

LOWER MANHATTAN DEVELOPMENT CORPORATION

in partnership with

EMPIRE STATE DEVELOPMENT

and

NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION

Partial Action Plan S-2

for

**Utility Restoration and Infrastructure Rebuilding, 130 Liberty Street, and
Other World Trade Center Area Improvements Program**

Overview

Lower Manhattan Development Corporation (LMDC) has prepared the following amended Partial Action Plan with regard to the \$783 million federal appropriation administered by the United States Department of Housing and Urban Development (HUD) for damaged properties and businesses (including the restoration of utility infrastructure) as well as for economic revitalization related to the terrorist attacks at the World Trade Center on September 11, 2001. This amended plan details the proposed expenditure of \$750 million of the \$783 million appropriation. The other \$33 million is addressed in a separate Partial Action Plan that was approved by HUD on September 15, 2003. LMDC is also the recipient of another \$2 billion federal grant from HUD for World Trade Center disaster recovery and rebuilding efforts in the aftermath of the terrorist attacks.

This Plan details programs to restore, rebuild, and revitalize utility infrastructure in Lower Manhattan (Utility Restoration and Infrastructure Rebuilding Program or URIR Program), to fund other improvements in and around the World Trade Center (Other World Trade Center Area Improvements or OWTCA Improvements), and to complete the abatement and deconstruction of a building at 130 Liberty Street (130 Liberty Street Deconstruction Program or 130 Liberty Program). The programs are administered by LMDC and in the case of the URIR Program by the New York State Urban Development Corporation d/b/a Empire State Development (ESD), New York State's economic development agency, in cooperation with the Economic Development Corporation (EDC), The City of New York's development agency.

The following table details the current allocations for each activity as approved by HUD on July 6, 2016 and the proposed February 2019 amendments.

Partial Action Plan Activities		Allocation as Approved by HUD, Revised 11/15/2013	Amended Allocation as Approved by HUD 7/06/16	Proposed February 2019 Reallocations	Proposed Amended Allocation as Submitted to HUD 2/06/19
Other World Trade Center Area Improvements (URIR/OWTC)					
	1. Emergency and Temporary Service Response	\$159,830,994	\$159,830,994		\$159,830,994
	2. Permanent Restoration and Infrastructure Improvements	\$207,033,415	\$207,033,415		\$207,033,415
	3. Service Interference	\$116,517,678	\$116,517,678		\$116,517,678
	4. Other World Trade Center Area Improvements				\$0
	A. World Trade Center Memorial/Museum	\$38,894,000	\$39,594,000		\$39,594,000
	B. World Trade Center Performing Arts Center	\$100,000,000	\$100,000,000		\$100,000,000
	C. West Street Pedestrian Bridge at West Thames Street	\$20,000,000	\$20,000,000		\$20,000,000
	D. East River Waterfront Esplanade and Piers	\$17,000,000	\$32,000,000		\$32,000,000
	E. Other World Trade Center Area Improvements	\$13,298,913			\$0
			\$0		\$0
	Subtotal OWTC Area Improvements	\$189,192,913	\$191,594,000		\$191,594,000
	Subtotal URIR/OWTC	\$672,575,000	\$674,976,087		\$674,976,087
II. Program Administration					\$0
	A. ESD Program Management	\$10,000,000	\$10,000,000		\$10,000,000
	B. LMDC Program Administration & Monitoring	\$3,500,000			\$0
			\$7,357,063		\$7,357,063
	C. NYC MOSAICS Permit Management System	\$4,000,000	\$4,000,000		\$4,000,000
	Subtotal Program Administration	\$17,500,000	\$21,357,063		\$21,357,063
III. 130 Liberty Deconstruction		\$59,925,000			
	Proposed Amendment		\$19,925,000	(\$2,500,000)	\$17,425,000
IV. 130 Liberty Settlement Funds					
	A. Manhattan Youth		\$500,000		\$500,000
	B. Lower Manhattan Headquarters		\$300,000		\$300,000
	C. Hudson River Park		\$10,000,000	\$2,500,000	\$12,500,000
	D. East River Waterfront - Pier 42		\$7,000,000		\$7,000,000
	E. PlayScape at The Battery		\$6,000,000		\$6,000,000
	F. South Street Seaport Museum		\$4,800,000		\$4,800,000
	G. The Flea Theater		\$2,500,000		\$2,500,000
	H. University Settlement		\$1,126,850		\$1,126,850
	I. Jackie Robinson Museum		\$1,000,000		\$1,000,000
	J. God's Love We Deliver		\$500,000		\$500,000
	K. Downtown Boathouse Kayaks		\$15,000		\$15,000
	Subtotal 130 Liberty Settlement Funds		\$33,741,850		\$36,241,850
	Partial Action Plan Total	\$750,000,000	\$750,000,000	\$0	\$750,000,000

The first amendment to this Partial Action Plan, as approved by HUD on September 3, 2008, added the 130 Liberty Street Deconstruction Program, and allocated \$37.5 million to the additional activity by reallocating \$25 million from URIR Program Category 5 and \$12.5 million from URIR Program Category 6.

A second Partial Action Plan amendment was published on October 1, 2009, reallocating \$2.5 million from URIR Program Category 5 to ESD Program Management. This second amendment reduced the Category 5 allocation from \$7.5 million to \$5 million and increased ESD Program Management from \$7.5 million to \$10 million.

A third Partial Action Plan amendment was published on January 10, 2010, reallocating \$15 million from URIR Program Category 4 to the 130 Liberty Program. This third amendment reduced Category 4 from \$50 million to \$35 million and increased the 130 Liberty Program from \$37.5 million to \$52.5 million.

A fourth Partial Action Plan amendment was published on October 8, 2010, reallocating the remaining funds in URIR Program Categories 4 and 5, \$35 million and \$5 million respectively, to URIR Program Category 3, raising the Category 3 allocation to \$100 million. This amendment was made in accordance with priorities and process established in the Allocation of Program Funds section of this Partial Action Plan because the total amount of Category 3 claims submitted and verified was much more than \$100 million.

A fifth Partial Action Plan amendment was published on February 11, 2011, expanding the URIR Program to add the activity category of Other World Trade Center Area Improvements to the URIR Program, renaming the program to include the new category “Utility Restoration, Infrastructure Rebuilding and Other World Trade Center Area Improvements Program” (URIR/OWTC Program), and reallocating funds from Category 2 to Category 3 of the URIR Program to allow a greater portion of eligible Category 3 claims to be paid. This amendment identified the World Trade Center Memorial and Museum (WTC Memorial/Museum) as a project to be funded as part of the OWTCA Improvements category and established that specific funding allocations for additional projects in that category would be identified in future amendments and would be made available for public comment.

A sixth Partial Action Plan amendment published on February 8, 2012, added three additional activities to the one activity (World Trade Center Memorial/Museum) already specified as part of the Utility Restoration, Infrastructure Rebuilding and Other World Trade Center Area Improvements (URIR/OWTC) Program. The three new activities were: World Trade Center Performing Arts Center (\$100 million), Pedestrian Bridge over West Street at West Thames Street (\$20 million), and East River Waterfront Esplanade and Piers (\$17 million).

A seventh Partial Action Plan amendment also published on February 8, 2012, increased the allocation for the World Trade Center Memorial/Museum from \$35 million to \$37.5 million and reduced the Other World Trade Center Area Improvements (TBD) allocation by \$2.5 million. The amendment also revised the purpose and description of MOSAICS.

An eighth Partial Action Plan amendment was published on November 15, 2013 increasing the allocation for 130 Liberty Street from \$52.5 to \$59.925 million, increasing the allocation for the World Trade Center Memorial/Museum from \$37.8 to \$38.894 million, and reducing the allocation for Other World Trade Center Area Improvements (I.4.E. on page 2) by \$8.819 million to \$13,298,913.

A ninth amendment to this Partial Action Plan published on April 29, 2016, added 11 new activities, increased funding for two existing activities, and increased administration funding by reallocating \$40,000,000 from 130 Liberty Deconstruction and \$13,298,913 of the previously unallocated Other World Trade Center Area Improvements funds. This \$53,298,913 became available as a result of a settlement reached with Lend Lease Construction LMB Inc. (formerly

Bovis Lend Lease LMB Inc.) in May 2015 related to the deconstruction and abatement of 130 Liberty Street. Lend Lease Construction LMB Inc. agreed to pay LMDC \$40 million and forgive \$10 million in outstanding payments.

The World Trade Center Memorial and/Museum allocation was increased by \$700,000 from \$38,894,000 to \$39,594,000 and East River Waterfront Esplanade and Piers was increased by \$15,000,000 from \$17,000,000 to \$32,000,000. LMDC Program Administration and Monitoring was increased from \$3,500,000 to \$7,357,063. The 11 new activities are: Manhattan Youth (\$500,000), Lower Manhattan Headquarters (\$300,000), Hudson River Park Trust (\$10,000,000), East River Waterfront – Pier 42 (\$7,000,000), PlayScape at the Battery (\$6,000,000), South Street Seaport Museum (\$4,800,000), the Flea Theater (\$2,500,000), University Settlement (\$1,126,850), Jackie Robinson Museum (\$1,000,000), God’s Love We Deliver (\$500,000), and Downtown Boathouse Kayaks (\$15,000).

The tenth amendment to this Partial Action Plan proposes the reallocation of \$2,500,000 from the 130 Liberty Deconstruction activity to the ongoing Hudson River Park (Settlement Funds) activity within this Action Plan. This amendment increases the Hudson River Park activity allocation to \$12,500,000 while reducing 130 Liberty Deconstruction to \$17,425,000. Additional Hudson River Park funding is expected to be made available in the Final Action Plan.

Any of the following constitutes a substantial amendment of this plan and such amendment will be available for public review and subsequent approval by HUD:

- The elimination of any of the activities identified by this Partial Action Plan;
- Any fundamental change in the eligibility criteria for funding under this Partial Action Plan; or
- The addition of any activities not defined by this Partial Action Plan.

National Objective

LMDC is a subsidiary of the ESD created in December 2001 to oversee the rebuilding and revitalization of Lower Manhattan. The activities contained in this Partial Action Plan were designed to meet community and development needs resulting from the September 11th attacks at the World Trade Center (WTC Site). These activities have particular urgency because LMDC determined that existing conditions pose a serious and immediate threat to the health or welfare of the City and its residents and other financial resources are not available to meet such needs.

Public Comment to the Partial Action Plan

Initial Partial Action Plan

This Partial Action Plan was made available for public comment from May 28, 2003 to June 12, 2003. LMDC received 14 public comments relating to the initial Partial Action Plan S-2. The responses to comments received during the comment period have been incorporated into this Partial Action Plan as Submitted to HUD and are reviewed in section V below.

First Partial Action Plan Amendment

This amendment was open to public comment from June 27, 2008 through July 30 2008. LMDC did not receive any relevant comments on these proposed amendments.

Second, Third and Fourth Partial Action Plan Amendments

These amendments were not substantial amendments and were not made available for public comment.

Fifth Partial Action Plan Amendment

Components of this amendment were open to public comment from August 3, 2010 through September 2, 2010 and from October 13, 2010 through November 12, 2010. LMDC received 29 public comment submissions relating to this amendment. The responses to comments received during the comment period are addressed in section V below.

Sixth Partial Action Plan Amendments

This amendment was open to public comments from March 30, 2011 through April 30, 2011. LMDC received one public comment related to the proposed amendment as noted in section V below.

Seventh Partial Action Plan Amendments

The seventh amendment was not a substantial amendment and was not made available for public comment.

Eighth Partial Action Plan Amendments

The eighth amendment was not a substantial amendment and was not made available for public comment.

Ninth Partial Action Plan Amendments

This amendment was open to public comments from April 29, 2016 through May 31, 2016. LMDC received two public comments related to the proposed amendments as noted in section V below.

Tenth Partial Action Plan Amendment

This amendment was open to public comments from January 3, 2019 through February 5, 2019. LMDC did not receive any relevant comments on these proposed amendments.

Public comments were accepted by posted and electronic mail. LMDC placed Invitations to Public Comment for Partial Action Plan in English, Spanish and Chinese daily newspapers and in weekly community newspapers serving Lower Manhattan. In addition, the text of the draft plans were made available on LMDC's website (www.renewnyc.com).

LMDC delivered and mailed copies of the initial Partial Action Plan and the first, fifth, sixth, ninth and tenth amendments in English, Spanish, and Chinese to more than 40 community, residential, civic and cultural organizations throughout Lower Manhattan, including Community Board 1, 2 and 3, several tenants' associations and public libraries. In addition, LMDC sent electronic notices of the initial and amended Partial Action Plans in three languages to elected officials and others. The proposed amendments to this Partial Action Plan were also posted on LMDC's website.

I. Utility Restoration, Infrastructure Rebuilding, and Other World Trade Center Area Improvements

A. Program Objectives

On September 11, 2001, terrorist attacks killed 2,749 people and destroyed every structure on the WTC Site, including all five office towers, commercial and governmental low-rise buildings, the hotel, the central outdoor plaza, the underground concourse, PATH terminal and subway stations. Immediately south of the WTC Site, the Deutsche Bank office tower at 130 Liberty Street was severely damaged and St. Nicholas Church at 155 Cedar Street was destroyed. Together, these devastated sites totaled over 20 acres. The significant loss of life, jobs, and commercial and open space affected the vitality of Lower Manhattan and continues to pose a threat to the financial, emotional, and cultural vitality of the area. As outlined in Partial Action Plans 1 through 12 as well as the Final Action Plan, LMDC has undertaken numerous efforts to support the recovery of Lower Manhattan, including the redevelopment of the WTC Site and the restoration and revitalization of the surrounding financial district and residential neighborhoods.

The World Trade Center attacks inflicted widespread destruction upon the energy (electric, gas, and steam) and telecommunications utility infrastructure, resulting in extensive disruptions in service to the business and residential communities of Lower Manhattan. The energy and telecommunications firms responded rapidly in the aftermath of the disaster to provide emergency and temporary services and they worked for some time to restore permanent service to all customers located within Lower Manhattan. The costs to deliver emergency and temporary services and to rebuild damaged infrastructure for permanent service delivery were considerable and have been borne by the affected utility service providers to the extent not covered by their insurance providers or funds from other sources such as lawsuits.

