

Information:

First Name: Brian  
Last Name: Murphy  
Company: TPM Media LLC  
Mailing Address 1: 37 West 20th Street  
Mailing Address 2: No. 702  
City: New York  
State: NY  
Zip Code: 10011  
Email Address: [brian@talkingpointsmemo.com](mailto:brian@talkingpointsmemo.com)  
Phone: 646-360-0276  
Required copies of the records: No

List of specific record(s):

I am requesting copies of electronic and printed correspondence, notes, memoranda exchanged between Scott Rechler and David Garten in and around December 2013 regarding an informal internal investigation of Bill Baroni, David Wildstein and others. Under this request I am specifically seeking a full copy of a message sent from Garten to Rechler suggesting that Executive Director Patrick Foye draft separate memoranda from his work and home computers. This message is referenced in USA vs. Baroni, Jr., et al, Case 2:15-cr-00193-SDW Document 43-1 Page 20.

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY  
PUBLIC RECORD ACCESS FORM

Action by (print / type name):

Danny Ng

, Freedom of Information Administrator

Signature:



Date:

06/02/2016

On behalf of the Secretary of the Port Authority, as Records Access Officer and Custodian of Government Records of the Port Authority.

- The requested records are being made available.
- Any responsive records that may exist are currently in storage or archived, and a diligent search is being conducted. The Port Authority will respond by:
- A diligent search has been conducted, and no records responsive to your request have been located.
- The requested records that have been located are not being made available, as they are exempt from disclosure for the following specific reasons:

- Some requested records that have been located are being made available. The remainder are exempt from disclosure for the following specific reasons:

Privacy

- The request does not reasonably describe or identify specific records; therefore, the Port Authority is unable to search for and locate responsive records. Please consider submitting a new request that describes or identifies the specific records requested with particularity and detail.

- Other:

The documents responsive to your request have already been publicly released under FOI 16556, which can be accessed at <http://corpinfo.panynj.gov/documents/16556-O>. For ease in viewing the subset of responsive documents to your specific request, please click the following link <http://corpinfo.panynj.gov/documents/16464-O/>.

This form is promulgated by the Port Authority pursuant to the Port Authority Public Records Access Policy and is intended to be construed consistent with the New York Freedom of Information Law and the New Jersey Open Public Records Act. It is intended to facilitate requests for Port Authority public records and does not constitute legal advice.

**Rechler, Scott**

---

**From:** Rechler, Scott  
**Sent:** Tuesday, October 22, 2013 10:16 PM  
**To:** David Garten  
**Subject:** Re: FL update

I spoke to Pat this evening and gave him my thoughts on the memo as we discussed earlier. He seemed to agree with same. I am going to call HG tomorrow to make sure he is on the same page (Pat said he didn't speak to HG about the memo yet).

Speak to you tomorrow.

Scott

Scott Rechler  
CEO and Chairman  
RXR Realty

On Oct 22, 2013, at 8:35 PM, "David Garten" <> wrote:

Just following up on this. I spoke with John. He said they had their last interview yesterday and that was with Peter Zipf. John said that the plan was to write a memo to file. John gets very quiet when I talk to him about it like he's withholding something.

I also spoke to Pat. My goal with Pat on this has been that we don't have to do anything to fan the flames and tease him with the idea that other people may pick up on it in an effort to keep him from taking any initiative on his own. For example, I mentioned to Pat that the Senate Commerce Committee is aware of FL and they may write a letter or something (they won't). Or that Ted Mann may write another story given that he hasn't written on DW being in Fort Lee yet. But the point is that we need to continue to be smart and let it play it out without fanning the flames.

I don't know if you've had a chance to talk to Pat yet, but if he's so focused on documenting everything then how about the following - he types a detailed memo that he produces on his home computer, gives a hard copy to the 2nd floor to keep and use, and then type up a general memo for his files at the PA. That way we have a thorough documented account, it's in the 2nd floor's hands, which could build good will between Pat and the Governor, and then a general memo at the PA in case we get subpoenaed.

On a side note, Pat said he would look at the 21st Century Airports piece tonight and get me comments.

