

**From:** maclarend@whiteandwilliams.com  
**Sent:** Friday, October 18, 2013 9:11 AM  
**To:** Duffy, Daniel  
**Cc:** Torres Rojas, Genara; Van Duyne, Sheree; Qureshi, Ann  
**Subject:** Freedom of Information Online Request Form

Information:

First Name: Duncan  
Last Name: MacLaren  
Company: White and Williams LLP  
Mailing Address 1: 1650 Market Street  
Mailing Address 2: One Liberty Place, Suite 1800  
City: Philadelphia  
State: PA  
Zip Code: 19103  
Email Address: [maclarend@whiteandwilliams.com](mailto:maclarend@whiteandwilliams.com)  
Phone: 2158646382  
Required copies of the records: Yes

List of specific record(s):

All building and construction applications and permits for work beginning or on going during the period from November 1, 2010 until November 31, 2010 in and around the immediate area of 90 West Street, New York, NY.

**THE PORT AUTHORITY OF NY & NJ**

*FOI Administrator*

October 21, 2013

Mr. Duncan MacLaren  
White and Williams LLP  
1650 Market Street, One Liberty Place, Suite 1800  
Philadelphia, PA 19103

Re: Freedom of Information Reference No. 14358

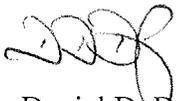
Dear Mr. MacLaren:

This is a response to your October 18, 2013 request, which has been processed under the Port Authority's Freedom of Information Code (the "Code", copy attached) for copies of all building and construction applications and permits for work beginning or on going during the period from November 1, 2010 until November 31, 2010 in and around the immediate area of 90 West Street, New York, NY.

Material responsive to your request and available under the Code can be found on the Port Authority's website at <http://www.panynj.gov/corporate-information/foi/14358-WTC.pdf>. These records are identical to the records provided to you under FOI Reference No. 14322. Paper copies of the available records are available upon request.

Please refer to the above FOI reference number in any future correspondence relating to your request.

Very truly yours,



Daniel D. Duffy  
FOI Administrator

Attachment

*225 Park Avenue South, 17th Floor  
New York, NY 10003  
T: 212 435 3642  
F: 212 435 7555*



## Department of Transportation

JANETTE SADIK-KHAN, Commissioner

The Port Authority of New York & New Jersey  
WTC Transportation Hub  
Priority Capital Programs Dept.  
115 Broadway, 7<sup>th</sup> Floor  
New York, NY 10006

September 24, 2010

Attn: Mr. Henry Caso, Brookfield Properties  
Tel.: (917) 209-7264

Mr. Rick Faustini, Turner Construction  
(646) 772-0803

Attn: Mr. Quentin Brathwaite, PANYNJ  
Tel: (917) 560-1704

Mr. Cesar Silva, PANYNJ  
(646) 808-7492

Ms. Clarelle DeGraffe, PANYNJ  
(212) 435-5622

Re: 9A Underpass- Construction  
of a Subterranean Pedestrian  
Concourse (9A Underpass)  
Necessitating Temporary  
Relocation of Route 9A  
**Contract WTC-924.315**  
**(Package 18-BX)**  
Route 9A btwn Liberty St. & Vesey St.

Borough of Manhattan

### **3<sup>rd</sup> AMENDMENT TO WORK PERMIT HCP-15,447**

Permission is hereby granted to the Port Authority of New York and New Jersey (PANYNJ) and its duly authorized representative, Brookfield Properties and contractor Turner Construction, to enter upon and restrict the flow of traffic on Route 9A (West Street, Joe DiMaggio Highway) for the purpose of digging test pit trenches, constructing a temporary construction roadway on decking immediately west the current roadway with ancillary temporary bicycle pathways, temporary pedestrian pathways, temporary World Financial Center (WFC) garage entrance and improvements for a temporary truck detour loop, together with all work incidental thereto, subject to the following stipulations:

1. This Permit shall be in effect as of **October 1, 2010**.

**NYC Department of Transportation**  
**Bureau of Permit Management and Construction Control**  
55 Water Street, New York, NY 10041  
T: 212-839-9643 F: 212-839-8966  
[www.nyc.gov/dot](http://www.nyc.gov/dot)

**2 The Port Authority of New York and New Jersey (PANYNJ) and its duly authorized representative shall maintain a safe and continuous Bikeway and Pedestrian Path along the entire length of Route 9A west of the roadway and east of the World Financial Center throughout the duration of this project.**

**3 A member of the project sponsor staff must attend all weekly meetings of the Lower Manhattan Utility Coordination Meeting.**

4. This permit must be present on site when the approved work is being performed.

5 In the event of a strike against the NYC Transit no lane or ramp closure will be permitted.

6. **IN AN EMERGENCY**, the Regional Construction Engineer shall issue a **NOTICE OF EMERGENCY** and shall take the necessary measures to protect the public as he assesses them. It is **URGENT** that he **IMMEDIATELY** notify the New York City Department of Transportation Situation Room (718-433-3340), Transcom (1-800-Traffic). The NYPD Traffic Management Center (718-706-6062, Fax 718-706-1606) and the respective Patrol Borough and Traffic Safety Officer at the telephone numbers and fax numbers listed below:

<b>BOROUGH</b>	<b>NAME</b>	<b>TELEPHONE</b>	<b>FAX NUMBER</b>
Manhattan Patrol South	P.D. Desk Officer	(212) 477-7436	(212) 260-7215

A) The City will, as necessary, notify its response team. The Office of Construction Mitigation and Coordination (OCMC) has been designated to critique the determinations reached and the traffic maintenance actions to be taken and recommend changes as deemed warranted. When an emergency is declared to assure the safety of the public and the adjacent transportation corridor, work is to be performed utilizing extended and multiple shifts until the condition is stabilized and an acceptable traffic pattern is established. Repairs shall continue on a regular recurring daily basis until the condition is corrected and the normal traffic pattern is restored.

B) **IN NON EXTREME EMERGENCY SITUATIONS**, a faxed notification form must occur. During the hours of 8:30 AM to 3:30 PM Monday to Friday (including holidays) fax to 718-706-1606. For all other times fax the notification form to 718-391-0584. The permitted lane closures are as follows:

6. (continued)

- I) The Permittee may close lanes in accordance with the times and conditions set forth in this Permit. Should a full closure be required, a meeting to discuss the situation and options involved must be set with the Office of Construction Mitigation and Coordination. A detour plan is required for full closure including layout for all traffic control devices (signs, cones, signals, etc.) and traffic impact analysis (if needed).
- II) For all local streets, the Permittee may occupy the curb lane at times consistent with the posted parking regulations. The Permittee may also occupy a travel lane on local streets on weekdays (excluding holidays) during the hours of 9:00 AM to 4:00 PM, while providing a minimum of one eleven foot (11') lane for each direction of traffic. The number of traveled lanes shall not be reduced by more than one (1) in each direction. For streets posted with rush hour regulations, the hours are restricted to 10:00 AM to 3:00 PM. At heavily trafficked locations these hours may be modified as deemed necessary by the New York City Department of Transportation.
- III) Noise intensive operations in proximity to residential areas shall be restricted to daytime hours only – 7:00 AM to 10:00 PM on weekdays (excluding holidays) and 10:00 AM to 10:00 PM on Saturdays, Sundays, and Holidays.
- IV) Significant lane closures of Arterial Highways where at anytime two thirds (2/3) of the number of roadway lanes are closed between 1:00 AM and 6:00 AM or fifty percent (50%) or more of the roadway lanes are closed at other times, notification shall be given to the public via the placement of Variable Message Signs (VMS) 7 days prior to the actual closure, when possible.