Congress appropriated \$750 million to assist with the revitalization of Lower Manhattan for the restoration of utility service, the rebuilding of utility infrastructure, and to help damaged properties and businesses.¹ The objectives of the Utility Restoration, Infrastructure Rebuilding, and Other World Trade Center Area Improvements Program (URIR/OWTC Program) were (1) to protect business and residential customers from bearing the cost of the infrastructure rebuilding; (2) to enhance the revitalization and redevelopment of Lower Manhattan as a world-class commercial and residential community by encouraging investment in energy and telecommunications infrastructure; and (3) to assist properties and businesses damaged by, and economic revitalization directly related to the September 11 terrorist attacks on New York City. Funds allocated through this program will accordingly seek to:

- Offset uncompensated emergency response, restoration, and rebuilding costs borne by the utility service providers that might otherwise be passed through to customers. Uncompensated costs are those costs borne by the utility service provider after they have diligently and aggressively pursued all insurance recoveries within the terms and conditions of the applicable insurance policies covering their losses.

¹ An Act Relative to Making Supplemental Appropriations, Pub.L.No. 107-206, 116 Stat. 889 (2002).

- Maintain Lower Manhattan as a competitive and attractive location for business, cultural, and residential development by assisting in the redevelopment of cost-competitive and quality-competitive energy and telecommunications services.
- Provide funding for World Trade Center Memorial and cultural facilities, and affordable housing, education, infrastructure, open space, quality of life, transportation, and economic development projects benefiting the area.

The URIR Program categories provided financial assistance directly to energy and telecommunications service companies for reimbursement of qualified emergency and temporary restoration costs and for permanent restoration. To remain consistent with Congressional intent for the appropriation, this program had been structured to allocate funds that give greatest priority to the restoration of destroyed utility infrastructure, and the consequent protection that affords to impacted business and residential customers.

Funds not required for the highest priority URIR Program categories have been allocated to lower priority categories and the Other World Trade Center Area Improvements category which was established to fund improvements and initiatives in and around the WTC Site, which is located in the Financial District a few blocks northwest of Wall Street and just east of the World Financial Center in Battery Park City.

B. Program Eligibility

Eligible applicants for the utilities-related grant categories of this program were limited to investor-owned utility service providers under the jurisdiction of the New York State Public Service Commission (NYSPSC), the Federal Energy Regulatory Commission (FERC), or the Federal Communications Commission (FCC), with service territory in the affected area in Lower Manhattan, that incurred unreimbursed expenditures resulting from impact damage related to the attacks on September 11, 2001. The background and guidelines for the URIR Program grants were set forth in the Initial Partial Action Plan and modified in subsequent amendments, including the elimination of three grant categories.

For the purposes of this program, Lower Manhattan is the area on and south of Canal Street, from the East River to the Hudson River. Publication of the Partial Action Plan serves as the solicitation for eligible submissions for damage reimbursement from utility service providers.

For the category OWTCA Improvements, LMDC considered projects involving physical improvements in and around the WTC Site, including those in areas of the Financial District to the east and in the area of the World Financial Center and Battery Park City to the west, along with affordable housing, education, infrastructure, open space, quality of life, transportation, and economic development projects benefiting the area.

C. Categories of Eligible Costs and Activities

This section contains an outline of the categories of eligible costs and activities, including the history of the original and final allocation of funds to each category.

Allocation of Program Funds

The majority of eligible, audited, and verified expenses incurred in Category 1 were reimbursed up to 100%. Expenses incurred in Categories 2 and 3 were reimbursed at a partial level to ensure that available funds are apportioned among all affected firms, except if the work is coordinated with the City as provided under Program Administration, in which case the reimbursement could have been up to 100%.

As a condition for receiving reimbursement for eligible costs, utility service providers were required to certify that expenditures for which they have received compensation, either through insurance, jurisdictional cost allocations, tax credits or deductions, gross revenue exclusions, other revenue recovery methods, and/or from this federal appropriations program, will not be assessed against customers. Moreover, utility service provider recipients of funds will be under a continuing obligation to inform ESD/EDC of monies received from any outside source that compensate the recipient for any costs for which the recipient has been reimbursed pursuant to this plan. Service providers receiving funds are required to be in compliance with all applicable local, state, and federal regulatory requirements.

Category 1 was considered the highest priority for reimbursement of incurred and confirmed costs. Upon fulfillment of Category 1 requests, Category 2 became the highest priority, with funds moving upward from the lowest available category to address requests in excess of the initial allocation, and so forth, for Categories 3 and beyond, as funds remained available.

The Fourth Amendment to this Partial Action Plan, published on October 8, 2010, implemented the **Allocation of Program Funds** provision with respect to the reallocation of funds to Category 3 from lower priority categories. The \$60 million originally allocated to Category 3 was much less than the total amount of verified claims submitted by utility service providers of more than \$180 million. All funds remaining in lower priority Categories 4 and 5 (\$35 million and \$5 million, respectively) were reallocated to address eligible expenses in Category 3, raising the allocation in Category 3 to \$100 million.

The Fifth Amendment to this Partial Action Plan, published on February 11, 2011 made a further reallocation from Category 2 to Category 3. This reallocation was made because verified submissions by utility service providers for Category 1 and Category 2 proved to be less than the initial allocation and a settlement of all outstanding claims by utility service provider for Categories 1, 2, and 3 required that an additional \$16,517,678 be made available in Category 3. The remainder of the funds initially allocated to Category 1 and Category 2 were reallocated to Other World Trade Center Area Improvements.

Environmental Regulations Compliance

Every application from a utility service provider for funds under this Partial Action Plan as approved was considered by HUD as a federal action. On the application date, unless the project had already been determined to be an *exempt activity* as defined by federal regulations, all physical development activities for the project site or activity proposed for receiving HUD financial assistance must halt pending environmental clearance of the project site or activity. A violation of these regulations by the state, its corporations, applicants, or the applicants' partners or contractors may result in disqualification of the use of HUD financial assistance for projects and activities found in violation under this program.

Generally, neither HUD funds nor non-HUD funds are to be committed or expended for a project receiving HUD assistance until there is compliance with National Environmental Policy Act (NEPA) and related federal laws and authorities and HUD has approved the environmental certification and a request for release of funds.

Category 1 (highest priority) - Emergency and Temporary Service Response - \$159,830,994

Eligible costs under this category were incurred to stabilize service delivery to Lower Manhattan, preserve public safety and public health, prevent additional destruction, provide rescue assistance, and construct the infrastructure necessary for temporary restoration of critical energy and communications services. Temporary restoration of service enabled the resumption of commerce and the start of recovery and rebuilding and assisted in preparation for the restoration of permanent service. Eligible costs were reimbursed up to 100% of actual, incurred, uncompensated, and documented costs. Uncompensated costs were those costs borne by the utility service provider after they have diligently and aggressively pursued all insurance recoveries within the terms and conditions of the applicable insurance policies covering their losses. Awards were based on the following criteria, although not necessarily of equal weight:

- (1) The degree to which a direct and dollar for dollar beneficial effect of funding on rates to consumers of the relevant public service is proven and assured;
- (2) The extent to which the amount requested is for reimbursement of equipment and installation costs for repair or replacement of damaged infrastructure facilities and equipment that provide direct service to the public (as opposed to ancillary facilities serving the applicant that only indirectly service the public); and
- (3) The extent to which the applicant has diligently and aggressively pursued its claims with its insurance companies within the terms and conditions of the applicable insurance policies covering their losses.

The deadline for application and submittal for reimbursement of documented, incurred Emergency and Temporary Service Restoration costs not otherwise covered by settled or pending insurance claims was September 30, 2003. The deadline for submittal for reimbursement of incurred costs that may or may not be partially covered by pending/settled insurance claims was March 31, 2004. A final settlement of all claims by utility service providers under Categories 1, 2, and 3 was reached in December 2010. This settlement established the total funding for Category 1 to be \$159,830,994.

Category 2 - Permanent Restoration and Infrastructure Improvements - \$207,033,415

Eligible costs under this category were those incurred to permanently replace, restore, and enhance the equipment and infrastructure to deliver energy and telecommunications utility services. Where appropriate and cost effective, infrastructure restoration using current technology exceeded the service quality and/or capacity of the pre-September 11, 2001 systems that were restored. Technology advances over the past two decades have brought significant improvements in utility infrastructure capacity and capabilities, particularly in telecommunications. In certain cases, restoration of permanent service in Lower Manhattan reasonably entailed the replacement of some infrastructure with more modern or resilient technology options. These options improved the system by increasing capacity, service quality and/or public safety as compared to September 10, 2001 levels, at a marginally higher cost than that of prior generations of equipment or other options. Alternatively, companies implemented significant infrastructure improvements at a greater than marginally higher cost.

Expenditures under this category were reimbursed at 75% of incurred costs, subject to availability of funds, with the exception of street-related work coordinated with the City as provided under Program Coordination, in which case the reimbursement will be up to 100%.

Category 2 funding awards were based on the following criteria:

- (1) The extent to which the investment reflected the needs of local government and the business community regarding utility infrastructure in Lower Manhattan through:
 - a. increased resiliency of utility service;
 - b. increased capacity of utility service; and
 - c. other benefits of technology and advanced utility infrastructure.
- (2) The scope of the project proposal given the amount of funding requested.

The deadline for submittal of documented incurred permanent service restoration and improvement costs was December 31, 2004. A final settlement of all claims by utility service providers under Categories 1, 2, and 3 was reached in December 2010. This settlement established the total funding for Category 2 to be \$207,033,415.

Category 3 - Service Interference - \$116,517,678

Service interference costs pertain only to movement of existing utility infrastructure, but not to the placement of new infrastructure.

New York City has received monies from the Federal Emergency Management Agency (FEMA) and the Federal Highway Administration (FHWA) for street repairs and restoration to be accomplished over the five-year span designated by the FHWA plan. LMDC received funds from HUD (for this program) to help the utilities permanently restore damaged infrastructure and facilities, much of which is located under City and State streets. Coordination efforts among City and State-sponsored street restoration with utility infrastructure restoration made maximum use of allocated federal funds, while minimizing costs and disruptions.

Funds were made jointly available to the utilities and the City or the State to pay for service interference costs associated with City or State street restoration. In this manner coordinated expenditures accrued to the benefit of all parties and ensure that utilities were not responsible for incurring these costs.

The deadline for applications and submission of cost documentation under this category was December 31, 2007. While the original allocation to Category 3 was \$60 million, claims totaling over \$250 million were submitted. The review and audit of eligible costs by EDC/ESD concluded that verified submissions by utility service providers totaled more than \$180 million. In order to allow a greater portion of the verified claims to be paid, on October 8, 2010, the fourth amendment to this partial action plan reallocated an additional \$40 million to Category 3 from Category 4 (\$35 million) and Category 5 (\$5 million), raising the allocation in Category 3 to \$100 million. That reallocation implemented the stated policy of moving funds from lower priority categories to higher priority categories in the event of a funding shortfall in a higher category.

A final settlement of all claims made by utility service providers under Categories 1, 2, and 3 was reached in December 2010. This settlement increased the total funding for Category 3 to \$116,517,678. The Fifth Amendment reallocated an additional \$16,517,678 from Category 2 to Category 3 to provide the final funding amounts associated with this settlement.

Category 4 – Other World Trade Center Area Improvements - \$191,594,000

Funds in this category would assist properties and businesses damaged by, and economic revitalization directly related to, the September 11 terrorist attacks on New York City. Funding for Other World Trade Center Area Improvements was for activities and costs associated with World Trade Center Memorial and Cultural program, and affordable housing, education, infrastructure, open space, quality of life, transportation, and economic development projects benefiting the area. In the fifth amendment to the Partial Action Plan, this category was funded by a \$90,169,006 reallocation from the amounts allocated to but no longer needed to fund the approved claims under the existing Category 1, and by a \$106,448,907 reallocation of amounts not needed to fund the final determinations on the claims in the existing Category 2. Up to \$35 million was initially allocated for the World Trade Center Memorial and Museum Program and the remaining funds were set aside for “Other World Trade Center Area Improvements (TBD)”. The sixth amendment to the Partial Action Plan added three new activities: World Trade Center Performing Arts Center (\$100 million), Pedestrian Bridge over West Street at West Thames Street (\$20 million), and East River Waterfront Esplanade and Piers (\$17 million). Subsequent amendments added an additional \$4,594,000 for the World Trade Center Memorial and Museum (now \$39,594,000) and \$17,000,000 for East River Waterfront Esplanade and Piers (now \$32,000,000). The previously unallocated \$13,298,913 has been fully allocated as part of the June 2016 Action Plan amendment.

A. World Trade Center Memorial and Museum - \$39,594,000

Up to \$39,594,000 will be provided for costs associated with the WTC Memorial/Museum and Cultural programs. This amount is in addition to and will supplement previous allocations in Partial Action Plans 8, 11, 12, and the Final Action Plan for planning, design, construction, and exhibitions for the WTC Memorial/Museum and other costs necessary to implement the WTC plan. The additional funds will be allocated as follows:

- i. \$26 million for construction of the Memorial and Museum.
- ii. \$7.5 million for the Memorial Museum Pavilion, which serves as the entrance to the Museum (formerly known as the Visitor Orientation and Education Center), to cover costs of construction and fit-out, including expenses relating to security screening, information technology, auditorium, and special features in the area of the signature tridents from the original Twin Towers.
- iii. \$2.5 million to plan and manage safe public access to the Memorial starting with its opening in September 2011, including creation of temporary visitor orientation and screening facilities, pedestrian safety services, wayfinding signage, construction fencing, bus management, and interim communications systems.
- iv. \$2.5 million to pay for equipment, media production, and furnishings for multi-media installations at the National September 11 Memorial Museum.
- v. \$394,000 for office and occupancy expenses for staff of the National September 11 Memorial and Museum at the World Trade Center Foundation Inc.
- vi. \$700,000 for costs associated with the 2015 and 2016 Tribute in Light events.
- vii. Residual funds from the above allocations will be used for other costs associated with the WTC Memorial and Cultural programs.

B. World Trade Center Performing Arts Center - \$100,000,000.

Up to \$100 million will be provided for the Performing Arts Center's design and construction costs and strategic planning efforts. The strategic planning efforts will include the creation and administration of a non-profit entity dedicated to the Performing Arts Center. The World Trade Center Memorial and Cultural Program provides for cultural uses on the rebuilt World Trade Center site. In support of that Program, LMDC has already allocated \$62,454,000 for planning, development, preliminary implementation, and construction of the World Trade Center Performing Arts Center in Partial Action Plans 8 and 11, as amended.

