILDINGS SUBJECT TO POTENTIAL ADVERSE EFFECTS] (pages 15-16)

As mentioned above, St. Paul's Chapel and Graveyard should be added to this section, because it is within the 90-foot zone of potential vibration impact.

A. Coordination (page 15)

The procedures for coordination with LMDC and MTA/NYCT need to be spelled out in more detail. One approach could be to cross-reference to a standard procedure for Port Authority review and approval of work within the WTC Site in Stipulation VIII. However, since the Former East River Savings Bank is not within the ownership or control of the Port Authority, the procedure for coordination with MTA/NYCT would need to be addressed separately.

B. Construction Protection Plan (pages 15-16)

In general, this draft stipulation designed to address potential vibration impacts is a good one. However, we recommend several minor modifications.

1. The Construction Protection Plan should explicitly address the potential for cumulative vibration impacts to historic properties.

2. Although the procedures in the City's Policy and Procedure Notice (PPN) #10/88 are important, that policy is based on a maximum peak particle velocity (PPV) of 0.5 inches/second (ips). In contrast, the FTA and Bureau of Mines criteria call for a maximum PPV of 0.12 ips for fragile historic buildings. We request that the MOA specifically commit to using 0.12 ips as a limit, rather than 0.5 ips. This more conservative standard will help to account for cumulative impacts as well.

3. This stipulation should specifically identify the 0.12 ips standard, rather than simply referring generally to the FTA vibration criteria. In addition, the general reference to the Secretary of the Interior's Standards should be expanded to include the full citation to the Secretary of the Interior's Historic Preservation Professional Qualification Standards, 62 Fed. Reg. 33,707 (June 20, 1997).

5. We recommend a stronger role for the consulting parties in this stipulation by including a 21-day opportunity to comment on the Construction Protection Plan, prior to the end of the SHPO comment period, as provided in Stipulations I.B.8.b, I.C.1.b, and I.D.1.b.

IV. ARCHAEOLOGICAL RESOURCES (pages 16-17)

A. Coordination (pages 16-17)

This provision should cross-reference to Stipulation VIII, which in turn should spell out a more specific procedure for the Port Authority to review and approve all undertakings by other agencies within the WTC site, to ensure that cumulative effects are adequately considered. In addition, it would be important to clarify that, prior to approving other undertakings within the area of archaeological sensitivity, the Port Authority will require the other agencies to prepare Treatment Plans that conform to Stipulation IV.

B. Location and Identification (page 17)

It may make sense to combine Stipulations B and C, since the Treatment Plan in IV.C is actually introduced and defined in IV.B.

C. Treatment Plan (page 17)

1. The end of the first sentence refers to development and implementation of a "data recovery plan," which creates confusion about the relationship between the data recovery plan and the Treatment Plan already described in Stipulation IV.B.

This stipulation should also include a commitment to involve an Archaeologist meeting the Secretary of the Interior's Historic Preservation Professional Qualification Standards, 62 Fed. Reg. 33,707 (June 20, 1997), in developing and implementing the Treatment Plan.

V. UNANTICIPATED DISCOVERIES AND EFFECTS (page 18)

A. Unanticipated Discovery of Archaeological Resources (page 18)

Exhibit F, paragraph B, which defines a "Qualified Archaeologist," should specifically refer to the Secretary of the Interior's Historic Preservation Professional Qualification Standards, 62 Fed. Reg. 33,707 (June 20, 1997).

C. Unanticipated Effects to Historic Properties (page 18)

This heading needs to be labeled as "B" rather than "C." More importantly, the relationship between this stipulation and Stipulation VIII.A needs to be clarified. In addition, the 21-day deadline for initiating implementation of the treatment or mitigation plan appears inconsistent with the 30-day deadline for SHPO comments on the plan. If the plan is to be developed in consultation with the SHPO, these two time periods need to be coordinated.

VI. TEMPORARY RELOCATION OF HISTORIC ELEMENTS OF THE WTC SITE (pages 18-19)

This stipulation includes a Section A, but no Section B. The Section A heading appears unnecessary.

This stipulation should be explicit about the Port Authority's commitment to involve a Conservator or Curator meeting the Secretary of the Interior's Historic Preservation Professional Qualification Standards (62 Fed. Reg. 33,707 (June 20, 1997)), in all phases of developing and implementing the plan for temporary relocation of historic elements.

2. The plan called for in subparagraph 2 also needs to address the long-term preservation of these historic elements if for some reason they cannot be returned to the World Trade Center site as originally intended.

6. We recommend a stronger role for the consulting parties in this stipulation than merely having them check the project website for updates about the status of these historic elements. This should include a 21-day opportunity to comment on the plan, prior to the end of the SHPO comment period, as provided in Stipulations I.B.8.b, I.C.1.b, and I.D.1.b, and affirmative notifications by e-mail as the stages of the plan are implemented.

VIII. ADDITIONAL COORDINATION WITH UNDERTAKINGS OF OTHER AGENCIES (pages 19-20)

This stipulation includes a Section A, but no Section B. In addition, the title of the heading (relating to inter-agency coordination) does not correspond with the content of the stipulation, which relates to unexpected impacts on historic properties.

A. Newly Affected Historic Properties (pages 19-20)

Both Sections A.1 and A.2 include a cross-reference to Stipulation V.B (page 18), which is apparently intended to be the section labeled in this draft as V.C.

More substantively, the relationship between Stipulation V.B and Stipulation VIII.A is very confusing. The former appears to cover unanticipated effects on all historic properties other than archaeological resources, (which are addressed by Stipulation V.A), while the latter apparently covers effects on two smaller categories of historic properties: those identified but assumed to be subject to No Adverse Effect (listed in Whereas Clause 8 on pages 2-3), and non-archaeological resources that were not previously identified. Since the broad language of Stipulation V.B overlaps with the scope of Stipulation VIII.A, we recommend combining the two provisions under Stipulation V to avoid confusion.

Stipulation VIII should then be used to address the issue in its title – interagency coordination – which will help to take into account cumulative effects on the World Trade Center site. We strongly recommend developing a specific procedure under which the Port Authority will: (1) require other agencies conducting work within the WTC site to obtain formal approval for all work, and (2) commit to engaging in a consultation process to take into account effects on historic properties prior to approving the undertakings of other agencies within the WTC site.

X. DISPUTE RESOLUTION (pages 21-22)

B. Public Comments and Dispute Resolution (page 22)

While the dispute resolution provision for members of the public is generally a good one, additional language needs to be added at the end providing a mechanism for ultimately resolving the disputed issue. Typically this would call for the FTA making the final decision, after

referring the issue to the ACHP for comment. The ACHP should be able to provide standard language for this kind of stipulation.

Conclusion

The National Trust would especially like to commend the Port Authority for its conduct of the Section 106 consultation process for the PATH Terminal. The Port Authority has been extremely responsive to comments from the consulting parties, repeatedly modifying the plans for the PATH Terminal to accommodate a number of unexpected ideas and suggestions that have emerged from consultation. The FTA has clearly encouraged and supported this approach, which we greatly appreciate. We hope that the Port Authority's good faith responsiveness to the consulting parties will serve as a model for other participating agencies to emulate as the World Trade Center redevelopment goes forward.

Sincerely,

Elizabeth Merritt

Elizabeth S. Merritt
Deputy General Counsel

cc: Charlene Dwin Vaughn, ACHP
Carol Braegelmann, Federal Preservation Officer, FTA
Paul Lebrun, Federal Transit Administration
Ruth Pierpont, NY State Office of Parks, Recreation & Historic Preservation
Timothy Stickelman, Port Authority of New York and New Jersey
Ken Lustbader, Lower Manhattan Emergency Preservation Fund
Frank Sanchis, Municipal Art Society
Peg Breen, New York Landmarks Conservancy
Alex Herrera, New York Landmarks Conservancy
John Stubbs, World Monuments Fund
Robert Kornfeld, Historic Districts Council
Joel Klein, Coalition of 9/11 Families
Anthony Gardner, Coalition of 9/11 Families

The New York City Landmarks Preservation Commission
1 Centre Street, 9th Floor North New York NY 10007 TEL: 212-669-7922 FAX: 212-669-7797
http://www.nyc.gov/landmarks

To: Anthony Cracchiolo, Director of Priority Capital Projects
From: Amanda Sutphin, Director of Archaeology
Date: November 19, 2004
Re: Archaeological Issues/ Draft MOA dated October 20, 2004 and attachments

The Landmarks Preservation Commission is in receipt of the Draft October 20, 2004 Memorandum of Agreement and attachments.

The Commission notes that the identified potential impacts to potentially significant archaeological resources, as shown in Exhibit E, reflects the findings of the Phase 1A Archaeological Assessment for the Permanent World Trade Center PATH Terminal for the South Pedestrian Passageway, prepared by Historical Perspectives and dated April 2004. On June 17, 2004, we noted that we could not concur with that study and recommended that additional research be completed to substantiate the finding that Liberty St, Liberty Place, and Temple Street do not contain potentially significant archaeological resources. We also noted that additional research should be completed to determine whether these streets were widened. Until this work has been completed, we cannot be certain that the areas identified in Exhibit E are theonly areas with potential archaeological sensitivity. In addition, Exhibit F should be titled "Unanticipated Discovery Plan."

As for historic architectural resources the text is appropriate, but we would like to be consulted about all work relating to New York City landmarks and about the construction protection plans as they are developed.

cc: Margarita Morera, PANYNJ
Bernard Cohen, Federal Transit Authority
Charlene Vaughn, ACHP
Robert Kuhn, NY SHPO
Mary Beth Betts, LPC
Kate Daly, LPC

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Carl Weisbrod
President

November 19, 2004

Margarita Morera
Port Authority of New York and New Jersey
115 Broadway, 10th Fl.
New York, NY 10006

Dear Ms. Morera:

Re: S106 Draft Memorandum of Agreement

The Alliance for Downtown New York, Inc. (the "Downtown Alliance") manages the Lower Manhattan business improvement district on behalf of more than 600 commercial property owners, 15,000 businesses and 300,000 workers. On behalf of this business community – the third largest in the nation – I am submitting the following comments in relation to the S 106 process and the Draft Memorandum of Understanding for the World Trade Center Transportation Hub.

Before I get into any details I want to take this opportunity to commend the Port Authority for its willingness to listen and compromise throughout this difficult process. Although it is impossible to satisfy all the wishes of all the disparate parties, and also address the critical transportation needs of Lower Manhattan, the Port Authority has worked closely with all parties and has made every effort to address all issues that have been raised in the fairest and most objective fashion.

With respect to the specific issues, the Alliance firmly and fully supports the building of a full platform D that provides for maximum future growth in ridership. The Port Authority has analyzed and provided 20-year ridership projections using an extremely conservative formula. We need to plan AND build now for the longer term: for 50 or more years. Those who suggest making changes only after they are needed, as ridership actually does grow, are unrealistic. Such an approach would put a brake on desperately needed economic growth. Moreover, the cost, engineering complexities and disruption to service make such an approach impractical at best and often impossible.

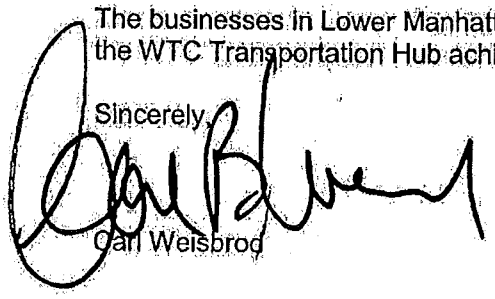
The approach that the Port Authority has proposed – to provide visibility to the tower footprint below the platform by relocating services --is an excellent solution that we wholeheartedly support.

Along with our constituents, I lived through the horrible events of September 11th and lost many friends and colleagues. We must always remember and respect the loss of lives that tragic day. But we must also move forward. Lower Manhattan needs to grow and prosper. An appropriate balance has been reached between the preservation of

artifacts on the site and the need to provide modern transportation services that will take Lower Manhattan into the future.

The businesses in Lower Manhattan believe the Draft Memorandum of Agreement for the WTC Transportation Hub achieves that balance. We strongly urge its adoption.

Sincerely,



Carl Weisbrod

Stickelman, Timothy

From: Morera, Margarita
Sent: Thursday, December 23, 2004 9:31 AM
To: Stickelman, Timothy; Wong, Bill; Lenahan, Shawn; McNeilly, Bernie
Subject: FW: Coalition of 9 11 Families Comments on Draft MOA

Importance: High

-----Original Message-----
From: Anthony Gardner [mailto:amg@wtcufg.org]
Sent: Wednesday, December 22, 2004 9:35 PM
To: Morera, Margarita
Subject: Coalition of 9 11 Families Comments on Draft MOA
Importance: High

December 22, 2004

Via Fax, Email and Surface Mail

Mr. Bernard Cohen
Director
Lower Manhattan Recovery Office
Federal Transit Administration
One Bowling Green, Suite 436
New York, New York 10004

RE: WORLD TRADE CENTER TRANSPORTATION HUB
(PERMANENT WTC PATH TERMINAL)
DECEMBER 16, 2004 REVISED DRAFT MEMORANDUM OF AGREEMENT

Dear Mr. Cohen:

Thank you inviting the Coalition of 9 11 Families (the Coalition) to provide comments on the revised draft of the Memorandum of Agreement (MOA) between the Federal Transit Administration (FTA), the New York State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (ACHP) and the Port Authority of New York and New Jersey (Port Authority). Although we have been directed to send comments to the Port Authority, we are addressing them to you as the representative of the responsible lead federal agency under the Section 106 process. A copy of these comments is being sent to the Port Authority.

The Coalition is pleased to note that many of our comments on the initial October 20th draft MOA have been addressed in this version of the MOA. However, many of our more substantive comments do not appear to have been addressed and no explanation for why they have not has been provided.