The Permittee is allowed to narrow service roads and ramps outside permit hours provided that:

- a. The number of lanes is not reduced.
- b. The width of each lane is a minimum of eleven (11) feet-except where commercial traffic is present; the minimum width must be no less than eleven (feet).
- c. There is no impact on normal traffic flow. If traffic is not moving at its normal pace, the narrowing will not be permitted.
- d. "Noise restrictions will still apply"

7. The Permittee may close one (1) or two (2) lane(s) (northbound or southbound; one direction at a time only, except as noted below) on Route 9A (West St.) between West Thames Street and Chambers Street to vehicular traffic as follows (of the lanes that are to remain open, each must have a width of 10 feet):

a.) **NORTHBOUND (between Liberty Street and Vesey Street)**

	<b>Weekdays</b>	<b>Saturdays</b>	<b>Sundays</b>
<b>Single Lane Closure</b>	12:01 AM – 5:00 AM 10:00 AM – 3:00 PM 9:00 PM – 11:59 PM	24 hours	12:01 AM – 11:00 AM 9:00 PM – 11:59 PM
<b>Double Lane Closure</b>	11:00 PM – 5:00 AM	1:00 AM – 7:00 AM	2:00 AM – 9:00 AM

**SOUTHBOUND (between Liberty Street & Vesey Street)**

	<b>Weekdays</b>	<b>Saturdays</b>	<b>Sundays</b>
<b>Single Lane Closure</b>	12:01 AM – 5:00 AM 10:00 AM – 3:00 PM 9:00 PM – 11:59 PM	24 hours	24 hours
<b>Double Lane Closure</b>	12:01 AM – 5:00 AM	1:00 AM – 11:00 AM	12:01 AM – 11:00 AM

On weeknights between 10:00 pm and 5:00 am, the Permittee may close one lane northbound and one lane southbound simultaneously on Route 9A between Liberty Street and Vesey Street.

On weeknights between 12:01 am and 5:00 am, the Permittee may close one lane in direction and two lanes in the opposite direction simultaneously on Route 9A between Liberty Street and Vesey Street.

8 The Contractor shall not transport equipment across the highway at grade, except during permitted lane closing hours. The crossing shall be accomplished within a maximum time of five (5) minutes, at intervals spaced to avoid excessive backups of traffic.

9 For the removal, erection or repair of VMS Single Span Structure and Cantilevered Highway Signs, the Contractor may close northbound and southbound Route 9A. In order to obtain permission to undertake full closures of the roadway to work on these signs, the Contractor must meet in advance with the staff of the Office of Permit Management and Construction Control, and provide traffic volumes, Maintenance and Protection of Traffic (MPT) plans and project details as required. Full closures on Route 9A between Battery Place and Canal Street, to work on these signs, are not permitted unless a specific permit is obtained after review by the NYCDOT Lower Manhattan Borough Commissioner's Office. The NYCDOT Office of Permit Management and Construction Control will facilitate and attend any meetings between the Lower Manhattan Borough Commissioner's Office and the New York State Department of Transportation.

10 For the construction of utilities (water, drainage, gas & electric) at the Northbound or Southbound Route 9A intersection with the cross streets, the cross streets may be close after obtaining separate no fee permits as explained in Stipulation 14.

**11 There shall be no jack hammering or cutting of pipe between 10:00 PM & 7:00 AM from Sunday night through Friday morning and between 10:00 PM & 10:00 AM from Friday night through Sunday morning on northbound or southbound Route 9A between Vesey Street and Liberty Street. Permission to jack hammer during late night hours will be granted for late night periods with a seven calendar day advance notice to Community Board #1 and the Battery Park City Authority. Such permission will be granted by permit amendment within three working days of formal application to NYCDOT/OCMC.**

12 The Permittee will coordinate its work on the roadway between West Thames Street and Chambers Street with the New York City Department of Transportation's Lower Manhattan roadway reconstruction project. This coordination will include regular consultations and meetings with pertinent New York City Department of Transportation staff to insure that there is ample advance notice given to all parties concerning upcoming scheduled work and that potential conflicts are resolved prior to commencing said activity.

13 To reserve a lane or roadway closures on primary, secondary and local streets; the Permittee must obtain a separate permit from OCMC – Streets. OCMC – Highways will facilitate obtaining these "No Fee" permits. Permits for emergency and non-emergency work may be obtained by phone and facsimile to expedite the work. The Permittee or State representative must contact this office at least three (3) business days prior to request and reserve a lane or street closure. This will reserve the street segment(s) for your activities and facilitate the issuance of the appropriate permits. The original permits may be picked up and signed within "seventy-two" hours.

14 In the event that any non emergency construction work results in the closing of more than two-thirds (2/3) of the moving lanes per direction on any street for more than 15 minutes per hour between the hours of 1 AM and 5 AM or half (50%) or more of the moving lanes on any street or limited access roadway, for a duration of more than four minutes or two traffic light cycles of the nearest traffic signal, whichever is less, during all other hours, the Permittee shall post at the site of the closing a public notification seven(7) calendar days prior to such closing in a manner directed by OCMC.

15 This permit is not valid unless it is signed by both the New York City Department of Transportation representative and the authorized representative of the Permittee.

16 The Office of Construction Mitigation and Coordination (OCMC) has the right to modify or revoke stipulations if the construction activity related to this project does not commence within one (1) year of the date of this draft permit.

17 Section 24 - 224, Administrative Code Variance is hereby granted for hours and days stipulated above.

18 No staging and/or storage sites are authorized or will be permitted unless approved in writing (where owned by New York City) by the New York City Department of Transportation's Division of Arterial Maintenance and/or the New York City Department of Parks and Recreation (if park land is involved) or (where State owned) by New York State Department of Transportation with New York City concurrence where applicable. Except for State owned sites where City concurrence is not necessary changes in the site or limits can only be made by an amendment to this permit as applicable. A detailed drawing must be submitted and will become an attachment to the amendment. A DPR Permit shall constitute written approval from the Parks Dept.

19 The Permittee agrees to assume all responsibility for injury or damages to private and/or City property caused through the operations of the permit and to save and hold harmless the City of New York and the New York City Department of Transportation from all claims and suits which may arise therefrom.

20 The Permittee shall notify the New York City Department of Transportation Traffic Management Center (TMC) and OCMC-Highways via e-mail and FAX forty-eight (48) hours prior to any proposed lane closures and prior to commencing work operations. The Permittee shall notify in writing, the New York City Department of Transportation, OCMC ten (10) working days prior to any proposed ramp closures. Four- (4) weeks' notice is required when it is anticipated that temporary traffic signals and/or signal timing adjustments will be needed.

