

PORT AUTHORITY TRANS-HUDSON CORPORATION

MINUTES

Wednesday, February 25, 2004

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MINUTES of the Meeting of Port Authority Trans-Hudson Corporation held Wednesday, February 25, 2004, at 225 Park Avenue South, City, County and State of New York.

PRESENT:

NEW JERSEY

Hon. Anthony R. Coscia, Chairman
 Hon. Anthony J. Sartor
 Hon. David S. Steiner

Joseph J. Seymour, President
 Ernesto L. Butcher, Vice-President
 Jeffrey S. Green, Counsel

Gwendolyn Archie
 Paul H. Bea, Jr.
 Catherine M. Bergamini
 Bruce D. Bohlen
 John D. Brill
 Gregory G. Burnham
 Timothy Castano
 Anthony B. Ciavolella
 Arthur J. Cifelli
 Steven J. Coleman
 William R. DeCota
 John C. Denise
 Pasquale DiFulco
 Karen E. Eastman
 Michael G. Fabiano
 Linda C. Handel
 L. Jay Hector
 Edward L. Jackson
 George Johansen
 Howard G. Kadin
 Kirby King
 Richard M. Larrabee
 Francis J. Lombardi
 Robert R. Lurie
 Daniel S. Maynard
 Stephen Marinko
 Charles F. McClafferty
 James E. McCoy
 Lynn A. Nerney
 Catherine F. Pavelec
 Michael A. Petralia
 Kenneth P. Philmus
 John A. Riccardi
 Myron D. Ronis
 Edmond F. Schorno
 Gerald B. Stoughton
 Tiffany A. Townsend

NEW YORK

Hon. Bruce A. Blakeman
 Hon. Michael J. Chasanoff
 Hon. David S. Mack
 Hon. Henry R. Silverman

Ralph Tragale
Gregory J. Trevor
Emery J. Ungrady
Thomas H. Wakeman III

The public session was called to order by Chairman Coscia at 3:00 p.m. and ended at 3:15 p.m. The Board met in executive session prior to the public session. Vice-Chairman Gargano was present for a portion of the executive session.

Action on Minutes

The Vice-President submitted for approval Minutes of the meeting of December 11, 2003. He reported that copies of these Minutes were sent to all of the Directors and to the Governors of New York and New Jersey. He reported further that the time for action by the Governors of New York and New Jersey has expired.

Whereupon, the Board of Directors unanimously approved the Minutes.

Report of Committee on Construction

The Committee on Construction reported, for information, and the report was received and is included with these minutes.

Moment of Silence

In observance of the eleventh anniversary of the first terrorist attack on The World Trade Center, the Chairman requested a moment of silence in memory of the six victims, including four Port Authority employees, who perished on February 26, 1993.

SETTLEMENT OF CLAIM – MARTIN MURRAY v. PORT AUTHORITY TRANS-HUDSON CORPORATION

It was recommended that the Board authorize Counsel to enter into an agreement with plaintiff Martin Murray to provide for the settlement of a claim for personal injuries sustained by paying plaintiff the sum of \$146,639, paying a Railroad Retirement Board lien of \$3,361, and waiving medical and wage liens totaling \$87,911.06, for a total settlement value of \$237,911.06. In exchange, Port Authority Trans-Hudson Corporation (PATH) and The Port Authority of New York and New Jersey (Port Authority) would receive from plaintiff a general release from liability and a stipulation of dismissal of the action, with prejudice.

On November 4, 1997, plaintiff Martin Murray, an electrician employed by PATH, was injured at PATH's Hoboken Station while in the process of pulling electrical wires through an overhead conduit. The rope he was using snapped during the course of his pulling the wires, causing him to fall onto the concrete concourse floor. Plaintiff reported to Port Authority medical staff and was treated conservatively. Subsequently, he underwent two surgical procedures to repair an injury to his left elbow, wrist and hand, and he has experienced a reduced range of motion and loss of sensation. Plaintiff missed a total of 12½ months from work as a result of this injury and has since returned to duty on a restricted basis. During settlement negotiations, the trial judge recommended that the matter be settled via a payment to plaintiff in the amount of \$150,000.

