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

O ALBANY OFFICE
ROOM 406
LEGISLATIVE OFFICE BUILDING
ALBANY, NEW YORK 12247
(518) 455-2427
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O STATEN ISLAND OFFICE
36 RICHMOND TERRACE
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O BROOKLYN OFFICE
2424 CROPSEY AVENUE
BROOKLYN, NEW YORK 11214
(718) 449-1443
FAX (718) 373-5749

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
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

Location:

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 10011
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
Contact Details: Yvonne Morrow
315 8th Avenue, #14E
New York, NY 10001
P 212-242-5909; **F** ; **E**

Type: Comment Sheet
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 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 114 LIBERTY ARE STILL NOT BACK. THE IMPACTS OF REBUILDING THE WTC SITE AND ENVIRONS CAN BE HORRENDOUS 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
Director, Planning
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
Lower Manhattan Recovery Office
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New York, NY 10004

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. McNally
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C. Ryan (HSC)
T. Stickelman
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Bernard Cohen
Director
Lower Manhattan Recovery Office
Federal Transportation Administration
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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Peg Breen
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New York Landmarks Conservancy
141 Fifth Avenue
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Scott Heyl
President
Preservation League of New York State
44 Central Avenue
Albany, NY 12206
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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: Menno
Graham
Sahni
Wong

cc
6/16

June 15, 2004

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,

Anne d. Secord

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 Sulphin, 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

TOTAL P.02

United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, DC 20240

TAKE PRIDE IN AMERICA

JUL 30 2004

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ER-04/0420

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

4 Irving Place, 7th Floor, New York, NY 10003 | Tel: (212) 253-2727 Fax: (212) 253-5666 | www.rpa.org

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

1 LOWER MANHATTAN DEVELOPMENT CORPORATION
Irene Chang
2
3
PARTNERSHIP FOR NEW YORK CITY
4 Patty Noonan
5
6 FEDERAL TRANSIT ADMINISTRATION
Carol Braegelmann
7
8
LOUIS BERGER GROUP
9 John Hotopp
10
11 NATIONAL TRUST - WASHINGTON, D.C.
Elizabeth Merritt
12
13
NATIONAL TRUST - BOSTON, MA
14 Marilyn Fellonossa
15
16
17
18
19
20
21
22
23
24
25

1 June 14, 2004
2 Port Authority of New York and New Jersey
3 225 Park Avenue
4 New York, New York
5 3:00 p.m.
6 - - -
7 MR. COHEN: Good afternoon,
8 everyone. My name is Bernard Cohen. I'm the
9 Director of the Federal Transit
10 Administration's Lower Manhattan Recovery
11 Office. I'm pleased to welcome you here today.
12 Because the Port Authority
13 project, the PATH project, is a federally
14 funded project, my office, the FTA office in
15 Lower Manhattan, is working very closely with
16 the Port Authority on the planning efforts that
17 are underway for the project, including the 106
18 process.
19 So it's my pleasure to welcome
20 you here today and to just give you a minute of
21 background.
22 You will recall that the initial
23 Section 106 meetings that took place in January
24 and February were conducted under the auspices
25 of multiple agencies--HUD, LMDC, FTA, FHWA,

1 Port Authority--and that's because at that time
2 we were all jointly involved in developing a
3 document that was used to determine and
4 identify the eligibility of historic resources
5 at the World Trade Center site; and with your
6 involvement and your comments, the outcome of
7 that earlier set of meetings was a coordinated
8 determination of National Register eligibility
9 for the World Trade Center site that was
10 released on March 31st, 2004.
11 Having made that determination
12 together, as a group of agencies, we have now
13 proceeded individually to look at, on a
14 project-by-project basis, the respective
15 projects' potential effects on these historic
16 resources.
17 So to that end, the focus for
18 this afternoon's meeting is to discuss the
19 draft determination of effects of the permanent
20 World Trade Center site PATH Terminal project,
21 some of which will have adverse impacts on
22 historic resources at the site.
23 We're going to talk about that
24 in more detail, we're going to review some
25 early mitigation ideas that we have, and most

1 importantly, we're going to receive your
2 comments and ideas on both.
3 There's a great deal of material
4 to go over today, so at this point I'm going to
5 turn the meeting over to our facilitator, Peter
6 Goelz, but I would like to thank you in advance
7 for your time and your participation in the
8 consulting parties meeting today.
9 Peter?
10 MR. GOELZ: Good afternoon.
11 It's good seeing all of you again.
12 As Bernard said, our task today
13 is to really dig into the presentation that's
14 going to be made by the Port Authority staff as
15 it pertains to the World Trade Center PATH
16 Terminal.
17 As you know, there's been --
18 I've facilitated a couple of meetings prior to
19 this. This is the first one that's going to
20 focus specifically on the PATH Terminal.
21 The way in which the agenda is
22 set up is we're going to hear about the 106
23 process from both Tim Stickelman and John
24 Hotopp, and feel free to ask questions after
25 each one of those folks.

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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

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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

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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

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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.

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1 As Bernard earlier said, the
2 FHWA, the FTA, LMDC, HUD, and the Port
3 Authority and NYS DOT had coordinated hearings
4 in regards to the determination of eligibility
5 for the World Trade Center site, which took
6 place on January 6th and February 2nd, with
7 comments that came back in.
8 We then issued a coordinated
9 determination of eligibility for the World
10 Trade Center site on March 31st, 2004.
11 In addition, the Port Authority,
12 with the help of the LMDC, had some tours of
13 Hangar 17, which many of you participated in,
14 so you could see the artifacts that the Port
15 Authority had in its possession.
16 The Port Authority also provided
17 a preliminary draft of an artifacts inventory,
18 which we are updating as we speak right now,
19 and an updated inventory will be provided,
20 hopefully soon.
21 I know that they are actually
22 working very diligently out at Hangar 17 on the
23 secondary lot of steel to include in the
24 artifact inventory for you.
25 As you are aware, the

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1 coordinated DOE was actually issued on
2 March 31st. I know some of you may be
3 aware, and I just wanted to point out that
4 there was a letter that was sent by the
5 Advisory Council to the keeper for National
6 Historic Landmarks to look at the DOE and give
7 their opinion, advisory opinion, on that DOE,
8 and we are well aware of that with the FTA.
9 We do not believe that that is
10 going to invalidate the DOE in any way, but
11 they're looking for their expert opinion on
12 that.
13 When we sent you an invitation
14 for this party, we issued our draft effects
15 document for you to look at. I believe you all
16 received that about two weeks ago, which is
17 also included in the draft EIS for comment.
18 The comment period for the draft
19 EIS and for the determination of effects is
20 July 21st.
21 We will speak to you at the end
22 of this meeting about possibly asking for your
23 input prior to that, not that you are going to
24 be cut off before July 21st, but to get
25 feedback from you before the public comment

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1 period so we can possibly have other consulting
2 party meetings after this one.
3 This is just an overview of the
4 PATH project in regards to its environmental
5 process.
6 As you know, the draft EIS for
7 the PATH project was issued on June 4th, and
8 we're here having a Section 106 meeting on
9 June 14th.
10 The DEIS public hearings are
11 going to be June 22nd in New Jersey and
12 June 23rd in New York.
13 As you can see, we are hopefully
14 going to get comments from you sometime in July
15 on the draft effects comment, but we will talk
16 about dates with you because we want to hear
17 your input on that.
18 We hope to have another
19 Section 106 consulting parties meeting sometime
20 in July, and as I said here, the draft EIS
21 written comments are due on June 21st, and we
22 will be sharing with you a Section 106 draft
23 MOA agreement on the effects document, and with
24 written comments on the MOA sometime in August,
25 with a possible third consulting parties

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1 meeting again in August, and then a final MOA
2 to be signed sometime in September.
3 The FEIS availability is
4 hopefully going to be sometime in September,
5 and then with a Record of Decision sometime in
6 October, with a signed MOA prior to that.
7 That's where we are, and that's
8 the status today, the steps that we are going
9 to be going forward with the EIS and the
10 Section 106 process for the Permanent PATH
11 Terminal.
12 MR. GOELZ: Any questions on
13 that, on the time frame or the dates that are
14 being proposed and laid out?
15 MR. KLEIN: Just one. How is --
16 MR. STICKELMAN: Joel, can I ask
17 you --
18 MR. KLEIN: Yes.
19 MR. STICKELMAN: We have a court
20 reporter here, as you know. If you can
21 identify yourself before you speak? She may
22 get to know your names by the end of it, but --
23 I know your names, but she may not.
24 MR. GOELZ: How about, before we
25 do this, why don't we go around the room and

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1 introduce each other, in case there's some new
2 people here. Would that be useful?
3 MR. ALLISON: Eric Allison
4 representing American Planning Association.
5 MS. LO PRESTI: Louise Lo
6 Presti, the World Trade Center National
7 Memorial.
8 MR. KLEIN: Joel Klein for the
9 Coalition of 9/11 Families.
10 MR. GARDNER: Anthony Gardner
11 for the Coalition of 9/11 Families.
12 MR. KORNFELD: Robert Kornfeld,
13 Historic Districts Council.
14 MS. PIERPONT: Ruth Pierpont,
15 SHPO.
16 MS. VAUGHN: Charlene Vaughn,
17 Advisory Council.
18 MS. DALY: Kate Daly, New York
19 City Landworks Preservation Commission.
20 MS. TODOROVICH: Petra
21 Todorovich, Regional Plan Association.
22 MR. LOVE: Bill Love, Coalition
23 to Save West Street.
24 MR. LUSTBADER: Ken Lustbader,
25 Lower Manhattan Emergency Preservation Fund.

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1 MS. LESTER: Deborah Lester, New
2 York State Assembly Speaker Sheldon Silver.
3 MR. ALTER: I'm Adam Alter,
4 Battery Park City Authority.
5 MS. MELMAN: Anna Melman,
6 Downtown Alliance.
7 MR. PATEL: Shilpan Patel, New
8 York State DOT.
9 MR. LEVINE: Adam Levine,
10 New York State DOT.
11 MR. CONWAY: Robert Conway,
12 AKRF.
13 MS. LOCKE: Anne Locke, AKRF.
14 MS. CHANG: Irene Chang,
15 LMDC.
16 MR. CALVERT: Chris Calvert,
17 AKRF.
18 MS. BURKE: Andrea Burke, AKRF.
19 MS. TALBERT: Stephanie Talbert,
20 Port Authority.
21 MS. NOONAN: Patty Noonan,
22 Partnership for New York City.
23 MS. HANLEY: Jackie Hanley,
24 Port Authority.
25 MR. COLEMAN: Steve Coleman,

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1 Port Authority.
2 MR. LEBRUN: Paul Lebrun, FTA,
3 Lower Manhattan Recovery Office.
4 MR. McNEELY: Bernie McNeely,
5 Port Authority.
6 MR. CRUZZOLA: Tony Cruzzola,
7 Port Authority.
8 MS. BRAEGELMANN: Carol
9 Braegelmann, Federal Transit Administration.
10 MR. LENAHAN: Shawn Lenahan,
11 Port Authority.
12 MR. PAGLIETTINI: Mark
13 Pagliettini, Port Authority.
14 MR. LEVITT: Harold Levitt,
15 PATH.
16 MR. HOTOPP: John Hotopp, Louis
17 Berger Group.
18 MR. WONG: Bill Wong, Port
19 Authority.
20 MR. MENNO: Lou Menno from the
21 Port Authority.
22 MS. BONACCI: Carla Bonacci,
23 Port Authority.
24 MR. RINALDI: Peter Rinaldi,
25 Port Authority.

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1 MR. DEMEO: Paul DeMeo,
2 Port Authority.
3 MR. STICKELMAN: Joel, I think
4 you had a question.
5 MR. GOELZ: On the phone.
6 MS. MERRITT: On the phone?
7 Ready for us?
8 MR. GOELZ: Always.
9 MS. MERRITT: Okay. This is
10 Elizabeth Merritt with the National Trust in
11 Washington, D.C.
12 MS. FELLONOSSA: And I'm Marilyn
13 Fellonossa with the National Trust in Boston.
14 MR. GOELZ: Great. Good to have
15 you with us.
16 MS. MERRITT: Thank you for
17 making the telephone equipment available. We
18 appreciate it.
19 MR. GOELZ: Joel, you had a
20 question?
21 MR. KLEIN: Yes.
22 I just want to know how this
23 schedule ties in with your proposed
24 construction schedule.
25 MR. STICKELMAN: I can't answer

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1 that question, as a lawyer.
2 MR. GOELZ: Lou Menno is going
3 to answer.
4 MR. MENNO: The proposed
5 construction schedule is to begin sometime in
6 2005. We haven't started any of the final
7 design yet, but in 2005 we will see
8 construction beginning.
9 MR. KLEIN: Does that mean there
10 really is no ground-breaking ceremony scheduled
11 for the 4th of July?
12 MR. GOELZ: We're not here
13 to discuss that.
14 MR. STICKELMAN: That's a
15 different project. That's not the PATH
16 project.
17 MR. COHEN: This is the
18 Permanent World Trade Center PATH Terminal
19 project.
20 MR. GOELZ: We are focusing on
21 the PATH project.
22 MR. KLEIN: This may be a good
23 time to bring this issue up, before we get into
24 this.
25 MR. GOELZ: Which issue is that?

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

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1 up now because it relates to the rest of the
2 schedule.
3 MR. GOELZ: We will get to it.
4 I mean, it's on the agenda.
5 Yes?
6 MS. LO PRESTI: Louise Lo
7 Presti. This is a simple yes-or-no question.
8 MR. GOELZ: When the Port
9 Authority construction people come up, they'll
10 answer it.
11 MS. LO PRESTI: Okay. Good.
12 They'll answer it?
13 MR. GOELZ: If they can, they'll
14 answer it.
15 MR. STICKELMAN: Louise, we hear
16 both yours and Joel's question, and it will be
17 answered.
18 MR. GOELZ: It will come. I
19 mean, give them a chance to make their
20 presentation in the order that they think is
21 useful, and if it turns out not to be useful,
22 we've got a lot of time here. Okay?
23 MS. LO PRESTI: Fine.
24 MR. GOELZ: All right. Any
25 other questions?

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1 John. I think many of you
2 remember John Hotopp.
3 MR. HOTOPP: I get to go to all
4 the meetings, but I don't talk much.
5 Thank you. I'm pleased to be
6 here. We are talking a little about -- I'm
7 just going to very quickly run over the Section
8 106 process.
9 We did a flow chart ages ago.
10 As you know, the goal was to initiate the
11 process, determine if there were any historic
12 properties, which we did do, and now we are at
13 the point of determining what, if any, impacts
14 the proposed project has on these historic
15 properties. And so that's kind of where we are
16 today.
17 The first thing was to put it
18 together, figure out who the players were, get
19 the appropriate SHPOs and all that sort of
20 thing, determine if it was going to affect the
21 property, and we did determine that, and now we
22 are on to, I believe, this slide, which is the
23 historic properties affected.
24 And so today we are beginning
25 the process as to assessing the adverse

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1 effects, as we see them. And you guys may have
2 some other thoughts about this as well.
3 If in fact they are affected
4 adversely, and this is what will be worked out,
5 we are going to move forward in the process
6 next to try to resolve these adverse effects,
7 and that will lead us to a Memorandum of
8 Agreement, which will conclude the process for
9 the Port Authority.
10 So that's kind of what we are
11 doing.
12 The role that we defined for the
13 consulting parties early on was to have you
14 guys give us some input as we went on to each
15 step of the process, to review the documents
16 and to kind of see what we were doing and check
17 out things.
18 And your input, by the way, on
19 the Determination of Eligibility Report was
20 extremely valuable, and it resulted, I think,
21 in a very strong determination of eligibility.
22 So I thank you for that.
23 We're looking for your
24 specialized knowledge and your perspectives and
25 your views.

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1 So that's kind of where we are
2 today, and I think the whole presentation, from
3 this point forward, will be on very specific
4 items; what it is the Port Authority proposes
5 to do to build this permanent station and what
6 impacts they will have or they think they will
7 have on this site.
8 So with that, I'm going to turn
9 it over to the next speaker, and he'll take it
10 from there.
11 If there are any questions, I'll
12 be happy to field them at this point, but I
13 don't think that I have a major role today. I
14 think you need the information that they are
15 going to be handing out here.
16 MR. GOELZ: Okay.
17 MR. HOTOPP: Okay. Thanks.
18 MR. GOELZ: Thank you.
19 All right. Now, this next
20 section will involve a number of speakers from
21 the Port Authority, and as I've suggested
22 earlier, watch the slides, keep the numbers if
23 you've got questions about them, because the
24 presentation will be pretty detailed.
25 When they get through, which

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1 could be 20, 25 minutes, then we will start
2 taking questions.
3 So I think we want to start with
4 -- I think you all know Lou Menno, and Lou is
5 going to start with the presentation. Then he
6 will turn it over to Shawn Lenahan, and then on
7 to Peter Rinaldi, who you also know.
8 Go ahead, Lou.
9 MR. MENNO: Thank you very much,
10 Peter, and good afternoon, everyone.
11 This afternoon I'm going to
12 provide you with an overview of what the World
13 Trade Center Permanent PATH Terminal is all
14 about.
15 I'd like to begin by pointing
16 out that this project is not just a new PATH
17 Station in downtown; it is much more than
18 that. It is a transportation terminal, a
19 transportation complex that includes a new PATH
20 Station but also intermodal connections between
21 PATH and virtually all of the subways in Lower
22 Manhattan, intermodal connections that we never
23 had before 9-11; in addition, pedestrian
24 concourses that will reconnect areas of the
25 World Trade Center with other parts of Lower

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1 Manhattan, all through this downtown terminal.
2 All of these elements that make
3 up this terminal will come together at a new
4 Transit Hall, which is referred to sometimes as
5 a hub. Think of it as the hub of a wheel, and
6 the spokes of that wheel are these intermodal
7 connections, the pedestrian linkages that will
8 be taking place in this terminal.
9 The terminal will be a visible
10 presence in downtown, and transportation is
11 vital for the rebuilding and the long-term
12 economic viability of downtown.
13 This terminal, this $2 billion
14 project, is important to downtown but also to
15 the rebuilding of the World Trade Center site.
16 It directly supports the World Trade Center
17 site.
18 In addition, it will support all
19 of the growth that is coming in downtown in the
20 years to come, not just at the World Trade
21 Center site, but also with other retail spaces,
22 commercial office spaces that will be built
23 away from the World Trade Center site, and
24 other residential areas. It's being built for
25 the future and to provide for that future

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1 growth.
2 Transportation is so critical to
3 the rebuilding that the federal government has
4 granted us, the Port Authority, $1.7 billion to
5 undertake this World Trade Center PATH
6 Terminal.
7 It is so important that they put
8 up $1.7 billion, and the Port Authority will be
9 putting up the other $300 million.
10 They are also funding, the FTA,
11 other critical transportation projects, and
12 it's very important, and they recognize the
13 importance of transportation to the rebuilding
14 of downtown.
15 I'm going to take you through an
16 overview of this terminal. And this terminal
17 will be built in five levels within the World
18 Trade Center site, beginning at street level
19 and going all the way down to the lowest level
20 within the World Trade Center site, going down
21 approximately 75 feet, just to give a good feel
22 for how deep this terminal will go with all of
23 these intermodal connections and these
24 pedestrian linkages.
25 Let's begin at the street level.

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1 At the street level, this is
2 where the new downtown transportation terminal
3 will be; a very visible presence in Lower
4 Manhattan.
5 It has been designed to be in
6 coordination with the master plan for the
7 rebuilding of the World Trade Center site.
8 It's located at the intersection
9 of the new Fulton Street, the new Greenwich
10 Street, and Dey Street.
11 It is visible in Lower Manhattan
12 and it is accessible from the street level,
13 from the new streets that will surround the
14 site.
15 It's located within the Wedge of
16 Light, within the master plan of the World
17 Trade Center, and there's many different access
18 points from the street level along Church
19 Street, along Greenwich Street, in and around
20 the World Trade Center site. It is a visible
21 presence, fully accessible at street level.
22 As we go down another level --
23 think of the street level as elevation 325;
24 this is approximately at elevation 295, 294,
25 approximately 30 feet below. This is where our

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1 first intermodal connections begin, as well as
2 a north-south corridor begins to take shape.
3 And as you can see, it begins to
4 filter and funnel right into that Transit Hall
5 at this upper concourse, or balcony, level.
6 At this particular level, what
7 you see taking place here are the first
8 intermodal connections that will be made
9 between the 1 and 9 subway that go north and
10 south through the site. It will hook up with
11 that new station that the MTA will be building
12 in the future.
13 It will connect at the north to
14 the existing E train to create that intermodal
15 connection to the E train.
16 In addition, we will have the
17 intermodal connection with the N and the W
18 line, but, more importantly, which is not shown
19 here, is the underground Dey Street connection
20 from the Fulton Street Transit Center that the
21 MTA will be providing and building, and that
22 will be another major east-west link from our
23 transportation hall to the Fulton Street
24 Transit Center. That is where we will create
25 the other intermodal connections with the other

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1 nine subways that service Lower Manhattan that
2 come together.
3 As we go down another level,
4 which is approximately elevation 274, what we
5 have is a main concourse, and what you see here
6 is the east-west link that I was talking about,
7 this one link that will begin at the World
8 Financial Center, come under Route 9A, come
9 across in an east-west fashion to the Transit
10 Hall, where we create this east-west link, and
11 we reconnect the World Trade Center, the entire
12 site, with Battery Park City, the World
13 Financial area on the west.
14 And by creating this link, we
15 have almost a half a mile of climate-controlled
16 environment for people coming to and from
17 transportation going either west to Battery
18 Park City, the World Financial District, or
19 going over to the heart of Lower Manhattan at
20 the Fulton Street Transit Center. And you can
21 see the lower south link that will take you
22 through the area of the Financial District to
23 the south of the site.
24 As we go down one more level,
25 this is the new mezzanine level for the PATH

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1 Station that will be located within the site.
2 This is the mezzanine level at elevation 264.
3 This is where we will have
4 direct access to the PATH platform and tracks
5 below. We will have escalators, stairs,
6 elevators to make the station fully accessible,
7 a climate-controlled environment, as we had
8 before 9-11.
9 The mezzanine is oriented in a
10 north-south direction, but what's important
11 about the mezzanine, it actually provides
12 access to PATH from both the east side of the
13 site and also from the west side. So we are
14 making PATH more accessible than ever before.
15 Before 9-11, people had to access from the
16 east side, just as we do now in the temporary
17 station.
18 At the lowest level, which is
19 elevation 250, or the platform level, this is
20 where we have some impacts on the resources in
21 this area.
22 Before I go into some of the
23 details, I'd just like to say a few words about
24 the Port Authority staff working on this
25 project.

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1 Many of us worked in the World
2 Trade Center for a good number of years, and we
3 were very fortunate to survive. In addition,
4 some of us helped build, operate, and maintain
5 this complex up until that horrible day.
6 We come together as a team, and
7 we provide great understanding and sensitivity
8 to the resources here. They are very important
9 to us, just as they are important to you, and
10 we are doing everything we can to minimize and
11 to avoid impacts on those resources.
12 I want you to know that. And we
13 are doing our best, and we are living up to
14 some of the commitments that we already have
15 made in the past.
16 At the track level, we have the
17 new platform and track configuration for the
18 PATH Station.
19 Originally, the World Trade
20 Center PATH Station had five tracks, and the
21 new station will also have five tracks; no more
22 than five tracks.
23 The tracks will be located in
24 virtually the same location and in the same
25 configuration as the original station.

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1 If you remember, early on, we
2 were not sure whether track 1, which was the
3 closest one to the Greenwich Street slurry
4 wall, was going to be able to stay there within
5 that location because we thought that there
6 were issues with the slurry wall and we would
7 have had to bring that track and relocate it
8 further into the bathtub.
9 We pointed that out; we made a
10 commitment that we would do our best to look at
11 what could be done to keep that track where it
12 was, and we lived up to that commitment, and
13 that's why we can say to you today those five
14 tracks will stay in the same location as
15 before.
16 Next, with regard to the
17 platforms, in the original station, there were
18 three ten-car platforms. In the new station,
19 there will be four ten-car platforms.
20 Three of those platforms will
21 remain in virtually the same location and in
22 the same configuration as before, in the
23 original station.
24 We need to put in a fourth
25 platform, a fourth ten-car platform, to meet

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1 the increased ridership over the next twenty
2 years as spelled out in our DEIS.
3 The projected increase in
4 ridership is 25 percent above the ridership of
5 the pre-9-11 station, and we need to provide
6 that future transportation for the future.
7 In addition, we do recognize,
8 and we've pointed out, that that fourth
9 platform has an impact on some of the resources
10 at the northeast corner of One World Trade
11 Center.
12 In addition, as we look at the
13 design and as we look at the constructability
14 issues associated with building this station,
15 we recognized an important point. We made a
16 commitment publicly that we would maintain PATH
17 service throughout the construction of this
18 terminal. We made a public commitment.
19 And what we found out, as we
20 analyzed all of our work, we saw that we would
21 be required to remove either one or two of the
22 PATH tracks; they must be taken out of service
23 in order for us to accomplish our work.
24 In order to provide a level of
25 service that we represented to the public, we

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1 would have to include the building of a
2 temporary track that would run along the west
3 side of that new platform for the duration of
4 the construction, and that track will be
5 removed when we complete our work.
6 We do recognize that there will
7 be some temporary impact to the resources in
8 this area. But that track will come out; it's
9 needed to maintain the level of service that
10 we, the Port Authority, committed to early on
11 in this project.
12 The other point that I wanted to
13 mention here was that along the north column of
14 the One World Trade Center line is where that
15 east-west concourse will come across.
16 Right now, as we look at the
17 design, we feel comfortable that we could
18 minimize and avoid any impacts to those columns
19 along the north wall of the One World Trade
20 Center column line.
21 And another thing that we wanted
22 to -- that I wanted to point out is, in the
23 area along the east wall of One World Trade
24 Center, as this design is evolving, and from an
25 architectural point of view, as you see in some

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1 of the renderings of Santiago Calatrava's, are
2 the use of arches.
3 Well, one column will have to
4 carry a substantial amount of load to support
5 all of the structures above, including some of
6 the cultural facilities that will be built in
7 the future, and that one column will come
8 through the fourth platform, but it will not
9 hit any of the resources.
10 But what we have been advised,
11 and looking at, is that the footing upon which
12 this column rests that is used to distribute
13 the load could possibly impact some of the
14 columns along that east wall of One World Trade
15 Center.
16 We are working; we are just
17 looking at this situation, and we are looking
18 in terms of ways to mitigate and to avoid, as
19 much as possible, the impact on those
20 resources.
21 I wanted to point that out
22 because it's important that we point this out.
23 We are working at it. We are very early on in
24 this design, and we are identifying these
25 potential issues, and we are working in a very

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1 strong way to make a commitment to minimize the
2 impacts on those resources.
3 And finally, before I turn it
4 over to Shawn Lenahan, this is a graphic of the
5 World Trade Center site which shows the
6 existing remnants and structures at the World
7 Trade Center site.
8 As you can see, we show the
9 Temporary PATH Station, which was recently
10 opened last November; the tracks that come in,
11 the substation, the ramp, the slurry walls, and
12 you will notice we broke this up on the west
13 side and on the east side.
14 I'm going to turn this over to
15 Shawn Lenahan in a moment. Others will be
16 talking about the resources on the east and the
17 west side.
18 Thank you very much.
19 MR. GOELZ: Shawn, do you want
20 to come up and speak on the resources? Do you
21 want to use the podium or do you want to use
22 the mike?
23 SHAWN LENAHAN: Sure.
24 As part of the Section 106
25 process, we've looked not only at resources on

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1 the site, but also resources near the site that
2 could be impacted or will be impacted. There
3 are 21 such sites.
4 On the diagram here, the short
5 dashed lines represent an area of potential
6 effect for historic resources on the west and
7 on the east side of the site.
8 The solid lines indicate an area
9 of potential effects for historic resources.
10 The long dashed lines on the
11 right of the screen indicate a known historic
12 resource -- or a known historic district, and
13 the hatched areas indicate the Permanent World
14 Trade Center PATH Terminal, and the shaded area
15 indicates the site being impacted as a historic
16 resource.
17 Of the 21 resources, the
18 potential impacts are as follows.
19 First, tunneling for a
20 pedestrian concourse under Route 9A would
21 require piercing the Hudson River bulkhead,
22 which is buried below ground on the western
23 edge of Route 9A, indicated right here, and
24 this would result in an alteration of the
25 characteristics of this resource.

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1 Subgrade work associated with
2 the construction of the terminal could affect
3 historic resources within 90 feet of the site.
4 Construction could cause damage
5 due to ground-borne vibrations and dewatering,
6 and there are five such potential properties
7 that could be affected. They are the
8 Barclay-Vesey Building on the corner of Vesey
9 and West Street, which is also known as the
10 Verizon building; the former East River Savings
11 Bank, which is currently Century 21 Department
12 Store; the U.S. Realty Building, which is 115
13 Broadway; the Beard Building on Liberty Street;
14 and 114 through 118 Liberty Street.
15 In terms of potential
16 mitigation, the impacts that there may be,
17 again, for these buildings would be damage --
18 potential damages due to ground-borne
19 vibrations and dewatering, and the potential
20 mitigations that we are considering or looking
21 at for these potential impacts are vibration
22 monitoring during construction.
23 The World Trade Center site, of
24 course, will have direct impacts, and that will
25 be the subject of the remainder of our

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1 discussion today.
2 In addition, the environmental
3 team has done a Section 4F analysis as part of
4 the Draft Environmental Impact Statement.
5 For our discussion today, as Lou
6 mentioned, our sites -- or our resources
7 on-site will be broken down by those on the
8 west of the site and those on the east of the
9 site.
10 And right now I'm going to ask
11 Peter Rinaldi to come up and talk about those
12 on the west side of the site.
13 Thank you.
14 PETER RINALDI: Thank you. My
15 name is Peter Rinaldi.
16 What we thought we would do is
17 talk about some of the remaining, remnant
18 structures and the resources on the west
19 portion of the site.
20 This is essentially the area
21 within the slurry wall area bounded by Vesey,
22 West, Greenwich, and Liberty Streets.
23 I'm going to talk about some of
24 the tower perimeter column bases, the bathtub
25 or slurry wall and the tiebacks, the potential

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1 impact, and later on, we will talk about some
2 mitigation.
3 Mark Pagliettini, who has been
4 working with me on this, will talk about some
5 of the tunnel projections for the PATH, the
6 recovery and construction ramp, the cooling
7 water pipes, and some of the other
8 infrastructure that was left behind as we
9 finished the recovery operations back in June
10 of 2002.
11 I'd like to talk first about the
12 tower perimeter column bases and what they are
13 and where they are.
14 If you look at an aerial of the
15 site, this shows the area where the Permanent
16 PATH Station inside the west side of the site
17 will be located, the PATH tracks and the
18 mezzanine and the station area.
19 Tower One is located here at the
20 foot of the ramp, and Tower Two is located over
21 in the southern portion of the site.
22 The perimeter column bases were
23 the bases of the columns that literally
24 supported the outer skin or perimeter of the
25 building. They were located along here. This

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1 is an example of one. Typically, they were
2 about 28 inches by 32 inches, very heavy
3 structural steel.
4 This is the basement slab, or
5 the B6 level of the basement of the World Trade
6 Center.
7 This column here, you can see,
8 is along -- actually located in this location
9 along here. You can almost look down a line,
10 looking west, on where the face of the North
11 Tower was as an example.
12 During the recovery operation,
13 we had to cut these columns off at their lowest
14 point, and you can see where they are striated
15 there where we kind of burned through them and
16 cut through them in order to be able to
17 facilitate the recovery and the search as we
18 went forward, and that's the reason they were
19 cut at that level. They had to be cut in order
20 for us to move forward with that operation.
21 So in the North Tower, there are
22 84 of those column bases, the original bases
23 for the building.
24 In Tower Two, there are 73 at
25 the lowest level, and as you went up and got up

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1 to the Street level, there were 84 columns that
2 went around and carried the load.
3 The difference, the reason why
4 there's less at the lowest level in the South
5 Tower is because the South Tower structure had
6 to be configured, unlike the North Tower
7 structure, to bridge over the PATH tubes during
8 construction and eventually the PATH Station
9 that was built. So there is a difference in
10 the structure down at that grade, at that
11 level.
12 If we take a look at pre-9-11 in
13 terms of the bathtub and the tower footprints,
14 the PATH Station, as it came out of the -- you
15 are looking north. This is Vesey Street; this
16 is West Street on the left; Liberty Street over
17 here on the south portion of the diagram; and
18 Greenwich Street on the right part of the
19 diagram. The tunnel comes in, Tunnel F from
20 New Jersey, splits into the tracks. This is
21 the original configuration that existed for the
22 PATH Station pre-9-11.
23 In the North Tower, the entire
24 perimeter of the columns and the building were
25 outside of the footprint of the station.

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1 The northeast corner of the
2 tower just came up against the crash wall for
3 the existing pre-9-11 PATH Station.
4 In the South Tower, you can see
5 that the tracks and the station itself came
6 through and intersected through the footprint
7 of Tower Two. I think 34 of these columns were
8 within the existing PATH Station, and 39 were
9 outside, which totals up to the 73.
10 During the construction, as Lou
11 mentioned, we will be constructing a platform
12 on the western portion adjacent to the existing
13 track 5. That platform will be a permanent
14 platform, a fourth platform.
15 When it is constructed, it will
16 have an impact, in terms of where it's located,
17 on the footprint of Tower One, in the northeast
18 corner, and it will have an impact also on
19 Tower Two, on several of the column bases that
20 are there, that exist today.
21 In addition, we will be placing
22 a temporary track that Lou had mentioned, and
23 that will be put there to facilitate the
24 construction so that we can maintain service.
25 That's this track. It's a relocated temporary

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1 track. That track will be removed at the end
2 of construction.
3 The proposed final configuration
4 -- and all of this is somewhat subject to
5 change because, as we mentioned, we are going
6 through the preliminary design and engineering
7 for this. The final configuration: The
8 temporary track will be removed; the permanent
9 platform, the fourth platform, will be in
10 place. Also, the pedestrian concourse that Lou
11 Menno had mentioned, which will be just north
12 of the face of Tower One and will be
13 constructed, we believe, just on some
14 preliminary analysis, very sketchy, that it
15 looks like it's feasible to be able to try and
16 avoid the column bases that exist. They may be
17 able to work around them so that the supports
18 in this infrastructure, at least for the
19 pedestrian concourse, will not impact on that
20 footprint.
21 Lou did mention that one of the
22 things we are looking at now in order to be
23 able to support the new design for the station,
24 at least the conceptual design, that there will
25 probably have to be a large support column that

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1 will come down somewhere through the middle or
2 edge of the platform D, or the new platform.
3 And while that column itself will come down
4 through the platform and probably not impact
5 the existing column outlines, it's possible and
6 probable that the support required for that, or
7 the footing base, would have to come out into
8 an area westward to be able to support those
9 lobes. We are looking at that right now.
10 Again, all of this is based on
11 our current plans in the conceptual design
12 stage.
13 So with that in mind, in
14 pre-9-11, as I said before, we had a total, in
15 the North Tower, of 84 in the column bases; in
16 the South Tower, we had 73; and as of today,
17 and pre-9-11, all 84 are outside the footprint
18 of the PATH Station. Pre-9-11, the 39 in the
19 South Tower are outside the footprint of the
20 station; 34 were within the existing station.
21 During construction, with the
22 construction of the fourth platform and the
23 temporary track, we will probably have to at
24 least temporarily cover about 20 of those
25 column bases, and in the South Tower we will

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1 affect covering another seven to eight of those
2 column bases between the temporary track that
3 we have to relocate and the platform.
4 After construction, in its final
5 configuration with the fourth platform, there
6 will be 72 column bases out of the 84
7 originally that should be accessible or
8 viewable, and there will be 34 in the South
9 Tower, about five less than there are today.
10 This does not account for the
11 possibility that I described of having to
12 support the new station load down through the
13 center of that fourth platform and what impact
14 that might have.
15 Let me just go back. That is
16 subject to change and confirmation as we go
17 forward on that.
18 One of the other resources in
19 the site is the slurry wall. This is Vesey
20 Street. This is looking north. This is West
21 Street along here. Liberty Street, again,
22 here. And this is the Greenwich Street wall.
23 This is the bathtub area.
24 The Memorial is in the southern
25 central portion of the site. The new station

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1 will be over here; again, above, essentially,
2 where the existing station is today.
3 The Freedom Tower will be over
4 in this location, along with the Performing
5 Arts in this area.
6 And we will have an impact; that
7 pedestrian connection on the pass that Lou
8 mentioned. The east-west corridor will be
9 coming along the 264 mezzanine level and will
10 be going through the western slurry wall.
11 So in an area at the 264 level
12 against the West Street slurry wall, we will
13 need to cut an opening probably about 30 feet
14 tall by about 50 feet across to accommodate the
15 pedestrian connections and the infrastructure
16 associated with that.
17 And you can see Battery Park and
18 the World Financial Center and the Winter
19 Garden in the background, going along there.
20 These are the remnants of the
21 old parking structure openings from the ramps
22 that came into the Trade Center above that.
23 The proposed area to be exposed
24 in the Memorial and the slurry wall is south of
25 this, so this area is to the north of that

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1 area. So the area being talked about, planned
2 for having the slurry wall exposed in view, is
3 in this area over here, so it's away from the
4 zone that we are impacting.
5 Other small minor impacts, I
6 guess, on the slurry wall: In the Greenwich
7 Street wall, it will have to be widened
8 underground there to be able to accept some of
9 the increased pedestrian underpasses and the
10 modification in this station, so we will be
11 removing portions of the Greenwich Street
12 slurry wall adjacent to where the wall was
13 removed for the original construction of the
14 PATH underpass, and probably in this southern
15 portion of the site over here.
16 This is an area where, during
17 the recovery operation early on, the wall moved
18 quite a bit, and probably eventually there will
19 have to be a structural liner that will come.
20 Depending on how the construction goes forward
21 with the rest of the site, that wall will have
22 to be aligned at some point in the future to
23 maintain the structural integrity.
24 At this point what I would like
25 to do is have Mark come up and talk to you a

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1 little bit about some of the other resources
2 that we will possibly be impacting as we go
3 forward and try and implement $2 billion worth
4 of construction at this site.
5 Mark?
6 MR. PAGLIETTINI: Thank you very
7 much, Peter. Good afternoon.
8 In regards to the recovery and
9 the construction ramp, the ramp was installed
10 as a temporary ramp to facilitate the recovery
11 efforts.
12 Also in regards to when we built
13 the Temporary World Trade Center PATH Station,
14 we utilized the ramp. During that
15 construction, we planned to utilize the ramp
16 when we built the Permanent PATH Station.
17 What we will need to do is we
18 will need to relocate and modify a set of ramp
19 towers right now to facilitate the temporary
20 track. The ramp will be removed when the -- as
21 the construction proceeds and is completed.
22 In terms of the tunnel
23 projections, the tunnel projections, the north
24 and the south PATH tunnels, they enter the site
25 under West Street, through the tunnel

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1 projections that are located in the slurry
2 walls. There's a north and there's a south, as
3 indicated.
4 The slurry walls and their
5 configuration will not be impacted by our
6 project.
7 What we will need to do is we
8 will need to look here at some of the lateral
9 and vertical bracing. Some of it that was
10 installed as part of the -- temporarily as part
11 of the recovery efforts, we will need to modify
12 that in order to allow the temporary track to
13 come through from the tunnels.
14 In terms of the cooling water
15 pipes, the cooling water pipes, they extend
16 from the Hudson River Pump House in Battery
17 Park City, they go underneath West Street, and
18 they come into the World Trade Center site
19 right here, along the west slurry wall.
20 It is our intent to reuse the
21 cooling water pipes, and not as part of this
22 particular program, but as part of the Memorial
23 and the redevelopment.
24 Some of the components of the
25 system may be realigned or reconfigured,

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1 depending on how they are supposed to be used,
2 but they will not be impacted by our
3 construction of the Permanent PATH Station.
4 In regards to other bathtub
5 infrastructure, there are elevator pits, sump
6 pump pits, ejector pits, as well as drainage
7 lines that the construction of the Permanent
8 PATH Terminal will not impact.
9 As a matter of fact, as you can
10 see in this photograph here, we actually
11 utilize some of the sump pump pits today to
12 pump out the water that infiltrates the site.
13 MR. RINALDI: Mark and I, just
14 concluding our section here and summarizing on
15 the resources, the tower perimeter column
16 bases, actually the full impact, as I
17 mentioned, really needs to be determined.
18 Right now there's a possibility
19 that we will cover or affect 12 of the column
20 bases from the North Tower and three column
21 bases from the South Tower.
22 Again, as I mentioned, we still
23 need to look at the design for that, other
24 support for the station in terms of that area.
25 The bathtub wall and tiebacks;

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1 we'll be removing a section of the 30-by-50
2 foot section of wall, approximately.
3 The tunnel projections; we
4 really have minimal impact there, just making
5 sure that they're braced adequately during the
6 construction and that we don't collapse them.
7 And the recovery and
8 construction ramp needs to be modified.
9 Eventually it needs to be removed. It's not
10 going to be removed as part of the PATH
11 construction, but in order to facilitate the
12 construction of the Memorial and the other
13 infrastructure that's in there, it's right in
14 the location where eventually it will have to
15 be backed out and moved out, and we'll have to
16 provide access another way.
17 Cooling water pipes will not be
18 impacted by the station work or the other
19 bathtub infrastructure that Mark mentioned to
20 you.
21 So now I would like to bring up
22 Carla Bonacci, who will talk to you about some
23 of the issues and efforts involved with the
24 east portion of the site; the site from the
25 slurry wall going east.

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1 Carla?
2 MS. BONACCI: Okay. Thank you.
3 Good afternoon.
4 I'm going to talk to you about
5 the east side of the site.
6 Just to refresh your memories,
7 it is essentially bounded on the north by Vesey
8 Street, on the east by Church Street, on the
9 south by Liberty, and on the west by the
10 eastern wall of the 1 and 9.
11 Of the potential resources on
12 the east side, there are four that are
13 currently in existence today.
14 I'm going to take you through
15 what is there and what could be impacted by the
16 proposed design.
17 The first one is the passageway
18 to the E subway train, the second is the steel
19 beams and cross-form, the third will be the
20 plaza and subway access from Vesey Street, and
21 the last one is the H&M Terminal remnants.
22 This first passageway to the
23 E train, what you are looking at here was
24 refurbished as part of the Temporary PATH
25 Station project.

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1 The existing concourse to PATH
2 connects to the E train. There's about a
3 four-foot drop between the platform and the
4 station.
5 The star at the top of the plan
6 indicates where that location is and that the
7 access to the E train will essentially be
8 maintained in the proposed design by Calatrava.
9 However, his design for the
10 Transit Hall is essentially a three-level space
11 that changes by over 60 feet from the west to
12 the east of the site and is a more gradual
13 ascent and therefore cannot use this current
14 concourse.
15 The next item that I mentioned,
16 the steel beams in cross form, after 9 -- this
17 area right here is what was preserved during
18 the recovery. At one point during the recovery
19 it was relocated to the eastern side of the
20 site right here on the diagram, and this
21 temporary base was constructed to elevate it
22 and support the structure.
23 It is essentially in alignment
24 with Cortlandt Street, which is east of Church
25 Street. It is also in the way of the proposed

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1 north-south concourse, which you see here, and
2 Cortlandt Way, and so at the time when we would
3 begin the construction of this area, we would
4 look to relocate that element, probably to
5 Hangar 17, at which time it would go into
6 storage with the other potential artifacts.
7 This element, this remnant
8 element right here, is on Vesey Street. It is
9 adjacent to the proposed Greenwich Street,
10 which you can see in this diagram.
11 It did provide access up to the
12 plaza prior to 9-11. It also was an access way
13 to the 1 and 9.
14 In the proposed design, as you
15 can see, we are looking at providing an entry
16 to the 1 and 9 and to the Transit Hall. It
17 would be generally in this area but would be
18 coordinated with the new work. So this element
19 would have to be removed.
20 It is structurally stable at
21 this point. However, the longevity of that is
22 still to be determined.
23 And you can see it in this
24 diagram right here. Here's the 1 and 9, which
25 would be the future Greenwich Street.

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1 And the last element is the H&M
2 Terminal which existed prior to the former
3 World Trade Center.
4 This area here was not
5 structurally impacted by the events on
6 September 11th. It's probably about 40 to 50
7 thousand square feet of space, indicated in the
8 diagram here in white outline.
9 So as you can see, in order to
10 build the Transit Hall and the north-south
11 concourse, it would be needed to be removed.
12 These are also -- this is the
13 cast-iron rings. There are two of them, one to
14 the northern end around here and one at the
15 southern end that were part of the original
16 H&M.
17 When the Trade Center was built,
18 they were used, really, for service access;
19 they connected the truck docks on each end of
20 the site.
21 At least one of these would
22 probably have to be impacted in order to
23 connect the mezzanine to the east side and to
24 do the appropriate underpinning to make that
25 connection under the 1 and 9.

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1 And in summary, here are the
2 four elements again. Essentially, the impact
3 is we're saying that they all would probably
4 need to be removed. Some things could be
5 relocated, like the steel beams.
6 One thing I believe I failed to
7 mention, in the passageway, there are material
8 elements there that could be preserved or used
9 as potential artifacts. If I could just go
10 back and show you, there were some elements
11 that existed prior; the doors, some of the
12 flooring, the signage. One could look at those
13 elements.
14 Lou?
15 MR. MENNO: Thank you, Carla.
16 MR. GOELZ: Lou, you are going
17 to summarize?
18 MR. MENNO: Yes.
19 MR. GOELZ: And then we will
20 take some questions. Then we will start the
21 questioning.
22 MR. MENNO: All right. On this
23 slide, I'm going to summarize the commitments
24 that we've made concerning the impact on the
25 resources and what we will commit to and the

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1 direction that we are taking.
2 First of all, concerning the
3 temporary track that we spoke about: That
4 temporary track is temporary, and it will be in
5 place during the construction of the terminal.
6 And as I mentioned before, it is required so
7 that we can maintain the level of service that
8 is required for PATH throughout construction.
9 That was the commitment that we made publicly.
10 That track is a temporary one, and it will
11 come out.
12 Next, the egress stairs from the
13 temporary station, as well as the egress stair
14 from the new substation, will also be removed.
15 As we always indicated, they were temporary and
16 they will be removed.
17 We acknowledge that one of the
18 stairs from the terminal, from the temporary
19 station, impacted the North Tower. That's
20 being removed with all of the others, as well
21 as that one emergency egress stair that impacts
22 the footprint of Two from the substation will
23 also be removed.
24 The commitment that we made that
25 the corridors that will go east-west will avoid

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1 the tower column bases: We are analyzing that
2 to ensure that we commit to that and live up to
3 that commitment.
4 We also have done the
5 documentation, the photographic documentation,
6 of the entire World Trade Center site.
7 We've also committed to
8 incorporating certain materials from the World
9 Trade Center that would be reused in the
10 Permanent World Trade Center PATH Terminal.
11 We would allow for access to as
12 many of the tower column bases as possible.
13 That's our commitment.
14 We will allow for the portion of
15 the exposed slurry wall to be used in the
16 Memorial. That has always been part of the
17 Memorial experience.
18 We are maintaining the artifacts
19 from the World Trade Center over at JFK for
20 potential use in exhibits.
21 Early on, when we began this
22 whole project, including the temporary station,
23 we recognized, as I mentioned before, the
24 sensitivity of the footprints and the
25 resources; and that, early on, we kept that

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1 substation out of the footprint of Two World
2 Trade Center and we were very conscious about
3 that, the commitment that we made in terms of
4 track 1, where it was possibly to be relocated
5 into the area west, within the bathtub, and we
6 lived up to our commitment that we were able to
7 keep it in its original location.
8 This is what we've done, and we
9 will continue to do, to minimize the impact on
10 those resources.
11 Thank you.
12 MR. GOELZ: All right.
13 That was a fairly substantial
14 presentation, and I think all of the Port
15 Authority presenters are available to take
16 questions, so why don't we start with the
17 questions.
18 MS. LO PRESTI: Louise Lo
19 Presti. I'm just going to restate my original
20 question.
21 Which is the agency or agencies,
22 plural, that is undertaking the construction?
23 MR. STICKELMAN: I will answer
24 that. I said I would answer it.
25 Silverstein Properties, as you

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1 know, is building the Freedom Tower. The
2 Freedom Tower falls under the LMDC Joint
3 Memorial & Redevelopment FGEIS. The Port
4 Authority was acting as the engineer of record
5 for the demolition of the northwest slabs.
6 MS. FELLONOSSA: Could you speak
7 a little bit more into the phone?
8 MR. STICKELMAN: I will use the
9 mike. Hopefully you can hear me again.
10 What I said was the Freedom
11 Tower is being built by Silverstein Properties,
12 which falls under the Joint Memorial &
13 Redevelopment Plan for the World Trade Center
14 site FGEIS.
15 The Port Authority was acting as
16 the engineer of record for the demolition of
17 the northwest slabs. That's why the Port
18 Authority was involved in the presentation back
19 on April 29th.
20 MS. LO PRESTI: You didn't
21 respond to who is undertaking construction for
22 the PATH Station.
23 Is that the Port Authority?
24 MR. STICKELMAN: It's the Port
25 Authority and FTA. Well, the FTA is the

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1 sponsoring agency.
2 MR. KORNFELD: This is Robert
3 Kornfeld, Historic Districts Council.
4 Just to add to what you were
5 saying about being the engineer of record for
6 the demolition, it appears the Port Authority
7 also came up with the mitigation plan, which
8 goes beyond engineering for the demolition for
9 Six World Trade Center.
10 MR. STICKELMAN: I can say that
11 the northwest slabs is because they are
12 artifacts that have -- potentially may be taken
13 out of the site and were brought to Hangar 17.
14 That is why the Port Authority was involved in
15 that also.
16 MR. KLEIN: Another follow-up on
17 that.
18 If that's the case, then why is
19 the discussion of the removal of the northwest
20 slabs included in your 4F statement?
21 MR. STICKELMAN: Because there's
22 a potential that -- that because of the
23 funding, and I think right now it's unclear in
24 regards to potential funding for some other
25 elements of substructure and infrastructure

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1 that may be made by other agencies, and that's
2 probably -- that is why it is part of the 4F.
3 MS. FELLONOSSA: Who is funding
4 the deconstruction of the parking garage?
5 MR. GOELZ: The question is,
6 who's funding deconstruction of the parking
7 garage.
8 MR. RINALDI: Silverstein
9 Properties.
10 MR. STICKELMAN: Yes. It's
11 private funding. It's Silverstein Properties.
12 MS. FELLONOSSA: It's
13 exclusively private, so there is no HUD funding
14 and no STA funding going into that?
15 MR. STICKELMAN: Correct.
16 MS. FELLONOSSA: Okay.
17 BILL LOVE: Bill Love from the
18 Coalition to Save West Street.
19 I just had a couple of comments
20 and a question that has to do with the proposed
21 east-west pedestrian corridor.
22 Although our group has opposed
23 the car tunnel, we haven't opposed the
24 pedestrian tunnel because we recognize it's
25 important for large numbers of people to be

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1 able to cross West Street, particularly during
2 peak hours.
3 And the numbers that -- it's
4 important not only for residents of Battery
5 Park City, but also for office workers in the
6 World Financial Center and also for the retail
7 businesses at the World Financial Center, and
8 the projections that I've seen are that, in
9 twenty years, we're looking at some sort of a
10 passageway of some type that would get about
11 9,300 pedestrians an hour across West Street at
12 the peak.
13 So I was kind of intrigued to
14 see on page 2 of the finding of effects a
15 reference to a corridor beneath or a bridge
16 over that would allow for all-weather access.
17 Then I assume -- this is sort of
18 a question. I assume this is the same
19 reference -- I'm also looking at the State
20 DOT's projected EIS; they say it should be
21 noted that the Port Authority would consider a
22 pedestrian bridge over Route 9A, but this
23 alternative would only be considered if a
24 concourse wasn't feasible.
25 I'm wondering if it might be

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1 possible for you to take a more serious look at
2 that instead of --
3 MR. GOELZ: At a bridge?
4 BILL LOVE: At a bridge, and not
5 just if the other turns out to be infeasible.
6 I don't know if it's practical or not.
7 I thought that the north
8 pedestrian bridge worked extremely well. That
9 carried 8,000 pedestrians an hour at the peak.
10 As I see it, in order for it to
11 work, you would really have to anchor it with a
12 Class A office building or the equivalent at
13 both ends so you could have functioning
14 elevators and escalators and have everything
15 done -- you've used the phrase climate control,
16 and I'm glad to hear that; completely enclosed,
17 well-illuminated for security purposes.
18 If it were done that way, it
19 might be possible. The logic of that would be
20 it puts people into the World Financial Center
21 on the second floor, which is where the
22 elevator lobbies are located.
23 There are retail businesses on
24 the second floor, as well as the first floor of
25 the World Financial Center. So it might work.

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

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

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1 PATH Station?
2 MR. STICKELMAN: I think you
3 were talking about the west slurry wall. Lou
4 will answer that.
5 MR. MENNO: The west slurry wall
6 that we were referring to was part of the
7 Memorial experience. Early on, the vision of
8 the Memorial was to have a portion of the
9 slurry wall exposed, and we would work to make
10 that happen.
11 MR. RINALDI: One other point.
12 The reason it ties into the
13 station and the infrastructure there is because
14 the structure for the station, the structure
15 for the Memorial will have to be integrated in
16 terms of a permanent support for the slurry
17 wall.
18 The tiebacks that you see that
19 were installed during the recovery are
20 temporary. They were never meant to replace
21 the permanent structure.
22 So when we say preserve
23 visibility to the wall, you have to build a
24 structure, and it's not easy to do, to be able
25 to leave a section of wall exposed, and that

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

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1 lines traversing the outline of the tower
2 perimeter, column bases, and utility rooms and
3 structures located within the area outlined by
4 the tower by the perimeter column bases.
5 The families, for the last two
6 and a half years, have been advocating for the
7 preservation of the footprints of the Twin
8 Towers, and we have been very diligent in this
9 process. We've been very diligent with LMDC
10 directly on these issues. We've held rallies
11 and done all of those sorts of things.
12 In September '03 we learned that
13 the columns were delineated by the box beam
14 column remnants, and we started to sort of
15 focus on that.
16 I just -- I find it -- I'm
17 baffled by how you are now focusing on the
18 tower perimeter columns and overlooking the
19 fact that they are outlining the footprints of
20 the Twin Towers.
21 They derive their significance
22 because they are examples of design and
23 construction, obviously, and because they form
24 the footprints.
25 I would like to know--I think

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1 some of us here would like to know--why, in
2 your inventory of these resources -- I think
3 slide 14 might be a good starting point -- if
4 there's any reason why the core column
5 remnants, the concrete slabs, and the elevator
6 pits that are within the footprints of the
7 towers are not listed as a resource.
8 Let's see if I was right about
9 14. I think so.
10 Well, I think that actually --
11 is that the right one? Yes, because you have
12 an inventory of the resources.
13 MS. BONACCI: That's the
14 Memorial zone.
15 MR. GARDNER: I'm sorry?
16 MS. BONACCI: That's the
17 Memorial zone.
18 MR. GARDNER: That's the
19 Memorial zone? Yes, but your project impacts
20 the footprints directly, so it falls under your
21 project.
22 MR. WONG: Those areas that we
23 are covering over are those areas that we've
24 described as infringing or --
25 MR. GARDNER: Yes, but you are

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1 saying you are going to be building within the
2 tower perimeter area. So, I mean, this is
3 another point of contention, because when you
4 ask LMDC -- LMDC's programmatic agreement gives
5 them the ability to determine
6 appropriate access to the columns that form the
7 footprints, but yet your project directly
8 impacts the footprints of the towers, which are
9 delineated by the column remnants.
10 Slide 12, please.
11 And you are using terminology
12 within your effects finding -- you are focusing
13 now on the perimeters and saying, "Oh, we're
14 just going to build utility rooms and
15 structures located within the area outlined by
16 the perimeter column bases."
17 Why not just say, "We're going
18 to build on the footprints these structures,"
19 because those are the footprints.
20 MR. WONG: A while ago, I think,
21 Lou and others talked about utility lines
22 needing to cross over inside the,
23 quote/unquote, footprint area. 40,000 square
24 feet will require utility lines for all of the
25 projects. So that was that reference.

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1 MR. GARDNER: This specifically
2 says utility rooms and structures located
3 within the area outlined by the perimeter
4 column bases.
5 MR. WONG: I think that's
6 something, at this point, we haven't determined
7 right now that there is such an impact. So
8 probably that will be clarified.
9 MR. GARDNER: Can you just --
10 MR. WONG: We don't have any
11 utility rooms for the PATH Terminal in the
12 footprint area.
13 MR. GARDNER: Then why does it
14 say that in here?
15 MR. WONG: This is something
16 that at the time -- again, the time of writing
17 these things has been probably two or three
18 months ago, when plans were not as solidified
19 as they may be right now.
20 So some things, as to why the
21 subgrade slab remnants are in or out, these are
22 things that are open until such time as we have
23 determined -- our design work will lead us --
24 will give us the ability to make such
25 statements as we are today about temporary

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

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

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1 the general public.
2 So slide 26, there's no
3 reference to percentage of -- you have, like,
4 numbers about tower perimeter column bases;
5 you have here "to be determined."
6 But this might be a good place
7 to say how much of each footprint is being
8 compromised by your PATH structures, because
9 we've talked statistics with --
10 MR. GOELZ: It was discussed at
11 one of the earlier ones.
12 MR. GARDNER: -- Kevin Rampe and
13 people from the Port Authority before.
14 MR. GOELZ: Right.
15 MR. GARDNER: And when Michael
16 Arad's design was selected, we were told --
17 this is really for you, I think, Lou. We were
18 told that 97 percent of the North Tower with
19 delineations was available at that point and
20 50 percent of the South and that you were going
21 to look into an alternative to the fourth
22 platform.
23 MR. MENNO: At that time, when
24 we spoke about the fourth platform, way back
25 when, we identified that before September 11th,

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

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1 MR. GARDNER: No. We are
2 talking about the columns, but the space the
3 columns defined along with the columns.
4 MR. GOELZ: Okay. The interior
5 space?
6 MR. GARDNER: They have been
7 referred to as columns and they have also been
8 referred to as footprints.
9 So basically what we've always
10 said is the maximum preservation of the
11 footprints which are delineated by the box beam
12 column reference.
13 MS. GAULL-HOWARD: My name is
14 Marilyn Gaull-Howard, and I'm with the
15 Coalition to Save West Street, which is really
16 trying to save our neighborhood, the Battery
17 Park City neighborhood.
18 This is absolutely gorgeous, and
19 we all love your plans very much when we've
20 talked about them in private.
21 We have one reservation, and
22 that is, there are about -- or will be, by the
23 time the building is done, 8,000 people living
24 in Battery Park City, south. I would like a
25 little more information about our access to the

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1 terminal. We used to go through World Trade
2 Center Two.
3 MR. GOELZ: Can anyone respond?
4 Lou?
5 MS. BONACCI: Through the
6 southern portion of the site there is the
7 Memorial, which is now essentially a plaza at
8 grade. That would then -- could then take you
9 through, we're showing, if you go back to one
10 of the plans, at street level.
11 Keep going.
12 As you can see, those yellow
13 circles are the proposed street entries, and
14 then the north-south line is the potential
15 north-south corridor.
16 But coming from Battery Park
17 City, from the south, you could traverse across
18 the plaza and then enter at any of those points
19 along Greenwich Street, at Cortlandt, the
20 Transit Hall itself, and then up north. But it
21 is an external connection until you get to that
22 side at this point.
23 MS. GAULL-HOWARD: The Memorial
24 doesn't leave room for people to use it as a --
25 I mean, the Memorial is not going to be built

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1 so that people can ...
2 MR. GOELZ: Traverse it? Is
3 that what you're saying?
4 MS. BONACCI: Well, that will be
5 part of that process, how you get across.
6 MR. WONG: I think it will, not
7 that it's impossible. We are not going to put
8 up a wall.
9 MS. BONACCI: No. No, they are
10 looking at how one could traverse across the
11 site.
12 MR. WONG: You can see it in the
13 rendering of the Memorial.
14 MR. ALLISON: I have a comment
15 and then I have a question.
16 The comment is that the last I
17 heard, the -- and it's absolutely that the --
18 because of the street levels, the Memorial is
19 not going to be at grade. It's either got to
20 be below grade at one end or above grade at the
21 other end; otherwise, it's not going to be
22 flat, and it's intended to be flat. And Arad
23 is currently looking at depressing it.
24 So it's not going to be
25 traversible in an easy way, and we should stop

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1 talking about it that way.
2 My question, actually, though --
3 because you kind of rushed past it, I think,
4 and I'm a little unclear as to why the multiple
5 levels in the transit hub will mean that the
6 remnants of the E train access will have to be
7 destroyed.
8 MS. BONACCI: Based upon the
9 current proposed design, where there are three
10 floor elevations, the lowest one is at
11 approximately 276, and then it traverses up to
12 around 296, from which point you could access,
13 via vertical circulation, the E train, which I
14 believe is around 306, approximately.
15 And then in the new proposed
16 design, you would then go up to elevation 325,
17 which is the Church Street grade.
18 So the issue is that the current
19 concourse is at elevation 310. It's sandwiched
20 right in between.
21 So what Calatrava has done is to
22 look for a more graceful way to traverse the
23 site at 20-foot increments versus what we had
24 prior, which was a huge, like, 36-foot rise
25 from PATH and then another 16-foot rise.

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1 You went 36 feet from the PATH
2 mezzanine to the concourse at 310, and you
3 dipped down to the E train or then you
4 continued up to street.
5 MR. ALLISON: I understand where
6 you are going with that, but right at the
7 moment, there's a 4-foot rise between the one
8 end of the ramp at the E train access, the
9 remnant piece, the one that was written up in
10 The Times about two weeks ago that that's
11 basically the last intact piece of the
12 underground portion of the World Trade Center.
13 So that's a 4-foot ramp right there to get to
14 the E train.
15 So I don't understand -- and
16 this may be because we haven't seen Calatrava's
17 work at this point. But I don't understand why
18 that 4 feet cannot be incorporated into it, no
19 matter what you are doing.
20 MR. WONG: We are looking for a
21 graceful way to not have people make five or
22 six moves to get to the level they need to be
23 at.
24 MR. ALLISON: So what you are
25 saying is, in order to get routed, at a 4-foot

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1 differential, you are going to destroy the last
2 remaining remnant of the World Trade Center?
3 I'm asking, is that what you are
4 saying?
5 Because I don't understand. I
6 understand the graceful getting up and all the
7 rest of it, but in the end --
8 MS. BONACCI: At the 310 level,
9 it would be removed, yes.
10 MR. WONG: The whole 310 level,
11 that whole deck.
12 MS. BONACCI: Because between
13 196 and 325 --
14 MR. ALLISON: I understand what
15 you are talking about, the deck and all the
16 rest of it.
17 The point is that it's only 4
18 feet at that point on the deck, wherever you
19 are talking, between that and the E train
20 platform, so I don't understand why being --
21 having a more graceful access, or whatever,
22 means you have to get rid of that particular
23 piece of the platform, even if it meant people
24 had to go up and then down again slightly.
25 You are not going to change the

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1 level of the E train platform?
2 MS. BONACCI: Right. Okay.
3 MR. ALLISON: And it's only 4
4 feet there.
5 MS. BONACCI: But from 296,
6 which is the floor --
7 MR. ALLISON: Forget 296. Start
8 with the E train platform. Okay?
9 MR. WONG: I guess we are not
10 understanding. The issue right now is -- I
11 mean, I'm not going to start drawing.
12 MR. ALLISON: Draw. Come on.
13 This makes no sense, the way you've explained
14 it. And I'm not saying it doesn't make sense;
15 I'm saying it makes no sense the way you've
16 explained it.
17 Let's do it this way, if you can
18 translate the numbers. Let's take the E train
19 platform as zero, and tell me how that affects
20 getting to it from anyplace in Calatrava's
21 drawing, recognizing the fact that we are
22 talking about the end of a corridor.
23 MR. GOELZ: Your point is that
24 that's the last remnant intact?
25 MR. ALLISON: Exactly.

