

PORT AUTHORITY TRANS-HUDSON CORPORATION

MINUTES

Thursday, February 24, 2011

Action on Minutes	8
Report of Committee on Construction	8
PATH – Harrison Station Intermodal Improvements – Project Authorization	9
Settlement of Claim – R. J. Cassaro v. PATH	11

MINUTES of the Meeting of Port Authority Trans-Hudson Corporation held Thursday, February 24, 2011 at 225 Park Avenue South, City, County and State of New York

PRESENT:

NEW JERSEY

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

Christopher O. Ward, President
 Ernesto L. Butcher, Vice-President
 Darrell B. Buchbinder, Counsel

Gail C. Altman
 Susan M. Baer
 William Baroni, Jr.
 Steven J. Coleman
 Michael P. DePallo
 John J. Drobny
 Daniel D. Duffy
 Karen E. Eastman
 Michael G. Fabiano
 Michael A. Fedorko
 Michael B. Francois
 Jennifer Friedberg
 Cedrick T. Fulton
 Richard Gladstone
 Glenn P. Guzi
 Linda C. Handel
 Andrew T. Hawthorne
 Mark D. Hoffer
 Barbara S. Hutcheon
 Howard G. Kadin
 John P. Kelly
 Kirby King
 Louis J. LaCapra
 Cristina M. Lado
 Richard M. Larrabee
 Jamie E. Loftus
 Andrew S. Lynn
 Stephen Marinko
 Ronald Marsico
 Daniel G. McCarron

NEW YORK

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

James E. McCoy
Sanjay S. Mody
Steven P. Plate
Desiree Ramos
Alan L. Reiss
Timothy G. Stickelman
Gerald B. Stoughton
Robert A. Sudman
Ralph Tragale
David B. Tweedy
Lillian D. Valenti
Sheree Van Duyne
Andrew S. Warshaw
David M. Wildstein
William Young
Peter J. Zipf

Guest:

Johanna Jones

Speakers:

Murray Bodin
Margaret Donovan
Ramiro Gotay
Richard Hughes
Lito A. Miranda

The public meeting was called to order by Chairman Samson at 12:37 p.m. and ended at 12:55 p.m. The Board met in executive session prior to the public session.

Action on Minutes

The Vice-President submitted for approval Minutes of the meeting of February 3, 2011. He reported that copies of these Minutes were delivered to the Governors of New York (in electronic form) and New Jersey (in paper form) on February 7, 2011. He reported further that the time for action by the Governors of New York and New Jersey expired at midnight on February 22, 2011.

Whereupon, the Board of Directors unanimously approved the Minutes of the meeting of February 3, 2011.

Report of Committee on Construction

The Committee on Construction reported, for information, on matters discussed in public session at its meeting on February 24, 2011, which included discussion of a project for intermodal improvements at the PATH Harrison Station, and the report was received.

PATH – HARRISON STATION INTERMODAL IMPROVEMENTS – PROJECT AUTHORIZATION

It was recommended that the Board authorize a project for intermodal improvements at the Port Authority Trans-Hudson Corporation (PATH) Harrison Station, at an estimated total project cost of \$3.5 million, of which \$1 million would be recoverable pursuant to a Federal Transit Administration (FTA) grant.

In 2003, the Town of Harrison, New Jersey adopted the “Harrison Waterfront Redevelopment Plan,” which would provide for the transformation of 250 acres of obsolete industrial facilities in the vicinity of the PATH Harrison Station into a new, pedestrian-friendly, transit-oriented, mixed-use development along the banks of the Passaic River. As a result of completed initial redevelopment efforts, and in anticipation of commercial and residential construction underway, the PATH Harrison Station is experiencing an increase in ridership, which is expected to be sustained.

The proposed project would provide for intermodal improvements at the PATH Harrison Station, including development of an open area adjacent to the westbound station entrance as a park and plaza, with bicycle racks, trees, pavers, lighting, canopy, signage, perimeter fencing and improvements to the existing stairway enclosure.

In 2003, U.S. Senator Robert Menendez secured two appropriations totaling up to \$1 million for improvements to the existing PATH Harrison Station. The grant limits the use of the funds to the development of engineering documents and the construction of streetscape improvements, as well as improved intermodal access to the station.

In March 2010, Port Authority staff prepared a preliminary design, and in April 2010, the FTA approved the project scope. Advancing the project now would ensure that the grant money would be utilized in accordance with the grant requirements.

Planning work commenced in the first quarter of 2010, and the project is forecast to be completed during the second quarter of 2012.

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

RESOLVED, that a project for intermodal improvements at the Port Authority Trans-Hudson Corporation (PATH) Harrison Station, at an estimated total project cost of \$3.5 million, be and it hereby is authorized; and it is further

RESOLVED, that the President be and he hereby is authorized, for and on behalf of PATH, to take action with respect to 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 that President be and he hereby is authorized, for and on behalf of PATH, to take any and all action to effectuate the foregoing, including the execution of contracts, agreements and other documents, together with amendments and supplements thereof, or amendments and supplements to existing contracts, agreements and other documents, and to take action in accordance with such contracts, agreements and other documents as may be necessary in connection therewith; and it is further

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

SETTLEMENT OF CLAIM – R. J. CASSARO v. PATH

It was recommended that the Board authorize Counsel, for and on behalf of Port Authority Trans-Hudson Corporation (PATH), to settle a personal injury claim in the action entitled, “R. J. Cassaro v. Port Authority Trans-Hudson Corporation,” brought pursuant to the Federal Employers’ Liability Act, in the amount of \$556,558.78, inclusive of attorneys’ fees, costs and disbursements. Of this amount, \$300,000 is attributable to plaintiff’s pain and suffering and out-of-pocket wage loss; \$52,172.35 is attributable to a waiver of a lien held by PATH for wage benefits paid to plaintiff; \$185,212.43 is attributable to a waiver of a lien held by PATH for medical bills and \$19,174.00 is attributable to a Railroad Retirement Board (RRB) lien. The PATH liens would be deducted from the total settlement, a separate check would be sent to the RRB in full payment of its lien, and the remaining amount would be paid to plaintiff and his attorney. Plaintiff has provided a General Release, a Hold Harmless Stipulation and a Stipulation of Discontinuance with Prejudice, which are being held in escrow pending finalization of this settlement.

On October 14, 2006, plaintiff, Ronald J. Cassaro, who was 41 years old at the time of the accident and employed by PATH as a Trackman I, was installing railroad ties and laying ballast at Caisson II, a junction inside one of the PATH rail lines between 33rd Street Station and Jersey City, New Jersey, when the clam bucket attached to a mobile crane struck the plaintiff. Plaintiff sustained various personal injuries, requiring medical attention, and a loss of time from work and wages as a result of this incident.

Pursuant to the foregoing report, the following resolution was adopted in executive session with Directors Bauer, Coscia, Grayson, Holmes, Moerdler, Pocino, Samson, Sartor, Silverman and Steiner voting in favor; none against:

RESOLVED, that Counsel be and he hereby is authorized, for and on behalf of Port Authority Trans-Hudson Corporation, to settle the action entitled, “R. J. Cassaro v. Port Authority Trans-Hudson Corporation,” for a total amount of \$556,558.78 inclusive of liens, attorneys’ fees, costs and disbursements.

Whereupon, the meeting was adjourned.

Vice-President