THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

MINUTES
Thursday, February 25, 2010

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MINUTES of the Meeting of The Port Authority of New York and New Jersey held Thursday, February 25, 2010 at 225 Park Avenue South, City, County and State of New York

PRESENT:

NEW JERSEY

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

NEW YORK

Hon. Henry R. Silverman, Vice-Chairman
Hon. Stanley E. Grayson
Hon. H. Sidney Holmes III

Christopher O. Ward, Executive Director
Darrell B. Buchbinder, General Counsel
Karen E. Eastman, Secretary

Susan M. Baer, Director, Aviation
A. Paul Blanco, Chief Financial Officer
Ernesto L. Butcher, Chief Operating Officer
Arthur J. Cifelli, Deputy Director, Public Safety/Deputy Superintendent of Police
Steven J. Coleman, Assistant Director, Media Relations, Public Affairs
Allison L. C. de Cerreño, Program Director, All-Electronic Tolling, Tunnels, Bridges and Terminals
John C. Denise, Audio Visual Supervisor, Public Affairs
Francis A. DiMola, Director, Real Estate Services
John J. Drobny, Director, Security Projects
Michael G. Fabiano, Deputy Chief Financial Officer/Comptroller
Michael A. Fedorko, Director, Public Safety/Superintendent of Police
Michael B. Francois, Chief, Real Estate and Development
Jennifer Friedberg, Staff Public Information Officer, Media Relations, Public Affairs
Richard Friedman, Manager, Special Projects, Office of Environmental and Energy Programs
Kevin N. Georges, Leadership Fellow, Human Resources
Glenn P. Guzi, Senior External Affairs Representative, Government and Community Affairs
Linda C. Handel, Deputy Secretary
Mary Lee Hannell, Director, Human Resources
Mark D. Hoffer, Senior Counsel, Law
Howard G. Kadin, Esq., Law
Kirby King, Deputy Director, Rail Transit
Kevin J. Kirchman, Director, Marketing and Special Events
Victoria C. Kelly, Director, Tunnels, Bridges and Terminals
Louis J. LaCapra, Chief Administrative Officer
Cristina M. Lado, Director, Government and Community Affairs
Conor Lanz, Special Assistant to the Executive Director
Dennis Lombardi, Deputy Director, Port Commerce
Richard J. Louis, Deputy General Manager, John F. Kennedy International Airport, Aviation
Stephen Marinko, Esq., Law
Ronald Marsico, Assistant Director, Media Relations, Public Affairs

James E. McCoy, Manager, Board Management Support, Office of the Secretary
Sanjay S. Mody, Advisor to the Chairman
Anne Marie C. Mulligan, Treasurer
Steven P. Plate, Director, World Trade Center Construction
Richard R. Roper, Director, Planning
Stephen H. Sigmund, Chief, Public and Government Affairs
Gerald B. Stoughton, Director, Financial Analysis
Ralph Tragale, Assistant Director, Public Affairs, Aviation
David B. Tweedy, Chief, Capital Programs
Lillian D. Valenti, Director, Procurement
Sheree Van Duyne, Manager, Policies and Protocol, Office of the Secretary
Andrew S. Warshaw, Chief of Staff to the Executive Director
William Young, Client Manager, Government and Community Affairs
Peter J. Zipf, Deputy Chief Engineer/Director of Engineering

The public meeting was called to order by Chairman Coscia at 1:09 p.m. and ended at 1:24 p.m. The Board met in executive session prior to the public session.

Action on Minutes

The Secretary submitted for approval Minutes of the meeting of February 3, 2010. She reported that copies of these Minutes were delivered in electronic form to the Governors of New York and New Jersey on February 4, 2010. She reported further that the time for action by the Governors of New York and New Jersey expired at midnight on February 22, 2010.

Whereupon, the Board of Commissioners unanimously approved the Minutes of the meeting of February 3, 2010.

Report of Audit Committee

The Audit Committee reported, for information, on matters discussed in executive session at its meeting on February 25, 2010, which included discussion of matters involving external or internal investigations or audits, and the report was received.

Report of Security Committee

The Security Committee reported, for information, on matters discussed in public session at its meeting on February 25, 2010, which included an update on the status of the Port Authority's security program, and the report was received.

Report of Committee on Capital Programs/Agency Planning

The Committee on Capital Programs/Agency Planning reported, for information, on matters discussed in public session at its meeting on February 25, 2010, which included review of an agreement for the retention of architectural and engineering services in connection with the planning effort for the redevelopment of the Central Terminal Building at LaGuardia Airport, and the report was received.

Report of Committee on Finance

The Committee on Finance reported, for information, on matters discussed in public and executive sessions at its meeting on February 25, 2010, which included review of the Port Authority's investment portfolio results for the fourth quarter of 2009 and discussion of matters related to the purchase, sale, or lease of real property, or securities where public disclosure would affect the value thereof or the public interest, and the report was received.

Report of Committee on Operations

The Committee on Operations reported, for information, on matters discussed in public session at its meeting on February 25, 2010, which included discussion of an agreement with the New York State Police for the continued provision of law enforcement services at Stewart International Airport in exchange for a Port Authority capital investment to construct a new regional crime lab facility at the airport, and the report was received.

Report of Committee on Construction

The Committee on Construction reported, for information, on matters discussed in public session at its meeting on February 25, 2010, which included discussion of an item that authorizes a project to deploy a new toll collection system with cashless tolling capabilities at the Port Authority's bridge and tunnel crossings, items that authorize the Port Authority's continued participation in construction industry pre-apprenticeship programs in New York and New Jersey, and an update on a project for the reconstruction of Runway 13R-31L at John F. Kennedy International Airport, and the report was received.

Report of World Trade Center Redevelopment Subcommittee

The World Trade Center Redevelopment Subcommittee reported, for information, on matters discussed in public session at its meeting on February 25, 2010, which included discussion of several contracts and agreements in connection with the continued development of the World Trade Center site, and the report was received.

