

PORT AUTHORITY TRANS-HUDSON CORPORATION

MINUTES

Thursday, October 24, 2019

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MINUTES of the Meeting of Port Authority Trans-Hudson Corporation held Thursday, October 24, 2019 at 150 Greenwich Street, City, County and State of New York

PRESENT:

NEW JERSEY

Hon. Kevin J. O'Toole, Chairman
 Hon. Richard H. Bagger
 Hon. Kevin P. McCabe
 Hon. Raymond M. Pocino

NEW YORK

Hon. Jeffrey H. Lynford, Vice Chairman
 Hon. Leecia R. Eve
 Hon. Daniel J. Horwitz
 Hon. George T. McDonald

Richard Cotton, President
 Michael E. Farbiarz, Counsel

Cheryl Ann Albiez
 James K. Allen Jr.
 Carol Bennett
 Justin E. Bernbach
 John Bilich
 Martha Bogle
 Benjamin M. Branham
 Meredith L. Brooks
 Alana Calmi
 Ana Carvajalino
 Rebecca L. Cassidy
 Edward T. Cetnar
 Steven J. Coleman
 Jennifer S. Davis
 Clarelle D. DeGraffe
 Alfred P. Doblin
 Michael P. Dombrowski
 Jose Febrillet
 Benjamin Feldman
 Amy Fisher
 Robert E. Galvin
 Robert Gibbon
 Glenessa Gordon
 Glenn Guzi
 Mercedes Guzman
 Linda C. Handel
 MaryLee Hannell
 Natasha G. Jean Philipp-Cumberbatch
 Benjamin Jervis
 Lindsay M. Kryzak
 Scott Ladd
 Cristina M. Lado
 Huntley A. Lawrence

Stephen Marinko
 Michael G. Massiah
 Tobi Mettle
 Daniel G. McCarron
 Elizabeth M. McCarthy
 James E. McCoy
 Mary K. Murphy
 Alec Nadeau
 Aidan O'Donnell
 Hersh K. Parekh
 Carl Peters
 Steven Plate
 Suchetha Premchan
 Alan Reiss
 Bethann Rooney
 Peter Simon
 Mark B. Spector
 Deborah Torres
 Derek H. Utter
 Lillian D. Valenti

Guests:

Edmund Caulfield, Associate Counsel, Authorities Unit, Office of the Governor of New Jersey
 Joanne Hernandez, Senior Policy Advisor, Transportation, Office of the Governor of New York
 Brian Wilton, Deputy Chief Counsel – Director of Authorities, Office of the Governor of New Jersey

Speakers:

Arthur Blakey III, Brotherhood of Locomotive Engineers
 Murray Bodin
 Laura Colacurcio, Association for a Better New York
 Betty Crockett, Newark's South Ward Resident

Maria Free, NY Building Congress
 Amanda Kramer, Covington & Burling LLP

Anthony Pilla, Brotherhood of Locomotive Engineers
 Rebecca Pryor, Sensible Way to LGA
 Margarita Segura, UniteHere Local 100
 Charlene Talarico

Neile Weissman, Complete George

Topic:

PATH Labor Agreements
 Transportation Issues
 AirTrain LaGuardia
 Newark Liberty International
 Airport Redevelopment
 AirTrain LaGuardia
 EWR Airport Terminal B
 Concessions Program
 PATH Labor Agreements
 AirTrain LaGuardia
 Airport Workers Rights
 Human Resources Policies and
 Procedures
 Sustainability at Port Authority
 Facilities

The public meeting was called to order by Chairman O’Toole at 12:50 p.m. and ended at 1:52 p.m. The Board also met in executive session prior to the public session.

Report on Prior Meeting’s Minutes

Copies of the Minutes of the meeting of September 26, 2019 were delivered to the Governors of New York (in electronic form) and New Jersey (in paper form) on September 27, 2019. The time for action by the Governors of New York and New Jersey expired at midnight on October 11, 2019.

PATH – NEWARK TO WORLD TRADE CENTER SERVICE LINE - STATION MODIFICATIONS TO ACCOMMODATE NINE-CAR TRAIN EXPANSION – PROJECT AUTHORIZATION

It was recommended that the Board authorize: (1) a project for station modifications for the Port Authority Trans-Hudson Corporation (PATH) rail system, to design and construct egress and platform improvements at PATH stations along the Newark to World Trade Center (NWK-WTC) service line that would accommodate nine-car trains, at an estimated total project cost of \$78.6 million; (2) the President to retain architectural and engineering services from an existing competitively procured “call-in” consultant program to support the final design and post-award construction management for the project, at an estimated cost of \$6.2 million, which is included in the total project cost; and (3) the President to retain consulting services related to conceptual planning for a future 10-car train expansion program on the NWK-WTC line, at an estimated cost of \$3 million, which is included in the total project cost.