Unfortunately, in the course of revising the October 20th draft, numerous new issues have been introduced. Additionally, the revised document suffers from abundant internal inconsistencies and ambiguities that we believe render it unworkable in its present form. However we wish to especially draw your attention to one of the more serious problems. The revised draft refers to parties, and signatories. Additionally, it provides for others the ability to concur with the MOA. You have previously referred to these others as concurring parties. Not only is the use of these terms inconsistent throughout the documents, but their usage appears to be inconsistent with definitions contained in 36 CFR 800 the NHPA Section 106 implementing regulations. As a result, it is unclear exactly what obligations, rights, and responsibilities are being assigned to each of

these groups. Until this is clarified it is impossible for anyone to understand either the intent of the MOA s authors concerning many of the provisions, or exactly how the MOA will function. For this reason we believe it essential that at least one additional draft of the MOA

which addresses this (as well as the other issues raised by the consulting parties about the revised draft) be circulated for comment before it is finalized.

A second major concern is that the revised draft, as did the October 20th draft, continues to provide for the April 22, 2004 MOA for the LMDC s WTC Memorial and Redevelopment Plan to supersede the commitments of FTA and the Port Authority relating to access to the WTC footprints. This effectively renders meaningless the most significant changes in the revised draft MOA (those in the section headed Tower Perimeter Column Remnants) and continues to be unacceptable to the Coalition. As the owner of the site, the Port Authority is in a position to require LMDC to implement the Programmatic Agreement for their project in a manner consistent with the MOA for WTC Transportation Hub Project. The Port Authority s commitments to preservation should take precedence over those of LMDC not the other way around.

A third major concern to the Coalition is that the Project s effects on the World Trade Center footprints are not fully addressed. Although the revised draft is considerably improved in how it treats the exterior box beam column remnants that define the footprints, it is virtually silent on the footprints themselves. As we have noted on numerous occasions over the past year the existing Determination of Eligibility (DOE) for the World Trade Center Site does not clearly distinguish between contributing and non-contributing elements, and is silent in regard to the footprints as a whole and the discreet remains within the footprints as delineated by the exterior box beam columns. Further, the section on the footprints within the draft MOA is titled: Tower Perimeter Column Remnants. We ask you to rename this section--WTC Footprints and Perimeter Column Remnants-- to acknowledge the full breath of these historic resources.

Finally, the revised draft, as we noted about the October 20th draft, starts from the assumption that a particular alternative has already been selected. Based upon our review of the data provided in the Port Authority FTA Platform and Track Planning Requirements study, we believe that there are at least two alternatives to the presumed selected alternative which will not only satisfy the Project s performance criteria, but which would also have a significantly reduced impact on historic properties at the World Trade Center site. Given this fact, as we noted in our comments on the October 20th draft MOA, we do not believe that the Project as described in the revised draft MOA will comply with the requirements of Section 4(f) of the Department of Transportation Act.

The Coalition s detailed comments on the revised draft MOA are attached.

The Coalition is encouraged by many of the revisions in this revised draft. Additionally, we are optimistic that a compromise concerning the final design of track and platform configurations in a manner consistent with the requirements of Section 4(f) can be achieved. We look forward to seeing the next draft of the MOA and the opportunity to continue discussions regarding modifications in track and platform design that reduce impacts to historic properties and still satisfy Project transportation objectives.

Finally, we would be remiss if we did not encourage you to continue to strive to meet FTA s legally mandated responsibilities under the National Historic Preservation Act. Undue weight should not be given to the comments of those who believe the Coalition of 9 11 Families and any person or organization, (presumably including Governor Pataki, as well as the National Trust for Historic Preservation, the Historic Districts Council, and the Municipal Arts Society) who recognizes and advocates for the importance of the ability to view and touch and the slurry wall and bedrock footprints at the WTC Site is a religious zealot, godless and emotionally warped, and a dirt worshiper.

We look forward to continuing to work with you to arrive at mutually acceptable solutions to the issues raised here.

Sincerely,

Anthony Gardner, Executive Board Member, Coalition of 9 11 Families

cc: A. Cracchiolo (Port Authority) via overnight mail and fax
M. Morera (Port Authority) via email
J. Nau (ACHP) via fax
R. Pierpont (OPRHP) via fax
R. Lippes, Esq. via fax

WORLD TRADE CENTER TRANSPORTATION HUB (PERMANENT WTC PATH TERMINAL), DECEMBER 16, 2004 REVISED DRAFT MEMORANDUM OF AGREEMENT PURSUANT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

ADDITIONAL COMMENTS OF THE COALITION OF 9 11 FAMILIES

Page 2, first WHEREAS clause. The Coordinated Determination of Eligibility does not identify elements of the WTC that will be impacted. The DOE is an evaluation of the historic significance of the WTC site and properly does not address the effects of any project.

Page 2, first WHEREAS clause. The DOE does not contain a comprehensive list of contributing and non-contributing elements. If a list of contributing elements is included it should refer to the WTC footprints as defined by the tower perimeter column remnants . We also note that elements is used without a modifier and can be read to include non-contributing elements. This is clearly incorrect.

Page 3, first WHEREAS clause. The Environmental Performance Commitments (EPC s) should be attached as an Exhibit. The EPC s have not been specifically provided to the consulting parties in connection with the Section 106 review of the project.

Page 3, second WHEREAS clause. The Environmental Analysis Framework (EAF) should be attached as an Exhibit. The EAF has not been specifically

provided to the consulting parties in connection with the Section 106 review of the project.

Page 3, fifth WHEREAS clause. While strictly correct, this sentence should be revised to indicate that the DOE identified some, but not all, of the elements that contribute to the significance of the WTC Site.

Page 4, first WHEREAS clause. It is unclear what is meant by review. Will the Port Authority also comment on construction plans? Will the Port Authority have to approve them as the owner of the site? This WHEREAS clause should specifically say whether or not the Port Authority has the right to approve or reject construction plans prepared by other entities.

Page 4, third and fourth WHEREAS clauses. These clauses should changed to stipulations to insure that they are binding commitments. No mention is made of the day-glow handrails, which the Port Authority has verbally committed to preserving. The three enumerated items should be more specifically identified (e.g. which smoke scarred-column?).

Page 4, fifth WHEREAS clause. What mitigation plan is being referred to? The graffiti heart was identified in August 2004, after the cited May 24th SHPO concurrence.

Page 6, first WHEREAS clause. The senior representative of the National Park Service is the Director, not the Executive Director. As noted in our earlier comments, should identify a specific office or division of the National Park Service that will review design plans. Our past experience with the NPS indicates that whenever a specific office within NPS refers a matter to the Director, responses are delayed for months, and sometimes are never finalized. Referring anything to the NPS director is likely to result in extensive delays that can be avoided by identifying a subordinate office that will have the review responsibility.

Page 6, first WHEREAS clause. It is unclear what design plans are being referred to. To our knowledge there will be no design plans that assess effect. This must be clarified.

Page 6, first WHEREAS clause. The revised version of this WHEREAS clause addressing the above comments should be made a stipulation.

Page 6, second WHEREAS clause. The public has not, contrary to this clause been provided with an opportunity to comment on the Final EIS, since the FEIS has not been issued.

Page 6, fourth WHEREAS clause. The phrase though the NEPA process should be eliminated. The NEPA process is independent of the Section 106 process. The invitation to participate in the Section 106 process for the Project was independent of invitations relating to NEPA review.

Page 7, Stipulation IA1, P2. The use of clean rounded gravel as a temporary protective cover to protect the footprints and column remnants from ongoing construction may not be the best approach and may in itself result in harm to the footprints. The Coalition s consultants has discussed this with Port Authority engineers and suggested the use of sterile sand or Solite in combination with Geoweb and geotextile coverings to provide a soft buffer, covered by a combination of gravel and construction matting would be a much more effective protective measure. The eventual removal of this type of protective cover will be much less likely to result in damage to the protected resources than removal of gravel placed directly on the footprints.

Page 8, Stipulation IA1, last line. It is unclear whether all is meant to include LMDC prepared documentation. As LMDC s documentation has already been submitted, it is not possible for a single submission to be made. If the intent is to submit all Port Authority-generated documentation in a single submission the MOA should say so.

Page 8, Stipulation IA3. Submission of completed documentation to the NYS Archives is appropriate. However, the Archives are not a signatory to the agreement. The FTA Port Authority should obtain a commitment form the Archives to provide the permanent curation called for in the stipulation, and the Archives should be a signatory to the MOA.

Page 8, Section IA3. Reference is made to Exhibit D. No exhibit D (or any other exhibits) accompanied the revised draft MOA. Assuming that Exhibit D remains unchanged from the October version, our original comments still pertain. This exhibit is presumably intended to list the HABS HAER photography proposed. One or more vertical (non-oblique) overhead shots should be included. Additional non-HABS HAER photography should include photographs of each individual box beam support beam and each other feature identified within the footprint perimeters. These will provide baseline photographs which can be used to determine if features are damaged during construction, can provide a basis for restoring damaged features, and will be necessary to insure that box beam column remnants that are temporarily removed for PATH construction will be replaced to as close as their original appearance as possible. Exhibit D. The Exhibit calls for six typical views of Tower Footprints. As no photos of individual box beam column remnants are proposed we assume that this is what is being referred to. HABS HAER photographic documentation must include photographs of the footprints in their entirety.

Page 8, Stipulation IB, section heading. This should be changed to read Tower Footprints and Perimeter Column Remnants.

Page 8, Stipulation IB1. The project implementation requirements should be enumerated. In the absence of further explanation it is unclear exactly what the meaning of this qualifying phrase is.

Page 8, Stipulation IB1. We repeat our comment on the October 20th draft, which has not been addressed in this revision. The statement that the Port Authority will implement this stipulation (which relates to the Twin Tower footprints) in a manner consistent with the Memorial Access Commitments contained in the LMDC Programmatic Agreement is unacceptable. This statement presumably trumps all commitments made in other stipulations in the draft MOA rendering them meaningless. If it is not intended to do so this must be made very clear. This goes to the heart of the Coalition s continued concern over how cumulative effects are being treated. As the property owner, the Port Authority should have final say over this matter and should not be relinquishing its right to make binding commitments over how the Twin Tower footprints will be dealt with to the LMDC.

Page 8, Stipulation IB2. The Coalition appreciates the efforts of the Port Authority to reduce and mitigate impacts associated with the proposed Platform D. However, the measures described are contingent upon the described alternative being the final alternative. As noted in our cover letter, the Coalition believes that there may at least two alternatives that satisfy Project requirements and also result in a reduced taking of historic properties. The obligation is on FTA and the Port Authority to demonstrate that neither of these alternatives is prudent and feasible as required by Section 4(f).

Page 9, Stipulation IB2b. A discussion of the South Tower footprint, box beam column remnants and the core column remnants of both tower footprints needs to be added and provided to the consulting parties for comment.

Page 9, Stipulation IB3, line 2. The word all which appeared in the October 20th draft has been eliminated. It should be replaced.

Page 9, Stipulation IB5. It is unclear if the temporary PATH tracks will affect the South Tower footprint. If they will be affected, a description

of mitigative measures should be included.

Page 10, Stipulation IB7. It is the Coalition s understanding that the gravel fill on the footprints has already been removed. The wording of this paragraph should reflect that fact. What is a perimeter footprint ? Clarify whether what is being referred to is the footprints or the footprint perimeters. It is the Coalition s understanding that a commitment has been made to document the footprints in their entirety, not just their perimeters.

Page 10, Stipulation IB8. To be consistent with the WHEREAS clause on page 6, the NPS should be added to the list of those receiving design plans.

Page 10, Stipulation IB8f. As worded this paragraph is inconsistent with 36 CFR 800.5(c)(2)(i) and denies the consulting parties privileges to which they are entitled. This paragraph must be made consistent with the Section 106 regulations. Additionally, the Port Authority should be obligated to respond to as well as merely consider comments.

Page 11, Stipulation IC1. What does the phrase at a minimum mean. Surely after considering this issue for more than five months the FTA and Port Authority and their consultants must have some ideas beyond just a plaque.

Page 11, Stipulation IC1f. As worded this paragraph is inconsistent with 36 CFR 800.5(c)(2)(i) and denies the consulting parties privileges to which they are entitled. This paragraph must be made consistent with the Section 106 regulations. Additionally, the Port Authority should be obligated to respond to as well as merely consider comments.

Page 12, Stipulation ID1f. As worded this paragraph is inconsistent with 36 CFR 800.5(c)(2)(i) and denies the consulting parties privileges to which they are entitled. This paragraph must be made consistent with the Section 106 regulations. Additionally, the Port Authority should be obligated to respond to as well as merely consider comments.

Page 13, Stipulation IF, P1. This paragraph should be revised to include a provision allowing any consulting party, at their own expense, to have their own preservation professional monitor construction (without stop work authority).

Page 13, Stipulation IF, P2. What does the phrase significantly qualified mean in reference to the historic architect. The historic architect should at a minimum satisfy the professional qualifications standards established by the Secretary of the Interior as published in the Federal Register.

Page 13, Stipulation IF, P3. The fourth sentence should be revised to call for FTA and the Port Authority to consider and respond to comments.

Page 13, Stipulation IF, P3. The last sentence should be deleted. This sentence gives the Port Authority the ability to disregard the entire stipulation at its sole discretion. Paragraph four details specific timeframes that provide for timely reviews and responses. The vague consideration of the Project s schedule condition is not necessary. We would note that a properly crafted RPP should be able to accommodate any concerns the Port Authority may have about possible Project delays.

Page 16, Stipulation IIIB3, last sentence. It is unclear why this change has been made. The language in the October 20th draft, calling for a Historic Architect who meets the Secretary of the Interior s professional qualification standards, should be restored.