Pursuant to the foregoing report, the following resolution was adopted in executive session with Directors Blakeman, Chasanoff, Coscia, Mack, Sartor, Silverman and Steiner voting in favor; none against:

RESOLVED, that Counsel be and he hereby is authorized, for and on behalf of Port Authority Trans-Hudson Corporation, to enter into an agreement with plaintiff Martin Murray to provide for the settlement of a lawsuit for personal injuries sustained by paying plaintiff a sum of \$146,639, paying a Railroad Retirement Board lien of \$3,361 and waiving wage and medical liens totaling \$87,911.06.

SETTLEMENT OF CLAIM – PHILIP LAWRENCE V. PORT AUTHORITY TRANS-HUDSON CORPORATION

It was recommended that the Board authorize Counsel to enter into a settlement of a personal injury claim entitled Philip Lawrence v. Port Authority Trans-Hudson Corporation brought pursuant to the Federal Employer's Liability Act in the total sum of \$161,197.73. Out of this amount, \$109,760 would be paid to plaintiff and his attorneys for pain and suffering and out-of-pocket wage loss; \$6,620.80 represents a lien held by Port Authority Trans-Hudson Corporation (PATH) for wage benefits paid to plaintiff; \$38,576.93 represents a lien for medical bills paid by PATH on plaintiff's behalf; and \$6,240 represents the Railroad Retirement Board lien on this claim. In return, plaintiff would provide a General Release and Stipulation of Discontinuance with Prejudice.

Philip Lawrence (Plaintiff), a PATH trackman, was part of a crew replacing an approximately 550-foot-long trail rail on an elevated portion of the Hackensack Bridge at approximately 4 a.m. on July 28, 2000. The rail, weighing approximately 60,000 pounds, had been attached to a "rail puller" and dragged to the spot. Plaintiff was in the process of releasing the rail from the puller; however, somewhere down the track, the rail was not flush with the ballast, and when plaintiff dislodged a wedge which secured a clamp to the rail, the rail suddenly rolled over onto his left foot. Plaintiff's foot was crushed and he suffered compound fractures of all the bones in his foot. An independent expert was retained who opined that it is likely that the action of dragging a long string of rail would cause it to twist, unless measures are taken to prevent it. Such measures had not been taken prior to plaintiff's accident.

Plaintiff was hospitalized for six days immediately following the incident and missed 43 weeks of work, with a wage loss of \$35,586.80; lost overtime is estimated at approximately \$10,000. Plaintiff is required to wear orthotic shoes and has permanent swelling and pain upon extended use of his foot. Plaintiff initially demanded \$275,000 to settle this action.

In view of the unfavorable liability prospects for PATH, Plaintiff's permanent injuries and the substantial loss of income claimed, staff recommended that the proposed settlement be authorized. If this matter were tried before a jury, the verdict, in all likelihood, would be in excess of the settlement amount.

Pursuant to the foregoing report, the following resolution was adopted in executive session with Directors Blakeman, Chasanoff, Coscia, Mack, Sartor, Silverman and Steiner voting in favor; none against:

RESOLVED, that Counsel be and he hereby is authorized, for and on behalf of Port Authority Trans-Hudson Corporation, to enter into an agreement with plaintiff Philip Lawrence to provide for the settlement of a lawsuit for personal injuries entitled Philip Lawrence v. Port Authority Trans-Hudson Corporation in a total amount of \$161,197.73, of which \$109,760 will be paid to plaintiff and his attorneys and \$6,240 will be paid to the Railroad Retirement Board to settle its lien.

FINAL CONTRACT PAYMENTS

The Comptroller's Department reported, for information only, that the contracts set forth hereafter have been completed satisfactorily by the contractors. Final payments have been made in the period of October 1, 2003 to October 31, 2003.

CONTRACT NUMBER	CONTRACT TITLE FACILITY AND CONTRACTOR	TOTAL AUTHORIZED	TOTAL PAYMENTS
PAT565	SIP AVENUE APPROACH, ROADWAY REHABILITATION PORT AUTHORITY TRANS-HUDSON CORPORATION RAEBECK CONSTRUCTION CORPORATION	305,000 (A) 18,000 (B) 323,000	305,000 (A) 2,500 (B) 307,500

- (A) Lump Sum.
- (B) Extra Work.

Whereupon, the meeting was adjourned.

Vice-President