21 The Permittee shall be responsible to provide notification to the local Community Board and Borough President's Office prior to the commencement of work. Additionally notification shall be made to the local Councilman's office. Proof of notification must be filed with the OCMC prior to the commencement of work.

22 The Permittee shall notify the New York City Dept. of Transportation's Situation Room at (718-433-3340), the NYPD Traffic Management Center at (718-706-6062), the Chief of Emergency Medical Services at (FAX 718-999-0497 – Note: This is a FAX Number) and the local fire house **two (2) hours** prior to his/her proposed traffic lane reductions or street closings for any purpose. The Permittee shall also **immediately** notify the Situation Room upon reopening and in the event of an emergency condition.

23 In the event, a full highway closure greater than fifteen (15) minutes is permitted, the Permittee must notify all those parties listed in the prior three stipulations at least two weeks in advance. Additionally the Permittee must prepare a press release for the TV, Radio and Newspaper Media at least one week prior to the closure.

24 The Permittee shall adhere to all pertinent rules and regulations of the New York City Department of Transportation relative to the use and occupancy of street space, the provisions of his agreement and the performance of his work.

25 The Permittee shall adhere to the **NYCDOT Bureau of Bridges' Special Provisions for Landscape Protection, Maintenance and Restoration, items 1.18.15 through 1.18.19**, whenever and wherever any of the Permittee's activities occur within a limited access arterial highway right - of - way. Copies of these provisions may be obtained from the New York City Department of Transportation's Director of Arterial Maintenance at 212 - 788 - 1721.

26 This Permit is limited to activity performed in conformance with this agreement with the New York City Department of Transportation and does not permit any other activities, which could be a hazard or distraction to the roadway user.

27 No deviation or departure from these stipulations will be permitted without the prior written approval of the New York City Department of Transportation. Requests for such modifications shall be submitted to the OCMC a minimum of ten (10) days in advance for consideration.

28 To ensure a traffic flow at all times storage of materials and equipment shall not be permitted within the traveled way of the highway. Storage areas shall be separated from the traveled way by a clear space of 30 feet minimum width, unless such storage is placed behind concrete barrier or permanently installed bridge railing.

29 Any excavations shall be adequately fenced and/or decked over by the Permittee to preclude entry by errant vehicles, pedestrians or animals.

30 The Permittee shall insure that construction materials and/or excavated soil and rocks temporarily stored on slopes are secured by hay bales or other effective means to prevent their movement into the travel way and clear zone (recovery zone) area.

31 When work is performed in or adjacent to sidewalk areas, a safe pedestrian walkway having a minimum width of five (5) feet shall be provided at all times by the Permittee.

32 Concurrent with construction work of this contract, if other projects on this and/or adjacent highways are under construction then the Permittee is to become familiar with the scheduling of those projects and schedule his activities accordingly. To facilitate the flow of traffic, the permissible work hours may be modified as deemed necessary by the New York City Department of Transportation.

33 In order to provide an adequate transition for the safe flow of traffic, when the Permittee's (or another Permittee's) work sites are in two (2) different lanes in the same direction, those work sites shall be separated by a distance of at least five (5) city blocks or 1,200 feet (whichever is greater). **This distance requirement may be reduced on a case-by-case basis at the discretion of the NYCDOT Lower Manhattan Borough Commissioner's Office in consultation with OCMC-Highways.**

34 Warning signs and traffic safety devices shall be provided, installed, maintained and removed by the Permittee in accordance with the USDOT/FHWA's "Manual of Uniform Traffic Control Devices", also known as "NYCRR Volume 17B." The Permittee shall provide the appropriate channelization for traffic approaching and leaving his/her worksite. The Permittee shall provide flagpersons, cones, barricades, etc. as required for public safety. The Permittee is responsible for the adequacy of the safety devices.

35 When water is being used at the work site for any purpose (i.e. concrete curing, saw cutting, etc.), the Permittee is required to insure, through any and all appropriate measures, that the water does not freeze on the roadway or sidewalks. The Permittee will be responsible to maintain a clear and safe travel path

36 During the time a lane closure is permitted, the Permittee may intermittently stop traffic on the adjacent lane(s) of the same roadway for periods not to exceed five (5) minutes in duration for the purpose of transporting or securing equipment that may extend beyond the closed lane(s). A minimum of one (1) hour, or until the traffic queue is relieved, whichever period is shorter, is required between any two such closures.

37 Operation of a crane, derrick, shovel or other similar equipment for any and all work within the streets shall be carried out by the Permittee in accordance with the Rules, Regulations and Requirements of the New York City Department of Transportation and the New York City Department of Buildings and shall comply with all provisions of the New York City Noise Control Code. In addition, if this equipment is to be placed so that any part of the load will be superimposed on the sidewalk or roadway, the Permittee must file, with the New York City Department of Transportation, Office of Construction Mitigation and Coordination, a statement by a Professional Engineer, licensed by the State of New York, certifying the following;

- (a) That the sidewalk or roadway area and the supporting subgrade can safely bear the crane load. Should the condition of the sidewalk or roadway area require that the crane load be distributed over a larger area than afforded by the elements of the crane, the engineer shall furnish the full dimensioned details of the load distribution;

37 (continued)

- (b) That the Engineer has taken all necessary measures to ascertain that there is no vault or subway tunnel underneath the sidewalk area or that if a vault or subway tunnel does exist its roof is sufficiently strong to support the load to be superimposed thereof;
- (c) That the sheeting or retaining walls supporting any excavations adjoining the sidewalk or roadway area required to carry a load have been examined by the Engineer and have been found to be sufficiently strong to support the area carrying the crane load. Should the crane be employed making any excavation adjacent to the crane, the Engineer shall specify the sheeting or retaining wall reinforcement required to support the crane.

38 A "Holiday Construction Embargo" will be in effect on Gridlock Alert Days from mid - November (the exact dates will be published each year in the New York City Department of Transportation's OCMC yearly Holiday Embargo release, there are approximately ten (10)) to January 2nd. **During this period, no lane or ramp closings will be permitted from 6:00 AM to Midnight except by written permission from the OCMC. This stipulation supersedes all others in this permit.**

A Holiday Embargo is in effect for the Holidays (as determined by the New York City Office of Payroll Administration) with the following provisions:

When a Holiday falls or is observed by the City of New York on a Monday or Friday no lane or ramp closures are permitted from noon on the previous business day to 6:01 AM on the following business day. For example if the holiday falls or is observed on Friday then no lane closure would be permitted from 12:01 PM on Thursday to 6:01 AM on Monday. If the Holiday falls or is observed on Monday then no lane closure is permitted from 12:01 PM on Friday to 6:01 AM on Tuesday. In addition when a Holiday falls or is observed midweek (Tuesday, Wednesday or Thursday) no Lane closures shall be permitted from noon on the previous business day to 6:01 AM on the following business day.