Page 18, Stipulation IVB, first sentence. If the Port Authority can determine that the Project will or may affect a Historic Property then the effect is not unanticipated. The wording of this sentence should be changed to has affected or is affecting a Historic Property.

Page 19, Stipulation VII. This stipulation should include a provision to allow any consulting party (alternatively, any concurring party) the right to monitor, at their own expense, activities carried out pursuant to the MOA.

Page 20, Stipulation IXC. Semiannual reporting should be changed to quarterly reporting during the period when construction activities have the potential to affect Historic Properties or the first three years of the Project (whichever is shorter), and reduced to semiannual reporting thereafter.

Pages 21-22, Stipulations XB1-4. As worded these stipulations would limit rights given to consulting parties under 36 CFR 800. This issue may best be addressed by providing dispute resolution clause for consulting parties distinct from the one for the general public.

Page 21, Stipulation XB1. What is the FTA Port Authority definition of substantive ? The phrase within 30 days of posting on the Project website should be changed to read within 30 days of posting on the Project website or, if an objection originates with a consulting party, within thirty days of e-mail notification to the consulting parties to review the Project website."

Page 21, Stipulation XB2. The phrase or the matter is such that PANYNJ believes SHPO involvement is appropriate should be eliminated. It is difficult to imagine a situation SHPO involvement is not appropriate when an unresolved issue concerning historic properties affected by a federal undertaking is involved. This stipulation should be revised to indicate that stipulation XB4 would also be followed.

Page 21, Stipulation XB3. The phrase and SHPO determines that, in the absence of such resolution there would be an adverse effect should be eliminated. There may be situations where the SHPO cannot determine if an adverse effect will occur if there is no resolution

HISTORIC DISTRICTS COUNCIL

THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

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DECEMBER 23, 2004 COMMENTS ON WORLD TRADE CENTER TRANSPORTATION HUB AND PERMANENT WTC PATH TERMINAL DECEMBER 16, 2004 REVISED DRAFT MEMORANDUM OF AGREEMENT

The Revised Draft MOA reflects a number of changes recommended by Consulting Parties, but leaves some open issues, and creates some new questions. These issues have been addressed clearly in the comments of the Coalition of 9/11 Families statement submitted to Mr. Bernard Cohen on December 22, 2004, and we endorse the Coalition's comments.

There are still outstanding issues that are should be resolved prior to the finalizing of this document and we believe that a meeting and an additional draft are required. In the overall scope of the project another week or two would not be a significant delay, and could resolve issues that have the potential to lead to lengthy disputes in the future.

It has been commented at numerous meetings, and is identified on the National Historic Landmark application, that the there are numerous features that contribute to the site's significance, including steel column bases and concrete slab features within the 1 WTC and 2 WTC footprints. When LMDC was preparing the DOE they responded to these comments by saying that it is not intended to be an exhaustively detailed document and is not a complete inventory of significant features. Moving forward, however, it is necessary to base the design and mitigation concepts, and an accurate assessment of potential adverse effects, on a complete inventory of significant features.

The current process is skewed because those adverse effects that have already been accepted are being left unmentioned as if they have no bearing on decisions concerning the site. For example, it is an adverse effect to reduce the size of the historic site from sixteen acres to one-and-a-half acres. It is an adverse effect to demolish the ruins of the garage beneath 6 WTC. It is an adverse effect to cover the vast majority of the slurry wall. It is an adverse effect to cover the footprints with a plaza deck rather than leaving them open to the sky. It is an adverse effect to demolish remaining portions of the H&M terminal and tunnels.

Given all of this, it is a bare minimum mitigation proposal to preserve and provide access to all of the features of the 1 WTC and 2 WTC footprints, outside of the portion within the PATH track and platform zone. It is also necessary to endeavor to protect those features that are covered within the track and platform area. Themed floor finishes alone

are not an acceptable mitigation measure because they are ephemeral and may be replaced with something else in ten years.

Since the PANYNJ is the owner of the entire property and the entire WTC complex is integrated with the PATH system, this MOA should take precedence. It seems disingenuous for the PANYNJ to agree to preserve historically significant features that their tenants or lessees retain the discretion to demolish. The WTC Consulting Parties have not had opportunities to comment on developing plans for the memorial and memorial center, as well as other portions of the site. Control of the site's redevelopment is being delegated to a number of bodies that are effectively shielded from independent review, and whose adverse effects are unknown and uncoordinated. We do not believe that this satisfies the intent of the Section 106 process, nor is it in the public interest.

We look forward to continuing to work with you and we would like to assure you that we appreciate the efforts that PANYNJ personnel have made in resolving a number of issues that have arisen during the Section 106 process.

HISTORIC DISTRICTS COUNCIL

Robert J. Kornfeld, Jr. R.A.
Board of Directors

333 Rector Place, # 11-B
New York, NY 10280
December 22, 2004

Executive Director
Port Authority of New York and New Jersey
225 Park Avenue South
New York, NY 10003

Via E-mail

Re: WTC Transportation Hub Project
Comments of Section 106 Consulting Party

Dear Sir:

On behalf of the Coalition to Save West Street (the "Coalition"), a Consulting Party for the WTC Transportation Hub Project, I offer these additional comments in connection with matters related to the revised draft (dated December 16) of the proposed Memorandum of Agreement (MOA) for this project.

1. My first additional comment on the new draft of the MOA is a followup to a drafting point that I made at the last meeting of the Section 106 Consulting Parties for the WTC Transportation Hub Project. I pointed out at the meeting that the interchangeable use of the words "parties" and "signatories" to describe FTA, SHPO, ACHP and PANYNJ collectively introduces a source of potential confusion or ambiguity into the document. It could arguably suggest that the two words represent different groups and could be used to assert that signatories is a broader term that could include the LMDC and even the Consulting Parties that choose to formally concur with the MOA with a signature. I suggested a simple "fix" (which received a favorable reaction from the other Consulting Parties), which was to define the term "parties" and then substitute that term in place of "signatories" (including the singular version of each word) each place that the latter word appears. This was done in part, but not completely. The word "parties" was correctly defined on page 6 (just before the paragraph on STIPULATIONS) and was substituted for "signatories" in at least two places (the last paragraph in section IX.C under SEMIANNUAL STATUS REPORTING and the heading of section X.A. under DISPUTE RESOLUTION). However, there are several other places in the document where the same substitution needs to be made. I believe that the following constitutes a comprehensive list of those substitutions:

- Page 12, paragraph I.G. on OFF-SITE ARTIFACTS: substitute "parties" for "Signatories" in the last sentence;

- Page 17, paragraph X.A. under DISPUTE RESOLUTION: substitute "party" for "signatory" in the first sentence of the first paragraph;

- Page 17, paragraph X.A. under DISPUTE RESOLUTION: substitute "parties" for "signatories" in the last sentence of the second paragraph;

- Page 18, paragraph XI.A. on AMENDMENT: substitute "party" for "signatory" and "parties" for "signatories" in the first sentence of the paragraph; and

- Page 18, paragraph XI.B. on TERMINATION: substitute "parties" for "signatories" twice in the first sentence of the second paragraph.

2. In paragraph 6 under section I.B. (TOWER PERIMETER COLUMN REMNANTS), I had counseled at the last meeting against making an absolute commitment that the Project would not occupy more than 4% of the North Tower "footprint" area and 53% of the South Tower footprint area. I would like to strongly repeat that recommendation once again. I think it is a fine objective if tempered with conditional language such as "shall to the maximum extent feasible" (see paragraph 1 under the same section) or "[e]very effort will be made to avoid" (see paragraph 2a under the same section) or "if practical engineering design permits" (see paragraph 3 under the same section). Another phrase that might be used is "to the maximum degree practicable." The objective here is to avoid a situation where, due to unforeseen circumstances, the plans for the Project might need to be changed, with the result that the future development of Lower Manhattan would be held hostage by an absolute commitment to avoid encroachment on these so-called "footprints."

While it is important that the memorial preserve in some way the outline of the space occupied by the twin towers, this is adequately done at the surface by the winning memorial design, and the contribution of the outline of the box beam columns (which are quite unremarkable remnants in and of themselves) is supplemental at best. Based on my recent personal visit with the other Consulting Parties to bedrock level, it is quite clear to me that enough of these box beam columns are going to remain in place under any conceivable set of circumstances to adequately delineate the outline of the twin towers at that level.

I do approve of the additional language "at the lowest level, at approximately" in this paragraph 6 under section I.B. to limit the percentage commitment somewhat. This at least makes it clear that upward projections of these footprints cannot be further used to limit the rebuilding effort. I hope that this will give some flexibility to cantilever structures over these areas if the necessity arises.

3. The final comment I would like to make at this time concerns paragraph 4 under section I.B. (TOWER PERIMETER COLUMN REMNANTS) relating to the proposed east-west pedestrian corridor. At a meeting last week of the WTC Redevelopment Committee of Community Board No. 1 (CB1), the Port Authority unveiled drawings of the aforementioned corridor. Concern was expressed by some Community Board members that the corridor may not be wide enough to accommodate the heavy volume of foot traffic during the morning and afternoon rush hours, particularly with a heavy dose of tourists mixed in. One member of CB1 recounted how

he used to avoid the expansive WTC indoor concourse during those periods because of the large fast-moving crowds. It was a nightmare for people in wheelchairs or who were otherwise physically incapacitated or limited. While I personally did not avoid the WTC concourse during those hours, I have described the experience to others many times as feeling like a salmon must feel as it is swimming upstream. Presumably the new east-west pedestrian corridor will not be as expansive as the former WTC indoor concourse and rush hour crowding could be a very serious problem. Particularly if upscale retail stores are also included in this space (which I believe is desirable to avoid the kind of long, sterile pedestrian corridor that currently exists in numerous locations in our subway system), walking space could be at a premium. Tens of thousands of people should not be seriously inconvenienced every day because of this commitment to a few box beam columns and the space that they enclose.

Consequently, I urge that the width of the east-west corridor be considered very carefully with these issues in mind and that the language of paragraph 4 under section I.B. be revised by (1) removing the commitment to a five (5) foot distance between the pedestrian corridor and the North Tower "footprint" and (2) adding conditional language (as I have suggested in the second item above) regarding the possibility of the corridor breaching this "footprint." In addition to residents and workers, an east-west corridor of sufficient width to incorporate retail stores and comfortably handle rush hour foot traffic will benefit visitors to the WTC site as well. Any rational weighing of the priorities should recognize that a few additional square feet added to the east-west pedestrian corridor will result in a much greater qualitative impact on the experience of people traversing that corridor than the loss of a small percentage of the North Tower "footprint" at bedrock level will have on the "footprint" viewing experience.

Thank you for the opportunity to offer these comments and to participate in the Section 106 process.

Yours truly,

/s/ William C. Love, Jr.

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LOWER MANHATTAN EMERGENCY PRESERVATION FUND

Municipal Art Society | National Trust for Historic Preservation | New York Landmarks Conservancy | Preservation League of New York State | World Monuments Fund

January 3, 2005

Bernard Cohen
Director
Lower Manhattan Recovery Office
Federal Transportation Administration
One Bowling Green, Suite 436
New York, NY 10004

Re: Comments on Revised Draft Memorandum of Agreement (MOA) for Permanent World Trade Center PATH Terminal and Transportation Connections

Dear Mr. Cohen:

On behalf of the Lower Manhattan Emergency Preservation Fund (LMEPF), the following are written comments on the revised Draft Memorandum of Agreement (MOA) dated December 16, 2004 for the Permanent World Trade Center PATH Terminal and Transportation Connections. In preparing these comments, the LMEPF has reviewed and agrees with the comments submitted by the National Trust for Historic Preservation.

The LMEPF is appreciative that the Port Authority (PA) has incorporated many of the comments submitted by Consulting Parties into the revised draft. It also thanks the PA for working with the Consulting Parties to achieve substantial improvements in the overall design, treatment, and interpretation of the historic resources, particularly the box-beam columns.

Rather than repeating all the comments submitted by the National Trust, the LMEPF is highlighting a few issues that need clarification:

Cumulative Effects of All Projects
Consulting Parties have repeatedly raised concerns about the cumulative effects of all projects on the historic resources located within the World Trade Center Site. It has already been proven difficult to evaluate the current PATH Terminal's effects since Consulting Parties cannot evaluate all WTC Site projects holistically (for example, the Memorial and Memorial Center). In addressing these concerns, the current draft includes two new Whereas Clauses on pages 3 and 4 which acknowledge the need for the PA as owner of the site to be able to review, coordinate, and hopefully mitigate the impact on the historic resources. The LMEPF recommends that this language be clarified and expanded to include a mechanism and procedure for such review.

Resource Protection Plan
The LMEPF is pleased that the revised draft includes a Resources Protection Plan (RPP); however, there is a need to define its relationship to the Construction Protection Plan. In addition, there are stipulations in the revised draft MOA, such as B5 on page 9, that should cross reference the protection measures that will be addressed in the RPP.

Cultural Resources Management Team
Given the historic magnitude of the resource and the complexity of interpreting the site, the LMEPF was disappointed that the MOA did not include a stipulation for a Cultural Resources Management Team. While the MOA does include references to the interpretation of historic resources, the importance of the site warrants a more thoughtful and creative approach than detailed in some of the stipulations.

The LMEPF is encouraged and pleased with the results of the PATH Terminal Section 106 process and looks forward to its continued participation as other World Trade Center Site projects move forward.

