



State of New York

Executive Chamber

No. 43

EXECUTIVE ORDER

CONTINUING THE LOWER MANHATTAN CONSTRUCTION COMMAND CENTER

WHEREAS, the Lower Manhattan Construction Command Center ("the Command Center") was jointly created by New York State Executive Order No. 133 of 2004 and New York City Executive Order No. 53; and

WHEREAS, the Command Center was created to coordinate construction in Lower Manhattan and 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; and

WHEREAS, all parties involved in the rebuilding recognize the continuing need for an entity to coordinate construction projects in Lower Manhattan; and

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;

NOW, THEREFORE, I, DAVID A. PATERSON, 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. Continuation of the Lower Manhattan Construction Command Center.** The Lower Manhattan Construction Command Center, established by Executive Order No. 133, shall continue. The Command Center shall coordinate 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 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 shall 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. The Executive Director, and one or more deputies, shall be charged with the 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.
- 3. City Operations.** A Director of City Operations, appointed by the Mayor, after consultation with the Command Center Executive Director, shall ensure the quality of life of residents and businesses of Lower

Manhattan, coordinate City services as they interface with the construction projects and ensure that logistics and traffic management plans are appropriately enforced. The Director of City Operations shall serve as the liaison between the Executive Director of the Command Center and all City agencies.

4. Participation by Public and Private Partners. The Command Center shall coordinate with 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 Department of Buildings, the New York City Economic Development Corporation, the New York City Department of Environmental Protection, 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, Con Edison, the Alliance for Downtown New York, the Battery Park City Authority, the Real Estate Board of New York, other public and private partners, and representatives of such other entities as the Executive Director shall determine appropriate in carrying out the duties and responsibilities of the Command Center.

5. 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 New York City Department of Environmental Protection, 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) shall advise and consult with the Command Center Executive Director on the management of the Command Center. This group shall meet as determined by the Command Center Executive Director (in any event no less than quarterly) and shall be chaired by the Command Center Executive Director.

6. Traffic Coordination. The New York City Department of Transportation Lower Manhattan Office, working in consultation with the New York State Department of Transportation and the NYPD, shall be responsible for all traffic coordination issues and shall provide all required Lower Manhattan construction and lane closure permits in a manner consistent with law. The Borough Commissioner of the New York City Department of Transportation Lower Manhattan Office shall coordinate directly with the Executive Director with regard to traffic management, street permitting, and enforcement.

7. Functions of the Command Center. The Command Center shall work collaboratively with public agencies and the private sector to set strategy, facilitate decision-making, provide technical assistance and resolve conflicts to ensure effective coordination, project completion, and construction mitigation. The functions of the Command Center shall include:

A. Construction Coordination: To ensure effective construction coordination the Command Center shall:

- (1) Collaborate with City, State, and Federal regulatory agencies and management, as well as with private sector construction management owners and firms, to develop a construction coordination plan that addresses: traffic and pedestrian flow, utility work and outages, construction staging and access, material deliveries, and construction mitigation for numerous construction projects;
- (2) Work with implementing agencies and construction managers to review and recommend sequencing of construction and resolution of problems and conflicts to minimize costs and enable concurrent progression on jobs;
- (3) Facilitate communication and decision-making between key agencies to address project issues, permitting, and site logistics;
- (4) Conduct high-level master scheduling, including tracking major monthly milestones, with an emphasis on notice to proceed dates, contractual completions and phasing plans, and adjustments to project milestones and sequencing;
- (5) Evaluate project schedules to determine if there are impediments to progress and completion, anticipate and resolve potential problems based on project schedules, and provide recommendations and facilitate collaborative discussion on the most efficient construction sequencing and resolution on technical issues; and
- (6) Hold regular Lower Manhattan Construction Progress meetings, facilitated by a top-level engineering and construction management consultant and including relevant

construction managers, owners, agencies and utility companies to address progress of jobs and resolve conflicts.

B. *Expedite Construction Completion.* To facilitate progress and completion of future and ongoing construction projects the Command Center shall:

- (1) Monitor the implementation and completion or ongoing construction in Lower Manhattan according to scope, schedule and mitigation plan;
- (2) Provide technical assistance on project issues including construction planning, field conditions or permitting in order to expedite projects and to address possible delay;
- (3) Highlight critical issues on projects and recommend a course of action to State and City managing agencies; and
- (4) Publicly recognize project milestones to promote the overall development and increase agency accountability.

C. *Construction Impact Mitigation.* To mitigate the impact of construction on Lower Manhattan the Command Center shall:

- (1) Assist with the development, implementation, and oversight of construction mitigation plans. Mitigation plans shall address: site conditions, dust control, noise, traffic, quality of life, utilities, public notices, signage, air quality and other issues;
- (2) Conduct frequent site inspection with regulatory agencies to monitor site conditions and address issues;
- (3) Hold regular meetings of the Construction Permit Enforcement Task Force, which includes supervisors from the New York City Department of Buildings, the New York City Department of Transportation, the New York City Department of Environmental Protection, the NYPD, the New York City Fire Department, and the New York City Department of Sanitation, to coordinate permit, enforcement, mitigation and quality of life issues in Lower Manhattan;
- (4) Receive, investigate, and respond to citizen complaints and inquiries regarding site conditions, cleanliness, signage, pedestrian access, traffic, noise, air quality, safety, and other issues, and make referrals to appropriate regulatory agencies;
- (5) Work with managing agencies to hold informal training workshops with prospective contractors to address ways to mitigate construction impacts on the job sites and to highlight aspects of working in Lower Manhattan; and
- (6) Assist contractors on ways to comply with regulations or performance specifications and establish a "tool box" of mitigation strategies to be used as a resource.

D. *Communicate and Report.* To communicate to the Governor's Office, the Mayor's office, public and private partners, and the general public, the Command Center shall:

- (1) Maintain and update a public website with updated construction information, progress, and advisories;
- (2) Give regular presentations and updates on the status of planning, design, and construction progress;
- (3) Draft regular progress reports on projects and identify recommendations made and implemented by State and City agencies or private contractors; and
- (4) Attend Community Board meetings to address construction progress and related concerns.

8. Agency assistance and Cooperation. All departments and units of State government are directed to cooperate fully with the Command Center Executive Director and to provide such assistance as is agreed to by all parties as reasonable and necessary in fulfilling the obligations of the Command Center, including but not limited to participation in the construction mitigation and construction coordination task forces, and the provision of information on project scope, budget, schedule, status of permitting, and mitigation plans.

9. Project Responsibility. The existence of the Command Center does not relieve 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 shall be the responsibility of the entity building that project.

10. 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.

11. Effective Date. This Order shall take effect immediately and shall replace Executive Order 133 of 2004, which is hereby rescinded. This Order shall expire on December 31, 2013.



G I V E N under my hand and the Privy Seal of the
State in the City of Albany this fifteenth
day of December in the year two
thousand ten.

BY THE GOVERNOR

David A. Paterson

Lance Schwartz

Secretary to the Governor