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1 And you just did a wonderful
2 refurbishment job. You just put up a wonderful
3 plaque saying it's the last remnant, and now
4 you are saying that because it doesn't fit into
5 some graceful approach that you are going to
6 destroy it.
7 MS. VAUGHN: I think, Peter, you
8 captured it as something that people feel is --
9 MR. GOELZ: Right. I think this
10 is called input. I don't think we need to
11 debate, but I think it's fairly accurate input.
12 MS. MERRITT: This is Betsy
13 Merritt on the phone. Can I clarify which item
14 you are talking about? Is it element number 10
15 on the diagram that's in the draft EIS
16 document, way up in the northeast corner of the
17 site?
18 MR. STICKELMAN: Yes.
19 MR. GARDNER: Yes.
20 MS. MERRITT: Passageway for the
21 E train?
22 MR. GARDNER: Slide 29, when you
23 get the slides.
24 MS. MERRITT: Okay. Thank you.
25 BILL LOVE: I would just like to

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1 echo the gentleman's comment about what a shame
2 it would be if we did lose that. I was an E
3 train ride for many years, and I know for the
4 thousands of people who pass through there,
5 that's the one remnant that you really get a
6 feel for the old World Trade Center when you
7 come in from the E train.
8 I mean, I remember when they
9 re-opened that, and I was shocked to see that
10 the same doors were there and that the stairs
11 were there, and it really gives you a feeling.
12 And particularly, when you walk up now, you can
13 look off to the right and see where the PATH
14 train comes up.
15 So if there's some way to
16 preserve that, I think it would be well worth
17 doing.
18 MR. LUSTBADER: Ken Lustbader
19 from the Lower Manhattan Emergency Preservation
20 Fund.
21 I echo the sentiments about the
22 staircase to the -- I mean, the entrance to the
23 E train.
24 But I also want to better
25 understand the issue of the staircase that's

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1 above grade that was also talked about going up
2 to the concourse, and why -- there was a
3 mention that it may not be stable in future
4 months or something, and I just want to have
5 that clarified.
6 The other issue is regarding
7 documentation. I mentioned this at the last
8 meeting about the slab remnants, and I'm happy
9 to say that the Port Authority did do different
10 types of documentation.
11 But having been on the Memorial
12 Center Advisory Committee, the issue of having
13 a curatorial kind of understanding about the
14 existing conditions now, and not just still
15 photography or drawings, it would be helpful to
16 have moving images for the existing conditions.
17 And also, let me just say, this
18 access to the slurry wall and the box beam
19 columns are something that are Memorial Center
20 commitments that went out by the LMDC in their
21 draft comments.
22 So that's something that -- is
23 that area being dealt with at the same time
24 that the Port Authority is designing the PATH
25 Station? What's the coordination between the

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1 two?
2 And, lastly, I'm just curious to
3 hear how vibrations are going to be dealt with
4 rather than just "We're monitoring them."
5 There's going to be so many
6 cumulative projects going on, this has come up
7 at every EIS public hearing. It came up last
8 week at the Fulton Street Transit Center EIS,
9 so this is a major issue that the preservation
10 world is most concerned about.
11 MR. STICKELMAN: Ken, just for
12 the recordation, there are several things that
13 we're doing. One is to have photography, which
14 they spoke about earlier, which is the
15 black-and-white photography.
16 In addition, the Port Authority
17 is also going to be doing color photography of
18 the entire site. And, I think, Ken, you are
19 aware of this.
20 Tito Dupret from the World
21 Monuments Fund actually was there last week
22 taking the 360 photography of the World Trade
23 Center site and the bathtub. Actually, if
24 anyone's curious, they can stop afterwards.
25 There's an article about him in Conde Nast that

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1 I brought so you can see what kind of
2 photographs he takes.
3 In addition, the LMDC is
4 actually right now talking to videographers,
5 possibly three, to actually videotape the
6 actual experience of going down to the World
7 Trade Center site before any work is done. We
8 are working with them on getting access and
9 having that done.
10 So you'll have the HAER
11 photography, the color photography, Tito
12 Dupret's 360, and the videography.
13 MR. LUSTBADER: I just want to
14 stress the need to have curators who are on the
15 Memorial Advisory Committee giving an input,
16 because, you know, I'm a lay person in
17 preservation, and there were so many good
18 resources on that committee that could be
19 tapped, just to say, "No, here's a way to do it
20 better."
21 MR. RINALDI: We didn't answer
22 his questions.
23 MR. STICKELMAN: The engineering
24 stuff, I can't answer.
25 MR. RINALDI: I'll tell you what

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

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

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

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

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1 to be done to stabilize it; how can it be
2 incorporated into a historic site.
3 It's just a very different
4 approach. I think that if you walked across
5 Vesey Street, you would see a number of things
6 all along there, like there are columns that
7 stub up all the way along from Five World Trade
8 Center; there are remnants of floor finishes.
9 There's just a lot of stuff.
10 I think that if you looked at
11 the site with a different point of view, then
12 you would walk along and every five feet you
13 would say, "Oh, look at this; oh, look at
14 that," and come up with an inventory of things
15 that would be up for discussion, rather than
16 just seeing it as kind of a clean slate.
17 And I think that that's true,
18 certainly to the greatest extent, with the
19 footprints of One and Two World Trade Center,
20 where I feel that all of the -- the entire
21 footprint has a lot of features. There are
22 concrete slabs and equipment pads, sump pits,
23 elevator pits; all of those are -- if you
24 looked as an archaeologist, if this site were
25 buried for 2000 years and then you were part of

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1 a team that excavated it and you went in as an
2 archaeologist, you would find all these things,
3 try to figure out what they were, sort of clean
4 them off so they were protected, make an
5 inventory, analyze the whole thing.
6 And no one has approached this
7 project that way at all. It seems to me that
8 even the HAER photography is going to take
9 place with a foot of fill over everything and
10 construction equipment everywhere, so you can't
11 even see the footprints. I may be wrong; maybe
12 it will be cleaned off.
13 But I just think those are all
14 things that need to be documented. You can't
15 -- especially a lay person who's involved in
16 this and didn't see anything during the
17 recovery cannot conceptualize what the
18 footprints are without seeing them cleaned off
19 of debris and seeing all the -- the core
20 columns, all the different slab levels, the
21 damage to the slab.
22 I think you did a plan of Six
23 World Trade Center that showed sort of the
24 remnants of the slab and the columns, and then
25 it suddenly became easy to conceptualize what

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1 was there. I think you really need to do that
2 for One and Two World Trade Center, to show
3 every single feature.
4 Start with an original detailed
5 floor plan and then go through and show what's
6 there; these were all cut off at this level,
7 and then what areas of slab are damaged, and so
8 on.
9 Anyway, that's my comment.
10 Thanks.
11 MR. KLEIN: I just want to make
12 an observation, and I say this as someone who
13 works with engineers, has worked with engineers
14 on a daily basis for thirty years. The point
15 -- I worked for many years, a lot of people
16 know, for what was the largest AE in the state
17 of New York. We had 17 floors of office space
18 in the South Tower for many years. So I think
19 I know something about how engineers think.
20 What I'm noticing, and I say
21 this not as a criticism but as an observation,
22 is that the engineers at the Port Authority
23 seem to be viewing the historic remains at
24 the World Trade Center site as an impediment to
25 their project. And that's understandable, as

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1 engineers who want to build and want to create
2 something new.
3 But if we were to do that, we
4 would say, "Well, gee, it's your project that's
5 an impediment to the preservation of a really,
6 really important historic site."
7 And why you wouldn't be giving
8 precedence over the other is subject to debate,
9 and that's what the 106 process is all about,
10 to make that decision.
11 Bob Kornfeld mentioned -- he
12 talked about archaeologists in the future.
13 Well, I'm an archaeologist. I think 2000 years
14 from now, which was the time period Bob
15 mentioned, if an archaeologist is excavating
16 the remains of the World Trade Center site,
17 it's going to be the remains of the original
18 Twin Towers and not the new Port Authority
19 transportation hub that are probably going to
20 be considered the most important aspect of that
21 site.
22 I would just ask that you think
23 about some of these things a little bit as you
24 proceed. You've got some good consultants who
25 can talk to you about this.

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1 I think your engineers need to
2 educate themselves a little bit more about the
3 emotional and historic importance that's
4 associated with this site and think about some
5 better ways as to how they can incorporate some
6 of the concerns rather than trying --
7 consistently treating them as an impediment to
8 the development of the site.
9 MS. LO PRESTI: Louise Lo
10 Presti.
11 I know you guys at the Port
12 Authority always get a bad rap for everything
13 and you get blamed for it all. In this case,
14 unlike -- I have a slightly divergent point of
15 view.
16 I think that the Calatrava
17 design is brilliant. He is an architectural
18 artist.
19 However, the nature of his
20 designs is such that it doesn't corporate
21 klugey things like artifacts and remnants.
22 They simply don't fit in a Calatrava design,
23 and that's something that we haven't discussed
24 here at all.
25 If you go into any of his sites,

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1 you are not going to find something like a
2 remnant of a staircase or a box beam.
3 Maybe you will find a glass wall
4 looking out to something like a slurry wall,
5 but nothing else. But that's his vision.
6 We, as Americans, have a
7 profound disrespect for our history, and if you
8 go to any number of cities in this world, you
9 will find architectural remnants in metro
10 stations.
11 In Mexico City, when they were
12 in the process of unexpectedly discovering an
13 archaeological ruin, what did they do? Did
14 they take it out? Did they mitigate it? Did
15 they cover it up? No, they built around it.
16 So if any of you have ever been
17 there, when you walk through those stations,
18 you see the ancient ruins in situ. The same
19 thing for London, Rome, Paris, St. Petersburg,
20 Moscow.
21 Are they less sophisticated than
22 we are? No. Hopefully we could learn from
23 that.
24 Second -- and before I leave
25 this subject of artifacts, I think everyone has

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1 covered everything except the H&M tubes. It
2 would be sad to see the H&M tubes go. They
3 really are distinctive. I think that was
4 brought up by some of the national people in
5 the first meeting.
6 The second, on the issue of the
7 Port Authority being the engineer of record for
8 Silverstein, who is using private monies, there
9 have been a series of articles in The Wall
10 Street Journal speculating -- for over the
11 year, speculating why federal money has been
12 released to Silverstein in advance of his
13 building plans.
14 Well, now it's fairly clear;
15 because the money is being funged, so that
16 private monies will in fact pay for this. And
17 it doesn't take a financial rocket scientist to
18 figure that out.
19 And that is why these issues are
20 in the 4F statement, because the money is
21 funged.
22 MS. VAUGHN: Charlene Vaughn
23 from the Advisory Council.
24 I think that a lot of the
25 comments that have been made are on point.

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1 I would, however, commend the
2 Port Authority and FTA for their approach to
3 identifying distinct historic elements on the
4 site and trying to gauge what the effects are,
5 which is somewhat different from how we
6 function with the LMDC review.
7 What I would say is let's build
8 on that, let's look at alternatives, have the
9 discussion, and I think we can get there.
10 I don't think that we're that
11 far apart in our thinking. I think it's just
12 really looking at the full range of
13 alternatives and documenting the pros and cons
14 of them.
15 And I think that one thing we
16 never really did was look at the site
17 holistically, and that's what Bob was saying;
18 it's not disparate parts and elements and
19 resources; it's a total site. We keep missing
20 that, and I don't know why.
21 MR. GOELZ: Anybody else?
22 MR. GARDNER: Do we have any
23 slide capability anymore? Because I notice it
24 went off. I don't know if it was a
25 screensaver.

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1 Can you go back to the E train
2 platform remnant?
3 I just have a real quick
4 anecdote that I think kind of speaks to
5 what Charlene was saying.
6 A couple family members went on
7 a tour of this. The Port Authority took us on
8 a tour right before they opened the temporary
9 station in November, and we were standing on
10 the E platform. Between those two doors there
11 you will see a panel; it looks like a wall.
12 That's actually a panel that was put up in
13 front of a door, and on that door was written,
14 "9-13," in orange paint, and some various
15 symbols, and we had Lee Ielpi with us, who his
16 son as a firefighter who was killed, and Lee
17 also worked through the whole recovery period.
18 And he sort of deciphered what those symbols
19 meant, and on 9-13 there was rescue team that
20 got to that point.
21 And the Port Authority was --
22 and I don't think this is malicious, but they
23 were getting somebody in the next day to kind
24 of clean up the doors, and when we sort of
25 pointed that out to them and talked to them

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1 about it, they made a couple calls and they
2 made the commitment to board it up and save it.
3 And this collaboration between
4 us, I think we can maybe point out things that
5 you might not see that we see.
6 And I believe that door has been
7 saved. At least it was boarded up.
8 But I think that also adds to
9 the significance of this E platform area, which
10 should be considered, as Eric said and, I
11 believe, Ken said.
12 What I would like to know is you
13 mentioned that Tito Dupret came and did the
14 360-degree photography.
15 Were the footprints cleaned off
16 for that? Because we all know there's, like, a
17 couple inches of that dirt and construction.
18 Does anybody know?
19 MS. BONACCI: It was done as the
20 site is now.
21 MR. GARDNER: Okay.
22 MS. BONACCI: [Inaudible.]
23 MR. GARDNER: Now, I think it's
24 pretty sad that, two and a half years later,
25 the Coalition of 9-11 Families has better

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1 pictures than you guys have.
2 I mean, we have a photo that
3 shows the perfect delineation of the North
4 Tower footprint, with the ramp feeding right
5 into it, and I would hope that you would take
6 advantage of Tito and have him come back and
7 photograph the footprints, especially given
8 there's so much -- it's not clear, when you
9 talk about --
10 When you focus on columns versus
11 the footprints, it would be nice for people to
12 have photos of what's actually there so we can
13 make those determinations, hopefully together.
14 I think the families have
15 compromised a lot through this process.
16 We originally had rejected the
17 PATH coming back in that area, and I think the
18 position that we put forth was provided that
19 what was put back was originally there and that
20 it was incorporated somehow into the Memorial
21 experience, we would be willing to compromise
22 that.
23 I mean, that's coming from, you
24 know, a position like -- a rather optimistic
25 position that we do have a position of some

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1 sense of authority in here, but -- I don't know
2 if that's really the case.
3 But I really want to, once
4 again, urge you to take a look at One World
5 Trade Center and Two World Trade Center's
6 footprints, and I beg you to preserve the
7 maximum amount of those footprints, because
8 only -- their significance will only increase
9 over time.
10 And I'm not talking about just a
11 row of columns; I'm talking about the space
12 that they define and the columns together.
13 MR. KLEIN: Joel Klein.
14 I want to just elaborate a
15 little bit on what Anthony said about the
16 significance of the areas within the perimeters
17 as defined by the box beam columns.
18 There is a GPS map prepared by
19 the fire department showing the precise
20 locations of approximately 20,000 human
21 remains, the site of recovery at bedrock, and
22 the vast majority of those remains came from
23 within the footprints, within the area
24 delineated by the box beam columns. And that's
25 one of the reasons that that area within the

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1 box beam -- within the perimeter is so
2 significant.
3 It's unfortunate that what we
4 see in some of the slides here and in the
5 effects analysis that's been presented is the
6 treatment of the individual box beam columns as
7 what is contributing to the significance rather
8 than what they comprise, which is the
9 footprint, the entire area as defined within
10 those perimeter spaces.
11 45 percent of the victims have
12 still not been identified, so that's the last
13 place these people were known to be, and it's
14 the only place that many of the families will
15 have, ultimately, to come.
16 I ask you to consider that in
17 terms of what you are doing to this site, and
18 to take that into consideration.
19 If I could -- if you could go
20 back to slide 34? I just want to point out
21 some of the inconsistency in the logic that
22 you've been using.
23 In the previous slides in the
24 earlier part of the discussion you talked about
25 numbers of box beam column remnants that would

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1 be preserved.
2 Yet on this slide, the very last
3 bullet point, you are taking credit for the
4 fact that the substation is avoiding the
5 footprint; you didn't say avoiding the box beam
6 column members. It appears that you are using
7 two different standards to assess impact.
8 When you want to talk about the
9 main parts of the facility, you talk about the
10 box beam columns that are going to be affected.
11 What you really should be talking about, again,
12 is the entire area within the footprint and the
13 percentages. So you are kind of using apples
14 and oranges.
15 In terms of the effects
16 determination, a number of comments, one of
17 which what it's sadly lacking, and I think
18 could be incorporated without too much effort,
19 is a consideration of the various alternatives.
20 That information is included to
21 some degree in the 4F statement, and it
22 probably should be incorporated in the effect
23 finding, in particular, a discussion of,
24 probably even in a tabular format, of how the
25 various alternatives described in the 4F

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1 statement would affect the various remnants
2 on-site.
3 I would also ask that an
4 additional alternative be considered, which is
5 a variation on the no-build, and that is to
6 just not build the fourth platform, and what
7 the effects on the resources would be by doing
8 that and what the consequences would be.
9 You are basing a lot of your
10 assessment on the assumption that that fourth
11 platform will be built, and in fact, on
12 slide 21 -- if we could have that?
13 I'm not sure if you misspoke,
14 but it was my understanding that you said that
15 this analysis did not include the effects of
16 the fourth platform, but in fact the slide says
17 it does, so I just would like to clarify.
18 MR. RINALDI: Let me correct
19 that, if I spoke that way.
20 I said it did not include the
21 potential effect of bringing down a column that
22 supported the station that might have an impact
23 on the footprint of the tower.
24 And let me go further. When
25 we're talking about impact on the footprint, we

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1 translated that to the box beam columns because
2 Lou and I had spoken, and Lou, previously in
3 presentations, talked about the percentage
4 impact on the footprints, and there was a lot
5 of concern beyond that about actually the
6 visibility of the box beam columns and the
7 significance of that. That's why we focused in
8 terms of that.
9 The percentage of the impact on
10 the footprint is still the same as we talked
11 about before, which is the 3 percent -- from
12 zero to 3 percent, from 48 to 50 percent. We
13 are looking at the number of box beam columns
14 within that percentage that would be affected,
15 and that's what we were trying to say.
16 I'm not in any way saying that
17 the footprint wasn't significant. It's the
18 details within the footprint.
19 MR. KLEIN: Thank you for
20 clarifying that.
21 I'm wondering if -- I suspect
22 this information is in the DEIS, but I think it
23 would be helpful to all of us if we had sort of
24 a road map as to where to find it, and that is
25 the documentation supporting the increased

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1 ridership. I think you estimated it is
2 25 percent at the end of twenty years.
3 MR. MENNO: Yes, 25 percent
4 above the pre-9-11 ridership at the PATH
5 Stations.
6 MR. KLEIN: And that's at the
7 end of 20 years?
8 MR. MENNO: Within -- up to 20,
9 25.
10 MR. KLEIN: Okay. 20, 25. So
11 it's from when construction is completed?
12 MR. MENNO: Basically 2009 to --
13 MR. KLEIN: Is the supporting
14 documentation to that analysis in the DEIS?
15 MR. MENNO: Yes, it is.
16 MR. KLEIN: Could you --
17 MR. LENAHAN: The number is in
18 Chapter 8, Section A.
19 MR. KLEIN: Okay. It's 8A.
20 Are there any backup studies to
21 that or is all the data presented there?
22 MR. LENAHAN: There's the
23 chapter and related appendices.
24 MR. KLEIN: So it's in the
25 transportation appendix?

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1 MR. LENAHAN: Yes.
2 MR. KLEIN: Just a few more.
3 Tim Stickelman mentioned that --
4 and, I think, again, somebody may have misspoke
5 here that the photo documentation at the World
6 Trade Center site was completed.
7 MR. STICKELMAN: No, it's not
8 completed.
9 MR. KLEIN: Okay. I suspected
10 somebody had misspoke.
11 Tim also referred to the HAER
12 recording, and I know we are getting into the
13 LMDC material here as well, but has
14 any decision been made as to the type of HAER
15 recording and, in particular, has the National
16 Park Service been consulted yet? That was a
17 commitment of LMDC within the programmatic
18 agreement.
19 MR. STICKELMAN: I can't speak
20 for LMDC. I don't know what they have done,
21 National Parks. That's a question for LMDC.
22 But your comment is noted here.
23 MR. KLEIN: And the last thing,
24 if we can sort of go off agenda a little bit,
25 but we weren't given the opportunity to -- we

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1 weren't asked as to whether we had agenda items
2 -- to come back to the artifact issue.
3 You mentioned that the artifact
4 inventory is ongoing.
5 Frankly, we've been puzzled as
6 to why this has taken so long; in particular,
7 why there isn't even a count of the numbers of
8 artifacts.
9 When we visited Hangar 17, we
10 raised the issue at that point; there was a
11 concern that items might disappear, and the
12 response was, "Well, there's very heavy
13 security," and our response at that time was,
14 "Well, fine, then you will know who to
15 suspect." But you don't even still know what's
16 there. You would have no way of knowing if
17 something was missing.
18 Tim, do you want to respond to
19 that? I've got a few more on the artifacts.
20 MR. STICKELMAN: I will wait
21 until you are finished.
22 MR. KLEIN: Okay. The Port
23 Authority has indicated that it's the custodian
24 of the remains rather than the owner, and yet
25 the Port Authority -- we've heard rumors of the

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1 Port Authority making commitments to turn over
2 artifacts to other institutions.
3 We'd like to know if that's
4 true.
5 We also keep finding out about
6 pieces of World Trade Center popping up all
7 over the place, and we're wondering --
8 including in The New York Times today, there
9 was a story that the towns of New Castle and
10 Chappaqua in Westchester County have pieces of
11 steel from the World Trade Center that they
12 were about to incorporate into a memorial
13 there, that were, quote, "given to them by the
14 police."
15 Is the Port Authority taking any
16 action to recover any of these materials or
17 find out if any more materials exist, other
18 than what you are already aware of?
19 MR. STICKELMAN: We can only
20 give an inventory of what we have in our
21 control and custody.
22 What I can tell you about those
23 pieces that you may hear about being
24 incorporated into museums and memorials
25 throughout the country, those items did not

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

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

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

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

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1 you can see from the back. And there's a
2 plaque that says it was given to them by the
3 Port Authority police.
4 I mean, I think it's an
5 appropriate place for something to be
6 exhibited, but this, I happen to think, is a
7 very significant piece that should be
8 considered possibly part of the Memorial; maybe
9 there, but definitely not sitting outdoors,
10 unprotected, in a salt air environment.
11 So, anyway, I just wanted to
12 bring that to your attention.
13 MR. GARDNER: Nobody mentioned
14 the -- I don't think anybody mentioned the
15 steel cross and the ramp.
16 In terms of what we've seen
17 here, we just see proposed mitigation being
18 removing these items.
19 Can you -- can the Port
20 Authority give some sort of commitment that
21 they are going to be protected and preserved
22 and give us some sort of assurance that they
23 are not going to just be destroyed?
24 I'm not saying they should be
25 preserved in place, but the cross is important

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1 for a number of reasons, as a document of the
2 recovery period, and also the ramp. I mean,
3 during ceremonies, we've traveled, we've
4 journeyed down the ramp to stand on bedrock,
5 and it's a document of the whole recovery
6 period, the ceremonies that have taken place on
7 the anniversaries, and it would be really --
8 it's something that we would hope would -- you
9 know, we don't want to pick up a newspaper one
10 day and find out that that was just recycled.
11 So those two things.
12 And once again, since the photo
13 documentation is not complete, as Tim said,
14 just urging you to clean off those couple
15 inches of dirt on those footprints and take
16 some real -- you know, take an accurate account
17 of what's there so that these determinations
18 can be made properly.
19 Because a lot of these documents
20 still remain flawed by implying that the
21 columns form portions of the lower footprints.
22 I mean, these are the footprints. Go to that
23 site right now. Street level to 30 feet is
24 midair. They are symbolic representations of
25 where the towers stood. These are the tangible

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1 ruins of the footprints.
2 They are not functional, you
3 can't support them maybe, but they are ruins;
4 they are modern-day ruins, and you have to
5 preserve the maximum amount for the public to
6 be able to benefit from them in the future.
7 Lou mentioned before about this
8 transportation hub as being something for the
9 future. That's something you could really give
10 to the future, by preserving the maximum amount
11 of these footprints with column delineations,
12 something tangible that they could always
13 experience and connect to September 11th,
14 because we will all be long gone by then and we
15 won't be able to tell the story.
16 MR. GOELZ: Thanks.
17 It's after 5:00, so why don't we
18 see if we can do some final wrap-up work.
19 As you know, the comments are
20 due on the 21st, and one of the things that we
21 were discussing was whether we could ask you to
22 give us your comments right after the 4th of
23 July weekend, which would then allow us to hold
24 a second meeting such as this prior to the
25 21st.

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1 But we didn't want to impose
2 that on you. If people want to wait until the
3 21st, that's also doable.
4 But I think in terms of keeping
5 the communications going and trying to be
6 responsive as well as timely, whether that's an
7 agreeable strategy, which we would ask for
8 comments right after the 4th of July weekend
9 and then try and hold a second public meeting
10 on this sometime around the 13th of July.
11 Is that right? Somewhere in
12 that region.
13 Does that seem unreasonable?
14 Any major objections?
15 Go ahead, Joel.
16 MR. KLEIN: I don't have an
17 objection. I just want to say I think it's a
18 wonderful idea, but I would ask that if we were
19 to do that, that the agenda for that second,
20 next meeting be to specifically discuss the
21 comments that we have rather than -- and have
22 you respond to those, rather than hearing an
23 updated presentation, although you would
24 probably like that as well.
25 MR. GOELZ: You would want an

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1 updated presentation, yeah, and I think we can.
2 We will try to do some response. I'm not sure
3 we can respond to all of them, but we certainly
4 could do some.
5 MS. GAULL-HOWARD: What I'm
6 saying is why don't you just meet with the
7 families and leave everybody else out of it
8 then.
9 MR. GOELZ: So are we in
10 agreement, then, that we will have written
11 comments which would be due July 6th? Is that
12 what we're saying? Is that the Tuesday after?
13 As close as you can after the
14 4th of July, and then we will schedule a
15 meeting, giving two or three weeks' notice as
16 soon as we can around July 13th.
17 Is that okay?
18 FEMALE SPEAKER: I have another
19 question.
20 How will we address the comments
21 we're turning in on the draft DEIS? Because
22 with LMDC, I don't know that we ever got a
23 summary of the preservation comments that were
24 received during its environmental review
25 process. And I think those are important, and

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1 everybody who is interested in preservation
2 issues may not in fact be here or have the
3 opportunity to attend these meetings.
4 So I'm fine with that schedule
5 but would like to know how we have the benefit
6 of any other preservation comments that come in
7 during the environmental review process. The
8 comments from the 21st -- after the 21st.
9 MR. WONG: That would be part of
10 this discussion as well.
11 FEMALE SPEAKER: That would be
12 great.
13 MR. GOELZ: Okay. Any other
14 questions?
15 MR. GARDNER: I think our
16 attorney, if she's able to receive these, on
17 the line.
18 MR. STICKELMAN: Is anyone on
19 the line still?
20 MS. MERRITT: Yes. Betsy
21 Merritt here. I'm still here.
22 MR. STICKELMAN: Anyone else?
23 MR. GOELZ: So we will get a
24 notice out as soon as possible to set a time
25 and date after July.

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1 MR. KLEIN: When will the
2 transcript be made available?
3 MR. GOELZ: The transcript?
4 There's one thing I want to say about the
5 transcript. Remember, we cannot vouch for 100
6 percent accuracy of the transcript. She has
7 done an extraordinary job. We have tested her
8 skills, but we are not going to go back and
9 circulate the transcript to everyone for
10 editing, because then you wouldn't see the
11 transcript for about two years, knowing this
12 group.
13 So when will we be able to see a
14 transcript?
15 THE REPORTER: A week maybe.
16 MR. GOELZ: About a week or ten
17 days.
18 MR. STICKELMAN: We will be
19 making that available. It all depends on her
20 schedule in getting it to us.
21 MR. KLEIN: Thank you. I want
22 to close on a very positive note and thank the
23 Port Authority for arranging to have that
24 transcript. We appreciate it.
25 MR. ALLISON: I would just like

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1 to say that with all the things that we may
2 have said to you today that may have sounded
3 like criticisms, and they probably were, that
4 the Port Authority has to be complimented, and
5 as many of us complimented the DOT on the 9A
6 hearing, on being much more cooperative and
7 much more forthright than certain other
8 agencies.
9 MR. GOELZ: I should say, one of
10 the things is at any kind of these public
11 processes, you get punished sometimes, and of
12 course, for doing the right thing you end up
13 getting beat up for a couple hours, but we
14 understand that.
15 MR. ALLISON: Thank you for the
16 opportunity to beat you up.
17 MR. KORNFELD: I would like to
18 point out also that while we may sound kind of
19 strident in tone at some points, that we've
20 been very focused on issues that we think are
21 important and really not attacking the overall
22 plan for the site. And I think we have to
23 see -- I think probably most people here feel
24 that Calatrava is a genius, and I don't think
25 that that's -- that terminal itself is not a

1 point of attack. Really, the impacts on
2 historic resources I don't think affect major
3 elements.
4 MR. KLEIN: I would like to
5 second that.
6 I also want to say to the
7 engineers, you know, I talked about your
8 viewing the historic resources as an
9 impediment. I think you should treat this as a
10 challenge, as something that you need to deal
11 with.
12 As somebody once told me --
13 I worked in nuclear waste disposal for a long
14 time, and they said there was no such thing as
15 nuclear waste problems; there were only issues
16 that needed to be addressed.
17 And I think if you take that
18 same approach to the issues and the challenges
19 of building your facility within the
20 constraints that historic preservation creates
21 at this site, I think everybody is going to be
22 pleased with the end result.
23 MR. GOELZ: Good. Thank you.
24 - - -
25 (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:
Timothy Stickelman
Louis Menno
Carla Bonacci
Peter Rinaldi
Stephanie Talbert
Jackie Hanley
Steve Coleman
Bernie McNeilly
Shawn Lenahan
Mark Pagliettini
Harold Levitt
Bill Wong
Kevin Lejda
Glenn Guzi
Louis Rodriguez
Steven Plate

NATIONAL TRUST
Elizabeth Merritt

VOORS ANGER & ASSOCIATES
Mark Wagner

AMERICAN PLANNING ASSOCIATION
Steve Weintraub
COALITION OF 9/11 FAMILIES
Joel Klein
Patricia Reilly
Anthony Gardner
Jack Lynch
FTA - LOWER MANHATTAN RECOVERY OFFICE
Bernard Cohen
Paul Lebrun
Carol Braegelmann
Peter Goelz
WORLD TRADE CENTER NATIONAL MEMORIAL
Louise Lo Presti

LMDC
Anthoula Katsimatides
William Kelley

MASS TRANSIT AUTHORITY
Virginia Borkoski
HISTORIC DISTRICT COUNCIL
Robert Kornfeld

BATTERY PARK CITY AUTHORITY
Adam Alter
LBG
John Hotopp

COALITION TO SAVE WEST STREET
Bill Love
LOWER MANHATTAN EMERGENCY PRESERVATION FUND
Ken Lustbader

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
Adam Levine

AKRF
Robert Conway
Andrea Ferster
Chris Calvert
WALL STREET RISING
Katherine Christodoulatos

REBUILDING DOWNTOWN
Jesi Pozzyoli
DOWNTOWN DESIGN PARTNERSHIP
Jonathan Cohn

LOUIS BERGER
Tracy Newmann
CONGRESSMAN MOLONEY'S OFFICE
Phil Kraft

Bob Rivari (phonetic)

Mark Shaming

Bruce Desell

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1 MR. BERNARD COHEN: Sorry for the delay
2 in getting started. My name is Bernard Cohen
3 Director of the FTA, Lower Manhattan Recovery
4 Office. FTA is the federal funding agency
5 for the Port Authority Permanent PATH
6 Terminal Project.
7 I'd like to begin by welcoming you all
8 to today's Consulting Meeting, which is being
9 held under Section 106 of the National
10 Preservation Act.
11 At the last Consulting Parties Meeting,
12 which was held on June 14, many of the most
13 significant features from the draft
14 determination of effects document were
15 discussed at some length. Valid questions
16 were raised about how those features will be
17 affected by redevelopment of the World Trade
18 Center site. And feedback that you provided
19 at that meeting and in subsequent written
20 correspondence, the most recent of which was
21 a letter that we received last Friday from
22 the Coalition of 9/11 Families, was
23 carefully considered and factored into the
24 preparations for today's meeting.
25 It is my hope that the ideas that you

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1 will be hearing today from the Port Authority
2 addressing issues that were talked about at
3 the last meeting will create positive
4 momentum for moving the 106 process forward.
5 In short, I hope that today will be seen
6 as a day of progress, recognizing that
7 inevitably there is more work to be done.
8 Before turning the meeting over to Peter
9 Goelz, I would like to point out that a
10 representative from the Lower Manhattan
11 Development Corporation, Bill Kelley, is here
12 today to participate in this Consulting
13 Parties Meeting.
14 One of the concerns that was expressed
15 to us is the need for better coordination
16 between project sponsors at these consulting
17 party meetings regarding historic resources.
18 So hence, the representation for the need for
19 that.
20 At this point, I would like to ask Peter
21 Goelz to take over.
22 MR. PETER GOELZ: Thanks, Bernard. Good
23 afternoon.
24 As Bernard mentioned, we really envision
25 this two-hour session today to be a working

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1 period. Many of the comments, many of the
2 suggestions, many of the written submissions
3 that have come in over the past weeks, are
4 reflected in some of the work that's going to
5 be presented to you this afternoon.
6 We would like this session to be as
7 interactive as possible. So as the various
8 items are being discussed, we really
9 encourage you to ask questions, perhaps to
10 raise new issues, and to really get a
11 dialogue going.
12 These are working drawings. These are
13 not final drawings. These are not draft
14 drawings. At some point in the near future,
15 draft drawings will be prepared.
16 (Phone ringing.)
17 MR. BERNARD COHEN: Tim? Someone is
18 calling.
19 MR. PETER GOELZ: At some point in the
20 next few weeks -- can anyone name that tune?
21 At some point in the near future, draft
22 drawings will be available and will become
23 part of the record.
24 As you can see, our discussion here
25 today is being transcribed. And if you need

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1 clarification, just jump in and ask us.
2 Thank you for your work.
3 As I say, our proposed format is to be
4 interactive. We would like you to comment as
5 often as you see fit. And if there are
6 issues that you think -- new issues that need
7 to be raised, we will discuss those. There
8 will be time for those as well.
9 I think we'll start it off with Lou, is
10 that correct? We have a lot of work and
11 presentation to do today.
12 MR. LOUIS MENNO: Yes, sir.
13 MR. PETER GOELZ: You all know Lou
14 Menno. And before Lou starts, let's go
15 around the room again and introduce each
16 other. Why don't we start right here.
17 MS. LOUISE LOPRESTI: Louise LoPresti,
18 Advocate Legislation for World Trade Center
19 National Memorial.
20 MR. ROBERT KORNFELD: Bob Kornfeld,
21 Historic District Council.
22 MR. JOEL KLEIN: Joel Klein for the
23 Coalition of 9/11 Families.
24 MR. ANTHONY GARDNER: Anthony Gardner
25 for the Coalition of 9/11 Families.

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1 MR. JACK LYNCH: Jack Lynch, Coalition
2 of 9/11 Families.
3 MS. PATRICIA REILLY: Patricia Reilly,
4 Coalition of 9/11 Families.
5 MR. BILL LOVE: Bill Love, Coalition to
6 Save West Street.
7 MR. BERNIE MCNEILLY: Bernie McNeilly,
8 Port Authority.
9 MR. MARK PAGLIETTINI: Mark Pagliettini,
10 Port Authority.
11 MR. ANTHONY CRACCHIOL: Tony Cracchiol,
12 Port Authority.
13 MR. JOHN HOTOPP: John Hotopp, LBG.
14 MR. KEVIN LEJDA: Kevin Lejda, I'm with
15 the Transportation of PATH.
16 MR. LOUIS MENNO: Lou Menno, Port
17 Authority.
18 MR. PETER RINALDI: Peter Rinaldi with
19 the Port Authority.
20 MR. GLENN GUZI: Glenn Guzi, Port
21 Authority.
22 MR. STEVE PLATE: Steve Plate, Port
23 Authority.
24 MR. LOUIS RODRIGUEZ: Louis Rodriquez,
25 Port Authority.

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1 MS. JACKIE HANLEY: Jackie Hanley, Port
2 Authority.
3 MS. TRACY NEWMAN: Tracy Newman, from
4 Louis Berger.
5 MR. JONATHAN COHN: Jonathan Cohn,
6 Downtown Design Partnership.
7 MR. ADAM ALTER: Adam Alter, Battery
8 Park City Authority.
9 MR. PHIL KRAFT: Phil Kraft, Congressman
10 Moloney's Office.
11 MR. BOB RIVARY: Good morning. WTC
12 Families, Bob Rivary (phonetic).
13 MR. ROBERT CONWAY: Robert Conway from
14 AKRF.
15 UNIDENTIFIED WOMAN: (inaudible).
16 MR. KEN LUSTBADER: Ken Lustbader, Lower
17 Manhattan Emergency Preservation Fund.
18 MS. ELIZABETH MERRITT: Betsy Merritt
19 with the National Trust Preservation.
20 MS. ANDREA FERSTER: Andrea Ferster,
21 Counsel for Coalition of 9/11 Families.
22 MR. BILL WONG: Bill Wong, Port
23 Authority.
24 MS. CARLA BONACCI: Carla Bonacci, Port
25 Authority.

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1 MS. ANTHOULA KATSIMATIDES: Anthoula
2 Katsimatides, LMDC.
3 MR. WILLIAM KELLEY: William Kelley,
4 LMDC.
5 MS. VIRGINA BORKOWSKI: Virginia
6 Borkoski, MTA.
7 MS. KATHERINE CHRISTODOULATOS:
8 Katherine Christodoulatos, Wall Street
9 Rising.
10 MS. JESI POZZYOLI: Jesi Pozzyoli,
11 Rebuilding Downtown.
12 MS. STEPHANIE TALBERT: Stephanie Talbert
13 Stephanie, Port Authority.
14 MR. CHRIS CALVERT: Chris Calvert, AKRF.
15 MR. ADAM LEVINE: Adam Levine, New York
16 City Department Of Transportation.
17 MR. BERNARD COHEN: Bernard Cohen, FTA.
18 MS. CAROL BRAEGELMANN: Carol
19 Braegelmann, FTA.
20 MR. PAUL LEBRUN: Paul LeBrun, FTA.
21 MR. MARK WAGNER: Mark Wagner, Voors
22 Anger & Associates, architects.
23 MR. MARK SHAMING: Mark Shaming, New
24 York State (inaudible).
25 MR. STEVEN WEINTRAUB: Steven Weintraub,

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1 APS.
2 MR. STEVE COLEMAN: Steven Coleman, Port
3 Authority.
4 MR. PETER GOELZ: I think that's it.
5 MR. LOUIS MENNO: Thank you. Good
6 afternoon everyone and thank you for joining
7 us here today.
8 What I wanted to point out today, this
9 is another meeting as part of the Section 106
10 process for the permanent World Trade Center
11 PATH Terminal or the Transportation Hub
12 Project. And this is what this meeting is
13 all about. It's focused primarily on the
14 Transportation Hub Project. And we'd just
15 like to point that out, but we do recognize
16 and acknowledge that we are coordinating this
17 with the other projects that are going on at
18 the World Trade Center site that are being
19 undertaken by LMDC or New York State
20 Department of Transportation. And we get
21 involved and we coordinate all of our
22 activities with them because we are the
23 owners of the World Trade Center site.
24 But today, we're focusing on the PATH
25 terminal project, the transportation hub.

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1 And also pointing out that the transportation
2 hub has some impacts on the footprints and
3 the columns of both 1 and 2 World Trade
4 Center as we previously pointed out at
5 previous meetings.
6 And so, working with LMDC and NYSDOT
7 with other issues associated with the slurry
8 walls and with the other remnant structures
9 at the World Trade Center site.
10 This project does not focus on the
11 removal of the portions of 6 World Trade
12 Center slab at the northwest corner of the
13 site. It is not part of our project, but we
14 are working and coordinating all of our
15 efforts, as I said, with LMDC and with our
16 other business partners since we are the
17 owners of the World Trade Center site.
18 And the transportation project that
19 we're here talking about is the
20 transportation hall that we are all are aware
21 of, that will be designed by Santiago
22 Calatrava, that's located on the east side of
23 the World Trade Center site, as well as the
24 various components that make up this
25 transportation complex, which is the

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1 east/west corridor, that comes from the World
2 Financial Center under Route 9A into the
3 site, into the main mixing bowl of the
4 transportation hub, as well as the north and
5 south concourses also. As we also join up
6 and hook up with the N and the R Subway Line
7 and hooking up with the Dey Street
8 connections coming from the Fulton Street
9 Transit Center. Then building the new PATH
10 Facility which is the new mezzanine and the
11 new station and platforms below in the
12 original locations of where the original
13 World Trade Center station once stood before
14 9/11.
15 And that is the whole goal here, is to
16 talk about this particular project. But we
17 do recognize, it interfaces with all of the
18 other projects going on, and that's why we
19 have representatives from LMDC and NYSDOT to
20 talk about how we are working together and
21 to share any of the concerns and comments
22 that you have as they relate to all of these
23 projects.
24 We do know that there is some overlap,
25 but we're primarily focused on the

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1 Transportation Hub Project. I'm going to
2 turn it over to Tim Stickelman.
3 MR. BERNARD COHEN: I think he stepped
4 out.
5 MR. LOUIS MENNO: I'll turn it over to
6 Jackie. We'll skip over that. On the
7 agenda, we'll go to item number three; the E
8 Train.
9 MR. PETER GOELZ: We'll come back to
10 number two when Tim comes back.
11 MR. LOUIS MENNO: As you pointed out to
12 us at the last meeting in July about how we
13 could incorporate, preserve and integrate the
14 entries to the E train into the design, and
15 we carefully looked at many different options
16 that Carla Bonacci is going to present to you
17 today of what we are considering.
18 We'd like to hear your feedback on these
19 different options that are we are going to
20 present.
21 And on this drawing here, hopefully you
22 can see it, this is a cross section, looking
23 north of the transportation complex, starting
24 at Church Street, going west to just shy of
25 Route 9A. And this area, this box that you

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1 see here, that is the approximate location of
2 where the E Train entrance, the existing E
3 Train entrance exists, relative to the new
4 plan for downtown transportation.
5 And as you can see here, we tried to, on
6 this drawing, show relative to all of the
7 other existing infrastructure and how we had
8 to incorporate this into the existing
9 infrastructure that was there in terms of
10 developing the master plan for the World
11 Trade Center site, as well as the plan for
12 the transportation terminal.
13 What you can see here, this is the Main
14 Transit Hall. And the elevation of this
15 station, of the entrance from the E Train, is
16 at elevation approximately 306. And
17 questions were, "Why can't you keep elevation
18 at 306 or 310," which was the original World
19 Trade Center concourse consistent throughout,
20 "stick with that and make that work?"
21 Unfortunately, by staying with elevation
22 310 or 306, it doesn't work with the plan,
23 because that basically would bring you at the
24 new street level, or the new street level
25 within the master plan for the World Trade

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1 Center site. And it doesn't quite work by
2 keeping it at such a high elevation, because
3 the goal in the master plan was to integrate
4 the World Trade Center site with the rest of
5 downtown.
6 Originally the World Trade Center didn't
7 do that. It was isolated. And 310 was
8 determined as the level of the lobbies for 1
9 and 2 World Trade Center, which basically
10 controlled everything that went on into the
11 site. That's why you had those high walls
12 along Vesey Street and why the bridge going
13 across 9A was very, very high. It was
14 isolated. It was like a castle. We boxed
15 ourselves in away from everybody. Now we're
16 doing it in a more enhanced way of
17 reintegrating the site to be a part of
18 downtown.
19 And what you can see here, in terms of
20 creating the east/west connection between the
21 Fulton Street Transit Center and the Dey
22 Street underpass and going all the way over
23 to the World Financial Center, we're trying
24 to keep it in such a way that pedestrian
25 movement as a minimal amount of vertical

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1 circulations going up and down.
2 And then keeping in mind, having to
3 avoid hitting the 1 and 9 subway box that
4 runs under Greenwich Street, as well as
5 keeping clear of the PATH right-of-way,
6 within the bathtub itself, and then coming in
7 under the N and R Subway here, hooking up
8 with the Dey Street corridor, as we
9 coordinated all of our efforts, and to create
10 a movement that will take people east and
11 west, by working around, by coming through
12 all of these existing pieces of
13 transportation infrastructure without
14 determining it.
15 And this is the configuration as we see
16 it now. So that if someone were to come from
17 the Dey Street corridor, they would come in
18 here, take a stair or an escalator and they
19 can go down to this level here, which is
20 approximately at elevation 277, go down
21 another level to 264 and go across. Or take
22 right past the PATH area, just before the
23 PATH area, or take another vertical
24 circulation movement up to get to a higher
25 elevation to get to the north tower, which is

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1 the Freedom Tower.
2 And there are many different movements
3 so that we can effectively create those
4 intermodal connections between the various
5 subway lines, PATH, as well as creating
6 direct access to the buildings in and around
7 the World Trade Center site.
8 MR. ROBERT KORNFELD: Sorry to
9 interrupt. Bob Kornfeld, Historic District
10 Council.
11 I'm just trying to understand what's on
12 the drawing. Because the section of corridor
13 that's being discussed is just a small
14 section, like 30 or 40 feet, right?
15 MR. LOUIS MENNO: Yes.
16 MR. ROBERT KORNFELD: Are you showing
17 that to be preserved?
18 MR. LOUIS MENNO: That's what we're
19 going to show in a moment. I wanted to give
20 you a quick overall view because the
21 questions were asked --
22 MR. ROBERT KORNFELD: I don't think
23 anyone was thinking that that should
24 determine what the level of circulation is
25 all around the site.

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1 MR. LOUIS MENNO: Because what we heard
2 last time was that why wasn't everything
3 fixed at 310 or 306.
4 MR. ROBERT KORNFELD: No, no.
5 MR. LOUIS MENNO: Okay, I'm sorry.
6 That's why we were addressing that.
7 Anyway, this is basically where it is
8 relative to the rest of the transportation
9 structure.
10 MR. ANTHONY GARDNER: Just a question in
11 terms of the east/west connections. Where are
12 the footprints on this?
13 MR. LOUIS MENNO: The footprints are in
14 this area here. This is beyond it. So if
15 the footprints are here, this is beyond the
16 footprints. What you see here is not within
17 the footprints.
18 MR. ANTHONY GARDNER: Is it north of the
19 footprints?
20 MR. LOUIS MENNO: Yes, it is. That's
21 correct. As you see here, this is a
22 cross-section that's basically taken through
23 this area here, but it does not go through.
24 MR. ANTHONY GARDNER: And that's at an
25 upper level?

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1 MR. LOUIS MENNO: That's at an upper
2 level. This just gives you a slice through
3 it. But it's not through the footprint.
4 This is not through the footprint.
5 MR. JACK LYNCH: Is it possible when you
6 refer to these, that you could refer to the
7 levels other than the elevation? I'll tell
8 you why; elevation to most people is sea
9 level. That's what we are looking at. This
10 elevation obviously is completely different
11 to some elevation that's -- I think it was some
12 town in New Jersey.
13 MR. ANTHONY GARDNER: Talking about 30
14 feet is street level.
15 MR. JACK LYNCH: B-2, B-1, you know?
16 MR. LOUIS MENNO: Basically what we have
17 here, street level, at Church Street is at
18 approximately elevation 324. And the lowest
19 level, which is the PATH right-of-way, is at
20 elevation 250. So we're approximately --
21 there's like a 75 foot difference from the
22 street level all the way down to the lowest
23 level. The mezzanine area, which would have
24 the fare control, as well as the level that
25 will take people east and west, is at

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1 approximately elevation 264. And then within
2 the transit hall itself, the bottom of the
3 transit hall is approximately at elevation
4 277. And then depending on the circulation,
5 there's circulation around here, around the
6 outside edges or the perimeter of it and
7 that's at basically elevation 295; coming
8 around 295 or 296. So there's many different
9 levels.
10 MR. JACK LYNCH: But lowest level is
11 250?
12 MR. LOUIS MENNO: Yes, lowest level
13 which is in the bathtub at 250.
14 MR. BERNIE MCNEILLY: Lou, just to
15 clarify that. Those elevations are Port
16 Authority data. 300 means sea level. You
17 were asking, so 324 is 24 feet above sea
18 level. 250 is 50 feet below sea level.
19 MR. PETER RINALDI: There is one level
20 at the station at B-6 level, which was inside
21 the bathtub level, is actually the 243 and
22 steps down from the PATH. That's why the
23 PATH sits a little higher. But there is
24 another level as you get outside the station
25 area. It's a little lower.

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1 MR. JACK LYNCH: Thank you.
2 MS. CARLA BONACCI: There are four
3 options specific to this area. I thought
4 first I'd take you through what the existing
5 condition is of this particular area, which
6 on the plan is right here. It's about 1650
7 square feet. And prior to 9/11 and today, it
8 connects E train users into the concourse
9 that takes people to the PATH. And this is
10 what the facility looked like prior to 9/11.
11 And this is that E train entry, which is
12 right here.
13 So what we're talking about, the area
14 that remained after 9/11, is about at this
15 point you can see the trafficking. There's a
16 ramp and steps that take you to the doors
17 that are then the entry into the MTA subway
18 area. And there is this overhead.
19 Now, what we did is we refurnished this,
20 so not everything is existing from prior to
21 9/11. The handrails existed prior. The
22 flooring existed prior. The signage existed
23 prior. However, we put in a new ceiling.
24 Kept the same form. Kept the same envelope.
25 Put in a new wall finish and reframed the

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1 columns so that you have a sense of what
2 was. And this is what could be.
3 So we have four options of various
4 stages of reuse of the facility. Right here,
5 what we're showing is something where people
6 leaving the E train could actually come into
7 this area. And it's more of a museum piece,
8 because it's not connecting through into the
9 World Trade Center site.
10 So I don't know how you want to think
11 about what that really means. But it's the
12 idea of going into this area and seeing
13 something of what was.
14 MR. PETER GOELZ: This is Option 2.
15 MS. CARLA BONACCI: Now we're moving to
16 Option 2.
17 MR. PETER GOELZ: So option one is
18 essentially everything; the 1650 square feet
19 as you see it in the photographs, but not
20 leading anyplace, essentially being an
21 exhibition or museum area?
22 MS. CARLA BONACCI: Right. Exactly. No
23 physical link. Not being used as it is being
24 used today.
25 Then as we move here to Option 2, and

Page 25

1 the other options, we're looking at reusing
2 it in a way so that people walk through it as
3 they did prior to 9/11, as they do today.
4 It's part of a transit connection into the
5 World Trade Center site. And what we looked
6 at here was, keeping the elevations as they
7 exist. So you're at 306 at the platform
8 level, you come up some stairs to the 310
9 elevation, but you have to get back down to
10 the 295.
11 MR. PETER GOELZ: Do you have that
12 elevation shown here?
13 MS. CARLA BONACCI: And this is the
14 section through. So you come up, you're at
15 310, the old elevation, you go back down. So
16 it's about, if my math is right -- so I think
17 one of the issues here is thinking about how
18 people actually use this. This is the main
19 connector for people that come from Penn
20 Station every morning to work. It was a
21 pretty heavily used corridor and passageway.
22 And about 10,000 people a day I think were
23 the numbers.
24 So you should think about how people
25 traverse and is this a convenient mode to go

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1 up and down, or does it became frustrating to
2 people.
3 Then we move on to Option 2-A. And what
4 we said here is, if we can modify this
5 existing passageway and eliminate the stairs
6 and the ramps, and hold the 306 elevation,
7 then the difference is about 11 feet. And
8 now, when people come in at 306, they only
9 make one transition down into this transit
10 area. And it requires -- we're still reusing
11 it. We're still using it as a transit entry
12 way, but perhaps it's more convenient for
13 people.
14 MR. PETER GOELZ: And you would
15 eliminate just one flight of stairs on it?
16 MS. CARLA BONACCI: As you can see,
17 there's a four-foot change in elevation right
18 here with the ramp. That would get cut out.
19 Right here. And we would hold this lot in
20 elevation. And then from there, people can
21 transit to where they need to go.
22 And then this fourth option is also
23 maintaining the area for transportation.
24 It's essentially connecting people from the E
25 Train into the R and W. It's not making a

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1 connection into this area. We've also looked
2 at eliminating the stairs, so that you're at
3 the same elevation, because otherwise you get
4 360, 310. Pretty practical.
5 And there could be some issues with
6 security concerns and because of the curve
7 and seeing in there, people hanging out in
8 there. And there is no connection back. And
9 here you can see it is a straight line.
10 And that's essentially the four
11 options. And we thought, perhaps you'd have
12 some reactions to these. Give us some
13 feedback.
14 MR. BILL LOVE: It seems to me the last
15 two, if you're eliminating the stairs and the
16 ramp, you're kind of eliminating the essence
17 of the whole thing. And that's sort of what
18 gives you the feeling that you have when
19 you're walking into the concourse. And so, I
20 would tend to say that those probably around
21 worth the trouble. I don't think it's worth
22 the troubles just to preserve the level.
23 It's more the ramp and the stairs and the
24 essence of it and the railing.
25 I don't know. That one preserves it.

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1 Obviously it looks a little strange, and I
2 don't know other people's reaction to that,
3 but that would preserve it as something
4 useful. Sort of, preserving it as a museum
5 piece, the first one, doesn't quite seem
6 maybe to be worth the effort. I don't know.
7 So I suppose I'm more inclined with the
8 second, but if people see it as problematic,
9 and the up and down.
10 MS. CARLA BONACCI: Maybe other people
11 have reactions. One is walking through this,
12 and the volume, and the envelope part of the
13 feeling, more than changing elevation.
14 Because you're going to change elevation
15 anyway when you're here.
16 MR. BILL LOVE: And it's not --
17 MS. CARLA BONACCI: I don't think it's
18 preserving architectural interest, as much as
19 there is an emotional attachment here. So
20 what is it that makes it --
21 MR. PETER GOELZ: What is the
22 attachment?
23 MR. BILL LOVE: I think it's the
24 experience of walking up the stairs or the
25 ramp that's the emotional attachment part of

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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

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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

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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

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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

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1 taking out the steps, we have the ability to
2 still utilize the tile, if so desired.
3 MS. CARLA BONACCI: Again, how this gets
4 redressed or refurbished, to me, is the same
5 as the dressing here, except you wouldn't
6 have the steps, you wouldn't have the ramp.
7 Can you not hear me?
8 MR. PETER GOELZ: Go ahead.
9 UNIDENTIFIED SPEAKER: Where do the
10 people like (inaudible) the E train and the
11 ones where you don't have an exit from the E
12 train?
13 MS. CARLA BONACCI: They would exit
14 right here. This would be a new entrance
15 that would be provided and they would come
16 around at that 306 level, take vertical
17 circulation. Again, same issue. And drop
18 down --
19 UNIDENTIFIED SPEAKER: That sounds a lot
20 more confusing than the way it is now where
21 you would get off the train and walk out the
22 doors. That way you'll have to walk down to
23 the end of the platform, back up to the left
24 and take more stairs. Doesn't sound like
25 anything less time consuming.

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1 MS. CARLA BONACCI: It sounds like this
2 one is dropping off. That's okay we want to
3 drop some off.
4 You give it refunction. So just ...
5 MR. TIMOTHY STICKELMAN: Just so you
6 know, the transcriber can't get everyone
7 talking at the same time. I'm trying to
8 help her, but --
9 MR. PETER GOELZ: The transcript shows
10 "mumble mumble."
11 MS. LOUISE LOPRESTI: One of the great
12 drawbacks of the former site in terms of
13 those who had to try to get from point A to
14 point B was a lack of navigability. And I
15 would hope that either in the usurious of
16 this and planning overall, that that could be
17 improved upon. In which case, this, as far
18 as someone that needs to get around that area
19 and the end one, they're not really viable.
20 MR. PETER GOELZ: So let's focus for a
21 couple more minutes on the two center ones.
22 And the difference is in 2-A, as you called
23 it, the stairwell is eliminated. The stairs
24 and the ramp are taken out.
25 MS. CARLA BONACCI: Taken out.

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1 MR. PETER GOELZ: Right. And the reason
2 for that is the convenience for the 10,000
3 people that are going to go through.
4 MS. CARLA BONACCI: What we call a level
5 of service because the less vertical moves
6 someone has to make, the faster their travel
7 is, the more convenient.
8 MR. PETER GOELZ: Now, for somebody like
9 me, steps are good.
10 MS. CARLA BONACCI: Everyone needs
11 exercise, okay.
12 MR. ANTHONY GARDNER: Anthony Gardner
13 with the Coalition.
14 You're not asking us to choose one of
15 these today?
16 MS. CARLA BONACCI: No, we're just
17 trying to get a sense.
18 MR. PETER GOELZ: We'd like to have
19 feedback.
20 MR. ANTHONY GARDNER: I think this kind
21 of relates to those of the Consulting Parties
22 that are concerned with historic
23 preservation. I think the issues is sort of
24 twofold; you want the resource to be
25 preserved, but you want people to be able to

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1 experience it.
2 I think with the first one, and just a
3 preliminary comment, you know, it's not --
4 people aren't going to be able to experience
5 it in a way that would be sort of reminiscent
6 of the way it was before because it would
7 just be sort of there, and how would people
8 even know where to go? Would you have
9 signage with arrows saying platform?
10 MR. PETER GOELZ: I think that one is
11 droppings off the board.
12 MS. CARLA BONACCI: I'd turn it around,
13 but it's too big.
14 MR. ANTHONY GARDNER: Not saying you
15 should do that, but I think with historic
16 preservation, it's twofold because you want
17 the resource preserved, but you want access
18 to it.
19 MR. BILL LOVE: I would say between the
20 two alternatives that we have left here, the
21 second one over here really destroys too much
22 of it. It's really the stairs and the ramp
23 that are the experience. And it's probably
24 not worth the trouble, otherwise, those are
25 taken away.

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1 So I would tend to vote for this one
2 over here. The steps that you go up, it's a
3 4 foot difference in elevation that I think
4 there are six steps. It's a gentle sort of
5 slope. I don't think it's a real problem at
6 all.
7 MS. LOUISE LOPRESTI: I agree as well.
8 MS. CARLA BONACCI: May I ask them a
9 question?
10 MR. PETER GOELZ: Sure.
11 MS. CARLA BONACCI: In this area here,
12 prior to 9/11, there was a small corner that
13 was a storefront, a view window. What do you
14 think, depending on the retail here, this
15 became a store window? Not an access point,
16 but a window where one sees merchandise,
17 versus a wall because it is an adaptive
18 change?
19 MR. PETER GOELZ: Does it show in the
20 photographs?
21 MR. TIMOTHY STICKELMAN: It's covered.
22 I don't know if anyone remembers, but
23 pre-9/11 it was a HAER salon.
24 MS. CARLA BONACCI: But you know, I'm
25 just curious.

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1 MR. JOEL KLEIN: You're restoring the
2 original function. And I think that would be
3 appropriate and keep it closer to what was
4 there, which relates to why the first option
5 is dropping out.
6 This was a transportation corridor
7 destined originally, and you lose that
8 totally with the first operation. In regard
9 to the other alternatives, there's clearly an
10 inverse relationship between the level of
11 service and the amount of historic fabric and
12 integrity that's being maintained.
13 But because you're dealing with changes
14 in elevation here, there's also a
15 psychological element. When people have to
16 make that change going up and down, to
17 recognize that there's a reason for that to
18 be there, very little in the way of
19 interpretation would be needed at that point
20 to make people recognize either this is why I
21 have to walk up these four steps and down
22 these ten steps on the other side. It's a
23 real break on both sides.
24 MR. ROBERT KORNFELD: The elevation
25 change relates to what was there. Not that I

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1 would object to it being the other way, but I
2 think that's enough of a reason for people to
3 understand why they're going up a few steps.
4 MR. JACK LYNCH: The doors were
5 originally there -- oh, okay.
6 MR. KEN LUSTBADER: My hand was raised
7 to raise the point that Joel was making.
8 It's important, if we're going to accept the
9 importance, it's important that people that are
10 using it ultimately understand why there's a
11 change in elevation and back down again.
12 MR. JACK LYNCH: The doors in that area
13 had markings on it from the Fire Department;
14 are they the doors that are there now?
15 MS. CARLA BONACCI: Yes.
16 MR. LOUIS MENNO: And they're covered
17 over. And they are covered over with a
18 protective covering, as you can see. Can you
19 see it? They have not been removed.
20 MR. TIMOTHY STICKELMAN: I believe, Mr.
21 Lynch, what we're committed to do is, I
22 believe some of the consulting parties have
23 asked us to add that -- to bring it out to
24 Hanger 17. So it would be removed and
25 brought out as one of the artifacts from part

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1 of the artifact collection. That's why it's
2 covered up, to protect it.
3 MR. PETER GOELZ: Tim, do you want to
4 step up and move in?
5 MR. TIMOTHY STICKELMAN: Jack, you have
6 to help me. I apologize for being a little
7 late. My name is Tim Stickelman. Some of
8 you know me. I work at the Port Authority.
9 I just want to give you a quick update
10 on some of the status of the artifacts out at
11 Hanger 17, and some of other issues.
12 As you know, some of you have been
13 actually out to Hanger 17 where we have a
14 number of artifacts that we're cataloging.
15 You've been given an interim catalogue.
16 We'll be finalizing it and I'll let Jackie
17 speak about where we are on that.
18 We hope to have it out to you in a CD
19 format by late August. I'll let Jackie speak
20 about it.
21 One of the other issues too, I believe
22 that came up last meeting, was the Intrepid,
23 the piece of steel and facing that was out at
24 the Intrepid.
25 Someone provided pictures to us. There

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1 is a plaque there that says it was donated by
2 the Port Authority Police. I have contacted
3 the Port Authority Police; they have no
4 record of this being donated.
5 I then reached out to the Intrepid to
6 find out how they got it and who they got it
7 from to track that down. And we will report
8 that back to you.
9 But at this point, I can't give you any
10 more answers than that. But there is a
11 plaque that says it was donated by the Port
12 Authority Police, but it was not an official
13 donation as far as we can tell.
14 Jackie, you want to speak about the
15 inventory as to what's going on out there?
16 Jackie.
17 MS. JACKIE HANLEY: When you came out
18 for the tours a few months ago, there was a
19 lot of steel that we referred to as a
20 secondary line of steel. So the issue was the
21 inventory of that.
22 I know you asked the question at our
23 meeting a month ago. So let me ask Mark
24 Wagner from Voors Anger & Associates, who is
25 working on the inventory everyday at the

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1 hanger, and he can fill you in on the status
2 of that.
3 MR. MARK WAGNER: Just a quick update on
4 it. When I last addressed some of you
5 previously thought that that secondary lot of
6 steel contained somewhere between 200 and
7 maybe 400 pieces of steel. Over the last few
8 months, we've moved all of that steel out of
9 the hanger, spread it out so we could get at
10 each piece. As it turns out, there are over
11 roughly 533 pieces -- 33 or 34, I have to go
12 back and finalize my numbers.
13 Everything now has been moved back into
14 the hanger. Everything has been
15 photographed, measured, if there were any
16 markings on the steel like shop tags from the
17 original construction; all of that was taken
18 down, photographed, handwritten.
19 And what we're doing now is we're in the
20 process of putting everything into the
21 database which, as Tim said, will be provided
22 at some point.
23 As I said, everything is tagged.
24 Everything is back in the hanger now, and 533
25 pieces.

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1 MR. TIMOTHY STICKELMAN: Thank you.
2 MR. ROBERT KORNFELD: Informally, are
3 there any more of the complete triad pieces,
4 the columns with three plates?
5 MR. MARK WAGNER: There were not pieces
6 like that in this secondary lot of steel.
7 The secondary lot came to us towards the end
8 of the cleanup of the site. It was steel
9 that the DDC had just rounded up. It wasn't
10 hand-selected by anybody -- an effort to grab
11 what they could grab at the time. And, so
12 most of it is just generic I-beam sections.
13 You will find a couple of stair treads; things like
14 that. Some things with a little bit more
15 significance than others, but for the most
16 part, it's typically I-sections.
17 MS. LOUISE LOPRESTI: We all understand,
18 especially from the last meeting, that the
19 artifacts are not only of tremendous
20 significance to us here, but there's a great
21 deal of curatorial interest in that as well.
22 There has been a slight disconnect in
23 that the distribution of the artifacts or the
24 allocation of the artifacts from the memorial
25 center, as I understand it, will be dealt

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1 with by a team of curators under the purview
2 of LMDC. And to avoid a disconnect between
3 the artifacts that are currently under
4 control of the Port Authority and their
5 distribution by the LMDC, it would be nice if
6 the process of the potential distribution, or
7 the request for distribution, be integrated
8 between the two agencies so that you don't
9 have a process where, on the one hand, you're
10 controlling it, but we find out that another
11 agency has, in fact, distributed them. There
12 are certain stellar pieces out there, not
13 just the triads, as you showed me, but the
14 big steel angel. Some of them are really
15 unique and they should remain here rather
16 than being distributed elsewhere, no matter
17 how wanted they are by other institutions.
18 MR. TIMOTHY STICKELMAN: You gave me a
19 great segue into what I wanted to speak
20 about, was the whole coordination with the
21 LMDC and the Port Authority.
22 As you know, the Port Authority owns the
23 site, so we are intimately involved with all
24 the different projects that are going
25 forward. There's the PATH project, which is

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1 why you're here today, about the PATH
2 project.
3 The Port Authority, as the owner of the
4 site, is also intimately coordinating with the
5 LMDC on their project, which is the master
6 plan, which includes the memorial and the
7 commercial development.
8 We are going to be coordinating with the
9 LMDC on every step of the way. The Port
10 Authority is a consulting party to their
11 process, the same way our Consulting Parties
12 to NYSDOT's process, same way we are
13 consulting party to the MTA process.
14 You couldn't have given me introduction
15 to this. There is a great coordination
16 between these projects. They are separate,
17 but they're dealing with the same resource
18 which really is the World Trade Center. That
19 is why, in the beginning, we have a joint
20 coordination of eligibility and then the
21 projects went their separate ways dealing
22 with that resource. But that does not mean
23 that we're not going to coordinate.
24 I want to emphasize that that's the key
25 thing among all these different agencies,

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1 both the federal and the local agencies
2 sponsoring them is that we need to
3 coordinate.
4 We have heard you. I know I have heard
5 you. We really want to emphasize the fact
6 that this coordination is going to continue.
7 I don't know if LMDC wants to speaks about
8 their next process in regards to the program
9 because the Port Authority will be cooperating
10 with them on a lot of things they'll be
11 doing.
12 MS. LOUISE LOPRESTI: I would ask that
13 -- I understand that there is coordination,
14 and I'm sure everyone here would echo this.
15 Much of what has transpired in this process
16 previously has occurred. We've been informed
17 of it ex post facto. And I think in the
18 interest of ongoing good relations, that if
19 it could be addressed in advance?
20 MR. TIMOTHY STICKELMAN: One big issue
21 that you raised up was the curatorial.
22 That's one of the things we'll be speaking to
23 LMDC and the other agencies about the next
24 steps in regards to that. You've raised it
25 and we've heard you. We'll be meeting with

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1 the LMDC to discuss that next step, but
2 having some type of panel or something
3 curatorial, except what we have already done.
4 MS. LOUISE LOPRESTI: No, what I'm
5 saying is that I think it would be a
6 proactive and positive approach if rather
7 than the 106 participants being told ex post
8 facto that ABC and XYZ have all been given
9 away, that it be reviewed in advance of
10 signing any paper off on distribution.
11 MR. TIMOTHY STICKELMAN: I hear what
12 you're saying.
13 MS. LOUISE LOPRESTI: Okay.
14 MR. TIMOTHY STICKELMAN: And the other
15 projects, I just wanted to mention, as you
16 know, the MTA is working on the South Ferry
17 project. And what has come up there is the
18 Koenig piece, some of you may be aware of,
19 which is basically the sculpture that was in
20 the fountain. That right now is a temporary
21 memorial in Battery Park City.
22 South Ferry is going to be going forward
23 with their EA for the South Ferry project.
24 And they may have to move that Koenig piece.
25 They're not sure what they'll be doing

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1 because of their project, but the Port
2 Authority, if temporarily it had to be moved,
3 as far as we're concerned, it should go out
4 to Hanger 17, remain with the rest of the
5 artifacts, until it's finally determined
6 what's going to happen with it.
7 I don't know what South Ferry is doing
8 right now, but I know they're not sure if
9 they have to move it or not.
10 UNIDENTIFIED SPEAKER: If I can
11 interrupt. They're prepared to do that
12 project without moving the piece.
13 MR. TIMOTHY STICKELMAN: Okay, it's not
14 moving then. That's the answer.
15 MS. LOUISE LOPRESTI: Under the heading,
16 because I have to leave, and I want to put
17 this in under other issues and resources.
18 In terms of other ongoing projects
19 within this, since we have LMDC in the room,
20 one of the standards of architectural
21 practice in New York City is that you only
22 have one signature building in the site.
23 Now we have the Freedom Tower, and the
24 Calatrava Building. And the
25 Calatrava Building, quite frankly, will be one

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1 of the great landmarks of the 21st Century to
2 which the Port Authority should get all due
3 congratulations for good taste. Adjacent to
4 it is the Cultural Center. Originally it was
5 foreseen, or I hoped, that the City Opera
6 would move in there. And for various reasons
7 it's not. And we now have several much
8 smaller works that is going to be there.
9 Has there been any thought given to
10 rescaling that building in view of the
11 significance of the Calatrava Building, and
12 are there, in terms of the actual tenants, who
13 are much lesser arts organizations, or
14 possibly even moving it elsewhere?
15 MR. TIMOTHY STICKELMAN: Unfortunately
16 that's not part of this project. But I
17 believe there are four programs. I really
18 feel uncomfortable speaking about that.
19 MR. WILLIAM KELLEY: Bill Kelley.
20 That's for a different discussion, but
21 they'll be sized appropriately to their use.
22 You know, it's a thousand-seat theater -- I
23 mean, the program there and the building
24 architects will design it to the programs.
25 MS. LOUISE LOPRESTI: One quick

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1 question: Is the concept then, is it
2 possible that the building will be scaled up
3 or down?
4 MR. WILLIAM KELLEY: It's really up to
5 the architects when they're selected.
6 MS. LOUISE LOPRESTI: Thank you, Bill.
7 MR. ANTHONY GARDNER: I have a comment
8 on the artifacts. And it might take like a
9 minute or two, so bear with me.
10 I think Louise touched on this, but it's
11 getting a little frustrating reading about
12 things in the New York Times as Consulting
13 Parties. I just want to make that point.
14 But it might not be such a bad thing in
15 this case because maybe it's not too late for
16 this particular thing. But Dunlap talks
17 about an exposed steel beam in the garage
18 that is clearly stenciled PONYA, for Port of
19 New York Authority, as your agency was called
20 at the time the Trade Center was built.
21 Do you know if this resource is included
22 in any of your inventories?
23 MR. TIMOTHY STICKELMAN: You kind of
24 gave me another reason to talk about
25 something else I want to talk about; the HAER

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1 Photography. The HABS HAER photography
2 has been completed for the northwest slabs.
3 That HABS HAER Photography has some pictures
4 showing the PONYA, so it's been recorded.
5 Prior to 1972, the Port of New York and
6 New Jersey was Port of New York, and changed
7 in 1972. All the steel from the Trade Center
8 had that stamp on it. That's all part of the
9 recordation of the HABS HAER Photography of the
10 northwest slabs.
11 MR. ANTHONY GARDNER: Are we going to be
12 able to review the HABS HAER photos so we could
13 advise you if we think there's any resources
14 that you should consider before 6 World Trade
15 Center is demolished?
16 MR. TIMOTHY STICKELMAN: Northwest
17 slabs, as you know, we met back in April. We
18 had three items that we basically dealt with
19 SHPO about bringing out to Hanger 17.
20 In addition, we are committing, if there
21 are other items that we can take from the
22 northwest slabs, in addition to those three
23 items, an example would be, I know there are
24 some glow-in-the-dark handrails that we want
25 to get, which shouldn't be a problem.