Moment of Silence

In observance of the seventeenth anniversary of the February 26, 1993 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 that day.

PORT AUTHORITY TUNNEL AND BRIDGE FACILITIES – REPLACEMENT OF TOLL COLLECTION SYSTEM, WITH CAPABILITY FOR FUTURE ALL-ELECTRONIC TOLLING – PROJECT AUTHORIZATION

It was recommended that the Board authorize: (1) a project for the final design and construction of a new toll collection system and audit system, with cashless (All-electronic) tolling capability, at all Port Authority bridge and tunnel vehicular crossings, at an estimated total project cost of $175 million; and (2) the Executive Director to: (a) clarify the vehicle class structure under the Port Authority's Tolls Schedule to facilitate the automatic classification of vehicles that would be required for All-electronic Tolling (AET); and (b) execute an agreement with PBS&J, P.A., doing business as PBS&J Architecture and Engineering (PBS&J), for continued program management services, on an as-needed basis, for deployment of the new toll collection system, at a cost not to exceed $10.5 million, inclusive of previously authorized expenditures.

The current in-lane toll collection system at the Port Authority's bridge and tunnel crossings was deployed in 1997, has exceeded its design life, and now requires replacement. On June 30, 2005, the Board authorized planning work, in an estimated amount of $3.2 million, for a state-of-good-repair project to replace the existing Integrated Toll Collection System with a new Port Authority Toll System (PATS) at all Port Authority tunnels and bridges. As planning concluded for the design for PATS, staff recommended that the agency assess the viability of an AET collection system that would eliminate cash toll collection.

At its meeting of June 21, 2007, the Board authorized planning work, in an estimated amount of $9 million, for the study of AET and preliminary design for replacement of the Port Authority's toll system. To date, a total of approximately $10.5 million has been expended in connection with both planning efforts ($1.1 million for PATS and $9.4 million for AET).

As a result of an alternatives analysis, staff determined that deploying a new toll collection system with the capability for AET in the current lanes would significantly reduce risks, while building for the future. Launching a new toll collection system capable of AET in existing lanes would significantly reduce the cost and risks associated with AET in an open-road configuration. Deploying a new toll collection system with AET capability would directly benefit the Port Authority, by protecting its toll revenue streams, improving customer service, and providing for more accurate processing of toll violations, while providing a platform for the future by having the capability for AET. The new toll collection system, with AET capability, is scheduled to be deployed beginning in 2012, with completion scheduled for 2014. The Board would be consulted prior to eliminating cash toll collection at Port Authority crossings. AET, when implemented, would benefit the Port District by reducing the stop-and-go congestion at toll plazas, with concurrent reductions in emissions and improved air quality.

On September 2, 2009 the Executive Director authorized the execution of a professional services agreement with PBS&J, at an initial funding level of $750,000. The agreement provides for, on an as-needed basis, program management services for deployment of a new toll collection system, with capability for AET, in the existing toll plazas. Authorizing the proposed agreement would continue the management services provided by PBS&J, with the term of the agreement ending on December 31, 2013, with three, one-year extension options, at a total cost of

$10.5 million, of which the remaining $9.75 million would be provided through this authorization.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Coscia, Grayson, Holmes, Pocino, Sartor, Silverman and Steiner voting in favor; none against:

RESOLVED, that a project for the final design and construction of a new toll collection system and audit system, with capability for cashless (All-electronic) tolling (AET), at an estimated project cost of $175 million, including payments to contractors, allowances for extra work (if necessary) and net cost work, engineering and planning, administrative and financial expenses, and a project contingency (if necessary), be and it hereby is authorized; and it is further

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to clarify the vehicle class structure under the Port Authority's Tolls Schedule in order to facilitate the automatic classification of vehicles that would be required for AET; and it is further

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to: (1) take action with respect to construction contracts and contracts for professional and advisory services related to the foregoing project as he deems in the best interest of the Port Authority, pursuant to authority granted in the By-Laws or other resolution adopted by the Board; and (2) execute an agreement with PBS&J, P.A., doing business as PBS&J Architecture and Engineering, for continued program management services, on an as-needed basis, for deployment of the new toll collection system, with a term through December 31, 2013, with three one-year extension options, at a total cost of $10.5 million, inclusive of a previously authorized expenditure; and it is further

RESOLVED, that the form of all contracts and agreements in connection with the foregoing shall be subject to the approval of General Counsel or his authorized representative.

JOHN F. KENNEDY INTERNATIONAL AIRPORT – BRITISH AIRWAYS, PLC – NEW LEASE AGREEMENT AYE-030

It was recommended that the Board authorize the Executive Director to enter into a one-year lease agreement with British Airways, Plc (British) for the letting of a portion of Cargo Building 66 at John F. Kennedy International Airport (JFK), consisting of approximately 240,000 square feet of space and the associated open area, for the operation of a cargo facility.

British has operated in Cargo Building 66 since 1964, and in 1984 invested in an expansion of the building. Since that time, demand for large-scale warehouse operations has declined and has been further impacted by the economic downturn. As a result, with the pending expiration of British's existing lease in December 2009, British began to seek subleasing opportunities at a smaller facility to accommodate its remaining cargo operations. As an alternative, Port Authority staff negotiated a new lease with British for a portion of Cargo Building 66 at JFK that met British's current operational needs.