PATH system ridership is at record-high levels, with continued growth expected over the next decade. Recent investments in the new signal system, which allow trains to run closer together, combined with the insertion of two additional train car sets from the existing PATH railcar fleet on the NWK-WTC and Journal Square-33rd Street service lines during the morning and evening peak periods, have increased capacity by 10 percent.

In order to further increase PATH capacity, on June 28, 2018, the Board authorized the purchase of 22 railcars, which would provide sufficient rolling stock for the future operation of nine-car train service on the NWK-WTC line. The additional railcars are on order, with the phased delivery scheduled to occur starting in 2021, and completion forecast in 2022.

The scope of the proposed project would include the design and construction of improvements to platforms and other egress modifications at the Exchange Place, Grove Street, Journal Square and Newark Stations to accommodate nine-car trains on the NWK-WTC service line. Upon completion of the proposed station improvements, in conjunction with the delivery and acceptance of the new rail cars, PATH would operate nine-car trains on the NWK-WTC service line. In addition, conceptual planning work would be conducted under the proposed project for a future 10-Car Capacity Expansion Program.

The newly implemented PATH signal system, along with the expanded railcar fleet that would be accommodated by the proposed project, would increase PATH system rush hour capacity by 40 percent on the NWK-WTC service line, and 20 percent on all other lines in 2022. Construction of the proposed station modifications is expected to commence in mid-2021 and be completed during the first quarter 2022.

Pursuant to the foregoing report, the following resolution was adopted, with Directors Bagger, Eve, Horwitz, Lynford, McCabe, McDonald, O'Toole, and Pocino in favor. Counsel confirmed that sufficient affirmative votes were cast for the action to be taken, a quorum of the Board being present.

RESOLVED, that a project for modifications of stations of the Port Authority Trans-Hudson Corporation (PATH) rail system along the Newark to World Trade Center service line, to design and construct egress and platform improvements to accommodate nine-car trains, at an estimated total project cost of \$78.6 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 retain architectural and engineering services from an existing competitively procured “call-in” consultant program to support the final design and post-award construction management for the foregoing project, at an estimated cost of \$6.2 million, which is included in the total project cost; and it is further

RESOLVED, that the President be and he hereby is authorized, for and on behalf of PATH, to retain consulting services related to the conceptual planning for a future 10-car train expansion program in connection with the foregoing project, at an estimated cost of \$3 million, which is included in the total project cost; 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 other construction contracts, other contracts for professional and advisory services, and such 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 all contracts, agreements and documents in connection with the foregoing project shall be subject to the approval of Counsel or his authorized representative, and the terms of such contracts, agreements and other documents shall be subject to review by Counsel or his authorized representative.

**PATH – C-YARD STORAGE FACILITY – STORM RESILIENCE ENHANCEMENTS –
PROJECT AUTHORIZATION**

It was recommended that the Board authorize a project for planning, design and construction of storm resilience enhancements at the Port Authority Trans-Hudson Corporation (PATH) Maintenance and Storage Yard (C-Yard) facility, consisting of: (1) two shelters (a canopy and shelter) for the storage of railcars and Federal Transit Administration (FTA) funded inspection vehicles; and (2) 1,500 feet of new track to store passenger railcars above the current Federal Emergency Management Agency (FEMA) base flood elevation, and provide additional egress to the main PATH rail transit line, at an estimated total project cost of \$49.9 million.

The C-Yard facility, located in Jersey City, New Jersey, is a storage and working maintenance yard for PATH's Consolidated Shop, multiple loading docks and storage tracks for rail fleet maintenance. The C-Yard is situated above the FEMA flood plain and includes sheltered areas to protect PATH equipment. The C-Yard is the only location within the PATH system that has space available for additional storage to safeguard PATH's vehicles from inclement weather. The proposed project would provide shelter protection for 30 additional rail cars and certain other PATH equipment. The C-Yard main line track connections facilitate deployment of PATH resources and equipment during extreme weather events. The implementation of the project would generate significant efficiencies, by enabling enhanced main line track connections from the C-Yard facility.

The work would be performed in two phases: (1) Phase I, to include construction of a 1,500-foot track extension and connection work to the main PATH rail transit line, and construction of a permanent canopy to protect cars and PATH vehicles; and (2) Phase II, to include construction of one shelter for the storage of FTA-funded inspection vehicles.

It is anticipated that up to 90 percent of eligible costs of the project would be recoverable from the FTA, pursuant to the Disaster Relief Appropriation Act of 2013. The FTA has obligated \$45 million for this project.

Pursuant to the foregoing report, the following resolution was adopted, with Directors Bagger, Eve, Horwitz, Lynford, McCabe, McDonald, O'Toole, and Pocino in favor. Counsel confirmed that sufficient affirmative votes were cast for the action to be taken, a quorum of the Board being present.