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1 Then there are the other items that are
2 in the northwest corner, that as they're
3 doing the demolition that we'll be able to
4 take out to Hanger 17, we don't know right
5 now.
6 MR. ANTHONY GARDNER: I think if you
7 remember back in April, many Consulting
8 Parties asked to be able to see an inventory
9 before you just decide what's going to be
10 removed. I don't think anyone is arguing
11 with the slabs you selected, but basically
12 just the process in which they were selected,
13 we were shown those three slabs and basically
14 told to comment on those three slabs.
15 And what many Consulting Parties asked
16 for is this HABS HAER documentation or
17 inventory so we can look at it before it's
18 destroyed and maybe mention to you, maybe
19 there's something in there, you know -- for
20 me, I think that's a significant resource
21 because it speaks to the construction of the
22 World Trade Center, which I would think that
23 the Port Authority would be very interesting
24 in preserving remnants that speak to that
25 time period.

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1 That's the point I wanted to make on
2 that. I think you should share an inventory
3 with the Consulting Parties.
4 MR. TIMOTHY STICKELMAN: What we'll be
5 doing, you'll all be getting, if you want it,
6 a copy on CDs, of all the HABS HAER
7 Photography. We finished the northwest
8 slabs. We'll be taking the photography of
9 the entire World Trade Center and all of its
10 resources. You will be given a CD of all the
11 photographs.
12 MR. BILL WONG: We still have to work
13 out technically how we do that, but if it's a
14 scan, it may not be the high reds, and all
15 that. But we should be able to do that.
16 MS. ELIZABETH MERRITT: Betsy Merritt,
17 National Trust. Is this going to be the same
18 CD you referred to as being distributed in
19 late August because we'd like to get these
20 ASAP so we can give you feedback. We all,
21 all the preservation-related groups, all very
22 emphatically said we want more information
23 about what features are in the parking garage
24 so we can give you some feedback on elements
25 that we'd like to see.

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1 MR. TIMOTHY STICKELMAN: The CD in
2 August is the artifact inventory. The CD
3 that we're talking about, you'll be getting.
4 So what you're asking is you would refer to
5 get the CD for the HABS HAER copy of the
6 northwest slabs upfront. We'll be happy to
7 supply that to you.
8 MR. BILL WONG: This is part of LMDC's
9 --
10 MR. TIMOTHY STICKELMAN: This is the
11 continuing cooperation. The northwest slabs,
12 just so you know, is not part of the PATH
13 project. That was part of the LMDC master of
14 redevelopment and memorial. It's not part of
15 this project. I want you to understand
16 that.
17 MS. ANDREA FERSTER: Andrea Ferster for
18 the Coalition of 9/11 Families. Just a
19 follow-up on the question about the CD.
20 The Consulting Parties were interested
21 in reviewing the HABS HAER documentation for
22 the northwest remnants because they want to
23 provide comments on whether or not there are
24 other remnants featured that they would prefer
25 -- I have a follow-up question, but that

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1 they would prefer to be preserved as opposed
2 even perhaps in addition to the features that
3 you have designated already in your review of
4 the construction.
5 I understand your position is that the
6 deconstruction of that structure is not part
7 of your undertaking. But in the spirit of
8 sort of cooperation that's going on here, I
9 think it's really important that the
10 Consulting Parties understand the schedule
11 for demolition, or deconstruction of the
12 garage structure in relationship to the
13 comments that they're going to be providing
14 you on the salvage element. How do the two
15 mesh there? Maybe they want to make sure
16 that their comments, if they feel that there
17 are additional features that should be
18 considered for preservation or salvaged, are
19 provided before they are destroyed.
20 MR. TIMOTHY STICKELMAN: I understand
21 what you're saying. We will provide you with
22 a CD of the photographs. However, that
23 process in regards to what mitigation members
24 of the northwest slabs has already been
25 completed. I can't say any more than that.

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1 That's not part of this project. But we will
2 provide a CD of the HABS HAER of the
3 northwest slabs.
4 And the Port Authority and the LMDC will
5 make every effort to get any other items when
6 they do the deconstruction.
7 MR. KEN LUSTBADER: I know we're
8 diverting off the PATH project, but this
9 speaks to the bigger issue that you began at
10 the segue that the issue of cumulative
11 impact. This is something that the LMDC and
12 the five preservation groups are very
13 concerned about.
14 How do we assess the PATH project? How
15 do we assess the parking garage when there
16 are these cumulative impacts on historic
17 resources, that were individually taken into
18 account, but holistically we're not
19 addressing. And is there anyway for two
20 things; one is the cumulative impact on
21 historic resource. And two, to do an overall
22 documentation now, rather than waiting.
23 MR. TIMOTHY STICKELMAN: The goal is to
24 get the HABS HAER finished hopefully within a
25 couple of weeks. The whole idea is to get

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1 the HABS HAER done, the whole entire site
2 done.
3 MR. KEN LUSTBADER: Is that going to
4 include part of the uncovering, showing the
5 perimeter and the outlines?
6 MR. TIMOTHY STICKELMAN: Yes. We'll get
7 to that later on when we talk about the
8 footprints, but yes, not only would be the
9 HAER hotography, but the videotaping of
10 that.
11 MR. KEN LUSTBADER: And again, that
12 links to what was brought up earlier about
13 coordination of the LMDC and the memorial
14 center and the people who are curators on
15 that who could be advising as to what is a
16 good method of documentation. So it can be
17 used in the future for the memorial center.
18 So there's an ebb and flow but not a
19 coordination perception-wise.
20 MR. TIMOTHY STICKELMAN: Maybe we're not
21 expressing ourselves correctly, but there is
22 a significant amount of coordination. As I
23 said, we want to make every effort to get the
24 entire HAER hotography of the entire
25 site done within the next month or so; which

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1 would include all the resources, the
2 footprints. We'll talk later on.
3 MR. BILL WONG: That may not be done
4 doable in a month. We have to see how the
5 construction schedules work out to be able to
6 get all the documentation. But we can submit
7 to the documentation before any of the
8 significant features are kind of altered.
9 MR. PETER GOELZ: I want to get to the
10 footprints. Make sure we have time.
11 MR. KEN LUSTBADER: Follow-up to the
12 cumulative impact issue. I want to know if
13 that could be answered. Perhaps not now, but
14 something you can discuss?
15 MR. TIMOTHY STICKELMAN: We've received
16 your letter and also a letter from the
17 Coalition in regards to that statement. I
18 believe it was mentioned in both. And we're
19 looking at that now.
20 MR. PETER GOELZ: Jack, go ahead.
21 MR. JACK LYNCH: When I was out in Fresh
22 Kills, there was a lot of steel out there and
23 artifacts out there in Fresh Kills.
24 Question: Has it all been removed in
25 Fresh Kills? I want to know if it has been

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1 removed, has it been inventoried, or is it at
2 Hanger 17?
3 MR. TIMOTHY STICKELMAN: The steel that
4 was at Fresh Kills, that was the City of New
5 York. I am the DDC. I've never been out
6 there. I don't believe they have any steel.
7 But I can't really answer that question.
8 MR. JACK LYNCH: I would like to have
9 the organization that did do it, the group,
10 somebody look into it so we can identify --
11 MR. TIMOTHY STICKELMAN: We can reach
12 out the City of New York. That won't be a
13 problem.
14 MR. JOEL KLEIN: Joel Klein for the
15 Coalition. I don't know whether or not
16 you're aware that the Coalition has filed a
17 dispute with SHPO regarding LMDC's
18 implementation of the provision of the
19 programmatic agreement that relates to the
20 site. And one of the issues we're concerned
21 about is LMDC, when we spoke to them about a
22 week ago, never consulted with the HABS HAER
23 people at the National Park Service which
24 they were obligated to do.
25 As a result, the recording has been

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1 completed. We're not sure that we can accept
2 that statement at face value. We don't know
3 what the nature of that HABS HAER recording
4 was done. I know the Coalition raised
5 questions when the original proposal for
6 mitigation was put forth as to what level of
7 HAER recording was to be employed. The
8 National Trust and some of the other
9 preservation groups raised similar issues.
10 And none of those comments were ever
11 addressed or even responded to. So we don't
12 know what HAER recording, if any true HAER
13 recording has ever really been done. We
14 continue to have serious concerns about it.
15 MR. TIMOTHY STICKELMAN: What I can say,
16 the HABS HAER photo documentation of the
17 northwest slabs will be transmitted to New
18 York SHPO. They have requested two copies
19 of the photography. We also, in addition, we
20 did color photography which will be on the
21 CDs of same photographs in color. And that
22 will be submitted to SHPO. In addition,
23 we'll be submitting it to HABS and other
24 documentation that Port Authority may have in
25 regard to the two towers. That should

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1 probably, I think it's going out, assuming
2 that it's been delivered to our offices,
3 either tonight or tomorrow. They requested
4 two copies. I believe New York SHPO,
5 they're not here right now so I can't speak
6 to them, but I believe they contacted
7 National Park and HABS back in June.
8 MR. JOEL KLEIN: They did and they asked
9 them one question which was how many copies
10 do we send them. And that was the extent.
11 MR. TIMOTHY STICKELMAN: I can't speak
12 for New York SHPO, but the Port will be
13 transmitting the HABS HAER Photography to New
14 York SHPO.
15 MR. JOEL KLEIN: Will you be waiting to
16 initiate demolition until you've had time for
17 HAER to indicate whether or not the recording
18 is adequate to their standards?
19 MR. TIMOTHY STICKELMAN: It's being
20 submitted to New York SHPO. The process
21 for the northwest slabs mitigation has been
22 decided. We'll go forward with that
23 project. It's being done by Silverstein
24 Properties.
25 MR. JOEL KLEIN: You're not really

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1 answering the question which is: How do we
2 know that what you are submitting to HAER
3 will, in fact, satisfy HAER standards. And
4 if HAER comes back and says no, this is not
5 an adequate recordation, and you've proceeded
6 with the demolition of 6 World Trade, we have
7 a problem.
8 MR. BILL WONG: I think, if John wants
9 to discuss how the recordation is done and to
10 what extend that previous recordation was
11 done, that this should be pretty much
12 consistent. There shouldn't be any issue.
13 MR. JOHN HOTOPP: The process was done
14 at our standards. (inaudible) large format
15 cameras, processed archival standards.
16 Prints were made from the negatives.
17 Standard process that we used. Approximately
18 30 photographs were taken across the site;
19 everywhere from establishing shots to close
20 detail shots of things that we needed to
21 illustrate. It's a standard recordation. As
22 they index the photos and as little bit of
23 testing that goes with it, everything is
24 done.
25 We're waiting now to get a number

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1 from HAER. As soon as we have that, we'll
2 put it in the sleeves and send it to them.
3 The set that will be given to SHPO will be
4 given to the State archives, as well. I
5 would assume that we'll get a comment or two
6 from Kathy about what we're submitting to
7 her.
8 MR. JOEL KLEIN: What I've heard is a
9 description of what may barely qualify as the
10 minimal level of HAER recording, which is the
11 kind of thing you do when you demolish an
12 outhouse that's historically significant.
13 Level one HAER recording would certainly
14 involve measured drawings, at the very
15 least. And I think if anyone had even
16 bothered --
17 MR. JOHN HOTOPP: Joel, we are using
18 (inaudible) to illustrate the photo
19 locations.
20 MR. JOEL KLEIN: I think the concern
21 here was that there was a commitment, or at
22 least we understood a commitment, on the part
23 of LMDC, not Port Authority, to consult with
24 HABS HAER. And that commitment does not
25 appear to have been honored. This relates to

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1 the coordination issue that we're talking
2 about. The situation with the Port Authority
3 now is possibly being hampered by the
4 reluctance of LMDC to comply with commitment.
5 MR. TIMOTHY STICKELMAN: I don't think
6 there's any reluctance to comply. And I
7 can't speak for LMDC, but the HABS HAER photo
8 was taken by our consultant, as John just
9 explained. It is being submitted to New York
10 SHPO as they requested. I believe that
11 they contacted in June. I can't speak for
12 New York SHPO.
13 MR. JOEL KLEIN: HABS HAER recordation
14 is not just photography. And it's not a
15 difficult thing to either talk to the people
16 at HAER about what would be appropriate or
17 even -- in fact, I noticed the original
18 proposals never referenced any of the HABS
19 HAER standards or manuals which lay out in
20 detail exactly what would be appropriate for
21 a HAER recording of a site of this level of
22 importance. And we have no way of knowing
23 how you're matching up with those standards
24 and guidelines.
25 MR. JOHN HOTOPP: Their recordation was

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1 done at HAER standards. We've been doing
2 this for years. We're very familiar with the
3 standards and we've complied with it.
4 MR. TIMOTHY STICKELMAN: Next question?
5 MR. JACK LYNCH: I would like a question
6 on the issue, if you haven't complied, which
7 you indicated you haven't complied totally
8 with the requirements, how can you say that
9 it will go ahead?
10 MR. TIMOTHY STICKELMAN: I didn't say we
11 didn't comply.
12 MR. JACK LYNCH: If you haven't received
13 the necessary approval you need from this
14 group?
15 MR. TIMOTHY STICKELMAN: What I said is,
16 we've taken the HAER photography according to
17 their regs and rules. It's being submitted
18 to New York SHPO as they requested, and
19 also copies will be given to HABS. And
20 eventually, John, you can correct me if I'm
21 wrong, a set goes to the National Archives.
22 MR. JOHN HOTOPP: Yes.
23 MR. JACK LYNCH: My question is: Have
24 you received an answer from them?
25 MR. TIMOTHY STICKELMAN: They have not

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1 received a HABS HAER --
2 MR. JACK LYNCH: Then how can you say
3 you'll go ahead if you haven't received --
4 MR. TIMOTHY STICKELMAN: We are not
5 going forward with the deconstruction today,
6 I can tell you that much.
7 MR. JACK LYNCH: Are you going to go
8 ahead before you get an answer, that's my
9 question?
10 MR. TIMOTHY STICKELMAN: The documents
11 have been submitted. They will comply.
12 MR. JACK LYNCH: My question, are you
13 going to go ahead, regardless of whether you
14 get the documentation back from them, or
15 not?
16 MR. TIMOTHY STICKELMAN: We will follow
17 the rules and regs and submit it to New York
18 SHPO and they will respond.
19 MR. JACK LYNCH: And then will you wait
20 until you receive a responsible answer from
21 them before you proceed?
22 MR. TIMOTHY STICKELMAN: Most likely the
23 response will go to LMDC and we'll probably
24 be copied on it. And at that point, they
25 will go forward with their project.

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1 MR. JACK LYNCH: At that point? Fine.
2 Thank you.
3 MR. PETER GOELZ: Any other questions?
4 MR. BILL WONG: We have to clarify that
5 the project is on its way. We may be able to
6 get these comments back if there are
7 comments. We don't anticipate comments. I
8 haven't heard any discussion that there will
9 be comments. I don't know this additional
10 level, but in terms of the construction or
11 the deconstruction of those slabs, there is a
12 set schedule that we have discussed with
13 everyone. And that project is still going to
14 be proceeding.
15 MR. JACK LYNCH: That's a different
16 response than what he gave.
17 MR. JOEL KLEIN: Could you discuss it
18 with us?
19 MR. JACK LYNCH: I would like a definite
20 answer from both the LMDC and the Port
21 Authority, from both of them, that you will
22 not go ahead until you get approval on this
23 issue. That's my question. And if you do
24 that, I think you violated the law.
25 MR. TIMOTHY STICKELMAN: What's going to

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1 happen, the HABS HAER photography that was
2 taken is being submitted to New York SHPO.
3 They will comment on it. Whatever they
4 comment, we will make sure that you get a
5 copy of if, if that's what you're asking.
6 MR. JACK LYNCH: I'm asking, how can you
7 go ahead without getting approval?
8 MR. TIMOTHY STICKELMAN: It's going to
9 be submitted to New York SHPO --
10 MR. JACK LYNCH: I'm not asking that
11 question. I don't care what you submit. If
12 you don't have approval from them, how can
13 you go ahead?
14 MR. TIMOTHY STICKELMAN: What I'm saying
15 --
16 MR. BILL WONG: It's a comment.
17 MR. TIMOTHY STICKELMAN: What will
18 happen is, New York SHPO will comment if
19 they approve of the photographer or they do
20 not approve of the photography.
21 MR. JACK LYNCH: What if they do not
22 approve?
23 MR. TIMOTHY STICKELMAN: We will have to
24 answer their questions before we do anything
25 else.

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1 MR. JOEL KLEIN: The review is not so
2 much the SHPO review as it is the review
3 from HAER.
4 MR. BILL WONG: Right.
5 MR. PETER GOELZ: Do we have an answer?
6 MR. JOEL KLEIN: I'm curious, I just
7 heard they said that everyone is aware of the
8 plans. Is there a schedule for the
9 demolition? Is there a date?
10 MR. PETER GOELZ: Peter can update.
11 MR. BILL WONG: Peter, if you want to --
12 we'll get to --
13 MR. PETER RINALDI: The truck work,
14 they're installing bar-backs to stabilize the
15 stone wall in preparation of removing
16 slabs. They've also done some preparation on
17 steel that supports Vesey Street. The
18 schedule is to get those in probably and
19 finish that work sometime around mid to late
20 August, and then begin removal of slabs
21 starting in probably the northwest corner and
22 working their way east way across the site.
23 That's approximately where the plan is.
24 MR. PETER GOELZ: You want to talk about
25 the disposition?

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1 MR. PETER RINALDI: No, there was a
2 question raised last time about the cross of
3 the steel beam that's on the site and what
4 was going to happen to it.
5 It happens to be located over here on
6 Church Street. That was a piece of naturally
7 occurring steel that was found in September
8 of 2001, over in the site near the World
9 Trade Center 6 area. It was erected -- just so
10 you know, it was erected on the remnants of
11 what was the north bridge in the beginning of
12 October. It was blessed by Father Brian. It
13 remained there, remain at that location until
14 it was necessary to relocate it at the plan
15 of reopening West Street after the demolition
16 of remnant structure. It was then moved in
17 February of 2002 to its present location.
18 Our current plans are to leave it in
19 that location until such time as construction
20 of the site necessitates it being moved.
21 That's probably a year or two out; depending
22 on how things go in terms of the
23 construction.
24 We think, in looking at the entire site,
25 there's really not an area on the site that

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1 you can relocate it to that it wouldn't have
2 to keep needing to be relocated. We think
3 the best course of action, and we'll discuss
4 it, is to take that and ship it once out to
5 JFK and hold it there, rather than move it
6 around the site to various locations, so the
7 construction and the risk of damaging it
8 every time you take it and move it. So
9 that's what we're thinking about.
10 Right now the current plan is leave it
11 in place until such time that construction
12 has to move it. We think the best course of
13 preserving that would be to take it, log it,
14 keep it up with the artifacts out at Kennedy
15 and find out how it is going to be used.
16 That's kind of our thinking.
17 MR. JACK LYNCH: Are you talking about
18 the cross?
19 MR. PETER RINALDI: Yes, the cross
20 that's from the piece of the skin from the
21 building.
22 MR. ANTHONY GARDNER: Do you have any
23 further ideas for the Vesey Street
24 staircase? Because I know a lot of us are
25 concerned about what's going to happen with

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1 that.
2 MR. PETER GOELZ: We'll get to that.
3 MR. PETER RINALDI: There was a question
4 raised about what will happen with that.
5 MS. PATRICIA REILLY: I wanted to go back
6 in the part of the conversation. Just
7 listening to it. It seems to me that if you
8 have provided those photos to the
9 preservation groups when they asked for them
10 previously, you wouldn't be so close to your
11 demolition point. And if they found a piece
12 or two that they thought was significant, it
13 would have been no skin off your teeth to
14 preserve it, and you wouldn't have to have
15 this adversary back and forth.
16 If they asked for it in the last
17 consulting party meeting, here we are at
18 another one and they still haven't received
19 it. I think if you had a timely turnaround,
20 they may have reviewed it and thought that
21 you made very good choices. That wouldn't
22 have been such a big deal for you.
23 MR. TIMOTHY STICKELMAN: I hear you.
24 Thank you very much.
25 MR. ROBERT KORNFELD: I have a general

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1 comment on the idea of mitigation that was
2 used for 6 World Trade Center, which was
3 continuation of what was done during the
4 emergency, where someone was selecting what
5 seemed to be intriguing or significant
6 pieces, remnants that would then be removed
7 to somewhere else or dispositions at some
8 point in the future.
9 I think that's very far away from the
10 way you have to approach other parts of this
11 site as far as mitigation where you're
12 looking at a place, it has its integrity in
13 place. The footprints are not something that
14 you can remove and take out to Kennedy
15 Airport and put in a memorial center in the
16 future. I think, I see that same approach,
17 sort of picking significant remnants, sort of
18 continuing through this project. And I see
19 that like having a head-on collision. Maybe
20 this is another segue for you. I hope.
21 MR. BERNIE MCNEILLY: Actually, it is.
22 This is part of what we'll be discussing
23 today.
24 MR. ROBERT KORNFELD: I would have hoped
25 that you took more of that approach with 6

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1 World Trade of seeing some of the remnants as
2 things that were inherent to the place
3 where they still are, and not sort of picking
4 something up with a crane and putting it on a
5 truck. But I guess maybe that's a moot point
6 by now.
7 But I do think that I would have
8 preferred that that approach to start earlier
9 in the process.
10 MR. PETER GOELZ: I mean, we can't focus
11 on 6 World Trade Center this afternoon.
12 I want to want move, if we could, to the
13 documentation of the footprints. I know
14 that's a critical issue. Let's see if we can
15 spend some real time. Lou and Peter, will
16 you follow up?
17 MR. LOUIS MENNO: I wanted to follow up
18 about your concerns about the documentation
19 of the footprints and the column bases within
20 the bathtub.
21 The Port Authority and LMDC are
22 committed to doing that documentation of the
23 footprints. And we will be temporarily
24 uncovering and removing the soil and the fill
25 that covers the footprints of both 1 and 2

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1 World Trade Center. Expose them down to the
2 concrete slab, the columns. But the only
3 areas that would not be exposed as part of
4 this would be the area of the two World Trade
5 Center footprints in the PATH right-of-way
6 and some of the existing stuff that Peter
7 will talk about. But we are committed to
8 doing that.
9 MR. JACK LYNCH: Lou, will that also
10 include the interior support, the core?
11 MR. LOUIS MENNO: Yes.
12 MR. PETER RINALDI: Maybe I can show you
13 what we've been talking about doing. We are
14 committed with LMDC to doing the
15 documentation. So there's a lot of material
16 there that has been brought in over the
17 years.
18 But what we plan to do, this is the area
19 of the footprint of Tower 1 runs into
20 approximately in this area here. The bridge
21 lands right down into the print. But the box
22 runs under here.
23 What we plan to do, we would scrape off
24 the heavy material, take some equipment in
25 there and sweep down and try to expose what's

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1 there on the concrete, including the
2 perimeter and the interior supports there.
3 Some of that area is rough and damaged.
4 Pieces of the slabs are crushed; that
5 happened during the collapse and recovery.
6 One of the reasons the fill is there, to even
7 it out and also for drainage. So we would do
8 that.
9 And Tower 2, which is over in this
10 location here, we could clean off this here
11 and expose what we can. As you know, most of
12 it, almost half of it was under PATH. It
13 would be difficult to get everything down.
14 But we would remove that material. We plan
15 to go through photo documentation, getting
16 the original plans for the basement of the
17 Trade Center and delineating any scenes to
18 see if any of those features are there, to
19 mark it off, off of the original construction
20 drawing. We actually used those to know
21 where things were when we were searching. So
22 we would do that.
23 And then we plan to put the material
24 back over it. We may even add some material
25 in there to help with drainage protection and

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1 leveling of that to keep it preserved.
2 That's the plan. We plan to do that
3 probably sometime between now and the fall,
4 as we're looking to get a contract together.
5 It is a major amount of work in terms of
6 taking all that material, sweeping, and there will
7 be a photographer and documentation. It
8 would be videotaped.
9 Nothing would be happening on the
10 footprints. There's no plan for anything to
11 happen on the footprints of any kind of
12 permanent nature until construction goes
13 forward with the station. We talked about
14 that. The only work that is going on is the
15 preparation for the demolition of 6. All of
16 that is going to be north of the footprint
17 areas. We've made sure the contractor that's
18 doing that work, put in a staging area and a
19 fence line north of the footprints so they'll
20 be inside that area. He does have to drive
21 across the footprint. We've done that all in
22 the recovery. There's no way to access it
23 without going over it. But their work area
24 would be north of here. You'll see today, we
25 have trailers. We've made sure they marked

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1 the areas of the footprints and temporary
2 trailers outside that area. So that's the
3 plan in terms of going forward with the
4 document.
5 MR. JACK LYNCH: I know this has nothing
6 to do with the actual -- but both the LMDC
7 and Port Authority, and I want to put this
8 into the record, that they assured us they'll
9 try to preserve 97 percent of the north tower
10 and 50 percent of the south tower.
11 MR. PETER GOELZ: We'll be getting to
12 that.
13 MR. PETER RINALDI: Next. It's right
14 around those percentages.
15 MR. ANTHONY GARDNER: Peter, I want to
16 thank the Port Authority and LMDC for finally
17 making this commitment to clean off the few
18 inches of dirt that obstruct these remains to
19 properly photograph and document them.
20 We've really felt that was important for
21 some time now, at least nine months or so.
22 Can I ask that you provide, once the
23 footprints are cleaned off, once the
24 footprints are cleaned off for this
25 documentation, could you provide a tour for

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1 the Consulting Parties so they can see the
2 footprints in an uncovered state? Frankly, I
3 think we're the only ones that have been on
4 the footprints when they've been cleaned off,
5 so you can get a sense of what you're really
6 standing in. That you're standing in a total
7 historic footprint; not just the columns that
8 define the footprints, but the space and
9 everything that they defined wholistically.
10 That's what I would ask.
11 While you already have them cleaned off,
12 if you could just squeeze in a tour for the
13 Consulting Parties so they can experience
14 that.
15 MR. PETER RINALDI: We'll consider it.
16 MR. TIMOTHY STICKELMAN: That's
17 something that we'll consider. It's a timing
18 issue and may be on short notice, but we'll
19 definitely --
20 MR. ANTHONY GARDNER: That's why I'm
21 putting the request in now.
22 MR. PETER GOELZ: Any other questions on
23 this? Because we have a few more,
24 particularly the percentage issue I want to
25 get to because I know that's important.

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1 Any other questions on this? The
2 request is in.
3 MR. KEN LUSTBADER: On the documentation
4 issue, you're showing it in an aerial
5 photograph. We just suggest some kind of
6 photograph that captures the actual outlines.
7 MR. PETER RINALDI: We can. That's
8 actually, that picture was probably taken
9 from the Financial Center. It looked about a
10 time of May 30th after the last beam
11 ceremony.
12 We plan on trying to get an aerial.
13 MR. JOEL KLEIN: You may want to
14 consider the possibility of figuring out what
15 scale would be most appropriate for the
16 photography. You may wind up with a better
17 photograph utilizing a camera on a crane or
18 balloon camera that's tethered at the site.
19 MR. PETER RINALDI: I'm not the expert
20 on the photography. These were high aerials
21 here that have been flown just recently.
22 This is not --
23 MR. JOEL KLEIN: Understand, aerials
24 work well, but the problem from surrounding
25 buildings is it's going to be oblique. While

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1 obliques are helpful in some regard, you want
2 a true vertical photo or a crane photo. It
3 might work. So I'm recommending that you
4 might want to consider those.
5 MR. LOUIS MENNO: The next area we want
6 to talk was the area within the bathtub,
7 specifically the PATH infrastructure and the
8 impacts on the footprints of both 1 and 2
9 World Trade Center as well as the interior
10 columns. And that's important. And we
11 wanted to take you through that and go a
12 little more detail about it.
13 As we mentioned the last time, that the
14 PATH right-of-way and the new tracks, the new
15 permanent tracks, will be virtually in the
16 same location, and the same configuration as
17 they were before September 11. So the track
18 configuration will remain the same as it was
19 before 9/11. Five tracks. No more than five
20 tracks.
21 The original station had three
22 platforms. The new will have four platforms,
23 some cars in length and three of the
24 platforms will be in the same location, the
25 same configuration as they once were before.

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1 And with the addition of this fourth platform
2 that we're talking about, we'll talk in more
3 detail.
4 What we mentioned before at prior
5 meetings was that before September 11, in 1
6 World Trade Center, the PATH right-of-way did
7 not touch any of the footprint or the columns
8 of 1 World Trade Center. And in the pre-9/11
9 condition, the PATH right-of-way here
10 occupied approximately half of the footprint
11 of 2 World Trade Center. And with the
12 addition of the fourth platform, that has an
13 impact on the north tower footprint, as well
14 as some of the other columns here. And we
15 will be impacting approximately 3 percent of
16 the footprint area. While in 2 World Trade
17 Center, we occupied four percent before, we
18 will now encroach by another two percent. So
19 approximately 50 percent of the area within 2
20 World Trade Center will be impacted by the
21 new PATH infrastructure that will be built as
22 part of the transportation hub.
23 MR. PETER GOELZ: Why don't we talk
24 about the need for the platform? I think
25 they're all interconnected.

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1 MR. PETER RINALDI: Did we touch on the
2 --
3 MS. PATRICIA REILLY: Can I ask a
4 question? Where the potential impact, you
5 have a dotted line under potential affect on
6 the south tower --
7 MR. LOUIS MENNO: This is where we were
8 talking, if you remember at the last meeting,
9 we indicated that to maintain the level of
10 service during construction of the PATH
11 facilities, that either one or two of the
12 existing tracks would have to be taken out of
13 service for construction. And what we said
14 was that we would put in an additional track
15 in this general area here on a temporary
16 basis. That would be used to provide
17 adequate service publicly, as we take
18 either one or two tracks out of service. We
19 need this other track during construction.
20 However, that track will be removed upon
21 completion of the transportation project so
22 that we will go back to this configuration
23 that we have here. So that temporary track
24 here has potential interim short-term impacts
25 on the footprint area as well as some of the

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1 columns.
2 MR. JACK LYNCH: And also in the north
3 tower?
4 MR. LOUIS MENNO: Yes, right in here.
5 Right in this area.
6 MR. PETER GOELZ: But the permanent
7 impact was approximately two percent
8 additional in the south tower and a little
9 more than three percent in the north tower.
10 MS. PATRICIA REILLY: Can I just say
11 something? My only concern is that I
12 remember being in a meeting probably two
13 years ago with the Port Authority when they
14 were talking about the temporary station.
15 And they told us, "It's temporary. It's not
16 permanent. We're going to do everything we
17 can not to put it in the bathtub area, but we
18 need to put it in a temporary structure to
19 get the PATH back up and running."
20 And I knew sitting there that there's no
21 such thing as a temporary structure. You
22 were never going to come back and all of a
23 sudden demolish it and rebuild it, which
24 you're not. So I'm a little concerned when
25 you say you're going to put a track and then

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1 remove it.
2 MR. LOUIS MENNO: What we have there is
3 a temporary station. It has not been
4 designed for the long haul. It's not climate
5 controlled by any stretch of the
6 imagination. So that will be gone over the
7 next several years as we build this
8 transportation terminal.
9 MR. PETER GOELZ: Your concern is: Is
10 the temporary track really going to be
11 temporary?
12 MR. LOUIS MENNO: Yes. We made that
13 commitment last time. And we will say it
14 again, that is just a temporary track that
15 will be put in during construction to
16 maintain the level of service. The Port
17 Authority has publicly said that we will
18 maintain an adequate level of service for
19 PATH. But once the construction is finished,
20 that track will be removed and we will go
21 back to the original configuration of only
22 five tracks.
23 MR. PETER GOELZ: Guaranteed?
24 MR. LOUIS MENNO: Guaranteed.
25 MR. PETER RINALDI: Originally, back in

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1 January, we thought that track might have to
2 be permanent because of work on the wall. We
3 made that determination that it be
4 temporary.
5 When you say temporary, it will be made on
6 what's there. The electrical work. It will
7 all be taken off and removed. It also, if
8 you see, it actually goes through, the
9 temporary track goes through the basin
10 through the area that's being proposed. It
11 needs to come out. We don't have a problem.
12 MR. BRUCE DESELL: My question is why is
13 it that when they opened the station, they
14 named the station Memorial Station?
15 MR. LOUIS MENNO: I believe we have
16 answered that question. And the question
17 that was asked was about the name of the
18 naming of the temporary station.
19 MR. ANTHONY GARDNER: World Trade Center
20 Memorial.
21 MS. ANTHOULA KATSIMATIDES: I think at
22 the time the answer that was given was
23 because it wasn't the memorial. The memorial
24 was what we were calling (inaudible)
25 at the time.

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1 MR. BRUCE DESELL: Well, they named it
2 the World Trade Center and the World Trade
3 Center doesn't exist anymore either.
4 MS. ANTHOULA KATSIMATIDES: That was a
5 symbolic thing. People know where it was.
6 MR. BILL WONG: People know where it
7 was.
8 UNIDENTIFIED SPEAKER: And it's just
9 location.
10 MS. PATRICIA REILLY: But all of our
11 conversations with the Port Authority early
12 on, when we first had discussions about the
13 reintroduction of the PATH train, was that,
14 you know, we conceded to that without much of
15 a fuss, not that a fuss has done us any good
16 anyway, but we conceded to it and we were
17 silent on it. And we said to the people who
18 were present in that room, you probably
19 remember their names, we have no problem, all
20 ask is that you name it World Trade Center
21 Memorial Station so people understand --
22 especially when you -- forget about the
23 temporary station, but when you create the
24 new station, something, you know, the naming
25 of that station should reflect the fact that

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1 it's not the World Trade Center. The World
2 Trade Center along with the 3,000 people that
3 died there, that it's Trade Center Memorial
4 Station or something that reflects the fact
5 that this is a place of --
6 MR. JACK LYNCH: Actually, it was at
7 LMDC meeting, an early one, where we
8 suggested that they call it the World Trade
9 Center Memorial Station, and that within the
10 station somehow reflect memorial artifacts
11 what happened in 9/11. Everybody at the
12 meeting agreed to it.
13 MR. ANTHONY GARDNER: But also, too, the
14 LMDC deferred to the Port Authority in terms
15 of this. Now you're asking Anthoula, but
16 they told us that it was a Port Authority
17 issue and we conceded to the original
18 configuration. We never conceded to
19 additions. And what we really feel is that
20 especially considering that the south tower,
21 half of it is covered with these tracks,
22 specifically transversed the south tower, it
23 would be very easy for the Port Authority and
24 FTA to incorporate that somehow into the
25 experience. And that was what we really

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1 asked that you consider. And also with the
2 name, the name is something very easy to do.
3 People are not going to think the train
4 station is the memorial. They're going to
5 know that they're coming to a site --
6 MR. TIMOTHY STICKELMAN: I think we've
7 heard you before. I wasn't at the other
8 meetings, but I know that's a very sensitive
9 subject with a lot of individuals. And the
10 Port Authority is going to consider it and
11 we'll talk to the FTA about it.
12 MS. ANTHOULA KATSIMATIDES: I don't
13 think it's the time for that.
14 MR. TIMOTHY STICKELMAN: One of the
15 issues, I know that Lou or Mark may be
16 speaking on it, regarding the experience.
17 MR. BERNIE MCNEILLY: I am Bernie
18 McNeilly. Some people were asking at the
19 last meeting what was some of the
20 justification of a platform D, which is the
21 furthest of the most west platform.
22 What I want to do I is briefly describe
23 from an operational prospective is what that
24 need is. I believe Lou touched upon it as
25 far as the operations are concerned. But I

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1 want to talk in the context about what
2 occurred in pre-9/11 and then talk about
3 what's going on in the temporary station.
4 And then talk about the future. And that
5 should set the context for you to understand
6 what's being done and why.
7 Pre-911, whether you folks realize it or
8 not, although for a number of years there was
9 a fairly constant level of ridership to World
10 Trade Center, over the last several years,
11 just prior to 9/11 there was an experiential
12 growth. And largely it was due because of
13 the increased service to say midtown direct
14 to Penn Station. Penn Station was more
15 crowded. There were more and more people
16 that were trying to ultimately get to
17 downtown lower Manhattan that were using
18 PATH.
19 So by the time September 11 occurred,
20 there was approximately about 67,000
21 passengers using the World Trade Center
22 terminal on a daily basis.
23 From a peak period perspective, which is
24 the peak period is generally the a.m. rush
25 hour or the p.m. rush hour. The a.m. rush

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1 hour, the service was in the 20-some odd
2 thousand riders per hour.
3 When we're looking forward, we're going
4 to be experiencing about 30,000 passengers in
5 that peak period, morning or evening. So
6 there's going to be a significant increase in
7 the passenger ridership.
8 I just want to jump back to where we are
9 in the temporary station. Although the
10 configuration was set up with three
11 platforms, which were ten-car platforms, one
12 platform was actually a limited-service
13 platform, which was the platform closest to
14 the 1 and 9 lines. The reason was because of
15 its width. It was not as wide of a platform
16 as the other platforms which were full-width,
17 ten-car platforms.
18 So, basically, PATH, from an operations
19 perspective, had used platform A to alight and
20 deboard passengers on an emergency basis.
21 It's also where they stored a lot of their
22 trains; particularly in the overnight,
23 non-peak periods. What does that mean
24 pre-9/11? It meant that these two platforms
25 were the primary platforms that had service

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1 coming from both Newark to World Trade Center
2 and from Hoboken to World Trade Center. Keep
3 in mind, PATH used to be two separate
4 systems, and then it became one system. So
5 we had two lines coming into the same point.
6 And there were often cases, pre-9/11, where
7 there were two trains that would be
8 deboarding at the same time but different
9 tracks because one would be Newark train and
10 one would be a Hoboken train.
11 What happened? A lot of these trains,
12 when they're near capacity, as you recall, we
13 were having 20,000 some-odd passengers on a
14 daily basis. For those have you who traveled
15 down to World Trade Center, it was fairly
16 tight. Roughly speaking, as tight as a car
17 can get, you can cram in without breathing,
18 about 130 people in a car. But generally
19 speaking, it's pretty uncomfortable to stand
20 there as a straphanger when you're in excess
21 of 100 or 110 people. But what that meant,
22 when a car train came in, there were about a
23 thousand people that were coming in and
24 deboarding. And it generally takes about two
25 minutes to clear a platform. But what was

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1 happening was because of all the increased
2 ridership pre-9/11, that we were having
3 situations where because of the increased
4 ridership going in the opposite direction,
5 because of reversed commuters going to Jersey
6 City, a lot of the businesses were going to
7 the Jersey City waterfront. We had a lot of
8 passengers coming into the system and were
9 going in the opposite direction. So they
10 were trying to get down stairways or these
11 thousand people that were trying to get up
12 escalators.
13 Literally speaking, from a vertical
14 circulation perspective, just having one
15 person going down a stairway effectively will
16 block 30 some-odd people that are going up
17 that stairway. What that meant, you were
18 developing, a cue or there were people
19 waiting just physically waiting in a herd. I
20 don't know if any of you remember that,
21 because I used to do it all the time, that
22 you were standing in a cue or a herd to get
23 up the stairs.
24 The problem is when you were having --
25 when it was taking some time because people

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1 were coming down to get onto a train and you
2 were trying to go up, that cue, there might
3 have been upwards of a couple of hundred
4 people that had not yet gotten off the
5 platform, and yet you had another train
6 coming in with another thousand people. And
7 then what was happening in the peak period of
8 time, is that it was kind of a domino
9 effect. And what it meant was that -- PATH
10 didn't have the ability to get as much trains
11 coming through the track system as it could
12 have possibly done.
13 Generally speaking, PATH can run about
14 30 trains through the World Trade Center in
15 any particular peak hour. What's limiting
16 the 30 trains is the fact that we've got the
17 existing infrastructure under the river. We
18 just physically can't get any more trains
19 through from optimizing our rail perspective
20 of getting people in and out of the service.
21 So that was kind of what was happening
22 pre-9/11. We were pretty much near capacity
23 at the existing system as is.
24 Where we are now, is that although we
25 have restored these platforms, we've restored

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1 them to have only eight-car capability where
2 they once had ten-car capability. What it
3 means in a ridership day, we can only handle
4 about 50,000 riders.
5 Now, I know a lot of people have been
6 asking the question, have we over designed
7 our ridership? We're projecting by the time
8 a few years out, that we'll have 50,000
9 riders. We had programed to have about
10 30,000 riders at this point in time. I think
11 we took the ridership numbers in May. We
12 were ramping up from zero to 50. And it
13 should have been around 30,000. We're at
14 36,000. What that means, is that we are
15 already exceeding our ridership projections.
16 And so it also is kind of a testament that
17 our projections are on the mark of what we
18 think we need.
19 Having said that, moving forward, when
20 all the infrastructure buildup happens in
21 lower Manhattan, we're expecting 80,000
22 riders. So we're going from 50, pre-9/11 of
23 the 67, we going to 80. The only way that we
24 can safely get people to alight and board on
25 a platform is by having an additional

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1 platform.
2 Now, Lou had mentioned that the Track 5
3 is temporary track. What that will allow us
4 to do is have flexibility so that if we're
5 working on another platform, that we can
6 still maintain a level of service. And we'll
7 be able to take that track out when all of
8 the work is done. But this platform will
9 also allow us, in the future condition, to
10 have people get off the train on this
11 platform, while people are getting on the
12 train from the other platforms. It is a much
13 safer situation and will allow us to make
14 sure we're maintaining our 30 cars per hour
15 so we can be able to achieve and meet the
16 ridership projections that we're expecting,
17 which is in excess of 80,000 come the design
18 year.
19 And that is pretty much a generalization
20 of some things we needed to contemplate as
21 far as why we needed that additional five
22 track.
23 Is that clear or does anybody have
24 any questions?
25 MR. JOEL KLEIN: Yes, couple of things.

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1 At the last Consulting Parties meeting,
2 I asked about the basis for the ridership
3 projection, which is ultimately the basis for
4 the need for the fourth platform. And you
5 referred me back to the EIS, Chapter 8 and
6 the appendix there. Quite frankly, I don't
7 see it there.
8 MR. BERNIE MCNEILLY: It wasn't there.
9 I'll admit, because I was one of the people
10 in the back room saying it was in the
11 appendix. It's not in the appendix. What
12 it's in, the DEIS has got the ridership
13 numbers and it's in Chapter 8 in summary
14 format, which is in a small table where we
15 talk about what the peak period is and what
16 the both a.m. and p.m. of what the ridership
17 numbers are. But we did not include the
18 actual projections as part of the appendix.
19 MR. JOEL KLEIN: That's what we would
20 like to see, along with the report that went
21 with the methodology so that an independent
22 evaluation can be made of that because quite
23 frankly, the fourth platform is a concern.
24 And we recognize if you take the projections
25 and assume the projections are correct, and

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1 logically they're for maximized level of
2 service, you would like that fourth
3 platform.
4 So we want to make sure that in fact
5 you're correct in your assumptions. We would
6 prefer that fourth platform not be there,
7 quite frankly to avoid impinging any more
8 than necessary --
9 MR. BERNIE MCNEILLY: It's actually not
10 as simple as saying we would like the
11 platform; we need the platform. And let me
12 explain why.
13 I was talking about the domino effect
14 about couple of hundred people trying to get
15 up the stairways and escalators. As that
16 occurs and trains coming through, and you
17 have reverse commuters trying to get on a
18 train and rushing to get down, what happens a
19 lot of times, and it's a human issue, people
20 hold the train door. Kevin Lejda just goes
21 nuts over that. He used to hate when people
22 are holding train doors. And the reason is,
23 he has a great difficulty to try to maintain
24 the train timings. But what happens is,
25 people hold that door, they'll hold it for

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1 their buddy and for the next one. Somebody
2 will scream down, hold the door. What ends
3 up occurring is that anywhere from 20 seconds
4 to a minute to a minute and-a-half that
5 you're delaying. What's happening in a peak
6 period where you're trying to cram through 30
7 trains per hour to meet the service, you have
8 great difficulty in meeting that service.
9 What he ends up having to do is to rush
10 through in a period of time where you're
11 going to have two vehicles on the same
12 platform at the same time. It's a changed
13 condition because that takes an issue of it
14 just being a nice to have because it will
15 improve level of service to creating a safety
16 condition. Because then we can no longer
17 safely get people off the platforms and into
18 an area of safe refuge. From a domino
19 perspective, it will create a situation that
20 you don't really want to go and try to create
21 a safety situation. You want to make sure
22 that you're optimizing it to the best you
23 can.
24 MR. PETER GOELZ: Your question, you
25 want to see the data?

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1 MR. JOEL KLEIN: We want to see the data
2 on the ridership. And that then relates to
3 the question: Did the Port Authority have
4 any plans to address the problem before
5 9/11? Were there any solutions in terms of
6 maybe additional egress and digress platforms
7 to the platforms, some other solution other
8 than an additional platform?
9 MR. BERNIE MCNEILLY: PATH actually
10 would want five platforms. One of the
11 reasons was that when you were looking at the
12 old H&M terminal, way back when, there were
13 five platforms. There was actually a
14 preference to have five because it maximized
15 operational flexibility.
16 One of the things we identified in our
17 DEIS is that as a compromise and to make sure
18 we're handling operational issues to the best
19 we can, we try to determine a hybrid solution
20 which was the existing three platform
21 situation, which was the pre-9/11 World Trade
22 Center system, to what is actually the
23 desirable situation which was to have five
24 platforms, hence the reason why the four
25 platforms came in. It is not the desired

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1 function that the PATH would want. And
2 actually we're already in a compromised
3 situation.
4 MR. PETER GOELZ: But your question was,
5 pre-9/11, were there some other solutions on
6 the drawing board on how to relieve this
7 problem that did not involve a fourth?
8 MR. JOEL KLEIN: Yes and that kind of
9 relates to the next point I want to make.
10 Probably most important thing I'll say here
11 today.
12 The Families/Coalition really feels
13 there is a need for you to look at a
14 three-platform configuration as an
15 alternative, and do a side-by-side comparison
16 so people can really see exactly what the
17 differences are. We think it's something
18 that you're really obligated to do to satisfy
19 your 4-F obligations. We think it is a
20 prudent -- is a feasible alternative; whether
21 it's a maximum solution. Probably less
22 desirable in terms of the level of service
23 than the four platform solution, but it is a
24 doable construction. And that's why that
25 side-by-side comparison is really necessary.

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1 As it stands right now, that is not one of
2 the alternatives that's addressed either in
3 EIS or the 4-F statement.
4 MR. BERNIE MCNEILLY: I respect your
5 position. But that's why I spent time to
6 talk about what the pre-9/11 condition was,
7 because the pre-9/11 condition with the
8 67,000 passengers in a day was already in a
9 situation where we were having operational
10 difficulties to run things. We're adding in
11 25 percent ridership on top of that. So
12 you're suggesting that from an operations
13 perspective, that we're going to take what
14 was a less ideal or problematic situation
15 that existed pre-9/11 and you're going to
16 make it worse. I want you to be aware of
17 that.
18 MR. JOEL KLEIN: Well, I guess just take
19 that and try to incorporate within
20 that some of the possible solutions you had
21 on the boards pre-9/11 to relieve the
22 situation.
23 MR. ROBERT KORNFELD: I would assume
24 that if the towers were still there, you
25 wouldn't propose this? Is that right? If

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1 the towers were there, would you propose this
2 solution?
3 MS. ANTHOULA KATSIMATIDES: I don't
4 think there would be such an increased
5 ridership. Don't forget, the increased
6 ridership will come from all the new
7 developments that are going to happen.
8 MR. ROBERT KORNFELD: It seems to me
9 that you have a lot less office space and a
10 lot of the buildings that are being renovated
11 and new buildings going up were residential.
12 MS. ANTHOULA KATSIMATIDES: Americas
13 Memorial.
14 MR. JOEL KLEIN: I don't know the answer
15 to this.
16 MS. ANTHOULA KATSIMATIDES: I don't
17 understand why you would contemplate
18 jeopardizing thousands of peoples' lives.
19 MR. JOEL KLEIN: That's not the issue.
20 Do you know what the estimated visitation
21 is?
22 MS. ANTHOULA KATSIMATIDES: I have no
23 idea.
24 MR. JOEL KLEIN: Do you know what the
25 visitation was to the old World Trade

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1 Center?
2 MR. BERNIE MCNEILLY: With all due
3 respect, let's get back on point.
4 MR. PETER GOELZ: People are asking
5 reasonable questions.
6 MR. ROBERT KORNFELD: This is a line of
7 reasoning that's relevant. Don't cut it off
8 with what's already been dealt with. That
9 issue has been addressed.
10 MS. ANTHOULA KATSIMATIDES: Which
11 issue?
12 MR. ROBERT KORNFELD: The basis for
13 projected ridership. That is a bit of
14 information that's going to be provided. We
15 heard the numbers.
16 I'm saying if the towers were standing,
17 you would not be proposing this solution. So
18 my reasoning is -- excuse me. My reasoning
19 is that you are making a value judgment that
20 now that the towers are gone, that this is
21 the approach you're going to take because you
22 don't think that the memorial or that the
23 historic site has the significance that
24 merits staying off.
25 In other words, if you're not proposing

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1 going back on the other side of the slurry
2 wall because it would be very expensive. And
3 technically extremely difficult. So you're
4 respecting that as a value that you wouldn't
5 do. But going on to the historic site, you're
6 assigning a lower value. It's cultural
7 factors versus money versus other things.
8 And you're looking the it from one side.
9 MR. BERNIE MCNEILLY: Actually, I
10 appreciate your opinion, but I can tell you
11 on behalf of Port Authority, we're not
12 looking at it one side. We very much
13 appreciate what your position is, and that's
14 one of the reasons why we've been going
15 through these meetings. We know how
16 important this issue is. One of the reasons
17 we wanted to get up here and explain it is
18 because we're trying very hard to determine
19 how we can minimize the impacts because we do
20 realize how important a resource that is.
21 We would not been here today unless we
22 were trying to minimize harm for that
23 resource.
24 MR. ROBERT KORNFELD: So my original
25 question, if the towers were standing, how

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1 would you propose solving this?
2 MR. PETER GOELZ: Reasonable question.
3 MR. JACK LYNCH: Most transit
4 authorities have a five-year protection
5 forward planning. And prior to 9/11, I'm
6 sure that existed within the Port Authority.
7 So you had already addressed this problem how
8 you were going to relieve the additional
9 ridership that was coming in. You had plans
10 on the board I'm sure?
11 MR. BERNIE MCNEILLY: Yes. I can
12 explain. And Mr. Kornfeld, I think it might
13 partially explain your concern.
14 MR. JACK LYNCH: That's okay. I'll
15 continue my question. So I know that you
16 already have plans. You had them prior to
17 9/11 how you were going to relieve that
18 question.
19 Have you addressed those plans to see if
20 they can be incorporated into the situation?
21 MR. BERNIE MCNEILLY: What was going on
22 pre-9/11, as some of you may well know, the
23 Newark to World Trade Center is the heavier
24 used line relative to the Hoboken and World
25 Trade Line line. And we were running

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1 eight-cars. The plan was to go to a
2 ten-car.
3 As I mentioned, the World Trade Center
4 was already built pre-9/11 with the three
5 platforms for ten-car platforms. So it would
6 not need any extensive retrofit. The plan
7 that was in place that was understudied and
8 was emerging to be part of the capital plan,
9 but the planning records were on the book at
10 the time was throughout the entire Newark to
11 World Trade Center line was to convert all
12 the stations to ten-car stations. You can
13 not run ten-car service unless you have
14 ten-car platforms throughout the line.
15 I'll get to you in a minute. Basically
16 speaking, for those of you don't know, Newark
17 to Penn Station was a ten-car platform.
18 Harrison, eight cars. Journal Square had ten
19 cars with modifications. There had to be
20 some adjustments. Grove, eight car.
21 Exchange Place, eight car.
22 So the plan, which to do with minor
23 retrofits for the World Trade Center, but it
24 was to modify the entire line on other
25 stations so you can provide that ten-car

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1 service. And we would be able to get that
2 increased ridership to go from eight-car to
3 ten-car.
4 MR. ROBERT KORNFELD: Is that an
5 alternative?
6 MR. BERNIE MCNEILLY: That plan is
7 feasible today. What is going on and
8 continued to be planned is to have ten-car
9 service from Newark to World Trade Center,
10 and this plan is consistent with that.
11 MS. PATRICIA REILLY: So you got
12 something additional, because before you
13 would only have three tracks, ten cars. But
14 now you have to retrofit everybody to ten
15 cars, four tracks?
16 MR. BERNIE MCNEILLY: Right. We would
17 have solved the physical issue of being able
18 to physical land ten cars in these other
19 stations, but we would not have necessarily
20 addressed, unless we did other means, which
21 were just in the planning stages of what we
22 can do with vertical circulation and
23 whatnot. It didn't progress any further than
24 planning stages. But that was some of the
25 things that would have been -- when I say

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1 minor retrofits, we would have done vertical
2 circulation work. And we just didn't get
3 there. September 11th occurred and the plans
4 got washed out. We had to restard.
5 MR. PETER GOELZ: Betsy, do you have a
6 question?
7 MS. ELIZABETH MERRITT: Yes. It looks
8 like to me in your plan, you're not extending
9 the partial platform that's farthest to the
10 east. I'm asking why you wouldn't extend
11 it?
12 MR. BERNIE MCNEILLY: Actually it is the
13 same length. Just because of how narrow the
14 platform is, you may not be able to tell from
15 here, and because I spend painfully long days
16 with these plans, this platform A, as far as
17 some of the modifications were occurring, was
18 shifted to the north. And the reason was,
19 because we had a larger width on the northern
20 side of the platform, and we had better
21 utility of the existing platform A. Platform
22 A, there was not any continual width from the
23 north end to the south end. And we were
24 trying to optimize the south end. But what
25 we're showing which you can't see on this

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1 plan, these ten-car trains that you can get
2 ten cars. We just shifted it up. That's the
3 modification to platform A.
4 MR. KEN LUSTBADER: Question: In the
5 FOE, it describes that there may be some
6 infrastructure components put into the
7 footprints of the two towers. Can you go
8 into a little further detail on that at this
9 point or is it still preliminary?
10 MR. PETER RINALDI: We can talk about
11 it.
12 MR. KEN LUSTBADER: Not treatments.
13 Utilities and other things.
14 MR. BERNIE MCNEILLY: Do you want me to
15 handle it?
16 MR. PETER GOELZ: Let's have a couple
17 more.
18 MR. ANTHONY GARDNER: I have a question
19 on this because in the draft EIS, one of the
20 alternatives, the most feasible alternative
21 was creating the PATH terminal under Church
22 Street. And I believe that it literally just
23 says that that plan is not being pursued
24 because the economics involved with it; it
25 would cost too much. And don't you think in

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1 retrospect, with knowing now the historic
2 resources that exist there, those footprints,
3 wouldn't it have be easier to just build a
4 temporary station under Church Street and
5 then you could have had ten platforms to your
6 heart's content. And now you're faced with
7 this issue that with each platform, and
8 whether you can justify it or not with your
9 ridership estimates, you're encroaching
10 further and further into a very priceless
11 historic resource. It's just the point of,
12 it's really unfortunate that that Church
13 Street alternative, which was in the draft
14 EIS says it's the most feasible, it's
15 unfortunate that you didn't pursue looking
16 into it. A lot of us had this concern that
17 it's really the economics here and the
18 expediency concerns that are driving this
19 whole issue. And the historic resources and
20 the power of what the site is, always takes
21 the back burner.
22 MR. BERNIE MCNEILLY: I understand your
23 point. I actually think you're interpreting
24 what was in the DEIS about it being the most
25 feasible.

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1 If I remember correctly, there was merit
2 to Church Street and merit to the overbuild.
3 What we chose to do was to create -- we tried
4 to take the best of both worlds. What's some
5 advantages of the Church Street alternative
6 and what advantages were here. And that's
7 what we called the hybrid alternative. And
8 then we tried to optimize it from that
9 perspective.
10 MR. ANTHONY GARDNER: But the prime
11 advantage of having it on Church Street would
12 be you wouldn't be encroaching on the
13 footprints at all.
14 MR. BERNIE MCNEILLY: Again, keep in
15 mind that what we're talking about is the
16 historic resources, which is the site.
17 Although you may be addressing -- we're
18 trying to not say one particular resource is
19 more important than the other. Because the
20 fact is, if you tried to avoid this resource,
21 you would then be coming back and telling us
22 that we're destroying Vesey and E train, and
23 then we'd have a different issue.
24 The fact is because of the site, we will
25 be touching elements of the historic resource

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1 one way or the other. You have to recognize
2 that. That's part of what the issue is as
3 far as impacts to the overall site.
4 MS. PATRICIA REILLY: You know what,
5 I'll say something, and take it anyway you
6 want. From my standpoint, the destruction of
7 Vesey and E train, is that what you said, and
8 we would come back to you and say those are
9 historic sites. I don't think too many
10 people died there. These are the two areas
11 where the majority of people worked. So if
12 you were going to give anything weight of
13 value, they have much more value than Vesey
14 Street would have to anybody. I don't think
15 we would come back and argue with that that
16 ferociously.
17 Can I ask a question? You have 30
18 trains that can come through underneath the
19 Hudson?
20 MR. BERNIE MCNEILLY: In a peak hour.
21 MS. PATRICIA REILLY: You can never have
22 more than that?
23 MR. BERNIE MCNEILLY: We can never have
24 more than that.
25 MS. PATRICIA REILLY: Unless you go

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1 underground and build more.
2 MR. BERNIE MCNEILLY: That was one of
3 the constraints, the planning constraints,
4 that we had with the project is that we were
5 not rebuilding or creating new tubes so we
6 can have additional trackage. That was a
7 planning constraint.
8 MS. PATRICIA REILLY: That's a planning
9 constraint? Let me ask you this --
10 MR. BERNIE MCNEILLY: Well, just order
11 of magnitude. That, one, it's defining a
12 different project. Just look at what's going
13 on with Amtrak with their third tunnel.
14 That's billions of dollars just for the
15 tunnel.
16 MS. PATRICIA REILLY: If after ten years
17 or five years, you notice that ridership is
18 more than you anticipated, are you going to
19 come back and further on those footprints?
20 MR. BERNIE MCNEILLY: No.
21 MS. PATRICIA REILLY: How do we know
22 that?
23 MR. BERNIE MCNEILLY: Part of what we're
24 doing here is that -- the ultimate goal of
25 this entire process is get a memorandum for

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1 agreement. That memorandum to the agreement
2 is the agreement. That's what you're going
3 to get.
4 MR. ANTHONY GARDNER: You'd also have to
5 go through another Section 106 process. I
6 don't think you'd want to go through this
7 again.
8 MR. BILL WONG: We're trying to get a
9 memorial in place.
10 MR. TIMOTHY STICKELMAN: I need to give
11 the court reporter a five-minute break.
12 (Off the record.)
13 MR. PETER GOELZ: I'd like to try to
14 wrap this up in about 15 or 20 minutes
15 because we are scheduling probably at last
16 one, hopefully two more, sessions in August.
17 We could talk about that at the conclusion;
18 see what people's schedules are. Kevin is
19 going to speak a little bit about the
20 operations on the transit. We'll take a
21 couple more questions on this and then we'll
22 move on to other issues.
23 MR. KEVIN LEJDA: My name is Kevin
24 Lejda, I'm the assistant superintendent for
25 the transportation division of PATH, train

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1 operation, revenue collection and station
2 services.
3 When Mark had mentioned to me that this
4 topic would come up today and not having to
5 be able to address with you in the past, I
6 thought that this might be an only
7 opportunity to talk about this and how
8 important it is for PATH. And maybe I can
9 talk about the issue in the way that it will
10 help to understand where we are coming from
11 as far as the train operations go.
12 I heard a couple of questions. Maybe I
13 can help to answer them. One of the
14 questions was prior to 9/11, did we have
15 plans to help ourselves increase the World
16 Trade Center handling the passengers. Before
17 9/11, with 265,000 passengers on the PATH
18 train, we had almost zero opportunity to
19 improve service for the reason running trains
20 more frequently, as opposed to World Trade
21 Center 30 trains per hour, the signal system,
22 the limitations on that would not allow us to
23 do that. The only opportunity through a new
24 car program we have moving forward, would be
25 to lengthen the trains to ten cars from

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1 eight.
2 That being the case, however, and the 30
3 trains per hour using the one platform,
4 coupled with our biggest growing ridership
5 base was from New York to New Jersey at that
6 time during peak hours to Jersey City
7 particularly along Exchange Place waterfront,
8 bringing people in at a faster rate, we're
9 trying to take them out at a faster rate was
10 also problematic. Lengthening the trains,
11 being able to bring more people in and trying
12 to get them off the platform.
13 I heard a question come up with the ways
14 we're trying to address the egress from the
15 platforms. If you had ridden PATH for some
16 time before 9/11 over by Akbars, retail deli,
17 there was another stairway and escalators put
18 in from this platform to accommodate that, I
19 can tell you that after that, the options
20 were over for the current platform. Get no
21 people on and off.
22 New signal system moving forward about
23 the time the permanent station may be done,
24 coming out of line. That may increase our
25 chances to move trains quicker through the

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1 tunnels from Jersey and back to New Jersey at
2 a little faster rate than 30. If we can get
3 it, that's our goal. Because as I said
4 before, with the prospect of moving maybe 80
5 thousand people a day, primarily reversed
6 commuters and heavy heaviest line, ten-car
7 trains, the ability to off-load passengers to
8 one platform, load them on the other
9 potentially off loading half of those trains
10 that came in that side, that's going to be a
11 big help to us.
12 So I just wanted to talk about it in a
13 way that maybe it made sense and this is
14 something that's really vital to us to try to
15 talk about it.
16 MR. PETER GOELZ: Just a couple more
17 questions on this subject.
18 MR. ROBERT KORNFELD: Is there a
19 potential with a platform there to configure
20 it differently so it doesn't, by adding the
21 stairs or adding additional vertical
22 circulation, to sort of cut that corner out
23 of it?
24 MR. KEVIN LEJDA: I couldn't address
25 that.

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1 MR. BERNIE MCNEILLY: On platform B?
2 MR. ROBERT KORNFELD: If it went further
3 to the north and had additional circulation
4 coming in.
5 MR. MARK PAGLIETTINI: Right up here,
6 above this line here, I think you can see it
7 right here. This is the east to west
8 connector that's above at the 264 level.
9 Come from the platform up to --
10 MR. ROBERT KORNFELD: You mean proposed
11 connection?
12 MR. MARK PAGLIETTINI: Right.
13 MR. ROBERT KORNFELD: Not something that
14 exists now.
15 MR. MARK PAGLIETTINI: Not something
16 that exists now, but is part of the overall
17 program that's part of the transportation
18 hub. And that allows -- Lou went through the
19 significance of the east/west connector. And
20 right at this area right here is that if that
21 stair moved any further north, you would be
22 right in that corridor. So you would be
23 landing inside the corridor.
24 MR. ROBERT KORNFELD: That's Fulton
25 Street.