The proposed lease agreement would commence as of January 1, 2010 and run for a one-year term. The Port Authority would receive a total aggregate rent of $1.9 million over the term of the agreement. The Port Authority and British each would have the right to terminate the lease agreement on 60 days' prior written notice, with respect to the office and bathroom portion of the leasehold that are located in the otherwise vacant cargo building space. During the one-year term, the Port Authority and British would negotiate a four-year agreement for the leasehold proposed under this lease with a third-party cargo handler selected by British to manage its cargo operations. If the Port Authority is unable to reach a four-year agreement with a cargo handler, or, in the alternative, with British or any another tenant for any term by December 31, 2010, British would be required to pay a one-time penalty of $1.56 million. In addition, under the proposed one-year lease, British would invest an estimated $70,000 in constructing new bathrooms within the leasehold premises, in order to facilitate the leasing of the remaining vacant space in Cargo Building 66.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Coscia, Grayson, Holmes, Pocino, Sartor, Silverman and Steiner voting in favor; none against:

> **RESOLVED**, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to enter into a one-year lease agreement with British Airways, Plc, for the letting of approximately 240,000 square feet of space at Cargo Building 66 at John F. Kennedy International Airport for the operation of a cargo facility, substantially in accordance with the terms and conditions outlined to the Board; and it is further
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> **RESOLVED**, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to enter into any other contracts and agreements necessary or appropriate in connection with the foregoing; and it is further
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> **RESOLVED**, that the form of all documents in connection with the foregoing shall be subject to the approval of General Counsel or his authorized representative.

STEWART INTERNATIONAL AIRPORT – AGREEMENT WITH THE NEW YORK STATE POLICE (NYSP) FOR LAW ENFORCEMENT SERVICES AND PROJECT AUTHORIZATION FOR REDEVELOPMENT OF THE NYSP CRIME LAB

It was recommended that the Board authorize: (1) the Executive Director to enter into an agreement with the New York State Police (NYSP) pursuant to which the NYSP would provide law enforcement services at Stewart International Airport (Airport) for a ten-year period; and (2) a project, in connection with the agreement with the NYSP, to develop and construct a new crime laboratory, together with associated infrastructure, for use at the Airport by the NYSP, at a total project cost of up to $10 million (inclusive of internal Port Authority costs). The agreement with the NYSP would commence April 1, 2010 and continue through March 31, 2020, subject to the right of either party to terminate the agreement without cause after five years, upon at least 180 days' prior notice.

Under the proposed agreement, the NYSP would provide law enforcement services on a 24-hours-per-day, seven-days-per-week basis at the Airport, in accordance with Transportation Security Administration and Federal Aviation Administration regulations. The NYSP would provide base-level staffing of one supervisor and ten troopers, which level may be increased during the term of the agreement by the NYSP, on prior notice to the Port Authority, and subject to good-faith discussions between the parties. In such event, the Port Authority would be responsible for the actual personnel costs of additional permanent staffing. The Port Authority also would be responsible for costs of additional staffing by the NYSP above the base level that may be required as a result of heightened security alerts, as well as certain incidental costs related to NYSP operations at the Airport.

The NYSP's services would be provided in exchange for the NYSP's use and occupancy, on a rent-free basis during the term of the proposed agreement, of a crime lab facility located at the Airport and certain office space at the passenger terminal. The NYSP would continue to use the existing crime lab facility located at the Airport, pending the Port Authority's development and construction, at its sole expense, of a new crime lab facility at the Airport, at a total project cost of up to $10 million (inclusive of internal Port Authority costs). The new crime lab would occupy approximately 16,000 to 18,000 square feet, located on approximately four acres within the Airport. The Port Authority would be responsible for general building maintenance for the structural components and building systems of the crime lab facility, as well as for landscaping and snow removal. The NYSP would be responsible for the costs of security, utilities, personal property and cleaning at the facility. The office space at the Airport terminal to be occupied by the NYSP would be sized to meet their operational requirements.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Coscia, Grayson, Holmes, Pocino, Sartor, Silverman and Steiner voting in favor; none against:

> **RESOLVED**, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to enter into an agreement with the New York State Police (NYSP) whereby the NYSP will provide law enforcement services at Stewart International Airport for a period of ten years, on a 24-hours-per-day, seven-days-per-week basis, in exchange for use and occupancy, on a rent-free basis, of office space at the passenger terminal and a crime lab facility located at the

Airport, including a new crime lab facility to be developed and constructed by the Port Authority, substantially in accordance with the terms and conditions outlined to the Board; and it is further

RESOLVED, that a project, in connection with the agreement with the NYSP, to develop and construct a new crime laboratory, together with associated infrastructure, for use at the Airport by the NYSP, at a total project cost of up to $10 million (inclusive of internal Port Authority costs), be and it hereby is authorized; and it is further

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to take action with respect to purchase and construction contracts, contracts for professional and advisory services and such other contracts and agreements as may be necessary to effectuate the foregoing project, pursuant to authority granted in the By-Laws or other resolution adopted by the Board; and it is further

RESOLVED, that the form of the foregoing agreements shall be subject to the approval of General Counsel or his authorized representative.

WORLD TRADE CENTER TRANSPORTATION HUB PROJECT – PATH HALL CONSTRUCTION – AWARD OF CONTRACT WTC-264.595

It was recommended that the Board authorize the Executive Director to: (1) award Contract WTC-264.595 to Skanska USA Civil Northeast, Inc./Granite Construction Northeast, Inc./Skanska USA Building, Inc., a Joint Venture, for the construction of the Port Authority Trans-Hudson (PATH) Hall, as part of the World Trade Center (WTC) Transportation Hub project, at an estimated cost of $596,557,500, inclusive of a ten-percent allowance for extra work; and (2) increase, by an estimated amount of $27 million, the compensation under the Port Authority's existing agreement with Downtown Design Partnership (DDP), a joint venture of AECOM and STV, Inc., for related architectural and engineering services and construction support services for this work.

The Port Authority's October 2008 report assessing the progress of construction at the WTC site, entitled, *The World Trade Center: A Roadmap Forward* (WTC Report), identified the construction of the PATH Hall as critical to the development of Greenwich Street and the timely delivery of the WTC Memorial Plaza on September 11, 2011. Design alternatives for the WTC Transportation Hub included a deck-over solution for the construction of the PATH Hall roof that will serve as the platform under the Memorial Plaza, which is necessary in order to accommodate certain schedules outlined in the WTC Report.