Sincerely,

Ken Lustbader
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cc: Kevin Rampe, Lower Manhattan Development Corporation
Carol Braegelmann, Federal Transit Administration
Paul Lebrun, Federal Transit Administration
Timothy Stickelman, Port Authority of New York and New Jersey
Don L. Klima, Advisory Council on Historic Preservation
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation

NATIONAL TRUST
for HISTORIC PRESERVATION

December 31, 2004

Bernard Cohen, Director
Lower Manhattan Recovery Office
Federal Transit Administration
One Bowling Green, Suite 436
New York, NY 10004

Re: Comments on Revised Draft Memorandum of Agreement (MOA) for Permanent World Trade Center PATH Terminal and Transportation Connections

Dear Mr. Cohen:

On behalf of the National Trust for Historic Preservation, this letter will summarize the Trust's comments on the Revised Draft Memorandum of Agreement (MOA), received on December 16, 2004, pursuant to Section 106 of the National Historic Preservation Act (NHPA), for the new PATH Terminal at the World Trade Center. We apologize for not being able to get these comments to you within one week as requested, in light of holiday schedules, but we appreciate having the opportunity during the comment period to discuss our suggestions by telephone with staff from the FTA and the Port Authority.

As you know, the Trust has coordinated closely with the Lower Manhattan Emergency Preservation Fund in preparing these comments, and we have also reviewed the comments submitted by the Coalition of 9/11 Families and the Historic Districts Council, which we support.

Specific Comments on the MOA

All references in these comments are to the red-line/strike-out version of the December 16, 2004 Revised Draft MOA.

WHEREAS CLAUSES

Clause 8 (page 2): In subparagraph a., the list of "elements" of the WTC site should be expanded to include "other column bases . . . inside the perimeter of the Twin Towers," mentioned on p.13 of the Coordinated Determination of Eligibility (DOE), and the "footprints" themselves, mentioned on p.15 of the CDOE. In addition, the word "that" in line 2 should be changed to ", which" in order to reflect the fact that the CDOE is not the document that identifies which elements will be "impacted." The CDOE only identifies the elements; it is the MOA that includes the determination of which elements will be affected. We also recommend using the

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term "affected" rather than "impacted," to be consistent with the terminology in the Section 106 regulations. The result would read: "the Coordinated Determination of Eligibility identifies the following elements of the WTC site, which ~~that~~ will be ~~impacted~~ affected . . . ."

Clause 9 (page 2): We recommend the following revision to subparagraph a., for clarification and consistency with the Section 106 regulations, as discussed above under Clause 8: "the Coordinated Determination of Eligibility identifies the following elements of the WTC site, which ~~that~~ may be ~~impacted~~ affected . . . ."

Clauses 11-12 (page 3): The Environmental Performance Commitments (EPC's) and Environmental Analysis Framework (EAF) should be attached to the MOA as an exhibit, so that these commitments will be clearly understood. Even those of us who have been actively involved in the Section 106 review process do not know what these documents say or where to find them. They will provide a useful reference point for addressing the specific issues that may arise during implementation of the MOA regarding noise, vibration, cultural and historic resources, etc.

Clause 17 (page 4): This clause should clarify that the Port Authority must "review and approve all construction plans" prior to the commencement of any construction within the WTC site. In addition, the Stipulations portion of the MOA needs to include a specific procedure for involving consulting parties in this review, and clarifying the relationship between this review and the Construction Protection Plan and WTC Resource Protection Plan. The Stipulations should ensure that the Port Authority will: (1) require other agencies conducting work within the WTC Site to obtain formal approval in advance for all work, and (2) commit to engaging in a consultation process to consider effects on historic properties prior to approving the undertakings of other agencies within the WTC Site. In our view, this will be the most effective way to ensure that cumulative effects on all historic properties are taken into account. For example, through the use of such a process, long-term effects to the Vesey Street stairway and escalator could be taken into account, even though the PATH Project itself has been reconfigured to avoid directly affecting this element of the site.

Clauses 19-21 (page 4): We appreciate the reference to plans for salvaging and preserving elements from the northwest slab remnants (i.e., parking garage remnants). However, these also need to be incorporated into the stipulation or commitment portion of a Section 106 agreement – either this MOA or a separate MOA applicable to the parking garage. For example, the commitment referenced in Clause 20, regarding the heart and cross graffiti, is solely a verbal commitment by the Port Authority. We believe this verbal commitment should be reflected explicitly in an MOA stipulation. (This is not because we don't trust the Port Authority, which has repeatedly demonstrated its good faith throughout the consultation process, but rather, because we simply believe as a matter of practice that mitigation commitments should be incorporated into an MOA; the whole purpose of an MOA is to formalize and reflect those commitments.)

Clause 19 refers to three elements proposed for removal from the parking garage remnants, which were discussed in a consultation meeting on April 29, 2004. These three elements (a smoke-scarred column, a column with blistered paint, and a wall section from Level B2) are only identified in a power-point presentation shown to the consulting parties at that meeting. Their location is not specifically identified in this MOA, and their salvage and preservation is not specifically reflected in a written commitment or Section 106 agreement by any agency. (Indeed, we noticed the absence of the word "commitment" even in the Whereas Clause regarding these three elements.) While the salvage plans for the three elements were developed in response to Stipulation 5 in the LMDC's Programmatic Agreement (PA), the Port Authority is not a party to that PA, and in any event, the PA is not sufficiently specific to reflect the actual mitigation plans.

Clause 21 refers to the SHPO's concurrence with the "above mitigation plan" on May 24, 2004. This concurrence letter was not shared with the consulting parties. The reference suggests that the concurrence applied to the heart and cross graffiti as well as the original three elements. However, the heart and cross graffiti were first brought to the Port Authority's attention on August 5, 2004 – more than two months after the SHPO's concurrence – and thus could not be included within the scope of the May 24 concurrence.

Finally, the Coalition of 9/11 Families has also mentioned the day-glow handrails, which we recall was the subject of a verbal commitment by the Port Authority, and should be included with the other salvaged elements in a Section 106 commitment.

Clause 30 (page 6): The Clause regarding National Park Service review needs clarification. Since design plans do not usually assess effects, this Clause does not indicate which design plans are intended for NPS review, and whether the NPS review would also apply to the Construction Protection Plan and the WTC Resource Protection Plan. We understand that the apparent intention is to invite the Park Service to comment at all points when the SHPO and Consulting Parties will comment. Accordingly, we recommend adding a specific reference to the NPS in each of those Stipulations. In addition, the NPS should be added to the Contact List in Exhibit G.

Finally, as a technical correction, the National Park Service is led by a Director rather than an Executive Director. In any event, specific reference to the Director would suggest that this review should not be delegated. Instead, we would prefer that delegation of the review to NPS staff with appropriate expertise should be encouraged, rather than discouraged. (This could also be accomplished through selection of an appropriate agency contact to be included in Exhibit G.)

Clause 32 (page 6): The cross-reference at the end of the first tribal consultation clause should be to Stipulation X.B. (Public Comments and Dispute Resolution), not Stipulation IX (Administration of this Agreement).

Clause 33 (page 6): In the second tribal consultation clause, the reference to "~~through the NEPA process~~" should be deleted, because the FTA has not invoked the NEPA substitution provisions of the Section 106 regulations, 36 C.F.R. § 800.8(c). In our view, the NEPA process is not an adequate substitute for tribal consultation. In any event, the relationship between Clause 32 and 33 is still confusing, as they appear largely redundant.

NOW THEREFORE Clause (page 7): The term "parties" should be changed to "signatories" to be consistent with the Section 106 regulations, 36 C.F.R. § 800.6(c)(1).

I. WORLD TRADE CENTER SITE (pages 7-13)

A. Documentation (pages 7-8)

1. We agree with the comments of the Coalition of 9/11 Families regarding the best way to protect and minimize harm to the box beam column remnants and other contributing elements within the footprints. This is extremely important, in light of the apparent miscommunication that led to the introduction of concrete that recently had to be removed from the column bases.

3. Since the New York State Archives is designated as having a specific responsibility in this Stipulation, the Archives should be included as an Invited Signatory to the MOA, pursuant to 36 C.F.R. § 800.6(c)(2)(ii), or at the very least, a Concurring Party. In addition, the Archives should be added to the contact list in Exhibit G.

B. Tower Perimeter Column Remnants (pages 8-10)

The title of this section should be broadened to include reference to the Footprints as a whole.

1. This Stipulation articulates the Port Authority's basic commitment to preserve in place a total of 123 column base remnants "to the maximum extent feasible." We commend the Port Authority for this commitment. However, this Stipulation also includes the cryptic statement that the Port Authority "will implement this stipulation in a manner consistent with" Stipulation 3 of the LMDC Programmatic Agreement (PA). It is completely unclear what this statement is supposed to mean. Stipulation 3 of the PA includes such statements as "LMDC shall not be required to consider modifications to any other portion of the Plan," and "plans shall not be subject to further review . . . ." Thus, the cross-reference to the PA appears intended to cut back on the scope of the commitment that is otherwise reflected in Stipulation I.B.1. of the PATH MOA. We strongly urge you to delete or clarify this cross-reference.

7. In line 3 of Stipulation B.7 (page 10), the word "perimeter" should be deleted. In

addition, the MOA should also require the ultimate removal of the fill once construction is complete.

8. In Stipulation I.B.8., the process for review and comment on design plans should be revised as follows:

   a. Design plans should be submitted "for SHPO, NPS, and Consulting Parties' comment."

   e. "SHPO and NPS will respond within 30 calendar days or earlier . . . ."

   f. "Should SHPO or NPS fail to comment within 30 calendar days after receipt of plans and specifications, the submitted plans and specifications shall be deemed approved by that agency. In any event, however, PANYNJ will consider and respond to all comments received from Consulting Parties prior to approval of submitted plans and specifications."

C. E Subway Entrance (pages 11-12)

The revisions described above under Stipulation I.B.8. should also be incorporated into Stipulation I.C.1.a., e., and f.

D. Penetration of East and West Slurry Walls (pages 12-13)

The revisions described above under Stipulation I.B.8. should also be incorporated into Stipulation I.D.1.a., e., and f. In addition, the following sentence should be added to D.1.b. (taken from I.B.8.b. and I.C.1.b.): "The Consulting Parties will be informed of the availability of the plans by e-mail as the plans are posted at the Project website."

F. Resource Protection Plan for WTC Site (page 13)

In the second paragraph of Stipulation I.F., we recommend that the qualifications for the Historical Architect be based on the Secretary of the Interior's Historic Preservation Professional Qualification Standards, at 62 Fed. Reg. 33,707, 33,719-20 (June 20, 1997). We understand that there may be advantages to using a more flexible qualifications standard for the other reference to hiring a Historical Architect, in Stipulation III.B.3. (for the Construction Protection Plan), in order to find someone with experience more directly related to vibration, but whose qualifications may not fit the model of the Secretary of the Interior's professional qualifications. With respect to the WTC Resource Protection Plan, however, the Secretary of the Interior's qualifications should be used as the standard.

The fourth paragraph of Stipulation I.F. should be revised as follows:

"PANYNJ shall furnish copies of the WTCRPP to SHPO, ACHP, NPS, and Consulting Parties for review and comment. Consulting parties shall have 21 days in which to comment. SHPO, NPS, and ACHP shall respond within 30 calendar days of the request for review and comment on the WTCRPP. Should SHPO, NPS, ~~and~~ or ACHP fail to respond within the 30 calendar day period, the WTCRPP shall be deemed approved by that agency. In any event, however, FTA and PANYNJ shall consider and respond to all comments received within this review period in preparing the final WTCRPP. PANYNJ shall ~~implement~~ adopt the approved WTCRPP prior to the commencement of Project construction, and shall implement ~~in consideration of~~ [1] ~~the~~ Project~~'s schedule~~ in accordance with the WTCRPP."

G. Off-Site Artifacts (page 13)

The Port Authority's responsible stewardship of these off-site artifacts, through a professional Conservator or Curator, should be reflected in the MOA.

II. HUDSON RIVER BULKHEAD (pages 14-15)

A. Coordination (page 14)

As mentioned in our previous comments, the Federal Highway Administration (FHWA) has issued a determination of No Adverse Effect on the Hudson River Bulkhead in connection with the proposed reconstruction of Route 9A, notwithstanding the anticipated physical alteration and/or damage to the Bulkhead. This finding is inconsistent with the Section 106 regulations, 36 C.F.R. § 800.5(a)(2)(i)-(ii). The Lower Manhattan Emergency Preservation Fund objected to that determination, pursuant to 36 C.F.R. § 800.5(c)(2)(i), but the disagreement with FHWA has not yet been resolved. This Stipulation should spell out a specific procedure for coordination, and clarify which agency has jurisdiction and authority to approve activities affecting the Hudson River Bulkhead.

C. Treatment (page 14)

Why delete the sentence ensuring that the Treatment Plan will be implemented to the satisfaction of the SHPO prior to any Project-related demolition or construction involving the Hudson River Bulkhead? This sentence should be added back into the MOA.

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[1] The phrase "*in consideration of* the Project's schedule" is too vague. It also differs from the phrase "*in accordance with* the Project's schedule," used in Stipulation III.B.5. (p.16), which suggests a different intended meaning.

D. Treatment Plan (pages 14-15)

The revisions described above under Stipulation I.B.8. should also be incorporated into Stipulation II.D.a., e., and f. In addition, the following sentence should be added to II.D.1.b. (taken from I.B.8.b. and I.C.1.b.): "The Consulting Parties will be informed of the availability of the plans by e-mail as the plans are posted at the Project website."

III. [LISTED HISTORIC BUILDINGS SUBJECT TO POTENTIAL ADVERSE EFFECTS] (pages 15-16)

A. Coordination (page 15)

The second paragraph needs to be corrected as follows: "The Former East River Savings bank and St. Paul's Chapel and Graveyard ~~is~~ are also located within the APE of the Fulton Street Transit Center. PANYNJ shall therefore coordinate treatment of ~~this~~ these Historic Propert~~y~~ies with MTA/NYCT." In addition, the procedures for coordination with LMDC and MTA/NYCT should be spelled out in more detail, especially since these historic properties are not within the ownership or control of the Port Authority.