C. Pedestrian Bridge over West Street at West Thames Street - \$20,000,000.

Up to \$20 million will be provided for costs associated with the design and construction of a pedestrian bridge spanning West Street in the vicinity of its intersection with West Thames Street. The eastern landing of the bridge will be to the north of the MTA-owned Brooklyn Battery Garage and the western landing will be in the vicinity of the Battery Park City Esplanade along West Street. The new pedestrian bridge will create an alternate safe crossing of West Street and provide an improved connection between Battery Park City with its open spaces, recreational facilities, residences and commercial buildings and the rest of Lower Manhattan. LMDC has also allocated \$13,141,598.40 for the Bridge in the Final Action Plan.

D. East River Waterfront Esplanade and Piers - \$32,000,000.

Up to \$32 million has been provided for six components of the East River Water Esplanade and Piers Project: (a) walkway improvements along the Battery Maritime Building; (b) improvements to the area between Piers 15 and 16; (c) improvements to the area between Catherine and Pike Slips, including infrastructure work; (d) widening and upgrading of the land in the area of Pier 42 to provide a connector from the waterfront to East River Park; (e) construction of new sidewalk paving and curbs for the area from approximately Robert Wagner Senior Place to Catherine Slip; and (f) funding for the Brooklyn Bridge Beach project which would facilitate further sidewalk paving and curb construction for the portion of the esplanade running from approximately Peck Slip to Robert Wagner Senior Place. LMDC funded the East River Waterfront Development Study (Waterfront Study) that concluded in 2005 with an overall plan for the eastern waterfront in Lower Manhattan. The plan gave rise to several projects that are funded by LMDC, notably the East River Waterfront Esplanade and Piers (Esplanade Project), Pier 42 and the East River Waterfront Access (Access Project). Partial Action Plan 10 describes these projects and allocates a total of \$150 million to the Esplanade Project and the Access Project.

E. Other World Trade Center Area Improvements (Closed) - \$0

Additional projects were identified in the June Partial Action Plan amendments which were made available for public comment and are now described within this Partial Action Plan.

LMDC solicited community input regarding potential uses for these funds at a Public Forum in October 2010 and again in September 2015. Individuals, elected officials, and representatives of community organizations and other not-for-profit organizations provided oral and written testimony regarding the proposed reallocation of these funds.

II. Program Administration - \$21,357,063

The initial Partial Action Plan reserved \$15 million for costs related to ESD/EDC administration of the program as well as LMDC's oversight. The Second Amendment allocated an additional \$2.5 million for these costs, raising the total allocation to \$17.5 million, 2.3% of the total funding. The Ninth Amendment allocated an additional \$3,857,063 for LMDC program administration and monitoring, raising the total allocation to \$21,357,063, less than 3% of the total funding in this Action Plan.

The initial Plan reserved \$3.5 million for program monitoring costs by LMDC and \$7.5 million to be administered by ESD for program management costs. The October 2009 Amended Plan allocated an additional \$2.5 million for ESD and LMDC program management, raising this allocation to \$13.5 million. The June 2016 Amended Action Plan increased the overall administration and monitoring allocation to \$17,357,063. Program administration costs included program publication, review of proposed infrastructure investments, environmental review clearance, financial evaluation and processing of funding requests, and auditing of disbursed funds. The additional \$3,857,063 will be used by LMDC for processing of funding requests and auditing of disbursed funds as well as general LMDC program administration activities.

The initial Plan set aside \$4 million to upgrade the NYCDOT permit and construction administration system known as MOSAICS. The Plan described how the upgrade would facilitate and improve permit administration, construction planning, and program audit functions for the level of work proposed by the Partial Action Plan. The seventh amendment to the Partial Action Plan revised the purpose and description of this work as described below.

In order to improve permit administration and construction coordination during the ongoing rebuilding in Lower Manhattan, the NYC Department of Transportation will develop a new Lower Manhattan Permit Management System to help coordinate potentially conflicting projects, facilitate permit administration, reduce application errors, and make data available to all stakeholders. The system will include a map-based web system and it will benefit all future government and private entities that need street and sidewalk permits to implement their Lower Manhattan programs and projects.

Any unused funds from Program Administration may be reallocated to meet funding needs in other categories.

III. 130 Liberty Deconstruction- \$17,425,000

Partial Action Plan 7 funded the acquisition of the property at 130 Liberty Street in August 2004 as well as subsequent costs to insure, manage, monitor, abate and deconstruct the building at the site. The costs associated with the abatement and deconstruction were estimated to exceed the amounts allocated in Partial Action Plan 7. In September 2008, the first amendment to this partial action plan allocated \$37.5 million to a new category entitled 130 Liberty Deconstruction Program. In January 2010, a third amendment to this partial action plan allocated an additional \$15 million to this Program, increasing the total allocation to \$52.5 million. In November 2013 the eighth amendment allocated an additional \$7.425 million, increasing the total allocation to \$59.925 million.

Throughout the abatement and deconstruction process, LMDC sought and obtained contributions from the prior insurers of the building in accordance with a Deconstruction Funding and Settlement Agreement, and from Deutsche Bank related to the cost of abatement of hazardous material that existed in the building before September 11, 2001. The funds recovered from the prior insurers and Deutsche Bank were used to pay 130 Liberty Program costs.

Recovery was also sought from general contractor and obtained in May 2015 when a settlement agreement was executed resulting in the return of \$40 million and the forgiveness of \$10 million in outstanding payments. In June 2016 the ninth amendment to this partial action plan reduced this allocation by \$40 million to \$19.925 as a result of the recovery of funds, and reallocated these funds and the previously unallocated Other World Trade Center Area Improvements funds (Category 4.E.) to World Trade Center Memorial and Museum (Category 4.A), East River Waterfront Esplanade and Piers (Category 4.D), and the 11 activities described in section IV.

In February 2019, through the tenth amendment to this Action Plan, LMDC proposes to reallocate \$2,500,000 of the available 130 Liberty Deconstruction Program funds to the Hudson River Park program thereby reducing this allocation to \$17,425,000. The additional Hudson River Park funds will help defray costs from higher than anticipated construction bids.

IV. 130 Liberty Settlement Funds - \$36,241,850

LMDC successfully recovered costs for the 130 Liberty Deconstruction Program from the general contractor in May 2015 when a settlement agreement was executed resulting in the return of \$40 million and the forgiveness of \$10 million in outstanding payments which had been reserved as part of the \$13,298,913 previously unallocated Other World Trade Center Area Improvements funds. As a result, \$53,298,913 of litigation settlement (recovered) funds and previously unallocated funds were available for allocation towards 14 projects and future administration costs. As part of the June 2016 partial action plan amendment, \$700,000 was allocated to the existing World Trade Center Memorial and Museum (I.4.A), \$15,000,000 was moved to existing East River Waterfront Esplanade and Piers (I.4.D), and \$3,857,063 was added to LMDC Program Administration (II.B). The remaining \$33,741,850 was allocated to the 11 projects listed below. In August 2018 LMDC successfully recovered an additional \$2,500,000 from the general contractor. By way of the tenth amendment to this Action Plan, LMDC proposes to allocate this \$2,500,000 to the Hudson River Park project described below.

- Manhattan Youth Recreation and Resources, Inc. - \$500,000 to support nearly two years (ending March 2018) of the Manhattan Youth Recreation and Resources, Inc. (Manhattan Youth) afterschool and senior programs to keep those programs affordable and available to lower Manhattan families and seniors. Manhattan Youth provides childcare and academic, recreational, and cultural activities to individuals and families who live or work in lower Manhattan, regardless of their income. Currently, Manhattan Youth runs seven downtown after-school programs that are either free or offered at affordable rates serving over 1,200 children daily. In addition, Manhattan Youth runs a seniors program offering activities including free swim to 600 seniors in lower Manhattan.
- Alliance for Downtown New York - \$300,000 to support the Lower Manhattan Headquarters (LMHQ) which opened to the public in 2015 by offsetting some start-up costs, through March 2018, associated with the 14,000 square foot office space located at 150 Broadway. LMHQ intends to serve as a central meeting place for members of the creative, tech, non-profit, civic and marketing communities in lower Manhattan providing meeting space at below market rates.
- Hudson River Park Trust (HRPT) - \$12,500,000 to support the completion of Segment 3 of Hudson River Park, which runs from Chambers Street to West Houston Street and includes two public recreational piers (Piers 25 and 26), an ecological pier, and an adjacent upland park area for which planning and design is underway. Funding will help complete unfinished areas of Pier 26, the platform between Piers 25 and 26, and add a new deck, and landscaping to the upland park. LMDC funds will be matched by similar awards from the City of New York and CitiGroup. HRPT was created in 1998 to design, build, and operate a public park along the Hudson River waterfront. Hudson River Park begins at Battery Place and extends north for five miles to 59th Street. HRPT anticipates a 2020 project completion.

- The City of New York for the East River Waterfront Pier 42 - \$7,000,000 to support the build out of a playground and comfort station area near the East River between the Manhattan and Williamsburg Bridges as specified in the East River Waterfront master plan. The master plan aims to create public spaces in underutilized and inaccessible and/or abandoned areas on the waterfront transforming an 8.1 acre former industrial site in to waterfront parkland that will complete the greenway around lower Manhattan. Planning is underway with construction expected to be completed in 2020.
- The City of New York and/or The Battery Conservancy for The Battery PlayScape - \$6,000,000 to support construction of the new and expanded playground. The “PlayScape” will be located on the eastern side of the Battery Park, a 25-acre public park at the southern tip of Manhattan, between State Street and South Street, which currently houses a playground built in the 1950s. The new design completed in 2018 expands the playground footprint to 60,000 square feet (one of the largest below 42nd Street). Project construction should begin in 2019 and be completed in 2021. The PlayScape will address the open space needs of thousands of students in lower Manhattan, and is intended to serve as a model for the innovative integration of water management into flood zone playgrounds.
- South Street Seaport Museum - \$4,800,000 to support the development of an 11,000-square foot Educational Community Center, which includes an elevator installation and new electrical, lighting, HVAC, fire safety, and security systems at the Thompson warehouse at 213-215 Water Street. The area population has significantly increased and there are three schools nearby that could benefit from the Museum's programs, exhibitions, and flexible multi-use programmable community space. Planning has begun and the entire project is expected to be completed in 2021.
- The Flea Theater - \$2,500,000 to support its theater construction project, scheduled to be completed in 2018. The Flea Theater’s new three-theatre complex located at 20 Thomas Street will increase their capacity to support artists and draw audiences to its annual productions, and will enable the development of a new partnership initiative that will provide subsidized rental space to other performing arts and community organizations in lower Manhattan.
- University Settlement - \$1,126,850 to support improvements to both the Houston Street Center, a 42,000 sq. ft. community center that is co-owned and operated by University Settlement and the Chinatown YMCA, and University Settlement’s headquarters located at 184 Eldridge Street. The Houston Street improvements including WIFI infrastructure, LED lighting, locker room improvements, a basketball scoreboard, and the painting of classrooms and common areas are expected to be completed in 2019. The Eldridge Street project will include upgraded seating, LED lighting technology, and a sound system at Speyer Hall; a new HVAC system and the extension of the elevator to the 6th floor, which is currently only accessible by stairwell, will also be part of this project which is expected to be completed

towards the end of 2019. University Settlement is dedicated to improving the life circumstances of low-income people living on the Lower East Side. It serves a largely immigrant community by providing adult literacy classes, mental health counseling, child care, housing assistance, job training, after-school and summer camp programs, youth development, senior services, arts programs, and a credit union.

- Jackie Robinson Foundation - \$1,000,000 to support construction of the new Jackie Robinson Museum in lower Manhattan which will serve as a permanent tribute to Jackie Robinson's pioneering legacy and his role as a catalyst for the American Civil Rights movement. The 18,500 square foot museum, planned for 75 Varick Street, will chronicle Mr. Robinson's achievements placed within the context of United States history from his birth in 1919 to the present. A final Museum design was expected in April 2017 with construction beginning shortly afterwards; project completion and Museum opening are planned for 2019.
- God's Love We Deliver - \$500,000 to support the renovation of its new office space located in the Michael Kors Building in SoHo which was expected to be completed in 2016. Funding was designated towards various capital improvements, including new technology infrastructure, kitchen equipment and furniture. God's Love We Deliver is a New York City non-profit organization that cooks and delivers meals, individually tailored by a Registered Dietitian Nutritionist, to people living with severe illness who are too sick to shop or cook for themselves, and/or their children. A large majority of the meals are delivered to low income families.
- Manhattan Youth Recreation and Resources, Inc. for the benefit of the Downtown Boathouse –\$15,000 will be used to purchase 25 new kayaks by 2018. The Downtown Boathouse currently runs free kayaking programs on Pier 26 in Tribeca. The programs serve more than 20,000 people each year, including visitors from more than 130 countries. The Downtown Boathouse is an all-volunteer non-profit organization founded over 20 years ago that is dedicated to providing free public access to the harbor in New York City through public kayaking programs.

LMDC expected each of these projects to begin in 2016 with non-construction projects to be completed by March 31, 2018. LMDC continues to undertake numerous efforts to support the recovery of Lower Manhattan, including the restoration and revitalization of the surrounding financial district and residential neighborhoods. Each of these programs helps maintain Lower Manhattan as a competitive and attractive location for business, cultural, and residential development by providing community and cultural support, open space, quality of life, and economic development enhancements benefiting the area.

V. **Public Comments and Responses**

A. **Comments received following the release of the initial Partial Action Plan.**

The following section details the comments and responses relating to the draft Partial Action Plan, after it was released for public comment from May 28, 2003 through June 12, 2003.

LMDC received 14 public comment submissions from the groups, businesses, elected officials, and individuals listed below relating to Partial Action Plan S-2 (\$750 million).

The comments are summarized in bold, with responses following.

The Partial Action Plan for infrastructure repair and reimbursement for the cost of rebuilding infrastructure is supported and should be approved.

Eight comments expressed general support and agreement with the Partial Action Plan (Plan). Four comments, including one from Manhattan Borough President C. Virginia Fields, supported Consolidated Edison's eligibility for reimbursement for the rebuilding of infrastructure in Lower Manhattan. One comment expressed support for both Con Edison and Verizon, with respect to cost recovery and apportionment from the partial action plan. No further response is needed.