The scope of work for the PATH Hall contract includes, but is not limited to: all substructure, super-structure and building footprint construction for portions of the WTC Transportation Hub project located in the West Bathtub, including Platforms A, B, C, and D; installation of all architectural finishes, heating, ventilating and air conditioning (HVAC), smoke management and emergency ventilation systems, mechanical controls, plumbing, fire protection, and electrical and systems-related work (power, signals, way-finding systems, public address, telephone and communication). It is also necessary to increase the amount authorized under the existing agreement with DDP for related architectural and engineering services to support this work.

In September 2003, the Executive Director authorized an agreement with DDP to provide professional architectural and engineering services for the development of the WTC Transportation Hub Project for a five-year term, at an estimated amount of $60 million. From March 2006 through August 2009, the Board authorized increases to the existing DDP contract for construction support services to implement various components of the WTC Transportation Hub Project. Including the proposed increase, a total of $358 million will be authorized. Approximately $259 million has been expended to date.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Coscia, Grayson, Holmes, Pocino, Silverman and Steiner voting in favor; none against; Commissioner Sartor recused:

> **RESOLVED**, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to award Contract WTC-264.595 to Skanska USA Civil Northeast, Inc./Granite Construction Northeast, Inc./Skanska USA Building, Inc., a Joint Venture (Skanska), for the construction of the Port Authority Trans-Hudson Hall portion of the World Trade Center Transportation Hub project,

at an estimated cost of $596,557,500, inclusive of a ten-percent allowance for extra work, with such award contingent on Skanska's submission of a conflict of interest mitigation plan; and it is further

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to increase, by an estimated amount of $27 million, the compensation under the existing agreement with Downtown Design Partnership, a joint venture of AECOM and STV, Inc., for related architectural and engineering services and construction support services for the foregoing work; and it is further

RESOLVED, that the form of all contracts and agreements in connection with the foregoing shall be subject to the approval of General Counsel or his authorized representative.

DOWNTOWN RESTORATION PROGRAM – WORLD TRADE CENTER STREETS, UTILITIES AND RELATED INFRASTRUCTURE – PHASE I – UTILITIES AND INTERIM STREET AND SIDEWALK SURFACES – AWARD OF CONTRACT WTC-324.287

It was recommended that the Board authorize the Executive Director to award Contract WTC-324.287 to CAC Industries, Inc., for the installation of utilities, interim sidewalks and roadway surfaces at Fulton, Greenwich and Liberty Streets at the World Trade Center (WTC) site, as part of Phase I of the WTC Streets, Utilities and Related Infrastructure Program, at an estimated cost of $10,241,843, inclusive of an eight-percent allowance for extra work.

Under prior authorizations through 2006, the Board authorized up to $10 million in planning work for the preliminary design of the WTC Streets, Utilities and Related Infrastructure (Streets) Program. The overall WTC Streets Program would support the future development and restoration of streets and sidewalks within and at the perimeter of the WTC site, and would create several public open spaces (the Wedge of Light, Liberty Park, and Washington Place).

At its January 22, 2009 meeting, the Board authorized Phase I of the WTC Streets Program, which consists of the final design and installation of utilities, below-grade structures, and interim street and sidewalk surfaces at the WTC site, at an estimated total project cost of $55 million, including expert professional architectural and engineering services under an agreement with Downtown Streetscape Partners, at an estimated cost of $2.7 million.

Award of the Phase I construction contract for utilities and interim sidewalk and roadway surfaces at this time would support significant schedule milestones set forth in the Port Authority's October 2008 report assessing the progress of construction at the WTC site entitled, *The World Trade Center: A Roadmap Forward*, including certain elements of work in support of the Memorial Plaza opening on September 11, 2011, and the operational use of Greenwich Street. In addition, this contract would provide for utility connections required pursuant to the target dates set forth in the Master Development Agreement for services to commercial towers to be built by Silverstein Properties, Inc. in the East Bathtub. The utilities, both public and private, will serve all of the facilities within the WTC site. The interim sidewalks and roadways will allow for the movement and continued access to all facilities, both during construction and at the completed WTC site.

The scope of work under this contract would include: the installation of utilities, including storm drainage, water main, gas, and steam systems; backfilling, grading, and asphalt paving for the interim surfaces; and placement of planting soil, soil sub-drainage, and installation of a soil aeration system at Fulton, Greenwich and Liberty Streets at the WTC site.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Coscia, Grayson, Holmes, Pocino, Sartor, Silverman and Steiner voting in favor; none against:

> **RESOLVED**, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to award Contract WTC-324.287 to CAC Industries, Inc., for the installation of utilities, interim sidewalks and roadway surfaces at Fulton, Greenwich and Liberty Streets at the World Trade Center (WTC) site, as part of Phase I of the WTC Streets, Utilities and Related Infrastructure

Program, at an estimated cost of $10,241,843, inclusive of an eight-percent allowance for extra work; and it is further

RESOLVED, that the form of all contracts, agreements and documents in connection with the foregoing shall be subject to the approval of General Counsel or his authorized representative.

ONE WORLD TRADE CENTER – INCREASE IN EXTRA WORK ALLOWANCE FOR VARIOUS CONSTRUCTION TRADE CONTRACTS

It was recommended that the Board authorize 1 World Trade Center LLC to increase the authorized extra work allowances under seven existing construction trade contracts awarded for the construction of One World Trade Center (One WTC), by a total amount of $17 million, to allow for the continued construction of One WTC. All additional work would be within the authorized scope of the respective construction trade contracts. The proposed increases would be offset through reductions in the extra work allowances for other One WTC construction trade contracts in a commensurate amount.

In order to "fast track" construction and align the scope of the various bid packages with the New York City commercial building contracting market, the One WTC Project has been procured on a trade-by-trade basis, rather than through a single construction contract. Seventeen trade contracts were awarded prior to the completion of final design documents in October 2007, including those for foundations, above- and below-grade structural steel and concrete, below-grade mechanical/electrical/plumbing work, elevators and escalators and curtain wall.