On Tue, Oct 22, 2013 at 10:44 AM, David Garten <> wrote:  
Pat said he spoke to HG. The 2nd floor will not be calling Loretta Weinberg back. Pat said the 2nd floor wants sit back, continue to have no rule, and let it play out however it plays out. Pat also said that his review is pretty much done and he isn't conducting anymore staff interviews.

## **Rechler, Scott**

---

**From:** David Garten  
**Sent:** Tuesday, December 17, 2013 9:43 PM  
**To:** Rechler, Scott  
**Subject:** Subpoenaed Document Review

I went through Baroni's emails as well as some of the emails that I have. I should get Wildstein's emails tomorrow, as well as other materials. But below are a few things that caught my eye from Baroni's emails and some of my emails:

### **Exchange with me, you, Pat, Lisa and John**

**Red Flag:** On the exchange where you emailed the following to me, Pat, Lisa, and John, "Good outcome. Now I can go to temple with a clean conscious!". This was in response to Pat's email stating that the lanes are open and that media will issue the statement about a study on traffic safety patterns.

**Why it shouldn't be a problem:** Earlier in the day you emailed the following to Patrick, Cedric, Durando, Baroni, Dunne, Samson, and Darrell: This is terribly disturbing and incomprehensible to me. How can a decision like this be made without it being discussed and considered at the highest level? I am particularly disturbed that this was occurring without regard to this being the Jewish high holiday weekend. Pat, please let us know what happened.

### **Email between you and Baroni**

Bill forwards the media statement to just you. He includes in the statement, "Mr. Vice Chairman, Pat and I discussed and he was okay with the below statement." You responded with, "I am glad. Thanks for the follow."

### **Email between me and Baroni**

Bill forwards the media statement to just me.

### **Back and forth email exchange between you and Samson as to whether Pat leaked his email to the WSJ**

9/18/13 at 5:54am: David - you know I am not naive to these issues but in this instance I don't agree with your assessment of Pat's involvement. Perhaps you or Bill have some different intelligence than mine that will change that view. Ted Mann is a good reporter and was instructed to sniff out this story by his editors who were stuck in traffic. Pat's initial email is out there and sent because of our belief that the PA staff was running amuck (due to our lack of any other knowledge) and likely led to the reference in the article. Let's not escalate this unless there is clear evidence that he truly spoke to the WSJ.

**Pat deferring to Bill in several emails to the press shop on statements to the press or whether any response should be given on GWB inquiries**

When reading these emails, it can seem odd that Pat as the ED defers to Bill on the PA's public statements on such a major issue.

### **Big Red Flag - Potential Smoking Gun**

In addition to intimidating Durando and Cedric (and taking websites out on me, you and Pat), Wildstein may have bullied Baroni as well. On September 9th, Baroni's office received an urgent phone call from the Mayor of Fort Lee. The email message to Baroni from his assistant stated this in the subject line: Re: Phone Call: Mayor Sokolich 201-224-4000 re: urgent matter of public safety in Fort Lee.

Baroni forward this email to Wildstein. Wildstein replied from his personal account to Baroni simply with: radio silence

## **Rechler, Scott**

---

**From:** Rechler, Scott  
**Sent:** Tuesday, December 17, 2013 10:03 PM  
**To:** 'David Garten'  
**Subject:** RE: Subpoenaed Document Review

Thanks ... this is helpful.

**From:** David Garten  
**Sent:** Tuesday, December 17, 2013 9:43 PM  
**To:** Rechler, Scott  
**Subject:** Subpoenaed Document Review

I went through Baroni's emails as well as some of the emails that I have. I should get Wildstein's emails tomorrow, as well as other materials. But below are a few things that caught my eye from Baroni's emails and some of my emails:

**Exchange with me, you, Pat, Lisa and John**

**Red Flag:** On the exchange where you emailed the following to me, Pat, Lisa, and John, "Good outcome. Now I can go to temple with a clean conscious!". This was in response to Pat's email stating that the lanes are open and that media will issue the statement about a study on traffic safety patterns.

**Why it shouldn't be a problem:** Earlier in the day you emailed the following to Patrick, Cedric, Durando, Baroni, Dunne, Samson, and Darrell: This is terribly disturbing and incomprehensible to me. How can a decision like this be made without it being discussed and considered at the highest level? I am particularly disturbed that this was occurring without regard to this being the Jewish high holiday weekend. Pat, please let us know what happened.