B. Construction Protection Plan (CPP) (pages 15-16)

1. As we understand it, the Construction Protection Plan applies to off-site effects, while the WTC Resource Protection Plan applies to on-site effects within the WTC Site itself. The MOA should clarify the Port Authority's commitment to ensure compliance with both plans when reviewing and approving proposed construction activities within the WTC Site. In addition, a clear timetable should be indicated, including a commitment that no Project-related construction activities will commence until the CPP is final. It would also be helpful to confirm that the Port Authority will follow the CPP when considering requests from other parties to engage in construction activities within the WTC Site.

3. We appreciate the Port Authority's commitment to the most conservative standard for protecting adjacent historic properties from vibration damage. In order to clarify *which* buildings are to be treated as the "extremely fragile buildings," i.e., all buildings listed in the heading for Stipulation III, we suggest revising the second-to-last sentence as follows: "For these extremely fragile buildings, ~~these~~ vibration protection measures shall reduce vibration levels . . . ."

5. Stipulation III.B.5. should be revised as follows:

   "PANYNJ shall furnish copies of the CPP to SHPO, ACHP, NPS, and other Consulting Parties for review and comment. The Co~~u~~nsulting parties shall have 21

days in which to comment on the CPP. SHPO, NPS, and ACHP shall respond within 30 calendar days of the request for review and comment on the CPP. Should SHPO, NPS, ~~and~~ or ACHP fail to respond within the 30 calendar day period, the CPP will be deemed approved by that agency. In any event, however, FTA and PANYNJ shall consider and respond to all comments received within this review period in preparing the final CPP. PANYNJ shall ~~implement~~ adopt the approved CPP prior to the commencement of Project construction, and shall implement the Project in accordance with the ~~Project's schedule~~ CPP."

IV. ARCHAEOLOGICAL RESOURCES (pages 16-18)

C. Treatment Plan (pages 17-18)

2. This provision states that the Consulting Parties will have 21 days to comment on the proposed Treatment Plan, but doesn't spell out the procedure for distributing the proposed plan and advising the parties of the comment opportunity. We recommend expanding this provision to incorporate a more detailed stipulation comparable to I.B.8.b. It may be appropriate to include the NPS in this comment opportunity as well.

3. Why delete the sentence ensuring that the Treatment Plan will be implemented to the satisfaction of the SHPO prior to any Project-related demolition or construction involving the affected Historic Property? This sentence should be added back into the MOA.

V. UNANTICIPATED DISCOVERIES AND EFFECTS (page 18)

B. Unanticipated Effects to Historic Properties (page 18)

The relationship between this Stipulation and Stipulation V.A (Unanticipated Discovery of Archaeological Resources) needs to be clarified. Is this intended to cover both archaeological and non-archaeological historic properties? In addition, the MOA should clarify the relationship between this Stipulation and the Construction Protection Plan and the WTC Resource Protection Plan, since those two plans are designed to address certain types of unanticipated effects to historic properties. Finally, the terms of the Stipulation are limited to circumstances in which the Port Authority "determines" that the Project "will or may" in the future affect a historic property in an unanticipated manner. Since unanticipated effects, by their very nature, are difficult to predict or determine in advance, the language of this Stipulation should be expanded to include circumstances in which the unanticipated effect has already occurred or is in the process of occurring.

It might be a useful exercise to consider whether and how this Stipulation would apply to

the newly identified feature mentioned in yesterday's New York Times article by David Dunlap – the recently exposed section of travertine floor with contrasting dark bands in angular patterns, located just outside the PATH station concourse – which was characterized as an "evocative vestige" of the trade center shopping mall. This feature (and others that may be exposed or revealed as the redevelopment moves forward) would presumably be evaluated as a newly identified contributing element or feature of the WTC Site, rather than an archaeological resource. The existing language of Stipulation V.B. may not be flexible enough or broad enough to encompass these circumstances. Would 14 days be sufficient for the Port Authority to implement a treatment and mitigation plan? Revisions to this draft Stipulation may be warranted in order to address this and other features of the site that may be newly revealed or identified.

VI. TEMPORARY RELOCATION OF HISTORIC ELEMENTS OF THE WTC SITE (pages 18-19)

2. This Stipulation should be explicit about the Port Authority's commitment to involve a Conservator or Curator meeting the Secretary of the Interior's Historic Preservation Professional Qualification Standards (62 Fed. Reg. 33,707 (June 20, 1997)), in all phases of developing and implementing the plan for temporary relocation of historic elements. We also recommend a stronger role for the consulting parties in this stipulation. This should include a 21-day opportunity to comment on the plan, prior to the end of the SHPO comment period, as provided in Stipulations I.B.8.b., I.C.1.b., I.D.1.b., and II.D.b.

VIII. ADDITIONAL COORDINATION REGARDING NEWLY AFFECTED HISTORIC PROPERTIES (pages 19-20)

Stipulation VIII is closely related to Stipulation V (p.18); for example, both Stipulations VIII.1 and VIII.2 include a cross-reference to Stipulation V.B). However, the relationship between the two provisions remains very confusing. We strongly recommend integrating this provision into Stipulation V as V.C., so that all the related stipulations will be combined together under one section. In addition, it would be useful to clarify whether this provision applies to newly identified historic properties that will be affected (presumably these will be archaeological resources), or already known historic properties that are affected in unanticipated ways, or both.

IX. ADMINISTRATION OF THIS AGREEMENT (page 20)

This Stipulation would be an appropriate place to refer to Exhibit G (Agency Contact Information), which is not yet referenced anywhere within the MOA itself.

B. Submittals to SHPO (page 20)

This Stipulation would also be a good place to provide for any special procedures needed

for submittals to the NPS.

C. Semiannual Status Reporting (page 20)

In the third-to-last line of this stipulation, the term "parties" should be changed back to "signatories" in order to be consistent with the Section 106 regulations. Since the Consulting Parties are one sub-category of the broader term "parties," it creates confusion to say "make the report available to the parties . . . *and to the Consulting Parties* . . . ."

X. DISPUTE RESOLUTION (pages 21-22)

A. Objections to Plans or Reports by Parties to This Agreement (page 21)

This Stipulation creates a process that looks fine on paper, but is unlikely ever to apply to any real-world situation. Since the four signatories to the MOA are all involved in the process of addressing and resolving the objections, it is difficult to imagine who would be left to serve as the objecting party. In the unlikely event that one of the signatories were to raise an objection (e.g., SHPO, FTA, or ACHP), they would be the very agencies called upon to referee or comment on their own objections.

B. Public Comments and Dispute Resolution (pages 21-22)

The National Trust strongly supports this Stipulation as a good model for facilitating public participation in the project through Section 106. Public comments are acknowledged as legitimate and deserving of a response. However, when considered together with the review process for consulting parties to comment on design plans at various stages of the project, it reflects a discrepancy. Although the Port Authority has committed to "respond" to all substantive comments from the public at large, it has only agreed to "consider" comments from consulting parties on specific design plans. This discrepancy could create an incentive for the consulting parties to use the public objection process, rather than the consulting party commenting process, as the mechanism for influencing the design and plans for the Project. Perhaps the best solution to this discrepancy would be to ensure that the stipulations describing the consulting party comment process include a specific commitment to respond to consulting party comments and to attempt to resolve disagreements with consulting parties.

XI. AMENDMENT AND TERMINATION (page 22)

B. Termination (page 22)

In line 2 of the second paragraph, the word "even" needs to be corrected to "event" ("In the event the Agreement is terminated . . . .")

Concluding Paragraph (page 23)

In line 2 on page 23, the word "undertaking" should be replaced by "Project," since the Project is defined in the First Whereas Clause. Using the term "undertaking" introduces an ambiguity, because the redevelopment of the WTC site involves many overlapping undertakings, and the scope of this particular undertaking has not been defined in the MOA.

Signatures (page 24)

As discussed above, the New York State Archives should be added as an invited signatory, or at least a concurring party, because of their commitment to permanent curation of documentation in Stipulation I.A.3 (p.8).

Exhibit F (Plan for Unanticipated Discovery of Archaeological Features or Materials)

In our previous comments, we suggested that Exhibit F, paragraph B, which defines a "Qualified Archaeologist," should specifically refer to the Secretary of the Interior's Historic Preservation Professional Qualification Standards, 62 Fed. Reg. 33,707 (June 20, 1997). This comment is reiterated simply because revised drafts of the Exhibits were not provided.

Exhibit G (Contact Information)

The contact list should include a point of contact for the National Park Service and the New York State Archives.

Conclusion

We wish to reiterate our thanks to the Port Authority for the agency's continued good faith in the Section 106 consultation process for the PATH Terminal. It was gratifying to see this view echoed in the New York Times article on December 30, 2004. We look forward to reviewing a revised draft of the MOA.

Sincerely,

Elizabeth Merritt

Elizabeth S. Merritt
Deputy General Counsel

cc: Charlene Dwin Vaughn, ACHP
Carol Braegelmann, Federal Preservation Officer, FTA
Paul Lebrun, Federal Transit Administration

Ruth Pierpont, NY State Office of Parks, Recreation & Historic Preservation
Timothy Stickelman, PANYNJ
Anthony Cracchiolo, PANYNJ
John Hotapp, Louis Berger Group
Ken Lustbader, Lower Manhattan Emergency Preservation Fund
Frank Sanchis, Municipal Art Society
Peg Breen, New York Landmarks Conservancy
Alex Herrera, New York Landmarks Conservancy
John Stubbs, World Monuments Fund
Robert Kornfeld, Historic Districts Council
Joel Klein, Coalition of 9/11 Families
Anthony Gardner, Coalition of 9/11 Families
Marilyn Fenollosa, Northeast Office, National Trust

NJ CT NY
Regional Plan Association

December 22, 2004

Anthony Cracchiolo
Director
Priority Capital Programs
The Port Authority of NY & NJ
233 Park Avenue South, 4th Floor
New York, NY 10003

Bernard Cohen
Federal Transit Administration, Lower Manhattan Recovery Office
One Bowling Green, Room 436
New York, NY 10004

Dear Mr. Cracchiolo and Mr. Cohen:

Thank you for the opportunity to submit comments on the Draft Memorandum of Agreement (MOU) among the Federal Transportation Authority, New York State Historic Preservation Office, Advisory Council on Historic Preservation, and Port Authority of New York New Jersey regarding the Permanent World Trade Center PATH terminal, dated December 16, 2004.

Regional Plan Association (RPA) strongly supports the construction of the World Trade Center Transportation Hub to restore long-term access to Lower Manhattan and connectivity to the NYC Subway system, contributing to the revitalization and economic recovery of Lower Manhattan. RPA has reviewed the PATH ridership estimates provided by the Port Authority and concurs with the conclusion that a fourth platform is needed to provide sufficient capacity within the station for the safe loading and unloading of passengers between the train cars and the platform in an efficient manner.

RPA also recognizes the unique importance of the historic resources that exist at the World Trade Center site. Every effort should be made to preserve these resources *in situ* at the site, and to maintain visual and physical access to the resources wherever possible. We realize that preserving access to the World Trade Center tower footprints while accommodating the physical space needs of the PATH tracks and platforms has been a challenge, and we appreciate the Port Authority's willingness in trying to find a solution that reconciles the physical space needs of both the infrastructure and the artifacts.

The preservation of historic remnants of the World Trade Center can play an important role in conveying the importance of this place to New York City and the nation's history, while not impeding the goal of providing a modern, safe and efficient transportation hub. To achieve this goal, the historic elements should be seamlessly integrated with the design of the site, so that users of the station may encounter historic elements on a daily basis, without the presence of these artifacts inconveniencing them or the operation of the station. However, we are concerned that the cumulative impact of multiple construction projects taking place at the World Trade Center site and managed by separate agencies has the potential to cause adverse impacts to the historic resources at the site. Therefore, RPA supports two recommendations made by the Lower Manhattan Emergency Preservation Fund (LMEPF) to mitigate this negative impact.

One, RPA agrees that the Port Authority should develop a process to evaluate and mitigate the cumulative impact of all relevant projects impacting the historic resources located at the World Trade Center site. This process should include a review and approval process for all projects managed by the separate agencies, and should include a resource protection plan for protecting the on-site historic elements during construction.

Two, we support the creation of a Cultural Resources Management Team by the Port Authority that will review plans for mitigating impacts to historic resources and for designing solutions to integrating visual and physical access to these elements in new projects built on the site.

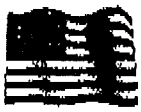
Regarding the WTC Transportation Hub, the specific architectural treatments proposed for the platforms over the Tower Perimeter Column Remnants, the E Subway entrance, the East and West Slurry Walls and the steel beams in cross form outlined in the December 16 Draft MOU provide an outline of how to achieve integration of the historic elements and the station. We look forward to commenting on the more specific design plans for incorporating these historic elements into the station design as they progress. In the absence of a coordinated process for evaluating the cumulative impacts to historic resources, we offer the following comment on the proposed treatment of the Slurry Wall, as outlined in the MOU.

- The MOU specifies several conditions which must be met in order for portions of the slurry wall to be visible from the terminal or East-West pedestrian connector. We hope that the Port Authority will make every effort to meet these conditions, as actual visual and physical access to the slurry wall is preferable to a photograph or plaque marking the wall's presence. We understand that access to the slurry wall will also be provided under LMDC's jurisdiction through the design of the memorial center, but these plans have not yet been presented to the consulting parties. Therefore, we urge the Port Authority to provide visual and physical access to the wall, in addition to what the LMDC will provide.

Thank you again for your diligence in finding solutions to integrate historic elements with the World Trade Center transportation hub. We look forward to offering further comments as the project progresses.