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1 MR. MARK PAGLIETTINI: Right.
2 MR. PETER GOELZ: But I think the
3 question, are there other solutions in terms
4 of either minimizing the encroachment, and
5 have you exercised all of the engineering
6 creativity that you can to minimize the
7 encroachment because of the importance of
8 those footprints? I think that's the issue.
9 I don't want an answer now, but that's
10 the question, isn't it?
11 MR. ROBERT KORNFELD: I just want to add
12 one thing to the end of that, that one of the
13 things that's notable about 1 World Trade
14 Center is the completeness of it; that
15 there's no existing track crossing it or
16 anything. All the columns are there. And
17 it's complete. And it seems that if you can
18 make some --
19 MR. MARK PAGLIETTINI: Maybe -- let's
20 talk a little more about it. If I can, where
21 I think you're going, your question. Maybe
22 there's a way that we can do this in a
23 meaningful and symbolic way.
24 I've heard you guys last meeting I was
25 at. About trying to bring as much of the

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1 historical into the station.
2 Well, what if somebody who was using
3 this platform knew that they were on the
4 footprint? What if it was -- please don't
5 hold me -- we're all here work-in-session.
6 What if these were either outlined or --
7 I don't want to be an architect, because I'm
8 an engineer, but if these are somehow, it
9 symbolized or it's shown inside the platform
10 with a different color. Different finish.
11 Something. And it could also be done down
12 here? I mean --
13 MR. JACK LYNCH: I like that idea.
14 MR. MARK PAGLIETTINI: That's the kind
15 of stuff that we're hoping to get from you
16 guys here today.
17 MR. ROBERT KORNFELD: I was picturing
18 more reconfiguring the platform. But this is
19 a direction that's good.
20 MR. MARK PAGLIETTINI: Right. The
21 reconfiguring causes a lot of the issues at
22 this time. But we feel very strongly about
23 this. It's not like we came out and took it
24 -- we're trying to look at the 3 percent.
25 We're trying to think of what else we can

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1 do. But what if we made this part of the
2 experience?
3 MS. ELIZABETH MERRITT: I'd like to just
4 throw in one more sub-question as part of
5 this exploration for the future, which is:
6 Could platform D be narrower because you're
7 only going to be unloading a train on one
8 side of it? Do you need the full width?
9 Just as a way of minimizing the encroachment.
10 MR. JOEL KLEIN: A will be a functional
11 platform, or will be. And it's narrower.
12 MR. MARK PAGLIETTINI: Yes, A is
13 narrower. But yes, we could -- part of what
14 you're asking about creative engineering,
15 there are ways that we could try to look at
16 possibly looking at something.
17 MR. PETER GOELZ: Could we spend a
18 little more time on this next time?
19 MR. MARK PAGLIETTINI: We could.
20 MR. JOEL KLEIN: On that one issue.
21 Wouldn't have to be narrower for the whole
22 length of the platform. Just for that
23 length.
24 MR. PETER GOELZ: Go ahead.
25 MS. ANDREA FERSTER: Would it be

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1 possible to have it circulated, some more
2 documentation that gives us some information
3 about the pre-9/11 options, for example, that
4 were on the table for dealing with your level
5 of service and safety issues that you had
6 already identified? Or other available
7 information that go into a little more
8 detail about some of the reconfiguration
9 options?
10 MR. TIMOTHY STICKELMAN: Unfortunately,
11 and if I'm correct, most documents we have
12 were destroyed on September 11. And I don't
13 know if you are aware. I don't know what
14 documentation we have.
15 MR. KEVIN LEJDA: Maybe I can clear up
16 the first point. There is no documentation
17 about improving service here prior to 9/11
18 other than a new signal system going forward
19 now, because we couldn't move the trains fast
20 enough with the current system. The
21 technology was just not there.
22 MR. PETER GOELZ: And you put in the
23 last stairwell.
24 MR. KEVIN LEJDA: Last stairwell we
25 could on five track by the Akbar.

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1 MR. PETER GOELZ: So that was it.
2 MS. ANDREA FERSTER: I don't think you
3 understand my question. Obviously you're
4 going through some thought process in a
5 summary format about why you feel like that
6 the options that the other options for
7 avoiding this fourth platform are not
8 prudent. I mean, in your 4-F determination,
9 you reached a conclusion that there are other
10 options, reconfiguration options, out there,
11 but you didn't feel they were prudent because
12 they would involve cost or other disruptive
13 factors.
14 My question is, that's a conclusive
15 sentence, and what's the underlying thought
16 process? There is some document that you
17 have prepared, that you're relying on that to
18 set out the reason why you feel that those
19 configurations, alternative configurations or
20 alternative options for dealing with your
21 level of service problem, wouldn't work for
22 you. And if you can share that. All we have
23 right now is a conclusion as opposed to an
24 explanation.
25 MR. TIMOTHY STICKELMAN: I guess, we

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1 hear what you're saying and we'll consider it
2 and we'll get back to you before the next
3 meeting.
4 MR. MARK PAGLIETTINI: If I could just
5 jump into other topics. Peter will touch on
6 the next topic.
7 One of the things that you had asked at
8 the last meeting is would there be any major
9 PATH infrastructure inside the footprint.
10 We're saying, there will be no major PATH
11 infrastructure inside the footprint outside
12 the PATH right-of-way. So your 3 percent and
13 your 50 percent, we'll do whatever we can,
14 it's a commitment we're making, to not put
15 anything in here outside the PATH
16 infrastructure.
17 And there's another topic you want me to
18 jump on in terms of the footprints? You had
19 also asked us, I want to share this with you
20 because we do take this seriously about this
21 infrastructure and preserving the perimeter
22 of the footprints. We don't take it lightly
23 at all, in that over here, you know, the
24 concern with the Fulton Street area, as you
25 described it, is the area where we have the

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1 east/west connector. One of the things we're
2 working with, the SOM and Silverstein
3 Properties and we're working within ourselves
4 with the Port Authority to not impact any
5 other of these tower perimeter columns. So
6 we're working with them. And what we've told
7 them and working on as saying that the face
8 of the structure, of the new structure,
9 should be let's say five feet from the center
10 line of the tower perimeter so there's no
11 impact. That's how we're doing that up
12 here.
13 MR. PETER RINALDI: Let's clarify that.
14 The structure would be that's where the
15 columns may have to come down and you may
16 have to put some footings this way or
17 something. But the base of the structure
18 would be up here now.
19 Again, there's going to be a lot more
20 infrastructure that's going to be built in
21 here for memorial and support. And maybe it
22 can also miss it.
23 MR. JACK LYNCH: Are we maximizing the
24 height in all levels?
25 MR. PETER RINALDI: Yes -- the height?

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1 That height is being done as part of the
2 design of the memorial. I just wanted to
3 clarify on the utilities going through there
4 that we had talked about, that we didn't want
5 -- what we talked about in the statement in
6 the document that we handed out, said there
7 would be infrastructure in the footprints.
8 That will be in the area that's occupied by
9 PATH now. We don't intend to put any
10 additional infrastructure there, except that
11 there may be a need, the electrical and
12 refrigeration plant, for a utility line to
13 cross across the footprint at some point in
14 the volume of space. That's why we were
15 putting that in there. We wanted to be
16 upfront. Might be a need for that to
17 happen.
18 MR. ANTHONY GARDNER: The central
19 chiller plant, isn't that the location of the
20 memorial center? L shape?
21 MR. PETER RINALDI: Below it.
22 MR. ANTHONY GARDNER: In the discussion
23 about the platform, you mention that possibly
24 there might be a way to visually alert people
25 to the fact that they're within the

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1 footprints. You could also maybe do that
2 with the east/west corridor. They could be
3 aware that they're passing the footprints of
4 the Twin Towers.
5 MR. MARK PAGLIETTINI: Along the wall.
6 MR. LOUIS MENNO: That's part of the
7 ideas that we've thrown out to our consulting
8 team about doing something along this
9 corridor here, do we show a remnant
10 structure? Bring it back from JFK, put it
11 there? Or do we put in like a mock up or
12 something or photographs just something so
13 you know what was there.
14 MR. ANTHONY GARDNER: Put a window in.
15 Make your lives easier.
16 MR. LOUIS MENNO: That's all
17 coordinated.
18 MR. ANTHONY GARDNER: One more
19 question. Within the footprints it says
20 memorial WBS-630, what does that mean?
21 MS. CARLA BONACCI: That's a breakdown
22 structure how we track cloths.
23 MR. MARK PAGLIETTINI: We try to utilize
24 the drawings. Can we move on?
25 MR. PETER GOELZ: Let's move on. 6:00

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1 p.m., I promise. Let's try to end this at
2 6:00.
3 MR. ANTHONY GARDNER: Can I ask a
4 question about draft DEIS comments that are
5 due. Can you extend that deadline for the
6 Consulting Parties since there's a lot of
7 information that we wanted that we aren't
8 going to be able to get it? Can you extend
9 it to Tuesday?
10 MR. TIMOTHY STICKELMAN: I hear what
11 you're saying. We'll consider it.
12 MR. ANTHONY GARDNER: Well, it's due
13 tomorrow. They're due tomorrow.
14 MR. BILL WONG: We have to think about
15 it. But I don't think we're going to sort of
16 throw comments out.
17 MR. TIMOTHY STICKELMAN: You'll know by
18 tomorrow.
19 MR. ANTHONY GARDNER: If we give it to
20 you Tuesday, you're not going to not consider
21 it?
22 MR. TIMOTHY STICKELMAN: I know tomorrow
23 is the deadline. You'll get your answer.
24 MR. SHAWN LENAHAN: Shawn Lenahan with
25 Port Authority. There are a few of the

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1 resource impacts that I'll go through. There
2 are a few here. And hopefully more briefly
3 than some of the others.
4 First, I'll be going through the IRT-1/9
5 Subway Vesey Street entrance. In looking at
6 the remaining resources that are there, as
7 you see, here, we looked at first to see how
8 the resource as it exists would tie in our
9 overlays over the new development. And
10 looking at the street level plan, this is the
11 location of this resource. This is in Tower
12 2. And it sort of gives you an indication.
13 A lot of the redevelopment is doing;
14 integrating more into the site than the old
15 World Trade Center super block. This is more
16 was inclusive. At the edge of the building
17 is brought more to the street level. More to
18 the street edge into the urban fabric.
19 That being the case, this was the face
20 of the complex before September 11 and now
21 we're brought up here.
22 That being the case, this is a blow up a
23 larger version of this. Where this falls is
24 essentially into the lobby of Tower 2. The
25 white area that you see, the area of Tower 2,

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1 including lobby or retail area, as well as
2 the core of Tower 2. This is a shaft which
3 would be a support for this 60-plus story
4 tower. The yellow area indicates where an
5 entry to the transportation network would
6 be. We're looking at all the transportation
7 infrastructure is come into serve the flow of
8 pedestrians. This is where this could be.
9 Now, just to give you a point of
10 reference, the view that I think that we feel
11 evokes the most feeling of this resource, is
12 really the view of walking down Vesey Street
13 and getting the stair and escalator that was
14 here. We included this photo which was taken
15 October 31, 2001, which shows the finishes,
16 the railings and all of the other things that
17 were there essentially before September 11.
18 Since that time, of course everything
19 was taken down. This sign is in the archive
20 in Hanger 17, so it was brought out here. So
21 what really remains, this again being the
22 view that I think most people could have
23 recalled the feeling of this resource. The
24 other views, this view here, overlaid here is
25 essentially looking here. So you're really

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1 inside of this retail space looking at this
2 moving up.
3 In addition with the other redevelopment
4 and moving towards the street, the remainder
5 of the site is there is some regrading that's
6 going on. One of the other things that would
7 be occurring to this resource is that the
8 level of grade will be higher than it was
9 before September 11, possibly up to 4 feet or
10 possibly even higher. That being the case,
11 the floor of that area could be approximately
12 here, so you would really be losing the
13 bottom of that. This opening here as a point
14 of reference is really here. And so this is
15 where this opening is just down here a bit.
16 And really giving the pre September 11
17 conditions, this was really into the side of
18 the facade of 3 World Trade, as you see here,
19 and this was across the street. So really
20 there was no rear side looking east as well
21 as the side toward looking toward the north.
22 Those would be the sides that would be most
23 exposed. This really projecting beyond the
24 face of the building. And this being within
25 the entrance.

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1 MR. JACK LYNCH: That's 5 World Trade,
2 right?
3 MR. TIMOTHY STICKELMAN: Yes, he meant
4 5. He said 3, but he meant 5.
5 MR. JACK LYNCH: That's 5 World Trade.
6 MR. SHAWN LENAHAN: That being the case,
7 so it's in the office tower. The grades are
8 different. And this structure as it exists
9 is being supported by the column base system
10 that existed before September 11. To
11 maintain this in the way that it was
12 previously, you're impacting more than just
13 this. So at the point that we started to get
14 to these conclusions or just knowing how to
15 work into the fabric of the remainder of the
16 development, we just didn't know where to go
17 from there. We wanted to lay out these
18 issues. And some of the issues that we're
19 dealing with, and really open the floor to
20 what thoughts the Consulting Parties have,
21 because the concern we have is that really if
22 this is the most important view or aspect to
23 evoke the feeling of this resource, and that
24 is really essentially the most compromised
25 area of the resource, then the question is,

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1 what is the value, with everything that will
2 be done to incorporate this. In going
3 through this, we're working with Steve
4 Weintraub of the Arts Preservation Services.
5 I would like to ask Steve some of the
6 thoughts from a recent meeting.
7 Just given sort of bringing it to us who
8 are not as familiar with the detail, the fact
9 that the finish is being gone and what might
10 factor into evoking that feeling.
11 MR. STEVEN WEINTRAUB: Last week when I
12 saw the images and heard about it, the
13 reaction I had, normally when you look at an
14 historic object or structure, meaning to rise
15 both by the inherent appearance of the object
16 itself, and the second thing is the context.
17 What struck me is the fact that, since you
18 don't have anything remotely (inaudible) to
19 the original, you really have the
20 substructure, which nobody ever saw. And
21 then the context, I guess when it's most
22 troublesome, winds up in the lobby of the
23 building and it's interior. So I'm not sure
24 how meaningful it is.
25 And the problem that we find all the

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1 time, my specialty is conservation, and you
2 know that when you conserve something, the
3 appearance that people see, usually they're
4 quite literal about it; oftentimes in parts
5 the wrong information.
6 So for instance, if you see this
7 concrete under structure, people are going to
8 assume that that actually was the result of
9 the damage from 9/11 as opposed to the fact
10 that most of the surface was removed after
11 9/11. So the appearance is really not as a
12 result of the damage. So there's a question
13 of both the power of the piece and the
14 information that it conveys and the context
15 in which it would be seen and whether it
16 really provides the impact that it would
17 appear to have in those photos.
18 MR. SHAWN LENAHAN: So with that, I want
19 to open the floor.
20 MR. BILL LOVE: I walk by there all the
21 time. It's too heavily damaged. It doesn't
22 evoke any feeling in me, in contrast to the
23 east station. If it's going to be a major
24 impediment, I think it's not worth
25 preserving.

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1 MS. PATRICIA REILLY: I think that you
2 probably should have waited for the 106
3 process before you took that other stuff off
4 of there.
5 MR. SHAWN LENAHAN: This was done during
6 the cleanup when the time the Port Authority
7 was not in control of the site.
8 MR. PETER RINALDI: Let me clarify, that
9 structure the way it exists now, except for,
10 I think, the way we locked up the entrance,
11 was the way the Port Authority inherited the
12 site in July of 2002. That was part of the
13 cleanup. There was a lot of debris around
14 there that was done there.
15 Matter of fact, that was left standing
16 only because we talked about taking it down.
17 It was left because it provided access into
18 the remnants of the 1/9 structure using to
19 clean it out and subsequent construction
20 going on. That's in terms of what happened.
21 MR. SHAWN LENAHAN: With the destruction
22 of 7 World Trade, I wonder if part of the
23 finish is if it's taken off, maybe the
24 destruction of 7 made it structurally
25 unstable.

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1 MR. BERNIE MCNEILLY: Just for some
2 people to get clarified on, the way it was
3 left is the way that resource was within a
4 period of significance, documented as a
5 period of eligibility.
6 MR. ROBERT KORNFELD: What you may not
7 know, the period of significance includes the
8 emergency operation. So a lot of what you
9 see is the result of that what took place
10 during the emergency operation. But that is
11 within the period of significance. So it's
12 not only significant if the damage you see is
13 damage that was immediately from debris
14 impact or something like that, it's a product
15 of the whole operation. But subjectively, to
16 me, what I find evocative about it, really is
17 that you climb going up and the remnants of
18 the staircase and probably the steel. You
19 see the structural steel going up above.
20 I think people around the country feel a
21 sense of emotion about with the World Trade
22 Center, it was the steel. That something
23 that's been incorporated in the hulls of
24 ships. People take sheer studs from beams
25 and weld them on motorcycles. I think that

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1 is one thing you see here. It's not that
2 noticeable. There's a column in the
3 foreground and up at the top. Again, it's a
4 subjective personal feeling. I don't think
5 that the north elevation of it, the stripped
6 finishes and concrete blocks, that doesn't
7 really evoke much for me. I wouldn't mind
8 seeing that with a wall in front of it and
9 certain portions of it exposed.
10 MR. ANTHONY GARDNER: What I think is
11 really interesting about this resource is
12 that it led to the plaza. And obviously the
13 plaza doesn't exist anymore. And it's
14 reflective of the fact that the World Trade
15 Center was destroyed. I think that's why it
16 is a significant resource because it's
17 leading to nowhere.
18 MR. SHAWN LENAHAN: Absolutely. And I
19 would agree, but given how that would be in
20 the new surroundings that it would be in,
21 essentially, we're still in the planning with
22 how this all would be done, and the same
23 sense of openness that was there as you
24 walked up and really under the overhang of 5,
25 just the sense of procession, would all --

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1 the decor of this tower, there's really
2 little to do to move it. This being within a
3 one to two stories base, I can't even commit
4 because we're planning with this. There's so
5 much that you would not have.
6 Because I would agree, when you get to
7 the top, you're open and go next to the
8 plaza. But you lose so much with that that
9 you wouldn't get that sense because of what
10 would be in the surroundings.
11 MR. ROBERT KORNFELD: One point, I think
12 it's exactly that contrast that may interest
13 people. You look at something and this is
14 what was there. This is part of the original
15 World Trade Center. If you can conceptualize
16 what was there in the past, it doesn't have
17 to be the same as what is there now. When
18 you travel and see a historic ruin, you look
19 as a the reconstruction; this is what's here
20 now, this is what it is looked like 2000
21 years ago. Seeing something that's modern
22 compared with that, having that tangible
23 remnant, really gives you a sense of what was
24 there. Even if it doesn't look like what was
25 there in the complete sense of having

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1 finishes, I think -- if you've been to the
2 Holocaust Museum in Washington, but they'll
3 have a section of paving stones from the
4 Warsaw ghetto, and you walk on that and it's
5 just an experience. It doesn't look like the
6 Warsaw ghetto. You know you're in
7 Washington, on the second floor of a
8 building, but suddenly you're coming in
9 contact with something which is a real
10 physical remnant. It's something from that
11 time and place and the events that took place
12 so on and so forth. You get that kind of
13 connection mentally that you don't get from
14 just a photograph or illustration.
15 MR. JACK LYNCH: One question. You're
16 saying you're going to elevate it four feet?
17 Now, looking at that stairwell with the
18 column on the bottom, which is approximately
19 maybe three feet in height, you're going to
20 cover that?
21 MR. TIMOTHY STICKELMAN: He's looking at
22 the photographs.
23 MR. JACK LYNCH: And the bottom
24 photograph to the left. You're saying you're
25 going to elevate. So if you'll elevate the

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1 ground four feet, you'll bury that column in
2 the ground.
3 MR. SHAWN LENAHAN: This column is
4 approximately in this shaft.
5 MR. JACK LYNCH: You have to expose it
6 --
7 MR. SHAWN LENAHAN: That's the
8 challenge.
9 MR. ANTHONY GARDNER: I think the --
10 they don't want to.
11 MS. CARLA BONACCI: I think one of the
12 issues is this resource if one could actually
13 take it away and bring it back, I'm not sure
14 if it's feasible because of its state in
15 deteriorating. You're just putting it back
16 at a different elevation and totally
17 different spot, all to save a remnant the
18 recovery. And how historic is that? Can we
19 actually save this thing and not get it and
20 wreck it and have it fall apart? It's not
21 like moving a house off of the foundation.
22 We're struggling with, as we look at this --
23 MR. ROBERT KORNFELD: Is the entire
24 substructure being demolished?
25 MS. CARLA BONACCI: Yes. We don't think

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1 we can work around the orange area that's
2 depicted. So can it be saved to something we
3 can look at saving. But what if it gets
4 destroyed? Do we then recreate it? These
5 are all the concerns. We're being honest.
6 MR. BILL WONG: I would ask -- is it
7 something that could be preserved in the
8 memorial center, relocated on the site just
9 as the Warsaw ghetto paving stones were
10 located? What do people think of that?
11 MS. PATRICIA REILLY: You know, I didn't
12 know it was there. But it was where I used
13 to get into the World Trade Center. It's
14 weird that I see it now. It's where I used
15 to come down the street. To me, now that I
16 know it's there, it would be nice if it was
17 in the memorial center. And then you had
18 photos of how you looked in its original
19 state.
20 MR. TIMOTHY STICKELMAN: In regards to
21 removing it, we're looking at it, but Jackie
22 had a comment.
23 MR. STEVEN WEINTRAUB: It's interesting
24 you mention the Holocaust Museum, I was a
25 conservative at that museum. I was there

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1 when we made a lot of decisions. I think
2 that everything you're saying about the
3 possibility of this is correct. I totally
4 agree. It has historic value. It has
5 meaning and purpose. The problem that we had
6 at the Holocaust Museum, even now we have a
7 warehouse of material and we had to make
8 choices about what we would put on its
9 place. Not to say it's not valid, but the
10 question is, is it that or something else?
11 As an example, just a hypothetical, if you
12 have a lobby and somebody is willing to make
13 a commitment that something relative to 9/11
14 memorial, is that your statement where for
15 instance, let's say, all the steel we have at
16 Hanger 17, for instance, that you take
17 something from there, because the term that
18 we used to talk a lot about, something called
19 emotional knowledge. That is to say,
20 somebody coming through is not reading that,
21 is not familiar with what's going on. When
22 they see it, do they understand it. The
23 problem I have with this, I am not sure that
24 -- it can be evoke some personal knowledge.
25 But is it strong enough relative to other

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1 possibilities? Not to say is something
2 important or not important. It's really a
3 point of relativity.
4 MS. PATRICIA REILLY: Except that it's
5 there. So much of the World Trade Center
6 isn't there.
7 MR. STEVEN WEINTRAUB: That's what I'm
8 saying. The significance is because it's
9 there. It is original. That's not why it is
10 -- to not trivialize it. So is that the
11 strongest statement relative to other things
12 you can do? It's what one has to think of.
13 MR. ANTHONY GARDNER: Right now there's
14 nothing at street level in the plan.
15 MR. PHILLIP KRAFT: This may not speak
16 to this particular site. The point is for
17 me, and I don't know for other Consulting
18 Parties, that some of the things in a fixed
19 location, if on every occasion it would
20 determine that would go in the museum, you're
21 sort of bringing all of it into one place
22 rather than expressing the breadth of the
23 experience. I don't want to be disruptive of
24 the construction process. If the Consulting
25 Parties feel fine with this not having stayed

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1 there, so be it. But just that position
2 of an historical artifact that looks ruined,
3 cut out and saved and maybe brought back that
4 one piece in a thing that could be read about
5 is valuable. To show how far away. But in
6 thinking about the whole site there should be
7 experiences in different places. One should
8 not have to go to a particular location in my
9 opinion. In seeing it on-site is always a
10 tangible reminder of the material.
11 MR. SHAWN LENAHAN: Okay. It's passed
12 6:00, so I'll move on.
13 MR. PETER GOELZ: Quickly.
14 MR. SHAWN LENAHAN: One brief thing I want
15 to go over is the issue of site memorial
16 visibility opportunities and architectural
17 treatments. What we're talking about here is
18 a couple of items. First how the visibility
19 of the slurry wall could be incorporated into
20 the PATH train.
21 The planning stages, what we are
22 considering is how where the terminal pierces
23 the slurry wall, if there may be areas
24 adjacent to it, above or around that could be
25 left to compose to give it the sense that

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1 you're progressing beyond the bathtub for
2 those who have had that strong feeling. Some
3 areas, where you're moving under West
4 Street. Also from when you're moving from
5 the east side of the bathtub over to the main
6 transportation hub, as well as possibly the
7 east side, perhaps either the track level or
8 mezzanine level. Essentially we're looking
9 at areas where it's adjacent to the slurry
10 wall.
11 The other issue, the issue of visibility
12 from the PATH terminal into the memorial
13 zone. We're looking at opportunities and
14 working with DC and the memorial planners. I
15 wanted to talk about the repercussions.
16 First, what are the requirements of the
17 memorial hall and focusing on the footprints
18 and everything there. In the event that
19 either on one of the events or at some point
20 there may be visibility from the PATH
21 terminal into the memorial zone, the concern
22 is, there would then by itself be visibility
23 from the memorial zone into transportation.
24 And the concern would be do we want that?
25 And I just wanted to put that out there.

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1 Something we're looking at. I think it is a
2 concern.
3 MR. PETER GOELZ: Something to think
4 about.
5 MR. ANTHONY GARDNER: So there's going
6 to be retail in that east/west corridor?
7 MR. TIMOTHY STICKELMAN: On the northern
8 side.
9 MS. CARLA BONACCI: On the northern side
10 of the corridor, there's access to the
11 observation deck and some retail. They would
12 be tasteful development on that side. It's a
13 two-way window.
14 MR. SHAWN LENAHAN: Doing something to
15 evoke the wall.
16 One last item because it was
17 specifically raised as a comment at the last
18 meeting. There was a question raised
19 regarding the flow movement from west of the
20 World Trade Center Battery Park and World
21 Trade Center to the transportation hub and
22 how would that be done.
23 We looked at travel distances. At a
24 spot about just the west side of West Street,
25 which would be the residential areas are west

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1 and south of that and of course north, it's
2 about 1100 foot walk, using city streets,
3 moving across Vesey Street and then moving
4 north on Greenwich and then into Tower 3 into
5 the transportation network. About 1270 foot
6 walk if you were to progress up into the hub,
7 that of course, in addition to being able to
8 get into the transportation network on the
9 west side of West Street.
10 In addition, in our preliminary
11 planning, and we're confident it will
12 continue to go this way, there will be an
13 opportunity to walk across the memorial at
14 some point. So given the levels of this and
15 how it relates to the street, that's
16 something to look at.
17 MR. BILL LOVE: I think that's
18 important.
19 MR. SHAWN LENAHAN: To raise that,
20 there's a lot that's being down more than it
21 was previously.
22 MS. PATRICIA REILLY: From the families'
23 standpoint, that's really very preliminary,
24 but it's not a 106 discussion. It's a
25 memorial discussion.

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1 MR. ANTHONY GARDNER: But it's worth
2 making the point though that you're creating
3 all these subgrad concourses and concourses
4 around and ways around the sites and you're
5 allowing people just to cut back and forth
6 through the memorial. You may not realize it
7 but it lessens the significance of the
8 memorial itself. You can't go to national
9 memorials and just cut across it as a
10 shortcut, you know. And frankly that's
11 something you should really -- being
12 sympathetic to the residents, frankly their
13 are streets can introduced here that were
14 never here before. You could simply walk
15 down the streets.
16 MR. SHAWN LENAHAN: The fact is, using
17 city streets, the move can be made relatively
18 easily. That's the point. To the extent --
19 we're not here to get into the detail of
20 that, so I'm not in that position. This can
21 be done on city streets.
22 MR. JACK LYNCH: The families would be
23 very opposed to that.
24 I would like to make a comment on the
25 stairwell. When the towers came down, they

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1 went down within the bathtub. That is what
2 occurred on this side. I think that's
3 important to anybody who's coming to the site
4 and realizes that the structure so fast, went
5 completely into Vesey Street.
6 MR. ANTHONY GARDNER: And also, I think
7 Phil Kraft's comment was extremely valuable.
8 This site is supposed to be integrated. So
9 that people no matter where they are, they
10 know they're at the site of the former World
11 Trade Center. That's the way to do it.
12 There can be various ways here and there.
13 MR. BERNIE MCNEILLY: You might have
14 missed one comment. Right here.
15 MR. BILL LOVE: Actually, sort of leads
16 into the next question. When we're talking
17 about connectivity and crossing this street.
18 I made some comments last meeting and asked
19 about the pedestrian bridge that was
20 mentioned briefly in the document and
21 suggested that a careful look should be taken
22 at that as opposed to the pedestrian
23 concourse. And subsequent followed that up
24 with a letter suggesting for some
25 characteristics that that bridge may have,

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1 that was based on a presumption that the
2 DOT-EIS, that both of those alternatives were
3 compatible with all of the West Street
4 alternatives, including the tunnel.
5 Subsequent to that, I read more
6 carefully that EIS for the PATH station and
7 there's a statement in there couple of places
8 that says if a short bypass is constructed,
9 NYSDOT would relocate the utilities under
10 West Street to facilitate their proposed
11 traffic tunnel.
12 This utility relocation will also allow
13 for construction for PATH's subgrade
14 concourse. In the event that the no action
15 or grade alternative for the route 9-A is
16 selected, NYSDOT may not undertake this
17 utility relocation if this were to occur.
18 I'm hoping, although from the point of the
19 residents who very much are against the
20 tunnel, we certainly would take a tunnel and
21 pedestrian overpass that may be the best of
22 both worlds. The decisions should be
23 independent. Should not have the tail
24 wagging the dog. I understand everybody
25 wants to do it on the other guy's dime, but

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1 it might be more better for the Port
2 Authority to put a bridge -- tunnel rather
3 than an upgrade. But I think that's the
4 wrong approach. I hope these are independent
5 decisions.
6 MR. BERNIE MCNEILLY: The projects are
7 clearly independent. The fact is, whatever
8 decision New York State DOT makes is that
9 subgrade passageway under West Street request
10 be undertaken and can be undertaken by the
11 Port Authority. What was mentioned in the
12 New York State documentation. If the upgrade
13 alternative of being contemplated, that they
14 may consider bridging options particularly on
15 the south side of the bridge in the proximity
16 of the West Street. There used to be a
17 bridge there. They're going to contemplate a
18 bridge, but that's on the New York State DOT
19 that really depends on which recommended
20 alternative, whether they have a bridge or
21 not.
22 UNIDENTIFIED SPEAKER: I want to make
23 sure that the decision on the pedestrian
24 crossing wasn't driving the decision on the
25 tunnel.

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1 MR. BERNIE MCNEILLY: More or less, a
2 construction coordination issue. But as far
3 as the action and undertaking, the projects
4 are separate and clearly being built as a
5 separate undertaking.
6 MR. BILL LOVE: This language in your
7 EIS is confusing.
8 MR. BERNIE MCNEILLY: We could probably
9 clarify that.
10 MR. JOHN HOTOPP: So far we started out
11 with determining of eligibility and we've
12 worked very hard to get that through. And we
13 did an assessment of the facts and I believe
14 you have until the 21st to give us a last
15 comments on that. The next document you will
16 see, that will be prepared probably within
17 the next two to three weeks, hopefully before
18 the next meeting will be the amendment
19 agreement. That will spell out a number of
20 features to it. All whereas and the
21 standards clauses why we're doing this and
22 why in the first place. That will be spelled
23 out. And then the real meat and potatoes is
24 that you want to focus on the stipulations.
25 What will Port Authority do? How will they

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1 address the issues that we're talking about?
2 So that will be addressed that they worked
3 very hard at. There will be a section on
4 dispute resolution, what happens if we have a
5 problem. There will be a section on
6 amendment and determination of agreement.
7 When is it going to finish out. Who will
8 actually sign the agreement. That's the next
9 document you'll see.
10 If you want to take some serious time
11 with the stipulations sections, because that
12 is the meat and potatoes of what we've been
13 doing here. I'm anticipating one or two more
14 meetings on this document alone. Because I
15 think that this will be the most important
16 outcome in the whole process. That's my 20
17 minute speech in three minutes.
18 MR. PETER GOELZ: Thank you.
19 MR. ANTHONY GARDNER: We'd like to make
20 a suggestion. There's a lot of concerns
21 about the cumulative effects of all the
22 various projects going on. In particular,
23 we've raised this issue with the LMDC as
24 well. It doesn't make sense that your
25 project directly impacts the footprints and,

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1 yet they're the ones that will determine
2 access. I suggest that you have LMDC -- that
3 you have a signatory on your memorandum of
4 understanding, in particular to the
5 stipulations concerning the footprints.
6 There is a lot of fears we have at this
7 point, and it seems that you really
8 understand the importance of the remains of
9 the footprints.
10 I think what we're concerned about,
11 we're working towards something good here.
12 And LMDC will turnaround, well within our
13 agreement, we determine access, we want to
14 build and we need infrastructure for the
15 memorial. So we said 90 percent, but you'll
16 get 10 percent. And I think that's why the
17 suggestions we want to put out there, having
18 LMDC signatory, so that there's an
19 understanding when we're dealing with the
20 footprints, if you commit to certain
21 percentages, they have to make that
22 commitment as well.
23 MR. JOHN HOTOPP: Thank you.
24 MR. PETER GOELZ: Let's talk about the
25 next meeting. It's been suggested that we

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1 meet into August. That we have a meeting in
2 early August during the first week. During
3 the fourth or fifth, somewhere around there?
4 Then we can try to meet again the 18th or
5 20th, around there because then, we really
6 are tied up and don't want to meet again
7 until after September 15.
8 MR. PHILLIP KRAFT: Does someone keep a
9 list? Could there be drawings of the
10 footprints for people to look at and
11 consider, if you're talking about mitigating
12 effects? Do we get to see various designs of
13 what it would look like?
14 MS. CARLA BONACCI: Too early, but as we
15 do here, we do mark where those footprints
16 are relative to the structures. But I don't
17 have any design solutions.
18 MR. BILL WONG: We won't be at a point
19 to particularly say the color of the pavers.
20 MS. CARLA BONACCI: We can talk about
21 philosophy and approach and come to terms on
22 that and there's a design process.
23 MR. PETER GOELZ: Anyone else?
24 MR. PHILLIP KRAFT: I guess there was
25 some talk about the alternative to PATH

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1 design or people saying that was missing.
2 MR. PETER GOELZ: I think they said
3 those were destroyed.
4 MR. PHILLIP KRAFT: Earliest were the
5 artifacts. I may not understand but
6 especially for the artifacts that are not
7 part not officially part of the 106 here. Of
8 the members that want to be part involved,
9 are the family members going to have a say in
10 what gets brought to the museum and the
11 historic preservation?
12 MR. BILL WONG: That's within the LMDC
13 purview.
14 MS. PATRICIA REILLY: Why, if the Port
15 Authority owns the artifacts?
16 MR. BILL WONG: This is the coordination
17 effort that was raised early on. That there
18 will be a coordination effort, but the way it
19 is set up, there was a LMDC panel.
20 MR. JACK LYNCH: Is there a family
21 member?
22 MR. BILL WONG: I can't speak for LMDC.
23 MR. BERNIE MCNEILLY: What we can say is
24 that we hear what your concern is. We are
25 coordinating with LMDC. But we have a

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1 curatorial process in place.
2 MR. PHILLIP KRAFT: It's not Port
3 Authority. I know you're coordinating. I
4 want to make sure that some of the Consulting
5 Parties can consult with them.
6 MR. BERNIE MCNEILLY: I hear the point.
7 I don't think we can answer you.
8 MR. ANTHONY GARDNER: Last question, are
9 you going to consider our comments and get
10 another draft of the findings -- Finding of
11 Effect documents to the Consulting Parties
12 after you review our suggestions?
13 MR. BILL WONG: We will go and we will
14 take into account and we will answer you at
15 the last meeting.
16 MS. PATRICIA REILLY: Actually at the
17 meeting we were at with you, you had stated,
18 I don't know your name, Mr. Menno, that you
19 would be redoing that document.
20 MR. BILL WONG: Do it usually as part of
21 a final response. Interim draft.
22 MR. PETER GOELZ: You can see that your
23 comments and input are being taken
24 seriously.
25 I think that this was a good session

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1 today.
2 MS. ELIZABETH MERRITT: I have a comment
3 on the next meeting dates that you talked
4 about. On August 5 and 6, the advisor
5 counsel is meeting in Minnesota, so I wanted
6 to know if other than August 5 or 6, you can
7 say August 3 or 4. I want all to be here.
8 MR. PETER GOELZ: Anything else? I
9 think we're done. Thank you.
10 (Meeting concluded at 6:45 p.m.)
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1 C E R T I F I C A T I O N
2 STATE OF NEW YORK)
) ss.:
3 COUNTY OF NEW YORK)
4
5 I, GINA M. D'ADAMO, a Shorthand
6 Reporter and a Notary Public within and
7 for the State of New York, do hereby certify:
8 That I reported the proceedings in the
9 within-entitled matter, and that the within
10 transcript is a true record of such
11 proceedings.
12 I further certify that I am not
13 related, by blood or marriage, to any of the
14 parties in this matter and that I am in no
15 way interested in the outcome of this matter.
16 IN WITNESS WHEREOF, I have hereunto set
17 my hand this 2nd day of August, 2004.
18
19
20 GINA M. D'ADAMO
NOTARY PUBLIC
21
22
23
24
25

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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

Final Copy Signed 09/12/04, Hanna Roth
JANE ROSE REPORTING 1-866-ROSE-NYC

A P P E A R A N C E S:

Virginia Bopkoski, MTA/NYCT
Carla Bonacci, PA/NYNJ
Lucille Boslen, Shinnecock Nation Cultural Center
Museum Marty Bowers, Louis Berger Group
Carlo Braegelmann, FTA
Paul LeBrun, FTA
Albert Capsouto, Tribeca Organization
Irene Chanal, LMDC
Chris Calood, ANRR
Kim Cifarelli, PA/NYNJ
Bernard Cohen, FTA
Steve Coleman, PA/NYNJ
Robert Conway, AKRF
Beth Cummia, NY SHPO
Bruce Ehrmann, Community Board 1, Manahattan
Robin Forst, Council Member Alan Gerson
Margarita Gagliardi, Downtown Design Partnership
Anthony Gardner, Coalition of 9/11 Families
Glenn Guzi, PA
Jackie Hanley, PA/NYNJ
John Hotopp, LBG
Marilyn Howard, Save West Street
(Continued on next page.)

A P P E A R A N C E S: (Continued)
Shirley Jaffe, Alliance for Downtown NY
William Kelley, LMDC
Richard Kennedy, Community Board 1, WTC Committee
Joel Klein, Coalition of 9/11 Families
Nicholas Koutsomitis, RKK&G
Annie Kurtin, AIA NY Chapter
Harold Levitt, PATH
Shawn Lenahan, PA/NYNJ
Deborah Lester, NYS Assembly Speaker
Sheldon Silver
Bill Love, Save West Street
Ken Lustbader, Lower Manhattan Emergency Pres.
Fund David Martine, Shinnecock Nation Cultural
Center
Bernard P. McNeilly, PA/NYNJ
Lou Menno, PA
Kate Millea, LMDC
Tricia Mire, Lower Manahattan Cultural Council
Lisa Orloff, WTC Survivors Network
Mark Pagliettini, PA/NYNJ
Shilpan Patel, NYS DOT
Noah Pfefferblit, Wall Street Rising
Ruth Pierpont, NYSHPO
(Continued on next page.)

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

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1 MR. BERNARD COHEN: Good
2 afternoon, everybody. Again, I'm Bernard Cohen,
3 Director of the Lower Manhattan Recovery Office
4 for the Federal Transit Administration. I'd like
5 to welcome you to this third meeting of the
6 Consulting Parties for the Section 106 process
7 for the permanent PATH terminal at the World
8 Trade Center site.
9 At our last Consulting Parties meeting
10 which was held on July 20th, we discussed a
11 number of topics on which the consulting parties
12 provided input. Taking your comments into
13 consideration, I believe the Port Authority has
14 made progress on a number of fronts to
15 incorporate historic resources in the draft MOU
16 that is being shared with you, including the
17 E train subway entrance area, as well as visual
18 expression of the column perimeters from
19 platforms inside the station.
20 In reviewing the MOA, you may have
21 noticed that one of the resources that received a
22 lot of discussion at the last meeting, the Vesey
23 Street plaza and subway entrance, are not
24 referenced and that's because the Port Authority
25 has gone back, taken a hard look at its design,

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1 identified another way to create an entrance into
2 the terminal in that area and has determined that
3 it can completely avoid touching this resource.
4 I'd like to say that FTA is very
5 pleased with that outcome and I'd like to commend
6 the Port Authority for its diligence in going
7 back, taking a good, hard look at its design and
8 determining a way around having to effect this
9 resource.
10 On another note, there is a point that
11 was addressed specifically to the FTA in one of
12 the comments we received on the DEIS having to do
13 with making a formal referral to the keeper of
14 the National Register of Historic Places
15 regarding the DOE for the World Trade Center
16 site. FTA does not plan on making such a
17 referral.
18 We believe that the DOE provides a
19 proper basis for the Section 106 review that's
20 now underway. We believe that that review is
21 providing additional information about the site,
22 about mitigation measures that have been and will
23 continue to be discussed and refined throughout
24 this 106 collaborative effort and that the DOE is
25 not constraining this discussion. We do intend

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1 for this 106 process to provide for the
2 appropriate treatment of this historic site and
3 we look forward to continued consulting party
4 participation in developing an MOA for the
5 project that reflects this objective.
6 That being said, I'd now like to turn
7 the meeting over to Peter and get underway.
8 THE MODERATOR: My name is Peter
9 Goelz and I am going to serve as the moderator
10 this afternoon of this meeting on the 106
11 process. Before we get into the formal process,
12 I'd like to, as always, go around the room and
13 introduce ourselves. Why don't we start over
14 here.
15 (Whereupon, all participants stated
16 their appearances for the record.)
17 MS. MARILYN VIA TELEPHONE: Thank
18 you for allowing us to participate by conference
19 call. I would ask that with people in the
20 audience who have comments to make, that they
21 speak a little closer to the phone because I only
22 heard about a tenth of the names going around the
23 room.
24 MR. STICKELMAN: We will send
25 around a portable mike when they start speaking.

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1 MR. BOB KORNFELD: This is Bob
2 Kornfeld from Historic District Council also on
3 the phone.
4 THE MODERATOR: The goals today
5 are some follow-ups from the July 20th meeting in
6 which we had extended discussion on a number of
7 items. We are going to distribute and discuss
8 the first draft of a partial memorandum of
9 agreement that's part of this process and discuss
10 the next steps that are necessary to finalize the
11 MOA. Those are really the three work items that
12 we want to address today.
13 Items that we are not going to cover
14 today, items that are being covered in other
15 forums are the removal of the sub-grade slab
16 remnants in the northwest corner, the discussion
17 of the memorial itself and an extended discussion
18 on the artifacts. Although I will ask Jackie if
19 she would give an update, we have committed to do
20 a complete inventory of the JFK material.
21 Jackie, can you give an update on that?
22 MS. JACKIE HANLEY: We have been
23 in the process of updating the inventory weekly,
24 from the copy that you received sometime back,
25 and I will turn the discussion over to Mark

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1 Wagner from Voorsanger & Associates. He also has
2 a draft copy of the inventory with him.
3 MR. MARK WAGNER: Most of you know
4 that the initial copy of the inventory that was
5 handed out several months ago was what we are
6 calling the first collection of the primary
7 collection. That was stuff that we handpicked.
8 The second collection, for those of you who were
9 out at the hangar, was piled up. It was steel
10 that came to us later on in the recovery
11 process.
12 We have now gone through that all,
13 photographed it and put it into a report format.
14 It's becoming a small telephone book and we have
15 about 750 items total in the collection right
16 now. We should be done with that. We are down
17 to the final red-marking stage of the inventory,
18 so it should be done very shortly.
19 THE MODERATOR: When do you
20 anticipate that being done?
21 MR. MARK WAGNER: Sometime in
22 mid-September, realistically, to pick up all the
23 red marks, typos, things like that. Most of the
24 data has been entered now. We are just going
25 back and churning through it all.

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1 THE MODERATOR: Thank you. We
2 will get into the discussion of the MOA process,
3 which John Hotopp will be focusing on some
4 remaining stipulations, and anything that comes
5 up in today's meeting or in the near future and
6 then the post MOA process, what goes on once the
7 memorandum of understanding is signed.
8 If I could just for a second, I will
9 briefly review the 106 progress to date. We've
10 really made some good progress over the past few
11 meetings. We've gone through where we have
12 established the undertaking, we've discussed the
13 effects of historic properties, we have evaluated
14 it, we've had, I think, some significant public
15 input. We have moved towards assessing the
16 adverse effects. We've heard this afternoon
17 already that on the Vesey Street entrance, the
18 Port Authority is changing their need for the
19 entrance at that site to another location, so it
20 will not impact that.
21 We are now moving into the process of
22 the memorandum of agreement which would then be
23 followed up by the Agency Record of Decision and
24 the final design. In today's discussion we
25 really want to focus on the stipulations that are

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1 being discussed today and on future stipulations
2 that may be included.
3 The first item for discussion this
4 afternoon is going to be the follow-up and status
5 of some of the items that were raised in the past
6 meetings. The first one we want to discuss is
7 the site documentation with Peter Rinaldi.
8 MR. PETER RINALDI: Thank you.
9 Specifically, what I just wanted to update is,
10 from the last time, we did speak about site
11 documentation, and specifically the Tower
12 footprints. So we've gone and looked at some of
13 the logistics and timing of what's involved in
14 uncovering the footprints of Towers 1 and 2. The
15 areas we are looking at is this area in that line
16 which is Tower 1.
17 Our plan is to remove any material
18 that's on top of the lower level B6 slab and
19 remove it for documentation purposes, the
20 features on the lower level. In the area of
21 Tower 2, which is in this area, cleaning off
22 those areas that we can down to the B6 level and
23 also documenting the features that are there on
24 the lower Tower footprints.
25 Some of the areas where there are exit

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1 stairs and some of the areas where there was some
2 paving for access in and out of the tracks, these
3 stairs, we will not be able to move all the
4 material in that immediate area right there, but
5 we will do it immediately adjacent.
6 Our plan is, our timing is to shoot
7 for doing this early October, sometime around the
8 first week of October. We will marshal the
9 resources to have that material removed and the
10 documentation done.
11 Also at that time there was a question
12 about accessibility to the consulting parties at
13 the time that we uncovered the footprints. We
14 have looked at that and we will provide access to
15 those consulting parties at the appropriate time,
16 when it's done, to go down into the footprints to
17 take a look at this area. As you uncover them,
18 we will coordinate that around the site
19 logistics, and also depending on the response and
20 the size of the group, we may have to do it
21 multiple times because I am just concerned about
22 the logistics and the size of the group as we
23 escort you around through the site because it is
24 somewhat of a construction site and also there
25 are a lot of uneven areas and obstructions. So

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1 it's more a matter of safety for those parties
2 that would be coming to view this area. We tend
3 to go ahead and do that.
4 As we get close to this, ahead of
5 time, we will send out a notice about the
6 availability of being able to come in and view
7 that access to the site and coordinate that with
8 those parties that are interested. Thank you.
9 THE MODERATOR: So for the slabs,
10 the uncovering will take place, we hope, the
11 first week in October, sometime, and a site visit
12 will be arranged.
13 MR. ANTHONY GARDNER: Anthony
14 Gardner, The Coalition of 9/11 Families. I want
15 to thank the Port Authority and LMDC for finally
16 agreeing to cleaning off these footprints and
17 properly documenting them. I just have a
18 concern. If this doesn't take place until
19 October and you're allowed to finalized your
20 memorandum of agreement and finalize your record
21 of decision, how will our evaluation of this
22 documentation that you bring us be able to factor
23 into the process?
24 MR. PETER RINALDI: We believe in
25 the documentation. At that time there will be

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1 time for the documentation to go out and be
2 reviewed.
3 MR. DAVE STANKE: Dave Stanke from
4 Battery Park City United. You worked around the
5 area where these items will be uncovered for
6 quite a period of time. Right now they are
7 covered by maybe an eighth, a quarter inch of the
8 dirt that was put in there to straighten, to
9 level everything out. Is that correct?
10 MR. PETER RINALDI: The thickness
11 of the material varies from an inch to 10 to 12
12 inches, depending on where it is on the site.
13 MR. DAVE STANKE: What's under
14 that material? From pictures I've seen, there
15 are square box beam columns that were cut off
16 during the recovery so that we know we have a
17 certain size and shape of a metal outline lying
18 in the cement, essentially.
19 MR. PETER RINALDI: What underlies
20 the areas of the footprints is the remains of the
21 B6 level of World Trade Center 1 and World Trade
22 Center 2. That consists of the B6 slab. It
23 consists of what's left of the remnants of
24 perimeter columns that penetrated the slab, both
25 in the perimeter and in the center.

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1 Also there are areas where the base
2 was destroyed due to the collapse and the
3 recovery operations so there are some areas where
4 the fill is somewhat thicker and some areas where
5 some pits that were left of the outline from
6 where there were elevators or some pumps and
7 other pumping facilities that were located in
8 those areas.
9 MR. DAVE STANKE: So I guess the
10 question I have or what I am trying to assess is
11 what is the probability of this process
12 uncovering something that wouldn't be known in
13 advance? In other words, what is the likelihood
14 of a surprise that would suddenly change the
15 scenario and the approach to our views in terms
16 of what is preservable, what's important to
17 preserve and what might not be so important?
18 That's maybe a rhetorical question. That's
19 obviously a tough one to answer.
20 My sense is, from having been down
21 there, there's not going to be a whole lot that
22 surprises me.
23 MR. PETER RINALDI: Having been
24 there, just to tell you from my experience,
25 having been there during the recovery process,

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1 everything that was there at that base level that
2 was not solid concrete or attached was removed,
3 cleaned and searched. The material that's
4 brought back, that's there now is material that
5 was brought in after the recovery was done to
6 make the site level and safe.
7 MR. DAVE STANKE: Great. Thanks
8 very much.
9 MEMBER OF THE AUDIENCE: One
10 remnant, Peter, that I don't think you mentioned,
11 the core column remnants are a large sort of
12 giant box beam columns, if you will, that are
13 sort of in the middle of each footprint. They
14 were the columns that supported the Trade Center,
15 is that not correct?
16 MR. PETER RINALDI: No. I did
17 mention those. I did say there were perimeter
18 columns, as well as columns in the center, at the
19 base, and those that are there that we can
20 uncover will be uncovered when we uncover the
21 footprint.
22 MEMBER OF THE AUDIENCE: That
23 might be an example of a remnant that might be a
24 surprise to Mr. Stanke because that's not a
25 remnant that people are familiar with. In the

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1 descriptions that you've offered thus far in the
2 Section 106 process, nowhere does it describe the
3 footprints in total.
4 THE MODERATOR: As I said, when
5 the work begins to uncover it, the PA will reach
6 out to people and let them know when the site
7 visits or visit will be determined and will be
8 held. We are going to move on now to the Vesey
9 Street entrance, the former 1 and 9 entrance.
10 MR. SHAWN LENAHAN: In our last
11 consulting parties meeting we looked at the issue
12 of the 1 and 9 access at Vesey Street. This is
13 the entrance originally coming down Vesey Street
14 and moving up to what was the plaza. This was an
15 entrance to the 1 and 9 station. This is the
16 location in the plan.
17 As you recall in our last Consulting
18 Parties meeting, and for those who weren't here,
19 we had some comments from consulting parties that
20 favored the removal of the resource and some
21 comments from consulting parties in favor of
22 retaining the resource, which we took in. What
23 the Port Authority has done in working with MTA
24 is in further looking at how the PATH terminal
25 project may impact the resource and realizing

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1 that one preferable option is to avoid the
2 resource. That is the conclusion that we reached
3 for the PATH terminal project.
4 The terminal being in yellow, the way
5 that we would most likely avoid the resource is
6 to shift the entrance from the street to the PATH
7 pedestrian entrance or pedestrian network,
8 possibly to the south, or in some other direction
9 to not touch the resource and it would not impact
10 the project. Therefore, the other projects on
11 the site may deal with that resource as
12 necessary, but as far as this process and the
13 Section 106 for the PATH terminal project, we
14 won't be impacting that resource.
15 THE MODERATOR: Any comments on
16 the Vesey Street entrance, any further
17 observations?
18 MR. KEN LUSTBADER: Ken Lustbader from
19 the Lower Manhattan Emergency Preservation Fund.
20 I just want to understand, did you say that it's
21 removed from your project parameters, boundaries,
22 or you're not going to be impacting it at all?
23 MR. SHAWN LENAHAN: The PATH
24 terminal project won't impact the resource.
25 MR. KEN LUSTBADER: But other

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1 projects could potentially impact it?
2 MR. SHAWN LENAHAN: Yes.
3 MR. KEN LUSTBADER: So in terms of
4 mitigation or design treatments, there is no
5 proposed design treatment that would be
6 incorporated into the MOA, such as some of the
7 other issues we discussed about the box beam
8 columns, architectural treatments. The Port
9 Authority is not proposing that at this point?
10 MR. SHAWN LENAHAN: Correct.
11 MS. LISA ORLOFF: Hi, my name is
12 Lisa Orloff. I'm the executive director of
13 September Space and I am also a World Trade
14 Center Survivors Network board member. I am here
15 representing the Board of the World Trade Center
16 Survivors Network on the issue of the Stairway to
17 Nowhere. I discussed it and it's appropriate at
18 this time to mention it, but I wanted to make
19 sure their views were expressed here. You're
20 talking about the resources, so I wanted to
21 ensure you're speaking about the Stairway to
22 Nowhere in what you're addressing.
23 One of the things that they had
24 requested was that in speaking about the Stairway
25 to Nowhere, really changing the name perhaps to

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1 Survivors Stairway because that's where most of
2 the people who survived came out of. I have
3 documentation and a full letter requesting that
4 for anybody that would like it.
5 MR. JOEL KLEIN: Joel Klein for
6 the Coalition of 9/11 Families. Over the last
7 several meetings we have been told over and over
8 about the close cooperation between the Port
9 Authority and LMDC regarding all aspects of their
10 respective projects and the cumulative impacts.
11 Has the Port Authority had any specific
12 discussions with LMDC regarding LMDC's plans to
13 effect the Vesey Street stairs, irregardless of
14 commitments made by the Port Authority? If the
15 LMDC has plans that would affect them, any
16 commitments made by the Port Authority
17 essentially become moot.
18 MR. SHAWN LENAHAN: The Port
19 Authority has spoken to LMDC that the PATH
20 project is not going to affect this resource, but
21 the LMDC process is that they are not at that
22 stage yet. They just know, they've been informed
23 that we are not in the PATH project affecting
24 this resource.
25 MR. TIM STICKELMAN: The LMDC 106

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1 process will start. They have a programmatic
2 agreement.
3 MS. PETRA TODOROVICH: Hi, Pat
4 Todorovich from Regional Plan Association. I see
5 that it's in the footprint of the plan for
6 Tower 2 and I was just wondering if anyone can
7 give me an impression of how this might be dealt
8 with. I assume this might be something that
9 would be -- what grade would it be at when
10 Tower 2 is built? Would this be something that
11 would conflict with the sub-one level of a future
12 office building or the grade level of a future
13 office building and would LMDC manage that
14 process?
15 MR. TIM STICKELMAN: I believe
16 that's just a schematic drawing basically. You
17 can see Tower 2. It's such a preliminary draft,
18 they are not even sure what Tower 2 is going to
19 look like, but that will be dealt with under the
20 programmatic agreement.
21 MR. SHAWN LENAHAN: Among the
22 things that we mentioned in our last meeting last
23 month was that there would be a grade change to
24 what the grade is currently, to what the grade of
25 the street and the surrounding structures will

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1 be. So those are things that would factor into
2 that. But since the PATH terminal won't be
3 impacting that, that's something that will be
4 addressed in those forums.
5 MS. PETRA TODOROVICH: And it
6 would probably be sub-grade, this structure.
7 MR. SHAWN LENAHAN: There is
8 actually maybe a 4- to 6-foot difference in
9 grade, so it's not a significant difference but
10 it's noticeable.
11 MR. TIM STICKELMAN: It's just
12 unknown right now. They just don't know.
13 THE MODERATOR: As most of you
14 know, last time we had extended discussion on the
15 need for Platform D, and the Port Authority
16 agreed that they would return today and discuss
17 their rationale and the data that justifies the
18 need for Platform D. We are going to ask Lou
19 Menno to come up and discuss that.
20 MR. LOU MENNO: Good afternoon,
21 everyone. Thank you for joining us. I'm going
22 to begin by going over and doing a recap about
23 the history of this project from when it first
24 started, going back two and a half, almost three
25 years ago. It's hard to believe that so much

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1 time has passed.
2 It's important that we look at some of
3 the history because a lot of good work has been
4 accomplished during that time. It's important
5 that we remember that, because I think sometimes
6 we fail to remember. As we get into heated
7 discussions at times, we seem to forget all of
8 the accomplishments we made and the collaborative
9 spirit with which we work together and at the
10 same time to again demonstrate the Port
11 Authority's firm commitment to document as well
12 as to preserve to the fullest extent possible the
13 historic resources, such as the Tower footprints
14 and the columns of 1 and 2 World Trade Center.
15 We made a lot of commitments and we
16 have been able to live up to those commitments.
17 When we look at track configuration, platform
18 configuration, we met the promises that we made
19 and we will continue to do so. It's important to
20 keep that in mind as we move forward.
21 When this planning process started
22 some time ago, we had to start looking at
23 developing the goals and the objectives for this
24 permanent PATH terminal, this transportation hub
25 which is just not the PATH station itself. It's

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1 more than that. We had to look at what we had
2 before 9/11, and then we had to look at what was
3 going to happen in the future. We had to look at
4 all of Lower Manhattan, not just the World Trade
5 Center site and we had to develop the goals and
6 the objectives to meet all of the parties'
7 important criteria for the rebuilding of Lower
8 Manhattan after the events of 9/11.
9 When we look at what we had before
10 9/11, when we look at what we lost, we lost a lot
11 and we need to restore a lot of those pre-9/11
12 functions in a more enhanced and more effective
13 way than ever before. When we look at the PATH
14 station, the PATH facilities that we had at the
15 World Trade Center, we had a station that was
16 designed in the twentieth century, a station that
17 had three platforms with five tracks, three
18 ten-car platforms, and we were at full capacity
19 with that station. We were experiencing
20 ridership growth, especially on the Newark line.
21 We were experiencing ridership growth in the
22 reverse commute as residences were beginning to
23 prosper in Lower Manhattan, more people living in
24 Lower Manhattan.
25 And what was happening, we were having

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1 situations of overcrowding on those platforms and
2 safety was in question. What could we do for the
3 future? We did not have the ability to expand
4 that station, to relocate it. It was fixed. We
5 had no way to move it. And the best that we
6 could really forecast was a decrease in the level
7 of service as the ridership was going to grow in
8 the future.
9 Then we looked to the future and we
10 looked at what was happening, not only at the
11 World Trade Center site, with the restoring of
12 10 million square feet of office space, the
13 rebuilding of 7 World Trade Center, but all of
14 the retail space, the cultural facilities, the
15 memorial, as well as all of the other businesses
16 that were coming back downtown and the
17 residential population that was growing. The
18 residential population is growing. We realize
19 it's going to further increase the reverse
20 commute in Lower Manhattan as we look to the
21 future.
22 As we look up to the year 2025 and the
23 EIS, the draft EIS, you saw the amount of
24 ridership levels increasing. It was important
25 that when we established our goals, it was to

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1 establish a transportation complex, not just the
2 PATH station but a transportation complex that
3 would address the needs of all the parties
4 affected in Lower Manhattan and also be very
5 mindful and sensitive to the issues of mitigating
6 the impacts on the historic resources. We did
7 that and we will continue to do so.
8 When we developed the initial plans
9 for this downtown transportation terminal, we
10 laid out corridors, we laid out all the new
11 intermodal connections between PATH and virtually
12 all of the subways, connections to the cultural
13 facilities, memorial, and we avoided with those
14 corridors, with those concourses going east-west,
15 north-south, avoiding the areas of the
16 footprints, the areas where the columns stood.
17 If I only talk about footprints, I also mean
18 columns. I'm talking about all of the historic
19 resources.
20 And then when we looked at the PATH
21 facilities and we looked at the ridership growth,
22 we had developed with our planners initially a
23 plan, what would be the best for us to have as we
24 build and plan for the future. Initially, our
25 planners came back to us early on and said we

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1 need five tracks and five platforms. We looked
2 at that and we really didn't like it. First of
3 all, a lot of the layouts were nice to have, and
4 more importantly, it also affected the resources
5 of the footprints and the column bases. What we
6 did was go back to the drawing board, do
7 something more effectively, more efficiently in a
8 layout that would address the needs for the
9 future. We presented about a year ago the layout
10 that you see here of five tracks and four
11 platforms.
12 Early on, when we first presented this
13 plan, Track 1, right here, was located here,
14 further into the footprint. We pointed that
15 out. We didn't hide it. We explained why,
16 because we thought that the slurry wall along
17 Greenwich Street would have to be reinforced,
18 which would then impact that track. We made a
19 commitment that we would do our damndest to make
20 sure that we could avoid doing that. We did that
21 and we were able to come back to the parties and
22 say that Track 1 will remain where it is and have
23 less of an impact on the footprint, as well as
24 the column bases of 1 World Trade Center and
25 2 World Trade Center. We lived up to our

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1 commitment.
2 At the same time, we also made a
3 commitment that these five tracks will remain in
4 virtually the same location and the same
5 configuration as before. We also said that these
6 three platforms were also going to remain in the
7 same location and the same configuration as
8 before, ten cars in length, but we needed this
9 fourth platform. We presented to you and we
10 worked very hard at explaining the amount of
11 impact, how many columns, how much area we were
12 covering by this fourth platform. This fourth
13 platform, we explained why it was needed in terms
14 of ridership growth and safety. Keep in mind, we
15 have to build and plan for the future but also
16 still remember what was there and what happened
17 on that horrible day. We are also survivors
18 here.
19 The need for Platform D, let me go
20 through that for a moment. When we design a PATH
21 station, when we design any station, there is a
22 basic premise. You design for the peak period,
23 and the peak period for this PATH station is in
24 the morning peak. You have to design for that.
25 And more importantly, you have to clear the

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1 platforms before the next train comes into the
2 station. If a train is coming in at a
3 three-minute headway and the first train comes
4 into the station and unloads its passengers, they
5 have to clear that platform within three
6 minutes. When you think about clearing the
7 platform and how long it takes, it's made up of a
8 number of different components. I'm going to do
9 my best to try to explain it as simply as I can.
10 The time that it takes to clear a
11 platform is made up of increments of time that,
12 added up, gives you this time frame to clear a
13 platform. The first time interval is how long
14 does it take to exit the train. You add to that
15 increment of time now another increment, which is
16 how long does it take to walk on that platform to
17 a queuing area and then the time it takes to get
18 up a vertical circulation element, whether it be
19 a stair or whether it be an escalator. All of
20 that time, all of that clearance time has to be
21 less than the headway.
22 Next, that clearance time to get off
23 the platform is also affected by the number of
24 vertical circulation elements, how many stairs,
25 how many escalators. When we look at this

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1 station, we look at the platforms, there is only
2 an optimal amount of vertical stairs, vertical
3 elements that you can put into a station before
4 they begin to affect one another and before it
5 becomes a negative, whether it be from a geometry
6 point of view or whether it be from people
7 walking in front of each other. If you have
8 cross-connecting stairs at times coming up to a
9 mezzanine, it's also taking away valuable
10 circulation space on the platform. So there is
11 an optimal amount.
12 Now, if you remember, I said that
13 there is that reverse commute, that growing
14 residential population in Lower Manhattan. They
15 are doing that reverse commute, so when you look
16 at this calculation of how long, this analysis,
17 of how long it takes to get off a platform, you
18 have to look at that not every single stair or
19 escalator is used to clear a platform. You need
20 to allocate some of that vertical circulation for
21 this reverse commute.
22 I'm not even going to talk about
23 failure of management here if one or two
24 escalators go out of service. Just keeping that
25 in mind, vertical circulation, reverse commute,

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1 and when we look at and do the analysis of three
2 platforms for the Newark service on Platform C,
3 the time it takes to clear that platform is
4 greater than the three-minute headway. That's a
5 negative. That is a negative. That creates
6 blocking, backup on the platforms. By the
7 addition of this fourth platform, it alleviates
8 that condition. It greatly reduces that
9 clearance time.
10 We, as a public agency, have to think
11 about safety and safety is very, very important.
12 Safety has been one of our primary objectives
13 here, as well as being a secured environment.
14 Safety is important and we are not going to
15 jeopardize safety for our passengers now and in
16 the future. It would not be, I believe, in
17 everyone's, in the parties' best interest to say
18 that we are willing to sacrifice or jeopardize
19 safety. We have to keep this in mind.
20 What that extra platform does, it
21 allows for improved circulation of our
22 passengers, allows the passengers to move around
23 more effectively and help us with that projected
24 growth that is coming to Lower Manhattan.
25 When you think about it, what did we

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1 have before 9/11? We had a constricted station
2 that had reached its limits, and for us to go
3 back and build a station that is a replacement in
4 kind does not serve the best interests of all the
5 parties. Keeping in mind as we move forward, we
6 are very cognizant and very understanding and
7 sensitive to the historic resources that are
8 going to be affected. We will do our damndest to
9 mitigate the impact on those resources, but to
10 put safety at risk and not allow for future
11 ridership growth is not in the best interest of
12 Lower Manhattan and all of the parties
13 concerned. Thank you.
14 THE MODERATOR: Any questions for
15 Lou, and comments?
16 MEMBER OF THE AUDIENCE: Most of
17 the push-back in these sessions has been in terms
18 of the Port Authority having to justify this
19 Platform D, which I'm sorry to see that you have
20 to present so defensively because it does seem
21 obvious that you have to be able to handle the
22 traffic in a safe manner.
23 I want to push it a little further and
24 ask will Platforms A, B, C and D be adequate for
25 the long run or has there been consideration on

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1 whether a fifth platform mike might be necessary
2 to handle the long-term traffic?
3 MR. LOU MENNO: To respond to that
4 question, the ridership is going to be greater in
5 the future on the Newark line compared to the
6 Hoboken line so that we looked at the analysis,
7 and with the configuration that is being proposed
8 here, it will support the future ridership growth
9 on both the Newark and Hoboken lines coming into
10 the Trade Center.
11 MR. BOB KORNFELD: May I ask a
12 question? This is Bob Kornfeld. One of the
13 issues that came up at the previous meeting was
14 the idea of reconfiguring the part of that
15 platform that crosses the 1 World Trade Center
16 footprint to clear the columns. Have you
17 explored that any further? It seems like that's
18 a relatively minor change compared to not having
19 another platform at all.
20 THE MODERATOR: The question was
21 how much consideration or has consideration been
22 given to simply reconfiguring the north end of
23 Platform D? I assume that means, Bob, narrowing
24 it or something like that?
25 MR. BOB KORNFELD: Right, or kind

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1 of cutting it off and angle it like where work
2 goes across the footprint and maybe reconfiguring
3 the stair or something like that.
4 MR. LOU MENNO: I have Bernie
5 McNeilly who will address this question for you.
6 MR. BERNARD McNEILLY: It's Bernie
7 McNeilly from the Port Authority. The width of
8 the platform is comprised of a couple different
9 elements based on what Lou was saying. Part of
10 it is, if you are familiar with the existing
11 station right now, there is a safety strip.
12 There is a distance to be able to get around
13 vertical circulation elements, to stay in
14 accordance with some code requirements,
15 specifically, the American Disabilities Act, ADA,
16 as well as the width that's associated with the
17 vertical circulation elements. Based on that, we
18 are not going to be able to decrease the width of
19 the platforms.
20 We did take a hard look as far as the
21 number of vertical circulation elements that
22 would be required, and based on the way we were
23 trying to look at this situation, we right now
24 have the minimum amount of vertical circulation
25 elements that we need to maintain an adequate

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1 level of service so that we can make sure we are
2 addressing this platform clearance issue that we
3 are talking about.
4 Hopefully, that answers your question.
5 MR. BOB KORNFELD: I don't think
6 that really does answer the question. I think
7 you've got a big problem with that.
8 MR. BERNARD McNEILLY: Could you
9 be a little bit more specific about the problem?
10 MR. BOB KORNFELD: I think the
11 problem is that that's an unacceptable impact, I
12 mean, adverse effect. I think you're very close
13 to being able to configure that platform in a way
14 where it will not have an adverse affect on
15 1 World Trade Center. I think you're so close to
16 having a hundred percent of that footprint,
17 figuring out some way to address that would just
18 move your process along a lot faster.
19 MR. BERNARD McNEILLY: I
20 understand your point, Bob. We did in fact
21 figure out how to address that there will be an
22 impact. If you could see the slides, and I don't
23 know if you have the slides in front of you, if
24 you look at the coloration that is there for the
25 proposed Platform D configuration, what is

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1 represented in the darker color red is to
2 represent one of the things that was explored.
3 It seemed at the last meeting that there was some
4 reasonably positive feedback about it, about
5 architecturally enhancing and treating both the
6 platform and areas that would represent the Tower
7 area, particularly in the areas where you would
8 be, in fact, either the World Trade Center Tower
9 1 or 2 footprint area.
10 In our opinion, what that would mean
11 is that although it is an impact, it would give
12 you an adequate representation, just because of
13 that treatment of increasing your awareness in
14 expressing that you are in fact in either the
15 Tower 1 or Tower 2 footprint. That is how we
16 would be addressing the potential impact to the
17 resource.
18 MR. NOAH PFEFFERBLIT: I'm Noah
19 Pfefferblit from Wall Street Rising. Mr. Menno,
20 you depicted this in very technical terms in
21 terms of the headways and so on. I am wondering,
22 are you suggesting that if there were an
23 emergency at this location in the future when it
24 was at maximum usage that there could be risk and
25 real endangerment to people trying to evacuate

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1 from the platforms?
2 MR. LOU MENNO: Without Platform
3 D, the fourth platform, we would have a serious
4 condition that, God forbid, if there were an
5 emergency and we had an overcrowding situation,
6 we wouldn't be able to clear people off in an
7 adequate period of time. There would be some
8 risk.
9 MR. JOEL KLEIN: For both Lou and
10 Bernie, we keep coming back to this. At the
11 meeting we had almost two months ago, we asked
12 for the backup information to support your
13 ridership projections. We were referred to the
14 EIS. At the last meeting, you acknowledged it
15 was not in the EIS. I believe a commitment was
16 made to provide that information.
17 In addition, we had not had an
18 opportunity to look at any of the engineering
19 studies to support your contentions about how
20 long it would take to clear the platforms and
21 allow for an independent assessment of that being
22 done. It's clear that that's a very key issue
23 here.
24 One of the other points that is
25 continually obfuscated is the fact that I believe

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1 that there never was ten-car service into the
2 World Trade Center prior to 9/11. There were
3 ten-car platforms, but as other stations in the
4 system, they could only accommodate eight-car
5 trains. Only eight cars were going into the
6 Trade Center.
7 You are also showing by your own
8 projections in the year 2025, approximately a
9 20 percent increase in ridership. You're also
10 now going to be increasing the number of cars on
11 each train by 20 percent because for the first
12 time, with this new station, you will have an
13 opportunity to have ten cars operating throughout
14 the system.
15 In addition, the Port Authority has
16 contracted for new cars for the system. There's
17 been no information as to the ridership, if there
18 is any difference in the capacity of those cars
19 versus the new ones, the length of those cars,
20 the number of doorways to facilitate ingress and
21 egress. Also, there's been no side-by-side
22 comparison of how passengers would exit the
23 platforms compared to the original condition, the
24 current condition and what's being proposed.
25 So how is anyone to do their own

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1 evaluation as to whether or not you, in fact, are
2 telling us the truth or not? Essentially, we are
3 being told trust us and I'm not sure that a lot
4 of the consulting parties here feel that we are
5 at the point where we can trust, as an absolute,
6 all the things we hear from the Port Authority.
7 MEMBER OF THE AUDIENCE: First of
8 all, there are things about the projections that
9 I'm not necessarily sure that I trust. One is in
10 20 years I think the ability to project they will
11 only have a 20 percent increase in usage is a
12 leap of faith. We could as easily have a 40
13 percent increase in usage over a period of that
14 time.
15 So I think in terms of long-range
16 planning, I would expect that this being a
17 significant passage into the city and a very
18 important component of bringing workers in and
19 out and residents in and out, that you have to
20 plan to be very conservative to be able to meet
21 future demands because down the line, as we know
22 from before 9/11, if you underplan it, you are
23 not going to be able to change it in 20 years
24 without a huge cost to the City and the State.
25 So you know, I have an economics

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1 background and I don't trust economic
2 projections, and so I would be very conservative
3 with that. I think the platforms that you have
4 seem to be reasonably conservative. There will
5 be new trains, faster trains and better, but one
6 thing that doesn't change over a period of time
7 is how fast people walk and how they can clear
8 stations.
9 Another thing I'd like to say is that
10 I think if you look at the World Trade Center
11 site, probably even within two or three years,
12 the highest volume of visitors to this site is
13 not going to be tourists, it's not going to be
14 residents walking across it, it's not going to be
15 business people in offices. It's going to be
16 people coming into this PATH train. Everywhere
17 on the site has the recollection and the use that
18 it had prior to 9/11. That we walk through and
19 pass and use it in a way that we used it prior to
20 9/11 is incorporated with reminders of the world
21 before 9/11. It's a far more valuable piece to
22 restore this site and protect the memory of the
23 World Trade Center than protecting a few
24 artifacts of metal and concrete beneath the
25 surface.