**Email between you and Baroni**

Bill forwards the media statement to just you. He includes in the statement, "Mr. Vice Chairman, Pat and I discussed and he was okay with the below statement." You responded with, "I am glad. Thanks for the follow."

**Email between me and Baroni**

Bill forwards the media statement to just me.

**Back and forth email exchange between you and Samson as to whether Pat leaked his email to the WSJ**

9/18/13 at 5:54am: David - you know I am not naive to these issues but in this instance I don't agree with your assessment of Pat's involvement. Perhaps you or Bill have some different intelligence than mine that will change that view. Ted Mann is a good reporter and was instructed to sniff out this story by his editors who were stuck in traffic. Pat's initial email is out there and sent because of our belief that the PA staff was running amuck (due to our lack of any other knowledge) and likely led to the reference in the article. Let's not escalate this unless there is clear evidence that he truly spoke to the WSJ.

**Pat deferring to Bill in several emails to the press shop on statements to the press or whether any response should be given on GWB inquiries**

When reading these emails, it can seem odd that Pat as the ED defers to Bill on the PA's public statements on such a major issue.

**Big Red Flag - Potential Smoking Gun**

In addition to intimidating Durando and Cedric (and taking websites out on me, you and Pat), Wildstein may have bullied Baroni as well. On September 9th, Baroni's office received an urgent phone call from the Mayor of Fort Lee. The email message to Baroni from his assistant stated this in the subject line: Re: Phone Call: Mayor Sokolich 201-224-4000 re: urgent matter of public safety in Fort Lee.

Baroni forward this email to Wildstein. Wildstein replied from his personal account to Baroni simply with: radio silence

## **Rechler, Scott**

---

**From:** David Garten  
**Sent:** Wednesday, December 18, 2013 4:58 PM  
**To:** Rechler, Scott  
**Subject:** Re: Was there a study?

In a series of emails between the Engineering Department, TBT and David Wildstein, there is a paper trail where that was some effort to give the impression that a traffic study was being conducted. Again, this would be from the understanding that this was a traffic study only in the way that Wildstein would define a traffic study.

One other take way, Baroni testified that there was a "failure to communicate". As you know, it's more than a failure to communicate, they specifically told career staff not to tell anyone and they purposely did not respond to any inquiries during the "test" (Wildstein's instructions to Baroni to be "radio silent" on the Mayor's call).

I only have hard copies of these emails, but I scan some of these items and email them to you if you'd like.

### **Timeline**

August 28th - there is a series of emails within the Engineering Department on the placement of cones in an effort to decrease the number of lanes from Fort Lee to the GWB.

August 29th - staff from the Engineering Department emailed Peter Zipf and David Wildstein four scenarios for the Fort Lee toll lanes;

- Traffic moving freely with no cones diverting traffic
- Cones in use to segregate Fort Lee traffic from the mainline traffic (how it's currently used)
- Decreasing the 3 lanes to 2 lanes
- Decreasing the 3 lanes to 1 lane

September 6th - Peter Zipf emails his department to say that he was advised that Wildstein wanted to go with Scenario 4, which is to decrease the 3 lanes to 1 lane.

September 6th - there is a series of emails between the Engineering Department and TBT about measuring the traffic impacts and instructing to take "daily summaries". There is a series of emails within the Engineering Department about measuring the traffic impact, noting that they can measure the traffic in a similar manner to what they did on the "orthotropic deck replacement, and one email noting that the difficulties of measuring traffic in Fort Lee due to a lack of travel time readers on local streets. They develop contingencies to measure the traffic in Fort Lee.

September 8 - Wildstein emailed Durando to say that he will be at the bridge early Monday to view the lane test. Durando tells Wildstein that the signs are being covered and that the PAPD are aware and will control traffic. He also brought on an extra toll collector for the first day of the lane closures.

September 9th - (the first day of the closures), Durando provides summaries of the traffic and the complaints received. Durando sends summaries every day throughout the "test". Engineering also conduct daily assessments of traffic patterns and travel times each day, but makes note that due to an incident on the Cross Bronx Expressway on Monday, they can't take an accurate measure of the traffic patterns.

Both TBT and Engineering conduct daily analysis of traffic numbers and patterns throughout the week. This analysis is emailed to the different parties involved.

