

EXECUTIVE ORDERS

Executive Order No. 133: 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 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, 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 Lower Manhattan 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.

(L.S.) GIVEN 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.

BY THE GOVERNOR
/S/ George E. Pataki
/s/ John C. Cahill
Secretary to the Governor