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1 I think the design of this PATH
2 station is very important because I think it will
3 be a reminder to everybody who used it on a
4 regular basis. The fact that it takes one
5 through the footprints and people will be walking
6 through the footprints of the World Trade Center
7 and know that when they used to cross through
8 these areas that above them were two towers that
9 are now gone will be an incredibly meaningful
10 part of our daily lives.
11 So I think those are the main points
12 that I have here. That resource, I think the
13 resource or the ability to be in the space is
14 more valuable than the specific resources of
15 specific columns under the ground.
16 MR. MATT VIGGIANO: Hi, I'm Matt
17 Vigiano from the State Senator Martin Connor's
18 office. One of the largest goals for Lower
19 Manhattan has been enumerated by many Lower
20 Manhattan organizations, which is to retain this
21 area as the third largest business district in
22 the country. One of the things that is going to
23 help to do that is providing the capacity that
24 would be needed in the future by the workers
25 returning from New Jersey to downtown Manhattan.

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1 I think following the community's lead, this is
2 something that will help us greatly in securing
3 this and keeping this the third largest business
4 district in the city. Thank you.
5 MS. CHARLENE VAUGHN: I don't know
6 where to begin. First, I'd like to just touch on
7 something that Mr. Stanke said. I actually kind
8 of disagree with that. I think 50 years from now
9 PATH trains are not really going to communicate
10 the September 11th attacks in the way that the
11 actual tangible footprints, that are the scar
12 from the attack, the way that they would be able
13 to provide that powerful connection without
14 words.
15 I think many people also forget that
16 3,000 people were killed at this site and
17 cremated remains of those people were found on
18 these bedrock footprints. So they have more than
19 just a historic value, they have a spiritual
20 value. The fact that we are family members is
21 irrelevant. This is a historic preservation
22 position. Check the comments, all the historic
23 preservation groups that are participating in
24 this process have been battling to save these
25 footprints.

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1 Having just been provided with this
2 information that justifies the Platform D, we
3 haven't had a chance to review this yet, but
4 based on what we've seen so far, we do not think
5 that Platform D is justified and we agree with
6 the Historic District Council that a hundred
7 percent of the North Tower should be preserved as
8 opposed to that 97 percent which we had
9 originally agreed to.
10 The Port Authority and FTA had
11 promised us that they will begin to look at the
12 footprints in total, not just the columns that
13 define them but the total historic footprint.
14 They told us they would speak percentages. Here
15 we are looking at a memorandum of agreement and
16 there is not a single percentage in here in terms
17 of discussion of the footprint of 1 World Trade
18 Center or 2 World Trade Center. I'd like to know
19 where the draft finding of effects document fits
20 into all of this because we haven't seen a
21 revised version of that since you've received all
22 of our comments.
23 It looks like we are just getting
24 steamrolled into the memorandum of agreement
25 that's going to be finalized. The consulting

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1 parties that we speak with frequently have
2 concerns about the cumulative affects of the
3 LMDC's projects and your projects. A prime
4 example of that is that Vesey Street staircase
5 where you're telling us don't worry, our project
6 is not going to impact it, not telling us what
7 LMDC's impact on that will be, which at the last
8 meeting you mentioned that that Vesey Street
9 staircase was going to essentially, based on the
10 design for the office tower that's going in that
11 location, would essentially be in the lobby and
12 that it wouldn't be practical to preserve it.
13 I think the consulting parties need to
14 be able to have the ability to look at the entire
15 World Trade Center redevelopment in one
16 cumulative package because otherwise, whatever
17 you tell us, even if you finally keep your
18 promise and begin to look at the footprints in
19 total and start talking percentages, it's going
20 to be irrelevant because LMDC at the end of the
21 day was able to sign an extremely vague
22 programmatic agreement where they just provide
23 access and their definition of the footprints
24 isn't even accurate. They talk about access to
25 the box beam columns that form portions of the

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1 lower footprints. We know from these ongoing
2 meetings they don't form portions, they form the
3 entire historic footprint.
4 Some people may think these are just
5 steel columns embedded in concrete, but there are
6 those of us who feel they have much more
7 importance and importance in the sense of 50,
8 100, 200 years from now. The PATH train is not
9 going to speak to future generations about the
10 September 11th attacks, but these physical
11 footprints can. None of the preservation groups
12 are saying you can't have your PATH train, you
13 can't have your office towers, residents can't
14 have their access around the site, which is a
15 different issue.
16 So the point I'm trying to make is
17 that it's infuriating when people try to downplay
18 the historic significance of these footprints.
19 It really is very difficult to listen to the Port
20 Authority talking about safety issues when maybe
21 you could tell us if the new World Trade Center
22 is even being built under the legal jurisdiction
23 of local building and fire codes because I know
24 that that's another issue.
25 THE MODERATOR: Try to keep it on

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1 Platform D.
2 MR. MATT VIGGIANO: Well, we
3 talked about safety features.
4 THE MODERATOR: I know. They were
5 talking about evacuation of the station. That's
6 not the issue today.
7 MS. ROBIN FORST: Robin Forst from
8 Council Member Alan Gerson's office. Listening
9 to the different points of view, I am sort of
10 reminded of the lessons that we have learned from
11 9/11. I think one of the most important lessons
12 that we learned is the critical importance of
13 safety as we go forward. Sadly, it feels like
14 the world is a more dangerous place today than it
15 was on 9/10 or 9/11. I think the creation of
16 easier access into and out of the station through
17 the establishment of the creation of an
18 additional platform makes tremendous sense from a
19 safety standpoint.
20 One of the other lessons that we
21 learned in the aftermath of 9/11 is that we need
22 to progress, we need to move forward while at the
23 same time preserving the memory of what occurred
24 on that day and also preserving our past. I
25 would ask, and I know there's been some

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1 discussion, I'm sorry I missed the last
2 Consulting Parties meeting on this. I think
3 Anthony is right, that the footprint remains
4 important to our collective memory and if there
5 is a way that that is identified through
6 engineering or designating the area on the
7 platform that represents the footprint, I think
8 that that is an important thing to be done.
9 I would also say that the memory of
10 what happened 50 years from now or 100 years from
11 now, in my opinion, is better told by the
12 memorial itself and the memorial museum. I don't
13 think the footprint itself will tell a story.
14 Thank you.
15 MR. RICHARD KENNEDY: Good
16 afternoon. I'm Richard Kennedy from Community
17 Board 1. I'd like to thank the Port Authority
18 and all the agencies involved for your hard work
19 on this. I agree with much of what Robin said
20 and everyone else. I think we have to look at
21 the folks who live and work here and who come to
22 visit Lower Manhattan. I think that needs to be
23 taken a look at and what the future will bring
24 here. We are the third largest business
25 district, as someone has just previously

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1 mentioned. We are going to add possibly 15,000
2 residential units which are going to put
3 additional demands on this.
4 I think if you take a look at that and
5 what needs to happen to make this work, your plan
6 works. I think planning for the future and
7 allowing for growth and capacity, possibly beyond
8 what you're considering today, is a reality. I
9 think the fourth platform is important to serve
10 the community and the safety issues. The folks
11 who live and work here are survivors. I
12 personally do both. I live downtown and I work
13 downtown. On that horrible day I watched what
14 happened and I really don't want anyone to be put
15 at risk ever again. I don't think that's an
16 issue that's debateable, I don't think that's
17 something we can even remotely consider. The
18 ability to be sure we are safe, this works and we
19 are doing all the right things for the people who
20 live, work and are here. It's critical.
21 Sometimes they are the silent majority. They
22 don't come up and talk to you about it, they
23 don't voice it so much, but they are the
24 day-to-day folks who are here. I think that's
25 really important.

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1 I guess if I sound a little emotional,
2 I probably am. Because of that, I think safety
3 is critical, I think the understanding that we
4 are the central business district that's going to
5 grow, the incorporation of the merging of the
6 transportation systems will further increase what
7 we are, making us a greater global city. The
8 need to be sure this all works and ties together
9 is important. So I think the ability to expand
10 is critical. I think the safety issue that was
11 brought up before is an issue that is one that we
12 can't put at risk under any circumstances. Thank
13 you.
14 MR. BOB KORNFELD: May I make
15 another comment?
16 THE MODERATOR: In just a second,
17 Bob.
18 MS. PETRA TODOROVICH: One of the
19 first consensus points that emerged from the
20 civic community after September 11th, in thinking
21 about the planning for rebuilding Lower Manhattan
22 was that restoring the transportation connections
23 to the rest of the city in the region is one of
24 the most important things that could be done to
25 restore the economic vitality of Lower Manhattan

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1 and provide for sufficient capacity and long-term
2 growth of this very important business and
3 residential district and visitors district.
4 So RPA strongly supports a PATH
5 station that can accommodate this growth over the
6 long term and we feel that a three-platform
7 solution would not be viable. If we are going to
8 invest this much money in the station, it should
9 be able to sustain and promote economic growth in
10 Lower Manhattan over the long term.
11 That being said, I don't think that
12 the Tower footprints are something that can be
13 taken lightly and I don't believe that the Port
14 Authority is taking them lightly. We are not
15 prepared yet to fully support the solution that's
16 been presented in front of us for platforms. I'm
17 sorry I missed the last meeting. I was very
18 intrigued by Mr. Kornfeld's suggestion over the
19 speakerphone that the platform in some way be
20 narrowed. I'd like to see a greater explanation
21 of how different options might still clear the
22 first footprint. Obviously, this isn't most
23 desirable from a transportation, from a commuting
24 perspective.
25 I'm thinking about the South Ferry

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1 station which we are now correcting, where you
2 have to walk back a couple cars to exit. If that
3 fourth platform were in fact shorter than the
4 rest, you might be able to provide some
5 additional capacity but not the full capacity as
6 if you'd have four platforms.
7 Obviously, we would need to review all
8 these options. I would be interested in seeing
9 just a few more options for how to explore this
10 because we are so close to preserving that entire
11 footprint which RPA feels is a very symbolic
12 element that if at all possible, what can be
13 preserved, should be.
14 I just want to throw our support for
15 having as much capacity as possible for the long-
16 term economic growth downtown, but I'd also like
17 to see some more solutions and see if the Port
18 Authority could provide us with a few more
19 options as to how to deal with this. Thank you.
20 THE MODERATOR: Bob, you can go
21 now and then we will go to the back of the room.
22 MR. BOB KORNFELD: I just want to
23 say that I think this is being portrayed by a
24 number of the parties as sort of like a safety
25 versus preservation thing. I think that's a

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1 false premise. It's not that at all. The whole
2 issue of the Section 106 review is to identify
3 historic resources and then see how to minimize
4 an adverse effect. I think that's what we should
5 be doing.
6 I think making speeches about how we
7 need safety and everything, there is no one who
8 is against safety. There is no one who is
9 against having a good PATH station, but I think
10 that not enough has been done really to bring
11 some imagination and creativity into the design
12 process. I think that that can happen. I don't
13 think it will impact PATH service or safety. I
14 think those are non-issues and they are not
15 really that relevant to the historic review.
16 MR. ALBERT CAPSOUTO: I'm Albert
17 Capsouto from Tribeca Organization. One, I do
18 want to emphasize the reverse commute point. I
19 think that's a point that is not really taken
20 here that much, but Tribeca and the financial
21 district are some of the fastest growing
22 residential districts, much of which are going to
23 be employed on the Jersey side. I think prior to
24 9/11, that was not as much of a component as I
25 see down in the future. So down 10, 20, 25

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1 years, I do see the reverse commute being a very
2 important process.
3 I want to address again the question
4 of the historic preservation versus the symbolism
5 of the historic preservation. I think having a
6 life through historic preservation elements will
7 actually enhance the memory, not detract from it.
8 MS. SHIRLEY JAFFE: Hi, I'm
9 Shirley Jaffe from the Alliance for Downtown New
10 York. I guess a lot of people have said things
11 that I would just like to reinforce. We've been
12 around since the middle of the '90s and we
13 watched a lot of things happen to Lower
14 Manhattan. We represent the residents and the
15 businesses downtown. It's critical that Lower
16 Manhattan move forward.
17 I would like to say that I think this
18 process has been very responsive. To the point
19 of the man on the phone, the point is that you
20 look at the conditions on the side, you look at
21 potential resources and you try to address the
22 conflicts, but you try to address the conflicts
23 as best you can. Sometimes you can and sometimes
24 you can't. I think this process has been very
25 responsive.

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1 The future of Lower Manhattan is
2 essential. It is the third largest business
3 district, it's going to have a glorious future
4 and I think everybody who lives, works and visits
5 downtown wants to see it move forward as quickly
6 and as impressively as possible. I think that we
7 need to design for the future and not look at a
8 station that the -- the station at the South
9 Ferry station is an incredibly archaic station
10 and the notion that you would even think about
11 designing something as a throwback to that is
12 absurd at this point. This is a moment in
13 history where, fortunately or fortunately, we can
14 actually think about designing for the future and
15 looking at capacity and looking at growth.
16 Growth is always underestimated. We
17 look at a slow economy right now and we think,
18 oh, it will never change, buildings will never
19 fill up. There are cycles and people forget that
20 there are cycles, and ultimately, Lower Manhattan
21 will grow. Both the residential population and
22 the worker population will grow tremendously. I
23 think we do need to move forward and build a
24 proper PATH station that doesn't just accommodate
25 today but definitely accommodates tomorrow.

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1 Finally, I'd like to say that I think
2 that the footprint is important, but there are
3 different ways of preserving things. I actually
4 think it's a fairly ingenious way that you've
5 come up with and it's not disrespectful and it's
6 not dismissing the importance of the footprint.
7 There are many, many ways of looking at it,
8 preserving and keeping a memory of important
9 historic events and monuments. You can see them
10 all around the world.
11 MS. DEBORAH LESTER: I'm Deborah
12 Lester from New York State Assembly Speaker
13 Sheldon Silver's office. I wanted to let you
14 guys know that the Speaker supports the position
15 of Community Board 1 and the residents of Lower
16 Manhattan who seem to be in agreement that the
17 PATH station should move forward and that your
18 plan takes into consideration the footprints.
19 Anything else that you can come up with, I'm sure
20 would be appreciated by all the consulting
21 parties. But at the end of the day, the PATH
22 station and the improvement of the PATH station
23 is vital to Lower Manhattan. Thanks.
24 MR. JOEL KLEIN: A lot of the
25 people who have spoken have sort of accepted the

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1 premise that the Port Authority has put forward
2 that Platform D is the only solution to the
3 problem of dealing with increased ridership and
4 proper circulation to get people in and out of
5 the station.
6 I repeat again, there has been no
7 independent evaluation of that data. You have
8 not made it available to the consulting parties.
9 This is the same agency that told us there was no
10 way to avoid having a fifth platform, there was
11 no way to avoid destroying the E train entrance,
12 there was no way to avoid destroying the Vesey
13 Street stairs.
14 The heart of the Section 106 process
15 is the need for the process, as well as the
16 consideration of alternatives. The only
17 alternative, one of the three alternatives that
18 the Port Authority and FTA have put forward in
19 their EIS and their 4-F statement is what I refer
20 to as a mega alternative which was unbuildable on
21 its face, which was the construction of new tubes
22 under the Hudson River.
23 Well, if you're going to look at
24 alternatives that are so outrageous, that would
25 do nothing toward solving the problem, then I can

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1 suggest alternatives to Platform D that would
2 function very well and would preserve the
3 footprint. Why not have another level in the
4 station? There are alternatives that could be
5 looked at. At least give them the courtesy of
6 analysis. They may not be viable, but the point
7 is you have started from the premise that this is
8 the only solution that meets the problem.
9 We are not convinced that that is the
10 case, and your reluctance to provide the
11 information upon which those conclusions are
12 based to outside review by professionals and
13 traffic, engineering and transportation
14 engineering makes the entire process very, very
15 suspect.
16 And so I would call upon you again to
17 make that information available so that it can be
18 reviewed by independent parties. I would urge
19 you again, as I had done in prior meetings, not
20 to view these historic resources as impediments
21 but to look at them as challenges. There may be
22 other solutions that you have not yet
23 considered. We think they exist and we think if
24 you get beyond this attachment that borders
25 almost as a rationale to having this fourth

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1 platform as the only solution, that there may be
2 some way to provide an alternative that allows
3 for safe operation of the facility in a manner
4 that meets your future demands and not just the
5 projected demands of 2025.
6 People talked about not being able to
7 rely on those projections and they talked about
8 the dangers of underestimating future ridership.
9 Well, perhaps there are alternatives that you
10 could consider, such as possibly double decking
11 some of these platforms that would allow for even
12 greater expansion of capacity.
13 That's all we are asking for and
14 that's what's called for in both the Section 4-F,
15 the Section 106 and the need for processes.
16 MR. BRUCE EHRMANN: Bruce
17 Ehrmann, chair of Lettermarks Committee of
18 Community Board 1 of Manhattan. I can relate to
19 the issue of trust. It's always a problematic
20 issue when individuals are dealing with either
21 government entities or large private entities. I
22 also appreciate the notion that was raised a
23 little while ago, that had this process been
24 approached more wholistically as an examination
25 of the entire site, I think the view of the

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1 historic preservation mission would be much
2 clearer.
3 If one viewed this entire process so
4 far on one screen, one would see that, for
5 instance, the World Trade Center Memorial
6 Advisory Committee, of which I was a member,
7 painstakingly went to preserve everything that we
8 really could preserve. Everything on the surface
9 and much below the surface will be starkly
10 evident. Access to the slurry wall is manifest.
11 All kinds of committee members from all
12 approaches worked together to achieve this. The
13 Mission of Historic Preservation, as I see it, is
14 to try to sustain historic resources and make
15 them usable in a modern context. We don't live
16 in a museum, per se.
17 Community Board 1 has the second most
18 applications for alterations to historic
19 districts or individual buildings of any in the
20 city. We have a long history of strict
21 constructionist preservation. However, so much
22 is being preserved here, including the footprints
23 at the surface, including the slurry wall. The
24 list that was just mentioned of all the things
25 that you said you couldn't preserved that you

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1 have preserved, that you are now preserving, the
2 last people just addressed, is an example of this
3 process working and your malleability on this
4 matter.
5 I'm not in love with the Port
6 Authority, I don't dislike the Port Authority,
7 but I'm at a loss to understand in the C-106
8 process as opposed to, for example, the Memorial
9 Committee process, which had as much family
10 members as community members and other elements,
11 I'm at a loss to understand why every small area,
12 every small segment, section, item of discussion
13 is prosecutorial, is one of contention. So far
14 this process has been an enormous success by
15 conventional preservation standards in term of
16 what has been preserved. Thanks.
17 MR. NOAH PFEFFERBLIT: I don't
18 feel qualified to assess and analyze the
19 presentation that's been made, but accepting at
20 face value what has been said, while I think
21 there is definitely a need to honor the
22 footprints, honor the feelings of the family
23 members, I think that the one thing that for me
24 trumps everything else is the need for safety.
25 If there is deemed to be a need for

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1 the fourth platform to protect the safety of
2 future users and the future growth of the area
3 because it will mean that there will be that many
4 more users of the station, I think to me there is
5 no question. It would be unconscionable to
6 prevent that from happening.
7 While there could be other analyses,
8 other people could take a look at this to see if
9 there are other creative solutions that they can
10 come up with, if what we have here turns out to
11 be what we have in the final analysis, then
12 certainly Wall Street Rising would support the
13 plan as it's presented.
14 MR. KEN LUSTBADER: I'm not
15 prepared to comment on behalf of the five groups
16 that I represent about the intrusions on the two
17 towers. However, I just want to go back, for the
18 record, the concern that we have, which has been
19 discussed before, is the cumulative impact of all
20 projects. I think that's where the frustration
21 comes from the five groups that I deal with, that
22 we can't appropriately evaluate this project
23 without knowing the cumulative impact of other
24 projects, such as the memorial, the Memorial
25 Center, the other cultural buildings.

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1 For example, today being told that,
2 okay, the Vesey Street staircase is now just
3 taken off the table and put into another pile, so
4 we can't even evaluate what the impact is going
5 to be on that, which feels very disingenuous
6 about the entire process. From purely a
7 frustration point of view, that's where the Lower
8 Manhattan Emergency Preservation Fund stands on
9 this.
10 We do appreciate the Port Authority's
11 efforts to preserve the footprints, we do
12 appreciate the work that's being done to mitigate
13 the impact on the E train, but I think the
14 frustration is the kind of consensus of how to go
15 forward as a team in evaluating this 106 process.
16 MEMBER OF THE AUDIENCE: There is
17 one dimension of this that we haven't really
18 spoken about and it relates back to some of the
19 other options of what might have been done or
20 what might be doable in order to handle the
21 capacity and that is the dimension of cost. Is
22 there anybody here who is actually paying for
23 this or who represents organizations that have
24 the budget that is responsible for paying for
25 this? I guess it's coming from the FTA, is that

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1 correct?
2 THE MODERATOR: Indirectly, a lot
3 of people in this room are paying, so to speak.
4 MEMBER OF THE AUDIENCE: Very much
5 so, I would think. One of the big limits on this,
6 they are realistic limits. We are all paying for
7 it. One of the issues in terms of options is
8 cost. I'm in the middle of renovating my own
9 place and I have to decide whether to take down a
10 wall or keep a wall back up, you know, relating
11 to construction that was done. Keeping a wall up
12 is a heck of a lot less expensive than taking a
13 wall down.
14 I know some of the early ideas that
15 were considered were taking the platforms, moving
16 them right through the slurry wall to the other
17 side of the site. The expense of that would
18 obviously be prohibitive. The idea of taking the
19 trains up a level and then having to build a
20 structure to support train level weights in two
21 levels, obviously, vastly more expensive.
22 We are sitting in a situation where we
23 know we don't have the money from insurance,
24 federal government, et cetera, to rebuild. I
25 don't even know what the percentage of what was

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1 lost is. We have to use those funds wisely, we
2 have to find effective ways of using what's there
3 and leveraging it. Ideas that take us into the
4 20, 30, 40 percent more, you have to consider
5 what is the value of what we are preserving for
6 the dollars that it's going to cost to do that.
7 We aren't going to be able to go and
8 say we need 50 percent more just because we
9 realigned this PATH station. It's not going to
10 be politically viable down the road. That's just
11 another thought that I would like to be
12 considered in the record.
13 THE MODERATOR: We will move on.
14 Mr. Hotopp, are you available, sir? We are now
15 going to discuss the partial draft memorandum of
16 agreement and John Hotopp will have an extensive
17 or at least a few issues to discuss.
18 MR. JOHN HOTOPP: We had prepared
19 a partial MOA that we had circulated for your
20 review. Some of the whereas clauses are in there
21 so you can get a sense of how they are going to
22 look. We are focusing specifically on some of
23 the stipulations. This goes right back to the
24 discussion I believe we are currently having
25 right now.

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1 The first thing I will mention is the
2 documentation that is being proposed and that is
3 that everything will be photographically
4 documented. I put a little bit in here about how
5 that will be done and to what level. I've been
6 in recent consultation with HABS and HAER. They
7 have decided to make it a HABS study rather than
8 an engineering study. The problem we are having
9 with this is really it's a documentary study, we
10 are documenting an event. Nevertheless, we are
11 going to go with the HABS designation. They are
12 providing a number for us and a relationship so
13 that all of these various pieces that are so
14 documented can be brought together in a single
15 document.
16 I believe that HABS is also going to
17 become very involved in selecting drawings and
18 things that relate to the towers themselves.
19 It's becoming a much larger scale project than
20 was originally envisioned.
21 The first paragraph talks about how it
22 will be generally done to a Level 2, which is
23 using documentary sources, drawings or maps and
24 things like that, floor plans and other things
25 that will be photographically reproduced, with

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1 occasional sketches, as necessary. Measure
2 drawings, only in the event that they actually
3 would be required to tell the story.
4 So anyway, so far we have circulated
5 some photographs of the first recordation which
6 was the parking deck, so you have an opportunity
7 to see that. Anyway, that's Paragraph 1 or A.
8 Now, the tower perimeter column
9 remnants, we are back into that particular
10 issue. In the first place, we are talking about
11 that we are going to make a very careful job to
12 photograph them correctly so that everyone will
13 have a good record of them. The second stip in
14 here was to focus particularly on the east-west
15 pedestrian quarter. You will remember last time
16 we talked about making sure that it stayed away
17 from the footprints. That stipulation has been
18 spelled out in here. You can stop me if you have
19 questions at any point.
20 MR. BOB KORNFELD: I have a
21 question on 2, the east-west pedestrian corridor.
22 Does that have an impact on LMDC's proposed
23 circulation around 1 World Trade Center, the
24 memorial at grade level? I recall an article in
25 the paper a few months ago saying that they may

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1 need to make the opening smaller than the actual
2 footprint due to surrounding circulation.
3 MR. JOHN HOTOPP: I don't have any
4 information on that.
5 Anybody else want to try to answer
6 that question or do we note it and get back to
7 you next time?
8 MR. BOB KORNFELD: That seems to
9 go to the issue of cumulative impact.
10 MEMBER OF THE AUDIENCE: Was the
11 opening in the corridor discussed?
12 MR. JOHN HOTOPP: This was of
13 course discussed, not the impact of Point Number
14 2, the corridor on the memorial, but the
15 memorial, its configuration, the museum to some
16 extent, what will be on the surface. In every
17 possible iteration it was discussed and it
18 appears in the draft summary of the Memorial
19 Advisory Committee. I don't know what opening is
20 being referred to.
21 MR. BOB KORNFELD: I thought there
22 was circulation around the memorial wall that
23 might be impacted by this pedestrian corridor.
24 MR. JOHN HOTOPP: I don't recall
25 this coming up.

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1 MEMBER OF THE AUDIENCE: One of
2 the problems with this whole process, from our
3 point of view, has been we are talking about
4 preserving these various remnants. There's been
5 very little about the tradeoffs involved and what
6 some of the costs are.
7 I notice with Item 2 here, this
8 commitment to avoid the column bases is an
9 absolute commitment compared to some of the other
10 commitments that are being suggested here, where
11 we use phrases like more "practicable and
12 beneficial to the maximum extent feasible" and so
13 forth.
14 I guess my question is, is there any
15 significant compromise that's being made in that
16 corridor in order to make this commitment
17 absolute or are we making it because we are
18 absolutely confident and we won't have to
19 compromise because a lot of people are going to
20 be spending a lot of time in this corridor?
21 If we are sacrificing anything
22 material there, if we are sacrificing a
23 significant amount of retail space or whatever,
24 then maybe we should consider hedging this with
25 some of the same type of language. If there is

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1 no impact at all, then I can understand how you
2 can make an absolute commitment. That's the
3 question.
4 MR. ANTHONY GARDNER: In response
5 to the gentleman's question, phrases like to the
6 maximum and feasible if practicable are
7 qualifiers that quite frankly minimize the
8 effectiveness of the PA. While this comes across
9 as an absolute, it's actually where you want to
10 get with mitigation, knowing what the agency is
11 committed to do, why, how, when, whatever.
12 So I think, for instance, in Number 3,
13 it talks about the locations of column remnants
14 of both towers that will be covered by the
15 proposed Platform D, "Shall be visually expressed
16 on this platform through appropriate
17 architectural treatment." That leaves room for
18 interpretation. Anybody picking up this
19 agreement can interpret that, when you don't have
20 any criteria set forth in here, to establish what
21 it is you're trying to achieve with this.
22 So I would suggest, as we talk about
23 mitigation measures, that we try to move more
24 toward absolutes. And to the extent that we
25 cannot, that we have criteria listed here where

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1 we know what we are evaluating it against. It
2 begs interpretation. I don't know who the final
3 arbiter ultimately becomes when something needs
4 to be interpreted down the road.
5 MEMBER OF THE AUDIENCE: What is
6 the plan execution date of this draft?
7 MR. JOHN HOTOPP: Another two
8 months, wouldn't you guess, Tim? Probably within
9 the next couple of months.
10 MEMBER OF THE AUDIENCE: What we
11 would like to avoid, and I would like to say this
12 in advance and it was the subject of discussion
13 in a consulting parties call two days ago, we
14 would like to avoid the situation that occurred
15 with LMDC where a proposed draft was sent out.
16 We delivered our comments only to find that the
17 final copy was signed and executed without our
18 final say on it.
19 MEMBER OF THE AUDIENCE: Quick
20 comment that speaks to what Charlene was saying,
21 the promise of looking at the footprints in total
22 and referring to them as percentages. You've
23 thrown around numbers over the last couple of
24 meetings and I think for some of us that do feel
25 that the remains of the footprints are a

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1 significant historic resource that must be
2 preserved, we need that absolute in there. We
3 need to know the percentages that you're looking
4 at in terms of preserving, especially when there
5 seems to be no remedy here that you're willing to
6 explore or implement to resolve this issue with
7 the cumulative effects with LMDC's vague
8 programmatic agreement.
9 MR. JOHN HOTOPP: I think what we
10 are really talking about is the stage of design
11 where things aren't as firm as they are. I know
12 that Platform D has been going back and forth
13 through the design process. Charlene, to answer
14 the question, it's not as firm as it could be in
15 terms of exact number of column bases that might
16 be impacted. I think in the case of the
17 east-west corridor, the designers were
18 comfortable in placing it where they are placing
19 it now. They are very comfortable with that
20 phase of the design. I think that's why it got a
21 little firmer.
22 I think you also see in Item Number 3,
23 to go to Mr. Gardner's point, that there is an
24 opportunity to revisit these things as the design
25 becomes more firm. We are going to have a review

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1 period in here for the consulting parties to
2 actually comment on things as the designers get a
3 little closer to the exact impacts. So I think
4 that's Items A.
5 Item B is difficult. As you well
6 know, we've been wrestling with that for the bulk
7 of the afternoon. Why don't we go to Number C,
8 which is kind of pleasant in a sense because the
9 Port Authority has been able to accommodate
10 practically all of the concerns with C. We are
11 going to be able to take care of the E train
12 subway entrance and preserve it more or less as
13 it stands now, subject to codes and things like
14 that. Nevertheless, it will be a functional,
15 viable part of the operation.
16 As New Yorkers know, you've got to go
17 up and go down in this city, so you won't have
18 any problem going up three or four steps and
19 traveling some distance and then back down
20 again. I don't think that's a problem. I was
21 very tickled to see that that did work out well
22 in the design. Item C, are there any questions
23 on that, on the E train?
24 The slurry wall is an area that the
25 designers are still working with somewhat to the

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1 greatest extent feasible, Charlene, wiggle
2 words. We are trying to accommodate some views
3 of the slurry wall on the east side. That again
4 is contingent on the final design of the station
5 itself and will probably be a subject of some
6 discussion with parties. Any questions on that?
7 MEMBER OF THE AUDIENCE: I accept
8 that the design phase is not advanced enough to
9 provide enough details to have explicit
10 mitigation measures developed, but in that
11 regard, what about having some operating
12 principles or design guidelines or something that
13 are over-arching here? When you talk about where
14 practicable and beneficial, are we talking about
15 looking at engineering issues, are we talking
16 about access, are we talking about safety, are we
17 talking about consistency with some design
18 guidelines that are used for this project
19 overall? None of that is set forth in this.
20 So again, you have to interpret or
21 make a lot of assumptions. The more open-ended
22 that process is, the more you're going to have
23 contention and debate because people don't know
24 the frame work in which the design is
25 proceeding.

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1 At the outset, why can't we just say
2 that the design process is still ongoing and is
3 proceeding within this context, then say what it
4 is that's guiding it. The engineers and the
5 architects clearly have to know. They have a
6 contract, they know where they are trying to go.
7 Why can't we understand that in the context of
8 trying to do the 106 consultation?
9 MR. JOHN HOTOPP: You want that as
10 a preamble?
11 MEMBER OF THE AUDIENCE: Or
12 something.
13 MR. JOHN HOTOPP: The other item
14 that we put in this particular piece of the MOA
15 was the penetration of the west slurry wall.
16 That is obviously to get the east-west pedestrian
17 quarter in place. So we've got some description
18 here. We are not quite far enough along with it.
19 Again, this is a matter of
20 coordination with LMDC and the section of this
21 west slurry wall that they are going to preserve
22 as to whether or not we will be able to view that
23 from the quarter. We don't have a clue yet. And
24 so we've we got some wiggle room in here too,
25 Charlene, to say that as the design proceeds a

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1 little further.
2 I think you may find in the next
3 iteration of the MOA that we will probably be a
4 little bit firmer in some of the areas because
5 this design is proceeding, as we speak. Anyway,
6 there is a comment on Item E.
7 MEMBER OF THE AUDIENCE: My
8 concern on E, again, is the question of what is
9 being sacrificed to provide the visibility of the
10 slurry wall from the corridors. I think a lot of
11 residents don't want to be in the position of
12 having to view that thing every day as they go
13 back and forth and have this constant reminder of
14 what happened on 9/11. We started out with a
15 standard, as I understand it, that appropriate
16 access will be provided to portions of the west
17 slurry wall and then we are going from that to
18 providing visibility as people walk back and
19 forth.
20 Again, I hope nothing is sacrificed
21 for that. I keep talking about retail space, but
22 those of us who live in the area I think remember
23 very fondly the shopping concourse we had there.
24 It was one of the most successful in the country,
25 both for workers and for residents. I would not

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1 sacrifice one square foot of good retail space
2 for one single view of the slurry wall. I think
3 if people want to see the slurry wall, there will
4 be an opportunity for them to do that.
5 MEMBER OF THE AUDIENCE: I just
6 want to reiterate one point. In our written
7 comments to FTA and the Port Authority, we feel
8 it's really critical that you begin to now
9 address these cumulative impacts in a legally
10 binding way. I think what Charlene was
11 addressing is right on point and in line with
12 what we've been thinking about how there is too
13 much wiggle room in here and there is no
14 absolutes, but the problem is the way we see it,
15 if LMDC doesn't sign on to your programmatic
16 agreement and agree to your terms in terms of how
17 you're dealing with mitigation with the
18 footprints, it's going to render the whole
19 document meaningless because you could say we
20 are going to preserve a hundred percent of the
21 North Tower and then LMDC could come back to us
22 and say, well, that's all well and good but we
23 need to build a chiller plant on the footprint,
24 which I think is on the table right now, and
25 you're only going to get 10 percent. So we

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1 really want, again, to urge you to explore that
2 option.
3 MR. LOU MENNO: I just want to
4 make a comment. There is no chiller plant that's
5 going on the footprints. We made that clear.
6 MEMBER OF THE AUDIENCE: That's
7 probably just a rumor.
8 MR. LOU MENNO: I think that's
9 just an invalid rumor, just as we tried to
10 clarify whether there were six or five tracks.
11 We clarified that. We made it very clear that
12 there will be no chiller plant.
13 MEMBER OF THE AUDIENCE: We heard
14 this from LMDC that they are looking at breaking
15 up the chiller plant to try to maximize access to
16 the footprint. I don't know if that's true.
17 MS. IRENE CHANG: I don't think we
18 have any authority on how the chiller plant is
19 built.
20 MR. JOHN HOTOPP: We were sort of
21 talking about the slurry walls.
22 The last point we have in this
23 particular document so far was talking about
24 relocating the cross and that will have to be
25 done at some point during the construction. I

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1 think Peter pointed out that it can probably stay
2 in place for some period of time, but eventually,
3 construction will impact that area and it will be
4 taken down and removed during Hangar 17, pending
5 its final disposition with the other artifacts.
6 Then we move on to a number of other
7 items that we haven't quite gotten finished yet,
8 draft of the Hudson River bulkhead section that
9 will have to be completed out and you will see
10 that in the next week or two.
11 The vibration impact section, that is
12 also in process, and other anticipated
13 archeological resources and anticipated
14 discoveries are in this document. That gives you
15 a beginning of an idea of how you deal with
16 something that comes up in the site that you
17 didn't plan for, you didn't expect to see and you
18 do see, how do you deal with that. Monitoring is
19 in process and some of it will have to be
20 monitored as construction moves ahead.
21 Finally, the dispute resolution
22 section. When one of the agencies might become
23 unhappy, how do you work through that. That's
24 also a draft at the moment. You should see that
25 in a week or so. We are pushing hard to get

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1 there.
2 MEMBER OF THE AUDIENCE: What is
3 the context of Section 3?
4 MR. JOHN HOTOPP: The context of
5 Section 3, we are talking about the vibration
6 impacts of construction on these historic
7 buildings and a way of monitoring that and
8 assessing it so that we don't wind up with
9 shaking down the Verizon building, for example,
10 causing some sort of harm.
11 Anyway, what I anticipate is that
12 within the next week or two you, the parties,
13 will get a much expanded draft to look at and we
14 will try to get out a number of the questions you
15 raised today and see how much of that we can get
16 incorporated.
17 MR. JOEL KLEIN: It's a comment,
18 in general. It's short. I just want to go on
19 record as saying that Port Authority and FTA
20 should not take the fact that the families have
21 not commented extensively on this document today
22 to mean that we do not have comments or concerns
23 about it.
24 MR. JOHN HOTOPP: Not at all. I'm
25 encouraging you to comment.

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1 MR. JOEL KLEIN: I will say that
2 there is almost literally not a sentence on Page
3 2 with which we do not take issue. There is an
4 awful lot of wishy-washiness about this, there
5 are some statements in here that are quite
6 frankly offensive, there are some that appear to
7 us to be an attempt to get around regulatory
8 constraints by deliberately using some words in
9 lieu of others.
10 I will give you just one example very
11 quickly. There is reference to features that
12 would be impacted as opposed to affected.
13 Affected is a defined term in regulatory
14 language, impacted is not. We have to wonder
15 whether that is an accident or whether that was
16 done deliberately. I know you've done literally
17 dozens of these documents and I am surprised to
18 see that word used in that way.
19 So this is just to let you know that
20 we will be having extensive comments. We would
21 hope to have a document that's a little farther
22 along than this, especially given the amount of
23 time since this process has started. The fact
24 that there is not even a draft of the dispute
25 resolution clause available at this point is

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1 really of concern. I think you know that we are
2 extremely unhappy with the workings of the
3 dispute resolution clause that currently exists
4 in the LMDC programmatic agreement. We would
5 hope that that language does not become a
6 blueprint for this document.
7 MEMBER OF THE AUDIENCE: You all
8 should consider adding a section to this
9 coordination of mitigation with other agencies
10 because I think there is a lot of overlap with
11 the LMDC and FHWA projects where you all will
12 ultimately find yourself coordinating how to
13 mitigate some of the impacts to the WTC site if
14 no more than for economy of scale or because your
15 project is so interrelated.
16 So I think having that provision here
17 and spelling out how you envision that happening
18 and what it is you will do to effectively
19 implement mitigation measures is beneficial for
20 all three of you to work together on some aspect
21 of it rather than going off on separate tracks.
22 I just think that is a provision that will be
23 very helpful and I think it will clarify a lot
24 for people who are asking how are you dealing
25 with this wholistically and all the cumulative

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1 effects or whatever.
2 I think by the three agencies going on
3 record as being committed to working together,
4 you will advance that discussion a lot more.
5 MR. BOB KORNFELD: Bob Kornfeld
6 again. In number 3, I am just wondering if there
7 is a reason that some of the other historic
8 properties around the site haven't been
9 mentioned, like St. Paul's Chapel, 90 Church
10 Street and 90 West Street.
11 MR. JOHN HOTOPP: I'm not sure.
12 Are you telling me that the list isn't complete,
13 that's what your concern is?
14 MR. BOB KORNFELD: Right. I'm not
15 sure even what issues are being addressed. It's
16 just that those buildings seem to fall into the
17 same category.
18 MR. JOHN HOTOPP: According to the
19 code, it's within 90 feet of any of the
20 construction areas that you have to do monitoring
21 on those sites for vibration impact. That's
22 what's driving that particular section. So we
23 will be looking at that issue in terms of this
24 particular project. The other projects will also
25 have the same problems and we will be looking at

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1 it from their points of view as well.
2 The document you have is fairly
3 incomplete, although it's the beginnings of the
4 framework that you will see a far more complete
5 document within the next two weeks. I would
6 expect that we would get a fair amount of comment
7 on it and we will give you a couple weeks to
8 consider. I believe sometime in the middle of
9 next month we would like to have another session
10 with you and then following that session, you
11 will have a review period to comment on
12 everything that we said or seen or talked about
13 and ideas that we have.
14 I do want to thank you for everything
15 today because this to me has been as useful as
16 the comments we got on the determination we got
17 on the report which, as you know, we did a
18 substantial amount of work on. Thank you for
19 your comments so far. I am going to turn it back
20 to the moderator.
21 THE MODERATOR: We are expecting
22 to see a further draft within the next two weeks
23 or so, two, three weeks. We would then move
24 towards a meeting in mid-September that would be
25 focused on that draft. Is that correct?

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1 MR. JOHN HOTOPP: Correct.
2 THE MODERATOR: I think we are
3 just about there. Irene, do you have some
4 comments that you want to make concerning the
5 LMDC process?
6 MS. IRENE CHANG: I was asked by
7 the Port Authority to provide an update at
8 today's meeting on where LMDC is, and I think
9 based on some of the comments that were made
10 today, I want to provide some assurances and
11 maybe take us, as Lou did, a few steps back into
12 where we are in the process.
13 Folks have thrown around some words
14 that may or may not have legal significance, but
15 in terms of whether there is cumulative effects
16 or things that we haven't considered, I think it
17 might be useful for me to just spend a minute on
18 the backdrop as to how everyone got to here.
19 I think LMDC at its earliest inception
20 always respected the fact that the Port Authority
21 owns the property on which our plan is targeted
22 and that additional areas surrounding the World
23 Trade Center site were intended to be part of an
24 overall redevelopment plan. We recognize that
25 there are existing features at this site, and

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1 with some of your input and the input of many,
2 many other agencies and individuals, we began the
3 Section 106 process last year, towards the end of
4 last year, as we embarked on the environmental
5 review process for our project.
6 At that time we conducted the process
7 in cooperation with the Port Authority. The plan
8 was developed with a tremendous amount of public
9 input that fed both at the selection of the
10 Liebskind design, the modification of that
11 design, the incorporation of the architectural
12 plans by Silverstein Properties and many other
13 considerations as to the structural features,
14 both old and new that exist at the site today.
15 With the Port Authority we developed
16 this plan and we recognize that we could only be
17 allowed the opportunity to implement the memorial
18 and cultural pieces of that plan, which we
19 identified very specifically as the memorial
20 itself, which we selected at the beginning of
21 this year, a museum, which we now call the
22 Memorial Center and two cultural buildings which
23 we very recently selected institutions to
24 consider and develop as potential occupants and
25 fitters of those facilities.

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1 So as we embarked on this process, we
2 thought it was important and we thought we heard
3 that it was important that we state our
4 principles and the things that we thought were
5 significant from a historic standpoint.
6 Notwithstanding the different approaches to MOA's
7 and what programmatic agreements can be, we
8 wanted to, at your request, prepare a
9 programmatic agreement that addressed what we all
10 concurred was important.
11 I want to take us through the very
12 basic structure of that programmatic agreement
13 and acknowledge that it expects that future work
14 is necessary because we still have planning to
15 do. We had selected things, but folks said,
16 well, how do we know? We want you to put it on
17 paper. So we did. Now we understand that, yes,
18 it doesn't say everything because we couldn't say
19 everything in April of this year, but we wanted
20 to make those commitments as we finalized our
21 EIS.
22 What we did in Stipulation 1, which is
23 the subject of much letter-writing on my part as
24 well, we agreed that we would consider the
25 existing documentation about the site because we

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1 heard from folks that no one was concerned about
2 documenting the current state of the site. In
3 reality, our consultants who had been preparing
4 the EIS and the draft, had taken lots of color
5 photography with respect to the individual
6 aspects that continue to be on the site.
7 At the end of that process, we also
8 acknowledged that many individuals had
9 photographs that documented significant points in
10 time since the events of September 11th and none
11 of that had been prepared with an understanding
12 that it was supposed to satisfy HABS/HAER
13 standards. It was significant because it
14 captured a point in time that is now gone. So we
15 recognize that. We address the fact that we
16 needed to consult about that existing
17 documentation.
18 It is not traditional that HABS and
19 HAER, the National Park Service consider this
20 information, but it may be that when we are done
21 with our documenting process, they may agree, as
22 we did, that there is some significance to those
23 photos, notwithstanding the fact that they were
24 not in quote/unquote archival formats. We have
25 spoken with them and they say there is a couple

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1 of things we need to discuss and think about but
2 that our discussions will continue.
3 So with that done, we agreed that
4 certainly we were going to commit in the
5 programmatic agreement to the commitments that we
6 made in our final EIS, which is the document
7 where, at the request of the consulting parties,
8 we excerpted to attach to this programmatic
9 agreement so you have in one place all of the
10 commitments that we made to historic resources
11 and really moving from those details to the true
12 purpose of LMDC's plan which was to create and
13 build the memorial complex which included the
14 Museum Center and the most likely avenue with
15 which any artifacts that were preserved or any
16 remnants that are removed could be displayed for
17 the future.
18 So in Stipulation 3, we went to the
19 issue of the design of the memorial and we made a
20 very concrete commitment here that as we
21 developed the memorial, we would incorporate
22 portions of the western slurry wall and the
23 truncated box beam column bases and that we would
24 provide reasonable and appropriate access.
25 Now, that wasn't really intended to be

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1 a wiggle spot, but to provide assurance to folks
2 because someone had suggested, oh, well, are we
3 going to have to crawl, so we thought what words
4 can we find to make it meaningful. You could
5 probably debate it, but for us the spirit of what
6 we wanted to do was to provide people access.
7 Folks asked us for adjectives, we
8 wanted to provide assurance. We are not here to
9 debate whether this was intended to minimize.
10 It's not. We wanted to articulate the commitment
11 that we had made which is that the memorial or
12 the Memorial Center will provide a means by which
13 you can access the box beam column bases.
14 Now, we noted, though, that we weren't
15 in a position to tell you exactly how we could do
16 that and so this is probably the most updated
17 portion that I can give you today. While we had
18 selected the memorial, Michael Arad and Peter
19 Walker -- and Michael Arad specifically was not
20 an architectural firm that could take the project
21 through necessarily on his own. In the past few
22 months we issued an RFP and we selected Davis
23 Brody Bond as an associate architect to help him
24 go through the process, he and Peter Walker, to
25 realize the design of the memorial.

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1 What we took is that now a larger team
2 of architects, along with our own planners, and
3 Bill Kelly, who you've seen here from the very
4 beginning, Betty Chen, who is our VP for planning
5 who many of you have met, a new team of folks
6 will help to address the memorial and the design
7 features of that memorial, will take this project
8 forward with this programmatic agreement in hand
9 because this document was the result of a lot of
10 the efforts and records really for the future,
11 all of the things that everyone did through this
12 process.
13 The public comment process and the
14 environmental process have really been embodied
15 in one place which I thought was a great thing,
16 that all the documents that were relevant could
17 be handed off to the folks who will do the actual
18 designs that will make this vision real.
19 What we have, as we've reported in a
20 couple of letters recently -- we ended up writing
21 letters every month to keep you up-to-date and in
22 late September, maybe to not strain you, so that
23 you are all ready with this group in early
24 October to bring the team, the design team
25 forward so that you can hear from them and they

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1 can hear from you more about how they will
2 realize this vision.
3 Right now, however, we are only at the
4 point that probably one of the footprint areas
5 can be discussed in any detail, but as progress
6 is made, we will keep you posted on what the
7 agenda for that meeting will be. We would like
8 to provide an agenda in advance of that meeting
9 so you see who will be in attendance, what we
10 will address so that you can look forward to
11 probably the first substantive meeting on sort of
12 the future design and implementation that we can
13 have.
14 In that regard, just yesterday we
15 learned that Davis Brody Bond has also retained a
16 historic preservation consultant, Higgins &
17 Quasebard, who will be assisting them so that we
18 will have a comprehensive team that will look at
19 ways that none of us in this room could possibly
20 conceive of as to how you can address different
21 features.
22 So as Bruce mentioned, since we last
23 met with you, the Memorial Center Advisory
24 Committee, which was also something that this
25 group called for had met, prepared guidelines

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1 that were released for public comment and now
2 they've been finalized just at the time of our
3 last board meeting last week. So those will also
4 feed the process.
5 All of the principles that people
6 should keep in mind will be kept in mind in the
7 form of documents as well as personnel and
8 ongoing sessions. We think that the design teams
9 will be the ones who really will be the ones
10 meeting with the Section 106 process consulting
11 parties on a going-forward basis.
12 With respect to the artifact review, I
13 think Jackie and Mark already discussed that they
14 are in the final stages of updating the
15 inventory. I expect to go and, along with some
16 members of the design team, look at the fully
17 laid out or whatever format is at Hangar 17 to
18 see what we have. We will be doing that
19 hopefully in the next few weeks or maybe we will
20 wait until the inventory is available.
21 Along with that, we have, through the
22 Memorial Center Advisory Committee, thought in
23 much greater detail about some of the future
24 artifacts, preservation and presentation
25 possibilities. But again, I don't think that we

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1 are anywhere near having compiled the team of
2 curators and museum experts that we should have
3 for the museum in the future.
4 So we are really only at the beginning
5 of that process, preservation being the first
6 step in how it will be displayed, which ones,
7 which other ones. We can't make that
8 determination on how, but our goal is to look and
9 to preserve and to know what's available so that
10 others can make those decisions in the future.
11 In that respect, we did something that was not
12 required by any of these documents and that was
13 at the suggestion of the Lower Manhattan
14 Emergency Preservation Fund, which was to explore
15 what forms of non-traditional and other media we
16 could use to record the current state of the
17 site. This was an effort that our memorial
18 department really undertook with a lot of input.
19 It was probably the most coordinated effort
20 internally at LMDC about something that grew out
21 of this process, which is that we hired three
22 different videographers to go to the site and to
23 take recordings on the theory that people have
24 different perspectives.
25 Just like this group of consulting

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1 parties, we hired three different videographers,
2 two that went below ground into the pit and
3 around the site, one that did an at-grade walk to
4 record inside the perimeter of the current
5 viewing wall. And then also a photographer who
6 could put together a 360 virtual tour of the site
7 from a few different perspectives. All of those
8 folks are in the process of preparing samples of
9 those materials.
10 If it becomes possible, we will see
11 what we can do about sharing some of that
12 material with you. They spent a lot of time and
13 the primary goal was to have raw footage that we
14 could save so that people who prepare
15 documentaries or museum presentation materials
16 would have the raw footage to work with, to edit,
17 to put together, whether it was all three of
18 these folks' existing materials, future
19 materials, that there would be a library of raw
20 footage that people could use to compile the
21 material for communicating to future generations
22 what existed at the site before the project, the
23 rebuilding project began.
24 The one fundamental point that I want
25 to address is that the redevelopment program is a

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1 program being implemented by the Port Authority.
2 We may have created some confusion in our LMDC
3 meetings and the PATH meetings, those being a
4 different team of folks that are within Port
5 Authority, maybe not different, but a set team
6 within the Port Authority.
7 LMDC and the Port Authority, though,
8 have worked very closely and I think they said
9 that I want to reassure you that that's going on
10 as well, to look at how the redevelopment and the
11 memorial program will fulfill the objectives of
12 this programmatic agreement and the overall
13 historic philosophy that, obviously, our memorial
14 and redevelopment program tries to fulfill.
15 So when folks were asking how do you
16 consider the cumulative impacts, I'm not sure
17 that it is cumulative because we are very clear
18 in our EIS that the plan is a plan that addresses
19 most of the areas that you've seen. Exhibit F to
20 the programmatic agreement, the commitments made
21 relating to the western slurry wall, the
22 commitments made to provide access to the box
23 beam column footprints, those are commitments
24 that we made as part of the memorial and
25 redevelopment plan.