September 11th - engineering sends around an analysis that demonstrates reduced travel times on the main line. However, they note that congestion has severely increased in Fort Lee. Engineering also provides analysis in a series of line graphs comparing travel times for that week and a typical day.

September 12 - TBT develops a powerpoint presentation entitled, "Reallocation of Toll Lanes at the GWB - An EARLY assessment of the benefits of the trial." The conclusion page of the presentation is left blank.

September 24 - Wildstein received a break down of EZ-Pass holders crossing the GWB.

On Wed, Dec 18, 2013 at 10:19 AM, David Garten  
Hey Scott -

wrote:

I did some digging on what sort of prep work occurred before they shut down the toll lanes and it really comes down to whose definitely of a "traffic study". In the twisted mind of David Wildstein, he did in fact conduct a traffic study. He spoke with engineering and TBT. They conducted analysis on where the cones should be places and how to manage traffic on the bridge. David Wildstein's actions broke every agency protocol, but in his mind he was conducting a traffic study. He bullied, intimidated and lied to all the people involved in the study, perhaps even Baroni. But he did in fact conduct his own study.

So Baroni was somewhat correct in his testimony - they failed to communicate, but they did in fact conduct their own twisted version of a "traffic study". They actually purposefully refused to communicate and Wildstein instructed Baroni to be radio silent when the mayor of fort lee called about an urgent matter of public safety.

One problem is that Christie keeps saying that Fort Lee shouldn't have their own toll lanes. He could have ended this by saying, "These are the actions of two rogue employees who are no longer at the PA and it will never happen again."

Assuming none of the emails show any linkage to Christie, they could very well tell this story - this was the action of a rogue employee.

## **Rechler, Scott**

---

**From:** David Garten  
**Sent:** Wednesday, December 18, 2013 9:28 PM  
**To:** Rechler, Scott  
**Subject:** Document review

I went through another round of documents that will be handed over to the committee. The documents consisted of emails from Pat, Wildstein, Cedric, Durando, and Licorish (the PAPD officer at the GWB). No major departure from what we already know in regards as to whether this was a study. Those involved referred to the study as the "Toll Lane 24 Test". But there are problematic emails from PAPD officers, Commissioner Schuber, and a curious exchange between Philippe and Wildstein.

I wanted to let you know that I have not shared any of this info with Pat.

### **Pat's emails to the 2nd floor - not particularly problematic, mainly informing**

Pat forwards the email you sent on September 13th that includes your statement about this being "terribly disturbing" with Pat's original 7:44am email included to HG.

Pat forwarded a letter from NJ Senator Codey calling for an IG investigation to HG, Vlasto, Melissa DeRosa.

Pat forwarded an email to HG and Matt Wing. It's a request inquiring about NY's silence on the Fort Lee issue. HG responds with, "Wasn't this in new jersey?"

### **Exchange between Wildstein and Durando - September 13**

Durando forwarded to Wildstein an email from Pat requesting that Durando call him. Durando tells him that Pat wants to know why he wasn't told of the toll lane closure. Wildstein responds and says, "*His staff knows, but bb will to him.*"

### **Durando email to Cedric on September 9th**

Durando tells Cedric that he's supposed to talk to Wildstein later that day. He notes that TBT is working on "comparative look at traffic numbers" (another indication of a "study"). Durando says that he was advised by the Fort Lee Police Chief that he would be calling Baroni about the lane closures and that specifically traffic conditions requiring FL officers to remain out on corners managing traffic instead of attending to public safety issues. The Chief apparently expressed concern about emergency response vehicles being able to respond.

### **Durando email from his staff on September 9th**

*This email will be explosive in a hearing: I just got another call from a patron ... she says that the Port Authority "doesn't care about their customers and they are playing God with people's jobs". Her husband was 40 minutes late to a job that he just got after being out of work for over a year. She said a lot of other things, but I will spare you her rant!*

**Durando email to Cedric Fulton on September 8th, the day before the study began**

Durando appears to have made an attempt to walk Wildstein back, but fails. Durando says, *"Took a shot. He didn't bite."*

**PAPD Emails - incredibly disturbing for a number of reasons - they appear to know that this will be a public safety issue, but chose to ignore it; they appear to keep the company line of not communicating; senior PAPD officers (Koumoutsos) are aware of the toll lane closures and they did not inform the CSO or his Deputy.**

September 6 - Licorish informs his higher ups that Durando was instructed by Wildstein to change traffic patters. His email notes that the new traffic pattern "could impact the volume of traffic from the local streets." His email notes that Wildstein is scheduled to visit the GWB on September 9.