The Holiday Embargo as detailed above, is in effect for the following Holidays: New Years Day, Mothers Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day. **Note: for Thanksgiving Day the Embargo begins on Wednesday at 12 noon and extends to Monday 6 AM, at which time the original stipulations shall be in effect.**

39 A special embargo is in effect for the following holidays: Eve of Jewish New Year (Rosh Hashana), Eve of Yom Kippur, Eve of First Day of Passover and Eve of the Second Day of Passover. No traffic lane or ramp closures permitted from 1:00 PM to sundown.

40 Work cannot be performed during the New York City 5 Boroughs Bike Tour and the New York City Marathon, unless granted special permission by the New York City Department of Transportation, Office of Construction Mitigation and Coordination.

41 Boring holes shall be back-filled with sand and compacted. In sidewalks, the last six-(6) inches of the holes shall be restored with concrete. In paved areas the last six (6) inches shall be restored with concrete and/or asphalt to match the existing. On structural decks, holes shall be restored in kind.

**42 The NYCDOT Office of Construction Mitigation and Coordination (OCMC) -** Highways must be contacted at telephone number 212-839-9645 or fax number 212-839-8970 at least two weeks prior to the commencement of any work so that a pre-construction inspection may be performed. If any repairs are made by NYCDOT EIU after the pre-construction inspection is performed, EIU shall notify OCMC so that the item(s) may be deleted from the inspection list.

**43 NYSDOT will provide the NYCDOT Electrical Inspections Unit with a weekly** schedule prior to the commencement of any excavation work, i.e. trench excavations, landscaping excavations such as for tree or bush pits, all other excavations, guiderail installations or any other installations involving drilling or the use of Hilti-bolts, or any other event when the earth gets moved on all highway surfaces, including grade level and elevated roadways, ramps, overpasses, paved and non-paved shoulder portions, over or adjacent to electrical lines, on or adjacent to the roadway, including excavation on shoulders both paved and non paved surfaces.

**44** Accessibility to, plus a three-foot minimum clearance, must be made available at any street light, traffic signal or ITS pole, panel box, junction box, ITS system or camera, or any other NYC electrical systems equipment.

**45** Street Light poles must be lit while the work is being performed, during the day and/or night, as appropriate, so that any damages to any electrical systems may be discovered immediately when the lights go out, by spark or other methods. Complaints regarding dayburners caused by construction shall be forwarded to the NYCDOT Electrical Inspections Unit. NYCDOT will provide routine maintenance to lights in construction areas.

**46 The contractor shall perform all electrical work with care so that any materials** which are to remain in place, or which are to remain the property of NYC will not be damaged. If the contractor damages any materials which are to remain the property of NYC, the damaged materials shall be repaired or replaced in a timely manner, approved by the NYCDOT Electrical Inspections Unit, and at no cost to NYC.

47 In the event of damage to electrical lines, including but not limited to electrical conduit, street light poles, pull boxes, panel boxes, junction boxes, cameras, or any other NYC electrical systems equipment on or adjacent to all highway surfaces, including grade level and elevated roadways, ramps, overpasses, and paved and non paved shoulder areas, notice must be made to the Chief of the NYCDOT/EIU at telephone number 718-786-2825, or 24-hour emergency number 718-433-3340, at the time of such occurrence. An EIU inspector will be dispatched to evaluate and document the condition and coordinate the necessary repairs. The Permittee will conduct any troubleshooting work to identify its cause when NYCDOT suspects that damages have occurred due to the Permittee or its subcontractors. The Permittee shall be permitted to conduct the necessary repairs without delay following notification to NYCDOT. If an EIU inspector is not able to respond to the jobsite when the repairs are being performed, the Permittee will provide pictures and/or other documentation to confirm that the appropriate work has been completed.

48 **A copy of the electrical drawings of the project must be available on-site for informational purposes.**

49 The Permittee shall comply with the Industrial Code of the State of New York Part (Rule No. 53) relating to Construction, Excavation and Demolition Operations at or near underground facilities. Additionally, the Permittee shall similarly notify the owners of overhead cables or other electrical or street lighting equipment in the area covered by the Permit.

50 The Permittee is reminded that the appropriate Rules and Regulations that apply to the cleaning and painting of structural steel must be rigidly followed, as specified by NYSDOT Special Specifications.

51 When a contractor performs work at night, the work site shall be illuminated to the satisfaction of the Engineer-In-Charge (EIC). The EIC shall be the sole judge of when illumination is required.

52 The contractor shall be responsible for identifying his/her construction signage. The identification shall include the contracting agency, the contractor's name and the contract number. This identification shall be placed on the back of all signs.

53 The Permittee shall, at his/her own expense, be under absolute obligation to determine the location of and provide protection from damage or loss for all subsurface facilities and overhead structures in the permit area. In the event of any damage or loss to such subsurface facilities and overhead structures, the Permittee shall promptly replace or repair such facilities and structures, as directed by the New York City Department of Transportation or other City agency having jurisdiction thereof or by the owner thereof.

54 The City makes no representation as to the character of the fill in the streets, and voids therein, or the condition of the sidewalks. The Permittee accepts full responsibility and liability for any disturbance or damage, which may be caused to adjoining pavements, sidewalks or structures by or in connection with the permit activity. All damaged sidewalk or roadway pavements shall be restored (to the nearest full flag for sidewalks) in conformance with the Standard Specifications of the New York (City/State) Department of Transportation.

55 The Permittee shall furnish and install tarpaulins enclosing the immediate site of his cleaning and painting operations to insure complete protection of the general public and property, both on and below the roadway against possible damage from scraping, paint drippings, wind blown paint, dust, concrete, etc. This permit does not constitute approval of either painting or paint removal methodology. All signs and signals in the permit area shall be protected daily with clean and transparent coverings.

56 The washing of concrete truck drums within the Arterial Highway or city street right - of - way is strictly prohibited, unless the contractor utilizes the New York State Dept. of Transportation approved method.

57 The Permittee's vehicles shall not exceed the posted weight and/or height restrictions for any street, highway, bridge or viaduct section that he/she must travel upon.

58 During the snow season, the contractor shall be required to post "LIFT PLOW" signs at all locations (in both directions if necessary) where they have installed steel plates.

59 Roads used for the hauling of materials shall be kept free from debris and maintained by the Permittee and left in a condition satisfactory to the engineer-in-charge (EIC).

60 On roadways/streets where rush hour parking and/or standing regulations are posted, the Permittee shall modify his schedule to conform to those (rush hour) restrictions.

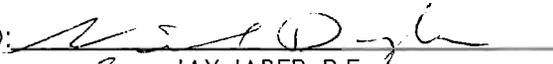
61 The Permittee shall not park his equipment or store material overnight where it is deemed to be a safety hazard to the traveling public.

62 The Permittee shall not obstruct fire hydrants, crosswalks, pedestrian ramps, fire alarm boxes, bus stops or any public utility while performing his/her work. The Permittee may not move or remove "Bus Stop" signs without prior written approval from both the New York City Department of Transportation and the New York City Transit.