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1 These commitments are incorporated
2 into the EIS and the ROD, the Record of Decision
3 that arose out of that process. They are not
4 going anywhere, those commitments, and whether
5 they are part of the memorial plan, whether they
6 are part of the redevelopment or part of the
7 cultural programming that we will implement, they
8 remain consistent throughout that building
9 process.
10 So while I think this project suggests
11 that the PATH project may also have impacted some
12 of the resources we discussed, I think what was
13 revealed today is there are some that they will
14 not, so then it's not cumulative. It's about
15 what our project, meaning the memorial and
16 redevelopment project, will ultimately affect.
17 So as part of the commitment that we
18 made in the programmatic agreement as individual
19 plans for structures that may impact on the
20 resource are developed, we would share them as
21 part of our regular update process in the
22 programmatic agreement.
23 Yes, everyone knows that the Freedom
24 Tower has already been designed. That's why in
25 April when we met with you, we shared the World

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1 Trade Center garage sub-grade column and slab
2 work with you because we knew how that building
3 plan would address that structure.
4 As we move forward to Tower 2, I'm
5 sure that the design team and the architects will
6 be able to explain to you and discuss with you
7 some of whatever may be impacted with respect to
8 the 1 and 9 staircase, escalator remnant. We
9 will come to you when the time comes to discuss
10 the possible impacts and then to discuss the
11 mitigation, as it may be appropriate.
12 I was a little long-winded, but I
13 thought it was important to go over some of the
14 context. Our main goal is to meet with you again
15 probably in a month or very early in October so
16 we can introduce you to some of the members of
17 the design team that you have not met but who
18 certainly know about all of you and have read
19 these documents and intend to fulfill the mission
20 and the commitments that we've made. I don't
21 know if anybody wanted to ask me any questions.
22 MEMBER OF THE AUDIENCE: Just a
23 quick question, Irene. Before LMDC in a Family
24 Advisory Council meeting had mentioned that they
25 were going to look into the suggestion of the

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1 Historic Preservation League in terms of the
2 videography and documentation of the site, at
3 that point we asked to be sure that when that
4 happened if you could be sure to clean off those
5 few inches of dirt that currently obstruct the
6 remains of the footprints, as Peter had mentioned
7 earlier. I just was wondering if at that time
8 that that videography was conducted if that had
9 happened.
10 MS. IRENE CHANG: That happened
11 because the Port Authority really had to be the
12 chief architect of how that brushing-off process
13 had to take place. We were very concerned that
14 we had the videographs in before July 4th when
15 the ceremonial start-up construction took place.
16 The videographs that went into the bathtub went
17 in June, before any of the prep work really
18 began.
19 MEMBER OF THE AUDIENCE: I think
20 that speaks to the urgency. If you could try to
21 expedite the documentation of the physical
22 remains of the footprints, it could probably be
23 helpful to have that information for the
24 consulting parties before you finalize this
25 memorandum of agreement so that people can get a

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1 sense of the physical remains of the footprints
2 that exist. You can then complete your inventory
3 of this documentation that you did previously.
4 MR. TIM STICKELMAN: That's not
5 Irene's MOA, that's the Port Authority's MOA.
6 Peter spoke about the footprints and what the
7 Port Authority has committed and those will be
8 considered. We hear what you're saying.
9 MS. IRENE CHANG: I'm sorry, I
10 meant to say that we were considering some of the
11 details. We will keep reading the MOA and we
12 will see if it's appropriate for LMDC to sign
13 it. We haven't ruled that out at all. We don't
14 know the full contents yet.
15 MEMBER OF THE AUDIENCE: It's not
16 a question, it's a comment. I didn't want to
17 miss this opportunity and I didn't want to let
18 this go by. The first speaker here today,
19 Bernard Cohen from the FTA had the courtesy of at
20 least addressing for the first time directly a
21 question that has been put to all the agencies
22 involved here. That was a request that the
23 determination of eligibility be forwarded to the
24 keeper of the National Register for review. We
25 appreciate the answer, even though we are not

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1 happy with what that answer is.
2 We cannot help but wonder why the
3 agencies are afraid to take that step. I think
4 virtually every one of the preservation
5 organizations, and that includes Professional
6 Historic Preservation personnel, has recommended
7 that that procedure be taken because they all
8 have concerns with the content and extent of the
9 determination of eligibility contrary to some of
10 the statements that were made here today.
11 I want to address this particularly to
12 the Port Authority personnel and the Port
13 Authority engineers. One of the things that the
14 determination of eligibility does not do is
15 address the significant contributions of various
16 Port Authority people whose major life's
17 achievement was represented by the World Trade
18 Center. Austin Tobin, Tobin Plaza, now
19 obliterated. Ray Martin, I think the Port
20 Authority recently named a scholarship after him,
21 Guy Tozzoli and John Kent.
22 These individuals' crowning
23 achievement in their life's work was the
24 construction of the World Trade Center. Yet in
25 spite of requests from the preservation groups

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1 that the significant contributions of these
2 individuals be recognized as part of the
3 determination of eligibility and that the World
4 Trade Center as an engineering and construction
5 achievement be recognized, those requests have
6 been completely ignored and eliminated from the
7 final determination of eligibility. It's one of
8 the reasons that we feel that a formal referral
9 to the keeper of the National Register is
10 necessary.
11 And so I would ask the engineers and
12 personnel from the Port Authority to remember
13 this as we move forward, that you missed an
14 opportunity to commemorate the achievements of
15 your past colleagues and other agencies here have
16 allowed you to, I think the word is be bulldozed
17 into belittling the achievements of those
18 people.
19 MEMBER OF THE AUDIENCE: The whole
20 concept of referring this DOE to the keeper is
21 set forth in the council's regulations, so I
22 think perhaps I need to go on record and speak to
23 this whole issue. When the 9/11 Family Coalition
24 and the Consortium of Preservation has raised a
25 number of issues about getting clarity on the

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1 form of DOE, we thought it was worth pursuing.
2 We also found that the DOE, as
3 written, didn't have the limits on it that we
4 initially envisioned and that through
5 consultation, good-faith consultation in some
6 instances, the mitigation that was being
7 developed far exceeded the limits that we thought
8 would be inherent in and sticking strictly to the
9 DOE. So we felt there was progress that was made
10 in spite of some flaws or deficiencies in this
11 document.
12 When we did an informal referral to
13 the keeper, her response back was at best a
14 recitation of information we already had seen.
15 There was nothing beyond that or to embellish
16 what we did. Internally, we would have put out
17 regulations, we would have to suggest to the
18 agencies that they refer this DOE to the keeper
19 to get a formal determination.
20 FTA and FHWA have been unequivocal in
21 telling us they are not inclined to do it, they
22 think they are making great strides and progress
23 in consulting with people and see opportunities
24 to go even farther, i.e., the identification of
25 Port Authority personnel. That could be

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1 incorporated into a memorial. You could go as
2 far as you want to irregardless of what's set
3 forth in the DOE.
4 I think the final comment I need to
5 make is that we are hedging our bets on a keeper
6 coming back, getting us detailed information,
7 when in my experience, the keeper with referral
8 of formal DOE's checks a box that says "eligible"
9 and it says nothing more. It looks at the
10 information that's provided, typically doesn't go
11 any farther than what's already submitted for the
12 analysis. So we can wait 45 days and achieve
13 very little but a box check that says eligible.
14 We are already treating it as eligible.
15 So my position, and I think that of
16 the council's is what could be the value added
17 and what, based on initial comment from the
18 keeper, could we possibly anticipate them
19 providing that would advance these discussions.
20 And quite frankly, I don't have full confidence
21 that it will be anything more than them looking
22 at it and checking the box.
23 THE MODERATOR: That wraps it up.
24 We will get a notification up to people looking
25 towards a meeting in the second or third week in

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1 September and a further elaboration of the MOU
2 will come out as well in the next couple of
3 weeks.
4 (Whereupon, the meeting was concluded
5 at 4:00 p.m.)
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1 C E R T I F I C A T E
2
3 STATE OF NEW YORK)
4 : SS:
5 COUNTY OF KINGS)
6
7 I, HANNA ROTH, a Shorthand Reporter
8 and Notary Public within and for the State of New
9 York, do hereby certify:
10 That the hearing herein before set
11 forth, was duly recorded by me, and that such
12 hearing is a true record of the proceedings.
13 I further certify that I am not
14 related to any of the parties to this action by
15 blood or by marriage, and that I am in no way
16 interested in the outcome of this matter.
17 IN WITNESS WHEREOF, I have hereunto
18 set my hand this 13th day of September 2004.
19
20
_____
HANNA ROTH
21
22
23
24
25

A
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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

1 ALSO PRESENT: (Continued)
2 ANDREA BURK
3 TOM ROGER
4 MICHELE ADAMS, ABNY
5 MARK WAGNER, Mark Wagner Architects
6 JACK DEAN, MTA
7 PETRA TODOROVICH, Regional Plan Association
8 ANNIE KURTIN, American Institute of
9 Architects
10 RICK BELL, American Institute of Architects
11 DAVE STANKE, Battery Park City United
12 WILL ESTRADA (phonetic), Battery Park
13 City United
14 HELENE SEEMAN, Battery Park City United
15 RICHARD KENNEDY, CB 1, WTC Redevelopment Commission
16 ROBIN FORST, Councilmember Gerson
17 JOHN MILNER, John Milner & Associates
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1 MR. BERNARD COHEN: Good afternoon.
2 Welcome to the fourth Consulting Parties
3 meeting that's being held for the
4 Permanent World Trade Center PATH
5 Terminal Project under the Section 106
6 process of the National Restore
7 Preservation Act.
8 My name is Bernard Cohen. I'm the
9 director of the Federal Transit
10 Administration Lower Manhattan Recovery
11 Office.
12 The funding for the PATH terminal
13 project is coming from the FTA through my
14 office, so FTA will continue to play a
15 prominent role as this project goes
16 forward.
17 At our last Consulting Parties
18 meeting for the PATH project, which took
19 place on August 19, we discussed a number
20 of topics concerning the development of
21 the Memorandum of Agreement. Some of the
22 issues remained unresolved. At that
23 point, one of those unresolved issues had
24 to do with the need for additional
25 capacity at the PATH terminal. And the

1 impacts of the Port Authority's proposed
2 additional platform, so-called platform
3 D, to serve that capacity.
4 In light of the discussion that we
5 had at that meeting and some of the
6 concerns that were expressed, the FTA
7 asked the Port Authority to make
8 available to Consulting Parties a PATH
9 Capacity Needs Assessment that identifies
10 and explains the relevant data, the
11 analysis methodology, and the industry
12 standards for reaching conclusions about
13 the need for greater capacity and for
14 evaluating various options.
15 This kind of analysis is very common
16 and accepted practice in transit industry
17 when agencies are looking to build
18 facilities that will be around for a
19 long, long time, and will need to be
20 functionally effective for a long time
21 into the future.
22 The data that is used typically
23 includes ridership forecasts, peak period
24 train frequencies, surge factors, numbers
25 of escalators and elevators and stairways

1 because that affects platform clearance
2 times.
3 We use professionally-developed
4 measures. For example, how long it
5 typically takes to walk a certain
6 distance. All of that is measured out
7 and is used nationally in terms of these
8 kinds of analysis. And then you apply
9 standards for how long it should take to
10 clear a platform or how much space each
11 passenger waiting on a platform needs in
12 order to draw conclusions about overall
13 capacity needs and options.
14 Once the capacity needs are
15 determined, then various options and
16 their potential impacts are evaluated.
17 And those impacts include impacts on
18 cost. They include impacts on
19 feasibility. And in the case of the PATH
20 project, they also include impacts on
21 historic resources; in particular, the
22 impacts on the tower footprints and on
23 the box space column footings.
24 Over the past few weeks, we have
25 been actively engaged with Port Authority

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1 in discussing these topics, and look
2 forward to the Port Authority's
3 presentation today, as well as the
4 materials that are being made available
5 to you.
6 We also understand that the Appendix
7 C2 platform and track planning
8 requirements and an executive summary of
9 Appendix C2 will be handed out today.
10 Please note that these are draft
11 documents; as the analysis are part of
12 the correct NEPA process. And we are
13 currently in the process of preparing the
14 final environmental impact statement.
15 So the presentation today will
16 supplement the information provided in
17 these documents, and is part of the
18 ongoing evaluation that is part of the
19 Section 106 and NEPA processes.
20 We have a lot of material to go
21 through today, but I'd like to remind you
22 that the FTA's goal in this process is to
23 have a Section 106 process that will
24 culminate in a Memorandum of Agreement
25 for the design and construction of the

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1 permanent PATH terminal that strikes a
2 balance between meeting the future
3 ridership demand and service, and the
4 preservation of historic resources at the
5 World Trade Center site.
6 I think that it's always
7 condescending when a government official
8 says that the Consulting Parties or the
9 public has been instrumental in effecting
10 a process. But I'm going to say it
11 today, because I believe it. As someone
12 who has attended every single 106 meeting
13 since I assumed this position back in
14 January, I really think you've been
15 listened to. I think that the
16 presentation today will reflect that.
17 And I really think that you've had an
18 important impact on the process.
19 With that, I'd like to turn the
20 meeting over to the gentleman who has
21 been facilitating all of our Section 106
22 meetings, Peter Goelz.
23 MR. PETER GOELZ: Good afternoon,
24 folks.
25 We are entering the final stages of

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1 this 106 consultative process. And
2 today, as Bernard said, we're really
3 going to focus on two important issues
4 that we'll be soliciting comments,
5 questions, concerns. The one is the
6 issue of the platform D configuration and
7 its need. And then the second discussion
8 led by
9 John Hotopp, where he's going to outline
10 the administrative and review processes
11 of the proposed Memorandum of Agreement
12 that's due to be signed or due to have a
13 final draft, final copy, due by later
14 this month or early in December.
15 I think as all of you know, the
16 final comment period is the 19th of
17 November. So any written comments that
18 you have, need to be in to the Port
19 Authority by the 19th.
20 I think we're going to start today's
21 discussion or today's presentation with a
22 review of some outstanding issues from
23 past meetings, a status report,
24 particularly focusing on the cleaning of
25 the footprints and the visit to the

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1 site.
2 And we'll start -- Peter would you
3 give us an update on those.
4 MR. PETER RINALDI: Last time we
5 spoke, we said we'll move forward with
6 cleaning the footprints of Tower 1 and 2
7 off for documentation purposes and also
8 available for the Consulting Parties to
9 take a tour of the site.
10 I wanted to update you on where we
11 are right now. We're in the process, and
12 have been for the past two weeks, of
13 removing material that's on top of the
14 footprints.
15 It has a been a difficult job, I'll
16 tell you. One of the areas that we
17 thought was going to be difficult and
18 that we might not be able to clean off,
19 we were able to (inaudible) a pavement
20 break of it, which there was temporary
21 pavement. So we're actually cleaning off
22 a larger area than we anticipated. And
23 it's taking some additional time.
24 Also, I'll share with you that
25 because of the expanded 9/11 ceremonies

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1 this year, when we opened up the South
2 Tower footprint, families entered the
3 North Tower footprint, we opened larger
4 areas, there was fill brought in by both
5 the City and ourselves during that
6 process to make the area available and
7 smoother, and for the families to come
8 down, and that added a lot more material
9 that's being taken off.
10 So with that said, we are planning
11 to have the footprints completed, cleaned
12 off next week. We are scheduling two
13 dates for visits by Consulting Parties.
14 We will confirm this in an e-mail to the
15 Consulting Parties. But on Friday,
16 November 12 at 2:00 p.m., and Monday
17 November 15, at 10:00 a.m. So we tried
18 to find an afternoon time and a morning
19 time.
20 I would just put a caveat, while
21 we're striving to do the cleaning and
22 then we have to do a sweeping, we may be
23 weather dependent. If we get a lot of
24 rain and it continues over the next
25 several days and into next week, it will

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1 make it difficult for us to complete
2 that. So I'll just put a caveat on it.
3 We don't anticipate that, but that could
4 happen. When it rains in the site, it
5 takes a while for it to drain, and it's
6 difficult for us to sweep up the material
7 when it's under water or it's muddy. So
8 I just put that caveat.
9 You will meet at Gate 8, which is
10 located at Liberty and Washington Street.
11 For those of you that are familiar,
12 that's the family viewing area entrance.
13 We'll meet you there. We'll assemble
14 inside that area, and then we will escort
15 the parties down into the footprint
16 areas.
17 I would say that we are asking that
18 each Consulting Party be limited to two
19 individuals. You will be allowed to take
20 photographs. The caveat is that those
21 photographs are for your personal use as
22 part of this consulting process and not
23 to be used for commercial purposes or
24 anything else. We ask that and for you
25 to respect that.

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1 Also, I would ask that due to the
2 nature of the site, that those of you
3 that will be attending, to wear either
4 work shoes or the sturdiest footwear that
5 you have. It was an uneven surface to
6 start with; it's even more uneven now as
7 we clean it off. There's quite a bit of
8 areas there that were damaged as part of
9 the collapse of the towers on the site.
10 And now that we remove that material, the
11 unevenness of the site is more
12 pronounced. So open-toed shoes, light
13 footwear is something you cannot wear.
14 So I would emphasize that also.
15 As a contact, we prefer if you could
16 contact us by e-mail or fax. My site
17 manager is Nancy Johnson. Her e-mail is
18 njohnson@PANYNJ.gov. And the fax number
19 is 212-435-5560. We ask that you confirm
20 if you will be attending, and we'll get
21 back to you to confirm.
22 So that is our present plan for
23 visiting the site. If there are any
24 questions on the logistics, we'll answer
25 them by e-mail. If you have a question,

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1 I can ask answer some questions maybe at
2 this time.
3 MR. ANTHONY GARDNER: I just have
4 one question, Peter. As far as the
5 caveat that you mentioned about the rain
6 being a factor. I just wanted to make
7 sure that you're going to provide this
8 tour. Rain will just be a delay.
9 MR. PETER RINALDI: Let me clarify.
10 We're striving to clean off the
11 footprints, sweep them down and get them
12 cleaned. If it rains, we have to delay
13 the dates further. It might change the
14 dates -- we intend to meet the dates I
15 just described to you, but I can't
16 control the weather. I know we have some
17 heavy rain coming in tonight and
18 tomorrow. And I don't know to what
19 extent that will stop our operations.
20 And if we have the same problem next
21 week, we might not be able to get the
22 site ready in time. Depending on that.
23 So we might have to push the dates a
24 little further.
25 MR. ANTHONY GARDNER: Can I ask you

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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

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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

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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

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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?

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1 MR. JOHN HOTOPP: Actually, Anthony,
2 the level one documentation would be
3 using extensive drawings. It's most
4 commonly used when you have processes or
5 something that needs to be shown. And so
6 that's why you need a lot of drawings.
7 Level two is the standard for
8 photographic recordation. What we made a
9 provision for, if there's anything that
10 would show better in a drawing, then
11 we'll have somebody do the drawings to
12 HABS standards as well.
13 MR. TIM STICKELMAN: You say in the
14 MO, we would consult with NYSHPO if we
15 had to do something else.
16 MR. ANTHONY GARDNER: The photos
17 would include some sort of aerial view,
18 right? Because that's where you really
19 get the full sense of the footprints.
20 MR. JOHN HOTOPP: Absolutely.
21 MR. PETER GOELZ: What are the
22 chances of the 360 getting done?
23 MR. TIM STICKELMAN: He's in Nepal,
24 so I don't know.
25 MR. FRANK SANCHIS: Isn't an

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1 accurate set of drawings necessary for
2 the design of what's going to follow?
3 MR. TIM STICKELMAN: You mean the
4 drawings of the future?
5 MR. FRANK SANCHIS: Footprints. In
6 other words, don't you need a truly
7 accurate set of drawings of the
8 footprints as a baseline document for the
9 drawings for any construction?
10 MR. TIM STICKELMAN: After the
11 photographs are done, we'll be consulting
12 with New York NYSHPO.
13 MR. JOHN HOTOPP: We've been talking
14 to John's Burns. He was lucky to come up
15 and get the as-builts for the towers.
16 And get those drawings. Those are
17 exactly what you're talking about.
18 MR. FRANK SANCHIS: Seems like the
19 reverse though. In other words -- oh,
20 the as-builts for the towers? And then
21 check them against the actual of where
22 the column bases are?
23 MR. TIM STICKELMAN: Right. Because
24 we have the as-builts.
25 MR. FRANK SANCHIS: Okay.

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1 MR. ROBERT KORNFELD: When you issue
2 the set for 6 World Trade Center, it was
3 a plan that showed what remained. It
4 kind of showed the damage. It showed the
5 profile where the crater was kind of
6 blown out through the slabs of 6. It
7 seems to me that it wouldn't be a huge
8 effort to take a plan of the B-6 or B-5,
9 whatever it was called at that time,
10 level of the towers and to do the same
11 thing; basically document what has
12 changed since, sort of like --
13 MR. TIM STICKELMAN: I hear you.
14 But we don't know what's going to be
15 there until they finish unburying. We
16 really need to focus and discuss with
17 NYSHPO, which we plan on doing.
18 MR. PETER GOELZ: Now we're going to
19 enter into what I think should be a
20 fairly substantive discussion. We'll ask
21 Lou Menno to come up.
22 And as all of you know, one of the
23 ongoing issues has been the platform D
24 debate and discussion. And Lou has got a
25 series of slides to discuss not only the

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1 need for the additional platform, but
2 also some options on impact.
3 MR. LOUIS MENNO: Thank you very
4 much, Peter. Good afternoon everyone,
5 and thank you for joining us today.
6 Today I'll be talking about platform
7 D and the fourth platform, and all of the
8 various options that we looked at in
9 terms of litigation and historic
10 resources.
11 I'll begin by talking about the
12 overall ridership capacity on the PATH
13 system.
14 Before September 11, PATH had five
15 tracks with three, ten-car platforms.
16 The World Trade Center station was the
17 most heavily traveled station in the
18 entire system of PATH.
19 PATH carried over 250,000 people a
20 day and 67,000 riders used that PATH
21 station before 9/11. And the station was
22 virtually near its capacity.
23 When we look to the year 2025, we
24 see at ridership growth increasing to
25 81,000 people a day at the World Trade

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1 Center station. As well as over 320,000
2 in the overall PATH system over the next
3 20 years.
4 And right now, with the temporary
5 station, which was designed to handle
6 50,000 people a day, that station is
7 already carrying approximately 38,000,
8 and on some peak days, 40,000 people.
9 Close to its capacity. Our forecast,
10 before the station opened, was that by
11 the year end of 2004, we would be at
12 maybe 28 to 30,000. So we see that
13 ridership growing. And we are basically
14 nearing the capacity of the temporary
15 station if that growth does continue.
16 And in order to address this growth
17 over the next 20 years within the entire
18 PATH system, and not just at the World
19 Trade Center, but PATH is taking several
20 approaches to meet this increased
21 ridership.
22 They are making operational changes
23 on the most heavily traveled line which
24 is the Newark service. They will be
25 operating ten-car trains with a

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1 three-minute headway. That means three
2 minutes between every train when they're
3 in operation. One train comes in, within
4 three minutes another train comes into a
5 station; a three-minute headway.
6 And from a capital investment point
7 of view to meet this demand, PATH is out
8 there right now with the RFP process to
9 replace its entire rail fleet, with new
10 cars that have three doors per side. As
11 well as in the future, a new single
12 system that will allow PATH to operate
13 more efficiently their trains and to
14 maintain those tight headways, or the
15 time between two trains.
16 What that all means is that PATH
17 will be able to carry more people with
18 greater efficiency (inaudible) on the
19 entire system by what they are doing in
20 the years to come to meet this ridership
21 growth.
22 But when you think about the whole
23 PATH system, you have to think about the
24 World Trade Center station, which is an
25 integral part. It has to be designed to

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1 comply and be in conformance with, in
2 concert with, with whatever else is being
3 done in that system to handle this
4 ridership growth.
5 And at the World Trade Center site,
6 as we look at what our needs are for this
7 future, we need to have five tracks as we
8 had before. We need two of those tracks
9 on a daily basis for the Hoboken service,
10 and another two tracks for the Newark
11 service, with a fifth track as we had,
12 for failure management to take care of a
13 disabled train.
14 At the same time, those tracks help
15 us from an operational point of view in
16 that at night, PATH is able to store
17 trains and keep one track in revenue
18 operation for the Newark service, which
19 runs 24/7. And by having those tracks
20 for stand by, we're able to park and keep
21 overnight the Hoboken trains, and allow
22 for easy ramp-up in the morning. And it
23 also prevents that service from being
24 affected in the bad weather; such as what
25 is going to happen in the winter? Ice

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1 storms and snow. So that will have
2 minimal impact on our customers.
3 When we look at this video, we're
4 showing the video here at 33rd Street,
5 where we have a dedicated platform for
6 boarding and unboarding.
7 Here we see how it's working very
8 well at 33rd Street, where people are
9 coming off the trains. And then you'll
10 see here, the doors will open and people
11 are able to move into that train very,
12 very easily. We want to prevent a lot of
13 the cross-flow, or the passage friction,
14 by people getting on and off the train on
15 the same side. This is what allows us to
16 operate more efficiently and to handle
17 that growth.
18 This was recently taken at 33rd
19 Street, but think about this, this is
20 only for a seven-car train. We're
21 talking about ten-car trains on the
22 Newark service with three-minute headway;
23 the time between trains coming into World
24 Trade Center.
25 Then, when you look at this other

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1 video of Exchange Place, you see where
2 you have this cross-flow of people
3 getting on and off from different trains
4 sharing the common platform. And it's
5 not the right situation for our
6 customers. And that especially when you
7 think about the World Trade Center, we
8 have more cross-flow. And we have an
9 increased reverse commute, because the
10 residential population in Downtown is
11 growing.
12 We need to meet that type of
13 growth. We need to be able to provide
14 for efficient movement of our customers
15 on and off the train in a very safe
16 manner.
17 Next, when we look at the design of
18 this station, in addition to the
19 operational requirements that I just
20 spoke about, we need to design it
21 following an industry standard, which is
22 the Manual for Transit Capacity -- sorry,
23 Transit Capacity and Quality of Service,
24 the manual. That is the industry
25 standard.

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1 And what that industry standard says
2 is that we have to do several things. We
3 have to design for the peak periods on
4 the PATH system. We have to make sure
5 you have the proper amount or size of
6 platforms to accommodate the peak
7 periods.
8 Those peak periods for PATH occur
9 twice a day; in the morning and in the
10 evening. It's a commuter railroad. So
11 we need to be able to accommodate our
12 riders in the morning, in the evening,
13 and a very safe manner. And what that
14 manual says is that in the morning at the
15 World Trade Center station, where most of
16 the people are coming into the station
17 and are alighting from a train, they need
18 to clear a platform in a certain period
19 of time. And that period of time is the
20 time that is basically equivalent to the
21 headway. So if a train comes in every
22 three minutes, people have to be off the
23 platform within three minutes.
24 However, the manual recognizes,
25 which is very important, failure

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1 management. What happens if a vertical
2 circulation element, such as an escalator
3 goes down, you must provide for that
4 failure management. And that failure
5 management is a range of anywhere between
6 70 to 80 percent.
7 So in effect, on the Newark service,
8 with a ten-car train with a train coming
9 in every three minutes, we need to have
10 our customers off that platform in the
11 morning, between a time period of
12 anywhere between 126 and 144 seconds.
13 Not 180 seconds.
14 When you look at the evening, you
15 need to look at the capacity that the
16 station can handle; the area to allow for
17 people to safely stand on the platform,
18 to board a train when it comes into the
19 station.
20 And the manual also says we have to
21 provide for failure management. That is
22 a missed headway. What happens if a
23 train doesn't come in within three
24 minutes, four or five minutes? More
25 people are going to be on that platform.

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1 And what that manual says, when we do our
2 calculation, for ten-car trains on the
3 Newark service with this headway, we need
4 an effective area of a little over 15,000
5 square feet of usable area for people to
6 safely stand on that platform.
7 On the Hoboken, we need
8 approximately 10,400 square feet. And
9 when we look at this, keep those two
10 numbers in mind, we need to have the
11 capacity to handle these requirements.
12 So that if we were to build a station
13 with only three platforms, like we had
14 before 9/11, three platforms, ten cars in
15 length, and if we operated with platform
16 C, the western most platform, ten-car
17 trains by the year 2025, with a
18 three-minute time in between trains, we
19 fail. Our passengers do not get off the
20 platform within 126 and 144 seconds. The
21 analysis shows over 200 seconds. I
22 believe it's 213 seconds, to be exact.
23 When you look at the analysis from a
24 platform area, it fails unfortunately
25 because we only have an effective area of

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1 a little over -- of approximately 10.4
2 thousand square feet. Far less than the
3 15,000 that we require. It doesn't
4 work. It doesn't meet the Transit
5 Capacity Manual. It does not provide for
6 that future growth.
7 Even if we were to flip the service
8 around, put Hoboken on that platform and
9 move Newark over to the other platform,
10 platform B, it still does not work.
11 When we look at platform D, which is
12 this fourth platform, I'd like to just
13 point out several things here. The
14 layout of these five tracks in the new
15 station will be in virtually the same
16 location and the same configuration as
17 the pre-9/11 station. These three
18 platforms, A, B and C will be ten cars in
19 length, just as the original World Trade
20 Center station, in the same
21 configuration, in virtually the same
22 location. The difference is this fourth
23 platform; platform D.
24 By the introduction of this fourth
25 platform, we are now able to meet the

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1 requirements that we have to follow
2 concerning the Transit Capacity and
3 Quality of Service Manual; the industry
4 guidelines.
5 We now have sufficient time to get
6 people off the platforms before the next
7 train comes in, and we have sufficient
8 area now to have people safely stand on
9 the platform in those rush hour peaks.
10 This is why the need for this fourth
11 platform is very, very important to meet
12 that ridership growth, to meet the
13 operational needs that I just spoke
14 about, the operational needs for failure
15 management, dedicated boarding, and
16 unloading of passengers, to help us
17 address that increased reversed flow,
18 that increased reversed commute because
19 of the residential population that is
20 growing Downtown.
21 However, this platform has an impact
22 on the footprint of the north tower. We
23 never had an impact before 9/11. Now we
24 have an impact on the columns.
25 What happens is that that platform

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1 will occupy approximately 3.2 percent of
2 that area, right at that northeast corner
3 of the footprint of 1 World Trade
4 Center.
5 In addition, it will also impact 12
6 of the north tower columns; the remanent
7 columns that are there. But this fourth
8 platform, which is a full width platform
9 to meet the operational and the passenger
10 flowing needs for the future, works
11 because it meets the NFPA, it meets the
12 ADA standards. We also comply with the
13 industry standard, the Transit Capacity
14 and Quality of Service Manual. We need
15 all of that anticipated platform
16 clearance requirements, getting people
17 off within that 120 second, 144 second
18 timeframe. It provides the adequate
19 level of service. It significantly
20 reduces that reverse commute, as I just
21 spoke about. You don't get that
22 cross-flow that you saw in the videos
23 over at 33rd Street. It provides for
24 failure management. And again, it does
25 impact the footprint by 3.2 percent of

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1 the footprint, approximately 3.2 percent,
2 and 12 columns.
3 What this does, it allows for the
4 growth to meet a 2025 ridership growth on
5 the entire PATH system, as well as at the
6 World Trade Center.
7 In addition, what's very important
8 why this also works, is from a
9 construction point of view. By building
10 this fourth platform, we're able to put
11 in a temporary track that we spoke about
12 many times before. That will just be a
13 temporary track that will be placed and
14 removed. I'll be talking about that in a
15 few moments. And it will allow us to
16 maintain the level of service that we
17 committed to, to maintain PATH operations
18 throughout the time that construction
19 will take place for this terminal. And
20 it will be removed when we are
21 completed.
22 And by having this platform in
23 place, by having the fourth platform with
24 the temporary track, we're able to stage
25 our work in such a manner that we can

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1 accomplish our goal of building this
2 station within the timeframe that we
3 have.
4 In addition, it allows us to
5 maintain the level of service for our
6 customers. Because we said, that in
7 order for us to meet the aggressive
8 schedule of building this station,
9 anywhere between one to two of the PATH
10 tracks will be taken out of service at
11 any one particular time. So the ability
12 to put this temporary track in, in
13 conjunction with the permanent platform,
14 makes the construction very, very
15 possible within the time frame that we
16 have.
17 In addition, the last time we spoke,
18 we do recognize the impacts on those
19 historic resources. We said at the last
20 meeting that we would look at options of
21 how do we represent within that fourth
22 platform where the tower footprint was.
23 Where those columns were.
24 This just shows two alternatives
25 that we're looking at. There may be

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1 others; special light treatments in this
2 area. For instance, we would show all
3 the columns by different material,
4 compared to the rest of the platform. We
5 would have a uniform treatment of the
6 whole area in terms of the walking
7 service. Or we can do something similar;
8 we would highlight the columns in one
9 material and possibly have the area of
10 where 1 World Trade Center once was
11 highlighted in a different area compared
12 to the rest of the platform.
13 As I said, there could be other
14 things that we're looking at. Other
15 design opportunities.
16 MR. ROBERT KORNFELD: May I
17 interrupt?
18 MR. PETER GOELZ: Let him finish the
19 presentation, and then we can go back.
20 MR. LOUIS MENNO: So there are a
21 number of options. We're still looking
22 at that. This is not the end-to-end-all
23 here, but there are other options that
24 we're looking.
25 This is just a highlight of what

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1 we're doing to live up to the commitment
2 that we've made before.
3 In addition, we've also looked at
4 some other alternatives. And we looked
5 at another alternative that with this
6 platform was we would look at notching
7 out the area by where it goes over the
8 footprint of 1 World Trade Center.
9 As you can see here with this
10 blow-up, this is the footprint of 1. We
11 would notch out the station to allow for
12 more area to be not touched. And by
13 doing that, it helps mitigate some of the
14 impact to that historic resource there.
15 And we're looking at the feasibility
16 of this by notching it at the north tower
17 footprint. It does meet our platform
18 clearances for the year 2025, and what we
19 have to do for that, for that design
20 year. It does provide some restriction
21 to passenger flow because it narrows the
22 platform at the northern part of the
23 platform. At the northern part, there
24 are three trains just to the north of
25 that; three, three-cars of a train. So

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1 in case there's a failure management here
2 that I spoke about, say those escalators
3 are out of service, it creates somewhat
4 of an overcrowding situation, funneling
5 people through to the next vertical
6 circulation element further south on that
7 platform.
8 It does constrain our ability beyond
9 2025, but it does reduce the area from
10 3.2 percent impact, to a 2 percent impact
11 on the area. And it does reduce the
12 remanent impacts to those columns from 12
13 down to 9.
14 And it does bring along with it
15 added costs to our project, to put
16 something in and take it out, because we
17 need to put a full width platform in just
18 for a temporary in that restricted area,
19 and in order to accommodate the temporary
20 track. We're still looking at this
21 feasibility to see how it works.
22 We also looked at another option.
23 How do we handle the future growth for
24 2025? And what we did, we looked at
25 widening platform C. Widening platform

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1 C. And by widening platform C, we have
2 to now relocate track number five further
3 west into the bathtub area.
4 And we looked at all of that, and
5 that has some implications to it. And
6 what this option looks at, it does impact
7 five perimeter columns in the north
8 tower. It occupies less than one percent
9 of the tower footprint. But it does not
10 work for us. It does not allow us the
11 operational -- doesn't meet our
12 operational requirements. It doesn't
13 meet the overall goals and the objectives
14 of the overall program.
15 It does not allow for that dedicated
16 boarding and unboarding of passengers.
17 We have that increased cross-flow of
18 people getting on and off a train on the
19 same platform, even though it's wider.
20 It doesn't allow us to handle effectively
21 that reverse commute that's growing in
22 lower Manhattan.
23 And at the same time what it does,
24 is that by that relocation of that fifth
25 track further into the bathtub, changes

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1 the geometry of that track. And it
2 tightens up that curve. It tightens up
3 the curve that it will force or require
4 PATH to slow down a train to go through
5 that curve. What that does, it affects
6 the through-put of the PATH service into
7 the station. So if it slows down, we
8 can't make or live up to that
9 three-minute headway; the time between
10 the trains.
11 It will also affect the trains
12 coming out of the tunnel for the Hoboken
13 service. So it has operational impacts.
14 At the same time, a tighter geometry
15 creates wear and tear on the PATH system;
16 to the rails, to the wheels of the new
17 equipment. So it has operational
18 impacts.
19 But it also has another significant
20 impact on the construction. By putting
21 in this configuration, we would have to
22 build a temporary platform anyway to meet
23 the ridership demands during
24 construction. We'd have to then take
25 that platform out. But in conjunction

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1 with that temporary platform, the
2 feasibility of putting in a temporary
3 track becomes not so feasible anymore.
4 Because that geometry for this temporary
5 track is very tight, that we may not be
6 able to operate a train on that track.
7 Or even though you can work out the
8 geometry, we may not be able to get a
9 full seven-car train into that platform
10 because it would have to be on a curve.
11 And we can't have wide gaps. So it
12 renders, from a construction point of
13 view, not so feasible.
14 At the same time, it creates now a
15 longer schedule for us, because we're not
16 able to stage the work in such a manner
17 that we can build the station within our
18 established schedule. As the
19 construction takes longer, the costs go
20 up. So this will affect our ability to
21 deliver the program within the very tight
22 $2 billion dollar program that we have.
23 So because of the operational
24 restrictions, the construction, the
25 impacts it has on construction, and that

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1 it doesn't meet our full goals and the
2 objectives, this widened platform C does
3 not meet our criteria.
4 I want to now talk about the
5 temporary track, which we've been
6 speaking about over the past several
7 meetings; where we need to put in a
8 temporary track within the World Trade
9 Center site.
10 This temporary track, it will be
11 located to the west side of this fourth
12 platform. By putting in this temporary
13 track, allows PATH to operate sufficient
14 service throughout construction. Because
15 at any one time, we will be taking out
16 between one and two tracks, as well as
17 some platforms in order to accomplish our
18 goal of building this station.
19 This temporary track will go
20 temporarily through the footprint, right
21 at this northeast corner. And this
22 temporary track will just cover over some
23 of the footprint area, as well as several
24 of the column bases. Two at the north
25 and five to the south here. It will be

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1 put over it.
2 When construction is over, it will
3 be removed. The area is still there.
4 The columns are still there. They're not
5 being disturbed.
6 In addition, just to the south of
7 where that temporary track will come in,
8 we spoke about the construction and the
9 design of the new terminal. And there is
10 a significant arch, structure, that will
11 support the area above the PATH
12 mezzanine. This arch is going to support
13 all of the facilities that will be built
14 above the station; such as the cultural
15 facilities.
16 We pointed out at that arch needs a
17 footing to transfer all of that weight
18 and all of that load down to solid rock
19 below. And we pointed out that four
20 columns in this area are potentially
21 impacted. And we said that we would look
22 at alternatives to see what could be done
23 to mitigate the impacts on those four
24 resources.
25 I'm going to show you three of these

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1 options that we are looking at.
2 This is option one. Let me give you
3 a quick overview. This area here is the
4 proposed fourth platform, platform D,
5 that is the fifth track. And what you
6 see here, that is the temporary track for
7 the train. You see it's dotted; it's
8 temporary. It goes away at the end of
9 the construction. This represents --
10 this is not what's there, but it
11 represents one of the columns that once
12 made up the exterior wall of 1 World
13 Trade Center. This is that structural
14 arch that comes across the terminal and
15 has to land on a footing.
16 So the first option that we had was
17 to physically excavate this area, and
18 temporarily remove four of these
19 columns. And then once we would finish
20 placing this footing, we would backfill
21 the area and then replace all four
22 columns in the same location where they
23 once existed. That's one option.
24 The next option is a little bit
25 similar. Again, this is the temporary

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1 track, it comes out, platform D. There's
2 that structural arch coming down. And
3 the second option is to design a
4 different type of footing that has rock
5 anchors in it, that will anchor it into
6 the rock to prevent up-lifts. And it
7 does avoid touching any of those columns
8 that I just spoke about; those four
9 columns. That's the second option.
10 The third option is a little bit
11 similar. Again, the temporary track,
12 platform D. There's the arch. That's
13 the column that comes down. And then the
14 third option is to literally excavate or
15 mine under, and to place that footing so
16 we do not disturb those four columns.
17 Those are the three alternatives
18 that we are considering. We have to look
19 at the schedule impacts. The feasibility
20 of it from a construction point of view,
21 as well as schedule impacts.
22 So we haven't made any decisions.
23 But these are four options that we're
24 looking at to mitigate the impacts to
25 those four column remnants.

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1 And now I'll turn it over to Peter.
2 MR. PETER GOELZ: Thank you, Lou. A
3 lot of information. And time for
4 questions and comments.
5 Before we start, let's go around the
6 room once so we know who we're talking to
7 since we're going into the public
8 discussion phase.
9 (ALL INTRODUCTIONS MADE:)
10 "Bernard Cohen, FTA.
11 Ken Lustbader, Lower Manhattan
12 Emergency Preservation Fund.
13 Frank Sanchis, for the Municipal
14 Arts Society.
15 Betsy Merritt for the National
16 Trust.
17 Bruce DeCell, member of the
18 Coalition for 9/11 families.
19 Anthony Gardner, Coalition of 9/11
20 families.
21 Robert Kornfeld, Historic Districts
22 Council.
23 Joel Klein, for the Coalition of
24 9/11 families.
25 John Milner, John Milner &

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1 Associates.
2 Louise LoPresti, Advocate for
3 Congressman and Proposed World Trade
4 Center National Memorial Act.
5 Noah Pfefferblit from Wall Street
6 Rising.
7 Fernando Rodas, Wall Street Rising.
8 Shirley Jaffe, Alliance for Downtown
9 New York.
10 Albert Capsutto from Tribeca
11 Organization.
12 Dan Slippen, Pace University.
13 Matt Viggiano, Office of Senator
14 Martin Connor.
15 Ruth Pierpoint, State Historic
16 Preservation Office.
17 Charlene Vaughn, Advisement Council
18 for Historic Preservation.
19 Beth Cumming, State Historic
20 Preservation Office.
21 Marilyn Gaull Howard, Coalition to
22 Save West Street.
23 Bill Love, Coalition to Save West
24 Street.
25 Omi Chirifan (phonetic), September

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1 11th.
2 Steve Plate, Port Authority.
3 Peter Rinaldi, Port Authority.
4 Lou Menno from the Port Authority.
5 Harold Levitt, PATH.
6 Mark Pagliettini, Port Authority.
7 Kevin Lejda, I'm with PATH.
8 Bernie McNeilly, with the Port
9 Authority.
10 Steven Weintraub, Art Preservation
11 Services.
12 Jackie Hanley, Port Authority.
13 Shawn Lenahan, Port Authority.
14 Charles Stark, FTA, Project
15 Management Oversight Consultant.
16 Kate Daly, New York City Landmarks
17 Commission.
18 Stephanie Geld, Battery Park City
19 Authority.
20 Bruce Ehrmann, Community Board #1.
21 Louis Rodriguez, Port Authority.
22 John Hotopp, Louis Berger.
23 Adam Levine, New York State
24 Department of Transportation.
25 Robert Conway, ARKF.

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1 Paul LeBrun, FTA.
2 Ben Stanley, Downtown Alliance.
3 Carol Braegelmann, Federal Transit
4 Administration.
5 Debra Lester, Speaker Silver's
6 office.
7 William Kelley, LMDC.
8 Lorraine Chang, LMDC.
9 Glenn Guzi, Port Authority.
10 Steve Coleman, Port Authority.
11 Margarita Morera, Downtown Design
12 Partnership.
13 Paul Gimayo (phonetic), Port
14 Authority.
15 Andrea Burk.
16 Michele Adams, ABNY.
17 Mark Wagner, Mark Wagner Architects.
18 Jack Dean, MTA.
19 Petra Todorovich, Regional Plan
20 Association.
21 Annie Kurtin, American Institute of
22 Architects.
23 Rick Bell, American Institute of
24 Architects.
25 Dave Stanke, Battery Park City

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1 United.
2 Will Estrada (phonetic), Battery
3 Park City United.
4 Tim Stickelman, Port Authority."
5 (INTRODUCTIONS CONCLUDED.)
6 MR. PETER GOELZ: Go ahead. You had
7 the first question.
8 MS. LOUISE LOPRESTI: Louise
9 LoPresti.
10 I appreciate the concerns that you
11 have about providing for increased
12 ridership, as well as the fact that
13 you're anticipating an increase, and you
14 need to provide for that capacity in
15 terms of both design and safety
16 features.
17 A large part of that, at least in
18 terms of this discussion, is predicated
19 on the reverse commute, and the
20 increasing trend in this neighborhood to
21 be more residential.
22 I actually work on Wall Street, so
23 I'm very familiar with it. Yes, as has
24 been more publicized, the neighborhood is
25 becoming increasingly residential, but

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1 the point of fact, the majority of the
2 people who are working down here tend to
3 be commuting up to the east side, or they
4 actually work in the neighborhood, as
5 well as living here.
6 I have someone who works for me who
7 lives at 67 Wall and walks out the door,
8 turns the corner and walks into the next
9 building. That's one of the reasons why
10 people live down here, because we work
11 extended hours.
12 In addition, I am also familiar with
13 the patterns, reverse commute patterns.
14 People who are going to, let's say, Metro
15 Tech to work, or to Colgate, or to
16 Newport, and I do it frequently, I don't
17 take the PATH and they don't either. We
18 all walk over, we take the ferry. If we
19 need to go to 34th Street, we get on the
20 E Train for any other variety of
21 reasons.
22 So I think it might be safely said
23 that yes, you're hoping that ridership
24 will increase, which it certainly will,
25 and you're hoping that you will capture

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1 the Downtown residents as part of your
2 ridership, but that is not the current
3 pattern now.
4 And have you done any studies to
5 establish what trends are taking place in
6 terms of the Downtown residents in their
7 reverse commuting, if it is, in fact,
8 reverse commute?
9 MR. BERNARD MCNEILLY: I'm Bernie
10 McNeilly, with the Port Authority.
11 We actually handed out at the last
12 Consulting Party meeting the appendix
13 which had the ridership estimate
14 information in there. And I would
15 certainly welcome anybody to revisit that
16 information.
17 But what was happening, going
18 through 2025, we're expecting in the a.m.
19 peak in excess of 29,000 and nearly
20 30,000 riders in total. And the balance
21 of that is 23,300 would be alighting
22 passengers. Alighting means that if
23 they're at the station, or they're going
24 to be getting off at the World Trade
25 Center. And there's about 5,600

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1 passengers that would be boarding. That
2 would be people going west of the Hudson.
3 MS. LOUISE LOPRESTI: But that's
4 projected. What is that based on?
5 MR. BERNARD MCNEILLY: That is
6 projected. I'll get to your point in a
7 second.
8 As far as trends are concerned,
9 generally speaking, the alightings over
10 the period of time going up to the design
11 year, will increase a little less than 4
12 percent. And although the boarding
13 number is much smaller, 23 versus 5, it's
14 growing at a much more rapid rate. It's
15 increasing by 37 percent in that period
16 of time.
17 So what that is meaning, is that
18 over time, you're go to have an increased
19 reverse commute, which will be
20 introducing that phenomena that Lou was
21 talking about; which was passenger
22 friction.
23 But to get to your point about
24 trends, as most of you know, I think it's
25 been well documented in most of the

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1 things going on with the environmental
2 documents, there is also substantive
3 development that's been going on west of
4 the Hudson along the Jersey City
5 Waterfront and other programs that are
6 going on in New Jersey. And what was
7 noticed as far as a trend is concerned
8 from both PATH and Port Authority, is
9 that the boardings at World Trade Center
10 pre-9/11, increased and continued to
11 increase.
12 And what's happening as we move out
13 towards 2025, the design year, there's
14 additional build and development that
15 continues to go out; for instance,
16 back-office operations that used to be in
17 the Financial District down in lower
18 Manhattan, which seems to be sustained
19 and will be continuing.
20 Given that, the trends have been to
21 -- the boardings are going to continue
22 to increase from now and as we move out
23 to the design year; although the
24 alightings of people coming into the
25 World Trade Center is going to be growing

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1 over that period of time, but at a lower
2 rate.
3 MS. LOUISE LOPRESTI: Have you
4 looked at the trending between the PATH
5 reverse commute and, for example, the New
6 York Waterway reverse commute; which is
7 taking a larger volume?
8 MR. BERNARD MCNEILLY: I understand
9 your point. But one thing, as far as
10 trends are concerned, as you know, during
11 the period of time between the temporary
12 station and pre-9/11, ferry ridership was
13 through the roof. And actually, there
14 were increasing routes and the frequency
15 of those routes to meet the demand. And
16 that was largely because there was no
17 service to the World Trade Center.
18 Since the World Trade Center has
19 been opening, there has been a steady
20 decline of ferry service. And there's
21 been much documentation that has been
22 noted in the publications in the area
23 that ferry service continues to decline.
24 And it's coincidental that while there's
25 a steady decline of ferry service,

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1 there's been a steady increase of PATH
2 ridership.
3 And as Lou had mentioned, we were
4 expecting less than 30,000 riders at this
5 point in time. As we ramp-up to get
6 close to the temporary station needs, we
7 are already in excess of that. We're at
8 38,000 riders, which is well in excess of
9 the projections that we had made as part
10 of this program.
11 So as far as a trend is concerned,
12 that trend seems to be very real.
13 MR. BILL LOVE: This is anecdotal, I
14 know, but I was on a business trip last
15 week with a colleague of mine who lives
16 in Jersey, who rides the ferry. And he
17 was telling me the reason he rides the
18 ferry is because the trains are so packed
19 right now. He comes in from Newark, and
20 he says they're just jammed up. There's
21 an example, for it's not just simply a
22 matter of choice, but it's a matter of
23 the conditions on the trains.
24 So I think it's important that we
25 focus on the capacity of the system be

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1 conservative in our estimates.
2 Also, anyone like myself, who lives
3 in Battery Park City, who's watched the
4 skyline in Jersey over the last couple of
5 years has just seen that skyline building
6 up. It seems like there's a new building
7 every month. And clearly what's going
8 on, is that businesses, logically because
9 of terrorism, are choosing to jeer of a
10 diversified geographically [sic].
11 So I think you are going to have
12 this trend. There are more and more
13 people choosing to live in New York
14 because they like New York, but having
15 the ability to work in New Jersey where
16 more and more jobs are located. That
17 just seems like a logical conclusion.
18 MS. ROBIN FORST: Hello. Robin
19 Forst, Councilmember Gerson's office.
20 I'd like to pick up on what Bill
21 just said. I'm actually a little bit
22 concerned with something that Lou had
23 mentioned before; which were the
24 projections that had been made for the
25 end of 2004, which is a much smaller

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1 number than the actual ridership that
2 you're experiencing.
3 I'm just wondering going out to
4 2025, which will only be a few years into
5 the new development, assuming all of the
6 development takes place, and whether or
7 not your estimates for that time in the
8 future are indeed accurate?
9 I mean, they may be as understated
10 as the estimates were for 2004. And that
11 concerns me both as a member of an
12 elected official staff and also as a
13 resident of lower Manhattan.
14 MS. HELENE SEEMAN: Helen Seeman,
15 BPC United. I'd like to pick up on
16 something Robin just said.
17 I'm wondering if your projections of
18 PATH ridership have taken into account
19 the fact that I think as the area grows,
20 and the memorial is completed and the
21 buildings are completed, more people will
22 be discouraged taking buses in, and there
23 will be more people stopping off in
24 Jersey and riding in to visit the sites
25 down here. I'm wondering if you've --

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1 it's hard to project, but I'm wondering
2 if you've taken that into account?
3 Also, what Bill said, I had occasion
4 twice this past week, I had to go over to
5 the Jersey shoreline, and decided to try
6 the ferries. They've totally cut out
7 one. Because ridership is down, they've
8 cut out one route entirely, and they're
9 really cutting back. So I think the
10 method of transportation has clearly
11 become the PATH.
12 MR. DAVE STANKE: First of all, in
13 terms of anecdotal of it, I know a number
14 of people who do reverse commute. I
15 think one of the great things about being
16 in Downtown and living here is the fact
17 that you could shoot over to New Jersey.
18 There are offices and companies that have
19 branches at different points around
20 Downtown and New Jersey be able to move
21 back and forth between those offices is
22 part of what makes companies work
23 efficiently, and for us living here,
24 gives us the flexibility to move from
25 locations. I think it's very important

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1 that New Jersey -- I mean, Downtown isn't
2 big enough for a stadium. We don't have
3 room to grow. The new buildings for
4 Downtown have been going up in New
5 Jersey, Brooklyn and other areas. And
6 the functioning of this area as a
7 business center is going to depend on
8 transportation between those commercial
9 and corporate and residential centers.
10 And the PATH is clearly the mode of
11 choice in getting back and forth. The
12 water is not dependable. You have
13 weather issues. You have to walk all the
14 way to the end of the element, so it's
15 not as convenient to many of the
16 buildings Downtown. The Waterway ferries
17 can't support what's going on in the PATH
18 station.
19 I look out my window everyday, and I
20 see the volume. It's just like the old
21 days again. Can't walk up Church Street
22 at certain times of the day. That's a
23 great thing.
24 MR. FRANK SANCHIS: Frank Sanchis.
25 I was thinking along the same lines,

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1 and what I'm wondering is this: When you
2 are trying to provide for ridership based
3 on projections to 2025, I think it would
4 be safe to assume that beyond 2025, 50
5 years from now and 75 years from now, the
6 demand for transportation between New
7 Jersey and New York is going to keep
8 increasing. We'll be looking at a whole
9 different scenario. And that whatever
10 happens with the PATH train now is not
11 ultimately going to provide, the five
12 platforms is not going to provide the
13 ridership that you need.
14 What you're measuring that against
15 is its impact against something, which
16 right now today, that footprint has been
17 established that this is on its way to
18 nationally significant artifact. And
19 that's for everyone. That's not going to
20 change in 25 years, 50 years, or 100
21 years. It's going to be a nationally
22 significant thing.
23 So why would you be thinking along
24 the lines of adversely impacting
25 something where there's already been made

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1 a pretty clear case, that's going to keep
2 coming back, about the need to design a
3 memorial in that same space, which is
4 somehow going to allow you to perceive
5 the entire footprint.
6 Here you're talking about making a
7 change, which is not going to, I would
8 argue, is not going to provide the
9 capacity that you need in the far
10 future. You're making a change that may
11 answer the capacity in 2025, but it
12 probably logically will not answer some
13 capacity in 2050 or 2075; whereas your
14 impact on that monument is forever.
15 So why not look at it slightly
16 differently; which is to see how long you
17 can get away with the capacity in the
18 PATH terminal by leaving the number of
19 tracks that you have and doing something
20 else? And then figuring out when that
21 next step is going to have to be provided
22 for. Because it's not going to be
23 there.
24 Once this expansion of PATH goes in
25 on the World Trade Center site, quite

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1 logically you're not going to be able to
2 expand it again. The only way you could
3 expand it again is to stack it. You're
4 not going to be able to go horizontally.
5 So, for the sake of that one track
6 at this time, and the impact that it will
7 have forever thereafter, why are you
8 thinking about it that way?
9 MR. BERNARD MCNEILLY: One slight
10 clarification, because you did raise some
11 good points there.
12 By the year 2009, we are at the
13 capacity of 50,000 riders that the
14 temporary station has been built for. So
15 the time in the decision is now.
16 You do raise a good point as far as
17 where things are going in the future, but
18 we are at our capacity in 2009. And from
19 a construction perspective, that's not
20 too far in the distant future.
21 We realize our pre-9/11 ridership in
22 the range of around, which was 67,000
23 riders in the range of 2014/2015, and
24 then we reach the ultimate goal of the
25 81,00 riders in 2025. So, although your

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1 points are valid, the reality is that we
2 are at the capacity of the temporary
3 station in just under four years.
4 MR. LOUIS MENNO: Just several
5 comments.
6 First of all, we have to make a
7 decision now because that space will not
8 be there. At the same time, federal
9 funding is limited. We have a limited
10 time frame for it.
11 You mentioned about stacking tracks
12 and elevating, that's like -- it's not a
13 possibility. Basically we would be
14 designing a roller coaster. PATH is not
15 a roller coaster. And we fully
16 understand where you're coming from, but
17 we have to make a decision.
18 MR. DAN SLIPPEN: I have a couple of
19 comments and a question, if you don't
20 mind.
21 I haven't really been at your
22 earlier meetings, but I have been
23 following everything via e-mails and your
24 minutes.
25 I'm from Pace University, and as you

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1 know, we're not experts in engineering
2 and architecture, but we are experts in
3 education. But we're here in the
4 capacity of representing the largest,
5 private university of lower Manhattan.
6 Since 1906, we've provided more than
7 a thousand jobs per year in lower
8 Manhattan, and more than 8,000 students
9 do come to study. And approximately
10 1,200 of our students live Downtown,
11 which means 6,800 commute. And in
12 regards to that, over 1,500 use PATH
13 daily.
14 Just to go on record, we are in
15 favor of the much needed permanent PATH
16 station. We see this as a major transit
17 resource, as a major lifeline for the
18 stability and growth of lower Manhattan.
19 Pace University believes it is important,
20 as well, to our own growth and
21 development.
22 As we look to grow, our student
23 population Downtown and attract faculty
24 and staff from the region, we know that
25 many of these new students, faculty and

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1 staff will look to PATH service to
2 accommodate their transportation needs.
3 To say that the safe, consistent and
4 easy PATH service is important to Pace's
5 future growth Downtown is not an
6 exaggeration. At the same time, Pace
7 University fully understands that there
8 are those who have different views on the
9 PATH station and redevelopment in
10 general.
11 We understand the loss of loved ones
12 on September 11, and we feel strongly
13 that their memories must be honored. But
14 we also believe, however, in the need for
15 balance. We must continue to look to the
16 future as we honor this past, and to
17 think of what we once thought of as
18 impossibilities, as possibilities.
19 Lower Manhattan is growing.
20 Downtown has seen its residency more than
21 double in ten years. And our economy is
22 slowly coming back to pre-9/11 levels.
23 We are moving forward as we should,
24 and it is vital that we continue to make
25 good decisions that achieve our common

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1 goals. We need to make the right
2 decisions so we don't say in 50 years we
3 should have done that.
4 My question to you all is: Based on
5 what we've heard today, we're only
6 talking about right now. I feel that
7 it's somewhat irresponsible for the Port
8 and FTA as planners to not be looking at
9 the long-term future.
10 So if anyone can really answer what
11 we are going to look at 50 years from
12 now, I think that is something that
13 really needs to be discussed.
14 MR. BERNARD COHEN: Since you raised
15 FTA, can I just try to provide a little
16 bit of perspective; because some of this
17 is just a way in which this kind of
18 analysis is done. I don't think it means
19 the Port Authority isn't worried about
20 post-2025 growth. In fact, I know
21 they're very concerned about post-2025
22 growth.
23 But when you're doing projections,
24 the credibility of projections beyond a
25 certain period of time diminish. And so,

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1 the way in way in which these analyses
2 are done are predicated on a timeframe
3 where you can have reasonable confidence
4 that the factors that are being taken
5 into consideration when you're running
6 your numbers are foreseeable. So that is
7 why the Port Authority has used 2025.
8 Not because they think the world is going
9 to stop in 2025. Not because they think
10 growth isn't going to take place beyond
11 that. It is simply that you can't really
12 do credible and analytical work beyond a
13 certain timeframe. And it isn't because
14 they think that they're only building for
15 the next 20 years.
16 MR. NOAH PFEFFERBLIT: As to the
17 2025 being the benchmark. It seems to me
18 if you're dealing with questions of
19 safety you want to err on the
20 conservative side if you're preparing a
21 transportation facility like this.
22 Because I think certainly those of us
23 have been following the lower Manhattan
24 development, we realize there's a lot of
25 very exciting development projects that

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1 are underway now that are going to make
2 the area more desirable for people coming
3 to work in New Jersey and coming from
4 everywhere. And those are probably going
5 to be coming on line conservatively
6 around 2015. 2020. That will initiate a
7 whole cycle of growth.
8 I think you make a good point when
9 you say we can't make any long-term
10 predictions. I don't think you're going
11 to be building a new transportation
12 infrastructure after you do these tracks
13 and platforms again in another 20 years.
14 I don't think that will be something that
15 you would consider. So it does seem to
16 me that you want to plan conservatively,
17 and make sure you have something that's
18 going to be sufficient for the
19 ridership.
20 MR. TOM ROGER: Tom Roger.
21 Just a comment, Lou, on your
22 proposed option for trying to pay
23 attention to the columns. And just to
24 suggest to you to think about first of
25 all looking at moving that stairwell out

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1 of the corner. You seem like you're
2 taking a very large piece of the corner
3 by the location of that stairwell. I
4 realize there are other design
5 considerations with respect to where the
6 stairwell goes, but it seems like you
7 have a lot more of the platform at the
8 northern end to put the stairwell.
9 And the other thing is, in terms of
10 how you consider signifying the location
11 of the columns. I've seen situations
12 where you actually have a transparent
13 section of the floor. The actual real
14 columns are visible through the glass
15 floor for people to look down and see
16 them, rather than denoting them on the
17 platform. Because I can just see if
18 they're on the platform, it's just going
19 to be in people's way. So they're going
20 to lose any particular significance,
21 rather than if you considered some other
22 ways of somehow denoting them, like I
23 mentioned, that might have more
24 significance.
25 MR. LOUIS MENNO: Just wanted to

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1 mention one thing.
2 You mentioned the significant area
3 to north on that platform. You have to
4 remember, just basically right above that
5 is the east/west corridor and then coming
6 right up into that. So we're still
7 looking at that.
8 MR. BERNARD MCNEILLY: Can I clarify
9 something? I just want to be clear,
10 because we've actually been investigating
11 this and have been taking this issue
12 quite seriously.
13 The east/west corridor stays to the
14 north of the north tower. Since that is
15 a principal movement for passengers to
16 come into the terminal, there's a fair
17 zone control immediately to the south and
18 adjacent to that east/west corridor.
19 It's a requirement to maintain a certain
20 amount of spacing from the fair zone
21 control to your vertical circulation
22 elements; it's 30 feet.
23 We actually reoriented the
24 escalators so that instead of you going
25 into the fair zone control, going through

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1 with your tickets and then you go
2 immediately down a set of escalators or
3 stairs, you have to actually loop back
4 around. And we did that so we could
5 maximize how far we were moving that
6 vertical circulation element to the
7 north, while still maintaining some of
8 the requirements that we have for the
9 vertical situation.
10 MR. TOM ROGER: I guess what I would
11 comment. The thing I didn't see in your
12 consideration was widening of that D
13 platform in the area between the
14 footprints. You were notching it out on
15 the footprint, but as far as I'm
16 concerned, you could be a hundred feet
17 wide between the footprints; I don't
18 care. But in order to accommodate
19 stairwells, or whatever other things need
20 to go up above or even down at that
21 level. I don't know whether you've
22 looked at that. I see this nice straight
23 platform that somehow lands in the north
24 and south tower footprint. There's no
25 reason why it couldn't have a different

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1 shape to it. Obviously it's not
2 well-suited to loading a train, but may
3 be better suited to accommodating some of
4 these other issues.
5 MR. BERNARD MCNEILLY: We actually
6 did look at that, as well. That's one of
7 the reasons why there was a notching
8 concept versus an architectural treatment
9 concept.
10 There are different schools of
11 thought as far as having an architectural
12 treatment which would allow you to
13 experience in the station the fact that
14 you are in the north tower zone.
15 We had introduced that concept one
16 or two meetings ago, and we received some
17 feedback, which is one of the reasons why
18 we had shown some options as far as
19 treatment is concerned.
20 The notching takes into
21 consideration another school of thought
22 which is to try to minimize the amount of
23 square foot area impacted as a
24 concerned.
25 So part of today is to try to gain a

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1 reaction from the Consulting Parties as
2 far as which school of thought makes more
3 sense.
4 But to answer your other question
5 about transparency, that was another
6 thing that we had investigated with the
7 preliminary design team. And most of you
8 may not be aware, but there are
9 electrical and communication ducts, as
10 well as HVAC ducts, that are under all of
11 the platforms.
12 So even if we had created a platform
13 with a transparent surface so you could
14 view it down, you'd be looking at duct
15 vents. You wouldn't see the tower
16 remanent bases immediately below.
17 MR. TOM ROGER: Only in the location
18 of the columns.
19 MR. BERNARD MCNEILLY: That's
20 correct.
21 So one of the things we were
22 contemplating was to create some sort of
23 a treatment so that from a placement
24 perspective that you could experience the
25 fact that that is where that particular

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1 remanent base is below.
2 MR. ROBERT KORNFELD: A couple of
3 issues.
4 What you were just saying is
5 interesting; the design of the track
6 platforms. Is it really that inflexible
7 as far as locations of duct vents and so
8 on?
9 I kind of pictured that there would
10 be a potential for designing platforms
11 maybe so you had a long span across that
12 corner for the proposal for putting a
13 platform there. Where maybe at that
14 area, you could have a span or maybe a
15 trust that would be like up-set from the
16 platform to support it, rather than
17 having it supported down, and actually
18 sort of leave the area open where the
19 footprint is there.
20 MR. TOM ROGER: Candle-leaf
21 (phonetic) it over the footprint.
22 MR. ROBERT KORNFELD: Yes,
23 candle-leaf over the footprint. And
24 treat those other issues, like utilities,
25 in a different way there. It's not

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1 really a huge span.
2 I think they're going to the level
3 of just reflecting something that's there
4 and architectural finishes on the surface
5 is really -- I just don't think -- when
6 you have the authentic material there,
7 somehow that doesn't answer the issue
8 really. It's certainly better than
9 nothing. But I think that there has to
10 be something that addresses the authentic
11 material still being there.
12 I had one question about the slide
13 that showed the column footing where you
14 have a base for the arch support. That
15 didn't show the actual footing of the
16 column. The column goes down and has
17 some sort of big foundation that goes
18 below. Doesn't it have some cribbing or
19 something below the surface? Was that
20 shown?
21 MR. LOUIS MENNO: No, it wasn't.
22 This was just an illustrative in terms of
23 what we are looking at; options. These
24 are not detailed drawings. Just
25 concepts.

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1 MR. ROBERT KORNFIELD: No, I didn't
2 mean for the new column. I meant for the
3 existing column base. I don't think it
4 sort of scoped out the space.
5 MR. BERNARD MCNEILLY: Actually, if
6 you'll allow me to clarify.
7 There was actually several different
8 types of systems for the remanent basis
9 depending on where they were; whether
10 they were interior or along the line.
11 Along the east line of the north
12 tower was essentially a configuration
13 which was very similar to a
14 spread-footing and if you know what a
15 spread-footing is, it means that it has
16 an integral and linear footing system.
17 There are grillage type of systems
18 that are in the bathtub on the west
19 side. But along the west side of where
20 we're talking about, the remanent bases
21 that could be impacted by the platform
22 for the temporary track, it's more of a
23 spread-footing configuration. That's one
24 of the reasons we were contemplating some
25 of the options that were presented

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1 earlier.
2 MR. ROBERT KORNFELD: Can I bring up
3 a third comment? These are from all
4 along; which is, both the presentation
5 that we saw and also the draft MOA refer
6 only to the perimeter columns,
7 specifically; rather than the core
8 columns and some of the concrete slab
9 features and so forth.
10 I know that the determination of
11 eligibility speaks in those terms. When
12 I brought that up at the LMDC meetings,
13 they said, "Well, we don't really get
14 into it in that level of detail. Doesn't
15 mean that those aren't things that are
16 significant that need to be dealt with as
17 they came up."
18 So I feel like we've kind of reached
19 the point where you're talking about
20 actually destroying some of this stuff in
21 some cases. You need to say in detail
22 what's being adversely affected.
23 MR. LOUIS MENNO: Well, what we
24 showed here is just what we're going to
25 impact; just that 4 percent area and

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1 those columns. We're not going into the
2 other areas within the footprints. We've
3 always made that clear that we're staying
4 out of that footprint. This is where we
5 have the impact.
6 MR. ROBERT KORNFELD: When you talk
7 about column totals, say, in here, I
8 would rather see it where you talk about
9 like 100 percent of the column bases that
10 are there. And then even where you have
11 the existing PATH station where it's
12 accepted generally that the tracks and
13 platforms and so on will be there like on
14 2 World Trade Center. I would rather see
15 you discuss the ones -- you know, even
16 the ones that we know are going to be
17 adversely affected, that are in that
18 eastern portion of 2 World Trade Center,
19 I think that should be addressed as an
20 adverse affect.
21 I'm not saying anyone expects you
22 not to have the tracks and the platforms
23 there. I'm saying that that should be
24 the number of columns you discussed.
25 MR. LOUIS MENNO: We do recognize

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1 that. I know in previous discussions we
2 also mentioned, and maybe I failed to
3 mention about, there are some impacts in
4 the south tower, how the area is going to
5 increase above the pre-9/11. There are
6 some additional columns that are also
7 affected by that. And that we would do a
8 similar type of arrangement in the
9 southern part. We're looking at that
10 also.
11 MR. BRUCE EHRMANN: Bruce Ehrmann,
12 Community Board #1 Manhattan.
13 I reviewed the materials before
14 coming here today ad nauseam. And the
15 principals remain that Downtown,
16 especially the area that we're talking
17 about, remains wounded. I've spoken to a
18 number of residents in this regard in the
19 last few weeks, residents south of
20 Tribeca, who feel that their
21 neighborhoods have not healed. That they
22 have lost services, and they have.
23 Because the World Trade Center concourse
24 had just become, finally after 20/30
25 years, a vital, viable community center

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1 for people to shop and work and meet.
2 That part of the city has not been
3 brought together. There are all kinds of
4 wonderful plans.
5 We have this opportunity to discuss
6 like we're discussing, public light-rail
7 transportation that will work for
8 Manhattan. It's such a wonderful thing
9 to have. That concept is rarely on the
10 table anywhere in the United States.
11 Here we have it. We're looking how to
12 make it grow, and how to make public
13 transportation, as opposed to automobile
14 transportation, work and bring people in
15 and out of lower Manhattan, and actually
16 heal lower Manhattan.
17 It's a wonderful thing to have to
18 begin with, and it's a very necessary
19 thing to expand. And I believe I speak
20 for most of Community Board #1 in
21 speaking for this. I certainly can't say
22 all. But we've had many a discussion on
23 this matter.
24 I want to address something that's
25 come up in the conversation, and that is,

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1 I'm also CHAER of the Landlord Community
2 Board #1. As someone who was here on
3 that day and has lived here before and
4 since, and having spoken to many
5 children, many, many children in our
6 neighborhood, I believe, I actually
7 believe that what can be preserved should
8 be preserved. But in terms of a
9 day-to-day interaction amongst commuters
10 with that site and with the historic
11 elements there, the representation of
12 what was there, the manifestation of what
13 was there, should be notational.
14 You should not feel, children should
15 not feel, commuters should not feel, like
16 I feel when I go through the exposed
17 parking lot now on the track. You should
18 not feel everyday that you're going
19 through Yad Vashem (phonetic) when you're
20 going to and from work. You shouldn't
21 have that degree of emotional impact
22 every time you come in and out of
23 Manhattan.
24 There should be notational
25 representation and intellectual

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1 acknowledgment of what happened. A sense
2 of awe. But you should not feel like
3 you're under 100 stories that collapsed
4 and X-thousands of people died here every
5 time you come in and out of Manhattan,
6 with and without your children.
7 That's my belief in terms of how --
8 what we're trying to preserve interfaces
9 with the function of a train station.
10 The last thing I want to bring up
11 is, I still don't think you've answered
12 the question: Okay, we've gone out to
13 206 and 220, but when you plan an
14 interstate highway nowadays, you have to
15 leave room in the planning for additional
16 lanes when expansion is called for. I
17 still don't understand how you're
18 planning, if expansion is called for, to
19 expand this station that is now
20 completely built out. Where are you
21 going to go? We can't do it above;
22 that's a roller coaster. We can't do it
23 next door, that's the footprint. What
24 options have you left yourself for the
25 future?