Emails stating that the traffic pattern will continue during the week. Gloria Frank who is senior to Licorish tells Licorish to inform the Ft. Lee Inspector that the traffic pattern will remain in place per her.

Emails stating that the new traffic pattern will affect normal rush hour operation and that concerns were made to "no avail locally".

**Multiple Emails from Durando and Tina Lado (NJ Director of Government Affairs) Highlighting Concerns**

One potentially explosive email came from Tina Lado to Baronl, Wildstein and Cedric on September 9, 2013 at 11:24am:

*Wanted you both have a heads up--Peggy Thomas, Borough Administrator, called me regarding the increased volume and congestion of AM rush traffic throughout the Borough as a result of the GWB toll lanes adjustment that occurred.*

*She mentioned that there were 2 incidents that Ft Lee PD and EMS had difficulty responding to; a missing child (later found) and a cardiac arrest.*

*She stated additionally that the Borough and PD had no advance notice of the planned change. Also, Bill the Mayor had placed calls to your office.*

### **Schuber Emails**

*Wildstein sent Schuber a draft letter for Schuber to send to Loretta Weinberg. The draft stated: Thank you for your letter regarding the recent traffic study performed at the George Washington Bridge. Generally, a modification of operations at one of the Port Authority's Tunnels Bridges and Terminals facilities, like the George Washington Bridge, is not something that would be presented before the Board of Commissioners. However, I will ask that our Port Authority Police Department in the future notify and work more closely with local law enforcement entities when there is a significant change in operations at our facilities. Thank you again for your concern.*

*Schuber responded to Wildstein with this: Hi David, Hold the letter til you hear from me. I called her today, so I am not sure I need to follow that up. Will think about it. Best Wishes. Pat*

### **Philippe emails to Wildstein**

*On October 9th, Philippe emailed Wildstein the following: Has any thought been given to writing an op-ed or providing a statement about the GWB study? Or is the plan just to hunker down and grit our way through it?*

*Wildstein replied with: Yes and yes*

## **Rechler, Scott**

---

**From:** Rechler, Scott  
**Sent:** Wednesday, December 18, 2013 10:31 PM  
**To:** David Garten  
**Subject:** Re: Document review

Thanks ... this is helpful.

Scott Rechler  
CEO and Chairman  
RXR Realty

On Dec 18, 2013, at 9:28 PM, "David Garten" wrote:

I went through another round of documents that will be handed over to the committee. The documents consisted of emails from Pat, Wildstein, Cedric, Durando, and Licorish (the PAPD officer at the GWB). No major departure from what we already know in regards as to whether this was a study. Those involved referred to the study as the "Toll Lane 24 Test". But there are problematic emails from PAPD officers, Commissioner Schuber, and a curious exchange between Philippe and Wildstein.

I wanted to let you know that I have not shared any of this info with Pat.

**Pat's emails to the 2nd floor - not particularly problematic, mainly informing**

Pat forwards the email you sent on September 13th that includes your statement about this being "terribly disturbing" with Pat's original 7:44am email included to HG.

Pat forwarded a letter from NJ Senator Codey calling for an IG investigation to HG, Vlasto, Melissa DeRosa.

Pat forwarded an email to HG and Matt Wing. It's a request inquiring about NY's silence on the Fort Lee issue. HG responds with, "Wasn't this in new jersey?"

**Exchange between Wildstein and Durando - September 13**

Durando forwarded to Wildstein an email from Pat requesting that Durando call him. Durando tells him that Pat wants to know why he wasn't told of the toll lane closure. Wildstein responds and says, "*His staff knows, but bb will to him.*"

**Durando email to Cedric on September 9th**

Durando tells Cedric that he's supposed to talk to Wildstein later that day. He notes that TBT is working on "comparative look at traffic numbers" (another indication of a "study"). Durando says that he was advised by the Fort Lee Police Chief that he would be calling Baroni about the lane closures and that specifically traffic conditions requiring FL officers to remain out on

corners managing traffic instead of attending to public safety issues. The Chief apparently expressed concern about emergency response vehicles being able to respond.