The ongoing completion of design work has led to change orders to seven trade contracts that will require additional extra work in excess of the eight-percent extra work allowance for those trade contracts. In contrast, many of the other trade contracts have not required the use of authorized extra work funds. To date, 55 construction trade contracts have been authorized by the Board and awarded in total, with an aggregate extra work allowance of approximately $152.9 million. Because some of the trade contracts awarded will not require the full authorized extra work allowance(s), the proposed increase in extra work for the seven trade contracts would be offset by the unused extra work funds from other trade contracts.

The trade contracts for which the extra work allowance would be increased are as follows:

Contractor	Amount of Increase	Scope of Work
Cardoza Plumbing Corp.:	$1,500,000	Below-grade plumbing
Collavino Construction Co.:	$5,000,000	Concrete
DCM Erectors, Inc.:	$4,000,000	Above-grade structural steel
Five Star Electric Corp.:	$1,800,000	Below-grade electrical work
F.W. Sims, Inc.:	$2,300,000	Below-grade HVAC
Heritage Mechanical Services, Inc.:	$ 900,000	Below-grade ventilation
Rael Automatic Sprinkler Co. Inc.:	$1,500,000	Below-grade fire protection

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Coscia, Grayson, Holmes, Pocino, Silverman and Steiner voting in favor; none against; Commissioner Sartor recused:

RESOLVED, that 1 World Trade Center LLC be and it hereby is authorized to increase the amount of the extra work allowances under seven existing construction trade contracts awarded for the construction of One World Trade Center (One WTC), by a total amount of $17 million, to provide for the continued construction of One WTC, with all additional work to be within the authorized scope of the respective construction trade contracts, and with the amount of the increases to be offset through reductions in the extra work allowances for other One WTC construction trade contracts, as outlined to the Board; and it is further

RESOLVED, that the form of all documents in connection with the foregoing shall be subject to the approval of General Counsel or his authorized representative.

DOWNTOWN RESTORATION PROGRAM – AUTHORIZATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE NEW YORK CITY POLICE DEPARTMENT FOR TRAFFIC ENFORCEMENT AGENT SERVICES

It was recommended that the Board authorize the Executive Director to enter into a Memorandum of Understanding (MOU) with the New York City Police Department (NYPD) for the provision of Traffic Enforcement Agent (TEA) services to maintain the safe and efficient movement of vehicles along the World Trade Center (WTC) site perimeter for a six-year period, at an estimated cost not to exceed $6 million.

Pursuant to New York City Department of Transportation (NYCDOT) permits, the Port Authority is required to retain NYPD TEAs to mitigate the impact of construction on vehicular traffic on streets along the perimeter of the WTC site.

TEAs are civilian members of the NYPD with specialized training in traffic rules and regulations, intersection control and ticketing. Specific services include controlling intersections, clearing hazardous conditions from roadways, merging vehicles and facilitating an orderly flow of traffic. This MOU would provide for the same level of services as is currently in place, which includes one TEA stationed at each of the five intersections on Church Street adjacent to the WTC site, including intersections at Church Street and Vesey, Fulton, Dey, Cortlandt and Liberty Streets, or alternate intersections along the perimeter of the WTC site, as required by NYCDOT permits. In addition, there is one supervisor monitoring these activities.

TEA services are currently provided and paid for under Port Authority contract with Phoenix Constructors (Phoenix). A direct agreement with the NYPD for these services is requested at this time, because Phoenix's participation in the redevelopment of the WTC site has been substantially reduced.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Coscia, Grayson, Holmes, Pocino, Sartor, Silverman and Steiner voting in favor; none against:

> **RESOLVED,** that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to enter into a Memorandum of Understanding with the New York City Police Department for the provision of Traffic Enforcement Agent services at the World Trade Center site for a six-year period, at an estimated cost not to exceed $6 million; and it is further
>
> **RESOLVED**, that the form of the foregoing agreement shall be subject to the approval of General Counsel or his authorized representative.

WORLD TRADE CENTER (WTC) MEMORIAL, MEMORIAL MUSEUM AND WTC INFRASTRUCTURE PROJECTS – RATIFICATION OF INCREASE TO AN EXISTING TRADE CONTRACT FOR WEST BATHTUB FOUNDATIONS WORK, INCLUDING ASSOCIATED PAYMENTS INTO AN ESCROW ACCOUNT

It was recommended that the Board: (1) ratify an increase to the existing trade contract with E.E. Cruz & Company, Inc. (E.E. Cruz) for the performance of additional foundations work in the West Bathtub at the World Trade Center (WTC) site, in connection with the WTC Memorial, Memorial Museum and WTC Infrastructure Projects, in an amount of $3,395,215, resulting in a total authorized amount of approximately $44.3 million; and (2) authorize the Executive Director, on behalf of the Port Authority and its wholly owned entities, to make payments into an escrow account, in an amount of $1,937,588, for the Port Authority's portion of the additional West Bathtub foundations work, with the balance to be paid by the National September 11 Memorial and Museum at the World Trade Center Foundation, Inc. (NS11MM).

Pursuant to a July 2006 Project Agreement with the Lower Manhattan Development Corporation, the NS11MM, the City of New York and the State of New York, the Port Authority is to assume responsibility for construction of the WTC Memorial and Memorial Museum Projects.

In August 2006, the Port Authority accepted assignments of the NS11MM's construction management (CM) and construction contracts with Bovis Lend Lease LMB, Inc. (Bovis) and E.E. Cruz, respectively, to initiate construction of the WTC Memorial, Memorial Museum and WTC Infrastructure Projects. The E.E. Cruz trade contract provides for the installation of footings and foundations, and under-slab drainage throughout the West Bathtub of the WTC site, and was valued at $26 million at the time of assignment to the Port Authority. At the time of the assignment, Bovis was awarded $5 million for CM services associated with the work.