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1 MR. PETER GOELZ: Okay, a lot of
2 people want to speak. This gentleman has
3 been waiting for a while. Then we'll go
4 to the back row and then we'll come back
5 to the front.
6 MR. MATT VIGGIANO: My name is Matt
7 Viggiano. I'm from Senator Connor's
8 office. We represent all of this area
9 Downtown. I actually am a lifelong
10 resident as well.
11 And I just think that this
12 neighborhood and community has gone
13 through so much, that it's anxious to get
14 back to a sense of normalcy that we had
15 on September 10th, or before. And if we
16 bring back the commuters, if we bring
17 back the presence, some of the things
18 that Bruce, you were just speaking about,
19 we go a long way to healing this
20 community.
21 And he actually just stepped out,
22 but there are some things that the
23 gentleman over there spoke about, Mr.
24 Sanchis, about anticipating the future
25 growth. If we do nothing to anticipate

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1 this future growth and just wait until we
2 can't handle it, I don't think that the
3 solutions that would be open to us at
4 that point would be viable in terms of
5 having to cope with needing a new track
6 or numerous tracks having to shut down
7 maybe the one or two tracks that are
8 already heavily used to create those new
9 outlets would be really detrimental to
10 the system.
11 And I want to say that we support,
12 and the Senator supports, rebuilding, but
13 certainly not at any cost. But
14 rebuilding in a responsible manner. And
15 if we can preserve any of that the
16 northern tower footprint, we really
17 must.
18 MR. PETER GOELZ: In the back, go
19 ahead.
20 MR. RICHARD KENNEDY: Rick Kennedy.
21 I'm the vice-cHAERman of Community Board
22 #1.
23 Another piece that is critical here,
24 we need to rebuild our economic health.
25 Get back to good economic health to allow

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1 the residents to grow and business to
2 grow. (inaudible) transportation
3 capability. That is a big issue and
4 planning issue for them. Let me just
5 finish what I'm saying. It's a planning
6 issue. I think it's critical that
7 transportation capacity is there because
8 the due diligence is very important.
9 Many of the businesses on Wall Street,
10 and the businesses that are in Jersey,
11 they rely on that interconnectivity.
12 Some of it will take decisions between
13 the value down here. They spend dollars
14 on the retailers and the restaurant.
15 People that live here are all -- very
16 much the transportation is the key
17 issue. It creates great central
18 businesses here and around the world. I
19 think any compromise we do to that is
20 going to compromise that restoration in
21 restoring the normalcy and rebuilding the
22 rest of the Trade Center. I think it's
23 critical that all those things work.
24 MR. RICK BELL: I am a resident of
25 New Jersey. I work in New York. Rick

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1 Bell, head of the American Institute of
2 Architects. I commute on the PATH
3 everyday. And have, obviously, a lot to
4 commend the Port Authority for the
5 temporary PATH station which made it a
6 whole lot easier for New Jersey-ites to
7 get back to work. Before that, I came
8 through Penn Station.
9 And in terms of the question about
10 representation of what was there before,
11 Penn Station is emblematic. One can see
12 fragments of what was there before;
13 handrails and the like. There are also
14 some excellent photographs.
15 I would suggest, respectfully, that
16 the less that is representational and the
17 more that is actual to, quote Frank and
18 someone else on this side of the room,
19 and to talk to the authenticity of what
20 remains. That's irreplaceable.
21 With respect to Tom; look through
22 glass and see it. And Tom and I walked
23 train stations in Berlin where people
24 were deported. And it's a very emotional
25 feeling to see something represented, but

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1 it's even more necessary to see the
2 authentic elements whenever it is
3 possible.
4 We've been looking at the same slide
5 now for about an hour. And with respect,
6 I would suggest maybe to help the
7 discussion and bring back a slide of the
8 platform, because just like Tom Roger
9 talked about, the possible permutations
10 that may have been studied, and put to
11 the side that may have been commented on
12 in past meetings, but might still be
13 possible for the brain power in this room
14 to think of alternative suggestions. And
15 I am not sure that I know what those
16 might be, having looked at the materials
17 and having given it fresh thought today,
18 but I know one of the disadvantages of
19 commuters both from Long Island and New
20 Jersey and from elsewhere, going through
21 Penn Station, is that the platforms are
22 dismal. Why are they dismal? They're
23 undersized for the ridership as it has
24 increased. But they're also encumbered
25 by stairwells in the wrong positions; by

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1 technology of the long distant train
2 leading to encumbrances in the middle of
3 the platforms that make it very difficult
4 for people to exit in a uniform
5 direction.
6 The difference to my mind in the
7 PATH platforms that you have now, both at
8 World Trade Center and elsewhere, is that
9 it's not so much a question of
10 distributing people who are going to be
11 waiting for a significant period of time,
12 or for a commuter train that isn't in
13 yet, but rather, people loading and
14 unloading and leaving from stairways that
15 could allow for, I think as Tom said more
16 openly than anyone else, train platform
17 that isn't necessarily all uniform and
18 even.
19 The movement out of platforms on
20 Penn Station is encumbered by
21 stairwells. I would suggest, and maybe
22 it's been done already and rejected, that
23 a notching that takes into account all of
24 the existing columns where they occur
25 might impact on people loading, but

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1 probably in the long run isn't going to
2 lead to a diminuation [sic] of time of
3 exiting the platform, if there is a
4 notching down rather than having to pass
5 over, whether it be glass or some
6 representational aspect.
7 And if that's the key issue, as
8 Frank Sanchis said before, maintaining
9 something forever that would otherwise be
10 replaced or some way filtered down, I
11 don't think it's for all of us, except
12 for those representing the families, to
13 talk about the emotional impact now or
14 before. That is something that's
15 incalculable and irreplaceable.
16 MS. PETRA TODOROVICH: I'm Petra
17 Todorovich with Regional Plan
18 Association.
19 RPA has reviewed the projected
20 ridership that the Port Authority
21 provided at the last meeting. And we are
22 satisfied that there is a need for a
23 fourth platform. If anything, we think
24 that the projections are perhaps a little
25 bit conservative because they only go up

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1 through the year 2025.
2 We understand they do not account
3 for the possible extension of PATH to
4 Newark, and the additional ridership that
5 it might create, or the JFK/LIRR
6 connection, or this is only a short-term
7 thing. But if ferry service was reduced
8 because of the New York Waterway,
9 financial problems, we also might see a
10 rise in ridership.
11 So we firmly feel that there's a
12 need for the fourth platform. Given
13 that, the question becomes, how do you
14 reconcile this physical conflict between
15 the placement of the fourth platform and
16 the tower footprints, which we truly feel
17 are an important historic resource and it
18 must be preserved and the access to it.
19 So we are eager to see all of the
20 possibilities. At the last meeting I
21 requested that the Port Authority show
22 some options for how some clearance could
23 be provided. And they have, which I
24 really appreciate. All of those, the
25 notched option, which sort of clears the

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1 platform by narrowing the platform seems
2 perhaps the most viable. But even that,
3 we have some concerns that would create
4 safety problems on the platform.
5 My thinking has evolved a little bit
6 in the last few weeks or so in thinking
7 about this. In that the conflict between
8 this PATH platform and the tower
9 footprint may actually be an opportunity
10 to have more people as they use the PATH
11 encounter on a day-to-day basis, the
12 representation of this tower footprint.
13 I know there's a lot of differing
14 feelings about that. But I think that it
15 is important that people understand when
16 in this PATH station, that this place has
17 the power of remembrance that transcends
18 it as a daily commuting place.
19 So I think rather than have a
20 extremely narrowed platform and a wall
21 that you don't quite understand why the
22 platform is narrow there, perhaps the
23 experience of seeing the delineation of
24 the tower footprint represented
25 architecturally in some way, or actually

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1 in some way that can be arrived at, would
2 be more powerful. But it's a very hard
3 judgment to make.
4 So I just wanted to say that we
5 support the fourth platform, and we're
6 eager to continue to see options of how
7 this physical conflict between two spaces
8 can be resolved and represented in some
9 way.
10 MR. LOUIS MENNO: I want to say a
11 few words about platform D.
12 I know people have been asking why
13 just to the year 2025. And I believe
14 that Bernard said it very, very well;
15 why. But by us constructing a full-width
16 platform, does give us this additional
17 capacity beyond 2025.
18 But beyond that, we have to think
19 about, as I said, when we designed this
20 station, we have to think about the
21 overall system capacity. As I said, all
22 the things that PATH is doing to handle
23 this increased ridership over the next 20
24 years, but there comes a limit within the
25 PATH system by the size of the tunnels;

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1 how many tunnels we have coming into New
2 York. So there is also a system
3 limitation.
4 But the platform, the full-width
5 platform, a full 30-width platform, gives
6 us that extra room for that growth beyond
7 2025.
8 MR. ANTHONY GARDNER: Anthony
9 Gardner, Coalition of 9/11 Families. I
10 have a couple of quick questions, and
11 then I have a comment that I'm going to
12 reserve to the end because I just want to
13 get through my questions.
14 One, Lou, the original PATH system,
15 you talked about how it was a
16 three-platform, five track system with
17 ten cars. Isn't it the case, from --
18 some of the data we've seen suggests that
19 pre-9/11, the PATH system you ran eight
20 cars. You never ran the full ten cars.
21 Is that true?
22 MR. LOUIS MENNO: That is correct.
23 PATH was not operating eight-car trains.
24 They had it in their capital plan --
25 sorry, it was not operating ten-car

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1 trains. Operating full, eight-car
2 trains. It was in their capital plan to
3 increase the service on the Newark line,
4 which was their most heavily traveled
5 route to ten cars. Part of that
6 expansion was the new cars, Harrison, as
7 well as Grove Street, and well as
8 Exchange Place, were all going to be
9 expanded to fully accommodate ten-car
10 trains.
11 MR. BERNARD MCNEILLY: The length of
12 that platform pre-9/11 could accommodate
13 ten cars. It's just that PATH ran
14 seven-car service on the Hoboken line,
15 and seven, with the potential to go to
16 eight, on the north to World Trade Center
17 line. But as far as length of platform
18 and sizing of the platform, ten cars.
19 MR. ANTHONY GARDNER: Isn't it the
20 case though with adding those two cars,
21 you meet your ridership expectations
22 without -- I mean, you're talking about
23 ridership as one of the main factors here
24 for needing platform D.
25 MR. LOUIS MENNO: We're talking

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1 about ridership on the whole system.
2 We're talking about the ridership at the
3 World Trade Center station. The full
4 ten-car train with a headway of in
5 between trains of three minutes helps us
6 provide for that growth, but you need the
7 platform area, and you need the clearance
8 time to get people safely off the
9 platform to conform to the industry
10 guidelines including that failure
11 management that I spoke about.
12 MR. ANTHONY GARDNER: Two more quick
13 questions.
14 In the Draft Affect Documents FTA
15 and the Port Authority prepared, you talk
16 about utility rooms being within the
17 space defined by the perimeter columns,
18 which we all know are the footprints of
19 the towers. You didn't discuss impact of
20 utility rooms in your presentation.
21 Are those utility rooms no longer
22 going to be housed on those footprints?
23 MR. LOUIS MENNO: Basically just
24 utility lines; we're not building utility
25 rooms that may infringe --

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1 MR. ANTHONY GARDNER: So, utility
2 lines, not rooms.
3 One more and then a quick comment.
4 Lou, if 9/11 never happened, how was the
5 Port Authority going to meet these
6 increased ridership issues? Was it
7 something you were even looking at?
8 MR. LOUIS MENNO: It was going to be
9 a difficult challenge. I don't think
10 that PATH or the Port Authority would
11 have been able to meet all of the
12 riderships, because I think I said last
13 time, we were restricted. There was no
14 way to grow. We were at basically at the
15 capacity. Even if we were to put the
16 ten-car trains on, PATH was going to be
17 troubled with that cross-flow, with the
18 congestion on the platforms, and that the
19 headways -- maybe we would have a ten-car
20 train, but the headway would have to be
21 longer; maybe four minutes or longer to
22 avoid that situation of having an
23 overcrowded platform. So they were
24 limited. And we've said that before.
25 MR. ANTHONY GARDNER: My quick

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1 comment. Is that okay?
2 MR. PETER GOELZ: As long as it's
3 not a filibuster.
4 I want to make an announcement.
5 We're almost at 3:00 o'clock.
6 MS. LOUISE LOPRESTI: I've had my
7 hand up for fifteen minutes, and you've
8 been dodging me.
9 MR. PETER GOELZ: Well, there's been
10 a lot of people. You spoke right at the
11 beginning and there are a lot of other
12 people who wanted to speak. This
13 gentleman sitting next to you spoke
14 twice. I'm trying to be fair.
15 MR. JOEL KLEIN: I haven't spoken at
16 all, and I've had my hand up the whole
17 time.
18 MR. PETER GOELZ: I'm coming back.
19 MR. ANTHONY GARDNER: Can I just go
20 real quick?
21 MR. ANTHONY GARDNER: I have bullet
22 points here.
23 One, it's very difficult, as you can
24 imagine as a family member, to
25 participate in these meetings. It's very

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1 personal to us. My brother, along with
2 3,000 other people, were murdered on that
3 site. And it's very offensive when -- we
4 understand there's this layer beneath the
5 service of people being every
6 enthusiastic. And mainly I've heard from
7 residents today about the opportunity
8 that 9/11 has presented to them.
9 It's an opportunity to honor the
10 people who were killed to preserve our
11 national heritage and to revitalize lower
12 Manhattan. But finding a balance. And
13 it's offensive to hear what a wonderful
14 opportunity it is, because my brother has
15 no more opportunities because he was
16 murdered, along with 3,000 other people.
17 These discussions that we've heard
18 where Louise and Joel, and other people
19 that are involved in the 106 process
20 because they care about historic
21 preservation. These other issues that so
22 many other people are raising are really
23 NEPA issues as far as ridership and these
24 other issues. There's no place for that
25 in a Section 106 meeting.

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1 Section 106 meetings should be only
2 open to people who care about historic
3 preservation and want to help these
4 agencies to mitigate and preserve as much
5 of our national history as possible.
6 These other conversations you could
7 take up at a NEPA meeting. And I think
8 any of our advisory councils and our
9 state NYSHPO would attest to that fact.
10 This is not something that's
11 impossible. Europe has done it for
12 centuries; they route transit systems
13 around the catacombs. This isn't
14 something that's impossible.
15 The 9/11 families that we represent
16 at these meetings want the redevelopment
17 to move forward. We're not trying to
18 obstruct the revitalization.
19 But what I can't comprehend as an
20 individual is that the residents that we
21 always see represented in these meetings,
22 you don't see the value of preserving
23 national history. You don't see the
24 value of what it's going to do to your
25 neighborhood, how it's going to bring

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1 people to your neighborhood.
2 You know, LMDC is importing culture
3 to that site, and they'll destroy the
4 culture that exists that's there. That's
5 authentic. That's irreplaceable.
6 There's only 1 World Trade Center
7 site in this country, in this world.
8 There's only two authentic, tangible
9 footprints. A reflecting pool 70 feet
10 above them does not replace that. And
11 destroying them to meet ridership for
12 2050 -- I gotta to tell you, I would hate
13 that if when I'm 50 years old, I have to
14 be back in these meetings trying to
15 continue to fight to protect the remains
16 of the footprints.
17 This is a 106 process. That's
18 something we should all be working
19 towards, and leave these discussions of
20 opportunity and media and train growth to
21 the NEPA process, which is where it
22 belongs and understand how offensive it
23 is when you talk about this wonderful
24 opportunity that it presents. Because
25 there is an opportunity here, but it's

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1 just way off base.
2 MR. JOEL KLEIN: Way back to one of
3 the first questions that Frank Sanchis
4 asked, because I don't think he got an
5 answer.
6 When he asked his question, the
7 response he got was an explanation which
8 was very understandable about why
9 construction needs to start very soon. I
10 think that was very clear.
11 But Frank's question related to when
12 capacity would be reached. And I think
13 the question really is: At what year in
14 your projections, assuming there was no
15 platform D, does your capacity max out?
16 MR. LOUIS MENNO: We'll have to get
17 back to you on that.
18 MR. JOEL KLEIN: Well then, Lou, I
19 have a whole bunch of questions for you.
20 And I apologize in advance if I sound a
21 little prosecutorial because I really
22 don't mean them to be that way.
23 You refer to the Manual
24 Transportation Capacity and Service. Is
25 that a government document?

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1 MR. BERNARD MCNEILLY: It's a TCRP
2 publication that's readily available.
3 MR. JOEL KLEIN: That's not my
4 question. Is that a government
5 document?
6 MR. PETER GOELZ: Well, Joel, let's
7 not make it prosecutorial.
8 MR. JOEL KLEIN: Well, no, because I
9 am not going to let you do this, Peter.
10 MR. PETER GOELZ: Are you asking
11 whether it's a document that is prepared
12 by a trade organization, as opposed to a
13 government?
14 MR. JOEL KLEIN: Yes.
15 MR. PETER GOELZ: Why don't you ask
16 it that way?
17 MR. JOEL KLEIN: Well, if it's not a
18 government document --
19 MR. PETER GOELZ: Is this something
20 that --
21 MR. JOEL KLEIN: Fine. Answer the
22 question you just asked. I'm perfectly
23 happy with that.
24 MR. PETER GOELZ: Is it an
25 association document or --

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1 MR. BERNARD MCNEILLY: TCRP is part
2 of the Transportation Board, which is a
3 research engine that this particular
4 documentation was supported. And it's
5 actually referenced on its cover by the
6 Federal Transit Administration.
7 MR. JOEL KLEIN: Is there any
8 requirement in FTA regs and New York
9 State regs that standards set forth in
10 that manual be adhered to?
11 MR. BERNARD MCNEILLY: Is the
12 document a standard of industry
13 practice?
14 MR. JOEL KLEIN: So it's not in any
15 FDA regulations or New York State
16 regulations that it be followed.
17 Is it illegal to construct a
18 facility that doesn't comply with the
19 manual?
20 MR. TIM STICKELMAN: Joel, you're
21 asking questions --
22 MR. JOEL KLEIN: The reason I'm
23 asking these questions is because Lou
24 Menno, three times, said we have to
25 follow it, we must follow it, and it is

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1 required that we follow it.
2 Who is requiring you to follow this
3 manual?
4 MR. LOUIS MENNO: Let me put this
5 way, we have to build a station that
6 follows the industry. Why should we be
7 different from any other transit facility
8 in the country who follows these
9 guidelines? Why should we be different
10 when we have to provide service. We as a
11 public agency have to do our best to do
12 the best for all Consulting Parties.
13 I think we are really trying to do
14 our best for all Consulting Parties by
15 minimizing to the fullest extent possible
16 the impacts. But we have to follow
17 guidelines; industry guidelines for
18 designing a rail system.
19 MR. JOEL KLEIN: You just said it
20 again.
21 MR. PETER GOELZ: Here's the issue
22 you're making, Joel. See if I can get it
23 right.
24 What we have is, they base some of
25 their justification on what are, in fact,

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1 industry best practices, right?
2 MR. JOEL KLEIN: Understood.
3 MR. PETER GOELZ: These are best
4 practices that transit authorities try to
5 follow. But are they written in law?
6 Can they be changed? Can they be
7 modified? Are they modified?
8 The answer is probably yes. Don't
9 you think?
10 MR. JOEL KLEIN: I would think so,
11 but I would like Lou to say that, and why
12 it can't be done in this case.
13 MR. PETER GOELZ: Right. And the
14 essential question then is: Is if these
15 best practices are not followed, if we
16 modify them, are there consequences that
17 somehow undercut cut the effectiveness of
18 this facility, as opposed to ignoring the
19 historic importance of these footprints?
20 MR. JOEL KLEIN: That's what we
21 should be doing. We should be discussing
22 what the consequences are of not adhering
23 to those standards, and what the
24 trade-offs are.
25 MR. PETER GOELZ: And the question

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1 is: Is it a reasonable trade-off to not
2 follow a best practice to the letter of
3 the law to preserve what is a historic
4 site?
5 MR. JOEL KLEIN: Other than the term
6 "letter of the law," yes.
7 MS. LOUISE LOPRESTI: You probably
8 should have let me talk first because I
9 would have made more conciliatory remarks
10 than these guys would have.
11 MR. PETER GOELZ: I understand.
12 MS. LOUISE LOPRESTI: I was going to
13 say earlier on about ten minutes ago that
14 we got to a point that we always do in
15 these meetings where somebody says, "We
16 have to forget about 9/11 and move on,"
17 and the families go, "What?"
18 I'm being facetious, but really, it
19 shouldn't come to that.
20 I work with the families. I'm an
21 historic preservation advodate. I work
22 on Wall Street. I think everybody
23 understands the need to remember and
24 rebuild, and to rebuild right.
25 I'd like to echo Tom Roger's comment

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1 as a family member and he is in the
2 construction business. He's working on
3 this site, as well as Rick's comments,
4 and Frank Sanchis' comments.
5 This is the site of the largest
6 attack on the U.S. in history, period.
7 Let's hope we never have a bigger one.
8 That being said, yes, we want to
9 comply with best practices, okay. And in
10 so doing, in adhering to the numbers, we
11 need best design practices. And as Tom
12 and Rick both pointed out, and Frank, as
13 well, we are not seeing it on the screen
14 here.
15 This is a design challenge. You
16 guys need to come up with a solution.
17 With absolutely with no offense to you,
18 the Port Authority is not known in this
19 town for being the largest bunch of
20 creative thinkers. It's a statement of
21 fact.
22 You guys need to go back to the
23 drawing board and think it out. Because
24 for no other reason, and it's the white
25 elephant in the room, and I asked Anthony

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1 if he minded if I mentioned it, next
2 Friday, November 12th, by an
3 extraordinary coincidence, which happens
4 to be the same day you're doing the site
5 tour, is the first appearance in Southern
6 District Court on this issue. And unless
7 you come up with a really good solution
8 that can respect the historic artifacts,
9 as well as meet your needs in terms of
10 transportation and redevelopment for the
11 neighborhood, we'll be in Southern
12 District Court for a long time. We ain't
13 going away. I don't care if it's five
14 people with 250 and a legion behind us.
15 I don't care. And I'm sure Anthony feels
16 the same way.
17 MR. PETER GOELZ: Let's get your
18 hands up now so we can bring this in. A
19 chance to speak. So who hasn't spoken
20 yet? I do want to give John Hotopp a
21 chance to speak.
22 MR. KEN LUSTBADER: Ken Lustbader.
23 One of the issues that I've been raising
24 at other meetings, and it comes up
25 frequently when we're trying to mitigate

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1 the impact on the footprints is the issue
2 of cumulative affect. I know this isn't
3 the forum for it, but I would like to
4 propose having a separate meeting,
5 perhaps a smaller group, to discuss with
6 the LMDC and Port Authority how to deal
7 with not just this PATH projects, but
8 with the multiple projects that are going
9 on short-term and long-term on the site,
10 and how Consulting Parties can reflect on
11 what the impact is going to be.
12 UNIDENTIFIED: Who will be that
13 smaller group?
14 MR. KEN LUSTBADER: Well, I'm saying
15 the Consulting Parties.
16 The other issue, talking about what
17 Frank said, we were at a meeting at the
18 LMDC for Consulting Parties a few weeks
19 ago where they showed great examples of
20 artifacts that were kind of stumbled
21 upon, or found, where they were putting
22 together design solutions.
23 And I feel strongly that this is an
24 opportunity, because we didn't stumble
25 upon this, we have it in front of us, to

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1 use the most innovative design
2 solutions.
3 With that being said, we should look
4 forward and exploit the fact that those
5 elements are there already, and have
6 innovated design solutions that are not
7 being put forth on the screen.
8 MR. BEN STANLEY: I just want to
9 answer Anthony, with I would call it an
10 attack on the residents down here.
11 You made your point. I'd like to
12 make mine.
13 He's saying that we're taking this
14 as an opportunity. This is not an
15 opportunity for us. We have to survive
16 down here.
17 MR. ANTHONY GARDNER: That was
18 Bruce's own words. We have to survive
19 down here. We have to make the best of
20 this situation that we can. We have to
21 project what is going to go down in the
22 future, and make a best possible
23 situation of that fact with the proper
24 respect for the people who lost and for
25 the proper artifacts.

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1 Now, just as in the south tower had
2 been infringed upon and artifacts had
3 been no longer been able to be saved
4 there, I feel that there has to be a
5 compromise between what is going to be
6 projected into the future, past 2025,
7 what we can do at this point so that we
8 can satisfy the best possible solution
9 with compromising the least amount of
10 artifacts.
11 I think this is what the job of this
12 committee is. And obviously you have
13 your point of view. I have my point of
14 view. Bruce has his point of view, which
15 is completely diametrically opposite of
16 yours. We have to come and find the
17 right possible solutions to this.
18 Now, yes, you can stumble upon
19 artifacts and you have artifacts that are
20 in the ground, we have to find what is an
21 artifact and then what is a symbol of the
22 artifact, and what is going to in the
23 future hold the memory of 9/11 true. And
24 that compromise is what we're here to
25 achieve.

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1 So I don't think it's going to be
2 all on one side or on the other side. I
3 think there has to be a way that we try
4 to do this. And through a good design
5 and through good engineering, I think it
6 can be done.
7 MR. BILL LOVE: This is real quick.
8 Just a question basically.
9 I think that a convincing case has
10 been made today for the addition of
11 platform D. I have a question relating
12 to this notching idea. The gain from
13 that seems minimal to me. You go from 97
14 percent uncovered to 98 uncovered. But
15 let's say you do that and it causes
16 problems on the platform in terms of
17 crowding and safety, could that be
18 reversed at a later date without the cost
19 being exorbitant?
20 In other words, would you have to --
21 if you decided later you wanted to fill
22 that notch in, would you then have to
23 reroute the tracks, and then it would be
24 impractical to do?
25 MR. LOUIS MENNO: We would not have

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1 to touch the tracks because it would be
2 on the western-most wall.
3 MR. BILL LOVE: So you could fix
4 it?
5 MR. LOUIS MENNO: There's a wall
6 there and that would basically separate
7 the PATH station to the west, which would
8 be the memorial area.
9 MS. ELIZABETH MERRITT: I'd like to
10 comment on two issues for the National
11 Trust.
12 One, is that I think this
13 gentleman's suggestion over here about
14 looking into the idea of being able to
15 see through the platform to the authentic
16 remains of the tower perimeter is one
17 that really deserves further
18 exploration. And the answer about over
19 (inaudible), it didn't really seem that
20 thought through. It may be possible to
21 reroute those. And that could provide
22 the basis for a compromise where you
23 wouldn't have to alter the width of the
24 platform. You could have the full width
25 that you want, but still give people the

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1 opportunity to see the real remains
2 below. And I think that really deserves
3 a lot more exploration.
4 It also provides an opportunity for
5 people who don't want to be exposed to
6 that; to just walk over that portion of
7 the platform. So it seems like the best
8 approach.
9 And the notch to me sort of was the
10 worst of both worlds because a five-foot
11 notch, you could really notch out the
12 whole corner. It's just sort of too wane
13 a gesture [sic] as it was proposed.
14 But the thing that really disturbs
15 me is the location of that
16 escalator/stairway right on the corner of
17 the footprint there. That just seems
18 like the worst possible location. I
19 think some additional exploration should
20 be done as to whether that could be
21 relocated somewhere else on the
22 platform.
23 So those are my comments.
24 MS. HELENE SEEMAN: I have a quick
25 question, I guess, to the families

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1 because we all take our time to come to
2 these meetings. And I appreciate the
3 presentation.
4 But if the families have decided
5 that there's no compromise, it would have
6 been better for us to know ahead of
7 time.
8 In other words -- I mean, from what
9 you've said, basically, Louise, you're
10 going to court. If any percent -- it
11 sounds like to me, I don't know if I'm
12 interpreting it correctly, if any
13 percentage of the footprint is covered
14 back, does that mean you're going to
15 court?
16 MR. PETER GOELZ: No, I don't think
17 that's ever been at issue.
18 MR. DAVE STANKE: There is an
19 assumption that was stated here that I
20 don't I think is actually 100 percent
21 correct.
22 Historic preservation is always a
23 game of compromise, finding what's most
24 important, and finding pieces that can be
25 used realistically.

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1 I think in the scope of that, we
2 have three-and-a-half or four acres of
3 footprint columns that are all going to
4 be six stories underground below, with a
5 memorial above. And that is a huge
6 volume of historic remnants to used. I
7 am not sure how it's going to be used at
8 this point in time. And I am not sure
9 how many visitors are going to fill it.
10 But we're talking about a train covering
11 three percent of that space that is going
12 to pull in thousands of people a day, to
13 make a difference in how many people's
14 daily momentary lives, versus creating
15 three percent more space in some sort of
16 an underground museum facility that will
17 allow somebody to go to every one of the
18 boxed beam columns, versus some symbolic
19 representation that could be fit in.
20 I mean, there's all of these other
21 types of ways that could make it clear.
22 I don't also believe that of the
23 thousands of people who come walking
24 around the site, that anybody, except a
25 few, know about these columns or would

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1 consider 100 percent preservation of
2 those columns to be significant.
3 Especially if you are going to ask them
4 to donate money to save those columns.
5 Which, if the federal government is
6 paying for a project, and there are
7 federal funds, I believe those federal
8 funds are limited. So when those funds
9 start getting used up by expensive,
10 creative solutions for getting trains off
11 the ground and up and around things, are
12 we going to go back to President Bush and
13 say, "By the way, we need another
14 billion, please, or, "We need another
15 $500,000"?
16 There is right now a fund raising
17 effort going on to raise money for the
18 memorial and the memorial center itself.
19 Not sure how well that is even going.
20 So we have to balance the needs of
21 this nation and the federal funds and
22 what those funds are doing and what they
23 are achieving. It is an important
24 designed compromise.
25 MS. DEBRA LESTER: My name is Debra

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1 Lester, and I'm here representing the
2 Speaker of the New York State Assembly,
3 Sheldon Silver, who is also the
4 representative to lower Manhattan.
5 I wanted to thank the Port Authority
6 for putting together these meetings and
7 hosting everybody. Since this will be
8 the last of our meetings, I just wanted
9 to say that.
10 And I also wanted to say that the
11 Speaker fully supports the residents of
12 the lower Manhattan and their position on
13 this, and wholeheartedly urges the Port
14 Authority to take every recommendation
15 and comment made by the residents and the
16 community board very seriously. And that
17 this project is very important. And a
18 lot of the rebuilding depends upon the
19 PATH station being built. And to slow
20 down what will already be a lengthy
21 process, would not be in lower Manhattan
22 or the rest of New York City's best
23 interest.
24 MR. PETER GOELZ: As disappointing
25 as this may be for the Speaker, this may

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1 not be the last meeting.
2 MR. ANTHONY GARDNER: We didn't talk
3 about the MOA.
4 I just want to talk about what David
5 had touched on. The remains of the
6 footprints are not three and four acres
7 or five acres. The north tower is about
8 one acre, the full footprint. Half the
9 south tower is already destroyed by the
10 PATH system, so that's only a half acre.
11 We're talking about one-and-a-half acres
12 of bedrock. That's a very fair
13 compromise that half of the south tower
14 is already destroyed.
15 MR. DAVE STANKE: To whom?
16 MR. ANTHONY GARDNER: Let me finish.
17 You talked about the families having
18 to compromise. You could see our point
19 that that's a substantial compromise that
20 we're not fighting that half. We're not
21 asking them to move that, provided it's
22 incorporated into the PATH system.
23 And also David talked about how
24 these thousands of people this was going
25 to affect. Well, you know what,

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1 preservation of the remains of the
2 footprints will affect millions of people
3 for as long as this country exists.
4 How many millions of people go to
5 stand over the wreckage of the USS
6 Arizona? How many people go over the
7 battle fields of Gettysburg? It is the
8 same situation.
9 So we are about compromise, but
10 there are certain facts here that not
11 everybody is on the same page.
12 Also, it's the fault of these
13 agencies that the country doesn't know
14 the remains of the footprints exist. We
15 have been trying to get that out there.
16 We got the New York Times to publish
17 those pictures last year. We sponsored a
18 nationwide poll through Knowledge
19 Networks, which is an academic and
20 polling company. I think, Bernard, you
21 would be interested in this. We showed
22 people the photos of the remains of the
23 footprints to the polling company. We
24 asked these individuals to get a sample
25 of people around the country. And 60

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1 percent of the people, once they saw the
2 photos, said, "Absolutely." They agreed
3 that the footprints needed to be
4 preserved and accessible. Only 16
5 percent said no. And that's coming from
6 our photos, which are not that
7 spectacular. They're just the only
8 photos of the footprints uncovered at
9 this point. That number jumped to 70
10 percent for the sample of just New York
11 voters.
12 So maybe they don't live Downtown;
13 maybe they live on the upper east or west
14 side. Maybe they didn't poll the
15 Downtown people, but it seems like
16 there's a great misunderstanding here.
17 The word opportunity was used by several
18 of the residents here. That's why we
19 reacted to that. It wasn't something we
20 just pulled out of our hats.
21 MR. ROBERT KORNFELD: I have to say
22 that I've heard a lot, especially at this
23 meeting, where it seems like preservation
24 is somehow in the interest of family
25 members and destroying historic resources

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1 is in the interest of the residents. I
2 totally reject both of those things.
3 I'm here as a preservationist
4 representing a preservation
5 organization. You are looking at a line,
6 this is the National Trust, Municipal Art
7 Society, The State Preservation League.
8 The people who are in favor of
9 preservation are not family members.
10 People say, like, "Oh, they're doing this
11 as a favor to the families." That is not
12 true. I don't know of a more significant
13 preservation issue in this nation. I
14 don't know of a more historic site in
15 this nation. It's not big. Everybody
16 talks about it like it's that big.
17 If you look at historic sites of
18 this magnitude of importance around the
19 world, you're go talking about places
20 like Pompeii or the Circus Maximus in
21 Rome. This place will be known a
22 thousand years from now.
23 The images of the Trade Center
24 disaster, of the recovery, of the ruins,
25 will be in peoples minds 50 years from

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1 now, a 100, a 1,000 years from now. Even
2 if New York City isn't here anymore, that
3 is something that will be etched
4 permanently in human memory. It's not
5 just because of the scale; it's somehow
6 the whole thing, the engineering hubris,
7 if you want to call it that, of the
8 towers, the human drama. The whole thing
9 is so significant. I can't believe that
10 people talk about it in terms of, "Oh,
11 it's just a few acres. You can just nip
12 this off you can nip that off." It's
13 very significant.
14 If you have something that's a
15 whole, 1 World Trade Center as a whole,
16 an intact whole, for what it is, it's a
17 ruin. It's an entire, complete ruin.
18 Now, as you know, if you look at
19 antiques, an antique that's perfectly
20 intact is very different than an antique
21 that has a chip. So, you can't just
22 think of it in terms of percentages.
23 We're not fighting for percentages.
24 There's a certain level of integrity.
25 A lot of things are not landmarked

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1 because they've lost their integrity.
2 We're fighting for the integrity of this
3 historic site; not just for percentages.
4 I think you have to understand that.
5 This is something that's in the interest
6 of our nation to preserve. It is our
7 responsibility. That is why these
8 preservation groups are here.
9 I would like to say, also, I think
10 that this meeting has been entirely
11 insufficient as far as dealing with the
12 Memorandum of Agreement. I think we
13 spent the whole meeting saying how much
14 they want train service.
15 MR. PETER GOELZ: We'll get to the
16 memorandum.
17 MR. FRANK SANCHIS: Frank Sanchis.
18 I wanted to go on record as saying that
19 design-wise, this isn't about that two or
20 three percent of the north tower. It's
21 about the integrity of the footprint.
22 It's important to remember that there is
23 some sort of a spatial solution. It's
24 not a footprint, but a spatial solution,
25 to be able to understand that perimeter

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1 that is being discussed, but has not been
2 approached from a design point of view.
3 But if you make this decision to log off
4 the end, then that spatial solution is
5 sort of obviated. And it's important to
6 keep in mind the secrets of decisions
7 about the design.
8 MR. PETER GOELZ: We're running
9 short. I think I'd like to move on to
10 John and the MOA.
11 MS. CHARLENE VAUGHN: Can I suggest
12 something? We focused a lot of time on
13 the whole treatment of the footprints and
14 the platform. This Agreement includes a
15 very expansive, comprehensive mitigation
16 plan, and I don't feel that you should
17 give it short shrift because we're
18 running out of time. I'm totally opposed
19 to that.
20 MR. PETER GOELZ: What would be your
21 suggestion?
22 MS. CHARLENE VAUGHN: I don't know,
23 but I don't think people should be forced
24 to comment real quick on a quick
25 conversation to respect time. We chose,

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1 we made a decision clearly, to have this
2 protracted discussion on the footprints.
3 So I think it was meaningful and good,
4 but don't minimize the need to look at
5 the --
6 MR. PETER GOELZ: No, no. The MOA
7 is very important.
8 MR. TIM STICKELMAN: Can we give the
9 court reporter a five-minute break?
10 (Recess taken.)
11 MR. PETER GOELZ: I think we've had
12 a spirited discussion today. And it was
13 probably unrealistic to think that we
14 could have accomplished this agenda in
15 the timeframe that we had set aside.
16 I know many of you have other places
17 to go and promises to keep. I think that
18 what we're going to suggest is that we
19 reconvene this meeting on the 15th or the
20 16th to focus on the MOA, and to let John
21 Hotopp make his presentation then. I
22 think he'll just do a quick, abbreviated
23 form now so people know what to focus
24 on.
25 But the key thing to remember is

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1 that the November 19th deadline is still
2 there. So if you want to comment, you
3 need to get your comments in in writing
4 so that 19th date is still in play. But
5 we'll get an e-mail out to everybody
6 within the next 24/48 hours. And it
7 looks like we would do it in the
8 afternoon of the 15th or the 16th.
9 MS. CHARLENE VAUGHN: Peter, can we
10 do it in conjunction with touring the
11 cleaned columns? I mean, just to be
12 efficient.
13 MR. PETER GOELZ: We're all in favor
14 of efficiency even though many of us work
15 for the government.
16 John, give us a few minutes, and
17 then we'll wrap it up.
18 MR. JOHN HOTOPP: I'll very quickly
19 look through the slides and give you an
20 overview what it is we'll be talking
21 about.
22 These were the key stipulations that
23 are in the Memorandum of Agreement.
24 We've obviously spending the whole layout
25 of the tower perimeter column stipulation

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1 as number one. And some other stips, I
2 think, clearly need to be talked about.
3 They deserve their place in the sun as
4 well. So that's why that will become the
5 focus of the next meeting.
6 What we'll be doing, the arc within
7 the plow print areas, everything is as
8 developed than. And what you're seeing
9 is the 35 percent design stage will be
10 coming out for all of you to be looking
11 at, and NYSHPO as well. So that each
12 step of the way as the agency works
13 through the project, will be 74 and 35
14 percent. We'll be looking for some input
15 on that.
16 One of the things that we talked
17 about, and it's in the MOA, I think
18 you've seen it, that NYSHPO gets 30 days
19 to comment on this. And originally the
20 Consulting Parties were given 14 days to
21 get their comments in. The objective of
22 that exercise was to give time for the
23 NYSHPO to incorporate or to review the
24 comments made by the Consulting Parties.
25 On reflection, we're talking about

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1 changing that to 21 days, which basically
2 gives NYSHPO a week to pick up on the
3 comments that all of you are making. But
4 it gives you three weeks which you'll be
5 talking about.
6 Each one of these will be worked
7 on. The Hudson River Bulkhead, we don't
8 have too much information yet. That's
9 why we'll have to develop a treatment
10 plan. That will all be on the website
11 for all of you to consider. The
12 archeological resource is same thing. We
13 really don't know yet until we get some
14 of the building down and start some of
15 the underground work. So the temporary
16 relocation of some of the elements on
17 this site. We've talked a little bit
18 about relocating the footprints on the
19 perimeter. Take it out to Hanger 17 and
20 then bring it back. We'll have to move
21 the Cross at some point. And some other
22 artifacts may have to be temporarily
23 relocated. It's the same situation we
24 had from the beginning when we talked
25 about do to the artifacts that are

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1 off-site contribute to the site? You can
2 decide yes, they do, and they're brought
3 back. That was the decision we made a
4 long time ago.
5 We'll talk about the next steps in
6 your comment period. Due November 19th.
7 We really need that. We'll be working
8 towards the final MOA. We're talking
9 about another meeting now to talk about
10 all these things and then end up heading
11 towards the final.
12 That's the way the process is
13 playing out. That's about a five-minute
14 solution.
15 MR. JOEL KLEIN: Quick question.
16 You said it will be the final, so
17 there's going to be no interim draft?
18 The next version that we see will be the
19 final version?
20 MR. JOHN HOTOPP: We haven't toyed
21 the final yet, Joel. May or may not be
22 another version.
23 MR. JOEL KLEIN: That's my question.
24 MR. JOHNSON: We're heading towards
25 the final.

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1 MS. CHARLENE VAUGHN: Do we have to
2 have a meeting for that final iteration,
3 or can we look at it and send you
4 comments electronically to keep it
5 moving?
6 MR. JOEL KLEIN: That's fine.
7 MR. BILL WONG: We'll see how it
8 plays out.
9 MR. BILL LOVE: The 14 days of the
10 21-day to comment period on each of these
11 plans, will it be our responsibility
12 literally to check the website everyday,
13 or will we get some e-mail notification?
14 MR. BILL WONG: We'll give you a
15 notification.
16 MR. PETER GOELZ: All right.
17 MR. ANTHONY GARDNER: I have a
18 question. I think Ken Lustbader touched
19 on this earlier, John.
20 The Coalition of 9/11 Families has a
21 lot of concerns with the MOA, I shouldn't
22 say a lot, but a very significant
23 concern, that LMDC, and we've mentioned
24 this before, we feel really needs to be a
25 signatory on your MOA because we have

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1 concerns about how the cumulative affects
2 of their ongoing projects with your own,
3 and especially considering their
4 programmatic agreement is so vague, all
5 they need to do is provide what they
6 determine to be appropriate access to
7 column remnants that form portions of
8 what they call the lower footprints;
9 which, there's no lower or upper
10 footprints. Those are the footprints.
11 That's really the main comment we'd
12 like to get to you before we move to this
13 final comment because it's something that
14 we feel is so necessary. Otherwise, in
15 our view, all of the work that we've all
16 put into this is rendered meaningless
17 because at the end of the day, FTA and
18 the Port Authority might work towards
19 doing the right thing and spell out
20 percentages that are going to be
21 preserved and mitigation plans we could
22 all wrap our arms around, but then LMDC
23 -- it's the same example like they
24 talked about the Vesey Street staircase
25 which many people advocated for the

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1 preservation of. Port Authority came up
2 at one meeting and said, "Don't worry,
3 our plan won't impact it, but we can't
4 tell you the effects that LMDC will have
5 it on it."
6 So that's a really good sort of
7 anecdotal example.
8 MS. CHARLENE VAUGHN: I think
9 subsequent to executing the LMDC
10 agreement, we worked with FHWA to include
11 in their agreement. And I think it's
12 proposed in this agreement, a concept
13 that talks about coordination among the
14 agencies. And perhaps what we need to do
15 is explore that in greater detail when we
16 have the next meeting, understanding what
17 kind of commitments are made. Because it
18 seems to be binding, and I don't think
19 any of us will really know the
20 particulars of that. So maybe that could
21 be shared and discussed because I don't
22 really understand it. But it seems like
23 it's a formal arrangement and it does get
24 to cumulative effects, coordination that
25 we don't know a lot about.

1 MR. PETER GOELZ: So the 15th or
2 16th. We'll try to do it on the 15th to
3 coordinate with the site visit. Thank
4 you all.
5 (The hearing was concluded at 3:55 p.m.)
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1 C E R T I F I C A T I O N
2 STATE OF NEW YORK)
) ss.:
3 COUNTY OF NEW YORK)
4
5 I, GINA M. D'ADAMO, a Shorthand
6 Reporter and a Notary Public within and
7 for the State of New York, do hereby
8 certify:
9 That I reported the proceedings in
10 the within-entitled matter, and that the
11 within transcript is a true record of
12 such proceedings.
13 I further certify that I am not
14 related, by blood or marriage, to any of
15 the parties in this matter and that I am
16 in no way interested in the outcome of
17 this matter.
18 IN WITNESS WHEREOF, I have hereunto
19 set my hand this 9th day of November,
20 2004.
21
22
23 GINA M. D'ADAMO
NOTARY PUBLIC
24
25

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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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Bernie McNeely
Shawn Lenahan
Mark Paglietini
Harold Levitt
Bill Wong
Paul DeMeo
Kim Cifarelli
Steve Coleman
Glenn Guzi
Luis Rodriquez
Nancy Johnson

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.

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1 Another theme was to provide
2 options for direct visual access from the
3 platforms to the footprints.
4 And a third was to look at
5 whether the location of the escalators and the
6 stairs in the corner of the north tower could
7 be shifted.
8 The Port Authority has been
9 looking into those last two concerns, and I
10 know we will be interested today to hear what
11 they have to present.
12 I'd also like to address another
13 subject that was raised at our last meeting
14 pertaining to LMDC being a signatory party to
15 this MOA.
16 The currently proposed signatory
17 parties to the MOA are the Port Authority, the
18 Federal Transit Administration, SHPO, and the
19 Advisory Council for Historic Preservation.
20 These parties all have explicit
21 responsibilities in carrying out the MOA.
22 The Section 106 regulations do
23 allow for other invited signatories, when a
24 party outside the required signatories has an
25 actual responsibility to fill, in carrying out

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1 the MOA.
2 LMDC has no such responsibility
3 in the permanent PATH terminal, so therefore
4 there is no basis for including them as a
5 signatory party.
6 However, LMDC, as a consulting
7 party to this process, can sign the MOA
8 acknowledging their agreement with its outcome.
9 Currently, LMDC proposes to sign the agreement
10 as noted in the draft MOA you are reviewing.
11 This option of signing as a
12 concurring party to the agreement is also
13 available to all of you as a consulting party
14 to this process who wish to concur when the MOA
15 is finalized.
16 With that, we have a lot to
17 cover this morning, and before we head to the
18 tour --
19 CHARLENE VAUGHN: A point of
20 clarification. Excuse me.
21 Extending the opportunity to all
22 consulting parties to concur in the agreement
23 is an overture that has no real legal standing.
24 So if anyone declines to sign, it has no
25 bearing on the execution of the agreement.

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1 So we need to be clear about
2 that. It's not something that exerts or comes
3 with any power or authority to change the
4 agreement, stop it from going into effect or
5 whatever.
6 BERNARD COHEN: Thank you for
7 clarifying that.
8 So with that, I would like to
9 turn the meeting back to Peter.
10 PETER GOELZ: Good morning,
11 everybody.
12 We do have a packed agenda this
13 morning, followed by a tour of the site.
14 And just as a point of
15 clarification, the Port Authority is going to
16 be scheduling a second tour, given that the
17 first tour was canceled because of the rain on
18 Friday.
19 You'll be letting people know
20 this week in the same effective way we learned
21 of this meeting, I hope?
22 BILL WONG: We will have belt
23 and suspenders on.
24 PETER GOELZ: So there will be a
25 second tour.

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1 The three items that we are
2 going to discuss today:
3 We are going to revisit the
4 Platform D configuration, and the
5 Port Authority is going to present some new
6 design schemes that they have been working on
7 in response to our last meeting.
8 We're going to spend some time
9 with John Hotopp on the draft memorandum of
10 agreement.
11 And then, as I say, we are going
12 to take a tour of the site.
13 But before we start, let's go
14 around the room and introduce ourselves so that
15 everybody knows who's here and the stenographer
16 can do her job.
17 Let's start with you, Tim.
18 TIMOTHY STICKELMAN: Tim
19 Stickelman, Port Authority.
20 BERNARD COHEN: Bernard Cohen,
21 Director, Lower Manhattan Recovery Office,
22 Federal Transit Administration.
23 ANDREA BURK: Andrea Burk,
24 AKRF.
25 ANTHONY GARDNER. Anthony

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1 Gardner, Coalition of 9/11 Families.
2 JOEL KLEIN: Joel Klein, John
3 Milner Associates, for the Coalition of 9/11
4 Families.
5 ROBERT KORNFELD: Bob Kornfeld,
6 Historic Districts Council.
7 NANCY JOHNSON: Nancy Johnson,
8 Port Authority.
9 KURT HORNING: Kurt Horning, WTC
10 Families for Proper Burial.
11 CHARLENE VAUGHN: Charlene
12 Vaughn, Advisory Council for Historic
13 Preservation.
14 BETH CUMMING: Beth Cumming,
15 State Historic Preservation Office.
16 DEBRA LESTER: Debra Lester,
17 New York State Assembly Speaker Sheldon
18 Silver's Office.
19 ALBERT CAPSUTTO: Albert
20 Capsutto, Tribeca Organization.
21 ROBIN FORST: Robin Forst,
22 Council Member Gerson.
23 RICHARD KENNEDY: Richard
24 Kennedy, Community Board One.
25 KEN LUSTBADER: Ken Lustbader,

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1 Lower Manhattan Emergency Preservation Fund.
2 RUTH PIERPONT: Ruth Pierpont,
3 State Historic Preservation Office.
4 BILL LOVE: Bill Love, Coalition
5 to Save West Street.
6 LOU MENNO: Lou Menno from the
7 Port Authority.
8 HAROLD LEVITT: Harold Levitt,
9 Port Authority.
10 MARK PAGLIETINI: Mark
11 Paglietini, Port Authority.
12 BERNARD McNEELY: Bernie
13 McNeely, Port Authority.
14 KEVIN LEJDA: Kevin Lejda, PATH.
15 KAREN MATTHEWS: Karen Matthews
16 with PATH.
17 PETER RINALDI: Peter Rinaldi
18 with the Port Authority.
19 BILL WONG: Bill Wong,
20 Port Authority.
21 KATHY HOWE: Kathy Howe, State
22 Historic Preservation Office.
23 SHAWN LENAHAN: Shawn Lenahan,
24 Port Authority.
25 NANCY JOHNSON: Nancy Johnson,

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1 Port Authority.
2 PAUL DeMEO: Paul DeMeo, Port
3 Authority.
4 JOHN HOTOPP: John Hotopp,
5 LBG.
6 ADAM LEVINE: Adam Levine,
7 State Department of Transportation.
8 WILLIAM KELLY: William Kelly,
9 LMDC.
10 CAROL BRAEGELMANN: Carol
11 Braegelmann, FTA.
12 PAUL LaBRUN: Paul LaBrun, FTA.
13 ANNIE KURTIN: Annie Kurtin,
14 American Institute of Art.
15 STEVE COLEMAN: Steve Coleman,
16 Port Authority.
17 GLENN GUZI: Glenn Guzi,
18 Port Authority.
19 PETER GOELZ: Okay. That's
20 everyone.
21 I think the first presentation
22 is going to be from Lou Menno, who is going to
23 discuss a new orientation of Platform D and the
24 work they have been doing over the past week.
25 KEN LUSTBADER: Betsy's on the

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1 phone.
2 TIMOTHY STICKELMAN: And Betsy
3 Merritt from the National Trust.
4 BETSY MERRITT: I'm here.
5 And thanks to the Port Authority
6 for making it possible for me to participate by
7 telephone.
8 PETER GOELZ: Good morning,
9 Betsy.
10 BETSY MERRITT: Good morning.
11 PETER GOELZ: Go ahead, Lou.
12 LOU MENNO: Good morning,
13 everyone, and thank you for joining us.
14 This morning I'm going to follow
15 up to our last discussion we had about
16 Platform D, because at the end of the last
17 meeting we had a lot of discussion concerning
18 ways that we were going to improve the way we
19 were going to mitigate the impact on the
20 historic resources that were being impacted by
21 Platform D, specifically the columns and the
22 area at the northeast corner of One World Trade
23 Center.
24 And we listened very, very
25 carefully to a lot of the recommendations that

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1 all of you made, and we really put our thinking
2 caps on. And I think what you are going to see
3 today you will be very, very pleased, because
4 our role here is to not only take care of
5 transportation, but to mitigate the impacts on
6 those historic resources, and to improve the
7 visibility and to improve the authenticity of
8 this area.
9 I'm going to begin with, in this
10 first slide, to show the location of the tracks
11 and the platform in the new World Trade Center
12 station.
13 As I mentioned the last time,
14 we're going to have five tracks in virtually
15 the same location as they once existed before
16 in the pre-9/11 station.
17 The three platforms, A, B, and
18 C, will be ten cars in length as before, and
19 virtually in the same location.
20 The only difference is
21 Platform D, which we went through the extensive
22 discussion and the analysis that's here for
23 everybody's review.
24 What we pointed out was that
25 Platform D had an impact on the northeast

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1 corner of One World Trade Center.
2 We looked at some mitigation
3 measures the last time that we spoke, and the
4 mitigation measures that we initially presented
5 to you were two options: To physically show
6 within the platform the representations of
7 where the columns once were, where the area of
8 One World Trade Center once was.
9 And we had two different types
10 of surface treatments, one where the area of
11 the footprint was virtually the same as the
12 rest of the platform, or we highlighted it in a
13 different material.
14 But we recognized that that
15 wasn't good enough. And as Bernard said
16 before, we looked at, very, very carefully, how
17 do we make this area visible, to show this
18 footprint, to show these columns, for the
19 future, within that station; what do we do with
20 all of the utilities down below that would go
21 through this area to support the station and
22 the PATH operation, looking at the vertical
23 circulation element, can we move it, can we
24 shift it, what can we do.
25 And we pointed out that this

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1 northernmost vertical circulation element was
2 important, because we had three full cars of
3 trains just to the north of this vertical
4 circulation element, and there was a need to
5 make sure that this vertical circulation
6 element was able to carry that amount of
7 passengers coming off a train and also be
8 concerned about the east-west corridor that was
9 right above it at the mezzanine level.
10 And we were concerned about
11 encroachments of this stair and escalators into
12 that east-west corridor, so we would not
13 disrupt the flow and encroach in this area.
14 And we listened to all of your
15 comments very, very carefully, and what we did,
16 we pulled together the entire design team, our
17 engineering department, the Downtown Design
18 Partnership, who are our consultants, with the
19 representation from Santiago Calatrava's office
20 who was part of the Downtown Design
21 Partnership, and as well as with Steve
22 Weintraub, the curator for us for the artifacts
23 at JFK. And Steve is also one of the curators
24 for the Holocaust Museum in Washington, D.C.
25 And with all of this input, we

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1 went through a lot of creative thinking. We
2 looked at things structurally, mechanically,
3 from an electrical point of view, HVAC, and
4 this is what we want to present to you, which
5 we believe improves the visibility and the
6 authenticity of the historic resources in this
7 area.
8 TIMOTHY STICKELMAN: Lou, is
9 this slide three?
10 LOU MENNO: This is the third
11 slide, which is the elevation at the platform
12 level, which is elevation 250.
13 This is the platform. You can
14 see the columns of One World Trade Center
15 highlighted here.
16 And this is the fifth track.
17 And what we did is, the vertical
18 circulation element, we moved it to hug the
19 western wall, or the end wall that separates
20 the station from the memorial. We moved it to
21 the west.
22 At the same time, we moved the
23 vertical circulation a little bit further
24 north, so that it would not encroach upon the
25 east-west corridor, because this stairway comes

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1 up from the platform in a southern direction.
2 So we pushed it back further
3 north so that it wouldn't impact that east-west
4 corridor.
5 What that does now, it allows us
6 to show the corner of One World Trade Center,
7 as well as this entire line of columns along
8 the east wall.
9 And what we are proposing is
10 several things. With the moving of that
11 vertical separation unit--and we are able to
12 now handle all of that traffic flow from the
13 three cars to the north coming up, we've
14 included the failure management with the stair,
15 the whole thing--we are now looking at
16 creating, just to the southern part of this
17 well -- this vertical circulation well, an open
18 sealed chamber that goes all the way down to
19 the footprint below.
20 And this area would be a sealed
21 chamber where people would be able to look
22 through a glass wall, there would be a mirror
23 here, and be able to see the footprint and the
24 columns down below.
25 Approximately 12 columns were

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1 initially impacted by our Platform D, but now
2 we are able to expose a good five full columns,
3 and even show, partially, two others.
4 So you have approximately five
5 to seven columns that would be visible, as well
6 as this area here of the footprint.
7 And when you go to the northeast
8 corner of One World Trade Center, we would
9 represent that in the platform surface with
10 showing the columns with a tile or with some
11 other design, and also highlighting the area by
12 a different colored floor treatment -- a
13 different type of treatment from the rest of
14 the platform.
15 And by doing this, we're able to
16 maintain approximately a 12-foot width between
17 the edge of the vertical circulation element
18 and that track.
19 And from a safety point of view,
20 we're trying not to allow people to linger
21 right in this area, basically because it
22 becomes a safety issue.
23 And what you will see in the
24 next slide in this area, we were physically
25 able to relocate all of the duct work and

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1 electric conduit to hug the east side of this
2 Platform D, so to free up this whole area under
3 here to create this sealed chamber, to create
4 an area that you could look down to, a volume
5 of space, and see bedrock and to see the
6 columns, five to seven of the columns in this
7 area.
8 When you look at a
9 cross-section -- this here is Track 5, going to
10 the next slide. You will see this is Track 5,
11 this is the platform, and this is the narrowest
12 part, which is about 12 feet between the edge
13 of that chamber and the safety edge of the
14 track.
15 And under the platform area, in
16 this narrowed area -- narrowed platform area,
17 we would run our electric duct bank throughs,
18 as well as any of the HVAC work, and use that
19 as the plenum, while this whole area would be,
20 now, this sealed space where people would be
21 able to physically look down and see the
22 footprints of One World Trade Center, as well
23 as a number of the column bases.
24 And what you can see here is
25 that this wall would be transparent glass that

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1 would be tilted inward, so that people would be
2 able to lean over and look down into it. There
3 would be a mirror on the western-most wall that
4 would also -- people could just, say, look out
5 and see what's down below without physically
6 having to look over into the glass.
7 And then this treatment in here,
8 where the columns were not exposed, we would
9 show representation in the slab.
10 And we believe that this
11 solution, creating this sealed chamber,
12 improves the visibility and the authenticity of
13 the historic resources in this area.
14 On the next slide, just looking
15 one level above, you are at the concourse level
16 looking down.
17 So what we did was we moved this
18 vertical circulation element, we hugged the
19 wall, the western wall, and we moved it a
20 little over a foot north to just miss hitting
21 the east-west corridor, and stay within the
22 fare-control line, without encroaching into
23 this area where people will be walking
24 east-west to go to and from World Financial
25 Center or to get to PATH.

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1 So we moved this as far north as
2 we could, and we are able to now create that
3 sealed chamber down below here and show the
4 northeast corner of One World Trade Center in a
5 represented fashion as before.
6 And we did this within the past
7 week, where we literally got people locked up
8 in a room, with Steve Weintraub giving us the
9 proper criteria to look at, to follow, so that
10 we could create a good, preliminary design,
11 which we believe addresses the concerns of
12 visibility, not just to the footprints, but to
13 most of the columns that are impacted by
14 Platform D.
15 And we're also looking at other
16 mitigation measures here, like, for instance,
17 in the northern ones, the northern columns, to
18 see if we can mitigate any touching or removal
19 of them.
20 So we're looking at this. We're
21 only in the preliminary engineering; we can't
22 go into final engineering.
23 But this is a practical and a
24 feasible solution that we could help address
25 all of your concerns about showing the

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1 resources in this area.
2 I thank you.
3 PETER GOELZ: Well, Lou will
4 take a few questions or any comments, because
5 we need to move on.
6 Any questions?
7 JOEL KLEIN: Yes.
8 I want to say, thank you; we
9 appreciate the work you guys have done, and I
10 have to say, without -- I want to hold off
11 until formal comments and we've had a chance to
12 review this more, but my initial take on this
13 is this is very honest and good, forthright
14 attempt to try to address the problem.
15 What concerns me is that it
16 starts from a premise that the families are not
17 willing to accept at this point, and that is
18 the need for Platform D.
19 And I don't want to get into a
20 discussion of that now, because we'll be
21 rendering comments on that.
22 But we don't feel the Port
23 Authority has yet documented to us sufficiently
24 the need for Platform D.
25 In the event that that can be

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1 done, and we recognize that it's possible, we
2 just feel we don't have the information at this
3 point, this looks to be like a very good point
4 to start working from on first blush.
5 CHARLENE VAUGHN: The Council
6 would like to go on record saying that we are
7 supportive of Platform D.
8 I prefer to see this site and
9 this project deal with historic preservation
10 issues on the front side rather than trying to
11 come back five, ten years down the road dealing
12 with it on the flip side where you don't have
13 the luxury of being creative and looking at the
14 broadest array of mitigation measures.
15 So just as a point of
16 clarification, we feel that there is enough
17 evidence on the record to justify a Platform D.
18 What we're looking for is how to
19 mitigate it at this point in time so we don't
20 have to start, next year, planning for a route
21 where we can't afford the site maximum
22 protection. So we just need to be clear where
23 we are at with this project.
24 BETSY MERRITT: This is Betsy
25 Merritt. I have a couple of questions.

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1 First of all, on the
2 cross-section slide, I'm at a little
3 disadvantage because I can't see what you are
4 pointing to, but could you explain what's
5 happening above the sealed chamber in that --
6 is that the next level up? And what's
7 happening there? I can't quite decipher that.
8 LOU MENNO: That sealed chamber
9 is basically a volume of space that begins
10 right at the surface of the footprint.
11 BETSY MERRITT: Right. But
12 what's happening above that, above that form?
13 KEN LUSTBADER: I think she
14 means beyond it.
15 TIMOTHY STICKELMAN: The
16 mezzanine level.
17 LOU MENNO: This is at 264.
18 But at the 264, just to the
19 north of the east-west wall of One World Trade
20 Center, separated, is the east-west corridor
21 that we're not impacting.
22 And this volume of space with
23 the sealed chamber that we referred to would
24 basically go from the lowest level at
25 approximately elevation 240 all the way up to

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1 the underside of the mezzanine level above.
2 It would be an empty volume of
3 space that would be lit and you would be able
4 to look down into this volume of space to see
5 the footprints, as well as the column bases.
6 BETSY MERRITT: So you could
7 look down from the upper level too, not just
8 from the platform?
9 LOU MENNO: No, just at the
10 platform level, not at the mezzanine level.
11 Just at the platform level.
12 BERNIE McNEELY: Betsy, if you
13 are looking at the section, on the right side,
14 at that upper level, is the fare zone-control
15 area.
16 And on the left side, that open
17 area, is actually the railing that is around
18 the vertical circulation elements.
19 If you recall, there are two
20 escalators and one stair at that location.
21 That area on the left is where
22 it is at that level, where you take the
23 escalators and stairs to go from the mezzanine
24 level down to the platform.
25 BETSY MERRITT: Okay. Okay.

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1 Thanks.
2 My one other question is, if you
3 go back to the previous slide, what's going to
4 happen to the column bases that are underneath
5 the stairs and escalators? Will they be
6 preserved in place or will they be removed or
7 what?
8 LOU MENNO: We're looking at
9 that now to see what can be done to preserve
10 them, in place, to the fullest extent possible,
11 because we have to build, just to the north of
12 them, a structural support, to support the
13 stairs and the escalators, that will come up in
14 a southerly direction, and we need to have a
15 wall dividing the stairs from the escalators.
16 So we're going to look at that.
17 We're not quite sure what the
18 impacts are, but we're going to do our best to
19 avoid touching them. We may cover them, but
20 we're looking not to disturb them, if at all
21 possible.
22 BETSY MERRITT: So how many
23 column bases, then, would be represented on the
24 platform? Would it be about three, the ones
25 that would be covered but represented?

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1 LOU MENNO: We would have
2 approximately four that could be represented
3 right at the northeast corner.
4 You have the last two along the
5 north-south wall, then you have the two smaller
6 ones, which would be right at the chamfer
7 corner of the towers. Those four would be
8 represented.
9 BETSY MERRITT: So is it still
10 possible that you could have a situation where
11 none of them would need to be permanently
12 removed?
13 LOU MENNO: That's what we're
14 looking at, not to disturb these, just to avoid
15 them, do what we can do to avoid actual
16 removal. They would be obscure, but they would
17 still be there to the fullest extent possible.
18 PETER GOELZ: Okay.
19 ALBERT CAPSUTTO: My concern is
20 that you are going to have people who are going
21 to come down there just to view the columns and
22 have nothing to do with going in and out of the
23 trains.
24 And from what you were talking,
25 or the presentation we had before, you are

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1 going basically on a three-minute, four-minute,
2 and you are timing it for people to get out of
3 trains, onto the platform, and off the
4 platform.
5 How do you think this is going
6 to affect that type of movement of people who
7 are just going to come down to view this as
8 another part of the memorial, as another part
9 of the experience of the memorial situation, as
10 opposed to being a commuter?
11 LOU MENNO: Well, first of all,
12 this would be in the fare-control zone, so if
13 people --
14 ALBERT CAPSUTTO: They will buy
15 a ticket.
16 LOU MENNO: They will pay to see
17 it. But along this one portion of the wall
18 here, if you look at this slide here, this
19 portion that goes north-south would just be a
20 translucent piece of glass, so that would avoid
21 people from congregating here, especially along
22 this whole edge --
23 ALBERT CAPSUTTO: Because that's
24 narrow.
25 LOU MENNO: Right.

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1 -- because that's narrow.
2 But from this point here, where
3 it goes off at an angle, all of that would be
4 the transparent glass and be out of the way of
5 the passenger flow.
6 ALBERT CAPSUTTO: So you do not
7 think that it will hamper the movement of
8 people who are just there specifically to get
9 in and out of trains?
10 LOU MENNO: Maybe we are going
11 to have to look at things from an operational
12 point of view once it's in place, once the
13 station is open. If there are people
14 congregating, maybe we need to have someone
15 there just to make sure people keep moving or
16 stay away from this area, a little bit of a
17 crowd control. We don't know.
18 KEVIN BLEACH: Even in the
19 temporary station -- (inaudible) -- so far it
20 hasn't been. Folks are willing to come down to
21 the mezzanine level, but short of paying the
22 fare to come down to the platform level -- so
23 far.
24 This is a small enough area that
25 we would be able to manage that, possibly, with

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1 either the issue you have of just keeping
2 escalators strictly going up, or the fare zone
3 up above it.
4 ALBERT CAPSUTTO: Well, then I
5 commend the Port Authority for their work in
6 trying to mitigate the different concerns of
7 this group.
8 BERNIE McNEELY: Just to add to
9 the point that we're raising, because you have
10 a valid point that we're concerned about as far
11 as people staying in that area. It's most
12 critical during the peak periods, this issue,
13 so it's less of an issue about people
14 congregating as long during the non-peak
15 periods. But it's going to be very critical
16 during an operational perspective that we make
17 sure people are moving along during the peak
18 periods.
19 ANTHONY GARDNER: I just have a
20 couple of real quick comments and one question.
21 One, I just want to say, on the
22 record, that in addition to visibility and
23 preservation of authenticity, the Coalition of
24 9/11 Families is striving for the maximum
25 amount of physical access to the remains of the

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1 footprints for the public.
2 Obviously this space is
3 designated towards transportation and that
4 won't be possible. But we want to make that
5 clear as far as the evaluation of moving
6 forward to other aspects of the footprints.
7 Have you come up with the PATH
8 train is going to obliterate half of the south
9 tower? Do you have plans to recognize where
10 the south tower is impacting the remains --
11 where the PATH infrastructure is going to be
12 impacting the remains of the south tower?
13 LOU MENNO: Yes.
14 Let me go back to the slides
15 here.
16 Originally, all of this area was
17 taken over by -- was originally occupied by the
18 original PATH right-of-way, and these columns
19 did not go all the way down, I think, as we
20 pointed out, because of the track plan and they
21 were basically bridged over with transfer
22 girders.
23 However, in the area of the
24 fourth platform, what we would do is we would
25 show the columns and the area in a similar way

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1 as we showed in the other slide with the
2 surface treatment, and to recognize that this
3 was the portion of the south tower. We will do
4 that.
5 KEN LUSTBADER: Could you go to
6 the other slide, slide 3? I just want a
7 clarification.
8 Does that -- where the column
9 perimeter is on the north side of that, is that
10 the east-west corridor as well?
11 LOU MENNO: Right here?
12 KEN LUSTBADER: Yes.
13 LOU MENNO: This is the
14 east-west corridor right above this, in this
15 area.
16 ROBERT KORNFELD: A couple of
17 things.
18 One is, as far as people
19 congregating at that area, I think you have to
20 remember that this site has been maintained in
21 such a way that the people managing the site
22 have made every attempt to prevent the public
23 from being able to see into the site.
24 So your thousands of tourists
25 are sort of wandering around the perimeter

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1 looking for a little chink where they can see
2 in. Even someplace like the north bridge over
3 West Street, there is a section of that about
4 eight feet long where you can look in at the
5 One World Trade Center footprint, and even
6 that, within the last week, someone put a sheet
7 or towel over it so it blocks off that opening.
8 There's not one single place where people can
9 see.
10 So anytime you have an opening
11 you get a congregation of people looking for --
12 I personally don't think it's a voyeuristic
13 sort of thing. I think people are looking for
14 some sort of meaning, they want to see the
15 site, they want to connect with something.
16 And I think you have to assume
17 that the scheme that's going to be done on this
18 site will allow people to do that in some major
19 way, and they won't be slinking around, looking
20 for some little chink to look through.
21 So I think if you look at it
22 from the sense that if someone wants to go see
23 the footprints, that they will go and be able
24 to really experience that in some major
25 meaningful way, and not have to go into the

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1 PATH station and look at some other area.
2 That brings up another issue.
3 I'm just wondering -- I think
4 this is a huge milestone compared to where we
5 were at previous schemes. But I wonder, if a
6 lot of people are going to be going to the site
7 to look at the One World Trade Center footprint
8 from the footprint itself, I'm not sure why
9 this scheme completely obscures it from that
10 direction.
11 In other words, this is only
12 looking at it from the PATH station back, not
13 from the One World Trade Center footprint,
14 looking at that corner.
15 It seems like you just have a
16 blank wall going across. I understand it's not
17 detailed that much at this point, but I don't
18 see why you wouldn't want people who are on the
19 One World Trade Center footprint to be able to
20 experience that corner also.
21 PETER GOELZ: Okay.
22 ROBIN FORST: I just want to
23 commend the Port Authority for what I think is
24 a very creative solution to a problem that may
25 not be a perfect, end-of-the-day solution, but

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1 it seems like we're so much further along with
2 this.
3 And I would just like to
4 reiterate, on the part of the community, the
5 business community and the residential
6 community, that we do believe that Platform D
7 is a necessity, and are even concerned, as we
8 expressed last time, about some of the
9 estimates toward 2025 going forward. So we
10 think that that's critical and this seems like
11 a great next step in the process. I just
12 wanted to let you know.
13 KEN LUSTBADER: One
14 question/comment. Not understanding all the
15 technical elements of this, how high is the
16 platform?
17 And one of the issues, having
18 been on the Memorial Center Advisory Committee,
19 there was issues of access commitments, and
20 when we were down at Ground Zero and we see
21 that today, there is the issue of the
22 importance of seeing kind of the broader picked
23 and chamfered edge and being in the volume of
24 what was the World Trade Center north or south
25 tower.