**Durando email from his staff on September 9th**

This email will be explosive in a hearing: *I just got another call from a patron ... she says that the Port Authority "doesn't care about their customers and they are playing God with people's jobs". Her husband was 40 minutes late to a job that he just got after being out of work for over a year. She said a lot of other things, but I will spare you her rant!*

**Durando email to Cedric Fulton on September 8th, the day before the study began**

Durando appears to have made an attempt to walk Wildstein back, but fails. Durando says, *"Took a shot. He didn't bite."*

**PAPD Emails - Incredibly disturbing for a number of reasons - they appear to know that this will be a public safety issue, but chose to ignore it; they appear to keep the company line of not communicating; senior PAPD officers (Koumoutsos) are aware of the toll lane closures and they did not inform the CSO or his Deputy.**

September 6 - Licorish informs his higher ups that Durando was instructed by Wildstein to change traffic patters. His email notes that the new traffic pattern "could impact the volume of traffic from the local streets." His email notes that Wildstein is scheduled to visit the GWB on September 9.

Emails stating that the traffic pattern will continue during the week. Gloria Frank who is senior to Licorish tells Licorish to inform the Ft. Lee Inspector that the traffic pattern will remain in place per her,

Emails stating that the new traffic pattern will affect normal rush hour operation and that concerns were made to "no avail locally".

**Multiple Emails from Durando and Tina Lado (NJ Director of Government Affairs)  
Highlighting Concerns**

One potentially explosive email came from Tina Lado to Baroni, Wildstein and Cedric on September 9, 2013 at 11:24am:

*Wanted you both have a heads up--Peggy Thomas, Borough Administrator, called me regarding the increased volume and congestion of AM rush traffic throughout the Borough as a result of the GWB toll lanes adjustment that occurred.*

*She mentioned that there were 2 incidents that Ft Lee PD and EMS had difficulty responding to; a missing child (later found) and a cardiac arrest.*

*She stated additionally that the Borough and PD had no advance notice of the planned change. Also, Bill the Mayor had placed calls to your office.*

#### **Schuber Emails**

Wildstein sent Schuber a draft letter for Schuber to send to Loretta Weinberg. The draft stated: *Thank you for your letter regarding the recent traffic study performed at the George Washington Bridge. Generally, a modification of operations at one of the Port Authority's Tunnels Bridges and Terminals facilities, like the George Washington Bridge, is not something that would be presented before the Board of Commissioners. However, I will ask that our Port Authority Police Department in the future notify and work more closely with local law enforcement entities when there is a significant change in operations at our facilities. Thank you again for your concern.*

Schuber responded to Wildstein with this: *Hi David, Hold the letter till you hear from me. I called her today, so I am not sure I need to follow that up. Will think about it. Best Wishes. Pat*

#### **Philippe emails to Wildstein**

On October 9th, Philippe emailed Wildstein the following: *Has any thought been given to writing an op-ed or providing a statement about the GWB study? Or is the plan just to hunker down and grit our way through it?*

Wildstein replied with: *Yes and yes*

**Rechler, Scott**

---

**From:** David Garten  
**Sent:** Thursday, December 19, 2013 12:10 PM  
**To:** Rechler, Scott  
**Subject:** Re: Was there a study?  
**Attachments:** Engineering Emails.pdf; Fort Lee Trial Review 2013-0912.ppt

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Scott -

I spoke to Peter Zipf today and received more clarity how this went down. Wildstein called Peter Zipf and said that he didn't think it was right for traffic to flow smoothly from Fort Lee while the mainline traffic is congested, that he wanted to move the cones to reduce the number of Fort Lee lanes, and see what effect it would have in terms of traffic flow. Peter explained the issue of having Fort Lee traffic flow into the mainline traffic freely so Peter and the engineering department came up with four scenarios. Attached is a series of emails within Engineering and with Wildstein.

While the engineering department prepared the analysis in terms of how traffic should flow with the reduced toll lanes for Fort Lee, TBT conducted the analysis throughout the test. Attached is a power point presentation that shows some of the preliminary results of the test.