The Plan should not allow for reimbursement for expenditures that relate to "new" construction. Congressman James Walsh commented that "in order to be consistent with Congressional intent the 'Proposed Partial Action Plan for Utility Restoration and Infrastructure Rebuilding' should focus primarily on the restoration of the destroyed utility infrastructure. Expenditures related to new or enhanced facilities that have no relationship to the equipment damaged or destroyed in the attack should not be as high a priority when considering what activities to reimburse. "

The Plan identifies two objectives: 1) to protect businesses and residential customers from bearing the cost of the infrastructure rebuilding; and 2) to enhance the revitalization and redevelopment of Lower Manhattan as a world-class commercial and residential community by encouraging investment in energy and telecommunications infrastructure. Some investment in new infrastructure may benefit the customers of Lower Manhattan and is allowed for by this Plan. The Plan ranks service restoration and the rebuilding of damaged utility infrastructure as the highest priority and has structured the use of funds to address this first in recognition of Congressional intent for the appropriation.

Emergency services and temporary restoration, permanent restoration and service interference should be prime priorities of the plan.

The Plan has been modified to more clearly rank these priorities in order. Reimbursement for uncompensated losses for emergency and temporary restoration of service is the highest priority, followed by permanent restoration of infrastructure and then service interference.

The Plan should lower the priority for reimbursement of facilities that upgrade in a significant manner the equipment damaged in the attack.

Some of the equipment and facilities damaged by the attacks were technologically outdated. Customers are better served if the outdated equipment and infrastructure is upgraded when it is replaced. The NYS Department of Public Service will work in partnership with Empire State Development (ESD) to evaluate all expenditures submitted by the utilities under this Plan, and will consider the necessary and appropriate contributions of such upgrades. To the extent that upgrades fulfill the permanent restoration of infrastructure, they fall within the second highest priority of the Plan, and are limited to reimbursements of not more than 75% of otherwise uncovered costs.

The allocation of program funds is confusing and should clearly state that Tier 1 and Tier 2, category 2 – permanent restoration, are the main priorities of the plan.

Language clarifying the prioritization of funding categories has been incorporated, as noted above. The Plan has been modified to eliminate the use of “Tiers” and allocates funds to six “Categories” of eligible activity, organized in priority order.

Permanent restoration expenditures for energy facilities should be 100 percent reimbursable.

As estimates of uninsured utility damages exceed the \$750 million appropriated by Congress, it will not be possible to reimburse 100% of expenditures for permanent restoration. It must also be recognized that a percentage of expenditures for permanent restoration may not qualify for reimbursement from the authorized funding, in that certain upgrades and improvements of the infrastructure and related expenses may be recovered through other sources, such as extant utility rates and litigation.

The \$750 million grant is a vehicle to reward the under-insured stockholders of the utilities.

The primary objectives of the plan are (1) to protect business and residential customers from bearing the cost of the infrastructure rebuilding; and (2) to enhance the revitalization and redevelopment of Lower Manhattan as a world-class commercial and residential community by encouraging investment in energy and telecommunications infrastructure. The utilities suffered extensive damages, much of that uninsured. The utilities also responded rapidly to restore service, and have carried the costs of damage and service restoration. Congress appropriated this fund in order to protect the ratepayers (business and residential customers alike) from bearing the costs of this damage and recovery in the form of higher utility rates. In addition, in order to maximize Lower Manhattan’s ability to retain and attract businesses, utility rates must remain competitive with other major cities. The estimates of uninsured utility damages far exceed the funding appropriated by Congress for this purpose. No “reward” or windfall will be realized by any of the affected utilities.

The definition of “substantial amendment” should be modified to substitute “category” for “tier,” concerning the reallocation of funds.

The reference to “tier” has been removed and a finite dollar threshold from the definition of “substantial amendment” has also been eliminated.

Please explain the New York City MOSAICS system and describe how its upgrade constitutes assistance for properties damaged by or economic revitalization directly related to the terrorist attacks.

The NYC Department of Transportation (DOT) manages the City streets and sidewalks. MOSAICS is an information management application designed to track and print permits that allow private and public entities to use the streets and sidewalks for various purposes. The attacks on the WTC created extensive and unanticipated demands to permit emergency and restoration projects. The improved MOSAICS system will facilitate the permitting process for utility infrastructure restoration and ensure the rebuilding of Lower Manhattan in the least disruptive way possible. The revised Plan has adjusted the allocation for the MOSAICS system to \$4.0 million, and restored \$3.5 million to rebuilding activities.

Information supplied to LMDC under the Partial Action Plan should be afforded all lawful exemptions from public disclosure under the state Freedom of Information Law (FOIL) (i.e., pursuant to Public Officers Law Sec.87 (2)(d) and (I) and Sec.89(5)).

Applicants to the fund may request protection for competitive and trade sensitive information under the state Freedom of Information Law (FOIL) as cited. Competitive information is also protected by federal law under 5 US Code 552(b)(4), and in federal regulation 24CFR15.3(a)(4), provided that relevant pages are marked “confidential.”

Multiple comments address the process of coordinating utility work with City street work and the ESD/EDC role in coordinating that work. Comments included the following points:

- **Additional clarification should be provided to the language addressing coordination of street interference with the city to provide that work initiated prior to publication of the Draft Action Plan does not require such coordination in order to be eligible for 100 percent reimbursement.**
- **Each participating carrier should be permitted to include construction of its own facilities on a non-discriminatory basis with reasonable, cost-based pricing (to the extent not 100% reimbursed pursuant to the plan).**
- **Utilities and LMDC must create clear guidelines for coordination, and those guidelines should not create burdensome obligations that make it impossible to timely serve customers or place monopoly control over facilities construction in the hands of a single entity.**
- **Participatory utilities should be consulted in choosing contractors in order to ensure their requirements for vendor certification can be addressed.**
- **An adequate joint construction notification system should be implemented to allow all interested utilities to participate in a build.**
- **Coordination guidelines should address a utility’s right to own and control access to cable installed on its behalf.**

- **Prompt, realistic build time frames must be established.**
- **It should be clear that the requirement for coordination applies solely where proposed construction will involve disruption of public streets and rights-of-way, and not to installation of facilities and infrastructure that are not disruptive or occur on private property.**
- **LMDC must work closely with all utilities and building owners to ensure timely and cost effective access to buildings.**

These comments pertain to the program coordination requirements of the Plan and the ESD/EDC desire to coordinate the efforts of federal and state grant programs to the fullest extent possible. As called for in the Plan, a joint plan will be developed with ESD/EDC and affected utilities to provide for the coordination of work as requested. However, for work that is completed before the plan was published, as well as for subsequent, non-coordinated work, reimbursement will be limited to not more than 75% of unreimbursed expenditures. Only coordinated work will be eligible for up to 100% reimbursement. Utilities are able to complete any necessary work for restoration of permanent infrastructure. This sole provider cost will be reimbursed at up to 75% of actual, unreimbursed, and documented costs.

Utilities receiving grants under this program should be required to provide utility service at a reduced rate to Lower Manhattan small businesses for the next three to five years.

Grants provided to utilities through the Partial Action Plan are intended to minimize the impact of rate increases that could be authorized to offset unreimbursed infrastructure losses. In this way, rate impact is being addressed. The grants to be provided to eligible utilities do not represent or constitute a windfall for utilities.

The partial action plan should improve wireless connectivity in Lower Manhattan by allocating funding in the amount of \$10 million for the creation of a Wireless Redundancy System.

Lower Manhattan is already well served by several competitive wireless service providers and wireless technologies. Because the redundant infrastructure referenced in the comment currently exists as a result of the demands of the marketplace, allocating partial action plan funds would serve to create a shortfall for utility reimbursement.

Comments to the Draft Partial Action Plan were received from:

Asian American Business Development Center
Association for a Better New York (ABNY)
AT&T
Eddie Batiz – Remy Lounge
Albert K. Butzel
Capsouto Freres Restaurant
Consolidated Edison
Council on the Environment of New York City
C. Virginia Fields, Manhattan Borough President
From the Ground Up

Lower Manhattan Cultural Council
Lower Manhattan Telecommunications Users Group
New York Building Congress (NYBC)
The Battery Conservancy
Verizon
James T. Walsh, Member of Congress, 25th District of New York

B. Comments relating to amendments released for comment in August 2010.

LMDC received 29 public comments relating to this proposed Partial Action Plan Amendment. Comments were received from one elected official, Community Boards 1 and 2, Lower Manhattan civic groups, community service providers, businesses, individuals, private utility providers, the New York State Department of Public Service, and utility consumer groups.

1. The majority of comments (22) supported the proposed amendments and advocated for specific projects or types of projects. Funding suggestions included affordable housing, economic development, additional programs for small business, programs for schools, and additional funding for the Memorial.

As stated in the proposed amendment that was released for comment, “A subsequent plan specifying projects to be funded and levels of support to be provided will be the subject of an amendment that will be made available for public comment in the future.” LMDC will consider comments received when preparing the subsequent plan that will identify specific projects to be funded.

2. LMDC received seven comments that were opposed to the proposed amendment. All seven of the comments noted that not providing the funding to the utility companies could cause the rates charged by these companies to go up. Some comments also asserted that the proposed amendments were inconsistent with Congressional intent.

The allocation of funds in the proposed amendment was made by LMDC with consideration of the potential impact on privately owned utility companies and their customers as well as the potential benefit to Lower Manhattan residents, businesses, visitors, and workers of funding other projects. The proposed allocation strikes a balance between these competing needs and interests. Even if the maximum proposed reallocation is made, PAP S-2 will provide a total of approximately \$467 million for privately-owned utility companies, all of which should benefit their customers by offsetting costs that were not covered by insurance.

The legislation that provides the funding for PAP S-2 states that “funds may be used for assistance for properties and businesses (including the restoration of utility infrastructure) damaged by, and for economic revitalization directly related to, the terrorist attacks on the United States that occurred on September 11, 2001, in New York City.” Consistent with this legislation, PAP S-2 and the proposed amendment, allocate funding to damaged businesses and properties, utility infrastructure, and economic revitalization.

The proposed amendments to PAP S-2 will provide a minimum of \$367.5 for the highest priority categories of utility infrastructure work – Emergency and Temporary Service Response and Permanent Restoration and Infrastructure Improvements. This funding level will be sufficient to reimburse private utilities for all eligible expenses in these categories,

thus providing funds to pay for all eligible costs related to the restoration of utility infrastructure damaged by the September 11th attacks. Only funds not needed to pay these costs will be reallocated by the proposed amendments.

C. Comments relating to amendments released for comment in October 2010.

LMDC received 2 public comments relating to this proposed Partial Action Plan Amendment. Comments were received from one elected official and one individual.

1. The comment from the individual advocated funding for a specific project.

As stated in the proposed amendment that was released for comment, “A subsequent plan specifying projects to be funded and levels of support to be provided will be the subject of an amendment that will be made available for public comment in the future.” LMDC will consider the comments received in response to this proposed amendment when preparing the subsequent plan that will identify specific projects to be funded.

2. The comment from New York State Assembly member Debra Glick was in favor of the allocation of funds to provide support for businesses and residents in Lower Manhattan and the public input that LMDC has sought regarding the allocation of these funds. The comment also advocated for an allocation process that involves a request for proposals.

The Partial Action Plan amendment process includes public involvement that necessitates publication of the proposed reallocation and solicitation of public comment. In addition to that required process, LMDC solicited comment via its web site and conducted a public forum on October 21, 2010 at which LMDC received oral and written testimony from a large number of individuals, public officials, and representatives of nonprofit organizations. While these methods do not involve a formal request for proposals, they do not preclude identification of specific projects for funding. At the same time, LMDC solicited input regarding community needs irrespective of the projects that may address those needs. LMDC may utilize a request for proposal process in the allocation of funds where such a process is deemed appropriate by LMDC.

D. Comments relating to amendments released for comment in April 2011.

LMDC received one public comment relating to this proposed Partial Action Plan Amendment. The comment was from Manhattan Community Board 1 expressing full support of the proposed amendment.

E. Comments relating to amendments released for comment in April 2016.

LMDC received two public comments relating to this proposed Partial Action Plan Amendment. One comment was from a civic organization expressing full support of the allocation of funds toward the redevelopment of Pier 42. Another comment in support of the allocation of funds for the Pier 42 project was received from elected officials who also expressed support for the other projects identified by the Lower Manhattan Development Corporation for this new funding.

Neither of these comments required a response.

LOWER MANHATTAN DEVELOPMENT CORPORATION

**Proposed Amended Final Action Plan
For
Lower Manhattan Disaster Recovery and Rebuilding Efforts**

Overview

The Lower Manhattan Development Corporation (LMDC) has prepared this Final Action Plan with regards to the \$2 billion federal appropriation for the World Trade Center disaster recovery and rebuilding efforts administered by the United States Department of Housing and Urban Development (HUD). LMDC has received additional funding through a \$783 million federal appropriation to HUD for damaged properties and businesses (including the restoration of utility infrastructure) as well as economic revitalization related to the terrorist attacks at the World Trade Center (WTC). Partial Action Plans detailing the expenditure of the other funds from the \$2.783 billion appropriation and are viewable on the LMDC website at <http://renewnyc.com/FundingInitiatives/PartialActionPlans.aspx>.