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1 Is there any way to -- I know
2 this is PATH project, but there's no way to
3 knock down the wall that's existing on the --
4 that there, exactly -- where it can be
5 incorporated into the memorial center?
6 Or is that just opening a can of
7 worms on design issues and not feasible at all
8 from a pragmatic point of view?
9 LOU MENNO: We're going to look
10 at the feasibility here. As I said before, we
11 are working very closely with LMDC and their
12 design consultants on the memorial, so we are
13 going to do our best to see how we can better
14 coordinate this.
15 KEN LUSTBADER: Kind of
16 intuitively you are taking out a corner of a
17 project, letting it be visible from one
18 elevation. However, if you take down a wall,
19 it's kind of like combining two apartments, you
20 have a view shed into the other apartment that
21 can make a more compelling view.
22 That's all I'm trying to make my
23 point on.
24 LOU MENNO: We have to be very,
25 very creative here, because we have to create

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1 separations by code. But there are probably
2 some creative solutions here.
3 PETER GOELZ: Couple more
4 comments and then I want to get to John Hotopp.
5 In the back?
6 DAVID STANKE: Having been on
7 the memorial committee and seeing the design
8 for the memorial itself, I think the whole
9 point of the memorial is that you have to
10 communicate the expanse of what was lost.
11 And I think that, given that the
12 majority of the people will be coming to that
13 memorial -- and there is no way anybody is not
14 going to miss the fact that there were two
15 one-acre buildings on-site, and to necessarily
16 require that throughout every level all the way
17 down, in that volume, when, in reality, the
18 volume of that building we all knew and we know
19 what was lost, and what we really recognize is
20 the volume of -- what started at ground level
21 and went up 110 floors, that that is going to
22 be marked off as being not there anymore in
23 comparison to the height of a very tall
24 building next to it and the spaces open on the
25 ground.

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1 So what I like about this is,
2 you know, I have always felt, since it was
3 lost, that one of the best things that would be
4 able to be done would be to integrate pieces
5 and a memorial and components and memories of
6 the old site and the old World Trade Center
7 into what is our normal life.
8 You know, it's great that there
9 are facilities for tourists, but I'm not going
10 to be going down to a tourist center every day.
11 It's great that something like this can be in a
12 place so people who were concerned and are
13 connected to the site will have a poignant and
14 meaningful reminder.
15 So I think this design
16 accomplishes something that has not been done
17 in any other part of the site in a real way in
18 any formal plan that I've seen so far.
19 So I think this is really great.
20 The other thing we've talked
21 about, and it came up in a couple of
22 conversations, we've talked about sort of the
23 demand for the PATH station and what are the
24 estimates and how many people will be coming,
25 et cetera.

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1 But one of the things we haven't
2 talked about, I think, is, you know, there are
3 a lot of footprints down there, there is an
4 acre and a half of them, and how many people
5 will be coming and how much space is necessary
6 and how many footprints all need to be exposed
7 to handle the volume and the demand for people
8 to see the footprints? What is the demand for
9 the broader audience to see every footprint and
10 be able to go to every column? That's a lot of
11 columns and a lot of space.
12 So those kind of access demands
13 haven't been addressed. So that's one of my
14 concerns.
15 WILLIAM KENNEDY: I would like
16 to commend everyone. I think it's terrific
17 what you've done and you've come a long, long
18 way. I think this is a good solution.
19 I'd like to also speak in
20 support of the platform.
21 I think the growth is going to
22 occur both in the residential population and
23 the downtown population. And the growth is
24 going to occur in Jersey City eventually, and
25 the office population will be significant

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1 irrespective of the size of what the tour buses
2 look like and everything else.
3 So I think for the safety of
4 both parties, the communities of people who
5 work here on both sides of the water, I think
6 that additional track will give us both comfort
7 and opportunity to do that. So I'm certainly
8 in support of seeing that track.
9 ANTHONY GARDNER: One other
10 second with Bob Kornfeld, his thoughts about
11 some sort of translucent wall that would show
12 people who are standing on the remains of the
13 footprint east -- west of the station, that
14 that's the corner of the north tower footprint.
15 I also wanted to make the point
16 that I think this illustrates the problem that
17 we have with cumulative impacts.
18 We don't know how what you are
19 proposing fits in with LMDC's plans for those
20 footprints, and I can't fathom how -- I can't
21 fathom how LMDC, in your mind, has no
22 responsibility as far as your project. They
23 have a direct impact on your area of potential
24 effect, the remains of the footprints.
25 And also, there's some

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1 confusion, I think, about what the footprints
2 are. I think you really need to start refining
3 the language.
4 The individual column remnants
5 outline the footprints, they are not individual
6 footprints. I think they are referred to as
7 footings.
8 PETER GOELZ: Mm-hmm.
9 ANTHONY GARDNER: And that's an
10 acre and a half, essentially, because there's
11 one footprint, at least right now, and half of
12 the south tower.
13 So it's really difficult to make
14 decisions, you know, and a lot of thought is
15 going into this, and you are showing that there
16 is going to be visibility where there can't be
17 physical access.
18 But there's no way to judge it
19 because there's no way to factor it into what
20 LMDC is proposing.
21 And you talk about coordination,
22 but if it's not in the MOA, where is it going
23 to be?
24 Frankly, the Coalition doesn't
25 want to have to attend meetings for the next

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1 ten years until this is done to ensure that the
2 remains of the footprints are preserved and
3 that includes physical access as well.
4 CHARLENE VAUGHN: I think my
5 comment is related to Anthony's.
6 I think this is a great concept.
7 I think the devil is in the details.
8 My concern is the way we set up
9 this agreement, this will come back to people
10 at the 35 percent completion design level and
11 they will be given x-amount of days to comment
12 and then move on.
13 I think for this particular
14 element of the project there has to be some
15 additional coordination during the development
16 or the blushing out of the concept, and we
17 haven't provided for that.
18 I know everybody's in a hurry to
19 get the MOA executed, and I appreciate that,
20 but there has to be some mechanism whereby, not
21 a large group, I don't think it needs to be all
22 the consulting parties, but a representative
23 group really works with the Port Authority to
24 try to hammer out some of these elements of the
25 design so that when we get to the 35 percent

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1 stage, we're not in an ongoing dispute or a lot
2 of conflict, and I think we need to make some
3 provisions for that.
4 The memorial group and LMDC has
5 their own advisory group independent of the 106
6 process to advise them.
7 I think that something similar
8 needs to happen, and this project may be on its
9 scaled-down version, but one that really
10 provides people to roll up their sleeves,
11 particularly preservationists and people who
12 have architectural expertise and preservation
13 to deal with some of the design elements early
14 on.
15 PETER GOELZ: I think you are
16 right. The devil is going to be in the
17 details.
18 CHARLENE VAUGHN: Right.
19 PETER GOELZ: If we could, since
20 we want to get to the tour, John Hotopp will
21 now give a presentation on the MOA. He gave a
22 very abbreviated one at the tail end of our
23 last meeting, and I thought that we could spend
24 a little more time on it this morning.
25 JOHN HOTOPP: I thought last

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1 week's presentation was quite fine and I would
2 like to see if I could do it in about half that
3 time, but people told me that's not acceptable,
4 you have to take a little more time, so I will.
5 I'm particularly pleased to
6 think about where we are today and where we've
7 come from.
8 If you remember back, we had the
9 determination of eligibility report that we all
10 put together, and we wrote it up for your
11 review, and you people had some real good input
12 and it became a much more powerful and robust
13 document as a result of the work we all did
14 together on it.
15 And now we're seeing the same
16 thing as we develop this memorandum of
17 agreement; it's becoming more robust, more
18 powerful, and it really speaks to the issues
19 that you people have identified in the last
20 couple of meetings.
21 The Port Authority, I think, is
22 probably the most sensitive client that I've
23 worked with in years in trying to accommodate
24 everybody's needs to get a mitigation plan that
25 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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1 what I'm saying, Joel, the things that are not
2 particularly controversial we would like to get
3 them off the table so we can really focus on
4 the ones of interest. That's what I'm really
5 talking about.
6 CHARLENE VAUGHN: I think that
7 we talked about it, but just as a point of
8 clarification and to go on record, I had
9 suggested to the SHPO that consulting parties
10 have a more extended period of time to review
11 documents. As it was written, I think they
12 were given 14 days, and I thought that was just
13 too abbreviated given that they meet with
14 boards and everything.
15 TIMOTHY STICKELMAN: We are
16 changing it to 21 days.
17 CHARLENE VAUGHN: I just wanted
18 to clarify that.
19 ROBERT KORNFELD: One comment on
20 the tower perimeter remnants and the footprint
21 areas. We really haven't dealt with Two World
22 Trade Center at all.
23 I think there are a lot of
24 issues there, you know, of what's covered,
25 what's intended to be demolished, what's going

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1 to go there, how the mezzanine level interacts
2 with the memorial above and that kind of thing.
3 I don't think we've even scratched the surface
4 on Two.
5 JOHN HOTOPP: I agree. The real
6 focus of the whole meeting has been on One
7 because there we have a whole footprint that
8 reads, and it's very easy to understand what
9 you are seeing, and the two towers are
10 difficult to understand what you are seeing.
11 I think, for that reason, they
12 haven't focused much on Two. I don't know that
13 there will be a whole lot of impact beyond what
14 they have made -- than what we've already had.
15 ROBERT KORNFELD: I don't think
16 we've really determined what the impacts are.
17 BILL WONG: We've made
18 representations.
19 ROBERT KORNFELD: Does that mean
20 that you are destroying everything that's not
21 out in the -- that's everything east of that
22 line or the PATH track or where the platform
23 is?
24 JOHN HOTOPP: No.
25 That's the issue. Are parts

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1 going to be visible, are parts going to be
2 preserved but covered?
3 BILL WONG: They are going to be
4 obscured. I think we outlined that in the
5 original discussions back in June, and that's
6 kind of the level of development.
7 I don't think that there's ways
8 we can really look at to address the same issue
9 that -- or address the same solution as we have
10 in One World Trade; that's an extraordinary
11 circumstance where we understood that there's a
12 concern about the entire footprint. This is a
13 different type of area in the south tower where
14 we probably can't do the same type of solution.
15 JOEL KLEIN: I think the
16 engineering constraints are clearly much
17 greater where the south tower is involved, and
18 obviously the facility is going to be on top of
19 that portion of the footprint.
20 But I think the MOA needs to be
21 more specific in at least addressing the
22 process for how those will be built. Right now
23 I think it's fairly silent on discussion of the
24 south tower footprints.
25 JOHN HOTOPP: Yes, you are

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1 right. I think the real focus has been on the
2 north tower.
3 BERNIE McNEELY: John, the draft
4 MOA currently speaks to three items that relate
5 to the south tower. One is the historic
6 recordation process, which is going to occur.
7 The second is that there have
8 been identified with Platform D three column
9 base remnants that could be either temporarily
10 or permanently impacted.
11 And the third is the stipulation
12 about providing architectural treatments, not
13 only for Platform D, but for all the platforms
14 that are within the footprint of the south
15 tower.
16 That is information that's all
17 currently in the draft MOA, and then from there
18 it would be to solicit any comments that relate
19 to those three things.
20 I think those are the three
21 major things that relate to that south tower
22 currently.
23 JOHN HOTOPP: Okay.
24 BILL LOVE: I have a half-dozen
25 comments on the documents. Should I give them

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1 as we go through?
2 JOHN HOTOPP: Probably.
3 BILL LOVE: I have one comment
4 on the section relating to the column remnants.
5 This is on page 8 -- starts on
6 page 8 where it discusses the efforts to
7 preserve, in this case, 80 column base remnants
8 in the north tower and 39 in the south tower.
9 There's language in there that
10 is -- I think, provides the Port Authority
11 flexibility, and it refers, for example, in
12 paragraph B(1), to "Shall, to the maximum
13 extent feasible, given project information
14 requirements, preserve in place."
15 So there's a recognition that
16 certain circumstances could change as we go
17 through here and there's some flexibility built
18 in.
19 I'm wondering, on page 9, in
20 paragraph 6, you shouldn't also have some sort
21 of conditional language. That basically says
22 that the total extent of the north tower
23 footprint at elevation 242 will not exceed
24 4 percent of the north tower footprint area.
25 And then the last line there,

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1 "will not exceed 53 percent of the south tower
2 footprint area."
3 What happens, for example, if
4 you are going through and working on the
5 east-west corridor and something happens that
6 would require a change in the location, maybe
7 an impact on another historic building, maybe
8 something to do with the Hudson River bulkhead,
9 shouldn't there be some conditional language
10 similar to what's in paragraph 1 and 2 to
11 recognize that that might -- there might need
12 to be some flexibility there, otherwise you
13 might find yourself in an impossible situation.
14 So that's my one comment.
15 JOHN HOTOPP: Good point.
16 ANTHONY GARDNER: Can I just
17 say, for the record, we are absolutely opposed
18 to that. We see the point of the MOA is to
19 spell out specific percentages that you will be
20 preserving, not more wiggle-room language.
21 LOUISE LO PRESTI: This is a
22 design issue, and you need to resolve the
23 design issue.
24 And Tim Stickelman, last week --
25 and it is highly foreseeable that even the

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1 existing work that you have in scope will have
2 far greater impact than what you are
3 indicating. It's only realistic and you need
4 to account for that.
5 JOHN HOTOPP: Yeah, well we've
6 become pretty specific.
7 LOUISE LO PRESTI: It's not
8 specific enough.
9 JOHN HOTOPP: These agreements
10 are normally drafted far in advance of
11 construction and you can't see where you are
12 going. We are much closer here, and I think we
13 have a much more complete document than you
14 would normally find in a memorandum of
15 agreement.
16 LOUISE LO PRESTI: That's nice,
17 given the fact that this is the site of the
18 largest attack of the United States in history;
19 yeah, it would be nice if you were accurate and
20 took adequate measures.
21 BERNIE McNEELY: If you could
22 offer us some specific comments that relate to
23 your question and concern, that would be
24 helpful to us so that we could finalize the
25 MOA.

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1 LOUISE LO PRESTI: Yes. I do
2 have a comment that I made to Tim Stickelman
3 last week, namely, I have the utmost respect
4 for the technical team at the Port Authority.
5 However, a project like this is not, by any
6 means, within your normal mandate.
7 And I don't believe that,
8 despite the excellent skills you have in doing
9 your day-to-day job, that you are equipped to
10 handle this.
11 And I suggested to Tim --
12 TIMOTHY STICKELMAN: Louise, I
13 want to stop you.
14 I know what you are saying, but
15 you were a little late. You missed the first
16 part when Lou went over the Platform D analysis
17 and the different treatments, because they met
18 this week, so what I will do, after this you
19 will get the --
20 LOUISE LO PRESTI: Does this
21 address my concern to you?
22 TIM STICKELMAN: Yes, it does.
23 LOUISE LO PRESTI: And will I be
24 happy with it?
25 TIMOTHY STICKELMAN: I don't

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1 know, Louise.
2 LOUISE LO PRESTI: My suggestion
3 to Tim was that we consult with Mr. Calatrava,
4 being one of the finest architects in the
5 world, to come up with a suggestion. If you
6 addressed that, that's wonderful; that
7 alleviates at least 50 percent of my concerns.
8 KEN LUSTBADER: This raises the
9 issue that the LMDC expressed and Charlene
10 convoluted to this morning, that this project
11 needs someone who has experience in historic
12 preservation.
13 I know you had Steve Weintraub
14 consulting on this, but I think the MOA has to
15 include that someone from the Secretary of
16 Interior Standards for historic preservation
17 be part of the cultural resources management
18 team, or whatever we want to call it, and
19 that's kind of codified in the document.
20 I know that we talked about it,
21 but just all these issues, the east-side subway
22 entrance, how is it going to be interpreted,
23 those are all questions that I have and we
24 can't answer right now because it's a design
25 issue, but we can at least make sure that the

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1 solutions or the technical expertise for that
2 type of solution is in place.
3 CHARLENE VAUGHN: I agree with
4 you whole-heartily. I think that in
5 formalizing the agreement that the Port
6 Authority will have a qualified preservationist
7 on the design team. And I think they probably
8 do, informally, I think it just needs to be
9 codified.
10 JOHN HOTOPP: I think that was
11 spelled out with the assistant city
12 engineer, for example, and the operational
13 impacts. We have it in that section, but I
14 think it could be expanded -- the role could be
15 expanded.
16 CHARLENE VAUGHN: Okay.
17 JOHN HOTOPP: But that's a good
18 point.
19 ANTHONY GARDNER: Bernie wanted
20 some suggestions about making things more
21 concrete language. And I think we've said this
22 so many times I can't even remember how many.
23 Ken Lustbader's preservation
24 league, I know they've expressed this. You
25 have to address cumulative impacts. And LMDC

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1 should have to sign on to something, whether
2 it's a separate document or this document, that
3 discusses specifically their projects's impact
4 on the remains of the footprints so that you
5 could coordinate.
6 I think it would make your job
7 as designers much easier if you knew, Well,
8 LMDC is doing this on this section, and they
9 could make those perimeter lines visible and
10 accessible from here, so we could maybe do this
11 and have it fit and work like one project.
12 And until you address the
13 cumulative effects, we're not going to be
14 satisfied in any way, because as far as we
15 know, you're working towards a good -- you are
16 going in a good direction where you've
17 acknowledged that the remains of the footprints
18 are significant, you are trying to mitigate
19 against your project's adverse effects.
20 We have LMDC on the other end
21 where all we have is a vague commitment saying
22 they are going to provide appropriate access.
23 That could be three columns and 5 percent of
24 each footprint, and, frankly, that's not good
25 enough.

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1 The remains of the footprints
2 should have a national designation of
3 protection, and it's only because they are
4 prime New York Manhattan real estate that that
5 hasn't happened yet, and it's a shame.
6 So you guys are moving in the
7 right direction, but we really feel strongly
8 that LMDC is just going to reverse all of this
9 work, all of the time we are putting in here,
10 by not signing on to an agreement.
11 JOEL KLEIN: Another comment
12 relating to that very quickly.
13 We heard earlier today that the
14 decision has been made that LMDC would not ask
15 to be a signatory to the memorandum of
16 agreement, and the explanation given for that,
17 according to Charlene, was because the Port
18 Authority does not have a specific role and
19 responsibilities.
20 Well, flip that around. The
21 concerns that we have of the fact that the
22 existing programmatic agreement with LMDC
23 essentially gives LMDC the final say over
24 access to the footprints and how they are going
25 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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1 not affecting the northwest stairs that
2 everyone was talking about.
3 PETER GOELZ: John, please go
4 on.
5 JOHN HOTOPP: All right.
6 CHARLENE VAUGHN: Just one
7 minute, John.
8 I think Anthony did bring up the
9 whole concept of cumulative effect. I did not
10 hear how that would be addressed.
11 Let's take away the coordination
12 and concept of cumulative effects. I think
13 that has some validity, and if you feel it's
14 addressed in this agreement, tell us where and
15 how, because I'm not finding it.
16 JOHN HOTOPP: Well, Tim made the
17 point this morning again that the
18 Port Authority is the owner of the site and
19 there will not be anything occurring on the
20 site where the Port Authority is not involved
21 in, Charlene.
22 CHARLENE VAUGHN: I don't think
23 we are talking about involvement per se, I
24 think we are talking about planning for the
25 potentiality of things to happen incrementally

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1 that we just could not have anticipated at this
2 point, because a lot of this is going to
3 unfold. This is just the nature of
4 development.
5 So as we see these, you know,
6 encroachment on neighborhoods or other factors
7 coming into play that we just did not consider
8 at this point in time, what provision is in
9 this agreement for us to have some ability to
10 address that on a going-forward basis?
11 It's an unknown; I can see that.
12 But yet, we still don't have a process for
13 dealing with it.
14 Property owners, what, if after
15 this is all built they look and have, you know,
16 some impact on their neighborhood that clearly
17 was never anticipated, and it's a
18 preservation-related issue. How did they
19 address that? They could just come and address
20 that with the Port Authority on their own? Is
21 there a provision in here to deal with that?
22 I think that we need to think of
23 what the process will be, recognizing that, at
24 best, we can lay out some steps for the future.
25 But there's just nothing here that addresses it

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1 fully, as I see it.
2 JOHN HOTOPP: Okay. Thank you.
3 Do we have one more comment?
4 ROBERT KORNFELD: Yes. On
5 Section B, where it lists specific numbers of
6 column remnants and that kind of thing, I think
7 that you really need to show the total number
8 of core columns, along with perimeter columns,
9 and other features of the site.
10 Once you get that specific, then
11 basically you are saying that anything that is
12 not specifically mentioned is excluded, as I
13 would interpret it. In other words, if it's
14 very general, that's one thing.
15 And with Two World Trade Center,
16 I think you need to talk about the total number
17 of column remnants that are there.
18 It's understood that the portion
19 where the PATH tracks and station are, are not
20 going to be exposed as a historic site in the
21 same way that One World Trade Center would be.
22 But I think you need to deal with those
23 numbers.
24 And instead of just saying 39
25 and plus 3 are being impacted, that's not

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1 really the case, there are dozens. I mean the
2 whole -- you know, other parts of the north and
3 south perimeters and the entire east perimeter,
4 and portions of the core.
5 So I think that's part of the
6 mitigation, is how those things are addressed.
7 In other words, if they are covered in a way
8 that protects them rather than demolishing them
9 so that at some point in the indefinite future
10 someone could uncover the site if they wanted
11 to.
12 I think with a site with this
13 level of significance that this is a concern,
14 and I think it should be addressed.
15 JOHN HOTOPP: A lot of this site
16 is going to be intact and it's going to be
17 preserved underneath things. So again, you are
18 pushing and pushing beyond where I think the
19 designers are with a lot of it.
20 The Port Authority and the PATH
21 station design is close, and so we can talk
22 about the impact we are making to the platforms
23 and how many things we've got to cover or
24 whatever. But you are right. The rest of the
25 site, the rest of the footprints, I don't know

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1 where we are yet. I don't have that
2 information.
3 ROBERT KORNFELD: The language
4 in the document doesn't describe it.
5 JOHN HOTOPP: I don't know quite
6 how to address that. We focused on the
7 language that the PATH station is going to have
8 on the project.
9 ROBERT KORNFELD: But that's
10 what I mean. That's still one of the main
11 impacts, even though no one is disputing that
12 the tracks may impact the east portion of Two
13 World Trade Center.
14 I think you still need to say
15 what's there, what's going to happen to it. No
16 one disputed the fact that you are not going to
17 uncover that portion due to having operating
18 tracks and construction and so on.
19 But I think you need to document
20 what's there, on drawings, if not physically
21 uncovering it and say what's happening to the
22 resources there.
23 JOHN HOTOPP: Part of the
24 documentation will be just that, it's to
25 compare the drawings and photographs and make

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1 everything kind of jive as we work through the
2 documentation of the site. But there will be a
3 record created.
4 BILL LOVE: I have a couple of
5 comments. Are we moving on to the next
6 section?
7 JOHN HOTOPP: Yes.
8 BILL LOVE: The penetration of
9 the east-west slurry walls. Page 12 talks
10 about the design providing visibility from
11 within the terminal to a portion of the east or
12 west slurry wall and of certain criteria met.
13 And I hope when this design is
14 done that the designers will be sensitive to
15 the concerns that have been expressed here
16 before by others and by myself about the fact
17 that residents and people who work in a lot of
18 the buildings like the World Financial Center,
19 who experienced trauma on 9/11, don't
20 necessarily want to be reminded on a daily
21 basis as they go back and forth, being forced
22 to confront views of the slurry wall.
23 In fact, if you ask residents
24 what they are interested in with respect to
25 that passengerway, they will about retail more

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1 than anything else. So I hope the designers
2 will be sensitive to that.
3 I noticed in the paper this
4 weekend there was an article about the plane
5 crash that took place in November of 2001 in
6 Far Rockaway, and it's interesting, some of the
7 same conflicts have arisen there that have
8 arisen here. Some of the families went back,
9 and they had built -- I guess the plane went
10 down in a neighborhood and they rebuilt houses
11 there, and they moved the memorial some
12 distance away.
13 The thing that caught my eye
14 about that article was a quote in there from
15 someone who was a manager of a local restaurant
16 who also lost his brother in the World Trade
17 Center. He said, "We were hit real hard on
18 9/11, and people around here don't want to keep
19 seeing more grief when they walk out of their
20 homes every morning; they want to move on."
21 And I thought that captured the
22 feelings of a lot of residents down here who
23 were traumatized on 9/11. So I just want to
24 make that comment.
25 Also, within that same section,

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1 it's not directly related to the slurry wall,
2 but there's confusing language in there on
3 what's supposed to happen to the steel beams
4 and cross-form.
5 Page 13 says that these will be
6 "relocated to Hangar 17 at JFK, or an alternate
7 location, where the object will remain in
8 custody and control of the Port Authority
9 pending final disposition of the artifacts."
10 And that was my understanding.
11 But then, if you go over to page
12 18, I believe it is, "Temporary relocation of
13 historic elements," there it talks about the
14 historic elements potentially anticipated to
15 be, and they mention steel beams and cross-form
16 as being temporarily relocated to protect them
17 from damage during construction of the project.
18 Then on the next page, page 19,
19 paragraph 2, item C talks about returning the
20 elements to the World Trade Center site.
21 That seems contradictory to me.
22 In one case it talks about returning it, and in
23 another case, it talks about staying out there
24 pending final disposition.
25 So I don't know if that's a

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1 conflict or not, but I would certainly voice
2 opposition to returning what is clearly a
3 religious symbol for one particular religion to
4 the site--I just think it's just
5 inappropriate--if that is the intent. But I
6 hope that language can be revised. It does
7 seem to be in conflict.
8 Those are my comments on that
9 section.
10 JOHN HOTOPP: Thank you.
11 We were talking about artifacts
12 off the site being impacted by the construction
13 activities, and we have a mechanism now to put
14 them in the hangar, keep them there, preserve
15 them, protect them, whatever, until the
16 decision is made as to what to do with them.
17 Basically that's what we are talking about
18 here.
19 BILL LOVE: This second set of
20 language seems to suggest, by including them in
21 that list, that they will be brought back to
22 the site. So maybe that just needs to be
23 corrected.
24 JOHN HOTOPP: I appreciate
25 that.

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1 If you remember, we had a ruling
2 from the Register that objects at Hangar 17,
3 when they come back to the site, will go back
4 in to being a significant portion of the site.
5 That was an issue early on, was
6 what happens to the stuff that's off-site.
7 You had a question?
8 ROBERT KORNFELD: I have a
9 question about artifacts.
10 A large number of artifacts were
11 removed from the site prior to its being
12 returned back over to the Port Authority under
13 DAC and Bovis, and that was an issue -- a lot
14 of things were distributed to, you know,
15 I don't know, museums, firehouses, churches,
16 all around the country, and I'm just wondering
17 if anyone has followed up on what happened.
18 I've seen a lot of those items;
19 I don't know where they went and I don't know
20 exactly how it worked.
21 But a lot of those were very
22 significant items, and it seems to me, when
23 someone is putting together a memorial center,
24 that they should be able to consider all of the
25 items -- I don't know the details of ownership,

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1 what kind of chain of custody. I'm not trying
2 to get anyone in trouble, but a lot of
3 significant items were removed from the site,
4 and maybe people --
5 JOHN HOTOPP: As people donate
6 them back to the Port Authority, they are being
7 included in the inventory as that goes along.
8 But that may be a vehicle.
9 JOEL KLEIN: I think we would
10 like to see the Port Authority make a
11 commitment to being a little more proactive in
12 identifying artifacts removed from the site.
13 TIMOTHY STICKELMAN: If anyone
14 gives us anything back, the Port Authority will
15 add it to the inventory.
16 But the Port Authority is not
17 going to search for every item that left the
18 Trade Center when we were not in control of the
19 site.
20 ROBERT KORNFELD: But there is a
21 -- it wasn't done just chaotically. I believe
22 that there is a list that was maintained of
23 what was given to whom, and it seems that in,
24 whatever, eight months or something, it should
25 have been possible to maintain that list.

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1 JOHN HOTOPP: I think a lot of
2 what we've been talking about would be the
3 exhibit designers would be able to collect that
4 kind of information because they have to put
5 the final place together and they may find that
6 very useful as well.
7 BRUCE EARHMAN: In answer to
8 that question, the Memorial Advisory Committee
9 dealt with that and there is a stipulation in
10 the final document, which is on the Web site of
11 the LMDC, that a group is now seeking out every
12 item that might have been distributed, and what
13 isn't currently cataloged is -- attempts are
14 being made to catalog every item that went out
15 and where it is.
16 JOHN HOTOPP: Good.
17 BRUCE EARHMAN: I just want to
18 make some general comments about the discussion
19 so far, and I'm sure my friend Albert will stop
20 me via filibuster. But I've been thinking
21 about this an awful lot since the last meeting.
22 I, for the first time, tried to
23 discuss with my wife the discussion that was
24 here last time, and, you know, just this --
25 that discussion of the discussion brought her

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1 to tears.
2 I mean, we are longtime
3 residents here, and I just think that perhaps
4 because the way the Port Authority has
5 perceived this, having dealt with the citizens
6 over the year in a sort of peremptory way, that
7 there is a perception that the Port Authority
8 needs to be -- needs to have its feet held to
9 the fire in this instance.
10 That being said, I just think
11 there is an ongoing misapprehension or
12 misperception between victims and victimizers.
13 Last time we were here, this
14 preservationist, who discussed having seen a
15 train station in Germany, which has a
16 memorial -- where a lot of -- where a
17 concentration camp was or was near, or
18 deportation center, it turns out that this
19 station, which was not mentioned in the
20 meeting, is not a regularly used station. It's
21 a train station, but it's not a regularly used
22 commuter platform.
23 And I think this kind of subtle
24 revisionism has been going on in this
25 discussion.

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1 We need to separate here for the
2 larger good, not just for a faction of family
3 members, but for the general good.
4 We need to separate what defines
5 victims from victimizers.
6 Saying it's the largest attack
7 in U.S. history overlooks the fact that if you
8 want to preserve much of North and South
9 Dakota, for instance, because we slaughtered
10 Native Americans, we were the victimizers, they
11 were the victims, it makes sense.
12 If you want to preserve every
13 concentration camp in Germany, that every
14 generation of Germans, yes, should understand
15 what happened, yes, they were the victimizers.
16 Jews, gays, Eastern Europeans, et cetera,
17 Catholics, were the victims.
18 I can spin this out indefinitely.
19 Here, New Yorkers were the
20 victims, not the victimizers. In fact, the
21 victimizers were not even from our soil. In
22 fact, the victimizers have not even been
23 caught.
24 So to conclude that every
25 commuter, that every resident, that every child

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1 who lived through this should be oppressed by
2 this station and all remnants of the disaster
3 is to conclude that somehow the victims have
4 become the victimizers and should feel
5 oppression and horror every time they commute
6 down here.
7 I am as irrevocably against that
8 concept as the son of a family who had to flee
9 Germany and whose great grandparents died in
10 the Holocaust, as this group is irrevocably
11 committed to leaving it as tragic as possible.
12 We have created a beautiful
13 memorial, we have spent months and years on
14 this project, and there is an insatiable desire
15 to make this -- and the preservation community
16 I might add is divided on this issue, while the
17 head of the HDC, for instance, tends to want
18 full preservation, the vice president of the
19 HDC, who lives here, has difficulty, Roger
20 Vyrem.
21 KEN LUSTBADER: That's not the
22 preservation committee, though.
23 ROBERT KORNFELD: That's also an
24 excuse. HDC is my organization, okay? I
25 represent the board here. The opinions of one

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1 member do not represent the board.
2 The board has duly authorized me
3 to represent them at these groups. I do not
4 want you misrepresenting what the HDC is on
5 record saying.
6 And I would like to say, also,
7 okay, I am not a family member.
8 Most of the people here that are
9 pro-preservation are preservation groups, not
10 family members.
11 I also happen to have had the
12 experience being an eyewitness. My office was
13 the city's prime engineering consultant for the
14 emergency. I spent 2000 hours on the site
15 during the emergency in a hard hat and jeans
16 and hiking boots, going around, going through
17 your buildings, office buildings, apartment
18 buildings, seeing what needed to be done to
19 secure them and make them safe for people to go
20 back into. I probably breathed incredible
21 amounts of asbestos, my lungs are probably full
22 of heavy metals.
23 I'm just saying, you are
24 portraying this like it's the residents versus
25 the family members.

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1 I see this very clearly as a
2 preservation issue. This is one of the most
3 important historic sites in our nation.
4 To me, the feeling of coming
5 here and fighting for its preservation in a
6 meaningful way is no different than going to
7 the site when it was seven stories of flaming
8 wreckage. I feel the same sense of dedication.
9 And I'm actually shocked that so many of the
10 residents see it as being something foreign.
11 It's usually the residents who come forward
12 trying to preserve something meaningful in
13 their community, and it surprises me.
14 BRUCE EARHMAN: If I can respond
15 to that?
16 PETER GOELZ: I would like John
17 to finish.
18 BRUCE EARHMAN: Okay.
19 PETER GOELZ: And I would like
20 the tour to depart, and if people want to stay
21 and talk about this -- you know, this is an
22 important philosophical issue and important
23 debate, I'm willing to stay.
24 CHARLENE VAUGHN: But as the
25 agency that facilitates this whole thing, I

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1 think I would be remiss not to clarify that we
2 are here because, in 1966, Congress passed a
3 law that said when federal agencies were going
4 to expend federal funds or have any federal
5 oversight over a project, they had an
6 obligation to look at the impacts on historic
7 preservation.
8 And as part of that, you brought
9 in other stakeholders who had related issues.
10 But this is all about historic
11 preservation, and somehow we are getting
12 confused because other factors come in this is
13 a vibrant community, a modern society, and you
14 have to integrate this.
15 FTA can't release a dollar of
16 this money until we finish a project about
17 historic preservation.
18 So that's in the public's
19 interest, which means that everybody's issues
20 have equal weight. There's not one that
21 prevails over another. And for the
22 residents -- my son lives here, my daughter. I
23 can appreciate all the feelings of being a
24 resident.
25 As a preservationist, I can also

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1 see that this is a site unlike any we'll ever
2 encounter again, and if we don't approach this
3 in a balanced manner with public interest as
4 the prevailing and overarching goal, we are
5 going to regret it, because right now we have
6 these buildings and five, ten years from now
7 you cannot go back and reresurrect or reclaim
8 it. So we've got to work together.
9 BRUCE EARHMAN: But I must
10 respond now and then I will be silent.
11 Because you are addressing the
12 chair of the Landmarks Committee, Community
13 Board One, and its monthly meeting is tonight
14 where this is all we do, and we are well known
15 throughout New York as one of the most rigorous
16 preservationist neighborhoods, I have to
17 address your surprise that the neighborhood
18 feels this way.
19 We are, as I said, extremely
20 preservationist. But the microcosmic
21 examination, as the law requires of us on the
22 site on what needs to be salvaged and what
23 doesn't, in the context of the greater good, is
24 an example of the preservationist community in
25 40, 45 years, having gone from one of the most

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1 progressive -- one of the most progressive
2 movements in New York City which save
3 incalculable treasures after incalculable
4 treasures were lost, like Penn Station, to
5 becoming, in some respects, one more -- one
6 more special interest group, whose tiny focus
7 is the preservation of every iota, to the
8 extent that some of the greatest architects in
9 the city, including Calatrava, have said that
10 great architecture has been shunted out of New
11 York City for years.
12 So that's my response to the
13 surprise that downtown residents aren't more
14 preservationist.
15 LOUISE LO PRESTI: This is very
16 counterproductive.
17 PETER GOELZ: John, please.
18 JOHN HOTOPP: I'm going to shift
19 gears to the Hudson River bulkhead, which is
20 one more stipulation that we've got, will be to
21 run our trench through it, test it, see what's
22 there, we don't know, and if it is there, we
23 will do a recordation of it, it will probably
24 be under the HAER standards, because it will be
25 more of an engineering -- it will be a Historic

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1 American Building Survey -- provision in here
2 and we will test it, see what's there and then
3 record it.
4 BILL LOVE: I will just add our
5 group is supportive of trying to preserve this.
6 I'm actually very surprised that
7 we haven't heard much on preserving this
8 resource from the preservationist community.
9 This is something that would -- and I'm not
10 knowledgeable on these matters, but would at
11 least seem to be clearly a historic resource.
12 I know McClellan wasn't a great
13 general, I don't know how he was at bulkheads.
14 But all this focus on preserving the
15 destruction, and here's something that has real
16 historic meaning to it, and we've heard very
17 little from the preservationist community on
18 it.
19 JOHN HOTOPP: We will get a
20 good look at it, because we don't have a lot of
21 information about it. We have drawings and
22 things like that, but we don't, really, have a
23 lot of information about it.
24 KEN LUSTBADER: The groups that
25 I respect, the LMPF, are on the

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1 record objection to the -- (inaudible) -- for
2 the 9A project and specifically the one that
3 deals with how it's mitigated here.
4 JOEL KLEIN: I will point out
5 there are other projects that have been
6 involved with affecting the Hudson River
7 bulkhead. The Cross Hudson Table Project
8 recently had to develop a memorandum of
9 agreement.
10 There's extensive documentation
11 and drawings available including an excellent
12 study by Michael Greenberg, so you really have
13 to do -- (inaudible) -- baseline available for
14 dealing with impacts.
15 And I suspect that's the reason
16 that some of the preservationist community has
17 not been spending time on this.
18 JOHN HOTOPP: It would be nice
19 to get an assessment of condition.
20 JOEL KLEIN: It's also a
21 resource that's not visible.
22 JOHN HOTOPP: -- (inaudible) --
23 impacted, so we are not sure, and this goes
24 back to the coordination issue that Charlene's
25 concerned about. So we are going to see that

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1 going back and forth.
2 That leads me to other
3 archaeological resources. That's our standard
4 paragraph that there is a lot out there we may
5 or may not know about and some areas where
6 we've done testing and this provides a vehicle
7 for collecting information to evaluate the
8 resource and to see if it meets the criteria
9 and, if so, what we are going to do about it.
10 It's not terribly detailed
11 because, again, that whole section is not
12 terribly detailed. We are not quite sure how
13 that's going to go. It's pretty far out in the
14 future.
15 And that gets me back to the
16 earlier comments about LMDC and where we are.
17 They are not where we are, they
18 are way behind where we are, and that's one of
19 the difficulties we are having now is to
20 coordinate the agencies back and forth and
21 their impact, which they haven't figured out
22 what -- I think the advantage we have is that
23 we are the Port Authority, and we will be
24 involved in our projects from soup to nuts.
25 Last point, temporary relocation

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1 of historic elements.
2 I believe you addressed that?
3 BILL LOVE: Right.
4 JOHN HOTOPP: I've cleaned the
5 language up. That's basically just a vehicle
6 to get things off site and then return them,
7 if that's what the museum desires.
8 BILL LOVE: I will just give you
9 my last two comments on the agreement.
10 On page 22 there is a Section B,
11 "Public comments and dispute resolution."
12 This seems to be a somewhat
13 confused section in that usually these sections
14 will clarify exactly how disputes get resolved.
15 For example, the previous one on
16 the prior page, "Objections to plans or reports
17 about signatories," after talking about who
18 will consult with who, has, at the end, "FTA
19 will then take these comments into account in
20 reaching a final decision concerning the
21 dispute." But there is no such language in the
22 Section B "Public comments and dispute
23 resolution."
24 There's a lot of talk about who
25 should consult, but there's no indication who

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1 would make the final decision. So maybe the
2 answer is FTA again. If it is, I think you
3 should repeat the sentence. But it leaves it
4 sort of in a muddle.
5 And also, some of the language
6 doesn't make it clear how the process goes.
7 Paragraph 1 says,
8 "Port Authority will consult with the
9 objector." I mean, does that mean a personal
10 meeting?
11 And then paragraph 2 says,
12 "Port Authority shall respond to the commenter
13 within thirty days." So it's a bit muddled
14 there where they talk about face-to-face
15 meetings. So that's my comment on that
16 paragraph.
17 My next comment relates to the
18 point that was made earlier about who is the
19 signatory to the agreement. And I know the
20 intent is to not make -- or the apparent intent
21 is for the LMDC not to be a signatory.
22 But on the other hand, if you
23 just look at it physically, here's a page in
24 the agreement, as part of the agreement, and
25 they are signing. And the agreement should

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1 make it clear who the parties are and who the
2 signatories are.
3 In fact, the same language --
4 the different words are used to refer to the
5 same parties between pages 20 through about 23.
6 For example, on page 20, it
7 talks about each party "agrees to cooperate
8 with the other parties." But when you turn to
9 the next page, they talk about the signatories.
10 So I think the way to solve
11 that, if you are referring to the same groups,
12 just use the words "parties" throughout and
13 eliminate the word "signatories." That way,
14 you cure that ambiguity, because you don't want
15 it to be ambiguous.
16 And then what you could do, back
17 on page 5 of the agreement -- I'm sorry, page 6
18 of the agreement, in the "Now, therefore"
19 clause, where you say "FTA, SHPO, ACHP, and the
20 Port Authority," you could insert the phrase,
21 "as the parties to this agreement," just to
22 really make it clear.
23 What I'm talking about is not
24 substantive, it's just legal drafting. But
25 there's no reason leaving legal ambiguities as

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1 to the role of the LMDC, and it's ambiguous
2 now.
3 LOUISE LO PRESTI: I agree with
4 that.
5 BRUCE EARHMAN: I agree with
6 that.
7 CHARLENE VAUGHN: And I think a
8 related comment.
9 B3 on page 22.
10 What happens if there is a
11 dispute and the SHPO and the Port Authority
12 can't resolve it and it goes to FTA, I think it
13 should be clear what happens there.
14 And what basically happens is
15 the matter is referred to the advisory council
16 by the federal agency. We have no veto
17 authority, so we would look at the issue and
18 either issue staff comments or report to our
19 board, as you would, and those comments go to
20 the head of the agency, at which time the
21 agency makes the final call. This is advisory
22 in nature, and I think it's important to have
23 that clarified here, what our role is, the
24 people's expectations are.
25 JOHN HOTOPP: Okay. Thank you.

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1 What we've done is moved beyond
2 stipulations, and I appreciate that because
3 there are a lot of pieces of the document you
4 haven't seen from earlier iterations and I
5 appreciate the feedback.
6 PETER GOELZ: Comments are due
7 the close the business on the 19th.
8 JOHN HOTOPP: I hate to come
9 back to this, but we're going to do a
10 35 percent design, and we are going to put that
11 information out, so that all of you people will
12 be able to look at it and see it and add your
13 comments as you do, because we felt it was
14 important that you stay involved in the process
15 as we're working on it.
16 Also, the 75 percent design
17 later on.
18 CHARLENE VAUGHN: That's why I
19 had made a comment earlier that there needs to
20 be, maybe, a smaller working group. You know,
21 we've suggested that you hire a qualified
22 preservationist or preservation architect to be
23 involved in the earlier stages of fleshing out
24 design concepts. But it still may not be a bad
25 idea to have a smaller group that you work with

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1 for the 35 percent design, just so as not to
2 have to drag this out and have a lot of
3 conflicts.
4 If you know up front what
5 people's issues are and try to work through
6 them, I think it's much better than using that
7 35 percent design review to deal with a lot of
8 horror where you are at.
9 JOHN HOTOPP: Okay. Thank you.
10 BRUCE EARHMAN: By the way, in
11 terms of hiring a consultant, I agree with that
12 too. And I just might suggest that you not
13 hire a consultant in this instance because the
14 consultant will be with you.
15 I do suggest that you consult
16 the preservationist group for an architect,
17 because I think if you hire an outside
18 consultant, such as -- I'm just giving an
19 example, he's a wonderful preservation
20 architect, Bill Higgins, whose job it is to try
21 to get things passed through community boards,
22 it would be counterproductive. I think to hire
23 the consultant, it really should be a
24 preservationist architect.
25 PETER GOELZ: Okay.

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1 JOHN HOTOPP: We are going back
2 to the comment period.
3 We have extended that 21 days
4 instead of 14, with the plan being that I would
5 still like to have the SHPO have everybody's
6 comments for at least a week before they render
7 their final decision at their point, because I
8 don't want them not to get the information and
9 not be able to incorporate it into the
10 decisions. But there will still be a 30/21
11 kind of split on that.
12 ANTHONY GARDNER: With all due
13 respect, it's our position that the SHPO should
14 recuse itself from this role and the National
15 Conference of SHPO should take over.
16 We invoked a dispute resolution
17 through LMDC's programmatic agreement, we
18 didn't get a response for eight weeks. We were
19 forced to file a lawsuit.
20 We got a letter over the weekend
21 that SHPO will not speak to us because the
22 issues that we want to address with them are
23 involved in the litigation issue.
24 The SHPO will not -- is refusing
25 to speak with consulting parties about concerns

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1 and about a dispute resolution that was
2 invoked.
3 We feel there's a very strong
4 conflict of interest with Bernadette Castro in
5 both roles as the vice chair of the Advisory
6 Council on Historic Preservation and the head
7 of New York State SHPO.
8 She said, back in January when
9 this process began, she was going to recuse
10 herself from one of those roles. She never
11 did.
12 Frankly, we don't have very --
13 we don't have a lot of confidence in the SHPO,
14 especially when we sit in all these meetings
15 and hear comments that there's no place for
16 them in these types of meetings, and they don't
17 even set the record straight. I think that's
18 very frustrating for us.
19 And I appreciate what Charlene
20 Vaughn did.
21 ALBERT CAPSUTTO: I think there
22 needs to be a comment about what happens in
23 public comments and dispute resolution when one
24 of the parties then gets into a lawsuit and
25 then does the process move forward or not.

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1 I would like to see, at the very
2 least, if you have a way or a place to have
3 dispute resolution within this document, that,
4 you know, the people who then file a lawsuit
5 doesn't prevent the process from going forward.
6 Because we have a situation here
7 where you have people who are party to a
8 process, who then file a lawsuit on that
9 process, and then that process essentially gets
10 stopped. And I think not all the consulting
11 parties is to that interest.
12 ANTHONY GARDNER: It's never
13 stopped.
14 CHARLENE VAUGHN: The point you
15 make is one point, and most agreements under
16 this resolution or public comments, it
17 clarifies that all other aspects of the project
18 that are not subject of the dispute proceed.
19 And I think in this particular
20 scenario we need that level of clarity, so that
21 if there is an aspect where there is conflict
22 it doesn't hold up the project in its entirety.
23 RUTH PIERPONT: I would also
24 like to say that that letter came from our
25 chief counsel, so obviously this is a legal

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1 issue.
2 We have reviewed this very
3 carefully, we have given comments to Tim on
4 that; we've had conversations with him.
5 The letter that you sent, as I
6 recall, and I wouldn't swear to it, but it was
7 specific to the issue that is in legal dispute
8 right now, which is what -- I believe that's
9 what he didn't want to speak to.
10 ANTHONY GARDNER: He spoke to
11 the larger issue of concerns with the
12 redevelopment, and particularly this
13 disposition of the remains of the footprints,
14 and that was clearly something that you should
15 be able to continue to discuss with our groups.
16 RUTH PIERPONT: And we have been
17 discussing it here. I mean, we have been
18 talking to Tim about it and having discussions.
19 CHARLENE VAUGHN: And Anthony,
20 just for the record, and also I think this
21 might be useful for the FTA to know, we feel
22 that the council's involvement in this probably
23 will be more long-term than we anticipated,
24 just on the basis of the LMDC agreement.
25 It's clear to me you can't do

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1 this and then run away and retreat, which is
2 typically what we do. So we need to talk
3 internally about what mechanisms we may have to
4 work with SHPO on the design review.
5 We have council members who are
6 architects and everything, so we may just need
7 to talk to our chairman about opportunities to
8 work them on this project with us, and that's
9 something that we are willing to explore in the
10 next week or two before this agreement is
11 finalized.
12 I don't think it needs to be
13 written in here, per se, but you all should
14 know what our intent is to have an ongoing and
15 continuous presence in the follow-up and
16 post-MOA reviews.
17 PETER GOELZ: If we could, I
18 think we've got to move to Lou Menno.
19 John, are you about done?
20 JOHN HOTOPP: No.
21 But very quickly, the E train
22 and so forth. Every one of these --
23 PETER GOELZ: Because people
24 want to go on this tour, I assume. That's a
25 high priority.

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1 JOHN HOTOPP: Where are we?
2 JOEL KLEIN: John?
3 JOHN HOTOPP: A final treatment
4 plan --
5 JOEL KLEIN: One item, real
6 quickly.
7 JOHN HOTOPP: Yes.
8 JOEL KLEIN: I would like you to
9 consider some alternative mechanism besides
10 just posting things on the Web site.
11 That, I can see all kinds of
12 potential problems with. We are talking about
13 large scale drawings and people not being able
14 to print them out to work with.
15 I really would urge you to, at
16 the very least, make available, to consulting
17 parties who request it, hard copies. I don't
18 necessarily want to burden you with sending
19 them out to people who may not be interested in
20 seeing them. But if requested, really,
21 something better than the Web site.
22 JOHN HOTOPP: I see. Once
23 things have been posted on the Web site, then
24 people who are really interested could call in
25 or write in.

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1 JOEL KLEIN: Exactly.
2 JOHN HOTOPP: This is the same
3 thing for archaeology. This is pretty much a
4 recap of everything we were talking about.
5 Again, the elements being removed temporarily.
6 On the 19th, you owe us some
7 comments. We've got a very extensive rewrite
8 to do to this draft, and we've gotten an awful
9 lot of good feedback from an awful lot of
10 people, so we will be working pretty hard on
11 this one.
12 So there we are. We are heading
13 towards the final, and we are probably an
14 iteration or two away, I'm not sure. But we
15 are a lot further along.
16 ANTHONY GARDNER: Two quick
17 comments.
18 We think it would be important
19 for you to include an inventory, once you
20 complete the recordation of the remains of the
21 footprints, to include that somehow in the MOA,
22 because right now in the MOA you only discuss
23 the individual columns that outline the
24 footprints and there's no discussion of the
25 core column remnants or other artifacts that

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1 are within the outlines of the footprints.
2 And also, I would ask that you
3 have a meeting for the consulting parties when
4 you take in all our comments and you create a
5 final version so we could all come together and
6 discuss it as well, because I know a lot of us
7 were very frustrated with the way LMDC's
8 agreement was signed, without giving us a
9 chance to go in and see what comments they
10 incorporated and be able to comment on that
11 further.
12 JOHN HOTOPP: Okay. Thank you.
13 I'm going to give it back to
14 Lou.
15 KEN LUSTBADER: If you could go
16 back to the other slide.
17 TIMOTHY STICKELMAN: For the
18 contact information.
19 JOHN HOTOPP: I'm sorry.
20 PETER GOELZ: Peter, can you
21 come up and we'll get this tour going?
22 PETER RINALDI: Thank you.
23 I'm Peter Rinaldi. We've been
24 working trying to clean the footprints off, we
25 had a little bit of a setback the other day, on

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1 Friday, the weather, we had quite a bit of
2 rain.
3 I will tell you right now that
4 the site is still partially under water, it's
5 been draining over the Weekend and we've been
6 pumping the site, but there's quite a bit of
7 ponded water, especially since we've removed
8 hundreds of yards of fill where the water used
9 to accumulate below and drain. So right now
10 there's a lot of low areas on the site.
11 So we will take you down today.
12 I will make another date available this week.
13 This week's supposed to be fairly dry, so
14 hopefully the site will dry out a little
15 better, and I'd like to schedule and make a
16 date available on Friday morning or afternoon,
17 if morning or afternoon is better a indication
18 for those.
19 BRUCE EARHMAN: Afternoon.
20 PETER RINALDI: We can try to
21 make it in the early afternoon on Friday. It
22 should be fairly dry by then.
23 What I would like to do now is
24 we will leave here, we will meet by Gate 7,
25 which is, if you go down Liberty Street, which

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1 is right out in front of the building across by
2 the corner of the site, follow that down as far
3 as you can go, there is a gate there, Gate 7,
4 we will meet in there and assemble and take you
5 down into the site.
6 I will tell you that the site is
7 very rough, so be careful. Those of you that
8 don't have boots on, we have rubber boots, and
9 you can avail yourselves of those, in terms of
10 water, and then we will escort you around.
11 We will show you what we have
12 cleaned off so far, and as we've been cleaning
13 it -- the water has been there so it's been
14 quite muddy, but some of the features are
15 exposed on the footprints and some of the core
16 columns and some of the areas we've discussed
17 you can begin to see.
18 I will tell you that you are
19 going to see a lot of areas there that are
20 muddy in soil. That's because the footprint
21 area was partially destroyed during the
22 collapse of the Trade Center, so in areas where
23 there was no slab, it got destroyed, so there's
24 actually gravel there and soil, and in some
25 areas there is the slab and you will see that

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1 combination. You can't sweep and clean off the
2 areas where there is no slab; it's just soil
3 and gravel.
4 CHARLENE VAUGHN: Is there any
5 way to get a visual from this? I forgot all
6 about the tour, not getting the e-mail. Is
7 there any way to look out the window and get a
8 panoramic view?
9 PETER RINALDI: You will
10 probably see the details closer up today.
11 You can, when it's swept a
12 little bit, see an outline of the details as it
13 gets clean this week.
14 CHARLENE VAUGHN: But not now.
15 PETER RINALDI: It would be
16 difficult.
17 BRUCE EARHMAN: I didn't get an
18 e-mail follow-up.
19 ALBERT CAPSUTTO: A lot of us
20 didn't.
21 BRUCE EARHMAN: It seems very
22 important. I get huge attachments, but for
23 this tour there was no follow-up, which is
24 bizarre.
25 TIMOTHY STICKELMAN: We sent it

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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?

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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.

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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

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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.

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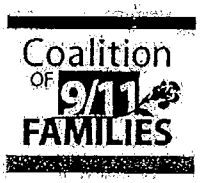

November 18, 2004

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.

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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.

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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
mg49@nyu.edu

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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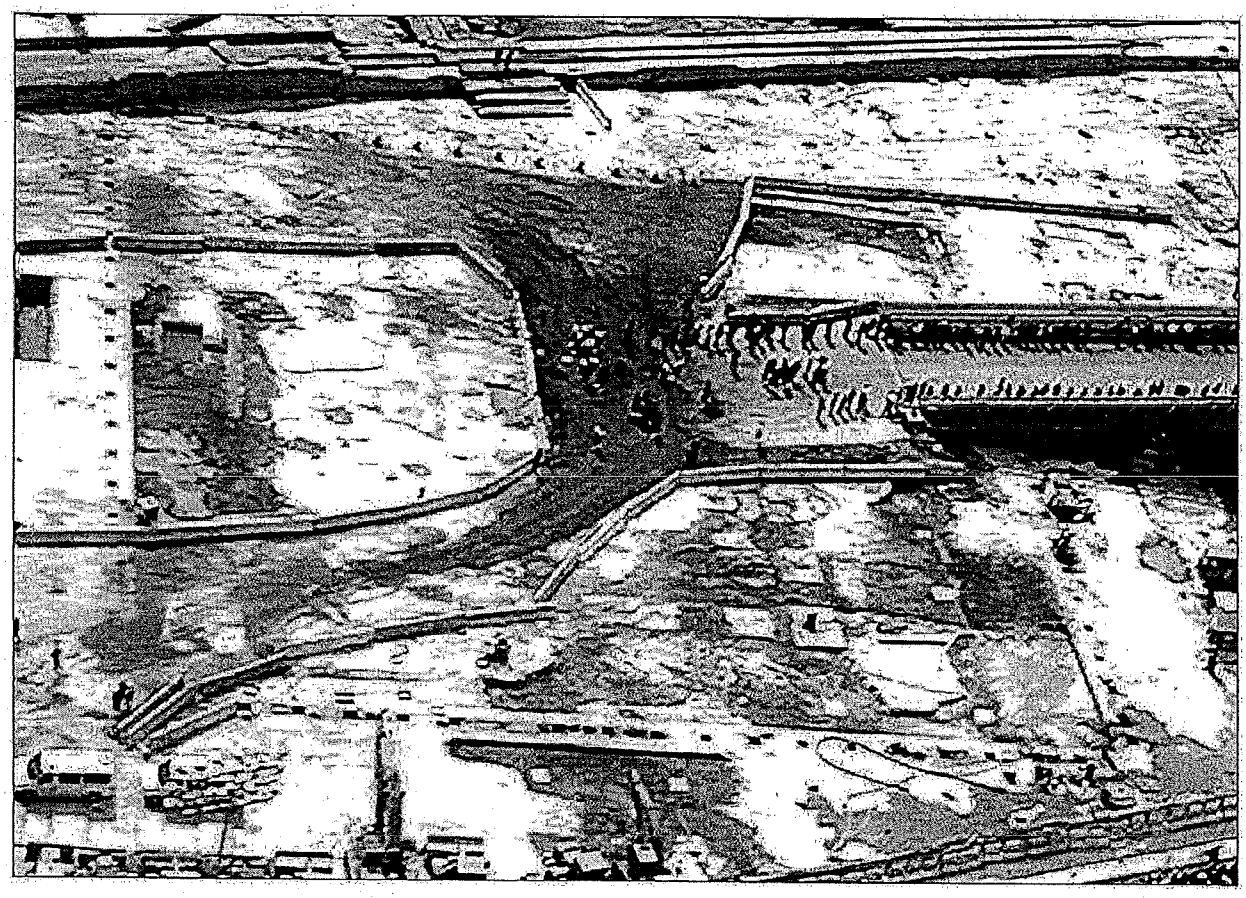
NOVEMBER 12, 2004 COMMENTS REGARDING THE SECTION 106 REVIEW FOR THE PERMANENT WTC PATH STATION (Revised November 19) NOT FOR RELEASE

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.

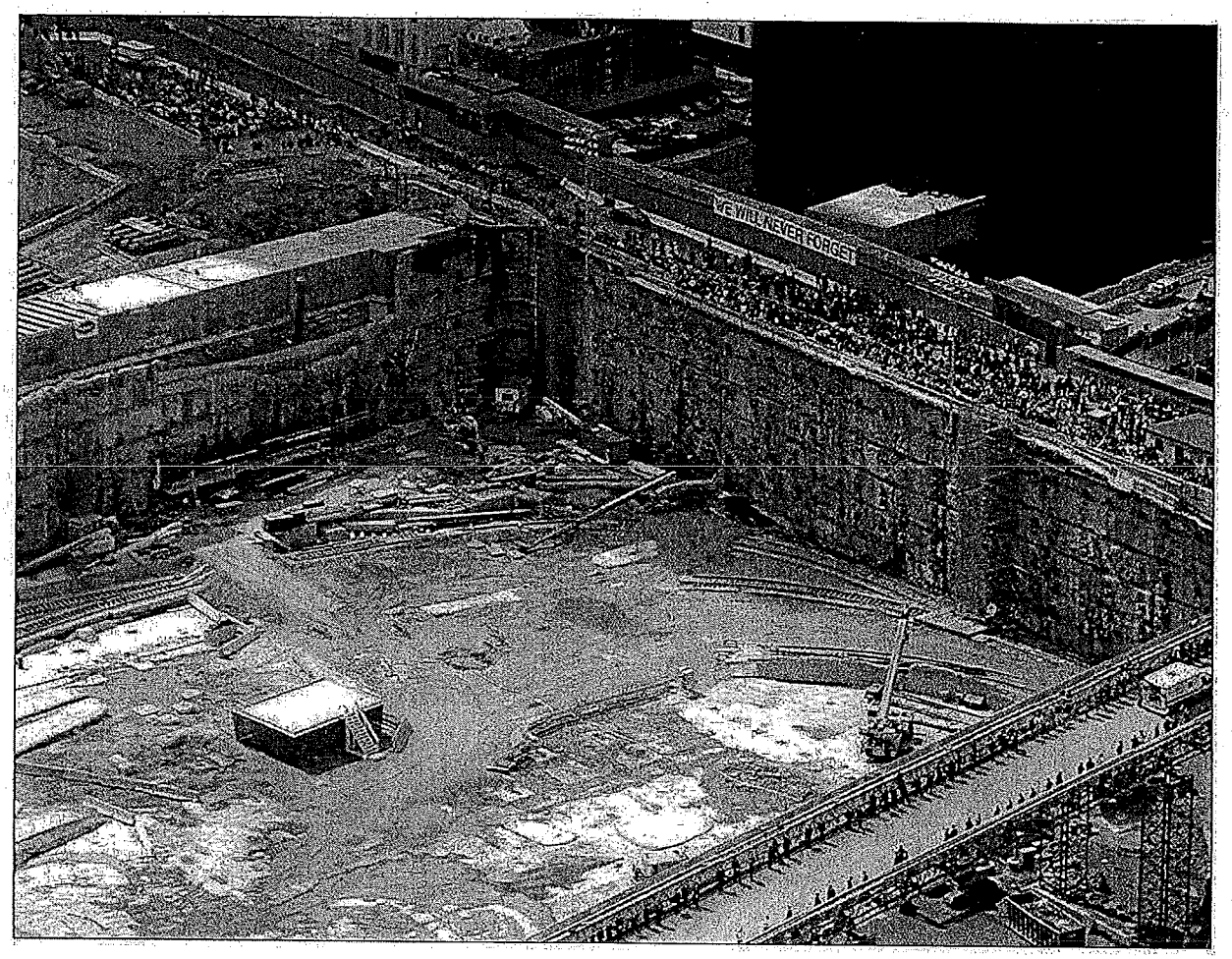
For more than two years the tower footprints have been hidden beneath fill while temporary construction projects progressed. There was an initial focus on the tower footprints: the Libeskind design was organized around the footprints, and the temporary PATH station did not encroach. Governor George Pataki 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

THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

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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 Kornfeld Jr

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.

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)

NATIONAL TRUST
for HISTORIC PRESERVATION

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

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)

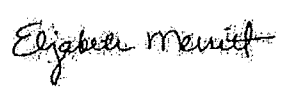
While the dispute resolution provision for members of the public is generally a good one, additional language needs to be added at the end providing a mechanism for ultimately resolving the disputed issue. Typically this would call for the FTA making the final decision, after

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 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 Kornfeld Jr

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,

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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.

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www.rpa.org

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
C/O 200 Rector Place APT#38A
NY,
NY, 10280
Tel: 212 9454332

Section 106 MOA
Attn: Timothy Stickelman, Esq.
PANYNJ Law Department
225 Park Avenue South - 14th Floor
New York
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

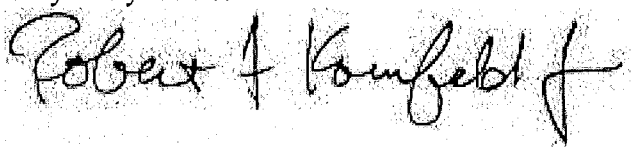
does it give PANYNJ the authority to require LMDC to submit plans for review, nor the authority to require modifications to reduce adverse effects. For example, while PANYNJ identifies numbers of column bases in the tower footprints and percentages of the tower footprint areas that they intend to "preserve", 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
Constructions Analysis and Management Framework

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:

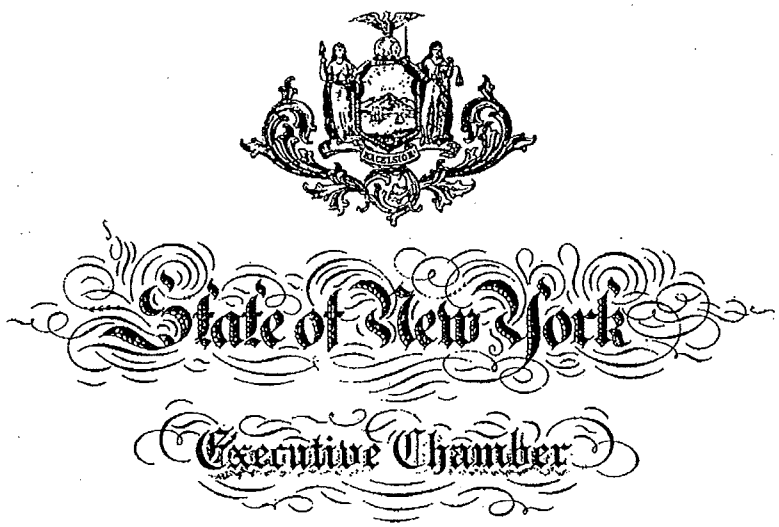
Proposed Commitments
Establish a project-specific pedestrian and vehicular maintenance and protection plan.
Promote public awareness through mechanisms such as: a. signage; b. telephone hotline; and c. Web site updates.
Ensure sufficient alternate street, building, and station access during construction 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)



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