In February 2008, the Board authorized an increase of $15 million in the amount of the E.E. Cruz trade contract for additional foundations work in the West Bathtub, bringing the total contract value to $41 million. At that time, the Board also authorized an increase of $3 million in the amount of the Bovis CM contract for CM services related to the additional foundations work, bringing the amount of the Bovis CM contract related to the foundations work to a total of $8 million.

Out of the total amounts of the E.E. Cruz and Bovis contracts for the foundations work, to date, the Port Authority has paid $24 million to E.E. Cruz and $4 million to Bovis for foundations work that is the responsibility of the Port Authority.

As a result of the increase in the E.E. Cruz contract that is the subject of this authorization, the Port Authority's payments to E.E. Cruz will increase from $24 million to an estimated $25.9 million. The Port Authority's payments to Bovis will remain at an estimated $4 million. Approximately $313,000 of the proposed Port Authority payment is included in the $150 million commitment authorized by the Board in July 2006 for common and exclusive site infrastructure work associated with the WTC Memorial and Memorial Museum Projects. Including a companion item being advanced at this meeting, approximately $115.4 million has been allocated toward this commitment.

The increase in Port Authority payments will cover removal of additional soil, grading of the site to prepare for steel erection, and clearing of the site for access to Memorial and WTC Transportation Hub work, all of which is the responsibility of the Port Authority. The payments also will cover other work associated with logistics, added scope, and schedule mitigation to meet Memorial Project milestones, including the opening of the WTC Memorial Plaza on September 11, 2011.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Coscia, Grayson, Holmes, Pocino, Sartor, Silverman and Steiner voting in favor; none against:

RESOLVED, that: (1) an increase to the Port Authority's existing trade contract with E.E. Cruz & Company, Inc. for the performance of additional foundations work in the West Bathtub at the World Trade Center (WTC) site, in connection with the WTC Memorial, Memorial Museum and WTC Infrastructure Projects, in an amount of $3,395,215, resulting in a total authorized amount of approximately $44.3 million, be and it hereby is ratified; and (2) the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority and its wholly owned entities, to make payments into an escrow account, in an amount of $1,937,588, for the Port Authority's portion of the additional West Bathtub foundations work, with the balance to be paid by the National September 11 Memorial and Museum at the World Trade Center Foundation, Inc.; and it is further

RESOLVED, that the form of all contracts and agreements necessary to effectuate the foregoing shall be subject to the approval of General Counsel or his authorized representative.

WORLD TRADE CENTER (WTC) MEMORIAL, MEMORIAL MUSEUM AND WTC INFRASTRUCTURE PROJECTS – AUTHORIZATION TO ACCEPT ASSIGNMENT OF A TRADE CONTRACT FOR THE WTC MEMORIAL MUSEUM PAVILION HEATING, VENTILATING AND AIR CONDITIONING SYSTEM, INCLUDING ASSOCIATED PAYMENTS INTO AN ESCROW ACCOUNT

It was recommended that the Board authorize the Executive Director to: (1) accept assignment of a construction trade contract awarded by the National September 11 Memorial and Museum at the World Trade Center Foundation, Inc. (NS11MM) to PJ Mechanical Corporation for the furnishing and installation of a complete heating, ventilating and air conditioning (HVAC) system for the World Trade Center (WTC) Memorial Museum Pavilion servicing the WTC Memorial, Memorial Museum and WTC Infrastructure Projects, in an estimated amount of $5,616,000, including an eight-percent contingency; (2) accept a partial assignment of the contract with Bovis Lend Lease LMB, Inc. (Bovis) for performance of construction management (CM) services associated with the WTC Memorial Museum Pavilion HVAC system trade contract, at an estimated cost of $517,088; and (3) on behalf of the Port Authority and its wholly owned entities, make payments into an escrow account, in an amount of $333,420, for the Port Authority's portion of the costs associated with the WTC Memorial Museum Pavilion HVAC contract and the Bovis CM contract.

Pursuant to a July 2006 Project Agreement with the Lower Manhattan Development Corporation, the NS11MM, the City of New York and the State of New York, the Port Authority is to assume responsibility for construction of the WTC Memorial and the Memorial Museum Projects.

In December 2006, the Board authorized the Executive Director to finalize agreements with the NS11MM providing for the Port Authority to accept a full assignment of the Bovis CM contract and manage all construction work for the WTC Memorial and Memorial Museum Projects. In anticipation of the full assignment of the Bovis CM contract, the NS11MM has proceeded with procurement of the HVAC system trade contract, which is an essential component of the critical path schedule for the WTC Memorial and Memorial Museum Projects.

The NS11MM will award the WTC Memorial Museum Pavilion HVAC system trade contract to PJ Mechanical Corporation, the lowest qualified bidder, selected from among multiple competitive bids based on a list of select bidders established in the Bovis CM contract. The scope of work for the contract includes the furnishing and installation of a complete HVAC system for the WTC Memorial Museum Pavilion.

Approximately $112,634 of the proposed Port Authority payment is included in the $150 million commitment authorized by the Board in July 2006 for common and exclusive site infrastructure work associated with the WTC Memorial and Memorial Museum Projects.

An escrow account was jointly established and initially funded by the NS11MM to provide for payments to contractors and Bovis. The Port Authority previously has agreed to make payments into the escrow account of $222.8 million, and the proposed authorization would bring total anticipated Port Authority payments to approximately $225.1 million (including a payment pursuant to a companion item), of which approximately $115.4 million has been

allocated against the Port Authority's commitment to the WTC Memorial and Memorial Museum Projects.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Coscia, Grayson, Holmes, Pocino, Silverman and Steiner voting in favor; none against; Commissioner Sartor recused:

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to: (1) accept assignment of a construction trade contract awarded by the National September 11 Memorial and Museum at the World Trade Center Foundation, Inc. to PJ Mechanical Corporation for the furnishing and installation of a complete heating, ventilating and air conditioning (HVAC) system for the World Trade Center (WTC) Memorial Museum Pavilion servicing the WTC Memorial, Memorial Museum and WTC Infrastructure Projects, in an estimated amount of $5,616,000, including an eight-percent contingency; and (2) accept a partial assignment of the contract with Bovis Lend Lease LMB, Inc. (Bovis) for performance of construction management services associated with the HVAC system trade contract, in an estimated amount of $517,088; and it is further

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority and its wholly owned entities, to pay $333,420 into an escrow account for the Port Authority's portion of the costs associated with the HVAC system trade contract and the Bovis construction management contract for the aforementioned projects; and it is further

RESOLVED, that the form of all contracts and agreements necessary to effectuate the foregoing shall be subject to the approval of General Counsel or his authorized representative.