RESOLVED, that a project for planning, design and construction of storm resilience enhancements at the Port Authority Trans-Hudson Corporation (PATH) Maintenance and Storage Yard facility, consisting of: (1) two shelters for the storage of railcars and Federal Transit Administration-funded inspection vehicles; and (2) 1,500 feet of new track to store passenger railcars above the current Federal Emergency Management Agency base flood elevation, and provide egress to the main PATH rail transit line, at an estimated total project cost of \$49.9 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 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, and the terms of such contracts, agreements and other documents shall be subject to review by Counsel or his authorized representative.

PATH – HARRISON CAR MAINTENANCE FACILITY - INSTALLATION OF CONCRETE SEA WALL – PROJECT REAUTHORIZATION AND AWARD OF CONTRACT PAT-784.166

It was recommended that the Board: (1) reauthorize a project for the design and construction of a permanent concrete sea wall and the removal of the existing temporary flood wall, to protect Port Authority Trans-Hudson Corporation (PATH) rail system tracks and associated electrical and mechanical infrastructure located at the PATH right-of-way east of the Harrison Car Maintenance Facility (HCMF), at an estimated total project cost of \$39.6 million, an increase of \$7.4 million from the previously authorized amount of \$32.2 million; and (2) authorize the President to award Contract PAT-784.166 to Yonkers Contracting Co., Inc., the lowest responsive bidder, to remove the existing temporary flood protection sand-filled bin wall and to construct a permanent concrete floodwall for the project, at an estimated total construction cost of \$26.7 million, inclusive of allowances for field-ordered work and extra work.

As a result of flooding caused by Superstorm Sandy in 2012, portions of the PATH mainline tracks and equipment that run between Newark Penn Station and the Journal Square Transportation Center were damaged, which prevented movement of rail equipment. Additionally, certain PATH infrastructure located east of the HCMF along the Passaic River were flooded, causing approximately four months of service outages, and damage to the tracks, electrical and signal equipment. Temporary flood protection measures, such as a four-foot-high, 2,700-linear-foot HESCO wall along the Passaic River, were put in place in 2013 while permanent solutions were developed. The existing temporary floodwall system at the HCMF averages approximately six feet in height, which does not meet the required flood protection standards under revised Federal Emergency Management Agency (FEMA) guidelines issued in 2015.

At its November 17, 2016 meeting, the Board authorized this project to remove the existing temporary flood protection wall and to design and construct a permanent concrete floodwall, at an estimated total cost of \$32.2 million. The proposed reauthorization is necessary to provide additional funding for the project because: (1) the low bid on the primary construction contract, which reflects the current construction market, exceeded the Engineer's estimate for construction costs; and (2) additional funds for facility forces, engineering consultants, and signals work not anticipated in the original project cost estimates are needed in order to complete the project successfully. The incremental costs of approximately \$7.4 million to implement the project are as follows: approximately \$4.8 million in additional construction costs; approximately \$1.1 million in facility forces; and \$1.5 million in project contingency and agency costs.

The permanent concrete wall will include flood resilience upgrades and will comply with the design standards developed by the Port Authority's Engineering Department and FEMA base flood elevation requirements.

The Federal Transit Administration (FTA) has obligated \$23.7 million to the project pursuant to the Disaster Relief Appropriations Act of 2013, and eligible project costs will be up to 75-percent reimbursable. Allocation of an additional \$8.5 million is pending FTA review and approval, and would provide for other eligible project costs to be up to 90-percent reimbursable.

Pursuant to the foregoing report, the following resolution was adopted, with Directors Bagger, Eve, Horwitz, Lynford, McCabe, McDonald, O'Toole, and Pocino in favor. Counsel confirmed that sufficient affirmative votes were cast for the action to be taken, a quorum of the Board being present.

RESOLVED, that a project to remove the existing temporary flood protection sand-filled bin wall located east of the Port Authority Trans-Hudson Corporation (PATH) Harrison Car Maintenance Facility between Harrison Station and Journal Square, and for the design and construction of a permanent concrete flood protection wall, at an estimated total project cost of \$39.6 million, an increase of \$7.4 million from the previously authorized amount of \$32.2 million, be and it hereby is reauthorized; and it is further

RESOLVED, that the President be and he hereby is authorized, for and on behalf of PATH, to award Contract PAT-784.166 to Yonkers Contracting Co., Inc., the lowest responsive bidder, to remove the existing temporary flood protection sand-filled bin wall and to construct a permanent concrete floodwall for the foregoing project, at an estimated total construction cost of \$26.7 million, inclusive of allowances for field-ordered work and extra work; 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 other 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 all contracts, agreements and other documents in connection with the foregoing project shall be subject to the approval of Counsel or his authorized representative, and the terms of such contracts, agreements and other documents shall be subject to review by Counsel or his authorized representative.

Whereupon, the meeting was adjourned.

Counsel