Activities	Original Allocation 12/2006 Revised 2/27/13	Amended Allocations Approved by HUD 12/18/15 and 10/14/16	Amended Allocations Revised 2/21/17-6/12/17 and 3/8/18	Proposed Amended Allocation 2/06/19
I. WTC Memorial and Cultural				
A. Reserve Fund	\$44,000,000	\$44,000,000	\$44,000,000	\$44,000,000
B. WTC Construction Coordination	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
C. WTC Memorial Tribute in Light	\$810,000	\$810,000	\$810,000	\$810,000
Subtotal	\$45,810,000	\$45,810,000	\$45,810,000	\$45,810,000
II. Affordable Housing	\$12,000,000	\$12,000,000	\$12,800,000	\$12,800,000
III. Community & Cultural Enhancement				
A. Community & Cultural Enhancement Fund	\$56,726,330	\$55,196,960	\$55,196,960	\$52,389,481
B. Cultural & Community Events & Installations	\$4,045,000	\$4,044,970	\$4,044,970	\$4,044,970
Subtotal	\$60,771,330	\$59,241,930	\$59,241,930	\$56,434,451
IV. Economic Development	\$6,775,000	\$6,928,418	\$6,928,418	\$6,928,418
V. Education				
A. East Side K-8	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000
B. Educational Needs	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000
Subtotal	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000
VI. Transportation	\$15,835,000	\$15,835,000	\$15,835,000	\$15,835,000
VII. World Trade Center Ship		\$2,100,000	\$2,100,000	\$2,100,000
VIII. West Thames Street Pedestrian Bridge		\$13,000,000	\$13,141,598	\$13,141,598
IX. Neighborhood Parks & Open Spaces			\$127,566	\$235,045
X. Hudson River Park				\$2,700,000
XI. Planning and Administration		\$1,818,837	\$2,129,958	\$2,129,958
Final Action Plan Totals	\$147,191,330	\$162,734,185	\$164,114,470	\$164,114,470

The Final Action Plan was initially approved by HUD on December 6, 2006 with a total allocation of \$184,950,849 - for activities I through VI shown above. The sources of the allocations in that Final Action Plan were previously unallocated funds as well as funds reallocated through amended Partial Action Plans 1, 2, 4, 6, 8, 9, and 11. An initial amendment that reduced funding for Economic Development by \$23,000,000 allocating these funds to the WTC Memorial and Cultural Program for 130 Liberty Street and reduced the total allocation to \$161,950,849 was approved by HUD on July 11, 2007. A second amendment that altered the activities to add WTC Construction Coordination and to reallocate \$1,000,000 to such activities from the Reserve Fund was made on December 21, 2007. A third amendment that updated descriptions of certain programs and allocated funds to a new Cultural and Community Events and Installations category of projects within Community & Cultural Enhancement Fund Program was made on January 15, 2009.

A fourth amendment that altered the allocations for Community & Cultural Enhancement Fund Program, identified additional Cultural and Community Events and Installations projects, reduced funding for Economic Development, and reduced the total allocation for the Final Action Plan to \$161,546,330 was made on August 12, 2010. A fifth amendment that increased funding for Cultural and Community Events and Installations and the WTC Memorial, provided funding for an East River Waterfront Pier 42 project, identified the WTC memorial as a recipient of Transportation funds, reduced funding for Transportation projects, and reduced the total allocation for the Final Action Plan to \$147,191,330 was made on February 27, 2013. The sixth amendment created a new activity, *World Trade Center Ship*, with \$2,100,000 of funding from a Partial Action Plan 11 Cultural Enhancement Fund reallocation and Final Action Plan reallocations from the Community & Cultural Enhancement Fund and Cultural & Community Events & Installations activities. This amendment was approved by HUD on December 18, 2015. The seventh amendment, which increased the Economic Development activity balance by \$153,418 to \$6,928,418, was made on June 30, 2016 as a result of the reallocation of remaining funds from completed programs in Partial Action Plans 1 and 9. Residual balances from the previously completed Residential Grant (\$123,745) and Employee Training and Assistance (\$8,229) programs in Partial Action Plan (PAP) 1, and \$21,444 from the Lower Manhattan Public Information Program in PAP 9 were swept to the Final Action Plan resulting in the closing of PAPs 1 and 9. Also as part of this amendment, \$33,979 of funds previously allocated to the WTC StoryBooth activity in PAP 8 from the Community & Cultural Enhancement activity, were returned to the Community & Cultural Enhancement activity since the funds were not needed for the StoryBooth project.

The eighth amendment approved by HUD on October 14, 2016, created two new activities in the Final Action Plan: West Thames Street Pedestrian Bridge and Planning and Administration using funds reallocated from completed activities included in PAP 12. The February 21, 2017 amendment transferred the \$800,000 residual balance from a previously completed Affordable Housing Program in PAP 6 to the Affordable Housing Program within the FAP enabling the closing of PAP 6. No new activities or programs were being created or deleted; the funds were simply moved from one Affordable Housing Program (PAP 6) which had concluded to another Affordable Housing Program in this currently active Final Action Plan. The June 12, 2017 amendment transferred the residual balance of \$127,566 from the Neighborhood Parks & Open Spaces activity in PAP 12 to the same activity in the Final Action Plan enabling the closing of PAP 12. The March 2018 amendment transferred the residual balances from the West Street Pedestrian Connections and Long Term Planning activities in PAP 4 to the Final Action Plan West Thames Street Pedestrian Bridge and Planning and Administration activities, respectively. This enabled the closing of PAP 4.

The proposed February 2019 amendment adds a new activity in the Final Action Plan, Hudson River Park, using unexpended and available funds from the Community and Cultural Enhancement Fund within this Action Plan. This new Hudson River Park activity will supplement the \$12,500,000 available in the Partial Action Plan S-2 activity by the same name. The additional funding is needed as a result of construction bids that were significantly higher than previous project estimates. This amendment also proposes to reallocate an additional \$107,479 of unexpended and available funds from the Community and Cultural Enhancement Fund to the Neighborhood Parks and Open Spaces activity that exists within this same Action Plan. Ultimately, funds are being shifted from activities within this Action Plan from inactive to active projects.

Approved, amended, and proposed amended Partial Action Plans are available on LMDC's website, <http://renewnyc.com/FundingInitiatives/PartialActionPlans.aspx>.

Any change greater than 5% in the funding committed to a certain program, the addition or deletion of any program, or change in the designated beneficiaries of a program constitutes a substantial amendment and such amendment will be available for public review and approval by HUD.

National Objective

LMDC is a subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development that was created in December 2001 to oversee the rebuilding and revitalization of Lower Manhattan. The activities contained in this Final Action Plan have been designed to meet the particularly

urgent community development needs resulting from the September 11th WTC disaster. These activities also have particular urgency because LMDC has determined that existing conditions resulting from the disaster pose a serious and immediate threat to the health or welfare of New York City and the individual residents of the City and other financial resources are not available to meet such needs. Funds allocated in this Final Action Plan are in some cases for the prevention of blight that could result absent intervention to address the existing conditions resulting from the events of September 11th. Funds allocated in this Final Action Plan may also benefit low-and-moderate-income people. The geographic focus of this Final Action Plan is the entire area of Manhattan on or south of Houston Street.

Public Comment to the Final Action Plan

The initial Final Action Plan was made available to the public for comment from September 29, 2006 through October 30, 2006. LMDC did not receive any comments on the initial Final Action Plan. The first amendment was made available to the public for comment from March 26 through April 25, 2007. LMDC received no comments on this first amendment. The second and third amendments and portions of the fourth amendment were non-substantial amendments that were not released for public comment. The portion of the fourth amendment relating to a reduction in funding for Community & Cultural Enhancement Fund was made available to the public for comment from March 22, 2010 through April 20, 2010. LMDC received no comments on this amendment. The portion of the Fifth Amendment relating to the increase in Cultural and Community Events and Installations and the portion relating to funding the new East River Waterfront Pier 42 project were made available to the public for comment from March 31, 2012 to April 30, 2012. LMDC received one relevant public comment on this amendment from Community Board 3 strongly supporting the allocation of funds to the new East River Waterfront Pier 42 project.

The sixth amendment was made available to the public for comment from August 28, 2015 through September 30, 2015. LMDC did not receive any comments on the Amendment. The seventh amendment did not require public comment. The eighth amendment was made available for public comment from August 11, 2016 through September 13, 2016 along with amendments to Partial Action Plans 3, 10 and 12. LMDC received one relevant public comment related to this proposed action plan amendment which was in support of the funding for the West Thames Street Pedestrian Bridge. Other comments received supported additional Pier 42 funding which is addressed in PAP 10 and one comment was a request for additional Chinatown funding which was not a topic of any of the amendments proposed. The February 21, 2017 and June 12, 2017 (ninth and tenth) amendments were not substantial amendments and therefore were not made available for public comment. No activities or programs were created or deleted as a result of these amendments. In February 2017, funds were simply moved from one completed Affordable Housing Program (PAP 6) to another Affordable Housing Program in the Final Action Plan. In June 2017, the residual balance in the Neighborhood Parks & Open Spaces activity was moved from PAP 12 to the Final Action Plan for recordkeeping purposes enabling the closing of PAP 12. The use of the remaining funds in this activity did not change nor did the beneficiaries.

The March 2018 (eleventh) amendment was also not a substantial amendment and did not require public comment. The residual balance from West Street Pedestrian Connections in PAP 4 was transferred to the West Thames Street Pedestrian Bridge activity in this Action Plan. The remaining balance in the Long Term Planning activity from PAP 4 was transferred to the Planning and Administration activity in the Final Action Plan. These March 2018 amendments enabled the closing of PAP 4.

The February 2019 amendment was made available to the public for comment from January 3, 2019 through February 5, 2019. LMDC received one public comment letter from two individuals who opposed additional funding for Hudson River Park and advocated for LMDC to use \$2,700,000 of funds within the proposed amendment for the acquisition of land on which a community land trust would operate. The authors of the comments advocated for affordable housing and offered their services in providing affordable units if LMDC agreed to acquire land. LMDC is not currently soliciting bids for the development of Affordable Housing units. However, LMDC continues to seek opportunities to advance Affordable Housing in Lower Manhattan and has allocated \$54,000,000 to Affordable Housing projects to date.

Public comments were accepted by posted mail and electronic mail. LMDC placed Invitations to Public Comment for Partial Action Plans in English, Spanish and Chinese daily newspapers and in weekly community newspapers serving Lower Manhattan. In addition, the text of the draft plan was made available on LMDC's website <http://renewnyc.com/FundingInitiatives/PartialActionPlans.aspx>.

LMDC delivered and mailed copies of this Final Action Plan and the first, fourth, fifth, sixth, and eighth amendments in English, Spanish, and Chinese to more than 40 community, residential, civic and cultural organizations throughout Lower Manhattan, including Community Boards 1, 2 and 3, several tenants' associations and public libraries. In addition, LMDC sent hard copies of the amendments and electronic notices of the initial Final Action Plan in three languages to elected officials, LMDC's Advisory Council members, and dozens of Lower Manhattan civic, community and cultural organizations.

Public Participation to Date

As described in earlier Partial Action Plans (PAPs), LMDC has solicited and received an unprecedented amount of public comment from around the world regarding the rebuilding of the WTC Site, the creation of a permanent memorial, and the revitalization of Lower Manhattan. LMDC also established several Advisory Councils representing a broad spectrum of groups affected by the WTC attacks, including victims' families, business owners, arts and cultural institutions, and downtown residents that have consulted with LMDC on issues of concern to their respective constituencies. Additionally, LMDC's special Advisory Committees such as the Memorial Mission Statement and Program Committees, the Memorial Center Advisory Committee, the 130 Liberty Street Advisory Committee, and the Section 106 Historic Resources Consulting Parties provide guidance on specific projects and issues.

LMDC has sponsored and participated in over 100 public meetings and workshops to provide the public with forums to express their views on redevelopment of Lower Manhattan, in the aftermath of September 11, 2001. In addition to large-scale public meetings, LMDC, in conjunction with The City of New York, conducted a series of outreach workshops on overall funding priorities for each of Lower Manhattan's neighborhoods in 2003. At the workshops, participating members of the community described priorities for their communities and proposed projects to address those priorities. The report on these workshops is available on the LMDC website at www.renewnyc.com. Public meetings have also focused on a variety of specific topics, including the environmental review process, WTC site planning, the creation of a permanent memorial, neighborhood funding priorities, content for the Memorial Museum, and cultural, recreational, and other public spaces.

LMDC has conducted additional outreach initiatives, participates in Community Board meetings, and meets regularly with community groups, civic organizations, and public officials. LMDC has sponsored several public exhibits that have provided visitors with information and the opportunity to submit written comments on the revitalization efforts. LMDC has received over 10,000 comments at these exhibits and through the LMDC website (www.renewnyc.com). LMDC also receives additional input on potential Lower Manhattan projects and programs in the form of unsolicited proposals and funding applications.

Based on public input, through the channels outlined above, LMDC produced numerous program documents that have guided the redevelopment and revitalization process, beginning with *The Principles and Preliminary Blueprint for the Future of Lower Manhattan* in 2002. This document established the groundwork for the rebuilding and revitalization efforts by outlining the goals and objectives for the revitalization, along with the necessary actions to realize them. This and other information regarding public participation in the redevelopment and revitalization process are available on the LMDC website at www.renewnyc.com.

On April 13, 2005, the LMDC released a report titled *The Public Dialogue and Lower Manhattan Revitalization Initiatives* that outlined the principles, objectives, priorities, and allocation options for LMDC's remaining CDBG funds. LMDC solicited, received, and reviewed hundreds of public comments through May 1, 2005, and released a revised Funding Allocation Framework on May 25, 2005.

On June 16, 2005, the LMDC Board of Directors adopted a Funding Allocation Plan, consistent with the Funding Allocation Framework, for the remaining federal CDBG funds. The Funding Allocation Plan outlined the allocation of funds for specific projects at the WTC Site and throughout Lower Manhattan. The Funding Allocation Framework and the Funding Allocation Plan are available on the LMDC's website at www.renewnyc.com.

In July 2006, the LMDC Board of Directors authorized the issuance of this Final Action Plan to allocate the remaining funds in the \$2 billion grant to projects that LMDC has determined, through its extensive public process, are priorities for the rebuilding and revitalization of Lower Manhattan.

I. World Trade Center Memorial and Cultural Program

Needs and Objective

On September 11, 2001, terrorist attacks killed 2,749 people and destroyed every structure on the WTC site, including all five office towers, commercial and governmental low-rise buildings, the hotel, the central outdoor plaza, the underground concourse, the PATH terminal and subway stations. Nearby structures immediately to the south of the WTC site were also destroyed or damaged; the Deutsche Bank office tower at 130 Liberty Street was severely damaged and St. Nicholas Church at 155 Cedar Street was destroyed. Together, these devastated sites totaled over 20 acres and the aftermath rippled throughout Lower Manhattan. The significant loss of life, jobs, and commercial and open space affected the vitality of Lower Manhattan and posed a threat to the financial, emotional, and cultural vitality of the neighborhood. As outlined in PAPs 7, 8 and 11, the WTC Memorial and Cultural Program has helped counter the blighting effect of the events of September 11, 2001, and has provided a permanent memorial for current and future generations to remember and honor the nearly 3,000 people who died on that day in New York City, in Shanksville, Pennsylvania, and at the Pentagon, as well as those who died in the terrorist bombing at the WTC on February 26, 1993. The project restored the WTC Site, repairing the underlying fabric of Lower Manhattan, and helps foster the growth of Lower Manhattan as a vibrant cultural and financial district.