NEW YORK CONSTRUCTION PRE-APPRENTICESHIP TRAINING PROGRAM – PARTICIPATION AGREEMENTS

It was recommended that the Board authorize the Executive Director to enter into: (1) an agreement to extend the Port Authority's participation in The Edward J. Malloy Initiative for Construction Skills (Construction Skills, formerly known as Construction Skills 2000) with the Building and Construction Trades Council of Greater New York (BCTC), the Building Trades Employers Association of New York City (BTEA), the Department of Education of the City of New York and Construction Skills, Inc., a non-profit corporation of the State of New York, for a three-year period; and (2) an agreement with Construction Skills, Inc. for the Port Authority to contribute up to $100,000 per year for a period of three years in connection with the Construction Skills program.

Since 1995, the Port Authority has participated in the development of pre-apprenticeship programs in both New York and New Jersey. Construction Skills was established by the BCTC and BTEA to address training and employment issues for the future workforce of New York City's building and construction industry. Construction Skills, Inc. administers a preparatory training course for high school students in their senior year, under which, if they complete the course successfully and receive their diploma, participating students receive preferred access to apprenticeship programs in the building and construction industry. Since its inception in 2001, Construction Skills, Inc. has placed 1,110 of its participants into BCTC affiliate apprenticeship programs. Eighty percent of those placed have remained active apprentices and journeypersons. The program reaches out to a diverse population of students from the five boroughs of New York City.

Construction Skills, Inc. also arranges summer construction internships with private firms and public agencies for the high school seniors and coordinates their placement into participating apprenticeship programs. As participants in the Construction Skills program, various unions have agreed to reserve a percentage of openings in each of their apprenticeship programs for Construction Skills graduates.

The Port Authority's continued participation in Construction Skills would achieve several important workforce objectives, including: expanding the pool of minority and female apprenticeships from which Port Authority contractors may draw to help them attain Port Authority contractual workforce goals; increasing the availability of skilled construction apprenticeship positions in future years for graduates of New York City high schools; and supporting a program that is designed to make institutional changes in the way the skilled trades select candidates for their apprenticeship programs.

Pursuant to the agreement, the Port Authority would continue its policy of requiring that its contractors and subcontractors working on New York construction projects with a cost in excess of $1 million participate in an apprenticeship program registered with the New York State Department of Labor.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Coscia, Grayson, Holmes, Sartor, Silverman and Steiner voting in favor; none against; Commissioner Pocino recused:

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to: (1) enter into an agreement to extend the Port Authority's participation in The Edward J. Malloy Initiative for Construction Skills (Construction Skills, formerly known as Construction Skills 2000) with the Building and Construction Trades Council of Greater New York, the Building Trades Employers Association of New York City, the Department of Education of the City of New York and Construction Skills, Inc., a non-profit corporation of the State of New York, for a three-year period; and (2) enter into an agreement with Construction Skills, Inc. for the Port Authority to contribute up to $100,000 per year for a period of three years in connection with the Construction Skills program; and it is further

RESOLVED, that the form of all agreements in connection with the foregoing shall be subject to the approval of General Counsel or his authorized representative.

NEW JERSEY CONSTRUCTION PRE-APPRENTICESHIP TRAINING PROGRAMS – PARTICIPATION AGREEMENTS

It was recommended that the Board authorize the Executive Director to: (1) enter into agreements with the New Jersey Institute for Social Justice (NJISJ) and the Construction Industry Advancement Program of New Jersey (CIAP) to extend the term of the Port Authority's participation in their pre-apprenticeship training programs, at a total combined cost of $150,000 per year ($100,000 and $50,000, respectively) for a three-year period; and (2) enter into a Memorandum of Understanding (MOU) with the NJISJ, CIAP, the New Jersey State Building and Construction Trades Council (BCTC) and the Building Contractors Association of New Jersey (BCA) to participate in a new initiative, Construction Careers, which will provide pre-apprenticeship program graduates with a systematic pathway into union-sponsored skilled trade apprenticeship positions.

Since 1995, the Port Authority has participated in the development of pre-apprenticeship programs in both New York and New Jersey. In February 2001, the Executive Director entered into agreements with the NJISJ and the CIAP to develop pilot workforce programs designed to recruit New Jersey residents, including minorities and women, for construction industry apprenticeship opportunities. As a result, the Newark/Essex Construction Careers Consortium (N/ECCC) and New Jersey Pathways (NJP) programs were established.

N/ECCC, administered by NJISJ, is a formal collaboration involving: the City of Newark Public Schools, six other school districts throughout Essex County, the Essex County Building and Construction Trades Council, the BCA, and the New Jersey Department of Labor and Workforce Development, in addition to other community-based organizations. NJP, administered by CIAP, is designed to expose students from Passaic, Bergen and Union Counties and City of Elizabeth vocational and technical high schools to opportunities in the skilled trades. Participating unions include the Construction and General Laborers, the International Union of Operating Engineers, the District Council of New Jersey Ironworkers and the Central New Jersey Regional Council of Carpenters.

Both programs, which run six to eight weeks, provide skilled trade-specific training, including classroom and on-the-job instruction, job placement and follow-up services. Since 2001, approximately 700 program graduates have been successfully placed in union apprenticeship positions.