Sincerely,

Robert D. Yaro
President



WTCRC
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NY,
NY, 10280
Tel: 212 9454332

Section 106 MOA
Attn: Timothy Stickelman, Esq.
PANYNJ Law Department
225 Park Avenue South - 14th Floor
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NY 10003

March 31, 2005

Members of the Port Authority and Interested Parties,

Please find enclosed the WTCRC (World Trade Center Residents Coalition) endorsement of the Section 106 Memorandum of Agreement (MOA), prepared by the Port Authority for the WTC Transportation Hub Project.

After 3.5 years the represented downtown residents believe that it is now time to begin the rebuild process. The Port Authority has done its utmost to preserve historic artifacts at the WTC site. Many residents believe too many compromises were made to preserve remnants of the structure in situ, that have only very minor significance from a historical view point, which could have been better viewed in a museum. We remain concerned that project constraints around the percentage of the two footprints that maybe occupied severely limits the sites potential. The concession will undoubtedly generate increased costs, build times and potentially impact greatly our local communities due to required facility relocations.

Despite our concerns, we believe that the commercial and retail redevelopment of the World Trade Center site is critical to the future of Lower Manhattan for both businesses and local residents. For these reasons, we have decided to endorse.

We look forward to working with you in the future.

Yours faithfully,

Craig A. Hall
WTCRC - President

HISTORIC DISTRICTS COUNCIL

THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

232 East 11th Street New York NY 10003
tel 212-614-9107 fax 212-614-9127 e-mail hdc@hdc.org

March 30, 2005 VIA FAX

Mr. John L. Nau, III
Chairman
Advisory Council on Historic Preservation Old Post Office Building 1100 Pennsylvania Avenue, NW, Suite 809 Washington, DC 20004

Re: WTC Transportation Hub Memorandum of Agreement

Dear Mr. Nau:

The Historic Districts Council would like to express serious concerns about the current draft of the Memorandum of Agreement (MOA) of the Port Authority of New York and New Jersey (PANYNJ) concerning the Section 106 Review of the World Trade Center site that make it unacceptable in its present form. While the document is close to completion, there are several areas where it is weak and unenforceable, and unlikely to accomplish its apparent intent, to minimize adverse effects to the contributing historic features, and to clearly define those features that will be protected. We request the Advisory Council to refrain from signing the document until the issues are satisfactorily resolved, and we do not feel that we can concur at this point. We previously requested another consulting parties meeting, but at least an additional draft is in order to address substantive comments by consulting parties. We endorse the comments by the Coalition of 9/11 Families concerning cumulative effects and dispute resolution.

PANYNJ is the owner of the site and has control of the site, and yet the terms of their MOA do not appear to be enforceable on the other tenants or agencies that plan to build on the site, particularly the Lower Manhattan Development Corporation (LMDC), nor

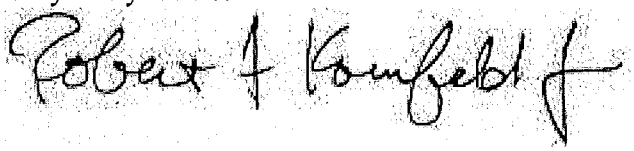
does it give PANYNJ the authority to require LMDC to submit plans for review, nor the authority to require modifications to reduce adverse effects. For example, while PANYNJ identifies numbers of column bases in the tower footprints and percentages of the tower footprint areas that they intend to "preserve", it is apparent from LMDC's preliminary design presentation that they intend to obliterate almost all of the contributing resources, and leave token remnants stripped of their sense of place.

This is a critical moment in the history of the World Trade Center site, and the future of this historic resource may hinge on a few text changes. We sincerely hope that the reviewing agencies fulfill their mission to protect our nation's historic resources. The WTC footprints and other contributing features comprise an extraordinary resource which still possesses a high degree of integrity. If it is lost, there will be repercussions that are felt in the preservation community for generations, like the loss of Penn Station, because this is a resource of such profound historic significance, and a site that Americans will continue to consider as hallowed ground on a par with any existing national memorial.

Penn Station was destroyed under the fateful slogan, "You can't stop progress." The World Trade Center preservation, just like the rescue and recovery effort, must continue under the banner, "We will never forget."

We look forward to continue working as a consulting party with you on this important undertaking.

Very Truly Yours:



Robert J. Kornfeld, Jr., RA
Board of Directors, Historic Districts Council

cc: Carol Braegelmann
Timothy G. Stickelman
Elizabeth Merritt
Ruth Pierpont
Consulting Parties (selected)

333 Rector Place, # 11-B
New York, NY 10280
March 26, 2005

Section 106 MOA
Attn: Timothy Stickelman, Esq.
PANYNJ Law Department
225 Park Avenue South – 14th Floor
New York, NY 10003

Ladies and Gentlemen:

On behalf of the Coalition to Save West Street (Coalition), a Consulting Party, I enclose herewith an executed signature page to the Memorandum of Agreement (MOA) for the WTC Transportation Hub Project (Project) in order to formally indicate the Coalition's concurrence with this MOA. We are endorsing the document despite very serious reservations about some of its provisions. There are parts of the MOA that we enthusiastically support, such as the decision to incorporate the historic features of the surviving E subway entrance into the new design. However, we are concerned that far too many compromises were made to preserve remnants of the structure that have only marginal significance from a historical or any other perspective and which could have been either represented or incorporated into the museum. Moreover, we believe that the commitment to preserve a large number of the box beam columns at bedrock level (the so-called "footprints") and to place strict limits on the percentage of the two footprints to be permanently occupied by any portion of the Project constrains development on the site in a very severe way and limits its potential. We would certainly never have negotiated such concessions had we been the primary negotiators in this process.

On balance, however, we feel that any further delay in redeveloping the site is unwise and that construction should not be held back any longer. The commercial and retail redevelopment of the World Trade Center site is critical to the future of Lower Manhattan for both businesses and local residents. We have stared at this huge hole in the ground daily for 3.5 years now, and it is time to move forward. For these reasons, we have decided to concur with the agreement.

Sincerely,

William C. Love, Jr.

William C. Love, Jr.
Vice Chair
Coalition to Save West Street

Stickelman, Timothy

From: KLustbader@aol.com

Sent: Friday, April 01, 2005 1:34 PM

To: cvaughn@achp.gov

Cc: Stickelman, Timothy; ruth.pierpont@oprhp.state.ny.us; Beth.Cumming@oprhp.state.ny.us; carol.braegelmann@fta.gov; FSanchis@mas.org; betsy_merritt@nthp.org; marilyn_fenollosa@nthp.org; avaningen@nysca.org; pegbreen@nylandmarks.org; jdilorenzo@preservenys.org; Opmacw@aol.com; bburnham@wmf.org; hng@wmf.org

Subject: Final PATH MOA

Dear Charlene,

The Lower Manhattan Emergency Preservation Fund (LMEPF) has been working with Elizabeth Merritt and Marilyn Fenollosa of the National Trust in reviewing the MOA for the PATH project. The LMEPF endorses the Trust's comments on the MOA which were distributed on March 31.

It is unfortunate that the Consulting Parties were not given one final opportunity to comment on the MOA considering how much work has already been committed to this process. We know that the Port Authority and its staff have been receptive to many of our prior recommendations and hope that the Trust's comments can be incorporated into a revised Final MOA.

Ken Lustbader
Preservation Consultant
Lower Manhattan Emergency Preservation Fund
c/o 37 West 12th Street, 2E
New York, NY 10011
phone: 917 848-1776
fax: 212 633-1087

----- Message from "Betsy Merritt" <Betsy_Merritt@nthp.org> on Wed, 30 Mar 2005 23:22:31 -0400 -----

To: <cvaughn@achp.gov>
cc: "Stickelman, Timothy" <tstickel@panynj.gov>, <ruth.pierpont@oprhp.state.ny.us>, <carol.braegelmann@fta.gov>, "Marilyn Fenollosa" <Marilyn_Fenollosa@nthp.org>, <klustbader@aol.com>, <rkornfeld@lzatechnology.com>, <jklein@johnmilnerassociates.com>, <fsanchis@mas.org>, <alexherrera@nylandmarks.org>, "Anthony Gardner" <amg@wtcufg.org>
Subject: Comments on PATH MOA

Attached are comments from the National Trust on the MOA for the PATH Project.

We were disappointed that the Port Authority did not circulate this document once more for comment prior to finalizing it and executing it. We have learned to expect more from the Port Authority than the take-it-or-leave-it approach reminiscent of the LMDC. Nonetheless, we hope this will remain an aberration, rather than a trend, in an otherwise commendable record of consultation by the Port Authority. We would appreciate the Council's review of our comments on the MOA, and we would be happy to discuss them with any of the parties.

NATIONAL TRUST
for HISTORIC PRESERVATION

Comments on Final PATH MOA

Cumulative Effects (pp.12-13)

This new section of the MOA represents a good effort to address cumulative effects. However, it is unfortunate that the Port Authority chose to introduce this stipulation only in the final MOA, without any opportunity for consulting parties to comment on it in draft form. In our view, a number of refinements are needed to clarify and improve this provision, which remains confusing and vague.

1. The Port Authority plans to consider cumulative effects for the first six months of "full operation" of the project, but no longer. This time-limit is arbitrary and insufficient. Since the Port Authority will continue to own the WTC Site, there is no reason why the Port Authority's leadership role in coordination and oversight could not continue for more than six months.

2. The Port Authority is only proposing to "request," not "require," "documents" for construction projects within the WTC Site, and only from "agencies" that are constructing projects. We assume that the other construction projects include the Memorial (LMDC), the Fulton Street Transit Center (FTA), and Route 9A (FHWA), as well as the Freedom Tower and office and retail development within the WTC Site. Would the Freedom Tower be excluded from this provision because it is not being constructed by an "agency"?

4. If the Port Authority and SHPO agree that cumulative adverse effects are likely, then the Port Authority will "consider" mitigation measures, including project design modifications. However, this stipulation fails to address what will happen if the SHPO and/or LMEPF believe that cumulative effects will be adverse, but the Port Authority does not agree. Normally, the Section 106 regulations would require the FTA to consult with the SHPO or LMEPF to resolve such a disagreement about whether the cumulative effects would be adverse. 36 C.F.R. § 800.5(c)(2)(i). That procedural right appears to be short-circuited here.

5. The Port Authority commits to make all appropriate Port Authority documentation available to consulting parties, but not documentation prepared by any other party (i.e., the agency constructing the project within the WTC Site). While we recognize that this restriction is based on an effort to accommodate security concerns, we are concerned that, without adequate documentation, it will be difficult for LMEPF (or any other consulting party) to provide meaningful input under stipulation G.3 on the potential for adverse cumulative effects.

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7. The Port Authority's commitment to "consider and respond" to comments on cumulative effects from consulting parties, and to "attempt to resolve" those concerns, helps to address in part the inadequacies of stipulation G.4 discussed above. However, G.4 makes no cross-reference to G.7. More importantly, recourse to the ACHP and the dispute resolution procedure would only be triggered if the Port Authority is unable to reach resolution "*with SHPO*," which would be highly unlikely. This stipulation fails to address what happens if concerns are not resolved with other consulting parties.

8. In the third line from the end, the reference to the "WTC Resource [Protection] Plan for Construction" is missing the word "Protection."

Dispute Resolution (pp.19-20). Stipulation X.B.3. (p.20) appears to create a process in which objections raised by consulting parties could not be brought to the FTA or ACHP for review unless the SHPO "considers the issue of sufficient importance." We strongly disagree with putting the SHPO in this role. It is likely to exacerbate, rather than resolve, conflicts between the consulting parties and the SHPO, and would place inappropriate and disproportionate power and pressure on the SHPO. The federal agencies should take responsibility themselves for addressing disputes that are brought to them by consulting parties, rather than relying on the SHPO to block or screen issues in order to keep disputes away from the federal agencies.

Role of National Park Service. Although specific reference to NPS has been added in the review process for plans that will affect the various contributing elements of the WTC Site, elsewhere that reference to NPS has been omitted, which creates ambiguity and confusion about the process. For example:

- The consulting parties have 21 days to comment on various plans, while SHPO (and ACHP, where applicable) have 30 days. The MOA fails to indicate whether the NPS would have 21 days or 30 days.
- The MOA commits that the Port Authority will consider and respond to all timely comments from SHPO and consulting parties, but not those from NPS.
- The consulting parties will be notified electronically that plans are available, but the Port Authority is not required to notify NPS.

These clarifications need to be made throughout the MOA.

Column bases *inside* the perimeter of the footprints. Although this element of the WTC Site is specifically mentioned on page 13 of the Coordinated Determination of Eligibility, it is not mentioned in the MOA. Even though this historic element will apparently be affected, the MOA does not take into account those effects.

Corrections

Historic Properties vs. Historic Resources. Although Whereas Clause 7 on p.1 defines the term "Historic Properties" as National Register-listed or -eligible properties, the MOA later slips into the use of the term "Historic Resource[s]," which is not defined. See, e.g.:

- I.F.2, end of paragraph (p.11). (Compare end of I.F.3.)
- I.G.1, line 2 (p.12).

- V., Title (p.17).
- V.B., Title and throughout paragraph (p.17).
- Page 21, line 3.

These references to Historic "Resource[s]" need to be changed to Historic "Properties."

Professional Qualifications. The Secretary of the Interior's Historic Preservation Professional Qualification Standards are incorrectly cited to 36 CFR 61. Although this was previously the citation for the Standards, they are no longer located within that section of the National Park Service regulations. The following references need to be corrected:

- I.F.2, fourth line from the end (p.11)
- III.B.3, third line from the end (p.15)

Final Paragraph. The verbiage at the top of page 21 and the other signature pages is redundant of the paragraph at the bottom of page 20. It also contains an error – the reference to "historic resource."