63 This is not a parking permit. The Permittee shall obey all traffic laws and regulations.

64 This Permit may be amended to cover new or unforeseen conditions at the discretion of the New York City Department of Transportation, after consultation with the Permittee. The New York City Department of Transportation reserves the right to cancel this permit at any time for any valid reason.

65 This Permit, unless terminated at the discretion of the New York City Department of Transportation, will expire on **December 31, 2010**.

APPROVED:   
For JAY JABER, P.E.  
Assistant Commissioner  
Permit Management & Construction Control

  
Quentin Brathwaite, AIA, AICP or Designated Representative  
Port Authority OF New York and New Jersey

CM:cm  
09/22/10

e:\Project Managers\conn\permits\hcp-15447(03)

cc.: Dagher, Campbell, Noto, Forgione, Sanchez, Hrubes, Jackman, W. Lee, Maniscalco, MacAogain, Constantine, Crisci, Hasan, Lovett, Saint-Dic, Situation Room, NYPD (Traffic Division), Valles, Fire Department, Litigation Support, CC file, Project file





The Port Authority of New York & New Jersey  
WTC Transportation Hub  
Priority Capital Programs Dept.  
115 Broadway, 7<sup>th</sup> Floor  
New York, NY 10006

September 24, 2010

Attn: Mr. Peter Daboul, Phoenix/Slattery  
Tel.: (347) 723-1484

Mr. Aeron Doron, Slattery/Skanska  
(914) 807-1356

Attn: Mr. Quentin Brathwaite, PANYNJ  
Tel: (917) 560-1704

Mr. Cesar Silva, PANYNJ  
(646) 808-7492

Ms. Clarelle DeGraffe, PANYNJ  
(212) 435-5622

Re: 9A Underpass–Early Action Work  
for Construction of a Subterranean  
Pedestrian Concourse  
(9AUnderpass) Necessitating  
Temporary Relocation of Route 9A  
Contract WTC-284.458GC  
Route 9A (West St. Joe DiMaggio  
Hwy) between Liberty St. & Vesey St.

Borough of Manhattan

**29<sup>th</sup> AMENDMENT TO WORK PERMIT HCP-15,279**

Permission is hereby granted to the Port Authority of New York and New Jersey (PANYNJ) and its duly authorized representative, Phoenix Constructors, Inc. (in a joint venture partnership with Slattery Skanska), to enter upon and restrict the flow of traffic on Route 9A (West Street, Joe DiMaggio Highway) for the purpose of digging test pit trenches, constructing a temporary construction roadway on decking immediately west the current roadway with ancillary temporary bicycle pathways, temporary pedestrian pathways, temporary World Financial Center (WFC) garage entrance and improvements for a temporary truck detour loop, together with all work incidental thereto, subject to the following stipulations:

1. This Permit shall be in effect as of **October 1, 2010**.

**NYC Department of Transportation**  
**Bureau of Permit Management and Construction Control**  
55 Water Street, New York, NY 10041  
T: 212-839-9643 F: 212-839-8966  
[www.nyc.gov/dot](http://www.nyc.gov/dot)

**2 The Port Authority of New York and New Jersey (PANYNJ) and its duly authorized representative shall maintain a safe and continuous Bikeway and Pedestrian Path along the entire length of Route 9A west of the roadway and east of the World Financial Center throughout the duration of this project.**

**3 A member of the project sponsor staff must attend all weekly meetings of the Lower Manhattan Utility Coordination Meeting.**

4. This permit must be present on site when the approved work is being performed

5 In the event of a strike against the NYC Transit no lane or ramp closure will be permitted.

6. **IN AN EMERGENCY**, the Regional Construction Engineer shall issue a **NOTICE OF EMERGENCY** and shall take the necessary measures to protect the public as he assesses them. It is **URGENT** that he **IMMEDIATELY** notify the New York City Department of Transportation Situation Room (718-433-3340), Transcom (1-800-Traffic). The NYPD Traffic Management Center (718-706-6062, Fax 718-706-1606) and the respective Patrol Borough and Traffic Safety Officer at the telephone numbers and fax numbers listed below:

<b>BOROUGH</b>	<b>NAME</b>	<b>TELEPHONE</b>	<b>FAX NUMBER</b>
Manhattan Patrol South	P.D. Desk Officer	(212) 477-7436	(212) 260-7215

A) The City will, as necessary, notify its response team. The Office of Construction Mitigation and Coordination (OCMC) has been designated to critique the determinations reached and the traffic maintenance actions to be taken and recommend changes as deemed warranted. When an emergency is declared to assure the safety of the public and the adjacent transportation corridor, work is to be performed utilizing extended and multiple shifts until the condition is stabilized and an acceptable traffic pattern is established. Repairs shall continue on a regular recurring daily basis until the condition is corrected and the normal traffic pattern is restored.

B) **IN NON EXTREME EMERGENCY SITUATIONS**, a faxed notification form must occur. During the hours of 8:30 AM to 3:30 PM Monday to Friday (including holidays) fax to 718-706-1606. For all other times fax the notification form to 718-391-0584. The permitted lane closures are as follows:

6. (continued)

- I) The Permittee may close lanes in accordance with the times and conditions set forth in this Permit. Should a full closure be required, a meeting to discuss the situation and options involved must be set with the Office of Construction Mitigation and Coordination. A detour plan is required for full closure including layout for all traffic control devices (signs, cones, signals, etc.) and traffic impact analysis (if needed).
- II) For all local streets, the Permittee may occupy the curb lane at times consistent with the posted parking regulations. The Permittee may also occupy a travel lane on local streets on weekdays (excluding holidays) during the hours of 9:00 AM to 4:00 PM, while providing a minimum of one eleven foot (11') lane for each direction of traffic. The number of traveled lanes shall not be reduced by more than one (1) in each direction. For streets posted with rush hour regulations, the hours are restricted to 10:00 AM to 3:00 PM. At heavily trafficked locations these hours may be modified as deemed necessary by the New York City Department of Transportation.
- III) Noise intensive operations in proximity to residential areas shall be restricted to daytime hours only – 7:00 AM to 10:00 PM on weekdays (excluding holidays) and 10:00 AM to 10:00 PM on Saturdays, Sundays, and Holidays.
- IV) Significant lane closures of Arterial Highways where at anytime two thirds (2/3) of the number of roadway lanes are closed between 1:00 AM and 6:00 AM or fifty percent (50%) or more of the roadway lanes are closed at other times, notification shall be given to the public via the placement of Variable Message Signs (VMS) 7 days prior to the actual closure, when possible.

