

A Public Records Access request has been submitted.

Request By: Michael Lynch

Request date: 06/06/2016

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Personal Information Request: YES

Records seeking: Electronic copies of the following: 1. adopted Board Minutes indicating the occupancy fee rates for fiber optic leases, licenses, subleases and/or sublicenses, including passenger station occupancies and river crossing rates and land rates for the Holland Tunnel, Lincoln Tunnel, George Washington Bridge, Bayonne and Goethals Bridges, and PATH rail system for all fiber strands installed in facility by category e.g., number of strands; 2. reports prepared by Kingston Cole Associates containing a survey of fiber optic rental rates and/or recommendations for pricing at PANYNJ river crossings; and 3. any consultant or other reports containing a survey of such rates and/or recommendations for pricing.

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

FKA #16989

Action by (print / type name):

William Shalewitz

, Freedom of Information Administrator

Signature:

William Shalewitz

Date:

07/08/2016

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:

Draft report.

- 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:

Material responsive to your request can be found on the Port Authority's website at <http://corpinfo.panynj.gov/documents/16989-O/>. Paper copies of the available records are available upon request.

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.

(Board – 2/24/00)

PORT AUTHORITY RIVER CROSSINGS AND PATH - AUTHORIZATION OF RENTAL RATES FOR THE LEASING OF RIGHTS-OF-WAY FOR FIBER OPTIC CABLES

It was recommended that the Board establish rental rates for the leasing of rights-of-way to firms for the installation, operation and maintenance of fiber optic cable at Port Authority river crossings and throughout the Port Authority Trans-Hudson (PATH) system.

The Telecommunications Act of 1996, enacted by the federal government, requires state and local government agencies to grant telecommunications service providers non-discriminatory access to their rights-of-way at fair and reasonable rates.

River Crossing rental rates begin at \$18 per linear foot annually for the first 144-strand fiber optic cable installed and increase by \$4 per linear foot for each incremental 144-strand fiber optic cable installed thereafter.

PATH land rental rates begin at \$8 per linear foot annually for the first 144-strand fiber optic cable installed and increase by \$2 per linear foot for each incremental 144-strand fiber optic cable installed thereafter.

Rates are subject to annual escalation. Modifications to the rates will be reported to the Committee on Operations.

Agreements for the use of these rights-of-way will have a twenty-year maximum term; generally, an initial five-year term with five-year renewal options at fair market value. Tele-communications service providers that do not concur with the base rent proposed by the Port Authority for any renewal term will have the option to seek arbitration.

Pursuant to the foregoing report, the following resolution was adopted with Commissioners Chasanoff, Donovan, Eisenberg, Gargano, Kalikow, Mack, Martini, Philibosian, Race, Sartor, Song and Weinstein 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 agreements with telecommunications service providers on substantially the terms and conditions outlined to the Board for the installation, operation and maintenance of fiber optic cable at Port Authority river crossings and throughout the PATH system; and it is further

RESOLVED, that the form of the agreement in each instance shall be subject to the approval of General Counsel or his authorized representative.