March 31, 2005

David Stanke
Helene Seeman
BPC United
114 Liberty Street, Apt. 7
New York, NY 10006

Section 106 MOA
Attn: Timothy Stickelman, Esq.
PANYNJ Law Department
225 Park Avenue South – 14th Floor
New York, NY 10003

Members of the Port Authority and Interested Parties:

BPC United would like to express our concurrence with the MOA prepared by the Port Authority for the WTC Transportation Hub Project. We feel that the Port Authority has gone far beyond reasonable expectations to preserve the historic artifacts at the WTC site. We have significant reservations that the tradeoffs already made and the commitments going forward go beyond reasonable levels to preserve artifacts that are of secondary importance. But we also feel that it is critical that work on the WTC site move forward quickly: critical for the surrounding neighborhoods, for Downtown New York, and, symbolically, for our country.

It has been an honor and a pleasure to be involved in these hearings. The presentations of artifacts and the site by Port Authority employees have been enlightening and moving. Presentations of proposed projects and detailed descriptions of impact on historic elements have been clear and well articulated. Feedback from each meeting was addressed in succeeding meetings. While at times, the hearings mired down with repetitious demands, the Port Authority made every effort to hear all views and to treat everyone with respect. The modifications made to plans demonstrated creativity and flexibility in adjusting to comments from the Consulting Parties.

Unfortunately, we must also express our reservations in supporting this MOA. Our concerns are not with the process, but with the lengths taken to preserve artifacts of disputed value. Consulting Parties who demanded expanded preservation failed to establish a consistent method to establish an artifact's historic value. In these discussions, it was simply stated that every item on the site was historic and should be saved with little regard for the costs. Items that had no pre-9/11visibility to the public, that are of no architectural significance, and that evoke limited resonance to the memory of the WTC or the events of 9/11 have been treated with a "preserve at all costs" mentality. Our primary concerns are with the column footings from the WTC embedded in cement on the floor of the WTC bathtub, although many items with little resonance were also discussed.

In particular, we believe that the cost of rebuilding at the WTC has been increased dramatically due to actions taken as a result of these meetings. The dislocation of all functional, infrastructure elements of the old WTC to surrounding areas will require extensive excavation and re-building. Only in the future will the full cost of these decisions will be realized. Movement of facilities to surrounding areas will extensively impact impair our local communities; impacts which cannot be mitigated. We are also concerned that the functionality of the Path Station, transportation facilities, walkways, retail, and office space will be compromised.

The Port Authority took steps to preserve the historic artifacts from the WTC long before the public took interest. In those earliest days of national morning, they engaged experts to identify, remove, and protect items of significant value. The results of these efforts are an impressive collection of deeply moving artifacts stored in a hanger at JFK. Presentations by these experts were among the most well reasoned and moving aspects of the hearings. The Port Authority treated the site with the respect that someone would treat his/her own home after a historic disaster. The results are evidence of their feelings for the old WTC, and the personal losses they all experienced. As knowledgeable caretakers of the site, their selection of artifacts demonstrated a clear understanding of relative importance of specific items. Unfortunately, most of the 106 hearings focused on items of far lesser importance and far greater cost than those already identified and preserved.

The Port Authority has established pattern of respecting the historic nature of the WTC and demonstrated their understanding of the form and function of the WTC. Based on these qualifications, we concur with the MOA and fully support the Port Authority proceeding immediately with construction of the Path Station and associated infrastructure. We also look forward to further hearings on other areas of the site as this historic rebuilding continues.

Sincerely,

David E. Stanke
BPC United

Appendix I

Construction Analysis and Management Framework

Appendix I-1: Environmental Analysis Framework and Environmental Performance Commitments

Metropolitan Transportation Authority
State of New York

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION

THE PORT AUTHORITY OF NY & NJ

September 3, 2003

Susan E. Schruth
Director
Lower Manhattan Recovery Office
Federal Transit Administration
One Bowling Green
New York, NY 10004

Re: Lower Manhattan Transportation Recovery Projects

Dear Ms. Schruth:

In the aftermath of the September 11th attacks and the destruction visited on the transportation infrastructure of Lower Manhattan, we appreciate the Federal Transit Administration's ("FTA") commitment of funding and other resources to the transportation recovery projects in Lower Manhattan described by Governor George E. Pataki in his letter dated February 6, 2003. As these projects advance in development, the Metropolitan Transportation Authority ("MTA"), the Port Authority of New York and New Jersey, and the New York State Department of Transportation are working together with the FTA's Lower Manhattan Recovery Office to demonstrate their commitment to the environment and communities of Lower Manhattan. The attached Environmental Analysis Framework represents the fruits of that collective commitment.

We also acknowledge the opportunity to proceed with these important projects provided by the temporary waiver of transportation conformity requirements as enacted by Public Law 107-230. It is important to meet the commitments made by the State in order to obtain the waiver and we recognize the benefits of an enhanced interagency consultation process as we go forward with these transportation recovery projects.

As the first of these priority projects – MTA's Fulton Street Transit Center and the Permanent WTC PATH Terminal – have begun the environmental process incorporating this Framework, we mark the beginning of the environmentally-conscious contribution that the transportation recovery projects will make to the revitalization of Lower Manhattan. We look forward to working together with you as each of the other projects progresses in development and look

forward to the state-of-the-art restoration and enhancement of the transportation systems to and from Lower Manhattan.

Sincerely,

Katherine N. Lapp
Executive Director and
Chief Executive Officer
Metropolitan Transportation Authority
347 Madison Avenue
New York, New York 10017

Paul T. Wells, P.E.
Chief Engineer
New York State Department of Transportation
1220 Washington Avenue,
State Campus, Bldg 5, Room 504
Albany, New York 12232

Joseph J. Seymour
Executive Director
Port Authority of New York and New Jersey
225 Park Avenue South
New York, New York 10003

ENVIRONMENTAL ANALYSIS FRAMEWORK FOR FEDERAL TRANSPORTATION RECOVERY PROJECTS IN LOWER MANHATTAN

In the aftermath of the September 11, 2001 attacks, a common framework of environmental analysis for reconstruction and redevelopment projects in Lower Manhattan can produce substantial benefits for each project, including the avoidance or minimization of environmental impacts and an increase in public understanding. The initiation of transportation recovery projects that are to be undertaken with the $4.55 billion in federal funding to restore and enhance functionality of the infrastructure and support the recovery of the area ("Federal Transportation Recovery Projects") will likely precede non-infrastructure projects. These projects therefore present an early opportunity for implementing a framework for evaluating and minimizing potentially adverse environmental effects, particularly cumulative effects, from other projects in Lower Manhattan that are constructed and put into operation during similar time frames and may affect the same resources (the "Framework"). As such, this Framework, which features a coordinated cumulative effects analysis approach, is offered to assist sponsors of Federal Transportation Recovery Projects ("Project Sponsors") in their environmental analyses.

The Framework for the Federal Transportation Recovery Projects was developed by a group of governmental entities involved with recovery in Lower Manhattan: the Metropolitan Transportation Authority ("MTA"), the Port Authority of New York and New Jersey ("Port Authority"), the New York State Department of Transportation ("NYSDOT"), and the Lower Manhattan Development Corporation ("LMDC"), in cooperation with the Federal Transit Administration ("FTA") and interested federal agencies. It is anticipated that at a minimum, this Framework, as applicable and where appropriate, will be used by the MTA, the Port Authority, and NYSDOT in connection with each of their proposed Federal Transportation Recovery Projects. This Framework will be introduced to additional local Project Sponsors, as appropriate, as additional Federal Transportation Recovery Projects are identified and prioritized. It is intended that, when completed, each Federal Transportation Recovery Project will result in an overall positive impact on the environment.

The temporary waiver of most transportation conformity requirements provided by Public Law 107-230 allows for these projects to proceed with out the need for a full conformity determination. To meet obligations set forth with the conformity waiver, the framework recognizes the need and value of interagency consultation and is consistent with the enhanced interagency consultation procedures during the transportation conformity waiver period.

In light of other reasonably foreseeable transportation and non-transportation actions in Lower Manhattan, this Framework for analyzing Federal Transportation Recovery Projects will establish a consistent set of information and commitments to be fulfilled in each Project Sponsor's project-specific environmental review and documentation. The Framework considers the regulations set forth by the Council on Environmental Quality ("CEQ") and takes into account the guidance in State Environmental Quality Review Act ("SEQRA") regulations, the City Environmental Quality Review ("CEQR") Technical Manual, industry best practices, and public input.

This ***Environmental Analysis Framework*** consists of the following components:

1. ***Green Design, Green Construction, and Sustainability Principles;***
2. ***Construction Environmental Protection Plan;***
3. ***Public Involvement and Governmental Entities Coordination Plan; and***
4. ***Baseline Assessment of Resources & Coordinated Cumulative Effects Analysis Approach***

1. *Green Design, Green Construction, and Sustainability Principles*

Each Project Sponsor cooperating with the FTA, and other interested federal agencies, recognizes the importance of avoiding and minimizing adverse impacts. Project Sponsors will address their advance commitment to undertake such avoidance efforts. In this regard, Project Sponsors have agreed to develop a common set of Environmental Performance Commitments ("EPCs") that they will each undertake. EPCs are items such as design elements, construction techniques, or operating procedures that will be implemented to lower the potential for adverse environmental impacts. This proactive approach is incorporated into this Framework and will diminish the likelihood of adverse cumulative effects. In addition, each Project Sponsor will undertake additional EPCs appropriate to its project based on the project's particular nature, timing, and scope.

Each Project Sponsor will describe the green practices that will be followed during construction for the following resources/areas of potential impact:

- Air Quality
- Pedestrian and Vehicular Access and Circulation
- Historic and Cultural Resources
- Noise and Vibration
- Business/Economic Interests

Project Sponsors will also set forth the green practices, high performance, and sustainable design features to be evaluated during design of the structures and facilities that will avoid or minimize adverse impacts and enhance overall environmental performance during operation.

2. *Construction Environmental Protection Plan*

Each Project Sponsor will provide a detailed outline of the EPCs and any other procedures to be implemented during the construction phase to protect sensitive resources that may be affected during construction. This plan will discuss how the initial condition of the resource will be assessed, where applicable; how the construction work will actually be implemented to avoid or minimize impacts; and how the environmental performance of the project will be monitored during construction. This plan will be based on the best available information and the ongoing construction coordination process in Lower Manhattan and a shared Lower Manhattan projects inventory being developed by LMDC. The plan will also provide an effective means for disseminating appropriate current information to the public and other developers.

3. *Public Involvement and Governmental Entities Coordination Plan*

Each Project Sponsor will describe how the environmental community, relevant governmental entities, and the general public will be involved as the Project Sponsor proceeds with its Federal

Transportation Recovery Project. Each Project Sponsor will develop a public and governmental entity involvement plan that will be coordinated with the public and governmental entity involvement plans for other Lower Manhattan projects. A key goal of the coordination will be to avoid or at least minimize adverse effects on the environment, particularly during construction. In addition, this plan will identify a protocol by which comments received during the construction phase will be addressed; appropriate current information will be provided to the public, including Project Sponsors' project implementation schedules; and coordination with other projects will occur. The process will build on an existing construction coordination protocol among parties already involved in rebuilding Lower Manhattan.

4. ***Baseline Assessment & Coordinated Cumulative Effects Analysis Approach.***
The components of the baseline assessment and coordinated cumulative effects analysis approach to be used by the Project Sponsors in Federal Transportation Recovery Projects are as follows:

- Each Project Sponsor will address cumulative effects, as applicable, as part of its independent project-specific environmental review process.
- The "baseline" to be used for the "No Build" comparison required under NEPA will be pre-September 11, 2001 conditions.
- The "baseline" for environmental review of construction-related impacts for each project will be adjusted to reflect, where appropriate, conditions anticipated to be in effect at the time of construction.
- Project Sponsors will share appropriate information, databases and documentation of the baseline and forecasted conditions.
- Each Project Sponsor will apply a consistent approach for the evaluation of cumulative effects focused on the five following "resources":
  - -- Air Quality (including the Enhanced Procedures during the Transportation Conformity Waiver Period);
  - -- Pedestrian and Vehicular Access and Circulation;
  - -- Historic and Cultural Resources
  - -- Noise and Vibration; and
  - -- Business/Economic interests
- The geographic area for analysis will be the area of Lower Manhattan south of Canal Street, but where appropriate, the geographic area may be adjusted for the specific resources.
- Each Project Sponsor will adhere, at a minimum, to the attached set of common EPCs to lower the potential for adverse environmental impacts as listed in Section 1 and above, thereby lessening the potential for each project to contribute to overall adverse cumulative effects.
- As each project matures through the NEPA process, the findings of the project will be incorporated into the cumulative effects analyses for the projects that follow it. As such, the project on which findings have been issued will constitute an "existing condition" for the cumulative effects analysis of the next project.

LOWER MANHATTAN FEDERAL TRANSPORTATION RECOVERY PROJECTS
COMMON ENVIRONMENTAL PERFORMANCE COMMITMENTS

These common environmental performance commitments are made by the Project Sponsors accepting the Environmental Analysis Framework for Federal Transportation Recovery Projects in Lower Manhattan. As noted in the Environmental Analysis Framework, actual requirements and specifications implementing the commitments will be set forth in each Project Sponsor's public involvement and governmental entities coordination plan, construction environmental protection plan, design documents and contracts.

Air Quality:

Proposed Commitments
Use ultra low sulfur diesel fuel in off-road construction equipment with engine horsepower (HP) rating of 60 HP and above.
Where practicable, use diesel engine retrofit technology in off-road equipment to further reduce emissions. Such technology may include Diesel Oxidation Catalyst / Diesel Particulate Filters, engine upgrades, engine replacements, or combinations of these strategies.
Limit unnecessary idling times on diesel powered engines to 3 minutes.
Locate diesel powered exhausts away from fresh air intakes.
Control dust related to construction site through a Soil Erosion Sediment Control Plan that includes, among other things: a. spraying of a suppressing agent on dust pile (non-hazardous, biodegradable); b. containment of fugitive dust; and c. adjustment for meteorological conditions as appropriate.