The Permittee is allowed to narrow service roads and ramps outside permit hours provided that:

- a. The number of lanes is not reduced.
- b. The width of each lane is a minimum of eleven (11) feet-except where commercial traffic is present; the minimum width must be no less than eleven (feet).
- c. There is no impact on normal traffic flow. If traffic is not moving at its normal pace, the narrowing will not be permitted.
- d. "Noise restrictions will still apply"

7. The Permittee may close one (1) or two (2) lane(s) (northbound or southbound; one direction at a time only, except as noted below) on Route 9A (West St.) between West Thames Street and Chambers Street to vehicular traffic as follows (of the lanes that are to remain open, each must have a width of 10 feet):

a.) **NORTHBOUND (between Liberty Street and Vesey Street)**

	<b>Weekdays</b>	<b>Saturdays</b>	<b>Sundays</b>
<b>Single Lane Closure</b>	<b>12:01 AM – 5:00 AM 10:00 AM – 3:00 PM 9:00 PM – 11:59 PM</b>	<b>24 hours</b>	<b>12:01 AM – 11:00 AM 9:00 PM – 11:59 PM</b>
<b>Double Lane Closure</b>	<b>11:00 PM – 5:00 AM</b>	<b>1:00 AM – 7:00 AM</b>	<b>2:00 AM – 9:00 AM</b>

**SOUTHBOUND (between Liberty Street & Vesey Street)**

	<b>Weekdays</b>	<b>Saturdays</b>	<b>Sundays</b>
<b>Single Lane Closure</b>	<b>12:01 AM – 5:00 AM 10:00 AM – 3:00 PM 9:00 PM – 11:59 PM</b>	<b>24 hours</b>	<b>24 hours</b>
<b>Double Lane Closure</b>	<b>12:01 AM – 5:00 AM</b>	<b>1:00 AM – 11:00 AM</b>	<b>12:01 AM – 11:00 AM</b>

On weeknights between 10:00 pm and 5:00 am, the Permittee may close one lane northbound and one lane southbound simultaneously on Route 9A between Liberty Street and Vesey Street.

On weeknights between 12:01 am and 5:00 am, the Permittee may close one lane in direction and two lanes in the opposite direction simultaneously on Route 9A between Liberty Street and Vesey Street.

8 The Contractor shall not transport equipment across the highway at grade, except during permitted lane closing hours. The crossing shall be accomplished within a maximum time of five (5) minutes, at intervals spaced to avoid excessive backups of traffic.

9 For the removal, erection or repair of VMS Single Span Structure and Cantilevered Highway Signs, the Contractor may close northbound and southbound Route 9A. In order to obtain permission to undertake full closures of the roadway to work on these signs, the Contractor must meet in advance with the staff of the Office of Permit Management and Construction Control, and provide traffic volumes, Maintenance and Protection of Traffic (MPT) plans and project details as required. Full closures on Route 9A between Battery Place and Canal Street, to work on these signs, are not permitted unless a specific permit is obtained after review by the NYCDOT Lower Manhattan Borough Commissioner's Office. The NYCDOT Office of Permit Management and Construction Control will facilitate and attend any meetings between the Lower Manhattan Borough Commissioner's Office and the New York State Department of Transportation.

10 For the construction of utilities (water, drainage, gas & electric) at the Northbound or Southbound Route 9A intersection with the cross streets, the cross streets may be close after obtaining separate no fee permits as explained in Stipulation 14.

**11 There shall be no jack hammering or cutting of pipe between 10:00 PM & 7:00 AM from Sunday night through Friday morning and between 10:00 PM & 10:00 AM from Friday night through Sunday morning on northbound or southbound Route 9A between Vesey Street and Liberty Street. Permission to jack hammer during late night hours will be granted for late night periods with a seven calendar day advance notice to Community Board #1 and the Battery Park City Authority. Such permission will be granted by permit amendment within three working days of formal application to NYCDOT/OCMC.**

12 The Permittee will coordinate its work on the roadway between West Thames Street and Chambers Street with the New York City Department of Transportation's Lower Manhattan roadway reconstruction project. This coordination will include regular consultations and meetings with pertinent New York City Department of Transportation staff to insure that there is ample advance notice given to all parties concerning upcoming scheduled work and that potential conflicts are resolved prior to commencing said activity.

13 To reserve a lane or roadway closures on primary, secondary and local streets; the Permittee must obtain a separate permit from OCMC – Streets. OCMC – Highways will facilitate obtaining these "No Fee" permits. Permits for emergency and non-emergency work may be obtained by phone and facsimile to expedite the work. The Permittee or State representative must contact this office at least three (3) business days prior to request and reserve a lane or street closure. This will reserve the street segment(s) for your activities and facilitate the issuance of the appropriate permits. The original permits may be picked up and signed within "seventy-two" hours.

**14** In the event that any non emergency construction work results in the closing of more than two-thirds (2/3) of the moving lanes per direction on any street for more than 15 minutes per hour between the hours of 1 AM and 5 AM or half (50%) or more of the moving lanes on any street or limited access roadway, for a duration of more than four minutes or two traffic light cycles of the nearest traffic signal, whichever is less, during all other hours, the Permittee shall post at the site of the closing a public notification seven(7) calendar days prior to such closing in a manner directed by OCMC.

**15** This permit is not valid unless it is signed by both the New York City Department of Transportation representative and the authorized representative of the Permittee.

**16** The Office of Construction Mitigation and Coordination (OCMC) has the right to modify or revoke stipulations if the construction activity related to this project does not commence within one (1) year of the date of this draft permit.

**17** Section 24 - 224, Administrative Code Variance is hereby granted for hours and days stipulated above.

**18** No staging and/or storage sites are authorized or will be permitted unless approved in writing (where owned by New York City) by the New York City Department of Transportation's Division of Arterial Maintenance and/or the New York City Department of Parks and Recreation (if park land is involved) or (where State owned) by New York State Department of Transportation with New York City concurrence where applicable. Except for State owned sites where City concurrence is not necessary changes in the site or limits can only be made by an amendment to this permit as applicable. A detailed drawing must be submitted and will become an attachment to the amendment. A DPR Permit shall constitute written approval from the Parks Dept.

**19** The Permittee agrees to assume all responsibility for injury or damages to private and/or City property caused through the operations of the permit and to save and hold harmless the City of New York and the New York City Department of Transportation from all claims and suits which may arise therefrom.

**20** The Permittee shall notify the New York City Department of Transportation Traffic Management Center (TMC) and OCMC-Highways via e-mail and FAX forty-eight (48) hours prior to any proposed lane closures and prior to commencing work operations. The Permittee shall notify in writing, the New York City Department of Transportation, OCMC ten (10) working days prior to any proposed ramp closures. Four- (4) weeks' notice is required when it is anticipated that temporary traffic signals and/or signal timing adjustments will be needed.

**21** The Permittee shall be responsible to provide notification to the local Community Board and Borough President's Office prior to the commencement of work. Additionally notification shall be made to the local Councilman's office. Proof of notification must be filed with the OCMC prior to the commencement of work.

22 The Permittee shall notify the New York City Dept. of Transportation's Situation Room at (718-433-3340), the NYPD Traffic Management Center at (718-706-6062), the Chief of Emergency Medical Services at (FAX 718-999-0497 – Note: This is a FAX Number) and the local fire house **two (2) hours** prior to his/her proposed traffic lane reductions or street closings for any purpose. The Permittee shall also **immediately** notify the Situation Room upon reopening and in the event of an emergency condition.