Pursuant to the terms of the MOU establishing the Construction Careers initiative, unions affiliated with the BCTC and contractors and subcontractors associated with the BCA would reserve a percentage of openings in each of their apprenticeship classes for N/ECCC and NJP program graduates. As part of the MOU, the Port Authority would require that its contractors and subcontractors working on New Jersey construction projects with a cost in excess of $1 million participate in an apprenticeship program registered with the U.S. Department of Labor. (The Port Authority already includes a similar provision in its New York contracts.)

These initiatives would address several important minority and women workforce objectives, including: increasing the availability of skilled construction apprenticeship positions in future years for New Jersey residents; increasing the pool of minority and female apprentices from which contractors and public agencies can draw in order to meet minority and women

workforce goals; and supporting a program that is designed to make institutional changes in the way the skilled trades select people for their apprenticeship programs.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Coscia, Grayson, Holmes, Sartor, Silverman and Steiner voting in favor; none against; Commissioner Pocino recused:

> **RESOLVED**, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to: (1) enter into agreements with the New Jersey Institute for Social Justice (NJISJ) and the Construction Industry Advancement Program of New Jersey (CIAP) to extend the term of the Port Authority's participation in their pre-apprenticeship training programs, at a total combined cost of $150,000 per year ($100,000 and $50,000, respectively) for a three-year period; and (2) enter into a Memorandum of Understanding with the NJISJ, CIAP, the New Jersey State Building and Construction Trades Council and the Building Contractors Association of New Jersey to participate in a new initiative, Construction Careers, which will provide pre-apprenticeship program graduates with a systematic pathway into union-sponsored skilled trade apprenticeship positions; and it is further
>
> **RESOLVED**, that the form of all agreements in connection with the foregoing shall be subject to the approval of General Counsel or his authorized representative.

PORT AUTHORITY BICYCLE POLICY

Bicycling is a rapidly growing mode of transportation in the New York-New Jersey region and throughout many of the nation's metropolitan areas. Since 2000, bicycle commuting has almost tripled in New York City, and it is expected to double again by 2015.

Federal, state and local policies increasingly support cycling as transportation. Federal law requires consideration of non-motorized users during planning, development, and construction of transportation projects that receive federal aid. The Federal Highway Administration expects transportation agencies to accommodate bicycling and pedestrian use as a routine part of their planning, design, construction, operations and maintenance activities.

The region's metropolitan transportation planning organizations, including the North Jersey Transportation Planning Authority, Inc. and the New York Metropolitan Transportation Council, have initiated plans for improving and increasing regional bicycle infrastructure. The region's public transportation providers, including New York State's Metropolitan Transportation Authority, New Jersey Transit Corporation (NJT), the New York State Department of Transportation and the New Jersey Department of Transportation, all have developed bicycle plans and added new bicycle facilities. The New York City Department of Transportation plans to add hundreds of new lane miles for bicycles on New York City streets by 2030, which will increasingly affect Port Authority facilities. Recent local legislation requires secure indoor bicycle parking in both new and existing commercial and residential buildings in New York City. Jersey City's recent Master Plan includes the goal of a city-wide bicycle-friendly environment by 2050, and assumes Port Authority and NJT collaboration in providing bicycle access and storage.

Port Authority facilities currently provide some accommodations for bicycle users, such as bicycle access for the George Washington and Bayonne Bridges, off-peak access to the Port Authority Trans-Hudson rail system, and some bicycle routes and racks at other facilities. A formal Port Authority bicycle policy would provide staff with additional guidance and support as they respond to the growing presence of bicycles as a mode of travel within the overall regional transportation system.

Accordingly, it was recommended that the Board adopt the following policy statement: "In keeping with its mission to meet the critical transportation needs of the bi-state region, the Port Authority supports bicycling as an important and sustainable mode of travel. The Port Authority seeks to provide its customers, tenants, visitors and employees with safe and convenient bicycle access and secure bicycle parking at its facilities, wherever operationally and financially feasible."

The Executive Director may, consistent with the policy, need to take the following steps to advance this policy:

- Integrating improved bicycle access, safe bicycle lanes, and secure bicycle parking and storage into existing Port Authority buildings, roadways and other facilities owned or operated by the Port Authority.
- Ensuring that design guidelines for new construction and major renovations include sufficient bicycle access, storage, and related amenities to meet emerging demand.
- Developing multi-modal transit hubs that encourage biking and walking.
- Removing any unnecessary restrictions on bicycle access, and promoting the safe co-existence of motor vehicles, bicycles and pedestrians at Port Authority facilities.
- Encouraging tenants to expand bicycle access and accommodation.
- Coordinating bicycle facility improvements and inter-modal connections with regional planning organizations, other regional transportation providers, and local governments.

Initial steps should incur minimal incremental costs, which can be absorbed by existing operations and maintenance budgets. Costs of accommodating bicycle travel when expanding, upgrading, or constructing major new surface transportation facilities are to be included in specific project plans and in future budgets. To the extent that any of these actions requires significant additional investment, the Executive Director may seek further Board consideration and authorization.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Coscia, Grayson, Holmes, Pocino, Sartor, Silverman and Steiner voting in favor; none against:

RESOLVED, that the following statement is adopted as Port Authority policy: "In keeping with its mission to meet the critical transportation needs of the bi-state region, the Port Authority supports bicycling as an important and sustainable mode of travel. The Port Authority seeks to provide its customers, tenants, visitors and employees with safe and convenient bicycle access and secure bicycle parking at its facilities, wherever operationally and financially feasible."; and it is further

RESOLVED, that the Executive Director be and he hereby is authorized to take steps, consistent with the Port Authority's By-Laws and Budgets adopted by the Board, to effectuate this policy; and it is further

RESOLVED, that the form of any documents generated pursuant to this resolution shall be subject to the approval of General Counsel or his authorized representative.

CONFIDENTIAL ITEM

The Board authorized a claim settlement relating to the 1993 World Trade Center bombing that shall remain confidential pursuant to the terms of the settlement agreement.

Whereupon, the meeting was adjourned.

_____
Secretary