World Trade Center Memorial and Redevelopment Plan

The culmination of LMDC's planning efforts for the redevelopment of the WTC area is the World Trade Center Memorial and Redevelopment Plan (WTC Plan), developed in cooperation with The Port Authority of New York and New Jersey (Port Authority), the owner of the WTC Site. LMDC employed an extensive public process for over two years to develop the WTC Plan and related initiatives. As part of the Plan, LMDC proposed to implement new memorial and cultural uses, including the Memorial and Memorial Museum, as outlined in LMDC's World Trade Center Memorial and Cultural Program General Project Plan (GPP), as amended. The Port Authority is responsible for the commercial, retail, conference center and hotel facilities, open space areas, and infrastructure components of the WTC Plan. LMDC conducted a coordinated environmental review of the combined WTC Plan. Detailed information regarding the components of this process may be found on LMDC's website at www.renewnyc.com under the links in the section entitled "The Plan."

World Trade Center Memorial Foundation, Inc.

The National September 11 Memorial & Museum at the World Trade Center Foundation, Inc. (Foundation), formerly known as the World Trade Center Memorial Foundation, Inc., is a not-for-profit corporation established to (i) honor the innocent men, women and children murdered in the horrific terrorist attacks of September 11, 2001 and February 26, 1993 through the creation of a permanent memorial at the WTC Site and (ii) promote the economic and cultural vitality of Lower Manhattan through the development of cultural facilities at the WTC site. The Foundation Board of Directors is composed of civic and business leaders, leading philanthropists, statesmen, and victims' family members from around the world. In addition, Presidents Jimmy Carter, George H.W. Bush, and William J. Clinton serve as Honorary Members, and have pledged their support for the Foundation. For more information regarding the Foundation please visit their website at: <http://www.911memorial.org/>.

The Memorial, Memorial Museum, and cultural institutions have been funded with a combination of public resources and private funds donated by individuals and groups, including more than \$350 million from LMDC.

World Trade Center Memorial and Cultural Program – Project Area

The project area is located in Lower Manhattan on two sites (1) the WTC site, bounded generally by West, Vesey, Church, and Liberty Streets; and (2) several parcels immediately to the south of the WTC Site (collectively, Southern Site) comprising (a) two city blocks, one bounded by Liberty, Washington, Albany and Greenwich Streets, and one bounded by Liberty, West, Cedar and Washington Streets, (b) subsurface portions of Liberty Street between the eastern side of West Street to the western side of Greenwich Street, (c) Washington Street from the northern side of Cedar Street and to the southern side of Liberty Streets, and (d) subsurface portions of Cedar Street from the eastern side of West Street to the eastern side of Washington Street. The Southern Site includes those properties commonly known as 130 Liberty Street, 140 Liberty Street, and 155 Cedar Street.

World Trade Center Memorial and Cultural Program – Project Objectives

As outlined in PAP 8, the WTC Memorial and Memorial Museum are at the heart of the WTC Memorial and Cultural Program and serve to both remember and honor the victims of the September 11, 2001 and February 26, 1993 terrorist attacks and have revitalized Lower Manhattan, eliminated blight effectively addressing the conditions at the WTC site that resulted from the events of September 11, 2001. LMDC has partnered with the Foundation on a broad spectrum of activities related to the planning, design, and implementation of the WTC Memorial and Cultural Program.

In the initial Final Action Plan, LMDC provided \$45,000,000 of funding for a reserve fund for the Memorial/Museum. Funds were made available to address unforeseen events or unavoidable costs related to the construction of the Memorial/Museum, including excess infrastructure costs. These funds supplemented LMDC's previous allocations to the Memorial/Museum project, which included \$250,000,000 to the Foundation for design and construction as well as \$12,875,000 for planning. The Port Authority had committed to fund any additional costs incurred beyond the anticipated budget for the Memorial/Museum up to \$45,000,000, including the first \$25,000,000.

The December 2007 amendment to the Final Action Plan reallocated funds from the reserve for the Memorial/Museum to construction coordination activities at the WTC site. LMDC provided \$1,000,000 for construction coordination activities to assist in the implementation of the WTC Memorial and Cultural Program. The object of this coordination was to improve the construction process and identify efficiency improvements and cost savings.

The February 2013 amendment to the Final Action Plan allocated \$810,000 of additional funding for the Memorial/Museum to provide for three annual productions of Tribute in Light in 2012, 2013, and 2014. In this production two beams of light rise from a site near the WTC site into the night sky to honor those lost on September 11, 2001 and to celebrate the spirit of all the New Yorkers who have worked to rebuild and renew New York City. Conceived in the aftermath of September 11th, Tribute in Light is an artistic gesture bringing together the vision and talent of numerous individuals who, shortly after the attacks, independently envisioned two beams of light rising from downtown New York. Support of this installation is consistent with the Memorial/Museum's mission to create a permanent memorial honoring those lost. It has provided a valuable public service in that its continuation has ensured that on each anniversary of September 11, 2001, the thousands of people who were killed that day, the loss of the WTC buildings and its impact on New York City and beyond has been commemorated.

Beneficiaries

The beneficiaries of the Memorial/Museum are the thousands of relatives and friends of the nearly 3,000 victims of September 11, 2001, and February 26, 1993 and the thousands of visitors annually. The Memorial/Museum has provided a place to remember and honor those killed and has fostered greater public

awareness of the events of February 26, 1993, and September 11, 2001, and the impact on the victims' families, survivors, area residents, New York City, and beyond. This project has also benefitted businesses, workers, and residents throughout Lower Manhattan and will continue to contribute to the overall economic recovery of Lower Manhattan and New York City, including low and moderate income persons.

Schedule

LMDC has carried out activities relating to the development and implementation of the WTC Plan since early 2002 with construction coordination activities beginning in 2007. The Memorial and Memorial Museum have been constructed and are open to the public. The full implementation of other cultural components of the plan may extend into 2020.

Federal and other resources

The initial Final Action Plan provided \$45,000,000 as a reserve fund for the Memorial/Museum. The December 2007 amendment to the Final Action Plan reallocated \$1,000,000 from this reserve fund for the Memorial/Museum to construction coordination activities at the WTC Site. This amendment reduced the allocation for the reserve fund for the Memorial/Museum from \$45,000,000 to \$44,000,000. This \$1,000,000 was subsequently restored in PAP S-2 thus returning the reserve to \$45,000,000. The February 2013 amendment to the Final Action Plan increased the allocation to the Memorial/Museum by \$810,000 to provide for annual productions of Tribute in Light in 2012, 2013, and 2014. Prior to the \$810,000 allocation for Memorial/Museum productions of Tribute in Light in 2012, 2013, and 2014, LMDC provided \$3,840,000 for annual productions by the Municipal Arts Society from 2004 through 2011 (PAP 8). LMDC allocated an additional \$700,000 in PAP S-2 for the 2015 and 2016 Tribute in Light productions.

As amended, the Final Action Plan has allocated \$45,810,000 for the Memorial/Museum. Through PAPs 8, 11, 12, and S-2, LMDC has allocated \$279,219,972 to the WTC Memorial and Cultural Program. The Memorial/Museum and its Pavilion entrance have been completed with additional funds obtained from private contributions and other government entities, including the Port Authority.

II. Affordable Housing

Background

In the aftermath of September 11th, many members of the Lower Manhattan residential and business communities experienced significant challenges, including financial challenges. Among the challenges is the need for affordable housing. LMDC has received specific public comments on the need for affordable housing in Lower Manhattan. In July and August 2003, LMDC and The City of New York (the City) held seven community workshops in Lower Manhattan to determine the needs of residents, businesses, and other members of Lower Manhattan communities, and to discuss ways in which to address these needs. At the community workshops, residents, and community-based organizations voiced concerns about a lack of affordable housing in Lower Manhattan. The need to build and preserve affordable housing was widely discussed. LMDC has also received comments relating to affordable housing via its funding application processes. Elected officials, community-based organizations, and planning groups have recommended the creation and preservation of affordable housing in Lower Manhattan. In *New York City's Vision for Lower Manhattan*, then Mayor Bloomberg set forth a plan to create new units of housing over the next ten years.

The creation of affordable housing also corresponds with LMDC's early *Principles and Revised Preliminary Blueprint for the Future of Lower Manhattan*, which recommends, "expanding the residential population to create a strong sense of community throughout Lower Manhattan." It also recommends that, "housing must be for a wide variety of income levels."

On November 8, 2005, HUD approved Partial Action Plan 6, since amended, which initially provided an allocation of \$50 million for Affordable Housing. The projects included within Partial Action Plan 6 were:

- Tribeca Site 5B (completed)

- Chinatown/Lower East Side Acquisition Program (completed)
- Masaryk Towers Preservation (completed)
- Knickerbocker Village (completed)
- Fulton Corridor Residential Rehabilitation and Conversion Program (cancelled)

While Affordable Housing remains a priority of the LMDC and the City, LMDC and the New York City Department of Housing Preservation and Development (HPD) determined that the Fulton Corridor Residential Rehabilitation and Conversion Program would not be effective as initially envisioned. Through this Final Action Plan, LMDC reallocated the \$8 million from the Fulton Corridor Housing Program and added another \$4 million, for a combined total of \$12 million that was initially allocated to the affordable housing program in Lower Manhattan administered by the City through HPD. In February 2017, the \$800,000 residual balance in the PAP 6 *Affordable Housing Program* was transferred to this Final Action Plan *Affordable Housing Program* enabling the closing of PAP 6. As a result, this activity balance has been increased to \$12,800,000. HPD initially issued a request for qualifications inviting not-for-profit sponsors to submit applications to receive funding assistance under the Lower Manhattan Acquisition Program for the acquisition and rehabilitation of eligible multi-family housing buildings in Lower Manhattan. HPD identified multiple NYCHA properties in need of funding to support façade, lighting and security improvements. Improvements to these properties are expected to begin in 2017 and be completed within 15 to 24 months.

Project Description

HPD has and will continue to administer and allocate funds to projects that (1) provide affordable housing for low, moderate and middle income residents through the preservation of Mitchell Lama or other affordable housing complexes, acquisition of new land or properties for affordable housing or the creation of incentives for the private sector to develop affordable housing;¹ (2) are located in Lower Manhattan, on or south of Houston Street; (3) spend up to \$300,000 per dwelling unit preserved or created; and (4) are consistent with the goals and principles outlined in HPD's "*The New Housing Marketplace: Creating Housing for the Next Generation.*"²

Up to 5% of the Affordable Housing Program allocation may be used for project administration.

Schedule

Projects to be funded by the Affordable Housing Program were expected to be identified in 2017 or 2018.

Objective

The creation of affordable housing is as a key component of a strong and vibrant Lower Manhattan community. As stated in LMDC's *Principles and Revised Preliminary Blueprint for the Future of Lower Manhattan* "expanding the residential population [would] create a strong sense of community throughout Lower Manhattan," and "housing must be for a wide variety of income levels." The Affordable Housing Program will help achieve that outcome.

Beneficiaries

This Affordable Housing Program will benefit moderate and low income residents of Lower Manhattan.

Project Area

The Affordable Housing Program project area is defined as Lower Manhattan, on or south of Houston Street.

¹ Low income households are defined as those with income less than 50% of AMI, moderate income households are defined as those with income from 50% to 80% of AMI, and middle income households are defined as those with income less than 175% of AMI.

² HPD developed *The New Housing Marketplace* with an extensive advisory board and input from community boards and elected officials.

Total Estimated Cost

This Final Action Plan allocates \$12,800,000 of federal funds for affordable housing, bringing the total LMDC allocation for affordable housing to \$54,000,000. Other government and/or private resources may supplement these funds.

III. Community and Cultural Enhancement

Project Description

The initial Final Action Plan allocated up to \$60,950,849 for Lower Manhattan Community & Cultural Enhancement Fund including the Drawing Center. The Community & Cultural Enhancement Fund was used to fund both the Community Enhancement Fund program and the Community & Cultural Enhancement Fund Program while including the Drawing Center. These Programs have addressed a range of community and cultural needs by providing grants, through competitive selection processes, to not-for-profit and government organizations for projects and programs that demonstrated or will demonstrate the ability to spur long-term Lower Manhattan revitalization, benefiting area residents, workers, businesses, and visitors.

The January 2009 amendment created the category within the Community & Cultural Enhancement Fund Program to provide for Lower Manhattan Cultural and Community Events and Installations. These projects provided a unique cultural or community event or installation that took place after 2008 that would not exist without LMDC funding. This amendment allocated \$3,000,000 to this category.

The August 2010 amendment reduced the total allocation for the Community & Cultural Enhancement Fund Program by \$171,519 to \$60,771,330. This was the combined result of two separate reallocations of funding. Funding was reduced by \$1,095,000 to provide funding for two cultural activities in PAP 8 which are directly related to the WTC tragedy; Tribute in Light and the WTC StoryBooth. Funding was increased by \$915,481 as a result of a reallocation of unused Cultural Enhancement funds remaining in PAP 11. This amendment also increased the allocation for Cultural and Community Events and Installations by \$150,000 and identified Project Rebirth filming and the annual September 11 ceremonies as recipients of these funds.

The February 2013 amendment allocated an additional \$895,000 of funds within Community & Cultural Enhancement s to Cultural and Community Events and Installations increasing the amount from \$3,150,000 to \$4,045,000. The additional funds were used to increase the \$605,000 allocation for the 2010 and 2011 September 11th commemorative ceremonies by \$895,000 to \$1,500,000 enabling LMDC to reimburse the National September 11 Memorial and Museum for the full production costs associated with the annual September 11th ceremonies in 2010 and 2011.