23 In the event, a full highway closure greater than fifteen (15) minutes is permitted, the Permittee must notify all those parties listed in the prior three stipulations at least two weeks in advance. Additionally the Permittee must prepare a press release for the TV, Radio and Newspaper Media at least one week prior to the closure.

24 The Permittee shall adhere to all pertinent rules and regulations of the New York City Department of Transportation relative to the use and occupancy of street space, the provisions of his agreement and the performance of his work.

25 The Permittee shall adhere to the **NYCDOT Bureau of Bridges' Special Provisions for Landscape Protection, Maintenance and Restoration, items 1.18.15 through 1.18.19**, whenever and wherever any of the Permittee's activities occur within a limited access arterial highway right - of - way. Copies of these provisions may be obtained from the New York City Department of Transportation's Director of Arterial Maintenance at 212 - 788 - 1721.

26 This Permit is limited to activity performed in conformance with this agreement with the New York City Department of Transportation and does not permit any other activities, which could be a hazard or distraction to the roadway user.

27 No deviation or departure from these stipulations will be permitted without the prior written approval of the New York City Department of Transportation. Requests for such modifications shall be submitted to the OCMC a minimum of ten (10) days in advance for consideration.

28 To ensure a traffic flow at all times storage of materials and equipment shall not be permitted within the traveled way of the highway. Storage areas shall be separated from the traveled way by a clear space of 30 feet minimum width, unless such storage is placed behind concrete barrier or permanently installed bridge railing.

29 Any excavations shall be adequately fenced and/or decked over by the Permittee to preclude entry by errant vehicles, pedestrians or animals.

30 The Permittee shall insure that construction materials and/or excavated soil and rocks temporarily stored on slopes are secured by hay bales or other effective means to prevent their movement into the travel way and clear zone (recovery zone) area.

31 When work is performed in or adjacent to sidewalk areas, a safe pedestrian walkway having a minimum width of five (5) feet shall be provided at all times by the Permittee.

32 Concurrent with construction work of this contract, if other projects on this and/or adjacent highways are under construction then the Permittee is to become familiar with the scheduling of those projects and schedule his activities accordingly. To facilitate the flow of traffic, the permissible work hours may be modified as deemed necessary by the New York City Department of Transportation.

33 In order to provide an adequate transition for the safe flow of traffic, when the Permittee's (or another Permittee's) work sites are in two (2) different lanes in the same direction, those work sites shall be separated by a distance of at least five (5) city blocks or 1,200 feet (whichever is greater). **This distance requirement may be reduced on a case-by-case basis at the discretion of the NYCDOT Lower Manhattan Borough Commissioner's Office in consultation with OCMC-Highways.**

34 Warning signs and traffic safety devices shall be provided, installed, maintained and removed by the Permittee in accordance with the USDOT/FHWA's "Manual of Uniform Traffic Control Devices", also known as "NYCRR Volume 17B." The Permittee shall provide the appropriate channelization for traffic approaching and leaving his/her worksite. The Permittee shall provide flagpersons, cones, barricades, etc. as required for public safety. The Permittee is responsible for the adequacy of the safety devices.

35 When water is being used at the work site for any purpose (i.e. concrete curing, saw cutting, etc.), the Permittee is required to insure, through any and all appropriate measures, that the water does not freeze on the roadway or sidewalks. The Permittee will be responsible to maintain a clear and safe travel path

36 During the time a lane closure is permitted, the Permittee may intermittently stop traffic on the adjacent lane(s) of the same roadway for periods not to exceed five (5) minutes in duration for the purpose of transporting or securing equipment that may extend beyond the closed lane(s). A minimum of one (1) hour, or until the traffic queue is relieved, whichever period is shorter, is required between any two such closures.

37 Operation of a crane, derrick, shovel or other similar equipment for any and all work within the streets shall be carried out by the Permittee in accordance with the Rules, Regulations and Requirements of the New York City Department of Transportation and the New York City Department of Buildings and shall comply with all provisions of the New York City Noise Control Code. In addition, if this equipment is to be placed so that any part of the load will be superimposed on the sidewalk or roadway, the Permittee must file, with the New York City Department of Transportation, Office of Construction Mitigation and Coordination, a statement by a Professional Engineer, licensed by the State of New York, certifying the following;

- (a) That the sidewalk or roadway area and the supporting subgrade can safely bear the crane load. Should the condition of the sidewalk or roadway area require that the crane load be distributed over a larger area than afforded by the elements of the crane, the engineer shall furnish the full dimensioned details of the load distribution;

37 (continued)

- (b) That the Engineer has taken all necessary measures to ascertain that there is no vault or subway tunnel underneath the sidewalk area or that if a vault or subway tunnel does exist its roof is sufficiently strong to support the load to be superimposed thereof;
- (c) That the sheeting or retaining walls supporting any excavations adjoining the sidewalk or roadway area required to carry a load have been examined by the Engineer and have been found to be sufficiently strong to support the area carrying the crane load. Should the crane be employed making any excavation adjacent to the crane, the Engineer shall specify the sheeting or retaining wall reinforcement required to support the crane.

38 A "Holiday Construction Embargo" will be in effect on Gridlock Alert Days from mid - November (the exact dates will be published each year in the New York City Department of Transportation's OCMC yearly Holiday Embargo release, there are approximately ten (10)) to January 2nd. **During this period, no lane or ramp closings will be permitted from 6:00 AM to Midnight except by written permission from the OCMC. This stipulation supersedes all others in this permit.**

A Holiday Embargo is in effect for the Holidays (as determined by the New York City Office of Payroll Administration) with the following provisions:

When a Holiday falls or is observed by the City of New York on a Monday or Friday no lane or ramp closures are permitted from noon on the previous business day to 6:01 AM on the following business day. For example if the holiday falls or is observed on Friday then no lane closure would be permitted from 12:01 PM on Thursday to 6:01 AM on Monday. If the Holiday falls or is observed on Monday then no lane closure is permitted from 12:01 PM on Friday to 6:01 AM on Tuesday. In addition when a Holiday falls or is observed midweek (Tuesday, Wednesday or Thursday) no Lane closures shall be permitted from noon on the previous business day to 6:01 AM on the following business day.

The Holiday Embargo as detailed above, is in effect for the following Holidays: New Years Day, Mothers Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day. **Note: for Thanksgiving Day the Embargo begins on Wednesday at 12 noon and extends to Monday 6 AM, at which time the original stipulations shall be in effect.**

39 A special embargo is in effect for the following holidays: Eve of Jewish New Year (Rosh Hashana), Eve of Yom Kippur, Eve of First Day of Passover and Eve of the Second Day of Passover. No traffic lane or ramp closures permitted from 1:00 PM to sundown.

40 Work cannot be performed during the New York City 5 Boroughs Bike Tour and the New York City Marathon, unless granted special permission by the New York City Department of Transportation, Office of Construction Mitigation and Coordination.

41 Boring holes shall be back-filled with sand and compacted. In sidewalks, the last six-(6) inches of the holes shall be restored with concrete. In paved areas the last six (6) inches shall be restored with concrete and/or asphalt to match the existing. On structural decks, holes shall be restored in kind.