Let me know if this works or if you want me to scan more items.

On Wed, Dec 18, 2013 at 4:58 PM, David Garten wrote:  
In a series of emails between the Engineering Department, TBT and David Wildstein, there is a paper trail where that was some effort to give the impression that a traffic study was being conducted. Again, this would be from the understanding that this was a traffic study only in the way that Wildstein would define a traffic study.

One other take way, Baroni testified that there was a "failure to communicate". As you know, it's more than a failure to communicate, they specifically told career staff not to tell anyone and they purposely did not respond to any inquiries during the "test" (Wildstein's instructions to Baroni to be "radio silent" on the Mayor's call).

I only have hard copies of these emails, but I scan some of these items and email them to you if you'd like.

**Timeline**

August 28th - there is a series of emails within the Engineering Department on the placement of cones in an effort to decrease the number of lanes from Fort Lee to the GWB.

August 29th - staff from the Engineering Department emailed Peter Zipf and David Wildstein four scenarios for the Fort Lee toll lanes:

- Traffic moving freely with no cones diverting traffic
- Cones in use to segregate Fort Lee traffic from the mainline traffic (how it's currently used)
- Decreasing the 3 lanes to 2 lanes
- Decreasing the 3 lanes to 1 lane

September 6th - Peter Zipf emails his department to say that he was advised that Wildstein wanted to go with Scenario 4, which is to decrease the 3 lanes to 1 lane.

September 6th - there is a series of emails between the Engineering Department and TBT about measuring the traffic impacts and instructing to take "daily summaries". There is a series of emails within the Engineering Department about measuring the traffic impact, noting that they can measure the traffic in a similar manner to what they did on the "orthotropic deck replacement, and one email noting that the difficulties of measuring traffic in Fort Lee due to a lack of travel time readers on local streets. They develop contingencies to measure the traffic in Fort Lee.

September 8 - Wildstein emailed Durando to say that he will be at the bridge early Monday to view the lane test. Durando tells Wildstein that the signs are being covered and that the PAPD are aware and will control traffic. He also brought on an extra toll collector for the first day of the lane closures.

September 9th - (the first day of the closures), Durando provides summaries of the traffic and the complaints received. Durando sends summaries every day throughout the "test". Engineering also conduct daily assessments of traffic patterns and travel times each day, but makes note that due to an incident on the Cross Bronx Expressway on Monday, they can't take an accurate measure of the traffic patterns.

Both TBT and Engineering conduct daily analysis of traffic numbers and patterns throughout the week. This analysis is emailed to the different parties involved.

September 11th - engineering sends around an analysis that demonstrates reduced travel times on the main line. However, they note that congestion has severely increased in Fort Lee. Engineering also provides analysis in a series of line graphs comparing travel times for that week and a typical day.

September 12 - TBT develops a powerpoint presentation entitled, "Reallocation of Toll Lanes at the GWB - An EARLY assessment of the benefits of the trial." The conclusion page of the presentation is left blank.

September 24 - Wildstein received a break down of EZ-Pass holders crossing the GWB.

On Wed, Dec 18, 2013 at 10:19 AM, David Garten  
Hey Scott -

wrote:

I did some digging on what sort of prep work occurred before they shut down the toll lanes and it really comes down to whose definitely of a "traffic study". In the twisted mind of David Wildstein, he did in fact conduct a traffic study. He spoke with engineering and TBT. They conducted analysis on where the cones should be places and how to manage traffic on the bridge. David Wildstein's actions broke every agency protocol, but in his mind he was conducting a traffic study. He bullied, intimidated and lied to all the people involved in the study, perhaps even Baroni. But he did in fact conduct his own study,

So Baroni was somewhat correct in his testimony - they failed to communicate, but they did in fact conduct their own twisted version of a "traffic study". They actually purposefully refused to communicate and Wildstein instructed Baroni to be radio silent when the mayor of fort lee called about an urgent matter of public safety.

One problem is that Christie keeps saying that Fort Lee shouldn't have their own toll lanes. He could have ended this by saying, "These are the actions of two rogue employees who are no longer at the PA and it will never happen again."

Assuming none of the emails show any linkage to Christie, they could very well tell this story - this was the action of a rogue employee.