Noise and Vibration:

Proposed Commitments
Where practicable, schedule individual project construction activities to avoid or minimize adverse impacts.
Coordinate construction activities with projects under construction in adjacent and nearby locations to avoid or minimize impacts.
Consider condition of surrounding buildings, structures, infrastructure, and utilities where appropriate.
Prepare contingency measures in the event established limits are exceeded.

Cultural and Historic Resources:

Proposed Commitments
Establish coordination among projects to avoid or minimize interruption in access to cultural and historic sites.
Initiate public information and involvement outreach with sensitivity to local cultural resources.
Identify public information outlets that will receive and provide current information about access during construction.
Consult with the New York State Office of Historic Preservation and the New York City Landmarks Preservation Commission regarding potentially impacted, culturally significant sites. Monitor noise and vibration during construction at such sites as appropriate.

Access and Circulation:

Proposed Commitments
Establish a project-specific pedestrian and vehicular maintenance and protection plan.
Promote public awareness through mechanisms such as: a. signage; b. telephone hotline; and c. Web site updates.
Ensure sufficient alternate street, building, and station access during construction period.
Regular communication with New York City Department of Transportation and participation in its construction coordination efforts.

Economic Effects:

Proposed Commitments
Coordinate with LMDC, Downtown Alliance or other entities to minimize residential and retail impacts as required through: a. relocation assistance, as applicable, to persons or businesses physically displaced by the project; and b. focus on essential businesses and amenities to remain in Lower Manhattan.
Add appropriate signage for affected businesses and amenities.

Design for the Environment:

Proposed Commitments
Energy Efficiency/Renewable Energy
Enhanced Indoor Environmental Quality (IEQ)
Conserving Materials and Resources
Environmentally-friendly Operations & Maintenance
Water Conservation and Site Management
Waste Management and Recycling (including during construction)

State of New York

Executive Chamber

No. 133

EXECUTIVE ORDER

ESTABLISHING THE LOWER MANHATTAN CONSTRUCTION COMMAND CENTER

WHEREAS, the terrorist attacks of September 11, 2001 resulted in the deaths of 2,749 people, the loss of more than 65,000 jobs, the destruction and damage of 30 million square feet of commercial office space, and the dislocation of more than 65,000 commuters;

WHEREAS, a permanent Memorial is being planned for the World Trade Center site to ensure that future generations never forget the people who died on September 11, 2001 in New York City, in Pennsylvania and at the Pentagon, as well as those who died in the terrorist bombing of the World Trade Center on February 26, 1993;

WHEREAS, an extensive rebuilding and revitalization effort is being undertaken in response to the damage to the World Trade Center and surrounding properties, and the broader impacts to area businesses and the transportation infrastructure of Lower Manhattan, caused by the terrorist attacks of September 11, 2001;

WHEREAS, the rebuilding and revitalization of Lower Manhattan will involve billions of dollars in public and private construction projects over the next decade conducted by multiple State, multi-State, and City agencies, as well as private developers;

WHEREAS, the rebuilding must occur in a compact timeline to preserve and improve the quality of life downtown, to retain Lower Manhattan's place as the financial capital of the world, and to reenergize the entire regional economy;

WHEREAS, it is critical that construction be coordinated to ensure that projects move forward expeditiously and with the utmost integrity, while minimizing the impact of such construction on residents, businesses, workers, commuters, pedestrians, and vehicles;

WHEREAS, the lead construction personnel from the key agencies involved in the rebuilding have been meeting regularly as the Lower Manhattan Construction Coordination Group;

WHEREAS, the inspectors general and law enforcement personnel from the key agencies involved in the rebuilding process have been meeting regularly as the Lower Manhattan Construction Integrity Team;

WHEREAS, all parties involved in the rebuilding recognize the need for an entity to coordinate the construction projects in Lower Manhattan;

WHEREAS, all parties involved in the rebuilding recognize the need for an entity to ensure equal employment opportunities, and meaningful opportunities for minority and women-owned businesses to participate in contracting and subcontracting opportunities to minority and women owned businesses;

WHEREAS, all agencies involved in the rebuilding must maintain the ability to manage their own projects and an entity coordinating the projects improves their ability to successfully manage their own projects; and

WHEREAS, a Lower Manhattan Construction Command Center, working with the public and private partners involved in the rebuilding, charged with coordination of construction projects in Lower Manhattan can best achieve the goal of meeting the ambitious timeline while minimizing the impact of such construction on the community.

NOW, THEREFORE, I, GEORGE E. PATAKI, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby order as follows:

1. Establishment of the Lower Manhattan Construction Command Center. There is hereby established a Lower Manhattan Construction Command Center ("the Command Center"). The Command Center will coordinate between all construction located in Lower Manhattan. Lower Manhattan is defined as the area on the island of Manhattan south of Canal Street and southwest of Rutgers Street from the Hudson River to the East River. Construction includes all construction beginning from 2004 to 2010 valued at over $25 million, work requiring governmental action or permit, and any construction requiring work directly in City or State streets or highways.

2. Lower Manhattan Construction Command Center Executive Director. The Command Center will be managed by the Lower Manhattan Construction Command Center Executive Director ("the Executive Director"). Such Executive Director shall be appointed in a manner to be determined jointly by, and shall report directly to, the Governor and the Mayor of the City of New York.

3. Management of the Command Center. The Command Center will be managed by the Executive Director, and one or more deputies, including a communications director and fraud prevention director, charged with responsibility for coordinating the scheduling and staging per the overall plan and with day-to-day responsibility for coordinating construction work in Lower Manhattan with a focus on mitigating impacts on mobility, maintaining and improving access, and alleviating congestion of any kind related to construction.

4. City Operations. A Director of City Operations will be appointed by the Mayor, after consultation with the Command Center Executive Director, to ensure the quality of life of residents and businesses of Lower Manhattan, to coordinate the various municipal services as they interface with the construction projects and to ensure that the various logistics and traffic management plans are appropriately enforced. The Director of City Operations will serve as the liaison between the Executive Director of the Command Center and all City agencies and will be located at the Command Center.

5. Participation by Public and Private Partners. The Command Center will coordinate between high level construction personnel from the key participants in the rebuilding process including the New York City Department of Transportation, the New York City Department of Design and Construction, the New York City Economic Development Corporation, the New York City Department of Sanitation, the New York City Police Department("NYPD"), the New York City Fire Department, the New York City Office of Emergency Management, the Port Authority of New York and New Jersey, the Metropolitan Transportation Authority, the New York State Department of Transportation, the Lower Manhattan Development Corporation, Silverstein Properties, Verizon and

ConEdison, the Alliance for Downtown New York, Community Board 1, the Battery Park City Authority, the Real Estate Board of New York, and representatives of such other entities as the Executive Director shall determine appropriate in carrying out the duties and responsibilities of the Command Center.

6. Lower Manhattan Construction Executive Committee. The Lower Manhattan Construction Executive Committee, which includes senior managers designated by the heads of the New York City Department of Transportation, the New York City Economic Development Corporation, the Port Authority of New York and New Jersey, the Metropolitan Transportation Authority, the New York State Department of Transportation, and the Lower Manhattan Development Corporation (each in a number to be determined by the Command Center Executive Director) will advise and consult with the Command Center Executive Director on the establishment and management of the Command Center. This group will meet as determined by the Command Center Executive Director (in any event no less than monthly) and will be chaired by the Command Center Executive Director.

7. Traffic Coordination. The New York State Department of Transportation will work in consultation with the New York City Department of Transportation and New York City Police Department, in a manner consistent with law, in the coordination of traffic management, street permitting, and enforcement.

8. Fraud Prevention. In order to provide a coordinating mechanism for the State and City to receive information on potential corruption relating to any construction in Lower Manhattan, a Lower Manhattan Fraud Prevention Hotline will be created under the direction and control of the Command Center. The Lower Manhattan Construction Command Center will help ensure that all construction projects proceed with the utmost integrity, free of corruption and wrongdoing, by reporting to the Lower Manhattan Fraud Prevention Hotline, any allegations of corruption or criminal activity by or on behalf of any agency employee, public official, contractor employee, agent, subcontractor, vendor, or labor official. The Command Center shall work in coordination with each agency's Office of Inspector General, and the New York City Department of Investigations, as appropriate, and shall coordinate all efforts on federally-funded projects with the United States Department of Transportation Office of Inspector General, and other appropriate federal agencies.

9. Functions of the Command Center. The Command Center will coordinate community information, construction logistics, utility coordination, environmental compliance, safety, diversity, and equal opportunity. The functions of the Command Center shall include:

A. Coordinating the work of the participants in the rebuilding process and ensuring that the construction in Lower Manhattan proceeds as scheduled by mediating conflicts in schedules and street and site access between construction projects, agencies, and the Lower Manhattan community through the following:

(1) Expanding the on-going standard coordination efforts from pre-planning through construction currently managed by NYC DOT and its consultant for all projects in Lower Manhattan;
(2) Working with each of the project sponsors to establish a master schedule of all Lower Manhattan construction projects;
(3) Working with New York City and the Port Authority to set guidelines for street and site access priorities;
(4) Providing a forum for agencies, contractors, utilities and the community to be heard when conflicts arise; and
(5) Coordinating expeditious and consistent decision-making on conflicts that can not be resolved between agencies.

B. Coordinating protocols, contract requirements and activities outside of individual project limits through planning and on a daily basis throughout construction for government agencies, developers, construction managers, general contractors, and contractors to follow, including, but not limited to, the following items:

(1) Environmental protection;
(2) Maintenance and protection of traffic;
(3) Site fences, barricades, and signage;
(4) Construction site cleanliness, dust control and clean up

between sites coordinated between the New York City Department of Sanitation and the Downtown Alliance;
(5) Rodent control;
(6) Pedestrian access outside of site area;
(7) Deliveries and staging requirements for incoming and outgoing materials and/or debris;
(8) Utility coordination;
(9) Site safety and access;
(10) Maintenance and protection of traffic;
(11) Routing, dispatching, and scheduling;
(12) Material deliveries;
(13) Equipment movement;
(14) Crane positioning;
(15) Excavation, demolition, and debris removal;
(16) Concrete deliveries;
(17) Truck access;
(18) Material handling facilities, yard storage, and staging areas; and
(19) Construction worker access and screening.

C. Coordinating construction projects to minimize inconvenience for residents, workers, businesses, pedestrians, vehicles, and commuters by focusing on the following:
(1) Access to City tunnels and bridges;
(2) Traffic control;
(3) Express buses;
(4) Access to residential areas;
(5) Access to businesses;
(6) Access for local workers;
(7) Pedestrian access; and
(8) Tourist access to World Trade Center site and surrounding areas.

D. Ensuring that the Lower Manhattan area remains neat, clean and orderly throughout construction by coordinating the following:
(1) Area clean up between sites with the New York City Department of Sanitation and the local Business Improvement District;
(2) Construction barricades, fences, and signage;
(3) Construction vehicle cleaning; and
(4) Construction trailer space.

E. Communicating with residents, businesses, and the general public through a communications director working with each agency's communications and public outreach personnel; providing a central focus on issues critical to the local community and the construction industry, by coordinating initiatives, public outreach, and information on the following:
(1) Environmental performance commitments;
(2) Site safety;
(3) Programs for local businesses during construction;
(4) Minority and women business and worker participation in the rebuilding efforts;
(5) Job opportunities during the rebuilding;
(6) Utilization of the City coordinated information line (311), as practicable, as the uniform access number for residents and businesses; and
(7) Expansion and use of the LowerManhattan.info website for construction information.

F. Utilizing technology to facilitate coordination of projects including:
(1) Computerized GIS mapping and scheduling of all projects, site access, and street access;
(2) Radio technology for 24-hour communication between the Command Center, critical project sites, essential supplies and materials, concrete plants, NYPD, and others; and
(3) Internet site and e-updates for communication with public concerning status of construction projects and street closures.

10. Agency Assistance and Cooperation. All public authorities, or departments, divisions, boards, bureaus, commissions or agencies of the state or any political subdivision thereof shall cooperate fully with the Command Center Executive Director and to provide such assistance as may be required in fulfilling its obligations. Such

assignment may include the assignment of staff and the provision of support services.

11. Project Responsibility. The creation of the Command Center does not abrogate any agency or public or private entity from its responsibility for full management of its construction project or projects in Lower Manhattan. All aspects of each project will be the responsibility of the entity building that project. The Command Center provides a means to enable each entity to better coordinate its project or projects with the surrounding projects and for a central body to provide coordinated initiatives and communication with the public on issues important to the public. The Executive Director is hereby given authority to review and comment on project budget items critical to overall coordination. Each project budget must be provided to the Executive Director at least 60 days prior to final adoption by the agency or authority. Each agency and authority is hereby directed to incorporate such comments as appropriate to further the purposes of the Command Center.

12. Liberty Bonds. All projects funded by Liberty Bonds in Lower Manhattan will be required to coordinate all work with the Command Center. Projects valued at over $50 million will require the participation at the Command Center of a high level coordination specialist by the private entity responsible for the building pursuant to Part 5 of this Order. Consistent with law, all agencies with authority to issue Liberty Bonds will include this requirement in the Bond issuance.

13. Powers and duties of agencies. Nothing in this Order shall serve as a limitation on the powers and duties of any State or City agency.

14. Effective Date. This Order shall take effect immediately and shall expire on December 31, 2010.

G I V E N under my hand and the Privy Seal of the State in the City of Albany this twenty-second day of November in the year two thousand four.

/s/ George E. Pataki

BY THE GOVERNOR

/s/ John P. Cahill

Secretary to the Governor