42 **The NYCDOT Office of Construction Mitigation and Coordination (OCMC) -** Highways must be contacted at telephone number 212-839-9645 or fax number 212-839-8970 at least two weeks prior to the commencement of any work so that a pre-construction inspection may be performed. If any repairs are made by NYCDOT EIU after the pre-construction inspection is performed, EIU shall notify OCMC so that the item(s) may be deleted from the inspection list.

43 **NYSDOT will provide the NYCDOT Electrical Inspections Unit with a weekly** schedule prior to the commencement of any excavation work, i.e. trench excavations, landscaping excavations such as for tree or bush pits, all other excavations, guiderail installations or any other installations involving drilling or the use of Hilti-bolts, or any other event when the earth gets moved on all highway surfaces, including grade level and elevated roadways, ramps, overpasses, paved and non-paved shoulder portions, over or adjacent to electrical lines, on or adjacent to the roadway, including excavation on shoulders both paved and non paved surfaces.

44 Accessibility to, plus a three-foot minimum clearance, must be made available at any street light, traffic signal or ITS pole, panel box, junction box, ITS system or camera, or any other NYC electrical systems equipment.

45 Street Light poles must be lit while the work is being performed, during the day and/or night, as appropriate, so that any damages to any electrical systems may be discovered immediately when the lights go out, by spark or other methods. Complaints regarding dayburners caused by construction shall be forwarded to the NYCDOT Electrical Inspections Unit. NYCDOT will provide routine maintenance to lights in construction areas.

46 **The contractor shall perform all electrical work with care so that any materials** which are to remain in place, or which are to remain the property of NYC will not be damaged. If the contractor damages any materials which are to remain the property of NYC, the damaged materials shall be repaired or replaced in a timely manner, approved by the NYCDOT Electrical Inspections Unit, and at no cost to NYC.

47 In the event of damage to electrical lines, including but not limited to electrical conduit, street light poles, pull boxes, panel boxes, junction boxes, cameras, or any other NYC electrical systems equipment on or adjacent to all highway surfaces, including grade level and elevated roadways, ramps, overpasses, and paved and non paved shoulder areas, notice must be made to the Chief of the NYCDOT/EIU at telephone number 718-786-2825, or 24-hour emergency number 718-433-3340, at the time of such occurrence. An EIU inspector will be dispatched to evaluate and document the condition and coordinate the necessary repairs. The Permittee will conduct any troubleshooting work to identify its cause when NYCDOT suspects that damages have occurred due to the Permittee or its subcontractors. The Permittee shall be permitted to conduct the necessary repairs without delay following notification to NYCDOT. If an EIU inspector is not able to respond to the jobsite when the repairs are being performed, the Permittee will provide pictures and/or other documentation to confirm that the appropriate work has been completed.

48 A copy of the electrical drawings of the project must be available on-site for informational purposes.

49 The Permittee shall comply with the Industrial Code of the State of New York Part (Rule No. 53) relating to Construction, Excavation and Demolition Operations at or near underground facilities. Additionally, the Permittee shall similarly notify the owners of overhead cables or other electrical or street lighting equipment in the area covered by the Permit.

50 The Permittee is reminded that the appropriate Rules and Regulations that apply to the cleaning and painting of structural steel must be rigidly followed, as specified by NYSDOT Special Specifications.

51 When a contractor performs work at night, the work site shall be illuminated to the satisfaction of the Engineer-In-Charge (EIC). The EIC shall be the sole judge of when illumination is required.

52 The contractor shall be responsible for identifying his/her construction signage. The identification shall include the contracting agency, the contractor's name and the contract number. This identification shall be placed on the back of all signs.

53 The Permittee shall, at his/her own expense, be under absolute obligation to determine the location of and provide protection from damage or loss for all subsurface facilities and overhead structures in the permit area. In the event of any damage or loss to such subsurface facilities and overhead structures, the Permittee shall promptly replace or repair such facilities and structures, as directed by the New York City Department of Transportation or other City agency having jurisdiction thereof or by the owner thereof.

54 The City makes no representation as to the character of the fill in the streets, and voids therein, or the condition of the sidewalks. The Permittee accepts full responsibility and liability for any disturbance or damage, which may be caused to adjoining pavements, sidewalks or structures by or in connection with the permit activity. All damaged sidewalk or roadway pavements shall be restored (to the nearest full flag for sidewalks) in conformance with the Standard Specifications of the New York (City/State) Department of Transportation.

55 The Permittee shall furnish and install tarpaulins enclosing the immediate site of his cleaning and painting operations to insure complete protection of the general public and property, both on and below the roadway against possible damage from scraping, paint drippings, wind blown paint, dust, concrete, etc. This permit does not constitute approval of either painting or paint removal methodology. All signs and signals in the permit area shall be protected daily with clean and transparent coverings.

56 The washing of concrete truck drums within the Arterial Highway or city street right - of - way is strictly prohibited, unless the contractor utilizes the New York State Dept. of Transportation approved method.

57 The Permittee's vehicles shall not exceed the posted weight and/or height restrictions for any street, highway, bridge or viaduct section that he/she must travel upon.

58 During the snow season, the contractor shall be required to post "LIFT PLOW" signs at all locations (in both directions if necessary) where they have installed steel plates.

59 Roads used for the hauling of materials shall be kept free from debris and maintained by the Permittee and left in a condition satisfactory to the engineer-in-charge (EIC):

60 On roadways/streets where rush hour parking and/or standing regulations are posted, the Permittee shall modify his schedule to conform to those (rush hour) restrictions.

61 The Permittee shall not park his equipment or store material overnight where it is deemed to be a safety hazard to the traveling public.

62 The Permittee shall not obstruct fire hydrants, crosswalks, pedestrian ramps, fire alarm boxes, bus stops or any public utility while performing his/her work. The Permittee may not move or remove "Bus Stop" signs without prior written approval from both the New York City Department of Transportation and the New York City Transit.

63 This is not a parking permit. The Permittee shall obey all traffic laws and regulations.

64 This Permit may be amended to cover new or unforeseen conditions at the discretion of the New York City Department of Transportation, after consultation with the Permittee. The New York City Department of Transportation reserves the right to cancel this permit at any time for any valid reason.

65 This Permit, unless terminated at the discretion of the New York City Department of Transportation, will expire on **December 31, 2010**.

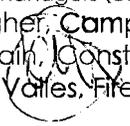
APPROVED:   
for JAY JABER, P.E.  
Assistant Commissioner  
Permit Management & Construction Control

  
for Quentin Brathwaite, AIA, AICP or Designated Representative  
Port Authority OF New York and New Jersey

CM:cm

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cc.: Dagher,  Campbell, Noto, Forgione, Sanchez, Hrubes, Jackman, W. Lee, Maniscalco, MacAogain, Constantine, Crisci, Hasan, Lovett, Saint-Dic, Situation Room, NYPD (Traffic Division), Vales, Fire Department, Litigation Support, CC file, Project file