The December 2015 amendment reduced the total allocation for the Community & Cultural Enhancement Fund Program by \$1,563,349 to \$55,162,981, and reduced the Cultural & Community Events & Installations allocation by its residual balance of \$30 to \$4,044,970, reallocating the \$1,563,379 to the Final Action Plan activity – World Trade Center Ship. The November amendment to PAP 11 reallocated \$536,621 of Lower Manhattan Cultural Enhancement Funds to the Final Action Plan also for the World Trade Center Ship. As a result, \$2,100,000 has been allocated for World Trade Center Ship. The June 30, 2016 amendment returned \$33,979 of funds previously allocated to the WTC StoryBooth activity in PAP 8 to the Community & Cultural Enhancement activity since the project was completed for less than anticipated, thus increasing the Community & Cultural Enhancement activity allocation to \$55,196,960. The February 2019 proposed amendment transfers \$2,807,479 of unexpended and available Community & Cultural Enhancement Funds to one new and one existing activity also in this Action Plan. With \$2,700,000 of these transferred funds, the new Hudson River Park activity will supplement the \$12,500,000 available in the Partial Action Plan S-2 activity by the same name. The additional funding is needed as a result of construction bids that were significantly higher than previous project estimates. This amendment proposes to reallocate \$107,479 of the transferred Community and Cultural Enhancement Funds to the Neighborhood Parks and Open Spaces activity that exists within this same Action Plan. As a result, the Community & Cultural Enhancement Fund allocation is reduced to \$52,389,481.

Community Enhancement Fund

The Community Enhancement Fund has been allocated by LMDC to not-for-profit and government organizations whose projects support community facilities or programs that (a) provide education, employment, and health care services, and/or (b) recreational or community gathering needs. Also eligible were capital projects to acquire, enhance access to, improve, or rehabilitate existing community facilities.

Funding application forms and guidelines, including criteria for selection, for the Community Enhancement Fund were made available on LMDC's website, www.renewnyc.com on October 13, 2006. Applications were due by November 10, 2006. LMDC reviewed applications and convened an Advisory Panel comprised of representatives from New York City and State agencies and others knowledgeable about the needs of Lower Manhattan that made funding recommendations to LMDC based on the published guidelines. The recommendations and an adjunct process that followed resulted in the approval of a slate of 35 grants for Lower Manhattan community enhancement projects.

Community & Cultural Enhancement Program

Community & Cultural Enhancement Program funds have been allocated by LMDC to not-for-profit *and government* organizations whose projects and programs provided for community or cultural facilities or programming in Lower Manhattan and demonstrated the ability to spur long-term Lower Manhattan revitalization, as well as benefits to area residents, workers, businesses and visitors. Grants were provided to not-for-profit organizations that, through proposed or existing facilities and activities, demonstrated excellence, animated the neighborhood and supported cultural life in Lower Manhattan. Emphasis was placed on projects that received planning grants in the first rounds of cultural (as approved in PAP 11) or community funding as well as new proposals that had the potential to contribute to the development of clusters or corridors of community or cultural activity in revitalization zones, including the WTC area, Fulton and Greenwich Streets and the waterfronts.

Funding applications for additional grants from the Community & Cultural Enhancement Fund were submitted to LMDC in accordance with the application forms and guidelines, including the criteria for selection, which were available on LMDC's website, www.renewnyc.com. LMDC reviewed applications and convened an Advisory Panel comprised of representatives from New York City and State agencies and others knowledgeable about the needs of Lower Manhattan, which made funding recommendations to LMDC based on the guidelines. Any funding not previously awarded through the Cultural Enhancement Fund (PAP 11) or Community Enhancement Fund processes was allocated using the Community & Cultural Enhancement Fund Program applications and guidelines described above.

Cultural and Community Events and Installations

Up to \$4,045,000 was allocated as critical funding for Lower Manhattan Cultural and Community Events and Installations. These funds were allocated by LMDC to not-for-profit organizations that have developed projects for cultural or community events or installations in Lower Manhattan that would benefit area residents, workers, businesses, and visitors in the near term and had significant funding in place, but demonstrated a need for limited additional funding for the project to be realized after 2008. Allocations for these projects were made at the discretion of LMDC. These projects were completed.

The New York City Waterfalls

LMDC allocated up to \$2 million of the approximately \$16 million total project budget to the Public Art Fund for the administration and presentation in 2008 of The New York City Waterfalls. The Waterfalls were comprised of four 90 to 120-foot tall man-made waterfalls designed by Olafur Eliasson for display from late June 2008 through mid-October 2008 at sites along the shores of Brooklyn, Manhattan and Governor's Island, with each location viewable from Lower Manhattan buildings and public spaces, including the East River Esplanade or Battery Park. This event brought thousands of people to the Lower Manhattan viewing locations.

Tribute in Light

LMDC allocated an additional \$145,000 toward the \$400,000 project budget (at that time) to the Municipal Arts Society for the administration and presentation in 2009 of Tribute in Light. Earlier presentations of this project were funded through PAP 8 while subsequent funding was provided for this project to the National September 11 Memorial & Museum at the World Trade Center Foundation, Inc. as described earlier in this Final Action Plan. The allocation of additional funds through this Final Action Plan, when combined with funds allocated in PAP 8 and PAP S-2, allowed its presentation as an interim memorial through September 11, 2016. Conceived in the aftermath of the September 11, 2001 tragedies, Tribute in Light is an artistic gesture bringing together the vision and talent of numerous individuals who, shortly after the attacks, independently envisioned two beams of light rising from downtown. Illuminating the night sky, Tribute in Light has been seen from nearly 25 miles away in all directions.

Tribeca Film Festival Family Festival

LMDC allocated \$100,000 of the approximate \$465,000 total project budget to the Tribeca Film Institute for the administration and presentation in 2008 of Tribeca Film Festival's Family Festival. The Tribeca Film Institute had been funded in the past by LMDC through PAPs 7 and 11. Since 2002, Tribeca Film Festival has been a major event drawing hundreds of thousands of visitors to Lower Manhattan. The Family Festival is a street fair and family celebration for visitors and area residents alike, in which an array of activities and performances unfold over a seven-block stretch of Greenwich Street from Duane to Hubert Streets. Local schools, merchants, restaurants, and civic organizations participated in these all day, family-friendly celebrations. Special performances were held all day long on boulevard stages and in the streets, along with surprise appearances by favorite characters from movies, books, and television.

Project Rebirth

LMDC allocated \$300,000 of the approximate \$970,000 needed to complete filming and post-production work on the Project Rebirth film. Project Rebirth was funded in the past by LMDC through a \$1,000,000 Cultural Enhancement Fund grant as described in PAP 11. Project Rebirth's mission was to document the reconstruction of the WTC site and the experiences of individuals directly affected by the events of September 11th. Through this project, Project Rebirth successfully ensured that people today and in future generations could experience the rebuilding process, and learn from our nation's ability to recover.

September 11 Commemoration

LMDC allocated \$1,500,000 to The National September 11 Memorial & Museum at the World Trade Center Foundation, Inc. to provide for costs related to the 2010 September 11th Commemoration. LMDC funding was necessary due to the fact that private support for the annual ceremony through in-kind and cash donations had significantly diminished at that time and was not sufficient to cover the costs through 2011. At the same time, the ongoing need for the ceremony remained as we approached the ten-year anniversary of the attacks. LMDC funds covered the out-of-pocket costs of production, including engineering, equipment, labor, lighting, power, site security, services, and supplies.

Drawing Center

A PAP 11 amendment reallocated \$8,000,000 of Drawing Center funds to the Final Action Plan ultimately making \$895,000 available for the Cultural & Community Events & Installations Program and \$5,850,440 available for the Community & Cultural Enhancement Fund leaving sufficient funding available to the Drawing Center for capital expenditures related to a new location in Lower Manhattan. The Drawing Center received funding enabling them to establish their home in Lower Manhattan allowing the institution to reach larger and more diverse audiences through a variety of exhibitions and programs, as well as expand and broaden its educational programming.

Up to 10% of the Community & Cultural Enhancement Fund was available for project administration.

Schedule

The application and review processes for each of the Community Enhancement Fund and the Community & Cultural Enhancement Program were completed in 2007 and 2008. The Events and Installations took place in 2008 and 2009. The Drawing Center secured its home in Lower Manhattan in 2012.

Objectives

Following an extensive public outreach and planning process, providing amenities and services necessary to support the residential and business community had emerged as an important Lower Manhattan redevelopment objective. Providing necessary, amenities, including but not limited to, infrastructure, services, and recreational activities, has served and will continue as a catalyst for increased residential, commercial, retail, and other neighborhood activities. In realizing this objective, the Community & Cultural Enhancement Funds were intended for projects in Lower Manhattan that would meet the needs resulting from the events of September 11, 2001; the selected projects have addressed or prevented blight, and benefited low-and-moderate-income communities and will continue to do so. Funded projects have had or will have the capacity to spur the revitalization of Lower Manhattan and successfully benefit area businesses, residents, and/or visitors.

Beneficiaries

The Community & Cultural Enhancement Fund Program benefits Lower Manhattan residents, workers, businesses, and not-for-profit organizations including low-and-moderate-income people, while addressing or preventing blight, and meeting the needs resulting from September 11, 2001.

Project Area

The project area for the Community & Cultural Enhancement Fund Program is Lower Manhattan, on or south of Houston Street, including portions of the East River.

Federal and other resources

This Final Action Plan, as amended, has allocated up to \$56,434,451 for the Community & Cultural Enhancement Program. Other government and/or private resources have supplemented these funds.

IV. Economic Development

Background

For Lower Manhattan to continue to recover from the attacks of September 11th, new opportunities to increase economic activity needed to be developed. Creating new residential neighborhoods, attracting new commercial and retail tenants to Lower Manhattan, and spurring construction to generate new jobs were important goals consistent with LMDC's *Principles and Revised Preliminary Blueprint for the Future of Lower Manhattan*. One project explored to reconnect Lower Manhattan's neighborhoods, create a new residential neighborhood, and generate new jobs was the Greenwich Street South Plan, which was considered as a means to revitalize the area between Liberty Street and Battery Place, from Broadway to West Street. The 8-acre Brooklyn Battery Tunnel Plaza, which runs along Greenwich Street, represented the single-largest development opportunity downtown after the WTC site. An LMDC study of Greenwich Street South looked at ways to unlock the full potential of the Brooklyn Battery Tunnel Plaza, examining ways to add housing and neighborhood amenities to the area as well as ways to create new connections between neighborhoods. A bus garage for commuter buses was also under consideration. Funding was provided to support the regulatory review and possible implementation of the revitalization of Greenwich Street South although specific initiatives were not identified. In February 2007, \$23,000,000 of this funding was reallocated to PAP 7. In August 2010, another \$225,000 was reallocated to PAP 4 for long term planning initiatives leaving \$6,775,000 in the Final Action Plan to support economic development activities including the Small Firm Assistance Program initiated in 2007 and neighborhood improvements. In June 2016, \$153,418 was added to this activity from PAPs 1 and 9 thus increasing the Economic Development allocation to \$6,928,418.

Description

The initial Final Action Plan allocated \$30,000,000 for economic development initiatives in Lower Manhattan. The July 2007 amendment to the Final Action Plan reduced this allocation to \$7,000,000, the August 2010 amendment further reduced the allocation to \$6,775,000, and the June 2016 amendment increased the allocation to \$6,928,418. The New York City Economic Development Corporation (EDC) and the LMDC allocated \$6,000,000 of these funds to the Small Firms Assistance Program with the allocation of the remaining funds to be considered for projects that EDC and LMDC identify and determine will (1) increase economic activity in Lower Manhattan by spurring and promoting additional commercial and residential development; (2) attracting businesses and residents to locate in Lower Manhattan; and/or (3) providing short-term and/or long-term jobs in Lower Manhattan. Prior to allocating significant funding to any project, EDC or LMDC will engage public participation in the review of the project's ability to promote one or more of the above three goals and solicit and consider public input. Up to 10% of the Economic Development allocation may be used for project administration including required environmental work.

Schedule

The Small Firms Assistance Project supported by the Economic Development Program was launched in 2007 and while additional projects may be identified in the future, this project continued successfully helping small businesses. The project assists small firms affected by street construction and closures in Lower Manhattan. Information is available at http://www.renewnyc.com/ProjectsAndPrograms/small_firms.asp.

Project Objectives

Funds allocated in this Final Action Plan were intended to spur activity to help the prevention of blight that could have resulted absent intervention and to address the conditions resulting from the events of September 11, 2001. Funds allocated in this Final Action Plan have and will continue to also benefit low-and-moderate-income people.

Beneficiaries

The economic development project benefits Lower Manhattan residents, workers, businesses, and not-for-profit organizations, including low and moderate income persons and families.

Project Area

The project area for the economic development program is Lower Manhattan, on or south of Houston Street.

Federal and Other Resources

The initial Final Action Plan allocated \$30,000,000 for economic development projects. The July 2007 amendment to the Final Action plan reallocated \$23,000,000 of these funds to the WTC Memorial and Cultural Program for 130 Liberty Street in PAP 7. The August 2010 amendment reallocated \$225,000 of these funds to Long-Term Planning as described in PAP 4 and the June 30, 2016 amendment increased the allocation by \$153,418. As amended, the Final Action Plan now allocates \$6,928,418 of federal funds for economic development projects. Other government and/or private resources may supplement these funds.

The \$23,000,000 reallocated from the Final Action Plan to PAP 7 for the WTC Memorial and Cultural Program for 130 Liberty Street was fully expended. Subsequent recoveries will be reallocated to LMDC Board approved projects.

V. Education

Background

Lower Manhattan has been one of the fastest growing residential neighborhoods in New York City. As a result, the area has had a pressing need for educational resources, including additional classroom space. Providing adequate educational resources was identified as a key to retaining families in Lower Manhattan and has been a priority of LMDC. In PAP 10, LMDC initially allocated \$20,000,000 toward the creation of a new K-8 school serving the residents of Lower Manhattan. This project received an additional \$3,000,000 from this Final Action Plan enabling the completion of the construction of that school in 2011 was completed. In PAP 4, LMDC allocated \$3,000,000 to support construction of Millennium High School, the first public high school to be built in Lower Manhattan in many years. However, the School Construction Authority was able to complete that project without using LMDC funds. This \$3,000,000 was ultimately used in conjunction with the Community & Cultural Enhancement Program funding in support of the Fund for Public Schools project.

Project Descriptions

East Side K-8 School

LMDC allocated an additional \$3,000,000 to the East Side K-8 School, in addition to the \$20,000,000 allocated in PAP 10. As outlined in PAP 10, the construction of an east side K-8 public school had long been advocated by the downtown community. This project resulted in the creation of a K-8 public school consisting of approximately 97,000 gross square feet. The K-8 public school was constructed in portions of the ground through fifth floors of a mixed-use development project, which included residential condominium, rental apartments, an ambulatory care facility for New York Downtown Hospital, as well as retail space, on Beekman Street adjacent to New York Downtown Hospital and Pace University. The site is bounded by Spruce Street to the north, Beekman Street to the south, and William Street to the east.

LMDC allocated \$3,000,000 from this Final Action Plan for costs associated with the K-8 school, including planning, design, and construction costs, as well as costs associated with any environmental review.

Lower Manhattan Educational Needs

This Final Action Plan also allocated \$3,000,000 for educational purposes in Lower Manhattan. Funds were used in conjunction with Community & Cultural Enhancement Program funding for The Fund for Public Schools to work with the Lower Manhattan public schools on the purchase of new equipment and materials for the 2012-2013 school year. All funding provided was for schools located in Lower Manhattan that served low and moderate income students who live in Lower Manhattan.

Up to 10% of the Education allocation was available for project administration.

Schedule

Construction of the East Side school began in 2007 and was completed for the opening of the 2011-12 school year. The Fund for Public Schools project was completed in 2013.

Project Objectives

Ensuring the stability and continued growth of the residential population has been identified as key to Lower Manhattan's economic recovery since September 11, 2001. Having quality local schools with sufficient seating capacity has helped retain families in Lower Manhattan and has attracted new families with school-age children. Funds allocated in this Final Action Plan have helped attract and retain families to Lower Manhattan, prevented blight that could have resulted absent intervention to address the conditions resulting from the events of September 11, 2001. Funds allocated in this Final Action Plan have and will continue to benefit low-and-moderate-income people.

Beneficiaries

The projects funded have and will continue to benefit Lower Manhattan residents, children, and businesses, including low and moderate income persons and families.

Project Area

The project area for the Education program is Lower Manhattan, on or south of Houston Street.

Federal and Other Resources

This Final Action Plan allocated a total of \$6,000,000 of federal funds for education projects. Other government and/or private resources may supplement these funds.

VI. Transportation Improvements

Background

Access to transportation has been identified as a competitive advantage for Lower Manhattan. Access to subways, the PATH station, ferries, bridges and tunnels has made Lower Manhattan an attractive place to live and work. As Lower Manhattan continues to grow, ensuring sufficient transportation will be a key to its continued success.

The initial Final Action Plan allocated \$31,000,000 to Transportation Improvements. The February 2013 amendment reduced the allocation to \$15,835,000 to allow for funding of the Memorial/Museum Tribute in Light productions described above, the East River Waterfront Pier 42 project described in PAP 10, and additional New York City Planning efforts described in PAP 4. The February 2013 amendment also allowed the National September 11 Memorial & Museum at the World Trade Center Foundation, Inc. to allocate and implement Transportation Improvements.

Project Description

This Final Action Plan allocated up to \$15,835,000 to address transportation improvements to benefit commuters, businesses, residents and pedestrians in Lower Manhattan. The City and the Foundation have and will continue to use these funds for projects within Lower Manhattan that accomplish one or more of the following:

- improve mobility
- improve connectivity between Lower Manhattan, the rest of New York City and the region
- promote the livability of Lower Manhattan; and/or encourage business development
- improve conditions for pedestrians and bicyclists;
- promote use of public transportation
- provide access to the streets for those vehicles that need it
- reduce congestion on the streets
- support traffic management and emergency response
- ease the impact of construction on residents, businesses and tourists

Water Street Improvements

The City was allocated \$11,525,000 for the purposes of enhancing the identity of Water Street by creating a more pedestrian friendly environment. Approximately \$1,525,000 of these funds has been directed toward temporary improvements and wayfinding on and around Water Street led by The New York City Department of Transportation. Street trees, benches, painted curb extensions and art display cases have been added. The fabrication and installation of Wayfinding signs in the Financial District is expected to be completed in 2016.

The remaining \$10,000,000 has been made available to the EDC for capital improvements which include landscaping alongside the corridor, new and expanded plazas, and curb extensions with amenities such as seating and plantings at key intersections from Whitehall Street to Fulton Street.

West Street Sidewalk Improvements (\$4,000,000)

The Foundation worked with the State of New York Department of Transportation to provide for sidewalk improvements adjacent to the World Trade Center Memorial. For three sides of the Memorial Plaza within the WTC site, the sidewalks adjacent to the WTC Memorial were constructed to match the landscape design of the Memorial Plaza while including appropriate security measures. However, additional funding was needed for the sidewalks running along Route 9A on the exterior of the WTC site to similarly meet the security and aesthetic requirements of the Memorial. The New York State Department of Transportation completed this sidewalk work in 2014.

Up to 10% of the Transportation Improvements allocation may be used for project administration.

Schedule

Transportation Improvements projects were identified by June 2013 and are expected to be completed in 2020.

Objectives

Funds allocated in this Final Action Plan are for the prevention of blight that could result absent intervention to address conditions resulting from the events of September 11th. Funds allocated in this Final Action Plan have and will also benefit low-and-moderate-income people.

Beneficiaries

The transportation improvements to be funded will benefit Lower Manhattan residents, workers, businesses, and not-for-profit organizations, including low and moderate income persons and families.

Project Area

The project area for the Transportation Improvements projects is Lower Manhattan, on or south of Houston Street.

Federal and Other Resources

This Final Action Plan allocates a total of \$15,835,000 of federal funds for transportation projects. Other government and/or private resources may supplement these funds.

VII. World Trade Center Ship

Background

In 2004, as part of LMDC's environmental obligations for the World Trade Center site, LMDC entered into an agreement regarding historic resources with the NYS Historic Preservation Office and the federal Advisory Council on Historic Preservation ("the Programmatic Agreement"). Under this agreement, if an historic resource is found during the site's reconstruction, state and federal officials need to be notified and a mitigation plan developed for the historic resource, subject to consultation with approximately 40 consulting parties identified in that agreement.

On July 13, 2010 archaeologists monitoring excavation of the WTC Site observed the curved timbers of the lower hull of what proved to be the stern of an 18th century ship. After the remnants were uncovered, LMDC assembled a team of ship experts and conservators to develop and execute a short-term mitigation

plan so the ship could be removed from the site in a controlled manner before its condition was threatened by exposure to the elements. The effort included protecting, recording, excavating, disassembling, packaging, and removing the vessel's components and associated artifacts from the project site.

A year later, remnants of the bow were discovered on the site. As a result of LMDC's efforts, remnants from both the bow and stern are currently in stable condition and are being stored at the Center for Maritime Archaeology and Conservation at Texas A&M University.

The NYS Historic Preservation Office has determined the ship is eligible for listing on the National Register of Historic Places. Only about a dozen colonial-era merchant ships have ever been professionally recorded nationwide. The WTC Ship is significant for its association with the rise in prominence of New York's port during the late 18th century, its association with the development of New York City's Hudson River shoreline, and for being an early example of a Hudson River Sloop.

After all the ship's materials were removed and analyzed, LMDC contacted institutions in the New York metropolitan area to determine their interest in displaying the WTC ship. The institution that expressed the greatest interest was the New York State Museum in Albany (Museum). The Museum intends to make the ship a centerpiece. The museum already displays a collection of materials from the World Trade Center and objects from the international response to the events of September 11, 2001.

Project Description

The Final Action Plan, as amended, allocates \$2,100,000 for the World Trade Center Ship (WTC Ship) project. Up to \$1,000,000 is estimated to complete the environmental and planning processes as well as cover some costs associated with the preservation, restoration, and delivery of the WTC Ship to the Museum. Another \$1,100,000 is expected to be directed to the Museum and others, on behalf of the Museum, for costs associated with the analysis, preservation, reconstruction, and display of the WTC Ship remnant at the New York State Museum.

Schedule

Parts of the World Trade Center Ship were uncovered on the WTC Site in 2010 and 2011. The WTC Ship will be subject to analysis, preservation and restoration until and after the ship is received by the Museum which is expected to be in 2021.

Objectives

This activity meets urgent community development needs resulting from the September 11, 2001 World Trade Center disaster because LMDC had determined that site conditions resulting from the disaster posed a serious and immediate threat to the health or welfare of the City of New York and the individual residents of the City, and other financial resources were not available to meet such needs. The funds allocated to this activity contribute to the prevention of blight that could result absent intervention to address the existing conditions. Furthermore, funds allocated in this Final Action Plan for the WTC Ship will fulfill environmental mitigation requirements.

Beneficiaries

The World Trade Center Ship project benefits residents, workers, businesses, and not-for-profit organizations, including low and moderate income persons and families.

Project Area

The project area for the World Trade Center Ship is Lower Manhattan.

Federal and Other Resources

This Final Action Plan allocates a total of \$2,100,000 of federal funds for the World Trade Center Ship. Other government and/or private resources may supplement these funds.

VIII. West Thames Street Pedestrian Bridge

Background

Up to \$20,000,000 was provided in PAP S-2 for costs associated with the planning, design and construction of a pedestrian bridge spanning West Street in the vicinity of its intersection with West Thames Street. Planning and design work has concluded moving the project into the construction phase. The Final Action Plan, as amended, allocates up to \$13,141,598 for the new pedestrian bridge that will create an alternate safe crossing over West Street and provide an improved connection between Battery Park City with its open spaces, recreational facilities, residences and commercial buildings, and the rest of Lower Manhattan. LMDC, Hugh L. Carey Battery Park City Authority, and the New York City Economic Development Corporation are working together towards the completion of this project.

Project Description

The Bridge is intended as a permanent replacement for the existing temporary Rector Street Bridge; therefore, the Bridge Project comprises two separate but closely proximate sites. The Bridge will span Route 9A/West Street from Joseph P. Ward Street on the east to Little West Street and West Thames Street on the west by Battery Park City. A single, mid-span pier will be placed in the median of West Street. Landscaping of the median and creation of a rain garden at the base of the pier will be components of the Project. The Bridge will consist of a covered lenticular truss bridge with both an elevator and an access stairway at each end. Supplemental landscaping will be provided along the existing dog run near the western terminus of the Bridge. The existing community garden will also be expanded. Both bridge sites are surrounded by a dense developed urban area that includes a significant amount of streetscape and open space along the esplanade on the west side of Route 9A/West Street. The Bridge site is just north of the Brooklyn Battery Tunnel. The Bridge will span a seven lane roadway and two-lane greenway.

Schedule

Construction began in October 2016 and the Bridge is expected to be open to the public in 2019.

Objectives

To provide an alternate safe crossing for the residents, children who attend schools in the area, and workers of Battery Park City going to and from public transit locations to the rest of Lower Manhattan.

Beneficiaries

The West Thames Street Pedestrian Bridge will benefit residents, workers, businesses, and not-for-profit organizations, including low and moderate income persons and families.

Project Area

The project area for the West Thames Street Pedestrian Bridge program is Lower Manhattan, on or south of Houston Street.

Federal and Other Resources

After the March 2018 amendment to this Final Action Plan, up to \$13,141,598 was allocated for the West Thames Street Pedestrian Bridge program along with \$20,000,000 allocated in PAP S-2, and up to \$8,250,000 to be provided by the Hugh L. Carey Battery Park City Authority.

IX. Neighborhood Parks & Open Spaces

Background

This activity represents the residual balance (\$127,566) in the Park & Open Spaces allocation from PAP 12. These funds will be used to offset costs associated with completing the remaining Neighborhood Parks & Open Spaces projects identified previously in this or other active Partial Action Plans. The February 2019 proposed amendment adds \$107,479 to this allocation from unexpended and available funds in the Community & Cultural Enhancement Fund thereby increasing the allocation to \$235,045.

Description

The enhancement of neighborhood parks and open spaces throughout Lower Manhattan's diverse communities continues to serve as an important catalyst for the area's revitalization. Improvement to parks and open spaces benefits Lower Manhattan workers, businesses, visitors and improves the quality of life for downtown's growing residential population.

Project Objectives

The objective of this activity was to enhance parks and open spaces at selected sites throughout Lower Manhattan as a catalyst for the area's revitalization, benefiting area workers, businesses, visitors and improving the quality of life for downtown's growing residential population. These funds will be used to offset costs associated with completing the remaining Neighborhood Parks & Open Spaces projects identified previously in this or other active Partial Action Plans.

Beneficiaries

This activity has and will continue to benefit Lower Manhattan area workers, businesses, visitors, and the growing residential population, as well as provide low and moderate income benefits.

Project Area

The project area is Lower Manhattan on or south of Houston Street.

X. Planning and Administration

LMDC engages in broad planning and administration activities relating to the recovery, remembrance, and rebuilding efforts in Lower Manhattan, defined by the LMDC's bylaws and charter, as the entire area of Manhattan on or south of Houston Street.

LMDC's planning activities began with the site planning for the WTC Site and the areas immediately surrounding the site. The agency's off-site planning activities include the other neighborhoods in Lower Manhattan that have been affected by September 11th and its aftermath. Specifically, LMDC's off-site planning activities include analyses of Lower Manhattan's transportation, traffic, housing and related amenities, open space, and economic development capacity, needs, and potential. Based on the results of these analyses, LMDC continued to develop and propose concept plans for areas and projects in Lower Manhattan.

LMDC's administrative activities include, and will continue to include, extensive public information and coordination activities relating to its LMDC planning work. As part of its coordination activities, LMDC serves as a facilitator of outreach and discussions between affected communities as well as the public at large and government agencies and officials. LMDC's public information work will continue to include large-scale public meetings and hearings; periodic printed reports; an up-to-date, comprehensive, and interactive web site (www.renewnyc.com); electronic communications; and other public outreach and participation efforts. In addition, LMDC continues to maintain its network of community contacts. Additionally, project monitoring,

legal, audit, and investigation activities are performed on an ongoing basis in relation to programs funded by the LMDC CDBG allocation.

HUD has authorized the use of up to 5% of the total CDBG allocation to LMDC for costs associated with planning and administration activities, including costs for overhead, personnel, and consultants. As a result of the October 14, 2016 amendment to the Final Action Plan, \$1,818,837 was allocated for planning and administration activities. This allocation was increased to \$2,129,958, in March 2018 when the residual balance from the Long Term Planning activity in PAP 4 was transferred to the Final Action Plan.